

THOMAS M. FRANCK

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Tom was born on Bastille Day, 1931. This was most fitting in two contrasting senses. First, the events of that day in 1789 were a manifestation of the universal thirst for liberty and equality that all men and women share. Tom believed in these values to his core. On the other hand, he thoroughly rejected the violence that increasingly marked the French Revolution. He was a man of reason, learning, and reflection. Another, more contemporary, issue was in the air when Tom was born. Before long, Franklin Roosevelt was elected president of the United States and Adolph Hitler was elected Chancellor of Germany. The tragic events of the next decade and beyond made Tom's choice of career in international law and relations particularly apt and important.

Tom was my first close friend on the NYU faculty. We met in December 1960, just after I was appointed; Tom had been teaching at the Law School since September. We were both single on a faculty most of whose younger members were married, so we naturally gravitated to one another for the occasional meal and conversation. It was clear to me from the start that Tom was an exceptional person—highly intelligent, well-informed, thoughtful, and witty. I later learned how gentle and kind he was.

My strong sense of him soon received what was to me an impressive endorsement. One evening, about a year after I joined the faculty, I invited a few people to drop by my apartment on Washington Place. Tom was there, and so was Roger Baldwin, the principal organizer of the American Civil Liberties Union (ACLU) in 1919 and 1920 (I had already begun my work with the ACLU). The conversation was far-ranging and at times intense. When I next saw Roger, he asked me “who the smart fellow was” at my little party. I said, “Roger, they were all smart,” and he answered, “I mean the man with the mustache.” Roger soon recruited Tom to do some work with the ACLU, and they became friends. Tom and I were about thirty at the time and Roger was almost seventy-eight, the same age at which Tom died. I regarded Roger as an old man then, despite his great energy. I never, to his dying day, regarded Tom as old.

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Shortly thereafter, Dean Russell Niles appointed Tom to head a new Center on International Studies. In that post Tom shone in every way—as scholar, teacher, mentor and, later, as advocate at the United Nations and the International Court of Justice and, still later, as an ad hoc judge of the International Court. In the course of time, he became a renowned figure in international law, and, among many distinctions, he was elected president of the American Society of International Law and editor-in-chief (for almost ten years) of the *American Journal of International Law*. Our interests intersected when, in 1968, Tom produced one of the earliest casebooks on comparative constitutional law,¹ which remains a valuable resource in a rapidly expanding field. Tom demanded quality in his own work, and he had high expectations for his colleagues. Thus, he was the obvious choice to present the principal paper at what I believe was the first in a series of faculty workshops at the Law School instituted by younger faculty members for a brief period in the 1960s.

Tom had a powerful influence on the Law School. He played a major role in the transformation of NYU from a good regional school to the world-class institution it is today. And in his own field, in addition to his stellar work, he (later joined by Andy Lowenfeld and Ted Meron) raised what in the early 1960s was a mediocre program in international law to one of the top two or three in the country, perhaps the best. This of course redounded to the general reputation of the Law School and its day-to-day academic vitality, and it also enriched the professional and personal lives of his colleagues and generations of students.

There were many other ways in which Tom made a difference at the Law School. In the mid-1960s, there was a long and bitter conflict among the faculty over whether NYU would be content to remain in its modest niche or aspire to the top rung of law schools. Tom unhesitatingly joined the more ambitious group and, in the process, showed himself to be a principled and shrewd strategist, and he helped to forge a positive outcome. Tom also served on both the Academic and Global Personnel Committees. Nobody had higher standards, and, after the inevitable differences over particular appointments were resolved, he was a model of the modest winner and graceful loser. He also served with distinction on the committee that planned the Hauser Global Law School Program. Recently, his recommendations were instrumental in the University's decision to award honorary degrees to two distinguished law school graduates,

¹ THOMAS M. FRANCK, *COMPARATIVE CONSTITUTIONAL PROCESS: CASES AND MATERIALS* (1968).

Judge Tom Buergenthal of the International Court of Justice and Mohamed ElBaradei, longtime Director General of the International Atomic Energy Agency.

My wife and I spent much memorable time with Tom—music, rural jaunts, vigorous discussions at his periodic dinners for an eclectic crowd, and personal discovery. In recent years, we were joined by his spouse, Martin Daly, a wonderful and multi-faceted man who greatly enriched Tom's life. There are few things that made Harriette and me prouder than Tom's decision to dedicate one of his last books to us. How many times have I thought with regret when an old friend of mine has passed away, "Why didn't I spend more time with him?" I have never felt that more acutely than when Tom died in May. He cannot be replaced at the Law School or in our lives.