

**Oral History of
DAVID B. ISBELL
SECOND SESSION - JULY 17, 2008**

Sinclair: This is session two in Mr. Isbell's oral history for the Historical Society of the D.C. Circuit.. In the first session, we covered Mr. Isbell's history from pre-birth to the end of his first year at Yale College. We're going to begin today with his second year at Yale College and going as far as we can in the time allotted. So with that said—

In our last interview we covered your first year of school pretty thoroughly and you described your freshman year as a mixed bag, good and bad.

Isbell: Right.

Sinclair: And we'd set the stage for what was to come at Yale. And so, you might begin by talking about the summer following the freshman year, if there was anything about that summer that helped to change your view of Yale.

Isbell: Well, one thing I did that summer was decide not to join the Navy after all, but instead to go back and give college life another try.

In the summer breaks in college as in high school, I always got a job of some sort, because I needed all the money I could get—particularly in college. And as I've said, the jobs that were best paid generally involved physical labor. However, the first part of that particular summer, following freshman year, I departed from that pattern because I'd answered an ad seeking a young man to be tutor and companion to two boys while they and their parents went to a dude ranch in Wyoming. The ranch was a family-run working sheep ranch, so we had very fresh and tender lamb chops from time to time—the first lamb I'd ever had that I really enjoyed eating, since most of the supposed lamb I'd had at home had really been mutton. We stayed at the ranch for two weeks. I had a great time, and so did the boys, but as soon as we all got back

to Greenwich, I was paid but then told that I had not been a satisfactory tutor and companion for my charges—I had focused on enjoying myself, rather than entertaining or teaching the kids—and I was fired. I must say I realized that that criticism was well-founded; I really wasn't yet mature enough to do that sort of job properly. I don't remember just what I did for the remainder of that summer, but it probably involved manual labor of some sort.

In any event, sophomore year seemed very different from freshman year. None of the things that bothered me in freshman year seemed to have any bite in my sophomore year.

Sinclair: Was that evident from the very beginning of your sophomore year, or did it take a while to settle in?

Isbell: I think it was almost immediate. For one thing, I was rooming with three guys with whom I was already acquainted and felt comfortable with, though I had not yet shared living space with them. The four of us got along very well, and I became particularly close friends with the roommate with whom I shared a bedroom, Roland Hoover. Most of the rooms in the residential colleges at Yale were in three-room suites, with two bedrooms and a shared living room. I think they were originally intended for occupancy by two men per suite, but with an extra large student body right after World War II, they became four-man suites, with two beds in each bedroom. I think that pattern has continued ever since.

In addition, I enjoyed all my courses—with one exception in the freshman year—and enjoyed the fact that I could choose my courses from a dazzling array of possibilities. The academic part of the college experience was enormously exciting for me.

Sinclair: Why so?

Isbell: Well, the subjects were interesting, and the teachers stimulating—particularly the lecturers, who, because they were so good, had larger classes.

Sinclair: You mentioned singing in connection with your freshman year; did that continue for the next three years?

Isbell: Yes, indeed. In those days—and I think it’s still the case—there was a lot of singing at Yale. There were not only the glee clubs and the several overgrown double-quartet-type groups, but also a great deal of informal quartet singing. At virtually any party a few of the participants would burst into song. There was a Yale songbook, which included a number of songs that everyone who sang knew, and the songbook was designed for four-part singing, showing not only the melody (ordinarily the second tenor) but also three harmonizing parts, so everyone knew the melody of the songs and a lot of guys also knew at least one of the harmonizing parts as well. Since I was a tenor, I generally learned the first tenor part and would sing it when someone else in an *ad hoc* group was carrying the melody.

In my junior year, not having been invited to join any of the established small groups—all of them overgrown double quartets—I established a double quartet of my own. Unlike most of the other small groups, the one I established had just eight members, and I named it The Augmented Seven. That was a little play on words, since an augmented seventh is a musical chord, and that name, in a *double-entendre*, also described our number.

Sinclair: I’m a musician myself, so I understand.

Isbell: Instrumental or vocal or both?

Sinclair: Well, I sing, though not well, but rather, pride myself on my guitar playing. I also dabble with the piano.

Isbell: Good for you. Well, I took up piano while I was in college. My parents had forced me to take piano lessons for a while when I was a kid, but I was resistant, so they let me drop it before I’d gotten very far with it. All of that singing in college, however, generated a

desire not only to know more about music generally, but also to play some musical instrument, so I took up piano more seriously. And I'd learned enough about music from my piano lessons to be able to arrange songs, which I did for The Augmented Seven. That group wasn't terribly impressive musically in its initial years, but it had no problem finding appreciative audiences. Nonetheless, it lasted for a few years after I'd gone, and I've been told by people who were at Yale later and involved in singing (including one of our present partners, who was in the Whiffenpoofs) that it became quite good.

Sinclair: Now was all of the singing of Yale-related songs or were you doing popular numbers of the day?

Isbell: The informal singing generally involved Yale songs, which is not to say that they were all necessarily about Yale; they were favorites that became popular enough at some point to be included in the Yale Song Book. Maybe there was some singing of popular songs, too, but my memories are mainly otherwise. Each of the smaller organized groups had songs of its own, however, and some of those songs might well have been popular songs.

Sinclair: Now at the time Yale was all-male, correct?

Isbell: It was, and so all the singing groups were also all male.

Sinclair: Were you involved in any other extra-curricular activities at Yale?

Isbell: Yes. One such activity that I got fairly heavily involved in from my sophomore year on was a newly created and relatively short-lived organization called the Miniature Tree Growers Association, or MTGA, which devoted itself to satirizing things that were going on at Yale. You might say it devoted itself to pricking balloons of pretentiousness, of which Yale had a goodly share. The MTGA had meetings once a month, open to the Yale community, and generally quite well publicized and attended, at which there would be several performances of

one kind or another that mocked or otherwise made fun of someone or something at Yale. Not only were those monthly performances fun, but I met a good many bright and interesting young men through it.

The most memorable of those performances for me, you won't be surprised to hear, was one that I put together, making fun of William F. Buckley, Jr., the late famous conservative, who was a year ahead of me at Yale. Buckley was editor-in-chief of the Yale Daily News, the college newspaper, which made him a major figure at the college; and he had written an editorial on the general theme of the book he published five years later, titled *God and Man at Yale*, which first brought him fame. That theme was that there were too many teachers at Yale who were undermining the religious beliefs of young and vulnerable students. And this particular editorial attacked an anthropologist named Kennedy, who taught a very popular course on the subject, and to whom Buckley's editorial referred as "Dear Old Jungle Jim Kennedy."

I was inspired by that editorial to write and perform a parody of it, purporting to attack one of the more sanctimonious faculty members—a parody that got a good, appreciative audience.

Sinclair: Who was the faculty member?

Isbell: He was a professor named Theodore Greene, who I think taught philosophy. I don't believe I took any course with him for credit, but I either audited one of his courses or perhaps sampled a few classes to see whether I wanted to take it. He was a nice enough fellow, and he was also the Master of Silliman, one of the residential colleges, but as a teacher he sprinkled his lectures with phrases that seemed to me both pretentious and religious in tone. So whereas the Buckley editorial had talked about dear old Jungle Jim, my parody spoke about dear old Tiger Theodore. In my parody, I started out by quoting a favorite saying of his, from a poem

by Shelley: “Life, like a many-colored dome of glass, stains the white radiance of eternity.” And then I recited a verse from T.S. Eliot titled *The Hippopotamus*. Let me see if I can retrieve that from my ever-fading memory:

At mating time the hippo’s voice
Betrays inflexions hoarse and odd,
Yet every week we hear rejoice
The church, at being one with God.

There was more to my performance than that; it took ten or fifteen minutes to deliver, but the foregoing catches the general tone of it. It was well received, and I was told that word of my parody got back to Greene, and that he expressed himself as delighted with it.

Another performance of sorts that I did for the MTGA was on some day of college-wide celebration, such as Derby Day, when the MTGA had a party at which their music was provided by a calliope; by a pick-up brass band (including my roommate Roly Hoover) in various costumes who called themselves the German Band and played an oompah-pah sort of music; and by The Augmented Seven, the singing group I had organized, singing what amounted to a parody of the Yale Anthem, *Bright College Years* (commonly referred to as *BCY*). The melody of that stirring song was taken from a German patriotic song called *Die Wacht am Rhein*; as a result, it was said, when Marshal Foch visited Yale after the First World War, and attended a football game at the Yale Bowl, *BCY*, which would ordinarily be sung at some point during the outing, could not be sung on that occasion, lest the good Marshal be offended. *BCY* had two verses, and at the MTGA event I’m recounting, I sang the first verse solo, with the rest of my group providing an oompah-pah sort of chorus, using the words of the first verse of *Die Wacht am Rhein*. We all then sang the normal second verse of *BCY*, with its traditional waving of handkerchiefs along with its concluding words, *For God, for Country and for Yale*.

I should mention that the MTGA's very name involved a bit of self-mockery, since we had nothing to do with trees, let alone with bonsai trees or the special techniques of miniaturizing them. We did, however, have a "Kilmer clause" in our charter, decreeing that no one related by blood, marriage or cohabitation to Joyce Kilmer, the journalist, poet, lecturer, editor and namesake of an army base in New Jersey, who was responsible for the poem titled *Trees*, was eligible for membership. The first (or perhaps only) verse of that poem is:

I think that I shall never see
A poem lovely as a tree.

A tree whose hungry mouth is prest
Against the earth's sweet flowing breast,

A tree that looks at God all day,
And lifts her leafy arms to pray;

A tree that may in summer wear
A nest of robins in her hair;

Upon whose bosom snow has lain;
Who intimately lives with rain.

Poems are made by fools like me,
But only God can make a tree. ¹

Sinclair: Were you involved in any athletic activities?

¹An incidental but amusing note: when I started teaching the Civil Liberties at the University of Virginia School of Law, the school was housed in a building that had a large entrance hall with a very eye-catching mural, evidently one that had been done by an artist who was a particular favorite of the benefactor who had given the building to the University, with the stipulation that that painting would remain where it was.

The eye-catching feature of the painting was that it included a number of attractive human figures, both male and female, engaged in various mundane activities, but many of them completely nude, and shown frontally as well as from other angles. Among these was a figure of a man hugging a tree trunk; and a copy of that particular figure was published in an issue of the law school's newspaper with the caption, obviously borrowed from Kilmer's verse, saying "Only God can make a tree."

Isbell: Well, I did some intramural swimming and some intramural soccer. I also played a good deal of squash, but with friends, not as part of a team. I'd never played it before college, but it was convenient to play because there were squash courts in the basement of most if not all of the residential colleges, including Davenport, where I was housed. Sometimes in the evening, when I needed a break from studying, I'd go down to the squash court and hit the ball around by myself—something you can't really do with tennis. But I was no great athlete.

Sinclair: Singing and intramural sports were your extracurricular activities?

Isbell: I guess that's right, but with emphasis much more on singing—and on the MTGA—than on sports.

Sinclair: Debate society?

Isbell: No; not in college.

Sinclair: Well then let's talk about academics. You said that during your sophomore year you really began to enjoy academics. What in particular, what classes did you like? Were you beginning to think about the future in your sophomore year, or—

Isbell: I'm not sure that I can place them by year. One of the lecturers whom I recall particularly was Norman Holmes Pearson. He taught a course that I took in American Literature and was a marvelous lecturer. He had a twisted body, and looked somewhat hunch-backed. As I learned much later, he had been one of the few Americans at Bletchley Park, where the English broke the code of the Germans' *Enigma* cryptographic system.

Another remarkable lecturer was Cecil Driver, an Englishman who, rumor had it, actually had no advanced degrees. He taught a course in political science, I think, and was an entertaining speaker, with interesting turns of phrase, of which I recall just one, which I have occasionally found useful as a gesture of false modesty, to the effect that he didn't "mean to

stand three feet above contradiction.” The most memorable event in his course was his having as a guest speaker one day Alexander Kerensky, the Russian Socialist revolutionary who was prime minister in the provisional government set up after the February 1917 revolution. Kerensky had served as prime minister from July to November 1917, when he was ousted by the Bolsheviks.

There was one class I took in the sophomore year that I found disappointing—not because of the teacher but the subject matter—namely, economics. I had started college thinking that I might major in economics, because that seemed to be a subject that might be of practical use when I got out into the post-college real world. But after just one introductory course in the subject, in sophomore year, I decided that economics was indeed the gloomy science that Carlyle had called it, and I switched my focus to history instead, despite the fact that it would not be of much practical utility unless I aimed for an academic career, which I was not yet considering seriously. And there were some wonderful teachers in the history department. So that became my major.

Sinclair: Did they require a focus at that time? Such as American history, European history, world history?

Isbell: No, as best I can recall, that sort of concentration in a particular branch of a subject wasn't required for a major in undergraduate school. But the courses I took did tend to concentrate on intellectual history.

Sinclair: Were there requirements that came along with that? Did you have to take a certain number of courses, for instance?

Isbell: There were some requirements. You had to take some minimum number of courses in whatever your major was. There were distributional requirements, as I've mentioned,

and there was an overall requirement of a minimum number of course credits. But I didn't find any of the requirements oppressive. I found something interesting in every subject except economics, and even there, I learned something. And there was no general requirement that you do a senior thesis unless you sought to graduate with honors. Of course I wanted to graduate with honors if I could, so I did undertake a senior thesis.

Sinclair: Yes. Let's talk about that.

Isbell: I chose Evelyn Waugh, the English author and satirist, to be addressed from the point of view of intellectual history. And I did a poor job on that thesis. I did it during my senior year, I think in place of one course in one of the last two terms.

Sinclair: Did you have a faculty advisor for the senior thesis?

Isbell: I did have an assigned advisor—a graduate student, who had a heavy foreign accent that I couldn't identify, and who was encouraging without being a usefully constructive critic.

When I got my completed thesis back, with a grade and comments from the senior professor to whom it had been assigned for grading, I was shocked and seriously shaken. Grading was numerical at that time. A passing grade was 60 and a perfect score was 100. I'd never had a grade below 80 up to then, but on that paper I got a grade of 60. And the reviewer's comments were very caustic. He said he was only giving me a passing grade because someone in authority had allowed me to undertake the topic, which I clearly wasn't yet intellectually equipped to do.

That was a serious but very instructive disappointment, I must say. All my other grades were quite respectable, and some excellent, but that one near failure pulled down my overall average significantly, and would not have been helpful if I'd decided to do graduate work in

history. If I'd managed a really good grade on the senior thesis, I thought I might have graduated with *Philosophic Orations*, Yale's then equivalent to *Summa Cum Laude*. Instead, I wound up with the lesser honor *High Orations*—the equivalent of *Magna Cum Laude* or plain *Cum Laude*.

But as I've said, that disappointment was certainly instructive. As time went on, I came to realize that the reviewer had been quite right. I knew at the time I was writing it that I hadn't started early enough or allocated the time to it that was required—and I've never again made that mistake with any other major project I've undertaken. I sensed as well that I wasn't sufficiently knowledgeable; I didn't have a wide enough acquaintance with either the literature or the history of the period to write a serious scholarly piece. And the paper really was a piece of trash. I went back and read some bits of it ten years or so later, and realized that it was so bad I'd be ashamed to let anyone else see it.

Apropos of the academic aspect of Yale, I should mention that in addition to taking the required number and distribution of courses, I also audited at least two courses during my two final years—one a philosophy course taught by Paul Weiss, a very prominent philosopher who had taught at several other universities in addition to Yale. (I'd also taken a course in philosophy from Paul Blanchard; I think that was the course in which I got my best grades.) The other course I audited was a lecture course on History of Art, taught by a then brand new instructor named Vincent Scully, who was even then, I think, the best—most interesting and mind-opening—lecturer at Yale.

So that takes care of college, unless you have other questions.

Sinclair: What was your home life like during college? Would you go home during the summers? Would you go home during the vacations?

Isbell: I did go home during the summers, with the partial exception of that first summer's excursion to the Wyoming dude ranch, and I went home on holidays as well. We were living in Greenwich, which is just 50 miles or so away from New Haven, so I would frequently come home on weekends—generally hitchhiking both ways. And I'd often bring friends home with me. So my parents really got a significant taste of my college life from me and my college friends.

Sinclair: Did they approve?

Isbell: They certainly approved of my roommates and other friends that they met, and of the Augmented Seven singing group, which my father particularly enjoyed, for he was a very good singer and a better musician than I was, and had been in the glee club when he was in college at Yale.

My roommates and some of my other friends whom I'd invited home on weekends also got to be quite fond of my parents, as did one of my professors, Fred Cahill, with whom I'd had a course in Political Philosophy. I don't remember just how it came about that I introduced him to my parents, though I do remember his telling me that my father was one of the most delightful men he'd ever met, and he kept in close touch with my family while I was away in Europe. So my college experience proved to be a source of pleasure for my parents as well as for me.

As for summer vacations, with the exception of the brief dude ranch fling that first summer, I spent every summer at home, and always got a job nearby, working as a manual laborer on a construction project, which paid better than any other available summer work.

Sinclair: During your senior year or maybe before you must have been thinking about your future.

Isbell: I was.

Sinclair: What were your thoughts?

Isbell: I knew I wanted and needed more formal education. But I also knew that I didn't want to go right on to graduate school or a professional school.

Sinclair: Why?

Isbell: Principally, I wanted a little relief from intense academic life. And, at 20 years old, I still felt a little young to be starting out on a serious career path. So my first thought was to find a way to spend sometime in England, France or somewhere else in Europe. The main opportunities for doing that at that time were various fellowships or scholarships for study in Europe. I was quite willing to go on with academic life if it also meant spending a year or two in Europe.

So I tried for a Rhodes scholarship, but never got beyond the first interview. I also tried for a somewhat similar scholarship for which only Yale students were eligible, providing for two years of graduate studies at Clare College, one of the colleges comprising Cambridge University. I tried for that but did not get it. The guy who did was the top-ranked student in the Yale Class of 1949—pretty stiff competition. That Fellowship had been created and funded by Paul Mellon, who had himself spent two years at Clare College after graduating from Yale. I believe he also had funded a reciprocal fellowship for a Clare College graduate to study at Yale.

That year—1949—was when the Fulbright Fellowships started. And I thought of applying for a Fulbright, but I was, foolishly, a little discouraged by missing out on both the Rhodes and the Clare College Fellowship, and decided it was not worth applying for a Fulbright Fellowship. In hindsight, that seems to have been a mistake, because that first year, I think, practically everybody who applied for a Fulbright Fellowship got one. There had been quite a lot of those fellowships available, and not an awful lot of applicants the very first year.

So I may have made a bad judgment in deciding not to try for a Fulbright, but I can't say I now regret it, because I managed to get to Europe and have an interesting and enjoyable time anyhow. I got the taste of expatriate life I wanted, spent time in the two countries I was most interested in—France, for its glamour and the chance to really polish up my command of that language; and England because I'd admired the way it had stood alone against the Nazi juggernaut, and perhaps a little because my family's roots had been there, albeit from quite a long time ago. Moreover, among the history courses that I'd taken and particularly enjoyed and done particularly well in, was one on English History. As things worked out, I had a chance to sample expatriate life in both of these countries.

Sinclair: When did you make the decision to try out the expatriate life?

Isbell: I can't pinpoint it, but it was sometime during my college years. My taking the intensive course in French to fulfill the foreign language requirement doubtless helped, because although I'd lost all the French vocabulary I'd acquired during those two years my family was in France, I found that the accent came back to me, and that was an incentive for spending some more time in France.

So, I lined up a position as a counselor for the summer of 1949, at a camp for French and American kids on Lake Annécý in the French Alps. I mentioned that camp in the first interview, in connection with my family living in France for two years.

Sinclair: The MacJannet Camp, yes. We talked about the time when your parents had been counselors at the camp and then teachers at MacJannet School.

Isbell: Well, the MacJannets had reopened the camp not long after the war, although they never reopened the school. They still owned the land where the camp was, near Talloires on Lake Annécý, and the various camp structures—the swimming deck, the dormitories, the dining

room, and so forth—were all intact. (They are still there, in fact; Karen Adler, one of Florence’s granddaughters, spent some time in the summer of 2008 living with a French family in Talloires, which is near the camp grounds, and she visited them.)

But the arrangements regarding campers and counselors, that summer when I returned there, were quite unusual, and very different from what they’d been when my parents had been counselors there and my sister Michal and I were campers. Those unusual arrangements reflected the fact that France was still recovering from the war. Half the campers were French and, in effect, on scholarships—that is, they didn’t pay—and the other half were American and they did pay, or rather their parents did. There were also both French counselors and American ones. I believe the French counselors were paid, and I know the American counselors paid for the privilege of being counselors.

Sinclair: Interesting setup.

Isbell: However, I was given a special dispensation as a counselor because of my former status as a camper and my parents’ as counselors at the camp and teachers at the related school. I wasn’t paid, but unlike the other American counselors, I didn’t have to pay the MacJannets for the privilege of being a counselor, and the only expenses I had to pay were the cost of getting to Europe and then to Lake Annécý, and, later, the cost of very modest living in Paris while looking for a job, and those costs were not great. I flew over on a plane—a Douglas DC 4, I think—that was chartered by an organization called Youth Argosy, and tickets for which were dirt cheap, and that flight, with many stops, took its planeload of students from Bradley Field near Hartford and Springfield to Geneva. It was my first flight in a commercial airplane—a voyage that took a total of 30 hours, in part because we had to turn back not long after departure to deal with an

engine that was getting overheated, and in part because we had to stop at several intermediate airports on the way for refueling.

I should mention that I really loved that summer—loved the physical setting, loved the camp life, loved being a counselor (and found I was good at it). In fact, I enjoyed it so much that the next year I spent two weeks of vacation back at the camp as head counselor (because the guy they'd expected to do that had had to cancel at the last moment) getting the camp organized and selecting my successor to take over when I left.

As it happened, among the American campers at the camp that first summer were two sons of Professor Milton Katz of Harvard Law School, who was then one of two American ambassadors stationed at the Marshall Plan headquarters in Paris and charged with supervising the European operations of the Marshall Plan. Averell Harriman was initially the senior of the two ambassadors, but when the Korean War broke out, Harriman was summoned back to Washington, and Katz became the senior Ambassador. When Ambassador Katz came to visit his two camper sons, Mr. MacJannet, who knew I wanted to get a job and stay in Europe, recommended me to Katz. The thing MacJannet said about me that impressed Katz most was that I had made the latrine cleaning squad the most popular work assignment among the boy campers (although the reality is that it's not all that impressive an accomplishment to get a bunch of pre-teenage boys interested in cleaning latrines). MacJannet reported to me that Katz had responded by saying, "Well, that's just the sort of person we need."

Sinclair: Did that recommendation by MacJannet bear any fruit?

Isbell: Apparently so. When the camp closed at the end of the summer, Katz sent a member of the ambassadorial protocol office with a limousine to pick up his two sons and bring them back to Paris, and I was offered the chance to go with them, which of course I gratefully

accepted. I spent the next month and more exploring Paris, living in a dirt-cheap hotel room and, along with my sightseeing, looking for a job. Finally, just as my money was about to run out and I was going to have to either sell my ticket home or use it, I got a call from someone at the Marshall Plan headquarters in Paris saying that there was a position open for a clerk/messenger in the London office, and if I wanted to take it I must get there right away. Of course, I accepted, and flew over to London the next day.

The fact that the job of clerk/messenger was a pretty lowly position for a college graduate didn't give me a moment's hesitation; my summer jobs had left me well prepared for low positions, and I'd have been willing to put up with something even lowlier, just for the chance to see England and London. Moreover, although I was also quite accustomed to living in an economically modest manner, the salary for that clerk/messenger position, as best I remember, was around \$5,000 a year, which was a pretty substantial amount for that time and place. I think the pay scale was higher than it would have been for comparable government positions in the United States because it was abroad, and therefore it was assumed that the cost of living would be higher, although in those early post-war years in Europe that was surely not the case.

An unusual aspect of the Marshall Plan was that all of the employees except chauffeurs had to have a security clearance. And to have a security clearance they had to be American. The powers that be had realized early on that there were a lot of American college graduates—often with graduate degrees—in Europe and enjoying the expatriate life, and generally, like me, needing some sort of employment in order to continue to lead that life. This meant that there was a labor pool of educated Americans *in situ* that, even if hired for a low level job, might be qualified for promotion to a junior executive position when one became vacant. The result, I do

believe, was that the Marshall Plan had the best educated guard and messenger force of any government agency ever.

I should mention that the head of the London office of the Marshall Plan was not at all happy about getting another college graduate as a clerk/messenger. The reason was that my predecessor in that slot, also a college graduate, had taken some classified documents home with him—clearly forbidden and probably a criminal offense. He'd then taken them to the home of some English friends, to discuss their contents with them—no doubt another, separate offense. And finally, he'd left the papers at his friends' house—probably still another offense, and in addition an extremely stupid thing to do, because his English friends, worrying that he might get in trouble, did an almost equally stupid thing, and brought the classified papers back to the Marshall Plan office. As you can imagine, that guy was shipped back to Washington without delay, no doubt to be subjected at least to some serious questioning if not serious punishment as well.

Sinclair: And you were a clerk/messenger.

Isbell: Indeed I was.

Sinclair: What did that entail?

Isbell: Carrying messages from one place to another, doing clerical work. Nothing requiring a college degree. But still it was a job that had a pretty good salary, especially in a Europe that was still recovering from the war. And although it was four years since the end of the war, prices were still controlled in England, a manifestation, it seemed to me, of the typical English willingness to bear a current hardship as a tradeoff against a future benefit. One feature of the price control regime was that no restaurant could charge more than five shillings for a meal. Even the best restaurants could not do so.

Sinclair: Wow.

Isbell: You paid extra for a beverage and probably extra for dessert, but you still could get an excellent meal, at an elegant restaurant, at a very modest price. And so, even though I was in the lowly position of clerk/messenger, I lived a wonderful life in London. Also, theatre, ballet, opera and concert tickets were easy to obtain and very inexpensive for an American living on a salary of \$5,000 a year and without a family to support.

Sinclair: Where were you in London?

Isbell: I lived in a house on Bryanston Square, which is not far from the Marble Arch and within easy walking distance of Hyde Park and its Corner that is famous as a forum for public speakers and hecklers. All the rooms in the house were rented out. There was no central heating, but each of the bedrooms had a little coin-fed electric heater, so you paid for your heat by the hour, at a not too extravagant rate—something like a shilling for an hour of heat. There were a couple living there who managed the house, but they weren't the owners. Most of the tenants were young professionals like doctors or lawyers, or training to become such. Almost all of them were English, though there was one Australian girl; I don't remember there being any Americans there. It was quite a nice old house on one of those typical London squares, with a gated garden in the middle of the square. At least one of the buildings on the square had been destroyed by a bomb during the war, and had not yet been replaced.

Sinclair: Was your work schedule Monday through Friday?

Isbell: Yes, it was just Monday through Friday, nine to five or maybe six.

Sinclair: Were you able to get out of the city at all?

Isbell: Yes, I did get out of the city and to nearby places like Cambridge—where I looked up a friend from college who had been the founding father of the Miniature Tree Growers

Association; Oxford University, and, not far from Oxford, Blenheim Palace, home of the Duke of Marlboro, and Winston Churchill's birthplace. And on at least one weekend I rented a car with a friend who was a fellow tenant in the Bryanston Square house and was apprenticing in the chambers of a very prominent barrister, and toured the Cotswolds, including Shakespeare's Stratford-upon-Avon. All in all, it was a very enjoyable life.

I had some general plans to do some more ambitious traveling in England and possibly Scotland and Ireland, but after eight months or so in London, I got promoted and transferred to Paris, to the Marshall Plan headquarters in Europe. My new job was in the protocol office, and my position there was as an aide to the ambassadors. Principally, that meant handling VIP visitors to the Paris office. We'd go out to the airport, meet their planes, whisk them through Customs, and get them safely to the hotel where we'd made reservations for them.

There was a certain glamour to that job, I suppose, since we were dealing directly with the ambassadors, their wives, and a stream of distinguished visitors. On the other hand, although I knew why these distinguished visitors were coming—because I read all the cable traffic, including classified traffic—it was not part of my role to discuss business with them, and I don't recall any of them doing so with me. So although the job had some interest just because of the people we met and provided services to, and paid enough so that I could live in a fairly spacious apartment in an elegant neighborhood near the Parc Monceau, I didn't really find it substantively satisfying except in one respect—it involved speaking a lot of French, not only in connection with the job but also because I'd developed friendships with a group of French contemporaries. By the time I came back to the States, I'd become truly fluent—to the point that a quite sophisticated Frenchman with whom I happened to converse in a restaurant was surprised to learn that I was American; he'd actually thought I was French.

Sinclair: The ultimate compliment.

Isbell: Very high praise, especially from a Frenchman—and especially in those days. Nonetheless, I was eventually ready to give up that glamorous but substantively unfulfilling expatriate life.

Sinclair: Why?

Isbell: Well, I concluded that I really was not going to be able to stay in Europe and get involved in civic matters, which I felt that I had a need to do. I felt that I needed to live in a country where I could be involved in civic matters and make some contribution to the society I was living in. And it was not just the fact that I was not a native of the country where I was living that made that difficult; neither France nor England has the same sort of strong tradition that we have, of civic involvement by ordinary citizens, and of a large number of nongovernmental organizations doing civic good works of various kinds. So by the end of 1950 I felt it would not be long before the time came to give up my lotus-eating sort of life, and return home to pursue a serious career.

The specific trigger for my departure, however, was the Korean War, which had started in the summer of 1950 and was still raging. It occurred to me that my Draft Board would be looking for me at some point. Although I assumed that they could find me easily enough through my parents' address, it also occurred to me one day that my draft card said that its holder had a duty to keep the Draft Board notified of his current address. I had never notified the Draft Board that I was abroad, or where or what I was doing. So I sent the Draft Board a letter telling them where I was and what I was doing, and by return mail I got a notice to report for a pre-induction physical—a somewhat prompter response than I had expected. I was able to defer

reporting so as to wind up things in Paris in an orderly way, but it was nonetheless a somewhat more abrupt end to my career as an expatriate than I had been contemplating.

Sinclair: How did you feel about being called home to serve in the military?

Isbell: I didn't mind being summoned back to the States since, as I've said, I felt the time was coming for me to do so; and I didn't mind the prospect of military service, since I'd been a teenager during the Second World War, and it had come to seem a natural part of a young man's expectations to do some military service—especially when the country was engaged in a serious war. It also helped that this was a war that I considered amply justified; indeed, for a good many years it seemed to me to have been the last of the *good* wars the United States had been involved in (since joined in that category by the First Gulf War, and maybe to be joined in due course by our current efforts in Afghanistan).

Sinclair: You mentioned that by the end of 1950 you had begun to feel that it was time to return home. Had you by this point begun to entertain the possibility of law school?

Isbell: I knew that I wanted to get an advanced degree of some sort, pointing to a career path, and the three possibilities that I had in mind were law school, business school and graduate school. I think I was inclined toward law school—if nothing else, because my grade on the Law School Aptitude Test was better than the one on the Graduate Record Exam, I think there was also a comparable test for business schools, but I hadn't taken it. At some point during my military service, however, I decided definitely on law school, and as will be recounted, I managed to get an early discharge from the Army in order to start law school a year sooner than would otherwise have been the case.

Sinclair: So you returned from Paris to the States early in 1951, and you ultimately headed for officer candidate school (OCS)?

Isbell: Yes. When I got back to the States, I looked around for opportunities to do something more interesting and challenging in fulfilling my military obligation than being just one more private in the infantry. I settled on a program that involved your enlisting in the Army, going through regular basic training, then a leadership school (a school to train noncoms), and finally to OCS. If you survived that, you were commissioned a second lieutenant, and committed to serve as an officer on active duty for another two years; on the other hand, if you didn't make it through OCS, or changed your mind about going through all the harassment and other nonsense that that long process involved, then you were discharged but put back into the draft pool.

OCS enlistees had to choose one of the three combat branches of the Army—Infantry, Armor (tanks), or Artillery. I chose Artillery, partly because it's somewhat less hazardous than the infantry (though not very much less, for a junior officer serving as a forward observer at, or flying over, the front lines). In addition, I'm too claustrophobic to like the idea of spending time cooped up in a tank, and artillery had some intellectual content to it, since it involves a fair amount of trigonometry for surveying and determining distances and angles for aiming the artillery pieces.

So I chose field artillery OCS, which was at Fort Sill, Oklahoma, but I didn't get there until I'd finished the better part of a year of infantry basic training, leadership school, and a few weeks of doing nothing in a holding unit for those who were headed for OCS, all at Fort Dix, New Jersey. Once I got to OCS, I found it considerably more interesting than the two preceding schools, though it had plenty of wearying moments, particularly in the battery to which I was assigned, because the captain, the lieutenant and the two sergeants (collectively referred to as our "TAC Officers") in charge of our unit were intent on making our experience as unpleasant as

possible, so as to get the faint-hearted, or those who simply wouldn't put up with all the nonsense that we were subjected to, to quit. Among other things, at least once and maybe several times, in the course of the twenty-two weeks of OCS training, we were ordered to write brief, confidential evaluations of each of our fellow candidates. These resulted in the immediate discharge of a few of our loudmouths, complainers, and clowns. On another occasion, when we returned from our classes, we found on each bunk a resignation form ready to be filled out. We were also subjected to a lot of pure physical harassment, like being required to do pushups or squat jumps at the whim of one of our TAC Officers, or of any upperclassmen who caught us anywhere when we were not in formation; or being woken up in the middle of the night and required to empty our barracks of everything but the bunks and then put everything back. Measures like these succeeded in winnowing the class that started with 109 candidates down to 52 who received their commissions and little gold shoulder bars on May 14, 1952.

I've learned since that the attrition rate in our unit led to a Congressional investigation, which in turn led to some moderation of the harassment aspect of OCS training, at least at Fort Sill. Of course, that news added a little further boost to the pride of those who made it through. My pride had gotten a separate boost also from having been one of five "honor graduates," and the one with the highest grade average and second highest ranking overall.

Sinclair: What was the course of your military service after you'd graduated from OCS?

Isbell: My first assignment after OCS was, on my request, back to Fort Dix in New Jersey, where I was involved in infantry basic training, but this time as an instructor and leader rather than as one of the "grunts." I had chosen that assignment mainly to be close to home and family during the six months or so that we could expect to be stateside before heading for Korea, but I also found the work relatively pleasurable. I enjoyed teaching substantive classes in basic

training, like how to aim a mortar so as to hit a target that is out of view (which is what the artillery do regularly), as well as leading a group of trainees on a forced march—four miles in 52 minutes—and then having them march the last 50 or 100 yards back to the starting point in perfect order and lockstep. (On one of the latter occasions, one of the senior officers observing the proceedings said to junior officers who were awaiting their units' turn on the forced march, "Are you going to let yourselves be shown up by a wagon soldier?"—a derogatory term used by infantrymen in reference to artillerymen.)

After I'd been at Fort Dix for a month or two, someone up the line of command in the Pentagon decided that it was not appropriate for an honor graduate of field artillery OCS to be assigned to an infantry unit, so I received an order to report instead to an artillery unit at Fort Bragg, North Carolina. It was an atomic artillery battalion, formed to handle a brand new weapon, a 280 mm barreled gun that was designed to fire atomic shells as well as regular artillery shells. There were two such battalions and they were both getting staffed up. Before I'd been at Fort Bragg very long, I, and I think all my OCS classmates save one who had been killed in an automobile accident, received an order to report to a post on the West Coast, from which we would be shipped off to Korea. A couple of weeks later, however, my order was rescinded, without explanation. I have always assumed, but still do not know, that the reason for the change in my order was simply that the atomic artillery unit I was in was understaffed and still being built up, so it had been decided that I was more valuable there than I would have been as one more second lieutenant of artillery in Korea.

Because our atomic artillery battalion was so short-staffed, after a while I had the good fortune of being put in command of the headquarters battery of the battalion, a job that would ordinarily call for a captain, with the assistance of at least a couple of lieutenants. I did have the

assistance of a warrant officer, but I was the only commissioned officer in that battery—a second lieutenant but exercising the authority of a captain. I had been told by my uncle Fred Crabb, who was a career Army officer, that the best job in the Army is that of a battery or company commander, because that's the highest rung on the promotion ladder where you're still dealing directly with the men under your command. And it was a wonderful job, which I thoroughly enjoyed. I was the unit's leader, teacher, father confessor, disciplinarian and drill master to a unit of around a hundred men. I found it very challenging and very satisfying. I explained my feelings about that job in a letter to my old friend and college roommate Roly Hoover in a letter dated September 2, 1953, when I was still awaiting word on whether I would get an early discharge in time to start law school two weeks later:

In the meantime I am mightily, and happily, busy. Today's preoccupations, for instance, include: consideration of what I can do to get one of my men out of the hands of the local constabulary, who are holding him for a \$575-odd fine, or nine months on the county roads in forfeit thereof; cheering my softball team (my battery's softball team, I should have said) on to victory in a game this afternoon and another one this evening; trying to scrounge up \$60 worth of property which I must account for before I can turn my battery over to my successor; getting one of my men fixed up with a loan from the Red Cross so that he can be home in Texas for the birth of his so-far illegitimate child; punishing a man for being AWOL for guard duty; and assorted other things.

Sinclair: Did you have any particularly memorable experiences during your time in the Army?

Isbell: The most memorable event in this period of my service was watching, from quite close, the first and only explosion of an atomic shell fired from one of these new 280 mm guns. We were shipped—I guess the whole battalion, and perhaps some other troops as well—by troop train to Las Vegas, which was near one of the atomic testing grounds. That train trip was pleasant and leisurely, and we saw a lot of the American countryside on the way.

At the demonstration itself, we could see the gun some 16 miles away, atop a slight promontory rising from the otherwise very flat desert. We were in trenches that, if I recall correctly, were fifteen hundred yards from the spot that was going to be ground zero. We could see the gun go off, and knew just how many seconds it would take to get to the spot one thousand feet above ground zero where it would be detonated. We were told that by the time it exploded we should be well down in the trench so as to have at least three feet of dirt between us and the explosion, those three feet of dirt being sufficient, so we were told, to protect us from the two most lethal effects of an atomic explosion—radiation and heat—both of which dissipate in the first three seconds after the explosion. If anyone was outside the trench when the explosion occurred, we were told, he would receive both a fatal dose of radiation and severe burns. We were also told to stay in the trench for a stated number of seconds before climbing out, so as to let the shock wave from the explosion (traveling at the speed of sound) pass over us. Several of the participants forgot or simply ignored that warning, got out of the trench and, sure enough, were blown back in by the shock wave, though without any serious harm. (However, I think we had been told that if an atomic bomb were exploded in a city, the shock wave would have been the most destructive of the bomb's effects because for a mile or more from ground zero, the shock wave involved an air pressure per square inch that no building could withstand, though the human body could.)

When the bomb went off, even though we were looking down in our trench there was a brilliant flash of light, almost blinding even as it briefly illuminated the trench around us. And it would indeed have been blinding to anyone who had been looking at the bomb when it went off. When, after those key three seconds, we looked up to see the fireball, it was brilliant white-hot and was about a thousand feet above the ground, which is where the shell had exploded, but it

started rising very rapidly (we were told, if I remember correctly, that it would be at a rate of 30 miles an hour) simply because it was extremely hot, and as it rose it drew up a column of dust stirred up by wind drawn into the space where the fireball had been, which made the stem of the mushroom cloud.

As the fireball rose it gradually turned from an intense white to pink and then bright red. When it got to the stratosphere it presented another sight that was truly astounding; it started to form an icecap on top of the fireball because moisture that had been vaporized and carried up with it was being condensed and then frozen by the cold of the stratosphere. But you could still see that the center of the fireball was red hot.

After we'd been given an opportunity to watch the fireball rise and go through its metamorphosis, we were walked through an area close to but not squarely on ground zero. A few years later, there were newspaper reports of veterans suffering from various effects of too much exposure to radiation from some of the military exercises with atomic weapons at the Nevada proving grounds, and I subsequently learned that the soldiers who had handled the atomic shell that was fired in the exercise that I participated in had suffered from overexposure to radiation. I never saw any report of radiation problems among the troops that had observed that explosion, however, and I have never experienced any.

Sinclair: When did your active military service end?

Isbell: I got an early discharge, in September 1953. By that time, the Korean War had started cooling down, and the Army began reducing its numbers. Among other things, in the summer of that year contract officers in my position were offered early discharge, before their two-year commitment was up. I was enjoying my job as a battery commander, and would probably have continued in that position if I'd served out my full commitment, which would

have expired in November 1953, but that would have meant waiting until the fall of 1954 to start law school, and I hadn't thought of any way of making fruitful use of the interim. On the other hand, if my application for early discharge was granted in time for me to start law school in September, I'd be able to start and finish law school a year earlier. So when the opportunity for an early discharge arose, in August 1953, I decided to apply for one, hoping that the Army would act promptly enough on it to let me start law school on September 14. Happily, my application for an early discharge was granted just in time for me to join the class of 1956 on the first day of classes.

Sinclair: When did you decide on law school rather than business school or graduate school?

Isbell: I don't remember exactly when, but it was at some point during my time in the Army.

Sinclair: Now let's turn to your choice of law school. You've said that you only applied to one college and that was Yale.

Isbell: That's right.

Sinclair: Was the matter of choosing a law school the same situation?

Isbell: Not quite, though I did only consider two law schools, which were Harvard and Yale. I'd gotten a very good grade on the LSAT and I figured I could probably get into either one, even on short notice. I had visited Yale Law School sometime in the spring of that year, liked what I saw and so applied and got accepted, although as I must have told the Yale authorities at the time that I wasn't expecting to actually enroll until the fall of 1954, and I don't know why I bothered to apply so far in advance of the time when I would likely be able to start. (The reason for my visit to the law school may well have been that I was in New Haven to visit

some friends who were still studying or teaching at Yale.) In any event, when it looked as if I might be able to start law school a year sooner than I'd previously expected, I decided I ought to consider Harvard, too, because I understood it was generally considered the preeminent law school at that time, and because most of my college classmates who were going on to law school had chosen Harvard. In addition, I thought there was something to be said for doing my advanced studies in a different institution than the one where I'd been for college. Moreover, Cambridge and Boston looked more interesting than New Haven, which I was thoroughly acquainted with—and certainly offered more opportunities to meet interesting young women than New Haven did.

So I arranged, on very short notice, to go up to Cambridge and visit a college friend who was at Harvard Law School, who showed me around and arranged for me to talk to a couple of professors there. I don't remember who they were, but they both struck me as quite stiff, unfriendly, and a bit patronizing. I don't remember which faculty members I had talked to at Yale Law School, but I had found them more relaxed and welcoming.

Sinclair: Had you already applied and been accepted at Harvard when you visited there?

Isbell: No, I hadn't, but as I've said, I felt reasonably sure that I'd have no difficulty getting admitted at the last moment.

Sinclair: So what was your decision as between the two schools, and the reasons for it?

Isbell: Despite the several good reasons for choosing Harvard that I've ticked off, I wound up choosing Yale, and so never did formally apply to Harvard. Yale seemed to be a more relaxed, laid-back place. And there were some incidental advantages to it, as well. For one, I could get a position as a freshman (undergraduate) counselor, which would pay the whole cost of my room for my first year at the law school. (And although I couldn't have anticipated it when I

enrolled, the next year, I was invited by Dan Merriman, the Master of Davenport College, where I'd lived during the college years, to be a fellow of the college, which also provided me with a free room and some free meals in the college dining room as well.)²

Another advantage of Yale was that I had contacts there with some faculty members from my undergraduate days, and with some former undergraduate friends who were now in the graduate school. So it was a bit like coming home, even though the law school is very separate from the college. It had a character of its own. And a side benefit—though I'm not sure I was aware of this at the time I made the choice of schools—was that Yale Law School had a singing group with the best name ever for such a group: the Oversextette. It was a double-quartet type group; there were generally 12 or more members. And, of course, in those days it was all male.

Sinclair: Very clever name.

Isbell: Well, I can't claim any credit for naming it. But it was irresistible to me, since I'd enjoyed that kind of singing in college but hadn't done any for four years. So I joined the Oversextette at the start of my first year. The guy who led the group that year, whose name I can't recall—a very talented musician and pianist, and one of the few people I've known who had perfect pitch—graduated at the end of the school year and named me as his successor. So I led it for the next two years, in the course of which I arranged a number of pieces for the group. The Oversextette had a captive audience of sorts: the law school had dances every few months, and the intermission entertainment would be provided by the Oversextette.

Another bit of musical entertainment I got involved in that first year was a Gilbert & Sullivan operetta, *Ruddigore*. The entrepreneur who brought that about was a third-year student

²As to other expenses, the GI Bill paid most if not all of my tuition, and of course that would have been the same had I chosen Harvard.

named Allard Lowenstein, who I believe had produced two other Gilbert & Sullivan pieces the two previous years. He was subsequently a Congressman and a major player in the successful effort to discourage Lyndon Johnson from running for a second full term as President; one of a number of interesting characters I met in law school.

Sinclair: So ultimately you were content with your choice of Yale Law School?

Isbell: Yes, very. In addition to the miscellaneous extracurricular advantages that we've been discussing, Yale offered an academic experience I truly enjoyed. An interesting, and rewarding, aspect of the law school was the relationships between the students and the faculty, with a lot of informal socializing between them.

Sinclair: More so than when you were in college?

Isbell: Yes. And it had a much smaller student body and smaller classes.

I might add that the atmosphere in the classroom was quite different from that in the halls or elsewhere in the law school. The teachers were tough and demanding, and the students, after they'd gotten accustomed to the place, felt free to give the teachers a hard time in return. It sometimes seemed to me like an atmosphere of open warfare in the classroom.

As a general matter, the law school truly did have a character of its own. It was and is highly competitive but it didn't generate a feeling that as between you and another student, only one of you is going to make it. It's competitive just because everybody else is very good and you want to be good, too.

Sinclair: Earlier you said when you graduated from Yale College you didn't feel ready to go on to graduate work. Did you feel prepared for Yale Law when you went in? Did your years in the Army and your time in Europe prepare you? Did you feel more comfortable?

Isbell: Oh yes. I'd been out of college for four years, during which I'd had a number of interesting and challenging experiences, and I had matured a good deal. I'd also had the time off from academia and was ready to tackle it again. When I arrived at Yale, I was prepared to start working hard.

Sinclair: Were there any women in your class?

Isbell: There were, but only three in the graduating class of around 120.

Sinclair: What was the most memorable event in your first year at the law school?

Isbell: The most memorable event occurred early in the first term, in the Contracts class. The great Yale Contracts scholar, Arthur Corbin, was still alive, and kept an office at the law school, though he was no longer teaching regularly.³ However, there was a custom of having him as a guest lecturer for one Contracts class, which would be attended by all the members of the first-year class (although the subject was being taught in smaller sections for the rest of the term). We were told in advance that when he called upon a student he liked to have the student stand up when responding. And I, foolishly (and inexcusably), did not bother to read the materials for that class. I figured that since there were 120 of us, the chances were very poor that Corbin would call on me. But in fact I was the very first student he called on. And he asked me a single, simple question: what does it mean that a contract is liquidated? As I hadn't prepared for the class, and only knew what liquidated meant when applied to an inventory of goods or the commission of genocide, I had no idea what it meant in the context of contracts, though I'd seen it used in a fashion that excluded the possibility of its meaning canceled, or wiped out. So I had to say, "Unprepared," and sit down, blushing, I'm sure, becoming a shade of rue. Happily, I eventually lived that down.

³ The professor who taught my contracts class, Grant Gilmore, had told us that when Corbin's treatise on the Law of Contracts first appeared, the Williston treatise on the subject was no longer worth the paper it was printed on.

Sinclair: How did Professor Corbin respond? Did he just move on to the next student?

Isbell: I don't remember. I think he probably just asked somebody else. Obviously he was disappointed by my performance, but he didn't make me stand in the corner. I had embarrassed myself enough that nothing more was needed.

But aside from that embarrassment, I found law school abundant in intellectual riches and I greatly enjoyed it. When I started at the law school I had no particular desire or previously formed interest in joining the Law Journal. But before long I got caught up in the spirit of competition, and I did join it as soon as I was eligible.

Sinclair: How did the Law Journal choose its members?

Isbell: That changes from time to time—indeed, the Journal officers in my senior year (of which I was one) adopted a different method than the one that had applied to us. When we had joined the Journal staff, the invitations depended solely on grades. My grades were good enough to get me invited—not after the first term (though my grades were just on the margin for that) but after the first full year. When my class's board of officers took over, however, we changed the method of selection to a competitive one, requiring that would-be members of the Journal submit a draft student Note on a designated case; I don't think grades came into the picture at all.

At the end of my class's second year, the Journal's officers for the next year were chosen by the officers that they would be replacing. There were just six Journal officers in those days—the Editor-in-Chief, three Note and Comment Editors, an Article and Book Review Editor, and a Managing Editor. I was chosen as the Article and Book Review Editor. Only one editor was responsible for both articles and book reviews, and that was pretty much the standard arrangement with student-run law reviews. I made the decisions as to acceptance or rejection of

all the articles as well as doing the editing of all but one of the articles that we published during our time as officers, and most of the book reviews as well. I passed responsibility for a single article to my friend and colleague Norbert Schlei, who was the Editor-in-Chief, and several of the book reviews to non-editor members of the Journal staff.

However, the situation of articles editors in those days was very different from the one they face today. Our challenge lay in coping with a drought of possible articles; their challenge today is dealing with a flood of potential articles. I'd like to think that I did the work of six, or eight, or ten, but in my day there weren't the hundreds—let alone thousands—of scholarly articles being produced and offered to student law reviews that someone must read in order to winnow out the few that the review is willing to publish. Nor did I face the problem, common today for my counterparts on modern-day student-run law reviews, of fending off the other law reviews to which the same piece would also have been submitted and that had expressed an interest in publishing it. Quite to the contrary, I had to *dig* for reasonably decent articles to publish—and I'm sure that was so of all the law reviews, with the possible exception of Harvard's.

And, frankly, most of the articles that we wound up publishing—generally after much editing—were not all that good as submitted, so they had to be substantially changed to put them in decent, publishable shape. I worked hard—I mean really hard—on my editing, and generally got a result that was reasonably decent. I think that that experience pretty well made up for the terrible experience I'd had with my senior thesis in college.

I also got compliments from quite a few of the authors that I had edited—compliments that the author typically addressed directly to the Dean, with a copy to me. But I also got complaints from a few, including one fairly prominent scholar who told me that the fruit of my

editing of his article was a good and interesting article, but it simply was no longer *his* article; on that one, I had to undo most of my suggested changes, and then publish it in close to its original form.

Sinclair: I'd have been surprised if you hadn't got a few complaints.

Isbell: Yes. And I did get some. There was a tradition of heavy editing, as my predecessor had taken pains to show me. But I also had an experience very early on that made it clear that there are limits to such editorial license. One of the very first pieces I handled was a book review that had been solicited by my predecessor from Louis Loss of Harvard, who was at that time the preeminent scholar on the securities laws. And he wrote beautifully. He had submitted a book review and I had tinkered with it. I believed then and I still believe that every piece of expository writing, no matter how good, can be made still better. Even the perfectly written piece, in other words, can be made yet more perfect. So I perfected Loss's perfect book review and sent him the edited version *in galley proofs!*

Sinclair: In galley proofs?!

Isbell: Yes, galley proofs.

I got a furious letter back from Loss, followed by a furious letter from Dean Griswold of Harvard. In response to Loss's complaint, I apologized, put his original version into galley proofs and sent it to him. He had nothing further to say about it. I was just happy that he didn't withdraw it and send it elsewhere, and it was printed in the next issue of the Journal in exactly the form in which we had received it. But that was the only time I sent my edited version of an article or book review to an author in galley proof. After that, I was always careful to send the author a typed copy of the result of my editing. I did not, however, do what I understand editors do today, which is to have a dialogue with the author and make suggestions, rather than redoing

the piece and showing the author the result. I would just edit the piece and send the result to the author, and I generally got away with that. The only face-to-face editing I did was with an article by one of my classmates. That classmate, Layman Allen, who has been on the faculty at the University of Michigan Law School since we graduated, tells me, whenever we meet at a class reunion, that everything he knows about legal writing, he learned from me. A nice and always welcome compliment, but clearly not something to be taken seriously.

There was something of a happy ending to my very poor start in my relationships with both Louis Loss and Erwin Griswold. I later had an opportunity to work quite extensively and on a very friendly basis with Loss in connection with his preparation of a draft of a comprehensive revision of all the American securities laws for the American Law Institute. He didn't seem to remember the incident of my sending him my edited version of his book review in galley proof, and of course I didn't remind him. Similarly, I later had quite a friendly relationship with Dean Griswold, when he was a Commissioner of the Civil Rights Commission and I was on the staff; indeed, he later wrote a letter of recommendation on my behalf when I sought to join the Cosmos Club. Again, neither of us mentioned that earlier *contretemps*, and hopefully he had forgotten it, though I certainly hadn't.

Sinclair: Was your most interesting experience as an editor of the Yale Law Journal that incident involving Loss and Griswold?

Isbell: Well, I guess not. I think an even more interesting experience (though also a disagreeable one) as an editor was dealing with an article by John F. Kennedy, who had recently become a Senator, but was clearly aiming for higher office than that. He had proposed legislation to revise the Federal Regulation of Lobbying Act, the first federal legislation aimed at putting limitations on—or, more precisely, exposing to public view—the activities of legislative

lobbyists. That Act had been adopted in 1946, and was soon challenged on First Amendment grounds. The challenge wound up in the Supreme Court, which upheld the Act's constitutionality, in an opinion by Chief Justice Warren, with Black, Douglas and Jackson dissenting.⁴ Warren's opinion, stretching the text of the Act in order to save it, left it in a form that was obviously still vulnerable to challenge. It was clear, after that decision, that although that particular legislation had been badly drafted, there was still an important issue as to whether the influence of lobbying on legislation should be subject to some of the transparency of the formal legislative process itself, and if so, how that could be best accomplished.

Various amendatory proposals had been aired before Kennedy's, and had gotten nowhere, so there was still a need for substantial improvement in the regulation of legislative lobbying, and Kennedy's proposed bill deserved serious consideration, and it could be fairly presumed to have some steam behind it simply because of the identity of its sponsor.⁵ The paper explaining and justifying Kennedy's amendatory proposals was not, however, either impressive or persuasive. It was only fifty typewritten pages long, and quite a bit less lengthy and substantial than most of the articles we published. However, at the time we received the Kennedy submission, we were having trouble finding enough decent articles to fill the next issue, and I figured that this one could, with considerable editorial effort, be made into an interesting piece. In addition, it was on a subject with which I already had some familiarity, as the Supreme Court's decision in the case was a recent one that I had read with interest, and the central issue of the constitutionally permissible limits on legislative lobbying was one on which I had a few thoughts of my own. Although it would need a lot of work before it would meet my standard for

⁴ *United States v. Harriss*, 347 U.S. 612 (1954).

⁵The replacement of the Federal Regulation of Lobbying Act was not finally accomplished until thirty-nine or forty years later, when Congress passed the Lobbying Disclosure Act of 1995, Pub. L. No. 104-65, 109 Stat. 691 (1995) (2 U.S.C. §160 *et seq.*).

publishability in the Law Journal, the Kennedy article addressed a subject that was interesting and timely, and would have some additional interest by reason of the identity of its ostensible author.

So I accepted Kennedy's piece and set about putting it into proper shape as to both substance and form. I figured it would take two weeks to edit—two solid weeks, I mean, doing little else aside from attending classes, eating, and sleeping. After the first such week of intensive effort, however, when I was halfway through my rewriting of the article, I picked up the Sunday Times Magazine and found there Kennedy's piece, in exactly the form in which it had been submitted to us. Not a word changed, not improved at all. And I was truly burned up. I sent the submission back, in its untouched original form, to Kennedy's administrative assistant, Lee White, with a brief note explaining the rejection. I had a call in response from White, who I suspect had at least a hand in writing the article. He told me he found it hard to understand the Yale Law Journal's thinking that it could be preempted by something that had been published in an entirely different sort of publication. He was assuming, I suppose, that nobody—or hardly anybody—who read the *New York Times* would also be a reader of the Yale Law Journal. He clearly hadn't thought through the preemption point, however, for among the very few who might read the Yale Law Journal, surely all would likely be readers of the *New York Times*.

In any event, I was so irritated about Kennedy's article that if the Republican candidate running against Kennedy in the 1960 election had been Nelson Rockefeller or some other liberal Republican, rather than Nixon, I'm pretty sure I would have voted for him instead of Kennedy.

Sinclair: Really? Wow.

Isbell: I was very mad at Jack Kennedy.

Sinclair: Well, let's go back a little bit into law school. I want to talk about your first summer. What did you do during your first summer of law school?

Isbell: Sometime before the summer of 1953, while I was still in the Army, my parents had bought a summer place in East Dover, Vermont, about fifteen miles from Brattleboro, which I managed to visit a couple of times for a few days of leave. On one occasion, I even drove some six hundred miles each way to Vermont and back to Fort Bragg on a three-day weekend. I loved that place, and hadn't managed to spend nearly as much time there as I would have liked, so I decided to spend the whole summer after my first year in law school there in Vermont.

I did get a job for the summer—still an economic necessity and something I'd done every summer before my interludes in Europe and the Army. The job was in a grain mill, and it entailed the sort of hard physical labor that, as always, was the most remunerative possibility for summer employment. The wage scale was lower in Vermont than in Connecticut, however, and I was paid just a little more than two dollars an hour—not bad wages for Vermont at that time. It was heavy work, consisting of collecting eighty-pound bags of various mixes of grain for animal feed from chutes where the completed bags came down from the mixing floor above, stacking ten such bags onto a two-wheel hand truck, and then transporting them to railroad freight cars and, finally, stacking them in the freight cars. I calculated that I moved twenty tons of grain a day in this fashion. It was quite tiring work.

I had also inquired about a possible job helping to clear out woods for a ski run, in what turned out to be the Mount Snow ski resort. But the developer of that project was paying his workers a paltry seventy-five cents an hour. I chose grain and the better wage.

So I spent the summer doing nothing law-related at all; just making some money, and doing it the hard way.

Sinclair: What sort of job did you take after your second year of law school?

Isbell: That second summer I found something law-related to do, though it was a little more exotic than the standard summer clerkship at a law firm. It involved translating a legal treatise on French commercial law, by two French lawyers named Chambaz and Le Blanc, into English in a fashion that would be useful to American lawyers. A graduate of the law school named Edgar Church had asked the then-Dean (Gene Rostow, I think) if any of his students could translate a French legal treatise, and the Dean mentioned me, since I'd spent time in France and was still fluent in French, and he also mentioned a classmate and friend named Gabriel Orechkoff, who had been born in Bulgaria but had spent his teen years in Paris, gotten a French law degree, and then come to America with the aim of making his career here. The two of us started the translation of the treatise, and got about a third of the way through it that summer. The work was completed by a couple of other teams of French-speaking students at the law school in subsequent summers. (A grace note here: My friend Orechkoff referred to Mr. Church as *Monsieur de L'Eglise*.)

When that project was ultimately completed, and published, Mr. Church sent me a copy, and I was astonished to see that the title he'd given it was *Church's Text on French Commercial Law*, and not as what it was in fact—simply an English translation of Chambaz & LeBlanc. Church's volume gave some credit for the assistance provided to the purported "author" by the students who had helped with the translation, but it did not recognize that all they had done was translate the French treatise. I seriously doubt that Church himself made any contribution to the product at all, beyond the entrepreneurial ones of getting someone to write it and someone to publish it.

Sinclair: Somewhat surprising, somewhat shocking.

Isbell: It was, and more than somewhat. And while it had been interesting work, it also left me without any experience in the practice of law during my law school years. I waited until my third year to begin interviewing law firms.

Sinclair: Let's talk a little more about that. The process today for joining a law firm typically involves application to a law firm after the first or second year of law school for a position as a summer associate; completion of a summer's work, and if one performs well, receipt of an offer of a position of regular associate. Was the process similar in your time as a young lawyer?

Isbell: I think it was, although in those early years the summer law students were called summer clerks rather than summer associates. (Of course the latter sounds more impressive; I sometimes joke that the next step will be to call them summer partners—or, more modestly, summer counsel.) As I've recounted, I didn't do a summer clerkship at all, but I don't think that was unusual at the time; it probably is more so now.

In those days, as now, law firms looking for young lawyers to recruit would often send one or more lawyers to visit law schools and interview interested students, and of course that process has continued and expanded as more and more law firms need more and more recruits. But in my "olden days," at least some of the major New York firms also sent invitations to law students inviting them to visit the firm's offices without first interviewing them on campus—which I don't think is done any more. I got such a "blind" invitation from one of the big New York firms (I don't remember which one), and I did visit their offices, as invited, but by then I had pretty much decided that I didn't want to go to New York, where the practice seemed to be a very high-pressure enterprise. I didn't want to live there, either. I had lived there for five years as a kid, and then I'd lived in Greenwich, which is virtually a suburb of New York, for

eight years, while I went to high school and then college, so I had seen a lot of New York. But I had decided I really preferred Washington.

Sinclair: Why did you prefer Washington?

Isbell: I had visited Washington a few times, and I found I liked the looks and the feel of Washington, both of which reminded me quite a bit of Paris—the broad avenues, the height limitations on buildings, the sprinkling of little parks around the city. It appealed to me as a place both to work and to live in. I also had the impression—albeit from afar, since I hadn't yet had even a taste of Washington practice (or, indeed, practice anywhere else), that practice here would be more interesting than anywhere else in light of the fact that the country's government was here, so there would be a heavier proportion here than elsewhere of public policy issues in a lawyer's practice. That impression, I believe, was quite correct.

Sinclair: So you decided to consider only D.C. firms?

Isbell: Exactly. I initially focused on just two firms. The principal one was Covington, which seemed to be generally considered the premier firm in Washington, and seemed to have something of a tradition of combining the practice of law with public service. Most notably in this connection, it had been home to Dean Acheson, for whom I had (and still have) a very high regard. It also had a strong connection with Yale Law School, largely because of a Covington partner named Gerry Gesell, who was a Yale alumnus and an active recruiter at his *alma mater*.

The other firm that I found interesting was Arnold, Fortas & Porter, as it was then named, before it lost Fortas to the Supreme Court. It, too, had a strong connection with Yale Law School, since both Thurman Arnold and Abe Fortas had been faculty members there. And that firm seemed, somehow, to be a collection of interesting characters and quirks. Their offices were in a building on 19th Street that had been a private residence, with a garden around it with a

resident turtle, where, it was said, the firm had a cocktail party every afternoon (or perhaps that was every week). That firm was a good deal smaller than Covington, which was not in itself an advantage in my view, since I liked the idea of being in a larger firm.

There was a third firm in Washington, this one even smaller than Arnold, Fortas & Porter, where I interviewed, not, like A&P, because of what I'd heard about it, or because like Covington it regularly sent a recruiting team to Yale, but because one of its four name partners, Lloyd Cutler, made a point of coming up to Yale and arranging to meet a couple of the Journal officers, and inviting them to come to Washington to be interviewed by the other partners. That firm, which turned out to be a predecessor of Wilmer, Cutler & Pickering, was then named Cox, Langford, Stoddard & Cutler.

So when I came down to Washington to interview at Covington, I also made an appointment for that purpose at the Cox, Langford firm. I didn't enjoy the interviews there very much, and I never warmed very much to Lloyd Cutler, though he was certainly a very gifted lawyer and good citizen, so I was not disappointed when I learned that the one spot they were trying to fill had been filled by a former Supreme Court clerk—a credential that I didn't have.

That left only Arnold, Fortas & Porter to be considered as an alternative to Covington. They didn't send anyone to interview at Yale, at least that year, so I decided to call them up during my visit in Washington to visit the other two firms, and ask if I could visit them. Whoever I talked to told me that the firm was not planning to hire anyone that year; indeed, they were hoping to stay exactly the size they were then—with 14 lawyers. He said they'd be delighted to meet and talk with me just the same, so I went to their mansion/office and in the course of a couple of hours talked to almost all fourteen of their lawyers. I enjoyed the conversations, and so far as I could tell they did, too, but they still weren't going to take on any

more lawyers that year, so my choice of firms was narrowed down to one, which offered me a position that I was happy to accept.

Thus I wound up at Covington, and I think that even if Arnold & Porter had been recruiting I still would have chosen Covington because it was significantly larger. It was, indeed, quite large for that time. It had about sixty-five lawyers when I joined it, and was the largest firm in Washington and the twelfth largest in the country at that time.

Sinclair: Why did that appeal to you?

Isbell: I thought that in a really small firm everybody would be aware of what everybody else was doing at all times. You would be in a family. And I preferred the idea of a little bit of anonymity and privacy. Part of this, I guess, was that I knew that I would want to engage in some civic activities, possibly including political ones, and I thought that a larger firm would likely mean that there would be a wider array of viewpoints about such activities, and in consequence greater tolerance of differing views on such subjects than in a smaller firm—a proposition that I now know is by no means necessarily the case

Sinclair: Did Covington in fact afford you the sort of anonymity for which you'd hoped?

Isbell: Yes. I wasn't doing anything furtively or that I was hoping would escape the notice of any particular partner, but I had the pleasant sense that not every partner was aware of everything I was doing professionally at all times.