

Lessons from a Life Well-Lived: A Tribute to Randall P. Bezanson

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As I sat down to write this tribute to Randall (“Randy”) Bezanson, the David Vernon Professor of Law, I did it with the full knowledge that he would surely hate it. How do I know this with such certainty? And since I do, why do I write it after his death when he cannot object? To explain, I have to begin two years ago.

In 2012, the Iowa College of Law students selected Professor Bezanson to give the unfortunately named “Last Lecture.”¹ The invitation to give this lecture is an honor bestowed by the people most important in the professional universe of every teacher: students. This lecture matters. Shortly after his selection as the 2012 lecturer, I asked Randy about his intended topic. “The Supreme Court and *Citizens United*,” he replied with some pride and complete certainty.² Thinking that the students were expecting his reflections on life rather than law on this one occasion, I probed, suggesting cautiously that the lecture was not after all entitled, “The Last Constitutional Law Lecture.” To which Randy responded, not at all cautiously, with a rhetorical question: what did I expect, that he would offer some “mushy-thinking” sentimental discourse? “No, of course not,” I retreated. Suffice it to say, the conversation ended there. Randy gave the “Last Lecture,” which was, fortunately, not his last, and the topic was a rigorous critique of *Citizens United v. Federal Elections Commission*. Not a single off-topic or personal reflection offered, unless one stretches the point to count a scholar’s analysis of a Supreme Court opinion as a “personal reflection.”

I admit to some lingering disappointment, not with the quality of the lecture or even the choice of the topic, but for an opportunity lost. Randy had a different lesson-set that he could have shared that day, one that I was anxious to learn: how did he manage to display such extraordinary grace, unfailing good humor, and simple courage in confronting his illness, its

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1. The Last Lecture series has since been renamed the George Wright Legacy Lecture, named for the late Iowa state supreme court Justice Wright, one of the founders of the University of Iowa College of Law.

2. Referring to the decision of the Supreme Court of the United States in *Citizens United v. Federal Election Commission*, 558 U.S. 310 (2010).

symptoms, and its prognosis day after day for a period of many years? To outward appearances, he seemed to transcend cancer, to accept his medical condition, even to dismiss it as he went about living his life exactly as if he reasonably expected to live into great old age.

In this tribute, I write my variant on what Professor Bezanson could have said in the 2012 Last Lecture if he were not being, well, so predictably “*Randy*” in the selection of his topic. These are, in no particular order, the lessons I learned from observing and admiring Randall Bezanson over the last four years of his life, the time I was privileged to share with him as a colleague and a friend. At the outset, I acknowledge that nothing in this short memorial is likely to provoke the kind of intellectual discussion about matters of constitutional law that was Randy’s preferred topic of conversation.

LIFE’S LESSONS FROM RANDY

CHOOSE YOUR LIFE’S WORK CAREFULLY, AND IT WILL SUSTAIN YOU

Randy would have had a one-sentence answer to an often-asked casual question, “What would you do if you won the lottery?” Not from Randy would you hear the common responses— “quit my job and travel around the world, buy a red convertible and my dream house on a beach somewhere, or build a chalet in the mountains with a ski lift and indoor pool.” Randy would surely have said, “Teach and write about the First Amendment.” That is, after all, what he had been doing since the early 1970s; when he was vibrant and healthy, after he was diagnosed with cancer, and for as long as his physical condition allowed thereafter. Yes, he took a detour into leadership roles, first at age thirty-two as the Vice President for Finance and University Services at the University of Iowa, and later as the dean of the law school at Washington and Lee University. But in his professional life, Randy did not stray far or long from the path he first chose, the life of the mind, or the place he first loved, the University of Iowa College of Law.

At his core, Randy was a teacher and a scholar. He was passionate about the First Amendment and the values it embodied. His enthusiasm for teaching, writing, talking, and arguing about the First Amendment and Constitutional Law never waned, not once as far as I could determine. If you ask his friends, they would tell you this was not always a good thing: Randy could turn pleasant, idle conversation into a rigorous debate in an instant. Whether during the summer months at the family lake house in Wisconsin or when he was too ill to come to the law school, his responses to my emails inquiring about how he was doing would elicit an enthusiastic and detailed progress report on his latest scholarly project. My occasional, carefully worded suggestions that perhaps he would like to relax and forget about work for a while were ignored, or at least they went unacknowledged. Randy circulated a draft article for comments six days before he died, conceived

and written during a joyful holiday season at his daughter's house even as his health failed for the final time.

So much of life is spent on work; what a gift it is to love what you do, to want to pursue your work as part of your enjoyment of life until its end. If you are fortunate enough to have found your calling, acknowledge your joy in it even on the occasional but inevitable bad day. If you would not choose the work you are doing today, the lesson from Randy would be to find your professional passion. You will be happier for it.

SOME PRICES ARE SIMPLY NOT WORTH PAYING, BUT WHAT THOSE ARE DEPENDS ON WHO YOU ARE

I first met Randy during my interview for the deanship on a frigid, snowy day in December 2009. My first impression was that his diplomatic skills might be described, charitably, as “somewhat lacking.” Although I did not know it then, he had years ago received the diagnosis that he had cancer and the prognosis that the inevitable course of that cancer would end his life at some unknowable time in the not-too-distant future. I wasn't around when he suffered through the most physically devastating bouts of chemotherapy, although others were to tell me about Randy's losing his hair multiple times, about the bloating effects of steroids that left him unrecognizable to casual acquaintances, and about the chemotherapy that left his joints swollen and painful. I was his dean when he was undergoing the one treatment that he decided to call off. You might think it was more painful, more disfiguring than all the others, but you would be wrong. It was the one that caused a side effect that no one but Randy could see, one that he decided, on his own terms, was simply an unacceptable price to pay for a few more months of life: It clouded his thinking. Randy was a stubborn man—for good and for ill—and to the extent any of us can, he exercised his right to control his destiny. In the course of the quiet discussion we had that day about what he described to me as the last option to extend his life, Randy reminded me in a powerful way that each of us should strive to live life on our own terms, according to our own idiosyncratic, deeply held beliefs and values, even when that means there might be less time to live it. That lesson can also be a useful reminder with decisions that are considerably less dire.

DUM VIVIMUS VIVAMUS: WHILE WE LIVE, LET US LIVE

I am a native New Orleanian, which means, like it or not and, mostly, I don't, Mardi Gras is part of my birthright. The Mardi Gras season ends at the stroke of midnight on Fat Tuesday at the Meeting of the Courts when Rex, King of Carnival, toasts the monarch of the Mistick Krewe of Comus whose identity, according to the code of Carnival Secrecy, is never publicly revealed. I am told a traditional toast on this occasion is: “While we live, let us live.” I will never again hear that toast without thinking of Randy. As far

as I could tell, Randy did not let his disease or his treatment interfere with living his life. He socialized with his many friends over glasses of red wine, the occasional scotch, and many fine meals. Tuesday mornings meant coffee with Professor Sheldon (“Shelly”) Kurtz, who will succeed Randy as the David Vernon Professor. Randy read vociferously, expressed his views loudly, and took perverse pleasure in playing the role of “devil’s advocate” when a colleague thoughtlessly offered an incompletely reasoned opinion, regardless of the topic. He could fairly be described as a curmudgeon. He traveled to his beloved lake house every summer and basked in the love of his family and visits with his friends. At the ceremony celebrating his life, his granddaughter announced with the deep affection that characterizes the best of such relationships, that he “loved naps” and could be a “little odd.” He pursued his life’s work with intellectual rigor. Perhaps most remarkable to me, he looked forward with pleasure even when he knew his time was growing short —perhaps to visit the lake house again this spring, to return to the faculty lunch table when the danger of slipping on the ice had ended in Iowa City, to participate in law school commencement in May. None of these plans were to come to fruition, but no matter. Randy did not spend his days looking toward their end; he enjoyed his days until the end.

LIVE IN THE MOMENT

This lesson is hard to put into action. If I do not discipline my mind, I am prone to rethink decisions already made and activities long ago concluded. Many of us waste time with worry over the problems real or imagined that might be on the horizon. Often I permit the troubles of the day to distract from the many simple pleasures of the day. To all outward appearances, Randy did none of this. He enjoyed the ordinary day: talking with great enthusiasm to a student about her law review note; debating heatedly with Professor Arthur Bonfield over some fine point of constitutional law; critiquing a young scholar’s latest draft; spending time with his wife Elaine before her death six months before his own and with their neighbors, friends, children and grandchildren. Randy once told me that his illness afforded him a different perspective, a unique vantage point to know what was coming but trapped by his imagination to see and to understand. Perhaps it was this perspective that empowered him to live a good life in the moment while coping uncomplaining with a terminal illness.

KEEP CALM, AND CARRY ON

It’s a phrase attributed to Sir Winston Churchill, one that has recently popped up on bumper stickers and t-shirts in a variety of iterations. I doubt that Randy gave it any conscious thought. But as a former law dean to his last dean, his final email to me, sent shortly before he was no longer able to communicate, ended with a variant on that admonition: “And don’t spend

any time worrying about me. Keep your eyes focused on the law school and the university . . . Thanks for that.”

I confess I was not able to implement that advice fully; I spent many hours worrying about Randy and many more time mourning his loss. Despite his final instruction, from my perspective, I was the one who owed a heartfelt thank you to Randy. I will close then with deep gratitude to Randall P. Bezanson: a star student, dedicated teacher, accomplished scholar, wise counselor, colleague and friend—for all he did from the August day he matriculated at the Iowa College of Law throughout his distinguished career to enrich the lives of those around him and to make the University of Iowa College of Law the remarkable place that it is.