

## James E. Bond: Scholar

*Kelly Kunsch\**

Having recently retired from Seattle University School of Law, I find myself possessing a new power previously reserved for tenured faculty members: to wit, academic freedom. With it, I have a few observations about most legal scholarships before I discuss the scholarship of James E. Bond.

As a law librarian, I have written and assisted in legal scholarship for more than three decades. To be terse, and therefore blunt, the research behind most legal scholarship today consists of academics sitting on their tuffets and searching online for previously written statements that support what they believe or hope to be true. Sometimes a librarian or research assistant serves as a surrogate for the tuffet sitter, but they essentially perform the same task. The resulting work is a cobblestone path of pilfered research, which is later cobbled over with more of the same by similar academics. Sadly, these scholarly misdemeanors not only go unpunished but instead are often rewarded with remunerations such as faculty scholarship stipends: honor among thieves.

Jim Bond was no such thief. When the author's name was James E. Bond, you could count on originality, thorough research and analysis, and meticulous attention to detail.

Writing about his research, I will focus on the 1997 book, *No Easy Walk to Freedom: Reconstruction and the Ratification of the Fourteenth Amendment*.<sup>6</sup> Jim's idea for this book began shortly after his graduation from Wabash College, and he worked on parts of it over much of his early career. After his arrival at the University of Puget Sound School of Law, he was finally able to spend the time necessary to finish. That was in 1993. For those unfamiliar with it, the book was an attempt to understand the ratification of the Fourteenth Amendment of the United States Constitution by the states of the former Confederacy. His goal was to rely principally on period newspapers and special collections of papers of those

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6. JAMES E. BOND, *NO EASY WALK TO FREEDOM: RECONSTRUCTION AND THE RATIFICATION OF THE FOURTEENTH AMENDMENT* (1997). It is my firm belief that nothing published in a law review should be without a footnote and so, here it is. I have previously written about legal scholarship and observed that another important feature of footnoting is for scholars to cite their prior works as authority. See Kelly Kunsch, *Dough, Re, Me: The Scale of Justice (A Descant for Entering First-Year Law Students)*, 87 LAW LIBR. J. 471, 474 n.31 (1995). This was even before citation counting became a part of law school rankings.

involved in the debate and passage of the legislation in each of those southern states. As his librarian, I did reconnaissance for him. In those days, there was very little historical content on the internet. My tasks were to identify the major newspapers of those states at the time of ratification, determine where those newspapers could be accessed, and provide a contact person at each site so that Jim could set up dates and times to look at the materials. For the following years, Jim went to each of those states, and to various research locations within them, to pour through reels of microfilm reading the original accounts of the legislative debates. He documented his findings so that those following could benefit from his research. Sadly, this valuable book is underutilized because it has yet to have an online version.

Let me add that *No Easy Walk to Freedom* was not an outlier in the thoroughness and originality of his scholarship. He and I co-authored an article published in this journal on the Washington State Supreme Court that consisted of entirely original data collection and analysis.<sup>7</sup> There were no shortcuts in publishing with Jim.

Finally, I would like to tell a story about one other piece of his scholarship: the book *I Dissent: The Legacy of Justice James Clark McReynolds*.<sup>8</sup> Justice McReynolds was a United States Supreme Court Justice who was probably best known for opposing many of President Roosevelt's New Deal programs. It would surprise few that knew Jim that he espoused a minority view on the largely unpopular Justice McReynolds. Nor would it surprise many that Jim's defenses of the Justice were mostly based on his Libertarian view of the purpose of government. As always, Jim was diligent with his research and analysis, so you can only imagine his reaction when copies of the book arrived with the title: *I Dissent: The Legacy of Chief Justice . . . McReynolds*.<sup>9</sup> He was livid. He was appalled knowing it would bring into question the credibility of an author who did not even know that the subject of his book was only an Associate Justice rather than the Chief Justice. More than 200 libraries still own the book under this title. Despite his sense of humor, Jim never found this to be as funny as I did.

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7. James E. Bond & Kelly Kunsch, *A State Supreme Court in Transition*, 25 SEATTLE U. L. REV. 545 (2002).

8. JAMES E. BOND, *I DISSENT: THE LEGACY OF JUSTICE JAMES CLARK McREYNOLDS* (1992).

9. *Id.*

Let me conclude by saying, like many others, I did know Jim Bond's humor, his friendship, his leadership, his empathy, his joy of watching tennis, and so many other of his attributes. Although I knew him as much more than a scholar, my contribution to this collection of tributes is focused on that aspect. I leave it to others to describe and comment on Jim Bond's other legacies. I merely want readers to appreciate James E. Bond as well.