



# **Cliff Thompson**

**December 12th & 17th, 1991**

**Oral History Interview**

**Interviewed by: Barry Teicher**

**Interviewed at: University of Wisconsin,  
Armory and Gymnasium (“Red Gym”)**



BEGIN TRANSCRIPT

TEICHER: This is Barry Teicher of the University of Wisconsin Oral History Project. Today is December 12, 1991. I'm in the Red Gym. My office in the Red Gym with Clifford Thompson who was the Dean of the University Law School from 1983 to 1989.

Dean Thompson, if you could begin by giving us a little bit of your educational background and your early interest in law.

THOMPSON: Please call me Cliff, [00:00:30] if you wish to. Almost nobody calls me Clifford, but I certainly prefer either to Dean Thompson.

TEICHER: Okay.

THOMPSON: My early background was I grew up in Kansas and went to high school there. I went as an undergraduate to Harvard on scholarship. I had a Rhodes scholarship to Oxford where I studied law and then I completed my work at the Harvard Law School.

TEICHER: Did you ... Have you always [00:01:00] ... When did you first become interested in the study of law?

THOMPSON: That's a hard question. I think probably at an early date, but it was never an overwhelming passion that I would do that.

TEICHER: Were there any professors you had, any courses you took in your early studies that had a significant impact on your later, you know, on your subsequent career?

THOMPSON: On my thinking, [00:01:30] definitely. On my career, I can't think of anything direct. In terms of my thinking, I feel greatly indebted to, you know, quite good teachers in Kansas, in grade school and high school level. And then a marvelous experience as a Harvard undergraduate. I think, you know, it was a great education experience. It was difficult. I came there as a lot of people I suppose do, not [00:02:00] having heard of the books I was assigned, and finding other students has already read those books, but it was a truly challenging and exciting sequence.

TEICHER: You eventually went to Africa and spent, what a decade there including the deanship, how did you get involved in that whole phase of your career?

THOMPSON: Guess it was closer to 13 years, from '61 [00:02:30] to '73, with a break actually at Columbia Law School. My interest in doing that combined a number of things. I think overwhelming and historically what was happening at the time when I was in law school, back at Harvard, '58 to '60, was that the post-war era in Africa was taking hold. You had [00:03:00] only two independent countries sort of at the time of the end of the war and then all of them looked to be headed for Independence, so that actually 1960, which was the same year I graduated from law school, you had an extremely large number of countries become independent in Africa. This process was taking place ... where one could see it was taking place, and [00:03:30] I got

interested because I had an English law degree and I knew that in the colonial areas there were very few trained people from those countries in law that they would be needing, they probably would be needing legal personnel in the early stages of their independence.

I mean, the facts seemed to indicate that there was [00:04:00] an opportunity for something that could actually be a historically interesting, important for the countries involved, and actually and some kind of an adventure. Now, my interest I think in this was influenced by a number of things, when I was at Oxford I had a good friend who was studying law who was a Ghanaian, but that wasn't ... I think is important is the fact that when I got back to Harvard [00:04:30] and had those two years my wife was working at MIT on a dual project with doing research on a Russian project and an African project, and it was much more interesting in the evenings to talk about what she was doing than what I was doing. And I got really quite fascinated in what was happening in Africa. I mean, the fact that countries were becoming independent particularly in the eastern side of Africa with very [00:05:00] few of their own legal personnel. It was stronger on the west side, but even there on the west side of Africa, but even there it was difficult.

And so, I got it in my head after, at the beginning of my final year in law school that it might be that this was a really interesting thing to be done. Well, at that time there was no Peace Corp and I probably, and this is a pre-computer age, [00:05:30] wrote over 200 letters to various people trying to find such a job and interviewed probably 100 people in the areas of Boston, New York, and Washington and got a lot of friendly response. People thought it was very interesting thing to be done, but nobody quite knew how one would go about getting a job. What actually happened was that after graduation I continued to search in the summer of '60, by that time we were [00:06:00] headed toward an election that of Kennedy and eventually, I didn't know it of course, but you'd have Peace Corp and other things starting.

In the Summer of '60 I still didn't have the job so my wife stayed with her family in Kansas and I headed off for West Africa with a one-way ticket and enough money for the ticket back and a bit of expense money to either find the job or not. And my father who'd not been a graduate and my mother [00:06:30] not graduated from any college and were therefore quite proud of me having gotten even a law degree were actually tremendously supportive. The only advice I remember my father gave me was don't end up a YMCA do-gooder and I said, "What do you mean by that?" And he said, "Well, don't end up sweeping out the YMCA, if you're going to Africa, I mean, then that's fine, but find a job that somehow will draw on your legal talents."

Well, I hadn't found a job and to make this rather long [00:07:00] story shorter, on the way out I stopped in New York at Ford Foundation to make sure a number of addresses I was going to go to in Africa were good. Secretary, a woman named Alice Maloney came down to see me and she insisted that I see her boss and I said, "No, I don't want to see your boss. I've already interviewed two or three people here and all I want now is these addresses," but she insisted I come talk to him.

A man named Francis Sutton, [00:07:30] who was the Associate Director for Africa. We had a very interesting discussion and he said, "Well, now if I think of any more addresses or anything where can I contact you?" I was staying in Boston and I was going to fly out the morning after the final Kennedy-Nixon debate. I wanted to hear that. And then I was going off to England

where I had some people say they were hoping, you know, that they would like to talk to me and maybe there were some possibilities that could be arranged at various places in Africa.

I got a call when I was there through [00:08:00] the ... I had worked at the undergraduate newspaper and so I gave that as a number and I went down and I had a call from this man, Sutton, who offered me a job as being his, being an Associate Program Officer at the Ford Foundation in Africa and insisted that I come back down and talk to him and I actually, I didn't really want to do it because as I indicated I was very short of cash and he realized that this was why I was hesitating. He said, "No, no, no. We'll pay for your trip back down here." And [00:08:30] anyway, it was a great job opportunity because the point was, is that I would have an opportunity to learn more about Africa and from that base probably get a job that would be worth taking and so, in the end I did take the job at Ford Foundation and it was really through there that I got the connection to my first job in Africa, which was as the Executive Director of the Sudan Law Project and teaching in the University of Khartoum School.

I was working as an employee [00:09:00] of the Sudan government, but the project had connections and funding from the Ford Foundation, which was my entree. After that all the jobs I had I got there were quite easy in one sense to get because once the first job had gone well then other jobs were available because there was a tremendous need as I felt there probably would be in many areas in Africa. So actually, I was actually in that period of the '60s, early '70s, in a sense [00:09:30] in demand. For example, in Zambia, when they wanted to start a law school in Zambia they hired a Ghanaian named Bentsi-Enchill, who had heard about me and he asked me, sought me out to go to Zambia to help start their first National Law School, which I did. That was my second job in Africa, which I did in the period of '67 to '69.

So, the interest in Africa rose [00:10:00] in a complex way and it got going with great difficulty, but once it was going it was, it sort of sustained itself.

TEICHER: And you subsequently became Dean of Haile Selassie?

THOMPSON: Yes, my last job in Africa is I was four years in Ethiopia. In each of the countries there was something very specific that needed doing. In Sudan, it was that they were trying to preserve their Common Law tradition and this project had that as [00:10:30] part of it. That is to get the judgments by the judges in Sudan, which had not been reported, but, which actually combined in a fascinating way customary law, Islamic law, statutory law, and was in fact creating a genuine Common Law for Sudan.

In Sudan, actually, some of the judges, many of the judges were Sudanese. They [00:11:00] had judges who were Sudanese as early as 1939 in Sudan. The number of Sudanese lawyers and judges was small, but much larger than most countries because Sudan had never been settled. In other words, it was colonized. There was a colonial administration, but there was not ever an aim for British expatriates to go and live there, so they were more prepared, and in fact, the British did an excellent [00:11:30] job of ... certainly compared to wherever else they were ... in preparing legal officers. But the preservation of some kind of Sudanese Common Law was the project there.

There in Zambia, a disgraceful situation at the time of independence, 1964, in which there were, I think, no more than about 12 Zambian lawyers in the whole country. Actually, there were hardly any University graduates. It [00:12:00] was ... The colonial educational pattern there was shocking. And so, they got a university going. Then they decided that they would start a Law School and I was, as I indicated a few moments ago, was a co-founder of that university.

And then the job in Ethiopia was to go through the transition period of a predominantly foreign faculty [00:12:30] on the Law School to a localized faculty. And that had been started by my predecessor, Quintin Johnstone, who was a prof at Yale, who'd been there two years. And when I came there was a faculty of about 21 and there were three Ethiopian and the rest were foreigners from many places, United States, Belgium, Germany, France, Ireland. And when [00:13:00] I left, four years later, we had a majority of the faculty were Ethiopians and the Dean was an Ethiopian. The first Ethiopian dean.

And that group, although some were murdered during the Mengistu regime, is still basically the same group. I had just, I guess now it's about two weeks ago, an invitation from the Dean in Ethiopia to come visit now that the Mengistu regime [00:13:30] has been overthrown and so on. It's the ... It's a person that I taught as I student. A person who was my colleague when he came to be a young faculty member and he's now the Dean. So, the tie from 20 years later remain remarkably strong.

The school in Zambia goes very strong and as you know, or as you may know, Zambia just recently had an actual election and they voted out Kenneth Kaunda who looked like he wanted to be [00:14:00] president for life, but actually there was a peaceful transition and many of the leaders in that movement were graduates of our Law School. So, the Law School has had an important role in Zambia. And actually, one thing I think has to be said, and was one of the real fascinations was that the opportunities of training in Africa were fabulous. There's nothing like it anywhere else in the world because unless it would be [00:14:30] fairly independent Third World countries. Meaning that in the United States, your leaders come from all over the country from all sorts of different institutions, and England has been concentrated for a long time on Oxford or Cambridge, but even that monopoly has been broken. Even though it's a bigger monopoly than you can find in the US for sources of where your leadership comes from.

But in the places I worked, I mean, you knew talking to your class you were talking to the people who were going to be the first [00:15:00] Chief Justice, the first Attorney General, all the major legal positions. Quite apart from whether they might rise to senior positions, you know, in the political structure. So, it was quite fascinating, but what everyone had to offer by way of skills or character or whatever else, you certainly had an extremely important student body. It was quite exciting times.

Now, the ... What's happened in Sudan is much less [00:15:30] encouraging. They've had political instability. The common law that we were working for is at the present time swept aside because they want to introduce Islamic law over the country. This is highly controversial because the southern Sudan is not, are not Arab and are not Muslim, and in fact there's been a violent civil war going on for some time. So, it's quite unsettled there. [00:16:00] Many of the graduates of the Law School are of course in positions of high importance. In fact, my first ... My colleague

who was the first Ethiopian dean, Hasan al-Turabi, is currently more or less running the country, but the impact of the Law School ... The law school and the legal system as it was known when I was there has largely disappeared [00:16:30] in the Sudan. So, that is one, there is a contrast in all of the three places that I was.

TEICHER: After being there for 13 years you decided to move back to the States and you accepted, I believe, the deanship at the [inaudible 00:16:46] well not really, SMU before Hawaii, how did that come about?

THOMPSON: Yeah. I wasn't dean at SMU. I was a professor of property law and jurisprudence. [00:17:00] What I wanted to do when I came back from Africa, well I had at that time there was ... The major alternative was to go to work for a large New York law firm, actually White & Case in their London office, which was a tempting part because I like London and I like England, or to stay in the [00:17:30] academic world. Staying in the academic world was what I decided I wanted to do, but what I want to do is to not play on my expertise.

I'd like to be ... I'd like to establish credentials as an American law school teacher whose major interest is not foreign or comparative law. Now, part of that was just simply I wanted that area of expertise. Secondly, I suppose there was [00:18:00] some fear of being marginalized. Some programs, in which, like at Columbia when I helped start the African Law Center there, the difficulty is that once started, once the soft money is gone, you may not have it continued, and I thought if I'm going to have a long term interest in Africa it's better to have, establish myself in more traditional areas, so that I can avoid any difficulty that might [00:18:30] come otherwise. And also, just, I just wanted to become an expert on American law.

The trouble is I didn't have any expertise after 13 years in American law. I'd not been teaching there. And it worked out really well at SMU because they wanted a first year property teacher. One of the, some of the work I'd done in Africa, three volumes on Sudan land law certainly going in depth into property and land law if not American law. First year is not done at a deep level and secondly, I'd done very well [00:19:00] at Oxford in jurisprudence and continued to write and study in jurisprudence. They have always had at SMU a major jurisprudential interest and their longtime professor, Professor Harding, had just retired. So, I was really hired to do jurisprudence at SMU, so I went there and feel greatly indebted to them because I'm not sure where I would fit in easily otherwise.

[00:19:30] But after four years, yes, I got back into deaning and the Hawaii thing came up and it was almost from my perspective, irresistible, because at least in my own mind however else others would see it, was so similar to what I'd been doing in Africa. The similarity was this that you had a Hawaii become in effect independent that is get statehood in 1959 and they had then had their political, [00:20:00] you know, localization and that was basically that the Japanese-Americans who had gone off and been extraordinarily heroic in World War II, came back, had the GI Bill. Became lawyers, became politically important, basically after statehood, or as I thought of it, independence, basically took over the State.

And one of the things they wanted was to open the corridor of powers to local people who would not have the GI [00:20:30] Bill and they thought one of the ways ... One of the things you have

to have is you have to have a law school, so they never had a law school. So, they started a Law School in Hawaii in 1973 and what had happened is it gone right off the tracks. It was being threatened with closure. The first Dean had been fired. A very small faculty brought in from outside. One had been, the [00:21:00] tenured had been let go, bought out. It was in absolute chaos, so I thought here was an enterprise worth fighting for.

It's the sort of thing I like, each of the jobs I'd had in Africa were fairly ... All had the capacity for something fairly dramatic to be done in a relatively short period of time if you did things right and it seemed to me that there was a chance there for a turnaround. And in fact, we did turn it around. I think probably [00:21:30] was the hardest job I've had, until this period I don't anticipate anything harder. It was really difficult. It worked out remarkably fast probably within six months we'd gotten stabilized and without dwelling on that I think one indicator is that I left there after two years in 1977 [00:22:00] I guess, and my, the Associate Dean I'd brought in had been a colleague I'd brought to Ethiopia named Jeremy Harrison and who'd been a great comrade in arms in Ethiopia. And I brought him to Hawaii as my Associate Dean and he is now and has been for some time the Dean in Hawaii.

TEICHER: And from there you took the next step to the University of Idaho?

THOMPSON: Yeah, Idaho was not [00:22:30] a big problem case. They thought they had the problem that they wanted, they'd just gotten a brand new building and it was their sort of feeling that they could become a strong regional school if they could bring in somebody to help do that. It didn't seem to me that there was any kind of emergency of the sort that occurred other places, but it was a good challenge. It was difficult ... Actually, it was probably the only difficult, really difficult decision I've had [00:23:00] in terms of opportunities because since the Hawaii thing had sorted out and since there was other things that could be done it was very tempting to stay on there and I think probably the fact that I knew Hawaii would go strong with Jeremy and for other reasons, but the big problem was schooling.

I had four kids and in Hawaii they were all in public schools, I think people don't realize in Hawaii anybody, of whatever racial background tends to send [00:23:30] their kids to private school if they can afford it. The result is the public schools are badly neglected. We had four kids, all in public school, two of which were extremely good schools, hardworking, and two of which were terrible. Including the fact that people were murdered in school, in schooltime not on the playground afterwards. It was quite bad and we were worrying about our kids having moved about so much anyway that to have everybody in one spot, in one school for a period was very appealing. So, that was ... The family factor [00:24:00] was an important one in going to Idaho.

TEICHER: Stop for a second.

Let's proceed now to the University of Idaho and from there to your stay here at (inaudible).

THOMPSON: Actually I think we were proceeding to ... I think we got over to Wisconsin.

TEICHER: We are at Wisconsin now.

When were you first ... How did the deanship ... How did your hiring [00:24:30] here at the University of Wisconsin come about?

THOMPSON: The ... Sometimes you don't really know how these things happen. In this case I do know and in a sense it was quite pleasing that it arose this way, by chance, in two of my deanships there had been members of the Wisconsin faculty visiting as professors at those schools, through no contact or reason, by reason of me being there. For example, when I was dean in Hawaii it happened that Charles Irish [00:25:00] was a visiting faculty member, but I hadn't recruited him, hadn't even known he would be there when I came. He was a visiting tax teacher and likewise when I was in Idaho, Bill Foster, of the Wisconsin faculty was a visitor again, not arranged by me, but I think it was there because it allowed him to be near a- bird watching, and b- where his daughter at that time was going to school.

But in both cases I got to know those people and both of those people were the ones who took a special interest in nominating [00:25:30] me or getting my name forward to other members of the faculty in the selection committee and calling me to say would I have an interest in doing it. So, anyway, I was nominated and the Chair of the, I didn't know how it had come about, but that is how it happened after I knew. First I knew was that the Chair of the Recruitment Committee who was Margo Melli, a professor in the Law School, called me and said would I be interested and my first response was, because I've always [00:26:00] known, I think everybody knows about Wisconsin the way you won't know about the University of Idaho. I mean, you know about Wisconsin's national reputation. You know about its Law & Society tradition.

So, I was a bit surprised and I said to, I said, "Well, Professor Melli, I've always gone to someplace where, generally speaking, where there was something that really obviously [00:26:30] needed doing and if things went right and you did things right you could have a turnaround in a relatively short period of time, whereas I don't, I mean, if I were asked to and accepted to come to the University of Wisconsin as Dean, I mean, I can't imagine that anything needs doing other than what would take a lot of time."

"And secondly, why would you be asking me? In other words, I don't know what short term problems ... do something [00:27:00] about solving, so I'm confused as to about why you're suggesting I oughta be a candidate for your school." And she paused, there was a pause, and she said, "Well, actually, we have a lot of problems." But the truth is, that Wisconsin really didn't have a lot of problems. Wisconsin had two big problems. One was disastrous shortage of [00:27:30] funding, which has persisted over a very, very long period. Going back for, oh, at least 20 years. There had been that where you have a little shaved every year and it's never really brought back. Has been for a variety of reasons, a change of a Chancellor, the support of one and one who was not, for whatever reason that was a major problem.

The other was the fact that, and again, that you had within [00:28:00] the Faculty what outsiders refer to as warring camps and in fact the intensity of competition in which you add the fact that there was dwindling resources created a lot of paralysis, basically, within the School. That there was a tremendous amount of suspicion [00:28:30] between those who might have different goals so that you had I think warring camps is too extreme of a description, though that was the one that the ABA Report, that's what they concluded. And I think that's too extreme, but the fact is

that that was one of the two big problems. Money and the fact that you had a deeply divided faculty that was so entirely suspicious [00:29:00] of itself that there was a difficult in getting anything at all done.

And so that faculty governance, which is extremely important thing, it was not, it was really not a problem with faculty governance. It was that whatever happened everybody for sure wanted to have a decision in it. For example, you get two thousand dollars and for some reason you haven't spent in the course of the year, people would insist that there be a committee set up to decide how that would be used. And [00:29:30] they would spend three, four weeks and not agree on how that two thousand should be used. Now, that was the state of the affairs when I came in '83.

TEICHER: Now, did she tell you that those were some of the problem that you were going to be facing? Or were those things you learned as you went along?

THOMPSON: I think the fact that there were inadequate resources was something that they had, it was communicated to me. I think [00:30:00] in the ... Actually, at the very time they were going on the Dean Search they had sort of realized that the kind of vague feeling they had that their salaries weren't very strong had been confirmed by some sort of report that the faculty got a hold of, and that was known. I think it was known that their salaries had dropped. The average salary or the mean, median [00:30:30] salary had dropped among the ABA-accredited schools to 92nd and was at the bottom of the Big 10 salaries. That was known.

Otherwise, just how bad the financial situation was, I'm not sure how much they realized it except vaguely as to the competition I think it's one of those things that people really didn't talk about. One had [00:31:00] to discover that for oneself, although it didn't take long for us to figure it out.

TEICHER: Could you tell us, could you give us some examples of how you discovered that upon your arrival?

THOMPSON: Well, apart from the fact that I simply talked to everybody individually and soon got a sense that I was being warned off of this person, that person, that group, or other group. I suppose one of the dramatic early things that happened was a group of four, four extremely I must say ... Well, I think the whole [00:31:30] faculty was very strong, but I think four particularly strong members of the faculty came to see me and they wanted to do something with shifting resources that involved, didn't involve them directly, but it involved someone who they wanted to give support to. I don't think it matters to get more specific than that. And after the presentation I was sort of pressed to make a decision. I said, "Well, that's something I think that I need to look a lot more into [00:32:00] and to find out more about it and think about it before I can decide." And I was surprised at the intensity with which one of the people said, you know, basically I was threatened. "You're either with us or you're against us."

Which I was surprised that it would come out in a group. Although the group was a sporty group, still you're identifying the others [00:32:30] with sort of a group threat. So I simply said, "Listen, if I have to decide today I'm going to decide against you because I can't make that kind of change without thinking about what's happening and consulting with others. So, you've got your

decision, if it's today I'm going to decide against it." So, they backed off that and actually in the long run, I think in the long run, combined with the fact that we got a lot more resources, that [00:33:00] those people were amongst very good friends. Not just at the end of my seven years of deaning, but before that.

TEICHER: How did your strengths and skills as an administrator, administrative style if you will, how did that work in terms of dealing with these warring, these different factions? Do you think it was a good fit that you were dealing with them?

THOMPSON: I think, well you know, obviously it came out. So, I do think I was a [00:33:30] good fit for a number of reasons. One was that I kind of realized before I came, which is that they all have these very diverse interests at the Law School, which I could see unity in. They didn't seem to see, and that unity was where Wisconsin pioneered in even the '30s or even before. And as a premier, I think, probably the leading school in the United States in what is called Law in Action. And Law in Action is a phrase that [00:34:00] wasn't invented here and other schools like using it, but I think Wisconsin remains if not the strongest, one of the very few top schools in regard to that tradition.

The tradition, simply, is that it's the strong belief that law on the books, that is law on the statutes, law in the casebooks, is extremely important, but it does not begin to reflect what actually occurs in action when people are doing [00:34:30] things. And to limit law school teaching and law school research to what many very good schools do, namely what we call black-letter law, you analyze the words of the statute, you analyze the words of the contract. You analyze the words of the judicial decision, and that's what you teach and that's what you do research on. It doesn't begin to have any real comprehension of the reality of what happens when people [00:35:00] deal with each because you have to find out how it's actually, what actually occurs in action. And we had research being done in that area. We had clinics.

Well, one of the big rivalries for finances was between the research division and the clinics, and yet both were in fact operating in the Law in Action field, so it wasn't like they were going after utterly different things. It's true that they wanted it for different things, but it wasn't as if [00:35:30] one party wanted black-letter law and research and teaching, and one party wanted Law in Action. Everybody in the Law School was very much oriented toward or sympathetic to Law in Action. And I think one reason I thought I was a good fit was I actually liked and appreciated everything people were doing.

I mean, sometimes it happens that if you're doing one thing you really don't have a tolerance of what other people are doing. Although, I can remember it was James Bryant Conant when [00:36:00] I was, I think he was ... I think it was my first year as an undergraduate at Harvard, he was going out as President, but he said something that always stuck in my mind, which is that in a university you've got to be tolerant of what your colleagues are doing even though if it seems crazy because part of why a university works as a search for knowledge and you shouldn't assume in advance that you know what that's going to be. So, you've got to be tolerant of that. Now, I was more than tolerant.

I was actually enthusiastic about [00:36:30] what people were doing, so that was easy in that sense. Now, in terms of getting them to be a more peaceable (inaudible), well, that takes the help of many people. You can't do it on your own, and I think, one thing I noticed right away is that you have to, what I believe is you have ... First of all, you have to know what you want to get done and then you have to decide how is it going to be possible to do that. When I was Dean in Ethiopia I had a great deal of power and pretty much I was upfront, [00:37:00] you know, the outspoken leader. I did confer with colleagues, but the dean there was almost like the dean was in the old days in the US, a great deal of power and authority. In fact, colleagues felt very touched if you even chatted with them about these things, which is quite different coming to a situation where people think the Dean shouldn't be allowed to do anything.

Even an example I gave you for two thousand dollars unless everybody has a vote, following [00:37:30] deliberations by a committee. I noticed that here the, first of all, tremendous competition, but ... and people wanted you to take their side in this, but the strange thing about it was that many of them did not want you to be the spokesperson for their view because they wanted credit [00:38:00] for it. That was an interesting point too, in other words, oh, one of the early things that happened was that the ... Well, again, but let's say there was something ... Well, I can give you the example I guess because for a long period there had been a proposal to have an Institute for Legal Studies and we had a number of people supporting that, and [00:38:30] the genius behind it was Dave Trubek.

Dave came in and wanted my support for it, but it was clear he didn't want me espousing the idea of the Institute, it was his idea. So, I looked into it and it struck me that it was a superb, what he was doing was superb and there should be an Institute. There wasn't an Institute, the point was would the faculty approve it? The faculty had never got around or was unwilling to institutionalize the kind [00:39:00] of things that he was doing with a group of some terrific faculty members. So, it struck me that not only did I support it, but we had to get it enacted as an Institute, and I think it was near the end of my first year where Dave came in and he said well he'd appreciated my support, but it was going to be yet another year in which this thing was not enacted. I said, "No, we've got one more faculty meeting. I think things are going all right."

And in fact, things did go right. The faculty did approve it and what I did was, it wasn't [00:39:30] that difficult, what I did was found out who was really most opposed to it and particularly those who were most opposed to it who had clout with or support by other members and simply talked it through with them. And got them both to understand why it was a valuable thing, and secondly that they wouldn't feel threatened by the financial implications. Now, doing that you're going out a little bit on the string, the way that I think Chancellor Shalala does a great deal of the time. That is, you're having to promise [00:40:00] things you haven't got, money particularly, but you know, then you get around to getting it and things then do work all right.

I guess, it was an interesting ... I guess my method was one of trying to appear most of the time not the chief lead-in, that that is the facilitator rather than the person who was pushing it. Now, I think, one thing I want to refer to, we chatted [00:40:30] with before we started, was that a great deal of my self-serving summary of these seven years, I wrote up when I was away on sabbatical and that appears in the University of Wisconsin alumni magazine. It's called, "The Law School

Forum," called, "The Gargoyle," and it's the fall 1991 issue. So, if anybody's actually ever listening to this interview they should go look at that.

TEICHER: For the information, person listening, a copy of that will be on [00:41:00] file in the Oral History Project Office, so you don't have to go over to the Law School.

THOMPSON: Oh, good. I think what I would say of it that it's, I do think it's my honest opinion, and it's actually out there where any of my colleagues who don't agree with it can say so, but actually a number have actually come and said they thought I had the tone right between bragging and properly attributing everything to everyone. And I think it's fairly ... I don't think it's too sanitized. I think it's [00:41:30] basic, if you read it you'll see that I've either said or indicated the problems we've had in that period too, but one thing I don't go into there is about, a method about how you do something.

And I think a good example is one that would be, is fairly trivial, but easily provable. And that is one of the early things I did because I thought it was, you know, at a level of professionalism very, very badly. We had no policy by which Faculty had [00:42:00] to get their grading done, student exams within a limited period. And many law schools have this problem, you know? You'll have two or three teachers who after the spring term is over, the fall is beginning and they're still not getting their grades in. It's not professional. We ask students to meet professional standards and professional timetables, I think we have to do the same. And then there's a lot that also follows, that's extraordinarily inconvenient for students or even harmful if they don't have their grades by a certain time.

[00:42:30] But anyway, it seemed to me it's clearly essential that a Faculty have a schedule by which they have to timely grade their exams and I might say, of course, the law faculties do grade their own. They don't have Teaching Assistants to do this. This is different from many parts of the University, but a law school professor does the grading of all their students, whether it's 40 students or 400 students. So, it's ... They sort of feel we need to take the time we take, but now the reason I mention [00:43:00] this example is that I think we, within my first year, did pass a policy that required people to do it and it's had very good success. I'm glad about it, but I think if you asked anybody in the Law School, "How did that come to pass?" They would ... I don't think they would connect it particularly with me. I mean, it's something that happened in my time that I probably was, I definitely was supporting, but it wasn't my initiative.

The truth is it was almost entirely [00:43:30] my initiative meaning that the reason it's easy to use this example is that I've done it at every other school I was. In other words, I came to Idaho, they didn't have a grading policy. I introduced one. In Hawaii, they didn't have a grading policy, I introduced one. I introduced one when I was Dean in Ethiopia. I've done this at each school. It was a clear pattern of intruding upon full freedom for (inaudible). And in each place I'd done it slightly differently, but what I did here was simply [00:44:00] set up a committee, which had very good faculty who were, themselves, extremely supportive of a grading policy.

Give them my support. Set up on that committee, students, so there would be student pressure, and then politicked it in a quiet way through students so there was a student pressure for it and through the faculty and so by the time six months had passed and you had all the discussions and

so on, you probably had only two or three faculty who were still decidedly against it and voting against it, but [00:44:30] I never would have been the one who anybody identified as being the person who initiated a new grading policy. Did I support it? Yes. I was supporting a faculty issue. And that is a way that a lot of the things that we did, is how I operated.

Now, a lot of things occur where I have nothing to do with them. I mean, they're true Faculty initiatives, but a great deal of the momentum ... The truth is I really do feel that I'd [00:45:00] say, "Okay, here's an area in which I think we ought to do something. I'll find out who's supportive of that and you work it through." My basic philosophy being that Madison was the sort of place where you're not going to get away with being up front with them. At a time when there's so much suspicion, and also, I was an outsider. And my idea was you be ... I'd rather be, you know, I'd rather be [00:45:30] in a situation where many people rightfully claim credit for something getting done than to be like Wilson with full credit, or large credit, for the Peace Plan after World War I, but not getting it adopted because you didn't have enough sponsors. You didn't have enough...

So, that was basically how I proceeded with it. Now, near the end in the last [00:46:00] two or three years it was easier to do things, a lot of things directly and by that time I think certainly faculty was no longer excited about small ticket items and we were operating on a different level of trust, I think.

TEICHER: This [00:46:30] is side two of the interview with Cliff Thompson. We talked about how you came into the situation here at UW and you, more or less, work with the faculty side of the administration?

THOMPSON: Well, a lot of the consensus was built privately and over a long period of time. Before you ever came out publicly it looked like you were looking, seeking for a consensus, but professionally yes a consensus [00:47:00] is a good word for, as a shorthand for what I was doing.

TEICHER: What kind of a role did the ... and maybe you could talk about it for a minute ... the Academic Planning Council play in this type of (inaudible)?

THOMPSON: Well, every school has an Academic Planning Council of I think four people plus the Dean, and it's mandated by the Faculty legislation, I think, but most of them ... It varies [00:47:30] as to what it does in schools tremendously. I mean, in some schools it does nothing because nothing is ever asked of it except would you and your, a memo would come out, "Would you and your Academic Planning Council or committee give me three suggestions who might serve on the University Library Committee?" I mean, it'd be that sort of thing, which it would be a reference, but it was a group that was there in place.

[00:48:00] At the time I came the Dean would pick it and then announce the names to the Faculty who had the, it was what we called consent procedure. They would then have, I think, 10 days or something in which to object if they didn't want that list, but it wasn't actually an elected group and it tended to have a new group every year.

Well, the APC actually hadn't had only one important role, I think, in the period before I came, and that [00:48:30] was it was used as part of the Dean evaluation at the end of one's term, talking about getting a new...

TEICHER: You're speaking (crosstalk)

THOMPSON: My predecessor, yes. Orrin Helstad, my predecessor, but it hadn't had much of a role otherwise. Now, I thought given that you've got such a big faculty and with these factions and so it might be useful to move [00:49:00] toward some sort of delegating of responsibility in some jobs. Secondly, at a later date, when we'd gotten money for the catch-up. The catch-up money was to be allocated based upon overall and long-term performance. And though I'm perfectly, was perfectly happy about evaluate yearly performances, I wanted some faculty input into awards given based upon longer career patterns [00:49:30] and value to the faculty. So, what I did was simply, over a period of time, did a number of things to the APC.

One was to have the group have overlapping terms, so that you have somebody being elected every year, and then the next year you have another person elected. So, you serve a three year term, but you have people coming and going to give a number, to give both continuity and new people to come on. Secondly, [00:50:00] I changed it to having people outright elected by the nomination is from the Dean in APC, but with the right of the Faculty to add to those nominations. So, you have an APC with greater apparent authority, greater legitimacy. That group was, I used for ... I found extremely useful for, I guess basically the reasons I wanted to establish [00:50:30] it.

One was in terms of complicated issues in which you're trying to reach a consensus to have a sounding board for some of the difficult aspects of a program and to try to filter, let's say the hundred issues people would see in regard to any one problem, and filter those down to the three big, important things. After we'd talked about it 50 hours, we could see that the [00:51:00] big three issues were, and then that made the discussion with the rest of the faculty a lot easier. As it became a filter for this sort of thing. And actually, the first problem I had in which that was useful was there was ... The Director of our Legal Defense Project, a clinic, which we do in cooperation with the State who'd done very good service for a very long time, he had announced [00:51:30] that he was going to do it anymore.

So, there was a real question about whether that would collapse or whether that would be done away with, whether we needed. Whether the money would be better spent elsewhere, whether we get more money from the State to help support it. Really, a hundred issues came up, and with the APC we're able to narrow that down and work with the outgoing Director, work with the State, and in fact we got a much a strengthened Legal Defense Project, which the Faculty approved. And, which [00:52:00] got added, which doubled the funding from the Public Defender, and the APC was very useful in that process.

Now, I've had actually, near the end, it's not that every APC is necessarily valuable. I saw on a very complicated issue I worked with the APC members over the period of six months tempting to persuade them to my viewpoint and had failed to do so. [00:52:30] And so, when we went to faculty with the issue I hadn't achieved support of that group. Actually, in the end I'd done

enough work outside of that, that the faculty supported what it was I was trying to accomplish, which was in the area of ... excuse me. It was in the area of what our policy should be toward "of counsel" relationships, which I talk about in "The Gargoyle."

TEICHER: [00:53:00] When you arrived, you had an administrative ... You had it in place associate deans, et cetera, how did you mesh with these people initially and did you (inaudible)? How did your administrative change over the years?

THOMPSON: Well, I think that area would be one in which I, I think it's the worst administrative setup I've ever seen in any of the places I've ever been. Certainly even worse than ... Certainly, much ... Well, [00:53:30] actually, it was the worst administrative setup that I had seen.

TEICHER: How so?

THOMPSON: Well, the ... Let me tell you the good parts first because, you know, there were some very good parts. We had an Admissions Office that was understaffed and doing a better job than most admissions offices around the country. We had a Duplicating Room run by two people, which was outstanding and you think, "Well, how important is a duplicating room?" Well, the brief period I was at Columbia University in New York, I remember Dean Warren who most [00:54:00] of the time could be seen in a morning coat going out to raise money with Revlon. Actually, seized control of the duplicating room himself, not the associate dean, not the assistant dean, but the Dean, himself, because there was quarrels going on between senior and junior faculty of whose materials were going to be duplicated in time for the exam or whatever.

So, it's, you know, these potentially, these areas that may seem unimportant, you know, within the lives of any particular school can be very, very important. [00:54:30] So we had a number that were good, but otherwise, the ... I guess, it was just ... it was not hopeless. It just wasn't very good and I would say that at the time my seven years we had improved it some, but not nearly the state it should be. In other words, I don't count that as a major success. I think we did okay in that area.

Give you some example. For example, I had ... The Dean didn't even have a secretary. [00:55:00] The Dean had a person sitting outside the office who was Gail Holmes, who was the Budget Officer and she's a very good budget officer, but she was supposed, her job as Budget Officer was constantly interrupted by also being a receptionist, but she wasn't the secretary. My stuff went out to a pool of seven secretaries. Never went to the same person, so you couldn't even, you know, train one. Confidential things went out to the group of seven and then you say you want [00:55:30] to change all this, of course, you can't change this. There's where you're stuck with lack of money, with patterns in which various profs are going to absolutely explode if you, you know, say to one secretary, "You're now going to be the Dean ...," you can't do it.

Actually, in the end we made a lot of changes. Gail Holmes is now, has an office of her own and she is the Law School's Budget Officer and Personnel Chief. There is a secretary in the Dean's Office who, and so that is much [00:56:00] better, but it's far from perfect because she's still doing a tremendous amount of typing for other faculty. So, she doesn't have time to really

follow-up on the dean's matters. We got rid of, I suppose, and you know how hard it can be when you have basically an entrenched civil service. We got rid of probably, and with great difficulty, two or three of the secretaries who I thought truly incompetent, and the ones we've gotten to replace them are much better. But that operation [00:56:30] ... There were two or three operations, and I haven't named them all, that I would have given an "A" to, such as the Duplication and the Admissions Office, and the rest was sort of at a "C-" and I think we moved it up to "B-", generally through the school. No better than that though.

TEICHER: What about your dean staff? Your associate deans, was there anything that wasn't there when you came?

THOMPSON: Well, we had Stu Gullickson was the Associate Dean and was good [00:57:00] enough to stay on an extra year. He was prepared, wanted to quit immediately, that Orrin was no longer Dean, which would have been very bad because I had no idea who might be, who could be picked as Associate Dean. So, he did stay on and Stu is a, knows the State tremendously well and is just a great human being. So, that was ... It was an all right, it was a good transition year. I didn't feel that the Associate Dean had [00:57:30] the right things being assigned to him. He didn't have enough authority and wanted to give him more, and to have a few more things to be routine.

And we did that. The Associate Dean I came up with was Jerry Thain, and Jerry was a tremendous choice. He's a person of complete integrity and discretion, and [00:58:00] very hardworking. He just was great. He was the sort of person with whom I could discuss issues and particularly frustrations and know that they wouldn't go further than him, and personally help contribute to the solution. I tried to get him ... I did get him much more authority than he'd had before, and I think that movement was necessary in the school and as Orrin Helstad, my [00:58:30] predecessor said, he said, "Now that you're going to be, you know, we've started this fundraising," in which he was a principal author in starting the first endowment campaign, said that, you know, if you're going to be at a law school you need other people doing these things. There's always a fine balance, the Dean has to be in the law school enough so that he has the support of the dean's colleagues at the same time that you're out raising money you're not in the school where you're available to do those things.

So, [00:59:00] the Associate Dean was a strength to the School.

TEICHER: Now, I want to go back for a minute. We've mentioned your predecessor a couple of times now. How did he work in with the transition?

THOMPSON: Oh, tremendously helpful. I guess the pattern was I asked him a lot of things. Orrin almost always said, "I don't quite remember." Almost always said, "I don't quite remember," [00:59:30] but and I think he didn't really remember. But what he then was extremely good at was discussing the general problem or principles of that issue. And so we had many, many good conversations and he was very helpful, and I had asked him when he came along on our fundraising particularly around Wisconsin, and on these long trips we'd have good chats and I'd said, "Well, what do feel about this issue?" But if I'd say, you know, "What did you

do [01:00:00] about so and so's leave when they requested?" He'd said, "Oh, I don't remember," but ... And I think he didn't remember.

Now that I've been out a year and a half I don't remember much either, but in terms of understanding the issue, he was quite useful, and I do owe a debt to him and consider him a good friend.

TEICHER: I notice (inaudible).

THOMPSON: Crucial. Yeah. It's crucial. It's crucial.

TEICHER: Other [01:00:30] Law School Deans. (inaudible) George Bunn was his predecessor.

THOMPSON: No, Spence Kimball, you ought to get . Spence Kimball, actually, I met for the first time, he went to the University of Chicago. (inaudible) crucial interview to get because here you had to first ... You had a first rate Dean, you know, with tremendous academic credentials being brought in from the University of Michigan. And just, I think, becoming tremendously frustrated with the University [01:01:00] bureaucracy and inability to convince the Chancellor. I think, I've met him only once. It was a great conversation at a dinner down in Chicago and in subsequent to that, he'd had a stroke, but has now recovered from that, so I think it'd be very useful (crosstalk).

TEICHER: (inaudible).

THOMPSON: He was Dean for very few years. Orrin was Dean for seven years, Acting Dean an extra year. Bunn and Kimball were only together Dean [01:01:30] seven years, so when I think, well, seven years for the old scale is not long. I mean, compared to a modern scale I think the modern deanship right now they're very upset. They're down to 2.5 years or something. People really come into it, find it's not what they wanted and go back to teaching and research.

TEICHER: I found out today, (inaudible) Beloit professor, the first two Presidents of Beloit College were there a total of 66 years as president.

THOMPSON: Wow. Yeah, that's ... yeah.

TEICHER: Getting back [01:02:00] to the ... We talked about the APC, were there any other organizations or structures within the Law School you worked with?

THOMPSON: Well, there was an incredibly large committee structure, which the faculty was enamored of and I think didn't realize how unimportant it was. I think they were enamored of it [01:02:30] because of what I indicated before. There was this tremendous fight for resources. The feeling that anything that was being proposed was probably a threat to their bailiwick and that therefore, somehow, the committee structure was one of the things that kept, you know, devious groups elsewhere in the school from seizing their resources. But the ... And so, one of the tasks, and actually, I sat down with [01:03:00] Orrin Helstad and Stuart Gullickson to do when I first came was ... One of the Dean's jobs is to appoint that committee structure every year.

So, I remember vividly that it took two days just for Stuart and Orrin to tell me about the committees and the structure and the so on, and how important it was to get the right balance, you see? Of the political interest across this [01:03:30] extremely complicated committee structure because as it was absolutely true, everybody gets the list. It's a preliminary list after the Dean has prepared it, and they look at it. It's like you're looking at some kind of ornamental garden and everybody then critiques it as to whether it's got the right balance, the right people in the right place and so on. Now, for the Dean to produce such a list, I mean, it struck me as two days just to hear about it, [01:04:00] and then actually I could see because to get the preliminary list is at least a solid week of work. You know, to be a week of work spread over two weeks.

So, for a two week period you've dominated, you know, when you've got much more important things, or so it seemed. You know, you're figuring, because you have to call people, "Would you be willing to serve?" Are they going to be here? They got a special (inaudible), many, many phone calls. Now, the truth is I don't think most committees did much. [01:04:30] I mean, one of the things I did at the end of the first year was I had every Committee Chair report on what their committee had actually accomplished. And you found, I had spent more time establishing the Committee than most committees had ever spent on doing anything, right?

So, I mean, I talked about this and you know, in a good-humored way about people, do we really ... And so, I cut down the size of some committees. And I just, you know, I spent a lot less time on establishing the committees, or when I got it established and got the pattern to what everybody liked [01:05:00] I just said, "Well, now we weren't able to do that much last year, let's just keep the same committee for next year." Now, I will say right away that there were, the Ad Hoc Committees are usually where the action was.

For example, when I was trying to get a Grading Policy I setup an Ad Hoc Committee, one-year only committee, and that committee did a lot of work to get it through. Or the permanent committees, the one that is absolutely essential, which was extremely good faculty committee, extremely important faculty committee is the Faculty Recruitment Committee. [01:05:30] I think many things that faculties do, right up there amongst the top, that they must have a role on in terms of faculty governance is choosing their new colleagues, and that was extremely well done. And the other is the Tenured Committee, that is, of those people you've chosen, have they done enough to justify giving them the vote of confidence that tenure entails? And those two committees were important committees and did excellent jobs.

The rest, I mean, if you looked at the list they take up about three or four pages. [01:06:00] I have all sorts of oddly named committees who ... Equity Action Committee, and so on. And many had never met ... Many had never done much, or they do meet, or worse, actually the worst pattern was where you have committees who meet all year long and at the end of the year they'd not done anything. Now, I mean, a certain amount of communication is in fact extremely important, but that structure. That structure was there.

TEICHER: So, did that change? Are there fewer committees now or are there (inaudible) [01:06:30]?

THOMPSON: I think, yeah. Well, there's ... No, I think the total number of committees is not significantly smaller. The size of some crucial committees, such as the Curriculum Committee, are significantly smaller. And also, what I did was, for example, on the Recruitment Committee made it possible for the Chair to hold over for more than one year. I mean, part of our problem was in something like recruitment [01:07:00] you've got to have some continuity and we had insufficient continuity. But that faculty committees, the structure was much less important than whatever committee you set up on an ad hoc basis to take care of whatever problem you had. Plus the change (inaudible) and plus the fact that I never sat in the office just waiting for people to show up. I went out and chatted with those people. Over a period of time with everybody, but in the short period of time they were those people that I knew to be critical to my understanding of a particular [01:07:30] issue and to working through an agreement on something that might be quite difficult.

TEICHER: Now besides your responsibilities with the Law School, you also are a citizen at the University. There is a Dean's Council, which encompasses all of the Deans and they meet, what, every other week, I believe it is?

THOMPSON: Yes.

TEICHER: Could you talk about that for a minute? What do you see is their primary function? Do you see them as being a meaningful [01:08:00] and?

THOMPSON: Well, I think that's a very good question and so far as the contrast with some institutions and the way they're used differently is interesting to me. For example, in Idaho there was very strong governance involving the Faculty by way of the Dean's Council because you had, when I was there, a President who delegated a great deal and was very successful, you know, out [01:08:30] raising money. So, the Vice President chaired the Dean's Council. The Dean's Council, he really involved them in extremely important University decisions, including major budgetary directions. And the Deans in turn involved their faculties in this issue because this particular Vice President would raise issues sufficiently in advance. You really had a governance process.

Now, in Wisconsin, the Deans really in a sense aren't in the governance [01:09:00] loop. The Dean's Council, we have a Faculty Senate. And I've often thought here, that the, you know, in certain ways the Faculty Senate is very important. In other ways they don't have a clue as to what's happening with basic chunks of money or any voice in those things. I mean, it's, in a sense, oddly enough, Idaho, which didn't have as strong of a Faculty Senate had a much stronger input into fairly basic things.

TEICHER: Wisconsin has always prided itself (crosstalk).

THOMPSON: I know it's ... And I'm [01:09:30] not an expert on how Wisconsin's system really works and I know there's a lot of give and take that makes things work differently. It's Law in Action. I actually was President of the Faculty Senate at SMU and in that position sat on the Board of Governors, which I don't think ... or whatever it's called, Board of Regents, which I don't think occurs here. We don't have a Faculty President doesn't sit as an ex officio post. So,

you have different ways that you get faculty input [01:10:00] and how much you really give them to do.

I mean, for example, and I'll come back to the Dean's Council, but I think any dean ought to be able to figure out that you can give faculty a false sense of faculty governance by giving them silly things to dispute every month, you know? I mean, it's very easy to give them issues that will excite them. I mean actually, the grading policy could be in that ... I don't, I consider that extremely important, but not at the heart of [01:10:30] the Law School in terms of where major chunks of money are going to go and so on. I mean that's really where the faculty.

TEICHER: Almost like misdirection.

THOMPSON: Misdirection. That's right. But in the University of Wisconsin, when I came the Dean's Council, which met every two weeks was, Irv Shain's style as Chancellor was, he was very well organized. He had a very well worked plan of what he was going to do with the University. I don't think [01:11:00] I've ever had a boss who was better at mastering both the big picture and details as Shain was. He was extremely good at that. And he and his staff had more or less worked out where they were going.

And the function of the Dean's Council, by and large, was to tell us what was going on. And I actually took notes and therefore, and paid attention to what was going on. So, you could see when themes [01:11:30] got repeated because then I know what's in the mind of the Chancellor, which is useful in making my arguments to the Chancellor. And I found that actually quite useful. I mean, it wasn't a waste of time. He covered in a confidential and clear and direct way major issues in the University and what they were intending to do about them. And there was an opportunity for opinions and speech and so on, and occasionally something even put up for our approval, [01:12:00] but usually not, in my memory, anything of any great significance.

TEICHER: So, it was an informational type stuff?

THOMPSON: Informational. It was overwhelmingly an informational function. Now, when Bernie Cohen was the Acting Chancellor I think perhaps because people had said to him, or because you know, in his own mind he felt might be nice to have more discussion of the Deans of substantive issues was a goal that I think he had. My [01:12:30] impression was that, and he had too short a time so it's not a judgment about what he would have done in the long run, in the short period of time it was not done. Mainly what happened, you got into conversations that didn't have an end and didn't decide anything in which had the disadvantage, I think, for most of our viewpoint is that it went over the time that where we knew with Shain and when Bernie Cohen was his Associate, when [01:13:00] we knew he'd be getting out of there. We knew, I can't remember now, but I think it was 1:30 to 3, precisely. It never went later than 3, and it started promptly at 1:30.

Now, I remember when Bernie was doing it, he was trying to get discussions, but you know it'd get to 3:15 - 3:20 and nothing's happening and nothing's going to happen. The other half with Shalala and I have only, I guess what? About a year and a half, [01:13:30] two years maybe experience with her. Well, very unpredictable is basically part of it. And one side from my view

was worse. Meaning there were a lot of times in which she might even be there, where it was show and tell. The librarian would get up and tell about the new technology they want to put in the Library in which yeah, in a sense, was interesting. On the other hand, it could be more important and more decisive in terms of something [01:14:00] happening because occasionally an issue would arise and it was actually up for grabs.

And you could tell that the Chancellor was going to decide something during the course of that sequence and in fact, there might be a decisive moment in which one would be participating. You could actually see sometimes her staff looking a little discombobulated because this was suddenly coming up for decision. Now, I think Dave Ward, [01:14:30] and part of Donna's plan is to have a real Provost and I think he has now officially been named a Provost that is ... You know, wants to be more in control of these things and while he had begun to exercise his role when I was still Dean. In fact, I was on the Committee that helped pick him, and so it was being transformed, and I can't speak to what that was because I didn't see enough of it.

I think what I saw on the [01:15:00] Dean's Council was in contrast with Donna Shalala, and Irv Shain was it did, the Council did reflect their personalities in a way. I mean, the strength of, and I've said already the strengths of Shain's, the strength of Donna's is the political momentum that she can get going on things and the fact that in fact she is a very good politician. I mean, she's [01:15:30] doing a whole array of things that Irv did not do. I mean, she's, in the political arena, she's really ... There's a lot of action, but in the sort of ... In the area of sort of clearer staff planning it wasn't the same. It wasn't the same.

I thought at one point if you could have had them as a team, [01:16:00] you know, like that be the best combination (inaudible). They're both persons of tremendous strength, is my opinion.

TEICHER: What about other ... Were there any other campus-wide organizations or committees that you and the Deans were involved in?

THOMPSON: None that I think I could add much to. I was on, oh, I did things that I thought were useful University ... I participated in what I thought were useful University functions [01:16:30] and even contributed like Roundtable, which, you know, is a thing, a club that met. Not a club, anybody can be in that wants to, but meets twice a week and you people, staff and faculty combined, and you have somebody from the staff or faculty speak about their area of expertise and you have maybe 250 to 500 people.

TEICHER: Twice a month. You said twice a week.

THOMPSON: I meant twice, every other Tuesday. And I chaired that, co-chaired that [01:17:00] one semester because I they were stuck because they were looking for a (inaudible). And I served on a number of, a lot of committees, and I can't say that they're any different than any other university I was in. And a number of search committees.

I guess one, just by the way, observation of the sort that could be interpreted [01:17:30] in many ways, I suppose. I'll just give the facts is that I think we came up on the Vice-Chancellor, or now called the Provost. I think we came up with a very good person. I was very happy to see David

Ward picked. So, this comment has nothing to do with our ultimate, I think, ultimate choice, but in that process there were a number of nominations and there [01:18:00] was sort of a preliminary vetting, checking of those in early January where we were going to cut it down to about 20. And then from the 20 the Committee would meet, and I guess, you know, then get serious about a short list.

Well, it happened that I, because of the alumni trips we use the period between terms to go to visit alumni in New York and Washington and wherever the American Association of Law School [01:18:30] meeting is being held. So, I wasn't able to attend the two or three meetings that year in early January and I thought it would make no difference because I would be back for the, you know, for the list of 20, but the interesting thing about that was that one of the people who'd been nominated by a number of people actually was Professor Walter Dickey of the Law School. Now, Walter Dickey had actually served a major State role. He'd been appointed by Governor [01:19:00] Earl as the Head of the prison and probation system for the entire State of Wisconsin and he'd had a four-year term, which had been, I think, by both parties. Said to be extremely professional.

So, here's a person who's actually run a major division of the Wisconsin government, knows Wisconsin politics very well, has very good academic credentials, has a terrific service record, and I was startled to find that when I got back he [01:19:30] hadn't made the list of 20. So, I talked to a number of people on the Committee, but particularly the Chair and I said, "I just, I really find ... I mean, not that he should be picked. I see a lot of good people, but I'm baffled how somebody with this background could not be picked." He said, "Oh, well, because, but he's not had University experience. I mean he should have been an Assistant Vice-Chancellor."

Now, I was so staggered, frankly, personally by this, I mean, [01:20:00] anybody can be an Assistant Vice-Chancellor, honestly. Anybody could be it. I mean there's not that much to a job. It's hard to fail as an Assistant Vice-Chancellor. And it's just not experience of a major administrative sort, but that's sort of in the sequence. Somehow, anyway, I won't elaborate on it. I just thought it was interesting. Whatever I don't, in other words, I don't want to try and explain why a committee of university people, even [01:20:30] where the person they're talking about is a university person don't see any connection between administrative experience and a job outside of the University. I think it's an extreme example of myopia.

TEICHER: One final question on the (inaudible) part, did you ever deal with the Regents?

THOMPSON: Yes, but... [01:21:00] This, again, I find an interesting question because the matter in which the Dean deals with the Regents is very much, if the Dean has any sense, is very much dictated by the views of the Dean's boss whether that be a Chancellor or President, whoever that is because many Chancellors or Presidents don't want the Dean dealing directly with the Regents. They don't want that. I mean, you [01:21:30] know, they want you to meet them at functions and if they ask you to see them, fine, but they don't want you doing, they don't want you making independent pleas for ... And in fact, if you do that you get your neck cut, in other words, I've seen a lot of Deans get their ... in fact, in the end harm their Faculty is by attempting to help their Faculty by doing an end run around the Chancellor directly to sympathetic members of the Board of Regents.

So, you have to be, the Dean has to be very sensitive about [01:22:00] that, you know, because you do want to get to the Regents if this matters. So, the pattern there was that Chancellor Shain, on the whole, preferred us not to have that kind of substantive contact. Whereas, Donna Shalala didn't mind. I mean, she herself is such a politician, she'd like, she'd prefer to know what you're doing, but it's not like there'd be any, [01:22:30] you know, if you want to see "X" or "Y" on the bar, fine. Just, she'd prefer to know so she, you know, it gives a sense, but...

And I think that for Shain's pattern is the universities I've been in, the more common, but I think Donna is particularly at ease confident about her own, even when she's in quarrels with Regents she doesn't worry about this. Now, why it's an interesting question, I think, is that if any, is that I think it's difficult for a Dean [01:23:00] when you're not supposed to be talking to the Regents. And where there's a number of lawyers in the Regents. Almost inevitably those lawyers on the Regents think you're neglecting them. They think you ought to be coming to them. Now, in fact, we got a couple of times rockets out of one or other lawyer Regents and I got permission to deal with those rockets, you see? But I sort of always felt it'd been much better if I'd just been having, [01:23:30] you know, continuing relations with them.

You know, if you're only going to the Regents when you've got a problem or when they've perceiving a problem, you look like you're ignoring them and I don't know, but I speculated that when Bob Stein over at Minnesota, who remains there, the Dean of the Minnesota Law School, was a candidate for the President at Minnesota. He didn't get in and it was publicly in the papers that he ... It was very close vote. I think like five to four or seven [01:24:00] to six or something, that the lawyer Regents voted against him. And it occurred to me that one of the reasons might well have been the problem I'm just discussing. That as Dean he wasn't able to communicate with them to the degree he really probably would have liked to, and then when some crucial issue comes up suddenly they say, "Where have you been? Now you're at it." So, it is a difficult thing.

In fact, in the last [01:24:30] two years of course, I was trying to see some of those Regents better, but it's kind of late by that time. It was kind of late at that time.

TURNER: This ends part one of the Cliff Thompson interview. Part two begins now.

TEICHER: This is Barry Teicher of the University Oral History project. Today is the 17th of December 1991. I'm with Cliff Thompson again. This is [01:25:00] part two of our interview and we're going to talk a little bit about fundraising in the Law School.

Could you begin by giving us a background of what fundraising had been before you came to UW?

THOMPSON: Well, the fundraising at the Law School was an early effort. Earlier than most law schools, but it had in effect quieted down over a period of 20 or 30 years. And so, it was at a low ebb compared to [01:25:30] other law schools. We had had a group called The Benchers, which were alums who were supportive of the Law School, in general, the Dean in particular, who would give a certain amount of money each year and I think that came to something like 40

thousand dollars and with some effort, they might collect more than 40 thousand, but that was a very low amount compared to most law schools whether private or public.

The other [01:26:00] area was that there'd never been an endowment or capital campaign, and that actually got under way under the leadership of Dean Helstad the year before I came. So, that campaign had been announced and a goal set of about three million dollars when I came in 1983. So the two things I aimed to do was to increase substantially the Annual Giving. An [01:26:30] amount that you would be getting every year and would be able to spend on your annual budget, and secondly, was to make the Endowment Campaign a success. And the end of that was the Annual Giving we got up to at least a quarter of a million, three hundred thousand dollars a year. And the Endowment Campaign, which ended a couple of years before my deanship ended, in which we aimed at three million, we got well over seven million.

So, both went [01:27:00] well and I think that was the side, we talked last time about my two goals of trying to get the disparate parts of the faculty living together more congenially. I suppose that's the peace campaign, this other was the prosperity campaign. And the reason for peace and prosperity, of course, was that, I think, was probably implicit in what we talked about before, what was in "The Gargoyle," but I think to win those things, you could [01:27:30] restore Wisconsin to a national level effort. Meaning that what we were doing in the Law and Society area was really amongst the top efforts in the United States, that we were giving real leadership.

Part of that was keeping the top people who were on our Faculty and had the ability to make that kind of contribution. People like Marc Galanter in particular I think of because on two different occasions, [01:28:00] by a variety of means, but would have been impossible without the added resources we were able to keep him here despite very nice tenure offers from Columbia University and New York, Pennsylvania, and so on. So, we were able to keep him. The other area in which we hoped to do something and, which I think, Barry, you said you wanted to talk about today was in the area of keeping Wisconsin's strong tradition in advancing minority participation in [01:28:30] law training.

TEICHER: Before we get into affirmative action, just a few other brief questions on the fundraising aspect, did you bring in a fundraiser, someone specifically to raise funds?

THOMPSON: The ... Not at first because you can't afford it. The Endowment Campaign, the Capital Campaign, we were assisted tremendously by David Utley who was assigned by the University of Wisconsin Foundation and had been assigned to that project before I came [01:29:00] and he was given to us, I think, on a half-time basis or a three-quarter time for at least the first year. And that was paid for on whatever the ratio was out of the Foundation's funds and what we were able to collect for the Endowment Campaign.

So, the Endowment Campaign got off to a good start. I mean, that was the first big effort I jumped into and had Dave's help on that. And that [01:29:30] makes a tremendous amount of difference because you have to have somebody who's doing your organizing and making the initial contacts. Really it's, well, and then I should say that the difficulty on, after that campaign was underway he returned to the Foundation, was only 25% with us, so the problem of getting sufficient staff support for the Annual Giving was then the big problem. [01:30:00] And the

problem is that until you're bringing in enough money to spend a lot of money hiring someone, you can't hire them and the entire job falls on the Dean. So, the beginning periods of that are extremely difficult in terms of the amount of time it takes.

I think that I cite the fact that Minnesota, which had a very good program, they were ahead of us. And UCLA, which was also ahead of us, both of the Deans of those school said that they spent about half-time on fundraising and that they should [01:30:30] probably be spending more. Now, when I'm trying to do various things within the faculty, and at the same time to get this fundraising off the ground, and without support, that was a period in which it was quite difficult. And after we were bringing in enough money then we were able to hire our own full-time person. A person we got with the help, in terms of selecting the person from the alumni group, we hired Chris Richards who I worked with just I guess a year and a half before [01:31:00] I concluded my deanship. And he was, made a tremendous amount of difference.

I think the analogy is that it's in fundraising, it's like a political campaign and the Dean is like the political candidate, meaning that the candidate has to be willing to go anywhere, anytime, and make the pitch. But you really don't want to be the one organizing the rally and organizing to make sure a crowd is [01:31:30] there to hear the speech and so on. You've got to have staff for that. And until we had the staff it was tremendously draining and it was a nervous ... It made one nervous because you're spending a lot of time you don't know if it will come back in. The good side of all of this is because as a result actually, of the fact that we had not gotten into modern fundraising at an earlier period was that there was plenty, plenty of examples to follow. [01:32:00] The techniques of how you raised money had been well developed, so it wasn't like we had to create, we had to reinvent.

We didn't have to reinvent the methods of fundraising. You could use, you know, modifying them, but use the types of things that had been done at schools all over the country. And Minnesota was ahead of us and was a help in terms of guidance.

TEICHER: So, that fundraising, especially in those early, in that early period, [01:32:30] the early first few years it meant really literally going out on the stump and talking to all the alumni groups around the state and the country?

THOMPSON: Well, I think it still means that and I don't think that easily ever ends for the Dean. Your private schools have always, Northwestern and Harvard and so on, have always had to be into fundraising, but in the last two decades your really great public schools, and Virginia I would put in that category, have gotten into [01:33:00] private fundraising. So, it's absolutely essential and in a sense it never ends. I can remember hearing a dean from one of the Midwestern schools saying, (inaudible) saying, and "Well, I've been out and the alumni were so appreciative. They hadn't seen the Dean around the State and all these places in so many years." And he said, "Now that I've done that," he says, "Of course, other people then go." And I chatted with him after and I said, "No. You might skip a year, but they do expect to see the Dean."

There's no easy substitute for that. You can't delegate the actual contact, [01:33:30] and I think the other thing that you can't delegate entirely is that the ... I think it's a mistake, and I've seen this happen in many schools where they start fundraising and too quickly the Dean is asking for

money, for contributions. In other words, you've got to set the framework for that. You've got to set the ... The mood has to be right before you ask. On the other hand, what I've also seen [01:34:00] is you can't schmaltz around forever. That at some point you have to do, you have to ask. In other words, there's certain alums that if they're going to give it's because the Dean personally has asked them to give.

And so, and you don't want to ask for too little. You don't want to get a "yes" too rapidly. So, you both have to have a time in which the setting is made right. And then the Dean, herself or himself, has to actually ask for the money.

TEICHER: So, it's a delicate balance (crosstalk) [01:34:30] of when to ask and then how much to ask (inaudible).

THOMPSON: Yeah. And then you need good staff working for that, which again, it's very difficult when you're being, when you're trying on a political campaign to both be your campaign manager and to be the candidate. That period was the worst period, for me.

TEICHER: Now you're starting to get your moneys rolling in, and you have your Development Officer in place. Again, this is mentioned, covered in "Gargoyle" somewhat, but what did this money go toward? Do you have a building program is [01:35:00] that a direct result of the...?

THOMPSON: Well, the ... No. Well, the fundraising, we've talked about private fundraising, but in a sense equally crucial was ... Well, public ... What do I want to say? I want to be careful.

Well, talking about fundraising and we've been talking actually about private fundraising from our alums and other members of the public who are supportive to us, but I actually call that private fundraising. That's what we've really been talking about. But [01:35:30] public fundraising in the sense of increasing the appropriation from the State was equally crucial. And was a large part of the effort and I guess the biggest parts of that were that the first possibilities for a major increase in our budget were, came about because of an enactment of something called, "Catch-up," that is that the Legislature was providing money so that the University could quote, "Catch-up," unquote, with peer schools. [01:36:00] Meaning the Big Ten and other schools we consider ourselves a peer, such as Berkeley and other schools.

In that regard, one of the big victories was to convince Chancellor Shain to do something that had never been done at Wisconsin before and then that was then continued by Chancellor Shalala, who was also a strong supporter of this. And that is that the Law School [01:36:30] did receive more than its proportionate share of the "Catch-up." In other words, law school salaries tend to be a bit larger, so the great danger in the first instance is that if you've got "Catch-up" money they'd say, well the law school salaries are already fairly large so we don't need to help you. Whereas, at a minimum I wanted no less than what would be going to other schools, but truth is what I fought for and in the end achieved, was because the difference between ourselves and other law schools was greater [01:37:00] than, or I was able to show with a great deal of difficulty over a period of time.

And having my statistics double-checked and triple-checked, that we were able to show that we were worse off proportionately and that therefore, in terms of the purpose of the "Catch-up" we were deserving of more than our proportionate share of that. And that's what we got. And that, once that was done, it was done twice over two big "Catch-ups" then with that kind of money a number of things could follow.

One is that we could make competitive bids [01:37:30] to keep our faculty who were being, where people were trying to lure away our faculty, and it had never been the policy at the University of Wisconsin Law School to try to keep them by offering some kind of competitive counter-package. They'd just sort of, "Well, if you're being offered more by Columbia University or UCLA then, you know, either love us or leave us, but we won't certainly pay you a penny more." Whereas, what I thought was essential we do as other departments, [01:38:00] I think the top departments in Wisconsin, such as Sociology have done this for a long time. That is, they're willing not to match the offer from elsewhere. You can't do that, but to provide some sort of a counter-package. And that policy was the only policy that I ever initiated without getting the approval of the Faculty in advance.

And what I did was get the approval over, it took me a semester to do it, but I got the approval of the Academic Planning Council, which we talk about last time, first and then [01:38:30] when I had a track record of keeping three people who were amongst our top people. After we kept those with that track record, and at a time when no particular person was being bid upon by other universities, spent a semester discussing the issue generally with faculty. And the faculty approved that and the Dean to this day has that potential, has that capacity to try and make counter-offers, which is, would have been impossible [01:39:00] to do the political aspect of that within the faculty without having had the State finances increased.

Now, the other side of the State finances was the Building Campaign. The building process very slow at the University. We had sort of been trying to get some kind of building addition for years, and the short of the story is that we got into that political process and by the time I'd left we'd had the new, we'd had the ... We got on the top priority list of the University for a new building addition [01:39:30] and an amount had been figured out, and even a five hundred thousand dollar sum for planning had been approved by the Chancellor and was in the process of being approved by the State. So, that we've got coming up a major contribution from the State to which private funds will also have to be attached in order to have a building.

The other public funding, that is state funding, that was tremendously increased was that my second priority after getting up faculty [01:40:00] salaries in a way that was respectable was to go after helping our library. That's a long story, but has what, a part of it that I like very much because people refer to it as the miracle part, which is that I actually got the student body after a long, long series of ... A long campaign, meaning conversations with not every member of the student body, but awfully, seemed though sometimes that we'd talk to virtually everyone personally, but [01:40:30] we got the students to vote for a tuition increase for that would go solely for the Library.

And why it was considered a miracle was that I was told by the Vice President, Tranny (sp), he said, "Well, I think if you have them phase it in after they leave maybe they'll vote for it, but not

otherwise." But they actually voted to increase their own tuition meaning it was increased immediately and it was close. I think the vote of [01:41:00] the student body was the biggest turnout they've ever had for elections of officers, anything, but I think we had something like six or 700 of the 800 undergraduate, well of the non-Master degree candidates voting, and I think we won by 13 votes. And then the elected officers, I had hoped at one time that the elected officer would be the body that would decide this because I thought I could convince them. I didn't think the student body would ever vote to increase its own taxes in effect, [01:41:30] but actually, we got it.

And then, I think the vote of the student officers was only one or two of 15 were against it and the rest were for it. So, we got this huge increase in our library budget. And what we got was actually twice the amount we thought we were going to get because one thing that I'd not been able to use as part of that campaign, was the possibility that the Chancellor would match the amount that we brought in by our own tuition as kind of a reward. In [01:42:00] other words, she would take money from general tuition increases outside the Law School and add it to our Library, if we could get our own students to increase their tuition. And I couldn't use that argument because it was too unset-, the issue was unsettled, but in fact, after we'd gotten the increase the Chancellor did give that match. So, we had a total increase of about \$420,000 dollars as a permanent increase, plus every year we'll have, you know, an increase due to inflation. So that was [01:42:30] the second and major public increase in our budget.

So, both private and public had to be done together and in fact, you know, one place or the other, that people don't give money to a law school because it's in bad condition. I've seen law schools make the argument, "We're in terrible shape, please give us money." Your alums want to give you money because you're top drawer and because that the money they give can give you that margin of excellence. That's the cliché really that law schools and probably other institutions use. [01:43:00] And certainly we used and used successfully.

TEICHER: Now, in your deanship, Jerry Thain was telling me the other day, I believe it's the ranking, is that the right term for it? For the UW Law School went from 92nd to at one point (inaudible)?

THOMPSON: Well, the ... Not rankings. The rankings, there's no official rankings. In fact, I think the ABA quite rightly says that these are dangerous and misleading. Although, we tend [01:43:30] to be ranked by anybody who does them, whether it's Newsweek or other places, we tend to be ranked in the upper 20 - 25 schools. Now, we sometimes joke, "We're one of 50 schools that likes to be ranked, think we're in the upper 10," but I think, I mean, personally I think because of our Law and Society orientation and our dedication to diversity in society that we're one of the top law schools. I'd put us among the top five, but I think most people without real hesitation. I think, they're always amazed [01:44:00] that we do so much with so little, but they would put the University of Wisconsin in the top 20 - 25.

Now, the 92nd figure was actually a figure relating to where we were in our salaries, our average or mean salaries.

TEICHER: Oh, okay.

THOMPSON: The salaries of our faculty had hovered for many years around 50, which is not that bad given that it's relatively easier to live in Madison than in many bigger metropolitan areas, [01:44:30] so that we were in 50 of the 175 law schools. It was not all that bad. It's not great, but it's not all that bad. But we'd gone down to 92nd and the result of that "Catch-up" funding, I told you we came into the 30s in terms of the salaries. And that made it possible to do lots of things that we couldn't do before. Including, I think most importantly, to ... I think without everybody's salary being moved back to a respectable level, you wouldn't have been [01:45:00] able to make special efforts on the parts of those who were given, who were being given outstanding competitive offers from other schools.

In other words, if the entire faculty hadn't have had its salary improved overall, I couldn't have made the fight I think successfully to make special treatment for a few others. Now, that also goes for ... An important part of the funding from private sources that came in the endowment was name professorships [01:45:30] and that's covered in "The Gargoyle." We went from about four to I think in my time we added 12 or 13, and in fact, there were 10 more that we'd funded, which were available for the new Dean and Faculty to appoint, or to save some of it as I felt should be done. Although, I left that decision for the new incumbent to be used as a general fund for funding faculty research without adding additional name chairs. So [01:46:00] we added, we certainly added over 20 name professorship, capacity for 20 professors, additional.

TEICHER: I'd like to switch now for a few minutes and talk about one of the most talked about things on campus today, the affirmative action policies. I'd like to hear it specifically to the Law School. When you came to the Law School, when you arrived at UW, [01:46:30] what was the Law School policy at that point concerning affirmative action as it related to the involvement of women, blacks, and other minorities?

THOMPSON: In regard to affirmative action, I think it's important, I would say that the record of the University of Wisconsin Law School is outstanding. I think in regard to some of the things we've talked about, Barry, I've modestly felt that I could never do it publicly while Dean, but [01:47:00] the truth is I felt, I really do feel that what I plan to do wouldn't or might not have been done without my intervention, but in this area I think it's really important to say that I was a strong supporter of an existing policy. I think the record of this Faculty has been extraordinary over many, many decades and one of the many reasons for [01:47:30] that ... It goes way back. It goes way back. Certainly even in the '30s where we added the famous John Steuart Curry painting, "Emancipation," that was a painting that's to this day in the old Library Room of the Law School. That painting was rejected in Washington as being too radical because it showed freed black persons, freed slaves standing with their legs over the fallen soldiers of the North and South.

[01:48:00] Today, it doesn't look at all radical. In fact, some people think it's much too old-fashioned and don't like it for that reason, but that was brought by Dean Garrison, that painting was brought to the Law School back in the '30s. I mean, we've had a strong record in that area and I think in the modern era probably Professor Jim Jones, who is himself a black American, of African-American [01:48:30] descent, has been just a dynamic driving force in the country. In the nation, and certainly in this Law School. He started, now it's going on 20 years ago. I used to

say 15 years ago, but I guess it's going on 20 years ago, he started the so-called Hastie, the Hastie Fellowship, and it's named after a very famous black judge, Judge Hastie. And this had its specific purpose to bring disadvantaged people in general, [01:49:00] and black people in particular, into the possibility of entering the corridors of power of legal teaching profession.

And we had very little money, but we set aside enough for one Fellowship every year and these people would come in, they would be people with good records, but records that probably wouldn't on the face of it get them a hiring at a law school faculty. And they'd be given [01:49:30] a tough Master's degree assignment to do an important piece of written work. Not all of them achieved it, but those who did then by that achievement, they both had a paper credential then. That is a Master's Degree in Law from Wisconsin and then also, you know, in a sense equally or more important the experience of doing the writing, seeing that they could do it, which is essential if you're going to be a successful professional academic. They would have done that and they got hired in. Now, there's so many, [01:50:00] you see the Hastie brochure. We have so many leading American law profs that came out of the Hastie program, and that goes back to the genius of Jim Jones.

So, when I came here, this faculty ... Well, in terms of I don't think we were more progressive than a good number of schools, but certainly women had always been admitted to the University of Wisconsin. I mean, which is interesting contrast to say, well, say in the '30s there were always 3, 4, 5 women [01:50:30] in most classes. Never more, but there were always that, but at Harvard, for example, didn't have a woman in the law school until 1951 or '52, and that was true of a number of leading schools. That we were early in that and we were early in having encouraging minorities both on the Faculty and in the, and as students.

Now, I think probably my, what I was doing [01:51:00] in Africa had a strong parallel. That is, what we were doing in Africa when I was over there from '60 to '73 was helping with State law, the State law schools that is the National Law Schools to provide an educational system that would bring people into the corridors of power. Into the highest levels of government and really, that's the whole point I think in a nation like in America where we're pluralistic and we have [01:51:30] a number of minority races. The way we're going to be successful, remain successful is that people from the minorities have a share in the power, a share in the responsibility. And they don't have that, can't have that if they don't have the specialist training, and so the role of the law school is to bring, give the opportunity to those who didn't have that power before, to have it, women and minorities.

[01:52:00] Wisconsin had a tremendous record and so, I was very proud to be associated with that record and certainly it was a high priority with me. And when we, I think, it was '88 or '89, we received the national award, they give one award every ... The society public teachers, no, it's called The American Association ... Society of American Law Teachers, SALT, is an organization of American law teachers, which annually [01:52:30] gives an award of achievement to a person or an institution for doing something that they consider outstanding. And I believe it was in '88 or '89, that award, the annual award, went to University of Wisconsin Law School for our having hired more than a token number of minority law professors.

We hired four outstanding people who happened also to be minorities. Now, that ability to hire that number came about from two things. One is that Chancellor Shalala [01:53:00] took a chance, in my view a big chance, in using certain funds to, in a creative way, to try and increase diversity within the campus. And we benefited by that, not because we said, "Oh, great. Now there's some money we can now have minority." We had had, for the whole time I'd been here, for the whole time, way before I was here, had very strong context with potential candidates to this school. We had [01:53:30] just a terrific network of potential people we'd have loved to have hired should the money ever come available or when the money came available, going after them.

And so, suddenly when money was available it wasn't like we had to start out-, go out and start looking. We just had dozens in effect of outstanding names on our list and so we went after them. And because we were able to hire these people we were given not one, but four new positions and got four outstanding people. [01:54:00] But the thing I want to emphasize, I guess I have said it, this ... My role there was not as the quiet innovator, but as a very vocal supporter of a very consistent and strong Faculty policy.

TEICHER: Have any of the Hastie Fellow award winners or any of the other black or women at UW Law graduates come back (inaudible)?

THOMPSON: Well, actually one of the first graduates is our current [01:54:30] Dean. Dan Bernstine was a, yes, was a Hastie Fellow brought in by the Jim Jones program and of course, I think one of the reasons Dan ... There's two big reasons that Dan got to be Dean, which don't have anything, you know, about doing with the fact that he's a minority. One is that he was a member of our faculty and so people know him and know whether they knew they could trust him as opposed to wondering if they could trust him. And secondly, is he had actually gone off to Howard and was serving as a Dean, but his start in legal education [01:55:00] came through the Hastie program. And the truth is there's a number of people that we wish we could get back here. There's some that we've lost other places. Kim Crenshaw was a Hastie Fellow, is now teaching at UCLA.

So, some we've been able, I mean, we're happy basically where they are going out and being, as they have been, outstanding members of the law teaching profession. I think one of the little-known facts about our Faculty. I know it's little known even amongst the faculty because I did a study [01:55:30] to see how many of our graduates were in law teaching, not aiming at how many were minorities, but just how many of our graduates were in teaching. And I asked faculty, and you know, faculty would try to think of those that they knew and most people would say 2 or 3 or, 5 or 6. We have over a hundred. Over a hundred of our graduates are in accredited law schools teaching.

TEICHER: That really covers what I had to say about affirmative action. Do you have any other?

THOMPSON: Oh, I'm sure there's other [01:56:00] things that if I could see a transcript of this I'd love to add, but I haven't a thing to say to you.

TEICHER: Just a reminder to whoever may be listening, "The Gargoyle" article, which we refer to several times will be in the file folder for Cliff Thompson in the UW Oral History Project Office, and also anyone who has not seen the John Steuart Curry mural in the Law School, want to make a special trip. It is really spectacular.

End of interview.

THOMPSON: Thank you very much, Barry.

TEICHER: Thank you.