

RONALD P. SOKOL

13540 PUYRICARD

FRANCE

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Dear Dan,

I guess I am suffering the usual tribulations of law practice as I wanted to reply to your last letter which reached me on June 24th before I left for the States at the end of June. Then when I didn't get to do it, I consoled myself by the thought that I would call you from the States. I have now been back from the States for nearly ten days and am only now actually able to try to get at least a few of the many thoughts, questions, etc. that have been the source of much mental communicating with you over the past month and a half on to paper.

Let me first thank you for taking the time to write a recommendation for me. Despite recommendations by you, Hardy, and the American consul in Nice, I was turned down at all three seminars, much to my astonishment. Prof. Cover at Yale Law School was kind enough to write a personal note to explain why in light of the fact that the subject of his seminar was to deal with some of the same themes I dealt with in Justice After Darwin, and he assumed I would not understand the decision. He said that the Natl. Endowment for the Humanities (NEH) has a policy not to make grants to any professional people exercising their profession abroad unless there is an insufficient number of qualified candidates from the U.S. I confess that the possibility of such a policy flitted across my mind prior to applying, but I dismissed it as being too unlikely. And as the NEH does not make the policy publicly known, for reasons which do not seem clear, I blithely went ahead. I was grateful to Prof. Cover for his explanation, and I particularly felt bad that I had taken your time and Hardy's to no avail. I remain very grateful for your effort.

I am very anxious of course to know what the situation is with your sight. Whether the "interlocutory" operation has already been performed, whether it went well, and, if so, when the next one is for. It would certainly be wonderful if you could at least get some sense of light and movement back. I gather you have none now. I was struck by your analogy in a prior letter to the Jones v. Cunningham "in custody" argument. I remember very well our discussions together when you were honing that argument down prior to going up to the Court to educate the justices, and I had the pleasure and privilege of being an anvil against which that argument was hammered. I suffer no ill after-effects from being so used. Quite the contrary.

I did see Hardy and his new wife whom I much liked for her

modesty and good cheer. We had lunch together in Paris at Hardy's hotel. Although I know Paris well, he had chosen a hotel I didn't know for a reason that much appealed to me. He chose it because, Hardy said, "Lafayette stayed here." It gave me enormous pleasure to see him again. Although I have been back to the Law School, I three times since I left in 1966, I hadn't seen Hardy. I thought looked very well. Erect, alert, and with the same readiness to be amused and to amuse others. I think what prompted me, in part, to see Hardy again was a sentence I remember from one of Holmes' to Laski when Holmes was in his late 80's, and Laski had questioned him I think on what he regretted. Holmes said that he regretted he was young not having asked more questions of the old. I have taken lesson to heart and have been trying in the past few years to apply

I was also greatly pleased with myself for working up the courage to ask Hardy for a photograph of himself. I wasn't so courageous to ask him when we met, but I did write him afterwards, telling him he would be amidst photographs of Justice Black, Thomas Jefferson, Twain, a Karsh photograph of Picasso, and a reproduction of the Lupas sketch of John Kennedy. While disclaiming such august company he sent back a lovely photo very kindly inscribed which is his official ICJ photo showing him, as he said, "in some silly Belgian lace." I he told me he was sending the official photo, for he said it was the only one he had, I was delighted to be getting one, but did not anticipate an unusually good one, as official photos invariably seem to neutralize the person to the utmost degree possible. The photo I had of Black, for example, is his official one, and it fails to show the man's real face. But Hardy's official photo is sensational. The "silly Belgian lace" is there but by some miracle it adds to the portrait which, far from being a mask, shows Hardy's goodness and humor like an open book.

Having recounted all this, I should like to finish up by asking you if you would be kind enough to send me a photo of yourself. I have the same shyness about asking you as I did about asking Hardy but once I worked up the courage once, I am able to do so ~~again~~ again. The rogues gallery into which you will be put is an assembly of reasonably good company. I should like to add to it, besides yourself, Holmes but I have not yet found a suitable picture. Hardy made the observation which escaped me, "that your friend Darwin does not seem to be there." If I can find a picture of Darwin, I shall round off the gallery with him.

I have followed some of your progress from the articles in the Journal about you. I also read somewhere quite recently that Griff Bell felt that his greatest accomplishment to date was the creation of your office which of course gave me great pleasure to read.

It is astonishing to me to discover that I am becoming a corporate lawyer, although an odd sort of one I suppose. It is also pleasant and a bit surprising, to discover that I am enjoying the practice of law.

As ever,  
