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WILLIAM JOSEPH FLITTIE—IN MEMORIAM (1920-2000)

*Joseph W. McKnight**

WILLIAM J. Flittie was a fine teacher, an able scholar, and a man of great loyalty to principles and institutions that he valued most, particularly this law school (where he was a member of the faculty for twenty five years), the United States, and conservative principles of governance. His political commitments did not, however, in the slightest color his teaching or his scholarship which was both thorough and perceptive. His stance on many matters was nonetheless often regarded as old fashioned.

After distinguished service in the Navy during World War II, he completed his legal education (begun at the University of Minnesota) at Columbia Law School. With an anticipated political career, he thereafter served as an assistant to the South Dakota Attorney General, but with political aspirations behind him he entered the field of mineral law as an attorney for Texaco, Inc. (then the Texas Company). On the death of Wilmer D. Masterson, Jr., he joined us in 1962 as Professor of Mineral Law and Editor of the Oil and Gas Reporter. His strong commitment to teaching reflected his view of the function of a law school as principally to prepare lawyers for practice. He had little tolerance for those who devoted too much of their time to non-professional activities. He nonetheless had broad intellectual interests including both United States and Mexican history and international geography.

In his relations with his colleagues, his personality was never of a playful sort, and though his manner was not disagreeable, he was stern, demanding, and sometimes abrupt. Bill's manner reflected his stern upbringing on the Dakota plains. He always insisted on high standards of academic performance and professional integrity. In reviewing the work of colleagues for tenure or promotion, he regarded it as his duty to read all writings of a candidate with great care, and he showed the same attention to duty when called upon to consider matters of students' breach of our academic values. He followed the creed that during the first year of instruction, students' aptitude for legal study should be most vigorously tested, as in his view it was inevitable that the admissions process could not screen out all those who are unfit to pursue legal study. Hence, the imposition of strict standards of performance during the first year of study should remove those who were imprudently admitted. At the same

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time he showed great willingness to counsel and encourage any student who came to him with a problem, and his advice and help were often given with a great deal more humanity and understanding than he allowed himself to show. In contrast, Bill Flittie's attitude toward poor academic performance on the part of foreign students admitted for post-graduate study was tempered by his concern for the academy and his patriotism. It was his conviction that neither the academic who has come to play rather than to study nor the ill-prepared foreign lawyer be sent home in academic disgrace or hatred of the United States. He therefore urged us to find ways to salve the feelings of foreign students whose academic performance had proved unacceptable. When the situation required new devices to meet our needs, he was always willing to help in confecting new solutions for such problems.

Unlike many of a conservative academic bent, he attempted to utilize principles drawn from diverse legal contexts in order to illuminate a proposition or to find a new solution for a present legal or social need. He made it one of his particular skills to mold old legal devices to new uses. His thorough understanding of the nuances of property law and criminal law particularly equipped him to lift concepts out of their more accustomed traditional contexts to provide insights in other fields.

Over the years Bill Flittie acted as my lawyer in a rather informal way whenever I needed advice, especially in relation to property law. His counsel on matters of mineral law was vastly better than I could have afforded, and Bill was always ready to put aside what he was doing in order to answer my questions, however complex or trivial they might be. As my lawyer he thus gave generously and thoughtfully, and I always followed his advice knowing that it was the best I could acquire.

Over the years, I particularly admired Bill Flittie's willingness and ability to readjust his teaching preferences in order to satisfy pressing curricular needs. His ability to shift from one major area of study to another not only exhibited a great suppleness of mind but also a great mastery of professional disciplines to which we should all aspire. It was his consistent conviction that anyone who has achieved professorial rank should be able to perform skillfully in all basic fields of legal instruction. His demonstrated ability to do so provides a model for others to follow.

Essay

