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Tribute

Robert C. McClure: A Tribute on His Retirement

This year marks the end of an era for the University of Minnesota Law School. Professor Robert C. McClure retired at the end of the 1984-1985 academic year after thirty-nine years as a member of the faculty.

Bob McClure, or "Boots" as he was affectionately known to four decades of law students, was a graduate of the Law School in the Class of 1939. Following graduation, he practiced for three years with the St. Paul law firm of Doherty, Rumble, Butler, Sullivan and Mitchell. He subsequently served in the United States Marine Corps during World War II.

Dean Everett Fraser invited Bob McClure to join the faculty of the Law School in 1946. Bob's primary teaching has been in the areas of Creditors' Remedies and Secured Transactions. He also taught courses and seminars on Legislation and the Law of Obscenity.

Always interested in educational theory and innovation, Bob McClure developed highly effective programmed learning materials for his courses in Creditors' Remedies and Secured Transactions. The courses and the materials proved to be very popular with the students, and Bob's classes were among the largest in the Law School each year. Indeed, it is quite likely that well over one-half of the Law School's 7,000 living alumni have had Bob McClure as a teacher.

Bob McClure has described his programmed learning approach in the following manner:

Each section [in the materials] contains a series of notes with questions designed to lead the student in small steps in linear fashion through the subject covered in the section. Students who work diligently through the program by carefully seeking answers to the questions in the reference materials (the statutes, rules, cases and law reviews) learn extremely well. They begin with little or no knowledge of the subject and end with almost total mastery of it. . . . I have been astonished and pleased with the effectiveness of the program.¹

¹. Letter from Professor Robert C. McClure to Professor Joseph A. de la Cueta, Universidad de la Laguna (January 19, 1983).
Throughout his many years on the faculty, Bob McClure always exhibited great concern for his students. He has been generous with his time and eager to meet with individual students who requested further instruction about the subject of the course. For many years, he provided individual recorded commentary on examination answers for any student who requested it. Students were invited to attach a standard tape cassette to their blue books, and Bob McClure dictated a running commentary into a tape recorder while grading the examination. He offered this extraordinary assistance to his students even though he regularly taught several hundred students each year.

It is in the area of the Law of Obscenity, rather than Creditors’ Remedies or Secured Transactions, that Bob McClure’s scholarship has received the most acclaim. In the 1950’s and early 1960’s, Bob coauthored four major articles with his faculty colleague and later Dean, William B. Lockhart, on the Law of Obscenity.\(^2\) Emphasizing the paucity of sociological data on the subject, the Lockhart-McClure articles urged a minimum of regulation, at least until there was evidence that obscene materials were a cause of proscribable conduct. The Lockhart-McClure articles attracted considerable attention, most notably from Justice William O. Douglas. Justice Douglas cited their work extensively in several Supreme Court opinions,\(^3\) including his well-known dissenting opinion in *Roth v. United States*,\(^4\) in support of the proposition that:

> The absence of dependable information on the effect of obscene literature on human conduct should make us wary. It should put us on the side of protecting society’s interest in literature, except and unless it can be said that the particular publication has an impact on action that the government can control.\(^5\)

In *Roth*, Justice Douglas, with a somewhat amusing choice of words, referred to Bob McClure and Bill Lockhart as “two of


\(^4\) 354 U.S. at 508 (Douglas, J., joined by Black, J., dissenting).

\(^5\) Id. at 511 (Douglas, J., joined by Black, J., dissenting).
our outstanding authorities on obscenity." Although presumably McClure and Lockhart would prefer to be known as outstanding authorities on the law of obscenity, rather than on obscenity itself, it is clear that Justice Douglas paid them a great compliment by relying so heavily on their work.

In a later case, Justice John M. Harlan referred to McClure and Lockhart as "some authoritative commentators" and cited their article in his opinion. One or more of the Lockhart-McClure articles has been cited in eleven opinions of the Supreme Court, some majority, some concurring, some dissenting, and sometimes with a quotation.

Conservative commentator James J. Kilpatrick wrote of the Lockhart-McClure articles:

Messrs. Lockhart and McClure are this nation's leading authorities on the law of obscenity censorship; their article in the *Minnesota Law Review* of March, 1954, frequently quoted by the Supreme Court of the United States, is the most definitive survey of this difficult subject ever put together. Their recommendations carry the weight of profound study; their recommendations merit the deepest respect.

When classes resume in the fall for the 1985-1986 academic year, it will seem strange that for the first time in four decades Bob McClure will not be teaching a class. Future students will not have the wonderful experience of learning from this man who cared so much that his students learn.

We are very happy that Bob and his wife, Marnie, will continue to reside in Minneapolis. Bob, your faculty colleagues and I, as well as your many, many former students, wish you much happiness and satisfaction in your retirement. Future classes of students will not have the good fortune of taking "Cred. Rem. from Boots," but the many thousands of graduates

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6. *Id.* at 509 (Douglas, J., joined by Black, J., dissenting).
who have had that experience look back on it with great affection and say thank you.

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