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## Lowering the Pedestal

I enjoyed Martha Lackritz's article ("Learning to Live Like Holmes," June, p. 504). I agree that Holmes had an incisive legal mind, gentlemanly demeanor, and facility for eloquent writing. But let's not raise his pedestal too high.

Holmes wrote the majority opinion in *Buck v. Bell*, upholding state-sanctioned sterilization of those found to be mentally ill, mentally retarded, epileptics, alcoholics, criminals, or otherwise undesirable to society. This was the case in which Holmes infamously wrote, "Three generations of imbeciles are enough."

In reliance on this opinion, Virginia sterilized 8,300 people between 1927 and 1972; 60,000 were sterilized nationwide. Hitler relied on language similar to the Virginia statute's to sterilize millions.

As to Carrie Buck, the plaintiff in *Buck v. Bell*, she was committed to a state mental institution to cover up a rape by her adopted parents' nephew. Her mother had been committed because she was considered sexually promiscuous. And her daughter's diagnosis as "not quite normal" was made to justify Carrie's sterilization. None were "feeble minded" or the "imbeciles" Holmes described.

While Justice Holmes may have been "The Great Dissenter," and may have possessed great "legal foresight" as noted in the article, he missed the boat on this one, and 60,000 people paid a high price for it.

**Jeffrey S. Lisson**  
*San Angelo*

## No Holmes for All Seasons

Justice Oliver Wendell Holmes, Jr., is a legal colossus, and I do not begrudge him his legal and literary genius. His natural gifts were the *gratiae gratis datae* of the God in whom he disbelieved, and I can appreciate them. But, pace the encomium in Martha Lackritz's tribute to Holmes as to his legal and literary gifts, I beg to differ with her. We most certainly ought *not* to learn to live like Holmes, unless, of course, we want to be pessimistic materialists and moral relativists, without any real regard for objective human rights or the natural law. All law, even moral law, was a matter of convention to Holmes.

Holmes' correspondence, as Lackritz notes, reveals the man more than his public work. And here Holmes' deeply pessimistic and abhorrent materialist philosophy rears its ugly forked tail and rancid smell: In a letter to Howard Laski dated June 1, 1927: "You respect the rights of man — I don't." In an earlier letter of Sept. 15, 1916: "All my life I have sneered at the natural rights of man." To Sir Frederick Pollock in a letter dated Aug. 30, 1929: "I see no reason for attributing to a man a significance in kind from that which belongs to a baboon or to a grain of sand." Again to Pollock: "I wonder if cosmically an idea is any more important than the bowels." Earlier, on Feb. 1, 1920, he expresses disdain at any notion of objectively founded human rights: "I think that the sacredness of human life is a purely municipal ideal of no validity outside the jurisdiction." To John Wigmore in November 1915: "Doesn't this squashy sentimentality of a big minority of our people about human life make you puke?" And perhaps most shocking coming from a Supreme Court Associate Justice — in a letter to his "Chinese scholar" friend, John C. H. Wu, dated July 1, 1929: "I hate justice."

No. We ought not to learn to live like Holmes, unless we also want to hate justice, the natural law, and the natural rights of man, including those rights of "life, liberty, and the pursuit of happiness" in our Declaration of Independence.

**Andrew M. Greenwell**  
*Corpus Christi*

## Drop the "I" Word

The otherwise useful article by Benny Agosto, Jr., Professor Lupe Salinas, and Eloisa Morales Arteaga ("But Your Honor, He's an Illegal! Can the Undocumented Worker's Alien Status be Introduced at Trial?" April, p. 286), is marred by the first sentence in the title. Whether as an oversight or to make the point that inflammatory language is, well, inflammatory, the use of the phrase, "He's an illegal," was unnecessary and not helpful. Please, drop the "I" word.

**Daniel M. Kowalski**  
*Austin*

## Law-Related Education

Congratulations to State Bar President Bob Black for his education initiative and partnering with the State Bar Law-Related Education Department to accomplish his goals. LRE is the best service offered by the State Bar to the public and has been for years. Just less than 40 years ago, a group of Dallas lawyers led by Frank C. Moore and Louis Weber initiated the "Law in a Changing Society" program in the Dallas ISD. This program ultimately spread throughout the state and was the genesis for the beginning of LRE. The work of LRE with literally thousands of teachers and students over the years should make even the most frequent critics of the State Bar proud. It is the unsung hero of the State Bar and will make us all even prouder when it implements Black's education initiatives.

**Al Ellis**  
*Dallas*