

Carl McFarland

Carl McFarland wasn't born in Montana, rather in Seattle in 1904. But it was Montana that set him on his path.

He came to Missoula to attend what is now the University of Montana, but was at that time called Montana State University. He earned his bachelor's degree there in 1928, and his master's the following year. Even after the crash and the start of the Great Depression, he was able to continue his education and earned his law degree there in 1930. He left the state long enough to get his doctorate in Law from Harvard.

Returning to Montana in 1932, McFarland moved to Helena as part of the Toomey and McFarland law firm.

Only a year later, he received an offer from the Montana State Supreme Court. Montana wanted to revise its legal codes, and enlisted McFarland to serve as commissioner for the codification. He started on this huge task, but didn't stay through its completion in 1935, though he remained as co-editor.

Instead, McFarland headed for Washington, DC and the federal Justice Department. He started off as an anti-trust attorney, but was also working on other projects. He was instrumental in drafting a great deal of the legislation for Roosevelt's New Deal. He may also have been key in developing FDR's ultimately unsuccessful plan to add six new Supreme Court justices, to eliminate the possibility of New Deal legislation being declared unconstitutional. Franklin D. Roosevelt appointed him as Assistant Attorney General, working with Attorney General Homer S. Cummings. The two men evidently worked well together, as they co-wrote a history called *Federal Justice*. McFarland was placed in charge of the enormous Lands Division.

In 1939, McFarland left the Justice Department. Cummings had already left to go into private practice, and McFarland joined the firm. He was active in the American Bar Association, especially in serving on a legislative committee. Under the aegis of that committee, he was the lead in drafting the Administrative Procedure Act, which outlined the governing of over one hundred governmental agencies and bureaus. The proposed statute was voted into law without dissent in 1946. McFarland received the ABA's Gold Medallion for this work.

McFarland left Washington for Montana in 1951. He returned to Missoula to take the helm as President of his alma mater, the first time an alumnus had served as president. During his tenure, the university launched an expansion campaign, adding both land and new buildings to the campus. His administration established new degree programs, and emphasized arts for the university, adding the College of Fine Arts and programs in



media, drama and dance. His tenure as President generally went well, but ended in major controversy.

The Board of Education oversaw higher education in the state at that time. It ordered McFarland in early 1958 to cut positions in order increase salaries for full-time faculty by 4% for the coming fiscal year. McFarland objected, saying that a general salary increase would mean he would have to fire 20-30 instructors to be able to fund the increase for the rest. He asked to delay implementation, or to let him take funds out of another budget line. The Board ordered him to proceed as directed. During the controversy, thousands of students at the university held rallies and walkouts to support McFarland, and even agreed to raise their own fees to help defray the costs. It was to no avail. McFarland tendered his resignation in protest, and the Board chose to accept it. The university's alumni group called on the governor to dismiss all of the Board members (which included the Governor) and reinstate McFarland. The Board merely named a new President for the University.

McFarland left Montana to join the faculty at the University of Virginia Law School. He was a significant contributor in drafting Virginia administrative regulation, and consulted with the Virginia Code Commission. He retired as Professor Emeritus from the University of Virginia in 1975, and passed away four years later.

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