

Robert A. Helman[†]

Saul Levmore's talk reminds me of a story about Judge Learned Hand in the last years of his life. As you remember, he lived a very long and full life. It seems that one of his law clerks found himself discussing with Judge Hand the recent death of another distinguished lawyer, who was a contemporary and friend of the Judge. The young man suddenly realized that it might be inappropriate to discuss death and dying with Judge Hand, who was obviously in failing health, so the clerk apologized for raising the subject. Hand responded as follows:

There's no reason for you to apologize. I know that I don't have much longer to live; I also know what will happen when I die. I will go directly to Heaven, because I have led a good life. Once there, I will be able to sleep late in the morning, something I've always wanted to do, but never allowed myself. When I wake up I will have a nice breakfast and take my time reading the daily newspapers. I never seemed to have enough time to do that. Then, I will go to the park to join a football game. The teams will be evenly matched, but I will score the winning goal. Then, it will be time for lunch; I will have a lovely lunch with fine German wine, after which I will attend to my correspondence. I receive many nice letters complimenting me on my opinions and other writing. I've never had enough time to respond as I should. I will then take a nap, after which I will dress for dinner. At dinner there will be a huge table presided over by the Lord; ranged up and down the table will be the great men and women that our civilization has produced. The food will be excellent, the wines outstanding and the conversation scintillating. At one point during the evening the Lord will lean forward and say, "That's enough Voltaire, I'd like to hear Hand for a while." That's what will happen when I die; I'm not at all afraid.¹

Astronomers and some poets tell us that eons after a star has ceased to burn, we on earth may continue to see its light. So it is with Bernie Meltzer, whose life continues to light our own.

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¹ Although I heard this anecdote at an ALI meeting some years ago, my attention has since been called to a written account in Professor Gerald Gunther's biography of Judge Hand, *Learned Hand: The Man and the Judge* 679-80 (Knopf 1994).

You all know of his personal achievements: marrying the lovely Jean Sulzberger; fathering and helping to raise three exceptional children and, through them, six grandchildren, all of whom gave him great pleasure and pride.

He loved this country and was a patriot in the truest sense. To use the current vernacular, he not only talked the talk, but he walked the walk. The day after the attack on Pearl Harbor he attempted to enlist as an apprentice seaman in the U.S. Navy. As he told the story, after he had his eye examination, the doctor said “Young man, do you know where I’d like you to be in this war?” “No sir,” Bernie replied. “Well, I’d like you to be a gunner on a Japanese boat.” Bernie was outraged, but, resourceful as ever, he obtained the necessary eyesight waivers and an officer’s commission; he served with distinction.

I hope you will always remember the broad scope of Bernie’s service to this country: at the SEC, at the State Department, with the OSS, as a naval officer, as a key prosecutor at Nuremberg, and in roles on numerous advisory commissions. He worked closely with the profession’s greats: Felix Frankfurter, Jerome Frank, Dean Acheson, Robert Jackson, and Edward Levi. He learned from them; and, I daresay, they from him, for inevitably, and irresistibly, Bernie was a teacher.

You all know of his outstanding role as a teacher at this law school that was so dear to him. The mention of his name to former students always brings forth a smile and often an amusing anecdote—mostly true; after all, Bernie was an icon.

I am honored to be speaking this afternoon. I’ve puzzled for weeks about what I could possibly say that you haven’t heard before, and that would help to explain why he was so special. Why we miss him so.

My answer is that fundamentally Bernie was a great and continuing teacher. “Always the teacher,” his adult children would say. Of course, he was a scholar, and he was a “doer,” accomplishing many important things in the law, for his country, and for private clients, both the well heeled and those who could never afford to pay; but I think his most important role (after those of husband, father, and grandfather) was as a teacher. For Bernie, class was always in session.

I did not attend this law school, so his instruction of me was informal, but it was nonetheless constant. On hearing last year that I proposed to teach a seminar on national security issues, he loaded me up with books, pamphlets, a supplemental reading list, and a promise that I’d receive more from Dan, which I did. For a time, our late afternoon conversations took on the aspect of private tutorials. “I just want to be sure you do a good job”, he would say.

As a young lawyer, he once tried, without success, to teach one of my predecessors at the head of Mayer, Brown—its name was then Mayer, Meyer, Austrian & Platt. Bernie, a junior associate, at a time

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when good law firm jobs were scarce, was sitting through a diatribe by Karl Meyer, whose name was on the door, against the New Deal and its taxes. On being asked whether he agreed, Bernie said, “Nooooo,” and proceeded to explain, politely I’m sure, why not. Mr. Meyer was very upset; he remonstrated to the client, for whose benefit this scene was being played, that that showed what was wrong with these young people, who had good grades but no sense. The client said, “Hold on Karl, I think young Mr. Meltzer has made some good points.” As Bernie told me the story, “I knew right then that I had no future at Mayer, Meyer,” so he left to return to government service. What a loss for us!

As luck would have it, after many turns in the road, he returned in the last years of his life to consult with us. Indeed, that work continued into December of last year. Changed times; changed law firm; no change in the character or intellect of Bernard Meltzer.

It is only in recent years that I came really to know and love Bernie Meltzer. How could I not?

I have not attempted to capture the whimsical humor of Bernie Meltzer; I couldn’t do that, but you all know it was there—another constant.

He shared so much with us; and, as with that star, his light, his humane light, continues to shine.