

FINDINGS

*[Report of the Chancellor's Committee on the UCLA School of Law controversy]*¹

May 24, 1956

Chancellor Raymond B. Allen

Campus

Dear Chancellor Allen:

The committee you appointed April 9, 1956, to investigate the controversy between Dean L. Dale Coffman and certain members of the School of Law faculty submits the following report and findings.

We have individually and collectively analyzed the documents you submitted to us, including copies of (1) the memoranda of allegations submitted to you by the eight dissenting members of the Law faculty; (2) Dean Coffman's rebuttal or explanation of the allegations in these memoranda, with supporting statements or letters from Professor Rollin M. Perkins, Professor Harold E. Verrall and Dean Roscoe Pound; (3) written statements voluntarily submitted by witnesses who appeared before the committee; (4) letters to Chancellor Allen or to the chairman of the committee regarding the reputation and character of Dean Coffman and Professor

¹ For further information, see the Editor-in-Chief's introduction on page 1 of this volume: 11 CAL. LEGAL HIST. 1 (2016). This is a verbatim transcript in all respects.

James H. Chadbourn, and also regarding the reputation of the School of Law; (5) excerpts from confidential letters to Chancellor Allen in reply to inquiries he had addressed to administrative heads and professors of law schools throughout the country, who knew one or more of the principals in the controversy or who were aware of the controversy — these letters were from two chancellors, nine deans, and seventeen professors from leading universities across the country. These and other relevant documents (originals or copies) are submitted as Exhibits one to eleven to this report.

For our analyses of the documents of items (1) and (2) referred to in the preceding paragraph, we have arranged the allegations and their rebuttals in juxtaposition on large sheets of paper. The allegations of the eight complaining faculty members are on the left side of each sheet; the rebuttals of Dean Coffman are in the middle; and the statements from Dean Pound, Professor Verrall, Professor Perkins, and others are on the right. These allegations or issues and their rebuttals, indexed for convenient reference, are submitted as Exhibit 1.

The allegations and rebuttals concerning anti-Semitism and “left wingers” speak for themselves as presented in Exhibit 1, and, as background information that undoubtedly contributed to the controversy, we carefully examined the documents in Exhibit 1; we were unable to obtain from the witnesses we interviewed any additional relevant evidence on these two issues. After we had heard and analyzed the testimony of witnesses we found that, although these two issues, and also several other issues or allegations, were significant in contributing to the schism, the fundamental issue or question was, has the Dean lost the confidence of his faculty, and, if he has, can he regain and maintain that confidence?

From the beginning of our investigation of the schism we have endeavored to find some promising meeting ground on which we could help you and the disputants mend the schism between the faculty and the dean. We regret that we have not found this promising meeting ground. We hope that the evidence we have obtained from the interviews and the findings we have made will help you and President Sproul make such decisions as will best serve the welfare of the School of Law and the University. We shall be pleased to confer with you and the President, if you so desire, to further clarify or amplify this report.

Summary of interviews. The committee conducted interviews with the following persons, in the order in which their names appear: J. H. Chadbourne

[sic], R. S. Rice, L. Dale Coffman, Arvo Van Alstyne, K. H. York, J. D. Sumner, R. C. Maxwell, E. A. Jones, A. H. McCoid, H. F. Verrall, R. M. Perkins, Justin Miller, Judge W. C. Mathes, M. Philip Davis, Paul Hutchi[n]son, Judge Frederick Houser, Frank Balthis, and John Canaday. Messrs. Chadbourne [sic] and Rice were interviewed together and the five past presidents of the Alumni Association came, at their own request, as a group. All others were interviewed singly. Each interview took from one to three hours.

Following is a brief summary of each of the interviews, along with an attempt to analyze the general impression which each of the witnesses made on the committee.

J. H. CHADBOURNE [sic]. The witness amplified many of the charges contained in the September memorandum. He stated that no modification of the present method of administration of the Law School would be of any avail. "It is not a question of management, not a system, but a person." He stressed the "lack of leadership," "abuse of power," "imperious attitude" of the Dean. He stated that he would be forced to resign if the Dean remains. Not only by his statements but by his manner and his tone, the witness made it quite clear that he is committed to a course of action which would preclude any reconciliation. He stated that the return of the Law School to the Academic Senate was not an issue in the controversy.

R. S. RICE. This witness generally corroborated Chadbourne's [sic] statements and cited the fact that of the thirteen men whom the Dean had appointed over a six year period, three had left under circumstances that indicated their dissatisfaction and eight are now desirous of leaving. In reply to a direct question he said that he would certainly look for another position at once if the Dean remained. He agreed with Chadbourne [sic] on the issue of the Academic Senate. (See Exhibit 5.)

L. DALE COFFMAN. The witness took the position that the situation in the Law School had been brought about by the machinations of Chadbourne [sic] with the possibility of instigation and connivance of unnamed persons outside the Law faculty. Upon further questioning along this line he produced no evidence of outside interference. He minimized the involvement of all members of the faculty with the exception of Chadbourne [sic] and Rice, and was very positive that no one would resign. Upon being asked what remedies he would suggest for the situation, he said emphatically that all that

was needed was the assurance to him and his faculty that the Administration backed him without reservation. "A statement to this effect would settle the whole issue in a minute." He stated repeatedly that he sought the advice of the faculty in all departmental matters and that every new appointment had had the unanimous approval of the faculty. He was equally emphatic, however, in the opinion that all decisions must be made by the Dean and that no Law School could be successfully operated by faculty control.

The witness stated that Chadbourne [sic] had established a reputation as a "trouble maker" before he came here and that evidence to this effect could easily be adduced from persons whom he named (and who were later interviewed by the Committee.) when asked to explain how Chadbourne [sic] could have induced seven other members of the faculty to join in the "revolt," he said that they had been coerced by the threat that control of the Law School would soon pass from the Dean to the Faculty and that they should be aware "on which side their bread was buttered."

On the whole, the attitude of the witness was so confident that the Committee began to entertain the hope that the affair might have been greatly exaggerated and that only the two faculty members previously interviewed might have been seriously involved. This hope, however, was soon dimmed, if not totally dispelled, by the six ensuing interviews.

ARVO VAN ALSTYNE. This witness also stressed the accusation of lack of good faith on the part of the Dean. The expression "lack of integrity" was repeatedly used by this witness and the subsequent ones. When asked to name specific instances, the witness named especially the Marsh Case (detailed in the memorandum) and added that since then he "believed the situation to be beyond repair." Questioned further regarding the possibility that the Marsh Case might have been based upon a misunderstanding on the part either of the four faculty members present or the Dean, he emphatically denied such a possibility and submitted as supporting evidence copies of notes purported to have been made by him (Van Alstyne) in March and April 1955, immediately following the meetings when the Marsh matter was discussed. (See Exhibit 7.)

Van Alstyne made an excellent impression on the Committee. He was restrained in language but firm and quite immovable in his position. Subsequently he submitted a written statement, appended in the Exhibits.

K. H. YORK. Witness stated that, while he was not one of the four men present at the Marsh incident, his complete loss of confidence dates from then. He added that, however, he had been “uncomfortable since (his) arrival here, including two years in visiting status.” In reply to questions he stated that he did not believe that “the question of bringing the Law School back to the Academic Senate is an issue. I have not discussed this issue with anyone outside the Law School.” In conclusion, he reaffirmed his “wholehearted agreement” with the memorandum of September 21, 1955.

J. D. SUMNER. Witness brought a prepared statement from which he read. This statement, written in very strong language, impugned the Dean’s competence as well as his integrity. (See Exhibit 8.) In response to further questions, witness stated that he did not believe that return of the Law School to the Academic Senate was an issue in the controversy.

R. C. MAXWELL. Witness stated that he believed all charges in the memorandum of September 21, 1955 to be true, although he did not have personal knowledge of each individual item. He said flatly that he had “completely lost confidence in Coffman as Dean. I have absolutely no confidence in his integrity.” He stated that he did not believe that the Academic Senate issue had anything to do with the controversy. “This is not a subject of discussion in the (law) faculty. We don’t even have a chance to meet people from other parts of the campus.”

E. A. JONES. Witness brought a prepared statement which he read and then submitted for the record. (See Exhibit 9.) To further questions, he said, “A compromise is impossible. The impasse is intolerable to all concerned. The men do not trust Dean Coffman.”

A. H. McCOID. This witness had little to add to previous testimony, but brought in a document in support of the charges having to do with alteration of faculty minutes. Subsequently he submitted a written statement (See Exhibit 10) which does not differ materially from the others.

H. F. VERRALL. Witness expressed complete confidence in Dean Coffman and characterized the present controversy as a “clash of personalities” and a “struggle for power.” He said that he had no knowledge that the Academic Senate issue “is a factor in the difficulty.” Asked to suggest a solution to the impasse, he said that abatement of “outside interference” with the

affairs of the Law School would result in immediate calm. Mr. Verrall later submitted a written statement (See Exhibit 4.)

R. M. PERKINS. Witness stated that Chadbourne [sic] was the sole instigator of the trouble and that his dismissal would restore peace. Asked about the Marsh Case, witness said this was based upon a misunderstanding. He indignantly rejected any reflections upon Dean Coffman's integrity and said he had known him (Coffman) since the latter's student days and believed him to be scrupulously honest. He refused to take seriously the threats of eight members of the faculty to resign if the Dean remained. In fact, he said, he would be surprised if even one resigned. Asked directly what he would regard as more disastrous to the Law School, removal of the Dean or resignation of eight faculty members, he replied without hesitation, "removal of the Dean." He explained that even if all eight resigned — which he regarded as completely unlikely — they could at once be replaced by eight equally good men, but if the Dean were removed by faculty pressure, "no self-respecting Law School administrator would dream of stepping into the situation."

Mr. Perkins was calm, judicious, self-assured and very certain of his ground.

JUSTIN MILLER. This witness was invited as amicus curiae and as a former Law School dean rather than as one who had first-hand knowledge of what was occurring in the Law School. He was asked first to discuss the reputation of the Dean and the School. He said that the Dean is highly regarded by most legal practitioners, both lawyers and judges; that he was known as a perfectionist both in his own work and in his demands upon others; that he had been meticulous and thorough in his legal work at General Electric. He further said that the Law School enjoyed a fine reputation with bar and bench and its graduates were easy to place. On the other hand, he said that the reputation of both the Dean and the School among other law schools is unfavorable. Witness had recently attended the dedication of a new law building at the University of Illinois and had spoken with many judges, lawyers, and law teachers. These conversations confirmed his opinion that legal practitioners hold the Dean and the School in high repute, while other schools hold them in very low regard.

Witness said that he had hoped for a compromise solution, but was afraid it was now too late and that "drastic action" might be necessary.

He believed we have a fine law faculty but that the wide-spread dissension indicated the Dean had not succeeded in developing “a working team.” When asked the question, whether removal of the Dean or resignation of eight faculty members would be more disastrous, he gave an evasive answer. He said that he “suspected” that a struggle for power was at least a contributing factor in the situation. He suggested that an investigation of Chadbourne’s [sic] past activities should be subjected to scrutiny, since he had something of a reputation as a “Dean-buster.” In conclusion Mr. Miller counseled moderation and deliberateness in taking action.

JUDGE W. C. MATHES. Witness, a part-time member of the Law faculty, stated that the controversy was nothing but a struggle for power, with Chadbourne [sic] and Rice the ring leaders. He cited an incident at a cocktail party more than a year ago, at which Rice took the witness aside and tried to “win him over” to “his side,” by telling him that Coffman had recommended another person instead of Judge Mathes for membership in Order of the Coif. This, the witness said, proved to be untrue. He stated that if Coffman were strongly upheld by the administration, most of the dissidents would “fall in line,” and there would be few, if any, resignations.

M. PHILIP DAVIS, PAUL HUTCHI[N]SON, JUDGE FRED HOUSER, FRANK BALTHIS, JOHN CANADAY. These men, former presidents of the UCLA Alumni Association, came at their own request. Some had seen the September memorandum, Coffman’s reply, and Dean Pound’s letter. They were unanimous in their views, but Messrs. Davis and Hutchi[n]son acted largely as their spokesmen. The latter said that in their opinion we had “the best Law School and best Dean in the country.” Hutchi[n]son stated that Coffman enjoyed the highest respect of bar and bench, not only locally but nationally. He expressed surprise that this view was not shared by many leading law schools. He stated most emphatically that he had complete confidence in Coffman’s integrity and ability and that nothing could shake him in this conviction. He grew quite indignant over some of the charges and commented that the accusers laid themselves open to action for libel.

Mr. Davis pointed out that the political implications could not be ignored and that “left wing influence could not be shrugged off.” He said that in the eyes of conservative elements in the city and state, Coffman was the symbol of resistance to Communist and left-wing infiltration, and that any

disciplinary action against him would be regarded as a left-wing victory. He said that the removal of Coffman would result in revival of all the old accusations against UCLA as a hot-bed of communism, and in a lasting repudiation of the Law School on the part of bar and bench.

Judge Houser strongly supported this opinion and Mr. Hutchi[n]son concluded by saying that they (all five) did not believe any of the charges, but that even if every word of them were true, they would not constitute grounds for any action against Coffman.

The committee then pointed out that the undisputed fact in this controversy is that among thirteen regular staff members, all of whom were appointed on the recommendations of Dean Coffman, eight present members and probably three former members had lost confidence in the Dean. When asked how they would solve such a problem, they made no specific proposals, but Mr. Balthis counseled against precipitate action and suggested that the administration allow a period of about two years for the matter to work itself out.

FINDINGS

After thorough consideration and analysis of the evidence, written and oral, your Committee has arrived at the following findings:

- 1) We find that, with the exception of Professors Perkins and Verrall, all of the regular full-time members of the Law School have lost confidence in the leadership of Dean Coffman.
- 2) The primary basis for this loss of confidence on the part of the eight dissident members is a belief that Dean Coffman lacks integrity and honesty in dealing with the faculty.
- 3) This loss of confidence is based on substantial and reasonable ground; e.g., Dean Coffman's alleged behavior in the Marsh and Hogan cases.
- 4) The loss of confidence is irretrievable, in the sense that future changes in patterns of conduct by Mr. Coffman, which appear unlikely in any event, would not restore that harmonious faculty teamwork which is necessary to the efficient operation and future development of the Law School.
- 5) We find that each of the complaining members of the Law faculty independently and of his own free will came to the point of losing confidence

in Mr. Coffman and requesting his removal as Dean; we have found no evidence that any conclusion was reached as a result of coercion, pressure, or the effort of any person to organize opposition to the Dean in a personal struggle for administrative power.

6) We find that the Law School enjoys a favorable reputation among members of the California bench and bar, but that its reputation among law school faculties and legal educators in the United States is poor, and this is a handicap in recruiting able faculty members.

7) We have found no evidence to support a view that the relationship of the Law School to the Southern Section of the Academic Senate is a material factor in the present unfortunate relationship between Dean Coffman and the faculty of the Law School.

Respectfully submitted, [with signature blanks for:]

Gustave O. Arlt [Associate Dean, Graduate Division]

David F. Jackey [Dean, College of Applied Arts]

Neil H. Jacoby [Dean, Graduate School of Business Administration]

Louis B. Slichter [Director, Institute of Geophysics and Planetary Physics]

Vern O. Knudsen, Chairman [Dean, Graduate Division]

EXHIBITS:

1. Issues and allegations, with their rebuttals, contained in the documents presented by the disputants to Chancellor Allen, indexed and juxtaposed for convenient reference and analyses.
2. Letter from John Q. Hervey, Advisor, American Bar Association, to Lloyd [sic] Wright re: accrediting of U.C.L.A. law school and the qualifications of Dean Coffman.
3. Letter from Merton L. Ferson [dean of University of Cincinnati law school] to Raymond B. Allen re: Dean Coffman and the law school controversy.
4. Letter from Harold E. Verrall to Vern O. Knudsen re: his testimony and conclusions concerning the controversy.
5. Memorandum from Ralph S. Rice confirming statements he made to the Committee.

6. Letter from Merton L. Ferson to Ralph S. Rice re: the administration of the School of Law, the existing schism and elements that contributed to it, Dean Coffman, and a suggestion for mediation.
7. Statement from Arvo Van Alstyne re: his loss of confidence in Dean Coffman's integrity and judgment, with three supporting memoranda prepared by Van Alstyne immediately after the occurrence of incidents that he believed had contributed significantly to the controversy.
8. Statement from James D. Sumner, Jr., which he used as the basis of his testimony to the Committee.
9. Statement from Edgar A. Jones, Jr., which he used as the basis of his testimony to the Committee.
10. Statement from Allan Hulme McCoid re: (1) his loss of confidence in Dean Coffman and (2) minutes of faculty meeting of the School of Law.
11. Photostatic copy of statistics of California law schools pertaining to the numbers of their students who have passed the bar examination from 1953 to date.

[APPENDIX:]

Members of the faculty of the School of Law who [were] interviewed [by] Chancellor Allen September 21, 1955:

James H. Chadbourn, Connell Professor of Law
 Richard C. Maxwell, Professor of Law
 Ralph S. Rice, Professor of Law
 James D. Sumner, Professor of Law
 Arvo Van Alstyne, Professor of Law
 Kenneth H. York, Professor of Law
 Edgar A. Jones, Assistant Professor of Law
 Allen [sic] H. McCoid, Assistant Professor of Law

Other regular, full-time members of the faculty of the School of Law:

L. Dale Coffman, Dean and Professor of Law
 Rollin M. Perkins, Connell Professor of Law
 Harold E. Verrall, Assistant Dean and Professor of Law