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In Memoriam

**Steven M. Block
1951 - 1984**

The Editors and Staff of the Law and Inequality Journal dedicate Volume III to the memory of Professor Steven M. Block. Professor Block joined the Minnesota law faculty in the fall of 1983. He died on October 21, 1984 in Minneapolis at the age of thirty-three. Professor Block was our teacher and our friend. We all miss him.

Professor Block grew up in Seattle, Washington. He attended the University of California at Berkeley, graduating in 1973 with great distinction. He obtained his law degree at Stanford Law School, where he was a member of the Order of the Coif. After clerking for the Honorable Robert F. Peckham, Chief Judge of the United States District Court for the Northern District of California, he joined the San Francisco law firm of Heller, Ehrman, White and McAuliffe.

Professor Block served on the Board of Directors of the American Civil Liberties Union of Northern California. He was known for his work on gay rights, and on privacy law.

The following are some of the statements read at the University of Minnesota Law School Memorial Service for Professor Block, November 2, 1984.

Professor Block: A Friend

My name is Becky Eisenberg. I'm a friend of Steve's from San Francisco. I recently moved to the Midwest and it's a great comfort to me to be able to share with all of you in this memorial service to Steve. In the last week and a half before Steve's death I participated in a telephone vigil with other friends of Steve's across the country, and Steve's parents here in Minneapolis, and I think I speak for all of us in expressing our heartfelt thanks to all of you here for the love and attention you gave to Steve during his final days, and also for the honor that you pay him in being here today. As I look out at all of you I have this impulse to wake Steve up and say, "look, there's standing room only!"

Steve and I spent a year after law school clerking for Chief Judge Robert F. Peckham of the United States District Court for the Northern District of California. Judge Peckham thought the world of Steve, and when he heard of his death, delivered a very moving eulogy from the bench in his courtroom. He sent a transcript of the eulogy to all his former law clerks, and I'd like to read portions of it to all of you today.

I received a profoundly sad message just before taking the bench. Steven Block, my friend and former law clerk, passed away yesterday.

. . .

He was a magnificent law clerk. He was analytical, brilliant, creative, and had great depth. He was absolutely charming with a great sense of humor. We all grew very fond of him. He was, I can say unhesitatingly, one of the favorites of my staff and of me.

. . .

We are truly without words to express our loss. It is not only the personal deprivation—the knowledge that we will not see Steve anymore and be stimulated by his comments about developments within the profession and within society and have our burdens lightened by his wit and his expressions of joy about his own activities and explorations—it is the realization that he will not continue to make the great contributions that we all knew he was beginning to make. It is all those students who will not benefit from being exposed to his teaching. It is the members of the profession who will not be reading the erudite, creative articles that he would have written. It is those clients whose causes would have benefitted from his able, vigorous advocacy. We can be grateful we were the lucky ones for we knew

Steve, albeit too briefly, and were forever enriched by the association.

Our heart goes out to his mother and his father and to his brother. They were with him in Minnesota during the last days. And to his colleagues, past and present, and to his many friends, we extend our sympathy as well.

It is accordingly ordered that the United States District Court for the Northern District of California be adjourned at the close of business in memory of Steven Block, a distinguished member of the bar of this court.

I first met Steve just about five years ago when I was a couple of months into my clerkship for Judge Peckham. One morning the Judge's secretary announced that someone she referred to as "the Little Rat" was coming in that day to have lunch with the Judge. My co-clerk and I stared blankly at each other while the Judge's permanent staff dissolved in laughter. We asked who was this little rat, and how had he earned such an epithet. They told us the following anecdote:

Several years earlier, at a time when Judge Peckham's caseload was particularly heavy, the Judge had complained to his staff that work just didn't seem to be getting done fast enough. The plain implication was that the staff ought to do something about the situation. One of the Judge's law clerks responded by quietly gathering information and compiling a chart. The chart showed, for each matter that came to the Judge for decision, the date when the briefs were received, the date when oral argument was held and the matter submitted to the court, the date when the law clerk responsible for the case prepared a draft memorandum and order and gave it to the Judge's secretary for typing, the date when the typed memorandum and order were placed on the Judge's desk for his review and signature, and the date when the Judge signed the order. The numbers unambiguously indicated that the major bottleneck occurred at the stage where the matter was sitting on the Judge's desk awaiting his decision and signature. After carefully compiling this information over a period of months, the law clerk presented the chart to the Judge. The Judge examined the document thoughtfully, stroking his chin, and saying "um-hum, um-hum." Finally, he peered over the top of his glasses, looked at the law clerk, who as you may have guessed, was Steve, and said, "Well, you little rat!"

The name stuck, in certain circles, as a term of endearment.

I love that story. For me it captures the essence of Steve's

personality. On the surface, the story shows the uppity reverence and wry sense of humor that are so characteristic of Steve. But what makes it such a remarkable vignette for me is not the irreverence, but that the irreverence was neither intended nor understood as a sign of disrespect. Quite the contrary, Steve was showing his fundamental respect for the Judge in his own way—not through obsequiousness, but through honesty.

Steve placed a very high value on honesty, even when it didn't come easily. Sometimes he told me things I didn't want to hear. Sometimes he forced me to reexamine what I was saying when I thought I was telling the truth. It took me a while to get used to Steve's honesty, but it proved to be a powerful bond in our friendship over the years.

But in a sense our communication was incomplete. We were quicker to express our aggravation with each other than we were to express the mutual affection I know we both felt. After Steve moved to Minneapolis we kept in touch primarily by telephone, talking to each other for maybe half an hour a week. We've talked about everything significant happening in our lives for the past five years. And yet it wasn't until he was dying that I told him how important those conversations were to me. Now that he's gone, I find myself wishing that I had been more open with Steve about how much his friendship meant to me. But in the end I think he knew. Our friendship didn't arise from a statement made on any particular occasion, but from a pattern of communication over the years, by which we became well acquainted, and from which neither of us ever chose to withdraw.

The legacy that I take from my friendship with Steve is perhaps the greatest gift that a friend can give. I believe he knew me well, and I believe he loved me.

Thank you very much and God bless you all.

Rebecca Eisenberg
Professor
University of Michigan
Law School

Professor Block: A Colleague

I am not accustomed to dealing with death, especially death at thirty-three. I am not sure what to think about it, or where to turn for solace or understanding. I have come to the conclusion that all we are is what we do and the memories we leave with our friends and loved ones. So that the contemplation of death, especially the death of a friend, leads me, at least, to contemplate the life and the memories of that friend, because there he is still alive, despite the terrible finality of his passing.

Steve will be remembered for his keen observation of people and events around him and for his incisive wit. I think that he would like to be remembered for his trenchant discussions of contemporary mores. It was his insight into the complex motivations of people and institutions which most distinguished him and, I think, both led and grew out of his commitment to preserving a sphere of privacy for individuals.

I believe that he thought of privacy as our first liberty, a place from which both government and private inquisitors could be barred, and that to do without privacy is to risk sacrificing those things which make us truly individual. It is ironic, then, that it was his commitment to preserving as wide a sphere of personal privacy as possible that animated his public life. It was this commitment which triggered his dedication of time and personal resources to *pro bono* litigation on behalf of the American Civil Liberties Union and Gay Rights organizations while in practice and his continuing participation in such matters after he came into teaching. It is reflected in the privacy seminar he was teaching this semester.

His beliefs led to conflicts, but he did not shy away from those conflicts. He and I, while we enjoyed many pleasant times, were also able to disagree with one another, sometimes heatedly, and out of our discussions he taught me much. His thoughtful and committed defenses of his positions generated respect and affections. I will miss him—as will my colleagues—for the political and intellectual collegiality that we all shared. Mostly, though, I will miss him for who he was, words cannot capture that true human fullness. If you knew him you would understand and miss him too.

Gerald Torres
Professor
University of Minnesota
Law School

Professor Block: A Tribute

Lesbian and gay law students would like to pay tribute to Steve Block through the following statement.

Each of us knew Steve on a different level; some knew him as a friend, some knew him as a teacher. Regardless of how we knew him, each of us has felt his death as a personal loss.

For lesbian and gay students, the law school is oppressive and silencing. Steve Block's presence and openness created a safe space for us. He was a friend, a spokesperson, and an advocate. Steve was proud to be a gay man. He did not deny who he was. He tested the waters and came out to the small Twin Cities gay and lesbian legal community, to individual students and professors, to the Dean, then to the entire faculty. That enabled him to represent himself with integrity, and to be a role model. Steve was tireless in his political and scholarly efforts in the areas of civil liberties and civil rights. He concerned himself with areas of scholarship research and litigation that others chose not to pursue.

In the classroom he tried to confront racism and sexism which so often goes unchallenged. For example, during a case discussion in his Corporations class last year, Steve and members of the class referred to the plaintiff as a "befuddled widow." When a student objected to this characterization as sexist and ageist, Steve accepted responsibility for perpetrating such stereotypes, apologized, and went on to talk about why this was oppressive. This is only one example of the advocacy and politics that he brought to all of his work. Steve showed everyone that it was possible to be openly gay or lesbian and successfully function in the legal community.

Having experienced what the law school felt like with Steve here, we hope that that atmosphere will not become a mere memory. To maintain awareness and sensitivity to the issues will take an effort on everyone's part. It won't just happen. To do justice to our memory of Steve we must work to make it happen.

Steve's death is especially hard for us because he died of Acquired Immune Deficiency Syndrome (AIDS). AIDS is a disease that has afflicted the gay community and continues to rob us of people like Steve. It is a hard topic for us to talk about and we sense it is difficult for the law school to talk about it; it is important, however, not to silence this issue.

AIDS has afflicted thousands of young, strong, productive people from all areas of life. Since AIDS was first recognized in 1981, there have been over 6,000 diagnosed cases and there are more every day. Almost 3,000 people have died and the others

continue to suffer without hope of a cure. Despite the numbers involved, society refuses to acknowledge that AIDS is affecting so many and affecting them so horribly. Society has not confronted the fear and that has led to increased homophobia.

We need to acknowledge that AIDS exists and that we fear it. We must make an effort to find a cure for AIDS. Finding a cure for AIDS obviously will not change the fact that Steve is dead, but it will end the horrors of AIDS for so many others. Thus, we come here today and ask each of you to remember Steve by contributing to AIDS research. This is one way we can let the memory of Steve's death move us to positive action.

We, as lesbian and gay law students, are afraid. Steve's presence in this school allowed us to feel safe about being open and allowed us to believe that we could be openly lesbian and gay *and* successfully function in the legal community. We are afraid that now that Steve is gone, people will stop challenging your stereotypes, people will no longer try to be sensitive to gay and lesbian issues. We hope that this will not happen but the fear remains. In a world that wants to deny our very existence, Steve fought for our rights and brought honor to this school. We hope that the school will now honor him.

Gay and Lesbian Law Students
University of Minnesota

