

March 24, 1992

This is the first oral history session with Circuit Judge Patricia M. Wald of the U.S. Court of Appeals for the District of Columbia Circuit. It is taking place on Tuesday, March 24, 1992, commencing 10:15 a.m. Present are Judge Wald and the interviewer Stephen J. Pollak. The interview is being conducted as part of the Oral History Project of the Historical Society of the District of Columbia Circuit.

Mr. Pollak: Why don't you give us your full name, date, place of birth and some of your own background as a person, human being?

Judge Wald: Okay. My name is Patricia Ann McGowan Wald. I was born on September 16, 1928, in Torrington, Connecticut; that's in Litchfield County. My mother's name was Margaret O'Keefe McGowan. My father's name was Joseph McGowan.

My mother was second-generation Irish, that is my grandparents, her mother and father, had come over with a large group of relatives from Ireland, in the 1890s. She had one brother and three sisters. My grandmother had altogether ten or eleven children but only five lived to their majority.

I know very little about my father's family. When I was about 2 years old, my father departed the scene. My father, I am told, was an alcoholic and, although he had been in the World War I Navy, and had tried his hand at many jobs, he could not settle down, drank too much, provoked a series of incidents in which my mother was left with no rent money, and finally left for good. I never saw him after the age of 2. I have only one very faint memory of being in a room and having my mother and father in a separate room and playing with some toys and having them at the kitchen table. But, other than that and a few photographs, I have no memory.

He had come from a good hard-working, working class family in a neighboring town, Thomaston.

Mr. Pollak: Neighboring town to where?

Judge Wald: Thomaston was a neighboring town to Torrington. I think you have to be Irish to understand some of these relationships. Even though his family was in the next town, there was never any contact with them after my father disappeared, so I never knew them; apparently I had aunts, and once in a while one of them would send me a doll at Christmas, but I never knew or met them.

When my father disappeared, my mother moved back in with her family so that I really grew up in an extended family situation with my grandmother, my grandfather, my uncle, who was unmarried, and my mother's three sisters. So altogether, there were eight of us, in a quite modest little house; we all doubled up in bedrooms.

Everybody in the family worked in the local factories. My mother had a job, right up until the time that she retired when she was about 65, as an accountant. She was very good with figures. Not a certified accountant but she did the books for the local factory.

I had another aunt who was very smart, who was an executive secretary. My uncle worked in the factory as a laborer. My grandfather shoveled coal into a blast furnace. My grandmother didn't work. She stayed home and kept the house. One aunt died very young of a kidney disease, when I was in second grade. One aunt married and went off to establish her own family. One aunt, who's still alive, remained in that family unit. So did my uncle, who never married and died about 10 years ago. So I was the only child in this kind of adult extended family.

Everybody went to work in the morning and came back at night. Everything revolved

around the workday. They had to be at work at 8:00. They came home for an hour's lunch and went back again, and then came home at 5:00 or 6:00 at night.

Mr. Pollak: What was the industry in which the family worked?

Judge Wald: It was called the Torrington Company and it made sewing machines and knitting needles. It was later taken over by Ingersol-Rand long after I had left Torrington. It made some other things, bearings, ball bearings.

I worked in the factory myself for three summers, when I was going through college, and it was very interesting. I did straight labor. I greased ball bearings one summer, separated out needle bearings another summer; so I had a good sense of the laboriousness of factory labor. Because there were always union fights going on in this factory (it was a UAW union), I had a first-hand sense of the labor movement in the '40s. In fact, I went out on strike with the union one summer. I worked with the union writing pamphlets and doing various other chores.

So, the thing I remember most about my childhood was it seemed like there were an awful lot of hours in the day. I did not go to camp until I was in sixth or seventh grade. I was in girl scouts and they would have day camp one week a year. They bussed you up to the local lake for the day, but that was really the only camp experience I had.

As for vacation experiences, in those days, people got off from the local company for a week a year. My mother would have a week off. Sometimes we would go someplace with my mother and my aunt or they'd rent a cottage at the local lake, but that was basically what vacations were.

There used to be these long days in the summertime. I dreaded the summer because during the year there was school and lots of activities, but in summer you had these long days

with nothing to do except hope some other kids were around to play with. And what I started doing very early was going down to the library as soon as it opened at 10:00 in the morning and taking a book home and reading it for most of the day and then taking it back the next morning. This routine helped me in several ways. One, it passed the time; two, I became quite a facile reader; and, three, I think in many ways it helped me to expand not only my vocabulary but my horizons, because pretty soon I was out of the children's section and into the adult section and I read voraciously.

Mr. Pollak: What age do you suppose you began doing this?

Judge Wald: Well, it was a small town, and, as I say, I was on my own most of the time, so I could walk to the library. I didn't have to wait for someone to drive me. So, I was into this pattern by, I think, probably second or third grade.

Mr. Pollak: You never had siblings and your mother never remarried?

Judge Wald: No, my mother was Catholic. The whole family was Catholic. Although later on I think the church rules became more flexible and she might have been a good candidate for annulment, there were no such sophisticated conceptions in this little town, and as far as she was concerned, she was totally ineligible for another kind of life. So, she put a lot of her emotional and other energies into me.

Nobody in our family had ever gone to college and my mother hadn't finished high school. A couple of my aunts had finished high school, but my mother and her brother hadn't finished high school.

In those days there were women who worked in the local factories, but the pattern was for middle class women to stay home, and, when you had to announce to the teacher that your

mother was working, there was this little bit of embarrassment. It's funny, because now I can look back proudly and say that my mother was one of the pioneers. She was a working mother who raised her child by herself.

Because she worked she wanted me to be able to get into school at an early age. She realized it was sort of lonely being home all day when she wasn't there. My grandmother was an immigrant woman, good hearted but someone who never really had a chance to broaden her horizons once she came to America; she was afraid of anything new or different. So, to get me in school early my mother lied about my age. As a result (we didn't have kindergarten in those days) I was put into first grade while I was still four. I soon turned five but that was still kind of young for first grade. I could do it intellectually, but I was miserable socially for the first year. I really just was not up for dealing with a total school environment and I remember I hated school for my first year.

Mr. Pollak: Was that your early interaction with children near your age?

Judge Wald: There were a few kids on the street that I would play with. But I remember the first grade teacher loomed up to me as this formidable disciplinarian. I don't think that the woman did any thing wrong or bad. I just absolutely loathed school and I can remember that my mother, who wanted to do everything for me, signed me up for the recess milk program where you paid a couple of dollars a month and at recess you got a little carton of milk to drink. Everybody else got to go out into the school yard. The problem was I could not learn to handle a straw. And so every day I dreaded the recess because I would go in there and I couldn't suck the milk up the straw. I would bite the straw and no milk would come and they wouldn't let me leave to go out on the playground until the milk was drunk. It sounds ridiculous now but this is one of

the reasons why I loathed my first year.

I got whooping cough in the spring of my first year. We didn't have vaccines then so I just went through the whole whooping cough. I was thrilled. I got to stay out the rest of the year. At that point, the parochial school where my mother had wanted to send me but which wouldn't take me at age 4, would take me on transfer to the second grade at age 5. So, I started with the nuns in second grade. From that point on I loved school. By that time I think I had matured a little socially, I could handle the situation. I did well in school. The nuns all liked me. And, from that point on, school became a pleasure.

Mr. Pollak: What do you remember about class size?

Judge Wald: I think I can remember rows, there were something like seven rows, there would have been between 30 and 40 in a parochial school class.

Mr. Pollak: Really, that large?

Judge Wald: Yes, sure.

Mr. Pollak: All women teachers?

Judge Wald: Nuns, yes. All nuns in parochial school, except one lady, I remember, Ms. O'Brien, who was a good Irish Catholic lady. Not a nun, but she was the only non-nun who taught.

Mr. Pollak: Maybe it's a good point to ask you about your religious upbringing.

Judge Wald: Well, my religious upbringing was Roman Catholic and I still have great admiration for many aspects of the Church. The parts of the Church that I have great admiration for are the kind of role that the nuns played with me and I am sure with other children of immigrants. It was the nuns who pushed you out to be

something, to do something, to make something of yourself. If you showed any promise they really were extremely helpful in pushing you to do extra things and to assert yourself, and in that sense they provided an entree into a wider world. My problems with the Church are primarily because of certain of its ideological positions. The way women are treated, the inflexibility of the marital situation, and its rigidity on abortion and birth control, but I think of myself as still having largely Catholic beliefs in God and the hereafter, a soul, however it turns out that gets ultimately defined, and some relationship between how you behave in this world and something thereafter. I simply couldn't bring myself to agreeing with all the minutiae which are necessary to keep yourself in total conformity with the Church's teachings.

Mr. Pollak: I wonder whether you have any comment on the flexibility that you had to break from the strong doctrine of the Church. Did it come from your mother, or your background, your reading?

Judge Wald: No, it was no one of those things. I suppose everybody who goes to a liberal arts school reads a lot which challenges her but actually I think I was well into law school before I just made some of these decisions. I married a Jewish man, but even that wouldn't have been at odds with the Church since we were both unmarried. It was more of a gradual coming to a point that I just couldn't accept certain practices or certain beliefs. And, interestingly enough, one of my children is married to a Catholic, and another one is married to somebody with a Catholic mother and a Jewish father.

Mr. Pollak: Any of your children strong practitioners of religion?

Judge Wald: Three of my children have a Jewish identity. They celebrate Jewish holidays. They don't go to temple every week but they celebrate the Jewish holidays and give

their children some grounding in that religion. The fourth and fifth ones married Catholics.

Mr. Pollak: Did you travel as a child?

Judge Wald: Well, the traveling I remember is after my Aunt Katherine got a car, that was the big break, then we would go on these trips around New England. Four or five of us would get in the car. We went to the World's Fair, the New York World's Fair, almost every weekend in 1939. We would get on the Merritt Parkway and go down for the day. We'd get up at 5:00, go down there, spend the day and come back in one day. There was very little staying away from home at night. I would say probably I didn't stay in hotels more than four or five times until I went away to college. We did go to Quebec once and stayed at a hotel. And we went to Cape Cod once and stayed in a tourist cabin. Those times were fun.

I do not remember being unhappy as a child. I remember sometimes being lonely and sort of at loose ends how to spend my time, but this was an Irish family which was very intent on doing the right thing by me. We had very strong loyalties to one another. The aunts and uncle really worked at making sure I had whatever opportunities I needed. Aunts would chip in when I was young and my mother didn't have much money to make sure I had good clothes. I got a scholarship to college but they would send me extra money some times. They took pride in my academic achievements. (I was the high school valedictorian.) It was not a family where people were kissing and hugging a lot, but it was a family that you knew if you were in any trouble you could call on somebody and if they had to get out in the middle of the night and drive 200 miles, they would do it.

Mr. Pollak: What about, you referred to reading. Looking at the period up through perhaps the end of grammar school or high school, what do you recall as influential

books that you read, if any?

Judge Wald: That's an interesting question, because during the grammar school period I just went methodically through every book in the children's division of the library. I began by reading every fairy story, every Bobsey Twin book, all the usual series. There was one interesting book series; I don't remember the author's name, by a woman writer who wrote historical stories about the area I lived in, about Harwinton which was a little side town to Torrington that goes back to the revolutionary war, and she wrote about five or six books that dealt with the revolutionary war period in our immediate area. And I found that utterly fascinating, the people, the names of the towns; for me that added a little bit of extra dimension to the straight entertainment value of reading; it began to get me very interested in what was happening then in a place that you live in now. I also used to read a lot of magazine articles.

Mr. Pollak: What magazines did the family get?

Judge Wald: Well, my aunt or uncle would just bring them home from the store. We didn't subscribe to any. *Saturday Evening Post*, *Ladies Home Journal*, all of the popular magazines. My uncle always bet on the races and so he always brought home the New York papers, the *New York Post*, the *New York Mirror* and *News*, before he went down on the weekends to the races with his buddies.

Mr. Pollak: Were you a newspaper reader?

Judge Wald: Yes, I read everything. I would read it whether I understood it or I didn't understand it. I was a little bit, how shall I say, conscious about it. I would read magazine articles even if I wasn't necessarily interested initially in the subject matter because I always figured they were going to come in handy for compositions, and they did. I remember writing

compositions for English tests about alligators in Florida because I had happened to read an article on alligators. There was a certain amount of conscious self-help going on there.

What I do remember is finally going into the adult section of the library when I got to high school. The library would only let you go into the adult section at a certain age, but by the time I was in high school I began reading adult books. I would spend a couple of hours in the library just going up and down the shelves, pulling things out and reading a lot of stuff way ahead of perhaps what I should have. Nobody was looking at what I was reading. And, while the Torrington library didn't contain much obscenity or pornography, it did contain a lot of so-called adult novels, so I was reading and figuring out a lot of adult relationships perhaps long before I was expected to. In the course of those forays through the library I began to read historical novels. I started with fiction because I was interested in the plots. But then I graduated over to the nonfiction side. But it was fairly ad hoc. I did not have a reading plan. When I got to college, for the first time, I had a terrific English teacher in my first year, and he opened up in some organized way the whole area of contemporary literature as well as classic literature. He happened to be a devotee of modern writers. So, very quickly I went through Hemingway, Dos Passos, and all of that genre.

Mr. Pollak: What was his name?

Judge Wald: Hamilton Smyser. He's dead now. He taught at Connecticut College.

Mr. Pollak: Do you remember as significant influences on you teachers in your earlier years, you know? You have had a life oriented toward public service almost from its beginning. Does that draw upon people who influenced you?

Judge Wald: Well, I would say two things. One is the experience I had in my immediate environment of people whose whole life was spent going to work and coming home. I absorbed some of the frustrations that came from that, some of the controls on people's lives that were levied by the employer, even though this was not a one-company town, it was a couple- of-companies town. Everybody worked for one of a few factories. One of my earliest memories was the Depression of the 1930s. At one point we had eight people in the house and only two were working, my grandfather and one of my aunts and they were carrying all the rest of us, as a family does. But I remember my mother coming home, I remember sitting on the stairs in the dark and hearing her tell the rest of the family in the kitchen that she had been fired for economic reasons, let go, and what was she going to do. So, as I moved into that working circle myself, worked in the factory myself, experienced it, I got very interested in the labor movement and union activities. The union had its ups and downs in our town. But I felt that it was a good thing. I began to identify with the union, with the labor movement. I actually worked with the union in the summertime while I was in college. By that time I had a sense that maybe there were ways to run society that were better for working people.

The other thing is that my family was very politically conscious, not active in the sense they were political leaders, but they were adamant, it was almost like a religion, Democrats. One of the worst things you could say in our household was he's a Republican and a Protestant, too. The Republicans were the people who ran the companies. And the Republicans – I remember hearing from the time I was four or five – "the Republicans are never for the working class." My family were great believers in Roosevelt. They loved him. They turned on the little radio in the front parlor every time he came on for a fireside chat, they loved him. I started debating in favor of a

third term for Roosevelt in eighth grade, and on through the fourth term in the 1944 election. In grammar school the nuns were very encouraging about debating political questions. I don't say they were all Democrats, but they were very encouraging about your getting interested in politics and participating in political debates in the school. I can remember as a little kid probably being quite obnoxious on my soundings-off about the virtues of Roosevelt, Roosevelt versus Landon and Roosevelt versus Willkie. I had a definite political identity by the time I was in high school.

Mr. Pollak: I wanted to ask whether the schools you attended were single sex.

Judge Wald: No. None of them were single sex until I went to college. In our town, there were three or four parochial schools and they were all ethnically but not sexually separate. St. Francis, where I went, was the Irish Catholic school, there was a Slovak Catholic school, there was a Lithuanian Catholic school, and there was an Italian Catholic school and that was the way education was segregated, not by sex. High school was just one big public high school with several hundred students in it.

Mr. Pollak: When do you put the time that your acquaintanceship went beyond the Catholic community? Was that when you went to college?

Judge Wald: No, high school. There was one high school for the whole town.

Mr. Pollak: Was high school public or parochial?

Judge Wald: Public.

Mr. Pollak: Oh, you shifted to –

Judge Wald: There were no parochial high schools, they only went up to eighth grade. Then everybody went into the one high school, even the sons and daughters of the executives of the factories, generally went to the high school. You might hear occasionally of

one kid being sent away to some private school.

Mr. Pollak: Those are usually problem kids, probably?

Judge Wald: The rich kids went to the high school as well as the poor kids. We all went into one big public high school. There, and this is an interesting point, there the breakdown came along choice of course lines and that choice provided an excellent illustration of how my mother was hell bent on making sure I went further in life than she did. You had to sign up as you were leaving eighth grade to go into high school for one of several courses. And the courses really were quite class structured. You signed up for the classical course if you were on your way to college. That had Latin, algebra and classical English. Or you signed up for the normal school course if you were very bright but from the working class and you were either going to teachers' training or nurses' school, which 90 percent of my friends did. Then you would sign up for the business course if you were going to stay in town and go into the factory offices. The girl who was number 2 in my high school graduating class and probably just as smart as I, signed up for the business course, became an executive secretary and that's where she stayed the rest of her life. If you were a boy and they thought you were going to be in the trades, you went to the technical course. And, once you signed up, you know, that was your course, not to say you couldn't switch but you didn't. And those were your friends, and in great part, your destiny was set.

Now, I knew that we didn't have a lot of money and that I was basically in the working class so, when I brought home the form to sign up, I said, "Well I guess I will sign up for the normal course." I thought I could probably be a teacher or a nurse. And my mother said, "No you don't, you sign up for the classical course." I said, "Well how can I sign up for the classical

course. How am I going to get the money to go to college.” She said, “I don't know but you sign up for the classical course.” And the nuns did the same thing. They said, “You tell your mother you must sign up for the classical course.” So I signed up for the classical course without having a clue where the money for college was going to come from, but that meant that I not only got the best education, I got the Latin and the algebra, but it also threw me into contact with all the kids who were college bound.

Mr. Pollak: Now did that cost more money to go to the classical course?

Judge Wald: No. It was simply one of the options open in high school.

Mr. Pollak: But you were looking toward college and you –

Judge Wald: It was one of the channeling devices that small town societies have.

So I traveled with that whole college-bound group and I got the teachers who were oriented toward teaching the kids who were going to college.

Mr. Pollak: Two questions. You might comment on your relationship with boys. There were no young boys in your family. Secondly, what about athletics and games? Were they a part of your youth?

Judge Wald: I'm terribly non-athletic. I'm a person who could just barely ride a bicycle and barely swim. So I was never a good athlete. I participated very widely in other high school activities, however. I was in the debating club, the dramatic club, the Spanish club, the Latin club, the Tri-Y club, and I was in school plays, so I was very much a part of the engaged group. But I never did athletics. I was lousy at it.

Mr. Pollak: Do you think the debating experience was something you drew on or drew on you in moving toward law?

Judge Wald: Well, it might have. I don't see it as a major influence. I had learned how to debate from the nuns in grammar school. 1940, the year I entered high school, was an election year. I'd already been in several school debates about Roosevelt so I joined the debating club and became an officer. I was usually on the lead debating team in high school.

Mr. Pollak: What about the dinner table at your home? Was that an active conversation?

Judge Wald: We didn't have dinner. The main meal was at lunch when everybody had one hour off from the factory for lunch. The one hour meant you walked home from the factory, ate your meal, and got back to the factory by 1:00, all of it between 12:00 and 1:00. Everybody would just talk about what had happened to them that day, not much beyond that. In the evenings, we had supper in our family, and this meant mostly leftovers from earlier lunch, they didn't talk much. It was definitely not a labor-socialist-intellectual type of atmosphere. People just talked about what they heard on the radio or what people were talking about in the factory.

Mr. Pollak: So it was more the schools that gave you this outreach and your reading?

Judge Wald: High school was great. It turned out I loved history and I found it wonderful to read both ancient history and modern history. I also began to enjoy writing essays. I was immediately targeted as a pretty good writer, the high school teachers encouraged me. A lot of that came from my reading almost the entire town library, just from picking up a big vocabulary. The more you read, the more words, the more phrases that stick in your mind, and help you to write better.

Mr. Pollak: Any comment on your relationship with boys?

Judge Wald: I dated in high school. But by the time I got out of high school, I was only 15. So I was always running a little bit to catch up. I wasn't exactly a glamour girl. I was a couple of years behind my peers physically as well as socially. I went to a lot of the dances, and I had some boyfriends. It was very innocent stuff. But I was not a social whiz or anything like that.

Mr. Pollak: Well, I think we're up to college and where did you go, how did you get there, what did you expect of it, what are your memories of college, what was the atmosphere, what were your activities there?

Judge Wald: Well, I went to Connecticut College in New London – about 80 miles away – because I had a four-year scholarship to that college. There was a wealthy elderly woman in Torrington whom I never met actually, who set up a scholarship fund that each year awarded a four-year scholarship, tuition and room and board, to a high school graduate from Torrington to go to Conn College. My mother had targeted that scholarship for me, as soon as she found out about it, several years before.

Mr. Pollak: I wonder if you gave your mother's name, did you?

Judge Wald: Yes, Margaret O'Keefe McGowan. Now my mother couldn't do anything directly to get the scholarship for me. She didn't know any of these people. She didn't have any power or social status, but I always knew that I was supposed to be working toward winning it. I did apply to other schools and I applied for other scholarships and there was one attempt to divert me off to a Catholic College, Albertus Magnus in New Haven, which is also a good school. There were older women who were helpful to me, and, by the time I graduated

from high school I was fairly well known in the town. I had been very active in all kinds of youth stuff; I was valedictorian of my class. One of these women who had been an Albertus Magnus graduate herself, said, "Oh, I'd like to take her down to Albertus Magnus and introduce her around." So she took me down there and they had a scholarship available. Everybody couldn't have been nicer, but I knew I didn't want to go there. The scholarship wasn't as good as the Conn College one so it never turned out to be an issue. Somehow I knew I did not want to go to an all Catholic girls' school even though I was a good Catholic at the time. I realized that in some way I wanted to push out to a wider world.

Now, Connecticut College was a women's school but it had lots of intellectual ferment going on. I saw it as opening up a big glamorous world, even though it was at the bottom of my home state. And in fact it turned out to do just that. It was never a cloistered atmosphere as far as I was concerned.

Mr. Pollak: I had a question which may carry you a little beyond the college, although I think we're still at the college part of this session, and that is, when in your years you recall coming in contact or making relationships with minorities other than Catholic persons, Blacks, Hispanics, Asians? What's your memory on that?

Judge Wald: Well certainly, I had a minimal number of such contacts growing up. I can remember only one Black girl in high school. The most prominent minority I saw growing up were the Jewish kids.

Mr. Pollak: What do you recall about that?

Judge Wald: Well, in high school I remember that my debating partner was a young man called Larry Silver and he was very smart. I think he ultimately went on to become a

lawyer. My best friend, who was another Irish Catholic girl, got a crush on him. We all went through high school with crushes, and we would self-consciously walk by their houses hoping for a glimpse, the sort of thing you do at that age. My friend got a crush on Larry Silver and I remember people would just say to her it's impossible. You can't go out with him. You can't go out with him. Even if he asked you, you couldn't go out with him because he's Jewish. And so that was the way it was, and Jewish kids always were expected to go out with Jewish kids. When the prom time came, the guy that my best friend had the crush on asked a Jewish girl whom he had practically nothing to do with the rest of the time in school. You could have all the normal kind of daily school activity relations but when it came time to have a formal date or to go to the prom, the Jewish kids were expected to go out with Jewish kids. It was looser between Catholics and Protestants.

Mr. Pollak: Do you remember prejudice as playing a part?

Judge Wald: No, not prejudice; nobody ever said to me Jews are bad. It's just they're separate, they're different. There was a very talented Jewish girl whose father owned the local shoe store, who had the lead in almost all of the school plays. A Jewish boy was our class president. It was just that in this town Jews were expected to stay together socially. There were very few Blacks around in the town and you just didn't think about them much.

Mr. Pollak: What about your own experience? Was there anti-Catholic prejudice that you had bumped up against.

Judge Wald: Not really. Because we overwhelmed the town. Sixty, 70 percent, 80 percent of the town were Irish, Italian, and Polish Catholics. No, you didn't run up against any prejudice. So it wasn't until I went to college that I even thought about prejudice. Even in

college, there were hardly any Blacks or Hispanics except for an occasional exchange student from Spain or South America.

Mr. Pollak: Who had status?

Judge Wald: Yes, yes. As I said, I do not remember any contacts with Black students in college. There were some Asian students around but the majority of us were white. In college, of course, I was immediately thrown into a lot more close contact with Jewish students; some of them became my close friends. I no longer thought of them as different. But I didn't really get any contact with racial minorities. Now, I did start to read about segregation and racial prejudice in the abstract. I remember reading Gunnar Myrdal's *The American Dilemma* in college.

I did not go into college with a clear career track in mind. Actually, the only lawyers I ever knew were the father and brothers of my best friend in high school. Her father was a county judge and her two brothers were lawyers. Otherwise, I had never known any lawyers up close. I went into college as a math major because I was very good at mathematics.

In my second year, however, I took a government course and that I think was the real eye opener. There was a wonderful, dynamic woman government teacher called Margery Dilly, who had done her thesis on British policy in Kenya back in the mid-'40s and she was a very hard taskmaster. In fact, if you became a government major, you were automatically considered an intellectual elitist because she was so formidable. She brought an enormous amount of intellectual energy to her courses on political philosophy as well as American government. She showed us how all of the facets of government policymaking, here as well as abroad, worked. She exposed us to comparative government courses; more important, the whole history of

political thought, going back to Aristotle. And, together with a couple of feisty economics professors, this led me to perhaps my first coherent notion that there were people out in the world who wanted to make things different, wanted to change things, thought things were not the way they should be. I began to get some sense of the reform movements, not just political, but also economic reform movements, new ideas, differences from traditional thinking. For instance, I did spend one summer during college as a student intern down here with the Greenbelt Consumer Cooperative movement along with eight or nine other students from around the country. We all lived together in two little one-room apartments, one for the boys and one for the girls. We ate all our meals together. We traveled around and talked to everybody in the consumer cooperative movement. It was a trolley ride then, from Washington to Greenbelt. And every chance we had we came in to D.C.; we heard people speaking at the Washington Monument. We talked all the time about politics and about economic movements; it was terrific. Also, it gave me my first chance to live in a different city and to see Washington.

Mr. Pollak: How did you get that position with the Greenbelt Coop?

Judge Wald: I got it through the college, the usual college bulletin board where there are summer opportunities posted. And there was a professor of economics named Hartley Cross who had been a high person in the consumer cooperative movement. And his endorsement helped enormously. So that summer was another entrée into the outer world. I remember that, except for the New York World's Fair, I had never been out of Connecticut before. I got on a train in Grand Central Station to go down to Washington. I got out at Washington, I still remember – let's see, I would have been 17 or 18 I guess at the time – I looked out and saw the Capitol and it was really an awesome sight. This would be 1947, I think. The first thing I had to

do was go to the Traveler's Aid Bureau and figure out how to get to Hyattsville by trolley and then from Hyattsville, a bus to Greenbelt. But, anyway, it was a great summer.

Mr. Pollak: The family sent you off alone to do this?

Judge Wald: Well, they let me go. At various times, I could tell my mother had trepidations, but, by this time, I had sufficient confidence from having been away in college, and they weren't going to stand in my way.

Mr. Pollak: Did you have any awareness coming down to Washington of the segregation, of the racism that was here at that time?

Judge Wald: I didn't really think about it. I wouldn't say that I didn't have any awareness. I think that by that time I had had a couple of history and sociology courses and I knew that segregation was a major national problem. I knew the history of slavery, but I didn't have any emotional feeling about it. In fact, I remember (this is 1947) I got lost from the group at one point, when we were on some group expedition in Washington. We were way up in the Northeast area that even then was completely segregated and inhabited by Blacks only. I remember just walking around for about two hours and thinking I haven't seen a white face this entire period. But I had no sense in those days of fear; there was no sense of, my God, what will I do, that kind of thing. We all went to hear Gerald L.K. Smith, a racist orator of the times, talk at the Washington Monument and then we had endless hours of lambasting him and agreeing how terrible his message was. The group I was with, although it did not have any Blacks in it, had a Chinese girl and we had several Jewish students. We had a minister and his wife as chaperones, one of these socially activist ministers, Sheldon Rhan. I would see his name later on in the civil rights movement, in the religious part of the civil rights movement. So I know that

we talked about the problem a lot even though we didn't live it. And I noticed there weren't any Blacks in Greenbelt at the time, although it was one of your New Deal-Rex Tugwell model greentowns.

Mr. Pollak: You were speaking then about college.

Judge Wald: During my first year in college, the war was still on. I remember in April of my first year in college Roosevelt died. I was shocked. We all were. That summer we were still at war with Japan. I went back home for the summer and worked the night shift in the factory, went in at 11:00 p.m. and came out at 6:00 a.m. The war was over in August after the dropping of the atomic bombs. When I went back to college, somebody suggested that as a language requirement – I'd had a little French, a little Spanish – I try Russian; they had just brought a Russian teacher onto the faculty. The Russian classes were very small. I began to read a little bit of Russian literature. This was the window period after the close of the real war before we went into the cold war; we had exchange programs with the Russians. The college was near the submarine base in New London. The whole crew of a Russian submarine came to the submarine base, and we had several social gatherings with these Russian sailors. My roommate in college had a brief romance with one of the Russian submarine sailors. After about six months, one night, with no warning to anybody, they were gone; there were no goodbyes, no anything. We never heard from any of them again. Shortly after that, our entire national policy began to lean much more heavily toward a cold war approach. But the exchanges themselves were broadening experiences.

Although it was a girls' school it did have the advantage – recognized much later – of pushing women to be leaders. I don't know whether that leadership push plays out as well for

women in coed schools. All of my own kids wanted to and did go to coed schools. The teachers at my college were very interested in advancing those students that were able and interested. They worked very hard with you. Because it was all women, there was never any assumption that you're just going to go home and have children and never be a part of the public world again. There were some very able professors, men as well as women. John Gardner, the former Secretary of HEW, taught at Connecticut. There was a sense of, we'll do everything we can to help you if you want to push yourself further. I benefitted from that.

Mr. Pollak: In high school, you'd been very active in many clubs. Did that continue through college?

Judge Wald: Some, but less so in college. I worked very hard on my grades.

Mr. Pollak: What motivated you to do that?

Judge Wald: I'm not sure because I really didn't know where I was going. I didn't really make a decision to go to law school until my last year in college. But, of course, I had a scholarship and it was contingent on keeping my grades up to a certain level. Still, I don't think that that was the real motivating factor. I think it was something inside that said to me, You've got to show 'em. Also, I was interested in a lot of the stuff I was learning. I really enjoyed exposure to a lot of new material, especially about what was happening in the country and its problems.

I did some club work but I was not a "big woman on campus." I took part in some of the political debates. I remember going down and working with the PACs in New Haven, the labor PACs. I did a little social service. I was in a few plays and in the Russian club. I used to go over with the local priest and teach once a week at the children's TB center.

Mr. Pollak: Did you make any lasting connections with professors or fellow students that have stayed with you?

Judge Wald: Well, with Ms. Dilly, I did. She died a year or two ago, but I went back to the college several times to see her. She had a very strong influence in my life. In fact, the college set up a lectureship for her last year and asked me to give the first lecture, which I did.

Also, Hamilton Smyser, whom I mentioned before. We didn't have a close personal relationship, although if I went back there, I always looked him up. He really opened my eyes to modern literature, his great enthusiasm for what modern authors were saying about confronting modern problems, all of which now sounds unremarkable, but in the 1940s was revolutionary to me.

Mr. Pollak: What about the students who were there with you. Did you learn from them?

Judge Wald: I would say I learned social skills from the students, and some of them are still friends. Most of them were more upper class than I, although there were some scholarship students. In fact, my roommate was a second generation Polish-American girl, with an ethnic background like mine. I learned operational skills. I learned things like how to dress, how to act in a social situation, how to deal with this and that kind of crisis; a lifestyle, if you will.

I don't remember being intellectually engaged with many students. There was a small group of fairly intense students who lived in a cooperative house, where tuition was less, with whom I palled around. I didn't live there because I had a scholarship and a regular dorm

assignment. They were government majors, like me. They were interested in labor problems. I don't know that they taught me anything specific, but it was good to have other people who were interested in the same things that you were interested in.

I had one, what's the word now, we called it boyfriend in those days, one male friend for a couple of years who was very intellectually stimulating. He was going to Yale at the time, later went to Harvard Business School. He was interested in many of the same things, in social phenomena and what was happening to the country and, so we would talk a lot on our dates about current events and he would suggest I read certain books.

Mr. Pollak: Your summer between freshman and sophomore year you worked in Torrington. You came down to Greenbelt in another summer. There's still a third one.

Judge Wald: The final summer after college I went back to the factory and was on strike. I spent the summer working with the union.

Mr. Pollak: What do you recall about the war and its influence on you and the people around you? Did your family have people in the war?

Judge Wald: Pearl Harbor happened in December of my sophomore year in high school. That was 1941. The war ended at the end of my freshman year in college in 1945.

My youngest aunt, who had just married recently, had her husband drafted into the Navy. He was just a seaman, but he was out on a boat in the Pacific. I remember she moved back into the family household. I remember her waiting every day for his letters. He saw combat but he wasn't injured or killed. She spent a lot of time trying to figure out where he was and what was happening there; they had a code for getting by the censor. His brother was in the army in the European theater, but I didn't have anybody closer than that in the services.

There were guys in my senior class in high school who were called away in the draft and who didn't get to finish high school. So at our high school graduation, we had a big do about all of the absent members who were away in the armed forces. I had a pen pal relationship with a few soldiers and sailors from Torrington, one of whom was killed in action. Everybody in my family was working in defense production. As I said, I worked the night shift that last summer of the war. I suppose there were some civilian shortages, but I don't remember any real deprivations. There was a certain sense of excitement because it was a good war. I remember going to infinite numbers of war movies, and feeling very patriotic, inspired.

Mr. Pollak: Do you think that it formed you in any way or your attitudes as you moved on through later life having lived through World War II?

Judge Wald: Well, for a while, I had strong feelings against the Germans and against the Japanese, but I have to tell you, I got them more from the movies than from anything else.

Mr. Pollak: What about the reactions of the time and your own to America First and isolationism as against interventionism, one-worldism?

Judge Wald: I certainly wasn't exposed to isolationism in high school. We were in a small town and once we were in the war the whole place geared up. In the high schools, we wrote essays about how to help our fighting men. We did volunteer work. I worked in the hospital every Wednesday to help make up for personnel shortages. We did exercise classes to keep ourselves fit. I don't know what relationship that had to the war; but anyway, I don't remember ever having any doubts at that point about the wisdom of our national effort.

My first year in college, which was the only year the war was on, was basically the same

way. I don't remember ever being exposed until after-the-fact to the whole America First movement. As a child I can remember vaguely hearing people listen to Father Coughlin on the radio but my family was very pro-Roosevelt so they were not Father Coughlinites. I think they bought hook, line, and sinker what the President was saying.

Mr. Pollak: Any other comments you'd make about college? How did it compare as a growth or intellectual experience to what you experienced then in law school?

Judge Wald: Well, I think it was more explosive. It was more like going from a very small town and closed society into a society where you're exposed to different ideas, and even different people, despite the fact it was a girls' school. On weekends, of course, the place was full of guys. Actually, the Coast Guard Academy was down the street, and Yale was one train stop away. So college was more explosive in terms of broadening the horizons of life than law school. Law school kind of cemented me, I suppose you might say, put discipline on that great big wide world of ideas and helped me channel them in a way so as to be able to do something about them. College gave me the freedom to enjoy, experience and be exposed to the ideas. I didn't give much thought, while I was going to college, as to how those ideas were going to affect my future life.

Mr. Pollak: How did you do academically in college?

Judge Wald: Well, I worked very hard at it. I was Phi Beta Kappa. There were two people picked from every class as Winthrop Scholars, on the basis of grades. I was one of them. It's interesting, though, in retrospect, about life's twists and turns. I was a government major. The other girl was a very, very bright girl in the English Department. Our averages must have been very close. We were certainly of equal intellectual calibers. She was engaged at the

time and she got married and they lived someplace in Connecticut. I see her occasionally at reunions. I think she's done some volunteer work in the community, and she's had children, but basically, she never had a continuing professional career.

Now, I often like to joke, but it's not entirely untrue, that, upon my senior year in college, the class was divided into two groups, those that were engaged and about to get married and those that weren't. Had I had my druthers then, I would have liked to have been in the group that was engaged. As luck would have it, I was not. I had no outstanding offers at the time. So, therefore, I went the route of, What am I going to do next.

I had a very good average and I was interested clearly in all of these current social movements. It seemed to me I had two choices and the academics at Conn College would have backed me in either one. One would be to go to graduate school. I didn't have any sense I wanted to teach or become an academic and that was really the only thing at the end of the Ph.D. in history or philosophy in those days. I don't even remember who suggested law school, whether I thought of it myself, but somehow it became another alternative. The year I applied – 1948 – must have been the first or second year they ever gave LSATs, and I remember I had to go down to New Haven to take that test. When I worked with the labor union back in Torrington, there had been a labor lawyer who didn't live in Torrington but counseled the UAW and would come up to town for strategy sessions. I began to see how important the law was in relation to the labor movement. As I said, I had a sense of what lawyers did from my friend's family, but her family were stout Republicans so they wouldn't have been role models. Anyway, at some point, law school seemed like a much more exciting alternative than graduate school. In terms of law schools, I applied to Columbia, as well as Yale, but I could not apply to Harvard

because they wouldn't take women back then.

Mr. Pollak: They weren't taking women?

Judge Wald: They weren't taking women. That didn't change for another year or two. And I applied to a couple of graduate schools; MIT had an urban planning degree, and to the Department of Economics at Yale because the husband of one my government teachers was an economics professor at Yale.

Now, I could not have afforded any of them. That was the other thing. My family still had no money. So I wasn't sure I was going anywhere. I thought, right up until about March or April, I might well have to just get a job. Then I applied for a Pepsi Cola Fellowship. Pepsi Cola used to give fellowships for graduate study. You had to write an essay about what you wanted to be or do.

Mr. Pollak: This fellowship would then have been applicable where you chose to go?

Judge Wald: Where you chose to go. It was great. It was like a McArthur Fellowship, you know. It paid your tuition. It didn't pay all your room and board but it was enough to make it possible to live. And I won one of them. So that was it.

Mr. Pollak: What was your essay about?

Judge Wald: It was an essay about why I wanted to go to law school. As I recall, my essay focused on my experiences with the labor union and growing up in a working-class family and seeing the influence of law and wanting to become a lawyer and circle back and work in the labor field, which, of course, I never got around to doing. I remember that getting the scholarship was a thrill. I don't remember in the final analysis exactly why I picked Yale Law

School. I was interested in going to Columbia at one point because I liked the thrill of living in New York. My best friend had gone to Barnard and I would go down to visit her, but somebody, and it may have been the poli-sci teacher who was the wife of the Yale professor, sort of chalked up pluses and minuses and convinced me that if I could get into Yale it was better to go to Yale, which is what I did. I didn't know anybody at Yale. I didn't know a soul at Yale. I didn't know anybody who had ever been to Yale Law School. Ironically, the father of my best friend, who was the Republican judge, and had always been very nice to me even though our politics differed, had a correspondence degree from Yale Law School.

Mr. Pollak: He was a Torrington person?

Judge Wald: Yes. When I would visit her, her two brothers who were lawyers, treated me like the nice friend of their younger sister. Her father had a degree from Yale but he had been an Irish son of an immigrant and he got it by mail. He never went to the law school. They were giving out by-mail degrees in his time, which would have been in the early 1900s, degrees by mail.

Mr. Pollak: He did some work and submitted it in?

Judge Wald: He had a Yale degree even though he had never gone to a class at Yale, which always kind of tickled me. But, anyway, outside of him, I never met a person who had gone to Yale in my life.

Mr. Pollak: I'm interested to double back a little and just ask you what the face of your family was to you, as you, the first college student, moved through Connecticut College with this wonderful record and then moved to apply on your own to law school where you knew no one. What was your family's reaction to all of this?

Judge Wald: They were very supportive. Certainly, my mother pushed to get me into college. All during college, I can't tell you how supportive she was. Let me give you a small example. In those days, we didn't have laundromats and you had laundry boxes in which you sent your dirty laundry home. Whenever the box with clean clothes came back, she always had cookies in there or candy or she'd made me a new outfit. She couldn't have been more supportive.

I look back now and think how insensitive we are when we are young. Sometimes as I tried out new ideas, I would try to take my family on intellectually about certain positions they had, which was a ridiculous, smart-aleck type of thing to do. In the main, however, we were on the same wavelength. I might be pulling a college kid's thing and saying well, there's this doctrine and this doctrine, which they couldn't possibly argue with me about, but in the end I would always end up voting for the same people they did. So, we didn't really have any terrible ideological conflicts.

Mr. Pollak: Was there a point in time where you measure what always seems to me to occur, a break from the family, where, as you move from childhood to adulthood, your family was so supportive, it may have just been a gradual separation?

Judge Wald: Although they were supportive, they knew and I knew that they didn't want me to go back to Torrington and be what they were. They were not pushing me to come back into the family circle but rather to move on. In their own way they recognized that at a certain point I would take off, I would be somebody different, and I wouldn't be coming back. When I got out of law school, actually, the Torrington Company was still a big company in town and the Head of the Labor Relations Department who had worked at the NLRB, called me in and

asked me if I'd like a job with them.

This was interesting because I felt it to be a vindication of sorts because my only contact with the company's management had been down in the ball bearing greasing room. My family didn't suggest to me, come back to Torrington and take a job in the Torrington Company.

Mr. Pollak: Any pressure on you at the end of college to get a job?

Judge Wald: They wanted me to go on. They couldn't finance me to go on but they wanted me to go on. I think in many ways my mother and my aunts were quite smart; they just were never given the opportunity to go to college and I think it was some vindication for them that I could keep going on.

Mr. Pollak: You referred to having some toe-to-toe verbal conflicts over politics or public issues.

Judge Wald: It's hard for me to remember precisely what they are in retrospect.

Mr. Pollak: Like so many young people today or with your own children, do you recall any major conflicts with the family as you tried out being your own person? Did you have blow ups with them? Do you ever recall yourself being temperamental?

Judge Wald: I have a sense that a couple of years in college when I was throwing around all these economic concepts that I may have hurt their feelings. I may have denigrated their points of view. But we never had any blow ups. I never left home. With my family, there were no shows of emotion, no outbursts. If you disapproved of someone, you withdrew or avoided them; you give or get the silent treatment, nobody ever yelled or swore at anybody, nobody ever hit anybody. It was just a kind of felt disapproval. The first time that I ever had direct confrontation was when I announced I was going to marry Bob.

Mr. Pollak: Over religion?

Judge Wald: Yes.

Mr. Pollak: And they thought that was a bad idea?

Judge Wald: Yes. They liked him. I mean they may have realized without my saying it that I was on the edge of leaving the church anyway, but I hadn't done anything formally. And this would not have even required me to leave the church. I mean, technically, a Catholic can marry a Jew. Several of my children have interfaith marriages.

Mr. Pollak: When would you date that; when was it?

Judge Wald: Well, that was the end of law school. We got married at the end of law school.

Mr. Pollak: In the early '50s?

Judge Wald: That was, yes, that was the real break. In a small town, even in '51, it still represented the break. It's not unusual now, but it was an unusual step to take in that atmosphere. I think to my mother, it was perceived as a repudiation of my background, which, of course, I didn't mean it to be and things got reconciled later on. But that was the only time I remember feeling that they thought I was making a mistake. In the past there had been disagreements. One summer they didn't want me to go to Europe because they thought there was going to be an outbreak of hostilities. But that's a different kind of thing, they were worried about my safety.

Mr. Pollak: What about the attraction of the left wing in college or in those years?

Judge Wald: I never really got involved with it. In college, I don't think we had any real radicals. People might be interested in socialism, but in the abstract. In

fact one of my economics professors, you know, said he was a socialist, but he was the New York liberal socialist kind, he was the consumer cooperative guy. He certainly wasn't a party member. I don't think I knew any real radicals or communists, or at least that I knew were communists, at either the faculty level or the student level.

Mr. Pollak: In college?

Judge Wald: One interesting brush. The Russian professor I had, I had two, I had a woman for a year and she went to Vassar. Then Mr. Kazem-Bek came over. Remember this was just post-World War II and we're still at the edge of the cold war. He had come originally from Russia, I think he'd spent an intervening few years in Europe; he always talked about himself as a white Russian. He was very interested in the history and the culture and the Orthodox Church to which he still had very strong ties. But he certainly never put forth any communist propaganda in his classes. In fact, we talked mainly about Dostoevski and Turgenev and Russian history and culture and icons. He had a little house outside of New London where he lived with a wife and two children. And he would have the Russian students over there to dinner in a group. I never went there alone. It was always with students and once with my Yale boyfriend because he said he was very interested in the whole Russian culture bit. His home always had this old world flavor about it. He liked me very much. I was the star Russian student. We had a Russian club and I was the president, but we mostly showed Russian movies and talked Russian. There was never any political aspect to it at all.

When I graduated, he gave me a copy of *The Brothers Karamozov*. I saw him only once again in my life. I went back to the college a year later to alumni day and my friend and I went out and we spent a night with him and his wife. Then I never saw him again. I never had any

correspondence with him. Anyway, the reason this is important was, in 1956 or '57, by which time I was then married and staying home with my kids, I picked up the New York Times and, while taking a college group of Conn College students on one of those summer tours, he defected to the Soviet Union and, it was said that, or else I found out later, that he had found he was going blind and he had this terrible longing to see his homeland again and just went over. His wife continued to teach at Conn College.

Mr. Pollak: Really. He left the family?

Judge Wald: Yes, his wife continued to teach for many years at Conn College. Anyway, the reason I say it's so interesting is that in the middle of my confirmation hearing, one of the staff whom I knew up on the Hill came down to the department to see me and said, "I want to talk to you. I've been in Strom Thurmond's office and there's a letter on the way to Griffin Bell from Strom Thurmond saying that you were the protégé of this Russian spy who defected to the Soviet Union." The implication was that I was some kind of a mole here for all these years. Knowing about it in advance, I rushed up to Bell's assistant and told my end of the story. They called Bill Webster at the FBI to get out the file and it turned out the file they had on him, I never saw the file, but according to my informants in the department, it showed that his connections were mainly with the church and his was a personal, not a political, decision to defect. They could not trace any subversive activities while he was at the college. Meanwhile, I had to dig out the then president of Conn College, Rosemary Park, who had since become a chancellor in the University of Southern California system, who was at an educational conference in Montana. All done in a day. I hadn't spoken to her in 20 years, but I got her to call the Judiciary Committee and say, as far as the school went, there was no knowledge of any

Communist affiliation on his part. Apparently, they had gotten this stale information about 1946-48 student days from either HUAC or the Senate counterpart files. Somebody back in those days in Conn College, I don't know who it was, was reporting things about students like who went to what professor's house for dinner.

Mr. Pollak: Do you have any recollections of or did you have any associations with anybody who had a different sexual preference?

Judge Wald: No. As I told you, I was a voracious reader. When I started reading adult books, I didn't even know what lesbianism and homosexuality were. I vaguely remember a book called *The Daisy Chain*, which had a lesbian scene at Vassar in it. There was also the *Well of Loneliness*. So I knew that such things existed, but I certainly never had either any experience or any advances made to me in my college career. In law school, you know we would hear things, not among the women actually, we would hear about one or two cases among the men, that proved later to be accurate but I never had any close encounters with it among friends.

Mr. Pollak: You talked about your application to Yale Law School. What was your LSAT score?

Judge Wald: I don't even remember the score. About 20 years later when my daughter was applying for law school, by then, of course, the LSAT scoring system had changed, she found a copy of my old score and came running to me and said, "Ma, I scored 100 points higher than you on the LSAT." As I recall, I was in the top eight or nine percentile. I was not an absolute star on it. I think to Yale's credit they went more on my track record in college than they did on the LSAT.

Mr. Pollak: Speak about your entry into the law school, your early experiences,

the makeup of your class, women, Blacks, minorities. What did it look like to you as you began in 1948?

Judge Wald: We were one of the first World War II veteran classes, so it was one of the larger classes. We had 180 students, which was a little larger than the usual law school class. Yale had sent out a lot of acceptances assuming that there would be more rejections than there were. There were a lot of returning veterans in the class, so the men tended to be perhaps a little older than your usual class, where many come directly from college. The number of women was 11 or 12. Subsequently, up to about the year 1970, Yale would have a much smaller number of women, but we had 11 or 12. At least three of the women at Yale were veterans. One had been a commander in the WAVES. One of them had army service. They were there on the G.I. Bill of Rights.

Mr. Pollak: Did any of the women go on to make names for themselves?

Judge Wald: Yes. I'll get to that in a minute, but first a few atmospheric. At that time, we women were not allowed to live in the dormitories at Yale so, except for a couple of women who had rented rooms out in the community, the rest of us lived at 17 Hillhouse, which was this old, really dilapidated house, which looked like Tara after the Civil War, quite barrenly furnished, and next to the Boston & Maine railroad track. A train ran right under my window for three years. Every night when the library closed at 10:00, all of us women had to walk back to the dormitory. Many times, we would find guys to take us to coffee at George and Harry's and walk us home, but we did have a couple of women who were attacked on the way home. One woman was attacked right in the basement of the law school, where we had our lockers and the women's bathroom was. Now, in neither of these cases was actual rape committed. But for several

months, we were really scared about going downstairs to go to the bathroom. Also, we'd find a lot of obscene drawings down there from time to time.

Mr. Pollak: The law school was open, I take it, and people could come and go?

Judge Wald: Theoretically, you would have had to go through the women's lounge to get to the stairs to go downstairs, but I suppose if no one were in the lounge, it was open and you could go through.

Mr. Pollak: Do you remember the law school as being at all sensitive to the safety of the women students?

Judge Wald: No. And I must say, we were in some ways an accepting lot. Even though we had pushed ourselves to the point of being in law school, most of us were more worried about showing we could do it, as you would expect at that period, that we could make it, than in saying, Hey, you'd better do something special for us.

Nobody did anything special for us when it came time to look for jobs, I can tell you, even though it was clear that traditional bias put us in a completely different category for employment purposes. Nobody at the law school said, "Well, you're women and here's a place that's been helpful in the past," or "We'll make a special phone call for you here or there." I make one big exception to that assertion for the people that helped me to get Jerry Frank's clerkship, but, in terms of jobs with companies, with law firms, nobody ever thought of us. They knew we had special problems, but nobody ever thought that it was the responsibility of the law school to do anything about those problems.

At any rate, there were 11 or 12 of us. Actually, we had a good time. We all knew each other well. By and large, we all liked each other. You came back at the end of the day and sat

around and chatted and took all your male classmates and your professors apart. I don't remember at all feeling oppressed.

The first time I really felt something was wrong was when it came time to look for jobs. But, in the law school itself, I did not feel the atmosphere was oppressive. My guess is the modern feminist woman might and probably she would be right in doing so. But, we just assumed that we would be called upon more in class, especially where sex crimes and pelvic examinations were involved. I remember Professor Ad Miller's contract class. I was called on all the time. I mean, I liked him, he liked me; I did not feel it was a gesture of hostility, but I knew I was never, never safe in that class because, although there must have been one or two other women in it, somehow I got singled out. I was in the M's and I was in the front row.

One anecdote about that class, which shows you my naiveté and how you learn to go with the flow. Miller used to give out work problems for the week in advance and there would be a problem a day. There was a big football game, it must have been early October of my first year, and a lot of the guys in the class had women up for the weekend. I did not have a date. As it turned out, subsequently, I had quite an active social life at Yale Law School but it had not yet begun at this point. So I stayed in 17 Hillhouse and did all the week's assignments in advance. I was well ahead in preparation, so I was not anxious when Miller called on me on Monday after the big weekend, and he led up to a great crescendo, asking, "And then what will happen?" The answer would be always the next day's assignment. Since I had read the whole week's lessons, I gave him all the answers to all his questions. The entire class hissed, of course. My ego was so sensitive at that point, I went back to the dormitory and cried. I could see all my classmates saying, "Oh my god, this is one nerdy grind." I got over it soon, and I learned that you pace

yourself to keep peer approval. It's something to at least keep in mind along one's career path.

But in retrospect I realize there was some sexism at law school. I remember we found out some male students made bets as to which of the women students' breasts were larger; that kind of stuff certainly went on. As I say, nowadays, I think it would be justly called sexism. We just sort of assumed it was there and we just didn't make any fuss about it. I mean, there were certain people that you stayed away from because you found their remarks distasteful, but we figured it was our business to run our lives and take care of ourselves. I don't think I ever heard anybody suggest that as a group we go to the administration and ask for particular privileges, or even protections.

Mr. Pollak: Was that more a commentary on the time and a reflection of student relationships to the institution as much as just the lack of consciousness of the women? Were other groups going to the administration?

Judge Wald: No. As to racial minorities, we had only two or three Black students in our class, and five or six in the whole law school. I remember best two Black students from the class above me. One a Black woman, Jetta Norris, who lived in the dormitory with us. She was smart and subsequently had a successful career as counsel to a department store chain in Chicago. The reason she was at Yale was interesting; it was because she came from Mississippi and Mississippi would not let her into its law school. The state paid her tuition to Yale rather than have her go to a Mississippi law school. She was a good friend and we double dated sometimes. I began to get some inkling of prejudice at first hand when we went to a nightclub in New Haven and there was a question whether they'd let us in because Jetta was with us. We did get in and it didn't become a huge incident, but I began to get a little bit more first-hand feel of

the racial discrimination problem by knowing Blacks personally and understanding at an emotional level what their problems were.

Now, in the class below me was Leon Higginbotham. Leon and his wife were the monitors of 17 Hillhouse. It was felt that, because we were women, we could not be left alone, we had to have a chaperon, and so a married couple always had to live there in a dank basement apartment, which they got rent-free. Leon and his wife were the chaperons of 17 Hillhouse for a couple of years, so I got to know Leon well.

As far as what happened to the women, I think we did extraordinarily well. Three of us out of 11 ended up as judges.

Mr. Pollak: Who else?

Judge Wald: Rita Davidson, who is dead now but was on the highest court of Maryland for several years.

Mr. Pollak: I saw that you made a speech or remarks on it.

Judge Wald: Yes. And Shirley Fingerhood, who is now on the Supreme Court in New York. Jody Bernstein, as you know, has had a very distinctive career as General Counsel of EPA and HHS. She is now Vice President of International Waste Management. Let me see, who else now. Louise Jayne, last I heard, was a partner in a firm in northwest Oregon or Washington. One woman died. Several of the women married classmates. Louise Farr who married a classmate, Nick Farr. Do you know Nick?

Mr. Pollak: I know Nick here in Washington.

Judge Wald: She had the highest grade average of any of the women at the end of the first semester. She married Nick and had several children. She worked in two academic

institutions, Princeton and Georgetown, but now does volunteer work for the Union of Concerned Scientists. We had dinner with them recently. Let me see who I left out. Eileen Evers runs her family business and two, Pat Schwartz and Jane Skelton, pretty much retired from an active career after they got married and had children.

Mr. Pollak: Did any of the women clerk besides yourself?

Judge Wald: No. The clerkship was great. There I have to give people at Yale credit. I had never even thought of clerkships. I knew they existed, but I didn't have any role models as it were. I didn't know any women that had clerked. Fred Rodell was the one who did most for me in that respect; he was close to Jerry Frank. I didn't know Frank well although I had taken his course. After I took Rodell's course, he recommended me to Frank. I took two tax courses from Borie Bittker, who had been Frank's first clerk, and he recommended me to Frank, as well.

So the two came together and Frank took me, but there were no interviews. I never submitted an application. I didn't apply to any other judge. That was not the way it was done at that time. In the Second Circuit, which was the one that was closest to the law school, Charlie Clark, Jerry Frank, Tom Swann always took their clerks, and everybody then had only one clerk, from Yale. The Yale judges picked clerks after talking to their favorite faculty members, so there was no formal application process that I know of. It's a completely different process today, of course. Frank had had one prior woman clerk already at that time. She had a baby and was married to Larry Ebb who was with AID [Agency for International Development] group, but I don't know what happened to her subsequently.

Mr. Pollak: How do you evaluate your experience at Yale?

Judge Wald: I think it's fair to say I immediately took to it. I liked the intellectual discipline. I liked the case method. I should say here that the case method was not a complete surprise to me. Miss Dilly taught a course at Conn College in constitutional law and used a casebook. She was not a lawyer but it was a fascinating course. We briefed the cases, made little précis of every case and discussed them. Maybe we didn't discuss them in the most sophisticated legal terms but we discussed them in policy and constitutional terms; it was one of my favorite courses. Perhaps, in retrospect, it may have influenced me toward going into the law.

Except for the business of being called upon all the time, not all the time, I don't want to overdo it, but more than randomly, I really enjoyed law school. We worked very hard the first semester; we were scared to death. You didn't have any sense whether you were way out or way in, and the women especially worked very hard. Jody and I and Pat Schwartz had three rooms that adjoined each other, and we often worked all night; we would sit and study together and talk about the cases together and spend weekends on them. I enjoyed the work.

I felt in the beginning a little bit socially not quite with it. I was 19, going on 20. And a lot of my classmates were sophisticated veterans. I was still very unsophisticated socially. I have to say that straight out. I had not had any worldly experiences. As a result, I was probably boring to a lot of people I dated and not quite ready for their stage in life. When I walked into 17 Hillhouse the first day, I remember my mother and my aunt had driven me down from Torrington, I remember my mother's eyes when she saw 17 Hillhouse. It was really dilapidated, an old creepy Adams Family-like mansion, and not at all her picture of what Yale Law School should be like. And then an older woman student stopped by to say hello and immediately launched into a big barrage about how lonely and isolated we were going to be and how the guys

wouldn't date you because they didn't think of you as a woman. Anyway, as events turned out, that was not the case.

We had an active social life. The routine was when each new class of women students came in, they were looked over by the seniors and began to get a lot of offers of dates. I was not socially ready for those seniors. Maybe not even intellectually. I remember being out with a group, and Jody was with me, of senior law students who included people I now think of as good friends, Frank Wozencraft, Stu Johnson, who died but was also a Frank clerk, and maybe Bay Manning. It was the fall of 1948, and almost everybody was supporting Dewey against Truman except for me and Stu Johnson. The Dewey-ites were very sharp; they were playing big-time lawyer, and I really felt at a disadvantage. I knew what I believed in, and I was not going to back down, but I didn't have all their ammunition and aplomb.

It took me a while to get in the center of things. Toni Chayes came down to Yale that year, because Abe was in Governor Bowles' office in Connecticut. She was down from Harvard, so she fixed Jody and me up with Abe's friends and, I was fixed up, believe it or not, this must have been one of the strangest dates of all time, with Alex Bickel. We really, I mean, for all sorts of reasons, he was way ahead of me in all sorts of ways, did not click. I remember it as one of the most uncomfortable evenings of my life. But, within a month or two, we had found our own niche. It's a little bit like prison life, although I know that's a strange analogy. You find someone who protects you. Jody and I both found seniors in the law school who dated us, took us places, and kind of showed us the ropes.

Mr. Pollak: Who?

Judge Wald: In her case, it was Norm Redlich, and in my case it was his friend,

Art Michaelson. So we dated all year, and it became serious with her and Norm; it did not become serious with Art and me. We just kept good company. These upperclassmen kind of let us know who were the jackasses, who were the solid types, and how to get along, as it were. That helped a great deal. It helped me enormously when I did well enough in the first semester to become a candidate for law journal. In those days, marks just got you into the competition; you had to write your way onto the board.

Mr. Pollak: Oh really, not in my time.

Judge Wald: People went down like flies in the course of the competition. To get on to the board, you had to have a publishable note and a publishable comment.

Mr. Pollak: At what stage of law school did you get on the board?

Judge Wald: I got on in my second year. But you could be washed out in your first year. We had a lot of people wash out because the senior editors didn't like their notes. I could write the exams ok, but it took a while before I got the law journal format, all the footnotes and the rigid way you write. I remember my note was on Title XI of the Bankruptcy Act. I don't know why I chose that topic except you had to have a topic by a certain date. I think I probably wrote a pretty lousy first draft, not so much that it lacked content, but that it was not in the right law journal form. Art Michaelson took me aside and worked with me on it.

Mr. Pollak: He was on the journal?

Judge Wald: Yes. He was. Norman Redlich did the same thing for Jody. They didn't do any research, but they sat down with us and helped us to put it in a form and in a style that got it through. I'm not sure I would have even made it onto the journal board except for that kind of help.

Mr. Pollak: You had to do a comment as well?

Judge Wald: Yes. I got the note published the Fall semester of my second year. You had to work on the note along with your regular class work. Then, by the time your note got through the editing process, you had to pick a comment topic. I had picked my comment topic and had a first draft done by the end of the first summer. It was on the concept of "control" in various Securities Acts. It was a tough topic. It was one of those situations where you get in the middle of it and you're not sure it's really a topic. By this time, Michaelson was no longer there, and I was on my own. I remember working all through the first semester of the second year on it. Abe Chayes, who was Toni Chayes' husband, would read drafts for her friends and tell us where it needed work.

Mr. Pollak: And what was Abe's position there?

Judge Wald: He was working for Governor Bowles at the time, but Toni was a law student at Yale so it was a networking sort of thing. My grades went way down in the first semester of the second year because I was working all the time on the law journal. The last two years I began to pull them up and they ended good enough for Order of the Coif. I wasn't number one in the class by a long shot; I was number 14, but we were working night and day on the journal. I was elected an officer of the journal.

Mr. Pollak: Did both your pieces get published?

Judge Wald: Yes.

Mr. Pollak: How do you value the journal experience?

Judge Wald: I value the journal experience although I am myself not an aficionado now of law journal style. I still look for law journal experience for law clerks

although now, you can't tell that much from it. They get on law reviews automatically from grades. You don't even know that they've really written anything publishable or had any writing experience at all. For me, however, the journal took the kind of discursive legal thinking, the kind of "just put it all down on paper" thing which you do in exams, or in a term paper, and made you reign it all in and write more concisely. At least for me, it was a good experience. It taught me to stop and identify exactly what the source is of anything you say. I found it a completely different experience from the papers I wrote or from the exams I wrote during law school.

Mr. Pollak: It didn't stop you off from being able to flow out your ideas in a later period? Or did you have to break the style?

Judge Wald: No. I published two things, and then I became an officer on the journal. I edited a few notes, but my main job (we called it Case Editor then) was to pick out the note and comment topics for everyone else. Nick Farr and I split the job. I liked being on the journal. There was no question the journal was considered a kind of intellectual elite. You really did have to work awful hard to get on there, and however much some might pooh-pooh it, you had the sense that you were something special. Occasionally in class, professors would say, Ms. McGowan, what do they say about this in the journal corridors and the class would titter, but we loved it.

Mr. Pollak: Had there been many women before you on the journal? One of the officers?

Judge Wald: Jody and I were the only two women on the journal the whole time I was in law school. There may have been one or two women on in prior years, but there was no one there during our period.

Mr. Pollak: There was a lot of camaraderie and support on the journal among peers?

Judge Wald: Yes, there was. There was, no question, some intellectual snobbery, toward the rest of the school, but it was a stimulating atmosphere intellectually. Once I got over this little period of social shyness in the beginning, I pretty much had a good time at law school. I don't remember feeling oppressed.

Mr. Pollak: What about the professors? Were there role models; are there some who influenced you?

Judge Wald: There were no women on the faculty for one thing, no women.

Mr. Pollak: Were you there with Ellen Peters who was an early member of the faculty?

Judge Wald: She was in the class two years below me. Before she got married, she lived in 17 Hillhouse with us, so I knew her there, although only for a year. But there were no women on the faculty in my day, no role models. I had no close friends on the faculty except for Rodell. I got along with people but nobody singled me out as a protégé except insofar as Bittker recommended me for the clerkship.

Mr. Pollak: Who was dean?

Judge Wald: Wesley Sturgis.

Mr. Pollak: And who made significant difference for you among the professors?

Judge Wald: Well, Fleming James did in the beginning in an odd sort of way. First of all, he was a very good teacher and tough. I had him for both torts and civil procedure, but the most influence he had on me came about differently. It was at one of those monthly

dances, remember, they had a Yale Law School dance every month. After the first month or so, there was usually somebody to go with, somebody would ask you. I guess you could have gone alone but in those days if you were a woman, you didn't. At one of these dances, it must have been early in my first year, he came over to me, perhaps he had had a few drinks – everyone drank at these affairs – and he said something like, "I want to tell you something . . . don't let this place change you." He said, "People come in here, and they have feelings and they have causes they believe in, and the only thing we can do is give you some language and some techniques, we can't tell you what to do with them and don't let us take your basic beliefs or causes away from you." Which is a very important message for a Yale Law School freshman: you don't have to take as truth what all these professors or seniors who are talking so knowledgeably say; you have things of your own to believe in and they aren't necessarily wrong.

Mr. Pollak: I think that was a profound message that he delivered. I don't think anyone delivered that message to me.

Judge Wald: Well, he delivered it – at a dance. Fred Rodell was also influential in my law school career, especially during the third year when Bob and I had begun to go out together. He liked Bob very much. He thought Bob was the best writer in his class on legal writing. I took his course in a different semester. Fred liked the idea that we were going out together, and he pushed us both. We used to go over together to see him at his apartment, and he would often talk to us about his personal life, about his experiences at Yale.

Mr. Pollak: Any other professors at Yale?

Judge Wald: Those were really the only two.

Mr. Pollak: Harry Shulman?

Judge Wald: No, I respected Harry Shulman, but I was certainly never close to him. I took his courses.

Mr. Pollak: Fritz Kessler?

Judge Wald: No. I got my worst mark in his course, what was it, negotiable instruments. I did not have close personal relationships with Yale faculty. I never had anything approaching the relationship I had with Miss Dilly in college with any of the Yale Law School professors. I did well with most of them. I got to know J.W. Moore, but only when I was clerking for Frank because Frank had his office in New Haven next to J.W. Moore. George Pugh, who now teaches at LSU, was Moore's special assistant, when he was working on a couple of volumes of his Federal Rules series. The four of us would go out to lunch a lot, so I got to know Moore well. But I really didn't have what I'd call a close personal relationship.

Mr. Pollak: Did you have any other extracurricular activities at the law school besides the journal?

Judge Wald: Not really, I did legal aid, and moot court, and barristers' union, the usual.

Mr. Pollak: What about your experience in moot court, which everyone had to take?

Judge Wald: My experiences in both moot court and the Barristers Union trial were actually pretty ordinary. I did not seem to have any unusual facility for getting up and doing oral argument.

Mr. Pollak: Even though you had been a debater?

Judge Wald: Yes. I don't know why. Maybe it was that I was too busy with other

things like the journal to put my heart and soul in the mock trials. As a matter of fact, my more interesting experiences in the Barristers Union trials were as a witness; for some unknown reason, many of the trials were rape trials, and the student barristers would always get a woman law student to play the part of the complainant. Again, this is the sort of thing which nowadays women reject, but we thought it was great fun. I was the plaintiff in a trial that Leon Higginbotham and Dick Gardner did. Leon still likes to tell the story of the great plaintiff I made in a rape trial where the defense was consent. The key question on cross-examination came down to, "If you were raped in that 30-second interval, how did your assailant have time to pull off your girdle?" I responded quickly (ad lib), "With my figure, I don't wear a girdle." And this reply Leon remembers to this day. That was the fun part where you had to think of things quickly on the stand.

Mr. Pollak: What were your finances in law school?

Judge Wald: The fellowship was quite generous. My stash consisted of the fellowship and what my mother and aunts would provide me on the side. But I waited on tables. I got my meals for almost the entire three years by waiting in the law school dining room. This is another reason why I didn't get too involved with other things because, not only was I doing the journal, waiting on tables for at least two years, but also for at least one year until I got mononucleosis from overload, I was Louie Loss's research assistant on his first treatise on securities. So, there really wasn't any time for much more, especially if you wanted some kind of social life.

Mr. Pollak: Was the experience with Loss and doing that work useful?

Judge Wald: Yes, although basically it was scut work. I had to do things like find

every securities law for all the provinces in Canada, but, a couple of things about the job were good. I did my law journal comment on securities law, and Louie was helpful to me. I think he was the faculty advisor for it. I also got to know him, and get some sense of a person working at the legal trade. He was the counsel to the Securities and Exchange Commission and just came up on Fridays to Yale to do the course. So, it was altogether a profitable experience. At a certain point in the middle of the third year, however, I just broke down, I got mononucleosis so I had to give the job up.

Mr. Pollak: Did you have any contact with any other parts of the university? I know there were some cross professors who came from other parts of the university into the law school.

Judge Wald: I remember going to a few interdisciplinary seminars. And I would go over to the university library sometimes, and poke around. I had some friends who were in the university graduate schools. But basically life was in the law school.

Mr. Pollak: Who was your editor-in-chief on the journal?

Judge Wald: Bayless Manning I think was the Editor-in-Chief my first year. Don Turner, the second. And then Stu Thayer in my third year. Burke Marshall was the executive editor and Bill Rogers and Bernie Greene were the comment editors. Dan Freed was one of the note editors. Dick Gardner was one of the note editors. Nick Farr and I were the case editors, and Jack Hoffinger, the criminal lawyer in New York, and Hank King, the managing partner at Davis/Polk, were the managing editors.

Mr. Pollak: What has been the importance of Yale and the Yale contacts to you and your career?

Judge Wald: Yale has been very important to me in two ways. One, just the credential; Yale Law School carries a lot of weight. It carried a lot of weight in the beginning when it was harder for women to get through the door. Candidly, I think it meant a great deal in terms of entree. It certainly was the connection that got me the clerkship with Frank and the two together got me the first job opportunity with Arnold & Porter, a big Yale Law School bastion. They looked to Frank and they looked to people at the law school for recruits. Throughout my career, there have always been Yale connects. Even now when you go back to the reunions, there are all sorts of key people in government and academia and in the practicing profession. They are not all your closest friends, but generally you can call on them for information or even endorsements, as needed. There was also the legal education Yale offered, though I must admit in retrospect, I really worked so hard on the journal, I think I slighted a lot of my courses in the last year or two. Still, the process, the orientation, again, the emphasis on law as a tool, the fact that law was not a given, it wasn't something that was there that you just went and found. It was maneuverable. Now that philosophy is not one of great popularity on this court right now but in other periods of my life, it's been completely compatible with what I was doing and who I was working with. Of course the legal realists were in full bloom at the Yale Law School of my era.

Mr. Pollak: You were speaking about the importance of Yale to you. I'm interested in knowing how you saw the law when you got through there and what ambitions you had in the law as you concluded. You indicated that you had met and then dated Bob Wald. I'm interested in placing that and the time of your marriage.

Judge Wald: The law school satisfied something for me that was still quite amorphous after leaving college. It gave me a discipline, an institutional perspective with

historical roots, a skill, a series of skills, in which to try to attain, basically the same kind of aim I had when I left college, but which I hadn't much of a clue as to how to attain. When I left college I felt there were things to be done out there in the world. It may have been a more sentimental vision after college than after law school. There are poor people. There are people who don't have their rights. A better society can be built. I think that the law school did not take away that general notion of how one should spend one's life. In fact, it reaffirmed it, but it did two things. It gave you a particular skill to sell in order to get entree into areas of power where you might do some good. Second, it made you tougher and it gave you a tougher notion of the obstacles you would have to meet to make any kind of change. Perhaps it gave you a toughness which would allow you to fail, and not feel you were a personal failure. It vindicated a general notion I had that I wanted my life to have some meaning in the progress or betterment of mankind. I wanted to play some role in my time, a role that forwarded a vision of society as a better place for people to live. That's very mushy, but reasonably accurate. Yale, I think, said it's okay to have a vision like that. You're not silly. There are changes to be made and people with skills, lawyering skills, ought to devote themselves to such changes. It said, here are the skills to do it. Here are a lot of contacts with people which will be useful as you move along, to know and to keep contact with; and get on with it.

Mr. Pollak: Did the vision have public service in it?

Judge Wald: Almost surely. I never had any desire to practice law in the commercial sense. I had an offer from a Wall Street firm actually before I got the Frank clerkship. It was a securities firm. I think they thought they were doing a very good thing offering a job to a woman, and by the light of the day they probably were. I was interested

because they offered me and Dan Freed the same job. Neither one of us was married at the time, and both of us had equivalent positions on the law journal, and they offered him \$1,000 more than me. But that really wasn't the reason I didn't take it. It would be a good enough reason, though. Jody Bernstein and I went down one day to Wall Street and we just went around and interviewed all the firms. She ended up getting a job with Shearman & Sterling, so it was not impossible to get a job down there. The intellectual challenge of working with securities, which I had done in law school, had some attraction, but I knew I wanted the clerkship more. I almost certainly would have gravitated toward some form of public service if and when that option opened up.

Mr. Pollak: You commented that Jody Bernstein had gotten an offer from Shearman & Sterling, a major firm. Was anti-Semitism in hiring present and observable?

Judge Wald: I don't know all of Jody's experiences. She only stayed in New York for a year and a half and then moved to Chicago. But we did see remnants of anti-Semitism all around. In my class, one of the brightest guys and a law journal officer, changed his name during the hiring process. He wasn't alone. In the middle of the hiring season in New York, you would see people put up these little notes on the bulletin board, announcing they were changing their names. The assumed wisdom was that even if the big city firms hired Jews, they wouldn't hire those with obviously Jewish names. There was a contingent of what we called the CCNY boys, all bright and on the law journal, Jack Hoffinger, Bernie Greenberg, Hank King, among others. They sat in the journal office constantly talking about whether or not you could get a job in New York if you were a Jew. Now they all did in their different ways very well. Bernie's a partner at Paul Weiss. Hank went on to head up Davis, Polk. Jack Hoffinger became a white collar

criminal lawyer of note. But then, they talked about the problem all the time.

Everybody just assumed that women would have a problem getting jobs and nobody talked much about it. Jody and I went down to Wall Street cold one day, almost like, the hell with it, we're going to show you, and we both got job offers. Things were probably beginning to break loose, and also we were the only two women on the law journal, so, we had some advantage.

But all my ambitions were to do something meaningful in the world around me. And that takes me back again to my hometown. I still remember in one of my factory stints, back in the Torrington Company, as I was leaving to go back to college, or maybe it was law school, one of the factory workers who was operating a press said, "Well, I'm sorry to see you go." I always got along quite well with the factory people. I came from that same background. I don't think they thought I was high hat. He said, "I think that's terrific, you're going to get a degree. You know, I'll be going into my 35th year in the company and I've been sitting at that press for the last 25 years, and that's no way to spend a life." Some of this may sound blown up, but there was no question in my mind that the direction I wanted to go in was to make life better for working people and for poor people.

Mr. Pollak: Two questions. What did you do in the summers at law school and, second, you were going to say something about the relationship with your husband, Bob Wald, as it began.

Judge Wald: We started dating in our third year of law school.

Mr. Pollak: Was he in your class?

Judge Wald: Yes. I knew him from the beginning of law school but not, we joke about this, but not terribly well. First of all, I had this other boyfriend who I was still seeing who

was first at Harvard Business School and then went abroad with the AID program. We still had a relatively serious relationship so I wasn't doing a lot of side dating. That relationship broke up in the summer between my second and third years in law school. So, when I went back for my last year I was much more available. Secondly, Bob and I waited on tables in the dining room together that year, so we really got to know each other, and we just started dating fairly casually and then, over the course of the year, it became much more serious.

Fred Rodell loved to think that he was a sort of matchmaker. He liked Bob and thought he was the best writer in his writing class. Bob had had journalistic experience and had been to Europe several times where he had a lot of experience covering stories for his hometown newspaper. Also, Jody was dating Bob's friend. We did a lot of double dating, had good times, and it gradually developed into something more serious.

Rodell recommended two people to Frank for his clerkship, Bob and me. Now, I had the benefit of three things. One was, I think Frank liked the idea of taking a woman again; he liked to do the extraordinary thing. Secondly, I had Borie Bittker coming in on my side. And, third, I was on the law journal and had a better overall average than Bob. Bob never really liked law school that much and so, until the third year, he didn't work very hard at it. He lived across the hall from Norman Redlich and Norman was the kind of person who studied till the library closed at 10:00, occasionally would take Jody and me out for a cup of coffee, go back with a thermos of coffee from George and Harry's, and stay up till 2:00 or 3:00 in the morning. I'm not sure how necessary all that was in retrospect, but anyway, that was his style, he was an absolute demon on working.

Across the hall from him lived my Bob. His roommate for the first year was Robert Silver

of the New York Review of Books, who left law school after his first year. They were sort of the wine drinking, poetic, literary group who did not always get their homework done, did not like to talk in class, and were certainly not workaholics. When I first began to date Bob, Norman, who was then out of law school but still keeping contact with Jody, said, "Oh, I don't think she should do that; they're not emotionally suited at all." But anyway, we were not in the same world, really, until the third year. We had seen each other briefly, we both went to Europe between second and third year of law school. He had been to Europe several times and to Finland before he came to law school.

It was my first trip to Europe. How did I finance it? I saved my money; believe it or not; it was possible on a couple of hundred bucks to go to Europe for a month and a half. I went on one of the student troop ships and we lived on about \$1 a day. I just wanted to go to Europe, and if I wanted to do something, somehow I usually did it. Also, I was going over to visit my boyfriend who was working for the Marshall Plan in Greece.

Well, we broke up after that summer, but while I was over there, I saw Bob. I bumped into him in England and again in France, but we were not dating then. When we came back to law school, we started.

Mr. Pollak: When was your marriage?

Judge Wald: The end of the clerkship in 1952. Frank was a great guy in retrospect. He wanted to take both of us as clerks but, of course, there was no spot for two clerks then. He first thought he could get rid of the bailiff and take two clerks and we could both clerk and bailiff on the side. He liked the idea of our romance. It kind of tickled both Rodell and Frank to have this romance going on between two people they liked. But the clerk-bailiff switch

couldn't be done administratively.

So Frank did something else. Irving Kaufman had just come on the district court about two years before. Frank put the arm on Irving Kaufman to take Bob as his clerk. If there were ever two personalities on the opposite ends of the spectrum, it's my Bob and Irving Kaufman. However, Irving Kaufman was then quite close to Frank and a lot of that had to do with their both being Jewish. Kaufman felt, although there was at least one other Jewish district court judge at the time, a little bit isolated and very conscious of his Jewishness and he allied himself then with Frank despite their different personalities and different philosophies. So he would listen to Frank, although he normally wanted to take only the number one students with law review and all the rest. Because he wanted to please Frank, he consented to interview Bob.

We both went down to New York City. I actually had my job, but I went down with Bob when he went for his Kaufman interview. While Kaufman was interviewing Bob, the *Rosenberg* case was being tried. I went and sat in one day on the *Rosenberg* trial and watched Harry Gold testify. Kaufman said to Bob, "I'm going to give you three trial assignments. I have motions," Irving said to Bob, "and I'm going to give you three of these motions." This is a Friday afternoon. "I want you to come back down on Monday morning with the three recommended decisions written up for the three motions I'm giving you." Bob had a car. We went to the theater that night and then we drove back to New Haven. We got almost to West Haven, it must have been 2:00 or 2:30 in the morning, when Bob realized he left the envelope with the motions under the seat in the theater in Manhattan. We turned the car around, went back down to New York, routed out the night janitor, and fortunately the envelope with the motions was still under the theater seat. Can you imagine if Bob would have had to tell Irving he had lost his motions in the

theater? Then we turned around and went back to New Haven. He worked all weekend on the motions, did a very good job, and Kaufman ended up hiring him.

Mr. Pollak: Great story. What did you do between first and second year?

Judge Wald: Between first and second year, I worked for part of the summer at home and then I bought a round trip, cross-country bus ticket on a Greyhound bus because I had never been west of New York. I just got on the bus. I arranged it so I never had to stay in a hotel at night. I just took night buses; I went up and down the country and went this way and that. I stayed in California at the YWCA for a few weeks.

Mr. Pollak: All on your own?

Judge Wald: Yes. And it was a crazy trip. I traveled all through the segregated South. I knew about segregation, but it was a memorable experience to see it first-hand down through Louisiana, Georgia, and all of that region. I went out to the West Coast, got in with a bunch of girls at the YWCA and saw a lot of that area, and met one girl and went up to her home in Sacramento. I went to Reno and then came back zigzagging across the country. I think I did it all over a period of three weeks for about \$200.