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## Dedication to Karl Krastin

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# Dedication to Karl Krastin

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## **Abstract**

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## *Dedication to Karl Krastin*

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In September 1962, I took a seat in one of those typically cavernous lecture halls to attend one of my first law school classes. A hoarse amplified voice announced that this was Constitutional Law. When I looked up, I saw a greying eminence whispering into a microphone encircling his shoulders. This was my first meeting with Karl Krastin.

Of course, like all freshmen, I had been prepared for this meeting (as well as for meetings with my other professors) by upperclassmen who had given us the word that Krastin was a "policy-man," a disciple of the Yale duo of Professors Myres McDougal and Harold Lasswell and their "Law, Science, and Policy" approach. Having been let in on this wisdom, we were no wiser; but, having pegged the man, we felt more confident in our ability to survive the rigors of the first year of law school.

Karl was one of the more approachable teachers on the faculty, and as the months went by, his greeting in the halls indicated that he had begun to recognize me from among the crowd. But it was in my second year that an event took place that really began our relationship. I was in the vestibule of the dean's office when Karl came in to pick up his mail. He turned to me and observed that the ethnic barriers to entry into the Wall Street firms had begun to come down. It was as if he *knew* that I had a sociological slant towards law and legal institutions and that the hiring practices of Wall Street firms were of greater interest to me than the Rule in Shelley's Case. Indeed, he was right, but it was still some time before I knew what he had apparently already fathomed.

Karl's closest colleagues at the University of Florida, like himself, had all received graduate law degrees from the Yale Law School. Many lawyers attending graduate law school at Yale did so because they sought to enter law teaching, and their LL.B. or J.D. degrees were not from sufficiently prestigious institutions to overcome initial hiring barriers. But graduate education at Yale did not simply mean credentialization and instant acceptability. In the score of years ending in 1970, the most pervasive part of the Yale graduate law program was the "Law, Science, and Policy" approach taught by Professors Myres McDougal and Harold Lasswell. Karl and three of his colleagues were confirmed McDougal-Lasswellites. And so was I, though I did not yet



know that.

My true colors emerged during my second year in law school, which I devoted substantially to a self-directed, law-in-action analysis of motion picture censorship in Florida. This research paper, based upon hundreds of interviews with legislators, states' attorneys, and others, demonstrated that a statute designed to set up a regime of censorship of motion pictures had, in fact, been captured by motion picture exhibitors and utilized as a tool to prevent prosecution of exhibitors for violation of obscenity laws. Accepted for publication by the law review, the paper was so "hot" that the lobbyists for the industry, who were influential in state government and in the university, were able to get the dean of the law school to block its publication.

When I approached Karl for advice regarding the paper, he apparently recognized the similarity between my approach and the decision process analysis in the McDougal-Lasswell materials, and when I would confer with him on the unfolding tableau, he would express his delight and offer his encouragement. Little did I realize that this series of meetings would change my career.

Karl and his close colleagues were operating an underground railway, snatching some few each year from a life of law practice and transporting them to the mind-reshaping experience at Yale and thence into law-teaching. Apparently, I had been waiting on the platform for just such a train to pull in. When Karl and his colleagues pointed this out, I hopped aboard eagerly and, in my third year, took as many of my courses as I could from Karl and his fellow conspirators.

I was off to Yale after graduation. Karl had written a letter of recommendation which would have prompted a dinner speaker to say that no one could possibly follow such an introduction. While I was laboring over the intricacies of Law, Science, and Policy, Karl had terminated his long association with the University of Florida and had assumed the deanship of the University of Toledo College of Law, which at the time had just instituted a day division.

In December 1965, the Association of American Law Schools was holding its annual meeting at the Edgewater Beach Hotel in Chicago—a hostelry now mercifully deceased. Much of the convention was devoted to the "slave market" at which law school buyers and prospective law teacher sellers came together. It was natural that I would meet Karl there, be interviewed, and accept an invitation to join the faculty at Toledo.

In those days there was something of a "go-go" reputation about the law school at Toledo. It was looked upon—by those in the business



of placing prospective teachers—as a place where much was happening, where there was intellectual ferment and movement towards excellence, and where a new dean had just taken over and was leading an emergent institution into a distinguished future. All that was true.

The first years at Toledo were exciting, stimulating, hectic, and rewarding. Enrollment increased as did intellectual excellence. The steps necessary to coerce a reluctant administration to build a new and separate law building were taken. The faculty at Toledo was bright, convivial, and young, very young. Karl had made a deliberate decision to gamble on untried recent graduates rather than to hire the more proven middle-level persons, already in teaching, which the institution was capable of attracting. We neophyte teachers had thrust upon ourselves the responsibility of formulating and operating a new institution. We accepted the challenge.

Karl's vision of the institution, a Yale-on-the Maumee, probably could never be fulfilled, but by setting the goal, he inspired us to achieve much. Under his leadership the law school "fructified and multiplied." He was an intensely decent man with whom I formed a close professional and social relationship. Many evenings were spent at his home, enjoying post-prandial conversations while playing out scenes from *Who's Afraid of Virginia Woolf?*

Ultimately the vision was to falter for some of the same reasons that it prospered. Karl was perhaps the most democratic dean in the annals of American law schools. But an emerging institution, growing rapidly and constantly hiring more personnel, can be convulsed by total democracy and the license afforded newly hired teachers—who numbered in the majority—to set the standards for their own retention and promotion. The institution came to divide into the inevitable political blocks which responded to decision choices on the basis of political considerations rather than the best interests of the institution. Even as the vision flickered, Karl could never bring himself to be any less kind and decent to those opposed to him as to those who supported him. Had it been Karl's fate in life to have been the palace executioner, no one need ever have feared for his life.

For those of us who shared Karl's vision in those heady days, the *denouement* of that vision was more than counterbalanced by the unique opportunity for personal development. We toiled in soil which nurtured the maximum development of our talents. And so, in the final analysis, Karl's legacy was the successful establishment of an essentially new law school, and the personal development of several fine



teachers and scholars who were motivated by his vision, tolerance, and decency.

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