ON THE ACADEMIC AND OTHER VIRTUES OF PROFESSOR NOYES E. LEECH

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Professor Leech is an outstanding example of the truth that a great law school need not fear inducing a reasonable number of its outstanding graduates to become, after suitable seasoning, members of its faculty.

When certain centripetal forces returned me to the Atlantic side of North America in 1956, the young Leech was already established as a gifted teacher, excellent analytical scholar, and highly responsible team-player on the Law School’s administrative side. From then to now I have seen him augment these professional qualities.

Noyes, like other “natives of the region,” soon showed me the mix of idealism, good sense, cultural eclecticism, and political tolerance that characterizes the academic denizens of the Delaware Valley. Not that they all lived and acted as if Dr. Franklin were in just the next room, but there was an aura of something quite more likeable and much more admirable than Main Line snobbism, too often the Philadelphia image of popular projection. Perhaps what was most agreeable of all to my wife and me was that our feelings about the Law School, the University, and the community were so similar to the “good vibes” we had enjoyed (after too long in Washington) earlier in that cultural enclave, Berkeley.¹

In my earlier years at The Law School, Noyes was very closely-knit into the vast field of company law, corporate shenanigans, securities regulations, capital formulation, and the like. The first inkling that the international legal studies field also attracted him came when the reporters who did the Restatement of the Foreign Relations Law of the United States (1965) needed a first-class substantive editor, as well as a

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¹ A soon-noted difference was the unexpected vastness of the east, when one journeyed to dinner at a colleague’s house, not up and down the Berkeley hills, but over the macadam trails from say, near Swarthmore to Radnor and beyond. But once there, the good feeling was the same.
stylistic homogenizer. Professor Reitz suggested to me that perhaps Noyes could be persuaded. He was, and what a difference he made! His marvelous analytical skills, so effective in the classroom—but more psychic stilettos than Kingsfieldian clubs—were turned onto the work of five restatement reporters. We did not expect, and did not get, deference. What we did get were cool, clear, compelling precision, better phrasing, and improved conceptualization.

This *Restatement* was an entirely new arrangement of legal subject matter, viz: law stuff involved in and related to the foreign affairs operations of the United States, whether drawn from customary international law, conflicts of law, statutes, treaties, executive agreements, foreign fora, domestic fora, or international tribunals. Thus it had required from the beginning new analyses and linkages and their accommodation to the already-ordained restatement form developed for contracts, torts, agency, property, and (more controversially and less successfully) conflict of laws.

In their quest for accuracy the five reporters had contended with strong opposition from certain attorneys, American and foreign, who had vested interests in certain normative outlooks that the reporters considered inaccurate on the basis of objective research. These contentions had to be dealt with eventually before a plenary American Law Institute group of American judges, studious practitioners, and law professors who on the whole were unfamiliar with the elements being put together to form the new field. After basic choices were made in the American Law Institute, the tentative drafts that survived bore the marks of the gestational struggles. It was these that² Noyes smoothed away these struggles with his cerebral grinding wheels, mill files, and emery paper. In terms of credit he was a de facto sixth reporter, who made a contribution equal to any other, except that of the Chief Reporter, the late Dean Adrian S. Fisher.³

It was my great good fortune in every respect that one day Noyes told me that he would like to enter the international legal studies field. His decision turned out to be providential when I was called back into foreign affairs service in the Kennedy-Johnson years, so far as assured coverage of the field at the Law School was concerned. It also gave me a partner in the curricular sector, cross-campus duties in the graduate foreign relations programs, and town and gown relationships. Much more significant, though, than these benefits conferred, was the motiva-

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² Always a “thater,” not a “whicher,” when choice was open.
³ Only Fisher’s masterful presentations to the Institute plenary sessions, combining brilliance, doctrinal integrity, and a wonderful West-Tennessee humor could have moved some of the reporters’ conclusions to acceptance, I am very sure.
tion of Professor Leech. From the days of his association with a great master, Edwin W. Dickinson, Noyes told me, he had always wanted to work in the area that encompassed problems of war-peace, security-survival, international organizations, and (then emerging) human rights. He was frank enough to say that he had hoped to be considered for a partial shift into the field when I was appointed. This urge was well understood by me, who, along with others of an earlier generation of established teachers, did not turn down opportunities to retread to international legal studies from otherwise valid, interesting, and usually potentially more profitable areas of specialization.

Our tenancy-in-common in the international legal studies field was certainly a success so far as I have always seen it. It led, eventually, to my becoming associated with Professor Leech and Dean Joseph M. Sweeney in a study book we very much enjoyed doing, *The International Legal System*. I am very grateful to Leech and Sweeney that they took me back into the project after I was freed from public service late in 1969. They had blocked out the general plan of a book designed to attract students to the area and its problems, even though setbacks from some national violation were foreseeable and placement opportunities underdeveloped. I took to their plan with delight, and they were generous enough to accept some structural and substantive coloration from me. This collaboration continues, now on a third edition, as to which the three of us have as much fun as we did on the first—more so, really, because we can all now tell each other our “teachability” experiences, insertion-item by insertion-item. In this work as in the case of the *Restatement*, Leech’s editorial talents have contributed much to clarity and to effective communication—an important contribution, where the communications objective is to induce self-developed thought. And, of course, his substantive input was outstanding.

In the years of our association my greatest professional pleasure was as to the important sector of international economic law. My foreign relations work was always linked to the “economic side,” now so important; Leech came to the field from the private law of international

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4 Professor Dickinson, longtime a dean at Berkeley, had joined the Pennsylvania faculty in 1948, where he was freer to exert the powerful influence that he did on international public law in my own somewhat delayed formative years in the field.

5 Mine was from a Texas-based specialization in federal taxation before it had become the widely-populated specialty it was destined to be.

6 One of the co-reporters on the Foreign Relations Law restatement, Dean Sweeney, was not only a masterful analyst but our *comparatist par excellence*. His familiarity with the great civil law system insured that on international law matters the *Restatement* would be accurate and balanced, as between the world’s major legal systems. Happily, he has made parallel contributions to *The International Legal System*. 