

DEDICATION

SENATOR ROMAN L. HRUSKA

There is no possibility of adequately capsulating or even suggesting the contributions Senator Roman L. Hruska has made to the nation and its legal system in a long and productive career. It is nevertheless important to understand that his influence upon the law and upon the institutions that nourish and sustain it has been deep and beneficial. That may be too little realized because we tend to think of law as growing through discrete and public events, like the passage of a statute or the announcement of a judicial decision. But that perspective leaves out of account a great deal of what is most important in the life of the law. Senator Hruska has, of course, figured largely in great legal events, as, for example, in his co-sponsorship of the Omnibus Crime Control and Safe Streets Act of 1968 and in the public hearings of the Senate Judiciary Committee, where he has been a major and influential figure for years. But those matters are of public record and I should prefer to dwell upon services of equal importance that may not be known to those who have not seen the man at close range and thus learned of achievements not recorded in any document.

The Department of Justice has long regarded Senator Hruska as a very valuable friend. I make the point not because being a friend to the Department is in and of itself a mark of distinction, though there have been times when I thought so, but because the manner of his friendship, the ways in which he assisted, show a great deal about the man and his understanding of the American legal system. Law is central to our society; it may be our ultimate value because, to the extent it is good law, it subsumes and preserves all other values. That necessarily means that the Department of Justice, both in Washington and in ninety-four offices of United States Attorneys around the nation, is an institution central to the success of our legal order, directly and, by example, indirectly.

Senator Hruska has been a perceptive student of government litigation and, indeed, of all aspects of the Department of Justice and its mission. He has viewed with a saving scepticism proposals with an abstract appeal because he understands that law operates against a complicated reality that can make well-intentioned abstractions useless or even pernicious. He habitually has taken pains, therefore, to learn the reality, to study the details, and his

knowledge earned him respect within the Senate Judiciary Committee that enabled him to propose and forward much that was beneficial and to block or modify much that was foolish or bad.

My point is only partly that our legal system, and hence the nation, owe him much in ways that too few understand. The rest of my point is what his approach shows about Senator Hruska's understanding of the law and of society. He knows, both intellectually and instinctively, that the institutions of law and of society are organic, that they evolve within their environments and that changes, if they are not to prove dangerous to the organism, had best be incremental and carefully thought through; he knows as well that there are often profound though half-forgotten reasons for social and legal arrangements which superficial inspection does not reveal and that the wise reformer does not tamper until he has perceived those reasons. That approach to reform and conservation places Senator Hruska, and I trust with some reason that he will not take it amiss, in the most powerful and valuable tradition of American conservatism.

The impact any man makes upon his times must depend in large measure upon his personality as well as his philosophy, and the Senator's influence has been multiplied by the fact that he is warm, dependable, and a good friend. The evidence of that may be seen in the large numbers of his former staff members who work in Washington and elsewhere and who retain not only the fondest feelings for him but the imprint of his mind and views and of his devotion to public service. Though I was never on his staff, I, too, retain a strong admiration for him as a person. There was a time when the stimulation provided by the Washington environment seemed a bit more than I found strictly necessary. And it was then that I had a glimpse of Roman Hruska, not as a Senator, but as a man and as a friend. He drew me aside after a committee hearing and spoke words of personal encouragement that buoyed my spirits and which I have never forgotten. They were not words that were owed or necessary in any sense; they simply came out of a sympathetic feel for another's position. Those words did not come merely because he was a conscientious Senator or because he was a student of the law; they were spoken because he is also something better, a good and humane man.

Robert H. Bork
Solicitor General