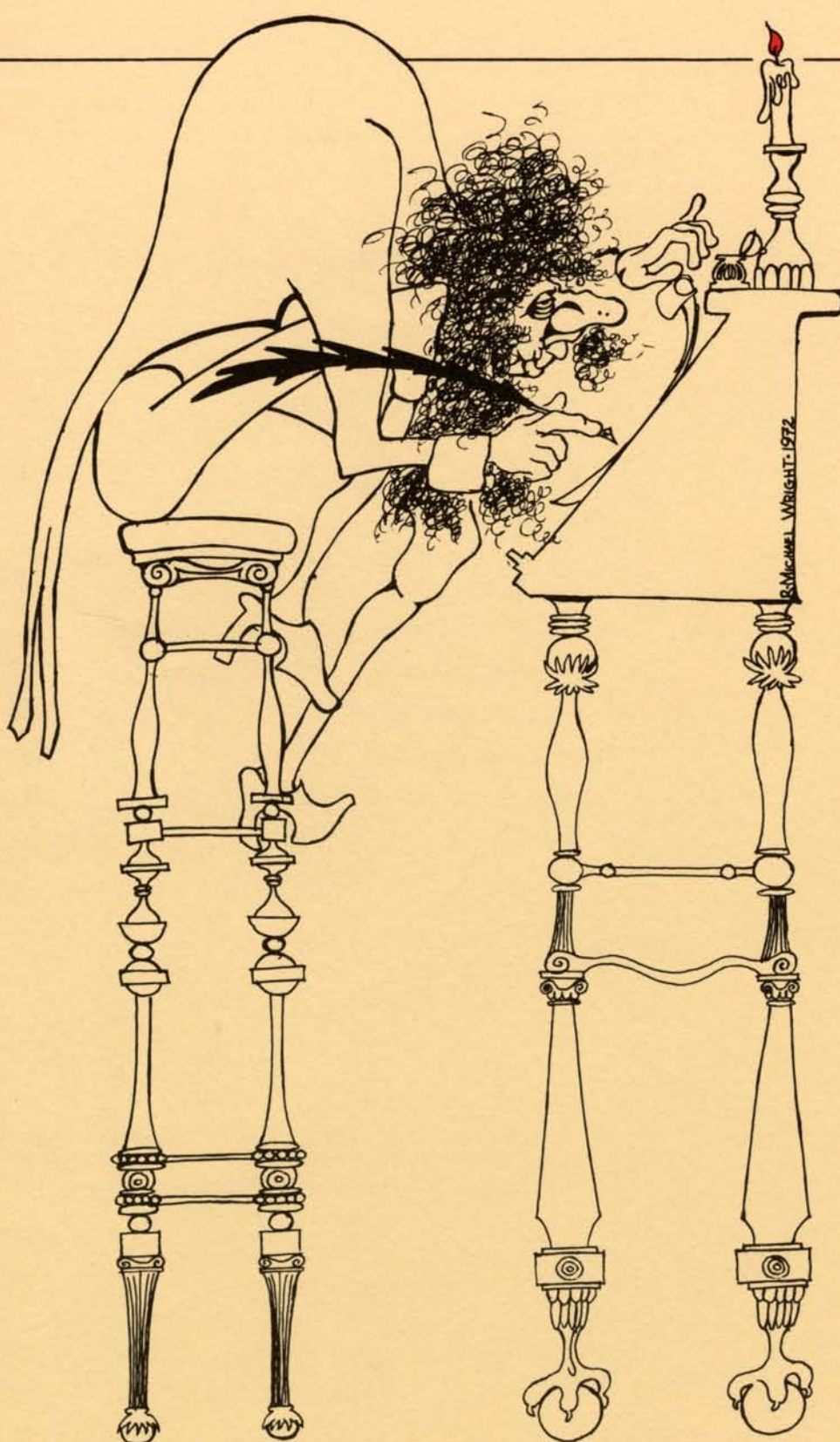


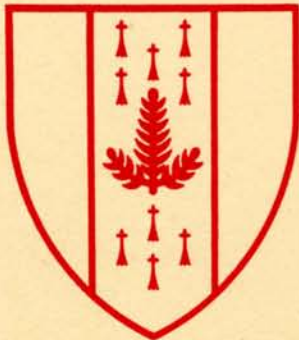
STANFORD LAWYER

Spring 1972



Stanford Lawyer

Spring 1972



Editor, Nancy M. Mahoney
Associate Editor, Kelly Hemingway

CONTENTS

The Writing of Supreme Court History by Gerald Gunther	1
200,000	4
Commencement	6
The Chosen Few: Stanford Law School Supreme Court Clerks	8
Board of Visitors Meets	12
Law Alumni Weekend	14
News of the School	16
Law Societies	20
Class Notes and Reunion Dinners	23

Cover:

The drawing is by R. Michael Wright,
J.D. 1970. Mr. Wright also created
the caricatures on pages 8, 9 and 10.

The Writing of Supreme Court History

SOME REFLECTIONS ON PROBLEMS, ADVENTURES AND SURPRISES

by Gerald Gunther



Gunther Named to Endowed Chair

Gerald Gunther, one of the nation's leading experts on constitutional law, has been appointed to the endowed William Nelson Cromwell professorship of law at Stanford, effective September 1. A faculty member since 1962, he will succeed Professor and former Dean Carl B. Spaeth who retires this year. Professor Gunther has just completed a history of the U.S. Supreme Court at the time of Chief Justice John Marshall as part of a multi-volume study commissioned under the Oliver Wendell Holmes devise. He is currently working on a biography of Judge Learned Hand. Professor Gunther was born in Usingen, Germany in 1927, received his bachelor of arts magna cum laude from Brooklyn College in 1949, his master of arts at Columbia in 1950 and his LL.B. at Harvard summa cum laude in 1953. He served as a clerk with Judge Hand during 1953-54 and with Chief Justice Earl Warren the following year. After a year in private practice in New York, he joined the Columbia law faculty, where he was named a full professor in 1960. He will be the fifth holder of the Cromwell professorship. Established in 1948, it is named for a prominent New York attorney who provided its endowment. Previous holders were Marion Rice Kirkwood, former Law School dean, and Professors George E. Osborne and Harold Shepherd.

A few months ago—more than three and a half decades after Justice Holmes' death, more than a decade after the undertaking was launched—the first two volumes of the projected 11-volume *Oliver Wendell Holmes Devise History of the Supreme Court of the United States* were published. Other volumes in the series are nearing completion at last, including one of my own. With the light at the end of the tunnel finally in sight, it may be appropriate to try to convey some sense of what it is like to write Supreme Court history. These reflections may at least give a clue about how I have been spending those hours not given to teaching, and worrying about disruptions and appointments, and writing on contemporary constitutional law, and preparing a Learned Hand biography. Perhaps, too, these thoughts will help explain why this "first comprehensive history" of the Court has been so long and painfully a-borning.

It all started with Justice Holmes' will. The Justice was well known for his pithy opinions; I can only hope that he would have found more reason for laughter than wrath had he foreseen his responsibility for these elephantine tomes. All Holmes did was to leave his residuary estate to the United States, outright. That generosity obviously bewildered the Government. Congress established a committee to consider the disposition of the bequest. Sporadic meetings over

the years produced suggestions ranging from statuary in front of the Capitol to rose gardens in the back. Finally, in the fifties, a memorial was agreed on: Congress directed that the funding of a multi-volume Court history be the primary objective. The Permanent Committee for the Oliver Wendell Holmes Devise selected eight authors, with Professor Paul Freund of Harvard as Editor-in-Chief. I am responsible for two of the volumes: *The Struggle for Nationalism: The Marshall Court, 1815-25*, and *The Challenge of Jacksonian Democracy: The Marshall Court, 1826-35*.*

For more than ten years, then, we have been under way. The paths we have followed have been diverse, for the directions have not been confining. Our basic charge was that this "comprehensive, authoritative and interpretive" history be a "tri-focal" one: it was to concentrate on the work of the Court, *and* the impact of the political, economic and social setting on the Court, *and* the Court's impact on that political, economic and social setting. That has left ample room for each author's inclinations. It is not surprising, then, that the first two volumes are quite different from each other: and the ones to come will no doubt display substantial variations of their own.

My own efforts have brought many unanticipated joys and problems and surprises. And those efforts have carried me far and wide, physically and intellectually. Supreme Court history is of course above all *court* history. But this would have been a far easier task had I been able to confine my research to traditional legal materials. It has not turned out that way: I would estimate that, in the large mass of data I have gathered over the years, less than a fourth are obvious "legal" materials. There are of course the Court Reports; there are the letters of the Justices. There are also such sources as the manuscript case files of the Marshall Court—files that were not available to earlier writers and that have been filmed for me on 106 reels.

At the outset, I thought that these would be the bulk of my raw data. Earlier historians, I assumed, had adequately digested the collateral materials. I was soon disabused. For example, the monographs I had hoped to rely on for general background too often proved to be reinterpretations of limited data rather than comprehensive ex-

plorations of the raw materials. That has led me very far afield into efforts at reconstructing on my own, from original sources, such controversies as the 1824 election campaign and South Carolina's nullification battle. These are issues only tangentially related to the work of the Court, to be sure; but I did not think I could focus on the Court without understanding the context fully, on my own.

That the general historical studies proved inadequate to my needs was not truly surprising, I suppose: those historians had looked at the data with questions different from my own, after all. I was less prepared to find that even the writers who had preceded me in focusing on the Marshall Court and its judges had left large masses of important materials untouched. In retrospect, however, I can understand why previous work on the Marshall Court did not exhaust the sources. Historians such as Albert Beveridge and Charles Warren did most of their work in Washington, and they looked mainly at documents available in the immediate vicinity. And their written inquiries to other manuscript depositories did not begin to unearth the available riches, as indeed written inquiries would not today. Most manuscript libraries, I soon found out, are very inadequately catalogued; personal searches are essential to get at the hidden treasures.

And so I have spent a good deal of time traveling, especially up and down the east coast, selecting a library because I knew it had something of use to me, and going on from there to snoop in dusty basements and dark stacks. Invariably, that has brought the joy of discovery—and its gloomier by-product, the addition of masses of data somehow to be brought under control. Let me give some examples of these treasure-hunting forays.

There was that snowy winter in the Maryland Historical Society in Baltimore, for example. I knew that the Society owned some papers of William Wirt, the U.S. Attorney General from 1817 to 1829. During a near blizzard, with most of the staff absent, I was given the run of the stacks to get my own materials. I used the opportunity to explore the scattered unlabeled boxes. I stumbled on several cardboard cartons, peeked through the torn sides, and recognized the unmistakable handwriting of William Wirt. There were thousands of items in those dusty boxes—family letters, Court documents, client correspondence—a collection far more valuable than the previously known holdings. It was a great find, though not wholly painless: it kept me in Baltimore for an extra week. I called my wife one night to tell her, cheerfully, "Agnes died!" Agnes was one of Wirt's many daughters, and he wrote with great frequency to every

*The first two volumes, just published by Macmillan, are by Julius Goebel, Professor Emeritus at Columbia, covering the period to 1801, and by Charles Fairman, Professor Emeritus at Harvard (and formerly a member of the Stanford faculty), on the 1801-1825 period (the first of two volumes on that era). The other authors are, in addition to Professor Freund, George Haskins of Pennsylvania, the late Carl Swisher of Johns Hopkins, Phil Neal of Chicago (and also formerly of Stanford), and Alexander Bickel of Yale.

one in his family. I found it impossible to skip any of those letters, for amidst the usual paternal advice Wirt would comment on his professional activities. Agnes's death meant one less correspondent; and I could not bring myself to mourn.

I recall another cardboard box, on another bottom shelf, in the National Archives in Washington. Supreme Court case papers had been moved from the Court to Archives a few years earlier. Most had been carefully organized, but a few boxes of seemingly unimportant miscellany were left unsorted. I looked through those and came across another unmistakable handwriting—this time, that of Henry Baldwin, a Jacksonian appointee to the Marshall Court. What the archivists had thought to be the illegible scribbles of a minor functionary turned out to be the argument notes of the Justice—argument notes which were amplified with his notations on conferences and on tentative votes by the Justices. The Baldwin papers are the only comprehensive set of conference notes for the Marshall Court, and they provide important amplifications and corrections of the official Reports.

A final example, this time from one of the best catalogued depositories of all, the Pierpont Morgan Library in New York. That library, unlike most, can afford the luxury of cataloguing most of its manuscripts individually. I found listings for three or four letters by Henry Wheaton, the Supreme Court Reporter and practitioner. I told the librarian how delighted I was to find them and he, a newcomer to the staff, said that in his initial tour of the basement he had come across several boxes with similar handwriting. Again, there were thousands of remarkable items, ranging from correspondence with the Justices to on-the-spot notes of Supreme Court arguments in Wheaton's hand—a hand happily more legible than Wirt's or Baldwin's. The Library had acquired those years earlier, apparently as a favor by a Morgan descendant to a Wheaton descendant and not because of any belief that they were genuinely valuable. And for that reason, no one had ever bothered to take them out of uncatalogued storage.

Most visits to most libraries did not produce riches of that dimension, of course. But I recall no visit that did not uncover something unexpected and unknown and valuable. And the discoveries do not all take place in far-away basements. Much of the detective work comes while I pore over the materials at my desk. Anonymous essayists and unidentified correspondents are numerous. And frequently I have been able to put together the jigsaw puzzles that permit making confident attributions. A few years ago, I published some remarkable

essays by John Marshall, written pseudonymously for the newspapers, defending *McCulloch v. Maryland* against Virginia attacks. That is only one example of success in identifying those mysterious "Constitutionalists" and "Hampdens" and indecipherable letterwriters.

But those discoveries inevitably carry burdens. All those treasures make for mountainous files that make the writing task all the more difficult. I have found it a difficult process, but I am slowly learning to tell the story without telling more than anyone is interested in knowing, without telling more than can fit into even two volumes. I have a complex story to tell; I know that no one else is likely to try to do the task as thoroughly again in the foreseeable future: yet I am trying to write for today's general reader, not primarily for the library shelf and posterity. And that means that, with every chapter, painful editing follows extensive writing, which in turn is the culmination of bringing massive data under control, which in turn is the product of elaborate searches for materials.

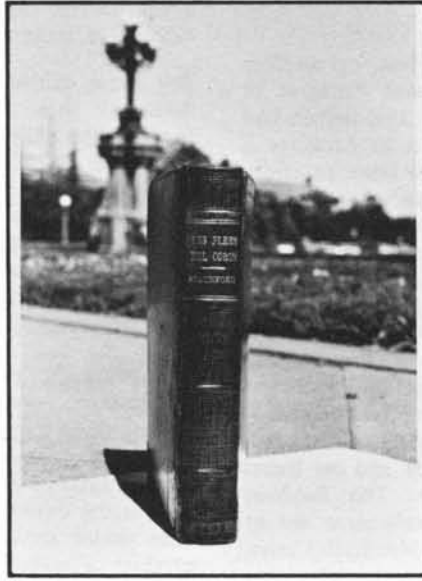
Out of tribulations and byways like that, then, my volumes are finally emerging. It has been challenging and burdensome, exciting and exhausting, worrisome and satisfying. And, happily, the task of producing the best possible Marshall Court History has not meant total isolation from my other obligations and interests. Rather, it has been a surprisingly rich example of the seamless web. Most especially, it has enriched my teaching, in constitutional law classes and Supreme Court seminars.

My constitutional law course inevitably is more concerned with the Marshall Court than with any other historical period. Immersion in the Marshall Court, combined with the simultaneous attention to the Warren and Burger Courts that my casebook preparation and teaching require, have added important perspectives to my work on contemporary problems. And the Supreme Court seminar has given increasing attention to the Marshall Court over the years—largely because of student demand, even while I have bent over backwards to avoid inflicting my interests on a captive audience. During the last three years, for example, more than half of the seminar students have chosen to do research papers on Marshall Court history, though they are free to concentrate on contemporary problems; and they have welcomed the change of pace of doing original work with materials drawn largely from my files.

And student responsiveness is remarkably great in the basic courses as well. It was an infrequent bow to sheer antiquarianism that

(continued on page 19)

200,000



During the fall of 1971, the Stanford Law Library reached another milestone in its growth when the 200,000th volume, *Les Plees del Coron*, was added to its collection. This book on the English criminal law during the sixteenth century was written by Sir William Stanford (variant spellings: Staunford, Stamford). Although his name does not appear in the volume, legal historians have established that he was the author. The Library of Congress catalog entry for this title is:

[Stanford, Sir William] 1509-1558.

Les plees del coron: diuisees in plusiours titles and common lieux. Per queux home plus redement and plenairement, trouera quelq; chose que il quira touchant lez ditz pleez composees lan du grace. 1557. [London] in aedibus Richardi Tottelli [1557]. 4 p. 1., 198 numb. 1.

Further bibliographic information on this title has been compiled by Howard W. Sugarman, Acquisitions Librarian at the Stanford Law Library:

LES PLEES DEL CORON, 1557. 1st Edition

by WILLIAM STANFORD

THE AUTHOR AND THE BOOK

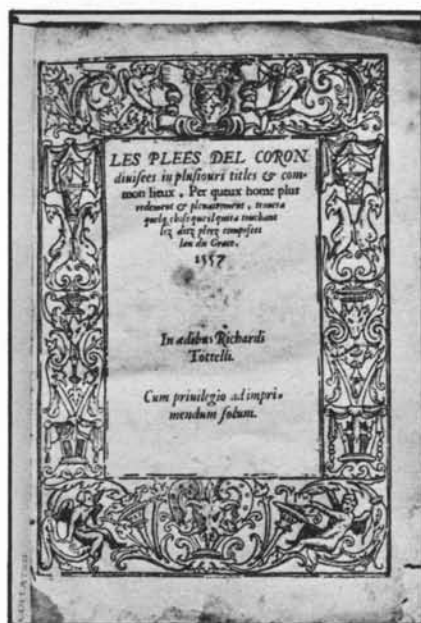
Sir William Staunford (Stanford, or Stamford) was born in 1509 and died in 1558. He was educated at Oxford and Gray's Inn; called to the Bar in 1536; made a serjeant-at-law in 1552; and a judge of the Common Pleas in 1554, shortly after which he was knighted. . . . He was a great and learned lawyer (Coke, 10 Rep., ppxxxii, xxxiii) and we owe to him not only PLEES DEL CORON, but also *An Exposicion of the King's Prerogative* collected from Fitzherbert's Abridgement.

The PLEES DEL CORON, written in law French, is divided into three books. The first deals with the greater crimes; the second with jurisdiction, appeals, indictments, sanctuary, benefit of clergy, approvers, and peine forte et dure; the third with the different modes of trial, with judgment and with forfeiture. The author frankly admits his indebtedness to Bracton and Britton. His book has no pretensions to literary form. Great slabs are cut from the statutes or from Bracton and are dumped next to one another with a thin cement of explanation to connect them. Yet PLEES DEL CORON had a high reputation with the profession, and perhaps it owed this partly to Staunford's personal influence, partly to its being the first attempt to give a connected account of our criminal law."

WINFIELD, PERCY H.

The Chief Sources of English Legal History

Cambridge, Harvard Univ. Press. 1925. p. 324



There is no book exclusively devoted to the criminal law in the medieval period. For our information upon this topic we must go to the Year Books, and use as our guide the printed Abridgements. In the sixteenth century there is one book exclusively devoted to this topic—Staunford's PLEAS OF THE CROWN, which was published posthumously in 1560 [1557]. Staunford was made judge of the Common Pleas in 1554, and was a learned lawyer. He is said to have edited the earliest printed edition of Glanvil; and he made use of Bracton's book which had not then been printed. The book is founded almost entirely upon Bracton and the Year Books."

HOLDSWORTH, SIR WM. S.
Sources and Literature of English Law
Oxford, Clarendon Press, 1925. p. 125

THE PRINTER

"Tottel, Richard (d. 1594), publisher, was a citizen of London who set up in business as a stationer and printer in the reign of Edward VI. From 1553 until his death forty-one years later, he occupied a house and shop known as the Hand and Star, between the gates of the Temples in Fleet Street within Temple Bar. On 12 April 1553 he was granted a patent to print for seven years all 'duly authorized books on common law'. In 1556 this patent was renewed for a further term of seven years. When the Stationers' Company of London was created in 1557, Tottel was nominated a member in the charter [Arber, Stationers' Registers, vol. i. pp. xvii-xxix]. The company entered in the early pages of their register a note of his patent for law books (ib. i. 95). On 12 January 1559 the patent was granted anew to Tottel for life."

Dictionary of National Biography,
London, Oxford Univ. Press, 1964.
v. XIX, p. 1001.

Although the adding of the 200,000th volume is indeed encouraging, the Stanford Law Library must still expand at a more rapid pace if it is to continue to support the teaching and research aspects of the Law School. The Law Library still ranks only 18th in size among law school libraries. The schools most comparable to Stanford all have substantially larger collections:

Harvard	1,200,000
Columbia	510,000
Yale	505,000
Chicago	275,000
California—Berkeley	260,000
Pennsylvania	240,000

It is vital that the Law Library continue to receive support not only to maintain its present rate of growth but to strengthen further the depth of its collections.

Commencement

1972



Nathan
Abbott
Scholar—
Allen
Katz



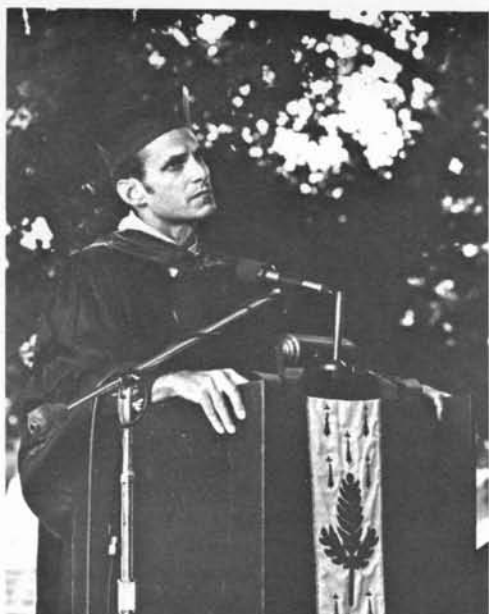
Sontheimer
recipient—
Sharon
Criswell



Dean Ehrlich toasts Ed Hayes, president of Law Association.



Jim Ware, for the Class of 1972, presents Carl Spaeth with plaque citing him as an honorary alumnus, on the occasion of his retirement.



Address—Professor Anthony G. Amsterdam



Jay Eggers '72

1915

Can you identify any other of these alumni?



front row

back row

- | | | | |
|----------------------------|-----------------------|-------------------------|---------------------|
| 1. ? | 6. Edgar C. Smith | 11. Patterson D. Nowell | 15. Carl H. Gilbert |
| 2. Homer R. Spence | 7. Sherwood Green | 12. ? | 16. ? |
| 3. William P. Butcher, Jr. | 8. ? | 13. ? | 17. ? |
| 4. Francis Price | 9. ? | 14. ? | |
| 5. Harold B. Landreth | 10. C. Fenton Nichols | | |

The Chosen Few:

Stanford Law School Supreme Court Clerks

The first Stanford Law School graduate was chosen as a law clerk to a Justice of the Supreme Court of the United States in 1949. Since then, a total of 21 alumni have become members of that unique fraternity. Their academic backgrounds are similar: they were in the top 10% of their class; they held editorial positions on the Law Review; they came with the highest faculty recommendations; and in more recent years, many were first law clerks at lower courts.

Individual Justices vary in their methods of selecting their law clerks. Some rely on a committee of former clerks to screen applicants; others leave the decision to the judgment of a trusted law professor or dean; still others personally interview candidates.

The basic duties of the law clerk have remained the same for many years—to help a Justice in his work of considering petitions and deciding cases—but several aspects of the job have changed considerably. James R. Atwood '69, who clerked for Chief Justice Burger during the 1969 term says: "The Court must now review about 3,500 cases a year, which is twice what it was a decade ago. Largely in response to this increase in case work the Court has increased each Justice's complement of clerks from one to two and, last year, to three (and the Chief gets an extra as well). An unavoidable result of all this is that a present-day law clerk will find himself with more paperwork and less access to his Justice than his predecessor of ten years ago." He goes on to indicate a need for even further change. "What is more regrettable, each Justice finds himself with more decisions to make and less time in which to make them. The Court would be a better place to work—for Justices and law clerks alike—and a better law-making institution if its flow of paper were reduced. This will require new legislation by Congress, more restraint by lawyers, or both. It is a goal worth working towards."

Atwood, like many other former clerks, considers clerking to be a valuable post-graduate experience. "To listen to the oral arguments, discuss the cases, watch the opinions evolve through successive drafts, and then hear them delivered from the bench is undoubtedly a great experience for a young lawyer."

Raymond C. Fisher '66 indicates another important aspect of the clerkship experience. He says that while "law school teaches an academic approach wherein you consider all sides of an issue," clerking makes you aware of the need to "make a decision and deter-

mine what a law will be." He learned from the experience "the awesomeness of making up your mind, giving an opinion and living with a decision." Fisher clerked for Justice Brennan during the 1967 term.



William H. Allen '56 clerked for Justice Warren during the 1956 term. He believes that "the association with other Justices and with fellow law clerks, the opportunity to learn at least a little about the broad spectrum of problems of federal constitutional and statutory law—and the chance to penetrate a little way into the mystery of how judges really decide cases" is an experience that "I prize above almost any other I have had in my life."

Clerking provides the rare chance to be engaged in the business of the most important Court in the country; it also offers the rare opportunity to establish a personal relationship with a Justice. James K. Hoenig '63, who clerked for Chief Justice Warren during the 1963 term, has this to say: "Frequently, a rise to great heights narrows rather than broadens one's perspective. The opposite was true with the Chief, and his tremendous sense of proportion and perspective created a lasting influence. Like all law clerks, I wanted every *in forma pauperis* appeal to be another *Gideon* case. But the Chief would often say, 'there will be another case'. It was a kind way of saying to an over-eager clerk: don't try to cure all the world's ills this year; there is time yet. He was not

drawings by R. Michael Wright '70

ignoring problems that cried out for solution, but rather marshalling and husbanding the resources to solve them at the right time, and in the right case. This sense of perspective often seems to be an attribute that grows along with gray hair; but, fortunately for his clerks, some of it rubs off from association with a man like the Chief and stays with you long after the specific cases and issues are forgotten."

Another former clerk asserts the influence of Justice Douglas on his view of the judicial process. He believes the experience of working for Justice Douglas, "was very instrumental in causing me to break away from the 'intellectual game' view of the law which law school tended to engender and instead to approach the law in terms of the human relations and values which it regulates." He



recalls "an expression of Justice Douglas' (which has appeared in several of his opinions), that a primary goal of the Bill of Rights is to get huge and powerful Government 'off the backs' of the People."

William Lake, who clerked for Justice Harlan in 1969 offers another insight. "The personal world into which the law clerk is admitted is that of the Justice for whom he works. In this regard the law clerk's experiences differ widely. Some members of the Court permit and encourage close personal relationships with their law clerks; others do not. But in every case the law clerk's duties give him a glimpse of the character of a man who has some unusual qualities that have caused him to be appointed to the nation's highest court. Whatever a Supreme Court Justice may be, he is never a dull or an ordinary man. The law clerk has the privilege of observing at close range how one extraordinary man comports himself in a position of great power."

A Supreme Court clerkship not only offers an opportunity to view the workings of the Court from the inside and to develop a close association with a Justice; it can also

have a major impact on the clerk's subsequent career. Jared G. Carter '62, a former Douglas clerk during the 1962 term, comments, "I enjoyed the clerkship immensely, even though it was difficult in terms of the expenditure of hours and intellectual energy. The opportunity to form a personal relationship with a Justice of the Supreme Court and to understand not only his thinking but the methods of operation of the Court affords a much better basis for appreciating the way other institutions of government and business operate and equips a young lawyer to be able to determine the relevant ingredients in any situation in which he is counsel much better than he would otherwise be able to do without having had the clerkship experience." He adds that although it may not be fair, "speaking generally, former clerks have a greater choice of jobs at all stages of their careers than do equally qualified lawyers who have devoted their entire career simply to practicing law."

Charles Lettow, who clerked for Chief Justice Burger points out: "The clerkship, like attendance at a good law school, provides the clerk with a chance to test his legal and mental acumen against the best of contemporary legal minds of like vintage in the country, i.e., his fellow clerks. As a result the clerk will almost inevitably set a



standard of excellence in legal work for himself that he should manage to retain for the rest of his life.

"Having had the clerkship gives the ex-clerk a 'presumption' of having good legal skills and accordingly opens many job opportunities to him. In most cases the clerkship appears to provide only the initial foot in the door; whatever progress the person makes thereafter seems to be judged by his actual performance."

Carl D. Lawson '63 who clerked for Justice Reed during the 1965 term benefited in a special way from his clerkship experience. "The most important side-effect was that I met my wife through Dale Collinson, who was clerking for Justice White at the time I clerked." Mr. Collinson went on to become a member of the faculty at Stanford Law School.

Bill Lake tells of another highlight of his clerkship. "One of the most interesting aspects of my clerkship was to watch the friendship between Mr. Justice Harlan and Mr. Justice Black. The two men in some ways represented opposite judicial philosophies. For years their opinions debated the difference between Mr. Justice Black's theory that the Bill of Rights imposed absolute rules and that those rules applied to the states through the Fourteenth



Amendment; and Mr. Justice Harlan's belief that a weighing of values was necessary, especially under the Due Process Clause, and his rejection of the 'incorporation' theory of the Fourteenth Amendment. I think each of the two men thought he had had the better of their lengthy debates in the U.S. Reports. But the surprising thing was that their differences of view did not interfere at all with their close personal regard for each other. Their chambers at the Court were adjoining, which facilitated constant interchange both between the Justices and their clerks. And when they were both stricken with what would be

terminal illnesses, they had adjoining rooms at Bethesda Naval Hospital where they spent some time together daily until shortly before Mr. Justice Black's death.

"A trait they shared while on the Court was an unusual unwillingness to join another Justice's opinion if it expressed views just a shade different from their own. The reports



are full of separate concurring or dissenting opinions written by each of them to explain exactly the course by which he thought the result should be reached. Each of them seemed to respect in the other that determination to stick to what he believed. I think it was a sign of the extreme integrity of both men, which probably helps to explain their affection for each other and certainly helps to explain the greatness they achieved on the Court."

Whatever the benefits from clerking at the Supreme Court of the United States, there is no doubt that that form of advanced legal training is a reward in itself. As Marshall L. Small, a former Douglas clerk asserts: "Needless to say, I found my year of clerkship to be a fascinating experience, and a year well spent."

After leaving the auspices of the Supreme Court of the United States, the majority of Law School alumni have joined law firms and are now practicing attorneys. A few have turned to careers in teaching or business. And, of course, one former Stanford clerk, William H. Rehnquist '52, has himself become a Justice of the Supreme Court.

Many of the former clerks have kept close ties with the Law School. Eight have been members of the Board of Visitors. Others have been active in their various Law Societies, Law Fund organizations and class reunions. Warren Christopher '49, for example, is chairman of AGENDA for Legal Education. All have also contributed their energies to the public and the legal profession.

Stanford Law Clerks for the Supreme Court of the United States

Law Clerk	Justice and Term	Current Position
Warren Christopher '49	Douglas—1949	O'Melveny & Myers Los Angeles
Marshall Small '51	Douglas—1951	Morrison, Foerster, Holloway, Clinton & Clark San Francisco
William Rehnquist '52	Jackson—1952	Associate Justice, Supreme Court of the United States Washington, D.C.
James Crafts '53	Douglas—1953	Orrick, Herrington, Rowley & Sutcliffe San Francisco
William Norris '54	Douglas—1955	Tuttle & Taylor Los Angeles
Roderick Hills '55	Reed—1955	Munger, Tolles, Hills & Rickershauser Los Angeles
William Allen '56	Warren—1956	Covington & Burling Washington, D.C.
Joseph Bartlett '60	Warren—1960	Ely, Bartlett, Brown & Proctor Boston, Massachusetts
Jared Carter '62	Douglas—1962	Office of Ocean Affairs Department of the Interior Washington, D.C.
James Hoenig '63	Warren—1963	Ring Brothers Management Corporation Los Angeles
Carl Lawson '63	Reed—1965	Gibson, Dunn & Crutcher Los Angeles
James Gaither '64	Warren—1964	Cooley, Godward, Castro, Huddleson & Tatum San Francisco
James Campbell '64	Douglas—1964	Wilmer, Cutler & Pickering Washington, D.C.
Ray Fisher '66	Brennan—1967	Tuttle & Taylor Los Angeles
William Reppy, Jr. '66	Douglas—1967	Duke University Law School Durham, North Carolina
Stephen Tennis '67	Marshall—1968	Howard, Prim, Rice, Nemerovski, Canady & Pollack San Francisco
Chesney (Doug) Floyd '67	Burger—1971	Supreme Court of the United States Washington, D.C.
William Lake '68	Harlan—1969	Council on Environmental Quality Washington, D.C.
Charles Lettow '68	Burger—1969	Council on Environmental Quality Washington, D.C.
Gary Wilson '68	Marshall—1969	Wilmer, Cutler & Pickering Washington, D.C.
James Atwood '69	Burger—1970	Covington & Burling Washington, D.C.

Board of Visitors Meets

April 20, 21, 1972



Professor Victor Li



Frederick I. Richman '28, John Crown A.B. '51,
Dean Ehrlich



Elmer C. Sproul '49, Richard G. Hahn '49, Visiting
Professor James White, Hon. Robert F. Peckham '45



Professor Carl Spaeth, Mrs. Richard Lyman, Seth M. Hufstедler '49, Mrs. Robert Meserve, John Gorfinkle



Professor Wayne Barnett and Sallyanne Payton '68



J. Sterling Hutcheson '49 and Mary Conway Kohler '28



Thomas M. Hamilton '37 reports on Law Fund

Law Alumni Weekend

April 21, 22, 1972



"An Evening in Honor of George Osborne"



Gary Day, Chip Greening, Tom Bartman,
Doug Robertson



Prof. Moffatt Hancock, Dean Ehrlich, Prof. Jack Friedenthal



Hon. Shirley M. Hufstедler '49 and Mrs. Patty Brenner



Professor Emeritus George Osborne, Mrs. Tom Ehrlich, Justice Byron White and Dean Ehrlich



Dean A. Bailey '52, Mrs. Bailey and Mrs. John Merryman



Prof. Anthony G. Amsterdam

News of the School

Faculty Appointments

Four new faculty appointments for next year have been announced. William B. Gould, a distinguished scholar and teacher in the field of labor law, will become a professor of law on July 1, 1972. Mr. Gould is a graduate of the University of Rhode Island and received an LL.B. in 1961 from Cornell. He also studied at the London School of Economics after he had served for a year as assistant general counsel of the United Auto Workers, AFL-CIO. He also has been an attorney for the National Labor Relations Board and a member of a major New York law firm. In 1968 he returned to teaching at Wayne State University in Detroit. His special field of interest is discrimination in employment and his scholarly writings in this field have been significant.

Professor William D. Warren will become the first Wm. Benjamin Scott and Luna M. Scott Professor at Stanford Law School beginning July 1, 1972. The Professorship is made possible by a gift of the Scott's daughter, Josephine Scott Crocker A.B. '23. Professor Warren has been Professor at Law at UCLA since 1960. He has also taught at the law schools of the University of Illinois, Ohio State University, Vanderbilt University and the University of Chicago. He visited at Stanford during the 1971 summer session. He is one of the country's outstanding authorities in the field of commercial law, and has written four books and numerous articles on the subject. He also has been an active participant in legislative reform, especially on consumer credit. Professor Warren received an A.B. and J.D. from the University of Illinois and a J.S.D. from Yale.

Barbara A. Babcock, currently Director of the Public Defender Service for the District of Columbia, has been appointed an associate professor of law effective July 1, 1972. Professor Babcock received a B.A. from the University of Pennsylvania. After serving as law clerk to Hon. Henry W. Edgerton of the U.S. Court of Appeals for the District of Columbia, she spent two years in litigation practice with Edward Bennett Williams in Washington, D.C. She then worked for two years as a staff attorney with the Legal Aid Agency for the District, the predecessor to the Public Defender Service. She has also been an Adjunct Professor and Visiting Lecturer at Georgetown University Law Center and Yale Law School and is currently preparing a book concerning women and the law. Professor Babcock will be the first full-time woman member of the Stanford Law School faculty.

Richard J. Danzig will become an assistant professor of law on August 1, 1972. Mr. Danzig received a B.A. from Reed College and a B.Phil. and Ph.D. from Oxford University, where he was a Rhodes Scholar. He then earned a J.D. from Yale University. This year Mr. Danzig is law clerk to Mr. Justice White of the United States Supreme Court. Previously he has been Assistant to the President of the New York City—RAND Institute, an assistant in instruction at Yale Law School, and a summer associate of a Los Angeles law firm.

Justice Tom Clark Visits the School



Gary Day and Mr. Justice Clark

Former Supreme Court Justice Tom Clark discussed "The Administration of Justice—Can it be Done?" in a Law Forum sponsored speech on March 10. In response to the question in his topic, he asserted that the administration of justice could be done and that the courts were "able to provide the kind of justice that the Constitution requires." Clark cited three areas, criminal rights, reapportionment and integration of schools and public facilities, in which he felt the courts were proper and effective instruments for administering justice. Mr. Justice Clark sat for eighteen years on the Court before retiring upon the appointment of his son, Ramsey Clark, as Attorney General.

Other Law Forum guests during the Spring included Leonard Davis, a Denver attorney; Robert Hawkins, director of the California office of Economic Opportunity; Dan Lund, executive vice president of the National Lawyers Guild, and Richard Sims, legal counsel to San Francisco Sheriff Richard Hongisto.

Faculty Discusses Franklin Case

A panel discussion of the legal issues in the case of Bruce Franklin, recently dismissed English Professor, was held at the Law School under the auspices of the Law Association on January 27. Included in the panel were law Professors Gerald Gunther, Thomas Grey and William Cohen; Harvard Law School Professor Alan Dershowitz; and Joel Klein, counsel for Franklin.

K AT THE LAW SCHOOL
 LAW Association
 Panel Discussion:
"Legal Issues in the Franklin Case"
 Participants:
 William Cohen, Tom Grey, Gerald Gunther
 Stanford Law Professors
 Alan Dershowitz, Harvard Law Professor
 Teaching at the Law School
 Joel Klein, Counsel for Franklin, also teaching at the Center
 Thursday 7:30
 1615
 There will be opportunities for questions at the end
TONIGHT!!
The Moo
 annou
kirk
 Moot Court
 ISSUE:

Law Review Officers Elected

Jerrold J. Ganzfried, a Yale graduate from Flushing, N.Y., has been chosen president of *The Stanford Law Review* for 1972-73. He is a former news editor with *The Yale Daily News*, and has worked with the Santa Clara public defender. Edward E. Burmeister, Jr. of Palo Alto has been named managing editor; Bruce L. Cronander, Birmingham, Mich., executive editor; John N. Drobak, Apalachin, N.Y., associate managing editor; and Michael A. Kahn, Mt. View, book review editor. Serving on the board of editors will be Robert C. Colwell, Whiting, Ind.; Steven L. Dorsey, Pasadena; Cornelius J. Golden, Jr., Los Angeles; Robert K. Huffman, Naples, Fla.; and David C. Kenny, Redlands. Senior note editors will be Garrett L. Hanken, Montebello; Kenneth J. Philpot, Memphis, Tenn.; and Jonathan M. Weisgall, Great Neck, N.Y. Note editors will be Robert H. Andrews, Santa Rosa; Wilfred D. Bennett, Sunnyside, Wash.; Andrew I. Douglas, Palo Alto; Joan Gottschall, Nutley, N.J.; John Rowe Mackall, Greenwich, Ct.; and John R. Porter, Palo Alto. Research editors will include Lawrence S. Bauman, Rockville, Md.; Jonathan A. Dibble, Salt Lake City; Ronald K. Fujikawa, Long Beach; Robert P. Johnston, Ft. Wayne, Ind.; Phillip R. Pollock, Mt. View; and Robert Spanner, Cleveland, Ohio. Article editors will be Susan L. Cooper, Lemoore; Rob-

ert C. Wilson, Palo Alto; and Richard R. Young, Omaha, Neb. Developments editors will be Patrick J. Barrett, Palo Alto; Thomas F. Handel, Cleveland, Ohio; and Jeffrey L. Yablon, Morton Grove, Ill.

Law School Film

Filming has begun for a 28-minute movie about the Law School intended to give alumni and other friends of the Law School a graphic view of life at the School. The film, under the direction of Randall Morgan of the Department of Communications, is due for completion on November 1.

Students Form Public Interest Law Firm

The formation of a new public interest law firm, Citizens Advocates at Stanford, Inc., was announced by a group of students at the Law School February 24. Citizens Advocates will not be officially connected with the University (or Law School) in any way. Creation of the firm was prompted by a "growing concern and recognition of the need for responsible advocacy on behalf of the public interest." The students seek to focus awareness of social problems and to begin to develop remedies for them. A founding board has been formed, the group has been incorporated and has applied for tax-exempt status. Citizens Advocates received a majority in a Spring referendum seeking funding by way of a voluntary assessment of Stanford students but failed to achieve the necessary two-thirds vote. The group is now seeking other funding and re-evaluating the scope of the organization.

Serjeants-at-Law Hold Mock Trial

Serjeants-at-Law presented a mock trial April 13 in which a district attorney was charged with the murder of his wife and her lover. In the *People v. Hamilton*, Zan Henson and Jim Rummonds acted as counsels for the defendant while Russ Cook and Luther Orton represented the People. The Honorable Wilbur Johnson '54 of the San Mateo County Municipal Court presided.



Highway Study Completed

A lengthy study by the Environmental Law Society dealing with the economic and ecological effects of California's massive highway programs has been completed. The study, titled "The Environment and California's Highway: Go Back, You Are Going the Wrong Way," recommends that the federal government's Highway Trust Fund for the construction of national highways should be abolished. The report also suggests that Congress should require the establishment of state transportation departments, which should exhibit a "multi-modal approach to all transportation problems" to qualify for federal funds; and that the U.S.



Edward Burmeister, John Dudley,
Charles H. T. Springer

Department of Transportation should require the replacement of each housing unit displaced by a freeway or highway, with funds coming from transportation budgets. The report made other recommendations as well including an increase in the level of financial support for mass transit and for states to maintain the present level of gasoline taxes; higher tax loads to be imposed on heavy trucks and their operators; a minimal tax structure imposed on mass transit operations to make them partially self-supporting; and the financing of all transportation programs and projects out of the state's general fund and the cost of all mass transit projects to be shared by the federal, state and local governments. The study was directed by Henry Bernson, assisted by contributors Ed Burmeister, John Dudley, Andy White and Jeff Colman. Recommendations were also made for the establishment of a State Transportation Organization, for freeway route selection programs, for judicial review of environmental and transportation legislation, and for additional safeguards to provide for agency review, more substantial inputs from public hearings at initial stages and guaranteed inter-model comparisons.

Tepperman in ALI-ABA Course of Study

Marvin T. Tepperman, vice president of Hyatt Corporation and lecturer at the Law School since 1960, was on the faculty for an ALI-ABA Course of Study on April 20, 21 and 22. The focus of the meeting was prevention of real estate project failures, the

rescue of troubled ventures and the protection of the parties who may have an interest in a troubled real estate project.

Moot Court Competition

At the 1971-72 National Moot Court Competition Stanford Law School students placed in the top five law schools for the second year in a row. Representatives were Jim Ware and Hal Lewis who defeated Memphis State and the University of Nebraska but lost to Boston University in the quarter-finals.



Ronald Oster



Marshall Tanick

The Twentieth Annual Marion Rice Kirkwood Moot Court Competition was held at Stanford on April 22. Counsels for the petitioner, Ronald M. Oster and William Holland and counsels for the respondent, Robert W. McCulloh and Marshall H. Tanick, presented their arguments to a court composed of the Honorable Byron R. White, United States Supreme Court, the Honorable Stanley Mosk, Supreme Court of Cali-



Hon. Stanley Mosk, Justice Byron White, Hon. Shirley
Hufstедler

fornia and the Honorable Shirley M. Hufstедler, United States Court of Appeals, Ninth Circuit. The question argued was: Whether an Oriental student was deprived of rights secured by the Equal Protection Clause of the Fourteenth Amendment either because he was not included within a law school's program of special admission for minority students or because of the very existence of such a special admission program. Mr. Justice White presented awards provided by the Stanford Law Society of Northern California. Marshall Tanick won first place in the competition; Ron Oster finished second in the tournament; and William Holland won the award for best brief and Tanick won best oral argument.

Fletcher Award

Richard T. Williams received the 1972 Fletcher Award from the Alumni Association of Stanford University for his extraordinary leadership in clinical education and extracurricular educational activities. Dick, a 1972 recipient of both the J.D. and the M.B.A., who plans to practice in Los Angeles, was the motivating force behind the adoption of the California student practice statute. Under the Statute, a law student is now able to appear in court under the supervision of a practicing attorney and upon recommendation of his dean. The Fletcher Award is made in honor and memory of Mr. Lawrence Fletcher, a distinguished lawyer from Oakland and former trustee of the University, to recognize a member of the Law School's graduating class who has made the greatest contribution to the institutional life of the School.



Richard T. Williams



SUPREME COURT HISTORY

(continued from p. 3)

made me suggest a few weeks ago that since George Washington's birthday was being celebrated on the 21st of February this year, the 22nd might be devoted to the memory of George's nephew Bushrod, John Marshall's colleague on the Supreme Court for 29 years. Several students immediately organized a Bushrod Washington party, complete with festive cake, decorations, and a reading of Washington letters by me. I am not certain about the magnitude of this Stanford contribution to the frontiers of legal education; but I am confident that no constitutional law students in American law school history have ever known so much about Justice Bushrod Washington. And I think I see continued appetite for unconquered terra incognita. One of my current students, for example, has just produced some poetry to commemorate the birthday of a Marshall Court Justice even more obscure than the venerable Bushrod: at least one Stanford student, it seems, knows a good deal about Gabriel Duvall, a Justice whose imprints on history escaped even the systematic gaze of the editors of the Dictionary of American Biography!

In my more optimistic moments, I view those student responses as happy omens: when my volumes are ready for a larger audience, I dare hope, Marshall Court history will prove as fascinating to others as it surely has to a good number of us at Stanford.

Law Societies

ARIZONA

The Arizona Law Society held a breakfast meeting in conjunction with the 1972 Convention of the State Bar of Arizona on April 28. The event offered the opportunity to meet Dean Thomas Ehrlich who was a special guest at the breakfast session.

COLORADO

A reception in honor of Dean and Mrs. Thomas Ehrlich was held on February 25 in Denver by the Colorado Law Society. During the course of the evening, Dean Ehrlich commented on legal education at Stanford.

DISTRICT OF COLUMBIA

A reception in honor of William H. Rehnquist '52, newly appointed Associate Justice of the Supreme Court of the United States was held on January 20 in Washington, D.C. The event, sponsored by the Stanford Law Society of Washington, D.C., was attended by over 300 people including J. Keith Mann, associate dean of the Law School; John Ehrlichman '51, presidential adviser; Rep. Paul N. McCloskey, Jr. '53; and Roger Lewis, representing Stanford President Richard Lyman.

The reception line was composed of Mr. Justice Rehnquist and his wife, Natalie, Dean Mann and Mr. and Mrs. Lewis, with Messrs. Geoffrey Smith '70 and William Allen '56, president of the Washington D.C. Law Society, serving as announcers. The

program included remarks by Mr. Allen, Dean Mann, Mr. Lewis, who read a message from President Lyman, and Mr. Justice Rehnquist.

Justice Rehnquist received a B.A. in 1948 and an LL.B. in 1952 from Stanford. He served as a law clerk for Supreme Court Justice Robert H. Jackson during the 1952 term and then moved to Phoenix to enter private law practice. In 1969 he became an Assistant United States Attorney General in Washington, and remained in that position until his appointment by President Nixon.

He is the second former Supreme Court law clerk to become an associate justice.

Justice Rehnquist was formerly an officer for the Arizona Law Society, chairman of his Law School class reunion and is presently a member of the Stanford Law School Board of Visitors.



Samuel Cheris '70 sworn into California Bar by Justice Rehnquist



William Murane '57, Katherine Drew Hallgarten A.B. '30, Mrs. Roger Lewis, Justice Rehnquist, William Allen '56

GREATER EAST BAY

The Law Society of the Greater East Bay had a luncheon on April 6 in Oakland. Dean Thomas Ehrlich was present with his wife to discuss the future of the Law School and the present forms those plans are taking.

MIDWEST

Chicago was the setting for a February 25 cocktails and dinner meeting of the Midwest Law Society. Professor William F. Baxter spoke on "International Control of Pollution" at the dinner. Voting for new officers resulted in the election of Donald W. Morrison as president.

A summer meeting for alumni, students and parents was held on June 25. Assistant Dean Bruce Hasenkamp spoke about current School activities.

NEVADA

A dinner meeting of the Nevada Law Society on March 16 in Reno featured Dean Thomas Ehrlich speaking of the topic "Training Your Successors."

NORTHERN CALIFORNIA AND NEVADA

San Francisco was the meeting place for members of the Northern California and Nevada Law Society on January 27. The luncheon featured Dean Thomas Ehrlich who brought members up to date on events in the Law School and exciting innovations in legal education.

The 1972 Annual Spring Meeting of the Society was also held in San Francisco on March 1. The dinner this year honored all Stanford Law School Alumni who are members of the Judiciary. The Honorable Richard H. Chambers '32, Chief Judge of the Ninth Circuit, was the guest speaker.

ORANGE COUNTY

Dean Thomas Ehrlich and Mrs. Ehrlich were the honored guests at the inaugural meeting of the Stanford Law Society of Orange County on April 12. The session included the adoption of a charter and election of officers as well as remarks by the Dean and Newman Porter, chairman of the Council of Stanford Law Societies.

Long Beach lawyers hosted a cocktail reception for Dean Ehrlich prior to the Southern California dinner on April 25.

The Law Society and the Stanford Club of Orange County held a joint meeting on June 8th in Santa Ana. Professor Gerald Gunther, noted expert on contemporary constitutional law as well as the history of the Supreme Court, spoke on "The Nixon-Burger Court: Where is it going?" Professor Gunther said the changing personnel on the Court will bring about "some changes—as to some issues . . . by and large . . . of a marginal rather than cataclysmic variety; and they will be changes brought not by a solid phalanx of new appointees but by shifting alignments of relatively independent judges, with Nixon appointees unable to avoid disagreements among themselves any more than Roosevelt and Eisenhower appointees were." "President Nixon has been more interested in the work of the Court than most (presidents), but not with respect to most of the issues that get to the Court." His attention has been directed almost entirely "to the law and order issue, to problems of criminal procedure." In this respect, Nixon's concentration on law and order issues is "strikingly similar" to Roosevelt's concern for economic reform involving the Court. "The Court, . . . is a group of nine independent conscientious reasoning judges working hard and doing their best to do their duty." A Court should not be a reflection of the President in power nor should it be "led by a single man, not even the Chief Justice."



Enchartering in Orange County—Marjorie LeGaye '45, secretary-treasurer; Robert S. Barnes '49, president; Dean Ehrlich; Newman Porter '55; John B. Hurlbut, Jr. '64, vice president

CENTRAL SAN JOAQUIN

The Central San Joaquin Law Society held a Spring Dinner on June 1 with Dean Ehrlich discussing current developments at the Law School.

SANTA CLARA COUNTY

The Law Society of Santa Clara County held a dinner meeting on May 23 in Cupertino. Featured was Professor Anthony Amsterdam who discussed the United States Supreme Court with the dinner guests.



James T. Danaher '58, Prof. Anthony Amsterdam

SOUTHERN CALIFORNIA

On February 10 the Law Society of Southern California held a dinner meeting which featured Dean Ehrlich discussing legal education at the School.

Professor Marc Franklin talked about "Defective Products Law and the Healing Professions: The Case of Transfusion—Associate Hepatitis" at an April 6 meeting in Los Angeles.

The Law Society's Annual Dinner was held April 25th on the Queen Mary. The program featured an award to Frank Belcher of Los Angeles for his distinguished serv-



Frank Belcher '14

ice to the legal profession and to the Law School. Dean Thomas Ehrlich and other members of the faculty and administration were present. Prior to the dinner, the Long Beach Stanford Lawyers hosted a cocktail reception for Dean Ehrlich.

SUPERIOR CALIFORNIA

Sacramento was the setting for a dinner meeting of the Law Society of Superior California on May 11. Dean Ehrlich and his wife attended the session and the Dean was the guest speaker.

UTAH

A dinner in honor of Dean Thomas Ehrlich was held in Salt Lake City on February 24 by the Law Society of Utah.

WASHINGTON STATE

A meeting of the Law Society of Washington State was held on May 16 with Professor John Barton featured as the guest speaker. Voting for new officers resulted in the election of John L. Patterson as president.

*Printing
Contributed to
Stanford Law School
by*

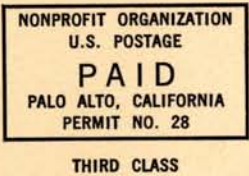
BOWNE

Bowne of San Francisco, Inc.
1045 Sansome Street / San Francisco, Calif. 94111
(415) 981-7882

Bowne of Los Angeles, Inc.
1706 Maple Avenue / Los Angeles, Calif. 90015
(213) 748-9851

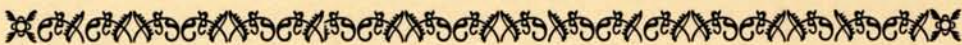
CORPORATE / FINANCIAL PRINTERS / LITHOGRAPHERS

Stanford Law School
Stanford, California 94305



Alumni Directory

The Stanford Law School Alumni Directory, last published in 1967, will appear in the fall. About 1,000 address changes have been made as a result of the Directory request in March. Copies may still be ordered by alumni by mailing a check for \$5.00 to Nancy Mahoney, Stanford Law School, Stanford, California 94305.



Alumni Questionnaire

See the Supplement to this issue for results of the Questionnaire mailed to all alumni last spring. The fall *Stanford Lawyer* will carry an article based on cross tabulation of the responses.