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SPAULDING FRAZER

IN MEMORIAM

In 1917, when he was 35 years old and had been at the bar thirteen years, Spaulding Frazer was regarded as one of the most promising men in the profession. He had served for three years as City Counsel of Newark. At the time of his appointment he was probably the youngest man ever to assume that office. Exacting work with no thought for hours, including the task of preparing a model city charter, brought on a serious illness in the latter part of 1917 which threatened the termination of his career and which might have ended fatally for a less courageous man. Spaulding Frazer, however, was fearless in the face of dire predictions of the doctors. Confronted with a physical breakdown he was able to adhere meticulously to a rigorous mode of life prescribed for him at Asheville, North Carolina, by drawing upon an ample spiritual reserve.

In his boyhood an interest in the classics had been cultivated under the guidance of his father, the Reverend David R. Frazer, who for many years as pastor of the Old First Presbyterian Church had exercised so pervasive an influence that he came to be regarded as the leading Presbyterian minister of the State. Parental influence was not, however, limited to the classics; it extended also to music and good literature. These interests were further cultivated during his college years at Princeton where he is reported to have collaborated in the writing of the words and music for a comic opera, the subsequent

history of which it has not been possible to trace. It is known, however, that for the Tenth Reunion of his class he wrote the words and music for a Class song and composed a march. His interest in music was not a purely selfish one. In a pamphlet published last year by the Public Library of Newark is contained in an article entitled "The Library Year by Year" a note under date of April, 1907: "Music purchased with \$525 raised through efforts of Spaulding Frazer and others interested in music." In later years he was one of the leading figures in the Newark Music Festival. This organization performed a setting which he composed for chorus and orchestra of Edwin Arlington Robinson's "Dark Hills". He also orchestrated Grieg's "Albumblatt". He found diversion in composing songs for solo voice and in improvising at the piano for small groups of friends. Because of his extraordinary gift in reading music, he was often asked to serve as accompanist.

During the three years he spent at Asheville he had opportunity to pursue his varied cultural interests. Those who knew him in later years and who appreciated his rich gifts as a conversationalist may be surprised to learn that for six months he obeyed implicitly orders of his doctors not to use his vocal cords. His few wishes he communicated by sign language and written notes, but an outlet had to be found for his spiritual energy and he devised an ingenious program. A portion of the day was devoted to the study of languages including Latin, Greek, German, French, Russian and Swedish. Several hours were devoted to good literature. Still finding leisure time on his hands he took up book binding under the instruction of a Swedish expert, upon whom he practiced what he had learned of the language. In 1919 he was elected a member of the Pen and Plate Club, an Asheville institution organized in 1904 to cultivate experimentally the tradition that intelligent minds may mutually profit from interchange of ideas in more or less informal conversation. A little booklet published in 1929 con-

tains a more alluring description by Dr. Minor, one of the organizers: "The club is just what its title implies—a social body with gastronomic tastes, tinctured with literary aspirations; a monthly gathering of congenial and friendly spirits to discuss a good dinner and listen to the reading of a paper equally good." Among the papers contributed by Spaulding Frazer was one written in 1920 entitled "Propagandizing Power of the Press and its Post-War Responsibilities," a subject the significance of which most of us came to appreciate in later years and which recently has again become controversial. In his last year at Asheville he took charge of raising funds for the erection of the new Mission Hospital, in which he died.

Not in the least disheartened by the three year interruption of his legal career he returned to Newark and resumed his practice in 1921. Again the field of public law attracted his primary interest and he served from time to time as counsel for the North Jersey District Water Supply Commission, North Jersey Transit Commission, New Jersey State League of Municipalities, Passaic Valley Sewer Commission, Port of New York Authority, State Taxpayers Association and various municipalities. He made a very distinct contribution to the case material in this field of law.

He was keenly aware of the responsibilities of good citizenship and never hesitated to speak out on public issues whether his convictions were in accord with or opposed to the tide of public opinion. He had a lively interest in the problem of multiple taxation. At heart he believed in the principles expounded by Henry George and for many years served as a trustee of the Robert Schalkenbach Foundation, devoted to the advancement of the teachings of the famous economist. He realized, however, that the achievement of the single tax ideal lay in the remote future and he faced the realities of the problem of taxation in New Jersey by contributing largely to the work of the Taxpayers Association through which he championed several years ago

the state-wide campaign for the repeal of the sales tax statute.

Perhaps the most celebrated public issue in which he participated was involved in the case of *C. I. O. v. Hague*. When the handling of that case was broached to him it was suggested that possibly his conservative friends would be shocked by his undertaking the representation of what was then charged to be a radical organization. He brushed aside this suggestion with the observation that those of his friends whose opinions he valued would see at once that the real issue affected persons of every shade of political opinion, all of whom would rise to the defense of the constitutional guarantees of free speech, press and assembly, which he regarded as the heart of our democratic processes. He regarded as of secondary importance the personalities who were parties to the litigation. That single-handed control of a community over a long period of years should be possible under democratic forms was a source of regret to him. In the conduct of the case, however, he was preoccupied with the legal issues and the vindication of his position by the courts brought him near the end of his life the satisfaction flowing from successful advocacy of a great cause.

A revealing incident occurred in connection with the argument of this case before the United States Supreme Court. I accompanied him to Washington. Concerned as I was that his presentation before that august tribunal should be in the best tradition, I timidly suggested that it might be advisable to prepare a brief outline of the main points to be developed at the argument and the leading supporting cases. I knew well his aversion to pedantry and his belief that for the lawyer in Court as well as the public speaker an understanding of the heart of his subject was of first importance. I was pleasantly surprised, therefore, when he readily acceded and devoted the evening before the argument to the preparation in his own copper-plate handwriting of a very clear outline. It did not occur to me until we reached the Supreme Court building a few minutes before

noon the following day to inquire whether he had taken the outline. He searched his pockets in vain. The court shortly convened and he proceeded to make what was probably the best argument of his career. The numerous questions addressed to him by members of the court would in any event have rendered the outline useless.

He left a deep impress upon legal education in New Jersey. He was asked in 1926 to take the Deanship of the Mercer Beasley School of Law and he accepted upon the understanding that this school would devote itself to improvement of the entrance requirements and the general standards of legal education. He at once proposed to the State Board of Education that two years of pre-legal training be required for admission. This rule was subsequently adopted by the Board and by the Supreme Court. He urged before bar associations the presentation of petitions to the Supreme Court for further improvements. After the Mercer Beasley School of Law and the New Jersey Law School were merged to form the School of Law of the University of Newark he applied to the American Association of Law Schools and to the Section on Legal Education of the American Bar Association for certification. This required prior compliance by the school with the stringent qualifying standards prescribed for obtaining approval. Such compliance necessitated sacrifices because even in the field of legal education competitive advantages are not disregarded by some schools. It is regrettable that final accreditation could not have been obtained during his lifetime.

Reference to his fearlessness and his courage in fighting for principles in which he believed present only one side of Spaulding Frazer. His wit, generosity, tolerance and human warmth were some of the facets of a distinguished personality which attracted so many friends, including hundreds who in their law school years came to know him well and will long remember the final summons by him at the commencement exercises to receive the awards of degrees.

He was an admirer of Frank Stephens, the sculptor and poet who was also a follower of Henry George. In one of Stephens' poems written in memory of a friend are found lines which apply so well to Spaulding Frazer that but for the space requirements of the editors I would have preferred their quotation to all I have written :

“Through the rough-jostling mob of the unfree,
Who in the rush for money strive and shove,
There moved not in the city of his love,
One nobler, courtlier, kinder than was he.

“To that beginning which we call the end
He passes as he lived, serene and strong,
His life a benediction and high song
To those he honored with the name of friend.”

DAVID STOFFER.

NEWARK, N. J.