

IN MEMORIAM

Eugene V. Rostow '37, the Sterling Professor Emeritus of Law and Public Affairs and former dean of Yale Law School, died on November 25, 2002, at the age of 89.

Rostow was born in Brooklyn, New York, and raised in New Haven. He attended Yale College, graduating Phi Beta Kappa at age nineteen in 1933, and then studied economics at Kings College, Cambridge. He then returned to the United States and to Yale, graduating from Yale Law School in 1937.

After working at the New York law firm of Cravath, deGersdorff, Swaine & Wood, Rostow joined the Yale Law School faculty in 1938 and became a full professor in 1944. During World War II, he served in the Lend Lease Administration, overseeing the provision of supplies to American allies. Rostow became dean of Yale Law School in 1955 and served in that capacity until 1965.

During his tenure as dean, the distinguished faculty more than doubled in size, and the curriculum was transformed to be more

interdisciplinary and to offer an experience analogous to law journal work to all students.

After his deanship, Rostow returned to government service as Undersecretary of State for Political Affairs from 1966 to 1969. He was the third-highest ranking official in Lyndon Johnson's State Department and became well known for his defense of America's policy in Vietnam.

Returning to Yale Law School in 1969, he focused on issues of international security and disarmament. He advocated building up America's defense forces and was a founding member of the Committee on the Present Danger. In 1981, he was appointed by President Ronald Reagan to direct the Arms Control and Disarmament Agency, making him the highest-ranking Democrat in the Reagan administration.

Rostow became Sterling Professor Emeritus of Law and Public Affairs in 1984.

In Memoriam: Dean Eugene V. Rostow

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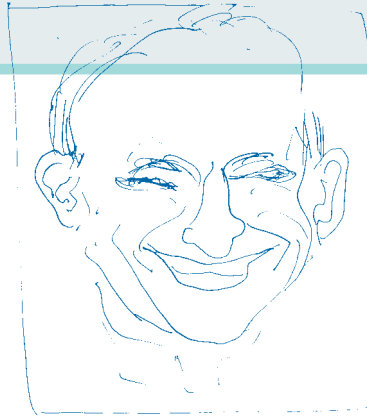
When I first met Eugene V. Rostow, he towered over me. He was Dean of Yale Law School and I was six years old. At the time, I had heard of only three Deans: Dean Martin, Dean Rusk, and Dean Rostow. Somehow, I knew that the last was the most distinguished.

Fate brought us to see him. My late father, Dr. Kwang Lim Koh, had served as Minister to the United States for the first democratically elected government in South Korea. In 1961, a military coup overthrew my father's government, and the deposed prime minister was taken into house arrest amid rumors that he would be executed. My parents brought the prime minister's teenaged son to

see Walt W. Rostow, then Deputy National Security Adviser. Rostow listened, turned to the boy, and said simply, "We know where your father is. Let me assure you, he will not be harmed." Rostow's words stunned my father, who simply could not believe that any country could have such global power and reach. The story so impressed my parents that they repeated it on countless occasions as I grew up, as proof of the goodness of American power.

Soon thereafter, Walt Rostow called his brother, Gene, and asked if there was a place for our family at Yale Law School. And so it was—through the humanity of these two great brothers—that my family moved to New Haven. For three years, my parents taught a course on East Asian Law and Society at the school where my sister, Jean Koh Peters, and I are now professors.





When I met Dean Rostow, he was standing in our modest living room as our most distinguished dinner guest. He exuded the class and easy grace of a man comfortable with power. He reminded me more than a bit of Rex Harrison in *My Fair Lady*. Eyes twinkling over his half glasses, he shook hands heartily with my brothers and me: Howard Kyongju Koh, Edward Tongju Koh, Harold Hongju Koh, Richard Jongju Koh. Hearing our names, he recalled how his own parents had named their sons Ralph Waldo Emerson Rostow, Eugene V. Debs Rostow, and Walt Whitman Rostow. “To remind us to be greater than ourselves,” he smiled. That night we met his lovely wife Edna, and played with Jessica, Victor, and Nick, a Yale Law graduate ('82) who is now Counselor to the U.S. Ambassador to the United Nations.

The next time I spoke to Dean Rostow, he advised me on the differences between fellowships at Oxford and Cambridge. As dapper as ever, in a vest graced by a watch chain, he said, “Right now, it really doesn’t matter which one you choose.” He paused for effect. Those eyes twinkled again. “What does matter is where you go to Law School.” It was almost a decade later when I finally went to see him in Washington to say I was coming to teach at Yale. Again, that twinkle. “You see,” he said, “we are an equal opportunity employer. Every once in awhile, we do hire lawyers from Harvard.”

Only after I started teaching at Yale did I realize how much Dean Rostow had made the modern law school. As a young dean, he had boldly hired a dozen untested faculty and told them to change the face of legal scholarship. “My flag flies on you,” he told them. As a young professor, I finally read his powerful 1945 critique of the Japanese-American cases in *The Yale Law Journal*. I was inspired that so courtly a man had the courage to say in print that “war is too serious a business to be left to generals” and that the Supreme Court had authored “a disaster.” “The course of action which we undertook,” he wrote, “was in no way required or justified by the circumstances of the war. It was calculated to produce both individual injustice and deep-seated social maladjust-

ments of a cumulative and sinister kind.” In the end, Dean Rostow said, the commanding general’s decision rested not on factual findings, but on “ignorant race prejudice.” His article demolished the assumptions underlying the Japanese internment: that protective custody based on political opinion is a permissible form of

imprisonment, that members of an ethnic group may be presumed to possess ideas so dangerous as to justify their imprisonment, and that in times of war or national emergency, the military may decide what political ideas and ethnic groups justify imprisonment, without regard to the Bill of Rights. As I turned the last page, I called Dean Rostow at home and thanked him for writing the article. “It’s still my

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best work,” he chuckled. “No need for thanks. It just needed saying, that’s all.”

When I was nominated to be Assistant Secretary of State, someone told me, “I don’t think we’ve had any Yale professors down here at State since the Rostow brothers.” During my confirmation, Nick Rostow, a staunch Republican, called and advised me how to survive the process. “No need for thanks,” he said as he signed off, sounding like his father. “Blood is thicker than water, you know.”

Rushing to teach my morning class last November, I opened *The New York Times* and found Dean Rostow’s obituary. As I walked to the Law School, I thought of how much he had done for my family, for Yale, for the nation. As I began my lecture, I suddenly realized I was standing under Dean Rostow’s portrait. I looked up again at the man who had reminded us to be greater than ourselves. He sits, resplendent and regal in academic robes, with that twinkle I remember. It must have been painted around the time I first met him.

I paused and asked the class, “Do you know who this man is, and why he is so important?” And when they shook their heads, I told them Dean Rostow’s story. I told them about his courage, his humanity, and his vision. It just needed saying, that’s all. ∞