

Judge Charles E. Clark

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JUDGE Clark's work is all of a piece, and all a piece of the man—a splendid man, who has steadily applied his remarkable resources of courage, energy and the lawyer's art to the high value of social progress through law.

When I entered the Yale Law School as a student, Judge Clark was one of its more strenuous teachers, and presided over its faculty of *prima donnas* as their Dean. Rockets, pinwheels and more dangerous examples of *feu d'artifice* regularly lighted the skies, and correspondingly rejoiced the spirits of the inhabitants. It was the heady age of Institute Bards and Yale Reviewers, when at least one totem was ceremonially broken every day over the luncheon tables at Mory's and Commons; when Jerome Frank and Thurman Arnold were young, and we enjoyed arguments in the lounge every afternoon with Arthur Corbin, Walton Hamilton, Harry Shulman and other tea-time regulars; and when a meteor named Robert M. Hutchins had just flashed by, in physical and intellectual transit between the probing, skeptical questions he asked in New Haven, and the classic answers he found in Chicago.

In this scene of creative anarchy, Dean Clark was a central figure. He was no bland and passive occupant of the Chair. He loved the lively game, and happily joined the fun almost every time a rolled law journal was aggressively poised over a professorial, judicial, or presidential head. Sometimes he helped bind up the wounds; more often he poured salt into them, and rubbed hard.

It was a sunny springtime, a little innocent perhaps, when the prevailing thought was that one more push, one more irresistibly reasonable brief or argument, would surely persuade the ramparts to fall. The atmosphere was friendly, but hardly saccharine. We enjoyed each others' company, faculty and students alike (with some notable exceptions), but sharp differences flourished, often on crucial features of doctrine or personality. What dominated the atmosphere, however, was the conviction that the law we cared about was important to society, and that the pursuit of law—the pursuit of good law, that is—required a fight.

War for war's sake was not the theme of Dean Clark's Yale, nor yet the battle-cries of a jealous tribe. There was some proud tribalism in the air, and quite a lot of animal zest for battle. But the gospel Dean Clark preached, and exemplified, was that the campaign had causes and goals.

The achievement of good law would always be difficult, he taught, because strongly vested interests and ideas are bound to resist the process through

which social needs justly claim recognition, even at the price of change. And he knew, too, that omnipresent folly, sometimes stuffy and annoying, sometimes merely funny, was quite as serious an obstacle to progress as the conservative temperament, and the barrier of interest.

The Professor was father to the Judge. For twenty-five years now, Judge Clark has been a distinguished member of the United States Court of Appeals for the Second Circuit. On and off the bench, in opinions, in lectures, in the Yale teaching he continued for many years, and in his service on numerous committees, he has never stopped fighting to improve society by improving the law. Many fields of law have been reshaped by his rather stately, closely reasoned opinions, in which the occasional pungency is planted with care, and achieves telling effect.

It is generally said that Judge Clark has mellowed with the years. I find his impatience with error as youthful as ever, and quite as pronounced. I imagine that what people mean when they talk of his "new" mellowness is that they have come to realize what we who were his students and young colleagues always knew: that behind the formidable gladiator, always ready for the fight, was a warm and generous man. Some men are reformers because they are warped human beings. As all who have ever experienced the pleasure of being with him in the spirited company of his wife know, this is not the case with Charles Clark. The sources of his power come from deep within him—from his kindness and good will; from his Puritan rectitude; from his belief that man must not cease to strive for the New Jerusalem.