Special Commemorative Meeting
of the Indiana University
School of Law Faculty
In Honor of the Memory of

Professor Ralph Follen Fuchs

Transcript of Proceedings

The Whittenberger Auditorium
Indiana Memorial Union
Bloomington, Indiana

March 4, 1985
Ralph Follen Fuchs
1899-1985
Maury Holland. Good afternoon ladies and gentlemen. My name is Maury Holland, the acting dean of the School of Law, on behalf of whose faculty I welcome you to the special commemorative meeting which we have called to honor and recall the memory of our late colleague, Professor Ralph Follen Fuchs. The memory of Ralph, a member of our active and emeritus faculty for nearly forty years, is certainly one that is eminently worthy of both recollection and honor because it is one which will enrich all of us who were privileged to know him for the rest of our lives and also this University and law school for all time to come.

Each of us of course has his or her own personal and unique memories of Ralph which will no doubt be stirred this afternoon by hearing some of the music he enjoyed. In addition we shall hear brief thoughts and recollections about Ralph from each of five speakers who came to know Ralph at different stages of his life and career or who knew him from different vantage points. They have graciously agreed to share their thoughts both with those of us who are here present and with many hundreds of others who could not be here but who will receive transcriptions of this meeting. I now call upon the first of these speakers, Professor F. Reed Dickerson, who first met Ralph well before his I.U. days, and who in fact may have known Ralph for longer than anyone here present save one or two. Reed is Professor Emeritus in the School of Law.

F. Reed Dickerson. We come here today to honor an extraordinary life. But first I must share with you a personal confidence that I hope you will carefully guard. I am a deeply prejudiced, highly polarized person with a capacity for hating people who can do things better than I can. Shortly before we became colleagues at Washington University in St. Louis in 1939, Ralph Fuchs put himself in jeopardy by thoroughly thrashing me in tennis. He had just earned my displeasure by marrying a wife as extraordinary as my own. He compounded these misjudgments soon after when I heard him speak most perceptively and elegantly at the annual meeting of the Association of American Law Schools. My jealously of a man who could think in paragraphs was exacer-
bate when my companion and recent classmate David Reisman turned to me and said "What a doll!" The incredible thing was that despite all I could not muster even a small twinge of dislike. This guy was unique. By the end of the school year which was my first year in full-time teaching I had become, like many others, an abject admirer. As a callow pedagogue I was still floundering but Ralph Fuchs bolstered my confidence and renewed my spirit. As two pairs of newlyweds, the Fuchses and Dickersons found much to enjoy in each other's company. Having then moved on, first to the University of Pittsburgh and then to Washington's wartime bureaucracy, we did not see much of the Fuchses, even during the war years, when Ralph and Annetta were in Washington while Ralph was sifting the credentials of lawyers who aspired to help the war effort there or was serving the Department of Justice. I remember with special pleasure a small dinner party at the Fuchses' that honored the renowned constitutional authority, Paul Freund.

Shortly afterward, the Fuchses moved to Bloomington, while we remained in Washington. And when in 1958 I was invited to join I.U.'s law faculty, the decision was easy. Any faculty that included Frank Horack, Jerome Hall, and Ralph Fuchs had to be top drawer. We have never regretted that judgment.

Since 1958, our relations with the Fuchses have been close and always warm. Before publishing, I often showed the manuscript to Ralph and my work benefitted much from his judgment. Even more important was his wide-ranging and sure-footed approach to public affairs.

Ralph was always liberal in the classical sense, but in the late '60s he was much disturbed by the turns that young liberals and many academicians were taking. In 1969, he retired at the peak of social and academic turbulence. When asked at a luncheon in the Coronation Room whether his point of view had been affected by these developments, he replied that, whereas his mind pointed him toward pessimism, his heart sustained his normal optimism, an observation that burned deeply in my consciousness.

I have, at home, a room where I keep all my words. In it, there is a sizable box devoted to words of praise. Having, in Ralph's case, no occasion to consult anything else, I pulled out a handful of adjectives such as "wise," "kindly," "articulate," "perceptive," "genial," "compassionate," "courageous," "dedicated," and "honest," all of which seemed entirely apt. It then occurred to me that
describing him on so specific a plane was not enough. This man was an extraordinary human being, period. But if that needs filling out, three words will do it nicely: "brains," "integrity," and "love."

Did Ralph have any shortcomings? Of course. Candor forces me to concede that he was incapable of any tinge of arrogance, condescension, cynicism, selfishness, insensitivity, vanity, or malice.

Now lest you think I am peddling another messiah, let me reassure you that Ralph Fuchs did not single-handedly attain what was, for us, near sainthood. For over 45 years, he had the extraordinary help of another—the incomparable Annetta. Indeed, it is almost impossible to think of either of these two without thinking of the other. And while little can soften today's sadness, we can take comfort in knowing that the joining of widower and widow on June 7, 1939, launched what can only be viewed as a classic marriage.

Because I never attended any of his classes, I cannot verify from first-hand observation that Ralph was by conventional standards a great teacher. Certainly, he was not famed for academic dramatics or his entertainment value. And although he was obviously fully knowledgeable, thorough, well-organized and articulate, I suspect that his greatest academic contribution was to exude moral and intellectual integrity; in other words, the "Right Stuff!"

Those of us who were disappointed that circumstances prevented Ralph from completing the classic text on administrative law that Robert Stern and other persons familiar with Ralph’s articles knew he could produce can take some satisfaction that the many projects that diverted his attention from this formidable undertaking were worthy contributions to the public good. I count among these his contributions to the American Association of University Professors (of which he became president), the Commission on Uniform State Laws, the American Law Institute, the Department of Justice, Meadville Theological School, the Indian Law Institute in New Delhi, Indiana’s Civil Liberties Union, and Bloomington’s Unitarian Church and Meadowood, the last three of which he helped to organize. Add to this his utter devotion to his family and friends.

But if the law lost a definitive text on administrative law, the
world gained the more for the almost unique contributions of a beautiful life.

Today, I am honored to join in this public salute to Indiana University’s “Jewel in the Crown,” Ralph Follen Fuchs.

Maury Holland. Thank you, Reed. Before proceeding further, let me do something that I was remiss in not doing at the outset. I wish to welcome the distinguished President of Indiana University, Dr. John Ryan, to the meeting and to introduce him to anyone here to whom he might require an introduction; I suspect that is very few.

Ralph Fuchs’ full academic title was not simply Professor, but University Professor. That was surely a fitting designation not only because of the extraordinary research, scholarship and teaching for which the honor was bestowed, but also because Ralph had great impact beyond the confines of the law school. Indeed, his influence and example reached to the members of faculties of many other units and schools throughout the University for whom he was treasured colleague and friend. It is upon one of those, Professor C. Leonard Lundin, Professor Emeritus of History and Uralic and Altaic Studies, that I now call to speak.

C. Leonard Lundin. President Ryan, friends and admirers of Ralph Fuchs, Annetta and family. It is probably true that we never fully appreciate our friends until after they have died. No matter how much we loved them or how thankfully we acknowledged their special qualities and achievements we are inclined, especially if they are modest, to take them more or less for granted. Only when they have left us forever are we faced with a full realization of what we have lost and with a stock-taking of all they have meant to us and done for us. I knew Ralph Fuchs for almost half a century. Although I admired him intensely and honored his unswerving commitment to justice, freedom and human decency, it has been in the last few days that I have gained some awareness of the magnitude of his services to the community, to the nation and the cause of intellectual freedom. I have been browsing in the collection of papers he left to the Lilly Library some five years ago. As I looked at enormous box after enormous box of papers, filed with characteristic meticulousness and dating back to 1930, I was overwhelmed by the sheer immensity of what he had done. The tireless flow of correspondence,
papers and memoranda year after year and decade after decade. When, I wondered, had he found time to breathe?

Today I should like to talk about Ralph Fuchs' public activity in organizations which, although they were different, reflected his belief that law is or ought to be based upon freedom, justice and human decency. Since the least known of his activities seems to be his work in the National Association for the Advancement of Colored People, a pioneering organization in its time, I shall devote most of my time to this aspect of his services. Ralph's concern for the plight of black citizens goes back for decades. In the mid-1940s he was teaching at Washington University in St. Louis, of which he was an alumnus. Black students were admitted only to a couple of the smaller programs of the University. In January 1949, Ralph wrote to the Chancellor of the University, Arthur H. Compton:

I have long had strong feelings about the exclusion of Negroes from our institutions. The strategic position of the University in a border state where lines can harden during the next few years so as to either extend the scope of segregation or to contract it renders it critically important to place the institution on the side on which it rightfully belongs.

Compton was one of the most distinguished physicists in the country and had recently been appointed to a presidential commission on higher education composed of thirty nationally known persons. In December 1947, the commission issued a report condemning racial discrimination in American education. Compton was one of a minority of four who dissented from the report. In the usual "let's not go too fast" type of statement, Compton and the other three declared that of course they wanted to have gross inequality of economic and social opportunity removed but insisted that efforts toward these ends must in the South be made within the established pattern of social relationships, which required separate educational establishments for whites and Negroes. Ralph was not impressed by this view and certainly not by the implied corollary that St. Louis was part of the South and hence must follow the pattern of segregation. In January 1948, he wrote a letter to the Alumni Bulletin urging all alumni who were concerned about the exclusion of blacks from the alma mater to extend their influence on the Board of Directors for a change of policy. He appealed elegantly to the tradition of the University which he said had always represented the spirit
of freedom and the liberal culture that knows no distinctions of race or color. The letter was published and received some support from alumni but not enough to induce the Board to change its policy. In the same year the Fuchses moved to Indiana University. In commenting on this move later, Ralph made clear his attitude toward a conflict of loyalty, of loyalties to an institution and to his conscience. I quote:

I do not see that a subordinate in an organization is required to adhere to the policies of the organization. Although he is bound not to obstruct them and may have to apply them in good faith if it falls within the range of his duties to the institution, how long he can in good conscience apply them or even tolerate them, is another matter. One reason I left Washington University was that I felt I could no longer tolerate the rigid exclusion of Negroes which was practiced there and which I saw no hope of changing.

When the Fuchses moved to Bloomington, they found both scope and need for activity in behalf of the blacks. I recall the dismay with which I had discovered on my arrival a few years earlier, that Bloomington was in certain unpleasant ways a Southern town. The elementary school system was racially segregated. No restaurant in the city, except for a small one on the west side, would serve blacks. No barber shop would cut a black man's hair. From some movie theaters some blacks were excluded out of hand. In one, they were required to sit in the balcony. In another, they became the targets of spitballs from the more genteel patrons.

Indiana University itself was not free of bias. Black students were, to be sure, freely admitted. Indeed the University reaped as a sort of reward for its relative enlightenment a sizable black student enrollment, some of it of admirable quality, from states south of the Ohio where blacks could not attain a proper higher education. Except for this educational opportunity, the University left a good deal to be desired. No black student was housed in a University dormitory and black women students were herded into a private dormitory where it was reported they paid excessive rates for poor accommodations. In the only restaurant facility in the Union Building at the time, the Commons, black students by unwritten rules were expected to sit at one particular table. As far as I know there were no blacks on the faculty for some years thereafter or indeed few women except in a few
departments such as the languages, home economics and physical education, and precious few Jews. Basically the faculty was male WASP and not noticeably uncomfortable about it. I can recall hearing racially prejudiced remarks from faculty members and faculty wives. When Kate Miller, the enlightened Dean of Women, for the first time invited black senior women and their mothers to attend her annual reception for senior women, remarks, as they say, were passed. By the late 1940s times were changing. The returning veterans, black and white, of the Second World War flooded the campus, bringing with them in many cases the idealism that had sustained them in the war against totalitarian power and in almost all cases a reaction which I fully shared to having had to say "yes sir" to higher authority for several years. I recall the almost incredulous joy with which, as I held my first classes after leaving the army, I found students contradicting me. Authority, even the feeble authority of a history teacher, was being challenged. What a change from the Joe College atmosphere of the prewar years. A mood of activism grew up quickly, only to shrivel away a few years later when the blight of McCarthyism hit the nation's campuses. One of the most evident aspects of this new militancy was among the black students. One of their disabilities had been automatically removed when black veterans attending the University under the GI Bill of Rights had to share all educational facilities, including dormitory accommodations. The women's dormitories were a different matter, and for several years some members of the Board of Trustees dug in their heels until under the pressure, usually quiet, of student groups, President Wells and other administrators, the State NAACP and faculty members such as Ralph Fuchs, they had to accept the inevitable.

Discrimination in the city of Bloomington was a harder nut to crack. When Ralph took over the position of faculty advisor of the campus chapter of the NAACP in 1948, the group had already under its previous advisors gained a good deal of publicity for its grievances but had encountered bitter opposition from some townspeople. The principal local newspaper was particularly biased in reporting the desegregation campaign. Nevertheless, the campaign persisted on two levels: peaceful but direct activity by students who entered restaurants and movie theaters in racially mixed groups to be served, and quiet argument behind the scenes by faculty members, President Wells, a number of local clergymen and an appointed Bloomington Human Relations
Council, which was full of goodwill but did not always move with lightning speed. The movie theaters capitulated without too much trouble and so did a number of eating places near the campus patronized mostly by students. On the other hand, a hard core of eight downtown restaurants held out and so did the barber shops, except for the one in the Union Building. I well remember one meeting of the campus chapter of the NAACP in which one of the black students stood up and displayed the haircut which he had been given in a local barber shop he had the temerity to enter. It was a horrible disfigurement, but to my astonishment the students, including the victim, burst into laughter at the sight. The incident, I thought, was typical of the spirit of the NAACP members. They were determined but they were not yet embittered and they thought the spitefulness of their opponents a cause for ridicule. The attitude of the hard core restaurant owners was all the more irrational because there existed an Indiana law requiring service without discrimination to members of all races in all places of public accommodation, including restaurants. Yet the obdurate resistance persisted. The leading spirit in it, who was generally regarded as running the best restaurant in Bloomington, was reported in an Indianapolis paper in April 1950 as saying that the NAACP was a communist front organization spearheaded by Jews. Ralph, of course, wrote him a letter pointing out that the statement attributed to him bordered closely upon libel and departed far from facts. He asked for either a correction of the report or a retraction and an apology. Whether or not he got what he wanted the newspapers do not show, but in any case the matter soon became moot. The next month, in May 1950, after a last-ditch action in which the holdout restaurant dramatically shut down for several days to avoid serving mixed groups, a spokesman for them magnanimously announced, “We will abide by the law.” Appomattox had arrived in Bloomington.

Meanwhile, Ralph had been busy in extending the bounds of NAACP action. In January 1949 he was appointed to the organization’s state committee on legal redress, and within a month he was pressing vigorously for an act to end racial segregation in the schools of the state. “But segregation,” he pointed out, “is contrary to our most fundamental beliefs and institutions, and I am satisfied that it is extremely harmful in its effects.” The required bill was passed in March 1949 and the state head of the NAACP wrote to Ralph, “You can be sure that your messages and your
efforts were most effective in bringing about the proper action.” With this new legislation Ralph had one more kind of pressure to bring upon the Indiana University Board of Trustees with regard to housing for black women. He had already pointed out to them in July 1948 that unequal housing facilities violated the Fourteenth Amendment to the Constitution. Now, in January 1949, even before the final action on the education bill, Ralph reminded the Board that it would apply to colleges and universities in the state as well as lower schools, and that guarantees of equal educational opportunities made it impossible to draw the line at dormitory accommodations. A generous interpretation in accordance with the law’s spirit and philosophy, he told the Trustees, rather than a narrow and grudging one, would seem appropriate. Eventually the Board had to concede, but it would be difficult to argue that the concession had not been grudging. With some of the principal grievances of the black students in Bloomington removed, interest in and attendance at the meetings of the NAACP chapter declined rapidly. So far as activity on a national scale was concerned, attention was shifting to newer organizations such as the Congress of Racial Equality, the Student Nonviolent Coordinating Committee and the Southern Christian Leadership Conference, which were widely perceived as having been militant and effective on a national scale. The local chapter of the NAACP faded away and Ralph resigned from his position as faculty advisor in 1952.

Ralph’s campaigns were paralleled with and intertwined with his activities in two other organizations, the American Civil Liberties Union and the American Association of University Professors. For him, freedom was not compartmentalized. It applied to all aspects of life—the academic and nonacademic worlds were inseparable in their dependence upon it. He had been active in the AAUP at least as early as 1930, when he was busy recruiting members for the local chapter at Washington University. By the late 1940s when anti-Communist hysteria was sweeping the country, loyalty oaths were being imposed, especially upon teachers, inquisitions by Congressional and other committees were being held into the beliefs and associations of both distinguished and ordinary individuals, reputations and livelihoods were being destroyed right and left on the flimsiest evidence or on no evidence, and determined attempts were being made to censor school textbooks. Two organizations, the AAUP and the ACLU, were faced with unprecedented tasks. “The present
threat to freedom," Ralph told the Purdue chapter of the AAUP in October 1949, "lies principally in the upbuilding, partially calculated and partially unconscious, of censorship which threatens to destroy and limit the sphere of free thought. Evidence is not lacking that despite hysteria over Russian threats or military security the principal concern of the Legislature to stimulate loyalty investigations is not espionage, but unorthodox thought and conduct." Ralph's own position was unequivocal. He wrote to a friend in 1950, "I think that at no time would I accept the suppression of mere speech or the imprisonment of people not shown by their actions to be dangerous if left at large. We went further by interning persons of Japanese ancestry during the last war than I ever want to see us do again." Alarmed by the introduction of several repressive bills into the Indiana General Assembly in 1953, Ralph took the lead in organizing an Indiana Civil Liberties Union, and became Chairman of the Executive Board. "The object of the chapter," said its statement of aims in October, "shall be to maintain the rights of free speech, free press, free assemblage and other civil rights, and to take all legal actions in furtherance of this object. This object shall be sought wholly without political partisanship." This simple, brief statement of the philosophy of the founding fathers met with abusive opposition from individuals and organizations that denounced any view of patriotism differing from their own. The organizational meeting of the ICU had been scheduled to be held in the War Memorial, one of the few available auditoriums in Indianapolis, and permission had been granted. Use of the Memorial, however, was controlled by a War Memorial Commission, all of whose members were veterans, and a number of which belonged to the American Legion. That organization had already demonstrated its attitude toward the ACLU by calling upon the House Committee on Un-American Activities, the Justice Department, and the Subversive Activities Control Board to investigate the ACLU as Communist or a Communist front. It is not surprising, then, that four days before the organizational meeting of the ICU the War Memorial bowed to the pressure from the American Legion and rescinded its permission to use the Memorial. Other possible sites for the meeting, the public library and hotels for instance, proved unavailable. Finally a Catholic priest, Father Victor Goossens, offered the group the use of his parish house, and the meeting took place. For 20 years the Legion maintained its ban. The matter became a national scandal. The distinguished radio and television commentator and documentary maker,
Edward R. Murrow, in his “See it Now” series gave it publicity. A decision of the Indiana Supreme Court in 1973 forced the Commission to lift its ban, and even then the Commission appealed to the United States Supreme Court, which of course refused to consider the appeal. Thanks to Ralph, and other indomitable fighters, the Indiana Civil Liberties Union was born and continued to do necessary work.

We have seen what Ralph Fuchs meant to Bloomington and Indiana University in his work with the NAACP; we have seen what he meant to Indiana in helping to form the ICLU. What he is best known for on the national scale is his work in the AAUP, and I leave that topic to one of the speakers much better qualified to speak about it than I am. How important and how lasting was Ralph’s accomplishment? In what he did he was never alone. He had the support in varying degrees of hundreds of other persons. Yet in the words of the monument to Christopher Wren, “if you seek his monument, look around you.” Look about you at the University, where you will find black students, black administrators, and black faculty members operating in a normal atmosphere. It is true that prejudice still exists. We have been reading recently in the Daily Student that black students are still not admitted to the fraternities. But frankly, I cannot for the life of me see why they should want to be, or whether in fact any of them do. Look about you at the City of Bloomington. We still have a long way to go to secure for blacks their proper places in political, professional, and business life, but the grosser forms of intolerance have been at least muted. Look about you at the national scene. Clearly the state of official respect for civil rights and civil liberties in our country is at the moment no cause for national self-congratulation. And it seems probable that the situation will grow even worse in the near future. Now, however, we have what we did not have four decades ago: strong, vigilant organizations such as the American Civil Liberties Union and the American Association of University Professors, which can fight back hard. I doubt that anyone today could cow the country as completely as Joseph McCarthy did in his time. We are in a better position to fight the powerful forces which have no respect for civil liberty or freedom. The battle is never completely won, and will presumably continue as long as there remain bigoted, authoritarian and unprincipled persons who can gain a following. If we win the next round, credit must go to institutions and organizations established by men and women of the
type of Ralph Fuchs. I should like to close my unduly long remarks, for which I apologize, with a quotation from a letter Ralph wrote in 1947, when the President of the United States had imposed a loyalty order on public service. Ralph declared, "Our highest loyalty is not to a political state or to any other organization of man, but to truth and to the means of its ascertainment."

Maury Holland. The next person who will speak is Jack Getman, who, unlike the others, has had to come a considerable distance in order to do so—from New Haven, Connecticut, where he is a Professor at the Yale Law School. Previously, for many years, Jack was a member of our own law faculty here at I.U. He has come this distance not only because of his own deep personal regard and affection for Ralph, but also in order to say a few words about Ralph’s work with an organization which, second only to this law school and university, was perhaps closest to Ralph’s heart. Jack.

Jack Getman. It is a privilege to be associated with this ceremony. I will first speak on behalf of the AAUP, which I have the privilege of representing at this meeting, and then say a few words of my own about Ralph. It is the case that no one in the AAUP’s long history and among its many members was as revered as Ralph and no one could have meant as much to it. The Executive Committee of the Association recently passed a resolution in memory of Ralph, which I will read a brief part of, because it describes some of his many achievements. They say:

He was the leader of a valiant band who saved the Association from futility and perhaps from extinction. Becoming general secretary at a perilous time, he confronted the shabby aftermath of the McCarthy period. He formed and served on the notable Special Committee on Academic Freedom and Tenure. He forced the revision of our constitution. He saw to it that the Bulletin became current, that the staff was enlarged, that committees sprang to life, that membership recruitment was energized, and so on. After these arduous seven years of service, he served faithfully for six years on the Council. That was not all. In '71 he accepted membership on the Commission on Academic Tenure and Higher Education. Perhaps others could have
done what he did. Ralph Fuchs would have scorned the suggestion that he was a superman. But no one in his time or ours combined such qualities of quiet integrity, energy and consideration. He never raised his voice. He never betrayed a colleague or an ideal. He always advanced the loftiest goals of our profession.

Any memorial service to Ralph Fuchs, it seems to me, must be a mixture of sadness and celebration. Sadness for the stopping of his work, for the loss of his friendship, advice and concern. Sadness, I believe, for the fact that the limited number of good people in the world has been diminished. Most of all, we feel grief for Annetta, whose life and Ralph's have been so movingly intertwined for so long. And we hope that her grief is in some measure lightened by the love and concern which we feel toward her and by the awareness of all that they accomplished together. But I cannot avoid a feeling of triumph, of a sense that we celebrate because Ralph's life was a great victory of the human spirit. And I think that the reason, I have thought about this for some time, the reason that I consider Ralph Fuchs the finest model as a human being that I have encountered in my wanderings through the academic world, is because by whatever standards I think it legitimate to measure a human life, Ralph's life has been a resounding and wonderful success.

I have just picked, almost at random, a few of the measures which I think it legitimate to attempt to apply to a person, and we have heard some of them. We might begin by talking about—and I'll just list them—achievement, community, family, maintaining one's humanity, then facing up to the awareness of one's mortality.

Now we have already heard much about Ralph's achievement, his great work as a civil libertarian, his great work on behalf of human equality. I can report that he also was, by the best standards, a great teacher; and he was a scholar who people in his field recognized as one of those limited few, all of whose works bore careful reading. His achievements on behalf of the American Association of University Professors were monumental. I hope that someday a complete study is done of the work of Ralph and a few of his contemporaries who defined, defended and gained acceptance for the concept of academic freedom, an achievement that I consider unparalleled in all of dispute resolution. This was a group that had no formal power at all and yet managed to develop
the concept of academic freedom, have it adhered to by the universities and enforced through the courts. And I believe that we never would have gotten through the turbulent period of the '60s and '70s with so little damage to academic freedom and to the fabric of our universities had it not been for this great work done in the '50s and '60s primarily under Ralph's great leadership.

When I look at the concept of community about which we hear so much, I know of no one in Indiana University who was such a loyal son of the School of Law, who rejoiced so in its successes, worked harder for it to achieve eminence, cared more about what happened to it. I remember Sheldon Plager told me that when he came here as Dean, well after Ralph had retired, Ralph and Annetta were the first two people who came to call on him to offer help, to make suggestions, to help plan the future of the law school.

When it comes to family, I have a special feeling about Ralph and Annetta, and it's surprising when I think about how many of our conversations were about raising children. About the turmoil that he went through when Hollis came back from World War II and decided that he was going to be a cowboy, under circumstances which did not seem particularly auspicious. And the turmoil that Ralph went through before he decided that it was his role as a loving parent to give support and to be there when needed. And this story and the tales that went with it were really a fundamental part of the fabric with which we raise our own children. Because that story recurred to me over and over when I thought about imposing a standard which seemed to my children at various times inappropriate. I think of Ralph and Annetta and a marriage which was truly a partnership, which reminds us that marriage is about caring and sharing one's life with a mate.

As I think of Ralph, he was funny as an exemplar of the most human traits of the academic world. I say funny because there was a way in which Ralph came across as you first met him, as somebody slightly formal. His language was precise. His manners were so elegant. And the academic world is a profession in which humanity, I am sad to say, does not abound, where commitment to the idea of humanism is far greater than ability to respond to other people in a human way. Now many of us try in various ways to make up for this, in the clothes we wear, in the language that we use, in our manners. We try to affect a style of humanity, to say to other people, "there is no condescension here, there is
no pomposity." Ralph never did this. He remained unalterably himself. He continued to dress as he always did, to speak as he always did, and yet in Ralph Fuchs there was the greatest exemplification of humanity that I have encountered in the legal profession, or indeed in the academic profession. And that's because he cared for people, because he listened when they spoke, because he treated everyone with the same unfailing and wonderful courtesy, because the humanity really ran very deep and was never altered. I remember when I was the General Counsel of the AAUP and Ralph's name was mentioned. Marie, who had been the secretary there for twenty-five years, her face lit up, she said, "Oh, he was the most wonderful man we'd ever had in this Association." And this story could have been repeated at Indiana University over and over again because one knew in Ralph that there was loyalty, concern, and really a caring about your life and your experiences, feeling good for your successes and grieving for your failures. I can remember so many of the many wonderful evenings that we spent at the Fuchses and the sense that everybody got their turn, that everybody was listened to, that it was what an academic community is supposed to be about, the sharing of ideas in a civilized and friendly atmosphere.

And then a thought that has recently occurred to me, having to deal with the knowledge of one's own mortality, as we all must, and it occurs to me again that I knew of no one who continued to work with better spirit, with a better sense of continuity than Ralph. During the years after he retired, his commitment to the Indiana Law School remained, his commitment to his friends remained, his sense of the importance of the work that he had undertaken remained, his commitment to the AAUP continued. He called me up only a few weeks before he became finally ill in order to ask me about the Association and what was going on. There was in Ralph an awareness of his mortality, but a sense that life somehow is an adventure to be finished as it has been played out. There is a saying among people—I guess there is now a field of study of dying—and they tell me people die as they live. And Ralph died as he lived, gallantly, I believe, with great sincerity and with a continuing sense of commitment to the ideals that made his life really such a shining and wonderful example to all of us who had the great privilege of knowing him.

Maury Holland. With our final two speakers, we come to younger colleagues of Ralph (sorry Jack, not that much younger),
for whom he was not only a cherished friend, but also a mentor and an inspiration, both personally and professionally. I would now call upon Professor Bill Popkin of the School of Law faculty.

**Bill Popkin.** I do have a few prepared remarks and I will read them, but you will notice some repetition. I don't think anybody has compared notes. There are just simply certain things that stand out and everybody notices them. I hope that the repetition will not be boring, but will simply convey to you the exponential effect of the repetition that it certainly has for me as I listened to some of the same things that I am going to repeat to you. I hope I'll give you a little bit of my own reaction to them, which will indicate the humanity that we all know Ralph represented.

Ralph Fuchs was a remarkable person and it is important for his colleagues to reflect why. The record is impressive. He published in all the outstanding legal journals and was a widely respected and important figure in public law. He had a doctorate in economics from the predecessor of the Brookings Institution. He was one of the twelve people who shaped the most important piece of administrative law legislation in our country's history, the Administrative Procedure Act. He helped found the Indiana Chapter of the Civil Liberties Union, was faculty advisor to the Indiana University Chapter of the NAACP, and held every major position in the national office of the AAUP. He went to India as a Ford Foundation Professor to advise on legal education.

This list is incomplete, others have mentioned other things, but any list would be. It would not explain anything. To do that, we must engage in a favorite pastime of Ralph's colleagues—telling "Ralph stories." Two anecdotes will suffice, and they are the two that seem to me most characteristic.

Around the time when the Indiana Chapter of the Civil Liberties Union was founded, the group was denied use of an Indianapolis facility by the American Legion during the McCarthy era. Ralph helped to arrange for the ICU to use a Bloomington church for a meeting. The meeting took place the same night as the Legion used the Indianapolis building and when Edward R. Murrow televised both these events nationwide, the effect was both understated and dramatic, as was Ralph.

The second anecdote is a little different. Some years earlier, Ralph played an important role in the famous or infamous Korematsu case before the Supreme Court. Many of you know this
case as the one in which the government’s efforts to intern Japanese-Americans were upheld by the Supreme Court. It would not surprise people who knew Ralph to find out that he was active in the case. It will not surprise those of you who knew him well to learn that he wrote the brief for the government in favor of the constitutionality of the internment. Asked to explain how a civil libertarian could have done this, he answered that he did not see why anyone else should be asked to do something so distasteful; it was his job.

From these biographical details, there emerge two related themes, at least to me, civility and lack of pretension. In Ralph they were related. His civility was not that of class or station, but of conviction, tied intimately to his own sense of unimportance. He was civil by default. What, after all, was there to be arrogant about? From this came his life-long devotion to process, in administrative law, in the treatment of minorities, in the concern for legal education in developing countries, not as a means to an end, but as an end in itself. He was living proof that the point of it all is method and means. He tended his garden and the world was fortunate to have reaped the harvest. If it had not, Ralph would have cared and cared deeply, but done nothing different.

Maybe that is why it is so difficult for me to mourn Ralph’s death. And I strike a theme now that Jack Getman was referring to. The dominant emotion I feel is gratitude—for the example he provided and for the hope he gave the rest of us that such a life could be lived. If in giving thanks we find ourselves engaged in the process of looking for someone to thank, I think Ralph would have understood.

Maury Holland. Everyone we have heard from thus far knew Ralph for a rather extended period of time, and it is certainly not surprising that he had an enormous impact on their lives. Our final speaker, Professor Richard Lazarus, knew Ralph for barely more than a year, but it took no longer period of time than that for a very close bond of friendship to form between them. This proved, if proof were needed, the capacity of Ralph’s character and personality to bridge the gap of five decades of difference in age. Rich.

Richard Lazarus. I first met Ralph just a few days after I arrived at Indiana University in August of 1983. I was in my office unpacking my boxes. And one of the first people who came into
my office was Ralph. He appeared at the door, introduced himself and welcomed me to the law school. I remember being struck when I first saw him, as he came in the door, by his physical frailty, but then, as soon as I shook his hand and spoke with him, by his strength. After that very first moment, frailty was never a word that I associated with Ralph. We had quite a candid and far-reaching conversation that first day, amid the boxes, ranging from world politics to the Reagan administration, to the administration of justice in D.C., to the relationship of administrative law, his field, to environmental law, my own. In many ways Ralph Fuchs was the reason that I came to Indiana University. I didn’t know him, of course. But, it was with the hope that I would meet somebody like him that I left Washington D.C. to come here. I remember confessing as much to him that very first day we met. Washington D.C., for all its glamour and excitement, lacked the two most important and essential ingredients, judgment and perspective. Ralph possessed them both. It was primarily for this reason that during all of last year, I met with Ralph weekly for at least an hour, to talk with him about different aspects of his career, choices he had made at different points during his life, his views on social issues and finally his reflections on the legal profession. We ended up videotaping a formal version of these conversations, but for me it was the informal conversations in his office that are by far the most meaningful. Ralph taught me many things. Three things, however, I think stand out most prominently now. First he taught me the importance of scholarship, but even more fundamentally, the relationship of scholarship to public service. For Ralph, those were not two distinct categories. In particular he stressed to me often the importance of legal scholars keeping firmly in mind the social aims of the laws that they study and they desire to form. Perhaps even more importantly Ralph and Annetta both taught me the importance of never losing sight of one’s ideals or losing the energy to pursue them. Having recently turned the ripe old age of 30, there are times when I decide I am getting old, slowing down, and become doubtful about the possibility of change. Having known Ralph and watching Annetta, as you all know, it’s impossible, they won’t let one think that, just by watching. We should all have their energy.

Finally, Ralph taught me the joys of dedication to an institution of learning, such as Indiana University, to one’s colleagues and to one’s students. The last time I spoke with him at the hospital, he
spoke and talked of the law school and the future, not with any pretension that he would be with us. He questioned me in detail about the new building, the new library addition, precisely what it looked like, what kind of furniture was in it, what does Italian marble look like, the elevator, what stage the new faculty offices were in, the latest on the Dean Search Committee, what was happening in the faculty meetings. His perspective continued and he was hopeful and he was concerned. I will miss Ralph. I am most sad that next year, the new colleagues we will have will not be visited by him when they are unpacking their boxes. But I am thankful that I’ve had the opportunity to, and we all did, to share some days with him in the law school, at the University, and in Bloomington. For that I thank him.

Maury Holland. I should mention that Rich Lazarus did a great service to the University and to the law school and to Ralph’s memory last year. He had the brilliant inspiration of videotaping with Ralph three hours of interviews about Ralph’s career, his life, about the University, and many other matters. And so we will have those preserved forever, and we are enormously grateful to Rich for doing that.

There are, as I suggested before, hundreds of people who would have dearly liked to be with us this afternoon, but who were prevented by distance or other circumstances from doing so. Many of these, of course, have sent messages to Annetta. Two have sent messages to me with the request that I read them to this assembly, which I shall now do.

The first is from Sheldon Plager, the last dean of this law school with whom Ralph served. Sheldon’s message is as follows:

  Ralph Fuchs had formally retired from the faculty before I came here to be dean. Yet for Ralph, that did not mean having a courtesy office for occasional use. As long as his health permitted, Ralph was regularly at his desk pursuing his scholarship and maintaining his correspondence. Equally importantly, Ralph continued his role as an active and concerned member of the faculty. Seldom did a request of mine go out to the faculty that I did not receive back a courteous and thoughtful reply from Ralph. And it never occurred to him to claim his stature as a nationally known scholar and academic leader or even his status of emeritus as a reason not to participate fully in even routine receptions and
required gatherings. Whenever there was an event in which faculty turnout was important, I would know that Ralph would be there, invariably accompanied by a smiling and gracious Annetta.

On matters of school policy and academic tradition, his wise counsel and calm insights were of immense value. When the school had a sudden need some years ago for an administrative law teacher, Ralph readily assented to putting aside his well-earned right to pursue his own interests and return to the classroom. As a faculty member he was a pleasure, as a friend he was a privilege. I am grateful for even the short time we shared together. The contributions that Ralph made to legal education, to Indiana University, and to our law school were extraordinary. He was a model for all of us to strive toward.

Then, a short message that I just received today from a former student of Ralph's, now on the faculty of the University of Dayton, Professor Allen Sultan:

Although my loss of my mother last week does not permit me to be with you on this important occasion, the memory of Ralph as one of God's finest creations requires that I express my deep sadness over his passing and my profound gratitude for the honor of having known him.

Now if you will permit me, before we conclude, there are a few thoughts of my own that I would very much like to add. Like the others who have spoken, my memories of Ralph are merged inseparably with my earliest memories of Annetta, for as they were inseparable one from the other, so they were inseparable in my friendship with them. Wholly fortuitously, and probably one of the luckiest things that has happened to me in my life, it was my good fortune to have Ralph and Annetta as next-door neighbors in my first year in Bloomington. Needless to say, Ralph and Annetta immediately began to make a great difference to me in that first lonely year as a newcomer then very much missing Boston, feeling far from friends, family and Fenway Park. More than anyone else, Ralph and Annetta helped me to begin the process of coming to know and cherish the special warmth of the Indiana University and Bloomington communities, so that by the end of that first year, I knew I had found a new home and no longer felt out of my element. Ralph and Annetta were, in other words, my first friends in Bloomington, at the center of a circle of
friendships that over the ensuing years has grown outward from them, but never away from them.

My relationship with Ralph took on a special quality over the years that followed, a quality of spirited and good-humored repartee, though with far more wit on his side than mine. This was owing to the fact that our opinions on many matters were in considerable opposition. Ralph was not, by temperament, an argumentative man, but he was firm, vastly knowledgeable, and enormously persuasive in stating his views when it seemed appropriate to do so. How many times, I now recall, seeking him out with new arguments, new insights, new information with which I sought to engage him from my perspective, which was not his, sure that at last I would have the better of an exchange with him. I don't remember ever getting the better of him in such an exchange, but what I will always recall about Ralph on these occasions was his enormous courtesy, patience, goodwill, and far more respect for my views than I or they probably merited. And yet, of course, Ralph never feigned retreat or made insincere concessions in the name of affability. He did not have to. He never confused congeniality with bland acquiescence or the submergence of principled differences.

The cumulative effect of dozens of such experiences over the many years taught me a great deal, most of it of a kind that is taught only by example rather than precept. He taught me, and I am sure that I am only one of many, many others, more about tolerance than any other person I have ever known; tolerance not simply as a matter of grudgingly putting up with, but in the enlarged sense of genuine respect and regard for other points of view and those who hold them. Tolerance in this more generous sense is, of course, an essential attribute of the academic vocation if that vocation is to be truly fulfilled and perfected by that very special quality that we call collegiality. Ralph embodied collegiality and exemplified it in its highest form and to a greater degree than anyone I have ever met. It was a special privilege and joy to be on the same faculty with him, to be his colleague.

Like most interesting people, Ralph was, in character and personality, not of a single piece, but rather in Whitman's phrase, he "contained contradictions," at least apparent ones. In his views and opinions, Ralph was progressive, forward-looking, welcoming of change although not uncritically so, open to new currents, affirming of the present, and generally hopeful about the future
and the capacities of younger people. Yet in many aspects of his demeanor, particularly in his courtesy, he was distinctly old-fashioned, to a degree that in another might almost have seemed quaint. I don’t recall ever seeing Ralph at the law school when he was not attired in a conservative, three-piece suit. One could not enter his office, however casually and even for the second or third time in a single day, without his rising to greet the visitor and offer him a seat, whatever the difference in age and eminence might be. One of Ralph’s most amazing practices was, whenever he anticipated having to miss a faculty meeting, even after he became emeritus and no longer had either the right to vote or the obligation to attend, to send a handwritten note in advance to the dean asking to be excused. I received the last such note three months ago. I suppose that sort of thing was done in Ralph’s early days, and he saw no reason to omit this courtesy merely because such a gesture no longer occurs to the rest of us. Coming from almost anyone else, this sort of thing might seem a bit stuffy or anachronistic, but Ralph’s courtesies were never perceived that way because everyone to whom they were extended sensed that they were entirely natural to him and proceeded from his generosity of spirit and genuine, abiding consideration for other people.

Ralph Fuchs was a special joy and source of inspiration to those of us who entered academic life when bureaucratization and careerism had begun to threaten the quality of that life (which I suppose would be about anytime in the last thousand years). Daily his attributes of mind and spirit served to remind us of the noblest aspirations of a life devoted to scholarship and teaching, and to lend cheerful assurance that, despite all that is untoward and discouraging, these aspirations remain always valid and always at the center of things. In his own life and work, Ralph exemplified for all of us to see how far it is still possible to achieve these enduring aspirations, though few, if any, of us can expect to achieve them in anything like the singular degree that he did.

It is an almost irresistible temptation on this occasion to be full of lamentations about the terrible loss we have all suffered and to remark lugubriously that we shall not see Ralph’s like again. Of course we shall not, and our loss is indeed a sad one. But to succumb to these sentiments would be impermissibly at odds with everything we remember most vividly about Ralph, and would surely not be to honor him in the only way he would want us to. Rather, we honor his memory most fittingly by rejoicing in
the gift to us, and to many others, that was his life and work. We honor him by looking forward confidently to the future, both as individuals and as an institution, knowing that we are the more fortified in doing so because of all that he gave us and meant to us. This his passing cannot diminish so long as we keep our memories of him fresh in our hearts, and also, so long as we strive, each in our own way, to be for those who will come after and will not have known Ralph, something as much approaching to what he was for us as our frailties and shortcomings will permit.

Before concluding, a few words of thanks are due. First thanks to dear Annetta, and to Dick Jones, Ralph’s nephew, and his family, who have graced this meeting with their presence. Thanks to the members of the Chamber Arts Quartet, for providing the resonance of their music to our thoughts. And thanks to all of you who have joined us this afternoon, particularly President Ryan, Chief Justice Givan, and all the rest who have come from near and far to be with us this afternoon and thereby immeasurably enhanced this occasion.

Before we adjourn we shall hear a final musical selection. Immediately after that, and without further interruption by me, I would suggest that we remain seated for a moment of silent reflection. There will then be a reception following this meeting in the University Club, just across the corridor, to which all are cordially invited.

Thank you. This meeting is concluded.