

**MYRES S. MCDOUGAL**

**A CHARMED LIFE**

In conversation with Judge R. St. J. Macdonald, European Court of Human Rights, August 7, 1995.

I had not seen Myres McDougal for several years. I knew he was ill and I was determined not to let another summer go by without making an effort to visit him.

So on a torrid day in early August 1995 I took a plane from Halifax, Nova Scotia, to Boston, a train from Boston to New Haven, and the following morning, kindness of Professor Michael Reisman, a car to The Health Center at Evergreen Woods, the spacious and comfortable retirement community located in North Branford, Connecticut, about 10 miles from New Haven, where Myres McDougal has been living since 1991.

Professor McDougal received me with the warmth and cordiality for which he is renowned. After a light lunch in the main dining area we adjourned to his private room where he stretched out on his bed, fully dressed, arms folded, legs crossed, eyes closed. He adjusted the Yale cap he wore throughout the time I was there and invited me to "ask anything you like".

Knowing that scholars would soon be writing in detail about his professional work -- indeed they are well into it -- I sought to keep the conversation personal.

Here then is an informal perspective of our good friend and inspiring colleague Myres McDougal .... of the charmed life.

Macdonald: Yours has been a distinguished career. Has it been a happy life?

McDougal: I think it has. My family was a very happy family as I grew up. My father was a country doctor with friends all over the place and he was a happy man. My mother was a cheerful woman who ran the family and saved the money. We were never rich but my father had enough money and he was very generous with it. When I went off to the University of Mississippi I had four hundred dollars in cash that I had saved for myself and once I got over there I started writing for newspapers. I made a fair amount of money but at the start my father gave me a blank cheque book and said, "Any time you need money just write a cheque," which I thought was very very warm and generous of him. My parents trusted me and saw to it that I had enough money. We were not rich but we were comfortable and my father kept it that way.

Macdonald: What was it like growing up in rural Mississippi in the early years of the 20th century?

McDougal: Well it was very exciting. I was born in a little town called Burton, in the northeast part of the state, on the Mobile and Ohio Railway. My father was a country doctor but he changed homes often. He would buy one house and then when he made a little money he would buy another house and this was in the town of Booneville about fifteen miles east of Burton. Booneville was really my home. My father practiced there for forty years. I grew up in Booneville and went to kindergarten and high school there. We had good schools and I had good teachers. I had one sweetheart the whole time and unhappily in my senior year she ran off with the son of the new Methodist minister but they never got married. I saw her in Memphis just a couple of years ago before she died and I told her she had made a great mistake and she said she understood it.

I drove the car for my father. I didn't even have to have a licence to drive the car. People were very friendly. Race relations were much better than many people would assume. Our home was on the street that ended where the black community began and some of my earliest playmates were black playmates and we got along fine together; we didn't have any problems. Mississippi was a fine place to grow up in; the hunting was good, the fishing was good, and life in general was good, and I think it was good for the blacks too. Nobody ever went

hungry or anything of that kind at least that I knew anything about and I think that I did know.

Macdonald: What about life at Ole Miss? You said you taught Latin and Greek there.

McDougal: My ability in Latin and Greek is due to a high school teacher, the wife of the superintendent of schools in Booneville, a lady a little out of her mind but a very good Latin scholar. I took everything she taught and she taught Latin. She took to me and said I could be very good, especially in Latin. So when I went to the University of Mississippi I was well prepared in Latin. The Latin teacher at the University of Mississippi was chairman of the Rhodes Scholarship selection committee and my father made certain that I took Latin. The professor of Greek was the dean of liberal arts at Ole Miss. At that time there were only four hundred students in the University of Mississippi as a whole. That number included the professional schools, the law school and the medical school. Four hundred students in the university as a whole. So we got almost tutorial instruction in subjects like Latin and Greek.

The professor of Greek was the dean and I had signed up for chemistry but the card kept coming back with chemistry marked out and Greek substituted. When this happened two or three times I finally acquiesced and took Greek and within two years I was teaching Greek. I held the rank of Instructor in the university. I was listed in the Faculty Bulletin. I taught both Latin and Greek to university students. So when I got to England I knew more Latin and Greek than most of the English boys knew.

Macdonald: Were there any female students or mature students at Ole Miss in your time?

McDougal: Young ladies were about a third of the student body and they were much sought after of course and I had good luck again. My mother's youngest brother lived in Oxford and one of the things he owned was a flower shop. So I always had plenty of flowers. I had free flowers for all my girlfriends, which made it very nice.

We had a great life at Ole Miss. There were many events on almost every weekend. We didn't have fraternities, we weren't supposed to have them, but we had them sub rosa. Ole Miss was a wonderful place to be. I discovered there that I could be pretty good.

Baseball was the big sport in those days and everybody played baseball or watched baseball. We also had football and basketball. I was much better in football and basketball than I was in baseball. We had the same amusements that I suppose people had in most of the country. There was a lot of hunting and fishing.

Macdonald: So you enjoyed Ole Miss.

McDougal: I did. Ole Miss was a wonderful place. It was close to Memphis. It was a very social place. We did not have fraternities but we had secret groups that became fraternities and we had dances almost every week. It was a lively place but the people also worked hard; they were good students and they had their rivalries. One of my classmates was later president of the American Bar Association, a man named John Satterfield, whom I beat for the Rhodes scholarship. That is an amusing story.

Satterfield and I lived in the same building and when they held the meeting of the Rhodes Scholarship Committee there were two Rhodes Scholars from Millsaps College in Jackson on the committee and there were two from Southwestern University in Memphis. The Chancellor of the University of Mississippi, Dr. Alfred P. Hume, was chairman of the committee. I learned later that the two people from Millsaps voted for John Satterfield, the two people from Southwestern in Memphis voted for me, and Hume, the Chancellor of the University of Mississippi, broke the tie in my favour.

Later I went to see him and I said, "Doctor, I greatly appreciate your not abstaining but breaking the tie in my favour." He said, "Mr. McDougal, when I needed a friend, you were my friend; I figured you needed a friend." What happened was that they had put one of those monkey bills through the state legislature and were trying to fire the



Chancellor. I was editor-in-chief of the weekly paper "The Mississippian"; I published a special edition of the paper, took it down to Jackson, the state capital, and threatened to publicly defend the Chancellor against the state legislature. That scared them off and for reasons I never understood they let him alone. He stayed on as Chancellor. I thought the incident was sort of funny. He did not hesitate a moment; he said, "I figured you needed a friend."

Macdonald: How did you become interested in public international law?

McDougal: In 1923 at the University of Mississippi the football coach, whom I greatly admired, wanted to be a scholar. The only subject the university would let him have was international law. So in the fall of 1923 I studied international law under the direction of the football coach. This man, Kenneth P. Vinsel, was a much better teacher than he was a coach. He ended up as a professor of political science at the University of Louisville, where my father had been a medical student. Vinsel made me go back and read the works of the great founders of international law in their original words, often in Latin. He was an inspiring teacher. I really began with him.

When I went to England in 1927 international law was a required subject in the examinations and by great good luck I became a student of James L. Brierley who had just been made professor of international law, the Chichele Professor of International Law at Oxford. He had about one hundred students who would sit in a classroom and in the English style take down his lecture verbatim. Early in the fall of 1927 I was sitting at one of the desks on the aisle, putting my notes together, preparing to escape on my bicycle, when Brierley came striding down the alleyway, stopped beside my desk, and said, "You are an American, aren't you"? and I replied, "Yes sir, I am an American." He said, "Would you like to have lunch?" I said that I would be delighted to have lunch. So we had lunch together and from that day on we became close personal friends.

He would have me out to his house on weekends to meet people and he even asked me to write special tutorials for him.

My tutor at Oxford was Sir William Holdsworth. He made me and Edmund Belsheim, the boy from North Dakota, with whom I shared rooms, write papers for him. When we finished he said, "I see you boys can write; from now on you will just come here and ask me questions." So while our fellow classmates were slaving over their tutorials we prepared questions and went and asked Holdsworth for the answers. Holdsworth had a good deal of respect for international law and he had no objection when Brierley wanted to give me tutorials. So I did go to Brierley for tutorials and Brierley was very rough with me. He did not like my language. I had taught Latin and Greek at Mississippi before going to Oxford and he would go through and cross out all my big words and cast them into short English words.

Brierley was a wonderful friend and I came to know him and his family and we remained friends as long as he lived. I do not think he ever got his due from the British government; he should have been given more senior employments than he got, and he felt that way. I visited him in 1950. We sat out in his garden under a tree and I asked him what he was doing and he looked at me and said, "Nothing." I had a sense then that he was dying and he was dead within a few months. He was a very great man and a very great inspiration; he meant as much to me as almost anybody I knew.

Macdonald: Have I got it right then, the interest in international law was sparked by the football coach at Ole Miss and the Chichele Professor of International Law at Oxford? Not your usual combination.

McDougal: Yes, that is correct; the two of them together. The football coach at Ole Miss turned out to be a very fine scholar. Of course Brierley never got his just desserts. He was a better scholar than Lauterpacht but he never got the recognition that Lauterpacht got. He was really a very great man, a great human being, and for an Englishman just beginning a new career to stop and ask an American student to have lunch was an extraordinary courtesy.

Macdonald: Why did you decide to become an academic lawyer rather than, say, going into government service or the practice of law or seeking to enter public life perhaps as an elected representative from down south?

McDougal: Sir William Holdsworth was the real cause of that. A boy named Belsham from North Dakota and I shared rooms at Oxford and we both took a first in the B.A. degree. Hugh Cox from Nebraska and I were the only two firsts in the B.C.L. Belsham did not get a first in the B.C.L. but Holdsworth thought both of us should teach. He told me that I was better fitted for teaching than for Wall Street. Holdsworth had friends at Yale. He knew Charles Clark, dean of the Yale Law School and later a federal circuit judge, and he said, "I will send you to Yale and I will send Belsham to Chicago", which he did. Belsheim later taught at Nebraska, became dean at Nebraska.

Holdsworth told me he wrote only one line to Clark at Yale and I said, "one line won't get me a fellowship there." Holdsworth, whom I had come to know very well -- he had tea parties every Sunday -- said, "the one line I wrote will get you there." I learned later that what he wrote was, "McDougal is the best student I have ever had", which I thought was a pretty high compliment.

Holdsworth had a great many American students over the years. He had a house on Grand Pothouse. Do you know where Grand Pot is at Oxford? There is a house on a little island just below the bridge and

Holdsworth owned that house and had open house every Sunday with members of the Bar in attendance. He became very much like a father to me. Incidentally, his son was shot down during the war and Holdsworth became a very unhappy man; his wife was not a pleasant woman and she gave him a hard time after the boy was gone.

Macdonald: Sir William Holdsworth was an eminent legal historian. Did he have an influence on you?

McDougal: He had a tremendous influence on me not simply as an historian but because he knew almost everything. He could discuss any kind of a topic; he would raise all kinds of questions and discuss them. He had a fabulous memory, a photographic memory, and he knew where everything was. He just could reach up and pull down a book on anything he wanted to look up. He was a very cultured, literate man. It is hard to pin down the influence of that kind of a man. As I said, we became close personal friends and he became a friend to Belsham the same way. We both just worshipped the man and he knew it.

So Holdsworth wrote to Yale. Charlie Clark wrote back that they did not take young men sight unseen but he would give me a fat fellowship and if I was as good as Holdsworth thought I was then he might give me a job at a later stage. I came to Yale Law School at the beginning of the American legal realist movement and I thought they were all crazy. I fought them in the classroom up and down.

I tried to get into Harvard Law School from Oxford but although I had a double first at Oxford, they wouldn't give me any credit whatsoever at Harvard. Yale told me they would give me credit towards a doctor's degree. I am now one of the last people to have got a doctor's degree at Yale in one year. At that time you could get a doctor's

degree at Yale in one year. They abolished that at the end of that year so I couldn't have done it again. That's when I got to know Sturgess.

At Yale I specialized in what were called Credit Transactions and Debtors Estates, two courses that a man named Wesley Sturgess taught. Sturgess, I think, was the best teacher I ever had. I fought him bitterly all year and woke one spring and decided he was right. When he called on me in class that morning he could not believe his ears. I gave him the correct answer and he worked on me for a while and finally decided that I would be a protege of his. He is the man who got me the job at Illinois and like many proteges I went from bitter fighting with him to perhaps too strong an approval. I taught his books for several years, indeed I made my living out of his books for several years. I taught his books at the University of Chicago that summer.

Sturgess was the best teacher I ever had, I think the best teacher Yale Law School ever had. He taught many famous people. I would go in and hear him take apart some of the great lawyers from Washington. He would make them switch completely around. There was a man named Steinberg in the class at the time, the number one man in the class. As the students were coming out of the lecture one day I asked him why they let Sturgess handle them that way, why they allowed him to change their opinions around. Steinberg said that none of the students could understand why, that Sturgess was just too good for them. Sturgess was a brilliant man, though he himself was a C student from Columbia, believe it or not.



Macdonald: And then you were in Illinois for a couple of years?

McDougal: I was there for three years and then came on to Yale. They had told me at Yale that they would invite me back to New Haven in about three years if I turned out to be as good as Holdsworth thought I was.

I loved Illinois. I almost transferred my citizenship from Mississippi to Illinois. And you can understand that that is a pretty hard thing for a Mississippian to do. But I loved it there. I was Associate Dean at Illinois at the end of the three years.

I was up in Michigan on a fishing trip with some friends and went into a grocery store to get some food. There was a telegram there two weeks old inviting me back to Yale. I took it down to Illinois with me when we went back to Urbana and I went in to see the Dean. I was Associate Dean at that time and I told the dean I did not think I wanted to go back to Yale anymore; I had grown to like the midwest and wanted to live there. The dean said nothing for quite a long time; he kept looking at the telegram, turning it over and over and over again, very slowly; finally, he looked up at me and said, "Mac, I waited forty years for this but it never came. I would advise you to go."

Macdonald: A gem of a story.

Macdonald: It's now July 1, 1934 and you are now starting out as an associate professor at Yale Law School, soon to be working with Harold Lasswell? When and how did you two meet?

McDougal: I met Harold Lasswell by accident one summer at the University of Chicago. I was invited out to the University of Chicago to teach in the summer of 1933, I think it was, and I lived in a university house right on the campus, in the apartment of one of the professors. I was reading the New York Times that morning and saw a review of Lasswell's book, "World Politics and Personal Insecurity", which is his greatest book. The reviewer, John Chamberlain, said that this was a great book even if I can't understand it but there must be people who can.

Well, at Chicago their practice is to put the name of the instructor on the door while he is lecturing. When I went in to teach my class I looked across the hall and saw the name of Lasswell on the door just across the hall from where I was teaching. I finished up in about an hour and there were noises still coming out of the room across the hall. I thought, "Well, I'll go in and see if I can understand the great man." I went in and sat down and listened to him talk; he was using psychoanalytical techniques to discuss H. G. Wells, whose book everybody in the book clubs was reading that summer. I was reading the book myself. After hearing Lasswell for forty minutes I never bothered finishing it; I felt that I knew what made Wells tick, which I did.

I went up after the class and shook Lasswell's hand and said I hoped he had not minded my dropping in at the back of his class, I was a visiting professor in the law school. He said, "Would you like to have lunch?" I said, "Of course I would love to have lunch." So we walked across the campus to the faculty club where everybody goes to eat and Lasswell and I spent three or four hours talking and I did not find him difficult to understand at all.

I went back to the law school and told them I had met this wonderful man and why didn't they get him on the faculty. They just roared with laughter. They had undertaken a study with him on the Town Hall or something, and the first thing he wanted to know, they said, was whether the place was wired for direct or alternating current; they thought that was very funny and just roared with laughter. This set me back a little.

In those days my wife would entertain so I went back to this lovely apartment we had there on the campus and told her that I wanted to give a dinner party. So we gave a dinner party and invited Lasswell and the law faculty. After dinner was over I rolled out a few bottles and in fifteen minutes I knew who was crazy. Lasswell was just running circles around them and they did not even know what was being done to them. Max Rhinestein was the big poohbah on the Chicago faculty. He was a great man as a scholar but a bit of a dope and no wonder he could not understand Lasswell.

Then I asked Lasswell what he was going to do and he said he did not like Bob Hutchins; he said he was going to leave Chicago because he did not like Hutchins. I learned later that Hutchins had fired him but Lasswell did not tell me that. People told me that later. I still do not know what the truth was. I think Lasswell might have told me that Hutchins had in fact fired him but that didn't make much of an impression because I didn't think Hutchins was very good. He was a blowhard. I came to know Hutchins at a later time in life and he wasn't very good. The first book review I ever wrote was of Hutchin's major book and it wasn't any good.

Macdonald: Your collaborative working relationship with Harold Lasswell was unprecedented in modern legal scholarship. We've had Darwin and Huxley in England and Deleuz and Guattari in France but in international law there is nothing to compare to the two cerebral Siamese twins McDougal and Lasswell. You complimented one another.

McDougal: Well, I expected that. When I first met him in Chicago he didn't seem to me to be at all strange. I understood him and I told him that if he came to New York to come on up to Yale and we'd make some connection for him. He turned out not to be a success, which was a surprise. He was not successful in public relations and he called me up one day and said he'd like to come up and talk with me. I told him to come on and by that time I was a power at Yale; at the end of the Second World War we had only seven members of faculty. I got him elected to the faculty and along the way I compromised; I would vote for Emerson and the rest of them would vote for Lasswell so we got him on the faculty. Again it was lucky, you see; the faculty had got so small that I could control it and so it worked out very well for him and for me.

We never talked personal things, it was always business, ideas. Lasswell was wonderful on ideas. I made it clear to the students then and I make it clear to them now that the basic ideas of the law science and policy stuff all came from Lasswell. I didn't create those ideas but I was able to understand them and use them. That was the contribution I thought I made. And I want to tell you that Lasswell thanked me just before his death; he called me into his room and said he

wanted to thank me for all I'd done for him and I told him I'd always thought the shoe was on the other foot. He said, no, that I had done a great deal for him, and I suppose in a sense I did. I made him put his feet on the ground and I rationalized his arguments in a way that he might not otherwise have done.

Macdonald: A different subject now. Of your many books and articles which are your favourites? Which are the ones you most enjoyed doing and that you feel best about?

McDougal: The book on *Law Science and Policy* reflects the lectures that Lasswell and I gave together over the forty-one year period that we worked together. I suppose it is the best summary of our basic ideas. I would like to be sure that everybody knows that Lasswell was the real creator of this approach. I want it to be known that Lasswell was largely responsible for the L.S.P. approach and that the first thirty-five pages are a summary of what he stood for. I think that he will be recognized more and more in Europe.

The book that I much enjoyed doing was the book on human rights. I did not want to do the book on human rights but I had a former student, Peter Stern, a very wealthy man over at Mountainville, New York, who has his own factories all over the world and a beautiful set of homes overlooking the Hudson River. I was there recently to attend the wedding of his son and it was wonderful to see him and to visit his house.

Peter Stern was one of my best students and we were going to do a book together on the law of war but he decided that he wanted to practice law for a year or two. Then Feliciano came along. He was already an expert on war. He had been involved in the Philippine war,

and he took over and finished up the book that Peter Stern and I were going to do together.

Peter is one of my best friends; he has been one of my greatest supporters throughout my life. He provided the money for the book that I suppose I should be most proud of, the human rights book. Peter Stern put up two hundred thousand dollars for Chen to work on the human rights book as long as it took to produce it. It took us nearly ten years to finish that book and I enjoyed it. Once I got interested in the subject I probably put more intellectual energy into the topic and came to like it better than any of the subjects I worked with. The human rights field is a wonderful field to work in and I did become deeply involved in that book.



Macdonald: What do you regard as the highlight of your professional career?

McDougal: I don't know. I've enjoyed the whole thing. I have not had many disappointments. The only thing I would have liked to have had would have been to go to the World Court but I knew in a sense that I wasn't going to get there. The Harvard people were going to beat me every time I stuck my head up.

I enjoyed working for the Lend-Lease Administration. Harry Hopkins was the hatchet man for Franklin Roosevelt and the hatchet man for Harry Hopkins was a man named Oscar Cox, who was the general counsel of Lend-Lease, Assistant Attorney-General for world affairs, and he held four different titles.

I had two offices in Washington during World War II, one in the Lend-Lease Administration over on 22nd Street, and one in the Department of Justice, just across the street from the Assistant Solicitor-General, who was then called the Constitutional Officer of the Department of Justice. We had the Eight Saboteurs Case, where they buried their clothes in the sands and then came across the lines, getting as far as Chicago. I was down in Mississippi for a brief rest when this happened and I got a call from Cox to be back in town by Sunday night. I had the case before the Supreme Court by Wednesday. I guess the high point of my career was really the argument in that case. We got the complete

involvement of the spring court. I enjoyed that as much as anything I've done.

Macdonald: People say you are a born teacher who happened to be a lawyer.

McDougal: That might be true. The oldest photograph I have of myself is me standing on the steps of the front porch of our home in Burnsville, where my father began his practice of medicine, and I am holding a switch above the heads of two little cousins. My mother's handwriting on the back of the photo says, "Teaching School". So I was teaching school at the age of three.

Macdonald: You often said publicly that you were "geared for combat" and at your best when you were "on the attack". Those were two of your favourite self-references. Do you still see yourself that way?

McDougal: Sure. You see, that was the role I played for Oscar Cox. He was on the attack for the Attorney General, Francis Biddle, and I was one of his attacking forces. I helped him prepare the attacks. I remember preparing an opinion that we could put soldiers on icebergs. That was one of the first things I did for the Lend-Lease Administration. That established the lawfulness of army icebergs. I enjoyed the work at Lend-Lease more than anything I've ever done. The

most fun I've had out of life was at the Lend Lease Administration. I am an activist, I don't know why, but I am. I'm not a very good teacher. I like to argue.

Macdonald: Oh but you are an inspiring teacher. That is universally recognized. Did you ever think of leaving Yale for private practice or government service?

McDougal: No. I've been very happy at Yale. I have no regrets at all. In fact, I hold the record as the longest serving professor other than the man who was there for seventy years. I was there for forty-one years, one year longer than Arthur Corbin. But there was a man named Baldwin who was there for seventy years; however, he was also Governor of Connecticut at the same time he was dean of the Yale Law School. His is the longest service in the history of the law school. I hold the record except for Baldwin.

Macdonald: Were there any major disappointments in your career? Positions or achievements or honours or titles you would have liked but that didn't come your way? You have had a charmed life and I've often wondered if there was anything you wanted that didn't come your way or anything you would like to have done but didn't manage to get done.

McDougal: Oh yes. I tried to go to the International Court of Justice. I tried for the International Court at least three times and was always beaten by a Harvard man. The Harvard people had a better mafia than the Yale people had. I have four former students on the Court right now but I never could make one of the fifteen myself. That's been the principal disappointment of my life.

Macdonald: A big disappointment?

McDougal: It was a big disappointment. I wanted it very badly. You see, my father wanted it and I wanted to be able to take it home and show it to him while he was still living.

Macdonald: Now for a sensitive subject which must, I think, be raised with you directly. People say that throughout your career you were, to put it mildly, economical with your comments when it came to critical assessments of the policies of the State Department, even, perhaps especially, when most professionals thought the Department was wrong.

McDougal: Well, I have had a very close association with the State Department through the years and I'm very proud of it. I worked full-time in the State Department for at least two years and I worked for them since of course. I represented our government in the Nicaragua Case and I was proud to be able to do it. I think our government has stood for the better things in life through most of its existence. I don't remember having made any mistakes or anything being wrong about the positions we took. I would assume that the positions we expounded are as sound as they ever were.

Macdonald: I would like to hear something about your two retirements.

McDougal: I cannot quite remember why but I was retired twice at Yale and both times by two very famous former students. Gerald Ford made a speech at my first retirement on June 30, 1975. When the Dean called him up and asked him if he would come he replied, "Of course I'll come, the man is my friend." and he came and made a very nice speech about me. There were amusing aspects to this.

I was on the Admissions Committee when Gerry Ford applied for admission to the law school and I was responsible for his getting into the School. It was a three man committee. The Associate Dean, Peyl Gulliver, interviewed Ford and said he was a very bright man and that we ought to take him. The top Dean, Charlie Clark vetoed this, he said it was beneath our dignity to take a football coach. President Ford had served as an Assistant Football Coach at the University of Michigan.

I was asked to break the tie. I broke it in Ford's favour and he came into the School. The New York Times called me and told me that his classmates had said he was near the bottom of his class. I said, "No, he was in the upper third," but I thought maybe I had better check. I did check and he was right on the line between the middle third and the upper third and I said, "I can shove him into the upper third if I want to," and that is what I have done ever since. I told Gerry Ford what

the situation was and we have remained life-time friends. I get a handwritten Christmas card from him every year.

Bill Clinton was also my student. He took the course in Jurisprudence, Law, Science and Policy. He was a country boy from Arkansas, I was a country boy from Mississippi, so we became well acquainted. I even sent money in support of his Arkansas campaigns for governor. If I were a little younger I would now be having a good job somewhere in Washington. I am sure he would be very loyal still. I have seen him twice since he became President and I have a nice picture taken with him while he was President.

Macdonald: Well, we can say that both presidents were well taught. Can we turn to a different question: who were the great international lawyers in the United States in the twentieth century? We identified Hyde, Jessup, and Hudson.

McDougal: The book by Charles Cheyne Hyde is, I think, the greatest book that has ever been published in the field of international law in this country. It is useful to both practitioners and scholars. Hyde was a little wordy but he made no mistakes. It is a great book.

As far as the Jessup book is concerned, I do not think Jessup wrote that little book. I think it must have been written by an assistant. Jessup was one of the finest minds that has ever worked in the field, one of the finest minds I have ever known on anything. He will be known as a very great man but not because of that little book; he will be known because of his work in the State Department and his other contributions to our country in the field of international law.

Manley Hudson was a great man and I am proud to have known him. He was a professor of property law at Harvard and late in life he went into international law the way I did late in life after a career in property law. But Manley was a tremendous mind. He held open house every afternoon from about 4:00 o'clock on and alcohol was not unknown, but despite his addictions there are few people who made more contributions to international law in the United States than Manley O. Hudson. They say that some of the books that appeared under Manley's name were



written by Louis Sohn but Manley was himself a fine scholar. He corrected me in class one day. I attended one of his classes when I first began to teach international law and I mispronounced a word. He pounded the table and corrected me before the whole class and made me very red of face. Manley was a great man.

Macdonald: In addition to Charles Cheyne Hyde, Phillip Jessup, and Manley O. Hudson, who were the other leading international lawyers in the United States in your time?

McDougal: Quincy Wright was Lasswell's teacher and Lasswell thought the world of him. I knew Quincy. He worked with us in Lend-Lease. He was a very conservative lawyer and when we had a hard problem we would give it to him first and then answer him, you see. In other words, we used him as a dummy and he knew it. We had offices next door to each other; he was a very able man~~y~~, just very conservative as a lawyer. Edwin Dickenson, of course, was a great man. Dickenson was wonderful. He wasn't conservative; he was a very able, creative man. I had great admiration for Dickenson. Gross was very good; he was legal advisor to the State Department at one time and a good one. Hardy Dillard was one of the ablest men I've known. He was better in contracts than international law but he beat me out for the World Court.

Macdonald: And what about Woolsey, who was here at Yale at the end of the 19th century?

McDougal: He was president of Yale and one of the first teachers of international law in this country. I think I have a great tradition at Yale.

Macdonald: The Yale tradition in international law would go from Woolsey almost to Borchard, I don't know, and then to you and Michael Reisman. Incidentally, Woolsey had an influence in Canada. He was the person who inspired Richard Chapman Weldon, the founding dean of Dalhousie Law School; and when Weldon returned to Canada from Heidelberg, where he had gone on Woolsey's advice, he introduced Woolsey's book to Canadian students. It was on Weldon's reading list until he changed to W. E. Hall.

McDougal: Borchard was powerful here for many years. We used to play tennis together. There was a lawn club and at that time I couldn't afford to be a member of the lawn club, but Borchard arranged for us to play tennis there. He wrote an article on the St. Lawrence Seaway -- you must have heard of that -- and I didn't think it was right. The State Department asked me to answer it and I said I would if I could have the pick of the ~~the~~ students. I picked a man named Lanz and we wrote the longest article that has ever been published by the Yale Law Journal; it is two hundred and fifty pages on the congressional executive agreement as the equivalent of a treaty. I think we made our point because since then nobody has ever questioned that the St. Lawrence treaty was lawful.

Macdonald: Should international law be a compulsory subject in the law school curriculum?

McDougal: Yes, without question. I think most people do not realize how small the world has become. The world gets smaller and smaller every year. If you travel and know people you see that the world has become a very small place. It badly needs the work of specialists on international law to cope with the difficulties of a world that is growing smaller all the time. I do not think many practising international lawyers, even academic international lawyers, really have a grasp of how small the world is getting. Something should be written and done about it. If I were out writing again this would be one of the themes I would want to write about. I think it is one of the themes you ought to write about.

Macdonald: What is the story of your famous book on the law of property, McDougal and Haber?

McDougal: Well, the final chapters were on land use planning, community planning, and the book was suppressed. In two states it was alleged that the publication of the book was unlawful, that it violated the constitution. It was crazy. The book was banned in the State of Texas and the boy down there quit teaching it. They tried to ban it in State of Washington but the boy teaching it there said, "The hell with you, I'm going to teach what I want to," and they decided to let him alone, so he continued to teach it in Washington while it was banned in Texas. I had a lot of trouble with that book, people regarded it as a radical book. I supported the notion of planning in the United States and people didn't like that.

Macdonald: That episode should not be forgotten. Has it been written up? McDougal and Haber is a fine book. I used it when I taught land law in Toronto in the 1950s and '60s. Nobody up there thought the final chapters were radical.

McDougal: I am delighted to hear that. I thought it was a good book. I had fun with it. Haber and I co-authored but he didn't do much work on it.

Macdonald: If you were starting over again what are some of the things you might have done differently?

McDougal: There is a grave danger I would not have gone into academic law if I had had plenty of money. I did go to four firms in New York and I got offers from all four firms and I seriously considered them. At one of the firms a Rhodes Scholar was the interviewing partner and he told me that I ought to go out and teach for two or three years and then come back and they would make me an offer. And that is what I decided to do, go out and teach.

I had two younger brothers in medical school at the time and I needed money for them. My father was a country doctor and was not making much money. I needed to help him. I suspect that I might have been either a doctor or a practising lawyer if I had had more money.

Macdonald: What are some of the things that should be done in the field of international law over the next fifty years?

McDougal: Well, that's a hard one. I suppose they will have the law rationalized a good deal more than it is. But you will have to take it problem by problem and go into great detail on each problem. This will require several volumes on international law. If I were younger, I would try it. As a matter of fact I am trying it in some measure now. Michael Reisman and Andrew Willard and I are working on a book on the world process of effective power, which includes the new United Nations,

and we are making recommendations as to how the United Nations should be reformed. That would be the sort of thing I would give more energy to if I had more energy. Michael and Andy are both very good and I know they will finish the work even if I am not around to help them. But I don't expect to disappear any time soon.

Madconald: You were always a bear for work. Did you ever take any extended holidays?

McDougal: Not that I know of.

Macdonald: You are coming up to the Big Nine 0. Has retirement been good to you? Were there special projects you were reserving for retirement?

McDougal: I don't regard myself as being retired.

Macdonald: Thank you for today, for your friendship over the years, and for the inspiration you gave so many of my generation.