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BARBARA A. BLACK
PERSONAL HISTORY TRANSCRIPT

Interviewed by Maeva Marcus
October 24, 2012

Barbara: Okay, shoot.

Maeva: You think this will take hours?

Barbara: No, go ahead shoot. It might, it might.

Maeva: You must have a lot to say (laughs). Okay, shall we begin?

Barbara: Let's begin.

Maeva: Today is Wednesday, October 24th, 2012 at four o'clock. And I am Maeva Marcus and I am interviewing Professor Barbara Black, a former president of the ASLH. So, I'm very happy to be here and I'm sure I'm going to learn quite a bit from this interview. And I've had these questions for a long time actually, not only because of this interview but I'd be very interested in knowing about your childhood, what happened, what got you interested in history.

Barbara: Well, I'm a New Yorker. I was born and raised in Brooklyn, part of a large extended family and in my immediate family I have two brothers, both older than I. My father was a lawyer, my mother a homemaker who didn't work outside of the house. I went to Brooklyn Public Schools. I went to Brooklyn College and then I came on to Columbia Law School.

Maeva: So what made you decide on law school?

Barbara: Well, I think I had always, from a very young age, wanted both to be a lawyer and to be a teacher, and eventually, as you see, it occurred to me you could do both of those things. You could combine them and teach law. My brothers both went to law school; my father, as I said, was a lawyer; an uncle was a lawyer: So the influence was there.

Maeva: What did you major in at Brooklyn?

Barbara: Political science. Which, not that it matters, I wouldn't do again. Coming to Columbia Law School I really found a very, very different atmosphere and I used to tell ...

Maeva: Can you tell me what year that was?

Barbara: Yes, I came in September '52. And I used to tell students, when I was Dean and talking to students, I used to say that the law school, Columbia Law School, was an intellectual awakening for me. I was immediately captivated and moved to take studies much more seriously than I ever had before and I loved it, I loved it.

- Maeva: Who were some of the professors?
- Barbara: Well, aside from the one I married ... (laughs)
- Maeva: He was your professor?
- Barbara: He was indeed.
- Maeva: Oh, dear (laughs).
- Barbara: Right. And then people like Herbert Wechsler, Paul Hays, Walter Gelhorn, Elliot Cheatham, Robert Hale, just a whole slew of people. About the only one I missed, because he left the year before I came, was Karl Llewellyn. It was just an extraordinary group here. And it was an amazing experience. And, by the way, we had 18 women in a class of 260.
- Maeva: That's really astonishing I think.
- Barbara: It's astonishing because it's so many.
- Maeva: Right, right.
- Barbara: Yes, right.
- Maeva: My husband had eight and that's in 1962, ten years later.
- Barbara: But the reason is wartime; it was during the Korean War. In the history of women in law school, the number spikes during every war; thus we had 18 women instead of the four or five which was more typical of those times.
- Maeva: Yes.
- Barbara: And six of the eighteen women made Law Review which was very nice ... we loved that.
- Maeva: Yes. Did you have women professors?
- Barbara: No, of course not. Certainly not. As a matter of fact, Karl Llewellyn left Columbia in part because Chicago offered Soia Mentschikoff, his wife, a faculty position, which Columbia would not do. By the way, Chicago did not offer Soia a tenure track position, I have later learned. But nevertheless they gave her a position that she considered acceptable. Now whether Columbia was glad to get rid of Karl for other reasons, that's another story altogether.

So my story is that I got my degree in '55, spent a year at the law school as an Associate in Law, which is Columbia's title for teaching fellow. And so I was a teaching fellow for a year. I was married by this time, and then my husband, Charles Black, had an offer, an irresistible offer from Yale Law School. So, off we tramped to New Haven -- over my dead body, as it were, and as a matter of fact, over his as well. Neither one of us wanted to leave New York. But the offer was great so off we went to New Haven. Where I lived for the next 28 years, having three children along the way, and stepping off the career track to tend to my home and family. When my youngest was three or so, I began to get restless. And I was looking around for something to do when the then Chairman of the Yale history department asked me (at a cocktail party!) whether I'd like to teach a course in legal history.

Maeva: Really?

Barbara: Really. Because just about nobody was teaching legal history at Yale. In the history department, there was only Bill Dunham, giving a seminar in constitutional history, but Bill was just about to retire, and he was somewhat frail.

Maeva: Nobody is now in the history department.

Barbara: No, but not in the law school either at that time. So John Blum, then chairing the history department, asked whether I'd like to do this, and I said to him: "You know I might like to do it but I haven't got the nerve; I know the law, but not the history. In fact history has always been my worst subject." I remember in high school getting a 65 in history; I got a D in history in college and I got a C+ from Julius Goebel, in his infamous course, *The Development of Legal Institutions*, in my first semester here at Columbia Law School.

Maeva: That's no surprise (laughs).

Barbara: But when, after this cocktail party, Charles said to me "Does the prospect of teaching legal history interest you? Would you be interested if you felt you had the history background?" I said, "Yes, I would." Which was odd, given the facts -- after all, my poor record in history courses reflected my dislike of the subject. But when I thought it through, I found it impossible to believe that history could be as boring as I thought it was.

Maeva: Yes.

Barbara: I was convinced that the problem lay in the way in which I'd been taught the subject. It seemed to me that history, on its own, had to be fascinating. So in answer to Charles's query I said, "Yes, you know, I would be interested in teaching legal history if I had the necessary history knowledge." And he said, "Well, why don't you do a degree in history?"

Now, for a number of reasons this suggestion was just perfect: I had three kids, I needed

something to do that was part-time, and graduate work fit that bill; also, since I wanted to teach, and my law degree was a decade old, I needed some current achievement to make me a more marketable commodity: A doctorate in history would help, certainly.

So, in short, I began a degree program in 1965: It took me 10 years — I did after all have those three kids, and, in addition, smack in the middle of those ten years my bed-ridden mother moved in with us, which was (to put it mildly) also time-consuming. So it took me 10 years, but I did get the doctorate. And, by the way, as a graduate student I did quite a lot of teaching in the History Department, both straight history and legal history: These were independent courses and seminars; I was never anyone's teaching assistant. And finally, I became an Assistant Professor of history at Yale for one term.

It was while I held that position that I had an offer from Chicago Law School.

Maeva: This was in the 70s?

Barbara: This was '78.

Maeva: From Gerhardt?

Barbara: I guess so. In any event, what this was all about was that Stanley Katz, the Chicago legal history person, was about to leave for Princeton, and had recommended me as his successor. And so I went out to Chicago and made the rounds, talking to all the usual suspects and giving a talk (on my 17th century research as I recall.)

And then they made the offer. And it was a mighty attractive offer: I was told that on the basis of what I had written they would have given me tenure on the spot, but that since I had never taught in a law school, they wanted me to just give them a year of teaching before awarding me tenure: If the teaching was ok, that would be it.

Now back in New Haven, over the last few years, a number of Yale Deans had asked me whether I'd like to teach in the Law School, that is, would like to be considered for a faculty appointment in the law school. My problem with this was that the Yale Law School was very much Charles's school. He was one of the most distinguished members of that faculty, and in everyone's mind associated with that school. And I had a concern about being viewed as having been taken on at the Yale Law School because I was my husband's wife. I was quite sensitive on that subject. And so I had always said that I did not want to be considered for a faculty appointment until my own credentials were such that no-one would think this a merely nepotistic appointment.

Now, when I got the Chicago offer I felt I had established my own satisfactory

independent credentials. So I said to the then Dean, "I've got an offer from Chicago. And I am prepared to accept it, unless perhaps you want to make me an offer." And, indeed, they did just that: The Yale offer was of an untenured Associate Professorship, with a term of 5 years, and a tenure decision at the end of that term. You'll see that that was not anywhere near as good as the Chicago offer, especially when we consider the fact that the Yale law School was notorious for denying tenure to people widely thought to be tenure-worthy.

The situation was this: Professional considerations dictated going to Chicago, while, on the other hand, personal considerations dictated staying put. While Charles avowed that a move to Chicago was fine with him, and urged me to do what was best for me ("It's your turn", he said) I knew that leaving Yale was going to be a grievous blow to him. Also, though my children were old enough that they were either on their own or shortly to be so, my bedridden mother was with us, and in New Haven she was close enough to other family that they could visit her — not true of Chicago where she'd be quite isolated.

And so what did I do? I did what most women of my generation would have done. I stayed put. Accepted the Yale offer and started a term there in 1979. The personal considerations trumped the professional ones.

Maeva: And at this time, I assume you had written your doctoral dissertation. And what was that?

Barbara: That was a study of the institution known as the Massachusetts General Court, the Great and General Court of Massachusetts. That's an institution that survives to this good day under that name.

Maeva: Okay.

Barbara: But it is now, of course, the legislature. In those days it was an omni-functional institution and my study was of the judicial side of the general court. It brought me into consideration of the constitutional thought of the day, early 17th century, of the way in which politics and religion and other cultural factors were woven into this constitutional/political story. It was an institutional history but everything was implicated, so that it was not only interesting to me then, but continues to be to this day. I never have (yet) published the dissertation, though it's available in various forms.

Maeva: But you did publish articles.

Barbara: I've published articles.

Maeva: I know, I've read them.

- Barbara: And someday, who knows, I may get the book done.
- Maeva: Get down and get the book out.
- Barbara: I've got chapters, you know, half written and so forth.
- Maeva: So what year was this when you started teaching at Yale?
- Barbara: '79.
- Maeva: '79 and did they have any legal history then other than you?
- Barbara: Bob Cover.
- Maeva: Right, Bob Cover. But, if I remember, he was not a real life historian. He taught it but ...
- Barbara: He was not a credentialed historian. He didn't have a degree. But he and I used to teach together. We taught the legal history survey course a few years together. So that's the brief story. Obviously I could go on for the next eight hours but I'm not going to.
- Maeva: Well, but there was more to it because (before we turn to the society) you did leave Yale.
- Barbara: I did leave.
- Maeva: So you have to tell us when, why.
- Barbara: In 1984, well actually I guess I got the offer in '83, Columbia made me a visiting offer. I should say for this interview that New Haven was never my ideal place to live. As I said, I never wanted to move there, and there never was a time when I didn't wish I was still in New York.
- Maeva: We lived there when Danny was at law school and we had two subsequent chances to go back and we didn't.
- Barbara: And you did not.
- Maeva: No, we stayed in Washington even though I'm a New Yorker.
- Barbara: Well, and I'm a New Yorker and that's where I want to be. So here was my chance to get back for a while anyway -- a visit at Columbia. I leaped at the offer and came here in January '84 as a visiting professor. In the meantime my tenure decision was coming up at Yale. So, that spring wore on, with me not knowing whether by May I'd have a

job anywhere at all: I had a tenure decision coming up at Yale and Columbia either was or was not going to make me a permanent offer. And on May 6th of that year I was going to be 51 years old. So I was in a state of some anxiety. And then, in April, I was given tenure at Yale and I received from Columbia the offer to join the faculty as George Welwood Murray Professor of Legal History.

Maeva: That's nice, yes.

Barbara: And so I had a decision to make, or rather, Charles and I had a decision to make. He had only two more years until his retirement at Yale. And although we agonized over the decision I think it was pretty clear really what we were going to do. So we did it. Moved here.

So I began teaching at Columbia as a permanent member of the faculty, newly tenured, on July 1, 1984. And in December 1985 they made me Dean.

Maeva: Hey, I remember that.

Barbara: Yes. Yes.

Maeva: That's quite amazing. You must have made quite an impression on them.

Barbara: Apparently so.

Barbara: Yes. It was quite crazy, really. You couldn't, you couldn't assimilate it and couldn't believe it. A year and a half before I became Dean I had been untenured.

Maeva: An untenured professor. Yes.

Barbara: It was really something.

Maeva: What are your thoughts on that? Who left as Dean? What happened? I don't remember.

Barbara: When I joined the faculty, that is, on the same day that I became a permanent member of the faculty, Benno Schmidt became the Dean at Columbia.

Maeva: Oh, that was ... oh, of course.

Barbara: Shortly thereafter Yale University ...

Maeva: Right.

- Barbara: ... knew that it was going to be without a president (Bart Giamatti was leaving) and started looking around. I would say that Benno was Dean at Columbia for maybe six months before the Yale rumors started flying.
- Maeva: I didn't realize his deanship was so short.
- Barbara: Oh, yes.
- Maeva: Yes?
- Barbara: He was in the deanship technically for almost a year and a half but his mind was not on the deanship for the last year of that year and a half. And this place, was really in something of a dither_ Most of us felt that if the trustees at Yale really did look into it they would select Benno. He had everything going for him. Whether he should accept is another question. I counseled him against it, on the ground that he would not like living in New Haven.
- Maeva: And his wife wouldn't come.
- Barbara: Right. I remember in his office saying, "Benno, you are the quintessential New Yorker, I can't imagine what you think you're doing. Your memories of Yale are the memories of a schoolboy. As a grown-up you will not be happy there." But, of course, he went. And so my colleagues had to, we all had to, come up with a Dean. And the story is that we talked about it at meetings, we talked about it in the halls, we talked about it over lunch, we talked about it over a drink, whatever we were doing, wherever we were, we talked about it. I, of course, assumed I was in on all these discussions. Why not? But it turned out I wasn't. And one day a colleague came to my office and he said, "A bunch of us have been talking about looking for a consensus candidate and we think we've found one." Now I thought I knew who he meant, somebody whose name had been prominent as a possible choice. And I said, "Yes." And I'm sort of nodding my head waiting for him to speak this name and he said, "You."
- Maeva: That's amazing.
- Barbara: And I started to laugh. I went into gales of laughter which of course was beyond rude. I mean, how could you be ruder than that? It was awful of me to do but I couldn't help it. I thought it was the funniest thing I'd ever heard. And he sat there patiently waiting for me to shut up, to stop laughing. And then I started apologizing for this discourtesy, and settled down to serious discussion. And I gathered that there was a lot of support in the faculty for my appointment.

There is some background here: At Columbia, there was a tradition of faculty selecting the dean, although the actual appointment power lies with the university

president. The practice was for a straw poll of the faculty to be taken; such a poll was taken in this case, and I won -- convincingly.

Maeva: That is really quite a story.

Barbara: My name was then presented to the president of the university, one Mike Sovern.

Maeva: Oh, yes.

Barbara: Who had been my classmate at law school. And Mike called me up and said, "The class of '55 strikes again." And that was it.

Maeva: How did you feel? I mean, being the dean of a law school is very different from being a history professor.

Barbara: I'll say. Well, I had very, very mixed feelings about it. I came into this business to be a teacher and scholar. I did not come into it to be an administrator. I had never wanted to be dean. It wasn't something I would have looked for. It wasn't something I felt had the same value. I certainly did not feel about it as the world does feel about it, that it is an upward step. To me it was a detour. And as it turned out, rather a devastating one. Disruptive from the scholarship point of view. And I wondered. I really wondered. This decision Charles and I really did agonize over, I had no idea whether it was the best thing for me personally. But, as I've said to other people, in the end there were three strands of ... I'll start that sentence over again. There were three things that persuaded me to do it that added up to yes. One was ego. It was very flattering.

Maeva: Sure.

Barbara: And not only flattering but gave me a chance to become something of a public figure which I had never, never had the chance to do. I had had a very, very private life. Three kids, various personal difficulties of one kind or another, an invalid bedridden mother who lived with us for 10 years. It didn't leave me much time to step out into the wide world. And this was going to do that.

So that was one consideration. That is there was a lot of possible gratification, personal gratification, in this. Secondly, my colleagues apparently thought they needed me. And I was very fond of my colleagues and of this institution.

Thirdly, was the woman angle. I was going to be, as we finally carefully phrased it, the first woman dean of an Ivy League law school. Or, as many people put it, the first woman dean of a major law school. I figured this would be important. And it was.

- Maeva: It was. Sure.
- Barbara: You know, I had letters from all over the world from women who said, "I was getting discouraged struggling with career and home responsibilities, but I read about you and If you can do it I guess I can too." So those were three strands and knitted together they persuaded me that I should do it. But I was not then or to this good day convinced that it was good for me overall.
- Maeva: You continued to teach didn't you.
- Barbara: No, I didn't.
- Maeva: You didn't teach at all?
- Barbara: Remember that I knew nothing about running a law school.
- Maeva: Oh, I'm sure. Yes.
- Barbara: I mean, contrast my experience with that of my successor, Lance Liebman, who'd been an associate dean at Harvard for years and years. I had never been on an important committee, I'd never chaired a committee until I came here. So for a few months I was on some committees. I had never seen a budget in my life. I had no idea what I was doing and therefore I needed every minute of the day to master the job. This was a huge learning project for me. Absolutely enormous. As I said to somebody, "If the object of the exercise was the education of Barbara Black it was a great success."
- Maeva: It gave you some experience with which to take up the mantel of that big job (laughs) as president of the American Society for Legal History.
- Barbara: Well, they came concurrently.
- Maeva: Well, I remembered, that's why I was saying that. I think this is hilarious (laughs).
- Barbara: Really bizarre.
- Maeva: Were you the first president of the ASLH -- I mean woman?
- Barbara: Oh, sure.
- Maeva: Yes. What year did you become president of ASLH?
- Barbara: '86. In January '86 I went into the dean's office here and became president of the ASLH. Here is the announcement in a newsletter: "Barbara Black has been elected

president of the Society. ASLH April '86."

Maeva: That's truly amazing. What did you think?

Barbara: I don't know that I was thinking in those days. I was just sort of reacting through instinct. It was overwhelming, the whole thing was totally overwhelming.

Maeva: I don't know how you could even think about the Society when you have the law school to content with.

Barbara: Well, part of the secret here, at ASLH, was how small we were.

Maeva: Yes.

Barbara: And how relatively simple it was to be president in 1986.

Maeva: Had you been active before?

Barbara: Yes, I certainly had.

Maeva: Do you remember much about what this Society was doing? In 1986 it hadn't been very active for all that many years. Right?

Barbara: Yes, and I remember back to 1976.

Maeva: That's, I think, my first meeting too.

Barbara: In Philadelphia?

Maeva: Yes, 1976.

Barbara: At the Barclay or whatever the name of that place is.

Maeva: Yes, at Rittenhouse Square.

Barbara: Yes.

Maeva: Yes, that was my first meeting too. So that's when you came also.

Barbara: In '76 I was a graduate student.

Maeva: And I had just gotten my degree which took me, by the way, 13 years. So, worse off than you.

- Barbara: Wait a minute, I had just gotten my degree too. I take it back, I was not still a graduate student.
- Maeva: Okay.
- Barbara: So, December '75 I got the degree. I was, in fact, an assistant professor of history at Yale.
- Maeva: Uh huh.
- Barbara: At Yale -- as was John Beckerman, then an active member of the Society.
- Maeva: I remember him.
- Barbara: Yes. And John Beckerman and Bruce Mann, our current president and I set off from New Haven in somebody's car, I can't remember whose, and drove to Philadelphia and went to that meeting, and it was my first meeting. I think there's as well. I'm pretty sure. Now, Bruce Mann, at this point, had been my fellow graduate student, and my student; I sat on his orals committee, he took legal history seminars with me, and he was my teaching assistant.
- Maeva: Oh.
- Barbara: We were very close and John was also a very good friend and still is. I mean they both still are. But, Joe Smith was president of the Society, wasn't he back then?
- Maeva: I have a hard time remembering.
- Barbara: Well, we can look this up.
- Maeva: We can look it up but I don't remember who was president in 1976. It was all so new to me. I had never been to any kind of meeting.
- Barbara: Neither had I.
- Maeva: And I don't know what possessed me to go to that one particularly except that Philadelphia was close.
- Barbara: Yes.
- Maeva: To Washington.
- Barbara: But you remember how small we were?

- Maeva: Tiny. I remember the few people I met.
- Barbara: Stan Katz was there.
- Maeva: Stan Katz, Jamal Zanalidin, Ray Solomon, a few people I knew. But I can't remember anything else that happened.
- Barbara: I remember meeting Joe Smith. I'm pretty sure he was president. I'm almost certain. And I remember meeting him because he and I had just published in the same volume, a bicentennial volume of Pennsylvania Law Review. And I remember him looking at me oddly as he said, "I read your article." That's all he said.
- Maeva: That was it?
- Barbara: That was it.
- Maeva: That's all he said.
- Barbara: Yes. But Joe Smith was one of the world's loveliest people.
- Maeva: Oh, that's nice. I never met him.
- Barbara: He was just a complete sweetheart. A lovely, lovely, good man. Really nice.
- Maeva: So in those 10 years between '76 and the time you became president ...
- Barbara: I was on the board of directors.
- Maeva: You were on the board of directors.
- Barbara: Yes.
- Maeva: So, you sort of knew what was going ...
- Barbara: Oh, yes. I was quite active in the Society.
- Maeva: Do you know anything about the Society before 1976?
- Barbara: Not really, no.
- Maeva: I didn't either.
- Barbara: Now people like Stanley will be able to ...

- Maeva: Yes, he remembers and he was active.
- Barbara: Yes.
- Maeva: Yes.
- Barbara: And who else was in the early days? Anyway, there are some people who were there.
- Maeva: Erwin Surrency.
- Barbara: Yes, people who were there from the beginning will remember. But I pick up in '76 and I know nothing about it before then.
- Maeva: Do you remember when you were on the board of directors, what the issues were in those years at all?
- Barbara: I can tell you, let me see if I can find ... I have a couple of the newsletters here from '85 and '86. Aside from listing who was elected. "Among the points made by the immediate past president, Morris S. Arnold ..."
- Maeva: Oh, Buzz Arnold.
- Barbara: I took over from Buzz.
- Maeva: You took over from Buzz?
- Barbara: "... in his fourth and final state of the society address in New Orleans were the following, 'Four years ago,' said Buzz, 'We were a good deal smaller operation than we are today.' So by '86 we were thinking that we were fairly ...
- Maeva: Getting bigger.
- Barbara: Yes. "We had," this would have been in '82, "counting all our membership categories, about 690 members then as compared with close to 1400 members today." Today being '86.
- Maeva: That's actually a lot because I believe that during my presidency the number was more like a thousand.
- Barbara: Including libraries and everything?
- Maeva: You think maybe it was a thousand individual members plus libraries?

- Barbara: I think, yes, I'll bet. Well, all these things can be checked. "As our membership doubled so also did the burden of administration and create significantly on your offices and particularly on your secretary." So then Buzz reports a dues increase. So that's always been an issue.
- Maeva: Always, yes.
- Barbara: "But the financial affairs are okay. Four years ago the general fund balance stood at a little more than \$23,000. Today ('86) it is about \$44,000."
- Maeva: That's amazing.
- Barbara: "Originally the modest publication fund named for Joe Smith stood at \$5,000 four years ago. Today it contains almost \$20,000. In 1979, by the way, this fund had only \$2,940 in it so we have here the example of the magic of capitalism." That's Buzz.
- Maeva: (laughs)
- Barbara: The issues tended to revolve around dues, around publications. North Carolina Press we were, it says here, with North Carolina Press.
- Maeva: So that had happened already because North Carolina was not the first publisher of the Legal History Series. I think it was Harper.
- Barbara: Well this talks about a fixed annual payment from the university.
- Maeva: Okay, so they had already changed that.
- Barbara: "North Carolina Press ... in a 1982 resolution directed that the interest from these monies be used to subsidize the publication of scholarly books on legal history." Subvention, of course, has always been a question.
- Maeva: Always.
- Barbara: These were issues way back then. Yes. "Jim Ely, Craig Joyce," he's naming people who have been or will in the future be good citizens and helpful. Then he turned to the future. He said there was a suggestion that we have a general business meeting of the membership at every annual meeting. That was an issue.
- Maeva: Oh, that was interesting.
- Barbara: That was an issue.

- Maeva: Did they have the Saturday lunch?
- Barbara: Yes, we did have the Saturday lunch ... "Speaking of what other similar groups do I think it is time that we seriously think about publishing an annual report that contains among other things a financial statement." So when I say things were simpler back then, note that we were not even publishing a financial statement. I mean, really, and this wasn't even the beginning. This was sort of mid-way along.
- Maeva: Yes, 10 years after it got started in earnest maybe.
- Barbara: Right, so those were the kinds of issues that arose, you know.
- Maeva: And at that time when you became president was the American Journal of Legal History still The Journal?
- Barbara: No, we had moved on and were now publishing The Law and History Review. That was published jointly on a semi-annual basis by the Cornell Law School and The Society, and the first issue is Spring, 1983, during Buzz's term.
- Barbara: Right. Now I'm reading some materials from 1986, and after thanks to all the editors of the Review, they are congratulating Stan Katz for becoming president of the ACLS, and Charles Cullen who became president of the Newberry Library.
- Maeva: Oh, Charles Cullen, yes.
- Barbara: Congratulations to Barbara Black, elected Dean of Columbia Law School, and to Morris Arnold on his appointment last December as a Federal judge for the western district of Arkansas. Arthur Hoag died. This is noted in this particular newsletter. So you know, the newsletters are a source of ... an enormously valuable source of information about the history of the Society.
- Maeva: Right and I think Craig Joyce is trying to collect a copy of every one so we have all of this on record.
- Barbara: Right. Here's a newsletter from '85, a year before, and we met in New Orleans in '85. And that's where my nomination among others was announced. Or I guess my election must have been announced in '85.
- Now what interested me about these newsletters, and I have some old programs, all of which I'll be happy to turn over to Craig. For example, a 1984 program when we met in Newark.
- Maeva: Oh, who could forget that?

(laughing)

Barbara: I'll talk about that in a minute (laughs). What interested me about these old programs was that Thursday we had nothing but a reception and then there used to be the board meeting ...

Maeva: At night, and still.

Barbara: Thursday night. Friday at each session there were only two concurrent panels. Now how many do we run?

Maeva: We have four and on occasion they try to get five. I mean, the difference between then and now is enormous and I guess your presidency was still then. You still had two probably.

Barbara: Yes, definitely. It's interesting to look at it because it looks so sort of sparse.

Maeva: Right, but it made life easier.

Barbara: It certainly did.

Maeva: If you were in American legal history you went to one, if you did the rest of world you went to the other and that was that.

Barbara: That's right.

Maeva: 'You didn't have to make any choices in those days.

Barbara: Now, about choosing locations for meetings, still, I know, a difficult matter, I was on the board when we decided to go to Newark, because I remember the discussion on the board and people were sort of hooting and hollering about it and I don't see myself on the board here in 1984. But I certainly was ...

Maeva: In 1984, but it was probably before because you have to make the decision way before.

Barbara: Yes, exactly.

Maeva: Yes, several years in advance.

Barbara: And I remember when the suggestion was made and the place sort of broke out and it was an uproar and everybody said, "Newark!" Newark in those days was uninhabitable practically. And, of course, when we got to Newark, sure enough we were warned not to go out of the hotel and it was ... (laughs).

- Maeva: I did research with a colleague of mine at the New Jersey Historical Society in Newark in those years and we were told we could park our car within their little compound, it was really just a building, and that we were not to go out to lunch. We were not to walk anywhere near there. Right?
- Barbara: That's what they told us at the ASLH meeting.
- Maeva: We got the same message.
- Barbara: Right. Goodness.
- Maeva: It was awful.
- Barbara: Well, it gave us a good joke. Some of us are still laughing when we think of that. Now even back then we had the practice of having some distinguished person give a plenary address.
- Maeva: Which we still do.
- Barbara: We didn't call it plenary but that's what it was.
- Maeva: That's what it was, yes.
- Barbara: And in 1984, which is the earliest program I happen to have in my files, it was John Reid and Sue Ann Walker(?). I remember that John spoke because John is John and wonderful to listen to. And he gave a spirited defense of traditional history, with many a jibe at such newfangled approaches as Critical Legal Studies, and it was a very interesting and provocative talk.
- Maeva: Well, I have a question for you. Was it then the custom for the incumbent president to choose the plenary speaker or did others choose the plenary speaker?
- Barbara: I think the president did it. I think it was the president maybe with the executive committee or the ...
- Maeva: Well, you could seek advice ...
- Barbara: Yes, in general.
- Maeva: But it was the president's ... I know it's now the president's choice.
- Barbara: I think it always was.

Maeva: Yes. Yes, so in your tenure do you remember whom you chose?

Barbara: Well, Morty Horwitz was one of them.

Maeva: Yes?

Barbara: Yes. When we went to Toronto in '86. Toronto, of course, has a story behind it.

Maeva: Oh, tell us.

Barbara: It's not a serious story but it's colorful if nothing else. First of all, you have to understand that for several years, I think four years, I believe it was four years, everywhere that we held our meeting the baseball team of that city won the World Series.

Maeva: Okay, I remember going to your room, your suite, to watch.

Barbara: Ah, well, that was ... we're coming to that.

Maeva: We're coming to that. Okay.

Barbara: I remember being in St. Louis when ...

Maeva: That's right.

Barbara: When we were for example in St. Louis, the Cardinals won the World Series and on the day we arrived there were parades and such. The stadium was right next to our hotel; you could look into the ball field from my hotel room. But in any case, this went on for I think it was four years: Philadelphia, Los Angeles, St. Louis, Baltimore ... I think we were at every one of them the year their team won the World Series.

And after this experience, when I was president I brought this up at the board meeting and I said, "I think we could market ourselves. I believe that baseball teams would pay to get us to their city." Everybody laughed but I was perfectly serious. I couldn't get them take me seriously. I meant every word I said. Anyway.

Maeva: Well, not only that they changed the meetings dates to November when there's no more baseball.

Barbara: Right. But that came later.

Maeva: Yes, that came later.

Barbara: So, in '86 we met in Toronto and the World Series was on and on the Saturday when I

got up to give my State of the Society address, after I finished with all the business, I said to the assemblage, "You are all invited to the president's suite to watch the penultimate game of the World Series." And I got booed by all the Red Sox fans. And here is why: This World Series was between the Mets and the Red Sox; The Red Sox were leading the series three games to two. Thus the Red Sox fans hoped and expected that the next game, the one that I was inviting everyone to, was going to be the ultimate, not the penultimate, game. But I was a Mets fan. So I called it the penultimate, thereby saying we're going to beat you tonight.

Maeva: We'll have another game.

Barbara: Yes. And so the Red Sox fans all booed me.

Maeva: Right.

Barbara: Well, about 50 people showed up in my hotel suite to watch the game that evening. They were mostly Red Sox fans. And we had a fabulous time; we made so much noise, it was such a riotous gathering, that twice I got calls from the management saying, "Could you please keep it down?" At one point I said to everybody there I said, "Hey, they're asking us to be quiet again." And somebody yelled out, "Ah, they're just Canadians; what do they know?"

So anyway, we're watching and we're watching and we get to the very last minutes and the Red Sox are leading and I said to a friend, a Red Sox fan, I said to her, "You're going to win," or "You've won it,". And she said, "No we haven't won it yet." And I said, "There isn't time for the Mets to pull this out." And she said, "The Red Sox, there's always time for them to break your heart." And as she spoke those words the ball went through the legs of Bill Buckner at first and the Mets won. And of course went on to win the Series.

Maeva: Yes.

Barbara: As you know we went back to Toronto in the 90s. Something like '99 and everybody who had been there in '86 came up to me and said, "Do you remember that evening and that ballgame." I mean it turned into such a good memory for everybody. So that's an anecdote that ...

Maeva: Right. Don't remember any legal history but we'll never forget baseball.

Barbara: Right. Now the other thing that should be of interest is that here in New York and New Jersey and Connecticut along the eastern seaboard a group of us put together -- again in 1985 or thereabouts -- something we called the Middle Atlantic Branch of the American Society for Legal History.

- Maeva: Oh.
- Barbara: And we met a few times.
- Maeva: Um.
- Barbara: And we had speakers. I can't say I remember who they were but I do have some papers that refer back to meetings of the Middle Atlantic Branch ... which may be an idea that people would like to pick up now.
- Maeva: You know what I would just guess, the difference was that back then law schools were not doing as much legal history as they are now. Now you have so many venues where you can give talks.
- Barbara: That's true.
- Maeva: It's very different because you're invited to do a workshop at so many different law schools whereas in those days if you wanted to talk to colleagues there wasn't really a place to do it.
- Barbara: Yes.
- Maeva: And that may have been, I mean, I assume that's sort of why the Society started in the first place.
- Barbara: Right, right.
- Maeva: And this may be the reason that New York, New Jersey, Connecticut wanted another opportunity to talk. Now there's so many workshops for multiple ...
- Barbara: That is right.
- Maeva: groups of people.
- Barbara: That is right.
- Maeva: And you see them if you look at the legal history blog, they're constantly reporting on who's going to speak where.
- Barbara: Right. So here at Columbia we have some of the younger faculty interested in legal history get together and bring in people to speak, and I guess each school does some of this.
- Maeva: I think so. So, when you were president, Buzz Arnold who was the former president, was a

judge. Was he helpful to you? Did you ever call him?

Barbara: Oh, yes. Sure, and Buzz came to meetings.

Maeva: Yes.

Barbara: Even after he was on the bench. Yes. He was very helpful. He was also very funny.

Maeva: Yes, he's very funny.

Barbara: We used to have a very good time, and ...

Maeva: So whom did you rely on among the Society members when you were president?

Barbara: Well, of course there were lots of them but there were first of all the officers who came in with me. Tom Greene was vice president, I have a letter from Tom and some other documentation. Tom made it clear when he was appointed vice president that he did not want to be president. It was interesting.

Maeva: Really?

Barbara: Yes. He took it only on condition that it not lead to the presidency.

Maeva: But then he did become president eventually.

Barbara: Much later. Yes.

Maeva: Because now it's just a president and a president elect. I guess the by-laws were changed.

Barbara: Yes, must have been.

Maeva: Yes.

Barbara: So, Tom I relied on. The secretary was Lynn Hogue who was terrific and of course the treasurer was Craig Joyce, who was and is sort of uniquely, uniquely a great citizen of the Society. You know, you can depend on him for anything and everything and he'll do it. He'll do it all.

I also have a letter from Tom Greene saying that he thought he shouldn't be both vice president and a chairman of the publications committee. And I'm not sure what ...

Maeva: Well, we had a similar issue just a few ... Bruce Mann became president-elect and was chair of the Publications Committee.

- Barbara: Right, right. That's interesting. I didn't realize that that had sort of replicated. Let's see, what else.
- Maeva: Well, do you remember what you had to do as president? I mean, you were very busy being Dean.
- Barbara: I sure was.
- Maeva: Did you have any duties that, you know, you had to perform as president other than prepare for the annual meeting?
- Barbara: Well only, I guess this goes under the heading of preparing for the annual meeting, but of course I had to be aware of what all the other officers were doing.
- Maeva: Right.
- Barbara: So, I was in contact with Lynn and with Craig and with Tom and so forth. Issues must have arisen, I can't remember any offhand. Except, of course, speaking of the annual meeting — the time when there was an earthquake.
- Maeva: That was your presidency, 1989, in San Francisco.
- Barbara: That's right.
- Maeva: Right.
- Barbara: That was fun.
- Maeva: I remember it well. Like the night before, right?
- Barbara: Yes.
- Maeva: Yes.
- Barbara: That really was something. Of course the main story is the people who were injured or killed, but it did present a real difficulty for us; people were making travel plans. We weren't the only ones obviously but we were frantic and as you may recall we wound up in Atlanta.
- Maeva: Atlanta. In February of '90 something, some weird time, it was a big storm, I remember.
- Barbara: It was a huge electric storm. I was in the presidential suite in the Atlanta hotel, on, I believe the 45th floor, way up at the top of the hotel. The hotel I think was kind of cylindrical.

- Maeva: I remember.
- Barbara: And on Saturday we had an incredible electrical storm with amazingly fierce winds and I had to stay in my suite because I had to give the presidential address to the Society at lunch time and of course I'd left writing it to the last minute. So I was sitting there scribbling away and the building was swaying back and forth and the lightening was flashing and the thunder was crashing. I was quite sure the end was in sight. But I did finally finish the speech, and started down in the elevator; those elevators were the kind that are glass all around, you know.
- Maeva: Oh, that you could see out of, yes.
- Barbara: Yes, and just a little way down it suddenly stopped dead between floors. Horrifying. It was quite a morning, all in all.
- Maeva: Do you also remember when you were president, I know one of the duties was to appoint all the members of committees, and I'm guessing that in the '80s there were not as many committees as there are now.
- Barbara: Right. I'll get back to that in a second, but I just want to note that I have a letter here from Sue Sheridan Walker, talking about a conference on British legal manuscripts and referring to a \$500 donation from the Society. "The \$500 donation from the society was crucial in our coming out with a balanced budget."
- Maeva: Isn't that nice
- Barbara: \$500 in those days was a lot of money to us. But my point is that there were a number of small things like that going on within the society that it is going to take collective memory to dredge up — assisted by whatever in the way of archives, or documents, we can gather up.
- Maeva: Yes. And you should give all your papers dealing with the Society to Craig.
- Barbara: I'm going to, I'm going to.
- Maeva: You know, one of the things is so much is now done by email. I don't have papers like you do.
- Barbara: Well, you need to save them.
- Maeva: I don't save the emails, I don't print them.
- Barbara: I save emails but ...

Maeva: I mean I saved them when I needed them. (laughs)

Barbara: Here's a letter from Lawrence Freidman.

Maeva: yes?

Barbara: "Just a note to say I plan not to attend the New Orleans meeting." So that's '85. "I sent Buzz a report as chair of publications, my eighth and final report. Soon after the meeting we should be in touch assuming we get elected to talk about ALSH matters."

Maeva: Did Lawrence follow you?

Barbara: Yes, he did follow me. He became president in 1990.

Maeva: Well, here is a question for you then. You may remember that it was during Lawrence Friedman's term that the Society switched from two terms for the president to one term?

Barbara: That's right.

Maeva: So, during your presidency was there agitation for that kind of thing? They must have passed a by-law.

Barbara: I think, although I have no actual recollection of it, there must have been, and what I do recall is that there were always issues of that kind. There was during those years a feeling, among a number of members, that the Society was being run undemocratically, that there was a kind of oligarchy in place, a ruling clique, who perpetuated their own kind in office by means of undemocratic procedures. I think that my being made president didn't help because it was yet another selection of someone from an elite law school, and someone, to boot, whose credentials were not as impressive as those of many other society members who, it was felt, were being unfairly overlooked — remember that, old as I was, I was a relatively junior scholar then. Probably my being a woman did help — at least the rebellion, when it came, had Lawrence rather than me as its target.

Maeva: Lawrence will probably talk about it when he's interviewed. What happened came to pass during his two years and I think he was quite shocked by it.

Barbara: Here is something about the balloting when Lawrence was elected with actual figures.

Maeva: It seems to me more people voted then.

Barbara: Is that right?

- Maeva: Well, I remember one election recently, it was very few people. And we have more members now.
- Barbara: You mean 150 ...
- Maeva: Was a lot.
- Barbara: Is still a lot?
- Maeva: I think so.
- Barbara: Oh, my goodness.
- Maeva: I wouldn't swear to it. I don't see the votes but that seems to be a good return. So during the time...
- Barbara: Well, we have local arrangements committee, this is '89, the last year I was president. "Approval of minutes. Local Arrangements, Program, Committee on Conferences, and the Annual Meeting, Nominating Committee, Committee on Honors, Committee on the Surrency Prize, Sutherland Prize, Documentary Preservation, Newsletter. Secretary report, treasurer's report, Membership Committee, Publications Committee and several ...
- Maeva: We have many more reports now. You probably haven't been to an executive, uh, a board of directors meeting.
- Barbara: Not lately, no.
- Maeva: But there are so many committee reports.
- Barbara: Well, I think it would be interesting to, I mean these documents give a basis for comparison that somebody can do on it. I'm not necessarily the person to do it.
- Maeva: I have another question about, um, the time that you were president. You may or may not remember. Were the individual members of the Society mainly from law schools or history departments? Do you ...?
- Barbara: I have documents on that very thing.
- Maeva: Oh.
- Barbara: If I can find them. I can't find them now. I believe we were mainly law school but not, but not ... not by much. I mean, I think the law school people they were more numerous, but there were plenty of history people. And somewhere, I will find it at some point and show it

to you. Um, again, Craig can look at all these documents and make whatever he will out of them.

Maeva: Do you remember any discussion at the time of, you know, of why there are law professors and not more historians or ... trying to get more history departments to do more legal history.

Barbara: Well I remember, I don't remember any particular, uh, discussion but I remember that one of the topics for discussion was always, "How do we expand the membership." So under that broad rubric you get any number of "What about history departments, what about graduate students, how do we get younger people.

Maeva: Yes.

Barbara: I mean, these are continuing discussions that the Society, I presume, still has.

Maeva: Still, yes.

Barbara: Yeah. So, that and as I say, I have no memory of any particular one.

Barbara: I do have some documents that bear on this whole issue of democratizing. There's a letter in here that I was trying to find from Jon Lurie complaining about something.

Maeva: Okay, that hasn't changed either, Barbara.

Barbara: Here's a confidential note from Charlie Donahue, February 1985. "Since my memorandum I spoke in ..." "I also received a letter from Jonathan Lurie who asked to be included in the committee's deliberations. This is a question of whom to nominate." "The letter is enclosed with his permission and I believe it speaks for itself. There's much he says that I agree with," and so forth. And this is the memorandum in which Charlie is suggesting me, Tom Greene, Lynn Hogue and Craig Joyce and a bunch of directors.

Barbara: Now, here's a ballot. "I favor a contested election for vice-president: Yes or No." A basic question was always whether elections should be contested, whether there should be competition. It was always raised by somebody, often by Jon Lurie. And here's the letter from Jon which I am not going to read because I really don't know what the privacy issues are on this. I'm going to leave it to Craig to worry about.

Maeva: To worry about it. But it is interesting, I mean, there's always been a group like that. I have to say that in the years, you know, my most recent six years as an officer and member of the board, that has not come up again. But I think Kermit Hall was very active in trying to democratize the Society.

- Barbara: Oh, yes, that does ring a bell. He was.
- Maeva: And I was on the board of directors at some point, I do not remember just when, in those years.
- Barbara: Um hmm.
- Maeva: And I remember discussions about what should be done. I remember Harry Schieber was on the board and Kermit would be there and I just don't remember what years.
- Barbara: Well, you know I have
- Maeva: I know that the one-term presidency was definitely the result of some of that conversation.
- Barbara: Right, right.
- Maeva: But I think I remember people urging rotation in committee membership. That people shouldn't be members of committees for 20 years.
- Barbara: Right, yes.
- Maeva: Now when they instituted the term business, I don't remember. Now you see when a person has been appointed.
- Barbara: Yes
- Maeva: I don't think you have that in the old list of committee members. I think that's more recent.
- Barbara: We can look at 1985. Here's the board of directors ...
- Maeva: Well, that was always a three-year term, right?
- Barbara: Yeah. That does have dates. Uh, committee members do not have dates.
- Maeva: Right.
- Barbara: Although Society appointees on the Littleton Griswold Fund Committee, the AHA committee, does have dates.
- Maeva: Well, see that's interesting. You appointed somebody? Because in my time the AHA chose a historian. You know, a legal historian to be on the committee, we didn't send anybody.
- Barbara: I think we sent people.

- Maeva: Because when I was, I was chair of that committee one year and I don't remember what year it was, appointed by the AHA. And the other people on the committee were also appointed by the AHA and it was sort of the person who had seniority was the chair. You know, it rotated because of the AHA. It had nothing to do with us.
- Barbara: Well, to the extent that my recollection is worth anything, which it probably isn't, I think we appointed the ...
- Maeva: You appointed somebody.
- Barbara: Yes, I do believe so.
- Maeva: Well, that's changed.
- Barbara: I imagine Craig would remember. Let's see, let's just take a look at 1999, to see if there's a difference in the wording. Um. Now you see here in 1999, it says nothing about ...
- Maeva: Dates.
- Barbara: Littleton Griswold.
- Maeva: Nothing, so that left it ...
- Barbara: Nothing at all.
- Maeva: Right, so that must have changed at some point.
- Barbara: So that's when we stopped appointing. In my day we did appoint people.
- Maeva: You did appoint. So in the '90s it must have stopped.
- Barbara: Right. Right.
- Maeva: Because, I think the only ... the only organization to which we appoint a delegate is the ACLS now. I don't remember that we appoint anybody to anything else, any other organization.
- Barbara: I think that most of the factual details are going to come out of the documents. I've got all of these programs. I'm sure by the time we collect what everybody has we'll have a full set. Somebody probably has it. Craig probably has a full set.
- Maeva: Craig does, yes.
- Barbara: But what I think we can offer beyond those particulars is a sense of what the Society was

like and how important it was to people like me. And I wouldn't want this ...

Maeva: To me too.

Barbara: Yes. I wouldn't want this to be neglected, this point not to be made. To be a legal historian either in a law school or in a history department ...

Maeva: I was not in an academic institution.

Barbara: ... is to feel oneself on the periphery. And the same if one is not in an academic institution.

Maeva: Yes.

Barbara: I used to say that my law school colleagues respected and admired what I did but they did not know why I was doing it. They didn't understand why I did it. And to get together with these ASLH people, particularly as small a group as it was, as intimate a setting as it was, to get together with these people to whom one did not have to explain oneself – you never had the feeling that, you know, they think you're wonderful but what are earth are you doing — was just wonderful. Everybody was doing the same thing. We were all there with a common interest and a common passion, and a common project. It was amazing. It was simply amazing.

Maeva: I bet your good friends are from the Legal History Society as mine are.

Barbara: Yes. It was simply amazing. And I have never felt that way about other organizations, to some extent because they tend to be too big, and, you know, you feel like you're wandering around in a mob scene. But ASLH had, for me, and I know it's true of a lot of people, this Society had a kind of importance, kind of a role in my life, that really should be part of the picture if you're looking at the history of this.

Maeva: Yes, and I hope that it continues to be. I know I urge graduate students to come to the meetings and I think it's why so many members care about bringing ...

Barbara: Yes.

Maeva: ... graduate students to the meetings.

Barbara: Right.

Maeva: Because we remember how important the Society was to us.

Barbara: Right.

- Maeva: And it's just a wonderful network of people and it's still relatively small even though it is much larger now.
- Barbara: It's still relatively small.
- Maeva: It's still very small and you get to know a lot of people and you talk, if you're a graduate student, you get to talk to professors which you don't very often ...
- Barbara: That's right.
- Maeva: at the big historical organizations or the AALS, or whatever.
- Barbara: Right, right.
- Maeva: And related to that what do you think the changes have been in the field of legal history? Because it's clearly different from when you and I started.
- Barbara: The change? Well, aside from simply the proliferation ...
- Maeva: Yes, and the greater interest but, again, it's a very strange thing to my mind. There's a huge amount of scholarship now in legal history.
- Barbara: That is right. Yes.
- Maeva: Which may be reflected in law schools, you know, classes in law schools, although with the lack of jobs and the changes going on in law schools now, that may change too.
- Barbara: It may indeed.
- Maeva: But for the last 10 years or so certainly legal history has done very well. Right?
- Barbara: Oh, yes. Oh, yes.
- Maeva: In law schools. It has not done very well in the history departments.
- Barbara: In the history departments. Isn't that interesting.
- Maeva: Even though there are lots of scholarships.
- Barbara: It's interesting, yes.
- Maeva: And ...

- Barbara: I think if we go back a step, we should take note of the fact that more and more the holding of both degrees has moved toward becoming an absolute requirement. (Parenthetically, I'll mention that I think I must have been one of the first in the field to have both degrees.) To the extent that most people entering the field now have both degrees, they have different life choices.
- Maeva: Oh, yes.
- Barbara: And if you can choose to teach in a law school or in a history department, you will take note of the fact that in the law school you will be better paid and have better perks. I mean, how many people ... I know very few people with both degrees who've opted for a history department.
- Maeva: That's right.
- Barbara: Very few.
- Maeva: There are a few. We know them. But what's terrible about that is that if all of the dual degree people end up in law school they're not teaching graduate students.
- Barbara: That's right.
- Maeva: And where is the next generation of legal history graduate students?
- Barbara: Well, the problem is, it may be, intractable because when you tell a young person you can have a job at the Columbia Law School or in the Columbia History Department, and that young person takes a look at the conditions of employment in the two places, it's not a hell of a hard choice to make. Now, if history departments were able to sort of chip in a little bit and make joint appointments that's seems to me where the solution is.
- Maeva: Yes, I think ... well, we know that at Yale, people teach in the History and Political Science Department. At Harvard they do that.
- Barbara: Yes.
- Maeva: It's one course but it's something.
- Barbara: Yes.
- Maeva: But there are so many history departments where there is no kind of legal or constitutional history at all.

- Barbara: Right.
- Maeva: They never come in contact with it.
- Barbara: Do they at least list the law school courses?
- Maeva: No, I don't think so.
- Barbara: In some schools, graduate students do take law courses — I've had grad students in my law courses — and some law faculty do sit on dissertation committees. But it's all quite sketchy, at least to my knowledge — which isn't really current.
- Maeva: I think, I wonder if this is something the Society should take an interest in ...
- Barbara: I should think so.
- Maeva: somehow cultivating history departments. I mean we cultivate historians in the sense that we are reaching out to people to be on the programs.
- Barbara: Right.
- Maeva: Our program is very interdisciplinary and we get a wide array of people. It's very different from your era.
- Barbara: Right.
- Maeva: But it's not reflective really of what's going on on individual campuses.
- Barbara: Well, that's an enormous challenge but it seems to me that if anybody's going to take it up it should be the Society. I mean, where else. If we don't do it who's going to do it?
- Maeva: I know it is something to think about.
- Barbara: Yes.
- Maeva: For the future.
- Barbara: Have there been discussions?
- Maeva: Not really. I mean maybe, but certainly not ...
- Barbara: Of course, in my day when I was president we were as you say we were so modest in size. We were modest in finances. We were modest in our ambitions. We just ... this kind of thing would

never have occurred to anybody. We just weren't at that stage at all. I mean I still think it's funny that Buzz had to say we should have a financial statement. You know, it's unthinkable that ...

Maeva: It is. Yes. It certainly has changed in that sense and we are supporting, we the Society, are supporting, so many different kinds of activities. Encouraging graduate students at conferences and all sorts of things, which I think is very important. But I also think that there's more that can be done. I mean I ... it should have been ... at least be in some ways.

The rest of this thing, Craig wants to know just in general, about the Society. Do you remember, you know, who you would consider some of the most important people in the Society in the years that you were active?

Barbara: Oh, that's a loaded question, isn't it? Who am I going to leave out?

Maeva: Right. Oh, we won't hold it against you.

Barbara: Yes. There were some people who were obviously more active than others. Well, as I said, I came in at a time when Joe Smith was president and you know, I sort of, he was kind of a distant figure to me. Little did I know that one day I'd be occupying the Professorship that he had. Stanley, I think, has to be counted one of the most active and significant and not only distinguished but influential people in the society. And many of the people we've mentioned already. You know Morty Horwitz came to give the plenary talk in Toronto. Well, Morty, of course, was stirring up the water of scholarship at this point as a founding member of Critical Legal Studies, and that whole movement was taking off. And I distinctly remember that when John Reid gave that talk that I mentioned, I don't think he mentioned Morty or the Crits by name but it was all aimed at them. Lawrence has always been a central figure, continues to be so.

Maeva: Lawrence Friedman.

Barbara: Lawrence Freidman.

Maeva: Who's still going strong, right?

Barbara: Still going strong.

Maeva: At Stanford. Yes.

Barbara: Right. Of course, if you're going to ask me a question like that my mind is going to shut down and I'm not going to be able to think of a single person. I mean there were so many, many people. Tom Greene was at the very center of things. But it's too late in the day. I can't think of names. Names are impossible at any time. At this point I'm not able to think. How about possibly picking up tomorrow just for an

hour over a cup of coffee or something and I'll do a little thinking in advance. 'And I'll also think of whether there's any other point.

Maeva: That we should talk about.

Barbara: Yes. Like that point I made about how important the Society has been to so many of us. There may be other things that come to me.

Maeva: Okay.

Barbara: Okay?

Maeva: Sure, we could meet tomorrow.

Barbara: Because now we should go have dinner.

Maeva: Right. Well, thank you, Barbara.

Barbara: Thank you.

Maeva: This has been very long, and we will continue this tomorrow.

(NEXT DAY)

Barbara: Okay.

Maeva: Maybe we should note on the interview that are going to produce this letter of intent.

Barbara: I am definitely.

Maeva: Right.

Barbara: My intent is to sign the letter of intent, and it's my awkwardness with technology that's prevented me from doing so thus far. Okay.

Maeva: Okay, so we got that. That's good, and now we are continuing the interview on Thursday morning, October 25th at 11 a.m., and Barbara has had a whole night to think about all of the things that she forgot to say yesterday.

Barbara: Right.

Maeva: So she's going to talk about things now.

Barbara: Well, I think I'm a lot better in the morning than at 4:00 in the afternoon when the slim vestige of memory that I have is gone, but anyway, what I have done in the interim is to think of so many, many people who were active in the early, what I consider the early days, namely what were for me the most active years. That is the years of my presidency, and I'm going to run through a list of names. My concern, of course, is that having thought of all of these people I am going to be leaving people out, and I... This is just a memory thing. I certainly don't mean to be insulting anybody. There are plenty of people who were active in those days, and I'm just, just not calling the names to mind, but just to run through them. Avi Soifer. Janet Loengard. Charlie Donahue. I think we've mentioned him before. Doug Hay. Kent Newmyer. Sue Sheridan Walker. John Reed. Bill Nelson, always a tremendously active, important figure in the Society. Similarly, Dick Helmholtz. David Konig was very active in those days. John Langbein. Dirk Hartog. Paul Finkelman. Jim Oldham. Jack Schlegel and Ted White. Ray Solomon. Mike Churgin. Milton Klein. Bob Hawes and Michael Landon, those two ran the newsletter for years.

Maeva: Right.

Barbara: Russell Osgood. Mary ???. Natalie Hull and Peter Hoffer. Mike Hoeflich. Bill Wiecek.

Maeva: Yeah. Bill Wiecek.

Barbara: Tony Fryer. Joe McKnight. Jamal Zainaldin. Harry Scheiber. Jennifer Nedelsky. Lloyd Bonfield. Paul Murphy. Jonathan Lurie. Mary Dudziak. Norma Basch. Michael Hindus. Laura Kalman. Those are the names I've come up with, and there are plenty more. Again, I don't mean to be insulting anybody. It's just my faulty memory, but you see, these people were active. They were engaged. They cared about the Society. They worked for it. Of course, one of the hallmarks of the Society is the number of people who will work their hearts out for nothing. That is to say, nothing in the way of tangible reward.

Maeva: Absolutely. It was a totally volunteer society.

Barbara: Totally volunteer and totally, for all of us, totally rewarding without anything tangible. It was... It really is extraordinary. It is an extraordinary institution and extraordinary group of people, and my understanding, even though I am relatively inactive in these days, is that this tradition continues, that people give time and energy and even money because they love the Society and that's it.

Maeva: Oh, many of the names that you mentioned are still very active.

Barbara: That's right.

Maeva: So you count up long years of service to the society.

Barbara: Right. Right. Well, Bruce Mann, for example, now president.

Maeva: Yes.

Barbara: He and I, as I said yesterday, he and I and John Beckerman took off from New Haven and went to the first meeting, at the Barclay in Philadelphia in '76, and Bruce is now the president. So there you are. Perfect example. I wanted to mention again I don't mean to be skimping or skipping anyone. And of course I'm going to. It will appear that I'm ignoring some people, and I apologize, but I wanted to mention some people we've lost over the years who were the backbone of the society like Kitty Preyer.

Maeva: Absolutely. Right.

Barbara: Now, Kitty Preyer was maybe the most loved figure in the society over the many, many years. She was extraordinary. She was warm and wonderful, and everybody loved. Kitty. Kitty and I used to meet. We would reserve a breakfast or a lunch or a drink or just half an hour on some sofa in the lobby of the hotel for a good catch-up chat. At every single meeting we did that, and of course Kitty's memory is kept green by her generosity in endowing...

Maeva: Her husband, Bob Preyer, made the Kitty Preyer Scholars.

Barbara: Right.

Maeva: That we continue to have at every meeting.

Barbara: Right.

Maeva: And a wonderful group of young graduate students they are, and Kitty would've loved it.

Barbara: Right. I suspect it was her idea, but anyway it is wonderful. I mean, it's the perfect way to remember her, and Kermit Hall, a terrible loss. Kermit was one of our most engaged, most active, most valuable people, members. Betsy Clark, a young woman, tragic, tragic loss. Similarly, Bob Cover. These people, are, gone far, far, far too soon, but we remember them, and there are individual memories and there's a kind of institutional memory. There are others. Again, I apologize for not having them in mind, but... So that's kind of the list, the names that I wanted to put on the record. I have a couple of other memories that came to me. One of them was that wonderful anniversary of the Brown case. The 25th anniversary I think would've been in 1979. Right? 54 plus 25?

Maeva: Right.

Barbara: Weren't we in Williamsburg?

Maeva: Yes.

Barbara: I believe we were in Williamsburg and we had a most distinguished panel, if I do say so myself. My husband was on it, and all sorts of wonderful people.. It was an amazing meeting, that one in particular, and also I remember a DC meeting where we went to the Supreme Court.

Maeva: I remember that well.

Barbara: We were shown around.

Maeva: Yes.

Barbara: And Chief Justice Burger spoke to us, and that was not an entirely successful little talk that he gave since at one point he referred to our having been there before, which we never were, so was clearly confusing us with who knows what, probably the AH.

Maeva: No, I actually do know.

Barbara: You do?

Maeva: I do, because oddly Chief Justice Burger was interested in history, fancied himself a historian. He inscribed my first volume of the Documented History something like, "With recognition of our labors together in producing..."

Barbara: (Laughs)

Maeva: Well, he was very good. Like it was easy for me to ask him if the Society could meet. He was happy to do that.

Barbara: It was very nice of him to do.

Maeva: Yes. He was very good. There was a new organization, and I believe we got started also between '76 and the time that you met. I don't remember the exact year. The Society for History and the Federal Government. It still exists today.

Barbara: Uh huh (affirmative).

Maeva: It is a small group of historians.

Barbara: I see.

Maeva: Who mostly work in the federal government. There are some other people who do histories of topics related to the government and things like that, but he allowed us to meet in a lovely... the retired chief justice's chambers, which was empty because Warren had died, so we had our meetings there, and I think he just confused them.

Barbara: I see.

Maeva: Because I was associated with both.

Barbara: Aha. So that explains it.

Maeva: That's what he did.

Barbara: In any case, it may not have been exactly... He may not have been exactly on target, but the occasion was a good one. We had some good laughs at his expense, and it was a very, very successful meeting. That I remember. I don't think I can come up with any other memories off the top of my head. Now, I do want to say, and I know you want to say, how much the Society owes to Craig Joyce, who has been remarkable, simply remarkable from beginning to end. He carried me on his shoulders while I was juggling the deanship and the presidency and has continued to do that for everybody. He is, as you said the other day, the institutional memory of the Society, and I believe there's some sort of an award that he got.

Maeva: He got it last year at the meeting, and I'm very happy that the Society decided to create such an award, because we should recognize all that Craig has done for us.

Barbara: Just amazing. Just amazing.

Maeva: When you talk about being selfless.

Barbara: Yeah, exactly.

Maeva: Craig spends an enormous amount of time.

Barbara: And I was very sorry to miss that meeting. I can't remember why because I was on my way there, had to cancel, and whatever it was. I couldn't make it. I would like to have been at that in particular because of my feelings about Craig and what he did for me all those years ago. I remember him in many situations, but none more so than the earthquake. (Laughter)

Maeva: Yeah.

Barbara: That wasn't funny, but...

Maeva: No, it was terrible.

Barbara: But it was really something. And what else? I'm not sure I have anything else to say today.

Maeva: Do you have any thoughts about where you'd like to see the society go in the future? Things it might do?

Barbara: Well, you know we were talking; you and I were talking about the paucity of legal history in history departments.

Maeva: Yes.

Barbara: And commenting on some of the economic realities that produce that situation. People, because the joint degree has become more or less basic, almost required, people have the opportunity to teach either in law school or in history departments, and they are going to go to law schools because the facts are the facts. Once you get into a law school teaching environment, as I can attest, as a legal historian, you're expected to pull your weight as a plain old law professor. So you're also going to be teaching contracts, as in my case, or torts or property or whatever.

Maeva: Right, and frequently having to write what they call a black letter law article to get tenure.

Barbara: And you're going to be on committees, and you're going to be deeply engaged in the law school itself. I mean, law school faculties do, in fact, run law schools. The governance of the law school is very much in the faculty, so you're busy, and therefore all your plans to take graduate students are going to go right down the drain. That's what happens. So if the Society could turn its attention to this, I don't know what can be done, but it seems to me a remarkably good opportunity for this society, and there's no one else, no other institution, no other society, nobody else who could even begin to try to do it.

Maeva: Or who cares about it.

Barbara: Or who would care about it.

Maeva: Yes.

Barbara: So this is your idea rather than mine, which is fine, but I'm expressing it. I'm concurring

with you. I think that would be an ideal challenge. It may, of course, be a challenge that nobody can meet really. It may turn out to be a completely intractable problem, but it's worth a try.

Maeva: I think so. I mean, just off the top of my head, the people I know who are in history departments are on the non-American side. Lauren Benton.

Barbara: uh huh (affirmative).

Maeva: Adam Kosto.(?) Isn't he here at Columbia in the history department?

Barbara: But Laura Kalman is the only one I know.

Maeva: Yes, Laura.

Barbara: Who actually chose to go to a history department.

Maeva: Right, be in the history department, and Laura is the prime example.

Barbara: Yeah, she may be the only example.

Maeva: I have a hard time thinking of any other people.

Barbara: Right. Right.

Maeva: And I think that...

Barbara: At the time she made the decision, a lot of people were stunned by it. It was thought worthy of remark because it was so unusual. It may indeed have been unique, but yes, I would like to see the Society do that. I would also... I'm rather torn between hoping that the Society stays small and understanding that it would be good for it to grow, because the size, the intimacy and all that, is such a precious thing that one hates to see it dissipated. On the other hand, something like the Society has to grow. It has to grow, and it should grow.

Maeva: I think between the time you were president and now we're getting more people to come to the annual meetings, sort of about a hundred more people.

Barbara: Right.

Maeva: Which is nice. I mean, it's not huge.

Barbara: That's right. It's fine.

Maeva: But it's good to have more people. The real question is, as we talked about before, there are

now people on the programs, a much more diverse group of people. The program committee has reached out to other disciplines, other departments, and we do have a very, very interesting program. The question is how many of these people continue to be interested in legal history and participate in the society?

Barbara: Right. Rather than just come and give a paper.

Maeva: Yes.

Barbara: Well, we could look at a couple of programs since I happen to have a 1984 and 1985 program. Um, there was a colonial legal history, American legal history books, medieval lawyers and society, women's legal history, criminal law and history, court records in medieval society, using computers for legal and historical work.

Maeva: That's dated.

Barbara: And modern Supreme Court history.

Maeva: That was it. Right.

Barbara: And that was '84 in Newark. We talked about Newark yesterday. We were then in New Orleans in '85. We had paternalism in American legal society. Bob Cottrell, a name I should have mentioned earlier, was on the panel talking about law and race in urban America. Then we had comparative perspectives on legal history and historiography, the intellectual context of American legal history, Native American legal history, sources in Native American legal history, teaching medieval legal history, regional themes in the history of American law, crime in late medieval or early modern England. That was a good panel. John Beatty chaired it. John Cockburn (?) was there. It was a very good panel. Then we had a panel on bribery. I remember John Noonan on that, and African legal history, which is about as diverse as we got. History of water law. Legal history in the Spanish borderlands. So while we were reaching out to some extent, it was not a very diverse approach. I mean, diversity wasn't something that people had much on their minds, although we did speak. I remember that we did talk, even at the time, about the need to look at some less well-traveled roads.

Maeva: And I think the Society has been successful in doing that.

Barbara: Absolutely.

Maeva: If you look at the program, they are vastly more diverse in the subjects they cover.

Barbara: Right.

Maeva: And the people who come and give the papers

- Barbara: Right. Right. Well, I suppose when we edit this thing, I can fill in whatever occurs to me later on, but I can't think. At this point I think that's all I can come up with.
- Maeva: But I think it's been fine. It's been very interesting, and I know that people in the future will be very interested and grateful that you took the time to do this.
- Barbara: Oh, well, I'm delighted to do it. I don't do very much for the Society these days, but you know how I feel about it.
- Maeva: But people still call you informally and ask your opinion. (Laughs)
- Barbara: Oh yes. That is true.
- Maeva: So that counts.
- Barbara: That counts, and I get to every meeting I can possibly go to.
- Maeva: Right.
- Barbara: So, thank you. It's been fun.
- Maeva: Yes, I've enjoyed it too.
- Barbara: It's really been fun.
- Maeva: Good.
- Barbara: Okay. How do we turn these things off?
- Maeva: That little square.