

Edward Burnham Burling, Grinnell College's Quiet Benefactor by Duane W. Krohnke '61

The Burling Library has played an important part in the lives of the College's students and faculty for nearly half a century. Yet little is known within the Grinnell community about the library's benefactor, Edward Burnham Burling 1890.¹

Burling's Successful Life

The Prominent Lawyer, 1919–66

At the time of the library's dedication in the fall of 1959,² "Ned," as he was known, was the 89-year-old senior partner of the prominent Covington & Burling ("C&B") law firm in Washington, D.C.



He still regularly came to the office, where I met him that fall and expressed my thanks for the new library and talked about my studies at Grinnell and in the Washington

¹ Burling Library website.

² Library Dedication; Walker I; Cyclone at inside covers, 34-35, 138-39, 196, 206-07 (1959)(photos & drawings of Burling Library construction); Cyclone at 8-11, 205 (1960)(photos of completed Burling Library and its dedication; Burling is the "spectator" with the hearing aid on the left in the lower left photo on p. 205).

Semester Program at American University. A few weeks later, his chauffeur drove me to Burling's cabin on the Potomac River for Sunday lunch. The six-foot-plus, muscular Ned greeted me as he vigorously chopped wood. Years later I discovered that such afternoons at the cabin were often centers "of cerebral ferment" for Washington's elite and that the 384-acre site of these gatherings is now the public Scott's Run Nature Preserve near McLean, Va.³

Burling in 1919 co-founded C&B and thereafter served as its *de facto* managing partner. In the words of his partner and former U.S. Secretary of State, Dean Acheson, Ned helped to create "a practical organization, engaged in achieving practical ends, for real people, who were in real trouble." To that end, Burling hired talented recent law school graduates, gave them responsibility as soon as possible, and compensated them on the basis of merit, rather than seniority. Burling also developed a personal practice focusing on corporate transactions and federal taxation. Burling opposed many of F.D.R.'s New Deal measures and often remarked on the irony of C&B's successes attributable to those measures. (C&B is still one of the world's preeminent law firms with more than 600 lawyers in five offices in the United States and Europe, and it remains dedicated to the founders' values of excellence, tolerance, integrity, and commitment to public service and professionalism.)⁴

C&B's first big case shortly after its founding was a contingent fee case for the Kingdom of Norway against the United States for \$16 million arising out of the United States' taking of contracts for ship construction during World War I. For assistance, Burling hired his old friend, George Rublee,⁵ and the 28-year-old Acheson, who had just finished a clerkship with U.S. Supreme Court Justice Louis Brandeis. Recognizing Acheson's talents, Ned asked him to argue an important and difficult issue in the six-week hearing before the arbitral panel at the Peace Palace at The Hague. Burling ironically pointed out that after Acheson made his very first court argument at the Peace Palace, the rest of his legal career would all be downhill. During the young Acheson's argument, Burling slipped him a terse note: "Shut up." Acheson, however, ignored this order and continued the argument, which led to an important concession by the other side (the United States). The result was a 1922 award of nearly \$12 million (U.S.) to Norway and a subsequent Norwegian knighthood for Burling.⁶

³ Burling Obit.; Burling Editorial; Graham at 135; Reflections at 55-58; Burling Books at 914-16; Bowen Papers (letter, Burling to Bowen (11/7/55); letter, Bowen to Burling (11/10/55); letter, Burling to Bowen (11/14/55); letter, Bowen to Burling (11/28/55)); letter, Burling to Krohnke (11/18/59); Scott's Run Website; O'Brian Papers, Box/Folder 3.6 (Statement of Edward B. Burling before Virginia Senate Committee on Appropriations (4/1/57)); O'Brian Recollections at 18-24, 26-27; O'Brian Papers, Box/Folder 3.5 (O'Brian obituary for Burling (circa 10/3/66)).

⁴ C&B History at 28-32; C&B Website; Reflections at 51; Burling Books at 908; Burling Cases I; O'Brian Recollections at 10-12A.

⁵ C&B History at 18-32, 53-55, 71-74, 86, 116, 386.

⁶ C&B History at 40-46, 27-31; Reflections at 22; Burling Books at 908; Acheson's Morning at 124, 132-42; Acheson's Friends at 11-12; Chase at 51-55; U.S.-Norway Agreement; U.S.-Norway Award; U.S.-Norway Record; Garner; Scott; O'Brian's Recollections at 12A; McClure at 172-74; Rublee Reminiscences at 193-99.

Thereafter, whenever Acheson was not holding high positions in the U.S. government, he was practicing law at C&B. Through it all, Acheson and Burling had a strong friendship. Shortly after Acheson became secretary of state in 1949, Burling wrote to him,

“I have been impressed by the growing kindness and consideration for others that you have shown. The absence of any feeling of importance is rare in one who has attained the high office that is yours. And at the same time a growing strength is apparent. Your head has always been better than other heads but once you were inclined to defer to more assertiveness. You show less of that trait. And you have no reason to yield your opinion when you have come to a considered conclusion. You have a right to believe that your conclusion is probably better than will be offered by anyone else. So trust in yourself and go ahead and do a swell job for the world.”⁷

A year later, Burling observed that Acheson was “one of our great men. Great, I mean, looking at the entire history of our country. I am greatly impressed by the way he has grown. He is a powerful figure.”⁸

Burling’s Friends in High Places

Burling also was on a “first name” basis with many of the other leading legal and political figures of his time who were frequent guests at the cabin. They included U.S. Supreme Court Justice Felix Frankfurter;⁹ “Tommy the Cork” Corcoran, the ultimate Washington insider from FDR to Reagan;¹⁰ John Lord O’Brian, a prominent attorney for the federal government (and later one of Burling’s law partners);¹¹ George Rublee, a Harvard Law School friend, law partner, and adviser to Theodore Roosevelt, Woodrow Wilson, and Franklin D. Roosevelt;¹² and Katherine Graham, the owner and publisher of the *Washington Post*.¹³ Other notable guests at his cabin included Vice President Henry Wallace; former U.S. Secretary of War and of State Henry L. Stimson; Supreme Court

⁷ Acheson Papers, Reel 4, Box 4, Folder 53 (letter, Burling to Acheson (3/24/49)).

⁸ Hand Papers, Box 100, File 18 (letter, Burling to Hand (4/26/50)).

⁹ Correspondence between Felix Frankfurter and Edward B. Burling, Box 33, Reel 19, Frankfurter Papers.

¹⁰ Correspondence between Thomas Corcoran and Edward B. Burling, Box 49, Corcoran Papers; Tommy the Cork; Corcoran Wikipedia; Reflections at 51; O’Brian Recollections at 32. Corcoran also had contacts with Harry Hopkins, another famous Grinnellian. In 1938, President Roosevelt thought he would not seek a third presidential term and wanted Hopkins to be his successor, but in 1939 Hopkins publicly advocated such a third term for FDR. Hopkins simultaneously worked to get the vice presidential nomination of the Democratic Party for himself and solicited Corcoran’s assistance; Corcoran said he would do so if FDR asked directly, but he never did so. (McJimsey, George, Harry Hopkins: Ally of the Poor and Defender of Democracy at 119-21 (Cambridge, Mass.; Harvard Univ. Press 1987)[McJimsey is a Grinnell graduate, 1958]; Adams, Henry, Harry Hopkins: A Biography at 130-32, 138-39 (New York: Putnam 1977); Sherwood, Robert E., Roosevelt and Hopkins: An Intimate History at 77, 92-95, 99, 117, 172 (New York: Bantam Books 1950) .

¹¹ O’Brian Papers; O’Brian Biography; Reflections at 47, 53-59; C&B History at 85-87, 99-100, 111-12, 201-02.

¹² McClure; C&B History 1, 5-7; Reflections at 20-21, 44-45.

¹³ Graham.

Chief Justice Harlan Fiske Stone and Justices Robert Jackson and Owen Roberts; federal judges Learned and Augustus Hand and Charles Wyzanski; Benjamin Cohen, a New Deal official; journalist Walter Lippmann; Lord Brand, an Englishman who held many important positions in the United Kingdom; and many foreign ambassadors.¹⁴

But Ned's dearest friend among this group of notables was Learned Hand, a Harvard Law School contemporary and later one of our most distinguished federal judges.¹⁵ Ned frequently expressed his appreciation for this friendship. Hand, he said, was "the agreeablest [sic] man in the world" and that their friendship was "one of my most prized possessions."¹⁶ Further, Hand was "much more intelligent [than other people and] appreciates me and understands me. [He is] ... the only worthy recipient of my most intimate confessions."¹⁷

Burling's Political Life

Other than his years at the U.S. Shipping Board that are discussed below, Burling never held any elective or appointive position in the federal government. But his frequent and close contacts with the leading political figures of his time gave him a unique perspective on major issues.

Ned's interest in politics antedated his years at C&B. In 1896, he was a spectator at the Democratic National Convention in Chicago to hear William Jennings Bryan's "Cross of Gold" speech that assailed the gold standard as crucifying the common man.¹⁸

Sixteen years later, 1912, Burling along with Learned Hand and George Rublee was active in the Progressive or Bull Moose Party that split off from the Republicans after they re-nominated William Howard Taft for president. The Progressive Party then nominated Theodore Roosevelt for president and supported many social reforms, including referendum and citizen legislative initiative, recall of elected officials, workers' compensation and social insurance, and women's suffrage. This third-party candidacy, however, split the Republican vote and allowed Woodrow Wilson to become president by a plurality of the vote. Nevertheless Ned's allegiance to the "Rough Rider" persisted. As he said in 1921, he agreed "with everything that T.R. ever said on political subjects." Indeed, throughout his life, Ned often joked that he was the Bull Moose Party's sole survivor.¹⁹

¹⁴ Reflections at 55-58. It would be fascinating to look for the papers of these people and see if they had correspondence with Burling.

¹⁵ Gunther; *The Spirit of Liberty*; *The Bill of Rights*.

¹⁶ Hand Papers, Box 100, File 5 (letter, Burling to Hand (9/--/16)); Hand Papers, Box 100, File 19 (note, Burling to Hand (10/6/54)).

¹⁷ Hand Papers, Box 100, File 9 (letter, Burling to Hand (2/--/23)).

¹⁸ Burling Books at 916; Richard Hofstadter, William Miller & Daniel Aaron, *The American Republic Since 1865* at 252-56 (Englewood Cliffs, NY: Prentice-Hall, 1959).

¹⁹ Burling Books at 916; C&B History at 23; Bull Moose; Hand Papers, Box 100, File 5 (letter, Burling to Hand (circa 1/--/21)); O'Brian Recollections at 5; McClure at 65-84; Richard Hofstadter, William Miller & Daniel Aaron, *The American Republic Since 1865* at 386-87, 697 (Englewood Cliffs, NY: Prentice-Hall, 1959).

After the end of World War I, Burling criticized the League of Nations as proposed by President Woodrow Wilson because it was not like the league Teddy Roosevelt had proposed, *i.e.*, it was “not an association between nations freely entered into for the purpose of preserving boundaries established by tradition and usage.” Instead, it was “an alliance for the purpose of perpetuating a military ascendancy over defeated nations.”²⁰

Commenting on the 1928 Republican Party convention that nominated Herbert Hoover for president, Burling said, “Never was a man of God [Hoover] more ably assisted by gentlemen who are not unknown in more worldly haunts.” He added, “[Hoover] will smother Al. Smith — He is an extraordinary phenomenon. He will dominate American affairs for eight years and after that will be the arbiter. ... [You] will also see Hoover playing the game very successfully. ... It will be the most powerful administration in the memory of man — and he will be a good party man. He will run the party. A man of God who is practical — you cant [sic] beat that combination.”²¹ Obviously Ned did not anticipate the Great Depression and F.D.R.

Soon after the start of what became World War II, Ned observed that “the thing for old men to do is to be as gay as we can be and just recognize that all things are subject to change. ... There is something in us that craves permanence, finality; and yet we should be able to see that it is and always has been an idle dream. I am not in the least an optimist. ... I think it is quite possible that for centuries the world will get worse, and that the world will be ruled by murder, treachery, brute force, but if that is the kind of animal man is, the thing to do is to recognize it and made such adjustments to it as are necessary. We always knew that in the past civilization had fallen before inroads of vigorous barbarians. What we did not foresee was that barbarians may organize in our very midst. But if that is what it is, we must deal with it as it is.” Burling continued, “Although ... society may proceed downward for centuries, I am rather inclined to think that will not be true. I rather think that this is like the eruption of a violent disease, and that the disease will subside. I think there must be many many people in the world who would like to suppress the armed murderer [Hitler?], and I believe that sometime they will be able to assert their power and that there will be an armed force controlled in the interest of a peaceful world that will keep the law breakers down.”²²

In the spring of 1950 while touring Europe, Ned pondered, “Why the U.S.A. is first power in the world. Europe as a whole seems to me to have a sturdier population with more dependable qualities, the soil is fertile, and it has all the natural resources. In the long run, it may be that Europe will maintain its primacy.”²³

In the summer of 1952, Ned reacted to the presidential nominations of Adlai Stevenson and Dwight D. (“Ike”) Eisenhower. Stevenson, Burling believed, “will be hard to beat. His two speeches before the [Democratic] Convention were different from most political

²⁰ Hand Papers, Box 100, File 7 (letter, Burling to Hand (circa 1/--/21)).

²¹ Hand Papers, Box 100, File 11 (letter, Burling to Hand (6/--/28) (emphasis in original)).

²² Hand Papers, Box 100, File 15 (letter, Burling to Hand (11/30/40)).

²³ O'Brian Papers, Box/Folder 3.6 (letter, Burling to O'Brian (5/31/50)).

addresses. In the contest with Ike, he is going to be on his own ground. Ike is a novice. But in any case we are fortunate in having two such candidates.”²⁴

Eisenhower and Nixon, of course, won the 1952 election, and four years later, Ned reflected on a reprise of that election. He was most pleased by “the way Truman fell on his face [at the Democratic Convention]. He seemed to me like a bouncy monkey on a stick” or “a very cheap little ward politician.” Ned added, “The charm that Eisenhower’s personality exerts is an extraordinary phenomenon. But the Republican Party is relying too much on that. . . . After all, since 1952 the Democrats have been winning about every election — local and national. And [Adlai] Stevenson is a much abler campaigner than he was four years ago. And many, many people will not vote Republican because of Nixon.”²⁵ Once again, Ned was not a successful prognosticator.

In the summer of 1960, Ned predicted the John F. Kennedy would win the Democratic presidential nomination. Yet Ned was terrified that the task of confronting the U.S.S.R. would fall to Kennedy or Nixon, and Burling found it difficult to choose between them. He could not decide whom he liked the least. “But then I have not liked any president since the days of T.R. [Teddy Roosevelt].”²⁶ After Kennedy’s election and inauguration, however, Ned was “interested in this Kennedy performance. It may turn out well. Anyway it is going to be more *fun* than Truman or Eisenhower.”²⁷

During the 1964 presidential campaign, Ned supported Lyndon Johnson, the Democrat, against Barry Goldwater, the Republican. At a White House dinner, Burling told L.B.J. that Burling as the sole survivor of the Bull Moose Party could assure Johnson that he had the unanimous support of that party.²⁸ On another White House occasion, Johnson introduced Burling to West German Chancellor Erhard as the last Bull Mooser.²⁹

Just after the inauguration of Lyndon Johnson as president in January 1965, one of Burling’s friends reported that at the annual dinner of one of their clubs, Richard Nixon gave a very witty “acceptance” speech for the club’s satirical nomination of him for president. Nixon described himself as “the most over-nominated and under-elected man in history.” Nixon continued by saying that he was opposed to the impeachment of Chief Justice Earl Warren because at 73, he was an old man; instead, Warren should be retired by setting age 72 as a mandatory retirement age for Supreme Court justices and that “Bobby Kennedy was engaged in the process of becoming the father of his country.”³⁰

Burling’s Generosity

²⁴ O’Brian Papers, Box/Folder 3.6 (letter, Burling to O’Brian (8/4/52)).

²⁵ O’Brian Papers, Box/Folder 3.6 (letter, Burling to O’Brian (8/28/56); letter, Burling to O’Brian (8/22/56)).

²⁶ O’Brian Papers, Box/Folder 3.6 (letter, O’Brian to Burling (7/11/60); letter, Burling to O’Brian (7/18/60); letter, Burling to O’Brian (9/6/60)).

²⁷ Hand Papers, Box 100, File 22 (letter, Burling to Hand (1/23/61)).

²⁸ O’Brian Papers, Box/Folder 3.5 (O’Brian’s obituary for Burling at 4-5 (circa 10/3/66)).

²⁹ Kronwell I.

³⁰ O’Brian Papers, Box/Folder 3.6 (letter, O’Brian to Burling (1/25/65)).

Ned accumulated substantial wealth through the practice of law and investments. His most successful investments apparently were real estate development around Chicago in the early 20th century and his starting a small surplus trading company that eventually became one of the largest metal-cutting tool manufacturers in the United States (United-Greenfield Corporation).³¹

Burling, in turn, was generous with the fruits of his financial success.

His generosity to the College is highlighted by his gift of \$700,000 towards the library's total cost of \$1.3 million (\$5.1 million of \$8.7 million in February 2008 dollars).³² He also made other, usually anonymous, gifts to the College, plus directly financed some students' expenses.³³ In short, he was a major contributor to the College.³⁴ Other gifts to the College by his second wife and widow, Bertha Blake (Jones) Burling, included the Burling mansion in the Embassy Row area of Washington, D.C., and their Maine summer cottage.³⁵

Burling also endowed the College's Linn Smith Prize for Excellence in Mathematics. Smith was a native Iowan and a 1920 math honors graduate of Grinnell who drowned while taking care of Burling's two young sons at New Hampshire's Cornish Colony. Burling had unsuccessfully tried to rescue him. Burling was very upset about the drowning and said that Smith was "sweet tempered, devoted, and unselfish. If he had been meaner or more faithless, or selfish he would have survived. ... He had this notion which poor boys that go to Grinnell are apt to get, that is they glory in sacrificing themselves, go without food, go without pleasure, generally go without and your record is sure. I say the only consequence of that philosophy is that you get nothing."³⁶

His generosity was not limited to the College. He quietly helped other young people attend other colleges and cope with other necessities.³⁷ After his death, his widow endowed the Edward B. Burling Chair in International Law and Diplomacy at The Johns Hopkins University's School of Advanced International Studies.³⁸ The school had been

³¹ O'Brian Recollections at 14-16. In 1968 TRW Corporation acquired United-Greenfield Corporation.

³² Deppe Memo; Library Dedication; Library Rededication; Walker I; Walker II at 34-35; C&B History at 14-15; Burling Books at 917-18; Burling Library website.

³³ Hand Papers, Box 100, F19 (note, Burling to Hand (4/13/55) (Burling arranged Grinnell scholarship for son of Eldora Congregational minister)); Hand Papers, Box 100, F22 (note, Burling to Hand (1/18/60) (Burling has given "considerable sum to Grinnell")); Bowen Papers (letter, Bowen to Burling (11/28/55)(thanks for gift of three scholarships and "your many other gifts" to the College); letter, Bowen to Burling (1/8/57)(thanks for Christmas gift to the College)); Kronwall I; O'Brian Papers Box/Folder 3.5 (O'Brian obituary for Burling at 6 (circa 10/3/66)).

³⁴ O'Brian Papers, Box/Folder 3.5 (letter, O'Brian to Edward F. Gillette (10/11/66)).

³⁵ Durbala Email; Burling Books at 907, 918. Bertha Blake Burling was a Trustee of the College, 1968-71. (Neubert.)

³⁶ Smith Prize; Hand Papers, Box 100, F7 (letter, Burling to Hand (8/26/21)).

³⁷ Reflections at 54-55; O'Brian Recollections at 16-18, 29-30; O'Brian Papers, Box/Folder 3.5 (O'Brian obituary for Burling at 5-6 (circa 10/3/66)).

³⁸ Johns Hopkins.

established in the 1940s by Ned along with Paul Nitze (a U.S. diplomat)³⁹ and Christian Herter (another U.S. secretary of state).⁴⁰ Burling had served on its Advisory Council until his death.⁴¹ In similar vein, some of his friends established a scholarship in his name at the Harvard Law School.⁴²

Burling the Man

In early 1958 while on a Grace Line ship near Peru, Ned had a horrible accident. He attempted to step from the ship's gangplank onto a barge to take him to the land. But the barge moved, and he fell into the ocean and was crushed between the barge and the ship. Unconscious and in shock, he was taken to a hospital in the small nearby town. X-rays revealed four broken ribs and three broken and separated vertebrae. Later, the Grace Line (a C&B client) flew him to a better-equipped hospital in Lima. Ned soon recovered and joined another cruise ship for return to the United States.⁴³

To his dear friend, Learned Hand, Ned often revealed his innermost thoughts. In 1917, he remarked, "One of my present theories is that it doesn't pay to be good."⁴⁴ In 1925, Burling said, "I know I do not want to practice law. I know I do not want to be a judge. I know I want to have pleasant, amiable, witty, gay people around me. I know I am tired of politics. ... I want poetry, love, wine, interesting books, wide, comfortable bed with fresh bed clothing, looking out into gardens with blooming trees. ... I want to be moderately rich and have nice food and a smooth running automobile. ... Somehow I feel I am going to get what I want."⁴⁵

That same year, 1925, Burling and Hand exchanged comments about the good life that were prompted by questions from a young man who was thinking about applying for a Rhodes Scholarship to study at Oxford University. Burling, advising the young man not to apply and instead to go into business, said that he believed four things were good: 1) "Freedom from compulsion by others, whether economic, social or political"; 2) "An active mind that keeps being interested in the changing panorama and its own operation"; 3) "Direct contact with nature"; and 4) "The society of the few people of whom you are really fond." This list, Burling added, did not include "success, power, achievement, position, least of all 'service to humanity.'" Hand disagreed, saying that the man should

³⁹ Nitze, Paul Henry, Columbia Encyclopedia (6th ed.: New York: Columbia Univ. Press, 2004), www.bartleby.com/65/ni/Nitze-Pa.html.

⁴⁰ Christian Herter, http://en.wikipedia.org/wiki/Christian_Herter.

⁴¹ Johns Hopkins.

⁴² O'Brian Papers, Box/Folder 3.5 (letter, Nathan Pusey to O'Brian (3/6/67); letter, President & Fellows of Harvard College to O'Brian (1/27/67); letter, Erwin Griswold (Dean, Harvard Law School) to O'Brian (1/18/67); letter, O'Brian to Erwin Griswold (1/16/67); letter, H. Thomas Austern & John T. Sapienza (C&B partners) to Erwin Griswold (12/16/66); memo, John T. Sapienza to [C&B] Harvard Partners (11/23/66)). Dean Griswold called Ned "one of [Harvard Law School's] very great alumni." (O'Brian Papers, Box/Folder 3.5 (letter, Erwin Griswold to O'Brian (10/4/66)).

⁴³ O'Brian Papers, Box/Folder 3.6 (letter, Betty Jones (later, Burling's second wife) to Burling's sons (circa 2/--/48); letter, O'Brian to Robert Bass (2/9/48)); O'Brian Recollections at 27-29.

⁴⁴ Hand Papers, Box 100, File 5 (letter, Burling to Hand (5/31/17)).

⁴⁵ Hand Papers, Box 100, File 10 (letter, Burling to Hand (3/28/25)).

apply for the scholarship and that “the life of the mind offers the most permanent and lasting satisfactions.”⁴⁶

Burling died in 1966 at the age of 96. Said the *Washington Post*, Burling was the city’s “grand old man of the law [who] exerted a substantial influence in the fields of business, government, and community relations.” Acheson later said that Burling often gave the impression of “being tough, and worldly, and cynical and brutal,” but he really was generous, warm, and compassionate. Burling was known, said Acheson, for a “rare originality and power of mind, a teasing sardonic wit, and a gift for unpredictable and willful friendships and dislikes.”⁴⁷

After Ned’s death, his friend Tommy Corcoran described Ned as “Poet born, his poetic imagination penetrated everything he touched — the breakthrough of the Bull Moose movement — the law firm he transmuted from a ‘dusty answer’ to the excitement of a 51st state — the self-regenerating waves of compassionate intelligence he set moving as a part of all he met — and he met everybody.” In addition, Corcoran noted, “Uncle Ned lived beyond himself in the hundreds of younger men he gave courage to outdo themselves in confidence of his never-failing support win or lose.”⁴⁸

In similar vein, another friend, John Lord O’Brian, said, “His deep personal interest in the affairs of [C&B] ... and the selection of partners and associates became his chief interest. This, however, did not prevent his accumulating a group of remarkable friends chiefly in the field of public affairs. His quizzical humor and occasional affectations of worldliness concealed a curiously sensitive and compassionate nature, and gave a unique flavor to his personality. Always reticent about his personal affairs, he was singularly generous in his gifts and discriminating in his help to innumerable individuals.”⁴⁹

O’Brian concluded that Ned was exceptional in “his extraordinary capacity for drawing into the circle of his friendship men gifted with unusual intellectual perceptiveness” or “men of extraordinary ability.”⁵⁰ The previous list of frequent guests at Burling’s cabin is but a brief glimpse at this circle of friendship. Ned was also skillful in “drawing out the views of other people while he himself listened” and “the interplay of his whimsical humor ... produced the charm and the flavor.”⁵¹

The Burling family genealogist described Ned as “ambitious and brilliant ... ; personable, charming, and gregarious (many friends and acquaintances of high standing); robust; outspoken and humorous ... ; largely generous.” On the other hand, according to the genealogist, he was “careless of personal relationships, and evidently not too well suited

⁴⁶ Hand Papers, Box 100, F10 (letter, Edward Lowry, Jr. to Burling (10/11/25); letter, Burling to Edward Lowry, Jr. (10/23/25); letter, Hand to Burling (10/30/25)).

⁴⁷ Burling Editorial; Burling Obit.; Reflections at 49-51; Acheson’s Morning at 124.

⁴⁸ O’Brian Papers, Box/Folder 3.5 (letter, Corcoran to Bertha (“Betty”) Burling (11/13/68)).

⁴⁹ O’Brian Papers, Box/Folder 3.5 (letter, O’Brian to Larrabee and attached biography of Burling (10/30/67)).

⁵⁰ O’Brian Recollections at 2-8.

⁵¹ O’Brian Recollections at 14.

to monogamy.” Indeed, he once shocked a young relative by asking what she thought about his having had committed adultery.⁵²

Although Burling may have appeared humble to his law partners and notable friends,⁵³ humble or modest he was not with his family. At age 96, he said, “I was a piece of good luck for father, mother, brother, and two sisters. To some extent, some more and some less, they were benefited by my being in the world.”⁵⁴

Burling’s Earlier Years

Eldora, Iowa, 1870–97

Burling’s background, however, was certainly humble and modest.

Burling was born in the small, frontier village of Eldora, Iowa, in 1870, during the presidency of Ulysses S. Grant and just five years after the end of the U.S. Civil War. He grew up there in very limited circumstances. His father, Edward Burling, after his clothing store went bankrupt, apparently never did much work; meanwhile, Ned’s mother Lucy Burnham Burling worked hard to raise four children and to send all of them to college, three to Grinnell — James P. 1889,⁵⁵ Ned 1890, and Helen 1895.⁵⁶ Ned did not forget Eldora. He built a house in the town for his mother in the early 20th century and afterward returned to visit several times a year. The surrounding countryside, he said, “is lovely to look at ... and is the country my eyes first rested on. And that always makes a difference.”⁵⁷

Ned, who carried a life-long love for his mother and hostility towards his father, even said, “Meeting him [his father] was a great misfortune for my mother,” who after marrying his father was “very poor.” But having “a ne’er-do-well father,” Ned often said, meant “he had no psychoses and no omnibrooding [sic] presence to oppress.”⁵⁸ Perplexingly, Ned apparently never expressed remorse over his not having reconciled with his father before the latter’s death in 1907.

Although Ned’s Burling family is regarded as a major American family whose origins in America go back to the late 17th century, Ned’s dislike of his father carried over to all his

⁵² Burling Books at 906, 918; Kronwall I.

⁵³ Reflections at 52.

⁵⁴ Reflections at 18; Robbins Burling email.

⁵⁵ James P. Burling also was a distinguished Grinnell and Harvard graduate; he became a Congregational minister and received a Grinnell honorary D.D. in 1914. (Burling Books at 901-05.) Two of his children were also Grinnell alums-- F. Temple Burling (Class, 1917) and Helen Burling Kronwall (Class, 1920)--as were two grandchildren--James P. Burling II (Class, 1952) and Nicholas B. Kronwall (Class, 1957)--and one great-grandchild--F. Temple Burling (Class, 1985). (Burling Books at 905, 1079-81, 1207-09. Yet Brother Ned apparently ignored James' happy home life while disparaging James as unenergetic and unambitious. (Burling Books at 902.)

⁵⁶ Burling Books at 919.

⁵⁷ O'Brian Papers, Box/Folder 3.6 (letter, Burling to O'Brian (7/23/53)); O'Brian Recollections at 12B.

⁵⁸ Reflections at 1-8; Burling Books at 664-68, 905-06, 916-17; Acheson's Morning at 131; C&B History at 11.

Burling ancestors, in contrast to his mother's family, the Burnhams. As Ned said, "The Burlings, it always seemed to me, were shallow, showy, pleasant, agreeable, irresponsible. The Burnhams were the opposite in every respect, careful, prudent, earnest, intelligent, honorable, high minded."⁵⁹

It, therefore, is not surprising that Ned rejected College President Bowen's suggestion that the library be named after the successful lawyer alum himself and instead insisted that it be named in honor of his mother without any mention of his father.⁶⁰ Perhaps Ned secretly contemplated having the library named "Burnham Library."

Ned claimed that his concern for his mother's poverty inspired him at an early age to earn money and that after the age of 14 he always paid for his own board. As a teenager he got a job at an Eldora grocery store where he soon learned finance and human nature, years he described after all of his successes in law as "the most important years of my life."⁶¹

Grinnell, 1897–90

It was, therefore, with great reluctance that Ned left Eldora and the promise of a job with an express company to go to Grinnell at his mother's insistence that he obtain a college education.⁶²

Because of the inadequacies of his Eldora eighth grade education, he first had to attend the Grinnell Academy, completing in one year its secondary-school course of three years of Latin and one year of Greek. In his subsequent desire to finish college as soon as possible in order to start making money again, Burling finished his college courses in two years, earning a B.A. in 1890. He did not "enjoy any part of the three years [at Grinnell]. I was poor, inadequately fed, with a blotched complexion, badly dressed, unattractive to the girls." He claimed not to have participated in any extracurricular activities, yet the college annuals list him as being a member of the Grinnell Institute (men's literary society) and the Critical Association (classical studies group) and having the role of Oedipus Rex in a production of that play.⁶³ His downplaying the influence of Grinnell is belied by his later admission that he had first "found himself" at Grinnell.⁶⁴

The academy and the College in those years, 1887–90, were very small. Fewer than 200 students attended the academy; fewer than 300, the College. Only four buildings (Alumni Hall, Blair Hall, Chicago Hall, and Goodnow Hall) served the students, with one

⁵⁹ Reflections at 18; Burling Books at xv, 665, 902, 906.

⁶⁰ C&B History at 14-15; Burling Books at 917-18; Library Dedication; Dedication Plaque; Library Rededication; O'Brian Recollections at 12B.

⁶¹ Reflections at 8-10, 40, 44.

⁶² Reflections at 10-11.

⁶³ Reflections at 11-12, 40; Burling Books at 906-07; C&B History at 11; Cyclone at 49, 87, 126, 135 (1889); Cyclone at 40, 57, 121, 134 (1890); Wall at 167-68; Kronwall I.

⁶⁴ O'Brian Recollections at 12B.

dormitory for women (Ladies Boarding Hall). Other women and the men had to live in private boarding houses.⁶⁵

Harvard College, 1890–91

The next academic year, 1890–91, a wealthy relative (Perkins Bass)⁶⁶ paid for Ned (and his brother James) to attend Harvard College, where they each earned another B.A. degree in 1891. Again Ned worked hard at his courses, earned good marks and made no friends.⁶⁷

Harvard Law School, 1891–94

In the fall of 1891, at the suggestion, and again with the financial assistance, of Perkins Bass, Ned started at the Harvard Law School. The three years there, in contrast to his other years of higher education, were “very happy, satisfactory.” He did very well in his classes and was a member of the *Harvard Law Review*, finishing with “highest honors” and a LL.B. degree in 1894. Moreover, Ned became good friends with classmates, especially with Learned and Augustus Hand and with George Rublee.⁶⁸

Immediately after law school, Perkins Bass financed a nine-month tour of Europe for Ned to accompany one of the Bass sons. Later Ned commented that the trip turned out to be a handicap or burden rather than a blessing, because it exposed him to the glamorous life of the wealthy and “diverted my attention from my main undertaking, which was to earn a living.”⁶⁹ As that old song goes, “How are you going to keep them down on the farm, after they've seen Patee [Paris]?”

Chicago, 1895–1917

After finishing Harvard Law School with such a distinguished record, Ned had high hopes of obtaining a job as a young lawyer and earning good money. But that did not happen, given the law firm practices of the day. In 1895, he started with a Chicago firm at barely more money than he had made in 1887 at the Eldora grocery store. He continued to engage in the private practice law in Chicago, including a year in a partnership with George Rublee, plus serving as assistant corporation counsel for the City of Chicago through 1917, eventually making more money doing the typical work of most lawyers of the time and engaging in profitable real estate development in the Winnetka area on the North Shore. He got married in 1902 to Louisa Green Peasley, the daughter of a wealthy

⁶⁵ Nollen at 82-91, 133-36; Wall at 142-44, 166-68, 190, 208, 219-47; Walker II at 3-12.

⁶⁶ Frederick C. Pierce, *Field Genealogy* at 159-60 (Chicago: W.B. Conkey Co. 1901).

⁶⁷ Reflections at 12-13, 40; Burling Books at 906-07; C&B History at 11; Harvard Reports; O'Brian Recollections at 1; McClure at 16-17.

⁶⁸ Reflections at 13-14, 40; Burling Books at 906; C&B History at 11-12; Harvard Law I; Harvard Law II; O'Brian Recollections at 1-2.

⁶⁹ Reflections at 13.

and well-connected Chicago businessman, and they had two sons, Edward Burling (1908) and John L. Burling (1912). But Ned was bored with his Chicago life.⁷⁰

In his efforts to escape Chicago, Burling in 1915 sought the Washington, D.C., position of general counsel of the then new Federal Trade Commission with the support of Louis D. Brandeis, then a practicing Boston attorney, George Rublee and Cyrus McCormick, the son of the inventor of the grain reaper and the owner of the International Harvester Company. But Ned did not receive the appointment and thus remained in Chicago for the next two years.⁷¹

Interestingly, some of the major participants in the drafting and passage of the Federal Trade Commission Act of 1914 were or would be close friends of Burling. Louis Brandeis and George Rublee had persuaded President Woodrow Wilson to propose a statute creating the FTC. Wilson then asked Maryland Democratic Congressman J. Harry Covington (the subsequent co-founder of C&B) to lead what became the successful effort for congressional passage of such a statute. After the adoption of the statute, Rublee received a recess appointment as one of the initial FTC commissioners.⁷²

In the summer of 1911, Burling and his family spent the summer at the Cornish Colony in Cornish/Plainfield, N.H., and later bought a summer home in the Colony, where they went every summer. It was a gathering place for artists, musicians, writers, journalists, lawyers, and businessmen, including Judge Learned Hand and George Rublee (Ned's great friends), Ethel Barrymore, and President Woodrow Wilson.⁷³

Washington, D.C., 1917–18

In 1917, at age 47, Burling finally did manage to leave Chicago to go to Washington, D.C. Through the urging of George Rublee, he became a lawyer for the U.S. Food Administrator, Herbert Hoover. However, the two men did not get along with one another,⁷⁴ and Ned immediately left this position to be a lawyer (and then general counsel) for the U.S. Shipping Board, which was responsible for organizing U.S. shipyards during World War I, a position he held through the end of the war in 1918.⁷⁵

Burling relished the life of the top government lawyer. As he said to Hand, "It's like expecting a country girl who has spent her entire life milking cows to go back

⁷⁰ Reflections at 14-16, 40, 44-45; Burling Books at 906, 1081-88; C&B History at 12-16s, 20-21; Burling Cases II; O'Brian Recollections at 2-5, 13; McClure at 26-29; Rublee Reminiscences at 21-23.

⁷¹ Brandeis Letters I at 281; Brandeis Letters II at 600-01; Hand Papers, Box 100, File 4 (letter, Burling to Hand (12/10/15)); McClure at 115, 129 n.63; Rublee Reminiscences at 154.

⁷² C&B History at 23-26; McClure at 85-104.

⁷³ Burling Books at 909-14; Cornish Wikipedia; O'Brian Recollections at 12C-13; McClure at 39-41; Rublee Reminiscences at 44-48, 50-52.

⁷⁴ Burling must have forgotten or discarded his 1917 negative reaction to Hoover when he lavished praise on Hoover after his 1928 Republican presidential nomination that was previously mentioned.

⁷⁵ Reflections at 16-17; C&B History at 16, 27; Kronwall II; U.S. Shipping Board Website; O'Brian Recollections at 6-10; McClure at 137-38; Rublee Reminiscences at 153-63.

contentedly after she has been to the city — seen the bright lights and been screwed. That’s the way I feel — my first big screw. And I want more of it.”⁷⁶

At the Shipping Board, Burling crossed paths with another Grinnell luminary, Joseph Welch 1914, one of its young lawyers. Welch later observed that in 1918 he was 28, while Burling was 48. Whenever he wrote a letter for Burling’s signature, Ned’s “first act was to seize a pen and sign it. Then you would read it and often suggest a change. But that beautiful gesture of confidence gave me so much happiness,” and Welch thereafter emulated that practice.⁷⁷

Parenthetically, 36 years later, in 1954, their paths again crossed, albeit indirectly. One of Welch’s clients in the Army-McCarthy hearings at that time, John G. Adams, thought Welch was not doing a good job in defending him before the committee. As a result, Adams met with Burling to see if C&B could represent Adams. The response: Adams probably would not want the firm to represent him because one of its partners (Donald Hiss) was the brother of Alger Hiss, who had been convicted in 1950 for having provided classified documents to an admitted communist, Whittaker Chambers. Having C&B represent Adams, it was suggested, would leave the firm and Adams open to an attack by McCarthy. As a result, C&B did not enter the McCarthy arena.⁷⁸

Conclusion

Burling was known to have frequently remarked from his seat of power at the C&B law office that he had made a mistake in leaving the Eldora grocery store to obtain education at Grinnell and Harvard. Exposure to the life of the intellect at these institutions, he said, had weakened his natural drive for the acquisition of power and wealth and thereby prevented him from becoming the Super-Grocer of the United States.⁷⁹ Although this is consistent with his statement that the grocery store years were the most important of his life, I take it as an example of his teasing sardonic wit. Yet, what would the world look like today if we were doing our shopping at “Ned’s Club” and “Burl-Mart” and never had heard of Sam Walton?

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⁷⁶ Hand Papers, Box 100, File 5 (letter, Burling to Hand (2/1/18)).

⁷⁷ Welch Papers (Letter, Welch to Burling (11/30/54)); O’Brian Recollections at 7.

⁷⁸ Adams at 209-10; Hiss Bio.

⁷⁹ Reflections at 23-24; Acheson’s Morning at 131; Burling Books at 907; Hand Papers, Box 100, F22 (letter, Burling to Samuel Zemmurray (1/15/60)).

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