



Personal History Interview
Professor Harold M. Hyman
by Michael Les Benedict
April 24, 2014
(first of two)

PROFESSOR BENEDICT: Let's just talk together. I am the interviewer, Michael Les Benedict interviewing Harold M. Hyman on Thursday, April 24th, 2014, at his home in the Brookwood Community, Brookshire, Texas near Houston. He was president of the American Society for Legal History from 1993 to 1995.

Please remind me about your education and military background.

PROFESSOR HYMAN: High school dropout in early 1941, well before Pearl Harbor was attacked.

PROFESSOR BENEDICT: You dropped out of high

school early in your senior year?

PROFESSOR HYMAN: Oh, yes. I never earned a diploma.

PROFESSOR BENEDICT: Did you go straight in to the military when you dropped out?

PROFESSOR HYMAN: No.

PROFESSOR BENEDICT: No?

PROFESSOR HYMAN: No. I was just sort of wandering around hopelessly like a lot of people of that age, 17 or so.

The Depression offered almost no hope of almost anything, plus my immediate family situation was awful. The Depression hit the family very hard, and strains between my mother and father long predating the 1930s became acute.

PROFESSOR BENEDICT: What made you decide to join the military?

PROFESSOR HYMAN: Pretty much the hopelessness of the situation. My father fell to his death or committed suicide in 1936. By 1939, high school, except for English, was a waste. And the people my age agreed that anything with three meals guaranteed was a good idea. There were government programs like the Civilian Conservation Corps., but the only government agents that wanted to talk with us were the military recruiting agencies officers. It sounded nice.

What could be more different from life in Brooklyn those dreary years than the jolly adventures of the Marines? \$21 a month, a nice blue uniform the recruiting sergeants wore. We never saw blues after that.

PROFESSOR BENEDICT: What year was that?

PROFESSOR HYMAN: 1941.

PROFESSOR BENEDICT: '41. You must have known that there was a potential war in Europe on the U.S. horizon.

PROFESSOR HYMAN: With very few exceptions, we paid no attention.

I enlisted in the Marine Corps on my 17th birthday. My mother happily signed the necessary age waiver. And there I was, suddenly transported to a foreign land, South Carolina, where the most complimentary thing I heard at once from a drill sergeant was, "You fucking Jew, what are you doing here?" Sergeants were almost uniformly Southern Baptists. My response didn't please him: "You know, Jesus was a Jew."

He and his colleagues didn't like that at all. I got all kinds of extra punishment "shit" details. To my surprise, I enjoyed almost everything -- almost.

PROFESSOR BENEDICT: Did you ever finish your high school diploma in the military?

PROFESSOR HYMAN: I did. There was a thing called the Marine Corps Correspondence Institute which was really just a commercial correspondence school course with the sacred marine emblem stamped on every page.

I enrolled in it without any lofty goal. I'm not sure why and when, but it was pretty early on after boot camp. It gave me something to look forward to, I guess. The lessons I completed I sent in to some mysterious place in Madison, Wisconsin, where I know now there was some poor graduate student earning a pittance for going over each completed lesson, but he gave me A's. I don't know exactly when I started the lessons. It was before the attack on

Pearl Harbor, pretty soon after boot camp. Boot camp was July in South Carolina. Mosquitoes were large. But I enjoyed the training system as it enveloped me. I suddenly became richer by \$3 a month because I became a rifle marksman, to my surprise and everyone else's. I had never held a weapon before, nobody expected superior marksmanship of me. They got the goddamn sergeant who was in charge at the rifle range, and made him check my target several times. They didn't believe that I really shot well. I didn't believe it. But I just happened to have the coordination and eyesight. I didn't like the bayonet drill.

PROFESSOR BENEDICT: I can imagine.

PROFESSOR HYMAN: I'll show you sometime.

Well, I so-called graduated from boot camp, and was sent to San Diego, which was heavenly, but my orders were to get to Pearl Harbor. We were reinforcing it. We sailed into Pearl Harbor about two weeks before December 7th, maybe three. It was paradise.

And then, of course, came the Japanese attack, which was terrible. It triggered sheer chaos among us initially.

We were supposed to be trained, but you get trained by the first attack, not before it. It's the best instructor ever devised. We were shooting at anything that moved in the sky. We hoped it wasn't one of ours. And then suddenly, early in 1942, we were in a troop ship to Midway Island. I had never heard of it before. There was nothing on Midway Island except a little Pan American Airways station. Pan Am's planes hadn't the range to make it all the way across the Pacific without a stop.

We got to Midway just in time for the Japanese to attack. I was getting tired of that. Two coral islands constituted Midway. Coral is a very hard substance. Over the centuries, the sea birds, all of whom have sharp beaks, had carved out depressions in the coral for their nests.

Well, when the Japanese planes came along to bomb us, we tried to make depressions in coral. Without jackhammers you can't do it. So we chased gooney birds out of their nests. They had made soft beds for themselves out of bird shit, feathers and decayed fish carcasses, which we jumped into when the Japanese bombers attacked. And then the birds attacked. They didn't want us in their nests and they have sharp beaks and very powerful wings, perhaps six, seven feet long.

PROFESSOR BENEDICT: Oh, my.

PROFESSOR HYMAN: There were two Japanese aerial attacks on Midway, I recall, which we repelled narrowly.

But all of our other insular possessions and those of European nations fell to the Japanese. They were probably not intending to occupy Australia but to head for Indian to flank the Suez Canal. Postwar scholars of Japanese policy think they were trying to totally isolate the U.S. and all Europe. Very sensible strategy.

Well, they had to be stopped, someone decided, and they contrived something they called the First Marine Division. Even in World War I there were no divisions in the Marines. The first was a hodgepodge of Marines. As example, they brought veteran marine units from Iceland which had been trying to shoot down Nazi Condors, long-range reconnaissance craft that shadowed convoys and

informed U-boats that were decimating our convoys to England. Marines from Caribbean "dollar diplomacy" garrisons, from shipboard units, from all over. Some Marines were drawn from the marine units in China, where they had been guarding our embassies. They were the Marines who had Chinese artisans embroider the inner linings of their dress blue uniforms. They were real Marines. The Old Breed, they called themselves. And then there were reservists and recruits like me far outnumbering the real marines. Most of us were raw recruits, people like me.

After Midway, strategists decided on preventing the Japanese from using the Solomon Islands, and the way to do it was to make it unsafe for Japanese shipping and aircraft, and the way to do that was to build airstrips fast, and install some light artillery on land and enough Marine infantry to repel Japanese attempts to prevent this. So they sent me with about 8,000 or 9,000 other Marines, all recruits except for the sergeants.

The Marine high brass didn't know how to handle a division. They had to learn fast. There were quick promotions from corporals to lieutenants, and so on. From Midway our convoy zig-zagged all over, and finally stopped in Australia. Some Marines debarked in New Zealand, but most of us were not that lucky.

In Australia we trained and trained, then had brief leaves. We had a lot to learn. You got on a trolley car, for example, in Brisbane, one filled with civilians, females included, and they would be talking about the absolute "screw" they had, which meant salary. You had to learn the slang.

So from there we go to Guadalcanal in the

Solomons. Our battleships and cruisers bombarded Japanese positions, just like the textbooks say, until the Japanese Navy came into the horizon, and then our Navy withdrew. Well, it had suffered.

PROFESSOR BENEDICT: It had lost so much in Pearl Harbor and in the Solomons.

PROFESSOR HYMAN: So many warships were sunk that we called nearby waters Ironbottom Bay.

On Guadalcanal we dug trenches, and under fire from enemy warships, planes and infantry, we carved out a landing strip. The first American Marine fighter planes came in from aircraft carriers. Pilots were very brave. There were a lot of ineffective American warplanes and other military equipment then. Nevertheless, Marine pilots resisted the Japanese planes which came from Indochina, Vietnam, and every place else they had overrun.

Our unit's job was to keep the runways from being infiltrated at night, which was a favorite tactic of the Japanese. We hated that. Well, we were scared.

PROFESSOR BENEDICT: Of course.

PROFESSOR HYMAN: And we quickly developed fevers our medicos weren't prepared to resist. Better drugs came later. A lot of us got malaria. For some reason we were soon all diarrheal, and our whole unit was in dugouts. Well, your best friend wouldn't want to lie close to you. So one-person dugouts became popular.

Fungus infections were rampant. Our medical people lacked knowledge about tropical diseases. The only thing that even looked as though it might work on fungus infections was potassium permanganate. So we all had purple feet. Our field shoes rotted right away. They were made of

animal hide, which was okay for temperate zones but not for the tropics. The Japanese sensibly wore sandals often made of rubber that they salvaged from vehicle tires, and they had rubber and oil from the East Indies. We wore long trousers. The Japanese wore shorts, very much better adapted to that climate.

PROFESSOR BENEDICT: In the end were you able to hold out or did they have to withdraw you from that situation?

PROFESSOR HYMAN: We held out. That was the best description.

PROFESSOR BENEDICT: Ultimately, we have to get to the American Society of Legal History at some point.

PROFESSOR HYMAN: Well, you are making me remember.

PROFESSOR BENEDICT: Which is good.

PROFESSOR HYMAN: Meanwhile, I enrolled in an high school completion correspondence course. They sent me books and lessons. And as events allowed I read the books, wrote the lessons, and took the exams, mailed them off, and one day I got a beautiful envelope. I pulled out a high school diploma! But I knew I hadn't finished!

PROFESSOR BENEDICT: Oh, my gosh.

PROFESSOR HYMAN: The State of New York had anointed anyone in uniform, even if lacking credits, a high school graduate. And one of the Marine officers gave me some whiskey to celebrate. Then I remembered a Marine Corps regulation: If you change your educational status report the fact to your First Sergeant.

So, dutifully, I put the diploma in my battle pack, went to the First Sergeant, an Old Breed

marine named "Bear Tracks Bronson." He was sitting on a fallen log, struggling with a defective radio.

It looked then as though we were going to be pushed right off the island. He was trying to cope with very heavy responsibilities. Up came Private Hyman, big smile, and said, "Sergeant Major, I am reporting per regulations that I have changed my educational status." He looked at me incredulously, got up, and kicked me away from him. And thereafter he always thought I was crazy.

PROFESSOR BENEDICT: Education in the Marines.

PROFESSOR HYMAN: It was a diversion for me to have those high school lessons, and now I was a graduate. I took my first college-level history course. I know I used a textbook by Grimm.

PROFESSOR BENEDICT: Harold Grimm was the senior History professor at Ohio State University when I went to Ohio State. I think he had been chair. He was the oldest of the old guard.

PROFESSOR HYMAN: I think it was unfortunate for someone being shot at to have a textbook referred to as Grimm. But I thought his textbook was very interesting, and there were no alternatives on Guadalcanal. His book and subsequent lessons and exams came through the military mails that had priority. I did the lessons for diversion. Then I kept on taking courses. World history, American history, and British history. I didn't enjoy all those damned kings. Didn't seem too relevant.

When the war ended, I had of course already finished my four-year "regular" enlistment. Thereafter I was kept at the convenience of the government for about a year-and-a-half. There was a whole lot of

pressure on me to sign over (i.e. reenlist) for another four years. It was attractive. My civilian life had not been too stable or attractive. Now I was a six striper Master Sergeant, which was very close to God, or maybe superior to God.

PROFESSOR BENEDICT: Superior to God but below a lieutenant.

PROFESSOR HYMAN: My pay then was more than I could hope for "outside." I was tempted to stay in. I didn't know what to do. For no real reason except that I wanted to get out from under the Marine discipline, I decided to claim a discharge. They had no alternative but let me go.

I got my shipping-out pay, as it was called, and bought civilian clothes. Such crap. I went to New York. My mother was living by herself. My grandmother and grandfather in Brooklyn had invited me to stay at their basement apartment, and to make me feel at home they had bought a military surplus canvas cot, like those I had been sleeping on for four years. It was July, all windows open. They put up a sign "Welcome Home, Harold," red, white and blue. A couple of kids passing by, turned and said loudly, "Why does the sign say, 'Welcome home, Harold?'" And then they did just what I would have done; they shouted at the top of their voices in this quiet midnight, "Fuck you, Harold."

My grandmother, in her little nightgown, got up and as fast as she could, ran out into the street, no slippers, anything, armed with a broom she chased the boys, who were running away laughing and laughing. And I ran after my grandmother, afraid she would fall. I was

wearing only my military shorts, laughing hysterically.

Well, I looked around for work. Jobless military veterans could claim \$20 a month for 52 weeks. I never cashed in on that program. I got a job, \$12 a week, packing books, of all things, history textbooks. The owner bought from school systems obsolete history textbooks, repackaged them, and sold them at a profit, of course, to someplace in the South.

It was a lousy dead-end job, and I wasn't at all content. Well, what options do you have if you're not content? Military training offered job possibilities. There were street gangs, which were recruiting veterans, or else veterans were recruiting street gangs. Guns and bludgeons didn't seem too attractive.

I had an uncle who was a lifelong ward heeler. You know what a ward heeler is?

PROFESSOR BENEDICT: Yes, sure.

PROFESSOR HYMAN: And he wanted me to become a runner for the local Republican precinct. No.

I remembered that some of the nicest liberty days I had spent in the Marines were at the University of Hawaii. I got permission to use the library. So I would sit in the library for hours. Reading became a habit, one that persisted after I was assigned to the Marine air base in Santa Barbara. From there I haunted the UCLA library, where I met Ferne. And she encouraged me to begin thinking about going to college, which seemed very attractive. Once a civilian, I could benefit from the G.I. Bill of Rights, which covered tuition and minimal subsistence.

I was already going to classes. I didn't like New York. The next thing I remember I was on a train going to Los Angeles. Ferne and I married in February of 1946. She graduated and worked and I whizzed through UCLA's undergraduate requirements in a year-and-a-half. I had one course in recent U.S. History taught by a very pedantic prof who drilled details. Not much interpretation. But I got all "A's." He also taught the Civil War and Reconstruction using James G. Randall's book. Randall came to UCLA that summer, and the regular professor had me serve as Randall's exam reader, which was very nice.

Ferne and I had to decide what to do. Should I get a high school teaching credential? A lot of pressure was exerted (not by Ferne) in its favor. So I took an Education course. I lasted ten minutes. Did you ever take those?

PROFESSOR BENEDICT: I did. I had one good course, which introduced me to Gunnar Myrdal's *American Dilemma*. But the rest of it, as you said, seemed to me to be just a packaging of common sense. I also left.

PROFESSOR HYMAN: Ferne was working at something far below her competence. Meanwhile she graduated from UCLA. She put both of us through school. She and I got masters' degrees. We decided I should try for a Ph.D. Her father was distraught. "You ought to go to work, Harold."

So off Ferne and I went to Columbia, in part because I was offered a tuition scholarship. More important were Henry Steele Commager, Allen Nevins and Richard Morris, who were on the history faculty which

meant that I could focus on the Civil War and constitutional history.

After registering, we had to attend a required lecture given by Robert Livingston Schuyler. He was descended from Alexander Hamilton's wife's great New York family. I expected a patrician's accent like Ronald Coleman. He got up there and said, "Dis is the foist time you're here at Columbia, I want you people should pay attention." Teaching British history!! Still, a fine scholar.

Tensions existed between the old prep school grads and the returned veterans. I didn't care about any of that. I was just happy with Henry Steele Commager, Nevins, and Morris.

I hadn't met Commager yet. We met in the men's room using adjoining urinals. He introduced himself. I'm Henry Commager. Are you one of the new would-be graduate students? Yes. Who are you? I told him my name. Oh, he said, I admitted you to my seminar. And he stuck out his hand. I shook it.

PROFESSOR BENEDICT: You had already read things by Commager. He was already writing about civil liberties at that time.

PROFESSOR HYMAN: I had corresponded with him.

PROFESSOR BENEDICT: Did you already know that you were interested in history of civil liberties?

PROFESSOR HYMAN: This was the period that we call the Second Red Scare, and I had written a term paper back in UCLA on Civil War loyalty oaths, and sent it to Commager with my application. And he, a classic academic liberal, wanted me to expand that into a doctoral

dissertation. The only way one could get into Henry's seminar was to have one's dissertation subject lined up. He didn't want to waste his time or ours. At the semester's start there were seven of us. The number became fewer.

Henry would sit back in his office. Its walls 12 feet high were lined with bookshelves crammed with books. He had a shoe salesman sort of traveling ladder that went all around the room like a trolley. One of us would be reading his paper aloud, and Henry would say: "Where did you get that information?" "Oh, from blank, blank." And Henry would jump up and get on that trolley, go around the room and pull out a book, open it and say, "You are wrong." He had read and remembered everything.

But he liked me and my seminar papers. I was able to advance quickly to a defense of what I hoped would be my doctoral dissertation. I defended it successfully in early 1952.

And then came the question of a job. There were relatively few academic job openings. Returning veterans had already been absorbed in most colleges. If you think back to Ohio State, think back to the years when the history faculty were hired, the pattern typical of many state schools, booming enrollments and class sizes, and the hiring boom ended. Administrators did it as cheaply as possible. They said to new Ph.D.s, try the junior colleges.

But then Harry Carman showed up. Carman, a prominent historian, liked me and my dissertation topic. He was on my dissertation defense committee, and he had a connection to New York, Pennsylvania and Midwestern Quakers. And he heard that one college was looking for a

historian to teach five courses. Can you imagine? And he recommended me. So Ferne and I got on a train to Earlham College in eastern Indiana. Her advanced pregnancy proved to be an asset. They liked faculty with families. I got the job and we moved to Indiana. Our first child, Lee, was born there.

I had to teach courses I knew little about, government courses as well as history. Sure, I can do it, I replied, even to originate a course on the Far East in World Affairs. Five courses a semester. In addition, faculty had chaperone responsibilities. It was a coed school. The kids were really admirable.

One of them was a Dutch reformed minister, and a fine student. I asked the class in European history to discuss the "cordon sanitaire." He said, the "cordon sanitaire" was the "sanitary belt," the literal translation. The only students who understood, laughed. They were the females, of course.

Mostly I stayed one lesson ahead of the class. There were some good students, very good, thoughtful students. And then there were the two brothers from Iran. The brothers shouldn't have been there. They were the centers of campus vice. You want cigarettes? Pornography? Anything like that, they provided through connections they made with the underworld of Richmond, Indiana. There was an Iranian Prime Minister, their relative, who was killed, and the Quakers had picked up the boys and offered them safe harbor. They hated me as a Jew.

Earlham was a good place to start. It gave me a very good grounding in how to teach a class, how

to keep students involved. Then came an invitation from UCLA to teach in a summer session. Ferne was happy to be there. She wanted to show our first child, Lee, off to her parents. So I went out to UCLA and taught the summer. And then I got a regular appointment offer from UCLA. I resigned from Earlham. About six years later, an offer came from Illinois, which was a wonderful place from the viewpoint of my research. Ferne and I bought a very nice house there. You were there, Les.

PROFESSOR BENEDICT: Yes, I remember it. I had graduate classes in your finished basement with all those books. It was a nice place with a fireplace. I was still an undergrad. You made me tend the fire.

PROFESSOR HYMAN: We had three children by then. Ann was born in L.A., and Bill was in Illinois.

PROFESSOR BENEDICT: Bill was certainly there as a young child when I was your graduate student.

PROFESSOR HYMAN: He learned to ride the bicycle around the little circle in front of our house. In many ways Illinois was very pleasant, and I was very productive. The deans were generous with travel grants and other encouragement for research. But History Department politics were another matter. I exempted myself from that. Ferne got a second masters degree there.

I could have stayed, but then Rice's Frank Vandiver showed up. I had known him at Civil War Round Table and American Historical Association and Southern Historical Association meetings. Vandiver was a professional Texan and a birthright professional southerner. He would lecture on or off campus for any

group. He was a very nice guy whose scholarly output was thin.

He invited me to Rice. I didn't know much about Rice except its seemingly bottomless pockets, from which you and I both benefited. So, to Rice we came. I wrote my own ticket. But instead of a nice quiet campus, the first thing that happened on our arrival was the student strike. Everyone in blazer jackets, marching around protesting U.S. intervention in Viet Nam.

PROFESSOR BENEDICT: It was a mixture of causes. I don't think there was a strong antiwar movement here, but it fed off issues between the Rice students and the Board of Trustees. The Board named as president an old guard Rice former professor. And the students erupted out of fear that the school was going to go backwards. It had integrated racially only three or four years earlier, after a lawsuit broke the founder's whites-only will.

I remember protest marching with almost the entire student body. As you said many students were in jackets and ties. It was not exactly a New York-type student demonstration. I was newly arrived. I was marching but keeping quiet. But I remember one big sign that said, "It can't happen here."

PROFESSOR HYMAN: Somebody had read Sinclair Lewis.

PROFESSOR BENEDICT: So here you were, that big demonstration affected your stay here, right? It was the first thing that happened when you arrived.

PROFESSOR HYMAN: And oh, the crisis faculty meetings actually began to consider substance. It was interesting but exhausting. And so, I got a year leave and

Ferne and I went off to Japan.

PROFESSOR BENEDICT: People there remembered you when I visited some years later. By the time that you were at Rice, you must have finished your manuscript on the impact of the Civil War on the Constitution, because it was published in 1973. So at the point you are one of the best known constitutional historians in the country. Did you at that time consider yourself also a legal historian?

PROFESSOR HYMAN: No. Constitutional history had become largely a catalog of high-court decisions. Undergraduate political science and the law schools had curricula built on formalistic case law about which few cared. To me it wasn't interesting or informative to focus on case law.

The American Legal History Society was struggling. Craig Joyce really deserves an enormous amount of credit for its survival. He risked his U of H Law School job by spending time and effort on the Society, not writing or publishing [as much as he might have], but rather trying to keep it going. I think some of his senior colleagues looked askance at his devotion of a lot of time to bringing law and history people together.

He said to me, how about becoming president of the American Legal History Society? I'll put you up as a candidate. What does the president do, I asked him? Well, not much. Then why should I want to be involved? Craig is a missionary. But he was right. It was either abandon the Society or try to change it.

PROFESSOR BENEDICT: Had you gone to any of the meetings before you were president? I remember meeting you at an earlier ASLH convention. You'd urged me

to go.

PROFESSOR HYMAN: Craig really wanted a fundamental change, to make it a truly professional society and journal, one that a broad audience would read. We wanted articles that looked at things that were important and raised issues of scholarship. I was very pleased to see myself as part of that improvement. I was president for what? Two years?

PROFESSOR BENEDICT: I know that you attended some meetings earlier. You know, I don't remember my first meeting, but I remember that you were there, and I am guessing that I went because you said that I should. You tried to introduce me to people who were active in the Society. At that time, they were almost all lawyers and on law faculties. And they asked me if I knew the people at Ohio State University's law school. I had no connection then with the law schools. That came later.

So, although you attended Society meetings before you were president, you had the feeling, from what you're saying, that there were real limits to its usefulness.

PROFESSOR HYMAN: We didn't know what the limits were, and I'm sure we trespassed without meaning to hurt anyone's feelings across those limits.

Craig carefully let us get into trouble, as it were. The journal had been run by a small group. We initiated calls for diverse authors and publishers to send us interesting-sounding potential articles or books, and then finding reviewers, and then deciding which should be published.

PROFESSOR BENEDICT: The ASLH journal *Law and*

History Review must have begun about 1982, because I had an article in the third volume, 1985.

Before that, the main legal history journal was the *American Journal of Legal History*, published at Philadelphia's Temple University Law School, or someplace like that. It was narrowly focused.

PROFESSOR HYMAN: And it was part-time for everybody.

PROFESSOR BENEDICT: And I think it was published by law professors, not law students.

PROFESSOR HYMAN: That's right. That was unusual.

PROFESSOR BENEDICT: Very unusual for a law school journal. It seemed to take forever to get an article accepted, and then they were somehow not that well edited.

The *Law and History Review*, I think, began in the early '80s, and it also was run by the professors, not necessarily law professors. I don't remember who was the first editor. Michael Grossberg became editor, maybe right before you became president, or at the same time. And he, of course, made a big difference.

When you were coming to the early meetings, before you were asked to be president, did you think of any of the people who you saw as being the main organizers?

PROFESSOR HYMAN: Benjamin Aaron, if I remember correctly, was important. It wasn't a mass movement.

PROFESSOR BENEDICT: I took a quick look at the committees from that time, and the membership stayed the same for year after year, and the same people served on

maybe even three committees; or they served on two for a long time and then went on to another. It was a rather limited number of people dedicated.

PROFESSOR HYMAN: I wonder if similar changes were occurring in other analogous disciplines: political science, sociology, economics, etc. What was happening in their professional organizations?

PROFESSOR BENEDICT: So when you were convinced to be president, did you have goals for the Society? Did you want to accomplish certain things?

PROFESSOR HYMAN: I think we have already touched on major goals. That was why your partner in crime, Craig Joyce, shanghaied me into that job. We shared goals we talked about, making the study of law part of history, in nontraditional ways. The returns were great. There were changes even during my term.

You have to talk to Craig. He was the one who was quietly getting things done. To my credit, I didn't interfere with Craig. Whatever improved in the Society, I give him the laurel wreath. So my incumbency was substantively over before it began. People like Craig spent the time and effort.

PROFESSOR BENEDICT: He was the chair of the Publications Committee for a long time before you became president, and therefore was, I think, largely responsible for some of the positive changes in the *Review* that made it more open to broader ideas of history.

PROFESSOR HYMAN: And somebody had to make up budget deficiencies, however modest, and he did that, too.

PROFESSOR BENEDICT: You had the board of directors meeting while you were vice president, and just

before becoming president. You moved to have the 1995 meeting in Houston.

PROFESSOR HYMAN: Craig had us all primed.

PROFESSOR BENEDICT: Well, he might have but he said that he was surprised to be named local arrangements chairman of that event. The Program Committee chairman for the 1995 meeting was Don Nieman. And you chose Don. Did you discuss with him the kind of program that he might construct, or did you count on him to have broad ideas?

PROFESSOR HYMAN: I don't remember.

PROFESSOR BENEDICT: You were the second ASLH president who was clearly a historian--maybe ten years after Stan Katz, who was the first. At that time Stan was assistant dean in the University of Chicago Law School. Although he was an historian his connection was through law.

PROFESSOR HYMAN: Stan was a quiet revolutionary.

PROFESSOR BENEDICT: Yes, he was. But you were the first person to be president who was on an academic history faculty rather than law faculty.

PROFESSOR HYMAN: Sounds right.

PROFESSOR BENEDICT: And then you named Don Nieman program chair of the 1995 meeting, and Don is a historian in a history, not a law, faculty. So it sounds like there is some transition.

PROFESSOR HYMAN: There is.

PROFESSOR BENEDICT: What did you think about the meeting in Houston?

PROFESSOR HYMAN: It was a good meeting. I don't remember receiving negative comment in person or by

mail or telephone. The attendance levels at sessions were good. Some written constructive criticisms were addressed primarily to the presenters of the papers that were to become articles. There is nothing new about that.

PROFESSOR BENEDICT: Do you remember choosing the hotel? The meeting was held at the Warwick. Craig was the local arrangements chair.

PROFESSOR HYMAN: He was indefatigable.

PROFESSOR BENEDICT: How about the money raising? The Society meetings always had some sponsorship from law schools and law firms.

PROFESSOR HYMAN: I remember no problems with the Society's commitments to hotels, et cetera, no problems at all. We made money primarily because many law [firms]gave contributions.

PROFESSOR BENEDICT: Did you have any part in the fundraising? At that time you had been working with Vinson & Elkins on their history. Did you try to get money from them?

PROFESSOR HYMAN: I wouldn't be surprised, but I should have if I didn't. Historians have to realize that they can benefit from working with law professionals. The latter have money and were casual about sums that knocked me for loops.

I remember relaxing at the hotel's bar talking about how the Society should cultivate law practitioners who were accustomed to big zeroes, and historians ask for such little ones.

PROFESSOR BENEDICT: Ferne served on the Local Arrangements Committee. Did you ask her to help?

PROFESSOR HYMAN: Probably.

PROFESSOR BENEDICT: I don't know how much work the Local Arrangements Committee did because Craig was chair and probably took a lot of responsibility.

While you were president, who were the other people who were active at that time? Richard Helmholtz had been the president.

PROFESSOR HYMAN: He was certainly active. Interesting man.

PROFESSOR BENEDICT: How so? What did you find interesting about him?

PROFESSOR HYMAN: We had some pleasant exchanges during the meeting.

PROFESSOR BENEDICT: He's just a good person to work with.

PROFESSOR HYMAN: We got along well. But the Society was an old boys' club. There were lots of lower rank women law practitioners. But there were no women on the editorial side at all. How medieval it sounds now.

PROFESSOR BENEDICT: It does sound medieval. What about in the Society?

PROFESSOR HYMAN: Very few women in the Society. at all? before.

PROFESSOR BENEDICT: Did you know Barbara Black

PROFESSOR HYMAN: Oh, I knew Barbara years

PROFESSOR BENEDICT: Yes.

PROFESSOR HYMAN: Indeed. Yes. I should have thought of her.

PROFESSOR BENEDICT: But she was not so much involved in Society activities. Of course, everybody knows Kitty Pryor. But, I haven't noticed that she served on committees while you were president.

PROFESSOR HYMAN: I think she did.

PROFESSOR BENEDICT: You think she must have?

PROFESSOR HYMAN: I think she did. If you were looking for an established woman colleague, she was one you looked at, yes.

PROFESSOR BENEDICT: And Barbara would have been another one.

PROFESSOR HYMAN: She was good to work with.

PROFESSOR BENEDICT: And, of course, at that time Laura Kalman was also becoming well known. She must have become more involved in the Society, because she was named to succeed Paul Murphy who succeeded you as president.

I wonder whether she was the first female president. No, Barbara Black would have been president before Laura, but surely there were not many women in the Society who were recognized as nominees for its presidency.

PROFESSOR HYMAN: But they soon followed.

PROFESSOR BENEDICT: Laura was still pretty young. It was probably an effort by the Society to open up.

In the year before you became president, you were on the board as vice president, then president-elect.

It had been customary to elect presidents for two terms, i.e. for four years of service. The nominating committee moved to change that so presidents would serve for two years. And that change affected Lawrence Friedman. He was president when that change was made, and it says in the report of the board meeting that there was heated discussion about the change. People were

saying, why not make the change after Lawrence Friedman serves his second term? But the committee wanted to do it now, and heated discussion ensued. I do not remember the discussion.

PROFESSOR HYMAN: Nor do I.

PROFESSOR BENEDICT: So we can't offer much insight into what happened there. Did you play any role in the decision to try to an endowment for the Society? I know that shortly after your presidency, I was asked to donate a substantial amount of money to the Society.

PROFESSOR HYMAN: I remember talking to Vinson & Elkins about donating. I tried to shake the money tree. I don't think I succeeded.

PROFESSOR BENEDICT: Money for the Houston meeting or for the Society?

PROFESSOR HYMAN: Endowments for the Society. My mistake was asking for a relatively small amount. They weren't used to that.

(End of discussion on 4/24/14.)