



# **HARRIET S. SHAPIRO, ESQUIRE**

**Oral History Project  
The Historical Society of the District of Columbia Circuit**



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The Historical Society of the  
District of Columbia Circuit**

**United States Courts  
District of Columbia Circuit**



# **HARRIET S. SHAPIRO, ESQUIRE**

**Interviews conducted by:  
Judith S. Feigin, Esq.  
February 2 and 6, April 4, May 23, June 14, July 9 and October 10, 2012**



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## **NOTE**

The following pages record interviews conducted on the dates indicated. The interviews were electronically recorded, and the transcription was subsequently reviewed and edited by the interviewee.

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## **PREFACE**

The goal of the Oral History Project of the Historical Society of the District of Columbia Circuit is to preserve the recollections of the judges of the Courts of the District of Columbia Circuit and lawyers, court staff, and others who played important roles in the history of the Circuit. The Project began in 1991. Oral history interviews are conducted by volunteer attorneys who are trained by the Society. Before donating the oral history to the Society, both the subject of the history and the interviewer have had an opportunity to review and edit the transcripts.

Indexed transcripts of the oral histories and related documents are available in the Judges= Library in the E. Barrett Prettyman United States Courthouse, 333 Constitution Avenue, N.W., Washington, D.C., the Manuscript Division of the Library of Congress, and the Library of the Historical Society of the District of Columbia

With the permission of the person being interviewed, oral histories are also available on the Internet through the Society's Web site, [www.dcchs.org](http://www.dcchs.org). Audio recordings of most interviews, as well as electronic versions of the transcripts, are in the custody of the Society.



Standard Form

INTERVIEWEE ORAL HISTORY AGREEMENT

Historical Society of the District of Columbia Circuit

Oral History Agreement of [Name of Interviewee]

1. In consideration of the recording and preservation of my oral history memoir by the Historical Society of the District of Columbia Circuit, Washington, D.C., and its employees and agents (hereinafter "the Society"), I, Harriet Shapiro do hereby grant and convey to the Society and its successors and assigns all of my rights, title, and interest in the voice recordings (digital recordings, cassette tapes) and transcripts of my interviews as described in Schedule A hereto, including literary rights and copyrights. All copies of the voice recordings (digital recordings, cassette tapes) and transcripts are subject to the same restrictions herein provided.

2. I understand that the Society may duplicate, edit, or publish in any form or format, including publication on the Internet, and permit the use of said voice recordings (digital recordings, cassette tapes) and transcripts in any manner that the Society considers appropriate, and I waive any claims I may have or acquire to any royalties from such use.

3. I reserve for myself and to the executor of my estate only the non-exclusive right to use the voice recordings (digital recordings, cassette tapes) and transcripts and their content as a resource for any book, pamphlet, article or other writing of which I or my executor may be the author or co-author.

Harriet Shapiro Nov 12, 2013  
[Signature of Interviewee] [Dated]

SWORN TO AND SUBSCRIBED before me this  
12<sup>th</sup> day of November, 2013

Debra H. Louie  
Notary Public

My Commission expires: 9/4/13

ACCEPTED this 11<sup>th</sup> day of February, 2014, by Stephen J. Pollak, President of the Historical Society of the District of Columbia Circuit.

Stephen J. Pollak  
Stephen J. Pollak

## Schedule A

Tape recordings, digital records, transcripts, and computer media resulting from seven interviews of Harriet S. Shapiro conducted on the following dates.

<u>Interview No. and Date</u>	<u>Description of Media</u> <u>Containing Voice Recordings</u>	<u>Pages of</u> <u>Final Transcript</u>
No. 1: February 2, 2012	WMA	1-31
No. 2: February 6, 2012	WMA	32-59
No. 3: April 4, 2012	WMA	60-86
No. 4: May 23, 2012	WMA	87-114
No. 5: June 14, 2012	WMA	115-141
No. 6: July 9, 2012	WMA	142-163
No. 7: October 10, 2012	WMA	164-180



## Schedule A

Tape recordings, digital records, transcripts, and computer media resulting from seven interviews of Harriet S. Shapiro conducted on the following dates.

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No. 6: July 9, 2012	WMA	142-163
No. 7: October 10, 2012	WMA	164-180

**ORAL HISTORY OF HARRIET SHAPIRO**  
**First Interview**  
**February 2, 2012**

This interview is being conducted on behalf of the Oral History Project of the Historical Society of the District of Columbia Circuit. The interviewer is Judy Feigin, Esquire, and the interviewee is Harriet Shapiro, Esquire. The interview took place at Harriet's apartment in Rockville, Maryland, on Thursday, February 2, 2012. This is the first interview.

MS. FEIGIN: Good morning, Harriet.

MS. SHAPIRO: Good morning, Judy.

MS. FEIGIN: To get oriented, let's start with where and when you were born.

MS. SHAPIRO: I was born on September 7, 1928 in New Bedford, Massachusetts.

MS. FEIGIN: I know you have an incredible family history, so tell me how you learned about it, and let's go through some of your fascinating ancestry.

MS. SHAPIRO: My source is a book that was prepared by my father, Alfred Henry Sturtevant, who was a geneticist and therefore interested in genealogy. He prepared in January 1955 a book, handwritten. He had three originals, one for me and one for each of my two brothers, and it's a fairly extensive work. It goes back. The earliest date is of William Marston who was born "about 1592, came from Yorkshire to Salem, Massachusetts in 1634. Moved to Newbury, Massachusetts and then to Hampton, New Hampshire in 1638. Died in Hampton, June 30, 1672. He was a Quaker." That's a quote from the book.

Father used the Ahnentafel System. Each individual in this pedigree is given a number. If the number of any individual is represented as N, then his father's number is two N and his mother's is two N plus one. That's the Ahnentafel System. So William Marston was 1308, and

the earliest number is 4222, Alexander Carpenter. He doesn't have any dates; he just has a name. Of course there are a lot of numbers where Father didn't find anybody. For instance, 838 to 1039 are unknown.

My favorite old ancestor is Penelope von Princis. I'm quoting from Father's book. "She was of Dutch origin, and she and her first husband, name unknown, were with a party captured by Indians on Long Island. The others were all killed. Penelope was bound to a tree, disemboweled, and left for dead. She managed to free herself and replace her innards. With the help of a friendly Indian, she recovered and was returned to the whites. She later married Richard Stout and bore him several children, among whom were our ancestors. They lived in New Jersey. She died in 1712."

My other favorite ancestor is more recent: Meribeh Curtis. My cousins and I liked her, partly because her story made my grandmother uncomfortable [laughter]. Meribeh Curtis was born in 1792. She died July 12, 1868. The family story always was that she went to help a friend of hers who had just had a baby, and while she was there, she was seduced by the father of the baby. The theory was that she was this innocent young child, but if you check the dates, she was about 28, so she was kind of an old maid for the time. But in any event, she had the baby, who was my grandmother's father, and apparently that ruined her life. She was a Quaker, and she was read out of Meeting, and became a recluse. There are several theories about who the father was, but anyway, there's an

illegitimate child in our ancestry which delighted, as I say, my cousins and me [laughter].

Anyway, there's a whole bunch of Revolutionary War soldiers in here.

MS. FEIGIN: Do you know anything about the Revolutionary War experience?

MS. SHAPIRO: Not really. Father didn't go into this. Every once in a while it says he was an officer or he was in the Civil War or he was one of the Minutemen.

MS. FEIGIN: One of the Minutemen?

MS. SHAPIRO: Yes. Anyway, it goes back [laughter].

MS. FEIGIN: Which side of the Civil War was your family?

MS. SHAPIRO: We were all New Englanders. There aren't any Southerners. Mother came from New Jersey. Father's ancestors were Massachusetts or Maine. If you start me on Father, I will go on forever.

MS. FEIGIN: We do want to hear about Father. But first going a little further back, if there are other interesting ancestors you want to tell us about.

MS. SHAPIRO: This is another one that I always liked. This is Nicolas Gaubert. He's number 46. "He was born in France. The family tradition says at Marseilles. He was on a sailing vessel on the coast of Maine during the Revolution. He went ashore and saw a girl who took his eye." That's all Father's quote. This is not Father's quote: The story I heard as a child was that he said to the girl, "By God you're painted." And she said, "And by God only." [Laughter] Anyway, Father's quote continues: "He left his ship and persuaded the girl to marry him. So runs the family tradition.

There is a published record of intention of marriage at Topsham, Nicolas Gaubert and Diana Reed, July 7, 1779.” And he gives the source for that. Drummond, J.H. *The Rogers family of Georgetown*. So that was Diana Reed who was painted by God [laughter].

One of the things that’s nice about this is that Father did put in little things like that. It isn’t just Born, Married, Died. The other one that I like is one of Granny’s ancestors. It was Granny’s grandmother. Granny, my mother’s mother, was the only grandparent I knew.

MS. FEIGIN: So now we’re on the other side of the family?

MS. SHAPIRO: Yes, we’re on the Reed side. This story is not in Father’s genealogy. It was Granny’s story. Granny had a large family. She was the seventh of eight children, all born at Point Pleasant.

MS. FEIGIN: Where is Point Pleasant?

MS. SHAPIRO: New Jersey. Her oldest sister died in childbirth shortly after Granny was born. Then she had five older brothers and one younger brother. And they lived in a big old house, and Granny was cleaning up. You know, all these boys made kind of a mess and she was tidying up and felt very proud of herself, and her grandmother said to her, “Any slut can clean up. It takes a neat woman to keep a clean house.” I think it’s kind of appropriate that that’s the way she is remembered forever in the family. Make a nasty remark and you get remembered [laughter].

Anyway, there’s a lot of stuff in here. There’s another person I can mention before getting to Father. Julian Munson Sturtevant had four

children. He's number 8, so he was Father's grandfather. Anyway, he was kind of a pill I think [laughter]. His first wife bore him six children and died in 1840. His second wife, who is our ancestor, was the sister of the first wife, and she bore him five more children.

Julian Munson Sturtevant was born in Warren, Ohio, and he and his brother "rode and tied" to college at Yale. They had a horse, and first one of them would ride, and the other would walk, and after a while, the one that was riding would stop and tie the horse to a tree and walk on, and when the walker caught up with the horse, he would untie it and ride on. In that way, they each walked half of the way to Yale where they took an exam and were admitted. And then this Julian Munson Sturtevant when he graduated went back to Jacksonville, Illinois, where he founded – with other people – Illinois College, on the frontier at that time.

The reason I think he was kind of a pill is because he apparently decreed that the only proper profession for a Sturtevant was either to be a minister or a teacher. My grandfather was the youngest child. Father always said he was very mathematically inclined and that he would have liked to use his math in business. For a while, he taught math at Illinois College, but then (I think to get away from his domineering father) he moved to Kushla, Alabama, which was then in a yellow fever area, with his family – Father was 7 – and ran a turpentine farm, which turned out to be a very good thing for us. He had quite a lot of land for the turpentine farm; the land was cheap because of the yellow fever. A long time later,

gas was found on that property after Father died, and that was what supported Mother rather than TIAA-CREF [laughter]. Anyway, Father grew up in Alabama from the time he was 7; he was born in 1891. He often said he grew up fighting the Civil War.

MS. FEIGIN: He had to justify?

MS. SHAPIRO: Yes. He was the Northerner. When he went to Columbia University in New York, he worked very hard on losing his southern accent. He didn't have a southern accent when I was a child. He could put it on – he used to read us *Uncle Remus* with a great southern accent. He was a Midwesterner. I think he thought of himself as a New Yorker. He certainly did not think of himself as a Southerner.

MS. FEIGIN: What kind of education did he have?

MS. SHAPIRO: At first he went to a one-room schoolhouse taught by his maiden aunt. He once told me he saw her ruin a lot of people for math, but after that, he rode a horse to high school in Mobile. He didn't expect to go to college. That just wasn't on his plate. His oldest brother, who was a good deal older than he was, about 20 years older, was out of the family, on his own, by the time they went to Kushla. Uncle Edgar taught linguistics at Barnard, so he was up in New York. He wrote to Father and said, "If you want to go to college, come up and I will support you through college." So Father, of course, did, and he lived with Uncle Edgar and Aunt Bessie.

MS. FEIGIN: We should say for people who might not know that Barnard was the women's college of Columbia. At that point, Columbia was totally a male school.

MS. SHAPIRO: Yes. Anyway, so he lived with Uncle Edgar. And as a matter of fact, that started a family tradition. Father and Mother did the same for his niece when she went to Barnard years later. She, in turn, supported her niece through college. Father graduated from Columbia in 1912; he was part of the Morgan group that really rediscovered genetics at about that time (in the sense that their work was based on the original work of G. Mendel, who first worked out the rules of inheritance). Morgan taught the beginning biology course the year that Father took it. I think he did that very rarely. Father took it and was intrigued by it.

There's an oral history of Father, and in it, he says that in his sophomore year, he was taking that beginning biology course. Being a farm boy interested in genealogy and horses, he realized that much data was available on the genealogy of race horses, including not only the parentage but the color of the horses. So he wrote a paper in his sophomore year using that data to trace out the inheritance of the colors in race horses. That paper took Doctor Morgan's eye, and so Father, before he graduated, joined the Fly Room, which was Morgan's small group of people who were just beginning to figure out the gene and the chromosome.

I've often wondered about what it was like to have the really big

achievements of your life coming so early. At the time Father joined the Fly Room, the whole field was just bursting open, and discoveries were just waiting to be made. Morgan, Father, and Bridges were the core group working together. Father said nobody paid attention to who made any particular discovery; it was completely cooperative. Morgan eventually got the Nobel Prize for Medicine in 1932 for discovering the linear arrangement of the gene.

When the Morgan group moved out to Cal Tech to start the biology department out there, Bridges, who was married and had a daughter, didn't bring his family along. Neither my brothers nor I had any idea that Bridges was in California. We grew up knowing about the Fly Room and its history, but Father really didn't approve of Bridges, who eventually died of syphilis. So Bridges wasn't part of our lives. We never heard anything about him in the present. Mother and Father talked all the time about Father's work, but we children weren't listening to that stuff. I don't think Bridges was ever mentioned. But they were working very closely together in the lab. Just pure compartmentalization.

MS. FEIGIN: So, we've got you in California. Before we do that, he goes to Columbia, and --

MS. SHAPIRO: He went to Columbia for his undergraduate degree, and he stayed at Columbia for his PhD. Morgan got the Nobel Prize in 1932, before they were giving the prize to groups. Morgan took out enough money to go to Stockholm and back to accept the prize; the rest he divided *per stirpes*

among the children of the Fly Group's members. Morgan had four children, Father had three, and Bridges one. Each of Morgan's, Father's and Bridges' children got an equal share of the Nobel Prize money to be used for their education.

MS. FEIGIN: That's incredible.

MS. SHAPIRO: It is incredible. The other story about Morgan's generosity is that Father miscalculated. Father had an undergraduate scholarship, and he didn't calculate carefully enough so that he had the credits to graduate before he expected to, and so he lost his undergraduate scholarship. He went to the bursar, and the bursar said no, he was sorry, there was no money for further support. So Father went to Dr. Morgan and said he was in this pickle and he didn't really know what to do. Morgan was kind of a father figure for him. And Morgan said, "Well, you know, that's too bad, but why don't you go back to the bursar and see whether maybe something could be done." Father went back to the bursar and it turned out that money had been discovered for him. Father said he was so naïve that he didn't figure out for a long time that that was Dr. Morgan's money. Dr. Morgan was a descendant of Morgan's Raiders in the Civil War. They were a Southern guerilla band. Anyway, Morgan was pretty well fixed, but very generous. He was at Cal Tech when I remember him. He was a very sweet man.

Anyway, it was Morgan's stipulation that the Nobel money be

used for our education. And so one of my proudest boasts is I went to law school on Nobel Prize money [laughter].

MS. FEIGIN: Wonderful! How long was your father at Columbia?

MS. SHAPIRO: He was at Columbia from about 1909. After he got his PhD, he was an assistant professor or something, but he was mainly working with Morgan. In 1928, Cal Tech asked Morgan to come out to California and establish a biology department at Cal Tech, so in that year, Morgan took his group out there.

I was born in New Bedford in 1928. The research animal used in genetic research was the drosophila, the fruit fly. The flies needed to be kept cool in the summer, and of course there wasn't air conditioning in New York. So the researchers, poor souls, had to take the flies to Cape Cod [laughter], and the Marine Biological Laboratory (MBL) in Woods Hole was where the research was done in the summer. The MBL had property up in the woods above Woods Hole, which they subdivided and sold to their scientists in the 1920s. Father and Mother bought a plot up there. Their very good friends the Lancefields bought the next plot, and the year before I was born, when my older brother Bill was a year old, Mother and Father built a house on their plot. They asked brothers of the wife of one of Father's colleagues, who were carpenters from Ireland, if they could build a house, and Pat and Jim said "We never built a house before, but sure, we can build a house" [laughter].

It's a wonderful house. When it came time to put the windows in,

Pat and Jim said, “Okay, where do you want the windows?” So Mother and ‘Becca Lancefield went around and said, “Put a window here,” and “put a window here.” Real architectural planning [laughter].

This house was where we spent the summers. Mother wasn’t in any particular shape to move to California in the summer of 1928, so they stayed in Woods Hole until I was born in early September. The nearest hospital was New Bedford, so they drove over to New Bedford for me to be born, and then I went to California in a basket [laughter]. In Father’s biography, he said they decided I had a right to be born in the East. It was just a joke, but it’s left its mark [laughter]. I’m an Easterner. My two brothers are Westerners.

MS. FEIGIN: Even though your elder brother must also have been born in the East?

MS. SHAPIRO: Yes, he was. He was Granny’s favorite not only because he was the first grandson but also named after her father and born in her house. So he had it made [laughter].

MS. FEIGIN: Before we get to your birth, we mostly spoke about your father’s family, a little about your mother’s, but is there anything more we should discuss about your mother’s family?

MS. SHAPIRO: Mother’s family was New Jersey from the get-go, and I guess the boast on that side is that her father, who was a lawyer – the only lawyer in our lineage, at least until recently – was the first Democratic mayor of Morristown, New Jersey. So we’ve been Democrats for a long time on both sides.

As a child, I was afraid of Granny, really. She was kind of fiery, and she certainly said what she thought, and unlike Father, Granny certainly felt that men were more important than women. She was devoted to Bill, not so much to me and Fritz. She really was very fond of Father because they were interested in the same sorts of things. He was her favorite son-in-law I'm quite sure because – well maybe she was kind of an intellectual snob, I don't know. But she taught me how to braid rugs and I shouldn't really bad mouth her. She did her best. She didn't really approve of the way we were being brought up, and she didn't make any bones about saying so.

MS. FEIGIN: What was it she didn't approve of?

MS. SHAPIRO: Mostly that we weren't polite enough. She was an earlier generation. I think each generation perhaps thinks their children aren't being quite strict enough with their kids. Why do they let them get away with this? It was that kind of thing going on. She wasn't mean. She did her best, but she was a rather prickly personality.

MS. FEIGIN: How did Mother and Father meet?

MS. SHAPIRO: When Father was in the Fly Room, there was an illustrator, Miss Wallace, who was a maiden lady. She was very good. I have some of her pictures of drosophila. They really look like photographs. They're incredible. She was an art major at Mt. Holyoke. She also had epilepsy so she wasn't around all the time and Dr. Morgan really needed an additional illustrator. So he said, okay, that worked, we need another art major from

Mt. Holyoke [laughter], and that turned out to be Mother. Mother certainly wasn't as good an illustrator as Miss Wallace, and she eventually ended up being in charge of the fly food which I always thought was just rotten bananas, but maybe there was more to it than that. Anyway, she came to the Fly Room as an artist, but wasn't up to the detail work that Miss Wallace did.

MS. FEIGIN: Your mom went to Mt. Holyoke, and again for people down the road, we should say that was one of the Seven Sister schools which women went to because they couldn't go to the Ivies. Do you have any knowledge from your mom what it was like to be at Mt. Holyoke in that day and age? Whether it was more of a finishing school?

MS. SHAPIRO: I don't think it was. She certainly enjoyed it. I went to Wellesley, another Sister School, mostly because of 'Becca Lancefield, who also went there, but certainly for Mother, a woman's college was a perfectly fine place to go, and I think it was a good place for me too.

MS. FEIGIN: It was pretty extraordinary for women to have gone to college when your mom went I would think.

MS. SHAPIRO: That was due to Granny, and I guess my grandfather, who I never knew. Education was very important to them. Aunt Rachel, her older sister, also went. All her surviving sisters went. There was Rachel; Phoebe, who was my mother, the second oldest; there was Martha, who had a genetic disease. She was a bleeder. Mostly bleeders are men, but she was a bleeder so she didn't survive her second period. Then there was Elizabeth,

who also went to college, perhaps in her case, more of a finishing school. And then there was Emilie, who went to Rutgers. So, they all went to college. That was what was expected.

MS. FEIGIN: Were they expected to have careers?

MS. SHAPIRO: No, I don't think so. Mother never quite figured out what a career entailed. She once said to me, "Can't Howard help you with your briefs?"

MS. FEIGIN: We should say Howard is your husband.

MS. SHAPIRO: Yes. In Mother's view, a career wasn't a bad thing, but it certainly wasn't expected. Aunt Rachel never married. She taught. She was a sad story. She taught in Newark when teaching was mostly trying to maintain order. She couldn't do it. But they all went to college.

MS. FEIGIN: Wasn't one of your relatives a scholar in Hittite languages? Who was that?

MS. SHAPIRO: That was Uncle Edgar.

MS. FEIGIN: The one who taught at Barnard.

MS. SHAPIRO: Yes. He was quite a person. He also was in codebreaking in the First World War. He loved languages. Hittite languages are kind of puzzles.

MS. FEIGIN: Your father was in the First World War, wasn't he?

MS. SHAPIRO: Yes. Father was in the First World War. He didn't go overseas. He was in the medical corps, he always said because he knew how to read a thermometer [laughter].

MS. FEIGIN: Did that interrupt college?

MS. SHAPIRO: That was after college, because he graduated in 1912. And I think Dr. Morgan kind of got him out a little before he otherwise would have on the theory that he was necessary in civilian life.

MS. FEIGIN: Do you know any stories about World War I from him?

MS. SHAPIRO: Yes, a couple. One of the stories was he was doing autopsies and when somebody they didn't particularly want to eat with sat down at the table, why they would talk about their most recent autopsy [laughter]. The other thing that he said was that he usually won at poker, not because he was really good at poker but because he had a little more money than most of the others did so that he had more staying power and that turned the trick [laughter]. He wasn't in any action. He was just an orderly in a military hospital I guess.

MS. FEIGIN: More than an orderly if he's doing autopsies.

MS. SHAPIRO: There is a great picture of when he got out; it's a picture of the biology department at Columbia. They're all sitting around a table. Father isn't in uniform, but sitting next to him is a skeleton wearing Father's uniform [laughter]. They were young men, they were full of piss and vinegar.

MS. FEIGIN: So your parents meet in the lab, and get married, and take us from there.

MS. SHAPIRO: They were in New York, and that was when Father told his niece, Hope, that if she wanted to go to college, to Barnard, why she could live with them. I don't know what the financial arrangements were, but she very likely had a scholarship. Anyway, she lived with them when they were fairly newly married.

I don't know whether I told you this before, but Father was the youngest of six children. His older brother, Edgar, was born in 1875. Father was born in 1891, so there's a big gap. Father always said that he thought that his birth kind of broke his mother's health; he was pretty much brought up by his only sister Helen who was born in 1877. The next-to-the-youngest child, Bradford, was born in 1885, so even he was considerably older than Father. A few years after they moved down to Kushla, the boys went swimming in a creek that runs behind or across their land. Brad got caught underwater by a root. His older brothers tried to free him but couldn't, so he drowned; they almost did too. Father, who was perhaps 10, had to go back and tell his mother.

Father didn't like swimming after that, not surprisingly. In Woods Hole, swimming was what it was all about for us kids. But Father didn't swim.

Helen was married in 1903, and Hope was her oldest child, so she was a generation older than me. Hope majored in Phys Ed, sort of to the horror of everybody, but she later became a population statistician. She worked for the Agriculture Department.

MS. FEIGIN: It must have been a new field then.

MS. SHAPIRO: Pretty new, yes. She worked for the Agriculture Department just about when McCarthy was beginning to be a problem. Her husband, DeWitt, was a lovely person. He was a Communist; I think Hope was too. I know that during the war she would write letters to Mother and Father and it

would upset them terribly. They were worried about Hope. There was something going on, I never really knew at that time what it was, but they were worried about her, and they were trying to persuade her of something. So I think that was probably what it was. But anyway, because of McCarthy, she decided that she had better get out of the U.S. government, and she went to work for the U.N., which turned out not to be a safe haven. She was called before the House Un-American Activities Committee, and she said she was willing to talk about herself but she wasn't going to give any names of any of her cohorts, relying on the First Amendment. The U.N. fired her, and she and DeWitt had a pretty awful time of it.

I was at Columbia in law school at the time. I think she was teaching, some kind of an adjunct something-or-other at Columbia. When this all blew up, I knew her enough to be fond of her, and she was family. Anyway, I called her up to invite her to come to dinner at the dorm, and DeWitt answered the phone and he was, you could tell, he was defensive and scared until I said who I was. But I think I was kind of in their good books because I did what I could (which wasn't anything but let them know I was on their side), but they went through absolute hell. DeWitt was a professor of Romance Languages (he ended up at Temple when things blew over), but he was working at a bookstore, and Hope couldn't work at all. So they went through a very rough time. I think they went to Kushla for a while. It was awful. It really was awful.

So that's Hope. So what else is there? Bill was born, and I guess what happened when they moved to California, they closed down the apartment in New York, and most of the furniture and all that sort of stuff from the apartment in New York went to Woods Hole.

MS. FEIGIN: Is there still a family place in Kushla?

MS. SHAPIRO: Yes there is. Well there was up until the 1970s or 1980s, maybe 1990s, and it was sold to the Sons of the Confederacy [laughter] for a museum, because it was the house in which the document ending the last battle of the Civil War was signed. Those houses were built of the kind of wood also used for kindling because it's full of sap, so it catches fire very easily, so it's one of the few houses still standing from that era.

MS. FEIGIN: So your family moves out west with baby Harriet.

MS. SHAPIRO: And two-year-old Bill. And that's where I grew up. Father was in the biology department. He was head of it for a while after Dr. Morgan died. Father didn't like that position much. He wasn't an administrator. He wanted to do research.

My husband's nephew is at McMaster University in Hamilton, Ontario, a virologist doing AIDS research. He works in a fantastic laboratory. We were up there for his son's wedding and he took us around. The machinery in that lab! There's spectrophotometers, and these huge machines all behind glass because they have to have closely controlled temperature. I kept remembering Father's office lab which was lined with pint glass milk bottles. Each bottle had a little piece of paper

towel that was smeared with rotten bananas for the flies it contained. The bottles were all lined up behind Father, and in front of him was his binocular microscope. Beside it was a little porcelain tile. Father would study the flies in the microscope, and the ones that he didn't want to keep, he would put on the tile and squash with his finger [laughter]. That was his equipment. Quite different from the Hamilton lab [laughter].

Each one of the three of us modeled ourselves on Father I think, but we each took away a very different picture of him. Bill, who was an anthropologist, took Father's dedication to his work. Father worked seven days a week. That's what he did. He would come home for Sunday dinner at noon and stay the rest of the day, but he lived for his work. That is what interested him. What I took away from Father was that he was also devoted to his family. One of the things Mother told me he said was, "Give me my mother, my sister, my wife, and my daughter, and you can have the rest of the female population." Mother said he didn't really mean that; he liked women. But we were special. We knew we were special. Neither Mother nor Father were particularly demonstrative, but we always knew we were important to them and that they really had expectations of us. I think Mother certainly never felt any of the people we married were worthy of us [laughter], which is kind of backhanded, but we were cherished. We really were.

MS. FEIGIN:

And what did your younger brother take from him?

MS. SHAPIRO: Henry (Fritz, as a child) I think has got more than any of us his disposition; he was a real avid gardener, and so is Henry. I'm not quite sure what Henry took from him; perhaps his aversion to gossip and his essential gentleness. In that way, I think Henry is most like him really. Henry is an engineer. He has Father's analytical mind. Father certainly wasn't handy, but Henry is very handy, and a good carpenter.

MS. FEIGIN: As your mom was?

MS. SHAPIRO: Yes, mom was, that's right.

MS. FEIGIN: She was self-taught?

MS. SHAPIRO: She went to an adult education class in Pasadena, but yes, she liked to do that. She was pretty good at it.

MS. FEIGIN: So you grew up in Pasadena, but you grew up during the Depression. Did that impact your life?

MS. SHAPIRO: Father had a steady job all through the Depression. They reduced his salary. He once said "I never thought I'd earn as much as \$5,000 a year." The only thing I remember was that it was quite common for me to come in and find a hobo being fed in the kitchen. It wasn't that they were being fed in the kitchen while we were eating in the dining room, it was just when they came they got something to eat. But no, it didn't really impact us. We lived in a fairly elegant house they bought in the middle of the Depression. It was on the corner of California and Arden Road. Arden Road went down to the Huntington Library, which had been the railroad baron Huntington's house, so there were pretty elegant houses on

Arden Road. California Street was a very heavily traveled street so the corner of California and Arden wasn't a prime location, but it was a big old house and they bought it when I was in first grade in 1934. They were doing alright in the Depression.

I do remember a certain amount of discussion about stock prices, but we certainly weren't hurting. As a matter of fact, in 1932-1933, we were in England because Father was on a Carnegie grant. The idea behind the grant was that the really big-name universities, Oxford and Cambridge, that kind of place, got visiting professors from America pretty regularly, but the red brick universities didn't, and so the grant sent Father to spend a semester at a couple of those colleges. We were in Leeds and Birmingham. I was about five or six. I really don't remember much of that trip. I remember we had a nursemaid who took Fritz in his pram and me out for a walk. I was being a mechanical doll, and she turned me off and went into a store. I decided that my switch had flipped and I was turned on again so I pushed Fritz in the pram along until I came to the street. I wasn't quite sure whether I should cross it or not. Fortunately, Father was coming home for lunch down the other side of the street [laughter]. He brought us home, but not before the nursemaid had come home to Mother and said, "Now don't get upset Madam but I've lost the children" [laughter]. She didn't last very long after that. I don't remember being punished. Maybe I was. But my memory of England is very spotty.

MS. FEIGIN: You grew up in obviously fascinating times. Your family, at least your grandmother and father, were interested in politics. Was politics a big part of growing up?

MS. SHAPIRO: Yes it was, and as a matter of fact, Mother, although my image of her is probably not – well it's not correct, I know – but my image of her is that she was the ultimate housewife; the family was her focus. But she also was a very active member of the League of Women Voters.

MS. FEIGIN: In those days, what did that involve?

MS. SHAPIRO: This was the 1940s. Granny always thought that it was silly to give the women the vote because they'd just vote like their husbands [laughter]. What the LWV did was study political issues. I assume they still do. It was strictly non-partisan; they would study the issues and they would have meetings and people would give reports. There was a strong emphasis on voter education and participation in the political process. Although the League was non-partisan, obviously people that were in it had political views and these were discussed. Both Mother and Father were avid Democrats.

MS. FEIGIN: Were they involved in campaigns?

MS. SHAPIRO: Not that I remember.

MS. FEIGIN: You grew up in the Roosevelt era.

MS. SHAPIRO: Oh yes.

MS. FEIGIN: Was he a big presence?

MS. SHAPIRO: Oh yes. I certainly remember where I was and what I felt when I heard that he had died. I was coming home from school with a friend of mine, and somebody across the street yelled and told us. God, the world had collapsed. It was just awful and scary. Earlier, when Landon ran against Roosevelt for his second term, I was in 3<sup>rd</sup> or 4<sup>th</sup> grade, something like that, in this private school that Mother and Father sent us to because they thought we would get a better education there. It was really an adjunct of Cal Tech. Almost every student in that school was for Landon and very vociferous about it. I think I was one of the few people in the country who was really surprised when Roosevelt won [laughter].

MS. FEIGIN: Wasn't there some meeting with Eleanor Roosevelt?

MS. SHAPIRO: Oh well, that was much later. That was when Eleanor Roosevelt was in her U.N. phase and she would talk to any group that she could get together, and so the Columbia Law Review asked her to come and talk, and she did.

MS. FEIGIN: Since we jumped ahead, let me just finish that part of it. What was that like, do you remember?

MS. SHAPIRO: Yes I do. I was the editor-in-chief so I sat next to her. I remember noticing that her skirt and her jacket were different colors of dark blue [laughter]. I thought that was kind of nice. "Okay, she doesn't care about clothes. That's great." She talked about Franklin. And I introduced her as the author of *Betty and Bob in Washington*.

MS. FEIGIN: What is *Betty and Bob in Washington*?

MS. SHAPIRO: She wrote a book, a children's guide to Washington. I was being kind of a smart aleck [laughter]. She was very nice. I was obviously awe-stricken.

MS. FEIGIN: Do you remember what she said about Franklin?

MS. SHAPIRO: I don't remember exactly, but it was about the TVA and his recognition of the importance of it. I remember the subject was the TVA, but I don't really remember particularly what she said.

MS. FEIGIN: So what was life in Southern California like then?

MS. SHAPIRO: My brothers and I went to a private school (Polytechnic, known as Poly) from 1<sup>st</sup> grade through the 6<sup>th</sup> grade, and that was fine. I knew everybody else was different, richer and different, but that didn't bother me. I had enough self-confidence so that the way I was was fine. Then each of us left Poly when we reached 6<sup>th</sup> grade. I went to public school for a year, and then Poly set up a scholarship in memory of one of the teachers and they asked Mother and Father if I would be the recipient of it. So I went back for the 8<sup>th</sup> and 9<sup>th</sup> grades, and that was a little tougher. For one thing, we had French from the 1<sup>st</sup> grade on, but it was in the 7<sup>th</sup> grade that they first started really learning grammar, so I had missed all of that. After that gap, it was hard to pick up French. And also by then it's puberty and I didn't mature very fast. I was at the bottom of the heap socially and it kind of mattered. In a way, maybe that was where I first developed a tough skin so that being one of about 20 women in law school didn't bother me too much. But at Poly, it was kind of tough.

As a senior in high school, I took a test given by the Seven Sisters for scholarship applicants.

MS. FEIGIN: So there was one exam for all the Sisters?

MS. SHAPIRO: Yes, for scholarships. Each test taker identified the college she wanted to go to. You never knew how you came out except if you got your first choice that meant that nobody else who did better than you had chosen the same college. I was offered a scholarship to Wellesley, my first choice. One of my friends also took it, and she got her first choice too. I was also offered a partial scholarship to Swarthmore.

MS. FEIGIN: That's not a Sister School.

MS. SHAPIRO: No. That's a co-ed. I kind of debated but chose Wellesley mostly because 'Becca had gone there. 'Becca Lancefield was really my role model. She was a bacteriologist at the Rockefeller Institute and did very important early work on staphylococcus. She was a serious scientist. Jane, her daughter, has always been my best friend. Donald Lancefield taught at Queens College in genetics. And Mother and Father and 'Becca and Donald were just close as can be. Jane and I were friends before we were born, as Jane says [laughter]. But anyway, 'Becca was a very important model for me. They were in Woods Hole in the summers while we were.

'Becca and Donald and Mother and Father bought adjoining plots when the MBL sold land in Woods Hole. Mother and Father built our house first. While the Lancefields were away one summer, after the main house was built, Mother and Father added an outdoor porch that was very

close to the property line between the Lancefield and the Sturtevant plots. The Lancefields could have built on their plot, but it would have left little space between our houses. Instead, the Lancefields decided not to build on their plot, so our house looks out on the former Lancefield plot, which is all woods. This was the start of Mother and 'Becca's arguments about money. All the time that Jane and I were little, Mother and 'Becca would argue about money. "We owe you this." "No, we owe you that" [laughter]. After the war, we went to Woods Hole every other summer, and the Lancefields stayed in our house on the odd summers. And they kept insisting that they should pay rent, and Mother and Father kept insisting that they shouldn't since we prevented their building on their property. So Jane and I swore we that would never fight about money, and we never have.

MS. FEIGIN: So you went out every other summer to Woods Hole. How did you get out there?

MS. SHAPIRO: We drove as soon as Bill got to be full fare. I guess when we were all half fare on the train, we took the train, but for pretty much as long as I can remember, we drove, and of course there was no air conditioning in the car and there were no through highways. The aim was to get 300 miles a day. Mother drove for an hour, Father drove for an hour, roughly, and the parent who wasn't driving sat in the middle of the back seat so that the children wouldn't squabble [laughter]. At the driver change, we would all jump out of the car, run around the car once, and then get back into the car

in our new assigned places [laughter], doing it as fast as we possibly could. Father's aim was to visit every state in the union. This was, of course, before Hawaii and Alaska became states. So we took different routes for each trip. And Father had colleagues all across the country, so we stayed with them when we were nearby. Otherwise, we stayed in motels.

MS. FEIGIN: And the South was segregated then.

MS. SHAPIRO: I guess so. Yes.

MS. FEIGIN: That isn't part of your memory?

MS. SHAPIRO: Not on those trips. In general, we knew it was wrong, but that's the way it was, and that's the way it always had been, and it wasn't a cause. That's just the way it was. I have a very distinct memory of walking home from school and regularly meeting this elderly black man who always raised his hat to me, and I thought, wow, that's neat. That makes me feel like a grownup. I didn't get any of the back story of that at all. And when I was in the public high school, well I guess it must have been when I was in 7<sup>th</sup> grade too, the schools were integrated, but there weren't many blacks, if any, in the college prep kinds of classes that I was taking. There certainly were no blacks in my classes at Poly. So I didn't have much contact with blacks, although certainly there was no question that we knew that it was wrong, that segregation was wrong. Father was a geneticist. He knew these things [laughter].

When we went down the southern way, we stayed in Kushla with

Father's family. They were still there most of them, whichever ones were left. Kushla turned into kind of a Sturtevant commune. There was the main house, a small auxiliary house, and then there was a trailer and also a stable which had been converted into another small house. These houses were occupied by various Sturtevant relations.

MS. FEIGIN: You must have been in high school during World War II. What was the impact of the war?

MS. SHAPIRO: When the Japanese were moved out of the West Coast was another one of these situations where we knew it was wrong, but that was the way the world was. I guess neither parent was a crusader really. They certainly had standards and they were very ethical.

Father got into a big fight over radiation. In the early days, the common view was that a little radiation was okay. Father never believed that. Radiation is cumulative. He objected to those x-rays you took of your feet. That was not a good thing.

MS. FEIGIN: We should make this clear. That was to get your shoe size, to buy new shoes.

MS. SHAPIRO: Right. We thought they were wonderful. Oh no, they were bad, bad. And he didn't approve of having x-rays of your teeth just for regular checkups.

Before I joined the Atomic Energy Commission, I was worried about Hope, whether that would impact my security clearance. Actually, I don't think they ever put it together, but what they did ask me about was that Father had written a letter to the House Un-American Activities

Committee saying he thought what they were doing was awful, and they did pick that up, and they asked me what was Father's view of Communism, and I told them that he had once explained to me that Communism and Nazism were kind of a circle, that they came at it from different sides but they ended up at the same awful place. I didn't have any trouble getting a clearance. But it was Father's letter to the House Un-American Activities Committee that turned up, not Hope. I guess there's no real reason why they would have connected me because she didn't have the same name.

MS. FEIGIN: Nowadays they would.

MS. SHAPIRO: They probably would.

MS. FEIGIN: So World War II was not . . .

MS. SHAPIRO: Father was an air raid warden, and he was out and I guess observed the "Battle of Los Angeles," which lit up the sky one night.

MS. FEIGIN: No rationing?

MS. SHAPIRO: There was rationing. And I put stamps in ration books, and I also went down to the Huntington Library and rolled bandages. We saved toothpaste tubes.

MS. FEIGIN: For what?

MS. SHAPIRO: They were made out of metal, I guess. I don't know, but you saved the toothpaste tubes and turned them in. In the 1930s, when we were in England, Father went for a month or so to Germany and he came back absolutely horrified. He was sort of a somber figure from then on. He

knew war was coming I think, and he believed that we had to get into it, but he had a draft-age son. Father must have been terribly conflicted. He did believe that we had to get into it. And I think that was based in part on his experience in Germany. At that point the Jews were really being discriminated against in a pretty violent way, and he was horrified.

MS. FEIGIN: Bringing up Jews, you mentioned earlier that there was a Quaker strain in the family. What role did religion play in your family?

MS. SHAPIRO: A very big role [laughter]. Father's grandfather, Julian Sturtevant, was president of a Congregationalist college, and he'd married the sister of his dead wife, which apparently was to some Congregationalists immoral; almost incest. When he was a child, Father's family was observant enough that Father was not allowed to read anything but the Bible on Sundays. Father, I don't know when, whether it was as late as when he went to college, rejected religion. 'Becca used to say that Father took his religion very seriously. He did. He was a committed atheist and convinced that religion was responsible for much of the evil in the world. The notion that ethics had anything to do with religion was absurd, and we were brought up as committed atheists, and I still am [laughter].

MS. FEIGIN: Was that a difficult thing to be in those days?

MS. SHAPIRO: Not really. I do remember getting into trouble because one of my friends asked me what church I went to, and to conform, I said "Presbyterian." She said, "Which Presbyterian, because I go to Presbyterian church and I've never seen you there" [laughter]. So there was a certain feeling at

some stage that I had to pretend that I went to church, but not seriously. No. This was one of the ways that we were different. We were Democrats. We were atheists. We were academic. We weren't rich Republicans with swimming pools. But that was fine. That was what we were, and in a way, we were better for it [laughter]. It was a very secure childhood, it really was.

I was kind of shocked at Bill when he was toward the end of his life, he was in the hospital and some staff member – a psychologist, maybe – asked him in an interview whether he had a happy childhood, and Bill said, “I don't know, not really,” which shocked me. Of course he had a happy childhood. Don't be absurd [laughter].

MS. FEIGIN: I'm glad you had a happy childhood, and when we continue next time, we'll get into college and law school. Thank you so much.

MS. SHAPIRO: You're very welcome. I don't know that I'll be as talkative. But you asked me about my father and it turns on a spigot.

MS. FEIGIN: It's wonderful.

**ORAL HISTORY OF HARRIET SHAPIRO**  
**Second Interview**  
**February 16, 2012**

This interview is being conducted on behalf of the Oral History Project of the Historical Society of the District of Columbia Circuit. The interviewer is Judy Feigin, Esquire, and the interviewee is Harriet Shapiro, Esquire. The interview took place at Harriet's apartment in Rockville, Maryland, on Thursday, February 16, 2012. This is the second interview.

MS. FEIGIN: Good morning, Harriet.

MS. SHAPIRO: Good morning, Judy.

MS. FEIGIN: Before we move on with the next part of your life, I want to first give you an opportunity to add anything you might want that we didn't include last week.

MS. SHAPIRO: Okay. Well there are a couple of things. One is I wanted to fill in a little more about my great-grandfather Julian Sturtevant who started Illinois College. There were only men in the college at that stage, and during the Civil War they went off to fight.

MS. FEIGIN: On the Union side?

MS. SHAPIRO: Of course, this was Illinois.

MS. FEIGIN: I just want it clear for the record [laughter].

MS. SHAPIRO: My great-grandfather, I'm not saying he was friends with Abraham Lincoln, but on the other hand, they were both in Illinois in the early days and they were kind of in the intellectual class. Anyway, Abraham Lincoln sent Julian Sturtevant to England to help persuade the English not to join the Southern side in the war, and he wrote letters back which are kicking around somewhere. I'm not quite sure where they are at this point but I've seen them.

One of the things I hold against great-grandfather Sturtevant is that he was kind of off-hand about his second wife in his absolutely unreadable autobiography. He remarks that his first wife was an angel and that when he decided to marry her sister, why this was a good choice, or something like that. Argh! She, of course, was the mother of my ancestors. This was Hannah Sturtevant, Hannah Fayerweather Sturtevant.

Her brothers went off on a whaling trip, must have been about 1812 or so, and Abraham, the older brother, got sick and was put ashore in Hawaii, and his younger brother, Silas, jumped ship to take care of his brother. Abraham stayed in Hawaii until he died in 1850, and he wrote letters back to his sister. Bill and I got the originals of these letters and a transcript of them that my cousin Hope had typed. I got Hope's transcript put in computerized form, but that process created many errors in reading the faded typed transcript. I went through them to correct these mistakes, using the original letters as my reference. That took quite a long time, but the letters are interesting. Abraham was a merchant in Hawaii in the very early days of American settlement there. These letters were sent home when the whaling ships came through. They're written in regular form, and then they're written cross-wise to conserve paper. Once a page was complete in conventional form, the paper was turned 90 degrees and the writing continued at right angles to the original writing. The letters are also old, so they're kind of hard to decipher. On the other hand, it is possible to do it, and Hope did it first and then I did it using her version as

a guide. The letters are well written. Abraham was a nice guy, and he was kind of funny. He didn't like the missionaries. As a matter of fact, he told his sister, "Don't give any money to the missionaries because they aren't doing any good out here. They're taking advantage of the natives."

Eventually, he had a sugar plantation in Waimea, and he describes a little bit about how that was run. At one point he said he was having trouble with the bones in his liver [laughter]. You kind of forget that this is before the Civil War until something like that comes up, and you think, "Oh yes." He also was I guess kind of sickly. Toward the end of his life, he decided the way to get ahead was to go to California and be a merchant in the Gold Rush. He started out, but he got sick on the way over so he had to come back. His letters provide a view into what it was like in Hawaii before the Civil War.

After I got a final version of the letters on the computer, I wrote what I thought was a reasonable introduction to try to give some context by explaining how these letters came to be in Kushla and how we got them. I gave my version to Bill, who as an anthropologist was used to writing scientific papers. He had a tremendous output of papers on the American Indians. He gave the introduction back to me and said, "Why did you put all the interesting stuff in the footnotes?" [Laughter]. I tried to write it the way Bill thought it should be; it seemed to me he'd write something and then he'd go off on a little bit of something else that belonged in a footnote and then he'd come back to the main point. I was

used to writing briefs where you'd write it in a straight line to where you were going and everything else would go in the footnotes. We couldn't resolve our different styles. I couldn't write the introduction the way he wanted it, and he was too busy to write it the way he wanted it, and we got stuck. So after he died, I tried to pick it up, but I couldn't really get back into it. I gave the project to Bill's son who is a real computer expert, and he is carrying it on. It's not at the top of his list of things to do, but eventually it'll be at least published on the internet so that you can go and see it. And the originals will go to the archives in Hawaii.

The other Fayerweather brother, Silas, left Hawaii and went to New Orleans in the early days, 1800-something-or-other. Both brothers died in 1850 so this is all pre-1850. Silas wrote letters back to his sister too. I think their father was living with Julian, so this was back to the family, and his letters are absolutely full of "Be sure you get right with the Lord." Silas was a cotton broker in New Orleans, and while he was writing all this stuff to his family, it turned out that he was cheating his uncle, who was in New York and relying on Silas to act for him in New Orleans. When Silas was found out, he said, "Oh yeah, I did cheat you, but I can't pay you back because I haven't got any money." He died in 1850, and Julian Sturtevant was the executor of his estate. It turned out that Silas had two slaves and a fair amount of property in New Orleans. He just didn't choose to repay his uncle. It was up to Julian to settle the mess as his executor.

MS. FEIGIN: He's the one who jumped ship to help his brother?

MS. SHAPIRO: Yes. And there's quite a lot of stuff in Silas's letters about what it was like before there was a national bank because he was sending money home from time to time. You had to be careful about which checks you accepted because if the bank on which it was drawn went bust, the check was worthless. So there's some stuff about that.

MS. FEIGIN: Does he talk about politics and Andrew Jackson and the national bank?

MS. SHAPIRO: Not really. There is stuff about what a mess it was before there was a national bank, but I don't think he talked about the larger issues. Bill the anthropologist said he thought that the Abraham stuff was interesting and should be preserved but not Silas's. But I think both of them are worth preserving [laughter]. So anyway, that's the Fayerweather story.

MS. FEIGIN: Let me ask you a little bit more about your early days before we get on to college which is where we were headed when we stopped last time.

MS. SHAPIRO: One of the other things, this is kind of about the early days, but I don't think I explained. I said that Father was a great man but not what he actually did. I don't even think I gave his name, Alfred Henry Sturtevant. He was involved in the early study of genetics. Father's contribution was that he figured out the linear arrangement of the gene in the chromosome. Let's see if I can explain the way he figured it out. Starting from the observable, in the early study of the drosophila, the first mutation they discovered was a fly that had white rather than the regular red eyes. They mated that fly and traced the occurrence of white eyes in the succeeding

generations. There were other observed anomalies, such as something to do with the wings, that also were traced by breeding the flies and seeing how the subsequent generations did or did not have this unique characteristic. Certain characteristics in the flies tend to stick together in individuals in succeeding generations more often than other characteristics. Father figured out that since when the cell divides, the genes split, the ones that the data shows usually go together must be closer together on the gene; the ones that don't usually go together are farther apart. And using the data they had, he figured out the linear arrangement of the genes. I think that's the way it worked. My point really is that he had a very mathematical mind. You asked me before what Henry got from Father, and as I thought about it, Henry is an engineer, and he has that same kind of mind that sees mathematical connections.

The other thing about Father was that when we were driving across the country, we used to play games in the car, and one of the games we played was "I packed my grandmother's trunk," where you list various things you put in a grandmother's trunk. First one puts in one thing, the next one says the first thing and then the second thing and you go around as far as you can get with packing your grandmother's trunk, but each time you have to repeat all the things that had been put in previously. And of course Father always won that [laughter]. But my memory, and it may not be an accurate memory, but my memory is that I tended to be the last one in other than Father.

My mind is kind of a bathtub mind. That's why the SG's Office fit so well. I can fill up my mind easily and quickly. When you're preparing for an oral argument, by the time you go in, you know as much as anybody about this narrow subject, and the preparation is filling your mind with absolutely everything there is to know about the subject, this little, narrow subject, and what questions could they ask you and finding out what the answers to those questions are, so you go in with your bathtub mind full. But then when you finish, you pull the plug and it all goes down the drain [laughter]. When you got an appeal recommendation, you find out all you can do about this little narrow area, you make your appeal recommendation, and then you go on to the next one. You don't have to retain any of the stuff [laughter].

MS. FEIGIN: That's how I felt about the Bar Exam.

MS. SHAPIRO: Yes. I've got a story about college.

MS. FEIGIN: Tell us.

MS. SHAPIRO: I don't even remember what kind of a math class it was. I took it because I had to for the distribution requirement. Math you have to keep up with, and I didn't keep up with it. I was taking notes, but it kind of went over my head. But before the final exam, there was a day, maybe two days, between the last exam and the math exam, so I sat down and I learned that whole course. I went through the book, and I just filled my mind up with all that stuff, and I took the exam, and I did well enough so that the teacher said, "Don't you want to major in math?" [Laughter] "Huh? Absolutely

not.” But that’s the kind of mind that I had. I can fill it up, but I can’t retain it. Or I don’t retain it. Howie remembers poetry he learned as a child. I don’t remember any of that stuff.

MS. FEIGIN: We should say Howie is your husband.

MS. SHAPIRO: Yes.

MS. FEIGIN: Do you want to talk a little bit more about Mother?

MS. SHAPIRO: Yes, I kind of thought I gave Mother short shrift. She idolized Father, and she put him up on a pedestal. He didn’t sit on a pedestal because he wasn’t that kind, but Mother tried to put him there. The other thing I kind of wanted to emphasize is I was not a well-rounded child at all. I was – I don’t want to say intellectual, but because of this kind of mind I have, I did very well in school. I wasn’t like my son, who takes things and puts them together in an interesting way, a different way than they’ve been taught. I was one of these who was a sponge. I could soak things up and then squeeze it out on the paper and then go on to something else. But Mother really tried to make me, I guess all of us, into well-rounded people.

Three things she thought would be good for socializing. She knew I wasn’t very good at socializing, and I think she thought these skills would help. One was tennis. I hated tennis. I was awful at it. I was not athletic at all, and I suffered through the tennis lessons. I certainly never played tennis when I didn’t have to [laughter].

The next thing was ballroom dancing. At the time, okay, sure,

that's what young ladies did, so I had ballroom dancing classes. They were painful. Not only was I slow to pick up the steps, but also I was among the last ones chosen as a partner. I wasn't popular, I was taller than most of the boys, I was awkward, and I wasn't particularly pretty. Mother never got anywhere on time, including never getting to pick me up on time from dance classes, so I was always the last one hanging around after the class ended. It was awful [laughter].

Her other failed attempt was music. I think Mother was kind of musical. Anyway, she was determined that each of her children would play an instrument. Bill, who was fairly musical, played the flute. I, who have a total tin ear, played the piano, or at least a strong effort was made to make me play the piano. The teacher wasn't particularly good. She was the wife of a graduate student who needed the money. She must have had as awful a time as I did [laughter]. One struggle was over practicing. The very valuable lesson I learned, though not the one being taught, was that you cannot make somebody learn something they don't want to. It's absolutely impossible, and you'd better give up.

I think I was a fairly docile child, but as punishment, if I absolutely refused to take my lesson, I was sent to my room. Well, I knew that was a punishment, but on the other hand, I would ever so much rather spend the morning in my room [laughter]. I could read, I could do what I wanted in my room, rather than taking this music lesson. I don't play now. I absolutely don't. But Mother tried. She really did try.

The things that we did together, since I was the only girl, we sewed, and I really quite enjoyed that and I still quilt. We cooked. I do give her short shrift, and it's a pity because she was a good mother. She tried very hard, and she loved me, and I loved her. But it's just Father was the one. As I got older and had children of my own, I recognized she'd shown me how to be a mother.

MS. FEIGIN: You said there were three things, the tennis, music, and ballroom dancing. Would sewing be another?

MS. SHAPIRO: No, sewing was fine. The tennis, the ballroom dancing, and the music were the three things that a well-rounded person should do, and I struggled with.

MS. FEIGIN: And in those days that was sort of the traditional view of a proper young lady?

MS. SHAPIRO: Sort of, yes. My salvation, I've probably said this before, but my salvation was that although certainly my maternal grandmother thought that men were more important than women, and Mother kind of, I think, had that view, but Father certainly did not, and I never felt it. It was perfectly clear that I was going to go to college, and it was perfectly clear that I was as smart as my brothers. I don't think that this notion of a woman's place really ever was emphasized. On the other hand, when I was little, I wanted to grow up to be a librarian. I certainly didn't have any idea of being a lawyer, partly because, although my maternal

grandfather was a lawyer, Father didn't think much of lawyers. He had kind of the same view of lawyers that maybe is prevalent today [laughter].

MS. FEIGIN: Did you know any women lawyers?

MS. SHAPIRO: No. That comes up later. That's what I did between college and law school. And although Father had big disagreements, public disagreements, with the Atomic Energy Commission which at that time was saying a little bit of radiation is okay, he didn't have any problem with my working for the AEC. One of the things that Bill said, and I think I hadn't realized it but it's true: Father didn't give advice to his children about their careers. He would talk to you about your choices, but it was your choice. What he wrote in my autograph book when I was about 9 or 10 was "Try all things and hold fast that which is good." That was his general attitude. Of course, try all things didn't really mean that [laughter]. In this day and age, I don't think he would have written that [laughter].

MS. FEIGIN: What kind of games did little girls play in Southern California?

MS. SHAPIRO: Well, we had flashlights, and we'd play hide-and-seek after it got dark.

That was fun. I don't know about games. I read.

MS. FEIGIN: What kind of books did you read?

MS. SHAPIRO: *Black Beauty*, *Wind in the Willows*, a series of books about twins in different countries. What other stuff did I read? Gosh, I don't really remember what I read. Whatever I could get my hands on basically. The bookcase downstairs, I can still see it, and I would go through it to find

stuff. There was Thackeray, I don't know that I really got very far in Thackeray.

Mother majored in art. In the bookcase was a wonderful picture book of Mother's. It wasn't a children's book, it was in French, about Joan of Arc. It had the most lovely pictures of Joan of Arc. I particularly liked the ones of her as a soldier and being burned at the stake. Father and Mother, before we were born, when they were in New York, went to plays. There were quite a few books of plays from the 1920s that were in the bookcase that I read.

MS. FEIGIN: Did you go to movies?

MS. SHAPIRO: No. We went to *Snow White* which scared the knickers off my little brother, who was Fritz at the time.

MS. FEIGIN: But now Henry?

MS. SHAPIRO: Now Henry. But no, we didn't go to movies, in contrast to my husband whose father managed a movie theater so they went to movies all the time. We didn't go to movies, we didn't have a radio, because they didn't want those kinds of things in the house.

MS. FEIGIN: Really? So you didn't listen to the Fireside Chats?

MS. SHAPIRO: No.

MS. FEIGIN: Why did they think a radio was a bad thing?

MS. SHAPIRO: Because anything could come into the house by the radio [laughter]. We didn't get a radio until Granny Reed came to live with us. After she got so she couldn't live in her own house, Granny spent a few months with each

of her children. She came out to California for the winters, and she had a radio. I remember we used to sneak into her room to listen to her radio [laughter]. I guess Mother and Father figured if Granny was listening to it, it couldn't be too bad. She had this Orson Welles *War of the Worlds* thing on, and she didn't get fooled. She knew it was fiction.

MS. FEIGIN: You heard the original playing?

MS. SHAPIRO: Yes. But when she left, it must have been just when the war was coming on, 1939, 1940, 1941. Anyway, she left her radio so we had a radio from 1940, 1941 on. I had a deprived childhood because I didn't listen to "Little Orphan Annie." They had The Secret Code, and I was the one that was on the outside. It made it all worthwhile [laughter].

MS. FEIGIN: Did magazines come into the house?

MS. SHAPIRO: *The New Yorker*. "Mother, what's supposed to be funny about this?" [Laughter] They still have things "What's supposed to be funny about this?" [Laughter]. *The New Yorker* was a staple.

MS. FEIGIN: What about newspapers?

MS. SHAPIRO: Yes. We had *The Star News*, which was the local one, and then we had *PM*. I think it came from Chicago or New York. It was very liberal, Democratic. But we certainly didn't get *The Los Angeles Times*. That wouldn't be allowed in the door. It was much too Republican and awful [laughter].

MS. FEIGIN: Were there magazines, like *Good Housekeeping*, those kinds of magazines?

MS. SHAPIRO: No. What Father did in the evening was read the encyclopedia. After supper, he would find an article in the encyclopedia that was interesting to him.

MS. FEIGIN: Read it to you or to himself?

MS. SHAPIRO: He would just read it to himself. He would sit there smoking his pipe and reading the encyclopedia. I have that encyclopedia in the other room because I couldn't bear to give it away.

MS. FEIGIN: Which encyclopedia?

MS. SHAPIRO: *Encyclopedia Britannica*. It's the 1929 edition. We were allowed to read it or to use it but only very carefully sitting at a table. I still feel that it must be treated respectfully. There's one version, 1933 or something, that is considered a classic. This is not that version, but if you want any information about anything before 1929, that's still a very good source. I keep it mostly just because that's my picture of Father, sitting there reading the encyclopedia. Didn't everybody's father do that? [Laughter].

MS. FEIGIN: Did he and you interact with other celebrities on campus like Linus Pauling?

MS. SHAPIRO: Oh yes. Linus Pauling lived across the street. His oldest son, also Linus, was about the same age as Bill. They explored the underground storm drains together. They got down into them through the large drain on our corner.

MS. FEIGIN: What was Linus, Sr. like?

MS. SHAPIRO: He was kind of a kook [laughter]. Father didn't think much of him. Father thought that he lent his name to a lot of things that he didn't know much about, and he really shouldn't have spread his name around so much. He obviously was a very good chemist. We didn't revere him in any way. He was a little nutty, but he was okay I guess. I didn't particularly interact with him. He had a daughter, Linda, and Crellin, who was much younger and was named after one of the buildings at Cal Tech.

MS. FEIGIN: As opposed to having the building named after her [laughter].

MS. SHAPIRO: Yes [laughter]. Linda was younger than me, and the main thing I remember about her was that she had very thin hair [laughter]. And I certainly remember Oppenheimer walking past the house.

MS. FEIGIN: Did your father know him?

MS. SHAPIRO: No, not really. Maybe in passing. I'm sure they knew each other to speak to, but no. He wasn't part of the group. Mostly the people they socialized with were members of the biology department, which was fairly large at that point. My best friend growing up was the daughter of another geneticist, and her mother was Mother's best friend.

MS. FEIGIN: Were there women students at Cal Tech?

MS. SHAPIRO: No. There weren't women at Cal Tech until about five years ago. Very recently. Maybe ten years ago, but certainly not until long after we children left home. Henry, my younger brother, went to Cal Tech. He majored in geology. Henry certainly is as bright as the other two of us, but I guess he kind of figured that, in the family, the academic slots were

filled, and as a young boy, he was, and he still is, very handy. Whenever anybody came – a plumber or anything like that – Fritz was at his elbow watching what he was doing. He majored in geology at Cal Tech, then he went down to Cerro de Pasco in Peru for his first job. He got on the wrong side of them because he complained about the conditions in the mines and how they were treating the natives, and so they said, “Okay, well, you obviously don’t fit this organization. We can either fire you and pay your way back to the United States, or you can quit and pay your own way back.” So Henry, in what I always thought was a fairly brave choice, said, “Fire me.” So they sent him back to the United States. He then went back to Cal Tech and got his advanced degree in engineering. And what he did for most of his life was design spectrophotometers. He once explained to me that if he did a good job, his company made a profit for the year. If he didn’t do such a good job, they lost money for the year. These instruments are so complicated that you can’t really make a model of them. You just have to do it by the seat of your pants and hope. He used to tell his bosses that he could do it cutting edge, he could do it quick and he could do it cheap. “Pick two” [laughter]. He ended up doing very expensive, complicated machines having something to do with testing hearts. Anyway, that’s Henry.

Bill was one of the leading experts on American Indians, particularly the Seminole.

MS. FEIGIN: Tell us about him.

MS. SHAPIRO: Mother once said to us, “We expect good things of you children, but of course you can never be as successful as your father.” All three of us remember that because that’s the only time we ever heard Father criticize Mother, and the criticism amounted only to his tone of voice in saying, “Phoebe.” But when Henry’s daughter was in college, somebody asked her if she was related to *the* Dr. Sturtevant, and it turned out that he meant Bill, not Father. Mother didn’t like that.

MS. FEIGIN: Bill must have.

MS. SHAPIRO: Bill liked it I think, and all three of us are sure that Father would have liked it too. That was sort of typical of the atmosphere when we were little. Father was hot stuff.

MS. FEIGIN: Was it hard being the daughter of someone so prominent?

MS. SHAPIRO: No. It was great! He was a role model, and I was proud to be his daughter. When I went to college, that was my first real experience of being Harriet as opposed to a Sturtevant, and it was kind of odd. It was okay. By that time I was willing to be on my own and be my own person. But certainly while we were growing up, we were the Sturtevant children, and that was plenty good enough.

Did I tell you before about how I got into Wellesley?

MS. FEIGIN: You told us you took a test.

MS. SHAPIRO: Yes. I think probably at that time, I’m pretty sure that it was an advantage to be from the west. They were looking for diversity. I don’t think California counts as diverse anymore. An eastern college certainly was

not what was expected in the public high school that I was going to.

Taking the SATs was very unusual.

MS. FEIGIN: What was expected to happen?

MS. SHAPIRO: You would probably go to Berkeley or maybe Occidental. Maybe it was somewhat unusual to be going to college. Certainly it was not unusual in our family, nor in our circle. I had no doubt that I wanted to go east to college. After I took that exam, my choice was between Mt. Holyoke, which was where Mother went, or Wellesley, where 'Becca went. Swarthmore offered me a partial scholarship, and I considered that college too. Maybe I should have gone there, I don't know. It's one of these life-changing choices; if I had chosen Swarthmore, I think my life would have been very different. But Wellesley was comfortable because in spite of having two brothers, men were a strange country. I had never dated. I didn't date all through college. This was part of my image of myself as a student. That was what I was.

I enjoyed my college years. I had a small group of maybe four or five close friends. Part of why I didn't have more, aside from my social inabilities, was that the college had an experiment my freshman year. Usually, the freshmen lived off campus in designated freshman houses. Depending on the size of the house, there were anywhere from a dozen to twenty or so girls in the same house, so you bonded with your housemates. But in our year, they experimented, and a small group of us were placed in four upper class dorms. Maybe a dozen of us, maybe not that many, were

in each dorm. The ones in Cazenove were split into two groups, one on each end of the hall. I was unfortunately on the end with the social group. But pretty soon I clearly was the odd one out there. The group on the other end of the hall were much more my kind of people, so I changed rooms with someone on the other end of the hall, and that worked out better. One of the women who was on that end of the hall ended up being my roommate for junior and senior years.

MS. FEIGIN: I'm curious what a women's college was like in those days, even on the superficial level. Did you have to wear dresses to school?

MS. SHAPIRO: No. You didn't wear dresses to school, but we were supposed to wear a skirt to dinner. But what we did was we had an all-purpose skirt, and we rolled up our blue jeans under the skirt so you just put your skirt on over it and went to dinner [laughter].

There was a movie that came out about twenty years ago or so called "The Mona Lisa Smile," which was shot at Wellesley, and it was about a women's college which obviously was Wellesley, although it wasn't called that. The point of the movie was that the teacher who was the star of the movie was teaching these girls that they had minds and that they should think of something besides just being housewives. And all the Wellesley alums were outraged at this. The notion that we were a finishing school or that we didn't have these high intellectual standards from the get-go. Oh! Outrageous! How did Wellesley permit them to

shoot this movie? [Laughter] So it was a serious place. On the other hand, there were mixers which were again agony. So I only went to one.

MS. FEIGIN: You'd mix with what schools?

MS. SHAPIRO: Harvard mostly I guess. Maybe MIT. I don't remember. But I wasn't part of that so I don't know. I don't think many people married before they graduated, but the standard operation was you graduated and then you got married that same spring. That was certainly what most women did in that era.

MS. FEIGIN: Were there strict social rules? Curfews?

MS. SHAPIRO: Oh yes. A couple of years before I went, there was a terrible fire in Boston in a nightclub, so all the parents were calling Wellesley, "Where is my daughter?" and they sometimes didn't really know. So that after that, they really clamped down, and yes, by gum if you were going to be out after whatever it was, 9:00 or so, you had to tell the house mother where you were going to be and when you were going to be back, and you signed out and you signed in. It was a serious infraction if you didn't. I don't know exactly what happened to you, but one just didn't do that.

When I came home after my freshman year, I informed my mother that when you had a dessert dish on the table, it had to have an underliner under it [laughter].

MS. FEIGIN: So there was a bit of finishing school touch.

MS. SHAPIRO: A little bit of that. We waited on tables. Everybody had to either wait on tables, once a week probably, or sit on bells. There weren't any

cell phones or phones in the rooms so that when anybody called they got the dorm, and the student who was sitting on bells would take a message.

MS. FEIGIN: What exactly is bells? Was it like a switchboard? What does it mean to sit on bells?

MS. SHAPIRO: You just answered the phone and took a message and greeted visitors. There was also the call. Men could come upstairs because there was this call that went out, “Man on the floor.” [Laughter] That was only during very restricted hours. I guess you had to leave the door open, I don’t know.

The classes were serious. I was – and I guess I am still – a little ashamed that I majored in sociology, which wasn’t really serious. As Bill said, “Anthropology, yes. Sociology, for heaven’s sake, no.”

MS. FEIGIN: What made you choose that?

MS. SHAPIRO: Although I keep telling you I was a student, I didn’t really have any overriding particular intellectual interests. For a while, I thought about majoring in German, but that was largely because I’d had two years of German in high school so that as a freshman I had this very small – I think maybe there were three or four of us – class in German, and all the other classes, of course, were quite large. But I guess I took sociology because I liked the teacher. There was also a really good philosophy teacher, but I don’t know why I majored in sociology. It was easy I guess. It wasn’t any overriding intellectual interest, that’s for sure.

MS. FEIGIN: When you speak about the teachers, this was a women's college. Were most of the teachers men or women?

MS. SHAPIRO: There were certainly a goodly number of men. I suppose most of them were women. The philosophy teacher was a man. One of the sociology teachers was a man. There were a good sprinkling of men. Wellesley has never had a male president. It's always been a woman. The president while I was there was Mrs. Horton who was really remarkable. She was the first head of the WAVES (Women Accepted for Volunteer Emergency Services).

MS. FEIGIN: That was after she was president of Wellesley?

MS. SHAPIRO: Before. I think before. She was president when I was there, which was from 1946 to 1950, so that was after she had headed the WAVES. She was really a wonderful person.

MS. FEIGIN: You said when you were young you thought you would be a librarian. When you were at Wellesley, was that still your goal?

MS. SHAPIRO: I guess. I just was going to college because that's what one did, and it was fun. I enjoyed the classes. But come senior year, I realized, as did a lot of others of us, I had no marketable skills. I didn't want more education; I wanted a job. So what the heck am I going to do? The summer before my senior year I spent trying to learn how to take shorthand, and I couldn't do it. I just couldn't do it. I had some typing. I typed most of my papers, but my typing was so rotten that once, when for some reason, instead of typing the paper, I wrote it out in longhand, the teacher's comment was, "I

thought it was just that your typing was so bad, but it turns out you really don't know how to spell" [laughter]. So I guess at one point I thought, "Well sure I probably will be a secretary." But after that summer, I clearly was not going to be a secretary.

At that time, the federal government was giving a test designed for people like me who had a college education but no real marketable skills. The test was used to hire people for jobs not requiring specialized preexisting skills. What I ended up doing was being an interviewer for the Social Security Administration. I can take exams, and I did well enough on that exam to get a score that put me quite high on the resulting job register. But in 1950, veterans not only got their test scores jacked up 10 points or so, they got a hiring preference. The employer hiring off the register had to pick from the three applicants who had gotten the highest scores on the exam, and if there was a veteran in those three, he had to justify hiring one of the other two. So what that meant was that I wasn't likely to get a job in a big city. By that time I was ready to do something other than studying. I was 21 years old and had done nothing except go to school. Time to get out into the real world, but I wasn't quite ready. Anyway, I wanted to go home, so I went home. But I didn't really want to stay at home. A friend of mine was working in Oakland, so I went up and stayed with her for a while while I looked for a job in Northern California.

There must have been some kind of a brochure or something that told you where the federal jobs were that were hiring off the register.

There was a job opening for a Claims Examiner for the Social Security Administration up in Santa Rosa, California, which is in Sonoma County. It's now a fairly big town, but then it was just the seat of an agricultural county. I went up and applied, and I got that job, which was great. This was a small town, which I had never lived in before. That was kind of nice. That's where my two years between college and law school were spent.

MS. FEIGIN: What exactly did you do?

MS. SHAPIRO: I interviewed applicants for Social Security benefits, collecting the information from applicants to determine their eligibility for Social Security benefits. The Claims Examiner made the initial determination of eligibility. The file was then sent to Baltimore where it was reviewed and a final eligibility determination made. The same procedure was followed in determining whether a retiree lost his benefits because he was working. A self-employed retiree can make a certain amount of money a year and still get benefits. But if you're an employee, then you can only make a certain amount of money a month without losing benefits. So if you work sporadically, you're better off if you're self-employed.

There were quite a few retirees working sporadically as handymen. For them, the line between being self-employed or working as an employee of the person using their services was often really indistinct. In those cases, you conducted a careful interview, marshaled the facts, compared them with the criteria established for distinguishing between

self-employment and employee status, and made the initial determination (with a slight bias toward self-employment). You then wrote a report to Baltimore explaining your decision and waited for Baltimore's decision. This process of collecting the facts, analyzing them and justifying my decision was the best part of my job.

The other thing that made me think maybe I could be a lawyer was working with Ruth Bates. She was a lawyer in Santa Rosa, and I worked with her to set up a League of Women Voters in Santa Rosa which hadn't had one before. And I decided if Ruth can do it, I can do it. And Ruth promised that when I got out of law school, I could come and work with her. I think she had a hard life, and I would have been rotten at it. She belonged to all the organizations in town, and she was always beating the bushes to get contacts to get work. Being a small town lawyer is the furthest away from what I would have been good at. Joining all these clubs and making contacts. Argh!

MS. FEIGIN: Harriet, you're very self-effacing. I want to go back for a minute. In your college years, though you described it rather blithely, I know you did really well, and I know you were Phi Beta Kappa.

MS. SHAPIRO: I like to study, and I know how to take exams. That's what I do. I kind of dominated poor Joanne, my roommate, I think. She struggled. She really had a hard time academically. I didn't have a hard time. As I look back, I wish I had been nicer to her, although we remained friends until she died not too long ago; we really were friends. She came to college as a devout

Catholic, and I think I had something of a hand in her losing her religion [laughter].

MS. FEIGIN: Your academic and your professional arc is extraordinary, and we need to establish how it got to be such.

MS. SHAPIRO: It's serendipity. It's all serendipity. It really is. I got to law school just as the barriers to women were starting to crumble. It's serendipity, but it's being prepared when the chance comes. Of course you have to be prepared for the chance.

MS. FEIGIN: Here you were in Northern California. Where did you live?

MS. SHAPIRO: Oakland wasn't within commuting distance, so I moved up to Santa Rosa and got a room in a house belonging to an elderly couple who really kind of adopted me because I obviously needed somebody to do so [laughter]. My job was a very good job. There were two other interviewers and then there was a field representative who went out and took interviews. He was on the road most of the time within the service area. Those were the first men outside the family about whom I really felt, "Oh, they're humans, they're just like us, sort of" [laughter], but that was the first time, as part of my maturing process, that I got comfortable with the opposite sex. As a matter of fact, one of them drove me down to San Francisco to take the LSAT when I decided I would like to go to law school. We were buddies.

MS. FEIGIN: You said it was kind of expected that by the time you graduated college you'd be married, and you weren't.

MS. SHAPIRO: No, and there wasn't anybody on the horizon.

MS. FEIGIN: Was that worrisome?

MS. SHAPIRO: Sort of. Slightly. It certainly worried Joanne.

MS. FEIGIN: She wasn't married either by graduation?

MS. SHAPIRO: No, but she had a boyfriend, I guess he was a Harvard man. Before she went out on a date, I think all week long, she kept a little notebook, and she would write down topics of conversation [laughter]. I thought that was a little odd. She worried very much that I didn't date. "This is all right now but what is going to happen to you?" [Laughter]. She didn't marry her college boyfriend. Instead, she married someone from her hometown a couple of years after we graduated.

MS. FEIGIN: What did your parents think of your taking the LSAT?

MS. SHAPIRO: I don't know that I consulted them. I didn't consult them. I'm sure it was fine with them. It never occurred to me that it wouldn't be. I do remember Mother warning me not to be disappointed if I didn't get into Columbia. So that's basically the two years between college and law school. But the pause was very useful. When I got out of college, I was not ready to go on to graduate school. "No, I don't want to do that." And law school wasn't on the horizon. I didn't want to be a doctor, for heaven's sake. I was through. I had had enough of education. I wanted to get out and be in the "real world," and it was the right choice too. I'm sure that that two years working for the Social Security Administration was important in my development. The notion that (a) law school was a possibility, and (b) the things that I liked about the job fit with what law

school would be about – that kind of came to my mind at that point.

When I went to law school, I didn't expect to be such a grind as I turned out to be [laughter].

MS. FEIGIN: Law school is probably a huge topic that we should save and do next week. So unless there's anything else you want to add about these early years?

MS. SHAPIRO: No, I don't think so. I think we've covered them in exhaustive detail.

MS. FEIGIN: Okay, then next week we will start with law school.

Thank you so much.

MS. SHAPIRO: You're very welcome.

**ORAL HISTORY OF HARRIET SHAPIRO**  
**Third Interview**  
**April 4, 2012**

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

MS. FEIGIN: Good morning, Harriet.

MS. SHAPIRO: Good morning, Judy.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MS. FEIGIN: What is Ladies Day?

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

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

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

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

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

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

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

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

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

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

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

MS. FEIGIN: Were the professors mostly white males?

MS. SHAPIRO: Oh yes.

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

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

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

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

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

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

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

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

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

MS. FEIGIN: Why?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MS. SHAPIRO: No. Not at all.

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

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

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

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

MS. FEIGIN: What was his position then?

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

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

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

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

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

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

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

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

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

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

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

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

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

MS. SHAPIRO: Oh yes.

MS. FEIGIN: What was that like?

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

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

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

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

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

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

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

MS. FEIGIN: "We" being?

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

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

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

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

MS. FEIGIN: What did she say?

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

MS. FEIGIN: Where was this luncheon?

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

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

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

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

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

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

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

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

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

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

MS. SHAPIRO: Yes, I guess.

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

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

My Dear Miss Shapiro:

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

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

All of which is respectfully submitted,  
Felix Frankfurter.

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

Do they still do that?

MS. FEIGIN: You mean have Cranch?

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

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

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

MS. FEIGIN: All editors of law reviews?

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

MS. FEIGIN: Yes.

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

MS. FEIGIN: Did you respond to him?

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

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

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

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

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

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

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

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

MS. FEIGIN: Interesting.

MS. SHAPIRO: It was kind of interesting.

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

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

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

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

MS. FEIGIN: Where did married students live?

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

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

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

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

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

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

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

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

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

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

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

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

MS. SHAPIRO: Okay.

MS. FEIGIN: Thank you so much.

MS. SHAPIRO: You are very welcome.

**ORAL HISTORY OF HARRIET SHAPIRO**  
**Fourth Interview**  
**May 23, 2012**

This interview is being conducted on behalf of the Oral History Project of the Historical Society of the District of Columbia Circuit. The interviewer is Judy Feigin, Esquire, and the interviewee is Harriet Shapiro, Esquire. The interview took place at Harriet's apartment in Rockville, Maryland, on Wednesday, May 23, 2012. This is the fourth interview.

MS. FEIGIN: Good morning, Harriet.

MS. SHAPIRO: Good morning, Judy.

MS. FEIGIN: When we left you, you were in law school and you'd met Howie, and we know you married. Tell us a little about that and how you juggled it all.

MS. SHAPIRO: We decided to get married, and Howie wrote a really sweet letter to my parents, which I have a copy of, and got a wonderful letter back from my father. I had told them, "He knows everything and he's interested in everything," and Mother said, "Does he like fishing?" [laughter] That was a rather peculiar question, but the answer was "no" [laughter]. He's a Chicago boy, he doesn't do fishing.

MS. FEIGIN: Did your family?

MS. SHAPIRO: No [laughter]. So, we went to Jack Weinstein – he taught Evidence, and he was somebody that we thought would know a judge who would marry us, and in fact he did.

MS. FEIGIN: Jack Weinstein who went on to become a renowned district court judge in the Eastern District of New York?

MS. SHAPIRO: Right. Black Jack. We said we wanted to get married. Howie was absolutely adamantly opposed to any kind of a formal wedding ceremony.

I said I thought it would be kind of neat to have him stamp on a glass. No, that was not going to happen.

MS. FEIGIN: We should say that's a Jewish custom, and I assume Howie is Jewish?

MS. SHAPIRO: Yes, Howie is Jewish, but completely secular. If he had been religious, it would have been a real problem. But anyway, we wanted to get married by a judge, so we went and asked Professor Weinstein who we should go to, and he recommended a New York Supreme Court judge named Henry Clay Greenberg. We got in touch with Judge Henry Clay Greenberg, and he said sure, he would do it. So we went down. 'Becca and Donald Lancefield, who I talked about before, came down to be witnesses, and the judge said the important words, and we said the important words. I wish I could redo what came next because then he said, "Would you like to come to lunch with me?" We thought this was not an invitation exactly, it was kind of a command performance, so we sent 'Becca and Donald off, which we really should not have done. That was bad. But anyway, we had lunch with him, and then went off on our honeymoon. We were married on Friday, June 25. I had just started as editor-in-chief, and we were working on the first issue.

MS. FEIGIN: What year was this?

MS. SHAPIRO: 1954. So, I didn't have any time off. Howie didn't have any time off either. He was working as a summer associate for RCA in the general counsel's office. So we took the weekend off and we went up to Woods Hole, and Howie remembers with great pleasure the fact that we

ran into some old family friends downtown in Woods Hole, and I introduced him as Mr. Shapiro. He thought that was a little odd [laughter]. I guess it was a little odd. Anyway, we came back Sunday night and I went back to struggling along on the Review and Howie went back to work.

MS. FEIGIN: Let me just ask one question before we get past that weekend. When you say he wrote to your parents, was that an old-fashioned letter asking for your hand?

MS. SHAPIRO: Not exactly. Asking for their approval, I guess, but no, it was we have decided, we have thought about it carefully, and we're responsible adults, and we're going to do this.

MS. FEIGIN: Had your parents ever met him?

MS. SHAPIRO: Father had. Mother had not. Father was on some kind of a lecture thing for Sigma Psi. They have distinguished scholars give lectures at various universities, and he was doing that in 1953 so he was nearby. He came to New York, and I met him. Howie was going to come and join us, and Howie didn't turn up, and he didn't turn up, and he didn't turn up. Then he came, and he thought I had asked him to get a first day cover of a stamp. I don't know why he thought that [laughter], but he had been waiting in line to get the first day cover. So when he turned up, he had the first day cover [laughter]. They hit it off. Obviously they both had a common interest (me). They really did hit it off.

I think Mother was perhaps a little bit troubled by the fact that

Howie was Jewish, although for me it would have been an awful lot more trouble if he had been Christian because I had been so indoctrinated against Christianity. But ethnically and culturally, he's Jewish. His full name is Howard Eliot Shapiro, and 'Becca suggested that maybe it would be a good idea if he dropped his last name. Howie would absolutely not do that. He's Jewish, and he's proud of it. And it hasn't been a problem at all, except (when the kids were little) for Christmas [laughter]. But anyway, Mother hadn't met him. But his Jewishness wasn't the real problem with Mother. Mother's problem, it's peculiar really, was that she never thought any of her children's spouses were worthy of us. And what's peculiar about it is that I think we were all kind of surprised at that reaction – when we were kids, we knew she loved us because we were her children but that she would think people wouldn't be worthy of us, for heaven sakes! But enough of this.

We came back from our honeymoon, and I moved into the apartment instead of his former roommate, Leonard Sims. I don't know how we managed. We managed, of course. I thought I knew how to cook [laughter], but I did not. I knew how to make mayonnaise [laughter]. I learned how to make hamburger.

MS. FEIGIN: Did he cook?

MS. SHAPIRO: Howie? No [laughter]. He can when I go away. Particularly when the kids were little on the rare occasions when I would go away, he would cook for them. But that's not something that he enjoys doing. Neither do

I, particularly. I can put together a meal, but I'm not a fancy cook, and I don't particularly enjoy it. I don't mind it. I don't like planning for it and getting the stuff in the house. Before we moved here, the planning and cooking had to be done every darn day. It got a little tiresome. Other than the cooking, I don't know that life was that much more difficult than when I was single. Howie certainly was very supportive and always has been. We just did it.

During that time, Howie found his Uncle Herman. His father's younger brother was a very interesting character. He joined the Jewish Legion that was supposed to be helping the British drive the Turks out of Israel. I'm not exactly sure about the history of all of this, but at some point, the British were using the Jewish Legion to fight the Russians. Herman, who was a Socialist, decided that he didn't sign up for that, and he wasn't going to do that, so he deserted. He was a stowaway on a French boat that took him across the Black Sea. He eventually made his way to Europe and then to Mexico, learning French and Spanish on the way. Howie is very good at languages, and perhaps that's genetic because evidently Uncle Herman was too. And then Herman's mother got him into this country.

Howie doesn't know what happened, but there was some kind of a breakup in the family, and Herman went to New York. What Howie knew was that Herman was teaching Spanish in the New York school system. Howie is a great researcher. He found there was no Herman Shapiro in

the New York school system, so he figured Herman changed his name. So he looked for variations of Herman's Jewish name in the school records and Howie found him that way. Fortunately, Uncle Herman was really pleased to be found. He was living in New York in a rent-controlled apartment. He was a funny little man, he really was. With his wife, Sunia, he kind of took us under his wing. When we moved down here, Herman, who had a car in New York for reasons that aren't quite clear to me, drove us and what little stuff we had down here. We had come down beforehand to look for a furnished apartment, and we found a place right next to the zoo in Mt. Pleasant, which wasn't a particularly lovely neighborhood then, but it wasn't dangerous. It was on the third floor of an old row house. Uncle Herman and Sunia stayed the night. Herman said he had a terrible time sleeping because it was so quiet outside. He couldn't bear the silence [laughter].

We took the standard D.C. bar exam review course with Mr. Nacrelli and took the bar exam, all during a very hot June without air conditioning. Howie was convinced that he had only barely sneaked through, and I was convinced that I had done very well. As usual for us, before the exam, I worried like anything about it, and after the exam, Howie worried like anything about it [laughter]. But we both passed.

MS. FEIGIN: You came down because he had a position in the Honors Program at Justice, right? Did you have a job lined up?

MS. SHAPIRO: Yes. I had a job lined up with the Atomic Energy Commission, but I couldn't start work until I got my security clearance, which took a couple of months. Howie started work at the Justice Department even before passing the bar.

MS. FEIGIN: Anything particular about graduation from Columbia?

MS. SHAPIRO: I went back up to New York for our graduation. Howie didn't go because we couldn't afford it. He was a GS-5, and he didn't get paid until July I think. But I went back up to receive the Jane Marks Murphy prize, which at that time was for the top woman in the class. It was established in honor of Ms. Murphy, a Columbia Law School graduate, by her widower. I think it was just based on grades. Now the prize is not gender-specific. I don't remember much about graduation.

MS. FEIGIN: So all your possessions, Howie's uncle and aunt, and you and Howie all fit into one car?

MS. SHAPIRO: Oh yes, easily [laughter]. I think that was when Howie started saying, as he has said at every move since, "When I was in the Army, I could put all my possessions in a duffle bag, and what are we doing with all this stuff?" [laughter].

MS. FEIGIN: I'd like to know a little bit about what it was like looking for a job. How did you go about doing it? Did they come to law school? Who did you interview with? What was it like?

MS. SHAPIRO: We decided we wanted to work in D.C., not New York. Howie got into the Department of Justice Honors Program. I didn't apply for it. I don't

know why I didn't apply for it, but I didn't. Recruiters for the federal government did come to the law school. The recruiter for the Atomic Energy Commission was Jimmy Morrison, a lawyer from the Commission's General Counsel's office. He was enthusiastic about the work in that office and persuaded me that it would be interesting to work at a new agency where fundamental issues were being decided. It was.

MS. FEIGIN: When was the agency founded?

MS. SHAPIRO: It was created by the Atomic Energy Act of 1954. Though I didn't interview for any other jobs, I had a couple of personal problems. One, Father, being a geneticist, was fighting with Strauss, who was the chairman of the AEC at that time and Father believed was so ignorant that he didn't even know how to pronounce his own name (he pronounced it Straws) [laughter]. Strauss maintained that a little radiation posed no health threat; basically that fears of radiation were exaggerated. Father, knowing that x-rays were one of the standard ways of inducing mutations in experimental animals, disagreed. He was convinced that even low doses of radiation were harmful. Such doses would not be fatal, but they should be avoided. He wouldn't let us use those machines they used to have where you could see your feet in your shoes, and he believed that you shouldn't get your teeth x-rayed unless there's some real reason to do it. Even before the full health effects of non-lethal radiation exposure were recognized, Father was convinced that the Atomic Energy Commission was not being straight. He believed they should have known

of the potential dangers, so their public reassurances were either due to ignorance or intent to deceive.

Since Father was in this ongoing fight with the AEC, before I accepted the job, I called him and said, “Would you have a problem with this?” And he said no, he wouldn’t. After all, this was me and this was my life.

MS. FEIGIN: Maybe he thought you would straighten them out [laughter].

MS. SHAPIRO: I don’t think so [laughter]. His reaction was typical of his conviction that his children should make their own life choices.

My problem was, I guess I told you about Hope, her run-in with the U.N., and I told Jimmy Morrison that I was kind of afraid that that might mean that I couldn’t get cleared. He said that the FBI collected the information and passed it on to the agency for decision regarding whether to grant the clearance. He said that the people making the security decisions at the AEC were more reasonable than at agencies where security wasn’t as important, so he didn’t think it would be a problem. I’m not entirely sure they ever found out about my relation to Hope. The AEC security people only asked me about one thing: Father had written, I don’t know how many letters or whether just one letter, to the House Un-American Activities Committee during the McCarthy Era objecting to their activities. So the AEC security people asked me what Father’s views on Communism were. I told them he had told me once that, despite their very different theoretical differences, in practice, there was very little

difference between fascism and communism. So anyway, they decided that Father's letter didn't make me a security risk.

MS. FEIGIN: Was the AEC the only place you considered? Did you interview other places?

MS. SHAPIRO: I interviewed with Hogan & Hartson, and they sent me a letter.

MS. FEIGIN: A D.C. law firm.

MS. SHAPIRO: Yes. They sent me a letter saying that they had decided to hire, I don't remember who it was, but it was a law professor. They had one spot and they had given it to somebody more qualified.

MS. FEIGIN: Did you have any sense at the time, obviously your academic credentials were stellar, but that being a woman was a factor in any of the interview processes?

MS. SHAPIRO: I didn't really. Wechsler recommended me to Justice Clark, and he interviewed but didn't hire me. Howie is convinced it was because I was a woman. I don't think so.

MS. FEIGIN: How about in the law firm interview?

MS. SHAPIRO: No. I don't think so. I didn't have any sense of that at all. Obviously, the professor they hired was more qualified than me. I told you, didn't I, about George Washington, only it wasn't George Washington, it was Judge Washington. After we came down here, I got this call. I thought he said, "This is George Washington," and Howie says it must have been Judge Washington, and I think he is right, but fortunately I didn't say, "And I'm Martha" [laughter]. But anyway, the person he wanted to hire

for his clerk had dropped out and he said would I be interested, and I said, “Well, yes, I would be very interested but let me check with the AEC first because I have accepted a job with them and they are in the process of clearing me.” I checked with them, and they said no they really wouldn’t be willing to release me from my commitment to them.

MS. FEIGIN: What kind of judge was he, federal?

MS. SHAPIRO: Yes, a federal district judge. But he’s not George Washington, he’s Judge Washington.

MS. FEIGIN: Could be both. Could be Judge George Washington.

MS. SHAPIRO: No [laughter]. Howie told me what his name was but I forgot.

MS. FEIGIN: You don’t sound at all bitter about that experience.

MS. SHAPIRO: No. It seemed to me entire reasonable. The AEC had already put a substantial amount of time and money into the clearance process. They needed me, so okay. I had told them I would do it.

MS. FEIGIN: I’m sure in part because your record was so great you had no problem, but there were twenty women in your class. Did you have the sense other women were having problems?

MS. SHAPIRO: The only sense that I got was from a woman in the year after us. She was a second-year student when we were third-year students. I think she must have been looking for a summer job after her second year, so I was on my way out. She went down and interviewed with one of the New York white-shoe firms, and they asked her what her typing speed was, and she was devastated, so I was kind of patting her head. That’s the only time I

came across overt sex discrimination. I find it hard to understand how Justice O'Connor had such a hard time – I mean she was the top of her class at Stanford and apparently had an awful time getting a job. Perhaps that was the West Coast, which strikes me as a little peculiar, but I mean that was after my job-hunting experiences. I just never faced that. Of course, my job search was largely limited to the government, not private practice. I told you that there were a few remarks made in law school, and this constant question of what are you doing in law school, but I never felt real discrimination either in law school or after. The only other time that I kind of got that impression was when I was telling the people in the military that I was not recommending a case for the Supreme Court or that I was not about to do what they wanted me to do.

MS. FEIGIN: This is when you were in the SG's office?

MS. SHAPIRO: Yes. And I kind of got from them every once in a while a feeling of what does a mere woman know about military stuff. It was never explicit, and it was never a problem because I was telling them and they were listening, but they didn't like it. Nobody liked to be told no, but that's the only time I felt that kind of resentment. Of course there was the secretary in the SG's office who wouldn't work for a woman. But again, so what?

MS. FEIGIN: The secretary said, "I won't," and that was okay?

MS. SHAPIRO: They got me another secretary, and she worked for one of the men in the office. I didn't want her working for me if she had a problem with it, for

heaven sakes. But I never had any real feeling that life was tough because I was a woman.

MS. FEIGIN: Before we get to what life was like at the AEC, here we are in 1955. What was D.C. like?

MS. SHAPIRO: Well, I guess it was a small town. We didn't have a car. We were in Mt. Pleasant, and there's a hill. My geography is terrible, but on the 4<sup>th</sup> of July, we used to go down and sit on the hill. Was it in Meridian Park? Could have been. We watched the fireworks on the Mall. We got a good view of the fireworks from there.

We didn't go out to eat much. We decided we couldn't afford butter, so we didn't get butter. We couldn't afford coffee, so we had tea. Once we went out to the Hot Shoppes nearby and didn't have enough money to pay for it [laughter], so Howie left me as security and went home and borrowed some money from the landlord who was on the first floor [laughter]. We were poor, but we knew it was temporary.

MS. FEIGIN: When you say you didn't have a car, we should say for people who won't know this, D.C. didn't have a metro system then.

MS. SHAPIRO: No, but D.C. had a trolley, and we used the trolley. The trolley would take us from where we were in Mt. Pleasant down to Federal Triangle.

MS. FEIGIN: D.C. must have been quite segregated.

MS. SHAPIRO: Yes, it was. Mt. Pleasant, I guess now it's mostly Hispanic and black, but in those days, it certainly was not a wealthy neighborhood, but it was mostly white, I think, as far as I remember. We didn't have air

conditioning. Howie went to work before he passed the bar. He went to work in June, right after we took the bar exam. He wasn't working when we took the exam. Right after we took the bar exam, he started working at Justice as a law clerk, as a GS-5, and I was still waiting around to get cleared. When Howie went off to work, I would go down to the National Gallery of Art and sit in their air conditioned waiting room and write letters or read or whatever just to enjoy the air conditioning [laughter]. And then when he left work, we would come home together. It worked out just fine. It was kind of a small town. Although it was segregated, I wasn't particularly aware of it.

MS. FEIGIN: Weren't some of the stores, lunch counters, drugstores segregated?

MS. SHAPIRO: Probably, but I wasn't particularly aware of what was going on. Later, when I was working for the AEC in Germantown, one of the people in our small group of four friends was black. One of the places that people went for lunch was supposed to be segregated. So the four of us went to this place for lunch, ready and waiting to be outraged, but it was fine. Nobody said anything, and we were served without incident. But that's all I really remember about the segregation stuff. It makes me sound very kind of out of it, but it really didn't impact. I didn't run up against it. I was busy with what I was busy with without really being particularly conscious of what was going on around me.

MS. FEIGIN: Did it feel like a Southern town?

MS. SHAPIRO: No. Well, it clearly wasn't as cosmopolitan as New York. The restaurants had no idea what bagels were [laughter]. One of my favorite stories which is later than this actually, it was after we moved to Bethesda. A friend of mine came to town on a visit and while my older son was taking his drum lesson, we wanted to find a place where we could sit and have a coffee, just sit and talk. There wasn't any place in Bethesda where you could do that. Not one place.

MS. FEIGIN: And now there are thousands.

MS. SHAPIRO: Thousands. Yes. Absolutely. And that's the other story. Howie went to work, as I say, and I was sitting at home. He was in the Honors Program, and there was I think one woman in the Honors Program, Helen Buckley, and she said she couldn't quite figure out this guy with a wedding ring. He kept standing next to her, making conversation, and what was this all about. And finally Howie said to her, "Would you come home and meet my wife?" [laughter]. Howie had figured that I needed a friend.

MS. FEIGIN: That's sweet.

MS. SHAPIRO: Yes, it was sweet. And it worked. We got together once a week in the evening and sewed. She lived up in a slightly better neighborhood than we did. And we've been friends ever since. She likes to remember, and I like to remember, that Howie brought her home to me.

MS. FEIGIN: And last thing before we get to the AEC, just because you said he was in the Honors Program at the Justice Department, any early DOJ stuff that we should recount?

MS. SHAPIRO: He started out in the Civil General Lit Section and went from there to Civil Appellate, and then he went to Antitrust, and he ended up as Chief of the Appellate Section in Antitrust, and the benefit of that for me was that I never had to work on any antitrust stuff. I find it incredibly boring [laughter].

MS. FEIGIN: Was Justice a very different place in the 1950s?

MS. SHAPIRO: I don't know. I do know from talking to Alan [Rosenthal] that Civil Appellate had a much smaller staff. Outside the government, Jews had a fairly hard time. They were discriminated against in law firms — or I guess there were Jewish law firms and non-Jewish law firms — so what happened was that the Justice Department got these incredibly good lawyers. Oscar Davis, for instance. He was absolutely my hero.

MS. FEIGIN: Why was he your hero?

MS. SHAPIRO: I guess I must have told you, he was the First Deputy in the Solicitor General's office.

MS. FEIGIN: You met with him when you came to D.C. in law school.

MS. SHAPIRO: Right. He sat us down and talked with us. That was the first time I met him or knew anything about him. He was a wonderful man. Not only incredibly bright, but really just a great man.

MS. FEIGIN: Did you get to know him?

MS. SHAPIRO: A little bit, yes. He left before I came to the Justice Department, of course. The other person that was there who was also one of my heroes was Bea Rosenberg who was in the Criminal Division. Oscar Davis and

Bea Rosenberg were really good friends. Those are the two that come to mind automatically, but there was a whole cadre of top-notch Jewish lawyers in Justice, just because that was where they could get an interesting job. And I think that perhaps to a somewhat lesser extent, that was also true of women, perhaps somewhat later. You got these really good women because they were accepted on an equal basis, and if they were competing on an equal basis, they got the job.

MS. FEIGIN: So at some point your clearance came through. How long did that take?

MS. SHAPIRO: I don't remember exactly. Some time in the late summer.

MS. FEIGIN: What was it like to be at a new agency? What position did you have?

MS. SHAPIRO: Interesting. The lawyers in the General Counsel's Office were assigned to particular divisions. I was a junior lawyer assigned to the Civilian Applications Division working under Bob Lowenstein, the senior lawyer for that Division.

MS. FEIGIN: What did that work involve?

MS. SHAPIRO: The Division of Civilian Applications was developing standards for the licensing of nuclear reactors. There were lots of regulations to be written, particularly safety regulations. We worked closely with the technical people in developing those regulations.

MS. FEIGIN: You had no background in any of this, I suppose, right?

MS. SHAPIRO: None.

MS. FEIGIN: So you just immersed yourself or became immersed?

MS. SHAPIRO: Yes, I did. What I found fairly quickly was that some of these experts could explain things, and some of them just couldn't talk in English [laughter]. It's true of my son, the computer expert. He can't speak English. I cannot understand any of the technical problems that excite him. He tries to explain them, and he just can't. That's the number one son. The number two son is pretty good at explaining the technical details of his job. Anyway, at the AEC I found somebody who could talk in ways that I could understand, and he kind of gave me some lessons.

MS. FEIGIN: Was there a sense of mission in this new field? What was it like?

MS. SHAPIRO: Oh yes, there was. Certainly there was the notion that atomic energy was the wave of the future, and one of the things the technical people were working on very hard, and they were always just on the point of finding, was commercially useful fusion energy because it would not involve the risks of splitting the atom. Instead, you would be getting energy out of basically water. This was what was always just down the road and almost, almost, we're getting there, but it hasn't happened yet.

MS. FEIGIN: What about things like the Rosenberg trial?

MS. SHAPIRO: That was before I came to the AEC. We published a controversial note in the Law Review. Howie always said that the note should have started, "Sss boom bah! went the atomic bomb" [laughter]. After criticizing several aspects of the trial, we concluded, as I remember it, that the Rosenbergs were innocent, but her brother was guilty. There was a whole big uproar when the Law School administration learned of our proposed

note. Dean Warren, the dean of the Law School, called me into his office and explained carefully to me that we really ought to back off on this because it would upset the alumni and interfere with the Law School's fundraising.

MS. FEIGIN: So did you back off?

MS. SHAPIRO: No. Of course not. We believed fiercely that one of the missions of the Law Review was to shake things up [laughter]. We were kind of young Turks. We certainly weren't going to take any directions from the administration; we were independent [laughter].

MS. FEIGIN: I can't imagine what it would be like at the dawn of a new field, writing the rules that are going to govern it for all time you think.

MS. SHAPIRO: It was fun. I did enjoy it, but I don't really remember having this feeling of being a pathfinder. The only time I really got that feeling of "my god, it's just me doing this," was in the SG's office, when I was writing a memo, an appeal recommendation on a First Amendment case, and I realized that what I thought about the First Amendment really mattered! Oh, how can that be? And that's the only time I really remember feeling, "wow." Otherwise, you did your job.

MS. FEIGIN: How long were you there?

MS. SHAPIRO: I was at the AEC from the fall of 1955 until the agency headquarters moved out to Germantown, Maryland, which I think was in 1957. I didn't want to drive all the way out there.

MS. FEIGIN: You were still living in Mt. Pleasant?

MS. SHAPIRO: Either there, or in an unfurnished apartment near Catholic University, to which we moved at about that same time. Charles was born in 1958, and we were in the apartment. Anyway, I decided I wasn't going to go all the way out to Germantown, so I went to the Justice Department in the Office of Legal Counsel.

MS. FEIGIN: This was after the baby was born?

MS. SHAPIRO: No, before. And I was there for about a year until Charles was born. Then like a good 1950s mother, I believed that when you have a child, you stay home with that child.

MS. FEIGIN: Was that an issue for you?

MS. SHAPIRO: No. There was no question in my mind; it was simply a given – of course my job was now to be a stay-at-home mother. So I stayed home, and it was okay. I sort of missed my job, but I was a new mother so that was fine. Then the second child came [laughter]. I dearly love my children, I really do love my children, but Charles was born in February 1958, Alfred was born in March of 1960, so they are basically two years apart. Staying home with the children was still reasonably doable until Alfred got on his feet, and this poor kid, he was just kind of toddling around, and he would interfere with something that Charles was doing, and Charles, being about 3 or 4 years old, would whop him. I spent the whole darn day trying to persuade Charles that it was not all right to hit your brother [laughter]. It was a struggle, it was a real struggle. And then Howie would come home, and I would be just dying for adult conversation, and Howie had had a

hard day at work. He was tired of talking; he wasn't dying for adult conversation. It was a struggle. It was a real struggle, until finally we both decided that it really wasn't doing the kids any particular good to have me tear my hair out.

About that time, a friend who worked at the NIH told me that the NIH wanted a compilation of state laws regarding property rights in dead bodies. It was important for NIH to get body parts fresh, really fresh, so they needed to know who had the authority to authorize the taking of parts from a cadaver. That right was governed, of course, by state law, and so they wanted a compilation of state laws regarding property rights in dead bodies. That was a perfect project for me. We had moved up to Glenbrook Village, which is right below Naval Medical and close to NIH, when Charles was a year old. So I went over to the library for a few hours a week. This was enough to give me a chance to use my head and to work without the interruptions of caring for two young and very active children.

MS. FEIGIN: Let's pick up on the part-time work for a second. Was that an unusual thing, to be able to work part-time?

MS. SHAPIRO: I was like a contractor employee. I think they were paying for the product rather than the hours, although I really don't remember what the financial arrangement was. Working part-time wasn't a problem. NIH wanted a specific product, and I wasn't looking for a permanent position. It could have been a problem when I went back to the AEC, but that's another story. I started the NIH project in the summer, so at first I had a babysitter

who was a high school student on vacation, with her mother as an unofficial backup. The following fall was the first time I hired an adult to stay with the kids. I went to the state employment office, and the first person I hired was awful. It's hard interviewing somebody and trying to figure out is this somebody you want to leave your kids with. I was just right down the street, but still.

MS. FEIGIN: It's a big responsibility.

MS. SHAPIRO: It's a big responsibility, and it's a big delegation that you're making. I guess probably by that time Alfred must have been about three, and Charles was two years older. With my first child, I didn't realize that you had to make arrangements for pre-kindergarten early on, so by the time I woke up to the fact that Charles was about to be ready to go to pre-kindergarten, there weren't many options. Fortunately, there was still a place at Green Acres School, so we sent him there. Do you know Green Acres?

MS. FEIGIN: I know of it.

MS. SHAPIRO: It was then, and I think it probably still is, quite a progressive place. Their basic philosophy was that the students were delicate little blossoms that had to be cherished, which was fine, especially in pre-kindergarten. Charles really enjoyed going to school, and the bus came and picked him up at the door and dropped him off after school, while I was busily checking all the state laws and cases on disposing of dead bodies.

MS. FEIGIN: We should say again for people down the road that there was no Lexis or anything like that in those days, so this research was a major project. It wasn't just pushing a button.

MS. SHAPIRO: No, no. The way I learned to do research was that you get a book down from the shelf and you read the case. That's the way I know how to do research. There were some wonderful old cases. One of the standard ways that this issue came up was when descendants were fighting over which cemetery the body should be put in. Many states had statutes that are relevant, but a lot of them didn't. Anyway, I kept at it. I did it.

MS. FEIGIN: It sounds like you found it interesting.

MS. SHAPIRO: Oh, I did find it fascinating, not simply because I could sit quietly and do what I was supposed to be doing, using my head [laughter]. Then, as I finished that project, Bob Lowenstein, with whom I had worked at the AEC, called me up and said, "I understand you're working part-time, how about coming back and working at the AEC part-time?" By that time, of course, we were halfway out to Germantown because instead of being in downtown Washington, we were in Bethesda.

MS. FEIGIN: Halfway toward the new location?

MS. SHAPIRO: Yes. And I guess we must have had two cars by then. Anyway, I said sure, I would be interested. It was unusual then for women to be working part-time, but by a piece of dumb luck, the wife of the General Counsel of the AEC at that time was a doctor who worked part-time, so he was perfectly comfortable with that idea

MS. FEIGIN: What does part-time mean? How much did you work?

MS. SHAPIRO: My schedule was complicated, but it worked out to two full work days a week, two part-time work days when I picked the boys up from school, and one day a week, Friday, when I didn't go to work. It worked out to a little more than three days a week. By that time, both of the boys were at Green Acres, and we were in a morning carpool. They still took the school bus home. The way it worked was that I worked mornings when they were in school, and then two days a week I picked them up from school, one day a week they went home on the bus, and one day, Friday, I didn't work. So Friday mornings were my time to catch up on everything more easily done without the distraction of the children, mainly grocery shopping, and other errands.

MS. FEIGIN: When you went to the AEC, this was as an employee, not as a contractor?

MS. SHAPIRO: Yes. A part-time employee. Actually, at first Alfred was still too young for full-day school. By that time, we had a good caretaker for the boys who was there when I wasn't. Alfred would wake up in the morning and know by whether I had on my "staying clothes" or "going clothes," when it was Friday. On Friday, he would say, "What are we going to do today that's special and fun?" [laughter]. Sometimes I could get away with going to the food store being special and fun, but not very often. I think we went bowling sometimes, but it was usually just something we did together.

MS. FEIGIN: Were you a groundbreaker? Were you the first person in the agency to do this?

MS. SHAPIRO: I don't know. Maybe.

MS. FEIGIN: Were there other women lawyers at the agency?

MS. SHAPIRO: Yes. One of them, Katy Shea, was in the group I hung out with. So was Bill Stewart, the black guy we desegregated the restaurant with. So there was at least one other woman. They weren't particularly common.

MS. FEIGIN: What were you doing this time at the AEC?

MS. SHAPIRO: This was the time that I was working with the Classification Division. We spent a lot of time trying to avoid overclassification, trying to be sure that only documents that actually merited it were classified and that they merited the classification given. Again, that involved the careful drafting of regulations. And certainly at this time everybody was still thinking fusion was just coming down the road. Then John Palfrey, from Columbia Law School, came down to be a commissioner at the AEC. Howie had had him at Columbia, I hadn't. He asked me to be his special assistant, and that was what I did for several years.

MS. FEIGIN: What did that involve?

MS. SHAPIRO: Doing whatever it took to keep him up to speed. He was one of two lawyer commissioners, so he was mainly interested in the legal issues. My job was to act as a filter for him, identifying issues that deserved his attention and making sure that he was on top of whatever legal issues there were, and providing help as requested. Commissioner Palfrey had two

secretaries, and I supervised them. I did once lose a top-secret document and that was big . . . .

MS. FEIGIN: Did it get found?

MS. SHAPIRO: No, I don't think so [laughter]. The top-secret documents periodically got destroyed when they were no longer needed. The destruction process was very complicated and required careful documentation of each top-secret paper destroyed. I was responsible for signing the document certifying destruction. The loss turned up in a regular top-secret document review shortly after we'd destroyed a number of top-secret documents. I'm convinced that what happened was that I just slipped up and didn't sign off on the certification document when that one got destroyed properly.

MS. FEIGIN: Was it a problem?

MS. SHAPIRO: Oh yes, it was a big problem. The security people came around, very upset. "What do you remember about the circumstances, what was this, and whoa, wow" [laughter]. They weren't very confrontational, at least they didn't accuse me of intentional wrongdoing.

MS. FEIGIN: Any repercussions for you?

MS. SHAPIRO: No, though the incident probably went into my personnel file. It was a top-secret document, but it wasn't anything the Russians would be particularly interested in as far as I could tell.

After several years in which, working part-time, I was Commissioner Palfrey's sole Special Assistant, he finally hired an

additional assistant, a scientist. From then on, he had two of us, but for a long time it was just me, and it worked.

MS. FEIGIN: Did you work on anything of note that you'd like to comment on?

MS. SHAPIRO: I don't think so.

MS. FEIGIN: How long did you stay there?

MS. SHAPIRO: I stayed until the end of Palfrey's term as commissioner. I don't know how long that term was, maybe five years, maybe seven. Then I went back to the General Counsel's office, and I was there for maybe two or three years, until I went to the SG's office. My father died while I was still at the AEC General Counsel's office.

MS. FEIGIN: We'll probably get to the SG's office the next time because that starts a whole new chapter, so let me just ask about your father's death. Was that unexpected?

MS. SHAPIRO: No. He had cancer. He was a smoker, but his death was really traumatic for me. As far as that goes, it's the only time that I have ever suffered the death of somebody who was really close. Until then, I hadn't realized that when somebody like that dies, a whole part of you dies. The part that was me in relation to my father is just gone. It felt like a glacier losing a large piece of itself. But no, it was not unexpected.

One very precious memory is when I went to California to take care of him. Mother had an undiagnosed ruptured appendix and Father was pretty clueless domestically. Our children were about 8 and 10 so Howie could manage at home. I just picked up and left for however long

it took for Mother to get home.

We had a wonderful time. My household chores were nothing compared to my usual schedule. Father's cancer was painful, but he was still fully functional. He was in a reminiscent mood so I learned a lot about his childhood. We were a great team at solving crossword puzzles. It was just a nice time, though it was the last time I saw my father. He was suffering, so it was a good thing that he finally managed to get out of it. My mother and younger brother were there. He died in the night, and they were there the night before. Helen Buckley was out there and had visited him. She called me and said, "You better get out here." So Bill and I were on our way out to California when he died. These things happen.

MS. FEIGIN: When we start next time we'll start with a happy period in your life and a really productive period of your life which is of course the SG's Office.

MS. SHAPIRO: I'm sure I'm going to have holes in my memory there.

MS. FEIGIN: We'll fill them in. You'll remember. Thank you so much, Harriet.

**ORAL HISTORY OF HARRIET SHAPIRO**  
**Fifth Interview**  
**June 14, 2012**

This interview is being conducted on behalf of the Oral History Project of the Historical Society of the District of Columbia Circuit. The interviewer is Judy Feigin, Esquire, and the interviewee is Harriet Shapiro, Esquire. The interview took place at Harriet's apartment in Rockville, Maryland, on Thursday, June 14, 2012. This is the fifth interview.

MS. FEIGIN: Good morning, Harriet.

MS. SHAPIRO: Good morning, Judy.

MS. FEIGIN: When we left, you were coming to the end of your time at the Atomic Energy Commission. Before we leave that, I want to ask you if there's anything you'd like to add about that era of your life.

MS. SHAPIRO: One of the things that I guess I didn't say before and may be of interest was that when I first went to work for them, I was dealing with classified stuff, and so rather than trying to figure out what I could and could not talk about with Howie, I just decided I wasn't going to talk about work at all. I would talk about the people, but nothing about what I was doing. And that's the way it's more or less been since.

MS. FEIGIN: Even at the SG's Office?

MS. SHAPIRO: I talked at home much more about my work at the SG's Office, particularly because for at least part of that time he was at the SG's Office too, but basically, my practice remained. Work is work, and home is home, and I didn't really mix the two much. There was plenty to talk about [laughter]. But the practice developed just because at the beginning I didn't want to have to try to figure out what was classified and what wasn't classified. It was so much easier to say okay, none of that.

MS. FEIGIN: So you spent ultimately how many years at AEC?

MS. SHAPIRO: I started when I graduated from law school in 1955, but then when the AEC moved out to Germantown, I went to the Department of Justice because it was closer and easier to get to. I was at the AEC either full time or part time from 1955 to 1972, with four or five years off when the children were small. In 1972, the whole family went to Europe for a summer vacation. When we came back, I started at the SG's Office in the fall or late summer of 1972.

MS. FEIGIN: Tell us how you came to apply to the SG's Office.

MS. SHAPIRO: It was at the instigation of the Assistants. Typically lawyers come to the SG's Office after having a clerkship, or being in a law firm for a few years, but not for very long. If they stay in private practice, the SG's Office rapidly gets priced out. So the Assistants typically had been out of law school only three or four years, and this was in 1972, when the women's movement was certainly well underway.

As so often in my life, I was in the right place at the right time. As I heard the story, the Assistants persuaded Solicitor General Erwin Griswold that it was time to hire a woman. I really was very fond of Erwin Griswold. He had been the Dean of Harvard Law School, and he was always called the Dean because that was how he saw himself. Although he was hardly a trendsetter, he had overseen Harvard's acceptance of women into the law school in the early 1950s.

Howie was then head of the Appellate Section of the Antitrust

Division. He was working very closely with the SG's Office because at that time the antitrust cases were appealed straight to the Supreme Court from the District Courts. Thus, there was a lot of interaction between the Antitrust Appellate Section, especially Howie, and the Solicitor General's Office. Harry Sachse, one of the Assistants to the Solicitor General, ran into Howie in the hall in 1971 and said, "Do you know any qualified women we could get to apply to the SG's Office?" Howie replied, "Well yes, as a matter of fact I do," and he came home and said, "Apply." My reaction was, I can't do it. I can't take on an engrossing full-time job with my responsibilities at home. Alfred was 12, and Charles 14. They were getting there, but I felt I still needed to be home at least part-time to take care of them. But Howie said, "We can do it. Of course, don't be silly. We can do it. You know you want to do it." And of course I knew I wanted to do it.

So I thought about it, and it sounds silly, but the only real stumbling block I saw was Alfred's dental appointments. He was getting his teeth straightened at the time. The dentist had no weekend hours, so I'd been driving him between school and the dentist for his appointments. That problem was solved when I figured out I could drop him off on my way to work for the dentist's first appointment, and we would get a taxi to pick him up from the dentist and take him to school. That arrangement had kind of a "poor little rich kid" feel to it, but it worked. The housekeeper/caregiver who by that time had been with us for many years,

agreed to work for us full time. As far as I could tell, the children weren't bothered by my decision to work full time. As a matter of fact, I think they were kind of proud of me. As I say, feminism was really kind of in.

MS. FEIGIN: Did you see yourself as a feminist?

MS. SHAPIRO: No. Howie was always supportive, but there was never any doubt in my mind (and probably not in his) that my primary responsibility was to my family, particularly to the children. So I applied. I don't know that I knew Danny Friedman, the Principal Deputy Solicitor General, particularly, but I guess we had met. I had certainly heard a lot about him from Howie, and I felt comfortable with him – perhaps too comfortable. In my employment interview with Danny, he said, "I guess Howie has told you what the work of the office is and what the office does," and I replied, "Yes, you ruin other people's briefs" [Laughter]. Danny was a good soul. He didn't mind that.

Then I went to be interviewed by Dean Griswold. The Dean said whatever he thought, and sometimes it was a little odd. The only thing I remember from that interview was his question, "Why didn't you go to Harvard?" When I replied that Harvard wasn't taking women then, he corrected me. They started taking women in 1953. I explained that I didn't want to be in one of the first coeducational classes at The Law School (the Dean usually referred to Harvard as The Law School – initial caps implied). In fact, of course, it had never occurred to me to apply to Harvard. I wanted to go to Columbia in New York. It was true that I

didn't want to be a groundbreaker then.

It was very different going to the SG's Office, partly because I had a lot more self-confidence by then, and partly because I felt that it was a welcoming place, that the other Assistants were ready to accept a woman attorney. They were indeed welcoming, in contrast to what I'd heard from a classmate who did go right from college to Harvard Law School. She had a very rough time; many other students in that law school felt very strongly that women didn't belong there. In the document I gave you about the women at Columbia, there's a piece from Ruth Bader Ginsburg who went to Harvard first and then did her third year at Columbia. She says that she didn't feel comfortable at Harvard, and that was several years later. I think she graduated in about 1959. She said Columbia was more accepting. At Columbia, there were a lot of people who wanted to know why I was in law school, but it wasn't really an unfriendly place, and I gather Harvard really was. Anyway, I was hired in spite of the fact that I didn't go to The Law School [laughter].

Alan Rosenthal, the widower of my college friend Helen Miller Rosenthal, served many years in the Appellate Civil Division Section of the Justice Department. About the time that I left the AEC to go to the SG's Office, Alan left the Civil Division to go to the AEC. He likes to tell the story of congratulating Danny Friedman on breaking the gender barrier by hiring me. Danny's response was, "What gender barrier? No qualified woman had ever applied before" [laughter]. That really tells you

something about what the perception was. There were certainly plenty of qualified women close at hand in the Justice Department. Why the heck hadn't the SG's Office been seen as having a place for them? Why hadn't a qualified woman applied before? I really came in on the cusp; women were just beginning to be generally accepted as equal to men in abilities.

MS. FEIGIN: Did you mingle with other women in different parts of the Justice Department? Was there sort of a cadre of women?

MS. SHAPIRO: No, not really. The other thing that Alan says, and he's right, is that the SG's Office tended to be arrogant and clannish. The perception of many Assistants was that we were the cream of the crop and nobody else really could touch us. We associated with each other. Mostly that was, I think, because the Assistants in the SG's Office came out of clerkships or from being in private practice for just a few years. They had been at the top of their law school classes, then they often had had clerkships. They had always been at the top of the heap, so they were used to thinking of themselves as special. Also, they were young, and the way I always thought of it was that they never had had any corners knocked off of them. They had always been the best. This was the way it always had been and always would be. They were the top of the heap. And, of course, they *were* bright. It was a pleasure to work with such a talented group.

MS. FEIGIN: Do you think that's something – leaping ahead a little bit – is that something that persisted during the entire time you were there, that perception and that attitude?

MS. SHAPIRO: Yes, probably. There obviously were many people who didn't feel that way, but the general feeling was that we are the elite. I'm sure that they did ruin other people's briefs. The brief comes in, and we make it good. I obviously never quite bought into that, but that was the general perception. The Appellate staffs of the Divisions were first rate at that point and maybe they still are. I don't mean to say they aren't, but by gum, those people were good. There were an awful lot of really good lawyers in the Appellate Sections of the Civil Division, the Criminal Division, Civil Rights, and what I always think of as the Lands Division, even though it has long since been renamed the Division of Lands and Natural Resources. Especially before my time, many legal jobs were closed to Jews, and that may have been true for women too. There were Jewish law firms, but the Wall Street firms were pretty much closed, so many top-notch Jewish and female lawyers went to the Justice Department, where they could get interesting jobs.

MS. FEIGIN: And elsewhere in the government as well.

MS. SHAPIRO: Oh yes, I'm sure. But if you wanted to do interesting legal work, again, me being snotty, you went to the Justice Department where the lawyers ran the show.

Elinor Stillman later came to the SG's Office from the NLRB – the National Labor Relations Board – and she was very good, but she went back to the NLRB because she really liked working in an area where she knew the background of the cases. She was at heart a specialist. When

she worked on a case, she liked knowing where it fit into the big picture. In the SG's Office, we got a brief or an appeal recommendation, and you learned enough about the relevant area of the law to deal with the particular case or recommendation, but you weren't familiar with the whole area of the law.

For example, I once argued a case dealing with the timing of the government's taking by eminent domain for purposes of valuation. What I ever knew about eminent domain related only to this issue. With each case, you paint a miniature. You know a great deal of detail about the small subject of your painting, but very little outside the frame. And that bothered Elinor. She could do it. She did it very well, but she went back to the NLRB where she felt comfortable that she was really up-to-date on the whole area. I used to think that such specialization would be pretty boring. There were people who worked at the Social Security Administration who knew a great deal about Social Security. All right, that's an interesting area of the law, but don't you get tired of it? Well, Elinor didn't. I once asked my friend Helen Buckley, who was a tax lawyer, whether she found it boring to do only tax work, and she said, "Tax gets involved in everything." And I guess maybe that's true with a lot of these specialties. The work of the SG's Office was an absolutely perfect fit for a Jack-of-all-trades like me, except for the oral arguments. I really did not like the oral arguments.

MS. FEIGIN: What was it you didn't like about oral argument?

MS. SHAPIRO: It was a real ego rush to stand up there and say, “I’m Harriet Shapiro representing the United States,” but the responsibility also was scary. You spent a lot of time preparing in the two weeks or so after you were assigned the argument. Usually you argued a case that you had briefed so you knew, or had known, a good deal about the case. But for those two weeks, there was a little cloud over your head all the time as you were thinking about what questions the Court might ask, how you could present arguments that would be persuasive, not too technical, but technical enough so that you hit the points that you had to hit. My dirty little secret is that I read my arguments, which you are *really* not supposed to do! Of course by the time I got up to argue, I knew the argument so well that it was mostly memorized, and you’re not supposed to do that either. If you were lucky, the Justices started asking questions so the memorized part didn’t last more than a very few minutes, and then you were just skating along. It was terrifying, it really was.

MS. FEIGIN: You had moot courts to prepare you?

MS. SHAPIRO: Yes.

MS. FEIGIN: Multiple? How did that work?

MS. SHAPIRO: Probably at least two. You had the moot courts. You were prepared, you jolly well knew your subject and you knew the points you had to make. It was just standing up there. The first one, *Renegotiation Board v. Bannercloth Clothing*, was a disaster. I won the case but lost the issue [laughter].

MS. FEIGIN: Not ideal [laughter].

MS. SHAPIRO: Not ideal. No.

MS. FEIGIN: Let's get the picture of you in Court. To this day, as you know, the men in the SG's Office appear in Court in morning coats, and of course that's not an attire that would be appropriate for a woman, so were there any thoughts with respect to that?

MS. SHAPIRO: Actually, I understand that some of the women now wear pantsuits modeled on the men's morning suits, but that's only recent.

MS. FEIGIN: You're showing me a picture in the retirement brief that the SG's Office prepared for you. Can you describe your dress?

MS. SHAPIRO: It was a jacket dress, and it had a pleated skirt. It was a brown and black plaid, very subdued. Jewel Lafontant was the first woman from the SG's Office to argue in the Supreme Court. She came in with Solicitor General Robert Bork. When I went to the SG's Office, as Howie said, I had never talked to a judge. So to get my feet wet, I had three arguments in the courts of appeals.

MS. FEIGIN: Cases you briefed, or that other people briefed?

MS. SHAPIRO: Cases Civil Appellate lawyers briefed. One was in Pennsylvania, one was out on the West Coast, and one was here in D.C. While I was doing that, Jewel came to the Office, and she had an argument pretty much right away.

MS. FEIGIN: She was a political appointee?

MS. SHAPIRO: She was a political appointee, and she was very stylish. She wore an elegant suit. It had a straight skirt made out of the same striped material as the men's pants and a black jacket cut like the men's in front, with a little peplum in the back. She wore a white blouse that had a jabot at the neck (like Justice Ginsburg's court costume). Her costume was obviously supposed to look like the men's argument suits. It was suggested to me that maybe I would like to do that, and I decided no, I did not want to do that. One of the advantages I had was that I didn't have to get dressed up in a fancy costume.

I first met Elinor Stillman, the woman from the NLRB, when I was arguing an NLRB case, and she sat at counsel table for my argument. I don't remember this, but Elinor's story is that when she had her first argument after joining the SG's Office, she asked me what she should wear, and I said to her, "Do you remember what I wore when you were up there with me?" She said, "No, as a matter of fact I don't," and I said "That's exactly what you're aiming for. You don't want anybody to notice what it is you have on. They're listening to you, and what you should wear is something that will be totally non-memorable."

My other costume story – I have a lot of costume stories – was about another woman in the Office early on who was pregnant when she argued so to find her costume, she told the sales lady that what she needed was something that she could wear to her elderly maiden aunt's funeral in the afternoon [laughter]. She was shown what she needed.

When I left, which was in 2001, there were a fair number of women in the office, five or six, something like that, and there are now more, I think. Apparently some of them decided that they felt like second-class citizens because they didn't have a special court costume, which was exactly the opposite of the way I felt. Jewel Lafontant won, kind of, though I believe the women still have a choice.

At least in my day, the way the men usually handled the costume issue was by using one of the two or three suits in the Office. Everybody – tall, short, fat or thin – could choose among these three suits, and people went up with safety pins and other do-it-yourself adjustments to make the pants fit [laughter]. One of my favorite lawyers was very short, and he said if anybody would offer him enough money, he would go up there without his pants on [laughter]. Fortunately, nobody ever took him up on that. I'm sure that the marshal would have thrown him out [laughter].

The borrowed suit option is not available to the women. If you're wearing a knock-off of the men's suits, you have to get it specially made, and that's a fair amount of money. Anyway, those are my costume stories.

MS. FEIGIN: So you started in 1972, and maybe a year or two later you had your first argument?

MS. SHAPIRO: 1973. It was *Renegotiation Board v. Bannercloth*, which I argued October 17, 1973. It's a painful memory. I felt (and still feel) I did badly in the argument. Maybe that's partly why I hated oral arguments. I never thought I was good at it and I was on public display. *Bannercloth* was

recorded as a win in the Office's recordkeeping, since the decision of the Court of Appeals was reversed on our petition, but on a much narrower ground than we sought.

MS. FEIGIN: Do you think as a practical matter the oral arguments make a difference in a significant number of cases?

MS. SHAPIRO: Well, you certainly can lose a case in oral argument. I'm not convinced that you can actually win one on the oral argument. I certainly firmly believe that the brief is the most important part of the government's case, and if you have a good brief, you're pretty much home free. Sure, the oral argument is the chance the Court has to see what the limits of your argument are, and to clarify anything that's troubling them, but it's mostly the brief that wins or loses the case, I think.

MS. FEIGIN: Do you have a sense, appearing before this array of Justices, some of them were more impressive than others in preparation and ability?

MS. SHAPIRO: Well, certainly some of them you couldn't tell whether they were prepared or not because they very rarely asked questions. I assume they were all prepared. With a few exceptions, they were very able. Whizzer White tended to be a little mean.

MS. FEIGIN: How so?

MS. SHAPIRO: He liked to put you on the spot. His questions tended to be sort of snarky. Justice Marshall was a real problem. He didn't ask you a question because he wanted to know the answer. He asked you a question because he wanted to make a point himself, and no matter what, you couldn't answer

him briefly and get on with your argument. He wanted to make a speech, and by gum, he made a speech and used up your time. Harry Blackmun was a gentleman.

One of the things we did that I always thought was a little dubious (I don't know whether they're still doing it), but every once in a while we would invite a Justice to lunch. We certainly were not supposed to talk about our cases, but I just thought having lunch with them at all was a little dubious.

MS. FEIGIN: They would come to your office?

MS. SHAPIRO: We ate at the Court.

MS. FEIGIN: One Justice at a time?

MS. SHAPIRO: One Justice at a time, with the whole SG's Office.

MS. FEIGIN: And so over the course of a year you would have lunch with all nine?

MS. SHAPIRO: No. It wasn't at all regular. We probably did three or four in a year, something like that. Anyway, Blackmun asked us once when we had lunch with him, "Doesn't it bother you when the Justices interrupt you?" "But that's what we're there for, sir" [laughter]. He was a very kind, gentle soul, and courteous. He didn't like interrupting people. Burger talked and talked and talked. At the lunches you certainly got a very strong impression of the Justices' personalities. They were very different from each other. On the Bench, some were much more likely to ask questions. Some rarely opened their mouths. I think some refused to have lunch with us, but I'm not sure about that.

MS. FEIGIN: Over the course of time, do you have a sense of some of the newer Justices who came on?

MS. SHAPIRO: Yes [laughter].

MS. FEIGIN: That you can share with us.

MS. SHAPIRO: Perhaps not.

MS. FEIGIN: How did you feel as the first woman in the SG's Office when the first woman was appointed to the Court?

MS. SHAPIRO: It was about time [laughter].

MS. FEIGIN: Did she ever reach out to you or you to her?

MS. SHAPIRO: No. The only one who really did kind of reach out to me which I found slightly surprising was Justice Ginsburg, and I think that was partly because she was also a Columbia graduate. Justice Ginsburg made her Supreme Court reputation by representing a lot of successful plaintiffs in Social Security cases. The Social Security Act, as you undoubtedly know, started out just insuring wage earners against lost wages, and then Congress decided wives and widows of wage earners needed income protection too. The Act was expanded group by group by group as the Congress felt that this group and that one really needed to be protected. By the time I got there in 1972, the Act had expanded group by group for many years. By then, the Social Security Act basically covered the landscape, but there were these little gaps left. For example, the illegitimate children of a deceased wage earner got benefits only if the wage earner had recognized them and supported them for a certain period

before his death.

I don't know whether this was one of Justice Ginsburg's cases, but the Court was presented with a case in which an illegitimate child had been recognized, but the wage earner died before he could support him for the requisite time. The successful claim was that, since there was no such support requirement for legitimate children, that requirement denied equal protection to the illegitimate child. There was a whole bunch of such cases. Perhaps the most important one challenged the requirement that the husband of a covered wage earner had to prove she supported him, while there was no such requirement for the wife of a covered wage earner. That distinction made sense when the Act was enacted. It was logical to assume then that wives were supported by their husbands, but that husbands who were not covered by Social Security were, unless they showed otherwise, working for the government or otherwise self-supporting. That was less true by the 1970s, so the Court held that it was a denial of equal protection for men to have to prove they are supported by their wives, while wives don't have to prove their support by their husbands. We lost those cases across the board because of the way the Act had been enacted. There were these little gaps that didn't make any real sense. Justice Ginsburg found a lot of these holes and won a lot of cases.

MS. FEIGIN: How did she wind up reaching out to you?

MS. SHAPIRO: I guess that's an exaggeration. She knew who I was and she always greeted me pleasantly when we were in a group. There wasn't anything special, but she knew me and she would greet me. I never thought that I had any particular bond. I did feel a special bond with the women in the Office, although I felt a little ashamed of it. I felt a little more maternal toward them than to the men in the Office. I was significantly older than the other Assistants in the Office, even when I first came, because I had been out of law school a lot longer. I got out of law school in 1955, and I didn't come to the office until 1972, and so the other Assistants were younger than I was. But I didn't feel particularly maternal to them until later; we were just colleagues. But to the women, from the beginning, sort of.

MS. FEIGIN: Why would you feel a little ashamed about that?

MS. SHAPIRO: We were all lawyers together. Any special sympathy with the women felt a little like sexism. But I was the one who started the custom of having ladies lunches because I thought the newer female lawyers should know the ones who had preceded them. Even after the Office started hiring other women, a year or so after I came, there were generally only two or three of us there at the same time. People in the Office generally stay for two or three years and then they move on. They don't usually stick around and make a career out of it. It wasn't until I realized that the Assistants in the Office were younger than my youngest child that I

stopped feeling “we are all just colleagues together,” and from then on, I did feel kind of maternal to all of the other Assistants [laughter].

MS. FEIGIN: This leads to a separate question. You started, as we said, in the era when women’s consciousness was coming to the fore. Were you involved in any of that? In women’s conscious-raising groups, in any of the marches or any of the things that were going on for women’s liberation then?

MS. SHAPIRO: No. I did once suggest a “sewing and consciousness-raising group” to a younger friend of mine, but it turned out to be more about sewing. My oldest son, who was born in 1958, made me a birthday card when he was about 12. I don’t know if I still have it but I cherished it for a long time. It said, “My mother doesn’t burn bras, she does law” [laughter]. He understood.

When the FBI left the Justice Department, they left a gym downstairs, and I used to go down to the gym fairly regularly. There was a woman there who wore a t-shirt that said on the front “To succeed a woman has to be twice as good as a man,” and on the back it said, “Fortunately that’s not hard” [laughter]. I liked that attitude, which was not uncommon in that group at that time.

MS. FEIGIN: People will find it hard to believe that the FBI was housed entirely, including its lab, at the Justice Department at one point. It leads me to wonder if you ever came into contact with J. Edgar Hoover.

MS. SHAPIRO: No, I never did.

For my first few months in the Office, I worked on appeal

recommendations, and after that, I started revising briefs and briefs in opposition to *in forma pauperis* criminal cert petitions. When I first went there, the Office responded to all *in forma pauperis* petitions (IFPs) involving the federal government. The vast majority were filed in criminal cases by federal prisoners. The Criminal Division drafted them and we revised them. It was a lot of work because there were lots of them, and most of them just had no merit at all, but you had to make sure you made a serious reply. So I did a lot of IFPs.

MS. FEIGIN: What was your contribution in that regard?

MS. SHAPIRO: Revising.

MS. FEIGIN: You said that changed.

MS. SHAPIRO: Oh yes. Over Larry Wallace's objection on principle. He was the second deputy for a long time, then he was a first deputy for a while. He was there before I was there. He was one of the people who made a career out of the Office. Anyway, over Larry's objection, it was decided that we would not respond to all of the IFPs, that this was just a waste of time, but only to those that might trouble the Court. So I got the job, with Sid Glazer from the Criminal Division, of reviewing all of the criminal IFPs in which the federal government was the respondent and deciding which ones we would respond to and which ones we wouldn't. Of course, if the Court wanted a response in a case in which we had waived response, they would ask for it. They rarely did. It wasn't really that hard to figure out which ones merited a response and which ones didn't. Our work cut

down very substantially on the amount of work that had to be done by the Assistants and by the Criminal Division. It meant that Sid and I spent a good deal of time reviewing the darn things, but it certainly was a net gain for the Office.

MS. FEIGIN: So generations are in perpetuity grateful to you, I'm sure.

MS. SHAPIRO: [Laughter].

MS. FEIGIN: You said you didn't want a specialty. Did you do criminal and civil?

MS. SHAPIRO: Oh yes. Everybody did everything except for tax. There was one Assistant who did tax, and when he went off on vacation or was sick or something, we all had to do the tax work, and we hated it [laughter]. But other than that, everybody did everything. While Howie was in the Antitrust Division, I didn't review matters from that Division. There was also the understanding that you could always say "I'd rather not do that case." If there was a case that really offended you, you didn't have to work on it.

MS. FEIGIN: Did that ever happen to you?

MS. SHAPIRO: No, I don't think so. Not really. As a matter of fact, I did kind of have a specialty, which I didn't much like. These were appeal recommendations in cases where the lower court had decided that a conscientious objection was based on a sincerely held religious belief. I didn't much mind the ones involving the Berry Plan. That was a plan under which the government would pay for a person to go to medical school, get his medical degree, on the understanding that when he became a doctor, he

would practice in an area that needed doctors for a certain length of time. Sometimes, I think they were required to serve in the military. A number of people took the money and then decided they were conscientious objectors and couldn't possibly live up to their obligation. Those cases didn't bother me much, but there were a lot of conscientious objector cases involving draftees, and those really bothered me. I didn't like them, partly because I thought the reason I got them was in part a feeling that "she's not subject to the draft so this won't affect her." But I had two young male kids who were certainly not draft age at that point, but it did affect me. Also, I really had a philosophical problem. The cases that we got were cases where the claim wasn't based on the creed of any organized religion. In many cases, the issue was whether the opposition to fighting was a "religious" one. Also, you had draft boards, and then the courts, deciding whether the religious belief was sincere. I didn't like that. I didn't like that one little bit. I didn't have any better solution.

MS. FEIGIN: So you did the cases.

MS. SHAPIRO: Oh yes, I did the cases.

MS. FEIGIN: We should say for historical purposes, the Vietnam War was still going on at this point, so it was not a theoretical issue.

MS. SHAPIRO: No, it was not a theoretical issue at all. Sometimes the defendant had joined the National Guard, or perhaps had gotten help with their college tuition, probably figuring they were never going to be called up, and then they were, and it came time to pay the piper, and they suddenly

discovered, or maybe not suddenly discovered, a conscientious objection to fighting. But there was always this suspicion: are you sincere or do you just not want to go and get killed. I had trouble with those cases.

MS. FEIGIN: Were there cases that you particularly loved?

MS. SHAPIRO: The other cases that troubled me – I'm not answering your question [laughter].

MS. FEIGIN: That's okay. We'll get back to it.

MS. SHAPIRO: The other cases that troubled me were some civil rights ones. At that time, insane asylums were emptying out because you could cure people or at least suppress symptoms by pharmaceutical means. Thus, there were quite a lot of cases challenging continuing institutionalization. I found particularly troubling cases involving children. The question was the constitutional rights of parents versus the rights of the state to institutionalize children. Again, it was one of these situations where I didn't see any possible solution that would be comfortable, but it did really strike me that this was not an area where the law had any special knowledge about what should be done. It just didn't seem to me to be a good fit with the law. I did a lot of those cases, but I never was particularly comfortable with them.

I liked criminal cases – except for the drug cases which took up an inordinate amount of the caseload – and cases from the Lands Division. They didn't involve issues I found troubling, and usually presented interesting puzzles to solve. I really liked appeal recommendations, partly

because the Assistant's function there was semi-judicial. They were one of the main elements of the job – there was brief writing, there was arguing cases, and then there were appeal recommendations. When the government lost a case in the lower courts, in the district courts or in the courts of appeals, it didn't get taken to the next higher court – district court to the appeals court, from the court of appeals to en banc, from en banc or from the court of appeals to the Supreme Court – without the express authorization of the Solicitor General. Still doesn't as far as I know. And everybody, the U.S. Attorney, the Justice Department division, if any, or the agency, if any, that had been involved in the case in the lower court, wrote a recommendation for the Solicitor General about whether or not the case should be taken to the next higher level. If everybody that was involved said “no,” the case went directly to the Solicitor General, and he reviewed it as a “Unanimous No.”

MS. FEIGIN: So no one in the Office had to write a memo in that case?

MS. SHAPIRO: In Unanimous No's, we didn't write memos. I guess if the Solicitor General was concerned about any such case, he would have asked for a memo, but I never heard of that happening. A Unanimous No just went to the SG and he signed off on it. However, if any of the group that had been involved in the case wanted to take it up, then that appeal recommendation, plus the briefs, if any below, plus everybody else – the Division if there was a Division that was involved or the agency – whoever it was that had been involved in the case, all wrote

recommendations. The file went to an Assistant, and the Assistant would review the case and talk about it to any people he deemed necessary, in particular, any person who disagreed with an action the Assistant contemplated recommending. The Assistant then wrote a recommendation to the Solicitor General. The entire file then went to the appropriate Deputy Solicitor General, of which when I started there were three, each covering one or more Divisions. When I left there were five. The Deputy would write, typically, just on the bottom of the Assistant's appeal memo, saying he agreed with the Assistant or putting his comments on. Ninety percent of the time he agreed with the Assistant. If he didn't agree with the Assistant, the Assistant would usually go talk to him and they'd reach a conclusion. Then the whole file went to the Solicitor General.

If the recommendation was against taking the case further, and if any entity who wanted to appeal wanted a conference with the Solicitor General, the entity was entitled to one, to which everybody came who had written memos, and we talked it out and the Solicitor General made his decision. The appeal recommendations were fun to do because, as I say, they involved a sort of judicial function. It was also kind of fun to talk to the people who had written recommendations you intended to disagree with. Especially where you were planning not to recommend a *cert* petition, the aim was to get them not to ask for a conference with the Solicitor General, to save the Solicitor General's time. I was pretty good

at that. Mostly, I liked the written parts of the job. I write much better than I talk. I am not really a good oral advocate, just because I don't talk as well. So the appeal recommendation process was basically written, and it was neat. You would get this little package in your in-box, and it would often be a completely unknown area, one that you never had had anything to do with. You had the decision, perhaps briefs in the lower court, and summaries of the thoughts of those involved, so that you had a starting point, and then you'd talk to them or you'd go and do research. Each recommendation was rather like a short story.

That was also why I liked the *in forma pauperis* petitions: they were also short stories. They were mostly pretty grim short stories. Sometimes they were just plain funny. Briefs were a much longer effort, but in almost every brief, there came a lovely point. You would read the draft, and it would be either okay or pretty awful. Usually – here I am being snotty again – the draft writer would have taken almost all the time there was. If the draft was in good shape, that was fine. But if it was just a recap of what the court below had said and they had taken up all except a couple of weeks or a week of the time available, you had to kind of push it into shape, and you had no time at all, but when you were revising the brief, there would come a moment where you would see, Oh, *this* is the way it needs to be done.

MS. FEIGIN: The “aha” moment.

MS. SHAPIRO: The “aha” moment. There was almost always a lovely “aha” moment, and then it was just a matter of getting it down. I really did like that. But there was an awful lot more drudgery and a lot more pressure in the brief writing than there was in the appeal recommendations. In the appeal recommendations, you didn’t have to worry so much about the way it was phrased. They were written for the Solicitor General, and you just told him what you thought. It had to be clear, of course, but that wasn’t a particular problem. That was fun.

MS. FEIGIN: Let’s close out with one, I think amusing, anecdote. Could you tell us about your motion for admission to the Supreme Court?

MS. SHAPIRO: Well again, I didn’t realize it at the time, but looking back on it, I was kind of on the cusp. In order to be admitted to argue before the Court, a lawyer’s motion for admission has to be filed by a member of the Supreme Court Bar. Howie was admitted to that Bar before I was because he had argued a case before the Court before I was in the Office. So he signed my motion for admission, and it’s a fill-in-the-blanks thing. It says, “I,” and then his name, “a member of the Bar of the Supreme Court of the United States, hereby move the admission of,” and then he filled in my name, “to the Bar of the Supreme Court.” And the printed thing says, “I am satisfied he possesses the necessary qualifications.” And so Howie in front of the “he,” Howie put a little “s” [laughter].

There’s another story that kind of goes with that one, again related to this cusp business. When we finished revising a brief, it got sent to the

printer, and when it came back in page proof, the Assistant who had revised the brief made any corrections on the page proof. Then when the brief came back in the form that it was filed, the Assistant read over the brief and made sure there were no typos in the final version. There was a stamp that the docket clerk put right up on the top of the cover of the brief that said, "Okay to file," and the stamp had a place for you to sign your name. For me, signing that stamp was a slightly emotional moment. Anyway, the blank on the stamp for the signature was preceded by "Mister." It never bothered me. I just signed it, but about halfway through the time when I was there, one of the other women in the Office got very annoyed and demanded a new stamp. So they made a new stamp that just said, "M" [laughter]. That was kind of a change in atmosphere.

MS. FEIGIN:

That's a good note to end on. Thank you very much for another fascinating session.

**ORAL HISTORY OF HARRIET SHAPIRO**  
**Sixth Interview**  
**July 9, 2012**

This interview is being conducted on behalf of the Oral History Project of the Historical Society of the District of Columbia Circuit. The interviewer is Judy Feigin, Esquire, and the interviewee is Harriet Shapiro, Esquire. The interview took place at Harriet's apartment in Rockville, Maryland, on Monday, July 9, 2012. This is the sixth interview.

MS. FEIGIN: Good morning, Harriet.

MS. SHAPIRO: Good morning, Judy.

MS. FEIGIN: Last week we did an overview of your life at the Solicitor General's Office. As a continuation of that overview, since you saw so many cases and reviewed them from all over the country, I wonder if you have a sense of the circuits and the differences among them.

MS. SHAPIRO: I don't have any particular notion of differences among them. I do know that it was generally accepted by me and by everybody else that the Second Circuit was really first-rate and the D.C. Circuit was also right up there with the better circuits. I think the Fifth was probably pretty good. But no, I don't think they were particularly different.

MS. FEIGIN: In terms of the cases you did, we didn't really discuss the particulars. I wonder if any stand out in importance to you personally, in importance to the country, juridically, or in any other way.

MS. SHAPIRO: I argued seventeen. I don't think any of them were particularly important. They weren't earth-shaking cases. Maybe there was one, *Kirby Forest*, which dealt with condemnation and the date of taking in condemnation cases. It was significant for condemnation cases, that's certain, but in terms of the ones I remember, the first one was the absolute worst. That

was *Renegotiation Board v. Bannercloth Clothing*. We won the battle, so it counted as a win, but we lost the war. The issue was the scope of judicial review under the Freedom of Information Act. The district court had enjoined the Renegotiation Board's proceeding pending their supplying the respondent with the materials that they had asked for under the Freedom of Information Act. The district court had enjoined the Renegotiation Board, and the Court of Appeals affirmed. Our claim was that the remedies provided under the Freedom of Information Act were limited and specific. The remedies were that the court could order the production of material that had been denied and enjoin their withholding, but those remedies were exclusive and did not include the right to enjoin a pending proceeding. The court rejected that position, which was the main reason we took the case up, but it did hold that under the Renegotiation Act, the scheme of the Act was that this was a negotiation, and the Board did not have to provide the requested information to improve respondent's negotiating position. The Court reversed the decision so it counted as a win for the government, the petitioner, but the basis for the reversal was much narrower than we had hoped for. It was a win for the Board, but not for the interpretation of the Freedom of Information Act we sought.

MS. FEIGIN: Do you think it could have been won?

MS. SHAPIRO: Probably not. As I said before, you can certainly lose a case on oral argument, but I rather doubt that it's possible to win a loser. But you certainly can do better than I did [laughter]. The thing that really scorches

my soul when I remember it is that Brennan gave me a softball question. He said, “What were the materials that the respondent wanted?” and I couldn’t tell him.

MS. FEIGIN: Because you were nervous?

MS. SHAPIRO: Mostly because I was nervous. But I had been looking at the law, figuring out the legal arguments and not focusing on the facts. Oh, it was awful [laughter]. The other awful thing was Justice Douglas’s question. Justice Douglas had been on the Court ever since I was aware that there was a Supreme Court. He was an icon. He usually didn’t seem to be paying attention during arguments, but he asked me a question, and I don’t even remember what it was. All I remember was realizing, “My goodness, Douglas is asking *me* a question!” I froze completely. It was pitiful. It really was pitiful.

MS. FEIGIN: I doubt it was as bad as you remember, but even if it was, I assume things got better after that.

MS. SHAPIRO: Things got better after that. Not a whole heck of a lot better, but they did get better. My next argument was *Schlesinger v. Ballard*. That was the case that I’m sure I got because I am a woman. Jewel Lafontant, who was the Deputy – she was a political deputy even before there were political deputies – was scheduled to do it, but she said no, she wouldn’t defend a case challenging a sexually discriminatory practice. Ballard was claiming that the Navy’s “up or out” promotion rule for officers, under which he was discharged, discriminated against him because female officers weren’t

subject to the same rule. Jewel didn't want to defend the statute. I kind of enjoyed that argument because it was the kind of case that turned on the details.

Our justification for the use of different promotion standards was that since men, and only men, could at that time be captains of ships, it was important that their promotion standards were more restrictive and rigid than the ones for women. The adverse effects of having a mediocre captain of a ship were so serious that the Navy had to be more selective about promoting men than they did women. Making that argument required that I know pretty thoroughly just what kinds of jobs women had, and what kinds of jobs they didn't have, under the Navy's rules, which were not being challenged. Thus, there was a lot of detail involved in the case. The basic argument was fairly simple, that the situation is different for men than women. But then you had to demonstrate that the situation really was different, and I had talked to the relevant Navy officers a lot, and by the time of the argument, I really knew the facts.

Howie still thinks it was improper for the Naval officers to sit at counsel table in their dress uniforms. He thought it was improper for them to wear their uniforms in a prominent position in a civilian court – particularly, they shouldn't be showing off their military colors in the Supreme Court. But I really wanted them to be there because I wanted to have backup if there was a question that I didn't know the answer to, and it never occurred to me to ask them to wear civilian clothes. I wouldn't

have thought it was appropriate. They were military and they were there as military. But Howie thought differently. Anyway, I really did kind of enjoy that oral argument.

MS. FEIGIN: So you had no problem with the underlying philosophical position?

MS. SHAPIRO: No, I didn't. The question of the justification for the Navy's rules regarding the positions available to women was not at issue. Ballard would not have had standing to raise that question anyway.

MS. FEIGIN: An important question.

MS. SHAPIRO: That is an important question. It's a much trickier question and one I would have been uncomfortable arguing. But that was a given, and since that was a given, the other followed.

MS. FEIGIN: When you say you think you might have been given that one because you're a woman, are there others you think there was a difference because you were a woman?

MS. SHAPIRO: No. I don't think so. The Social Security cases everybody argued. There weren't any others where I felt my gender had anything to do with the assignment. The Social Security cases involved widows and illegitimate children and domestic issues. I had a couple of those, but then I also had a Social Security case about the eligibility of aliens.

MS. FEIGIN: Was Ruth Bader Ginsburg ever your opponent?

MS. SHAPIRO: Oh yes.

MS. FEIGIN: Anything memorable about those occasions?

MS. SHAPIRO: Larry Wallace, who was the First Deputy for a long time, was a classmate of hers, and she kind of teased him. I don't know whether "teasing" is quite the right word, but she sort of asked him how he could defend these cases. I never had any particular problem with those cases because the disparities in treatment arose from the way the Social Security Act was amended over time, and it seemed to me to be appropriate to let Congress correct resultant disparities. It didn't seem to me to be wrong to defend the step-by-step approach to coverage.

MS. FEIGIN: You said today, and you've said before, that you weren't really an ardent feminist. In the context of these cases, and as a general proposition, I'm wondering how you felt about the feminist movement. You're seen as iconic in what you did from the feminist perspective.

MS. SHAPIRO: I suppose I never really felt as though I were discriminated against in any way. Anything that a tough skin couldn't bear, I mean, look at my record. I didn't have any problems doing what I wanted to do. I have to say life must have been different for Sandra Day O'Connor because apparently she did have a terrible time. I just didn't, and I suppose that's the reason I felt well, you know, just go out and do it, don't make such a fuss about it, just do it. And I also felt that part of the problem in women having equal opportunity was the lack of training. There weren't that many women in law school. There weren't that many women in medical school. They weren't getting out there and doing the grunt work of preparing themselves for these higher positions. It isn't just that you're entitled. It's

that you earn it.

I am a feminist. Of course women ought to be treated equally, and I think the strides toward that goal that have been made in my lifetime are remarkable. I also think that I was on the scene just at the cusp when things were breaking open. As I said before, when we had that tea with the women in law school, the women who had been in law school before us had a much tougher time. I guess I'm kind of conflicted. I certainly, intellectually, sure, I think absolutely I am a feminist. It's just that the emotion of it has never particularly touched me. It isn't something beating in my heart, that life is so unjust to women.

MS. FEIGIN: It's interesting because you went to a women's college. I wonder if that had an impact one way or another on this issue.

MS. SHAPIRO: Maybe, because I certainly never felt put down intellectually, or that I should just be quiet and let others talk. I don't know whether that would have happened in a co-ed college. I just don't know.

MS. FEIGIN: Speaking of pressures one way or another, another area I would like to explore with you is political pressure and whether you felt in all your time there that there were times when the Office was under more or less political pressure. Either you personally, or if not you, maybe the SG.

MS. SHAPIRO: I always have felt that one of the functions of the SG is to be immune to political pressure, not to be influenced by political pressure, and certainly to protect his staff from any such pressure. The only time I really felt that there was political pressure was during the Reagan years when the Civil

Rights Division was under a lot of pressure, and that kind of transferred over to us a bit.

MS. FEIGIN: How so?

MS. SHAPIRO: Well, there were a couple of people; the head of the Civil Rights Division was kind of a political czar. In an appeal recommendation once, I cited a Skelly Wright decision, and his reaction was, "We don't cite those cases. They aren't our cases. We don't use those cases." "What?!" And the other time was when, in the course of some discussion with the Civil Rights people, Larry Wallace asked me to find a case supporting the Division's position regarding states' rights. So I went out and found a case and brought it back to him. We both were really very pleased because it was the *Dred Scott* case [laughter]. Other than that period, no. One of the principles that I think the Solicitors General all followed was that the government's position before the federal courts would not change just because the Administration changed. There has to be some substantial legal reason if you're going to change your position. It can't just be the political winds have changed.

MS. FEIGIN: So when he didn't want this Skelly Wright case cited, was it cited, or did it come out?

MS. SHAPIRO: I didn't take it out. I think it was in an appeal recommendation, which was an internal document. I don't remember whether the Solicitor General followed my advice in that case. Those were tough times, they really were, because we did feel pressure. I have to say that Rex Lee was

very supportive. His line was, “I’m the Solicitor General. I’m not the Pamphleteer General.” And he stood up to political pressures.

MS. FEIGIN: Do you remember any situations where the Solicitor General wouldn’t sign off on the brief?

MS. SHAPIRO: No, but I remember one situation in which the Solicitor General was disqualified. It was *Bob Jones University v. United States*. The issue in that case, decided in 1983, was whether an IRS regulation denying a charitable tax exemption to racially discriminatory educational institutions could constitutionally be applied to Bob Jones University, whose discriminatory policies were based on religion. After a complicated procedural history, the case reached the Supreme Court. The Solicitor General was disqualified for some reason from participating in the case, so Larry Wallace, the First Deputy Solicitor General, and a long-time member of the Office was the Acting Solicitor General for that case. The political appointees heading the Civil Rights Division determined that the District Court’s opinion holding that the IRS regulation at issue violated the University’s First Amendment rights should be supported by the government in the Supreme Court. Accordingly, such a brief was filed. However, the final footnote stated, “The Acting Solicitor General does not agree with the view expressed [or the position taken] in this brief.” I think the Assistant Attorney General for Civil Rights and his Deputy signed the brief. The Court upheld the IRS regulation.

After that, the Office always had a politically-approved deputy

who became the Acting Solicitor General whenever the Solicitor General was disqualified. That's where the political deputies came from.

MS. FEIGIN: You said Jewel Lafontant came around the time you did and she was a political deputy.

MS. SHAPIRO: She was a political deputy before there were political deputies.

MS. FEIGIN: What does that mean?

MS. SHAPIRO: When Bob Bork was confirmed as Solicitor General – this is all kind of hearsay, but this is what was believed around the office – the condition was that Jewel would come on as deputy. Nobody in the Office thought she was really qualified for the position. Fortunately, she went home to Chicago for long weekends. Danny Friedman did all the work that she wasn't up to while she was gone. She was there because I guess the Administration thought that Bork needed to have somebody riding herd on him, although it was pretty ridiculous to think that Jewel could ride herd on Bork. Maybe she was there to show the Administration's support of diversity. Anyway, there wasn't a position of political deputy as there was later after the Bob Jones thing.

MS. FEIGIN: While we're talking about Bork, you must have been there during the Saturday Night Massacre.

MS. SHAPIRO: I was indeed.

MS. FEIGIN: Can you tell us about that? And maybe for people down the road who may not know what that is, we should probably state what the Saturday

Night Massacre was and how the Solicitor General's Office came to be involved.

MS. SHAPIRO: I need to make sure I get this right. Archibald Cox was appointed by Attorney General Elliot Richardson to investigate the Watergate incident (where intruders broke into Democratic Party offices in the Watergate building). President Nixon wanted Cox dismissed when his investigation got too close to uncovering the President's involvement. So Nixon told the Attorney General to fire him. But both the Attorney General, Elliot Richardson, and the Deputy Attorney General, Bill Ruckelshaus, had assured Congress that they would dismiss Cox only for gross impropriety. Accordingly, both refused to fire Cox, and, having disobeyed a direct Presidential order, both resigned. The line of succession ran from the Attorney General to the Deputy Attorney General, and then to the Solicitor General. But there was no established line of succession beyond that point. Bork, having made no congressional promises, and believing the President had the right to direct his inferior executive officials to dismiss Cox, intended to do as the President directed, and then resign to show his disagreement with that order. However, Richardson reminded Bork that there was no procedure set up to determine who would lead the Department if he resigned, and that uncertainty would cause chaos in the Department, so Bork fired Cox and stayed on as Acting Attorney General for a couple of months until a new Attorney General was confirmed. For that, Bork got mud all over his face.

MS. FEIGIN: Are you saying he didn't think it was right to fire Cox but he did it because he felt he had to?

MS. SHAPIRO: He felt he had to. And his legal position was different than Richardson's and Ruckelshaus's because, unlike them, he had given no assurances to Congress concerning Cox's independence. But although he didn't agree with Nixon's decision, he was simply obeying the President's direct, and legal, order. Bork then intended to resign to signal his disagreement with Nixon's order. I think in the Office, anyway, everybody recognized this. I really admired Bork very much. He was probably the brightest Solicitor General I ever worked for.

MS. FEIGIN: And you served under how many?

MS. SHAPIRO: Eight. Eight-and-a-half [laughter], because one of them was Acting. Bork was extremely bright. He was also opinionated. He had some rather strange ideas, but he was a very good Solicitor General. He stood up for his staff. He was one of the best oral advocates that I've ever served under. He also kept up with his huge workload; in fact, every once in a while you would go into the office and he would be sitting there doing a crossword puzzle because he was all caught up on his work [laughter].

He really loved to debate. He would come down and have lunch in the cafeteria with the staff, partly because he really liked to engage in discussions about the cases, and he just liked to bat ideas around. I have a half-serious belief, maybe not even half serious, that some of his rather strange ideas might perhaps have come about because he was being

devil's advocate and nobody persuaded him that these positions were wrong, so he kind of backed into them [laughter]. He was a nice guy. He was very admirable. I have always felt he got a raw deal. The public perception of him is not entirely accurate. He's very conservative, absolutely, but he was conscientious too.

MS. FEIGIN: I think you gave some of the factors, but I just want to ask you to be sure we have them all, what do you think makes a good Solicitor General?

MS. SHAPIRO: Brains and backbone [laughter]. Well, from an Assistant's point of view, brains and backbone are the most important factors. It's also that you respect the traditions of the office. You conform to making decisions based on the record, and you certainly respect the staff, and you take them into your confidence. It's a group. It's a group working together, and to be the leader of that group, you have to act like a leader.

MS. FEIGIN: Was politics ever a factor in hiring an Assistant?

MS. SHAPIRO: Not in my day.

MS. FEIGIN: Do you think it has changed?

MS. SHAPIRO: I don't know. I think it was for a while, and that worried me terribly because if you let politics in, the system is polluted. But no, in my day it certainly was not. That was one of the beauties of the office. People in the office were first-rate. They all were. There were only a couple of people in all the years that I was there who weren't really up to the job, and that's pretty remarkable, and it made it a wonderful place to work. It really did.

MS. FEIGIN: What was it like to be working in the same office as your husband?

MS. SHAPIRO: It was great before he came to the Office. While he was the head of the Antitrust Appellate section, and I was in the Solicitor General's Office, I never had to review any antitrust cases [laughter]. I find Antitrust boring. When we were both in the Solicitor General's Office, it was good to share the same environment (and great for commuting!), but our actual work didn't overlap.

That was before I was reviewing the IFPs. It did get a bit hard to manage our home life when we both had oral arguments in the same Supreme Court two-week session. Howie didn't like being in the Office as much as I did because he had been the head of the Antitrust Appellate section, and it was harder than he thought it would be to go from being a chief to being an Indian [laughter], but I loved being an Indian, I really did. It was nice.

MS. FEIGIN: Well you were in a powerful tribe.

MS. SHAPIRO: Yes [laughter]. There's one other case I could talk about which was *Andrus v. Allard*. It stands out in my memory because I couldn't go to my nephew's wedding in Boston, since I was arguing the case the next week. Under the Eagle Protection Act, it is illegal to sell eagle feathers; the question was whether it was illegal to sell feathers from eagles that were taken before the Act was enacted. We said "yes," basically because you can't tell from a feather when it was taken. It was kind of fun to argue because this was a case where the facts were fairly coucined. There

wasn't a whole area that you had to get familiar with. There was a Fifth Amendment issue kind of kicking around in there, but it was a relatively straightforward argument, and I did feel pretty much on top of it. It helped that the government won the case. I don't want to exaggerate. Every argument when you go in you're on top of it, but there are levels of comfort.

MS. FEIGIN: What was the Fifth Amendment issue?

MS. SHAPIRO: Whether this was a taking without just compensation. Under our interpretation, the Act deprived feathers possessed before its enactment of their commercial value. You could no longer sell them, but you still had all the other attributes of ownership. The Court agreed that was not a taking. That was the only tricky part about the argument. Basically the only way to enforce the Act, really, was to make it apply across the board to all feathers. Otherwise, when dealers had artifacts, Indian headdresses, for instance, that were missing feathers, they could just replace the missing feathers with new feathers and sell the piece intact. The only way to keep that from happening was to ban the sale of all feathers, whenever taken.

MS. FEIGIN: Is that a case, you bring this case up of all the many, because it's one you are most proud of?

MS. SHAPIRO: No, it is just a niche case that I kind of liked, and I remember it because I missed my nephew's wedding for it.

MS. FEIGIN: You've talked a little bit about Dean Griswold, and you've talked a little bit about Robert Bork. I wonder if you want to add to either of those discussions or to discuss some of the many of the other SGs you've served under.

MS. SHAPIRO: Rex Lee was probably the nicest. He was a real gentle man. But he also had backbone. You didn't push him around. Drew Days came after a whole bunch of Republicans. I was particularly glad to see him arrive. He had been head of the Civil Rights Division before he was Solicitor General so I knew and liked him from then.

MS. FEIGIN: Why were you particularly glad to see him arrive?

MS. SHAPIRO: He was the first Democrat after a whole bunch of Republicans.

MS. FEIGIN: I thought that might be the reason, but to the extent you have said the office was pretty apolitical, did it make a difference that he was the first Democrat?

MS. SHAPIRO: No, but I just felt more comfortable. It didn't make any difference from the Assistant's point of view; the work of the Office was apolitical. But the Solicitor General is a political appointee, and in a larger sense, the work of the Office, and ultimately the responsibility of the Solicitor General, was deciding what was right, what the law ought to be in these situations where it was not yet clear what the law was, and so where he came from politically did make a difference in how he saw that. In that sense, the Office was political because we were at the cutting edge of the law, and your political notions, I guess, as well as ethical and whatever, do

color the way you see the law and the way you believe that the law ought to develop. So in that sense, yes, the Solicitor General and the Office he led was political, and I felt more comfortable, more in sympathy, with Drew Days' basic orientation than I had certainly with Fried or with Starr. They were bright. They were sensible. But their basic orientation was not my basic orientation, so in that sense, sure it was political, it has to be political. I'm not being consistent am I? [Laughter.]

MS. FEIGIN: I'm not suggesting that. I just want to understand.

MS. SHAPIRO: I hadn't really put it together, but in that sense, of course it's political.

MS. FEIGIN: So back to the SGs. Any others that you have any particular thoughts about?

MS. SHAPIRO: Seth Waxman, who was the last one that I worked with, was also very good and very easy to work with. They all were bright. And again, I was perfectly in sympathy with where he was basically coming from so it was a good experience working with him.

MS. FEIGIN: What about Ken Starr?

MS. SHAPIRO: He was alright. I didn't have any particular warm feeling about him. He was a politician. He and Wade McCree were the two that I thought were fundamentally politicians.

MS. FEIGIN: Meaning what? In terms of that office, what does that mean?

MS. SHAPIRO: I only mean that they seemed to have a politician's instinct. I don't know how Wade McCree found out that one of the people he dealt with regularly (in the Administrative Office of the Courts I think) was a

classmate of mine at Columbia. He was just a classmate, that's all, but every time McCree saw him, he would come back and report to me that he had seen him. He always remembered everybody's names and the connections.

McCree sent me out to a U.S. Attorneys meeting in Portland, Oregon to represent the Solicitor General's Office. It was fun, I really enjoyed it. The U.S. Attorneys meet regularly in small groups, and this was a meeting of U.S. Attorneys from medium-sized offices. It was a fascinating group. These are people who are used to being the U.S. government in their medium-sized towns, and they get together to talk about mutual problems. He sent me out there because my younger son was at Reed at the time. He was interested in connections.

MS. FEIGIN: What does the Solicitor General's representative say to U.S. Attorneys?

MS. SHAPIRO: I told them about what was going on in the Office, and probably something about our appeal recommendation procedures and the considerations involved. The meeting lasted for several days. That is where I first met Drew Days because he was there as head of the Civil Rights Division. I don't think they had all the heads of Divisions. No, I'm sure they didn't. But it was to update them on what was going on in Washington, and it was a little bit about what the Office was doing. Howie came along as a spouse which was kind of fun [laughter].

MS. FEIGIN: For him or for you?

MS. SHAPIRO: Both [laughter].

MS. FEIGIN: You said also that Kenneth Starr was somewhat political.

MS. SHAPIRO: Kenneth Starr was very aware of who your connections were and kept track and every time he would see me anywhere, big fuss about “Oh, Harriet, how glad I am to see you.” He was very careful to keep the political machinery oiled. That’s what I mean by political, I guess. He was alright. I don’t have any real objections to him. He wasn’t one of my favorites, partly because I don’t like charmers [laughter]. I really don’t like charmers. Griswold was not a charmer, he was the antithesis of a charmer. That’s what I liked about him. He told you what he thought, without any thought to how it would strike you.

MS. FEIGIN: You talked about him a little bit. Do you want to tell us more about him? Was he the one you served longest under? Who would that be?

MS. SHAPIRO: I have no idea. I never thought about it that way. Possibly. He was first, so he is kind of my notion of what a Solicitor General is. He set the mold kind of.

MS. FEIGIN: So you’ve come from being the first woman in the Office to having seen the first woman Solicitor General, and then having seen that Solicitor General become a Supreme Court Justice. Do you have an overarching perspective on all that? That’s quite an amount of movement.

MS. SHAPIRO: Yes it is. As I say, I think that the women’s movement, or the status of women, has come a tremendously long way, and again, I kind of came in when the ice was just beginning to break. It was a matter of being in the right time at the right place with the right training. That’s all it was.

MS. FEIGIN: I think you're being modest. Speaking of that arc, do you know Justice Kagan?

MS. SHAPIRO: I've met her. We had this wonderful dinner for her when she first became the Solicitor General.

MS. FEIGIN: Who's "we?"

MS. SHAPIRO: The women in the Office.

MS. FEIGIN: You were no longer in the Office.

MS. SHAPIRO: No, but all the women who had ever been in the Office had the dinner.

MS. FEIGIN: Do you have any idea how many women have been in the Office at this point?

MS. SHAPIRO: I think most of the women who had been in the Office were at that dinner. Since then there have been – I don't know, what does Eric say, half a dozen?

MS. FEIGIN: I guess we should say Eric is my son, who is in the Office now. I don't know the number.

MS. SHAPIRO: There were about 23 at the dinner.

MS. FEIGIN: So that means from your day through when Elena Kagan was appointed.

MS. SHAPIRO: Yes. The dinner was in September 2009. There were a few alums who weren't at the dinner. One I know who wasn't there was a professor at Harvard. She couldn't come. Twenty-five, say. Something like that from the beginning, and that includes deputies, and there were maybe four or five of them.

MS. FEIGIN: Women who became deputies?

MS. SHAPIRO: Yes, they weren't Assistants first. They were political deputies. Caroline Kohl, Maureen Mahoney, and Jewel Lafontant. And then there was Barbara Underwood. She was a Deputy too, but also an Acting Solicitor General for a while. Twenty-five.

MS. FEIGIN: So you've met Justice Kagan but you don't really know her.

MS. SHAPIRO: I don't know her. We had this dinner, and I see her at the Christmas parties, that kind of thing, but no, I don't know her.

MS. FEIGIN: Are you involved in an organization with the women in this office?

MS. SHAPIRO: The female alums go to lunch every so often. We are having a lunch this July to say goodbye to Emily Spadoni who is retiring. I don't know what's going to happen to the Office when she goes.

MS. FEIGIN: We should make clear who Emily is.

MS. SHAPIRO: What's her official title, the docket clerk? She's the one who is the liaison with the Supreme Court and makes sure that we file things on time, makes sure that things run right. She's the Administrative Officer basically. There were eight solicitors general, but there were only three Administrative Assistants in my whole time.

MS. FEIGIN: In 29 years?

MS. SHAPIRO: Yes. They are crucial. They're not lawyers. One was Mildred Fanebust. She left when computers came in. And then there was Ginny Bolling who was there for a long time, and then there was Emily Spadoni, who has been there for a long time.

MS. FEIGIN: So they're all women.

MS. SHAPIRO: Yes. Mildred Fanebust was secretary to one of the Solicitors General, Cox maybe, but the others are administrative types, but also very bright. You can't have a life and do that job. If there's an emergency, call Emily [laughter].

MS. FEIGIN: You came after Cox had been Solicitor General, but do you have any Cox stories to share with us?

MS. SHAPIRO: No. I don't think so. You got a lot of Cox stories from Alan Rosenthal, I'm sure. Most of my Cox stories come from Alan.

MS. FEIGIN: Before we close out today's session, let me just ask if there's anything else you'd like to say about any of the Solicitors General or anything else about your time in the Office.

MS. SHAPIRO: I think I've told you everything I can think of.

MS. FEIGIN: I'm grateful for that. Next time perhaps we'll get more into your personal life and learn more about your outside activities.

MS. SHAPIRO: Okay.

MS. FEIGIN: Thank you very much.

MS. SHAPIRO: You're welcome.

**ORAL HISTORY OF HARRIET SHAPIRO**  
**Seventh Interview**  
**October 10, 2012**

This interview is being conducted on behalf of the Oral History Project of the Historical Society of the District of Columbia Circuit. The interviewer is Judy Feigin, Esquire, and the interviewee is Harriet Shapiro, Esquire. The interview took place at Harriet's apartment in Rockville, Maryland, on Wednesday, October 10, 2012. This is the seventh interview.

MS. FEIGIN: Good morning, Harriet.

MS. SHAPIRO: Good morning, Judy.

MS. FEIGIN: We basically have covered your career, and what I want to ask you before we move on to the more personal part of your life is when you retired, what was the precipitating event and how did it come to be?

MS. SHAPIRO: I could tell you my cover story [laughter].

MS. FEIGIN: [Laughter] Okay, we'll start with that.

MS. SHAPIRO: I had said before the Bush/Gore election that if Bush won, I was quitting. I had been through several Republican administrations. I just didn't particularly want to go through another one. So when Gore lost, I submitted my resignation.

I made something of a mistake. I told Seth Waxman that I would stay on until he left, so that meant that by the time I got the document that you get when you leave, instead of it being signed by Janet Reno, it was signed by her successor, John Ashcroft. And I would have loved to have had one signed by Janet Reno.

My cover story was partly true; that was the precipitating event, but by that time, I was beginning to feel kind of tired, ready to have a little

more time to myself, and also I felt that I was getting beyond my peak, that it was really time for me to cash it in.

MS. FEIGIN: How many years had you been there at that point?

MS. SHAPIRO: I started in 1971, and that was 2001, and that was long enough. It really was fun. I enjoyed it. But when you get through, you get through.

MS. FEIGIN: Do you miss it?

MS. SHAPIRO: I miss the people. I miss the wonderful feeling when – there's a time when you're doing a brief, revising a brief that really doesn't work, and you look at it and you kind of punch it a little bit and think about it, and all of a sudden – mostly – there comes a time when you think, Oh, that's the way to approach it, or that's the way I want to do it. And that's a wonderful feeling. I miss the people, most of them. It was time to quit. It was clearly time to quit.

I don't regret quitting. I kind of regret – well, I think that it's very important, and I think this is what Howie is worried about too, you need not to just quit. You need to go on to something else, go on to something new that is intellectually engaging, and I really didn't do that. I just stopped. I was really very surprised at how uncomfortable it was after I stopped to realize that if I didn't do something today, I could do it tomorrow. It didn't really make any difference in the larger sense of things whether I did anything at all. This feeling that you're no longer contributing to society. I don't know, that sounds a little bit high flown, but it's a very unhappy, uncomfortable feeling. Maybe it's just my

New England ancestry, but it took quite a long time for me to adjust my self-image to, okay, I've done what I'm going to do in life and just relax and enjoy the rest of it. I still, every once in a while, have this dream in which I am trying to decide what I'm going to do in life, and what is it that I really want to do. It's not a happy dream. I have to figure out what I'm going to do. So I guess that's sort of the same feeling at the beginning as at the end of a career.

MS. FEIGIN: I do know that you've done things since you retired that contribute to society.

MS. SHAPIRO: Well, yes, but it took me quite a long time to figure out what I wanted to do. I really was tired, so for a while, okay, you just kind of sit there and pant. But you can't go on like that for very long. I think I have pretty well adjusted now. Good God, I better have [laughter].

MS. FEIGIN: What is it that you do that contributes?

MS. SHAPIRO: What I've recently been doing, for the past year or so, is working with the Montgomery County Literacy Council. I've got a student I'm tutoring in English and literacy. That's fun. She's bright, she's very enthusiastic. She wants to learn, which is the whole secret of the process. We get together two hours a week. She's going through a workbook provided by the Literacy Council. The Council gives its tutors a lot of support. It's satisfying. It's useful work. That's the main thing I'm doing. I did Reading for the Blind when we were down in Chevy Chase and the place

was fairly near. I went over an hour a week and read textbooks and that kind of thing.

MS. FEIGIN: For recordings?

MS. SHAPIRO: Yes, recordings. I also do a little volunteer work upstairs on the 7<sup>th</sup> floor where they have the assisted living. I go up there and read poetry for half an hour a week, which is fun. I get a very positive reaction from a small group of regulars.

MS. FEIGIN: Is poetry one of your passions?

MS. SHAPIRO: It hasn't been until lately. They wanted volunteers to read, and I tried reading short stories, and that didn't work at all.

MS. FEIGIN: Why not?

MS. SHAPIRO: Because I think their attention span is a little too short, maybe. Up there, there are all kinds of people, either physically or mentally sort of beyond it. I don't know, maybe the short stories I picked weren't right for them. I finally started out with Ogden Nash, and that was good. That worked, and we moved on. Are you a Garrison Keillor fan?

MS. FEIGIN: No, I am not, except that I love *The Writer's Almanac*.

MS. SHAPIRO: Precisely. I usually check *The Writer's Almanac*, and often they have a poem that I think, okay, that's a good one. They're not high-flown. I don't go in for high-flown poems, for these people or for me either. We do Robert Frost, which I suppose can be high-flown, but he doesn't have to be. Billy Collins is one of my absolute favorites. I bring a bunch of poems, and I read two or three, and then other people up there read too,

which took quite a while to develop, but they're doing it now, and I think that's a large part of what we should be doing, trying to encourage participation, and to provide a little entertainment in their lives. So that's been useful. And the other thing that I've done is work with the library committee. People donate books when they move from their houses, and we go through them and decide whether we want to give them shelf space.

MS. FEIGIN: The library here at Ingleside?

MS. SHAPIRO: Yes, the library here at Ingleside, and I have primary responsibility for the library on the 7<sup>th</sup> floor. There isn't much effort in it, but I like books.

MS. FEIGIN: What are you reading right now?

MS. SHAPIRO: I just finished this one, which I'm not sure I like. It's Julian Barnes, *On the Sense of an Ending*. It's a very New Yorker-ish kind of story.

MS. FEIGIN: Are you a fiction or non-fiction reader?

MS. SHAPIRO: Mostly fiction. Historical fiction sometimes. Judy, I'm not basically an intellectual [laughter]. Really, I'm not.

MS. FEIGIN: I think you probably are, but whether or not you are, you obviously have varied interests, and reading is not limited to intellectuals [laughter]. I know there's another part of you that you haven't shared with us. I learned from your friend Helen that you have a secret life as a hooker.

MS. SHAPIRO: [Laughter]. Yes. I started hooking a good many years ago, in about 1963 when we moved into our new house. We had a big living room. We never had had a big living room before, and I just didn't know how to deal with it, so a friend of mine who was an interior decorator said she would

help. When we got to the end of the process, she said that we should put either an Oriental rug or a hooked rug in front of the fireplace.

MS. FEIGIN: I can see how the decision was made [laughter].

MS. SHAPIRO: Exactly so. I figured I'm not going to buy an Oriental rug. So I went to an adult education class on rug hooking in Chevy Chase, D.C., and hooking turned out to be something that I really enjoy doing. It's simple. All you do is pull up loops of wool through backing. I can't draw for beans, but with rug hooking, you either buy a pattern or you can draw a pattern or make geometric designs. Anyway, you put a pattern on a backing and then you hook into it to make the design. You copy the pattern in the wool. A large part of the process is working out the colors to use.

MS. FEIGIN: Do you design your own?

MS. SHAPIRO: Yes, mostly. I get the images off of Google if I'm going to use images. The one out there now is a series of shapes developed after I went to a St. Louis rug camp.

MS. FEIGIN: "Out there" being on a shelf in the hallway.

MS. SHAPIRO: Yes. I go to a lot of rug camps, the most recent one was with a bunch of friends in St. Louis, and I asked each of them to draw me a shape. So I collected about 18 shapes, and I put them all on the mat. The shelf out there is 30" by 12", so I put them as overlapping shapes on the backing and hooked them in different colors. To me, anyway, it's a memento of the St. Louis hookers [laughter].

MS. FEIGIN: So you're a rug rat [laughter].

MS. SHAPIRO: I'm a rug rat [laughter]. Originally, one of the things that was so great about the rug camps was that when I was working, I was in a largely male environment with deadlines and intellectual rigor, and it was really very nice to go off for a week with a bunch of women with whom I didn't have anything much in common except this one interest, which was enough. You'd sit there and you would be hooking along, which doesn't take all that much thought, so the conversation would flow, and these were women, middle-aged and beyond, and the interesting lives these people had had would come out, and it was a very relaxed kind of female environment. It was lovely.

MS. FEIGIN: And you still do it.

MS. SHAPIRO: I still do it, yes. It isn't the change of pace that it was then, but by now, these people, a lot of them, are my friends that I've known forever. We are different, but in a lot of ways we're the same. Anyway, it's a very broadening and enriching kind of experience, and I really enjoy it.

MS. FEIGIN: Tell us a little bit about your family, because we haven't really heard much about the children.

MS. SHAPIRO: My children are absolutely perfect. As are everybody's, I suppose.

MS. FEIGIN: In Lake Wobegon.

MS. SHAPIRO: Right. Charles was born in 1958. He's 54. Charles has always been an original. I'll tell you his hobbies, and you can see. He juggles. He also rides a unicycle while juggling. He did that in the Chicago Thanksgiving

parade last year. He fences. He uses a bullwhip. More conventionally, he gardens (vegetables, not flowers), makes beer, and plays the recorder. I hate to say he's just a computer programmer because he's a computer programmer who supervises other computer programmers. He's very enthusiastic about his work. Our problem is that neither Howie nor I can understand what the heck he's talking about when he starts enthusing about something concerning his work. It's just a complete foreign language [laughter].

He's finally got the job that is absolutely ideal for him, I think. It's a small company, and what they're doing is rationalizing, consolidating the addresses in various cities. They're looking at a big job now in the Virgin Islands. Apparently in the Virgin Islands the first house on the block to be built is number one, the second house, no matter where it is, is number two, the third house is number three, so the address doesn't indicate the location of the house. I was kind of startled to know that that's also the case here in the United States – the street address may not give you the location – and multiple maps (e.g., of various utilities and city functions) may not agree. But once Charles' company gets through with rationalizing your system, everything correlates, and addresses are accurately located. So if you fall off the roof and you call 911 and give them the address, emergency responders can go there immediately without any delay in trying to find you. Creating a single accurate map city-by-city is an interesting computer challenge. It may even be possible, Charles

thinks (if I understand him), for him to develop a generally applicable computer program.

Charles is married. His wife Judy is a financial planner; she mostly does tax work. She and I are both sewers – she makes *elegant* quilts. His step-daughter was, and I guess she still is, a pilot, though she sold her airplane. She’s in St. Louis working for the Defense Mapping Agency. As I say, Charles is and always has been unconventional [laughter], which is fine with his family. He thinks for himself. I don’t always agree with the conclusions he reaches. He’s got distinct libertarian tendencies, which slightly bugs his parents [laughter]. Maybe that’s what it’s designed to do.

Then there’s Alfred, who is in Richmond. He is not married. He is a TV cameraman, particularly interested in lighting. Charles is in Atlanta, and he’s very busy. Alfred is in Richmond, much closer, and he is self-employed so he comes up here regularly. I get into a tangle with our computer, and Alfred comes and straightens me out. Charles says, “I don’t do Windows.” He hates Windows, but Alfred patiently helps me out.

MS. FEIGIN: You’re talking to a woman whose daughter-in-law works for Microsoft. Those are fighting words to me [laughter].

MS. SHAPIRO: Charles would be happy to fight [laughter]. He does all these other languages, whatever they are. Linux, I think. Lexis is the law one and Linux is the computer language, open source.

Alfred went to Reed College and majored in English and drama, and when he got back home he was in Little Theatre for a while. He's got a good eye. When he was about 10 or 11, he said that what he wanted for Christmas was a good camera and that's all he wanted. So I took him at his word, and after Christmas, we went down to the camera store downtown, and Alfred got into a serious discussion with the salesman about what kind of a used camera he wanted. He had researched it, and he knew just what kind of a camera he wanted. So he got a really good camera. He made himself a darkroom in the basement and started playing with photography. It was kind of a natural development from there. He got himself a video camera when he got out of college. He went around for a while shooting weddings and making videos for his friends who had bands. He would shoot a tape of the band that they could take around and show to people. Eventually he went off to North Carolina and got a job at a TV studio. I thought well, okay, he's all safely settled, and it turned out his first day there, they said that somebody's been holding hostages and go and shoot it. Alfred drove over, hoping that the cops got there first [laughter]. They did. But he's never had a desk job. He has always been out shooting. Alfred is also the one who is the caretaker of the Sturtevant summer house in Woods Hole, on Cape Cod.

I should tell you the two most important things I did for my children. Charles was dyslexic. He had a rough childhood. He was a bright boy and very verbal, so he hit first grade with great enthusiasm, but

he couldn't learn to read. He saw all these other kids getting it, and he didn't get it, and the psychological effect was terrible. I tried teaching him, and I couldn't do it. I didn't have the patience. "Damn it, child, you know that word!" He couldn't tell time. He had a terrible time tying his shoelaces. His grandfather looked at him once and said, "You know, that child is nonbidextrous." And he was [laughter]. Finally one summer, we were down at Nags Head, and Howie spent half an hour every day with him, and Charles finally cracked the code. He was going to Green Acres, a local private school, and they did not let him sit in the back, which he would have gladly done, just sit in the back and dream. But he finally cracked the code. Shortly thereafter, we visited friends of ours in a hotel, and as we were going down the hall in the hotel, Charles stopped to read the instructions on the fire extinguisher. Anything. Any written language, Charles was right there reading it.

MS. FEIGIN: I imagine dyslexia, when he was a young boy, was not a readily diagnosed problem.

MS. SHAPIRO: No. Charles wrote a letter to his grandmother once, before we really had realized how bad his problem was, and he brought me this letter and told me to put it in an envelope. So I put it in an envelope without looking at it and sent it off to her. She wrote me back, "Do something about that child!" [Laughter] His b's and d's were absolutely confused. He'd rub things out because he knew they were wrong, but he still couldn't get them right even when he wore a hole in the paper. His words kind of went this

way and that way, just totally illegible. It was perfectly clear that there was something wrong. He did eventually figure it out. But his handwriting has always been awful.

The best thing I did for that child was I decided he had to learn to use the typewriter, and I also decided I was not going to nag him about it. What he most wanted in the world was a metal detector, so I told him in the beginning of the summer, when he was about 12: “Okay, if you learn to type well enough so you’re a competent typist, I will get you a metal detector.” That was when I really realized he had iron in his soul because that whole damn summer – I don’t think we had air conditioning then either – I would hear this tap-tap-tap-tap-tap. He was sitting upstairs working on the typewriter. I didn’t have to say a thing to him. I think he knew that he needed to learn how to use it, but also, he wanted that metal detector. And he got the metal detector.

MS. FEIGIN: Good! [Laughter.]

MS. SHAPIRO: The advantage of that was that it meant that he could submit his written work so that his teachers could read it. He had a terrible time with math because he couldn’t get the lines straight, and if you can’t get the lines straight, you can’t do addition, you can’t do subtraction, you can’t do multiplication or division. All these things just were a closed book, although he does have a good mathematical sense. When I was trying to help him with his homework, I could see that he understood the concepts. For example, he understood positive and negative numbers without any

trouble. The concepts weren't the problem, it was just the mechanics of it. When he went to college, computers were just coming in. Carlton had a computer room where they had a few computers for the students. Charles knew how to type, so the keyboard was not a hurdle, and he understood what was going on. When he said how much he enjoyed the computer, I said, "But Charles, you have trouble with math," and he said to me, "Mother, you don't need to know how to run in order to drive a car," and that was exactly what it was. He finally had the car that he could drive, and so this whole world opened up to him, and that was what I did for Charles.

MS. FEIGIN: And for Alfred?

MS. SHAPIRO: For Alfred, when he got out of college, he came home and got himself a TV camera and was using it to record events for his friends. I saw in one of these throw-away magazines they have in the drugstores about free classes that there was a class on how to commercialize your TV experience. That class taught him a lot. They had a darkroom he could use. They taught him how to edit and told him that what he needed was to have a demonstration tape to take around to show to potential employers. So that course really opened up to him the way to make a living out of the video camera. So that's what I did for my kids.

MS. FEIGIN: That's terrific. We've heard about Howie during the course of your career. Is there anything you want to add to that discussion?

MS. SHAPIRO: Howie is absolutely the mainstay of my life, and he has always been. His support is something I've always known I can count on. Howie's line is that he is the cute one, and I am the smart one [laughter], which is absolutely absurd. He certainly is cute [laughter], but he is at least as smart as I am.

MS. FEIGIN: Howie is still working, correct?

MS. SHAPIRO: He is still working and only partly because he doesn't know what he wants to do when he retires. It's really because he enjoys working. He's good at it, and he really gets a kick out of solving interesting legal problems. I think that he is very valuable to his firm.

Howie started out in the Justice Department, and first he was in General Litigation and then he was in Civil Appellate, then he went to Antitrust Appellate where he spent most of his career at the Justice Department. For a short time, he went up to the Solicitor General's Office while I was there. He had been Assistant Chief in Antitrust Appellate, and it really didn't sit too well with him to be an Indian in the Solicitor General's Office after that. He did perfectly fine, but he wanted to be a boss again, and so he went over to the Federal Energy Commission as Solicitor, which meant he was in charge of the agency's litigation. He then went to the Federal Trade Commission as Deputy General Counsel, where he stayed until he got a general counsel he didn't get along with. So Howie retired from the government and went to work for Van Ness Feldman, which is a small energy firm in Washington, where he has been

very happy. It's been a very good fit, and I think that he is particularly useful to them. Obviously he's a very good lawyer, but he's particularly useful to them because he has a depth of antitrust experience which other people in the firm really don't have. Most of them have a variety of environmental and regulatory specialties. There are antitrust problems lurking around in energy work, and if Howie hadn't worked on the controlling case, he certainly knows about it, and he can find it. The other thing about Howie is that he is, and always has been from the time we were in law school, an ace researcher. He has carried that over from when we were in law school paging through books to now. If it's there, he'll find it, which is a useful talent. He's also good at supervising less experienced lawyers.

MS. FEIGIN: The other thing I hear about Howie is he's a physical fitness guy.

MS. SHAPIRO: Oh yes, he's a physical fitness guy, which is great. It's a tremendous stress release for him. If he can't exercise, why his mood goes right down the tubes. And of course he quite correctly keeps telling me that I should exercise more. I get kind of tired of hearing that, but he's right so I can't object too much [laughter]. I don't know what I would do without Howie.

MS. FEIGIN: Before we end this session, your career has spanned a long time and you've seen enormous changes, especially for women, and I wonder what advice you would give a young woman starting out today.

MS. SHAPIRO: My first piece of advice would be to be starting out at least 30 years earlier. The field now is so crowded. The other advice, which would also

be too late to give, is to go to the very best law school you possibly can get into, and by best, I mean most prestigious. Particularly if you want to work in New York, Washington, Philadelphia probably, anywhere along the Northeast Coast, you really need to go to one of the top law schools to have much of a chance of getting a good position after you graduate. And the other thing, again, which would also be too late, is once you get into the best law school you can get into, work as hard as you possibly can the first year because that is the basis on which you begin to make your record. I think getting onto a law review is very important for getting your first job. Or I suppose, this isn't my experience, but I guess if you can do moot courts and do very well in moot courts, or otherwise do something to make yourself stand out in law school, it would also help in getting that first job. In order to do that, I think, you have to build a very firm foundation, which, dammit, means get good grades in the first year. Second year, sure, you work hard. Third year, not so much.

I guess the other piece of advice I would have is probably outdated – again, all this is based on my experience – but I think a U.S. Attorneys' Office is the best place to start, particularly if you're interested in litigation, because there you will get experience. You aren't going to be just a briefcase carrier, which you are liable to be, I think, in the large private firms. And I would recommend working for the government. I found that a significant part of the compensation there is the feeling that you are working for the general good. Politics aside, I'd rather be a

prosecutor than a defense attorney. I found it very rewarding to know that I wasn't working for whoever was willing to pay me, I was working for the government, which should stand for justice, and that's important.

I don't know that it's still true, perhaps less than it used to be, but the opportunities for a woman in the federal government, or in any government, are better than they are in private practice. I suspect that's no longer true. I don't know. And, of course, the other piece of advice is find the right partner because it takes two, especially if you're going to raise a family, it takes two that are pulling absolutely in harness. There were a few times when Howie and I each had Supreme Court arguments in the same week.

You have to share the burden, there's no other way to get through it. I've always believed that picking the right partner is in significant portion just good luck, because at the time you are making these decisions, you don't know what you're going to turn out to be like, and still less do you know what he is going to turn out to be like. You take your chances, and if you're lucky, it works. And I guess if you work at it, but mostly it's just luck.

MS. FEIGIN: Well, thank you. I'm glad your life was graced with luck, and I am very grateful that you shared it with us.

MS. SHAPIRO: It has been a pleasure.

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## Harriet Sturtevant Shapiro Autobiography

I grew up in an academic family, the middle child and only girl of three siblings. Father was a key figure in early genetics research. In 1928, the year of my birth, we moved to Pasadena, California, where Father helped establish the Biology Department at Caltech. We spent each summer in Woods Hole on Cape Cod

I went to Wellesley College in Massachusetts, graduating in 1950. After two years as a claims examiner for the Social Security Administration in northern California (Santa Rosa), I returned East for Law School at Columbia University, where in my third year I become the second ever female editor-in-chief of the Columbia Law Review. Howard was also on the Review; we were married in 1954, just before our third year at the law school.

After graduation, we moved to Washington, where I worked for the Atomic Energy Commission. When it moved to Germantown, I went to the Justice Department until our first son was born. Like a good 50's mother, I stayed home to take care of him. I lasted at this endeavor until our second son got old enough to be active, while his brother was still too young to recognize him as the ally that he later became. In those early years, I was permanently exhausted, and pining for adult conversation when Howard came home, tired from talking all day. We recognized it was time for me to go back to work, so I returned part time to the Atomic Energy Commission, eventually serving as assistant to a Commissioner.

In 1972, the lawyers in the Office of the Solicitor General (the Justice Department unit representing the government in the Supreme Court) persuaded the Solicitor General that it was time to hire a woman. Howard encouraged me to apply, though it was a full time job. I became the first woman attorney in the Office. It was a dream job, both challenging and satisfying. The 15 oral arguments in the Supreme Court were the least of it. In 2001, I decided I wanted some time for myself, and retired. I have been happily rug hooking & reading ever since.

## Judith S. Feigin

Retired, U. S. Department of Justice  
Member, New York and California Bars

### EMPLOYMENT

#### Legal Historian, Office of Special Investigations, Department of Justice

Sept. 1999 - May 2005

Reviewed tens of thousands of documents and interviewed dozens of people to obtain detailed history of the Office of Special Investigations; wrote 600+ page report on U.S. efforts to identify, investigate, denaturalize and deport individuals who took part in Nazi-sponsored acts of persecution

**Deputy Chief, Department of Justice Campaign Finance Task Force** Sept. 1997-Sept. 1999  
Met weekly with the Attorney General, Deputy Attorney General and other senior DOJ officials; helped supervise approximately two dozen investigations; coordinated with U.S. Attorneys offices on Task Force issues

**Counsel to the Director, Executive Office for U.S. Attorneys** Jan. 1997-Sept. 1997  
Ethics contact for Assistant U.S. Attorneys nationwide; helped establish electronic briefbank; worked with the Attorney General's Advisory Committee to review and revise policies within the Justice Department

#### Assistant U.S. Attorney, Southern District of California

Senior Legal Counsel & Special Assistant to the U.S. Attorney Jan. 1994- Jan. 1997  
Helped develop and revamp office policies and strategies; assisted U.S. Attorney in his work as head of the Southwest Border Council and the Attorney General's Special Representative for Southwest Border Issues

Appellate Attorney (11 years); Trial Counsel (4 years) Sept. 1978-Jan. 1994

**Appellate Attorney, Department of Justice, Civil Division** July 1971- May 1978  
Briefed and argued cases in all federal Circuit courts

**Associate, Rosenman & Colin** (New York) Aug. 1970-May 1971

### PUBLICATIONS

The Rule of Law at the Margin: Reinventing Prosecution Policy in the Southern District of California, 12 Geo. Immigr. L.J. 285 (1998) (co-authored with Alan D. Bersin, U.S. Attorney, Southern District of California)

Comment, Right to Counsel - Alleged Incompetent Held Entitled to Counsel at Civil Commitment Hearing, 43 N.Y.U.L. Rev. 1004 (1968)

Columns in the *Los Angeles Times*, *The San Diego Union-Tribune*, the *San Diego Daily Transcript*

### EDUCATION

**New York University School of Law** J.D. 1970  
Member of Law Review  
Newman Scholarship for Achievement

**Barnard College** B.A. 1967