Owen J. Roberts (1875–1955)
Seated second from left, Supreme Court of the United States, 1941
Alumnus of the college (1895) and law school (1898), lecturer and professor of law (1898–1918) and dean of the law school (1948–1951). After a successful career as an advocate in Philadelphia, Roberts was appointed special prosecutor in the Teapot Dome scandals (1924) and became an associate justice of the Supreme Court (1930–1945). Life trustee of the University.
Justice Owen J. Roberts:
The Law School

One of Simon Nelson Patten's most gifted students was to leave his mark on the University as dean of the law school. Like many students of the time, William Draper Lewis did not limit his interests to a single subject. While writing a dissertation in economics entitled "Our Sheep and the Tariff," he was also studying law, with the result that he received both his Ph.D. and his LL.B. degrees in 1891. In 1893, he was appointed instructor in legal institutions at the University's Wharton School, a post he held for only three years before being elected professor of law and dean of the law school, at the age of twenty-nine.

Only a year before Lewis became dean, a young Pennsylvanian of Welsh ancestry entered the law school at a moment in its history when it was housed in historic Congress Hall, the structure on the west side of Independence Hall. Owen Josephus Roberts was a member of one of two classes who had the opportunity to spend the entire period of their legal studies in these memorable surroundings. Valedictorian of his class at the College, Roberts graduated from the law school summa cum laude in 1898. After graduation, he received the law school fellowship, following in the footsteps of another alumnus, George Wharton Pepper, who later became United States Senator from Pennsylvania. Although neither Pepper nor Roberts was then full time, each continued to be a faculty member in the department of law. When the family of Professor A. Sidney Biddle endowed a chair in law in 1893, Pepper was appointed to fill it; Roberts, who was eight years Pepper's junior, became a professor in 1907. Just over forty years later in 1948 Roberts returned to the law school as dean. The intervening decades had seen him, in turn, the most successful advocate in Philadelphia and a skilled special prosecutor for the United States government, and had brought him finally to the Supreme Court. In the same period, the law school Roberts had attended had been transformed under men such as Lewis, Goodrich, and Harrison into one of the most promising schools in the land.

In 1914, when William Draper Lewis entered the race for governor of Pennsylvania on the Progressive ticket, he showed himself to be an adherent of the social philosophy of Patten. At the time of his resignation/
from the law school in order to enter politics, Lewis had been dean for seventeen years, a tenure equaled only by George Sharswood, first dean of the reorganized school, and Jefferson Fordham whose energy and persistence have more recently shaped the law center of the present. After resigning as dean, Lewis continued to teach at the law school which, by the end of World War I, had been transformed from a modest law department, in no way different from those existing elsewhere in 1850, into a professional school of the highest academic order with regard to faculty, facilities, and students.

Despite two short-lived attempts early on to integrate law courses into the program of studies, the University remained without a full-fledged law school long after James Wilson's lectures in law had been delivered before so eminent an audience in 1790. An initiative in 1817 by Charles Willing Hare was ill-fated since the poor health of the lecturer caused him to give up teaching after the first season. The principal association for Philadelphia students of law continued to be at meetings and moot courts held for their benefit by the Law Academy of Philadelphia. Indeed, in 1832, this respected professional organization petitioned the University "soliciting the appointment of a Professor to the Chair of Legal Science in that institution" in recognition of the fact that many young men from Philadelphia were seeking instruction in Cambridge, New Haven, and Charlottesville and then sometimes settling in those regions. As in earlier generations, members of Philadelphia's prominent families continued occasionally to be sent to London to study at the Inns of Court. For prospective students of law who remained at home, however, there was no alternative but to study in private or with a preceptor while working as a clerk in the office of an established attorney.

Even after the law school was reestablished in 1850, the Commonwealth courts continued to require candidates for the bar to register with a preceptor, and, in their regulations for admission to practice, the Court of Common Pleas for the county of Philadelphia, the United States District Court, and the State Supreme Court only grudgingly recognized the LL.B. from the law school as a substitute for the usual two years of practice in an attorney's office. No law school of the time required a college degree of its students, and the faculty continued their private practice in addition to lecturing at the university. The first professors in Philadelphia are characterized as "active practitioners" who happened to have a flair for teaching and whose nonteaching colleagues affected to despise them for their title of professor. It was only at the turn of the century that the teaching of law came to be regarded as separable from the practice of the legal profession. Although "the men who gathered in the court rooms of Philadelphia were the acknowledged leaders of the legal world of the day, they were inclined to undervalue the merits of a system of training which they had not undergone."
George Sharswood (1810–1883)
Artist unknown
Professor of law and first dean of the reorganized law school (1852–1868) and trustee of the University (1872–83). Three years after graduating from the College (1828) he was admitted to the bar, becoming associate judge of the District Court of Philadelphia (1845–1848) and president judge (1848–68). Among numerous legal works, he edited Sharswood's Blackstone's Commentaries, published popular lectures on common law and commercial law, and wrote books on professional ethics.

Originally, law and medicine had both been learned through apprenticeship to a respected practitioner in the field; the legal preceptorship, however, outlived its medical counterpart by many years. As late as the 1880s, George Wharton Pepper registered in a law firm at the same time that he was attending the courses at the law school. In his autobiography, he takes us back another generation. Drawing on his mother's recollections, he describes how as many as twelve students would assemble for the semi-weekly quiz in his grandfather Wharton's ground-floor office. After being examined, they would go upstairs to the drawing room to dance and partake of wine and cake with the wife and daughters of the head of the office. "Whatever may have been the educational shortcomings of this process," Pepper observes, "it at least had a civilizing influence on the students." Although, when it came into being, the department of law at the University might provide a sounder training than the apprenticeship system, it offered no such entertainment as dancing parties with Wharton's six daughters each of whom had been promptly nicknamed after one of Wharton's Reports of Pennsylvania Decisions—in six volumes. 

At centennial celebrations in honor of the organization of the University's board of trustees in 1749, alumnus William B. Reed, a former attorney general of Pennsylvania, made allusion to a familiar scene when he complained of the way young students of law were obliged to waste their time running errands and copying papers. This had been the manner of things ever since the first lawyers were trained in colonial America. As it happened, the picture painted by Reed of the inconveniences of studying law "in the din and distraction of a practicing lawyer's office" came at an opportune moment. The trustees had just appointed a committee to consider new courses and, acting on its recommendation which followed closely after Reed's exhortation, it was finally decided that the law professorship of 1790 should be reestablished the following year. The Honorable George Sharswood, a member of the class of 1828, was elected professor of law in April 1850 and delivered his first lectures in September that year. Belonging to a prominent Philadelphia family, Sharswood had himself studied law in the office of trustee Joseph R. Ingersoll after taking highest honors at the University of Pennsylvania. The two-year course of study Sharswood drew up embraced "international law, constitutional law, personal rights and relations, corporations, real estate law, mercantile law, practice pleading and evidence at law and in equity, and jurisprudence." The new course met only two evenings a week and was "adapted principally to those who have already devoted one or more years to the study of law "although the aim was also "to render it as purely elementary and useful to others as possible." An indication of Sharswood's success in appealing to undergraduates as well as to the men already engaged in practice who mingled with them at his lectures appears in resolutions of appreciation and thanks which the first class presented to
the trustees. As a result, the board was finally convinced of the propriety and practicability of a law school, and in 1852 the faculty was expanded to three and Sharswood became dean. Nonetheless, as has been seen, the students who enrolled in the University’s newly reorganized law school were still obliged to register in a law office. Their professors, meanwhile, taught part time and continued their private practice. Sharswood himself served concurrently as presiding judge of the District Court of Philadelphia and only resigned his professorship on being elected to the Supreme Court of Pennsylvania eighteen years later.

The first thing that William Draper Lewis did on becoming the sixth dean in 1896 was to give up his private practice and initiate the movement towards a full-time faculty. By the time he resigned in 1914, there were five full-time professors and the total faculty had been enlarged from eleven to twenty-six. The time allotted to teaching was increased, and it became possible to cover a broader range of material. Lewis succeeded in instituting the requirement that law school applicants must hold a college degree. When it became compulsory in 1915, this standard for entrance was shared by only two other law schools in the country, and, a few years later, the University of Pennsylvania and Yale were alone in introducing a selective admissions policy with the aim of limiting class size. For some years, the American Law Register had been in the hands of Pepper and Lewis, who had undertaken the editorship in 1891. Soon after Lewis became dean, this professional journal was adopted as the regular publication of the law school and renamed the University of Pennsylvania Law Review.

During Lewis’s tenure, the Biddle Law Library grew from 9,000 volumes in 1895 to 35,000 in 1914. More than 600 of these were acquired abroad in 1910 by Margaret Center Klingelsmith who was Biddle law librarian for 34 years.

There appears to have been something of a race early in the century as American librarians pursued ancient law books to the cellars and attics of Europe. Klingelsmith later reported on her acquisitions as well as her adventures which included a visit to “the historic institution on the bank of the Thames”—Scotland Yard—to retrieve a lost manuscript. Rejoicing in being “first on the ground” and beating Mr. Crossley of Chicago into the damp dungeons of a London bookseller, Klingelsmith describes this treasure-room of titles:

By the aid of some dim gas jets, and a dangerous candle, which fell over at critical times, and some steps from which I came into contact with the gas jets and did not know I was on fire until I found myself inhaling the fumes of burning millinery, and then proceeded to put myself out, I searched through the stock of old books, selecting the best copies and the older editions of the books on my list.

Before the end of her tour of bookshops in England and on the Continent,
she even found time to have some of her purchases rebound in English buckram, not wishing "to import so much English dust into our already too dusty library.""

One of Dean Lewis' earliest moves was to convince Provost Harrison of the need for a more permanent home than historic Congress Hall. At the time of its dedication in 1900, the new law building at Thirty-fourth and Chestnut Streets was acclaimed as the most complete educational building in the country. In the course of its existence, the law school had already been housed in a number of different places, including a brief period on the third floor of College Hall after the University moved to West Philadelphia. When he graduated in 1887, George Wharton Pepper recognized that "the process of legal education had become a somewhat haphazard combination of office work and law-school education." Although the move to a downtown location was somewhat at odds with Provost William Pepper's usual interest in building up the West Philadelphia campus, on this occasion he agreed with his nephew's view that law students should be closer to their preceptors' chambers. In 1887, the law school therefore moved first to the sixth floor of the new Girard Bank building at the corner of Broad and Chestnut, and later to temporary quarters in Congress Hall on Independence Square. Thus it was that, for a time, the large room on the first floor of Congress Hall, which had witnessed the deliberations of the first Congress of the United States as well as the second inaugural of Washington and of the first Adams along with Vice-president Jefferson, served as a lecture hall for the University's law department. It was in these august surroundings that William Draper Lewis, the first dean to devote himself fully to the law school, began his work. Here, too, Owen J. Roberts completed his law studies.

When he majored in Greek at the College of the University of Pennsylvania, Owen J. Roberts was considering becoming a teacher. His interests at the time appear in the subject of his graduation essay on the Agamemnon myth and the Attic dramatists. Describing himself later as a "reactionary in education," Roberts continued to consider the classics as a vital subject of study, regardless of a student's intended vocation, since "there are no subjects in the college curriculum which tend more to bring about accurate thinking, the accurate use of language, and the concentration of mental powers." All these qualities stood him in good stead during his subsequent career although, according to his father, "Ownie" had needed to be persuaded that he was really cut out for the law. When Roberts expressed the opinion to a master at Germantown Academy that lawyers were not honest, he had been reassured with the words: "Owen, you can be honest at anything." Roberts continued to be regarded as the image of integrity throughout his subsequent legal career in private practice, as a public investigator, and as justice of the Supreme Court on which he took his place in 1930 at the age of fifty-five.
Six years earlier, in 1924, Roberts had gained national prominence overnight when President Coolidge selected him as special counsel to investigate the Teapot Dome scandals of the Harding administration. Until that time his reputation had been mainly limited to Philadelphia where he was known as an outstanding attorney who worked long hours and expected similar dedication from those around him. He was viewed as “a lawyer’s lawyer,” an advocate who represented both plaintiffs and defendants in negligence cases, who was “a lawyer for corporations without being a corporation lawyer.” While his partnership in a prominent law firm prospered, Roberts was counsel for the Pennsylvania Railroad, and a director of insurance companies and of the American Telephone and Telegraph Company. It was at this point in his career as an attorney that President Coolidge, acting on the advice of Senator George Wharton Pepper, appointed Roberts to prosecute the parties in the oil scandals of the previous administration.

The prosecution lasted six years and involved “an impressive display of shrewd detective work.” In the course of a long and tortuous investigation which included numerous dead-ends and continuous setbacks, it was finally established that payoffs had been made to the former Secretary of the Interior to procure the lease of Teapot Dome for Harry F. Sinclair’s Mammoth Oil Company. The fact that Secretary Albert B. Fall was financing improvements to his New Mexico ranch by the sale of Liberty Bonds led counsel to trace the bonds through numerous resales from the original wartime owners. In the course of the investigation, it was further discovered that Liberty Bonds were being used to conceal secret profits made by a small ring of American oil executives through a company organized for the purpose.

Reporters of the time compared Roberts’ patient pursuit of the case with his favorite pastime: stalking big game in Maine. There was, however, a notable difference in the outcome. On one occasion, after tramping through the woods, Roberts had come in plain sight and within easy shot of a large moose. After watching it for a while, he reportedly turned round and went back to his cabin, well satisfied with the activities of the day but to the puzzled dismay of his guide. In the Teapot Dome case, however, Roberts pressed for convictions, making his Democratic colleague, Senator Atlee Pomerene of Ohio, “appear as useful as a one-armed strap-hanger in a New York subway” in the description of journalist Drew Pearson, usually no friend to Roberts’s judicial standpoint. Roberts successfully prosecuted the wrongdoers, and both Fall and Sinclair were eventually sentenced to jail terms. The Pennsylvanian’s lead in the proceedings is confirmed by a remark attributed to Sinclair himself: on hearing Roberts referred to as “one of the government’s prosecutors,” he reputedly replied, “Hell, that’s all of them.”

In 1928, his government assignment completed, Roberts returned to
George Wharton Pepper (1867–1961)
Center, in The Acharnians of Aristophanes, 1886

First teaching fellow at the law school and first Algernon Sydney Biddle professor of law (1893). Born in Philadelphia, Pepper attended the University of Pennsylvania, from which he graduated (A.B. 1887), received his law degree (LL.B. 1889), and which he served as a trustee 1911–1961). United States Senator from Pennsylvania (1922–1927), he organized the Pennsylvania Bar Association, serving as president (1928–29). His autobiography, Philadelphia Lawyer (1945), was an informal history of four decades of life in the United States and Pennsylvania. Performances of The Acharnians were given in Philadelphia at the Academy of Music, and in New York, and were entirely in Greek. In the role of Dikaiopolis, “an exacting part... quite two-thirds of the whole play,” Pepper’s “remarkably powerful voice... never failed him during his long performance.”
private practice. Only eighteen months later, he was appointed to the Supreme Court after the Senate, in a most unusual move, turned down Hoover appointee Judge John Parker of North Carolina. It became imperative to nominate a man of stature who would be acceptable to all parties. As a lifelong Republican who had successfully prosecuted the scandals of a Republican administration, Roberts appeared an ideal choice. The strongest objection was “Mr. Roberts’ allegedly ‘wet’ attitude” and his statement that prohibition had no place in the Constitution. There would be a fight, it appeared, if “either an extreme wet or a pronounced dry were to be nominated.”15 Six years earlier, Roberts had decried the eighteenth amendment as a policy regulation which, if introduced into the Constitution, would reduce it to the status of a city ordinance. Somehow, Roberts managed to allay the fears of the most ardent supporters of prohibition, and the Senate confirmed his appointment without a single negative vote.

The initially reluctant nominee took his place on the highest court in the land as the critical “swing man” in the ideological division between four justices who espoused a laissez-faire philosophy, and Louis D. Brandeis and Oliver Wendell Holmes, Jr., who, for fifteen years, had dissented from many of the majority opinions. In addition to these two justices, Chief Justice Hughes and Justice Stone frequently aligned themselves with a more liberal interpretation of the Constitution. For this reason, it was generally recognized that “Justice Roberts had something very close to a controlling vote on the Supreme Court in many types of cases . . . from 1930 until after there were several changes in the membership of the court beginning in 1937. This was a crucial period in American constitutional history and Justice Roberts played a more central part in it than could have been anticipated and more than he relished.”16

During his first years on the bench Roberts moved freely between the opposing judicial camps. On the one hand, he cast the deciding vote to rule the first Agricultural Adjustment Act unconstitutional. Later on, however, he confirmed much of Roosevelt’s legislative program, and his vote was decisive in upholding the constitutionality of the Wagner Act and the unemployment compensation provisions of the Social Security Act. He also made important contributions to the Court in cases involving freedom of speech. One of the most assiduous workers on the Court, Roberts was noted for the clarity of his opinions, which were delivered orally from the bench without the aid of written notes. His mastery of the process appeared in his ability to summarize the substance of a case clearly and concisely without any hesitation or fumbling. It became impossible for his listeners to remain in any doubt as to the decision which had been made or why it had been made.17

Whether or not Roberts’ own mastery of language was the product of his training in the classics, it seems to have reinforced his reliance on the soundness of “common parlance.” In a tax decision written early in his
judicial tenure, the ruling turned on the meaning implicit in the word *interest*. Roberts insisted that Congress had used the word in a generally comprehensible lay sense in the statute in question and that the word should therefore not be forced into the less familiar technical definition. Since the statute had not been written by Congress in "refined" language, he saw no reason to search for a "refined" result behind its simple words.

An opinion of 1934 upholding the validity of the New York Milk Control Law was taken as a sign that Roberts would side with the liberal group on the court. George Wharton Pepper cautioned those tempted to put a label on the justice: "Roberts ought not to be classified as a liberal or a conservative. By that I mean that, while all groups in the country will find him friendly, none will ever be able to claim him simultaneously an ally." Although the majority opinion in the milk price-fixing case might be in the spirit of the New Deal, "he has disclosed detachment which would have qualified him for an umpire any day." Before he resigned his chair at the law school, Pepper himself had adopted what he termed "the laboratory method of stimulating the self-development of the students." He further considered that Roberts exemplified the pursuit of law as an "exact science." If the trustees of the University could describe Pepper as "the first man in this community to demonstrate the possibilities of modern scientific methods of law teaching," he in turn attributed to Roberts' findings all the validity of a carefully controlled experiment in a laboratory of physics. A similar observation was made in the classroom where Roberts gave his pupils no idea of his personal opinion on any given legal problem, appearing "as detached as a physicist in his laboratory." He displayed the same objectivity in his judicial opinions and, for this reason, he was "probably closer to the fulcrum of Supreme Court rulings than even Chief Justice Hughes." Political labels were therefore particularly inappropriate. "None of us," Senator Pepper is reported as saying, "would have thought of trying to identify him as to right or left tendencies."

One result of the impossibility of anticipating the stand Roberts would take was that he came in for criticism from all sides. After the Agricultural Adjustment Act opinion, it was quickly recalled that he had belonged to a conservative Philadelphia law firm with a big business point of view. Yet, at the identical period, he was described as the "Fighting Welshman" who "saved the New Deal twice." The labeling dilemma appears at its most pronounced in a characterization of Roberts as a "conservative liberal" whose unpredictable vote had the balance of power for several years. Naturally enough, his record soon led to accusations of inconsistency. The principal evidence cited in attributing his vacillating position to political motives was the change of heart he was said to have experienced between two opinions on minimum wage legislation. In June 1936, Roberts had voted with the majority to invalidate the New York Minimum Wage Law because no appeal had been made to overrule the Court's decision of 1923.
against a similar law. Less than a year later, he again sided with the majority, this time overruling the precedent and sustaining minimum wage legislation. In the intervening time, Roosevelt had won a landslide victory and was threatening to pack or enlarge the Court if it did not better accommodate itself to his New Deal program. Roberts’ change of heart might therefore be attributed to political considerations although, among others, Felix Frankfurter defends Roberts against the charge “that a mercurial Justice had switched in time to save nine.” In a memorandum which Frankfurter later persuaded him to write on the subject, Roberts indicated that the different results of the two cases was a simple legal consideration centering on the earlier Supreme Court decision. It was only in the second case that contention had been made for the earlier precedent to be overruled. Wherever his sympathies lay, his opinion had been guided by the differing legal aspect of the two cases. Frankfurter later published the memorandum in order to counter the accusation that Roberts had been brought to heel through political pressure. Such a hypothesis impugned the integrity of a justice of whom Frankfurter writes: “Only one who had the good fortune to work for years beside him, day by day, is enabled to say that no one ever served on the Supreme Court with more scrupulous regard for its moral demands than Mr. Justice Roberts.”

A later commentator, David Burner, writes of being “wary of public men who seek in retrospect to set the record right.” But, when he published the memorandum, Frankfurter laid before the public an inside account of secret proceedings by a man who, far from setting out to justify himself, is represented as being almost totally indifferent to misrepresentation. This favorable interpretation receives backing from a parallel account by Erwin N. Griswold, dean and professor at Harvard University law school. Although ignorant of the memorandum, he reached the very conclusion which Frankfurter had declared available to anyone willing to delve into the “interstices of the United States Report,” rather than idly repeating the assertions of uncritical, political talk.

Whatever its motivation, Roberts’s volte-face was a cause of some consternation at the time to the conservative justices on the Court. Roberts himself reports: “I heard one of the brethren ask another, ‘What is the matter with Roberts?’” With the emergence of a “new Court” in the forties, Roberts no longer had the power to surprise his colleagues or the nation, and he felt progressively less at home than in the old one. In 1930 he had been far and away the youngest justice on the Court. His wife, whose sister was the wife of the first president of the University, Thomas S. Gates, and helped raise her nephew, Tom Gates, later to be the United States envoy to China, and a University trustee, would jokingly remind him: “You’re just an old man! One of the Nine Old Men.” The age and makeup of the Court, now comprising seven Roosevelt
appointees, changed radically: Roberts became the elder in a body which, for the first time in its history, was totally lacking in whiskers. Towards the end of his tenure, Roberts cast dissenting votes with ever-increasing frequency, and in 1945, just after his seventieth birthday, he resigned "to make room for younger men." 31

Speaking before the New York Bar Association on the relation between the Supreme Court and the rest of the government some time later, Roberts opposed interference from the executive branch and expressed the view that former justices should not seek further office. 32 In actual fact, Roberts had at one time been widely considered as a possible Republican candidate for the presidency since it was well known that he had "more friends in both parties . . . and fewer powerful enemies than any other prominent Republican." 33 Had a current journalistic prediction come about in a ticket composed of "Roberts of Pennsylvania, Warren of California," the views of the former justice on holding office would have been in need of adjustment. The later history of the Court might also have been very different with the elimination of Eisenhower's appointee Earl Warren. In his speech before the New York Bar Association, Roberts had even gone so far as to regret having undertaken extra curiam activities which had necessitated his absence from the work of the Court. One such appointment had been his assignment to investigate the Pearl Harbor attack.

On an earlier occasion Roberts had been selected as umpire of the Mixed Claims Commission after World War I because of his reputation as "a fearless independent and thorough finder of facts." 34 In this charge, Roberts presided over what came to be known as the Black Tom cases in which the United States was suing the German government for damage to munitions on Black Tom Island in New York Harbor before the country had entered the war. At the time, Roberts showed no hesitation in overturning earlier decisions in the light of new evidence in spite of the international embarrassment which resulted. Roberts was not only above partisan maneuvers; he could remain equally objective in international affairs as well. Appointed to another wartime investigation in 1941, he conducted it with his customary energy and integrity: the findings of the Roberts Commission on Pearl Harbor were made public under the signature of every participant and without a single change to the document. Although little of what had actually happened was disclosed in the report, it became apparent that much had been suppressed for security reasons. 35 The facts themselves had mostly been unearthed by Roberts, who, by avoiding the politics in which subsequent investigations indulged, "made an invaluable contribution to the stability and security of the nation at a very critical period in its history." 36

Roberts was thus very much involved in accounting for the events which led up to Pearl Harbor. The United States entered the war on
December 8, 1941. Two months later Executive Order 9066 led to the internment of thousands of United States citizens and residents of Japanese ancestry on the West Coast. In one of the last cases on which he sat before resigning from the Supreme Court, Roberts offered the following dissent on the legality of this internment program against the majority opinion written by Justice Black with Justice Frankfurter concurring and Justice Douglas voting with the majority:

I dissent because I think the indisputable facts exhibit a clear violation of Constitutional rights . . . it is a case of convicting a citizen as a punishment for not submitting to imprisonment in a concentration camp, based on his ancestry, and solely because of his ancestry, without evidence or inquiry concerning his loyalty and good disposition toward the United States.37

This strong language, coupled with Roberts’ independent stance on the issue, lends forceful support to a colleague’s characterization of him in regard to another case. In the words of Justice Frankfurter: “Long before it became popular to regard every so-called civil liberties question as constitutionally self-answering, Roberts gave powerful utterance to his sensitiveness for those procedural safeguards which are protective of human rights in a civilized society.”38

In 1946 Earl G. Harrison, then dean and vice-president of the University of Pennsylvania for law, presented Roberts with the Philadelphia Bok Award, the city’s highest civic honor. “This man,” he declared, “realized in 1945 that he had something more important to do than sitting on the highest tribunal of the land. And he came back to Philadelphia as president of the United Nations Council, to lend his mind, time, energy, and strong voice toward the establishment of world government.”39 One of the reasons that Roberts resigned rather than retiring from the Supreme Court was because he wished to be able to contribute more freely to the cause of Atlantic Union to which he gave both moral and financial support throughout the last decade of his life. It was a subject very close to his heart and one on which he spoke in an address to the Law School Forum in 1954, a few months before his death. Even though much of his time was devoted to this cause, the former justice did not flinch from assuming a variety of other responsibilities. He was cited as a perfect example of the “truth that many men retire in their late sixties from their lives’ work—and then proceed to work harder than ever before.”40

Like so many Pennsylvanians who have achieved prominence in other fields, Roberts was remembered as an inspiring teacher. A student who had heard him during his earlier years as a professor of law later wrote: “It is hard to see how the doctrine of dependent relative revocation or the distinction between a specific and a demonstrative legacy could inspire a group, even of second year law students, at four o’clock in the afternoon. But somehow, under Professor Roberts, they did. There was something
electric about that class of his, something vital and invigorating. Undoubtedly it was the personality of the man. He was a born teacher." In his last years, Roberts once again combined his earliest ambition of becoming a teacher with his father's more far-reaching view that he was even better suited for the law: in the seventh decade of his life, as an act of loyalty to the law school, he accepted the invitation to become dean.

In his straightforward account of how he came to be carving out a new career at the age of seventy-three, Roberts remarked: "They said they wanted a dean and asked me if I would try the job. I said I would." During his tenure, which took the school into the fifties, Roberts succeeded in obtaining substantial increases in faculty salaries and additional funds for student scholarships. Although he had not expected to do any teaching, and methods of instruction had radically altered since his earlier days as law professor, his interest in legal education induced him to give a seminar on constitutional law and to instruct a section of the class in torts. In addition, his connection with the Supreme Court resulted in an increased number of graduates appointed to clerkships. During his last year as dean, Justice Roberts delivered the Holmes Lectures at Harvard law school. As soon as he retired as dean, he was elected the twenty-fourth president of the American Philosophical Society, and throughout the last years of his life he continued as a trustee of the University of Pennsylvania.

Against the name of Owen J. Roberts in the University of Pennsylvania Record of the Class of '95 is the motto: "Fain would I climb." In the course of his career, the imposing founder of "The Six-Foot Club" reached the pinnacle in every enterprise which engaged his energies. "If Roberts is properly described as character in action, it was the power of his personality which made him effective in whatever he undertook." After achieving the personal success and rewards attending the most prominent lawyer in Philadelphia, he went on to serve the country as counsel to the government and Supreme Court justice. He was further honored for the powerful support he lent to a wide number of civic causes and to the furtherance of world peace. In the words of John J. McCloy: "A man capable of error but incapable of persisting in it—a powerful, effective, eloquent advocate; a firm and honest judge and upright citizen of the nation and the world—this was his profile." At his University, his contribution is memorialized by the line of distinguished scholars who deliver the annual Owen J. Roberts Lectures, inaugurated in 1957.