The Honorable Jose A. Cabranes, United States Court of Appeals for the Second Circuit

Jose A. Cabranes

Follow this and additional works at: https://digitalcommons.nyls.edu/nyls_law_review

Part of the State and Local Government Law Commons

Recommended Citation

This Article is brought to you for free and open access by DigitalCommons@NYLS. It has been accepted for inclusion in NYLS Law Review by an authorized editor of DigitalCommons@NYLS.
REMARKS AT THE FUNERAL OF W. BERNARD RICHLAND
August 18, 2003

THE HONORABLE JOSÉ A. CABRANES*

We all know the outlines of the extraordinary career of this immigrant from the poorest sections of Liverpool. Bernie used to say that “Liverpool was a great place to be from.” He was a sophisticated and well-read intellectual in the law who, amazingly enough, never formally studied law. He read for the Bar in the office of the great Judge Samuel Seabury, who was the civic conscience of New York in the 1920s and 1930s. As Bernie liked to say of himself, he was “not burdened by any degree, graduate or undergraduate.”

Let me pause briefly to comment on Bernie’s relationship to Judge Seabury. In Judge Seabury, Bernie found not only a mentor and friend, but also a hero — a model of rectitude and honesty in government. It has been said that much can be learned about a person by knowing and understanding his heroes. And so it is with Bernie Richland. For Seabury was Bernie’s hero, along with former New York City Mayor Fiorello H. LaGuardia.

Describing Seabury in the Columbia Law Review, Bernie would write in words which, in my view, reflected Bernie’s own view of the world and reflected also the way Bernie lived his own public life. Bernie wrote that, while in retrospect we might all chuckle over the exploits of the old-time Tammany Hall and its leaders, “[m]unicipal government [in the first third of the century] was unbelievably corrupt [,]” and for those who lived in New York City at that time “there was nothing amusing about the grubby and sinister characters who controlled the government.”

Bernie celebrated Seabury’s abhorrence of what Bernie called “corporate shenanigans,” and Seabury’s efforts to achieve municipal reform and justice for the underdog. He wrote glowingly of Seabury’s campaign against “the motley crew of corrupt and arrogant men who make a mockery of justice and government and personified ‘the insolence of office’” — a campaign that famously brought

* U.S. Court of Appeals Judge for the Second Circuit.
down Mayor Jimmy Walker and his Tammany sponsors and ended up introducing to city government, and to history, the luminous presence of Fiorello H. LaGuardia.

In simple but elegant prose, Bernie wrote that Seabury “had regard for the dignity of men, whatever their station.” All the decent values thus attributed to Seabury were reflected in the life and public service of Bernard Richland. Bernard Richland was the outstanding lawyer of his generation for the City of New York, serving many years as Chief of the Opinions and Legislation Division of the Corporation Counsel’s Office, as Corporation Counsel of the City of New York, and as counsel or adviser to countless state and local commissions, boards, and committees. He was a recognized authority on the law of state and local government. For more than three decades he played a key role in every major constitutional, legislative and legal controversy affecting the government and political structure of his adoptive city. Every change in the New York City Charter for three to four decades bore the imprint of Bernie’s legal learning and judgment.

Fighting for the city he loved, Bernie won many battles — to save Grand Central Station, for example. And he lost some, such as the battle, after he was out of city government, to save the historic upper house of the city government, the Board of Estimate. I have to say that, win or lose, in these battles Bernie was not only usually right, but always on the side of good and honest government and on the side of protecting and enhancing the role of the poorest and most marginalized New Yorkers, and those who were newly-arrived and therefore the most vulnerable.

Since each of us knew Bernie in our own way, perhaps I will be forgiven for commenting in particular on my own relationship with Bernie Richland. I had my first contact with Bernie as a result of the friendship of my father with Bernie’s great friend and law partner, Paul O’Dwyer — one of the great crusaders of New York politics during the second half of the Twentieth Century. In the early 1960s, while I was a student at Yale Law School, Paul and Bernie wrote to me to let me know of their work on a voting rights case that they were bringing, well before the federal Voting Rights Act, on behalf of Spanish-speaking New Yorkers, at that time almost exclusively Puerto Ricans. They sent me drafts of their briefs, which
(as best I can recall) I merely read. Bernie, as usual overly generous to friends, later would claim that I had worked with him and Paul on the case.

I had always been interested in government and politics, so in 1968, after I returned to New York from two years of study in England, Bernie recruited me to work in Paul O’Dwyer’s campaign for the U.S. Senate. Ever after, we were the closest of friends. He was then fifty-eight and I was twenty-six. My parents having returned to Puerto Rico, Bernie became a parental figure, guiding me through the public life of the city.

Bernie and I spoke endlessly about Britain as well as immigration, world affairs, politics and the law. I loved his stories about growing up in a struggling and proudly Jewish family in Liverpool, especially the stories about the brother who was a Commonwealth boxing champion and who was so often pleased to respond to anti-Semitic wisecracks with his formidable fists.

My modest familiarity with Yiddishkeit was, as usual, wildly and fondly exaggerated by Bernie, who referred to me as “a Yiddish-speaking Puerto Rican.” This, in Bernie’s view, was as it should be in New York — indeed, it was in the LaGuardia tradition — and Bernie, ever the optimist and enthusiast where his friends were concerned, was sure that this augured well for my political future.

Bernie’s ambitions for me, I must confess, far exceeded any reasonable assessment of my abilities or my reach — or, indeed, my own reasonable aspirations. But his confidence and support, and his affection, never failed to encourage me or bolster my confidence.

This all-too-generous support led Bernie, on one occasion in the late 1960s, to bestow on me, in private conversation, the greatest compliment that I have ever been paid, which I treasure still. Understandably viewing the world through the prism of his immigrant and Jewish experiences, Bernie told me that I would, or should, become “the Puerto Rican Stephen Wise.”

I did not understand how the life of the great rabbi and leader of American Reform Judaism could possibly be relevant to me or to my fellow Puerto Ricans. Bernie calmly explained: Newly-arrived immigrant groups are invariably a blur, and incomprehensible, to politicians and leaders outside the group; as the years go by, mem-
bers of the emerging immigrant group will become candidates for recognition in one form or another; it was the responsibility of the first members of the immigrant group to achieve success in establishment institutions to serve as helpful intermediaries between their people and that establishment. In the early twentieth century, Bernie explained, Rabbi Wise was “the go-to person,” the person to whom non-Jewish leaders went for character references regarding an aspiring Jew.

Rabbi Wise, Bernie claimed, would either know the person, or know how to find out about him, and Wise would always have in mind the good of the whole Jewish community — he would always know when and how to avoid a shanda to the Jews. The idea of serving on a kind of Puerto Rican Sanhedrin, however flattering, knocked me for a loop. I knew that I had reached the limits of anyone’s hopes for me, and I was overwhelmed by an ambition that I could not possibly achieve.

But this did not stop Bernie from operating on his view of the matter. Especially during the Beame administration, and with the highest possible motives, he would call me repeatedly to check out one or another Puerto Rican candidate for political appointment, and I would try to be helpful to him.

Once, Bernie called me in Washington, where I was spending a couple of years representing the Government of Puerto Rico. He told me that a Puerto Rican lawyer in New York was seeking from the Mayor an appointment to the bench. What did I know about him? What did I think of him?

I told him I knew the man, that he was well-educated and that he was a fine lawyer and a person of good character — in other words, he would be “good for the Puerto Ricans” as well as the larger community.

Bernie then told me that the lawyer was unlikely to get the appointment because he did not have the endorsement of certain influential Puerto Rican district leaders, who were blocking his appointment in the absence of consideration that the candidate would not offer. Would I come to New York and visit Mayor Beame and vouch for the lawyer? He would set up the appointment.

So, with an appreciation of the spirit of good and clean government that animated all of Bernie Richland’s public life, I flew to
New York to meet with Mayor Beame at City Hall. My assignment was to assure the Mayor that, if he appointed this lawyer, he would be doing a favor not only to the Puerto Rican community, but also to the City of New York and the Beame administration.

At City Hall, Mayor Beame greeted me with great courtesy and invited me to comment on this candidate for appointment. He heard me out in virtual silence. At the end of the conversation the Mayor, who was famously cautious and discreet, simply told me that he would indeed appoint the lawyer. I have little doubt that Abe Beame shared the worldview of his longtime friend in city government, and his fellow Jewish immigrant from England.

So it is that Bernie Richland succeeded, at long last, in making me, for at least a moment in time, “the Puerto Rican Stephen Wise.”

Bernie had several great love affairs in his life: Uppermost, of course, was his open, unabashed love of Pauline, his two daughters and grandchildren, in whom he took the greatest pride, and his companion of later years, Barbara Carroll Weiler. His other love affairs were the law, the City of New York and the United States of America. He had broken free of the bonds of the English class system by coming to America at the age of sixteen, and by dint of his energy, intelligence and perseverance he had led a life of accomplishment and distinction in the city and the country he loved most. He had little regard for the class-ridden society he had left behind; indeed, in an article in the Harvard Law Record, Bernie had even poked fun of the English Bar, “and the reverence with which that [B]ar is regarded by American lawyers.”

So Bernie would surely be startled to hear me express the thought that, even in the relatively limited and closed society of early Twentieth Century Britain, a person of his energy and intelligence would have achieved great things.

I imagine Bernie rising through the ranks of the civic and political organizations representing the interests of those breaking down Britain’s class barriers, and ending his career as one of the famous knights or peers drawn from their ranks or from intellectual circles — like the labor leaders Herbert Morrison (later Lord Morrison of Lambeth) and Emmanuel (“Manny”) Shinwell (later Lord
Shinwell), or the scientist and government adviser Sir Solly Zucker-
man (later Lord Zuckerman of Burhan Thorpe).

Bernie once told the New York press that, “My mother was a
Cockney but she always thought she was an aristocrat. She found
out names didn’t cost anything, so she gave us all fancy ones.” So, as
Bernie’s mother understood, Bernie had a name fit for recognition
and preferment in Britain. The first name he hid for years was “Wil-
fred.” In Britain he surely would have ended his years as “Sir Wil-
fred Richland” or “Lord Richland of Liverpool.” And he would have
laughed his great laugh to no end at the mere thought of it. But
why not? After all, for me as for others, Bernie was always a knight
in shining armor.