

**Transcription of the Oral History Interview with  
Bill Pincus  
June 7, 2000**

Hall: Sandy and I were talking about this, you guys have been getting ready to do the interview. And in your case, ironically, it seems almost like you're a bit of a mystery figure to a lot of people who are actually doing clinical law nowadays.

Pincus: Well, I would be. I'm a little bit older and 20 years away.

Hall: So, I wanted to actually start with some very, very, biographical questions.

Pincus: Sure.

Hall: Like if you could start with your date and place of birth.

Pincus: Alright. I was born in Philadelphia on April 29, 1920. So I just had my 80<sup>th</sup> birthday.

Hall: Okay great. And tell me just a little bit about your education and early professional experiences.

Pincus: Okay. My college bachelor's degree is from Brooklyn College. I grew up in Brooklyn, though I was born in Philadelphia. My other degrees are a master's in public administration from American U, which I took after I was working in

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Washington years later. My law degree LLB, which became a doctorate through some kind of mysterious conversion, and that was from George Washington University Law School. And then I have an honorary doctorate of laws from Georgetown University because of the work that you're going to be asking me about basically.

Hall: When you went to law school, were you originally envisioning being a practicing lawyer?

Pincus: Only in the very remote way. I didn't know whether I ever would. But I thought it  
0:02:00 might happen, and I can – may I say a few words?

Hall: Absolutely.

Pincus: I had been thinking about going to law school for quite a while, but I was working. I was progressing very well in the civil service, in the federal government in Washington, and I was happy with that. But the way life goes, it turned out I worked along in my career in Washington after a while for the first Hoover Commission. I first worked in the Bureau of the Budget in the executive office. And I went to the – I was seconded, as you might say, over to the first Hoover Commission to work with one of the commissioners. There were 12 commissioners. Each one was entitled to an assistant. This one was James Rowe, who had been one of Franklin Roosevelt's last  
0:03:00 administrative assistants. And he brought me over from the Bureau of the Budget to

become his assistant at the first Hoover Commission. The Hoover Commission had 12 members, including I believe two members of the House and two members of the Senate. And as the Commission went along and got near its termination and publication of its reports and so forth, one of the House members, as I remember from the House it was a member of the Commission, Chet Holifield of California, came to me. Oh, actually it was Carter Manasco from Alabama and Chet Holifield – I think they were both on. But it was Carter Manasco from Alabama who asked me if I wanted to come to work on the Hill, and I said, “Well, it’s a very tempting offer, but I know if I left the civil service and went to work on the Hill it would be wonderful, but that would perhaps be a step out of the government, and then into something outside. And, if I were going to do that, I’d like to have a law degree.” So the first Hoover Commission finished its work about ‘49 as I recall, 1949, and my wife and I talked about it and she said, “Look, we have three kids.” We had already three children at that time. “And if you’re ever going to go to law school, you better stop talking about it and do it.” So I decided to start law school. And, indeed, about four years later, I got my degree around ‘53, I guess, because going in the evenings and continuing to work, it took four years – five nights a week for four years, but we did it. My wife suffered through the whole thing, and I got my law degree. And it gave me some feeling that if I left the executive agencies and went to work on the Hill, I would have something to start with in terms of a professional degree like a law degree if I had to leave even the Congressional Service where it was much more political and much more likely that I might have to move on to something else. And that’s where, I guess

it was Chet Holifield from California who was then on the second Hoover Commission, and I worked for them too, oddly enough. But they brought me over there. I was by that time in the Interior Department but they brought me over from there to work for some of the people who had worked for the first commission. They brought me to the second commission. And at that time Chet Holifield then said to me, “Well, you know, how about it? We’d like to have you come and work on the Hill for us.” And he was the ranking majority member under William Dawson of Chicago, the black congressman from Chicago who was the Vice Chairman of the Democratic Committee at that time and so forth. And he was looking for people who had had experience – career people who had experience with the executive branch that he could use in the House Committee on Government Operations. And I took their offer. I went up and talked to Congressman Dawson, and I became the Associate General Counsel on that committee. But I was able to do that because I had gotten my law degree and I felt that if I had to leave. And, oddly enough, I did leave afterwards to go to the Ford Foundation where I worked in the law but I didn’t practice law. So it, like everything else in education, is always an asset and you don’t know exactly how you’re going to use it. But that’s the long way of answering your question about the peregrinations in my experience as I went along.

Hall: And just backing up one moment, when you first left undergraduate, did you go straight to work for the federal government, or was there any major employment for you?

Pincus: When I first left undergraduate, yes, I had another – let's put it this way: I've had two working incarnations, you might say. I worked for 40 years altogether, more or less. The first incarnation I worked in the federal government for 16 or more years. And then I worked for 24, 25 years in philanthropy. And I'll show you how it breaks down.

0:08:00 My first job, I was still living here in Brooklyn, and I had gotten out of Brooklyn College, and at that time the government was running – and may still be – they were running a series of examinations, written exams designed to recruit college graduates who could come in to work in the federal government at that time at the beginning of the professional level. They had a series then that was called P1 and then it went on – and to me that was very attractive, a child of the depression as I was, the thought of making \$2,000 a year which sounds like nothing today, was just you know, incredibly appealing. So I took the exam. And I was always a good exam taker. I was a star student no matter where and I came out on top. And somebody who was sitting – and

0:09:00 this was the beginning of '41, because I got out of college in January '41 – and I came out on top, and some fellow who was sitting in what was then the War Department – each one of these departments was then separate that are now Department of the Army, Navy. The Army was then the War Department. And he got the bright idea of why not take the pick of these top fellows on this exam, and get them for the War Department because they were already beginning under Roosevelt's leadership to set up to administer Lend-Lease to help our allies in the war which Roosevelt was gradually getting us closer and closer to being a part of. And so they picked – there

0:10:00 were then 48 states, not 50 – they picked two top people from the exam from each of

the states. I was one of the two they brought from New York. And they sent us out to Rock Island Arsenal. This was just about late June of 1941, just before Pearl Harbor, before we got into the war. And they sent us to Rock Island. I don't know if you know about it, but it's an arsenal that sits in the middle of the Mississippi on this island between Rock Island, Illinois to the east and Davenport, Iowa to the west. And it's one of the old arsenals. It was built in 1863 or thereabouts during the Civil War as part of our Civil War undertaking by the North. And they ran a school there for us, how to administer the collection and distribution, the storing and distribution of armaments of various sorts. And then when we finished that course, which took about three to four months as I recall, they asked us to, based on the outcome of the final exam there, where would we like to go, and I said, well, I'd like to go back East, as far east as I can get to where I came from, which I think is what most of the people there did. So, I had my choice of where to go. It was a wonderful experience. We learned a lot, and we learned fast. And when we were sent back East, here we were. I wasn't even – oh, yeah, I had just turned 21 because I registered at 21 when I was at Rock Island. We moved over to – when we lived in Davenport, Iowa I had registered for the draft in the Second World War and I still remember it, Draft Board Number 1, Scott County, Iowa. I think I still have my draft registration card. I was 21 years old, and I had to go register, because if they had passed the draft statute – I mean, I had been 21 at the end of April, but about sometime in July the statute became effective that everybody at that point had to go register for the draft. In any event, I went back East and I ended up I worked for the War Department. So that's what happened. Between

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0:13:00 '41 and '42, '43, we worked in this – they built a new depot as they called it in the Army, not a depot, but a depot in Army language. And that was the first we ran – there we were, 21-year olds, and there were three of us. They sent teams of three from this class. We were kids, but we didn't see ourselves as kids then. And we were in charge. And along with us, they put in some ROTC training officers. And we had representatives from the Soviet government and the British. The Chinese – the Kuomintang then didn't send representatives, but we were supposed to do business with them too. But basically we collected, and I worked in the ordnance part of it. We collected and distributed heavy arms and vehicles. And we did that for several years.

Hall: So you were working directly with some of the recipient governments?

Pincus: Yeah, their representatives and so on. Well actually, yes, more than that. As the war was going, especially for the first few years, we were behind the 8-ball so to speak in terms of preparedness. I don't know if this is worth spending tape on, but when I was at Rock Island I can tell you that I personally saw the tanks from World War I, which were the only things we had that looked like something out of the Keystone comedy movie. And we personally worked on the only rifles that we could get our hands on for our army. We had them, except those that were in boxes of what they called Cosmoline, which was heavy grease from World War I. They dug out these boxes in this old arsenal. We worked to help – we worked with these fellas. They opened these boxes, and the Springfield 1913 models – we were lucky to have those. They had no

rifles whatsoever. So I saw the whole thing from the lack of anything, so to speak, in the way of preparedness to the beginnings of being able to have our own supplies.

0:16:00 And in that connection one of the things we did was we were trouble-shooters. For instance, let's say the British tanks would break down in North Africa or the Russian tanks would break down in the Soviet and so on and so forth, wherever special parts were needed. And then they were always breaking down, because again the manuals for maintaining our weapons were from World War I. They didn't know anything about from World War I. They had nothing at that point that had survived that told them how to run warfare in the North African sands or the snows of the Soviet Union. A good part of our business was being able to reach into the factories that were then beginning. They were converted and were beginning to produce stuff. And so we would reach in and pull stuff right out of the factories and ship it by air with military aircraft and so on to help keep these things going around the world wherever they were needed with regard to our allies. So I worked with that for two or three years. And then in '44, they got to the point where, let me just say this, that's the reason I never became a veteran, having been put in this job in the War Department we were deferred.

0:17:00 Basically, that was our status.

But then in '44 things were turning the other way and so on and so forth, and I began to think of what to do when the war was over. And to save a lot of time and footage, I'd say what it came down to was that I ended up going to Washington and walking around the streets of Washington literally – this was in the spring of '44 – and going



into the various agencies. I'm skipping over some other things that happened in the interval between '43 and '44, but I don't think they're of any great consequence in this connection. But I did go to Washington and looked for a job. And I guess I had a head start in terms of getting one, because most of the people who had been put in the Army had not been discharged, and I was available and they were starved for personnel. So when I walked around I had the good luck of being able to get interviews. And I picked the job that I really always wanted, which was to work in the Bureau of the Budget. So, I began to work in the Bureau of the Budget and worked there from '44 to '48. And then along came the first Hoover Commission. That connects up with what I was telling you about the first Hoover Commission, which ran through '48. I still remember now I connected up with history, and everybody recognizes I was there – that was the '48 election when Truman won, and everybody expected Dewey to win. In fact, everybody was so convinced this was going to happen that when I was you might say “loaned” from the Budget Bureau over to Jim Rowe at the Hoover Commission. There were six Democrats and six Republicans. He was a Democratic appointee. They wouldn't let me take leave from the Budget Bureau because everybody was convinced that the Republicans would win. The Budget Bureau always jealously guarded its nonpartisanship. So they said, “Bill, what you have to do is, if you want to take the job, you have to resign from the Budget Bureau, and you just go over there.” So I did. I resigned and went over there and that's how I got – I was telling you earlier, worked for Jim Rowe, and this tied up with my going to law school eventually in a very circuitous way. But that I think puts the story together. And so I

stayed there and worked in various agencies: the Budget Bureau first, the first Hoover Commission after that, back to the Budget Bureau where they were more than happy to get me back after that – the election reading was all over – from there to the Department of the Interior, Bureau of Land Management where I was brought by the people in Interior because they had known me and about me when I was in the Budget Bureau. In 1946 I'm the person who wrote the Reorganization Plan Number Three of 1946. One of the things we did where I was working at the Budget Bureau – I don't if you know about the reorganizations of the federal government. There were statutes passed along the line which authorized the president to reorganize federal agencies by putting them together, abolishing the others. And I did the one that took the old General Land Office and Grazing Service in the Interior Department and put them together into what became the Bureau of Land Management, which still exists. And so, for some reason or other, the people over in Interior came over and persuaded me and the Budget Bureau that I should leave the Budget Bureau. And I went over and became associate director of the Bureau of Land Management. From there, I went to the second Hoover Commission. And from there I went to the Hill, because by then I had my law degree. That was 1955 and '56. I guess I worked at Congress as associate general counsel to a House committee. And at that point, one of the persons I had worked with in the Budget Bureau and in the Hoover Commission, particularly the second one, he and I wrote the report. I may even have some copies. I'm not going to inflict them on you. We wrote the report on personnel and civil service which recommended the creation of the Senior Civil Service which came about basically as a

result of that recommendation eventually. And he was a professor at Princeton, George Graham. He had worked with me as I say, at the Budget Bureau. He knew me. I worked with him writing this report for the second Hoover Commission. And at that time, the Ford Foundation – this will bring us up now to the Ford Foundation and finish the story of what happened before – but George knew me at the Ford

0:23:00 Foundation. At that time the foundation followed a policy when they were still in their early years of staffing along this line. They would bring over professors who had some stature and recognition and use them. They would take leave from the university, which I guess was in most cases limited to about two years. They could take a leave of absence and not disconnect from the university position. And they would become the heads of various units in the Ford Foundation. And he was given one of these – he

0:24:00 took one of these assignments on leave from Princeton as the head of, the director – these were called “programs,” these divisions. He became the director of public affairs I guess it was. That was our division, our unit. And one day I was sitting out – I still remember I was at Thanksgiving having dinner with my family in Silver Spring where we lived at that time right outside of Washington, where many Washingtonians live around in the suburbs. The phone rang and it was George, and he said, “How would you like to come to work for the Ford Foundation?” I said, “Well, that sounds like an interesting possibility.” And I came up for some interviews, and I ended up working at

0:25:00 the Ford Foundation, which finished my 16 years with the federal government, 13 of which were in Washington, and the other three were prior to that in the War Department in the field, and began this 24 – close to 25 years in philanthropy which

was spilt basically between 12 years or so in the Ford Foundation itself, and another 12 and a fraction of years before it was over in CLEPR, which was a foundation created by Ford. And I assume we'll get into that –

Hall: Right; absolutely.

Pincus: I don't know if that –

Hall: That, that, that – that is great. Actually, I have one question about that time. You obviously came to have strong feelings about how law schools operated. But when you actually were a law student yourself, did you have any particular reaction to the kind of education you got?

Pincus: Yeah, I had one reaction, and it stuck with me, but it didn't become a strong factor in  
0:26:00 my outlook until sometime after it. But I was talking about this to my wife last night, matter of fact, knowing you were coming this morning. I remember sitting in some class one night. And there was a very bright and able young professor there. And he was very good, a very good teacher. But he looked – I sat there in this room – let's see, this was '53. By that time, I had been working for 12 years – no, this was '49.

(Break for lawnmower noise to pass.)

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Pincus: Now where were we? We had connected up finally between my federal service –

Hall: Well, I think the question that I had just asked you when the lawn people started was about your experience in law school and just sort of what your reaction to that was.

Pincus: And you reminded me of the fact that, yes, I had recalled just last evening this experience in my life – you might call it an epiphany of some sort. Maybe it was up, maybe it was down – I hope it was up. But when I was sitting in law school and  
0:28:00 surrounded by these World War II veterans, and all of them including myself by that time were let's say – '45 – somewhere between four to six years away from the end of World War II and what went on. But all of us had had substantial experience, the veterans having in addition not just work experience, but work experience and military experience. And we were listening to this bright, young professor. And it occurred to me that he had had very little practical experience in life. And those of us in the class who were listening to him had had a lot of practical experience, had had to confront situations and cope with matters that accelerated our maturity, or at least added to it.

0:29:00 And yet here we were just absorbing words in print on a page, casebook material. And if we did enough of that over enough of a period of time, we would eventually get a license to go out and “practice law,” and we had never done anything like practice in law school. And there was an incongruity about this that a totally inexperienced young person would be teaching experienced people who had had other maturing experiences as human beings, and that these people with all this experience would be getting

licenses to practice based not on their life experiences as such but only on satisfying the written materials that were part of the course requirements. So there was an incongruity here that struck me. It didn't become an overt influence in my life, but it was obviously something inside of me brought it up, and was part of me. And later on I'm sure it came to the surface and became much more of a factor in guiding my life than it was at that point, because then I went, got my law degree, and I continued my working career, and of course it had nothing to do with what eventually I got involved with in the Ford Foundation.

Hall: Now, as a student, did you personally have a sense of impatience or dissatisfaction with the way you actually were being taught, or incompleteness? How would you describe it?

Pincus: The only thing I recall is – and I think it's universal among law students and that is that the first year you're exposed and it becomes a very important part of your experience and reaction at that point. First year you're exposed to an entirely different form of teaching, so to speak, and learning. Once you master that, which most students do – it's a little difficult at first, but most of us – especially after so many years. Remember, we had all those years in elementary school, high school, and college, a long number of years to become good students. So it's in a sense of mastering what you need to master in order to get through. But after the first year in law school and mastering that new set of materials, so to speak, and a new approach that's used by the professor,

after that the classes become a bore. I mean, you're pretty mature by that time.

You've had a lot of classroom learning behind you, and these other two years after the first year – and of course, in my case, going in the evening there were like three years, because we went four years altogether – they were very boring, and trying because they were boring. It wasn't any real challenge. You could stay ahead of the teacher without trying very hard. And in spite of the fact that some people thought that this was highly intellectual stuff, it wasn't really that intellectual. Because I remember this professor, Collier, at GW who was the bane of the existence of the rest of the faculty, because he

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was a quite a bit older and he was a real intellectual. And I think he taught us Constitutional Law and the related courses. And his approach was – which I enjoyed, but got him into constant trouble – he did not cover all the cases in the casebooks. His approach was he'd pick the seminal cases and teach out of those and around them in an intellectual way all that you ever really needed to know about constitutional law. I loved it. I thought he was a great teacher. But the rest of the faculty just couldn't, you know, take his approach. But I think – I mean, he kept it alive, whereas the others contributed to what I think was a great sense of boredom. And I don't think that I was unusual, because in all my work afterward with law schools I think the – I found almost universally that after the first year the students began to feel that the material

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was more oppressive than enlightening.

Hall: When you came to the Ford Foundation, was there any advanced expectations of what you were doing, or was this a completely blank slate when you arrived?

Pincus: Yes, there was. I'm glad we got to this now. The fellow who brought me there, George Graham from Princeton, he was a professor of public administration, or I guess at Princeton they called it "politics." He was a professor of politics, which was political science in other universities. But he had a great interest in public administration since he had worked in the government during the war. Just a footnote here: he was one of many professors who went to work in Washington during World War II because the universities ran out of students. They went off to war. The professors had no students, so they went to work in the government, many of them.

0:35:00 George was one of them. He knew I had all this experience in the government and he wanted to build a program doing something in the governmental area at the Ford Foundation. And that's what he brought me there for. George couldn't have cared less whether I had a law degree or did anything with law at any time in my life whatsoever. And I came there to work with him, and my original assignment with him was to figure out and review applications accordingly, what to do in this area of what you might call public administration how to improve the public service so to speak, mainly of course because of his background and mine in writing this report in personnel, and so how to improve the public personnel. And that's what we were brought there for. And we

0:36:00 worked on that. My first grants had nothing to do with law. They had to do with this area. A lot of it – we did some grants for instance in what we would call executive development. How do you develop these people who we thought would become part of the Senior Civil Service? For instance, let's take the fact that people who rise to the top come from many different professional and occupational backgrounds. For



instance, a biologist might become, and would become, the head of the Fish and Wildlife Service. Well, at that point he's not doing any biology. He is an administrator. And that's true all across our lives, whether it's public or private enterprise. We come from some specialty, and then we become administrators. My daughter you asked about is a doctor. She's chafing all the time because she's doing less and less doctoring and more and more administration as her career has progressed.

0:37:00 And this is what happened. We worked on this. How do we solve this problem? And we went into and supported certain programs at different universities. University of Chicago was one of them where various educational programs were given to help these people learn about what's in front of them as administrators as contrasted with their specialties, which we couldn't give them any help with directly and they didn't need it. So we did some of that, and then we did some projects. For instance, this was before the Ford Foundation got so involved with race matters and the equality of opportunity.

0:38:00 But we had some prior projects along this line of our own. For instance, we were made aware of the fact that the Foreign Service had no black members. I don't recall whether there were any when we got involved in this – maybe there was one somewhere – but it certainly wasn't a consul or an ambassador. It might have been somewhere in the lower rungs. And so we made some grants to graduate programs in some universities who were more connected like you might say – I don't remember exactly – it could have been Georgetown's Foreign Service or it could have been Johns Hopkins or one of those, whichever they were I don't recall at this point – to try to

0:39:00 encourage a closer connection between the schools and the Foreign Service with regard

to encouraging more black people to take the work at the university, and then take the exams for the Foreign Service and so on. So we did various things to try to improve. Then having been in the political science as well as public administration area, we had been well-educated in the fact that state governments needed a lot of upgrading. And it's still true today. One of the worst areas in need of improvement – or one of the areas most in need of improvement – I shouldn't say worst – for instance, are state legislatures a fact which we became very involved with is the fact that in contrast to the Congress state legislatures never really had staffs. And so we built some bridges through programs. These things had a lot to do eventually – you can see philosophically with the CLEPR clinical business – we had programs that built bridges between graduate schools of political science and public administration, and state legislative leaders. And they were encouraged then to bring over some of these graduate students as interns and use them as staff for the state legislative leadership and where they had committees that were functioning to use them on a committee and so on. And so we did a whole range of things that were involved with improving in various modest ways the functioning of government personnel wise, on the legislative side, things – areas where there was need of improvement and where Foundation could possibly have some impact, especially through using an entre with the university that the universities could provide. That's what I was working on with George when I first came there. Then an accident occurred. This was your whole life – and I've told young people this so many times. I said, "It's nice to think ahead how this plan would be so nice and this is how your life – but your life doesn't go that way." This is the

chaos I was talking about. The vice president who presided over this area at this time  
0:42:00 was Dyke Brown. He was from California. He's still around. He's a little older than I  
am. Dyke is a lawyer – was a lawyer – and as a matter of fact Dyke became president  
of the vice president – one of the vice presidents at Ford Foundation in this 1949 to '51  
study I was telling you about. He was a young guy at that time. He was brought in as  
one of the study team to decide to come up with a report on what the Ford Foundation  
should be doing when the IRS got after the Ford Foundation. And so he became one  
of the vice presidents, and some of the others took over other areas. And Dyke – I  
don't know how he got into this, but I guess he was looking over my biography – he  
called me up one day. He said, "Come on up here and talk." He said to me when I  
0:43:00 was sitting with him, he said, "You went to law school." I said, "Oh, yeah." He said,  
"I didn't pay any attention to that." He said, "You know, as part of the back-up around  
here, when we weren't doing anything, we'd have zillions of applications from the law  
area, broadly speaking, and we've had nobody on the staff with a law degree or  
anything like it to look at them." He said, "I'm going to send them to you." I didn't  
know what I was getting into. I said, "Sure." While I had an office in the Ford  
Foundation – I guess it was at least as big as this room – and next thing I knew, these  
carts started to come down. And I – what am I – and they were all loaded with these  
files. So I had no files to put them anywhere. I had no furniture to put them on top of,  
and it wouldn't have been enough. So we literally stacked them against the walls all  
0:44:00 around the room and maybe four or five feet high, as high as you could so they didn't  
topple over. And here I was in this room surrounded by all these files supposedly in

the law area, and Dyke said, “Well, whenever you can start going over these things, and tell us what we should do, what’s your recommendation.” So I started looking through them. And last night, I was telling my wife this. You know, you read enough things and you don’t see something at first. But something begins to accumulate information inside of you, and suddenly it pops out at you. And I said to my wife last night, because I’ve used this example so often, one of the things that happened to me at the Ford Foundation was we used to get letters every once in a while – not infrequently – from people in jail. And they were always complaining. They wrote to us they needed help, and they were in jail, and they didn’t like it. They weren’t being treated fairly and so on, and could we help them. Well, we couldn’t really, but I read a number of these things. And finally it dawned on me there was one thing missing in all of these letters. And what was it? Not one of them told you why he was sent to jail. They all complained about that they were unhappy in jail. So the same thing started to happen to me when I looked at all these applications from professors at law schools who had research projects of various kinds they wanted to do or this and that. And I read a lot of them, and all of these things relate to the era in which I grew up and my work in the government. When I grew up – I’m a child of the Roosevelt era, a child of the Depression – when there was so much – your consciousness was – if you were interested at all in what was going on in the world, you were always aware that there was a government that was busy trying to do things that would improve your life, that there would be benefits to the people from these government programs or the programs. And we thought that was great, and so we all – at that time many of us grew

up saying, “Well this is a good thing. We ought to be improving the society for everybody as much as we can.” And we looked for that, and it stayed with us. And so when we – when I finished reading these – and when I worked in the government, that was the other thing, we carried this over into our work, whether it was in Bureau of the Budget or the Interior Department, particularly where I was dealing with leases on public lands for minerals of various kinds, oil and gas and other minerals. And there was a lot of money and power involved. There were oil companies and other large entrepreneurs who were involved in extracting minerals from public lands on leases. And in the process of issuing these leases and negotiating about them you’d use the approach, well, yes, you needed the private enterprise to extract – it was wonderful we needed them to extract the wealth from the land. But also as part of that you wanted to know what the quid pro quo was to the people of the United States who owned the land through the government, which was acting as its agent. And you always had this back and forth where people would come, in that setting particularly, and you know there would be a tension. They might not get everything they want. They’d come to your office and say, “Well,” you know, “how did you get the idea that this was the proper interpretation?” so on. And there was always this working out under, as I say, some kind of tension between the two sides, and trying to get something that would be beneficial to the public. So, there was always a public interest aspect there. And that was the purpose of having a government, and that was the outlook that I grew up with, and I brought into the government when I worked for it. And I came to the Foundation, I looked at all these applications, and again like the letters from the people

in jail, you know, there was something missing. And finally it dawned on me all these  
0:49:00 applications assumed that if the Foundation gave money to the applicant, that was the  
be all and end all. There was no indication of how, if the applicant got the money and  
carried out that project – whatever it was, research project, usually – what would be the  
benefit for the people of the United States. And so I thought and thought, and I finally  
said, you know, I don't really find I talked to Dyke about this and the others – I don't  
really find a thread here that I can pick up, or something that would get me enthusiastic  
about making grants to these people. I don't buy the idea that merely supporting a  
certain group of people, as important as they think they are and they might be in a  
certain context, is enough of a justification to start making a lot of grants. But maybe  
0:50:00 there is something here in the law area – because I knew that the – there was  
something there. I couldn't put my hands on it. And then it came back to me. I guess  
this is the thing that goes back to what was that reaction sitting in the law school class  
about. No, the experience didn't count. You just – even though all these people were  
experienced people, what was counting was whether they could memorize the cases in  
the book. And I said “Well, maybe what's missing here is finding some projects that  
will improve the administration of justice.” So I think we actually did fund some  
research projects into the administration of criminal justice. So we got involved with  
that. It was a big research project, and some great people were involved in that, Frank  
Remington from the University of Wisconsin, and some others. He became I think the  
0:51:00 project research director. But then, going beyond just research, I found that the  
National Legal Aid Association had come to the Ford Foundation a number of times

looking for money. And the Foundation would not give them any money. But I knew that the more I looked into it that legal aid was pathetically underfinanced, especially in those days. It was incredible. I mean, most legal aid actually was done on a volunteer basis here and there, if they had any. Most places, they didn't really have any. And down to today, if you read the papers today, it's a current issue right here in the New York area, even after all these years, the reimbursement to the legal aid lawyers who are appointed is pathetic. I think they get \$25 an hour out of court, and \$40 an hour in court. Well, I mean, it's so ludicrous when you compare what the level of salaries is these days. In those days, it was really bad, but I knew they couldn't get the money to them. We couldn't get any money to them directly, because the Foundation looked upon that as – they had these theories in philanthropy, and they have some foundation that just – of thinking behind them that justifies them to some extent, but not entirely. These were called, if you just gave money to an organization like the National Legal Aid Association, which then didn't have the word “defender” in the title which shortly afterwards added. It was looked on as general support. And general support is anathema to most foundations. They like to have program support. They don't want to support the institution. They want to support something the institution is doing. And there's a lot to be said for that.

Well, as I wrote about afterwards, I got to know Emory Brownell, who was then the director of National Legal Aid Association. And we got together, and I said to him, “Well how about making a marriage, which is very natural, between your need in the

0:54:00 legal aid offices where they exist” – and there weren’t that many around the country at that time that were worth anything – “and law students and their supervisors,” and so on. And he thought that was a great idea, and so did I. I thought this was at least a way of getting started. And so we put together this project which became the predecessor of CLEPR. This was to create something called the Council on Legal Clinics. The grant would be made to the National Legal Aid Association. But we set up this council which was tripartite among the Association of American Law Schools, American Bar Association, and the National Legal Aid. And they would make some grants to get law schools to have students in the legal aid clinics. It was just a beginning, but it was a big grant in those days. I’ve forgotten whether it was something like \$800,000 for seven years, something like that.

Hall: Was that the first grant that Ford made to National Legal Aid?

0:55:00

Pincus: I don’t know if it was the first, but it could have been the first.

Hall: Essentially, it was the first in your time?

Pincus: It was the first in my time. Yeah, it was the first in my time. They might have made a token grant of some sort before that. But after that it was never renewed or something.

Hall: Bill, if I could ask you to think through that. Can you sort of walk through your



thought process of what made you come to this suggestion you made to Emory?

Pincus: Yeah. I mean, it was I thought that there was something where it was – there was a natural – it was not an artificially created situation which as time went on I realized later as being somebody who put things together in philanthropy, where it was a

0:56:00 tremendous handicap if it was artificially created and probably it would not succeed. You really have to have an opportunity to put together the things that life puts together. But you have to be able to see them. But they're there. So to me this was a natural opportunity. As Emory saw right – you know, Emory saw right away that this would help. I mean, Legal Aid couldn't lose. They would have some extra people, some bright young people, and so on. And they would get some prestige out of this. And I saw it as a beginning, or some – yeah, some little beginning to see what there was possible to enrich law school education, bring it outside the strictures of just the classroom and begin to show what could be a benefit if, like in the medical profession,

0:57:00 the students were exposed to working with in this case their clients instead of their patients, and what it would contribute to them as future lawyers and to the whole teaching of law in the law schools. So it was a natural marriage that was there, but nobody had put it together. There were a few clinics around, going way back, but nobody paid too much attention of them, and nobody had thought about them, I think, up until we came on the scene, as being part of a program, or eventually what became a crusade, to really change legal education, you see. And that is the way I saw it, as here was a foot in the door to try to change the law schools. And of course this went

back to that feeling I had that the disconnection between experience and teaching of  
0:58:00 the law. And here was a chance to begin to do something about it. So we did it, and I  
went on. There were a lot of other grants I had to work on. This grant was made. I  
was very happy about it. The program started, and it was run by – they recruited  
Howard Sacks from Northwestern University Law School in Chicago, because Legal  
Aid had its headquarters there. The ABA had its headquarters, and Howard was  
known to them. He’s a wonderful guy, and it made a wonderful choice in him. And  
Howard worked at it for these first six or seven years. And then came the time for  
review to see if we would renew it. In other words, make another grant or drop it. We  
0:59:00 had a study made which came out quite positively. Again, the accidents of life. Henry  
Heald , who was then the president of the Ford Foundation, was not enthusiastic about  
any grants to lawyers, law school, anything to do with the law. I think he was like  
Shakespeare, “kill all the lawyers.” But when we came to make the review he was a  
fair-minded guy. He picked a lawyer from Chicago, Alex Elson, bless his soul, whom  
he respected. And in picking Alex – the ironies of life this was – Heald was a complex  
man – he practically assured that the recommendation to go on and continue this would  
be positive because Alex was a very forward-looking, liberal lawyer, a leader of the  
0:60:00 Illinois Bar, and so on and so forth, highly regarded. And when he came back with his  
recommendation to Henry Heald, who was a personal friend of his, we were given the  
go-ahead to look to see what to do to continue. And so we made another grant to  
continue the program, as modest as it was. And Howard and the Council on Legal  
Clinics did not have the passion or the strong inclination that I had to reform the law

schools. They were not reformers. But they believed in the value of what this was and that it should be kept going. I saw it as the opening wedge to really change the law schools, but I had to do a lot of other things. I was not administering the program. We made the grant. Again an accident, after the second grant was made, Howard Sacks

0:61:00 the director was offered the deanship of University of Connecticut Law School. So he left Northwestern, where he had been a full-time professor and a part-time director of the Council on Legal Clinics, and went over to be the dean. Also at the time the second grant was made, and Howard was making this transition, before we would make the second grant, I was pushing my little agenda for reform in whatever way I could, and one of the things I insisted upon – and it took a lot of work, but we got it – was that we would not renew the grant unless the Council on Legal Clinics was moved from the aegis of the Legal Aid Association to the Association of American Law Schools. I said I would not recommend the grant unless the Association of American

0:62:00 Law Schools became a grantee because I wanted this to be a change in legal education, and not just help legal aid. So –

Hall: Hold on one second, Bill. This tape is just within seconds –

Pincus: Now this is a crucial juncture here.

0:62:14 (Break for tape change.)

0:00:00

Pincus: – we're not doing anything anymore. But they were legally chartered, they had tax exemptions. But if they got our money and a new staff, they could take on a whole different operation. And I didn't want anybody to take the CLEPR name and start doing God knows what, and after a while who would know what CLEPR was doing. So we really destroyed the CLEPR purpose – legally destroyed CLEPR to prevent –

Hall: That from happening.

Pincus: – anybody else from using that label, that trademark so to speak. So that worked down to this day. When they say CLEPR – I don't remember too much else about it, but I'm happy that when the people say CLEPR, they know what CLEPR was doing. Okay.

Hall: So, let's come back to where we were a couple of minutes ago.

Pincus: Oh, about the Council on Legal Clinics and the second grant?

Hall: Yeah.

Pincus: Right. So I said – I did say it, but my insistence was that we would not make the  
0:01:00 second grant, because we would not have shown any progress, although everybody said this was a great project. And so I said if it's such a great project and it's having such an impact, even in its infancy, then let the law schools be company sponsors of

this project, not legal aid. What – we know why legal aid would sponsor it. I mean, we knew that, and that’s why they took it and it’s worked. But what about the law schools? We want them to say it’s respectable enough that we will take the grant. So there was a back and forth, and this is where CLEPR’s name eventually came into being. The law school said we’ll take it, but we will not take anything called the Council on Legal Clinics. The word “clinics” – they didn’t say this – was anathema to them. So what did they come up with? “We’ll call it the Council on Education in Professional Responsibility.” The word “legal” wasn’t yet in there, because you didn’t need it because it was under the AALS, so we knew it was legal, had to do with legal matters. So this became COEPR – Council on Education and Professional Responsibility. And my board members – I wasn’t happy with this. It was a compromise that made me quite unhappy, because it was a step back for me. Here we had legal clinics, and suddenly we now have – what is Professional Responsibility? Usually they’re a course that was meaningless in the law school. Talk about anything you want. That’s Professional Responsibility. People used to deride these codes of Professional Responsibility before they were even strengthened lately and much better than – “Now , this is what you should do to do the right thing,” and so on. They were again talking about doing the right thing, but not doing the right thing. That’s why these courses were looked down upon. So I was unhappy, but it was the best we could get, and we bought it. And we made a grant. I think this time it was \$950,000 for a shorter period of time. But at that time Howard was making this transition. And it became obvious – and Howard was the first one to bring it to the attention of his board

– that he couldn't be the full-time dean of a law school and also the full-time director of this kind of a project. So Ed Levi, who was I think by then president of the University of Chicago, with whom I had gotten to know very well from the time he was dean of the law school – and I always loved the University of Chicago – that faculty and I were at complete loggerheads and at a standstill in terms of their ever getting a grant from us, because the one thing they would not do was to give credit for clinical work. Chicago, to this day, and I always respected them and I highly regarded their work, very high level intellectual operation, but they wouldn't give in. We used to have discussions going on to God knows how many hours of the night when I'd visit with them. And they loved me, and I loved them. But they wouldn't give an inch. I said you have to give credit. That's the only thing that has any – that's the currency of the realm. No, we won't give credit. I said okay, if you don't want to give credit through clinical work, I'll give you – I'll recommend a grant if you stop giving credit for your course. If it's so worthwhile, you don't need credit. We went on and on. We never got off home plate. Believe me, this went on for years. But in the process I developed friendships that lasted a lifetime with people out there. Everybody, you know, from Ed, who was the dean, to Gerhard Casper, who eventually became the head of Stanford and so on, all these guys – they loved me, I loved them, but we were not going to get together on – But, in any event, Ed was on our council. He was one of those. You see, we needed people. We had to sell the – one of our first problems was getting four eminent people from the law school community to be the four law school members on both of these councils. And Ed was one of the few who was

willing to stick his neck out. And so Ed went, and Ed was highly regarded. And, unbeknownst to me, he went to McGeorge Bundy, who by then was the president of the Ford Foundation. I didn't know anything about these machinations until it was all over – and he worked it out – he went to McGeorge Bundy, he said, “Here. This is this great project that's now in its second stage. You've given us the money,” and so on, “but we don't have the person to run it.” And Howard Sacks is going to be dean, and that's it. He said, “How about giving me Bill Pincus?” I didn't know. You see, he went to Bundy and asked him that. “Would you give me Bill Pincus and the money to really create a whole new structure and do this thing properly?” And Bundy was this kind of a guy. He'd make decisions, brilliant in making decisions when he had to make this kind of decision. And I didn't know. As I say, this was all behind my back. It was to my benefit, but I didn't – And the next thing I knew I got a telephone call from Chicago. Ed went back to Chicago and got on the phone and called me up. And he said, “Bill,” he said, “how about you leaving the Ford Foundation and becoming the head of this, you know, COEPR at that time, taking over this project?” I said, “Ed,” I said, “everything else aside, I can't even discuss this with you, because I'm on staff of the Ford Foundation. I cannot be lobbying for a job based on a grant that I just recommended. It's not ethical. It's just an impossible position when you're talking to me like this.” And he said, “Oh, relax,” he said, “I already spoke to this about the higher-ups and specifically with McGeorge Bundy. Everybody knows about it except you,” he said. “And there's no conflict of interest. He said it's perfectly alright if you want to do it. It's your decision. That's what they told me. So I am now asking you.”

0:08:00 So I said, “Oh, give me a day or so,” whatever, “to think about it.” And I did. And the first thing I did was to of course go to Bundy number one, to verify – not that I mistrusted Ed, but I wanted to be sure I knew what was going on. I asked Bundy, and, oh yeah, he confirmed everything that Ed had told me, and talked it all over and he would go to the board and get me this \$10 million and so on. And I said, “Well, if that’s the case then I’ll take it,” I said, “because there’s two things I want: a) is at least the \$10 million. I want enough money” – and who knows what enough is, but that sounds reasonable. “I want enough time.” I said, “We’re dealing with a big institution here. Legal education is not going to roll over and change overnight.” So that’s number two. And the third thing I said, “I want to be in an independent institution so that whatever we want to do, our own board will decide it and approve it, and we won’t have to worry about also serving the needs, worries, inhibitions, and so ons of any other institution.” So Bundy said fine about the first two. He said, “But don’t you want to think about your independent institution? Because when the time is up, and the program ends,” he said, “where are you going to work?” He says, “You’re still, you know, pretty young,” he said. I said, “Well,” I said, “Mac,” I said, “I’ve done this before in my life.” I was thinking back to when I left the Budget Bureau and so on. I said, “You just have to go along with life, and you take care of things as they come along when things of that sort – nobody can guarantee security for himself in life. He said, “Okay. If that’s what you want,” he said, “okay.” He said, “I’ll recommend it to the board.” So we went to work and we wrote up the pertinent documents, background and so on, and the recommendations. And we took it up to the board. And we were

0:09:00

0:10:00



lucky. They loved what we would be doing, because there were two lawyers on the board. Lawyers are not loved too much by other people, and there were – but we had two lawyer friends on the board, Beth Webster of Webster Sheffield, and Charlie Wyzansky, District Court judge from Massachusetts. And they knew about our project, and they helped us with the board hearing for the grant and so on. And we got the money. And we went to work. We incorporated CLEPR. We got it chartered under the state. We got our 501(c)(3), and so on and so forth. Otherwise, Ford wouldn't be able to give us the money. And we had our council basically. We just, you know, that was continued. People changed after a while, but we had that. And we went to work. And that's how we started. And the first problem we had was just having physical quarters. We got down to mundane things.

0:11:00  
Hall: Bill, if I could pause before we go into CLEPR. There's some follow-up questions I want to ask –

Pincus: Sure, please go ahead.

Hall: – about the years between the first grant and when you got to that point. One, just in terms of the original grant, you mentioned that Henry Heald was no fan of anything having to do with the law. Was it difficult selling that original grant to National Legal Aid?

Pincus: It's funny how things add up in life in ways – this goes back to what we were talking about as our interview was going along. But you never know how what you do is going to fit into the future. Heald was not friendly toward any grants in the law

0:12:00 For instance, one of the things he had up against the law schools was he thought they were elitist. They were cutting out evening programs, you know. That became if you had an evening program, it was déclassé. And of course I think that's eventually what happened. Very few evening programs survived. And Heald was really an egalitarian in that sense. He was a rock-ribbed Republican, I think, for politically, but he had a great sense of equality built into him as a person, regardless of parties and politics and so on. And I recall I think this came up before we went to the board when he came up with any project that got that far, you had what they called the Officer's Review. You

0:13:00 had the vice presidents and the president of the Foundation sat around the table, and you came up with your projects. And you had to go to a hearing a with them. And at one point – and I don't know whether it had to do with this project specifically, but it certainly had to do with a project in the law area, and I was – when you did that, you sat at the right hand of the president. And Heald and I were sitting there. We were talking. And this project came up, and Heald started to talk about the elitism of these Ivy League law schools, and this and that and the other thing. And, he just had a lot of reservations. Actually, in some ways he was right. He saw a lot of lawyers as serving the needs of corporate law, and not serving the needs of the people. And he was correct. Actually, that's what we were doing here. And he thought that anything – money that you fed them would just be more and more of the same because the leaders

0:14:00 of the bar came from there and so forth. And I listened to all this, and then I said to him, Mr. Heald – and I just looked over like this at him – he was next to me, and I said, “Look,” I said, “I understand what you’re talking about.” I said, “Did you know that I went through law school five nights a week for four years in an evening school?” That was it. He said, “Okay, Bill.” He said, “I think I know where you’re coming from, and I think you’re looking out for some of these things.” And, you know, you never – that’s what they say, you don’t know where anything you do or say in life is going to come up, and in what form in the future. And this was just one of those seminal – I still remember this – seminal things. One of those – “seminal” is probably not the right word – but one of those illustrations of how something in life comes

0:15:00 along and connects up with something else and becomes decisive. I mean, I can remember sitting one night in the Interior Department. There are things like this that happen in your life. Talk about egalitarianism and then the whole business, and I guess it all relates to the feeling I had about what I was trying to do with CLEPR and trying to bring it to the human – bring in the human dimension. I remember sitting in the Interior Department. I used to stay after work, and from one point of view it was a perfect situation, because, you know, where you went to night school in Washington at that time depended on where you worked. If you worked at one end of Pennsylvania Avenue, you went to Georgetown. That’s what determined it. If you worked at the other end of Pennsylvania Avenue, you went to GW. The Interior Building, as you

0:16:00 know, sits on the western end nearer to GW, so I went to GW Law School. So, I would stay after the office closed because my classes would start maybe an hour and a

half or so later, two hours after the building closed, the Interior Building stopped functioning. And it was a good opportunity to go over written documents that I might not have a chance to review during the day because a) they would be this high, and there were other things you had to do in administration during the day that had to be taken care of as they came up. And I had all this quiet. I would sit and be able to read, and one night – and one of the things I did was I made a policy to do this: I had to sign a lot of the leases and contracts that the government was signing with private parties. I was signing on behalf of the U.S. And then I never thought too much about it. But then one night I was sitting, and I used to – what I used to do, you know, the staff would review them, and then they would mark where I sign. So, I couldn't read all of these damn things. Some files were this thick. But if I had a dozen of them that night I would pick, say, two or three and put them aside. I'd sign the other nine or ten, and then I would spend time going over those two or three. And that's where I would learn whether I saw policy questions that I had wanted to hold up the lease for [inaudible] to talk to the staff the next day, you know, things that I was concerned about. But in signing these 10 or 12 one night – it might have been 20 – maybe it was 20 – but suddenly I kept signing these things where they were marked, and I realized I was signing – at the end of this thick document I was signing, it said, "The United States of America by William Pincus." They, you know, my name was typed in. And I was supposed to sign above that, which I did and one night I'm sitting there, and I'm signing my name and I said, "My God, I am the United States of America right now." And it made such an impression on me. But I mean it made me feel not only

wonderful that it was so – but the responsibility of what I – the fact that I was able to do, that the power and so on. I thought that was an incredible situation that I, out of all the people in the United States – and there were other like me, but that I was the government! And, so these things – I thought these were the kinds of things that

0:19:00 helped my development and my being able to think about what I was doing, and whether they were important, whether I should invest my life and my energy in them. And they usually – they helped me do dedicated work so to speak on these things I really believed in. And they were important. You know, that’s a digression on what I thought. You do remember these – I do remember these occasions which I think had a great influence on me.

Hall: Bill, when the conversation with you and Emory led to this first grant, you now have some money, you had an idea. What about where did the law schools fit in when you actually started approaching law schools with this idea?

Pincus: Oh, that’s a good question. I’m trying to think of his name because he became so

0:20:00 prominent. He went to IBM and – oh, Nicholas Katzenbach at Chicago. My encounter with him the first time also was one of those incidents I’ll never forget, because it made me mad, and it made me more determined too. He was one of the people who when I went to talk to him – he was regarded as one of the important members of the faculty – and I spoke to him I think about it. We were friendly, and he was one of those who became the prototype of the professor who said, “Wow, this is

all not worth very much. All this business with clinics,” he said, “It’s totally non-intellectual.” And, of course, I discussed it with him. I said, “Well, I can’t see anything that’s more intellectual in the true sense, in the broader sense of the word than trying to solve a real-life situation in a real-life context while life is going on.” I said, “There’s nothing that’s more demanding that calls on more of what you have in you than this kind of a real-life situation, where you can’t just shut everything else aside and say, “Oh, I’m going to deal with this on a printed page.” But every moment you’re in the situation, everything is changing around you, and even including your own client and everybody else in the world around you. And, you know, well, they couldn’t see it. He couldn’t see that at all. So this was the forerunner of what essentially became the difference between those of us who believe in clinical and the traditional classroom faculty.

But then I realized – and this is one of the things I think is still so – and there’s no way you can’t run away from this – we’re all – we’re different. We have different temperaments, and classroom teaching requires and recruits a certain kind of temperament. Somebody who functions better in an environment that the person can control, I think these are the people, “I’ve reached nirvana.” They have found a little niche in the world where it’s like it’s what every one of us really wants deep down up to a certain point. Probably most of us couldn’t live with it all the time, but up to a certain point, we all want it. We want our little space in the world that we can control.

It’s the place where we call the shots, where the repercussions are limited or we’re

insulated from them, and where we can lead our lives with the least intrusion from the outside, and with the greatest sense of security. What is that? That's a tenured professor. Where else in our society do you have such a position? There ain't no such thing. And then, on the other hand, I was saying, "Now into this paradise, into this nirvana, we want to import a whole new cadre of people who are totally unlike you to get the same status, the same remuneration and everything else, but the kinds of guys who can go out and stand by the side of a student and show that they too have clay feet just like the students; show that they don't know everything just like the students don't; show that people that are involved with in the administration of justice like a judge or a parole officer, or you name anybody in whatever part of the machinery of justice, that they don't have that kind of unlimited control over it like they do over students, that they have to contend with them as other equal or more powerful human beings. Do you want to bring in a whole cadre of people who can function in that kind of environment, and put them also on the law school faculty and use part of the law school's money that was up till now totally used for the classroom teacher, and give it to them? And you have there a clash of temperaments in the same organization, a difference of belief about what ought to entitle people to a certain status and recognition, namely being a professor; a political struggle over the control of money and the budget of the law school. This is quite a situation I found that I was promoting. I didn't know – I didn't think about all these things when we started getting into clinics. I didn't think of – I didn't think about those. How could you think about all those things in advance? And then, as I got more and more involved, I

realized that I was really asking for a tremendous reform here – tremendous in terms of practical politics, in terms of putting together different kinds of temperaments who might or might not fit together and so on. So, this all became part of my life in CLEPR.

Hall: Was Katzenbach the first person you approached?

0:26:00

Pincus: No, no, no, no, no. Now, you mean in the law school world?

Hall: Yeah, exactly. No, in terms of trying to get a program started.

Pincus: No. Actually, they came to me. I should mention what happened there. And that's why the first few grants we made are not the kinds of grants that we would have or did make as the years went by. But what happened was this. As soon as I got into business so to speak – and let's face it, getting into business was myself, a person a hired as my secretary – I had gone through this in the War Department, by the way, years before.

Hall: And, we're still talking about the very first grant now, not the actual –

Pincus: We're talking about the first grants that CLEPR made.



Hall: I'm not even talking about CLEAR. I'm talking about back in the Ford Foundation, those early, like late '50s, early '60s grants.

Pincus: Oh, no. That was – I mean, I wasn't involved with all these things at that point. There was – I mean I was involved tangentially, so to speak. In other words, I knew where I was going in a philosophical way, but I wasn't involved. I wasn't responsible for  
0:27:00 administration.

Hall: Oh that's right.

Pincus: We made the grants through somebody else. I'm talking now when I was responsible for administering. Then I got – then I realized I was in the middle of all these things. And I had –

Hall: So you're saying even in those first six or seven years before CLEPR, per se, got started?

Pincus: Yeah.

Hall: Did you have any sense at all of the kind of reluctance that some law schools had over these programs?

Pincus: Oh, sure. Oh, absolutely. And I wasn't sure that this thing would really amount to anything over a long period of time, because it wasn't just that I knew the reluctance and stiff oppositions in the law schools, but the people who took our money on the Council of Legal Clinics were not me. They were not going to go out there and fight the establishment. So what happened was they got programs going – and God bless them, I'm glad they did – but what later came to be known as what we call farm-outs or out house programs. They'd send students out to work in the Legal Aid Office – nobody supervised them, for instance. There was no worry or provision about that. The law school didn't have anybody to supervise them. And the legal aid offices, which were already understaffed, not only they couldn't do their own work with their clients, they sure as hell didn't have anybody to sit around and supervise the students. And I knew that. So these programs were weak. What they did was they'd send them out, and the students would come back. And some of this might be talked about in the classroom that was the seminar that was set up in connection with this clinical program in the law school, so to speak. But as the years went by and CLEPR came into being and we started to fund programs and we got more hard-nosed about it, we would never fund those programs again, that type of program. You see, this was a world apart.

Hall: One other thing I want to ask you about. During the '60s there's a lot of social turmoil which seemed, if anything, to raise more –

Pincus: Oh, yeah, I could tell you stories about that –

Hall: – about poverty law. How much did that help make this whole idea more acceptable or sellable?

Pincus: I would say it might have helped a bit. It might have helped a bit, because a lot of the universities felt beleaguered, and it got to a point where they were afraid of the students. And so I think that that helped. There's no question that it made them more vulnerable and more willing to take on some things which looked good in that era of change and turmoil and so forth. I think that helped, yes. And they were able to say, well you know, we're doing some on this and so on and so forth. And the students liked it because some of those who were involved in this turmoil, this gave them a chance, you know, under respectable auspices to go out, leave the classroom and go out and do things. So, yes, there was some of that.

0:30:00

Hall: Okay. Now, early on you'd also said it was hard recruiting. Now, when you got the AALS to take over administration of the program, would that have been about '63 or earlier '60s?

Pincus: When the AALS took it over?

Hall: Yeah, yeah.

Pincus: No, it would have been a little later than that.

Hall: Oh, later than that?

Pincus: By the way, could we stop a minute?

Hall: Absolutely.

Pincus: Thank you.

(Break.)

Hall: I wanted to, before we go into CLEPR per se, ask you one last question about the name  
0:31:00 that you were unhappy with, about Ethics in Professional Responsibility. What was it about those words that made that an acceptable name from AALS's point of view?

Pincus: They – there were possibilities for many names. The only thing that would have made AALS unhappy was the words “legal clinics.” I mean, it might have been a lot of other things that became the name of what was CLEPR in the future.

Hall: So how do you guys arrive at that particular name then?

Pincus: Which? The Council on Education in Professional Responsibility?

Hall: Yeah, exactly. Why Education in Professional Responsibility?

Pincus: I don't know who thought of that. I didn't, but I would suspect that it was a term that was put together by our bar people from the ABA. The leaders of the bar, for instance, who were – also the people we had on our council who were leaders of the bar were also quite active in legal aid at that. Orison Marden and Whitney Seymore in particular, who were considered, you know, giants of the bar. And I would suspect that Orison Marden had a lot to do with this. He was very, very concerned about what he thought was, you know, what should be the ethical behavior of the lawyers and so on. And these things always came under this rubric of professional responsibility. So I would hazard a guess that he and maybe Whitney Seymore and some other people – I wasn't there when they discussed it – I recall they came to me with that name, and this got the AALS off the hook of having to accept anything like clinics. The leaders of the bar loved it because professional responsibility was something they were concerned about. Proper behavior by lawyers and overall in a long term, they weren't far off the beam even when I looked at it, although I wasn't enthusiastic about the title, because the word “responsibility” leave aside – the word “responsibility” is one of the words one can use to encapsulate what we really were after in terms of accelerating and adding to the maturity of the human being who's going through the educational process. If you had to say what is the one thing you want to inculcate into the person, it is the responsibility to others, not just to yourself, not just to a process that teaches you how to get good grades and get through law school and get your degree, but to a process that keeps you growing all the time in life because it refreshes. That's one of the things I came to realize in having to debate these things with people. And I found

out they weren't really interested in education but that I became interested and I loved it because, as I was saying to you, that it really ties in with my concern about all of us being better human beings. If you have to use one word, it was "responsibility" – was a good one, that is that you become more of a human being when you take responsibility for your relationship to other people as well as to yourself. So, it was a word that was worthwhile. It wasn't one that aroused enthusiasm in me because, as I may have mentioned earlier, there were courses in professional responsibility in the law schools. And this was exactly what, in a way, CLEPR was a reaction against, when I was involved with it. Instead of talking about professional responsibility, which is what these courses did, you had a course in professional responsibility and they may still have them today. And, they have questions on the bar exam – at least they did then – on professional responsibility. So you talked about the ethical behavior of lawyers, what the code required, and then you answered the questions on the bar exam. My approach was the way to become more professional, more responsible, was to learn how to act more responsibly, without even having to think about it. You know, when I grew up – I remember this – you talk about things that you remember – when I grew up I was brought up by my parents a certain way. I never had to stop and think whether anything I was going to do was right or wrong. The thing came to my mind immediately telling me whether it was right or wrong – there was no thought involved – automatically my system, like on a slot machine, came up: This is the wrong thing, boy. Or, This is okay. Usually I didn't have to – nothing came up telling me that it was right, because the way you function is if it's right you go ahead. You

don't worry about it; you know it's right. But what your system does is tell you right away when it's wrong, and then you've got this tension, which is what our reality is. That's what the Bible tells you, that the Lord says, "I put before you good and evil. Choose good." And that's what we are. We have to learn how to cope with this tension. And to me, the way to learn how to cope with this tension was to be where you had to learn how to cope with this, make decisions between right and wrong and not just talk about them in a course. So I didn't like the term "professional responsibility" because of those connections and connotations. But if you analyze it, it's not a bad term and it kept some people happy and enabled the program to go forward. And the only thing then I was hung with it when CLEPR came into being, we not only had "Education in Professional Responsibility," but we had to add the word "legal." But it made a nice acronym and became known as CLEPR.

0:37:00  
Hall: Right.

Pincus: And it still is. And it didn't turn out to be a bad thing in the long run. And that's a long way of answering your simple question.

Hall: That's cool. When it started, how clear a strategic vision did you have? You were there with your secretary. What were your goals in terms of what you wanted to accomplish?

Pincus: When we first started?

Hall: Yes.

Pincus: In 1968 and '69, when we opened our little office there?

Hall: Yes.

Pincus: Oh, well, that's good you brought me back to that. So what happened was everybody in the law school world knew me by then because I'd been working for Ford on various projects. Whenever they came in in the law, it came to me. So, they all started to show up on my doorstep. And I was in a quandray. I was thinking about it and I didn't believe in a lot of the things they wanted. And so I was holding back and I said – I mean, I was in a quandary. I don't like a lot of these things, but how do I get them to go the other way? So one day I was in a conversation with – I'll harken back to a conversation with McGeorge Bundy. I have to give him credit for this. He said, "Look, Bill," he says, "one thing," he said, "you've got the money now." He says, "If you want to get credibility, give some of it away. You've got to show that you're in the business of giving money away. And the way to do it is to give some of it away, even if you don't like everything that you're going to be funding a hundred percent. But you're not going to be a foundation that everybody knows is giving money away

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0:39:00 and looks for help from you until you give some away.” So, that was very helpful to me. As I say, I thank him for that. I started to make some grants, for instance – I mean, I see they’re still in existence, this Law Students in Court program in the District, I think we gave them some money. That wasn’t really a clinical program in terms of being supervised by anybody at that time. There was a coterie of law schools, and they all put students into the program, and we gave some money to them. We gave some money to some other programs that we weren’t that enthusiastic about, but they all had some aspects that looked clinical. And the other thing was that my board

0:40:00 was hep on this for some years. They took this “professional responsibility,” the words, literally in the old sense, and whenever we made a grant they always liked to know that the school had agreed that there would be what they call a classroom element to this. They would talk about professional responsibility with the students who were in this program. So that was in some of them in the beginning that we encouraged the schools and of course we had provided some money for that seminar and so on. But I don’t want this overlooked altogether, so maybe I can sort of drag this in at this point.

One of the things – there was a shift when we started to get serious and you find that definition at the beginning and when we got started we – first of all, when we started to

0:41:00 be hard-nosed and really realize that we had to be very specific about what we wanted and really struggle for it and not just keep funding programs, we were in business. Everybody knew it, but that was enough. From now on we want something to happen

to change things. First of all, we had to define what was clinical. We came up with a very simple definition, but it was a hard definition. It was “lawyer-client experience, under law school supervision, for credit.” That’s not a long definition. People know what it means. And we came up with very continual, dedicated administration, because administration, as was mentioned earlier in our informal discussions, administration is the heart of the thing. And what did we do? We knew that from our philanthropic experience that you could give away money forever. People will take it, but they won’t spend their own money unless they really get involved with it, and that’s the criteria. And if they’re going to spend their own money, then you know that they’re in it. So we had a very simple formula for our grants. First of all, we had a limited amount of money. We had only about a million dollars a year for grants and administration over a 10-year period. So what we did was that we set down very clearly what our administrative criteria were going to be. They were going to be small grants, maybe \$50,000 a year total – they were for two years – very simple formula. The first year we would pay half and the school would pay half of the budget. The first year we would pay almost all of it. The second year the school would pay half. And after that the school had to take up the whole thing if they were going to be serious and if they were going to continue to do business with us. So, that’s the second thing we did.

The third thing we did, which was totally – and another thing we did was to follow-up, which was unprecedented in philanthropy, because most people don’t realize the

business of philanthropy is not to get things done, it's to get rid of the money. It's true. I mean, you have hundreds of millions of dollars to give away. You think you're going to sit around and try to monitor and realize every year once you've sent – and if you spent \$200 million or more, like we did, and that's just the Ford Foundation, you realize the money that would be involved in just following up and the staff you'd have to have to follow up on what your people did with \$250 million, you wouldn't have any money left for your staff to do anything else. But we could do it. That's what we were, we were small. We were dedicated to a simple limited area. And we could be effective with our very small staff if we followed it up. We could follow up. We didn't give away that much money that we couldn't do it, and we did. So we were serious. And if people didn't do what they said they would do, this was altogether unheard of in philanthropy, because they were universities you were dealing with or education. We stopped giving them the money. That doesn't happen in philanthropy. Oh, they got mad at us. I had one president of a university call me up one time – he was going to sue me. He was going – I said, “Well, what can I tell you, sir?” I said, “the institution hasn't lived up to the money. In the free society we have, people have access to the courts. If you think you've got to sue us, sue us. I can't stop you. I think it's not the thing to do.” He never did it, of course. I mean, you know, that was the kind – and people got mad at us. For instance, they'd send the same report without even changing dates. They would send us the same report, and I would read it, and I'd know it's the same thing I read six months ago or a year ago. We cracked down on them. We said, “Well, at least you should change the dates.” I mean, that was another

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0:46:00 thing we did. You see, we had a very tough administration with these grants. And I think those – that’s what I mean, people knew we were – the things we did, by clearly defining what the rules of the game were, by following up carefully and staying with people as they were trying to get things done, by moving from one thing to another and being hard-nosed about them even near the end, getting into such things as having decent facilities so that people would have respect – I mean, we – some of the worst things about the administration of justice sometimes and when you go to a place like some of the lower courts where they’re disgusting just to walk into physically – and how can you have respect? So I realized this was the same thing as far as the schools were concerned.

0:47:00 When the schools finally did open up a clinic, if they put them in the second sub-basement and, you know, a little cramped space with three desks and so on, it was obvious that these weren’t matters of high priority in the educational curriculum. So we kept moving and pushing people on all these very tangible things, and it became clear what we were after, that we – nobody rolled – the people that – oh, and the third thing – I knew it would come back to me. The third thing was that we didn’t get trapped as foundations did – and I learned this from Ford – see, I took full advantage of what I learned at Ford. One of the things I learned at Ford is that philanthropy in the main really is very concerned with respectability – very concerned – and they operate on the trickle-down theory. Therefore, you take somebody like the Ford Foundation, and even other foundations, they could not – they would not give a grant except to Ivy

League schools or the dozen or so state universities that were considered to be at the level of the Ivy League schools, like Wisconsin was a state school but – or Michigan was considered, you know, just as good as let's say Harvard, Yale or almost and so on – Stanford. There was this cabal that had really control on where the money was going to go from the foundations. And the theory was that they were such great schools that if they got the money other schools would try to live up to what they were doing.

0:48:00

Well, you know, it's like the whole trickle-down theory in society in general. We knew we would never get to first base because if we gave money to those schools (a) they would never give credit – I told you about Chicago; the same was true of Harvard – you know that Harvard had a legal aid office and before we opened up. But what was it? It was an office. It was called the Harvard Legal Aid Clinic where the students went over when they wanted, did what they wanted. Nobody from the faculty ever set foot there. It was a totally student-run operation, certainly no idea of ever giving credit or anything like that. So, we knew that if we only, if we restricted ourselves to giving money to Harvard or Yale in those days we'd never get anywhere. So what did we do? We broke the mold. If you look at our list of grantees, we gave grants to schools that could never come to the Ford Foundation and get 10 cents, like Willamette. I mean, I could go down the list, you know, Washburn, Topeka, Kansas – who in the hell would ever give – who from the big foundation would ever give a grant in any field to Washburn University or Willamette? But the fact is that those schools were willing to experiment. They were not bound by these other strictures within their own walls or world. Not that they were enthusiastic in not looking like Ivy League schools – they

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all wanted to look like that. But they were willing to experiment, and what happened was we built our whole clientele of perfectly good approved ABA law schools, in perfectly good schools, who were willing to experiment. And in a way the Ivy League schools were left behind. It was the other way around.

0:50:00 And finally some of them started to come in. They became a little more open, a little more friendly to the idea to the point where as the years went by there were some things that we were able to do with some of these other leading schools. But we didn't start there. We really started the other way. The Law Students in Court program was a good example. This was a consortium of schools. It wasn't any outstanding school that took this over. We got started that way. Does that answer your –

Hall: Yeah, it absolutely does.

As far as your day-to-day work, how did you sift through the proposals? How did you select grantees?

Pincus: Oh, alright. First of all, in the beginning, I had to do an awful lot of traveling. I did a lot before for Ford and the government, but here it really became quite onerous because at maximum we never had more than seven people on our staff, of whom – let's see, there was myself and maybe – and two other people who really didn't start off on my level but ended up that way. So we had, let's say, three professionals and

four non-professionals, maximum. So there was a lot of – we reviewed – we actually read them very carefully. Some of them, of course, they immediately disqualified themselves, so to speak.

0:51:00 But, to go back a step, we solicited applications. Maybe that's still in the files if somebody digs them up and maybe in our old newsletters that we have excerpts from. I think they might be in the book there. We sent out every year a solicitation, you could call it, for applications in which we laid down what we were looking for and what we would give priority to. And then when they came in we would review them, to see how they fitted in with the priorities of the year. We read them very carefully and then some would be put aside, so to speak, and we would advise people that there wouldn't be any possibility of their getting a grant. We dealt with them very candidly.

0:52:00 And where we had questions we'd get answered by telephone. And then ultimately, as each of the ones that we really seriously were considering, we would go out and visit them. We would interview the people and visit them and sometimes have very interesting experiences like you raise the question about the '60s and stuff. I remember we were there when some of the really exotic stuff was going on on campus. Like I remember out at Stanford one time, well, you know, when we went out because the times were what they were we had to meet with students as well as faculty and the members of the bar and so on and so forth. And so we met with the students at

0:53:00 Stanford. This was one of our visits and they were busy, you know, what do we need this for and what do we need that for? They were berating us. We were just somebody

they had a chance to berate and they didn't need the supervision in the clinic. That was one of their problems. They said, "We've been fighting to get no exams and grades without exams in the classrooms. Why do we need supervision in the clinics?" So finally I said – I think I put a stop to the whole encounter at this point because I said, "Well, it seems to me that what you really would like to do is to deposit your tuition and come back a few months later and get your credits or ultimately just pick up your degree. You don't have to come to anything." Well, one of the interesting things was all these students were dressed in a very disheveled way, you know, during these conversations. And then one night when we were out there the dean then had a little reception in his house at which he had the student leaders and they were some of the same people who were very vociferous during our daytime encounter, and I couldn't hardly recognize them they came so well-dressed, some of them with blue blazers and nice slacks. And then I realized this is the same character that was leading the charge, you know, in the afternoon and in the evening he was drinking drinks at the dean's house, and quite a different kind of personality. So we had some interesting experiences during those days because things were really in a state of fluidity and the students were fighting with the faculty and so on and so forth. That was a time that was – we didn't – we were not really directly affected, as you suggest there earlier. I think overall we were helped because the whole university atmosphere became more open. The students had forced entry into the higher council, so to speak. So there were changes being made. So the idea of change – let's put it [inaudible] – the idea of change was more acceptable.



Hall: Bill, one thing, as we come into our last 30-40 minutes here, I may sort of signal you to cut because there's some questions I want to get to before the end of the interview.

Pincus: Please. Please cut me off wherever you like, because I like to talk.

Hall: Okay. So, you may see sort of like a time-out kind of signal come up, and that's all that's about. It's just that, the airplane. As far as what you kind of felt, can you talk about yourself as a philanthropist who was good at getting results? You know, you started off with this tradition of we write the checks, we give away the money. You specifically had a goal you wanted to get to though. So how quickly did you come to really using the power of the purse to get the universities to really respond along the lines you wanted?

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Pincus: Well, I tell you with – when I was asked to take the leadership of CLEPR I had a chance to – the first time in philanthropy, let's say the first 10 years I was there before I got with – that's about right, '57 to '68, about 11 years. I was not very happy in philanthropy because I'm a result-oriented person, specifically with regard to what are the benefits for other people and people of the country, in giving this money to these people. And I found that after I left the government and came to philanthropy for those first 10, 11 years I was quite unhappy – I had to operate in an environment where the criterion was not results. The criterion was getting X number of grants through the Ford Board of Trustees. That's what made you important in the Ford Foundation.

There actually – I can tell you I had experiences in the Ford Foundation of this kind. I had been in the Foundation only a couple of years when this situation really bore down on me, so I went to Henry Heald and I said, “Now look,” I said, “nobody ever goes out to check on what’s happened. In the government that’s sine qua non. They always go out to check up to see what’s going on. And, what’s more, you have field officers that you can ask to do certain – we don’t have that.” Well, he wasn’t enthusiastic about that. But, he said – I tell you he was an open-minded guy in that regard. He encouraged people. He said, “Bill, if you want to do it that much,” he says, “ go ahead.” So, I said, “I’d like to go out and check these research professorships that we have funded.” Ford had put out a lot of money to the top schools – Chicago, Yale, Harvard and so forth – for research professorships in the political science, sociology, the social sciences, and I wanted to know what was going on. So, I went out and I found out. I should have known that you have to learn that every environment has little wrinkles. But they’re counterparts to every other situation, and I found that and they were very candid about it. In Chicago I was told, and no question about it, that these professorships are rotated around within the faculty. It has nothing to do necessarily with whether this professor is really the most qualified and important person to be given the next research professorship. Seniority was basically why they got it, or the politics of the faculty in that department.

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NEW TAPE 0:00:00

Pincus: You go ahead because I’m talking too much.

Hall: You talked about the culture clash, which I thought was an interesting thing, and obviously a philosophy clash too.

Pincus: You mean between the two kinds of teachers –

Hall: Yeah, yeah. Exactly. And that you were surprised that –

Pincus: Psychologist.

Hall: Yeah, that's true.

Pincus: Our make-up, yeah.

Hall: Okay. So you got into this. How well-formed were your ideas and philosophies behind legal clinics in the beginning? Or did they sort of take shape as you wound up getting kind of into some conflict with law schools?

Pincus: Oh, this was a clinical experience for me. I grew – I hope I grew, and I know I think I did – I grew as a person as a result of this experience, because, (a) I had to bring out of  
0:01:00 myself what was it in me that was driving me to do these things, to believe in these objectives, and I had to learn all about that. And I realized how congruent this was with what I was trying to do in clinical education; that is, to bring more out of people

who are going through law school. And how do you do this is by getting them so involved with other people and things that need to be done for other people and so on, and even to other people that they have to grow as people in order to do these things. So it was a developmental experience for me. I mean in addition to the satisfaction that people get out of work, I mean, I grew myself. It was – and that what I was – that’s what this is all about, that in order to be human you can never stop growing. Never. And to be ethical, see that’s the other thing. When they talk about professional responsibility, that’s one of the things that to me undermines the validity of a written code and a class that talks about it, and that is to learn how to be ethical and moral is something you have to re-learn every day. Every day. You cannot stop. And the only way of doing that is in a real-life situation. You must get – in other words, it’s like a muscle, like a physical muscle. When you stop using your physical muscles, they atrophy. If you’re not growing morally and ethically every day, you are atrophying inside of yourself.

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Hall: Bill, here you had a situation where the experts are saying in many cases what you’re proposing has no value. It’s not intellectual, it’s not educational.

Pincus: The ones who really are in control.

Hall: Right, okay. So how did you find yourself responding to that initially, and then how did that change as you went through that dialogue?

0:03:00

Pincus: How did I respond? I had a lot of unhappy moments. My wife came with me once or twice to a couple of meetings I went to, and she was sitting in there in the audience with me. And some of these outstanding professors, some of whom became deans or were deans, and they certainly were the outstanding lights on the faculty of important schools like Yale and the others. They got up and they said things about me and what I was trying to do. They – I mean, if I weren't made otherwise, I would have had some severe ulcers when I sat there and listened to this stuff. And my wife said to me, "How do you take this stuff?" I said, "It's hard." But that's a clinical experience. You got to feel it over here. That's the whole point. You got to feel it, what in Yiddish we call *kischkes*. That's your intestines. If you don't, I mean, that's a part of the price of being a person.

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Hall: Well, you obviously became convinced.

Pincus: It was rough.

Hall: Yeah, okay, I hear that. You obviously became convinced, no matter what their credentials, that they had not really thought through the educational aspects of this.

Pincus: Oh, absolutely. Because I knew they – I had one thing going for me that was incontrovertible, that the standards that they wanted to live by and be judged by had

nothing to do with the development of human beings or individuals. The only thing they wanted to know was how many books did they publish, how many articles did they write. There's nothing wrong with that. That's great. We – my tradition is proud of being a scholarly tradition. I mean, us being of the Judaic and then ultimately the Christian – I mean, we talk about people who are scholars. We respect them. But being a scholar and being a teacher is two different things. They can be the same thing. There have been great scholars who are also great teachers, but it's a hard thing to combine. A teacher is a relative of a parent. He is – feels responsible for that person that he's teaching. The person, not just what he's trying to teach them, everything about that person he feels responsible for. So I had that going for me. I had a profound belief. And I loved certain teachers that I had through my career. And, I knew from my experience, and I've spoken about this many times, and my wife knows this. This is a very important thing that's helped me in my life. Whenever I got together with people that went to school with me, whether it was college or high school or law school – at least the people I got together with – without any prompting started to reminisce about two or three of the teachers that we had. Always the same people. Always those people, because those people profoundly affected them as human beings, although they got to know them as teachers. And so I knew that I was right. Those are the people that made me. The other teachers all helped. I mean, there's no question. But those are the people that really made me. And they made those other people, and nobody even prompted them. They always would say, "Well, has anybody heard about so-and-so for a while?" you know, and so on. And it was

always the same few people. So, they're there, and that's what I was trying to do. I  
0:07:00 was trying to get more – some attention to that human spark, the thing that makes us  
important as sources of vitality, energy, intellectual capacity. You can't separate us. I  
mean, we're not that – if there is a place – if the intellect resides here, you can't take  
your head off and put it on the shelf over there. I mean, we're all parts of this one  
thing, one organism. So I knew I was right. That kept me going. And I knew that.  
Well, I was just convinced from my own experience. All they did when I had to  
contend with people – and I did, and it was rough, but I think I held my own – all they  
did was force me to go back into myself. See, they didn't even realize it because they  
never – I think the people I was contending with in these discussions were not as prone  
0:08:00 to examine their premises as they made it to the extent they made me examine mine,  
because they were in control. I was the one that was trying to get them to change, or to  
get their institutions to change. So I had to carry the ball. All they had to do was stand  
pat. And it in the end, although it was abrasive, in the end it worked to my benefit and  
to the benefit of the CLEPR program, because in the end they could not escape the fact  
that I think what we were saying and trying to bring to people's attention had a  
fundamental validity based on our humanity. And that was it. I mean, I never lost  
confidence, never. In fact, I loved it. As I say, the more that people challenged me and  
0:09:00 so on and so forth, I just felt that they were adding to my self-learning and self-  
knowledge.

Hall: This is sort of a shifting of gears – it's something Sandy and I are both curious about.

Beyond just dispensing money to the schools and even the follow-up, you also had a number of conferences, some of which Sandy pointed out were in relatively kind of more affluent settings than maybe some of the clinical professors were used to going to socially.

Pincus: Absolutely right.

Hall: What were some of the primary purposes of the conferences, and then also the settings you chose to hold them in?

Pincus: Okay. First of all, yes, they were in these places. We chose vacation retreats basically where some of the people could play golf. I don't play golf, and neither did some of my board members. But I did have board members who loved to play golf. I mean, they were people – that's the kind of life they were used to. I wasn't used to that life. So since our board members – one aspect, one factor here was that in my thinking this is the way it was, as it turned out, that's why we did it this way. Our board members got no remuneration of any sort for serving on the board. They got nothing.

0:10:00  
Therefore, when we had a conference, we used the conference almost always as also a board meeting at which we would make grants for instance. In other words we would combine them. And this was a form of compensation to the board members. They got a little vacation basically, and they got that. Second thing was, almost inevitably as I recall, these getaway places were away from large cities, because I know that if you're

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in a large city it's difficult to hold people to any kind of agenda. There's too many temptations to get away to do something in the city, visit with somebody and so on and so forth – another school, another law firm, another relative or whatever. So this was – we get them away, they stay at the conference. And that was a big factor in terms of getting – we had a lot of people come to these conferences that were not friends of clinics to start with, if you noticed who the people were who came. We had clinical people, but we had a large number of people who were not clinical people. But we were bringing them to a place where for a few days they had to sit and listen to people who were clinical people, and who were talking about clinics, which they would never go to a meeting of this sort in a million years. So we got them away from where they were. We brought them and we in a sense tried to – you know, I don't know how to – through osmosis, I guess, not through willing absorption, but through osmosis, get something into their consciousness that this was a serious enterprise, that we believed in it, that these people believed in it. And so you had the three factors. One, it was a form of compensation for our board members, a minor one, but they liked it. The other was the business of not having them go off to other things by being isolated. We kept them away from large cities. And, thirdly, that we in effect had people stay there who were not clinicians. We had them come there and listen to the other side, even though those were some of the occasions where they said some of the most terrible things about the things we were trying to do. I mean they didn't pull their punches most of the time. So those were some of the factors why we went –

Hall: The Buck Hill Falls conference in 1973, was there any particular context that set that conference apart at all?

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Pincus: I don't remember it. I'd have to refresh my recollection. I remember that it was an important conference, but I don't, you know – .

Hall: Okay.

Pincus: Oh, that was another thing. We also, now that you brought that up, because Buck Hill – it starts to come back to me. We used the conferences where, because we made a point of having a long lead time, we used the conferences to have some papers prepared that we wanted prepared. And Buck Hill Falls – I think that brought it back to me – that was one of our objectives. We got some papers done. It was a difficult process, because even though we sometimes had as much as a year and a half or most of the time, at least a year, it was very difficult to get, academics in particular, to adhere to any time level in terms of producing a written product. Interestingly enough, if we asked a practicing member of the bar to get a paper written, they got them done on time. They were used to preparing things for courts and other – I mean, this is serious.

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Hall: I believe you.

Pincus: I couldn't – I mean it was a revelation. Here were these busy guys with these big law firms, and I never thought they'd agree to write anything to begin with. But if they did it came in on time. The other guys it was like pulling teeth to get them because they were not used to being – but that was another reason we had these. That was, you might say, one of the things. We got them to write papers and in return they'd participate in the conference. So in effect they were getting some remuneration for contributing to literature and so on.

Hall: Bill, within the 10 years of CLEPR, were there any major watersheds in terms of going from just the seed of an idea at the outset to where you got to by the end of the program? In other words, were there any major points where colleges seemed to accept it more, or where it just simply began to make more inroads?

0:16:00

Pincus: Mmm. Well, I can't speak to a dramatic single event, or two events. But there definitely were developments that showed that there was a lot of progress. For instance, as time went by it's amazing how the schools came to accept our requirement that the grants be for a limited time, for a limited amount of money, and on a quickly declining basis so that they put money in their own budgets. And that was a tremendous accomplishment, because that became a permanent fixture in the law school's budget. It wasn't a monstrous part of their budget, but any contribution was important along those lines. So that development was more telling I would say than anything else. Then – well, there were signs along the way. I mean, people began to

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give credit. That was important of course. They began to give titles. They didn't give tenure, but they began to call the – that's right, they went from just calling the person a supervisor. They began to call them a clinical professor or teacher, though they didn't give them tenure as a professor and so forth. They were all these things that were hopeful signs on the way.

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Hall: One of the things I'm curious about is as the money started or the 10-year tenure of the program started winding down, you must have given considerable thought to what things might be needed to keep clinical legal education going after there wasn't a CLEPR.

Pincus: Did I give thought? Wait a minute, there's one thing I should mention.

Hall: Absolutely.

Pincus: Adding to what things happened along –

Hall: Okay, yeah, absolutely.

Pincus: What I left out, one of the most important – schools began to open their own clinics

0:19:00 instead of – see, we kept encouraging them to do away with what we call the out-house clinic, or the farm-outs, because if you really want to supervise something and give

credit for it, you should have your facility that you control as a teaching environment. So that became – schools began to do more and more of that. Just wanted to get that in.

Hall: Okay. Why do you think schools gradually came a little bit more on board the way they did?

Pincus: Why they did?

Hall: Yeah.

Pincus: The only thing I can mention in that in responding to you on that is it's hard at this juncture, but I think it was definitely the case that the people who – it's to the credit of the people who became the first clinical teachers and the students that became their students in the clinic. They were the ones who deserve the credit. And then I think that was what we helped to bring about by in effect planting them in the law school. These things have to be through people, and these people were in the law school, and they began to get respect, more and more respect and attention from their faculty. They began to be invited – this was another thing. First they didn't even invite them to faculty meetings – they invited them to faculty meetings. Then some of them even gave them a vote. That is, you know, originally you had a situation that was – it was weird. The regular tenured faculty would vote on the things in the clinic, but the clinic

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0:21:00 people couldn't vote on anything. So you had all of these things began to shift a little as the living embodiment of clinics, the people who were the teachers and the students accepted more and more. And that's the only way it could happen. Instead of being outsiders, they were gradually brought into the family. So I think they deserve an enormous amount of credit for this. And because of that schools began to pay attention and do – for instance, they began to pay attention to the need for adequate facilities. Once they began to regard with some respect as – the same respect as the other students and teachers, the teachers, their colleagues, and the students – their very same students who took some clinics, they said, "Well," you know, "they should have a decent place." So, it's that kind of thing that in other words if you de-humanize – we see this now in the big discussion on how did they destroy populations. You de-humanize. But if you humanize people, or you humanize them, then they become part of the human race, and they become – and then it just works together.

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Hall: As the money started running out, the CLEPR money –

Pincus: Oh, you asked whether I asked about –

Hall: Yeah, yeah, whether you were looking for some life after CLEPR.

Pincus: Well, I recognized – yeah, I definitely thought about it, and I recognized the following – I definitely thought about it, but this is what I came up with: we had planted the

0:23:00 seeds, so to speak, and we had laid down what we thought were the basic requirements for a true clinic program which would educate the way people should be educated and get what they could out of a clinic environment. And I recognized that \$10 million spread around all these law schools – while it did all this – did not revolutionize legal education. In other words, it did not become a fact that law schools, in order to graduate a student, required a clinical experience. That was the ultimate criterion, whether it was a whole clinical semester, or X number of credits. They did not – legal

0:24:00 education, as far as a I know to this day, and I may be speaking as an ignoramus, but it's 19 years – I used to know everything about legal education, believe me, because I knew every statistic about law schools the others didn't. I was on all the committees: the ABA Bar Committee, the one that went out on accreditation of law schools. I was on a State Bar Committee. I was on the Association of Bar – I – because knowledge is power. If I had all those facts, which I did, I was able to argue effectively. So I knew from all of those things that I was working with for those years that we made an enormous contribution, and we made a big start, but we didn't finish the revolution, so to speak.

Hall: Why do you think it stalled out somewhat short of that ultimate goal you set out?

Pincus: Why?

Hall: Yeah.

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Pincus: Because I think in the end, or to this day, you have, first of all, a matter of finance is involved. There's so much money to run law school on, and to pay the faculty. We did not deal with this ultimate problem, and I guess it was dealt with indirectly. We hoped that the schools would work it out. We couldn't answer this, take care of all of these questions. But how much money – I mean, how much money, in addition to the regular budget that now exists in the law school, would you need to run a good clinic program? Where would it come from? How much of it would come out of the part that's now supporting the traditional program? All of those things we couldn't answer. But they're all there.

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And then there's the intangible thing we spoke about, the different kinds of personalities and this different kinds of teaching. How do you put together the people who are, let's say, what we used to call the traditional classroom teacher and the clinical teacher, into this one faculty? And lurking behind all that, you see, is a tremendous challenge in terms of looking at using the years and the money that you want to devote to higher education. So I knew you couldn't solve – now, what I was speaking of, for instance, is if you take college and law school – and I made a speech about this. It's probably in there. I think Whitney Seymour once asked me to come up and make a talk about this at some commencement. They had gotten after him, and he got me to make the speech, and I did. And I spoke to this point. I said, "We have seven years now between college and law school. What can we do?" That in order to

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really make a basic reform, you really have to think of what you want to do with those seven years, what changes you want to use and the use of that time. This is a fundamental reconfiguration. All we could do, we hoped, was to emphasize and to make people aware of the fact that they were not doing a complete educational job, that there was more to be done outside the classroom. But to take a gargantuan enterprise like higher education, and even the part that's say legal education plus college – leave out all the other professional schools, graduate schools and so forth –

0:28:00 how to use that time, how to fund that time, the use of that time, how to allocate it and so on and so forth. You're talking about real basic change. And the most conservative part, one of the most conservative parts of our society, happens to be education, no matter what people think. I remember talking to McGeorge Bundy about this one time. He came around when he first became president. And he said, "Oh, yes, what are you interested in?" And I told him. I said, "I'd like to see some of this go on in the graduate schools of political science, you know, fundamental change, and how these – how do you teach in graduate school and so on." He says, "You're never going to get it done." He told me that. He knew how hidebound and, you know, rigid the structure is. And also I became aware of the fact that politically the university and its faculties

0:29:00 have a very almost a non-assailable position in our society. And it's full of complexities. Now, for instance, I criticized the universities and the law schools from the point of view that I'd been putting forth, but I also recognized that oddly enough at the same time in the United States the universities, for whatever the reasons – and some of them were not good reasons – they were antisocial or anti-progressive, in the

law schools particularly. But our law schools have made entry into our profession more democratic, compared with England for instance, with the apprentice system where you had to be from a certain class to get an apprenticeship. Here, by the law schools, for the wrong reasons really, historically, if you read, it's all in the literature – back in the '20s, they got into cahoots with the leaders of the bar.

Hall: Actually I got to call time out on this, because I know we're getting quite near the end.

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Pincus: So, anyhow, this revolution is much bigger than CLEPR. That's the upshot of this.

Hall: Okay. One question I want to ask is that, unfolding it the way it did, has clinical legal education achieved the goal of creating a "better breed" of lawyer? It was a phrase you used in one of your articles.

Pincus: Did it create a better breed of lawyer?

Hall: Yeah.

Pincus: I can't speak to that. I can say this I think: I hope that clinical education created a better person in the form of the people who went through clinical legal education. Whether they're better lawyers in terms of whatever, you'd have to define what a better lawyer is. But I think they – I hope – I believe they did create better people in

0:31:00 that group who became lawyers. And that's, I think, a big accomplishment. But whether they're better lawyers by different definition, this I don't know, because frankly you're getting into something that if I were operating in this field today, and were interested in reform, I could mention a few things stemming from your question almost. The tremendous need to take a look at a lot of aspects of the operation of the legal profession and the machinery of justice, that needs attention. And clinical education is just one of them. For instance, one of the fundamental questions I tried to get people when I was in Ford – the American Civil Liberties Union used to come around for money, and I used to say, “Look, never going to fund you as an institution, as general support. Why don't you get interested in taking a look as to why it costs so much to get justice in our society? The role of money? How can you have justice

0:32:00 when it costs so much to get justice? If you want to do research on that, maybe we could get it through the Ford Foundation.” They weren't interested. They wanted money just to pursue certain causes they wanted to pursue. So there are very fundamental things here that still need a look. That's – I just mentioned one. There's no end. Like every other institution in society, this is a big complex institution even beyond the law schools and the universities. They all need a look. Everybody needs constant review and betterment, and there's no end of work to be done. I don't think it's getting the attention it needs. We made a contribution, but it's a modest one. It's a modest one. I – listen, when I hear about how many members there are now in the

0:33:00 section, and how active they are and what they do, it's another world from when we were working in that area. And I'm very happy about that. But I don't postulate that I

couldn't even say to you that I helped make a better world. I hope I did, but I couldn't prove it to you. I mean, you know, I made my contribution of whatever I could do within my lifetime within my means, but I know the world is a big place and there's a lot to be done.

Hall: Well, I want to ask in this particular case, you know, I think I may be; Sandy may be signaling that this is my last question. Knowing that the revolution, as you put it, was not quite complete, what is your greatest satisfaction in terms of the work you put in in this area?

Pincus: My greatest satisfaction? I think I was blessed in that in a very big, complicated world,  
0:34:00 one little guy like me, through a whole confluence of factors that would take a long time to just mention individually or list – we'd miss a lot of them – I was able somehow or other to be put in the position where I was given the power that a lot of money gives you to do something worthwhile that you believe in, without being inhibited and restricted by bureaucracies and other surrounding institutions and traditions that limit what you're able to do, politics. I was put in the position as though  
0:35:00 I were an independently wealthy person among the very wealthy people of our society who had money, and could do something that he believed in wholeheartedly to better people's lives, and to give people the opportunity to become better people, do a job better for other people. I think that I was uniquely, not uniquely, but I was among a very few people in a very large society who, not having been born to wealth, a person

who has no wealth of his own, was handed this power. It's something you could write a book about, certainly an essay about this, a society who takes money that was made by people who know how to make money, and they made it in making lives better through manufacturing automobiles and so on and so forth. And somehow or other the money was given to me because supposedly I merited it. It's a meritocracy, so to speak. I was given that money supposedly on that basis. But, nevertheless, I got this money, and I was given the power to do this, and I was able to do it. I'd say that I lived a very blessed existence, and I'm very happy about that; and, therefore, when I look back on it I say that I had a good life, and in that sense particularly. How many people can say that? And I have another way of knowing that I was lucky and blessed, in that in this community as the years went by – and I've been here over 40 years – there are quite a number of people here who have a lot of money and made their money on their own, or their family had the money. This is about the wealthiest neighborhood in Great Neck. But, you know, this is one of those very affluent communities. In all the years that we lived here, I never had any idea that I would want to be in the place of any of those people. But I could tell you that innumerable times members of this community in social situations would come to me and say how they envied me, that I was able to do what I was given to do as the way life worked out. So I know by all of these things – how I feel, and by these kinds of outside reactions, that I really had a very good life, and there are still a lot of things to be done, and other people are going to have to do them. But, I'm happy that I had this opportunity. All the other things I worked at were always – were wonderful, but none

0:38:00 was as satisfying in the last analysis as this CLEPR experience, because CLEPR was me. I was CLEPR. In a big society, I was able to see that clearly and simply. There was no complexity, confusion about it. And, let's put it this way: the Ford Foundation did not create too many foundations and give money to somebody to run another foundation – it just worked out that way. I'm happy. I'm glad to see you people, and happy to participate in this, and hope it comes out so that it's useful to you and to whoever wants to find out what were the furies that drove me, so to speak. I think I have tried my best to answer your questions and I think what comes out of it, it's been

0:39:00 an asset to me all my life. They'll be able to tell what drove me. And I want to say to you that I found out through experience that this is what makes for action and movement and change, not always for the good. But I hope in my case it was for the good, because I remember many times in my life, including at the Ford Foundation, when I'd come up with a project before the board. – for instance, one had to do with I worked on the first grants with the University of Pittsburgh on everything that became part of the computer revolution. I did the original research there. I came up to the Foundation board for the first grant for Professor Horty, John Horty, out of that university. And they said, “We want to put all the statutes, the health statutes of the states” – in those days they used big records for the computers – he wanted to record

0:40:00 them all for research. I thought about it. I didn't know what a computer was. I went out, I looked at what he was doing and so forth. I thought, “Yeah, there's something to this.” I went to the board with this grant. It was a modest grant, and the board members were all in their 60s. I was, you know, 20 years younger than they were.

They listened to this. They questioned me, and finally the board members said to me, through the chairman who was presiding then, they said, "Well, I think we've had enough discussion of this. To tell you the truth, Bill," they said, "we really don't understand most of what you're asking us to consider. But if you believe in it the way you believe in it, we're going to approve it." They said, "You have it." And I think that's the best way of summarizing and finishing my whole experience with CLEPR. It was successful to the extent that it was successful because I was doing something that I believed in. And, as I say, I hope I was believing in something positive, because society and history are full of people who believe just as passionately as I did in things that were not good for people. I think I was on the other side of it, and I'm very enthusiastic about what I've done, and I'm happy to see you folks. And it was a great pleasure to me to hear from you, and to know that you wanted to do something like this. And I'm looking forward to seeing how I look on film.

Hall: Did you say you wanted to get Elsa even briefly?

Male voice: Do you mind if we get Elsa on tape?

Pincus: No!

Hall: Just briefly come on down.

Pincus: Elsa! Come on down. They want to put you on for a few minutes.

Hall: While she's coming down, there's one last question. When CLEPR's money ran out,  
0:42:00 was there any attempt to sort of re-up private funding, or did you guys just accept that was the end of it?

Pincus: No, we never went for anything. I never asked them for – I knew I wouldn't get that kind – you see, the leadership of the Foundation had changed by then. Bundy was gone. Franklin Thomas came in.

Elsa: [Inaudible]

Ogilvy Almost.

Pincus: Dear, they want to record you. Do you want this?

Hall: Take that – you can take the microphone off, and then just maybe just have you guys just sort of –

Elsa: What do I do, just sit on your lap?

Hall: Yeah, that'd be great. Perfect.



Ogilvy: You could maybe sit in the chair, and Bill stand behind you?

Hall: That'd be great, yeah. Bill, if you want to do this.

Ogilvy: Better.

Hall: Yeah. Warmer.

Elsa: Really comfortable.

Ogilvy: Now, how long you been married?

Elsa: Sixty years in September.

Hall: Is that right?

Elsa: Can you believe it?

Pincus: A few years. This is a big year for us. I had my 80th birthday. It's our 60th anniversary. We got married in college.

Hall: That's fantastic.

Elsa: A long time.

Pincus: A long time ago.

Elsa: We were children.

Pincus: I remember Oscar Handlin became a noted professor at Harvard – he was one of our  
0:43:00 classmates – and we went to a college reunion and he spoke about “what I got out of  
college.” Essentially what he said was he started and finished with “my wife.” And I  
loved it because it was the same for us.

Hall: Thanks a lot.

0:43:14

Transcription of audio taken from video -- By: Sabrina Hilliard