

ON COVEY OLIVER

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Covey Oliver and I first became acquainted in 1942 when we were "economic warriors" in World War II. One does not forget the early impressions of someone as distinctive as Covey Oliver in the largely gray world of Washington bureaucracy. He had been plucked from Texas academia mainly because he knew Spanish from his Laredo upbringing, and only incidentally because he was summa cum laude twice over at the University of Texas (and that was long before grade inflation). I must confess that as a New York provincial, I was surprised to find my colleague from Laredo and Austin remarkably knowledgeable about the world and intellectual currents. (Later I came to know other Texans of impressive cultural breadth and interests, and I always thought of Covey as the prototype.) Covey brought to his official work characteristic zest and exuberance. He was fascinated with the ways in which words were manipulated and deployed, and he quickly learned to master and play upon Washington jargon. I had in that early period of our friendship only a glimpse of how "*simpatico*" he was to the Latino personality. In later years, as I met diplomats, scholars, and lawyers from Latin America and the Iberian peninsula, they would frequently ask that their affectionate regards be conveyed to Professor Oliver, a request generally accompanied by a happy recollection of his cheerful ebullience and personal warmth.

These aspects of his personality were even evident when he addressed himself to the perennial problems of legal philosophy and world order. Like Karl Llewellyn and Thurman Arnold (both of whom shaped his legal thought), he did not feel obliged to use the conventional abstract language of jurisprudence when his points could be made in lively and concrete terms. At times he indulges in an American legal argot that may baffle foreign readers but is like a fresh breeze in the international law journals. One of the pleasures of reading and listening to him is the way he moves from particular facts to general ideas, from down-to-earth cases to the higher reaches of jurisprudential doctrine. Like his personality, his philosophic mind is amiable and congenial, hospitable to many points of view, quick to see the special merit of each. He draws upon Kelsen and McDougal, Jessup and Edwin Dickinson, Owen Roberts and Frankfurter—and he reaches out to political philoso-

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phers and just plain politicians. The result is not a mere eclecticism, but a distinctive "Oliverian" analysis in which a variety of views are marshalled to support a thesis and a strongly-held view of public policy.

There is never any doubt where Covey Oliver stands on issues of public policy. He has spoken out consistently in favor of a national policy that would recognize our common interests and shared values with the rest of the world. He fought senatorial efforts to limit treaty-making power; he attacked the denigrators of international law (particularly George Kennan and Hans Morgenthau) for their inadequate conception of natural interest; he advocated, with eloquence and hard facts, increased economic aid to the less developed countries and the eradication of the inequalities that produce violence and repression within countries and across national lines. His experience in high government office—especially concerned with Latin America—enabled him to see how deeply felt were the demands for equal rights and economic well-being, and how important it was for the United States to heed those demands.

There is still another facet of Covey Oliver's career that cannot go without mention. This is his abiding fascination with the craft of the lawyer. In our many discussions over the years in panels of the American Society of International Law, in meetings on the *Restatement (Second) of the Foreign Relations Law of the United States*, and in bull sessions, he brought us down to particular cases, to the techniques of courts and advocates, "to the underbrush of international agreements, of foreign office practice," and to the ways in which legal doctrine was manipulated for political ends. In contrast to most international lawyers, he has been actively concerned with other fields of law, including conflicts of laws, constitutional law, taxation, insurance, and admiralty. Long before "transnational law" became a popular notion in American law schools, his teaching and writing exemplified its application. He took delight in reaching out for cases and ideas in other fields of law and in neighboring disciplines and thereby stimulated the rest of us to fresh ways of looking at our international law problems.

One can easily see why he has been a great teacher. His many students will attest to that. I would add, on the evidence of some who worked with me and who later attained high office in their countries, that he left with them not only the skills of the lawyer's craft, but a sense of the importance of law and of lawyers in the efforts to bring order and decency to the world. I believe that it

is as a teacher, even more than as a diplomat or high official, that Covey Oliver has made—and will continue to make—a lasting contribution to the attainment of a decent world order. And it is as a genuine human being—a real “*mensch*”—that he holds a lasting place in the affection of those who have been lucky enough to know and work with him.