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Remarks

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REMARKS

JEFFREY ROBBINS*

I met Ralph shortly after I joined the United States Attorney's Office in Boston in 1987 as an Assistant U.S. Attorney. Ralph was a hot-shot public corruption prosecutor in the office who, at the time, was preparing to try a quite significant police corruption case, as my memory serves. By dispiritingly sharp contrast, I, a recently minted AUSA in the office's Civil Division, was preparing to try a Federal Tort Claims Act case on behalf of the General Services Administration, which angrily maintained that it had not—emphasize *not*—been negligent when a visitor to the GSA's Federal Archives in Waltham, Massachusetts slipped on a wet spot near the sink in a ladies' room after washing her hands, injuring her knee. Ralph was preparing to demonstrate to a jury that there was corruption in the Boston Police Department, a matter of great public import. I was preparing to demonstrate that the wet spot on which the woman had slipped was simply the result of normal, unavoidable water splash or, in the alternative, that any negligence was her own, because even though she had had her knee replaced, she had chosen of her own volition to wear rubber thongs on her feet rather than sneakers or shoes when visiting the Federal Archives.

So, there was a certain disparity in our relative significance to the operation of the United States Attorney's Office, and it would not have been unnatural or, for that matter, unreasonable, had Ralph treated me, the recent arrival relegated to arguing "The Thong Defense" on behalf of the United States of America, with some coolness, and some distance, if not a sense of superiority.

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But neither coolness nor distance was part of Ralph's DNA, and feeling superior to other people was altogether foreign to him as far as I could see then, or in the thirty-three years that followed. And double Harvard degrees and *magna cum laude* this and *summa cum laude* that and the series of distinguished appointments in recognition of his stand-out gifts did not change that. He was kindly and self-effacing then, and kindly and self-effacing he remained.

But kindly and self-effacing with a triple dose of visceral, instinctive and profound identification with the underdog, with the excluded, with the luckless, with the hurting—with those in need of care. One thinks of Edward M. Kennedy's eulogy of his brother Robert, that he was "a good and decent man, who saw wrong and tried to right it, saw suffering and tried to heal it."¹ Ralph's son Michael remembered that his father was always trying to fix things, by which he meant not appliances, I believe, but instead peoples' hurt, peoples' pain, peoples' dilemmas.

And that was true of Ralph not only as a jurist, but as a human being. Most of us know that it is the all-too-rare individual who asks questions about others. On the walks along the Minuteman Path in Lexington that I will cherish, it was his habit to ask after somebody that he barely knew. And it eventually stopped being surprising when, within a few days of one of those walks, something would occur that made it clear that Ralph, entirely on his own, had undertaken to make some call or to contact someone or to initiate something to see if something might be done for a somebody whom he barely knew.

Much has been said about Ralph's highly purposeful visits to the Islamic Society Cultural Center in Boston—visits conceived to provide balm and comfort and support for a community that over the recent past has been given cause to be fearful and more. The reason so much has been said about this is that it captures Ralph's strong instinct to provide comfort when he could. To the extent that he seemed determined to push himself to physical extremes, to be as many places as he could, to do as much good as he could, almost as if, one thinks occasionally now in retrospect, he knew the time for him to do good would be cut short.

Here, in part, is what he said when he visited the Mosque in 2018:

I come each year because it is the clearest way I know to communicate the continued commitment of the judiciary to protect your constitutional rights I would like to believe that there will come a time when you no longer need to be reassured of that commitment,

¹ Edward M. Kennedy, Eulogy for Robert F. Kennedy 3 (June 8, 1968), <https://www.americanrhetoric.com/speeches/PDFFiles/Ted%20Kennedy%20-%20Eulogy%20for%20Robert%20Kennedy.pdf> [<https://perma.cc/2J28-MUCU>].

when you can be confident that the rights of Muslims in this country will be honored and respected by those in power in our nation's capital²

But I am drawn even more to what he said on the occasion of his visit to the Mosque on December 16, 2016, when the community he was visiting had abruptly come to have particular cause for fear:

There is a story told in the Cherokee nation about a grandfather who explains to his grandson that within every person are two wolves fighting—one the wolf of anger, resentment, and fear, the other the wolf of compassion, hope and love. The grandson asks, “Which wolf wins?” The grandfather answers, “The one you feed.”³

Ralph proceeded to quote the Torah, the New Testament, and the Prophet Mohammed in support of his invocation of the importance of treating people with compassion. He was a man of genuinely unusual compassion. And he concluded, “I know that there are those in our society who are feeding the wolf of anger, resentment and fear, and that this wolf will attack some of us and seek to do us harm.”⁴ But, he concluded, even though “[t]he wolf of anger, resentment and fear will have its day, . . . the wolf of compassion, hope and love will prevail.”⁵

This was not an ordinary soul that we have lost, and he is greatly missed.

² Ralph D. Gants, Chief J., Mass. Supreme Jud. Ct., Remarks Delivered at the Islamic Society of Boston Cultural Center (Feb. 15, 2019), <https://www.mass.gov/news/supreme-judicial-court-chief-justice-gants-remarks-delivered-at-the-islamic-society-of-boston> [<https://perma.cc/QP7W-5PKC>].

³ Ralph D. Gants, Chief J., Mass. Supreme Jud. Ct., Address at the Islamic Society of Boston Cultural Center (Dec. 16, 2016), <https://www.mass.gov/doc/remarks-delivered-at-the-islamic-society-of-boston-cultural-center-december-16-2016/download> [<https://perma.cc/8SKV-MEHL>].

⁴ *Id.*

⁵ *Id.*