

UFLC 49

Interviewee: Fletcher Baldwin, Jr.

Interviewer: Denise Stobbie

Date: May 9, 1989

Fletcher Baldwin is a professor of law at the University of Florida College of Law. His particular area of interest is constitutional law, which has evolved into international law. Baldwin has been actively involved in civil rights issues and has been a member of Amnesty International and World Peace Through Law. He has argued civil rights cases before the U.S. Supreme Court.

Baldwin was born January 5, 1933, in Portsmouth, Virginia. The Baldwin family came to America prior to the Revolutionary War; Abraham Baldwin was a chaplain for George Washington. Prof. Baldwin developed an early interest in American and southern history: he used money from his paper route to purchase Douglas Southall Freeman's *Lee's Lieutenants: A Study in Command*. He has had an interest in law ever since he can remember. He spent the last two years of high school at Bullis Prep School in Silver Spring, MD, an experience that he enjoyed immensely. He considers his classmates as the greatest influence of his life.

He had an appointment to the naval academy (his father was a career naval pilot), but he attended the University of Hawaii instead. He completed the last two years of his college education at the University of Georgia (UGA) with a major in southern history (1956). After two years of military service in the U.S. Marine Corps and the U.S. Army, Baldwin entered law school at UGA. He was president of the law student body and was executive editor of the *Law Review*. His wife, Nancy, was assistant chaplain at UGA and roomed with Charlene Hunter, the first black student at the university. Both Baldwin and his wife were active in the integration of the the UGA campus. Following six months of teaching appellate advocacy at the Institute of Law and Government at UGA, Baldwin enrolled at the University of Illinois to take courses and teach constitutional law.

Baldwin came to the University of Florida in 1962 to teach constitutional law. He also served as moot court advisor. He describes the law school facilities, students, and faculty. He was a founder of Free University of Florida in 1965, which brought law courses to the public; classes were taught in the Methodist Student Center. He was active in integration at the UF College of Law and was appointed by Dean Joseph R. Julin to the Minority Affairs Committee. Baldwin notes that students today are less interested in constitutional law or in human rights issues. They are more interested in corporations and taxation--conservative, personal goals. He describes some of the civil rights and constitutional law cases he has worked on, usually pro bono. Baldwin feels that the College of Law will not improve its national reputation until the University does.

Baldwin's interest in international law led him to teach at the International Student Program at Princeton and also every other year in Poland. In 1969 he went to Makerere University in Uganda to assist them start a law school.

Baldwin enjoys a wide arena of activities. In his spare time he sails, and he enjoys college athletics. He and his wife have a son that is a partner in a West Palm Beach law firm and a daughter that is an assistant state attorney in Tampa. Most of all,

Baldwin enjoys teaching.

S: This is Denise Stobbie interviewing Professor Fletcher Baldwin. We are in his office at the University of Florida College of Law, and today's date is May 9, 1989. Professor Baldwin, please state your full name.

B: Fletcher N. [Nathaniel] Baldwin, Jr.

S: Your date of birth?

B: January 5, 1933.

S: You were born in Portsmouth, Virginia?

B: Yes.

S: Had your family lived there long?

B: My father and his family date back almost to the beginning of the state of Georgia. My mother and her family are from Virginia.

S: Was your mother living in that area at the time, and your father?

B: Yes. I am not sure I know the answer to how they met, if that is what you are asking.

S: But your mother was from that area.

B: She is from Princess Anne, Virginia [near Virginia Beach].

S: You have quite a family history, I understand. You have traced it back. Did you do that yourself, or was it a family effort?

B: My father and [his relatives on his mother's side], the Calhouns and the Waldrips, traced the history. My father had given me a copy of the history of the Baldwins.

S: Who was Abraham Baldwin?

B: Abraham Baldwin was a descendant of one of seven brothers who came to Connecticut long before the Revolutionary War began. He went to Yale University along with some of his brothers, and he became the chaplain for George Washington during the Revolutionary War. After the war he went to

Georgia. Along with his coming to Georgia, one of the other brothers went to South Carolina down near Charleston. He ultimately migrated to Georgia. But the one who went to South Carolina became our [direct] ancestor. Abraham Baldwin, unfortunately, will die as a great-great-great-great uncle. He never married.

S: What type of work did your father do?

B: My father was a pilot in the United States Navy; he was a career naval officer. After he retired from the navy he became headmaster of a private prep school.

S: Did your mother work?

B: No, except maybe I think during World War II. A lot of women worked then.

S: Were there many professionals in the family? Lawyers?

B: Mainly lawyers and military; as far as educators, I doubt it.

S: How large was your immediate family?

B: I have one natural brother, one natural sister, and one adopted brother, so there are four of us.

S: During your upbringing were you living in the city?

B: I grew up in Norfolk and Princess Anne, Virginia. Before I reached any age at which one would say you begin to enjoy your teens I was shipped off to prep school.

S: Why was that? How did that come about?

B: My parents wanted to make sure that I got into the college of my choice. Also, I had an appointment to the naval academy.

S: Where did you go to prep school?

B: Bullis Prep School in Silver Spring, Maryland.

S: So had pretty much lived at Princess Anne until then.

B: Yes.

S: When did you go away to school?

B: I did my last two years [of high school] in prep school, so I was about sixteen.

S: What was that like, going away from home?

B: Great. Absolutely great for a teenager. Magnificent.

S: Your parents really emphasized education?

B: Yes.

S: How much schooling did they have?

B: My father got his degree from [the College of] William and Mary, and my mother finished two years of college.

S: So your father, being the headmaster of a prep school –

B: After his retirement.

S: So that was much later in your life.

B: Yes. As a matter of fact, I had long since left. When I went off to prep school I literally never came home again.

S: Did you maintain a close relationship with your family?

B: Not really. I left [home for prep school] and went to Hawaii after prep school. I did not accept the appointment to the naval academy, and I refused to go to the University of Virginia, so I went to Hawaii.

S: Why Hawaii?

B: Just to get away from the United States – as far away [as I could] yet [be] someplace where they spoke English and I [where] could simply enjoy being away from southern-type people.

S: Why did you want to be away?

B: I was at that time perhaps a bit tired of living in the South all my life, and I wanted to explore other parts of the world.

S: Well, you picked a good spot! So your parents did emphasize education and wanted you to go to college.

- B: There was never any question in the minds of any of the children that college was simply an extension of high school, so no one ever really thought about whether or not we would go to college. You obviously were going to go to college.
- S: Were your parents willing to pay whatever it took to send you?
- B: I do not think that was ever an issue. Wherever you wanted to go you could go. They preferred the military academies, however.
- S: You father's being a navy man.
- B: Yes.
- S: So you went off to the University of Hawaii. What were your intentions back then as far as what to become?
- B: I do not know that I had any intentions other than getting away and just lying on the beach. When I got out there I became enamored with the philosophy – East and West – department of the University of Hawaii. I enjoyed that very much for two years. Realistically, I was out there to do what most people go out there for – to surf and have a good time.
- S: Did you do that, too?
- B: Yes, I did.
- S: Would you say that anyone had a really powerful influence on you in your teen years, or even early childhood? Family members, teachers?
- B: I do not think so. If they did, it does not ring a bell today. I think the main powerful influence was from classmates in prep school.
- S: Were you close with your siblings, or did you all go different ways?
- B: We went our different ways. We were too far apart to be close--we were six years apart.
- S: When did you develop your interest in history and law?
- B: I developed my interest in history quite early. When I was eleven years old I had a paper route, and I had it for one reason only: to save enough money to buy a three-volume work on Robert E. Lee: *Lee's Lieutenants[: A Study in Command*, by Douglas Southall Freeman]. That was the first set of books I ever bought

with my own money. I have always had an interest in southern history in particular, and American history in general. As far back as I can remember I decided that I was not going to be a military person, as such, but I much preferred to be a lawyer. I cannot tell you at what point in my life that decision was made, but as far back as I can remember I was going to be a lawyer.

S: Do you remember when you first learned what lawyers did?

B: I used to read about them quite a bit when I was young. Some of the earliest books I read were written by lawyers about lawyers. In school we had to read *A History of the Common Law [of England]*, by Sir Matthew Hale]. I also read *The Bramble Bush*, by Karl Llewellyn, in prep school.

S: Would you say you were pushed by your parents into reading and studying?

B: I do not think so. First of all, my father was never there. I grew up – at least when I was home--in the years of World War II, and he was over in combat for five years, and he never came home [during that time]. My mother was probably working. So I was not pushed by them at all.

S: When you first went away to attend college it was at the University of Hawaii.

B: The University of Hawaii.

S: And you were there for two years.

B: Believe it or not, at that time the University of Hawaii had an excellent collection of Civil War history books. There was a professor there whom I still remember who taught southern history – Professor [John] Stalker from Wisconsin. He recommended that if I wanted to pursue my interest I would have to go to a southern university, from my perspective, which was a southern perspective: either the University of North Carolina or the University of Georgia. The University of Georgia had E. Merton Coulter who had written about ninety books on the South. I am sure there were other universities; those two he had suggested. I wanted to get back to my father's roots, so I went to Georgia.

S: Was your father also a history buff, would you say? Were there history books around the house?

B: Yes [there were], but I do not think he was a history buff as much as I was. He was a Georgia history person.

S: So you really developed that interest on your own. Why do you think you were so interested in southern history?

B: That was all I heard all my life. I certain it was based on the readings and the environment in which I grew up, both in Virginia and Georgia.

S: So then you went to the University of Georgia from Hawaii?

B: Yes.

S: You received you bachelor's degree at Georgia?

B: In southern history.

S: Did you immediately go into law school?

B: I went into the military, and then I came back and went to law school.

S: Where did you serve in the military?

B: The first time I was in the marine corps, and I went to Quantico [Marine Corps P.L.C. (Platoon Leader Candidate) training in Quantico, Virginia]. The second time I was in the army, and I went to Camp Walters, Texas, which is a helicopter base in Mineral Wells, Texas [just west of Ft. Worth].

S: Did you enlist?

B: No, I would never enlist in the military. I was drafted. I volunteered for the officer program in the marine corps, but I did not enlist in the army.

S: What years did you serve?

B: As soon as I finished college, from 1956 to 1958. I started law school in 1958.

S: You served with the marine corps and the army during those years?

B: No, that was active duty in the army. I had gone through the marine corps Platoon Leader Candidate program at Quantico and served in the marine corps reserve for six years before that. I rejected the commission on the grounds that I wanted to go to law school, at which point I was drafted by the army.

S: So like it or not, you ended up being in the military.

B: Yes, that is true.

S: Was part of those six years you were in the marine corps reserve while you were in Hawaii?

B: Yes, it was while I was in Hawaii, and part of the time in Georgia. I started in the marine corps in Hawaii.

S: So you were able to attend classes while you were in the officer program.

B: Yes.

S: How did Texas Christian University come about?

B: When I was in the army they announced that anybody who would like to further their education the army would pay for it. By this time I was married, so my wife and I decided to go for it. We drove in each evening to Texas Christian University and went to school.

S: When did you and your wife marry?

B: The summer of 1956 at Indiana University.

S: Indiana University? What were you doing there?

B: She was finishing her master's degree at Indiana. She was a dorm counselor, so we were married on the campus. She came down to the University of Georgia as a Danforth Fellow. Danforth gave fellowships to women and required that they be sent to a cultural environment alien from their own, so they sent this Ohio girl to Georgia. She said that she cried for three weeks about having to come to Georgia. At any rate, she came to Georgia, and she became the assistant chaplain at the University of Georgia. She was responsible, literally, with some others, for integrating the University of Georgia in 1960. She was rooming for part of the time with the first black student, Charlene Hunter. She went to her room during the riots, I guess is a better way to put it.

S: So she was active in the actual integration of the University of Georgia?

B: We both were, but she was much more visible in her activity.

S: I was going to ask you about that, if you were involved or what happened there.

B: We were involved in it. She went on the radio and advised people to integrate, etc. The Georgia police refused to come on campus when the riot started. We organized people to patrol the woman's dormitory at night, and that was my major contribution.

S: Where the black women lived?

B: Black woman – singular. Charlene Hunter, who is now on the McNeil-Lehrer [news program].

S: How did you feel about that time of southern history, that period of southern history?

B: Do you mean the South's attempts to retain segregation? I was president of the law student body [at the University of Georgia], and I told the rest of the students that I was ashamed to be a Southerner. If these were Northerners, I would rather keep out a northern white than a southern black because that southern black had shed his or her blood for the South for over four hundred years. I was very blindly southern, but I felt that all Southerners deserved to be treated equally. It was not simply white vs. black – I detested it even then.

S: Did you get any flack for that from the students or from the administration?

B: Yes. It is funny, looking back. You get the usual from everybody, which did not bother me, because if the people are going to be like that, that is their business. My senior year in law school I was president of the law student body. I was the one who chose the speaker for law day, and I chose Robert Kennedy, who was then the United States attorney general. He came, and the people who had been complaining the most got together on the campus and said, "We must have a unified front and make sure that these people coming in from the outlying communities do not disrupt law day, as they are threatening to do." So they all stood as one.

The most proud I was of being a Georgian, by the way, was the first day that Charlene Hunter walked into her first class at the University of Georgia. A young Georgia co-ed walked over to her and said, "Welcome to Bulldog Country." I thought that was great. The students generally felt "leave us alone and we will solve our problems." It was basically the adults outside of Athens, not in Athens, coming into the community [who were creating friction].

S: How was the university administration?

B: The university administration basically wanted to follow the law, whatever that law was. There is one thing that happened at that particular point in time that made me very proud of being from the South, at least of being a part of a university that had such deep roots in the South, unlike the University of Florida. When Judge [William A.] Bootle of the [Georgia] federal [district] court ordered [the university to admit] Charlene Hunter and Hamilton Holmes in December of 1960, the governor at that time, Governor Ernest Vandewere, was required by law to cut off all funds to the University of Georgia for integrating.

Instead of doing that, the governor established a commission called the Sibley Commission to go around the state and ask the people of the state of

Georgia, "Do you want me to close the University of Georgia?" Mr. Sibley, an Atlanta lawyer, started the commission hearings in south Georgia, and the speakers almost unanimously, but not quite, in effect said, "You are not closing my university." Period. It was as simple as that. The vast majority of the Georgians said, "Under no circumstances will we allow you to close the University of Georgia. It is our university." It is unfortunate that Floridians do not take the same view of this University, or, for that matter, the State University System.

S: Would you say the people who were most opposed, these adults outside of Athens, were people who had not graduated from the university?

B: I am sure that there were a lot of political opportunists, a lot of unthinking politicians, some unthinking educators, but mainly I perceived it to be people who felt threatened by this enormous intellectual and athletic resource among the black population that eventually emerged as Southerners in an integrated society. I think there were a lot of people who were threatened by them, because all of the blacks were being kept down, whereas the only whites being kept down were those who were being kept down by their own lack of talent.

S: And you were president of the law student body when this was going on?

B: Yes. When I was in graduate school the dean [of the law school at Georgia] offered me a [teaching] position on the faculty of the University of Georgia, which I probably would have liked very much and would have taken. But he said the one restriction was that I had to keep my wife quiet when I came back, which she did not like very much, for obvious reasons.

S: So she was very visible during that time.

B: Yes.

S: What do you think motivated you two to be so outspoken?

B: I do not think we were unique in the South. There were a lot of Southerners who were outspoken and who were appalled. Those Southerners were in Mississippi, Alabama, Georgia, South and North Carolina, and Virginia. In fact, there was a paper in Petel, Mississippi, published at that time where the author of that newspaper was completely appalled by what was happening. I do not know what motivates people to do things. My motivation, I suppose, was that it simply was just wrong, flat out wrong. Now, there are a lot of wrongs in the world, but that was such an obvious wrong that it simply did not belong in a place like the South.

S: It is interesting, especially being as southern as you are, that you would feel that way, having the heritage of slavery and the segregation all through the years.

B: Robert E. Lee wrote a lot of letters in which he opposed slavery, too.

S: So you completed your law degree at the University of Georgia and graduated in 1961. During that time was the university officially desegregated?

B: It was officially desegregated in December of 1960.

S: Had any black students enrolled in the law school?

B: No. During my tenure at the University of Georgia there were only two blacks – Charlene Hunter and Hamilton Holmes, both of whom completed their degrees and went on to have spectacular careers. That proves my point. I believe that Hamilton Holmes went on to Emory Medical School and became a physician, and, of course, Charlene Hunter went on to P.B.S. [Public Broadcasting System].

S: Did you do any teaching there?

B: Yes. I officially graduated in December of 1960, but my graduate school did not start until September of 1961, so the dean kept me on as an instructor in the College of Law. I am embarrassed to say I taught appellate advocacy, so it was the blind leading the blind. I am equally embarrassed to say that I was making more money teaching a course in appellate advocacy and doing research in the Institute of Law and Government than a professor whom both my wife and I dearly loved until he died, a full professor in the department of philosophy at the University of Georgia, Paul Pfuetze.

S: You stayed on as an instructor. Were you taking graduate law courses?

B: No. At Georgia I stayed on as an instructor in the Institute of Law and Government, and I taught at the law school.

S: You did not continue your education there past law school?

B: No. Then I went on to the University of Illinois for graduate school.

S: Why did you decide to further your education, rather than start working, at that point?

B: I probably would have preferred to simply go to Atlanta and accept one of the offers to practice in Atlanta. My wife, Nancy, had literally put me through law school, and she wanted a year of graduate school in the Midwest to be near her

parents. I think that was a correct decision, and I respected her wish, so I decided to spend one more year studying. I chose the Illinois program over other programs because it was not simply a course-study LL.M. [Master of Laws] program. I could teach as well as take courses, which was much more interesting to me. I decided to do that, and I found that I liked it.

S: Did you like teaching from the very start?

B: No. I wanted to do constitutional and civil rights work, but nobody offered me anything to work in civil rights or constitutional law. Consequently, I thought that the best way to do it was to go either into government, the civil rights division of the Department of Justice, or into teaching. I elected teaching for only one reason: it offered me what I considered, what I saw to be rather complete freedom to do what I pleased intellectually. That is why I went into teaching.

S: You were interested in civil rights at a time when the whole area was just beginning. What was Nancy doing to support you while you were in law school?

B: The reason we came back to Georgia from the army was she was offered a job that would be the equivalent of the chaplain – she was the coordinator of all religious activities at the University of Georgia. I did not know very much about the First Amendment separation of church and state at that time, but the University of Georgia had a religious activities coordinator.

S: Even being a state school. Was she taking any classes at that time?

B: None for degree credit.

S: What did public law encompass?

B: It really meant selecting a course of study at the University of Illinois that focused upon international as well as national issues. In other words, I kept away from property, contracts, and torts, and I concentrated upon United States constitutional law, Soviet law, legislation, and jurisprudence.

S: Was that your introduction to international law? Had you had any international law at Georgia?

B: I did not have any international law courses at Georgia.

S: From Illinois you came to Florida.

B: From the University of Illinois I accepted an offer to come teach at [the University of] Florida.

- S: So you decided that teaching would give you the freedom to pursue your research.
- B: By the time I went to the [law teachers'] convention in Chicago in December of 1961, I had made a decision that I would at least consider teaching, with one stipulation. That stipulation was that I would only interview and accept a position at a southern university.
- S: Why was that?
- B: I wanted to come back to the South. That was the only thing that Nancy and I disagreed on a bit. She wanted to stay in the Midwest.
- S: So you wanted to come back to the South, even though the northeastern law schools were the more elite?
- B: I am not so sure there were any northeastern law schools looking for somebody who graduated from the University of Georgia and the University of Illinois. I was not looking for them, either, but maybe that was a defense mechanism. I was not interested. Specifically, I wanted to come back to the South.
- S: You mentioned the convention in Chicago. What convention was that?
- B: The American Association of Law Schools convention, which also was the place where you interviewed for law teaching jobs.
- S: Is that how your relationship with Florida began?
- B: Yes. I interviewed, among other schools, including the University of Georgia, the University of Florida.
- S: Did you receive other offers?
- B: Yes.
- S: How did you decide on Florida?
- B: As I told you earlier, Georgia, [even though it was my first choice,] I thought, was out because Nancy was going to pursue a career. I think she had every right and responsibility intellectually to do that, and if the dean was serious [about keeping her quiet], I figured Georgia was not an option at that time. I wanted to be as close to Georgia as I could get, because I liked the University of Georgia and I liked all of my friends and colleagues and classmates. So it had to be someplace in north Florida or Alabama or Tennessee or perhaps South Carolina.

Of those four schools – I had offers from Tennessee and others--the one that had the best reputation was the University of Florida.

S: Did you and Nancy have children at that time?

B: We had a son while I was in the army. He was born in Palo Pinto County, Texas.

S: You interviewed with Dean [Frank T.] Maloney [professor of law, 1949-1972, dean, 1958-1970]?

B: I interviewed with Dean Maloney.

S: Did they send anyone else, or just the dean?

B: There were other faculty members that I spoke to in Chicago. I remember Walt Probert [professor of law, 1959-present], Ernie [Ernest McLain] Jones [professor of law, 1955-present], and Bill [William Dickson] MacDonald [professor of law, 1948-1984]. I do not remember very many others in Chicago.

S: Would you say that at that time it was the dean's responsibility for the hiring, or was there more faculty involvement? I know when Dean [Henry A.] Fenn [professor of law, 1948-1978, dean, 1948-1958] was here the dean did everything.

B: That is right. At that time, when Florida sent its contingent, including the dean, of course, to Chicago, it was the first time the dean was not ultimately responsible for hiring. In fact, [Elmer Leroy] Roy Hunt [professor of law, 1962-present] and I are the first hires on this faculty that were selected by the faculty, so it was a faculty decision. We were the first persons to be hired on the law school faculty by the faculty members, so it shows what poor taste the faculty had.

S: How were you familiar with Florida's reputation? You said it had [the best of the law colleges in the Southeast].

B: I was not. I was no different from anyone else. We used to come down for spring break and drive by, and that was about it. I knew where [the University of] Florida was, and I used to go to Jacksonville to cheer on Georgia – and they always beat Florida – in the football game. One of my major advisors at the University of Illinois was Gene [Eugene F.] Scoles, who had taught at the University of Florida [1949-1956]. Incidentally, one of my other major advisors was the father of Stuart Cohn [professor of law, 1977-present], so it is a very small world.

- S: Was it through them that you heard about Florida?
- B: Gene Scoles is actually the one who advised me that of the offers I had from southern university law schools to accept the University of Florida's. In his words, "It is a very good place to move up from."
- S: Were you and Professor Hunt hired at the same time?
- B: Yes.
- S: At the same convention? Were you both there?
- B: The same convention at the same time. I think Roy was given an offer a couple of days before I was given one, so he has seniority.
- S: So you packed up from Illinois and came here.
- B: I loaded a big truck. I drove down first. It is interesting that I stayed with the Maloneys that first couple of nights. Frank left, so I got to know Lucille Maloney, his wife. I liked her very much, and my opinion has never changed over the years. Their son helped me move into a small house in Gainesville. Then I went back and got my family.
- S: Was that the first time that you had really set foot on the University of Florida campus?
- B: Oh, no. I had been on the campus as a student at Georgia many times, but it was the first time I officially came on the campus to stay for a while.
- S: How was it that you had been here before?
- B: Many of my classmates had friends at the University of Florida, and every time we came down on the way to Miami we would stop by. When I was a senior in law school we had a southeastern law review convention, I suppose, at the University of Miami, and we stayed a day here in Gainesville.
- S: It was 1962 when you came here [as a professor].
- B: The fall of 1962.
- S: This building [Bruton-Geer Hall] was not here.
- B: No, we were in the old building [Bryan Hall] on the main campus.

S: How would you describe the facilities then?

B: Actually, my own perception is I liked the old building much better than this building. It looked like – and still does – a law school for a state like Florida. It had a magnificent – and still does, I suppose – courtroom. My office was excellent. There was a third floor at the old law school, and there was no elevator, and the older – though not much older – professors simply did not want to go up on the third floor. I had no problems at all. The office I had on the third floor was mammoth, magnificent. I liked the old building a great deal.

S: How was the condition as far as crowding then? They had added onto the building.

B: They had added onto the building, but that did not really alleviate the crowded conditions. They certainly could have built on as the business school has done, which would have alleviated the overcrowding. And it would have kept the law school on the main campus and not divorced us from the University, as it has been, in my opinion.

S: Why do you think they [the College of Law] moved to this end of campus?

B: At that time I was gone, so I really was not privy to all of that.

S: Where were you at that time?

B: I left Florida in 1967 and went to Princeton to teach in the orientation program in American law. From Princeton I went to Yale to graduate school. From Yale I went back to Princeton and then back to Florida. Then I left the next year, 1969, for Uganda, for Makerere University [which is a constituent college of the University of East Africa].

S: Were you on leave the whole time, or did you actually resign?

B: Oh, no, I was just on leave.

S: I would like to back up a minute, if we can, and ask you about your school days as a law student. You were very accomplished in law school. You were the executive editor of the *Law Review*, is that right?

B: Yes. Also moot court.

S: Yes. Were you a serious student?

B: In law school? I think my wife would tell you that I would leave for the law building at about 6:00 in the morning and would come home about 1:00 in the morning every day. Fortunately, there is a witness, so yes. When I got on *Law Review* the University of Georgia at that time had a small brick building which I think housed the students' slaves before the Civil War. In any event, it was a marvelous little building for the *Law Review* people. I had a key to that building, so I would come and live over there. Six and one-half days a week I stayed in the law school. When I was a second-year law student I earned money as a university law school librarian, so I had a key that would open and close the library, as well.

S: So you would just stay in there and study.

B: I must say in law school I was a very serious student. That was much different from undergraduate school.

S: You were enjoying your studies?

B: Absolutely. Even as I look back upon it with everything else that has happened, I thoroughly enjoyed those three years in law school. I liked most of the professors very much, and my classmates were a delight, for the most part. I had a great time.

S: Were you at the top of your class?

B: Yes. Well, I was not number one, if that is what you mean. I was number two.

S: That is close enough.

B: Number one was one of my best friends. He lives two hours away in Moultrie, Georgia – James Whelchel. He practiced with his father, and now he is with his brother. We still see each other a great deal.

S: Let's go back to Florida. What subjects were you teaching?

B: Constitutional law.

S: So you did get to teach what you wanted.

B: That was the only reason I was willing to come. I taught constitutional law, then anti-trust, then unfair trade practices, jurisprudence, and then back to constitutional law.

S: Did you ever have any problems being a Georgia Bulldog at Florida? Was there

a problem with loyalties?

B: Basically, over the many years that I have been here the Florida law school students – I do not know about undergraduates – have always been much less rabid, at least outwardly, than the Georgia people. Consequently, they always took it with a grain of salt and have been very good sports about it. Now, I have some dear friends whom I met when they were law students who live and die Florida football.

S: Would you describe the atmosphere as formal at the law school when you arrived, or was it a relaxed atmosphere?

B: To be perfectly honest, I was shocked. I thought I was sitting on the beach in Trinidad, seeing the way they were dressed and the relaxed atmosphere. I think a lot of the students felt the same way. They would come the first day of class with a shirt and tie and so forth. When I was in law school it was basically a requirement that you wear a coat and tie to class. But after the first day here they would come back in their bathing suits or Bermuda shorts, barefoot, and wearing just a tee shirt or such. It was an extremely relaxed atmosphere.

S: Even when you first arrived?

B: When I first arrived, yes.

S: What about the professors? Were they relaxed?

B: I thought those were rather exciting, kinetic years, and I do not remember anybody being relaxed. I would not have stayed if I did not admire and enjoy my colleagues. They were a good group of people, but it was not a relaxed group of people, by any stretch of the imagination. We [thought that we were] building the law school during a period in which civil rights was very important. In fact, during the early period, I, along with others, founded the Free University of Florida in 1965. I still have the brochure.

S: What was that?

B: It was the people's university. We offered courses on civil rights in the churches in town to people who wanted to go to school. Nobody was really relaxed; everybody was doing something.

S: Was that interdisciplinary?

B: Yes. We had Marshal Jones from the medical school, Ed Richer from English, and Stan Laughlin from the law school. I was from the law school. There were a lot of people. We had Al Daniels, a teacher from Lincoln High School. Look

at the brochure.

S: You held classes in the local churches?

B: The Methodist student center.

S: What kind of response did you get from the community?

B: I perceived Florida at that time as being a southern Berkeley in terms of who it was attracting, the types of persons. That type of person congregated to our Free University. I never saw so many sandals and long robes and long hair in my life, but they were very delightful people. It was fun working with them. We were alive!

S: Although the students were dressed down, was it still a competitive environment, would you say, among the students?

B: It is hard for me to judge. I did not see it as a terribly competitive environment. Now, I am sure they saw it much differently. They did resent less then than they do today the Socratic method; they saw that as part of the educational experience and were willing to attempt to answer the questions and go with you. In that sense they were prepared and somewhat competitive.

S: Today you feel a resentment toward that approach?

B: Yes, clearly. You are intruding upon their spare time, leisure time, which is classroom time.

S: That is interesting. Would you say that most students feel that way today?

B: I have no idea. I can speak only for the way I present the Socratic method and the students that I have had in constitutional law over the past several years.

S: You have felt that their resentment has increased?

B: Oh, yes.

S: Do you think that students were more prepared back then than they are today?

B: Students in the 1960s and early 1970s were much more prepared to discuss and argue constitutional questions than they are today. They were much more interested and excited about it. Today I do not think they even had any interest in constitutional questions except as they affect [corporate] takeovers or how you get junk bonds or how you take over property – personal matters.

S: Not so much on human rights.

B: No, not at all.

S: How would you compare Florida in the early years when you arrived to the other schools you attended?

B: It reminded me a great deal – and still does – of the University of Illinois. I felt then and I feel now that the difference between the University of Illinois and the University of Florida, although Illinois has, I think a better national reputation, is that in January it is warmer in Florida than in Illinois. I am not so sure there is that much difference. Illinois at its pinnacle attracted some incredible national and international figures to teach there, but as far as the students are concerned and as far as the general laborers in the classroom, there is not that much difference. They still have a couple of national figures, Wayne Lafaue being one – he has just retired – and John Cribbet another. I felt very comfortable in Champaign-Urbana, and I feel very comfortable in Gainesville. I thought Gainesville would be more of a southern university, but I find it more of a midwestern university.

S: There is such a mixture of people here. You said a minute ago that the faculty felt they were building a law school.

B: I believe they did, yes, and they were very excited about what they were doing.

S: How did you feel about that?

B: I felt the same way. Maybe I was a little overanxious.

S: In what way?

B: I get carried away sometimes with my positions.

S: On administrative matters?

B: I wanted us to quickly hire a black professor to teach. In fact, I was on the hiring committee when I left to go to Yale, and we hired as my replacement a visitor who was the first black professor, Spencer Boyer, from Howard. I wanted us to do more in getting black students in law school.

S: When you arrived, George Allen [the first black law student to graduate] was just finishing.

B: I arrived in September, and he graduated in December.

S: Did you meet him when he was here?

B: No, not really. I saw him graduate, but that was all.

S: The law school and the University were already desegregated when you came, then.

B: Yes. Minor amounts of desegregation, but yes.

S: The article on you in the 1965 law school magazine said that you were a "young fire brand" and that you brought "an air of excitement to your subjects." How would you describe your teaching approach at that time? How do you think you conveyed this air of excitement?

B: I was working in civil rights, along with probably most everybody else in the University, and I brought that into the classroom.

S: What were you doing in civil rights at that time?

B: Free speech, integration of the city of Gainesville or other cities in the South, representing professors who were denied tenure. I represented Pam Brewer, a student who posed nude for a magazine off-campus; I took her case, along with a local lawyer. I represented a fellow who horribly stabbed a co-ed in the old College Inn in the women's bathroom the day of a football game. I worked at integrating the restaurants in town, including the College Inn. In fact, I walked by one day and was rather surprised or taken aback to see my wife and son picketing outside in front.

S: She kept it up!

B: Yes, she has not changed.

S: So you brought some of that into the classroom.

B: I suppose so, yes.

S: Tell me a little more about that. How did you get involved in actually working on cases, rather than being strictly an academician?

B: I felt from day one, even when I was in law school, that it was rather difficult [to teach law] without trying to apply it in most courses. In some areas I think you can do it, perhaps, such as jurisprudence and legal history. But it seems to me that you have to go out and get burned a couple of times in order to have better respect for a decision or the judicial system or the society, or disrespect for the judicial system. Also, it was exciting, I must say. That is what we did.

- S: How did you go about getting involved in cases?
- B: Actually, they came to me, I guess by virtue of the fact that I was teaching constitutional law and would attend the meetings and helped the local American Civil Liberties Union chapter. I am not a member now, but I was then.
- S: You helped form the local chapter?
- B: We put it together, as well as the Law Students Civil Rights Research Council.
- S: Who would come to you? People who needed representation, or other lawyers?
- B: Mainly organizations that felt they were being discriminated against. Martin Luther King, Jr., once had a march through Florida, and we had an organizational meeting about how we would go about representing people who were arrested--that sort of thing.
- S: That must have been an exciting time for you.
- B: Yes, I think it was, and that is probably the reason we have ended up staying here. I came here in 1962, blinked my eyes, and it was 1973; it went by so quickly.
- S: When was the integration of the restaurants?
- B: In the late 1960s.
- S: They stayed segregated until the late 1960s?
- B: Yes, mid and late 1960s – 1965, 1966.
- S: Even though the University was accepting blacks, the accommodations in town did not follow suit.
- B: Yes. Some did, but many did not. Overall, accommodations accepting blacks were minimal back then.
- S: Tell me about the Civil Rights Research Council.
- B: That was a national group--and still is, I believe – that had law student volunteers working on live cases – death penalty cases, equal protection cases, whatever – supervised by faculty members. Back then when we called for student help we would get a whole classroom jammed with students volunteering. Now if you

call for student help in the civil rights movement maybe one or two will wander by.

S: How do you explain that?

B: I think that is happening throughout the country. How does one explain [Ronald] Reagan and [George] Bush being presidents of this country? I think that explains it: we have all turned inward and are no longer looking to help others.

S: That is sad. Would you say your teaching style or teaching approach has changed much over the years?

B: I suspect that it has mellowed somewhat. My Socratic technique has changed because the classroom has changed radically. I suspect that if I had stayed with the Socratic method of teaching that I had in the 1960s and early 1970s there would be a revolution among the students. I do not think they want or are capable of dealing with that any longer. In fairness to them, it looks to me like they have spent their years as undergraduates simply trying to get a record to come to a law school, whereas I did not have to worry about that. Now they spend their years in law school getting a record in order to get a good job, to make a lot of money.

S: So you have toned down your approach.

B: Out of sheer exhaustion, I suppose so.

S: Have you made any attempt to increase interest in the civil rights area?

B: When I finally concluded that the students had no interest, I decided simply to go off on my own and work with lawyers who had interest, so that is what I do mainly. I do not interact with the students anymore on those issues.

S: Have you stayed in contact with many of your students?

B: It is interesting that many of my friends were students in the 1960s, not that many in the 1970s, and rare in the 1980s. I still keep in contact with many of the students from the 1960s, and some of them are close friends. I am sure that is a product of age.

S: Also, if they were more interested in the subject matter, then you would have had more in common.

B: We were much closer in age and interest, yes. I suppose it was the times that drew us together.

- S: So you have seen a great decline in student activism.
- B: I have seen a great decline in student activism as far as human rights and equal rights are concerned. I have seen a great increase in student activism for personal gain.
- S: Such as?
- B: The interest in corporations, taxation, young Republican clubs, the Federalist Society – student movements toward what I would call very conservative goals. Which is fine. We go in cycles.
- S: Were the law students very involved and vocal during the civil rights period and during the Vietnam war?
- B: Yes, absolutely. The law students were critical. I could put a note on the board or pass the word that "I have a pro bono case dealing with civil rights, and I sure could use a little research help." They would jam in here like crazy.
- S: What about the maturity or immaturity of your students?
- B: Again, I do not think I am being fair to the present student body, but it seems to me that they are much younger. We still had many veterans coming in in the 1960s and early 1970s. They tended to bring a world climate with them, whereas we do not have as much of that today. I suspect the average student age now is about twenty-four or so. They appeared to be a little bit older then.
- S: Now, too, you are getting the students who are coming back for second careers.
- B: Yes, but they are few and far between, and they are much older than the students who simply spent two, three, or four years in the military.
- S: Although the University was desegregated when you arrived, was there still a lot to be done?
- B: Oh, yes. When Dick [Joseph Richard] Julin came on board as dean of the law school [in 1971] I think we started moving in the direction of getting it done. In fact, the first black student I remember was Stephan Mickle, whom I have considered a friend ever since. But we had a trickling – one or two – and one of the first things Dick did as the dean was to put us in touch with the Council of Legal Education Opportunities [CLEO] in 1971. I directed a summer CLEO program that next summer. I went to the dean and asked, "How many of these students can we accept in our law school so they know that if they successfully complete the program they will at least have a law school to go to?" I will never

forget his answer: "Accept whom you want." We accepted twenty-two of those students.

S: Was that the first real effort to increase black enrollment?

B: Yes, that is right.

S: And that was 1971?

B: Whenever Dick became dean was the first real effort to increase black enrollment. [Joseph R. Julin was dean from January 1971 to March 1980. Ed.] In fact, Dick would send us recruiting. I remember flying over to Tuskegee Institute in Tuskegee, Alabama, and going to various other black schools. That was the first time faculty and students recruited at predominantly black institutions in the South for the law school.

S: Had you approached him about that, or was that a joint effort? How did that come about?

B: I do not remember. Knowing Dick Julin, I believe it was probably his idea, and he called me in.

S: You did some recruiting with Stephan Mickle, is that right?

B: Yes.

S: Was that after he graduated?

B: No, he was still a student when we started recruiting.

S: Did you go around to different schools together?

B: Yes.

S: Do you think the atmosphere was supportive of black students at that time?

B: I do not know what the black students would tell you. I suspect that Judge Mickle would tell you, "Hey, I had a hard time. We were the first, and they kept us isolated." Or maybe the black students isolated themselves. I do not know. I thought we at least tried to be supportive. It was something new for all of us. Black students would come in and complain that they thought some professors were grading them low, or they would not call on them in class because they were black. It was a very sensitive time, and you had to be very careful. But I believe that both groups – white and black – were simply learning, and feeling their way. I think in feeling your way the ones who suffer the most will be the

minorities.

S: Would students come to you with their concerns?

B: Yes.

S: There was no Minority Affairs program at that time, was there?

B: Yes. Dick Julin appointed me – as it turned out what seemed to be for life – as the chairman of the Minority Affairs Committee, which he had established. I would never have been as successful as I think our committee was without his full endorsement and full support. So I think he deserves a great deal of the credit for the direction the law school began to take.

S: That 1965 article said that you had worked with a student group for the equal right to obtain fair treatment for all Florida students. What was that?

B: We just formed a group and called ourselves Students for Equal Rights Under Law.

S: Here at the law school?

B: Well, we had law students as well as graduate students, and we tried to ensure that students received equal treatment at the University and at the law school.

S: Was that primarily for the minority students?

B: Yes, and then we branched out into international students.

S: Have you remained chairman of the Minority Affairs Committee?

B: After Dick resigned as dean, the new dean [Frank T. Read] rearranged all the committee appointments. I was off, but when Jeff Lewis assumed the deanship in 1988, I went back on again as chairman.

S: You also worked as a cooperating attorney for the ACLU?

B: Yes.

S: Was that for the local chapter?

B: I did a lot of statewide work, as well as some local cases.

S: And you were involved with the ABA [American Bar Association] committee on

civil rights and the Advisory Committee to the Florida Commission on Human Rights, so you were involved statewide and nationwide.

B: Yes.

S: How have you continued to be involved in this area?

B: I got out of the American Civil Liberties Union [for a long time] because I wanted more flexibility and more freedom to pick and choose my own civil rights cases. I disagreed with some of theirs. I decided as I moved on in my career to get away from the institutionalized civil rights movement because, frankly, I did not like the direction it was moving. I decided to do it just on my own with other people, with individuals. I saw in the late 1970s and early 1980s the civil rights movement being a "silk stocking" movement. That is fine. People could have any part in that that they wanted, but I did not want any part of it. I preferred the other aspect of civil rights work. I have started back with the legal panel of the local ACLU.

S: Are you still involved with minority affairs here now?

B: Institutionally I have, as I said, been appointed to the committee that deals with minority affairs.

S: What are your thoughts on our black enrollment right now?

B: It is rather depressing. I think we have black kids who have excellent credentials, very fine students, and an excellent cross-section coming to the law school. But we do not have very many of them. I do not know what the answer is; I never have known what the answer is. Perhaps one of the answers is Florida simply needs to aggressively recruit, to identify minority students and go after them on a nationwide basis. I think our minority affairs dean, Rahim Reed, is now doing that. He is an excellent addition.

S: Let's switch to the international arena. You said before that you left law school to go to Uganda. Was that your first international experience?

B: The first real international experience was teaching the international students at Princeton.

S: How did you get involved with that?

B: Bob [Robert Craven] Barry from Florida and Allen Farnsworth from Columbia University were appointed by the American Bar Association and the American Association of Law Schools to start a program for foreign lawyers at Princeton to acquaint them American law before they went off to their own law schools. They

wanted my wife, Nancy, as an assistant to the director of that program, and I suppose they felt that as a package deal they had to drag me along, too. So they invited me to come teach in the program, as well.

S: Why did they want her as assistant director?

B: Because of her experience at running programs like that at the University of Illinois and the University of Georgia.

S: She had been involved with international programs there?

B: She was the executive director of the YMCA or the YWCA at Illinois. As the coordinator of religious activities at Georgia, that was a shorthand way of saying, "We deal with all international students here, as well." Also, her doctoral dissertation is on international students.

S: So you went to Princeton to teach constitutional law?

B: Constitutional law, yes.

S: And that was your first real experience with international lawyers and law students.

B: Yes.

S: Let me ask you about the program at Brown, also.

B: The Princeton program moved to Brown University, so we had two summers of teaching at Princeton University and two summers teaching at Brown.

S: Was it the same program?

B: Same program, yes.

S: It just rotated between the schools?

B: I am not quite sure how Brown was selected for the latter two years. I suspect they simply asked for it. I do not know.

S: Now, what about your travel to Uganda?

B: I would like to say that the way I was selected to go to Uganda was through my great reputation in international law. In reality, what happened was the president of Uganda in the late 1960s, [Apollo] Milton Obote, removed all of the law

students from Dar es Salaam in Tanzania on the ground that they were teaching a form of African socialism to which he objected. He wanted to start a law school at the Uganda national university, which was Makerere University [College, a constituent college of the University of East Africa].

One of the summers at Princeton (I do not remember exactly which one) we had a very shy, young Uganda student named Joseph Byamugisha, whom my children literally adopted. Joseph was in our house all the time. Joseph was back [in Uganda] as an advocate by this time when the president decided that he needed someone to come help get the law school rolling, if you will. They wanted somebody to be the dean of the law school to help start it; it was just beginning. He would not accept anyone from Great Britain because Obote said that the British spanked students, and they did not want that. They were looking for an American educator who could help, and Joseph knew me--I think I was probably the only American educator he knew.

The International Legal Center [ILC] in New York was contacted by the Uganda government, and ILC got in touch with me through the state department and asked me if I would go over to Uganda to help them. I did under one condition: I did not want the title of dean. I was willing to do the job of dean, but I did not want the title of dean. I preferred to keep the title "professor." If they wanted, they could give the title of dean to a Ugandan, a black person, not to a white person from Florida. With that one stipulation we went to Uganda.

S: To start a law school.

B: The president had already gotten the students, the building, and so forth, so it was literally to get it off the ground.

S: He wanted help as far as setting up the curriculum?

B: Curriculum, teaching, teaching skills, book acquisition for the library, and so on.

S: How long were you there?

B: We were supposed to be there for two years, but we stayed a little longer than one year. By then [Major General] Idi Amin was on his way to power, so we decided the best thing to do was get out. We could not leave Uganda, so we just split up and acted as if we had simply closed our doors. We had some books and a few things shipped back to the States, and Nancy and my daughter went one way, and my son and I went another. We were going to meet at a pre-arranged place in Vienna, which we did late in the summer of that year.

S: Was there trouble leaving?

B: Yes, there was trouble leaving. At that time -- it sounds funny to Americans, I

suppose – to leave the country you had to pay an income tax at the airport equivalent to the amount – it was an arbitrary figure – that usually was the amount you were earning while you were in the country. They could do that, and I did not have that kind of money to pay.

S: So how did it go as far as establishing the curriculum?

B: First of all, I had to get the students' trust. The students basically were the elite of the country. War was going on all the time, and students were being arrested on the street, so it was somewhat difficult. You could not take attendance, for example, because they were in detention all the time. One day, for example, I came to the university, and no students showed up. We were on the top floor of the main administration building, and I sent my runner to find out why there were no students. He came back and said, "The tanks will not let them in the building." So I had to go downstairs and tell the tank people, "Please leave the campus. This is a university, and it is supposed to be protected against the army." They left, but they were not happy about our students.

S: Dean [Jeffrey E.] Lewis tells me that you are doing some new work with Uganda.

B: Makerere University has asked us to come back to Uganda to help them get their law school back off the ground after the devastating war and to help them establish a human rights center. As soon as I get the letter of authorization from the president of Uganda – otherwise I cannot go into the country – I will go back and help them do that.

S: Do you know the condition of the school?

B: It is horrible. It is in very bad shape. [I was there last May 1990.] For a long time the university had no secretaries, no dictating machines, nothing but professors who were being paid mainly from international sources, so they have been limping along very badly. And this used to be the jewel of Africa. They used to call Makerere University the "Harvard of East Africa." Right now I do not know what it could be called, but it certainly is not a university.

S: So you will go back.

B: Oh, yes. I will go back in a heartbeat.

S: How many years has it been? When did you first go?

B: I first went in 1968 or 1969. I have been back several times since, but that was the first time I went.

- S: So twenty years later they are calling you back to pick up where you left off.
- B: It is ironic. They have asked others to come as well.
- S: It will be to help build the law school and what else?
- B: To establish a human rights center. They want a human rights and constitutionality center. They want to learn methods of social research, and they want to develop courses concerning law and the environment.
- S: It is positive that they are interested in human rights.
- B: Yes, until the next dictator comes to power. [Right now they are lucky. The president, Yoweri Museveni, is excellent.]
- S: Maybe you can get a lot done before that time and get a good foundation laid. You were a Fulbright professor the first time you went to Uganda?
- B: That was part of it. I was appointed by the state department as a Fulbright professor and was paid as such, and I was also paid by the International Legal Center and by the government of Uganda.
- S: What areas of international involvement has been the most important to you?
- B: I have come to realize over the years that all of the international experiences I have had have satisfied and benefitted probably me more than where I have been. The two that I enjoyed the most are my work in Uganda, which benefited me greatly, and the work that I do every other year in Poland, which I thoroughly enjoy and which benefits me, I am sure, more than the Poles.
- S: What are the benefits to you?
- B: Being in a different environment and being able to use what limited skills I have with people who are really and truly interested in learning and not in needing a "ticket"--a three-year passport--to take a bar exam. In that sense it has been much more satisfying.
- S: What areas have you been involved in in Poland?
- B: The environment and environmental law, East/West trade, comparative constitutional law, and human rights.
- S: Were you asked by the Polish government to come over, or how did that come about?

B: Since the late 1970s we have had a relationship with Poland through Dr. Andrei Burzynski, [formerly the director of Legal Information and Services Center of the Polish Chamber of Trade in Warsaw, and through the [former] chief justice of the Polish supreme court, the president of the supreme court, Professor Adam Lopatka. Their relationship with the University of Florida has enabled me as one member of the University's contingent to continually go over there and work with them.

S: Do you work with the faculty over there, or do you teach?

B: I lecture. I am not so sure I would call it teaching. I give speeches or lecture in a seminar-type atmosphere. The people with whom we are working are mainly lawyers in practice in Poland. They are government lawyers, obviously, although there are some private ones.

S: You have been everywhere, have been involved in the World Peace Through Law conferences and Amnesty International. I guess we cannot touch on everything, but I did want to know what you felt was where you made the most contributions and what was the most important to you. Do you feel that our law school needs to broaden its emphasis on international law?

B: My own view, which I doubt is shared by very many, is that I think the law school here can never achieve the national recognition, which it probably deserves in the sense of being one of the fifteen best law schools, or at least way up there as far as a state law school is concerned. I think the handle "Florida" keeps it from getting a just national reputation until the University improves itself and gains much more national respect. We can jump over that and gain an enormous international reputation much easier, and I think we can do much more in the international community as the world continues to shrink. I do not believe today there is a place on this earth that Nancy and I could go where we do not know a former student. I do not care where. Any part of Africa we know people. We know people all over Asia. Of course, former students reside in east and west Europe, and Latin America, obviously, as well as England.

S: Why do you feel the law school should internationalize? What benefits are there to that?

B: It is an enormous learning experience for both the law school and the countries with which you are working. The world is shrinking. After 1992 when the Common Market gets going in Europe we will need experts in international law probably much more than you need experts on national law. A center for international studies is much more beneficial for the year 2000 than a center for national studies because many nations have now dropped their barriers and

have American lawyers practicing trade law in some of the major cities. To be very pragmatic, another major benefit, although it is not my interest specifically, is if a state has an international institution your chances of a nation's doing business with that state are much greater.

S: Any type of international institution, or educational?

B: Educational – bringing lawyers from around the world to study here, as we do in the summer with our Introduction to American Law. [We could] bring them for a longer period of time. Establishing relationships with East/West trade countries I think enhances Florida's opportunities to move its market outside the continental United States.

S: So that really has benefits for the state.

B: Absolutely. If you want to be pragmatic about it, the benefits to the state are enormous.

S: Are we doing more in this area than any of the other Florida law schools, such as the University of Miami?

B: I think we are doing more than probably 90 percent of all of the law schools in the United States, and I am pleased to see that.

S: So we are making advances.

B: Yes, but the relationship with the state government is so fragile that at any given point the state could collapse our programs.

S: I hear you saying that we should internationalize as well and built that reputation.

B: Yes, I think so. The University of Florida needs to be strengthened, and it can build a national reputation. It has got all the tools. The difficulty is the state of Florida does not even give it a reputation. How in the world do you expect the state of Maine to recognize it if the people in Florida, through their legislature, think of it as nothing more in many instances as a junior college subject to the whims of south Florida legislators?

S: Would you say your focus now is more on international affairs than national constitutional law?

B: Yes.

S: So you have shifted your emphasis.

- B: No, not really. I still do a lot of constitutional law. I have a pro bono case next week in Arizona. I have less of those cases now than I used to. But, yes, I prefer to focus on international matters.
- S: And your research interest is more in international affairs?
- B: Yes.
- S: Why are you not teaching international law here?
- B: We have a lot of much better internationalists teaching in the field than I. I have never really been asked to teach specialized international law. I would enjoy it if the need developed.
- S: You are teaching in the international Introduction to American Law program, and you teach constitutional law.
- B: I would enjoy East/West trade law, but Mike Gordon is very proficient and handles it quite well.
- S: It sounds like the law school has come a long way in international law and really in all areas. Do you see this as a school that has matured a great deal since those early years?
- B: Oh, certainly, yes. The early years were the most exciting, but the law school today is certainly a much better national law school than it was back then. I do not think there is any question about that.
- S: Was there really any turning point in the time you have been here when our reputation changed?
- B: Yes, I suppose. The turning point came, I think, when Dick Julin came on board as the dean. He came with a national vision.
- S: Of the administrations you have been under – [Frank T.] Maloney, a short time under [E. L. Roy] Hunt as acting dean, [Joseph R.] Julin, and [Frank T.] Read--are there any major differences in administrations?
- B: Every one of them was stylistically much different than the other. Frank Maloney was serving in a very turbulent time, and a lot of the young professors challenged him at every turn--and I was a young professor at the time – so the relationship was more adversarial than anything else.

S: In what areas was he being challenged?

B: Everything. You name the area. It was mainly faculty autonomy; the faculty wanted much more autonomy in running the place. At one point he decided he would take over the hiring of new teachers, which had been up to that point a faculty decision. As I said, I was the first one he hired. Young professors did not understand his problems, and, quite candidly, I suppose did not care about what was troubling him as a dean. We were only interested in moving in a direction we saw necessary to move. For me, the turning point came with Dick Julin. I think he is probably the best administrator I have ever seen in action.

S: How did he feel about faculty autonomy?

B: Dick came from Michigan, so he was a strong supporter of faculty autonomy, but he could also manipulate in such a way that you enjoyed being manipulated. It was not a crisis for him, and he dealt with it on a much more quiet but effective level.

S: What about Dean Read's administration? How was his style different?

B: I do not know what his style was as a dean. I am sure there was a hidden agenda that I completely missed. He kind of left me alone and left many of my colleagues alone. Whereas Dick Julin would start each meeting telling us what he was doing and how things were going and this and that, you did not get that with Tom [Read]. Tom was doing a great deal of traveling and perhaps raising money. I suppose what I would have looked for was a much more national/international dean that would move us to the next step by taking on the circuit and pressing the virtues of Florida upon audiences around the world. His style was that he was much more interested in doing other things, perhaps.

S: One of the things I was going to ask you about was academic freedom. Have you always been free to pursue your interests here? Why have you stayed on?

B: I have always been free to pursue my interests. I could not leave in the 1960s because too much was happening. When the 1970s came, under Dick Julin, I saw us heading in the direction where I was very interested in moving, so the few offers I did receive I turned down. By that time we had planted such deep roots with children and everything that we are still here, although now that the children are on their own we could pick up and leave.

S: You were really here during the history of the law school when the faculty did have greater control over the school or was establishing greater control over the school. That came during Maloney's administration?

B: Yes.

S: I wanted to talk a little bit more about your practical experience. Has it been difficult for you to do both – to concentrate on teaching and research, and to practice?

B: It is time consuming. Yes, it has been a little difficult. In more recent years it has not been nearly as enjoyable as it used to be. That is because the violations that I see are much more subtle, and apparently I am the only one who sees them, because I do not have very much success in the courts anymore. I am not so sure I am doing that much good; I think I end up doing more harm than good. It is rather depressing. Everybody in the judiciary seems to think that everything is fine with the world. Consequently, there are not the problems that I see.

S: That is the feeling?

B: That is the feeling I get.

S: You have taken on a lot of controversial cases and unwanted cases. Why do you do that?

B: I have found it very exciting, and I think it needs to be done. I do not see how you can walk into a classroom and use the Socratic method on students and really mean it unless you have been burned or have tried to take on cases that you expect them to take when they get out. I think you should do it by example as well as by teaching and research. Also, I think it is a public service in which we should be engaged.

S: Are there any cases that you would want to discuss? What types of law have you practiced?

B: Mainly the First Amendment, the federal criminal due process, and equal protection, free speech, and occasionally some international matters, such as extradition treaties and things like that. So almost all of the cases I have had are related to my duties as a constitutional law professor.

S: What cases have you argued before the [United States] Supreme Court?

B: I have been responsible for four cases. The first one I took up there was *United States v. Dinitz* [1972], which was a double jeopardy case. I have taken an equal protection case there. I took a case representing the state of Florida with an assistant attorney general, and she ended up doing the oral arguments in *Florida v. Treasure Salvors, Inc.* [1982]. We lost that one in the [U.S.] Supreme

Court. On another, *Florida v. Chadbourne*, I volunteered to represent the state of Florida, pro bono. It was actually a series of four cases. I did one of the briefs and argued and won in the DCA [District Court of Appeal], but in the [Florida] Supreme Court we lost that one, too. I have yet to figure out why. The one I lost that upset me most was *Reed v. Campbell* [1986]. I just finished writing the brief for *Florida v. Wells* [1990], and the U.S. Supreme Court ruled in my favor. So I finally won one. Then I have been amicus representing the American Bar Association in the [U.S.] Supreme Court on a benign discrimination cases--that is the admitting a minority of black students to a law school – *Defunis v. Odegaard* [1974].

S: What was that?

B: That was the year before the *Bakke* case; it was supposed to what *Bakke* became. The state of Washington was admitting minority students on a different plan than regular students, and Mr. Defunis challenged it. Mr. Odegaard was president of the university. The Supreme Court, in effect, threw us out in the final analysis on the ground that Mr. Defunis was about to graduate, so it was a moot point. Then the *Bakke* case came along.

S: That was really about reverse discrimination.

B: Yes, that was a reverse discrimination case.

S: You have handled a lot of death penalty appeals, is that right?

B: Not a lot of them, but I have handled death penalty appeal cases. In fact, the first case I ever became involved in in Florida was a death penalty case back in the early 1960s with Tobias Simon. That was *Craig v. Florida*. Another more recent death case was *Knight v. Wainwright* [Florida Supreme Court, 1981]. So over the years I have handled death penalty cases. One of the most satisfying cases, I suppose, was an abortion case that Chuck Chance, who is now a [circuit] judge, and I argued together. We won it long before the U.S. Supreme Court established a rule. Actually, we represented the *Alligator*. They wanted to publish advertisements telling women where they could get abortions. Florida law prohibited that, and we had that [the Florida law] declared unconstitutional.

S: The law prohibited it in any newspapers?

B: Yes. In the state of Florida it was a criminal offense. We represented a young reporter named Ron Sachs.

S: Were they telling women where to get abortions? I guess it had to be out of state.

B: It was. New York, mainly.

S: Any other cases that have been most interesting to you?

B: There are two that have gained international notoriety. I represented a 546-pound, 5'6" alleged rapist of a twelve-year old girl in New Jersey. I did not represent him at the trial; my colleague and friend, John Wherry, did. He asked me to take the appeal when he lost. The argument that I was attempting to make was, first of all, it is cruel and unusual to put this person in prison. I was not challenging what he was convicted of, even though it was physically impossible. It was cruel and unusual to put him in prison because he can barely walk and breathe as it is. I won the point, but the international outcry was so great that the judge reversed himself and sentenced him to prison.

In the other case [*Jaffe v. Smith*, 11th Cir., 1987], I represented a Canadian who was kidnaped by Florida authorities and brought back to Florida from Buffalo, New York, to stand trial for his crimes. That case drew a lot of international publicity. I got to learn backwards and forwards the extradition treaties between the United States and Canada.

S: So it has not all been enjoyable.

B: In more recent years it has been very depressing, as the federal courts began to reflect the [bias of the] person who appointed them. The majority of federal judges sitting today were appointed by Ronald Reagan.

S: Do you think you will continue to practice?

B: I am at the right point now where they are going to be cases in which I am very much interested. I am working with a lawyer from West Palm Beach right now on an obscenity case that really interests me. If these cases keep coming my way I will take them, but I am getting tired of taking them just to be taking them. I do not like some of the judges or what they do, or what they do to me and the clients.

S: Would you agree that our courts are siding with the accused these days? There is so much talk about victims being denied their rights.

B: I think all that is nonsense. The only ones being denied rights in the majority of cases today are the accused. If the victims are being denied rights – and I certainly could sympathize with the victim – they are only being denied rights because the prosecutor does not have the time or the inclination to keep the victim informed as to what has happened or is happening. There is no place for the victim in the criminal trial other than as a witness against the accused. I do

not know what rights the victim has otherwise. If the victim has been brutalized, I think the state, we the people in the state, owe that victim compensation somehow to restore them the best we can. But that is a legislative determination. I do not think the judiciary denies victims rights. The federal judiciary denies rights mainly of the accused. I think the federal courts operate today under what I would call the "guilty as hell" rule: "It does not matter whether your rights have been violated if you are guilty as hell. You are going to go to prison. And if your lawyer objects, we can silence him (or her) also."

S: When you get involved in cases today, is it usually when you are approached by another attorney?

B: Today I will not talk to anyone except another attorney. I do not want to talk to anybody else about a case.

S: Not even organizations?

B: Organizations or people. I do not want to talk to them.

S: Has most of your work been pro bono?

B: About 90 percent of it has been pro bono, and the fees I have gotten in the other 10 percent make those virtually pro bono, as well.

S: What do you think about the area of ethics and professionalism in the legal profession today? You have been involved all these years.

B: I think most lawyers are ethical. I think if you are going to stress ethics and go after lawyers for being unethical you probably ought to start cleaning out the benches, as well, because there are an equal number of judges who need lessons in ethics. Until we begin to recognize that the federal bench is not the nobility in the country and that they are simply human beings who were politicians at one time – that is how they got their appointment – we are going to continue with all of these problems. You always have to focus on somebody, and you may as well go after the messenger, who is the lawyer.

S: In what areas of research are you involved currently?

B: I am involved in constitutional law research. I have just completed one article and almost finished another one on matters involving separation of powers and double jeopardy. I am also doing research in comparative constitutional law. I just finished an article with Winston Nagan [professor of law, 1975-present]. He returned to put the footnotes in shape, and we will get that off. That article deals with Uganda and east Africa and the constitutional framework.

- S: You have published so many articles and have written or co-authored several books we cannot cover all of those on the tape. Are there any that really stand out with which you have been especially pleased?
- B: No, not really. Some of them I thoroughly enjoyed doing. I have enjoyed doing all of them, but some of them were more satisfying than others. I think the one that I enjoyed the most was a work I co-authored back in 1964 with Stan Laughlin [professor of law, 1963-1968], who is now at Ohio State, on re-apportionment. In a way I am sorry we published it in the *Florida Law Review*. I thoroughly enjoyed doing that work, and we should have put it in a national review instead of giving it to Florida. I still enjoy reading it.
- S: What did that deal with?
- B: *Baker v. Carr*, the reapportionment cases.
- S: That was published in the *Florida Law Review*?
- B: Yes, they had asked for it.
- S: Do you like being involved in as many areas as you are?
- B: Oh, yes. I get bored [if I stay] in one area for any length of time.
- S: Do you work on one thing at a time, or do you split it up?
- B: I work on one thing at a time for the most part, although of necessity I am forced to split it up. If you are doing cases, you have specific time limits, so I cannot stop that. The same is true when I am writing an article or giving a speech. I will not do two articles at the same time, but I will do an article and a brief and prepare for a speech at the same time.
- S: Do you work all the time?
- B: Yes, except now I pretty much take Saturday afternoons off. I am basically a morning person, so I work every morning that I can. I get up about 4:00 and work.
- S: Do you come into the office, or do you work at home?
- B: During the week I will come into the office about 5:00 every day. On the weekends I will just sit in the study in my house and work before other people get up.

S: You have been moot court advisor since 1963?

B: Yes, up to when I went to Uganda. Then I picked it up a couple of years after I came back. I have not really been the advisor since then, although I have been the advisor on and off since then. The moot court program has changed so radically that the position is not really an advisor anymore; it is simply a faculty head. I do not do the same things I did back then.

S: But you remain involved.

B: Yes.

S: You probably already answered this, but one of my questions was which of the twenty-seven years at the college have been the most exciting for you.

B: From 1962, when I first got here, until I left for Uganda in 1968 or 1969.

S: There was just so much going on at that time in your field?

B: Yes.

S: Are there any students you have taught who stand out in your mind, and that you stay in touch with?

B: There are some with whom I have stayed in touch, and there are some who stand out. One in particular has become a very dear friend; he lives in New Jersey. I worked with him on a lot of civil rights cases, and he has been a delightful friend over the years. It is ironic that when he was in law school he got a D in constitutional law, and I would not let him on the moot court team.

S: Is that how your work with the New Jersey firm came about?

B: Exactly. When he graduated in 1967 or so, he came to me – he was from Trenton, New Jersey – and said, "I am going home, and I know you are going to be teaching at Princeton. Can I take anything [for you]? I have a U-Haul." We gave him a lot of our stuff to take. Incidentally, he was stopped on the turnpike by the police, and they made him empty the whole U-Haul. Actually, they were looking for untaxed cigarettes from North Carolina. But he cursed me that day.

S: He is with the firm in New Jersey that you were counsel to?

B: I have been of counsel for them over the years.

- S: You have two children, both of whom graduated from this law school.
- B: Both of them went to Tulane: my son went to Tulane University, and my daughter went to Sophie Newcomb at Tulane. Both of them then came to law school here, and both graduated and passed the bar.
- S: What are they doing now?
- B: My son is a partner in a law firm in West Palm Beach. My daughter is in Tampa; she is an assistant state attorney, developing trial skills.
- S: Are either of them working in your area?
- B: I guess my daughter is starting to. When she was in private practice, she, on her own time, took pro bono cases – poor people, mainly battered women who were looking for divorces and that sort of thing, which I think would be awfully hard. But she worked very hard helping them. Both children have accomplished trial and people skills. I envy their talents.
- S: What about any outside interests?
- B: Do you mean hobbies? I have none. I like to sail and fly – to get away. Sailing is about the only therapeutic outside interest I have.
- S: Do you do that around here on any of the lakes?
- B: We have a beach house over at Amelia Island, and we try to do it there. I do not do it very much any more. I have fond memories of great sailing on Long Island Sound.
- S: That is where my husband is from – Connecticut, just off the sound.
- B: We used to live in Branford.
- S: We grew up in Stamford, and my parents now live right on the border of Stamford and Darien. Do you travel for enjoyment, or is it always business?
- B: I probably would enjoy it, but all of our travel, although it is in part for enjoyment, is usually tied to doing something.
- S: Lecturing somewhere?
- B: Yes.

- S: Anything else? Any collections from all the places you have been?
- B: We have a very good collection, I think, of Mexican furniture and African artifacts in our home. We are both intrigued with the African artifacts as well as the Mexican furniture.
- S: I imagine that you and Nancy are freed up now to do as you please, after raising a family.
- B: You would think so, but we still have as many obligations. It is still just as difficult to get away.
- S: Did Nancy have primary responsibility for raising your children?
- S: That is probably a fair statement, even though she was working at the University, also.
- S: Was she working full-time all the time?
- B: Yes.
- S: What about sports? Do you follow Gator or Bulldog sports at all?
- B: Yes. I played football, was on the judo team, and played tennis in the army; I was on the army tennis team. I still follow college athletics. I enjoy it.
- S: Do you spend a lot of your free time reading, when you do have free time?
- B: Yes, I read or just hang out at the beach if I have the time.
- S: Do you stay up with current events through newspapers?
- B: Yes. I am really intrigued with the University's new satellite and would like to learn more about that. They have news programming coming in from foreign countries every hour on the half-hour. That would be fascinating to me. If I did not think a satellite dish was so ugly I would get one and look at Mexico City news or news from the Soviet Union. Whether I could understand it or not, it is just fascinating to watch.
- S: Yes, to see how it is presented. Do you speak any other languages?
- B: Spanish very poorly. When I was in school I took Spanish and Latin as my two major languages, which, as it turns out for me, was totally irrelevant. I needed French instead of Latin and Spanish.

S: What about plans for the future?

B: Well, Nancy has finally decided that instead of our leaving Gainesville, which we would have done after the children got out [of school], she has entered law school. She is on leave from her position with the University. So that, again, ties us down for three more years. But that is fine. She certainly deserves to do what she wants to do. So right now for the immediate future we will be here for another three years.

S: So she is going to go to law school here.

B: Yes.

B: What would you think about teaching your wife?

S: She would be the last person in the world I would want in my class. I would not mind teaching the children, but not her. She questions too much.

S: Did you have your children in your classes when they were here?

B: Yes, and I am pleased to have had that experience. They were great to be around at that age.

S: There are no plans to retire for you?

B: No, I do not think so. I do not know why people retire, unless they physically cannot handle it anymore, or get Alzheimer's disease or something like that. This is retirement, and this is the enjoyment. What would I do if I retired? Watch television?

S: Do you still enjoy going into the classroom?

B: Yes, I do. I come out depressed a lot, but I certainly enjoy going in. Classes have their own individual personalities which you can spot after about two weeks. Some are much more enjoyable than others.

S: Do you like working with advanced students or beginners?

B: It really does not matter. I get the second-semester people in Con[stitutional] law, and then seniors in police practices and other courses. Certainly the advanced students are more willing and prepared to challenge you, which is what it is all about. The entering people by the time I get them are not.

S: So as long as there is some interest on their part you are happy?

B: Yes, if there is.

S: On the pro bono area, do you feel that that is important for all lawyers and that it is something everyone should [participate in]?

B: I do not know that it is important. I think it is an obligation for members of any profession, whether lawyers, doctors, C.P.A.s, etc. It has to be horrible for people to live in poverty. I have never understood the court's attitude toward the impoverished. I would like to do something sometime on why the [U.S.] Supreme Court concludes that poor people are not entitled to equal protection under the law. It has to be devastating when they cannot afford representation in noncriminal matters. I will not take a trial case for poor people because there are trial attorneys a thousand times better than I am, but I will take an appeal, because for so many of these people nobody else really wants to take it. They have to have some hope, and if our system holds out some hope, then you may as well try to implement the myth.

S: I think that covers my questions. Is there anything else you want to cover?

B: I cannot think of anything.

S: I may have some more questions after I go back and review. What I will do for the magazine is start to put together an article, and then I will have you review it. I am sure I am going to have some more questions when I go over all of this.

[End of the interview]