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Thomas Ehrlich

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FOUR CHEERS FOR ROGER CRAMTON

Thomas Ehrlich†

I

Roger Cramton has many remarkable talents. He is, to put the matter flatly, brighter than the rest of us. But brains, as I have come increasingly to realize in various professional incarnations, are useful but do not suffice. Other qualities are also needed in any professional position of significant responsibility—integrity and what I will call political judgment are high on the list. In application, integrity and political judgment sometimes seem to come in conflict, and most people in positions of leadership have to develop a fairly sophisticated balancing act at least on some issues.

It is a tribute to Roger Cramton that he has risen to the top of his profession in academic life, in scholarly work, and in public service by relying exclusively on integrity, as opposed to political judgment. To a degree unmatched by others I know, Roger says precisely what he thinks when he thinks it, and does not trim his sails no matter what the consequences. As a result, he is seen by some as short on tact. In fact, he is enormously kind and generous, but he is also completely without guile.

As Chairman of the Board of the Legal Services Corporation, Roger did not hesitate to tell a fellow Board member that she or he should pay attention, should read the agenda materials, should keep quiet, and so forth. From all I understand, he runs the faculty meetings and other Law School gatherings in the same way. Yet we all take it—and we do so gladly.

When Roger was appointed as Chairman, he was—I have been told—viewed with deep suspicion by many legal services lawyers and representatives of client groups, as well as others in the legal services movement. What would a Republican with many conservative views do in the position? Yet by the end of his term, all groups were unanimous in their view that Roger should have been reappointed.

This turnabout would be remarkable under any circumstances, but it is extraordinary when those of us involved re-

† Director, International Development Cooperation Agency. President, Legal Services Corporation, 1975-79. Dean, Stanford Law School, 1971-75. A.B. 1956, LL.B. 1959, Harvard Law School.

call how often Roger took issue with everybody else at a meeting. He spoke out clearly and forcefully for what he believed, and he earned the respect of all present by being a man of principle. Whatever his political judgment on an issue, he never—to my knowledge—let that judgment temper his willingness to speak to the substantive issues as he saw them.

The following story is a personal tale that I tell not to resurrect a rocky beginning of the Legal Services Corporation—though it was surely that—but to give some concreteness to my accolades for Roger. It will also, no doubt, reveal the extent of my bias on the subject, and some of the basis for my deep affection for him.

II

I came to the job of President of the Legal Services Corporation in the fall of 1975 as an outsider. That very quality was a key factor in the Board's decision to select me—I was not an "old legal service face."

The prior year had been marked by a bitter battle for the survival of federally-funded legal assistance. The Corporation had been established to take legal services out of the realm of partisan politics. The Board concluded that creation of the Corporation offered a prime opportunity to reconsider all aspects of the program as it had operated under the Office of Economic Opportunity.

Whether or not that judgment was sound, it was clear to me that the new Corporation needed an Executive Vice-President who had been deeply engaged in legal services over the past decade—one with whom I could work as a partner in helping to persuade those in legal services that the Corporation was on their side, that it was here to stay, and that it would aid them in their efforts to provide the best possible legal representation for poor people throughout the country. Clint Bamberger was the ideal choice—the first head of OEO Legal Services, an enormously able lawyer and administrator, Dean of Catholic University Law School, and my close personal friend. I leaned hard on Clint to accept my offer, and—fortunately for legal services and for me—he accepted.

The Board scheduled a brief meeting at 2:00 p.m. on November 6, 1975—about a month after my selection—to confirm Clint's appointment and mine. It also sent invitations for a large reception at 5:00 p.m. that day; Justice Byron White would preside at our induction into office.

A short time before the meeting a syndicated article appeared in several hundred papers, written by a conservative columnist, that blasted my appointment and particularly attacked Clint's selection. We were in the radical mold, the article suggested, and we would bring revolution, not reason, to the operation of legal services. To put the matter gently, the article had absolutely no basis in fact or judgment.

After lunch on November 5, the Board asked to talk with me privately for a few minutes. During that talk it quickly became apparent that a number of Board members questioned my selection of Clint and perhaps their selection of me. The matter was complicated by a procedural wrangle over the authority of the Executive Vice-President.

My position was clear—legal services needed Clint and so did I. Working with him was the only basis on which I would become President. This position involved no issue for me—Clint was my close friend and I knew I could not do the job without him. Clint—to my everlasting gratitude—agreed to stand firm with me.

For Roger—whom at that time I barely knew—the problem was much more complicated. He had almost single-handedly led the Corporation—doing everything from congressional testimony to reviewing personnel issues—during the preceding months while the search for a President proceeded. He was helped enormously by some extraordinarily talented people—including members of the Board. But Roger had to be not only full-time dean but full-time legal services leader as well. He did so superbly. Now the whole effort seemed about to collapse and a whole new search would have to begin.

In this situation, the natural temptation of many mortals would have been to ask me to back off my insistence on Clint or to ask Clint to bow out—pointing to the mess that might result otherwise. Some did just that. But not Roger. To the contrary, he affirmed that the decision should be Clint's and mine; that on the merits he thought our decision was sound; and that in all events we should do exactly what we thought was right.

I never asked exactly what happened in the ten hours of non-stop Board discussion after Clint and I made our position clear. The Board meeting that was scheduled to begin at 2:00 p.m. was postponed several times. At the last minute the 5:00 p.m. reception was cancelled, and 500 guests turned away, just as Justice White was getting ready to come. A dinner for the

Board—at the Bamberger home—was scrapped. The Board argued on into the evening.

The late arrival of one Board member finally saved the situation when he proposed a way out of the procedural wrangle. At 11:30 p.m. the Board settled the matter. The next morning, by a divided vote, Clint and I were confirmed in office.

From that moment, all Board members were completely supportive of both Clint and me. In every way they worked with us and helped us. But Roger deserves a special salute. I am deeply grateful for all the aid he gave—to the Corporation and to me personally. And I will never forget that day when he stood with me and for me in a situation of extreme difficulty.

III

Roger Cramton is a leader among an endangered species: those who—without trace of bias or prejudice—will talk with any group but never compromise their principles to gain political advantage. The world of partisan politics might not operate perfectly if everyone followed Roger's standard of integrity, but it does not operate perfectly now.

We are all fortunate that Roger will continue to speak his brilliant mind for many years to come.