

**ORAL HISTORY OF
SAMUEL DASH**

First Interview - July 10, 1997

This is the first interview of a contemplated series of oral history interviews with Professor Samuel Dash. The interview took place at Professor Dash's office at Georgetown Law Center in Washington, D.C., on July 10, 1997. The interviewer is Zona F. Hostetler, an attorney in private practice.

Ms. Hostetler: Professor Dash, you've been a prominent and distinguished lawyer, not only as a law school professor but also as a private practitioner and, most notably, in public life. We want to talk about all of these careers, about your scholarship and leadership in the fields of criminal justice and legal ethics, your work as a prosecutor, as a law professor, as a bar leader, and, of course, we especially want to talk about your work for the government, including your famous work as Chief Counsel for the U.S. Senate investigation of President Richard Nixon, known as the Watergate investigation. But before we get to all of these illustrious careers, let's go back to the period before you even went to Harvard Law School. Were there any lawyers in your family?

Professor Dash: No, I was the first lawyer in the family. Actually, in our family I was the first person to get a post-graduate degree.

Ms. Hostetler: Had your parents gone to college?

Professor Dash: No, my mother and father came to this country fleeing from Russia during the Pogroms of the early 1900's, and both of them were about five years old when they came. They grew up as poor immigrants, in Philadelphia, and I don't think they even went to high school. But my mother read a lot, and she was very literate. My father ended up in wholesale dry goods with his brother who had a leading business in dry goods. But my father

was a failure in it, because he really was a dreamer without an education to realize his dreams. During World War II he found himself and worked in the Frankford Arsenal in Philadelphia as an electronic parts specialist.

Ms. Hostetler: What kind of books did your mother like to read?

Professor Dash: Everything. She read the newspapers, from front to back. She would pick up and read everything. She was a voracious reader. And a believer in education. And I think all of us – I had three brothers, and later two sisters – were urged to get as good an education as we could get, and told that that would be the only way in which we could succeed in life.

Ms. Hostetler: And did your father support her in that view?

Professor Dash: Yes, I think he supported her.

Ms. Hostetler: Did your mother read to you?

Professor Dash: No, her reading was personal. But she always was very interested in what we were doing in public school, what our grades were, and she constantly held up to us a very high standard of achievement.

Ms. Hostetler: Did you like to read yourself, or were you doing other activities?

Professor Dash: Oh yes. Well, even before I was a junior high school student, I was constantly going to the library and bringing home piles of books. Most of them were fiction -- the romantic fiction of the times, like the *Three Musketeers*, and I sort of lived out the things I read. As for activities, primarily I was forming aviation clubs. At that time, airplanes weren't what we have today, but the Richfield Company and its gas stations would give out silver wings to young people and admit them into the Richfield aviation club. So I formed a group of the

neighborhood kids, and we got orange boxes. And we sat on the orange boxes as planes. At that time, you flew planes with a stick and I was teaching them what positions the stick should be in in order to bank, or dive, the plane. We wore our wings, and we took it very seriously.

Ms. Hostetler: Did you get to go inside real planes?

Professor Dash: No, but every once in a while a couple of us would ride our bikes to the Philadelphia airport, which was then a very small airport, to watch the planes.

Ms. Hostetler: What years would this have been?

Professor Dash: Well I would have been then, about ten years old.

Ms. Hostetler: You were born when?

Professor Dash: 1925, so this would be in the mid 1930's.

Ms. Hostetler: Was Russian spoken in your family at all?

Professor Dash: No, my mother and father being five years old when they came to this country spoke a little bit of Yiddish, but they didn't know very much Yiddish. I do remember Yiddish curse words – that's how I grew up knowing what Yiddish meant. My parents had older sisters and brothers, who were older when they came here, and they were very traditional Jews. They spoke Yiddish fluently. Some of them kept Kosher...and they would criticize my mother for not keeping Kosher.

Ms. Hostetler: So your mother was the rebel in the family?

Professor Dash: Well, she was the American in the family.

Ms. Hostetler: Did you know your grandparents?

Professor Dash: No. I do remember my mother's mother living not that far away, and visiting her once or twice, but I have really almost no recollection of grandparents.

Ms. Hostetler: You said earlier you had brothers and sisters?

Professor Dash: Yes, I had an older brother Harold, who died during the Watergate hearings in 1973. He was an architect, and as a matter of fact offered his services gratuitously during Watergate. We didn't have any place to put the staff. I had a hundred investigators and lawyers and administrative people, and we took over the Senate auditorium. But it had a sloping floor and had all those seats. Harold redesigned it for us so it became a gigantic office space with cubicles and all that. And it remained that way for Senator Church's Select Committee on Intelligence. It's since gone back to being an auditorium. Harold was an avid follower of the Watergate hearings.

Ms. Hostetler: Where did he live?

Professor Dash: He lived in Philadelphia.

Ms. Hostetler: And that's where his architectural firm was?

Professor Dash: Yes. He belonged to a very good architectural firm.

Ms. Hostetler: And what about your other siblings?

Professor Dash: Harold was the older brother, I was second, then Abraham was the third brother. It's interesting about him because he was the competitor, coming after Harold and me. Harold and I had achieved much during our school years, so he was constantly attempting to outdo us--even to the point that he would pick a fight with us. And the two of us actually battered him down to the ground once, and I think blood was coming from his mouth, and he just grinned up at us and said, "You're getting tired, aren't you?" (laughter) He went to the Naval Academy, got hurt in boxing, and joined the Air Force, and became a bomber pilot. He stayed on in the reserves and he got finally to the rank of Lieutenant Colonel. But the interesting thing is

that he still wanted to beat me at everything. In the early sixties I represented the Teamsters in Philadelphia – that is, some of Hoffa's lieutenants. And Abe who had graduated from law school offered his services to Robert Kennedy, the Attorney General, to beat me. And that's when Bob Kennedy made a terrible mistake. He said, "How can I bring Dash's brother into this case, he's going to favor Dash." He didn't know that he would have had a great weapon – this guy would have torn me apart if he could. And so Abe instead became a deputy counsel to the Comptroller of the Currency, and investigated all kinds of banking frauds. Then he decided he would compete with me in the law school field. So he's now a professor of law at the University of Maryland Law School--where, I understand from the parents and students every time they meet me, that he's a great teacher.

Ms. Hostetler: And did you have another brother?

Professor Dash: Yes, Raymond, who was the last in the line of the boys. He was a math expert and went into computers. In fact, he was in the pioneering period of computers when they began to use computers to predict the outcome of presidential elections. He was working with RCA, and he would be on those television programs predicting the election results. He later taught computer technology at Northwestern University and he ended up advising a large insurance company in Chicago about its need to computerize. He was the only one who seemed to know anything about it and so they made him a vice-president of the corporation. He stayed with them for a while, and then finally retired. But he still teaches computer technology at Northwestern.

Ms. Hostetler: And you have a sister?

Professor Dash: I have two sisters. They came late. And when I left in 1943 to

become an aviation cadet they were somewhere around maybe seven and four. One was Jeannette and the other was Ruth. I never really was able to establish a good relationship because after I left to join the Air Corps, I really didn't come home much. This is because during my leave – and I'll talk to you about it – I met Sara who became my wife. I should say I met Sara again, because we had both been students at the same junior high school--Sulzberger Junior High School in Philadelphia. I was a year ahead of her and I was "big man on campus." I was the captain of the Safeties, and then president of the student government association. We were in the dramatic club together and we even played opposite each other, but we really didn't--well, as she tells it, she had dated every other boy in the club. And I was always a very serious young man – always had to get off to work as soon as possible. And she says she had looked me over but at that time, she says, I was emaciated, had an Adam's apple as large as an orange, and I looked like Lincoln after he was assassinated. And she says she felt pity for me--would I ever get married? Now, you know, there's a bit of poetic justice in this. Anyway, during my leave time, after I had returned from Italy, I went to Atlantic City, which was our vacation spot, and I saw this pretty girl walking on the boardwalk with her family. I was with a boyhood friend who remembered her and he said to me, "That's Sara Goldhirsh." And so we followed her on the boardwalk to see where she was staying so we'd know what beach she'd be using the next morning. So, the next morning I "accidentally" met her in the ocean. We went dancing that night. But I had to go back to my air field, and I asked her to wait for me.

Then I plied her with poetry. I'm a poet – I write sonnets – and I've been writing them since I was a teenager. And I sent her a poem almost every day, through special delivery. And that really disturbed the neighborhood because in those days during the war, a boy on a Western

Union bicycle coming with a message was a bad, bad omen, and she begged me, please, send it by regular mail, not by special delivery. I just wanted her to get it right away.

Ms. Hostetler: Was your poetry saved over the years?

Professor Dash: We have a book that I kept, and then added to it. Most of the poetry that's in that book is from the 1940s though there are some earlier ones. I thought I was going to be a writer because I had this romantic vision of life and I wanted to talk about it, and poetry came easy for me. I tried to experiment when I went to Central High School which is, if you don't know Philadelphia, the Boston Latin School of Philadelphia. It dates back to the 1820s. It's the only high school in the country that gives an AB degree when you graduate. There's no principal, he's the president of the school. And it had great professors – you called them professors, not teachers. My English professor in my senior year wanted us to write about Shakespeare – you know, the stage during Shakespeare's time, the costumes and so forth. But I decided, "Hell, I'm going to be much more original than that. I'm going to write a five-act tragedy, using Shakespeare's sources but picking a character he had not." So I went to his source material – I think it was Plutarch's Lives – and I found that he had never touched Alexander the Great. So I wrote a five-act tragedy in Elizabethan English, iambic pentameter, with all the Shakespearean kinds of rhymed couplets, ghost scenes in the tent, and so forth. It had all of what Shakespeare puts into his plays, like soliloquies of Alexander as he watches his troops coming back. But when I submitted this five-act tragedy to my English teacher it came back with a question mark over my name. Now wait, he said, you didn't write that. And so I showed him my sources and everything. Then he gave me an "A". I've had that play all these years but I had never seen it played until my 70th birthday when my daughters and Sara surprised me by

performing it in our house with each playing different roles, putting on different hats and things like that. It was fun.

Ms. Hostetler: Do you still write poetry?

Professor Dash: Yes, but I pretty much limit my poetry now for my two daughters and Sara, on occasions like birthdays and anniversaries.

Ms. Hostetler: Have you given any thought to publishing it?

Professor Dash: No, it's just there. Some of it I think is good. And some of it is descriptive. During the war, I wrote some kind of dramatic poems, about the roaring of bombers. I tried to write the poetry with a sound that would reproduce that kind of roaring and all. And I wrote a fairly long poem about a young Italian boy strumming a guitar, on an ancient wall, in a city that we were staying near...and it flowed, but I find now that you really have to be brief. You can't be too descriptive because the words and the way you put them together have to create the message and the image.

Ms. Hostetler: Do you write poetry at a certain time, or just when the muse strikes?

Professor Dash: Well, since I'm now limiting my poetry to communications to my daughters and my wife, it's about a week or so before their birthdays. I'm writing one now, for Sara, for our wedding anniversary, which is Bastille Day, July 14th.

Ms. Hostetler: When you were growing up did, did your family, your immediate brothers and sisters and you view yourselves as immigrants or were you so Americanized, that--

Professor Dash: We were born here, we were first generation Americans, and I never saw myself as an immigrant. I was very patriotic, very romantic, and I saw myself as an

American. I never believed that I would have any restrictions. I bought the American dream.

Ms. Hostetler: And you weren't treated with discrimination?

Professor Dash: No, I never met, until I graduated from law school, any restriction because of my religion, and it was then, in 1950, or 1949, that I began to experience the kinds of discrimination that occurred in law firms at that time.

Ms. Hostetler: Did you apply to some law firms that had restrictions--

Professor Dash: At Harvard Law School I had the highest grades of any student coming from Pennsylvania, and I think I was in the top bracket of my class, so I was invited to interviews by law firms. But when I got there, I found out that they didn't have a Jewish associate or partner. I remember asking one of the law firms, "Well what's your policy about Jewish lawyers?" and he said, "Well, we don't have a policy. We've never had one, but we don't discriminate, because we don't take Negroes or Catholics either." Isn't that a great, great, statement? So, I felt better of course.

Ms. Hostetler: When you were growing up did your family have sufficient income that you could travel?

Professor Dash: No, they were very poor. My father lost everything when he tried to compete with his brother in the dry goods business. He went bust. He never was successful until World War II. We had ups and downs where we bought a car and then lost the car, bought another car and lost the car. We rented nice houses and lost them – you know, we had to go down to a poorer house.

My older brother, Harold, and I, from the time I was seven, had to work. We weren't working for our allowances, for money for ourselves. We were working to bring income into the

family, and it was our work that produced food on the table. I worked at everything – I was a carpenter's helper. I even found out later which I was too young to know at the time that I was a runner for a gambling group. Harold and I were selling newspapers, and there was a big offer from a place down near Front Street in Philadelphia, where they were sending what is called score cards to the saloons. And our job would be to have a route in a certain section of the city and to distribute every day these score cards. What I didn't know was that it was the numbers. Harold then drove a car so we would attach my bicycle to the back of the car. He would drive me to my section and I then with my bicycle would go into all these saloons delivering the numbers cards. And Harold would do his on his own and then we would meet and go home together. Then one day we went down to get our score cards and it was closed. It had been raided. (laughter) This was an early phase for me. I think I was about nine or ten. I never understood at that time what had happened because, you know, it was a good job. It paid much better than delivering newspapers.

I ended up while I was in high school working for the free library of Philadelphia. I'd go there every night, and the exciting part of the job was that I was working in the newspaper stacks. In the newspaper stacks at that time, they had volumes of the original newspapers of Philadelphia back to the early 1700s. I mean these were not on microfilm or anything. This was when you turned the book open and you would be looking at 1760, and the cartoons of the time. I came to the conclusion that if you really want to know something about the diet of a period, the dress of a period, the jokes of a period, a newspaper tells it all. It's just amazing. You can read all about the culture of the day in the newspaper.

Most of the times I worked at night and when I didn't have anybody calling for anything I

read history. I followed Napoleon's successes and ultimate defeat through the newspapers printed at the time. And I remember the humor in this. Not having radio or telephone they would begin a story by saying, "A gentleman off the Frigate James has come to our offices and reported the latest news from Europe. Napoleon has defeated Wellington and is now victoriously going on his expeditions." About a month or so later the paper would report that a gentleman off the Frigate Smith had come into the offices and said that Wellington beat Napoleon and that is the end of Napoleon's career. And then from another gentleman about a month later there would be a contrary report. Finally, the newspaper printed a box. "Our readers are disturbed and frustrated at the contradictory reports from gentlemen coming into our harbor on boats. We don't care whether Wellington beats Napoleon or Napoleon beats Wellington. We want the truth." What history there was to learn from the newspapers that people were reading!

Ms. Hostetler: Any other jobs you can remember?

Professor Dash: My brother and I went into business for ourselves developing film. I had a cousin who knew something about developing film and printing and he taught us how to do it. And he built a printer for us. At that time, my father was in wholesale dry goods, and my mother opened up a little store, for retail, of the same stuff he was selling wholesale. And we put up a big sign "Film Developing - 24 Hours." (laughter) We had our printer and our developing tanks and everything in the basement. I remember it was during the New York World's Fair in the midthirties because a lot of the pictures I remember developing were photographs of the Fair's tower and globe.

Ms. Hostetler: Did you go to the Fair?

Professor Dash: No. You asked a question earlier about traveling. We really were

so poor that our horizons were as narrow as the street we lived on. The only travel we did was to go maybe once a summer to Atlantic City, which was the mecca seashore for Philadelphians. I remember how we went. We didn't have a car. First of all, we were carrying a lot of things. I remember we carried a lot of things--blankets, and stuff. And we would stay maybe for two days. My mother had already arranged something with a woman who had one of these four- or five-story houses on one of the streets leading up to the boardwalk. And we would carry all the stuff we were carrying to the streetcar, and then the streetcar would take us to the elevated which went down Market Street. Then the elevated would take us to Front Street where the ferry was. Then we would go on the ferry and cross the Delaware to Camden. At that point, there was the railroad station -- the Reading Railroad I think it was -- where we then got a train. These were the true choo-choo trains with billows of smoke coming out of the chimney, and if the windows are open, you would be getting black all over. And the train took us to Atlantic City.

But then we had a long walk from the train station to the house where we were going to stay and we were carrying all these bundles. And finally we got there. I remember an older lady -- you know, at that time she looked old, probably she was in her 50's or even 40's -- carrying extra bed springs on her back up all these steps to the rooms we were going to use. Of course, now that I think back about it, it was pretty dingy. The rooms were not air-conditioned and during the hot summers sweaty as hell. And there was a saloon below us with very loud music being played and flashy neon lights going off and on. We thought it was paradise, we were at the seashore! (laughter)

But that's as far as I ever went until I enlisted in the Corps when I became 18. I became 18 in February and I immediately applied.

Ms. Hostetler: So you enlisted even before you went to college?

Professor Dash: No, I had started at Temple University. I had applied to Penn, and I was admitted at Penn, but again, I had to work. Temple was the poor boy's school and it was cheaper. And so, as a poor boy, that's where I went.

Ms. Hostetler: Did your siblings go to Temple also?

Professor Dash: Raymond did, then went on to another University. Abe went to Temple. Harold, my older brother, went to Penn, and studied architecture at Penn. But he did that after he came back from the service. I had one year at Temple before I went into the service.

Ms. Hostetler: And you held jobs during that time also?

Professor Dash: During that time I think I was mostly working at the library. I had a long-time employment with the Philadelphia Free Library.

Ms. Hostetler: And what kinds of courses were you taking at Temple?

Professor Dash: Oh, I was then in what they call the pre-law/business school. And most of the courses I was taking were history and political science and social science. But in my English courses I was writing poetry. I was getting into a period where I was writing complex poems, sonnets and things, and my English professor was excited about it. He assigned some of my poetry to the class. I remember once I played a kind of trick on the class (and I think the English professor was aware of it). I wrote a poem in sonnet form. But every time the word should have been a simple word I took an obscure, complex word. And so it looked like a very complex, subtle poem, with in-depth meanings. But in fact it was a nonsense poem. There was no meaning in it. It was meant to be that. But I remember that the professor asked who do you think wrote it, and what does it mean? I'd hear all these poets' names suggested. And I learned at

that time that people don't want to admit that they can't decipher something, that they're unsophisticated. So everybody had a complex theory for what I was writing and in reality it was complete nonsense.

Ms. Hostetler: You say you were in the pre-law program so were you even at that early age, intending to go on to law school?

Professor Dash: Yes, law attracted me way back. First of all in every public school I went to, I was very active in the so-called politics of the school. As I said earlier, in Sulzberger Junior High School I moved up from captain of the Safeties, the law enforcement people, to becoming president of the student association, I read the Bible, every morning in the auditorium. And when I went to Central High School, I became the president of the student association by election, but then, some new organization was formed which was called the interscholastic league of student associations – all the high schools in the city had an upper student association league made up of the presidents of their own student associations – and I became president of that.

And you know this whole process of democratic politics and getting involved in that, led me to believe that there ought to be a city college in Philadelphia. There was no free college in Philadelphia. And I formed a committee and we went to see the president of the board of education, and petitioned and all those things. We were doing all kinds of reform things. So that whole political area vibrated with me, and I had this other romantic feeling. Coming from a poor family, and seeing them struggle, and being a romantic from the books I read, I had this kind of dream, as a teenager, of coming back to this poor neighborhood as a champion. Of course at that time my dream included armor and a white horse (laughing). To right wrongs, you know. It was a

romantic concept that I had. I haven't lost much of it yet.

Ms. Hostetler: Did you think of coming back to that same community to right the wrongs, or of going off somewhere else?

Professor Dash: Well, no, I saw it as coming back there. Growing up, I was struggling along with the family, and I didn't stand out until I got these particular positions at junior high school and high school. Then, at that point, I felt it would be great gratification if I could come back with power, you know, and right wrongs. But, again, it was localized because I didn't know anything about the outside world.

Ms. Hostetler: You were growing up in the 1930s, when Hitler was on the rise in Europe. How aware were you and your friends, and the people around you in Philadelphia, of Hitler's rise?

Professor Dash: We were very much so. First of all in high school, we participated in a series of programs to help the servicemen. I remember we were collecting tin cans, and stamping them to flatten them out, so they could be carried better, and I was very active in that. And, as Jews, we were very much angered by the stories we were hearing about the Nazis and what was happening to Jews. And I guess everybody I knew at the time of my age wanted to get into the war. This was not an ambiguous war. You could tell the black hats from the white hats. And I remember that I'd had this yearning to do two things: I wanted to fly (all my earlier years as an orange crate pilot (laughing)). In our family Harold and myself and Abe were visionary air-people. And I wanted to get into the Air Force. But I also wanted to go in to fight. I wanted to fight the Nazis.

And so as soon as I turned 18 in 1943, I applied for aviation cadet training. I was turned

down by the Navy – I liked the Navy uniforms better than the Army uniforms – but they turned me down because they said my eye conversions weren't right and also my blood pressure was a little high. But the Air Force wanted me. In fact, the Navy just turned me down but the Air Force said, "Son, why don't you just lie on the couch for a little while and we'll take that blood pressure again." (laughter) And it was at just the right level. And so I became an aviation student, and then an aviation cadet.

Ms. Hostetler: How long was the training?

Professor Dash: I think I graduated from bombardier training somewhere in the fall of 1944. At that time, you came in as an aviation cadet and got basic training where you learned all about drill and things of that nature. When you graduated, you were still pre-flight. In my area, everybody went to Nashville, Tennessee, for classification of whether you were going to train to be a pilot, a bombardier, or a navigator. I wanted to be a navigator. Somehow that always intrigued me as a nice romantic thing, to navigate a plane. And so when I got to my classification officer, and he said, "Well you've passed, you can be a pilot, a navigator, or a bombardier. You have qualifications for all three, what would you want to be?" I said, "I want to be a navigator." He said, "Well we've got plenty of navigators, we've been losing bombardiers over in Europe." He said, "We need replacement bombardiers, how about being a bombardier?" And I said, "No no, I want to be a navigator." He said, "We really do need bombardiers." I said, "No, I want to be a navigator." He said, "How about the infantry?" I said, "No, I'll be a bombardier." (laughing) And he told me that it was a new program and that the bombardier would get some navigation training so that he could take over if the navigator was killed or got sick. They called them "bombagators."

And so I went through bombardier school, and I became a very accurate bombardier. We were using then the famous Norden bomb sight. It's in the Smithsonian now. It was at a time when human beings could use weaponry. Today the planes fly so fast it's done by computers. The Norden bomb sight is now an ancient weapon. But it was a really good computer. You had to put in the Norden bomb sight all the details of the altitude, the temperature, and a lot of other things. And then you had moving cross hairs which you had to stop on the target. And the way it worked is that when you were playing the game, and it is like a game, you stopped the horizontal crosshair and the vertical crosshair, so it wouldn't move once it was on the target. Internally what was going on is that the bomb sight was flying the plane, directing it over the target, and determining, at what point in the air the bomb should drop so its trajectory would hit the target. It was a mathematical determination. And you know it worked automatically, because the bomb dropped when it should have dropped. And I was accurate enough with that bomb sight that at 20,000 feet, in training, I could hit the center light at the center of the bull's eye. But in combat bombardiers couldn't take the time. You had to take evasive action and go over and quickly set it up, and often you missed the target. But it really was a great bomb sight.

Ms. Hostetler: Where did this training take place?

Professor Dash: Ellington Field, in Houston. I did my pre-flight training at Ellington Army Air Force base just outside of Houston, Texas, and what I really came to learn at that time was how wonderful American families were during that war. Everybody had somebody who was in the war. It was a war with a mission and everybody loved the military Americans who were doing this mission. And we received such home hospitality from the families. I mean, we would be invited every weekend to dinners and we actually got to know a number of the

families. In fact, only recently I got a letter from somebody who's now in her seventies, who was a young woman at the time, who invited us to her parents' home. We'd met her at the USO or something and she invited us to her parents' for dinner and then she took us to see some of the historical things like the Alamo. And I remember I gave her a record of some classical music, I think. And she recently wrote me, I guess because of some of the notoriety I've gotten. She said, "I bet you don't remember me. I'm white-haired and seventy-ish now, but I remember that summer when you were a young aviation cadet." You know, it was kind of nice, that recollection. I can say nothing negative about my service. I was 18. You had to be 18 to enjoy that.

But then I had to go through gunnery school and I remember it was in Laredo, Texas. The bombardier is the gunnery officer on the plane. Then it was on B-24's. I never thought of myself as mechanical. I never thought I could do anything with my hands. But the training program of the Air Corps at that time was so excellent. They used all kinds of simulation, and all kinds of-- well, it was something like television where they took you through it. As a gunnery student I had to learn how to detail strip a caliber 50 machine gun, which has hundreds of parts, wearing heavy gloves and using only a nail for a tool. And the reason was that when you're up at 20,000 feet, and the temperature outside the plane is minus 40, if you touch metal, you'll leave your fingers with it. And so that's how we had to do it. And I did it very successfully. I tore it apart, and put it back together again. Then we went to a malfunction range. And there were ten guns, each with a different malfunction built in. And we had to shoot them and as they stopped, we had to identify by what was sticking up, or why it stopped at that point, what the specific malfunction was. And I passed that test. We had to learn how to shoot from all the different turrets on the

plane, and they began by saying you're very lucky young men. You're going to be playing a millionaire's sport. And what it was is that they put us on the back of a moving truck, and we were shooting skeet. (laughter) And then they put two skeet shotguns on the turret, and we were on the back of the truck, and we were moving quickly to shoot the skeet. It was fun! You know, I had a great time.

Ms. Hostetler: Did the war end before you actually had to go overseas?

Professor Dash: No, I graduated, became a second lieutenant, and then had to go to bombardier crew training. My crew got our B-24. That was in Lincoln, Nebraska. And I remember when I got my first bombardier crew training we were using a real B-24 now, and maneuvering around and learning how to work together. But before I was to go over, they gave us a 30-day leave. And so I went home, then to Atlantic City with my family, and I got a terrible sunburn on my foot with a big blister. So I went to the local Air Corps headquarters and a flight sergeant looked at it and said, "Son you can't go back to the base. I'm going to put you on sick call at your home." And the blister stayed there for a few weeks! By the time I got back, my first crew had gone over. In fact, they went over to the 8th Air Force in England, and were in the Battle of the Bulge and a number of them were killed. So I had to go through re-training again, with a new crew. And then we flew our B-24 over to Italy.

Ms. Hostetler: Where in Italy?

Professor Dash: Actually, we landed in Gioia del Colle. I'd never heard of it before. It's a little ancient walled town. And then we went up above Foggia to do some training missions. We would fly over areas and pick out our targets. It turned out that a lot of the training missions were over actual battles on the ground. And the Air Force had a policy that if you flew over a

battle, you get the battle ribbon – even though you didn't fight. So I collected a number of battle ribbons with Bronze Stars because of this. I was still waiting to go over and bomb the Germans when I was brought into the commanding headquarters and told that the 376 Bomb Group, the famous bomb group that bombed Ploesti, had lost a lot of bombardiers. What the Germans were doing was going after the bombardiers. The whole bombing flight depended on the Norden bomb sight and the bombardier. You would have one bombardier in the entire squadron, and his was the lead plane. When his bomb door opened, and the bombs went, gunners in the following planes would hit their toggle switches to hit the same target. They're following the bombardier. And so if the Germans could come in and shoot head-on, there would be no gun facing them. B-17's had a forward gun, but the B-24's didn't. And so the Germans would come in and shoot the bombardier out of the B-24 plane, and that would ruin the bombing mission.

So they needed new bombardiers and they said I was being shipped down to them, the 376 Bomb Group. I said, "Well great, it's a great group." When I joined them, this was already a famous group. They later received the Presidential Citation and two oak leaf clusters, and I got them too. So I have the European service ribbons, with five bronze stars, I have the Presidential Citation with oak-leaf clusters, having done nothing (laughing) except, you know, be there at the time. In fact, I'd hardly unpacked at the 376th Bomb Group when one of the commanding officers said, "Don't unpack, you're going home." I said, "What do you mean I'm going home, I just got here." (I had been in Italy about two weeks.) "Oh," he said, "this unit has been here for four years, and we're going to go back to the States to re-train for the new B-29's."

So I joined this very victorious veteran group of airmen on the *U.S.S. West Point*, which was a luxury ship. I think it had been used before as a cruise ship, and it had wonderful quarters,

and ice cream all the time, and steak dinners. And when we got to Newport News, there were bands out there, welcoming these victorious veterans. Of course they asked me, "Well, how long were you over?" I would start out saying, "Well, two weeks," and they said, "Well, come on now, don't be so modest," So, you know, then I just didn't talk about it. And we got big steak dinners at Norfolk, and then they gave us a 30-day rehabilitation leave, I hadn't even been in Europe 30 days.

Then I was supposed to go to Nebraska to be reassigned to B-29 training but by that time the war in Japan was improving, and they soon decided they didn't need us. I had spent maybe a month or two at this base in Nebraska. I had a bombardier friend who lived in Chicago, which wasn't that far away. We took the train to Chicago, and I stayed with his family. We left word with the rest of the guys to call us as soon as we got orders. And we got orders, but the orders were they didn't need us in B-29's, and my particular assignment now was to go to Kirkland Army Air Corps base in New Mexico to be a bombardier trainer. New Mexico is such a gorgeous place--the Rockies rimmed our field. And I stayed there until they decided we were too expensive. Air Force people got extra flight pay. And so I was one of the first ones ushered out of the service.

Ms. Hostetler: But now you'd seen the world certainly.

Professor Dash: Oh yeah. I remember when we were first flying to Europe we landed at Marrakesh, Morocco, I think it was. And I saw my first camel, and my first palm tree. What a scene it was. And I saw Tunisia, I saw Italy. I was writing poems about it, and I was also writing home about this great adventure, what the world is like. Always very enthusiastic I was. Everything was new and fresh and exciting.

Ms. Hostetler: You never published those poems?

Professor Dash: No, no, but I've got them all. I still have them in a book.

Ms. Hostetler: And you probably lost friends in the war?

Professor Dash: Not really. Sara lost a boyfriend who went over to the Pacific and was one of those that MacArthur didn't get back to save, but I didn't know anybody who was killed in the war. Also in the Air Corps, you're above it all. I think when you served in the infantry you would know a number of people, but we were above it all. And I never got a chance to get into actual combat. I was told that some of the people in the first crew I trained with died, but I didn't know them that well because I hadn't spend that much time with them. And only recently – it's because they read my name in the newspapers – my former co-pilot, of the second group that I went over to Europe with, and a couple of others, have written to me, and I've written back.

Ms. Hostetler: Were you immediately dismissed from the Army when the war was over?

Professor Dash: Well, even before the war was finally over. The first people who were sent discharge papers were the Air Corps pilots and bombardiers because they were the most expensive people there. And so I was discharged when they knew it was all coming to an end. I got out in 1944.

Ms. Hostetler: So you were about 20 then?

Professor Dash: I was 19, I think, when I got out, close to 20.

There's two things that happened when I came back from Italy. First, there was this grand veteran's group, and I was welcomed as a hero. Then I was given a 30-day rehabilitation leave.

That's when I went to Atlantic City, and met Sara, or re-met Sara, and I asked her to wait for me. There are a couple things that I recall. Not only did I fall in love with her right away – it was a Saturday that we went out dancing – but also the following day, which was a Sunday, we went to a very famous delicatessen near the boardwalk in Atlantic City, for Sunday brunch. I'm a deli addict--my favorite food is lox, and smoked whitefish, and Greek olives and all that – that's heaven. And so I ordered it for both of us. And Sara ate this food with such relish, even humming as she was eating, that I thought I could sit across the table from this lady for the rest of my life. (laughing) I mean, there was a real spark there, over the lox. And that's when I asked her to wait for me. Then I left and was assigned to the bombardier training for the B-29 in Nebraska. I wrote to her regularly, and asked her to wait for me. She was actually semi-engaged to a captain in the infantry – uh, but I wooed her away from the captain.

Ms. Hostetler: With the poetry?

Professor Dash: I guess. I was only a second lieutenant. (laughing)

Ms. Hostetler: Well now, how soon after you were discharged did you get married?

Professor Dash: We were engaged in '45, and not having any money I gave her my Central High School ring as our engagement ring. She knew about my love for Central High School and what it meant to me – if you ever meet Central graduates anywhere in the world, there is that kind of special connection. I was just honored by the alumni of Central High School, and given this Central High School Alumni watch. I spoke about Watergate to a group of them – they're now judges, and ministers and chemists, and they come from all over to reminisce and support the school. Sara kept that Central High ring for years, until it was stolen during a

burglary at our house. And you know, other valuables were stolen, but this was the most valuable thing taken, although it was worth nothing, really.

So, we were engaged. We decided to wait a year. And on July 14th, 1946, a year after we first met, or re-met, we got married in Philadelphia. It was right at the time when I was finishing up at Temple and applying to law schools. It's an interesting story. I, again with a poor boy's mentality and attitude, wanted to go to law school, but I never thought I would have the luxury to go to day law school. As a matter of fact, the tradition at that time for somebody like me was that you became a teacher in the public schools, to earn some sort of a living, and you went to law school at night. When you got your law degree, then you could be a lawyer.

Ms. Hostetler: Were you eligible for the GI Bill?

Professor Dash: Yes, I used it at Temple, and I also used it at Harvard, but I did not have enough to pay for all three years at Harvard.

Ms. Hostetler: So that must have made a big difference to you, to have that help?

Professor Dash: Oh, yes. But Sara had to continue to work. She was in training as a social worker in a Jewish organization that brought over refugees from the Holocaust. They were coming out of concentration camps, and her job was to find relatives here who could serve as sponsors to bring them over here. Then she would do an investigative job to find the relatives and you know, of course, names were changed and everything. When she found relatives she helped them become affiants assuring that the refugees would not become charges on the country. Then she would go to the boat coming over with the refugees so that she could meet them and take them to their relatives. And some of the times I would go to the boat with her. She was a very busy young woman, wearing a beanie cap, and carrying a briefcase. She was also

very active in Israeli culture at that time, including Zionist dancing and music, and she had groups she trained. I would go to the groups with her and watch her. So I got very much indoctrinated on Zionism, on Israel at that time because none of that had been....

Ms. Hostetler: A part of your family?

Professor Dash: No. Sara comes from a very traditional Jewish family. Her mother is fourth or fifth generation from Jerusalem. She has lots of family in Jerusalem, and most of them are rabbis, and great teachers. And the story behind that is, her father's father lived in Philadelphia when he immigrated to the United States with his wife. He had five children including Sara's mother. And when some of the grandfather's children came of marriage age, her grandfather came to the conclusion that none of his children should marry American Jewish gentiles. I mean American Jews were gentiles, as he saw it. So he took everybody, lock, stock and barrel over to Jerusalem. And with a marriage broker, connected them to the most religious and famous families--famous not for money but for their integrity, their education, their being rabbis, and so forth. And so all of his children were married off that way. And Sara's mother was married to her father that way. And, it's a famous family--her mother was a Charlop, which was a famous Jewish family in Palestine. And there's a Lenor Charlop Street in Jerusalem just next to the Hebrew University, which is named after her family.

So they were a traditional family, and Sara very early on was active in Jewish activities and Jewish schools. But I just grew up knowing I was a Jew, knowing the culture, some history, and loving Jewish foods. I mean to me, Judaism was eating lox, and things of that nature. That to me was my identity with Judaism.

Ms. Hostetler: You celebrated the holy days?

Professor Dash: Well, yes, the holy days, the main days, but we didn't belong to a synagogue, although I did go to Hebrew school and learned to read Hebrew. So it was really through Sara that I developed a greater identity with Judaism. And later in Philadelphia, after Sara and I were married, I was on the board of trustees of the Germantown Jewish Community Center. I became the regional chairman of the Anti-Defamation League of Philadelphia. And then I went on the national board. I was very active in B'nai Brith. I would do a lot of speaking when I was district attorney in Philadelphia, and even before that, to Jewish audiences. And much of that was to tell Jewish audiences that it was important for the Jewish community to be very supportive of the American constitutional system because it was that constitutional system that permitted them to live as Jews freely. And I said it also was important to support civil rights for Black people, who we then called Negroes. I had early on gotten involved in a number of reform activities involving civil rights around the time of the marches down in the South. While I was the regional chairman of the Anti-Defamation League, most of our programs were directed at non-discrimination on the basis of race. And the Jewish community in Philadelphia at that time was angry at us. They were paying their dues as members of the B'nai Brith or Anti-Defamation League and they were saying, "Why are we spending all this money on the Negroes? Why don't we spend it on the Jews?" And I would make these speeches all over in which I would say, "Thank God the Jews are pretty well-off right now. But the lesson in history is that that doesn't always have to be. And so long as there is any group that's being discriminated against and persecuted, we're next. And therefore even if you don't want to do it out of the tender humaneness of your heart, which basically is what we should be doing, self-protection should direct you to protecting them." I tried to make a practical argument that

would appeal to them.

Ms. Hostetler: Why don't we return to when you were going to law school?

Professor Dash: Oh yes, we were talking about my going to law school. I was saying that my idea of going to law school was that I'd work daytime as a teacher and go to a local law school at night. And Sara said, "Well that's silly. Look at all the time you'd be wasting. I have a good job. I think it would be wasteful for you to go to night law school. What's the best law school in the country?" I said, "Harvard." "You'll go to Harvard," she said. "Me, go to Harvard?", I asked. Well, I applied. And that's an interesting story. I was an all-A student and had first honors in the pre-law curriculum at Temple. Professor Ernest Brown, during that summer of 1947, was Acting Admissions Dean of Harvard, and after I applied I got a letter back from him saying, "We have your application and all your grades, and they're outstanding. But we've never had a Temple graduate at Harvard Law School. So we don't know what your A's mean and, therefore, you'll have to take the Graduate Record Examination." At that time law schools didn't have the LSAT's, so it was on the basis of the records students made at Columbia or other schools that Harvard had had some experience with that Harvard decided whether or not they would make it through Harvard Law School. But the next graduate record examination I could take would be too late, and I'd lose a year at Harvard Law School. So Sara and I sat down together and we wrote a letter to Harvard. First of all I went back to Temple, to the dean of the business school and to the president of the university, and showed them Professor Brown's letter and said, "You've got to back me up."

Ms. Hostetler: Did you know the president of the university?

Professor Dash: No, I just made an appointment to see him. And I got a kind of

response saying, "Well, you know, maybe they don't want people like you." I don't know whether he was talking about non-wealthy persons or Jews, or what, but they had no confidence in themselves at Temple even to want to back me and show that Temple is worthy of being treated well by Harvard. So that's why Sara and I sat down and we wrote a letter. I had done a little research on some of the achievements of Temple graduates to show that my 'A's' do mean 'A's', and I pointed out how unfair it would be to make me wait to take the graduate record exam and lose a year, and especially since I'm a veteran, and a married man and all that. So, about two weeks later comes Brown's letter back saying that they didn't mean to demean Temple, my grades are excellent, they're really thinking of me; there were 100 applicants for every seat at Harvard Law School - all from recognized universities. He said that if I didn't make it at Harvard, no other law school would accept me since no school wants to say that it has a lower standard than Harvard's. But, he went on, that since I had persuaded them that I shouldn't lose a year they had now found a place for me in the entering class. Boom! (laughing). And so we went to Harvard. And I enjoyed every minute of it.

Ms. Hostetler: Did you ever see Professor Brown after that?

Professor Dash: Oh yes. Sara likes to tell this story. In my first year, I was writing for the Harvard Law School *Record*, the student newspaper, and there was a little cocktail party that the Record gave. Ernie Brown was there and somebody introduced me to Ernie Brown, saying, "Do you know Sam Dash?" and Brown said, according to Sara's recollection, "Sam Dash? How could I ever forget that name? That was the summer I was teaching, acting dean, and a million other things, and here comes this litigating letter, from Philadelphia." He said, turning to me, "You know why you were admitted to Harvard Law School? Because it was easier to

admit you than explain why we shouldn't!" (laughing) But the interesting thing is I received honors in the first, second and third years, I was awarded partial scholarships because of my achievements in my second and third years. But because they and my GI bill were not sufficient, Sara had to work while still going to school herself, to make ends meet. The next Temple graduate who came in with good grades got in. It was, you know, the priming of the pump.

Ms. Hostetler: I assume there were a number of veterans in your class?

Professor Dash: Oh we were practically all veterans. Dean Griswold called us the "unusually mature" class. We were, by the way, the first full-time class after the war. During the war, law school was expedited because there were summer courses and students finished in two years--or a year and a half. But we were the first full three-year program graduates since the war. And a lot of us were married. Many of us had been in battles in the war. We were much more serious about what we were doing.

Ms. Hostetler: Who were some of the members of your class that you can recall?

Professor Dash: Well, Richard Kleindienst, for one. I disqualified myself during the Watergate investigation from questioning him on that ground. Also, Ted Stevens, who's now a Senator from Alaska, was in my class and Senator Chaffee from Rhode Island. And Judge Hoeverler of Miami who tried the Noriega case. There was also McKusick, Chief Justice of the Supreme Court of Maine. It was a remarkable class, in which practically everybody in that class carved a niche for themselves and excelled in it. The earlier class reunions, as you probably know, are very difficult for some, if they haven't made it yet. It's hard to be around others who are boasting about what they have done, but there came a time – I think at our 25th reunion – where most of us had done pretty well and so we were relaxed and no one was trying to best the

other person.

Ms. Hostetler: Was there a spirit of competition when you were at Harvard Law School?

Professor Dash: Very much so. It wasn't the days when you were told, as I read about it, "Look to your left, and look to your right, one of you won't be here at graduation," where they were flunking out a third of the class. They had improved their acceptance selection process, even without the LSAT. So it was pretty much that if you were admitted to Harvard Law School, you would graduate. And the only people who fell out were self-selected--that is, they left voluntarily. They didn't fail. Nevertheless, it was highly competitive with everyone trying to push up to the highest echelon and to be on the Law Review. We had a particularly large group from New York, out of the New York City schools, who were as competitive as they could possibly be. And so much so, that if a professor put a reading assignment on the board, one of these competitors would remove it from the board so only he would have the assignment, and nobody else would see it. I mean, it was that dog-eat-dog type of thing. And you know, I came from a school, Temple, where I got A's. But, in those days, you got A's by memorizing your notes, and giving the professor back what the professor said. You didn't have to analyze, you didn't have to think, and I had never really had to tax my brain to analyze and think. Harvard Law School was the very first time I had to do that. It was exciting – it just opened my mind.

Ms. Hostetler: Who were some of the professors you remember?

Professor Dash: Oh, Archibald Cox, who was my labor professor, and Paul Freund, who taught constitutional law, and the dean, Erwin Griswold, who was my tax professor. I had James Casner for property and Leach. I even had Prosser who came in as a visiting professor and

taught us torts. (We were very excited to get the horse's mouth on torts, but it was boring as hell. He read from his book – didn't even look up at us.) (laughing) Also Soia Mentchikoff was a visiting professor. At that time she had just finished doing the ALI Uniform Commercial Code and we were the first class she taught the new code to. It was an exciting time for me. First of all, as an educational experience, it was an awakening and I was challenged. But everything just so opened things to me, and I saw so many different possibilities, that every day was exciting. Each law school class was frightening at times, but exciting. And while a lot of my fellow classmates hated it, I was having a ball.

Ms. Hostetler: Do you think you were in the minority in really enjoying Harvard Law School?

Professor Dash: I don't know if I was in the minority. The class was probably divided 50/50. But I just thought law school was the best thing in the world in terms of the issues, the subject matter, the promise, and, again I had retained idealism, I had retained the concept of being the champion of the poor, and it was all of this that brought me into the area of criminal law.

Ms. Hostetler: Which we'll get to in our next session. What professors if, any, did you maintain contact with after law school?

Professor Dash: Well Dean Griswold, mostly through Sara. Griswold at the time I was there was at the height of his deanship. He was the dean in America. And he had a very brusque manner, even insulting at times. He had no time for small talk. And nobody talked back to him. In fact, everybody was in fear of him. I was at a party once of one of the student groups, the Harvard Law *Record* which I was writing for, and he said in Sara's presence, the Law School

Record was a waste of a law student's time. And Sara said to him, "How can you say that--these guys work hard – it's been so interesting to Sam, and he's able to write about things that the student body and the faculty likes to read about. That's not a nice thing you said." He became a loyal friend of hers – probably because nobody ever talked back to him. So after I graduated and we'd go to American Law Institute meetings, he would leave a group of prestigious lawyers and professors to come up to talk to Sara and ask if he could dance with her. (laughing) But he would still be very gruff to me, and say insulting things like, "Well, what are you failing at now?" But...his birthday was the same day as our wedding anniversary, Bastille Day, so we would exchange greetings – and he and his wife Harriet and we ended up being very good friends. And Griswold had become very interested in the work I was doing as D.A. in Philadelphia. He once sent me a beautiful letter when I was criticized in an editorial for being too fair. I had written the paper back after the editorial reporting on our good conviction record and how being fair hadn't prevented me from being tough. I had sent the letter up to Professor Cavers at the law school – Cavers was a close friend, and a wonderful professor. And Cavers gave it to the dean. Then Griswold wrote me and said, "You really answered that paper well. I'm proud of you." And the other thing that put me close to him was that I had co-founded the Harvard Law School Voluntary Defenders program.

Ms. Hostetler: How did you happen to found the Defender program?

Professor Dash: Well after I received my first year grades, I was invited to join the law school's Legal Aid Bureau. I didn't make Law Review but it was the next rung down. That is, Legal Aid was an honor group and admission was based on grades.

Ms. Hostetler: Didn't it actually provide some legal aid help though?

Professor Dash: Oh yes, it was an official legal aid program. The Massachusetts legislature, and the Supreme Judicial Court of Massachusetts had enacted a student practice rule for, and only for, the Legal Aid program of Harvard Law School. And so, when you joined the Legal Aid you were actually representing clients assigned to the program who were too poor to afford a lawyer. So I was working on domestic relations cases and landlord-tenant cases. And I was in court, I was presenting evidence, I was arguing. And I was winning many of the cases. And I remember I won a domestic relations case, and the lawyer begged me and the judge to not let it be known publicly that I was a law student because his client would never understand his paying a nice fee and losing to a law student. But while I was doing that civil legal aid work, I had developed a tremendous interest in criminal justice. Professor Sheldon Glueck was my criminal law professor, and then I became his research assistant. He was more a criminologist than a criminal law professor, and he and his wife, Eleanor, did great research in juvenile delinquency. It was the criminal law that I was always most interested in but I was in the wrong place at that time because Harvard Law School provided very little criminal law teaching. There was no criminal procedure course. It had Sheldon Glueck's course but that was essentially a criminology course.

Ms. Hostetler: Do you think it was working for the Gluecks that really stimulated your interest?

Professor Dash: No, I think I went to work for the Gluecks because I already had the interest in advance. I remember that even in my first year I was raising questions asking how the teaching would apply in a criminal case or something like that. In fact, the professors every once in a while would say, "Now let's here from our criminal lawyer Sam Dash."

When I joined the legal aid program I learned that legal aid provided representation only in civil cases. I spoke to my classmate Don Paradis, who was the president of Legal Aid and we went to see Wilbur Hollingsworth, who was then the voluntary defender for the city of Boston. And we found out that he was overloaded – his case load was huge, and he had a very small staff and few resources in terms of financing. And because of this, he couldn't be a real lawyer to a defendant by investigating and researching the defendant's case with the result that in eighty to ninety percent of his cases he pleaded them guilty on a plea bargain deal. You know he plea bargained for a lesser sentence. So we asked him if he would be willing to accept some Harvard Law students, if we could find them, who would be willing to do the investigating – to go out and question witnesses – and also to do research and write trial memos which would give his staff lawyers the option to try some of these cases and really represent the defendants. Well, of course, he was just delighted to have Harvard law students working for his office so he said, "Yes, if you can get the dean to do it." So we went to see Griswold.

Griswold had been my tax professor, and I had gotten an A from him. But at that point I had never had any real personal contact with him. But Paradis and I went to him and said, "We're on Legal Aid, but the school is deficient in providing legal services to the poor in criminal cases. We're not suggesting a student practice rule at this time, or that we would do the same things we do for Legal Aid, but the voluntary defender, Wilbur Hollingsworth, is so strapped that all he's doing is pleading people guilty, and we're not sure they all are. There may be some people in that group who are innocent, and who are being filed away into prisons." We went on, "We think it would be good for Harvard to supply interested students to him, so that they can do the leg work and research work." Griswold said, "Well, it's a great idea." And we said another

thing. We said, "But we don't want this to be an honor group. The only students who ought to do this are those really interested in criminal law, because if it's an honor group, they may agree to accept the invitation just so they can have it on their résumé, but they won't really have a heart and soul in it." Griswold said, "Well, I'd go along with that...but since it's not to be an honor group, I want the Legal Aid program to supervise it at first because you legal aid students are bright students and you should supervise it."

Paradis appointed me president of the new Harvard student defender program. Griswold gave me ten dollars with which I bought a bulletin board and some stationary. I put the bulletin board up in the hall with an invitation to students to sign on, and I got something like ten students. And so we began the Harvard volunteer defenders. We'd meet in empty classrooms. What would happen is that Wilbur Hollingsworth would send us the names of his new clients, and we would send Harvard Law students to the jail to interview them and get their stories and the names of witnesses. Then we went out and interviewed the witnesses, and then knowing what the case was about, and what the evidence might be, we prepared research memos and trial memos.

One case got a nice headline and has become a Harvard Law School legend. This was a murder case. We found the gun that had allegedly been used to kill the victim but we found that it couldn't be traced to the person who was accused – in fact the ballistics were all wrong. And the accused was serving life in prison at the time. As a result of our findings, the governor of Massachusetts commuted the sentence, and he was freed from jail. And this was just our tenacity as law students, finding the gun, establishing something that the voluntary defenders of Boston would never have had the time to do. It proved also that this was a good program to have at the

law school. It taught students some of the practical workings of the practice of law, which Harvard at that time was not much interested in. And this is one of my biggest complaints about the law school. We were building this program, and by the time I graduated it was an ongoing program with a number of students wanting to be a part of it, but I couldn't get the law school to treat it as part of the curriculum so that students working in the program would get any credit hours. It was considered like an after school club.

Ms. Hostetler: Did students get credit for legal aid work?

Professor Dash: We didn't get credit for legal aid work either. But legal aid had faculty supervision. There was no faculty supervision for the defender program. I think we students did the work energetically and enthusiastically, but as ignorant as hell as to what a lawyer does. And you know they were doing some good work, but nobody was really giving them professional supervision. Since that time, the defenders did get a student practice rule and today they not only have offices, with computers and everything, but they also go to court.

Ms. Hostetler: And do they now have faculty supervision?

Professor Dash: Some. Professor Ogletree, a very fine professor, gives them some faculty supervision but it still has not become a clinic, as we have at Georgetown Law School. We have a criminal justice clinic where they do the same things that they do at Harvard, but they get nine hours' credit. It's part of our legal curriculum, it's part of our legal education. And they still haven't done that at Harvard.

Ms. Hostetler: How atypical is the Georgetown experience in law school today?

Professor Dash: It's not so atypical. More and more law schools – NYU for instance – have great clinical programs. The Georgetown Law Center is number one in clinical

programs – we've been doing it the longest – and clinical education has become the third-year alternative for more textbooks and more classes. And it transforms the students because in every law school, by the third year students are bored, and they just want to get out, but most of our third-year students join clinics. And we have a smorgasbord of clinics in addition to our criminal law clinic that cover many areas such as domestic relations, juvenile court, tax law, and securities law. And we have an appellate litigation clinic where students argue before the appeals courts here. The students suddenly come alive again, and they put in more time than the credit hours they get, but they're thrilled that they're working with clients, they're working with real courts, they're working with real opposing lawyers. And a lot of ethical considerations are woven into this as they pertain to the real practice of law. I don't think there's another law school in the country that has anything like it. And Harvard is trailing, quite behind. When I went to Harvard Law School, the premise was that they were educators who teach theory, conceptual matters, but that the practice of law is for the practice bar. They told students, "You'll learn that when you leave--we're not a trade school." That was the attitude. But I think not to integrate into law school course work some practice skills was a mistake on Harvard's part.

Ms. Hostetler: You mentioned that there was only one course in criminal law at Harvard when you were there?

Professor Dash: That's all--it was taught by Livingston Hall but his course was not a thorough course like others were. And there was also Sheldon Glueck's course which was basically a criminology course.

Ms. Hostetler: So there wasn't much thought that Harvard law graduates would become criminal lawyers?

Professor Dash: It wasn't even on the horizon. Harvard Law School trained you for commercial, corporate careers, not for criminal law.