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# HENRY P. BRANDIS, JR.

W.B. AYCOCK

In 1945, when I began the study of law, the only thing I knew about Professor Brandis was that he had just rejoined the law faculty after serving in World War II as a Lieutenant Commander in the Navy on the U.S.S. Texas in the Pacific.

I did not know that he left his home in Salisbury at the age of 15 to enroll at Carolina; or that he was inducted into Phi Beta Kappa at the age of 18; or that he graduated at the age of 19; or that he first studied law here before going to Columbia University to earn a law degree at the age of 21.

I was unaware that he practiced law in New York for two years before returning home to become the first full-time member of the staff of the Institute of Government. I had not yet learned that he told Albert Coates in 1933: "For two years [in New York] I have not heard the question raised as to whether it is morally right to break a contract, but only what will it cost." I had not been informed that after three years with the Institute, he worked in Raleigh as Executive Secretary of the North Carolina Tax Classification Commission and then as Chief of the Research Division of the North Carolina Department of Revenue.

In 1940, Brandis became the youngest member of the UNC Law Faculty. As his student, I quickly discerned that the dimensions of Professor Brandis were deeper than I could plumb and wider than I could envision.

After I became his colleague, and he became my dean and my friend and neighbor, he continued to be my mentor.

Excepting Martha Louise, Hank and Frances, his sister, I have been the greatest beneficiary of the wisdom and character of Henry Brandis.

He was the first person I knew who could, in a single draft, write a polished speech, or a law review article or an arbitration opinion or compose a poem. (I am still waiting to meet the second such person.) I have for more than four decades benefitted from his editing skills, his insight, and his judgment, and most of all, the strength of his character.

He lived among us with a quiet natural dignity except when the freedom and integrity of the University were at stake. He knew that truth did not travel on the wings of rumor. He detonated slow moving half-truths by insisting on the production of credible evidence. He was like one of the John Steinbeck's characters who had "a fine steel wire of truthfulness in him that cut off the heads of fast travelling lies."

Henry resigned from the Chapel Hill School Board because he thought the application of a Black child to enroll in a then White school was wrongfully rejected. He gave the people of Chapel Hill an "accounting" for his action. In part he said:

As a man undertakes to find an enlightened way through the smokes and smudges of the high controversies of his time, he increasingly perceives that his hardest task of life is to live with himself. The penalties inherent in taking action strongly disapproved by others whom he respects become less frightening than the penalty inherent in living with the knowledge that at a time of critically significant decision, he lacked the fortitude to do what he knew in his heart was right. When, after being tested by the most objective standards a man can bring to bear, the mandate of conscience lies still sufficiently strong and heavy, it should be heeded. Long personal experience with my foibles and few strengths convinces me that there is far greater likelihood that a man will fail his conscience than that his conscience will fail the man.

In 1963 Henry drafted a resolution for the Faculty Council concerning the Speaker Ban Law. It was adopted. I quote a paragraph of the Resolution which was adopted.

Political tampering with the educational process can, over a relatively brief period, drastically lower the quality of the higher education affected. Legislative censorship, once begun, carries an invidious threat of future proscriptions, and inevitably stirs fears in the minds of both faculty and students that expression of unpopular sentiments may produce reprisals against them. . . . It is an inescapable fact that any legislative curtailment of free expression on a campus is a black mark against the institution in the eyes of the overwhelming majority of the best university teachers in America—teachers who are nevertheless, anticommunist by strong intellectual conviction.

Whether in a meeting of the School Board, or the Faculty Council or the Association of American Law Schools, or the Executive Council of the World Federalists, or the Lawyers Committee on Civil Rights, or a Bar Association, or as Special Assistant to Dr. Frank Graham who was a member of the Committee of Good Offices to Indonesia, he made profound contributions by utilizing his precise mind for the betterment of mankind.

In 1964, Henry received the Thomas Jefferson Award because he was "that member of the academic community who through personal influence and performance of his duties exhibited the highest example of personal and scholarly integrity."

Five years later, he was chosen for the O. Max Gardner Award because he was "an articulate spokesman for freedom and justice under law." Upon receiving this award, Henry responded:

Refraining from violence, striving for justice, embracing tolerance, manifesting common decency—these are the true essentials for the greater welfare of the human race.

Catawba College, located in the town of his boyhood, and his alma mater in Chapel Hill bestowed on him an Honorary Degree of Doctor of Laws. More recently, Paul Johnston, a former student, endowed the Henry Brandis Distinguished Professorship in the Law School.

In 1968 Albert Coates wrote:

Twenty years ago I said that Henry Brandis was as fine a combination of brains, character, and personality as I had taught in twenty years of teaching. After forty years of teaching I repeat that statement now in tribute to the man who was once my student, later my colleague, then my dean, and always my superior.

Henry was sensitive about birds, flowers, trees and all of nature. But more than any other—he was a scientist of the human spirit. He did not fail his conscience and his conscience did not fail him. In matters fundamental, I have been strengthened because of the values I “caught” from him.

In closing I need to borrow a few lines from a long poem he composed in 1978 for his 50th reunion class.

As relentless bells keep tolling  
for the years that won't stop rolling,  
We yet maintain a calm and lofty tone.

These words remind me that advancing years do not eliminate the necessity in a troubled world to make hard choices. Henceforth, as in the past, I shall instinctively wonder if a choice I make would pass muster with my friend, Henry Brandis. For me—his life has now become a priceless heritage.

