

A TRIBUTE TO DAVID F. CAVERS

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Davey Cavers was one of a small number of teachers who created an educational opportunity at Duke Law School in the thirties which may never be equalled. He, Lon Fuller, Douglas Maggs, Bryan Bolich, Malcolm McDermott, and Charlie Lowndes, who were there in my years, '34-37, were all brilliant, were all different, were all one of a kind. Great as they were individually, brilliant and witty as was Cavers himself, together they made a sum greater than the sum of the individual parts, from which they all benefited, Cavers included.

Cavers and Fuller both went on to Harvard, where (according to Fuller) Cavers' innovative mind earned him the cognomen "Vice President in Charge of Research and Development." His forum became the world. Yet he never outgrew his nostalgia for his days at Duke. Over the years I ran into him occasionally, always with a pleasure I have reason to believe was mutual.

He was so soft spoken that it was a good thing his classes at Duke were small. I doubt if he could be understood back of the second row. He sported a heavy (although well-tended) mustache, which received some of the blame for his inaudibility in the far reaches of the classroom. Prompted by my recollection of the *Rape of the Lock* and urged on by my desire to return some of the caustic wit which the faculty had been unloading on us, I wrote a poem which I recited at a law school function and published in the *Duke Bar Association Journal* entitled "Faculty Meeting—An Epic In Miniature." Cavers was described as follows:

The place which offered scarce less dignity,
The bower at the joker's left to be,
By common voice to Caveman Cavers went,
Whose forceful mien prestige the office lent.
His ringing voice once made the sound waves splash,
But now he strains it through a large mustache.

Cavers and his fellows were so brilliant they had no need to keep asserting their superiority. One time, much after my graduation in 1937, Maggs told me that one reason he enjoyed teaching so much was because he usually had one or two students in the class smarter than he was. He said he began ahead, and he enjoyed the challenge of trying to stay ahead. That approach to student contact permeated the teaching experience of David Cavers.

Let me close with a personal anecdote which illustrates this approach to teaching. After my graduation ceremonies my mother said she had talked

with Cavers, and he had told her that having me in class had been an experience. “And,” she said, “I felt that he didn’t mean it as a compliment.” It was years later before I had the nerve to ask Cavers about this. To my surprise, he remembered. “I didn’t exactly mean it as a compliment,” he said. “I have never had anyone in my class who could express strong disagreement, not only with facial expression but with every muscle of his body, as you did, and the worst of it was, I could never be sure you weren’t right.”

Cavers attended the '36-'37 fiftieth reunion, and one time during a lull in the activities, Tom Stoel and I, and perhaps one or two others, spent a couple of hours in idle conversation with him (as nearly “idle” as a conversation with Cavers could be). Somewhere in his eighties he was as sharp and interesting as ever. I am pleased to remember him that way.