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# Nathaniel L. Nathanson, A Personal Remembrance

HONORABLE LOUIS M. WELSH\*

It was early 1946 and most of the members of my law school class, myself included, had recently returned from serving in the armed forces. My own legal education had been interrupted for nearly four years by World War II, and I was eager to complete law school and get on with my career. Lost time from the pursuit of my profession and exposure to the "real world" made me impatient with the slow pace of academia.

It was in this frame of mind that I found myself in Professor Nathanson's Administrative Law class. After five weeks, we had hardly made a dent in the three-inch-thick casebook. Day after day we studied the same cases, microscopically examined each phrase, and discussed dozens of "what ifs." Now, for the third day we were still discussing the difference between quasi-legislative and quasi-judicial functions of administrative tribunals. I could stand it no longer.

"What is the sense of this discussion," I blurted out. "It's obvious the courts first decide what result they want to achieve and then attach the appropriate label." With his usual sweet smile, Nate (as we then called him) looked up at the ceiling, paced across the podium, and said, "isn't that a bit cynical?" "Well, it's a fact, isn't it? Only sophistic reasoning can harmonize these cases. There's no logical way to distinguish the decisions — the discussion is just plain silly." Still the smile: "Is that what you will argue to the judge who must decide your case, Mr. Welsh?"

To Nat Nathanson, it was not a silly question. He was not only teaching one of several subjects in the corpus juris. His course was

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The Law — and the nature of the judicial process. Through close scrutiny of only a few cases, Professor Nathanson would teach the whole course plus the process by which the law grows and changes. In the words of Judge Lois Forer, he “knew that as a poet can see a world in a grain of sand, so a great teacher can reveal a world of concepts in a single case. . . .”<sup>1</sup>

Nat Nathanson believed the law’s goal was justice, but he instinctively knew that man-made law could never produce perfect justice; it could only strive for it. He had faith that somehow, out of its infirmities, its excesses, its sophistry, its deceits, the process would produce a balance so as to properly order society. Unlike hotheads like me, Nat never became enraged or incensed at the law’s frailties. He wasn’t cynical. In his eyes, those whose views differed from his were sincere people working, as he was, in a scholarly way to resolve disputes with fairness. Around Nat, everyone had room for an opinion. He provided his students with opportunities to develop their own creativity and chart their own courses. The expression of opposing viewpoints never caused him to lose his benign smile or silence his laughter.

To his students, one of his most endearing characteristics was the personal interest he took in each of them. Nat saved the two best papers from each class, but he cared especially for those who made only average grades or experienced a difficult time getting started. One of his students referred to him as “a one-man placement bureau.” His interest in his students wasn’t confined to their years in law school but lasted a lifetime. When Nat and I became reacquainted after a lapse of thirty years, he and Leah remembered details concerning my personal life while in law school, took my wife and family under their wings as if they’d always known them, and spoke of interesting details concerning the lives of many of my classmates.

I count as one of my special blessings the opportunity I’ve had during the last few years to know Nat as a close friend. Our frequent luncheons with other members of the faculty generated an exchange of ideas that was always stimulating and often highly entertaining. Nat and Leah’s warmth and love reached every member of my family. When my younger daughter and her husband trekked across the nation, they were warmly greeted in Chicago by these dear people who insisted they stay the night with them.

Nat planned to return to USD for the 1984 Spring semester. He and Leah planned to travel to California via India where he was scheduled to deliver a lecture. Neither commitment was to be fulfilled because Nat passed away in his sleep during the early morning

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1. Forer, *In Memorium: Nathaniel L. Nathanson*, 78 Nw. U.L. Rev. 917 (1984).

hours of November 8, 1983. On the following day, at about the same hour, a son was born to our younger daughter. When she and her husband heard of Nat's passing, they named the child David Nathaniel Woolf.

Nathaniel L. Nathanson will forever live in the hearts of all of us who knew him.

