

## **AFTER FIVE DECADES: STANFORD LAW SCHOOL'S CLASS OF 1952**

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A long corridor of tall palms lines the path through the gate toward the small golden city rising against a blue background. High on the facade of the building on the left, behind the golden cement urns and pillars, there is a large but empty shield where some earlier markings have been erased. A select group knows that it once read, "School of Law."

It is here, in a building now housing the Stanford Political Science and History Departments, where those who sat behind desks in Stanford's newly constructed law school in the 1940s started an education that would take many of them to prominence, power and fortune.

In the five years between 1948 and 1953, two Supreme Court Justices, two former Presidential candidates (a Senator and Congressman), a Western governor, a Secretary of State, an Assistant to the President of the United States, a member of the President's cabinet, an Assistant Attorney General, and several chief executive officers of major corporations were among the school's 500 graduates.

In perhaps the school's most famous class; the 112 graduates of the class of 1952, were Chief Justice of the Supreme Court, William Rehnquist, Supreme Court Justice Sandra Day O'Connor, and Utah Governor Scott Matheson. Also in the law school at the time were Warren Christopher, Shirley Hufstедler, John Ehrlichman, Frank Church, William Baxter, and Pete McCloskey.

This year marks the fiftieth anniversary of the graduation of the class, and reminisces of its alumni, from the early 1980s, are published for the first time here. Fifty years ago, in the classrooms behind the golden facade of the school, students had neither ideas nor dreams that they would rise to positions of such influence and renown. Nor did their faculty, who provided them with training in the mechanics and details of the law.

When the school doors opened to the class of 1952, Harry Truman was still President. War veterans were back at school and Tokyo Rose was behind bars. On the Stanford campus, dormitories were being

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struck by panty raids, Bob Mathias was winning Stanford track meets, Nelson Eddie was coming to town, and alumnus Herbert Hoover was visiting to celebrate his birthday.

To gain admission to the class, 277 students applied for the 150 entering spots; several, including some of those admitted, with grade point averages below C+. All had taken the Law School Admissions Test, then used for its second year and, to the dismay of the Deans, not at all correlated with later performance in law school. After considering LSAT scores and grades, the Dean's office interviewed several candidates who were considered on the margin. The person doing the interviews at the time was Warren Christopher, '49, then a third year law student working as an assistant in the Dean's office and later, Deputy Secretary of State under President Carter. According to Forrest Shumway, later the President of Signal Oil, and one of the people Christopher admitted to the class in what Christopher says was "one of the few correct decisions I made," Christopher while still a student "was the Dean. He was running the law school."

The class that Christopher helped admit had only five women and the faculty referred to the students as "the boys" or "the men" at their weekly meetings. Four out of five of "the boys" had gone to public high school. Half were Protestant. Half were California born and raised. All were white.

Half the class had either finished their undergraduate degree work at Stanford or were completing their Stanford undergraduate degrees by enrolling at the Law School. Unlike Yale or Harvard Law, Stanford then allowed undergraduates to complete a B.A. and a law degree in six years and to study in summer terms to finish their degrees earlier. Overall, two thirds of the class had completed their undergraduate work in the state and only ten percent had graduated from an Ivy League college.

The typical Stanford undergraduate, according to class member Geri Rosen, a civil liberties lawyer, "was a WASP from Pasadena whose parents were professionals and Republicans. Stanford was Herbert Hoover Jr. College in the 1950s. Don Glass [deceased] and Sandra Day [O'Connor] were typical. They had the tools to work in a university system and were the self fulfilling kids of their parents' prophecies."

A third of the class entered the Law School while simultaneously enrolled as undergraduates. The other two thirds included a number of older students; many of them war veterans. Half of the students in 1951 were veterans and ten percent of the class had graduated before America's entrance into World War II. Several interrupted their undergraduate or law school years for military service.

Congressman Pete McClosky, for example, originally entered with the class of 1951, but graduated with the class of 1953. William Baxter, head of the U.S. Department of Justice's Anti-Trust Division under the Reagan Administration, finished his undergraduate work at Stanford in 1951, but did not receive his law degree until 1956.

Because so many students were military veterans, they were able to finance their Law School education with government help. In fact, many of them could not have gone to Law School without the G.I. Bill. At the same time, the school might not have been able to survive without it. Professor Emeritus Lowell Turrentine credited the GI Bill with "saving the University. Students and money began to come in and things could be done. The school raised tuition. Law school salaries rose and we were able to attract better professors and to build new Law School quarters"; the building in the corner of the main quadrangle that was opened in the spring of the Class of 1952's first year.

Besides the federal scholarships for veterans, about ten students in each class received scholarships directly from the school, covering what was then \$600 annual tuition. Four of them, including Justice Rehnquist, received full tuition and a grant which covered room and board.

For most students, the cost and time in school was seen as an investment in large future incomes. "Students weren't very different then from the run of students today," explained Phil Neal, then a Professor of Administrative Law. "There was not much interest in public interest law and legal aid. Most wanted to practice law in private practice."

"Law students in that era all wanted to make money," concurred Jack Halpin, a member of the class. "They were extremely conservative and weren't politically conscious."

"People didn't look down the road very far in terms of their careers," explained John O'Connor, '53, whose wife, Sandra Day, was a member of the class. "A number of people went to law school because they were unsure, hadn't done well in science courses, and wanted to keep options open."

One of those who chose between two careers was Justice Rehnquist, who describes his decision as a "coin toss between graduate school and law." Rehnquist had entered a doctoral program at Harvard and hoped to become a professor of Political Theory, but left Harvard, fearing that his career as an academic would be made or unmade by the "pooh-bas" (most likely Carl Friedrich and William Yandell Elliott) heading university departments.

*In Class*

Classes started on a September morning in 1949 with all 150 members of the class sitting in a single room.

"Shake hands with your neighbor," Shumway recalls one professor saying. "One of you won't be here at the end of the year." The faculty's attitude, according to Sam Applewhite, who practices law in Phoenix, was to "let the cards fall where they might." In fact, only three quarters of the class went on to graduate, though many of those who left for academic reasons went on to prominent careers in law, business, and medicine, often completing their legal education elsewhere.

"I was a little surprised," remembers Jack Halpin about his first day in classes. He and Rehnquist were "baited" on the first day by Professor Harold Shepard in Contracts. "I thought I'd get lost in the shuffle. Professors seemed to have a rap sheet on both of us, probably because we both had scholarships."

John Perry Keats, a member of the class, recalled debates between Rehnquist and Halpin. "Halpin was the radical leader. Rehnquist and Day were the leaders of the conservative mold. The class considered Halpin from Mars and agreed with Rehnquist. Most weren't interested in social issues and debate."

Since first year exams did not take place until May, pressure mounted during the course of the year. John Wells, a member of the class who practices law in Oakland at Crosby, Heafy, remembers spending two out of class hours for every hour in class; briefing his cases on "pasty paper" to put into his notes. Courses relied on the case method and were taught by Socratic dialogue. "The game was to figure out what the case was going to mean."

Although Fred Steiner, who became an attorney in Phoenix, called the pressure "incredible," O'Connor recalls little talk about grades. "People were there to go to class and to get the job done."

Bruce Bevan, a Los Angeles attorney, studied the notes of Shirley Hufstedler, '49, the former Secretary of Education. "All the Socratic stuff was put together in a book in Hufstedler's notes," he recalled. Justice O'Connor used to look at Justice Rehnquist's class notes on occasion; notes she termed "perfect," while her husband used her notes since "he wouldn't always go to class."

Despite the pressure to perform, there was a give and take between the faculty and students. Among the best remembered professors was George Osborne, whom graduates described as a Socratic terror and tyrant; a teacher Shumway called "acerbic and cantankerous." Although Osborne called the Class of '52 the "dumbest" he had ever taught, Bevan retorts, "We may have been, but we weren't fooled by him."

Osborne was on leave during 1949-50 and did not teach the class in its first year as he had taught other classes. When he returned to teach Trusts, he was infuriated by what he felt was a lack of preparation. "He announced he would no longer lecture since students were unprepared," John O'Connor recalls. "He came to class only to answer questions but walked out when he felt people were unprepared. Later, he crucified people for asking questions. The class formed a negotiating team. William Hubbs Rehnquist and Sandra Day were it. They had a tense bargaining session with Osborne and he eventually resumed teaching. On the final exam, Osborne got his revenge. The first question had more parties than letters in the alphabet. Panic ensued."

In another case, a professor was actually subdued by students and faculty and taken to a mental hospital. Members of the class tell stories of his dumping popcorn on colleague Phil Neal's lawn, asking irrelevant questions at moot court, crusading against the town pump over a minor injustice, and reading a bicycle warrant over and over again in class. After his recovery, he went back to teaching Law School, though not at Stanford.

While John O'Connor says he regarded the faculty with the same awe that he used to reserve for Supreme Court Justices, the two Justices in the class recall the intimate environment of the school and the close relationships between faculty and students.

In fact, students played a role not only in admissions decisions but also in faculty hiring. As a student, Shumway suggested that the school hire Moffat Hancock, a law professor whose course he took during a summer term at Southern California Law School. The school took his recommendation. "Today they'd throw a net over a kid who tried to do this," says Shumway.

The picture that emerges of Stanford Law School between 1949 and 1952 is of a technical education, with little or no attention to ethics, social or political issues, or jurisprudence. This was a change from the school's early years when founder and Senator Leland Stanford brought former President Benjamin Harrison to the school to teach as one of the school's first two professors.

By the late 1940s, "there was no discussion of justice issues, no analysis of the place of a legal system in society or law as an instrument of change and no inkling of the fact that poor people had a need for legal services," recalls class member Roger Wood, who left the practice of law to become a minister.

"The goal," says Professor Neal, "was to give a solid general foundation for the general practice of law and equip students to be practitioners. The curriculum was compact and standardized, emphasizing

private law and procedure subjects with an emphasis on California law, since Stanford's constituency was more regional than national. There was no Labor Law, Antitrust, Regulatory Law, Poverty Law, or Welfare Law." The only real controversy was "how much the school should be geared to the Bar Exam," which it was. The school even offered a Bar Review course, and the class's 90% pass rate of the California Bar was consistently the highest in the state.

The curriculum consisted of 14 hours of classes each week. It began in the first year with Contracts, Torts, Criminal Law, Real Property, Personal Property, Agency and Legal Bibliography. Eight required courses followed in the second year: Constitutional Law, Commercial Law, Corporations, Conveyances, Contract Remedies, Code Pleading, Trusts, and Legal Writing.

Although there was discussion of reforming the curriculum, little came of it at the time. The idea of offering a "Law and Society" course was raised at several faculty meetings, but former Dean Marion Rice Kirkwood opposed it, fearing the "danger of running into something that is social science and not the hard-boiled law school approach." The proposal for a Legal Aid Clinic and less emphasis on the case method, which Professor Shepard described as "boring to students after the first year," met with little success. The new Dean, Carl Spaeth, introduced the "problem method" in one of his seminars, added courses in public and international law, tried to introduce the view of law as a policy science and attempted to inspire students to become involved in public service. But these changes were accompanied by other strict measures such as requiring attendance in class to combat absenteeism. "One particular student who never goes to class will ruin the whole student body if something is not done about him," Kirkwood argued.

One of the school's major innovations during the period was a course on Office Practice, with lectures from a California lawyer and an overnight trip to his office in Santa Barbara. Indeed, large numbers of members of the class were equipped with the skills to open their own practices rather than to apprentice for large firms. More than a third of the members of the class surveyed in 1981 were practicing attorneys in firms which bore their names.

According to Reverend Wood, who remembered the course vividly, its shortcoming was not in its quality but in the ethics of its approach. "If you wanted to be a reformer and charge lower rates to the poor, you would be frozen out of the profession and ostracized, but we weren't conscious of those things in law school. The only discussion was of running a smooth operation, winning cases, techniques like standing up so your client would leave and keeping a clock on your desk that your client couldn't see. That was considered the model office."

"Nobody gave a damn about politics at the time," says Shumway about the lack of attention to social and political issues in the curriculum. "It didn't have anybody's interest at all. People out of the war were happy to be out in the sunshine." "The faculty were almost eunuchs politically," adds Rosen.

"I don't think law school then was as difficult as it is now," says Justice Rehnquist. "There was time left over for play. We weren't driven the way people are today. I had never heard of burn-out when I went to school."

Among organized activities in the school were the Law Forum, the Moot Court program and the Law Review; most of them started in the late 1940s.

The Law Review was one of the contributions made by Dean Spaeth in conjunction with the younger professors. Warren Christopher was the Review's first editor in 1948, and the Review was so active in discussing the major legislative and judicial issues of the day that the California appellate courts urged the editors to withhold comments on upcoming cases until the courts had decided them.

In those days, the Law Review selected its candidates from the top 20% of the class, based on grades given by professors. It was on the Review that Justice O'Connor, working on an assignment, met her husband. It was also on the Review where Justice Rehnquist lost a political battle to the class' liberals.

Rehnquist sought the position of President of the Review in 1951-52 in a competition with Jack Halpin and John Wells. Realizing that he couldn't win, Halpin says he "made a deal with Wells to knock out Rehnquist," with the help of Ed Kerr, '51, the politically liberal outgoing editor. More than three decades later, Rehnquist said he was unaware that any deal had been made to elect Wells, though he "was disappointed not to be chosen editor."

The other activity at the school that touched on the larger issues of the day was the Law Forum. Among the speakers invited to the Law School by the Law Forum and other student groups were then California Congressman Richard Nixon and his challenger for Senate, Helen Gahagan Douglas. Nixon visited the Stanford Law School twice during the class of 1952's first year. His first visit was sponsored by Phi Delta Phi, one of three then-existing legal fraternities where law students met informally for lunches and dinner. The Law School cancelled morning classes to allow students to attend Nixon's speech, to hear him announce that, "The Communists in the United States are willing to do anything to support their cause, even espionage with the definite chance of exposure."

Aside from the Law Review and the Law Forum, most law students, however, were apolitical. While Halpin recalls working for Helen Gahagan Douglas in the 1950 Senate race, almost no one else at the school participated in the campaign. More time outside classes was spent in social activities or working part time jobs as library assistants, readers in undergraduate or law courses, or in any job that paid.

Justice Rehnquist recalls playing poker with John Ehrlichman, '51, former White House Assistant to President Nixon, and one of two readers in the Legal Bibliography Course at the law school. It was Ehrlichman who would have read the first legal writings of the members of the Class.

Much of the social life at the school centered around the dormitories. Crothers Hall, then a small building for 63 male law students, was built in 1948 with the aid of Judge Edward Crothers, a graduate of the first Stanford Law Class in 1885. It was there, according to the Law School, where students could "eat law, talk law, think law, drink law and babble of law and judgments in their sleep."

Among the judgments made in the student dorms were those of the Resident Advisors; a position in which Justice Rehnquist served. "Rehnquist was my resident advisor. He told me I would never make it through Stanford," recalled Arnold Shane. Rehnquist was wrong. Shane went on to graduate in the class of '53, and to negotiate business deals for Universal Studios.

Most of the few women students lived in the home of Mrs. Cubberly, the widow of the head of the Education Department. Justice O'Connor lived there, and she remembers playing charades there with Justice Rehnquist. He recalls dating her, as well; going for picnics at Half Moon Bay.

Among other activities, Shumway remembers playing intramural football and says the teams were "damn good" because so many of the players were war veterans. Rehnquist was reported to have played and was described as having a "strong arm but an inaccurate one."

Miles Rubin, who later became Chairman of Pioneer Systems and a major contributor to Democratic Party candidates, spent his free time, according to one classmate, advising the proprietor of a local Italian restaurant named, "Mama Garcia's." "Rubin ran Mama Garcia's Italian restaurant and masterminded a renaissance," recalled Fred Steiner. "He was Mama Garcia. She didn't know what was going on."

Among the activities were also a series of pranks; several of them attributed by different classmates to Miles Rubin. "I remember somebody put big black feet up on [Stanford's] Hoover Tower once. I think it was Miles Rubin," recalled Senator Frank Church, '50 (deceased).

"Someone sneaked into the faculty library and put a goldfish in the water cooler," Steiner recalls. "Magnified by the glass, it looked like a shark." Suspicion fell on the young professor who ended up in the mental hospital but it was believed to be the work of a law student. To this day, the actual culprit has yet to come forward.

One of the small unresolved controversies that has surrounded the class in recent years has been the issue of class standing. The national media reported that Justices Rehnquist and O'Connor were first and third in the class, but no records confirm it. Student transcripts with grade averages uncomputed, lie locked away in Stanford University records.

"I contend that I finished number two," Wells asserts. "I was second in the class," says George Sears, now Chairman of Pillsbury, Madison and Sutro, disputing him. Other contenders for the number two spot include Dick Doty and David Salisbury.

No one disagrees that Justice Rehnquist was at the top. "Professors would call on him just for his insight on a case. He was a normal guy in an intellectual class by himself," Shumway recalls.

Had he lived, many believe that the student who would have been second or perhaps even first in the class, would have been Hilmer Oehlman, Jr. Oehlman, one of Rehnquist's best friend, was killed in an auto accident during his first year. Shumway describes him as a "super guy, the nicest of the bunch." He was the "classic of the Stanford type," says Rosen. "He was the paradigm; a student with no political orientation from a California dynasty." "I remember listening to Rehnquist and Oehlman and thinking, whatever it is they're saying, we'll write it down and try to figure it out later," says Bevan. The school now awards first year prizes in Oehlman's name.

As for the third spot, it is also in contention. While most agree that Justice O'Connor was in the top ten percent of the class, she was probably not third. Some believe that Sydney Morgan (Allen) was the top woman in the class.

Less contentious were those at the bottom and the study schemes that didn't work. "Skip Athearn (deceased) and someone else had the whole first year course reduced to a piece of paper the size of a desk," recalled Applewhite. "It didn't work. They flunked out."

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How did all of these features of life at Stanford Law school between 1949 and 1952 contribute to the success of the class of '52 later in life? Although Stanford's class produced two Supreme Court Justices,

Harvard and Yale law school classes of the time also graduated their share of political and judicial leaders and professors. Alaska Senator Ted Stevens graduated from Harvard Law in the early 1950s while Philippine Vice President Salvador Laurel took an LL.M. in 1953 at Yale.

Charles Reich, a 1952 Yale Law School graduate, former Yale Law School professor, and author of *The Greening of America*, sees his classmates as about as successful as those from Stanford, though Yale's approach to law at the time was quite different. "We were the most irreverent law school at the time and therefore less likely to produce conservative judges than Stanford," he observes. "We weren't concerned with learning existing details of law. The curriculum was devoted to stretching people's minds. Habits of intellectual discipline transcended the importance of the subject matter. Yale was training students for leadership in various fields—government, business and private law. The ideal was to train people who would go back and forth between public and private practice. That's what a good many of them have done."

"The formulation of the law was more open to exploration at Harvard, but I learned more law as such at Stanford," explained Senator Church, who transferred to Stanford Law after a year at Harvard. Harvard had broad course offerings which included Jurisprudence, American Legal History, Comparative Soviet Law, and Comparative Law of Western Europe.

"The sheer volume of substantive law that Stanford choked down our throats was quite adequate to prepare us for the Bar," Church remembered. At the same time, "there was a more competitive edge at Harvard due to Easterners who had worked against mighty odds to get there."

Governor Matheson (deceased), who spent his first two years at the University of Utah Law School, attributed the success to the selection process rather than the curriculum. "Everyone at Stanford was capable, outstanding, aggressive, and successful," he remembered. "The intensity nearly killed me."

Working hard in Law School didn't seem to be correlated with later success. While classmates remembered Rehnquist as a "mind one sees once every fifty years" who was "at the top of the class from day one," classmates say that Congressman Pete McCloskey never worked and did poorly in law school. Similarly, two of the most financially successful members of the class and the biggest donors to Stanford as alumni, Rubin and Shumway, were described by their classmates as "screw offs" while in law school.

Success seemed to have depended on natural ability, discipline after graduation, connections, and being in the right place at the right time.

While it isn't clear whether John Ehrlichman's memories of Justice Rehnquist were a factor in his appointment to the Supreme Court, it is interesting to note, as the Class of '52 Reunion book did in 1972, that Justice O'Connor "was the only one of Bill Rehnquist's 1952 classmates to attend his swearing in" to the Supreme Court.

In hindsight, 1952, was an ideal time to begin one's career with a Stanford law degree. The 1950s and 1960s were periods of tremendous economic growth in the country and in California, in particular, where four fifths of the class of 1952 remained after graduation. For two Californian conservative Presidents, Stanford Law School and the west were logical places to search for Supreme Court nominees.

