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I am truly honored to speak at this occasion as a representative of The Law School faculty about the life of David P. Currie. The formal elements of his career are easy to state. David was a man of simple tastes and immense loyalty. David went to The University of Chicago as an undergraduate and then straight to Harvard Law School. I was not here when he arrived to join the faculty in the fall of 1962 after clerkships with Henry Friendly of the Second Circuit and Felix Frankfurter of the United States Supreme Court, both of whom did so much to shape David's judicial philosophy. But I have no doubt that from that first day forward, David thought himself a member of The University of Chicago faculty for life. He knew that he had found an intellectual home, and to him that was all that really mattered.

David was truly incorruptible. He was a man who marched very much to his own drummer. He cared little about the adulation and the attention that he might receive from the world. I do not think that he ever did a day of work as a legal consultant, either for a private client or for some public interest group. I doubt very much that he ever wrote a single op-ed. David always thought that any outside connection would lead him to tilt his views in one direction or another. He prized above all his academic independence. He was more gregarious than Greta Garbo, but I am sure he said to himself on more than one occasion: "I want to be alone." And so he was, with his endless sources and his mammoth projects.

David was rigorous, ambitious, and encyclopedic in his academic work. He had a prodigious appetite to read and master all the primary sources. Often I would wander into David's office. Before him were several volumes of the Supreme Court reporters or the Congressional Record. First with his yellow note pads and later his computer, he organized this vast store of material. But there was an untroubled serenity about his work. Nothing was out of place. Nothing was hurried. All seemed to be in control. With vast dedication and iron discipline David would work his way through his material with ease and determination. Excellence and precision in all that he wrought were what he prized most. He was his own greatest supporter, and his own most severe critic. His clarity of mind and his persistence of purpose were unmatched by anyone whom I have ever met. It was just that personal fortitude and

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boundless self-reliance that allowed David to battle so valiantly to overcome illnesses that would have soon laid low lesser mortals.

David was a man of broad interests. He could, and he did, teach common law subjects like contracts and property. He could, and he did, do extensive work on the law of pollution after his term of office for the Illinois Air Pollution Control Board. And he of course did wonderful work in the area of conflicts of law, in which his father Brainerd was such a pioneering figure. But David's true love was constitutional law as seen through the lens of constitutional history. His two great volumes on the United States Supreme Court tell the tale of its major cases from 1789 to 1986. They form a great intellectual achievement that will be the standard reference work on this period for generations to come. As fate would have it, I was in fact reading his first volume when Barbara called me on the phone to ask me to speak at this event. His magisterial work on the Constitution in Congress will, I fear, never be finished. Who could summon the energy and knowledge to do that work?

David was a man who did not go in for high theory, and he had little patience with the fads and fancies of modern constitutional law. His work has a solidity and a reliability that is matched by few others. Most scholars when they approach the Constitution—and I plead guilty to this charge—have strong intellectual precommitments that lead them one way or the other. Not David. He checked his politics at the door. In his view the Constitution was never an empty vessel into which people could pour their favorite preconceptions of what the Constitution said or what the Supreme Court should do. He was the Sergeant Joe Friday who wanted “just the facts, ma'am.” His calling card was fierce accuracy coupled with careful legal analysis. I doubt anyone else has ever had so complete a command of primary and secondary sources, or known how to synthesize a vast storehouse of knowledge into prose that was both clear and precise.

Yet with all these strengths, David was never one-dimensional. Others can speak of him as an inspiring teacher. Let me relate two brief stories in David's unnatural role as interim dean. We were both in Orlando for a two-day conference organized by the American Association of Law Schools. David spent the first day doing his decanal work, and I recall asking him what he planned to do the second day. That was easy. One day for the school, and one day for David. He had rented a car, gotten a map, knew where all the best birds were likely to be found, and he was off, alone but content, on his own to do his own thing, such was his level of self-sufficiency. Work meant a lot to David, but so did birds.

On other occasions David could speak with a directness that could easily lead the uninitiated to be taken aback. If David had

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*In Memoriam: David P. Currie (1936–2007)*

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something to say he said it, let the chips fall where they may. Just yesterday I ran into a former member of our faculty, Jack Goldsmith. I mentioned that I was going to speak at David's memorial, and a sad and wistful smile crossed his face. He related to me the story of when he first met David.

He had just finished his faculty job talk at Chicago and was ushered to meet the dean in what he thought would be a relaxing session devoted to pleasantries and good cheer. But not so. Our interim dean was then one David Currie. David had open in front him Jack's law school note on conflicts of law, with many passages highlighted in yellow, and the first question out of his mouth was: "Now don't you think that you were a bit unfair to my father?" David was all business. Jack does not quite remember what he answered, but he does remember that from this rocky start the conversation showed David at his personal best, with a warmth and toughness that showed how much he truly cared about his work and the people he worked with.

And so it was. David was one who always gave more than he got. He did so for his family. He did so for his music. He did so for his students and his colleagues. He gave generously to all, knowing that from his generosity he gained as well. His passing closes a chapter in the life of the Law School, to which he gave so much and from which he asked so little. They broke the mold after they made David. Barbara and all the Currie clan know that I speak the truth when I say that I doubt very much that we shall ever see his like again.