Natural Law and Human Nature

Wilber G. Katz
James Parker Hall Professor of Law

What is it that a teacher of corporation law can bring to a discussion of natural law? Perhaps it is principally his concern with the problem of the criticism of rules of law. I am awed, of course, by the mass of learning which has accumulated around varying concepts of natural law—learning which I have not even systematically sampled. But twenty years of teaching law have so heightened my concern over lawless debates about justice and law as to remove many inhibitions. Without apology, therefore, I may discuss the utility of a concept of natural law as a basis for the criticism of rules and institutions of positive law. But first let me summarize the change which these twenty years have brought about in the law schools in attitudes toward natural law.

I received my professional training in the twenties when natural law was all but eclipsed, except in the Roman Catholic law schools. The dominant legal philosophy was a positivism in which law was merely the word for what the officers of the State would enforce. Criticism of legal rules, except in terms of their internal consistency, was viewed as merely the assertion of the critic's personal opinion. I remember the classmate who insisted on an ethical point in our class in property law. In a withering tone, the instructor advised him to transfer to the divinity school if he was interested in such questions. And when Morris Cohen wrote in defense of natural law philosophy, he said that he expected his effort to have the kind of reception which would be accorded to a defense of belief in witchcraft.

It should not be overlooked that part of the hostility to the concept of natural law was due to its abuse, particularly in the history of the federal due process clause. Mr. Justice Brewer had said in an address that the demands of natural law "prevent that any private property . . . should be subordinated . . . in the interests of public health, morals, or welfare without compensation." And it was on similar grounds that legislation such as workmen's compensation was first held unconstitutional.

By the middle forties the general attitude toward natural law had strikingly changed. Perhaps the turning point was the perversion of the legal order in Nazi Germany. Legal relativism suddenly became ludicrous. Faced with the Aryan laws, one could hardly comment that the National Socialists merely had a different view of justice from ours. Books and articles were published giving new and respectful attention to the natural law tradition. To be sure, one of these was ridiculed by a reviewer as "firing feather barrages" and as "reconciling science and God and calling it law." But the reviewer himself later published his own "brief statement of democratic morals" in terms most of which a natural law philosopher could easily accept.

My own introduction to natural law was largely at the hands of my then colleague Mortimer Adler. In this introduction I confess I was not deeply impressed with the utility of the classic formulations of natural law principles. But I owe to Mr. Adler the clue which has led me to the position taken in this paper.
Adler gave a course called Law and the Nature of Man, an introduction to philosophical psychology. Participation in this course convinced me that inquiry into the nature of man is the most promising source of useful natural law criteria. Nor was this conviction shaken when a student librettist lampooned the course with the parody: “Law and the Nature of Man, tra la, has nothing to do with the law.”

Let me first use the criminal law to illustrate how analysis of legal problems brings one to basic questions as to the nature of man. In my generation it has been fashionable to take the position that criminal responsibility is imposed either to deter (or prevent) further crime or to reform the offender. Emphasis on one or the other of these purposes usually reflects a distinct view of human nature. To speak of reformation presupposes a nature capable of moral development. To speak of deterrence presupposes only a nature capable of conditioning. When advocates of deterrence are faced with evidence that the deterrent effect of punishment on the criminal is very doubtful, they usually shift to the point that others, potential criminals, are more effectively deterred. This is highly probable; but it raises the question of the justice of punishing one man for the purpose of conditioning others. This point would not be serious if it were recognized that punishment is justified as retribution, but retributary theories have generally been rejected in recent decades. They have been dismissed as mere rationalizations of vengeance and as utterly unacceptable in view of evidence as to the extent to which crime is traceable to social and family conditions.

This confusion as to the basis of criminal responsibility is not merely of academic concern. It has led to confusion and vacillation as to the severity and type of penalties imposed and as to the handling of borderline cases of mental incompetence. And it mirrors an unhealthy confusion in the public attitudes toward crime and punishment.

A natural law approach to criminal law would require the facing of questions such as these: Are criminal tendencies unique to a criminal class or are they similar to tendencies common to all men? Have men a freedom of choice and a moral responsibility resting upon such freedom or on some other basis? Are men capable of moral development and under what general conditions does moral development take place? Is it important in this connection that men are treated as responsible for their acts?

Here let me sketch very briefly the doctrine of man in which Christians find answers to such questions. With this view of the nature of man, I will comment further on the criminal law and then consider some aspects of the law of economic organization. A thumbnail sketch of the nature of man in the Judeo-Christian tradition must include: first, man’s capacity for creative life in society; secondly, his tendency toward defensive retreat from the frustrations of his limited creativity; and thirdly, his freedom and responsibility with respect to these tendencies. Inferences may then be drawn as to man’s proper good and as to conditions necessary for his development toward this goal, conditions which legal institutions may help to establish and maintain.

We begin thus with the capacities in virtue of which man is said to be created in God’s image. I shall only suggest some of the items in the complex: man’s power of transcendence, his capacity for objective understanding and appreciation, his critical intelligence, his creative imagination. These powers are developed and exercised in a process of social interaction and in the context of man’s need for others and his capacity for creative interpersonal relations.

But these human capacities are finite and their limits involve disappointment and frustration. Men do not readily accept their limitations in trustful dependence on the providence of God. They attempt in varying ways to escape these limitations and the pain incident to them, either in aggressive and pretentious rebellion against the limitations or in weak and slothful withdrawal from the exercise of their powers. At the conscious level and in relation to God these tendencies are called sin, but they are recognized more or less clearly under other categories in secular philosophies and in clinical science. And these reactions become habitual and to a large extent unconscious. As in the case of man’s creativity, the context for these tendencies is social and man’s defensiveness typically appears in patterns of domination and submission.

Has man freedom and responsibility in relation to these tendencies? The answer of moral theology is yes, but what more can be said? Here one approaches the limit of human understanding. How am I to avoid the alternate temptations to prideful assertion of some pseudo-explanation or to slothful avoidance of a necessary point in my paper?

(Continued on page 15)
'29 Passes in Review on Its 25th

MARSHALL A. PIPIN, '29

Statistics are enlightening, but individuals are more interesting. This is especially true when after twenty-five years we look back on our days in The Law School of the University of Chicago. It is then that we wonder what each of our classmates is doing now and where they are. We desire to know what has happened to them in the intervening years since the days of torts (especially the horse with the glands) and constitutional law under Dean Hall; of "Introduction to the Law of Real Property" under Professor, and later Dean, Bigelow; of common-law pleading under Judge Hinton; of administrative law under Professor Freund and his famous question that such-and-such is so—"but. Does anyone see my 'but'?"; of agency and corporations under Professor Mechel and how—when the class arose and applauded him on his exit from the classroom at the end of the course—in reference to the coming exam, he reminded us of Gethsemane; and of trusts under Professor Bogert. These are the "profs" who are no longer at The Law School. But on this occasion our thoughts also turn, with the same pleasant reminiscence, to those of our professors who are still on the faculty, such as Professors Puttkammer and Sears.

Yes, at a time like this, we are more interested in the individual classmates and professors than we are to know how many are judges, how many are still practicing law, and how many have found other, and we hope as green or greener, pastures of endeavor. What follows is a biography or summary of what has happened to each of those of our classmates who are living and who took the time to answer the questionnaire. P.S. If your biography is incomplete, it is because you failed to supply all the information.


ADELSON, NORMAN T. Factory sales representative of giftwares. Completed law at DePaul College of Law. Married 1929 and has one son, who graduated from University of Illinois this June. Address: Home—7100 South Shore Drive, Chicago 49.

AGNANAT, SIMON. Justice of Supreme Court of Israel. Practiced law in Palestine until end of 1940, magistrate until 1948. President of District Court until August, 1949, and since on Supreme Court. Married Carmel nee Friedlander. Five children ranging in age from two to eighteen years. Address: Home—1 Abarbanel St., Jerusalem, Israel; Office—Supreme Court of Israel.

ALEXANDER, SIDNEY S. Deceased.


Address: Home—1131 Curtiss St., Downers Grove, Ill.; Office—1017 Burlingame Ave., Downers Grove, Ill.

APPELBAUM, DAVID L. No reply to questionnaire.

ATEN, FRED H. Address unknown.

ATLAS, EDWARD. No reply to questionnaire.

BALDWIN, RICHARD EUGENE. Engaged in practice of law in Chicago. Married Helen Virginia Thrasher in 1937. Two daughters, Nancy and Dorothy, ages 9 and 6 years. Address: Home—231 E. Superior St., Chicago; Office—same.

BARTCH, BERNARD. Is now an Oldsmobile automobile dealer in Gary, Ind., after practicing law in Chicago from 1929 to 1939. Member of board of directors of Gary Chamber of Commerce; president of Temple Israel, Gary, Ind.; member of board of directors of Idlewild Country Club, Homewood, Ill. Married. Son, age twenty-two, graduate of University of Michigan and in business with Bernard, and daughter, age eighteen, at Michigan State. Address: Home—7406 Oak Ave., Gary, Ind.; Business—26 W. Tenth Ave., Gary, Ind.

BENJAMIN, SAM J. Retail merchant, men's shoes and furnishings, in Ann Arbor, Michigan, after practicing law in Chicago six years, spending two years in California and four more years in Chicago before moving to Ann Arbor. Member of Moose Lodge and University of Michigan Club A.B., University of Michigan, 1927. Married, his wife graduating from University of Michigan with him in 1927. Will celebrate twenty-fifth wedding anniversary in September. Two daughters, Bernice, fourteen years, and Helen, ten years. Address: Home—122 E. Washington St., Ann Arbor, Mich.; Business—1424 Iroquois Place, Ann Arbor, Mich.

BERCHEN, DONALD N. No reply to questionnaire.

BERGER, WALTER K. Address unknown.

BLOOMSTEIN, MAX, Jr. Member, firm of Johnston, Thompson, Raymond & Mayer, Chicago, since January 1, 1939, having, however, been employed by that firm and its predecessor since September 23, 1929. Extensive early experience in all real estate liquidation fields. In 1936 commenced specialization in field of federal taxation and now specializing in federal estate, gift, and income taxes, heading that department in his firm. Present practice: general counsel, corporate, real estate, trust and banking, estate planning, and federal taxation. Member Chicago, Illinois, and American bar associations. Married Ruby Welcher of Chicago, graduate of Art Institute of Chicago. Two children, daughter, Valerie, now junior at Mount Holyoke College, South Hadley, Mass.; son, Richard W., now freshman at Massachusetts Institute of Technology, Cambridge, Mass. Address: Home—1367 Lincoln Ave., South, Highland Park, Ill.; Office—11 S. La Salle St., Chicago 11.

BLUNK, CLIFFORD M. No reply to questionnaire.

BROOKSHIRE, WILLIAM A. No reply to questionnaire.

BULLARD, CATHERINE WILSON. Married August 18, 1928, to Edward M. Bullard (now member, firm of Isham, Lincoln & Beale, Chicago). Clerk to Ralph D. Shanesy for
about a year. Three daughters, Jean, married in June, 1953; Anne, junior at Stanford University; Helen, senior at New Trier High School. Served two terms on Winnetka Village Council. Address: Home—139 DeWindt Road, Winnetka, Ill.

CAMPBELL, ESHEL W. Deceased.


CHAPMAN, I. PHILIP. No reply to questionnaire.

CHEadle, JOSeph K. No reply to questionnaire.

Chernoff, MAX A. President of Acme Laundry Company, Chicago. Married Ruth Husman, Class of 1929. Two sons, Michael, student at University of Chicago; David, high-school student at Laboratory School. Address: Home—6935 Paxton Ave., Chicago 49; Office—4211 S. State St., Chicago.


Contor, Edward. Vice-president in charge of Trust Department, Liberty National Bank of Chicago. Five years in general practice of law; last twenty years in present position. (Notes that Professor Bogert's admonitions regarding field of trusts have proved most valuable in preparing him for life's work.) Married. Twin boys, Paul and Jay, nineteen, each a sophomore at Northwestern University, Evanston, Ill. Address: Home—465 Oakland Drive, Highland Park, Ill.; Office—Liberty National Bank of Chicago, 3158 W. Roosevelt Rd., Chicago 12.

Crouch, Edwin G. Secretary and member of the board of directors and counsel for Cummins Engine Company, Inc., Columbus, Ind., manufacturers of diesel engines; secretary and counsel for Cummins Diesel Export Corporation and Cummins Diesel Sales Corporation, subsidiaries of Cummins Engine Company, Inc. Trust officer, Tennessee National Bank, Johnson City, Tenn., 1929-31; member, firm Crouch & Crouch, Johnson City, Tenn., 1931-36; practice of law in Columbus, Ind., 1936-42; active service in U.S. Navy, commissioned lieutenant (j.g.), honorably discharged as lieutenant commander, U.S.N.R., 1942-45; served as legal officer of Amphibious Training Base, Camp Bradford, N.O.B., Norfolk, Va., from February, 1943, to June, 1945; since 1945 active practice of law in Columbus, Ind. Member, board of trustees, School City of Columbus, Ind.; member of board of trustees, Milligan College, Milligan College, Tenn.; chairman and member of board of trustees, Cincinnati Bible Seminary, Cincinnati, Ohio; trustee and elder, Christian Church, Columbus, Ind. Married Hazel Payne of Webster Groves, Mo., Nov. 30, 1953. Address: Home—2136 Franklin St., Columbus, Ind.; Office—4311 Washington St., Columbus, Ind.

CyRus, bindley C. General counsel for Victory Mutual Life Insurance Co. Attended high school in British West Indies; came to United States from Barbados at age of fifteen; attended B. S. Lewis Institute and University of Chicago, 1931-35; General counsel of Knights of Pythias of Illinois; 1931-32, assistant state's attorney, Cook County; founder and president of American West Indian Association; member of Caribbean Commission (U.S. Section); candidate for Congress from First Congressional District, III. Married. Children, Elena Millicent, seven; Bindley C., Jr., six; U. G. Dailey, Jr., three; James Francis III, one. Address: Home—7243 Calumet Ave., Chicago; Office—417 E. Forty-seventh St., Chicago.

DANIEL, JOSeph R. No reply to questionnaire.

Demere, richard J. Presently residing in Tucson, Ariz., where he removed in June, 1953, to find suitable climate for his mother's health. Not at present practicing in Arizona, as Arizona law requires a year of residence. Attended University of Chicago Law School, 1926-28, went to work until decided to finish law work in 1938, securing degree at University of Alabama in 1940. Admitted to practice in 1945. Two years on attorney's staff of state of Alabama, followed by two years on staff of Solicitor, United States Department of Agriculture. Taught law at Emory University and later at Cumberland University in Lebanon, Tenn. Admitted to practice before Supreme Court of United States in 1946, to Georgia Bar in 1947, and to Tennessee Bar in 1949. One son, sixteen, who resides with him in Tucson. Address: Home—2717 E. Hedrick Dr., Tucson, Ariz.

Despires, leon M. Engaged in practice of law, Chicago, 1934-54; 1929-34, employed by Sonnenschein, Berkson, Lautmann, Levinson & Morse. Married, September 10, 1941, (Continued on page 18)
Decade Luncheon

The Classes of 1920 through 1930 were the guests of the Law School at a luncheon at the Quadrangle Club at which Professors Allison Dunham, Brainerd Currie, and Philip Kurland discussed recent Supreme Court cases.

Professors Brainerd Currie, Allison Dunham, and Philip Kurland discussing recent Supreme Court cases before the meeting of alumni of the '20s in the Quadrangle Club.
American Bar Association—
60th and Woodlawn

Previous issues of the Record have kept Law School alumni informed of the progress of the new American Bar Center, national headquarters for administration and research of the American Bar Association. The Center, which is being erected between Woodlawn Avenue and University Avenue on the south side of the Midway, will be dedicated on Thursday, August 19, during the forthcoming Annual Meeting of the Association.

At noon on the day of the dedication, the Law School will hold an Alumni Luncheon in the Quadrangle between the Law School Building and Beecher Hall, the Law School Dormitory. The Chief Justice of the United States, the President of the American Bar Association, Sir David Maxwell Fyfe, and others occupying principal roles in the dedication ceremonies will be guests of the School at this affair. Alumni of the School, together with their wives, are cordially invited to attend.

In addition to the Alumni Luncheon, the Law School will be host on Saturday, August 14, at a luncheon and reception for members of the Conference of Chief Justices, and for the Commissioners on Uniform State Laws. On Sunday, August 15, the School has planned a reception and dinner for members of the faculties of other law schools who are in attendance at the ABA meeting.

During the entire period of the Annual Meeting a special exhibit will be displayed in the Law Building. The exhibit will consist of three parts: First, a collection of pictures shown through the courtesy of the Art Institute of Chicago. This exhibit will contain works by Toulouse-Lautrec, Daumier, Rowlandson, Forain, and several others; the subject matter of all works shown will be of special interest to lawyers.

Second, there will be on exhibition a collection of legal documents and rare law books. The exhibit will begin with early Egyptian and Sumerian "documents" and will draw extensively on the University's collection of the papers of the Bacon family, probably the most complete collection of its kind in the United States. There will also be a selection of rare law books, drawn from the Rare Book Library of the University and from the private collection of Louis H. Silver, JD'28. Several legal documents and letters in the handwriting of Abraham Lincoln will also be on exhibition.

Finally, members of the staffs of the Law School's Ford Foundation-endowed research projects in Law and the Behavioral Sciences, especially the Jury Project and the Arbitration Project, will be on hand to explain their procedure and objectives and, through the use of audio-visual equipment, to present examples of the progress of these projects.

Moot Court Competition

The Moot Court competition has become an integral part of the first-year program in the Law School. During the past academic year the program was administered by a student committee, headed by Gregory Beggs, chairman, and Mrs. Eva Content, secretary, and assisted by the Bigelow Fellows. As the concluding assignment of the First-Year Tutorial course, each student was assigned a case and required to file a written brief and to present oral argument. Members of the Bar of Chicago and members of the Faculty of the School served as judges. The Moot Court Committee also sponsored the lectures on the "Art of Argument," delivered by the Honorable Walter V. Schaefer and Mr. James Dooley, which were published in the previous issue of the Law School Record. The Moot Court Team upheld the high standard of past representatives of the School by placing fourth in the national competition and winning the prize awarded to the best brief submitted in the nation-wide contest. Messrs. Marvin Stender, Harold Ward, and Paul Wenger made up the Law School team.
Jurisprudence and Politics

Continuing the regular conference program begun some years ago, the Law School sponsored, during the Spring Quarter, a Conference on Jurisprudence and Politics.

The Morning Session was chaired by Professor Malcolm P. Sharp of the University of Chicago Law School. Richard P. McKeon, Charles F. Grey Distinguished Service Professor, University of Chicago, spoke on "Philosophic Presuppositions and the Relations of Legal Systems." Professor Myres McDougal of the Yale Law School presented a paper entitled "What Is International Law?" and John Newbold Hazard, Professor of Public Law, Columbia University School of Law, presented "A Comparison of Some Main Concepts of Soviet and Anglo-American Law."

Max Rheinstein, Max Pam Professor of Comparative Law, University of Chicago Law School, presided over the Luncheon Session. Lon L. Fuller, Professor of Law, Harvard University Law School, discussed "Freedom and State Action." His paper was commented upon by Frank H. Knight, Morton D. Hull Distinguished Service Professor Emeritus of the University of Chicago; John Jewkes, Professor of Economic Organization, Oxford University, and Visiting Professor, the University of Chicago Law School; and Thomas A. Cowan, Professor of Law, Wayne University, and Visiting Professor of Law, Rutgers University.

In the afternoon those in attendance at the Conference were invited to hear Hans Kelsen, Professor of International Law at the Naval War College, speak on "Democracy and Economics." This lecture was one of a series presented by Professor Kelsen under the auspices of the Walgreen Foundation.

Karl N. Llewellyn, Professor of Law, University of Chicago Law School, presided over the Dinner Session. "Law as an Influence in Social Policy" was the topic of Scott Buchanan, formerly Dean of St. John's College. Edward Shils, Professor in the Committee on Social Thought, University of Chicago, presented the concluding address, entitled "Beyond the Law: The Formation of Social Policy."

The evening session of the Conference on Jurisprudence in the Quadrangle Club.

Professor Edward Shils, Scott Buchanan, Professor Karl Llewellyn, and Professor Richard P. McKeon.

Professor Brunson MacChesney of the Northwestern Law Faculty, Professor Myres McDougal of the Yale Law School, and Professor Soia Mentschikoff.

John Howard, '42, Professor Lon L. Fuller of the Harvard Law School, and Professor Brainerd Currie.
The Alumni Fund

The Third Annual University of Chicago Alumni Fund Campaign is drawing toward a successful conclusion. On Thursday, August 19, the amount of the 1953-54 Alumni Gift will be announced at the luncheon to be held prior to the dedication of the American Bar Center.

Under the outstanding leadership of Dwight P. Green, '12, the campaign has this year enlisted the help of a record number of alumni. Space does not permit listing the names of the more than one hundred class agents who contributed to the success of the campaign. To them, and to the Executive Committee and Class Chairman whose names are set forth below, The Law School expresses its deep appreciation.

UNIVERSITY OF CHICAGO LAW SCHOOL ALUMNI FUND CAMPAIGN, 1953-54

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Alumni Notes

J. Ernest Wilkins, J.D., '21, has been appointed United States Assistant Secretary of Labor. Mr. Wilkins has practiced law in Chicago since his graduation and served in 1942 as president of the Cook County Bar Association.

During the Spring Quarter ten meetings of alumni of the School were held in widely separated parts of the country. When the Illinois State Bar Association met in East St. Louis, in May, the Law School alumni present heard Professor Walter J. Blum present "Some Observations on the Proposed New Revenue Code." Dean Edward H. Levi addressed a meeting of graduates residing in the Washington area; the meeting was arranged by H. Charles Ephraim, '47. In early June, Professor Sheldon Tefft traveled to Des Moines, to lunch with a group of Chicago men assembled for the annual meeting of the Iowa State Bar Association, with John Hughes, '33, as host. A few days later Dean Levi and Mr. Dwight P. Green, General Chairman of the Alumni Fund, met with alumni in New York, at a luncheon arranged by George James, JD '32. In mid-June, Assistant Dean James M. Ratcliffe swung down the Pacific Coast, meeting with alumni in Seattle, where Dan C. Smith, '40, was host, in Portland, at a luncheon arranged by George Friede, '31, in San Francisco, under the auspices of Philip Lawrence, '42, then to Los Angeles, where Delvy T. Walton, '24, had gathered our graduates together, and finally to Salt Lake City, where Grant Andresen, '42, acted as host. In late June, Professor Wilber Katz addressed alumni of the School in Eau Claire, Wisconsin, where they were gathered for the annual meeting of the Wisconsin Bar Association; this meeting was provided by Charles C. Erasmus, '29.

SAVE THE DATES
See page 14 of the Record for the list of special lectures The Law School has arranged for the Autumn Quarter. Hear the biographers of six Supreme Court justices.
Thirteen Law

Some Notes for a History of the University of Chicago Law School Class of 1913

MITCHELL DAWSON

Before me lies a specimen of photographic art labeled:

THE UNIVERSITY OF CHICAGO LAW SCHOOL
CLASS OF 1913

This picture follows the conventional pattern. In the center are the photographs of ten faculty members, beneath which are the pictures of the Class officers, namely: Earl Q. Gray, President; R. C. Woolsey, Vice-President; Nate Tarrson, Secretary; and William H. Spencer, Treasurer. The rest of the page is filled with the rank and file of Class members.

Before I found this picture, I had that helpless and hopeless feeling that all the research in the world could not supply me with any written record of the Class. This picture gave me some comfort, but it was short lived. You can't spin a class history out of a picture, and there seemed to be no other record except lists of names of persons who graduated in 1913 and which of them were dead. Repeated raids on my "morgue" files, which contain the greatest conglomerations of legal miscellany in the Anglo-Saxon world, yielded only one more item—a poem by Weightstall Wood read and circulated at a dinner in celebration of the twentieth anniversary of our Class.

The trouble was that the Class of 1913 was born under the shadow of the quarter system, which was the invention, I believe, of that enlightened first president of the University, William Rainey Harper, whose son, Paul V. Harper, was a member of our Class. The quarter system has long since proved its merit, but in the years when our Class was in school the quarter system was still a novelty and the subject of controversy. The more progressive members of the faculty and students, especially in the Law School, came to regard class groups as undergraduate nonsense. For that reason, records using the class as a unit were not kept, because they would be of little value.

Under such circumstances, annual classes are an artificial concept. Except for rare reunions, the Class of Thirteen did not continue its identity after graduation. The history of such a class must therefore be the collective biographies of its members.

To get the ball rolling, I resorted to the time-honored device of a questionnaire. Forty were sent out, and sixteen answers were received. We made no attempt at a follow-up, and no effort to find out about the deceased members.

As I read the answers, I was struck by the fact that here we had a slice of lawyer history. Not too valuable as history goes, but honest and factual. The lawyer's part in his community has never been adequately told.
For instance, it is startling to discover that some of the Thirteeners in growing up with their communities had many of the experiences of frontier lawyers. All of them seem to have devoted a substantial part of their lives to public service.

Most of those who finally took their J.D. or LL.B. degrees in 1913 entered the practice of law. Some of them took jobs as law clerks. Those were the days when a law clerk was a handyman. He did not polish up the handle of the big front door, because there was no such handle. However, it was often a law clerk's duty to clean and fill inkwells and empty cuspiders. He would be paid anywhere from nothing at all up to $15.00 per week. Such a clerkship could be a pretty disillusioning experience. The wiser or luckier men by-passed it. Take Earl Q. Gray, for instance. He was president of the Class and the equivalent of valedictorian. He and St. Harris were at the top of the list in scholarship, although differing widely in temperament. Earl was one of the most successful Thirteeners in building his life around the practice of law. The "Q" in his name must stand for "Quotable" because the sketch of his career he sent me in answer to the questionnaire is all pleasantly quotable, and I quote as follows:

I was married July 2, 1921, to Lucile Roberts of the old home town, Higgins, Texas. I have one son, Roger K. Gray, who is engaged in the oil business with me here at Ardmore; a daughter, Nancy, who is the wife of John D. Cheek, an attorney of Oklahoma City. I have four grandchildren. I have always been very proud of my family. I have often said that just having my wife with me at a bar meeting or other gathering raises my standing several notches. At the American Bar Association at Washington, D.C., one hostess, in trying to tell another how to find my wife and daughter in the crowd, said, "You just look for the most attractive mother-daughter combination here, and that will be them."

In the summer of 1913, looking around for a location where my services might be usable, I landed at Pauls Valley, Oklahoma. I was attracted by the very high quality of farm land in that area. I remained there only about six months. I did get some work to do, but it paid very poorly. The discovery of a major oil field near Ardmore made it look much more attractive. I had observed, when first looking around in the oil towns of Tulsa and Bartlesville, that those who were pointed out as the leading lawyers of the town were much younger men than the leading lawyers of the agricultural sections. This helped to convince me that an oil town was more desirable for a beginning lawyer.

I had been at Ardmore for about six months when one of the older firms, Potterf & Walker, offered to employ me. Walker, the junior member, had property in the new oil field and had under consideration plans to leave the law practice and move to Oklahoma City. He made this move only a few weeks after I began work for the firm, and H. C. Potterf rather surprised me by offering me a full partnership. He was rather elderly and his health not too rugged. He had an excellent reputation for intelligence and integrity but was no longer very aggressive. He was quite willing for me to carry all the responsibility of which I felt capable.

In this situation I probably accumulated experience more rapidly than many young lawyers. In my early thirties, I felt like I was carrying as much responsibility as any other lawyer in this immediate section of the state—but that thought was probably another one of my errors. Chiefl y, we were representing banks and other substantial creditors of individuals who, during the flush times toward the end and after the end of World War I, had extended their operations much too widely for safety. There were failures that involved estates quite large for this area, and the creditors were numerous and in large amounts. I began to hear myself referred to as a collection lawyer and didn't like the sound of it, but it did get me a very good start and paid well.

After that period passed, I drifted more into land-title litigation and matters arising out of oil and gas operations. However, I have continued representing banks and have, I believe, seen banks and bankers in as many different kinds of trouble as the "Kingfish" can get into.

Over the years I have gradually accumulated property, and this has taken more and more of my time and limited my time for the practice. Among other things, I have over the years acquired a good many tracts of land and interests in other tracts, many of which are held largely for oil possibilities and some of which are productive. For a long time, I sought to retain only royalty interests, but, since my son has been out of school and out of the army, we have under his management engaged in some oil and gas operations. This has not been extensive, but, when successful, it doesn't need to be extensive to pay better than the law.

I was not able to forget my origin in the cattle-raising section of the Texas Panhandle and in 1936 bought a ranch in what I believe to be the best all-year-round native grass-ranching section in any state. The area has received some national publicity as "Hereford Heaven." It is limestone soil. I probably wouldn't trade my ranch for any other that I ever saw, but charge that to my prejudice. It has a clear all-year-round stream, running from 20 to 40 feet wide for several miles through the place. It is fed by springs mostly rising on the place. With springs, well, and the creek, I claim it is the best-watered ranch in anybody's country. Ranching is my hobby, but it's paying. I never feel more relieved than when I can get in my car and head that way—about 40 miles from here. I enjoy nothing better than showing a friend over it. This is an invitation to you or to any member of the class.

I do regret that these other interests encroach more and more on my time and limit what I can do in the law. For the past year it has been limited more than ever because I am currently serving as district governor of my district in Rotary.

I love that picture of the levelheaded Earl escaping to his private earthly paradise. A farm can be heaven—with plenty of machinery and hired men and good soil. An astonishing number of Thirteeners have found this out. That's the one important fact that Harry Markheim reported in his laconically answered questionnaire. "Since 1940," he says, "I have lived on and operated a 332-acre farm west of St. Charles, Illinois." That's all he says, but it packs a wallop. I hear from other sources that he has had some excellent dairy herds and that his

(Continued on page 24)
Alumni Luncheon Series

During the month of May, members of the Faculty spoke at a series of four alumni luncheons. The series was opened by Roscoe T. Steffen, John P. Wilson Professor of Law, speaking on "The Making of Casebooks." He was followed by Professor Walter J. Blum, who offered "Some Reflections on the Proposed New Revenue Code." The third speaker in the series was Professor Karl N. Llewellyn, whose topic was "The Uniform Commercial Code." The series was concluded with Wilber G. Katz, James Parker Hall Professor of Law, who spoke on "Observations on Corporation Law, 1929-54." Professor Steffen was introduced by Mr. E. Houston Harsha, '40, Professor Blum by Mr. Harry N. Wyatt, '21, Professor Llewellyn by Mr. Frank Mayer, '23, and Professor Katz by Mr. Stanley Kaplan, '33.
Comment on Crosskey

Few legal treatises of modern times have excited the interest which has been revealed in Professor William Winslow Crosskey's monumental work, Politics and the Constitution in the History of the United States. Set forth below is a partial list of the reviews, ranging in opinion from sharp disagreement to wholehearted enthusiasm, which have thus far come to the attention of The Law School.

ARTICLES


SYMPOSIUM


REVIEWS FROM LEGAL PERIODICALS


REVIEWS IN NONLEGAL PERIODICALS

McCloskey. American Political Science Review. 47:11.

The Honorable Simon Sobeloff, Solicitor General of the United States, who addressed the student body during the Spring Quarter.
Class of '49 Reunion

Members of the Class of 1949 met at a highly successful class reunion during the Spring Quarter. The main dining-room of the Chicago Bar Association was the scene of a cocktail party and dinner for more than seventy members of the class and their spouses. Several members of the faculty attended and spoke briefly; Professor Sheldon Tefft was the featured speaker of the evening. R. Howard Goldsmith and James J. McClure were in charge of arrangements.

Dean Levi and Professor Harry Kalven receive name-tags from Esther Muskin.

Cocktails before dinner at the Reunion of '49

Members of the Class of 1949 examine new Class Directory, issued for their Fifth Anniversary.

Robert Crowe, Mr. and Mrs. Arnold Sylvestri, and Mr. and Mrs. James Parsons, at the Reunion of the Class of 1949.
Faculty Appointments

The Law School is pleased to announce the appointment of John P. Dawson as Visiting Professor of Law for the Winter and Spring Quarters, 1955. Mr. Dawson is Professor of Law at the University of Michigan Law School. He is a graduate of that institution and holds the Doctor of Philosophy degree from Oxford University. He has been a member of the faculty of the University of Michigan Law School since 1927 and has been on leave at various times to serve as chief counsel in the Rent Section, OPA; chief, Middle East Division, Foreign Economic Administration; and acting regional economic counselor for the Middle East, State Department. His subjects are Comparative Law, Restitution, Contracts, Equity, Trusts, Wills, and English Legal History.

Mr. Ritchie G. Davis, Associate Professor of Law at Indiana University School of Law, will join the Faculty as Visiting Associate Professor for the academic year 1954-55. Mr. Davis is an alumnus of the University of Chicago Law School (J.D. '39) and spent 1940–41 at the School as a Bigelow Fellow. He has practiced in New York City and taught at the University of Texas before going to Indiana. He was counsel to the ECA Mission to China in 1948–49.

The third visiting member of the faculty during the forthcoming year will be Mr. Allen H. Barton. Mr. Barton will be Assistant Professor of Sociology in the Law School and will devote his time largely to the research projects. He has been an instructor in sociology at Columbia University, from which he received the Ph.D. degree.

In addition to the visiting professors mentioned above, the Law School will next year call upon four distinguished members of the Chicago Bar to serve as Lecturers in Law. Mr. Vance Kirby, of Ross and O'Keefe, will teach a seminar in Taxation, with special attention to business tax problems. Mr. Carl McGowan, also of Ross and O'Keefe, will conduct a seminar in Securities Regulation. Mr. John Stevens, a lecturer at the Law School during the Winter and Spring quarters of this year, and a partner in Rothschild, Stevens and Barry, will offer a seminar in Patents, Trademarks, and Copyrights. Mr. Max Swiren (J.D. '27), of the firm of Swiren and Heineman, will teach the seminar in Public Utilities.

Schaefer To Give Freund Lecture

The Honorable Walter Schaefer, 28, Chief Justice of the Illinois Supreme Court, will give the biennial Ernst Freund Lecture at The Law School in March, 1955. The first Freund Lecture was delivered by Associate Supreme Court Justice Felix Frankfurter on "Some Observations on Supreme Court Litigation and Legal Education."

Save These Dates:

During the forthcoming Autumn Quarter, The Law School has arranged for biographers of six Justices of the Supreme Court of the United States to present some reflections on the Justice and his place in constitutional history. The Conference Committee believes that members of the Bar and others interested in constitutional history will find these lectures to be significant contributions to our profession and to historians as well. All lectures will take place on Monday evenings, at 8:30, in the Law Building. The schedule will be as follows:

September 27 Merlo J. Pusey, "Chief Justice Charles Evans Hughes"
October 11 Charles Fairman, "Justice Joseph P. Bradley"
October 25 Paul Freund, "Justice Louis D. Brandeis"
November 8 Carl Brent Swisher, "Chief Justice Roger B. Taney"
November 22 J. Francis Paschal, "Justice George Sutherland"
December 6 Francis Biddle, "Justice Oliver Wendell Holmes"

This lecture series will replace the Autumn Quarter Conference. The School tentatively proposes to offer a conference in the Winter Quarter on the St. Lawrence Seaway and its concomitant legal problems, and in the Spring Quarter a conference on patent law.

Women in Law School

Scattered throughout this issue of the Record, you will find several pictures of women students currently enrolled; last autumn the School registered nineteen women in a total enrollment of about two hundred and fifty. Academically, they have done very well; Mrs. Judith Weinshall Liberman ranked first in the class graduated in 1953–54, while Mrs. Ingrid Beall led the class which finished its first year last June.
Katz (Continued from page 2)

Does it help to note that men do three things in relation to evil (i.e., defensiveness) in the world?

1. What they do predominately is to transmit it. Equipped with defensive habits largely caused by the self-protectiveness of parents and others who influenced their development, they meet defensiveness (whether of the aggressive or submissive type) with counter defense (again either aggressive or submissive). This is the predominant pattern of human action, and in considering what legal institutions are suitable to man's condition, it is well not to lose sight of this fact. For this chain of defensive reactions man's responsibility is primarily communal; it rests upon the race as a whole.

2. But man not only transmits evil, he increases it. His freedom to do so is a mystery. Its exercise involves responsibility in a different sense. It is individual responsibility, though the presence of Satan in the Genesis story warns against prideful insistence on exclusive guilt.

3. Man need not merely transmit or increase evil; he may decrease it, not, to be sure, by his own power but through the redemptive power of God. He is free to be or not to be the channel of this power and he is responsible for the exercise of this freedom. The cost of accepting this role is the pain of enduring without self-protectiveness his share of the world's evil. And his share includes primarily his own defensive tendencies. To participate in God's redemptive work man must accept painful self-knowledge and assume full and painful responsibility for his own acts regardless of how completely they may have been determined by defensive acts of others.

This view of man's powers suggests that his proper good is the freeing and exercise of his capacity for creative and loving response to the world and its inhabitants. And man's advance to this end ordinarily requires external conditions, conditions in which individuals are enabled to take the painful steps which this advance requires. Certainly a measure of peace and security is required if individuals are to learn to control their defensive impulses. The environment also must have such stability that it does not overtax man's nascent and limited capacity for creative co-operation. Men require also an environment which treats them as persons, persons accorded freedom and held to responsibility. But finally it must be an environment not devoid of forgiveness.

With this rough summary of man's nature and temporal goal, we may return briefly to our consideration of the criminal law. If there is any validity to our view of the natural law of man's present state, it should follow that the law must somehow teach the sober fact of responsibility and that in this sense criminal penalties must be considered as retributory. And if the propriety of retribution is thus granted, criminals are not unjustly used if their punishment serves to promote peace and order primarily by deterring others.

At the same time the criminal law may aim at reform which, in the terms I have used, is a matter of voluntary assumption of responsibility. Here, as well as in mediating forgiveness, there are dangers of confusing justice and mercy, but there is clearly room for devices such as probation, parole, and individual and group therapy.

In drawing the line as to mental incompetency, the classical rules in Anglo-American law run in terms of capacity to understand the character of one's act and the distinction between right and wrong. The perennial debate is over expanding the category of irresponsibles to include those who have acted with this understanding but pursuant to so-called "irresistible impulse." One difficulty with this change is that medical experts often disclaim any ability to discriminate in criminal cases between resistible and irresistible impulses and insist that all criminals should be treated as sick and all criminal acts considered as irresistibly impelled.

I will not say that the traditional rules have always reached desirable results, but a natural law approach indicates that the capacity to distinguish right from wrong is not an element which should hastily be abandoned as a criterion of legal responsibility. To say that law is retributive does not mean, of course, that legal retribution should always be imposed where moral responsibility exists. Even the clearly insane may bear in the sight of God a measure of responsibility for their condition and their acts, but only the most primitive law treats them as legally responsible. Similar legal immunity for those with certain types of emotional illness may well be justified without weakening the force of the moral teaching of the law.

The other legal field with which I wish to illustrate the application of natural law criteria is that relating to economic organization. Recent discussions have often invoked the natural law in this area and usually for the condemnation of the legal institutions of free market enterprise. These institutions are based, of course, upon the profit motive and consist of a pattern of markets for goods, services, and capital through which are performed three economic functions. These are the functions of directing the allocation of resources in various lines of productive activity, effecting a distribution of the social product among the suppliers of productive services, and determining the division of total income between consumption and saving.

One of the most eloquent of the natural law criticisms of free enterprise is that of Archbishop Temple in his Christianity and the Social Order (first published in 1942). Among the counts in his indictment was this:

Production by its own natural law exists for consumption. If, then, a system comes into being in which production is regulated more by the profit obtainable for the
Marilyn-Jane Blowie (Mrs. James) and Fay Abrams Stender (Mrs. Marvin), whose husbands are also students in the Law School.

producer than by the needs of the consumer, that system is defying the Natural Law or Natural Order.

The same point had been made in the declaration of the Malvern Conference of 1941, drafted by Archbishop Temple and passed without dissenting vote by the group of more than two hundred Churchmen, clerical and lay. The conference also passed by a very large majority a statement that the Church should declare that permitting “ownership of the great resources of our community” to be vested in private hands is a stumbling block “making it harder for the generality of men to lead Christian lives.”

As long as these resources can be so owned, men will strive for their ownership. Those who are most successful in this struggle . . . will be regarded as the leaders of our economic life. They will thereby set the whole tone of our society. As a consequence it will remain impossible to abandon a way of life founded upon the supremacy of the economic motive, or to advance nearer to a form of society founded upon a belief in the authority of God’s plan for mankind.

Another criticism of free market economy was made by the Rev. Charles W. Lowry in his recent book, Christianity and Communism. He urged that in rejecting communism we should agree with the communist criticism of the buying and selling of labor in an impersonal market. I think it is fair to interpret this also as an appeal to natural law.

Such criticisms of profit-seeking enterprise seem to me one sided. The natural law which is relevant in the practical criticism of positive law is the law of man’s present nature. It is not merely the law or structure of the ideal community which is his goal. It includes also the stubborn tendencies which St. Paul recognized as the law in his members. And in the field under consideration, this means that natural law analysis must consider fallen man’s typical reaction to economic scarcity (at whatever level of abundance). Here, as elsewhere, some men respond to frustration with prideful aggression and others in weakness and fear. In the former we see greedy acquisitiveness and display; in the latter, laziness and envy.

The Malvern Declaration, to be sure, did note that the exaltation of economic activity as though the production of material wealth were man’s true end is an example of “the pervasiveness of human sin” and the Declaration added that “this is as relevant to schemes of reform to be operated by sinful men as to our judgment of the situation in which we find ourselves.” One may question, however, whether more than lip service was given to the point. The majority of the conferences, as already noted, declared for public ownership and thus for government fixing of wages and prices. They had indeed been told that socialism requires “… the conscious realization . . . of a new relationship towards our fellow men . . . Socialism requires personal conversion. It is nothing less than a religious process.”

The majority were willing, however, to go ahead with the legal change confident that the religious conversion would follow. In this Christian Laborites in Britain have been disappointed. I quote from the recent confession of Sir Richard Acland (the man who drafted the socialist resolution for the Malvern Conference). He wrote in 1952:

Too often our speeches (including particularly some of my own) . . . left audiences with the impression, that it would only be necessary to take big industries out of the hands of big owners in order that . . . all our people [should] work together as an enthusiastic and harmonious team of incorruptible saints!

What he had learned was presumably something about the problem of fixing wages by government action. I infer that he learned that fallen man finds it difficult to accept the decisions of other fallen men as to the worth of his contribution to the social product. The stumbling block for government wage and price fixing is the same as that in the path of voluntary agreement and conciliation. So long as it is possible to exert force, we may expect force to be exerted. In the case of government wage and price fixing the force is that of political pressure. We see the same process in operation in relation to government support of farm prices. And when pressures reach the fallen men at top of the government hierarchy, it is not surprising that they resort to giving with one hand and taking away with the other through monetary inflation.
The trouble with socialism, as a matter of natural law (if I may borrow the language of William E. Hocking with reference to communism)—the trouble with socialism is that "it exaggerates the capacity of human nature for community."

Archbishop Temple's own resolutions at Malvern did not declare for socialism, but they included:

The status of man as man, independently of the economic framework of industry; the rights of labor must be recognized as in principle equal to those of capital in the control of industry, whatever the means by which this transformation is effected.

One may question whether this involves any less optimism as to human nature than did the socialist resolutions.

I tried to take it seriously. I made it clear to the members of the faculty that it would neither be necessary nor of any use for them to encourage offers from other schools as a means of securing advancement in our community. And I considered it my duty to appraise the contribution of my respective colleagues, their needs, etc., and make salary recommendations accordingly.

Now if I had understood the natural law, I would have known that such an administrative policy is unnatural as well as presumptuous. You will understand that I was preserved from lynching and from insanity solely by the fact that the market did work despite my effort to exclude it. But I did not really get the point until I realized the consequences of my effort to discuss with my superiors the question of my own salary on the basis of worth or function. You will not be surprised to hear that my estimate of the worth of my services was somewhat higher than was theirs, and that I overestimated also my capacity to discuss the matter without corrosive bitterness.

In fairness to Mr. Lowry I should add that while he cast aspersions on impersonal markets, his concrete proposals as to the law were not open to criticism in natural law terms. His legislative program was not one of supplanting impersonal markets but of implementing their freedom by checking of monopoly. The measures suggested included also taxation according to ability to pay and control of money and credit. It is through taxation and relief that the law may properly foster the economic security which I listed among the conditions necessary for man's moral development. And it is through credit and fiscal policies that the law may check violent fluctuations of business and employment with the same end in view.

But while Mr. Lowry in the end assigned to the law the role which, under conditions of American society, the natural law suggests it should play in relation to economic organization, statements such as that concerning the buying and selling of labor seem to suggest other types of legislative reform. Such statements contribute to the moral bewilderment and political confusion of

My point is that a natural law approach to economic institutions would consider the advantages of impersonal markets in the light of man's greed and envy. I agree with Mr. Lowry that men are not commodities; but men being what they are, I believe that in a dynamic economy it is good—in the sense of appropriate—to have wages largely determined by the forces of competitive markets. And the same goes for the products through which farmers sell their labor.

I think this has some application even to the academic community. I began to teach corporation law twenty years ago and I was much affected by R. H. Tawney's The Acquisitive Society. I was attracted by his principle of distribution according to function, which he contrasts with the principle of acquisitiveness. And whatever might be true of the business world, I thought that the academic community could certainly be governed by Tawney's principle, that academic salaries could be fixed according to contribution or function, measured in some way other than by what a professor could get by going to another school. This, it seemed to me, was the asserted policy of the university and when I became dean...
our time. The same is true of statements such as that of an Episcopal chaplain, lecturing in a university course on the modern cultural crisis, who referred to institutions of profit-seeking enterprise as "examples of the well-nigh criminal irrationalities that result from confusion of means and ends." Such statements invite responsible re-examination in terms of the law of man's nature. And I fear that this applies also to many things I have said or implied in my teaching of corporation law.

Let me close with a general comment as to the limited role of the positive law. The law can do little directly to correct the major heresy of our culture: the exaltation of economic over other values. Furthermore, we should not look to the law to define the basic principle of our community or directly to promote it. As Emil Brunner has said, "Justice may be able to remove strife, but it cannot create community." The principal reason is that man's voluntary advance toward community—his moral advance—requires economizing of his limited capacity for co-operative decision. Man needs an environment in which most things are settled by custom or impersonal forces in order that he may grow in capacity for objectivity in personal relations.

One thing the law can do is keep inviolate (in the words of one of the Malvern speakers) the principle of "the maximum freedom of the voluntary association outside the pattern of the ubiquitous State." This suggests, of course, that natural law has something to say about civil liberties and the freedom of association and expression. But that would be another paper.

(The foregoing paper was presented at a meeting of the Guild of Scholars in the Episcopal Church.)

'29 in Review (Continued from page 4)

Marian Alscherer, U. of C. Ph.B., 1930; children, Linda Despres, eighteen; Robert Despres, thirteen, student at University of Chicago Laboratory School. Address: Home—1220 E. Fifty-sixth St., Chicago 37; Office—77 W. Washington St., Chicago 2.

Diamond, Leo A. Engaged in practice of law with offices at 165 Broadway, New York. 1929-31, practiced law in Gary, Ind.; 1931-32, practiced in Chicago; 1932-34, Cook County Assessor's Office, Chicago; 1934-43, Office of Chief Counsel, Bureau of Internal Revenue, Washington, D.C.; 1943 to date, engaged in practice of law in New York, specialty, taxation. Special assistant to Chief Counsel, Bureau of Internal Revenue, 1940-43; lecturer, Practicing Law Institute (N.Y.) since 1943; lecturer on taxation, New York University Law School and associate professor of law, Rutgers University; contributor to various legal journals and professional periodicals; lecturer in many tax institutes throughout the country. Also engaged in bar association activities in field of taxation. Married, his wife being graduate of Ohio State University. Children: Diane, twenty-one, who attended Vassar College; Joseph, eighteen, freshman at Columbia (N.Y.); Gail, seventeen, freshman at Vassar. Address: Home—498 West End Ave., New York 24, N.Y.; Office—165 Broadway, New York 6, N.Y.

Professor Bernard Melzer addressing a meeting of the Student Wives Club in the Beecher Lounge.


Driscoll, Claire T. Member, firm of Driscoll & O'Brien, Chicago. Married to Ethel Clerihan in 1931. Two children: Thomas, twenty, junior at Notre Dame, who is considering enrolling in the Law School of the University of Chicago; potential military commitments permitting; and John, nine years of age. Address: Home—10557 S. Hoyne Ave., Chicago 43; Office—38 S. Dearborn St., Chicago 3.


Edwards, Thomas J. Member, firm of Baker, Hostetler & Patterson, Cleveland, Ohio, since January 1, 1939, and associated with said firm since April 19, 1929. Has done considerable trial work, then spent a large portion of time on labor work, and since 1947 has spent majority of time as general counsel of Scripps-Howard Newspapers and United Press Associations. Married to Alice Abernethy. Four children, Thomas J. Edwards, III, twenty-four years of age; Carol Edwards, nineteen; Alice Ann Edwards, fifteen; William J. Edwards, fourteen. Address: Home—22099 Shaker Blvd., Shaker Heights 22, Ohio; Office—1956 Union Commerce Bldg., Cleveland 14, Ohio.

Ellis, Mark H. Engaged in general practice of law, Chicago. Member of Chicago Bar Association and Law Institute. Married. One daughter. Address: Home—813 Bruce
Ave., Flossmoor, Ill.; Office—141 W. Jackson Blvd., Chicago.
EPIPHANIUS, Charles C. No reply to questionnaire.
EYER, DEVON C. Deceased.

FRANKLIN, JACOB. No reply to questionnaire.
GOSPEL, PHILLIP E. In private practice of law since 1929. Married. Two children: Harry, eighteen, sophomore at University of Michigan; Myrna, thirteen. Address: Home—1436 Pratt Blvd., Chicago; Office—134 N. La Salle St., Chicago.

FRIED, DAVID. Member, firm of Freedkin & Brumluk, Chicago. Married. Two children: son, fourteen years; daughter, nine years. Address: Home—4451 N. Sacramento Ave., Chicago, Ill.; Office—105 W. Adams St., Chicago, Ill.

GEISLER, HERBERT F. General practice of law since 1929. President of our graduating class in law. Member of City Council of Chicago. (En. Note.—Doing fine job as alderman.) Candidate in 1954 for Republican nomination for U.S. Senator, Illinois. President of 30,000-member John Marshall High School Alumni Association; chairman of War Effort Committee of City Club of Chicago; government appeals agent for Selective Service for six years; chairman of Admissions Committee and Section Chairman of Com­mittee on Inquiry of Chicago Bar Association; Executive officer of Knights of Pythias Lodge; active in Chicago Council on Foreign Relations, Elks, Economic Club of Chicago. Phi Beta Kappa; Order of the Coif. Address: Office—11 S. La Salle St., Chicago 3.

GETTLEMAN, ARTHUR. Member, firm of Frank E. & Ar­thur Gettleman, Chicago, from 1929 to date. Specializes in practice of federal trade law, primarily in counseling of manufacturers and distributors of foods, drugs, cosmetics, and various devices within purview of Federal Trade Com­mission, the Food and Drug Administration, and the Post Office Department. Takes pride in fact his firm is one of few in this country currently engaged in this field and of their having the honor of appearing as counsel in number of hallmark cases in field of administrative law. Address: Home—20 E. Delaware Pl., Chicago; Office—10 S. La Salle St., Chicago 3.

GOLDBERG, MAYER. Master in Chancery, Superior Court of Cook County since 1949. Chicago Bar Association; Illinois State Bar Association; Law Institute. Married. Children: two daughters, Doris, twelve, and Jane, nine. Address: Home—210 E. Pearson St., Chicago; Office—33 N. La Salle St., Chicago 3.


GRIFFITHS, JOHN R. Address unknown.

GROSS, DREW B. No reply to questionnaire.


HARRIS, THOMAS P. Vice-president and general counsel of Chicago Metropolitan Mutual Assurance Co. and direc­tor on the board. In 1929 became member of firm of Edward H. Morris and James B. Cashin; in 1931, assistant attorney for receivership of Binga State Bank; in 1932, legal adviser for Metropolitan Funeral System, now known as Chicago Metropolitan Mutual Assurance Co.; in 1946 directed conversion from a burial society of Metropolitan Funeral System to the now Chicago Metropolitan Mutual Assurance Co., a legal reserve insurance company. Married. Two children, Norvelle, twenty-three years old; Thomas P. Harris III, eleven years old. Address: Home—4455 South

Professors Ward Bowman, Aaron Director and John Jewkes, prior to entering the North Lecture Hall for the second of Professor Jewkes's public lectures on "Monopoly and Public Policy," offered during the Spring Quarter.

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Professor Ernst W. Puttkammer; Mr. Paul Tappan, chairman of the United States Parole Board; and The Honorable Jacob Brande, '20, on the occasion of a public lecture delivered at the Law School by Mr. Tappan.

Parkway, Chicago; Office—100 N. La Salle St., Chicago 15.

Healy, Thomas Dorn. Member, firm of Healy & Stickler. Served as Assistant U.S. Attorney and Assistant Attorney-General, 1930-34; assistant state's attorney, Cook County, Ill., 1934-37. Conducted several large antitrust suits for plaintiffs with success. One daughter, Patricia. Address: Home—6929 Crandon Ave., Chicago; Office—208 S. La Salle St., Chicago 4.

Henderson, Fred M. No reply to questionnaire.

Herman, Carl N. Deceased.

Hermann, Milton M. Engaged in individual practice of law for many years. Formerly associated with D'Ancona, Pilaum, Wyatt, Marwick & Riskind. Instructor (part time) at John Marshall Law School, Chicago, in future interests, mortgages, and torts. Also gives courses for practicing lawyers in The Lawyers Institute of that school in the "General Practice of Law" and "Advanced Problems in Trial and Appellate Technique." During World War II was chief of Appellate Division, Region VI (Midwest Region), Office of Price Administration, and had charge of all appellate matters in courts of appeals in seven states comprising that region, as well as in state courts of last resort. Married to Theresa Weiss. No children. Address: Home—6055 S. Troy St., Chicago 29; Office—105 W. Adams St., Chicago 3.


Howe, Glen E. Deceased.


Kaplan, William R. No reply to questionnaire.

Kappus, George A. Claim department, Prudential Insurance Company, doing primarily claim inspection work, which consists of investigations on life, group, and disability claims, including usual investigation of health, total disability, disappearance, accidental and violent death. From 1930 to 1936, engaged in general practice of law, when with Prudential Insurance Company. From 1939 to 1941 was house attorney for Irvin Jacobs & Company, mortgage bankers. From 1942 to 1945 served in U.S. Army reaching grade of captain commanding a company in the Transportation Corps. Returned to Prudential Insurance Company in 1945 to present date. Married Kathryn D. Larson, home economics graduate of University of Wisconsin, 1928. Children: David, fifteen, Cynthia, eleven, and Paul, seven. Address: Home—416 Prospect St., Elmhurst, Ill.; Office—Same.


Kenzie, Raymond A. Private practice of law since admitted to bar. Speakers' Bureau for Better Government Association and the Constitutional Education Association. Real Property Committee and Special Tax Committee and Memorials Committee of Chicago Bar Association. Member American Bar Association. Presented vote-fraud cases before U.S. Senate Committee in Chicago, 1940. Presented real estate gold-bond racket cases before congressional committee investigation in Chicago, 1936. Settled sixteen strikes for War Labor Board, Region VI, during World War II. Acted as Hearing Office in five hundred civil service cases all over Illinois during Governor Green's first administration. Candidate for nomination for Municipal Court in
1942. Successfully defended probably largest real estate tax foreclosure suit filed in Cook County—the Whiting Case. Married Florence Ethlyn Wyant, September 22, 1928, graduate of University of Chicago. Three children: Raymond Wyant, graduate of Carleton College and now in second year at Yale Law School. Twin daugthers, Bette Ann, a psychology major at Bucknell University, and Louise Hubert, a French-language major and honor student at Bucknell. Louise will probably teach English in a French high school next year. All three children taking a seventy-two day trip to Europe this summer. Address: Home—2044 W. 110th Place, Chicago 43; Office—30 N. La Salle St., Chicago 2.


KLEIN, ARTHUR W. Deceased.


LANG, EMIL. Address unknown.

LARSON, L. LELAND. No reply to questionnaire.

LAWVER, JESSE L. General practice of law with Lord, Bissell & Kadyk. Married. Address: Home—338 Woodland Road, Highland Park, Ill.; Office—135 S. La Salle St., Chicago 3.

LAWRENCE, CHARLES W., Jr. No reply to questionnaire.


LEWERENZ, CLARENCE F. No reply to questionnaire.

MCORD, A. KING. President of The Oliver Corporation, manufacturers of farm equipment. Married George Lial Mickleberry. Children: Colin Wallace, Leslie Jane, and Andrew K. II. Address: Home—9822 Longwood Dr., Chicago; Office—400 W. Madison St., Chicago, Ill.

McDOUGAL, ROBERT, Jr. Member, firm of Winston, Strawn, Black & Towner since 1941, having been employed prior thereto from 1929 to 1941. Chairman, Chicago Red Cross Camp and Hospital Committee during World War II; service with Chicago Child Care Society (formerly Chicago Orphan Asylum). Married Helen Curtenius of Kalamazoo, Mich., in September, 1929. Two children: Robert Curtenius, PFC, U.S. Army, and Nancy, junior at Radcliffe, who enjoyed two years of University of Chicago. Address: Home—5611 Kenwood Ave., Chicago; Office—1400 First National Bank Building, Chicago 3.

McGOWAN, WILLIAM H. No reply to questionnaire.

Madill, Roy K. No reply to questionnaire.

MANASON, A. LOUIS. No reply to questionnaire.

Mandel, Fred H. Private practice of law since 1936 at Cleveland, Ohio. Admitted to Ohio Bar in June, 1929, and joined firm of McMahon & Zimmerman, 1929-36, and then started own office. Served as an assistant United States district attorney at Cleveland, 1943-47, and has specialized in federal practice since resigning. President of Cuyahoga County Bar Association 1953. In 1952 named by local Board of Elections to direct investigation of vote-fraud scandal and served without compensation as a public service, although funds were appropriated for this purpose. Married to Reni B., artist. One daughter, Wendy Sue, aged ten. Address: Home—17726 Winslow Rd., Shaker Heights, Ohio; Office—1018 Standard Bldg., Cleveland 13, Ohio.

Martin, Curby J. Deceased.

Morisset, Winfield G. No reply to questionnaire.


Oplatka, Otto. General practice of law, Chicago and Berwyn, Illinois, since admitted to Bar in 1930, with one specialization: immigration-naturalization-deportation law. Chairman of Toman Branch Public Library Forum; formerly member and president of Berwyn Illinois Primary School Board of Education, District No. 98. Presently member of J. Sterling Morton High School and Junior College Board.
of Education, District 201. Married. Two daughters, twenty and five years of age, respectively. Address: Home—1911 Ridgeland Ave., Berwyn, Ill.; Office—6206 W. Cermak Road, Berwyn, Ill., and 11 S. La Salle St., Chicago 3.

Oppenheim, Nathan M. Address unknown.


Parsons, Dennis F. Address unknown.

Pincus, Jacob T. Member of firm of Clausen, Hirsh & Miller. Formerly associated with Brown, Fox & Blumbert, 1930-44; partner in present firm 1944 to date. Engaged in general practice—corporate, probate, trusts, some trial work, insurance litigation, appellate matters. Married to Jeanette E. Pincus, interior decorator and artist. Two children: Ted, twenty, junior at University of Indiana; Barbara, thirteen, eighth grade, Edgewood School. Address: Home—565 Cherokee Rd., Highland Park, Ill.; Office—135 S. La Salle St., Chicago 3.

Pipin, Marshall A. Since 1945 member of firm of Bradley, Pipin, Vetter & Eaton (formerly Seago, Pipin, Bradley & Vetter). All partners are graduates of U. of C. Law School. Associated with Deneen, Healy & Lee, 1929-36, and Deneen & Massena, 1936-37, and member of latter firm, 1937-45. Present firm in general practice, specializing in labor relations and related matters, such as wage and hour, trusted health and welfare plans, together with some general practice. Member of vestry, Church of the Mediator (Episcopal); board of trustees, Englewood Hospital; Member of Chicago, Illinois, American, and Seventh Federal Circuit bar associations and American Judicature Society. Married 1931 to Geneva Robertson, graduate of Northwestern University, to whom he was introduced by Professor and Mrs. Kenneth Sears while in law school. Children: Bruce R., eighteen, and Frederick L., sixteen. Address: Home—1638 W. 105th Pl., Chicago; Office—135 S. La Salle St., Chicago 3.

Plotkin, Lester. Labor relations, for last ten years specializing in representing unions throughout the country, particularly in arbitrations in the mass transportation industry. Assisted in establishing many sound labor-management agreements, including pension plans, job evaluations, and improved working conditions in several industries. U.S. Army, World War II. Married, wife student in the school of the Art Institute and member of Art Institute. Children: Ted, twenty, junior at Indiana University, and Barbara, twenty. Address: Home—4940 S. East End Ave., Chicago 15; Office—134 N. La Salle St., Chicago 2.

Powers, William J. Decreed.


Sackett, Henry R. Member, firm of Sackett, Pyatt & Waitkus, Gary, Ind. Served four years as assistant U.S. attorney, Northern Indiana, and as deputy prosecutor at War Crimes Trials in Nuremberg and in Tokyo. Married. Two children: Susanne, sophomore at Indiana University; James, senior at Horace Mann High School, Gary, Ind. Address: Home—660 McKinley St., Gary, Ind.; Office—509 Broadway, Gary, Ind.

Sacks, Benjamin L. Private practice of law. Member of Illinois State Bar Association, The Decalogue Society of Lawyers, Fifth Ward Civic Organization, I.V.I., executive secretary and counsel for Jewelers Association of Greater Chicago for last ten years. Married Mildred Kulp, substitute teacher in several nursery schools and active in The League of Women Voters, I.V.I., KAM Temple, and American Jewish Congress. Address: Home—1709 E. Fifty-fifth St., Chicago 15; Office—100 N. La Salle St., Chicago 2.

Schull, William. Address unknown.

Schumeier, LeRoy H. No reply to questionnaire.


Shapiro, David B. General practice of law. Member of Illinois State, Chicago, and American bar associations. Married. Two children: son age fourteen, daughter age eleven and a half. Address: Home—7743 Kingston Ave., Chicago 49; Office—33 N. La Salle St., Chicago 2.


Sigel, Carl I. General practice of law and secretary-
treasurer of Armstrong Heating Supply Co. Full-time practice of law until 1950, when he moved into heating business, which grew to point where it became his vocation and law became his avocation. Married. Children: Donald, student at University of Iowa, nineteen; and Michael, grade-school student, eleven. Address: Home—234 E. 109th St., Chicago; Office—134 N. La Salle St. and 4500 W. Fillmore St., Chicago.

SMITH, M. MAYHALL. No reply to questionnaire.


STERN, S. ALBERT. No reply to questionnaire.

SVATIK, ANNA. Deceased.

SVATIK, JOHN. Wool merchant. Partnership with brother in Svatik Brothers, buying and selling raw wool as it comes off sheep’s back. Unmarried. Brother of Anna Svatik, who practiced law until her death in November, 1951, and who was first Slovak woman lawyer to be admitted to the Bar in the United States. Address: Home—4239 N. Keystone Ave., Chicago 41; Office—1919 N. Mendell St., Chicago 22.

TAPPER, ABRAHAM O. Address unknown.

TePaske, Henry J. General practice of law, Orange City, Iowa. Married and four children. Address: Home and Office: Orange City, Iowa.

THEISS, VICTOR M. Address unknown.

TIMM, JOHN E. W. Address unknown.

WATFORD, ROBERT H., JR. Address unknown.


WELLS, KIRBY H.—No answer to questionnaire.


WILKINS, R. DONALD. No answer to questionnaire.


WILSON, WASSON J. No answer to questionnaire.


ZIMMERMAN, PRESTON. Director of the Play Clubs of Chicago and Camp Indian Waters, a city recreational organization for children in the five-to-twelve age bracket; a summer camp at Hayward, Wisconsin, for children in the eight-through-sixteen age bracket. Married to Alida Zimmerman, registered nurse. One daughter, Jean, eighteen, now attending Marjorie Webster Junior College, Washington, D.C. Address: Home—7950 S. Paxton Ave., Chicago 17; Office—5445 S. Hyde Park Blvd., Chicago 15.

ZIV, SAMUEL. General practice of law. 1944-46, civilian attorney with Army Air Forces. Married. One son, Alan, six and a half years of age. Address: Home—1846 E. 79th St., Chicago; Office—134 N. La Salle St., Chicago.

Corwin W. Johnson, Professor of Law, University of Texas, Visiting Professor, The University of Chicago Law School for the Summer Quarter, 1954.
farming is both business-like and creative. Harry commutes to Chicago, where he practices law. One of his partners is a Thirteener, Jacob Logan Fox. Like Markheim, Fox has joined the landed gentry. He owns and operates a twenty-acre fruit farm near Berrien Springs, Michigan. He has a wife, three children, and one grandchild. One of Fox’s sons is associated with him in the practice of law. He was one of the founders of the South Shore Temple in Chicago and is chairman of its board of trustees. Fox did his bit of Army service in the First Illinois Cavalry on the Mexican Border in 1914-17. He is a collector of Lincolniana.

Two Thirteeners settled down and made a success of law practice in Boise, Idaho. One of them was Laurel E. Elam. He summarizes his career as follows: Started starving; served as prosecuting attorney; served as state legislator; president of Chamber of Commerce; president of YMCA, all in Boise. He says he has made a living; paid all income taxes; has a wife, three children, and one grandchild. His hobby is golf. Incidentally, he says that Ross W. Bates is with the Veterans Administration in San Francisco. Ross failed to answer the questionnaire.

The other Boise Thirteener, J. L. Eberle, practices law in truly patriarchal fashion. He has a wife, two sons, and two grandchildren. Both of the sons are members of his law firm. In fact, they seem to constitute the firm. Eberle says that theirs is just a small-town practice but roots deep in the community. He was president of the Idaho State Bar Association (1938-39) and a commissioner on Uniform State Laws.

Jacob A. Walker is another smart Thirteener who became a successful lawyer. He practices in Opelika, Alabama, with his son as a partner. “The one blot on the family escutcheon,” he says, “is that he graduated in law at Harvard instead of The University of Chicago.”

He was elected a member of the Alabama House of Representatives, 1923-27, and of the State Senate, 1927-31. He served in 1942-43 as president of the Alabama State Bar Association. He was special assistant to United States Attorney-General, 1941-46, and served as a second lieutenant, F.A. U.S. Army, World War I. He specializes in trial work.

Texas-born and Texas-bred, George M. Connor concedes that Texas is still a part of the United States. It was touch and go until Congress yielded to Texas all claims to that state’s historic seaward boundary lands. George has been practicing in Fort Worth, Texas, since 1913. He has a wife, three grown sons, and seven grandchildren. One of his sons is a practicing physician, another is a lawyer and member of his father’s firm, and the third is a journalist. George has been president of the Tarrant County Bar Association and president of the Board of Education of the Fort Worth School District. He also served as special district judge by election of the Bar to relieve the regular judge while he was in military service. He writes:

I ran into Earl Gray in a fishing camp located on an island off the east coast of Old Mexico, about a year ago. I have been flying down to that camp two or three times a year for the last ten or twelve years, doctor’s orders. I had quite a serious illness in the late 30’s, which fact prompted my resignation from the School Board and later my acceptance of the appointment as special district judge, the latter on the theory that the work would be easy and in line with recuperative procedures. But I am now O.K. Playing nine holes of golf three times a week, taking a short vacation out of town every third month, and really having more fun and enjoying life more than at any time prior to my illness.

On June 10, 1950, The University of Chicago presented Moses Levitan with a Useful Citizen Award. They could not have chosen a more appropriate candidate. During his career as a lawyer he has carried on a parallel career in volunteer social service. He has been chairman of the Community Fund of Chicago Committee on Family Agencies and Major and Minor Services. He has been particularly interested in many years in the activities and welfare of boys. He is a past president and director for life of the Young Men’s Jewish Council of Chicago, which conducts four large boys’ clubs and Camp Henry Horner for boys. He has been director and president of the Jewish Family and Community Service of Chicago, an affiliate of the Jewish Federation of Chicago, of which he is a director and vice-president. He is also a member of the board of directors of Herrick House and has served on the Chicago Metropolitan Welfare Council.

Moe entered the army as a private in World War I and came out as first lieutenant of field artillery. Except for this army service, he has been practicing law in Chicago since his graduation from Law School. His nephew, Theodore J. Levitan, is associated with him. The highlight in Moe’s legal career was his successful argument before the Supreme Court of the United States of a case which has since become a leading case on infringement of trade-mark, unfair competition, and statutory construction. He finds the practice of law fascinating, and he has enjoyed his friendship with former classmates and brother-lawyers, not only in Chicago, but in other parts of the country. He writes:

I have enjoyed continued contact with the University and the Law School in particular. I am happy to see our Law School again become one of the finest and leading law schools in America. We have a wonderful dean and faculty. Establishment of the American Bar Association Center on the campus of the University of Chicago is a fine tribute to the high standing of our law school and the esteem in which it is held by the American Bar Association and the bar of this country. I have also found that the lawyer, more than the member of any other profession, gives of himself, of his experience, of his efforts and his training to good causes, to social welfare, to civic betterment, and to everything that makes for a better society. I am sure that all members of our
class will join me in the opinion that the training we had at the University of Chicago Law School, under the giants among the legal teachers whom we were fortunate to have on our faculty, has helped us not only in the technical aspects of our profession but has given us points of view and established for us as goals ideals which far transcend the practice of law merely as a trade for a livelihood.

When he has nothing else to do, Moe turns for recreation to "anything that will take me out of doors and into the woods, country and mountains, particularly fly fishing for trout—and reading, music, art and travel, when, as and if the occasion and funds permit—all of which hobbies, I am happy to report, are also enjoyed and joined in by my better fraction."

A few members of the Class took a fling at law before they went into other vocations more suited to their tastes and talents, and often more remunerative. After five years of practice, NATHAN E. TARRSON, too impatient to consider going on with such a sedentary occupation, plunged into the sea of advertising. He operated principally in New York City until his retirement in 1951. He has been kept busy settling down in Los Angeles, California, with his wife. They have a daughter and two grandchildren.

Chance shook R. W. FLACK out of the law into public service. His small but satisfactory practice was interrupted by World War I. After serving as a pilot in the Air Force, he returned to his home in Springfield, Ohio, where he became city prosecutor and then city solicitor. From those jobs he entered the profession of city manager and has held that office in Springfield, Ohio, San Diego, California, Charlotte, North Carolina, and Durham, North Carolina, where he is now serving as city manager. Flack has a wife but no children. In 1950 he was president of the International City Managers' Association.

Most answers to the questionnaire minimize the respondent's achievements. Almost all of them have philosophical overtones. Says C. J. PRIMM: "A fellow just begins to enjoy life intelligently by the time he sees the guardian angel beckoning for recess." In answer to the topic "Describe highlights in your career," he says: "No lights and no bugles tonight." In answer to the question: "Are you practicing law?" he says: "No, thank God." He winds up with disclaiming membership in the Class of 1913, saying: "This reached me by bureaucratic mistake."

I suspect that the classmates who turned in short factual answers to the questionnaire were withholding most important things—all in good faith but underestimating the things that are interesting to others. JOSEPH KERLIN RYAN, for instance, who reports that he has a wife, one daughter, and two grandsons. He served in World War I and was a first lieutenant. He has practiced law in Chicago, Bowling Green, Kentucky, and New York City, where he offices at 44 Wall Street. He commutes from his home in Garden City.

There are as many different ways to practice law as there are individual personalities. The law, as practiced before the Atomic Age, lent itself to the free-lance type of personality. Even in the big cities there are still an astonishing number of lawyers who follow that pattern.

The Class of 1913 tended to have a large proportion of individual practitioners. Weight still Woods is still going strong as a free lance with an office at the top of the Monadnock Building, which is famous for its monolithic architecture—a precursor of the steel scraper. He is in good health and youthful-looking, although he has five children and eight grandchildren. He is the author of the only poem about our Class, written and circulated at our Twentieth Anniversary Dinner, held at the Congress Hotel on June 13, 1933. In nostalgic verses he recalls:

Amid refreshment we assemble now,  
Classmates, fellows, for companionship  
And for renewal of those bonds  
Of friendly feeling which we knew  
In law school days these many years gone by.

By those readings Woolsey gave in leisure hours  
Our humorous entertainment we recall,  
Fabulous northwoodsmen pictured in solemn words,  
Those swinging songs which Tarrson led,  
As Blazer swiftly fingered rhythmic keys  
We sing anew that carefree, jolly way,  
As on that night at Ryan's Hall  
After we passed the last of our exams.

EDWARD A. SERGERS stayed clear of all entanglements, including marriage. He is our only bachelor member, I believe. He lives and practices law in the Chicago suburb of River Forest, Illinois, which I take it is semi-retirement. He outlines his career as follows:

My ambition was to be a corporation lawyer, so upon
graduation I applied with several of the leading law firms in Chicago specializing in that field. One of them said I could come to work if I was in a position to work for one year without salary; others had no opening. Frank Schoenfield, a corporation lawyer, needed an office boy. So I went to work with him at $5.00 per week. At the end of the week I told him I had to have a raise, so he said he would pay me $6.00 per week. At the end of that week I told him I was quitting. Several weeks later I got a job as office attorney in the real estate loan department of Central Trust Company of Illinois, where I stayed until I entered military service in April, 1917. Was discharged in February, 1919, with rank of second lieutenant in the field artillery. Later that year I accepted a position as assistant loan manager with Quinlan & Tyson, which position I held through 1924, when I went back to my first love of practicing law, largely confined, however, to real estate matters, later branching out into probate matters. I have made a fair living but undoubtedly could have done much better in the real estate business. However, I have no regrets. I have enjoyed my work and have the satisfaction that I have been a credit to the profession.

Ed has been active principally in his church, Associated Charities, and the American Legion, being vice-president of the Lutheran Church—Missouri Synod—Charities Fund, Inc.

The teaching profession lured several Thirteenthers from the hurly-burly and partisanship of law to a more contemplative life. Merrill Isaac Schenbly is an outstanding example. He started teaching law in 1917 and has been so engaged ever since. In 1928 he became professor of law at the University of Illinois. He has practiced law only as consultant for other lawyers.

His teaching and research have been in the general field of property. For many years he taught the courses in future interests, trusts and wills and administration. He is author of Part 26 of the American Law of Property (Restraints upon the Alienation of Property), and of numerous articles in various legal periodicals. For a period of five years (1945-49) he delivered annually a series of lectures for practicing lawyers, under the sponsorship of the Title Examiners Section of the Illinois Title Association.

Merrill was married in 1913 to Bessie Viola Anthony, who died in 1949. By that marriage he has three children living, two daughters and one son. He has five grandchildren. His son, John R. Schenbly, is now practicing law in Peoria, Illinois. In 1950 he was married to Melita A. Magaret, A.B., Chicago, 1911. They took their academic degrees at the same convocation.

William H. Spencer is another member of the Class who stepped out of Law School into the teaching profession. After getting his law degree, he taught political science at the University of Chicago, and he gradually worked over into teaching business law. He has been a full professor since 1923, served as Dean of the School of Commerce from 1924 to 1945, in which year he was appointed to the Hobart Williams Distinguished Service Professorship. He has held public office as chairman of Chicago Regional Labor Board (1934-35) and director of the War Manpower Commission, Region VI (1942-45). He is also the author of a three-volume book on Law and Business and of other publications.

Another big-city lawyer, George B. McKibbin, finds fulfillment in public service. "The most interesting year of my life," he writes, "was July, 1947, to July, 1948, when Mrs. McKibbin and I lived in Berlin, where I was serving as one of General Clay's advisers." George was again drafted for government service in September, 1953, when he was appointed to represent the General Services Administration on the President's Committee on Government Contracts. This committee was established to increase the effectiveness of clauses in government contracts forbidding discrimination in employment under such contracts.

Mr. Edmund F. Mansure, as GSA Administrator said: "We are fortunate in enlisting Mr. McKibbin's services, even on a part-time basis. He has had a rich background of experience in educational, religious, social, and welfare problems which he can bring to the attack on discrimination in employment. By his familiarity with these problems, Mr. McKibbin will be able to contribute to the committee's success in assuring equality of opportunity in the work performed under government contracts. Nondiscrimination is a goal with which we are both in total sympathy."

At present George is a member of the board of trustees or directors of Iowa Wesleyan College, Cook County School of Nursing, Chicago YMCA, and Wesley Memorial Hospital, Chicago. He is also a member of the executive committee of the National Conference of Christians and Jews and chairman of the executive committee of World Brotherhood.

He is president of the board of trustees of St. James Methodist Church, Chicago, and secretary of the Council on World Service and Finance of the Methodist Church.

He was a member of the Illinois Public Aid Commission from 1941 to 1945, and its chairman, without salary, since April, 1953. The commission administers the relief programs of the state of Illinois. He was also chairman of the Board of Public Welfare Commissioners of the state of Illinois, 1945-49, and served on the Illinois Postwar Planning Commission in 1945.

Illinois state director of finance from 1941 to 1945, he has served on the board of managers of the Council of State Governments. He was the Republican candidate for mayor of Chicago in 1943.

He has a wife, five children, and three grandchildren.

Herbert Babb sent me some biographical data a few months before his death. Those of us who live in Chicago and had frequent contact with Herbert, mainly at the City Club and Chicago Bar Association, feel his loss keenly. At the time of his death he was on the faculty of John Marshall Law School teaching Illinois civil practice, partnership, and torts. He had made the
break from law practice in 1952, and he found the academic life very satisfying. He was one of three Chicago citizens to receive the Human Relationships Award in December, 1951. He also received the citation from the Alumni Association of the University of Chicago for being a worthy alumnus and useful citizen.

Herbert spent the first three years of his career in the office of Shepard, McCormick & Thomasson, which later became Kirkland, Fleming, Green, Martin & Ellis. While with this firm, he was asked to answer legal inquiries sent to the “Friend of the People Department” of the Chicago Tribune. He answered an average of over seven hundred letters a month, and continued this service until 1949. He was engaged in individual practice from 1916 to 1925. He then became a member of the firm of Harris, Reinhart & Bebb.

In late years he was co-leader of a seminar on United States foreign policy. He was also chairman of the Race Relations Committee of the City Club, having written two pamphlets on race-labeling in the Chicago Tribune. He was president of the City Club of Chicago for two terms, 1932-34.

He contributed various articles on civil practice and negotiable instruments to legal periodicals and on legal problems of the seed trade to the Seed World.

Herbert is survived by his wife and two married daughters. His relationship with his family was warm and strong. It found fruition in the publication of a Christmas card in the form of a small magazine called “Bebb Beacon,” a four-page account of the doings of the Bebb family, which ran to five numbers of bright and cheerful causerie.

Fifteen of our classmates are listed by the Dean’s office as dead. Among them was Silas A. Harris, who found active practice unbearable and, after ten years of it, switched to the teaching profession and became a member of the faculty of the Law School at Ohio State University. Si was active in many technical and public aspects of law reform. His integrity was impeccable, his industry enormous, but with all he could detach himself sufficiently from the work on hand to acquire a perspective needed when planning on paper to make the world a better place to live in.

Then there was that Scotch sphinx, Cameron Latter. Inscrutable, he hid behind the thickest glasses I have ever seen. Fond of practical jokes, which he would play on unsuspecting brother-lawyers without a glimmer of a grin. He loved to pull the leg of another lawyer by assuring him that Judge So-and-So could be reached, not by him, but by his clerk. This was a phony, because if Cam intended to play such games, he would not have done it that way. Apparently he loved to see a struggle going on in his victim. What he would have done if his victim had shown an interest in fixing a case, I don’t know.


And what about me? I suppose I should modestly retire to the footnotes, but I don’t like footnotes, and I refuse to be one. I have been practicing law in Chicago since 1913, with the exception of eighteen months in the Army, where I wound up as sergeant in the intelligence corps. My practice has simmered down from a very general practice to matters involving business problems, real estate, and probate work.

While practicing law, I have carried on a dual vocation as a writer. I have contributed to such magazines as the New Yorker, Saturday Evening Post, Reader’s Digest, Harper’s, Atlantic, Esquire, American Mercury (when edited by H. L. Mencken), and Rotarian. I have also written the articles on “Law” in the Britannica Year Books covering the years 1943-1953, both inclusive, and contributed a 30,000-word article on law to a Britannica book called Ten Eventful Years. I have also invaded the field of children’s books, having written a story called The Magic Firecrackers, published by the Viking Press in 1949. The New York Times rated that book as one of the ten best children’s books of the year.

My interest in the public aspect of law led me into bar association committee work. I served as chairman of the Public Relations Committee of the Chicago Bar Association (1934-37). I also served as chairman of the Public Relations Committee of the Section on Bar Association activities of the American Bar Association (1936-38). I was a member of the American Bar Association Committee on the Economic Condition of the Bar (1937-39), headed by Lloyd K. Garrison. This committee published a report which gave impetus to the organization of service plans. This led to my service on the Committee of the Chicago Bar Association which

Fred Ash, ’40, Sheldon Teft, Elmer Schaefer, ’26, and Frank Mayer, ’23, just prior to Professor Llewellyn’s speech on the Uniform Commercial Code.
New Home of the American Bar Association

originated and established a Lawyer Reference Plan for that Association. In 1938 the American Bar Association commissioned me to write a study of public relations for the bar, which was the first book on the subject. I edited the Chicago Bar Record from 1934 to 1935, and 1939 to 1942, and contributed a column of legal comment to the editorial page of the Chicago Daily News (1926-31). I took time out to lecture on newspaper law for two terms at Medill School of Journalism, Northwestern University.

I live with my wife and her mother in a secluded but easily accessible spot on the edge of a ravine near the lake in Winnetka, Illinois. I have three children and two grandchildren—one in esse and one in posse.

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