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*REMARKS AT MONDAY  
AFTERNOON SESSION UPON  
RECEIVING WISDOM AWARD*

By Guy Miller Struve, Esquire  
*Life Member of The American Law Institute*

*The Monday afternoon session  
of The American Law Institute  
convened in the Grand Ballroom  
of The Westin St. Francis, San Francisco, California,  
on May 16, 2011.  
President Roberta Cooper Ramo presided.*



**President Ramo:** Now those of you who have been here for a while know that we don't often give awards, we are just not that kind of group, but today we have two awards that are very important and all the more special because we so rarely do them.

First let me call upon Judge Brock Hornby, federal district judge of Maine, to present the Wisdom Award to Guy Miller Struve.

**Judge D. Brock Hornby (Me.):** Good afternoon. On behalf of the Wisdom law clerks, I have a five-minute challenge to tell you who Judge John Minor Wisdom was, to tell you who Guy Miller Struve is, and to tell you why Guy Miller Struve is receiving the John Minor Wisdom Award.

For those of us who knew Judge Wisdom, it is jarring to realize that his is no longer a household name in legal circles. Son of the Deep South, a lawyer from New Orleans, roots from Virginia reflected in the family name Minor, a skilled and successful lawyer, winning a well-known antitrust case in the United States Supreme Court, the *Schwegmann* case [Schwegmann Bros. v. Calvert Distillers Corp., 341 U.S. 384 (1951)], he and his wife, Bonnie Mathews, revitalized the Louisiana Republican Party in midcentury. He wrote the brief and argued to the Credentials Committee at the Republican National Convention in 1952 why that committee should recognize their Louisiana reform slate in favor of Eisenhower rather than the Old Guard slate in favor of Taft. The Wisdom brief succeeded, Georgia followed the example, and a few years later President Eisenhower appointed Wisdom to the old Fifth Circuit. Then it was Texas, Louisiana, Mississippi, Alabama, Georgia, Florida, and the Canal Zone.

Wisdom, along with some of his colleagues, went on to write some of the important and courageous desegregation decisions that followed *Brown against Board of Education* [347 U.S. 483 (1954)], decisions that changed the course of history. In *United States v. Jefferson County Board of Education* [372 F.2d 836, 847 (5th Cir. 1966)], in 1966, he wrote, "The only school desegregation plan that meets constitutional standards is one that works." He wrote, "*Brown* erased *Dred Scott* [*Scott v. Sandford*, 60 U.S. (19 How.) 393 (1857)], used the Fourteenth Amendment to breathe life into the Thirteenth, and wrote

the Declaration of Independence into the Constitution. Freedmen are free men. They are created as equal as are all other American citizens and with the same unalienable rights to life, liberty, and the pursuit of happiness.” [372 F.2d at 873.]

Judge Wisdom suffered personal ostracism, threats, and reprisals, but they did not deter him. He loved the law, he loved being a judge on the Fifth Circuit, the Multidistrict Litigation Panel, and the Railroad Reorganization Court, he loved The American Law Institute and the Council on which he served, he loved literature, he loved Scotch, and he loved and mentored his law clerks, many of whom are members of this Institute. We still gather and reminisce about him, as we did in New Orleans just this past February, and we had a glass of scotch.

Guy Miller Struve is and has been a successful trial lawyer at Davis Polk & Wardwell in New York City. I am told that he is known at the firm for his personal attention to and mentoring of young associates. He has been with the firm for 44 years, minus a stint with Larry Walsh, also of this Institute, in the Office of the Independent Counsel for the Iran-Contra investigation, against such public figures as John Poindexter and Oliver North. Walsh called Guy an “incisive legal scholar,” a “keen analyst,” and “the counselor on whom I relied the most for professional acumen and personal advice.”

Many things stand out about Guy Miller Struve. I want to mention just two or three. First, he has been a member of the ALI since 1974, and he is the paragon of what it means to be an ALI member. He has attended 30 out of the 37 Annual Meetings that have occurred since he became a member. He has been an Adviser on two separate projects. He has joined 15 Members Consultative Groups. He comments regularly from the floor at Annual Meetings and proposes language revisions. In fact, Guy, I feel like you should be down there at microphone 2, where we really see you all the time.

His attention extends to topics well beyond his law practice. He represents all that is best about the ALI in his eclectic legal interests, the seriousness with which he approaches the task, his conscientiousness about leaving his clients at the door, and his commitment of time and energy to improving the language and substance of the project.

Here are comments from two Reporters. Reporter Mike Green, Torts: “Over my 14 years of working on Restatements, there is no one who has read our numerous drafts from cover to cover more carefully, nor anyone who has made as many useful suggestions to improve the drafts as Guy did.”

Reporter Andrew Kull, Restitution: “Everyone who takes the trouble to prepare written comments is a friend of the Reporter, but the Reporter is inevitably more grateful to some friends than to others. I was very grateful to Guy. He would sometimes apologize for picky comments, and some of his comments were indeed picky, but every single one of his picky comments was a change I wanted to make.”

I Googled the Struve family history just to see if I could get further insight into Guy’s character, and I discovered that Jacob Struve, whom I believe to be his ancestor, an 18th-century mathematician, wrote to one of his sons as follows: “Wir Struve können nicht ohne anhaltende Arbeit vergnügt leben, weil wir von frühester Jugend an uns überzeugt haben, dass sie die nützlichste und beste Würze des Menschenlebens ist,” which, as Gerhard Casper will tell you, reads in translation, “We Struves cannot live happily without continuous work, because from a young age we learn that it is the most useful and best virtue of human life.” That is distinction one.

Distinctions two and three are Guy’s two offspring, Andrew Struve and Cathie Struve, with their own distinguished legal and academic careers, both of them members of The American Law Institute and Cathie a member of the Council as of last year. Cathie, unfortunately, can’t be here because of health issues, but I asked her why her father has contributed to the ALI in the way that he has. She responded that she believed it was, quote, “just his way of giving back to the profession.” I understand that Andrew is here, and that Guy’s wife Marcia is here. I’m glad to have both of them here.

And so to the award. The award records that Judge Wisdom wanted to be remembered as “one who attempted to judge according to his conscience and the law and was influential in bringing about an improvement in the social life of this country.”

Everything about that statement applies to Guy Miller Struve's life as well. He has conducted his professional life according to his conscience and the law, and as we have seen so well demonstrated in his professional undertakings and his ALI participation, he has shown his concern to influence and improve the life of this country through his attention to young lawyers, his willingness to engage in public service, and his attention to the rule of law, its constant improvement, and its simplification through his outstanding commitment to the work of The American Law Institute.

Guy, would you come forward? (*Applause*)

Guy Miller Struve, there is no one more deserving of this award. John Minor Wisdom would be proud to know that you are receiving it, and he would raise a glass in honor of you. (*Applause*)

**Mr. Guy Miller Struve (N.Y.):** Thank you very much, Judge Hornby.

Obviously the nature of an award is that you give it to an individual, but what is really important here is not individuals, it is the Institute. So if you will indulge me, I would like to speak a little bit about what the Institute has meant to me and what it means to all of us.

I first found out about the Institute when I was in my first year in law school. A kindly professor suggested that those of us that were a little confused, and not totally getting it, could go up to the library and there were books called Restatements that laid out what the law was. I went and looked at them, and I was grateful for them. I found in them a clarity and a rationality that too often seemed to be lacking from the curriculum itself.

I was curious to know where they came from. So I looked at the front of the book, and what I found was that they were the result of the voluntary self-sacrificing labor of judges, of scholars, of practitioners, all of whom were contributing this labor for the good of the law and for no other reason. I thought to myself, that's really cool; I would like to be part of that someday.

And to tell you the truth, I still think it's cool. I know that many people may think that sentiment is as outdated as the word "cool" itself, (*laughter*) but to me the idea that we are all gathered here, not for business-getting, not for clients, not to advance a preconceived agenda, but to make the law better, I find that very inspiring. I do think it is cool.

Now participating in the Institute has gotten a lot easier since I started. The Members Consultative Groups, which were set up in the 1990s, I think are the best single thing that has happened to the Institute in my time so far. What is great about them is that you can join a Members Consultative Group just by signing up, and once you join, you get the drafts as early as the Advisers get them, you get them before the Council gets them, you get them long before this body gets them. And what is important about that is that that gives you a chance to make constructive comments, large and small, and believe me, the small ones are appreciated at least as much as the large ones, and you get to make them at a time when the work is still in progress.

If you think of the Reporter as like a sculptor, molding his model in clay, by the time the work gets through the Council and gets to the Annual Meeting, the clay has really started to harden, and it is really tough to make particularly fundamental changes at that point. It is much easier and more appreciated to make them earlier.

Now, like anything that is worth doing well, Institute work takes practice. The good thing about it is you get better as you go along. You understand better how the Institute works, what a good Restatement or Principles project should look like, how to contribute to it. Let me tell you from personal experience, there is nothing more exhilarating than being part of a stimulating back-and-forth discussion that ends up with an end product different than anybody, even the Reporter, could have envisioned going in.

So, in conclusion, I have to ask you how cool is this, to receive an award for doing something that is really worthwhile and that you love to do? I thank you all. (*Applause*)

