

Oral History of William H. Jeffress, Jr.

First Interview - July 28, 2011

This interview is being conducted on behalf of the Oral History Project of the Historical Society of the District of Columbia Circuit. The interviewee is William H. Jeffress, Jr. The interviewer is Professor Angela J. Campbell. The interview took place at Georgetown Law.

PROF. CAMPBELL: Okay, it's July 28, 2011, and I'm Angela Campbell. I'm here with Bill Jeffress at Georgetown Law School. We're doing an interview for the D.C. Circuit Historical Society's Oral History Project. Good morning Bill.

MR. JEFFRESS: Good morning, Angela.

PROF. CAMPBELL: So, maybe you could tell me a little bit about your family.

MR. JEFFRESS: Well, I was born in Birmingham, Alabama, at the tail end of World War II. My daddy was serving in the Army. I grew up in Richmond, Virginia, pretty much my entire life. Our family was a very close family. I had three brothers, none of whom became lawyers except myself. I graduated from high school in 1963, in the public schools of what was then a suburb of Richmond, Virginia.

PROF. CAMPBELL: Before we go on, I would like to hear a little bit more about your parents. Where did they come from? How did you end up in Richmond?

MR. JEFFRESS: Right. Well, my father was an electrical engineer. He went to Virginia Tech during the Depression. Graduated in I believe it was 1934, at a time when there were not many jobs.

PROF. CAMPBELL: What was your father's name?

MR. JEFFRESS: William H. Jeffress.

PROF. CAMPBELL: And you're the junior?

MR. JEFFRESS: I'm the junior. And he decided to go back and get a master's degree because of the lack of jobs. Served then for two years in the Army. He was in ROTC at Virginia Tech. When he got out of the Army, he went to work for DuPont, where he worked for his entire career. World War II came along, and he signed up. He was in the Reserves and he signed up for active duty and served throughout the war, but never was posted abroad. He said he prayed that he would be posted abroad and his father prayed that he would not, and he thought his father was a better Christian than he was. (both laugh)

During the war he managed to have the first two of four sons, one of them was me. I was born after the surrender of Germany but before the surrender of Japan.

PROF. CAMPBELL: Was your father living with your family at the time you were born?

MR. JEFFRESS: Oh yes. We moved around various times during World War II depending on where he was posted, but it was always in the United States. And my mother never worked. As a matter of fact, I learned after my father died that my mother had never in her career learned to type, (chuckles) or for that matter, balance a checkbook. But I had an excellent, excellent family situation and grew up as the son of a close middle-class family. My father was very active in his church, in the Boy Scouts and was kind of a model citizen I always thought.

PROF. CAMPBELL: So you were the oldest of the boys?

MR. JEFFRESS: Second oldest.

PROF. CAMPBELL: Tell me a little bit about your brothers.

MR. JEFFRESS: My older brother also went to Virginia Tech, became an engineer, fought in the Vietnam War, and went to work for DuPont following in my father's shoes, and spent his entire career in DuPont. He's now retired and his wife and daughter live in Richmond. He is an avid golfer. With only one child and having gotten married later in life, he had the leisure to learn how to become a good golfer.

I have a younger brother, who is two and a half years younger than me. I always thought it was a good illustration of the change in generations during the time we were growing up. Charles went to University of North Carolina, spent an awful lot of his time organizing anti-war demonstrations, went to the Democratic Convention in Chicago in 1968, and got beat over the head. He graduated and worked for a number of liberal Democratic candidates in North Carolina. Those kinds of candidates don't get elected very often, but ultimately, a man he supported for labor commissioner got elected and Charles became his deputy. He was in charge of the OSHA program in North Carolina. At the time, there was a disastrous fire in a poultry processing plant that killed a lot of people. It was a tragedy; on the other hand, it got the attention of Congress, and North Carolina got a lot of extra money for their OSHA enforcement program. It became sort of a model, and he ultimately was appointed by President Clinton Assistant Secretary of Labor in charge of the OSHA program in Clinton's second term. And now— after being executive director of the Legal Services Corporation for a while, he's not a lawyer but he knows something about the law and is a good administrator— he now works in Washington as executive director of what used to be the American Trial Lawyers Association.

It's called American Association for Justice. He is the executive director and has four children, lives in Washington.

PROF. CAMPBELL: And what was your older brother's name?

MR. JEFFRESS: Jim.

PROF. CAMPBELL: Okay so Jim—

MR. JEFFRESS: Jim, then Charles, and then Dick, my youngest brother, lives in Richmond, has two children, boys. He also went to Virginia Tech, so I have a long tradition. My grandfather, my father, and two of my brothers and two of my nephews all went to Virginia Tech. Dick builds houses in Richmond, which was a great business until the recession hit in 2008. But he's making out. And again, married, two boys.

PROF. CAMPBELL: Well let's go back a little bit further even and tell me about your grandparents? Where did they come from? Have they lived in the U.S. for a long time?

MR. JEFFRESS: My ancestors came to the United States around 1700. John Fitzgeoffreys was the man's name and he came to the U.S. and dropped the "Fitz," which I understand means bastard son of Geoffrey. So, a lot of people dropped the "Fitz" when they came.

PROF. CAMPBELL: From?

MR. JEFFRESS: He came from Northern Ireland. And was part of the Scots-Irish migration to the United States and in, particular, to southern Virginia in the first half of the Eighteenth Century. I have an ancestor who was killed in the Revolutionary War. Quite a few

ancestors who fought on the southern side in the Civil War. So, the family goes back a long way in southside Virginia. Now, there are branches that are concentrated in North Carolina, some in North Carolina, some in Virginia.

I have a family tree that was done in 1918 that was quite interesting, I always thought. My father was very proud of it. He was an amateur genealogist and kept track of the various branches of the family. In his branch of the family, because of people who didn't marry or who were childless, he always said he was the last remaining hope of continuing the Jeffress family name. And he did it well, he had four boys. (both laugh) So now there are quite a few of us.

PROF. CAMPBELL: What about your mother's side?

MR. JEFFRESS: My mother's side, she grew up in Norfolk, met my father there. Her father worked for—

PROF. CAMPBELL: Do you know how they met?

MR. JEFFRESS: He was teaching. He graduated from college, and before he got a job at DuPont I guess, or maybe before he went into the Army, I can't remember which, he taught for a year in high school and she was one of his students. They got married in 1940, so I guess that was four or five years later. She spent only one year in college and then they were married. My father is now deceased. As of, let's see, I guess it's been five years now, gosh, five years ago today. Yeah, five years ago today.

And my mother, they had moved to a retirement home. This is interesting. My mother was 87 when he died and living in a retirement home in Virginia Beach. Lonely, and met a man

who was also in the retirement home. Ultimately they married. He was 97 and she was 89. He's now 99, will be 100 next May. And they are just having the time of their lives.

PROF. CAMPBELL: What a great story.

MR. JEFFRESS: Oh it was written up in the Virginia Beach paper. People in the marriage license bureau had a grand time when they came in to get a marriage license. They said we've never given a marriage license to a 97-year-old. But she's still doing very well and just happy as she can be.

PROF. CAMPBELL: That's great. So you said the church was important to your father. What role did that play in the life of your family and in your life?

MR. JEFFRESS: Well I think it provided a sort of stability. They were active. They had a youth group at our home. We had a six-acre property on the James River outside Richmond where we lived. A fairly large house with a lot of land. They started having youth groups to their home and it spread to other churches.

PROF. CAMPBELL: What denomination?

MR. JEFFRESS: Methodist. And by the time they decided this is more than we can handle, I think they were having 150 kids at their house—like once a week. (laughs) And they decided this has gotten a little bit more than we can handle, so it kind of split up and went to different places.

But they also had a real commitment to helping other people. They adopted—didn't formally adopt—but took into their home a Cambodian refugee, who now I consider one of my

brothers actually—Khany Kong. He married another Cambodian refugee. During the Pol Pot regime, their parents were murdered in Cambodia in the seventies. They walked through the jungles from Cambodia to the coast in Vietnam and somehow or another made their way to the United States. It's an inspiring story. He starting repairing jewelry and then opened his own shop and has been quite a success, two kids—

PROF. CAMPBELL: But he came after you had left home?

MR. JEFFRESS: He did. Yep, he came after I left home. My parents also took in other kids from time to time, troubled kids, not adopted in the formal sense, but took responsibility for troubled teenagers. Some with success; some with not success. (chuckles) Kids that didn't straighten out their lives. So, as I think I said about my dad in some article in the Richmond newspaper, he really was a model citizen. (chuckles) I always thought of him in that way.

PROF. CAMPBELL: Now you went to public school throughout. Do you remember anything about your elementary school?

MR. JEFFRESS: I remember those were the days of the baby boom. School construction hadn't caught up with the explosion in the school age population. I went to elementary school. We had classes of thirty-five, thirty-six people in the class with one teacher who had a lot on her hands. We had at one time a class in a hallway that had been boarded off at two ends to make another classroom. I've got to say it was a fairly homogenous suburb—

PROF. CAMPBELL: The schools were segregated at the time?

MR. JEFFRESS: They were segregated in Richmond. The first black student who entered the high school I graduated from, Huguenot High School, in what was then Chesterfield

County, Virginia, entered two years after I left. She was in my younger brother's class. And the odd thing is, I met her at my daughter's wedding. She is now married to my son-in-law's uncle.

(both laugh)

PROF. CAMPBELL: What a small world.

MR. JEFFRESS: She says, you don't know me, but I actually integrated your high school.

PROF. CAMPBELL: Was that a really big deal at the time?

MR. JEFFRESS: Well, I've got to confess, I am embarrassed that I would ride the school bus to Huguenot High School, and we would pass on the road, black children who were waiting for a different school bus to travel twice as far to go to an all-black high school. And, I didn't really think about it. And didn't get involved or get active in supporting the civil rights movement until after the Martin Luther King speech in 1963, after I got out of high school.

PROF. CAMPBELL: So when you were in high school, were there particular subjects you liked or didn't like, or any teachers that were important to you?

MR. JEFFRESS: The truth of the matter is, I liked them all. And I did very well in school. I was valedictorian. The one thing that I did, for several years in junior high school and high school, was to act. I was in a lot of one-act plays—we did the state competitions in one-act plays. My talent was limited, however, by the fact that I can't sing. I soon learned that if you are going to be an actor, you need to at least sing passably, which I could not do. But I had a great time. I've always had something of the performer in me, which I think helps when you're trying a case in front of a jury. So, I really enjoyed that.

Although I was five feet eight and weighed 140 pounds, I played football as a lineman. I always tell my kids, “Look, if you’re small and slow, just play in the line and be tough.” I started and I even played freshman football in college. So that was another highlight. I always enjoyed sports but was never very good at them.

PROF. CAMPBELL: Did you travel when you were young?

MR. JEFFRESS: Yeah, we traveled always by car. My dad always had a station wagon and at one time bought a trailer. One time, my family, during the summer, drove from Richmond out to California and saw the country. A year later, we drove through Canada and the northeast. We took a number of other trips—to Florida. After I was in college and couldn’t go, they also went to North Dakota and the Badlands and Mount Rushmore. So he believed in that.

We camped. We took a trailer and a tent and camped. But every third night my mother would insist we stay in a motel so she could have a hot bath. (both laugh) The whole family went; so there were six of us in the automobile all the time.

You get to see the country in a way that you don’t when you fly out and visit some place. That was before the interstates were really—there were one or two interstates maybe that had been completed. But, when you drove from Richmond to Florida, you were driving on Route 1 and Route 301. You got a sense of the country, in a way I think you don’t when you’re on interstates today. Certainly not when you’re flying.

PROF. CAMPBELL: What do you remember about those trips?

MR. JEFFRESS: One thing I remember about the trips is that the people really weren’t any different from me. If you grew up in a single city and your world was a fairly confined

world, you never knew. But when we would go and meet people in Austin, Texas, and in Los Angeles and Kansas City and whatever, they were no different than us. (both chuckle) Plus just the majesty of the United States geographically. We went to all the national parks. I think my dad was determined to visit the capital of every state of the union, and he did before he died. I never did, but he did. And he was a great traveler. He retired at age 64, he lived to 92, and he went around the world I think twice on a freighter that had 15 or 20 passengers. He and my mom loved to travel and went all over the world several times.

PROF. CAMPBELL: Now what was your mother's name?

MR. JEFFRESS: Dot, Dorothy.

PROF. CAMPBELL: And her maiden name?

MR. JEFFRESS: Grubbs, G-r-u-b-b-s.

PROF. CAMPBELL: Where did she grow up?

MR. JEFFRESS: She grew up in Norfolk. Born in Philadelphia, but grew up in Norfolk. Her daddy worked for what was the Navy Ship Yard in Newport News. I think it became later part of the Newport News dry dock. He was a supervisor, not an executive or anything, but not blue collar either. They had a nice middle-class life. She had two sisters. One of them is now deceased but the other one is still living in Richmond and they are also part of our close family. When we have family get-togethers at Christmas, there are over forty people nowadays.

PROF. CAMPBELL: So you said you were a good student in high school. Did you have any idea what you wanted to do in terms of your career at that point?

MR. JEFFRESS: My mother reminds me I was quoted as saying I want to be a patent lawyer. Why I ever said that, I don't know. I think because my family was all engineers, but yet I had this idea that I wanted to be a lawyer and I'm just not sure why I decided I wanted to be a lawyer. I thought I was good, I guess, at the gift of gab. (Campbell laughs) Enjoyed combat, so to speak, intellectual combat. I debated a lot. Was president of the student body and ran meetings and so forth. I just thought being a lawyer would be a good thing to do.

And, so I decided not to go to Virginia Tech. I chose between Princeton and Washington and Lee and went to Washington and Lee. One of the odd reasons why I went to Washington and Lee was I never lost the ambition to play sports. I figured at a small school like Washington and Lee, I could play football, which I did for a little while, and lacrosse.

PROF. CAMPBELL: How big is that school?

MR. JEFFRESS: At the time it was about 1,300 students. When they went co-ed, they enlarged it some.

PROF. CAMPBELL: But it was all men when you went.

MR. JEFFRESS: It was all men.

PROF. CAMPBELL: What was that like?

MR. JEFFRESS: As a matter of fact, it was one of the last schools to go co-ed. They didn't go co-ed until 1985, something like that. It didn't seem strange to me. I mean, Washington and Lee is surrounded by what were then-all women's schools. Now few are still all-women—Sweetbriar, Hollins, Mary Baldwin, some others.

PROF. CAMPBELL: So they would have social events together, mixers, that sort of thing.

MR. JEFFRESS: Oh yeah. Just a half hour away in any direction there would be a women's school. So it didn't seem odd to me at the time. It seems odd to me now. None of my children went—although there are still some same-sex schools—none of my children went to them.

PROF. CAMPBELL: What's the name of the town that it's in?

MR. JEFFRESS: It's in Lexington.

PROF. CAMPBELL: Isn't that a pretty small town?

MR. JEFFRESS: Very small town, 5,000 people with two universities. VMI and Washington and Lee are both there, and there is very little else. That's basically the economy. So it was a sort of an idyllic place to attend college. It's a lovely, lovely campus, and you fall in love with it. It's still a great place to go during the summer. I go back occasionally and still know people in the area.

But it was a small school. It was one where, I thought, I got a terrific education. Something about small schools at that time, and I think still is, they force you to be somebody. You can't get lost. In very small classes you knew everybody. I had a great education and a very good time.

I graduated in 1963 from high school and '67 from college. That was the beginning of an extraordinary time in the United States with the assassination of President Kennedy and the Vietnam War and beginning to try to solve the problem we had with race relations.

PROF. CAMPBELL: Everybody always says people remember where they were when they heard about President Kennedy. Do you remember?

MR. JEFFRESS: I do. I was walking on my way to chemistry lab. And I never got to chemistry lab. I wound up in a church in Lexington, where they invited everybody to come and had a service about it. Today, of course, that would be all over cable and computers and everything else. Then, basically you had radio, you had television, the three networks that didn't really have much coverage. You heard all kinds of crazy things, rumors and so forth—sort of like 9/11 really. And, so it was a different time. But that's where I was. I do remember it.

PROF. CAMPBELL: Now what did you major in?

MR. JEFFRESS: Economics. And I don't know why I chose that. It just seemed something I ought to know something about I guess.

PROF. CAMPBELL: Did you have any particular mentors there?

MR. JEFFRESS: Yeah, I had a young political science professor who became and remains a good friend of mine named Delos Dyson Hughes—D. Hughes. A number of other professors that I really liked but have not remained close to since I graduated. I still have good friends but don't see them very often. One that went to Yale Law School with me, Billy Want, is in South Carolina, and another one, Kirk Follo, became a professor at W&L later. I guess I have kept closer probably to more people from law school than I have from college.

PROF. CAMPBELL: Now did you work when you were attending college?

MR. JEFFRESS: I had some small jobs, but I really didn't work. My father supported me. I did work during the summers. I taught a class at a high school, I did some research for a professor, things like that.

PROF. CAMPBELL: Aside from playing football, were there other extracurricular activities that you did in college?

MR. JEFFRESS: I became involved in student government. I was president of the student body and head of the honor council. That wound up taking a lot of my time and was what I concentrated on my last two years in college, more than anything else.

PROF. CAMPBELL: What kind of issues came up for you in that position?

MR. JEFFRESS: Well, you know, Washington and Lee had a very strong honor system. It was student run and part of what we had to do was, when we had a report either from a professor or a student, we had to investigate it. And there was a hearing—I wouldn't call it a trial necessarily—but we would investigate and hear from the student, and occasionally had to conclude that somebody had cheated. There was only one penalty, and that was immediate expulsion. So when we found that that was the case, we had to escort that student to a hotel and keep him there until his parents came, and he was gone. That was the only penalty. It was somewhat of a harsh system. It wouldn't work today. Well, it still exists today. They still have one but it's not quite the same rules. But at Washington and Lee, I don't think I ever had a key to my house. We just never locked anything. I had a locker on campus, but it wasn't locked. I'm not sure you could recreate that environment today. (chuckles)

PROF. CAMPBELL: Did that get you interested in the law—doing those kinds of investigations and hearings?

MR. JEFFRESS: I don't know. Somehow I knew, before I graduated from college that what I wanted to do was to be a lawyer. I never knew any lawyers growing up to speak of, nobody in my family had ever been a lawyer. So it's hard to say what exactly caused me to want to do that.

I was married as a sophomore in college. I remember talking to a counselor at W&L, one of the professors, who talked about law schools and law as a career. They had these various career seminars or meetings where people talked about it. I remember very clearly, he said "I've got one piece of advice for you. Marry for money and practice law for love." And I told him, "You know, I'm already married." He said, "Oh you'll make it." (both laugh)

PROF. CAMPBELL: Tell me about your wife. What is her name?

MR. JEFFRESS: She and I met in the fourth grade. (phone rings) No, I'm sorry, we met in the 5th grade. We met in the fifth grade, lived a little more than a mile from each other outside Richmond. And started dating when we were in the 8th grade. So, we have now been married forty-six years. But that's not really representative because we dated for eight years before that. (both laugh) So I've known her all my life.

PROF. CAMPBELL: What's her name?

MR. JEFFRESS: Judy, Judy Jones. And so as I say, we were married as a sophomore and I was in married student housing. Amy was born while I was in Lexington, Virginia, at Stonewall Jackson Hospital.

PROF. CAMPBELL: Wasn't it pretty unusual to be married as a student?

MR. JEFFRESS: There were about a dozen students. We lived in married student housing which had been built for veterans after World War II. I remember the rent was \$38 a month and that included utilities and a can of paint. (laughs) Judy and I still laugh about it. It has long since been torn down. But while we were living poor, we didn't feel poor. And, we just had a grand time.

PROF. CAMPBELL: Now did she attend college as well?

MR. JEFFRESS: She did. Wound up getting her degree after we came to Washington from GW [George Washington University]. And then got a master's in social work at Catholic. So she did complete her education, but that was in the interstices of having four children. (chuckles)

PROF. CAMPBELL: So what kind of things would you and Judy do for fun when you were in college? I guess since you had a little baby, you probably didn't do a lot of things for fun.

MR. JEFFRESS: There were two movie theaters in Lexington, Virginia. One had first run movies, and one had a stable of about twenty to thirty movies—classics I thought. That is all they played, and they did them over and over again. So I saw lots of things like the *Magnificent Seven*, and *One-Eyed Jacks*, and *Casablanca*, and you know—some of the classics I saw over and over again. And when I became president of the student body, I learned that the first run theater gave free tickets to the president of the student body. So Judy and I would go see movies

all the time. I've kind of gotten out of that but she now—gosh with Netflix and everything—that's still her passion.

PROF. CAMPBELL: Were you healthy pretty much throughout your young years?

MR. JEFFRESS: I was. Yep. Spent one week in a hospital with a football injury and that was the only problem I ever had.

PROF. CAMPBELL: So was Washington and Lee all white at the time you were there?

MR. JEFFRESS: It was integrated when I was there. The president of the school was Fred Carrington Cole. Against a lot of alumni angst, he insisted on actively recruiting and obtaining African-American students. The first one was a law student. He came in my junior year. I was on the executive committee. Fred asked me and a few other students to try to actively be the friend and protector so to speak of this student. I thought it worked well. He was an extraordinary guy. It certainly didn't cause any—there was no commotion or anything like that. Still, this was a southern school with a long tradition and there were alumni I think who still resisted. But that disappeared fairly quickly. So it was integrated while I was there.

PROF. CAMPBELL: Interesting. And what else was going on at the time that seemed significant to you?

MR. JEFFRESS: Well, this was the Cold War and the beginning of the space race. President Kennedy said he would put a man on the moon and I never believed it. But it happened. And the Vietnam War really didn't affect people in college because we had automatic draft exemptions. Lexington was not exactly a hotbed of anti-war activity. But, by the time I graduated, which was '67, I was very much opposed to the war. There were meetings and

discussions, but I don't really remember a demonstration at Washington and Lee while I was there. Probably happened later, but not while I was there. Now you remember, I think it was '67, might have even been '66, when the student unrest at Berkeley and Columbia and other places and formation of the SDS—when that activity really started, the violent protests. But that was not true at W&L when I was there.

PROF. CAMPBELL: But you were aware of it at the time?

MR. JEFFRESS: Oh yeah. And I do remember, in my senior year—just when I don't know—I became very much opposed to the war. Then when I went to Yale in the fall of '67, there was a lot more activity. And when the president eliminated the student draft deferments, it quadrupled.

Our daughter Amy was born at a time when there was a draft exemption called a 3-A, a fatherhood deferment, which President Kennedy had put in place. President Johnson didn't eliminate that fatherhood deferment until some time after Amy was born in 1965. And people who had deferments already didn't get them yanked. So I was sort of grandfathered in. I tell Amy, before she even knew what she was doing, she kept me out of the Vietnam War.

PROF. CAMPBELL: So you never served in the military?

MR. JEFFRESS: I didn't, no.

PROF. CAMPBELL: So why did you decide to go to Yale?

MR. JEFFRESS: Because, at the time, I decided that was the best place. I thought it was probably the hardest law school to get into, where I thought I would meet the top people from

around the country. Look, I grew up in Richmond, I went to public schools, and went to a small college in Virginia. I just wanted to find out how I would stack up against the best people there were.

PROF. CAMPBELL: Do you remember when you got there, were there things that really surprised you? Did it meet your expectations?

MR. JEFFRESS: It definitely met my expectations. I had wonderful professors at Yale Law School. Really challenged my thinking. I didn't find it, frankly, to be nearly as difficult as I thought it would be. And I attribute that partly to the fact that Washington and Lee was a very demanding school. You worked hard as a student and you had to perform. I thought I was at least as well prepared as people who had been to the Ivy League schools.

It was the first time I lived in what I call an urban environment, New Haven. And as much as I like Yale, I've never liked New Haven. I think we had been there a couple of weeks before something was stolen. I think I had two cars stolen while I was there (chuckles) and you know, all kinds of problems that we had.

One thing I didn't really expect, because this was before you had movies like *3L* or *Paper Chase*. I was a little surprised at the Socratic method and the way that seemed to embarrass—it was almost an intentional embarrassment of students—put them on the spot, make them stand up and perform. I guess that makes you tough, but it didn't seem very humane or considerate to me. I thought if I ever became a professor, I probably would use a different style.

But I had professors like Fritz Kessler. People don't remember him that much anymore outside of academic circles. He was in his sixties, taught contracts. He had done the revision of

Corbin on Contracts. He had a German accent. And was one of the finest teachers I ever met of anything—the love of the law and what the law is all about. Didn't teach you the holdings of cases, but how to think about a problem.

PROF. CAMPBELL: Did he use the Socratic method?

MR. JEFFRESS: He did, he did. But with great humor. (side conversation about whether recording still working)

But anyway, Fritz Kessler used the Socratic method, but it was sort of a gentle way that he used it. I remember once he asked a question of Dick Balzer, a classmate of mine. So he said (speaking in German accent), "Mr. Balzer? Can the plaintiff recover for the marble garage?" And Dick says, "I think he can." (raising eyebrows and speaking in a German accent) "Can, Mr. Balzer, c-a-n?" Balzer looked at him and said, "I think that's the way you spell it." (both laugh)

I wound up taking a second course from Fritz Kessler just because he was a man who taught you to think. I had other people—Fleming James in torts, James William Moore in procedure— [END OF FIRST RECORDING].

MR. JEFFRESS: There was an extraordinary group of professors at Yale Law School when I was there. I had James William Moore for procedure, Fleming James for torts, Alex Bickel for constitutional law, and Tom Emerson on civil rights. They were inspiring people. They were terrific professors who made an impression on me. I also took nine hours of credits, courses from Charlie Reich, who wrote *The Greening of America*. He was an extraordinary person in his own right; quite different from the ordinary law professor.

PROF. CAMPBELL: In what way?

MR. JEFFRESS: He was writing *The Greening of America* at the time. He was kind of a free spirit. He had written a very influential law review article, the name of which was “The New Property,” and he insisted that it have no footnotes. I think the editors of the law review insisted that he have at least a footnote identifying the author. (Campbell chuckles)

He was writing *The Greening of America* while I was at Yale. He gave me the galley proofs and since I was the editor-in-chief of the law review and never read anything without a red pencil, I proofread the galley proofs as I read them, for which Charlie was everlastingly grateful. I lost track of him after I left Yale. But he taught courses like “Social Structure and Community”—that was the name of one of them. Another was a seminar that I think was just me and him—it might have been somebody else. But we met once a week over tea and talked about issues that he was thinking and writing about. And he gave me a lot of perspective. So Yale Law School I thought was a terrific place to be.

It was also a time that was not terribly conducive to scholarship and academics because so much was going on in the world. One of the professors who later became Dean of Yale Law School referred to the time that I was there as the “Dark Ages” at Yale Law School.

PROF. CAMPBELL: That was because the faculty wasn’t writing either? Were all so involved in the anti-war [efforts]?

MR. JEFFRESS: You couldn’t help but be. And there is a book out actually, that a woman wrote about Yale Law School at that time and later. [Laura Kalman, *Yale Law School and the Sixties*] I left the year that Bill Clinton arrived. I overlapped with Hillary and Clarence Thomas came the year after. So this book is about that entire period.

One of the things I remember the most is something called the trial of Eric Clay, is what I call it. It's written up I think not too accurately in this book. Eric Clay is now a judge on the Sixth Circuit Court of Appeals in Cincinnati. But he then was a young black law student, at a time when minority admissions and the treatment of minorities at Yale and other places was very much on everybody's mind.

There was a professor of property law who was from Atlanta. Eric walked up to him one day and said to him—let's see, how did he put this—“if you don't quit fucking over black students I'm going to kick your ass.” And this professor reported that to the Dean and to the disciplinary committee. They had a problem. What are you going to do? A student threatens a professor, but on the other hand, they don't want to—

So they invited Eric in and Eric said, “I am not going to play this game. If you are going to accuse me of something I want a public trial.” (chuckles) That's the way things were then. And how could they say they were going to deny due process? Bob Bork was on the committee; Joe Goldstein was on the committee. It was an extraordinary thing. They set up something resembling a living room in the front of a lecture hall to pretend like this was just the way they would ordinarily do it—just an informal meeting. They set up couches. But it turned out to be like a stage. They sat on the couches and Eric sat on a chair in front. And he had a lawyer, Mel Watt, my classmate who is now a congressman from North Carolina.

The property professor testified. And Mel did a brilliant job in cross-examining him, bringing out that he had never had any relationship with a black person other than in a position of servitude when he was growing up and when he was in school or whatever; that he didn't

understand the language of the ghetto; that “I’m going to kick your ass” could mean “we’re going to party.” It was just a brilliant, brilliant defense.

But then apparently Eric insisted on testifying. As I recall it, Mel asked him, “So, did you say if you don’t quit fucking over black people I’m going to kick your ass?” And he said, “Yeah, I did say that.” And Mel asked him what he meant and he said, “I meant I was going to beat the shit out of him.” (laughter)

And this all was like theater. The lecture hall was crammed with students and faculty and so forth. So the committee had this problem, what are we going to do with this? I recall ultimately they worked it out. They backed off or something; they didn’t expel him. But, like I say, that’s written up in the Kalman book and it’s sort of a microcosm of everything that was going on at the time. Mel Watt went on to become a congressman, and Eric Clay went on to be a judge of the Sixth Circuit.

PROF. CAMPBELL: Were you in student government at Yale as well?

MR. JEFFRESS: No. I don’t remember there being any student government in the law school.

PROF. CAMPBELL: Okay. But you were the editor-in-chief of the *Yale Law Journal*.

MR. JEFFRESS: Of the law journal.

PROF. CAMPBELL: And so, why don’t you tell me about the article that you wrote with your colleagues?

MR. JEFFRESS: Paul Gewirtz, who is now teaching at Yale, and Paul Friedman, who is a lawyer here in town, Bob Borosage, who became a public interest lawyer, and Bill Kelly, who became head of the Washington office of Latham and Watkins, we got together and decided we would like to write an article about public interest law firms. That was a new thing at the time. Public interest law firms were just being created—things like the Environmental Defense Fund, the Children’s Defense Fund with Marian Wright Edelman, Charlie Halpern’s group, the name of which I forget—

PROF. CAMPBELL: Center for Law and Social Policy?

MR. JEFFRESS: Yes, Center for Law and Social Policy. So, we thought it would be an interesting thing. We got some funding from a foundation to do research. And wrote an article which was published in the *Yale Law Journal* called “The New Public Interest Lawyers.” [79 *Yale L.J.* 1069 (1969-1970)] Not a terribly academic piece, but dealt with some real issues that were arising then and still are—like what is the lawyer-client relationship in a public interest law firm. A lot of times clients are a convenience to give you standing to pursue an issue. There are funding issues, there are independence issues. We wrote about them. Justice White later told me that was the only article in any law review that he had actually read from start to finish in the last ten years. (chuckles) So we had a good time doing it, and like I say, it was an unusual thing.

Yale, in the time that I was there—I may have said this—but a professor who later became dean called it the “Dark Ages of Yale Law School” in the sense, I think, that there was not a lot of time for scholarship. There was a lot of unrest among the students and among faculty members over various political and social issues. Kent State happened in the spring of 1970,

which was my last year at Yale Law School, which was a massacre of students by the National Guard during an anti-war protest.

PROF. CAMPBELL: What impact did that have?

MR. JEFFRESS: It had a big impact on me. I at the time had actually supported a liberal Republican, Nelson Rockefeller, in the 1968 primary. I still didn't know what I felt. But after Kent State, Richard Nixon appeared on television and referred to the students as "bums" and suggested they got what was coming to them. I said, That's it. And I never had anything to do with the Republican Party after that. So, it made a big impression on me. I think it really did exacerbate the confrontation, which had already started, but became much worse after that, between the government and the people over the Vietnam War.

Then in the spring, Bobby Seale, who was a Black Panther leader, was indicted in New Haven. There were rumors that there would be a violent demonstration in New Haven in support of Bobby Seale; that people were coming from all over the country for that. The government in response brought in the National Guard. Armed troops came into the city with weapons and tanks and armored personnel carriers. Yale decided to let all students go home and cancelled exams. For me, I was about to graduate, I never took any exams my last semester in school. I just packed our car and trailer and moved to Washington.

PROF. CAMPBELL: They just said everyone graduates?

MR. JEFFRESS: They said you come back in the fall to take exams for most people. But if you were graduating, you just graduated—you got a pass. And you know—who cares—I

already had a job and a clerkship. So, it was very, very tense at that time in New Haven and everywhere.

PROF. CAMPBELL: And did the demonstration materialize?

MR. JEFFRESS: It wound up not being nearly as violent as people had feared. Yeah, there was a demonstration. But it was not the violent confrontation that everybody had feared. I remember walking down around the New Haven Green, and if you walked down a side street, you found all the military vehicles parked out of sight and soldiers in full combat gear. I didn't experience that again until May of 1971, May Day here in Washington, where we had very much the same kind of problem.

PROF. CAMPBELL: You had participated in some demonstrations in New Haven.

MR. JEFFRESS: Oh I did, definitely.

PROF. CAMPBELL: And were you involved in organizing or just sort of going to demonstrations?

MR. JEFFRESS: No, I don't think I was ever involved in organizing.

PROF. CAMPBELL: Is there anything else that you want to talk about concerning your experience at Yale?

MR. JEFFRESS: Just one little thing. When I was in law school, I got student loans. My dad had supported me through college, but said you have to support yourself now. So I got loans and I had a part-time job. And the second half of my first year and first half of my second year, before I was really full-time at the law journal, I worked for the Connecticut Public

Defender in the base-line Connecticut trial courts. A guy named Dick Meehan, who was quite a fine trial lawyer, gave me the opportunity, with permission of the judge, to cross-examine a couple of policemen and handle a case—a criminal libel case—which I thought was fascinating, which we won. But that helped me get interested in criminal law and in trial work. I saw that this is not easy, but I think I can do it. (chuckles)

So, that was my first opportunity to actually see a trial court. I remember cross-examining a policeman on a DUI about his filling out the form, describing the physical characteristics of the defendant. I watched Dick Meehan do it, and then I tried to do it, and I realized I've got a lot to learn. (both laugh) But it was inspiring. I could tell it was something, you know, I would like to learn to do this, I would like to do it. And that helped me get interested in criminal law.

PROF. CAMPBELL: Now, what was your wife doing while you were in law school?

MR. JEFFRESS: She worked part-time. Of course we already had Amy, and our second child was born in February of my last year at Yale Law School. So she had her hands full trying to help support me through law school.

PROF. CAMPBELL: So tell me how you got your clerkship. You said you had a clerkship and a job lined up when you graduated?

MR. JEFFRESS: I did. It's an odd story. I was a summer associate at Covington & Burling in the summer of 1969. Judge Gesell had been a very successful trial partner at Covington & Burling before he was appointed to the bench in '68. He came and spoke to the summer associates, and I met him at that time.

After I met him, he called one of the partners at Covington and said he would like to talk to me about maybe being his law clerk. Judge Gesell always picked law clerks from Yale at that time. So I went over there and I met him and he offered me the job and I took it. No, I didn't take it on the spot. Let's see, what happened?

I had intended to apply for Justice Black's clerkship. I knew two of his law clerks who had already started. I went over and talked to them and they told me, "Look, if you want to apply now, you have a good chance, but nothing is wrong with spending a year with Judge Gesell, it would be a great year." And so I decided that is what I would do. I wanted to be a trial lawyer anyway, so I would go to the District Court. It wound up being a fortunate thing really, because Justice Black died before I became a Supreme Court law clerk.

Judge Gesell only had one law clerk. He had been a terrific trial lawyer—had a terrific reputation. That was before the days of so many people applying for clerkships. He just asked me to come over and talk to him, I did, he offered me the job on the spot. I said well, I thought about clerking in the Supreme Court. He said, "Well, you know, let me tell you something, you'll find more here." I think I took a couple of days and then I told him yes. One of the best decisions I ever made.

PROF. CAMPBELL: So when you went to be a summer associate at Covington, was that your first time living in the Washington, D.C. area?

MR. JEFFRESS: It was. It wasn't my first time being here, but it was my first time living here. I lived with my aunt and uncle out in the suburbs and worked. Because of the law journal, I was only here six or seven weeks maybe. But it was my first exposure to a law firm.

PROF. CAMPBELL: And what was that like?

MR. JEFFRESS: It was quite interesting. They had wonderful lawyers who did wonderful things. Skipping forward a little bit, the one thing I did notice was that it would be a long time before I ever became a trial lawyer if I was at a big firm like that. So that's why ultimately I didn't go there.

PROF. CAMPBELL: What things did you do as a summer associate?

MR. JEFFRESS: I worked for a lawyer named Al Moses. He had a situation—a client had come in with a problem wondering whether he had a lawsuit against somebody. So he and I went in on a Saturday and he dictated the facts that he knew and so forth. I analyzed it and tried to figure out what kind of lawsuit the client had and what his cause of action was. It was good, it was great. I did some other sort of research memos—typical summer associate things for FDA matters—hard to remember what else I did.

MR. JEFFRESS: I was going to say after graduating I had both a clerkship and a job. I couldn't afford to go a week without a job at that time, and my clerkship didn't start until I think July, and I came here in May. I went to work for the Lawyers' Committee for Civil Rights. Jim Robertson, later Judge Robertson, was head of the National Lawyers' Committee for Civil Rights at the time. Rod Boggs was head of the Washington Lawyers' Committee. And so I spent a few weeks that summer before my clerkship started working for the Lawyers' Committee for Civil Rights. I reminded Jim Robertson recently, you gave me my first job out of law school. And I enjoyed that.

But we had a tragedy. My wife and I came in I think May, and our infant son died in early June, sudden infant death.

PROF. CAMPBELL: Oh, I'm so sorry.

MR. JEFFRESS: That had a big impact on us. We survived and wound up having two more children. But that made that summer a tough one.

PROF. CAMPBELL: I'll bet. Did you ever think about becoming a public interest lawyer?

MR. JEFFRESS: I don't know that I really thought seriously about it. As I say, I wanted to be a trial lawyer. I thought about public defender, about prosecutor. But I had this friend, Bob McLean, who had clerked at the Supreme Court for Justice Marshall. He had joined a small firm of trial lawyers who did a lot of criminal work, and told me about it. I figured that's the ideal thing for what I want to do. Which brings us to Miller Cassidy, and maybe that's where we should quit for today.

PROF. CAMPBELL: Yeah, I think we should definitely continue that later. It is 11:30. Thank you so much. It's really interesting.

MR. JEFFRESS: All right. I'm amazed how much I remember. [END RECORDING]