

Oral History of STEPHEN J. POLLAK
Third Interview-November 14, 2002

This interview is being conducted on behalf of the Oral History Project for the Historical Society of the District of Columbia Circuit. The interviewee is Stephen J. Pollak, and the interviewer is Katia Garrett. The interview took place at the Shea & Gardner law firm at 1800 Massachusetts Avenue, in the District of Columbia on Monday, November 14, 2002, at 10:00 a.m. This is the third interview.

Ms. Garrett: We left off the last time finishing up with your college career. You talked a little bit about graduation, and we spent some time talking about your time in college. I thought we'd talk initially about your naval service, both during the summers and then, after we discuss that some, move into what happened next, law school, marriage, kids, and the beginning of your legal career.

Mr. Pollak: I don't know how much my naval service is of any interest to an oral history, except perhaps as it reflects the United States at midcentury and the role of the military in the lives of persons who are truly part of the civilian population. I went to sea each summer, 1947, 1948 and 1949, as a midshipman. My ships were a cruiser the first summer, the U.S.S. Oregon City, the second summer I served on the U.S.S. Boxer, a large aircraft carrier, and the last summer I served on a destroyer, U.S.S. Frank Knox. The Boxer and the destroyer service were in the Pacific. I remember going on the destroyer to the Galapagos Islands. I remember going to Hawaii. The first summer on the Oregon City we went to several different locations in the Caribbean. It was very hot. That was shortly after the conclusion of World War II. The Navy properly foresaw that Annapolis could not serve all of its needs for officers and began what was called the Holloway Plan,

named for the Chief of Naval Personnel at the time, Admiral Holloway, that put NROTC chapters at fifty-two colleges. Commencing in 1946, each college brought in a group of male students to be officer candidates. I was one of those at Dartmouth. The commitment was for fifteen months to two years of active duty service after graduation, as well as summers on active duty. In return, the government paid tuition and, as I recall, books plus a stipend of \$50 per month. Because of the Korean War, President Truman extended our required service to a third year. I served three years exactly to the day from June 11, 1950 to June 11, 1953. We also were obliged to take one Navy course each semester, making that one-fifth of my college program. I thought those classes were mostly a waste of time and wasted my opportunity to take other courses that would have served the Navy better and me better. I don't regret having committed to the Navy obligation at college because overall it was a worthwhile experience. I thought the Navy was ill prepared to handle the large influx of several thousand midshipmen the summer of 1947. It was better able to do so the following two summers. It had never had that complement of young midshipmen before. Young enlisted personnel had authority over us as midshipmen and a few of them were sadistic in giving us orders. A very few did dumb things and others didn't know how to handle their responsibilities, but many did. The entire experience as a midshipman certainly introduced me to sea duty and the military hierarchy and made me more ready for my commission and active duty.

North Korea invaded the South almost at the very time I was commissioned in June 1950. I reported to my ship, the U.S.S. Borie, DD-704, a Sumner Class destroyer, in Alexandria, Virginia, on July Fourth. The ship had come up to Washington, D.C., for the celebration of the Fourth of July. I was proud to be commissioned in the United States Navy. I wasn't a reservist. The ship had perhaps something under 20 officers and 300 enlisted men. Commander Merle Bowman, an outstanding officer, was its captain and Lt. Cdr. John M. Montgomery, who was a member later of the D.C. Bar, was the executive officer. It had a good complement of officers and men. I enjoyed serving on the Borie for almost two years. In September 1950, our division, DesDiv 161, was ordered to travel through the Panama Canal and over to Korea. We did so, arriving at the eastern end of the battle line in Korea, I think, on or about October 18, 1950. We remained at sea providing shore bombardment on call from land spotters and airplane spotters from October to just after Christmas. We were part of the naval force that provided close support for the evacuation of the American troops that were in retreat from the Chongjin Reservoir following China's entry into the war. They retreated south to a harbor called Hungnam, and on Christmas Eve Day, the last of them were offloaded onto transports, protected by a shrinking perimeter of military artillery and naval support. On the morning of the final day -- we, the Borie was one of the Navy vessels located close in, perhaps 100-200 yards from the shore, to provide gunnery support to hold off the opposing forces -- all of us on the ship thought that as the perimeter shrank down to the harbor, we would be

subject to fire from the shore. Amazingly, there was none. All the troops got on board merchant ships and sailed away without incident. We then moved with the troops to Sasebo, Japan, for our first short liberty since coming to Korean waters. For us on the Borie, Korea was mostly a benign experience, although a demanding one. We stood watches, one in three, which meant at most eight hours off, four hours on, day in, day out. There was some danger from mines that were floating around. About the time we arrived, one had hit an American destroyer, the U.S.S. Kidd, and caused a lot of damage and some deaths. The main naval involvement in the war, besides ships bombarding, was the pilots, who did a lot of flying off carriers steaming perhaps 20 to 50 miles off the coast. There was virtually no ground fire against the planes, no air power from North Korea or China that I recall. My ship was fired on only once from the shore when we accompanied a cruiser, the U.S.S. St. Paul, to provide close in shore bombardment near Wonsan. There was firing against the cruiser and against us, but it was of a very modest and seemingly innocent nature. The shells just dropped in the water. Yet, it was a full war experience. I have photos of the ship with the focsule, that's the forward deck of the ship, full of mounds of 5-inch shell casings, which reflected a night's firing on shore. We never knew whether anything was hit. We could look ashore -- sometimes we were as close as a couple of thousand yards -- and see Korean farmers tilling their land with those then-famous stovepipe black hats on their heads, all very pastoral looking. I don't recall seeing any military personnel on land.

Ms. Garrett: It must have been a very removed experience.

Mr. Pollak: It was. We provisioned and fueled by going out to sea and running alongside tankers and provision ships or tying up to them and receiving fuel and provisions. All officers had various duties. One of mine was being the movie officer. I would go to the large aircraft carriers when we went out to where they operated and get a big stack of films. Movies were shown every night at 8 o'clock in the mess hall. I think I was the U.S. mail officer. Every two weeks or so we would go out for provisions and receive two weeks' worth of mail. Of course, everybody was interested in mail call. I had endeavored to convince Ruth, she's now my wife, to become engaged before I left for Korea, but she refused. I wrote her every day using a little Royal portable typewriter and still have those letters in my attic. I've never had the courage to read them. She saved them and I, hers. She wrote me almost every day, and I would get her letters in packages of two weeks' worth. I read them avidly. I could read between the lines that she was having a gay time in her life as a college student near New York City, doing lots of things, going out and about. I was very worried that she would find someone else. When my ship returned to the States from Korea, I telephoned Ruth from San Diego. We talked a long time, of course, and I can recall thinking what a vast expenditure it was to pay the cost of the call, which, I think, was \$13.60. Another vignette: I was tremendously anxious to get home to see her. When we were going through the Panama Canal, I was having lunch in the wardroom. Down came one of the officers who had been on duty in the communications center, all

of our communications were by radio and teletype. He came in and said he had a communication for me. It was letter orders to “proceed and detach from Colon, Panama,” which was the Atlantic side of the Canal, and report immediately for duty in London. Here I was expecting Ruth to meet me in Norfolk. My face fell from where it was onto green felt table cloth. The captain, who was in on the gag, couldn’t stand it for long and soon said that it was all a hoax. So, I did get home with the ship. When I came back to Norfolk, Virginia, in June of 1951, she had driven there to meet me. The ship came in with bunting flying. All the families were there, and Ruth was there. We immediately telephoned our families and said we wanted to be married and were married two weeks later at her home in Glencoe, Illinois.

Ms. Garrett: That’s a happy ending clearly to that service. But, then there were two years that remained in naval service. Was it active duty?

Mr. Pollak: That’s right. The destroyer went into the “yard” in Charleston, South Carolina, for refitting. I saw what I’d never seen before, hard edged segregation, drinking fountains in the U.S. yard, saying white and colored and segregated bathrooms, the whole nine yards of what race was in the South. After being in the yard, the destroyer had sea trials and went to Guantanamo Bay, Cuba. I remember going ashore to the Officers’ Club at Guantanamo Bay where a bottle of Scotch cost less than a dollar. The ship then operated out of Norfolk. When the ship moved, Ruth and I moved our home. We lived in 16 different apartments in nine different cities in a year. On arrival, Ruth would go to naval housing at the new location

and identify apartments for rent by the week and we would rent one that day. I attended sonar school in Key West, Florida. For three weeks we moved there. We lived in Newport, Rhode Island, in Portsmouth, Virginia, and Norfolk. It was an interesting time. My naval responsibilities on the destroyer were not as taxing because we spent less time at sea. I qualified in Korea as an Officer of the Deck, which meant that when we were at sea, I would stand watch and have command of the ship, with the captain of course, having the ultimate responsibility.

When the Borie was in the Navy yard in Charleston, South Carolina, we lived on the Battery, lower King Street, which is a beautiful area. Fort Sumter is just off the shore there. It was fall or winter 1951, Ruth volunteered and turned out for a meeting of the Democratic Party. They immediately wanted to make her treasurer. Not many people attended. I think she declined, but she observed quite a bit about what the Democratic Party was in South Carolina, which was a very conservative Democratic Party. Living in Charleston was enjoyable. One of my college classmates was also there in the Navy.

Ms. Garrett: Which classmate was that?

Mr. Pollak: Jim Hotchkiss and his wife Nancy. We shared their apartment which was in former slave quarters behind one of the mansions on King Street. An element of segregation was just out the side window. There was a fence along the side of the house and over the fence, right there on the Battery, were rundown homes in which black families were living. The black families had no running water and drew their water from a well even though the house that we were in right over the

fence had full running water. We could hear them drawing their water from the well.

In the summer of 1952, I was assigned to Mine Warfare School at Yorktown, Virginia, and attended that school for a couple of months. On graduation, I was assigned to a minesweeper, the U.S.S. Grackle (AMS-13). By then I was a Lt. Junior Grade. The Grackle was a training ship stationed at Yorktown. We took students out to sea and trained them in using minesweeping gear. Ruth and I lived in Williamsburg and she worked for Phi Beta Kappa on the William and Mary campus. The minesweeper had four officers and about 40 men. I generally had "duty" two days, meaning 24 hours on the ship, and on the third day, I had the night off. Life was good.

Ruth and I experienced the election of 1952 in Williamsburg. We attended an election night party where most of those present were favorable to General Eisenhower, who was running against Adlai Stevenson; and as history knows, Eisenhower won. We thought the evening was a downer because Stevenson lost.

Ms. Garrett: Tell me a little more about your experiences with segregation in South Carolina. It was the first time you lived in a community where there was segregation?

Mr. Pollak: Yes. I don't recall comparable incidents of segregation in Yorktown or Williamsburg. I'm sure they were there because we were living there in a time of segregated schools. I can't comment on segregation, for instance, in movie theaters. I don't recall going to the movies. I don't remember much more than

the incidents I saw in the Navy yard. Other elements of segregation were hotels, restaurants and schools, and I wasn't going to the schools. I don't recall going to restaurants.

Ms. Garrett: Was the Navy integrated at that point?

Mr. Pollak: The Navy was not well integrated, but President Truman had desegregated the Armed Forces and Judge Gesell, then a lawyer with Covington & Burling, was a major leader in that, heading or directing the Commission that did the work leading to the decision. Most Blacks in the Navy were mess cooks, which meant they handled all the cooking and serving. We had a small number on the destroyer of line seamen who were Blacks. I recall both acceptance and rejection of those minority members by other seamen. One experience that does stick in my mind reflects rather positive attitudes about ethnic and racial differences. The minesweeper traveled through the Inland Waterway to be overhauled at a shipyard in Elizabeth City, North Carolina, in the fall of 1952 or spring of 1953. The Grackle was small enough that it was taken completely out of the water into a dry dock and the hull was scraped – it was a wooden ship – and then it was repainted, red leaded, which is protective, and then painted gray. First, all of the paint was chipped off. That work was done by members of the crew and they were a mixed racial and ethnic group. As they began repainting, they painted on the hull a number of terms which are considered racial and ethnic slurs. The only ones I remember are “spick” and “wop.” The painting was done by minorities

who were part of the crew. As the whole hull was repainted, the terms were painted over. The seamen seemed to use those terms in a good-natured way.

Ms. Garrett: What an interesting story.

Mr. Pollak: The first captain of my minesweeper was from Charleston. He was prejudiced against Blacks. Four officers lived very close together. A minesweeper is a very small vessel. He was constantly telling terrible stories, which had racial aspects and his political views were also very unacceptable to me.

When I was on the destroyer, particularly in Korea, standing night watches on the bridge as an officer of the deck or junior officer of the deck, the ship was often either at anchor providing shore bombardment support or cruising up and down the coast. We had four-hour watches, like from midnight to 4 a.m., and there would be the officer of the deck, the junior officer of the deck, a helmsman, a quartermaster keeping the log, and two lookouts, who stood at the side and looked out with binoculars. All but the officer of the deck and junior officer of the deck were enlisted men. The backgrounds of these individuals were all very different. One of the officers with whom I stood watch, Lt. Jacob Smith, was a “mustang,” an enlisted man who had become an officer. His background was quite different than mine.

Ms. Garrett: A mustang, it's called?

Mr. Pollak: Yes. A mustang is an enlisted man who becomes an officer, not through Annapolis, but by receiving a commission in the field. Jake Smith was a very good officer. He had been at Pearl Harbor. He was older than I was. I learned a

lot from him. One of the subjects that was open to all and in which these men from diverse backgrounds and of diverse ages had experiences they could exchange was the movies. So we talked a lot about movies because that was a currency that could be discussed equally by all these men from diverse backgrounds. I don't believe that I ever openly talked about being Jewish. I do not know that anyone on the ship was Jewish other than me, and that's about 330 people. I had the perception that many people who were my friends were prejudiced against Jews.

Ms. Garrett: So, nobody knew that you were Jewish?

Mr. Pollak: I do not know. Maybe they all knew I was Jewish.

Ms. Garrett: How did you handle Christmas holidays, then?

Mr. Pollak: My family had celebrated Christmas. I wasn't particularly religious, so it really never came up. In the first year when we were in Korea, we were all engaged in this evacuation at Hungnam and nobody paid particular attention to what day it was. I don't think my way of dealing with religion was particularly forthright.

Ms. Garrett: But, not uncommon, I think, the approach that you took.

Mr. Pollak: I wanted to belong and wanted to be one of the group.

Ms. Garrett: Now, Ruth's family was more --

Mr. Pollak: Ruth's grandfather on her father's side was the head orthodox rabbi of Wisconsin. Her parents had a feeling that any Jews who had a Christmas tree – that was a very bad thing. Her family was not particularly religious, but they celebrated all the Jewish holidays and had the best of the traditions. Ruth had a more Jewish

upbringing and was more at home with her Jewishness and I was. Ruth has said to me that the rabbi's five children were essentially atheists rather than real believers, but they all were ethnically Jewish. That was somewhat different from my family. Her family came from Eastern Europe, my parents' families came from Germany and Austria. Perhaps that was the difference.

Ms. Garrett: Interesting. Was it a source of tension between you and Ruth at all when you were starting your marriage?

Mr. Pollak: Our only tension was over Christmas. For a number of years, maybe through the childhood of our children, we celebrated both Chanukah and Christmas. It was difficult to wean me away from Christmas, but slowly but surely I was.

Ms. Garrett: Interesting. For a number of people their experience in the military is often described as very formative, establishing key aspects of their character or goals. For you, what did you take away from your experience in the Navy, and was it such a formative experience in that core way?

Mr. Pollak: I've often puzzled about that. I don't think it was a core experience for me, but I may underestimate it. I must have gained a feeling inside of myself that I could navigate and get along through any kind of situation, an inner core of confidence that I would be equal to whatever physical demands were made on me, that I wasn't afraid of danger, or at least that I wasn't unable to function in a dangerous situation; that I could make my way with people; that I could learn new tasks; that I could travel wherever I might be called on to go and find it easy. Those must be experiences and learnings that I took away from the Navy, but I didn't come out

of the Navy experience feeling much different about myself than when I went in. That's a function of the nature of the human being that I am. I face challenges with a feeling that I can't really do that and then I always can do it. Generally, I approach challenges feeling, "Gosh, I'll never be able to accomplish that." I don't think the Navy changed that, although it must have laid an inner foundation of confidence. It's a conflicting picture.

I had so many different experiences in those Navy years. In 1951, I took the train with other officers from the naval base at Sasebo, and visited Nagasaki. I took photos and I have them. All that I can recall is the breadth of the devastation and some feeling of disbelief that this could even have occurred. I juxtapose that experience with a visit on the way in to Korea. The ship stopped at the harbor that serves Tokyo, Yokosuka. I visited Tokyo then and again on the way back home. Tokyo was then (1950-51) a thriving, colorful, essentially intact major urban area, very much different than Sasebo, which I couldn't see was damaged but was more a minor city, and very much different from Nagasaki, which had been destroyed.

Ms. Garrett: We were talking about your experience in Japan and in particular Nagasaki. You saw sort of at a very personal and direct level the devastation that many people in the country only heard about and yet it affected some people very deeply in their sense of their place in the world and their country's place in the world. Did you carry something like that away from your experience at Nagasaki or is it difficult at this point to quantify that?

Mr. Pollak: I would like to answer it by saying that it was a life affecting experience, but I don't know that I can say that. These experiences seeing the devastation of World War II and then participating in this sort of detached way in the Korean War were more like being an observer rather than a participant. In Korea, the Borie and the other destroyers in our division went around on assignment to Inchon on the west coast, where General MacArthur had invaded in a successful maneuver, helpful to the Allied Forces, the UN forces. I interrupt myself to say that one thing that was impressive to me, that I took pride in, was that we were part of the UN force in Korea and we flew, and all the ships flew, the UN flag as well as the US flag. That meant a lot to me.

Inchon, I was told, has the largest tide change daily of almost anyplace on the globe. Sixty feet in the harbor. When we sailed into or out of Inchon harbor, the tide was out, mud flats were on both sides and we were in a rather narrow channel. There were all these landing craft that had been sunk during the invasion that were still resting on the mud beside the channel, US craft. I reacted to seeing that and thinking back to when people were riding in those craft as part of the amphibious force attacking Inchon. The whole naval experience did not change the views I entered the military with, which were formulated by the need I saw for entering World War II and opposing Nazism and the scourges of Japan. It didn't change my view that use of the military to maintain or seek freedom or to challenge imperialistic aggressors is necessary. So I think the experience probably influenced me in that direction. Later, when the Vietnam War was

presented as a war to prevent the “fall of the dominos,” I accepted that for a long time. And I differed from friends who much, much earlier saw it as the mistake that it turned out to be.

Ms. Garrett: That must have led to some interesting discussions with friends.

Mr. Pollak: It did. I consider myself to have been slow in coming to that conclusion. I believed we shouldn't sit idle as a nation when there was aggressive communism or imperialistic communism pursuing its objectives. As it turned out, that was not what was going on in Vietnam.

Ms. Garrett: What ultimately changed your opinion about Vietnam?

Mr. Pollak: I came to the change of opinion late and consider that a mistake. My good friends at the time included Paul and Jenny Moore. He was then the Suffragan Bishop of Washington. They were very strongly against the war in Vietnam and marched and participated in vigils. William Sloane Coffin, also an Episcopal priest, came to their home. He was one of the leaders of the peace movement. My views were changing. I was part of activist arms of the government, but being part of an activist arm of government is a very sheltered way of being an activist. I never had any reluctance to be that. I wanted to do that. But one can be much more risky in being an activist and I admire people who are.

Ms. Garrett: That's interesting. What did you think of all the war protests and marches going on and efforts even in the legal communities to support those who were opposing the Vietnam War?

Mr. Pollak: I thought that they were quite proper insofar as they were nonviolent. I did not approve of violent activities. The level of violent activities was very limited. I remember there was an activity or group that supported a mass antiwar effort in Washington called the Mobe or New Mobe. That was shorthand for mobilization against the war or the anti-Vietnam mobilization. Those protests were a precursor of the World Bank oppositions of today. I disapproved of efforts to interfere with traffic, throw around garbage cans, and similar techniques. That marks me as a centrist about behavior. Yet, those efforts are to be admired in making the nation come to its senses about what it was doing. The nation owes a debt to those people. One of the groups included lawyers who had come from backgrounds like my own, the Institute for Policy Studies, Marcus Raskin, Richard Gardner. Both are still active. They were doing a lot of thinking about oppositional activities as well as research and scholarly efforts to show the error of the nation's policies.

Ms. Garrett: Hindsight. We sort of skipped a couple of decades there in our conversation and I want to pick up on it again. We left you in the Navy and we haven't gotten you out of the Navy yet. Did you think about making a career in the Navy at all or were you happy to get down and out the door?

Mr. Pollak: In the main, I thought sea duty was generally boring. You had little time to yourself. If you were at sea, every night you had to stand watch. Of every twelve hours, you were on duty for four. Each night you either had a watch from eight to twelve or twelve to four or four to eight. Then you had work activities as well as

a watch during the day. There was very little time for reading, almost none.

There was really no useful place, congenial place to do any reading. Life was very limited.

The human beings I was with were interesting. I was interested to learn about their lives, and I learned a great deal in that respect. But I never wanted to make it a career. Never, never harbored the idea.

For some reason, I considered becoming a part of the submarine service. I always wanted to do that. I went down on a submarine a couple of times. Two of the officers that were on the Borie in Korea joined the submarine service and left the ship. I considered applying and thought I would certainly get in, but you had to sign over for more time and I was unprepared to do that. George Kennan, who was the State Department thinker and uncle of my friends the Hotchkisses, counsel us: "A military career could be a very good thing if you stayed long enough and rose high enough." I didn't want to do it and I thought it was also chance. If I really wanted to make it a career, I would have tried to go to Annapolis.

Ms. Garrett: Right.

Mr. Pollak: My father had been an Ensign in the United States Navy in World War I. He was selected number five on a list for attendance at Annapolis. The first two died in the influenza epidemic of 1917. The next two attended. He missed by one. So I often thought of going to Annapolis. I'm glad I served in the Navy. I am proud of doing so, but I never wanted to make it a career and as my time winded down, I

began thinking about what I was going to do. As I've recounted, I applied to Yale Law School and took the LSAT at the University of Richmond in Richmond, Virginia. I found that I scored in the 92nd percentile. I took the test with Norbert Schlei who became my close friend when we attended Yale together. He was also in the Navy. When I mustered out of the Navy on June 11, 1953, I happened to be in line with Norb. We hadn't seen each other since taking the LSATs. I said to him, "So, what are you going to do?" He said, "I'm going to Yale Law." I said, "Well, so am I." He said, "Well, so how did you do on the LSATs?" I thought I had done fabulously well and I was very reluctant to tell him how well I had done out of a human concern that he might have done less well. Before I could answer him, he said, "Well, I scored in the 99th percentile." He had an eidetic memory and became the editor-in-chief of the Law Journal and graduated number one in our class. Of course, he was quite matter-of-fact about his accomplishments.

I got out of the Navy in 1953 and Ruth and I went on a delayed honeymoon to France and Italy during July to September, a wonderful trip. We studied French at a University of Bordeaux program in Pau, France, and then traveled around France and Italy in a little car. Then I came back to Yale. Ruth was pregnant and we had our first child in May 1954, when I was taking my exams. While Ruth was in the hospital in labor I took my "Business Units" exam, a great course taught by Vern Countryman. I got a "C" which was the lowest grade I ever got. I went to talk to the professor. I said I thought I did well. He

said, “You wrote a great answer to the second part, but you answered a different question than was asked.” I think my mind was back at the hospital.

Ms. Garrett: That’s a funny story, but it’s very difficult to take an exam while your wife is in labor, I imagine. Who was your first child?

Mr. Pollak: Linda.

Ms. Garrett: Linda.

Mr. Pollak: Linda Jan Pollak. She’s an architect practicing in New York. Well, I didn’t have a particularly successful first semester. I had had no legal experience. Much as I’d taken constitutional law at Dartmouth, it didn’t seem to penetrate. I was confused in my first year by the terminology. It seems funny now, but the case books, for instance the civil procedure case book, for a course taught by the great Fleming James, had all of these court opinions that were truncated to highlight the procedural issue. I was mystified reading the cases which seemed always to stop before getting to the substantive point. I can remember reading them to Ruth, saying “What’s going on here? Why doesn’t this case tell me what the outcome is?” I had a lot to learn. I did considerably better my second semester. My third and fourth semesters, I got the highest grades in the class, so I was proud of that. My memory of law school is of working all the time.

Ms. Garrett: It is a common memory, I think. How did you manage that with a baby and a wife? And then a second child?

Mr. Pollak: Our second child came in January of my third year. I’ve got to admit that the accepted practice then was that the man in the marriage did all of this outside

activity – my work was studying – and the woman kept the home and raised the children. Now I participated but primacy was given to the law school requirements.

Ms. Garrett: This baby in the house who was not sleeping at night. How did you manage with that?

Mr. Pollak: I can recall that there were times of that nature. I can also recall working on the Law Journal late into the night or into the morning studying. The physical capabilities of young people are strong and all that just rolls off your back. I have a regret for being the kind of person I am which is that I consider I have to work very hard to get to the level of achievement I mark out for myself. So I sacrificed a lot of the experience I would have had had I spent more time with the family. Insofar as there were demands working on the Law Journal, and there certainly were, I responded to them by devoting a great deal of my time to those activities. Some of my anticipations were that unless I put in extra efforts, I would fade, and I never wanted to do that.

Ms. Garrett: And never did.

Mr. Pollak: My perception is that that carried on through the younger lives of my children, devoting more of my time to work than to them. That was sort of expected of fathers. It is less so today and families and fathers are the beneficiaries. It is not completely gone.

Ms. Garrett: No, it's not. Either expectations of what fathers should be doing by their employers or by their spouses. It is a constant tension.

Mr. Pollak: Yes. I think if my wife Ruth were asked she would say that she gave up a lot and had she been of a different generation she would have said to me more times perhaps than she did, “Look we have to have a different arrangement here. You’re making a big mistake and you’re losing for it. You should be part of your children’s lives to a much greater extent.” Because she handled those things.

Ms. Garrett: It was her job.

Mr. Pollak: Right. Schooling, housing, summer camps, working it all out. She worked it out wonderfully.

Ms. Garrett: I want to talk to you about your classmates, your professors.

Mr. Pollak: Let’s talk about my classmates. A good number of us were veterans. A good number of us had had experiences after college and that made for a law school class that was more mature and more diverse in background. That was a great strength. Many of my friends were of that stripe and they became close friends at law school. Many were married. Their wives became close family friends. That made for a richness and a strength of my law class. My law class was not diverse in two respects. It had only four women out of about 125 and it had only two blacks, the Goodlet brothers, twins. I regret to say that both of them left early. Possibly they left because their grades were not strong enough, but I’m not sure of that. I think that the Law School and we as classmates were considerably uninformed about how to make the Law School a good experience for minorities of different backgrounds and preparation. That those two young men got into the law school, marked them as candidates who would have been wonderful

participants at the bar. Somehow we all should have been smarter so that they could have remained.

The women in the class performed well and had good careers after but were not among the most distinguished members of the class in terms of achievement and leadership. I don't suggest that that was due to their capabilities being less. They made it in a difficult climate. The leaders of the class were primarily those who bobbed to the top of the Law Journal, which you got on by your grades. The grades were I think in general deserved. That is, they weren't handed out other than on some reasonable scale of performance. On the other hand, many members of the class who were not at the top academically went on to have very significant careers as lawyers, so grades didn't mark only those who would be good lawyers.

The class ahead of us was a good class. It was a much younger class because the Korean War vets came back in my class. Many of the leaders of the class ahead became my close friends. One is Jerome Cohen, who has become the academic world leader on Chinese-Communist law. He trained and introduced a generation of scholars to that subject. Virtually all of the current law school leaders in that field were trained by him. He was Editor-in-Chief of the Journal for the class ahead of me. My partner Bill Dempsey was a Note and Comment Editor in that class and the most brilliant lawyer I've known. In my class there was Norb Schlei. He went on to be Assistant Attorney General in Charge of the Office of Legal Counsel in the U.S. Department of Justice in the early 1960s. He

was a partner at the Hughes Hubbard law firm and has had a distinguished career. Norb was the most brilliant member of our class, certainly one we all thought was qualified to be President. He never achieved an elected office, although he ran for Secretary of State of California and for Congress. My classmate Jon O. Newman, who was a Note and Comment Editor, has had a wonderful career and is still a Senior Judge on the Second Circuit. Arlen Specter was a member of the editorial board of the Journal. I edited his senior comment which was on various issues relating to imprisonment and probation. Arlen, of course, is a long-time Senator from Pennsylvania. David Isbell, a partner at Covington & Burling, Articles Editor of the Journal, served as a senior leader on the staff of the Commission on Civil Rights during the late 1950s. He was and is a very able lawyer and wonderful writer. Another senior leader of the Journal was Gerald Doppelt. He became a partner in a west coast San Francisco law firm and then I believe general counsel of an oil company. The other Note and Comment Editor was Richard Pershan. He became an estates lawyer in New York City. The most energizing members of the Law Journal staff were Schlei, Newman and Isbell. I was the Managing Editor.

Working on the Law Journal was the great experience of my law education, but the classes were a strong second. I had great professors, although the law school was in a time of transition and many of the older professors were moving on. Eugene Rostow, who was the third dean of my law school years, was in the process of repopulating the law faculty.

Ms. Garrett: Who were some of the professors who made an impact on your legal education?

Mr. Pollak: Fritz Kessler, my contracts professor, a wonderful professor in the great tradition. Harry Shulman who became dean. He taught me torts. Myers McDougal was an outstanding international law professor. He suggested the topic for my senior comment -- the constitutionality of the Expatriation Act of 1964, which removed citizenship from persons convicted of Smith Act crimes. The Smith Act prohibited seditious activity and was focused on communists. I spent a great part of my second year researching and writing this comment which concluded that taking away citizenship and making an individual stateless as a punishment for crime was cruel and unusual and unconstitutional. The Eighth Amendment had been very seldomly used. The comment set out all the legal history. Less than a year after I graduated from law school, a case called *Trop v. Dulles* [356 U.S. 86 (1958)] came to the Supreme Court raising the issue I had addressed in the comment, not over the Smith Act, but over one of the other expatriation provisions of the Nationality Act of 1940. The Supreme Court adopted my theories and struck the provision down as unconstitutional on grounds that it was a cruel and unusual punishment.

Ms. Garrett: And cited your comment?

Mr. Pollak: Right. That was the big deal for me. Now my classmate Jon Newman was then Chief Justice Earl Warren's law clerk and that may have had something to do with it. It was very rewarding. The comment was quite different from my note,

written earlier, on the validity of the Third Avenue Elevated bonds in New York City.

Ms. Garrett: The note didn't have quite the reception.

Mr. Pollak: No.

Ms. Garrett: You mentioned that your classmate Newman clerked. Did you ever think of clerking after law school?

Mr. Pollak: I did apply. I had two children. I applied to Justice Reed and Justice Clark. Those were the justices that the law school suggested. I remember going to Judge Jerome Frank for a recommendation. I took his course in Equity. He was a great judge on the Second Circuit and a great man. When I went to him for a recommendation, he said, "Well you write it and I'll sign it." That was agony. I just didn't know what to do. I'm sure Ruth helped me. I interviewed with those justices and I didn't get an offer from either. My now close friend John Nolan, who was then clerking for Tom Clark, told me much later that he and his co-clerk strongly recommended me and that I was the third choice, the two who got it and then me. My family knew D.C. Circuit Judge David Bazelon. I had a lot of principles, many of which I think were sort of juvenile. I did not apply to Bazelon, thinking that he might choose me because of family ties. The practice in that day was that law students went to clerking on the Supreme Court right from law school, and Norb Schlei became Justice Harlan's clerk. Jon Newman clerked for Chief Justice Warren but clerked first for D.C. Circuit Judge George Washington. Ultimately, my classmate Mike Heyman, who was a close friend,

became a law clerk to Chief Justice Warren. Mike was on the Journal. Mike was a former Marine. We had been together at Dartmouth and in the naval program. He was a class behind me at Dartmouth. Michael became professor at Boalt Hall, then Chancellor at Berkeley and more recently head of the Smithsonian, a very illustrious career. His wife Terry is a friend. Of all these classmates, the most publicly acclaimed are Newman, Schlei, Heyman and Specter.

Ms. Garrett: Let's stop there.