“The Economics of Credit”
DAVID FAND, Professor of Economics, Cowles Foundation for Research in Economics, Yale University; Advisory Committee, National Conference of Commissioners on Uniform State Laws

“Consumer Education: A Viable Alternative”
DAVID A. SWANKIN, Executive Secretary to the Consumer Advisory Council, President’s Committee on Consumer Interests

Comment by:
WILLIAM DAVENPORT, Governor’s Credit Laws Study Committee, State of Illinois
JULIAN H. LEVI, Professor of Urban Studies, The University of Chicago
SOIA MENTSCHIKOFF, Professor of Law, The University of Chicago Law School

Saturday Evening, November 13
JOHN C. CRATSLEY, Student Planning Committee, Presiding

Closing Address
BRUCE TERRIS, formerly of the General Counsel’s Office, Office of Economic Opportunity

The Student Planning Committee was made up of
JOHN C. CRATSLEY, BARBARA J. HILLMAN, and LAWRENCE H. SCHWARTZ. The members of the Student Advisory Committee were RALPH C. BREDES, President, Law Student Legal Aid Association; ROBERT C. CORDEK; DAVID C. LONG, Chairman, Law Students Civil Rights Research Council; and GEORGE A. RANNEY, JR., Editor-in-Chief, The University of Chicago Law Review.

Brainerd Currie—1912–1965

By PHILIP B. KURLAND
Professor of Law
The University of Chicago Law School

Mr. Currie was Professor of Law at the University of Chicago from 1953 until 1961. Professor Kurland’s tribute appeared in the Duke Law Journal, Winter, 1966, and is reprinted here with the permission of that publication and of the author.

A Nachruf, to use Mr. Justice Frankfurter’s expression, is ordinarily an exercise in futility, except when one is observing the biblical mandate to praise famous men. For other subjects, it is only when it can no longer make any difference to the only person to whom it could make a difference that we permit ourselves such public expressions of affection and admiration.

Like most great law teachers, Brainerd Currie does not qualify as a famous man. His name will be absent from history books, however frequently it will be found in law books. For, in the law, except for the truly seminal thinkers of whom there have been very few indeed, it has been the men of action rather than the men of thought who have laid claim to history’s notice. Oliver Wendell Holmes, Jr., understood this when he abandoned the chair for the bench. Moreover, the novel ideas of one generation, if they are not wholly rejected, tend to become the commonplace ones of the next. For all the techniques of public relations that have come to be a commonplace of university life, a professor of law remains essentially a cloistered figure, a private rather than a public person. However much Brainerd Currie has diverted the stream of the law—and the importance of his work in conflict of laws and civil and admiralty procedure is not to be gainsaid—his essential role was that of the teacher.

As he understood it, the teaching process does not call for the creation of disciples. The success of a law teacher is better measured by his contributions toward the emergence of independent minds, an independence that results as often in the rejection of the teacher’s postulates as in their acceptance. At the very least, it requires an instillation of skepticism, of doubt, of testing the very fundamentals that the teacher may long since have accepted for himself. The process is one of example rather than preaching. And this is the role that Brainerd Currie played so well, the role that commended him to his students and to his colleagues who were also his students.

Brainerd Currie was eminently qualified for the part, in large measure because he had a rare combination of attributes: he was both tough-minded and soft-spoken. There was no malice in the man and because he had an instinct for fairness he seldom if ever resorted to sarcasm—the classroom weapon of so many of us. His values were revealed in his review of Mrs. Rosenfield’s book

Dean Neal addressing the School’s entering class, Alumni Association Board and Visiting Committee, at the traditional dinner held at the opening of the academic year.
Language was fun; it was also a serious matter. I would venture that no author of an article in Law and Contemporary Problems ever wrote so well as he did under Brainerd Currie's editing. Certainly the first volume of The Supreme Court Review, because of his interest, is the best edited volume in the series. Nor were his changes limited to that of a copy editor. Substance as well as form was the object of vigorous challenge. And many were the days when we each ended upon the side opposite that on which we had started.

If he could dish out helpful criticism, he was also able to take it. And the relative immaturity of the source did not blind him to the validity of the points made. I refer you to this not untypical comment from a letter referring to his most junior colleagues: "... over lunch one day I was telling him about a theory I had advanced in one of my articles, which he hadn't read; on the basis of sheer analysis—not superior knowledge of the cases involved—he punctured my reasoning and turned out to be right. The consequence is that I will have to rewrite a whole section of the article. ..." His confessions of error were not limited to private viewings. Thus, in the University of Chicago Law Review in 1960, referring to an earlier article of his own published in the same journal, he wrote: "The article was not without merit; it was a conscientious analysis of the problems and of various proposed solutions. Indeed, there is only one reason for regretting the article or offering apologies for it: The conclusion reached was wrong—not just plain wrong, but fundamentally and impossibly wrong."

Obviously the invitation from the editors to participate in this symposium has called forth from me only maudlin meanderings by way of reminiscence rather than appraisal. But more fundamental appraisal is beyond me. Evaluation of his work will be made by those more competent to praise and appraise. His efforts in conflict of laws are already the subject of a doctoral dissertation at the University of Cologne. Nor can I offer an adequate appraisal of the man. We shared many things that are essential to a prized professional collaboration, and I profited enormously. We joined forces in writing briefs for the Supreme Court; the successful ones were largely his doing. We even tried to write an article together, but were compelled to publish separate pieces on the same subject because neither of us was willing to impose unaccept­able ideas on the other. We shared, too, common friends and uncommon enemies, and common interests in and out of the law. But there was something deep within him that I never got to know. For his was essentially a
lonely spirit. I am reminded that in his book review, to which I have already alluded, he selected for comment a sentence from a Holmes letter to Cohen: "The other dissenters thought I went too far and I flocked alone." The emphasis was Currie's and he referred to it as "a magnificent book title." If he had ever been moved to write autobiography, as he was moved from time to time to indulge other engaging if extraordinary pastimes, like making a violin or writing a murder mystery, I am sure that it would have been titled: "I Flocked Alone." It would have been an appropriate title.

THE BEHAVIORAL SCIENTIST

I am the very model of a modern intellectual;
I know the ruddy answers thought I'm rather ineffectual.
I'm more sophisticated, son, than people clad in denim are;
When I have nothing much to say, I say it in a seminar.
I have a little paper on some matters psychological;
The highest court knows less than I of subjects pedagogical;
I know which books are best to read,
which symphonies are better, Ah,
I'm very well informed upon aesthetics and et cetera.
I know a thing or two about the science behavioral—
To which to foster, fellows stout, you sacrificed and gave your all.
I know about relations, both platonical and sexual—
In short, I am the model of a modern intellectual.

I'll tackle any snafi with a model mathematical;
Tough legal problems vanish when I use my method graphical;
My judgment is impeccable on matters architectural;
I'm very adamant about most things that are conjectural;
At regulating conflicts I am pretty near infallible;
On values my opinions are reportedly invaluable;
Quite modestly, I see myself an elegantly mentored man—
The jealous critics call me a complacently self-Centered man.
I ken the social sciences and eke the poor humanities;
My imprimatur sanctifies the veriest inanities;
I understand philosophy, pragmatic and conceptual—
You see, I am the model of a modern intellectual.

I flatter me that I know free-dom from responsibility—
My fellowship maintains me in respectable gentility;
My coffee-steeped opinions have remarkable felicity;
My knowledge is distinguished for its very catholicity.
I'm right on top of inside dope on Little Rock and satellites,
On horseshoe pitching, Dead Sea scrolls, and even western cattle rights,
On how to tune a motor and on how to make a Chevy sing—
I think I ought to organize a seminar on everything!

My friends are IBM machines, my methods are statistical;
My just reflections on myself are somewhat narcissistical;
And though my lucubrations may be mostly ineffectual,
I am the very model of a modern intellectual.

—Not-G.*

* All poetry may be divided into two categories: (1) That written by W. S. Gilbert (G), and (2) All other (Not-G).

Truly National

The Law School is frequently, and accurately, described as a national institution in the sense that its graduates are found in substantial numbers in almost all sections of the country.

In view of this, the School has launched an ambitious program of alumni gatherings throughout the United States. The program began in mid-November, when Professor Kenneth Dam, JD'57, addressed a luncheon meeting of alumni in Washington, D.C. Abe Krash, JD'49, President, and George Miran, JD'56, Vice-President, officiated. In December Professor Geoffrey C. Hazard, Jr., and Assistant Dean James M. Ratzliffe, JD'50, visited Seattle, and spoke at a luncheon meeting arranged by Michael K. Copass, JD'30. At that meeting Gene Brandzel, JD'62, was elected Chairman and Bertram L. Metzger, JD'61, Secretary, of the Seattle-Tacoma Alumni. The following day both Faculty members spoke at a luncheon for the Portland-Salem Alumni. The meeting was arranged by the Honorable Sidney I. Lezak, JD'49; Leon Gabinet, JD'54, was elected Alumni Chairman. In the evening, Professor Hazard was the featured speaker at a banquet celebrating the merger of the Northwestern College of Law with Lewis and Clark College. The next stop on the itinerary was San Francisco. Here a Law Alumni organization already existed, headed by the troika of Dudley A. Zinke, JD'42, Marvin T. Tepperman, JD'49, and Jack E. Frankel, JD'50. Mr. Tepperman chaired the luncheon meeting. Among the special guests were the Honorable Roger Traynor, Chief Justice of the Supreme Court of California, the Honorable Stanley Mosk, '35, Justice of the Supreme Court of California, and Professor Max Rheinstein, who, as was noted in the last issue of the Record, is spending the current academic year at the Center for Advanced Studies in the Behavioral Sciences at Palo Alto. The Southern California Alumni Association sponsored a dinner on the following evening, under the leadership of the Chairman, the Honorable Benjamin Landis, '30, and the President, Irving I. Axelrad, JD'39, who presided.

During the last week in January, as this is being written, meetings have been arranged for Dean Ratzliffe in Minneapolis-St. Paul by Donald B. Smith, JD'32, and William H. Abbott, JD'28; in Milwaukee by Edwin P. Wiley, JD'52, and Charles S. Erasmus, JD'29; for Professor Norval Morris in Cleveland by Fred H. Mandel, JD'29, and Richard N. Ogil, JD'61; and in Detroit for Professor Jo Desha Lucas by Charles F. Russell, Jr., JD'51, and Miles Jaffe, JD'50. Sheldon Tefft, James Parker Hall Professor of Law, will be the featured speaker at the annual meeting of the Law Alumni Association of Greater New York on February 4.

In mid-February, Dean Ratzliffe will meet with Law School alumni in Houston, Dallas and Phoenix. In mid-