

STANFORD UNIVERSITY
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OFFICE OF THE PRESIDENT

MEMORIAL RESOLUTION

CARL BERNHARDT SPAETH

(1907 - 1991)

Carl Bernhardt Spaeth, fifth Dean of the Stanford Law School from 1946 to 1962, Chairman of the University's International Studies Program from 1962 until his retirement in 1972, and William Nelson Cromwell Professor of Law, Emeritus, died on February 10, 1991 at the age of 83.

Born on May 3, 1907, in Cleveland, Ohio, Spaeth attended public schools before enrolling at Dartmouth College, where he received the A.B. in 1929 and was elected to Phi Beta Kappa. He then read law at Exeter College of Oxford University as a Rhodes Scholar, earning the B.A. in 1931 and the B.C.L. in 1932. After a period as a Sterling Fellow at the Yale Law School he taught law at Temple (1933-4), Northwestern (1935-9) and Yale (1939-40). From 1940 to 1946 he filled a series of diplomatic assignments for our government in Venezuela, Uruguay, and Washington. When recruited for Stanford by President Donald B. Tresidder, Spaeth was Special Assistant to the Assistant Secretary of State for American Republics Affairs.

In Spaeth's sixteen years as Dean the Law School was transformed. From a respected regional it became a leading national law school. A diverse student body was recruited from throughout the nation. An excellent small faculty noted for its teaching grew to a larger one devoted both to teaching and to productive scholarship. Supported by a gift from Henry Luce, law professors were encouraged to teach law to undergraduates planning careers in other fields. A modest curriculum of traditional professional subjects became an ambitious curriculum – and extra-curriculum – that sought to prepare students for national and international practice and for positions in government, business, and the voluntary sector. Intensive instruction in legal writing was added to the curriculum. The Stanford Law Review, today a leading legal periodical edited and partly written by

law students, was founded and nurtured. The law library collections were greatly expanded and totally reorganized to support faculty and student research and publication. The school's Board of Visitors was formed; the Friends of the Stanford Law Library established; placement, alumni relations and fundraising institutionalized. Although the Law School continues to grow and change, its character and structure are still fundamentally those given it during the Spaeth years.

Spaeth's international interests had important consequences for the Law School and the University. He spent 1952-3 on leave from Stanford at the Ford Foundation, where he established its Division of Overseas Activities. When the Foundation decided to support international legal studies at a few law schools, the Stanford Law School was one of those selected. Later, when Ford made major grants to support international studies at selected universities, Stanford was among the recipients. Stanford, with Harvard and Michigan, conducted the Ford-financed Japan Law Program, and Stanford was the principal locus of the Ford-financed South Asian Law Program, both of which brought particularly promising young lawyers to the United States to familiarize them with American law and institutions and to provide an opportunity for serious advanced study relevant to their careers at home. Spaeth's work with the Ford Foundation also led to establishment of the India Law Institute in New Delhi, to which he was a friend and consultant. Law student interest in international matters was encouraged by new courses in foreign, comparative and international law and institution of the Stanford Journal of International Law which, like the Stanford Law Review, is edited and partly written by law students.

When Spaeth retired as Dean of the Law School he became Chairman of the University's newly established Committee on International Studies. Armed with a substantial Ford Foundation grant, his mission was to build a University-wide, multi-disciplinary program of international studies at Stanford. The Spaeth committee's years of planning, intra-university diplomacy and strategic support of faculty appointments from the Ford grant led to formation of the Stanford's Institute (originally Center) for International Studies and helped bring a number of distinguished international scholars to the faculty. During those years Spaeth

continued to teach a course, *Legal Aspects of U.S. Foreign Relations*, and a seminar in the Law School. He also continued his international activities as a trustee or council member of the International Legal Center, New York; American Society of International Law, Washington D.C.; Latin American Council, Education and World Affairs, New York; and Monterey Institute of Foreign Studies, Monterey.

Spaeth was unusually resourceful, and successful, in attracting financial support for legal education and international studies from foundations, alumni, and others who, until they fell under his spell, had no relation to Stanford. During his tenure as Dean, four endowed professorships were established in the Law School where none had existed before. He made special efforts to attract support for needy students, and the sixteen endowed scholarship funds he was instrumental in obtaining gave him particular satisfaction. It was highly appropriate when, as Spaeth approached retirement from Stanford in 1972, former students founded another such fund in his honor. The Spaeth Fund helps needy law students, particularly those from racial and ethnic minorities.

Spaeth's remarkable talent for identifying and attracting promising young faculty to join him in building the Law School was combined with the skill and patience to persuade the University administration to support them and, when there was controversy, to stand firmly with them. In the 1950's, in particular, in the wake of McCarthyism, there was a vicious, sustained attack on Spaeth and the Law School, led by a national political broadcaster. The occasion was the proposed appointment of Herbert L. Packer, whose planned research on the testimony of ex-Communist witnesses was funded by a grant from the Fund for the Republic.

The Packer appointment was eventually confirmed and the grant accepted despite almost unbearable political pressure and plausible, soothing arguments for compromise. The episode was crucial to the development of the university. Wherever we are on the scale of excellence, we stand higher today because of the uncompromising defense of academic values by Carl Spaeth and President J.E. Wallace Sterling at that time. Packer became a leading member of the University and, as Vice Provost, was instrumental in founding the Senate of the Academic Council to which this resolution is addressed.

There are few reliable ways to measure achievements in academic administration. The Law School's growth to national prominence was a complex process in which many faculty, students, alumni, and University officials all participated. Still, the developments we have described took place during Carl Spaeth's watch and are permanently, and justly, associated with his name. Those of us who participated in the process know from our experience how Spaeth's vision, intelligence, skill and advocacy stimulated and directed our aspirations and made their achievement a possibility. The Law School's rise to national stature was objectively confirmed and significantly accelerated toward the end of Spaeth's tenure as Dean, when five leading legal scholars left Columbia and Cornell to join the Stanford law faculty.

Spaeth was devoted to and proud of the achievements of his students, and here may be another measure of his influence as Dean: a Chief Justice of the United States; the first woman Justice of the Supreme Court; the first U.S. Secretary of Education; the Deputy Secretary of State who negotiated the release of the Iranian hostages; two Assistant U.S. Attorneys General; U.S. senators and members of congress; officials of international organizations and of federal and state governments; two presidents of the Stanford Board of Trustees; leaders at the bar, in business and in the voluntary sector.

Spaeth's conviviality and his delight in friendly competition became legendary and were often put to productive use. There were annual golf matches between law faculty and law students. Law School/Medical School faculty golf matches, and ensuing dinners, were another Spaeth innovation. Never one to miss a fund-raising opportunity, Spaeth established a pattern that became familiar to colleagues, friends, and social acquaintances: before an election, the World Series, a football game, over a domino game at the Bohemian Club or the Palo Alto Club, Spaeth would propose a wager, the loser to write a check to the Law School's scholarship fund. His enthusiasm for golf was particularly productive: a formidable first-tee negotiator, Spaeth won contributions to Law School scholarship funds from a variety of golfing companions.

Sheila Grant and Carl Spaeth met and were married while Spaeth was at Oxford. This is not the place to attempt to describe Sheila Spaeth's immeasurable contribution to Carl's career and the welfare of the Law School and the University during fifty-nine years of marriage. Nor would it be appropriate here to recount the many ways in which this great lady had brightened all our lives. Sheila survives Carl, as do their children Carl Grant Spaeth of Palo Alto and Laurin Sheila Spaeth of Stanford, Grandchildren Charles and Shelly Spaeth, and Carl's sisters Dorothy Stenger of Cleveland, Ohio and Hazel George of Beverly Hills, Florida.

John Henry Merryman, Chair
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