

## UNCOMMON VISION

E. THOMAS SULLIVAN\*

Insightful. Urbane. Witty. Energetic. Optimistic. Words capture just the surface of Merton Bernstein. Mert is retiring from full-time teaching but, characteristically, he will continue to pursue his lifelong interests in law, public service and politics. He has contributed significantly to each over the 45 years since he graduated from Columbia University law school. We can expect no less in this next stage of his life.

In his early years after graduating from law school, Mert demonstrated a special interest in public law, first as an attorney with the National Labor Relations Board and next as an attorney in the Department of Labor's Office of Solicitor. His fondness for public law and the institutions of law led him to politics and the United States Senate Subcommittee on Labor and to counsel positions with Senators Wayne L. Morse, John F. Kennedy and Hubert H. Humphrey.

As a natural progression, Mert's rich experience on Capitol Hill inspired him to consider teaching. Thirteen years after his own law school graduation, he returned to the academy to begin a long and illustrative career in law teaching, first at the University of Nebraska, followed by appointments at Yale, Ohio State University, and finally a chaired faculty position at Washington University, from which he now retires from full-time teaching after eighteen years. Throughout his teaching years, he also enjoyed visiting appointments at Columbia University and Leiden University (as a Fulbright Fellow).

Vision, as a characteristic, easily comes to mind as one reflects on Mert's contributions. Each of his three major books preceded the national debate on important topics: private pensions in the 1960s; arbitration and private dispute resolution in the 1970s; and the Social Security system in the 1980s. His scholarship inspired and informed the national discourse on these crucial issues. But he was not content to merely write about great national issues; he was also a major player in helping shape the course of the national direction.

He served as the principal consultant to the National Commission on

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Social Security Reform in the 1980s, to the White House Conference on Aging and Retirement, and as a member of the national commission that advised the Secretary of Treasury on the coordination of Social Security and private pension plans in the mid-1960s. Other consulting assignments that called on his insights included the Department of Health, Education and Welfare, the Russell Sage Foundation, the Twentieth Century Fund, and the Administrative Conference of the United States. Mert's knowledgeable and passionate contribution to the country's understanding of the Social Security system is unparalleled. His defense of the Social Security system in the United States has been central to the continuation and improvement of the national plan.

As important as Mert's contributions are to the discourse on labor issues and pension systems, so too is his development of the Congressional Clinic at Washington University. The Clinic he fashioned and developed in Washington, D.C. for law students is recognized as one of the very best in the country. Certainly, it is the foremost legal clinic offered by a law school outside metropolitan Washington. With care and deliberateness, he has crafted the model program that enables law students to have full appreciation of the legislative process, accompanied by a rigorous research and drafting agenda. With Mert's close and careful attention, students receive a unique practical experience that complements the high standards set by the law school.

Mert's nature can be seen in his energetic and optimistic personality. As he neared retirement from full-time teaching, he announced in 1991 his intention to run as a candidate for the United States Senate. With his usual wit and insight, he waged a vigorous primary campaign. He raised the issues to a high level. In endorsing his primary candidacy, the *St. Louis Post-Dispatch* said, "Mr. Bernstein stands out for his superior grasp of issues and his ability to see the interconnectedness of the problems facing the country."<sup>1</sup> The campaign invigorated him and exhausted his younger opponents. But as with another candidate, Adlai E. Stevenson, in the end he was left with lament that if all those people who said they voted for him had, he would have won. We can hope that we again will see Mert Bernstein—the candidate.

In conclusion, no reflection on Mert's accomplishments and career can be complete without mentioning his wife, Joan Brodshaug Bernstein. Since their marriage in 1955, Joan has been Mert's full partner in life. In

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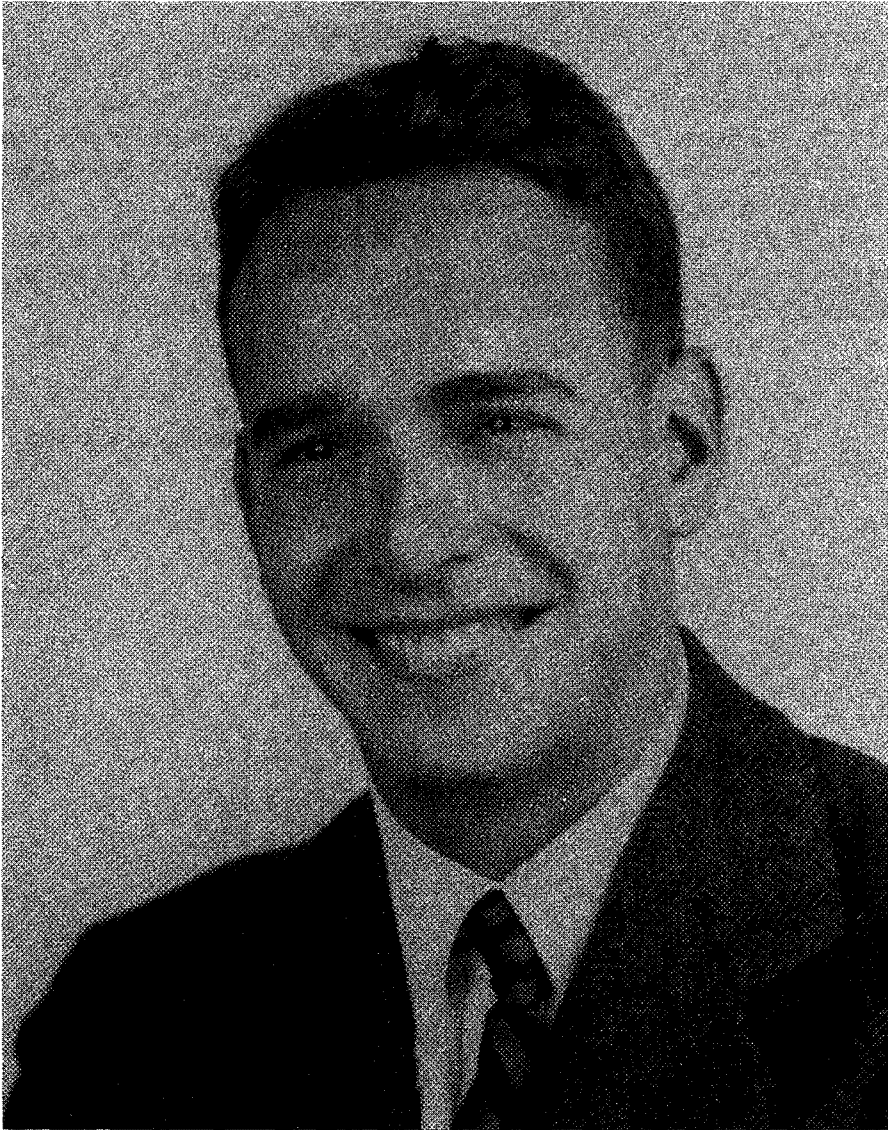
1. *For the U.S. Senate*, ST. LOUIS POST-DISPATCH, July 19, 1992, at B2.

addition to attending law school after raising four children, she has been a co-author on numerous publications with him, including their most recent highly acclaimed book *Social Security: The System That Works*.<sup>2</sup> Quite clearly, Mert would be the first to agree that without Joan at his side his professional accomplishments would have been less full and less rewarding. Together, they have contributed much.

As Ralph Waldo Emerson observed, "The reward of a thing well done, is to have done it." Many thanks, Mert, for having shared with so many so much. Whatever the undertaking, you have done it well.

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2. MERTON C. BERNSTEIN & JOAN B. BERNSTEIN, *SOCIAL SECURITY: THE SYSTEM THAT WORKS* (1988).



Mert Bernstein in 1948 as a newly minted Columbia Law graduate.  
(Photo: *Kent Commentary*)