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# OUR PROFESSOR,

*Bea*



The little-known  
story of how  
**a President of the  
United States,  
Benjamin Harrison,  
helped launch  
Stanford Law School.**

STANFORD ARCHIVES

# THE PRESIDENT

# *Harrison*

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By Howard Bromberg, J.D.

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**S**TANFORD'S first professor of law was a former President of the United States. This is a distinction that no other school can claim. On March 2, 1893, with two days remaining in his administration, President Benjamin Harrison accepted an appointment as Non-Resident Professor of Constitutional Law at Stanford University.

Harrison's decision was a triumph for the fledgling western university and its founder, Leland Stanford, who had personally recruited the chief of state. It also provided a tremendous boost to the nascent Law Department, which had suffered months of frustration and disappointment.

David Starr Jordan, Stanford University's first president, had been planning a law program since the University opened in 1891. He would model it on the innovative approach to legal education proposed by Woodrow Wilson, Jurisprudence Professor at Princeton. Law would be taught simultaneously with the social sciences; no one would be admitted to graduate legal studies who was not already a college graduate; and the department would be thoroughly integrated with the life and



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during Harrison's four difficult years in the White House.

In 1891, Senator Stanford helped arrange a presidential cross-country train tour, during which Harrison visited and was impressed by the university campus still under construction. When Harrison was defeated by Grover Cleveland in the 1892 election, it occurred to Senator Stanford to invite his friend—who had been one of the nation's leading lawyers before entering the Senate—to join the as-yet empty Stanford law faculty.

Few expected President Harrison to accept. Not that Senator Stanford had failed to make the terms attractive. Harrison was offered a limited teaching schedule; the opportunity to lecture on any topic he chose; and the then-fantastic salary of \$10,000. But Harrison had already made it clear that he wanted to spend the years after his presidency quietly.

The President also had to consider the proper role of an ex-president. America had a strangely ambivalent attitude toward its former chiefs of state: It was thought undemocratic to provide them with pensions, but degrading to their former office for them to accept paid employment. Certainly no ex-president had ever joined a college faculty. Teaching per se—much less, teaching at a struggling young college—might not be an appropriate sequel to the nation's highest office.

Nonetheless, after several weeks of zealous effort by Senator Stanford, Harrison did accept. His reasons can best be described as patriotic. Harrison had become convinced during his presidency that American public life had been corrupted by greed and selfishness. The remedy, he concluded, was to educate Americans in the benefits of self-government and instill a "greater reverence for law." If he could inculcate in new generations the values of disinterested citizenship and service, he wrote President Jordan, he would "accomplish a work more lasting than anything I have yet been able to do."

Leland Stanford (left) entertained President Harrison (seated) and Postmaster General John Wanamaker (right) at the Senator's campus home during the presidential tour of 1891. Wanamaker would later help Harrison prepare the Stanford lectures.

mission of the university. It was a dynamic blueprint that Jordan hoped would attract established scholars.

He was soon disillusioned. Most of the well-known law professors Jordan approached showed interest in his plans, but no more than that. Two professors did accept offers of employment; but one subsequently decided to go to Cornell, and the other, after some thought, asked for a leave of absence to observe the progress of Jordan's plans. It appeared that the Law Department

would open in the 1893–94 academic year without a single professor.

And then Leland Stanford managed one of the more spectacular coups in the history of American education.

**T**ELEND STANFORD and Benjamin Harrison had been firm political allies since the days when they were both United States senators. Their alliance ripened into a close friendship

Senator Stanford had encouraged Harrison to lecture on the need for an international code of law, but Harrison desired a subject more suited to his inspirational purpose. The Centennial of the Constitution had fallen during his presidency, and Harrison had been greatly impressed by the effect of the celebrations on the nation. What better way to inspire Stanford students with a love of American civil institutions than by explicating the history of that fundamental document of the republic, the Constitution.

Harrison decided to present a series of six lectures on the subject and spent the summer and fall of 1893 in diligent preparation. In this undertaking, he had the benefit of the outpouring of scholarship surrounding the recent Centennial. Harrison devoted several hours a day to reading the latest treatises on the history of the Constitution; commentaries by British scholars comparing the American constitution with their unwritten one; and the letters, pamphlets, and debates of the founding fathers. After organizing his copious notes, Harrison dictated successive drafts to his personal secretary, until he felt that he had gotten his lectures just right. Exhaustively researched and carefully composed, they were cogent, coherent, and forceful.

**O**N MARCH 5, 1894, the former President, accompanied by his secretary and a Presbyterian minister, arrived on the Stanford campus to the cheers of waiting students. He was given a suite of rooms in Encina Hall, then the men's dormitory.

From the time Harrison's faculty appointment had been announced, there had grown a great clamor to hear him. It was therefore arranged that Harrison would deliver each lecture twice: the first time to the University faculty and to students in law and other social sciences; and the second time to the remaining students—all other classes being canceled—and to the general

public, who would pay \$1.25 a lecture (\$6 for the series). The site would be the University's largest hall, the temporary chapel, which could seat 800 people.

There, surrounded by reproductions of Raphael Madonnas and with a Bible by his side, Harrison presented his meticulously prepared lectures to packed audiences. In these lectures, Harrison boldly took up the most vigorous scholarly debate of his day on the Constitution. One side of the debate—what might be called the “revolutionary” theory—was epitomized in Gladstone’s famous description of the Constitution as “the most wonderful work

## **Harrison's Stanford lectures, which were followed eagerly throughout the nation, introduced the general public to the evolutionary theory of the Constitution.**

ever struck off at a given time by the brain and purpose of man.” The opposing view—“evolutionary” as it were—was advanced by the new professional class of historians, trained in universities and writing in academic journals, who had risen up in opposition to what they considered a romanticized version of history. Patiently poring through older documents and records, they attempted to show that the Constitution flowed from the long and difficult experiences of colonial America.

Reflecting his intensive study of the latest scholarship, Harrison took the side of the new historians. His lectures were a careful exposition

of the gradual unfolding of the distinctive elements in American constitutional government. He traced the Bill of Rights, separation of powers, checks and balances, judicial review, federalism, and other features of the United States Constitution to similar provisions in the colonial charters, the state constitutions, and the previous confederations. The two hundred years of experiment and refinement—a process guided by the “compelling hand of Providence,” the devout Harrison was always careful to add—had brought forth “the most free and perfect system of government that men have ever enjoyed.” It was an argument well suited to Harrison’s purpose of making the students’ “love of our institutions deeper and more intelligent.”

**T**HE LECTURES were followed eagerly not only at Stanford but throughout the nation. People were curious as to what a newly retired President would have to say about the form of government over which he had just presided. Seven stenographers attended Harrison’s first lecture, and verbatim transcripts appeared in several newspapers. Subsequent lectures were also extensively reported throughout the country. These accounts were nearly unanimous in praise, with “masterful,” “adroit,” “charming,” “lucid,” and “scholarly and dignified” among the encomiums. Readers responded with a spate of excited and enthusiastic letters. Harrison seemed to have indeed accomplished his purpose of making the Constitution better known and respected.

The reactions of students—who had to take in the dense and complex material in one-and-one-half hour sittings—were more restrained. The editor of the *Stanford Daily*, writing some thirty years later, complained that he could not “recall one memorable utterance.” And two brothers—Encina residents who had become acquainted with Harrison—described the lectures as the “least



enjoyable" that they had heard at Stanford.

Perhaps more significant, however, was the reaction of the apple-cheeked Stanford student who would someday himself be President: Herbert Hoover. "I profited by the lectures," he would recall. Harrison's stay also gave the earnest 19-year-old his "first contact with a great public man"—an amusing episode still vivid to Hoover when he began writing his memoirs some twenty years later [see opposite page].

Harrison, though at Stanford primarily to speak on constitutional history, also participated actively in the life of the University. The former President delivered speeches on Founders Day, at the Students' Midwinter Fair, and to the Stanford Christian Association and the Trustees; visited the Stanford chapter of his old fraternity, Phi Delta Theta; and gave several tender eulogies to his friend, Leland Stanford, who had died the previous summer.

Among his many get-togethers with student groups, Harrison had a private meeting with 70 law students. He encouraged them to engage in "profound study," not only of the decisions of cases, but of the general principles that determined those decisions. The former President also urged them, once they become lawyers, to put the well-being of society before their own professional goals. They should be "influential...on the side of justice, good morals, and right politics."

**P**RESIDENT HARRISON left Stanford on April 16, 1894, for his home in Indianapolis. His plan, he then announced, was to resume his lectures the following year, bringing the story of the Constitution from its adoption to the present day.

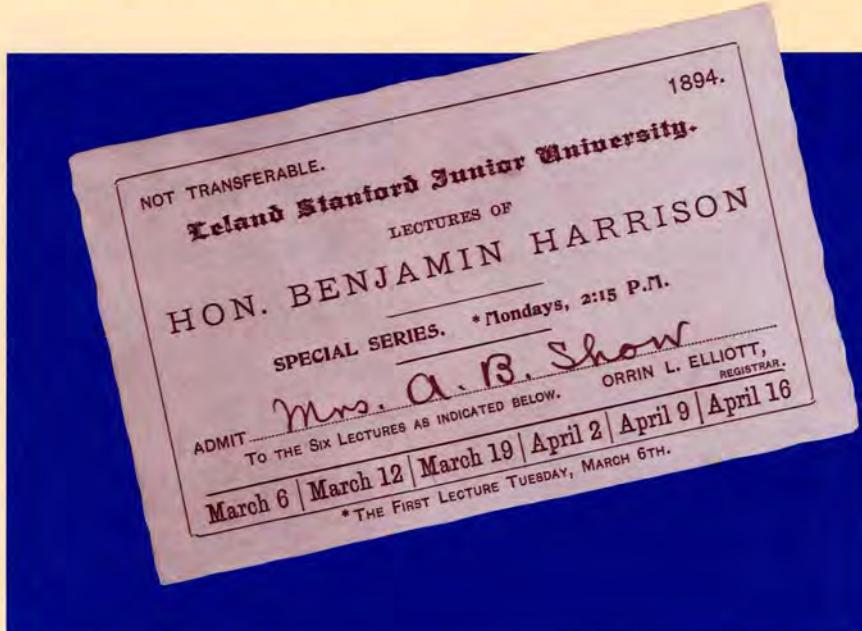
It never happened. Harrison remained officially on the faculty until 1896, but did not return to the Stanford campus. There were several reasons. Leland Stanford's death had broken the strong link of friendship. Equally important,

removed the only University official with experience at the highest levels of government. Without the founder's guiding hand, the University administration dismayed the former President by allowing unauthorized publication of Harrison's lectures, and by ineptly handling a theft of wine from Harrison's room. (An account of this curious episode appeared in the June 1991 issue of *Stanford Magazine*.)

Perhaps the most important reason for Harrison's change of plans,

United States Senate."

Harrison's tenure at Stanford, though brief, was of great significance. From a national perspective, the Stanford lectures were a major educational and civic event, presenting to a broad audience—apparently for the first time—the evolutionary theory of the Constitution. In addition, Harrison's professorial undertaking established university teaching as worthy of an ex-President. Several of Harrison's immediate successors in the Oval Office would in fact follow his example.



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however, was the severe strain that teaching exacted on the weary former President. He had found the task of preparing definitive lectures—they would eventually be published as a book—so draining as to be "work and not fun." Nor was delivering the lectures any easier. Harrison was famous for his oratorical abilities—one of the reasons why Senator Stanford was so eager to recruit him—and enjoyed the swirl and noise of the political hustings. But when he looked out on a hall packed with 800 eager Stanford students, notebooks open, pens in hand, Harrison felt "more trepidation" than when he "addressed the

To Leland Stanford's young university, the appointment of the former President brought a new and precocious stature. Stanford University and its influential founder had accomplished a feat that had eluded even the most hoary and prestigious of the eastern colleges.

But the greatest impact of Harrison's tenure at Stanford was on the newly launched law program. Formerly spurned and humiliated by several professors, the Law Department became the most glamorous department in the University the instant Harrison joined. Enrollment more than doubled, the library expanded, and the vacillating pro-



fessor on leave came to teach. In the sometimes difficult years to follow, the Stanford Law Department, soon to be the Stanford Law School, could always take inspiration from the lofty example set by its first professor. □



### The Lectures

Although somewhat dated by their too-heavy emphasis on the evolutionary nature of constitutional formation, Harrison's Stanford lectures still make interesting and informative reading. They are contained in *Views of an Ex-President* (Bowen-Merrill, 1901), a posthumous collection of Harrison's speeches published by his widow.

The drafts of the lectures—over 860 pages worth—are among the Benjamin Harrison Papers at the Library of Congress (also available on microfilm). From these documents, it is possible to observe Harrison's painstaking preparation, as well as the extensive readings and authors he used for authority. —H.B.



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### Once and Future Presidents

**H**ISTORY SOMETIMES takes curious turns. One such was the encounter at a Stanford baseball game of the twenty-third President of the United States and the impressionable student who would eventually become the thirty-first in that high office. Their meeting—described by Herbert Hoover in his memoirs—was both amusing and revealing:

"Former President Benjamin Harrison had been induced by Senator Stanford to deliver a course of lectures upon some phases of government. I profited by the lectures. But then as manager of the baseball team I had a stern duty to perform. We had no enclosed field. We collected the 25 cents admission by outposts of students who demanded the cash. One afternoon Mr. Harrison came to the game. Either he ignored the collector or the collector was overcome with shyness. Anyway that outpost reported to me that Mr. Harrison had not paid. I collected the money. Mr. Harrison was cheerful about it and bought also an advance ticket to the next week's game. He would not take the 50 cents change from a dollar. But I insisted that we were not a charitable institution and that he must take it. Justice must occasionally be done even to ex-Presidents . . ."

—Herbert Hoover, *The Memoirs of Herbert Hoover*, Vol. 1: *Years of Adventure* (Macmillan, 1951), p. 21.