

ORAL HISTORY OF HARRIET SHAPIRO

Third Interview

April 4, 2012

This interview is being conducted on behalf of the Oral History Project of the Historical Society of the District of Columbia Circuit. The interviewer is Judy Feigin, Esquire, and the interviewee is Harriet Shapiro, Esquire. The interview took place at Harriet's apartment in Rockville, Maryland, on Wednesday, April 4, 2012. This is the third interview.

MS. FEIGIN: Good morning, Harriet.

MS. SHAPIRO: Good morning, Judy.

MS. FEIGIN: When we left, you were just about to take the law boards. I assume that went well.

MS. SHAPIRO: I know how to take tests, that's one thing I know how to do. It went fine. I don't remember that there was ever any consideration of any law school other than Columbia, first of all Father's history at Columbia, and 'Becca and Donald and Jane were in New York. When I applied for the SG's office, Dean Griswold said to me, "Why didn't you go to Harvard?" [laughter], and the reason I didn't go to Harvard was, well I guess I said to him they didn't take women, but he corrected me. They did take women beginning in 1952 I think. I did not want to be in one of the first classes in law school that took women. I just wasn't ready to face that, and Columbia had been taking women for years.

MS. FEIGIN: It's interesting, and we'll get back to it, because obviously you were the first woman, and you were willing to face it, to go into the Solicitor General's Office.

MS. SHAPIRO: Well, I had a lot more self-confidence by then, and I knew I wasn't going into a hostile environment.

MS. FEIGIN: Columbia is the only school you applied to?

MS. SHAPIRO: Yes, it was. I wanted to go to Columbia, I figured I could go to Columbia, so I went to Columbia.

MS. FEIGIN: You say there were women in the class. What percentage of the class?

MS. SHAPIRO: Out of a class of roughly 200, there were 20 women. And when I give that figure, I always also say, which is true, that of those 20, almost half got on to the Law Review. We were motivated. The thing that really griped me, and one of the reasons I thought Howie was pretty special, he never asked me why I was in law school, although that was the standard question that you got. "Why are you in law school?", with the implication that you were there to catch a husband. That really annoyed me [laughter]. I lived in Johnson Hall which was the women's graduate dorm.

MS. FEIGIN: Not just for law school but for all graduate students?

MS. SHAPIRO: Yes. What most of the women law students did, and what I did, was get a buddy, another female law student that you hung out with. I don't know that I studied with Barbara Levine particularly, but she was somebody I could sit next to in class and we were buddies. And Barbara Aronstein Black was a classmate of mine, and she and Harriet Taylor were buddies. Harriet Taylor, who later was a judge here in D.C., I think the District Court. And Barbara of course was the Dean of Columbia Law School later. I really have always been very fond of Barbara Black. She was a nice girl, and she was very bright.

There was kind of a scandal involving her. She and Harriet Taylor

used to go and visit with Professor Black in his office. At the time, he was married, and he was also something of a drinker. But anyway, Professor Black left his wife for Barbara.

MS. FEIGIN: So she wasn't Barbara Black then.

MS. SHAPIRO: She was Barbara Aronstein. She was the saving of him. He was a sweet man. He was fun, he was funny. I'm sure he gave up drinking. What happened was when she graduated, Columbia had this rule that they wouldn't hire the spouse of a professor, so they went up to New Haven to Yale where they both taught – I don't know whether she taught history first, but anyway, eventually she taught in the law school. Later, she came back to Columbia, and she taught Development of Legal Institutions, which was a freshman course, and it was taught by George Goebel when we were there. Howie says I'm wrong, but I remember taking the textbook, before we had the class, and opening the textbook to the beginning, and I swear to goodness it was written in Old English. I was looking at this thing and saying "They expect us to read this? I can't read this. How can I study the case if I can't read this?"

The course really started at the very beginning of the development of the common law. Goebel I think was something of a sadist because what he did – and he insisted it was all for our own good because it taught us how to deal with judges – but he would call four or five students at the beginning of the class, he would call them up to the front, and these were the students that he was going to ask the questions of that class. So you

sat up there, trembling in your boots. He was kind of mean. As I say, he said this was because we were going to get mean judges so we had to learn how to deal with them.

MS. FEIGIN: And you didn't have advance notice you'd be called on?

MS. SHAPIRO: No. Although if you were Italian, you were likely to be called on on Columbus Day. If you were a woman, you were going to be called on on Ladies Day.

MS. FEIGIN: What is Ladies Day?

MS. SHAPIRO: It was any day that he chose at the beginning of the class. I had the feeling that he was kind of setting the students against each other. It was not a pleasant class, and that's the class that Barbara Black took over, and I'll bet when she was teaching it, it was a much better class.

MS. FEIGIN: One thing that strikes me, you said you could choose, you would sit next to your buddy. You were allowed to sit randomly? In my day we had assigned seating, alphabetically.

MS. SHAPIRO: I think we could seat randomly in the lecture classes because I do remember that you kind of looked around for a seat. My memory is not as great as it could be so I may be wrong, but that's the way I remember it. We sat alphabetically in the small sections taught by the Associates.

MS. FEIGIN: When you say that maybe 10% of the class was women, what about other minorities?

MS. SHAPIRO: There were maybe a couple of blacks. There was Abdul Farman Farma. He was some kind of Near Eastern. I think we read that he got killed in an

uprising. He was sort of a permanent student, and he was a blabbermouth. He had a strong accent and he often would say, "To me this is fantastic." That became a byword among the other students [laughter]. Asians, I don't remember. Could have been, but not many. Mostly white males was what it was.

Right out of Wellesley, I don't think I could have done it, I would have been very uncomfortable, but having had the experience in Santa Rosa, I had worked with men, and all right, sure, what the heck. You know, it was all right. It didn't bother me. And I also developed sort of a tough skin. Most of the teachers were completely unbiased. A few of them would say every once in a while things like, "I have a great story that I could tell you if it weren't for women in the class." But mostly not, and you know, so what the hell, it's their problem, not mine. After the first semester, it was my old attitude from my elementary school days of, "Sure, I'm different, but I'm better at this than most, so my difference is nothing to be ashamed of."

We had study groups, and I don't know how I got into one of them, but I was in a study group with three or four other people, and I was kind of surprised when at one point one of them said, "We better shut up and listen to Harriet because she knows what she's talking about" [laughter]. So it was okay after the first semester. One of the things that was tough about the first semester particularly was that it was primarily lectures. Although there were smaller sections which were taught by an assistant or

an associate who was usually a student who had graduated the year or two years before. These sections were more informal, with more student participation, but basically for the first semester, you had no idea of whether you were getting it or not, and that was pretty stressful.

MS. FEIGIN: Were there exams after the first semester, or were there full-year courses?

MS. SHAPIRO: There were some full-year courses but there were at least some exams after the first semester. I know Legal Methods had one. So then okay, you could tell whether or not you were getting it, but the first semester was kind of swimming without direction.

MS. FEIGIN: Were the professors mostly white males?

MS. SHAPIRO: Oh yes.

MS. FEIGIN: All? Were there any women or minorities on the faculty that you recall?

MS. SHAPIRO: Not that I recall. I don't think so. I'm pretty sure not. Interesting, it never occurred to me. Anyway, so I got through. I got an A+ from Professor Black in Equity, and I have always thought that was because I used the word "reification" on my exam [laughter]. He made a big point about that. Reification, he didn't use the word, but one of his points in class was that you had to be careful to avoid objectifying concepts. So I used that word and I got an A+. I also got a book from Professor Jones who taught Legal Method and Contracts. On his inscription, he wrote that although there was no Contracts prize, "somebody who did as well in their Contracts exam [or who knew Contracts so well or something like that] would enjoy *A Ramble Through the Bramble Bush*. Do you know that

book? It's a funny introduction to the law. It was a nice thing for him to do.

MS. FEIGIN: I would say. You obviously did very well.

MS. SHAPIRO: I did well, yes. I did well enough so that I got on Law Review. As you know, at the end of the first year, the top 10% or 5% or something of the students on the basis of their grades get invited to be on the Law Review.

MS. FEIGIN: We should say for the record, well let me ask, in those days it was solely grades, right, no writing on like there is now.

MS. SHAPIRO: Oh yes, solely grades, no writing. At the end of the school year I went back to California, and I was in Pasadena when I got the notice. One of the professors invited me to be his assistant for the second year as a paying position. He said, "You probably really ought to be on the Review, but if you don't want to be or if you need the money or something," why he was offering me a job. I wanted to be on the Review.

I didn't really realize, maybe I did, but anyway, when you got elected to the Review, you were supposed to come in the summer and start working on a note or a case note. I was in California, and I decided I wasn't going to go back. I had a job, so I wrote and said, "Yeah, I'd like to be on the Review but I really can't get back." Ken Jones was my editor-in-chief, and he was a real star. He ended up teaching at U-Michigan and then coming back and teaching at Columbia. The other thing that you have to realize is that since I'd taken a couple of years off, I was a little bit older than most of the students, and Ken was a little bit

younger, so he was about three years or so younger than I was, but he clearly was God [laughter]. He wrote back and said okay, but I should work on a note while I was home and I could bring that back and do the revising when I came back. I kid Warren Schwartz, who was then the research editor responsible for figuring out what would be appropriate notes for the second year students and is now a good friend, about my note. My assigned note topic was prosecutor misconduct. Warren insists that was a great note assignment; it was a terrible note assignment.

MS. FEIGIN: Why?

MS. SHAPIRO: It was such a big amorphous topic. Prosecutor misconduct? I mean it had no real boundaries. What it ended up being was a list of a variety of kinds of prosecutor misconduct, trying to figure out some kind of reasoned analysis of why they led to reversals or not, and then suggestions about improving how they were dealt with.

So I wrote my note, which I thought was adequate, and came back and got assigned Yale Kamisar, who had come back after serving in Korea. This would be 1952, 1953, something like that. Actually, I later discovered he was a marshmallow, but he was big and blustery; he yelled. He decided that for every statement, I had to have at least three citations, a federal case, a majority case, and a minority case. Well, I got them. I spent the whole second year working on that blasted note, and periodically, I would go in and I would show Yale what I had done, and he would yell [laughter].

One of the reasons I was taken with Howie was Howie kind of likes to yell, argue and yell, and he would pile in there, and he and Yale would yell at each other, and I would kind of sneak off into the corner [laughter]. Howie kind of saved me from Yale.

MS. FEIGIN: We should say for people down the road who Yale is.

MS. SHAPIRO: Yale Kamisar went on to teach at Michigan. He's an authority on criminal law, particularly the Miranda warnings and procedural issues. Yale was an important person in my life. The outgoing third-year class selects the officers for the incoming third-year class, and because I spent the whole year working on this note, Yale was the only one that I had worked with. Most people did a note, then they did a couple of case notes, so that there were at least three third-year students who were familiar with their work. But only Yale had reviewed my work. Of course the notes editor and the editor-in-chief had, but Yale was the one who really had worked with me. I now think that getting me elected editor-in-chief was kind of a power play for Yale, but what he said was that when he went back and read the note that I had handed in at the first, it was very much like what we came out with at the end, and so he was impressed. I've told Warren of my theory, and he insists I'm wrong. He says everybody read both versions of the notes and reached the same conclusion.

Everybody knew that Mike Sovern – who later was Dean of the Law School and then President of Columbia University – was going to be editor-in-chief. It was obvious that that was what was going to happen. I

think perhaps Mike rather got the backs of the revisers up by joining in this assumption. Nobody was more surprised than I was when that didn't happen [laughter].

The second-year members of the Review were told before the elections that if you didn't want to be an officer, let the Board know. The voting was late at night, and a couple of women that were on the Review and in Johnson Hall came to my room after the voting, and woke me up. They said, "Who do you think is the editor-in-chief?" And I said, "Mike, of course." And they said, "No, you" [laughter]. So needless to say, I was shocked. Howie and I were serious by then. The next day I said to Howie, "I'm not real sure that I can do this. I mean we're getting married, and this job is a big responsibility. I'm not sure about this." Howie said, "Do it. You've got it, do it. If you don't do it, you'll regret it. We can manage. Do it." So I did it.

MS. FEIGIN: Before we get into what it involved, I know it's an enormous amount of work, let me go back a minute, again for people who read this down the road and may not understand the time. When you say it took a year and you needed three citations, this was pre-Lexis days.

MS. SHAPIRO: Oh yes. Sure. It was before computers. I had to go to the actual books to read the cases.

MS. FEIGIN: It was a major undertaking, whereas now it would just be a few computer strokes so I want people to understand.

MS. SHAPIRO: It was a major undertaking. As a matter of fact, this was part of Howie's and my courtship. The only people that could be in the library after hours were Law Review people. The library was open until about 9:00, but we worked after hours. In order to get into the library, you had to get the key from the security people. Howie always had me ask for the key. Howie has a very good ear. He didn't want to ask for the key because the guards all had such strong Irish accents that he was afraid that he would pick up their Irish accent if he talked to them and they would think that he was mocking them, so I had to ask for the key and return it [laughter]. When you were on the Review, you lived in the library. You went to the books and you looked it up. I never have worked as hard. It was just a slog.

Every time I say something about my mother, it seems kind of critical. I really loved her, and she was good to me. I would write home and say "This is horrible, I'm so tired of this note," and she would reply, "Give it up. You don't have to do that. If it's too hard, you don't have to." Well, I did have to. This was a job I had set for myself, and by gum, I wasn't going to give it up.

MS. FEIGIN: So it really was a goal at some level to be editor-in-chief?

MS. SHAPIRO: No, not to be editor-in-chief. But to do a decent job. Yale insisted that this was the way it had to be, so okay, this was the way it had to be, and I was going to do it. I wasn't going to give up. No, I had no notion that I was going to be editor-in-chief.

MS. FEIGIN: I meant was it ever a subliminal goal?

MS. SHAPIRO: No. Not at all.

MS. FEIGIN: You were only the second woman ever?

MS. SHAPIRO: Yes, I was the second woman ever. The first woman was in 1951, I think. I'm really fascinated by Yale's motivation. One of Howie's colleagues at the law firm was at Michigan and she had Yale as a teacher. Yale went through a very bitter divorce. He came to visit us when we were down here after we were married. My younger son, I should have taken him out of the room, but he sat there with his face getting whiter and whiter and whiter as Yale vented his anger at his ex-wife. When Howie's colleague was a student, she said Yale was very mean to the women, that he would pick them out and just be mean to the extent that at one point when he was being mean to her, the class booed him. That was after his divorce. I know he didn't have that kind of feeling about me. He was just being Yale.

MS. FEIGIN: You obviously became friends, but you never talked to him about the dynamics that made you editor?

MS. SHAPIRO: No. As I say, everybody knew that Mike was going to be editor-in-chief. Well he ended up being Articles editor, and I have all kinds of admiration for Mike because I think he's – I know – he's ambitious. He's a big name, and the reason he got to be president of Columbia is because he was instrumental when – you probably don't remember, but in the 1960s, I think, there were a lot of sit-ins and student revolts and stuff, and Mike was mediating all that stuff and doing a darn good job.

MS. FEIGIN: What was his position then?

MS. SHAPIRO: He was dean of the Law School. But that's where he made his name really, as a mediator in those really tough times. But the thing that I admire so about him was that he never showed any resentment of me. We worked very closely together, and he and his then-wife, who he later divorced – he was kind of a womanizer, I guess – but he and Howie and whatever her name was, and I were buddies. We did things together.

Mike and I came down to Washington to solicit articles. Mike had never been on a train before we came down. You know my background. I had done all these things before. Mike and I came down and we went around to some firms soliciting articles. We went to the Justice Department, and Oscar Davis was at that time First Deputy Solicitor General. He was a wonderful man. In the 1920s and 1930s there were a whole bunch of very bright Jews in the Department because Jews had a hard time getting into private practice, and so the government benefited tremendously. Oscar Davis was one of those. Bea Rosenberg was another one of those. Anyway, Oscar didn't give us an article but he sat us down for half an hour or so and explained to us what the Solicitor General's Office did. I thought wow, this is the absolute dream job. I certainly didn't have any idea that I could have that job, they didn't have any women, but oh wow, what fun! [laughter] This was the first I had heard about the Solicitor General's Office.

The other thing that happened on that trip was that Mike showed

me how to play pinball. The trick is you have to jiggle the table just enough to make the ball go where you want it to go but not enough to make it tilt, and he was good at that [laughter]. We had a good time. Anyway, I guess I was okay as the editor-in-chief. I don't think I was outstanding.

MS. FEIGIN: What do you think makes an outstanding editor-in-chief?

MS. SHAPIRO: Being a leader and being a first-rate editor. I had not had that much experience, maybe none of us had, but I don't think I was a particularly good editor. I'm sure it's very different now. In those days the second-year students wrote the notes and the case notes. The notes were long pieces, the case notes were an analysis of a single case. Then the Law Review also had articles and book reviews, which were written by non-students, so that there was a book reviews editor who was in charge of getting the books in and getting the people to review them. There was the articles editor who sought articles and evaluated submitted articles. There was the research editor who was in charge of choosing topics for the notes and deciding which cases we should write up in case notes. There was the notes editor who did the super review of notes, then there was the case notes editor who did the super review of case notes. The other people in the third-year class were the reviewers, and the second-year students wrote the notes, wrote the case notes, and did the cite checking, ran the purples.

MS. FEIGIN: What does that mean, "ran the purples?"

MS. SHAPIRO: In those days, there were maybe twenty or so people on Law Review. For each class that had anybody on the Review in it, at least one second-year member of the Review taking the class was responsible for taking notes for the Review. The notes were then run off on the purple machine, and the net effect was that because they had these purples, most members of the Review didn't go to many classes.

MS. FEIGIN: Purple was the mimeograph machine? The purple ink?

MS. SHAPIRO: Yes. It was a terrible system. It was an awful system [laughter]. I'm sure it's been abolished long since. We were on our honor not to let anybody not on the Review see the purples. One of the reasons that the second year was very hard for me was that I was assigned to do the purple for Wechsler's class on Federal Jurisdiction. It was a rather elite third-year class – one of the classes the third-year Law Review members actually attended. I was kind of thrown into it as a second-year student. It was fun, partly because most of the other students were third-year members of the Review and Wechsler was a really good teacher who was stimulated by his students. So I was kind of swimming with the big fish. Just for my own education, it would have been better if I had had more of the background in conflicts and other second-year classes that this course assumed. The Federal Jurisdiction casebook, in addition to the cases, had a whole series of questions to which there were never any answers. They were the kind of questions that were really the sorts of basic questions that must be considered and reconsidered over time. Anyway, I got to know

Wechsler pretty well, and he recommended me for a Supreme Court clerkship.

I gather now you don't apply to a single Justice, you apply to everybody. Well, in those days, you applied to a single Justice, and Ken Jones, my predecessor, was clerking for Justice Clark, and I think Wechsler had kind of an in with Clark, so he recommended me. I didn't make it. Howie is convinced it was sex discrimination. I'm certainly not convinced of that.

MS. FEIGIN: Did you have an interview with Justice Clark?

MS. SHAPIRO: Oh yes.

MS. FEIGIN: What was that like?

MS. SHAPIRO: I don't remember particularly. I think he was a southern gentleman. His son was Ramsey Clark, who was eventually Attorney General. Anyway, I don't really remember the interview. I remember coming down to Washington for the interview.

MS. FEIGIN: So you only applied to a Supreme Court Justice? You didn't apply to any appellate courts or district courts?

MS. SHAPIRO: No. What I did apply to was the Atomic Energy Commission, mostly because I thought it would be interesting to be in a new agency, and also because the interviewer they sent to Columbia was a very nice fellow. I liked him very much.

I was worried because of Hope's history with the U.N., and I asked the interviewer about that, whether he thought that would be a

problem, and he said that as a matter of fact, since the AEC was serious about security, they did a better job of evaluating possible security risks so that probably would not be a problem. As it turned out, I don't think they ever found out about the Hope connection. The only thing they ever asked me about was Father's letter during the McCarthy Era to the House Un-American Activities Committee saying what a rotten thing they were doing. So they asked me about what his politics were or something like that, and I told them, and it wasn't a problem.

MS. FEIGIN: Before we get to your post-law school job, I want to hear a little more about Law Review. Tell me how it came to be that you had lunch with Eleanor Roosevelt.

MS. SHAPIRO: Oh yes. This was in the era when she was going around talking up the United Nations so that any group that asked her to come and talk about the United Nations, she did. So we figured okay, we'd like to hear about the United Nations.

MS. FEIGIN: "We" being?

MS. SHAPIRO: The Law Review. So the Law Review asked her to come talk to us about the United Nations.

MS. FEIGIN: Do you remember anything about the luncheon?

MS. SHAPIRO: I do remember – the thing I remember about the luncheon was I really liked her. She was very good about making small talk with anybody and their brother. She came and she had on a dark blue skirt and a dark blue jacket and they didn't match [laughter]. I noticed it, and I thought "great,

she doesn't care; that's fine." And she talked to me about Franklin, she called him Franklin, and the TVA.

MS. FEIGIN: What did she say?

MS. SHAPIRO: I don't remember [laughter]. I don't remember much about it really.

MS. FEIGIN: Where was this luncheon?

MS. SHAPIRO: It must have been in the Columbia Faculty Club. It certainly wasn't in the Review, but I don't think it was in a public restaurant, so it must have been the Faculty Club.

MS. FEIGIN: You were editor-in-chief at the time?

MS. SHAPIRO: I was editor-in-chief so that was why I was sitting next to her, and I introduced her as the author of *Betty and Bob Come to Washington* [laughter].

MS. FEIGIN: She may have welcomed it; she wasn't just his wife.

MS. SHAPIRO: She certainly wasn't just his wife. I was so impressed with her that I couldn't think of anything to say. It was like my first argument in the Supreme Court. I was petrified, and I was kind of stumbling around but I was okay until Justice Douglas – he never asked any questions – he always just sat there. He asked me a question! And I was like, this is Justice Douglas. He has been a Supreme Court Justice forever and he's asking me a question! I just froze completely [laughter]. And it was kind of like that with Eleanor Roosevelt. Me, with Eleanor Roosevelt? Come on, this is crazy! [laughter].

MS. FEIGIN: Do you have any pictures of you and Eleanor?

MS. SHAPIRO: No. It wasn't a picture-taking occasion.

MS. FEIGIN: That is quite exciting. Something else happened that I'd like you to talk about. I know you got a letter from Justice Frankfurter when you were editor of Law Review. I'd like you to read it, and then I'll ask you questions, if you wouldn't mind.

MS. SHAPIRO: Okay. "My Dear Miss Shapiro." That was wrong. We got married in the summer before the third year, so I was elected to the chiefship but I hadn't yet started it, and Howie said, "Do you want to keep your maiden name? Maybe it would be a good idea to keep it because you're on the masthead as Harriet Sturtevant and people won't know." Well, I said phooey. I'm Mrs. Shapiro. So I was on the masthead as Harriet Sturtevant Shapiro. When I went to the SG's office, Howie was head of the Appellate Section of the Antitrust Division, and they asked him – because he was there, I wasn't – they asked him what my nameplate on the door should be, and he said, "Harriet Sturtevant Shapiro," so all the time I was in the SG's Office, my nameplate, in tiny little letters, said "Harriet Sturtevant Shapiro" [laughter].

MS. FEIGIN: In those days including your maiden name was more unusual. Now that would be common.

MS. SHAPIRO: Yes, I guess.

MS. FEIGIN: We should also say for people who may not understand the reference, when it says "Miss Shapiro," you weren't a "Miss" any longer, but there was no "Ms." in those days; you were either Miss or Mrs.

MS. SHAPIRO: That's right, he had to guess. Anyway,

My Dear Miss Shapiro:

On my very first day as a law student at Cambridge, my roommate, a second-year man, took me for a walk. His easy manner suddenly changed, as he said to me in a hushed voice, pointing to a figure ahead of us: "There goes the Editor-in-Chief of the Harvard Law Review." There could not have been more reverence in his voice if he had pointed out to me the Holy Ghost or the Angel Gabriel. The awe which was thus engendered for the Editor-in-Chief of a law review has never been exorcised. To this day I do not feel wholly at ease in the presence of that great personage, even though I have had perhaps half a dozen Editors-in-Chief as law clerks. And so, tremblingly as one of a fast vanishing race who likes to think we are a learned profession and that learning implies fastidious respect for hallowed form, I want to protest as vigorously as my feeble voice permits against what I regard as a kind of book-burning. Why do not you esteemed Editors-in-Chief reprint the Reports of the Supreme Court prior to 91 U.S., reentitle them U.S. 1 to 90 and disregard the fact that the Reports on which the profession was bred and which to this day the Supreme Court would not think of citing other than Dall, Cranch, Wheat., Pet., How., Black, Wall., are to be cited as such. There is no such thing as a "U.S." prior to 91 U.S.!

Having in my time as editor of a law review deemed it my duty to overrule the Supreme Court without ado of course I expect law reviews to do that. But I am still of the opinion that the Supreme Court might be entitled to decide how its Reports should be cited, particularly when in doing so it is merely conforming to fact and to a long, honorable tradition.

All of which is respectfully submitted,
Felix Frankfurter.

Miss Harriet S. Shapiro is down on the bottom [laughter].

Do they still do that?

MS. FEIGIN: You mean have Cranch?

MS. SHAPIRO: Yes. In the Supreme Court reports?

MS. FEIGIN: To the best of my knowledge, but I don't know. But I have two questions about this immediately. One is did he write to other editors?

MS. SHAPIRO: Oh yes, I'm sure he did.

MS. FEIGIN: All editors of law reviews?

MS. SHAPIRO: I think the editors who wrote the blue book – it still exists, doesn't it?

MS. FEIGIN: Yes.

MS. SHAPIRO: And I think it was Harvard, Yale, and Columbia that put it out. I'm pretty sure of that. There may have been others, but I think it was just the three of us, and what engendered that was that whatever revision we were responsible for had, I think for the first time, changed from Wall and Cranch to 1 U.S. and 2 U.S. And this was his reaction to that.

MS. FEIGIN: Did you respond to him?

MS. SHAPIRO: No [Laughter]. How could you respond to that? There's no response possible. But the funny thing is, it never occurred to me to respond. I got a letter from Felix Frankfurter. Should I answer it? Of course not [laughter]. It really didn't occur to me. I don't know whether the other two did or not.

MS. FEIGIN: Did you, with your responsibilities with the Law Review, did you also have responsibilities for the blue book or was that a separate group of people?

MS. SHAPIRO: The Law Reviews put it out, so yes, we were responsible.

MS. FEIGIN: So you worked on that as well as your note and everything else.

MS. SHAPIRO: Not as a second-year student. I don't know how it was actually done. My Board and I certainly reviewed any proposed changes and discussed them and had meetings about them, but who held the pencil, I just don't remember. Maybe the Harvard people did. I don't know.

The other thing that was different in those days well before computers was that there were two hired employees of the Review who typed up the material that was submitted to the printer. When it came back from the printer, the second-year students proofread the copy so we had to know about printer's marks. We proofread it and checked each citation. The secretaries were responsible for doing the mailing back and forth and for the typing. They were important people. You had to submit clean copy. They didn't take just any old stuff. I think most of us typed, but not very well. The secretaries must have typed up the mimeograph sheets for the purples. That was the other thing that the second-year students did, they ran the mimeograph machine.

MS. FEIGIN: We should explain that that's a primitive copying machine.

MS. SHAPIRO: A primitive copying machine, yes. That purple thing was bad. But one of the things they revealed, since you had the purples from the years before, you could tell whether the professor was just giving the same lecture year after year or whether it was new; how much work he put into it [laughter].

MS. FEIGIN: Interesting.

MS. SHAPIRO: It was kind of interesting.

MS. FEIGIN: The other big thing that happened in law school – well maybe there were others – but certainly we have to talk about your getting married.

MS. SHAPIRO: Yes. Howie is very private. In discussing these interviews, he said, "Do you have to talk about me?" I told him I couldn't just say I got married anonymously [laughter].

Howie was on the Review. I didn't know him in the first year particularly. My buddy Barbara Levine was much more outgoing, socially adept, than I was. Every once in a while we would run into Howie and she would talk to him and I would kind of stand there with my thumb in my mouth [laughter]. I often saw him having a large cookie at the local hangout.

Howie was born in 1926, so he's two years older than I am. When he got out of high school, he was in the Merchant Marine and then the Army in Japan for the occupation. He was a clerk/typist there, and he decided that the people who knew what was going on were the lawyers, so he'd be a lawyer. He went to the University of Illinois on Navy Pier in Chicago and foolishly decided that if he was going to go to law school he should major in accounting. Howie is not an accountant [laughter]. He should have majored in languages, but he struggled through accounting. He waited tables to save the GI bill for law school. He went through Columbia on the GI bill, and one of the reasons he gives for marrying me was for his GI bill. When we got married, his GI bill went up by \$35 a month [laughter]. I had had scholarships pretty well through my earlier education so I was still on the Nobel Prize money, so we did alright. We couldn't afford butter, and we had tea because coffee was too expensive, but we were fine [laughter]. We didn't go to plays or anything like that, but we didn't have time to anyway.

MS. FEIGIN: Where did married students live?

MS. SHAPIRO: There wasn't any special place for married students. We lived in a fourth floor walkup on Columbus Avenue around 106th Street. Howie and Len Sims, who was also on Review, had been roommates in that apartment as second-year students before we got married. It was an Hispanic neighborhood. It was loud in the summer particularly, with lots of beating on garbage can lids. Periodically you would hear yells from the other apartments saying things like, "I'm gonna cut ya." It was kind of scary. Howie reported that once somebody drew a knife on him but he was only about 7 years old, so Howie said, "Don't be silly." [Laughter]. It was a good walk from law school to the apartment.

We had a party in the apartment once. Everyone was working late, and we just said let's all go to our apartment and we'll have a party. I guess we bought liquor on the way, and Ernie, one of our third-year colleagues who was a small man, passed out. One of the second-year students, a big guy, carried Ernie all the way downstairs from the fourth floor. Ernie said he woke up the next morning and he couldn't figure out why he had bruises all over his body [laughter].

Actually, the Law Review was the first time – well, maybe not, but pretty much the first time that I ever really belonged to a group. We were a group. We were a clan. I had about three or four friends in college, and I guess we were kind of a group then. But on the Review, I really belonged for the first time. When I was little, it was academics. I didn't have particularly close friends in elementary school or high school. But

boy, in law school, yes. And it was nice. It really was pleasant, even with the second year note.

MS. FEIGIN: Is there anything else we should cover about those law school years?

MS. SHAPIRO: I can't think of anything else. It certainly is true that we were a group. When we came down here after law school, Howie was in the Justice Department Honors program. That was one of the very early Honors programs. The Justice Department didn't usually take people straight out of law school, but they had then a new program in which they took a few. The deal was that the Honors program people would move around, spending a few months in various sections or divisions. It was kind of an intern program. Actually, Howie started in the Civil Division and stayed there until years later he went to Antitrust. We came down to Washington right after law school. A lot of the New Yorkers said, "What? You're leaving New York? Why are you leaving New York?" But we weren't New Yorkers.

I can also tell you a bit about the status of women in the law in my time as distinct from earlier. It must have been in my first year that the Women's Bar Association of New York invited the women law students to a tea. It was very interesting because the older women who had started practice 20 or 25 years or so earlier when it really was unusual and tough for women were pretty – I don't want to say ruined, but they had had such a tough time that they were kind of anti-men. You could tell that they had been hurt by their experience, that it had been really unpleasant. The

women that started practice 10 or 15 years before us had a tough time but I didn't get the feeling from them that it had been so tough that they were – well, I thought kind of deformed by the experience. I didn't think that about the women who started in the late 1930s or 1940s. But for the women in the 1920s and early 1930s, being a female and a lawyer was a horrible experience apparently. This is what struck me just from that one experience with them; that was my impression.

MS. FEIGIN: Did most of them get jobs as lawyers?

MS. SHAPIRO: Yes. The ones I met then did, because they were part of the Women's Bar Association. My aunt, who was my mother's older sister – Mother graduated from college around 1916, so I think Aunt Rachel must have graduated in about 1912 or 1913 – took the bar exam three times, failed it three times, and was totally convinced that it was because of sex discrimination. I'm not convinced that it was, I'm not convinced that it wasn't. I'm not totally convinced that she would have passed the bar if she had been a man. But she was convinced. Many of these women from her era, the 1910s, the 1920s, were totally convinced that they had been discriminated against, that life was unfair to them, that men were unfair to them, that men were the enemy. By the mid-1930s, sure, it was rough, but there was enough acceptance so that it was possible to succeed. There was a t-shirt worn by a woman in the Justice Department gym that I always liked. It said on the front, "To succeed, a woman has to be twice as smart as a man" and on the back it said, "Fortunately that's not hard"

[laughter], and that was kind of our attitude. Okay, so you hold me to a higher standard? So what, I can do that. Which is very different from the feeling that I'm never going to get a fair shake.

MS. FEIGIN: If there's no more about law school, this is probably a good time to end, and when we start our next session, we'll start on your legal career.

MS. SHAPIRO: Okay.

MS. FEIGIN: Thank you so much.

MS. SHAPIRO: You are very welcome.