IN MEMORIAM

BRUNSON MACCHESNEY

The following addresses were presented at a memorial service held on May 3, 1978, in honor of Brunson MacChesney, in Lincoln Hall, Northwestern University School of Law.

DAVID S. RUDER (Dean, Northwestern University School of Law): We are gathered today to pay our respects to the memory of Professor Brunson MacChesney, who died on March 9, 1978. Several of us will be presenting our recollections of the person we knew. All of us share a keen sense of loss in his passing, and each carries an impression of the man MacChesney garnered over the years and brought to us by a series of personal and professional incidents.

For my part, Brunson MacChesney represented the very best in the academic world. When I joined this faculty in 1961, Brunson was deeply involved in a Ford Foundation grant for international legal studies which brought to the Law School a succession of excellent graduate students and facilitated research and interest in the field of international law. Despite Brunson’s great sense of modesty and his penchant for privacy, it soon became apparent that his interest in the area of international law was not accidental.

Brunson MacChesney’s first formal entry into the area of international law took place during World War II. He served as Acting Chief of the Foreign Economic Administration in Dakar in 1943, Chief of the Foreign Economic Administration in Algiers in 1944, and Special Representative to the Foreign Economic Administration and Special Assistant to the Ambassador in Paris from 1944 until 1946.

This wartime service focused his attention on international matters, resulting in a later career in the international field which can only be described as brilliant. Professor MacChesney’s written work demonstrated his genius, and his peers in the field of international law gave their acclaim by naming him to the most prestigious positions in that field. Brunson served as Chairman of the American Bar Association’s Section of International and Comparative Law (1954-55), as President of the American Society of International Law
(1964-66), and as a Member of the Board of Editors of the *American Journal of International Law*. During the year 1971-72 he served as acting Editor-in-Chief of that Journal.

The American Government also recognized his abilities by naming him as a Special Consultant to the U.S. Select Committee on Foreign Aid (the Herter Committee) in 1947, as U.S. Representative to the Claims Committee of the Intergovernmental Study Group for Germany in 1950, and as a member of the U.S. National Study Group for UNESCO from 1966 through 1971. France saw his merit as well, awarding him its Legion of Honor medal in 1946. The British recognized him by making him an Adviser to the British Digest of International Law in 1961-62.

It is small wonder that as a law teacher I remained slightly in awe of the prestige and accumulated knowledge of this academic. My great revelation, however, came when I discovered his pre-international law career. In the course of writing my first article in the field of securities law, I came upon numerous citations to articles by MacChesney analyzing the Securities Act of 1933 and the Securities Exchange Act of 1934. After reading one of the articles, finding it to be extremely well written, and discovering that the author was indeed our MacChesney, I asked Brunson how he happened to have written articles in the securities law field. It appears that after receiving a B.S. cum laude from Yale in 1931 and a J.D. from the University of Michigan in 1934 as a member of the Order of Coif and the Michigan Law Review, he applied for and received a fellowship from the Carnegie Endowment for International Peace entitling him to study in Europe for a year. At almost the time of his scheduled embarkation in 1934 he was asked to serve as Legal Secretary to Securities and Exchange Commissioner James M. Landis, one of the drafters of the newly adopted Securities Acts. He accepted this opportunity and as a result delayed his pursuit of international law matters for almost a decade.

Following his SEC experience, Brunson taught at Harvard College for a year and served for three years as an Associate Professor of Law at the University of California at Berkeley. He spent two years with the Department of Justice in Washington before joining the Northwestern faculty in 1940. In 1941, after the United States became involved in World War II he left again for government service with the Office of Price Administration in Washington. He remained in Washington until beginning his overseas service in Dakar, in 1943 and thereby embarking upon his brilliant career in international law.
Fortunately for all of us, Professor MacChesney returned to Northwestern in 1946 as a full professor. He served continually on our faculty until his retirement in 1977, spending a one-year period as a Professor at the U.S. Naval War College in 1955-56 and another as a Professor at Cambridge University in 1961-62.

In addition to his fine record as teacher and scholar, Professor MacChesney left a special legacy to the School in the form of a foreign student graduate program. He took special interest in our foreign students, with activities ranging from obtaining scholarship funds to serving as personal adviser and friend. His fine influence on these students, who are now scattered worldwide, will serve as great evidence of his excellence as a human being for many years to come.

The record I have described is indeed the record of a brilliant and wonderful man. Northwestern was privileged to have had Brunson MacChesney as a scholar, teacher, and friend. I hope that his wife Ruth, his son Bruce, and his daughter Deborah know how much all of us revered and admired him.

James A. Rahl (Owen L. Coon Professor of Law): When I was a student in this law school, Brunson MacChesney was one of my most influential professors. When I graduated, he gave me my first job as a lawyer. When I came here to teach, he helped to get me started. Thereafter, he was my colleague for thirty-two years, and a very dear friend for all of that time. Now I occupy the office that was his for thirty-seven years, amidst daily reminders of his extraordinarily valuable life.

He was brought to the faculty in 1940 by Dean Leon Green. After Brunson's death, Dean Green, now ninety and still very active at the University of Texas Law School, wrote to Brunson's wife, Ruth, and sent a copy to me. Mr. Green was instrumental in Ruth's becoming a student in the School immediately after World War II. Here, her brilliant work and her great charm led to her marriage to Brunson and to a family with two fine children—Bruce and Deborah—which has been a wonderful institution in the Law School community.

Dean Green is extremely proud of both of his accomplishments—Brunson as a Northwestern law professor and Ruth as a wife and lawyer. I cannot read his letters; they are too touching. But I know how much he would like to be a part of this memorial occasion, and I hope that what I have said will at least in part accomplish that for him, for Mrs. Green, and for us.
When he joined the Northwestern faculty in 1940, Brunson MacChesney was one of the bright new law professors who were deeply interested in federal domestic economic and special policy. At that time, he taught Corporations and Administrative Law—not International Law, Conflicts, and Admiralty, as he was later to do.

I was in classes in both of his courses. If I were to try to choose one word to describe his teaching at that time, it would be that it was “urgent.” A sense of the great importance of what we were doing pervaded the atmosphere. He asked questions in class, but he was obviously eager to get on with it, to the substance, to the search for some answers to great issues. A friendly, down-to-earth, easily approachable man, his sense of urgency nonetheless made him impatient with lateness, stalling, unpreparedness. He encouraged, sometimes almost hounded, many of us to work harder. Independent research projects by students, some published, began to flourish, including a piece which I will testify I would never have finished without his urging and his surveillance.

After Pearl Harbor, he left in early 1942 for Washington to take charge of enforcement of war-time price control. When I graduated a few months later, since my draft board had not yet decided what to do with me, I went to Washington to find a job. As I was walking in the early morning on the open Mall near the Washington Monument on my way to look for a barber shop before keeping some appointments, who should appear from nowhere on the sidewalk but Brunson? He started talking to me just as if we had met in front of the General Office of the Law School between classes. He told me to forget the barber, and not long afterwards, I was working for him and OPA, trying to find out how to defend its constitutionality in an attack in the Supreme Court of Alabama.

The war led him from there into brilliant foreign service, and me into something less than brilliant Army basic training. When the war was over, I showed up at Northwestern to teach at Dean Green’s invitation, and who was here ahead of me but Brunson, ready to help my uncertain efforts to launch a new career!

From then until his death he was a great colleague and friend. He innovated new courses, served as Director of Graduate Studies for many years, gave Northwestern a great name in International Law, and performed every faculty assignment with the utmost fidelity. When I was dean from 1972 to 1977, I had but to ask, and my old former teacher and chief would cheerfully deliver. Whenever I went into the faculty meeting room, I knew that he would
already be there in his regular seat. He once said to me, with a wide grin, doubtless partly for my benefit (for he was as good with the needle as any surgeon): "I was reared to be on time, and as a result I have spent my whole life waiting for other people."

While legal scholars, as it is said of prophets, are not infrequently without honor in their own country, Brunson at least lived to know of the great reputation he had earned. For example, I advise all of you to look at the issue of the *Northwestern University Law Review* for May-June of 1977, dedicated to his honor. Amidst several major articles in the international area are numerous words of the highest praise for his work from seven of his peers in leading law schools spanning the country.

Brunson wrote a note to me while he was in the hospital expressing his gratitude for what was really my small part in this publication. Unlike too many these days, he was not one to ration thanks as if it were an endangered species, and he genuinely and easily expressed appreciation for the smallest and largest of favors. But, of course, the gratitude in this publication, as in what we do today, was meant for him. We mourn his passing, but we can at least be happy that in that capacious mind and uncanny memory of his, as he departed, he knew something of our—and the profession's—great regard for him.

My wife and I visited him about two and a half weeks before he died, and gave him a copy of the biography of John Henry Wigmore by William R. Roalfe. Later he called to say that he had read the book and enjoyed it. In our visit, we talked of a number of things, including his illness. He knew how serious it was, and faced it with the same sense of practicality with which he and Ruth have faced so many things.

But when I think of his practicality, there at once flashes on my mental screen a powerful image of the man of principle and idealist I have always known him to be. We do insufficient justice to people like this to try to label them as being in this category or that. He was in truth a complex, a very complex, person. He had a brilliant, and therefore sophisticated and sometimes involved mind. He had led a widely experienced life, and therefore had a multifaceted view of ideas and behavior. Evidently reared with love and strictness combined, he was at once compassionate and demanding. Given to strong beliefs, he was at the same time critical and a most tolerant, decent person. Relatively quiet, he was one of the most courageous persons I have known.
This was a unique man, one of the stars of our time.

NATHANIEL L. NATHANSON (Frederick P. Vose Professor of Law Emeritus):* Although the pressure of examinations here prevents us from attending this memorial service, Brunson, Ruth, Leah, and I have been close friends for too long for us to permit this occasion to pass without some expression of our desire to participate. Indeed, it is hard for me to realize that there was a considerable period of my life when I did not know Brunson and his family. Nevertheless, from the time that Brunson joined the Northwestern faculty our paths were seldom far apart for very long. For a while, we shared the Administrative Law course and the intricacies of the Morgan cases in which Brunson had participated. Later [during World War II], we shared some of the birth pangs of OPA. Soon after that, Brunson succumbed to the lure of the foreign service and we did not resume our companionship until we both returned to Northwestern.

It was then that Leah and I came really to know and appreciate, not only Brunson, but also his mother and father. Knowing the three of them together was itself a lesson in tolerance and civilized humanity. The General earnestly believed that Herbert Hoover was probably the greatest President we ever had. Brunson was a devout New Dealer—he may have voted for F.D.R. all four times. Yet the strongest expression of disagreement that I remember hearing directed by Brunson to his father was his expressive "Oh, Father!" The General could be somewhat more explosive, but Mrs. MacChesney’s gentle wit could be counted upon to defuse the situation.

I sometimes wondered how Brunson and his father reconciled their obvious admiration and affection for each other with their political disagreements. Fortunately, Brunson had the opportunity to explain this from his point of view, and he did it beautifully, when invited by the University of Chicago Law School to give a lecture on his father’s professional career. His essay, entitled “General Nathan William MacChesney,” was published in 1962 in the University of Chicago Law School Record.

Of course, Brunson, like most of us, had his faults. One was his perfectionism. His insistence on reading everything in his fields of interest and everything conceivably related to the subject matter of his writings cut down somewhat on the volume of his productivity,

* Professor Nathanson was unable to attend the memorial service in person due to his commitment as Visiting Professor at the University of San Diego School of Law during the 1977-78 academic year. His remarks were in the form of a letter read at the memorial service by Professor James A. Rahl.
but certainly not on its quality. His publications were models of thoroughness, lucidity, and appropriate humor, such as the delightful article entitled, "The Alabama and the Queen's Advocate: A Mystery of History," published in the Northwestern University Law Review in 1967.

This perfectionism was evident in play as well as in work. My recollection is that he once almost broke a leg trying to score or prevent a score in the annual softball game. Even more clearly, I recall a game out at the family farm where Brunson was playing second base and I was pretending to play short center field. We had the sure double play if I would only catch the fly and flip the ball to Brunson. In my excitement I dropped the ball and we got nobody out. The expression on Brunson's face was so pained that I will never forget it, and I resolved never to play again—a resolution I should have kept.

I recall Mrs. Frankfurter as having said of her husband, "Felix has at least two hundred best friends." I am sure that substantially the same could be said of Brunson. For those of us who survive him this is indeed a poignant moment. For myself, I had grown accustomed to the thought that retirement would be a lot easier if I could have an office next to Brunson's and continue to have lunch with him. It is hard indeed to accept the fact that this is not to be. Perhaps we can find some solace in the fact that no man is truly gone except one who dies without friends and loved ones who grieve for him. At least we know that Brunson lives on in the hearts of all those who cherished him.

ANTHONY D'AMATO (Professor of Law): There are two extreme and rather simple positions that one may take with respect to international relations. The first is a world-government position—that the only way to achieve peace, justice, and world security is to have a unitary world government with full enforcement powers. The second is a nationalist position, asserting that we are the best judges of our self-interest in a world of potentially hostile nations.

Although occasionally there are international scholars who seem to espouse a world-government position, Professor Brunson MacChesney was not one of them. But neither was he at the other extreme, which would be to advocate doing only what is in the immediate self-interest of the United States even if international norms would thereby be violated. Let us consider briefly the requirement of responsible citizenship in the world community of nations. The United States occasionally would have to be prepared to sacrifice its
immediate desires in order to conform to international rules to which it has consented at least in the aggregate. These rules in general promote accommodation in the interest of global peace, human rights, and ecosystem preservation. The idea of being prepared to lose on occasion may perhaps best be illustrated by an example suggested by Professor Roger Fisher, the establishment of the United States Court of Claims. Before that court was set up by Congress, an individual or corporation that had a contract with the United States—such as a contract to provide construction services or military supplies—would have no recourse against the United States in the event of a disagreement over contract terms or a breach of contract by the United States. There was no recourse because the United States was sovereign and could not be sued by private parties. Since that situation obviously discouraged individuals from entering into contracts with the government, Congress at the end of the nineteenth century established the Court of Claims. But more importantly, the United States realized that, as party defendant, it would have to lose enough cases in the Court of Claims to encourage resort to the Court of Claims. And furthermore, Congress realized that, although it had the power not to pay adverse judgments against the United States that might be issued from the Court of Claims, any such refusal to pay would again defeat the purpose of the court and deter individuals from contracting with the United States. The same reasoning applies internationally. A sovereign government cannot afford to “win” all its international cases without destroying the basis for judicial accommodation of competing claims. It must surrender part of its sovereignty—not to a world government, but to the present-day surrogate of world government, namely, international law.

In the 1930s, Professor MacChesney’s formative legal years, these considerations seemed rather foreign. The United States had avoided joining the League of Nations, and the prevailing mood was isolationist. Legal scholars, not including securities lawyer MacChesney, laboriously drafted strict neutrality legislation and wrote articles and books designed to show how the United States could avoid getting entangled in the war that was looming in Europe. The Second World War discredited any attempt to revive neutrality legislation, but curiously, upon his return to teaching after his service in the war years, Professor MacChesney found himself in a climate of opinion that made the isolationist mood of the thirties seem benign. The cold war, the iron curtain, Alger Hiss, fellow travellers, the Dennis case in the Supreme Court, and Senator Joseph
McCarthy symbolized a revisionist mood that sought refuge in our apparent monopoly of atomic bombs and drastically downgraded the idea of international law. Professor Hans Morgenthau nearby at the University of Chicago was instructing a new generation of students that international law did not exist and that morality in foreign policy was disastrously self-defeating. And into this self-labelled "realist" era Senator Bricker in 1952 introduced the first in what was to be a five-year series of constitutional amendments designed to shackle the treaty-making power of Congress and the executive-agreement authority of the President. Although done in the name of states’ rights and the Constitution, Bricker’s amendments were clearly born out of fear and frustration with the recent past and a neoisolationist view of the future. This was an intensely nationalistic period, one in which it was difficult for anyone to suggest a course of international responsibility without running the danger of being branded in some vague sense “un-American.”

It is to the enduring credit of Northwestern University School of Law that one of the leading academic opponents to the Bricker amendment was our late colleague Professor Brunson MacChesney.

In a series of public speeches and published articles, from law reviews to bar association journals, he carefully and persuasively demonstrated how the Bricker amendment was inconsistent with the enlightened self-interest of the United States. But what is the difference between self-interest and enlightened self-interest? Self-interest is simply the nationalist extreme that I mentioned earlier. But, then, is enlightened self-interest just another name for a step toward world government, toward having our decisions made by foreigners? Is it a crack in our national armor that lets in government by courts or organizations beyond our shores? Is it “un-American”? Herein lies the difficulty for a true patriot who believes in international responsibility. Herein is the dilemma of all students of international law when confronted by those who proclaim “my country, right or wrong.” Herein lies at once the fascination and the hardship of international legal advocacy.

Within the national perspective, and disavowing the world-government view, the international legal scholar must demonstrate that short-run self-interest is different from enlightened or long-term self-interest. It is in the long-term self-interest of the United States, Professor MacChesney argued, that we should reject the Bricker amendment. In the long run we gain from treaties and agreements with other nations. A treaty, after all, may be in our immediate self-interest when we ratify it, but later on when it becomes to our advan-
tage to break it or renounce it we have to reject the idea of
denunciation for the reason that adherence to treaties as a whole is
in our long-term self-interest. The same argument applies to rules
of international law. We may dislike the application of some rules,
and we may be tempted to break them for immediate self-interested
reasons, but adherence to a regime of international law is in our
long-term and deepest national interest. Even as he was arguing
against the Bricker amendment, Professor MacChesney published in
the **Northwestern University Law Review** one of the earliest articles
on international human rights, a historical review of the standing of
the individual under international law and the changes that were in
the wind as the result of the new human-rights multilateral conven-
tions. We see more clearly today, twenty-six years after the publica-
tion of that article in our Law Review, that it is in the deepest self-
interest of the United States to promote the human rights of every-
one, not just our citizens, against all governments everywhere.
Rights precede governments; none of us is a mere arm of the state.
Yet Professor MacChesney’s favorable review of the Genocide Con-
vention in his 1952 article has a wistful footnote. After noting that
the convention making genocide a universal crime entered into force
on January 12, 1951, upon ratification by twenty states, Professor
MacChesney noted that “[t]he United States is a signatory but has
not as yet ratified the Convention.” To be sure, the United States
had not “as yet” ratified it in 1952. Today, over a quarter of a cen-
tury later, the United States still has not ratified it. The fear that
somehow subjecting ourselves to an international rule—even so ap-
parently uncontroversial a rule as that which prohibits the willful
destruction of groups of human beings—the fear that subjection to
such a rule will make an inroad upon our national self-determi-
nation and sovereignty is still a potent force, particularly, I am sorry to
say, among many lawyers who have dominated the American Bar
Association.

But somehow, between 1952 and 1957, when those fears were at
their height and when year after year the ABA resolved overwel-
mingly against United States participation in the Genocide Conven-
tion and all the other human-rights conventions that other nations
were ratifying, the Bricker amendment, at least, never passed the
Senate. It came close. One of its versions failed by just one vote of
the necessary two-thirds.

Surely any contribution by an academician to a public debate is
important. Anything a scholar can do to throw some reflective light
upon a heated national controversy is in the best tradition of the
university, of which a law school is only a part. And in some very rare cases, when the question is very close, a scholar’s contributions may even be decisive. Professor MacChesney’s patient and carefully researched arguments, typical of all his scholarly contributions to many facets of international law, undoubtedly made a good deal of sense upon quiet reflection to national leaders in Congress who were under political pressure to vote for the Bricker amendment. Of course we can never assess the precise importance of Professor MacChesney’s contribution to that national debate of the fifties. But, to paraphrase an elder statesman of that era, it may have been one of Professor MacChesney’s finest hours.

W. Neil Eggleston: I was a student in Professor MacChesney’s last Admiralty class. On the first day of class back in September, we all wandered into the classroom with the nonchalance available only to third-year law students. None of us had taken a class from Professor MacChesney before; we were all uncertain what the Williams Memorial Professor of Law Emeritus would be like—both as a teacher and as a person. Sharply at the appointed hour, he walked solemnly into the room. He peered at each of us, spread out his notes, and began rummaging in his coat pocket. Before we knew what was happening, he produced a bo’s’n’s whistle and gleefully piped us all aboard the “Good Ship Northwestern.” His solemn appearance was broken by the wide grin that was to set the tone for the rest of the semester.

He told us that first day that the semester before he had forgotten to pipe his students out on their last day of class. He said that he could only presume that they were still aboard, wherever the “Northwestern” might be. In his last semester, Professor MacChesney became ill around Thanksgiving. He never returned to the classroom; he never piped out those of us in his last Admiralty section. Yet in one sense, all of us who knew him remain on board his “Good Ship Northwestern.”

He was a series of contrasts that last semester. As the year progressed, he became increasingly relaxed with the small class. He began to relate anecdotes of his own years in law school and began to echo the same anxieties we all felt. One student in the class had spent the summer with Dewey, Ballantine in New York. That off-hand remark provoked a series of “Dewey” stories left over from his apparently brief association with that firm. Out came his father’s reaction to his decision to accept a political science teaching post at
Harvard. Some of us in the class had felt similarly acute parental nudges.

Yet at the same time his doctor was ordering him to take it easy, he allowed his work schedule to pick up. Early in the semester, he would come down from Lake Forest only on those days when he taught class. Later, however, I would encounter him around the law school even on his off days. One week, he overwhelmed the class with the facts and holdings of every major case decided under the Amendments to the Longshoreman’s and Harbor Worker’s Compensation Act since their passage in 1972. His research was staggering.

In many ways, he was a professor of the old school. There were only seven of us in that class. Yet each day, we were called upon to recite the facts and holding of each case. I never went unprepared to a MacChesney class. First, the chance of getting called on was almost certain. And second, his wrath at the unprepared student could be brutal. One day, he selected a student to recite the facts and important holding of a leading case on liability for the captain’s negligence in a demise or bareboat charter. Too nervous to confess that he was not prepared, the student haltingly related that the ship had entered the harbor, whereupon the captain had thrown out the anchor, without affixing the chain. The anchor, the student concluded, was lost. Then, he stopped, apparently thinking himself through. Professor MacChesney waited for the holding. The student remained mute. MacChesney bellowed, “You must have gotten more out of the case than that.” We all cringed as the student responded meekly, “Well, I only read it once.” A few unpleasant moments followed. Several weeks later, he overheard a student before class complaining that his professor in another class had never assigned a crucial Supreme Court case for reading. Professor MacChesney slyly announced that he personally would authorize declassification of the security clearance—that is, the student was authorized to read it on his own.

But for all his external gruffness, his care and concern for his students was evident. Some of us would sit after class and talk, not about Admiralty, but about things in general. The passion of his concerns and worries carried the intensity of firm conviction. One of his strongly held beliefs was the need to take Conflicts of Law, a course he had taught until a few years earlier. He warned us in a fatherly tone that if we ever wanted to do more than write wills in Genesee, Illinois, we had better learn about the law of Conflicts.
Finally, he regretted that the law school no longer recognized its distinguished faculty with portraits hung in the law school. The Admiralty class met in the faculty seminar room on the third floor. In it are portraits of former law teachers, most of whose faces and names meant nothing to me. One day before class, someone noticed that Roscoe Pound's portrait was among the group. None of us could recall exactly when he had been at Northwestern nor how long his association had lasted. A shocked MacChesney patiently rose. He went slowly around the room reading the name off the portrait of each former faculty member hanging there. Further, he gave us a brief history lesson on each person—his legal contribution as well as some humorous personal anecdotes. As he spoke with such intimacy, we all had the impression that Professor MacChesney had known each of those men personally. He was, to us, a link to the years of grandeur and tradition of Northwestern University Law School.

With his death, the law school has lost more than just a teacher and advisor. With him goes a part of the past, the rich tradition of the law school. But the law school marches on. I have heard that there is a faculty committee meeting to plan a new building for the law school. It will be built to house the ever-increasing library inventory so necessary to an effective law school. This spring, the school has performed a major revision of the law school curriculum. It, too, is designed to educate the students as effectively as possible in the mode of thought we call legal reasoning. The legal writing program is being restructured to expose first-year students to the entire range of legal activity and not just with the formal requisites of appellate advocacy.

Each of these ongoing changes will contribute to the institution we call Northwestern University Law School. But the death of Professor MacChesney gives us all time to remember that while the law school operates in a structure, its greatness lies and will always lie in its professors and students, both past and present.

As all of us leave this room, we will carry our own memory of Brunson MacChesney. The image of him passing on his knowledge about the people represented in those portraits—people that, like Brunson MacChesney, are a part of Northwestern Law School—will always remain with me.

THE HONORABLE WALTER V. SCHAEPFER (Retired Associate Justice, Illinois Supreme Court): So much has been said, and said so well, that very little remains. Professor MacChesney and I began teach-
ing here at Northwestern in the fall of 1940. Dean Rahl was a student then, and so was former Dean Francis Allen from the University of Michigan Law School. There are others in this room who were there at that time.

The faculty was small in those days. There were only about a dozen of us. Perhaps that is why we were so very close. Indeed that early faculty was the most close-knit group with which I have ever been associated. And so I feel that what I say here today is probably pretty much what would be said by Dean Green, Dean Havighurst, Nat Nathanson, Bill Wirtz, Carl McGowan, and the others of Brunson’s early colleagues, although I shall not express myself so effectively as they would.

Brunson’s dominant characteristic was one that none of us could really hope to describe adequately. It was warmth—it was affection—it was love. It was demonstrated first in his relationship to his parents, and then later in his relationship to Ruth—and to Bruce and to Debbie. My last conversation with Brunson was full of Debbie’s impending wedding. And that quality extended, as most of you know, far beyond the immediate family circle.

I think the next most dominant characteristic in Brunson was his shyness. He lacked entirely any interest in self-aggrandizement. As you know he had received a most impressive list of honors in international fields. Yet close friends though we were, I had not known until after Brunson’s death that he had received the Legion of Honor from the government of France. It would not have occurred to him to tell me that.

Along with his shyness there was what I think is an unusually high degree of commitment to principle. It was demonstrated in many ways. Professor D’Amato mentioned his work at the time of the Bricker amendment. Dean Rahl in The Reporter recounted an episode at the height of the McCarthy era when we had a local McCarthy here in Illinois, who was known as Senator Broyles. These names, I am sure, are unfamiliar to many of you, but they were powerful, powerful names in those days. There was a group of bills, test-oath bills, known as the Broyles bills, that were pending in the Illinois legislature. Brunson went to Springfield, testified against them. They were defeated. There was opposition in the higher councils of the University—not, I think, in the Law School—to Brunson’s going there and to his testifying. That did not inhibit him.
On the professional side he was always on the frontier of the law. You have heard how it was that at the outset of his career, as Dean Rahl put it, he was one of that breed of young lawyers deeply interested in the rapidly expanding areas of federal domestic economic policy. I can’t refrain from saying that perhaps our law in that respect might be better if Brunson had stayed with his first love. In later years, however, he moved and lived professionally in a world that was removed from the ordinary pedestrian fields of law.

The transition came with World War II. Brunson had had a Naval Reserve commission from Yale as an undergraduate, and he was called to active duty at the outset of World War II. He was keenly disappointed when after having been recalled to active duty, he was rejected because of defective vision. It was then that he had his first-hand experience with foreign affairs.

He had manifested some interest earlier and had received a fellowship from the Carnegie Fund, but this was actual, this was on the equator in Dakar in 1942 and 1943, later in Algiers, and then still later in Paris. And from that time on, his primary interest lay in foreign affairs and in international law. His goal was to instill in his students some of his own desire to push back the frontiers of the law, push them further and further back.

FACULTY RESOLUTION

The death on March 9, 1978, of Brunson MacChesney, our friend and esteemed colleague of almost four decades, takes from Northwestern University School of Law a devoted professor and distinguished scholar. Our loss is shared by the international legal community which looked to Brunson MacChesney for leadership and wisdom. For his lasting contributions to the School of Law, especially in the field of international law and in the graduate studies program, we will remain eternally grateful. To his family and friends we extend our deepest sympathies.

—Adopted by the Faculty of Northwestern University School of Law, March 14, 1978.