

# Tribute to Charles Black

**Hillary Rodham Clinton<sup>†</sup>**

I want to thank Barbara for asking me to speak here at this memorial service and celebration of Charles Black's life. I particularly pay my respects to his family. I thank Barbara not only for her friendship and leadership, but also for what she did both directly and indirectly on behalf of women in the law for so many years. As I recall, and it may only be my hazy recollection, Charles Black once told me that the reason he was put out with Yale was because of the nepotism rules then in place that prevented the Law School from employing both Barbara and Charles, which he thought was an extraordinary injustice and loss for the Law School.

I don't know if that was the case, but I do know that Barbara's scholarship, her teaching here at Columbia, and her deanship were an extraordinary message to women law students, women law professors, and women lawyers. And I believe that in a great way, Charles's effort to support women students was given fullest flower in the extraordinary career that his wife had.

And to his children, I know that hearing these stories may in some respects fill in some blanks that maybe you didn't even know were there, in the knowledge that you had of your father. I think that they convey in some small measure the extraordinary love, affection, and regard that he was held in by so many. And to his brother, Thomas Black, I thank you for sharing those early recollections; you cleared up a mystery, for me at least. I didn't really understand Professor Black's attraction to ballet and jazz until I heard your explanation, and it became abundantly clear.

It's an extraordinary pleasure but a little bit daunting for me to stand before you as a former student, as someone who looked at Professor Black from afar, with great interest and affection, and to have had the privilege of listening to three giants of the law talk about their friend and colleague. Judge Weinstein has literally made the law, and has done so with great distinction for many years. Judge Calabresi is making the law, and came to his appointment with a reputation, well-deserved, of being someone who is

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not only a superb legal scholar but a humane man of letters as well. Judge Pollak, whom I will always consider Dean Pollak, is still causing trouble on the federal bench, which is in the finest tradition of Yale Law School, as is his commitment in doing what he believes to be right.

I started Yale Law School in the fall of 1969, at the beginning of what former Dean Abe Goldstein referred to as the “dark” years of the Yale Law School. I seem to have that effect on people and places, that whenever the great forces are at work somehow, if I’m there, there must be more going on. But it was a little bit surprising to show up at Yale Law School to find built in the quad a squatters’ village dedicated to something I now don’t remember. But it was in some respects the fulfillment of Professor Charles Reich’s “Greening of America.” There we were, stepping around bonfires and cans of food that had been opened to keep the students alive, and engaging in long discussions of the state of the world. It seemed, in retrospect, totally fitting, because, as has already been alluded to, the Yale Law School was not then—I can’t speak for now, but certainly was not then—known as a place that you attended if you were serious about being a practicing lawyer.

Jay William Moore, the great professor of procedure, once stood in front of a class that I was a part of and announced in exasperation after asking about the tenth student a question that none of us had a clue about, “This is a hard country club to get into but nobody ever gets thrown out.” And to some extent, it was a reflection of the closeness, and the sense of social commitment that so many of the faculty brought to the Yale Law School, that made it—despite the fact that, again, in the immortal words of Professor Moore, “we would not know either how to reorganize a corporation or retrain a dog”—such an extraordinary experience.

And head and shoulders above the entire faculty there, in terms of his interest in us, not just as students of the law, but also as human beings, as to what kind of people we were trying to become, was Charles Black. I remember so well his wandering through the hallways. He cut a rather dashing figure, and I think there were a number of us who had somewhat of a crush on him, because he seemed genuinely interested in what we had to say. There were not too many women in that class that started in 1969, and he was absolutely oblivious to gender. He was as interested in what you had to say from your perspective as a woman student as he was in the smartest of our male colleagues.

He built the confidence of nearly everyone he encountered. That was in itself a great gift, because by the very nature of the times and the sense of dislocation, as well as the pressure of being at the Law School, there were a lot of other activities going on that had the effect of rather diminishing your confidence and sense of self-worth. But Charles Black could say something to you—even though you had just said the dumbest thing in the universe—

in a way that didn't make you feel as if you should crawl under the desk, but instead, that, with a little bit more work and maybe some help, you too could understand what he was describing.

I'm now more fully informed having heard Judge Weinstein's description of how Professor Black was assigned to teach admiralty. My own husband, when he graduated from the Law School, went back to teach at the University of Arkansas School of Law. He had the privilege of taking Professor Black's course on admiralty—not because he particularly wanted to, I think, but because it fit into his schedule since he and I were rarely at the Law School for long stretches of time, being engaged in our various windmill tilting and political endeavors.

Once the Dean of the Arkansas Law School found out that Bill had taken admiralty, he too was assigned to teach admiralty. In a landlocked state, but one in which, he found out much to his delight since he had to teach admiralty and didn't know how he would attract any students, there were actually areas of admiralty jurisdiction in the lakes that had been dammed from previously navigable rivers. So what had started out as rather a put-down, the Yale Law School professor who comes home to Arkansas to teach admiralty, turned out to be a great delight, thanks largely to Professor Black.

In 1972, I decided that I would work for the Democratic presidential candidate, George McGovern. I went to work for the DNC in the summer of 1972, and I was assigned to Texas to register voters. I went down to Texas and went down to the Rio Grande valley—I didn't then and don't now speak a word of Spanish—and found myself knocking on people's doors and wondering why all these immigrants weren't happy to see me when I asked them why they didn't want to register to vote. I stayed to work on the campaign and had the great good fortune of living for some period of time in Austin, Texas.

So I immediately called Professor Black—of course I did fly up to register for classes, but I went back to Texas to work on the campaign—and I called Professor Black and told him I was living in Texas and working on this political campaign, and he began to rattle off all the people he hoped I'd have a chance to meet. And on the top of the list was Ralph Yarborough, a liberal Texas senator who had a funny way of pronouncing certain words, like millions—he'd say we're spending millions and millions of dollars. He was a great friend of Professor Black's and became a person of some support and encouragement to Bill and me, because Bill also came down at that time to run the campaign. Since there were not very many people in Texas who were actually going to vote for the Democratic nominee, we needed all of the encouragement we could find. And it had a direct link to Professor Black.

After graduating in 1973, I was asked to join the impeachment inquiry

in 1974 that was started under the jurisdiction of the House Judiciary Committee headed by Peter Rodino. I called Professor Black and told him that I had been offered this job and obviously I had campaigned against Richard Nixon. John Doar—who was doing the hiring and who had been in the Justice Department's Civil Rights Division with Burke Marshall, who was at the Yale Law School and had recommended me to John Doar—said, as long as I could promise to be fair and leave aside any preconceived notion about whether or not President Nixon had committed an impeachable offense, he wanted me on his staff.

I remember calling Professor Black when I got my first assignment, which was to draft the standards of impeachment. Now is that a historic irony or what? And so I proceeded to draft with a great deal of help the standards of impeachment, and certainly Professor Black's seminal work on impeachment, which came out that year, served as the academic guide to what I refer to as the constitutional impeachment of the last half of the twentieth century. And it was unfortunate that in more recent times, neither my standards (which I can understand) nor Professor Black's treatise were given much attention by anyone in a comparable position. But his words, his extraordinary ability to distill legal issues into human terms, as we just heard so eloquently from Judge Pollak, in reading from an excerpt from the *Brown* brief, was a lesson that those of us who were honored to know him and be students of his will long remember.

When I think of Professor Black I think still of that dashing figure—that elegant, eloquent man with that ever-ready pipe, inviting students to come hear his albums, some of which he kept in his office—come talk about what was on our minds, joining us in the dining room from time to time. Because of the turmoil of those years on campuses we would try to have a number of faculty-student discussions that were an attempt to bridge some of the gaps that were apparent, and he was always the voice of gentle reason and encouragement and great comfort to many of us who thought that the times could not be any more tumultuous or difficult.

I was at a cocktail party on Friday night and mentioned to someone that I was going to be here today, and someone standing on the edge of the conversation circle said, "Oh, I knew Professor Black, in fact we lived near one another here in New York." She said that he always greeted everyone that came by. It was almost unique to see someone sitting on a bench on Broadway in the city who would hail people, who would talk to people, who would hold court—it was not a very "New York" way of relating. This woman's favorite memory—and I could just see him in his later years (and I understand he still smoked) taking up a place by a large ashcan—was paying her respects to Professor Black. He looked up and said, "Gandhi had his ashram, I have my ashcan."

Even to the end, memorable, unforgettable, and lovable.