

ORAL HISTORY OF ROBERT KOPP

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, and the interviewee is Robert Kopp. The interview took place at the home of Robert Kopp in Bethesda, Maryland on Tuesday, October 1, 2013. This is the third interview.

MS. FEIGIN: Good morning.

MR. KOPP: Good morning.

MS. FEIGIN: When we left off, you were just about to start at BCC [Bethesda Chevy Chase High School]. But before we continue with your teenage years, I want to backtrack to learn just a little bit more about your stepdad. Two things: One is, you told us that he had been considered for the position that Judge Bazelon ultimately got on the D.C. Circuit, and what a difference that would have made to the Court. I wonder whether you yourself had any interaction with Judge Bazelon.

MR. KOPP: After Judge Bazelon became a judge, my stepfather did on occasion get invited to social events where Judge Bazelon was present, and so I did meet Judge Bazelon a few times socially. It was once every five years or so, and the first couple of times, he always was very cordial to me, but I do remember the last time, which was in the early 1970s, when Judge Bazelon was striking down a lot of government positions. The Nixon administration was challenging him on issues that were very near and dear to him in the area of criminal law and rights of defendants. I met Judge Bazelon at some affair, and my stepfather introduced him to me because he had completely forgotten who I was, quite understandably. The judge asked me what I was doing, and I said I was an attorney in the

Department of Justice, and he said, “Oh, I’m sorry to hear that” (laughter). I never quite figured out whether that was intended to be funny or not.

MS. FEIGIN: Second, in terms of other judges and judicial figures that your stepfather knew, I can’t help but noticing that in your den, there is a whole series of pictures of Supreme Court Justices with inscriptions – à la Hollywood pictures – to your stepdad. I wonder if you can tell us a little about those.

MR. KOPP: My stepfather argued more than fifty cases in the Supreme Court, and he became well known to the Justices over the fifteen years that he was with the Department of Justice. He also knew several people well from his time in the Executive Branch who became Supreme Court Justices. He had been particularly close, I think, to Justice Jackson and to Justice Reed. Both Jackson and Reed had been Solicitors General, and Justice Reed entered government in the Reconstruction Finance Corporation in 1932, which was the same agency where my stepfather himself entered the government. Reed went to the Justice Department, and my stepfather went to the Justice Department, and Reed was Solicitor General and worked very closely with the Tax Division where my stepfather was.

In addition to the picture of Justice Reed, I have a picture of a group of attorneys in the Department of Justice, including my stepfather, sitting around a long table bidding Stanley Reed farewell as Solicitor General when he was headed from the Justice Department to the Supreme Court. Although my stepfather didn’t talk to me much about Justice Reed, I think he was quite close to Reed when Reed was in the Department of Justice. I know my stepfather was close to Justice Jackson when he was Solicitor General as during that period my

stepfather was Deputy Solicitor General, what today would be called the Principal Deputy Solicitor General, and then Jackson became Attorney General. Before that Jackson had been Assistant Attorney General for the Tax Division when my stepfather was in the Tax Division. So the picture that is signed by Justice Jackson was quite meaningful to my stepfather.

In addition, there are in this collection two pictures of Justice Brandeis, one of which is from a death mask made after he died, and the other is a picture of him as a Supreme Court Justice. There's also a picture of Justice Cardozo, and I think that those pictures are there because my stepfather felt very close to them just because of the fact that my stepfather was Jewish and they were Jewish Justices. I think, particularly in a world where there was a lot of discrimination against Jewish lawyers by the bar, that those two Justices felt particularly meaningful to him. Of course my stepfather does have a picture of Justice Frankfurter as well because as I mentioned in one of the earlier sessions, my stepfather had been close to Frankfurter at law school, and Frankfurter had recommended my stepfather for employment in the Roosevelt administration, and my stepfather was one of the attorneys that were called the "Frankfurter Boys" by the press at the time. So obviously at that time my stepfather had a close relationship with Frankfurter as a professor.

MS. FEIGIN: Did you interact with any of these Justices on a social level through your stepfather?

MR. KOPP: No. I never met Supreme Court Justices through him. I did meet several Court of Appeals judges because of him. As I mentioned, my stepfather had known Judge

Bazelon. My stepfather had also been quite close at one point to Judge Leventhal, and I did meet Leventhal socially a few times. The result was that when I did end up eventually in the Justice Department and arguing a few cases before Leventhal, I was always scared to death at the argument because I had this suspicion that if I made a mistake that somehow it might get back to my stepfather (laughter).

MS. FEIGIN: I assume that didn't happen.

MR. KOPP: No. Actually one of the arguments that gave me most pleasure was an argument on an absolutely incomprehensible subject involving an oil company. The case was extremely technical and esoteric. Knowing first of all that it was a very difficult and technical area that I didn't know anything about, and secondly, that it was in the D.C. Circuit where the judges were very smart, I prepared extremely hard for the argument and learned all sorts of things that I proceeded to forget within five minutes after the argument. But I think I was more prepared for that argument than I ever was, and it turned out that Judge Leventhal was on the panel, and it was just in fact a wonderful argument for me to give because he was about the only person in the world who could understand the topic. We had a conversation at a level in the court, the type of level that in theory you're supposed to have but rarely ever happens, in terms of being the type of back-and-forth discussion that happens in a very good argument.

MS. FEIGIN: Is there anything before we leave these judges and Justices that you know about them from your stepdad that you would like to share with us, either personally or professionally, things he commented about?

MR. KOPP: As I indicated earlier, when my stepfather had a chance of becoming a Court of Appeals Judge and lost out to Judge Bazelon and ended up on the Tax Court, he became, with respect to cases in the D.C. Circuit and the Supreme Court, an observer as opposed to actually being a Court of Appeals judge. But the fact that he was an observer didn't mean that around the house he didn't have his own opinions of how judges and justices on those courts were ruling. I am not talking about tax law, on which he was very circumspect, but matters outside his jurisdiction.

I may have mentioned earlier that while my stepfather came up through a New Deal liberal background, he actually was very conservative in many areas, and he did not agree with some of the most liberal justices and judges who were well known at the time. For instance, he was very much of a different mindset than Judge Bazelon and Judge Wright on the D.C. Circuit. He did not think much of the opinions in the 1960s and 1970s of Justice Douglas. He was by that time sort of in the camp of people who when they were younger were considered liberal but professionally had become conservative in their older years. It could be that they didn't change, the world just moved on, but it was very noticeable certainly in the private discussions in our home what he thought of the legal evolution at the time. I should add that I'm sure that since he had very strong opinions, he probably would have had many disagreements with the conservative side of the court as well because I think he always considered himself a liberal in the old sense. He really was somebody with his own opinions.

MS. FEIGIN: Back to teenage you. When we left off earlier, you were just starting high school. Give us the sense of what D.C. was like. You came here from California at a time when I believe the city was quite segregated, and probably very different from California in lots of ways. Can you give us a sense of what D.C. was like at the time?

MR. KOPP: We lived in Northwest Washington, west of the park, which was a very wealthy area and was a very white area. When I was a teenager, I went through life not looking too much beyond my own situation, so I was often quite insensitive to evolution in the areas of how people interacted in a broader sense. I wasn't a social observer, but I did notice coming from West L.A., which even though it had its very wealthy areas, actually had at that time a good amount of integration. It did seem to me that the East – the parts of it where I was – was a much whiter place than L.A. had been. When I went to BCC, the school had only recently had any integration, so it was very noticeable even to me that it was a very white place at the time. I think looking back from today, we just live in a totally different, and I think in this respect a better world, than we had at that time. Diversity really was a foreign concept back in the Washington of the late 1950s and early 1960s.

MS. FEIGIN: Was there tension?

MR. KOPP: Again, I didn't look at the broader social context of Washington, and in the narrow confines I lived, I didn't see really that much social tension. But of course this was the late 1950s, and we read about it in the newspapers and read about what was going on in the South. At one point after we had moved to Washington, we went down for a visit to Williamsburg, it was about 1957 or 1958, and I was

shocked to go to Williamsburg and see that they still had segregated restrooms. I don't know whether they were actually segregated or they just hadn't gotten around to changing the signs on the doors, but that was a shock for me to see that there were these types of overt signs of major discrimination.

MS. FEIGIN: What was high school like for you?

MR. KOPP: I found BCC to be a great high school for me, basically because while I had a number of teachers who were not that exciting, I did have a few extraordinarily great teachers. One teacher that I will always remember was an English teacher named Mrs. Casey, and she taught her English class on a college level. When I went to college, based on an exam I had taken and the fact that I had a course like Mrs. Casey's, I passed out of the requirement to take English. I don't think I suffered for that because Mrs. Casey was just an absolutely terrific teacher. She taught students really how to read and the type of critical reading that is essential both to life in general and to becoming a lawyer, and she taught us writing in a way that I had never been taught before in the school system. I think that helped me enormously when I became a lawyer who would write and then eventually edit briefs. I can't really thank her enough for all of what she taught me. I think just about every one of the students in her class felt the same way about her.

MS. FEIGIN: You graduated from high school when?

MR. KOPP: I graduated in 1959.

MS. FEIGIN: Tell us about how you decided where to go to college.

MR. KOPP: That was an interesting process because my stepfather wanted me to go to Harvard College, which in hindsight I find very interesting because while he

really enjoyed Harvard Law School, his experience at Harvard College was very mixed because there was in fact a lot of very noticeable discrimination with respect to Jews at the time that he was at Harvard College. He always would draw this distinction between the College where he had this mixed experience and the Law School, which he thought was a wonderful place.

MS. FEIGIN: How was that discrimination manifested?

MR. KOPP: Because the clubs were discriminatory, the Jews and the non-Jews didn't mix socially. And of course the rich and the poor didn't mix, and my stepfather came from a very poor background and he was always counting his pennies and making sure he had enough. So I detected that he really had bitterness in terms of the way that there was this social segregation at Harvard College. At the Law School, on the other hand, he felt comfortable there. Perhaps it was in part because he did very well and was connected with the top professors and was on the law review where you had people who were terrific and there were a good number of Jews on the Harvard Law Review. He just felt that Harvard Law School was a wonderful place.

In any event, to go back to my going to college, my stepfather did want me to apply to Harvard College, but I really had very little interest in it. I was not interested in being part of a big high stress university, notwithstanding the fact that he had gone there. One day in high school I saw on a bulletin board an article about a small college in Ohio called Oberlin. This was part of an article that described the best small co-ed schools in the country. I read that article and was very interested, so I learned more about Oberlin, and I became more interested, so

I applied there, and I was accepted. Now to placate my stepfather, I had also applied to Harvard, but I think my lack of enthusiasm probably came out during the interview, and I did not get an offer from Harvard. This actually was quite helpful because it meant that I didn't have to get into a fight with my stepfather about where I would go to college, and in fact since I didn't get into Harvard and I did get into Oberlin, everybody in the family was very happy that I got into Oberlin and it made things very nice.

MS. FEIGIN: How was it for you to be in the Midwest?

MR. KOPP: I don't know about being in the Midwest, but I know about being in Oberlin, that it really was the perfect college for me. I think looking back, I probably feel even more strongly about that now than I did at the time since I'm now more familiar with how other schools in the country operate. I wasn't very interested when I was at Oberlin in many of the things for which Oberlin is well known. For instance, it has a wonderful conservatory, but I wasn't that interested in music, and now in hindsight, I'm very sorry I didn't take advantage of many of the musical performances that did take place on campus. Oberlin, of course, is well known for its student activism, but I didn't take any part at all in it. And Oberlin had very strong left-wing politics. A lot of students were very much into that type of political activism and support, but actually most students on the campus weren't all that left-wing. Certainly I was much more toward the center or even the conservative side if your world was confined to Oberlin students and I found plenty of people there that were just normal people like me. So even though I

didn't take advantage of some of the well-known characteristics at Oberlin, I did feel extremely comfortable there.

MS. FEIGIN: You were there during the presidential election, Nixon/Kennedy. What was that like? Did that impact you?

MR. KOPP: Yes. First of all, it impacted me because I entered school in the fall of 1959 and Oberlin had a tradition at the time of having mock political conventions. In the spring of 1960, we had a mock convention which did nominate John Kennedy. Even though I was just a delegate – I wasn't a leader in any of the convention events, I was assigned to the Louisiana delegation – I found it a terrifically exciting and stimulating event.

Then of course during my years at Oberlin this was the time that there were lots of events going on internationally. It was the time of the Cuban missile crisis, it was also a time where John Kennedy was trying to do something about segregation in the South and there was massive resistance, and even though I didn't personally get involved in the activities, a good number of students from Oberlin actually went to the South to help the black demonstrators, sometimes at risk of their own lives. I more or less participated vicariously, but nonetheless it was the type of activity that Oberlin students were involved in that I think everybody on campus felt glad was happening, notwithstanding that they weren't personally participating. So it was a time of a lot of social excitement and turmoil, and Oberlin students felt they were really playing a part in it. And as I say, even though I was not personally active, I sort of socially and psychologically felt I was very much a supporter of what was going on in terms of

students' efforts in the South and of course the government's efforts to do something about the South as well. All of this helped make me somebody who became very interested in government, and my interest in government was encouraged by the fact that I had some very interesting government classes when I was a freshman, and I had some interesting history classes. With the government itself taking actions that were very much in the news, I became more and more interested in government during my years at Oberlin, and I became a government major.

MS. FEIGIN: Where did you think your career would head?

MR. KOPP: When you're a freshman or sophomore, you really have no idea where you're headed, but I eventually developed a sense that I would go on to graduate work in political science. That was where my professors were encouraging me to go, and government just seemed to me so important to everything that was happening in the world that I assumed that with a background in government and a graduate degree in government, I could do something like go into the foreign service or get some important job in government, but in college I had a very fuzzy concept of where I was headed. I just knew I was very interested in government and I was also interested in history.

A wonderful thing about Oberlin was even though you might be interested in certain subjects, Oberlin actually required you to take a broad diversity of courses regardless of what you were interested in. I found that in areas like religion and philosophy, for instance, there were interesting things to study. Biology courses at Oberlin were interesting. Math courses were good, and I

began to appreciate that there were a lot of intellectual fields that in a sense I hadn't thought about that were interesting. I really liked being at a diverse school.

MS. FEIGIN: Was it diverse in terms of the student body?

MR. KOPP: For its day it was very diverse. But it turns out, looking back, compared to what schools are like today and what Oberlin is like today, it wasn't that diverse.

Oberlin had played a very important role historically with respect to the rights of minorities and blacks and had been involved in the anti-slavery movement, and that history was always tremendously respected on the Oberlin campus. At the time I entered Oberlin, there were enough minority students to be noticeable on campus, and so in light of my limited background, I had the idea that I really was on a campus that had a lot of diversity. But looking back, I was at my 50th reunion just the past year and I noticed the reunion class had a relatively small number of minorities that were in the class, notwithstanding Oberlin's very liberal and progressive reputation. It just struck me that the world really has changed. Today, Oberlin is a far more diverse place than it was at the time that I was in college. But at that time, Oberlin did seem to me to be a school that was very progressive in terms of being diverse, and I think for its time it was.

MS. FEIGIN: We know that you did not wind up pursuing a graduate degree in government, so what got you off to law school?

MR. KOPP: By the time I became a senior was really the first time I began to think seriously about what my next steps would be. To that time, as I mentioned, I sort of assumed I would go on to do graduate work in political science. My stepfather, however, had always been talking about how it would be good for me to become a

lawyer. In part perhaps because he had wanted me to go to Harvard College (laughter), and I had not wanted to go to Harvard College, and I believed that I had made the right decision in not going to Harvard College and going to Oberlin instead, I listened to him politely with the thought going in one ear and out the other in terms of his encouraging me to be a lawyer. But by the time I became a senior in college, I began thinking more seriously about the question, and I began thinking that well, hey, you know, you do have to get a job after you graduate from whatever academic environment you're in, and by the time I was a senior in college, the graduate schools really had more than enough PhD candidates. I think a good part of that was due to the fact that we were now involved in the war in Vietnam, and because of the way military deferments worked, there were very large numbers of PhD candidates because as a PhD candidate, you could have a deferment and a PhD degree takes a good number of years to achieve. So there were very large numbers of people getting PhD degrees. And I began to read that even though they were getting PhD degrees, at least in the fields I was interested in – history or political science – it was becoming extremely hard for these graduating PhDs to get jobs. Meanwhile, I began thinking about the fact that in the government courses I'd been taking, I had been learning about law.

In my freshman government class, I had a wonderful introductory course on American government and a good portion of that had focused on studying Supreme Court cases, and I had found that very interesting. And since I became a government major, I noticed that discussions of law and law cases always kept coming into what we were studying. I also was very interested in history, and I

noticed that Supreme Court cases kept coming into what we were studying in history. There was one professor that I really disagreed with on just about everything that he taught in his American history course. He was sort of a radical socialist, and I was somewhat turned off by him, but he really started challenging my views. He did make me think, and he kept having these sessions where he was talking about Supreme Court history and Supreme Court cases, and basically his theme was that the law is whatever the Supreme Court says it is, that there are no guiding principles. It's just whatever five Justices think the law should be. I was very turned off by this approach because it was contrary to the way I had been brought up and to what I had learned in other courses. Yet I found it very challenging and interesting to have somebody present a thesis that way in trying to make you think that the law is just whatever five Justices say that it is. So notwithstanding my negative reaction to the course, it was something that did make me very interested in learning more about the law.

I also began to pay more attention to my stepfather's stories about his own career and began to realize that he had had an absolutely fascinating career as a litigator in the Department of Justice and had been involved in all sorts of interesting and important activities, and for the first time, I began to pay attention to his stories. I realized the impact that a lawyer in the Department of Justice could have.

My father had also been a lawyer, and one of the reasons I had not originally been interested in the law was that I didn't find that my father's law career had been that interesting. He was a Hollywood lawyer, and Hollywood

lawyers went to the Brown Derby and had lunch with their clients and they then worked out deals on behalf of their clients. After the family moved to Washington, we kept going back to Los Angeles and staying in close touch with family members who were in the family law firm, and so I was able to keep in touch with what was happening in their law business, and it just seemed to me that it was something that was in one sense very interesting, but it wasn't the type of thing that I could see myself doing. I'd go to the Brown Derby with my aunt Hermione and my uncle Martin Gang who were both partners in the law firm, and I would sit there and listen to some fascinating stories that they would tell about their adventures representing various movie stars, and it was all very interesting. It was even particularly interesting when my uncle Martin was telling me that one of his clients was Elizabeth Taylor and he was going out to visit her and she answered the door in her nightgown (laughter). But while these stories were absolutely wonderful, and my aunt and uncle were among the most fascinating people I ever met, and my aunt throughout my life was one of my greatest heroes, I just didn't see myself doing that professionally. I wasn't interested in movies and had no interest in facilitating the stars' business deals. It became apparent to me when I was in college that even though I had grown up in the heart of Hollywood, as an adult I had no interest in Hollywood and I would be going off in other directions.

MS. FEIGIN: How did you come to go to Harvard Law School?

MR. KOPP: I applied to law school. I didn't do that well on the law aptitude exam, but I did quite well academically at Oberlin. Because of my high rank in the class, I was

able to get into Harvard Law School. Looking back, I think it was very good for me that I did go to Harvard Law School. It taught me basic skills that made me into a lawyer. On the other hand, my reaction to Harvard Law School, at least as it existed in the time I was there in the early 1960s, is that it's a really great law school to have graduated *from* (laughter). You really do get a good legal education and you learn to think like a lawyer. Further, they had some truly great professors there, some of the best in the world. On the other hand, I had gone to Oberlin, and at Oberlin, I felt that a very large number of the faculty members that I had classes with were great teachers. They also were great people and they gave easy access to students. You could always go talk to them whenever you wanted, whether in class or out of class, and the small class size, I think, really helped all that. On the other hand, at Harvard Law School, you were in a large class of 150, and the professor oftentimes just wasn't that interesting. Sometimes they were, but the number of professors that were interesting and you felt you could communicate with at Harvard Law School was much smaller in my view than at Oberlin where just about everybody was either a good or a great professor and you could just talk to anybody. So I felt Harvard Law School was the type of experience where you could learn a lot, and in fact I did learn a lot, but it wasn't the most pleasant experience in my life, even though it was probably one of the most useful experiences in my life, because it did help me to become a lawyer in a way that had a very great impact on me. So it was successful in that once I had gone through law school, I felt it was a good experience for me. But it wasn't pleasant at the time.

I know now that Harvard itself has greatly changed the way it teaches. Subsequent to the time I was there, the process has been reexamined, and Harvard has adjusted with the times. I think it has become a much better place today than it was at the time when I was there when it was a school that was sort of based more on teaching legal tradition as opposed to making changes that needed to be made to keep up with the times and have a stronger impact on students.

MS. FEIGIN: What was the makeup of the class like?

MR. KOPP: Harvard at the time was just starting to be aware of the need to bring women and minorities into law school. The best I can say is that there were at the time some of them there. With respect to women, I was sort of shocked how few the number of women in law school because both my mother and my aunt had gone to law school and become lawyers. It never really occurred to me until I was at a place like Harvard Law School how difficult it was for women to get a legal education at the time. In my class of over 600 students at Harvard Law School, only about 25 of them were women. I don't know the number of minorities, but that number, however, was I'm sure quite small. At my 45th reunion, I became aware of how white my law school class was compared to the way classes are today. We really have made a lot of progress in terms of having a much more diverse society.

One of the stories about one of my professors at Harvard Law School today has become well known and is sort of a symbol of what was the role of women in law school at the time. I had a first-year Property professor who was quite a character in many ways. One of the things he did was to institute something called "Ladies Day," and as he described it, he felt that the women in

class would be greatly inhibited from talking and answering the questions posed by the professors, so what he did was have one day every semester that would be designated as Ladies Day. On Ladies Day, he would call on the women of the class and that way they would have plenty of notice and therefore be prepared in class, and the rest of the time, he wouldn't be calling on them so they could be relaxed and wouldn't be nervous and worried (laughter). Of course, this Ladies Day became well known and is today a symbol of the way many people back in the 1960s looked upon women lawyers. The professor was one of the role models for the television series on Harvard Law.

MS. FEIGIN: *The Paper Chase*.

MR. KOPP: *The Paper Chase*. But at the time, sorry to say, people in the class weren't shocked by this. They sort of bought into the professor's notion that he was doing a favor to the women in the class.

MS. FEIGIN: The young ladies (laughter). The 1960s, at the time you were there, it still wasn't at its most turbulent, but it was getting more turbulent. Was there any sense of that on the campus? You were there during the assassination of President Kennedy.

MR. KOPP: I was there. That was the type of event that everyone remembers where they were and what they were doing. That was my first year at law school. I was in a legal writing class at the time taught by a student faculty member, and in the middle of class, we got the news. The teacher kept trying to go on with the class, but nobody paid any attention. So finally he adjourned the class, and everybody went

back to the dorm and sat around the television sets and just felt extraordinarily distressed.

Most of us at the time had felt very excited about the Kennedy administration. It was bringing in a young new president that we could connect with. People like me even felt closer to the Kennedy administration because we sympathized with what it was trying to do politically. When John Kennedy had said, "Ask not what your country can do for you but what you can do for your country," it resonated with people like me who had an interest in government and what government could do to help people in the country and the world. I was particularly distressed.

At the time I entered college, people were very optimistic in terms of the way the world was developing. Integration in the South was occurring. There was just a new spirit in the 1960s, and John Kennedy was connected with it. We were all extremely distressed with the assassination. I think in life I always have remained an optimist, but the assassination of John Kennedy and then the subsequent assassinations of Robert Kennedy and Martin Luther King made me and many others realize that the real world is a difficult place. We wanted a better world and needed to see it happen.

MS. FEIGIN: Was there a lot of student activism on campus, and were you part of it?

MR. KOPP: Compared to Oberlin, Harvard Law School, particularly at the time, was not a very active place in terms of things like politics. People at Oberlin were very interested in politics, debating all the time. People at Harvard Law School were just too busy. There were some legally connected clubs, but in general when you

were at Harvard Law School, you were there for the business of learning the law. It did take a huge amount of time, at least for me, to absorb what was being taught.

Since we were learning to be lawyers, we dressed formally, and we wore coats and ties to class. I think by comparison to other law schools at the time, it was a fairly formal place. The attitude was your business is learning the law, and Harvard at the time didn't have many practical programs. You basically learned law by going to class, taking good notes, and then you would re-digest your notes afterward since you couldn't absorb in class all that was being thrown at you. Many people would just retype their notes after class, to articulate what they had learned and to try to absorb that, and I did some of that too.

For somebody who went to a school like Oberlin, it was somewhat of a shock to suddenly be thrown into sort of the world of business. Harvard Law School at the time was a much more business-oriented place than it is today. And the business of learning the law meant that you had come to learning the law as though it was a job.

MS. FEIGIN: You said there wasn't much diversity among the students. What about faculty?

Were there women? Were there minorities?

MR. KOPP: There were a handful of women faculty, but I never had a female professor. I think the number of women faculty members was one or two or three. It couldn't be much more than that, and the number of minority professors, I just don't know. If there were any, they were not a significant presence on campus. My guess is, at

least in terms of the Harvard professors themselves, there probably weren't any. They just weren't visible if there were minority professors at the time.

MS. FEIGIN: Once you got through law school, the draft must have been looming for you, so how did you deal with that?

MR. KOPP: The war in Vietnam, of course, was becoming more and more active during the time that I was in law school, and going into my third year at Harvard, in 1965, the war in Vietnam was on everybody's mind. All the students were thinking about what they would do next and how the ongoing war affected their plans. So as I entered my third year of law school, I decided the best timing for entering the military would be right after I graduated from law school so that it would not interrupt my legal career. Thus when the law schools and government agencies came to Harvard to recruit in the fall, I paid little attention to the recruitment and the fact that there were going to be people from law firms and government agencies on campus. I also wasn't interested in applying for a judicial clerkship either. The reason I wasn't interested in any of this was because I had made my decision that the sensible thing for me was that after I graduated from law school, I should go into the military and get military service out of the way before I started practicing the law. However, there was one position as a lawyer that I noticed on the bulletin board that was sending a recruiter to the campus to meet people, and it looked so interesting to me that I decided that even though I would be going into the military service, I really should go to the interview and learn what this position was all about. The position was in the Honors Program of the Civil Division of the Department of Justice. As I said, I felt that this was

something that might be of interest to me after I did military service so I might as well find out now about it and see if my interest in it really was worthwhile. So I signed up for the interview and went to the interview.

I was confident they wouldn't extend an offer to me since I was about to go into military service, but I looked upon the interview as sort of an information-type of interview for me. So I went into the interview with that attitude, and as a result, I did something which I certainly wouldn't have otherwise done at the time and which I know never happens with law school interviews today: I went into the interview completely relaxed (laughter). I also had, with hindsight, what turned out to be another amazing stroke of good luck for me. The interviewer was Morton Hollander, and Hollander was head of the Appellate Section of the Civil Division. I saw myself as more interested in appellate law than trial practice. I had some difficulty envisioning myself as a trial lawyer, so I always thought of myself as more interested in appellate law than trial law, and here I was being interviewed by Morton Hollander who was head of the Civil Division's Appellate Section.

Mort and I just hit the interview off in a perfect fashion. I found myself getting more and more interested in what he was telling me, and I could tell that he was getting very interested in me, and it was just a fabulous experience I think for both of us. And I think that actually came through to him as well as to me. At some point, I asked him whether his office would have any interest in me since I was going into the military. And he explained that the Department's policy was to extend offers without taking into account the fact that somebody might be

going into the military. Offers would remain valid until after a serviceman returned. I was shocked at first, because this was something I hadn't expected would happen in the real world. But I was obviously extremely delighted, and told him well if that's the case, I was certainly very, very, interested in the Civil Division and was very interested in appellate litigation, and I began to have a sense from the fact that my interview was just going so well that I might actually get an offer. And indeed a few months later, I did get an offer from the Civil Division under the Honors Program, and I learned that I would be assigned to Hollander's office in the Appellate Section. They also told me that I could begin work after I graduated from law school in the summer and then when my military service came, I could interrupt it and then return to the job after military service. So I found out that I had been very lucky by my instinct of going to the interview with the Civil Division of the Department of Justice even though I had assumed that I wouldn't be going to practice law at all until after military service because, lo and behold, it actually resulted in an offer, and an offer that meant I could start work in the Justice Department as soon as I graduated and before military service.

I still had to figure out what I was going to do about military service. I applied to the various judge advocate general corps, but I knew that it would be very tough to get a job there. A huge number of graduating law students wanted to join the JAG corps, and the competition was ferocious for those positions. I also applied to the Air Force Officer Candidates School. Meanwhile I graduated from law school and began to study for my bar exam. One day in class I heard somebody near me mention that there was an Army Reserve Unit in

Prince George's County, just outside the District of Columbia, that was accepting applications for a unit, and so I went out to that unit, I applied, and much to my amazement, I was quickly accepted. Furthermore, I was told that while I had to start going to Reserve meetings right away, there was a backlog in bringing in new members for training and it probably would be at least six months before I was called up for active duty for training. So suddenly it looked like what I never expected was going to happen, that I was actually going to become a government lawyer right away. Emotionally, I hadn't prepared for that, and I was shocked and overwhelmingly pleased with the way things had turned out. In August 1966, I began working in the Appellate Section of the Civil Division.

MS. FEIGIN: That's a nice upbeat note to end our session today, and I want to thank you very much.

MR. KOPP: Thank you.