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GLIMPSES

John H. Hollands*

I first saw him one afternoon in late 1930 or early 1931 at the Harvard Law School. I was taking Professor Felix Frankfurter's seminar in Federal Jurisdiction. That day the Professor was accompanied by a short, spare man with a bald head, wearing a cutaway coat and black trousers, whom he introduced as John Lord O'Brian. Mr. O'Brian was then Assistant to the Attorney General of the United States (the post that today is called Deputy Attorney General). He had been in Boston to argue a case before the First Circuit Court of Appeals. He told us something about that case and others that had come his way. His voice was pleasantly soft and I remember wondering how well it could carry in a large courtroom. I need not have wondered, I later learned.

The last time I saw Mr. O'Brian was in Washington in May of 1972, during the week of the annual meeting of the American Law Institute. As had been my custom for several years, I called at his office and we conversed for nearly an hour. He told stories about Judge Cardozo, William Knudsen, General Marshall and other men whom he greatly admired. I was well aware of this admiration but was fascinated to observe that these particular anecdotes were all new to me.

That afternoon at about six o'clock my wife and I attended a lawyers' affair at the mansion of the Society of the Cincinnati across the street from the Cosmos Club on Massachusetts Avenue. As we entered the big main room I saw Mr. O'Brian in the corner, comfortably seated in a red leather chair, waiting for people to come talk with him. There was a constant procession to that corner. Returning to the main room half an hour later I saw Mr. O'Brian standing at one end of the table of hors d'oeuvres that ran for 30 or 40 feet down its center. He bent over the table, took something to eat, moved forward a step, took something else, was interrupted by some man or woman who was delighted to see him, completed that conversation, took another step, was interrupted by somebody else, and so made his way along the table, one step at a time, eating a little and conversing a great deal until, 20 or 30 minutes later, he had reached the other end of the table. He was then 96 years old.

Popularity, even when it extends over so many years, is not the touchstone of character or competence. But when the character and ability are of the highest order it is cheering to find them appreciated.

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During the considerable span of years between 1931 and 1972 there was only one period when I can be said to have worked with or for Mr. O'Brian. That was the year and a half I spent at the War Production Board during World War II, when he was the Board's General Counsel and I was one of perhaps a hundred lawyers on his staff. I saw him rarely then, but that did not matter: the entire staff was permeated with his attitudes and principles.

My only individual moments with Mr. O'Brian during the War came in 1943 after I had arranged to leave the Board for the Navy. It was customary for a staff member leaving for military service to call at his office and be given a personal sendoff. In my case he did it this way. He said:

I'm sorry that we haven't seen more of each other. But I recall what Woodrow Wilson said to Attorney General Gregory when Gregory left office. He said: "Mr. Gregory, I turned over your department to you and then never gave it a further thought and you should realize that that's the greatest compliment I could give any man in my Administration." I can say the same about you and the work you've done here.

So I left his presence thinking, as he wanted me to: this is flattery, but isn't there just a chance that it's true?

About a year later, home on leave, I called on him again. The 1944 presidential campaign was then in progress and it entered our conversation. I remarked that the biggest issue in the campaign was Roosevelt's health but that the Republican candidate couldn't mention it. Mr. O'Brian replied: "I agree it's a big issue and I agree that Dewey can't mention it." And he turned to other subjects.

The day in 1972 when I last saw Mr. O'Brian was not the last time I heard from him. Being overnight in Washington in March of 1973 I telephoned his secretary the next morning to inquire whether I might call on him. She said that he had just come into the office and wouldn't be staying long enough to receive me, but asked me to hold the line in case he wanted to exchange a few words. There was a pause for perhaps a minute and then the familiar silvery voice came over the wire. "Hello, John. Thank you for calling. This is one of my poor days." And I could hear the receiver being replaced.