

Sheldon Tefft



Without intending to pin the dread label of conservatism on Sheldon Tefft, I see no escape from stating, right at the outset, the unpleasant fact (if I must write a "profile" of him) that he is—well, not a liberal. Hugh Cox—a fellow-Nebraskan and lawyer—has opined that his friend Sheldon is not quite so conservative as he appears to be. I have no superior knowledge. But I can imagine him voting against

all sorts of measures and candidates during the last two decades. He has been definitely of the minority.

Tefft seems to me to be a vanishing American in other respects, apart from the political. Perhaps I should hopefully indicate here, too, only a temporary obscurity, not oblivion. There used to be an ideal of "nothing too much," balance, moderation; reserve was once considered admirable in social behavior; care in speaking and caution in acting were thought to be advisable. On a higher level, justice was not supposed to be dispensed exclusively by courts but also by individual persons in their opinions and dealings. There have been times in the past when those concepts had more adherents than they seem to have now. More sensational values have risen to a higher rank in contemporary life; the manifestations are everywhere, from Hollywood east and Washington west. To this development Sheldon Tefft has been quite impervious. His values are those first mentioned.

It follows that in the teaching of his subjects, property and equity, Tefft is a most careful, patient, very critical, and truly just exhibitor, adviser, expounder, and debater. He happens also to be a physically vigorous teacher, and it is not unusual for him to have thirty or more students actively taking part in the class discussion. His methods are modern—true conservatism having no correspondence with obsolete technique—but he does not make a stunt of confusion. The most influential element in his teaching is, however, his own mind and character. I should prescribe him as a cure for exhibitionism and dilettantism. He has been effective in both diseases and not only in the field of law.

I am not sure that the students in Tefft's classes really understand and appreciate what a phenomenon he is, personally—well, anyhow, what I think he is. In appearance and manner, as well as in other respects, Sheldon Tefft is as authentic an embodiment of the early American spirit as one could hope to see in the mid-twentieth century; he is early American stock personified—the kind you read about in the history books. If you want to know

what the best Americans were like, down to the end of the last century, just observe Sheldon Tefft. All people have ancestors and backgrounds, but Tefft seems to me to suggest his far more than the average.

This is all fiction, no doubt. I shall pursue it further, however, since through fiction the truth can sometimes be seen. Tefft is more specifically an early American of the North. As a northern type, very antique, he has been in this country for a long time, since the seventeenth century. We find him first in the New England states and upstate New York. He had farms there. He owned his farms from the beginning, and always. He farmed the land, too, but of course he did much more. He founded churches and villages; he incorporated little railroads; he took part in politics; he read serious books and thought and debated and had views on social, philosophical, and religious questions; and he speculated in town lots and western lands. He fought in all the wars up to and including the Civil War, except the Mexican War, that southern imbroglio, which he could not conscientiously support. He founded the Republican party, or was certainly one of its earliest members. It was natural, therefore, when this type went out to build up "our West" across the wide Missouri—in Cass County, Nebraska, below Omaha—shortly before and after the Civil War, that he should take a prominent part in the early politics of the state. In Nebraska the counties were named after Democrats but settled by Republicans. So we find Sheldon Tefft—that is to say, a Sheldon or a Tefft—in the territorial legislature, in the state senate, at the head of the Republican state committee, and, just before Wilson swept away the *ancien régime*, in the governor's chair.

Against that background, and not unnaturally, as his father was a country lawyer, Sheldon Tefft decided to take up the law. He attended the University of Nebraska from 1918 to 1924, both as an undergraduate and as a law student. Here he won, of course, Phi Beta Kappa and the Order of the Coif. In 1924 he was chosen a Rhodes scholar. From Oxford he received three degrees—B.A. in 1926, B.C.L. in 1927, and M.A. in 1930; in addition, he won the Vinerian prize in 1927. If Tefft had carried on in the family tradition, he would be farming and practicing law and politics in Nebraska today, but Oxford turned him into a scholar and a teacher. It did not otherwise change him. A member of the committee that selected him for the scholarship remarked at the time that there was no danger of Sheldon Tefft's pretending to be an Englishman on his return home. That prediction was proved correct.

In 1929, after a short period as an assistant professor of law at the University of Nebraska, Tefft came to The Law School. In 1940 he became a professor. From 1943 to 1945 he was acting dean. There were brief escapes from Chicago to teach for a term at Stanford in 1935 and

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at Oklahoma in 1948. I understand that he has resisted other recent invitations. He has recently edited a new case-book on property with Mr. Aigler of Michigan.

This amateur profelist has not had easy work with Sheldon Tefft. His eccentricities, if any, are minor, and in supposedly more serious and important matters the record is singularly blank, for Tefft doesn't "do" things, doesn't agitate, doesn't champion, doesn't sign petitions, and doesn't join. He talks, or rather he debates, so that you can't get much out of him—very few concessions or admissions. My most authentic informant said, years ago, "Well, you know, Sheldon is cagey."

There are only a few light touches to close on. I have learned in my researches that my subject is at heart a mechanic (he repairs bicycles), that he has a strong feeling for antique objects and jewels, and that he is extravagant. These are "profile" data of fair quality. I believe some of them. But I shall have to deflate the sensationalism of that last item. No one can ever persuade me that Sheldon Tefft is extravagant. It is a fact, verifiable by his every acquaintance, that he is always searching for bargains. I have never heard, from him, of his finding any. The Tefft ideal price level is *so low* (an undetermined figure always less than any price actually paid) that I am sure he feels reckless whenever he makes a purchase. That must be the reason for the attribution of extravagance; I can think of no other.

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