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ON HARRY WELLINGTON AT YALE

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Harry Wellington and I first met in 1956 when he joined the Yale Law School faculty. We were colleagues for thirty-six years during which I was his Dean and he was mine. When Harry and I arrived at Yale, he from Stanford Law School and I from law practice in Washington, D.C., he was 30 and I was 31. Eugene Rostow had just become Dean and we were among fourteen new faculty who came to Yale in 1955 and 1956. The quality of the student body had risen. The nature of law practice was becoming more varied and complex. The first semester small group program was introduced, interdisciplinary teaching and research were expanded, and individualized writing programs became a mainstay of the Yale curriculum. Yale, and American legal education, were at the beginning of a major transforming period.

Harry was a New Haven “townie” who had studied at Harvard Law School before serving as a law clerk first to Judge Magruder and later to Justice Frankfurter. It was a time when there was a good deal of faith that “the law” was moving steadily towards the realization of ideals which had long seemed dormant. Many of us – and particularly those who had attended Yale – felt ourselves to be specially charged to use the law to make things righter than they had ever been before. In the world of stereotypes then governing our lives, we were “judicial activists” arrayed against the “champions of judicial self-restraint” represented by graduates of the Harvard Law School.

In that time, Harry (and another Frankfurter law clerk, Alex Bickel) seemed to exemplify the philosophy of judicial self-restraint associated with Harvard. It seemed to matter so much, at that stage of our lives and of Yale’s history, what each one of us thought and felt and proposed to do. The disagreements seemed deep, the conversations passionate. Perhaps we suffered from an “illusion of centrality.” But what is plain now is that a blending of traditions was taking place. The traces of what was Harvard’s or Yale’s or wherever’s influence were gradually left behind and Harry and others of us developed what we hoped was a new and distinctive voice for the Yale Law School of our generation.

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In the late '60's we (and Yale Law School and American society) found ourselves caught up in events calculated to test us all. The period was a difficult one – dominated by wildly creative forces and wildly destructive ones: student demonstrations against the war in Vietnam; changes in life-style occasioned by the counter-culture; conflicts unleashed by the revolution in civil rights. At the law school, there had been three fires of suspicious origin, student strikes, a drumbeat of demands and protests. To mention these events today is to evoke a memory of strains and pressures which gentle faculty and gentle students were never meant to deal with. It looked at the time as if we were entering a period of interminable conflict and controversy.

I began my service as Dean in 1970 expecting the worst. To my surprise and relief, the prophecies of doom did not come to pass. Harry was one of a core group of faculty who played a critical role in striking the pragmatic balance which enabled us to meet the future with new strength. In all his years at Yale, from 1956 on, Harry was a central figure. He wrote books and articles which marked him early as a leader in labor law. With Clyde Summers, he gave creative direction to a generation of students enrolled in their ever popular Labor Law Division. He was a valued and articulate committee member, a colleague whose views were sought by his contemporaries on scholarly and institutional matters.

By 1975, as my term as Dean drew to a close, Harry's designation as Dean seemed inevitable. And he took on the job with great energy. Harry confronted two major tasks. The first was to carry through on the Sesquicentennial Fund Drive which we had set in motion the year before. To the surprise of many of us, Harry – so much the academic – loved the fundraising and the "people" part of the job. His principal achievement, however, was in the area of faculty recruitment. His administration began with some splendid appointments, but he soon felt the force of retirements, unexpected deaths, judicial appointments, and the two-career family. Harry remained steady at the wheel. At the time he left Yale in 1992, he could look on a faculty more than half of whom came to the law school during his term as Dean. They reflected his firm command of the principle that the law school must always be a house of many mansions – advancing legal scholarship and research, stretching the interdisciplinary boundaries, yet firmly anchored in the profession we train for and serve.

In 1985, after his service as Dean, Harry returned to the academic ranks at Yale in the best possible way. He taught well and served on

important committees. He published a fine and much applauded book, *Interpreting the Constitution*. In the world outside the walls of Yale, he served often as an arbitrator. And he made a major contribution to efforts to deal with the explosion of asbestos litigation. In 1992, he took his remarkable abilities, and his adventurous spirit to a new frontier, New York Law School. From all reports, he has made a distinctive mark on yet another important legal institution. It is time to say, "well done, Harry," and to welcome him back to the life of reading and reflection he has always loved.

