

From the Oral History of
J. A. C. GRANT

J. A. C. “CLIFF” GRANT (1902–1995), professor of Political Science at UCLA from 1930 to 1969, chaired the committee to select the first law school dean and also created the law library. He served as chairman of the Department of Political Science, dean of the Division of Social Sciences, and head of the UCLA Academic Senate.¹

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STEVEN J. NOVAK (UCLA ORAL HISTORY INTERVIEWER): The genesis of your [oral history] interviews, you might say, was the remark that you’d played a big role in the starting of the UCLA law school and the search for its first dean. So if you’re ready, let’s talk about that.



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¹ For further information, see the Editor-in-Chief’s introduction on page 1 of this volume: 11 CAL. LEGAL HIST. 1 (2016).

GRANT: Okay.

NOVAK: I guess in 1947 you were made the chairman of a committee that was made up of Berkeley people and UCLA people, and you just sat down and started talking about what should a law school be. How did that come about? What did you decide?

GRANT: Well, as the University of California started, as the UCLA branch of it started growing, we said, "It's got to get out into some of the specialty colleges." And the administration decided, well, one of the most valuable to have and also one of the cheapest to have was the law school. Some specialty schools run into millions just to get some equipment for them, but a law school's a rather inexpensive enterprise. That's one of the misfortunes of it. That's why we have so many of these jerkwater private law schools around the country trying to make money on the deal, and it's messed up the whole legal profession and the whole educational scheme in law schools.

I know one of them in Los Angeles — I had given away most of my valuable law books. Because, see, when I went to UCLA, they didn't have a law library, and it was too far downtown, the L.A. County [Law] Library, to go all the time, so I gradually over the years built up quite a law library of my own. I had several hundred volumes. A few hundred of them I still have, as a matter of fact. But I gave the ones that were of most value to the new law schools that were developing, including UCLA, and some to the county law library. And then I ended up with a lot of stuff that they didn't need, but it was good basic material, and I offered it to one of the local private law schools. And you know the reply? "We can't afford a library." They were teaching law, and they were accredited to the extent that after four years of study instead of three, you could take the bar exam and if you passed it you could get to be a lawyer, but they couldn't even afford a law library. Well, that's sad.

So we said, "We're going to have a law school on this campus. It's just as important as having an engineering school." So having been chewing the fat on that for years, knowing it was inevitable, finally the Legislature passed a statute that made a grant of I think it was \$1 million — I got it later increased to \$1.5 million — for a building to start a law school. And a funny thing happened at that time. Hastings College of the Law, the so-called law department of the University of California in San Francisco — which

had been founded on the basis of a will by the first chief justice, [Serranus C.] Hastings, in which he gave \$100,000 to the state — said, “If you accept it, you’ve got to guarantee 6 percent interest per year on it forever, and that will be to support the Hastings College of the Law, which shall be the law department of the University of California.” And so for years, all Hastings got was \$6,000. It stayed over in San Francisco. Berkeley decided they wanted a law school. They said, “We can’t have one by that name because of the law department of the university over there across the bay, so we will start a school of jurisprudence.” So the Berkeley school was called the School of Jurisprudence, but everybody knew it was a straight law school, handled in the normal way. The other one [Hastings] worked with this \$6,000, and then it fell into the habit of hiring a lot of retiring professors from law schools, famous men who still wanted to teach, and so they brought them in at a fixed salary. They could give them a pretty good salary because they had no research funds, no travel funds, no pension system, none of the fringes that accompany normal university tenure positions that add up the price, just as the price of labor is not the hourly wage but its — you add on all the fringes, and they double that. So the Legislature, at the time they gave us money for a law building, gave Hastings money for a law building. Now, that’s the first time that Hastings started getting on the gravy train. Later, when I was on the University of California president’s staff and working with all the developing graduate programs and so forth, they came in and wanted some money for an assistant professor, and we gave them one. That’s the first time they started getting in on the gravy train of hiring university faculty and becoming really a part of the university. They had their own self-governing board of trustees. On occasion they preempt somebody off our regular university Board of Regents [laughter] and put them on the Hastings board, so that we started growing a little closer. And by the time we started giving them money, they were really regarded as a part of us. It was also becoming a very good law school.

Now, we established this committee. The committee had the task of planning. We had to plan for a building, we had to buy a library. My principal task was to buy the library. I had an idea that a library for this kind of a law school should be a research library, and they gave me \$60,000 to buy the basic books for it. We set up a committee, and it was — the consultant was the law librarian at Berkeley. I forget his name. Tom [Thomas S.]

Dabagh had resigned, was now with the Los Angeles County Law Library. I believe his name was [Eldred R.] Smith. Very nice chap. He was our adviser, but he never bothered giving any advice. He said, "Go ahead and run it, Cliff," so [laughter] I ran it. I had such good luck with that \$60,000. I couldn't do it now; you can see what's happened to law book prices. One book, Thayer's *Preliminary Treatise on Evidence [and the Common Law (1898)]*, which I think I bought for about a couple of dollars, now costs you sixty, seventy-five bucks. Very different world. But I had such good luck, having spent that \$60,000 — .

By the way, before I finished spending it all, we had picked the new dean and he was here, but he still didn't give me a damn instant's help in doing that work. I had to continue buying the law library. In fact, I took a leave of absence to get out from under it, but I stayed in town doing some writing, and I might just as well have not taken a leave, because the library kept calling me up all the time. One day the girl doing the actual ordering called up and said, "I want some help. I've got a lot of new offers here, and I want you to look them over and see if we should buy any of them." I said, "Well, look, we've got a dean. Have him do it. I'm out of this business." And the reply was, "The total help that Dean [L. Dale] Coffman has given to us in the library was to write us a note and say would we please buy him a Martindale-Hubbell. You may recall that I called you up and asked, 'What in heaven is a Martindale-Hubbell?' You told me it's a law directory. And so we bought him a Martindale-Hubbell." That's all the help we had gotten out of him. So she said, "Please come over and help me." So I did.

Well, I had such good luck with the \$60,000 that I went back to the administration and said, "I wish you would give me another \$50,000." Or was it \$40,000? "Because I have found so many good buys, and the market is just ripe for the pickings." And I added that I didn't want to fool anyone. "I've already got a better law library than they've got at most of" — what we call now the Pac-10. I forgot what we called it then, Pacific Coast Conference or something or other — "a better library than Oregon, Washington, and so forth. Right now we can open, no problem. But there are so many good books out there at such a good price that this is the year to buy them." I said, "If you'll give me \$50,000, I'll cut my request for next year by \$40,000." They gave me the \$50,000 and didn't cut my \$40,000. [laughter] I don't know why, whether it was a mistake or what. So we got going with a

wonderful law library, and we now have one of the best ones in the country. Foreign law, comparative law, and all that sort of thing.

I worked out a deal with the L.A. County, because I'm always trying to save money when the university is doing things of this sort. As I say, at that time, Tom Dabagh was the librarian, but they had a foreign law librarian. What was his name? Oh, I know it as well as anything else. [William B. Stern] A little Jewish boy. Very good. Trained in Germany. In fact, he edited the *Index to Foreign Legal Periodicals* when that was first brought out a few years later. And I worked out a deal with him. I forget whether he came to me or I went to him, but I simply said, "We can't afford to buy all these Indian things. Now, look: Here's a private set of Indian reports, here's another private set of Indian reports, here's a third private set of Indian reports. If you've got one of them, you've got everything." But a great law library ought to have access to all three, because you get a citation in one, and they don't have books to transfer you over and so forth, the way we do. And we said, "Well, wouldn't it be a good idea if we guarantee to keep these up-to-date and you guarantee to keep those up-to-date, and we can call each other on the phone if all we have is the citation and need the name of the case to find it in our own. [laughter] Or 'Here's a reference to such and such a case in your book, and it doesn't tell me what the name of the case is. What is it so I can find it in mine?'" It would have worked just fine. We didn't need all these things. And he said, "All right. We'll make out our proposed list." So I took this to the dean [L. Dale Coffman], and I said, "Look, here's a deal I can work for you. Between the two of us, we'll have everything, and yet neither one of us will have to carry more than half the expense." He said, "Don't want a thing to do with it. I'm going to run my own law school. Don't want anything to do with the L.A. County Law Library." Bingo! That killed that.

Well, anyway, I didn't go in too much for the foreign stuff, but I went in a lot for the legal history and comparative law stuff that would be useful to others on campus and the civil law side, rather than the Latin America side. L.A. County had one of the best Latin American law libraries in the country. So I thought we could live with that. But the result was we got a very, very good law library. I'd say now it is one of the best in the country for comparative law, just because we got it so cheaply at the right moment, with enough money and an administration that could see the sense of this

and said, "Let's start UCLA off with the right kind of a law school. The right kind of a law school's got to have a good research library, and it isn't so dreadfully expensive anyway. After all, for a \$100,000 we can buy this thing." You pay that to buy a piece of equipment to add onto a linear accelerator, don't you? [laughter] So you see how different it is having a physics department getting going and having a law school getting going. So that was sort of my job. That wasn't the committee's job. I got stuck with that. And so I handled the buying of the law library.

Then we also had to do the planning on the building, and we had to get going on that right away. One of the first things that happened after the committee was appointed and I was made chair of it, the provost — because we called [Clarence A.] Dykstra "provost" instead of "chancellor" in those days. Who was the first chancellor we had? I guess it was Franklin Murphy, wasn't it? I don't remember just when the name switched, probably Murphy. Anyway, Dykstra was called "provost."

Dyke called me over and said, "How about this law building?" I said, "Well, in the first place, \$1 million isn't enough." And he said, "Well, what will we ask for?" And I said, "Ask for \$1.5 million."

So we asked for \$1.5 million, and we got it. Then he called me over and he said, "Cliff, now that you've got \$1.5 million, I've got a good deal for you." And I said, "What's the deal?" He said, "How about taking this building and giving me the \$1.5 million? I'll give you back a couple of hundred thousand. You rebuild this building and make it into a law building. I'll build a new building." I said, "Why?" He said, "This thing's no good for an administration building."

I said, "Dyke, we love you dearly, and it's not your fault. But you know, there are a lot of us that are going to do our damndest to keep you and all your successors in this building, so that every morning when you come to work, you can ask yourself the question, 'Why have we never built anything on this campus adequate for the purpose it was intended to serve the day it opened?' This building's no good for an administration building, I admit it. It's not adequate. But it's not adequate for the law school either. We can start with this \$1.5 million and we can build one that's much, much better.

NOVAK: Now you're alluding to Murphy Hall?

GRANT: Yeah. But it was much smaller then.

“We’re going to build it so it can expand. We’re going to put it down on a piece of land where it can expand. And we’re not going to build it necessarily so that you can go on up, but we’ll build it so you can go on back. We’re not going to get caught in the jam everything in this place has been caught in.”

I know Ivan Hinderaker, who was in my department and later was the founding vice-chancellor at Irvine and then became chancellor at Riverside, he jokingly said to me one day, “You know, Cliff, in the seal of the University of California, when we put UCLA or UCI around here like this, right in the middle we should have a jackhammer.” I said, “Why?” “We could never do anything because of the racket. There was always a jackhammer tearing down what we’d put up to make it into something else.” [laughter]

NOVAK: What about a deal like that? I’m sure the regents would approve, but it’s really a misuse of what they intended, isn’t it?

GRANT: Well, you mean what about a deal of letting Dyke take my \$1.5 million and we take his building?

NOVAK: Did things like that go on around there?

GRANT: Oh, yes, things like that went on around there all the time. After all, the physics building [Knudsen Hall] turned into a social science building. Then we got kicked out, and I don’t know who’s in there now, but we built Bunche Hall. [laughter] Things like that go on all the time. In fact, at one stage of the game, we flirted with the idea of taking the art building [now Perloff Hall] and making it into nothing but political science. We decided, no, that wouldn’t be a good idea; we’d rather have a couple of floors in Bunche. And they turned that [the art building] into the architecture building. Oh, yes, things like that go on all the time. There’s the old original chemistry building [Haines Hall]. Now look at the monstrous chemistry building we’ve built [Young Hall]. And I don’t know what they use the old chemistry for now. Nothing to do with chemistry.

NOVAK: In the files, I guess there was some talk that you would inherit an old building that someone was leaving to the university, which must now be the [William Andrews] Clark [Memorial] Library.

GRANT: Yeah.

NOVAK: To be closer to downtown?

GRANT: We said, no, we wanted to be on the campus.

NOVAK: Was that kind of a white elephant, that Clark?

GRANT: No, it's now the Clark Library. Now, Loyola [Marymount University], for example, doesn't have its law school on the campus; it has it downtown. In the earlier days, the University of Southern California, their law school was right across the street from the county law library. They had no law library of their own; they used the county law library right across the street. Finally, USC decided they'd rather have the lawyers on the campus. We could see what a valuable asset to the Berkeley faculty the law school faculty was, how active they were in [Academic] Senate politics, what an active role they played and what a good role they played. And we wanted them on campus. So we simply turned that down cold. Not because the Clark Library would not have been a good location.

There's nothing special about it except that it's closer to downtown. Well, what's the advantage of being closer to downtown? At that time, it didn't take very long to go downtown anyway, because Wilshire Boulevard had only been paved two years before, west of Vermont [Avenue] or Western [Avenue] or somewhere there, where it had always stopped until the university was built. You could drive downtown in not too long. And if you were at the Clark Library, you're only halfway there. So what? We saw no advantage of it. It wasn't giving it a downtown location in the sense of USC being across the street from the courthouse and the Hall of Records and everything of that sort. So we just turned it down because we wanted the faculty to be on campus. And if they were out there, they would be going from there down to the county law library. The next thing, they [the administration] would have told me, "You can't get a good enough library because we haven't got space for it there, and they can go down and use the county law library." We didn't want them doing that. We wanted them on campus, because there are a lot of the faculty outside of the law school that need a law library.

NOVAK: Did you foresee that it would be good for the law professors, too?

GRANT: We wanted the law professors to be an intimate part of the campus faculty, and we wanted them to be playing an important role in the

Academic Senate. We simply said, “Thumbs down. We won’t even think about that.” Well, we won that hands down. Nobody objected. They saw the logic to what we were saying and they said, “After all, the law faculty is very, very important and very active in the Berkeley Senate. We ought to have the same thing here.” So we won that without a fight.

NOVAK: Did you play much of a role in actually designing the law school building, getting architects and — ?

GRANT: No. I said, “I don’t know enough about that, and I haven’t got the time to work on it anyway. You go get your help from Berkeley. The Berkeley law faculty can tell you what a law building ought to look like and [recommend] architects. Work with them and not with us. We aren’t interested. All we know is \$1 million they say this isn’t enough. We want \$1.5 million.” And we got the \$1.5 million. So I handed it over to Berkeley, and they took over from there on until we got our dean. Of course, we had to live in temporary buildings to begin with, but we had a lot of them around; the old Army barracks and stuff.

NOVAK: Then I guess one of your most important tasks was to find a dean for the law school.

GRANT: That was our important task. Because, as I told Dyke, I said that all this committee ought to do, it ought to get a dean and then it ought to quit and we ought to pull out. The dean ought to organize the law school, and we don’t want anything to do with it. So we immediately switched our emphasis from being the one to get the ball rolling and to get a site for the building and to get the money for the building and to start buying the law books, and converted ourselves into a committee to pick a dean. We said we were going to do that and then we’d quit. As I said earlier, when we’d done that, I tried to quit and they wouldn’t let me, so that I had to keep buying the law library.

NOVAK: I suppose you wrote to people across the country to get nominations?

GRANT: We wrote extensively. We wrote everybody we could think of that would give us good advice. We consulted orally with Stanford faculty as well as the Berkeley faculty. We found the Berkeley and Stanford faculties very, very cooperative, because they said, “We want you to establish

a first-class law school on the Berkeley level at UCLA. We don't want you to start out competing with USC and Loyola; we want you to start out competing with Berkeley and Stanford. [laughter] So that was our whole ambition, to establish that kind of a law school. That's why we wanted it on the campus, that's why we wanted a crackerjack library, and that's why we wanted enough money to have a real building. So we started with the idea, "We're going to be a Berkeley/Stanford-level law school. Period. And we won't think of anything else." As we wrote around for deans, we said, "This is what we're going to be, and this is the quality of person we want." We got a lot of good recommendations from Berkeley and Stanford and all around, and, well, then we just sat down and started chewing the fat about them. The first thing you know, we had a pretty good list of some folks that we thought would be pretty good for deans.

NOVAK: Do you remember any of the specific nominees?

GRANT: Well, our first choice was Lon Fuller. I suppose I was partly to blame for that, for knowing him. But the committee, after it looked over everything and got all of the letters of recommendation, chewed the fat with Berkeley and Stanford faculty and so forth, came up with the conclusion that Lon was the one we really wanted. I'd known Lon at Stanford. He was the prize student in the law school a year ahead of me when I was working for my doctorate in political science, but taking most of my coursework in the law school. He had gone to Oregon, started right off as an associate professor. And then Harvard grabbed him up, and he was one of the leading lights of the Harvard faculty.

We liked him because of his approach. He wrote an article, for example, that everybody ought to read, "The [Case of the] Speluncean Explorers." Instead of writing a little essay on when are you justified in violating the law, he just had these explorers get lost in a cave. They were all very intelligent people, and they sat down and they were chewing the fat about the situation they were in. And they got some contact some way or other with the folks that were going to save them, but they all explained to them that "it's going to take us a certain amount of time to get to you," and they figured out that by that time they'd all be dead. Then they figured out, well, that if they decided every so often they would kill one of their group by lot and eat him that half of them would still be alive by the time they got

saved. If they didn't, everybody would be dead. Everybody agrees to this except one, and he won't agree. And when they're having the lottery, his name is drawn as one of the ones to be sacrificed and eaten, and they do so. Now, is this murder or isn't it, after we get them saved? And so forth. He had that kind of a mind. And yet he was also one of the type we call a lawyer's lawyer, and he taught Contracts at Harvard. Now, if you teach Contracts at Harvard, you're a lawyer's lawyer. Fuller. [laughter] We decided we wanted Lon.

Now, let's see, our second man, and I have a harder time remembering his name — he became dean of the law school at Yale later. Harry Shulman. We said, "We like Lon Fuller. He's our choice. If we can't get Lon, we'd like to raid Yale, and we would take Harry Shulman." And then we made out a long list of other people, and we had some pretty good people on there. We went clear down to youngsters. We had a youngster that struck us as very good, Brainerd Currie. I'll mention him later on, as he was on our first faculty. Brainerd Currie was teaching Conflict of Laws and Quasi-Contracts. And even though he was just a youngster, he had a very good reputation as being very bright and having a broad-gauge mind. So he was on our list, but quite a ways down, because we thought to get started with this at this kind of a level, we had to have somebody who was — he didn't need to be experienced as a dean, but he had to have stature in the profession as being a senior.

Then we found in the middle of our search that Berkeley began to hedge a little on us; we felt they weren't giving us all the people that they could give us. It turned out later that they were going to have to pick a dean themselves, and they'd looked over their own staff — see, they hadn't recommended a single member of their own staff to us, and this worried us. Years later, for, example, Davis took a youngster right out of Berkeley and sent him up to Davis, and he took over as dean. And this was our normal practice. We raid Berkeley. Well, Berkeley wasn't suggesting being raided, and we couldn't figure out why. Well, later it turned out they didn't figure they had anybody even to be their own dean. And they raided Harvard and took Bill [William L.] Prosser. They picked Bill before we got our dean picked.

In fact, Bill came down and conferred with us and gave us some help and so forth on things before he became dean at Berkeley, having accepted

the job but not to be effective until the next year. And in fact, one of the first things that Bill asked me was — I was taking him to the airport, and he said, “What are you going to call your law school?” “We’re going to call it School of Law.” He said, “You can’t do that.” I said, “What do you mean? You mean the will?” He said, “Well, yeah, the will bars it.” And I said, “Bill, how good a lawyer are you? You’re going to let that will stand in your way?” And he said, “You’re going to call yours the School of Law?” I said, “Sure.” He said, “How do you get around the will?” I said, “Well, Hastings College is the law department of the University of California, but we’re going to have the School of Law of the Los Angeles campus.” He said, “Well, if you can do that, I can have the School of Law on the Berkeley campus.” I said, “Of course you can.” So they became the School of Law on the Berkeley campus a year before we were founded. [laughter] They didn’t want it to appear that they copied us, and so they beat us to the punch, but it came out of this talk I had with Bill Prosser, driving to the airport.

Well, Bill agreed, and everyone else agreed, that Lon Fuller was our man and Harry Shulman was a crackerjack. So that was our list. So I took it to Dyke, and Dyke said, “Looks to me like you’re doing the right thing. This is good stuff. The Berkeley boys said Lon Fuller would be crackerjack; the Stanford boys said you couldn’t get two better candidates.” So he said, “I’ll talk to the president.” So he called me up and he says, “Cliff, I talked to the president. The president says he’s going to be East and he’s going to be at Harvard, and he’ll talk to Lon Fuller.” I said, “Great. Let’s get the ball rolling.”

Well, this was disastrous. We didn’t hear from [Robert Gordon] Sproul. Time went by, and we still didn’t hear from Sproul. I would call up Dyke, and I said, “Dyke, have you heard from Sproul about Lon Fuller?” “No, I haven’t. I guess he just wasn’t impressed.” I said, “Well, gee, Dyke. Can’t we get an answer yes or no, or something?” He said, “Well, I’ll try.” And he tried. I guess he didn’t talk to Sproul himself, but nothing came back.

Then Sproul came down to our campus, and I bumped into him at a gathering — I forget what it was. And when we were over in the corner together, I said, “Gee, Mr. Sproul,” — I never called him Bob. A lot of people liked to call him Bob, but I always called him “President” or “Mr. Sproul.” He was too tall and his voice was too big, and I just couldn’t call him Bob. I said, “President Sproul, we’re sorry you weren’t impressed with

Lon Fuller.” He looked at me — he had to look down at me — and he said, “Impressed?” He said, “The man’s good.” I said, “You mean we could have him?” “Yeah, why don’t you try to get him?” [laughter] This was a month and a half after he had said he would see him for us. He says, “Yeah, I would like Lon Fuller.”

So I hotfoot it over to Dyke’s office, and I say, “Dyke, I just saw the pres, and he says we can have Lon Fuller. He likes him, he’s impressed with him.” He said, “Well, gee, let’s go after him.” He said, “You say the Association of American Law Schools is going to be meeting in a couple of weeks. Why don’t you go back and see if you can get Lon to sign up?” Well, this began to illustrate the problems that Dyke would later appreciate Paul Dodd was having, why he sometimes fell into hiring people and not knowing just what agreement he did have with the president. I said, “All right, I’m going back and I’m going to talk to Lon. I’m going to write to him that I’m coming to see him, make sure he’s going to be there. And what do I offer him?” He said, “Well, you know the University of California. You’ve been chairman of the Budget Committee; you know the salary scales. You know as much about it as I do.” [laughter] I said, “Well, don’t you think we can get a figure out of Bob?” He said, “No, we can’t get anything out of Bob.” I could refer to Bob Sproul as Bob when I was talking to Dyke, [laughter] but I couldn’t when I was talking to Sproul. Just as I never called the president of [South] Vietnam by his given name the way everybody else did. I just couldn’t say Diem. I had to say Ngo. And that shocked him, because nobody uses family names in Vietnam. It just isn’t done.

Well, anyway, I go back, not knowing what to offer him, knowing what the dean got at Berkeley, knowing we could get about the same, but no definite figure, no commitment. But the whole thing fell through. I said, “Lon, we are very, very interested in having you as dean of our law school. And look at the chance you have here to start at scratch in a growing institution which is already first-class, although not top first-class, but is going to be top first-class when you start at scratch with a new building and \$1.5 million to build it. You know our salary scale — you can hire top professors. Wouldn’t you like to do that?” He said, “Well, two months ago I would have been interested. But it’s two months since I talked to your president, and I never heard a word until I got a word from you. By the time I heard from you, I had already made other commitments.” He said, “You know, I went

right out of Stanford Law School to be an associate professor at Oregon, and never practiced law a day in my life. Here I am teaching Contracts, a basic course, in a topflight law school. I decided I ought to do a little practicing. I'm joining a Boston law firm. I've already made the — I was dickering about it at the time I first heard about your new school from Bob Sproul." And see, we'd never written to Lon. We'd let Sproul do the whole groundbreaking. He said, "It's too late. I'm not interested." That ended that.

NOVAK: Before you go on, Sproul doesn't come off as a very good leader at this moment.

GRANT: No. This was the biggest disappointment of my life. And you could see why — when I was saying, "What do I offer him in the way of salary and commitments?" "Well, you know, play it by ear." [laughter] Because Dyke said, "I can't get anything more definite than that out of Berkeley if I try." I could see why Paul Dodd got into the pitfalls he got into by going out and actually offering people something, and then he couldn't live up to it. He thought he could.

NOVAK: So then you had your number-two man.

GRANT: So then we said, "Okay, our number-two man is Harry Shulman. And we're almost as pleased if we can get him as we are if we can get Lon Fuller. We'd rather have Lon — he was our first choice. But if we can get Harry Shulman, this committee will be tickled to high heaven, and Berkeley and Stanford will be happy too, because they want us to be in their class." Well, Dyke says, "Okay, I'll make a little inquiry and make sure I want to go along with this. We can have him out to the campus, look him over."

We never got to invite Harry to the campus because, what happened was Dyke was talking to some of his friends on the regents. [Added by Grant during his review of the transcript: This is an error. We did invite him, and what follows came after this visit.] He said, "My committee for the law school's coming up with a crackerjack man. They want Harry Shulman." And then he said, "We think we'll go after him." Well, mentioning that to a couple of regents, they took it back to the Board of Regents, and the Board of Regents took one look at it and said, "Somebody's got to tell Cliff that they can't have Harry Shulman."

I didn't learn this until later. I didn't know what was going on. All I knew was I'd told Dyke, "We like Harry Shulman." The next thing that

happens to me is — and it's less than a week, I guess — I am visited by a regent friend of mine. I can't remember who it was. Now, to this day I don't know. I don't know which regent it was. I found out later that he didn't want to come and see me, but he said, "I think this is wrong, and I don't want to be the one to tell Cliff, but if I don't, the regents will do it with a letter. And I think it's better that I tip him off on the side and prevent this letter from ever coming to a head and being written."

So he comes to me. It's in my private office. He just says, "Hey, I want to talk to you about some stuff." He came in and said, "About the law school."

I said, "Oh, great. That's what I'm interested in now." He said, "I hear you want Harry Shulman for dean." I said, "Oh, we would love to have Harry Shulman for dean." He says, "Knock him off your list." I looked at him, bewildered, and said, "Knock him off the list?"

"Yeah, born in Russia." I said, "My God! Born in Russia so he can't be dean of our law school? Don't you realize he had his picture on the front page of *Nation's Business*? Is that a commie magazine?" "Too bad. Born in Russia. The regents won't take him. Knock him off."

Well, I go to Dyke, and I told him what had happened. I told him which regent it was, but I can't remember who to this day. Dyke said, "Well, if that's the way they feel about it, I guess we'll just have to drop Harry Shulman. Let me check further. No use in insulting the regents." He said, "I'll sound them out." So he sounded them out and came back and said, "Yeah, the regents won't take him." I said, "Well, gee, Dyke, this is horrible!" And he says, "I agree with you it's horrible, but let's look down the list and see what else we've got." So we go down the list.

Now, early in the day, Dykstra, when we first met, had talked to Owen Young, because Dyke and Owen Young were very personal friends ever since he had gone back to be city manager of Cincinnati. And Dale Coffman had been on Young's legal staff at General Electric. And Dale's a very personable person, and Owen Young remembered him as a young, very personable, apparently very bright fellow who was now dean at Vanderbilt. So he had some experience — maybe he'd make a good dean. So he just mentioned it to Dyke. And Dyke brought his name back to us and said, "Better look at Coffman." We said, "We'll look at everybody you can bring us." So we wrote all around about Coffman. Everything we got was a negative: "For God's sake, stay as far away from this as you do from a fire." So he wasn't on our list.

When we went down through the Brainerd Curries and the bright youngsters, he didn't even make the list down there.

So we started working on the list, and we said, "Well, we don't know enough about these other people. Maybe we just better have a couple of them come and look them over and talk to them about it." So Dyke said, "Okay, here's some money. We'll invite them. Which one do you want first?" We invited in two or three. I don't remember how many. It may have only been two or three. Well, they were good men if we were at Loyola. If we were going to establish a Loyola-type law school, these would have been nice boys. But when we wanted to start off as a Berkeley or a Stanford-type law school, these weren't that class. That was obvious in all cases. They'd give us a good law school that would have been accepted in the community, but it wouldn't have been what we wanted. So we said, "No, they just aren't it, are they?" And Dyke agreed. He said, "Well, we just haven't found the right one."

Finally, he said, "Cliff, won't you let me have Coffman visit?" And I said, "Good God, Dyke! You don't ask, won't we let you do something. You're provost. You do whatever you damn please. All we are is an advisory committee." He said, "Yes, but you give me good advice." And I said, "Well, the advice we give you on Dale Coffman is no." He said, "Well, can't I have him in?" I said, "Of course you can have him in. [laughter] Why do you ask me? Just have him in, and of course we'll talk with him." So Dyke invited Coffman. He'd never met him. It wasn't very long before he apologized to me, because Dale came and he met several regents. They loved him. They said, "He's just what we need to take care of this commie-ridden university." [laughter] And that was that. They just hired him right there. Dyke came back and he said, "I'm awfully sorry, Cliff. I should have taken your advice. I should never have had him come to the campus." I said, "But you had him to campus, Dyke. Let's go from here on. We are building; we are not worrying about spilled water." So that's the way we got Dale.

NOVAK: Let me go back a little bit, and then we'll talk about Dean Coffman. Was it common for the regents to interfere in a search, or did they have to give ultimate approval?

GRANT: Oh, yes. They would have to approve the dean of the law school. In fact, they had to approve me as a professor of Political Science. [laughter]

NOVAK: I know you were looking for people of stature and who were scholars, not just practitioners. Did you have a kind of vision of the kind of law school that you wanted to have and that you needed the special kind of dean to — ?

GRANT: Well, we wanted our law school to go the way Stanford and Berkeley law schools were going, that they're interested in life as well as law, that they have a grasp that law is simply one means of social control and there are others — law is a very important one and plays a very important role, but great lawyers are not ones who know the yearbooks cold and don't know sociology. We wanted a broad-gauge law school, yes.

NOVAK: And Fuller and Shulman —

GRANT: Now, they cost a little more. Fuller and Shulman are that kind. Shulman was a labor lawyer. Now, that may have counted against him in the regents, too, you see. He's a very well-known labor lawyer.

NOVAK: I'm sure it did. Well, you weren't a labor lawyer, but you'd had some experience in that area, that's for sure.

GRANT: Yes, I was. That was how I happened to know so much about Shulman. Everything he did struck me as first-class and broad-gauge. Of course, at this time, Yale Law School was broad-gauge. In fact, Harvard had a song they used to sing about Yale: "They teach them everything but law." Yale had hired Walt [Walton H.] Hamilton, a very famous economist, and put him on their law faculty. [laughter] He didn't know any law. But he taught lawyers at Yale, getting over his economic side. Yale was broad-gauge. And we said, "We don't need to go as far as Yale goes. We don't want Harvard saying we teach them everything but law. We're going to teach them law. But we want lawyers that would know that law is just one little phase of life, and it has its imprint on every other phase of life and most phases of life should make their imprint on law." So being that type, we were going to have that kind of man, and Harry Shulman was that type.

NOVAK: I think you postponed the opening of the law school, didn't you, when at first you couldn't get a dean? Was that a disappointment or embarrassing at all to the university?

GRANT: No. No, we said, "We're going to take our time and do it right."

NOVAK: What I was thinking is maybe —

GRANT: So we took our time and did it wrong! [laughter]

NOVAK: You met him that first time he visited, or did — ? Do you recall that?

GRANT: Oh, yes, yes, the committee all met with him. We helped show him around. We treated him as nicely as we could treat him.

NOVAK: And were you impressed by him, like the regents?

GRANT: I was impressed by him as a very personable person. But I was not impressed with him as a scholar, because I'd read his thesis and it was no good.

NOVAK: And how soon did you know that it was a mistake?

GRANT: Well, we knew that it was a mistake the moment they hired him. But we said, "We will do the best we can to keep it from being no worse a mistake than it is." So when we hired him, it was said as a joke, "It was a package deal: in order to get Vanderbilt's football coach, we had to take their law dean." [laughter] They both came out the same year.

Naturally, when the football coach leaves, he takes a part of his staff with him, doesn't he? Because he knows without them he's no football coach. Dale brought three people with him. He brought Rollin Perkins, a very good criminal lawyer, extreme right-wing, anti-this, anti-that, and so forth, but a very good teacher, a very good scholar, a very good man. Rollin Perkins, Criminal Law.

He brought Harold Verrall for Property. Harold's a very different type of person. Harold was sort of a — you thought of a little puppy dog following the dean. I don't think he ever joined any club that the dean didn't tell him to join. He didn't go to any party the dean didn't tell him to go to. I don't think he ever had any idea that he didn't tell him to have. But he taught Property Law, which is about the most antiquated, backwards phase of the law that we have, and he could do that quite adequately. I think he did it quite well. He didn't even use the case method when he lectured; that's the best way to teach Property Law anyway. You don't need to use the case method to learn all there is to know about Property Law. And he was very interested in students. I know one of my students, who was in the law school, said to me once he thought Verrall was the most kindly, most

student-oriented person they had on their whole faculty. He was a nice chap. But I remember the letters we got about him, because you see we had to put all these before budget committees for approval before they could be appointed to the faculty, and you had to explain what they'd written and what their status in the scholarly community was and all that kind of stuff. And the letters we got, for example, from Berkeley and Stanford and Harvard and so forth on him said very much the way I put it, except that one ended up, "But as for stature in the profession, seventeen years in the profession and still at Vanderbilt." Period. That was the one that gave him away. One of these letters used that very language: "Seventeen years or other, and still at Vanderbilt." That obviously meant, "He is not first-rate." Well, after all, you had to give the dean something, and so we gave him Verrall, too.

So he got Perkins and he got Verrall, and then he brought Roscoe Pound. Of course, that gave him a lot of stature in the community, but Pound by this time was eighty-nine or thereabouts, and he was an extinct volcano, running all around the community, giving speeches, quoting ancient cases that didn't exist. I know, because "Bunny" [James H.] Chadbourn got so disgusted with him that he used to take his notebook along and copy down the citations and look them up, and he said, "Cliff, there are no such cases in the yearbooks." Well, nobody ever questioned him on it anyway.

So he started with these three. Then he came to me and he said, "I can't find a Contracts man." And I said, "Well, I don't know any good Contracts men that are willing to come. They're all happy where they are." I didn't mention Lon Fuller [laughter] as a possible Contracts man, but I think I said, "Why don't you write Lon Fuller and see what he'd recommend? Maybe he knows some youngsters, some that he's turned out." But if I did [mention Lon Fuller], he didn't [know any Contracts people]. And finally he [Coffman] came back again, and he said, "I just can't find a Contracts man." This is where Brainerd Currie came to my mind, and I said, "Why don't you take a Quasi-Contracts man and turn him into a Contracts man?" [laughter] I said, "I'll bet you Brainerd Currie down at Duke might be interested in coming and joining a new enterprise like this." Because all the letters that we had on him indicated that he was going to go places, and the way you go places, although Duke is a very good law school, maybe

you ought to get out and get ahead faster and then go back to Duke. Which is what he did, by the way; he ended up at Duke again. So he said, “Well, that’s a good idea. I’ll write to him and see.” And he wrote to him and he said, “Yeah, I’d be interested and I’d love to teach Contracts,” and so we hired him.

Then he [Coffman] said, “I need a law librarian.” I said, “Well, the librarian of the L.A. County Law Library used to be law librarian at Berkeley, Boalt Hall school of law” — rather, School of Jurisprudence, excuse me. I said, “He’s indicated to me a couple of times, that he’d like to be back in the university. Why don’t you call Tom [Dabagh]?” So he calls up Tom, and Tom said, “Sure, I’d love to come out and be law librarian. Cliff’s done a crackerjack job getting the thing organized, and you’ve got a good foundation. They’re going to give me \$50,000. I can build up that library. You’ve already got a good library, and I’ll have a crackerjack.” [laughter] So Dale said, “Okay, come on out and be law librarian.” Well, this was sad, of course. I don’t know whether Tom was Jewish or not. Earlier, I had flirted with the idea of suggesting to Coffman that he hire Tom’s chief assistant and foreign law librarian [William B. Stern]. I said to myself, “That will be a way of getting this thing going off into comparative law and so forth, too.” I’d spoken to him and I said, “Wouldn’t you like to come out and be our law librarian if I can get you appointed?” He said, “Nope. I don’t want to work with that guy.” I don’t know how he’d found out about him. But I found out later — See, this was a Jewish boy. As I said, I don’t know whether Tom Dabagh was Jewish or not. It never entered my mind until right now. I’ve never given it a thought. He’s Armenian; I’d always thought of him as Armenian. But maybe he was Jewish; I don’t know if those Armenians are.

But anyway, Coffman, soon after he arrived, when we were making recommendations of faculty, he said, “Well, there are not going to be any Jews on my faculty.” He says, “The first two hundred members of the law faculty on this campus are going to be Gentiles.” [laughter] Well, I just thought to myself, “Now, how are you going to have a first-class law school with no Jews? We even call it the ‘school of Jewishprudence.’ [laughter] You just can’t do that.” Anyway, he’d hired these two that I recommended. And, of course, they were the first two to get fired, too. He hired Brainerd Currie, and Brainerd was a crackerjack. He was a good student, a very

good scholar, a good teacher, and later was stolen from us. I say he was fired. He wasn't fired. He was stolen from us by — it was Pittsburgh — to be their dean. When he walked in to tell Coffman that he had the offer from Pittsburgh, Dean Coffman said, "Good. Goodbye." So off he went. Tom Dabagh should have been fired. He couldn't control his wife. His wife couldn't stand Dale, and she used to insult him in public. She had no business doing this. But she would say right in public at a gathering of, well, a room like this full of people, for example, university or university-connected, she said, "Oh, you old fogey, you wouldn't know anything about this." Always spoke in that kind of a tone and that kind of language. Well, Tom had to get fired. There were no two ways about it as long as he was married to that gal and as long as she made her views so plain and evident and with emphasis.

NOVAK: Well, that's pretty strong to come out so strongly anti-Semitic like that. Eventually, that got him into lots of trouble, of course.

GRANT: Oh, yes.

NOVAK: I don't know if we should go ahead, go forward with that or not.

GRANT: Well, he didn't hire any Jews. Period. But, no, I don't know anything about that side of the story.

I did everything I could to get that law school started off at an even pace. That is, it was right after Dale was appointed that [President] Truman set up the loyalty commission: that's the loyalty boards. Now, when that loyalty board was set up, there were a couple of people on it from the Berkeley law school. Dean [Edwin D.] Dickinson was on there, I know, and someone else from the law faculty. The dean of Stanford was there, [Marion R.] Kirkwood. Marion was a prince. He was a Property Law scholar. I think he was the one that got me put on the board. I never had any work with him when I was at Stanford. I skipped Property Law, and I even took my International Law over in Political Science, not in the law school. But he read all the stuff I was writing, and we knew each other pretty well. We'd known each other on the [Tenth] Regional War Labor Board. He was a public member when I was vice-chairman of the board, and he was a crackerjack man. I said to them, "Look, 'SC's got two people on this board. They've got their dean and associate dean both on there." (I think Orrin Evans was one of them [associate dean]. Evans has died. He was living here

in Leisure World until a little bit ago. His wife [Margaret Louise Evans] is one of our best friends.) I said, “SC’s got two, and this is kind of — we ought to have two from our place. Now,” I said, “you’ve got me. We haven’t anybody from the law school. Wouldn’t you be willing to have the dean of the law school on the board?” They said, “Well, sure, he’d be all right.” I knew they didn’t like him, and I knew they had no respect for him as a scholar, but they went along with my request. I said, “Let’s give Dale a chance.” They said, “Sure, we’ll recommend him.” So we recommended him and we got him on the board.

That was a mistake because Dale could see commies under the table. The rest of us would decide, “Well, this guy’s not under suspicion of being a communist. He’s under suspicion of being an Italian Jew. Or “He eats pizzas. [laughter] There’s no evidence of anything communist about the guy.” And we would vote that he keep his job. Dale would dissent, and it would go up on appeal. And we always won. Then once in a while Dale sometimes could get somebody to vote with him. I’d get licked and it would go up on appeal, and I always won. It got so bad that Dale wouldn’t even sit the days I sat. But I had done my best. I got him on the board. He killed himself on the board; I didn’t.

NOVAK: His reputation spread that he wasn’t competent.

GRANT: Yeah. And yet, to begin with, he succeeded in getting some very good faculty. Now, I don’t know how he ever got Bunny Chadbourn to leave North Carolina and come out and join his faculty. Because Bunny was one of the real comers in the fields of Procedure and Evidence, as you know, because two things happened: One, he got stolen by Harvard to be their topflight man on Evidence, and he was the one picked to rewrite Wigmore on Evidence [*Evidence in Trials at Common Law*]. The present Wigmore on Evidence is called Chadbourn’s Wigmore. He did that work while he was dying of cancer. I remember he said to me one day, “Cliff, I can’t even finish volume one. I don’t think I’ll ever get to you, because your stuff’s in volume three, and I don’t think I’ll ever make it.” [laughter] Well, he made it. He made it through the whole blasted thing, and now it’s called Chadbourn’s Wigmore on Evidence. He never could finish volume one, so he turned it over to one of his former students [Peter Tillers]. Bunny had the reputation of being the best teacher on the law faculty. He was good.

And we could never figure out why he was so good. A group of us used to get outside [laughter] the door and listen to the class going on — we couldn't see why Bunny was so good. But you ask any of the students, and he was crackerjack.

Oh, this shows you the difference between the [West] Coast and the other coast, too, because after Chadbourn left us and went to Harvard — we called him Bunny always out here; that's the way he wanted it to be. Even his students called him Bunny. And I was saying to a man who'd graduated from Harvard Law School, I said, "Oh, did you have any work with Bunny Chadbourn?" He said, "Bunny Chadbourn? We didn't have any Bunny on the faculty." He said, "The only Chadbourn we had was James." [laughter] At Harvard he was James Chadbourn. At UCLA he was Bunny Chadbourn. And, in fact, I met a friend of his who was also named Bunny. When we went to China, we bumped into this lady, Bunny Tennent of Spartanberg, South Carolina, and she said, "Oh, you're from UCLA. Did you know Bunny Chadbourn?" And I said, "Bunny Chadbourn is one of my best friends." She said, "Oh, he's one of my best friends." So we've been corresponding for years as a result of that. But at Harvard he was James.

Well, he [Coffman] got Chadbourn. That was sad because Chadbourn's wife was a brilliant gal, too. She later became the person in charge of the archives at Harvard Law Library, Harvard Law School. Erika's still alive. Bunny died of cancer, but Erika's just retired a couple of years ago. Erika [Sammeth Chadbourn] was from, I think, Germany, and this struck her as Hitler all over again. And she was just getting psychotic.

I would say that for a better part of a year, Bunny Chadbourn and Brainerd Currie used to ruin almost every Sunday morning of my life coming over to my house to see if there wasn't something I could do about the law school. I kept telling them, "There's nothing I can do about the law school." But you see, I was sorry for Dale in another way. After he got going, it didn't take him long, I imagine, to find out that I had been chairman of the committee not to pick him as dean, but to keep him from becoming dean. [laughter] So he knew that. But every time he put in anything, for a new professor or anything else, it somehow came across my desk. Because either I was chairman of the Budget Committee or I was chairman of the Academic Senate and appointing the committees. [laughter] And I felt sorry for him for that. But I used to tell Bunny and Brainerd, I said, "There's

nothing I can do. I got licked when they appointed this fellow. Now you're going to have to live with the result." They said, "Well, we're going to have to get the bastard fired." I said, "That's your problem, not mine. I can do nothing about it."

NOVAK: Well, what was happening?

GRANT: Well, what was happening was this: One, he was very much opposed to letting in anything but nice white boys from north of the railroad tracks into the law school. He didn't like Japanese coming in, he didn't like Jews coming in. Of course he couldn't stop it, but that was known. He wouldn't let his faculty recommend a Jew for their faculty. In time it became more personal in that everything he could do to make life miserable for Brainerd Currie, he did. Brainerd Currie came over to me one day and he said, "Cliff, the law school is going to open now in about three weeks. I still don't know what I'm going to teach. I have gone to the dean and said, 'When can I have my schedule?' The dean said, 'I will tell you when I have decided what you're going to do.'" Now, he was doing this on purpose, you see? He knew six months ago what Brainerd was going to teach this semester. But he wouldn't tell him. He just wanted to keep him on pins and needles. I don't know what he was doing to Bunny. Bunny was not talkative like Brainerd was, and he just never said anything. He just let me know, "This guy is an unadulterated such and such, and we've got to get rid of him so we can get ourselves a law school." And I simply said, "That's your problem." Well, they got to be such a bad problem that at one stage of the game, both of them descended on me together — they always came together. Both of them descended on me — see, in the meantime, things were funny. For example, we'd hired some very good people. We'd hired Kenneth York, who now teaches up the coast at Malibu. What's that law school that they opened up?

NOVAK: Pepperdine?

GRANT: Pepperdine. He's now teaching at Pepperdine because he's retired from UCLA. York was a great guy and a good scout. York and his wife used to come to the faculty dances, and I found out later that Dale had issued orders that his faculty were not to dance with me. Well, so I tried to protect them, you see. So in come the Yorks. They come to a faculty dance, and here she is trying to get me to dance with her. I did my best to keep it

from happening, because I thought, “Well, now, she’s new and she doesn’t know yet that you shouldn’t do this. You don’t have anything to do with Cliff Grant.” But she just let it be known she wanted to dance with me, so I started dancing with her. We became good friends and always exchanged dances. She just did it on purpose. She didn’t necessarily want to dance with me. She wanted to let Dale see that she danced with me. [laughter]

NOVAK: So he was telling the wives who they could dance with at parties.

GRANT: Yes.

NOVAK: And then he must have had a —

GRANT: He was referring to the law school as “the island in the Red Sea.” Dyke called me over one day and he says, “Cliff, I didn’t realize how bad things are getting. I want to tell you I’m going to devote the rest of my life as a provost of this campus to making up to your committee the mistake I made by having you invite Dale Coffman to come to the campus.” I said, “Dyke, don’t give that a second thought. You worry about yourself. Dale’s after your job.” Because at this time the grapevine was that there were some regents that wanted to put Dale in as provost of the university.

NOVAK: Coffman seemed to perceive you as an enemy.

GRANT: Oh, yes, he did. Very definitely. He knew I had opposed his appointment. And, of course, another thing that had happened, we had turned down some of his recommendations for faculty appointments, because they all had to clear through the Academic Senate. And I remember one of those where I was on the committee and we got our recommendations. This was a man to teach Bankruptcy, among other things. And all the letters that came in said, “This is a very pedestrian, second-rate person. He’s not what you want to build up a budding law school.” So we turned him down. Dale raised hell about this, and Roscoe Pound raised hell about this. As a matter of fact, I remember this was when he was threatening to pull out of the Academic Senate and so forth, which was just a way of getting out from under me, of course, because I was chairman of the Academic Senate. [laughter] I suppose if I had been president of something else, he’d have wanted to pull out of that instead. But the Senate turned down this man. He should have been turned down. All the papers show it. But a meeting was held at my house, where Roscoe Pound stated to all

the Senate leaders and so forth, “I hear the Senate turned down this man. He’s one of the best men in the country.” Well, I knew what the letters said. “The result of this was that I, an old man of ninety, I have to teach Bankruptcy.”

NOVAK: Well, I think of Pound as a liberal. But you’re saying he and Coffman got along pretty well.

GRANT: Pound had been a liberal. For example, I have never taught a course in legal history that I haven’t quoted Pound. He started right off one of his books with the phrase, something to the effect, “The law must be stable, yet it cannot stand still.” Now, there isn’t any better summary of the problem than that little short sentence: “The law must be stable, yet it cannot stand still.” And “The whole problem of law is reconciling the need for stability and the necessity for change.” Well, that’s bright. I never taught a course in constitutional law that my students didn’t have to read Roscoe Pound’s article on liberty of contract [18 *YALE L.J.* 454 (1909)]. It’s a classic. I got permission to mimeograph it and every student had a copy of that where he could mark it up, and we talked about these things in class.

Very valuable man, but this is not that Roscoe Pound. That was written in about 1906 or ’8 or so. [laughter] This was Roscoe Pound in his fifties, and then he got to be ninety. He was a very different man. A very different man. He was living in a dream world. And I think he was seeing commies, too. I wonder if I ought to tell you this — aw, I might as well. One thing Brainerd Currie and Bunny Chadbourn came to me with was a letter written by — it was a copy of a letter written by Roscoe Pound on behalf of Dale Coffman to the Association of American Law Schools, explaining how the law school had to get out from under the Academic Senate, because the Academic Senate was run by a commie, Cliff Grant, etc.

Now, I was a commie to Roscoe Pound. [laughter] There wasn’t anybody who hated commies more than Cliff Grant at that particular time in the world’s history, but I was a commie to him. He was going along completely with Dale. Dale had given him a new lease on life. Here he was, professor in a great university, teaching law, and he was eighty-nine years old. You can see how that would get to his ego. And, well, that was that. In fact, I got to write a letter to the Association of American Law Schools replying to that. I said, “I understand that somebody has made such and such

remarks about me. Now, here are a few of the facts of life.” And I went into it. I had never been known to the American Association of Law Schools, I don’t think; they didn’t know me. But from that day on, as long as I was there, every time the association representative came out, he always inquired about me, “How’s Grant getting along?” and so forth. And they recommended me, I guess, to be on the Oliver Wendell Holmes Devise, to which President Nixon appointed me. So he didn’t get me killed. [laughter]

NOVAK: No, it got you known.

GRANT: Yes, they got me known. But it came — well, what I was saying was it came to the stage where Bunny and Brainerd came to see me and said, “Cliff, this revolution in the law faculty is getting so bad that we’re going to have a popular revolt.” I said, “Well, there’s nothing I can do about that.” He said, “Can’t you tell the provost he’s got to do something about the dean?” I said, “Well, what good will it do? Why don’t you folks tell him?” They said, “Well, won’t you tell him?” “So, all right, I’ll lay the groundwork for you. I’ll go tell him.” At this time, Ray [Raymond B.] Allen was provost. I went to Ray and I said, Ray, I’m going to be on leave, and I’m going to be in” — I forget where it was; I was going off to Bogota, I guess, to work for six months or so in the Colombian law libraries and court archives. I said, “This law school business is coming to a head, and it’s going to blow up. You’d better look into it.” And then I left town.

Well, he did look into it. I found out later what he did. He called over Rollin Perkins and Harold Verrall, and he said, “What’s this I hear about dissent in the law faculty?” They said, “Oh, that’s nothing but gossip peddled by Grant. And there’s no — we love the dean; there are no problems in the law faculty.” Well, okay, so Ray did nothing. So what happened? What happened was that every member of the law faculty except Rollin Perkins and Harold Verrall, including even an assistant professor who had no tenure [Edgar A. Jones], went over together in a mass to Ray Allen and said, “You’ve got to do something about the dean.” And that’s when [Vern O.] Knudsen’s committee was appointed and the dean was fired.

There’s one interesting thing I had confirmed later from — Vern Knudsen [dean of the Graduate Division] told me about it; he was chairman of the committee. Vern said something that I had known all along. I knew that the dean [Coffman] had been given a slush fund of quite sizable

proportion, more than the Berkeley dean had, for entertainment and so forth. All he had to do was to hand in just sort of a very summary statement, saying so much on such and such and so much on travel. It didn't even have to say travel where. So much on entertaining at home and so forth, and so much going out. And he got that money. When they fired him as dean, they said, "All right, now you get your professor's salary." He said, "Oh, no. I have a letter. And the letter says, 'Here's your salary, here's your entertainment fund. We can't give you a higher salary on the university scale, but we need to give you more to get you, is what we're saying, so we give you this entertainment fund. That's part of your salary. You just give us a proforma accounting, and you use all of it any way you want for yourself. You entertain your friends with it, and call it entertaining as dean.'" Well, he pulls this on Knudsen's committee. And Knudsen said we had to agree. "This is permanent. This is a part of your salary." So he said we had to give him his salary plus his stipend.

NOVAK: So he was kept on as a professor but fired as dean?

GRANT: He did his best to get out, but he couldn't get a job. So he stayed on as a professor and got the salary that he had received when he was dean. But I understand that's all he ever got; he never got any promotions. I don't know about that, because by that time I was out of anywhere I would know anything about who's getting what.

NOVAK: At this time you taught, didn't you, at the law school?

GRANT: No, I was invited to three or four — two different deans invited me four or five times to come teach in the law school, but they always invited me at the wrong time. The first time they invited me, I had just accepted an invitation to teach in Italy. I said, "I'm gone for a year. I can't teach until I get back." They wanted me to teach Legal History. When I got back, the department wouldn't let me off. They said, "You've been gone for a year, and you've got to have that course over here," and so forth. And then Legal History sort of went by the boards anyway. It was a flop in the law schools. They didn't know how to teach it, and they were assigning it to youngsters who didn't know any history. You see, what you do in law school if you get a new course that's got to be worked up, you give it to the youngsters coming in. Well, the youngsters coming in didn't know any history. They assigned them a course in Legal History, and it was a total flop all over the

country. Harvard Law School used my outline to teach the course in their school, and my outline's full of mistakes taken from respected books that I put there on purpose so we could laugh at them. [laughter] And they taught them as honest truth. Well, it was a scream.

Well, then they wanted me to teach Latin American law, because — actually, they just asked me to come over for a semester and do that, but I thought if I went over for a semester maybe I'd stay over. And I said, "No. You want me to teach it in English to a bunch of English-speaking people who can't read Spanish. And I've even published more on Latin American law in Spanish than I have in English. I'm not going to teach Latin American law completely in English. It's silly." Well, with my way of teaching they've got to do their research in Spanish or French or Italian or German if they're going to do comparative law work with me.

So by then, finally — oh, it was — Addison Mueller said one day when we were chewing the fat, he said, "Well, Cliff, come on over and teach Criminal Law." We had been talking about Charles Fairman, who taught Constitutional Law in the political science department at Stanford and then went back to Harvard Law School to teach Criminal Law. Bunny Chadbourn had said, "Well, I use you in volume three. Because so much of your constitutional law stuff's about criminal law procedure and so forth, so you're in volume three." That's the way it came up. And Ad said, "Well, you know, that's right. Why don't you come over to the law school and teach Criminal Law?" I said, "Well, I'm just not interested in teaching Criminal Law, period." So I never did teach in the law school.

[Richard C.] Maxwell, a nice fellow, trumped up a clever proposal. I would have gone for that. He said, "We want your legal history books, and they're all in the main library. We want them in the law library." I said, "But I want them in the other library, where I can get at them easily for class use." And he said, "Well, look, we're going to fix this up. We're going to build our extension to our law library on our building, and we're going to expand the law library. We'll build you a seminar room right here that will open into the law library. We'll put all your legal history books right inside there. You'll have your seminar room with the door into the law library where you get all your books, and you won't have to do it the way you do now, get out the carts and go get them out of the library, out of your own library, and pedal them down to your classroom for the night. They'll be

right there. You just grab the ones you want. And you will have last week's too when you're talking about these things." This wasn't my legal history stuff so much as it was my course in the legal development of law books and how to use them. We started with the yearbooks and traced them right down to the modern English and American law books and reports. And they said, "Stick them all [the legal history books] there, and you'll have access to our whole library for all that stuff. Your legal history stuff's all right there where you can come over and use the seminar room as your reserve room, and everything will be handy."

Then he came back and he said, "Can't do it." I said, "Why?" "The formula the university has for libraries says that every seat in any room which opens into the stacks counts as a seat in the reading room. And we haven't any seats to spare in the reading rooms. So we would have to take the seats out of the reading room, where we don't have them, and put them in your seminar room, which we can't do. So we can't do it." So my books stayed in the main library. So that was the closest I ever got to being on the faculty. I had the law faculty refer students to me, and they came over and took my courses. In fact, a few of them took courses with me for law school credit. And they sent over lawyers to me to hire me to be their assistant handling law cases on my specialties. But I never taught on the faculty.

NOVAK: Going back to when you were president of the Academic Senate, Coffman succeeded, didn't he, in getting the law school pulled out of the Senate?

GRANT: Oh, yes, he did. And so it was pulled out at both Berkeley and Los Angeles. But there's a funny story there. At Los Angeles they were out, except that Bunny and Brainerd and a lot of the rest of them kept coming over to me for advice on this, that, and the other thing. But at Berkeley, Clark Kerr was chancellor at the time. And Clark told me, "You know what I did, Cliff, when the law school pulled out of the Senate?" I said, "No."

He simply said to the law faculty, "Now, this means you're no longer on the Senate committees, doesn't it? You can't be on them, can you?" And they said, "No, unfortunately, we can't be on them." And this sort of wrecked the committees, because they had been playing important roles in committees. They wanted to stay, but they felt they sort of had to go along, and they did.

So Clark said, “But no, I can get my advice anywhere I want.” They said, “Of course you can.” He said, “You know where I’m going to get my advice? Senate committees. Now, when the Budget Committee appoints a committee, they can appoint somebody from Berkeley on a UCLA one, can’t they?” “Yeah.” “They can get somebody from Stanford to sit on it, can’t they?” “Yeah.” “Well, we can put some law school people on it, too. A Berkeley law faculty member ought to be eligible to be on that Senate committee to review law school appointments as well as a Stanford professor, couldn’t he?” “Sure.”

So he says, “We kept our heads up there, and they never were out of the Senate.” As a matter of fact, they never were. And when they came back in, well, they took over the Senate again. [laughter] But they never were out. But down our way, our Senate committees quit reviewing their appointments. When they got rid of Dale, they — bingo! — they came right back into the Senate. By the law school’s request, not by the Senate’s request.

NOVAK: Did the quality of their appointments decline when they were autonomous?

GRANT: I don’t know; they did a pretty good job. They got good people.

NOVAK: Coffman himself was a teacher.

GRANT: But remember that didn’t last very long. Coffman himself taught Torts.

NOVAK: What was his reputation as a teacher? Was he good at that?

GRANT: He was all right. Torts is an easy subject to teach.

NOVAK: The students didn’t complain or anything?

GRANT: Oh, yes. Yes.

NOVAK: Not about the teaching, but about the man or what?

GRANT: They used to come over to me and say, “We find that he’s wrong on some of these things. He’s out of date.” I said, “Well, live with it. Live with it.” I said, “All your life you’re going to be reading things that are out of date and wrong.”

NOVAK: You told me a story about your neighbor that was pretty sad. I don’t know if you’d like to share that one or not, but it —

GRANT: Well, my neighbor was a Japanese who got admitted to the law school. He did well in all of his courses except Torts, which he failed, and he was therefore flunked out of the law school. And he went to the dean and said he'd like to see his paper, and he never could get to see his paper. To this day he's never seen his paper. And he thinks, "I flunked the course because I'm Japanese." Now, whether he's right or whether he's wrong, I don't know. I never saw his paper. I've never grilled him on the law of torts — I don't know about it. [laughter] He'd been a shirt manufacturer and decided he'd like to be a lawyer, now that there's a law school right here in my backyard. I don't know whether he was any good as a student; I don't know anything about him. But I know to this day he thinks he flunked out of law school because he was Japanese. And when he tried to get his paper so he could look at it and see what he did wrong, he never could get a look at it.

NOVAK: That seems pretty high-handed, not letting someone see the mistakes. In fact, it doesn't seem to be a good way of teaching people.

GRANT: No. We just don't operate that way. I don't, I know. Anytime a student wanted to see his paper with me, he saw his paper. In fact, I would reread it and mark it up for him before he saw it.

NOVAK: When he got fired, what were the grounds of his being dismissed?

GRANT: I don't know. I had nothing to do with that. I wasn't even here. I was off in South America.

NOVAK: Some people have said that the law school was born twice, that it really had almost died and got reborn. Is that an exaggeration?

GRANT: Yes. There were enough good people there that stayed on. Because, you see, these boys who revolted — Bunny Chadbourn, you can't get anybody any better. These were good people. They're the ones who led the revolt, and they're the ones who took over and ran the law school. It had a good nucleus there. Because you notice they had a good standing, and we could get good men. Brainerd Currie came with his doubts about Coffman. He said, "I can live with the dean. He's a nice, personable guy." He never thought that he would be running his life the way he did. He thought he would — you know, deans don't play too important a role in the law school. They take care of the paperwork and they do all the preliminary searches on this and that, but you decide everything collegiately. Well, things weren't

being decided collegiately in the law school. They were being decided by a trinity: to wit, Dale Coffman, Harold Verrall, and Rollin Perkins. And at times, four of them, with Pound. Well, as I say, Perkins was a good man. Good judgment. He'd get good people. And Verrall would take anybody the dean recommended on Perkins's recommendation. So they had a good faculty. I can't remember the name of the — Harold Marsh was the youngster at the time he [Coffman] was fired. Marsh was a good man. These were good people. That's why they couldn't stand the dean and just said, "No, we want to run our law school the way law schools are run. This is not going to be a one-man dictatorship." And they didn't have to be born again.

NOVAK: I guess just as the times were changing, in that there was this anti-communist fear, the times were also changing in that there was a growing civil rights movement and a sensitivity toward a more just society. Of course, this is before the day of quotas, but I'm sure that to a traditionalist that might have seemed kind of improper or suspect. I guess Coffman felt like that, that these other people who cared about making minority lawyers, they must be crazy.

GRANT: Well, yes. Well, to him I think they were Reds. They weren't communists, but they were fellow travelers. The commies had the Jews under their control, so any Jew is suspect.

NOVAK: Something surprised me. When the revolting faculty members went to see Chancellor Allen, he went along with them and formed that Knudsen committee. Allen had a reputation of being kind of an anti-communist himself, so I guess he was going against his own politics there. Was Allen known as a real staunch anti-communist?

GRANT: No. I think Ray Allen was thought of more as a punching bag. Passive. [laughter]

NOVAK: He was chancellor through —

GRANT: We had hired him, of course, because of his going along with the oath problems and the, as I say, communist problem, firing a couple of people in the University of Washington. He went along with the firing, which I might say I might have gone along with, too. [laughter] So that makes him no more anticommunist than it would make me, I guess. I mean, no more of a communist baiter than it would make me.

NOVAK: Did he have any positive contributions that he made to the university?

GRANT: Well, I can't think of any, except to help smooth things over between the regents and the faculty for a while, because the regents felt they had somebody that they could trust that was in control. Then, of course, Ray didn't have enough beef behind him to be in control of anything.

NOVAK: Well, sometimes being passive is good.

GRANT: Yes. Eisenhower made a very good president. Cal Coolidge made a pretty good president. Remember the famous [Will Rogers] crack about Calvin Coolidge? "Great president. Never said nothin', never did nothin'. That's just what we wanted said and done." [laughter] There are eras when to be passive is to be intelligent.

NOVAK: In some ways maybe that was a healing decade at UCLA.

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