

SECTION 1
UCLA LAW HISTORICAL
DOCUMENTS

MEMORANDUM

[Presented in person to the UCLA Chancellor by the eight dissenting members of the UCLA School of Law faculty on September 21, 1955]¹

The situation of the School of Law at U.C.L.A. has deteriorated to such an extent that it becomes necessary to call the circumstances to the attention of the Chancellor. The cause of this deterioration is to be found in certain attitudes and practices of Dean Coffman and in his action and conduct in certain cases and situations. In order to acquaint the Chancellor with the facts it will be necessary to analyze these matters in detail. This Memorandum proposes to do so, avoiding personal animosity and limiting the recitals herein to factual statements and to evaluation in terms alone of the welfare of the School.

PART ONE

Understaffing of the Law School Faculty and the Reasons Therefor

The faculty is seriously understaffed. For example, the 1955 Teachers Directory shows that at Berkeley there were fifteen full time members of the law faculty plus an Assistant Dean with no teaching responsibilities,

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.



THE FOUNDING MEMBERS OF THE UCLA SCHOOL OF LAW FACULTY (L.-R.): HAROLD E. VERRALL, DEAN L. DALE COFFMAN, ROLLIN M. PERKINS, ROSCOE POUND, BRAINERD CURRIE, AND LIBRARIAN THOMAS S. DABAGH

Courtesy UCLA Law Library

whereas here there were but twelve, this being reduced now to eleven, one of whom teaches a reduced load because of illness. For the past two years the law faculty has been informed by the Dean that budgetary provisions have been made for additional appointments. During this time two faculty committees have made exhaustive surveys to discover persons possibly eligible and available for appointment to this law faculty. These committees have reported their extensive findings to the Dean and law faculty. Nevertheless during this period the meager record of achievement is as follows: Mr. Harold Marsh has been appointed and has resigned under circumstances set forth fully hereafter. In his stead Professor Hawkland of Temple University has been appointed to serve for one semester only.

These negative results of a two year effort to recruit full time permanent personnel raise serious questions as to where the faculty lies. Prima facia it would seem that a law school such as this one, an integral part of one of the largest and most distinguished universities in the country, would possess such a potential for development in terms of location, salary scale, physical facilities, student body, living conditions, etc., that little difficulty would be experienced in fully staffing its faculty with outstanding scholars and teachers. What, then, are the reasons for the stalemate of the past two years? The answer is to be found in certain attitudes and practices on the part of Dean Coffman and in the poor reputation which the school has developed.

Touching upon the Dean's attitudes and practices it must regretfully be noted, in the first place, that Dean Coffman's anti-Semitic prejudices make it unlikely that any person of Jewish extraction can be appointed to the faculty so long as he is Dean. This prejudice is manifested in the following statement which he has made in the presence of Professors Jones, Chadbourn, Verral[l] and others: "The first one hundred members of my faculty will be non-Jewish." In addition, Professor Perkins informed Professor Rice in the presence of Dean Coffman and with Coffman's tacit approval: "The one hundredth man we hire here will be a Jew." Dean Coffman's attitude is manifested also in his files of correspondence respecting appointments to the faculty. In October, 1953, Professor Chadbourn, as chairman of the faculty committee on additions to the faculty, requested of the Dean and was granted permission to study these files. In the file entitled "Applications and Invitations" Professor Chadbourn discovered the following items indicative of the relevance in Dean Coffman's mind of racial considerations:

1. Copy of a letter from Dean Coffman to Professor Warren A. Seavey of Harvard. The letter is dated January 3, 1951, and makes inquiry respecting the qualifications for memberships on this faculty of two Harvard Law School men. In the letter Dean Coffman questions Professor Seavey in the following terms: "Do you know if either of those men is a member of the chosen race?"

2. Copy of a letter from Dean Coffman to Mr. Philip J. Hennessey, 816 Connecticut Avenue, Washington, D.C. The letter is dated March 19, 1951, and makes inquiry respecting the qualifications for membership on this faculty of a certain Mr. Warner. In the letter Dean Coffman questions Mr.

Hennessey in the following terms: "Do you know whether his name has always been Warner, or can you tell me anything about his racial background?"

3. The curriculum vitae of a foreign scholar. On the first page on this document, written in large letters in red pencil in Dean Coffman's hand, is the word "JEWISH."

4. The application of a Mr. Feinstein. Attached to the application is a notation in pencil in Dean Coffman's hand which states as follows: "Not much personality. He is very Jewish looking and acting. LDC."

No effort is made here to maintain that any of these men was on his whole record qualified for membership on the faculty. However, racial background should not in itself disqualify any person from membership on this faculty. There are many distinguished Jewish law teachers who should be regarded as eligible, and excluding them from consideration can only militate against the welfare of the school.

In the second place, Dean Coffman has set up and applied an exclusionary formula which he refuses to define or explain, the exact scope of which cannot therefore be stated. This formula he states in words to the following effect: "I will have no left winger on my faculty." At the faculty meeting of April 6, 1955, Dean Coffman made a statement to this effect. Professor Chadbourn thereupon asked him what he meant by "left winger." Dean Coffman refused to state. Then Professor Chadbourn asked in substance as follows: "Suppose the majority of the faculty were in favor of a man but you considered this man to be a 'left winger,' would you refuse solely on this ground to recommend him for appointment?" Dean Coffman replied that he would so refuse. (Professors Chadbourn and Rice then requested that the minutes of the meeting should set forth this colloquy verbatim. Subsequently the minutes of the meeting, prepared by Assistant Dean Verrall, omitted all reference to "left winger.") At this same meeting and after several members of the faculty had spoken in favor of Professor Richard Donnelly of Yale, Dean Coffman applied his exclusionary formula, branding Donnelly a person with "left wing tendencies" and therefore unacceptable to him. Professor Rice then inquired what evidence the Dean had that Connelly was a "left winger." Coffman replied that Donnelly was interested in civil liberties and his name had appeared on a brief for the American Civil Liberties Union. Professor Rice then inquired whether this disqualified a man automatically. Coffman replied that, though there was

no automatic disqualification, the circumstances gave the man a “leftist complexion.” Professor Rice then inquired as to the source of Coffman’s information. He replied that his information came from a letter received from ex-Dean Sturges of Yale Law School. (Although this letter was not read and no request was made that it be read, Mr. Sturges later informed Professor Chadbourn that the letter strongly endorsed and highly recommended Mr. Donnelly.) At this same meeting and after several members of the faculty had spoken in favor of Professor Monrad Paulsen of the University of Minnesota Dean Coffman pronounced Paulsen unacceptable on the ground that Paulsen was active in Farmer–Labor politics and certain members of the bench and bar in Minnesota had “raised their eyebrows about it.”

Again, it is not urged that on the whole record either Professor Donnelly or Professor Paulsen or both of them should be appointed to the Faculty. However, Dean Coffman’s expressed reasons for opposition were inadequate. There are many distinguished law teachers who should be regarded as eligible for membership on this faculty notwithstanding their interest in civil liberties, political activity, or preparation of a brief supporting the petition of the American Civil Liberties Union. Excluding such men from consideration, like excluding those of Jewish blood, can only militate against the welfare of the school.

In the third place, the present reputation of this law school in law school circles throughout the country is such that affiliation with the school is not a sufficiently attractive prospect to draw any more top flight talent to its faculty. This factor admittedly constitutes a more or less intangible and immeasurable circumstance. However, members of this law faculty have many professional acquaintances and friends in law schools throughout the country. During the year they are in touch with these people for a variety of professional purposes and they meet with them in person at the annual meeting of the Association of American Law Schools. Because of these contacts the members of this faculty can and do gauge [sic] the reputation that the school is obtaining from time to time. On this basis it is found that the reputation of this school has deteriorated and that the extent of this deterioration is such that this has become an important factor in explaining why the school is, so to speak, on dead center so far as further appointments to the faculty are concerned.

A specific and recent example is an incident which occurred in August, 1955. At the faculty meeting of April 6, 1955, the faculty voted that the Dean invite Professor Addison Mueller of Yale Law School to visit this campus for the purpose of exploring with him the possibility of his joining the faculty. At Professor Mueller's suggestion the visit was delayed until August, 1955. After Professor Mueller arrived, he was observed in the library of the law school in the company of Dean Coffman by a Mr. Lister, who was preparing with UCLA law students for the forthcoming California bar examination. Lister is a former student of Professor Mueller's in the Yale Law School. Lister approached Mueller and requested a private conference with him, stating that the matter was one of great urgency. Mueller agreed to return to the library later and to talk to Lister. Upon Mueller's return, Lister spoke in substance as follows: He surmised Mueller was considering a job at UCLA and felt compelled to warn Mueller that because of the conduct and reputation of Dean Coffman, he should not join the faculty of this law school.

Instances such as this could be multiplied. They are damaging the school and retarding its growth. The low repute of the school is a fact. Analysis of the causes and factors which have brought this situation about entails consideration of the matters which are mentioned in the second half of this memorandum. In addition to these, however, it is proper to consider the effect on the repute of the school of the fact that three men, well-known nationally, have resigned from the faculty during the brief life span of the school. These are Thomas Dabagh, librarian and assistant dean, Professor Brainerd Currie and Professor Harold Marsh. Of course, the mere fact of a turnover of personnel is normal to any school and is of itself of no significance. What differentiates these cases is that each of these men left primarily because of inability to "get along" with Dean Coffman. When the reason for departure becomes known, as it inevitably does, then the damage to the school ensues and its reputation suffers. In the interest of brevity, the circumstances surrounding the departure of Professors Dabagh and Currie are not here reviewed. It is suggested, however, that consideration be given to inquiry respecting the subject addressed to them.

In the fourth place, the difficulties encountered by this faculty in honest dealing with professional colleagues in other institutions must be noted. These persons constitute for the most part the pool from which additions to this faculty must be selected. These potential faculty members should

and do ask present members of the faculty basic questions respecting the policies of the school and the methods and practices of administering its affairs. The extent of the embarrassment of the faculty in this connection must be gathered from the portion of this report which follows, as well as the matters heretofore discussed.

A final, though less crucial, recruitment problem relates to the Associate Program of the School, under which the School seeks to employ qualified recent graduates of leading law schools to counsel and assist first-year law students. In March, 1955, Professor Maxwell of this faculty, who was on leave teaching at the School of Law of Columbia University, wrote Dean Coffman recommending one of his graduating students at Columbia. The name of this candidate was not presented to or considered by any faculty group until June 17, 1955, when it was presented by Dean Coffman at a meeting of the Curriculum Committee. No appointments of any kind have been made for the Associate Program for the academic year 1955–56.

PART TWO

Dean Coffman's Administration of Law School Affairs

In the period of his association with the Law School Dean Coffman has conducted himself in numerous cases and situations so as to destroy that confidence which should exist between the members of the Law Faculty and the Dean. The cases and situations and the circumstances of each are now set forth.

The Marsh Case. Mr. Harold Marsh was appointed Visiting Professor of Law for the school year 1954–1955. Mr. Marsh states that at the time of this appointment Dean Coffman assured him in writing that, if Mr. Marsh's performance proved satisfactory to the Dean and Faculty, he would be recommended by the Dean and Faculty for permanent appointment to take effect the beginning of the school year 1955–1956.

Mr. Marsh states that early in March, 1955, he asked Dean Coffman whether he would be recommended for permanent appointment and that Dean Coffman replied that Mr. Marsh would be recommended only for a further visiting appointment for the school year 1955–1956. He further states that Coffman advanced as his reason that he needed to know Marsh

better and cautioned Marsh about Coffman's need for "affirmative support" from members of his faculty.

On March 8, 1955, the following members of the faculty conferred, at their own request, with Dean Coffman as to the status of Professor Marsh: Professors Rice, Sumner, Chadbourn and Van Alstyne. The group carried with them the following document signed by those whose names appear at the end:

March 8, 1955

MEMORANDUM

To: Dean L. Dale Coffman

From: Members of the Faculty of the Law School

It is our understanding that Mr. Harold Marsh, Visiting Professor of Law, is being recommended for another visiting appointment for the year 1955-56.

Since, in our opinion, his academic qualifications are outstanding and his professional performance as a visiting member of this Faculty has been of the highest quality, and

Since it is our belief that we will be unable to retain Mr. Marsh as a member of the Faculty unless he is recommended for permanent appointment at the earliest possible time,

WE THEREFORE URGE that Mr. Harold Marsh be recommended for permanent appointment as Professor of Law, effective July 1, 1955.

[with signature blanks bearing the names of:] James H. Chadbourn, Allan McCoid, Ralph S. Rice, James D. Sumner, Arvo Van Alstyne, Kenneth H. York

This group advised Dean Coffman to the following effect: Mr. Marsh's services had proved of the highest caliber both as respects teaching and scholarly writing. Mr. Marsh would not in their judgment accept another tentative appointment. His performance entitled him to a recommendation for a permanent appointment. His loss would be a serious blow to the welfare of the school and a grievous damage to its prestige. Dean Coffman stated that he agreed with this evaluation and was anxious to retain the

services of Professor Marsh. Upon Professor Rice's suggestion, Dean Coffman then agreed to take the following steps:

1. To confer with the remaining members of the law faculty respecting their opinions as to recommending Mr. Marsh for permanent appointment.

2. In the event these opinions proved favorable to Mr. Marsh, to assure him that he would be recommended by the Dean and Faculty for permanent appointment.

3. To take the measures indicated by 1. and 2. above within the two days next ensuing from March 8.

Dean Coffman also explicitly authorized Professor Rice to inform Professor Marsh that Dean Coffman had committed himself to proceed as indicated above.

In view of Dean Coffman's commitment it was not thought it necessary to deliver the written memorandum to him and it was therefore not presented.

At the faculty meeting of April 6, 1955, Dean Coffman announced that Professor Marsh had resigned. In a general discussion as to the reasons for the resignation, Professor Rice stated that he had informed Marsh of the agreement of March 8, outlining the agreement as set forth in the preceding paragraphs. Professor Chadbourn stated that he recollected the agreement in these terms and inquired whether Dean Coffman had performed the agreement. Dean Coffman stated as follows: "I deny unequivocally and categorically that I made any such agreement." (Later he asserted that those who alleged the existence of such an agreement were victims of "creative memory.") Professor Sumner was asked whether he recollected any agreement and he replied that he did so recollect and that the agreement was in the terms stated above. Professor Van Alstyne was asked whether he recollected any agreement. He replied that he did so recollect and that the agreement was as stated above with this exception: the time limit for performance was not two days but a "few days."

Professor Mc Coid asked Dean Coffman whether, irrespective of any agreement to do so, he had in fact investigated faculty opinion respecting a permanent appointment for Professor Marsh. Dean Coffman responded that he had done so. Professor Rice inquired whether anyone objected to Marsh. No one did so object. Professor Chadbourn stated that he had not. Professor Chadbourn asked Dean Coffman whether he had informed

Marsh of the result. Coffman stated that he had not. Professor Chadbourn then asked him why he had not told Marsh, and Dean Coffman said he did not have to do so until May 1. (If Coffman's statements on March 8 that he favored permanent appointment for Marsh were truthful, his subsequent failure to inform Marsh that the Dean and Faculty favored the appointment was capricious and inexcusable, entirely aside from breach of the March 8 agreement. Laying to one side breach of the agreement, the situation was this: Coffman favored Marsh; the Faculty favored Marsh; Marsh wished to know the facts; Coffman refused to reveal them.)

Subsequently in the meeting Professor Rice suggested that Dean Coffman confer with Mr. Marsh, assuring him of recommendation by the Dean and Faculty for permanent appointment and asking him to reconsider his resignation. Dean Coffman replied that he did not now wish Mr. Marsh to be a member of the faculty, giving as his reasons that Mr. Marsh had not personally delivered his written resignation to Dean Coffman, and that Mr. Marsh had cancelled a social engagement with Dean and Mrs. Coffman, doing this in writing and again neglecting to deliver the writing personally to Dean Coffman. Assistant Dean Verrall then stated that he would not now favor Marsh in view of his resignation.

Mr. Marsh has made an extraordinary record in legal education by virtue of marked distinction in teaching and extensive scholarly contributions to the literature of the profession. He is widely and favorably known in legal educational circles. His departure from this Law School under the circumstances indicated has contributed in significant measure to the impairment of the prestige and reputation of this School to which reference has previously been made.

Attempts to Coerce Faculty. There are three disturbing cases in which Dean Coffman has sought to use his budgetary powers to coerce action by members of the Faculty conformable to his personal wishes.

[The first case, involving a faculty resolution proposed by Professor Alstyne, is as follows:]

WHEREAS the proper administration of any Law School requires that the respective functions of the Dean of the School and of the Faculty be understood and that each respect and refrain from tranching upon the authority of the other, and

WHEREAS in this Law School there appears to be uncertainty and doubt in the minds of the Faculty respecting the powers, duties and responsibilities of the Dean on the one hand and of the Faculty on the other, with respect to the administration of Law School affairs, Now therefore be it resolved by the Faculty of the Law School as follows:

(1) A Committee of seven members of the Law Faculty shall be appointed by the Dean and shall be charged with the duty of investigating and reporting to the Law Faculty upon the following matters: (a) What are the rights, powers, duties and responsibilities of the Dean of the Law School with respect to Law School administration; and (b) What are the rights, powers, duties and responsibilities of the Faculty of the Law School, with respect to Law School administration.

(2) The Committee shall seek relevant information from the Dean, the Chancellor at Los Angeles, the President of the University and from any other sources consultation with which is not in violation of University regulations.

Professor Van Alstyne decided further that as a matter of professional courtesy he would give Dean Coffman advance notice of his intention and of the contents of the proposed resolution, and showed the resolution to him. Upon reading the document Dean Coffman stated substantially as follows: that he would regard introduction of the resolution as a personal insult; that Van Alstyne was a young man with prospects for a bright future in the law school; that if Van Alstyne did introduce the resolution this would be remembered by Dean Coffman when the occasion arose for considering recommendations for advancement for Van Alstyne; that it appeared to Dean Coffman that Van Alstyne was being used by Professor Chadbourn and some others on the faculty to further a scheme to attempt to set up an Academic Senate for the Law School; and that reinstatement of Academic Senate responsibility would inevitably destroy the Law School.

As a result of this reaction Professor Van Alstyne changed his decision to introduce the resolution. At a subsequent meeting of the faculty on the same day, Dean Coffman reported that Van Alstyne had consulted him about the respective powers, duties and responsibilities of the Dean and faculty; stated

that he would be glad to explain these at any time to any member of the faculty; and appointed a committee of the faculty to confer with him about the matter. A few weeks later, Dean Coffman stated to Van Alstyne that he saw no need for anything anyway, since both Dean and Faculty already knew the Dean had complete and final administrative responsibility for Law School affairs, subject only to the Chancellor, President and Regents. Such committee did not then meet, nor has it met subsequently.

The second case involves a conversation between Professor Sumner and Dean Coffman. Around the middle of May, 1955, Professor Sumner conferred with Dean Coffman in the office of the latter, at which time a discussion took place respecting faculty salary increases. During the course of the conversation Dean Coffman stated that he was “not going to give anybody any benefits until this situation on the faculty is cleared up.”

[The third case is as follows:]

The foregoing furnishes a background for a discussion of coercion of a different nature. Dean Coffman proposed to the faculty committee that Professor Hawkland of Temple University be invited to teach the course in Corporations for the spring semester, 1956. Professor Sumner expressed reservations with respect to the proposal. Dean Coffman replied: “How would you like to teach Corporations?” (To understand the threat involved here it must be understood that Dean Coffman claims the unconditional power to assign courses and Sumner has not taught Corporations and could not do so without giving up his specialties.)

Attitude Toward Faculty Meetings and Faculty Committees. In the typical American law school the administration of the affairs of the school is regarded as within the joint jurisdiction of the Dean and faculty. The faculty participates both by way of deliberation, debate and vote in periodic meetings of the entire faculty, and also by way of committees of the faculty, each charged with the duty of investigation and report respecting some specific aspect or aspects of law school affairs. Two important and usual committees of this type are the committee on curriculum and the committee on additions to the faculty.

During the first three years of the existence of this school this faculty had no committees on curriculum or additions to the faculty. So-called faculty meetings consisted of weekly luncheons held each Friday. No agenda of

business was furnished in advance. Often no business at all was transacted. Typically, when any business was undertaken it was not brought up until the conclusion of the luncheon, at which time there was frequently inadequate time for consideration and debate since some members of the faculty had to return to the school to conduct two o'clock classes.

During the academic year 1950–1951 Professor Brainerd Currie presented a formal memorandum to the Dean and faculty suggesting inter alia that committees be organized and that the faculty separate its social activity and parliamentary function by holding regular faculty meetings, apart from luncheon gatherings, with adequate opportunity for deliberation and debate. Dean Coffman opposed all of these proposals.

No significant changes were made until early in the fall of 1953. At that time Professor Chadbourn suggested a committee on additions to the faculty. A few weeks later Professor Sumner suggested a committee on curriculum. In each instance Dean Coffman expressed doubts as to the utility of such committees but nevertheless did appoint each of the two committees.

At the conclusion of the last regularly scheduled luncheon in May, 1954 Dean Coffman read a document which he described as the curriculum proposed by the curriculum committee for the next academic year. Dean Coffman then commented that the committee wished him to reduce his teaching load, stating “They want me to give up these classes” (referring to the course in Torts). Professor Sumner protested that the document could not be considered as proposed by the committee since the committee had not yet met. Coffman then denied he had said the curriculum was proposed by the committee. It appeared from the discussion which followed that what had actually transpired was this: Dean Coffman had on separate occasions called in to his office individual members of the committee, showing them the curriculum which he proposed.

At the same meeting Professor Rice proposed that the Friday luncheons be abandoned and that in the future the faculty should hold regular monthly meetings in the law school. Professor Chadbourn spoke in favor of this and suggested further that an agenda be prepared for each meeting and be furnished each member of the faculty in advance of the meeting. Dean Coffman expressed his preference for the weekly luncheon type of meeting. A majority of the faculty, however, supported Professor Rice's proposal.

The fall semester, 1954 opened in September. As of October 26, Dean Coffman had neglected to call any meeting of the faculty. On that date Professor Chadbourn sent Dean Coffman a formal request to call a faculty meeting, coupled with a request that certain items be placed on the agenda. After an interval (during which Dean Coffman upon one occasion said to Professor McCoid that the Regents had told him that he did not have to call any meeting) Dean Coffman did call such a meeting and the agenda suggested by Professor Chadbourn was discussed.

In the academic years beginning in 1951 and ending in the spring of 1954, minutes of faculty meetings were kept successively by Assistant Professors Jones and McCoid, who of course had and have no tenure. During the entire period that they kept the minutes Dean Coffman corrected their reports and failed to call for reading of the minutes at faculty meetings except upon insistence of the faculty. (During the academic year 1954–1955 Dean Coffman appointed his Assistant Dean, Harold Verrall, as Secretary.) Some of the amendments to the minutes were minor; some were not. For example, in the next to last meeting of the academic year 1953–1954, Professor Chadbourn stated that the curriculum committee should meet as a group and function as a group, reporting to the full faculty. In the last meeting of the 1953–1954 academic year the minutes were read, including this comment. However, when the minutes were finally typed up, after review by Dean Coffman, the substance of this comment was deleted.

Refusal to call faculty meeting. On January 12, 1955, sometime prior to 4:00 P.M. a notice signed by Frances McQuade, Administrative Assistant to Dean Coffman, was posted in the Law School announcing that a course in Trade Regulations previously scheduled would not be given during the second semester. This course was to have been given by Professor Jones. It also announced that a course in Labor Law, which he (Coffman) was to have given would be taught instead by Professor Jones. (The result of this change was that Dean Coffman was relieved of all teaching duties for the academic year 1954–1955.) This notice was posted without prior consultation with the faculty as a whole or with the curriculum committee. Indeed, that committee met with Dean Coffman from 4:00 to 4:30 P.M. on the day the notice was posted, none of the members then knowing that the notice

had been posted, but the committee was not informed of the change. The matter was first mentioned by Dean Coffman after the adjournment of the committee meeting, when Professors Rice and Sumner had already departed, and then only as a tentative and “off-the-cuff” proposal. Professor Van Alstyne states that he left with the definite impression that no decision had been made with respect to the matter.

Following the posting of the notice, all of the non-administrative members of the faculty teaching full time except Rollin Perkins requested a faculty meeting with respect to the matter. This was done in writing, signed by Professors Chadbourn, Marsh, Rice, Sumner, Van Alstyne, York and McCoid.

Dean Coffman refused to call a meeting and instead called some, not all, of the faculty members into his office one at a time and stated to some of them that he had complete power to schedule and assign courses. His refusal to call the meeting made it impossible to take formal action on the subject since the next regularly scheduled meeting of the faculty did not occur until after the second semester had started.

Faculty Views on Law Review. During the spring of 1953, the faculty discussed the establishment of a full-scale law review to supplant The Intramural Law Review then in operation. No vote was taken, but the majority of the faculty opposed an initiation of the full-scale review in the fall of 1953. Nevertheless, without further discussion of the subject with the faculty, Dean Coffman directed Professor McCoid to begin it in the fall of 1953 and it was so initiated.

Class Schedules. In this section Dean Coffman’s attitudes and practices as regards Faculty meetings and Faculty Committees have been explored. This branch of the report may be concluded by referring to a matter of lesser moment, namely, the matter of scheduling the time when classes shall meet. This is generally regarded as solely within the jurisdiction of the Dean. Normally, no Faculty would wish to concern itself with such a minor task of “housekeeping” other than to express the personal desires and conveniences of its members, then trusting the Dean or his assistants to reconcile the needs of students and the wishes of Faculty as near as may be. However, even this apparently minor power of preparing the roster of classes is, as has been discovered, capable of being arbitrarily exercised

with detrimental effect. This has not been a recurrent evil, but one striking illustration as follows is a matter of record: In scheduling classes for the Spring of 1954 Dean Coffman scheduled a third year elective course taught by Professor Chadbourn and another taught by Professor Rice for the same hour. This, of course, meant that students who wished to elect both subjects were unable to do so. Professor Rice pointed out to Dean Coffman how the schedule could be changed to avoid this conflict without producing other conflicts or imbalances. He requested that the schedule be revised accordingly. Without explanation or reason for his decision Dean Coffman refused.

The Hogan Case. In the fall of 1952 a student named John C. Hogan enrolled at the law school, taking less than the normal number of courses for a first-year student. At the expiration of his first year he was notified that under the rules of the school he would not be permitted to enroll in the fall of 1953 inasmuch as he had not obtained the required grade average.

During the fall of 1953 Hogan applied for readmission and his case was twice discussed by the faculty. His application was supported by Dean Coffman but was rejected by the faculty.

In June, 1954 Dean Coffman proposed an amendment to previous rules so as to make them inapplicable in cases where a student took less than a stated number of semester hours of work. The night before the faculty meeting at which this change was proposed, he discussed it with Professor Van Alstyne pointing out to him that if the amendment were adopted it would enable him (Coffman) to readmit Hogan. Professor Verrall, Assistant Dean, stated the same thing to Van Alstyne shortly prior to the meeting, indicating he had discussed the matter with Dean Coffman. At the discussion of the amendment in faculty meeting Dean Coffman was asked how this amendment would affect the Hogan application. He responded that he did not know; that he had not thought about it.

Conclusion

A majority of this Faculty have taught in other law schools. Out of this experience they have learned to expect and to accept as normal a certain amount of disagreement between Dean and Faculty and between members of the Faculty themselves. No one is so naive as to expect or to attempt

to require total harmony and agreement. However, the cases and situations cited in this memorandum cannot be dismissed as the product of normal and routine differences of professional and personal opinion and of typical clashes of divergent personalities and temperaments. The incidents recited in this memorandum are so destructive of mutual confidence and respect that they create relations between the Dean and Faculty which are incompatible with the welfare of the School. In the atmosphere which results the School cannot progress and it is in serious danger of further retrogression. Therefore, it is necessary to acquaint the Chancellor with the facts in order that he may take whatever action he deems appropriate for the present good of the School and its eventual development into the outstanding institution it can yet become.

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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