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EULOGY TO HERMAN M. LEVY

Remarks of William B. Gould IV*

Based on remarks delivered at Herman Levy's memorial service on April 15, 2004 at the Mission Church, Santa Clara University, Santa Clara, California.

Mr. Chips—this is what I called my friend Herman Levy so frequently over the years. Mr. Chips, because major aspects of Herman's character were so similar to the late 19th—early 20th century subject of "Good-bye, Mr. Chips." Like Mr. Chips, Herman was fundamentally caring, paternal, avuncular to his students here at Santa Clara Law School—counseling them professionally and personally, "placing a human face on legal education," as one of them said to me, helping them in their search for employment (particularly at the National Labor Relations Board) with considerable success, I might add, and strengthening their link to Santa Clara Law School after graduation as well.

Herman and I first became friends at the National Labor Relations Board ("NLRB") in Washington when we both served there in the early and mid-sixties. His graduate work at Oxford and my year-long stint at the London School of Economics gave us more subjects and people in common than the Board itself. Thus, it was natural that we became fast friends when we arrived almost simultaneously on the West Coast in the early seventies. Over the years, we tried to meet at least once a month, rotating a lunch or dinner at Santa Clara University and Stanford University, respectively.

There are a number of features of Herman's personality that are forever in my memory. The first is his adventurous spirit and intellectual curiosity. Here, I think of his work in

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creating the Agricultural Labor Relations Act of 1975 in Sacramento, his return to Washington to work in the Department of Labor on employee participation issues, which were just emerging in the eighties, and his organization of a new Sports Law course (he had written one of the early articles on the subject), to which he invited me and many others to participate.

In a sense, this ability to move into relatively unexplored territory manifested itself in other forms. Herman was truly unafraid. This is well demonstrated through his courage in fighting back against two extraordinary physical setbacks that he suffered in the eighties and nineties, adapting himself to a new way of living, which he constantly expanded upon until the very end of his days.

This courage was well reflected in a feistiness and sometimes an obdurate refusal to back down in any struggle that he thought mattered. In the sixties, he faced off with NLRB Chairman Frank McCulloch, who told him to remove his anti-Vietnam War literature from the NLRB bulletin board. Herman refused and prevailed.

The last time that I saw Herman in late February, 2004, we spent much of our time discussing the life of our good friend, the late Bill Stewart, my Chief Counsel at the NLRB in the nineties—Bill had died just four days before that last meeting between Herman and me. Herman told me about how both of them had fought when Bill was president of the NLRB union, Herman insisting upon being a member of the union, notwithstanding his supervisory status. As Herman told it to me, they compromised and he was allowed to sit in on meetings without a vote—leaving the question of how much voice he would have to future struggles between the two of these good friends, Herman and Bill.

And in one of Herman's discussions with me about a recent dispute here at Santa Clara Law School, referring to someone on the other side of the dispute, he said to me, "Bill, he just does not know with whom he has picked a fight! He will learn soon enough!"

But the overriding Herman Levy characteristic was that of a gentle and compassionate person, sympathetic to others and their concerns. You could hear it in his voice when he would recount the activities of someone that he knew—the tone suggested an advocacy of that person's position, that he

was seeking your understanding of the good work of the other person that he described. You could see it in his face when he presided over the annual luncheons, at a local Indian restaurant, that he would organize for Santa Clara labor lawyers.

I shall never forget his kindness and thoughtfulness in inviting me to each one of these events and, of course, I shall never forget his offer to recruit law professors to sign a petition of support for President Clinton's nomination of me as NLRB chairman when Republicans threatened to filibuster my appointment. Completely on his own initiative, Herman went out and got the signatures of 100 labor law professors throughout the country—a development that Senator Edward Kennedy took note of in the subsequent Senate floor debate.

Santa Clara Law School, the Bar, representatives of labor and management who so much appreciated his work as a labor arbitrator will not forget Herman Levy. I know that so many here who loved and valued Herman join me in paying tribute to this gentle man as we say good-bye to our own "Mr. Chips."
