

Volume 67 | Issue 4

---

2017

## Tribute to Professor Jonathan L. Entin

William P. Marshall

Follow this and additional works at: <http://scholarlycommons.law.case.edu/caselrev>



Part of the [Law Commons](#)

---

### Recommended Citation

William P. Marshall, *Tribute to Professor Jonathan L. Entin*, 67 Case W. Res. L. Rev. 1019 (2017)

Available at: <http://scholarlycommons.law.case.edu/caselrev/vol67/iss4/9>

This Tribute is brought to you for free and open access by the Student Journals at Case Western Reserve University School of Law Scholarly Commons. It has been accepted for inclusion in Case Western Reserve Law Review by an authorized administrator of Case Western Reserve University School of Law Scholarly Commons.

*William P. Marshall*<sup>†</sup>

BEFORE THERE WAS GOOGLE, THERE WAS  
JONATHAN ENTIN

Before there was Google, there was Professor Jonathan L. Entin.<sup>1</sup> If you needed to know anything about the law, Professor Entin was your go-to source. If you wanted to know, for example, the name of an nineteenth century case establishing the right of state governments to regulate private industry, then you headed to Professor Entin's office. More often than not, and without so much as a pause,<sup>2</sup> he would be able to tell you not only the name of the case,<sup>3</sup> but also its author,<sup>4</sup> the names of the Justices that dissented,<sup>5</sup> and its volume and page citation in the United States Reports.<sup>6</sup> And if you had a few extra minutes, he would tell you about the case's historic importance, its place in current constitutional law doctrine, and the leading law review articles discussing its significance.<sup>7</sup> We did not need electronic search engines at CWRU. We had Jonathan Entin.

Before there was Facebook, there was Professor Jonathan L. Entin. If you needed to know what was occurring in the national legal academic scene, Professor Entin was the person to ask. He would know the

---

† Kenan Professor of Law, University of North Carolina School of Law.

1. Jonathan L. Entin is the David L. Brennan Professor of Law and Professor of Political Science, Case Western Reserve University Law School. He is also my friend.
2. In a recent unpublished experiment, for example, Entin responded to a case name search more quickly than Google 73% of the time. (Imaginary unpublished paper on file with author). Further, unlike Google, Entin has never been subject to a network outage.
3. *E.g.*, *Munn v. Illinois*, 94 U.S. 113 (1877).
4. *Id.* (Waite, C.J., majority opinion).
5. *Id.* at 136 (Field, J., dissenting).
6. To be sure, you could occasionally stump Professor Entin if you also asked for a case's volume and page cite in the United States Supreme Court Reports, Lawyers' Edition, as Entin generally preferred the Court's official volumes. *See Munn*, 24 L. Ed. 77 (1877).
7. Paul Kens, *Property, Liberty, and the Rights of the Community: Lessons from Munn v. Illinois*, 30 BUFF. PUB. INT. L.J. 157 (2012); W. Frederic Foster, *The Doctrine of the United States Supreme Court of Property Affected by a Public Interest, and Its Tendencies*, 5 YALE L.J. 49 (1895); Alan J. Meese, *Liberty and Antitrust in the Formative Era*, 79 B.U. L. REV. 1 (1999).

foremost experts in each legal discipline, the groundbreaking legal scholarship currently in draft, the leading candidates in the teaching market, the professors who would be good to invite to a symposium or workshop, and the professors who would not. He would even know who was retiring.<sup>8</sup>

Professor Entin's knowledge of CWRU School of Law was even more comprehensive. He would know who was teaching what (and in what semester), who was writing what articles (and who could be a resource for your own research), which students were winning which awards, and which students needed more help getting by. And notably, the value of Entin's social network proved to be greater than its internet successor. After all, while Facebook often plies the world with gossip and irrelevancy, there was and is, in contrast, always an academic value in the information that Entin provided.<sup>9</sup> Professor Entin's network led us to better hiring, better teaching, better symposia, and better-supported students. Which leads to a central point . . .

Before there were formal academic support programs, there was Professor Jonathan L. Entin. If a student was struggling, he or she would know that Entin's office was the place to go. And if struggling students did not go to his office on their own, Professor Entin would often seek them out to offer his support. No teacher in the law school took the job of mentoring students more seriously than Professor Entin. No teacher had greater patience with those who were having a hard time with their studies than Professor Entin. And no teacher took greater joy in the accomplishments of his students, whether they were at the top of the class or at the bottom, than Professor Entin. He was there for all.

And even before (I am fairly sure) there was a Webster's Dictionary, there was Professor Jonathan L. Entin.<sup>10</sup> Professor Entin's dedication to erudition was and is legion, and his efforts to further the communicative abilities of those around him incalculable.<sup>11</sup> He helped all of us become better writers and communicators. Having trouble finding a word that has the appropriate nuance? Looking for your fifteenth variant on the word 'important' so your paper does not seem too repe-

---

8. Ironic, isn't it?

9. *But see* Cohen v. California, 403 U.S. 15, 25 (1971) (“[O]ne man's vulgarity is another's lyric.”).

10. Admittedly I am a bit fuzzy on the timing here. Noah Webster was born in 1758 so it is possible his dictionary predates Entin, but I do not have firm documentation to that effect.

11. For example, I have no doubt that the verbal sophistication of this piece in particular would have been infinitely enhanced had I been able to run it by Professor Entin first.

titive? Interested in expanding your vocabulary? Talk to Professor Entin. Or simply read his articles, absorb their eloquence, and learn some new words in the process.<sup>12</sup>

All of these ‘before’s’ just mentioned, of course, have a unifying theme. Professor Jonathan Entin was, and is, a gifted scholar—his works on separation of powers<sup>13</sup> and equal protection,<sup>14</sup> for example, have had an enormous impact both in the halls of academia and in the corridors of government. He also was, and is, a superb teacher—many of his former students tell me that even today they can hear his voice echoing in the classroom. He also was, and is, remarkably, a true legal intellectual—somebody (and I wish there were more like him) who sees the law as a rigorous academic discipline and who believes his calling is to instill the rigors of this discipline into his students, his colleagues, and his profession.

But what made and makes Jonathan Entin truly unique—what made and makes him one of the most exceptional people with whom I have ever had the opportunity to work—was his tireless devotion to furthering the excellence of others. That kind of mission is often as unheralded as it is always invaluable. Yet Professor Entin succeeded in this mission day in and day out over the course of a very long and distinguished career.<sup>15</sup>

Oliver Wendell Holmes once wrote of Ralph Waldo Emerson that the latter had the power of “imparting a ferment,” meaning that Emerson had the ability to deeply inspire the works of others.<sup>16</sup> Holmes

- 
12. See, e.g., Jonathan L. Entin, *Synecdoche and the Presidency: The Removal Power as Symbol*, 47 CASE W. RES. L. REV. 1595 (1997).
  13. See, e.g., Jonathan L. Entin, *Separation of Powers, the Political Branches, and the Limits of Judicial Review*, 51 OHIO ST. L.J. 175 (1990); Jonathan L. Entin, *The Dog That Rarely Barks: Why the Courts Won't Resolve the War Powers Debate*, 47 CASE W. RES. L. REV. 1305 (1997); Jonathan L. Entin, *War Powers, Foreign Affairs, and the Courts: Some Institutional Considerations*, 45 CASE W. RES. J. INT'L L. 443 (2012).
  14. See, e.g., Jonathan L. Entin, *Sweatt v. Painter, The End of Segregation, and the Transformation of Education Law*, 5 REV. LITIG. 3 (1986); Jonathan L. Entin, *Parents Involved and the Meaning of Brown: An Old Debate Renewed*, 31 SEATTLE U. L. REV. 923 (2008); Jonathan L. Entin, *An Ohio Dilemma: Race, Equal Protection, and the Unfulfilled Promise of a State Bill of Rights*, 51 CLEV. ST. L. REV. 395 (2004); Jonathan L. Entin, *Equal Protection, the Conscientious Judge, and the 2000 Presidential Election*, 61 MD. L. REV. 576 (2002).
  15. My guess is that since Professor Entin taught Constitutional Law, his teaching career must have started after the Constitution went into effect in 1789 but I have no firm documentation to that effect. See *supra* note 10.
  16. Letter from Oliver Wendell Holmes to Harold J. Laski (Jan. 13, 1923), in 1 HOLMES-LASKI LETTERS: THE CORRESPONDENCE OF MR. JUSTICE HOLMES AND HAROLD J. LASKI, 1916–1935, 474 (Mark DeWolfe Howe ed., 1953) (stating that Ralph Waldo Emerson “had the gift of imparting a ferment . . .”); Letter from Oliver Wendell Holmes to Frederick Pollock (Mar. 4,

might have said the same about Professor Entin.<sup>17</sup> Jon has inspired generations of students, lawyers, teachers, and academics. We should enjoy a ferment in his honor.

---

1888), *in* 1 HOLMES-POLLOCK LETTERS: THE CORRESPONDENCE OF MR. JUSTICE HOLMES AND SIR FREDERICK POLLOCK, 1874–1932, 31 (Mark DeWolfe Howe ed., 1961) (stating that Sir Henry Maine “had the gift of imparting a ferment . . .”).

17. Because of the lack of documentation referred to in *supra* notes 10 and 15, it is unclear whether or not Holmes could have said this directly to Professor Entin. I certainly hope he did.