

Post
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David L. Bazelon . . .

FRIDAY two of the most famous and revered members of the federal judiciary here died. David Bazelon was the youngest man ever to sit on a federal appellate bench when he was appointed to the U.S. Court of Appeals here in 1949. Judge Bazelon, who was 83 years old when he died, had grown up poor in Chicago and struggled to put himself through college and law school. In his career as a lawyer and judge, he demonstrated special concern for those who came from backgrounds of deprivation and, for whatever reason, had not succeeded as he had. Throughout his career he argued that the absence of adequate housing, education and job opportunities was the root causes of crime and that changing these factors was the crucial step in reducing criminal conduct.

A federal prosecutor, private practitioner and head of the Justice Department's Lands Division before he went on the bench, Judge Bazelon was fascinated by the psychological and social aspects of the legal matters that came before him. He wrote extensively and had a national reputation

as an innovative thinker, constantly urging his colleagues to consider disciplines outside the law and incorporate what was useful and progressive into their decision making. He was perhaps best known—and in time most controversial—because of his rulings in the area of mental illness and criminal responsibility. As a member of what most lawyers consider to be the second most important court in the country, and as its chief judge for 16 years, he also won a reputation as an authority on government regulation and a champion of civil rights and civil liberties.

Judge Bazelon was a national figure who was also an important and influential member of this community. He was as interested in bettering local schools as he was in federal legislation and psychiatric theory. His brilliant career was cut short by Alzheimer's disease, and his retirement seven years ago deprived the court and this city of his influence and his intellect. His writings, his innovative approach to the law and his example of service and scholarship endure.

. . . Gerhard A. Gesell

GERHARD GESELL, who served on the U.S. District Court for a quarter of a century, had carried a full schedule on the court until a month ago. At 82 he was still one of the most vigorous and hard-working jurists at the courthouse, and his death was a surprise to many who admired him.

Judge Gesell was one of a group of lawyers and social scientists who came to Washington early in the New Deal intent on getting the country out of the Depression and changing forever the role of the government in American life. Trained at Yale—in fact raised at Yale, where his father founded the Gesell Institute of Child Psychology—he worked first at the Securities and Exchange Commission under William O. Douglas. He later served as special counsel on two congressional investigations of national importance. As a partner at Covington & Burling, he continued to serve public causes and was, for example, an early member of the Lawyers Committee for Civil Rights Under Law.

It was as a judge, though, that Gerhard Gesell

gained a broader reputation and exerted the most influence. He conducted some of the most widely publicized trials of the last two decades, including those of some of the Watergate defendants and that of Oliver North. It was he who ruled that the District of Columbia's abortion law was unconstitutionally vague—this four years before *Roe v. Wade*—that President Nixon could not legally fire Archibald Cox and that the government could not stop the publication of the Pentagon Papers. A tiger on the bench, he set schedules and insisted that they be kept. When he was presiding, he ran a trial with authority and complete control. He even looked like a judge, a large figure with a mane of white hair and a no-nonsense expression in court. His friends knew a different side, a modest man who had no interest in the Washington world of parties and publicity, a grandfatherly figure whose greatest joys were his family and his work. He will be remembered as a man of accomplishment and unquestioned integrity.