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I PICTURE HIM sitting taking notes. At a conference. In my office. At a table in the Columbia Journalism School classroom that we shared for 23 years, during the segments when I was conducting the class. Always taking notes. He was a listener. A sponge absorbing whatever he saw or heard or read. No one has ever been as interested in what I was saying. No one. And I'm sure he made hundreds of other people experience that gratification. He wanted to know.

He absolutely loved to teach. Year after year the students could sense it. Very quickly each term his status as celebrity and role model took a back seat in the minds of our students to the urgency of the teaching project at hand. He asked much of them: difficult reading that none had bargained for in choosing to go to journalism school. Responsive answers to probing questions. Serious, detailed attention to the ethical obligations of reporters. Most of all, he asked our students to appreciate the importance of the career they had chosen and the responsibilities that follow from that importance. He was a demanding teacher, and the students loved him for it. His obvious passion for the subject brought out the best in them.

One demand he made on our students was to employ a broader frame of reference than that of narrow career self-interest or uncritical peer practice. It was not enough that they learn and celebrate the landmarks of free press law. Students were required to understand the struggles that led to those decisions and the historical lines of growth that they engendered. Nor was it assumed in our class that more press freedom is always a good thing. Tony was highly skeptical of claims by journalists for immunity from subpoenas, for example. He thought it was dangerous for the press to have legal privileges not possessed by other citizens because he believed that the power of the press depends on its solidarity with the citizenry, not its professional distinctiveness. He surprised students with his passionate call for them to honor the privacy of the subjects of their stories. He did not believe that the public's right to know is absolute or that competitive pressure is a defense to the accusation of invasion of privacy. He told students that they were not doing their job unless they frequently kept inessential embarrassing details out of stories on their own initiative, even when the law permitted including such titillating matter. During many class sessions, at Tony's insistence we spent as much time on the morality of publication as on the legality.

His breadth of vision is what set him apart, not only as a teacher but also as a front-line journalist. As is well known, he revolutionized reporting on the Supreme Court. Upon being given that beat by his Washington editor at *The New York Times*, James Reston, Tony quickly realized that he was covering a story of historic significance, the

ambitious effort of the Warren Court to interpret the grand ideals of American constitutional jurisprudence so as to make them applicable to many of the entrenched operational inequalities of American life. To understand *that* story, he concluded, his readers needed more than bloodless case descriptions or freestanding judicial soundbites. They needed historical context, portraits of the key players, and some appreciation of the competing philosophies involved. And they needed all of this in accessible prose cognizant of the legal complexities but not entangled in them. With the help of a year spent at Harvard Law School on a Nieman Fellowship, Tony undertook to serve that need. And serve it he did. In no small part due to his reporting, informed debate over the meaning of the Constitution became a part of the national conversation.

One of his most important contributions to that conversation was to raise to new heights the genre of the book-length case study. His book *Gideon's Trumpet*, about a landmark case that established the right of an impoverished criminal defendant to have a lawyer at the state's expense, combined riveting narrative detail with instructive legal explanation; it has never been out of print since it was first published in 1964. *Make No Law*, his 1991 book about *New York Times v. Sullivan*, which severely restricted defamation actions against critics of the conduct of public officials, is equally distinctive. Better than any other book I know, it deploys the case study format to convey a richly informative account of the history of the First Amendment from its inception.

One reason his daily reporting and his book-length case studies were so compelling is that he remained fascinated by the human dimension, even as he undertook to provide his readers with historical and intellectual perspective. His reporting of the Supreme Court was enriched by his knowledge of the Justices, born of the access he enjoyed by virtue of their high regard for his work. He was particularly well-acquainted with Justices Brennan, Black, and Frankfurter. Tony liked to tell the story of his being summoned to Justice Frankfurter's chambers one day to serve as the flak-catcher for the Justices's tirade at being accused in a *New York Times* editorial of writing an illiberal opinion. "They call *me* illiberal," Frankfurter snorted. "What do they know about 'liberal'? I'll show you what 'liberal' means." Whereupon Frankfurter dramatically marched over to his bookshelf, pulled a volume of the U.S. Reports, and thrust into Tony's face a passage from an opinion by Oliver Wendell Holmes in which he states: "[i]f there is any principle of the Constitution that more imperatively calls for attachment than any other it is the principle of free thought—not free thought for those who agree with us but freedom for the thought that we hate." "That," proclaimed Frankfurter, "is liberalism, and don't you or your newspaper forget it." Tony did not. Forty-six years later, he

entitled his final book, a magnificent introduction to the First Amendment, *Freedom for the Thought That We Hate*.

His breadth of vision served him well not only in his legal reporting but also when he served as chief of *The New York Times's* London bureau. In that assignment, he did not confine himself to political and diplomatic matters. He had no credentials whatsoever as a music critic, but his account of attending Mozart's opera *Così fan tutte* in the uniquely felicitous—and uniquely British—setting of the Glyndebourne Festival did more to capture what opera can achieve as an art form than any piece of music criticism I have encountered in my 50 years of opera-going. He was struck by the differences in how Americans and the British navigate their daily lives and made those differences a theme of his reporting.

For more than 30 years, his column appeared on the Op-Ed page of *The New York Times*. Adam Liptak's obituary of Tony in the *Times* says it best: "His voice was liberal, learned, conversational and direct." I would add two further qualities: versatile and persevering. I particularly admire his perseverance. He moved around a lot in his choice of topics and often surprised readers by the positions he took, but when the stakes were high enough, he was not ashamed to push his view relentlessly, predictably, and repeatedly. He did this about Apartheid, about the West Bank, and about threats to judicial independence. He picked his fights carefully but he could be a bulldog. Ironical detachment was not in his bones. He was a fighter—a fair-minded, sophisticated, patient, idealistic, courteous fighter but a fighter nonetheless.

He was a proud man, in the best possible way and for the right reason—because he cared. He was proud of his profession and his achievements as a journalist, but also those of his colleagues at the *Times* and elsewhere. He was proud of the gift he had for telling important, inspiring (or infuriating) stories in a way that reached and stayed with his readers. He was proud of his country, not least for its unusual system of judicially enforced and organically elaborated constitutional rights. He was proud of the heroes he found among ordinary people in the stories he covered. He was proud of his fine singing voice, which he sometimes put on display in our class whenever some Gilbert and Sullivan lyric could plausibly be linked to a point we were making. Most of all, he was proud of his wife Margie, the light and love of his life.

He was impressive. He was considerate. (I have never known a person so conscientious about answering mail and phone calls from strangers.) He was fun. He belonged to that very rare breed of persons who are so justifiably secure in their accomplishments and abilities as to feel no need to exaggerate or dwell on them.

I only wish he could have known how his death would evoke such a remarkable outpouring of affection and appreciation. He seems to symbolize for many a life well lived in the profession of journalism. That too is a story that needs to be told, and he told it himself by the legacy he left of how he went about his business, from the offices of the *Harvard Crimson* in the late '40s to the pages of the *New York Review of Books* over 60 years later, with all the years and places, events and columns—and notepads—in between.

Elected 2005

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