



David M. Trubek

July 23rd & 24th, August 1st, 2008

Oral History Interview

Interviewed by: Betsy Draine



BEGIN TRANSCRIPT

DRAINE: It is July 23rd, 2008, and this is Betsy Drain. I am interviewing David Trubek. He is the Voss Bascom professor Emeritus of law. He's a senior fellow in the Center for World Affairs in the Global Economy and Emeritus Dean of International Studies. Dave, we're going to start you at the beginning, so we'd like you to [00:00:30] get up close to the mic here, and start by talking about where you were born, where you came from, especially in so far as any of that influenced where you came to be.

TRUBEK: Well, I was born in, grew up in Bergen County, New Jersey right across from the George Washington Bridge. My father was a relatively successful small businessman in the chemical [00:01:00] industry. My mother was an artist who had worked as a commercial artist when she was younger. We lived in a small suburb, New Jersey suburb. My father, in addition to being a businessman, was very active in various academic or intellectual and political issues. He was a supporter of Robert Hutchin's Center in Santa [00:01:30] Barbara, the name of which I cannot remember but was sort of a civil libertarian, pro-democracy, anti-McCarthy enterprise. He was also involved in something called a New Council for American Business, which was a lobbying organization that tried to provide a more progressive vision of business interests than was being provided at the time in [00:02:00] Washington by the Association of Manufacturers. This brought him in contact with Estes Kefauver who was at that time in the senate sub-committee on small business, and my father became friends with Kefauver and ultimately was the finance manager for his presidential campaign. There was always some interesting people floating around. My father worked, had contact [00:02:30] with Margaret Mead and Robert Hutchins. He also supported the Nation Magazine, so he was involved in political journalism. His role was almost always that of financing these activities. He wasn't himself a journalist or a political activist or intellectual, but he thought very highly of all these things and put as much time as he could in. That, I suppose, had a very decisive influence on me. I went to public schools until [00:03:00] eighth grade, and then I went to what I often refer to as a somewhat regressive private school in Englewood, New Jersey.

DRAINE: Let me move you back, though, before we get to the school part. In that exposure to what your father was involved with outside his work, do you remember developing certain values? Certain values or aims that were consistent through these contacts [00:03:30] that impressed you?

TRUBEK: Well, I mean, this was a McCarthy period. Remember that. This was a ... I mean, when we're talking about here is the forties and early fifties, but really the forties. It was sort of the beginning of the Cold War and gradual emergence of McCarthy and the Alger Hiss case, and so there was kind of a concern about freedom of speech. There was a concern about civil liberties. [00:04:00] There was a concern about support of progressive politics, which were somewhat under attack by the right. I suppose that this did tilt me.

LTRUBEK: Hi, Betsy. How are you?

DRAINE: Fine. Thanks.

TRUBEK: We're online here, dear.

LTRUBEK: Okay. Bye. Take care.

DRAINE: That was interruption of Louise Trubek, who has recently been interviewed and is also in the archives.

TRUBEK: I think that that sort of gave me an interest in politics and the relationship between intellectual [00:04:30] life and politics and sort of tilt toward civil liberties, progressive causes, that sort of thing.

DRAINE: Mm-hmm (affirmative). Then you started in at school, and you were describing that. I interrupted you.

TRUBEK: Well, the school was very conservative. It was very traditional. It wasn't ... It was traditional. It was one of these country day schools that was trying to be a channel into the Ivy League, and it was somewhat pretentious, [00:05:00] educated the sort of boys of the haute bourgeoisie of Englewood in New Jersey and surrounding towns who didn't go to the fancy boarding schools like Groton and Exeter and so on. It was extremely good place to learn to write, to learn to study. It wasn't particularly [00:05:30] supportive of my more intellectual interests, although at least I got some support and certainly not particularly engaged in politics at that time.

DRAINE: Did that kind of schooling you describe as sort of semi-elite ... Not elite, but the cream of those who were staying closer to home to go to school. Were they developing in you a sense that you were special in some way? That you were boys [00:06:00] who were going to go on and contribute importantly in the future?

TRUBEK: Well, we had a particularly outstanding class, my class, in terms of grades and performance on the SAT and that sort of thing. The headmaster was shocked when the top students in the class decided not to go to the Ivy League schools that they could have gotten into. [00:06:30] Two of us went to Wisconsin. One guy went to Colorado. A couple went to Rutgers. Although you can't prove it because we didn't apply to the Ivy League, probably most of us would have been admitted. This was very bad for their statistical recommendations, so he made some kind of comment. We were sort of rebels. The thing was that it encouraged us to be rebels because it was so narrow a place. [00:07:00] Our class kind of rebelled about this. I remember he gave the speech, the headmaster, and said, "Well, this is an outstanding class. Almost as good as the class of, whatever, 35. Those people went to eminent universities." We then posted a notice on the school bulletin board the next day announcing the creation of eminent university of liberally endowed [00:07:30] school for liberally endowed students, which was not taken very well. One of my ... We then had a big fight over the dress code, and two of my classmates were expelled for violating the dress code, which they had done consciously. One of whom went on to be the headmaster of another country day school in New Jersey many years later. He obviously shaped up. Another became a relatively well known performance artist who violated [00:08:00] the dress code when he went back to the fiftieth alumni meeting of the school.

DRAINE: There was a group of ... Were you a leader, do you think, of this group? How did this group develop out of the student body?

TRUBEK: I think there was four of us. There were four of us. I mean, it was a tiny student body. There were 15 people in the class that we didn't talk ... There were really four of us, including [00:08:30] the guy ... The two of us that went to Wisconsin, the guy who went to Rutgers and became later a performance artist, and the guy who went to Colorado and became a headmaster of a country day school. That's where three of the four ended up. The fourth guy who came here with me ... We started together here as undergraduates, was the reason that I [00:09:00] came to Wisconsin because his family came from Wisconsin, and he and I and a third person spent the summer of our junior year in high school in Bayfield.

Spent three months in Wisconsin when I was 16 years old in a fishing camp on the shore of Lake Superior. We had a jeep and a boat and a 25 horsepower outboard and guns, and we played whatever we played. Then we [00:09:30] traveled around the state because he had all sorts of family, and we got to know Wisconsin. That's how I ended up really in Wisconsin. He left Madison and went to Berkley in the fifties, and after getting a doctorate in teaching for a while is now a cabinet maker in Tacoma, Washington.

DRAINE: Have you kept in touch with any of these people?

TRUBEK: I've kept in touch with the artist. I've lost contact with the guy who became the headmaster, and I tried desperately [00:10:00] to resume contact with the guy who ended up as a cabinet maker. He just did not want to engage with us. When the 50th reunion came along, I went to a lot of trouble to track him down, because I didn't know where he was, but I had some hints because we had a mutual acquaintance from his years here in Madison, and I followed up from that and did some searches. I finally got him talking on the phone, and then he just ... I tried to follow up, and he wasn't interested.

DRAINE: [00:10:30] Well it sounds like fairly clearly you knew that you were expected to apply to Yale and Harvard.

TRUBEK: Absolutely.

DRAINE: It seemed like it, yeah.

TRUBEK: Absolutely.

DRAINE: What went into that decision-

TRUBEK: To not do it?

DRAINE: To not do it?

TRUBEK: Well there was this tremendous sense of rebellion against this haute bourgeoisie life

of Englewood, New Jersey. These guys were all from families that were very well established. So the, we'll call him the cabinet maker, his father was a senior [00:11:00] partner at Arthur Andersen, an extremely right-wing kind of guy. The headmaster's father was a senior partner of the largest law firm on Wall Street, and they had this mansion in Englewood that was just awesome. Bobby Whitman, the artist, his family was a wealthy, elite family. [00:11:30] His father was dead, so he was living with his mother and his grandfather in Englewood in one of these huge places.

So I was the outsider, in terms of being Jewish, not coming from this elite background. My father had made a lot of money, but lived in a very simple manner compared to these people. Theirs was a much more elegant lifestyle, and I always felt like an outsider to that world of Englewood, [00:12:00] the Englewood Country Club. That's why I was so attracted to Scott Fitzgerald, because this sense of being an outsider in a world of wealthy people, and sort of socially elite, was a part of my life experience.

DRAINE: And of course Fitzgerald was a midwesterner that, going back to Wisconsin, was I don't know if that was any association for you. I was wondering if there was any reading, or anything that you [00:12:30] studied, or read outside of school, that also influenced this feeling of rebellion. Or was there anything in the air culturally?

TRUBEK: There's another part to the whole story. We could spend months on this. In my summer of my sophomore year, I went to the work camp at the Putney School in Vermont. This brought me into contact with a group of left-wing and extremely cultured kids from New York City, [00:13:00] some of whom were very active - their parents were very active - in the sort of civil liberties movement. There were artists, dancers, they went to music and art, performing arts, Bronx High School of Science. This was the sort of high-end crème de le crème of progressive kids from New York.

That became the alternative world for me, and I lived as much in that world, in my [00:13:30] junior and senior years of high school, as I did in the world of Englewood. So I was living between these two worlds. Also, my father was in a mental hospital for a good part of that period, and so it was a very difficult time. My mother was very preoccupied with trying to take care of him. He had had a bipolar disorder, and he'd been hospitalized some time, I guess, in my junior year at college.

So I was kind of a [00:14:00] latchkey kid. I didn't have much parental guidance in that period, and I spent as much time in Manhattan with friends as I did with friends in New Jersey. Because we were right across the river. I could get to the Upper West Side in an hour and twenty minutes by bus and subway.

DRAINE: Did you read at homes or clubs, or was there political activity that you were attached to, when you went in there, to New York?

TRUBEK: [00:14:30] It was more cultural stuff and going to folksinging. This was when the radical folksinging was big. It wasn't formal political stuff, there was academic, sort of intellectual stuff. There was a reading group. I remember going to a reading group to read

Czeslaw Milosz' book, *The Captive Mind*. This must have been ... I don't know, must [00:15:00] have been in the ... I can't remember. Maybe in the summer before I went to college. It was in the summer, I remember that.

We met in the townhouse in the East 60s, this extremely wealthy family of psychiatrists, who were very sophisticated, and their son was very sophisticated, and there were all these people from all over New York, and there were foreigners, there was a Frenchmen there. We were always, you know, trying to show we were both smart, and show off for the girls, because there were always girls there. [00:15:30] I had a girlfriend who lived in Riverdale, and I went to see her.

So there was this kind of floating world that all was circled around Putney. So there was the Englewood School for Boys, which was basically conservative New Jersey bourgeoisie, and then there was this sort of New York intelligentsia, and kind of the people I hung out with, particularly Bobby Whitman and Cal Collinge, the artist and the cabinet maker, [00:16:00] were kind of crossovers between those two. There were the three of us who were kind of crossovers between this world of the New Jersey bourgeoisie and the world of the kind of children of the New York intelligentsia. So we would talk about plays, and books, and girls.

DRAINE: Then you had this chance to make a statement through your choice of a school.

TRUBEK: [00:16:30] Yeah. It was a statement. I think it was definitely a statement, and they were really aghast. I didn't know what I was doing. For instance, I had no guidance, because my mother had gone to art school, and my father had dropped out of college, but he was totally inaccessible, and I don't know, I just didn't get along with my uncles. There was just too much distance. So nobody advised me. I just ... But Cal Collinge, the cabinet maker, [00:17:00] was coming out here, and so I thought why not? It seemed like a great place. I'd spent the summer here. It seemed like a fresh world.

Wisconsin had a very good reputation in the New York area. A lot of people from Wisconsin came here at that time. As a percentage probably much greater than now, because out-of-state tuition was not very high. So it was thought of as a progressive school, thought of as [00:17:30] an excellent academic quality, but also progressive and liberal, and free, and so on. So that's how I ended up here.

DRAINE: Well before we move you to Madison, if there were only fifteen boys in your class, it would seem to me that there would be a lot of opportunity for mentoring, that people would be watching you and trying to develop you, in particular ways. Did you feel that there was anyone who guided you in some way that you felt positive, [00:18:00] or were you really trying to deflect that the whole time, or what?

TRUBEK: Yeah. I don't have any particular memory of anyone being particularly, or forming any sort of real bond with any of those people. There was a guy named Eliot Toser who had been in the Army, and who was a quite outspoken guy, and he did help me with writing. I think that if I can claim I got anything [00:18:30] out of that, it was learning how to write. So I guess that

was, and of course you could edit the newspaper and edit the yearbook, and do everything, because there was no competition.

DRAINE: So you did those things.

TRUBEK: I did all those things, and of course I wanted to play on the football team, but I had an injury when I was playing football, in my sophomore year. I hurt my knee and I couldn't play football. So that kept me out of what was, you know, the central activity [00:19:00] of boys in country day schools in New Jersey, in the fifties.

DRAINE: So then you came here, simply to take a degree in letters and science. Tell me a bit about what you thought you were getting into, when you came to Wisconsin, and then how it was to come.

TRUBEK: I don't know if I mentioned it, but psychiatry was a big thing that my father was involved in, and he was investing very heavily in supporting people in the mental health movement. That's how he met Margaret Mead, because she [00:19:30] was involved in the mental health movement. But he also knew the Menningers, and other people, Karen Horney. All these people, some of whom I actually met, and others he just talked about, and he would go and ... So, out of this, and maybe because my father was bipolar and had these horrible experiences because of his illness, I decided I wanted to be a psychiatrist.

So I started out [00:20:00] in pre-med. And there was no real arrangements for housing, for students from out-of-state in those days. The dorms were totally overbooked. So the only people from in-state could get in the dorms. And they kind of threw you on the city. And I got here, and I ended up in a rooming house on Langdon Street, with a bunch of rather questionable characters.

DRAINE: Mm-hmm (affirmative)

TRUBEK: And I was miserable. [00:20:30] And I was taking chemistry and pre-med kind of courses. The big thing that happened to me, that probably was a big influence, was that you took a test in English. And I placed out of taking any English courses into my first year. And there was only three of us. Me and Cal Collinge and another guy named Jim Rehm went on to, as far as I can figure to be a journalist. And I think that pushed me towards [00:21:00] a sort of journalistic side of campus, which we'll get to.

So it was a terrible experience, and I, was those days-

DRAINE: Which, was a terrible experience?

TRUBEK: This rooming house.

DRAINE: Mm-hmm (affirmative)

TRUBEK: We'll get to chemistry. That's a very important part of my life. So I met at a Quaker meeting, a guy, who was actually living in town, selling aluminum siding. And he was looking

for people to join him to live [00:21:30] in a house in Shorewood. That had been built by one of Frank Lloyd Wright's students. And because, I know it's a complicated story, but he was, he needed five or six people to live in this house so he could pay the rent. And I got recruited and ended up, sometime in the first year, well it must have been pretty early because we were there well before the middle of the semester. In the beginning of my [00:22:00] first semester here, I moved-

DRAINE: You're talking about which year?

TRUBEK: 1953.

DRAINE: Okay.

TRUBEK: Fall of 53.

DRAINE: Mm-hmm (affirmative)

TRUBEK: My first, wait a minute. Yep. Fall of 53.

DRAINE: Mm-hmm (affirmative)

TRUBEK: My first semester here as an undergraduate. And I went ... We lived in this house, which was an absolutely beautiful house and it's still there. It's called The Cliff House, it's at 1002 Oak Way. And it was designed by James Dresser, who, it was the first thing he built after he finished the course at Taliesin. [00:22:30] And it had a lot of flaws, because, as I use to say, it was like living in someone's first novel. It had some brilliant passages but some major structural weaknesses.

For example, it was freezing cold in the winter, and there was no way to keep it warm. We had to wear coats when it really got cold, in the house. And boil water on the stove, which will produce a certain amount of steam to warm up the house. Because the heating unit was totally inadequate. It was [00:23:00] just very badly designed, and it was a huge amount of single pane glass. Beautiful building.

And it was incredible. This is another experience. This is an incredible mixed group there was. There was a, okay. Over the time there were more than six people there. There were never more than six people there at once, but there were six people at the time, and there was some movement in and out. We had two salesmen, one of whom sold [00:23:30] shoes. And one sold siding. Both college graduates. Two PhD students, one in physics and one in chemistry. A senior in meteorology, a senior in Journalism and Naval Science, me and that sophomore in ILS. I think that's all, maybe there was one [00:24:00] of two other people came and went. And we got hooked up with the left-wing cultural crowd at Groves Co-op.

DRAINE: Mm-hmm (affirmative)

TRUBEK: And the Green Lantern Eating Co-op. So we had all these parties with this whole left-

wing world, which we would invite out to our house. And we would provide drinks, which were made out of lab alcohol, provided by a biochemistry graduate student who stole [00:24:30] lab alcohol.

DRAINE: Can you describe, sort of, what these two groups; The Green Lantern Eating Co-op, and the other group you mentioned were?

TRUBEK: Well, this is described in Lorraine Hansberry's "A Raisin in the Sun", which is set in this thing, which I never seen but. And Louise, my wife, lived in Groves Co-op ... There was a building, one of these sort of older houses on West Johnson Street? I [00:25:00] think so, it's where the chemistry building now is. Has now been torn down. And in the basement, there was an eating Co-op, which was open to anybody. And above there was a women's dormitory and it was all Co-operative and interracial, which was unusual in those days. A lot of Blacks were there. And attracted people from the Left, a lot of; and attracted Ford Students. There were quite a few Ford students, and since the [00:25:30] Ford students overlapped with the left-wing; not all Ford students are on the Left, but a lot of the Left were Ford students. There was a left-wing environment.

I did not belong to the eating Co-op, but you could go there and have your meals and just pay. And I just went there mostly because there were interesting people and interesting women.

DRAINE: Mm-hmm (affirmative)

TRUBEK: I had a girlfriend, it's not a girlfriend, A girl I wanted to be my girlfriend. [00:26:00] Named Rita Brown, who just died. And that was kind of a whirl. And Jim Jones, who you may know is still here as an Emeritus professor in the Law School, he was the cook. He was a cook. He was a law student at the time, and was supporting himself by cooking. And the food was terrible. So nobody would have gone there for the food, but it was very cheap.

So that was the scene, and that connected me [00:26:30] to this whole graduate student world at Wisconsin in the 50s. Which was very rich, which was a source of a lot of interesting ideas. And I got connected with that through that, and through another thing which was, for reasons that I cannot even remember why, I got elected in my first semester of my freshmen year to be the President of what was called Robin Hood's Merry Men. And this was the organization that [00:27:00] was linked to the recall petition to try to recall McCarthy.

DRAINE: Wow.

TRUBEK: So in my first year in college I was very active in student politics, and was, and I think that these people picked me as a figurehead, because I went to a country day school and had a tweed jacket. I don't know, I can't figure out how this organization, which had graduate students of great political sophistication ended up electing me. I cannot remember how it happened.

DRAINE: Well you probably [00:27:30] knew more about the McCarthy issue, even than some

student coming in from Wisconsin, who should have known, because of the local connection. Because of your father's-

TRUBEK: That's probably true.

DRAINE: Mm-hmm (affirmative)

TRUBEK: And my father had been actually, I didn't mention this, but my father had actually been attacked in one of these McCarthyite publications, because of his, he was the president of this thing called The New Council on American Business. And the executive director was [00:28:00] the guy who had been a member of the Communist Party. And this was this thing called Red Channels, which you may have heard of, which was the main source of outing people in the entertainment industry. But somehow they got into this and so my father was very worried about this. He was very worried about being attacked, even though he was an independent self-employed businessman, making quite a bit of money in those days.

DRAINE: Mm-hmm (affirmative)

TRUBEK: But I remember he put away all his books on socialism, at that time, he hid them. That's the McCarthy period. [00:28:30] So I ended up doing this and this comes back to haunt me some years later, I'm sure we'll get to. So I'm sort of in this weird floating world of this bunch of weird people, you know, shoe salesmen and nuclear physicists out there in the, and then the, I forgot to mention, that I'm also become the editor of the Wisconsin Octopus. The humor magazine. [00:29:00] And how did I do-

DRAINE: Where did that happen? Which year were you in?

TRUBEK: Well.

DRAINE: Not as a Freshman.

TRUBEK: No, as a Sophomore. That's right I have to get this, get the timing right. So we're out there in this place, and we're having, we're living this life, and we have this weird combination of people.

DRAINE: I want to dig out what you were talking what about. McCarthy, obviously, was one subject. But what were all these progressive students talking about?

TRUBEK: [00:29:30] Well there was a lot of talk about Marxism. There was a lot of talk about cultural experimentation, drugs. Maybe this comes a little later, I don't think that I was aware of this in my freshman year, but there were people taking LSD. There was LSD. Peyote. Some of the anthropology students had brought back some drugs from Mexico. And we have to get to the Labor Youth League, which is another part [00:30:00] of my experience. I'm trying to do this chronologically.

DRAINE: Yeah.

TRUBEK: So in my freshman year, first thing was Robin Hood's Merry Men and the McCarthy campaign and sort of becoming a visible person and being interviewed by the Daily Cardinal a lot. I remember because my roommate, in short, would accuse me of having a Cardinal interview voice and talking in a very pompous way. [00:30:30] So there we were and so we were out there and then I flunked Chemistry. So this is a very important part.

DRAINE: In your freshman year?

TRUBEK: In my freshman year because I couldn't stand Chemistry. Don't forget my grandfather was a chemist, my father was in the chemical business, I have uncles in the chemical business, I had uncles who were doctors. This had to be some kind of subconscious rebellion. It wasn't intentional. [00:31:00] I flunked chemistry. Now when you were a pre-med major, you had an advisor and in those days, this was a serious thing. It wasn't some agency, some bunch of academic staff bureaucrats. It was some professor and it was Jim Crow. You know who Jim Crow is?

DRAINE: No, tell me.

TRUBEK: Oh, well, Jim Crow, who is still with us, and I had dinner with him quite recently, is a [00:31:30] very famous geneticist who had been involved in a lot of genetic discoveries. At this time, he must've been relatively young. It was 1954 because this happened... The contact I had with him was in my second semester because that was after I had found out I had flunked. He was a tremendous help to me. He really took me under his wing and advised me. He was also an outspoken supporter of civil liberties and outspoken supporter of culture. If you [00:32:00] go to the Overture Center and look at the donors and you go and look at the APT and you look at the donors and you look at the Madison Symphony, Jim Crow, James Crow, has contributed a lot of money to all the cultural events and he's also a musician. I think he plays the violin or the cello, I don't remember which.

And he's still writing articles to this day. And they had a big thing for him and I contributed [00:32:30] some money to a lecture fund in his honor in the genetics department. So that was a big influence on me. He really kind of helped me stabilize and got me into ILS because he realized that whatever I was, pre-med was not it.

Oh, I forgot that in the course of the pre-med program, they took us to see the cadavers, which in those days, were in the attic of Science Hall. And I said "I don't want any part of this cadaver business." So that's why I got into ILS [00:33:00] and that's how I first met Louise. I don't remember Louise from the Green Lantern Co-Op before I met her in class. We were in a couple classes together.

DRAINE: In the ILS program.

TRUBEK: In the ILS program.

DRAINE: Mm-hmm (affirmative)

TRUBEK: Yeah.

DRAINE: So did this feel like a failure on your part? Did you feel dashed in any way about giving up on the idea of becoming a doctor? What were your feelings at [00:33:30] the time?

TRUBEK: Well, I also was trying to transfer away from Wisconsin because I was really unhappy, but I couldn't- I tried to get into Harvard and I couldn't get in, although I could've gotten in if I'd gone initially. So I think I was just unhappy and I can't tell you which part I was more unhappy about, but I was being thrust more and more into this alternative world.

DRAINE: Mm-hmm (affirmative)

TRUBEK: Into the alternative world of [00:34:00] this sort of left world. But then I got pushed into another world and that has to do with the famous cocktail party. Sometime in the spring of my first year, in this house, the physicist decided that he was gonna have a cocktail party for the physics department in our house and we were allowed to come, but this [00:34:30] was a departmental party. And what did I know from the physics? So he was close to finishing his doctorate in nuclear physics, okay? And somehow, the dean of students heard about this and we were called on the carpet for violating the rules about having cocktail parties without chaperones. And that brought me to the attention of the dean of students and I made an impassioned defense.

I can't remember what [00:35:00] it was. And so the dean of students called me in after this incident. We were not kicked out of school, although the physicist was later kicked out of school because he had been sleeping with an undergraduate student who had falsified her sign out. You had to sign out and she had pretended she was staying with her family when she was in fact shackled up in our living room, which didn't make us too happy with this guy. So they kicked both of them out. He later came back [00:35:30] and got his physics degree and went on to be an important corporate executive.

So the dean of students called me in and said "How would you like to become the editor of the Octopus magazine. Can you believe this? That the editor of the humor magazine had been drafted and the dean was the faculty advisor and I can't for the life of me figure out how all this happened. [00:36:00] But we got me in Cal College and we both took over the humor magazine.

DRAINE: So this was your friend from back at Englewood-

TRUBEK: Who was still here.

DRAINE: School.

TRUBEK: He had moved to Berkley. He moved to Berkley in the second year. All of a sudden, so I'm in this world of the left and counter culture and graduate students and all this sort of world. I'm in the world of student journalism and ridiculous... And usually this was [00:36:30] very anti-intellectual, but obviously I was gonna move it in a more intellectual and political direction, so we did an issue- I'll be glad to go upstairs and get it and show it to you when we

turn this thing off, but an issue on ROTC, which was just a parody. There was no... It was very humorous and we had a fantastic cover. In order to advertise the issue, we put up a pup tent on mall between the two libraries. There was no fountain there at the time. [00:37:00] This is before the fountain was built and there was just an empty space there. We put a pup tent up and we did a little advertising. A bunch of ROTC students came over and knocked down our pup tent and beat us up. It was fun and games.

DRAINE: So this was 1954?

TRUBEK: 1954.

DRAINE: Uh huh.

TRUBEK: No, no, '55.

DRAINE: '55.

TRUBEK: No, '54. Fall of '54. Well, I don't know. It was '54, '55. I don't remember-

DRAINE: Mm-hmm (affirmative)

TRUBEK: Which semester. I could find out because I can get the date of the issue. [00:37:30] So, I'm off into this world of campus journalism and now I'm in ILS and I'm finally feeling that I'm a little more where I ought to be. Took chemistry and passed it and got a B so that was okay. Got that off my record with great help from Jim Crow.

So then I kind of settled down and said "this is kind of a weird place, but here I am. Let's make the best [00:38:00] of it." And, I subsequently became the editor of the literary magazine, which I actually founded. A new magazine called "The New Idea." There had been a literary magazine called "The Wisconsin Idea" and I founded a new version which was actually produced as a supplement to the Daily Cardinal, sort of like The New York Times Magazine.

DRAINE: Mm-hmm (affirmative) It was called "The New Idea?"

TRUBEK: "The New Idea." I might have copies [00:38:30] of it upstairs. I was a columnist for the Cardinal. I wrote a column called "Cabbages and Kings." I was a student senator representing publications. In those days, there were appointed student senators to represent certain areas of campus life and there was a publications committee, student life and interest committee, or SLIC. And each SLIC... There was a SLIC for publications. I was the representative publications committee [00:39:00] in my senior year. That's how Louise and I really got to know each other. We had known each other; we hadn't worked together or gone out at all until our senior year. The most prestigious thing you could get as a campus journalist was to be the campus correspondent for The Milwaukee Journal. I did that in my junior year and senior year. That involved filing one or two stories a week.

I have [00:39:30] this memory of the way you file stories in those days. You had to type them up and then you went down and you took them to the Western Union office, which is down the other square and they sent them off. In the middle of the night, I would go down there and send them off.

DRAINE: So then you were identifying with the most important issues on campus for two years there. A good two years.

TRUBEK: Well, I haven't gotten to the famous thing that was the most important issue, which was the membership lists. And this is how [00:40:00] I really got to know Louise. In my senior year, and I can't remember if I was just a senior year or if I was there also in my junior year, but anyway.

Oh, I win the award for the outstanding junior student, the something or other award, outstanding junior student in my junior year, some award, which was all based on this Dean of Students who at first tried to kick me out of school, Ted Zillman.

DRAINE: But kept you in mind-

TRUBEK: [00:40:30] He did, yeah.

DRAINE: -and saw what you had.

TRUBEK: And always kind of- because he was in charge of that. He was there. I guess if there was a mentor- I really thought the guy was a real idiot, but anyway, he was really good to me, I guess.

DRAINE: Well it's interesting in comparison, having interviewed Louise just last month, that the Dean of Women-

TRUBEK: The Dean of Women, yes-

DRAINE: -was very important for her. And she felt, at that time also, just as you did, that nobody had noticed her in spite of all her activity, until that Dean of Students, Women students.

TRUBEK: Anyway, I got this award [00:41:00] my junior year. And I was on the student senate. Now, there are two interesting incidents. Okay, first you have to know about the Labor Youth League, and the Attorney General's List.

In the McCarthy period, one of the tools of repression was called the Attorney General's List. And they came out with a list of 200 organizations that were thought to be Communist [00:41:30] fronts. Some were Communist fronts. There were actually Communist fronts. Some were not. And a lot of- And you asked me things I read. I used to read The Nation and The Progressive, and they were both going on and on about these loyalty oaths, which were being applied to teachers in California. A lot of states required the signing of these loyalty oaths, which

included certifying [00:42:00] that you had never been a member of, or attended any event sponsored by, there were over 200 organizations.

Okay, so that was the Attorney General's list and you had to understand that, in order to understand this complicated story I'm about to tell.

Now, at that time, we had an organization called the Labor Youth League, which was on the Attorney General's List, which meant it was considered to be a [00:42:30] Communist front. And indeed, it was a Communist front, as we learned later.

DRAINE: What did it really mean, to be a Communist front?

TRUBEK: It meant that the people who were running it were under the discipline of the Communist Party of the United States. And I'll explain how we finally concluded that. And it acted under orders from the- and it was the last, Communist-affiliated [00:43:00] student organization left in any American campus anywhere: the Wisconsin chapter of the Labor Youth League.

The Labor Youth League was a target of local McCarthyites. McCarthy was too smart, too politically shrewd, to attack the university, which had a kind of aura of national pride or state pride. And don't forget, this is the days when Alan Ameche was leading us to the [00:43:30] Rose Bowl, so the football aura was helping.

The head of the ... American Legion, and a bunch of right-wingers, demanded that the University force all student groups to produce lists of their members. This was [00:44:00] an indirect way to force the Labor Youth League off, because they weren't gonna try to directly say, "They're communist," because you couldn't prove that they were communists, but they were on the list. But they chose this indirect membership list route.

And at that time, in order to be a student organization, registered organization, be able to use University facilities and take advantage of whatever benefits student organizations got, you had to list two officers and certify that there were at least twelve members, [00:44:30] but you did not have to list anything other than the two officers.

It was thought, and probably was correct, that if they were forced to produce a list of 12 members, that the organization would collapse, because there weren't 12 people who were willing, at the height of the McCarthy period, to indicate their membership in such an organization, which would probably preclude their careers in many fields, as it seemed in those days. That was not a [00:45:00] trivial thing.

Louise and I, and a guy named Gar Alperovitz, who later became famous because he wrote a very famous book on the decision to drop the atomic bomb, and went on to be a major figure in Washington, still around. The three of us led a campaign to block the effort to require membership lists, which was an extremely [00:45:30] successful political campaign. We even got the Hellenic council representing the sororities, to endorse our petition. And we defeated the

motion in the faculty-student committee that had jurisdiction over these things, like SLIC, Student Life and Interest Committee.

And in the course of this, I wrote a lot of essays for the Daily Cardinal. I wrote a big essay on sifting and winnowing, and the history of the plaque, and all [00:46:00] that sort of thing.

DRAINE: So freedom of speech, or can you-

TRUBEK: Freedom of speech, yeah.

DRAINE: Freedom of inquiry, or freedom of [crosstalk 00:46:06]-

TRUBEK: Yeah, the sifting and winnowing. The rational was, we wanna foster free speech and there's no real reason to require these names to be published. And you've got the two officers. So that was defeated, and Louise and I always thought that this was a major blow for freedom of speech on campus, and that's how we really got to know each other. It was a very successful [00:46:30] campaign.

Now, I mentioned that we concluded, sometime during the course of this, or after it was over, that the Labor Youth League was a Communist front. The reason we concluded this was, that when the officers- This I think probably happened earlier, but we didn't put two and two together. When the officers, who were there at the year before had graduated, two people moved from [00:47:00] Madison. One of them was a music major who had been at the Oberlin Conservatory. And he moved here as a music major? Now, nobody does this in their right mind, if you're a music major, move to one of the best conservatories to what was okay, but not particularly great music department. And so, we concluded that they were probably under Communist Party discipline.

DRAINE: And that he had moved in order to work of-

TRUBEK: Because they couldn't find anybody here who could put their name on it. And so they had to move somebody. [00:47:30] I can't prove any of this, but it seems that's why. Okay, so in the course of this year though, after we had won this great victory, the Labor Youth League folded. Because when those guys, the ones who had graduated, they couldn't find anybody. And so I wrote the epitaph for the Milwaukee Journal, and the article is around somewhere.

DRAINE: Exposing them in a sense?

TRUBEK: No! Just saying, "Look, it's too bad, and they folded, there was this big fight." No, I didn't do that. [00:48:00] Because I didn't know for sure. It was just a supposition. I was really involved in campus journalism and campus politics, and I wasn't a great student. I was too much caught up in all these activities, so I really didn't emphasize getting good grades. I graduated with reasonable grades, but nothing like Louise who was Phi Beta Kappa. [00:48:30] But I did something else, which I'm very proud of. I was a history major, and it says here, you posted, "Why was I a history major?" Well, history was considered to be the best L and

S department, in those days. It was very elite. It had absolutely outstanding people. And the really smart people went into it, so that seemed like, a thing to do, since I had no idea where I was going professionally.

DRAINE: Let me ask you a little bit about this before we get right into the history department. [00:49:00] It would seem, from your activities, if you were asking yourself, "So what am I gonna do," that you've gone from, "I'm gonna be a doctor, or a psychiatrist," to, "Maybe I'll be in journalism, maybe I'll be a writer, maybe I'll be some kind of politician."

TRUBEK: Journalist. I think if you would've asked me, it was probably closer to being a journalist, but it wasn't clear.

DRAINE: But going into history couldn't hurt you, for journalism, so-

TRUBEK: It couldn't have hurt, but I wasn't thinking. [00:49:30] I was just thinking, what would be the next interesting thing to do, and what choice, what majors were available. Well, they didn't have a lot of majors we now have, and history was really the thing.

But I did two things that really were kind of unusual. First, I talked my way into a graduate course in sociology, in which we read Talcott Parsons' *The Social System*. And that was an unbelievable experience because I was the only one who had [00:50:00] no previous courses in sociology. I was one of the two or three undergraduates in a graduate seminar and I really learned something about sociology, but the more interesting thing was that I decided to write a senior thesis. There was no honors program. There was no formal provision for writing senior thesis, but I talked one of the top historians into supervising me writing a paper for a senior [00:50:30] thesis. Which, as I say, there was no formal procedure for it and I guess they had some kind of system where students could get credit for special research or writing or something. I wrote a doctoral thesis on why... how Jefferson managed to change his theory of the interpretation of the Constitution [00:51:00] in order to justify the Louisiana Purchase. So, it was on the impact of social and political ideas on legal and constitutional theory.

DRAINE: Which has somewhat become a theme of your later work.

TRUBEK: It has become a theme, yeah, which I now look back and think, "My God," and then I took an advanced history course with a guy named Burleigh Taylor Wilkins, who ended up at Curti, Merle Curti, who's a very famous guy. There's even a lounge named after him all. He was a really dry stick, but he was a famous guy and he [00:51:30] never thought that I was quite serious enough to be a true historian, but he gave me a good grade and I got through that. Then this guy, Wilkins, really took to me and he encouraged me and I did a paper on the uses of history in the *Federalist Papers*, which forced me to read the *Federalist Papers*, so I got a really good education in American history, I think, in that period. I had an informal education in politics, in leftist thought, [00:52:00] in writing and journalism. Most of which was more informal than formal. Henry Adams makes that distinction in his education of Henry Adams. I think that probably the most valuable formal educational experience I had was in American history, three or four courses and doing these two papers, which were really, really very helpful.

A secondary thing that I got interested in was Asian history. I took a couple courses, in fact, Louise and I [00:52:30] took the same course, which is 7:45 in the morning in the winter, walking up that hill in the ice at 7:45. What a horrible thing to do.

DRAINE: Bonding experience. Was this in your senior year?

TRUBEK: We came from different directions. In my senior year. I lived where the humanities building now is. There was a street there and there were apartment houses.

DRAINE: Because when-

TRUBEK: No wait a minute. Wait a minute. It must have been my junior year. Louise lived down on [00:53:00] West Johnson street and I lived on ... I forgot the name of the street, doesn't exist anymore. It's under the humanities building. Must have been my junior year. Oh no. No. Well, anyways, I don't know. It doesn't matter.

DRAINE: The reason I asked was because when Louise was talking about the trajectory of her career and also meeting you, she says that she had known you for years and years, since the beginning and the work in the Senate and all of that, but that it really wasn't until her senior [00:53:30] year that you two really became a couple, and that was important to her in feeling that she developed her own agenda for where she was going, independently of you.

TRUBEK: Oh yeah, absolutely. We knew each other, but slightly, just slightly. It was only when we got on student senate that we had sort of a working relationship and we didn't become a couple till practically the end of our senior year.

DRAINE: Mm-hmm (affirmative)

TRUBEK: Cause she was going out with one of my roommates [00:54:00] in the fall of that year and then they broke up and then we picked up.

DRAINE: Okay. So you were going to the Asian history class.

TRUBEK: Yeah, we had this Asian history class. The other experience which stuck with me was I took course on Yeats, which was really great.

DRAINE: You plunged right into the best if you were going to do a little literature.

TRUBEK: I did. What I did was I took advantage of the looseness and fluidity of the situation at the time and talk my way into a lot of advanced [00:54:30] courses, and so I got really good education in a lot of areas, but it wasn't coherent.

DRAINE: And there weren't a lot of rules that constrained from doing that.

TRUBEK: It was very open, but it was totally, completely formless. There were no advisors

because once I got out of pre-med and finished with L and S, there was no one to advise me. It was just [00:55:00] like going into a Middle Eastern market and wandering around.

DRAINE: Was history just so big that having a history advisor was not going to be sufficient to take care of the guidance of those students?

TRUBEK: I just don't remember any advisor. I mean, I remember Jim Crow, but I don't remember anyone else ever-

DRAINE: Maybe there wasn't one.

TRUBEK: It was all word of mouth and student gossip and stuff like that. Okay, so we've now had the [00:55:30] journalist career and the student senate and the big fight over membership lists. This was the continuity of being an active student politician and student journalist, using journalism as an entry into politics. Being involved in what were then pretty much civil liberties issues. Louise was involved in whole different set of issues: racial, integration, and stuff [00:56:00] like that. That was not the issues that I was focusing on. Although, we shared views on those, but as you say, it was really only in our senior year that we really worked together and it was only in last semester of our senior year that we started going out. Maybe towards the end of the first semester. I don't remember. Then there comes the army, that we gotta do the army.

DRAINE: I was thinking, Louise had by this time put in [00:56:30] her applications to law school and what were you thinking you were gonna do?

TRUBEK: Well, I knew I had to go into the army because I was in ROTC and I had-

DRAINE: You were in ROTC even though you were diverse and you had written this send-up of the ROTC.

TRUBEK: Absolutely. Absolutely. Well, in those days you had to be in ROTC for the first two years. All male students who had to do ROTC was mandatory. After that, I decided that I did not want to be drafted [00:57:00] and end up as a private in the infantry somewhere. I had had some sort of exposure to militarism. This is another complicated part of my background. I had gone to a summer camp from the time I was seven till the time I was like 13 or 14, which was very military-oriented summer camp and had somehow imbued me with some military values or [00:57:30] admiration for the military. You see this is very complicated. There were many reasons, but I think the fact that ... Oh, it also helped that when you were in ROTC you got money. You know, my father was still in the male hospital and my mother was having trouble, although we had plenty of money, but it made me feel somehow a little more independent.

DRAINE: And what was the state of the war and the military state at the time?

TRUBEK: The war in Korea had come to an end, [00:58:00] but it was always ... There had been a very heavy draft and you were still being drafted and there was all tension in Berlin and the Cold War and stuff. The chances that I would be drafted if I graduated and didn't go to graduate school were pretty high. At least we thought that, but I kind of enjoyed it. I kind of enjoyed

ROTC until I went to Fort Riley in Kansas in the summer of my junior year. After my junior year and went to summer camp. [00:58:30] That was the worst experience. I began to realize that maybe I wasn't natural-born military-

DRAINE: So they put you through all kinds of physical training?

TRUBEK: Basic training.

DRAINE: Basic training.

TRUBEK: Basic training, you know, running around and doing exercises and shooting guns and doing stuff. I got a bloody nose at the shooting range and I couldn't complete one of the runs because I couldn't make that far. I showed up for parade once with the wrong hat on. It was a total disaster.

DRAINE: You didn't feel you were quite as suited to this as your [00:59:00] journalism work or your political work.

TRUBEK: It didn't ... I was really very frustrated cause I was very ambitious and really wanted to well and got basically bad grades in ROTC summer camp. That was a terrible disappointment. See this military experience ties back because in those days ... Well first place, you were assigned to a particular branch of the military on the basis [00:59:30] of what you said you were planning to do for a career. We only had three or four options here, since I indicated that law school was a possible future ... I was already indicating that I might go to law school but I hadn't really made any such decision. I put down law school and also journalism, so because I put down law school they put me in the military police. That was standard. Everybody who said law school [01:00:00] went to the military police.

DRAINE: Oh.

TRUBEK: So if can you imagine ... a more natural-born military policeman than me?

DRAINE: Ah, the rebel?

TRUBEK: Lefty, rebel background ... Can't believe it.

So, okay ... And in those days, you ... There were two choices. You could either serve for six months on active duty and stay in the reserves for seven and a half years, which meant going every week to a ... Or every other week to a weekend [01:00:30] thing and ... No, I guess once a month to a weekend, then some other things, and then two weeks every summer. That was the reserve on the case.

Seven and half years is a long time.

DRAINE: Mm-hmm (affirmative)

TRUBEK: And if you did the two years of active duty, then you only had three years of reserve.

So, I indicated I preferred the two years. Now, the reason wasn't so much, as I thought through all this, but because if you went two years then the chances were very good you'd be sent to Germany, which was where we had this huge military [01:01:00] establishment in those days ... stopping the Russians.

DRAINE: And this was something you wanted to do?

TRUBEK: Yeah.

DRAINE: And why ... Why did you?

TRUBEK: Because I was still gung-ho and because I ... I wanted to go to Germany. I wanted to go outside of the United States and travel. And this was-

DRAINE: Did you have ... What were your languages that you developed by then?

TRUBEK: I was a French major ... No, French minor. I did very well in French, I got a scholarship just to stay at the French house and I was reasonably competent in French, I'd say.

DRAINE: [01:01:30] So you knew you were pretty good at learning language, so you figured you'd be able to pick up the German?

TRUBEK: Yeah, I mean, I didn't really ... We didn't have to pick up the German to go to Germany and be a military policeman, you just be in the hands of Americans. But yeah, yeah. I mean, it was just foreign, it was foreign travel. It was no clear thing I could think of, this would be a way to get foreign travel. I think that was the main motive to ... Anyway, they didn't give it to me.

DRAINE: Ah.

TRUBEK: I didn't go in for two years. Not of my choice, of their choice. Now ... Okay ... [01:02:00] So, one of the things you had to do when you applied for the commission after four years of ROTC was you had to sign a membership list. So we go back to membership lists.

Okay. I mean, you had to sign the attorney general's form, you had to-

DRAINE: A loyalty oath?

TRUBEK: A loyalty oath.

DRAINE: An, "I have never been a member" oath?

TRUBEK: Yes.

Now, what it said, already close reader texts, was, "Have you ever been a member of, or attended [01:02:30] an event sponsored by any of the following associations."

Okay. Well, "an event sponsored by." When I was a journalist for the Milwaukee Journal, I wrote an article about a concert by Pete Seeger that was sponsored by the famous Labor Youth League.

Since we also knew there were FBI informants everywhere on campus at that time, and, indeed, it turned out there were ... I figured that it was better to, you know, say, "Yeah, I went, but I was a journalist."

[01:03:00] So, I kicked that off. Nothing happens, I don't hear anything, what's going on, other people are getting their orders ... And then I get a call saying, "Please come down to the post office building. Come down by The Square. Go to the second floor, third floor in room such-and-such."

I say, "What the (expletive) is this?"

DRAINE: Mm-hmm (affirmative)

TRUBEK: And ... I go [01:03:30] there and there are two guys from military intelligence in Washington, who then proceed to grill me for five hours on every political connection, every political view, every meeting I ever went to, everything about my family, every friend I ever had ... And on and on and on. And I thought, "My God. What is this?"

And then they said, "Well, we'll get back to you."

And then finally, I did get the commission, but [01:04:00] they only put me in for six months. Maybe they figured I couldn't do too much damage to America in six months, I don't know. Or, going to summer camp in Eastern Pennsylvania.

So, there ... That was it.

DRAINE: And as far as you know, that didn't happen to other people who weren't caught-

TRUBEK: I never heard anybody. I never heard of anybody else.

Oh, and a friend of mine who ended up being President of Beloit College said that, at that time, he was contacted by military intelligence.

DRAINE: [01:04:30] About you?

TRUBEK: Yeah. Because I guess I mentioned his name, I don't know.

DRAINE: Mm-hmm (affirmative)

TRUBEK: So, I knew we were not exactly out of the woods in terms of freedom of speech and assembly and association.

DRAINE: All these things that your father had been working on-

TRUBEK: My father had been working on, my father had been attacked ... The people that he supported were often under attack. Robert Hutchins was under attack, The Nation magazine was very ... Was considered [01:05:00] to be too radical so, I mean, it was a period in which ... What would be, in today's terms, not particularly radical views were being demonized and in which people's careers were seriously affected.

Louise had a relative who was kicked out of the New York City Government for left-wing associations. [01:05:30] Louise came out of her family with ... There was radical tradition of Jews in New York and some of her family were involved in that.

So, I had this sort of weird combination of this radical background, this counter-cultural background, this ... And then this, kind of, very conventional kind of things with the army ... Oh, and by the way, in my senior year, I was elected to the Senior Honors Society, which is known, believe it or not, and still [01:06:00] known to this day as Iron Cross. You know about Iron Cross?

DRAINE: Fill me in.

TRUBEK: Okay, well, Iron Cross is the Senior Honorary Society. Used to be just for men but I believe now it's been open to women. And if you go to the union ... Do you remember, they use to have a cross right across from the entrance to the Rathskeller. If you look up on the ceiling, on the walls, [01:06:30] and on the stairwell, it goes up the stairs right there, you will see all the plaques of the Iron Cross members going back into the early 20th century. And my name is there.

DRAINE: Ah.

TRUBEK: I just found it ... I never saw it before, you know, I've no contact with Iron Cross since I came back but this was the final honor. And this is, again, I think, you know, it probably wasn't Ted Zillman because I think, by then, somebody else was the dean, but anyway. I was a BMOC, and then, you [01:07:00] know, and there it was ... and the Iron Cross? Give me a break. Right? I mean, it was like, "My God." So, I can't regretfully remember the German for "Iron Cross," but anyway. So, then-

DRAINE: So you had told that you started as a poor student ... Not poor, but you didn't do so well at the beginning with your chemistry and all of that. But you must've begun to excel as you got into things you were more invested in...

TRUBEK: Well, I did very well in the very advanced courses in areas [01:07:30] that I really cared about, and other courses I didn't put any time in. I remember once I took an exam in a political science course that I had not read one single thing, or attended more than three ... 1/3 of the classes and I got an A.

I had a little contempt, because I could write so well. I mean, I think my ability to write helped a lot in those kind of classes.

DRAINE: It's interesting, because you became a very disciplined person in terms of all the work that you did and have done.

TRUBEK: When I went to [01:08:00] law school, I was ... committed to-

DRAINE: All right, so we got there. But in the ... Now, meanwhile, you get put into your six months of training and what do they have you doing and how are you ... dealing with these internal conflicts?

TRUBEK: So, I was ... I had this close friend who I still see. One of the very few people that I'm still in touch with from my undergraduate days, other than Louise. And remember, I mentioned it was a sophomore [01:08:30] math major who was living in the Cliff House with me, he's now a professor emeritus of mathematics at NYU and he's ... I see him all the time. And he just came to our 50th wedding party, my little party, because he was at the wedding.

And ... The other person's a guy named Roger Beaumont. And Roger's father had been an officer in the British Army and they had moved to the United States, [01:09:00] and Roger had the mystique of the British Army, and I remember we ... There was a wonderful book called *Bugles and a Tiger*, about the British Army in India. Totally romantic picture of life in the British Army. So, Roger and I were entranced with the British Army ... And we went down ... We drove together to ... in September of '57 to Fort [01:09:30] Gordon in Georgia, outside of Augusta, which is where they had the Military Officers Basic Training School. And ... So, three months in Georgia. And, you know, taking classes of ridiculously ... Ridiculous classes.

DRAINE: And was it still focused on military police? They let you-

TRUBEK: Yeah, this was a military police, officers basic. So there was a certain [01:10:00] amount that was just basic training. But we'd had much of that in summer camp. So most of it was, you know, how do you organize a prisoner of war camp? How do you control traffic in the war zone? Military intelligence and the relationship between the military police and military intelligence, which are two different things. Small arms, you know, basic ... And we were totally gung ho and Roger and I would go out on weekends, here's what we did for relaxation, we would go to the pistol [01:10:30] range and practice firing 38s and 45 colt automatics. That was what we did. And pretending we were in the British Army. But we were beginning to see that whatever the American Army was, it wasn't the British Army of our romantic dreams, as the kind of pedestrian reality. However, I don't know if you've ever noticed that I have a penchant for bush jackets with rolled up sleeves.

DRAINE: Yeah, uh huh.

TRUBEK: Yeah, so that all comes from [01:11:00] the army because at the ... That is a classic British Army uniform, that is that they have these jackets with rolled up sleeves and things. That comes from British Army. And there were Canadian soldiers who were there doing an advanced

course in military policing who were wearing those uniforms and I fell in love with that thing and that's been with me all my life. So that's some kind of residual of my brief and unhappy career as a soldier. [01:11:30] So this was very routine stuff and it was really boring and, you know, blah blah blah. We went to Atlanta once or twice and that was like, you know, heaven. Meanwhile, Louise and I had gotten engaged and I had to get instruction in certain aspects of Judaism because I had no religious upbringing whatsoever. My family, I haven't mentioned this but maybe it's relevant, my father's parents came from Riga in [01:12:00] Russia, it wasn't Latvia at the time. Left in the 1890's, they were Jews who had become completely secularized and had no religious commitments whatsoever and all of my father's siblings married Christians. My mother's ... Our mother was a Methodist from Georgia whose parents had originally had a farm on the Chattahoochee [01:12:30] River, I love that. And my grandfather was a Catholic from Louisville who actually, I later found out, turned to have been ... They were originally Scots-Irish Presbyterians who converted to Catholicism in the 1830's or 1840's somewhere in the South, so go figure. And I'd never been in any sort of Jewish house of worship until my father's secretary, who was Jewish, finding this out, took [01:13:00] me to Temple Emmanuel in New York when I was 16 years old. So I had no religious ... So I had to go into Augusta, Georgia, once a week and meet with this rabbi. So here I am in this desolate army post. You remember there was a famous book called "Tobacco Road" by Erskine Caldwell? There is a real place called Tobacco Road and this runs right through this camp so this was, you know, Tobacco Road country.

[01:13:30] And so there I am, and Roger and I are still pretending that we're subalterns in the British Army in India on our weekends while going through this grindingly boring classes on all these boring things and I'm going into Augusta to meet with this rabbi and learn about Judaism.

DRAINE: And were you just trying to learn enough to get through the ceremony, or was there some expectation on Louise's part or her family's part that you would really get serious about [01:14:00] raising Jewish children?

TRUBEK: Louise's parents were pretty much, had pretty much become secular and had not ... They were turned to the Church much later, but at that time they weren't particularly involved so I think Louise wanted to bring up the children in some Jewish way and I had to agree to that, and I didn't have any trouble with that because I didn't really care very much. And it was a kind of identity. I do remember this, I do remember, and this goes back to the army. In the army, in order [01:14:30] to have your dog tags, you have to put religious identification. So here I am, a senior, and I have to fill out ... This is another form I had to fill out. And I'm thinking, what do I put down? By this time I think my father was out of the hospital and I remember ... But he was still rather, you know, debilitated. And I remember asking him, "What do you think of yourself as? What is your identity?" And he said, "I'm an American businessman." And I thought, that's pretty unsatisfactory.

[01:15:00] Anyway, you can't put that down on your dog tags. So I put Jewish. And I remember there was a woman who was sort of after me at the time I was beginning to go out with Louise, and she made some incredible remark about, "You're going out with that Jewess." And I thought, I think that pushed me. So it was part of my, you know, identity that I was ... Not because, because it was an outsider identity more than anything [01:15:30] else. I mean, I could have said

I was Catholic. I had been to Catholic church a lot and I had gone to Protestant Sunday schools a lot because we live right next to all these Protestant schools and so when I was growing up, when I was a kid in high school, that was where the girls were and so everybody went to the Sunday school. So I remember going to ...

And then the country day school that I went to was Episcopalian in orientation and I was the reader of the Bible,; I read the Bible, and I was the guy who read the Bible every day and [01:16:00] every week in our weekly assembly, if you can believe that. I still know several psalms by heart. So I didn't know what I was doing, but I was doing enough to get a rabbi to marry us, and that wasn't so easy in those days.

DRAINE: Okay. Mm-hmm (affirmative).

TRUBEK: And if it went any further, fine, but it never really did. It didn't take. It did not take as a real identity. A cultural, maybe, but not a religious. So [01:16:30] we're in the Army, we're doing this, okay. So that's ... The Georgia period ends. Louise was in law school. And I remember a couple of incidents that are probably relevant. In those days, we still had segregation. This was 1954. All throughout Georgia blacks and whites were segregated and we had a colleague who was a black officer [01:17:00] and we drove ... I don't know, we must have had leave and then we came back and some of us drove back 'cause I remember ... It couldn't have been the ... Don't think it was when we went there the first time. I'm trying to remember when this incident was. I remember it so vividly.

But anyway, he was with us and we were driving south from the New York area and when we got to ... I don't remember where it was. Was it Virginia or [01:17:30] South or North Carolina? It was time to have lunch and the guy was in his Army uniform and they wouldn't serve him. And we had to bring the food out to the car, it was terribly shocking. And of course the irony was in the Army, of course they were segregated by enlisted men and so you had to have ... I don't know how many toilets, you had to have enlisted women white, enlisted women black, enlisted men white, so you had to have [01:18:00] eight toilets, right? Which is kind of awkward.

DRAINE: And living arrangements also, sleeping arrangements also segregated?

TRUBEK: Yeah, well since there were practically no blacks in any program that I was in, except this one guy and they did not segregate him in the Army. It was a hypothetical problem.

DRAINE: Mm-hmm (affirmative).

TRUBEK: So that was what kind of exposures to ... That was the only exposure to real [01:18:30] racism that I had. I mean, overt, official, public ... 'course I saw racism, everyday life. But this was, you know, institutionalized racism. And I remember him, this black guy whose name I can't remember anymore, but I remember 'cause we flew together. One of the ways you could do it when you were in the Army is you could hitch a ride on the Air Force planes that were flying places, so we went up to a ... We had a few days off and we had [01:19:00] a ... I decided to go see Louise and we went to an Air Force base in South Carolina and hitched a ride in one of these planes; an unheated plane and I never remember being colder in my life because

we just had our uniforms, 'cause you had to go in uniform and we flew up there and I saw Louise. She was in school.

So then around Christmas it must have been, they transferred me to Fort Dix [01:19:30] where I was to help guard New Jersey against Communist invasion, and you note that the Communists never did invade New Jersey, so I was ...

DRAINE: You were very successful.

TRUBEK: Yeah. Can we take a short break?

DRAINE: I think we should take a break. Is this a good time?

TRUBEK: Yeah.

DRAINE: Okay, let's take a pause.

Okay, we're just coming back from a break on July 23rd, and I had asked David, if there was anything he thought of that he wanted to get back to.

TRUBEK: Yeah, I think that we ought to think a little bit about Upper Bohemians. I don't know if you remember [01:20:00] this category, there was a book I think by Russell Lynes called The Upper Bohemians, and there was an article in the Life magazine that popularized these ideas. So I remember, and this was when I was in high school, I'm sure, coming across this category. Now, an Upper Bohemian meant some combination of difference from the mainstream, rebellion against conventional society, but [01:20:30] a certain kind of social prestige; not the Bohemians of black turtleneck sweaters and long beards and living in the ghetto, but wearing Brooks Brothers suits and having your Phi Beta Kappa key on your watch chain. In fact, that was a specific memory that I have: Phi Beta Kappa key on your watch chain.

And I think that when I think [01:21:00] about trying to set a formulated identity, that that's where I was kind of going towards. Some combination of intellectuality, but also of sort of elite status, and how you could put these two things together. Some degree of independence, not part of conventional country club society.

And that drew on my experience with the Putney crowd, who were from what [01:21:30] we could call ... many of them came from the Upper Bohemia. I remember the high point of my engagement with such things was, there was a woman who was part of our Putney crowd but who came from Philadelphia. She was a very good friend of the woman that I was sort of going out with at that time. And her father was a very famous professor at the Jefferson Medical School in Philadelphia. He developed the first [01:22:00] open-heart machine – a machine where you could open up the heart and keep it going while you did surgery. And, you know, this was perfect, because this guy was a great intellectual and they had all these intellectuals in their house. They had this fancy home in Philadelphia right near the university, and books and stuff, and yet they were from the social register [01:22:30] and I never even knew what the social

register was until I met these people. And his family came from the Main Line, and it was just, you know, everything you could ever want.

And I remember that. I remember going there my senior year in high school, so that this kind of image, that there was within American society, this stratum of people who were elite but cultured, an intelligentsia if you want to call it. We never use that word about the United States, but I think that [01:23:00] was the idea. And if I had any identity, it was to try to aspire to be part of that.

There. End of story.

DRAINE: And did you see that identity as entailing some kind of risk, or not? Where the people who were in that Upper Bohemian society already had some sort of a platform of ... What comes from a privileged background of some kind.

TRUBEK: They had privilege, and of course I didn't have that.

DRAINE: Yeah.

TRUBEK: So the question was, was this social ... Did [01:23:30] you have to be from a socially elite family and then sort of break away from the herd in order to do that? And I didn't know ... Don't forget, my parents had a lot of money. They did not have a lot of class. But my father was extremely smart, my mother was quite cultured and knew a lot about the art world, and they had interesting friends, and even their business friends were interesting because [01:24:00] my father had a lot of contact with them. People from outside the United States.

He was in a business that involved a lot of international transactions. He was very close to people - Jews in Holland, and indeed, he had been working with them before the war, and he helped some of them escape from the Nazis. And I remember there was a letter of tribute from them that he had saying, you know, we [01:24:30] thank you for all the help you gave us in escaping from the Nazis. And he also had contacts with political dissidents in Haiti, believe it or not. He did business with a guy who subsequently ran against Papa Doc and of course lost for the presidency of Haiti.

So, I had that sort of strand, too. So I had that, I had this sort of transnational experience and I had [01:25:00] the fact that my parents had a lot of money, and they spent it on certain things - they went to fancy restaurants in New York, my father traveled all the time. I just flew home from Amsterdam and it brought back the fact that my father went to Amsterdam a lot on business and he would always bring me back ROTC chocolate apples and some kind of gift, like a compass or some little thing like that.

You know I look at Amsterdam now and I think, my God, what was the Amsterdam airport [01:25:30] like in the 1940s and early 50s probably? Could put ten of them in what they have now.

DRAINE: Hmm.

TRUBEK: So, Upper Bohemian is a ... Did I think that I was somehow, you know ... I didn't know. What did I know? But I was after it. That was what I was looking for.

DRAINE: Yeah, well I'm thinking about the question of safety, whether there was a platform of safety underneath this risk, which class would provide in a society where class was all, [01:26:00] but in the US it really isn't. Money provides another kind of class distinction. But did it really- that combined with being a Jewish kid and being-

TRUBEK: Well, being not a Jewish kid. I mean, you say I'm a Jewish kid. I never thought of myself as a Jewish kid until- no, no, really. I certainly never thought of myself as Jewish until the army made me decide whether I was Jewish or Christian, Catholic, or Protestant. And, you know, far as I was concerned, I would've preferred not to have to choose but forced to choose, that's what I did. [01:26:30] And then really nothing much more came out of it. But in terms of real religious vocation, I've always felt somehow that loss in my life, that I had never had a religious vocation.

But I think that if I could sort of sum up where I ... What identity I was sort of grappling toward, that Upper Bohemian would be the best I could come up with. And it would be interesting to go back and see what the book said. There's actually a book called The [01:27:00] Upper Bohemians that actually, in the break, went and checked on Google to see if I could find a definition, and I couldn't, but there's a book by Russell Lynes called The Upper Bohemians, so ...

DRAINE: Well in your college career you were already walking that path. You were getting involved in risky activities that had some intellectual component. The political issues had intellectual issues attendant upon them, and you were going in there, both armed with your theory and with your sort of ... The [01:27:30] expertise that you had developed by being in a country day school, learning to be a good writer; all of that was feeding into your identity as this leader of rebellious, progressive moments.

TRUBEK: Except that Upper Bohemians didn't become military policemen.

DRAINE: Okay.

TRUBEK: So, you see, there is a contradiction.

DRAINE: Uh-huh.

TRUBEK: And so I think that when I got interested in architecture, I found that [01:28:00] Venturi's idea of complexity and contradiction was unbelievably attractive and I'm sure that's because it had some resonance to my own sort of complicated personal history and identity. But if there was one vector that probably was dominant, that was it.

But then, of course, you know, there was always this more conventional side, and that comes back from time to time, as it did in law school to some degree.

DRAINE: [01:28:30] How did you make that move from being in ROTC to going to Yale Law School?

TRUBEK: Well, I took the law school aptitude test in my senior year like everybody. Lots of people did.

DRAINE: Mm-hmm (affirmative)-

TRUBEK: Without having a clear idea of whether I wanted to do that. And I did extremely well, I got almost the highest possible grade. So that kind of was a signal. And Louise went to law school [01:29:00] so there was that factor. But I was still toying with the idea of still going into my father's business.

DRAINE: Oh.

TRUBEK: That was another alternative, see. This is the not Upper Bohemian view. That I was gonna be the great entrepreneur and business mogul and whatever. And I was toying with that. I had worked in my father's factories for several summers doing the most menial jobs that my father could possibly dream up for me.

So [01:29:30] I had a conversation with my father, must've been some time in that year, that transition year between ... Gap year, they call it. In Britain, they have this thing called the gap year, you know. So this is my gap year. But in my gap year, for half of it, I was in the army and the other half I worked in some menial job with my father's factory.

DRAINE: Should we pause for you to get that?

TRUBEK: I think we [01:30:00] should ...

DRAINE: Okay, back we go.

TRUBEK: Yep. So where was I Betsy? I'm sorry.

DRAINE: We were talking about your ... You had taken the tests for law school.

TRUBEK: Oh yes, yes, it's why I went to law school. So, I talked to my father and he gave me the most ... He presented the options for me to go into his business in the most unattractive possible way. I think he was just petrified at the possibility that I [01:30:30] would do it because he felt that it would be extremely destructive of our relationship. He had had a completely destructive relationship with his father who ... My father had dropped out of college and was actually thinking of taking a world tour or going to Tahiti like Paul Gogan. That was his idea. And he went to work for his father in the chemical business where he'd worked for a lot of for when he was younger, [01:31:00] to make some money to pay for this trip, and he never left and he and his father had terrible relationships. His father got very sick and my father took over the business at a very young age. So I think that he was mortally fearful of a relationship with me

and he just did not want me to do this. He set up what was to me was just an impossible set of conditions.

I would have to work for another company for 5 years. I would have to start at the bottom as the simplest [01:31:30] laborer and work my way up and You know all of these things. I said, "You have to be crazy. What are you talking about?" So it looked like that was just a very unattractive option. But it was something that I seriously thought about. When that option was off the table and I got admitted to Harvard and then I went to see Yale. I hadn't heard from Yale.

And I went there and I was in the Army and I was coming [01:32:00] up on some holiday. And I have one army story that I want to go back to. I forgot. And I went there and I saw the dean, one of the associate deans you know, and he said "Well." He looked at my form and he said, I said "You know I'd like to come here." And he said, "Why do you want to come to Yale rather than Harvard?" And I said, "Well, because my girlfriend is here." He said, "Well people don't usually use that reason." I said, "Well [01:32:30] you know it's the social theory and political ... " and I don't know, something. And he admitted me on the spot. So that took care of that issue.

But going back to the army, I did want to mention one thing because I think that in trying to understand me, there was an incident that occurred during the Army that was an incredible experience. So I was stationed in Fort Dix. I was a junior officer in a military police training battalion. We were [01:33:00] not the police for the post. There was a separate company that was not under our authority that handled military policing of the company. We were training people to be combat military policemen. And my great expertise on such subjects helped me when I tried to teach classes and was often made fun of by experienced, veteran non-coms who would laugh at my ridiculous lack of knowledge of what ... You know because I was just making lectures based [01:33:30] on books that I ...

DRAINE: Right. Mm-hmm (affirmative) ...

TRUBEK: So I was appointed to be the duty officer which meant I was in charge of the battalion for a particular weekend. And there was a snowstorm. Louise drove down with me. We were in New Jersey at my parent's and we had to drive down the New Jersey turnpike which was almost closed to traffic, and only because I was in uniform and I said I had to get there did [01:34:00] they let me through. And the car barely made it. We finally got to Fort Dix going through this heavy snow and I got there. And I mobilized the whole battalion to handle all the problems of the post in this huge blizzard and I never called a commanding officer at home. I just did it. And I got in a lot of trouble for it.

DRAINE: Oh.

TRUBEK: Because I didn't check with the commanding officer and I got balled [01:34:30] out.

DRAINE: And did you feel that you were doing something commendable by handling it on your own?

TRUBEK: I thought I was great. It was the greatest fun I ever had. I was running this whole thing and making calls and setting up patrols and talking to the guys who were the regular cops and everything. And you know we had all the heavy vehicles so we were able to do things that

the regular police couldn't do. 'Cause they just had regular cars. And it was, you know until they cleared the snow, the cars couldn't get through.

DRAINE: But chain of command didn't mean as much to you as [01:35:00] it did to the military, huh?

TRUBEK: You know, it wasn't too smart. But anyway, that was it. That's another army story. Okay, so I'm back now and I decide to go to law school. And I decide that I'm not going to be the ne'er-do-well that I was in college in the sense of not taking the course work seriously. I was going to be the most disciplined, the most attentive. So [01:35:30] I worked like an absolute dog. And I made the law review which is the law journal, which is a big thing and I ended up relatively high in the class. Not at the top but 10th. Which in those days, they had class rankings down to the three decimal points. So, I did very well in law school and I ...

DRAINE: You were the notes and comment editor.

TRUBEK: Yeah.

DRAINE: That sounds as if it's a good honor.

TRUBEK: That's a high honor. The only [01:36:00] higher honor is editor-in-chief. And I clerked for a very distinguished federal judge. I didn't get a clerkship on the Supreme Court but I did get the best circuit court. That's the next level down. Possible because he was a former dean of the Yale Law School and a real serious guy. I loved him. He was a wonderful guy. It was the best year of work I had probably.

DRAINE: Well let's go back to law school. Were you at all concerned about being pushed into Yale by circumstance? By [01:36:30] the circumstance of Louise? That it might not be the right choice for you or very grateful?

TRUBEK: No, it was the right choice for me.

DRAINE: Okay.

TRUBEK: It was the right choice for me. I mean, I just made this remark but it was the best choice. Of the two places at the time Yale was much better. It wasn't as good as we thought it was and it wasn't as progressive as it appeared to be. But it was certainly more open and more progressive than Harvard which was in a particularly conservative period of its history.

DRAINE: So you thought you would be able to follow up on your interest in [01:37:00] civil rights, political rights, freedoms.

TRUBEK: Well, what happened and I don't know exactly when this happened. I decided to get interested in international issues while in law school. Remember that my idea going to the army for two years was to go overseas.

DRAINE: Yeah.

TRUBEK: So, after my first year of law school I began to take some international [01:37:30] courses. There weren't very many. It wasn't very widely ... And they weren't very prestigious. International Law was looked down on and what was really important was domestic law and the kind of career that you looked forward to was in corporate law. But this was still the era of the gentlemen lawyer statesmen. The John McCloy's and the Clark Clifford's and the Dean Acheson's. The people who were corporate lawyers but went on to [01:38:00] be Secretary of State or Secretary of Defense or whatever. That gradually sort of crystallized as my ambition, as to be a corporate lawyer who would move in and out of the government and make a lot of money but also be an important statesman like Dean Acheson.

And I had a professor [01:38:30] who aspired to that and who was a big influence. I took a lot of courses with him and he was a hotshot and that was his hope. He had been a corporate lawyer, then he went to Yale and taught at Yale, and he subsequently became the Dean of the Stanford Law School. Then he had a job briefly in the Kennedy Administration. And I think he became my role model. So that [01:39:00] was how I formulated my vision, was international statesmanship and corporate law in the international business area. That was kind of where I was going.

But I kind of got seduced by the idea of economic development and the developing world which was not how you perceive it on that route. Although in the Kennedy administration, about the time the Kennedy administration came along, that looked like where the Cold War was being fought [01:39:30] so maybe this was the route to fame and fortune, but, you know, I was interested in it because it seemed, you know, transformation ... It was transforming whole societies and that seemed more attractive than climbing up the greasy pole.

So, I took a course with this guy, Manning, who my sort of mentor and then after law school I stayed in [01:40:00] New Haven for a year because the judge that I worked for had his main office in New Haven. He was a judge in a court in New York, but the court covered New York, Vermont, and Connecticut. He kept his office in New Haven, and then we went one week a month to New York for the sitting of the court. So I also did some work for these professors in that year. So, I had this kind of post- [01:40:30] doctoral contact while I was being in the lower court. So I kept working on these international economic law questions, including a lot of development.

Law school was just law school. It was just hard work. A little bit of interdisciplinary stuff, a little bit of international stuff, but still hewing closely to the conventional courses. And still thinking [01:41:00] that, probably, the best move would be to get a job in a corporate law firm first, and then after I was established, then move on to the grander statesman role.

DRAINE: And Yale had a reputation of being interested in social forces, and the law.

TRUBEK: Yes, it had more of a reputation than it had a reality, but it had more reality than a lot of places. So, yes, that's right.

DRAINE: So, you did get a taste of that?

TRUBEK: Mm-hmm (affirmative) Yes. There was one professor who had done a doctorate at the [01:41:30] London School of Economics, I think, in Political Science, who had a kind of political science approach to criminal law. I was very impressed with him, until I realized that, in his exam, he ignored all of the sort of political science stuff, and only tested you on the straight legal stuff. And so, I didn't do as well as I thought I would. And so I thought, this is devious, this is devious. He was a devious guy.

DRAINE: Do you feel, when you look back, [01:42:00]that you got exposed to ideas, or ways of working, that really stood you in good stead?

TRUBEK: Absolutely. I mean, I learned a lot of discipline, which I didn't have. I learned Sitzfleisch. You know what that means?

DRAINE: Yeah. Having the flesh to sit on.

TRUBEK: To be able to sit on your flesh, just to concentrate. I wasn't as great as some of the great ones, but compared to my [01:42:30] mad cap college years, I was remarkably disciplined. And I suppose it helped that I was married, and I had a very sort of stable personal life. It did help. I don't want to say, "I suppose." Of course, it helped. But I was dead-set on doing extremely well and proving that I was not just a flake.

So, yes, I was exposed to some more social views. [01:43:00] A little of the old leftism of Yale Law School from the 30's was still vaguely hanging on. But the central culture of the Law School remained focused on highly technical legal stuff, with the understanding that you went to work for a corporate firm. That was the purpose of the whole thing. And the idea that you might go into government was like, "What? Government? You have to be kidding. That's for losers." [01:43:30] Now, that began to change when Kennedy was elected, which was in the fall of our third year of law school. So, then there was this whole new frontier, all this idealism, and work for the government. So, several of us got that idea. Although we didn't go right in because we had clerkships, I decided [01:44:00] that I should seriously think about this. I had an old girlfriend who was married to a lawyer who worked for the World Bank, and I was able, through him, to learn about what the options were to be a lawyer in international development. So, I really explored that, while I also applied for jobs in the big corporate firms, during my clerkship year. So, I'm trying to figure out how to deal with this.

DRAINE: And the clerkship was concentrated on what kind of work?

TRUBEK: In a clerkship, [01:44:30] you just work for the judge, and you basically write memo's on whatever cases the judge decides. We had patent cases. We had marine collision cases. We had civil procedure rules cases. He was a civil procedure expert. So, he got all those cases for the court.

Two cases I remember most are, a maritime collision case where I convinced the court that they had gotten it wrong on the first vote and got them to change their vote by analyzing some ridiculous thing about which way the ships were going. [01:45:00] And a patent case where I wrote a draft opinion on some absolutely arcane question of whether this invention was patentable, in which the judge told me he wanted to say it wasn't. Although he didn't know why, and I wrote this opinion after talking to some graduate student in electronics physics. And I said, " [01:45:30] Look. I don't believe this makes any sense. I just can't do any more. I've got to go join the state department." I went straight to the state department from there. Six months later, I read the opinion and he had simply published it exactly the way I wrote it, and I thought, "Oh my God. What do I know?"

There were some interesting cases, but I don't remember any of that, really. There was some political conflict on the court between the conservatives and the liberals, and my judge was the leader of the liberals. So there was a big fight. [01:46:00] And Thurgood Marshall came on the court at the time, so I met him. Because he was put on this court for a year, in order to give him some judicial experience before they put him on the Supreme Court. I remember talking to him. And, of course, Irving Kaufman, who had been the judge who had sentenced the Rosenbergs to death. We called him Irving the Butcher. The clerks hated him.

So, there is some sense of how law was engaged in [01:46:30] larger political issues, at that time. Meanwhile, I had sort of gotten this idea that I was interested in development. So, I was applying to these big corporate firms, and I got job offers from the two top corporate firms in America at that time. Covington and Burling in Washington, and Cravath, Swaine & Moore in New York.

DRAINE: In New York.

TRUBEK: But I wasn't sure that's what I wanted to do. I then [01:47:00] applied for a job with the Agency for International Development, the new Latin American program called the Alliance for Progress. And this seemed very exciting. This was at the forefront of the Kennedy administration's response to Castro and it was supposed to be ... You know, we were supporting democracy and social justice as a way to defeat communism. So, it seemed like a good thing, right?

DRAINE: Mm-hmm (affirmative)

TRUBEK: Democracy. Social justice. Development. We were gonna bring about development, [01:47:30] and that was gonna stop the communists because they didn't know how to do things, and they weren't really democrats. And they were bad guys. But I still wasn't sure. And the judge was saying to me ... And, of course, my parents were useless in this. I had no family or friends who could really advise me on this. And the judge thought it was not a good idea that I should go to Wall Street first.

And then, I went for my interview with the State [01:48:00] Department, and they had just hired this guy away from one of the other top white shoe Washington firms - a guy named William Rogers. And he was the smoothest, most elegant, most cultured guy. And he had been a former clerk of the same judge - Note and Comment Editor of the Yale Law Journal, so I was in the

charmed circle. And even though they had a policy of not hiring anybody essentially right out of law school - I was [01:48:30] just one year out of law school, I got the job. They offered me the job. And he convinced me that you could be suave and cultured and make a lot of money, but also do good things, 'cause he was doing' it. Of course, he had established his career first as a successful corporate lawyer.

I didn't realize that I was stepping outside the *cursus honorum*. You know the *cursus honorum*? In Roman politics, there was strict set [01:49:00] of levels you had to go through. You had to be a quaestor before you could be a praetor, and a praetor before you could be a consul. And that was called the *cursus honorum*. So, I didn't realize I had violated the rules of a *cursus honorum* of corporate law.

So, here I was, torn between ... What I really wanted to do was go to work for this suave guy, who had also let me work in Latin America and travel around the world, and be James Bond, or something like that ... not James Bond, but like [01:49:30] James Bond. That's when the James Bond books were just appearing, and be part of the Kennedy administration, which was so exciting. Or go to a corporate law firm.

And I knew safety and caution said, "corporate law". But he convinced me that you could have it all ... or his presence. And then, the final coup de grace - my mathematics college classmate [01:50:00] had a brother who was a year ahead of me as Note and Comment Editor on the Yale Law Journal. I didn't know him very well, but I knew him, and he was the brother of a very close friend. And he had been involved in student politics, and had done a lot of work in student ... International student government. And then had worked at Cravath, Swaine and Moore, which [01:50:30] was the white shoe, white shoe-so white shoe that you couldn't believe it- law firm. And he was a blue-eyed, cold, mid-western boy. His father was the chief accountant for the University of Illinois. And he had toyed around with going into the Kennedy administration, and decided to take the job at Cravath. It later turned out of course that he'd been in the CIA. [01:51:00] But this was something that I didn't know at the time. Came out not much later than that. They said he was in the air force, but in fact he was in the CIA.

And I went to him, and here was this guy who seemed to me the perfect model. And he said, if you feel strongly about it, go work for the government. And I said, well that's it. But it was a struggle. It was one of the big struggles in my life, was deciding to do [01:51:30] this. And that determined everything. Everything that's followed since then. Because then I was out of corporate law. I didn't know it until four years later when I tried to get back in. And I was thoroughly engaged in the international. They sent me to school to study Portuguese, and then I lived in Brazil. And I traveled all around Latin America, and I had a ball. I had an absolute ball. Of course Louise was suffering through this period, as she reminds me.

DRAINE: Well what was your [01:52:00] mission? Let's start there. We'll get to the tension with sort of ...

TRUBEK: Mission? My mission, my mission ... Well, we were lending huge amounts of money to Latin America, to Latin American countries to support development. And, to the extent possible, to promote the political factions that we thought were likely to oppose communism.

This meant pouring a huge amount of money into Chile in order to forestall the election [01:52:30] of Allende the first time around, in '65 I guess, or '64. It meant allocating our money in Brazil, initially, to governors who opposed the very left-leaning president. And of course there were all sorts of covert things going on that I had no idea about.

So, the mission was ... And it was wrapped up in a rhetoric of, [01:53:00] we're going to ... We realize that we can't just support these old oligarchies, and these reactionary forces in the military. We have to promote social movements, and democracy, and land reform, and all this good thing. And to some degree we did. But when push comes to shove, whenever we thought there was a chance, there was too great a risk, we would fall back on the oligarchies, the church, and the military, and the secret police.

So, as it all emerged, [01:53:30] it was not quite such a noble cause as I thought it was.

DRAINE: When did it become ... Wow did you begin to get wind of, this is not what I thought it was going to be?

TRUBEK: I'd have to go back and check the exact date. But it was only after I had gone to Brazil. I was two years in Washington, and then I moved to Brazil in '64. And there had been a coup in Brazil, and the military had taken over. And [01:54:00] I was sent there to be part of the expansion of the embassy. Well, I was going to go before the coup, but I already in line to go, because we had a position there. But there was this big push to dramatically increase the amount of money we were giving to Brazil. So, before the coup, our average annual lending to Brazil was 50 million dollars. Now, you've got to multiply that by six. So that's 300 million. [01:54:30] By the time we were fully ramped up, maybe a year after I had gotten there, we were loaning them 300 million or, well over a billion dollars.

DRAINE: Today's equivalent?

TRUBEK: In today's equivalent. So, this was a huge program. There was only one program even near it in size, and that was the program in India. At this time.

And I was a technician. And my job was to be sure that the loans that were decided by other people, [01:55:00] were both conformed with the legislation governing how the money could be spent, and the agreements between us and the borrowers, which were mostly government agencies, were designed to ensure that the money was spent on the ends that we wanted. That was my main job. I had other peripheral jobs.

So, when they first took over, the military, they said, we've taken over to avoid a communist plot. We know [01:55:30] that the president was in line with the communists, and that they were going to basically have a coup, so this was a preventive coup. And we're going to restore democracy. And they actually allowed some elections, in the early year, the first year, to continue. And then they ... When these elections were held for governors of the states, the party of the government, which meant the [01:56:00] military, lost some key states. And they were mad. They were furious. So they basically closed down the whole electoral system.

And I was at a lunch right after that, with people from the embassy. We were all in the same building. But I was in the foreign aid agency, and the foreign service offices were in the embassy. We were all in the same building at that time. As the program got bigger, they moved us out, because we didn't have enough room. And we had our own offices. [01:56:30] I had a fancy office. I had an office as big as these two rooms together, overlooking Guanabara Bay, and two secretaries. Both of them were bilingual or trilingual in my last year there. I was king of the (expletive) world. Because I ran the housing and urban development office. After I left the legal office, I took over the housing and urban development office, and we were lending \$50 million dollars a year, just in housing and urban development. So, multiply by six.

DRAINE: [01:57:00] So, having all, having a lot of resources at your command ...

TRUBEK: I mean it's a big deal. Flying around Brazil giving out huge amounts of money, and talking to everybody, meeting with ministers, you know. I was, what? 1965. I was 30 years old.

DRAINE: But now you have a feeling for what's going on. You said you were at this meeting when it was ... ?

TRUBEK: So, I was at this meeting, and all the guys in the embassy, and particularly a shady [01:57:30] group of people I'd never seen before, who claimed they were in the political section, but said that their offices were on the 10th floor, which was closed to everybody; said, boy, it's about time we really crack down. And here was the U.S. government saying, good. Now let's stop this stupid democracy and get around it. And I realized it was rhetoric.

I mean there were other things. But that was ... That's what sticks. So, I didn't quit, I didn't resign in principle. I in fact looked for a job back in the United States. Louise wasn't going to stay [01:58:00] in Brazil. They offered me a job in Brazil. They offered me a huge promotion, giving me huge responsibilities, running the whole \$300 million dollar lending program as a ... It wasn't a legal job; it was an administrative job. It was the number three job in the aid mission. So it was a very big job. And I was 31 years old, so kind of tempting, huh? People who had this job in other missions were, you know, serious, experienced [01:58:30] financial guys that worked for the World Bank.

So, Louise said, no, we're not going to do this. And I, you know ...

DRAINE: Because she had put her career on hold ...

TRUBEK: Yeah, she put her career on hold. But it was also me, I mean it wasn't just her. It was a mutual decision. Because I didn't want to stop being a lawyer. And this would have meant leaving the legal office. And I thought that was kind of risky. I didn't know where that was going to take me. And then, you know, it was [01:59:00] clear I wasn't going to be a career foreign service officer, or career foreign aid administrative guy, with traveling around to Bangladesh and wherever. That just wasn't on the cards. I had been invited to join the foreign service. That was another thing that happened. I went to some special training program at the end of which they asked me if I'd like to transfer into foreign service.

And, you know, that was just not on the cards. I mean, it wasn't going to work for me, and it wasn't going to work for Louise.

DRAINE: And you already by now had one or two children?

TRUBEK: Yeah. We had two, [01:59:30] and I don't know exactly when Ann was born, sort of in this period. So, two, and one on the way. And maybe Ann was born, depending on what exact, the dates. Because Ann was born before we left Brazil. Yeah, we left Brazil in like November, and Ann was born in July.

DRAINE: So that alone wouldn't have been very consistent with flying all over the world.

TRUBEK: Well, a lot of foreign service officers do that. But, no, you wouldn't fly all over the world. You would have to go to someplace for three years, and then someplace else. [02:00:00] That's what it was, right? You'd have to go in and you have to agree, and then go where they send you, you know, and learn whatever language ... Of course, you know, they keep you in a sort of language area so what did it mean? It meant the chances are that I would go to Portugal and maybe Mozambique or Angola and all these really hot places or, you know, that they'd ... I'd brush up my Spanish and then I'd go to other Spanish speaking places that would be the like ... They wouldn't send me to Russia.

DRAINE: Mm-hmm (affirmative)-

TRUBEK: But they could, you know, but the trouble is that the language learning time ... [02:00:30] The Foreign Service Institute has particular minimum learning periods for each of the languages so you have to get to the level of workable language you need. So Portuguese is four months and, you know, Russian is much longer. Chinese is like three years where you have to go do nothing else, but that's ...

So that wasn't in the cards and so I sort of explored going ... So I looked for jobs in Washington in the foreign agency but there was no job that was a step up [02:01:00] in the legal office and I really kind of wasn't sure I wanted to leave the legal offices. There was only like four or five jobs in the legal office that would be a step up. Otherwise I'd have to go back to where I'd been before I left and just be a straight attorney, and I wasn't going to do that.

So I then started looking at corporate law firms and I interviewed some corporate law firms and I couldn't get anything at places that had offered me jobs or would have offered me jobs five years earlier, [02:01:30] because they couldn't see that my experience had any value. If I had worked in the Securities and Exchange Commission or in the Anti-trust Division of the Justice Department, they would have hired me in a flash. But what good was it knowing how to do foreign aid law; it had no value to a corporate law firm as they could see it.

DRAINE: Mm-hmm (affirmative)-

TRUBEK: None of the people from my cohort in the office of the general counsel of the A.I.D., and they were excellent people, really top [02:02:00] people with great grades, none of them

went into large, established corporate firms. They set up firms of their own, they went into small, boutique firms. They just couldn't break in. And many of them did very well in the Washington practice connected with this kind of work, but the main-line firms didn't see it, they didn't see it.

DRAINE: Mm-hmm (affirmative)-

TRUBEK: So I didn't get that job. And then I decided to try university and I remember the first place I went to was Berkeley. And this was nineteen 1966 ... [02:02:30] Probably the winter of '66. And I fell in love with it. I said, "This is it. This is freedom, this is fantastic." And then I got offers at Berkeley and N.Y.U. and Yale and of course I was totally stunned to get an offer from Yale Law School. I'd never in a million years thought I would get an offer from Yale Law School, because it was understood that they only hired people who had been first [02:03:00] in the class or maybe second in the class. And you had to have clerked on the Supreme Court, and why would anybody want to have somebody who was only tenth in the class and didn't serve on the clerk on the Supreme Court and did some whacko thing called foreign aid? And I'll explain, because I'd like to take a break now ...

DRAINE: Mm-hmm (affirmative)-

TRUBEK: After the break, why that happened and it's very interesting because for reasons unrelated to this, just reflected on that [02:03:30] experience of showing up there, at the Yale Law School after these four years of flying around the world and being an important guy and having a huge office and thinking ... And living on Copacabana beach- not to mention that, right? With an apartment right on the beach. And belonging to the country club and flying all around and talking Portuguese and thinking I'm the cat's meow. And then I show up and I'm an Assistant Professor in a place that's riven with [02:04:00] tension because of the emerging conflicts of the '60s, where I find myself caught completely, once more, between the devil of leftist, progressive, rebelliousness and the deep blue sea of the Establishment. A story which has been written about extensively ... okay.

DRAINE: We'll take a break...anyway.

TRUBEK: The law school just won't bend on his position.

DRAINE: [02:04:30] Well, let's move back to where we were here where you were thinking about how your friend and scholar, Bob Hudec and you. had similar shape to your careers.

TRUBEK: Yeah, well, the Yale Law School's story is a very long story and it's been written about extensively, including a book called, "Yale Law School in the Sixties" by Laura Kalman. So, if that's what the listener to this is interested in, I refer them to Kalman's book on [02:05:00] Yale Law School in the '60s. I don't think we can do that and have any time for the U.W. which is after all where I'd spent over thirty-five years. But I think there are a couple of things that fit this ongoing sort of narrative here.

The first is that I came to Yale Law School after working in an area that I thought was extremely important, which was the field of economic development. And one of the things that I'd done,

while I was in the [02:05:30] government in the office of the legal advisor in the embassy in Rio, was to begin working with Brazilians who were trying to reform their legal system to make it more effective for economic and social development. These Brazilian reformers and me saw the legal system as ,in some areas, an obstacle to development. And they wanted to bring about certain [02:06:00] kinds of reforms which would make it both more conducive to economic growth and, at least for some of them but not all, more supportive of social equity.

And I had seen this as a really fascinating and complicated subject that sort of brought together economic development theory, comparative law and other kinds of [02:06:30] work that was then being developed on administrative development. It was a burgeoning of developments studies in American universities and to some degree supported on Cold War grounds by government agencies and foundations. This was a time when America saw that the real battle in the Cold War was in the periphery. Things were kind of stabilized in the center in Europe and the battle was for [02:07:00] the so-called third world. So the universities were being mobilized to contribute to this project and a lot of money flowed in, both from the Ford Foundation and from the U.S. Government and other sources.

And I had actually worked with the Ford Foundation in Brazil on a project of legal reform in Brazil, which I had put together out of the embassy and then got the For Foundation to contribute. [02:07:30] And we started a project that was quite successful pilot project but didn't have any immediate impact on reforming the law schools.

But I saw this was an intellectual puzzle of great interest. What indeed was the relationship between law and social and economic development? How would you study that? How would you understand it? What theories could you bring? What methods? None of this, there was absolutely nothing [02:08:00] to look to. There were a couple of old studies in the nineteenth century about people who had theories about the role of law and the development of capitalism. There were some anthropologists who had done some studies of tribal law in Africa, but none of this seemed bear any relationship to what I had lived through as a living experience as a lawyer trying to work with Brazilian lawyers, [02:08:30] trying to reform institutions. Because a lot of our loans were actually loans not to build roads, we did do that, but to reform institutions including reforming the whole securities market, the capital market, which we had been very much in favor of, but that's a major institutional reform.

Well, there was people who had done studies of various development, economic development, financial development, that nobody had thought about what role law played, in development. [02:09:00] So that seemed to me what I should devote my career to. But this was not a field in American academy. Most of the law faculty at Wisconsin even have recognized what it was about. There was no model. There was not mentor. There was no canon. There was no article you could either build on, or take off from, or criticize. It was terra incognita. And I realized [02:09:30] that when I talked about my colleague, Bob Hudec who went through the exact same experience in the field of international trade law and who had to carve out a whole new discipline. And as a result has become, sort of treated as one of the two founders of this field which is now a burgeoning field. And they've just created a new international organization and named their annual lecture of this organization in Bob's honor, so [02:10:00] as I reflected back on Bob's experience, I realized how much it was the same as mine. We were trying to invent

what we knew; that what we had done as lawyers in the government was very important. We knew that there was an intellectual project that could be built around it. But we realized that we were the ones building it and we had few allies. And no models and no mentors. And so [02:10:30] I really devoted myself in those years at the Yale Law School to that project. Oh, I did other things, I had to teach regular courses and I did other stuff. But I managed to make that the central theme of my six years at Yale. And managed also during that period to get a huge grant from the U.S. Government to further such work.

My first experience in fund raising spoiled me for life. [02:11:00] Even though as we will see in the rest of this, that I did a lot of fund raising after that and a lot of administration. The U.S. Government was interested in funding some work on law and economic development. I had been ... Had this experience in AID and the associate dean, non-faculty associate dean, had also had an almost identical experience to mine. And there was one professor [02:11:30] who had done some work in some developing countries. So we put together a proposal, we started talking AID and they asked us for a final proposal. This proposal was 10 double-spaced pages, with a one-page budget as to how we would spend a million dollars that we were asking for. That's something like five or six million dollars in today's dollars.

So me and the associate dean who had been an AID [02:12:00] lawyer like myself, went down to Washington to have a meeting with the contracting people. And the guy said, " Well, we've studied your proposal" -10 double-spaced pages and a one-page budget for a five-year plan- "and we think that you could accomplish this mission on \$750,000." We said, "No, it can't be done. We came in to talk about a million, if you don't want to talk about it, we're leaving." And he backed off and we got the million.

DRAINE: Wow!

TRUBEK: So there I am, after being [02:12:30] the master of the universe in Brazil. All of a sudden, as an untenured assistant professor, I'm running a program that had the equivalent of something like a half a million dollars a year in today's dollars, to spend. And basically, me and this guy controlled it. There was a faculty committee we had to worked with, but we controlled it. We could bring professors from any place in the world to come there. We could offer very, very cushy fellowships to people from all over the world. [02:13:00] We brought professors from Harvard. We brought professors from Chicago. We brought famous people from Berkeley as visiting professors because we could fund a 100%. And the faculty didn't like it, little did I know. Right? Because, who are these guys? One guy isn't even a professor, the other guy is an assistant professor, he's 33 years old and he is ... Got a budget bigger than the rest of the law school, or not quite but, he's got all these powers, [02:13:30] what the (expletive)?

So this didn't help. So I put my whole life into trying to invent this but of course, and I was warned by this senior guy who was involved in this project about my scholarship. He said, "You shouldn't write about law and economic development because there are no models, there is no mentors, there's nobody who could evaluate your work. Write in some conventional field like Property." Because I was teaching Property and land use controls and zoning and all that stuff. [02:14:00] And I said, "But Bob, I don't care about those things. I can't do it. I just can't do it. I care about this, it's what I care about." He said, "Well, be warned. " And he was right. But it's

just like leaving, not going to the corporate law firm. So that was a second place where I stepped outside of some identified structure. Thinking that, you know, I didn't need a safety net. So that was a highly [02:14:30] risky thing to do. But I didn't know it was a risky thing, any more than I knew that when I joined the government. In fact, each time I convinced myself that it wasn't risky at all.

The first time because if Bill Rogers could do this, then I could always move in back into the corporate sector. And if Jim Edwards, the guy from Cravath told me it was the right move, then that was, you know, that was okay. And the second time I convinced myself that I could write the article that would stun the world, then I couldn't do that in Property [02:15:00] 'cause I didn't care. So I wasn't taking a risk. So it was never, as if I said, "Okay there's a 50% chance I'm going to fall off the edge of the world there." But in retrospect, each of these moves was very risky.

DRAINE: Mm-hmm (affirmative)

TRUBEK: So ... And they were both taking me in the same direction, into international development, comparative law and these things. So the period at the Yale Law School was marked by my effort to try to embed this as [02:15:30] a subject matter, my effort to try to write articles. And they were, in a way, a failure at the time. Also of course, it was my first experience with major administrative responsibilities in fund raising in universities. And of course it was the easiest thing I ever did in my life because from then on, it only got harder. I could put in as much ... I mean I have put in as much time and energy to raise \$15,000 as it did to take [02:16:00] to raise what turned out to be five or six million dollars. Spoiled as a boy.

So there I was trying to create this field of law and economic development. And then there was, sort of small group of people that coalesce around that idea. And who I worked with and I got to know and we were working on this. And then, you know ... [02:16:30] But it did not produce the kind of authoritative scholarship that the Yale Law School wanted. And indeed they criticized me for writing an article, saying, "Well, we just don't yet know what the variables are. We have to do further work." And they said, "That's not what the Yale Law School professors ... They have to be masters of the field." And I said, "What can I do? There's no field to be a master of. I'm trying to create it."

Okay [02:17:00] now, the other [axis 02:17:01] of those Yale Law School days was the turmoil between the faculty and the students. Incredible turmoil. With the students moving far to the left, particularly in the anti-Vietnam and on race issues, and the faculty moving to the right. And there I was caught again between the students, [02:17:30] with whom I had great sympathy, and the faculty who controlled my life. It was a widening void and many of us got caught in it. And whether we were really radical or not radical at all, or flirted with radicalism, or just were people who had some blemishes that could be jumped on by the faculty. We were ... You know there was a period in which [02:18:00] Practically unprecedented purge of junior faculty. And practically nobody got tenured in that period. And you know, it's been debated endlessly how much it was political, and how much was it personal, and how much it was objective quality. And there's no point in litigating all that. It's been litigated ... The book by Laura Kalman litigates, you know, reassesses all this.

[02:18:30] But there I was without a job. And I had moved in the direction of what we call then, law and society or socio-legal studies or sociology of law, using the social sciences. It wasn't just sociology to study law ... Because in trying to understand how you would determine the impact of laws in developing countries, I realized that you couldn't just read the law, you had to know what difference it was making. And there was then growing, a nascent field called law [02:19:00] and society in the United States, called sociology of law in some countries, called socio-legal Studies in others, which was devoted to figuring out how to use social science methods to study the history, impact and meaning of law. History and impact and meaning of law. And particularly the impact, how you would say, you know, what difference did it make that they had this law? Did it really change some economic relationships or was it just a dead letter? Or did it have unexpected [02:19:30] consequences? And how you would study that. And I had no training and preparation.

Another thing to point out for these purposes, that nothing in my law school career prepared me to be an academic. You know, because what the law schools were of those times, very few people had other degrees, very few people did graduate work beyond the three years of law school. What was important was you were a law clerk and then you knew about [02:20:00] some field, some subject matter area. And you could do legal research. But, as the world of legal education began to change, and people asked questions like--how do you measure the impact of law, and how do you determine what kinds of laws will bring about certain desired changes?--the tools that we had learned in law school were necessary but not sufficient. So, I had no training in the kinds of tools that turned out to be necessary for the field that I was trying to invent.

[02:20:30] So, not only did I have to figure out what the field was and what the questions were, I had to figure out what the methods would be. And, since I didn't know them, I had to learn them. And I had begun to sort of hang out with the people who did legal sociology, or whatever, interdisciplinary legal studies, because they were the people who seemed, not in the international field, but in the domestic, to have been thinking about these things.

DRAINE: Were they in sociology departments, or ...

TRUBEK: Well, Yale was at the center of this kind of work. And so, there was a law and society program at Yale, which had people, [02:21:00] some of whom were trained as sociologists, who were learning about law, and some of whom were lawyers who were learning about sociology, who were fellows. And they were there in sort of the periphery of the law school along with us who were doing this international stuff. So, there was quite a heady group of people at Yale, many of whom have gone on to be leaders in the field of law and society. None of whom, by the way, stayed at Yale. An interesting fact. The one guy who was there at the time, and created the program, stayed. And not one other person [02:21:30] ever went there. Yeah. Maybe I could say there was one other exception but that's not clear.

So, I learned a lot from them. And, as I went on the job market, I kind of went in that direction. And there were two schools, at that time, who were really committed to a socio-legal approach. Wisconsin and Buffalo. So, that was kind of where I aimed my efforts and ended [02:22:00] up at Wisconsin, largely because of Willard Hurst. Because, Willard Hurst had done a lot of work on the role of law in economic development in the United States. Willard Hurst was the outstanding faculty member at the law school at that time. He was a Vilas Professor, very

famous. To this day, probably the most famous person who ever taught at this law school, present company included.

He had tried to read Max Weber's work on [02:22:30] the role of law in economic development. And I had written an article on this subject because, in my effort to find some kind of grounding, I discovered this German sociologist, Max Weber, who had been a lawyer and had written a lot about economic matters and had written a lot about the relationship between law and economic development. But written it in a very, very diffuse way, bits and pieces here and there. No final systematic treatise. [02:23:00] The closest thing was some unfinished chapters in a book that he was working on at his death. Bits and pieces elsewhere, written in this extremely dense language. I don't read German, so I had to work from translations. And, I wrote a paper, which is still cited and taught to this day, called Max Weber and the Rise of Capitalism. And, one of the best things I ever did. And it took me two years. And I worked through this and [02:23:30] read everything about Weber and development and European history and bla bla bla, to come up with ... I don't know ... a thirty-five, forty page article. Which the Yale Law School just didn't see. There was nobody there who could see the accomplishment. But Hurst who had personally struggled through all this Weber text and couldn't figure it out, understood, and he had sent me a wonderful letter. So, there was the one person in the whole world who actually ... Well, there would be some Germans, [02:24:00] but ... Who could probably appreciate that, what a project and what an accomplishment this was, to have come up with a coherent account.

Now, it is true that one of my best students ... You know, it turns out that there are other accounts that you could construct that are somewhat different. And one of my best students who had been a student at Yale, and one of the leaders of the young radicals at Yale, and who I later became very close to in a [02:24:30] part of my career that we'll talk about, critical legal studies, he's written another, an alternative account.

But, anyway, it was a great accomplishment. And I think that's how they hired me at Yale. And, of course, they hired me with tenure. I wouldn't go anywhere without tenure. And that was a big problem that I had in leaving Yale. I was not going to put my family through this twice. So, I wouldn't go anywhere that wouldn't offer me tenure, which very much narrowed the places that I could go. And it was because Wisconsin was committed to socio-legal studies. To development. [02:25:00] They had some people that worked on development at the time, Gay Seidman's father being one of them. And, they had a lot of contact in Africa and Latin America, so I fit very much with where the school was at that time. And I had started to do work on interdisciplinary stuff. So, that was an easy case. And, of course, coming back to Madison was kind of a mixed experience, but we knew what we were getting into. And that's how I ended [02:25:30] up here.

DRAINE: So, is that a good place to stop?

TRUBEK: Yeah. I think so.

DRAINE: Okay. Good.

DRAINE: This is Betsy Draine recording an interview with David Trubek and the date is July 24th, 2008.

I want to now record a little bit of what we ... Summarizing what we did yesterday. We started out discussing [02:26:00] David Trubek's youth, in Englewood, New Jersey, and the influence of his mother, an artist, and his father, a small businessman. We did talk quite a lot about his combination, the father's combination, of being a successful businessman and being also interested in pursuing academic and political issues.

Something I want to get back to today, Dave, is people you mentioned. You mentioned that your father had contact [02:26:30] with Robert Hutchins and Estes Kefauver, Margaret Mead, Karen Horney, Carl Messenger.

TRUBEK: Hutchins.

DRAINE: Hutchins. Robert Hutchins.

TRUBEK: Robert Hutchins, former President of the University of Chicago.

DRAINE: Ah-hah. The one. I almost couldn't believe it was that- These are big names and we want to- I'd like to get back to that and what your relationship was to those contacts. And that was all part of what you later framed as under the rubric of the education of Henry Adams, as part [02:27:00] of your informal education, that was really beginning then.

And then you talked about your formal education at the Country Day School in Englewood and the way in which the traditionalism of that gave you something to rebel against as your informal education was going a lot in the other direction--pursuing the interest in civil liberties that your father had been pursuing, and then going to [02:27:30] work camp at the Putney School in Vermont where you met students from New York, young people from New York, interested in civil liberties.

And then continuing those associations by going into New York when you were older. High school age, I assume? And continuing to be interested in progressive movements, which included the resistance to McCarthy, the whole issue of free speech and civil liberties. [02:28:00] You also mentioned that you had been to a camp in Wisconsin, which later-

TRUBEK: In Vermont.

DRAINE: Those were the Putney camp ... But there was three months-

TRUBEK: Those camps were in Vermont. There was the military oriented camp run by a former Marine pilot in Vermont, which I went to from ages, I think, like seven to thirteen. And then, the Putney, left-wing, progressive, [02:28:30] fancy, intellectual, cultural camp, the total opposite, also in Vermont, which I went to when I was about or fourteen or fifteen.

DRAINE: So, those three months that you spent in Wisconsin were not at a camp.

TRUBEK: No, the three months I spent was at someone's private fishing- It was a fishing camp.

I guess that was what misled you. It was, basically, a cottage on the shore of Lake Michigan that was used for fishing. Belonged to this family who lived in New Jersey [02:29:00] and whose... My classmate... Belonged to my classmate's father. And, it wasn't a camp at all. It was just a house with a boat. And there was just the three of us. And we were there, the three of us, three sixteen year olds, with a boat, a jeep and a house, and some guns and fishing rods. And I actually caught a pike of Ashland [02:29:30] So, we rode around the Apostle Islands and it was fantastic.

DRAINE: Okay. So then, you also ... There was another thread. I mentioned the Karen Horney reference and Messenger reference, of an interest in psychiatry that came from your father's interest in psychiatry, which led you to an ambition to be, perhaps, a psychiatrist and go into premed. So, our next [02:30:00] section started with your entry into the University of Wisconsin, a rebellious act as you frame it, against the Country Day School's aim for you and your peers to go to more elite institutions. But there too you really started with your informal education at Cliff House and meeting with the Green Lantern Eating Co-op crowd, being in contact with the Groves Co-op group. And then a series of, really looking back [02:30:30] at them, very impressive accomplishments in that extracurricular activity world --your election as president of the Robin Hood's Merry Men group, calling for the recall of McCarthy and being a spokesperson for that group, to various media outlets; then yourself becoming editor of the Wisconsin Octopus, the humor magazine; being editor of a literary magazine, which you were really helping to found the new [02:31:00] idea, a new incarnation of the literary magazine; columnist for the Cardinal; and campus representative for the Milwaukee Journal.

All of those are really a lot of responsibilities that you were carrying that were important responsibilities and put you in contact with ... Continues to put you in contact with important social movements at the time. And you've specifically focused on your coverage [02:31:30] of a meeting at the Labor Youth League which later seems to have been accurately put on the attorney general's list of alleged communist fronts, and how that became important to you in two ways. One, that you became interested in the issue of membership lists and the call by the government to get student government to give up its membership lists. You wouldn't put it that way exactly?

TRUBEK: The demand was by external [02:32:00] actors in the state who were pressuring the university to force all student organizations to produce membership lists with the obvious intent of forcing any radical groups off campus because of the unwillingness of large numbers of people to identify themselves with groups that were as the Youth Labor League was on the attorney general's list. That would have [02:32:30] seriously damaged their career possibilities and so this was a movement. And the student government resisted it, it was the student government, we mobilized. And the student government fought it in the name of freedom of speech, sifting and winnowing and that sort of thing. But the pressure did not come from inside the university, it came from the state, American Legion and other sort of conservative groups. But not from McCarthy himself, although it was a very McCarthyite kind of move.

DRAINE: And was this before [02:33:00] the fall of McCarthy?

TRUBEK: It was about the time he was in trouble but I don't know -- I'd have to go back, because I should have checked I suppose. It was sort of towards the tail end of the McCarthy era,

this membership list thing. The recall was in my freshman year, and the membership lists was in my senior year. So there's almost four years between that. And I think McCarthy [02:33:30] may have already fallen or was just about to fall. Unfortunately I didn't go back and check the exact dates. This whole membership list thing came to a head in the academic year '56-'57 and it sort of went on for quite a while over that year. I think by then McCarthy was on the ropes if not --

DRAINE: Or would be, yeah. Now were you at that time -- was that the time that you were a senator representing the [02:34:00] student publication?

TRUBEK: Yes.

DRAINE: Okay, so that's how that became -- you became active in that movement. Another aspect of your informal education that you mentioned just sliding by was reading *The Nation* and *The Progressive*, which I assume was not being assigned to you in class but you were deciding to read yourself. That must have given you underpinnings for some of the work that you were doing, conceptual underpinnings [02:34:30] for some of the work that you were doing. Then you did move to your formal education, which started with pre-med and you talked about the importance -- I wanted to get the name of the dean of students -- not the dean of students, the name of the advisor.

TRUBEK: James Crow, from genetics.

DRAINE: Who you said was a person who was important in his own field of [02:35:00] genetics but also active in progressive politics himself.

TRUBEK: Well, I know -- I don't know how active Jim Crow was in progressive politics, I don't want to stress that. He was certainly -- believed in civil liberties. How active he was I don't know. Actually his real area of activity, which continues to this day believe it or not, is he's incredibly active in all of the cultural developments in the university and in the city. He's a big supporter of the Overture Center, he [02:35:30] must have given them a lot of money because his name is on big type on their honor board there. I think he played in the Madison Symphony for a long time. So he was both a very outstanding scientist, a person very well regarded on campus, a person whose sympathies were certainly with the civil liberties and freedom of speech and so on. But he wasn't [02:36:00] to my memory, I don't remember him being a major activist professor on campus in political issues. It's possible that he was but I don't remember that.

DRAINE: All right. And he directed you when he saw that you were failing chemistry to do the integrated liberal studies program, the ILS program where you could get a good grounding in western civilization from a humanities and social science perspective. Then I don't know if that led [02:36:30] you -- you were then attracted to the history major you said primarily because of its reputation as the best department in letters and science and the place where the smart people went. You followed there and spoke about the importance of courses there and people there, especially was it Professor Wilkins? The one who sort of took to you?

TRUBEK: Yeah, well that was coming later, that's in my senior year. That wasn't in ILS, Burleigh Taylor Wilkins. [02:37:00] Actually, I had left out one thing that I probably should put

in. This was a time where we had a large number of foreign students on campus and that whole foreign thing has been written up in a number of places so I won't try to go into it. And the foreign students were young, they were brilliant, many of them came from out of state, and they were very active in ILS because [02:37:30] most of them had gone through ILS indeed maybe, well I'm not sure, Louise would know. They had channeled them into ILS even though many of them went on to do degrees in science, they were channeled into ILS because it was more of a community.

This was a time when -- not that it's so different now -- when there was a lot of anomie. The experience of a student at the University of Wisconsin comes in was quite [02:38:00] isolated because there were very few support things. If you weren't in the dorms you were living in some crummy apartment, or in our case in a house in Shorewood, with no supervision and no community and no mentorship that was organized. We did have advisors but I don't know that I would have gotten much out of my advisor if I hadn't gotten in serious trouble. I think it was only because I got in serious trouble that I got as much [02:38:30] attention as I did. So it was quite anomic and this -- ILS offered a kind of community. In those days it was really a school within a school, not the way it is now, because everybody took all the same classes and went through two years only doing ILS. It was really a little world and in that world foreign students were very active. There was this [02:39:00] sort of alternative culture that was in some ways very cosmopolitan, very intellectual, politically on the left, politically aware, people doing extremely well in school, getting great grades because they were all superstar students. And that overlapped with the Groves co-op, Green Lantern crowd which was not the same but a lot of the [02:39:30] foreign students were involved in that. So there was this alternative world and this world was linked to the graduate student world through places like the Groves co-op. So I lived in a world that was totally different world than let's say a student who was a member of a fraternity or was living in the dorms and came from Wisconsin and had friends from high school. I lived in a totally different world somewhat anomic and sort [02:40:00] of driven into these, sort of, counter-cultural movements by the sheer size of the university alone. In those days, it was about a third of the size it is now. But, probably less-well organized to deal with it, this was the period of huge growth, right after the war and we started in '53, so we were dealing with all of the...still there were a lot of veterans from the Korean War and so there was a [02:40:30] GI Bill. And the university had doubled in size after the war, I think. I think it went from 8,000 to 15 or 16,000 after the war. We went to classes in old concert huts that were set-up because there was no time to build buildings. So, it seems that there was this alternative world, which was made up of the "radicals" who would come here because of the left-wing progressive tradition of the university and the state. [02:41:00] The Ford students who would come here because Wisconsin was one of the four initial places that Ford students came.

People of somewhat radical and intellectual bent from the state who were neither who were sort of attracted to this world, this all sort of existed around certain student activities, including the Cardinal, which was a place that attracted people like this, [02:41:30] and Groves cooperative and Green Lantern. And some of these political organizations, some of which were national like the Labor Youth League and there was also another organization which was the non-Marxist Socialists Organization and I can't remember what it was called, but it was kind of an alternative [02:42:00] Anti-Communist Socialists Organization. So there was a lot of this going on.

DRAINE: Can I ask you, were you aware at the time that you were in I.L.S of the links back to Robert Hutchins who would have known your father because Nickel John had really gotten a lot of his ideas for education and Nickel John who had run the experimental college, which was the forerunner for I.L.S. No?

TRUBEK: No. My fathers' contact with Robert [02:42:30] Hutchins was related not to any educational project but after Hutchins left the University of Chicago, he set up an outfit funded by the Ford Foundation in Santa Barbara, California, this is not a bad place to go. And I wish I could remember the name of it, but I don't, but it was quite an active organization; promoting civil liberties, fighting against the extreme [02:43:00] anti-communist hysteria. Trying to promote academic freedom, battling against loyalty oaths. They produced a whole stream of publications, it was a think-tank, essentially, a left-winged think-tank. Left-wing in those terms, in those days, not so left-winged if we looked at it now. But, basically around civil liberties and civil rights. And my father supported it on political [02:43:30] grounds and I don't know how much contact he had with Robert Hutchins. They went to some dinners in New York and that was about it. My father was a donor unless he got into contact with the Nation where he did have more personal contact with Freda Kirchwey, who was the editor at the time. And this was an overlapping group of people, the Nation.

DRAINE: Well, this looks like a good time to ask you about other figures that you mention. These were figures: Estes Kefauver, Margaret Mead, Karen Horney, [02:44:00] who are extremely famous, now. What was the nature of your knowledge of these people? Was it your father saying, "I met so-and-so and she's famous and you should know that?"

TRUBEK: Pretty much. I think Margaret Mead came to our house once...she was very much involved in the mental health movement my father, who had mental health problems, was contributing a lot of money. My father gave [02:44:30] away a huge amount of money, much more than...I mean, we lived very simply in a very simple house, didn't do a lot of fancy things that people might do with that kind of money. But my father gave away a huge amount of money, relatively speaking, he wasn't Rockefeller. And didn't take that much out of the business for himself, he created a foundation that could channel money from the business. [02:45:00] So, most of these contacts he had was through fundraising events and most of them were dinners and other kind of events and mostly in New York City and we didn't live in New York City and I was too young. This all was going on while I was, you know, finishing grade school and starting high school. So, he was mostly talking about them, except for Kefauver, and I do remember, because my father was very much involved in the Kefauver [02:45:30] campaign for Presidency, that I actually met him a couple of times. I remember having dinner with him at the Chevy Chase Club in Washington D.C. - very vivid, and that was when I was a senior in college so that continued on quite a bit.

DRAINE: What was your understanding of the issues at stake in Kefauver's candidacy?

TRUBEK: I don't remember, I really don't remember very much what the issues [02:46:00] were. I mean, Kefauver made his name attacking organized crime, that is what he made his name on. From my father's point-of-view, he thought he was progressive, much more sympathetic to some

liberal causes than some of the other people who were running, but I don't even remember who was running. I guess this was the...it had to be '56...must have been about '56, right? There was an election in '56? [02:46:30] He must have run against Stevenson. Anyway, I don't really know.

DRAINE: Okay. So, we then had a section on your time in the History Department and your writing of the senior thesis and it's interesting that I think that's a shorter section than the much longer section on the more informal education that you had. But, you did become a serious student during that, you that you weren't [02:47:00] a serious student at the beginning but you became more serious as you pursued the History Major and took a grad course in Sociology that really inspired you on

And then we moved to the time after where...because you had been in R.O.T.C. as required by every male at the university, you decided you were going to sign up for the Army for two years, which would give you a better commitment to a short [02:47:30] period of reserve training, but then the interesting part of that section, besides what it was like to be training to be a military policeman for the Army, was the fact the Labor Youth League, so-called involvement having covered a meeting for the press, became apparently a disqualifier for that two years and you got bumped into being a six-month person. Something that may have really [02:48:00] changed, to some degree, the way things went for you at least it meant that you went to law school sooner than you would have done, otherwise.

Before we move to the law school experience, though, you referenced this concept of upper bohemianism which I think was an interesting frame for what you had been doing and perhaps for the whole of your life this feeling of being working from a platform of relative social privilege, but choosing to take the risk of being different from [02:48:30] the mainstream to pursue intellectual interest that the mainstream may not be respectful of it at the time and take rebellious stances and to be in a strange position. On one hand seemingly protected from risk by social standing but also pushing the limits far enough that you do put yourself in the position of risk and never quite know when the ax will fall for that.

But at any rate, having become engaged to Louise Grossman, who [02:49:00] had put her ticket down for Yale Law School and had already started at Yale Law School. So you decided to to Yale Law School. It sounded like in your mind it was a choice between Harvard and Yale and that there were two reasons to go to Yale: One was Louise and one was it had more of a commitment to the social aspect of law, the pursuit of that.

You stressed in your talk about Yale Law School, the way in which you chose to pursue [02:49:30] against the grain of the law school's offerings and strengths you chose to pursue an international focus, a focus on the law and perhaps economic development issues when you found whatever expertise was there which was not the natural strength of the law school and managed to do that and at the same time, because you had decided to totally buckle down to excel at all [02:50:00] your work at the law school. Sufficiently all of it to be honored by being on a law review. Then you've said we're gonna talk would probably begin today after I finish summarizing a little bit by talking about the ways in that education did and didn't support what you eventually developed in your career. But it did, at least, put you up for a clerkship, your success at it put you up for a clerkship with the judge Charles Clark of the Second [02:50:30]

Circuit, and you talked about there, being exposed to a liberal judge but who had a very mixed range of cases that he needed you to work on and was it later when you worked with him you said that you met Thurgood Marshall? Or saw Thurgood Marshall?

TRUBEK: No, no, Thurgood Marshall was appointed to the same court, the same year, so when we were in New York where the court met regularly, because it was a court that covered three states, [02:51:00] I did have some contact with Thurgood Marshall and I knew his law clerks and they were at one or two conversations but they were just-

DRAINE: Did you have any notion that he would become an important figure?

TRUBEK: Yeah, it was clear already that he was, of course, famous, because he'd won the famous Brown case and had been the architect of the whole campaign against apartheid, as it were. [02:51:30] It was absolutely clear that he was on that court to get a year's experience or two years experience so that it would be easier to get him confirmed for the Supreme Court, there was no question, he was just waiting for the Supreme Court so we knew that. We knew he was-

DRAINE: Now, I didn't ask you at the time, when we were going through this but, did this experience, being a clerk for Judge Clark and seeing someone as eminent as Thurgood Marshall, [02:52:00] give you any ambition to become a judge at some time?

TRUBEK: No, no, it was too, sort of, cloistered and passive a role for me, that didn't seem attractive. I wanted to wield power, bring about change, reform the world, improve the lot of humanity and I didn't see that that was what judges really did [02:52:30] or, at least, that was not what most judges did most of the time.

I mean, don't forget, I mean, after a year of doing cases that involved things like collisions of ships in New York Harbor and questionable patents on some aspects of a television set and, you know, rules governing class actions or some other things like that, famous securities and exchange case. [02:53:00] It just didn't seem very interesting, of course there's always the great case and the great judge but, you know, there's lots of judges and very few great judges and very few great cases and it was too inactive a career. I was imagining myself already as a statesman, shaping world affairs in some as-yet undesignated way.

DRAINE: That's an interesting backdrop to the [02:53:30] next section of what we covered last time because you did choose to go with AID, the Agency for International Development, to take...First, you worked in DC, as Attorney Advisor for Department of State and AID, and then went to Brazil for them so between 1962 and 66 you were doing exactly what you are saying, your time on being a clerk led you to feel would be a better thing to do, to get out there in the world and see if you could shape yourself into a [02:54:00] statesman who could see how law could be used in order to serve as you said democracy, social justice, development and those were your tasks, especially when you were in Rio de Janeiro and that was where you were doing the supervising of the loans, was that from your spot in DC that you were doing that, supervising loans that were made by the US government?

TRUBEK: I actually was about four and a half years [02:54:30] in the government because I stayed through the end of 66. So, for four years I had a job as a lawyer and the job was the same whether I was based in Rio or based in Washington, the difference being that when in Washington I would go to places where there were no full-time lawyers, sort of, like Circuit judges riding the Circuit [02:55:00] and do the work on the loans there and in Rio, it was big enough so that they could have a full-time lawyer.

But the work had two parts, first, there's a lot of American law that governs what you can loan money for under the International Development Act, so you have to monitor the loans to be sure that they were consistent with the law. That was not the most important part, the other part was, many [02:55:30] of them were loans to carry out institutional change or structural change, we made loans to the government, which were conditioned on them doing certain things in the macro-economic policy and we made loans to banks and other agencies, which were designed to fund certain innovative activities like small loans to [02:56:00] farmers, real credit that sort of things, or even to build educational institutions.

So my second job, which was by far the more important was to create the framework for implementation of those loans, which these weren't simple financial transactions, they were economic development projects funded by loans and so my job was to sure that project part was built into the loan agreement and [02:56:30] the legal job and the loan management job sort of merged and actually I worked with this guy in Brazil, who was also a lawyer, who was the loan officer but were kind of a team and we didn't really, except for a few things, we just shared the expertise on figuring out ways to make these projects work properly and set up legal obligations and reporting obligations and monitoring rules. That was the main [02:57:00] thing.

DRAINE: Mm-hmm, okay.

TRUBEK: And then, I did do a stint for six months running the Housing and Urban Development office, just to fill in.

DRAINE: In Rio?

TRUBEK: In Rio, to fill in, in a period when the existing director had left and they hadn't found a new person. I had done a lot of work on housing finance and so I had a lot of expertise that was relevant and that was the basis on which they offered me the job, to take over the whole lending operation for [02:57:30] another two year stint and I decided not to.

DRAINE: Well, we closed that section with you talking a little bit about reasons for disillusionment with your project there, but then you went on to a next stage of career by becoming an assistant professor at Yale between 1966 and 1973, and you talked about the way in which you brought some of your interest from your experience with AID [02:58:00] into your work, focusing on the role of law in development, which was a field, that wasn't a field at the time without a canon and you talked about the ways in which that was exciting and it enabled you to put together a grant proposal to the US government, and to succeed at it, to develop the field of law and economic development but at the same time, it left you vulnerable to skepticism

[02:58:30] from some of the people who were later going to have to vote on you for tenure, as to whether there was a way to test the quality of the work that you'd done, because it hadn't yet developed itself into a field.

And you talked the ways in which there seemed to be a conflict between what Yale Law School had been famous for and [02:59:00] where it seemed to actually be at the time that it took the tenure vote for you, where it seemed to be retrenching from its commitment to be interested in the social aspects of law and the impact of law in society. Then, that left you looking for a place to go and I think, we talked only very briefly about how Willard Hurst was an important figure in getting you to come to Wisconsin, [02:59:30] let's take it up from there, with your choice to come to Wisconsin, unless you'd like to start first with, how you felt that the law school, how well you thought Yale Law School had prepared you, you could bring that in after talking about coming to Wisconsin or before.

TRUBEK: Well, let's take that up, I think that it's important to understand that, first place, when I went to law school, I did not anticipate an academic career, I didn't [03:00:00] have a clue, I would be an academic. It was not my objective, not my goal. I was thinking about some combination of corporate law and government service, with government service being the most important part but the possibility that corporate law was a necessary part of such a career. There was a clear tradition of such activity. A lot of people had moved back and forth and that seemed like a [03:00:30] sensible combination. Particularly because if you have a high-level job in the government, you're going to go out with the next administration, you got to have some place to go. And that was before there were all these think tanks that are used to house people from previous administrations. The think tank project was just getting off the ground.

But nobody [03:01:00] was prepared well for the kind of academic life that emerged in the 70's. Nobody who was educated in the 50's and 60's or early 60's was fully prepared. Because, things changed a lot and Wisconsin had played an important role so we can put the two things together. So, the legal scholarship of the period [03:01:30] up to and the period when I was in school, conventional legal scholarship was about law. You wrote about what the cases said, what the statute said, what the courts and how the courts interpreted it and you criticized that from one point of view or another or you tried to synthesize a complex bunch of cases in a National ... so a lot of American law is common law that is it's not [03:02:00] statutory. And most of the common law is state law but of course we are single markets so it's important to have common understandings of what the rules are. So, a lot of what national law schools did was try to sort of take from the raw material of decisions of 48 and later 50 states, some degree of commonality or some identification of trends and then try to push the ones that seem for whatever [03:02:30] reasons to make the most sense. That was working as lawyers, we worked as lawyers. But in a higher level.

And you read cases and I remember when I started, it was understood that you should read all the cases of the major courts and we would get these little booklets called advanced sheets and we were expected to keep up with them. And then we would take on some area where they would also be statutes, they might be federal statutes, they might be state statutes depending on the area and then we had to master [03:03:00] that. And we were taught how to do that. How to read cases, how to argue, how to find support for our positions. We were taught to be very skeptical

about any final determination. We were taught to see that the whole system was very open-ended, very indeterminate. That was the contribution of the Yale Law School school of legal thought. [03:03:30] So there was the idea of indeterminacy.

There was just beginning to come in the idea that somewhere there were broader issues that law professors ought to deal with. How the law related to broader values, how it brought about change. How it didn't bring about change or retarded important changes. These broader questions, which require a whole different set of skills were just beginning [03:04:00] to be posed and to ... and the Yale Law School had been a pioneer in the 30's in opening up this line of inquiry and then had sort of gotten a little nervous and had pulled back to a somewhat more conventional vision.

So, there was a lot of tension because there were the old ... someone once described the law school as made up of, "Young Turks and Old Fogies". [03:04:30] No, "Old Turks and Young Fogies". Yes, that's what it was, "Old Turks and Young Fogies".

DRAINE: At Yale?

TRUBEK: At Yale. The rebels were the older people who were there from the 30's and the more conservative people were the younger people who had been hired in the 50's. Many of whom who had been educated at Harvard. So there was a kind of tension there. So, [03:05:00] there still were people who had this broader view and we can take courses from them but the mainstream and the sort of places that people thought were the really elite courses ... I mean the course that everybody thought was the most important course to take and do well was the course on federal jurisdiction. The jurisdiction of federal courts. A course of legalistic complexity of incredible difficulty and of practical relevance [03:05:30] to the world. Well, you know, not that great. So, there were these ... but for example, nobody gave us courses ... nobody said you really need to have some background in social science. Nobody taught us how to do interdisciplinary work. Nobody taught us anything about, you know, any of the things you learn if you're a doctoral student in a decent American social science or humanities division department [03:06:00] these days. None of that. None of the kind of academic preparation. And this hasn't really changed completely, but now there is a clear, in a few major law schools, that there's a clearer track that people who see themselves as going into the academe can get into and they get better preparation. And of course, there is a big encouragement on taking a degree, a doctorate in another ... at least a master's if not a doctorate in another discipline.

All this was incipient but [03:06:30] not really well-developed.

DRAINE: You were in a sense developing this path for yourself.

TRUBEK: I was developing this path for myself thinking that it was where the Yale Law School wanted us to go. And several of us, including Bob Hudec and Richard Abel, who were the three people I was closest to among the assistant professors. We were pushing that envelope and we thought that's what the Yale Law School wanted. [03:07:00] But, as we pushed this envelope, we pushed out of the envelope, as it were, we pushed into really virgin territory. And the result was, we got beyond anything that was easily described as a field in which they were, you know you

can say, "Is this person top in his field or whatever". There was no field and there was nobody to say whether you were top or bottom or middle.

So, I think that we did push it further they wanted to take it at that particular [03:07:30] time. This is so overlaid with the struggle between the radical students and the anti-war movement and the support of the Black Panthers. Because, they had the Black Panther trial in Madison, in New Haven, which was another huge polarizing event. And we had Brookes who started the first Affirmative Action Program brought in a lot of very aggressive, very hostile black students who lead all sorts of campaigns and caused all sorts [03:08:00] of tension in line with the white group student radicals who were of course very sympathetic.

So, it's very hard to filter out someone who has written a book about this, filter out the way national politics got built into the struggle in the law school versus academic traditions and the Young Fogies versus the Old Turks versus the What's [03:08:30] the space of the discipline? How far should we go? When have you gone too far? When are you not doing things that really are legal education? All this was so tumultuous and so complex that it's extremely difficult to say, "What were the causes of all of the different tensions? and "What led to the significant denial of tenure of six or if you counted seven or eight people in that period?" [03:09:00] Which was unprecedented for the Yale Law School. Although, there had been some clearly politically motivated denials of tenures in the 50's in the height of the McCarthy period where people who were a little too far to the left got bumped. The kind of young people who had picked up with the Old Turks and tried to carry on the more radical tradition of the 30's and got their heads blocked off.

So, [03:09:30] no one was equipped and maybe we were equipped better than many because at least we had a glimmer of where the world was going but no one was really equipped to be a professor in the emerging interdisciplinary world that legal studies began to take in the 60's. And Wisconsin was absolutely at the forefront of that move and it was what put the Wisconsin Law School on the map, was [03:10:00] its commitment to interdisciplinary studies, to the development of the law in society tradition, which at that point was a fighting phase and was quite unique, not unique, but Wisconsin was uniquely committed to this vision that, within what they would come to call law in action, trying to understand what difference the law really makes, not looking at only what the rules say, but what actually happens in practice. How it leaves room for implementing. Who [03:10:30] benefits? Who loses? When is the law ignored? When is it administered in a discriminatory fashion? And so on and so on and so forth.

This took Wisconsin into the law school, into close alliance with the social sciences, and there was a major enterprise here that started in the early 60's. Or [03:11:00] sometime in the 60's. There was a big grant, which funded work on law by people outside the law school, as well as people inside the law school. And Willard Hurst got additional money to train people in particularly legal history to work on an interdisciplinary law in action, law in society approach to legal history. And we had several people who were quite well-known as pioneers in [03:11:30] this field, Stewart Macaulay, who's still here, Lawrence Friedman who went on to Stanford, Joe Handler, who went to UCLA, and some others, and they were the people who kind of created the kind of Wisconsin school, of which Hurst was the undoubted informal dean of the Wisconsin school of interdisciplinary legal studies.

And they were beginning to build alliances with social scientists. There were people in clinical science [03:12:00] and sociology, and occasionally in some other disciplines who were part of this. When I came here, this interdisciplinary community had as many people outside the law school as inside. So there was a community of, I don't know, 15 people, probably, and it was half and half law professors with a deep commitment to interdisciplinary studies and people in the social sciences who were studying law in some [03:12:30] way using their methodologies and their approaches and asking their questions, not lawyers' questions. And the idea was to create, if not a new discipline, then a kind of interdisciplinary meeting ground for people of this field, of this ilk.

And that led to the creation of the Law in Society Association, which was founded here and which has [03:13:00] continued to be led to ... Where Wisconsin has continued to play a lead role and which is the kind of now global expression of that whole idea and that's kind of the story of my life because the most biggest thing I've done most recently was [03:13:30] to manage to create a global meeting for the whole world Law and Society community in Berlin, where we had 2,400 people from 72 countries all committed to this particular kind of social scientific, legal, law in society, sociolegal, there are different words, interaction. So this was a sort of real major breakthrough [03:14:00] in the world, because although there had been such global meetings before, this was by far the biggest, the best, the most dramatic evidence that this tradition had really survived, prospered, and become a global thing. Let's take a break.

DRAINE: Okay. All right, now we're starting up again, talking about law in society as a rubric that had developed at [03:14:30] the University of Wisconsin already before your arrival.

TRUBEK: So, this was the sort of signature project of the University of Wisconsin Law School. It had really started a few years before I got here, well actually quite a ... Maybe a decade before, because it started in the mid-60's, I got here in '73. And it was because I had been moving in this direction and had written things that fit with [03:15:00] this tradition, whatever their limits were, that they were interested in me and that I was interested in them, so it was practically the only place that really fit well with where I was trying to go and where I felt I'd be comfortable, where they would give me tenure immediately without any further ado, and where there was a project [03:15:30] that I could identify with, not only the general issue of sociolegal or law in society approaches to law, but also with some special emphasis on developing countries, so it all worked very well.

Turned out that there was a problem there because we already had someone who worked on Latin America, which had been my area studies focus and it was not possible to do any teaching because [03:16:00] there was already somebody teaching law in Latin America, so I never actually taught anything about law and development for years, but I continued to work on it and be supported and that's another complicated story.

So I came here, and at that time, the department, law school that is, was pretty small, it still is relative to lots [03:16:30] of parts of the university. If there were 30 FTE professors when I came here, I'd be surprised I think, not much. Of that, maybe a fifth or something like a fifth were really deeply committed to the sociolegal studies and their names are famous and their roles.

Another [03:17:00] fifth or even a little more were sympathetic but still also doing more conventional legal work, but the law school was fragmented between what we called in those days the research wing and the practice wing. So there were quite a few people who were basically practitioners who were not particularly interested in the academic career at all, let alone [03:17:30] in an interdisciplinary academic career.

And this created a lot of tension throughout the history of the law school. And now there were a few people who were able to do both, like Frank Remington, the great criminal law professor, who was able to be a practical legal reformer, an expert on things, but also have an interdisciplinary vision, but there weren't a lot of people like that. So there was a division, and I know [03:18:00] one of the questions is internal ... There was a division and a fight over scholarly standards. Was it important to publish? That even people who defended the idea that publication was not important, that if you wrote a brief for a case, that was all that was needed. And there were a couple of battles. These were gradually ... Oh there was also the question of how much time people could devote to their own practice [03:18:30] and be part of law firms in what's called an "of counsel" and this tension went on for a long time.

And of course it was a general issue, not unique to the Wisconsin Law School, as American law schools generally shifted from really being part of the profession to being part of the university. And that had been a long historical shift. There was more of a professional [03:19:00] orientation. A lot of law schools started outside the university, including Yale, not the land grant schools like us. But the whole tension between professional service, professional activity and sort of teaching law as a craft and law as an academic project with the same standards as the social sciences, the same demand [03:19:30] for publication, the same kind of requirement of peer review, all those such of things, those were not completely institutionalized in the 60's and early 70's and that was the struggle of the 70's here. And finally of course, the academic one, now there's still some hard feelings among people who are still around from that time. And of course guess what side [03:20:00] I was on, I was on the hard-nosed end. And I'd come from Yale, and Yale was well into this academic world by then. ... Yeah, thanks.

So that was the big fight in the department, and in the school at that time. And the tension between professional craft and interdisciplinary academic [03:20:30] was, you know, very palpable. I ended up, of course, on one side of this.

The biggest shock for me, I suppose, coming here ... The positive side of coming here was the community, the fact that the commitment of the school reinforced some of the things that I had sort of developed, [03:21:00] somewhat out of necessity to try to deal with the challenge I'd given myself, to invent this study of law and development. But the students were a disappointment, because I'd been used to Yale law students, who are the best students in the country, and many of whom who'd been my students.

Well, let's see. My students at Yale. [03:21:30] Several of them ended up as professors at Harvard Law School, and other major law schools. One became the general counsel of one of the largest corporations in the world, General Electric. Others became famous public interest lawyers, judges, you know. And I've never had a student here who went on to have a serious, a really serious academic career, not in the law school, never.

This is a huge [03:22:00] blow, one that it took me a while to figure out. And only when I became dean of international studies, and was able to work with graduate students in social sciences, was I sort of back with the kind of students that I had at Yale.

DRAINE: Well, it's interesting, when I was asking, I spoke to Stewart Macaulay and I spoke to David Kennedy about your work, David Kennedy at Harvard. One of the first things that he ... Both of them spoke about your accomplishment of being an [03:22:30] international figure who is known out there, always being the pioneer for a hot new idea, and they both felt ... Well, Stewart, coming from Madison, was very aware of how much more you were an external figure in the world than most of the other professors here were, although he himself had been fairly well known within the very field that you were pioneering.

But David Kennedy went on to talk about how [03:23:00] extremely important you've been as a mentor to young professors. He talked about how you would go to, often some meeting you had convened, in order to bring together people who were starting to work on a new idea, and you would identify some young person who had a nugget of something that sounded really fresh, and you'd help to draw that person's work out, help them get their work published, et cetera. So it sounds as if perhaps the satisfaction in mentoring [03:23:30] younger people, for you, has therefore been more with younger scholars, than with law students.

TRUBEK: Yes. Once I left Yale, that was the only way to go. And, of course, David is particularly familiar with it, because one of the groups that I worked with were students at Harvard. Graduate students from around the world [03:24:00] at Harvard, who were doing doctorates in the Harvard Law School and were interested in development. And that's a very big group. They're now spread around the world, many of them have gotten jobs here in the United States, others are gone home to their own countries, and there are people in Egypt and Bogota and, you know, one place or another.

A [03:24:30] lot of what I've done in recent years is connected to that. I also had mentees here, all of whom moved on. They all moved. And that's been both a ... That's a bittersweet kind of thing. All the people that I worked with closely, young faculty who came here, up until now. I mean, there's still a few people here I'm working with, recent people, but [03:25:00] ... Went on to other law schools.

And that's been one of Wisconsin's fates, that it can't hold its top people, because of the salary structure, the prestige factor ... For some people, it's the fact that private schools pay for your kids to go to college, which for some people was a huge thing, because they wanted to get their kids in elite schools, and it's not easy to put kids through Harvard on a Wisconsin Law School salary, [03:25:30] because it's even harder. But our law school salaries are very low by national standards.

Greg Shaffer, who left here and ended up at Minnesota, told me that he got an 80% salary increase from what he was being paid here to what he is getting at Minnesota starting next year. But that's a little misleading, because we would have offered him a lot more than he was making, but there was no way to make a counteroffer, because we couldn't get his wife.

DRAINE: [03:26:00] So, in a way, although temporarily we may benefit from your mentoring people on campus, you've mentored people who've gone on to positions all around the world, outside UW.

TRUBEK: Yeah. A lot of the mentoring were people who I would meet through various connections, including a long-standing connection with the Harvard Law School, going back to the time I taught there for the year in the mid-80s. I'd had this connection because of David [03:26:30] Kennedy and Duncan Kennedy, who were ... And this will bring us back to critical legal studies, which is the other ...

So, there are three stories. If we're going to look ahead to the rest of the interview, there are kind of three stories, there are four stories, about my academic life. The first is law and society, which we've started on. The second is critical legal studies, which is the next topic chronologically. The third is the re-emergence of law and development, because law and development sort of [03:27:00] tapered off for a while, and only came back about a decade ago. And the final is all the administrative things I did at the university, starting with the creation of the Institution of Legal Studies, and ending with the International Institute. And wage.

DRAINE: Okay, so let's continue on with law and society. I wanted to tell you that, although Stewart Macaulay may have been one of the ones who was really starting the movement of law and society, he said you [03:27:30] were "Mr. Law and Society," that you really brought the movement out into the public more than he had done, and been present at the society at one point, were you? No? But you were very, very active in that society.

TRUBEK: Well, I think that actually, probably the first thing was the creation of this institute here. In other words, what I did was take the tradition [03:28:00] and build a new institution around it. When I'd been at Yale, Richard Abel and I ... Richard Abel went on to teach at UCLA. He and I had been running this huge program on law and developing countries, and teaching sociology of law, even though we had no formal training, although he had had more formal academic. He had a doctorate in African Studies, [03:28:30] from SOAS in London. We had proposed to the law school that it would be important to create an independent institute to do interdisciplinary work, because we felt that there was a tension between the reproduction of the legal profession and the training of lawyers, and the sort of external look at law that interdisciplinary legal studies promoted. So, [03:29:00] we proposed the creation of an institute for legal studies, which would be, in a way, connected to the law school, but also connected to the university and have people from the social sciences in it, and so on and so forth. They laughed at us. They really did. They just thought we were crazy. Because then, the law school was big enough to embrace all things, and they didn't want any independent thing, or giving me the social scientists in..., and they just laughed us [03:29:30] out of the room.

But this was a project I brought here, an idea that I brought here, and I spent a lot of time in the first decade I was here figuring out how to put this together. I took the job as associate dean for research very early on, after I'd only been here a few years, and I used that both to build the intellectual community, I treated that job as one that was the dean for the whole [03:30:00] community, not just the law school faculty. This created tension because people would say,

"Well why aren't you helping everybody in the law school rather than ... You don't have time to do ... Why you helping some guy in the sociology department?" I say well, because it's ... This is our big thing.

So I tried ...I put this institute together and there was a big fight. Partly because of the practice wing saw this as somehow demeaning them [03:30:30] by creating some higher elite thing that was better than the law school or better than them or whatever. And they tried to kill it. There was a huge fight. We had one of the biggest crisis of the recent years in the law school ... Recent 50 years in the law school over that.

DRAINE: Was funding part of the issue or was funding never the key there?

TRUBEK: I knew that I could only get it if I could promise outside money. And before we set it up, I successfully secured [03:31:00] a contract for two million dollars in 1980, that's six million dollars in today's dollars. To do a huge interdisciplinary study of the cost of litigation in federal courts of America. And I was the director of this project. We hired also, two social scientists and we had a partnership with an organization in California. Contracted with a big survey firm in ... We survey, we conducted 10,000 interviews [03:31:30] by telephone. It was a huge enterprise. So I think that it was my success in showing that there was vast amounts of outside money that could come in that helped finally convince the faculty that this would not be a net cost. Because I promised that although there had to be some university money invested upfront, it would pay [03:32:00] off in the long run.

I also got David Ward who was then the associate dean for the graduate school for social sciences to cough up some startup money. That was the beginning of my relationship with David Ward. And, so we were able to control this. But it took a real crisis. I had to really ... We set it up on a provisional bases like ... And then it had that come up in the sense that the institute had come up [03:32:30] tenure after ... I think it was three years. And the practice wing tried to kill it at that stage and we had a crisis and, finally, the dean felt he had to come down on my side and ... On our side and so we got it through.

DRAINE: Was it the only research center connected with the law school?

TRUBEK: Yes. And while I ran it, we brought in a lot of money. I worked [03:33:00] like a dog to bring in outside money. We had money from Ford. And we had the continued support from the graduate school, outside from the law school. Some was university money, some was extramural money. But it was clear by the end of the five years ... I guess by the end of five years that the money was gonna be harder and harder to get. The sources that had been there in the [03:33:30] 70's and 80's were drying up. For a variety of reasons not worth going into. And, so I could see that the prospects of a continued flow of extramural money were less and it was gonna take more and more work to maintain the scale of the operation. And that was about the time that I went for a visit at Harvard and then through this incredibly [03:34:00] stressful experience of ... You know what happened at Harvard, I don't know ... Well I put them in the-

DRAINE: Well, for records we need to explain things.

TRUBEK: We need to explain those things. Well, this may get a little ahead of the story but since we're here. So, after I came here and was briefly just a professor, then I became associate dean. And then I essentially transmuted the associate dean job into the directorship [03:34:30] of the institute. And we set it up and we did a lot of research and we had a lot of good projects and fellows coming from all over the world. And it really was the embodiment of the Wisconsin law and society idea. And we had fellowships for graduate students with money from the graduate school.

DRAINE: And Stewart Macaulay was talking about how much this enriched the intellectual life of the whole law school.

TRUBEK: This made a huge-

DRAINE: There was constant visitors giving talks.

TRUBEK: And he was the chairman of [03:35:00] the board. But I ran it and that's what I did. I only taught half time. And the rest of the time I did this. And that was a big project of my first period here.

DRAINE: Mm-hmm (affirmative)

TRUBEK: Well, as I said, in 1986 I got invited to teach to Harvard Law School. [03:35:30] And I was already seeing that it was going to be really difficult to sustain the kind of extramural funding that had been essential, that the seed money was gonna dry up. The graduate school wasn't going to just keep renewing the money. It was always one shot money and it was hard to figure out where we were ... So I knew this was a problem. And so I went off to Harvard. And initially my friends who had helped get me the visit [03:36:00] said, "This is not what we in the law a look over visit." Harvard has two kinds of visits, they just have lots of people last year, they had 40 visitors. 40 visitors? That's probably bigger than our faculty ... Any amount of ... The number of people that teach law at Wisconsin on a full time basis in a given year. That' visitors, right? I mean it's just ... NYU has 40 visitors. I mean it's just unbelievable.

And a few of these are look over visits because [03:36:30] in law schools, for most lateral moves in law schools, you can't do it until you've actually been at the school and taught for a year or at least a semester. They don't believe that teaching is transferrable. So even if they think you're a great scholar, since they place a very high value on teaching ... There are a few exceptions but ... So, this was not supposed to be a look over visit. And I got to Harvard [03:37:00] at the height of the great war over critical legal studies which were unfortunately ...

DRAINE: Can you explain that?

TRUBEK: Going to have to explain, yeah. We'll have to go back to. I went through an extremely stressful period. Was voted tenure by a two thirds vote of the faculty. Very unexpectedly because that wasn't how it was seen at the beginning. And then the president convened a committee and vetoed the appointment. So that was a second brush with the tenure process [03:37:30] in the Ivy

League. But in order to understand what was at stake in the fights at Harvard, we have to go back. However, that ended my Institute for Legal Studies career because it was shortly after that that I got the job. A few years later I went into the deanship at international studies. Building on my successful career as a research entrepreneur administrator ... Developer [03:38:00] of the sociolegal tradition in the law school.

DRAINE: Did the Institute for Legal Studies continue?

TRUBEK: It still exists, it's a pretty small operation ... They get a small amount of money from the law school. The current director has refused to really put much energy into fundraising. And it gets ... It's kind of tragic. It's still plays a small role, it runs some conferences. So it keeps some interdisciplinary activity [03:38:30] goals. It has a few fellows, most of whom are graduate students doing degrees which are law and society oriented. A few foreigners come. So it performs a useful role in the law school but it's a pale shadow of its former self, to quote something.

DRAINE: Well, Stewart Macaulay called you one of the founding members of critical legal studies, why don't you talk about that.

TRUBEK: All right, well, critical legal studies, [03:39:00] which became an extremely controversial movement in American legal education and attracted attention as wide as the New York Times and the Time Magazine, was a movement that essentially started at the Yale Law School in the end of my brief period there. It started not in the sense it was an organized activity, but several of the people who were important in founding the conference on critical legal studies were there at the time and were students [03:39:30] of mine, or colleagues. So, there's Richard Abel that I've mentioned. There's Duncan Kennedy who went on to become a professor at Harvard Law School and one of the best known American law professors. Mark Tushnet who was here, briefly, and then went to Georgetown and now is at Harvard. So there was this ... There were the four of us, and we were the core of what became the critical legal studies movement [03:40:00] in the beginning. There were other people who came along but it was Duncan Kennedy and I who first dreamed up the idea of convening students who were interested in a left, theoretical ... It was very theoretical, very academic, not in any way initially a political active movement.

It sort of took on certain political dimensions, political only in the sense of trying to transform law schools [03:40:30] not in a direct national politics sense. I'm self-consciously picking up the critical tradition from the ... Using the language of the Frankfurt school of critical studies. We thought that there was an alliance between people of this point of view and the law and society traditions because the law and society tradition had two features that we thought [03:41:00] we shared with ... well, which we did share with them.

The first was a tradition of using social thought, social science, ideas from outside the law to develop theories about the role that law played in society, that was crucial. Of course, they ... most of the Law and Society people looked at different theoretical sources. They certainly didn't look at Marx, and they didn't look [03:41:30] at European social theory of the deconstructive, Foucault, that sort of thing, while the critical legal studies people, many of whom had been

graduate students in the 60s and then decided to go to law school, were very much into that literature, and a sort of post-Marxist, ... all of that left literature and post-modernism and all of these different [03:42:00] traditions, while the law and society people stuck with what we might call meat and potatoes American social science ... Robert Merton and...partisans and that crowd.

Yes, we were both interested in social theory and everybody thought Max Weber was important, but the critics could read Max Weber in a very different way that say Stewart Macaulay or Willard Hurst would read them and ... so that was the first thing we thought we had in common, but [03:42:30] we learned that of course that wasn't so much commonality.

The second thing we thought we had in common was a progressive politics because it had been clear ... And I've written a whole article on this. At least I believe and others did that the law and society movement initially had been a progressive political project tied to the great society, the war on poverty, [03:43:00] the civil rights movement, and all those things, and it was in some ways an effort to bring the tools of the academy to support the politics of the 60s. Not the radical politics of the 60s, but the mainstream politics of the 60s, civil rights, war on poverty, that sort of thing.

It was true that we shared a political, [03:43:30] that some people in law and society had a political agenda, but many of them didn't want to admit it, even if they did, and many of them didn't, that turned out there was a huge tension between the science view, neutral science view, and the handmaiden of progressive politics view of what this movement was, and a lot of my sort of struggles with law and society [03:44:00] were over those issues.

So, when we convened the first meeting, we brought together Law and Society people like Macaulay, Hurst, and Marc Galanter, who was another major Law and Society person from Wisconsin, with the young radicals, many of whom were Harvard Law School educated, many of whom had had advanced graduate training in some fancy graduate school and then decided, for one reason or another, to become law professors.

DRAINE: [03:44:30] Can you think of some names of some of those?

TRUBEK: Sure. Kathy Stone, who's now at UCLA. Karl Klare, who's now at Northeastern. Peter Gabel, who became president of New College, a kind of radical, alternative school in San Francisco.

Those are three that come to mind.

And there were people here, like myself and Tom Heller, who went on to Stanford, [03:45:00] who were sort of trying to ride both horses. And then there were the law and society people, and the law and society people reacted very, very badly to the radicalism, the acting out, the histrionics of the young radicals.

It was clear that this was not going to be a workable alliance. From the very beginning, or maybe the second year, we had two meetings here, [03:45:30] and then it was clear that Wisconsin did not want to embrace this movement and we never hired anybody who was at the time identified

with the movement. Several of the people who were major leaders of this movement were here at the time, but they had not been hired when the movement existed or they were hired before they showed any interest in the movement and developed that later.

Wisconsin [03:46:00] never picked up on making critical legal studies one of its areas of specialization, even though we were identified with its founding.

And that created a new set of tensions, because having weathered the tensions with the practice people, now I found that I was in real tension with the law and society people who thought of critical legal studies as threatening, as dangerous, as leftist, as [03:46:30] undermining the whole idea of neutral science, as elitist, as uninterested in the empirical studies, but more, only interested in some kind of fancy theory. All of this by the way, is true.

They weren't crazy. And I was trying to ride these two horses. So, there I was, caught between these two. And I wrote a lot of articles in [03:47:00] which I tried to find common ground between these two worlds.

And that was in a way, my big academic project of the 80s, was trying to find a common ground that would bring these two worlds together. And there's a article that published [03:47:30] in Volume 18 of the ...

DRAINE: I love the title. Read the title.

TRUBEK: Of the Florida State University, it's called "Back to the Future: The Short, Happy Life of the Law and Society Movement," published in 1990 in Florida State University Law Review. And this article was my effort to try to present law and society as a progressive project and therefore stress some of the relationships [03:48:00] between the law and society movement and critical legal studies and some of the spinoffs of critical legal studies which had occurred by then, there was something called critical race theory, which focused only on racial issues. There was the femme-crit movement, which were the people who tried to focus on more feminist issue, but in the same critical vein. And this essay fell flat because the law and society people [03:48:30] wouldn't buy it.

DRAINE: Well, from the title, they saw their coffin nails being very politely hammered in.

TRUBEK: Well, I'm afraid that the title was ambivalent. "The Short, Happy Life of the Law and Society Movement," yes, I see that. I didn't really mean to suggest it was over. But maybe it had that ... I was trying to refound it on its original grounds and get it back [03:49:00] an effort to create a neutral social science of law and refound it as an engaged, political activity with a kind of center-left politics using social science as a tool.

Well, that didn't work. Such strands still flowed out there and there's no, they don't rule you out in law and society, which has the virtue of being quite [03:49:30] eclectic. But it was sort of ten years of personal tension which led to, I think, a lot of intellectual excitement and growth, and this paper, "Back to the Future: The Short, Happy Life of the Law and Society Movement," was this sort of end of that period and it refers back to all the other articles I'd written.

DRAINE: Let's just do a simpler question to ask you try to identify [03:50:00] what you think some of the most important ideas are that came out of the critical legal studies movement, and what you were trying to do in the wake of law [and society 03:50:12] movement to-

TRUBEK: Sure. Well, not as hard as you might think, because I got into business for a while of giving these kind of short, summary speeches. One of which, my most famous, was one I gave in China 15 years [03:50:30] ago where I gave what I thought was a canned, Cliff Notes kind of summary of critical legal studies, figuring that the Chinese students in Peking University Law School wouldn't understand anything anyway, so what difference did it make? And they bombarded me with the most sophisticated questions, making me realize that these Chinese students [03:51:00] in 1992 had read all the major writings of the American critical legal studies scholars. So we were famous in China even though we were in deep trouble in the United States by then.

But the ideas. Well, so first idea was we picked up on the idea of the indeterminacy of legal doctrine, a very crucial idea of [03:51:30] the so-called legal realist movement, which led to the law and society movement. So legal realism was a jurisprudential movement. The Yale Law School was the center of the legal realism movement, and they stressed that legal rules and the case law that made up the common law were so complicated, and legal texts so ambivalent, that it was really hard to say that there was a determinate single answer, and that you could [03:52:00] argue both sides of all major controversies and feel that you had sufficient grounding in the doctrinal materials. Which was one of the reasons that they moved toward social science. The legal realists moved toward social science not to study how the law worked from the outside, that was a later stage, but to somehow stabilize the system by adding some other form of knowledge [03:52:30] that was more determinate.

In other words, if the legal rules are not determinate, and don't tell you where to go, and that what really then drives the legal system is the policy objectives that you bring to it. Then the question is how do you choose among the policy objectives if you want to make that seem like a neutral, objective activity, which academics want to do, rather than a political project which thrusts you completely into political controversy. [03:53:00] Then one idea was that somehow social science would provide that answer, and that was what a lot of people hit upon in the '30s as the implications of the indeterminacy argument hit. Social science was not conceived of as a ... you know, the external study of the law the way archeology studies some ancient civilization, but it was conceived [03:53:30] of as a handmaiden to help answer the question: Okay, we don't know what the real rules are governing mortgages, so how do we find out what's the right rule? Well if we believe that social science provides a determinate answer to what is good for the society, then we just turn to social science and then that's what we need. But it becomes a handmaiden, and sort of a part of the legal process. But this was a very naïve idea about social science, [03:54:00] but that was the first stage, and of course the critical legal studies movement ... The law and society people didn't really ... some, the more progressive part of the Law and Society Association people, the more politically engaged kind of picked up on that idea to some degree, but the critical legal studies people denounced it because they argued that social [03:54:30] science was as indeterminate as law. Everything is indeterminate. This was the

coming in of European sort of social theory, and Foucault, and Derrida, and all this, right? Deconstruction, so we ended up with the indeterminacy of everything.

So the first idea was the indeterminacy of legal doctrine pushed as far as you could push it. Secondly was the indeterminacy of all forms of social knowledge so that there was no consolation to be [03:55:00] found in some other objectivizing discipline. The second idea was that law constitutes society in the sense that the ideas about law, and the kind of understandings about law create social relationships and determine how people will interact so that rather than thinking that the society is constructing the law, the law is an active agent in social construction. [03:55:30] And then the third idea, which of course is an obvious one, is that the social construction is not neutral on a class basis, on a gender basis, on a race basis, so that the law to some degree constructs patriarchy, constructs racial inequality, constructs class structure. So those were kind of the ideas, right?

This was not something that was attractive to mainstream [03:56:00] centrists in American academic life, and it was a vision that had come out of the turmoil of the '60s. This law and society was a project of the '50s, of the ideas of the '50s that took place in the law schools in the '60s. If so, CLS was the final end of the impact of the '60s on American legal education because the law schools are always behind the [03:56:30] rest of the universities. So processes that went on in the social sciences and led to things like women's studies hit the law schools somewhat late.

So those were the kind of, the ideas, and so they were developed in great length and great detail. And there was a brief period when CLS seemed like an acceptable intellectual tradition, and it still is treated as an acceptable intellectual tradition, [03:57:00] but a lot of the people went on to feel that they had to actually be a politically active movement. Not in terms of national politics, but in terms of university politics, and particularly law school politics. So there was this effort to try to combat inequality in the law school.

There was an argument, and Duncan Kennedy, who I guess you haven't spoken to, wrote a [03:57:30] very famous book which he produced in a format that looked exactly like Mao's Little Red Book and one of my professors at Yale referred to as the medium sized red book because it was a little bigger, called Legal Education and the Reproduction of Hierarchy. And his argument was that the whole way that law schools were run, and classes were organized and teaching was done, [03:58:00] students were channeled was the reproduction of all the hierarchies that critical legal studies stood against. Racial hierarchies, gender hierarchies, and class hierarchies, and that the solution was rebellion from within.

Well this really scared people. I mean you can write an article about the importance of revolution in the third world. You can even write about a need to do something for the working class in America, but if you start questioning [03:58:30] tenure, or the hierarchy of the law school or hiring standards ... at one point Duncan proposed that faculty be assigned by a lottery so that there would be no sort of explicit or implicit meritocratic hierarchy among law schools so that you ... and that students would be assigned also by lottery so that this whole incredibly hierarchized [03:59:00] system where every law school is rated, and every law professor now has

a national publication rating that's published in the internet weekly like stock exchange reports, that all that would be done away with. Well that generated a real backlash.

DRAINE: Now here at Wisconsin, was there pressure from a critical legal studies cohort beyond you?

TRUBEK: No. There was nobody in Wisconsin. [03:59:30] The only other people, the only people in Wisconsin who were active in critical legal studies, who remained active after that first meeting, were Tom Heller, who left almost immediately to go to Stanford. Bob Gordon, who came about that time and had not been associated with CLS, but got involved in it, but left also for Stanford, and Mark Tushnet [04:00:00] who went to Georgetown. Also Rod Tiberely (SP). So the CLS people and Mark, while he was here ... None of them, while they were here, did anything within the ... So I had no CLS support here. And I wasn't interested, actually. I wasn't a big proponent of this move. I did try to get to law school to look at a few of the younger and more promising CLS people. But nobody ... And I point them out and they scared [04:00:30] everybody and the law school just wanted no part of it. These people went on to get jobs at Georgetown and UCLA, which are both much more, now, much more higher ranked law schools than we are, but there you go.

So there we were. Now, what happened was though, was that I think that the effect on the law school here was at least to create some space not for people who were kind of hardcore CLS, [04:01:00] but the group that I call the softcore crits, who were feminists or critical race people or people who were interested in social theory but not in doing anything about it. And there were some people like that who came through and then also went on to other places. That was ... that's a second stage of things here.

So we did hire a number of people who you know we did ... they weren't on this radical [04:01:30] fringe. They were influenced by CLS, they were aware of it. They weren't active participants. And they did things that were critical but without the acting out or the internal political struggle within the law school that really was the thing that got everybody crazy. I once tried to explain the treatment of CLS in the media [04:02:00] by saying that Time Magazine, which ran a big story about CLS, Time Magazine makes it seem as if Duncan Kennedy, who was the acknowledged leader of CLS, that Duncan Kennedy had hijacked the Harvard Law School and was holding it for ransom somewhere off the coast of Libya. And that kind of an image of this.

But CLS got this incredible ... [04:02:30] it was coded as Marxism. The interesting thing with CLS was that left wing anti-Marxist movement. It was a total attack on the determinism of most Marxist thought. That deep at the core of Marxist thought was a kind of historic determinism and that was anathema to people who believed in the radical indeterminacy of everything. But the media, what the Marxist call the bourgeois press, [04:03:00] always made it sound like CLS was Marxism, communism, right? So here we get the McCarthy era coming back once again. And all of a sudden I find myself in a situation where I am reliving those days of the 50s.

So there are two stories that I really want to tell that explain this, or that illustrate this. The first is, the year [04:03:30] I was at Harvard, the faculty had voted two thirds for me to get a tenure

job there, and the issue had been sent to the president. Now the president of Harvard had, on occasion, vetoed appointments from all departments, it was not an unknown thing. It was sort of like the equivalent of a divisional committee. But it was ad hoc, the president chose who was on the committee and he could create any committee he wanted. [04:04:00] So it was pure presidential power. And it had never been used for the law school. And the committee that he assembled, the moment I saw the committee, I said, "This is a hanging jury," because I could see exactly how he had put it together to come out with a negative result. And I had no say and my supporters had no say who gets on this committee. It was a total mystery until the names get announced. Not even sure that they were publicly announced when we found out.

[04:04:30] But in the interim between the faculty vote and the president's decision, I went to a wedding of a friend of mine in Washington. And I was sitting the bar in this country club where the wedding was being held, next to one of the guests, who I'd never met before, who was a public interest lawyer and former staffer from Congress. He'd been a congressional staff person for some democratic congressman and then was running a big country interest law firm that [04:05:00] dealt with food issues, consumer problems, stuff like that. So here's a liberal lawyer, right?

So we're talking there and he says ... I say, "Oh..." I introduce myself, "I'm professor in the University of Wisconsin but this year I just happen to be teaching at Harvard." He said, "Oh, Harvard Law School. I'm an alumnus. I was there, a group of us met with the president. We told him that the communists [04:05:30] were taking over the law school, and that they had to be stopped because they were sapping the will of law students to come and work on liberal democratic causes by suggesting that this was just part of the reproduction of hierarchy. So we told him he had to get rid of these people."

DRAINE: Oh my goodness.

TRUBEK: I thought, "Oh my god, here we go." For the communists. So fast forward a [04:06:00] few years, I'm back at Wisconsin, I'm Dean of international Studies. And I get appointed, get hired, to lead a team of people to go to Russia and write a report on the prospects for the rule of law. This is a law and development project, right? Here's Russian and the United States government was pouring a lot of money into building what they call the rule of law in Russia. We assembled a team. [04:06:30] This team included some outstanding scholars. Kathie Hendley, who had just been hired at Wisconsin, hadn't yet actually joined us. A Canadian scholar, who was an expert on criminal law in Russia. The head of Amnesty International in Moscow. A couple of corporate lawyers. And Shirley Abrahamson, the Chief Justice of the Wisconsin Supreme Court. And a few others.

This was an understanding, blue ribbon team. We wrote a brilliant [04:07:00] paper in which we pointed out that nobody knew how to build a rule of law, that was a totally unknown process. Russia had never had the rule of law and indeed had misused law for authoritarian purposes, whether it was the Tsar or the Communists. And therefore this was a very long-term project that would require a lot of experimentation to learn what would work and what wouldn't work, should be done on a decentralized basis, and it would [04:07:30] take a generation. They rejected our report completely and said, "We promised to Congress we'll have the rule of law in three years," and, "Ah, we don't want this report". They buried it, hired some consultant who wrote

another report saying it will take three years and here are the five milestones and here's how you'll measure it. And what I thought, "This is the end for me," of working with the American government.

All right, in the course of this, and that's just another part of another story that we'll get back to again ... [04:08:00] development story, where that went and how that group was revived. But I'm sitting at a dinner party on Thanksgiving in Moscow with a bunch of Russians and some French people and some American journalists and some people from the embassy. And this guy, who is the First Secretary of the Embassy, or second secretary, I don't remember. But anyway, high-ranking embassy political official [04:08:30] says to us, Shirley Abrahamson and I, "Well what are you doing here?" And we said, "Well, we're doing this report for AID, for the Foreign Aid Agency on the rule of law in Russia, and we've been looking at a lot of places, judges, prosecutors, law schools." He said, "Oh," he said, "how's that going?" And we said, "Well, you know, mixed, very mixed." He said, "Well, you know, I'm really worried about legal education in the United States."

This guy had [04:09:00] been an academic in some college in the United States before he joined the State Department, and thought of himself as an intellectual. He said, "I'm really worried about what's happening in American law schools. The communists are taking it over. I've read about these Critical Legal Studies things and it's clear that there must be a purge." This is like 1993.

DRAINE: Whoa.

TRUBEK: I'm looking at Shirley, Shirley looks at me, and we just move on and ask for to pass the turkey. [04:09:30] So you realize that there's been out there this whole thing about Critical Legal Studies, which is constructed and which was really scandalous. And it really was McCarthyism. And it was one of the worst things that happened in my academic career. Now, did it hold my career back? Don't forget, this all started well after I moved [04:10:00] here. The Critical Legal Studies started in 1997. The interesting thing is, that I probably wouldn't have gotten invited to teach at Harvard if it weren't for it. But then, what made it work, was also what made it not work. And there was no question in my mind, that the motivation of the right wing at Harvard to try to get the President to overturn the appointment was purely political. And that was that, [04:10:30] if I had come, then the left at Harvard at that time, would've probably had the one-third of the faculty, enough to block any appointment or any promotion.

DRAINE: Mm-hmm (affirmative)-

TRUBEK: And so it was the fear of giving blocking power to the left. And also the fact that I was kind of a crossover between the left and the center left. Because it was the center left that pushed me for this job, not the left.

DRAINE: Mm-hmm (affirmative)-

TRUBEK: The left went along with it, but they didn't think they could get it, so they didn't initiate it. [04:11:00] But it was the former dean and some others on the center left, that were

really behind it. Because I did not expect to get an offer when I went there, but I was gonna try, even though my friends told me there was no chance.
So that was Critical Legal Studies-

DRAINE: And that might be a good place for a pause.

TRUBEK: Yeah, let's have a pause.

DRAINE: And then we'll bring you to a point of, imagining a new stage in your career.

TRUBEK: Yeah. Finish.

DRAINE: [04:11:30] I'd just like to ask you about Critical Legal Studies, in terms of its, viability now, would you say that Critical Race Studies and Critical Feminist Studies that grew out of it, are more active using that rubric, then Critical Legal Studies as a total movement?

TRUBEK: Well Critical Legal Studies was always some ideas and it was, a movement. The movement is over. It's been over for [04:12:00] quite a while. The ideas continue to have influence. There are a lot of sort of, what would be thought of as spinoffs or successor projects that carry on. Some of the intellectual commitments and maybe some of the, political commitments. Feminist Legal Studies, sort of, went off on its own, and continues to be very active. Some of the people who were active in it, are people who were initially connected to Critical Legal Studies.

[04:12:30] The so called, Critical Race Theory. is probably the most visible, organized activity in legal education on the left now. And in fact, there's been an exchange recently from one of the leaders of that movement, and me, and Duncan Kennedy, and some others about some possibility of bringing together some of these various, strands to sort of take stock of where we are in legal education and legal ideas. [04:13:00] And see what sort of critical traditions are still there. But Critical Legal Studies, as an organized movement hasn't existed for 15 years, I guess.

DRAINE: Mm-hmm (affirmative)-

TRUBEK: Well, let's see ... even more. And I don't think there's really a highly organized feminist movement as such, but there are lots of different issues that are feminist issues, that have gotten themselves, [04:13:30] more or less, institutionalized into sub networks. Critical Race Theory remains a big operation, and they have annual meetings, and publications, and stuff like that.

So CLS, as we call it, has been over as a movement for a long time. David Kennedy, developed a critical approach to international and comparative law, which, for a while, he called the (NAIL), or New Approaches to [04:14:00] International Law. And that is the movement that I, sort of, joined as it were. Because it fit with my move into international studies back from, more domestic concerns, which I had focused on more in the, 80's ... 70's and 80's I did less international and comparative work, [04:14:30] then I had up till then. And I did more domestic work. And it was only in the late 80's when law and development came back, and I'll explain that

in a minute, that I reentered international matters. And then when I got the job as, Dean of International Studies, the only way I could maintain that job and career, was by going back, completely into international and comparative law.

DRAINE: Mm-hmm (affirmative)-

TRUBEK: So that I could somehow, [04:15:00] connect my academic work with what I was doing as an administrator.

DRAINE: So, had you already begun to think about, moving in that direction when you returned to Wisconsin from Harvard? Or is that something you sort of developed in the time immediately post that period?

TRUBEK: This job came to me, I didn't go to it. And I was thinking that it was time to get out of the Institute for Legal Studies; that [04:15:30] I'd done everything I could. Other people felt that there should be a turnover, and that there should be somebody else should have a chance to be the director.

I could see that it was going to be harder to keep it going in the future, because of the shift of the availability of external funding, which had been essential to its success.

DRAINE: Mm-hmm (affirmative)-

TRUBEK: But I didn't know where I was gonna go. And I think, Louise was kind of worried that I ... You know, seemed a little ... [04:16:00] Without the kind of absorbing projects that I had, always had, and kept me going.

So, out of the blue, I get a call from, Barbara Stallings, who had been appointed Chair of the Search Committee for the, Dean of International Studies.

There's a complicated story about the appointment of an Acting Dean, Fred Hayward. Who [04:16:30] had been kind of the heir apparent to this job, and was there in an interim appointment, with the understanding that he had a presumptive claim on the job, but that it would be an open search. But, he ran afoul of, the ... Well, he did some terrible things and was essentially fired from the University for sexual harassment of a rather serious nature, [04:17:00] which left the field open.

DRAINE: And that was under Donna Shalala, wasn't it?

TRUBEK: Donna fired him.

DRAINE: Mm-hmm (affirmative)-

TRUBEK: First she fired him as a Dean, and she did that just on the basis of allegations of sexual harassment. So he claimed that he was denied due process, because she didn't give him a hearing. And she didn't give him a chance to challenge the evidence. So, [04:17:30] he sued her and as a response, she set up a proceeding, which was very carefully organized. And the

evidence of his lifetime career of sexual harassment, was so overwhelming, that by the end of the day, he had resigned his position.

DRAINE: Mm-hmm (affirmative)-

TRUBEK: In return for certain benefits, including the right use his accumulated sick leave for a year.

DRAINE: Mm-hmm (affirmative)-

TRUBEK: Before [04:18:00] he actually left.

DRAINE: Mm-hmm (affirmative)-

TRUBEK: I will leave that issue to-

DRAINE: So this at all, this-

TRUBEK: So, this was-

DRAINE: Happened suddenly-

TRUBEK: This happened suddenly, and so then all of a sudden, the committee had a real job. Because their job was initially, was to see whether Hayward was doing a good job. I think Hayward was probably a pretty good guy. He did a lot of useful things, but he had this, you know, obsession, and he just ... Oh, it's a terrible story. [04:18:30] So, the job was opened. Now, this job, the position of Dean of International Studies, at the University of Wisconsin, was set up in the 60's, to manage the Ford Foundation grant, that Wisconsin got to establish Area Studies programs.

DRAINE: Mm-hmm (affirmative)-

TRUBEK: This was a grant, Cathy Meschievitz, did some research and she knows the exact details. But, we guessed that in ... The grant was, [04:19:00] about four or five million dollars, or 20 million dollars roughly in today's dollars; probably a little more. So it was a big grant. It was the mother of all cluster hires, because they hired people to do Area Studies on five year ... On regular 10 year track jobs, but the first five years, I believe, 100% of salary was paid by the grant, [04:19:30] so that the departments paid nothing.

Now, Ford insisted that there be a central administrative position to manage this whole thing. And, so, my understanding is that's why they created the job. Most of the people, not all, but most of the people went into L&S. So most your appointments were in L&S. It is also my understanding, for which I have no hard evidence, but I [04:20:00] think it's a reasonable supposition that L&S felt once the grant was over, and probably lasted five or six years, they wanted to take back control over all of this. And they did not want to allow the central administrator to have continued control. And essentially the job fell into destitute ... and the

subsequent deans after the first died, [04:20:30] until me, did relatively little and certainly had almost nothing to do with the Area Studies.

I'm told the second guy was brought in and they said, "You can have this job as long as you promise not to do anything." There was very little money. My predecessor, who was an agriculture economist had basically focused on technical assistance and raising money from AID and the World Bank for technical assistance. That's what [04:21:00] he did. Indeed, when I took over the job I found that the Dean's Office ... The dean salary was not fully funded because he had paid half his salary out of one of these World Bank grants which was running out.

DRAINE: What do you mean by technical assistance?

TRUBEK: I mean sending people to developing countries to help them build schools, develop educational curriculum, learn how to improve the fertility of cows, [04:21:30] reform legal systems, draft new laws in important areas. Wisconsin was a big recipient of this kind of money. Very big. Of course this is what I've done, because I've been in AID. One of my qualifications for the job was that I had a lot of experience with this kind of project and knew AID, which was [04:22:00] a major source of this money.

That was what Pete Dorner did. He was basically ... And he did a few other things, this was his focus.

The chair of the committee Barbara Stallings had known me because she had been Chair of Latin American Studies, and I had been somewhat active in Latin American Studies. She called me and said, "Dave, would you be interested in applying for this job?" I said, "you have to be kidding, this is a non-job. [04:22:30] Who would want to do this? There's nothing to be done?" I didn't even know about the technical assistance side, because I hadn't been involved in that. The only thing that was visible was a few little grants of a few thousand dollars that a meeting or something. It seemed like nothing.

Undergraduates' Study Abroad, which had just been brought in there ... Hayward had brought that into the Office, but I didn't know [04:23:00] that. Anyway, undergraduate abroad was not something that I knew much about, or had any major interests in at the time.

I said Barbara this is a non-job. But I had this friend, I've mentioned him, Tom Heller who had gone to Stanford and who essentially had something close to the job, at Stanford, that this job could be. What we call [04:23:30] in the Big Ten the SIO, the Senior International Officer on campus. And he had been essentially, for a while, the SIO at Stanford. I had been talking to him about this time. I don't know exactly which came first, Barbara's call or my meeting with Tom, I think the meeting with Tom came first. I said Tom what do you do, I couldn't figure it out. He flew around and set up things.

What was that noise?

DRAINE: Telephone [04:24:00] message.

TRUBEK: Oh, that's my cell phone.

He started describing what he did, and I said "Oh my god," he was helping to set up a big international research institute and creating satellite campuses all over the world, supporting all sorts of research on international things, and I think my taste for the International was [04:24:30] coming back. Of course, this was right after the fall of the Soviet Union there was this whole euphoria about a new world, a post-Cold War, everything was going to be great. I thought oh, well this might not be a bad job. I said to Barbara. I don't see it, I can see what a great job would be, but I just don't see that this is a great job.

She said, "Well, we're looking for somebody who would only take the job if Donna significantly upgrades the position and puts a lot [04:25:00] of new resources in." I said, "oh okay, that's good, I'm your man." Of course, Cathy Meschievitz was working for me as the Associate Director of the Institute of the Law School, Institute for Legal Studies. So Kathy and I put together a whole dossier on this ... I'd had this help from Tom. I think it was close, there were several candidates, I think, [04:25:30] anyway there was a guy from the Ag School, I can't remember the others, there were three people who were the finalist. I said I would be glad to take the job if they gave of me a million dollars to start up a whole new program.

Donna was shocked. I was told that Donna thought it was incredibly nervy, but it turned out I think David decided that [04:26:00] he wanted me.

DRAINE: David Ward?

TRUBEK: David Ward, who was the Provost.

It turned out that for reasons are a little hard to understand. They had so managed the Study Abroad program Sylvano so managed the Study Abroad programs, so that they had accumulated a million dollars in a 128 Account. Which was essentially the surplus from [04:26:30] the amount of money they collected in tuition, and the cost of the programs in over a decade. A million dollars, was just sitting there.

So, it didn't cost Donna anything except to essentially use these reserves which is what they were ... I don't think they were fully aware there was this money. So that's how I got the job.

DRAINE: Was Silvano Garafalo was he Interim Dean or was he [04:27:00] head of Study Abroad?

TRUBEK: He was head of Study Abroad. Was there anybody? This was a brief period between the time Fred was dumped and I got appointed less than a semester. It may be that he had the technically briefly, but it was less than a semester.

DRAINE: Okay, Donna said okay you can take this fund?

TRUBEK: Donna said okay, so I went in and here was [04:27:30] this office.

DRAINE: Did she have a sense of what she wanted you to do versus what you wanted to do?

TRUBEK: I'll tell you a story.

So, I remember Donna came to see the Office. We assembled the office, we assembled the office it was quite a number of people, even then it was quite a few people, because there was a whole group of people who worked on the technical assistance stuff. There was people who managed a Study Abroad, there [04:28:00] were people like, there was Paul Beckett who was a leftover from Fred. He'd been Fred's consigliere.

DRAINE: Was Joan Raduca there yet?

TRUBEK: No, Joan Raduca came shortly ... No, yes Joan Raduca was there I'm sorry. Joan Raduca was there, there was an Outreach Office there was an office that was supposed to be doing some kind of outreach. Joan was there, yes Joan was there. And of course I brought Cathy with me, that was the other condition. I said a million dollars and a job for Cathy Meschievitz or [04:28:30] I won't take the offer.

So, Donna came and give this big pep talk about how she wanted us to be number one in international studies and she really thought it was important, and everyone was so impressed, and they walked out. Cathy said, "Oh that's so wonderful, she really cares." I said, "Yeah but I heard she gave the same talk to the cooks in the dorms last week."

I don't think Donna had any particular vision, but David did. From the very beginning [04:29:00] David saw the project and he saw what was needed was to build to add on to the very strong Area Programs and global presence, and create something that we called Global Studies. Part of the startup money was earmarked for the launching of a Global Studies program which still exists.

[04:29:30] He had a vision. He had a vision of the importance of internationalization, he had a vision of internationalizing all parts of the University. He saw that Wisconsin's commitment to regional programs was important, but that it was getting in the way of dealing with global issues, and he and I just hit it off like gangbusters. That's what really happened. [04:30:00] Whenever I had an idea go to David and, you know, three times out of four, he'd agree and give me some more money. So, I don't know how much he gave me over the years, but it was well into three million dollars. Different startup money for different things. First the Global Studies, first the general startup money, then the Global Studies, then the Institute and then WAGE.

DRAINE: Well, so what was the Global Studies program to be? How was that gonna solve this problem of the excessive regionalization?

TRUBEK: Well, there was an asset [04:30:30] there that I didn't know about and nobody told me about before I took the job and then all of a sudden I found that I was in charge of the MacArthur grant. Which our grant got. Now the MacArthur grant was a big grant from the MacArthur Foundation, it was one of like a dozen such grants around the country, which was designed to

provide funding for graduate students doing work on international subjects in the Humanities and Social Sciences, who were working on international issues. [04:31:00] The program was designed to give them an inter-disciplinary framework and inter-disciplinary context and experiences and support their dissertation work and we had lots of money ... lots and lots and lots of money and I ...

So I came in and this was totally ... I had no idea ... I was just appointed Dean and they said: Oh by the way, there's this MacArthur thing and you're the chairman of the [04:31:30] committee and Barbara's been in charge of it, but she's turning it over to you. And I thought wow, so we go there and what they had done was they had created this course which was taught to the ... for the ... only for these students and they would ... it was being taught ... this was like the second year. It had been going on for a year or two and so [04:32:00] they had been hiring people, post-docs or people from outside to come for a year or two and be Fellows and then teach this course and that way they would support these people.

I was there ... I was brought in without any background at all to participate in the interview of the guy that they had recruited to do this job for the coming year and I listened to this guy and I said ... and I read what he was proposing to do and I [04:32:30] said: this guy is useless. We can't unleash this guy. How did you come up with this guy? He was already hired. How did you come up with this guy? He doesn't know what he's talking about. This is all (expletive). I can't ... these are the ... you tell me these are the top students, cause the funding was ... they got two maybe three years of complete support for their own work, no TA, no, you know, this was gold. So, [04:33:00] they said: Well, you know, gee we talked to him on the phone and he seemed pretty good. I said: on the phone? You have to be kidding? So, I said no I won't let him teach and I will teach the course. I had no idea what I was gonna teach.

DRAINE: Let me ask you about the students, what departments did they come from?

TRUBEK: Well, they came-

DRAINE: Who was eligible?

TRUBEK: Any student doing a doctorate involving studies pretty much in developing countries, although it wasn't totally [04:33:30] rigid, but they all, in the end, were working on developing countries. In any academic discipline, which involved some empirical work in the field. That was kind of a condition of the project.

DRAINE: Mm-hmm (affirmative)

TRUBEK: They had to be ... Now they didn't have to be already dissertators, but they had to be looking toward such a project. So they were usually in their third year of graduate school.

DRAINE: Mm-hmm (affirmative)

TRUBEK: When they entered the program ... one or two, I think, got in in the second year the [04:34:00] predominant ... Sociology, Political Science, History, Anthropology, Agricultural

Economics ... Those were the primary places. There were a few people from ... There was somebody from Comparative Literature. There were one or two people from outside those areas, but that's what it was.

DRAINE: Mm-hmm (affirmative)

TRUBEK: And there were a lot of them. Somewhere I have the report, but we ... This program went on for a decade.

DRAINE: Oh.

TRUBEK: And was coexistent with my tenure as Dean and it was the most important and interesting [04:34:30] part of my job was running this program. Totally didn't know it was part of the job when I took the job.

DRAINE: So what did you teach?

TRUBEK: Well, I taught globalization.

DRAINE: Oh.

TRUBEK: All right. I taught a course on what is globalization and how do we understand it and I spent the summer ... I had a graduate student who has gone on now. He was a Geography student and I don't know how I got ... He was working with me in the Law School somehow and I hired him and we put the class, the course together on globalization. [04:35:00] I was in Nantucket and we did it on the phone.

DRAINE: Oh.

TRUBEK: He would send me stuff and ... You know by ... We didn't have computers. We had computers, but we didn't have email.

DRAINE: Mm-hmm (affirmative)

TRUBEK: This was 1990. I didn't know how to even ... so I think that we were ... I don't remember how we did it, but anyway we did it basically, because I was already planning on Nantucket, and we taught the course and it was pretty successful. I loved it. I loved the students and I thought that this was so great. This was going back to the Yale experience and really serious, [04:35:30] highly productive academics, potential academics.

So Global Studies was built around this program. It was built to supplement this, to give a faculty dimension, because most of this money we'll need for students, to support conferences, to do ... And I got Barbara to be the first Director. There was a community because we had these students and we had a building, we had an old little house down [04:36:00] on ... I guess on West Johnson Street under where the chemistry building addition now is.

DRAINE: Mm-hmm (affirmative)

TRUBEK: It was very charming and lovely and Barbara was the Director and we worked very closely and we did a lot of stuff and we ran conferences, we raised some money ...

DRAINE: Did you continue to teach in the program?

TRUBEK: Yeah. Yep. Barbara and I taught it. After that first year, Barbara and I taught it and then I taught it with Michael Carter for a while, so I did it for a long time. [04:36:30] Five or six years, I guess. And then I think Gay took it over.

DRAINE: Gay Seidman?

TRUBEK: Yeah and I think in ... Can't remember exactly the sequence, but anyway I did it for quite a while. That was the Global Studies program and it was built around and sustained by the MacArthur Program for as long as we had the money. Then [04:37:00] when that money ran out, Jo Ellen Fair figured out that they could get a Title VI grant to continue some, but only a small part of what we were doing because of the restrictions and limitations of Title VI money. But they did it, they got it and they got it renewed and there is a Global Studies program and they have a nice office and I don't know quite what they're doing there, but that's one of the things I started.

So, I started Global Studies and [04:37:30] then Barbara and I felt that what we really need was to bring all the programs together into some kind of Institute, so we started that project and that was what I spent ... That was my major concern for the first five years of my deanship, was creating that Institute, so I brought Mike in to basically run the Study Abroad, which was something that I was less qualified and had less experience in and, frankly, wasn't quite as interested in. I [04:38:00] was really into the academic, intellectual, on-campus part of the project.

DRAINE: Mm-hmm (affirmative)

TRUBEK: That, to me, was my main thing.

DRAINE: So, Mike Hinden and later Joan Raduca...

TRUBEK: Right.

DRAINE: Were chairing that Board so you could pursue the intellectual interest and the pedagogical interest at the level of graduate students.

TRUBEK: Graduate students ... Graduate training and faculty research.

DRAINE: Yeah.

TRUBEK: Were the things that I wanted to make the center of my personal agenda. Obviously there were all these other things, so there was always the outreach dimension, we had to worry about that. [04:38:30] David Ward dreamed up this thing called the Asian Partnership Initiative, which involved trying to build relations with universities, first in Thailand, later in China. I kind of offloaded that to Ken Shapiro and the Ag School with Mike sort of monitoring that for us because this was really a science-based ... It turned out to be very science-based. We didn't have any science capabilities and he was, you know, good at that. [04:39:00] So got Mike to run Study Abroad, got Joan ... And then Joan came along to take over that. Then I got Ken to do a lot of the sort of public ... Create these scientific exchanges with Mike working with him and Mike can tell you about that.

DRAINE: Mm-hmm (affirmative)

TRUBEK: But more as a monitor than directly in charge, just to keep an eye on Ken.

DRAINE: I remember Mike telling [04:39:30] me that one of the things he enjoyed a lot was writing the Exchange Agreements with universities from outside, which wasn't something that really interested you, trying to get involved with the details of writing contracts [crosstalk 04:39:42].

TRUBEK: That was another area. That started before David dreamed up this very specifically cause Fred had tried to centralize everything and he wanted to centralize all Study Abroad. The first thing I did was say no ... no, no, no ... Law School [04:40:00] has Study Abroad, the Law School runs it. Business School has Study Abroad, Business School runs it. We can't do this. It's crazy. And I think that was really important. So, we did the L&S-based Study Abroad, and we had to help them, and often they had to work out relations with different universities, and that was one kind of Exchange Agreement, but there were a million different kind of Exchange Agreements, and Donna wanted some kind of central control. So I asked Mike to take over that, and some [04:40:30] of these were just superficial and some of them were really important. Some of them were just symbolic things that did and they didn't turn into anything, and some of them were serious, detailed, involved. The only one that I got really involved in after the first couple of years once Mike came on was the ones in Thailand because they really asked me to lead the delegation. But after it was set up Ken and Mike took it over. So, I focused on that and [04:41:00] focused on creating the Institute and what ...

DRAINE: Okay. Give me a sort of overview of what is your vision for the International Institute.

TRUBEK: Well, the first thing you have to realize is that although we had great strengths in Area Studies, each Area Study was a totally isolated operation, physically isolated, intellectually isolated. When I became Dean, [04:41:30] I can't remember exactly, Latin American Studies was in Van Hise, Southeast Asia was in Helen C. White, and I don't know, wherever, and they didn't see that there was any more relationship to each other as they might see to the Anthropology Department or even less, or the History Department, and I said, "This is ridiculous."

I mean we're in a global world. There are all [04:42:00] these overlapping things that cut across these ridiculous regional boundaries. These boundaries which are set by the Federal government which defines what the boundary is often make no sense. There's wonderful story which I might as well get on the record about there was a period in which there was a fear that they were going to cut off all funding for Title VI, which was very vital to [04:42:30] us.

DRAINE: Funds the Area Studies trial?

TRUBEK: Funds the Area Study programs and it actually funds the local studies because they have a small program that is regionally restricted. So, the story goes, and I think it may be true, that the lobbyists for the Title VI community, all the different Centers contributed, and there's a woman in Washington that represents them, went along with some of the leaders to see the downstate [04:43:00] Illinois legislator who was in charge of the Committee that was considering zeroing our funding for Title VI.

This guy turns out to be, this was in the big Republican takeover and Newt Gingrich and all that in the 90s, and so this guy said, "Look, I don't know really much about this, but I am really concerned about human rights and I'm really concerned about Tibet, and [04:43:30] I'm really bothered by the fact that Title VI puts to bed in East Asian Studies, which means that it's part of China, rather than in Southeast Asia Studies, which would mean it was more close India."

DRAINE: Okay.

TRUBEK: "So if I got this program back on the funding list, would you be willing to get Tibet moved to Southeast Asia?" And somebody said, "Look, mister, we'll move it South America if you [04:44:00] want us to." But that's just a story to illustrate the arbitrariness of how these lines were drawn. And as far as I can figure, these lines were drawn in the 50s when they started the program based on the way the State Department was organized, which in turn had been copied from the British Foreign Office in the 30s. So you can understand that, for example, they can't figure out what to do about that part of the European Union which used [04:44:30] to be called Eastern Europe and was in with Russia. This is a big problem there.

So the first problem was that the lines were arbitrary. The second was that even if the lines made some cultural, linguistic, historical sense, as they do in some cases, many of the processes, forces, things, trends went beyond these boundaries, and so you couldn't understand what was going on if you just looked only at that [04:45:00] region. So, the first idea was to put regions in a global context, not to eliminate regions, which some people feared that I wanted to do, but to open things up and have another space so that issues like immigration, for example, or trade which were simply not in any way limited to a particular region, but were global phenomena, [04:45:30] could be studied, and that was how we ran the MacArthur Program.

So, the MacArthur Program was kind of intellectual-centered, and the Institute would be the institutional realization of it, and there was tremendous resistance from the Area Programs who were very happy to be where they were. They didn't want to move. They were fearful that we were trying to take over their money. Some of them had endowments. They all had their Title VI money. L&S was [04:46:00] very jealous of the fact that they all were part of L&S, they were

reporting to L&S. This was continued. They didn't want this obscure Dean of International Studies to screw around with their sainted Areas Studies programs. And I said, "But nobody is taking care of them. You can't take care of them." I said, "There's no garden without a gardener. You don't have a gardener. I'm the gardener." Oh, but, you know ...

DRAINE: Who were you arguing this to?

TRUBEK: What's his name? Don Crawford, who was very resistant, but luckily, [04:46:30] he moved, he left. But then Crawford Young was not particularly enthusiastic because he was Mr. Area Studies. So when he became acting Dean, he wasn't totally enthusiastic either. But then he left. Finally, I convinced everybody that they ought to join this movement because of the fear of the cutoff of Title VI.

DRAINE: Yeah.

TRUBEK: It was only because of that I believe that [04:47:00] things finally turned around and they suddenly realized, "Geez, if they cut off Title VI then we're going to really need the University. Maybe we'd better sign on as long as we don't have to give up our autonomy." So I said, "No, no. This is a federation. You have sovereignty. Blah, blah, blah. There's a lot of constitutional law stuff." And they said, "Oh, Constitution. Well, okay." So we drafted this charter which reads like the EU. I mean it's you're all sovereign and blah, blah, blah, blah, and then anything that's [04:47:30] centralized you all have to agree to, and we can't do anything without you, and, oh, that's great.

So they signed on and David gave me a bundle of money because he believed that this was a very important breakthrough. So we started the International Institute and we had a lot of money for centralized programing. I think that as a result of budget cuts that there isn't as much. And so I think there's [04:48:00] not a kind of return to less centralized activity, less vigorous global programs, with the exception of WAGE, which is the final thing that I did. So I created the Global Studies program.

Initially, it was set up as just a Program, and then we got it approved as a Center, so then it became a full-fledged member of the Institute, one of the Institute's [04:48:30] constituent programs, and so the Institute that was created had like I think 16 member programs, including all the Area Studies, Global Cultures, which Mike was running, which was a small basically Certificate Program and a bunch of other stuff, and we had a governance system, and I devoted and a lot of money to hand out to the constituent programs to do various cooperative global or multi-regional things, [04:49:00] and that was the main thing.

DRAINE: How did the research circles fit in and how were they related to the Cluster Hire Initiative?

TRUBEK: Not really.

DRAINE: Not.

TRUBEK: The research circles were an outgrowth through the MacArthur Program. So it turns out the research circles is a kind of discovery of mine that there were a few people who were very active in getting MacArthur money [04:49:30] for their students, and I suddenly saw that they had created kind of continuing research groups of students by getting one or two of these fellowships every year over a period, and they were doing various kinds of activities with their students. In other words, the research circles created themselves before there was a program to create research.

DRAINE: Yeah.

TRUBEK: So, the key people who were doing this and who had really done [04:50:00] some of them had actually produced publications based on the work of their students were Crawford Young, Michael Carter, and Steve Bunker. So, I said, "Oh, you know, maybe we should institutionalize this." The Global Studies program created the research circles. Then there was a system to coordinate the allocation of the MacArthur money to the research [04:50:30] circles. So that these circles were getting two or, a couple of funded students every year. Since the money continued, this was a tremendous incentive.

Then, eventually, when we had the Institute, that was one of the ways we used the startup money from David was to fund research circles that weren't completely dependent on MacArthur money. But since we still had the MacArthur money, [04:51:00] we were able to keep the relationship going but it wasn't exclusively tied to MacArthur anymore.

That was how that worked. That went on until, for quite a while. The ... has a rather new system that's somewhat different. So, the current research circle system is rather different.

Because they don't have any graduate student funding anymore.

For a long time, [04:51:30] what really drove the research circle program was the fact that there was this access to the MacArthur money.

DRAINE: The MacArthur money has dried up at this point?

TRUBEK: Yeah. It was another complication because after we had it for a while on our own, MacArthur basically said to us, "We want you to go into a consortium with Minnesota and Stanford. And experiment with running these programs on a consortial basis [04:52:00] and we can continue the funding if we can say this something new is being tried. Otherwise the Board wants us to stop the programs."

So, they stopped the program in general. We were able to continue for another, for a much longer time though. Then there was a complete change in leadership of the MacArthur Foundation. They moved back to their older tradition of being involved in highly technical work on arms control. Which had been one of their niches in the 50's and the 40's and [04:52:30] 50's or whenever they got started. They just stopped this program completely.

We were never able to find a way to continue, although at least one of the ... Both Stanford and Minnesota in very, very different ways were able to continue. [Jeel 04:52:49] couldn't figure out how to keep it going.

DRAINE: Well this might be a good place to take a break. Take an end of today's session. [04:53:00] I think it might be interesting for you to think of ... Talk next time in an overview about the variety of activities that went on under your deanship. And the models for administering them.

TRUBEK: True.

DRAINE: And compared with other universities. What did our University of Wisconsin International Studies Office look like compared with others around the nation that might be our peers. [04:53:30] Including how the operations were financed. So, we could look at that and then where your post-deanship career has gone next time.

TRUBEK: So, okay, fine.

DRAINE: Today is August 1, 2008 and this is Betsy Draine. I am interviewing David Trubek for the third time. We [04:54:00] last time, the second time, we finished up ... Well actually we covered that day most of your time at the law schools. Since we had spent most of the time the first day talking about before you came to Wisconsin at the Law School.

Then, we began talking about your time as Dean of International Studies. Specifically, with this selection process with David with Barbara Stallings and her heading up the Committee to [04:54:30] select a new Dean.

You talked the last time a bit about how she had come back to you saying that this job could be more than simply the backwater that it was. That International Studies deanship being a kind of area of simply keeping things going. Keeping the Study Abroad going and being nominally a leader of research but not effectively actually. That and she asked you for a plan. [04:55:00] You talked about putting together a financial plan to get some resources because the Committee had said they'd like you to do that. They'd like somebody who'd be able to do that.

Now, I've since talking with you last time I've talked with two of your Associate Deans. Cathy Mescheivitz and Mike Hinden. Both of whom worked with you pretty much the whole time. Cathy was very interesting in talking about ... I asked both of them questions about how it was that you became so effective at, [04:55:30] that you were from the beginning so effective at that deanship and that you were able to actually create a whole structures within structures, a whole infrastructure, for that work and make it such a successful office.

Cathy had a very interesting analysis. She, just as Mike did, they both said, "He was so creative, is so creative, in his thinking." And that, "He was an intellectual leader before being an administrative leader. At the same time, being an intellectual [04:56:00] leader, he also had the administrative capacity." It made both Cathy and me think back to your work in the World Bank.

So, I'd like today to talk about ... And with the State Department. I'd like to talk today about both that intellectual leadership, how that worked. But also your administrative leadership and why and how that worked so well. Maybe to start with, what both Cathy and you and Mike focused on. That you had, you [04:56:30] started out with a strong and foresighted idea. The idea that at Madison the strength in Area Studies had to be pushed forward into a strength in Global Studies. That really paralleled for any program in the world trying to do International Studies. It should be moving from the local to the international and global. That you started out with that idea. Let's talk about that idea for a little while because [04:57:00] I'd like you to talk about really what it meant to you. What that idea meant to you, and why and how it was threatening to various people, when you first put it forward.

TRUBEK: Okay, well first, let me just correct one thing. I didn't work at the World Bank. I worked for the U.S. Agency for International Development. I did work with the World Bank-

DRAINE: With the bank.

TRUBEK: But not in the World Bank.

In terms of administrative experience, I should mention something that probably we didn't talk about very much. Which was running [04:57:30] what was called the Civil Litigation Research Project, which was after I became Associate Dean in the Law School.

I successfully organized a bid for a contract from the U.S. Department of Justice to do this huge empirical study of federal litigation. So, this involved two million dollars in 1979 so you can imagine the scale of this [04:58:00] because you've got to multiply that at least by three or four. We're talking in today's dollar six or seven million dollars. We had a huge cast of characters. There were three different organizations. One in California, one in New Jersey, and one here that were doing this project. I was the overall coordinator. It lasted for about three and a half, four years.

So, I got a lot of management experience there to add to what I had as Associate Dean of Law school. And from, [04:58:30] excuse me, my administrative experience in U.S. government. So I had that background. As well as running the Institute for Legal Studies. Which came after the project.

All in all, I had administrative experience. Okay, so, coming in to the deanship ... Well, it's important to understand that Barbara Stallings played an extremely important role. Not simply in convincing me to apply, and pushing for my [04:59:00] appointment. She was very close to David Ward. She'd been his Associate Dean when he was the Provost and I'm sure that made a difference. He thought very highly of her, as did Wiley. But Wiley wasn't involved in the decision at that time.

She had followed David as Associate Dean of the Graduate School. That's what happened. So she was already [04:59:30] recognizing the importance of the global shift in world affairs and in academic life. So, she and I dreamed up the Global Studies Research Program, which was kind of the think tank for the whole globalization enterprise. She had quite a few students who were,

had that orientation. So, there was this, [05:00:00] kind of pool of expertise that we sort of brought in to the Dean's Office.

DRAINE: Sorry. I'm just going to shut this off. Okay.

TRUBEK: Remember ... Should I keep going?

DRAINE: Yeah.

TRUBEK: Remember that when I took over the deanship, I inherited this MacArthur Program [05:00:30] and the seminar for these advanced students, which we made a seminar about globalization. So, in the first year of my deanship, I was teaching an advanced seminar on globalization, working with a young geography student who helped me a lot. That forced me to do a lot of reading about globalization that I hadn't done. This idea [05:01:00] of globalizing the University, it didn't spring full blown from my forehead.

It was something Barbara had in mind. It was in the air, other universities we're talking about it. There was a lot of literature. It was just at the collapse of the Soviet Union. But it was clear that this was the way to go and David Ward saw that. So we had this consensus. Me, and David, and Barbara all had this consensus that this was the way to go. [05:01:30] That we needed not to eliminate our tremendous depth of expertise on Area Studies, Regional Studies, but to put that into a larger framework and encourage cross-regional, and so on, so forth.

So that was the project and the first thing we did was create the Global Studies program, which essentially ran the MacArthur [05:02:00] grant. Since the MacArthur grant was quite ... We had a lot of money, and then David Ward gave us more money, we had quite a bit of resources to bring speakers, to run events, and stuff like that. Again, that was kind of where the intellectual work was being done, was in that context. Then the question was, where would we go as an organizational manner.

Now the first thing, that we did, was try to create awareness [05:02:30] of the interrelationship among all the different pockets of international activity across the campus. We did this very fancy brochure, which I wish I had copy of, I no longer have a copy. Which tried to show the ... We called it the Invisible College. That there was a 13th college, or 12th college, I can't remember. [05:03:00] The International College, but it was a virtual college and there was pieces in CALS, and pieces in a Law School, and lots of it in L&S, and so on, and so forth.

We tried to get that image across to the whole campus. So that the Dean's, and the Provost's Office, and so on would be aware that there was this other reality that had not been easily seen because it was buried in the different silos, as David Ward called them, of the Departments and the Colleges. [05:03:30] Then we created a kind of organizational structure to represent all of the interdisciplinary programs, namely Area Studies, and so on and the international people in each of the Colleges. We asked each of the Deans to appoint somebody to be involved in this committee, which is name I can't remember.

Then that became the [05:04:00] sort of bureaucratic side of the project, which was number one, bringing all the existing resources together. Both visually, using print media, because we didn't have websites ... This was just before the internet and web really took off big time. We did this fancy, very expensive brochure. Then [05:04:30] we had these meetings and we did a strategic plan. Part of the goal of the strategic plan was to get legitimacy to create an umbrella organization for all the interdisciplinary international programs on campus. What subsequently became the International Institute. So that was the first part of the project. So, first was intellectual work, envisioning and thinking about and reading [05:05:00] about globalization and its implications.

Then organizing the campus by bringing what was the huge resources, that were there, but weren't either tied together or visible. Tying them together and making them more visible through an informal process, a committee, a planning activity, and so on, and so forth. That led to the first International Strategic Plan, which Cathy [05:05:30] would probably remember this better than me, but seemed to coincide with one of these reaccreditation exercises where we had managed to get internationalization on the Campus Strategic Plan. In fact, it may have been the first Campus Strategic Plan they ever had. They didn't have strategic plans. That was one of the management revolutions of the Ward and Shalala period.

All right, so now we had gotten people together, we had shown everybody what was going [05:06:00] on, we had this vision of globalization, we had this idea, and we wanted to create an International Institute. Okay. Now the first problem we encountered was L&S, because even though international resources were, and still are, widely dispersed around the campus, the great bulk of what constitutes the international resources of the campus and an even [05:06:30] higher percentage of the people who make up our interdisciplinary Area Studies, and Global Studies programs, the great bulk of those people are at L&S.

So how do we get L&S, which was the main place that needed to support these reforms, to agree to these ideas. The first thing that I recognized was that there was a turf issue and the first [05:07:00] Dean of L&S, Don Crawford, that I dealt with, sort of said to me, "Hands off. We own this. This is our stuff. Don't tread on me." Now this had a long history, because when the position of Dean of International Studies was first created, it was created, as I understand it, as a condition of getting money from the Ford Foundation, they demanded a campus-wide position. [05:07:30] Then they got all this money and most of it was used for faculty hiring and long term subsidy of faculty hiring. The mother of all cluster hires, as I call it. Something like \$20 million in today's dollars, maybe more. So people could be hired on multi-year contracts, fully funded by the Ford Foundation. This was, basically, for Area Studies because Ford had decided that ... It was sort of a Cold War project. [05:08:00] Ford decided that the United States didn't understand enough about the rest of the world, and we were fighting a war with Russians, and we needed to build up Area Studies. It was very much a Cold War project.

DRAINE: Be about when?

TRUBEK: Well the Ford Foundation program? It started in the 50s, and lasted into the 60s, and was then ultimately taken over by the Federal government in what's now called Title VI.

Wisconsin got the money, I think, in the late 50s, early 60s. Don't know exactly. [05:08:30]
Cathy did some research on this.

So, they hired all these people. Most of them, of course, ended up with appointments in L&S, because what was Area Studies? Language, Social Science. And you know, maybe there would be a few social scientists in the Ag School because of Ag Econ. and Rural Sociology, but not much else, right? So most of the people, that were hired, were in L&S. The programs, [05:09:00] that is the interdisciplinary programs, were housed in L&S. So, all of the Area Programs were formally part of L&S. This continues down to this day.

So, what I was told, and this is somewhat hearsay, was that once the Ford money was spent, and the people were there, and the programs were ongoing, and there was no more money coming from [05:09:30] Ford, or from Central Administration, we didn't have any money, L&S reasserted its control over these programs and the Dean of International Studies position was continued, but largely without much of a function. People took the job and found little things to do, but nobody ever did anything very substantial between the first dean and me. No criticism of [05:10:00] my predecessors, because the campus did not want them to do anything because L&S felt protective and felt ownership of most of what you would do if you were in the

Now, my immediate predecessor, the ill-fated Fred Hayward, who was Interim Dean very briefly, had started a program of expanding Area Studies when he was Associate [05:10:30] Dean of L&S, and he saw the need to move beyond L&S; not out of L&S, but to L&S plus. He, then, somehow ended up convincing Donna to make him Interim Dean, and the search was going on, which was largely to ratify his appointment when he got himself in a lot of trouble and had to resign from the University.

So, there was [05:11:00] this tradition within L&S, which wasn't a tradition, it was a personal project of Fred Hayward's because it was not institutionalized that there would be some overall administration of Area Studies. Fred had sort of taken this idea, out of the Associate Deanship of L&S over to Bascom...well, it wasn't actually technically Bascom at the time.

[05:11:30] So, I kind of realized that L&S had to be part of the project, or it wasn't going to work. You couldn't take this stuff from L&S. They would resist. Anyway, most of the positions were in L&S, and if the task was going to be replacing people as they retired, and this was clearly going to be the case because so many of the people had been hired in the 60's. We were going to the 90's. It was clear that even if people retired [05:12:00] later than sixty-five, we were going to start seeing retirements and we would have to fight to keep up, and L&S would be essential. It turned out to be more important because there was a certain decline of departmental interest in Area Studies and it became important that the College somehow encouraged.

DRAINE: And do you know the [05:12:30] story of the financing of those positions that the Ford Foundation had funded originally? Did Central Administration give dollars to L&S, or did L&S somehow have to scramble to get the money to continue these positions?

TRUBEK: I don't know. The historians ... When the history is written, that'll be the first thing

they better find out, because obviously that's an important factor. I don't know. Maybe a little bit of both, but I just don't know. Unless Cathy [05:13:00] knows, nobody knows. Cathy Meschievitz did do some research. She's now at Florida Atlantic University and if this question is on the mind of anyone listening to this tape call, Cathy Meschievitz at Florida International University.

So anyway, however the turf issue got created, it was very strong, so I came up with this idea of making this International Institute a joint [05:13:30] venture of the Office of International Studies, now called the Division of International Studies, and L&S. Rather than trying to see that I was taking something away, I tried to present it as, "We will work with you to make what you are ... We will become partners with you in managing your programs." We did set up a very elaborate process for consultations and shared [05:14:00] governance with L&S and the International Institute when it was finally set up, but that gets us a little ahead of the game. So we've got this idea that the International Institute is going to bring all those programs together. It's going to add a global dimension to the very strong Area Programs and continue what the Global Studies program did, but do it more in cooperation with the Area Programs by creating cross-regional issue. Immigration is a cross-regional issue, development is a cross-regional [05:14:30] issue, so on and so forth.

Then we encountered the resistance of the Area Programs. The Area Programs had been, and I think I said this last time, but I'll repeat it because it's important, had been run as completely separate, isolated groups, and except for sporadic attention from the Dean's Office in L&S, they basically were left alone. They had federal money and as long as they kept getting federal money, they were happy. [05:15:00] A few had some private funding, but except for Latin America, practically none. L&S gave them a small amount of money, but not much. L&S had to pay for part of the staff cost because that was a condition of getting the grant. They got a little bit of supplies and expenses money. Small amounts, really trivial, a few thousand bucks per program, but they were left alone, and they were physically separated. One was in [05:15:30] Helen C. White and a couple were in Van Hise, and wherever, I don't remember where they are. So we had this idea that we were going to bring them all together. We were going to create this thing. We had a piece of luck, which was that Donna had assigned to International Studies, part of the old Business School, so we had the space, although what we didn't realize was that what we had was a total mess [05:16:00] that would end up requiring hundreds and hundreds of thousands of dollars of renovation before it was usable.

All right, so now we've got L&S that's sort of vaguely agreeing, but the Area Programs are not enthusiastic. How did we get the Area Programs to agree? Carrots, sticks, and fear. So, let's start with carrots. It [05:16:30] was clear that we were able to offer them nice housing, but many of them said, "We're happy where we are. We don't want to move. Why should we move?" For some, it was an advantage, and eventually I think everyone finally saw that was a really attractive feature. Most of them ended up with better space, and even some with more space, like Barry.

DRAINE: Because Donna had given you the building ...

TRUBEK: [crosstalk 05:16:57] We had part of the building, the old Commerce Building.

DRAINE: ... new space for these [05:17:00] programs.

TRUBEK: We had new space, but we had to spend hundreds of thousands of dollars to renovate it, which we didn't realize until we really got in there and started looking around. The Business School had just not spent any money on it for ten years because they knew they were going to leave.

DRAINE: Can I go back? Did you negotiate to get that space?

TRUBEK: No.

DRAINE: No, she had just ... [crosstalk 05:17:16]

TRUBEK: It seemed to have been ... I didn't even know. It was just one of those things I didn't even know about. No. I'd like to take credit.

DRAINE: Mm-hmm (affirmative).

TRUBEK: People think that I was responsible for it, and I've never gone out [05:17:30] of my way to disabuse them of that, but in fact the decision was made.

DRAINE: And you wouldn't disabuse them because this is one of the carrots. You could offer them the space.

TRUBEK: Well, I had the space, but I didn't get it.

DRAINE: Mm-hmm (affirmative).

TRUBEK: Okay, so carrot number one was space. Carrot number two was we could dangle the possibility of some money. David was willing to give us some money. They could get some extra money. Carrot number three was we could upgrade all their technological equipment, which was money. Carrot [05:18:00] number four, we promised them some enhanced common services. We would do some of the services for them that they had to pay for independently. We tried to centralize a lot of the services, and that caused a lot of resistance, and we backed off on that right away, because they were all jealous and having their own accountant and their own this-that-and-the-other-thing, and the first thing we realized was ... And they were so worried that we were going to take away their money because [05:18:30] that's what they thought we were trying to do.

So we had the carrots, which were not fantastic, and for some, they didn't seem like such a big carrot, because if the thing was a chance to move to another place, they were all rather happy, and moves are always stressful, and some of them liked being where they were, even though in most cases, what we could promise them was better accommodation.

[05:19:00] Okay, so sticks. Well, there really weren't very many sticks, because what could we do? Fear. Fear. Just as we were trying to put this thing together, the Institute, the Republicans took over the Congress, and they immediately zeroed out Title VI. So [05:19:30] all of a sudden, these programs, which had almost no resources except Title VI, and a little L&S money that would go away the minute they lost Title VI, because it was all money they had gotten on condition of getting Title VI money. There was a panic. So I think that made them say, "Geez, maybe we better get a little closer to the University and this new Trubek guy because he seems to have a lot of money." [05:20:00] I really do believe that that was a factor. And then finally, it was Lawrence Eagleburger, so the final coup de grace. We got Lawrence Eagleburger, former Secretary of State and UW alumnus, to come out here initially to speak at graduation and then eventually to get an honorary degree.

He was extremely supportive of what I was trying to do and completely bought the idea that we needed to [05:20:30] have more cross-regional activity. I assembled the whole crowd of every programs, all the people that were calcitrants, the enthusiastic, the dubious, and the recalcitrant and the totally opposed, got them all in a big room. Eagleburger said to them, "This is the way you have to go. This is the way we reorganized the State Department. This is the only sensible thing to do."

Having softened up with carrots, a little bit fearful [05:21:00] of the possibility of losing the federal money, and then told by the former Secretary of State that this was the way to go and promised by us that it would be a completely federal system where they would retain complete autonomy over their own programs, their own resources, they signed on. We put together this charter which was made very clear that the Institute was a [05:21:30] joint venture, that the two Deans, L&S and International Studies were jointly responsible, the governing system was shared with L&S, so that also, I think, helped. That's how we got it together.

Then David gave us a whole bunch of additional money to make it really a big launching startup. We had great times and it was very successful. I believe that it helped a lot to increase the amount of Title VI money we brought in because when I started I believe [05:22:00] we had four national Resource Centers. Then we lost one, but we finally got it back. The Institute had enough money so that it could keep some of these programs going. When they had lost their Title VI support, we were able to provide enough money to keep them going on a lower-key basis, so that they could reapply. We were able to give startup money to some of the regions like [05:22:30] Russia, which wanted to become a Title VI center, but had never been able to get one of these big federal grants.

The result was that we got up to six or seven, I can't remember, by the time I was done from three. Now we have eight and we are the largest recipient of federal Title VI money in the country and have been so for two rounds of Title VI money. [05:23:00] Whether we'll keep this or not-

DRAINE: So you delivered your carrot and it kept delivering.

TRUBEK: I think that there's no question that the creation of the institute actually turned out to help the area studies programs become more competitive internationally because some of these

trends were affecting thinking in Washington. Some aspects of the Title VI program began ... Although, the Title VI program still is organized very much in distinct, regional, [05:23:30] separate regional silos and the money is allocated by region, which is an advantage because of course it means that nobody who's making the decisions knows how many other grants at given university is receiving. In other words, they decided Latin American studies as completely separate from Southeast Asian studies, so that it's really a merit system. Now at some level [05:24:00] the staff is able to determine ... all the proposals are ranked numerically, so Latin American studies, Wisconsin could be one and Berkeley two and UCLA four and Yale six. Something like that. They come up with a list and then the staff decides where on this list to draw the line between those that get funded and those don't, depending on the amount of money they have, but they cannot effect the ranking.

The ranking, [05:24:30] if you get in the top seven or eight or eight or nine, depending on the region because the number of centers it actually varies, then you're gonna get the money. That's a big advantage in a way because no one is looking and saying Wisconsin is getting too much money because they don't know that until it's all ... Unless we end up at the very edge at the cut-off point. This is more Title VI than anybody needs to know.

We were very successful in Title VI [05:25:00] and including we were able to get a Title VI grant to continue the global studies program after the MacArthur money ran out. Unfortunately, the Title VI money is much more restricted and gives you much less flexibility than we had with MacArthur, so we weren't able to continue doing all the things we did, but at least there is a global program and it does do overall coordination. That was good.

We got past that hump of the [05:25:30] resistance and got the institute up and running and then started looking to build up the inner disciplinary research side, which was already strong because of MacArthur, but then we sought additional funds. Barbara and I did some fund raising. We went to Ford and we got a small amount from Ford.

Then Ford announced a new program that fit perfectly with what we were doing. [05:26:00] A new program to improve, invigorate area studies and it was called Crossing Borders. The emphasis was on cross-regional activity. We were sitting pretty because we now had an organization structure, we had a lot of money that could help get things started, match the Ford grant. We got a big Ford grant, which funded a number of research circles, which was another part of the origin of the research circle [05:26:30] idea. The most successful of which was run by Leigh Payne, who has just left the university. I saw her yesterday. Thanks to the declining capability of this university to hold onto its top scholars and the totally unwillingness of the dean of the law school to accommodate her husband. Other than that, it's a great story.

DRAINE: Speak up a little.

TRUBEK: Pardon?

DRAINE: Wanna speak up a little.

TRUBEK: Yeah. Sorry. My [05:27:00] throat's getting a little-

DRAINE: Yeah. You know, speaking about this resistance, one of the things that Cathy talked to me about ... First of all, I want to say both Cathy and Michael absolutely glowed with the opportunity to talk about this period of time and talked about it as a time that was the most exciting and most fun of their careers. They both said, "Don't buy this myth that Dave is the bull in the china shop, the combative lawyer [05:27:30] who didn't handle the people side, and he had Cathy and Mike handle the people side. That Dave is a genius at working with people. That had a lot to do with your ability to overcome the resistance."

They both said it was sort of two things in addition to the carrots and sticks, et cetera, the strategies that you developed that you had intellectual credibility with the people that you were dealing with in a way that none of the previous leaders had [05:28:00] had. That you were able to get engaged with the actual work of an individual faculty member heading an area studies program and show him or her. I understand your work. I even have some ideas about your work and thus really forge a close intellectual relationship that would transform to friendship and cooperation.

The other thing was that you were willing to learn to operate differently [05:28:30] from the way that had been successful in the law school. Cathy said she wanted you to tell the story of your first interaction with Crawford Young. Do you remember what she was talking about?

TRUBEK: I think what she's talking about is that very early on ... this must be about this Belgian poet. Is that what she was talking about?

DRAINE: It wasn't the content that she emphasized with me. But that...there was [05:29:00] a conflict between you and Crawford and that you went to him to try to work it out.

TRUBEK: Yeah. I'm not sure because there were a couple of these incidents with Crawford, who gradually came to be quite supportive and admiring. I think the first conflict I had with him ... I don't quite know why he got involved in this ... Somebody...this is a great story. Let's get this story on the [05:29:30] record just for the fun of it.

It turned out that there was a delegation arriving from Belgium to honor a visiting Belgian poet who was here on some kind of visiting professorship and he was the famous poet of Belgium. Silvana, my associate dean ... at that time I just had the one associate dean. Kathy was still assistant dean ... [05:30:00] said, "Oh. Don't bother with this." Somehow Crawford Young heard about this and said, "This is terrible and you're ignoring something really important." I think this is the story. I must say, I'm a little nervous about this.

The story about the Belgium thing is true and I believe that was the first conflict I had with Crawford. Anyway, finally I realized I made a mistake. That I should have taken this guy more seriously. Silvana had been wrong because it turned out that there was this big fundraising [05:30:30] agenda. This delegation that was coming from Belgium included the Flemish Minister of Culture. You know they have two Ministers of Culture. A French Minister and a Flemish Minister. A Flemish Minister of Culture. It turned out they were trying to get some kind of big

grant from the Flemish government to continue our wonderful work on Flanders studies. What did I know from Flanders studies?

I dutifully apologized [05:31:00] to everybody and go down to this big dinner that they're having to the Minister of Flemish Culture and his seven staff people are going to preside over a big ceremony to give this award to the Belgium poet. Of course, all kinds of people are getting up and saying, "Oh, we really love Flemish studies and we study all the Flemish art and the Flemish literature and the Flemish history," and they're just making this whole thing as if we were the world's [05:31:30] center of Flemish studies. I'm thinking, "Wow, that is really impressive." There were multiple tables, it was in Edgewater. And there were multiple tables and at my table was the Flemish Ministry of Culture press relations officer. And I was thinking, this guy must be like TS Eliot because they're sending seven people from Brussels, from Antwerp [05:32:00] really, to give this little medal to this guy. Who is this guy? I think, in my naive way, gee this guy must be really important. "All you people come all this way?" And he said, "We didn't come here for this. We didn't come to the United States for this. We just stopped on our way." I said, "Oh, what are you doing here?" "We're going to Disneyland." I said, "You're going to Disneyland?" He said "Yes, because you know that Flanders, we've got a lot of unemployment and the economy isn't in good shape [05:32:30] so we decided to create a Flemish theme park. And we're gonna go to Disneyworld to study how you do a theme park. And we thought we'd stop by on our way to see this guy because he's a nice guy."

DRAINE: This is globalization.

TRUBEK: This is globalization. I laughed. Let these Wisconsin people say, "Oh, Flemish studies." And these people could care less about Flemish studies at the University of Wisconsin. Anyway, that was my first thing with Crawford.

And there were some other tensions when he was acting Dean on L&S. [05:33:00] He was not a big supporter of the institute idea when he was dean of L&S. He really said, "Why do we need this? It's just extra bureaucracy." Blah, blah, blah, blah, blah.

I spent a lot of time with Crawford and I think the world of him. I think he's ... Crawford Young is one of the most impressive people I've met on this faculty in the almost 40 years I've been here. I'm really pleased that that worked out. It did take some work because he was very hostile. [05:33:30] Not hostile, questioning. And nobody knew him because I came ... except for a few people in Latin American studies like Barbara, which I had had a very limited engagement with, I hadn't been involved in international studies while on campus. I'd been doing international research. I'd spent a lot of time overseas. Taught in Brazil for many years. Continued to do some international research. Had done a [05:34:00] big study of the EU, published a book on the EU. I lived at, worked at the European Commission. Lived in Brussels. Blah, blah, blah. But, I had not engaged very heavily in the campus scene because I was mostly in law school and only those places relatively limited where law school international stuff and campus international stuff overlapped. There was not enough contact. So, I wasn't known.

Also, of course, although I had done this book on the EU, everyone thought of me as [05:34:30] a Latin-Americanist. So, I remember that one member of the faculty that was very unhappy that

Wisconsin had never gotten a Title VI Center in European Studies came to me and attacked me. Probably because I seem to be associated with Barbara, who was very much a believer that Wisconsin should specialize in the developing world. And said, "You're [05:35:00] just one of these third world people or whatever you call this. You're not interested in Europe and it's really terrible." I said, "Well, you're wrong."

I just want to point out for the record that now we have more financial support for European studies from more sources than any other American university, except private money. All public sources we have, all the possible public sources you can get. U.S. government, German government, [05:35:30] French government, European Union. We get money for European studies from all four of those sources and I was responsible for all of them.

DRAINE: Mmm.

TRUBEK: Which led to me becoming appointed Chevalier des Palmes Academiques from the French government, allegedly for my work on globalization, but actually because I helped put together this new center for French studies. And then my suave successor Gilles Bousquet managed to get us both these little medals, which [05:36:00] we have.

DRAINE: That was really quite an impressive ceremony. They did such ...

TRUBEK: You were there?

DRAINE: Yes, I was. It was ...

TRUBEK: That's kind of the story of the institute and ...

DRAINE: Let me go back to the Crawford Young thing. Cathy Meschievitz emphasized there was that turning point at which Crawford began to see that there was a reason for him to help you.

TRUBEK: Yes.

DRAINE: That at that point, he gave you a piece of advice, which was, "You have to stop scaring them Dave." And pointed it [05:36:30] out to you that your law school training of always questioning, questioning, sort of combatively questioning the status quo. Why is the way you're doing it, the right way to do it, was very threatening to the people that you were trying to deal with. And it sounds like after this, it was after that point that you began to think it through what kind of carrots you could offer them. How you could bring them to your side.

TRUBEK: Yeah, I think so. I certainly ... I don't remember that particular piece [05:37:00] of advice. I'm sure Cathy's right. I do think that the Crawford Young support was very important.

DRAINE: Mmm-hmm. (Affirmative)

TRUBEK: I did spend a lot of time and I do think the fact that not only had a scholarly record

and could deal intellectually, but continued to teach in the Global Studies Program and continued to write. And continued to publish.

DRAINE: Yes.

TRUBEK: Which [05:37:30] was a noticeable achievement because of the heavy administrative burden. I always combined writing with administration. From the very beginning when I was at Yale and running this big program.

That's another piece of administrative experience. When I was at Yale, I was in my early thirties, I was running, what would be in today's dollars, a million dollar a year research program. That was a lot of administrative [05:38:00] experience. So, I started being a university administrator within two years after I entered university life and I never stopped. Cuz when I came out here, except for one or two years, I immediately took over major administrative duties. I had quite a bit of administrative responsibility at Yale and then I was Associate Dean at the law school and then I was ran this big civil litigation project and then created the International Institute, the Institute [05:38:30] of Legal Studies.

So, there was never a period, except for a year or two, since 1967 when I started at Yale, when I didn't have some significant university administrative experience. I actually found it helped me as a scholar rather than hindered. Most people think of it as this horrible boring thing. This horrible duty that you have to do. I found it energizing and stimulating. I loved it. My daughter, [05:39:00] my youngest daughter, once said to me, "Dad, you're a creative bureaucrat." Now I chose to take the emphasis on the creative. I always thought of it as a compliment but it's a kind of mixed message.

DRAINE: How did you manage to do that? How could you manage in your life to do that?

TRUBEK: One secret. You're the Dean of International Studies and there's been no model that anyone knows about because the [05:39:30] position was invisible to anybody, except a few old timers since it had kind of gone into hibernation or remission or whatever term from the late '60s until 1990. Nobody knew what the Dean of International Studies was supposed to do. But it seemed that the Dean of International Studies should be to travel to other countries. One thing I realized [05:40:00] was that, as I learned that after I built an excellent staff and had Mike and Cathy, Joan Raduca and Cynthia Williams and really top staff, I realized that I could get away for a month, two months at a time at certain periods of the year and it wouldn't really harm the office. And, of course, as we got into the improved communication as time went on and we had internet [05:40:30] and all of that, it became easier and easier. So, I was able to get various grants, fellowships, or just go to foreign universities and research centers. So, I went to Paris for a couple months. I got a grant from the French government and stayed at this wonderful la maison... (inaudible French) they gave me an apartment in Paris. [05:41:00] And gave lectures at the Maison des Sciences de L'Homme and then I went to Florence and stayed at the European University Institute. And then I went to London and stayed at the London School of Economics. So, I was able to, either by using my own resources or because I got these grants from various places, to get away from time to time to do nothing but academic work. That's the first thing. And the second thing was ... I [05:41:30] didn't do too much the first five years. It was the

second six years that I really did most of the scholarship. And I just would get into projects and working with other people. Everything I did was collaborative.

DRAINE: So, you were actually modeling the kind of collaborative interdisciplinary work that you wanted people in the institute to do.

TRUBEK: Of course, I had done that in the law school. Because the Institute for Legal Studies was an interdisciplinary project and, at least in the beginning, there were more [05:42:00] people involved in our legal studies community who were outside the law school in the social sciences than there were in the law school. The number of law school professors who did interdisciplinary legal studies was slightly less than the number of people in sociology, political science, history, psychology and so on ... anthropology. So that was my ... I had already been doing that with legal studies, not so much international legal studies, but legal studies. So, I knew a lot about [05:42:30] interdisciplinary. And all my work had been ... all my writings. Everything was writing. I wrote a book in 1971 ...

DRAINE: You're pulling that off the shelf now?

TRUBEK: ... which was published in Portuguese called [Portuguese 05:42:47], *O Mercado de Capitais e os Incentivos Fiscais*, which means, *The Capital Market and the Tax Incentives*. A really thrilling title. And I wrote this ... this was the first major [05:43:00] piece of research I did when I became a university professor, and this was published in Portuguese and coauthored by my two research assistants who I gave co-authorship to. Then I wrote a version in English that was published as a monograph in English. But this book, which was the first thing I ever did, and which was published, if it has a date ...

DRAINE: 71 I think.

TRUBEK: [05:43:30] 71 in Rio. They're talking now, a new law school was created in Brazil to promote more modern legal education and the dean has proposed that this book be reissued. And that the school be in charge of reissuing it. Now, I don't know if this is actually gonna happen because they want to raise some money, but ... the point of the story is that I said, "Why do you want to republish this book? It's totally out of [05:44:00] date in terms of what's actually going on. The laws. The state of the capital market. All that." It was about the role of law and the building of a independent capital market in Brazil. That's what the book is about. And they now have a very strong, flourishing capital market which has been part of the explanation of their recent, rapid economic growth. And I said, "Why would you want to publish this?" And they said to me, "Because it's the best [05:44:30] example of interdisciplinary writing about law in Brazil in Portuguese that exists. So we think of it as an exemplar for our scholars. Not because anybody cares about what you said about section 42 of the tax code which has been changed five times since then."

So I was an interdisciplinary scholar (*avant la letter*) even though I had no formal training. But don't forget, I had spent four years in [05:45:00] a foreign aid agency where international economics was an essential tool. So we actually ... when a bunch of us young lawyers in the foreign aid agency realized that we needed to understand international economics to do our jobs

and none of us had much training, I had had a little bit of training because I did some work in law school, but very little formal education on international economies. We found a young guy [05:45:30] who was a young international economist who worked in the White House at the Council of Economic Advisors, and he gave us tutorials. We met in an Italian restaurant for lunch every week for a year with this guy. Subsequently, his name is, Richard Cooper, he went on to be Professor of International Economics at Harvard and eventually Deputy Secretary of State, so he was a pretty smart guy.

So, I had learned a lot of international economics. Then, of course, I learned development economics because that was what I [05:46:00] did. So I had a lot of nonformal training in economics. When I started working at Yale, I realized that what I needed to understand was the sociology and the politics of development because any discussion of law in development had to involve an understanding of economic development literature, political development [05:46:30] literature and sociology of development literature. And so I did a lot of reading. Again, totally no formal training. A lot of reading. Which was culminated by my effort to try to interpret Max Weber's work on law and economic development, for which I have gotten a lot of praise and is still ... this article which was published in the 70s is still used in many courses as the definitive English [05:47:00] treatment of Weber's theory of law and development.

So that was a self-education and, of course, I had to ... to understand Weber I had to understand a lot. So, I sort of educated myself as a sort of defacto social scientist. And then when I ran the civil litigation research project which was a massive survey research project, quantitative analysis project, I had to learn a lot of social science techniques that, of course, I'd not had any formal training.

So, I had [05:47:30] a lot of exposure. Almost equivalent to having a interdisciplinary social science doctorate from all of this. And that's why I was able to reach out. Also, I was a fairly good linguist and I spoke fluent Portuguese, adequate French and I can read Spanish. Although my French is now totally gone. And I had a great appreciation for the languages and had minored in French and so I took languages very seriously. [05:48:00] So, in a way, I was kind of just waiting to be Dean of International Studies. I didn't know that. If Mike and Cathy thought it was the best thing in their career, it was certainly the best thing in mine. Best thing I ever did and I kind of hated to let it go, but it was time to move on.

DRAINE: Let's take a break. What do you say?

TRUBEK: Yeah. Okay.

DRAINE: Let's continue a bit with the Dean of International Studies work. In terms of the practical finances, [05:48:30] we were just talking about the heights of economic theory, et cetera. But you also, on a very practical level, built the foundation, the financial foundation for a lot of activities that were not happening, or had not been happening at the level that they needed to be. With the help of Cathy, but Cathy credits you with training her in much that she knows both about administration and finances. Can you talk a little bit about that? About how you built the financial [05:49:00] underpinnings for the whole operation?

TRUBEK: Well, I hate the word underpinnings is a little misleading because I think one of the problems is that we never created permanent funding. And I think that's very important to understand. The structure of international studies at this university and its problems. So, when I took over the deanship the office had a very small budget. That is the offices of the [05:49:30] dean. And indeed, it was so small that they didn't even have enough to pay all of my salary because the previous dean had been paid for under a World Bank grant, half of his salary. There was only half of the 101 money and then, of course, I was making a lot more just because I was a law professor. I only got a 5% raise when I went into the office. So, this was clearly a problem, that there was practically no 101 money [05:50:00] and very little endowment. I mean, like, a million dollars in endowment, which generates like \$40,000 a year, \$45,000 a year.

DRAINE: That million dollars in endowment, that was, what do you mean by that?

TRUBEK: There was an endowment. The office-

DRAINE: At the foundation?

TRUBEK: Yes, it had come from some grant, they had got from some foundation ... Hewlett, I think. So, there's this small endowment, and in fact, Peter Dorner, that was the only thing he did except [05:50:30] technical assistance, was give out the income on the Hewlett grant.

DRAINE: Okay.

TRUBEK: Because study abroad was in L&S and only when Fred became dean did they move it over, right? So, Dorner didn't even have study abroad. So, first was, of course, a massive effort to raise outside money. I have always believed that the way the University of Wisconsin works can be summed up [05:51:00] in the expression, you eat what you kill, and that if you want internal money you must show that you can bring in outside money. So, I knew that, that had been my strategy at the law school. That's how I had built the Institute for Legal Studies.

So, my first goal was to get as much outside money. Of course, we put a lot of emphasis on building the Title VI programs up. We also tried to get more development assistance, technical assistance money, from AID, the World Bank. We [05:51:30] competed, but for reasons that are very complicated, and I think not worth going in to, all American Universities were gradually withdrawing from that business because of changing practices in the development agencies themselves. The bottom line was, the US Government, which had been a kind of protected market for the universities, which were the primary source of technical assistance for the developing world funded by American sources.

[05:52:00] The US Agency for International Development decided that universities were not as reliable as consulting firms, or what are called beltway bandits. And they shifted most of the money to consulting firms, who would hire individual faculty members, but all the overhead and all of the money was going to these consulting firms and the individual scholars, who would be hired by them. Even I was once hired by one of these consulting firms. [05:52:30] Briefly, until they fired me, or let me go, or decided I wasn't helpful anymore. Anyway, so those are the two ...

And foundations ... So, we had a big fundraiser, we made all ... No private funding. We did practically nothing with getting gifts from individuals, for a variety of reasons, and I'll explain that in a minute.

So, the strategy was, let's first get as much outside money as we can, and use that to leverage [05:53:00] inside money, and we had three places we looked. US AID and the World Bank for technical assistance money. Ford, Rockefeller, Loose, Mellon for foundation money, MacArthur. And the US Government for Title VI money. This was before we saw the opportunity of getting money from foreign governments, although that did come a little bit later.

[05:53:30] We built up a staff to deal with this and this was reasonably successful. Of course, we were very lucky that we had had the MacArthur money already and we had put a lot of effort in to keeping it, and that was a lot of money. We got Ford money, we got some Mellon money, Loose money. Not loose change, but Loose Foundation. We kept getting Title VI. We got a trickle of development assistance money, but that [05:54:00] then dried up. AID stopped giving money to universities.

We weren't competitive with some of the international agencies because other universities, in other countries were competing and our cost basis was very high. Partly because, unlike most other countries in the world, we build health insurance into our [05:54:30] salary structure. But there were many other reasons, and also, university professors, here, were less interested in doing overseas work. It was harder to maintain a career as a successful academic and spend a lot of time in developing countries. Even if that wasn't the problem, you had the two career problem, where it was hard to find ... You know, a lot of people couldn't travel because their spouse had a job here.

So, the supply [05:55:00] of university professors was drying up. The demand was drying up. So, after subsidizing this operation for a few years, and failing to really even recover my subsidies, we closed it down. So the technical assistance office was shut down and we put all our efforts into Title VI, and foundations, and keeping David Ward happy, and constantly coming up with new ideas that he would give [05:55:30] us money for, but all of this money is temporary money. In the course of 11 years, as Dean, I raised \$100,000 from private donations and well over \$30 million from other sources. So, you can see the importance. Now why did I do that? I did that because I felt that both my talents, and my staff's talents, lay in getting grants from official agencies and foundations, [05:56:00] rather than in dealing with alumni. Secondly, we didn't have any alumni, because nobody was an alumni of International Studies. They were alumni of L&S, or AG school, or whatever, and they were already in somebody else's catchment basin. Those people did not want me poaching on their catchment basin. They were out fishing, and they had these little ponds, and they were fishing these ponds, and I came by with my little fishing rod [05:56:30] and say, "Can I drop my fishing rod in your pond?" And they said, "Get out of here, you interloping squatter, whatever." So that was a difficult problem and then we had this idea, well we would sort of make people join alumni, and then try to sell to the deans the idea that if we tied International and their college together that it would help everybody, but it wasn't very successful.

I think that the University of Wisconsin Foundation [05:57:00] was very much organized around where the ponds were. Right? They were fishing. The University of Wisconsin Foundation, their job is to bring back the fish. So, the ponds they had, they were all circled. There was the Cals pond, and the L&S pond, and they were organized. Each pond had a fisherman, right? So, the Foundation had a fisherman, or multiple fisherman, for each pond. So they were organized just in the same [05:57:30] silo, discipline, and school way that their campus was organized. So that the fundraising effort actually was even more difficult than bringing the various international people together across the college boundaries. Because, of course, there you were dealing with something that the dean's controlled, and only the dean's controlled it. When you were dealing with individual faculty, you could go to somebody in Cals [05:58:00] and they really wanted to work with somebody in the Political Science department, or the Language departments. So, the individual faculty would bring their resources, whether the deans wanted them to or not.

But with raising money and going after alumni, the deans had to open the door for you or let you into their pond. None of them would do that. Sandy Wilcox, the head of the foundation, saw the world in the same kind of [05:58:30] organizational chart and I didn't fit in the organizational chart. Also, I think Sandy just didn't like me, for reasons that I could never quite figure out. So, I thought, "This is hopeless." I spent a lot of time on it and said, "This is getting nowhere, and I've got limited time, and I can get a half a million dollars from the Ford Foundation, and a half a million dollars from David Ward in the time it will take me to raise \$100,000, which will generate \$44,500 a year in income. So why should I do that?"

[05:59:00] And of course Gilles who then took this on quite correctly, as his major mission, and is probably better suited to emotionally and sort of personally. I'm a little too impatient for this. You have to really be very patient for this. He's done better than I did, but there's been no miracles of huge amounts of money that are coming in. So, we built a structure that required a constant flow of soft [05:59:30] money. We lost two of our sources... And there were three sources, foundations, Chancellors office, and Title VI.

After I stepped down, foundation money became extremely difficult to get and, frankly, one of the reasons I was able to get foundation money was the same reason that I was able to [06:00:00] work well with the faculty was that, I was myself a recognized scholar in the international studies. I could talk the talk and walk the walk. When Gilles came in without those, I think that really made it a difficult problem and he never appointed someone who could really bridge that gap. Although, he tried with Aili Tripp, but for one reason or another it didn't really work. I [06:00:30] have to say that I think I would've had a lot of trouble keeping the momentum, because the foundations were shifting away from funding American universities and providing all their money to foreign universities. If you were in a partnership with a foreign university you could pick up a piece of it, but because I understand this I am now putting together a small project in law school, which involves studying recent legal [06:01:00] developments and economic field in Latin America. I need foundation money, not even talking to the foundations. I've set up a partnership with a Brazilian organization and they're gonna apply for the money.

DRAINE: Oh.

TRUBEK: I've already got that under way. That's because I figure, my chance of getting money from Wisconsin are very low, their chances are much better. Not that good either, but ...

DRAINE: Kathy said you also [06:01:30] tripled the 101 money in the base.

TRUBEK: Yes.

DRAINE: How did that happen, do you recall?

TRUBEK: Yeah, I did. David. There are three explanations. David Ward, David Ward, and David Ward. I didn't realize it was tripled, and I think it's been cut back a little with some of the cutbacks after Kathy left. It was still not much. It's under two million. One big chunk was the money for the institute, which [06:02:00] we did get 101 money for the institute. That was one big chunk. Another chunk was for WAGE. I got most of that money for specific projects that we were able to get some hard money for. David Ward gave me \$300 million dollars, which became part of the funding for the institute, and \$300 million dollars, that is per year, for ... Actually, it was \$350, I think, for the center for World Affairs [06:02:30] and Global Economy.

I don't think it tripled, but anyway, it increased very substantially. That's still there. The problem with that money, and a lot of the money that the dean has, is that it's not salary money. Although some of it goes for salaries, but not for regular salaries, for summer money. Blah, blah, blah. That means it doesn't grow. Because salary money grows automatically as each year [06:03:00] the salary... Take WAGE, I have been saying, and I said it yesterday to Joan, since I've learned no one has paid the slightest attention to me on this. WAGE, the WAGE is what we call in the law a wasting asset. A mine is a wasting asset, because eventually it's worth zero, right? It declines in value. Unlike a farm, assuming that you manage it, it keeps its value or grows. WAGE is a wasting asset because [06:03:30] most of what we do buy is salaries, but almost nobody is getting permanent salaries, of course. We don't add the two or three or four or five percent each year that makes the salaries go up. As the years go by, the same amount of dollars buys less and less professor time, graduate student time, whatever. I keep saying, "You gotta go out and raise more [06:04:00] money" and they don't. Because faculty members don't like to raise money. They like to have it given to them, and they complain when the deans don't get it for them, but most of them don't like to go out and hustle for it, except for their own work. Then they'll hustle like Sammy Glick. You know who Sammy Glick was?

DRAINE: He was in a-

TRUBEK: "What Makes Sammy Run?"-

DRAINE: Yeah, yeah.

TRUBEK: It's a novel by Budd Schulberg.

DRAINE: It became a Broadway play, didn't it?

TRUBEK: Yes, it was. The Ultimate Hustler.

DRAINE: [06:04:30] Okay. Well the last financial question I have is about study abroad, one of the first things that happened there was that it got put on its own bottom, that it had to raise its own money.

TRUBEK: Well, that's another reason- that's another way we got 101 money. That we increased the total amount of 101 money, we didn't increase it but we made it more available for other things. Study abroad was funded by a combination of 128 funds, which was this remarkable exception to the normal [06:05:00] situation where all tuition money goes right into the state's treasury. Study abroad, the students pay into an account managed by the division of international studies. We actually manage all this money.

DRAINE: So, 128 is revenue money?

TRUBEK: It's revenue money. It's program revenue. Right? Now, when I took over, the stamp was paid on 101 money. [06:05:30] While the 128 money was used for expenses. Because of a number of factors, we were actually making money on study abroad. Indeed, they had accumulated a million dollars of surplus from the beginning of the program until the time I became dean, nobody even knew it was there. They had spent so much less. But the factors that allowed for this were the fact that A, most of our programs just [06:06:00] put students in foreign universities, most of the programs were in Europe. Almost none of them asked for any tuition. We're actually collecting tuition but not paying it out overseas. Secondly, the mix of students was tilted toward out-of-state students, so we were not only getting tuition, we were getting out-of-state tuition. Thirdly, the staff was being paid by 101 money, not out of the program [06:06:30] revenues.

DRAINE: The exchange was favorable to us sitting up here?

TRUBEK: Well, up and down. There were periods where it was favorable, and periods where it was not favorable. On average, it was probably favorable. There were periods where the dollar was really low, that was the year I was in Brussels. 1980, we were in Brussels and the dollar was at it's lowest, til now. We looked at this and said, "Well, you know when you advertise the cost of the stamp [06:07:00] over the thousand ..." As the numbers of students went up, we didn't have to increase the staff, pro rata, with the increase of the number of students. Because if you'd send 10 people to Spain, it took a certain amount of staff time. When you send 20 people to Spain, it doesn't double the amount of staff time that it takes. It may increase it by 20%. As the signs of the students increased, and it increased a lot, [06:07:30] through particularly once I came in, and all. We were able to gradually transfer most of the staff cost to the 128 account, saving that money for other activities up in Masters Studies, and not have to raise the cost to the students because we were still keeping it within ... The cost for most places was still not much [06:08:00] more than just paying tuition and what you would pay to be here. It didn't cost you a lot of money extra to go overseas except maybe the airfare. Part of this was because the European universities continue to give us free spaces. Part of it was that ... We ran it very efficiently. Part of it was that we cross subsidized. We would use some of the money from the

out of state tuition, [06:08:30] which were higher than the costs to subsidize the in-state students so that they didn't have to pay more than they would've paid.

I'm sure. Each program had its own budget, so we didn't have an across the board tuition rate. Moscow costs a certain amount because that's what it costs to be in Moscow. More expensive places cost more, and we just charge that. But we managed to keep most of them reasonable affordable for Wisconsin students. We did get some [06:09:00] scholarship money, initially from, of all places, the state government put up study abroad scholarships. But that didn't last very long. Then, we got L&S to put some money up, then we used some of the 128 money. Mike knows more about this than I do, but yeah, all in all, we managed to improve the financial structure of the long-term financial structure, but not by very much. When you look at the total [06:09:30] budget, if you take all the budget of the activities, not counting faculty salaries that are managed by the Office of International Studies, which includes the institute study abroad that is managed over there.

All the research circles and all that activity, I really couldn't tell you what the budget is today, but it's probably 10 million dollars, and of that, less than two is hard money.

DRAINE: [06:10:00] So this is one of the major challenges for study abroad going ahead.

TRUBEK: Well study abroad seems to work okay. I don't know what's going on with study abroad, I have no reason to believe that study abroad is getting too expensive.

DRAINE: Okay. But for the whole enterprise, going ahead.

TRUBEK: It's the rest of the enterprise, and of course we're completely dependent on Title VI. If Title VI disappeared, we would become South Dakota State [06:10:30] in International Studies, because of the eight million dollars or nine million dollars that we get every year from all these sources, it's probably more than 10 million now because we got more Title VI than when I was there. Title VI has been increased because after 9/11, they put more money into Title VI, so I haven't seen these numbers in six or seven years, but order of magnitude, [06:11:00] the hard money can't be more than 15 or 20% of the total, and it's probably closer to 15. Of the rest, let's call it the 85%, three quarters of that, two thirds of that, at the very least, is Title VI. Some of the other money, some of the hard money, [06:11:30] would disappear if we lost the Title VI money because it's money that's put up by L&S as a condition of getting Title VI, paying mostly for staff over there in the area studies centers.

So if you look at the overall challenge of international studies, the lack of hard funding with a reasonable degree of discretion on the part of the people who are running the program is by far the largest [06:12:00] challenge. The second challenge is the woeful way that L&S has managed faculty salaries and retention, so that we have lost vast numbers of key people in the last few years. I don't know how they're gonna recover. I don't know how they're gonna get out of this hole. I think it is a tragedy. I think the Political Science Department [06:12:30] has lost at least seven key international people in the last three years.

DRAINE: And if you had been dean, that would've been something that you would've worked on.

TRUBEK: If I had been dean, I would've worked on it, and I might've saved a couple, but the structural factors of the overall salaries and the fact that the Associate Dean for the Social Sciences of L&S has [06:13:00] publicly stated that he does not believe in interdisciplinary studies or international studies and has no interest in supporting them, there's nothing I could've done about that, so in a way I'm kinda glad that I didn't have to fight these fights, because I know I would've won more than Gilles might've, but I wouldn't have won as many as should've been won because it was an impossible battle. Because L&S is just abandoned [06:13:30] this area. It's a tragedy.

DRAINE: Well that connects with something that Kathy wanted me to raise. She said that I should tell you, as you were winding down, talking about the deanship, that you won the Charlie Halpern Award, and she said I should ask you what that is.

TRUBEK: I did. The Charlie Halpern Award was named after, this is a joke that my wife and I had, there was a guy named [06:14:00] Charlie Halpern who was a law student when I was teaching at Yale, and he was one of these hotshot superstar guys. Yale law school types who think they can run the world, and often do. Charlie left Yale one or two years out of law school, got a vast amount of money to set up one of the first general purpose, public interest law firms in America, and Louise writes about public interest law, so she [06:14:30] followed this whole history. Charlie was working there and then suddenly after, unexpectedly, he announced he was leaving to become the dean of a new law school at the City University of New York, which was going to be a public interest law school, so this was a good move. A year later, the Washington based public interest law firm that he founded turned out to be in terrible trouble. Internal squabbles, financial problems, [06:15:00] and Charlie had gotten out in time and gone to this new job.

So then, he was there for a while, and then he announced that he was leaving to take over some foundation, and we said, "Oh, there's Charlie moving along."

He takes this foundation and the next year, this whole project of this law school in Queens turns out to be a total crisis, and none of the students pass the Bar, and the Queens County president goes after [06:15:30] them because they're too lefty or too whatever, and so we invented this thing called the Award for the guy who got out just before everything went downhill. So that's what Kathy means, and it's true, that L&S became less supportive, the Chancellor's Office became less supportive. Except for Title VI, the whole external funding scene became less supportive. The romance of the immediate [06:16:00] post cold war period was over, and the international world looked conflict laden and the hopes of peace and development and all of that, and freedom breaking out across the world were suddenly dashed and we were back with dictatorships and terrorists.

So many things that had been part of the sort of boom of the 90s weren't there, so what Kathy meant was that no matter how good [06:16:30] the next dean was gonna be, or how long I'd

stayed, it would've been the last 10 years, it's been almost 10 years since I left, had just a much less supportive environment, partly because the university changed. L&S was never wildly enthusiastic about international studies, but I think that until Hallovey became associate dean for the social sciences, the associate deans were very good, and of [06:17:00] course Ivan Ozzelo was a huge supporter, and do you know a friend of mine since 1953, that I know Ivan Ozzelo in 1953?

DRAINE: Oh.

TRUBEK: Because she was a visitor at the French House and I got a fellowship after my first semester, because my French was so good, to eat lunch in the French House and I got to know her. Her name then was Vicki Rochette, by the way, because Ozzelo was the name from her husband when she was married. And we [06:17:30] went and visited with her in Paris when we were there in '59, and then when Louise and I were at the Foreign Service Institute in 1963 studying Portuguese, we ran into her in the halls and she was there teaching French in the Foreign Service Institute and still married to Ozzelo, and we had dinner with them, and then suddenly I found she moved [06:18:00] to Madison and changed her whole gender identification and became a big deal French teacher and finally, associate dean.

DRAINE: So, she was Associate Dean for the Humanities, however, not for the social sciences, but still you and she worked together.

TRUBEK: We worked together, and I can't remember. There were several associate deans for the social sciences, but none of them were hostile until Holloway, and of course I was gone before Holloway came in.

DRAINE: But maybe the difference between you [06:18:30] and Charlie is that you did leave strong structures behind. You left behind the international institute with the research circles and the area studies program stronger than ever, as you talked about, and finances.

TRUBEK: Well I don't want to make that Charlie Halpern Award sound ... The public interest law firm's still there and the law firm's still there, but Charlie got out just before crises hit.

DRAINE: Right.

TRUBEK: They didn't fall apart, they didn't [06:19:00] disintegrate, but there were terrible, hard years, and it was a hard year. It's the same thing with the Institute for Legal Studies here. I don't know if Kathy mentioned that. When Kathy and I left the Institute for Legal Studies, one of the reasons that I was willing to leave was because I saw hard times coming there, only because of the problem of outside money. That this was another structure built on outside money, and I could see that [06:19:30] for a variety of reasons, the sources in the federal government and the foundations that had supported interdisciplinary work on law, which is what we did, were either drying up or focusing more on kinds of projects that we weren't particularly good at, criminal justice, which we didn't have as much of, and although there's still money, it was mostly for individual scholarships, not for the kind of institutional projects that the institute could do. So [06:20:00] I saw that and they never raised any money since. Not a cent. Practically not a cent

since I left. Now that's partly because of bad management, but partly because even if I'd stayed, I couldn't have done as well as I did in the 80s. That, I think, this is of course Wisconsin's great problem. Wisconsin's great problem is that it just simply doesn't have the kind of in-depth ... the state government has proved terrible, [06:20:30] and while the foundation is ruined the UW Foundation has been a leader in public universities. So much of that money is earmarked, and a lot of it goes to professional schools. When you look at the absolute numbers, it looks great but when you begin to think of how much money there is for the things that I've been concerned about the answer is not a lot.

Then you compare it with ... well, I was just at the Watson [06:21:00] Institute of Brown, which is, you might say that's the equivalent of our international institute. In a way, it has a budget that's not too different in terms of absolute dollars but they have a hundred million dollar in Denmark. They don't have to worry about ... Title VI, they don't get a Title VI grant. I mean, they do worry about that because they build on top just like anybody would do. But they don't get a Title VI grant, the world doesn't come to an [06:21:30] end. They want to do something, they don't have to go and ask some 30-something program officer in a foundation, "Could we please let us do something on, you know, terrorism?" They can just take some of their hundred million dollars to spend on terrorism.

That is a really big deal. And they can run study abroad programs at a big profit, because the tuition at Brown is well above the cost of any study abroad program anywhere. They make money on their study abroad program, we [06:22:00] don't make money on it. We break even, and try to keep the costs low. We no longer make money because what we did was, set it on a real cost basis. Including our staff costs and then the campus took away all our ... We had a 5 hundred million dollar reserve fund for emergencies, on which we earned interest. When the last budget crisis, the campus took all that money away [06:22:30] to keep the budget going when the legislature cut our budget dramatically. This was after I'd gone, but I talked to Mike about it and Gilles and what the campus said was, "Well, you know, you're just sitting on this money." And they said, "Well, what if we have a crisis? We lost three hundred thousand dollars in Florence because of the Gulf War." They said, "Well, we'll just cover it for you. We'll self-insure. We need the money [06:23:00] now." We were making-

DRAINE: How much did you say that was? That fund was-

TRUBEK: The reserve fund, I think they took away a half a million dollars. You'd have to ask Mike, he'd know. This was after I'd left, right after 9/11, right after 9/11. No, when was the big budget crunch? When Doyle was elected?

DRAINE: I can't tell you.

TRUBEK: Six years ago.

I think that the future of international studies will be, [06:23:30] on this campus, will be great if the following things occur. L&S changes its orientation and recognizes that it is the most important part of the international studies' matrix on campus. L&S is more important than the Dean of International Studies. L&S wants it to happen, it will happen. The Dean of International Studies can help L&S, can help convince them to make it happen, can help advise them on how

to allocate [06:24:00] their resources, but has since now stand, L&S controls at least two-thirds, if not more, of the real resources that make this campus a powerhouse of international studies. If they want to move in that direction, then the Dean of International Studies can be incredibly helpful and the institute will flourish. If they don't, it will die. First.

Secondly, there has to be more hard money put behind this mission. Whether it comes from [06:24:30] new 101 money, ha, ha, ha. Or from endowment, I don't care, it's got to be there. Its operation is no a shoestring and it's totally dependent on external funding. Thirdly, we need new leadership. There just needs to be a new vision. Things have changed, and it's time for a new vision. This re-accreditation crowd, there are two parts of [06:25:00] the re-accreditation report that was just issued that deal with globalization and internationalization. One is, basically focusing on students. The other is on the Wisconsin Idea abroad, making Wisconsin a center for real thinking about a new ideas for global governance [06:25:30] and the management of the world economy and the world climate.

But, one of the two authors of this report has just left to go to, not to Harvard, not to Stanford, but to Minnesota because we couldn't afford to keep John Foley. It's a very difficult Many of the people that I spent a lot of time mentoring [06:26:00] and who were the promising people of the future of international studies, that I thought were people who could become deans, associate deans, heads of programs, really would ... people who could raise outside money, whose work is well known ... Two have now gone to Minnesota! Again, not to Harvard, but to Minnesota. One, I just talked to yesterday, is trying to find a job [06:26:30] elsewhere because he's so underpaid that he can't afford ... kid's in college, divorced, he needs the money. He's on the market. If he gets a decent job, he'll leave in a flash. Those are people for whom I spent endless, endless hours, my three greatest proteges in international studies. Two are gone, and one is on the way out.

DRAINE: You have to think of them in terms [06:27:00] of what they're going to give to international studies somewhere else?

TRUBEK: Of course.

DRAINE: It's a loss to Wisconsin.

TRUBEK: Of course, and years of training and mentorship and financial support with each one of them. I have to say that since I saw two of the three, since I've seen all three of them in the last couple of weeks ... that's one of them I had dinner with in Geneva, he's now on the way to Minnesota. He'd been away for a few years anyway, gone somewhere else in the interim, we couldn't bring him back. [06:27:30] Then yesterday I was having lunch with the guy who I can say is on the cusp, and the third person who just left for Minnesota walked by. So, there we were. When you lose key people to Minnesota, you are in real trouble as a university. We are in real trouble. What worries me is not so [06:28:00] much, you know, everyone is excited about the new chancellor and I am too but, the problem is that I don't think that it's a personnel issue. I don't think it's ... People say, "Oh, John Wiley didn't do this," and, "John Wiley didn't do that." I think John Wiley's a great guy.

I don't feel that a lot of the problems can be attributed to bad judgment or poor lobbying by John Wiley. Sure, he made mistakes, we all make mistakes. Every chancellor made mistakes, right? Donna made mistakes. Sure, there were things that probably [06:28:30] he didn't put enough time in. Maybe he was a little prickly here and a little prickly there, John can do that. But the problems of this university are not things that can be attributed to the failings of one individual to make one telephone call to one legislature. It has to do with the politics of the state, the indifference of the governor, the rise of this right-wing, anti-intellectual force in the state legislature, [06:29:00] the bad judgment of two governors and legislatures going back 15 years, not dealing with the fundamental structural budget problems of the state, constantly using gimmicks year after year. Therefore, perpetuating a permanent deficit.

Every time there's a crisis, every time the economy dips a little bit and state revenue's go down, they're in crisis. Where can they look? They can't open [06:29:30] the prisons. They can't not spend the money that's mandated under the Medicaid Act. Where are they going to turn? What's the other big item in the state budget? Higher education. That's the piggyback. Then they say, "Oh, we'll just raise tuition!" Then, of course, they raise tuition and they cap the salaries. They keep the salary restrictions that made sense when they were really supporting us, so we can't even decide to buy less xerox paper [06:30:00] next year and increase salaries by 2% more because the legislature controls that. So ... This state has failed the university, the university hasn't failed the state. The state has failed the university, that's what I say. 55 years after I first came here.

DRAINE: Oh, long time.

TRUBEK: Long time.

DRAINE: Well, for the Charlie Halpern, one of the things you did was to make sure that [06:30:30] your personal career wasn't dying as you left. You had ... WAGE was part of that, the Center for World ...

TRUBEK: World Affairs.

DRAINE: And Global Economy. But talk a little bit about that, about what you were building at the end that you thought might produce new work and exciting work for you and others.

TRUBEK: Well, okay. Well, there were two things that I was trying to do at the end. One was successful and the other was not. First was to create a human rights program, which I thought we were johnny-come-latelys in human rights. [06:31:00] And every other university worth its salt had some major human rights enterprise, so this was a real problem. But I thought that we had a niche that might be attractive, and that was to move in not into political and civil rights that is freedom of speech, freedom from torture, right of assembly, that sort of thing. But social and economic rights, right to work, right to health, [06:31:30] those sorts of rights because that was an area that had been under emphasized in the funding and on university programs. And in general, in the United States, but the foundations that put money into this area. And to some degree, world institutions who were beginning to rediscover social and economic rights that had been pretty much a forgotten area in the human rights area. And this was an area that I happened

to be knowledgeable about because I had written an article about social and economic [06:32:00] rights many years ago.

So, I thought maybe we could move in that direction because this would tie our people interested in rights with our people interested in development and families and health and all these other things. So, I tried to get something started there, and I thought maybe I could get MacArthur to give us some money in this area as a way to continue our relationship with the MacArthur Foundation. But that didn't work because MacArthur [06:32:30] just radically changed their orientation, they shifted away. The woman who I worked with was basically, I think, let go. Moved ... left the foundation, go off to something else and so that was gone. And by the time that all was realized, I was out. So, the human rights project was not a success. But I had created this thing called a Center of World Affairs and the Global Economy, which had been one of the things that I had managed to put together as a way to attract more 101 money. And we'd gotten a big chunk of money. Initially, it was [06:33:00] temporary startup money from the Chancellor's office. But just toward the very end of my deanship, we managed to get \$350 million ... \$350 thousand dollar award from ... Through the last of the state budget increases for the university, which was maybe 10 years ago.

We were running WAGE as an initiative inside the [06:33:30] dean's office. And Don Nickels, who was a professor of economics and public policy, was serving as the director. But I was really doing all the administration. Don was basically doing the policy. And we gave out money for various stuff, but it wasn't a permanent institution. When we got the 101 money, we made it into a permanent center and that became a new addition to the International Institute. And [06:34:00] so this was all sort of coming together when I was getting ready to step down. I did not want to go back to the law school and teach full-time in the law school at that time. But I didn't want to retire. So, I approached David and said, "You know, I think that ... It's time to really start this new center up. We now have all this money, put it on a permanent basis." So, I did take over the center and ran it for three years. [06:34:30] The administration of this center was pretty easy because mostly it gives out money in big chunks. So, we gave out money in big chunks, and then the people used it to do various things.

But it was quite decentralized, that is we would give money to faculty, and then they would go to their schools and colleges to do programs and we gave some of the money to business school to do outreach to business on international matters. So, and then we would have a few events, but we didn't have a staff. I had one project [06:35:00] assistant, it was a graduate student that did all the work. So, I could combine that with a lot of research, and even spending time outside of...for extended period, and that's what I did. So, I combined a kind of managing getting this thing started and then finally recruiting a new director to take it over. And sort of threw my energies really into my scholarly career and manage to edit three books since [06:35:30] then and publish a lot of articles ...

DRAINE: What's the direction of your work been since ...

TRUBEK: Well, it's all been international. I completely stayed within the international. So, I really worked on the following areas. First, new forms of governance, particularly in the European Union. New approaches to creating standards, solving problems, that used tools that

differ [06:36:00] from conventional legal work. And we ... I'd been working with a group of people both in Europe and the United States. We've now published one journal issue, two books, and lots of articles. This network. And I've contributed to all of them and was the co-editor [06:36:30] of the journal volume. And I've published individual articles in several European journals. Most of them, my publication has been either in books or European journals recently. So that ... We call that New Governance and the Law. And I just ... going to organize what I hope to be kind of the final conference here of this project. It's not the final conference of the subject, but of our project. We have a project here called the Wisconsin [06:37:00] Project on Governance and Regulation. And we've had meetings in London and Berlin and here and New York.

So that's been one. And so, this is New Forms of Governance ... This is kind of legal theory and legal sociology work. That's number one. Number two is I've gone back into the field of law and development, which I helped create. And this is really been a fantastic experience. I published this book a couple of years [06:37:30] ago, and as a result ... because this field now of the study of the relationship between law and development has become ... after another ... after a long hiatus, it has now reemerged on the world scene as a major field. And I'm one of, if not the senior person in the field, partly because it was kind of out of business for a long time. So, they didn't create a whole... [06:38:00] a lot of young people, and it's being picked up around the world. So, on the basis of this book and other writings ...

DRAINE: Let's just read the title into the record.

TRUBEK: Yes. It's called the New Law and Economic Development, a Critical Appraisal, edited by me and ... Santos, who's a Mexican lawyer who now teaches at Georgetown. And it was published by Cambridge University Press in 2006. So as a result of this and my earlier work and other things that I've published ... I've suddenly become a kind [06:38:30] of minor celebrity in a very minor way. But it has gotten me ... This book and my work in this field has gotten me invitations to lecture in over the last three years ... I've lectured on this subject much about the work in the book in Egypt, Japan, China, Brazil, Columbia, Canada, and several places in the United States [06:39:00] and Europe. So got frequent flier miles out of this.

DRAINE: A lot of collaborations, a lot of ...

TRUBEK: And yes, it's collaboration ... This book is a result of a network. My main form of working now is to be part of ... Often organize, often help finance, networks of scholars. Mostly younger people who are moving into new areas and [06:39:30] I use my administrative skills and the fact that I still have some access to research funds, which they often don't, to organize conferences, workshops, research projects and then get that work published. So all of the work that I've done has been around that kind of mode of production. And often I've co-authored work with young people, either ... Or co-edited [06:40:00] younger scholars in other universities or recently some graduate students here who I've worked with have been my research assistants and then I've made them co-authors if they really did a good job. So I do a lot of collaborative work, a lot of organizational work, which leads to scholarly projects. So I'm using my administrative work now more, my administrative skills and my fundraising abilities more to do support research than the other kinds of activities [06:40:30] that I did when I was dean, that's mostly

what I do. And trying to help junior people. And since there are very few advanced students in the law school with academic aspirations, and I really like to work with those kinds of people, and since my contacts in the graduate school now that I've been away from the international studies for a long time have declined, I work mostly with people, younger [06:41:00] people from other universities many of whom are in other parts of the world.

DRAINE: I had spoke to you the second time about how David Kennedy said that he felt that your mentoring of scholars around the world was probably at least as influential on the field as any mentoring that you've done with these students here, that you really seeded the whole world in terms of scholarship on these fields that you [crosstalk 06:41:25] law and society.

TRUBEK: Well mostly the law and development field and the new governance field and law [06:41:30] and society. So new governance, law and development and I've also done work on globalization and labor rights and I've published a couple of articles on that. One of which was co-authored with a former student of mine from the 60s. He was my student in the 60s. He was interested in labor law and I managed to get him money from Yale to spend a semester in Chile studying labor law in the 60s or early 70s, I can't remember [06:42:00] the exact year. Then we did a chapter in a book together, which came out last year on transnational regulation of labor. So that whole sort of transnational labor project is kind of a third area. These sort of relate to each other because new governance enters into the labor issue and development enters in and labor enters into the development issue. Right now one of my new governance projects is about a problem of the interaction of [06:42:30] EU law and national labor law in Europe. So those are the kind of three areas that I have focused on. I've tried to help the law school and I helped them create the Global Legal Studies Center. I got some money for them, helped get them to convince GL to invest in this start-up of this new center. The new center [06:43:00] is participating in two projects for WAGE, funded by WAGE, the collaboratives and I'm involved in both of those as a kind of silent partner in one, in both, really. It's kind of silent partner with younger people really running it but I'm helping out. So I try to keep that going and help mentor both administratively and intellectually people here and intellectually people all around the world.

I've now got this project called Law [06:43:30] and the New Developmental State, which I'm organizing, which is partly supported by the law school here and the WAGE collaborative on the governance of economic development and then we have colleagues who are working on, we're focusing initially on Latin America. We're working on Brazil, Argentina, Columbia, Mexico and maybe Venezuela if [06:44:00] we can find someone to do Venezuela. That hopefully will lead to another book sort of like this set of chapters. This book itself was the result of a project and a network that met three or four times so it's not just a book it's also a sort of an organizational project.

So that was kind of what I've done. And then of course one of the biggest things I did in the last five years was run the big international [06:44:30] meeting in Berlin and I want to put that on the record.

DRAINE: Absolutely. Let's talk about that.

TRUBEK: Let's talk about that.

DRAINE: Dave Kennedy also said, he said he thought that was a tremendous coup that nobody could have done it but you and that it's a transformative event so-

TRUBEK: Well I think both those things, modestly speaking, I think that both those things are true. So what was this? Okay so based in the United States is something called the Law and Society Association, which is an organization that supports [06:45:00] interdisciplinary studies of law. Not what the law is but how it works, what effect it has, what people think about it, how lawyers behave, how law is organized, the sociology of law, the anthropology of law, the history of law, law and politics, law and economics. All of those things, interdisciplinary. I've been a member of this association practically since it started. I think my first meeting was in 1967, [06:45:30] so maybe '68, so 40 years I've been a member of this association and it's only like 45 years old. It just really started a few years before I went into the academy. I've been on the board of directors, and I've gotten awards, and I've been very active from time to time.

The Law and Society Association is based in the United States but it is an international organization. At least a third of its [06:46:00] members are from outside the United States and many of the members of the board are from other countries. Usually 20 to 25% of the people who come to its annual meetings are from other countries. Every five years it holds a meeting which is considered its international meeting. It does it jointly with other socio-legal [06:46:30] organizations, principally something called a Research Committee on the Sociology of Law of the International Sociological Association, which is the other association that is not purely national.

All other associations in this field are purely national. There's an association of sociology of law or something like that in most countries in [06:47:00] Europe. The largest is in the UK. There's a big one in Canada. There's one in Australia. Japan has the oldest and one of the largest associations. There aren't any organizations elsewhere. Every five years we have an international meeting. They've always been held in Europe. The Americans go abroad and then they bring people [06:47:30] from all over the world. Europe is a good place because there are lots of people in this field in Europe but there's no European organization at the European level. So this meeting sort of becomes the European meeting as well as the world meeting.

I've been involved since the very beginning. I was involved in planning the first of these, which was about 1990 in Amsterdam. So Amsterdam and then Glasgow and then Budapest and then [06:48:00] the last one, which was in Berlin. So I was appointed to be in charge of international affairs like the foreign minister of the American association and I took it upon myself to get involved in organizing the next of these big meetings, which was to be held in 2007. It would be in Europe and we had to decide where to hold it. I decided this was going to be [06:48:30] my big project for the next few years as an organizer.

Usually these meetings have had 12 to 1,500 people would show up. We set our sights on something bigger. We decided that we would make it truly international by bringing in as partners, and this was the first time this had been done, not only the International Sociological

Association but the Japanese, British and [06:49:00] German associations. The German association only after we had selected Germany as the site. We had the biggest association in Asia, the biggest association in Europe and us as the three main people and then we added the two German associations later. Then we had the Research Committee of ISA come in. So I put that together, put together the consortium. Had to go to Tokyo and London in order to convince the British and the Japanese [06:49:30] to do this. Spent a lot of my own research money on this. Hired a graduate student who did nothing but work on this with me for two years and which I paid for. We raised a lot of money to be able to bring people from developing countries to this conference. We raised \$160,000 for that purpose.

DRAINE: Wow.

TRUBEK: Mostly from the National Science Foundation. Put together a [06:50:00] 25 person international committee to plan it. Selected Berlin and Humboldt University as the site that was also something that I pressed for because I'd been in Berlin and I knew that this would really be attractive. From the European point of view, it's very central.

Is that my phone?

DRAINE: Must be.

TRUBEK: Turn off the thing.

DRAINE: All right.

TRUBEK: This, the biggest, best, most international, [06:50:30] most attentive to the needs of the countries where there are no organized associations, most attractive to graduate students, best tourism, I was going to make this the mother of all meetings. And we did. And I did spend three years, I also, the reason I donated a lot of our own money to help with some of the fundraising needs, I will say that. I won't tell anybody else [06:51:00] that, but the people in Law and Society know that. I used my own research money for all my own travel and for a half time project assistant who is a graduate student in sociology who did a lot of the administrative work. One of the things I've learned in life is always have a good assistant. That's why I insisted-

DRAINE: You've done a good job of making sure you did have.

TRUBEK: Yes. I had two conditions when I took the deanship. One was that they give me a million dollar startup money and secondly, that they [06:51:30] provide a position for Cathy Meschievitz who had been my Associate Dean over here. Anyway, it was a success in every possible sense and it really did transform the field. I do think that people will look back on this as a transformative moment in the history of this field internationally. It turned out, we had 2,400 people from 72 countries, several hundred people from developing [06:52:00] countries. Over 900 people from the European Union and about the same from North America. Got a lot of new research projects started. We got money to set up 21 research circles-

DRAINE: That's astonishing.

TRUBEK: -that were funded a year and a half in advance and met a year before to get started and then present papers. [06:52:30] A lot of the National Science Foundation money went to give these groups money to bring people from developing countries who were working on their topics. For example, just the one that I know the best is the one that Louise, my wife, ... grant. This involved the global diffusion of the idea of public interest law and how that was being reorganized [06:53:00] in other countries and then how the idea of public interest law was being applied to advocacy in global institutions so it really had two parts.

They got money from the Law and Society Association, which put up some of the money and then subsequently from the National Science Foundation grant when that came through. They were able to bring people to Baltimore for the Law and Society meeting of 2006. They had people from Africa, and [06:53:30] Latin America, and Asia who gave papers and they gave initial drafts in Baltimore and then more developed drafts in Berlin. Then most of them came to a conference at UCLA this year and all the papers are being published in the UCLA International Law Journal.

Of the 21, I think at least, probably about at least, 12 or 13 of these groups had similar experiences, [06:54:00] met at least twice, often three times, produced papers, and new ideas, new topics in the field, all international networks because that was a requirement, all involving people from developing countries or almost all. Well over half will produce some kind of book or edited volume or something. That was another big feature of this. We got these started and they put on big [06:54:30] events, most of these groups put on big fancy, semi-plenary events because we had some special events. It brought together a whole group of people who didn't know each other before, never met each other, demonstrated the global scope of the field, demonstrated the potential to reach out beyond the European, and North American, and Japanese base where this discipline [06:55:00] had been going on for a long time.

Of course it started in Europe before the war, but after the second world war, the European [world 06:55:06] was decimated, particularly Germany which had been very strong. Max Weber, of course, is considered one of the, not one of the founders of the field, but his work is considered very central. The US then went ahead and the Europeans have never quite gotten themselves organized on a European scale which, I think, hurts [06:55:30] them. Anyway, it was a huge success.

DRAINE: It was called International Socio-Legal Conference in Berlin and it was in 2007.

TRUBEK: Right. July 2007, International Socio-Legal Studies Conference just called Berlin 2007 and sponsored by organizations from the US, Japan, Germany, Britain, and the International Sociological Association [06:56:00] at Humboldt University, which gave us a lot of support. Humboldt University, it was just beautiful. The weather was perfect in Berlin. We had all the tragic and history of Europe to look at and the rebirth of the Berlin Republic. So it was great. The German Ministry of Justice put on a big reception for us. It was a big event. The minister gave a speech. The German Constitutional Court [06:56:30] organized a plenary event on constitutions around the world presided over by one of the justices of the German

Constitutional Court with attendance of constitutional judges from three countries so that was a second big event.

Although these were just symbolic things. The real point was that we had 2,800 papers submitted by 2,400 people, some submitted more than one paper, [06:57:00] workshops and panels. It was intense and everyone thought it was great. The day after it was over, it poured rain in Berlin for two days which would have been a disaster because part of the conference was outdoors and it was in five different buildings, one of which was at least a quarter of a mile away from the other. If we had to do all that in the rain, it would have been a disaster. God was on our [06:57:30] side. That was Berlin and now there's some move to create some more permanent international body to carry on that tradition. There isn't really one that cuts across the whole field. The only area that's organized internationally is the sociology area. I was just in Milan where I participated in a meeting to talk about what is now being called the World Consortium on Law and Society. Whether this will actually get off the ground, I don't know. But I've decided this is one organizational task I am not [06:58:00] going to take on. Not because of Charlie Halpernism, but simply because this is going to take a decade. I don't think I really want to commit myself for a decade to international organization. But if they want-

DRAINE: You are officially retired from your position at the University. Will you be able to keep an office in the law school to work from? What's your intention about how to organize your life with all this work you intend to do?

TRUBEK: I don't intend to stop working. I only became Professor Emeritus ... I became Professor Emeritus [06:58:30] because of two things. When I finished, I was 11 years in the deanship and three years in ..., that's 14 years away from law during which time I taught no law. I put some law topics into some interdisciplinary stuff and I did some interdisciplinary work on law, but I hadn't taught any real hard law for 15 years. I hadn't done that much because I always had a half time administrative appointment. I didn't have [06:59:00] a whole bunch of courses. I didn't want to teach full time anything and I didn't want to teach full time law, and I tried some options and just decided that I take advantage of the law school's five year post retirement deal where you could be hired for up to five years for up to 50%.

I signed on for five years, but at one third time because I didn't want to teach large classes, which would be a condition [06:59:30] of the half time appointment. Then I organized it so I teach seminars on what I'm writing about. That deal lasts for five years and I've got two more years. So the office stays at least that long. After that, would I keep the office? Well, this has to do with a much more profound question which is, what do you need offices for? What do you need offices in universities for? Ever since I was dean, I moved [07:00:00] all my research work to my house. Why did I do that? Well first, cause when I was Dean, I had this huge ceremonial office you couldn't have a clutter of books and papers and you had to clean it up every time. They had meetings there. Four times a week there'd be some meeting or staff meeting, some big fancy person came in had to be whatever. So this had to look very clean and pristine and well I had initially an office in the law school, [07:00:30] just at the time that I moved over to the international studies they started this renovation to the law school and anybody who didn't absolutely need an office, lost it because they tore down half or forty percent of all the offices were torn down during the construction.

People moved, and I was still smoking, and Donna had imposed a no smoking ban and so it was easier to work at home where I could smoke my pipe. I smoked a pipe, never smoked cigarettes. So there [07:01:00] were three things that forced me to move into the home: temporary loss of a law school base, couldn't use my Dean's office for research and I could smoke at home so I moved home.

And then the internet started and computers. It was just when I began to become computer literate and start using the internet when was all this happened. And so, I have worked out of my home ever since. When I go to other places, when my [07:01:30] wife taught at Harvard for a year, I had a little office in the apartment. I had an office at the Harvard Law School. I never used it. Cause it was too much trouble. If I needed to go to the Harvard Law School, I'd just walk over there to go to the meeting but it was much nicer being at home. There was a wonderful coffee shop across the street. It was a lovely office, belonged to a woman we were subleasing from, who was a professor at Wellesley. And I realized that I don't really [07:02:00] need an office.

When I was at Florence and at the London School of Economics, I fought like a dog to have offices when I was there to visit ... then I never used the offices because I was in this nice apartment, I set up my computer and I had my printer. Everything I need is online. The work I do almost everything is online. Obviously if you were doing medieval history this wouldn't [07:02:30] work until Google puts them all online but for the moment, since almost all my work is on contemporary things I always say if it's in a book, it's out of date. So, it's a slight exaggeration.

I'll keep this office until they kick me out but do I really need it? No. Enough said. It will make no difference to my professional life [07:03:00] whether I have this office or not. None, whatsoever. Indeed, I have a visitor coming from Latin America whom I'm working with and I had said to the law school. The law school had just hired a bunch of people and they were really worried about space and I said "Okay, worst comes to worst, put her in my office. I don't really need that badly."

Subsequently things have happened that makes me feel I really do need it this coming semester for a variety of reasons but I have no problem [07:03:30] because I download everything from the library, all journals that I use. There's only one journal I use that's not online and we don't have a copy of it anyway here, so if I need it, I don't know how I'll get it. I've stopped trying to worry about that. Most everything is on websites, so I have a research assistant if I needed one. A lot of books that I use are available in paperback [07:04:00] on Amazon for thirty bucks. So I just buy them on Amazon, they get there a day later and I take the receipt in and give it to the law school and they charge it to my professorship. I still have money from my Baskin professorship even though that they stop when you retire, I had accumulated money because when I was in WAGE, I got research money from WAGE. So I didn't spend the professorship for four or five years and let it build up. And the law school gives me some research money. [07:04:30] I have a research assistant and if I need a book which I can't buy on Amazon. Like, one book I needed cost four hundred and twenty dollars, I just decided I wasn't going to buy that and that I wasn't going to charge that to my professorship.

I do my travel vouchers and bring it into the school and I come and teach my classes. I work with only one or two law school faculty members on an intensive basis. We meet in my house or at a coffee shop [07:05:00] or I come here. If I didn't have the office, it would be harder but it would make practically no difference. It's not true of a lot of people now. There's a guy across the hall, distinguished professor. He must be in his late seventies, still productive and a book review editor of the American Journal of International Law. Published three or four articles in the last few years, never worked at home. [07:05:30] Has no home office. I suppose his house is big enough cause he has a house in Shorewood, and he had kids so I'm sure he could do it. He can't imagine that. He can't imagine working at home.

He's here, he was here this morning when we got in at 8:30. He's here every day. He retired, did the five year emeritus thing and then after that of course you lose you're right to the office. They might leave you here but you have no entitlement and if they need [07:06:00] the office you're out. They just kicked a bunch of emeritus professors out and they tried to kick him out. He obviously somehow fought it and it looks like he got to keep it. And they were right, because he's still productive and that's his office. But if the law school hired some more people and the Dean came to me after my five years is up and said "Dave we really need that office. Would you be really willing to give it up?" I'd say sure. I'm not very happy about it but the thing is about [07:06:30] this office is it's my art gallery.

DRAINE: Yes, you have paintings here by your mother?

TRUBEK: I have two paintings by my mother. This is a painting I bought in Moscow. That's a beautiful picture of our house in Nantucket that we used to own. That's a painting by my friend Sergio Campos Mello, my Brazilian. Let me just, over there, look at that thing at the top over there. That's a collage my mother did. You have to go look at it closely because my mother did that collage [07:07:00] about my career in the embassy in Brazil.

It went through a fire. She had a fire in her house so it got a little burned but it came out very well and it has my calling card from when I was in the embassy in Portuguese. So this is my [crosstalk 07:07:18]. Yeah, and my mother's painting of her mother and some awards and things I got from various universities so I would miss that. You know, [07:07:30] three or five times a year it's very nice to have a meeting here but as a practical matter, what I need to be productive is enough money to pay an hourly student research assistant because I need that. Money for travel, money to have some meetings, internet connections, up to date computer facilities, [07:08:00] but you know if I have to buy a laptop, a state of the art laptop for two thousand dollars. It'll last me for six or seven years, that's what I need and some space somewhere.

I've got plenty of space in the house but it's going to be a little tight in New York cause it's a relatively small apartment. There's enough room for Louise and I, there's one room we can make [07:08:30] into an office and it can serve as a guest room and we are right across the street from the Brooklyn library, literally across the street. I can always get privileges at one of the law schools in downtown Manhattan at NYU, or something.

DRAINE: Will you continue to seek outside funding for these things like travel money or etc?

Let's say it's three years from now. You're beyond your five years at the law school, what do you envision about that?

TRUBEK: Well I have a plan for three years, for the next three years that's two more [07:09:00] years than I'm being paid by the law school just a third time or actually twenty five percent plus money for research. This was the deal I cut with them. I didn't take the full third because I wanted research money and rather than take it as a salary and pay taxes on it, I took less salary. The deal then I could teach only what I wanted to and only seminars related to my research. So that's two more [07:09:30] years of that deal, then I have enough money saved up to get through probably more than one year. Although, the research project on law and the new developmental state would be benefited if we could get this grant that we're going to apply to through the Brazilian organization. None of the money will come to me. It will all go to the Latin American researchers and if they don't get it, they can do the work. I mean, there's one guy who's doing Mexico, he's at Georgetown. They'll give him money. [07:10:00] Another person is coming here this year as a tinker. I've got a tinker professorship, so has a whole semester she can't do field research, but she can prepare herself for her field research in Bogota, and she's at the top university there and they, they'll give her money. I've been able to give some money to the two Brazilian colleagues who don't have a lot of money because Brazilian universities are underfunded. So I've given some of my own research money to them and also got some money from [07:10:30] WAGE for them so we're giving them like \$ 11,000, which isn't a lot of money but you know, you give a graduate student in Brazil \$ 2,000, that's a lot of money.

So they've hired a couple of research assistants and that sort of thing. So, that will carry me through this, the project that I'm now working on. We're having a conference in 2009 on our governance thing with money from the European Union center here, and then Louise and I are throwing in some [07:11:00] of our money. Louise has applied for money from the medical school, that will help if she gets that because we'd have some joint venture projects that will help. So three years, we're all set. And then what happens? I don't know, Betsy. If I knew that ... are we going to continue doing academic work, are we gonna continue to do the kind of things that require travel and meetings and things like that, that cost a lot of money? Doesn't cost a lot of money to write [07:11:30] an article. The kind of work that I do, don't have to travel very much. I don't, my travel is not really to do research, it's to give talks and meet people, be at the conferences and learn what's going on, but my writing is now mostly theoretical, commenting on other people's empirical work or whatever.

So, I could keep writing without ... but I don't write well unless I'm working with collaborators and going to meetings and giving papers. I just went to [07:12:00] a meeting, this conference in Milan of the International Sociological Association, and why did I do it? Well they paid my way. Because I knew it would force me to finish a project, and I hadn't finished it ... if I hadn't handed, I would still be fooling around with this project until it at least gave me some closure. So that's another part of my mode of production, is to force myself into a situation where I have to produce something because there's 50 people waiting to hear it, or there's a deadline [07:12:30] and someone's gonna send me a nasty message if I don't make it. So ... and that's stressful.

DRAINE: Yeah.

TRUBEK: My mode of production creates a lot of stress, and if I don't have stress I don't produce. So, by then, by the end of these three years, I'll be 75. Do I want to keep the stress going? Maybe that's exactly what I want, or would I rather forget about the whole thing? Who knows? And the grand ... we'll be spending time in New York, so, [07:13:00] haven't thought it through.

I know, though, that probably if I play my cards right without getting another cent from the university, I could stretch out the funds that I now have for at least 4 years if I don't decide to have some big blowout event, because I'm very good at raising little pieces of money and supplementing it here, and I know all the tricks. One thing is, 40 [07:13:30] years of administration of which all but six were spent here as in many cases a senior administrator, I know all the ways to find little bits of money. Cause this university has lots of little pockets of money and, if you know how to get them.

So we got the money from WAGE, I get a little bit out of that, I help with that one, I help set up the center for global legal studies so they do my, they help administer my grants, and if I need the couple thousand bucks there, [07:14:00] the institute of legal studies I was a founder, I can always go there. WAGE might give me a few bucks for speaker. So there's always a little money, takes a lot of time. If you're willing to spend a lot of time writing proposals and stuff like that, you can, and you know these things and you're well known, and you're productive, this University is kind of supportive.

Where it falls apart is first, if you're junior and don't have staff support and don't know all the rules and the gimmicks [07:14:30] and the deadlines and the ... it's hard, and they're falling down on salaries. So those are the two things, there's money around to support people who are here and are productive. They do impose a lot of bureaucratic requirements, except for the few people that are big funded chairs. Where they fallen apart is salaries. Just fallen ridiculously apart. My colleague who's moving to Minnesota says that [07:15:00] his Minnesota salary will be 80 thousand dollars above what he was making when he worked here.

DRAINE: Wow. Hard pressed to compete with that.

TRUBEK: Well he would probably make more if he had been willing to come back here, they wouldn't have been able to go that high, but his wife got a chair there and we can't get an appointment for her, so.

DRAINE: That dual career problem is.

TRUBEK: Yeah but you know in Minnesota, how many universities are there in Minneapolis? [07:15:30] I mean give me a break. If Minnesota can do it, why can't we?

DRAINE: Yeah.

TRUBEK: Enough said.

DRAINE: Well, you were talking about teaching with Louise. I wanted to ask about that, your collaborations with your wife, Louise Trubek, over the years in writing and recently in teaching. When did that start to happen? Because you went to law school at the same time, but you had separate paths in terms of your legal [07:16:00] work.

TRUBEK: Yeah well, we went to ... well first we worked together as students in our senior year, that's already in the early part of these interviews, and then Louise went to law school and I went in the Army just for six months and then I worked in my father's factory for the rest of the year, and then I went to law school. So we were a year apart, and that makes a big difference in the way, law school.

So we didn't ... I'm not sure we, I don't know if we ever took a course together. I think we took one course together, that wasn't a good [07:16:30] idea, so I think it was great that we were in different cycles. We were in different specialties, we were in different years, so we didn't do too much professional work together. Then I was a law clerk, that's when Jessica was born, and Louise was doing some research in the law school, we were living in Connecticut and I was commuting to New York. And when we commuted to New York, the federal government gave me a big per diem, which would allow [07:17:00] me to stay in a hotel and buy meals but we stayed with my parents in New Jersey, although it was a long commute.

So we had a lot of money, we went to a lot of fancy restaurants, cause it was on books you didn't have to ... then I went to Washington, and then I was flying around the world and I was James Bond of foreign aid and thinking to myself as this great character, and Louise was home with the kids doing some very limited work on some project ... [07:17:30] some research projects that she got a part-time job on. And that wasn't so great.

And then we went to Yale, and we moved back. When we went to Yale, Louise for a couple of years stayed home and just did volunteer work and then finally she got a job in a public, sort of public private law firm that did some public interest work and did some private practice, and she did that. And then when we came out here, she started a law firm and [07:18:00] so ... then I was getting established as a teacher here, she was setting up this law firm.

But, I then went to work for her in the law firm, so that was the next time we really had professional collaboration, because we set up within the law firm a research program, and we raised a lot of money to do policy oriented research, and I directed that program and did a lot of the research and so, we worked together and we gave a paper [07:18:30] on socio-legal work in a public interest law firm at the first meeting of the Law and Society, the first full meeting, they had some smaller meetings ... but the first full meetings, which was sometime in the mid-70s, and we called the paper a promising marriage, social science and public interest law.

So I did that for a while, so that was the [07:19:00] next sort of professional involvement. She was running the firm and I was running this research thing and we did that. One of the people who work for us is Hank Lufler, who then went on to have big jobs at university and is still around, working over at the Ed school. He was a graduate student in political science and we did

some research on school discipline, we were studying how schools were disciplining students and I don't remember much about it, Hank was working on that.

And that's how he ended up going to Ed. School, because he did [07:19:30] his dissertation based on that study. So then, it was a long period when we, Louise was ... then when the money ran out I went back to law school. But I kept an interest in the firm and I know that our daughter's complained to me tons about how in that period, we talked too much at the dinner table about our common work interest. And then when that was over they would complain that all you [07:20:00] ever talked about was complaining about that quote "(expletive) dean." So that was another brief period. Then it was a long time when we did it. Then Louise decided to move into law school. Initially part time and then essentially became full time. I helped her a little because she was having a little trouble getting started writing. [07:20:30] Anne helped her a lot. Much more than I did. When she learned to use a computer there was some kind of breakthrough a combination of Anne, my daughter who teaches prose, helped her a lot. Louise had some sort of a writing block, and she broke through that and it was helped by the computer, which was interesting because Louise has a terrible handwriting. Of course in those days if you didn't have a secretary [07:21:00] and you weren't a good typist, what did you do?

Well you know, over at the public interest law firm she had a secretary, but that secretary was not supposed to type some article. She couldn't type and her hand writing is illegible. That I think is the problem. Then all of sudden the computer, even though she is not a natural typist she learned from this computer. So this is a really interesting story about Louise.

She started doing some writing and then, I don't know ... [07:21:30] then we started to work a little more closely and that's when we started writing together.

DRAINE: When I interviewed her, she said that you very much encourage her to write.

TRUBEK: Yeah, I did.

DRAINE: You said you have all of this knowledge that you built up at the Center for Public Representation and you wanted to get it out there.

TRUBEK: Yeah, there's a story. Okay, so there are two stories. They are bad stories. In the '70s I was invited to give a paper, to write a paper for a conference in Florence. [07:22:00] So I am just going to ... in the '70s, a conference ... on public interest law. So basically I wrote up what Louise was doing and she was furious. I got all the credit. I wrote the article. It was all about her. But then we were asked to do ... and that was the first paper I think we did together. Except that little paper for the Law & Society meeting, which was never published. They [07:22:30] had a follow up of it, at Florence and we did a paper where we joined ... I think that was the first one ... do you have my resume there?

DRAINE: Yeah.

TRUBEK: I think if I had known this I would have gone back and checked. Let me see.

DRAINE: While you are hunting for it, Louise also talked about it in terms of helping her in writing her block. She felt that you were such a terrific writer [07:23:00] and you talked in the first section about ...

TRUBEK: There was one earlier. So I gave a paper in a conference in Berlin and Louise co-authored this with a research assistant. That was 1980. That was the first one. The one I am talking about, which is called "Civic Justice through Civil Justice" was in 1981. 1980-1981 we were already writing together. There was a long period when I was doing [07:23:30] civil procedure project when we didn't work together. Through the '90s we didn't do any more work together. There is this book, this is the other bad story. As a result of the two papers we did in Florence, [07:24:00] they commissioned us to do a book on comparing US consumer law with consumer law in European Union.

That came out as a book called Consumer Law, Common Markets, and Federalism. We the research in 1980-'81. It took forever to get that book out. Probably because our Belgian collaborator was very slow on his part, which was part of ... us in. Louise, who had been practicing [07:24:30] consumer law for years, and really knew a lot about American consumer law, was part of the project. We went to Brussels, we did a lot of research, we worked together there. She co-authored most of the American chapter, but I didn't put her name on the book.

Her name is on the inside, her name ... it's David Trubek and Bourgoignie and why we did that, I don't know. I feel very guilty [07:25:00] about it. There were three publications in the '80s. Then there was this long period where we didn't work together, I am just trying to remember, I want to get this exactly right ...so then, we taught a course together at the International Institute for the Sociology of Law, on [07:25:30] new governance. We had both been working on this in separate ways and we kinda realized that her experience working in the United States, and my experience working on the EU that there were some commonalities. We put together a two-week intensive seminar for the master students at the International Institute for the Sociology of Law in Spain. That was then the intellectual basis for a collaboration which then continued [07:26:00] and led to two co-authored articles. I see here on this that I didn't put Louise's name on this one. That's bad.

We put this together very hastily. We left out a couple of things and there is a typo here too.

DRAINE: Yeah,

TRUBEK: We did hard and soft law under construction of social Europe in 2005, but started [07:26:30] 2003. Then she did a paper and I did a different paper for a book called Law and New Governance in the EU and the US. We did another one, which is, and this ... the new governance and constitutionalism book was [07:27:00] part of this network I described and then the network had another meeting in London and we did an article called "New Governance & Legal Regulation: Complementarity, Rivalry, and Transformation" and that was published in the Columbia Journal of European Law. I rushed this off. I left her name out. We have done nearly six papers together.

DRAINE: So it's really come to florescence in recent years?

TRUBEK: More because we also taught a seminar together. So its basically been since 2000, [07:27:30] since we did a seminar in Spain that we have worked together. We have this project, Wisconsin project of governance and regulation. We have been working with this network in Europe, and the United States. We have helped organize several conferences, here, Berlin, London, New York ... we taught the seminar together for seven years. [07:28:00] Louise taught it by herself when I got sick the first time, then we canceled it the second time ... when I broke my femur, she came back and taught it herself. I just came in toward the end.

The next year when I got sick and was in the hospital for all of September she just canceled it because she couldn't do it. Taught her own class, health law class and then we taught it [07:28:30] one more time. And then we gave up. Now we are going to try and finish off thus project. I think this is the last thing that we are going to run a conference called 'trans-national conference on new governance and the transformation of law' which will be co-sponsored by the center for European Union governance at University College in London. One of our closest collaborators is a woman called Joanne Scott with whom I have written an article many years ago. She and I were [07:29:00] the co-editors of a special issue of the European ledger on new governance.

That's how it all started, and I am trying to remember exactly when that was. It was published in 2002 I think he conference was in 2001. So it has basically been these seven or eight years since we really were doing this heavily. It started with that conference in 2001 [07:29:30] and then we did the course in Spain, and then we did the first ... then Louise participated in this book in the conference, in the project and then after this book we wrote separately ...

DRAINE: 'Governing work and new economy European and American experiments'

TRUBEK: I wrote about Europe, and she wrote about the United States separately. That's when we started developing this kind of common understanding [07:30:00] and then we did the paper together, hard and soft law, in the construction of social Europe, which was published in the European Law Journal in 2005. And then there was another conference, which was in London, no in Cambridge, and that led to the book "new governance and constitutionalism," where we each had chapters, but again, separate [07:30:30] chapters. And then we had another conference in London where we did the paper called "New Governance and Legal Regulation."

That was the last thing we did together, but we're talking about doing one more paper, probably for this conference in 2009, which will be probably the last thing we'll organize here. But, since we're going [07:31:00] to spend part of the year in New York, we already made arrangements to do some teaching, or just give lectures, and of course, that's being taught on new governance and the law at Fordham Law School.

DRAINE: And you'll do that together?

TRUBEK: No, I think we'll do that separately, because we have separate topics. They want us

for separate topics, we won't do that together. But we'll both be participating to some degree in this new course that they're starting, because one of the closest members of our team, who used to be at the European University [07:31:30] Institute in Florence, married an American and moved to New York, and so she's now starting up a new course there. So that's it. So, right now, just the last couple days, we worked together to do the RFP for this conference in 2009, which we'll hold here, and probably have a meeting, either in London or New York to plan it with some of the people from this network.

DRAINE: So you're both very active. Very busy.

TRUBEK: We're both [07:32:00] very busy. I see no reason to stop. I don't do quite as much as I used to, but I still do a lot, and I enjoy it, and it keeps me going. These people we're working with, they're all younger than our daughters. I mean, Joanne Scott, who's now full professor at the University College of London, which is one of the best law schools and one of the best universities in England, she's [07:32:30] younger than Anne. And I've written an article with her, and organized two conferences with her, and now we're going to do this final thing. They're all, probably 35. My youngest daughter's 42, now, I guess. So these are people who are all younger than our daughters.

DRAINE: It's keeping you young.

TRUBEK: Well maybe, maybe. So that's the fun of it.

DRAINE: Let me ask you this sort of final question. Might be hard to imagine, but, say, 10 years from now, [07:33:00] can you imagine it being 10 years from now and you're looking back, and assessing what, that I accomplished, whether it was writing or organizing conferences or administratively, wound up being a platform for people to keep building on, which are the things that people probably will have found most important to build on?

TRUBEK: It's funny [07:33:30] because if you'd asked me 10 years ago whether law and development, which had been the most important thing I did in my first 10 years in academic life, if you had asked me 10 years ago, is that going to be a continuing part of your legacy, I would have said I don't know. It's certainly pretty moribund right now. There are a lot of factors that led into, it sort of peaked and it sort of died [07:34:00] off. And I've written endless articles about why it happened, so I will not bore you with that. But anybody who was listening to this and wants to find out can just look at my bibliography because I wrote three different articles about what happened to law and development.

But now, it's booming and I'm like, a big deal. So it's really kind of hard to predict those things. I think that's now definite. That this [07:34:30] will be remembered as a very important contribution. I think critical legal studies will continue to be highly regarded, and my contribution, although not as great as that of, say David Duncan Kennedy, it was a very important thing for me and I think I was important in getting it up off the ground and up and running. It will not be a continued, socially connected thing, but it's a [07:35:00] moment of American legal, intellectual history that will be remembered. And my role in it, I'm glad of my role in it and whether I get appreciated for it or not, I'm not too worried about that.

So, critical legal studies, so I think that intellectually, the three things, well, law and society, I've made a major contribution to, but that was established before I got started. I think that I helped a lot. Law and development's a definite. [07:35:30] Critical legal studies, it's over as a movement, but I think it will stay as considered an important part the history of Western legal thought. Then there's law and society. I think that people will see that my work, and also my organizational efforts at the Berlin meeting was a great turning point, and I think we're going to look back and say Berlin was the beginning of the globalization and the truly internationalization [07:36:00] of this field, and I can take some credit for that. But this is one that I'm not going to try to use my energies to continue. I'm hoping that it'll be picked up. I think at this point, if it isn't picked up by somebody else, by other people, then there's no hope for it. If they still need me, they're in trouble. I talked to this guy in Milan, this Spanish guy who was trying to get this consortium organized. I said Jose, this is only going to work if you do it. And he didn't realize [07:36:30] that. He thought it could be delegated, and I said, no, this can't be delegated. It's too fragile. This particular version, I mean sooner or later, they're going to do this, because this is inevitable but I would hate to see this current initiative die, because then it'll be five years before it can start again.

So, critical legal studies, the internationalization of law and society, the embedding of law and society in legal education, I made a contribution to that. That's what the Institute of Legal Studies is, but Wisconsin [07:37:00] had done that and I just built on that, so that's not in the top three. And I think, perhaps, new governance. I think that the introduction of new governance into the American legal academy, which is now slowly happening, it's much more widely thought of in Europe, partly because the European commission has spent millions to foster research on this subject. Because the European Union doesn't have the kind of conventional tools that [07:37:30] a federal state has, they've taken an unusual interest in alternative tools that may be more possible within their limited resources at constitutional structure than the more conventional forms of law. And so, ironically, the European Union has been kind of a leader in studying and promoting alternative types of law or alternatives to law. Which actually exist in the United States, but haven't been [07:38:00] studied as much.

So I'd say law and development's a sure thing, critical legal studies is a sure thing, the globalization or the internationalization of the field of law and society, or what most people call socio-legal studies, I think is almost a certainty. The introduction of new governance into American legal education and becoming a major research area in the United States and as a trans- [07:38:30] Atlantic project, I'd say 50/50.

And, the other area that I work in has relatively little to do with me, and that is international labor rights. Because I'm not a labor lawyer. I don't sustain my interest. I pick up something, and I say, oh this is interesting, and I write about it and maybe somebody uses it. But it's not a sustained interest. Because it gets you into incredibly technical things. I'm now working on a project which has forced me into technical questions [07:39:00] of Swedish labor law that are totally beyond me, and I can't decide whether I'm going to continue with this project or just say, oh, this is for somebody else. So that's it.

DRAINE: That's pretty impressive. And that's not to even mention the deanship, and the structures that you left behind.

TRUBEK: That's academic. So, administrative.

Well, the Institute for Legal Studies is now, almost moribund. And I feel very bad about that. They turned it over to a guy who's done practically nothing with it. [07:39:30] So it's, at least he's kept it from folding, but it does nothing. Might it be reinvigorated if you had a new dean, a lot of money, and an aggressive person, yes, but we have none of the above nor is that in sight.

The International Institute, I think that will be an abiding thing, I think that it's very hard to see the university letting that go down the tubes, but they better move fast because it's not growing, and they've lost too many [07:40:00] key people in the last few years.

Those are the two big things I did: an Institute for Legal Studies and the International Institute. I mean, the Dean's office was there, I changed it, but the International Institute was the big innovation. So those two things, I think they'll both be there, I think that it's almost certain that the International Institute will have a rebirth, maybe under this chancellor, it might be the next, who knows, these things come and go. But I think it's embedded enough so it won't go away. The Institute [07:40:30] here, I can't tell because they took all the money away, they've got no money, they've got one staff person who does nothing but whine about how overworked she is, an administrator who does almost nothing and is a burned out case, for many reasons, has had some tragic personal things in his life. Since they don't care enough and they don't want to invest anything in it, they won't get rid of him and put in a new person, because they're not going to get a new person. [07:41:00] There's nobody here right now who would want to do it, they would have to recruit somebody from outside and they'd have to promise a lot of money and they're not going to do that. So, that's it.

DRAINE: So ten years from now, we'll see.

TRUBEK: Ten years from now, they might. I mean, if you want to know an area of disappointment, I'm disappointed in this law school. I'm disappointed. I think that they just failed.

DRAINE: And what do you think [07:41:30] are the components of that failure?

TRUBEK: I just think that they are at a moment of crisis, that they had a wonderful period in the 60's and 70's. They had innovation, it was a leader in many areas of legal thought, they had really top people. They've always had trouble keeping people, almost like a farm team, [07:42:00] that list of people who graduated who taught here and have gone on to all of the top law schools in the country. If you put them altogether, it would be one of the best law schools in the world and that's always been a problem with the salary structure and the two-career problem in this town and the fact that we don't pay for college for you.

You know, one of my colleagues went from here to Columbia, she doubled her salary and got [07:42:30] money to send three children through Columbia College and law school, free tuition; not all three went to law school, but you know. She got huge amounts of free tuition and if she stayed here, she would have had to scramble to get them in to an Ivy League school and could not have afforded to send them all, she would have had to have some triage. Then I got people who just moved because of the prestige, [07:43:00] went to Princeton, Yale, and Stanford for the prestige, but also the money. And then when they lost the people ... we had two waves of people who represented, to some degree, innovations in legal education, collective groups, and they lost both of those and they never were able to find anything to replace them with something that was innovative and there's been no leadership at all. Once I left [07:43:30] the law school, there's really been no intellectual leadership and I've always been an outsider here.

I came from the outside, you know I came with tenure so I didn't work through the system. They always didn't trust me because they couldn't make any sense of me. How could this guy be associate dean, an administrator and a fundraiser, and a major figure in a left-wing, highly theoretical movement that was based on the incorporation [07:44:00] of the most radical reading of the American legal thought combined with all of western-European blah, blah, blah, and here we were in meat-and-potato law school in the mid-west and they just couldn't figure out how anybody could do both these things. So I scared them and they've never felt comfortable with me and they've never really known what to do with me. I tried to be the dean and I got killed, twice, [07:44:30] and the people they appointed, we won't say anything about them. But let me put it this way, there are people who think that if they'd only made me dean, this law school wouldn't be in the trouble that it is. Now, I actually think that that's not completely true because they'd still be in trouble over some things.

DRAINE: But there is a...

TRUBEK: One of the reasons I worked so hard to excel in the campus was because I really was [07:45:00] furious that they wouldn't make me the dean, which is what I wanted.

DRAINE: So the intellectual leadership went to International studies.

TRUBEK: Absolutely. Absolutely. You know, there are very few people who have some degree of scholarly distinction and who are willing to do administrative work.

DRAINE: Right.

TRUBEK: Among those, very few do it well. So, I'm kind of an unusual character and I've sacrificed, [07:45:30] or maybe I haven't sacrificed. My daughters and my wife always say, "Dave, stop doing all this administration and write great books" and I say, "I don't want to write great books." I mean, if I could write a great book and not do administration, I'd do it, but I can't. I don't why, it's crazy, it's the way I am.

DRAINE: And you have an enviable record of publication.

TRUBEK: Well, I've done okay, but there's only one book that I actually wrote and that isn't

even a book, it's a monogram. It's all edited volumes, and there's six edited volumes, so there's no [07:46:00] great Trubek on this and Trubek on that.

I have no complaints. I'm perfectly happy with my career, and especially since I'm about to go celebrate being the editor of *The Octopus*.

DRAINE: Oh good.

TRUBEK: I mean, we forgot to mention the other high point in my life.

I've got no complaints, but I am disappointed that the Wisconsin Law School never gave me the kind of leadership [07:46:30] role that I wanted. Whatever I got as a leadership role, I created. I invented the position of Associate Dean for Research, there was no such thing. I invented the International Institute and I forced my way into it because I created it. They didn't come to me and say, "We want you to do this." I announced that I was going to do this and they let me do it. So why? I don't know why. Too New York, or New Jersey [07:47:00] to be precise, too Eastern, too fancy intellectual, too progressive, too ambitious for them. I hope this isn't going to get published.

DRAINE: No. Well...

TRUBEK: But if they want to listen to it, that's fine with me because I have no regrets because the University of Wisconsin, overall, has treated me very well and the law school has been decent to me since I've been back. They [07:47:30] gave me this nice office, all I had to do was pay for all the furniture out of my own research money, but that's okay.

DRAINE: But you've put together an extraordinary career from this platform.

TRUBEK: Yes, I did, I did, and it was a platform. And Louise feels the same way, and of course they've been much nicer to me than they were to her. They treated her terribly, my real resentment is the way they treated her.

She never was willing to force the issue. Now, the last person [07:48:00] who forced the issue, he got an outside job, came to them and said, "Okay, now I want to be on the tenure track", they said "No." He said, "Okay, how about I'm a clinical professor but I'd like to just have the summers off instead of having a 12-month employment", they said, "No." He said, "Well, how about giving me a raise", they said, "No." Of course, he got a nine-month job at Minnesota, with summer money, about a \$50,000 [07:48:30] increase, total counting summer money, which is discretionary, but he's got a good chance at it, and two years from now they'll consider him for tenure track.

Louise was never willing to do that because she was always afraid that this is what would happen, that they would say, "Good, go." They might well have because they never felt comfortable about her. They didn't feel comfortable about me. Here she was, this up-front, all over the place, public-figure in the state, [07:49:00] on television. In those days, she was on television all the time and all of sudden she wants to come here and they never felt comfortable with her and then they can't deal with the fact that she becomes a world recognized scholar

getting awards from Wisconsin Medical School for the outstanding article of the year. They can't deal with it. So when this woman, she told you about the woman who gave the talk?

DRAINE: Yes.

TRUBEK: In her retirement, this young woman, just arrived, but [07:49:30] who had studied some of her work when she was in law school and with Louise's help when she got here and gave this talk. I thought, this is the first time anyone has ever gotten up in this law school and said a good thing about Louise Trubek as a scholar. First time in 30 years.

DRAINE: And she was very gratified by that because she could see that it was a reflection of a ...

TRUBEK: It was genuine.

DRAINE: Yeah, yes.

TRUBEK: It wasn't some (expletive) administrative thing.

DRAINE: Right.

TRUBEK: Look, I should go because the Octi-editors are waiting.

DRAINE: Yes, well I want to thank you so much for all the energy you've put into this and it's been really [07:50:00] a pleasure.

TRUBEK: Well, it's been fun actually. Been fun.

DRAINE: Thank you.

TRUBEK: Okay.

DRAINE: All right. Now.