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This issue is dedicated to the memory of E. Blythe Stason

E. BLYTHE STASON

*Memorial Resolution by The University
of Michigan Law Faculty Concerning E. Blythe Stason*

E. BLYTHE STASON, Professor and Dean Emeritus of the Law School, died April 10, 1972, at the ripe age of eighty years. Death came suddenly at a time when Dean Stason appeared to have made a good recovery from a heart attack that occurred in early January.

Dean Stason was born September 6, 1891, in Sioux City, Iowa. He took his undergraduate work at the University of Wisconsin where he received his A.B. in 1913. He then enrolled at the Massachusetts Institute of Technology and received a B.S. degree there in 1916. In the year that followed he was an instructor in Electrical Engineering at the University of Pennsylvania. During World War I he served in the Corps of Engineers of the United States Army where he attained the rank of Captain.

After completing his military service he resumed his education and enrolled in the Law School of The University of Michigan. While serving as Assistant Professor of Electrical Engineering at The University of Michigan from 1919 to 1922, he pursued a full program of legal study, compiled an all-A record, was elected an editor of the *Law Review* and a member of the Order of the Coif, and received the Juris Doctor degree in 1922. From 1922 to 1924 he was engaged in law practice with his father in Sioux City, Iowa.

Recognizing his extraordinary talents, The University of Michigan Law School invited him to join its faculty in 1924, an academic association destined to endure for thirty-six years. In 1939 upon the retirement of Dean Henry M. Bates, Blythe Stason became Dean of The University of Michigan Law School, a post he held until his retirement in 1960. While serving on the faculty of the Law School and as its Dean, he also served as Provost of The University of Michigan for the period from 1938 to 1944.

His retirement from the deanship of the Law School was the prelude to new phases of his career. He served as Administrator of the American Bar Foundation with offices in Chicago from 1960 through 1964, and then as Frank C. Rand Distinguished Professor of

Law at Vanderbilt University Law School from 1964 through 1969. In 1969 he terminated his teaching at Vanderbilt and entered on a period of full retirement from academic duties. He and Mrs. Stason returned to Ann Arbor where he undertook as his principal project the writing of the book *Enrico Fermi: A Fast Breeder Atomic Power Plant*. Death came while he was in the midst of this project.

As a law teacher Blythe Stason was careful, methodical, and patient, scrupulous in the analysis of problems and careful in his weighing of the arguments. He expected an intellectual rigor on the part of his students in dealing with the subject matter and imparted these qualities of mind to the students enrolled in his courses. Because of his great curiosity about the law, his interest in teaching, and his total commitment to the ends and processes of legal education, Dean Stason undertook to teach a variety of subjects, including torts, pleading, corporations, municipal corporations, administrative law, constitutional law, and taxation. Municipal corporations and administrative law eventually engrossed his major teaching and research interests.

To the Dean's position Stason brought extraordinary skill and solid judgment in handling of administrative matters. His work evidenced the happy union of scientific and legal training. This, coupled with a native skill and an extraordinary endowment of physical energy, enabled him to be immensely productive during the time he served as Dean. The Law School was the central object of his attention and he gave it thought, care, and devotion far beyond the line of duty. He took over the deanship only a few years before the outbreak of World War II, and the extraordinary postwar boom in enrollment and growth of the Law School presented a whole series of challenging problems. During his years as Dean the student body increased from 600 to 900, with some postwar enrollment of more than 1,000, and the full-time professorial staff nearly doubled from 18 to 33. Dean Stason gave effective leadership in helping to map out the program to meet these demands. During his period of deanship a substantial addition was made also to the law library building in order to meet its expanding needs.

These bare recitals of facts do not do justice to the leadership which Dean Stason gave to the Law School during these years. He was constantly concerned that the Law School take full advantage of the research opportunities provided by the Cook Funds and spurred on new research programs by the faculty. Dean Stason contributed much to the enlargement of the Law School's perspective. A signal

achievement of the Law School during his administration was the increased emphasis on teaching and research in international, foreign, and comparative law. He gave much thought to the curriculum and encouraged the Curriculum Committee and the Law Faculty to pursue revision in a continuing effort to adjust the curriculum to changing needs in legal education which in turn reflected the changing needs of society. Encouraging the utmost freedom and initiative on the part of faculty in pursuing their research projects, he was always ready to extend a generous word of credit for faculty achievements. While he contributed able leadership in the formulating of new programs, he was thoroughly committed to democratic procedure and afforded full opportunity for faculty voice and vote in the determination of Law School policy matters. He provided a strong, creative, and solid leadership which was implemented by administrative capacity of the highest order. The quality and enduring effects of his years as Dean of the Law School were well stated by Professor Russell A. Smith in the appreciative article he wrote at the time of Dean Stason's retirement:

Without question, his has been the greatest contribution and influence in the one hundred year history of the law school. Under his leadership the law school has reached a position of real distinction among the law schools of the country.†

Dean Stason was seriously concerned that the law and legal education reflect contemporary movements and problems. His work in administrative law, his chief academic interest, reflected one of these concerns and stamped him as one of the nation's leading authorities in this emerging field of law. At the time he did his work here, he was included in a handful of scholars who had devoted themselves to this significant development in American public law. Recognizing that modern problems necessitated the increasing use of administrative agencies, he was concerned to work out statutory procedures and limitations designed to curb abuse of power and regularize a system of judicial review. His teaching and writings in the municipal corporations area reflected concerns, interests, and approaches that again marked an innovative and searching mind. Dean Stason introduced the Law School's first course in taxation. While the two-hour course which he pioneered was subject to the limitations of an earlier day when there were no internal revenue code and no commercial tax services for students, it nevertheless laid

† 39 MICH. ST. B.J., Aug. 1960, at 7.

the groundwork for the more intensive and diverse courses which are now a standard part of the Law School curriculum. Lastly, mention should be made of the course in legislation which he introduced. Dean Stason was aware that, while the teaching of the common law was still central to the curriculum, inadequate attention was being paid to legislation, which he regarded as the primary development of the future. He was concerned with not only the technical limitations on the legislative process as reflected in constitutional limitations but also with the substance of legislation and with the art of draftsmanship, an art in which he developed great skill.

Characteristic of his concern with the frontiers of the law, Dean Stason in the postwar years devoted a major share of his own research interests to the new problems growing out of the atomic energy development. The fusion of scientific and legal skills and training gave him a pre-eminent position in pinpointing and analyzing the distinctively new legal questions arising from the peacetime use of atomic energy.

To recount Dean Stason's achievements as teacher and educator and his contribution as Dean in the history of the Law School is to recall only a part of a career that was rich in its output, its public service, and its devotion to the common good. His own scholarly publications were a major contribution to the literature in the area. His *Cases and Materials on Administrative Tribunals*, first published in 1937, appeared in its third revised edition in 1956. His *Cases and Materials on Municipal Corporations*, first published in 1937, went into its third revised edition in 1959. With Professors Estep and Pierce he published in 1959 the work *Atoms and the Law*. To these must be added a whole host of law review articles and a great number of unpublished papers and addresses.

Dean Stason's public services encompassed a wide area, including the Ann Arbor community. As a member of the Ann Arbor Charter Revision Commission (1953-1954) he played a leading role in the preparation and drafting of the revised Ann Arbor City Charter. A devoted and earnest churchman, Dean Stason served the First Presbyterian Church of Ann Arbor faithfully and well.

He gave generously of his time and talent to the State of Michigan. He was a member of the Michigan Constitution Revision Study Commission of 1941 and the Michigan Tax Study Commission of 1945, and Chairman of the Michigan Study Commission on Tax Administration, 1957-1958. To these services must be added also his

immensely valuable contributions in assisting with the drafting of state legislation, notably the state sales tax and the intangibles tax act, and the drafting of important constitutional provisions related to fiscal matters. At times the trip to Lansing was a regular weekly occurrence, and he devoted many hours to consultation with governors and members of the legislature to work out the policy and the specifics of state fiscal legislation. The Michigan State Bar profited greatly from his services. He was one of the four commissioners at large of the State Bar beginning in 1946, served as Secretary of the State Bar and Editor of the *State Bar Journal* from 1929 to 1935, and was chairman or member of numerous state bar committees.

On the national scene he made outstanding contributions particularly in the field of administrative law. He played an active role in the American Bar Association's Section of Administrative Law, was a member of the Section's Council and served as its Vice-Chairman; he was a member of the United States Attorney General's Commission on Administrative Procedure, 1939-1941; he served as Consultant to the President's Conference on Administrative Procedure, 1953-1954; and he was a member of the Hoover Commission's task force on legal services and practices of the executive branch of the United States government in 1953-1954. He also served as one of the Michigan members of the National Conference of Commissioners on Uniform State Laws beginning in 1933 and in this capacity made very valuable contributions to the drafting of new legislation. His last major task was the drafting of the Uniform Anatomical Gift Act, a statute widely adopted by states in the very recent years.

His concern with the vast potentials of atomic energy, the harnessing of this resource for peacetime uses, and the legal problems arising from this use, opened up new vistas of public service. He served as Chairman of the American Bar Association's Committee on Legal Aspects of Atomic Energy, which submitted recommendations to Congress that were incorporated in the Atomic Energy Act. As managing director of the Fund for Peaceful Atomic Development, he took a leading role in helping to sponsor international conferences concerned with the basic problems of directing constructive use of atomic energy and of fashioning controls directed toward safety and ecological considerations. The book which he coauthored with Professors Estep and Pierce was a pioneer work which exposed and dealt constructively with novel legal questions posed by peacetime uses of atomic energy. He was a member of the board and chairman of the safety committee of the Power Reactor Development

Company, a nonprofit membership organization of selective companies and industrial firms which pioneered in the new power industry of the atomic era and built the Enrico Fermi Fast Breeder Atomic Power Plant near Monroe, Michigan. At the time of his death Dean Stason was engaged in writing the Company's history.

Dean Stason's work as Administrator of the American Bar Foundation—a task which occupied him full time for four years after his retirement from the Law School in 1960 and to which he applied himself with characteristic vigor—also deserves special attention. A distinctive new phase of his long and fruitful career began with the assumption of this position. Always interested in legal research not only as a vehicle for the teaching of law but also as the basis for a continually evolving growth of the law in response to new societal needs, he found promise of great potentialities in the research undertakings of the American Bar Foundation. He brought to this new position the creative and imaginative leadership that was expected of him and which led to his appointment as Administrator. Because of the high level and importance of the objectives of the projects developed under his capable leadership, he was successful in attracting men of outstanding ability and experience to his staff and in stimulating the interest and confidence of foundations that contributed generously to support the Foundation's program. One of Dean Stason's central concerns over the years was the strengthening of the legal institutions that help to sustain peace, justice, and order in the international community. An important and major accomplishment of the American Bar Foundation which he directed and which reflected this concern was the organization of regional conferences throughout the world to discuss and consider the rule of law and its significance for modern democratic societies and the world order. Under Dean Stason's continuing leadership, the American Bar Foundation's research and publications program set a new pattern for highly fruitful legal research conducted on a collective basis.

Mention should also be made of the unique contribution he made to Vanderbilt University and the City of Nashville, Tennessee, during the five years he served as a member of the law faculty—contributions over and above his work as a teacher there and his continued scholarly activities. He began his association with Vanderbilt at age seventy-three. Aware of the current crisis in the affairs of local government and drawing upon his characteristic energy and creative talents, he took the initiative in securing a foundation grant

of a quarter of a million dollars to finance an Urban and Regional Planning Center, enlisted the aid of other departments in organizing the Center, and had the satisfaction before retiring at Vanderbilt of seeing this Center established as a going institution. Dean Stason also took the initiative in organizing the effort and project which led to a Model Cities Act grant to the City of Nashville, a grant which enabled the city to employ expert resources in planning a program for dealing with its urgent municipal problems.

A great vision of the law and its institutions as both a creative and stabilizing social force, a sense of personal dedication to the task of making the law an effective instrument for advancing the common good, a creative mind which yielded imaginative and constructive solutions to emerging problems, and an amazing capacity for marshaling his time and energy in support of large and challenging tasks contributed to make Dean Stason's career an extraordinarily rich and fruitful one. The Law School, the University, the local community, the state, the nation, and the international community have been the beneficiaries of his services as educator, administrator, scholar, public servant, and statesman of the law.

A man of great stature and many achievements, Dean Stason remained a modest and unassuming person who found his greatest satisfaction in the use of his time and talent for worthy causes. The excitement of new ideas, strong attachments to family and friends, and deep feelings for the values he esteemed coursed their way beneath an exterior marked by calmness, reserve, and a quiet personal dignity. An earnestly held religious faith inspired his sense of mission in serving his fellow men and illuminated his views of life and the purposes served by the law. Kind, courteous, tolerant, and tactful in dealing with people, he earned the respect and affection of his colleagues. His extraordinarily productive life was a tribute not only to these qualities of mind and spirit, but also to his almost unlimited energy and an impressive self-discipline characterized by careful work habits and systematic use of time in the achievement of goals he set for himself.

Many honors were bestowed upon Dean Stason. The honorary degree of Doctor of Laws conferred upon him by The University of Michigan, his alma mater and the institution he had served with such distinction, at the 1970 Summer Commencement shortly before he had attained his 79th birthday, was a source of special satisfaction.

We, the Faculty of The University of Michigan Law School, record both our sense of sorrow and loss over the passing of a col-

league whom we respected and honored and also our gratitude for E. Blythe Stason's extraordinary accomplishments, including the great contributions he made to the Law School. We join in extending our earnest sympathy to his widow Adeline, the sons E. Blythe, Jr., and William, and the grandchildren. While they have suffered a grievous loss, they can find solace also in the lasting legacy of a life long in years and rich in its outreach.

November 8, 1972