

DEDICATION

EDWARD L. BARRETT, JR.: RENAISSANCE MAN

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An invitation to write about a close friend, such as Edward L. Barrett, Jr., is quickly accepted. The required reflection is most enjoyable; the requisite text is not easily completed. How can the essence of this Renaissance man be condensed into a few pages? To his casual acquaintances, which number very few, he is a recognized leader in the field of constitutional law. But, to the many who are privileged really to know Ed Barrett, his professional and personal interests are indeed broad and his accomplishments remarkable.

Possibly Dean Barrett's greatest influence is upon other human beings, for he has consummate skill in relating to people, in getting them to outdo themselves whether they be students, faculty members, or fellow administrators. He is a quiet man, seemingly almost apologetic. He wears his honors and achievements with great humility. He is a dean among deans, a leader among his peers. How did he get to be as he is?

It is prophetic indeed that Edward Louis Barrett, Jr. grew up in Bountiful, Utah, the son of hardworking, deeply religious Mormon parents. He took his B.S. degree in 1938 at what was then Utah State Agricultural College before going on to Berkeley for his LL.B. at Boalt Hall in 1941. He attended Boalt Hall on one of the two annual Willard D. Thompson Memorial Scholarships and was awarded the Henry Huntly Haight, William Scott Goodfellow, and William Carey Jones scholarships during his student days. Those multiple scholarships were well placed, for Ed graduated first in his law class, with straight A's in the final two years of professional study. It may be apocryphal, but despite his academic record at Boalt and the images of the student that it evokes, he is reputed to have said of his law school education: "The first year they scare you to death; the second they work you to death; and the third year they bore you to death." Those sentiments were to surface sharply when he began to put together a wholly new law school for the Davis campus.

Armed with his new LL.B., the twenty-four-year-old Ed took

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an assignment as research assistant for the California Judicial Council under Chief Justice Gibson. In 1947 Justice Gibson recalled that: "Mr. Barrett's intellectual ability combines, to an unusual degree, sound scholarship and lucidity of thought and expression. He also possesses the virtues of enthusiasm, patience and loyalty." That reputation was built in one short year, for, with his country in the grip of World War II, Ed joined the U. S. Navy.

Concluding the only gap in his legal career in 1945, Ed Barrett joined the Berkeley faculty in 1946 as an instructor. Until 1964 his teaching career at Boalt Hall was continuous, but by no means was it single-minded. During this period, when he was also secretary to the law faculty and confidential assistant to Dean Dickinson, his reputation as an administrative magician first came to the attention of Clark Kerr, then Chancellor at Berkeley. Dr. Kerr talked Ed into giving up part of his teaching duties to become an Assistant to the Chancellor. When Dr. Kerr was appointed President, Ed went along part-time as Assistant to the President, then as Consultant to the President. In those administrative posts his contributions were invaluable, not only to the law school but to the University as a whole. Having established his reputation as an administrative problem-solver par excellence, he received frequent calls for help from his students, faculty, and fellow administrators in dealing with difficult problems.

At the same time his teaching and administrative talents were being extensively utilized at Berkeley, his particular legal expertise was needed by his government. Thus it was that Ed Barrett was also for a time Special Assistant to the United States Attorney General. So here was our Renaissance man operating effectively on three professional fronts – as a teacher, as a multi-campus university administrator, and as a federal government consultant. With all this activity there was still time, somehow, for him to be active in planning and following the construction of a physical plant for rapidly growing Boalt Hall. He is almost as much at home with blueprints as he is with briefs. Many of the Boalt Hall buildings incorporate his ideas and serve as monuments to his ability to bring cohesion and unity from the diversity of opinions and preferences of his colleagues. He became as interested in the structural problems of

campus buildings as in the spatial needs they were to meet. These proclivities and abilities provided an excellent base when he faced the task of developing the Davis Law School. Not only did he search the country for the best possible teaching talent and work meticulously on building the best possible curriculum to emphasize the unique qualities of the Davis campus, but he simultaneously was integrally involved with the physical planning of King Hall. Had Ed Barrett chosen engineering instead of law, I'm sure he'd have made as lasting a mark on that profession.

Lest an erroneous impression be created—that of a paragon who gives his all to his professional interests—it should be made clear that Ed Barrett is a genuine human being, that he can get as frustrated or angry as the next man, that he can feel as deeply and as personally, that he can be as disturbed and as hurt. But there are some traits that set Ed in a class by himself. His sense of humor restores his perspective quickly, and his intense personal discipline carries him over periods of conflict and uncertainty most expeditiously. Salient aids to his speed and seeming ease of regaining balance are his close partnership with his wife, the former Beth Lockhart (whom he married on New Years' Day, 1942), and his joy in their three children. Douglas, now 22, interrupted his UC-Santa Cruz education to do his missionary service in Japan for the Mormon church, a stint to be completed in March 1972. Twenty-one-year-old Susan set a record by attending the Riverside, Santa Barbara, and Santa Cruz campuses of the University of California and the International Christian University in Tokyo before completing her major in Japanese Studies on the Davis campus. Kent, at 15, a tenth grader in the Davis public schools, balances the age spread within the family home which often includes one or more of a group of elderly relatives. When all or part of the family manages to escape to their mountain cabin, Ed's love of the outdoors asserts itself strongly in one of the most rugged of outdoor sports—he's an avid snowshoer!

More facets of Edward L. Barrett, the man, emerge from a recent letter written by a long-time friend, William N. Keeler, a graduate of Boalt Hall.

His hobbies were not fishing, hunting, spectator sports, gar-

VII

dening or carpentry, but work and more work. He was and is a devoted family man, but beyond that, his great and abiding interest has been his profession. There are, however, phases of his professional life and his approach to it that are not apparent in the written record.

Friendly and cooperative by nature, he is constructive and imaginative in "working things out," but he also has strongly developed principles and is adamant where they are concerned....

He is of a judicious turn of mind and in connection with issues arising within the School, particularly where they involved intra-faculty or student-faculty relationships, he uniformly insisted on careful scrutiny of all sides of the problem before the taking of action concerning it. This trait was so strong in him that, while primarily considered a "liberal," he would on many occasions support the "conservative" side of the issue involved. He was and is a man of great "common sense."

He has always had a compulsive desire to further the interests and improve the lot of the underprivileged. This, long before the current setting of the tide in that direction. As a result he was instrumental in securing assistance and encouragement for many law students at Boalt Hall, including black students who, at that time, were relatively few in number and with far less opportunity than at present.

During college days...he achieved a notable record as a debater, particularly in the field of extemporaneous competition.

When a possible Davis law school was proposed, it was only natural that Edward Barrett was in on the discussions. By that time his work was indelibly stamped on Boalt Hall and University administration. He had faced and solved complex administrative problems in both settings. He knew what a quality law school required and all that its establishment entailed. Therefore, when Professor Everett Carter, then Vice Chancellor at Davis, was commissioned by Chancellor Mrak to get the school started, it's not surprising that he immediately searched out Ed Barrett. In a subsequent letter, Professor Carter said:

I spent at least two or three afternoons with him, getting his ideas about what kind of a school a campus like Davis ought to have. He was so full of the right kinds of enthusiasms: about the dedications of Davis (to human resources, to an emphasis

VIII

on students, to the best of the rural traditions) that from the very first interview I felt he would make the best possible dean for it.... Ed saw the possibilities of a law school directly related to Davis's strengths and interests, and was the principal force in shaping it...

Professor Carter continues:

...after the [selection committee] panel was pretty nearly completed, Roger Traynor [then Chief Justice of the California Supreme Court] and I had a private talk.... Traynor said flatly that Ed would be the best of all the candidates; I got on the phone, and talked to all the other members of the committee, and by the time the final nomination session came round, there was a nearly unanimous desire to draft him. We...came up with a really superb panel of possibilities, with Ed's name right at the top as our first choice.

I might add that we wanted to get the plans for the building started, and especially its location in our master plan, even before the dean was appointed; and, while I wrote up the original proposal and specifications, they were all discussed with Ed, and so in every sense one can say that our law school was principally his creation.

Ed Barrett demurred a little at his nomination, for he had been chosen as a Guggenheim Fellow for 1964, the year when the law school development was to start. This obstacle of time surmounted, the new dean accepted the post, to commence work on the completion of his fellowship year. When he arrived in Davis in the fall of 1964, the law school consisted of himself, an empty office, and a set of exciting plans. He shortly announced that the law school had doubled in size – he had hired a secretary!

A few months after that doubling of the law school, then-Chancellor Mrak wrote:

I have never known a person who would adapt to a campus and become such an influential force in such a short time. He has become involved in many areas of the campus, even those one might consider remote to the School of Law.... [H]e carries much good will for the University of California...with an element of humility and warmth that has brought us friends and strength.

Ed Barrett quite literally built the Davis law school. He was involved intimately in the planning of King Hall, and even its landscaping and its beauty and functional effectiveness bear his stamp. But more importantly, he built into his school a spirit, a sense of awareness and excitement, a feeling of being "with it" that gave it such an excellent start, a momentum so firmly established that it will unquestionably continue for years to come.

From the start he realized that a first-class faculty is the core of a first-class law school, and he worked prodigiously and successfully to assemble that faculty, crisscrossing the country, interviewing dozens of candidates, doing the hard, patience-eroding and physically exhausting legwork required. He went to enormous lengths to insure that the faculty was not only of the highest caliber but that it was balanced between the young and the well established, that it could share his vision of not merely one more law school but a special law school, tailored to serve the Davis campus and the kinds of students he wanted to attract.

Intermixed with all the traveling for the budding law school, Ed was spreading himself over many other bases as well, as Reporter, Advisory Committee on Criminal Rules, Judicial Conference of the United States; Associate Reporter, Pre-Arrestment Procedure Project, American Law Institute; Member, Advisory Committee on Pretrial Proceedings, American Bar Association Project on Minimum Standards for Criminal Justice; Member, Advisory Board, Joint Legislative Committee for Revision of the California Penal Code. By 1966, however, he knew he had to forego some part of this workload. His decision was to give up only the Reporter and Associate Reporter obligations!

Those of us who were privileged to work with him in those years know full well the enormity of his efforts with budget committees and with others, and we are all in awe of his capacity for work, his toughness, his patience, his reason and logic, his strength, and particularly his skill at looking after the welfare of the faculty. His presentation of the case for higher salaries in the field of law—not just at Davis but throughout the University—was a key factor in setting salaries for this group of faculty.

His meticulous planning and careful building perhaps are

best evidenced by the professional recognition accorded his efforts. Before the first class had even completed its initial year, the Committee of Bar Examiners of the State Bar of California granted provisional accreditation, followed in less than a year by provisional approval of the American Bar Association. Full approval was granted in 1970. In December 1968, the school was granted full membership in the Association of American Law Schools, the first time such an action had been taken for a new school prior to the graduation of its initial class. He has indeed created an outstanding school, and its continuing success will be the lasting tribute to him.

There's only one way to sum up Edward L. Barrett, Jr. He is one great human being.

ED BARRETT—LEGAL SCHOLAR

Daniel J. Dykstra*

To Vice President McCorkle's tribute to Edward L. Barrett, Jr. little can be added except by way of emphasis, and that portion which I wish to emphasize is in respect to Edward L. Barrett, the scholar. Long before I had the opportunity of meeting Professor Barrett I had heard many colleagues whose judgment I respect pay tribute to his objectivity, his analytical ability and his general perceptiveness as a student of the law. In addition, I had on occasion perused some of his numerous legal articles, and I had read with care and interest the book which he authored entitled *The Tenney Committee*.¹

This interesting volume, part of the Cornell Studies in Civil Liberties Series, is "lawyer writing" at its best. Although dealing with materials which for the most part are outside of the field of statutes and cases, the study reflects exceptional ability to portray highly controversial materials in an interesting and objective manner. It traces with care the beginnings of legislative investigation of subversive activities in California, the formation of the Tenney Committee, and its subsequent activities. In this study, Ed did not hesitate to criticize the often shoddy work done by the Committee, and he noted with understanding the unfairness visited upon many by the Committee's free-wheeling and often careless methods. At the same time the study inspires confidence because it is evident that his research was thorough and his portrayal was fair.

Upon becoming acquainted with Ed Barrett the reports heard and the impressions formed were confirmed in every respect. I soon learned that if I wanted enlightenment on a complex legal problem, Ed was the person to see. Even when that problem was outside his field of expertise, constitutional and criminal law, I noted that Professor Barrett's training and analytical ability enabled him to ferret out basic issues and provide insight and sound judgment in respect to them. I observed that his integrity and discernment left no room for over simplification, for he

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¹THE TENNEY COMMITTEE, Cornell University Press, Ithaca, New York (1951).

readily recognized that significant problems have many ramifications. He would outline these ramifications with meticulous care, and thus the end result of such discussions was considerable enlightenment.

It is a pleasure to report that the attributes to which reference is made have been widely noted and appreciated. I have yet to meet a law graduate who had Professor Barrett as a teacher who did not value his sound, objective scholarship. The numerous bar groups, both state and national, who have sought and continue to seek his expertise are also a testimony to recognized ability, and the respect in which his judgment is held by past and present teaching colleagues is a further tribute to his basic integrity and judgment.

The Law Review staff is commended for dedicating this volume to Professor Barrett. Normally such a tribute is not paid until retirement or death, and thus, lest anyone be under a misapprehension, I report that Ed is alive and well and far from retirement. He is busy teaching, working on the fourth edition of his widely recognized casebook on constitutional law,² and, as usual, serving on many bar committees and study groups. We hope and trust that this law school will continue to reap the benefits of such activities for many years to come.

²See BARRETT, BRUTON, HONNOLD, CONSTITUTIONAL LAW, CASES AND MATERIALS (Foundation Press, 3rd ed. 1968).