It is with great pleasure and sincere appreciation that the Editors of the William and Mary Law Review dedicate the Bicentennial volume of this Review to our friend and teacher, Dr. William F. Swindler, on the occasion of his retirement from active teaching. This dedication reflects not only the Editors’ respect and appreciation for this unique man, but also the respect and appreciation of fourteen years’ worth of students and faculty colleagues that were privileged to enjoy his companionship at Marshall-Wythe.

Almost from the day we walked through the door to the law school, the Editors, as did all students, began to hear anecdotes and stories about “Pop” Swindler; he is a man whose personality and presence is quickly felt. What made these anecdotes remarkable was the notable absence of any story even suggesting that Dr. Swindler was anything but a beloved and respected member of the law school community. His teachings and writings continue to influence generations of law students and scholars.


Professor and Chairman of the Department of Journalism, University of Idaho (1940-46); Professor and Dean of the School of Journalism, University of Nebraska (1946-56); Director of Development, College of William and Mary (1958-68); Professor of Law (1958-74) and John Marshall Professor of Law (1974-79), Marshall-Wythe School of Law, College of William and Mary; Visiting Distinguished Professor (1974), University of Oklahoma. Summer: William and Mary School of Law at Exeter, England (1978). Subjects: Conflict of Laws; Constitutional Law; International Law; Jurisprudence; Legal History; Legislation; Local Government; Roman Law; Western Legal Institutions. Major Publications: Court and Constitution in the 20th Century (3 vols.) (1969-74); Sources and Documents of U.S. Constitutions (10 vols.) (1973-78); The Constitution and Chief Justice Marshall (1978).

Member: Phi Delta Phi; Order of the Coif; Seldon Society; American Law Institute. Miscellaneous: Consulting Editor, Papers of John Marshall (since 1967); General Counsel, Virginia Commission on Constitutional Revision (1968); General Counsel, Virginia Court System Research Project (1969-70); Chairman of the Publications Committee, Supreme Court Historical Society (since 1975); Consultant Bicentennial Committee of the Judicial Conference of the United States (since 1975).
but genuinely pleasant and sincere in his dealings with everyone. Even those stories that might be considered humorous at his expense usually revolved around his buoyant personality. Nothing in our experience ever belied this image; we can only add our names to the long list of those who wish to be counted among his friends.

Dr. Swindler was more than a pleasant personality at Marshall-Wythe—he was a scholar and a teacher. His publications, including in particular his brilliant history of the modern Supreme Court of the United States, Court & Constitution in the 20th Century, have carved for him a permanent niche in legal scholarship. His comprehensive knowledge of the origins and evolution of Western legal thought and institutions has aided many students to understand our legal system with a depth and richness impossible without his guidance. His irrepressible optimism and unshakeable dedication to the retention of humanistic values in the law have acted to counterbalance the legal cynicism that is too often a concomitant of law school education.

As a founder of the Supreme Court Historical Society, and as the sponsor of the first law school chapter of the Society, Dr. Swindler has helped to enliven the scholastic and cultural life of the College as a whole. Through his efforts, there has been a revival of interest in the Supreme Court as an institution. Under his guidance, many speakers, movies, video tapes, and static displays have educated students on topics ranging from scholarly analyses of terrorist activities to legal education in colonial times.

Fortunately for both this law school and the legal community at large, Dr. Swindler continues to be active in the pursuit of his goals. While he will no longer grace the classroom, he continues to enrich students and faculty through his writings, his conversation, and his presence.

We dedicate this volume to him.

The Editors