A History of
THE SCHOOL OF LAW
Columbia University

BY THE STAFF OF THE
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STONE'S DEANSHIP: WORLD WAR I AND AFTER

that he could with propriety accept, the effective date of his resignation was advanced to April 7, 1924. The subsequent career of Harlan Fiske Stone is part of the history of the nation. It is sufficient here to say that President Coolidge in 1925 appointed him to a seat on the Supreme Court of the United States; that President Roosevelt in 1941 promoted him to be Chief Justice, in succession to Charles Evans Hughes; and that on April 11, 1946, he was fatally stricken on the bench.

Harlan Fiske Stone's contributions to the School of Law were summarized in January, 1924, by one who was in a position to judge them:

Great law teachers and great heads of law schools are rare indeed, and Dean Stone is both. Under his guidance and direction the Law School has flourished mightily. The quality of the student body has steadily improved. The spirit of the school and its scholarship are splendid. Dean Stone has been the means of making notable additions to the teaching staff, which is now abundant in the enviable qualities both of youth and of experience. His plans for strengthening the Law School, as well as for developing larger opportunities and facilities for research and to make the school increasingly effective both in its university membership and in its professional relationships, command the earnest support of the trustees.

These appreciative words came, ironically enough, from Nicholas Murray Butler.

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THE DEANSHIP OF HUGER W. JERVEY

When President Butler announced the resignation of Harlan F. Stone he simultaneously reported to the Faculty of Law that he had appointed Professor Thomas I. Parkinson to be Acting Dean until a permanent successor to Stone could be chosen. He invited the members of the Faculty to suggest a suitable man for the post. Meanwhile the work of the Law School proceeded smoothly and effectively. Dean Stone had developed the School to such a state of efficiency in its machinery and to such a conscious realization of its educational and professional function and service that it carried on with the minimum of shock upon his departure. There was no break in the continuity of policy nor interruption in the development of the plans and purposes set forth by him in his annual reports. Happily, there was available for permanent appointment to the deanship a man who was thoroughly in sympathy with Stone's ideal and, at the same time, was acceptable to those who had been opposed to Stone. On April 11, 1924, when President Butler notified the Faculty that the effective date of Stone's resignation had been accelerated to permit him to become Attorney General, the President also announced that he had appointed Huger W. Jervy to be Dean.

Huger Wilkinson Jervy was born at Charleston, South Carolina, September 26, 1878, the son of Eugene Postell Jervy and Isabella Middleton (Wilkinson) Jervy. His family on both sides was of mixed...
The Deanship of Jervey

Huguenot and English origins; his forebears first settled in South Carolina in the seventeenth century. He was a direct descendant of Arthur Middleton, the signer of the Declaration of Independence; his great-grandfather, Daniel E. Huger, was a judge in South Carolina in the 1820's; and two of his ancestors were officers in the Confederate Army. Young Jervey prepared himself for higher education at the Charleston High School, then, after a year in attendance at Charleston College, in 1897 he entered the University of the South at Sewanee, Tennessee. There he was attracted to the study of the Greek language and literature and he decided to devote himself to the teaching of the classics. After graduating in 1900, he remained at the University of the South for another year, to take his A.M. in 1901, then he went to Johns Hopkins University at Baltimore for a year of graduate study under Professor Basil L. Gildersleeve. Jervey returned to the University of the South as Professor of Greek. He continued to teach there until 1909.

The Greek language and literature appealed to Jervey's instinctive feeling for everything connected with the arts, to his sense of order, and to his delight in the music of words. On the whole, his years at Sewanee were happy ones. He began to feel, however, that classical studies offered too little scope for his questing intelligence, and he had a premonition of the fate that lay in store for the classics in American education. He determined to turn to the law, and in the fall of 1910, at the age of thirty-one, he matriculated at the Columbia Law School. By attending in his second year the long summer term at the University of Chicago, he shortened his period of study by a half-year and was graduated in February, 1913. From the first his work had been brilliant. He became an editor of the Columbia Law Review in 1911 and continued on the board until his graduation, but the pressure of extracurricular work as tutor to his less-gifted fellow students precluded his accepting the election as editor-in-chief. In the Law School he was particularly influenced by Dean Stone and John Bassett Moore, from whom, respectively, he imbibed an enduring interest in equity and in international law. After graduation from the Law School, Jervey decided to remain in New York City. He was admitted to the New York Bar in 1913, and that fall became associated with Dean Stone's law firm, Satterlee, Canfield & Stone. He was promoted to a partnership in January, 1916, and he remained with the firm as long as he was in active practice.

His career at the bar was one of signal professional success, for not only did he command the art of swift and sure analysis of case law, but he was a master at assembling complex facts and knew intuitively the most compelling
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manner of synthesis. No one who ever attended with him a conference of discordant opinions can forget the patience with which he could hear out debate and the skill with which, at the consummate moment, he could show the way to acceptable settlement.8

Shortly after the United States declared war on Germany in 1917, Jervey enrolled in the Officers' Training Camp at Plattsburg, New York. He was commissioned first lieutenant in the 304th Field Artillery, but because of his legal training he was taken out of the artillery and sent overseas as a major in the General Staff Corps, attached to the Judge Advocate General's Department. He served in France during 1917 and 1918 and became chief assistant to General Robert Alexander. General Pershing cited him "for distinguished service." After the Armistice Jervey was assigned to duty with the General Staff in Washington until April, 1919, when he returned to civilian life and Satterlee, Canfield & Stone.

Dean Stone saw that his law partner had in him the makings of a great law teacher, and he undertook to persuade him to return to the Columbia Law School as a member of the Faculty, at least on a part-time basis. Stone finally succeeded, and on July 1, 1923, Jervey became an Associate Professor of Law.9 A year later, on July 1, 1924, he became a full-time Professor of Law and Dean of the Law School.10 To Jervey during this first period of his connection with the Columbia Faculty were assigned the first-year course in Personal Property (from 1923 to 1927), the second-year course in Trusts (from 1923 to 1925), and the third-year course in American Constitutional Law (from 1925 to 1927). The qualities that Dean Stone had discerned in him soon became apparent.

He was, by common consent, one of the great teachers of his time. He brought to his task not only a ripe experience in practical affairs but likewise an erudition which was unsurpassed. What he read he made his own, and, in giving it to others, infused it with the glow of his own spirit. This quality, we think, it was which gave to his teaching its excitement and ineluctable charm. He never forgot that it was his business to teach law; but he taught it as an art and as a part of the teeming life about us. He made true the words he had spoken in 1924: "We are not proposing that our students shoot cultural arrows in the air; we hope to give them the assurance to hit a very real and definite target. A good marksman should know how to bend his bow, but also how the wind is blowing so that he may make the skillful adjustment."11

When Dean Jervey spoke in these words last quoted, in his inaugural address, November 17, 1924, the Faculty of Law consisted of George C. F. Biddle, Charles F. L. Fee, H. Thomas, R. D. Russell, Ruppers Pe-
should devote themselves, not to the transmission and acquisition of information, but to critical, constructive, creative research. They argued that the purposes of research in law and professional training are so different that no single university could effectively pursue both objectives. A conflict of interests, they thought, would inevitably develop between those engaged in the two pursuits, and inevitably one would be subordinated to the other to the detriment of both. It is perhaps significant that of the leaders of this school of thought Professors Yntema and Olliphant, like Walter Wheeler Cook, were trained in the law but had never practiced, while Professor Marshall was not a lawyer at all.

The views of the extreme advocates of legal research did not appeal to a majority of their colleagues. Most of the Faculty, while convinced of the importance of legal research, did not think it ought to be the sole purpose of the Law School at Columbia. They inclined rather to the opinion announced by Dean Stone in 1916 that the School should pursue simultaneously both objectives.

The differences of opinion over the future role of Columbia Law School had never been wholly latent during the almost inextirpable debates on the proper approach to the study of particular segments of the law at large. Indeed, it was the existence of these differences that may account for the curious uneasiness of the reports which came before the Faculty. Obviously, to one primarily concerned with maintaining the School as a center of professional training, recourse to so-called nonlegal data was a matter of vastly different dimensions than it was to one concerned with promoting a program to convert the School into an institute for research. Furthermore, as survivors of the struggle have testified, the atmosphere of intellectual debate became, on occasion, dimmed by the smoke of a political contest between two groups of dominating personalities.

It was as a mediator in this complex clash of ideas and of wills that Dean Jersey performed a great and lasting service to the School. Here he applied with telling effect the wisdom acquired in his years of dealing with the practical affairs of men; here he exercised his formidable talents for healing division and effecting compromise. His sympathies from the first had been with those who were determined not to abandon the work of professional training, but he was a man of such open mind and of such tolerance of fresh ideas that he did not permit his inclinations to betray him in his post as a moderator in the great debate. Matters were thus kept in train over a period long enough for valuable conclusions to be eventually available. But the physical and psychological strains took their toll and, in the spring of 1926, Dean Jersey fell ill at a juncture when his moderating influence was most needed. He developed gastroenteric symptoms that a New York physician diagnosed as cancer. Jersey went to the Mayo Clinic, at Rochester, Minnesota, for further diagnosis and treatment; there his trouble was found to be only an ulcer. In June, the medical report from the Mayo Clinic was read to the Law Faculty. It appeared that he would be able to return to Columbia in the fall but that he would not be able to carry on all of his work. The Faculty made arrangements so that he would not have to teach, but at the suggestion of President Butler no Acting Dean was appointed. Professor Y. B. Smith was to be absent on leave during the first half of the academic year, so Professors Olliphant and Powell were constituted an executive committee to carry on the business of the Law School until Dean Jersey could resume the reins.

The retirement of Jersey; the appointment of Smith

Dean Jersey was back at Columbia in October, 1926, but his health remained poor. He was convinced that his trouble really was cancer, for, he said, no doctor would tell him he had cancer if he did not, while a doctor might very well try to calm his mind by telling him he did not have cancer when he really did. Evidently he was in need of prolonged rest. In the summer of 1927 Professor Smith accompanied him to Lausanne, Switzerland, where he could recuperate at leisure: he himself thought he was going to die. The Dean was granted an indefinite leave of absence, and in October, 1927, Professor Smith was appointed Acting Dean as of July 1, 1927. In February, 1928, Jersey decided that he would never recover sufficiently to resume his administrative duties. Accordingly, he sent from Lausanne his resignation, to take effect when his successor should be appointed. He retained, however, his membership in the Faculty, and his friends hoped for his eventual return to teaching.

The question of the succession brought to a head the controversy over the proper function of the Law School. Professor Smith, as Acting Dean, seemed to be the logical candidate for the permanent appointment. Although only thirty-eight years old, he had been on the Faculty longer than anyone else except Professor Canfield, who was seventy-three and on the point of retiring, and Professor Underhill Moore, who had been appointed at the same time as Smith but whom no one seems ever to have considered as a possible dean. Professor Smith had been repeatedly elected to represent the Law Faculty on the University Council, and he was known to be favored as Jersey's successor both by Jersey himself.
the end of the war, the student body expanded suddenly to greater than its prewar size. To avoid undesirable overlapping, it was necessary to offer all the heavily attended courses three times each calendar year, so as to keep the students in each entering group together throughout the six sessions. In effect, Columbia was conducting simultaneously three law schools instead of one.66

The accelerated law course would have been a backbreaking burden upon the Faculty if the Trustees had not authorized it temporarily to invite professors from other law schools and members of the Bar to come to Columbia as visiting professors and visiting lecturers. Most of the visiting teachers served during the summer session, for it was easier to obtain distinguished visitors from other institutions. Furthermore, by having the visitors during the summer, the regular teaching staff was able to concentrate its efforts upon the work of the winter and spring sessions, so that a larger and more diversified selection of courses and seminars could be offered during the traditional academic year. The presence of the visitors, by relieving most of the Faculty of the necessity of teaching more than two sessions during a calendar year, gave them time for the research and writing that are indispensable to maintaining a first-class law school.67

The necessity of reinforcing the teaching staff with visiting professors and lecturers ended in 1948, for the summer session of that year was the last conducted. In spite of the obvious disadvantages of the accelerated program from an educational point of view, the Faculty had continued for several years after the war to meet the needs of the vast number of veterans whose legal training had been delayed from three to five years by military service. After September, 1946, the number of veterans applying for admission began to decrease and the average age of the applicants to fall off to the prewar normal. Even those applicants who were veterans had served only a year or two in the armed forces and were still young enough to devote three full years to the Law School without great inconvenience. There was no longer any great need for the accelerated program, and so, in view of its many undesirable features, the Faculty determined to discontinue it. Students entering in September, 1947, or thereafter were not to be allowed to accelerate their graduation; the practice of admitting students in February and June was to cease after 1947; the summer session of 1948 was to be confined to fourth-, fifth-, and sixth-session students; and after 1948 there were to be no more summer sessions in law.68

With the end of the accelerated program, the size of the Law School's student body decreased, though it remained greater than it had been just before the war.69

Changes in the Faculty

As the enrollment returned to a more nearly normal basis, so did the Faculty. Professor Jacobs was returned to an inactive duty status on October 1, 1945, and came back to Columbia University on December 1.70 Professor Gelhorn resumed his academic duties on January 1, 1946.71 Professors Hamilton and Wechsler returned to the Law School in May and Professor Berle in time to resume his teaching in September, 1946.72 Professor Deak was also expected to return before the opening of the winter session of 1946–47.73 His work for the government continued to keep him away, however, and finally in July, 1947, he resigned his seat in the Faculty of Law.74

The Faculty suffered other losses also in the years after the war. Professor Charles Cheney Hyde retired as Professor Emeritus on June 30, 1945.75 He was succeeded as Hamilton Fish Professor of International Law and Diplomacy on July 1, 1948, by Professor Philip C. Jessup.76 Jessup, however, had already left Columbia University upon what was in effect a long-term loan to the United States government.

The next member of the Faculty of Law to go was Professor Albert C. Jacobs. On February 1, 1946, in addition to his other duties, he became Assistant to the President of the University, in charge of veterans’ affairs.77 On July 1, 1947, he was relieved of all his duties in the Law School to become Provost of the University,78 and on June 30, 1949, he left Columbia entirely to become Chancellor of the University of Denver, in Colorado.79 On this same date Professor Robert L. Hale retired as Professor Emeritus, but he remained to lecture on his specialties.80

A few weeks later the Faculty suffered a serious casualty. Professor Hugé W. Jervey, who, in 1947, had been honored by appointment to be the first Charles Evans Hughes Professor of Law at Columbia,81 suddenly and unexpectedly died of a heart attack on July 27, 1949. The irreparable quality of this loss was felt by all who had fallen within the spell of this remarkable personality. First and last he was a humanist, a type which has become so rare in the modern academic world that this generation will be privileged indeed if it sees the like of him again. One of his lamenting colleagues wrote of him:

A person of extraordinary intellectual power, possessed of a depth of learning surpassed by few, his teaching was vitalized by a personal charm, a flashing
He was an editor of the Yale Law Journal and maintained one of the two highest scholastic records in his class. He was married to Frances Stevens in 1931. Reese was admitted to the New York Bar in 1938 and served for a year as law clerk to Judge Thomas W. Swan, of the United States Circuit Court of Appeals for the Second Circuit. From September, 1939, to December, 1941, he practiced in New York City in association with the firm of Winthrop, Stimson, Putnam & Roberts. He then enlisted in the Army of the United States, performing military intelligence work in the Far Eastern Division G-2, and rising to the rank of captain before he left the service in 1946. He was appointed to the Columbia Law School Faculty in November, 1945, but did not assume his academic duties until March 1, 1946, beginning teaching in the summer session of 1946. “Because of his effective teaching and general usefulness to the School,” he was made Associate Professor of Law on July 1, 1947, and Professor of Law a year later, and in 1949 he became an Assistant to the Dean, supervising admissions. Professor Reese was from the very first a success as a teacher. His major field of scientific work is in Conflict of Laws, the teaching of which he has shared with Professor Chaytor. The contribution which Professor Reese has made to the Law School through the change in admissions procedure, about which we shall speak in a moment, and for which he was largely responsible, has been of greatest value.

William Clements Warren was born at Paris, Texas, February 3, 1909. He was graduated summa cum laude from the University of Texas in 1931 and earned a Master of Arts degree there a year later. He entered Harvard Law School and during his third year worked with Dean Griswold and Professor W. Barton Leach as an assistant in taxation. He was graduated cum laude in 1935 and spent a year in New York City with the law firm of Davis, Polk, Wardwell, Gardiner & Reed. He then went to Cleveland, Ohio, to practice until 1941 in association with McAfee, Grossman, Hanning & Newcomer. He was admitted to the Ohio Bar in 1937. While in Cleveland, he served as an instructor in Law in the Western Reserve University Law School, teaching courses and conducting seminars in taxation. He returned to New York City to become associated with Milbank, Tweed & Hope. In 1942 he went to Australia to engage in special work for the American Red Cross. In 1943 he was commissioned a captain in the Army of the United States, and passed the next two years in the European, Mediterranean, and Middle East theaters of operation, procuring military matériel and distributing it to the various lend-lease nations. He had attained the rank of lieutenant colonel when he was separated from the service in December, 1945. He then returned to the office