

Yale Law School
Oral History Series

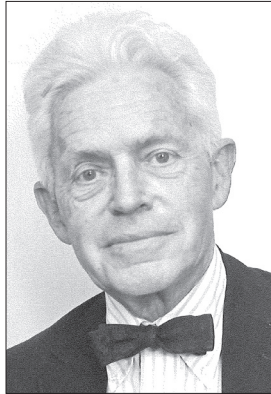
A CONVERSATION WITH
RALPH S. BROWN

Interviewed by Bonnie Collier

New Haven: Lillian Goldman Law Library
Yale Law School, 2014

A CONVERSATION WITH

Ralph S. Brown



Ralph S. Brown
1913-1998

Yale Law School
Oral History Series

A CONVERSATION WITH
Ralph S. Brown

Interviewed by Bonnie Collier

New Haven: Lillian Goldman Law Library
Yale Law School, 2014

©2014 Lillian Goldman Law Library
ISBN: 978-0-9857253-8-9

Yale Law School Oral History Series

S. Blair Kauffman • *Law Librarian* • *Yale Law School*

You are invited to eavesdrop on conversations with former deans and faculty of the Yale Law School as they recall the people, ideas, and events that helped shape this institution during their tenure. These conversations were held under the auspices of the Lillian Goldman Law Library as part of its oral history project.

The Law School's oral history project draws on the special skills of one of its long-time librarians, Bonnie Collier, who conducts the interviews. Bonnie has an academic background in history and a special interest in oral history. She also has a great talent for allowing people to talk freely, and she approaches each of her subjects with a relaxed, open-ended style. Bonnie is a respected and well-liked member of the Law School community and is the perfect person to lead these interviews. The overall project goal is to capture the unfiltered memory of key figures in the Law School's history and make these conversations accessible to a wider audience.

Most of the conversations in this series were conducted in two to three separate interview sessions, sometimes spread out over several weeks. They typically took place in the comfort of the subject's office. Each was recorded and later transcribed. The transcriptions were copy-edited for errors and the occasional indecipherable mumblings deleted.

Otherwise, the oral history appearing on these pages reads very much as a direct recording of the actual conversations. Thus, some odd phrasing and occasional dropped clauses are inevitable and have been maintained in the interest of authenticity. Our hope is that readers will welcome the lack of intrusion between editor and end product and be forgiving of the twists, turns, and repetitions these conversations sometimes take.

Oral history is a complement to traditional written history and can be read for an enriched understanding of past events. Those readers who are familiar with Yale Law School will recognize the participants in these conversations and many of the personalities and events they mention.

Those who are less familiar with Yale Law School or who simply want a fuller understanding of its past are encouraged to read some of the published accounts, particularly the *History of the Yale Law School: The Tercentennial Lectures*, edited by Anthony T. Kronman (2004), which offers a broad account of this law school from the time of its founding through the late 20th century. Written history provides an analytical and interpretive narrative, while oral history provides a personal perspective. Both have important roles in helping shape our understanding of the past. The former offers the historian's sense of reality based on the sources drawn upon and the author's own perspective, as shaped by culture, place and time. Oral history can serve as a primary source for written history. It provides emotional depth that written history does not and offers the reader a first-hand account of the events and personalities.

The oral history project fits into a tradition of Yale Law Library publishing projects dating from the early 20th century. The Yale Law Library Publications is a now-defunct series inaugurated in 1935, in cooperation with the Yale University Press. Notably, four of the publications in this series provide a history of the Yale Law School from its founding to 1915. More recently, the library teamed with Yale University Press to launch the Yale Law Library Series in Legal History and Reference, with titles beginning in 2007. Additionally, the library's online publishing ventures include the Avalon Project, which presents digital documents relevant to the fields of law, history, economics, politics, diplomacy, and government, and the Yale Law School Legal Scholarship Repository, which presents digital images of student prize papers and scholarly articles authored by Yale Law School faculty.

Our goal with the oral history project is to assist future researchers with gaining a better understanding of Yale Law School's past by offering them direct access to the words of its deans and faculty – the policy makers and participants. Perhaps some future written history will draw on these conversations as a source for gaining a clearer understanding of Yale Law School's past.

RALPH S. BROWN (1913–1998), Simeon E. Baldwin Professor of Law, was a member of the Yale Law School faculty for more than fifty years, from 1946 until 1998, serving as associate dean from 1965 to 1970. A graduate of Yale College (1935) and the Yale Law School (1939), he served in the U.S. Navy during World War II and as a lawyer in the Office of Price Administration in Washington, D.C.

Brown taught and wrote extensively in the field of intellectual property, including copyright, defamation, and privacy. Among his publications are:

“Advertising and the Public Interest: Legal Protection of Trade and Symbols,” *Yale Law Journal* (1948)

Loyalty and Security: Employment Tests in the United States (1958)

Cases on Copyright, Unfair Competition and Other Topics (1960)

Ralph S. Brown

June 27, 1996

BONNIE COLLIER: Let's start with a brief biographical sketch, and then we'll move on.

RALPH BROWN: All right. I graduated from Yale College in 1935 and worked for a year on the Yale edition of the *Letters of Horace Walpole*—because it was a job. I wanted to go to graduate school, but I couldn't get a fellowship in those times. So during that year I got interested in law school because all of my classmates were over here, and I decided I would try to go to law school. I got a scholarship, and from one thing and another, I was able to patch together enough money to go to law school. I kept on working on the Walpole project on weekends and vacations and so on until after I graduated.

Anyway, so I think I enrolled in the Law School in 1936, graduated in 1939, went off to Wall Street just for a year and a half, to Washington very briefly in the Office of Price Administration, in the Navy four years. Then the minute I got back from the Navy (I was down at my family's in the Eastern Shore of Maryland) I got pneumonia and was really quite ill. I dare say I was saved because the sulfa drugs were then being made available and my next brother took a rather sadistic delight in sticking a needle in my rear several times a day for about a week, filling me full of sulfa drugs.

Anyway, I recovered and the first time I tottered downstairs my father said, "Oh, there's a letter here from Yale Law School for you. They probably want money or something." So I opened the letter and it was an offer of a job, and at that point I didn't know what I was going to do. I didn't want to go back to New York, and I was thinking of maybe going somewhere to do some graduate work to get refreshed, and here they were willing to pay me. So I accepted instantly and came up here

as soon as I was recovered from my pneumonia and started teaching in the second term in 1945–46, and I've been around here ever since.

BC: Were there other people who came the year you came?

RB: Yes, it was an immediate post-war thing. Bittker, Haber, Braden, John Frank and maybe a couple of others all came on at the same time or around the same time. Addison Mueller came on a half year before and there was a new librarian, Sam Thorne. That was essentially it, and we all started off together pretty much.

BC: Well, I want to get back to that later, but let's back up to your student days here.

RB: Oh, yes, sure.

BC: Let's talk a bit about what student life was like.

RB: Well, I'm not a very good reporter on student life in general because all my spare time I worked on the Walpole stuff to make money and led a, not a reclusive life, but I wasn't really heavily involved in Law School social life because, as it happens, most of my then friends were people in graduate school, history and such, and I palled around mostly with them. So I'm really a very poor judge of what went on at the Law School. But it was a very lively all male social life here. The perpetual poker game, which I never took part in. I couldn't afford it.

BC: Perpetual poker game?

RB: Oh, you bet there was, yes. Oh, lots of poker players. Some people spent most of their time playing poker and rarely went to class.

BC: And where did this take place?

RB: In the dorm, yes. Somebody's room. There wasn't any dining room there at the time. People ate around various places, as did I, and most of the main student hangout with any intellectual content was simply in the corridors between classes. Everybody sat around and yakked away about what had been going on in the class, what was going on in the Supreme Court and things like that. Campus issues you mentioned, no, I don't think anybody had any interest at all in campus issues outside of the Law School. I don't recall ever hearing any talk about them.

BC: Was the Law School a political sort of place? A lot of talk about the New Deal?

RB: Oh, you bet. Yes, a great deal because it was the time when the Supreme Court was playing havoc with the New Deal legislation and that's what chiefly aroused my interest in studying law, what was going on there. So lots of talk about things of that sort.

So far as the classroom side of it, I think Constitutional Law was then taught just in one big section. The size of the class was about 125, and several of the courses were just taught in one big session by one person. Con Law was really quite dreadful because it was taught by a very distinguished fellow, Edwin M. Borchard, who was distinguished for a lot of things, but not as a teacher. He was a dreadful mechanical teacher. His procedure was he'd simply state very briefly a Supreme Court case in the form of a question. "May a state regulate the price of bread?" And the answer was yes or no. There was some mention of the case if you knew the name of the case, and there was another story of a student who didn't very much like to be called on who was called on and he said, "The answer to that question Professor Borchard is yes, and the answer to the next question is no," because Borchard always did these things exactly the same way. Perfectly dreadful teacher.

Most of them were quite a bit better than that and more had an explicit use of the so-called Socratic method in those days than there is now. Lots of questions addressed to the class.

BC: And who were some of the other faculty members? Shulman, was he teaching at the time?

RB: Oh, yes. Yes, he was still quite young. He'd come on from Harvard just five or six years before, I guess, but already had made a considerable reputation for himself. He got involved in the Restatement of Torts and was writing in that field and he and Fleming James, who was a few years older than he, did a case book.

BC: And James was here teaching, too...

RB: Oh, yes. Yes, he had started teaching in 1932 or 1933, I guess, after a brief career as a lawyer for the New Haven Railroad, which he never

quite let go of as a conversational topic. The senior person in the faculty was Arthur Corbin, the great contracts man, who was at that time, although we didn't know or care about it, completing his great treatise on contracts, which came out a few years after that.

BC: Myres McDougal?

RB: McDougal was the *enfant terrible* of the faculty at that point. He had only been teaching a few years and was already imbued with extreme legal realism. He put questions: Does it run because it's a covenant, or is it a covenant because it runs? That kind of thing. He taught half of the first-year property course and the other half was taught by an old veteran, William Reynolds Vance, who had been dean at Minnesota and came on here when Judge Swan had built up the faculty quite substantially, as he did during his deanship. Vance at that time I think was maybe approaching retirement, and he had false teeth. He sort of mumbled with his false teeth, as some people do, but it was intelligible enough. Then halfway through the term McDougal comes on and it's an entirely different scene.

BC: He was a good teacher, McDougal?

RB: Oh, yes, indeed. Had everybody on their toes. Most things were taught in big sections and the first year, the first term was all prescribed. There was some variation possible in the second term. You could start ignoring things you didn't want to take, but with some things you had a little leeway, not much. Then after the first year, as now, everything was completely wide open. You could take anything you wanted. So that I didn't take a lot of the standard courses in my second and third years, because I didn't think much of the people teaching them as lively pedagogues, and I just didn't.

I did a certain amount of seminar work and writing work, which wasn't so common in those days as it is now, and I did much of that work with a man named Walton Hamilton, who was a trained economist. He had never been to law school. He was one of the first non-law school people on this faculty, and he was my mentor, and Harry Shulman was the other.

Harry helped just with general advice and was a person I very much admired. Harry was not around much after my first year because he made a connection, a remarkable connection with the Ford Motor Company. He became the sole umpire of all disputes arising between Ford and their newly acquired unions. You know there was a great hullabaloo in the auto industry about its getting unionized, and it finally did, and they had to live with it. So Harry already had a reputation as an extremely balanced, even kind of a guy and was made sole umpire, and he was in Detroit about half the time, back and forth a lot. So he wasn't around a great deal, as much as the others were, but enough for me to get to know him pretty well and often to talk to him about one thing and the other.

BC: Gene Rostow?

RB: Gene started teaching in my – let's see, he graduated in 1937. He went to New York at Cravath, didn't stay there very long. That was a remarkable event in itself because at that time anti-Semitism was very heavy in all the law firms and not, I'm happy to say, in this faculty, but everywhere else, and when Gene got a job at Cravath we were, "Gee, Cravath would hire a Jewish boy. Good for them." But he only stayed there a couple of years and then they got him back on the faculty.

So in my third year he was teaching one of the courses that Wesley Sturges had made wildly popular. Sturges was the most compelling teacher of my time. He was just a master of the Socratic method. You never knew what ball was under that shell, and he went off to Washington – I dare say it may have been because he was thwarted in whatever ambitions he then had to be dean. I'm not sure about that, but for some reason or another or maybe just money, he went off to Washington to be executive director of a trade association called the Distilled Spirits Institute, which a lot of people thought was a very unfortunate connection for him to make because he was very much attached to distilled spirits.

Anyway, in my third year Gene Rostow took over one of his courses and he was very young, every so often his voice would break, just go off and sort of squeak because he was sort of an infant prodigy. He was still

in his mid-twenties I guess at that point, because he had recently graduated from law school.

BC: Practically the age of the students.

RB: Yes, not much older than the students. Of course, the students in those days all came in directly after college and there were practically no older students around. Anyway, those were the conspicuous elements of the faculty. Sturges would come up from Washington on Friday night and teach the three hours of a course called Credit Transactions, which was mortgages and things like that. Sounds dull as dishwater, but he made it very exciting indeed. He would teach that from nine to twelve on Saturday mornings and we all sat there for three hours. Everybody took that course. We'd take a break, you know, between hours, but everybody took Credit Transactions. I used to stay up diligently Friday night preparing for that class because his technique was to pick out pretty early on in the term maybe eight or ten, or a dozen people in the large class, and those are the only ones he ever called on, and I happened to be one of his targets. So I knew that every Saturday he'd say, "Now, what Bingham says is absolute nonsense, isn't it, Brown?"

BC: How did one get to be one of those few people?

RB: I guess he just somehow picked them out by reputation or something. It was the top people in the class, as far as grades were concerned. I don't know what he did, whether he looked us up or what, but it was people like Jonathan Bingham and Lloyd Cutler – who is still having a distinguished career and practice. Jack Bingham died some years ago. There were six or eight of us who were the chief targets and that was a real workout. I was really rung out at the end of those Saturday classes.

The second term was nowhere near as exciting. I don't remember a great deal about who taught what then, but going back to the composition of the student body, it was very homogeneous. Everybody was just out of college and they were mostly Ivy League people. I think one of the astonishing things about my class is that we had a substantial delegation from Harvard College, which had never happened before. They all

went to Harvard Law School, and we had a bunch of very good people from Harvard. Harvard, Yale, Princeton among them made up at least half the class. I'm quite sure about that, and the Yale College graduates were perhaps a third of the class. They were all pretty much my age and pretty similar backgrounds.

BC: What were people's expectations about their careers? Did everybody pretty much expect to go into practice?

RB: Yes, and not only practice but mostly New York practice. That was the focus then as now. A certain number of people would be inclined, either because of family connections or whatever, to go to Chicago, or wherever they had come from, but New York was the Mecca. New York was paying \$1800 a year, and that was a pretty good salary because it hadn't been many years before that when salaries were sort of nominal, not really enough to live on.

But I can assure you, when I went down to New York, I managed perfectly comfortably as a bachelor on \$1800 a year. It seems fantastic nowadays, doesn't it?

BC: Sure does. Can you remember what tuition was?

RB: It was \$450. I remember very well. Scholarship covered that, covered part of my living expenses and work on Walpole, and I scraped by with the rest of my living expenses.

BC: Now, when you came to the Law School the building was relatively new.

RB: Yes.

BC: It had been built, what six years earlier?

RB: Six or seven years before, yes.

BC: What was it like?

RB: Well, it was all new and shiny and it was a lovely place to be. Most of us were quite impressed with the architecture and style. There weren't many modernists around at that point, and I've retained that attachment. I'm one of those who gets really very stiff if it's proposed to make any fundamental changes in the building and fortunately they have not. There have been marginal changes, but it's essentially still here.

BC: Right. Now, most students lived outside of the building?

RB: No!

BC: No, in the building?

RB: Because the dormitory had not yet all been eaten up by offices, as it has been on Legal Aid and all that stuff. Legal Aid was just a little shriveled thing, didn't amount to much. So that most of the students could and did live in the building.

BC: And eat in the building?

RB: No, they had to eat around. There wasn't any dining room in the building at that point. You had to eat here and there, and except for some bold students, maybe a half dozen students would get together and rent a house, and there were some famous ménages in their parlors and that kind of thing off campus. But most people were here.

Nobody was married. I think in my first-year class there were about three people who were married. I remember that because one couple I got quite friendly with. So that was a major difference.

My class had all of five women in it, which was a lot. There had never been that many before, I don't think.

BC: That is a lot, and there were fewer in years to come.

RB: That's right. It sort of dwindled off again. I don't remember the class of 1940, but 1941, Borie Bittker's class, had one woman.

BC: One or two, yes.

RB: Shirley Nelson I think was the only one. Maybe there was another one, I don't know. Anyway, my class had five women in it.

BC: Do you have any idea what became of them, where they went?

RB: Two of them just sort of dropped out of the law. One of them, Mary Goode, is now a retired judge in California. She was the liveliest of the crowd and she was a New Haven girl and graduated from Albertus Magnus, not a common route to Yale Law School in those days. Her father was a local politician and had been postmaster. Patrick Goode had been postmaster in the 1930s. Mary was a very lively person who continued to

be a good friend. I haven't seen her in very recent years, you know how such things seem to dwindle off.

Then there was sort of a beanpole of a woman named Molly Perkins who worked for the NLRB for some years and then just sort of disappeared. Another woman named Elizabeth Dollard who got sort of interested in psychology and things like that and somehow came into quite a bit of money, so that Jay Katz's chair is now named for her, given by her in her will, I guess.

Those were the girls, as we then called them. They took part in class, but not an outstanding part, because I would say only a couple of them were really particularly good students and the others were not outstanding members of the class. Mary, for example, was on the *Law Journal* and was the only one who was of the women.

So it was a very homogeneous kind of place. Mostly Ivy. Everybody wore coats and ties and all that kind of thing.

BC: Now, the war was coming on . . .

RB: Yes, it didn't affect me. It was 1939, and we were all out when the war started in Europe. So then we all got—well, most of us got drawn in in one way or another. I have somewhere—I forget where I've kept it, but I know I have it—I guess it was Mary Goode who took it upon herself to put together a sort of roster after the war had been going about a year, about what everybody was doing. A lot of people, of course, were in uniform by that time, and a certain number had jobs in Washington and stayed civilians for quite a while, but eventually got drawn in.

As I said, New York was the chief goal but an increasing number of people were drawn to Washington because the New Deal was in its heyday and especially so the Jewish students who had great troubles getting jobs in New York, unless they'd get in with one of the Jewish firms. Washington was an obvious destination for them and quite a lot of them did go to Washington and had very considerable careers in the legal side of government.

BC: The Yale Law School is thought of as having been sympathetic with the New Deal.

RB: Oh, yes.

BC: So there's a sense that they might have naturally gone.

RB: Sure, and a lot of the faculty were and some of them had missions of one sort or another in Washington and were back and forth to a certain extent. Of course, some people were drawn into the Washington whirlpool and never reappeared. I mean Douglas, Fortas, the most conspicuous ones.

BC: I wanted to ask you about Underhill Moore.

RB: Oh, my God, Underhill, whom I grew to like after I got back on the faculty. Utterly incomprehensible. Nobody ever had the vaguest idea what he was talking about. I now realize he was working very hard on this general idea that most legal behavior is sort of standardized, learned behavior. You do things in a certain way because you do them in a certain way, and so on. At that time to everybody's great mirth he was conducting his famous parking studies. He would hire people just to sit in the parking lot in a parking space and see how long people actually parked, as against the thirty minutes, say, they were supposed to park. I thought that was ridiculous and I still think it was rather. He didn't learn very much out of it.

Commercial law is what he taught, and one course on bills and notes in the second year. I never even took that. I had had enough of Underhill by about then. Bills and notes was what's now known as negotiable instruments and then he had a course called Commercial Bank Credit, which I guess in our second term was required. We had no real electives until the second year. He came here with a great reputation from Columbia, a great man. So he worked himself into the curriculum, and he was teaching Commercial Bank Credit in the second term, and very few of us had the dimmest idea what he was driving at, but we somehow managed to hand back enough on exams to get by. He would get terribly indignant and get red in the face and pound on the desk and we all wondered, "What's the matter with him? What's he so excited about?"

We just didn't know. He was a splendid character and that marvelous portrait of him in the faculty lounge is a wonderful representation of his personality. He aspired to be considered a country gentleman and is so dressed in that picture, though actually he came from Kansas. He wasn't a country gentleman at all, but he became one.

BC: Your relationships as students, the relationship with faculty members: was it open, formal?

RB: Oh, very open, especially with the younger people. They were accessible and I would just drop in on Harry. He'd probably be preparing a class and I'd say, "Can I interrupt for a minute?" and he'd say, yes, if there was something puzzling me about the course or something. It came to be known in the faculty that I was interested in teaching, which very few people were in those days. I had originally intended to go to graduate school and become a historian, but it didn't work out, though I still had those interests. So that was why I'm pretty sure I got called back right after the war because a lot of people remembered me and remembered that I was interested in teaching. As a matter of fact, even before that when I was in New York I got a letter and Gulliver was then dean, a most unfortunate episode. He wasn't up to it, and I got a letter from him inviting me to join the faculty as an instructor. They still had a few instructors in those days, with a salary about the same as my New York salary, I guess. I said, "Thanks very much," but I knew I was going to have to go in the armed forces very soon, so I didn't even consider it. So they had my name on file and then extended an invitation after the war, by which time Sturges had become dean right after the war. A fellow named Wilmarth S. Lewis, the sage of Farmington, you know, was the man I worked for at Walpole.

BC: Sure.

RB: He was my boss in that. I remember him saying once, "Poor Peyl" – he remembered Gulliver. They had both been in the same secret society. P-E-Y-L was Gulliver's nickname because his name was Ashbel, and as a kid thing it got corrupted to Ashpail and he was known as Peyl Gulliver.

I remember Wilmarth S. Lewis saying once, “Poor Peyl, he just came unstuck.” That’s the first time I’d ever head that phrase which has now become rather common to describe somebody as becoming unstuck, and Peyl did. Poor fellow, he was a desperate compromise candidate as dean. I’ll come back to that in a minute, the great fight about the deanship in 1939.

BC: I’d like to hear that.

RB: And he was a compromise candidate as dean. He barely got settled in when everybody began going off to the war, both faculty and students. So he had one hell of a time holding the place together. The student body got down to maybe less than 100 or something like that, so that he really was unstuck by the end of the war. Also, he had a drinking problem, as many people had in those days. It was a very alcoholic place. I mean, looking back, there were several honest-to-God alcoholics who managed to make their way, notwithstanding, and Peyl was one of them.

So when he gave up, I had just joined the faculty and I remember Mr. Borchart who was always coming around to see me. I, the absolutely junior member of the faculty. I had just been there a month and he said, “As you know, the deanship is coming up and everybody votes on that, including the lowly assistant professors, and it’s been pretty well decided that we want to have Sturges for dean. I hope you’ll go along with that.” I said, “Of course I will. I have great admiration for him.”

Anyway, back in 1939 when Charles E. Clark became a circuit judge, he just left the next week after his appointment was confirmed. He was not going to take any chances on not being confirmed, I guess. I forget who finished up that year, somebody as acting dean, I don’t remember. Then there it was up for grabs and the politics were pretty ferocious. I was a student so I normally knew nothing about that, but I in fact knew a great deal about it because there was a junior faculty named Dick Witmer who wasn’t promoted and didn’t stay. Dick Witmer was a funny guy who had been raised entirely by several sisters and his mother, and he had been an organist at one of the theological seminaries in New York

before he went to law school and somehow got into teaching. I guess he was sort of a protégé of Walton Hamilton's.

Anyway, Dick Witmer was utterly helpless in anything remotely domestic and I got to know him rather well, and it turned out that he was having a terrible time with breakfast. He couldn't even boil an egg, and I was living here in the dormitory and I said, "Well, if you'll provide the eggs, I'll come over every morning and make breakfast for you," which I did. Of course, he said, "You mustn't say anything about this, but..." and then he'd give me a certain amount of faculty gossip as to what was going on.

Of course, my memories are now very vague, but there got to be a knockdown drag-out between the supporters of Harry Shulman, who already had a great deal of support even though he was quite young — he was barely forty, I guess — and the anti-Harvard crowd, whose idea was "anybody but Shulman," because this place had a terrific inferiority complex. That is, the faculty did about the Harvard Law School and were always at odds, and there had been some real professional spouting back and forth in law reviews. So that a substantial part of the faculty, led by Charles E. Clark, anything to do with Harvard was just absolutely anathema and the more vocal leader of that school was Fred Rodell, who was a very far away person anyway and a troublemaker and all that.

So anyway, those people were all determined to keep Harry out. A lot of the older members of the faculty were with him, who weren't so infected by this Harvard phobia, and they put up Roscoe Steffen who went off from here to Chicago shortly after the war, had a very distinguished career as a teacher and writer, again most of it in agency and commercial stuff. Anyway, they put up Roscoe Steffen. They couldn't get the majority vote they needed for either of them, so finally in despair they turned to poor Peyl Gulliver and said, "Okay, you're dean," and it was a disaster from the word go. He was a person of great rectitude and a proper Yale college man and Keys, one of the secret societies and all that, but had a drinking problem. Well, it just didn't work.

Then when Sturges became dean, he was there to oversee the rebuilding of the faculty, all these young people who came in, and did that. His deanship was pretty successful, except he managed to, instead of fighting Harvard, he fought the Yale administration. Charles Seymour was then president and he was rather a stick. He was [unclear] I dare say and very anglophile in manner and all, and not a good president. Things just sort of coasted in his regime and the Law School administration got very much at odds with Woodbridge Hall.

BC: Do you remember what some of the issues were?

RB: Yes, appointments. For example, McDougal, who came back from service in Washington with Harold Lasswell in tow and wanted to put Harold Lasswell on the faculty and succeeded, but there was a great deal of grumbling about that I think in Woodbridge Hall. Some of the then young middle-aged people were very eager to get a man named Fowler Harper who had a very considerable reputation in torts. Indeed, after he got here, he and Fleming James collaborated on a very substantial treatise on torts, Harper and James. Fowler had a considerable reputation already as a sort of radical. I forget what he was radical about, but Woodbridge Hall didn't want him, but they pushed it through.

We were supposed to have considerable autonomy about appointments, but they would just sort of drag their heels. I think it's almost surely the case that Seymour didn't want Harry as dean on just plain old-fashioned anti-Semitic grounds because Yale College in those days was still shockingly anti-Semitic. There were no Jews on the Yale College faculty. None!

BC: Amazing...

RB: Yes, and if a Jew came along that was so eminent that they couldn't have a good excuse for not having him, he was made a member of the graduate school faculty and was sent there. A most distinguished anthropologist—no, not an anthropologist, a linguist I guess he was. He was an example of a person who was on the graduate school faculty and therefore did not sit and vote with the Yale College faculty, even though he taught courses.

There was a very good book about that. You know that book. It's a very responsible book, I think, because I read a lot of it, and it agreed with every one of my recollections and understandings and suspicions and so on. So it did a good job.

BC: So the Law School was more open.

RB: More radical. Not anti-Semitic because—Harry Shulman may have been the first Jew on the faculty, may have been. I can't think of anybody before him. Oh, Borchard.

BC: Rodell?

RB: Oh, Rodell. Rodell was a denying Jew, so-to-speak. He would never concede that he was Jewish, and he was. I'll tell you a marvelous story about that in a minute. Borchard was also Jewish, but denied. His real name was Edwin Montefiore Borchard. He was always known as Edward M., but "M" stood for Montefiore, which is a Portuguese Jewish name, I think. He was married to a non-Jewish wife and just was a pillar of the community, and he wouldn't accept being Jewish, nor would Gene Rostow. They got in the Lawn Club and this, that, and the other. They just did.

So Harry may have been the first person on the faculty who made no bones about being Jewish. He couldn't! I mean you've seen the portraits of him around.

Anyway, Fred Rodell and the marvelous mean story. Fred developed extreme antipathy toward Felix Frankfurter and wrote nasty things about him, especially after he got on the Court. But he had been doing it so long before Frankfurter got on the Court, and it had a sort of anti-Semitic streak to it, which was strange coming from Rodell, but it did. Finally, he wrote something about Frankfurter which so inflamed a then prominent lawyer in the Supreme Court, a boy named Frederick Bernays Wiener, who was well known in his time, who himself was Jewish, and Wiener wrote a nasty book review on something Fred had written, a book which somehow touched on these things, and in the course of that review said, "You know, when Fred Rodell went to Haverford as an undergraduate, his name was Rodelheim," obviously a Jewish name at that time and then

Fred just truncated it. Weiner said, “Where does the name Rodelheim come from? Rodelheim was a suburb of and has been absorbed by the city of Frankfurt.” [laughs] That was the most knife-edged thing I ever read in the *Yale Law Journal*, I swear. Marvelous story. Marvelous story.

Anyway, there was that thread. Outside the law school there was powerful anti-Semitism. None inside the Law School. There were a lot of Jewish students and nothing was ever made of it, except it was understood that they had a hard time getting a job in New York, except in the Jewish firms, and that’s why so many of them went to Washington.

BC: As I understand it, the Jewish students, before they graduated, were given some kind of a seminar on how to make their way through –

RB: Oh, really? I don’t think I’ve heard that story.

BC: Yes, someone told me that.

RB: Who did it, I wonder. Do you know?

BC: Well, I don’t think it was Shulman.

RB: Not likely. It might have been Gulliver. It may have been Gulliver’s idea of how to be helpful. Probably.

BC: Yes. Now, in the mid-1940s, when you were here as a young faculty member, was there a kind of community of young faculty?

RB: Oh yes, very much so. We palled around together all the time, and there was a much more formal social connection of a somewhat formal nature between the junior faculty and the senior faculty. I remember when we started – you know where Allingtown is?

BC: Over in West Haven...

RB: Just the edge of West Haven. We started out living in Allingtown, not an appropriate place to live but we got a house there. We didn’t think it was cheap because it cost all of \$6,500, but it was something we could afford with my Navy bonds then. So that’s where we lived just for a few years until we got our lovely place out in Guilford. Anyway, we hadn’t been here very long and Betty was slopping around in the house – we had no children then. She had no excuse to be slopping around, but she was. Two ladies appeared in white gloves, Mrs. Borchard and Mrs.

Underhill Moore. They had come to call and left cards, you know, that whole apparatus. Can you imagine? So they conversed politely for a while and then went away.

At the same time, they were most of them quite hospitable and they'd have dinner parties and have some junior faculty people there. They weren't formal necessarily. Usually they were fairly small. I most vividly remember one time we went out to the Clark's – this was after Charles had become a judge – and they had one guest, Betty and me, and maybe one other couple, and a guest named Chase. I thought the guest was Judge Chase of the Second Circuit and did polite conversation accordingly, and after a while Dorothy Clark drew me aside and said, "Ralph, that's Stuart Chase." I said, "It is?" In those days in my book Stuart Chase was a great man. I had read his stuff and all that kind of thing. I didn't know that's who it was.

So anyway, the senior faculty really put themselves out to be nice to us, and then the younger faculty tended to party together. Generally, there were lots of alcohol dinner parties and there were two sort of crippled alcoholics in my generation. There was a man named John Thompson who came on in the early 1950s, I guess, with a brilliant record in Yale College and brilliant record in law school and it soon became clear that he had a severe drinking problem. He simply faded out of law teaching all together, and I don't know what the hell happened to him.

Then the other person who also came on in the early 1950s after the first post-war wave was Richard Donnelly.

BC: That's a story I've heard.

RB: Criminal law. Dick I don't think had been, but I think he found the atmosphere here maybe a little too much for him socially and otherwise, so he took to drink and became a bad alcoholic.

BC: I understand there was some covering for him.

RB: There was, oh yes, to a certain extent. I don't know just how it was done, but there was, yes. That poor fellow, he went on leave. He got some kind of tumor – I forget what, and then he tried to commit suicide

and bungled it. He tried to shoot himself in the head, and all he did was shatter his jaw. Awful.

BC: Oh, horrible. Did he come back after that?

RB: He did very little teaching. I remember he came back for a few of what he thought were critical faculty meetings and could speak only with difficulty and slobbered all the time. Oh, it was pathetic, a pathetic sight. Then I guess the cancer took him and so he died. His widow still lives out in Madison there. We never see her, but that's where she is, a lovely person.

Anyway, that was the sort of down side of the faculty. Then as the first terms of the post-war people began to expire, there began to be considerable carnage of non-promotions. Bittker and Grant Gilmore, they got promoted ahead of their time. They didn't wait the usual five years or whatever was customary in those days because they were hot properties and they got promoted early. Then the Vern Countryman affair came along, which I'll get to shortly. Borie yesterday, he knew I'd be talking to you and he said, "I didn't think I gave her a very full account of the Countryman affair and perhaps you can amplify it." I said, "I can't because I wasn't on the governing board yet."

BC: Oh, I see, after I talked to Boris about Countryman, is that it, he wanted more?

RB: Yes, he said he gave it to you incompletely and I should fill in and I said, "I can't from firsthand knowledge because he and Grant Gilmore were already on the governing board and I was not and didn't have Dick Witmer around anymore as my..."

BC: Being a chef and source of information.

RB: Yes, being a breakfast chef. So all I knew was more or less public.

BC: Maybe I'll have to get back to him for that story.

RB: Well, possibly. He probably got it right. Borie doesn't forget anything. He's got a marvelous memory and mine is getting porous.

BC: Because he told me that if there were any issues that both he and Leon Lipson discussed that Leon would be right, because Leon had the best memory of anybody.

RB: Well, he did. I don't know whether he still does or not. I wonder. Have you talked to Leon yet?

BC: Yes, yes. He was full of good stories.

RB: Yes, Leon's also getting pretty opaque, in my opinion. Anyway, of course, he didn't come here until 1956.

BC: Until later, that's right.

RB: So he wasn't around any of those years. So anyway, the most conspicuous political uproar was about Vern Countryman, who was a New Deal radical, nothing more than that, but some mildly intemperate writing had aroused the hostility of Woodbridge Hall, I guess, and there was a lot of doubt about him in the governing board because he hadn't written much of any substance. I think it was the last year that Wes Sturges was dean that it came up, and Wes managed to push it off until next year, when Harry Shulman finally did become dean. But only in that one year because he became ill and died. Jeepers, a terrible year. Terrible year.

So I had no firsthand knowledge of what was going on about Vern, except for there was opposition in the faculty and opposition in Woodbridge Hall. I do remember this was very awkward. Harry Shulman called me in in the early months of his deanship before he became ill, which he did even before Christmas. His first year as dean it was clear that he wasn't well, and he died in February of that year. One of the bleakest days of my life. I remember he had come from East Providence, and the services were in a dismal little synagogue in East Providence and we all went on the train and went there for that service on a cold, nasty February day, came back on the train and various people proceeded to drink quite a bit. Terrible day. He was really my mentor.

BC: And you had known him since you first came here.

RB: As a student, yes, and thoroughly admired him. Sturges I think—Borie reminded me of this and I think it's right—managed to push the

Countryman decision off into the next year, and Harry was then very troubled about it. I remember he called me in and said, "I know you didn't vote on this, but what do you think? Should we promote him?" The last thing I wanted to talk about was whether Vern should be promoted or not. I thought well enough of him, though his politics were a little left of mine, but that was irrelevant. It was true he hadn't written much that was at all serious, and so I hated to be put on the spot. So I said, "Comme ci, comme ça." I sort of fudged on him and wasn't very much help to Harry, I'm sure.

Anyway, that was a conspicuous episode. So then when Harry said he would not send his name forward to Woodbridge Hall because . . .
[end of side 1, tape 1]

RB: Harry announced he was not going to send Countryman's name on to Woodbridge Hall and the Countryman supporters in the faculty erupted about that. I thought it was a little high-handed of Harry to not do that. Addison Mueller was another member of not the younger generation because he'd been in business. He had a lumber business in Milwaukee, so he was six or seven years older than the rest of us and had come on from the lumber business to go to law school and did brilliantly in law school, had a lot of practical business experience, taught contracts, had a book which was a contracts case book built around practical business problems and so on. Ad wanted all of us to say we were all going to resign if the Countryman decision wasn't reversed. Well, I wasn't going to resign. I was clinging desperately to this job, hoping I would get tenure, so I wasn't about to be noble and quit and I don't know whether anybody else was or not.

BC: Were there some who were willing to?

RB: I don't know. I've never known and I didn't try to find out. Ad didn't get on too well with Harry, and then when Gene Rostow succeeded Harry, he didn't get along at all with Gene Rostow, so he left. He went to UCLA, that's where he went and finished his career there. But he left here.

So he resigned. Countryman wasn't promoted. George Braden wasn't promoted. I never quite knew why except he was sort of a cold fish and nobody warmed to him very much, though he and his wife were really good friends of ours. We've really lost touch with them. He had a bad time in practice for some years and then got a job with General Electric and stayed with their legal staff until he retired, and they live way the hell up in Maine somewhere so we never see them.

Anyway, David Haber was a brilliant young man who graduated from law school at the age of twenty-one, I think, was a German refugee and as bright as could be, but was very disorderly in his habits and thinking. So he wasn't promoted. He went to Rutgers and finished out his career there. He's now emeritus at Rutgers. Braden, Haber, John Frank. Frank was a protégé of Fowler Harper's and some of those people and clerked for Justice Black, I guess, and was a sort of uncritical admirer of Justice Black, always wrote very effusively about his work and so on. He, somewhat to my surprise, wasn't promoted because apparently the board just thought he was too damn political even for them, though he'd written a great deal, but it was all shallow stuff by and large. So he wasn't promoted and he went into practice and is now an eminent senior partner in a firm in Phoenix, Arizona. He did very well. He did very well in practice and came very close to getting a circuit judgeship, maybe ten years ago. It was in the Johnson administration, and I can't even remember the entanglements that resulted, but he didn't get it anyway. He became a real pillar of the Bar, American Law Institute and all that kind of thing.

All those people did not get promoted in the early 1950s and only some of them were replaced. The year that Harry died and the following year when Ad Mueller left, I think the faculty was down to nineteen. No, I guess in Harry's year it was down to nineteen already. It was supposed to be twenty-six.

Harry made one important public appearance. There was a dinner at the Waldorf in New York, black-tie dinner. They had them in those days and Harry made an important speech. The Countryman affair was just

happening or was in the works and he said, “Our number is fixed. We can’t have more than twenty-six members of the faculty, the administration says, and we regard every one of those as a very important decision,” which was right. But when Gene came along after Harry died, and Gene was very close to Whit Griswold, and he began getting money here and there. The next thing you know we were hiring all over the place and the twenty-six ceiling had absolutely disappeared, and by the late 1950s we had thirty-some on the faculty.

BC: That’s right. I think in the 1950s the faculty grew by twelve.

RB: That’s right. Fantastic, fantastic. That was all Gene’s doing. His first term was really miraculous the way he pulled the place together again and oversaw a number of appointments and I don’t think any one of his appointments was a flop.

BC: Was there a real spirit of growth?

RB: Oh, yes, indeed. Everybody was very excited. All these new people were coming on and I know all of them were fun to have as colleagues and that sort of thing. So the place really turned a corner after Harry’s death under Gene, and Gene’s first term was really miraculous in the things he did. He got money all over the place. The Ford Foundation was just getting going and shelling out money, and Gene got quite a bit of it for this and that.

Then he had a second term and during the second term things sort of went downhill. He had his eyes on big stuff in Washington and that kind of thing and lost interest really.

BC: You mentioned earlier that in the 1930s the Yale Law School seemed to have an inferiority complex.

RB: With respect to Harvard.

BC: Right. Was it in the 1950s with Rostow’s deanship that that began to turn around?

RB: Absolutely, yes. It turned around then pretty decisively.

BC: Can you remember from that period the discussion about curricular changes?

RB: On, my God, yes. In the middle 1950s we had a curriculum committee and we turned things upside down. I've forgotten the names of some of the things we did, but everybody was to do a lot of seminar work and write a big paper and to concentrate on something. Division – you had things called divisions. Divided the whole curriculum up into something like ten or twelve divisions and everybody said, “No, they're not majors. It's something else. This is just a way of concentrating on written work.” So we had the Divisional Program, that's what it was called, and everybody was assigned to one or more divisions in the faculty. I was teaching corporations, which I knew nothing about, but I was in the corporate division. Then we had an intellectual property division of inconsequential dimensions because I was already teaching copyright at that time.

BC: But the Divisional Program didn't hang on.

RB: No, it was too ambitious. It required an enormous amount of small seminar work and an enormous amount of writing and the faculty just gave out, and after seven or eight years it just quietly was buried.

BC: Too much work?

RB: Yes, though leaving a legacy of writing requirements, which has persisted, and a legacy of a lot more seminars than there used to be, which has persisted. But the original program itself, which was all done with a great deal of pizzazz, it just ran down after five or six years.

BC: Let me ask you a question about your relationship with other departments, the Graduate School particularly. You were interested in history and might have gotten a Ph.D. in history and worked in that field as a student.

RB: Somewhat, yes.

BC: Did you keep up those relationships? Did you know people on the faculty?

RB: Well, partial relationships. After all I'd been here, by the time a lot of my contemporaries in college and graduate school were becoming faculty members, but there wasn't anything organized about it. There was a lot of talk, especially during Gene's deanship, about ramifying all around

the university and so on, and we were hiring more non-law people, law and sociology, law and philosophy. Phil Northrop came on our faculty at that point, having been here already but he moved over from philosophy to the Law School. Who else? I can't think offhand, but there were a couple of others. So that officially we were having contacts all over the place, but it was more froth than substance.

BC: I was struck when I first came to the Law School with how many seminars there were, guest speakers, a forum here and a workshop there. Has that always been the case?

RB: No, no. That's largely a consequence of the format of the 1950s. I would say because there were some seminars but when I was in law school, if you wanted to do something on your own you would do what was called "honors work." Do we still call it that? No, it's just required papers. Everybody has to write a supervised analytic piece of writing and I forget what the other thing is. I forget the names of these things.

Anyway, in those days if you wanted to do something on your own, you signed up to do honors work for somebody and I did two or three things like that. One with Hamilton.

BC: What were class sizes then? [phone rings – recorder turned off]

RB: When I was a student, the senior people on the faculty taught big courses and if the faculty numbers were smaller, they may have taught two big courses held in a big room full of people. Some courses did not draw so heavily. I remember I took Labor Law with Harry Shulman and there maybe were only forty to fifty people in it, and that was considered a small class in those days.

BC: Really...

RB: Yes.

BC: Let's touch again on the impact of the McCarthy Era.

RB: Well, the Countryman thing was part of that. It did lead to some people getting cautious and frightened and so on. It didn't have a deep impact on us, I would say. It led me off into the biggest piece of writing I ever did, the book called *Law and Insecurity*, which I started early in

the McCarthy Period and by the time I finished, McCarthy was gone – it took me so long to write it.

I remember one very difficult session. Whit Griswold had written a pretty good piece about self-incrimination, which we know is very much “taking the Fifth.” He’d written a pretty good piece about it in the *New York Times* magazine, but then as the pressures accumulated, the whole faculty was summoned into the Law School auditorium one day and the university counsel, Fritz Wiggin of Wiggin and Dana, a local character, made a speech and said if anybody in the Yale faculty took the Fifth Amendment without being willing to explain it, they’d probably be suspended. Ha! It never happened, as far as I know.

BC: What was the reaction among Yale Law faculty?

RB: Indignation. “Who the hell was he, telling us stuff like that?” Indeed, I was in the middle of this law and insecurity book and I got considerable credit in liberal circles for writing a short piece, which the *ABA Journal* published, to their credit. They said, “Well, we don’t usually publish stuff this controversial,” but it was a short article saying how taking the Fifth Amendment has important historic roots and was an appropriate response and so on. The *ABAJ* published it, good for them, and that was my little measurable blip on the surface of that controversy.

BC: Was there student involvement in the anti-McCarthy era?

RB: Oh, yes, sure. Oh, sure, a lot of opposition. At about that time, around 1950 just when that stuff was really getting going, our local chapter of the American Civil Liberties Union was founded here. They didn’t have many local branches in those days, and that was started. I can’t remember how this happened, but one annual meeting was coming up and somebody buttonholed me on the Cross Campus and said, “Will you be chairman” and I said, “What? Me?”

Anyway, I found myself chairman of the local chapter and then the McCarthy stuff really got going, and we had some fairly heated sessions about that. Then – this is more personal – in 1954, I mounted here physically in the Law School a big weekend program about McCarthyism, and

the then executive director of the ACLU came up for it and apparently was impressed with it and me. So in the following year the American Civil Liberties Union board, which had been a New York group entirely, decided to branch out and put three people on it not from New York, and I was one of them. So I went on the ACLU board in 1955, I think it was, and stayed on for thirty some years. By that time half the board was outside New York. The organization had obviously changed. Anyway, that's irrelevant to the Law School, except that the founding of a local ACLU was one evidence that ties it together. Grant Gilmore was the first local chairman and then I forget just when this was, he had a big falling out with Rostow and he went off to Chicago. That was a major loss because he was already a person of public importance.

BC: Do you know more about that?

RB: Why he went off?

BC: Yes.

RB: I remember trying to have a serious talk about it with him. I said, "Grant, you're not going to like it in Chicago." He said, "Well, perhaps not. Why am I going? Because it's not here." He just couldn't stay here any longer. It was a combination of Rostow and McDougal.

McDougal was really flying high in those days and Rostow was favoring him, was giving him everything he wanted and there came a real crisis in which McDougal—I guess he got it through the appointments committee somehow—proposed to make three of his hangers-on members of the faculty. None of them people we would have considered ordinarily, and Gene was going to try to bull this through. I was aghast, as other people were, and I did something very irregular. Kingman Brewster was then president and I called him up, I said "This is outside of channels, but I've got to talk to you." He said, "Okay, come over to the house and have a sandwich tomorrow at lunch time." So on a beautiful warm day like this, guess it was in the fall, I went to his house and we sat around and had lunch and I just poured my heart out about how these dreadful things were about to happen in the Law School and I said, "I don't

know how much you can do or how much this is ever going to come to you, but for God's sake stop it. None of these people are fit to be on our faculty." Mac of course thought they were great, but they were his disciples. Anyway, then it all sort of fizzled away. I think the appointments were withdrawn and they retained their places. It didn't happen.

BC: But then that was the reason for Gilmore's departure?

RB: In part, yes.

BC: Partly.

RB: Because Gilmore couldn't stand the way Mac was riding high and the way Gene was supporting him, and he didn't get on with Gene, anyway. So it's my not really intimate impression that it was a combination of events that drove him out, and then of course he came back and that was a traumatic thing. After so many years in the wilderness he came back.

BC: Yes. Did you keep in touch with him while he was away?

RB: No. We had never been close, anyway. He was a rather difficult kind of person.

BC: During that time – the 1950s – was there a regular lunch group?

RB: In those days there were two kinds of lunch groups. There was a big round table over in the Cafeteria Commons, and if you went over there you would almost always find a half dozen people at that table. It would expand to eight or nine and if still more came, they'd start another table.

BC: Mostly Law School people?

RB: Yes, all Law School people. The alternative was Mory's, and the people that wanted a drink at lunch went to Mory's sometimes. So Mory's and Commons were the places to eat because the Law School dining room only got going around that time, the early Rostow administration, and then after Gene had been dean a couple of years he created the faculty dining room, which started off fine and then by God, it went absolutely downhill. There were a couple of characters around who were just hopeless stiff people. I won't name them. They're not around anymore, anyway. For myself, I would peak in the door of the faculty dining room and, if those two guys were there having lunch, I went somewhere else.

BC: Oh, dear.

RB: Yes, indeed. Then they faded away and the faculty dining room became the great place and remained so for maybe twenty years, but now it's sort of thinned out. Some days there will only be two or three people down there; some days if it's raining there'll be a dozen, but it's not the central gathering place it used to be. People prefer to go out.

BC: So it was the central gathering place in the 1960s?

RB: Yes, 1960s. 1960s and 1970s.

BC: Speaking of the 1960s, would there have been a lot of talk about the anti-war movement?

RB: Which decade are you in now?

BC: The 1960s and early 1970s.

RB: No, not at the faculty table. Not much. That was mostly a student thing. Then, of course, in the later 1960s when Lou Pollak became dean, succeeding Rostow, everything went to hell in a handboat – or whatever one goes to hell in. A hand car I guess it is. Anyway, those were five miserable years which I know especially well because I was associate dean during that half decade. Lou asked me if I would be associate dean, dean of faculty kind of thing, and I said I would. So he and I held each other's hands and worked very closely together during that terrible five years, because it got worse and worse.

The troubles climaxed in I guess it was 1970 when the whole place was almost shut down by the Black Panther episode and all that kind of thing, but we pulled through it. That same weekend there were the shootings at Kent State or something like that and some more shootings somewhere in Mississippi and students being shot by National Guard. Something like that. I've gotten fuzzy about this. So that was a bleak, black period. I guess I told you, that's when there was the fire in the Law School library stacks.

BC: Yes, you did tell me about that.

RB: Who did that, nobody ever knew.

BC: It would be interesting if you would comment on Yale's labor relations problems.

RB: They've just come on the last twenty years, and I haven't a clue as to why they are so lousy. I just haven't a clue. I've heard various explanations. I know one time the present president was over here and I said, "Columbia seems to get along. Why can't we?" He said, "Oh, that's why I've hired the appropriate guy away from Columbia." What's his name, the vice president for something or other.

BC: Yes...

RB: Hasn't done any good. I never understood the roots or the explanation for those difficulties. There's never been any fervent support for the union in the Law School faculty. Once the white-collar people got organized, it was sort of affectionate feelings toward our secretaries and all that, but only a handful of the faculty at any given time have ever been visibly in support of the union. Last time around four or five of the younger people were.

BC: There may have been more in the 1980s. In the 1984 strike I think there was more faculty involvement than there has been since.

RB: Yes, but here there wasn't much support. It was never very overt here, despite the fact that we still considered ourselves liberal and all that.

BC: Well, the Law School has done a bit better in that regard.

RB: Yes, and then that was also an era when the labor unions generally were declining. There was less federal fervor about unionism. That began back in the early 1980s when the big unions began to shrink and they've been shrinking ever since.

BC: We talked about Kingman Brewster earlier. What was the general feeling about him and his administration and the handling of the anti-war demonstrations?

RB: Well, I was a great admirer of Kingman's, so I'm not a good witness. I really thought he was a remarkable person. We had had bad times with Seymour, as I explained. Bad times with Griswold, because Griswold injected himself too much into Law School affairs and was backed by

Rostow because they were buddies. Then Kingman came along after Whit took sick and died, and then we had several years that were relatively uneventful, but things were heating up. So that I thought he handled all those things admirably, but then as often happens with people in his position, the last three or four years of his presidency he obviously lost interest. He had his eye on something else, such as the ambassadorship or whatever, and he didn't pay much attention those last few years.

BC: Looking at the Law School and the way it runs now and comparing it to what it was like in the 1930s, it must be very, very different to you. The administration is much bigger.

RB: Oh, my God, yes. That's the chief thing that always comes to mind. Why do we have to have such an enormous administration?

BC: The staff is larger in general.

RB: More support staff, that's fine, but that to me is the chief difference in the Law School, the fact that it's become like most educational organizations, bloated with administration. They say, "Well, we've got all these government requirements. We have to do all these things and everybody is busy." I don't believe it for a minute. [tape turned off]

BC: Let's get back to the Goldstein years and beyond.

RB: Goldstein only served five years and then he was succeeded by Harry Wellington, and Harry was just sort of the quintessence of the person who made things run pleasantly and smoothly. The school had plenty of money at that point and appointments were made, generally successful ones, and everything ran along quite well in Harry's deanship.

Meanwhile, of course, the presidency changed. We got along with Kingman all right, but of course we couldn't give him any guff because he had been a law teacher. He could tell perfectly well if somebody was trying to give him a line and so also could Benno Schmidt who had been a law dean. But we managed all right, our relations with both of them.

BC: Giamatti...

RB: Oh, Giamatti. How could I have forgotten Giamatti? That was a somewhat more tempestuous time because poor Bart, he got emotionally

thrown off base by the union. There was a terrible strike in his administration. I remember one day a meeting down at the press, board of governors, and he usually came to those meetings, and the pickets found out that's where he was, and they got out in front of the press and yelled and screamed and carried on and he really lost his cool. But again, aside from the fact that Bart came somewhat unstuck, I think, and then again had this sudden way out, the baseball job and took it, which annoyed a lot of us, including me. I thought it was a hell of a thing for a university president to do. However, nobody asked me.

BC: He was tired out by that time.

RB: Oh, yes, he sure was. Didn't last very long.

BC: I've kept you for a long time, so let's close. This has been so interesting. Thank you for your time and your good memory!

