

1980

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Wilford Kale

Repository Citation

Kale, Wilford, "Threat to Accrediation Prompted W&M Facility" (1980). *1976–1985: William B. Spong, Jr.*. Paper 27.
<http://scholarship.law.wm.edu/wspong/27>

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'I don't think we have arrived—but I think we now have the potential....'

William B. Spong Jr.,
Dean, Marshall-Wythe School of Law

Threat to Accreditation Prompted W&M Facility

By Wilford Kale
Times-Dispatch Staff Writer

WILLIAMSBURG — Three weeks ago nearly 500 students at the Marshall-Wythe School of Law at the College of William and Mary began the fall term in a nearly \$6 million building, that was formally dedicated yesterday.

The elaborate facility, which some persons have jokingly called a library attached to a law school, became a reality primarily because of a threat in the mid 1970s by the American Bar Association to remove the law school's accreditation unless its library facilities and several other items were improved.

There were persons at those times who felt strongly that William and Mary officials were using the accreditation threat as a straw man to be knocked down by the construction dollars then almost routinely provided by the General Assembly.

MONEY FOR THE WILLIAM AND MARY law school, however, was never easy to come by and an examination of documents, letters and communications between William and Mary and ABA officials between 1973 and 1978 reveals that the accreditation threat to the law school was not a veiled one; it was very real.

In 1967 the law school and its library moved into renovated quarters at the old William and Mary library building. It was three years after the move that college officials first began discussing the possibility of constructing a new building, especially designed for the law school.

In the meantime, there was a move among state legal personalities and state government officials to secure for Williamsburg the headquarters of the National Center for State Courts, then temporarily located in Denver.

Gov. Linwood Holton was very instrumental, in getting the National Center to finally select Williamsburg as headquarters site in 1973. It was also Holton who first had a great vision of a large legal center with the National Center Building and an adjacent new facility for William and Mary's Marshall-Wythe School of Law.

ALTHOUGH THE PUBLIC has never been told, the law school accreditation problem began as early as Aug. 4-5, 1976, when the American bar association's council on legal education and its accreditation committee reviewed a resinspection of Marshall-Wythe.

A resolution adopted at the meeting noted that the William and Mary law school appeared to have deficiencies in its physical facilities, library and operating budget and that study space in the library failed to demonstrate compliance with ABA standards.

In his State-of-the-Commonwealth address in January, 1976, on-going Gov. Holton included the request for a new law school building at William and Mary in his remarks and in his budget, calling upon the General Assembly to fund the project.

The construction, along with dozens of other such projects across the state, was not included in the 1974-76 biennium budget that was adopted and the college continued to grapple with the growing ABA specter.

THE FIRST PUBLIC INDICATION of any accreditation problem in the law school came on Dec. 3, 1974 when the State Council of Higher Education, in a report released in Richmond, said the American Bar Association and the Association of American Law Schools feel that state support of the William and Mary law school was "submarginal" and that accreditation of the law school is, therefore, in jeopardy until deficiencies are corrected.

James P. Whyte, then dean of Marshall-Wythe said in response that "To say our accreditation is in jeopardy is a bit of an overstatement. We're not on the verge of going out of existence. Frankly, we need to sit more people in our library... we need more space for the number of students enrolled."

Whyte and the college were putting up a good front, because they did know that accreditation was in jeopardy, if not then, within the next several months.

In January, 1975, William and Mary officials decided that the best political course to obtain a new building, would be to delay a

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Law Dean

Dean William B. Spong Jr. stands in front of the new building that helped save the status of the Marshall-Wythe School of Law at the College of William and Mary. The structure was dedicated yesterday in what Spong suggested was the culmination of "a day of miracles."



Of Politics and People

Spong on Politicians, Teachers

By James Latimer
Times-Dispatch Staff Writer

WILLIAMSBURG — The question, which touched on the relativities of the world of teaching and the world of politics, brought a slow smile to the face of the man at whom it was aimed.

"I wish," said William B. Spong Jr., "that academicians were more tolerant of politicians, and that politicians were more tolerant of people in academia. I think they could learn something from one another."

This was just one snippet from his reflections on whether having been a politician helped a man be a better teacher, and whether having been a teacher helped a man be a better politician.

Spong, of course, has been, and probably still is, both. He began to teach at the same time he began to practice law, back in 1948. A year or so later, he gave up teaching and took up politics. After some 20 years of successful politicking, during which he served in both houses of the Virginia General Assembly and in the U.S. Senate, he was defeated for re-election as U.S. senator in 1972. And then he decided to turn again to teaching.

FOR NEARLY FIVE YEARS, he has been Dean Spong of the Marshall-Wythe School of Law at the College of William and Mary in this ancient Colonial capital, where a dedication ceremony yesterday symbolized the achievement of one of his major goals: Completion of the new Marshall-Wythe building, at costs totaling nearly \$6 million, for which the state provided about \$5.2 million and private sources provided about \$500,000 more.

At the time of the cornerstone-laying, some 16 months ago, U.S. Chief Justice Warren Burger said that the new law school building, along with the adjacent National Center for State Courts, would make Williamsburg "one of the major law centers in the country." Another speaker suggested also that the twice-reborn old law school, which is sometimes called the nation's first or oldest, would constitute "one of the most modern and innovative facilities of its kind anywhere."

At the time of the cornerstone-laying, too, Dean Spong made a little speech in which he said "this is a day of joy, and it is a day of miracles," because "this law school really just supposed to be here."

(Established by the college board on Dec. 4, 1778, at the urgings of Gov. Thomas Jefferson, as a professorship "of law and politics," the teaching of law was broken off during the Civil War, not to be resumed until 1821, and then was almost abolished in 1839, only to be saved by an aroused body of students and alumni.)

IN A CONVERSATION SOMETIME before yesterday's dedication, Spong was asked what, if the cornerstone day was a day of miracles, he would call the dedication day. "It is still part of the same day of miracles — a sort of final culmination of that day," he said. "Yes, I think it is a miracle that the school endured... It was so small for so long, and it overcame so many adversities."

Well, would he say that the school has now arrived and achieved the "major law center" stature of which Chief Justice Burger spoke?

"I don't think we have arrived — but I think we now have the potential to become what Chief Justice Burger predicted. We may need another decade to achieve that potential, but I certainly believe we're on the way."

There have been times — for instance, on the last, long night of the 1978 General Assembly session — when nobody, not even a hopeful new dean, could tell which way the law school was going. It took the 1976 Assembly all day and night and until 9 o'clock Sunday morning to settle a fiscal controversy that threatened to deprive William and Mary of construction funds for the law building. And it took more suspenseful work to put over the 1977 bond issue to which the project was then relegated, along with other major capital outlays for higher education.

IN THE FLASHBACKS of the Spong memory, there was also a day in September, 1948, when Spong drove here from his home city of Portsmouth to report to Dean Dudley W. Woodbridge and begin to teach a course in international law and a course in government as a part-time member of the law faculty. Just back from a year of graduate work in international and comparative law, along with courses in forensic medicine at the University of Edinburgh, after taking his law degree in 1947 at University of

Virginia, Spong was a bit surprised at the relative smallness of the law school: a faculty of four for an enrollment of fewer than 50 law school students.

This fall Marshall-Wythe had an undergraduate enrollment of 483, plus a dozen graduate students, as it began classes in the new building with a faculty of 24 full-time teachers and its part-time adjuncts. The new structure, including an elaborately equipped library and moot (or practice) courtroom uniquely rigged with video-taping and other electronic devices to help students see and hear themselves in mock trial wrappings, has a rated capacity of 600 students. Ideally, however, Spong thinks the undergraduate enrollment should be kept closer to 500, plus graduate students mostly specializing in tax courses that distinguish the Marshall-Wythe curriculum, so as to preserve the closer student-faculty relationships of the moderately sized school.

If the teacher-politician's memory goes back to the tiny school of 1948, it also spans the 1950's and 1960's, when Spong emerged as a promising "Young Turk" delegate and state senator with a special interest in education. His first political venture was to campaign vigorously in 1949 for the Byrd organization's gubernatorial candidate, John S. Battle, whose sons, John Jr. and William, were good friends of Spong from college and university days.

With other generally Byrd-oriented young lawmakers, Spong

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James Latimer

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fund plea until the 1979 meeting of the General Assembly when the college would make the law school its No. 1 priority item.

In July, 1975, the accreditation picture came into sharper focus. During the 1975-76 timespan, college officials had been submitting progress reports to the ABA section on legal education. On July 10-13, 1975, the section's council adopted a strongly worded resolution highly critical of the law school and noting "very grave concerns" about the following matters:

- (1) Continued inadequacy of the law school building, and the fact that portions of the law school are housed in four (additional) buildings.
- (2) Continued inadequacy of faculty salaries... which are below the national median and below those schools in the geographic area where William and Mary is located.
- (3) Continued inadequacy of professional staffing for the law library.
- (4) Continued need for additional strengthening of law library.
- (5) Need for a clarification of autonomy of the law school admissions office and
- (6) The law school's problems in the promotional pattern for faculty members.

FOR REASONS KNOWN ONLY to William and Mary officials, it was not, however, until Sept. 24, 1975 that Dr. Thomas A. Graves Jr., president of William and Mary, called a press conference, announcing the accreditation problem. At that time the press was told of only the first four points cited by the ABA. On Oct. 18, the remaining two points, involving internal relationships between the law school and the college administration, were publicized.

The entire accreditation picture, however, seemed to revolve around the building. College officials contended all along that the other deficiencies could be handled, but the facility problem could not be corrected without the construction of a new law school building.

In December, 1975, the ABA was aware of the intense effort to be made at the 1976 General Assembly to secure the funding for the new facility. By that time former U.S. Sen. William B. Spong Jr. of Portsmouth had been named dean-designate of Marshall-Whye, succeeding Whyte. Spong began a personal effort to help secure legislative support for the school, working the corridors

of the state capitol and talking to friends in the legislature. On the last day of the 1975 General Assembly \$488,150 was authorized to fund site preparation work and the construction of a parking lot at the law building site. The building had not been funded, but a major step forward had been accomplished.

The ABA, however, would not back off. On May 13, 1976, Spong and acting law school Dean Emric Fischer traveled to Chicago to appear before a meeting of the council of the section of legal education of the ABA to explain William and Mary's position vis a vis the accreditation problem.

The session lasted about four hours and Spong recalled last week that he was able "to tell the ABA council that we had obtained money for site clearance and a parking lot. I told them that if they knew anything about the commonwealth of Virginia, they would realize they would never give money for a parking lot without building something next to it," Spong explained.

"That seemed to convince the ABA of Virginia's commitment" to build a new law school building at William and Mary.

Spong and Fischer also described to the council, in detail, the corrective means that had been taken at the law school since July, 1975, to eliminate the other deficiencies listed in the ABA resolution.

Autonomy for the admissions problem had been reaffirmed. Spong and Fischer reported and the General Assembly had taken major steps in improving faculty salaries. The 1975 visitation inspection team found that William and Mary's median law school faculty salary ranked 134th among the 148 accredited law schools. By 1975-76, the college had moved the school to a position of 49th among 156 law schools.

Law library staffing had been significantly improved by the hiring of a full-time, fully qualified law librarian and two other qualified librarians and interim moves had been made to improve the physical facilities at the law school.

The 1977 General Assembly approved the law school construction project as part of the \$15 million bond referendum issue to be voted on by Virginians in November. Then Gov. Mills E. Godwin Jr., who spearheaded approval of the referendum, is credited by Spong as giving the project its final push.

The referendum was approved and the ABA was off the law school's back. Within two days of the referendum's passage, college officials were initiating steps to get the construction underway.

Day of Miracles at Law—But What for Democrats?

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joined in the successful "Young Turk" rebellion that jarrred the penny-pinching old guard into spending more surplus funds for higher education at the 1954 legislative session. Then he upset a locally powerful Byrdman to win Portsmouth's Senate seat, which he held until he upset another well-entrenched conservative backed by the Byrd old guard in the 1966 Democratic primary for U.S. senator.

SINCE THE 1966 general election, in which Spong and Harry F. Byrd Jr. constituted the victorious Democratic ticket—with Spong the front-runner—no Democratic nominee for senator or governor has won in Virginia. Himself upset in 1972 by a most conservative Republican, Spong could trace his defeat to the burden of the McGovern presidential ticket, to a heavily-financed media blitz for his opponent—and perhaps to his own campaign mistakes.

After the 1972 defeat, and after serving as general counsel to an important international study commission, and after resuming this private practice of law at Portsmouth, why did Spong choose the presumably less lucrative course of teacher-dean at a small law school with a doubtful, if not precarious, future?

"Well, that's difficult to answer... I think I had done just

about everything in the way of law practice that could come along in Portsmouth... And—oh, frankly, I just thought this offered the opportunity to be more useful."

Which is better, politics or teaching?

"I've enjoyed both—all of it. I've enjoyed teaching, which I sought in the first place, to help me get established in the practice of law. I enjoyed the practice of law. And I always enjoyed politics—even though I wasn't a good politician..."

That led to more questions and answers about the minutiae of teaching and politicking.

"I THINK TEACHERS SHOULD HAVE more respect for politicians than they do. I think I understand people. I think the practice of law is dealing with people and the problems of people... I don't think a successful lawyer can be clinically detached from humanity, from people..."

"I think, if we are here to educate people to become lawyers and if we don't understand people, and understand their failings as well as their virtues, then we will be doing a less than complete job with the people we're trying to prepare for the practice of law..."

"Politics can make you arrogant. It can also make you very humble."

Looking back at the better politicking he had known, Spong thought they had at least one thing in common: "a great understanding of what makes people tick."

"I think some measure of that is imparted to students is a good thing. I don't think you have to lecture on the virtues of politics. I think how you lecture (as law teachers) can try to relate it in human terms, rather than just as something out of a book."

Somewhat, the name of John Garfield Pollard as a professor of Spong's as head of the law school came. The reporter recalled hearing how Pollard, after winning the Virginia attorney general election in 1931, lost the primary election for governor in 1937 and then devoted himself to teaching law and government at William and Mary—only to be drafted by Gov. Byrd to reunite the Virginia Democratic Party and the Byrd organization as the 1938 gubernatorial nominee after the political disasters of the 1938 presidential election.

SUPPOSE SOME SORT of similar call or draft came next year for Spong as a man who might pull the fractious Democrats together and lure back conservative strays to help win the 1981 gubernatorial election?

"Well, first of all, I don't think that's going to happen. In fact, I'm so certain I don't think we ought to speculate about it.

"But even if it did, I've sort of put my political days behind me for two reasons:"

"First, you cannot be a little bit in politics and do what I'm trying to do here. Politics is all consuming—you've got to be prepared to give all the time it demands."

"That could only be to the detriment of what I've been trying to do here... As a result, I'm five years out of touch (with active politics)... I don't think that way anymore, and I don't think I'm thoughtful of that way anymore."

WELL, POLLARD WAS 18 YEARS OUT of touch, but he ran and won. But what was Spong's second reason?

"The other reason is that, having done what I've done, I've just sort of decided that, even if I were free from here, I would not be interested..."

If the retired politician had now become addicted to teaching, had he set any time period or goals for his work at William and Mary?

"No, as to time, but I think I will know when it's time to go. Yes, I wanted to accomplish certain things when I came here. The building was one of them. There are others, to improve and advance the law school, that I hope will be forthcoming in the near future. And I'll just decide what to do after that happens."