

## CSCHS Board Member Laura Kalman

BY MOLLY SELVIN\*

**M**ORE THAN A year before the bruising hearings over Brett Kavanaugh, Society Board Member and legal historian Laura Kalman published her account of how U.S. Supreme Court nominations have escalated into frenzied political battles.

Kalman's book is typical of the best historical scholarship in that the UC Santa Barbara professor persuasively applies insights from the past to the present. *The Long Reach of the Sixties: LBJ, Nixon and the Making of the Contemporary Supreme Court*, traces the politicization of judicial nominations not to Ronald Reagan's nomination of Robert Bork in 1987, as commonly believed, but much earlier — to debate over the legacy of the Warren Court that began before Chief Justice Earl Warren retired in 1969 and continues today.

Following Kavanaugh's confirmation, Kalman worries that future nominations will succeed "only when the president and the Senate are of the same party," she said in a recent telephone interview. The modern confirmation process "makes it easier to attack nominations not by attacking ideology which is difficult, but using the smokescreen of ethics or sexual misconduct," a development she called "really, really dispiriting."

Kalman earned her J.D. at UCLA and a Ph.D. in U.S. history at Yale before she joined the UC Santa Barbara faculty in 1982. When a law student, she served as a summer extern for Justice Stanley Mosk and remembers the state's longest serving Supreme Court justice as especially gracious toward her.

She and her husband Randall Garr, a professor of religious studies at UCSB, inherited her beloved childhood home in Los Angeles which they have slowly upgraded over the years. When not poring over archival material, Kalman likes to cook and garden. She considers herself a dedicated mystery reader.



*The Long Reach of the Sixties*, reviewed in this newsletter's Fall/Winter 2018 issue at <https://www.cschs.org/wp-content/uploads/2018/12/2018-Newsletter-Fall-Book-Review-Nominations.pdf>, is Kalman's sixth book. In earlier monographs she charted the emergence of contemporary political debates during the Ford and Carter administrations, the rise of legal realism, and the evolution of American liberalism through her biography of Abe Fortas.

Kalman's current research focuses on President Franklin Delano Roosevelt's threat, in 1937, to "pack" the U.S. Supreme

Court with six additional justices, in reaction to early high court decisions invalidating New Deal programs. The project is an outgrowth of her book on the 1960s and responds to what she calls "talk in the blogosphere" about whether the Democrats should propose legislation similarly allowing the president to add justices to the Supreme Court and lower federal courts if they win the White House in 2020. "Roosevelt's idea is so widely regarded as a disaster, a solution never to be tried again," she said, "but if you look at the debate of the time, it almost worked"; at many points, if FDR had been willing to settle for two justices instead of six, he could have gotten them, she believes. Whether such a proposal is a good idea "is another matter," she added, "but I'm always interested in the uses of history."

Kalman, 64, joined the Society's board of directors in 2017. At UCSB she now holds the title of "Distinguished Professor" where she is a popular teacher known for her lively lectures and political candor.

To wit: The accusations of illegality by President Trump and some of those surrounding him substantiated in the report from special counsel Robert S. Mueller III have caused her to "really fear for our institutions."

"Nixon did hand over the tapes, he did resign" but despite those allegations, Kalman thinks it is possible Trump might refuse to leave the White House if he loses his re-election bid in 2020 and that his base would support him. "This is a terrifying, terrifying time," she added. ★

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