

Erwin N. Griswold: A 20th Century Lawyer

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Based on Erwin N. Griswold's Oral History for the D.C. Circuit Historical Society

The storied legal career of Erwin N. Griswold spanned almost seven decades during which he reached the highest levels of academia, public service, and private practice. From his 20 years as Dean of the Harvard Law School to his service as Solicitor General of the United States to his many years of private practice, Dean Griswold helped shape today's modern legal world. It is little wonder that in his personal memoir, *Ould Fields, New Corne*, he describes himself as “a Twentieth Century Lawyer.”

In this oral history for the Historical Society of the D.C. Circuit, conducted in 1992 (just two years before his death at age 90), Dean Griswold sets out the key elements of his upbringing and education. Born in East Cleveland, Ohio, to a Quaker mother and a father whose family had come from England in 1639, Dean Griswold chose to go to college at Oberlin rather than Yale in part “because I was a little frightened of the east and the clubs, and we were a very abstemious family. I didn't want to get into situations where there was heavy drinking, in Prohibition times, which would have been the situation at Yale.”

After college, Dean Griswold decided to attend Harvard Law School, but only after rejecting a career in astrophysics. (“I had the catalogue[s], of both the Harvard Astronomy Department and the Harvard Law School on my desk throughout my senior year.”) He earned his LL.B. (1928) and S.J.D. (1929), and served as a law clerk to Professor Austin W. Scott who was then working on his Restatement of Trusts. After a five-year stint in the Solicitor General's Office, he returned to Harvard Law School – where he stayed for the next 33 years.

Dean Griswold describes those momentous times as a faculty member and then dean of the Law School. He recalls the years when the advent of World War II “demolished” the Law School. (“[T]he buildings were taken over by military activities of one kind or another.”) He believes that his first great achievement was to provide, during the post-war years, a legal education to those men who had lost that opportunity because of their service in the war. (“I always regarded that as my war service.”) Indeed, as a result, he had to postpone the realization of yet another great goal: winning the admission of women to the Law School, starting in 1950.

Then, in September 1967, with one phone call from Attorney General Ramsey Clark, Dean Griswold took just “15 anxious seconds” to agree to leave Harvard to become Solicitor General, a position that he held until 1973. In one highlight of his oral history, Dean Griswold provides a vivid recollection of his interactions with the

Court of Appeals for the D.C. Circuit as it undertook its consideration of the Pentagon Papers case.

In his later years, Dean Griswold remained active at the law firm of Jones Day. He particularly recalls his service on the D.C. committee that made recommendations to the Carter Administration for federal judicial appointments. He speaks of his efforts to help bring greater racial and gender diversity to the federal bench. As he poignantly recalls: “I can remember the Department of Justice when there was not a single black lawyer in the whole department, including all the U.S. Attorneys’ offices all over the country. The only black people in the building were the elevator operators and the cleaning people. . . .”

The interview concludes with Dean Griswold’s commentary on the influence of computer technology on the practice of law. In the apt words of this man who accomplished so much: “I wish I was going to be around for another 30 years because I would like very much to see what the impact of all this is going to be. . . .”