

**ORAL HISTORY OF
JOAN Z. BERNSTEIN - FIRST INTERVIEW
JUNE 1, 1998**

This interview is being conducted on behalf of the Oral History Project of the Historical Society of the District of Columbia Circuit.

Professor Jackson: This is June 1, 1998, and I am Vicki Jackson. I am interviewing Joan Z. Bernstein, otherwise known as Jodie, who is currently Director of the Bureau of Consumer Protection at the Federal Trade Commission. I'm going to start asking you what you remember about the place you were born.

Ms. Bernstein: Okay, that would be good. Here's what I remember about it. I was born in Galesburg, Illinois, March 17, 1926, and I lived there throughout my youth, up to and including my graduation from high school. And in fact it remained my home and hometown, really forever. In lots of ways it remained my hometown, but certainly through college and law school, until I was married, when I began to think about another place as home.

Professor Jackson: Galesburg was where you would go home for vacations, and –

Ms. Bernstein: Yes, yes, went home on vacations, and in every sense considered it home. I think of it to this day with great warmth and affection, and I don't know whether that's because one tends to forget the bad things and remember all the good or not, but I remember it very warmly. I remember it as an environment that I felt able to deal with. I felt secure in both my family and my community.

Professor Jackson: What kind of city or town was it?

Ms. Bernstein: A town of 30,000 people, in the middle of Illinois, in the middle of agricultural country, very rich agriculturally in terms of soil and even in terms of productivity. It was a community about 40 miles from the Mississippi River. Not a river town in the sense of

Quincy or Burlington as those towns were, but it had connection with the river, surrounded by farms that were successful and productive. I associate with the agricultural nature of the surrounding areas, not manufacturing but agricultural – development of hybrid corn and other kinds of innovative farming techniques that I think were largely developed in the middle west. One of my first recollections or knowledge of what the federal government did was that there was a Department of Agriculture research center in Peoria, which had a large building that to a small child looked like it must be a very important place. And in fact it was a very important place – among other things there were early studies there of the development of penicillin.

Professor Jackson: How far is Galesburg from Peoria?

Ms. Bernstein: Fifty miles, and I was very early aware of and knew a good deal about it because my mother's family was from Peoria. My mother grew up in Peoria. And as a child we visited Peoria almost weekly to see her mother and father and subsequently her sister and so forth, so I was very much aware of the two communities and some differences. Peoria was much bigger than Galesburg, the second largest city in the state. And in terms of my identification as a Jew, Galesburg's Jewish community was very, very small – about 25 families total. That meant I knew every Jewish person in Galesburg, and it was almost like an extended family.

Professor Jackson: Was there a synagogue in Galesburg?

Ms. Bernstein: No, not then. There was a community but they didn't have a building until after the war when a little temple was built.

Professor Jackson: Did you have an itinerant rabbi or –

Ms. Bernstein: Yes, we had itinerant rabbis through the years and when they didn't have one, or if one year they didn't have one, the men in the community, that is my

father's generation, would conduct the service themselves. Like most, and I'm sure you've heard this before, Vicki, unbelievable as it may seem, there were virtually two communities among those 25 Jewish families: some who came earlier, some who came later. We were part of the later group, so we were part of the more conservative part, those who were more observant. In Peoria there was a much larger Jewish community and there, too, were at least two or three different communities. My grandfather in Peoria was a very, very observant Jew, kept kosher, went to synagogue twice a day, et cetera. We visited this larger Jewish community from time to time. I never felt part of it.

Professor Jackson: Your mother grew up in Peoria and –

Ms. Bernstein: My mother and father were both immigrants. My father was about 13 or 14; my mother was like one. Obviously all the grandparents were adult immigrants and all the grandparents that I knew, and that was three because one had died before I was born, spoke Yiddish, spoke Yiddish to me. I was expected to understand it, and I didn't know that I wasn't supposed to, so I did.

Professor Jackson: What part of Eastern or Central Europe did –

Ms. Bernstein: My mother's family was from Poland. It was the all-Czarist Russia; my father's family was from what is now Moldova, I believe, around the Kiev area.

Professor Jackson: Can you recall what your parents might have told you about their experiences growing up in Peoria and Galesburg?

Ms. Bernstein: My father's family came first to Burlington, Iowa, and I never was quite clear about why they moved to Galesburg. Well first I remember asking, when I was big enough to begin to think about it, why they went to Burlington – and I never got any answer from that, except that someone had a friend from Europe who was somehow in Burlington. I

think the truer answer, which they did say later on, was because the middle west and small town community was the way they had lived in Europe. They were not big city people. My father used to say jokingly that when his father, who had come before the rest of the family, took one look at the lower east side of New York and said, "If we're going to be poor, we don't want to be poor here," which I thought was good judgment. It was much easier to live in a smaller community. They had lived in a village in Europe. I didn't know where my mother's family had lived in Poland. My mother never really knew much about it, and unfortunately I don't believe I ever asked her about it until it was too late to find out. I don't even know how they got to Peoria, probably for the same reason – they knew somebody from somewhere, I suppose. I did ask about – my father had very little formal education. He did read and write English. And how much he went to school after he got here I doubt very much because by the time he was 15 he was working full time.

Professor Jackson: Was he in agricultural employment?

Ms. Bernstein: No, he was a tailor. He and his older sister had been apprenticed to tailors in Europe. He worked first for his brother, his older brother who had come with his father and had already opened a clothing store, a men's clothing store, and they were doing tailoring and cleaning in Burlington, I think, but I am not sure of that, but certainly in Galesburg.

Professor Jackson: Did your mother help in the tailoring business?

Ms. Bernstein: No, my father's family were the tailors. My mother's father ran a pawnshop and was successful, financially successful. How I'll never understand because I never heard him speak a word of English, but I don't know how he did it. But I think maybe one of the sons took it over, I just don't know that part of it. But my mother's family was more successful financially than my father's. As I said before, they were a very religious family, and there were

only a couple of them who basically never left home. The adult children who worked in various enterprises lived at home until marriage, one after they were married even, and that was in part so they would be sure to have kosher food.

Professor Jackson: And these are the people in your parents' generation who lived at home?

Ms. Bernstein: Yes. My mother was at home until she married, and she was 30 before she was married. There were six of them; three siblings never married. One of her brothers, after whom I am named, had a very early death. I believe, though I do not know, that he committed suicide. Never was told; there was never any mention of this sort of thing. I mention that only because these families never really talked about personal matters of that kind.

Professor Jackson: Even though they lived so intimately together.

Ms. Bernstein: Yes, yes.

Professor Jackson: It is quite interesting. What were family gatherings like? It sounds like you did that.

Ms. Bernstein: Oh yes, a lot, a lot in both families and sometimes together, less often together as a child, but later on they would be together. Every Friday night at my grandmother's house.

Professor Jackson: This is in Peoria?

Ms. Bernstein: No, this is the Galesburg side of my family. In a way I was much closer to my father's family than my mother's although we spent a lot of time at both. I think I felt I had more in common with them. My father was one of eight, and he had two younger sisters who were very influential in my life. They were so much younger than my father that they were almost the same generation as some of my cousins; in fact they were the same age.

They were smart; they were Americanized. They were funny. Especially there were two women, and they were wonderful to me as a child growing up, and I have a great deal of closeness to both of them. One, I think I mentioned to you before, Vicki, became a doctor, and I was very close to her from an early age and up until, really until she died. And it certainly eased my way into the professions, any profession. She really had been the pioneer in the family. Lots of people say to me, my, you're such a pioneer, and I don't think of myself that way because there was somebody before me.

Professor Jackson: What was her name?

Ms. Bernstein: Mary Zeldes. She went to medical school at the University of Illinois. She said that her two brothers, my father and his brother, who did not have a younger son to send to medical school, sent her because she was the smartest. She used to tell people she had no interest in going to medical school but "the boys" said she was going. They put her on the bus, she said, and sent her to Chicago, which is where the medical school was.

Professor Jackson: So, it's a wonderful story of the men in the family pooling resources to send this –

Ms. Bernstein: To send this woman to medical school in, I suppose, 1932 or 1933– can't have been much before. I knew it wasn't much before then, and it couldn't have been much after that I don't think.

Professor Jackson: Now did she come back to Galesburg?

Ms. Bernstein: No, she didn't come back to practice. She graduated second in her class from Illinois Medical School, I used to kid her and say, "Well who was first?" And she said, "Well he doesn't count." She became a pediatrician. She became among the very first board certified pediatricians in the country. And as she completed her residency, married a

doctor (I think a classmate), and of course when they were completing training and so forth, he went into the army, because of the war, and was gone. By that time she had a child, and I don't remember where she was working before that, but at the onset of the war she accepted a post at a large medical clinic in Wichita Falls, Texas. I don't know why, but she did. Maybe because others weren't hiring women at the time, and there weren't clinics that paid. I suppose basically she didn't want to hang her shingle out by herself and have to take that on and borrow the money and all that. I don't remember how that happened but I spent a summer with her.

Professor Jackson: How old were you?

Ms. Bernstein: Just finished my first year in college. And she called home – this was the way the family operated – and my grandmother had been down there with her, and she and my grandmother were very, very close, but they also fought with each other terribly. And Grandma had called and announced that she couldn't take it any more, and she was coming back to Illinois, and they should send someone else because Mary shouldn't have to be there alone with the baby and being a busy practitioner, and so forth. So I was sent to Texas that summer. I came home from college, and they said get packed up; you're going to Texas. I got on the train for what seemed like three days, with every seat taken with young soldiers; it was really quite a trip. It was quite a trip. So I got there, and my main purpose of being there was just so she would have company, I mean I wasn't supposed to be. I spent time with the baby, of course. He was about 18 months old; he lives here, and I'm still good friends with him. She didn't make me into a servant. It was mostly to have somebody to spell her, particularly when she got called at nights, that there would be somebody in the house with him, and so forth. I had quite an enjoyable summer. She introduced me to people she had met who had young people my age in college, and I kept up with some of those young people for a long time but not forever.

Professor Jackson: I was going to ask you the role that gender played in organizing family activities. And it sounds like there were things that were not necessarily what one thinks of stereotypical about that.

Ms. Bernstein: I think that's right, Vicki. I always think of it as non-stereotypical. Principally because of my father's unusual attitude toward me, towards his sisters, toward other women. There were eight children in the family. The first four were the children of a mother who died in Europe, and the second were from a second wife who I believed was my grandmother, and not finding out until I was eleven or twelve that she was actually a step or whatever you call that grandmother. My father treated her as his mother because he had been a baby when his mother died. And when the father died, the year before I was born, my father moved into the role of being the patriarch of the family. Everyone turned to him for everything always. He comfortably played that role and was, oh, non-judgmental, non-dictatorial, liked to work things out in a moderate and conciliatory way – everyone loved Louie – Louie solved everybody's problems.

Professor Jackson: You've given some examples of the non-stereotypical attitude toward women, of financing his sister's medical school, and then being supportive, but we haven't talked actually specifically about his attitude toward you.

Ms. Bernstein: No, and we should because it was quite remarkable. He almost made a fetish of treating me and my brother identically in terms of support, of help. He said to both of us, I'll support you in your education, whatever you decide to do, you can do. This is a great country, you only have to be smart enough and work hard enough and we'll manage– even in days when resources were, you know, money was limited. He was always very optimistic and said, "We'll find a way, we'll find a way." And he helped the other women in the family. My

cousins (I have three women cousins), the children of his older sister whose husband died, their father died very young and my father helped them. And, in fact, my cousin Bernice, whom I'm very close to, lives in Arizona now, told me (and she always will remember it) she married at 18 to a prosperous family in Iowa, a Jewish family in Iowa, and my mother and father had the wedding. She remembers vividly my mother taking her to buy a wedding dress and so forth. I wasn't aware of any of those things at all, but others were. Obviously I was young. I'm sure they didn't tell me things like that because I was, I suppose, nine years old or so. Anyway those things went on, always that was my recollection, and when my father died there were people who came to the funeral who I had never seen. One woman particularly told me this really wonderful story of her husband who had worked in a factory (and most women didn't work then) in the late '30s, and her husband was killed in an accident and left her with two small children. My father rented her a house, and she had no money whatsoever, except \$1,000 insurance money, and she said, "What will I do?" and he said, "Well you can live here without payment for six months." And she said, "I just don't know what to do." So he said, "What can you do?" And she said, "Well I can cook, that's about all I can do. I know how to cook, I'm a good cook." He helped her to rent what I suppose was a fast food restaurant, not a chain, across from the factory, and eventually got her a liquor license. Women were not permitted to hold liquor licenses at that time, which I didn't even know, and he held it in his name for her until she could "get on her feet." There was another woman, she and her husband had converted an old hotel into what was then called Helen and Mead's Hotel for Elderly Gentlemen. It was essentially a nursing home without a license. And my father helped them get that. He did that kind of thing for people, all very quietly without anybody much ever knowing about it. We do know about much of it, though it was very quiet in that sense. He had a good sense of humor, very strong, very

comfortable with himself. And obviously an enormous influence on me and my brother.

Professor Jackson: What a wonderful parent.

Ms. Bernstein: Oh, he was. He was wonderful. My mother was also supportive of all the things that he did. My mother had been very successful herself. She went through the 8th grade. She did not go to high school. Two of her sisters did, and she went to work. She became a buyer in what was then a major department store in Peoria, in the linen department, which was very unusual for a woman. This was in 1920. She also told me that when automobiles first were available, she bought a car and her brothers begged her not to do it because only "loose women" drove around in cars. They would take her anywhere she wanted to go, but she insisted upon having her own car. So there was a certain streak of independence in my mother, which I think got totally diminished after she got married and became a housewife. It was not entirely her doing I think, and that is partly my father's doing. That was interesting to me. My mother's friends, and they were the few, I suppose, 10-12 couples of their age who were in one business or another. They were all in some sort of jewelry store or this or this. Not unusual, but the women all worked in the store; all of those women worked in the store. My father never wanted my mother to work in the store. So she never did. She did a lot of the family gatherings, not the Friday nights. As long as my grandmother was alive, she did the Friday night gatherings. But my mother did Thanksgiving and Hanukkah and my birthday and my brother's birthday, and her family came for Sunday dinner very often. They would drive over from Peoria for middle of the day dinner and things of that sort. She also was sociable in the sense that the ladies group (which was the Jewish group which she belonged to) they played poker every week. Poker! I was embarrassed beyond words about that when I was in high school because my friends' mothers all played bridge. Where did you grow up, Vicki, just by

way of contrast to all this?

Professor Jackson: I grew up in the New York area and my grandmother was the matriarch of the family. We went over there every Sunday and we frequently had dinner with them Friday nights. And she had a group and they played mah-jongg or bridge. I don't know whether she knew poker or admitted to it. She did work; my grandfather was a doctor and she did work in his office and she could get away from home. So some of this sounds actually very familiar and very lovely actually.

Ms. Bernstein: It was very, very warm, and you know not all of it was, of course. My father's one sister married, and my grandmother always lived with her and her husband, Bert, whom we all called Dark Cloud. He was one of those people was a failure at everything, including life, and he wanted everybody to be miserable, so there were things of that nature, as well. And of course it was the Depression.

Professor Jackson: What kind of impact did that have?

Ms. Bernstein: I think I was certainly aware of it. I was trying to think about when I saw it in your little note because I was aware of Franklin D. Roosevelt being elected in 1932, even though I was only six years old, and that is not something I've conjured back on. I was literally aware of it. I was aware of the excitement in my father's family and my father particularly because it was so optimistic. My father had lost his business, his clothing business, which I was barely aware of the fact that he lost it. I mean he closed it up because nobody was paying anything at all. And my mother's family helped them through that because they would have lost the house, and I think I only knew about that after the fact, Vicki. I don't think I knew it at the time. I know my mother's family paid the mortgage until things got better and things of that sort. And I suppose the pawning business must have been fabulous then although who you

sold the stuff to, I don't know.

Professor Jackson: Did your father then start another tailor shop after?

Ms. Bernstein: No, he never did. As soon as, and I don't think he contemplated this, but maybe he had, it was under consideration to repeal Prohibition, I suppose before the election of '32 because it was an election issue and then it was repealed in '33, my father got one of the first liquor licenses in town and opened with his brother. His brother my mother always considered to be not quite respectable. He wasn't married, and I think he was, what did she call him, did she call him a "womanizer"? No, that wasn't the phrase— "chaser." I can remember saying to her, "I thought a chaser was a guy who married and chased other women." "Ah shaa, shaa, such questions she asks." And he and my uncle Moshe opened up a tavern, and my mother just was horribly embarrassed about that. She was just humiliated and worried that she'll be known as the barkeep's daughter or saloon owner's daughter, and she'll never amount and never be able to succeed socially, and I was just not very aware of that. I was a little bit because I would hear her saying so, and by that time I was beginning to be more aware of the economic crunch. My father's attitude was "I can run a respectable business; neither you nor the children will be in the business. I can make a living and I will." And he did. He became successful. He and Morris opened up another one that was also successful, and ultimately he went into the package liquor store business and opened up one on Main Street. By that time, it was totally respectable. Of course he was a merchant by then and he did very, very nicely.

Professor Jackson: What about the impact of events in Europe and then the entry into the war? I was trying to figure out how that related to when you started college, but I think you started college near the end of the war.

Ms. Bernstein: I started college in '44 so the war was still on, but in the spring of

my freshman year the war was over; '45 the war was over.

Professor Jackson: So in your teen years – that was the time of Europe?

Ms. Bernstein: Yes, that was the time of Europe. My first recollection of it is when the first (I guess there were two) one was Fred Shuboch and his father arrived in Galesburg from some place in Germany. They opened a cleaning and tailoring shop. Fred was a tailor, and what I learned about why were Fred and his father there was things were getting bad in Germany. I equated it with what my father and that part of the family had told me, the ones who could remember about how bad things were in Europe when they left. I had heard of pogroms; I knew of pogroms. I knew that Jews weren't allowed to own property; Jews couldn't do that. This and the other thing in Czarist Russia or in any part of that part of Europe and I kind of equated what was going on in Germany with that. I was like *déjà vu* all over again. That's what we kind of equated it with. I was gradually becoming aware of fascism in Germany and not until another couple came, Franz and Frieda Lang. The community brought them to Galesburg; they brought several, which was quite amazing. It also brought these split communities together for the first time. My father went to what he called the other side and said enough of this, we've got to raise enough money to help out. So they obviously knew. I knew and I was quite aware of that because we all tried to help with that. We all tried to do whatever they wanted us to do to help folks, these new families coming to town because they would have to find a place to live; they would have to find them work to do. There was much tension surrounding that, much tension because there were lots of, I can remember, dissident points of view. Nobody really knew what was going on, and the Langs, for example, were from Vienna. There were some in the community who thought the German Jews deserve it, that they brought this on themselves. God told them not to assimilate; God told them not to abandon the religion of their forefathers, and

this is their punishment. Not uniformly, I never heard that kind of thing from my father at all, but I remember hearing it from “Dark Cloud” and sort of absorbing that as best I could.

Increasingly, I became more and more aware, obviously, and so when the time came I remember vividly, very, very vividly – how old was I then? I suppose about 13 or 14, on Pearl Harbor Day. I remember that vividly, coming downstairs. We always came down in pajamas on Sunday morning and listened to the radio while my father and I read the funnies and things; that was kind of a Sunday morning ritual. That was the one day my father was home because there were blue laws still and the store was closed. So he was home on that day and I remember trying to figure out what it meant. I think I must have been only about 12 or 13, because I had had some history, but it was very hard. World War I seemed to be the same as the Civil War. I mean the same degree of reality, even though my father had been to war, my father was a veteran. A couple of my uncles had been in the war. My father was an active member of the veterans’ organizations and things like that; even so I just didn’t connect with it. And I can remember thinking to myself, well I guess we’ll just have to get to work and we’ll win this war. We, you know, us Americans. I remember the optimism increasing at the same time the economy was becoming better and things of that nature, but I think increasingly as I read more and more about it, I don’t know that any of us had a very good idea of the extent. We knew that Jews were being forced to leave the country, and we knew that Jews were picked up and so forth but none of us knew really the extent of it.

Professor Jackson: Okay, we talked when we had lunch some months ago about how you came to decide to go to the University of Wisconsin as an undergraduate. It would be interesting if you could remind me of the details.

Ms. Bernstein: Let me just add one thing that I think is important about my town,

my community, and my family, And that is I contrasted it to some extent to when I did get to college and met other people my age, especially girls, who had grown up in large cities with large Jewish communities, how different I felt about my own connection with my community, with my high school experience, with my acceptance into the larger community.

Professor Jackson: Can you elaborate?

Ms. Bernstein: Yes. My husband grew up this way and other people did, too. A couple of my friends at Wisconsin had grown up in the south side of Chicago, well-to-do families, in successful households. No one had gone to private; I didn't know anyone who had gone to private school then. They went to very good public high schools, Hyde Park High School, and they were kind of the elite high schools. They never knew a gentile person. They didn't know a gentile person because their whole circles were all Jewish. There was a great deal of segregation among people, as soon as people got old enough to be social. My husband said when he was in elementary school, he didn't even know if there were any gentile kids in the school.

Professor Jackson: And by contrast?

Ms. Bernstein: By contrast, I was one of maybe two Jewish kids all through school, maybe three in my class. My group, which is extremely important, my group of friends, both boys and girls, which I began to know in grade school, all went to dancing school together, and we did the same things with basketball games and all of those kind of community, non-dating activities. Two very, very close friends who remain, one of them is dead, but the other remains a close friend to this day. I was totally accepted in ways that were just unknown to some of my later-on friends who had grown up in different communities. It has served me well throughout my life. I always felt comfortable. In fact when I went to this huge corporation,

midwest gentile corporation, there were hardly any Jews in that entire company. There were maybe two or three in staff jobs, and there weren't any certainly working in line jobs. But people said to me, "Are you comfortable in that setting?" I thought to myself, this is just like the people I knew in Galesburg, some of them come from South Dakota, some of them come from Minnesota, there were a lot of Scandinavians. I knew these people; deep down in my gut I knew these people; I knew what I could trust and I knew what I couldn't trust.

Professor Jackson: It's a very interesting observation because there is this competing theme in American literature about small town intolerance, and your story is very different from that.

Ms. Bernstein: I thought about it and it's partly why I mention it, Vicki, and especially in those years, especially— I don't know what it's like now— but in those years at least in literature, the intensively, very destructive intolerance, because there is no way to get away from it, has been a recurring theme and not everybody had the same experience, even there, that I had. My cousin Bernice again — I've talked to her about that because she had the same experience I did — and one of her sisters did not and felt very disadvantaged, very as if she were excluded in ways that we weren't.

Professor Jackson: Were they related to religion?

Ms. Bernstein: Yes, related to being Jewish in a different way. I thought about it, of course. It was totally segregated as far as blacks were concerned, but there weren't very many, and they all lived in one part of town and we all went to the same high school. Everybody, Mexicans (there was an old Mexican community who had been brought up there to work on the railroads at an earlier time), small Mexican community, small black community, small Irish-Catholic community were also segregated. If there was any intolerance that I heard of, it was

directed at Catholics, but especially Irish Catholics. They went to different schools; they went to a different church.

Professor Jackson: Was there a Jewish part of town or were they residentially entwined?

Ms. Bernstein: There were only 30 families; they were residentially integrated. There wasn't another Jewish family on our block, well for a little while anyway; one family lived there for a little while, not very long.

Professor Jackson: That's very interesting.

Ms. Bernstein: It is. I don't know if it's peculiar or not, I think it was very different in Peoria. The young people that I finally did meet there when I was in high school—and since my mother schlepped there so often, she finally picked up the phone and got us acquainted with people our age so we wouldn't complain so much about nothing to do – they didn't have the same experience I had. They weren't unhappy; most of them as a matter of fact stayed in town. Nobody stayed in Galesburg. Except one friend of mine who was in my class, a Jewish boy whom I was very close friends with, always, he stayed in town and that may have been because his father was very, very successful and owned a factory where they made blue jeans and overalls, and he went to college and came back and ran the factory and eventually sold it to somebody and lives in Florida now, of course. But nobody who had to make a living of the Jewish young people (in fact many, many of my classmates who were not Jewish) left town as well because there were just not economic opportunities.

Professor Jackson: Did any of your classmates go to Wisconsin with you?

Ms. Bernstein: No.

Professor Jackson: Is this an appropriate time to ask you how you came to go to the

University of Wisconsin?

Ms. Bernstein: Yes. My considerations were as follows: the people I admired most before me, particularly one, the Jewish dentist's daughter, Cherylan Ross, had gone to Northwestern as had a couple of other people that I considered successful predecessors. By that time my father could afford for me to go to private school instead of staying home and going to Knox College, which my cousins had done, or even to Illinois. [phone call interruption]

Professor Jackson: In our discussion just before 3:00 today, June 1st, when we broke we were about to talk about your decision to go to the University of Wisconsin, and you had started to talk about your criteria and the fact that some people who you looked up to as successful had gone to Northwestern. I think that's where we were.

Ms. Bernstein: And I thought that is where I would go. My two closest friends, Barbie and Midge (whom my daughters both got hysterical about that because one was called Barbie like the Barbie doll and the other one's name was Midge, and it was my daughter who said, "You made that up, Mother." But I didn't.) – they were both going to Illinois. For some reason I didn't want to go to Illinois, and I think, although this doesn't make a whole lot of sense, in my mind at the time, Illinois was very closely identified with a rigid Greek system—sororities, fraternities, et cetera— and if I were going to go with these two best friends, it was clear that I would not be considered for the same sororities they would be. And that somehow was distressing to me. I knew that the same situation would occur at Northwestern, but I wasn't going with my two girlfriends. So I was accepted at Northwestern, and the policy at Northwestern was that you had to be able to live in the dorm, and I don't remember what dorm it was but there was no room at the dorm, so they said, "We'll let you know as soon as the dorm is available." Part of this was wartime, because dorms at other facilities were occupied largely by

these military training programs, ASTP, and the Navy had programs at almost all of the schools. That didn't seem to come about, and I needed to think about a fall-back school, and my history teacher at Galesburg High School, whose name was Erma Gale (married to one of "the" Gales of Galesburg), had come from Milwaukee and settled with her husband George Gale in Galesburg, Illinois, and after he died she went back to teaching. She had gone to the University of Wisconsin, and I was a favorite student of hers. I loved her history class, and I talked to her about where to go to school. I left one thing out. One of our group was a boy whose name was Jim Thompson from a very prominent family; his father had run for Lt. Governor and his mother's family was renowned in town. His mother had gone to Vassar, the first time I had heard of such a school. I heard of Harvard and Yale, but I never heard of any of those schools. Mrs. Thompson suggested to me that if I wanted to go there, she would like to sponsor me, or recommend me. I spoke to my parents about that, and they were quite opposed to that. That was too far to go, it was too far away from home. We never heard of it anyway, and why wasn't Northwestern okay, and that was kind of prestigious and all, so I didn't really pursue it. But I thought about it a lot afterwards. And so Erma Gale said, "You should go to Wisconsin and that is really the only place for you. It's a better school than Illinois and beside which there isn't all that Greek nonsense there at all." It had a very, very different reputation. Lots and lots of Jewish New Yorkers had gone to Wisconsin through the thirties when there was no state university in New York and all the eastern schools had quotas. It was known to be a center of liberal intellectual activity, both faculty and student. It was a national reputation in those things, and I don't know that that really influenced me as much as the fact that it was not Illinois. Northwestern was clearly going to fall through, and at the last minute they did come through, but by that time I was focused on going to Wisconsin and hence I did.

Professor Jackson: I think we may have touched on the point. But in our little break I looked back over, I had remembered not her name but I had remembered the person, Erma Gale, an influential teacher. I guess before we go back to the University of Wisconsin, I wanted to ask whether there were other people in your early years before college, apart from your parents and your Aunt Mary and Erma Gale, who were very influential upon you.

Ms. Bernstein: Yes, I had a fifth grade teacher whose name was Miss Slattery, who taught us the Greek and Roman myths. I just got (maybe it was the age or I don't know what, I mean I had been a good student all the way through of course) straight A's and all that sort of thing, but with Miss Slattery I just got intrigued intellectually in a way. I really didn't connect anything that had happened before the day I was born hardly until I was in the fifth grade class. And it was an enormous influence on me. Several of those elementary school teachers were. It was a small school and we got to know them, and I remember that Miss Slattery would come to my birthday party when my mother would have a green angel food cake because I was born on St. Patrick's Day. These little girls, I think it was mostly girls, maybe boys— you know just little birthday parties— just coming together. One of them, Miss Weinberg, was I think like my first grade teacher. I just saw in my little hometown paper that Miss Weinberg was 100 years old last week, and one year ago I got a photograph that was the first year class of Miss Weinberg's that one of my classmates had dug up and for some big birthday of hers had presented it to her, and she wrote notes to all of us. Oh it was just lovely. So there were those very close kinds of identification with the teacher, with the school. One other person I would mention was a couple who came to Galesburg from Chicago. Their name was Lawrence. I'm trying to think what his first name was. Gladys was her name. They were quite a lot younger than my parents, but they were a part of the Jewish community. That's how I met

her, and her husband was a Ph.D. in something like sociology and could not support himself or his family and was brought to Galesburg by his sister and her husband who were business people and put into some sort of business. I was early on aware that he really hated being in business. She too had a master's degree, and that was fairly unusual for me to know people like that. I was quite intrigued with them, and Gladys reached out to a number of us whom she knew in the Jewish community. She would teach little classes of some of us who were trying to sort out what our feelings were about religion and life and so forth. I was quite close to her for some time.

Professor Jackson: These were classes on religion or philosophy?

Ms. Bernstein: They started out to be like Sunday school for those of us who had very little of that. Every once in a while there would be somebody trying to teach the children, if you know what I mean. Until later, the boys went either to Peoria or Rock Island for their training because they all got barmitzvahed, including my brother, who was the worst student in the world in terms of his Hebrew education. My brother is younger than I. I always say he used to be younger, but I won't use that gag today. By that time, I think by the time he was supposed to be barmitzvahed, there was gas and tire rationing, so they couldn't take him once a week for Hebrew lessons out of town. Mr. Becker, who was a local person who ran the junkyard and was supposed to be learned in Hebrew, taught, and people still claim Jack was so bad a student that it killed Mr. Becker. It's one of most my hilarious recollections. My brother was so bad. He was totally disinterested and he didn't want to study, and my mother's attitude towards all of those things was to me, "help your brother." And I always helped him with his homework and all that. And she told me to help him with his Hebrew. I said, "I don't know any Hebrew," and she would say things like, "You're so smart, you can pick it up." We made up flash cards. He and I

made up flash cards so that he would at least be able to get through the pronunciation of these words. We're very close and we always have been very close.

Professor Jackson: Is he in town?

Ms. Bernstein: He is a distinguished lawyer who has his own law firm in Connecticut where he went after law school. He went both to Wisconsin and Yale, and is a very, very distinguished lawyer. People in Connecticut will say to you he's probably the best trial lawyer in Connecticut. He's very, very good. And he's a wonderful person besides.

Professor Jackson: I'm sure. So your brother was an influence?

Ms. Bernstein: My brother was an influence, yes.

Professor Jackson: Where did your brother go to college?

Ms. Bernstein: Wisconsin.

Professor Jackson: So he followed your footsteps.

Ms. Bernstein: Yes, my mother sent him along there. As long as I had done so well. In fact, it was still more difficult for out-of-state students to get in the University of Wisconsin. State schools were crowded with returning veterans, and my brother applied because my mother wanted him to go to Wisconsin because I was there and I would look after him, and since I had done well. Then by that time, he said okay. But his grades were not as good as mine, and my mother came to Wisconsin – this is really an episode that honest-to-goodness happened. I was a junior member of Mortar Board and in the spring, it would have been spring of my junior year, Mortar Board breakfast took place for Mortar Board members and their mothers. So my mother came for the Mortar Board breakfast with the president of the university and other distinguished, you know, the deans and all that This was a big deal, Mortar Board was a very big deal. And my mother had been after me to see if I couldn't use some "clout" to get my brother

in there, which I was of course offended by and told her things didn't work that way, blah, blah. She sat next to the president of the university, and my brother was accepted because my mother spoke to the president about how nice it would be for this very successful sister to be able to have her brother go there. He got in. He had an enormously successful time in college. He was the editor-in-chief of the *Daily Cardinal* which has produced distinguished journalists throughout its history. He was just back there for a hundred years of publication.

Professor Jackson: Mothers are amazing!

Ms. Bernstein: Mothers are amazing, and I would do the same for my kids if they would let me. But I was horrified at the time.

Professor Jackson: Of course, that makes perfect sense. Okay, so your family was supportive of your going to Wisconsin I take it.

Ms. Bernstein: Yes, once that was decided they said well okay, that will be fine. They never pushed me about Illinois. I don't know why. It would have been much cheaper although there were reciprocal scholarships, and so it wasn't much more to go to Wisconsin. Northwestern had considerably more tuition but they didn't mind about that. They both always said well, where you would like, where we can afford it, that would be fine. Because they didn't consider they had any expertise in these things.

Professor Jackson: I'm going to ask you to think back on being an undergraduate at Wisconsin and what impressed you most in terms of professors, activities.

Ms. Bernstein: The first thing I would say is one of the dorms opened up about a month before school started, and I got a room in this dorm called Barnard Hall. These two old dorms, Barnard and Chadburn, that were right on campus, wonderful location; they were old dorms but one of the things that Barnard had that nobody else had at the time was single rooms.

I got a single room. My parents took me up there. My parents drove me up there with all my stuff, although we did not have – wait, I did have a portable typewriter– we didn't have stereos, hot plates and refrigerators and VCR's and all that sort of thing. And as we were getting settled in Barnard Hall, and other girls and parents were coming of course, we saw a very, very attractive woman, and my mother looked and said to me, "Oh what an attractive girl," and I said, "Yes, isn't she," and she said, "Do you suppose she's an American Indian?" She had fairly mocha, lighter than that, café au lait almost coloring and dark red hair. My father said, "No, I think she's an American Negro," and at this point my mother almost fainted, collapsed. There were four black women, what we called Negroes at the time, in my dormitory which was unheard of any place that I had ever been or my parents had ever been. One of them was the very attractive red-headed woman I saw about a month ago. She is now married to Walter Washington, Mary Nichols Washington. Two of them became among my fastest friends in the world. It opened up an entire world to me, an entire world that we could talk about for an hour, but we won't. It was a totally segregated world, as you know, both of them were from very upper class families or they wouldn't have been there.

Professor Jackson: From what part of the country were they?

Ms. Bernstein: Mary is from Washington, D.C. (END OF TAPE)

Professor Jackson: The interview on June 1st with Jodie Bernstein continues. We were talking about her friendship with African American women at the University of Wisconsin.

Ms. Bernstein: Laurantita Taylor was her name, lived across the hall from me. Her father was in the thirties the head of the Chicago Housing Authority, a black male– I believe he was a lawyer; I think he had gone to Harvard. Very distinguished, very upper families both of them. As I say, I knew almost nothing about that part of our society. I had known one of my

classmates from Galesburg High School, whose father was a doctor, went on to go to medical school. I had known him but he wasn't certainly a part of our group, but because it was an integrated high school, he was in activities I was in. So in fact I did have more exposure to African Americans than most did at the time we went to college, but not when I met Mary and Lauranita, and we remained friends all through the years of families. I went to Lauranita's wedding in Chicago. We happened to have been back there when her daughter was married. It was lovely. I have a picture of me with Lauranita's mother and Lauranita and her daughter, and it was three generations and a very nice occasion.

Professor Jackson: Was there a civil rights movement or precursors in Wisconsin at that time?

Ms. Bernstein: No, in fact the only issues that I recall – no, I don't think there were any. I didn't think a lot about the fact that it was an integrated dormitory past the first shock and so forth. But there wasn't very much talk about it. I remember hearing things and then I met all the other black Americans who were on campus because they all knew each other. And there were very few men that first year. There were hardly any men on campus, black or white or any color.

Professor Jackson: Still during the war?

Ms. Bernstein: Yes. They weren't back yet. So it was in every sense a wonderful first year. I loved it. It was getting to find your way in a way that, as I thought about it afterwards, there was no pressure to date at all because there was nobody there to date. And it put us all on sort of equal plane of figuring out how we were going to manage our workloads and get to know people and figure out what we wanted to do without any of the social pressures that came later. To me it was great because I wasn't very ready to be able to handle that much of that

anyway.

Professor Jackson: What did you study at Wisconsin?

Ms. Bernstein: My major was economics with a minor in political science. The minor in political science was really the most important, I think, factor because I took a course in constitutional law in the political science department with a professor who had gone to Yale, and it was really why I ended up at Yale.

Professor Jackson: Do you remember the professor's name?

Ms. Bernstein: Yes, I do. David Feldman. He had gotten his Ph.D. at Yale, and when I talked to him about going to law school in my senior year, having done very well in his constitutional law class, he first suggested that I might want to do graduate work in poli sci, and I was very interested in it. But at that point I knew I would have my family's support to go to law school, but I wasn't at all sure about getting something called a Ph.D. in poli sci – what would I do with that? I knew I didn't want to teach. And so it was much more practical, and he was very instrumental, I think, in two ways in getting me to apply early to Yale and getting me not only his recommendation but my economics professor's. I'm going to forget his name now. I think it's very important– had been in Washington and had been one of the architects of Social Security. So people knew his name. He was a very distinguished professor and I think it probably helped a good deal in my being accepted at Yale. I mean I had grades and so forth and certainly had plenty of extra curricular activities to demonstrate I was “well rounded.”

Professor Jackson: What kind of activities were you involved in as an undergraduate?

Ms. Bernstein: Oh, everything. The yearbook, I ended up being editor-in-chief of the yearbook. I had written on the feature staff of the *Cardinal* – in fact I have a funny story. I first went to try out for the *Cardinal* after the first semester. I was going to write features – that

was what interested me the most – and they said they had nobody to cover the athletic contests, such as they were. Would you cover the football game this Saturday? And I said, “Well I don’t know a thing about it, but I’ll go to the library and I’ll try to do it.” They said, “Oh that would be great” because there was nobody to do it. I went there and, of course, the press box at the University of Wisconsin didn’t allow females in, so I sat outside trying to figure it out. That was the last time I ever went to a game! That, what else did I do there? I was on the Student Council; I must have been an officer of the Student Council because I was elected to that. And from those things I got elected to Mortar Board in my junior year. In other words I was a BWOC, a big woman on campus. I really loved that. I thought that was great.

Professor Jackson: Now World War II ended while you were in college. What was the impact of that?

Ms. Bernstein: The impact was incredible. The second year, my sophomore year, I remember vividly – I think it was second semester that I took “Money & Banking” in the econ department. By the time I had completed the mandatory courses, and I walked into the money banking class, but previously any of my economics classes had like about 4 to 6 girls and maybe one 4-F. They were tiny little classes because women didn’t take economics. So these poor economics professors who previously, I’m sure, had lecture classes over 100 people, had just these little bitty classes. I walked into the Money & Banking class and there were about 200 men and me and two other women. It was just a stunning kind of change, really stunning. Huge numbers of returning veterans changed the whole atmosphere of the campus because of the thousands and thousands. Many of them had been out of school for four or five or more years. But that’s a huge difference in age. They had been all over the world, many of them, but not all of them. Some of them had never left the country and so forth, but a lot of them had seen battle

and were returning. A lot of them were married. That was the first time there were married college students, lived differently than we did. They were very serious so we had to be also. I had worked very hard anyway, but it was much more intense intellectually, much more intense. And lots and lots of really heavy, of my group anyway, oh you know, where's the world going and political intellectual discussions. I remember some in which I had no idea of what anyone was talking about, because I didn't know about French intellectuals and movements, I really didn't know. I was quite intimidated by that, but I had a couple of friends about whom I finally concluded didn't know either, they just talked more than I did. I had a very, very wonderful four years at Wisconsin. One summer I was there because something had happened the year before at the yearbook. The editor had disappeared and the annual didn't get finished. They asked me to come up for the summer and take the summer programs and run the rest of it and I did that. I met lots of interesting people and had good professors, I thought. One of them talked me out of trying to be a writer, which was probably good. I mean fiction writer. I had that kind of in mind that I could do that. After I took his creative writing course, which I did well in, I think he really persuaded me that maybe I should do something more practical.

Professor Jackson: One of the things I wondered about, thinking about this ahead of time, was whether when the men returned whether that had any effect on the way women students were treated. It doesn't sound to me like it did necessarily in your description, other than you were now part of a much larger group.

Ms. Bernstein: It didn't for me, but I think it may have for the entering groups. I felt like I was pretty well established by second semester my sophomore year, that's what I associate with the big returning class. And I didn't sense that. I do recall having some of these men, particularly in economics classes, not so much in poli sci classes, but you know I had to

take statistics and things like that for econ, of men making disparaging remarks, like why are you doing this, you know, you'll only get married and have children and you're taking up space and we have to compete with you, and so forth. That never bothered me.

Professor Jackson: Fairly classic kinds of –

Ms. Bernstein: Oh yes, very classic kinds of sayings.

Professor Jackson: Okay, we've talked a little bit about how you decided to attend law school, what we heard was sort of the practical interest, but maybe you could talk a little more. Did you go to law school directly from University of Wisconsin?

Ms. Bernstein: Yes. I graduated in 1948 and I started in the fall of that year.

Professor Jackson: Okay. Of course there were other professions. You had a role model who was a doctor and another was a history teacher. You knew you didn't want to do those?

Ms. Bernstein: I knew I didn't want to do those and from a very early time, and I mentioned being aware of the election of Franklin D. Roosevelt. From a very early time I was interested and intrigued with politics and with democratic institutions and with government generally. I was just intrigued with it. I mean from the time I was a little kid. And my father was interested, maybe that was the reason. My father was interested in politics. He was active in politics. As my mother's brothers were, although they were Republican and my father was a Democrat, which really meant that there were interesting differences that I became aware of. My uncle was an alderman in Peoria for many years. That was very impressive. He ran for office. My father ran for office, for justice of the peace before he was in the liquor business, so it must have been a way to make a living.

Professor Jackson: Did he win?

Ms. Bernstein: No, he lost. And my famous remark was – I remember I was very small, so it must have been before '32 – he won the primary and he lost the election. In order to comfort him, I said, I must have been five years old, “I wish you had lost the first and won the second one,” because all I could figure out was the second one was more important than the first. He never ran for office again. I think he became a Democrat then because I heard rumors afterwards, although he never filled in the details, that he had been double-crossed by someone and it was a Republican who had double-crossed him and hence, he became a, or maybe had always had instincts along those lines. And then, of course, when Roosevelt was elected he was all our hero and the only president I ever knew until I was in college. So I was always interested in that. From an early time it seemed to me that if you were going to have any sort of career life, or whatever you ended up doing, in that arena you needed to be a lawyer. And that was what really drove me, so I decided sort of early, I talked about it in junior high and high school.

I'm sure that I was quite terrified by the time I got to be a senior that I made all these commitments, that I was really going to have go and do it. I don't think I've ever said that to anybody because I was always quite blithe about– well I'll just go on and do that. And then here I was faced with this sort of reality of having committed to the world that I was going to do that. Almost everybody else I knew was getting married that summer. One woman that I knew at Barnard when we first got there, Ruth Weiner (whose family I knew indirectly though she was from Wisconsin) said she was going to medical school. When she and I were freshmen, I was already saying I was going to law school, and she was going to medical school, and one other girl in the dormitory said she was going to be an engineer. Well, nobody even knew what an engineer was at the time. There was not one single woman engineer at the University of Wisconsin at the time. It was a very good engineering school. But when I was a senior I

thought, my God, I'm really going to have to do this now, and thinking to myself, it would have really been easier if someone had asked me to marry him, to get out of this. I really remember thinking that, but nobody had, or anybody that I wanted to seriously get involved with, so at that point it was like this, well this is it, I have to go.

Professor Jackson: Did you apply only to Yale or did you apply to other schools?

Ms. Bernstein: No, I applied at Illinois and I don't think I applied at Chicago. I applied at Northwestern, and I was pretty sure I could get into Illinois without a problem, and it would have been cheaper, and every lawyer I knew, which was about three people, had gone to Illinois, so I felt that would be alright. I'll be able to go there and practice in Illinois anyway if I was going to have a political career. It never occurred to me that I could have gone to another state because I really did want to have a political career, and it never occurred to me that I could go anywhere else than Illinois. And people didn't do that yet. They didn't pick out a district where they could go and live and work and look forward to. And I got into Illinois, and I think I got in at Northwestern, but by that time I had already gotten into Yale.

Professor Jackson: And given your political aspiration, how did you decide to go to Yale rather than Illinois? Because if you wanted to be an Illinois pol, there might have been an argument for going to Illinois.

Ms. Bernstein: Feldman talked me into it. He told me the rest of them are all trade schools. If you really want to eventually end up doing something in government or whatever, you really need to go to Yale, and he convinced me that all the really important people in the Roosevelt administration and so forth were from Yale or Harvard, which was true. I didn't take much talking to, you know, for me to apply and when I got in, well.

Professor Jackson: And your parents said it was ok?

Ms. Bernstein: They said it was okay, although my father said he took quite a lot of grief from people in town who all said, “Well you know every successful lawyer in town, and some of them became members of the legislature” and things like that. One of them was very successful whose mother was a dear friend of our grandmother’s, somebody we had grown up with. He was older than I and was already very successful and had gone to Illinois. They were all saying to my father, “Well, if it was good enough for Berle to go to Illinois, why only your daughter it isn’t good enough for?” He took a little bit of that. He just sort of ignored that and said, “Well, she’s going to go do that.”

Professor Jackson: I have the same sort of questions about Yale Law School that I had about the University of Wisconsin – what was it like as an experience, what stands out in your mind?

Ms. Bernstein: Pat Wald, Pat McGowan Wald stands out mostly more than anything else, and she always has, because I met her the first day I got there. We lived in a house on Hill House Avenue (that was, we may have talked about this before, was housing for women graduate students). I don’t know if we had to live there, but that’s where we did. We could not live in the Quadrangle, but we lived there and we got assigned, Pat and I and another woman, Pat Schwartz, three rooms on a mezzanine with a bathroom, and the three of us got assigned there. Pat and I remained there the whole three years in those rooms, and you know we ate together, we walked to school together, and we studied together. It was an incredibly influential relationship and friendship and support group, and everything else. We also both feel the same way about our classmates generally. We seem to have hit a class or group of students (at least the ones we ended up sort of hanging around with); we just became friends, just warm, friendly friends. Many have continued to be friends. In fact, last year out of nowhere I got a call

from Kurt Melchior whom I haven't seen in years. He called up and said he wanted to nominate me for the what do you call it, the Brent Award. I said, Kurt, what a nice thing to do, blah, blah. Whatever possessed you? He said (he's always been in San Francisco), well I just think you've done wonderfully and I think you should be nominated, blah, blah. I just thought that these were people who were in many ways lifetime friends and colleagues and support and all of the above. Not everyone, and I don't mean to suggest that, because there are some who I can't even remember who they were even. The classes were sort of small. Bigger than the usual, but we just seemed to have fallen in with people that were our kind of people, who you didn't date, you just palled around with.

Professor Jackson: What about professors?

Ms. Bernstein: The professors were – I remember some of them – I remember J.W. Moore.

Professor Jackson: As do I.

Ms. Bernstein: Did you have him too? I didn't think you were –

Professor Jackson: I did. In 1972 for civil procedure.

Ms. Bernstein: That's what I had him for in 1948, for civil procedure for the whole year and I must say that of everybody, I learned more about law and what law was about from him than I think anybody else, in those terms. Others were much more inspiring, if you know what I mean. But what he put us through was just extraordinary. What was the case he usually spent two months on? Do you remember it?

Professor Jackson: No. I was probably a less committed law student my first year than you were.

Ms. Bernstein: What do you mean?

Professor Jackson: Moore's attitude in those days at this period of time struck me as very much lawyers are hired guns, and there is a set of questions you just don't ask. And by this time civil procedure was a one-semester course, and it felt like stuff was going by very, very fast. Please understand, at Yale Law School, I had a marvelous education, but also from 1948 to 1972 was a very different time in the man's career.

Ms. Bernstein: And J.W. Moore was very different then, I'm sure, than he was in 1972. But he wasn't the only one. All of them were. We had, I can't think of his name, our torts professor, James, Fleming James, who was a truly wonderful professor. I used to kid Pat. I was sure, you probably didn't have them anymore in '72, there used to be dances at the law school for first fall weekend. There were hardly any women there; Yale undergrad school was all men. And they would bring women for the weekend, both the undergraduates and the Yale Law School students, and a couple of times Pat and I foolishly agreed to let people stay with us, and I said by the end of one of those weekends, "That's it. I'm not being bothered with these broads; they are nothing but a nuisance."

Professor Jackson: That changed dramatically when Yale College went coed which was '69. I transferred there when they took women.

Ms. Bernstein: Oh, did you?

Professor Jackson: I did. I had been at Wellesley College, which is a women's college, and transferred to Yale in 1969. And within a year or two the busing people in had stopped, it didn't stop right away but –

Ms. Bernstein: My daughter went to the college.

Professor Jackson: Is that right? When?

Ms. Bernstein: I always forget this, Vicki; it's just terrible. I think she was not,

was not the first year, '69?

Professor Jackson: 1969 was the first year undergraduate women were admitted as full-time students.

Ms. Bernstein: I think she went either the second year or maybe the third.

Professor Jackson: I was a freshman counselor when I was a senior, that would have been women entering in '71; I was a freshman counselor, Calhoun College. What college was she in?

Ms. Bernstein: Davenport.

Professor Jackson: It became, I think, a very good place for women and men to have an education. The first few years the transition was hard.

Ms. Bernstein: Yes. Very difficult. I remember that Betty and Sidney Sach's daughter was in the first class. I remember she was a brilliant student, and I remember her telling me how difficult it was the first year. Suzie found it difficult the first year. But Suzie was terribly young when she went. She was too young, it wouldn't have mattered, it would have been hard, and she went to Europe the second year. She stayed out a year and she came back, and it was a whole different story.

Professor Jackson: Is this the child of yours who teaches at Brown?

Ms. Bernstein: She teaches at Brown. And she loves it. She ended up loving Yale. It was a very rocky beginning.

Professor Jackson: Well I think the pace of change was very quick over the five years between when they went coed and the next five years. There was a tremendous amount of normalization that happened, but in the – as an undergraduate up through '71 it was still not normal, and she may have been in the tail end of some of this sort of thing.

Ms. Bernstein: Yes, I'm sure she was, but when she came back she did better. Anyway, among my professors Fleming James was fabulous. Myles McDougal who taught property just died. There is going to be a memorial for him in October. Neither Pat nor I understood one word he was saying, along with everybody else for the first several sessions.

Professor Jackson: I had the same experience with Reisman who became a colleague of his.

Ms. Bernstein: We had no clue. We were freshman and we were in that class, you know, but luckily nobody seemed to know either what he was talking about for the longest time. I remember being desperate about the exam in that class toward the end, but somehow we managed. We must have gotten a hornbook from somewhere else so we had some idea of the problem. If you knew basic property law before you had his course, it would have been wonderful, but afterward I understood just how brilliant his concepts were, but you started out, you had no clue of the existing system— it was very hard. But nonetheless it was certainly interesting. It was stimulating. Let's see who else I had. I didn't take criminal law my first year. Oh, I had Thomas Emerson for something. Con Law? It must have been. Of course all us liberals were looking forward to that and expected him to be this firebrand rhetorician, et cetera.

Professor Jackson: Yes, but that didn't change. I took a course called political and civil rights from him, and I have enormously high regard for him, but it was not a stay-awake kind of class.

Ms. Bernstein: But I really liked him a lot. But it wasn't exciting. You knew you were just going to have to slide through. Subsequently one of my best friends is his widow, Ruth Calvin Emerson, whom you may have met up there. I don't know when they got married. He had been married and his wife died. Ruth was a student, a year ahead of me, but Ruth had

been out a number of years before she went to law school, and she ended up marrying Tom Emerson. I got to know him much, much better because of that. And I just really adored him. And I mean he was just a wonderful man, just wonderful. Ruth is like a Communist or a – I always kid her about that. But he was influential; he wasn't exciting. I think that must have been it. Oh no – contracts – I had somebody who subsequently went to Harvard to teach, and I can't think of his name at the moment. I liked contracts a lot. I liked it better than torts. I just found contracts indefinitely intriguing as a discipline.

Professor Jackson: Did you pursue it in law school?

Ms. Bernstein: Well, I took what those other classes were, negotiable instruments and those more advanced classes like that. Pat and I did; I guess it was second year when we did do it. We did barristers union together; they said we were a disappointment. We thought we were good. We both made the *Law Journal*.

Professor Jackson: Were there other women who made *Law Journal*? Is this the *Law Journal*? (referring to photo in office)

Ms. Bernstein: That's our year. There was one other woman who was invited to and chose not to compete. It was the years when you competed. And in part that was because she was going with this fellow. Pat and I were furious, but we had no influence on Louise.

Professor Jackson: What was the *Journal* experience like?

Ms. Bernstein: Oh terrible for me. I thought it was terrible. I just hated it. Pat did much better than I did. I just thought it was terrible. The upperclassmen, one of whom I was going out with at the time, thought it was impossible, just impossible. I thought the whole thing was oppressive and impossible, but I did it because it was a credential. As soon as I didn't have to go anymore, I didn't do any more.

Professor Jackson: Barristers union, *Law Journal*, were there other activities at school? Was there time?

Ms. Bernstein: That's all there was. There were no clinical programs. Oh there was a sort of semi-clinical program, must have been legal aid. I remember doing it for a very brief time. I must have tried doing it like when I was a senior for a semester or something like that, which is really run by the town. But students could volunteer. And I remember one thing vividly, which drove me out of it. We weren't permitted to take any cases that any lawyer in town could make any money on, so these were really people who didn't have any money and that was okay, but I had a woman client who, when I was going to represent her in a potential divorce, and she had literally been a battered woman, it was my first experience with that phenomenon. I suppose if you had asked me generally, "Do you know these things happen?" I would have said yes, but I really didn't, and I was horrified, and after thorough preparation, when it came to appear, she didn't show up. It was a classic story, and the judge berated me, saying these women take advantage of you girls, these women don't know what they want, all kinds of sexual references. That just humiliated me. The woman wasn't there, and it was so awful that I retain it to this day. I blamed myself because I didn't know about this, I didn't know. For all I knew she was in the hospital or dead, but I couldn't even say that; he didn't let me. Everybody, the usual hangers-on, were making fun of me.

Professor Jackson: Sounds ghastly.

Ms. Bernstein: It was just awful. I never went back to that legal aid thing again. It was just awful. And I'm sure was not atypical of women lawyers who tried to appear in those courtrooms, any courts anywhere at the time, because years later in the seventies, '68 actually when I was working here, not that I ever had an experience like that, but I still was asked in the

Superior Court here, was I the plaintiff when I walked in. There was still that few women doing that kind of work in the court. It didn't tend to make you want to be a litigator, I'll tell you that.

Professor Jackson: One thing I was wondering was, you went to Yale Law School really with a vision of wanting to be involved in politics and government and I guess the question is whether Yale changed or reinforced it or, how did it interact with your –

Ms. Bernstein: Before I went I didn't really have a good idea of whether I was going to like being a lawyer, just a lawyer lawyer, not running for office. I had this adolescent vision of running for the Senate. That, I thought, would be a wonderful thing to do. But I didn't have any idea of what a lawyer really did. And I found that while I hated the journal stuff, I mean I hated having to do that, but it was in part because they made it so difficult, you know, that I really liked the law; I really liked the law. Pat and I both did. I liked being an advocate, gradually understanding that advocacy was something that was quite consistent with my personal needs and my personality, and if that's the kind of thing you could do, well I thought that was pretty good stuff. I really liked that. I liked the intellectual part of it. But I liked being an advocate. I still do. And so from that point of view I began to see there were other options for me other than going back to Illinois and trying to figure how a Jewish girl from down state Illinois is going to get to be a senator. And from that point of view I saw, well there are other options open, and I even thought about coming down here and working for the government. Because obviously after the New Deal, that was when a lot of new things opened up– the SEC, you know there were some other things. But it was the Eisenhower administration and there had been all these things with the loyalty oaths and unpleasantness with the McCarthy stuff was already starting and not that I was a Communist; I certainly wasn't. My most liberal friends considered me to be such a moderate they were embarrassed about me. I was always asking

them hard questions that they couldn't answer. I still do. Bob Pitofsky and I, Christine Varney said last year, "If you and Bob were such raging moderates –"

Professor Jackson: It's a good phrase.

Ms. Bernstein: It is a good phrase. And so I really did, I kind of rejected that, and then the sort of premier place for Yale lawyers at that time to go, certainly members of the *Journal*, was New York. And also they were beginning like no place else in the country they started during the war), they started hiring a few women and a few Jews in the Wall Street firms, and that was known by the faculty as the place people all said: you know you go to Wall Street for a few years and all kinds of opportunity to do that– it's good training, it's good exposure. And I had lots of friends in New York. Some friends from Wisconsin were there. I had no connections in Chicago to speak of. I had had Luranita there, but that had been a long time ago. I had many more in New York by that time. And then half the class was from New York, or seemed to me, at least my friends, many of them were from New York. And a lot of them were going down to New York, too, and so I thought I better do that.

Professor Jackson: Did you think at all about being a law clerk?

Ms. Bernstein: No, I didn't and Pat did. I was telling somebody yesterday that she was clerking for Jerome Frank, and I don't know why I didn't think about it. I think I probably thought it was going to be like being on the *Journal* again for the court of appeals– I didn't even think about the district court. I would have loved being on the district court. I didn't even think about that. So I just thought I better go get busy learning how to be a real lawyer here, and I'll just go to New York and see what I can do there, not with much encouragement from the law school.

Professor Jackson: Is that right?

Ms. Bernstein: Not much. They said, “Well you know, you can try, we’ll try to make appointments for you, but don’t get your hopes up.”

Professor Jackson: Did they have other suggestions for you, other than New York?

Ms. Bernstein: No.

Professor Jackson: Was this a generally known supportive office at the law school or was this because you were female rather than male?

Ms. Bernstein: Female. Well it wasn’t that they weren’t nice and stuff. They were just being, I think, realistic.

Professor Jackson: So how did you land? You went to Sherman and Sterling.

Ms. Bernstein: I went to Sherman and Sterling. I guess, who was I telling about this yesterday? Oh, I had dinner with Theresa Schwartz and Dan last night, and we somehow got started talking about histories and things. Here’s how that happened. I had three or four appointments. Law firms interviewed at Christmastime. I don’t think they came up to the law school yet. We schlepped down there. And it was over Christmas vacation. I said to my parents, “I’m going to interview in New York and see if I can get a job, so I’ll stay in New York over Christmas.” I had friends who had an apartment and I stayed with them. And I had a bunch of appointments. I had written and then the placement stuff, so I had, I don’t know, a bunch of interviews that day, and I don’t know where they were. I can only remember one was with either Proskauer or the other Jewish firm, which was pretty nice and pretty interesting (I mean pretty interested in me), and Sherman and Sterling was the last one of the day. Everybody else had been absolutely horrible to me. I mean they all said, “Why would we hire you?” It was just a terrible set of interviews, all day, just terrible. I was so depressed by the end of the day. It was all, “Well why would you even think about this? Why did you go to law school in the first place?”

You know we've got plenty of boys." And it was like dismissive time. And so when I got to Sherman and Sterling I thought, oh God, this is just going to be one and the same, and it started out like that. Monroe Singer, who had been in the class ahead of me, was there and when I got there, "Why don't you stop and see Monroe before the partner who is doing the interview has time for you? Monroe said he would like to say hello." I said, "Oh fine." I had known him from law school, not real well but I knew him. And the first thing he said to me, "Are you here for the interview?" and I said, "Yes, yes, why?" And I remember like it was yesterday (gestures indicating question about attire). And I looked down; I was wearing a black file suit, very tailored suit with a yellow or beige shirt, just a shirt with a discreet little pin at the neck and long sleeves. My skirt was the right length. "What's the matter with it?" I said. And he said, "It's just too sexy looking." I said, "Monroe you must have been locked up here in the library for too long, because this is not a sexy outfit." So then I thought this is going to be horrible. I went in to be interviewed by one Henry Harfield, who did all the interviewing and hiring that year. That's how they did it. They didn't have a committee. It was Henry's turn, and Henry was a banking partner. And Henry, as it turned out, was sort of a hidden liberal and a hidden Jew and had changed his name. No one knew he was Jewish, and he had been an enormously successful partner, and he had a hilarious sense of humor. And we had a hilarious interview that got really even more hilarious when he finally said to me, "I think you're very well qualified. I think we would like to hire you, but what if you have a baby?" And I said to him, quick as a flash, since I was single, "Well, so far I've been lucky," and we both laughed and I went away thinking, well, who knows what will happen. And about two weeks later he called up the law school, and said we can't find this Miss Zeldes they wanted. Now Henry told me afterwards he just thought it would be so much fun to see his partners have to struggle around with accepting me and they

did. And now we have to stop.

Professor Jackson: Okay. This has been a pleasure.