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Articles



A Brief Introduction to the World War II Memoirs of Professor Joseph B. Kelly

Mark W. Podvia*

In the Spring of 2002, the law school office belonging to Professor Joseph Burns Kelly was cleaned out for the final time. The health of that great teacher, whose very name was synonymous with the subjects of Contracts and International Law to a generation of Dickinson Law students, had deteriorated to the point where he could no longer come to the school.

One of the items discovered among the lifetime of books, binders and folders that lined his office shelves was a plain manila envelope that was simply marked “Memories.” The essay that was sealed in that envelope—*Memoirs of World War II (An Odyssey, Chiefly Concerning the China, Burma, India Theater)*—is reproduced here.

Although the pages that follow do not directly discuss international law, it is nevertheless fitting that these memoirs should first appear in what is now titled the *Penn State International Law Review*. Professor Kelly was an advisor to this publication when it debuted as the *Dickinson International Law Annual* in 1982. He continued in that capacity until

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1995, overseeing the publication as it expanded and grew into the *Dickinson Journal of International Law*. In 1988, the Winter issue of the *Journal* was dedicated to Professor Kelly “in recognition of his encouragement and support in the founding of this international law journal.”¹

Professor Kelly’s college studies at Xavier University were interrupted by the Second World War. Following his wartime service, he completed his undergraduate education and was a 1949 graduate of the University of Cincinnati College of Law, where he was a member of the Order of the Coif and editor-in-chief of the law review.² Following a year in private practice, he re-entered the Army, serving in the JAG Corps until 1969, when he joined the faculty at The Dickinson School of Law. He taught at Dickinson for 27 years until his retirement in 1996, and he remained a fixture at the school for several years thereafter.

Joseph B. Kelly was more than a member of the Dickinson Law faculty; he was an institution. It was Professor Kelly who regularly emceed the final rounds of the annual Law School Trivia Bowl, who fired the rifle that started the yearly *Race Judicata*, and who dressed the law school’s LLM students in Union blue and sent them off to battle in various Civil War reenactments. It was he who took the stage as “The Wizard of Contracts” at the Faculty Follies and was featured in Phi Alpha Delta’s “Kelly Calendar.” Professor Kelly’s favorite classroom phrases—*Just read what you have; Give it the old college try; If it doesn’t fit, give it a little push; and Get down here, Ever-Tite*—became part of the Law School’s everyday lingo.

Professor Kelly’s kind nature and sly sense of humor were perhaps best captured in the following interview that was published in the Law School’s student newspaper, *The Judicial Notice*, in 1992:

J.N.: Why did you decide to study law?

J.B.K.: Being on the admissions committee, you often see this question answered by one saying, “I want to help humanity,” or the classic, “I wanted to become a lawyer since I was six.” I myself wanted some skill that I could carry around with me, under my hat, wherever I went. I wished to become a “professional” man whatever that means. Bloodline is not a factor in this profession. A poor person can be a Pope, but not a Prince.

1. Dedication, 6 DICK. J. INT’L L. n.p. (1988).

2. Heather A. Burns, *Retiring Joe Kelly Enjoyed this ‘Whole Little Scene,’* DICK. LAW, Summer 1996, at 16.

J.N.: Have you ever had a Carbollic Smokeball?

J.B.K.: That's a good question, but I can't say that I have. . .

J.N.: Why did you become a teacher?

J.B.K.: It's a good place for a Ham. It's like theater. Your juices flow when you're in front of a class; it's like being on stage. If you're a Ham and an attorney, teach.

J.N.: When was the last time you were "High as a Georgia Pine?"

J.B.K.: I'm not sure.

J.N.: Well, just read what you have.

J.B.K.: It was probably at a Chinese Gombay Dry Cup Party. It's really just a drinking contest where you go around toasting one another back and forth. People begin to pass out right in their Egg-Foo-Young.

J.N.: Did you vote in Tuesday's primary?

J.B.K.: Yes, certainly.

J.N.: Did you vote in the Post Office's Elvis Presley stamp election?

J.B.K.: No, but the younger Elvis gets my vote. The young Elvis presents a southern image, that of the old south.

J.N.: What's your most memorable teaching experience?

J.B.K.: That's a tough one.

J.N. Well, just give it the old college try.

J.B.K.: I once had a student who apparently had heavy commitments in Philadelphia. Every Friday he would come to class for roll call and then he would sneak towards a window on his hands and knees, and then climb out of the window. He stopped when he eventually sprained his ankle while going out the window.³

3. Brett Greiner, *Just Read What You Have: An Afternoon with Professor Joseph*

Those of us who sat through first-year Contracts with “Machine Gun Joe Kelly” never forgot the experience. That hour of terror three days per week during the fall semester, never knowing when you would be asked to “just read what you have,” mellowed to a more fatalistic resignation with the coming of spring. Only when it was over did one realize just how much had been learned under the tutelage of this amazing man.

The China-Burma-India Theater—commonly referred to as the CBI— in which Professor Kelly served and which he describes in great detail in the memoirs that follow remains the least understood theater of the Second World War. Hence, Professor Kelly’s words may aid future scholars who study the CBI.⁴

Sometimes called “the Big Backwater”⁵ or “the Forgotten Theater,”⁶ the CBI was not a decisive theater; both sides understood that victory would be decided elsewhere. However the Chinese, British and American forces engaged in the CBI kept China in the war, saved India from Japanese conquest, and tied up some of Japan’s best troops in the process. The campaigns conducted by forces under Admiral Chester Nimitz in the Central Pacific and General Douglas MacArthur in the Southwest Pacific would have been far bloodier had Japan not been forced to field sizable armies on the Asian mainland.

A final word of caution to those who read the memories: Despite his claim of being “a ham,” Professor Kelly has always been a modest man who tended to downplay the importance of his work. His adventures in the CBI and his contributions to the war effort undoubtedly far exceed those described in the pages that follow.

Kelly, JUD. NOTICE, Oct. 1992, at 5.

4. The author’s father also served in the CBI as a flight engineer in the Army Air Force; it is entirely possible that on one of his flights over “the Hump” he may have crossed paths with Lt. Kelly.

5. JAMES F. DUNNIGAN & ALBERT A. NOFI, VICTORY AT SEA: WORLD WAR II IN THE PACIFIC 40 (1995).

6. THE OXFORD COMPANION TO AMERICAN MILITARY HISTORY 116 (John Whiteclay Chambers II ed.)(1999).