

# The Stanford Law Review: In the Beginning

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Just 20 years ago a group of law school students and faculty members at Stanford were engaged in an exciting enterprise—a year of editorial training and other preparation to launch the *Stanford Law Review* in 1948–49. Twenty-five or so of the top students in the class of 1949, then in their second year, were turning out the two-issue *Stanford Intramural Law Review* that preceded Volume 1, as a means of learning the law review craft by doing, in the fashion that had long been traditional among established reviews. A small group of faculty members with prior law review experience elsewhere acted as a board of senior editors for the *Intramural Review*. By precept, example, and the time-honored process of remorseless, word-by-word editing of student manuscripts, they sought to instill in the neophytes of '49, who would edit Volume 1, those standards of excellence in research and analysis and of meticulous care, if not obsession, with detail, citation, and language that are the hallmark of a first-rate law review.

The Stanford students had greeted the announcement of this undertaking and the challenge it presented with great enthusiasm. There was in the air, particularly at the beginning, something of the sense of excitement and mission that marks the first “100 days” of a new political administration. For most of those who participated in it, the experience was surely one of the most exciting and satisfying of their lives.

The circumstances were, as it happened, ideal for such an undertaking. The country had just weathered and won a great, two-front war in which, largely because of the incredible blunder of the Japanese in attacking Pearl Harbor, the nation had been singularly united. The class of 1949, and the law school student body generally, consisted largely of veterans of that war—relatively mature, ready to settle down, and anxious to make up for lost time. For the most part, they were willing to assume that what the law school conceived to be a first-rate legal education was worth acquiring and that the faculty knew both what they should learn and how to teach it.

There was, too, in the country in those days a sense of unity and of optimism about the future that gave purpose and meaning to the process of education at every level. The United States had emerged triumphantly in 1946 from two successive eras of darkness—World War II and the Great Depression that had preceded it. On the domestic side, there was full peace-

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time employment and prosperity, undergirded by the pent-up purchasing power that had accumulated during the war years. On the international front, two unusually malevolent world powers had been destroyed, and the United Nations, a new international organization of which much was hoped and expected, had been born. There was, accordingly, hope and even belief that mankind had at last within its grasp the possibility of both sustained economic prosperity and permanent world peace. And it was an article of faith within the legal profession that well-rounded, highly educated lawyers could help significantly in realizing the great opportunities that were then believed to lie before the nation and the world.

Finally, there was in 1947-48 a pervasive sense that the Stanford Law School was on the threshold of a new era in which it was destined to grow and develop to a position among the very best in the nation. Few if any doubted that one ingredient in, as well as one manifestation of, the school's development would be the establishment of a law review that would present to the profession the best in legal scholarship.

Thus, through the days—and far into the nights—of academic year 1947-48 the small band of students and faculty members labored mightily to lay the foundations for the *Stanford Law Review* that would emerge during the following year. There were, of course, innumerable matters to debate and decide—for example: Should the *Review* publish articles on all subjects or be centered on but one? Should it publish contributed articles or only student work? How many issues should there be each year? What should be charged for subscriptions? Where should the *Review* be printed? What should be its style—format, typeface, cover? Should the *Review* be entirely student operated or should it have formally designated faculty editors or advisors?

Many of these questions were resolved, after deliberation and debate, as they had been by most other law reviews in the country; thus, when the *Stanford Law Review* appeared it bore a strong resemblance to its prototypes at other leading law schools. Yet there was a continuous, conscious effort, both in the intramural volume and in Volume 1, to make the *Review* different for the sake not of variety but of improvement. Particular emphasis was placed on making the *Stanford Law Review* more readable than were many of its competitors, without detracting from its substantive quality. To this end Rudolph Flesch and other proponents of readable writing style were eagerly studied and emulated. Even more important, a persistent effort was made to identify for treatment in the *Review* subjects that were on the legal frontiers of the time. And so there appeared in the *Intramural Review* discussion of such topics as the use of Rh-factor blood tests to determine paternity; there followed in Volume 1 articles and notes, among others, entitled "Congress and the Atom"; "Who Owns the

Clouds?"; "Murderers, Madmen, and Mores"; "Smog—Can Legislation Clear the Air?"; and "Lobotomy: Surgery for the Insane."

This year the *Stanford Law Review* is publishing Volume 20. That is a fact to celebrate, as we do in this commemorative issue, even while some of us may be hard put to understand how the intervening years can have sped so quickly. In its first 19 years, the *Review* has published 247 leading articles, 260 student notes, 514 student comments, 276 book reviews, and more footnotes than anyone—especially the *Review* citecheckers—would like to remember. For this achievement much is owed to the successive classes of Stanford law students who have carried on—and improved—the traditions that were established in those first two formative years.

It is natural enough, in looking back at those beginning days, to wish to single out those whose contributions to the enterprise were especially significant. Of such heroes there were many. One might appropriately honor Warren Christopher, the *Review's* first President, and the other officers of Volume 1. Or he might pay tribute to Professor Charles E. Corker, now on the law school faculty of the University of Washington, whose unremitting labors, stimulating imagination, gadfly propensities, and scholarly articles made an enormous contribution not only to the *Intramural Review* and Volume 1 but to several other early volumes of the *Review* as well. But great as were the contributions of these and other stalwarts, the founding of the *Stanford Law Review* owes a singular debt of gratitude to Carl B. Spaeth.

Carl Spaeth came to Stanford as dean in the fall of 1946 when Warren Christopher and his contemporaries entered as the class of 1949. From a background as a Rhodes Scholar, a Sterling fellow at Yale, a member of the law faculties of Temple, Northwestern, and Yale, and an officer in the U.S. State Department, he came to Stanford with a vision of the law school that Stanford could become and a determination to move the school ahead in the kind of leap that today would be called a "quantum jump." The new dean faced many problems: to add strength to an illustrious faculty despite the fierce competition for outstanding teachers; to obtain a new law school building; to make a significant beginning upon the rehabilitation of a library that had suffered acutely during the depression years before the war; to modernize the school's curriculum in line with the expansion of legal knowledge and the broadening interests of the postwar student body; to raise funds for all these enterprises; to cultivate good relations for the school with the administration, the alumni, the legal profession, and the law school world; and much more. It was, all in all, a formidable undertaking—and one that in 16 years of dedicated effort, from 1946 to 1962, Carl Spaeth carried out surpassingly well. Seldom in the history of American legal education has a law school moved so far so fast in that particularly

difficult period of a school's growth—not from mediocrity to solid respectability, which is relatively easy, but from solid respectability to the very front rank, which is the most difficult part of the ever-steepening path to preeminence.

In his efforts on behalf of the *Stanford Law Review* Dean Spaeth applied his talents for leadership singularly well. Characteristically, he picked able people to do the job and gave them unstinting support. One of Carl Spaeth's greatest qualities is his unfailing receptivity to and enthusiasm for the ideas of younger men—here was not a dean to say “no” but rather one to say “yes,” not only to the idea of having a *Review* but to suggestions for making it significantly different from and better than its competitors. But receptivity to and enthusiasm for ideas are not enough—and so Dean Spaeth undertook to provide space for the *Review* in the very crowded law school quarters of that day, to generate adequate financial support, to negotiate skillfully with the administration and the Stanford Press, to solicit leading articles for the fledgling *Review* from his friends throughout the country, and—perhaps more important than any of these—to support those engaged in the enterprise with wise counsel, steady encouragement, and warm praise for accomplishment. Of course, his support of the *Law Review* was merely one manifestation of Carl Spaeth's effort and concern across the board to provide effective leadership to the Stanford Law School during a period that will, when the history of the school is written, surely be ranked the equal of any.

It is a great pleasure for me to join in this tribute to 20 years of superior performance by the *Stanford Law Review* and particularly to those who joined together to get this enterprise under way in the halcyon days when unity, dedication, and purposive effort in a common educational cause were the hallmarks of American universities and their law schools. Let us hope that these qualities will remain dominant at Stanford and that the university, the law school, and the *Stanford Law Review* will continue to prosper accordingly in the years ahead.