

## BURIED TREASURES:

### *California Legal History Research at UC Hastings College of the Law Library*

JUSTIN M. EDGAR, TRAVIS L. EMICK,  
AND MARLENE BUBRICK\*

Had it not been for a minor section in the California legislative act that created and funded the UC Hastings College of the Law,<sup>1</sup> this first legal academy west of the Missouri River might have been located in present-day Berkeley, rather than neighboring San Francisco. Founded out of need for a law school in the rapidly maturing American West — the then-nearest law school being nearly 2,000 miles away in Des Moines, Iowa — the school was a brand-new endeavor. As the newly created University of California did not have a research collection capable of supporting a law school, section 12 of the founding act compelled the Law Library Association of the City of San Francisco to provide UC Hastings students access to their library. Even though the college outgrew this library quickly, it cemented the close relationship that Hastings would share with the institutions in the Civic Center, leading to the 1901 residence of the college in the magnificent new City Hall of San Francisco. Five years later, after the great earthquake

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<sup>1</sup> “An Act to create ‘Hastings’ College of the Law’ in the University of the State of California” (Stats. 1878, ch. CCCLI, at p. 533), adopted March 26, 1878.

and resulting conflagration, the college, and nearly all documents and records of the first twenty-eight years would be ashes under the ruined dome of City Hall. In a fortunate twist of fate, one document survived.

The following years were characterized by recovery and rebuilding, with Special Collections at UC Hastings College of the Law Library being developed under the care of various librarians. Currently, portions of the collections are being added to our new Digital Repository. This article highlights some of the items that constitute our “buried treasures.”

## 1. THE UC HASTINGS ORIGINAL MINUTE BOOK

Removed from City Hall shortly before the earthquake, this book of minutes of the Board of Directors, the aforementioned sole document to survive the destruction of City Hall, reveals much about the administrative requirements of founding, staffing, and running a law school. Early entries deal with the appointments of deans and professors, the setting of salaries (\$300 for the first professor to be hired), establishment of curricula, and the number of lecture hours required of each professor. On January 10, 1879, the Board unanimously voted not to admit women to the college after considering the application of Clara Shortridge Foltz — who would promptly sue and gain admission with a ruling by the California Supreme Court.<sup>2</sup> The hiring of John Norton Pomeroy, who would later develop the “Pomeroy System” of instruction that was used at the college, is described.<sup>3</sup> In 1878 Pomeroy accepted the position of professor of municipal law at Hastings College of the Law and was responsible for teaching most, if not all, of the students who studied at the college during its first four years. During this time Professor Pomeroy not only wrote a significant treatise on equity jurisprudence, he edited (with one of his sons) the West Coast Reporter, and contributed a number of essays and book reviews to this publication.

The minute book proved to be an important source of information for Thomas G. Barnes in the research and writing of his history of the college, *Hastings College of the Law: The First Century*.<sup>4</sup>

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<sup>2</sup> Foltz v. Hoge, 54 Cal. 28 (1879).

<sup>3</sup> Thomas Garden Barnes, *Hastings College of the Law: The First Century* (University of California, Hastings College of the Law Press, 1978), pp. 104–105.

<sup>4</sup> Barnes, *op. cit.*

## 2. THE 65 CLUB COLLECTION

The 65 Club at UC Hastings was created out of crisis.<sup>5</sup> On July 25, 1940, Dean William M. Simmons died unexpectedly from complications of surgery. Dean Simmons was not only the dean of the college, but he also taught three courses that were to begin in August of 1940. Acting Dean David E. Snodgrass, who subsequently served as dean from 1940 to 1963, did not have time to vet younger instructors and the college did not have a pension plan with which to attract them. At this time across the country, many colleges and universities had mandatory retirement at the age of 65. Not all prospective retirees were ready to retire.

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A. M. CATHCART  
FALLEN LEAF LODGE,  
LAKE TAHOE CALIFORNIA

CRITICAL EMERGENCY RESULTING FROM DEAN SIMMONS DEATH NECESSITATES IMMEDIATE EMPLOYMENT PROFESSOR OF CONSTITUTIONAL LAW FOR PERIOD COMMENCING AUGUST TWENTY SEVENTH AND ENDING MAY TENTH. WOULD APPRECIATE YOUR WIRING CARNEGIE FOUNDATION FULL PARTICULARS OUR EXPENSE AND ADVISING MINIMUM BASIS ON WHICH YOU WOULD ACCEPT POSITION. OUR BOARD VERY ANXIOUS TO OBTAIN YOUR SERVICES.

DAVID E. SNODGRASS  
ACTING DEAN HASTINGS COLLEGE OF L

TELEGRAM FROM ACTING DEAN DAVID E. SNODGRASS OF HASTINGS COLLEGE OF THE LAW TO A. M. CATHCART, RECENTLY RETIRED FROM STANFORD LAW SCHOOL, THEN VACATIONING AT FALLEN LEAF LODGE, LAKE TAHOE, AUGUST 7, 1940 —

“CRITICAL EMERGENCY RESULTING FROM DEAN SIMMONS DEATH NECESSITATES IMMEDIATE EMPLOYMENT PROFESSOR OF CONSTITUTIONAL LAW FOR PERIOD COMMENCING AUGUST TWENTY SEVENTH AND ENDING MAY TENTH. WOULD APPRECIATE YOUR WIRING CARNEGIE FOUNDATION FULL PARTICULARS OUR EXPENSE AND ADVISING MINIMUM BASIS ON WHICH YOU WOULD ACCEPT POSITION. OUR BOARD VERY ANXIOUS TO OBTAIN YOUR SERVICES.”

<sup>5</sup> See “The 65 Club” at <http://library.uchastings.edu/research/special-collections/65-club.php> (accessed November 26, 2013).

In the course of one week during August 1940, letters and telegrams were exchanged nearly daily, sometimes crossing each other en route, between Dean Snodgrass and two other men: Orrin Kip McMurray and Arthur M. Cathcart. Orrin Kip McMurray had been professor and dean of the School of Jurisprudence at UC Berkeley. Arthur M. Cathcart was a professor at Stanford University. Both men faced mandatory retirement. Although they were willing to continue to teach, the records show the concern both professors had that taking a position at UC Hastings would jeopardize the pensions they were receiving from their previous employers. It was quickly determined that as long as the hours worked and the resultant compensation were less than half of what they had been at their last place of employment, the professors could keep their pensions. With two weeks until classes began, the crisis had been resolved.

World War II brought a dramatic drop in enrollment. In the 1940–41 school year, there were 272 students; by 1943–44 there were 37. The end of the war saw an equally dramatic increase in the number of students. In the first semester of 1945–46 there were 72 students; in the second semester of the same year there were 211, and by 1949–50 there were over 900 students at UC Hastings. The increase in law students required the services of more professors, and the supply could not meet the demand as law schools across the country saw increased enrollments. Dean Snodgrass, however, had his pick of deans and law professors, many with decades of experience yet forced into retirement. The records indicate that the biggest obstacles Dean Snodgrass faced were difficulty in finding housing in the city and reluctance on the part of prospective faculty to face a foggy San Francisco summer.

Beginning in 1948, UC Hastings instituted a policy of hiring distinguished law professors and deans who had been forced into retirement at other institutions. Each new member of the 65 Club brought decades of experience and knowledge to the classroom. Such was the caliber of the 65 Club that Roscoe Pound, dean emeritus of Harvard Law School, declared UC Hastings to have “the strongest law faculty in the country.”<sup>6</sup> In 1994, the federal Age Discrimination in Employment Act was passed prohibiting mandatory retirement. Without needing to move for work after reaching the age of 65, law professors remained at their institutions. In 1995, the 65

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<sup>6</sup> “For Ageless Wisdom,” *Newsweek*, April 15, 1957.

Club was brought to a close. The last member of the 65 Club was William Ray Forrester who, after many years as professor and dean at Tulane, Vanderbilt, and Cornell, spent twenty-five years teaching at UC Hastings until 2001. For a complete list of 65 Club members, please see the Appendix.

The 65 Club Collection contains archival materials for nearly every member. Over the years various library staff members have researched 65 Club members and compiled bibliographies, biographical information, and other materials to supplement the archival materials. There is a collection of books authored or owned by 65 Club members, many of which are annotated. The smaller 65 Club archival collections are often composed of correspondence and other writings from the professors' time at UC Hastings. There are a number of larger collections from 65 Club members that extend beyond their time at UC Hastings. For these collections, finding aids are in development.

### *Selected Contents of the 65 Club Collection*

A few representative samples from the collection are described below. The dates indicate the years in which the professor was a member of the 65 Club. These professors, and a number of others, are profiled more fully in the article, "Sixty-five Club Members' Biographical Summaries," which appeared in 1978 in the *Hastings Law Journal*.<sup>7</sup>

BENJAMIN F. BOYER (1969–1975), who came to Hastings on retiring as dean of Temple University School of Law. He was considered a pioneer in the fields of legal aid and in establishing clinical programs for law students, and he was a founder of the *American Journal of Legal History*. His collection includes photographs and personal memorabilia.

MIGUEL DE CAPRILES (1974–1981), who had served as dean of New York University School of Law and executive vice president and general counsel of NYU. He published widely in the field of Corporate Law. He was also well known as a medal-winning member of the U.S. Olympic fencing team from 1932 to 1951. His collection includes awards, articles, and news clippings.

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<sup>7</sup> "Sixty-five Club Members' Biographical Summaries," 29 *Hastings Law Journal* 1041 (1977–1978).

LAURENCE H. ELDREDGE (1971–1979), who had been a private practitioner and also a professor at the University of Pennsylvania. He was recognized as an authority in the field of Torts, in which he published the casebooks, *Modern Tort Problems*. His autobiography, *Trials of a Philadelphia Lawyer*, appeared in 1968. His collection includes casebooks on Torts with annotations.

JEROME HALL (1970–1989), who came to Hastings after thirty years at Indiana University where he retired as Distinguished Service Professor of the University. He served simultaneously as president of the American Society for Political and Legal Philosophy and the American Section of the International Association for Philosophy of Law and Social Philosophy. He was also a director of the American Society for Legal History.

Hall's collection contains correspondence from 1930 to 1980 with James L. Adams, Jerome Frank, Lon Fuller, John H. Wigmore, the German Symposium on the New German Penal Code, the U.S. State Department, and the California Department of Justice regarding the Caryl Chessman case in 1960. His collection also holds class lecture notes, photographs, scrapbooks, awards, and honors.

RALPH A. NEWMAN (1957–1974), who had held professorships at St. John's University and American University, and served two terms as president of the American Society for Legal History. His prior areas of expertise were Legal History, Labor Law, Law in Society, and Trusts and Equity. At Hastings, he turned to Comparative Law, in which he developed a new specialty, and delivered lectures in Luxembourg, Liege, Frankfurt, London, Paris, Jerusalem, and Brazil.

Materials in Newman's collection include general correspondence from 1950 to 1970, writing and correspondence on Legal History (including the Pacific Coast Society of Legal Education (1960s), and the American Society for Legal History), correspondence with John S. Bradway (1966–1970), correspondence with Ben Goldstein (1960s) and with Giorgio Del Vecchio, notes and drafts for "Freedom of Government," unpublished writings, notes for lectures given in Paris, Luxembourg, and Israel (1960s), Comparative Law course materials, and materials on Equity, Legal Process, and Legal History.

ROLLIN M. PERKINS (1957–1975), who came to Hastings from Vanderbilt and UCLA. He published at least two dozen casebooks on criminal law and procedure until his death in 1993 at the age of 104, with new editions carrying his name as recently as 2007. His collection includes the 1951 typescript of “Cases on Criminal Law and Procedure” with many edits and annotations.

RICHARD R.B. POWELL (1963–1973), who served on the faculty of Columbia Law School for thirty-eight years before coming to Hastings. His specialty was Real Property, and he became well known for succeeding volumes of “Powell on Real Property.” Of particular interest to the field of California legal history is his last major work, *Compromise of Conflicting Claims: A Century of California Law 1760–1860*, published in 1977. His collection provides a comprehensive archive of his professional papers, as follows:

Teaching materials in his collection range from his course notes on “Elements of the Law” (ca. 1940) to later course notes and lectures on Agency, Estate and Gift Tax, Fiduciary Administration, Future Interests and Trusts, Property, Trusts and Estates, Wills, and Legal Method.

The earliest of Powell’s works in the collection is his master’s thesis, “The Doctrine of Fraud in the Roman and English Laws” (ca. 1912). His *Restatement of Property Law*, on which he commenced work in the late 1920s, is represented by memoranda, correspondence, and drafts of the restatement. From his 1955 trip to the Soviet Union, one finds his manuscript and typescript for “Reflections from Behind the Iron Curtain” and other papers related to the trip. For his 1977 history of law in California, there are research notes and manuscripts, as well as the notation that the material “includes interesting info on California History Research Project abandoned in progress.” There are also notes for a work in progress on “Drafting of Trusts.”

Texts of Powell’s speeches from 1920 to 1980 have been preserved in the collection. These include an unpublished address to the Allegheny County Bar regarding Act 550 which temporarily established community property in Pennsylvania in 1947, and research and manuscript notes for speeches on Race and Property from 1963 and 1964.

His involvement in current affairs is indicated by a letter and supplementary materials regarding Angela Davis and the controversial donation to her legal defense fund by the Presbyterian Church. Also found are the

typescript and correspondence related to Powell's 1967 Report to the California Law Revision Commission on Powers of Appointment.

Powell's wife, Alice Thompson Powell, is represented by the outline and manuscript of a talk given by her to the Hastings Law Wives in 1969 on "The Role of Law and Other Social Factors in Influencing the Content and Availability of Children's Books." And, finally, the collection includes Powell's own scrapbooks.

### *Oral Histories*

In 1985, Dorothy Mackay-Collins, curator and archivist for the college, began recording 65 Club oral histories. Recordings and transcripts have been completed for the following members of the 65 Club:

Paul E. Bayse

Kent Britton and John Britton (sons) on behalf of William E. Britton

William Ray Forrester

Geraldine K. Green (wife) on behalf of Milton D. Green

Jerome Hall

William B. Lockhart

Russell D. Niles

Alice Thompson Powell (wife) on behalf of Richard R.B. Powell (who recorded his own memoirs, and they are also transcribed)

Stefan A. Riesenfeld

Marvin J. Anderson (former dean of UC Hastings)

### 3. ROGER J. TRAYNOR COLLECTION

The Hastings Law Library is honored to act as the repository of the papers and memorabilia of the late Chief Justice Roger J. Traynor of the California Supreme Court, who served as a justice of that court from 1940 to 1970.

Roger John Traynor was born in Park City, Utah, in 1900, and in 1927 he received simultaneous doctorates in Political Science and Law from the University of California, Berkeley. The following year he commenced teaching full time in both departments, becoming a full professor at Boalt Hall School of Law in 1936. He was a consulting tax counsel for the California



State Board of Equalization (1932–1940) and the U.S. Department of the Treasury (1937–1940), and a deputy attorney general of California (January to July, 1940) under Attorney General Earl Warren. In 1940 he was appointed to the California Supreme Court by Governor Culbert Olson. He served as chief justice of California from 1964 until his retirement in 1970.

Traynor was responsible for several notable decisions, among which are *Perez v. Sharp*,<sup>1</sup> which made California the first state in the country to strike down its law prohibiting interracial marriage, and *People v. Cahan*,<sup>2</sup> which banned the use of evidence obtained in violation of the Fourth Amendment. He is also credited with creating the area of law now known as Product Liability. Following his retirement, Traynor returned to teaching, accepting several visiting positions in the United States and abroad. In 1971 he joined the 65 Club faculty of UC Hastings College of the Law. During this time, he also served as the chairman of the American Bar Association Special Committee on Standards of Judicial Conduct, responsible for the development of the Code of Judicial Conduct. In addition, he served as chairman of the National News Council. Chief Justice Traynor died on May 14, 1983.

Of interest in this collection are various papers, books, photographs, reprints of law review articles, all of his more than 900 opinions, and scrapbooks and memorabilia belonging to Traynor and his wife, Madeleine Lackmann Traynor. This collection was assembled by Mrs. Traynor with the assistance of then–archivist/curator Dorothy Mackay-Collins after his death. Also included are oral histories from those who knew and worked with him.

### *Traynor Oral Histories*

Donald P. Barrett: senior attorney at the California Supreme Court during Traynor's tenure

Mrs. Roscoe Barrow (Ruth): friend of the Traynor family

Sister Jacqueline Graham, PBVM: daughter of a friend of Mrs. Traynor's mother

Professor Kurt Lipstein: teaching colleague of Chief Justice Traynor's at Cambridge University

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<sup>1</sup> 32 Cal. 2d 711 (1948).

<sup>2</sup> 44 Cal. 2d 434 (1955).

Suzanne L. Marr: student at UC Berkeley, who visited the Traynor family (niece of Sister Jacqueline Graham)

Dean and Mrs. Robert McKay (Kate): New York University colleague and personal friend

Professor Jeffrey B. Russell: Department of History, UC Santa Barbara, childhood friend of Michael Traynor and personal friend of the Traynor family

Mrs. George Scheer (Ruth Weston): officer in the National League of Women Voters and personal friend of the Traynor family

Justice Raymond L. Sullivan: fellow justice on the California Supreme Court and faculty colleague at UC Hastings

Professor Samuel D. Thurman: colleague at UC Hastings and personal friend

Eleanor van Horn: UC Berkeley Political Science Department secretary when Traynor was a doctoral student and instructor

Kristian D. Whitten, Esq.: UC Hastings student of Traynor's

#### 4. JUSTICE A. FRANK BRAY RADIO TRANSCRIPTS

Justice Absalom Frank Bray, UC Hastings Class of 1910, was a dedicated public servant of the state of California for nearly six decades. He served first as assistant district attorney in Contra Costa County, then as city attorney of Martinez, Pinole and Concord, all while maintaining a private practice. He was appointed to the Superior Court of Contra Costa County in 1935. Twelve years later he was appointed an associate justice of Division One of the First District Court of Appeal, and after another twelve years became the presiding justice of Division One. He was an active supporter of UC Hastings, serving on the Board of Directors for nearly thirty years, as well as president of the Hastings Alumni Association.

The Bray Personal Papers consists of a collection of 182 scripts of a radio series about early California legal history broadcast over radio station KLX of Oakland, California, between May 1936 and February 1945. The series was titled "Human Aspects of Early California Supreme Court Cases." These cases came from all over the state of California, and spanned

the years 1850 through 1929. Topics include cattle running in Santa Clara, city water systems, feeding of prisoners in county jails, a husband's responsibility in his wife's buggy accident, and lying in bed with one's clothes on in a hotel. Justice Bray's analysis and commentary give glimpses into the lives and issues of early Californians, and are told in a light and entertaining yet informative style.

## 5. HASTINGS COMMUNITY PUBLICATIONS

### *Hastings Alumni Bulletin*

The *Hastings Alumni Bulletin* began in 1951 as a publication of the Alumni Association of Hastings College of the Law. The college was in the process of constructing its first permanent home and the *Bulletin* was another means of creating a distinct community after seventy-eight years of nomadic existence and a complicated relationship with the University of California, Berkeley. The *Bulletin* kept alumni aware of the activities of their former college and classmates. Over the years, the magazine has had several names as it shifted from a publication of the Alumni Association to one of the college. Today, the magazine is known as *Hastings* and is published by the college for all of the Hastings community — alumni, faculty, staff, students, donors, and friends. This publication was selected to be the first collection for digitization with the intent of making it accessible in 2013 to the public via the UC Hastings Institutional Repository.

### *Voir Dire*

*Voir Dire* was a publication of the Associated Students of Hastings College of the Law that ran from 1962 to 1970. In 1961, a group of Hastings students were suspended for cutting classes. A Hastings student passed the story on to local newspapers that ran the item. The resulting perceived bad publicity from the story was seen as damaging to the reputation of the school and, hence, damaging to the reputations and prospects of all Hastings students. In the first issue, editors Norse N. Blazzard and Steven Guralnick proclaimed, "*Voir Dire* has as its chief purpose the reflection of the professional student. More specifically, it will act as a sounding board for the students in this school who have something to say and who deserve to

America's Most Comprehensive Law School Newspaper

"To deprive a man of his opinion is to rob poverty and the existing generation. If it be right, then they are deprived of enlightening error for truth. If it be wrong, they are deprived of illuminating the impression of truth as it collides with error."  
—JUSTICE BRANDEIS

# Voir Dire



Hastings College of the Law

San Francisco, California

November 15, 1966

Volume 6, No. 3

## 'JAKE' IMPANELS JURY—MORE TO FOLLOW

By PAUL ROGERS

Last Friday, November 11th, San Francisco's own colorful trial lawyer and legal author Mr. J. W. "Jake" Ehrlich demonstrated to a capacity audience how to impanel a jury. At his own suggestion, and in an effort to more fully explore his subject, Mr. Ehrlich will return to Hastings to complete his labors. I believe his whole audience affectionately anticipates this soon to be announced return engagement.

### THE SPEAKER

Since Mr. Ehrlich was admitted to the Bar in San Francisco in 1922, he has become one of the country's most celebrated trial lawyers. Although his reputation as a colorful criminal lawyer is widely known, he is nonthe-

less noted for his varied practice in the field of civil litigation. During this time he has also authored at least eleven books devoted to the historical as well as the philosophical analysis of the law.

### WRITINGS

His Ehrlich's Blackstone, Ehrlich's Criminal Law, and Ehrlich's Criminal Evidence are standard scholarly legal works that are frequently

used by judges and lawyers as courtroom guides. Such works as What Is Wrong With The Jury System, The Lost Art Of Cross-Examination, The Educated Lawyer, and The Contested Divorce Case give evidence of his practical mindness and of his attempt to help raise the effectiveness of the legal profession.

Mr. Ehrlich's competence as a scholar is exhibited in The Holy Bible And The Law, and in a series of his essays with the apt title of A Reasonable Doubt. He has written an autobiography A Life In My Hands, and he has been the subject of NBC's television series Sam Benedict, which has depicted some of his civil and criminal litigation experience. He is also the subject of the biography Never Plead Guilty.

Mr. Ehrlich continues to write for the University of California's Continuing Education of the Bar series, as well as for the American Jurisprudence Trial Series. He is much in demand throughout the U. S. as a speaker before Bar Associations as well as law schools. He is well known for his civic-mindedness, and just this November he was honored as the City of Hope Man of the Year.

THE DEMONSTRATION Working with fourteen

—Continued on Page 2



California Justice Mosk

## LAW FORUM SCHEDULE

Friday, December 2nd, in classroom B at 11:30 a.m.: Jack F. Wolfson, a retired Vice President of General Motors and general manager of its Oldsmobile Division, will speak on the newly developed science of "Communology."

Friday, December 9th, in classroom B at 11:30 a.m.: Mr. Norman Macleod, Esq., a noted British collector, will speak on "The Judicial System and Legal Professions in England."

# LAW FORUM PRESENTS MOSK AND EHRlich

## MOSK LOOKS AT CRIMINAL ADMINISTRATION

By PAUL ROGERS

Justice Stanley Mosk of the California Supreme Court addressed the Hastings Law Forum on Friday, November 4th, on the topic of "Court Decisions: Effect on the Administration of Criminal Law."

Justice Mosk is a graduate of the University of Chicago School of Law, and he was admitted to the California Bar in 1933. From 1929 to 1942 he served as executive secretary and legal adviser to Governor Olsen. In 1942 he was appointed to the Bench as a Judge of the Superior Court in Los Angeles where he served until 1959. In 1959 he was elected Attorney General of California with a 74 to 26 plurality, and was re-elected in 1962.

### AUTHOR ATTERNEY

As Attorney General he issued nearly 2,000 written opinions, appeared before the U.S. Supreme Court in the Arizona v. California water case, and argued other landmark matters before the California Supreme Court. He also was the author of some of California's most progressive legislative proposals in the field of criminal law. Senator Ervin of North Carolina, on the floor of the Senate, referred to Mr. Mosk as "one of the finest constitutional lawyers in the United States." (Cong. Rec., Aug. 5, 1964, p. 17823.)

### REMARKS

Mr. Mosk, after serving five

matters as judicial problems—not mere or political problems. He opined that "judicial decisions are not dictated by the will of the majority but by the law, and they are decided not by popularity but by constitutionality." He exhorted the legal community to explain the judicial process to the populace so that they will have some basis for a rational understanding of this "current hysteria."

Justice Mosk also addressed himself to the current criticism "that courts are handicapping the administration of justice by their recent criminal case decisions," with reference to the recent U.S. Supreme Court's Escobedo and Gideon decisions. He felt that law enforcement has not broken down, but in fact has been considerably helped by these decisions. Justice Mosk stated that this criticism is not borne out by the facts, and he cited statistics to support his contention.

Over the period of 1959 to 1965 the number of defendants charged with crimes in California has considerably risen; yet the percentage of court convictions has remained at a constant 84 to 86 percent level. He opined that "the administration of justice has become more efficient and effective in conviction and administration as a

—Continued on Page 14



San Francisco Attorney "Jake" Ehrlich

THE UC HASTINGS LAW STUDENT PERIODICAL, VOIR DIRE, ISSUE OF NOVEMBER 15, 1966. THE TOP LINE OF THE MASTHEAD READS, "AMERICA'S MOST COMPREHENSIVE LAW SCHOOL NEWSPAPER."

be heard.”<sup>3</sup> Dean Snodgrass welcomed the new student publication stating, “There always has been a need for a ‘Safety Valve,’ for a medium through which student opinion can express itself, and (on occasion) for a member of the faculty to respond.”<sup>4</sup>

Over the years, the paper mostly covered events and activities of UC Hastings students, faculty, and administration, but also covered more broadly legal issues around the state of California. The 1960s were a transformative decade for the country, and *Voir Dire* reported on events from the perspective of a law student. The paper ended in 1970, but the independent voice of the Hastings student soon found a new outlet in the *Hastings Law News* publication that ran until 2002.

*Voir Dire* was the second collection to be digitized for the UC Hastings Digital Repository. It is intended that *Hastings Law News* be digitized and added to the repository soon.

## 6. CALIFORNIA INITIATIVES AND PROPOSITIONS

Advocates for the legalization of marijuana went door to door seeking signatures on twenty-two occasions from 1966 to 1995 until voters approved use of the substance for medical purposes with Proposition 215. Chiropractic regulation and vivisection prohibition were hotly debated during the 1920s. Efforts to reduce the salaries of government officials, determine appropriate punishments for firearm felonies, and set policies for forest management and many other concerns have regularly made their way through the system of California voter initiatives.

Since its inception 102 years ago, 1,800 initiatives have circulated throughout the state. Of these, about 70 percent failed to qualify for the ballot, with only 30 percent of those qualified receiving approval by voters. From 1911 to the end of 2013, only about 100 initiatives have ended up as California law — a 5 percent success rate.<sup>5</sup> However, much important legislation has derived from this process. In 1914, voters successfully amended section 12 of article

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<sup>3</sup> “Editorial Viewpoint,” *Voir Dire* (February 17, 1962), p. 2.

<sup>4</sup> “From the Dean’s Office,” *Voir Dire* (February 17, 1962), p. 1.

<sup>5</sup> Kevin Shelley, *A History of California Initiatives* ([Sacramento: State of California], 2002) pp. 10–13.

XIII of the California Constitution so that the state could never levy or collect a poll tax. After many failed starts, the observation of daylight saving time took hold in 1949, and vast areas of California's coasts, mountains and woodlands have been set aside for conservation, all through voter initiatives.

Voter initiative is but one way for a statewide ballot measure (or proposition) to come before the voters. The California Legislature has four types of measures that it may place on the ballot: a legislative bond act, a legislative constitutional amendment, a legislative initiative amendment, and a legislative statute amendment. The Legislature may also propose a question to the voters, asking approval or denial of an action. Voter initiatives are likewise divided by measure type — bond acts, constitutional amendments, statutes and referendums — used to amend or defeat a proposed legislative statute that has not yet been made law.<sup>6</sup>

Librarians at UC Hastings compiled a database with nearly all of California's initiatives and ballot measures, beginning in 1999, with funding assistance from a federal Library Services and Technology Act (LSTA) grant. In December of 2011 an unfortunate series of server crashes wiped out most of the collected data.<sup>7</sup> After two years of reconstruction, Hastings is ready to re-launch the database as part of our newly created Digital Repository. Contained in the database are both voter initiatives and ballot measures, dating from 1911. The text of many initiatives has been lost, and further searching through the archives will be required to make the collection more complete.

Research of ballot measures and initiatives presents a challenge because of inconsistent numbering conventions and inexact titling of measures. The ability to search by keyword, as digitizing the collection will enable, will make it easier for the researcher to locate the measure being sought.

With the roll-out of our Digital Repository, located at <https://repository.uchastings.edu>, we are just beginning to make publicly available the riches in our Archives and Special Collections. This has given us an excellent opportunity to delve deeply into our formerly "buried treasures."

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<sup>6</sup> Tony Miller, *A Study of California Ballot Measures* ([Sacramento: State of California], 1994).

<sup>7</sup> Chuck Marcus and Peter Gigante, "Beyond the Shelves: Researching California Ballot Measures," *The Recorder*, Friday, April 05, 2013.

## APPENDIX:

## MEMBERS OF THE 65 CLUB FACULTY

(Dates indicate the years in which each professor was associated with Hastings after reaching the age of 65. An asterisk indicates “visiting professor.”)

Ralph Aigler, 1955–1956	Everett Fraser, 1949–1964
Edward S. Bade, 1962–1963	George W. Goble, 1956–1963
Paul E. Basye, 1966–1985	Arthur J. Goldberg, 1974–1975
William W. Blume, 1963–1971	Leon Green, 1958–1959
George G. Bogert, 1949–1959	Milton D. Green, 1966–1978
Benjamin F. Boyer, 1969–1975	William G. Hale, 1949–1952
John S. Bradway, 1960–1965	Jerome Hall, 1970–1989
Millard S. Breckenridge, 1963–1965	Moffatt Hancock, 1976–1979
William E. Britton, 1954–1963	Albert J. Harno, 1958–1965
John U. Calkins, 1957–1959	Dan Fenno Henderson, 1992–2000
Richard V. Carpenter, 1967–1975	John B. Hurlbut, 1970–1975
Arthur M. Cathcart, 1940–1949	Adrian A. Kragen, 1974–1983
Elliot E. Cheatham, 1959–1960	Norman D. Lattin, 1963–1973
Albert Brooks Cox, 1951–1972	Julian H. Levi, 1980–1996
Judson A. Crane, 1954–1964	William B. Lockhart, 1977–1994
Stephen R. Curtis, 1964–1971	Ernest G. Lorenzen, 1948–1951
Miguel De Capriles, 1974–1981	James P. McBaine, 1952–1957
Augustin Derby, 1947–1952	Oliver L. McCaskill, 1946–1953
Edwin D. Dickinson, 1957–1959	Dudley O. McGovney, 1948–1949
Allison Dunham, 1979*	Orrin Kip McMurray, 1940–1941
Laurence H. Eldredge, 1971–1979	James A. MacLachlan, 1960–1963
Judson F. Falknor, 1966–1972	Joseph Warren Madden, 1961–1971
Merton L. Ferson, 1956–1961	Calvert Magruder, 1959–1960
William Ray Forrester, 1975–2001	Frederick J. Moreau, 1964–1973

Ralph A. Newman, 1964–1973	Lewis M. Simes, 1959–1972
Russell D. Niles, 1972–1985	Theodore A. Smedley, 1980–1984
Rudolph H. Nottelmann, 1961–1967	David E. Snodgrass, 1959–1963
Charles B. Nutting, 1974–1977	Roscoe T. Steffen, 1961–1973
George E. Osborne, 1958–1973	Julius Stone, 1974–1980
William B. Owens, 1953–1956	Frank R. Strong, 1973–1974*
Rollin M. Perkins, 1957–1973	Raymond Sullivan, 1977–1994
Harold G. Pickering, 1954–1963	Russell N. Sullivan, 1967–1978
Richard R. B. Powell, 1963–1973	Joseph M. Sweeney, 1988–1996
William L. Prosser, 1963–1972	Sheldon Tefft, 1969–1978
Max Radin, 1948–1949	Samuel D. Thurman, 1986–1992
John W. Richards, 1966–1968	Edward S. Thurston, 1943–1948
Stefan A. Riesenfeld, 1975–1999	Roger J. Traynor, 1971–1983
Rudolf B. Schlesinger, 1975–1994	Clarence M. Updegraff, 1964–1972
Louis B. Schwartz, 1984–1996	Chester G. Vernier, 1946–1949
Warren A. Seavey, 1961–1962	Harold E. Verrall, 1970–1978
Warren A. Shattuck, 1974–1995	Lawrence Vold, 1948–1965
Arthur H. Sherry, 1975–1985	John B. Waite, 1952–1955

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