

## **MEMORIAL RESOLUTION**

### **STANLEY MORRISON (1892 – 1955)**

With the passing of Stanley Morrison, Stanford University lost one of its great teachers. His unexpected and untimely death on July 24, 1955, brought to an end thirty-one years of service to the Law School and to the University, service that defies replacement.

Stanley Morrison was a native of California, born June 4, 1892, in Alameda. He graduated from Yale University in 1915, and was a member both of Phi Beta Kappa and of Sigma Xi. Following two years at Harvard Law School, where he was elected an Editor of the Law Review, he served as First Lieutenant in the Field Artillery during World War I, later returning to Harvard to receive his, LL.B. degree in 1919. His outstanding law school record won for him the position of Law Clerk to Justice Oliver Wendell Holmes. Much of his later interest in Constitutional Law stemmed from this contact with the United States Supreme Court, an opportunity that comes to few law graduates. Returning to California he practiced law for three years with the San Francisco firm of McCutchen, Olney, Mannon and Greene, and joined the Stanford law faculty in 1924. His major interests were in the fields of Taxation, Constitutional Law, and Admiralty but he also taught courses in Municipal Corporations, Criminal Law, Public Utilities, and International Law.

Professor Morrison will always be remembered by law students as one of their most stimulating teachers. Year after year they spontaneously testified to this effect. Supreme Court judges were made to live in his classes and the Constitution itself became a vital, living document. His standards were high, whether set for himself or for his students. No grade in Law School was more highly prized than an "A" in one of his courses. To him slipshod thinking was anathema and it was sheer delight to participate in his classes in the logical and orderly solution of a legal problem.

Throughout his years of teaching he maintained an active interest in the practice of the law and members of the bar will feel a keen personal and professional loss at his passing. He was a member both of the California and of the American Bar Associations, and was prominent in the Taxation Section of the latter organization. During the war years, at the midpoint of his teaching career, he took brief leave from Stanford to associate himself in Los Angeles with the tax firm of Miller, Chevalier, Peeler and Wilson. He was convinced that those who trained others to practice law should know first-hand whereof they taught and his close contacts with the bar were maintained in a consulting capacity until the time of his death. He was known among his fellow attorneys as a master craftsman in the field of his specialization, taxation.

On several occasions Morrison was called upon to lecture in the State Bar's Continuing Education programs. The careful preparation so characteristic of his Law School classes went into these endeavors and they never failed to draw the praise of practicing attorneys throughout the state. He had been chosen as one of four national authorities to participate in the Stanford Tax Conference held on the campus in August of 1955, and at the time of his death was engaged

in the preparation of these lectures. In a real sense his instruction of law students did not end with their graduation.

Important as the classroom was to Professor Morrison, his contributions to legal scholarship were also significant. Whether in the fields of Admiralty, Taxation, or Constitutional Law his writings drew widespread attention. The well-worn pages in many libraries of Volume 2 of the Stanford Law Review, containing his influential article on the relationship between the Bill of Rights and the Fourteenth Amendment, bear witness to his power as a scholar. In this penetrating article Morrison examines the position of four justices of the United States Supreme Court who would construe the Fourteenth Amendment to the Constitution as incorporating all of the first eight Amendments, thus extending the entire Bill of Rights to the states. The far-reaching effect of such a construction was emphasized by Morrison in these words:

"It must always be remembered that the extension of the Bill of Rights to the states is no minor matter. It would impose drastic limitations upon the state governments in fields theretofore left to the state constitutions. It would involve a corresponding extension of the federal judicial power over the states, and even of congressional power, in view of the power of enforcement given to Congress by Section 5 of the (Fourteenth) Amendment."

With a warning against irrelevant arguments and his focus characteristically on the precise problem to be solved, he continued:

"Some people think that these results would be desirable. Others disagree. This question of whether it would make for better government to extend the Bill of Rights to the states will not be discussed here. The problem before us is whether, desirable or not, such a construction can legitimately be placed upon the Fourteenth Amendment."

The pages that follow this clear-cut delineation of the issue, wherein Morrison painstakingly examines the Constitution itself and the cases that bear on the theory of incorporation, demolish any claim that precedent supports such a theory. It is quite unlikely that anyone, whether on or off the bench, will successfully contend otherwise in the future. The article concludes with these words which strikingly reflect Morrison's philosophy of Constitutional interpretation:

"In the absence of any adequate support for the incorporation theory, the effort of the dissenting judges in Adamson v. California to read the Bill of Rights into the Fourteenth Amendment amounts simply to an effort to put into the Constitution what the framers failed to put there. No matter how desirable the results might be, it is of the essence of our system that the judges must stay within the bounds of their constitutional power. Nothing is more fundamental -- even the Bill of Rights. To depart from this fundamental is, in Mr. Justice Black's own words, 'to frustrate the great design of a written Constitution.'"

This basic Constitutional theory deeply impressed all who studied under Morrison at Stanford. The true test of judicial greatness to him was the ability to subordinate personal predilections and to recognize that the Supreme Court is not a super-legislature. The case he

made for this thesis was an impressive one. Holmes, Brandeis, and Stone were great "liberal" judges under such a test although probably poles apart in the lay definition of "liberal" and "conservative." other judges, many of them able attorneys and public officials, looked upon the Constitution as a springboard for their own economic and political views and failed to attain the rank of judicial greatness. Morrison himself possessed this rare gift of objective legal analysis. Students who met with him daily were never aware of his personal beliefs on matters considered irrelevant to a Constitutional decision.

Those of us who were so fortunate as to have known Stanley Morrison as a colleague and as a friend remember well the breadth of his knowledge and the sincerity of his views on subjects ranging from art to business to politics to sports, from education to world affairs to philosophy to science. He was a delightful conversationalist. His counsel was often sought and his opinions were highly respected. He was imaginative and receptive to new ideas. Just prior to his death he served as one of the principal advisers and took a leading role in an educational television series on the Constitution produced by the Stanford Department of Speech and Drama.

His first consideration was always for his family. In 1922 he married Carroll E. Cambron and they formed one of those rare partnerships based upon a complete sharing of each others interests. It will be difficult to picture one of them without the other. Their two sons, Stephen, an engineer, and Peter, an attorney in the firm where his father started to practice, are both successful in their chosen fields.

Eloquent tribute was paid to Stanley Morrison last year when hundreds of his admirers, his former students, friends, colleagues, and associates, refusing to wait until his retirement, filled the ballroom of the Mark Hopkins Hotel in San Francisco to honor him after thirty years of teaching. No one present on that occasion could fail to be impressed by the sincerity of the tributes paid to this man: a gifted teacher, a distinguished scholar, an able advocate, a loyal friend, a devoted husband and father, and a man of the highest integrity.

Samuel D. Thurman, Jr., Chairman  
Harold Shepherd  
Thomas S. Barclay