The Editors are pleased to dedicate this issue to Professor Fred Rodell, who retires this fall after 41 years of teaching. Among his many accomplishments, he has taught hundreds of law students how to write. He has always stood firm for vigor and brevity in a profession not widely hailed for those virtues. We know the law school will miss that steady influence.

Foreword

Justice William O. Douglas

Fred Rodell, my friend for 40 years and more, has one of the most creative minds I have known. I knew him first when he was a student at the Yale Law School; he was indeed one of the three most outstanding ones of my seven-year teaching regime. I should say I write with prejudice, for Fred and I were through both thick and thin together.

On graduating from Yale Law School in 1931 he went to Harrisburg, Pennsylvania, as secretary to Gifford Pinchot, at that time Governor of Pennsylvania. He spent two years with that foresighted conservationist, then joined the Yale faculty. Before long he was publishing his first book, *Fifty-Five Men,* a story for laymen in plain dramatic language of the drafting of the Constitution—done in the tradition of Charles A. Beard. During these years he was a senior editor of *Fortune* magazine and a contributor to the *Chicago Times* and other papers and magazines including the *Progressive.*

Three years later he produced his second book, *Woe Unto You, Lawyers!,* a slashing description of many law practices and a perceptive, vivid account of the weighting of the law on the side of the dominant interests. He taught Taxation for a while, then Constitutional Law and Labor Law. Perhaps the course more students enjoyed than any other was his course in Writing—how to write articles, how to write on legal subjects, how to be literate as a lawyer. He had a way with students that established a close intimacy, and it was perhaps in the writing course that that relationship was nurtured best. As a teacher Fred was no Simon Legree—not a task master in any form—but he was a confirmed iconoclast. He challenged well-known principles, probed them for frailty, and put a

student on edge finding his way out of the labyrinth. One who took his course did not memorize; he thought in depth.

By the late thirties and on into the forties and fifties, Fred was trying his hand at politics both in Connecticut and at the national level, making radio appearances, debating the opposition of the more conservative party, and writing letters to editors protesting their opposed views. He was active in the Council For Democracy and in the Consumer Coop in New Haven. In 1940 he published his third book, *Democracy and the Third Term,* in which he frankly described why those who were for F.D.R. previously might not want him for a third term and why his old opponents might now be supporters.

His interest in the Court and in the evolution of constitutional law was intense and he had much to say those days of the opposed views of Frankfurter and Black. His book *Nine Men,* a critique of the Court, was published in 1955 and was a fair prophecy of many things to come. For years he brought his constitutional law class to Washington, D.C., for a day, arranging for the class to hear cases argued and afterwards to have thirty minutes with each of four, five, or six Justices. This annual pilgrimage was for him a sentimental journey.

I suppose that in his middle years at Yale he must have regretted not having been honored with a named chair at the Law School. It became a matter of comment in ever-widening circles, for he was by all odds one of the ablest teachers of all time and one of the best loved by students. He was always true to the nonconformist mold in which he was cast, and some of those prized fringe benefits passed him by because the status quo represents most every campus. But Fred Rodell was, I think, even more moved by what a barber in New Haven did than what the Yale Trustees could have done. The barber named one of *his* chairs for Fred.

Fred is an expert fly fisherman, tying his own flies and making a study of the ways and habits of "fresh water trouts," as Izaak Walton would put it. He fished the best streams in this country and became especially fond of the streams in the Basque country in France. His outdoor activities brought photography to his close attention, and he worked wonders with color film. His latest book, *Her Infinite Variety,* published in 1966, shows the artistry of his work.

He wanted to do a book on the Warren Court, and I believe he had made a start on it when a series of health setbacks ended the effort. Yet in hospitals or while convalescing at home, he has con-

tributed a steady flow of letters and short stories to the press. His mind has always been a few paces ahead of events, and he is one of the few of his generation who understood and spoke for the younger generation who were in great rebellion in the sixties. He is a master of limericks; most that I heard in the last 40 years, whether in Alaska or Texas, were gems of his own creation. Perhaps he will agree to leave an unexpurgated volume for those who follow.

Fred Rodell in my time has lived greatly under the law in the best Hugo Black tradition.

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Commencement Address Delivered at Haverford College, June 8, 1962

Today a thinking person's thoughts
Are jeopardized by astronauts
Who spin in space,
By bombs whose thermonuclear
heat
May presently make obsolete
The human race.

Today, forsaking planes and cars,
They plan a vehicle to Mars
With men to man it,
While Mars, whose legacy is martial
And internationally impartial,
Threatens our planet.

But still the set commencement
speech
Will take peculiar pains to preach
The proper attitudes
With unsolicited advice
On making good and being nice—
In pious platitudes.

I happen to abhor the cult
Whose members annually insult
Their junior betters
With inspirational clichés,
Here and there interspersed with
praise
Of arts and letters.

A penny saved, a penny earned—
A lesson I have never learned—
Is fine—for banks.
Early to bed and early rise
May make you *healthy, wealthy,*
wise;
For me—no thanks.

Despite Polonius, Hamlet's friend,
I never hesitate to lend
Nor blush to borrow.
And though the maxim says I
should,
I never do today what could
Be done tomorrow.

If such old saws appeal to you
You may become a succes fou
At thirty-seven
With well-bred kids in private
school,
A tennis court, a swimming pool,
In Wayne or Devon.

Yet he who swallows orthodoxy
Perforce must live his life by
proxy
At others' choosing;
Self-mired in the accepted mold,
He never learns until too old
What he is losing.

Accumulating things material,
Keeping his image rich, imperial,
His life grinds by
In three-fourth toil and one-fourth
leisure
While ulcers gnaw his little
pleasure—
The price is high.

Nor is it only business folk
Who bow their shoulders to the
yoke
That reads "Conform!"
Practitioners of the professions
Make—learnedly—the same con-
cessions
To keep them warm.

So you who covet more degrees
Are not immune from this disease,
Which is contagious
To doctors, lawyers, priests and
preachers,
To scientists and high-school
teachers
And college sages.

To say all this is not to say
That you should goof your life
away
On beer and skittles;
A regimen of fun and frolic
Will probably produce the colic—
For lack of victuals.

But he whom money holds as slave
Ought contemplate an ancient
grave,
Thereon embossed
For him who 'neath the headstone
slept;
"What I gave I have; what I spent
I kept;
What I saved I lost."

Not, then, for riches from your
labors
Nor to keep face with faceless
neighbors,
Employ your talents
For work—but none the less for
play.
Why make, and never roll in, hay?
The point is—balance.

An old New England Calvinist
Undoubtedly would damn the twist
With all its twitches;
In horror, he would turn and fly
From radio, TV, hifi—
But he burned witches.

No Quakerly concern for quality
Forbids a measure of frivolity—
Which has its uses;
He who lives somber, grim, and solemn
As an obituary column
Dries up his juices.

The men who made our country free
Graduated to liberty.
You, their descendants,
Might likewise, at your graduation,
Proclaim your private Declaration
Of Independence.

In Jeffersonian pursuit
Of happiness, no disrepute
Inheres. Pursue it.
Squander, don't hoard for some hereafter
Your gifts of grace and love and laughter.
Good luck. Go to it.

Fred Rodell