



IN MEMORIAM
LEONARD B. BOUDIN
(1912 - 1989)

Leonard B. Boudin, who was in residence at the University of California, Davis, law school as Visiting Distinguished Practitioner in Spring 1987 — his fiftieth year in law practice — died of a heart attack on November 24, 1989. He was seventy-seven.

The New York Times obituary said simply, "Leonard B. Boudin, Lawyer." That he was — probably the most accomplished and respected civil liberties lawyer in this country since Clarence Darrow.

Anatole France said, "To know is nothing; to imagine, everything." Leonard Boudin *imagined*: he imagined a fairer legal system to forge a fairer nation and a fairer world, and through a quarter of this country's history, in courtrooms and congressional hearing rooms, in classrooms and in lecture halls, he worked to translate that imagination into reality.

To Leonard, the law was not a job; it was, in Roberto Unger's phrase, a "transformative vocation." Leonard represented society's "outs" — the oppressed, the persecuted, the powerless, the friendless. He distrusted power, and he took on its abusers, from the inquisitors of the McCarthy era to the autocrats of the 1960s, with as agile a mind and gentle a spirit as there was in American law. His clients included Daniel Ellsberg, Julian Bond, Rockwell Kent, Benjamin Spock, and George Wald. *The Nation* said that he argued more civil liberties cases before the United States Supreme Court than any other constitutional lawyer. True or not, vast measures of constitutional jurisprudence took shape first in Leonard Boudin's mind. If his philosophy had to be summed up in a word, it would be *pluralism*. Leonard savored the offbeat: differences in lifestyle, politics, and opinion enlivened him, and

he believed that the right to express those differences, generated at home or abroad, should be protected. Freedom of association and freedom of travel in particular bear Leonard's imprint. He did not always win, but even his losses inspired legions of young lawyers to pick up the torch.

Leonard knew the law cold and was endlessly intrigued by its twists and subtleties. In focusing on clouded issues, his mind was a laser. Yet in argument he emphasized facts. A canny debater and cagey tactician, he nonetheless seemed to believe in the inherent goodness of people — as though, if his listeners could simply *understand* what had happened, they would agree. Rather than wrap a point in arcane constitutional doctrine, Leonard underscored what had actually transpired, often in hilarious detail. Yet his humor was seldom directed at others, and though he was often sardonic, he had only kindness for those who disagreed with him. (He was fond of recalling that the first meeting of the defendants charged in a celebrated conspiracy case had occurred at his house, when they gathered with counsel to plan the trial defense.) His use of understatement was disarming. More than one listener, aware of Leonard's reputation as a prominent "leftist," was surprised at his low-keyed, soft-shoe approach. A firebrand he was not.

As hard as it was to imagine Leonard as anything but a lawyer, law was not his whole life. He played tennis regularly until his death. He was always up for a chess game (and took pride in his ability to play a dozen simultaneously). A book or article that engaged him would soon find its way to a friend. He loved his wife and children and spoke of them often. Upon arriving in Davis with Jean, among their first stops were to rent bicycles and to join the health club. The two travelled the world and made lifelong friends throughout.

Leonard liked old houses, old clothes, old friends, old books, and new ideas. He and Jean lived in the same townhouse in Greenwich Village for fifty years. Wealth was not an objective. Leonard was never one to pass up a thrift shop (and claimed that Davis's was a real find). He returned to the law school one day gleeful at the stack of hard-to-find used books he had bought. In conversation, Leonard listened like few people listen. He enjoyed trying out arguments. When his eyes twinkled, his glasses came off, his grey hair fell down, and he slowly began, "What do you *think* . . .," his friends knew that their brains were about to be picked clean. He relished talking with students. He wanted to know what they were thinking, what they were reading, what they cared about, and they flocked to his office in droves, inflicting enough pizza and beer and cappucino to necessitate a health club.

T.S. Eliot said that old men should be explorers. Leonard Boudin

was an explorer. The pathways he discovered remain tangled and forbidding. But his odyssey has brought us all a bit closer to a nation of tolerance, compassion, and decency.

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