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## DEAN STASON—MENTOR, COLLEAGUE, AND FRIEND

*Paul G. Kauper\**

IT was my privilege to enjoy a long association with E. Blythe Stason. I knew him as a law teacher, as a research supervisor, as a faculty colleague, then as a Dean during the long period of his tenure from 1939 to 1960. It was an association happily resumed when he returned to Ann Arbor after the nine years of absence when he served first as Administrator of the American Bar Foundation in Chicago and then as Frank C. Rand Distinguished Professor of Law at Vanderbilt University.

I shall not recount in detail Dean Stason's many contributions and achievements. They have been told elsewhere. Within the confines of these few pages I shall attempt to portray the characteristics which distinguished Dean Stason as a scholar, dean, public servant, and human personality and which accounted for the volume and the significance of the accomplishments in the course of an amazingly rich and productive life.

I first came to know Dean Stason in a more intimate way when I served as his research assistant for two years after receiving my law degree. His choice of the subject which he assigned for research was characteristic of his approach to the law. Reflecting his interest in administrative tribunals and utility regulation, he undertook to investigate the problems involved in the regulation of the burgeoning motor carrier industry. At this date in time, the subject appears conventional and well worn. But in the early 1930's motor carriers were in the process of assuming a major role in the transportation industry, and many threshold questions were being raised, particularly in regard to the questions of public control, taxation of motor transport, and the allocation of authority between federal and state governments in dealing with motor carriers. Dean Stason's interest in these problems was an expression of his characteristic interest in the cutting edge of the law. He saw emerging public problems as challenges both to the law and to the profession's responsibility for working out constructive statutory solutions. To him, the wave of the future, in the development of the law, lay in the wide expansion of public law—an expansion marked by extensive statutory develop-

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ment and increasing reliance on the administrative process for implementation of statutory policies.

His concern with the frontiers of the law was particularly manifest in his interest in administrative law, the subject which furnished the chief focus for his academic efforts. In the late 1920's when Blythe Stason came on the scene as a legal scholar, administrative law was still in its infancy so far as the literature and the systematic analysis of the problems were concerned. The courts were stumbling through the problems with relatively little guidance. Lord Hewart in his *New Despotism* was spearheading a formidable attack on administrative agencies and the wide power accorded them while lamenting the corresponding decline in the role of the courts. Although Dean Stason was sympathetic to much of the criticism directed against administrative agencies, he knew they were here to stay. He accordingly addressed himself to the pragmatic task of working out statutory procedures to govern these agencies and to devise standards and opportunities for judicial review designed to prevent the arbitrary and capricious use of power. This concern found expression in his scholarly writings, in his numerous committee assignments, and in the contribution he made to the drafting and adoption of the Federal Administrative Procedure Act and the Model State Administrative Procedure Act.

Almost twenty years later, circumstances gave Dean Stason another unique opportunity to work on the frontiers of the law. The exploitation of peacetime uses of atomic energy presented a whole new set of challenges to legislation and administration. He responded to these challenges with characteristic vigor and insight.

This alertness to the contemporary scene and the channeling of his own efforts to help meet the new problems continued to the end. While teaching at Vanderbilt University Law School at an age when most persons are content to enjoy retirement, he found time to think again about municipal matters and the problems currently besetting the cities. Reflecting these concerns, he successfully applied his efforts to secure a substantial grant and to create the institutional structure for an Urban and Regional Planning Center and to help the City of Nashville acquire a Model Cities Act grant. During this same period which marked the rise of organ transplant surgery, Dean Stason's response was the drafting of the Uniform Anatomical Gift Act.

Dean Stason's interest in legislation extended to the problems and techniques of draftsmanship as well as to the underlying policy considerations. All his writings reflected his thought habits—clear,

concise, and systematic. He carried these same qualities over into legislative drafting. He sought for economy and clarity of expression, a directness of style which drastically departed from redundant and quasi-archaic formalisms. His legislative products are models of precision and readability. Those associated with him in the drafting of the revised Ann Arbor Charter remember with admiration his ease and skill in translating ideas into understandable legal prose. He utilized this skill to good advantage in various areas of public service. During the depression years when Michigan like other states was suffering from financial woes—a problem stemming in substantial part from almost exclusive reliance on the general property tax as a source of both state and local financing—the state explored the possibility of tapping new revenue sources while at the same time placing some limits on the ad valorem property tax. The authorities at Lansing drew heavily both on Dean Stason's knowledge respecting the problem of public finance and his skill in legislative draftsmanship. The obligations of public service came naturally to him, even though in this situation it meant frequent trips to Lansing, long conferences there, and intensive home work in preparing drafts of legislation. The Michigan Sales Tax Act, the Intangibles Tax Act, and the fifteen-mill constitutional limitation on ad valorem taxes were some of the fruits of his labor in the service of the state. These legislative and constitutional enactments continue as examples of clear and concise draftsmanship.

Whatever Dean Stason undertook was fortified by thorough and adequate homework. The careful and systematic compilation of data as a foundation for action characterized his work whether as dean, committeeman, or legislative draftsman. He was true to style when, in the year preceding the assumption of his responsibilities as Director of the American Bar Foundation, he traveled to Europe and made a careful study of the operation of the Max Planck Institutes in Germany in order to collect ideas on the structuring of institutional research efforts. Coupled with careful research and study, and indeed a part of it, was the orderly and systematic way in which he proceeded to work. Dean Stason was a very well-organized person. He adhered faithfully to a plan and a schedule. When engaged in a scholarly project, his invariable plan—after drawing up a complete outline—was to parcel out the subject in a series of notebooks in which he collected and organized the raw data. System, order, and discipline were conspicuous characteristics.

Because of the sense of intellectual venture in the pursuit of the law, he chose during the years of his active teaching at the Law

School to explore large areas of the curriculum in order to give himself a broad foundation for his further studies. This zest for the law carried over to the study of contemporary problems in public law and to the problems of legal education. An examination of the long series of addresses and papers, published and unpublished, reveals the range and depth of Dean Stason's intellectual interests.

As Dean he made an important contribution in helping to cultivate a sense of collegiate responsibility and in establishing a democratic basis for the formulation of Law School policy. The weekly faculty lunch on Friday noon, followed by a faculty meeting which could last a long or a short time depending on the business before the faculty, was a regular institution during his administration. The committee system assumed a new vitality under his leadership, with the delegation of actual responsibility. But Dean Stason did not regard himself as only a moderator or an administrator of the Law School's physical facilities. He felt an obligation and responsibility to give direction to the Law School's program. Many of the proposals for curricular reform that arose during this period originated with Dean Stason, and in fact it was his prodding which often led to faculty consideration of a subject and to changes in the Law School program. It is safe to say that the substantial revision of the entire curriculum that occurred during the twenty years following the end of World War II was derived in large part from the leadership given by Dean Stason for curricular reform.

Although he took the initiative in proposing reform, Dean Stason held an essentially conservative position on the Law School curriculum. He constantly stressed that the Law School should first of all deal adequately with what he and others labeled "the fundamentals" of the law. Even though he saw the future of the law in terms of statutory developments directed to emerging problems of public concern, he nevertheless felt that the basic foundation of legal training lay in the common-law subjects, property, contracts, procedure, torts, and crimes, and in the development of the legal skills peculiar to the common-law processes. He thought these subjects and these skills should be fully developed and systematically explored by students particularly in the course of the first year. It seemed to him that statutory developments and indeed the whole superstructure of the law could not be understood by students, nor could the law develop adequately, without an orderly exposition of these fundamentals. This emphasis on fundamentals did not deter him from realizing the importance of stretching the student's mind and imagination. Early in his deanship, the Law

School inaugurated the requirement that every student take at least one seminar, a requirement designed to stimulate a student's own research and effort in a field of his choice. After the war came another requirement geared to the same end: the election by each student of at least one course from a list of courses that included jurisprudence, civil law, international law, and a series of seminars featuring a comparison of different legal systems. He thought it important that the Law School enlarge its vision with respect to international, foreign, and comparative law, and indeed these aspects of the Law School curriculum took on a new importance during his administration.

Dean Stason's place in the history of The University of Michigan Law School and as scholar and public servant is well established. He was a happy combination of thinker and doer. For him the law was a form of social engineering and statesmanship. His own undertakings were large and significant and to the conception and prosecution of the task at hand he marshalled the resources of a disciplined, imaginative, and creative mind. His achievements were sufficient to have been a satisfactory stewardship of time and talent for more than one life. To his colleagues, including his juniors, Dean Stason's productivity and accomplishments were very often their despair, for while he was Dean he continued his scholarly work and the other activities which marked distinctive service to the local, state, and national communities. His immense productivity was attributable to a combination of extraordinary intellectual endowment with self-discipline and to work habits which would have overtaxed the capacities of most persons. He was capable of working long hours. Needless to say, he enjoyed a strong physical constitution and suffered no severe physical impairment until the time of his first heart attack while teaching at Vanderbilt.

Dean Stason worked with a quiet and deliberate effectiveness. His was not the flashing wit, the quick cliché, or the rapier thrust. His speeches and writings were notable for their solid thought content. He made no pretense of rhetorical elegance. A mild and gentle man, he did not rely on external forces to achieve results. He relied on the powers of persuasion, fortified by research and knowledge to achieve results. In his dealings with the faculty he was fair and considerate, open to argument, and sensitive to the needs of his colleagues. In all his relations he was urbane, courteous, and tactful.

While friendly and courteous in his relations, Dean Stason maintained a discreet reserve and shared the more intimate aspects of

his life with his family and a limited circle of close friends. Although his various activities contributed to put him in the public eye and to establish a wide network of professional contacts, he was singularly successful in establishing a zone of privacy respecting himself, his family, and the loyalties and feelings that provided the well springs of his amazing activities. Contributing to the sense of reserve and quiet dignity was the placid exterior and a rarely breached imperturbability. He did not betray his emotions readily and did not fluster easily in the face of crisis.

While the Dean's exterior was placid and marked by a quiet reserve and an abstention from many of the pleasures that some would identify with the more abundant life, those who knew him intimately realized that he drank deeply of the cup of life and that his calm exterior hid deep feelings. His was pre-eminently the life of the intellect, and the pursuit of intellectual activities provided zest and excitement. No one can follow Dean Stason's career without seeing that he had committed himself with extraordinary devotion to the law, its institutions, and its place in our society. His innate love of the law and its processes was a driving force that led to the successful mobilization of his talents and energies in many different capacities. He once remarked, "I like the law, lawyers, and the jurisprudence with which we live." The wide range of his activities as a lawyer make this all the more apparent. Not only did he find lawyers and law talk and study of the law intriguing and challenging and worthy of his best efforts, but he also found in it a distinctive intellectual stimulation. He did not play golf or tennis or bridge or engage in many of the customary social activities. The cultivation of the life of the intellect was his one absorbing passion. For him the law was vocation and avocation. To follow the movement of the law and to help give it direction afforded him an immense intellectual satisfaction. As Chief Justice Dethmers of the Michigan Supreme Court observed in his article on the occasion of Blythe Stason's retirement as Dean, those acquainted with his scholarly achievements would be "surprised to learn that under the outer cloak of serenity there lurks an effervescence and eagerness of spirit which constantly impels him to think in terms which he most often expresses by the word 'exciting.'"<sup>1</sup> He brought within the range of his interests a wide spectrum of reading not only in the law itself but in both the natural and the social sciences. One need only look at the list of his writings, including the unpublished writings, compiled

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1. Dethmers, *E. Blythe Stason*, 59 MICH. L. REV. 159, 183 (1960).

in this issue of the *Review*, to realize the range of his intellectual interests.

One phase of his life perhaps not known to many is the active role he played in a small and elite private research group composed of University of Michigan faculty members who met once a month at the home of one of the members for dinner and then for a paper prepared by the host. These papers, designated in the bibliography of his writings as the "Katholepistemiad Papers," were always high-class research and writing performances.<sup>2</sup> Fortunately, the unpublished papers which Dean Stason prepared have been preserved as part of his archives and furnish further source materials for study of the man and his contributions to legal thinking.

It was my privilege during the last few months of Dean Stason's life, while he was recuperating from an earlier heart attack, to visit him at his apartment. What impressed me during these visits was the continued breadth of his reading, his sharp interest in public affairs, and his eagerness to get back to the office to resume work on the book he was writing about the Enrico Fermi atomic power plant development.

Most people who knew the Dean would regard him as a conservative person in his views generally, including his political views. In the field of legal education, his emphasis on the fundamentals labeled him as a conservative, but use of this label failed to take into account Dean Stason's forward look with respect to public law statutes and the accommodation of the law to new and contemporary problems. This is equally true with respect to his political views generally. Indeed, qualities that stood out in his late years were an openness to new views, a sympathetic approach to the problems of the young, and a readiness to examine established institutions. His intellectual forces remained undimmed to the end.

One sensed in Dean Stason deep and abiding convictions and loyalty to transcendent values. Dean Stason did not talk much about religion or theology or engage in platitudinous observations about morality. Nor did he give a public display of feelings about matters that touched him deeply. His earnest religious faith found expression, not only in his devotion to his church and service to it, but pre-eminently in a sense of purpose and responsibility in serving his fellow men. One could never escape the feeling that Dean Stason's life was animated by a profound sense of duty with the obligation

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2. "Katholepistemiad" was the name originally used to designate the institution now known as The University of Michigan. See E. BROWN, *LEGAL EDUCATION AT MICHIGAN* 3 (1959).

to discipline himself in order to fulfill that duty. Dean Stason traced his ancestry back to the Revolutionary War days. Patriotism and devotion to country were qualities that found expression not in purple rhetoric but in a firm commitment to the rule of law, the principles of freedom, the ideals to which the country was committed, and the improvement of the legal profession as a means of preserving the country's heritage.

Dean Stason's modesty, mentioned earlier, deserves special emphasis. He achieved great things without fanfare and without attracting special attention to himself. Always ready to recognize the achievements of others and to encourage their efforts, he was extremely reluctant to speak of his own achievements. It was a remarkable thing that when the effort was made at the time of Stason's retirement as Dean of the Law School to compile the data respecting his productive career, little was available in the Law School's files about him. Chief Justice Dethmers began his article about Dean Stason with the interesting observation:

His extreme modesty and unwillingness to advertise himself or permit others to extol him, his utter unselfishness, and his complete subordination of self and personal interests to those of the University and Law School to which he gave four decades of loyal and devoted service, have combined to leave biographical materials about Dean E. Blythe Stason, except for the most routine accounts, almost nonexistent. Writings by him are amazing in number and scope. Writings about him can scarcely be found.<sup>3</sup>

Dean Stason's accomplishments extended to many areas. His contributions were great and enduring. But surely not to be counted least, in assessing the significance of his life and work, was the impact of his personality and character upon those whose lives he touched in an intimate way. The quiet smile, the genuine courtesy, the modesty, the concern for others, the openness of mind and spirit, the excitement of intellectual adventure, and the satisfaction of setting out great goals and achieving them all left their impact on those who knew him best. Tennyson makes Ulysses say that we are part of all whom we have met. All of us who came to know Dean Stason are grateful for an example of character and spirit that enriched and enlarged our own lives.

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3. Dethmers, *supra* note 1, at 159.