

The history of Yale Law School is contained not just in the bricks and mortar of its building, but in the legacy of its students, graduates, and professors. To unearth the more quotable instances of YLS history, the *Law Report* enlisted the help of Fred R. Shapiro, the Law School's Associate Librarian for Collection and Access Services and Lecturer in Legal Research.

A world-recognized authority on quotations, Shapiro edited *The Yale Book of Quotations* and the award-winning *Oxford Dictionary of American Legal Quotations*. His research on quotations and words has been the subject of numerous articles in *The New York Times* and other media, including a front-page profile in *The Wall Street Journal*.

Shapiro is also a major contributor to the *Oxford English Dictionary* and has published numerous articles on language, law, and information science.

Quotable Yale Law School

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When I compiled the recently published *Yale Book of Quotations*, my intention was to create the most accurate, comprehensive, and up-to-date quotation dictionary. I did not specifically seek to collect quotations relating to Yale Law School, but because I have worked at the Law School for twenty years, am familiar with its heritage and personalities, and am generally interested in law and legal history, it was inevitable that a fair number of quotations by YLS graduates and faculty would end up in my compilation. The fact that Yale Law School people have traditionally had wide-ranging interests, embracing the fullest version of legal culture and also extending beyond law to politics, literature, and many other fields, did not hurt in ensuring

that my roster of the 13,000 or so most famous quotations would include a good collection of sound bites from those who have studied or taught at the school.

For example, one of the most renowned quotations to emerge from Supreme Court jurisprudence is **Potter Stewart's** '41 characterization of pornography: "I know it when I see it" (*Jacobellis v. Ohio* [1964]). This one may have had a collaborative YLS-alum genesis, since **Ray Lamontagne** '64 has alerted me that the line seems to have originated in a conversation between Stewart and his then-clerk **Alan Novak** '63. Other quotations from Supreme Court justices who attended YLS have also entered the language:

The Constitution of the United States is a law for rulers and people, equally in war and in peace, and covers with the shield of its protection all classes of men, at all times, and under all circumstances. No doctrine, involving more pernicious consequences, was ever invented by the wit of man than that any of its provisions can be suspended during any of the great exigencies of government.

David Davis Class of 1835,
Ex parte Milligan (1867)

The conception of political equality from the Declaration of Independence, to Lincoln's Gettysburg address, to the Fifteenth, Seventeenth, and Nineteenth Amendments can mean only one thing – one person, one vote.

William O. Douglas
[taught at Yale Law School, 1928–34],
Gray v. Sanders (1963)

It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.

Abe Fortas '33, *Tinker v. Des Moines Indep. Community School Dist.* (1969)

William Howard Taft was a Supreme Court chief justice (and, incidentally, also a United States president) who taught at Yale Law School from 1913 to 1921. His judicial opinions did not feature deathless pronouncements, but he had a fine sense of humor and his self-deprecating quips about his weight (about 350 pounds) have lived on. For example, when Taft was stuck at a railroad station and was told that the train only stopped there if a number of passengers wished to come aboard, he telegraphed the conductor: “Stop at Hicksville. Large party waiting to catch train.” Anson Phelps Stokes would recall that “when I suggested to him ... that he occupy a Chair of Law at the University, he said that he was afraid that a Chair would not be adequate, but that if we would provide a Sofa of Law, it might be all right.”

Of course, the words of Yale Law School affiliates figure prominently among the memorable statements of legal scholarship. *The Yale Book of Quotations* provides the following illustrations, among others:

There are two things wrong with almost all legal writing. One is its style. The other is its content.

Fred Rodell '31, “Goodbye to Law Reviews” (1936)

The law sees and treats women the way men see and treat women.

Catharine A. MacKinnon '77, “Feminism, Marxism, Method, and the State: Toward Feminist Jurisprudence” (1982)

Even more than as a producer of judges or academics, Yale Law School has become celebrated as a trainer of political leaders. Among presidents, **Gerald R. Ford** '41 left his mark in American quotational history:

If the Government is big enough to give you everything you want, it is big enough to take away everything you have.

Quoted in John F. Parker, *If Elected, I Promise* (1960)

I am a Ford, not a Lincoln.

Remarks on taking the vice presidential oath (1973)

My fellow Americans, our long national nightmare is over. Our Constitution works; our great Republic is a government of laws and not of men. Here the people rule.

Remarks upon taking oath of office (1974)

One of the greatest legal writers is **Charles A. Reich** '52. I consider the following passage by Reich (published in *The Yale Law Journal*) to be as eloquent as any that has ever appeared in a law review:

The good society must have its hiding places—its protected crannies for the soul. Under the pitiless eye of safety the soul will wither. If I choose to get into my car and drive somewhere, it seems to me that where I am coming from, and where I am going, are nobody's business; I know of no law that requires me to have either a purpose or a destination. If I choose to take an evening walk to see if Andromeda has come up on schedule, I think I am entitled to look for the distant light of Almach and Mirach without finding myself staring into the blinding beam of a police flashlight.

“Police Questioning of Law Abiding Citizens” (1966)

I conclude with a trio of miscellaneous quotations, transcending the realms of law or presidential politics, as YLS alumni reflect on broad topics of human experience:

The death of democracy is not likely to be an assassination from ambush. It will be a slow extinction from apathy, indifference, and undernourishment.

Robert M. Hutchins '25, *Great Books of the Western World* (1952)

The other America, the America of poverty, is hidden today in a way that it never was before. Its millions are socially invisible to us.

Michael Harrington [attended Yale Law School, 1947-48], *The Other America: Poverty in the United States* (1962)

No one on his deathbed ever said, “I wish I had spent more time on my business.”

Arnold M. Zack '56, Quoted in Paul Tsongas, *Heading Home* (1984)

Bill Clinton '73 also has a legacy of famous quotations. Among his entries in *The Yale Book of Quotations* may be found phrases such as “The comeback kid,” “I feel your pain,” “The era of big government is over,” “Let us resolve to build [a] bridge to the 21st century,” “Strength and wisdom are not opposing values,” and “The American people [are] tired of the politics of personal destruction.”

President Clinton's spouse, **Hillary Rodham Clinton** '73, who may well be a future president herself, has contributed her own share of memorable remarks found in the YBQ, such as:

We lack meaning in our individual lives and meaning collectively. We lack a sense that our lives are part of some greater effort, that we are connected to one another. We need a new politics of meaning. We need a new ethos of individual responsibility and caring. We need a new definition of civil society...that makes us feel that we are part of something bigger than ourselves.

Speech at University of Texas (1993)