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Barbara Nachtrieb Armstrong
— In Memoriam

The Light-Years of Barbara Armstrong:
1890-1976

Roger J. Traynor†

We reckon daily in astronomical numbers that lead to conclusions of eerie logic. There are billions of people; hence life is cheap. There are countless injustices; hence outlaws are forces of justice. There are endless inequalities; hence the law of the jungle must prevail, and those who survive shall share the jungle equally.

When the population is dense, can such logic be doubted? Yes, for among billions of people there are always a few who hold life dear, who envisage justice without force, and who carry within themselves a commitment to make the jungle more habitable for their fellows as well as for themselves.

Barbara Armstrong was such a person. She was created more than equal to the life that she would live. The spirit of freedom that animated her disciplined work transcended catalogues of degrees and awards and defied execution in leaden portraiture of whatever wingless spread. The least of her gifts, one she ignored, was her radiant beauty, as dazzling in her late years as in her legendary youth when she appeared at the Greek Theater as an actress of superbly professional grace, or in Wheeler Hall as an economics professor of scholarly brilliance beyond her years. Soon neither stage would encompass her talents, and she would be on the way to becoming the first woman professor of law in the country.

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As a novice, I first saw her in the office of the California Law Review, where some of us were struggling to bludgeon the cumbrous prose of a pedant into what could then be only the King’s English. In those days there were rarely women around law schools in evidence, let alone in print other than calico. Through the doorway sailed a lithe apparition, black hair gleaming, eyes sparkling, a moving picture of a face that could launch a thousand ships. Her dashing vitality struck us dumb. Then she broke the spell with her laughter, and mischievously queried: “Why all this heavenly silence? When I first started through the doorway, you were clear to hell and gone with mighty oaths over that almighty tome that lies before you. That lies and lies before you.”

Soon we were spellbound again, hearkening to the discourse she had now undertaken on some subject dear to her heart. When she left, that merry voice was still reverberating in our cloister, a basement room in the small building near Sather Gate that was once Boalt Hall. The must and dust of laden bookshelves seemed to have blown out the lone window. We returned with new spirit to the dull task before us.

“There goes a lady with class,” commented a senior editor. “There goes a lady,” chimed another, “with a mind and a heart.” An unconfirmed misogynist muttered to everyone’s surprise: “If someone would guarantee a few more like her, it might add something to this place to let in a few more.” Then came the dour voice of an incurable misogynist: “One’s enough. One like her. Let any more in and what happens to marriages. Who’s going to do the dishes?”

The dust resettled on the books and in our spirits. As a newcomer, I did not freely ad-lib in this august company, but Incurable addressed me: “Any opinions, Traynor?”

I replied respectfully: “We’d have a lot more ideas around here if we let in as many of Them as could make it on merit. On merit, they’d have no problem getting in. Particularly if we helped them with the dishes.”

Incurable looked at his confreres and grumbled: “You’re not likely to get many votes for that opinion around here.” In the end, Incurable was outvoted.

That apparition of beauty among the beasts was then our senior by some ten years, a light-year’s distance that became inconsequential as we all grew older. I soon discovered anew, when I joined the Boalt Hall faculty, how much her presence contributed to the humanity of the groves of academe as she bridged generation gaps, dispelled old husbands’ tales, and brought solace to students in sloughs of despond over a rough course in future interests or a romance past redeeming.
The Great Depression was beginning to cast its long shadows over the land. We who had jobs did not take our luck for granted. The decade of the thirties scarred even the lucky ones with memories of economic blight and its victims. For millions, life became a bowl of dust. Scholars in ivory towers, living close to universal misery, enlisted nationwide for public service. Thus the philosophical interest in law that originally turned me to Boalt Hall soon became an absorbing interest in taxation, first in Sacramento and later in Washington. I have not ceased to believe, as I did then, that a government may be aptly judged by the fairness of its tax system and the prudence and wisdom of its expenditures.

Unlike today’s swollen bureaucracies, there were then all too few public servants for the massive jobs that needed doing. Barbara Armstrong labored in the rough uncharted territory of social security. In 1934 she went to Washington as a consultant to then President Roosevelt’s Commission on Unemployment and Old-Age Insurance. In those days countless human beings sought to salvage dignity from unemployment by offering apples for pennies to a public without buying power. The elderly shambled off for a shivering slow march to death, without benefit of assured help for their final years.

Determined problem-solvers compared notes. A government can be aptly judged, said Barbara Armstrong, by the humanity with which it affords insurance against catastrophe. For all her kindness, she did not make peace with what she viewed as a Bastitch Fate, a term that sufficed for her as the outermost reach of bad language. It conveyed outrage not only at the insensate rages of Fate, but also at those who obstructed rational efforts to cushion the blows of the Bastitch. There was an element of ladylike scorn in her personal view of Evil.

Bastitch appeared in the guise of various dragons. There were Bastitches who asserted that long unemployment developed character. There were Bastitches who believed that the elderly were expendable unless they had the resources to maintain the style of medical attendants accustomed to exorbitant compensation as a droit de seigneur. There were even Bastitches in the law who envisaged the value of legal services solely in terms of net profit.

A longtime friend of Barbara Armstrong marvelled at her encounters with dragons. “That girl,” she once commented, “is up in arms again and I’m betting on her. The dragons might intimidate anyone else, but let them beware if they start breathing fire in Barbara’s vicinity. She’ll advance right smartly to tell them to kindly stop smoking this instant.”

However modest the goals of minimum insurance against catastrophic illness or economic disaster seem today, their hard-won achieve-
ment depended on such intrepid individuals. They had to overcome the most treacherous Bastitch of all, chronic public apathy to grievous public problems. In the thirties many became inured to statistics of epidemic misery, just as many are inured today to statistics of epidemic violence. By some miracle of integrity or personality or whatever it is that enables one to thrive on the weathering of years, Barbara Armstrong continued to participate happily in problem-solving. She profoundly believed in the possibilities of counteracting, if not abating, the lunacies of omnipresent Bastitch, given enough people with a sense of personal responsibility for the task. Was she recurrently dismayed by the number of zombies who were willing to let St. George do it, if ever he could be found? If so, she was not daunted.

Well-tempered by confrontation with fractious or dreary legislative committees, she was more than a lively match for the young male pretenders to legal education who aspired only to success in terms of lordly fees and a lady or two in waiting. More than one who ventured a sophisticated argument on behalf of such objectives was crestfallen by her gleeful questions: “How many rum-soaked double chocolate ice cream sundaes do you want to consume daily for the rest of your life around a swimming pool in which you're too fat to swim? How many wretched fur coats do you want to possess as tokens of your esteem for the poor girls you imagine will bear them? Who's going to want to bear your fur coats anyway? Nobody but some birdbrain who will age into a wizened corncob encased in stitched soft bellies of appropriate light weight.”

In such wise Barbara Armstrong conveyed to the men of all ages around her a sense of their obsolescence as lords of the manor. “How would you like to be described as a chattel?” she would ask some property-minded man intent upon acquiring an empire well stacked with dairy maids. “Some day you'll set out for your courting with a basket of fee tails and there'll be a sign on the cottage door that Annie doesn't live there any more. Annie's set forth to see the world she never made and that maybe she'll make over.”

I sympathized with this champion of Annies, beloved of her colleagues but nettling to custodians of bureaucratic bastions and bulwarks. I, too, had nettled them by pleading, in vain, to give a course on Montesquieu, and by later securing grudging acquiescence for a course on taxation. There were harumphs aplenty for professors who ventured to discuss the ambitions of Annie or to dissect the mystifying code words from Washington tax bureaus that were beginning to crowd the mailboxes of even the humblest castles.

Barbara Armstrong's gift was to reassure harumphers that the best of an old world might survive in the new. She exemplified how felici-
tously a woman could combine professional interests with a richly happy family life. Her little hillside garden, where she worked assiduously by way of recreation, was her refuge from law. With her urbane and kindly partner, Ian, and a delightful daughter, Patricia, she maintained devoted ties with family and friends, an ever-widening circle. In time she would welcome a granddaughter into her life. Near the close of her calendar years, when she still arranged from a wheelchair to deck the halls with holly, she also added pictures of her newly arrived great-grandson. She was already envisaging his years ahead: “Just imagine being in your twenties in the twenty-first century!”

Only the calendar years finally closed. There could no more be an end to Barbara Armstrong’s life, to her love of life, than to the stars whose radiance reaches us through an endless succession of light-years.

Her love of life reached not only to a faraway great-grandson, but also to other young kin and the children’s children of her friends. Her outgoing interest in people of all ages was the wellspring of her humanity in the law. Though she was a constant worker for whom time was precious, she squandered it like a princess on festive days, remembering children on their birthdays, receiving them like visiting royalty around a Christmas tree surrounded with beautiful books they must promise to read. They gave that promise with shining eyes and once home, they promptly kept it. As a child turned the pages, imagination ran riot with visions of sugarplums and Professor Barbara and the funny Santa Claus that sat on the Christmas treetop as if it were an easy chair, who never grew older because he was as old as the hills. He was a fixed star, and so was Barbara, and so was each splendid book.

Children delighted in welcoming the princess-professor to their own homes. They regarded her as an ally in a world where one perennially confronted evil forces. They shared with her their triumphs in hours of danger. Our youngest son, Stephen, endeared himself to her forever with an account of how he had dealt with a frightening bully. “I wasn’t strong like him, so I had to think my way out of the trouble. Then one day I thought to say: ‘If you stop being a bully, I will give up my plot to make you vanish. I have help for the job, secret help like this moving forest.’” The tactic had worked. A picture of the moving trees of Birnam, in a book from Barbara, conveyed a warning from Shakespeare in no uncertain terms.

Years passed, and by the sixties neighborhood bullies had become older and more ominous. They were using the good cause of peace as a pretext for violence, particularly against the frail. Even our young grandchildren shared our concern for the safety of Barbara Armstrong, now widowed and occupying an apartment alone in the south campus area. We learned from her one evening that a pair of them had
stopping by to assure her that in an emergency she must call on their Super Security Services. “I’m on the way to weighing seventy-five pounds,” said one, “and I can look this fierce.” The protégée was convulsed with laughter as she recalled that fierceness.

It is of a piece with such rapport with the young that Barbara Armstrong’s radiance was at its brightest in the classroom. A born teacher, she dearly wanted others to learn. She spoke once of a teaching stint she had done in a country school, when she was still very young and the class knew it. “There were flying missiles and much shuffling and whispering. I loved the children enough to get tough,” she recollected. “I glared at them and said I had some exciting things to tell them about, and that they’d feel sad for the rest of their lives if they didn’t lend me their ears. I declaimed: ‘You won’t even know who asked whom in a famous play to lend them their ears, until I can hear a pin drop.’”

She heard the pin drop, then and later. Always prepared to the hilt, she expected as much from students, including women and others in underrepresented groups. She confronted fixed notions head-on, from whatever direction. If an arrogant student, usually male in the days before the sixties, expressed discontent with H’s mere control of an H & W community, he was soon discomfitted by her illustrations of inept controllers. The final examination was likely to present a problem arising from the uncontrolled ways of a Mr. Trample.

Nonetheless the professor always clearly perceived that folly was not a matter of sex, age, race, religion or any other human condition. She made it plain that Mr. Trample was not the only Bastitch. There was also a Mrs. Tramp. Possessed of large cars and small pets, she left problems large and small in her wake. She ignored bills and notes that ensued. On a final notice that her prize possessions would be repossessed, she took off with the derelict porter of the bad news. As they forged their way to new borderlines and escapades, Mrs. Tramp became a textbook case on the equality of Him and Her in their successive trips on joint ventures.

There were more serious parallels. Fathers were equally irresponsible, whatever their creed or color, when they deserted their children. Wanton abandonment of children was not less cruel if the deserters were women. No one ever understood better than Barbara Armstrong that lawyers, like the Constitution, must be free of prejudice based on categories. She fought a lifelong battle against such prejudice.

The law school honored this enlightened teacher by inviting her to continue teaching long after the customary retirement age. She devoted herself more than ever to teaching and writing, and did not apprehend that the Berkeley environment was growing steadily more violent.
She had always lived in freedom and knew no other way. At the age of seventy-nine, she was as bright and vivacious as ever, gathering friends around her whenever time allowed, rejoicing in the vitality statistics of marriages and births, welcoming every little newcomer as a unique arrival in a still wonderful world. Outside her small apartment she planted roses whose growth would be visible from the kitchen window. They would await her return each day from her law school office, where she was working on a revision of her book on family law. They seemed like symbols of her own lovely spirit.

Then the blows came, the brutal blows that felled her on a Berkeley street. One more grim story was noted on the police records of a town now known worldwide for its highly publicized fuehrers of assorted causes and its highly polished rejection of individual responsibility for acts of violence.

The savagery of the incident leaped out from routine words. On the evening of 5 February 1970, at about 9:08 p.m., a seventy-nine year old woman named Barbara Armstrong was walking south on the 2700 block of Benvenue Avenue, when she was assailed by three young black men. They robbed her of her wallet. The tallest of the three then struck her head with an instrument unknown, knocking her to the ground.

There were repeated blows until she was left for dead. She dragged herself to a neighboring building, and help finally arrived. She would never freely walk again, who had always lived so freely. She would live six more years as an invalid, with little surcease from pain. Miraculously, she lived with continuing joy in all the wonders that make life dear. Only once did I hear a bitter comment, as her mind reverted to the appalling nightmare. "The statistics say there are proportionately more black victims of violent crime than white. Savages, white or black, are undiscriminating in their attacks. What chilling irony, savagery without discrimination."

For the moment she seemed sunken in defeat. Then she puckered up her face with her old determination and continued: "We can still get out of the jungle. Maybe if we posted accounts of crime in every neighborhood center, we'd quicken people to cooperative measures against crime. Reasonable measures like improved street lighting and prompt calls to police. If we could make the streets safe again, we'd be freer to advance against the clever criminals, the fraudy ones."

She paused, as people do who are wracked with pain, then went on: "In a lifetime I have seen too much freedom destroyed by scoundrels and brutes and self-styled saviors. Will the young ones be drugged into accepting such loss, do you think?"
Once again I read, and do not believe, the announcement of Barbara Armstrong's death on 18 January 1976. It cannot be; she held life too dear. Perhaps the young ones will come to understand from such lives as hers that freedom with responsibility is a synonym for life. Perhaps then the twenty-first century will make amends for the twentieth.

* * *

Adrian A. Kragen;† Herma Hill Kay;††

Stefan A. Riesenfeld†††

After a long and extremely productive life Barbara Nachtrieb Armstrong died on January 18, 1976. For over forty years she had been an inspired teacher to thousands of law students.

Barbara Nachtrieb graduated from the University of California at Berkeley in 1913 and from Boalt Hall in 1915, at a time when the presence of women in the legal profession was extremely rare. She subsequently received a Ph.D. in Economics. Barbara entered into practice in San Francisco with a classmate, Louise Cleveland. In 1919 she returned to the university as a lecturer in both the law and economics departments. At this period the presence of a woman on a law faculty was unique. In fact, Barbara was the first woman appointed to the law school faculty of a major university. For a number of years she continued to give courses in both departments, first as a lecturer and then as an assistant professor. In 1928 she was appointed a full-time member of the law faculty and, in 1935, a full professor. For the rest of her teaching life, Barbara devoted herself to Boalt Hall and its students. Fortunately for the university, Barbara had an abiding love for and loyalty to her alma mater which she showed in every facet of her very full and active life.

Barbara became interested in the subject of social insurance at a time when ongoing activity in the area was very limited. She wrote extensively in the area of social economics, and soon gained recognition as one of the outstanding experts in the field. Her ideas, expressed in her book, Insuring the Essentials,1 exerted a strong impact on the structure of the Social Security Act. Barbara also assisted in drafting the Act, serving as Chief of Staff for Social Security Planning of the cele-

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1. B. ARMSTRONG, INSURING THE ESSENTIALS (1932).
brated Committee on Economic Security.\textsuperscript{2} She also devoted a considerable amount of effort and intellectual leadership in the area of family law. Since its publication in 1953, her two-volume work, \textit{California Family Law},\textsuperscript{3} has been regarded as the foundation for all work in that field.

Barbara was as devoted to her country as she was to her university, and she rendered many services to the nation, including service with distinction during World War II in the Office of Price Administration.

In 1955 she was appointed to the A.F. and May T. Morrison Chair of Law which she held until retirement. Despite the great amounts of time and effort she expended in teaching and writing, Barbara engaged in a multitude of civic activities. She served on many committees, and acted as the Social Security representative for the United States at the second International Conference on Social Security and Labor Law in 1959, and as resource consultant at the White House Conference on the Aged and Aging in 1961.

For the last few years of her life, Barbara suffered substantially from an injury inflicted in a street attack. Yet, as former Chief Justice Traynor has said, “Her radiant spirit continued not only to sustain her but to give courage to others.”

While this abbreviated statement of the accomplishments of Barbara Nachtrieb Armstrong reveals her brilliance, her success in the areas of her interest, and the breadth of her accomplishments, it does not indicate what she meant personally to the law students who studied under her, to her faculty colleagues at Boalt, and to other colleagues and friends throughout the world whose association with her brought an important perspective into their lives.

Barbara was an extremely gifted teacher. She put all of her enthusiasm, knowledge, and feeling for people into her classes. In her animated teaching manner, she expressed—usually with controlled passion, but at times with vehemence—her views on judicial decisions, statutes, and other manifestations of the state of the law. Her inevitably lively classes inspired students to unaccustomed activity and participation. In fact, she frequently had to appoint a student sergeant-at-arms to see that the interest did not exceed appropriate bounds. She demanded hard work of her students, but her own enthusiasm and industry caused them to comply with little of the traditional student

\textsuperscript{2} Her contributions to the birth of the act are properly underscored in the Executive Director’s account of its genesis. \textit{See} E. Wittee, \textit{The Development of the Social Security Act} (1963).

\textsuperscript{3} B. Armstrong, \textit{California Family Law} (1953).
grumbling. She was so knowledgeable about the material in the areas of labor law and family law that many students who had minimal interest in these areas when they began her courses subsequently decided to devote their professional lives to practice in some aspect of these subjects.

Her interest in students was not confined to their class work. She was concerned with their personal problems and was always willing to listen to them, offering both advice and practical assistance. She avidly followed news of their achievements and careers. She had the pleasure of teaching many of the children of her earlier students.

Barbara was a most enjoyable colleague. She was in such a constant ferment of ideas and expressed so vividly her passions and prejudices that he was a delight to hear and see. She had the same interest in her colleagues as in her students. She viewed their progress with openly expressed joy, and she shared personally their problems.

Barbara Nachtrieb Armstrong has left to the university, the law school, the state, and the nation a perpetual memorial in what she conveyed to her students and in the work she did that was both scholarly and has resulted in a better life for millions in this country. Recently, she has become a symbol to women lawyers who recognize in her a pioneer for the ideal that women are free to pursue their talents and intellectual capacities to the utmost. She is missed, but she is still with us.

* * *

Sam Kagel†

I first met Barbara Armstrong in 1929 during my two years of graduate work in the Economics Department of the University of California. My association with Barbara, as friend, student, and faculty colleague, was most rewarding. I am pleased that I have an opportunity to share some of my fonder memories of this unique woman.

During the twelve years following my departure from the Economics Department, I represented unions in collective bargaining. I would see Barbara, from time-to-time, and she always expressed interest in what she termed "the real world of labor relations." Some years later, I had the honor of teaching just that subject with Barbara.

After a stint with the War Manpower Commission, and one day after V-J Day, I decided to enter Boalt Hall. There I took Barbara's

† A.B. 1929, LL.B. 1948, University of California, Berkeley. Member of the California Bar, San Francisco, California.
course in labor law, a course taught in terms of "the law." Throughout that year, we had a continuing dialogue on the interrelationship between legal theory and practice.

Later in my student days at Boalt Hall, I taught an evening course in the techniques of collective bargaining in the University's Extension Division. The course was attended by persons in management and unions who worked in the labor relations field. Barbara, in line with her interest in the "outside world," took that course and attended all of the night sessions.

After graduating from Boalt in 1948, I confined my practice to arbitration. Soon thereafter, Barbara asked me if I would participate with her in teaching the labor law course at Boalt. From 1952 to 1957, Barbara taught the "law" for half of the semester, while I taught collective bargaining techniques for the other half. In 1957 Barbara asked me to take over the entire course in labor law which I taught until 1967.

As these experiences illustrate, Barbara Armstrong was an accomplished, intense person with broad interests in and beyond the law. But above all else, Barbara was a "no-nonsense" person. With her, you either "put up" or she would shut you up. Some of the following may indicate what I mean.

My class at Boalt, the Class of 1948, consisted mainly of persons who had been in the military service during World War II. Being older and having already been in the "outside world," our class displayed an independence (read arrogance) with reference to rules and the faculty. And, when we got ourselves into trouble, it was Barbara who acted as our "house mother."

In one case, she saved us from a criminal law professor who threatened our legal ambitions. Alexander Marsden Kidd opened the class one day in his typical fashion, by rubbing his bald pate above his green eyeshade, and propounding a question to the class: "A man was walking up Euclid Avenue wearing a long black overcoat. It was midnight. He had a suitcase. What about it?" Upon response of one of our classmates that an arrest for vagrancy would be proper, the Captain's bald pate slowly reddened with indignation. He moved about the class, asking if anyone else had a response to his inquiry. Our class, having a false notion of unity, not only failed to come up with any other answer, but failed to make any response at all. With that, the Captain slammed closed his notebook, stalked to the door, and, as he left the room, announced that "No one from this class will ever graduate from Boalt Hall."

Concerned when the Captain failed to attend class for the following three periods, and worried that we needed the course and the Cap-
tain, we went to Barbara for help. She gave us a real dressing-down, pointing out that the Captain, a founder of the ACLU, would never stand for having anyone arrested for "vagrancy" on the facts that he gave us. After lecturing us, she turned her persuasive powers upon the Captain, finally convincing him to resume teaching our class.

Barbara's intense personal interest in her students was known to all of them. Her equally intense interest in Boalt Hall was a continuing one. When the Boalt Hall Alumni Association decided to seek monies for a dormitory and legal center, I was appointed to a small subcommittee which had the task of raising the necessary funds. Since our campaign was having difficulty, we devised the strategy of naming the project the Earl Warren Legal Center. After receiving permission from the Chief Justice, a Boalt Hall alumnus, it was my assignment to ask Dean Prosser to seek approval from the Regents of the University to so name the project.

I vividly recall the Saturday morning when I went to speak to the Dean to tell him what the Alumni Association desired. He said nothing at the time, but about an hour later he came charging into my office and stated that it was a terrible thing for the Alumni Association to associate Earl Warren with the project; that there was too much difference of opinion among lawyers about the Chief Justice's legal positions at that time; and that we would foreclose ourselves from many possible contributions. Finally, he stomped out of my office.

Concluding that the Dean was not going to the Regents, I reported the incident to Barbara, once again asking for her help. Agreeing with our decision to name the project after Earl Warren, Barbara immediately sought out the Dean. In her forceful manner, eyes flashing, she rebuked him with the argument that whatever his personal feelings might be, the alumni had the right to honor the Chief Justice, and that it was his duty to seek the Regent's approval. He did so, crumbling under Barbara's spirited assault. Indeed, the Dean later became a supporter of the project.

Barbara Armstrong was a fine teacher. She was meticulous in her preparation, and insistent upon her students studying the law to the point of being able to discuss, to understand, and to apply it. Barbara was very hard-working and always in constant motion on many projects relating to her students, Boalt Hall, and the law. I remember once meeting her beloved husband Ian in San Francisco, when I hadn't seen Barbara for several months. Responding to my inquiry about her, he said: "Barbara? Why she's as active as a bald-headed man mowing a lawn in a rain storm."

Barbara was renowned for her beauty, a beauty that was not
limited to her radiant appearance but that also was reflected in her intellect and integrity. Barbara was truly a most beautiful person.

* * *

Richard C. Dinkelspiel†

To a bewildered, confused Boalt Hall student of the thirties two teachers stood out like beacon lights—Barbara Armstrong and Roger Traynor.

I use the word teacher advisedly. There were other professors who well fit the role of the dignified scholar of achievement and stature. But Barbara Armstrong and Roger Traynor were touched by a rare genius and by a passion for the law that uniquely affected their students. They touched our hearts and minds; they spurred us to action; and they instilled in us an ethical and intellectual approach to the law.

I still feel the vibrant personal presence of Barbara Armstrong. Her classes were lively, fruitful discussions rather than dull, tedious lectures. Even her examinations were full of vitality. I remember one examination in industrial law, a course that covered everything from workmen's compensation through labor law. The test was characteristically (for Barbara) "open book and notes." On the Monday when the Supreme Court was expected to rule, we were told to write the Court's opinion on the constitutionality of the National Labor Relations Act. Barbara kept popping her head in to inform us: "No word from Washington yet." (As I recall, the Court reached its decision the following week.) Needless to say, this was an exciting examination in which we felt the immediacy of the problem and the realities facing the nine members of the Court.

Barbara was an activist who fiercely defended both her beliefs and her independence. She answered to no one's call, but only to her own sensitive, highly developed political and social commitment. I recall standing with fellow classmates on the second floor of old Boalt Hall before an eight o'clock class as Barbara, with fire in her eyes, stood at the entrance below waiting for Max Radin to emerge with his usual armfuls of books from what was then called California Hall. That morning the paper had reported some outrageous position that poor, bumbling, beloved Max had taken and had listed Barbara, without her knowledge, as one of his supporters. I fail to remember the issue or

† A.B. 1934, J.D. 1937, University of California, Berkeley. Member of the California Bar, San Francisco, California.
whether she actually agreed with Max. I do know she was not one
who permitted her name to be used in any cause without full explana-
tion and explicit consent, and the explosion that occurred when Max
did appear has delighted the students who witnessed the event for the
last thirty years.

Barbara believed in progress and dealt in enthusiastic hope. Her
causes were positive and affirmative. She did not dwell on righting
ancient wrongs, but rather attacked immediate, existing problems. She
ventured into new, exciting, innovative areas of action. Workmen’s
compensation, labor law, social security, welfare, family law, women’s
rights—all felt the impact of her energy and imagination. She had the
facility of leaving students, and fellow teachers, able to carry on her un-
finished work. And thus she is a continuing force for great public
good.

Barbara Armstrong affected all of us who studied with her. Her
impact is felt today in the lives and actions of each of us no matter how
imperfectly we may have fulfilled the potential she happily felt each
of us might possess. She is still a beacon light, a moving, motivating
force in today’s arena where the battle continues for human rights and
individual dignity.

* * *

Kathryn Gehrels†

When asked, as a former student of Barbara Nachtrieb Armstrong,
to write of her as a teacher, I first tried to separate my impressions of
Mrs. Armstrong during those years when I attended her classes as a stu-
dent from the following forty-five years during which I continued to
have close contact with her as a professional colleague and friend. I
soon recognized the impossibility of the task, for Barbara Armstrong
did not confine her major teaching to any classroom. All of her life
she taught those with whom she came in contact, sharing and instilling
knowledge about the matters that concerned her.

Her enthusiasm, dedication, absorption and conviction about the
vital importance of the causes with which she was involved made her
a great and dynamic teacher. She was blessed, or cursed, with having
more energy than most other human beings. As a perfectionist, she
drove herself to a standard of performance higher than that she ex-
pected of anyone else. She took great personal pleasure in those stu-

† A.B. 1928, LL.B. 1929, University of California, Berkeley. Member of the
California Bar, San Francisco, California.
students with a serious interest in the law, and to them she gave unstint-
edly of her time. She had a special concern for women law students,
but had little patience with or understanding of the woman student who
did not intend to pursue the law as a career. The lazy, unprepared
student similarly felt her wrath.

She was not content to teach only what was contained in statute
books or court decisions, but always analyzed the law in light of what
she thought it should be. She then proceeded to mobilize her students
and colleagues to work for its change. One has only to go back
through her two-volume work, California Family Law (1953), to see
the great number of reforms that she was the first to advocate and that
have since come to pass. Barbara Armstrong had an enthusiasm, an
intellectual curiosity, a drive, a self-discipline, a persistence, a thor-
oughness, a determination, a zest for bringing about needed change,
that caught up all those around her—especially her students—in her
concerns.

What I have said does not begin to convey a true image of
Barbara Armstrong. A complete portrait of her must also depict her
great warmth, her concern for people as individuals, her devotion to
her family, her deep lasting friendships, her delight in nature, her
devilish humor, and her tolerance (on subjects not too close to her
heart!).

My first course with Barbara Armstrong was in 1928 when she
was teaching a law course for prospective social workers in the Univer-
sity of California Graduate School of Social Economics. Having already
studied in Europe the French, English, and Danish health insurance
systems, she was committed to the need of “social security” for the
United States. Her book, Insuring the Essentials (1932), the first in
its field, was already underway. By the time I was in law school, while
Barbara was working on that book, the famous “insane editor” episode
took place.

As the edited version of the manuscript was returned to her,
Barbara complained continually and emphatically to all who would lis-
ten that her editor must be insane. But, since those close to Barbara
generally accepted that she, with her great enthusiasm, might be given
to overstatement, no one paid attention. Everyone thought, “Barbara
is such a perfectionist that she must be protesting a change in punctua-
tion.” Barbara finally insisted that Dean McMurray of Boalt go over
the galley proof with her (did she really, as rumor has it, go into his
office, lock the door, and throw the key out the window?) He immedi-
ately agreed that whoever was editing must be insane, and he tele-
phoned his publisher friend to inquire. Whereupon he learned that
the editor had already entered an asylum. Nevertheless, the publisher
refused to reset the type, and Barbara with her usual tenacity spent months rewriting the footnotes to conform to the galley paging.

I had graduated from law school by the time Ms. Armstrong was appointed by President Roosevelt as Executive Secretary for the Commission responsible for the Social Security Act. The Commission’s failure to support health insurance greatly disappointed her, and she also opposed the Commission’s proposed basis of financing. Recent news reports have reminded me of her warning to me when she returned from Washington, that I should not count on collecting social security in my old age: the wrong basis for financing had been adopted, and the system would become bankrupt before my time came to collect. Again, in the 1940’s, with undiminished enthusiasm she, along with Marjorie Champion and others, waged and lost the battle in the California Legislature for health insurance.

Also in the 1940’s, as her war contribution, she took a leave from teaching at the law school to become the chief of rent enforcement for the San Francisco District Office of Price Control. When I became Region IX Rent Enforcement Chief, Barbara was heading one of the few effective rent enforcement operations in the entire country. Despite her unique achievement of obtaining the complete backing and cooperation of the local chief of rent control, Marjorie Fox, Barbara was attacked by the forces opposed to vigorous enforcement. Undaunted, Barbara went through one of the grimmest of the OPA battles, ultimately being kicked upstairs to the position of National Hearing Officer prior to the time Brainerd Currie, who took over later as National Rent Enforcement Chief, made rent enforcement possible.

My recollections of Barbara before I entered law school include the memory of her coming to class each morning wearing a tiny rose-bud in her buttonhole and a hat of matching color. Those of us in her social economics class somehow discovered that she and her beloved husband, Ian, parted each morning by picking a rose from the garden for each other’s buttonhole. We also learned, in time, that there was a wonderful small daughter named Pat, and the delightful “Little Cabin” at Lake Tahoe, which Ian had built by hand on the campsite Barbara had gone to as a child.

I cherish the many hours spent with her over a period of almost fifty years; her stories of first teaching at a one-room country school house; her admiration for Archbishop Hanna, with whom she had worked to bring about Workmen’s Compensation; her stories of her pioneer grandmother who had walked the entire distance from Louisiana to Salt Lake City so that weaker women might have their turn to ride; her talk of her own childhood and girlhood in San Francisco; and her obvious deep love for and delight in her family.
Probably my warmest memories of Barbara are connected with Tahoe and the time I spent there with Barbara and Ian, with Barbara and her grandchild, or with Barbara alone. I cherish especially the last week we spent there together. It was the summer of the Watergate investigations—the last summer Barbara visited her beloved Little Cabin. She was in constant pain and totally bedridden from her injury. But she did not let this interfere for one minute with her keen interest in her country's crisis. We were awake at 6:00 a.m. so that she could complete all the physical routines necessitated by her condition before the hearings began. Nowhere else in the world could anyone have found a companion half so perceptive, knowledgeable, humorous, or congenial with whom to watch Watergate unfold.

It is with fear of being misunderstood that I say Barbara changed less over the years than anyone I have ever known. Her interests and projects changed, but Barbara remained Barbara, with her enthusiasm, her energy, her drive, her warmth, her concern, until finally the years of suffering from her injury became too much. For a long time she refused to give up. She continued to make plans to return to her office at Boalt in order to revise completely California Family Law, which had been most recently updated by a supplement in 1966. Despite the sweeping changes made by the California Legislature in 1970, this work remains viable for the lawyer trying to understand the history and philosophy in which recent cases have their roots. It was a real loss to those practicing in the domestic relations field that California Family Law was never revised. How valuable it would be to have the light that Mrs. Armstrong could have shed on current problems with her years of watching and helping family law develop, her careful scholarship, her keen power of analysis, and her vast experience. My regret over the loss to scholarship is outweighed only by the great personal loss at being deprived of Barbara's inspiring companionship.