

Duke Law Journal

In memory of that complete dedication with which he gave himself to his students, the editors of the Duke Law Journal dedicate this issue to Professor Douglas Blount Maggs.

DOUGLAS BLOUNT MAGGS

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IN THINKING of what I should say on this occasion of homage to Douglas Maggs, I have been mindful of many rather divergent responsibilities. I have thought of this University which Douglas Maggs loved and served with such distinction for over thirty years. I have thought of our Law School where, for all that time, in a period of marked change and development, he was a central personage. I have thought, of course, of the thousands of students, both here and elsewhere—at Chapel Hill and Chicago, at California and Southern California, at Cornell and Columbia, at Yale and Pennsylvania, and in the new Japan—who had the great good fortune of an encounter with Douglas Maggs as teacher and friend. And I have thought of the numberless people throughout the country who were the immediate beneficiaries of his service to the federal government, first as Special Assistant to the Attorney General, then as Chief of the Wage and Hour division in the early days of the administration of the Wage and Hour Act, and later as Solicitor of Labor in the trying days of World War II. And certainly I have had in mind our colleagues in every college and university who are in a more effective position today to search for the truth because of Douglas Maggs's work in the American Association of University Professors and the American Civil Liberties Union. I have thought also of those of us here in North Carolina who, when our state was making its fateful choice as to its response to the demands of the most challenging Supreme Court decision of this century, had in Douglas Maggs a champion of justice and law and human decency. And finally, to close this catalogue without any attempt at complete-

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ness, I have been aware of my responsibility to those who loved Douglas Maggs, apart from all his immense achievement, as a human being of singular dimensions.

To affect so many lives, to leave behind so impressive an achievement, Douglas Maggs was clearly a man of extraordinary power. The ultimate secret of that power I do not profess to know, but I can identify some of the ingredients. There was the natural grace of his physical being and the natural charm. There was the unquenchable zest for hearty living. There was the imaginative generosity. There was his vast erudition in his chosen specialty. There was the disciplined intelligence that continually amazed us all. But equally significant were certain attitudes and certain other qualities of character.

Of these, I would put first his insistence on realizing his own separate identity. Such an insistence is held by some to be futile, or merely egocentric, or even impious. But as much as any man can be, Douglas Maggs was inner-directed. In a marked and peculiar sense, his standards, his values, his judgments were his own. They were a matter of his own conscious choice and his own individual conviction. He was as a teacher therefore something more than the conduit of other men's thinking or, I might add, the conduit of his own thoughts of the day before. His teaching thereby had its own special vividness and a perennial freshness, an accent given to it by the Maggs of that day and that hour. He gained still other dividends from his sturdy demand that all authority, that all ideas prove their title deeds to his respect. The process early revealed to him that no supposed truism of the law, whatever its vintage or whatever its provenance, was to be accepted at face value or was impervious to change if properly approached. He learned that law could be directed towards desired ends. And so he refused to accept the world as he found it. As a result, he left it a better place.

Again, running through Douglas Maggs's entire life is a fundamental seriousness of purpose which I can attribute only to an enduring respect for human personality. I know that Douglas Maggs respected his students—from the demands that he made on them, from the invitation he extended to them to join with him in high intellectual adventure. I know that he respected his colleagues—from his insistence that they join in all significant decisions affecting the Law School. I know that he respected the disputants who came before him in labor arbitrations—from the meticulous

search he made in every case for a wise and just solution. Indeed, any task, however routine, gained distinction at his hands. People and their concerns were of supreme importance. His consuming interest in the Bill of Rights therefore did not spring from the amusement that one might have in the dialectic of constitutional interpretation but rather from the conviction that the constitutional guarantees provide an essential precondition for the development and fulfillment of the human spirit.

Essentially and pre-eminently, Douglas Maggs was a man of courage. His courage was of the Periclean quality, an uncommon courage which was constituted not merely of the power of thought, nor yet again of the power of action uninformed, but of the power of thought and action combined. I mean to say the power of reflective commitment. He knew, again with Pericles, that courage is the secret of liberty and that liberty is the secret of happiness.

Finally, I cannot fail to mention Douglas Maggs's integrity. More than most men he had his ideal. His ideal, his passion was not simply justice, but justice according to law. He knew that there was something more to the process than merely reaching the desired result. He knew how feckless and unavailing good intentions and the finest rhetoric would prove. Indeed, he knew that the ultimate victory would be denied in any endeavor if shoddy means were employed. And so for him, any result, however beneficent, had to be rationalized in defensible doctrine, in principles that would survive the moment.

Perhaps I have now done enough. For whatever attitudes I might mention, whatever qualities of character I might allude to, I know that here too, as with any memorable person, the totality is greater than the sum of its parts. Douglas Maggs remains a living benediction to us all. To have known him, if I may use words that Maitland used, is "a part of our life's unalterable good." "And we may comfort ourselves, if comfort be needed, by the reflection that, though the memory be transitory, the good done by a noble life and character may last beyond any horizon which can be realized by our imagination."

