

*AALL Centennial Feature**

**Thomas S. Dabagh and the Institutional Beginnings
of the UCLA Law Library: A Cautionary Tale****

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Ms. Rastorfer tells the story of the memorable set of characters and political circumstances involved in the creation and early development of the law library of the University of California, Los Angeles School of Law. It is a story of loyalty oaths, decanal power, and a principled law librarian.

¶1 On July 18, 1947, California Governor Earl Warren signed Assembly Bill 1361, providing a \$1 million appropriation for the construction of a law school at the University of California at Los Angeles (UCLA). Assemblyman (later Judge) William Rosenthal sponsored the bill. He wanted a public law school in southern California so that men and women from his district, Boyle Heights, as well as others, would have a convenient and affordable place at which to pursue a legal education. The University of Southern California was too expensive for most, and traveling north to the law schools at the University of California, Berkeley (Boalt Hall) or Stanford was out of the question. Rosenthal met with little resistance, although a lobbyist for the University of California, Berkeley tried to dissuade him by claiming that Los Angeles was too provincial, and that “we had no right to ask for a law school. . . . I told him we pay half the taxes and we have half the

* *Editor’s Note:* The American Association of Law Libraries was founded on July 2, 1906, by a handful of law librarians who met during the annual conference of the American Library Association at Narragansett Pier, Rhode Island. To commemorate the AALL Centennial that will be celebrated with a year-long series of events and activities culminating at the 2006 Annual Meeting in St. Louis, *Law Library Journal* is including an “AALL Centennial Feature” article in each issue published through 2006. While the focus common to each article is the history of law libraries, law librarianship, and AALL, the specific topics vary according to the interests of authors and readers. Individuals interested in contributing a “Centennial Feature” article should contact Frank G. Houdek, Editor, *Law Library Journal*, Southern Illinois University School of Law, Lesar Law Bldg., Mail Code 6803, Carbondale, IL 62901-6803, (618) 453-8788, houdek@siu.edu.

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population. I think it's time that the poor kids would have a chance to go to a law school sponsored by the State."¹ Rosenthal's dream came to fruition when the UCLA School of Law opened its doors in September 1949.

¶2 With plans for a law school came plans for a law library. One does not usually associate high drama with the founding of libraries, but there was nothing "usual" about the beginnings of UCLA's law library. Fate brought together a memorable combination of characters and political circumstances, all of which left an indelible mark on the library. This is the story of those characters, the time in which they lived, and the role each played in the creation and early development of the UCLA Law Library.

Background

The Climate of the Times

¶3 The UCLA School of Law was born into turbulent times. Even before Senator Joseph McCarthy made his shocking accusations at the Ohio County Women's Republican Club in Wheeling, West Virginia, on February 9, 1950, the country was struggling with fears of spreading communism and concerns about its infiltration into government.² Mao Tse Tung's communist forces had ended the United States-supported regime in Nationalist China in 1949. After a spectacular trial, Alger Hiss was convicted in 1950 as a perjurer for denying that he had been a communist and that he had stolen U.S. State Department documents. The country was led by President Harry S. Truman, a man assessed by I. F. Stone as ill equipped to face new trends in foreign affairs. "The age of little men was confronted by big problems . . . freedom requires courage, and peaceful coexistence requires confidence."³ According to Stone, Truman and his top men lacked both.

Loyalty Oaths and the University of California

¶4 Communist hysteria on the national level was mirrored perfectly in California. Early in 1949, Senator Jack B. Tenney of Los Angeles, chairman of the California Legislature's Joint Fact-Finding Committee on Un-American Activities, introduced thirteen bills "to isolate, expose and remove from positions of power and influence persons who are a dangerous menace to our freedom and security."⁴ One of those bills sought to remove jurisdiction over the loyalty of University of California [UC] employees from the hands of the university's governing body, the

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1. William Rosenthal, Father of the UCLA Law School 6 (UCLA Oral History Collection, No. 300/261, 1986) (unpublished oral history transcript, available at Dept. of Special Collections, University of California, Los Angeles).
 2. See ARTHUR HERMAN, JOSEPH MCCARTHY 97–100 (2000).
 3. I.F. STONE, THE TRUMAN ERA, at xxi (1953).
 4. ANDREW HAMILTON & JOHN B. JACKSON, UCLA ON THE MOVE DURING FIFTY GOLDEN YEARS, 1919–1969, at 120 (1970).

regents.⁵ UC President Robert Gordon Sproul suggested to the regents that the university should forestall legislative intervention by initiating its own loyalty oath.⁶

¶5 Although Senator Tenney's bills died in committee, on March 25, 1949, the regents pressed on, passing a resolution that required all faculty and staff to swear, in addition to the state oath required by the California Constitution,⁷ that "I do not believe in, and I am not a member of, nor do I support any party or organization that believes in, advocates or teaches the overthrow of the United States Government, by force or by any illegal or unconstitutional methods."⁸ With the passage of this resolution, the entire UC system sat poised on the brink of turmoil that would leave scars for decades to come.

The Cast of Characters

The Law Dean: L. Dale Coffman

¶6 The search for the first UCLA law dean was an arduous process. In fact, the Law School Planning Committee's inability to find a willing candidate upon whom both it and the regents could agree held up the opening of the law school one full year.⁹ The committee originally planned to have a law dean before summer 1948, a law librarian by July 1948, and a law school opening that fall.¹⁰

¶7 This was not to be. The process had become so bogged down by fall 1948 that President Sproul wrote he was "beginning to believe that we are under a hex in this search for our new law school."¹¹ Paul A. Dodd¹² and James A.C. Grant,¹³ along with Clarence Dykstra, provost and vice president (at the time, this was chief administrative officer of UCLA), were leaders of the search committee charged with finding UCLA its first law dean. The bottleneck was caused by the fact that

5. ELLEN W. SCHRECKER, *NO IVORY TOWER: MCCARTHYISM AND THE UNIVERSITIES* 117 (1986).

6. 2 "The Godfather of UCLA:" Regent Edward A. Dickson 770 (comments of L. Dale Coffman) (UCLA Oral History Collection, No. 300/221, 1983) (unpublished oral history transcript, available at Dept. of Special Collections, University of California, Los Angeles) [hereinafter Dickson Oral History]. This oral history, prepared after Dickson's death, consists of interviews with individuals who knew him.

7. At the time, the California Constitution required the following oath of office for members of the legislature and all officers, executive and judicial, unless specifically exempted by law: "I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of _____, according to the best of my ability." CAL. CONST. art. XX, § 3 (amended 1952).

8. HAMILTON & JACKSON, *supra* note 4, at 120.

9. Memo from Advisory Committee on the Law Dean (July 16, 1948) (available in Records of the President of the University of California: Special Problem Folders, 1899-1958, CU-5, Series 4, 20:15, University Archives, Bancroft Library, University of California, Berkeley) [hereinafter UC President, Special Problem Folders Collection].

10. *Id.*

11. Memo from Robert G. Sproul, President, University of California, to Clarence A. Dykstra, UCLA Provost and Vice President (Nov. 17, 1948) (available in UC President, Special Problem Folders Collection, *supra* note 9).

12. Dean of the UCLA College of Letters and Science (1946-61).

13. Dean of the Division of Social Sciences in the UCLA College of Letters and Science.

the committee used merit as a selection criterion while the regents used political beliefs.¹⁴ The committee had offered the position to Lon L. Fuller of Harvard, Lloyd Garrison of New York University, and Roger Traynor, associate justice of the California Supreme Court, all of whom declined.¹⁵ They also wanted legal scholar Harry Shulman of Yale but were told they could not have him because he was born in Russia, and the regents would never approve him.¹⁶

¶8 Frustrated at having their choice ignored, the committee finally authorized Provost Dykstra on November 3, 1948, to approach L. Dale Coffman, dean at Vanderbilt University Law School.¹⁷ The committee had considered Coffman's candidacy previously and rejected it.¹⁸ But Sproul predicted the December meeting of the regents would bring "an irresistible demand for the appointment of one of the two men whose willingness to accept is almost certain [one of whom was Coffman] neither of whom has commended himself to you and your committee."¹⁹ Faced with an impending fait accompli, Coffman was asked to come to Los Angeles for an interview.

¶9 The regents were impressed with Coffman. Regent Victor R. Hansen wrote Sproul: "We were pleased with his general attitudes, and feel confident that his views concerning infiltration of 'Red' or 'Pink' elements in our university, and particularly our law school coincides with the view of the Southern Regents."²⁰ Edward A. Dickson, chairman of the regents, agreed, telling Coffman during Christmas season 1948 that he hoped Coffman would be the first dean of UCLA's law school.²¹ He went on to explain: "I want to be sure you come . . . too many reds on campus."²² With Coffman, Dickson finally had a kindred spirit in place.

14. For example, the regents authorized the Search Committee to go forward with one particular candidate only "after ascertaining that he is not allied with or in sympathy with any radical groups." Minutes of UC Regents' Meeting, Feb. 27, 1948 (available in UC President, Special Problem Folders Collection, *supra* note 9).
15. Memo from Law School Planning Committee to Robert G. Sproul, President, University of California (Oct. 16, 1947) (available in UC President, Special Problem Folders Collection, *supra* note 9).
16. James A.C. Grant, Comparative Constitutional Law at UCLA 286, 294 (UCLA Oral History Collection, No. 300/318, 1989) (unpublished oral history transcript, available at Dept. of Special Collections, University of California, Los Angeles).
17. Memo from Law School Planning Committee (Nov. 3, 1948) (available in UC President, Special Problem Folders Collection, *supra* note 9).
18. Paul A. Dodd, Patient Persuader 239 (UCLA Oral History Collection, No. 300/213, 1985) (unpublished oral history transcript, available at Dept. of Special Collections, University of California, Los Angeles) [hereinafter Dodd Oral History].
19. Memo from Robert G. Sproul, President, University of California, to Clarence A. Dykstra, UCLA Provost and Vice President, *supra* note 11.
20. Letter from Victor R. Hansen, member, University of California Board of Regents, to Robert G. Sproul, President, University of California (Dec. 23, 1948) (available in UC President, Special Problem Folders Collection, *supra* note 9).
21. 2 Dickson Oral History, *supra* note 6, at 767–79 (comments of L. Dale Coffman).
22. 2 *id.* at 782. This view is corroborated by former UCLA School of Law Dean Richard Maxwell who recalls UCLA had a reputation for being the "little red school house" and Coffman was seen as the perfect antidote. Richard C. Maxwell, Law School Modernizer 37 (UCLA Oral History Collection, No. 300/211, 1983) (unpublished oral history transcript, available at Dept. of Special Collections, University of California, Los Angeles).

¶10 Who was L. Dale Coffman? Born in Iowa in 1905, Coffman had undergraduate and juris doctor degrees from the University of Iowa, earned in 1926 and 1928 respectively.²³ After some time in private practice, he went to Harvard University as a Jenks Fellow for one year and earned an LL.M. Returning to the Midwest, Coffman taught at the University of Nebraska Law School from 1931 to 1935, after which he returned to Harvard to earn a S.J.D. in 1935. Two more years teaching at Nebraska were followed by ten years outside of academia with the General Electric Company in Schenectady, New York.²⁴ Coffman eventually left General Electric on March 1, 1946, to become dean of Vanderbilt University Law School in Nashville, Tennessee, a post he held from 1946 to 1949, where our story picks up.

¶11 Since the regents wanted L. Dale Coffman, President Sproul “yielded to the great pressure placed upon him . . . by several key members of the Board” and, much against the considered judgment of the committee, offered him the job.²⁵ On the last day of 1948, Coffman wrote Provost Dykstra accepting the deanship.²⁶ In his acceptance letter, Coffman expressed his vision for the law library and its prospective librarian:

We are to build a library at least equal to that of our better schools. This will take money, time and brains. The library is the working tool of a law school; it is the laboratory equipment and the foundation of any great law school. I believe that the selection of a qualified librarian will be most important to the success of the school. A really competent man can build fast and save money by making certain that the school gets value received for each dollar spent. He will probably have to be given full professorial rank. A great library, like Harvard’s, is the product of years of growth and planning, and our library must be abuilding for years to come.²⁷

¶12 Coffman arrived in Los Angeles to take up his new duties in March 1949, the same month the regents passed the resolution requiring all faculty and staff to take a loyalty oath.

The Law Librarian: Thomas Suren Dabagh

¶13 By September 1947, just months after the signing of Assembly Bill 1361, a Law School Library Committee was already laying the groundwork for the UCLA

23. All references to Dean Coffman’s curriculum vitae are taken from Robert J. Faris, A Bio-Bibliography of L. Dale Coffman (1973) (unpublished manuscript, available at UCLA Hugh and Hazel Darling Law Library).

24. Owen D. Young, chairman of the board of General Electric, recommended Coffman to Dykstra for the UCLA position. Letter from Clarence A. Dykstra, UCLA Provost and Vice President, to Robert G. Sproul, President, University of California (Oct. 15, 1948) (available in UC President, Special Problem Folders Collection, *supra* note 9).

25. Dodd Oral History, *supra* note 18, at 239.

26. Letter from L. Dale Coffman to Clarence A. Dykstra, UCLA Provost and Vice President (Dec. 31, 1948) (available in University of California (System), Office of the President, Records: Numerical Bound Folders to June 1958, CU-5, Series 3, Box 17, University Archives, Bancroft Library, University of California, Berkeley) [hereinafter UC President, Numerical Bound Folders Collection].

27. *Id.*

Law Library. Composed of academic and library personnel of high repute, the committee included James A.C. Grant, dean of the UCLA Division of Social Sciences, Thomas S. Dabagh, director of the Los Angeles County Law Library (LACLL), and Vernon M. Smith, director of the library at Boalt Hall, the law school at the University of California, Berkeley. The committee's vision was relayed to President Sproul in a report dated September 25, 1947: "An adequate library is properly regarded as the heart of the physical facilities of the law school. . . ."²⁸ With approval from the regents given on December 20, 1947, to spend up to \$60,000 on the initial collection, the law library was on its way.²⁹

¶14 Thomas Suren Dabagh was an invaluable member of the Law School Library Committee. Trained in the UC system, he received an undergraduate degree from Berkeley in 1924, and law and library degrees from there in 1926. He did more work at Columbia University School of Law in the 1926–27 academic year, and eventually took more courses in public administration at Berkeley in 1931–32.³⁰

¶15 Before assuming the LACLL directorship, Dabagh worked as a research assistant and then a deputy for the California Office of Legislative Counsel from 1930 to 1936, developing expertise in the Sacramento political processes. He honed his library and administrative skills as the librarian for the School of Jurisprudence, University of California, Berkeley (as Boalt Hall was formally known at the time) from 1936 to 1939, during which time he also taught legal research.³¹

¶16 In many ways, Dabagh was a librarian's librarian. Described as a quiet and charming man, always ready to lend a hand or an ear, he embodied many of the finest qualities associated with librarianship.³² His many contributions to the professional associations to which he belonged are characterized throughout by a strong concept of service. For example, at the 1938 Annual Meeting of the American Association of Law Libraries (AALL), Dabagh proposed forming a national data bank to keep track of law libraries' duplicates and "want lists" to permit systematic exchanges on a national scale.³³ Chairing the 1939 AALL

28. Report from the Library Committee to President Sproul 1 (Sept. 25, 1947) (available in UC President, Numerical Bound Folders Collection, *supra* note 26, Box 21:6).

29. Teletype from Robert G. Sproul, President, University of California, to Lawrence Powell, Max Robinson, and J.A.C. Grant (Dec. 20, 1947) (available in Administrative Files of the University President, Record Series No. 377, Box 21 ("Law Library 1947–1949"), UCLA University Archives, Powell Library, University of California, Los Angeles [hereinafter Record Series No. 377]).

30. All references to Dabagh's curriculum vitae are from material in his "Biographical File" (available in Vertical Biographical Files ("Thomas S. Dabagh"), UCLA University Archives, Powell Library, University of California, Los Angeles) [hereinafter Dabagh Biographical File]. Dabagh's first job in a library was at age fifteen at Berkeley High School.

31. *Id.*

32. 1 Robert G. Vosper, *Libraries and the Inquiring Mind* 127 (UCLA Oral History Collection, No. 300/138, 1994) (unpublished oral history transcript, available at Dept. of Special Collections, University of California, Los Angeles) [hereinafter Vosper Oral History].

33. Thomas S. Dabagh, *Appendix to the Report of the Committee on the Expansion Plan: Plan for the Establishment and Operation of an American Association of Law Libraries Book Exchange*, 31 LAW LIBR. J. 222, 222 (1938).

Committee on Local Law Library Service, Dabagh questioned whether “we, the law librarians of America, [are] seeing to it that all who need to use law books have reasonable access to them and reasonable assistance in their use?”³⁴ At his suggestion, a committee was formed to investigate what actions could be taken to develop local law library service.³⁵

¶17 Dabagh’s vision of service extended beyond the circle of his law specialization. He was an active member in the American Library Association (ALA) as well as the California Library Association, attending their conferences and submitting articles to their journals. As chairman of the AALL Committee on Cooperation with the American Library Association, he advocated closer alliance between the AALL and the ALA, since “matters of real interest to law librarians are discussed in committee and round table meetings at every ALA convention.”³⁶

¶18 In an article for the *California Library Association Bulletin*, he asked whether librarians were keepers of books or educators of people? He opted for the former, but on a grand scale, “not just [as] warehouse guards.”³⁷ Dabagh believed librarians should anticipate the book needs of patrons, make the books and information fully available, and make sure the patrons knew the extent and value of their collection.³⁸ He believed that budget limitations were no excuse for inadequate collection development. “Adequate book selection is of course dependent on an adequate budget. But strategic selection is not: within the limits of our budgets we can allocate our purchases to best meet the needs of our patrons, including needs of which the patrons . . . are not yet themselves aware.”³⁹ Although written more than fifty years ago in an age far removed from electronic resources, his words could be quoted in any library school classroom today:

Making the books and the information contained therein fully available is no small job. It means *suitable* cataloging, adequate readers’ aid service, and above all, a pleasant-mannered and well-informed staff. It means liberal registration and borrowing rules. It means ingenious devices to help patrons find their way around the library. It means an atmosphere of welcome (instead of one of Olympian unconcern, or worse, of critical examination) at the entrance. It means the development of services and special tools (indexes, lists, simple instructions, etc.) to meet the needs of patrons. It demands alertness and imaginativeness in every process and activity of the library, to serve the patron well, to be really useful to the community.⁴⁰

¶19 Dabagh became LACLL’s fourth director in February 1939, at a yearly

34. *Proceedings of the Thirty-Fourth Annual Meeting of the American Association of Law Libraries*, 32 LAW LIBR. J. 207, 308 (1939) (remarks of Thomas S. Dabagh).

35. *Id.* at 327–28.

36. *Report of the Committee on Cooperation with the American Library Association*, 31 LAW LIBR. J. 226, 228 (1938).

37. Thomas S. Dabagh, *Are We Educators of People?* 5 CAL. LIBR. ASSOC. BULL. 7, 7 (1943–44).

38. *Id.*

39. *Id.*

40. *Id.* at 7–8.

salary of \$6000.⁴¹ Within the first month of taking over at LACLL, Dabagh installed loudspeakers in the library's reading room for paging patrons, and telephones with extensions to the librarian's office.⁴² By April of that year, he instituted a salary scale and basic job descriptions, and gave everyone a title.⁴³ He developed a delivery service to judges and attorneys, postcards to attorneys informing them of acquisitions in areas of interest, dictating machines, and a column in the *Los Angeles Bar Bulletin* that included an annotated acquisitions list.⁴⁴

¶20 Among his many projects to make LACLL more accessible to its users was his work to make "access to the collection easier through the creation and maintenance of proper catalogs."⁴⁵ He had earlier devised a new system of legal classification that was published by the University of California Press in 1936.⁴⁶ But good cataloging was merely a means to an end, rather than a goal in and of itself. And the end was service to his user.

¶21 Dabagh's experience running the two major legal research libraries in California—Boalt Hall and LACLL—made him perfectly suited to assist the UCLA Law School Library Committee members with the task before them. Dabagh knew committee member J.A.C. Grant from Grant's research activities at LACLL,⁴⁷ and he knew University Librarian Lawrence Powell and Assistant University Librarian Robert Vosper, also members of the committee, from California Library Association activities.⁴⁸

¶22 Dabagh's tenure as director of LACLL ended in 1949. On April 15 of that year, he submitted a letter of resignation to the Board of Trustees, effective June 30, 1949, in which he announced that he would soon become "a member of the staff of the new School of Law . . . at Los Angeles, effective July 1, 1949."⁴⁹ At the time of his resignation, LACLL was the largest public law library in the world.⁵⁰ Dabagh was willing to leave this prestigious institution for the challenge of creating a new one.

¶23 Dean Coffman offered Thomas Dabagh the position of law librarian at a yearly salary of \$10,000, but when he did so is not exactly clear. By April 15, 1949,

41. Gail H. Fruchtman, *The History of the Los Angeles County Law Library*, 84 LAW LIBR. J. 687, 692 (1992); 3 L.A. County Law Library Trustees Minutes 50 (available in Rare Book Room, Los Angeles County Law Library) [hereinafter LACLL Tr. Minutes].

42. 3 LACLL Tr. Minutes, *supra* note 41, at 55–56.

43. *Id.*

44. Fruchtman, *supra* note 41, at 693–94; 3 LACLL Tr. Minutes, *supra* note 41, at 61, 63.

45. Fruchtman, *supra* note 41, at 693.

46. THOMAS S. DABAGH, *THE MNEMONIC CLASSIFICATION FOR LAW LIBRARIES* (1936).

47. 2 Lawrence Clark Powell, *Looking Back at Sixty: Recollections of Lawrence Clark Powell, Librarian, Teacher, and Writer* 416 (UCLA Oral History Collection, No. 300/100, 1973) (unpublished oral history transcript, available at Dept. of Special Collections, University of California, Los Angeles) [hereinafter Powell Oral History].

48. Letter from Lawrence Clark Powell, UCLA University Librarian, to Sydney Mitchell (Jan. 27, 1944) (available in Record Series No. 377, *supra* note 29, Box 47 ("Berkeley Library School, 1944–1945, Sydney Mitchell, Director")).

49. 4 LACLL Tr. Minutes, *supra* note 41, at 604.

50. Fruchtman, *supra* note 41, at 687.

Dabagh believed he had the job, as evidenced by his letter of resignation to his Board of Trustees. But Coffman was still writing letters to Provost Dykstra as of May 10, 1949, explaining his desire to have Thomas Dabagh and trying to justify the \$10,000 salary he had already offered.⁵¹ It was not until June 29 that President Sproul wrote to Dabagh inviting him to join the staff as associate professor of law and law librarian at a salary of \$10,000 per year, effective July 1, 1949.⁵²

¶24 The Law School Planning Committee had sought “a man of stature” to head the law library.⁵³ In their view, the “law librarian should be a member of the bar, alike qualified as professional lawyer and professional librarian . . .”⁵⁴ In Dabagh they had all that plus a teacher, a cataloger, a leader in his profession, a legislative expert, and a proven administrator. It seemed like a match made in heaven.

The University Librarian: Lawrence Clark Powell

¶25 The law library at UCLA was not created in a vacuum. As far back as 1940, the concept of a branch library system had been brewing at UCLA.⁵⁵ This idea, developed by UCLA University Librarian John Goodwin, was embraced and advanced by his successor, Lawrence Clark Powell, a colossus in California librarianship.⁵⁶ Powell envisioned the law library as a branch of the campus main library even though he knew that traditionally academic law libraries were autonomous, exclusively under the control of a law school. Powell later explained that he “was persuaded by the development at UCLA, the pattern that we’d established here in a new place [with] biomedicine and [] engineering, that all of the emerging libraries should be coordinated. . . .”⁵⁷ Powell was motivated by his belief that such a pattern

in long terms, provides more and better library service, and a fairer share of library service and resources, for everyone on the campus. I am sure that such a system permits certain appreciable savings to the University, not merely from the restricted point of view of avoiding expensive duplication of books and services, but more importantly from the point of view that better planning and more concerted effort is possible. . . .⁵⁸

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51. Letter from L. Dale Coffman, Dean, UCLA Law School, to Clarence A. Dykstra, UCLA Provost and Vice President (May 10, 1949) (available in UC President, Numerical Bound Folders Collection, *supra* note 26, Box 42:36).
 52. File Memorandum, Robert G. Sproul, President, University of California (Dec. 18, 1951) (available in Administrative Files of the Chancellor’s Office, Record Series No. 359, Box 252, UCLA University Archives, Powell Library, University of California, Los Angeles) [hereinafter Record Series No. 359].
 53. Memo from Law School Planning Committee, *supra* note 15.
 54. *Id.*
 55. HAMILTON & JACKSON, *supra* note 4, at 129.
 56. This is the author’s assessment of Powell; others have called him the “Picasso of librarianship” as well as a “veritable Renaissance man.” William R. Eshelman, *Lawrence Clark Powell*, in *ALA WORLD ENCYCLOPEDIA OF LIBRARY AND INFORMATION SERVICES* 656–57 (Robert Wedgeworth ed., 2d ed. 1986).
 57. 2 Powell Oral History, *supra* note 47, at 419.
 58. Memorandum from Lawrence Clark Powell, UCLA University Librarian, to Administrative Committee [of Deans] (Feb. 4, 1952) (available in UCLA Library Reports, Record Series No. 267, Box 1, UCLA University Archives, Powell Library, University of California, Los Angeles).
 59. Letter from Lawrence Clark Powell, UCLA University Librarian, to L. Dale Coffman 1 (Feb. 11,

¶26 Powell wasted little time in putting his ideas about branch libraries and central control before Dean Coffman. Even before Coffman arrived in Los Angeles, Powell wrote to him explaining that the deans of the recently established College of Engineering, the School of Medicine, and the Institute of Industrial Relations had seen the benefit of a strong branch library with the administration in the university librarian's hands.⁵⁹ He proceeded delicately:

It occurs to me that in the case of the Law School there may be certain special needs, somewhat different from those in the case of the other professional schools. Especially I foresee the probable need for a high-level Law Librarian, perhaps holding an academic appointment to teach such a field as legal bibliography. . . .

I feel sincerely though that the advantages the campus has gained from a coordinated program should be consolidated. The Law Library would stand to gain equally from the centralized administration of such matters as book buying and processing, personnel, etc., and from an integrated acquisitions program. Consequently a system whereby the general administration is geared with that of the general campus pattern seems to me of some moment, and I hope we may review the idea jointly.⁶⁰

Powell went on to endorse Dabagh's candidacy for the law librarian position, praising his "unusual knowledge of the local scene and his many close and cordial contacts with the legal profession [which] could well be exploited to great advantage by the University."⁶¹

¶27 Powell and Assistant University Librarian Vosper believed that with Dabagh's appointment their plan for centralized control of the law library was secure. This was not conjecture; both knew for certain Dabagh's views on a centralized library system. Dabagh wrote to Coffman in May that he had been conferring with Powell and Vosper and recommended "coordinated control and operation" as the course to follow for development of the law library:

With coordinated control, the University Library can make certain that the technical aspects of the Law Library's operation are in keeping with University standards, and can secure integration of the Law Library collection and the other University collections. This will be of no small value to the School of Law, because it will make for more orderly development of its book collection, at minimum expense, and will assure competent personnel for the technical work of the Law Library. For the rest, the School will secure its own book budget, will determine how budget expenditures are to be made, will control arrangement of material in the library, and will have adequate control of the staff, and of library service generally.⁶²

The day after this letter, on May 10, 1949, Dean Coffman wrote to Provost Dykstra recommending that Thomas Dabagh be appointed director of the law library.⁶³ One

1949) (available in Record Series No. 377, *supra* note 29).

60. *Id.* at 2.

61. *Id.*

62. Memo from Thomas S. Dabagh to L. Dale Coffman, Dean, UCLA Law School (May 9, 1949) (available in Record Series No. 359, *supra* note 52, Box 248:33).

63. Letter from L. Dale Coffman to Clarence Dykstra, *supra* note 51.

64. HAMILTON & JACKSON, *supra* note 4, at 120-21.

would assume from this act that he agreed with Dabagh's proposals. Perhaps he did in that moment, but this was all about to change.

Loyalty Oaths and the Law Dean

¶28 In June 1949, the regents' proposed oath was amended further to be more specific, adding: "I am not a member of the Communist Party or under any oath, or a party to any agreement, or under any commitment that is in conflict with my obligations under this oath."⁶⁴

¶29 After months of protracted negotiations that riveted the UC system, thirty-one nonsigners were fired.⁶⁵ Some bright academic stars left the university rather than sign the loyalty oath—for example, David Saxon, an assistant professor of physics, who returned to UCLA some years later and eventually became president of the University of California (1975–83). Discussing the loyalty oath controversy, Saxon explained:

[I]t seemed to me entirely inconsistent with my notion of what universities are and ought to be. . . . It was my view that universities flourished and carried out their roles, served society, by bringing together the most independent-minded people you could find, people of demonstrated capacity. . . . To try to make them conform to some preconceived pattern is simply not very useful.

I also felt that the threat to American institutions, American society, democratic participatory society, was much greater from those forces that were trying to produce a kind of conformity on the issue of communism than the danger from those who were associated with communism in the United States. . . . I also felt that if there was a serious threat or danger associated with communist sympathizers, that the idea of a loyalty oath . . . was about as ineffective and absurd a way to deal with that problem as one could conceive.⁶⁶

¶30 On the other hand, the dean of the law school, L. Dale Coffman, became a vocal supporter of the loyalty oath. In later years, he recalled that Regent Edward Dickson was unhappy about the controversy embroiling the system. "Indeed so. As a matter of fact, that's why he came to me to see if [Roscoe] Pound and I and other members of the faculty would make public statements in that regard. I did to the *Examiner*. Pound did, too. . . . I stated publicly that I'm not a communist, I never have been, I never expect to be, and I don't see where in it interferes with my academic freedom to say so."⁶⁷ Coffman was quoted in an article appearing in the

65. SCHRECKER, *supra* note 5, at 122. About half of these nonsigners were reinstated after the California Supreme Court's holding in *Tolman v. Underhill*, 249 P.2d 280 (Cal. 1952).

66. 1 David S. Saxon, University of California President, 1986–1993, at 114–15 (UCLA Oral History Collection, No. 300/424, 1994) (unpublished oral history transcript, available at Dept. of Special Collections, University of California, Los Angeles) [hereinafter Saxon Oral History].

67. Dickson Oral History, *supra* note 6, at 773, 769 (comments of L. Dale Coffman). As indicated by Coffman, Roscoe Pound was also comfortable with the oath. "In a special statement to the *Los Angeles Times*, Pound, formerly dean of Harvard Law School, said he saw no threat to academic freedom in the special oath required of faculty members. 'I should think,' he opined, 'that every member of the faculty would be glad to make clear that suspicion of general identification of its teachers with

Daily Bruin, the UCLA campus paper, as saying: “My academic freedom, which I cherish and will defend, is not prejudiced one whit by my saying that I am not a communist.”⁶⁸

¶31 Coffman went so far as to make statements indicating his five new faculty members stood behind him on this issue. For the most part, they did not. The first faculty members at the law school were Roscoe Pound, former dean of the Harvard Law School, teaching procedure; Harold Verrall and Rollin Perkins, both recruited by Coffman from Vanderbilt University, property and criminal law, respectively; Brainerd Currie, contracts; and Thomas Dabagh, legal research.⁶⁹ Dean Coffman was to teach torts. Edgar Jones came to the UCLA law school in July 1951 to teach labor law. He remembers that

Coffman took a leading role in that [loyalty oath] controversy, holding the law school out instantly as witness to the fact that there was nothing wrong with requiring oaths and so on, which immediately prompted Currie to write a long dissenting single-spaced memorandum indicating that was not so, that that was not the position of the law school. That was the position of the dean of the law school.⁷⁰

In Jones’s view, Dean Coffman “just didn’t get it.”⁷¹

The Law School’s Peculiar Path

¶32 Under Coffman’s direction, the law school was on its way to steering a unique course on the UCLA campus. Provost Dykstra had already noticed the “monastic character” of the law school, pointing out to Coffman that “we made a big fight to get the Law School on the campus instead of having it away from the campus on the theory that it would be an associated enterprise and that law students should rub noses with other students. I hope we were not wrong.”⁷² Dykstra had been asked earlier by President Sproul to “find an opportunity soon to inform Dean Coffman of the rules and customs of this University, and to counsel him to abide by these,

a Communist organization is unfounded.” *Faculty Objections to Oath Criticized by Regent, Profs.*, UCLA DAILY BRUIN, Apr. 12, 1950, at 1.

68. *Law School Dean Backs Loyalty Oath*, UCLA DAILY BRUIN, Apr. 13, 1950, at 1.

69. Harold Verrall, *Fifty Years of Property Law 95* (UCLA Oral History Collection, No. 300/279, 1987) (unpublished oral history transcript, available at Dept. of Special Collections, University of California, Los Angeles) [hereinafter Verrall Oral History].

70. Edgar A. Jones, *The Law, Arbitration, and the Media 173* (UCLA Oral History Collection, No. 300/332, 1990) (unpublished oral history transcript, available at Dept. of Special Collections, University of California, Los Angeles) [hereinafter Jones Oral History]. See also Letter from Clarence A. Dykstra, UCLA Provost and Vice President, to Brainerd M. Currie (Apr. 20, 1950) (available in Record Series No. 359, *supra* note 52, Box 245) (“I am grateful, therefore, that there is difference of opinion currently on the oath in the faculty of the Law School and that it is being expressed. . . . It seems to me that if I were a lawyer I would be particularly sensitive to such a situation, no matter how much I might abhor Communism.”).

71. Jones Oral History, *supra* note 70, at 173.

72. Letter from Clarence A. Dykstra, UCLA Provost and Vice President, to L. Dale Coffman, Dean, UCLA Law School (Sept. 28, 1949) (available in Record Series No. 359, *supra* note 52, Box 236).

73. Memo from Robert G. Sproul, President, University of California, to Clarence A. Dykstra, UCLA

even in times of vexation or even frustration.”⁷³ Again in November 1949, President Sproul asked Dykstra to follow up on a complaint from Coffman that had been filtered to him by an unspecified regent. Specifically, Sproul wrote: “Dean Coffman is reported to have said that he cannot get a committee to approve his nominees for a professorship of labor law because they are intent upon forcing upon him Professor Shulman of Yale.”⁷⁴ These were the first indications that trouble was brewing.

¶33 Signs of discontent soon appeared in the law library as well. By early 1950, Dabagh felt compelled to write a memorandum reminding Coffman that “the maturity of a library such as this should not be hastened, lest it suffer in quality and character by . . . forced development. . . . Rapid expansion can come naturally and most effectively during the first year after moving into the new building [i.e., mid-1951].”⁷⁵ Dabagh points out in this memorandum that he had believed there was agreement between himself and the dean that until the law school moved into its new building, the law library would require only modest attention and slow development.⁷⁶ Further, the area of the collection most in need of development to meet both immediate teaching and research needs was monographs, which, although necessary, might be statistically unimpressive since “practically each volume requires separate attention in selecting, ordering, and receiving, taking almost as much staff time to acquire as a set of several hundred volumes.”⁷⁷ In sum, the memorandum indicates that Dabagh and Coffman had reached an impasse about how library development should proceed, with Dabagh advocating the previously agreed upon slow initial (though perhaps statistically unimpressive) development prior to the move, and Coffman looking for something flashier.

¶34 It was soon apparent Coffman had completely changed his views on the law library and its place in the UCLA universe as well. In October 1950, Lawrence Powell left for England and Europe to begin a Guggenheim Fellowship for the 1950–51 academic year, leaving Robert Vosper as acting university librarian. On February 14, 1951, Powell received an urgent cablegram from Vosper reporting that “Coffman in active separatist move.”⁷⁸ In a follow-up letter written later that same day, Vosper continued to Powell:

Provost and Vice President (July 8, 1949) (available in Record Series No. 359, *supra* note 52, Box 256).

74. Confidential note from Robert G. Sproul, President, University of California, to Clarence A. Dykstra, UCLA Provost and Vice President (Nov. 25, 1949) (available in Record Series No. 359, *supra* note 52, Box 236).

75. Thomas S. Dabagh, Report on the Library of the School of Law, UCLA, as of January 1, 1950, at 4, 6 (Feb. 15, 1950) (available in Law Library Administrative Subject Files, Record Series No. 604, Box 1 (“Confidential File”), UCLA University Archives, Powell Library, University of California, Los Angeles) [hereinafter Record Series No. 604].

76. *Id.* at 2.

77. *Id.*

78. Cablegram from Robert Vosper, UCLA Acting University Librarian, to Lawrence Clark Powell, UCLA University Librarian (Feb. 14, 1951) (available in Record Series No. 377, *supra* note 29, Box 33 (“Vosper, 1950–1951”)) [hereinafter Vosper/Powell Correspondence].

79. Letter from Robert Vosper, UCLA Acting University Librarian, to Lawrence Clark Powell, UCLA

Paul [Dodd, dean of the College of Letters and Science] reports that a few days ago Coffman came to call, saying that you had wholeheartedly agreed in principal with Coffman that the law library could separate at any time and completely, and forthwith [Coffman] had asked Paul to prepare the necessary budget shifts.⁷⁹

¶35 Powell recalled cabling back immediately to deny that any such thing had ever happened: “Absolutely not; it’s a damn lie. I never made any kind of an agreement.”⁸⁰ In a follow-up letter to Dean Dodd reaffirming that neither he nor Thomas Dabagh had ever had any discussions with Coffman about separating from the main library, Powell went on:

In the absence of comment by Coffman at any time on the memorandum or agreement mentioned in my cable, I assumed that [coordinated control] was as acceptable to him as it was to the Law Librarian, the University Librarian, and the Provost. . . .

I have never swerved from my original belief that the University as a whole, and the Law School itself, will be best served by the Law Library being an integral part of a campus-wide library organization, administered by a University Librarian responsible to the Senate and the Provost. For Coffman to state or imply, in my absence at great distance, that I have indicated to him my readiness to recognize the Law Library as a completely autonomous organization is a matter to me of grave concern, because it is squarely at odds with the facts. . . . I hope that you will continue to lend your essential support to the campus-wide library plan which we have been carefully developing since 1944.⁸¹

Vosper also discovered from Dabagh that at a law faculty meeting on February 13, separation of the law library was proposed by the whole faculty. Dabagh did not concur and was accused by Dean Coffman of disloyalty.⁸²

¶36 Vosper was invited by Coffman to meet with the law faculty to discuss the separation issue. Dreading this meeting, Vosper put it off several days, using the interval to marshal forces and to ensure he understood the lay of the land. Finally, the meeting took place, and it was unpleasant. Facing a “didactic . . . inquisitorial and pig-headed” Coffman and the rest of the law school faculty for three hours, Vosper came away believing he was temporarily victorious in pressing for the consolidated library, or centrist view.⁸³ All had agreed to review the library’s status on July 1.

¶37 While the centrists may have been temporarily successful, Thomas Dabagh was a man on the ropes. In the same letter to Powell in which he described the meet-

University Librarian (Feb. 14, 1951) (available in Vosper/Powell Correspondence, *supra* note 78).

80. 2 Powell Oral History, *supra* note 47, at 420.

81. Letter from Lawrence Clark Powell, UCLA University Librarian, to Paul Dodd, Dean, UCLA College of Letters and Science (Feb. 16, 1951) (available in Record Series No. 359, *supra* note 52, Box 248). The original draft of this letter to Dodd was a little less flattering to Coffman: “For Coffman to state or imply in my absence that I have indicated to him my readiness to recognize the law library as a completely autonomous organization is further evidence that he is a man without either scruples or principles.” Draft letter from Lawrence Clark Powell to Paul Dodd (n.d.) (available in Vosper/Powell Correspondence, *supra* note 78).

82. Letter from Robert Vosper, UCLA Acting University Librarian, to Lawrence Clark Powell, UCLA University Librarian, *supra* note 79.

83. Letter from Robert Vosper, UCLA Acting University Librarian, to Lawrence Clark Powell, UCLA University Librarian 3–4 (handwritten additions) (Feb. 19, 1951) (available in Vosper/Powell Correspondence, *supra* note 78).

84. *Id.*

ing with the law faculty, Vosper related “Dale’s brutality to Tom.”⁸⁴ Vosper also learned from J.A.C. Grant “that Dale is definitely planning to get rid of Tom and hopes to remove his faculty rank next year and cut his salary—then the kill!”⁸⁵ The next day after more reflection, Vosper wrote again to Powell saying:

We owe Tom a greater debt than I have realized before, Larry—he’s amazingly courageous, patient, and honest in this whole matter. Any number of times yesterday he could have eased the pressure on himself by a casual admission that perhaps the Main Library made mistakes in routing books or delayed books, etc. But he always quietly told Coffman that we do a good job. — All of this Larry, in the face of the ugliest, most brutal, inquisitorial personal affronts that I’ve ever seen dished out in a semi-public meeting. I had few illusions about Coffman but I was thoroughly shocked at his complete malice. The whole session was like a mock courtroom scene with Dale as prosecuting attorney—pounding the table, giving the lie, pointing the finger of accusation, outshouting the accused—myself as an uncertain witness—a packed jury—and no judge. I frankly couldn’t see how Tom would avoid kicking the SOB in the teeth. It was humiliating and disgraceful. And I’ll so report to all men of good will. . . .⁸⁶

¶38 Coffman’s timetable for getting rid of Thomas Dabagh was actually faster. Dean Coffman submitted a proposed budget days later that included a \$2500 salary reduction for Dabagh, allegedly because Dabagh “has been unable to assume any of the . . . duties contemplated in the title, ‘assistant to the dean.’”⁸⁷

¶39 Efforts to salvage Dabagh’s situation began immediately after these February 1951 events. Vosper hoped to get President Sproul’s attention and support not only for Dabagh but also, and perhaps mainly, for the consolidated library plan that now appeared to be in jeopardy. Vosper reported in another letter to Powell that he

[t]alked to Paul [Dodd] more about Tom. Paul reports Tom now thinks RGS [President Sproul] should decide if Tom should stick it out here. I urged on Paul the importance to us of Tom’s staying if supported by RGS. Coffman has named his stooge Verrall as library contact man—he would go in as Director if Tom should leave. This would break up the library. We must count on Paul to carry first word to RGS. Tom in Berkeley last week and this advising RGS and Corley on Sacramento legislation. This good for Tom of course. Obviously he’s held in high esteem in the North. Rumors are that Tom may be offered Barthell’s job if Barthell leaves—as rumored!⁸⁸

85. *Id.*

86. Letter from Robert Vosper, UCLA Acting University Librarian, to Lawrence Clark Powell, UCLA University Librarian (n.d., possibly Feb. 20, 1951) (available in Vosper/Powell Correspondence, *supra* note 78).

87. 1951–52 Budget (Feb. 23, 1951) (available in University Archives, Bancroft Library, University of California, Berkeley, CU-5, Series 4). This decrease never came about because President Sproul stepped in. *See infra* ¶ 41.

88. Letter from Robert Vosper, UCLA Acting University Librarian, to Lawrence Clark Powell, UCLA University Librarian (n.d., possibly Mar. 22, 1951) (available in Vosper/Powell Correspondence, *supra* note 78). Eventually President Sproul did decide. In a letter to Dean Coffman after Dabagh had already left on a leave of absence, Sproul wrote: “I have told Mr. Dabagh, as I have previously told you, that his position in the Law School seemed to me no longer tenable and that he should assume his new duties with this fact definitely in mind.” Letter from Robert G. Sproul, President, University of California, to L. Dale Coffman, Dean, UCLA Law School (Nov. 8, 1951) (available in UC President, Numerical Bound Folders Collection, *supra* note 26, Box 17).

89. Letter from Robert Vosper, UCLA Acting University Librarian, to Lawrence Clark Powell, UCLA

¶40 This may have been what the centrists needed, but it is doubtful it was in Dabagh's best interests. By this time, his position had become untenable and, it would be easy to speculate, unbearable. As reported by Vosper earlier, Dabagh had "no single inch of jurisdiction or confidence given him in the Law Library. Every minor move he makes . . . is subject to public attack by the Dean."⁸⁹ By May, Vosper had more bad news to report to Powell:

Tom Dabagh waited on me to report that things get desperately worse. The faculty—after refusing to consider his arguments—has "voted" against all of his proposals on the kind of catalog he wants. They've demanded, contrary to earlier agreements, that he start at once ordering cards for the books on hand. Tom is heartbroken. The faculty have taken away already all his discretion in book selection and buying procedures and they've now forced him to accept a catalog which he believes is antiquated and indefensible. It is clear that they're driving him either to resign or to slip into "disobedience" so that he can be canned. Completely humiliating—I have now teletyped Berkeley for an appointment with RGS *so that I can tell him of the larger library matters at stake and of my personal confidence in Tom.*⁹⁰

¶41 Eventually a leave of absence and "temporary" assignment was found for Thomas Dabagh as Sproul's special assistant starting in approximately October 1951. The problem between Coffman and Dabagh was brought to President Sproul's attention by Robert Vosper, as well as others. With regard to the \$2500 decrease in Dabagh's salary, Sproul could do nothing because Coffman controlled that quarter of Dabagh's salary attributable to his position as assistant to the dean. The other three-quarters of the salary was academic and could not be touched without due cause. To solve the problem and to help Tom Dabagh save face, President Sproul promoted Dabagh to the position of "Special Assistant to the President" with a \$2500 increase in salary to make up for the \$2500 taken out by Coffman. Vosper gleefully concluded a letter to Powell with the comment: "Hope it gave Coffman a shock when he saw the budget."⁹¹

University Librarian, *supra* note 86.

90. Letter from Robert Vosper, Acting UCLA Librarian, to Lawrence Clark Powell, UCLA University Librarian (dated "Thursday 17th," possibly May 17, 1951) (emphasis added) (available in Vosper/Powell Correspondence, *supra* note 78).
91. Letter from Robert Vosper, Acting UCLA Librarian, to Lawrence Clark Powell, UCLA University Librarian (handwritten date "Sunday 24th," possibly June 24, 1951) (available in Vosper/Powell Correspondence, *supra* note 78). This state of affairs receives corroboration from other contemporaneous resources. "Dabagh is to be Special Assistant to the President. This was, I think, a political move to remove him from the very difficult situation in the law school and to keep faith with him as a personal friend as well as a capable man." Memorandum from Mildred L. Foreman, Placement Office Manager and Personnel Officer, UCLA, to Boynton S. Kaiser, Chief Personnel Officer, University of California, Berkeley (Nov. 20, 1951) (available in Dabagh Biographical File, *supra* note 30). Finally, Robert Vosper reports: "So Coffman either told Tom Dabagh he was through or made it evident. The only way Sproul, who had a somewhat more generous view of the world, could handle it, he put Tom Dabagh on his staff up at Berkeley as an administrative aide of some kind." 1 Vosper Oral History, *supra* note 32, at 130.

Thomas Dabagh was aware of the drama as well. In a letter to his brother and sister-in-law, he said his new title "was new, and thru the grapevine I learned that it had been added to save me from a salary cut, which Coffman had demanded on the Law School budget. By September the situation as

¶42 Coffman knew Dabagh was leaving since he had been involved in the negotiations with President Sproul.⁹² Even so, he took the opportunity to accuse Dabagh of incompetence once more before he left. In a file memorandum prepared by Lawrence Powell, since returned from Europe, Powell writes:

This morning at Dean Coffman's request I had an hour's long conference with him here in my office. He expressed dissatisfaction with the state of the Law Library, saying that it has not kept pace with the School itself. There are deficiencies in acquisition of books, cataloging of books, and service in general. Responsibility for these failures he attributes directly to Mr. Dabagh. According to Coffman, Dabagh has been unable to cooperate in any way with any of the members of the Law School, and has been negligent in all matters of acquisition, cataloging, and staffing.⁹³

¶43 Once Coffman was rid of Dabagh he went after the other centrist, Powell. Although Powell's and Dabagh's vision of a unified library system was widely supported by high-level UCLA administrators, Dean Coffman had his way. On February 29, 1952, the regents approved law library autonomy beginning July 1952.⁹⁴ But autonomy came after a bitter stretch in which Powell defended his administration against more allegations of incompetence made by Dean Coffman.⁹⁵

¶44 The Administrative Committee of Deans (chaired by Vern Knudsen and including Paul Dodd and Stafford Warren as members) recommended autonomy to the regents despite its acknowledgement that the problems alleged by Coffman did not exist:

Except for the general difficulties which have developed because of the differences between Dean Coffman and Mr. Dabagh we have reasons to believe that many delays in the acquisition of law books which have disturbed Dean Coffman and the Law Faculty have occurred in the interest of buying books at the lowest prices consistent with the requirements of the Law School. Our information also leads us to believe that the delays in the establishment of a law library catalog system in the Law School Library have been due perhaps as much to the indecision of the members of the Law School faculty with

between me and Coffman had begun to get aromatic." Letter from Thomas S. Dabagh to Jean and Theodore Dabagh (Mar. 30, 1952) (copy on file with author).

92. Letter from L. Dale Coffman, Dean, UCLA Law School, to Robert G. Sproul, President, University of California (Oct. 9, 1951) (available in Dabagh Biographical File, *supra* note 30) ("At our conference on September 26, I agreed to Mr. Dabagh's release or leave of absence. . .").

93. Lawrence Clark Powell, Memorandum to File (Sept. 28, 1951) (available in Record Series No. 604, *supra* note 75, Box 1 ("Confidential File")).

94. Letter from Administrative Committee [of Deans] to Robert G. Sproul, President, University of California (Jan. 23, 1952) (available in Record Series No. 359, *supra* note 52, Box 254).

95. Memorandum from Lawrence Clark Powell, UCLA Librarian, to Administrative Committee [of Deans] (Feb. 4, 1952) (available in Record Series No. 359, *supra* note 52, Box 273) ("The Law Dean presented certain specific charges leading to the conclusion that my administration of the Law Library has been incompetent."). Powell points out that none of these complaints were ever brought to the attention of him or his staff, and that in every instance, the delay complained of by Dean Coffman to the Administrative Committee regarding cataloging and acquisition stemmed from decisions made by the law school. "I propose that the specific complaints are based in distortion or disregard of the facts and without an attempt at honest generalization or review of personal, highly particularized, and often emotional opinions. . . ." *Id.*

96. Letter from Administrative Committee [of Deans] to Robert G. Sproul, President, University of

regard to the precise nature of such a catalog as to any other causes over which the University Library has had control. . . .

All things considered, the Administrative Committee is of the opinion that at this time it is essential to transfer the budget control and budget items . . . from the university library to the budget of the Law School for its direct supervision and administration.⁹⁶

The Aftermath

¶45 Dean Coffman's willingness to destroy Dabagh's professional reputation cannot be attributed solely to Dabagh's adherence to the centralized library scheme. In retrospect, it seems likely Coffman interpreted Dabagh's support of the centralized library as evidence of his support of other elements Coffman found ideologically untenable.

¶46 Contemporary sources tell us Coffman's drive for law library and law school autonomy was spurred at least in part by his desire to free himself of the radical influences he felt surrounded by on the campus. Frances McQuade, Coffman's first secretary and an administrator at the law school from its earliest days, believed Coffman wanted to separate law students from the rest of the university and to keep other students out of the law school.⁹⁷ She reports that Coffman believed the Academic Senate, to whom Lawrence Powell reported, was controlled by left-wingers.⁹⁸ Coffman surely became cemented in his belief that he was surrounded by subversive elements when on at least two occasions in fall 1951 Lawrence Powell appeared before California legislative committees and reported he had registered as a communist for a brief time in 1934. On November 28, 1951, a *Los Angeles Times* headline blared: "Librarian at UCLA Admits Red Sign Up." The story went on to say that in an appearance before the California Senate Committee on Education, Powell stated that in 1934 he registered as a communist but that he was never at any time a member of the Communist Party.⁹⁹ Perhaps as a result of this admission, on December 2, 1951, Powell was subpoenaed by the Tenney Committee and questioned about his earlier communist affiliation. That evening's *Los Angeles Evening Herald* blared: "UCLA Librarian a Communist."¹⁰⁰

¶47 It is likely Coffman knew Dabagh did not support the loyalty oaths. Early faculty member Edgar Jones bets "dollars to doughnuts" that the loyalty oath caused the falling out between them.¹⁰¹ He recalls that Dabagh

California, *supra* note 94.

97. Frances McGann McQuade, *A Career in Law School Administration* 14 (UCLA Oral History Collection, No. 300/266, 1986) (unpublished oral history transcript, available at Dept. of Special Collections, University of California, Los Angeles) [hereinafter *McQuade Oral History*].

98. *Id.* at 81, 83. Professor Edgar Jones corroborates this view: "[Coffman] didn't trust the people in the Academic Senate because of the experience with the oath thing. He thought they were a bunch of left wing deluded people or worse." Jones Oral History, *supra* note 70, at 178.

99. *Librarian at UCLA Admits Red Sign Up*, L.A. TIMES, Nov. 28, 1951, at 1.

100. *UCLA Librarian a Communist*, L.A. EVENING HERALD, Dec. 2, 1951, at 1.

101. Jones Oral History, *supra* note 70, at 171-73. Theodore Dabagh confirms that his brother Thomas was

appeared to be a very knowledgeable librarian, a decent guy. . . . I have no recollection of what had turned off Coffman on Tom Dabagh. . . . [Dabagh] had good law library credentials. He was the butt of demeaning comments and so on behind his back . . . it had something to do with the oath controversy. . . .¹⁰²

¶48 It simply is not believable that Coffman's vindictiveness was caused by Dabagh's alleged incompetence. Dabagh's credentials and reputation as well as contemporaneous law school sources stand as bar to this argument. Dabagh appeared to Professor Jones to be a "knowledgeable librarian." Harold Verrall, who came with Coffman from Vanderbilt as one of the original law professors and was one of his two faculty supporters, notes Dabagh's competence while also recalling that there were differences of opinion between Dabagh and the faculty:

[Dabagh] had the contacts and ability to build up a library and he rapidly built up the UCLA Law Library into a library of substance. It was a really good library. For instance, he discovered that some law school was closing and had a whole library that he could buy. . . . In that way even though he got some duplicate books now and then he accumulated the books necessary for the student use and the faculty use. . . . [H]e saw the value . . . of the briefs in the appellate courts of California. Dabagh discovered these old briefs and got practically a complete set of the Supreme Court and the District Court of Appeals . . . when I was working on my book on community property they were invaluable tools to use for research.

. . . Tom had a desire to stack books according to the subject matter and he wanted to index the books according to the subject matter and put all the contract books in one place and all the tort books in another . . . well that didn't work out too well because many of the books could be stacked in five different places. If you went to the wrong place first, you might have to go to four other places before you found this book. You didn't want to always go to the index to find books. So there was a little bit of friction between Tom Dabagh and the faculty concerning the cataloguing of the books and the shelving of books. In the end a compromise system was developed. . . . He was a good librarian but didn't quite fit with the faculty during those early years. Not that he wasn't likable socially, he was. Not that he had ideas that they couldn't agree to at all, but there wasn't the camaraderie that was close between the librarian and the faculty.¹⁰³

opposed to the loyalty oaths, and recalls hearing from him of friction with the Dean. "He told me he didn't get along with the Dean." Telephone interview with Theodore Dabagh (Aug. 6, 2001).

Apparently Dabagh also signed a petition addressed to the Academic Senate, Southern Section, that was circulated by UCLA library staff members. The petition requested that it be made known to the Academic Senate "that we are in strong sympathy with those faculty members who oppose any special oath beyond that required by the Constitutions of California and the United States" because of their adherence to the principles of the Library Bill of Rights of the American Library Association. "[W]e would not be able with clear conscience to continue our employment in the University of California if the present form of the oath is required as a condition of employment with the result that the present teaching staff is replaced by a staff less devoted to the ethics of the teaching profession." Petition to the Academic Senate, Southern Section, from members of the University of California library staff of the Los Angeles Campus (Apr. 4, 1950) (available in Record Series No. 377, *supra* note 29, Box 54 ("Loyalty Oath, 1949-1951")). The assumption that Dabagh signed the petition is based on the fact that his name is included with a checkmark next to it on a list of typed names that is attached to the petition. There is no explanation of what the checkmarks signify.

102. Jones Oral History, *supra* note 70, at 171-73.

103. Verrall Oral History, *supra* note 69, at 95-98. When Coffman's deanship was under review in 1956,

¶49 It is hard to understand from this vantage how else a law book could be shelved except by means of subject, but these are different times. And it may be that “didn’t quite fit in with the faculty” is code for “not being able to get along with Dean Coffman.” With regard to camaraderie, it may be that Thomas Dabagh had a wider sense of camaraderie than that fostered at the law school. Librarian Vosper described Dabagh as a “warm hearted, cordial, cooperative type.” Everybody from the law school was supposed to sit at the dean’s table for lunch at the faculty club, but Tom didn’t. “He came and ate lunch with the rest of us . . . he liked faculty, he liked universities, . . . he ate with everybody. So there was a little social disagreement.”¹⁰⁴ Finally, perhaps when Coffman realized he could not browbeat Dabagh into simply doing his bidding, Dabagh became useless to him, or worse, a liability.

¶50 The complete story may never be told. We do know the dénouement as far as Coffman is concerned. On September 21, 1955, the law faculty¹⁰⁵ revolted against Coffman, sending Chancellor Raymond B. Allen a memo alleging (1) that Coffman would not hire Jews¹⁰⁶ or anyone he considered “left-wing,” left-wing being defined as anyone having an interest in civil liberties coupled with membership in the American Civil Liberties Union; and (2) the reputation of the law school was deteriorating.

[I]t is proper to consider the effect on the repute of the school of the fact that three men, well known nationally, have resigned from the faculty during the brief life span of the school. These men are Thomas Dabagh, librarian and assistant dean, Professor Brainerd Currie and Professor Harold Marsh. Of course, the mere fact of a turnover of personnel is normal to any school and is of itself of no significance. What differentiates these cases is that each of these men left primarily because of inability to “get along” with Dean Coffman.”¹⁰⁷

¶51 Dean Coffman was relieved of his deanship on May 24, 1956, after a

however, Verrall had less kind things to say about Dabagh. Defending Coffman, Verrall wrote: “Mr. Dabagh’s library policies were so out of line with the needs of students and faculty that there was constant friction between him and the faculty. In addition, his relations with some book dealers was a matter of concern. Some dealers with considerable stocks of hard to find material would not even talk to him but would call only on me, leaving lists of books they had for sale. When the situation became critical the President assigned Mr. Dabagh to other activities. It clearly was not a case of Mr. Dabagh’s resignation because he could not ‘get along’ with Dean Coffman.” Letter from Harold Verrall to L. Dale Coffman, Dean, UCLA Law School (Mar. 9, 1956) (available in UC President, Numerical Bound Folders Collection, *supra* note 26, Box 17:22). Of course this contemporaneous partisan view does not line up with Verrall’s subsequent statement that Dabagh had the “contacts and ability to build up a library . . . rapidly.”

104. 1 Vosper Oral History, *supra* note 32, at 128.

105. With the exception of the two professors Coffman brought with him from Vanderbilt, Rollin Perkins and Harold Verrall.

106. The historical record is replete with instances of Coffman’s statements that he would not hire Jews. Typical is that told by Frances McQuade, Dean Coffman’s secretary, who reports hearing Coffman say that the one hundredth person on the faculty would be Jewish (at a time when there were less than a dozen). McQuade Oral History, *supra* note 97, at 81.

107. Memorandum from UCLA Law Faculty to Raymond B. Allen, UCLA Chancellor (Sept. 21, 1955) (available in UC President, Numerical Bound Folders Collection, *supra* note 26, Box 17:22).

108. The panel was led by Vern Knudson, dean of Graduate Affairs, along with Paul A. Dodd, dean of the

lengthy investigation by a panel of deans.¹⁰⁸ Neil H. Jacoby, a member of the panel, recalled that the actual charges faced by Dean Coffman were that he administered the school with a certain ethnic or racial bias (i.e., anti-Semitic), and that he was dictatorial, undemocratic, and autocratic.¹⁰⁹ The panel came to the unanimous conclusion that the law school faculty, with the exception of Verrall and Perkins,¹¹⁰ had lost confidence in Coffman's leadership, and that "the primary basis for this loss of confidence . . . is a belief that Dean Coffman lacks integrity and honesty in dealing with the faculty."¹¹¹ Coffman was advised that his usefulness as dean had ended.¹¹²

¶52 Thomas Dabagh eventually moved to Berkeley to perform his duties as special assistant to the president on a permanent basis.¹¹³ He died in 1959, never having worked in a library again. Robert Vosper believed that the law library situation "broke Tom Dabagh's heart, broke his health, and wrecked the law library pattern here for quite a few years."¹¹⁴ Perhaps fittingly, in his role as special assistant to the president, Dabagh played an important role in establishing the UCLA Library School. As Lawrence Powell tells it:

Of course, the wonderful retribution and return of justice in the whole thing is that it was Tom Dabagh who really broke through and led to the founding of the library school [at UCLA]. . . . Dabagh . . . really wrote the ticket that led to the establishment of the library

College of Letters and Science, and Neil H. Jacoby, dean of the Business School. Neil H. Jacoby, *The Graduate School of Management at UCLA: 1948–1969*, at 102 (UCLA Oral History Collection, 1974) (unpublished oral history transcript, available at Dept. of Special Collections, University of California, Los Angeles).

109. *Id.*

110. Roscoe Pound, who by then had left UCLA, also stuck with Coffman to the end. Defending Coffman, he wrote that although he liked Thomas Dabagh, he had pesky ideas about classification unlike the simple alphabetical arrangement to which he was accustomed, and "he insisted on getting books which he said students would use." Letter from Roscoe Pound to Raymond B. Allen, UCLA Chancellor (Feb. 14, 1956) (available in UC President, Numerical Bound Folders Collection, *supra* note 26, Box 17:22).

111. Findings of the Committee (May 24, 1956) (available in UC President, Numerical Bound Folders Collection, *supra* note 26, Box 17:22).

112. After a one-year paid leave of absence, from July 1, 1956 to June 30, 1957, Coffman returned to the law school as a full professor. Letter from Thomas J. Cunningham, attorney, to Clark Kerr, President, University of California (July 18, 1962) (copy on file with author). During his leave of absence, Coffman served as a consultant to the Commission on Government Security in Washington, D.C. He eventually retired in the 1970s. Commenting on Coffman's later years at UCLA, Hansena Frederickson, executive secretary to thirteen UCLA administrators over a thirty-two-year career, observed: "[Coffman] didn't speak to anybody after that. He goes over to the Law School now and walks down the hall and doesn't say hello to anybody. . . . [F]rom the time that happened, he just dropped all his old friends, very close friends. He just isolated himself from the university completely. . . ." Hansena Frederickson, *UCLA Administration, 1936–1968*, at 97–98 (UCLA Oral History Collection, No. 300/65, 1969) (unpublished oral history transcript, available at Dept. of Special Collections, University of California, Los Angeles).

113. Tom Dabagh officially resigned his positions of director of the law library and associate professor of law on June 28, 1952, effective July 1. This resignation solved several administrative nightmares for the university since he had originally been offered and accepted a position with academic tenure.

114. 1 Vosper Oral History, *supra* note 32, at 131.

115. 2 Powell Oral History, *supra* note 47, at 427.

school, and not a helluva long time after that he died [on January 30, 1959] But I had great feeling for Tom that we owed him a great deal for what he'd done to establish the UCLA Law Library, and then later, of course, for what he did to establish the library school. He was a sweet guy.¹¹⁵

Epilogue

¶53 David Saxon muses on the final cost paid by the University of California for its period of communist hysteria and loyalty oaths:

I think that the cost was not as great as those with an apocalyptic view of these events thought it would be, that the university was not destroyed obviously, manifestly not destroyed. It remained a great institution and it is still a great institution.

But there is nonetheless an exception to it. I do believe that there were costs to the university which are hard to measure. They have to do with people who didn't come, who were offered jobs and chose not to come, and people who were here and who quietly left without making any fuss.¹¹⁶

This paper is dedicated to Thomas Suren Dabagh.

116. 1 Saxon Oral History, *supra* note 66, at 135.