

MEMORIAL MINUTE FOR C. GORDON POST
November 5, 1997

Gordon and the Department (read by Frederick Bunnell)

Gordon came to Vassar in 1933 prepared. He possessed vital professional assets: a Johns Hopkins' Ph.D., a publishable dissertation, and teaching experience. He also enjoyed restored health, from a bout with TB in 1927, and the blessing of a family -- an artistically-talented, independent-minded wife and the first two of his eventual four daughters.

Within the Department of Political Science, Gordon's junior status predictably meant heavy teaching loads concentrated in fields outside his prime specialization in constitutional law. More vexing for Gordon, however, was his Chairperson, Emerson Fite. Recruited in 1913 from Yale to serve as the first Chair of the then newly established Department of Political Science, Fite governed the three member Department as his personal fiefdom. Confronted with Fite's arbitrary and covert opposition to his advancement, Gordon enlisted intervention from his friend President MacCracken to secure the promotion Gordon's outstanding teaching merited.

Meanwhile, Gordon rapidly expanded his professional and personal

commitments to the liberal arts outside the Department. Sharing President MacCracken's enthusiasm for public service, Gordon joined "Prexy" in co-authoring several essays on democratic citizenship. Even more consuming was Gordon's passion for the theatre. A prolific reader of literature and drama, Gordon also found profound delight in acting. Often with his friend MacCracken, Gordon played leading roles in a score of plays staged in Vassar's nationally renowned Hallie Flannigan Experimental Theatre. Finally, even as a junior faculty member, Gordon began to command attention for his public espousal of sometimes controversial positions. Writing a spate of articles in the Vassar Quarterly over his career, Gordon denounced the death penalty, opposed the reinstatement of the chaplaincy in the 1950s, and campaigned against the move to Yale in the 1960s. Most notable, of course, was his 1959 public repudiation of tenure. And, not to be overlooked, was Gordon's humorous, but sincerely felt, lament about the "genteel poverty" of Vassar faculty. Entitled "LIVING ON AIR," Gordon wrote this article under the pseudonym of "Professor Malpaye."

The retirement of Professor Fite in 1944 liberated Gordon to fulfill his potential exemplary teaching. Closely intertwined was Gordon's reinvigoration of the MacCracken vision of a Vassar liberal arts education.

That entailed both empowering students intellectually AND imbuing them with the ethic of public service -- locally, nationally, and internationally. Indeed, Gordon's most enduring legacy is best measured by the scores of Vassar women whose lives were enriched by this irrepressible intellectual enthusiasm for the liberal arts, his talent for dramatic presentation, and his undying personal commitment to supporting individual students during and after their Vassar years. Gordon was, without question, a model teacher and a model mentor.

The only blemish on that legacy was Gordon's governance of the Department -- especially in his final decade. With Gordon's recruitment of five young instructors in the 1960's, the Department experienced a familiar generation gap -- a gap encompassing age, rank, and ideology. This gap perhaps predictably manifested itself in the decision-making process in the Department. Bluntly, power became unduly concentrated in ~~the~~ Gordon's hands. Lack of consultation and openness became the mark of governance. For the largely powerless untenured faculty, this regime both exacerbated the structural insecurity of the tenure system and deeply offended their allegiance to participatory democracy. However, it is crucial to recognize that Gordon's autocratic rule rarely compromised the academic freedom of the juniors. Indeed, they were free to experiment

both inside the classroom and in the broader Vassar community. In other words, like Gordon himself under the far more autocratic governance of Emerson Fife, the juniors were able to find their own distinctive niches as Vassar faculty. It must also be said that Gordon's autocratic governance had the ironic positive effect of reinforcing the deep commitment of his successors to institute and now pass on to the current generation of Vassar political scientists a model of participatory democratic Department governance. In short, then, Gordon Posts' legacy includes a cautionary lesson on governance along with his inspiring model of inspirational teaching and mentoring in the arts of liberal arts education.

The Softball Game (read by Richard J. Willey)

It was late spring, 1965, I was near the end of my first academic year at Vassar and was learning its venerable rites. It was study week -- late on a Tuesday afternoon. The Political Science Department was having a picnic with its majors. In addition to hot dogs and hamburgs, as it grew dark the faculty would be roasted by the students. The next morning, the seniors would take their comprehensive departmental exams. But first, at the picnic, the softball game -- students vs. faculty.

In the two semesters I had know Gordon Post, he had made a considerable impression, mostly favorable. At the nine o'clock

departmental coffee in the old Retreat, he had proved to be a very skilled conversationalist. Another of his books had been recently published. His courses in constitutional law and administration of justice almost filled the auditorium known as Rocky 200. And now he was coming up to bat for the first time in the softball game. He stood at the plate in a familiar tweed jacket. A big, tall man -- sixty years old. He held the bat in just one hand. The other was holding a lighted cigarette. The ball came towards the plate. Gordon -- with one arm -- swung the bat -- and hit one of the longest home runs I'd ever seen in a softball game.

I could not believe it. Was there ANYTHING this man could not do?

Gordon as Teacher (read by Wilfrid E. Rumble)

Gordon Post was a legendary teacher -- innovative, dramatic, witty, and very articulate. For three decades his classes in constitutional law and the administration of justice, a course that he virtually invented, filled Rocky 200. Generations of Vassar students remember the awe with which they approached those classes, each eager for the drama and insight Gordon brought to his description of Supreme Court cases. Yet, each was afraid to appear unprepared, lest she be called upon to fill in a particularly telling fact in the law case discussion or to explain the meaning of an opaque observation in the opinion rendered by one of the

justices.

Gordon saw the future of his students in the law. In an era when Harvard Law, among others, declared that it was "not equipped" to accept women as students, Gordon recruited his best students to the law, guided them to law schools which were prepared to accept women, albeit very few in those days, and later corresponded frequently with them as he followed their careers in law, in administration and in the courts. It is because of Gordon's work that Vassar graduates are so over represented among the women lawyers of the generations in which he taught. Woe be unto the student, however, who resisted his plans for her career in law. Her name was not likely to appear on the long list of those with whom he corresponded well into his 95th year.

Gordon as Scholar (read by Wilfrid E. Rumble)

Although Gordon's achievements as a teacher represent his most enduring legacy, he was also a productive scholar. His list of publications embraces at least two pamphlets, fourteen contributions to the Vassar Alumni Quarterly and five books. The latter include two casebooks in constitutional law, an edition of John C. Calhoun's A Disquisition on Government (1953), a new edition of which was republished in 1995, and An Introduction to the Law. The Supreme Court and Political Questions

was Gordon's first book and represents his most important contribution to scholarship. It was published in 1936 as one of the Johns Hopkins University Studies in Historical and Political Science.

9 The doctrine of political questions has a long history in the annals of constitutional law. The gist of it is that certain kinds of questions are "political" and non-justiciable, incapable of being decided by the courts. These issues are for the political branches of government, the Congress or the President, to resolve. Gordon's thoroughly researched monograph was the first comprehensive, detailed analysis of the case law on this subject. He argued that the Justices treat certain questions as political for basically practical rather than strictly legal reasons. Considerations of policy or expediency rather than abstract principles of law are the decisive factors. Although Gordon's book is out-of-date as an exposition of the relevant case law, his basic argument is as valid now as it was in 1936.

The Supreme Court and Political Questions also illustrates Gordon's felicitous style of writing, which is evident in most of his publications. He had a definite literary flair, a gift for the apt analogy, the striking phrase, the down-to-earth example. It was a gift enhanced by his wide reading, which continued virtually unabated until his death. I would like

therefore to close my remarks by quoting a passage from his book illustrating his facility as a writer:

The term 'political question,' itself, would seem to be what may be called an 'open sesame' word. When Ali Baba approached the great iron portal which was his particular problem, all he had to say was 'open sesame'; the problem was solved, and the consequences aspired to, attained. In the same manner, when a court labels a particular question a 'political question' (the magic words), though no great door swings open to reveal unlimited treasure, the court is instantly relieved of all control over the problem; the question, so far as it concerns the particular case, is removed from the jurisdiction of the court, and, ordinarily, no matter how the political departments decide the question, the court will abide by that decision. (p.11)

C. Gordon Post died, after a brief illness, on February 18, 1997.

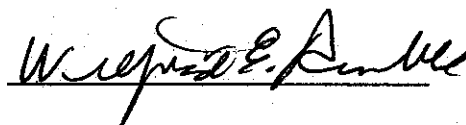
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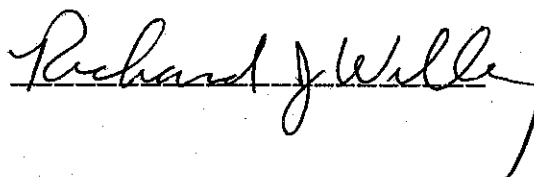
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