Seven New Appointments

Four new members, including one from Ghana, have been appointed to the Faculty of the Law School.

Three distinguished lawyers from abroad also have been appointed visiting members of the Law School faculty during 1963.

The new permanent appointments are:

Harry W. Jones, named Professor of Law. He will teach mainly in the field of jurisprudence. Professor Jones recently was appointed Director of Research of the American Bar Foundation, a neighbor of the Law School. He is currently Cardozo Professor of Jurisprudence at Columbia University School of Law. Professor

The Class of 1965

The class entering the School in October, besides being of excellent quality, shows great diversity of origins, both as to home states and undergraduate degrees. The 149 students in the class come to the School from thirty-six states, plus the District of Columbia and Puerto Rico; they hold degrees from eighty-four different universities

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At the dinner for entering students, Visiting Committee and Alumni Board, left to right: Kenneth Montgomery, Charles R. Kaufman, Edmund Kitch, Class of 1964, Paul Kitch, JD'35, and Charles Boand, JD'33.

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The annual dinner for entering students.
The Justices of the Illinois Supreme Court are shown in the Judge's Conference Room, adjoining the Weymouth Kirkland Courtroom, just prior to their hearing argument in a case from their regular calendar. *Clockwise, from left,* The Honorable Joseph Daily, the Honorable Roy Solfisburg, Jr., the Honorable Harry B. Hershey, JD'11, the Honorable Ray L. Klingbiel, the Honorable Walter V. Schafer, JD'28, the Honorable Byron House, and the assistant clerk of the Court.

The Courts on the Midway

Through the generous cooperations of courts and counsel, the hearing of actual cases from regular calendars continues to take place in the Weymouth Kirkland Courtroom. During the past academic year, the School was host to the Supreme Court of Illinois, with then Chief Justice Schaefer and Justices Daily, Hershey, House, Klingbiel and Solfisburg sitting, and to the Illinois Appellate Court, with Presiding Justice John V. McCormick, JD'16, and Justices John Dempsey and U. S. Schwartz. The Honorable Jacob Braude, JD'20, Judge of the Circuit Court of Cook County, presided over a complete jury trial, and the Honorable Walker Butler, Judge of the Superior Court of Cook County, heard a matter in chancery.

The Weymouth Kirkland Courtroom, shown during one of the frequent occasions on which a case from the regular calendar of a trial or appellate court is heard, with the court concerned sitting in regular session at the Law School.
Seven New Appointments—
Continued from page 1

Jones, 51, has taught at Washington University, St. Louis, Missouri; the University of California (Berkeley); and since 1957, at Columbia. He was for several years Editor-in-charge of the Department of Legislation of the American Bar Association Journal. His writing includes Materials for Legal Method, Economic Security for Americans, and Cases and Materials on Contracts. He studied law at Washington University, St. Louis, Missouri, and graduated in 1934. He was a Rhodes scholar at Oriel College, Oxford, in 1934-35 and received a master of laws degree from Columbia University in 1939. Professor Jones will assume his teaching duties at The University of Chicago in February, 1963.

David P. Currie, named Assistant Professor of Law. He will teach courses in Conflict of Laws and Agency. He received his A.B. from the College of The University of Chicago (1957) and law degree from Harvard Law School (1960). He served as law clerk to Judge Henry J. Friendly of the Second Circuit, Federal Court of Appeals, during 1960-61 and to Justice Felix Frankfurter of the U.S. Supreme Court, 1961-62. He is the author of “Federalism and the Admiralty: The Devil's Own Mess” in the Supreme Court Review of 1960. His appointment was effective August 1, 1962.

David M. Evans, named Assistant Professor of Law. He is in charge of the tutorial program at the Law School and will teach the course in Restitution. He received his B.A. degree in Law (1959) and his LL.B. degree (1960) from the University of Cambridge, and the J.D. degree as a Commonwealth Fellow from the Law School of The University of Chicago in 1961. During 1961-62 he was a Teaching Fellow at Stanford University School of Law. His appointment was effective October 1, 1962.

Kwamea Bentsi-Enchill, formerly Senior Lecturer in Law at the University of Ghana, named Senior Teaching Fellow and Instructor in African Law. He will assist Professor Denis V. Cowen in the course in Legal Problems in the Nations of Africa and assist in the New Nations program of the Law School. Mr. Bentsi-Enchill received his B.A. and M.A. degrees from Oxford (in 1947 and 1950), has done graduate work at Harvard Law School where he received his LL.M. degree in 1961, and has been doing graduate work at this law school since January, 1962. His appointment was effective September 1, 1962.

Appointed to the visiting professorships were:

Sir Leslie K. Munro, who is the Secretary-General of the International Commission of Jurists in Geneva, Switzerland, as Visiting Professor of Law during the month of January, 1963. Sir Leslie received his LL.B. and M.L. degrees from the University of Auckland (1922 and 1923). He has been Dean of the Faculty of Law at the University of Auckland (1938), editor of the New Zealand Herald (1942-51), New Zealand Ambassador to the U.S. (1952-58), President of the UN 12th General Assembly (1957) and New Zealand representative on The Security Council (1954-55). He will deliver a series of public lectures and participate in seminars and conferences with students and members of the Faculty.

Xavier Blanc-Jouvan, who is Professor of Law at the University of Aix-Marseille, Aix-en-Provence, France, as Visiting Professor of Law from February 1, 1963 to June 15, 1963. He holds the degrees of Licencié en Philosophie from the University of Grenoble (1950) and Agrégé des Facultés de Droit et des Sciences Economiques from the University of Paris (1959). He is the author of Les Rapports Collectifs du Travail aux États-Unis (Paris, Dalloz, 1957) and was a Visiting Professor at the Faculty of Law of the University of the République Malgache at Tamatave last spring. Professor Blanc-Jouvan will assist Professor Max Rheinstein in the Foreign Law Program.

J. Duncan M. Derrett, Reader in Oriental Laws at the School of Oriental and African Studies, University of London, as Visiting Professor of Indian Law during the Spring Quarter of 1963. His major published works include: Hindu Law, Past and Present (Calcutta, 1957) and The Hoyoyslas (Oxford University Press, 1957). He received his M.A. degree from Oxford (1947) and his Ph.D. degree from the University of London (1949). He was Tagore Professor of Law at the University of Calcutta in 1953.

Placement—The Class of 1962

The employment choices of graduates of the School continue to be quite diverse. For the most recent graduating class, the distribution was as follows:

Private Practice with Chicago Firms ........................................ 19
Private Practice with Firms Outside Chicago (4 in New York City, 2 each in Kansas City, Minneapolis and Los Angeles, 1 each in Bridgeport, Conn., Hartford, Pittsburgh, Charlotte, N.C., Winston-Salem, N.C., Fort Wayne, Ind., Joliet, Ill., Philadelphia, Portland, Ore., and Hollywood, Calif.) ............ 20
Law Clerks to Judges ......................................................... 13
Graduate Work ................................................................. 11
Federal Government .......................................................... 4
Local Government ............................................................. 4
Teaching .......................................................................... 1
Corporate Legal Departments ............................................... 3
Miscellaneous ................................................................. 4
Military Service .............................................................. 21
Unknown ......................................................................... 8
Total ............................................................................. 107

At first glance it might seem that the number in private practice, apparently thirty-nine, is unusually small. However, when twenty-one military tours of duty, thirteen clerkships and eleven graduate programs are completed, and when virtually all those in the unknown category are added, it is a reasonable guess that 80 to 85 per cent of the class will be found in private practice.
The Class of 1937

By Elmer M. Heifetz, JD'37

As we go to press, we have received word from fifty-four of sixty-nine classmates. We thank all who responded, and are sorry that those who did not return the questionnaire, or whom we were unable to locate, cannot be part of this report. However, the ratio of responses is impressive, and highly gratifying.

The capsule autobiographies contain a record of progress and personal fulfillment of which our Class can justifiably be proud. While our most significant growth, by all odds, is yet to occur, the promise displayed twenty-five years ago has, in large measure, been realized. We can look back with satisfaction, and forward with confidence.

Twenty-eight of us are in the active practice of law. BILL EMERY and LOUIS MILLER are Assistant General Counsel for Armour and Co. ROGER GORMAN is House Counsel for Continental Casualty Co. We are proud to have, among us, three judges: Federal Judge HUBERT WILL of the Northern District of Illinois, Eastern Division; IVAN HOLT, Judge in the Twenty-Second Judicial Circuit of Missouri; GEORGE KEMP, Judge in the Seventh Judicial District of Colorado. And BRUCE ALFORD, as most of us know, is an erudite Professor of Law on the faculty of our Law School.

We have men who are prominent in the executive and legislative branches of the federal, state and local governments. MATTHEW WELSH is the eminent Governor of Indiana, and BOB MORGAN was the first Mayor of Peoria, Illinois, under its Council-Manager form of government. A number of us are in government in a legal or administrative capacity: SHERMAN BOOTH is Regional Counsel in the U.S. Navy Electronics Supply Office; KURT BORCHARDT is Legal Counsel to the Committee on Interstate and Foreign Commerce of the U.S. House of Representatives; BRUCE KING is Government Attorney, U.S. Air Force Accounting and Finance Center; JACK LOEB is Associate Chief Counsel in the N.L.R.B.; CLARENCE METZ is also with the N.L.R.B. as Regional Attorney in Minneapolis; HARKER STANTON is Counsel for the Committee on Agriculture and Forestry of the U.S. Senate; BILL WHITE is Director of the Department of Registration and Education of the State of Illinois. As for the military, WALLY SOLF is Staff Judge Advocate of the Eighth U.S. Army in Korea.

Many of us are either conducting a business on our own behalf or occupy executive positions in substantial business institutions. One of the most interesting careers is that of EARL KUNZ. Earl was Chief Counsel for the U.S. Atomic Energy Commission, and, in his present capacity with North American Aviation, Inc., is closely involved with our space programs.

Whatever our individual careers, however, our activities range far beyond them. Considerable time and effort is channelled into civic and educational enterprises, representing a wide variety of interests. More than half of us were in military service during World War II. Roughly two-thirds of our number presently live and work in Chicago and its environs. The rest are scattered coast to coast.

There is one factor common to us all—we are ALL married! And, collectively, we have sired 137 children—a not inconsiderable contribution to the population explosion. Several of us started early enough in life to boast even a few grandchildren. This distinction is shared by KENNETH BLACK, SHERMAN BOOTH, IVAN HOLT, GERARD SERRITELLA and HOWARD VOSS. And now—from the general to the particular.


water diversion proceeding in U.S. Supreme Court. Married to Eileen Blackwell, has four children—Susan, Janet, Peter and Charles, Jr. Civic activities include: President, 1956-58, Chicago Council on Foreign Relations; currently President, United Charities of Chicago; Chicago Council, Boy Scouts of America (Chairman, 1958 Fund Drive); Rhodes Scholarship Selection Committees of Illinois and Great Lakes District; Board member, Illinois Citizens for Eisenhowcr and Illinois Citizens for Eisenhower-Nixon; Sponsor, United Republican Fund of Illinois; Secretary and member, Board of Governors, Republican Citizens League of Illinois. Residence: 209 E. Lake Shore Drive, Chicago, Illinois. Office: 72 W. Adams Street, Chicago.

KENNETH W. BLACK—In partnership with brother-in-law, Glen L. Borden, firm of Black, Black & Borden. Father, graduate of U. of C. Law School Class of 1912 (1), was a senior member of the firm until his death last January. Married. Sons Kenneth and Bruce, 19 and 18 respectively, are planning to study law, possibly at his alma mater. Bruce, high senior at Wayland Academy at Beaver Dam, Wisconsin, was awarded a scholarship to the U. of C. Daughter Barbara has presented him with two grandsons, Robert and Martin, aged 2 and 1. Formerly Public Administrator of Tazewell County for over ten years. Presently serving as Trustee of Bradley University—a lifetime appointment; President, Washington Township Library Board; Chairman of Vice-Chairmen of Tazewell County Republican Central Committee; City Attorney of Washington, Illinois. Comment: "I am a member of the Tazewell County, Peoria County, Illinois, and American Bar Associations. My office in Washington and my Tazewell County business are my own. The partnership business in Peoria is restricted to practice in Peoria and counties other than Tazewell." Residence: 501 S. Main Street, Washington, Illinois. Offices: 832 First National Bank Building, Peoria, Illinois; 115 S. Main Street, Washington, Illinois.

SHERMAN M. BOOTH—Regional Counsel; Counsel, U.S. Navy Electronics Supply Office. Married, has a daughter who has made him a grandfather, and a son just entering Denison University who is planning to study law. Residence: 800 Prospect Avenue, Winnetka, Illinois. Office: U.S. Navy Electronics Supply Office, Great Lakes, Illinois.


FERNAND J. COOK—Private practice of law. Member of Missouri, Illinois, and Federal Bar Associations. Married 31 years! Spent four years in South Pacific aboard Aircraft Carriers, during World War II. Member of American Legion, Big Brother Organization to sponsor parentless children, Humane Society. Past President John Marshall Club, Republican Lawyers and 28th Ward Vice-President of Federation of Republicans. Republican nominee for State Representative from First District, St. Louis, in the General Election held November 6, 1962. Career Highlight: "Very little, but I survived when others perished." Comment: "Nothing serious, but I've been fortunate in helping other people and hope I have strength and courage to continue to do same." Residence: 5817 Waterman Avenue, St. Louis, Missouri. Office: 705 Olive Street, St. Louis, Missouri.

ROBERT DILLER—Partner in law firm of Sidley, Austin, Burgess and Smith. Married, and has a son, Robert, Jr., 20, and a 17-year-old daughter, Lucy. Office: 11 S. La Salle Street Chicago, Illinois.


ELAINE H. EMMY (nee Hassel)—That's right—Bill's wife! Associated with the Insurance and Taxation Department of Cuneo Press, Inc., 1937-1943, her interests
have since centered elsewhere, as evidenced by the following: Legislative chairman and parliamentarian, A.A.U.W.; chairman Education Study Group; College Advisory Board, Lyons Township High School; all Girl Scout and Cub Scout activities, etc. Career highlight: "As a woman, the production and raising of two active, healthy, normal children!" As to whether those two active, healthy, normal children plan to study law: "Very doubtful, but who knows?"


WILLIAM B. GODWIN—Partner, firm of Asher, Gubins and Segall. At present acting as attorney for Chicago's well-known Marina City Project. Was a Sergeant in U.S. Air Force, and is now married and has two children, Frances and Daniel, aged 12 and 8, respectively. Residence: 5153 Brummel Street, Skokie, Illinois. Office: 130 N. Wells Street, Chicago, Illinois.


BENJAMIN Z. GOULD—Partner, firm of Schradzke, Gould & Ratner. Secretary and General Counsel, Material Service Division of General Dynamics Corp. Married, has three children, of whom one may attend U. of C. Law School. Career highlight: "Represented sellers in the recent sale of the Empire State Building for $65,000,000—the largest real estate transaction involving office buildings and one of the most complex transactions in real estate history." Residence: 1170 Michigan Avenue, Wilmette, Illinois. Office: 300 W. Washington Street, Chicago, Illinois.


IVAN LEE HOLT, JR.—Judge, Twenty-Second Judicial Circuit of Missouri. Married, has a 14-year-old son, Ivan Lee III, and two married daughters, Mrs. John W. Hoxie and Mrs. Michael D. Resnik, and a one-year-old grandson, Thomas Hoxie. Started in general practice, then served for two years as Assistant Circuit Attorney, City of St. Louis. In the navy from 1942-46 he rose from Lieutenant (j.g.) to Commander, USNR. Next came a year as Assistant Professor of Law, Washington University, St. Louis, followed by private practice with Jones, Hocker, Gladney and Grand. In 1949 he was appointed to the judiciary, a position he retained through the elections of 1950 on to 1956, and still holds. His affiliations and activities are legion. Chairman of Section of Judicial Administration, American Bar Association, 1961-62. Regional Vice-President, U. of C. Law School Alumni Association. Member St. Louis: Board of Trustees Barnes Hospital; Board of the Methodist Children's Home; Board Goodwill Industries; Board Downtown Y.M.C.A.; Advisory Council St. Louis University School of Law; Board Washington University Clinics; Board National Conference of Christians and Jews; Board Community Music School, and Board of St. John's Methodist Church. Member: Advisory Council of Judges, National Council on Crime and Delinquency; Board of Trustees National Conference Christians and Jews; Directors American Judicature Society; American Law Institute; Institute of Judicial Administration; National Conference of State Trial Judges; Missouri and National Council Juvenile Court Judges; and National Fund for Medical Education. Member of American, Missouri and St. Louis Bar Associations, and Lawyers Association of St. Louis. Member of Sigma Alpha Epsilon and Phi Delta Phi. Member of University Club, St. Louis. What do you do in your spare time, Judge? Residence: 56 Kingsbury Place, St. Louis, Missouri. Office: Civil Courts Building, 10 North 12th Street, St. Louis, Missouri.

PETER M. KELLHFER—Partner in law firm of Kellhfer & McGury, President of Kellhfer Co., Inc., and Director of Home Owners Insurance Co. Married, and has two children, Diane and Peter, Jr. During the war, was a Captain in Military Intelligence. Now serves as Commissioner of Urban Renewal. Also, Permanent Umpire, Inland Steel Co. and the United Steelworkers of America. Residence: 109 East Bellevue Place, Chicago, Illinois. Office: 77 W. Washington Street, Chicago.

GEORGE V. KEMP—Judge, 7th Judicial District of
Colorado since 1959. Formerly "solo practitioner" in Chicago, Centralia, Illinois, and Montrose, Colorado, with a short interlude after the war as OPA trial attorney in Phoenix, Arizona. Married, and although neither Claudia, 19, George, 17, nor Alice, 5, plan to study law, they will probably come to the U. of C. for graduate work. After nearly four years of World War II and five battles in the E.T.O., was discharged as a Major, Artillery, and awarded the Bronze Star Medal. Presently holds the rank of Lt. Colonel, Artillery Reserve. In civvies, he has served as former President, Midwestern Colorado Bar Association, Red Cross Chairman, Democratic County Chairman, Commander, Army Reserve Unit, Post Commander, American Legion Post and Kiwanis Secretary. "I am happy that I attended the U. of C.," says George. "I am happy that I studied law. Have enjoyed general law practice with emphasis on trial of cases, and greatly enjoy being a circuit riding judge in the beautiful mountain country of Western Colorado." Residence: 1103 North 1st Street, Montrose, Colorado, P.O. Box 556. Office: Montrose County Courthouse.


EAL G. KUNK—Director, Contracts and Pricing, for North American Aviation, Inc., Space and Information Systems Division. Married, and of his five children, a son, now a Sophomore at Dartmouth, plans to study law. In World War II, saw armed guard duty in North Atlantic, Lieutenant, USNR. Since then, while living in Palos Heights, Illinois, was President, Board of Trustees of Fire Prevention District Chairman of Planning Commission, Vice-President of Community Club, etc. "I like 'far-out' activities. With the U.S. Atomic Energy Commission (Chief Counsel), the Nautilus and nuclear power programs were fascinating. Now in the aerospace industry, I am looking toward the moon with the Saturn and Apollo programs." Residence: 2776 Vista Mesa Drive, Miraleste, California. Office: 12214 Lakewood Blvd., Downey, California.

THEODORE S. KURLAND—Assistant Secretary, America Fore Loyalty Insurance Group. Past President of both the Atlanta Claims Association and Claim Managers Counsel. Married, and father of five—Carol Jean, Theodore, Douglas, Don Gilbert and David Brent, ranging in age from 18 to 3. His World War II record earned him the rank of Colonel, Field Artillery, plus five Battle Stars and one Purple Heart. Residence: 708 Greenview Ave.

nue, N.E., Atlanta, Georgia. Office: 161 Peachtree Street, N.E., Atlanta, Georgia.

RICHARD H. LEVIN—Partner, D'Ancona, Pfaum, Wyatt and Riskind. "We are primarily Chicago alumni, including three former Law Review Editors-in-Chief and three members of the class of 1937." Has a general corporate, tax and financial practice, especially federal tax, on which subject he has spoken a number of times at tax forums. Formerly member Inquiry Committee, Chicago Bar Association. Married to Billie (nee Bernice Goode), and in addition to 18-year-old Kathy, has two sons, Roger, 20, and Jim, 16, both of whom plan to study law. Roger, National Merit Finalist, attends Columbia University, has studied in Russia, travelled in Western Europe, and is planning to concentrate in international private law, especially the European Community. In addition to extensive travel in Europe during the last six years, Dick has acted as Director of the Highland Park Community Concert Association and Deerfield Township Voters Association. "Principal interests (other than practice and family): Travel, music, books, with special present binge on 'international business'. Also tennis, especially with son Jim." Residence: 2576 Sheridan Road, Highland Park, Illinois. Office: 33 N. La Salle Street, Chicago, Illinois.

SAMUEL R. LEWIS, JR.—Partner, Tenney, Sherman, Bentley and Guthrie. Chairman, Trust Law Committee, Chicago Bar Association. School Board President, Plan Commission Member. Married, and has three sons—Samuel R., III, 22, Jeffery, 17, and Evan, 14. Samuel applied to Law School this year but decided to attend School of Education instead. "I think the most important change I made was to go from working for an association into general practice. The variety despite the economic uncertainty, never ceases and I have always been glad I made the change. There is a certain independence that goes with general practice which provides a security of its own. The individual eventually comes to realize that he can cope with almost any problem, perhaps not as well as the specialist, but usually in an adequate manner. I have always been grateful to the University for the education furnished both myself and my wife. I know it has helped my children to be better students and has enriched the lives of my entire family. My oldest son came very close to entering the law but made his own decision against it—which I respect." Residence: 477 Eton Drive, Barrington, Illinois. Office: 120 S. La Salle Street, Chicago, Illinois.


JACK W. LOEB—Associate Chief Counsel and Deputy
Staff Director to Board Member, National Labor Relations Board. Married, and has a 17-year-old daughter, Carol Anne, and a 13-year-old son, James William. Served during World War II, in 1943. Residence: 2630 S. Fort Scott Drive, Arlington, Virginia. Office: 1717 Pennsylvania Avenue, N.W., Washington, D.C.


DUGALD S. McDougall—Partner, Ooms, McDougall and Hersh. Trial lawyer, specializing in the trial of patent and trademark cases. Began practice in 1937 with Brown, Fox and Blumberg. Entered patent law in 1946, after three and a half years’ service in the Naval Reserve. “Had the privilege, in Spring Quarter, 1962, of teaching the seminar on patent law at our Law School.” Married to former Carol Bruegeman, U. of C. ’35, and has four sons, George, 19, Duncan, 18, Walter, 15, and Robert, 8. George and Duncan attend Amherst College and Mac has some hope that Duncan may choose to study law. “As I remember my law school career I didn’t work as hard as I should have; Fate has squared the account on that, however, by giving me plenty of hard work since graduation! So far, however, I have avoided ulcers, but, she says, have given a thriving set of them to my secretary!” Residence: 1231 Ashland Avenue, Wilmette, Illinois. Office: 135 S. La Salle Street, Chicago, Illinois.


BERNARD D. MELTZER—Professor of Law, U. of C. Law School. “Have been teaching Evidence and Labor Law in recent years, and doing some labor arbitration work.” Married, has three children, Joan, 13, Daniel, 10, and Susan, 8. 1938-40, General Counsel’s Office, and Assistant to Chairman of S.E.C. (Jerome Frank, another Alumnus). 1940, practice with Mayer, Meyer, Austrian and Platt; 1940-41, Legal Consultant to National Defense Commission; 1941-43, Special Assistant to Assistant Secretary of State (Dean Acheson) and Chief of Foreign Funds Control Division. Publications in legal and other periodicals, and co-author (with Wilbur Katz) of “Cases on Business Corporations.” Served in E.T.O., as Lieutenant (j.g.) USNR. Also as Trial Counsel, on American Prosecution Staff, for trial of major Axis war criminals. 1954, Hearing Commissioner, National Production Authority. Formerly, Chairman, Labor Law Committee, Illinois State Bar Association. In 1960, Co-chairman, Committee on Development of Law under the NLRA, American Bar Association. Residence: 1219 E. 50th Street, Chicago, Illinois. Office: University of Chicago Law School, Chicago.

CLARENCE A. METER—Regional Attorney, Eighteenth Region, National Labor Relations Board. Married, and has three children. Residence: 7415 Humboldt Avenue South, Minneapolis, Minnesota. Office: 110 S. Fourth Street, Minneapolis.


BYRON S. MILLER—Senior Partner, D’Ancona, Pilas, Wyatt and Riskind. Former Chairman, Civil Rights Committee, Chicago Bar Association, Member, Committee on Trust Law, and former member, Atomic Energy Law. He and Jean have a silver wedding anniversary coming up, and three daughters to help celebrate. Terry, 21, is a Senior at U. of C. in Bio-Psychology, Nora is 15, and Rachel, 12. President, Bureau on Jewish Employment Problems, Chicago; Chairman, Law and Social Action, American Jewish Congress, Chicago Council. Chairman, Church-state Committee, American Civil Liberties Union, Illinois Division; Chairman, Caucus Committee, Glencoe, Illinois. Draftsman of civil rights legislation, and participant in assorted civil rights litigation, Byron has, in addition, authored various law review and magazine articles, ranging from atomic energy to trust law and civil rights. Highlights: “Co-draftsman, U.S. Atomic Energy Act, 1946; co-author, The Control of Atomic Energy, Whittlesey House, 1948.” Residence: 111 Euclid Avenue, Glencoe, Illinois. Office: 33 N. La Salle Street, Chicago, Illinois.

LOUIS R. MILLER—Assistant General Counsel, Armour & Co. Married, and has a 13-year-old daughter. Was a U.S. Army Sergeant in 1941, and a Lieutenant in USNR, 1942-45. “Chief distinction was devising a plan for redeeming preferred stock for debentures, which plan was held unlawful by the Illinois Supreme Court.” (We know better, Louis). Residence: 621 Warwick Road, Kenilworth, Illinois. Office: 401 N. Wabash Avenue, Chicago, Illinois.
ROBERT D. MORGAN—Partner, Davis, Morgan and Whiterell. In general practice, "with large amount of time representing business management in labor relations problems and corporate problems." Brother Donald, who was in the class immediately after us, is also a partner in the firm. Married to Betty for twenty-three years, has two sons, Thomas, 20, and James, 15. Tom enters U. of C. Law School this fall as a Mechem scholar. 1942-45, served as a Major, Army Signal Corps. Became Peoria's first Mayor under Council-Manager form of government, 1953-57. Currently, President, Rotary Club of Peoria; Member, Board of Trustees of Bradley University, Peoria, Illinois; Grievance Committee (Hearing Division), Illinois State Bar Association. Career highlights: "President of Peoria Y.M.C.A., 1947-1953, during which time we raised money and built a new $2,500,000 building." Residence: 4943 N. Grand View Drive, Peoria, Illinois. Office: 1125 First National Bank Building, Peoria, Illinois.

IRWIN PANER—Partner, law firm of Panter, Nelson, Rothstein and Albert. Member, Chicago and American Bar Associations. Married, and has three children. Michael Richard is 10, and planning to study law; Deborah Lynn is 7, and Janet Phyllis, 4. Served in the Army for four and a half years, discharged as a Captain. Residence: 1026 Forest Avenue, Oak Park, Illinois. Office: 10 S. LaSalle Street, Chicago, Illinois.

KEITH PARSONS—Partner, Milliken, Vollers and Parsons. Chairman of Section of Corporation Law Committee, Chicago Bar Association. Former member, Judiciary Committee, Membership Committee, etc.; Vice-President, Legal Club of Chicago. Former Chief, Legal Division, Chicago Ordnance District. Now holds rank of Lt. Colonel, Retired, U.S. Army. Member, Board of Directors, Chicago Post, American Ordnance Association. President, Hinsdale Board of Education; Member, Chicago Crime Commission; Former President, U. of C. Alumni Association; Member, Board of Directors and Executive Committee, Economic Club of Chicago. Married, and father of three, Robert, 19, Susan, 16, and James, 9. Robert is considering law, and "I would encourage either of the boys to attend the U. of C. Law School if they study law." Residence: 16 West 5th Street, Hinsdale, Illinois. Office: 231 S. LaSalle Street, Chicago, Illinois.

ELAINE BECKER POPPY—Formerly with Legal Aid Bureau in Chicago. "Pearl Harbor called me to Washington and I never returned either to the law practice or to live in Chicago." With husband Charles, Electric Engineering graduate of Pennsylvania State University, active in cultural and educational activities of Wilkes-Barre (of which Kingston is a suburb) and Pennsylvania State U.—Foreign Policy Group, Great Books, Choral Groups, etc. Members of International Walkers Association. Also travel considerably. Presently taking a philosophy course "... and am using so much of what I learned in Mor-
chant. Now, sadly to relate, new patterns of distribution and intense chainstore competition is compelling another change in my ‘career’ and a new, renewed start.” Residence: 8549 Lawndale Avenue, Skokie, Illinois. Business: 2001 N. Western Avenue, Chicago, Illinois.

GERARD A. SERRITELLA—In general practice of law. Member, Illinois State Bar Association. June, 1937-Jan. 1946, examining attorney, Chicago Title and Trust Co. Left to work for the Alien Property Custodian’s Office of the United States. Resigned in Jan. 1947 to commence general practice of law. Married, and father of Michael, 24, who attended U. of C. Law School in 1961, and Virginia, 22. The latter, married to Anthony Barone, presented Gerard with a grandson in July. “I was taught to reason at the U. of C. and U. of C. Law School. This has become more and more evident as I continue in the practice of law. Having been given this training I have been able to properly represent my clients and sometimes help them by solving their problems or at least anticipate the problems.” Residence: 944 N. East Avenue, Oak Park, Illinois. Office: 77 W. Washington Street, Chicago, Illinois.

WALDEMAR A. SOLE—Colonel and Staff Judge Advocate, Headquarters, Eighth U.S. Army, The Judge Advocate General’s Corps, U.S. Army. Member, Board of Review 1946-48. Area Judicial Officer (Trial Judge GCM 1959-61). Virginia State Chairman, Judge Advocate Association, 1956-57. Director, Academic Department, The Judge Advocate General’s School, U.S. Army, 1955-58. Married to Evelyn Wainwright and has a 19-year-old daughter, Susan Mae. “From 1941-46 I was an Artillery Officer (1st Lt. to Major) serving with HQ VIII Corps Artillery as Counterbattery Intelligence Officer, HQ First U.S. Army, and HQ Army Ground Forces. In 1946 I was transferred to the Judge Advocate General’s Corps and in 1947 I was integrated into the Regular Army as a Major. I am now serving in Korea as Staff Judge Advocate of Eighth U.S. Army. In addition, I am serving as Staff Judge Advocate, United Nations Command and U.S. Forces Korea. In addition I was a member of the interservice group which drafted the Manual for Courts-Martial, 1951.” Residence: 1307 Forest Drive, Alexandria, Virginia. Office: Hq, 8th U.S. Army, APO 301, San Francisco, California.


PETER NEWTON TOTHUNDER—Partner, firm of Todhunter & Ickes. Member, Corporation Law Committee, Inquiry Committee, and chairman, Lawyer Reference Committee, all of the Chicago Bar Association. Married, and has five children—Susan, 16, Ralph, 14, Ann, 10, Joan, 8, and Laura, 5. Member, Visiting Committee, U. of C. Law School; Director, Soo Line Railroad Co.; Director, Secretary and member of Executive Committee of Lisco Corp.; Director and member of Executive Committee of Consolidated American Life Insurance Co. of Illinois. “In private practice of law at Chicago, Illinois, since graduation from the Law School. Engaged in general practice with most of activity in business law areas, including corporate reorganizations; largest single category of activity in foreign law field, arranging and negotiating technical assistance and patent license agreements and corporate joint ventures between American and foreign corporations, particularly in Australia. Travel to Australia and Europe is part of these activities.” Resi-

HOWARD W. VOSS—Owner, Municipal Research Associates. In business with son, Howard W. Voss, Jr., 29. He and his wife also have a 15-year-old daughter, Rana Lynn, and are grandparents to Karen and Andrew Voss, 3 and 1, respectively. Member, Illinois State and Chicago Bar Associations. Served in World War II as a Lieutenant, USNR. Residence: 3 Briar Lane, Glencoe, Illinois. Office: 510 Green Bay Road, Kenilworth, Illinois.


MATTHEW E. WELSH—Governor of Indiana. Began political and governmental career as elected State Representative from Knox County to the Indiana General Assembly, 1940. Resigned, 1943, to serve in U.S. Navy as Lieutenant (j.g.) until 1946. Among various posts and appointments held were: Democratic Caucus Chairman, Democratic House member of State Budget Committee, 1943. Democratic candidate for Judge of State Appellate Court, 1946; Chairman, 7th District Democratic Committee, 1948; United States Attorney for the Southern District of Indiana, 1950. Resigned, 1952, to return to private practice of law at Vincennes. State Senator from Knox and Daviess counties, 1954. Candidate, Democratic nomination for Governor, 1956. Democratic Floor Leader in the Indiana Senate, 1957. Re-elected State Senator, Knox and Daviess counties, 1958. Re-elected Democratic Floor Leader, 1959. Elected 41st Governor of Indiana, November 8, 1960. Married Virginia Homann of Washington, Indiana, and they have twin daughters, Kathryn Louise and Janet Marie, 20. Affiliations: Trustee and Elder, First Christian Church of Vincennes; Member, American, Indiana, Knox County and Indianapolis Bar Associations; Director, Security Bank and Trust Co. of Vincennes; Secretary, Universal Scientific Co. of Vincennes; Secretary-Treasurer, M. W. Welsh & Co., Inc., of Vincennes. Trustee, Vincennes University. Member, American Legion, Board of Trustees of Vincennes Y.M.C.A., Elks Lodge, Vincennes Kiwanis Club, Indianapolis Athletic Club, Board of Directors, Kennedy Memorial Christian Home, Martinsville.

WILLIAM SYLVESTER WHITE—Director, Department of Registration and Education, State of Illinois. Previously served as Assistant U.S. Attorney; Assistant State's Attorney; Deputy Commissioner, Department of Investigation, City of Chicago. Married, and father of 17-year-old twins, Marilyn and Carolyn, of whom one plans to study law. Served during World War II as Lieutenant (j.g.), USNR. Residence: 5100 S. Ellis Avenue, Chicago, Illinois. Office: 160 N. La Salle Street, Chicago.


This scrivener offers the above in the hope that it may, here and there, stir a memory. Perchance even spark a reunion. How about it, fellow alumni?

During the Annual Meeting of the Visiting Committee, Kenneth Culp Davis, right, John P. Wilson Professor of Law, talks with Whitney North Seymour, center, and Ross L. Malone, both past presidents of the American Bar Association and two members of the Visiting Committee.

During the Visiting Committee Meeting, Kenneth F. Montgomery, of the Committee, the Honorable Potter Stewart, Justice of the U.S. Supreme Court, the Honorable Walter V. Schaefer, JD'28, Justice of the Illinois Supreme Court and Chairman of the Committee, and Dean Edward H. Levi, JD'35.
The Class of 1965—
Continued from page 1

and colleges. A detailed listing of both states and schools is as follows:

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DEGREE COLLEGES REPRESENTED

At the annual dinner for entering students, Morris E. Feiwell, JD'15, of the Visiting Committee, Louis H. Silver, JD'28, of the Alumni Board, and Louis M. Mantynband, JD'20, of the Visiting Committee.

The Honorable Walter V. Schaefer, JD'28, Justice of the Illinois Supreme Court and Chairman of the Visiting Committee, introducing Chief Justice Frank Kenison before his lecture.

The Honorable Frank R. Kenison, Chief Justice of the Supreme Court of New Hampshire and member of the Visiting Committee, about to begin his lecture on "Tolerance and Temerity in the Development of the Law."
The Conservative Taxpayer’s Pocket Guide to Planning for Deduction of Travel and Entertainment Expenses under the Revenue Act of 1962

or

How To Succeed in a Business Deduction Without Really Trying

By WALTER J. BLUM

Professor of Law, The University of Chicago Law School

Virtually every piece of income tax legislation invites a host of articles on saving taxes. The travel and entertainment expense provisions of the Revenue Act of 1962 undoubtedly will call forth the usual outpouring of professional advice on how to take maximum advantage of the new rules. I have no intention of entering into this competition. Instead I address myself to the conservative taxpayer who wishes to avoid tax controversy at any cost, and only to him do I offer these random bits of speculation and advice.1

Two preliminary observations are in order. It should not be necessary to remind even the conservative taxpayer that there is nothing wrong in planning ahead and thoughtfully arranging one’s affairs in the light of tax considerations. At the same time, it is to be hoped that the ingenuity of taxpayers and their advisors will not reach so far as to bring on new legislation and thus spoil a fertile field. All of my remarks are presented in the spirit of these thoughts, and I trust that they will not be otherwise construed.

Under the old law, entertainment expenses could be deducted if they qualified as ordinary and necessary expenses of a trade or business; and it was held by courts that ordinary and necessary expenses were those “directly connected with” or which “proximately resulted from” the conduct of a trade or business. Now, however, deduction is to be denied unless (with certain exceptions) entertainment activity is “directly related to . . . the active conduct of the taxpayer’s trade or business,” or unless the expense is for entertainment “associated with” the active conduct of his trade or business and “directly preceding or following a substantial and bona-fide business discussion.” Conservative taxpayers will immediately recognize that this conveys the sense of a most dramatic change.

According to the new rules, entertainment activities include those which are of a type “generally considered to constitute entertainment, amusement or recreation.” This seems to be virtually all inclusive, if not a pure tautology. Nevertheless, the tax-conscious individual might be tempted to inquire whether any spectator activities have a reasonable possibility of escaping the net. What comes to my mind is such things as viewing folk dancing, travelogues, wrestling exhibitions, or the Patterson-Liston match. Considerable testimony could be mustered to demonstrate that these are not generally considered to be anything. But, then, the conservative taxpayer must reckon that someone in the Internal Revenue Service might find them to be at least amusing, if not downright entertaining. So, instead of searching hard for activities which are not entertainment, I suggest working out plans for entertaining in ways that will qualify for deduction. Several avenues of planning need to be examined.

One is to provide guests with entertainment, amusement or recreation which is directly related to the active conduct of your business. Let me illustrate.2 If you happen to sell Cadillacs, you might consider taking potential customers to see “The Solid Gold Cadillac.” Or, if you merchandise fur coats, you should not hesitate to take potential buyers to see “That Touch of Mink.” In a similar vein, clock manufacturers should favor “The Longest Day”; spice salesmen, “A Man for All Seasons”; chess set manufacturers, “Only Two Can Play”; stockbrokers, “The Brave Bulls”; and cloak and suit salesmen, “Measure for Measure.” Dog racing (especially on torrid days) seems ideal for producers of frankfurters, opera for gargle manufacturers, girlie shows for purveyors of skin lotions, and so on and on. The principle is readily apparent. Before long it probably will be reflected in theater advertisements. Alongside of such long familiar comments as “suitable from six to sixty,” we might expect to see such claims as “recommended for entertaining the garment trade” or “especially suitable for visiting fire-
men.” Because application of the principle is virtually unlimited, I suggest that one of our major publishers of law books put out a new loose leaf service that cross references all current amusement offerings and all lines of business. Possibly the old West Publishing Company “Key Number System” of indexing court decisions could be extended to cover this additional field. An incidental advantage would be that we at last would have key numbers for all key clubs.

But there undoubtedly will be occasions when circumstances, including the mood of the persons involved, will render it impractical to achieve a direct linkage between the active conduct of the host’s business and an entertainment activity. The conservative taxpayer then will have to fall back on post- or pre-business discussion entertainment which is associated with (but not directly related to) his business. Developing a proper arrangement under this category is unfortunately fraught with pitfalls.

An indispensable requirement is that there actually be a substantial and bona-fide business discussion which is associated with the host’s business. This is so critical that the conservative taxpayer will want to be able to establish with certainty that such a discussion occurred and mark the precise time. A detailed entry in a diary probably will suffice, but after all it is only a self-serving declaration. More is needed to nail down the facts. A portable tape recorder can be of considerable assistance, especially if the taxpayer will remember to turn it on when the business talk begins and to make a short initial announcement along these lines: “Let the record show that it is now ______ o’clock on the _____ day of ______ in the year ______. With me are ______ of the ______ company and ______ of the ______ company. We now start our bona-fide substantial business discussion.” For the more worried sort of conservative, an even more reassuring procedure is use of a movie camera with synchronized sound recording apparatus. I understand there is now available a lightweight model weighing only twenty-three pounds, and that a transistorized model weighing eight pounds is currently being readied for this new market.

It is questionable whether the conservative taxpayer should hold the business discussion at or during the associated entertainment activity. To illustrate, suppose that the commercial talk occurs at half time during a football game. Superficially, it would appear that the sporting entertainment both preceded and followed the business discussion—the first half coming before and the second half afterwards. But this viewpoint could be a snare. There are some analogies in tax law, particularly in the area of corporate divisions, which argue that a football game is a single activity, not capable of being divided for tax purposes. Moreover, a half-time talk might lack the aura of being substantial even when the crowd is small. Safety would seem to dictate attending to business either directly before reaching the stadium or directly after leaving it. An exception conceivably might be proper in the case of cricket matches.

A special problem exists in the case of professional football games played on Sundays or bowl games played on holidays. Because business offices will be closed, business discussions might have to occur in irregular spots. The problem of proof is therefore likely to be slightly more complicated than usual. One possible solution is to repair from the game to some public building, such as the civic museum or aquarium or art institute, for the critical chat. No one is likely to infer that a group of businessmen went to such a place for anything but business.

A more general problem arises because a carefully planned program for entertaining and thereafter doing business might go astray. Suppose the plan is to entertain business acquaintances on a particular night (in a manner associated with business) and to follow up the party with a business discussion the next morning. All goes well during the night on the town, but—perhaps for that very reason—it becomes necessary to call off the scheduled morning meeting. This could prove embarrassing to the genuinely conservative taxpayer because the entertainment then stands alone. Precautionary planning is thus in order. All that need be done, I suggest, is to schedule such entertainment after rather than before the business session. Then, if plans miscarry, the tax position will not be jeopardized.

In commenting upon pre- or post-business discussion entertainment, the Senate-House Conference Committee Report observes that the host may be entitled to deduct not only for his business guests but also for their wives. By implication the deduction is not available for lady friends and other escorts included in the party. If this is a correct interpretation of the new rules, the conservative taxpayer might find it advantageous to adopt another simple precaution. He should merely ask each accompanied business guest to show his marriage license. I expect that in some circles it will become customary to carry these along with driver’s licenses and credit cards.

The general rule limiting deduction for entertainment activities is subject to an exception for business meals “furnished . . . under circumstances which are of a type generally considered to be conducive to a business discussion” (taking into account the surroundings in which the meals are served, the taxpayer’s business, and the relationship of the persons who are fed). Several points might help the conservative taxpayer in staying within the exception. The name of the establishment might well be regarded as contributing to the character of the surroundings. Thus—after a quick perusal of the classified telephone directory—I would give a plus to such names as “The Busy Bee,” “The Black Bull,” “The Gold Coin,” and “The Marketplace Inn”; I would be slightly con-
cerned about "The Escape," "The Epicurean," and "Melody Lane"; and I would be definitely worried about "The Boom Boom Room," "The Cozy Nook," "The Moonlight Club Parlor," and "The Painted Doll Bar-B-Que." Of course, there will be occasions when even these apparently adverse names might assist the taxpayer in buttoning down his deduction under the exemption. Who, for example, would deny that the "Boom Boom Room" would appropriately set the stage for a business discussion with a drummer; or who would have difficulty figuring out the application of this point to "The Stork Club"?

Also to be considered is the décor of the restaurant. Wood paneling—of the old English grill type—seems safest. Generally it probably is best to avoid an exotic motif (unless one is in some matching exotic trade); but under current governmental policy there likely is less danger in decorations associated with an under-developed country. Musical background might also count. A total absence of music would seem to be most compatible with talking business. However, in recognition of its virtual omnipresence, the standard juke box might be regarded as though it were not there. For most lines of business, soft strings are not too incongruous; I am more hesitant about singing waiters; and I firmly advise against rock and roll—unless, of course, the particular business discussion just happens to blend, as it might when railroad passenger traffic is on the agenda.

I now turn to the matter of facilities. The new law provides that no deduction is allowed for expenses incurred with respect to an entertainment facility—meaning any real or personal property owned or rented by the taxpayer and used for entertainment, amusement, or recreation activities—unless the facility is used primarily to further the taxpayer's business and the expenditure is directly related to the active conduct of such business. According to the Senate Finance Committee Report, an over-50 per cent test is to be employed in determining the primary usage of a facility. If the test is not met, no part of the expense is deductible; if the test is met, that portion of the expense relating to business use may be deducted. Clearly, a taxpayer who uses entertainment facilities in connection with his business needs to keep a sharp lookout. A tiny modification in the pattern of use can result in a great change in allowable deductions.

The conservative taxpayer therefore above all must
not lose track of his facilities! On first thought, the ultra-conservative might jump to the conclusion that he should affix a permanent label to each facility used to further his business—possibly something like the notification plate which railroad locomotives and cars bear under equipment trust financing. He might even hope that such tags, perhaps numbered serially and stating that the object is a business adjunct, will have some evidentiary value in establishing that it is in fact a business facility. On closer examination, however, he will realize that any permanent marking scheme is wholly impractical. There would seem to be no attractive way to put labels on facilities which are rented by the taxpayer for only part of the year, unless in the highly unlikely event that the lessor was willing to have each lessee add his label on the item. Even in the case of certain owned objects, it might be awkward to attach a label. For example, how would one mark a private wilderness lake, with marshy shores, accessible only by plane? In some instances, the marking might be misconstrued. If a businessman rented a certain hotel bedroom throughout the year for use of out-of-town buyers, I am not sure how people would react to a sign on the door reading “John Smith—Business Facility No. 5.”

The crucial facilities problem for most conservative taxpayers will concern the over-50 percent business usage requirement. There will, of course, be the usual chores of keeping accurate records and of showing that a particular use qualifies as being directly related to the active conduct of the taxpayer’s business and primarily aimed at furthering it. Of greater interest is the fact that measuring usage will now be of key importance because any deficiency in meeting the over-50 percent business use test eliminates all deductions for the particular facility. An illustration in the Senate Finance Committee Report, regarding a yacht, unequivocally employs time as the exclusive measure of use. I suppose this is sound—although I wonder whether a two-day cruise with two private guests on board is really the equivalent of a twoday cruise with twenty business guests on board. If time is the only factor, the conservative taxpayer can reassure himself with nothing more than a good watch featuring a sweep second hand or, better yet, a stop watch. Frankly, I doubt that measurement will always be so simple. Suppose that during the year a person uses an automobile more hours for business entertainment than for pleasure but covers more miles during the pleasure runs; are we safe in assuming that time controls over distance? Or suppose that in the case of a dining facility more time is spent over business meals than social ones, but more food is consumed during the latter; does time control over weight as well as over calories? As to bars, is time paramount in competition with rounds, liquid volume, or proof gallons? And, as to hotel suites, does time pass more slowly where occupancy is by one instead of two?

Faced with these questions, and until the Regulations provide definitive answers, the conservative taxpayer should protect himself by meeting the test under all possible measurements of usage. Thus, in addition to a watch, he might find need for a scale, tape measure, thermometer, and depthometer.

A new form of year-end planning is also called for. Around the beginning of the last month in his taxable year, the conservative taxpayer ought to review his usage log for each facility to determine whether he is safely beyond the over-50 per cent business-use level. Where he is short, he should promptly take appropriate corrective steps to augment business usage. Many taxpayers might find this difficult because their twelfth month—December—is a very busy entertainment period anyway, and their potential business guests are likely already to be engaged, particularly during the holiday season. A constructive approach here is simply to switch from reporting on a calendar to a fiscal year. An ideal one for this purpose would seem to be May 1 to April 30. Of course, if the facility happens to be an unheated hunting camp or fishing lodge which is uncomfortable during April, then a different fiscal year might be advisable.

One further precaution regarding facilities might be noted. If a car is rented for business entertainment and then later in the same year a car is rented from the same agency for pleasure, make sure that two different vehicles are furnished, or else there is a risk that the business use of the particular automobile will be outweighed by that for pleasure. It is well to avoid this particular trap by recording the engine number of all cars rented during the year. However, it is most important not to be confused by doctrines of constitutional law whose phrasing could cause confusion. For tax purposes it is perfectly all right to have equal facilities, but they must be separate.
The new law also modifies the rules for deductions while one is in travel status. An important change is that deduction is denied for the cost of meals and lodgings while away from home in pursuit of business to the extent that they are "lavish or extravagant" under the circumstances. How can the conservative taxpayer avoid running a foul of this limitation without becoming a masochist? A perusal of the motel and hotel advertisements (such as those found in the classified telephone directory)\(^3\) conceivably might supply a few clues to both taxpayers and the Internal Revenue Service. I would give the green light to those which announce "We cater to businessmen," or "Old fashioned service for you and your car," or "Rates that are really reasonable." But I would flash an amber, if not a red, light for those which claim to be "Fabulous," or "The last word in accommodations," or "The ultimate in comfort and pleasure." And I definitely would back away from ones that boast "City facilities in a country club atmosphere," or "A vacationland." One can easily imagine that certain branches of the advertising industry might experience considerable trauma in adjusting to this new factor introduced by the tax law. We may yet live to see the day when resort spots are triumphantly proclaimed to be "delightfully dour."

These clues, however, are highly unreliable and the approach is most haphazard. Given the importance of the subject, we are in need of some systematic treatment, and I am delighted that a model is close at hand. For many years, the Michelin Tire Company of France has published European restaurant and hotel guides which employ a handy rating system. Restaurants are rated by using crossed forks and spoons as symbols: One crossed fork and spoon signifies "plain but good"; two is for "fairly comfortable"; three stands for "very comfortable"; four reflects "top class"; and five, the highest rating, is for "luxury." A similar five-fold classification system for hotels makes use of building shapes as symbols, with a three tower structure being top "luxury" class. In addition, red print, rather than the standard black ink, is used to indicate that the hotel or restaurant is pleasant; and there are various red symbols to designate "exceptionally pleasant view," or "very pleasant surroundings." With a little imagination this system could be modified and adapted to the United States so as to provide almost all the information needed for forming quick judgments in applying the new "lavish or extravagant" test. Merely by way of illustration, I can conceive of a restaurant rating system under which one crossed fork and spoon stood for "plain, but safe taxwise"; two represented "fairly comfortable, but probably safe taxwise"; three meant "very comfortable, but doubtful taxwise"; four signified "top class, but risky taxwise"; and five indicated "luxury, but dangerous taxwise." And in keeping with the spirit of the new law, the listing of all sumptuous accommodations would be carried in purple ink.

Another change in rules regarding travel status provides for allocation of traveling expenses (including means and lodgings) between those which relate to business and those which are personal. An important exception is that there is to be no such allocation where the trip does not exceed one week. To stay within this highly beneficial provision, it might be necessary to fly rather than take the train or a boat; and there might even be occasions when only a non-stop jet flight will permit satisfying the time condition. The conservative taxpayer, however, will quickly perceive a possible pitfall in relying on the airlines. Just suppose he carefully planned to return home from a combined business-pleasure trip on a flight scheduled to land barely within 168 hours of his departure from home, only to learn that his flight is delayed or cancelled and that, as a result, he will exceed one week in travel status. Through no fault of his own, he apparently would lose that part of the travel deduction allocable to personal aspects of the trip. And, of course, he would not have a right of action against the carrier or anyone else. My solution here is somewhat forward looking. Given enough interest on the part of taxpayers, I expect that insurance companies will soon make available, at all major airports, insurance against flight delays which cause tax losses. Such coverage might even be added to the standard life insurance policy now being marketed for commercial air flights.

One final suggestion for the super-conservative taxpayer who is not covered by such insurance. You might find that on returning from a combined business-pleasure trip, the plane has arrived over your home airport in time, but that it is required to circle overhead until weather conditions permit landing. Prolonged circling would run you over the week limit, and the Internal Revenue Service could then argue that you are still in travel status until a landing has been effectuated. To be absolutely sure of not losing a part of the deduction, you should consider resurrecting an old precaution—that of being equipped during flight with a conveniently located parachute.

In short, even under the new rules for travel and entertainment expenses, the conservative taxpayer can always find some way out!

**NOTES**

* My colleague, Harry Kalven, Jr., was most helpful in reacting to and embroidering on my planning suggestions for the conservative taxpayer. The fact that he is co-author of *The Uneasy Case for Progressive Taxation* should not give rise to an inference that he is a conservative taxpayer.

1 All theatrical listings in this paragraph are from the *New York Times*, October 21, 1962.

2 All quoted material in this paragraph is from the 1962 *Chicago Classified Telephone Directory*, restaurant listings.

Some Problems of Judicial Biography

By Philip B. Kurland
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(A talk delivered at a conference on American Legal History at Notre Dame Law School. A documented version of the talk appeared in 36 Notre Dame Lawyer 490, August, 1961.)

As an appendage of an institution that indulges freely in erudite conferences on learned subjects, I have long since discovered that the fourth speaker of an afternoon—especially if he be occupying the time generally allocated to pre-prandial refreshment—has only one real duty to his audience, and that is, to be short. And so, instead of the intellectual fare offered by my immediate predecessors, I propose to read to you a few pages originally prepared as notes. I shall read them lest the natural instincts of the law teacher lead to excessive exegesis.

I have chosen the subject of judicial biography for personal reasons. I have rashly committed myself to prepare the biography of a recent Supreme Court Justice. I was encouraged to do so by Lytton Strachey's dictum that "ignorance is the first requisite of the [biographer]—ignorance, which simplifies and clarifies, which selects and omits, with a placid perfection unattainable by the highest art." I soon discovered that ignorance was not the solution to all of the biographer's problems, however, and I propose to demonstrate this here and now.

"Biography" is defined by the Oxford Universal Dictionary as "the history of the lives of individual men as a branch of literature." One need not believe with Carlyle that the "history of mankind is the history of great men" or with Emerson that "there is properly no history; only biography," in order to recognize the close relationship between biography, whose Muse I cannot identify, and Clio. The connection with the art of literature is more tenuous. And, if the current experts on the subject are accurate in their prediction, this relationship, in any event, is bound to disappear. In Sir Harold Nicolson's words: "I have insisted throughout on the three elements of truth, individuality, and art, and I have contended that biography cannot be 'pure' biography unless all these three elements are combined. I have traced the evolution of truth and individuality from the fifth to the twentieth century, and I have implied that when they reach their zenith and combine . . . they destroy the third of my essential elements, they put an end to 'pure' biography as a branch of literature." And biography has now reached that zenith of which Sir Harold spoke. (It is obvious that he had not had the opportunity to read Lord David Cecil's biography of Melbourne when he reached his conclusion, for that volume is certainly "pure" biography at its literate best.) But I take solace in Sir Harold's prognosis, reinforced as it is by the work of Edgar Johnson. I take solace because, rash as I may be in assuming the role of historian of an individual's life, I should certainly never have dared to try to write literature.

I am further encouraged to believe that literary merit is not a requisite for judicial biography by the possibility that judicial biography has never in its history qualified as literature or art, at least as those terms are used by Nicolson and the Oxford dictionary. A perusal of various volumes devoted to biography in the English language fails to reveal a single reference to any judicial biography. Neither Campbell's Liver, nor Beveridge's Marshall, nor any other biography of a legal figure—unless it be remembered that Samuel Johnson was a lawyer—receives so much as a footnote reference. Perhaps here, as in the case of Cecil's Melbourne, an exception would have been noted had these treatises been written after rather than before the appearance of Mark Howe's first volume of Holmes. Nonetheless, I am relieved, if other addicts of judicial biography are not, that both the record of the past and the forecast of the future excuse judicial biographers on the contemporary scene from qualifying as literates.

One of the three requirements of biography as defined by the Oxford dictionary and Sir Harold Nicolson may then be dispensed with. A second is the requirement that it be a history, history in the sense that it be as objective a record of the past as is possible for authors living in the present. The limitation may be put in Santayana's language: "It will be observed, however, that what is credibly asserted about the past is not a report which the past was itself able to make when it existed nor one it is now able, in some oracular fashion, to formulate and to impose upon us. The report is a rational construction based and seated in present experience; it has no cogency for the inattentive and no existence for the ignorant."

Again I am relieved to discover that in looking back over many volumes of judicial biography, I find that the lack of literary values is matched by an equal void in scientific or objective norms. Perhaps the subjectivity of these volumes is demonstrative of the legitimate origins of this branch of the subject. Sir Sidney Lee, in his famed Leslie Stephen lecture, suggested that the inspiration for biography was properly the "intuitive desire to do honor to the memories of those who, by character and exploits, have distinguished themselves from the mass of their countrymen." It has not been enough that Dr. Johnson commanded that "If we owe regard to the memory of the dead, there is yet more respect to be laid to knowledge, to virtue, and to truth." The fact remains that biography had "its rudimentary origins in saga and elegy" and these still seem to dominate judicial biography. Thus, it is apparent that much, if not most, judicial biography has been sponsored, or indeed, written by the family of the deceased. Examples are numerous but a few will suffice: Lord Birkenhead and Lord Reading each had his biography written by his son and Lord Campbell's "autobiography" was "edited" by his daughter. To
come closer to home, Shiras' recent biography was written by his son and edited by his grandson and Mason's biography of Stone was sponsored by the Stone family. Certainly the great tradition of judicial biography—Lord Campbell's *Lives of Famous Men*—has been eulogy. To speak only of recent efforts, one cannot read Mason's biography of Stone, or Pusey's *Hughes, or Gerhart's Jackson*, without seeing, in varying degrees, the self-imposed blindness of the authors to the defects of their subjects. Nor is it only on this side of the Atlantic that this is true, as Jackson's recent biography of Lord Hewart and Arthur Smith's *Lord Goddard* quickly reveal. If all this is in the tradition of Beveridge's *Marshall* and Twiss' *Eldon*, it is perhaps heartening to the reader and discouraging to the author to note that distance in time has, in recent years, provided greater objectivity, if less familiarity. Thus, we have recently seen judicial biographies of more scholarly character in, for example, Gore-Brown's *Chancellor Thurlow* and Mays' *Edmund Penelope*.

I do not mean to suggest that eulogy is the exclusive bias revealed in judicial biography. Hate and jealousy have equally destroyed objectivity. And there is no surer evidence of this than Campbell's *Life of Lord Brougham*.

If the current biographer of judicial figures had to meet only the standards of the past, he needn't be much concerned with the objective nature of his study. But the critics in this area today are not willing to dispense with the demand for scientific effort as they have been willing to surrender the requirement of literary excellence. The standard is often put in the elegant language of Shakespeare's *Othello*:

"Speak of me as I am; nothing extenuate, Nor set down aught in malice."

Or, in the homely words of Cromwell: "Paint me as I am, warts and all."

One difficulty is that Cromwell's warts were more readily perceivable to his portraitist than is much of the factual data necessary to the contemporary judicial biographer. And, if one is to speak of *Othello* as he was, there remains the problem of truthfully depicting Desdemona as well. Let me translate these generalities into two specific problems of the would-be biographer of a Supreme Court justice. The problems may be labelled as the problem of accessibility and the problem of inaccessibility. I speak first of the problem of accessibility.

Among the papers of an appellate judge are likely to be records of confidential communications. They are confidential by necessity, the necessity for candid exchange of views that could not take place in a public forum. The extent to which this secrecy is carried is perhaps revealed by the fact that the Supreme Court of the United States now maintains its own printing press on the premises and by the fact that the conference room is so sacrosanct at conference time that nobody is permitted to enter it except the Justices themselves. What then is the putative biographer to do with these precious confidential papers in the preparation of his study? To exclude them is to reject probably the most cogent and important evidence available to him. To make use of them is to threaten the privacy of the communications necessary to the effective function of an appellate bench.

Mr. Justice Roberts solved the problem for his would-be biographers by destroying these records when he retired from the Court. But others of equal conscience have carefully preserved the documentary evidence for posterity's use.

Sir Harold Nicolson's advice on a similar problem is clear. He says: "Obviously all malice or all unnecessary infliction of pain must be avoided by the biographer. But should he feel that he can draw no truthful picture of his victim without wounding the feelings of survivors or the morals of his age, then assuredly he should not sully his conscience by the suggestion of untruth but rather abandon his project, and wait until the passage of time shall render his disclosures less scandalous or painful."

Professor Paul Freund dealt with this very question in his introduction to Bickel's *Unpublished Opinions of Mr. Justice Brandeis* and came to approximately the same conclusion. He wrote: "It is certainly true that privacy is essential in the consultative phase of a court's work, and no one was more sensitive to this need than Justice Brandeis, or more scrupulous in its observance. But there are also the claims of history, the interest of a succeeding generation in understanding judging, and profiting from the deliberations of their predecessors which for valid reasons were veiled when they occurred. What is wanted is an accommodation between two truths: that perfect candor in the conferences preceding judgment requires secrecy and that, in Lord Acton's phrase, whatever is secret degenerates. The problem of reconciliation has been met satisfactorily in other contexts: diplomatic correspondence is made public after an interval; Madison's notes of the debates in the Constitutional Convention were published a generation after the event. If, as these examples suggest, a major key to the solution is the passage of time, it is to be noted that all of the cases presented in this collection are more than twenty-five years old. Moreover the intimacies here described are not aimless or malicious disclosures; they are relevant to understanding, and so, to use a favorite word of Justice Brandeis, they are instructive. The fact that the Justice preserved his working papers and entrusted them without restriction to one in whose judgment he had perfect confidence . . . should be sufficient warrant that in the use which has been made of them there is no breach of his own rigorous standards of propriety."

Postponement would then seem to be the solution thus offered. But Professor Mason of Princeton would not seem to agree. He didn't have Brandeis' court papers available to him when he wrote his Brandeis biography. But he did have Stone's papers in the preparation of the
Chief Justice's biography and he certainly appears to have made full use of them.

Postponement has other difficulties, moreover. If one must wait until an appropriate period has elapsed so that all those connected with the transactions to be reported have died, one must necessarily also be awaiting the destruction of vital materials available by way of examination of the witnesses to the events. Perhaps the answer then lies with the choice made by Professor Mark Howe, that is to make the study of the jurist in question a lifelong task, publishing materials as they become free from the restraints that I have discussed. Or it may lie in the possibility of writing the biography but postponing its publication, a possibility that requires the will-power that few, if any, scholars seem to possess. Both are discouraging answers and I have no better ones.

Let me turn then to the problem of inaccessibility. I shan’t belabor the difficulties created by sealed files that are not to be opened until a specified lapse of time. I really want to talk of a slightly different problem, that of files once opened and reported and then again sealed. I cite two examples. As I have noted, Lord Birkenhead’s biography was written by his son. A new edition came out in 1959. It was a filial biography in every sense of the term. Last year another biography of Birkenhead was published. In the introduction to the latter it was stated that the Birkenhead materials had not been made available to the author, but that the author had been assured that nothing was in them that wasn’t accurately reflected in the original biography. The scholar then is again faced with a dilemma, he has his choice of postponement in the hope that the papers will some day be made public. But this means that the first of the biographies will, by reason of its monopoly position, tend to be accepted as the proper picture of its subject. By the time the files are again opened, it may be pointless to attempt to draw a truer picture. The other choice is to accept the interpretation of the officially colored biography on the assurance that the bias of the first author has in no way effected the removal of warts.

I said I would report two instances. The second is closer to home. Mason’s Stone was, as I said, drawn with strong reliance on the court papers of the Chief Justice. In preparation of his volume of the history of the Supreme Court, Paul Freund sought leave to inspect these papers. It was denied him by the sons of the Chief Justice. Blame cannot be put on Professor Mason, for the papers were not within his control and it must be assumed that a scholar could not with good conscience willingly act in this manner. The fact that one of Stone’s sons is a professor and the other a lawyer doesn’t seem to have created in them the recognition of any moral obligation. Again the official portrait is to remain unassayable. A sponsored biography is to be the only one with access to the resources on which a proper evaluation must rest.

I no more have a solution for this problem than I have had for the others that I have raised.

At the outset I suggested that I would undertake to do two things: 1) to keep this talk short; and 2) to demonstrate my own ignorance. I respectfully submit that I have achieved both ends.
Andrew J. Dallstream—1893–1962

The Law School notes with deep regret the death of Andrew J. Dallstream, JD'17, immediate Past President of the Law School Alumni Association.

Following his graduation from the Law School, Mr. Dallstream began the practice of law in Centralia, Illinois. In 1927 he came to Chicago, to join the firm now known as Dallstream, Schiff, Hardin, Waite and Dorschel. In addition to his law practice, he was chairman of the executive committee of four corporations, including the Celotex Corporation, and a director of nine.

In 1952–53 Mr. Dallstream was President of the Chicago Bar Association and a member of the House of Delegates of the American Bar Association. He served as a member of the zoning commission of Cook County for four years, and as a member of the Zoning Board of Appeals since 1940, and as Chairman since 1954.

Mr. Dallstream was also a member of the Visiting Committee of the Law School, a Trustee of Millikin University, which awarded him the degree of Doctor of Law, honoris causa, in 1953, and a Fellow of the American Bar Foundation.

This record of service to his profession, his community, and his Law School is one of rare distinction. The loss to all concerned is great indeed.

Alumni Notes

Ivan Lee Holt, Jr., of St. Louis, a Judge of the Circuit Court of Missouri for the past thirteen years, has become Chairman of the American Bar Association’s Section of Judicial Administration. Judge Holt, a member of the Class of 1937, is a Vice-President of the Law Alumni Association and a Director of the American Judicature Society, the American Law Institute, the Institute of Judicial Administration, the National Council of State Trial Judges and the National Council of Juvenile Court Judges.

Fred C. Ash, JD'40, has been elected Vice-President and General Counsel of Dun and Bradstreet, Inc. Following his release from military service, Mr. Ash served as Assistant to the Dean of the Law School, and then joined the Chicago law firm now known as Kirkland, Ellis, Hodson, Chaffetz and Masters. He became Secretary-Treasurer and General Counsel of the Reuben H. Donnelley Corp. from 1957 until his election to his current position.

Joseph L. Sax, JD'60, has been appointed Assistant Professor of Law at the University of Colorado. Mr. Sax entered the Department of Justice through its Honor Graduate Program, and later practiced briefly in Washington, D.C.

Finalist teams in the Hinton Moot Court Competition. Seated: The winning team of Harold S. Russell, A.B., Yale University, and Dale Schlafer, A.B., Amherst College; Standing: The runners-up, Axel-Felix Kleibohmer, A.B., Blackburn College, and Frank Schneider, A.B., DePauw University.

Harold S. Russell, Class of 1962, is shown arguing in the final round of the Hinton Moot Court Competition. On the Bench, background to foreground: The Honorable Sterry Waterman, Judge of the U.S. Court of Appeals, Second Circuit, the Honorable Frank R. Kenison, Chief Justice, Supreme Court of New Hampshire, the Honorable Potter Stewart, Justice of the U.S. Supreme Court; the Honorable Roger Traynor, Justice of the Supreme Court of California, and the Honorable Henry J. Friendly, Judge of the U.S. Court of Appeals, Second Circuit.

Arnold H. Maremont, JD'26, was recently appointed Chairman of the Illinois Public Aid Commission. Mr. Maremont, who is President of the Maremont Corporation, is a noted collector of modern art, and an officer or director of the Lyric Opera of Chicago, the Art Institute of Chicago and the Center Opera and Ballet Company of New York. He is also a director of both the National and Illinois Associations for Mental Health and of the Institute for Psychoanalysis.

In September, the Oklahoma Bar Center, new home
of the Oklahoma Bar Association, was dedicated. The existence of the new Center is due primarily to the efforts of Earl Q. Gray, JD’13. After a year’s distinguished service as President of the Oklahoma Bar Association, Mr. Gray, who practices in Ardmore, undertook, with conspicuous success, to revive and bring to a successful conclusion a previously-lagging drive for funds for the new Bar Center.

The Record notes with pleasure (although very belatedly) the appointment of Jack E. Frankel, JD’50, as Executive Secretary of the California Commission on Judicial Qualifications. The Commission, established in 1960, has authority to hear charges against, and, in appropriate cases recommend the removal of, judges of the California courts. Mr. Frankel practiced in San Francisco following his graduation, and subsequently became Assistant Secretary of the State Bar of California.

George W. Rothschild, JD’42, has been named General Counsel of General American Transportation Corporation, with headquarters in Chicago. Following graduation and military service, Mr. Rothschild practiced in New York with Root, Ballantine, Barlan, Bushby and Palmer. At the time of his joining General American, he was Associate General Counsel of the Foreign Operations Administration.

The School notes with deep regret the death of four distinguished alumni. Cola G. Parker, JD’12, of Menasha, Wisconsin, was best known as President, and later Chairman, of the Kimberly-Clark Corporation. At the time of his death he was Chairman of the Board of the Federal Home Loan Bank in Chicago. He had been President of the National Association of Manufacturers in 1956, and Chairman of that group in 1957. During the Eisenhower administration, Mr. Parker was a member of the Commission on Foreign Economic Policy.

The Honorable Irwin C. Mollison, JD’23, was a Judge of the United States Customs Court. Before appointment to the bench, Judge Mollison practiced law in Chicago for more than twenty years. During that time he was a Director of the Chicago Public Library and served on the Chicago Board of Education. When named to the Court in 1945, Judge Mollison was the first Negro member of the Federal Bench within the continental United States.

At the time of his death, Graydon Megan, JD’34, was Secretary of the Inland Steel Company, in Chicago. Mr. Megan practiced law in Chicago following his graduation, and joined Inland in 1938. He became secretary in 1946. A member of the Chicago Crime Commission since 1951, he served as President in 1958–59. Mr. Megan was a director of the Chicago Better Business Association, the Chicago Chapter of the American Red Cross, and the American Society of Corporate Secretaries.

The death of Andrew J. Dallstream, JD’17, is noted elsewhere in this issue.

Book Review


Reviewed by Harry Kalven, Jr.
Professor of Law, The University of Chicago Law School

This is another contribution to the recently burgeoning literature on the judicial process. It is evident that the dilemmas of judicial review which were so much discussed in the early 30’s are fashionable puzzles once again.

Professor Mendelson has entered the debate from an attractive angle. Selecting Justices Black and Frankfurter as representing polar opposites in judicial role, he has proceeded to trace the judicial profile of each through a formidable number of cases.

At the outset it would appear that he is neutral as between his two contending champions and is merely delighted with the opportunities for analysis the conflict between them has created. The rift in the current Court, he states, wears a jewel in its head. Never before on the bench has the role of the Court in our federated democracy been canvassed with such outspoken intellectual vigor. Here perhaps posterity will find unique greatness in the ‘new’ Supreme Court. However, before many pages are read, it is quite apparent that Professor Mendelson does not intend to merely anatomize two different views of the judicial role; his interest is normative and he has a clear preference. The preference is for Justice Frankfurter’s definition of the role and the book is in effect an able, reasoned defense of the Frankfurter position.

As would be expected, the detailed comparison of Justices Black and Frankfurter proves to be rich, complex, and intellectually strenuous fare. Professor Mendelson writes fluently, and with enthusiasm and economy, and the essay almost comes off as a tour de force in constitutional law criticism.

That it does not come off completely is due, I think, to certain difficulties in Professor Mendelson’s method and approach; that it comes off as well as it does is due to the strength and deep fascination of Justice Frankfurter. We shall consider these points in turn.

A first difficulty is that the author was not content with the large task he had set himself but wished also to write a general essay on constitutional law. And this is simply too great a burden for so small a book to carry. He has organized the essay into three major segments: issues of federalism, of separation of powers, and of democracy or individual liberty, a pattern which permits him some interesting generalizations about these topics. But I found that this organization got in the way of the job of closely comparing the work of the two justices, and I would have been helped had he organized along lines
more functionally related to the judicial role such as judicial review of federal legislation, judicial review of state legislation, construction of statutes, judicial review of administrative agencies, the handling of petitions for certiorari, etc.

A second difficulty is more fundamental. It was, I think, a mistake to have included Justice Black as a foil for Justice Frankfurter. I doubt if they exemplify different conceptions of the judicial role. The difference between them stems more from substantive disagreements. If Justice Frankfurter read the Constitution as Justice Black does, his special view of the role of a Supreme Court Justice would not keep him from deciding the way Black does. And in any event, Justice Black has not, like Justice Frankfurter, discussed explicitly from the bench his view of judging. Hence, the comparison is not between two articulate views of the role of the judge but between the articulated view of the one and a series of decisions by the other.

Perhaps because of this, Professor Mendelson constantly gives the appearance of seeking to diminish Justice Black in order to enhance Justice Frankfurter. Very probably no one could have succeeded in comparing these two judges to the complete satisfaction of enthusiasts in both camps, but Professor Mendelson is so much less empathetic to the Black position than he is to the Frankfurter position, that we keep feeling he has loaded the dice. He speaks warmly of Justice Black as a man—he is seen as generous, courageous, idealistic, democratic, and principled; but on Professor Mendelson's view, he is not really a judge, but rather a layman amateur who on the bench is doctrinaire, simplistic, irresponsible, inconsistent, and given to making decisions ad hoc under the dictates of spontaneous personal preference. We are constantly told what Justice Frankfurter said but only how Justice Black decided; when they happen to agree, it is Justice Frankfurter who has thought the problem through and Justice Black who has taken a short cut; when Justice Stone, who seems universally regarded as a sound man, agrees with Justice Frankfurter, the author dutifully notes the fact; when Justice Stone agrees with Justice Black, the fact is often overlooked. In any event, the position of Justice Frankfurter is sufficiently complex and sufficiently powerful in its own right to stand alone; by choosing to set Frankfurter off against Black the author has enormously complicated his task of analysis and, worse, has invited the charge of partisanship.

The effort to make a comparative study has aggravated certain problems of method. If one is not to examine and discuss all of the decisions of the two justices, how can he safely sample them? Professor Mendelson does not confine himself to cases in which each has written an opinion in opposition to the other; several times the opposition is traced through decisions alone. Thus he makes a strong point about the difference in technique found in Vermilya-Brown v. Connell, which posed the question of whether the Fair Labor Standards Act could be read as applying to a United States army base in Bermuda. To be sure, the case is a good one for the author's purposes, but unless one reads very carefully he will not note that what we are comparing is a majority opinion of Justice Reed in which Justice Black merely concurred with a dissenting opinion by Justice Jackson in which Justice Frankfurter merely concurred.

There is a tension here on any approach. The problems of judicial role are not found solely in the cases of constitutional challenge but are reflected in all of the phases of the Court's complex agenda. Hence, it is attractive to consider a large number of cases. But as the number of cases increases there are two sharp difficulties. First, the reader will always have still another case which he feels should have been put under scrutiny; and second the treatment of so many cases—Professor Mendelson must cover well over one hundred—in so short a space, although he does it most ably, is in the end almost indigestible.

My own preference, to put in a plug for the home team, would be for the technique of our Supreme Court Review which limits its articles to a detailed discussion of a single problem. Perhaps only in so confined a compass is the full exploration of differing judicial roles a safe enterprise. And while I am so full of suggestions for the design of a book Professor Mendelson did not want or try to write, I might as well go the whole way and suggest that I would have found more rewarding a full scale examination of a single case—the second flag salute case which exacted the fullest statement from Justice Frankfurter of his stance.

But the important point is that despite these difficulties Professor Mendelson has written an interesting and useful book. And that he has done so, to repeat, because he reminds us systematically of how extraordinarily rich the profile of Justice Frankfurter is.

At every level of the Court's business from judicial review of constitutionality to the administration of petitions for certiorari, Justice Frankfurter's touch has a distinctive emphasis. The roster is as impressive as it is familiar—extreme self-restraint in exercising the power to declare legislation unconstitutional, repudiation of any preferred position doctrine, insistence on precedent and stability, insistence on not deciding more than is absolutely necessary, insistence that the Court confine itself to significant cases, deference to competence in other areas, an acute allergy to absolutes in any form, an insistence that there is no short cut for judicial decision, a deep respect for procedural due process, a recognition that the states are areas of social experiment, etc., etc. Each of these facets is deserving of discussion and Professor Mendelson's book has helped illuminate them.

With so large a theme and with the space, time, and competence available to me, I can at most touch on a few
At the Law School Alumni Luncheon held during the annual meeting of the ABA, clockwise from left: The Honorable Hubert L. Will, JD'37, Judge of the U.S. District Court in Chicago; George L. Herbolzheimer, JD'35; Allen Sinsheimer, Jr., JD'37; Allen M. Singer, JD'48; Professor Phil C. Neal; Mrs. Edward H. Levi; Dean Edward H. Levi, JD'35; the Honorable Lester A. Wade, JD'17, Justice of the Supreme Court of Utah; Arnold I. Shure, JD'29; and the Honorable Stanley Mosk, '35, Attorney General of California.

Professor Phil C. Neal, speaking at the Law School Alumni Luncheon held during the Annual Meeting of the American Bar Association in San Francisco.

points. Justice Frankfurter seems to me a singularly interesting judge—perhaps the most interesting of all judges—because he is cursed with a sophisticated realist insight into the judicial process, and unlike Holmes, Cardozo, Hand, or Jerome Frank, he has chosen to struggle explicitly with this insight while on the bench. The insight is the realization of how much power a judge really has, that he often must in some sense legislate whichever way he decides. Justice Frankfurter has further complicated his life as a Supreme Court justice by adopting the view that the Constitution is in some way a growing organic document taking on new meanings for new times. What is arresting here is not the insight about judicial power or the Constitution, but the moral struggle it has imposed on Justice Frankfurter. His quest as a judge is for some objective criteria which in so free an enterprise as judging will keep him from simply translating personal preference into law. If legislate he must, then legislate he will; but only if he can find a way to exercise that power decently, responsibly, and objectively. One might well
say that Felix Frankfurter is the first fully self-aware judge we have had the privilege of watching at work. One might also say that he is almost in the position of knowing too much about the judicial process to function as a judge. In brief, he is Hamlet on the bench.

The quest is, therefore, dramatic, courageous, valuable, and fascinating, and we are all in his debt for the stoic persistence with which he has pursued it.

It is thus clear that certain of his critics are very wide of the mark. Justice Frankfurter is particularly a judge whose personal values cannot be read back from his decisions; there is always the high likelihood that he has been guided by some intermediate values about the judicial function which he deemed in the long run more important. Hence, it is meaningless to talk of him as a conservative; it is meaningless, it is unfair, and it misses the whole point.

Again, there is a complex integrity and consistency in his approach. This is well illustrated by his opinion in the well-known Wilkerson case involving the review of a state court judgment under the FELA. He is explicit that he thinks such cases are not the proper business of the Supreme Court, that the FELA is an outmoded law in its insistence on negligence in the handling of industrial accidents, that the court should go cautiously in reversing the judgments of state courts on such issues, but then he adds that if the issue must be decided he thinks there was enough evidence of negligence to go to the jury and he joins the majority in reversing the state court.

It is the great virtue of Professor Mendelson's book, whatever we may feel about his treatment of Justice Black, that he has done an admirable job on Justice Frankfurter and has made us see with special clarity the difficult task the Justice has set for himself. One cannot down, however, certain problems this definition of the judicial function raises and on these Professor Mendelson has been less helpful. First, there is the question of whether the intermediate values to which Justice Frankfurter accedes are, even in the long run, that valuable. In part this is the classic conundrum of law versus equity in a new form and we are not likely to reach an easy resolution of it. In part this takes us to a second question, the model of democracy which underlies the Frankfurterian values. It is, as we get glimpses of it in the opinions, disturbingly simple. Whatever the realism with which Justice Frankfurter has viewed the judicial process, we do not seem to find the same touch when he turns to the political process. Any interference with the popular will as reflected in majority vote—at least if done by non-elective officials like judges—is taken as axiomatically wrong, anti-democratic, and debilitating to the popular sense of responsibility. At this point, the questions come up fast. Might not the Court as a growing institution have achieved a politically meaningful role in the total political process today? If expression of the popular will is so all critical, does not this lead to the Black insistence on keeping the political process free and open at all costs? And again does the Frankfurterian judicial review make any sense as a political institution—why should any one have preferred the setting up of this anemic check to the simplicity of not having judicial review at all? And how seriously are we to take the threat of debilitating the popular sense of responsibility said to reside in preventing the majority from learning from its own mistakes?

These are all to be sure familiar issues. For the moment, under the stimulus of Professor Mendelson's essay, I am intrigued by three other points. First, is the Frankfurterian quest humanly feasible? Once the judge realizes he is free, can he find sufficient objective reeds on which to lean in controlling that freedom? The brilliance with which Justice Frankfurter has discovered such reeds is perhaps the most fascinating technical aspect of his judging and would be the most rewarding topic for close study. And in any event the point may well be that here even the impossible quest is worthwhile. Second, there is the question of whether the definition of the judicial role does not itself tend to become an absolute and a source of rigidity? The answer may well be that this is simply the rigidity of neutrality and the rule of law, and that to temper this austere conception of the judicial role with equity in the particular case has all the difficulties captured in the old joke about the girl who was a little bit pregnant. Finally, there is the tantalizing problem of Justice Frankfurter's emulation of and admiration for Justice Holmes. The question simply is whether Holmes can properly be his hero and model. The difficulties here, I take it, are more with Holmes than with Frankfurter. Holmes as a judge was not introspectively concerned with the power he was exercising, his flair for epigrammatic brevity not only made him a judicial stylist quite different from Justice Frankfurter but it lead, as for example in Eiser v. Macomber or Buck v. Bell, to simplistic short cuts Justice Frankfurter would have found abhorrent. And however clear and present danger may have begun in the Holmes opinions, it seems to me unlikely that Holmes, by the time of the great dissents, would have found Justice Frankfurter's current reading of it congenial.

It is instructive after reading Professor Mendelson's book to go back and read the second flag salute case again. Who now seems to have the better of the debate there? Certainly Justice Frankfurter's explicit statement of his approach is impressive. It could not be clearer that he is deciding the case against the dictates of his own heart in deference to other values; he is effective in his insistence that the result be squared with precedent and that it is not easy for the majority to do so; he is persuasive in his exposition of the Church-State doctrine and in his contention that there is no violation of that doctrine here; he is thoughtful in his putting of future cases this decision will embarrass; he is effective in his
reminder that the Court did not find the state action unconstitutional in the earlier cases of flag salutes; he is eloquent in his statement of the rationale for judicial self-restraint. Yet I feel that in the end he has come down on the wrong side and that his preoccupation with defining the judicial role has caused him to pay insufficient attention to the precise issue that was before him. Nowhere in his elaborate 9,000 word essay do we find him confronting the oddity of the case—compelling children to assert something they did not believe; nowhere are we told why it is reasonable for the state to require a hypocritical compliance by the children. The point cannot be adequately pursued here but if we were to test his approach by comparing his opinion to the dissent of Justice Stone in the first flag salute case, it seems to me that Stone has all the better of it, and that at times the Frankfurterian drive toward total purity in the judicial role will prove too inhibiting on the judge. We would like our judicial self-restraint to be exercised with some flexibility. But perhaps it is we who want the impossible and perhaps the Frankfurter moral is that we cannot have it both ways. We cannot, that is, decry the intervention of the anti-New Deal judges in the '30's and applaud the intervention in the flag salute case. If so, Justice Frankfurter's dissent in Barnette looms as historic evidence of what the price for judicial impartiality and neutrality really is.

Professor Mendelson has packed a remarkable amount into his small book and, by reflecting so much of the genius of Justice Frankfurter, he has done a singularly thought-provoking job. It should not, therefore, be taken as a criticism but as a measure of his success if I conclude by observing that what we now need is the big, full length portrait of Justice Frankfurter as a judge. It would make a major contribution to our jurisprudence.

NOTES


2 Page 8.

3 Arguably the crucial difference lies in the preferred position controversy. It would be a useful exercise to remove this area of disagreement and see how vital a difference remains. See Shapiro, op. cit. supra, Note 1.

4 335 U.S. 377 (1948); discussed by Professor Mendelson at pages 18-19.

5 Thus, this reader would have liked something on the congressional committee, the obscenity, and the bar admission cases. The omissions are not all in one direction, however; for example, the courageous Frankfurter dissent filed after the execution in the Rosenberg case, 316 U.S. 271 (1953) is not noted.


8 See especially the challenge in Shapiro, op. cit. supra, Note 1.

9 252 U.S. 189 (1920).

10 254 U.S. 200 (1927).


Alumni Annual Meeting

The Annual Meeting of the Law Alumni Association, intended also as an observance of Law Day, was attended by 500 alumni and guests in the Guildhall of the Hotel Ambassador East last April 30.

Sheldon Tefft, James Parker Hall Professor of Law, was the featured speaker. Nicholas deB. Katzenbach, Professor of Law on leave as Deputy Attorney General of the United States, was a special guest of the Association and spoke briefly.

Jerome S. Weiss, JD'30, President of the Association, presented to Dean Levi a citation, expressing the appreciation of the alumni for his service to the Law School. Denis V. Cowen, Kenneth W. Dam, Kenneth Culp Davis, James C. Hormel, Phil C. Neal, and Dallin H. Oaks, newly appointed to the Faculty during the past academic year, were introduced to the alumni.

The extremely successful evening was arranged by a committee headed by Laurence A. Carton, JD'47, a vice-president of the Association.

At the Speaker's Table, during the Annual Alumni Dinner, Sheldon Tefft, James Parker Hall Professor of Law and featured speaker for the evening, acknowledges applause with a characteristic gesture.

Jerome S. Weiss, JD'30, President of the Law Alumni Association, presents the Association's citation to Dean Levi as emblem of its appreciation of his service.
At the reception preceding the Annual Alumni Dinner, Charles A. Bane, ’37, Professor Soia Mentschikoff, and Bernard Nath, JD’21, of the Visiting Committee.

At the Annual Alumni Dinner, Nicholas deB. Katzenbach, Professor of Law on leave as Deputy Attorney General of the United States, with Dean Levi.
Karl Nickerson Llewellyn
Professor of Law
1893-1962
Karl N. Llewellyn, 1893–1962

Karl Llewellyn was appointed to the law faculty in 1951. Soia Mentschikoff and Karl Llewellyn were the first choices of the law faculty for the distinguished appointments promised by Mr. Hutchins. They were the obvious appointments to make. But, as is true of most universities, Chicago has a rule against the appointment of husband and wife to the same faculty. Happily an exception to the rule was allowed. When I wired Karl and Soia my delight at their acceptance of Chicago's offer, Karl wired back “With good luck this may turn into something very nice.” It did.

Karl was attracted to Chicago for many reasons. I believe the most important influence in his decision was his vision of a great new law center in the middle west. Karl was a unique combination of vision, genius and power. He was lawyer, scholar and poet. He was enormously professional. But above all he was a teacher. He was interested in subject matter and student. The points had to be driven home, understood and the student changed into craftsman. He said he did not believe in ragging students, and I am sure he didn’t, but in his zeal to teach he was willing to make an example of the individual student. He was interested in the average student and in the average thought because he could find in both qualities which lesser men missed. His range of historical knowledge about the law was enormous. I recall listening to an impromptu lecture on the history of the doctrine of consideration given at an informal gathering of students in the Llewellyn home. The lecture given in Llewellynese, which he used to illuminate the forgotten and unrecognized aspects of accepted ideas, could have been published as given. He was a scholar whose interest in law—an interest in its complexity and workability—never diminished. He never lost his sense of delight at the patterns of judicial and lawyer behavior which he found himself discovering, but he never forgot either that law was to be fashioned in a craftsmanlike way to meet social ends, and this not only in great constitutional cases but in law for the everyday which interested him much more. He was anxious to capture for the law student and for the literature of the law a telling analysis of the workmanship of judge and lawyer. He knew, if he could manage it, there was in him a great book which would exemplify these patterns. The doubt was in him as to whether he could accomplish this, but so were genius, power and drive.

Karl’s many-sidedness was reflected in the radius of his influence at Chicago. He had done much of the pioneering work on the relationships between law and sociology and law and economics. At Chicago he gave the protection of his boldness to the law and behavioral science program and the guidance of his insights gained from his seminal study of the creative power of the sense of justice reflected in the law ways of an Indian tribe. He had played a leading role in the great disputes on legal realism. His “Bramble Bush” was a classic. The students at Chicago received from him a more sophisticated and mature view of law but with the same fire and poetry. Students could not be indifferent to him. Some disliked him because they could not understand him. But those who were touched by him, and they were many, were from then on changed. When he came to Chicago, his knowledge of commercial law was prodigious; his major task of fashioning the Uniform Commercial Code was near completion. His influence was strong for instruction in draftsmanship. His concern for instruction in the skills of the craft produced the course in advocacy, which he taught, and gave impetus to student work in moot court and legal aid. Karl was interested in the organizations of the bar. He was interested in many law schools. I think it is right to say he was in love with Chicago. He was enormously stimulated by the exciting atmosphere of the school close to the bar and judiciary and yet so much an integral part of a university with an unparalleled tradition and practice of interdisciplinary research. But Karl was scornful of those who could find no value in the smallest and, he would say, least prestigious of schools. Perhaps his view was clouded by romanticism. He was impatient with the failure of law schools to collaborate on great enterprises which he thought were theirs for the asking. He was one of the few American law professors who, before the scholars came to us from abroad, could operate with knowledge and authority in the civil law. This made him a creative factor in our foreign law program and a tough mentor for graduate students. Karl was frequently impatient. He could be attracted by like-mindedness, or his desire to improve the ordinary. But he recognized and admired tough-mindedness and power, even when possessed by those who did not agree with him.

In the last year of his life, his book *The Common Law Tradition: Deciding Appeals* was published. It was

Continued on page 32

Neal New Dean!

As the Record went to press, the appointment of Professor Phil C. Neal, of the Law Faculty, as Dean of the Law School, was announced by George W. Beadle, President of the University. A detailed story will appear in the next issue of the Record.
Mechem Prize Scholarships

Nine outstanding students from seven states and the District of Columbia have been named the first recipients of the Floyd Russell Mechem Prize Scholarships of the Law School. Announcement of the scholarship recipients was made by the Honorable Tom C. Clark, Associate Justice of the U.S. Supreme Court.

Justice Clark, who is chairman of the distinguished committee which made the selections, said:

The challenges of this era of rapid change must, in large measure, be met by the law as a living force. Law must retain its persistent and abiding values; at the same time it must recognize and meet the challenges which face each new generation. These responsibilities must be accepted early by the young people who will be the future leaders of the Bar.

In this spirit, the Law School of The University of Chicago has established the Floyd Russell Mechem Prize Scholarships, providing recognition and encouragement for promising legal talent. In so doing, the Law School evidences great foresight and to it we of the Selection Committee extend our most hearty congratulations.

My brothers of the Committee and I have given careful consideration to the long list of applicants. At our meeting in Washington, attended by the full Committee, we discussed in detail their qualifications. We were impressed with their high quality and unusual capacity. Each of us has experienced great personal gratification in having the privilege of serving on the Committee and we are highly pleased with the selection of the final winners, which, I might add, were our unanimous choice.

These young men show unusual promise and we feel certain they will be a credit to the excellent Law School in which they will receive their legal education and to the legal profession. The Committee looks forward to meeting with them in Chicago during their first year at the Law School.

The Mechem Scholarships, each paying $3,000 annually to recipients, were established in January of 1962.

The winners of the 1962 awards are:

J. Michael Barrier, born in Little Rock, Arkansas, June 15, 1940; attended Central High School, Little Rock; received B.S. from Northwestern University Medill School of Journalism, Evanston, Illinois, in June, 1962; member of Phi Eta Sigma, scholastic honorary fraternity; Sigma Delta Chi; staff member of college newspaper; two summers as employee of Arkansas Gazette. Residence: 5813 Hawthorne Road, Little Rock, Arkansas.


J. Maurice Cowley, born in Billings, Montana, May 23, 1940; attended Billings High School, Billings, Montana; received B.S. at Brigham Young University, Provo, Utah, in May, 1962; member, Phi Eta Sigma, scholastic honorary fraternity; president, Blue Key, national honor fraternity; Texaco Scholarship; Knight Service Award; Knapp Leadership Award. Residence: 246 Brookside Drive, Springville, Utah.

Bruce S. Feldacker, born in East St. Louis, Illinois, June 26, 1940; attended University City High School, University City, Missouri; received A.B. from Washington University, St. Louis, Missouri, in June, 1962; Phi Beta Kappa; member Pi Sigma Alpha, political science honorary fraternity; Omicron Delta Kappa, senior men’s honorary fraternity; president, Alpha Eta Pi fraternity; president, Hillel Foundation; varsity debate team. Residence: 1408 Coolidge Drive, University City, Missouri.

Michael Gordon, born in New York City, New York, March 28, 1942; attended Central High School, St. Paul, Minnesota; received B.A. from the University of Minne-
sota in June, 1962, summa cum laude; freshman Student Cabinet; University of Minnesota College Quiz Bowl (member of the winning team for two years); contributor to campus magazine. Resides: 616 Beechwood Avenue, St. Paul, Minnesota.

C. Richard Johnson, born in Pasadena, California, March 8, 1941; attended York Community High School, Elmhurst, Illinois; received B.A. from Ripon College, Ripon, Wisconsin, in June, 1962; president of Student Senate; Chairman, Midwest Conference Student Government Association; president of Phi Kappa Delta, forensics honorary fraternity; Phi Beta Kappa book award. Resides: 601 Hillside Avenue, Elmhurst, Illinois.

Peter P. Karasz, born in Budapest, Hungary, June 18, 1941; attended Walter Johnson High School, Bethesda, Maryland; received B.A. from Johns Hopkins University Baltimore, Maryland, in February, 1962; Pi Sigma Alpha, political science honorary fraternity; college publications; representative to 13th Student Conference on United States Affairs at West Point (1961). Address: c/o International Bank for Reconstruction and Development, Washington, D.C.

Thomas D. Morgan, born in Peoria, Illinois, February 8, 1942; attended Richwoods High School, Peoria, Illinois; received B.A. from Northwestern University, Evanston, Illinois, in August, 1962; Phi Eta Sigma, scholastic honorary fraternity; Eta Sigma Phi, classics honorary fraternity; dormitory president; Student Senate; delegate to National Student Association. Resides: 4943 North Grandview Drive, Peoria Heights, Illinois.

Grady J. Norris, born in Birmingham, Alabama, July 3, 1937; attended Central High School, Coshocton, Ohio; Ohio State University; received A.B. at Birmingham-Southern College, Birmingham, Alabama, in March, 1962; Phi Beta Kappa; three years as reporter with the Birmingham Post-Herald. Married; one child. Resides: 812—F 12th Street West, Birmingham, Alabama.

The Scholarship winners began classes at the Law School in October. The awards, which were made on the basis of superior ability, academic qualifications, and promise, will be renewed for succeeding years of study at the Law School upon successful completion of the prior year of study.

The Scholarship recipients were selected by a special committee including, besides Justice Clark: the Honorable Roger Traynor, Associate Justice of the California Supreme Court; the Honorable Sterling Waterman, Judge, United States Court of Appeals, Second Circuit; William Merritt Brayney, Professor of Politics, Princeton University; Ross L. Malone, past president, American Bar Association; J. Roland Pennock, Professor of Political Science, Swarthmore College; and Whitney North Seymour, past president, American Bar Association. Justice Clark, Judges Traynor and Waterman, and Messrs. Malone and Seymour are members of the Visiting Committee of the Law School.

The scholarships honor one of the founders of the law faculty of The University of Chicago, who died in 1928, having earned international stature as a legal authority, scholar, and teacher. Professor Mechem was born on May 9, 1858, in Nunda, New York. He attended public schools in Battle Creek, Michigan, and Titusville, Pennsylvania. While he was a boy, his father died and young Mechem assumed part of the responsibility for supporting his family.

Mechem studied law by himself and was admitted to the Michigan Bar. He was Tappan Professor of Law at the University of Michigan from 1892 to 1903, when he came to the then young University of Chicago. He was an authority on Agency, Partnership, Sales, and Corporation Law.

In his later years, Professor Mechem received an honorary degree of LL.D. from the University of Michigan.
At the time of his death he was Reporter on Agency of the American Law Institute. He was president for several years of The University of Chicago Settlement.

Among Professor Mechem's most notable works was his *Treatise on the Law of Agency* (1889, revised in 1914) which—more than any other similar work—is believed to have shaped the law of Agency in the United States. Another major work was his *Treatise on the Law of Sale of Personal Property* (2 volumes, 1901).

The Shure Research Fund

The University of Chicago Law School Library recently arranged an exhibit of books representative of those added to its collection through the Frieda and Arnold Shure Research Fund. The books were on exhibition from late November through early January in the James Parker Hall Concourse of the Law Buildings.

The Shure Fund was established at the Law School in 1945 by Arnold I. Shure, Class of 1929, and by Mrs. Shure. Supplemental gifts have been added during the ensuing 17 years. The Fund is administered by the University of Chicago Law School as an endowed fund, income alone being expended.

Income from the Fund has been utilized in part for support of research projects, and in part for the acquisition of more than 900 legal research books for the Law Library. The exhibit referred to consisted of thirty-one volumes in fifteen fields of law, illustrative of the broad scope of acquisitions made through the Shure Fund.

The Law School Library is one of the most distinguished in the United States. In addition to serving students and Faculty, it is a research facility of the American Bar Foundation, which is located in the American Bar Center, immediately adjoining the Law School. The physical capacity of the Library was more than doubled when the new, Saarinen-designed Law Buildings became available three years ago.

The Friends of the Law Library are presently engaged in a campaign to enlarge the Library's collection through creation of a Special Library Fund. Individual and corporate gifts, endowment funds, contributions of law books and historic legal documents to the Special Library Fund are being sought.

The Law School takes great pleasure in announcing that Lee B. McTurnan, of Bloomington, Illinois, A.B., Harvard University, has been appointed law clerk to Mr. Justice Arthur Goldberg of the U.S. Supreme Court for the year 1963-64. Mr. McTurnan, a member of the Class of 1963, is Editor-in-Chief of the *University of Chicago Law Review*. Additional details will appear in the next issue of the *Record*.

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*Peter P. Karasz*

*Llewellyn—Continued from page 29*

the great work which he knew he had in him. Before his death he had been told the book had been voted the Henry M. Phillips prize given by the American Philosophical Society. Eight days before his death he had finished the preface to a collection of his essays since published under the title *Jurisprudence: Realism in Theory and Practice*. His last year of law teaching was perhaps his best. The barrier between teacher and student was low; the creative power of the teaching was strong. He did not regard his work as finished. He still had before him a work on law in society.

Those of us who have known Karl still feel his creative influence. We see him pencil in hand, gazing in annoyed astonishment at what we have written, and then writing in for us the telling word and the better phrase. He would have written this much better, but he would have understood and responded to the unspoken sentiment of what I have tried to say.

—EDWARD H. LEVI
Conferences and Lectures

The conference and lecture program of the Law School continues to be quite extensive. During the Winter Quarter, the School’s Center for Legal Research (New Nations), of which Professor Denis V. Cowen is Director, sponsored a Symposium on Federalism, with special reference to the problems of the emerging nations of Africa. Space does not permit a detailed listing of participants and their affiliations, but it should be mentioned that the Symposium included more than sixty participants from eighteen countries. A book embodying the papers presented and discussion which took place at the Symposium is being edited by Professor Cowen and will be published by the University of Chicago Press early in 1963.

The First C. R. Musser Lecture was given by Willard F. Libby, Professor of Chemistry, University of California at Los Angeles, and former member, U.S. Atomic Energy Commission, delivering the first Musser Lecture, on the subject of “Science in Administration.”
A partial view of a session of the Symposium on Federalism held last winter. Professor Denis V. Cowen, second from right in foreground, was in charge of the Symposium.

nia, Los Angeles, on the subject of “Science in Administration.” The Musser Lectureship is awarded for a public lecture on some phase of the problems of government, to be given by an experienced citizen who has held public office. Professor Libby is a former member of the Atomic Energy Commission.

During the Spring Quarter, Professor Kenneth Dam chaired a Conference on Criminal Sanctions and Enforcement of Economic Legislation. Participants included Sanford Kadish, Professor of Law, University of Michigan, Harry Ball, sociologist at the University of Wisconsin Law School, Robert Bicks, of Breed, Abbott and Morgan, New York; former U.S. Assistant Attorney General for the Anti-Trust Division, Julian Levi, Executive Director, South East Chicago Commission, Theodore Thau, Director, Export Policy Staff, U.S. Department of Commerce, Manuel F. Cohen, member of the U.S. Securities and Exchange Commission, John Potts Barnes, of Jones, Day, Cockley and Reavis, Washington; former Chief Counsel, U.S. Internal Revenue Service,
Homer H. Clark, Jr., Professor of Law, University of Colorado, Caleb Foote, Professor of Law, University of Pennsylvania, and Professors Francis A. Allen and Walter J. Blum of the Law School.

The Fifteenth Annual Federal Tax Conference of the University of Chicago Law School was held, as usual for three days, in October, 1962. The twenty speakers and panelists included the Honorable Louis F. Oberdorfer, Assistant Attorney General, Tax Division; the Honorable Mortimer Caplin, U.S. Commissioner of Internal Revenue, and the Honorable Crane R. Hauser, Chief Counsel, U.S. Internal Revenue Service, in addition to a distinguished group of tax lawyers and accountants. The Conference was attended by about 500 lawyers, accountants, and corporate executives. Professor Walter J. Blum and Assistant Dean James M. Ratcliffe were the Faculty members in charge.

On November 1, the School sponsored a Conference on the Uniform Commercial Code. The program of the Conference differed from most discussions of the Code to date, in that it substituted for the customary article-by-article approach an attempt to make clear some of the basic problems which arise under all articles of the Code, and to analyze the similarities and differences in the treatment of such problems in the various articles, as well as the reasons for these similarities or differences. The speakers included John G. Fleming, Professor of Law, University of California, Berkeley; Peter F. Coogan, Ropes and Gray, Boston; Alan Farnsworth, Professor of Law, Columbia University; William D. Warren, Professor of Law, University of California, Los Angeles; and Grant Gilmore, William Townsend Professor of Law, Yale University; Soia Mentschikoff, Professor of Law, The University of Chicago Law School, and Associate Chief Reporter, Uniform Commercial Code, presided at all three sessions, introduced the topics and speakers, and moderated the discussion which followed each paper.

On January 9, 1963, the School sponsored a Conference on Church and State, under the direction of Professor Philip B. Kurland. On November 9, 1963, there will be a Conference on Legal History, with Sheldon Tefft, James Parker Hall Professor of Law, in charge.

Charles W. Davis, left, Chairman of the Tax Conference Planning Committee, and Frederick R. Shearer, of the Planning Committee, shown during the 15th Annual Federal Tax Conference.

The Law School Endows the University

Edward H. Levi, JD'35, Professor of Law and Dean of the Law School, has accepted appointment to the newly created position of Provost of the University of Chicago. In this capacity he will serve under the President as senior academic officer of the University. He will remain a teaching member of the Law Faculty and, until his successor is selected, is continuing to serve as Dean of the Law School.

Edward H. Levi, JD'35, Provost of the University