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Marna S. Tucker

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ABA Senior Lawyers Division

Women Trailblazers in the Law

ORAL HISTORY

of

MARNA TUCKER

Interviewer: Mary L. Clark

Dates of Interviews:

February 17, 2006
September 8, 2006
July 9, 2007
October 3, 2007
June 27, 2008

Women Trailblazers in the Law Project

of the ABA Commission on Women in the Profession

Oral History Interview of Marna Tucker (Part I)

Senior Partner, Feldesman Tucker Leifer Fidell, LLP

(Washington, D.C.; February 17, 2006)

Mary Clark: It is Friday, February 17, 2006, and I, Mary Clark, have the pleasure of meeting with Marna Tucker, senior partner at Feldesman Tucker Leifer Fidell here in Washington, D.C., as part of the ABA's Women Trailblazers in the Law Project. Really a delight. We've already been talking a bit about Ms. Tucker's daughter, who is a lawyer -- about her and her reflections and her experiences in the law. Where I'd like to start now is with your family background, your upbringing. I'm interested in knowing your place in your family in terms of siblings and where you fall among them.

Marna Tucker: I was the first born in my family. I was born on March 5, 1941. So I am about to enter the social security age group, which I find very hard to believe. I was born in Philadelphia, Pennsylvania, where my parents lived at the time. I believe my mother was born in Philadelphia and raised there. My father was born in Philadelphia as well. They were first generation Americans. My mother's name was Bessie Gordon, Bess Gordon. She always liked to be called Elizabeth, although I saw her birth certificate and it really said "Bess." When my mother died, I made sure her grave stone said "Elizabeth" because she loved that name. But she was born Bess Gordon. She was the middle child of

three children born to Harry Gordon and Manya Gordon. Manya died when my mother was nine years old, at age 39, I believe, and her father then married another woman, Anna. I remember she was alive for a while when I was very little. She used to bake honey cake, which is what I remember the most. I also remember my grandfather giving me nickels. My grandfather, Harry Gordon, was a tailor in Philadelphia, and I remember us going to their house on Sundays. We lived in Philadelphia until I was about six.

MC: Downtown?

MT: In West Philadelphia. Actually my grandfather lived on Gordon Street and his name was Gordon. We lived at 210 South 53rd Street in West Philadelphia. It is still there, and I had an occasion before my dad died to go back and look at that neighborhood. It is quite changed, but I did see the house that once seemed so big to me. It seemed so little now. It was a row house.

MC: When you said your mother was first-generation, where was she from?

MT: Harry Gordon had come from, I believe, Germany, and my father's parents were, maybe, from another part of Eastern Europe. It gets mixed up; that generation died before I was able to find out. But there were .... I believe it was my mother's mother's family that actually came from the Russian border near Kiev. My mother's father's family, I believe, came from Germany at that time. My mother's mother's name was Manya, that was Harry Gordon's second wife. Harry's first wife died. Anna was the third wife. I was

named after Manya. Manya had actually come from Russia, and married Harry after she came to the United States. She brought with her two other children from an earlier husband. She had been widowed in Russia. She had been married to a man who was an egg candler, and his name was Moshe. I don't know what his last name was. Moshe was killed during the Russian revolution.

MC: Did your mother consider those children to be her siblings?

MT: Yes, but they didn't live with her because when Manya died very young, they went somewhere else. Actually, my mother and her two siblings were boarded out until Harry married Anna.

MC: What type of mother was Anna to your mother?

MT: My mother felt very close to Anna. It was a very hard life then, but they all took care of each other. But my mother suffered from the loss of her mother. My mother, all her life, was very, very shy and had odd fears of things. One of the things she used to do was, because I think she was so shy, instead of having meals with the people she boarded with, she would take her food or candy bars and stick them in the pocket of her sweater and eat it in her room. She didn't want meals with people. She didn't feel like she belonged. Mother always worried about her weight and had weight problems later on. Eating for her was something she did quietly and privately. It represented all kinds of not good things to her. But I think it was the loss of her mother at the time. She was also

terrified of animals. I don't know why, but we never had dogs or cats when I was growing up. My mother had a younger sister, officially named Sarah, whom I call "Aunt Sue". Her name is Sue Green. She lives in Philadelphia. My Aunt Sue was more outgoing. She was the younger one. The other one was my Uncle Carl. Carl may have been older than my mother, I don't remember, because Carl died very young, just like my mother died at age 52. They died young, while my Aunt Sue is still kicking and is in her mid-80s. So she's doing fine. But the three of them were very close. The two older siblings, who were Manya's children from Russia, were my Aunt Rose and my Aunt Gertrude, who lived in New York. Also Harry had four boys by his first wife, who had died before he married Manya. So it was a huge family. But that is what Jewish families did; people died young, and you married somebody else and they usually had children too. So there were four boys. There was Irving, Meyer, George, and Louie. But the boys lived somewhere else; they were already older by the time Bessie was born, and they always got into all types of trouble. I had met them as I got older and remember different stories about them. Uncle Meyer was so handsome and lived in Florida when he grew up.

MC: Do you think this experience in part explains your son's interest in Russian history?

MT: You know, my son never met any of these people. I think if there is such a thing as a racial memory, he is drawn to that. And I tease him: I say, "Your grandparents gave up everything to come to this country, and now you want to go back." But I think he feels comfortable there. First of all, because he has the light eyes, and he looks like people in

Europe -- he has more of a Russian look. But it could be why my son is fascinated by Russian history.

MC: I have been studying Jungian psychology, about the collective unconscious, and it could be that your son has this sort of unconscious for this particular heritage.

MT: I do know we didn't talk about it much. We moved to Texas; my parents decided to leave Philadelphia, so he never really knew this part of the extended family.

MC: Why was that?

MT: My dad, whose name is even debatable; I always thought it was Herman Harvey Tucker, was born Herman Harvey Feingold, and his father's name was Sam Feingold, and his mother's name was Naomi. Sam and Naomi got divorced, which was a big no no then. Sam fell in love with another woman and married her and went to Texas. He left my father with his mother, who then married a man named Sam Tucker. My Father was adopted by Tucker and took that name.

MC: Do you think your interest in family law -- in particular, in marital relations -- has anything to do with your own family background, in terms of what you just described of both of your parents' backgrounds, widowings, divorce, and the complicated patchworks that resulted?

MT: I grew up with a real sense of disconnect from my father's family, which I will tell you about, why that disconnect. We stayed in touch with my mother's family, but they were far away, but I had a very tight-knit family of my own. So, as dysfunctional as everything is now in retrospect, it didn't seem that way at the time. So, I'm not sure what it has to do with my choice of occupation.

MC: I wasn't thinking in terms of dysfunction, but rather in terms of the level of complexity and ….

MT: I've seen that there are alternative family models to the conventional. I never really thought about it, but, who knows, it could be why I had sort of a knack for it. Nothing surprises me, and I am fascinated by it. You're right, it is a fascination.

MC: I read the material on your website, or maybe it was the interview with the D.C. Bar, but you described your work in representing people in family law matters as a bit of storytelling, that you are piecing together histories, and you were fascinated by the narrative of people's lives. Hearing you describe your own family background made me think …

MT: It could be. I had never thought about it that way.

MC: Tell me more about your father's family.

MT: My father's father moved to Texas, and he was raised in Philadelphia by his mother and by Sam Tucker. I only know this name because when my dad died I saw his birth certificate, which had been re-issued, and it had the name "Sam Tucker." But the birth certificate also called my father "Henry." When my dad moved to Texas, because being Jewish was a liability, he decided to be called "Hank," because it didn't sound Jewish. He was always either "H. H. Tucker" or "Hank Tucker," and the idea that he was "Henry Tucker," on his birth certificate, I could never understand. My aunt still calls him "Herman," and I remember that. I think part of that was, he wanted to be a cool guy and "Herman" wasn't cool, exactly. But he had a name like "Tucker". That wasn't a Jewish name, so he "passed" as someone who wasn't Jewish when he went to Texas. My dad had the artistic soul in the family, which my son takes after, and my brother did too. My dad started out as a commercial artist. They call it commercial art. He would draw posters for the burlesque theaters, and the local theaters. Then he learned the printing business to print these posters. So his skill was as a printer and as an artist of these kinds of posters. And then he started doing grocery circulars. I don't know if you would remember, but in the days before computers and graphics, they would hand-print or hand-design these circulars that would say, "Chicken fryers, 49 cents." That's what he started doing.

MC: He was in business for himself?

MT: Well, he started in business; he was not a great businessman. I remember, when I was very little, he owned a place called "Hot Dog Haven." But that went under quickly,

and then he really did his graphic art, which is what I'll call it. He decided that the opportunities for him would be greater if he moved to Texas, and maybe he could start a business of his own. He decided to contact his father. Now, I don't know whether Sam Feingold contacted him first, or he contacted Sam, but my father decided he was going to move all of us down to Texas. My brother was about six months old. So that was a big deal, and I was five and a half or so.

MC: How did your father's mother take this?

MT: My grandmother had died already.

MC: Your father's mother had passed away?

MT: She died very early; I don't remember her. I remember the death of my father's mother because I remember something sad in the house, and I remember I had a babysitter because they had to go out to the funeral, and she couldn't find my "blankie" for me, and that was a big deal because she was looking for my "blankie", which by that time was a little thin strip of material and didn't resemble a blanket at all, but I needed that to go to sleep. That's all I remember. I was very young when my grandmother, my father's mother, died. Amazing how this is coming back to me now.

So they decided to move to Texas, and we drove down there, and I remember the drive down to Texas. I remember stopping in New Orleans. I remember we were going

to do a little bus tour of New Orleans. I wanted to go to the back of the bus, and my father said, "You can't sit in the back of the bus down here."

MC: Did you have any awareness of the color issue at the time?

MT: No, none, because I went to integrated schools, and I had black girlfriends in the neighborhood. I just didn't know that that was a problem. And he said, "You can't sit in the back of the bus," and I said, "Why?," and he said, "Well, the back of the bus is for colored people." And I said, "Why?," and he said, "Well, that's just the way it is down here." And I thought that was kind of nuts. But I remember that because I remember him pulling me out of the back seat. Sitting in the back of the bus was fun! You could look out that whole back window when you were little, and stand up, which is what I liked to do.

But that race thing was to happen again after we moved to Texas. I had a problem with my third-grade teacher. I was a straight-A student; I was always the smartest one in the class, and I had this teacher named Miss Brunson. I think her name was Emily Brunson. She had white curly hair. We were supposed to write an essay on who was the greatest man that ever lived, and I wrote about Abraham Lincoln because he freed the slaves. I showed it to my mother and my father, and they said, "Well, you may not want to do this because in Texas they don't think freeing the slaves was such a great idea." And I said, "Well, why not?," and my father said, "Don't submit that." And I said, "But he's the greatest man!" and having principles even then, I was, as my father used to say, stubborn, "stub-bor-rin," and I submitted it. And I got a C on it. Probably the first C I

ever made in my life, and the last C I ever made in my life. And when I got it back, I was just crestfallen. My father said, "You see, that's what happens." Abraham Lincoln still is the greatest man.

MC: This is 1940…?

MT: Late 1940s. Well, I was in third grade, so if I was born …. I was about eight, I guess, in the third grade, so it was about 1949.

MC: And you had said you left when you were about six, and your brother was about six months old. And there were the two of you.

MT: Yes. And then I had a sister, who was born when I was 12. We're all 5 ½ to 6 years apart. My brother's name was Neil, and he died at age 49 of AIDS. He was a playwright in California. I still feel his loss. He has a daughter named Raelle, who is also a playwright and a director out in California. Raelle Tucker is her name. Neil never married, but Raelle was his daughter by his co-parent Joy Born. Raelle is my daughter Cecily's age; they were born about the same time.

MC: Which means your son has some family in California then.

MT: Yes. Raelle is, I feel, very much a part of our family, even though she grew up by herself. She knows we're her family. And my sister's name is Helene Debra Tucker, but

we always called her Debi. We had to name her Helene because she was named after my grandfather Harry, but everybody hated the name Helene, so we called her Debi. And Debi is now a lawyer working for the American Hospital Association. She lives in Virginia, and even though we are 12 years apart, and I'm the big sister, we have always been very close. We three kids, up until Neil died, had gotten along fabulously well, with a great deal of laughter in our family.

MC: To what do you attribute the fact that you all got along so well? Was it something your parents did?

MT: Well, you know, I don't know what it is because there's a great deal of laughter in my family now. We teased each other a lot, and maybe it's because my father was always working hard, and he was always happy about things. He was really kind of a Peter Pan type. I don't think he saw the world as it really was; he had this artistic temperament, and he adored us. I mean, anything I did, he thought was fabulous, and he would always say, "You're the smartest girl in the class, and I don't care if we don't have any money, education is the great equalizer."

MC: And your mother?

MT: My mother was very heavy both before and when she was pregnant with my sister. This is sort of shocking, but I didn't even know my mother was pregnant because she was overweight. So she was a big woman, and I didn't know. And she was very shy.

She never went out with girlfriends or stuff like that. Had they had the Internet, my mother would have been a total Internet junkie and never left the house. As it was, she would leave the house only to go to the library. She read everything, and she had a photographic memory. I remember with my mother just tons of books around the house. She was a terrible housekeeper and a terrible cook, but my dad he adored my mother. And whatever she did, whatever her shortcomings were, he was as in love with her on the day she died as he was the day he first saw her. The model I saw for a marriage was a hardworking father who really adored my mother and adored us. He didn't spend huge amounts of time with us, as he was working hard, but he would work at home a lot, late at night. I remember him taking out his India ink and pens and drawing these grocery circulars. I remember the smell of India ink. And he did his best for us. My sister wasn't born until I was 12 and, by that time, he had a nice little business. I mean, he never made a lot of money, but he was working hard, and he had started his own business by then. My sister was born and my brother and I used to have a lot of fun with her. We would toss her back and forth as a baby. My mother, if she knew, would have been upset. And we would thump her on the soft spot of her head ....

MC: I was just going to ask if you did a lot of babysitting of her, but I'm not sure your mother entrusted you with the baby!

MT: Actually, she did because I was 12, and I was very responsible, but I would thump her head. And Debi was just as sweet as could be, and it was kind of fun to have this surprise thrown at us. The only thing that I remember about that is that my mother never

drove a car. And in Texas, you need to drive. And my mother would always say, "Marna, you take your brother to the movies this weekend," and I'd take him on the bus. Or, "Could you take Debi over to the store?," which was called the "U Tot'em." It was a little carryout place, and we would go to the U-Tot'em and pick up this and that for my mother. I did it, but I always felt, because I wanted to be with my friends, or by myself -- I always felt they were a little burden. So when I had kids, I always said "I'm never going to put one in charge of the other," or do that. I don't want them ever to resent their time having been taken by having to take care of their siblings. And whatever I did, I can tell you, my daughter is 6 years older than my son, that same difference as I had with my brother, they are extremely close siblings. My daughter wanted to take her brother with her to school games. I never asked her to do that.

MC: It is interesting that both you and your brother, and your brother and your sister were all six years apart.

MT: The way it turned out was odd .... It wasn't planned that way. I had several miscarriages. So the one that "took" was six years later. But the two children, because they were so far apart, were always in different schools, and always had different friends. And I told you now they are the closest of friends. My daughter came over for lunch today, and she told me, "Oh, I just talked to Micah on the phone last night for an hour," and she is paying to take him and his girlfriend to Germany for Carnival because Cecily goes to Carnival every year. We have a German "daughter" that we had as an exchange student when she was a teenager, who I call my German daughter, who is now a doctor

over there. Vera comes over once a year, and Cecily goes over there at Carnival to stay with her family, and they've kept that up. Micah views her as a sister as well, so he's bringing his girlfriend and Cecily's bringing her fiancé, and they're all going to Carnival.

MC: That must be a very good thing.

MT: I can't tell you how wonderful it is that they have each other, and that they tease me mercilessly because they understand me so well. We just laugh all the time.

MC: Would you say there's as much laughter and lightheartedness in your household with your children as there was in the household where you grew up?

MT: Probably even more. Because we've been able to have more fun. Just different experiences. My husband and I were able to spend a lot more time, vacation time, fun time. We have a cabin together in West Virginia, near Highview. We've had that since before the children were born, and that is a real important part of our family life.

MC: It's relatively easy to get there.

MT: It's an hour and 45 minutes drive there, and it's captive time with your kids. We talk to them on the way up, and on the way back, since they were babies. They love it there.

MC: I don't know where you live in the District, if you're in the city, or...

MT: We live in Chevy Chase, Maryland. We have a big yard, but a yard in the city is not the same as in West Virginia.

MC: Growing up, your values obviously came from your parents, but were they principally instilled by your father, in the sense of optimism that he had? Because you're quite an outgoing person with a lot of optimism, and you've described your mother as shy, with not as much confidence in terms of driving and what have you. How would you attribute your sense of self and values, also your Jewish identity? I wonder if part of how your family was with each other was possibly due to some isolation: were there other Jewish families in the area?

MT: You asked a lot of things. Let's start with values. I think my parents are very responsible for the values we had, although I said to you when my father said, "Don't turn this in," when I would ask about things like that, they would explain to me that it was important to treat everybody fairly and decently. And my father, when he started his business, had women partners. Actually, a woman partner. And I say "partners" because it turns out, I know this now, but I didn't know it then, one of his partners who he ran the business with, who was a fabulous woman in the printing field, her name was Helen, and she lived with another woman most of her adult life. Well, they were lesbians. My dad certainly knew that, but that was fine with him. I mean, he was very accepting. And we were very accepting, and he had several black people in his printing company that all had

high positions and stayed forever with him. And we were all brought up, our values were as he said, that "education is the great equalizer," and he made us feel very smart.

Now, he was the artistic one; my mother was the brilliant one. She always had books. I was the spelling bee champ in the fourth and fifth grades, and you have to practice with these books of words. My mother would sit for hours with me, and go over it, and go over words and definitions, so I would know. And I am a very good speller because of her.

MC: Have you seen the recent film about the spelling bee?

MT: Oh, I loved it; I loved that film. And I really related to that. But my mother had the patience to go through that, but she also would go through the definitions with me.

MC: Because she didn't want it just to be form and not function.

MT: Right. And she knew a lot of those definitions without looking it up. I mean, she would use them in sentences, and she only had a high school education, but she read, and so she knew all these words, and that added a real richness to my education. One of the values I have is for reading, and my kids are huge readers, and I hate lousy spellers. I mean, if an associate turns something in with a spelling error, I go bananas. If I get a letter from a lawyer with a spelling error, I hate it.

MC: I'm assuming your father also did not go to college, just because of the times and the economics?

MT: Actually, my dad was quite an amazing man. He did not go to college because of the times, but he ended up teaching college because one of the things my daddy did was… And I still call him my "daddy" because that's what we did in Texas. My dad, before the war, learned how to fly airplanes. He was one of the first 100 registered pilots in the United States. So he learned to fly before the war, when they were flying these rubber bands and nail files. I mean they were just these very flimsy things. And then he was in the shipyards. He worked in the shipyards. I was a baby -- I was born in '41. So he didn't go overseas, but he would go in the shipyards, and he would also fly in the Civil Air Patrol and give people on the ground the weather conditions.

Now at the time he was flying, there was very little meteorology, the study of weather. They didn't have the kinds of stuff that we have nowadays. They would rely on pilots to give them information. And he had to learn all about the weather. So he taught at college; he taught courses in meteorology because he had to learn about the use of all the instruments and the weather patterns and all of that to be a pilot. This was in Philadelphia because I was just born at that time.

MC: He didn't do that in Texas?

MT: No, he didn't teach then. So he was quite an amazing guy, and he had a great sense of adventure, and it's clear to me I've gotten this from him. When he was very

young, or was a teenager, he went down to Texas and went to Mexico, when they had the Federales and Pancho Villa, and he just went down and wanted to see what it was all about, and he used to tell wonderful stories about Mexico and his adventures, but that's for another day.

MC: You were the oldest child, and were you the first in your family to go to college? You went to Texas at Austin …

MT: I was the first of all of the family, all of the family ….

MC: What was that like? They must have been incredibly proud of your going to college. Did it influence which college you chose?

MT: First of all, I was the firstborn. My Aunt Sue's children and my Uncle Carl's sons were all a little bit younger. Most of them ended up going to college -- I was the first one -- but we never communicated about that. I always knew I was going to go to college. All of my friends, wanted to go to the University of Texas. People, who go to Ivy League schools from the East Coast, don't realize that for the rest of the nation, state schools are absolutely terrific, and if you're going to stay in your hometown after college, you go to the state school. Actually, I wanted to go to Sophie Newcomb College in New Orleans.. I think I wanted to go to Sophie Newcomb because there was a guy going to Tulane that I was sort of interested in, but my parents couldn't afford for me to go to Sophie Newcomb. I got a full scholarship, and it only cost 50 dollars a semester at the University

of Texas, and not only that, I got another scholarship because I was valedictorian of my class. I got other kinds of scholarships to pay for room and board and things like that. And I worked, during high school, to save money to go. My parents had no money. I mean, I knew I had to put myself through, but I never doubted that I would do it. And this is my dad's influence, and my mother's; they both inspired such confidence in me that I could do anything I wanted to do. I would have some tiffs with my dad because he would always exaggerate.

I remember one summer when I was in law school, I was a law student working at the Justice Department, in the Civil Rights Division, and to hear him talk, I was Bobby Kennedy's right-hand man. That sort of thing. And I would hate the exaggeration. On the other hand, I knew how proud they were of that. But it was both my parents – they never limited my vision, and they never made me feel as if money would prevent me from doing anything.

MC: Sounds like money wouldn't, and gender wouldn't.

MT: Gender and money and religion .... Religion -- this was in Houston, when I was growing up. I mean I consider that my hometown. In my teenage years, I joined an organization called B'nai B'rith Girls, and B'nai B'rith Girls in the South ... In Houston and in the South, Jews were very segregated socially. Jewish girls didn't go out with non-Jewish guys. That was a real no-no, and you had your own little circle of friends. I don't know if it's still like that now; it's nothing like Washington.

MC: I clerked in Montgomery, Alabama; I'm not Jewish; my husband is Jewish, and my observation was that the Jewish community in Montgomery is still very segregated.

MT: I think it's still that way in Houston to a great extent. When I go back, it's just very socially segregated. There are Jewish country clubs, and this and that, and, frankly, although I was very much a part of that, that's one of the reasons I wanted to get out of Houston. I started changing when I went to the University of Texas and started doing some of the no-no's -- dating guys who weren't Jewish, becoming very active on campus. And I thought that was perfectly fun, but it created some ripples.

MC: Was your family involved in a synagogue, and did you go to Sunday school?

MT: They did both join a Reform Jewish Temple – Temple Emanuel. They were not religious. My parents were not religious. But I knew we were Jewish. And they did join the synagogue, and I did go to Sunday school, but nobody had bat mitzvahs then or anything like that, and frankly, I got sort of bored with it. So I don't remember going for a real long time, and they didn't force me. But I did join this B'nai B'rith Girls, and even before I joined that, I went to Jewish summer camps -- Young Judea summer camp -- so I learned a lot. My husband always laughs because I know all of the prayers by heart in Hebrew, and I can't read a word in Hebrew. I'm singing out loud, and he says, "How did you know that?," and I say, "Camp Young Judea." We prayed every day, and over the food, and we sang, and I loved that. It was a wonderful experience for that, and I met a lot of wonderful Jewish friends.

MC: Is that an experience you've instilled in your own children?

MT: Well, that's another story. No, they've never gone to Jewish camps. They just chose to do to different things. But they've found their own religious compass. I'll tell you, if you don't instill it, they find what they want anyway. I got my Jewish identity mainly from the summer camps, and my parents looked for that, they wanted that for me. I would also go to Jewish day camp at the Jewish Community Center. When I was a teenager, I joined the B'nai B'rith Girls. Now, the B'nai B'rith Girls, and the boys' equivalent, which is called the A.Z.A., those two components of the B'nai B'rith Youth Organization were very strong throughout the South. I mean the whole South. The region I was in was called "Texoma," which was Texas and Oklahoma. There was another region called "Cotton States." And we were all part of what was called District Seven, BBYO, which was both those two regions together.

Every year BBYO would have a convention, where all the kids would get together in the summer for five or six days, and we'd elect officers. In the winter and the summer, there would be conventions, and there were maybe four or five of these things a year. The Jewish parents made sure that we knew every Jewish kid in the South, and, to this day, people within those few years that I was in BBYO-- I know everybody. I knew every Jewish kid in Dallas, every Jewish kid in Birmingham. We just met them, and we would also have summer camps, and I was a counselor and met all of them. It was a very strong Jewish bonding. I was President of the Texas/Oklahoma region, so I got to travel throughout all of Texas and Oklahoma to visit all of the local chapters. So I met every

young leader, every Jewish young leader. And I will tell you, some of those Jewish young leaders became Congressmen, Senators .... If you were a leader, it was highlighted through BBYO. It was an amazing organization, and we needed it -- it was the only bonding down there.

In Washington, when my kids were growing up, I wanted my daughter to join the BBG. I kept telling her, and she finally went. She didn't need it. She had other bonding kinds of things, and DC was a much more assimilated place. In Houston, you needed that bonding because Jews were segregated. Nobody was letting you in anywhere in the 1950s. It was just a different time.

MC: And how then does that translate to the University? You already suggested that it was somewhat different when you got to college because of mixed dating.

MT: When I went to the University, I was in a Jewish sorority. There were several Jewish sororities and Jewish fraternities, and I dated the guys in the Jewish fraternities. But I started getting active on campus, and I was nominated for University Sweetheart. I became beautiful in my junior year of college. My roommate, Janice Goldberg, said, "You're the only person I know who became beautiful between sophomore and junior year." I started getting this recognition. The University had what was called "The Cowboy Minstrels." It's so embarrassing to think about; it's so politically incorrect now. Well, I was nominated to be "Cowboy Sweetheart." The "Texas Cowboys" was the men's service club, with all the coolest guys on campus. Now you've got to realize, the University of Texas was a big place, 25,000 students. And the coolest guys were called

"Texas Cowboys." And at the football games, since Texas was No. 1 in the nation, you would see these guys run out on the field with the longhorn mascot, and they'd shoot a cannon every time there was a touchdown. There was another group of guys, another service group, that was called the Silver Spurs, and they had orange shirts.

Anyway, the Texas Cowboys would raise money for some charitable cause; God knows what it was. They would raise the money by having an event called "The Cowboy Minstrels." Now, the Cowboy Minstrels was the big show during homecoming weekend. So everybody who would come down to homecoming would go to the Cowboy Minstrels, where these guys would dress up in blackface, and do the "Step and Fetch it." Everybody would laugh, and they would announce the Cowboys' Sweetheart every year, and they had a big parade. Early in the semester they would nominate five or six girls as Cowboy Sweetheart Nominees. And they would wine and dine them and make them campus queens. I was a Cowboys' Sweetheart Nominee.

I have to tell you, of every honor in my life that I have ever gotten, that one made the biggest difference to me. Because I always knew I was smart; but I always wanted to be popular and pretty. My best girl friends were always prettier and more popular. The Cowboys were wonderful guys. They weren't just Jewish guys; in fact, I think there were only one or two Jewish guys in the group. But they made me feel beautiful. And it was the first time I ever felt beautiful, and that made me feel like I had it all. And it gave me enormous confidence. Sort of a sexist thing to say that, but that was what it was. It just added the right thing that I needed. I didn't become the Cowboy Sweetheart, but I had to come out on the stage in this beautiful gown, and all these guys in blackface would sing "Mammy" or whatever they'd sing. And the young men I met became wonderful friends

of mine. They truly were friends, and they eventually became governors of Texas and other leaders in the state. I also got politically active then too because people started knowing who I was.

MC: This confidence that you discovered, or this confidence that you took away, what did you do differently, would you say, as a result? What did you do differently in the latter part of college? What might you not have contemplated before, but you then did because of this new sense of possibility that you had?

MT: One of the things was I didn't feel like I had to have a boyfriend because I just felt like it was O.K. because I was popular. But I didn't have to be pinned, or lavaliered, or dropped, or whatever it was. And that was a real high commodity among the Jewish sororities. Everybody had somebody. If they didn't get married before they graduated, they got married immediately after they graduated, and I didn't even have a boyfriend. It gave me confidence to know I didn't have to do that. It gave me time to be what I wanted to be.

MC: It was liberating.

MT: It was liberating. I never thought of it that way.

MC: Even though you say it was a somewhat sexist phenomenon, it actually had the consequence of liberating you to have broader horizons, if you will.

MT: To have different dreams. That it was O.K. to go to law school, and to go away to law school. My mother wanted me to get married. One of my degrees was in education. It was called "insurance." In case I didn't get married, I could teach.

MC: You went straight from Texas to Georgetown. How did you choose Georgetown? You wanted to be in D.C.?

MT: Well, there were a couple of sexist events that occurred in relation to this. The good thing about being 65 is that I see what goes around comes around now. A lot of things that weren't clear then are clear now. I applied to two law schools. I applied to Georgetown because I thought I wanted to be an international lawyer. A guy I had a crush on would always talk about this woman who was an international lawyer, and he thought she was fabulous. So I thought maybe that sounds pretty good. It was tied, I have to admit it, it was tied to this guy. But that romance never went anywhere. The other place I wanted to go was Harvard because it was Harvard. So I applied and ....

MC: This would have been in the early '60s?

MT: '62. And it would have been for the class of '65. I applied to Harvard and to Georgetown and applied for scholarships because I didn't have any money for school. They were much more expensive than the University of Texas. I think tuition at Georgetown was about $700 a semester. But that was a lot in 1962. I mean its fun to look

back at what those prices were. So I applied to Harvard, and I was accepted at both. I remember the letter I got back from Harvard. It said, "Congratulations, you are one of 25 women in a class of 500 admitted to Harvard." There was clearly a quota for women. Absolutely, it was a quota. But I didn't care -- I was in! I didn't care that there was a quota, but you have to realize I was brought up in the segregated South. The University of Texas was racially segregated; we were still fighting on campus to integrate different things, which I can tell you about later when we do the college years. But sex discrimination really wasn't on the horizon then. I just figured I wanted to be a lawyer. In my earlier years, I thought I wanted to be a doctor. My parents said that was fine. They knew that doctor's kits were more interesting than nurse's kits, and they'd always given me doctor's kits for holiday presents. When I decided I wanted to be a lawyer, I just did it! It didn't matter that there were very few women. And you didn't whine about it. So I got this letter from Harvard, and it said that they didn't offer me a scholarship. Georgetown was going to give me a full scholarship. So it was a matter of dollars that made the difference in my selection.

Fast forward a few years: I was in the A.B.A. House of Delegates with former Harvard Law Dean Erwin Griswold. I had, by that time, been president of the D.C. Bar, and he liked me. Erwin Griswold liked me. He would talk to me in the House, and he commented that he enjoyed watching my legal career. I said, "You know, I didn't go to Harvard because of the quota system." He said, "But there was no quota system." And I said, "Dean Griswold, I remember that letter -- you may not remember sending it out, you sent out thousands. But I remember it because it was my life. I wanted to go there." "Well," he said, "we didn't have a quota system." And I said, "Well, we'll always debate

that." He denied it, but then you hear all these stories about how Harvard treated women. But he never got it. You can't fault the guy because he was of another era, and, frankly, I say that, and that'll tell you something about me because there are a lot of people who would say, "Of course you fault the guy. There are plenty of older people that were able to keep up."

But I was never an angry feminist. I never blamed others for all of the discriminatory treatment because I feel blessed to have been able to figure out a way to get through it. I'm not angry at all those people. Maybe if they do something unfair to my daughter, I'd get angry. I don't waste anger. It's a useless emotion. Doesn't mean I don't feel it, but I don't dwell on it.

MC: And you understand the context in which things have happened. Life is complicated in terms of what issues are at play ....

MC: We are going to return to your experiences in college. You were saying that you were very active in campus politics, and that there were certain reforms you were advocating and certain issues you were involved with. I'd love to hear more.

MT: Why this happened, I don't know. I joined a sorority .... I was a member of Delta Phi Epsilon -- it was a Jewish sorority. But when it came time to select new pledges for the sorority, I really hated the blackball system. I found it offensive, but I wanted to be in a sorority -- that was the social way to do things. I probably didn't have the courage to be an independent. I was much more of a sorority girl type, but I never blackballed anyone

in my sorority, and there was a group of us that organized and tried to change the blackball system. That is sort of the beginning. Then I got more active on campus in different campus organizations. I ran for delegate to the student legislature or congress (I forgot what it was called) from the College of Education. I was elected. You had to put signs up, just like an electoral campaign. I was also active on the student court. We impeached the student body president for misusing funds. Even back in Texas before Tom Delay, the student body president misused funds so they impeached him and had a trial before the student court. I learned all about impeachment. I mean, all of the processes, the things I love, learning civics, politics and everything were tried out at the University of Texas. It is often said that if you want to be governor of Texas, you have to be president of the student body. I got to know all of these people, and I really enjoyed it. And that meant fellows would ask me out who weren't Jewish. I would go out with them, and I just learned a lot about people. I took a lot of heat from the Jewish fraternities. But I'd take heat for things that I do that are trail-blazing.

One of the trail blazing things happened in the freshman honorary organization that I was in. Again, this is another politically incorrect thing. In the freshman girls' honorary, named "Spooks", we all wore black and had skulls and crossbones. The organization still exists but it is called "Spirits." One of the things that I did when I was in Spooks was to try to get them to integrate socially and to select a black member. And they didn't. They didn't choose a black member that year, but they did the next year when my little sister in the sorority made it happen. She is now dead, unfortunately. She died a little over a year ago, her name was Muff Singer, and she remained one of my best friends for all of these years. Muff became president of Spooks, and her proud

achievement was that they did select a black member. I then became president of the junior honorary society, which was called "Orange Jackets. It was the female equivalent of the Texas Cowboys. We all wore these orange and white vests. It was the junior year honorary, and I was elected president. We did select our first black member into Orange Jackets when I was president. As a reward for that I was denied membership in Mortarboard, the senior honorary. Shades of my Abraham Lincoln paper.

MC: Where do you think your consciousness of the race issue came from? You were talking before about your father being very inclusive in his business and in telling you that you needed to respect and value all people. Is that the primary source, or are there other sources you would point to?

MT: My parents talked with us lot. They had a lot of discussions about fairness issues. I remember the McCarthy hearings. I think my parents both had a very strong sense of fairness. They never treated people poorly. I just remember that it was important that I treat everybody kindly. In Texas, we would always say, "yes, sir," and "yes, ma'am," and I was supposed to say that to people whatever color they were. We have a lot of Hispanics in Texas as well, but I was always taught that people are the same. They also taught me that there were people who thought differently than I did, and that it was important to stand up for my beliefs. And if I really felt that way I'd have their support. They would try to protect me. One summer while I was in law school, the summer of '64, known as "Mississippi summer," I wanted to go down South and register voters. My folks were terrified for my safety. I followed their advice and stayed and worked in the

Civil Rights Division as a law student then. They were really worried about my safety then, but they supported me. It's not that my parents were activists or anything like that. The feeling of something not right about discriminating against people just seemed born inside of me. It just wasn't right, and certainly in my religion, our tradition was that people shouldn't be slaves, people shouldn't be owned. It always made a lot of sense to me that it was up to the people who have things in society to take care of people who didn't have things.

MC: Did your father ever speak of discrimination on the basis of religion in his business? That he was excluded from certain opportunities?

MT: No, I never remember that he talked about that. I mean he may have, I just don't remember it. I also never remember words like "nigger" or anything like that ever used in my family. It just wasn't done.

MC: Did your brother likewise go to Texas?

MT: No, my brother Neil was the artistic one, the creative one. He went his first year of college to St. John's of Annapolis, the Great Books school. That's where he wanted to go. My dad was making a little more money, so he could afford that. And I was in Washington, D.C. then, so my brother went his first year in Annapolis. Then he decided that was too rigid for him! He then wanted to go to Europe, to the Sorbonne. He went to the Sorbonne for a year, and learned French. He learned and spoke several languages. He

never actually finished college. Neil then moved to Barcelona, and he became a writer. He never finished college, but always was a fabulous writer, and ended up writing plays. He had some of them staged, and I am now the executor of these wonderful plays. When it is less painful to me and I have more time, I will shop them around. There were people like actresses Tyne Daly and Sally Kirkland who loved his work. I have given out options on some of these plays. Tyne Daly did a reading on one of his plays that she wanted to be in. I went to New York to this reading. Then Neil died fairly soon after the reading, and nobody had the energy to carry it through.

MC: Is there a theme to his work, or issues that he took on?

MT: He was just avant-garde; he was always a little ahead of the time. He wrote a lot about dysfunctional families. The play that Tyne Daly wanted to do at the time was called "Oil." Then it had another name, "Ms. Mags," and it was about a Texas oil family that was all screwed up. There was a Puerto Rican divorce lawyer who was in the play. I could see there was a little bit of me in that role. He wrote kind of wacky fun plays. He wrote about a family after an earthquake. It was called "Aftershock". I have seen a bunch of them; they have been put on in small theaters in Los Angeles.

MC: I was asking about your brother's educational experiences.

MT: He never finished college. He learned by doing.

MC: Did you have faculty in college who mentored you and who suggested law school or encouraged your interest in law school? Anyone who gave you a nudge in that direction?

MT: You know, if I were to say one thing bad about the University of Texas, or other big schools, it would be that you don't get nurtured in a big school; maybe you can, but I sure wasn't. I don't remember anybody. I mean the law school thing was my idea, and I knew I'd found out the way to do it myself, and I took the courses. There was a professor named H. Malcolm MacDonald, and he taught two courses: one course was called, "Continental Jurisprudence," and the other was "Anglo-American Jurisprudence." The word around was if you made a B in his class -- very few people made A's – if you made a B in his class, you would make law review at the University of Texas Law School. You would for sure get accepted into law school, and you would make law review. I took those courses as an undergraduate. He was a tough son of a bitch. I made A's in both courses, and when I went to law school, the first course I took at Georgetown was on common-law causes of action. I had studied that in Anglo-American jurisprudence and I made a 100 on the final! I mean, it was so easy because I had done it before. And the Continental Jurisprudence course was the other international stuff. But I did make law review and so I kept true to the legend.

MC: Did you look at Texas Law School at all?

MT: No, I wanted to go away. I wanted to get out of Texas. I wasn't married, and I wanted to go away. John Kennedy was President of the United States. I had a double major: education and political science. I loved the politics part of it. I had met Teddy Kennedy and Joan Kennedy in a campaign. I was Chair of "Students for Kennedy/Johnson" when Kennedy was running for President, so it was a glorious time to be interested in that. It was natural to go to law school in Washington.

MC: When you came to D.C., was it your first time here, or had you been in D.C. in your childhood?

MT: We stopped in D.C. on the way to Texas, but I don't remember coming here. Once I came to D.C., I loved it! I remember saying my dreams out-loud. I remember going by the White House one day on the bus going to law school, because I lived in Georgetown, and I would take the bus to Georgetown [the law school] downtown. I had my torts book and yellow legal pads. I wanted everyone to see that I was a lawyer and that I knew torts. I remember going by the White House, and I said, "Some day, I am going to go into the White House, but the first time I go, I want to be invited." And I set that as a goal. I wasn't going to go on a tour. And it happened! I was invited to the White House. The first time I was invited, it was through an A.B.A. connection. This is a wonderful story and it is absolutely true. I was on the Council of the Section on Individual Rights of the ABA. I think the chair of the section at the time was Burt Jenner from Chicago, and we were invited to the Roosevelt Room at the White House to meet with the Assistant Attorney General for Civil Rights. It was a big deal for me.

MC: When would this have been?

MT: This was in the early 1980s, or late '70s, the Carter White House years. The day we had that first meeting, I remember wearing my pink ultra suede suit. Now, of course, since you have four year old twins, you know that you don't just have a life where you get up in the morning and put on your best suit and drive to the White House. Then, I was driving, and I had to drive the car pool first. I had the kids in the car and picked them up and have them strapped in, and I dropped them off at nursery school. Then I had to find a parking place. I mean the idea -- now, you could never find a parking place, but, then, there were some, so I had to drive around and I found a parking place. So, when I got to the meeting, I was breathless; I was running late. I finally got in and sat down, and I looked around the Roosevelt Room. All the mahogany wood, and I was looking at all the important people. I think it was Drew Days who was the Assistant Attorney General. He was at the meeting, and I looked around, and I said to myself, "You know, Marna, you have arrived. You have made it. You were invited to the White House, and you know these important people here." I looked down at my pink ultra suede skirt, and there were five grape jelly prints. I looked at them, and all I could do was laugh. So much for being a mom at the White House! I told that story in a speech. I later read an article by a woman who had heard me give that speech, and she called it "Grape Jelly on my Career." We women all share that; the men could always sort of go, just throw on aftershave lotion, their hair slicked back, and they always take the taxi cab, but we have a whole life to deal with before we ever get there.

MC: I check every morning for yogurt stains on my clothes before I enter the classroom.

MT: I worked in the House of Representatives for a Congressman after I got out of law school. He was Allard Lowenstein from New York. He was the anti-war Congressman, who tried to get us out of the Viet Nam War. I remember being in the Capitol and seeing all of that white marble around and getting the feeling of excitement. And I would say to myself, "Someday, I'm going to be a player." You meet these Senators and Congressmen; and it's "yes sir!" Frankly, as a woman, when I worked there, we were treated like sex objects. It was a snake pit. It was a terrible place for a woman. I think it's still a difficult place for a woman. I mean, women have high positions there, but there are still a lot of women who go there just to meet somebody or be around power.

When I went up to Capitol Hill a few weeks ago to testify at the Alito confirmation hearing, I remember walking in, and there were all the Senators. We were giving this testimony, and I remember sitting down there thinking I wasn't afraid or nervous at all because my view of Senators is, you know, they're one question deep. I mean, I knew what my material was, I've tried cases, and it was fun, and I had a job to do, and it mattered what we said. I just felt like a player. When I walked out of there, I said; "This is so much fun, it's so much fun to be in Washington. This is exactly the way I wanted my career to play out."

MC: I have a question for you on that note. I may be getting a little ahead of things, but you mentioned a couple dreams you had, and you said you would say them out loud at the time, take note when they came to life. Are there dreams that you would articulate today for yourself? And, whether they relate to your professional self or your personal self, are there dreams, aspiration, hopes that you have that will be fulfilled?

MT: There are some things I haven't done that I would like to do and start doing professionally. One is to write a book.

MC: Of an autobiographical nature?

MT: No, I can't write a book about divorce because all of my clients would think that I was talking about them, and I respect their privacy too much. But the book .... By the time anybody reads this, it will either be on the shelf or I will not have fulfilled the dream. The book is about what kind of men stay married to very successful women. The divorce rate among professional women is much higher than the regular divorce rate, and when women make more money or women get all the glory, it is tricky, but there are some very successful marriages. My husband, you know, we have been married thirty-something years, and why did he take such joy in my success? I have talked to Marty Ginsburg and Justice Ruth Bader Ginsburg, and they have agreed to talk with me for my book. I am going to do interviews of people of all different walks of life. What is it about these guys that allows them to enjoy their wives so much and not feel threatened by their successes? I was going to call the book, "Who Will Marry my Daughter?," but, it is true,

her fiancé is very similar in nature to my husband, and I don't know what it is. Is it nurturing?

MC: I don't know

MT: I am going to find out, and I have to draft all these questions and do this.

MC: You do see some intergenerational partnerships, where the husband is taking on a sort of nurturing role toward his wife. But what you are looking at is more of an equal partnership, people of the same age?

MT: Not just that. I am going to look at older women marrying younger men, but they have to be married at least fifteen years because I have got to set some level and that is where I am going to set it. But older women, younger men, interracial marriages, different things like that.

MC: Do you have a publisher?

MT: No, and I don't have an agent yet. People have already talked to me about it. I just have got to slow down in my law practice so I can devote the time to it. I was going to do it two years ago, and I told my firm that I'd take one day off per week. And they said fine. And it never happened because, you know, there is still that practicing lawyer inside

that's first and foremost. So I am just going to have to taper off the law practice and spend more time on the book.

MC: Are there other things like that? Your dreams?

MT: The other thing I'm going to do .... There is an artistic side of me. When I was in Houston in junior high, I won a scholarship to the Houston Museum of Art. I always enjoyed art, but the minute I went off to college, you know, I didn't have time, and then there was law school. Art to me requires a whole different side of the brain and a different pace. You just can't fit it in. You know, you don't sit down and say, "Oh, it's Sunday. I've got two hours, I'll draw." So my husband knew I kind of wanted to do this, and he would always say, "Do it on the weekends," and he gave me some new pastels. "I can't," I said. "You don't understand. I can't do it." Well, as a gift, he gave me a class in drawing at the Corcoran, and I had a wonderful time. It was one night a week, three hours a night for about twelve weeks, and it sort of got me back into looking at things like an artist. I realized that I could draw again, but I couldn't follow it up. But that is the other dream, and when I am in my second season and out of this rat race, I want to really learn to watercolor. I haven't ever really done watercolor. I want to draw, and I want to watercolor.

MC: Would you do it outdoors?

MT: Oh sure! I'd love to do it. That's what I love about my farm, but I want to probably go away to a watercolor camp. They only last for about a couple of weeks, and there I can just be in that zone. I can't be in that zone doing what I'm doing. And I don't enjoy art when I am rushed. When I was taking the art class, I'd have homework assignments, like I'd have to draw a chair. I would sit in my kitchen -- I have a big kitchen with wonderful light -- and I would set up my easel, and I would turn on the opera on WGMS, and I would start drawing. And if I would start at ten, it would be five o'clock before I'd realize ... I was somewhere else, and it was so wonderful. It wasn't like writing a brief for five hours and saying, "Oh, you know, I'm done." It was just this wonderful .... I felt so good after it. And I'd love to do it, and that's another dream.

Of course, the other dream is I can't wait to be a grandmother. I'm sort of not allowed to say that very much, although my daughter is engaged to be married. I slipped once and mentioned that I'll have much more time to be a grandmother than I had as a mother. But that I'm really looking forward to.

The best joy of my life has been unexpected things. I would love to see my friend, Hillary, be president of the United States. And, if she is, I'd like to do some work for her. I can't do that now because of my A.B.A. committee restrictions.

MC: Is there a particular focus in terms of how you would like to participate?

MT: I don't know. I don't know how I'll feel because I'll be up there in years and, please God, let me be healthy. I'd like to get back to doing more physical activities, and stuff like that.

MC: What I say to my students is the best things in life come along really unexpectedly; you can put yourself in the way of opportunity, and you certainly should try …

MT: And you can foreclose it.

MC: But serendipity plays a remarkable role in life.

MT: It is serendipity. Just to give you an example: I don't know how this will play out, but it just really was serendipitous. I have a client, who I like very much. She is very wealthy, and she was talking about her situation with a woman who happens to be writing a book on gender, finances and divorce. So she told this woman to call me. It just happened to be on a day that I was very busy. I said, "Look, call me on Sunday. I don't have time right now." And on Sunday I was in a good mood, and I was talking just like this, and giving her some ideas, and we had a two hour conversation. She said, "Well, this is wonderful." I told her about the book I wanted to write, and she said, "Well, my publisher in a heart beat would do that because this publisher has a focus on doing this, this, and this. And I'll make sure the publisher sees it." You know, who knew that this connection of this woman I never knew would call up, and I would decide to spend two hours with her? Hopefully that may be the publisher!

Women Trailblazers in the Law Project

of the ABA Commission on Women in the Profession

Oral History Interview of Marna Tucker (Part II)

Senior Partner, Feldesman Tucker Leifer Fidell, LLP

(Washington, D.C.; September 8, 2006)

Mary Clark: Mary Clark of American University Law School meeting with Marna Tucker at Feldesman Tucker Leifer Fidell as part of the ABA Commission on Women in the Profession Trailblazers Oral History Project. When last we met in February of this year, we spoke about your family history, your upbringing, your move to Texas, your involvement with Jewish summer camp and other formative activities, and your time in college at the University of Texas. You had just started to speak about your admission to Georgetown Law School, and now I would like to hear more about your experience at Georgetown. Why don't we start with your recollection of the roles of women at the Law School, as both students and faculty.

Marna Tucker: You've got to recall that this was in 1962 that I entered Georgetown Law School. At the time, Georgetown Law School had one woman professor. She was not a full professor, but she taught the course on Conveyancing and her name was Helen Steinbinder. Probably, if you were to ask me to name a lot of the other professors, I could not recall them. But she was a character of derision at the time by students and

faculty alike. Helen Steinbinder as a woman professor was not talked about with the same kind of respect that the male professors were. Georgetown was also a Jesuit Catholic School, and, at the time, it had some Jesuit influence. Besides having priests teach courses, there was some discussion of canon law in our various courses in the first year. We took a course on common law causes of action and those were compared to canon law causes of action, or canon law, at the time. I don't think there was a separate course on it, but I do remember feeling a little uncomfortable whenever that was brought up since I was a nice Jewish girl in a Catholic Jesuit law school and a place where women were very rarely seen at that time.

Now, I went to the full time day school, and I think we had a starting class of 180 people at the time, and there were nine women originally. When we graduated, there were five women out of the original nine. I think the four disappeared after the first year.

MC: Do you know where the remaining five are today?

MT: Yes. I know where a lot of them are and occasionally stay in touch with them. The Law School has been very good about trying to get women back together and organize them. That is to the credit of Dean Judy Areen who came many decades after me. But, at the time, not only were there few women, we were in a very old building. It is now called the old, old Law School because Georgetown has done some incredible building since then, also under the tutelage of Judy Areen. But at the time, we were in this very old brick building that looked like something Little Lord Fauntleroy would go to school in. I remember it was dark and musty, and it had one ladies room in the basement next to

the Chapel, which held Mass every day at noontime. There were men's rooms on every floor, with three floors above the basement. Progressively, the different year you were in, you were on a different floor. By the time I was in my third year, it was tough between classes to make it all the way down to the basement, and so noontime was a very busy time next to the Chapel. I have told this story before, and it really is true. Not only was the ladies room in the basement, it was totally neglected. People forgot that it was there and so it wasn't cleaned; it never had supplies. It was just not a very pleasant place. Sometimes, I would go in during Mass, take care of my business, and then just sit and flush the toilet to make noise and have it echo. It wasn't that I was angry at the time for being discriminated against. I was just angry that nobody noticed that ladies room and that was all we had to use. So that was the physical facility of the law school.

There was also a dormitory that was attached to the law school, and they had maybe fifteen or twenty law students who lived in that dormitory. They were all men, of course, and because Georgetown was "downtown," as they say, it wasn't connected to the main university campus. Because of that, most people had to take a bus or drive down there. You would get to law school, study, and then go home, which was not around there except for these fifteen or twenty guys who lived there. There were also what they called prefects. These were the fellows who were in charge of the dorm, and they all had a real bonding. They were sort of a gang, I remember, and they felt, at least I thought they felt, at home. For a woman from Texas in a sea of men, all men it seemed, with no real group to bond with, it was not my favorite place. It was what I expected. I can't say I didn't expect that, but it wasn't what it is now. I see the comparisons, and they're so

stark as to how women are treated now, and the different organizations, and the sheer volume and everything else.

I remember my first day. There was a fellow named George Fischer who came up to me and introduced himself. He said, "I am George Fischer." I guess it's Bob Fischer – they called him Bob - and he said, "I am a second year student, and I am in charge of you for freshman orientation." I said, "Oh that's very nice," and he said, "Yes, and there is going to be this beer party at my house with other first year law students." I said, "Oh, isn't that nice." So I went with him and, of course, there was no freshman orientation. It was just a pick-up line, and he was very nice, and I fell for it. I did go out with him for awhile during that semester.

MC: There was no one else at his home? There was no beer party?

MT: Oh, there was a party because he lived with a group of guys in law school. So they had a party.

MC: But it wasn't a freshman party?

MT: It was not part of freshman orientation. Freshman orientation consisted of a speech that they gave us as freshmen. I remember very clearly that the person who spoke to us was Edward Bennett Williams, and he talked about the importance of justice. He got us all revved up, and I felt that was wonderful. I later found out, of course, that he was married to a woman lawyer as well. But she didn't get to speak. She wasn't on the stage,

and I often think how nice that would have made me feel if they had been presented as a team. But that was not the time or the place.

The other thing that happened that first couple of days at law school when we were all getting to know each other is there was a guy who came up to me and said something about, "Are you here to get a husband?" And I said, "Why would I come to law school to get a husband; I mean, isn't that an awful lot of work to get a husband? Wouldn't it be easier to be a stewardess or something like that?" But that was the feeling. I felt isolated, alone. People weren't mean to me in terms of getting to know me, but it was – you know, when there are 180 new people and everybody has stuff going on, and there are just a few women there, it was not easy. It turned out that one of the few women was one of my roommates. I found her through the law school, and her name was Paula Blais . She was from Rhode Island, and she had gone to a very small school, Salve Regina College. It's amazing that I remember these things now. We found an apartment together, and lived in that apartment. She ended up going home at Christmas time, met a guy in the Navy, and never came back. So she dropped out, and that was the end of Paula Blais. The other women in the class, of those who graduated, all of us were in the top 10. Out of the 180, it was Mary Margaret Gillen -- her maiden name was Mary Margaret Donnelly. She married a guy in the second year class whose name was Neil Gillen. She ended up number one in our class, and the rest of us were right up there at the top.

MC: Did they all practice, and continue to do so?

MT: As to what they've done afterward, Jan Rein who was also married when she came to law school, is a law professor. I don't think she ever practiced, didn't enter private practice or any other kind of thing. There was Patricia Williams, who went to work for Playboy Industries. She was a real character. I think she was their legal counsel or something like that. I have lost track of her. Mary Margaret Gillen joined a firm here in Washington. Her daughter went to law school at Georgetown as well. There was a woman named Dee Angel , who also dropped out. I am trying to remember the other ones.

MC: How would you explain the fact that the five women were in the top 10?

MT: Because the women who chose to go to law school at the time were oddities. We were not in the mainstream. We had to be better than the guys in order to get in, and we had to work harder and put up with a lot, so we were made of a little sturdier stuff than the average male law student. We knew we were jumping into something that was not going to be easy for us.

MC: How were you treated in class when you participated? Was there a higher bar for your comments than for your male colleagues?

MT: Let's put it this way. There are a couple of stories that I could tell about a couple of professors making comments when they had the sex cases in criminal law. What I remember most about it is that, at the time, in law school, the men all wore jackets, and I

wore high heels and dressed up in a suit as if I were going to court everyday. We did not do blue jeans and tee-shirts. We were professional from the day we walked in. I remember very well that when you started at 8:00 or 9:00 a.m., the guys all wore this aftershave lotion. They were wearing Canoe and Aqua Velva, and the room just smelled. I think they wore it mainly because they didn't take showers. So they wore their suits and jackets, and I would walk into this thing. Every day, at about 20 minutes past the hour, I would sneeze, and I am sure it was because of the aftershave lotion. The men all looked very, very much alike in their little sport jackets. What would happen is that the really tough kind of professors would call on the students, and we would have to recite, and if a student wasn't prepared – if a guy wasn't prepared – he could sit there in the class and the professor probably wouldn't know him. The class had a lot of people in it, so we could do what I call "fox hole". But I couldn't do that. I just stood out and so when I stood up to talk, everybody listened because they wanted to see what the girl would do.

While I was in law school, I used to drive to school with my classmate, John Dean. John later was White House Counsel to President Richard M. Nixon. When Nixon was under fire for the Watergate Scandal, a reporter for the New York Times Magazine was writing an article about Dean as "The President's Accuser." So widespread was the paranoia about being on Nixon's "Enemies List", the reporter had difficulty finding anyone to talk about John Dean. Somehow, he got my name as someone who knew John in law school. That tells you how deep the reporter had to go to get information. While he was interviewing me, I mentioned that I always sat next to

John Dean during final examinations. The reporter asked why I would do that. I said, "Because he never sweat!" Anyone who saw John testify at the Watergate hearings would know how apposite that description is. Before the Watergate scandal, when I was working for Congressman Allard Lowenstein, I was surprised one evening when John Dean dropped over to my apartment in Georgetown. We hadn't really remained in touch after law school. He said he was in the neighborhood and thought he'd stop by. I later learned that Allard Lowenstein was on Nixon's Enemies List. I'll never know what the connection was with that visit, but I know there was one!

MC: While in law school, did you stand to recite cases?

MT: Oh, yes, they don't do that anymore. Oh no, no, I don't think since the '70s. Oh no, and I remember a Professor Snee, it was Father Snee. He was a priest. He had a drinking problem, and occasionally he would take off during the semester, and they would send him to the "farm" to dry out, and he would come back. He was very, very smart, and he taught Agency. He was a Jesuit. Jesuit Professors were extraordinarily bright and tough! He used the Socratic Method in all its glory. Father Snee was brutal to people, and I remember when he finally got to me, and he called, "Ms. Tucker." I stood up with my knees shaking. I recited the case and cited its essential holding, and I just stopped and waited for him to go at it. I looked at him, and he just said, "That will be fine, Ms. Tucker. Thank you very much," and I just sort of looked. He said, "You may sit down, and thank you very much," and I said, "Thank you, Father Snee, thank you." I

was so delighted that he didn't chew me out. I guess it was reverse discrimination. He was brutal to men.

MC: Was that reflective of the fact that you were right in your case recitation, which it probably was, or was it in part because women were treated more gingerly by the faculty because there can be that phenomenon also?

MT: I don't remember, in honesty. I can attribute it either way. I just remember being so relieved. I remember standing in all of those classes, being embarrassed during the sex cases when they would always, of course, call on the women. We didn't have "women's day" like they did at Harvard, but it was very, very difficult. And there was also the thing, when you are a single woman in a class, there is the social phenomenon of dating. I sort of decided I would never date anybody in my class because if it didn't work out, I would always be uncomfortable. So I never dated anybody in my class, but I did date guys from the second and third year and ended up having some very great friends. By the second and third year, I had developed a coterie of friends, principally male, and I am still friends with them today. If I can tell one little story about this. I had a roommate my second year – a woman named Loretta Barnico – we called her Rett and I introduced her to a fellow named Bob Rossi who was in the third year. Now, Bob Rossi was a little older because he had been in the service. Bob Rossi lived with a fellow named Bob Davis, whom I was going out with and was sort of a friend. I had a little crush on him at the time, and Bob was third year. Bob Rossi, Bob Davis, and another fellow named Howard Kushner -- those three were great friends -- and they sort of took me in as a

friend. We would all go out to dinner at a restaurant called El Bodegon. The owner's name was Bob Callahan. He would pour wine on our heads using a porrone. We would drink excessively, and we had great times as a group. I introduced my roommate Rett to Bob Rossi, and they ended up getting married. I was Rett's bridesmaid, and Howard and Bob Davis were both in the wedding.

Fast forward 40 years. I stayed in touch with them a little bit – I got an email from Bob Rossi and Rett, and they said, "We're having our 40th wedding anniversary," and, of course, that tied in with the number of years I had been out of law school. They said, "We want to invite everyone who was in the wedding party." They lived out in California, and Bob Rossi represented several of the casinos in Reno, Nevada. So he said, "I want everybody to go to Reno. We'll be at this big fancy casino and celebrate our anniversary," and we all went. They showed movies of the wedding. My husband commented that I looked exactly like my daughter does. We all had our spouses and had a truly wonderful time. That was the closest group I had throughout law school, and the only women in that group were my roommates or something like that.

But I still am friends with that crew. Bob Davis is now Chief Justice of the Supreme Court of Kansas. Bob Rossi was a mayor of Pittsburg, California and still does legal real estate work. He has sons who were in the casino business. Howard Kushner was in private practice in Niagara Falls and then retired and moved to Charlotte, North Carolina. I stay in touch with him and his wife. He is in practice there. He does mostly immigration law. And it's amazing, after 40 years, I am not sure I can say that much about other people, but the social life I had and the academic life I had were very, very much mixed up in law school. It was a little harder because there were no women

professors or women counselors or women anything. I never took Helen Steinbinder's course. I just had to play it as it came.

MC: In the three years that you were at Georgetown, not another woman joined the faculty?

MT: No. Not that I know of.

MC: And she was the subject of derision simply because she was a woman, or was there any eccentricity on her part?

MT: I didn't take her class, and I don't know. And so I can't give her a fair evaluation. I can say what I remember, and I think it was because she was a woman. Conveyancing was not a course that anybody I knew took at the time.

In the 1970's, when the women's movement was getting started, my friend, Brooksley Born and I taught a course in Women and the Law at Georgetown Law School. It was a new course and we had to work very hard to develop a syllabus. We were called Adjunct Professors and we taught the course in the evening. It was a wonderful experience working with Brooksley, who was so smart. We became very good friends, partially as a result of our teaching experience. At the end of the course, the students were asked to evaluate the course and the professors. Brooksley and I received the highest ratings from our students. The next year we were told by Professor

William Greenhalgh that we were not needed any longer and there was no demand for the class. Brooksley and I knew that this was because we were women and the course was very threatening to some folks in the law school. Of course, it took only a few years for Georgetown to get the picture and reinstate the course as well as hire women faculty.

MC: What courses did you take in law school? What were your interests in going to law school?

MT: My interests turned very much on civil rights and constitutional law. Berl Bernhardt was Chair of the Civil Rights Commission at the time and was an adjunct professor. They had a lot of adjunct professors at Georgetown. I don't know whether it was my second or third year, I took a course in civil rights law. I remember taking a bail law reform course from Professor David McCarthy because Congress was just beginning to change the law to reform the bail laws. In '62, I took the standard courses, but for electives, I took things that would involve more disadvantaged people. I took criminal procedure. I didn't have to take criminal procedure. I don't remember much more than that.

MC: Were family law courses offered?

MT: They had a family law course. I didn't take it. That was not my interest. And I don't even know who taught it. The only thing I learned in family law was from Joseph Nacrelli's bar review course. He would spend his free time teaching in D.C. Now they

have bar review courses like BarBri, Kaplan, and more sophisticated courses. Joe Nacrelli was it in the District of Columbia.

MC: Had Georgetown begun its clinical program at that time, and were you involved in any direct representation?

MT: I think the only clinical program they had at the time, and I may be wrong, and if they did I don't know about it, was the Prettyman Fellowship Program. That was a post-graduate program for people to do criminal defense work and that was headed by Bill Greenhall, Prof. Greenhall. As I recall, clinical stuff started maybe five years later because, by that time, I was active in the American Bar Association, and I thought clinical programs would have been great.

That kind of leads me to say who were my mentors. The person who was the Assistant Dean, I really don't know what the titles mean: Assistant, Associate and what. have you. I don't know what each is responsible for, I just don't recall. But the person in charge of me because I was given a scholarship to Georgetown was A. Kenneth Pye. Ken Pye was a single man, rather rotund, and I see his face so clearly now. He was very kind to me and very early he said he was in charge of the scholarship students, and in order to keep our scholarships, we had to maintain a high B average, and blah blah blah. We had mid-semester exams that didn't count -- they were practice exams or something like that -- and I remember him calling me in, and he said, "Well, I want to talk to you about your grades," and I was terrified because, frankly, in law school I had no idea how I was doing since there was no right or wrong answer. One of the courses that I was

taking was Common Law Causes of Action. In college, I had taken Continental Jurisprudence and Anglo American Jurisprudence, and I knew that stuff cold. "Well," he said, "Marna, I just want you to know you made 100 on the exam." He took care of me from that day forward.

MC: Did you ever work for him as a research assistant?

MT: I never did. I took his criminal procedure course my third year, and I ended up becoming a social friend of his after I graduated because I was dating a guy who was his good friend, and I stayed in touch with him. Pye ended up becoming Provost at Duke Law School, and I think he then went to Southern Methodist University in Texas and became President of the whole University. He ended up marrying a lovely woman and died very young. But he always stayed in touch with me, and in school he made sure that not only did I keep my scholarship, but he helped me get interesting jobs. He was the first Chairman of the Board of the Neighborhood Legal Services in D.C. That program in the early '60s was funded under the Economic Opportunity Act (OEO).

Neighborhood Legal Services was one of the components of the Office of Economic Opportunity nationally. In D.C., it funded the local Community Action Agency with a neighborhood legal services component (NLSP). The board of NLSP was chaired by A. Kenneth Pye. On it were some of the most distinguished lawyers in the city. It was a new project and the first to use federal money for defense of the poor in civil and criminal cases. It handled civil and criminal matters at the time even though

there was also a Legal Aid Society in D.C., which had traditionally done civil legal aid work, and a Legal Aid Agency at that time that did the criminal work. The Legal Aid Agency eventually became the Public Defender Service and the Legal Aid Society is still around.

MC: Did you work on the civil and criminal side?

MT: I started with the Neighborhood Legal Services Project. I did both criminal and civil work. Before I took that job, I knew nothing about the NLSP. When I was starting my third year, I had just finished at the Justice Department that summer of 1964 at the Civil Rights Division. It was the very exciting Mississippi summer. I applied to the Justice Department for a full-time job and interviewed. It was never on my agenda, ever, to apply for private practice. The reason it wasn't is that was something women just didn't do. Nobody recruited us, nobody wanted us. It just wasn't on my radar screen, and so I didn't even put it on my wish list.

MC: It wasn't something that you were disappointed not to be able to access?

MT: It just wasn't there. But, Ken Pye called me in, and he said, "Marna, I'd like to help you with your job search. What are you interested in doing?" So I said, "Well, I really would like to work for the poor and get them first class legal service." I said I'd like to do trial work, and I had applied to the Justice Department. I wanted to do trial work in the South. And I think I had just been turned down. I was offered a job to work in the

voting rights section to look at machines, but they did not want women – white women and black men - to try cases in the South together because it was too dangerous. Now that was the same summer that the Civil Rights Act of 1964 passed. Some irony! So I wasn't able to try cases with the Civil Rights Division, and I told that to Ken Pye. "What I'd really like to do is figure out a way to help change society." That was the way we used that word. It was the time of the Great Society; that was Lyndon Johnson's phrase.

So he said, "Well, there is this new program starting in D.C. called the Neighborhood Legal Services Project, and I'm Chairman of the Board." The Director of the Program was a gentleman named Julian Dugas who was an African American lawyer, and his Deputy Director was a man named Earl Johnson. Pye said, "Why don't you go over and talk to Earl and Julian because you've got a wonderful record, and they are trying to get only the best lawyers." So I went over, and they hired me, but Earl said because I wasn't admitted to the Bar yet . . . . He said, "Before you can go into court and be assigned to a neighborhood office and give advice, you need to be admitted to the bar. I'd like you to be my assistant until that happens." So I said , "That's fine." I learned all about the administration of the office and the overview, and then as soon as I passed the Bar, I was assigned to an office.

MC: Where were you?

MT: I was at 14th and Park Road at that time – and that later became the area where the riots of 1968 were – but I had a good office. I don't know what it had been before. It didn't look like a law office, but it was a big room. There was a Managing Attorney, an

African American lawyer, named Eugene A. Chase. He was a lovely man, who was a very gentle, old-fashioned African American. He took care of me because I tended to take some risks that he knew I shouldn't take in terms of being a neighborhood lawyer. There was a lot of action in the organization when it started. There was a group called Change that was starting, and I became the lawyer for this organization, which I think still exists. We would meet at night. There would be rent strikes, and so I would go out in these areas by myself, and I was all of what 24, 25 years old, and I just didn't think anything would ever happen to me on the streets and actually nothing ever did. There was one close call I had, but I loved meeting the people. The times were different. Perhaps they had drugs, guns. You didn't hear about drive-by shootings and all of that at the time. It was dangerous for a woman perhaps in other ways. I would not do that now.

MC: Did you feel confident in your work? How did you feel about your professional role at that time?

MT: Did I feel confident? Well, no, but I had Gene Chase to ask different questions to, and there were these clients who came in, and they said, "I didn't get my social security check," or my child support, or my this or that, and I would just learn how to do it. There was no one there to teach us. We just learned to do it, and I loved it. I absolutely loved it, and loved dealing with the people. I had one close call, where I went out to a woman's house who wanted to move out, and I didn't understand domestic violence at the time. I went out to her place to help her move. I had a station wagon myself, so I told her I would help her move her stuff out. Her husband came after me with a kitchen knife, and

we got in the car and headed out. That was the only really dangerous thing that I had happen. One of the connections that I made in this NLSP world was to Earl Johnson, Jr. who is currently on the Appeals Court of the State of California – Justice Johnson. Earl was Deputy Director of Legal Services in D.C., then became Deputy Director to Clinton Bamburger at the National OEO Legal Services. The OEO at the time was headed by Sargeant Shriver, and Clint Bamburger headed up Legal Services, and Earl was his Deputy. Earl didn't lose touch with me. I stayed in touch because we were in Washington, and NLSP was one of their model programs. I was having a lot of these new experiences, and I wrote them down. I wrote an article called, "Justice in Sneakers," and I gave it to Earl, and he gave it to Clint Bamburger. It wasn't published anywhere because I never tried to get it published. I wrote it because I was having all of these exciting things happen to me -- rent strikes, organizing groups, being chased with a knife, all these things -- and I wrote "Justice in Sneakers." Clint Bamburger asked if he could print it and circulate it all across the country. So it became one of the early publications, and it is now in the National Equal Justice Library at Georgetown University Law Center. Coincidentally, I am Vice Chair of the Board of the National Equal Justice Library.

MC: Do you have a copy here, or is that something I could find?

MT: Actually, I don't have it here, but it could be found at the National Equal Justice Library. This was written over forty years ago.

MC: How long did you stay at Neighborhood Legal Services?

MT: I started there in '65, and I was there about two years and then Earl Johnson called me up and said, "Marna, I have set up regional offices, and I have a position open for a Deputy Director of the Western Region in San Francisco. The area covers the states of California, Hawaii, Alaska, and Nevada." He said, "It involves setting up programs and monitoring programs for these states; would you be interested in doing it?" And I said, "Would I!" By that time, two years on the streets of Washington with an overwhelming caseload and all of that was beginning to wear me down, and I was single. He said, "Go out for an interview," I went out for an interview in a couple of days, closed my cases the next week, and I was out there in a flash. I was Deputy Director at the time to a fellow named Don Stocks. He was the Regional Director of the Western Region. I became his Deputy, and that was in 1967.

MC: What did you do as Deputy?

MT: There were a lot of things we did. We helped establish new programs all over. In California, there was a big political backlash. At first, a lot of people wanted to get this federal money, but the growers in California saw this as a threat to the way they handled their agribusiness. The California Rural Legal Assistance Project, which at the time was headed by Gary Bellow and Jim Lorenz, took them on. I had to deal with the funding of these programs and deal with all of the political issues. Governor Ronald Reagan was governor of California at the time. A little bit of history about the way it worked is that

we would fund a program, but the governor of the state had the right to veto the program. But the head of OEO could override the veto. That's how the statute was set up.

MC: How commonly did that occur?

MT: I was involved in the very first veto of a Legal Services Program, and you and I are probably the only people who know this was the Ventura County Legal Aid Society in Ventura County. What happened was Reagan's friend Bill Clark, who worked with him in the Governor's Office, was from Ventura. He had said something bad about the program or wasn't interested in it. I can't remember exactly how the veto came about or why, but the program did have local bar association support. Maybe Bill Clark was working for him out there, but I remember there was some problem with the growers and so Reagan just vetoed it. I had to start preparing all of the papers so Sargeant Shriver could decide whether he would override the veto. We decided the first thing that we'd do is that I would go up to Sacramento and try to talk with the Governor's people and get them to retract the veto because it would be insulting for a governor to have a veto overridden. This is where political savvy came in. So there I was 27 years old, and I remember flying to Sacramento. I remember the dress I wore – this little red knit dress with stripes across the top. It was the mini- skirt kind, but it wasn't really a mini -skirt. I had to meet with Lyn Nofziger and Bill Clark to discuss the veto. At the time, California did not have a State Office of Economic Opportunity. That came later. This was the very beginning of the OEO programs. The state structure just hadn't been set up yet. This was a new statute, and we were setting all these up. Because there was no state

office to handle it, we had to deal directly with the Governor's people. I should say that the reason I went was because Don Stocks had left and taken a job in Washington. So I became Acting Director of the Region at age 27,which I did for about a year. They never made me Director, and I wonder why. They hired Terry Hatter who eventually became a U.S. District Judge in California. He became my boss after that, but I really ran the show. At the time, Don Stocks was gone, I did apply for the job after about 6 months. I said, "I've been doing the job; why don't you make me Director?" "Well, you don't have enough experience yet. It's a G.S. 13, or whatever it is, and you're too young, and blah, blah, blah." And that was it. There weren't any women in Director slots at that time.

MC: How much older was Hatter than yourself?

MT: It's hard to remember, Terry was 6 years, 7 years older maybe.

MC: But that wasn't determinative?

MT: I don't think so. By that time, I would have been . . . It wasn't as if they had so many more experienced people come out for interviews.

MC: And you had been doing the job for some time?

MT: I'd been doing it. Back to the veto. So I flew to Sacramento, and I had prepared with the General Counsel of our San Francisco office, a fellow named Allan Mayer. He

and I prepared together. What we were going to do is show Reagan and those guys that it was their Bar Association that really supported this, and that the ABA supported it, and all these conservative groups supported it. So I went, and I remember Reagan popped in for a little bit, so I did meet him. And they took it back!. They revoked their veto, and I flew back from Sacramento thinking that I was really something. That this was the world's greatest job, that I got the Governor to take it back and that I saved this program and did that. And that was the Ventura County Legal Aid Society.

MC: What type of recognition did you get for that?

MT: Oh nothing. And I didn't expect any; it was my job to do that. So I loved that job. You asked what I did, and I'd set up programs, I'd work with bar associations, and then, when their grant applications came through, there was a lot of paperwork. I would have to condition the grant to make sure they had lawyers on their board, and then I'd follow up on it, and those kinds of things. It was an administrative job, but it was legal enough to where I had to work with bar associations. That sort of whet my whistle for getting active in bar associations because I could see how they could be used to achieve political and social ends. That became a very important part of my career.

MC: When did you become active with the bar? You are still out in California at the time; did you become active with the bar there, or did that wait until you returned to D.C.?

MT: I had to take the California Bar. There was a state bar and the ABA. I didn't become active in the ABA until I came back to D.C. I did take the California state bar -- I wish I could sell my admission. It is such a hard bar exam, and I never ended up practicing there because I ended up coming back to D.C.

MC: You weren't involved in California state bar governance, not until you returned to D.C.?

MT: No, not at all. That's right. But I met lots of people who, to this day, are still active. I had to fly all over California and Alaska. and other states. It was just a perfect job for a single woman who was beginning a career in a new program. Because OEO was a pioneering group, all of the people who were regional directors of the other regions had this sense of adventure. We all became very close and to this day maintain relationships. We've had reunions, and we all stay in touch. I don't think people who come in now to run the programs have this same bonding. I tend to do that in every career I have. I like being the first; I like being the cutting edge. Part of it is because I have no idea what kind of risks I'm taking, so it doesn't feel scary. Later on you know what kind of risks you're taking. If you don't know who your enemies are, it's a lot easier. If you don't know that there's danger and then you may find about it later.

MC: I wanted to return for a moment to law school and ask whether there were activities that you were involved in beyond your summer jobs, and were men and women equally able to participate in activities in the law school?

MT: I don't remember many activities in law school except I was on law review, called the Law Journal. Women were eligible for the Law Journal, and I was at the top of the class, and those people got in. As second year Law Journal people, what we mostly did was read law review articles and do cite checks and blue booking and boring types of things. But my friends Bob Davis and Howard Kushner were also on Law Journal. That became my little social group because it had an office, and that's where we would all hang out.

MC: Were there other women on Law Journal?

MT: Mary Margaret Donnelly was on Law Journal, perhaps Sarah Carey, and we were the only ones. We worked our second year very, very hard, and then they had to announce who would be the Editor-in-Chief and the Board of Editors for the third year. To be on the Board of Editors was a big deal, and I remember this story. The guy who became Editor-in-Chief was a fellow named Eric O'Dowd from Tucson, Arizona, and I remember him coming in to me and saying, "Marna, we all met, and we thought long and hard whether a girl could do this job, and we think you could do it. And so we'd like to invite you to be on the Board of Editors of the Law Journal because you really could handle the team. You could take care of an article." I just said, "Oh, thank you, thank you." He uttered those words, which now would be considered legally actionable. I was so thankful to do that. Not only did I blue book the articles; not only did I write my Note and do all that stuff, but I typed all the guys' articles too because I took typing, and none

of them did. And we didn't have computers, of course. They had one secretary on the Law Journal, and she would kind of flirt with some of the guys, but she didn't type; I did it. Her name was Trish.

MC: And then Mary Margaret, did she have a position on the Board?

MT: Yes, I'm not sure what she became, or whether she wanted to do that; I could check the Law Journal. She should have because she was so good at that, but she may not have, I don't know. But that was the only real activity. We didn't have a women's caucus or women's organizations. Oh, yes, they did have moot court. I did moot court. My first year, I did moot court.

MC: That was appellate advocacy or trial?

MT: It was appellate advocacy. And the professor in charge of that was Bernie Burrus. After my first argument, remember I'm from Texas, he said, "Ms. Tucker, I'd like to say your argument was very cogent; you did a very good job." He said, "I have only one criticism. The word 'court' has one syllable." Because I used to say "co-urt," "may it please the co-urt." I remember that. There wasn't a proliferation of organizations like you have now for every kind of interest. When you don't have a lot of diversity, you don't have a lot of diverse interests either.

MC: On that note, you touched a little bit on the experience of being Jewish at Georgetown, but I wonder if you could develop that a bit further, in terms of Mass and what your experience was like. Did you feel isolated in that regard in terms of your identity, or was it principally around issues of gender?

MT: I don't remember the religious issue being a big deal except vis-á-vis the social dating and things like that. Certain people wouldn't date me because I was Jewish. I certainly went out with people who weren't Jewish. Our little group was mixed. Howard was Jewish; the two Bobs were Catholic. We all got along fine.

MC: You spoke about the canon law in class, which started in your first year. Did you integrate that material with the common law?

MT: That's how I remember it. I just don't remember. I don't think that was strictly it.

MC: Were there Jewish faculty members as well as the priests?

MT: There were. Paul Haskell, I think, was Jewish. I'm not really sure. It wasn't on my radar screen. Again, that was not something that made a difference to me one way or the other. It might have been that the gender thing sort of trumped everything, and it was inescapable when you're one of five of 170 people. I should say that there were a couple of women in the year ahead of me. One is now an appellate judge in Chicago on the U.S. Circuit Court of Appeals, Ilana Rovner, and another became a teacher. I remember they

were roommates, and they were friends of Howard's, and that's how I met them. There were some women in the night school, like Sarah Carey. And I think there was another woman who was a WAC in the third year. I don't remember her name, but I remember her saying that some former military women would go to law school. That was something they do. There just weren't a lot of women. If there were more in the second year, I don't remember them.

MC: A last question about law school. Did your civil rights courses relate to women's rights at all?

MT: They were principally taught in terms of race. The feminist revolution had not even begun. We didn't even have a decent ladies' room. Things in the women's movement went from a women's caucus or women's collective to women's groups, to whatever it was. We weren't even near the collective stage yet. There weren't enough of us to collect. For those three years, it was very barren as a woman.

MC: Now what brought you back to D.C. from California? And did you come back in '69 or '70?

MT: Right about '69. The Vietnam War started and, being out in California, there were lots of demonstrations.

MT: Gary Bellow was Deputy Director of the California Rural Legal Assistance Program out in Bakersville, California. He worked very closely with our OEO Office out in San Francisco. He had been a friend of mine from Washington because he worked in the Washington, D.C. Community Action Agency as Deputy Director while I was there. We also went out; we dated for awhile. But he married and moved to California, and then I later had come out there, and we remained friends. When the Vietnam War happened, it turned out that Gary was a very good friend of a Congressman named Allard Lowenstein. Allard Lowenstein was a Congressman from Long Island, and his claim to fame was that he wanted to end the war. He had an enormous appeal to young people, and the Congress at that time operated substantially differently than it does now. First of all, you never knew how people voted. Congress tried to protect itself. It did not have recorded roll-call votes, and so you never knew who was voting what on the issue of the war. The anti-war congressmen couldn't get a vote on the war. Lowenstein began what they called the "children's crusade" because he had been active in the National Student Association. I think he had been an officer. He got all these past presidents and young student presidents of the student bodies at all the universities to come to Washington to help him end the war. He was an amazing man with amazing charisma to stimulate all of these people to organize against the war. He, really more than anyone else, I think, is responsible for ending the war. So Gary had talked to Al, and Allard was peripatetic. He was into a million things. He was the most disorganized individual, and out of all of that chaos would come brilliance. Gary was his very close friend, and Gary said to me, "Marna, you're one of the most organized people I know, so why don't you go work for him. Be his special assistant and organize the chaos. You can do more to help him." I

said, "Well, do you think he would hire me?" Al was coming out to California to give a speech at Stanford, and I interviewed with him in the car on his way to Stanford, which was the way Al would interview people. And I remember -- I don't know who was driving or how I got together with him -- but I ended up being interviewed and being totally snowed by this man. He was so inspiring. Then I went back to Washington and became his special assistant. That was in 1969; he had just become a Congressman.

Well, instead of my bringing order to his chaos, he brought chaos to my order – he won. He was impossible to work for. He would say, "Marna, I need to testify on the new welfare bill." I'd prepare some testimony for him, and then he'd tell somebody else in the office, "I need testimony." So there would be both of us doing the same thing, and then he never looked at it. It would come time for him to testify, and we realized we had two people working on it, and he would not even be there to review it. He'd say, "Oops, I'm late for the hearing," and somebody would hand him this testimony. Then he'd disappear in the men's room for five minutes and come out, go to the hearing, and give this fabulous presentation on all of the issues that had nothing to do with my work or the other person's work. That's the kind of person he was. He was impossible to work for.

MC: How long did you stay with him? Was he one term?

MT: He was one term. Maybe two terms, I guess. But I worked for him until '71. I worked in his campaign as well. Working for him introduced me to a whole other group of people. I think anybody in Washington ought to work on Capitol Hill for awhile. Now, talk about gender issues. Whew!

MC: What was its reputation?

MT: Snake pit! Working for the House of Representatives if you were a fairly attractive young woman, you were prey to all of that.

MC: By members or lobbyists?

MT: Members. You have to realize that sexual harassment was not even in the vernacular at the time. Al, to his credit, treated me very respectfully. He would ask my opinions on things. After awhile, I learned how to get thoughts across to him, and he was very respectful. Probably the most exciting thing I did on the Hill involved a group of four congressmen. It was Pete McCloskey, who was a Republican, Don Riegel, who was a Republican then, Don Fraser, who was head of the Democratic progressive group at the time, and Al. They formed a group, and we called it, "The Committee Against the War." Whether members were supporting the war or not was a huge political issue, and a member could lose his seat, the stakes were that high. I was the staff person assigned from Lowenstein's office to this Committee which was created to get a vote on the war. We rented a townhouse and got every summer student who wanted to work for Al Lowenstein, and there were hundreds of them, I'm telling you hundreds. They would come in and out of this townhouse. Some would sleep at the townhouse. My job was to figure out, if we couldn't get a roll call vote, how we could make the Congress accountable. They weren't having a roll call vote, but we could see how everybody voted.

Because they had a standing vote. You could see a standing vote, I forgot what it was called. Some accountability. So what I did was to take all of these students and everybody was assigned to a particular Congressman. There were maybe 50 students, and everyone had a couple of Congressmen who they were charged with knowing what they looked like. I don't think there were any women at the time, maybe one in Congress. And they were all grey-haired, and they all looked identical. They were the same age, and so our plan was that every one of the students would be assigned to memorize these people, and then we'd get all the students in the gallery to watch the standing vote. Now you're not allowed to write when you're in the gallery of the Congress. So everybody had the names of their Congressmen on a piece of paper, and if they voted yes, it would go in the right hand pocket, and if they voted no, it would go in the left hand side pocket. And that's how we would be able to keep track of the vote.

MC: And you published the vote?

MT: And then we would say this is how they voted. So my job was to organize that effort. It was very creative and a lot of fun and that was how I learned how politics works. The other wonderful thing I remember from Capitol Hill is that because Al didn't drive a car, I had his parking place, which was right next to Congressman Abner Mikva's from Chicago. Abner and I many times would walk in together from the House of Representatives garage. He was one of the loveliest people, who was absolutely respectful, progressive and terrific. Abner Mikva became a very important person in my life over the years. Later, I was on the Jimmy Carter Judicial Nominating Commission

and had the great privilege of nominating Abner Mikva for the U.S. Court of Appeals for D.C. He became Chief Judge of that Court and then became White House Counsel to President Bill Clinton. Abner told me that the secret to being successful in the House of Representatives was to know the rules. He said that if you know the House rules, you can do anything you want to do. In terms of procedures, you can either slow it down or screw it up or do whatever it was, and he was a master at that. A fine lawyer, Congressman, Judge and friend.

Al's strength was that he spent a huge amount of time talking to people who didn't agree with him. His mantra was, "Mama, don't waste your time talking to people who agree with you. Spend your time talking to people who don't agree with you." He would spend time talking to Congressman Mendel Rivers from South Carolina. Rivers couldn't have been more different from Al Lowenstein from Long Island, New York. And Mendel Rivers loved him. It is true that when people talk to each other and know each other, you can disagree and you can still get along. Al taught me well. I have lots of Republican friends from those days and have maintained those relationships. I wish to this day, when I see the polarization in our Congress and that people don't talk to each other, that Al was there to talk sense to these people.

MC: Was he able to build political capital in that way? Obviously, he built some good will, but was he ever able to sway opinion?

MT: He was able to. First of all, he disabused people of the notion that he was this kook - this liberal New York kook. People realized that he was thoughtful and had some

good ideas, and it certainly took any edge off that. They couldn't isolate him. And that was a very important thing that I learned from Al and the friends that I made. There was another friend I made in Congress. During Al's campaign, I was exhausted. I was up in New York, and I was exhausted, and I came back to Washington, and Congressman Pete McCloskey, who was a Republican from California who I had worked with on this Committee, said, "You look exhausted." I said, "I'm just so tired." He said, "Well, why don't you come with my wife and me out to this Stanford/Cal game. We have to fly out this weekend. Come on to California and enjoy a restful weekend." I said, "Really?" He said, "Yes," and so he and his wife invited me out. I stayed at their house, and they were so kind to me to give me some R and R. They were wonderful people, so when Pete McCloskey ran as a Republican for President of the United States, I thought he was the kind of guy who could be a leader of all the people as well as a kind person. Those things were so important.

MC: Did you consider staying on at the Hill, or was it so exhausting that there was a burn-out factor, and you had to move on to another environment?

MT: The Hill wasn't for me because I'm not the kind of person who likes to speak through someone else's voice. I know that now. I couldn't have articulated it that clearly then. But I didn't want to be somebody's assistant. And of course the thought of running for Congress myself would never have occurred to me. So I really didn't want to be there.

It was time to move on, and the next thing that came up after the Lowenstein position was to get more involved in the ABA.

MC: Through your work in California or through another venue?

MT: I must have started working in California because I got involved in the Section on Individual Rights in the very early '70s at the ABA. The Section was one of the most liberal groups in the ABA. And about that time, when I was leaving Al, I was working with that Section on the issues concerning the Vietnam War. Another important mentor of mine was a lawyer named Jerry Shestack from Philadelphia. He eventually became President of the ABA. He was very active in the Section on Individual Rights, and it was out in California because I remember he and his wife being out in California and our going to dinner. He told me after the Lowenstein thing, he said, "It would be wonderful to get the ABA involved in doing more *pro bono* work, and to do public interest work." This was the time that Ralph Nader and the public interest law movement was just beginning. Law students who were being recruited by law firms were taking on the law firms and saying, "I won't work for you unless you do more public interest work." It was a grand time for young idealistic lawyers such as myself. Shestack said, "I think I can get some money for the ABA from the Ford Foundation to get the ABA to set up *pro bono* programs." Jerry Shestack had the idea to have the ABA take the leadership role in getting private law firms to do more *pro bono* work. He said, "If I get some Ford Foundation money, would you be the person who would be the director of that?" and I said that would be great. So he got the money, and the Section identified a Council

member to be in charge of the project. The person in charge of the project was Warren Christopher. And so Warren Christopher was the person I reported to. Of course, Warren Christopher eventually became Secretary of State under President Clinton, and he and I always maintained our friendship.

My job for the next year and a half was to go around the country to different law firms and encourage them and help them to set up *pro bono* programs. Frankly, the *pro bono* national scene has not changed that much. Certainly, there has been much more of an acceptance of it. But, at the very beginning, I was learning everything that was going on in the legal public interest world, and I'd write newsletters and booklets and meet all these people and make speeches to different bar groups. I would write books and pamphlets and created a newsletter to stimulate activity.

MC: This is nationally? This wasn't specifically targeted at D.C.?

MT: No, it was all over the country. I had to stay in touch with all of these people who were setting up *pro bono* programs, and so some of my best friends to this day are people who were doing that. John Ferren was doing it at Hogan & Hartson. John became a judge on the D.C. Court of Appeals. That job was another thing I just loved doing, and for the first time, I had this cloak of respectability because I was working under an ABA banner instead of some OEO liberal group banner or the Lowenstein liberal banner. For the first time, all of a sudden, people were considering me mainstream, and I was getting up there. I got very, very involved in that job for a couple years.

MC: Were there particular types of cases or clients that you were encouraging the firms to entertain?

MT: No, we were just trying to persuade them that they should do *pro bono*, but what they did was their choice. I had to be very careful with what I did. The ABA changed the name of the project from the ABA Pro Bono Project to the Project to Assist Interested Law Firms in Pro Bono Publico Programs. They did not want anybody to think they were going around stirring up this kind of project, and so I was not allowed to contact them and say, "Do this," through the ABA. I would go if they were interested, if they contacted me. So, of course, my job was to make them interested.

I would publish what was going on, just like the American Lawyer does now with this is how much money so and so is making and blah, blah, blah, and creating a competitive thing. I would send out newsletters and say these law firms have attracted all of these great students because they have these programs, and we'd send it all over and got a bunch of programs going. It was a long time ago, but I'm most proud that this is a movement that has lasted this long. I'm least proud that it has not grown; it's still roughly the same small percentage of lawyers who care about this. I guess that's how it's always going to be, but I'm very proud of what I did, and Jerry Shestack was one of my mentors and was the genius behind the original movement. Being a woman didn't matter very much there.

MC: You were obviously mainly speaking with men since you were dealing with the firms and the firm's management?

MT: That's right.

MC: I'm thinking at this point of the contacts that you had made. You would have had contacts with all of these firms' managing partners, others in the governing committees and in Congress and the political movements, and in the various administrations.

MT: And if they had had computers, boy, would I have a rolodex! But it is true, and all of those connections have given me a wonderful career. I mean they've all come together at different points. I'll tell later how Warren Christopher's thing happened, and the Bill Clinton thing, and all of that. That's why I mentioned them because they were all very important people, and they treated me with respect, and I'm really happy that they all ended up with the kind of respect of the Nation that they had. That was a much different kind of breed than others I had known earlier. But I've been very fortunate in meeting these people. I think part of it is, if you choose things that are new and cutting edge, you attract people who are visionaries, and there are leaders in the community who want to do that, and so there you are. When I give speeches to young people nowadays, they'll say there aren't any jobs in the public interest law movement and the law firms don't want to do it. These are very different times; they're very conservative. I have no sympathy for that because the fact is the law students can organize like they did in the 70's and say we're going to do this and we're going to put pressure on law firms and the law firms jump. The firms said we're going to do *pro bono* programs so we can get these law students. If there are problems in this world, you can always create a solution and figure

out how to develop a program to solve it. You don't need to have a job set up where you move in and get them a cushy $100,000 dollars a year starting salary. We didn't do that. I do think the times are different, but you know there are always differences in every case in history.

MC: Now students have access to all sorts of fellowships that weren't around when you were starting. Fellowships in which you can be creative and identify a problem and seek to work to make progress on it.

MT: Exactly.

Women Trailblazers in the Law Project

of the ABA Commission on Women in the Profession

Oral History Interview of Marna Tucker (Part III)

Senior Partner, Feldesman Tucker Leifer Fidell, LLP

(Washington, D.C.; July 9, 2007)

Mary Clark: Hello this is Mary Clark of American University Law School with Marna Tucker at the Feldesman Tucker law firm on July 9, 2007 for Part III of our ABA Women Trailblazers in the Law Project Oral History Interview.

Thank you for meeting with me again. I very much appreciate it. I just reviewed our last transcript as did you and we concluded with your work at the ABA Pro Bono Project. It has since taken on a different name and become more formalized. But you had moved to that Project after your time on the Hill. And I remember your describing how many people you met through the Project and what a neat opportunity it was and I would like to hear more about that. And then, as you moved into Family Law, how did that happen?

Marna Tucker: Back to the first question about when I was with the ABA *Pro Bono* Project. As I said earlier, it was a Project of the Section of Individual Rights and Responsibilities and it was the brainchild of Jerome Shestack who eventually became President of the American Bar Association. He got a grant from the Ford Foundation to

set up this Project. The person on the Individual Rights Section Council who was in charge of the grant was Warren Christopher who eventually became Secretary of State of the United States. I was hired as Director of the Project. I wasn't directing anyone. I was the only person. I had to do everything. It was a small grant – probably about $25,000. My job was to figure out how to get private law firms to do more *pro bono* work in an organized way. Getting law firms to do more organized *pro bono* work or having programs in their firms was a new idea at the time. In the early 70's, what was happening in the profession was that law students all over the country were very interested in having private firms do public interest work. They exerted an awful lot of pressure on these law firms by demanding that firms have these programs as a condition of their working for them. So in response to trying to get the best law students available, law firms started creating these programs. When it accepted the money from the Foundation, the ABA put a condition on it when it awarded it to the Section of Individual Rights and Responsibilities. The ABA insisted that the project be called Project to Assist Interested Law Firms in *Pro Bono Publico* Programs. While the Section of Individual Rights was very interested in moving this along, the ABA Board was a little bit nervous about going around and making lawyers feel that it was a mandatory duty to do something for the poor. So they restricted my work to working only with "interested" law firms.

MC: And were you Washington focused or was it a national project?

MT: It was a national project, but my office was in Washington. The first thing I had to do was find out what all the programs were around the country. I did some surveys and

called people I knew. Then I decided that in order to make people interested, I had to let them know what was going on. So the first thing I did was to start a newsletter that featured the different law firms with programs. The firms that were doing things were very delighted that I was featuring them. I would come and talk to them about what their program was like and I would write something up about it. I created a mailing list of as many firms as I could around the country and sent this information out to as many lawyers as I could. I would have to literally wait for calls from people.

MC: Yes, because it was for interested firms.

MT: Yes, they had to be interested. But there were a lot of younger lawyers in these firms who were very interested in doing it and they would talk to me. Then they would talk to their senior partners to get them interested. So we sort of dealt with the interested part, umm, gingerly. But we did it.

MC: Was there any sense of competitiveness among firms? Was that a way to generate interest?

MT: Oh, yes. Most programs at that early time were in Washington, D.C. – Hogan & Hartson had one. There weren't a whole lot. There were some in L.A., some in New York, some in Chicago. There were also programs or organizations that were collateral to the private firm programs but made a difference in how the movement grew. Groups like the Washington Council of Lawyers, The Chicago Council of Lawyers. These

councils of lawyers were composed of young lawyers mostly in private firms who tried to get the firms to do these things. So I would feature them in my newsletter, I would talk to them, I would work with them and then after I got enough information, I wrote a "How to Do It Manual" of all the different types of programs in firms. We didn't have much money for printing it. Conveniently my father was a printer in Texas. He was also a commercial artist and he designed a beautiful cover and printed up a lovely pamphlet that we were able to distribute that made us look a lot more substantial then we in fact were. When I went around the country, I met the young lawyers, of course, who were all very interested in this project. They are now the older lawyers, like I am, and many are still leaders in *pro bono* work. I met a lot of the senior partners in the large law firms. By having to deal with them as I did with my job when I was with the Western Region Program of OEO, being forced to deal with people with power was a very, very important contribution to my career. I had to be reasonable. I had to be informed. I had to be persuasive. I was still a woman and women were still not accepted as equals by any means. But I ended up working and meeting with all these people and got that program started.

MC: The issues of how to present yourself and how to interact with these individuals must have been a great education, if you will.

MT: Absolutely, and a great education for me and really helped me through my entire career.

MC: Is that your first involvement with the ABA or there had been some involvement with the ABA when you were at the Western Region Office of the OEO?

MT: Well, I was a member of the ABA when I with OEO. I was in the Section of Individual Rights at the time. But I was a fledgling member. Oh, I just remembered something that happened around that time. In the D.C. Bar, a very interesting thing happened. In 1972, which was about the time the *Pro Bono Project* was going, the Congress passed legislation that revamped the Courts of the District of Columbia. It created the D.C. Bar which was under the supervision of the D.C. Court of Appeals. The District of Columbia Bar became what was known as an integrated Bar. Integrated meaning it was integrated with the court system, as well as integrated racially which had happened in the not too distant past. At the time, I was active in the public interest movement and I was also a member of the Washington Council of Lawyers. One of the things the new legislation required was that in creating the new District of Columbia Bar, there would be an election of its governing body. A nominating committee had to be elected and it would be elected by whoever attended a big meeting at the Mayflower Hotel on one particular night. Then the nominating committee would nominate the people who would run for office .Whoever was elected would run the new bar association. The most powerful bar association at the time was the Bar Association of the District of Columbia. There was also the Women's Bar Association, but at that point the Women's Bar Association was sort of the 'girls club' and it did not have the power that it does today. But the District of Columbia Bar Association was a very conservative group. It had only recently been integrated racially. It had a few thousand members, if that many,

but it was actually the legal power of the profession in the District of Columbia. Everybody who wanted to practice law in the District of Columbia had to join the new District of Columbia Bar. It was not a voluntary Bar Association like the District of Columbia Bar Association. It was part of the Court system; everyone had to belong. Here was this opportunity to have new people take the leadership. The Washington Council of Lawyers decided to try to take some of the leadership positions. They had a meeting and we decided we could actually get somebody elected to the Board of the Bar. We were very, very excited about doing that. We held a meeting and decided to have a telephone tree and all of us would call all of our friends who were lawyers and have them go to the organizational meeting at the Mayflower Hotel. The plan was for us to try to get one or two seats on the Nominating Committee. We all showed up at this meeting and there was this nomination process and our representatives were all nominated. We were all elected and we took the entire nominating committee. I was one of the people nominated to the nominating committee. Patricia Wald was one of the people on the nominating committee.

MC: Not just the one or two?

MT: Not one or two. I mean because we were organized, we took the whole thing. The newly elected nominating committee met and decided we had to be extremely responsible. We had to be diverse. We followed all the principles that we thought would be in the best interest of the Bar. We nominated two or three candidates for each office and for the Board of Governors. E. Barrett Prettyman was one of the people nominated

to be the first President. He was a highly regarded lawyer who had been active in the Kennedy administration. We also nominated Gladys Kessler, then a public interest lawyer who later became a U.S. District Judge and Milton Heller, who had been a leader in the District of Columbia Bar Association. The election was held and Barrett Prettyman was elected the first male president of the District of Columbia Bar. What happened in that election changed the whole nature, the whole culture of the District of Columbia Bar. We got young people involved in it. Everybody had to be a member and the leaders that were selected were not necessarily the young people but were clearly in support of our goals, clearly in support of public interest. I played a role in that.

MC: How long did you stay on the nominating committee?

MT: Oh well, there was only one nominating committee at the time because that was just to get the officers in place.

MC: It didn't go for several terms?

MT: It didn't go for several terms. Once the Board was set up, it set up its own nominating committees from then on. But that organizing meeting and election was a magical event. It has been written up in a few articles when they were doing the history of the District of Columbia Bar. That event showed me that if you are smart and you work hard and you know what's going on, you can really achieve something. As the Bar implemented progressive programs, it later had a backlash.

MC: In what way?

MT: Oh, several years later, because the Bar was undertaking certain projects that the more conservative members didn't approve of, a handful of dissatisfied members started a movement to cut back on what a mandatory Bar could do and how it could spend its money. This movement was what we called "the referendum". The referendum basically said that Bar dues could only be spent for projects dealing with the administration of justice, the disciplinary board and very, very limited activities. The referendum passed. In looking back at it, that was not as terrible as we originally thought. We figured out how to do the activities that lawyers needed to do to move forward with social progress in spite of the referendum.

MC: Foundation support or law firm support?

MT: Well, the Bar would work through other kinds of ways, other kinds of entities. But the referendum did clip our wings for awhile.

MC: What year would that have been – in the mid 80s?

MT: I was Bar president in 1983-84 and I think it had occurred about 3 or 4 years before that, if I am correct. But I would like to check. That is how I got involved in the D.C. Bar. By being on the nominating committee, I had yet another way to meet other lawyers

who were up and coming lawyers and to meet the people who would be the leaders of the Bar. So I got very active in that.

MC: After this nominating committee service, what other forums did you get involved in with the D.C. Bar that then led to your presidency?

MT: The next thing that happened, as I recall, I was appointed to the ethics committee. The Bar was setting up new committees and I was always interested in ethics so I was on the ethics committee. I remember it was chaired by Monroe Freedman. Monroe Freedman who is now at Hofstra Law School has always been one of the gadflies of the profession. He was always pushing for more progressive approaches on legal ethics and I don't mean that in a derogatory way. He had his views and he really got people concerned about it. Besides being on the ethics committee, because of my *pro bono* connections, I also ran the first big *pro bono* summit that the D.C. Bar had. I put together all of the firms to discuss our progress. We actually won an ABA award for this program. The reason I remember is I have a certificate that I got for running that program.

MC: What was the summit about?

MT: It was how people should get involved in *pro bono*. It was the Bar taking the leadership role and saying this is something lawyers ought to do. It must have been in

1975 because I remember being very, very pregnant when I was up at the podium. I can remember what I wore and it was a maternity outfit.

The next big thing that happened was I was appointed by the D.C. Court of Appeals to the Disciplinary Board. It's called the Board on Professional Responsibility. It is still called that. I was appointed to a 3-year term. Actually, I think I was ultimately appointed for six years, as I recall. I found that position fascinating because there were a lot of tensions in terms of who would be disciplined and for what. There were some underlying racial tensions. Some communities were saying we were picking on certain people. In the more disadvantaged communities, the only lawyers who were representing poor people didn't have the funds to have the kind of back-up support that they needed. They would occasionally make little mistakes and got in trouble for that. There were some real philosophical issues at the Board on Professional Responsibility. From there I remember getting a call in 1983 from Marcia Greenberger who was on the Bar nominating committee. She said, "We would like to nominate you to be president of the D.C. Bar." I said, "Wow!" That was something that was a total shock to me. Although I must admit I am an ambitious woman, it was never on my agenda to be the President of the D.C. Bar. The best things that have happened to me in my life have not been planned. As much as it might look that way, they have never been planned. So, of course, I said I would love to run for president of the Bar. I ran against a fellow named Michael Curtin. Mike Curtin was a very highly regarded Trusts and Estate lawyer. This was 1983 and I had a lot of matters against his firm in the family law area. Mike Curtin was a class act. We actually campaigned a little bit for that office. I decided it was

important since I wanted to be the first woman elected although I was not the first woman nominated – Gladys Kessler was the first woman nominated. I wanted to involve all kinds of people. So I went and spoke to the Latino Bar. They didn't have a South Asian Bar at that point. I went to the National Bar. I went to all the minority bar associations and the Women's Bar which was considered a minority bar at the time. I talked to them and told them what I wanted to do and how I felt so I actually got to make a lot of speeches. I was invited by a lot of law firms. I remember Covington and Burling invited me to lunch to speak to their lawyers. It was a heady time. Being nominated to be Bar President was a no-lose situation because it expanded my professional reputation.

MC: Did that come in part out of your work with that ABA project that you had come to know people at these different firms?

MT: You know I am not really sure. I don't know how the invitations came up from the private firms. I think they just do that as a matter of course; they invite some of the candidates for office. But I think I was the first one to really reach out in a campaign because I wanted to get those people to, you know all the minority bar associations, to vote.

MC: How did you define your mission? Your candidacy or your presidency at the Bar, what were your goals?

MT: Gee, I ought to look at the old ballot to see what I said. My goals were to involve people more in *pro bono* work. To get lawyers involved in that. To diversify the profession, sort of what was read as the liberal lawyer's agenda at that time. And I should look back at the ballot to see what I said but that is pretty much what I wanted to do. I was elected, and there were more votes casts in that year that I think have been cast ever since, even though we have a larger Bar.

MC: Because of this outreach?

MT: Well I think it was because a lot of women voted at the time and more than I ever imagined felt that was so important. Over ten thousand people voted, which was a big, big number. I was elected and it was really the single most defining moment in my professional career.

MC: Why do you say that?

MT: Well it changed me from a girl lawyer to a woman lawyer and I had gained respect. I had respect from the Bar and I felt it on my shoulders and enjoyed it. I received lots and lots of invitation to various women's groups. One of the women's groups was the Legal Secretaries Association and sometimes the Nurse's Association. But it was important for women in 1983 that women were elected to leadership in male roles. That was still very, very early in the women's movement. I decided that I would attend every one of those groups and I spoke a lot. My husband and kids used to laugh because I

would sit at our farm in West Virginia at our lake writing the speeches I had to give that week. I was in a very small firm and so financially they were of little help. Being President of the D.C. Bar, which at the time was the second largest bar association in the nation, I was invited by other bar associations to travel all over. There were a couple of stories I would like to tell about being the D.C. Bar President.

One of the great advantages of being D.C. Bar President was that it conferred some instant credibility on me. In the 1980's the Senate decided to hold hearings on the Equal Rights Amendment. I was asked by some of the women's organizations to testify on behalf of the Amendment because they felt that my position as bar president brought some heft to the testimony. I was thrilled to do so, although my husband was not. He had worked in the Senate and knew how witnesses could be torn to shreds by Senators. He was actually very protective of me. I wasn't afraid. I was a trial lawyer and used to verbal entanglements. I prepared carefully with the help of Marcia Greenberger and Eleanor Smeal. I also suspected that Senators were usually only one or two questions deep in their preparation, unlike trial lawyers. I did testify and found the experience to be enthralling. Nobody chewed me out and I had answers for all their questions. I took my daughter with me to the hearing and she remembers all the hoopla.

I was invited to the Texas State Bar Association meeting. They invited the Presidents of the five largest integrated bar associations in the country to wine and dine them. There is a national organization called the National Conference of Bar Presidents. I got involved in that group and later became President, its first woman, by the way. Five

large Bar Associations were invited and the Texas Bar was paying our way down to the Texas Bar meeting in Dallas. We stayed at the Omni Hotel and Larry Gatlin and the Gatlin Brothers were the entertainment. He was a big country singer in case you don't know him. The Texas Bar put on an extravaganza like nothing I had every seen. Certainly not in the D.C. Bar because the D.C. Bar had been cut back in its funding and, of course, we didn't pull lawyers from all over the state like they did. When I told my husband we were going to Dallas for this meeting, he said, " Marna, you spend all your weekends going to the Mid-Atlantic bar meeting, the ABA, The Blue Gray Game, whatever it was. But I know why you want to go to the Texas State Bar." I said, "Why?" He said, "Because you want to show all your old friends from Texas who are lawyers that you are hot shot lawyer!" I said, "No, dear, I want to show them I got married!" As silly as it may sound, that was really important to me. It was one of those things where I thought people thought there was something wrong with me, graduating from the University of Texas, not being married, going off to law school.

MC: He came along?

MT: He came along big time, he did.

MC: How were you able to, you referenced this somewhat back, but how were you able to integrate work as Bar President with your work in the firm and was it a predecessor firm to your current?

MT: No, it has always been the same firm. The names are different.

MC: But it is your current firm?

MT: Oh yes. The firm started out – we haven't gotten to that point yet.

MC: But following the thread of the D.C. Bar, how were you able to integrate?

MT: Well the firm was very excited because it got a lot of attention and it gave me respect and a credentials as a lawyer. If someone had a big divorce case, even though, most of the divorce firms were very, very small, if you would say she was President of the Bar, it gave these potential clients confidence and it made a huge difference in my professional life.

MC: And therefore the firm provided support to the work you were doing?

MT: Yeah, the firm encouraged it. I still had all my cases, you know, I was still working very, very hard, but they were supportive of it. They didn't finance the out-of-pocket costs to bar meetings and other things. I had to finance bar-related expenses out of my small salary at the time. We were still a very small firm. But the firm was supportive of it and was pleased with it.

MC: So then, let's take a step back, how did you come to join the firm and were you a partner from the outset or did you work your way up within the firm?

MT: Okay. Go back to 1972. I was working in the ABA *pro bono* program. One of the programs I visited was a firm called Boasberg, Hewes, Klores and Kass. That firm called itself a public interest law firm. What it was trying to do was to represent non-profit organizations, as well as poverty organizations. The lawyers in the firm were people who had worked in the OEO offices and people who had worked in other government agencies like HEW who were giving government funds to local community action agencies to run programs. There were a lot of federal grants being made and this firm decided that they would be legal counsel to all of these do-gooder groups. It started out as a public interest firm run by former government people who decided they wanted to represent this clientele. I interviewed them for my newsletter, and one day, Tersh Boasberg, the first-name partner, called me up and said, "Why don't you come with us?". I said, "Well, what do I do?" He said, "For now you do whatever you want to do in the public interest." I said, "Well you know the Congress just passed a statute to make sex discrimination illegal and I would love to handle those cases. Those cases also allow the award of attorneys' fees. So I was hired to do whatever I wanted to do to see if we could make public interest work profitable. At the time, there were five or six lawyers in my firm. I was the first woman, and one with no clients. I remember billing at the rip-roaring rate of $50.00 dollars an hour and thinking how could I even charge that to anybody? How could I be worth $50.00 dollars an hour? I ended up doing a lot of sex discrimination cases. I brought a case in U.S. District Court before Judge Gerhardt Gesell

who was one of the most highly-regarded Judges. It was my first trial before this Judge. I brought a case representing a woman from the Action Agency. Her name was Rita Skelton. She was denied a promotion but the person who got the job was a woman. My job was to figure out if there was sex discrimination if a woman got the job. Judge Gesell said that I proved that the Director who hired everybody was a martinet. Because he did not want either of the women there, he figured he would hire one to supervise the other and they would be like clucking hens and they would both leave. This was my first discrimination case and first trial. Judge Gesell found that there was sex discrimination and he awarded me, I remember, $33,000.00 in attorney's fees from the Action Agency. That was a virtual fortune and, of course, in the firm that became a huge thing. So that is the public interest work I started doing.

MC: Now why were you drawn to the sex discrimination cases? Was it from your own experiences and background or was it because it was a new challenge?

MT: It was a new challenge. It was for women and I had always had that desire to do new cutting-edge activities. Most of the things I have done in my life that have been the most fun have been new things. I like paving the way. That sex discrimination case was a new issue for everybody then. The problem with sex discrimination cases was that it took forever to get a case out of a federal agency because you had to go through an exhaustion of administrative remedies before you could bring it into court. During the time I was bringing these cases, there were not dozens of lawyers out there doing this. But there were lots of people who thought they were discriminated against, but weren't.

Probably well over half of clients who I interviewed were people who were looking to blame anything but themselves for their failures.

MC: So you had to screen?

MT: Yes. I was young and new and it took a lot to learn how to do that, but I did it. During the time where I was building up these cases a couple of people came in for divorces. I had never planned on being a divorce lawyer.

MC: And were they women?

MT: Yep, they were women. Early on, women only went to women. Once you build a reputation you get your pick of the crop, but early on they were women. I did a couple of divorces. I thought, well, that's kind of interesting. I learned a little bit about divorce work and then I represented a woman who was the head of the paralegals at Arnold & Porter, then one of the biggest firms in Washington. I am not going to use her name now. She was getting a divorce. It was not a terribly difficult divorce but I liked her and I got quite involved in it and we eventually settled the case. It never went to court. She liked the way I handled it. Well, she also had a boyfriend who was one of the partners at Arnold & Porter who was also married and he needed a divorce. So she sent him to me for representation. His case turned out to be one of the most hostile high conflict cases that I've ever had. No one expected it. He had two children, and it looked like what he was offering to settle the case was a very good settlement. He wanted to treat his wife

and children well. He proposed that his wife would have custody of the children and he would see them a reasonable amount of time. Well, the wife went nuts, absolutely nuts! She started doing very destructive things to the children. We had to involve the police. We had to use therapists in the case. It turned out, at the end of the day, that my client got sole custody because of these destructive incidents. The wife moved away, she was so angry with him, and never contacted the children again. What a terrible, sad, sad thing. That was not what anyone wanted to happen. One of the therapists in the case said that she really didn't want the children and whenever the settlement came close to her getting the children, she would do something that was so outrageous that would make it all fall apart. After two or three of those things, it became clear to the therapists. That's the first time I had to use a therapist to help me figure out what was going on.

MC: Based on this experience that you were just describing, do you regularly use therapists as advisors or expert witnesses? Well, advisor would be one role, expert witness would be another in your cases.

MT: Not in the way that I did in that case because most of my clients now have their own therapists and I rely on the information of therapists as either treating physicians or as expert witnesses, but I don't use them really to advise me on strategy. They may give me a lot of insight into the big picture, but I think what's happened is over the years, I have done this now for 40 years. That develops a lot of insight. I kind of joke and say there are six divorces in the world. Most of them fall into the same pattern. Each one is different but they fall into one of a few patterns. I've learned that from therapists over

the years who were treating my clients. I don't really hire them as advisors, but then again, I haven't had a case that was that bitter as early. Partially, because I try to keep it that way. But that case really came from left field. That case made my reputation. I had to bring every kind of motion, every kind of action and do all of that client work. It was for a partner at a big firm. He turned out to be a very good friend and I went to their wedding. As I said, the things you plan are not necessarily the way they turn out for you.

MC: So you very quickly then were receiving referrals and you are expanding your practice I assume at that time?

MT: And I liked what I was doing, so I started doing more and more family law. I liked it and started cutting back on the other part of my practice. Of course, the guys were pleased pink because I brought in money regularly. You had asked did I start out as a partner. I did start out as a partner. The problem was none of us were making any money. A percentage of zero is zero. I was making some money, I mean I think I made maybe the first year like $15,000 a year at a time when I should have been making about $40,000.00. I was in that pay range. I joined the firm as the first woman and learned a few very interesting things about working with men.

MC: What would you say those were?

MT: Well, the first thing I learned was, and we were all partners, was that the men in the firm were all scared of going to court. So any time anything came up that required

litigation, they would send me down to court. Another thing I learned was one of them was handling a newsletter dealing with tax work for the YMCA. I was assigned to that case, and I learned huge amounts about tax which no one else in the firm knew. I started realizing the way you become a real player in the firm is not by saying you want to be a player but by becoming indispensable. I had to figure out how to become indispensable. I remember thinking to myself as we were all sitting around the table, that someday I'm going to sit at this table and not say a word and everyone will do whatever I want them to do because I will be powerful in this firm. Knock on wood, that came true and it came true because I became indispensable because I wasn't afraid to go to court. I became indispensable because I had information that people needed. With those two things in my resume, they started being very, very respectful of me. Then the firm expanded and we added some new people and then lost some people. There is an interesting firm history which I won't bore you with.

MC: So many of the original named partners then moved on to take you to where you are today? Did the firm also change its sense of mission or definition?

MT: Well, interestingly, it changed its mission in some ways. Our firm is a very unusual firm now. We have a large practice that we call our non-profit corporate practice. We represent several agencies that were at one time awarded funds by the federal government in the health care area. When we started out, we represented a lot of neighborhood clinics. Neighborhood clinics have now become the managed care organizations that are being funded. One of my partners, Jackie Leifer, was very involved

in that whole transition. She also created national organizations of these managed care organizations to give them power and negotiating status with the federal government. Our firm is general counsel to the national organizations. We have a large military practice representing military members and military organizations. But these people were not traditionally represented or they would use the military lawyers. For a long time we had a special education practice representing children with special needs. It was a large special education practice and we won a lot of suits against the District of Columbia and was awarded our attorneys' fees by the court. Then the District decided that it would put a cap on attorneys' fees for lawyers representing these special needs children. But, ironically, the District would pay large private law firms at their going rate, with no cap, for representation in other types of cases. At one point, we decided to get out of the business because it just wasn't profitable. That was sad. This firm was responsible for a lot of the changes in the special education community. We also represent small businesses. We don't represent the traditional big corporations. We have a very large family law practice and we have offices in the three jurisdictions. My dream of building the largest and best domestic relations firm in the area has come true. But we're more than that, we are much more than that. We are all very close friends and some of us started the firm together. Jim Feldesman and I are two of the originals. Everybody else who's added on has added an interesting area of practice.

MC: And the associates that you hire in the domestic relations department I assume are equally male and female who are working with you in the family law area. Is it primarily with regard to divorce, or is it also with regard to other areas of family law?

MT: We do a lot of prenuptial agreements. Most of the cases in family law involve divorce or prenuptial agreements or enforcement of agreements that people have. I had the first divorce of a domestic partnership the other day. Congress changed the District of Columbia divorce statute a few years ago to make the divorce law apply to domestic partners. In fact, domestic partners can divorce easier than traditional couples. The way the statute is written, you don't have to have grounds for terminating a domestic partnership. All you have to do is send a notice to the District of Columbia, whether the other side agrees or not, and say you are divorcing. Six months from that date the divorce is final. Traditional marriages require grounds for divorce, such as one-year separation. All the other aspects of family law apply to domestic partnerships such as equitable distribution, alimony, and child support. It's fascinating. There is always something new for me to do. Common law marriage, for example. We have common law marriage in the District. I've written an article about that in the paper and we have brought lawsuits on the grounds of common law marriage. There were also surrogacy issues when you don't know who is the mother, who is the father, is there mother one and mother two? We've done arrangements for gay and lesbian couples who want to adopt and things like that. The District has the best law for gay and lesbian parents in terms of adopting children and those sort of things. Because we're one of the largest family law firms, we get a nice variety of the cutting edge issues and I love those.

MC: Now you've already highlighted several examples, but to what extent are you involved in law reform apart from case involvement, which is to say through the ALI or through other groups of lawyers who are advocating change in family law?

MT: I'm actually not very much involved in that. Our firm will, if the City Council is writing a new law with family law aspects for the District, we'll provide relevant information about it to them. The City Council passes a law first. Then Congress has to act on it. But in terms of the ALI, I really haven't been involved in that very much or on a national level. I'm a member of some national family law organizations, but I've not been involved in that.

MC: So it's mainly through case prosecution, if you will, that you've been reforming the contours of family law?

MT: And speeches. I'm going to do a T.V. interview this week on older women and divorce and talk about those kinds of issues. I'll do T.V. presentations, I'll write articles, but I'm not involved in the actual ALI writing of those kinds of laws.

MC: Where would you like to see your practice going? I know when we met at the outset you were talking about a book project that you are interested in pursuing, but I don't know what thoughts you have for the shape of your practice and where you would like it to go.

MT: Well the practice has gone where I'd like it to go, but frankly, it's up to the younger lawyers now. I've been doing it over 40 years and I am starting to cut back on the amount of time I put in. I've been senior partner but I don't want to be somebody who tries to shape the firm beyond my time. I think it's up to the junior people. I am available for them. I try to encourage them to do public service work. I am available for a lot of things but in terms of where I want the firm to go – this was my dream. It is now where I wanted it to be. I never thought we would have as large a firm as we do, and be able to do the quality kind of work that we want to do. Plus, my partners are very, very decent wonderful people. I also love working with the associates. As far as I know there isn't any discrimination in terms of being a woman or gay or of color in our firm. The one thing I wish that we have not been able to do is to keep more African American lawyers in our firm. We've had several and some of them have gone off to have their own practice after they've been trained by us. That's a problem with a lot of big firms. When you have really good people and you work with them and then they say, "I'll do it on my own!" Good luck to them. But there are not enough Black lawyers – African American lawyers in this firm and we are always trying to increase diversity in the firm. If you'll just look at the names of the people in our firm. They're from everywhere in the world and I never can spell anybody's name right anymore. But it's the firm that I've always wanted. It's also time to turn over the future of the firm.

MC: When we first met you told me of your ideas for a book project, which, in brief, would look at how in certain couples the male support facilitates the career of a dynamic

woman, a professionally successful woman, and what is it about the relationship that allows for this.

MT: I am sorry to say that I haven't done anything on it because I am still trying to close out some things. But the book project hopefully is to get an understanding of what kind of marriages are successful when the woman is more successful at least financially than the man. I haven't moved it along in the last couple of months but I am hoping to start doing that soon. I do little bits here and there, but not enough.

MC: But I wonder if you might tell us some about your own marriage and your children. You referenced giving a speech at the ABA summit when you were very pregnant with Cecily, I am assuming back in the mid '70s, and I'd be interested in hearing how you were able to integrate marriage and then ultimately children with all of your activities. So a couple of questions there.

MT: Where to begin? I should begin with my wonderful husband, Larry Baskir. We married when Larry was 36 and I was 32, so I already had started my career. He knew what he was getting or most of what he was getting as a working wife. He at the time was working for Senator Sam Ervin as Chief Counsel of the Constitutional Rights Subcommittee of the Judiciary Committee of the Senate. We married in 1973, so it was during a time of real change in society. We had a wonderful time for two years and then our daughter was born and that's when the changes in our marriage came. At that time, Larry was working in the White House for Senator Charles Goodell, who was the Chair

of the Clemency Board. President Ford had granted clemency to draft evaders from the Vietnam war. That was the mid- 70's. Cecily was born in 1975. Larry was working in the White House as Chief Counsel of the Clemency Board. When Cecily was born we had a deal. The most important thing that happened to our marriage, that has affected it forever, occurred when Larry was working in the White House. When Cecily was born I took off a couple of months from the law firm. I went back to work in the third month and I was still nursing her. Although I would arrange to have her fed at the midday meal, I needed to get back home to nurse her in the late afternoon. I would leave the office about 4:00 o'clock in the afternoon.

MC: That was at the law firm?

MT: I was at the law firm. I would leave at 4:00, between 3:00 and 4:00 to go home and nurse her. Larry decided that that was a very important time for him to be with both of us. He would leave his job at the White House to come home and while I was nursing her, he read the Bible to me because neither of us had ever read the Bible. It wasn't that we were deeply religious, but it was something interesting and important to read as I was nursing our child. Well, he took a lot of hazing at the White House from people in those days for leaving early. He said he found it quite interesting that he would leave the office and there would be people lined up to ask him questions every day at 4:00 o'clock. But when he'd come in the next morning at 7:00am, no one was ever there. Somehow all the questions those people had in the line the day before got answered. But what his actions really said to me was, "This child is as important to me as to you. If you come home to

be with her, I want to come home to be with her. My job is no more important than your job. If you can leave your office to take care of our child, then I can leave my office to take care of her." The mutual respect that his action showed made all the difference in our future relationship. Mutual respect in a relationship can be shown in lots and lots of ways, but that was one of the clearest in terms of our jobs and our child.

MC: And its actions not simply words.

MT: He was more than supportive. I had several miscarriages between Cecily, who was born in 1975, and Micah, who was born in 1980. We wanted to have a second child. When Micah was born, I was 40 years old, which was considered ancient. But having several miscarriages wore me down psychologically. Larry said, "I promise that if you'll have another child, you can carry it for 9 months and I'll take care of it for the rest of the time!" I said, "You have a deal." We kept that deal especially when the kids started driving, You know how you stay up late at night waiting for the car to pull in the driveway? Well, I would go right to sleep and he'd be the one staying up. Those are the kinds of things that we would do. We really shared things. He was the only father that would go to the Kindergarten French Croissant breakfast at 7:45 in the morning at the elementary school. He showed up. He always went with me and he was terrific. We always felt that our kids could understand how we handled our time commitments as long as they understood what they were.

When the children got a little older and I would travel to a meeting on business, I would take one or the other on some of the special trips. I took Micah to Louisville with

me and we did the whole Kentucky Derby scene. He was like maybe 7 or so and we stayed at a lovely, grand hotel. We went down to breakfast in this elegant room at the hotel. Little scruffy Micah pulled out my chair and then he poured his little hot chocolate out of the silver server into his cup. That was our special moment. Turns out it meant as much to him. I took Cecily out to Oregon and we went to an Indian Reservation. She loved their fried Indian bread. I would try to do things with them if I traveled, so they would not resent their mother going away on business. The "aha" story that I've told in many speeches concerned my leaving the children and how Larry and I divided up our responsibilities with the children. I went out to California. It was the longest trip I had taken away from her. Cecily was about 4 or 5. Every night I would call up Larry and I would say, "What did Cecily wear to nursery school today?" He would tell me patiently. I would say, "What did you give her for lunch?" You are smiling because this is all very familiar. So I would debrief him every single night on how well he was caring for our daughter, ready of course to criticize anything he did differently from me. I got back after 4 days and I went through the same questions, "What did Cecily wear?" He said, "I think she wore her purple corduroy pants and the red polka dot thing." Aghast, I said, "She wore that? And what did you give her to eat?" He said, "a peanut butter and M & M sandwich." I actually thought that was pretty neat because I would give her a little tiny package of M & Ms. He just put them in the sandwich, and I could see her little eyes light up! You know, oh, my daddy is so neat because he put M & Ms in my sandwich. I was jealous that he could do that, but I acted upset with his menu. At which point Larry said to me, "Mama, I love our daughter as much as you love our daughter. When she is with me she will be clothed, she will be warm, she will be fed and

she will be loved, but when she's with me, I'll do it my way. So get off my back!" When he said that, it was again one of those turning points in our marriage. He was absolutely right. I had to realize that I had to relinquish control to him if I wanted him to be an equal parent. That is one of the hardest things to do—to give up control to somebody else. Well now, looking back 32 years and seeing how it worked, Cecily is a fabulous child who reflects both of us in terms of the influence on her values. She is her own person. However, her fashion sense reflects Larry. She's not as interested in fashion as I am. I love fashion but she doesn't care about it. She's interested in the kinds of books he reads and the things they talk about she got it from both of us. I credit Larry with asserting his authority over me at that time. He was absolutely right and both our children, as I look back, are wonderful individuals and I credit Larry with a great part of that.

So how I did my work with being a parent, I mean one of the things you asked was how did you do that. My kids always knew when I was in trial because I was a maniac. I was always very stressed out and they would sit at the table and they'd say, "Mom must be in trial today." I would always come home for dinner. If I did work at home, I'd wait till I put them to bed. We would also go away to our farm in West Virginia.

MC: Is that from the outset of your marriage or soon after the children were born?

MT: Actually, before the children were born. But we would take them every weekend and as they got older we'd take their friends with us. We would only give up our West

Virginia family time on the weekend if there were two events that they had to go to in D.C., like two birthday parties. Never just one. Sure, my kids missed some events, but I will tell you they adore our farm in West Virginia. When our daughter was a senior in high school, there was this institution called "Beach Week" when they all go away to the beach together in honor of graduation. It is a horror for every parent because you don't know what outside people are going to do. Our daughter came to us and said her crowd of friends wanted to come to our farm for Beach Week instead of going to the beach. They all had such a good time there in years past. She asked if we would not go up to the farm. Wow! What a relief! Not only would we not go, we were willing to pay for it! I was so thrilled that they were going and whatever they were going to do couldn't be as bad as if they were somewhere else where there was an onslaught of strangers. She loved West Virginia. My son now is directing movies and he

MC: On the West Coast?

MT: On the West Coast, but he wants to come back and film in West Virginia and stay there because he loves it. So whatever it was, they didn't resent our rules about family time. We had boundaries in our family. We had a live-in nanny at the time. It was easy for Larry and me to go out in the evening if we wanted to do so. The rules were we would try to come home every night, but if we were going to be out for the evening, the kids knew exactly where we were going and what time. They were always free to complain and I remember Cecily complaining about something and I told her to send her complaint in writing to the Parental Complaint Bureau. I would always say, "I'd like to

be an A+ mother but I am not. I can't do it all. I do my best and I want you to know that I am doing my best to do everything, but I can't do it all, so if I get a B, I'll be happy." Well, many years later, after she graduated from college, she and I were taking a long walk, and I said, "Cecily, I have to ask you something. I always felt guilty about going to work when you were little and I often thought you didn't want me to go. What did you think about the fact that I worked?" She said, "Well, Mom, it changed over the years." That was another lesson I learned from my children. She said, "When I was about 7, after school we would go over to Kate's house and Kate's mother was making cookies. I thought, gee, that was nice that Kate's mother is making cookies. I wish my mother was home making cookies. But then we were 13 and Kate's mother was hovering around still making cookies. Isn't it nice that my mother doesn't hover around making cookies? I wish Kate's mother would get of here so we can talk about the things we want to talk about." So the needs of your children change and they know it too. My only regret is that I wish I didn't feel so guilty about that.

MC: Do you see that with the young parents or the parents of young children in your firm? Do you see how they manage as being any different than what you did or how they feel about it being any different than you felt or is it pretty universal -- the sense of anguish that working parents feel?

MT: Well, I think there is always universal anguish in that you'd like to be with your children more. You don't want to miss anything important. We have a young woman partner; she made partner with three young children and her husband is a househusband.

She works very, very hard and there are many nights that he brings the kids to the office to be with her. I think society to a great extent has changed the role of fathers. Certainly, the courts have recognized that fathers spend a lot more time with children. But mothers are still the mothers. They are still the mommies. You know when you carry a baby and you nurse it there is a bond there from day one. The father must develop the bond. But I see that now the expectations of young men are that women will work. I was defying the expectation at the time. The expectation when I first got married was that women would stay home or you worked until you had a kid and then you'd stay home. So you get your teaching degree as insurance and that kind of thing. But I don't see that anymore in the circles I run in, least in the professional women's community. The men who marry these women know what to expect and they are going to be contributing fathers. I think there has been a change, but I think there's anguish all the time, certainly for mothers.

MC: On both the father and mother's part.

How long did you have your live-in nanny for? And was she there from the outset -- I doubt if it's the same individual?

MT: Well, there were different ones. For my daughter, the live-in, my first live-in nanny, boy, did she boss me around! Her name was Ethel Jenkins. She was a tyrant. Ethel came a few weeks after Cecily was born. When Cecily was born, we had a baby nurse that came the first week. Did we get rid of her fast! I wanted to take care of my child, and she was bossing me around, so we got rid of her. Then we hired Ethel Jenkins

from Suffolk, Virginia, who was a big fat woman who had taken care of children for a zillion years. She stayed with us until Cecily was about 5 and then she left. She was getting old. Then we had some other people for short stints. Our next serious person came when my son was about two. I interviewed a woman named Marlene Arcos. Cecily was almost 8. Marlene came to the interview with her little girl, Diana. Diana was 3. While Marlene and I were talking in the living room, Diana and Micah ran off to play. I will tell you they are the best of friends to this day. He was in her wedding, yes. And when he comes to town, he always goes over there and he sees her. He calls Diana his sister. He views their relationship as very special. So Marlene came to interview. It was a big decision to decide whether she would live in with her daughter. But we thought, well, why not. It was a fabulous decision because if she wanted to take her daughter out for walks, she'd take Micah. She would feed both children well. Marlene is just a wonderful, wonderful person and Micah is now 26 years old and still Marlene is working part time for us. Yes.

MC: Does she still live with you?

MT: No, she doesn't live with us. She moved out probably about 15 -18 years ago. She had another child, but she has worked for me continuously. Now she works part-time and just takes care of my house. I will pension her. It's 24 years of working for someone. I view that situation as being extraordinarily lucky. So that is one of the things that has enabled me to work and do all that I do. But child care was, until I got Marlene, I mean between Ethel and then Marlene, there were a few disasters which I won't go into, but it

wasn't always easy. I tried to be a good employer. I figure you pay good money, give people good benefits, vacations and you get back what you give. That's how I feel about child care.

MC: You spoke earlier about a television presentation or interview that you will be giving at the end of this week and other speaking engagements that you've had. Do you speak as a woman lawyer? Do you often tap into your experiences as a woman in a profession and will you tap into your own personal experiences including as a mother and a wife when you give speaking engagements? I imagine it depends entirely on what the audience is.

MT: It depends on who the audience is. I learned a lot from my children. I've told the story about the peanut butter and M & M sandwich to women who are trying to balance their lives. Everybody nods their heads as I am saying that because everyone wants to maintain control. But I rely a lot on the things I learned from my children. One of the things I learned from my son and this is something that brings tears to my eyes. Well, let me give you the background of this story. I was handling the biggest case of my life. It was the Herbert and Gloria Haft divorce. I represented Gloria Haft. That case started in about May 1993. It was a huge case. There were like five related cases because of the companies they owned, Dart Drug Store, Shoppers Food Warehouse, Trak Auto. There were all of these business interests, plus they owned several shopping centers. There were three kids, grown adults who were involved in the business and real estate. One of the sons was having fights with his father over control of the business. That led to people

taking sides. It was a huge divorce. There was an enormous amount of publicity. I was spending a lot of time at the office. In 1993, Micah was 13. He knew I was involved in a big case because I was working every single weekend. Finally, at Christmas time we went away to this family event called Renaissance Weekend. We had gone to Renaissance Weekend for about ten years since the second year of its existence. Renaissance Weekend started with about 60 people who were accomplished in different fields and they would talk about all kinds of things. It was a four-day conversation with all kinds of people you would like to meet. The founders of it thought that the time between Christmas and the New Year was dead time for people but a good time for families to get together in Hilton Head, South Carolina. We were invited because I was the first woman President of the D.C. Bar and that was an accomplishment that got me on somebody's list. We decided to go down there as a family. It was there that we met Bill and Hillary Clinton, who were also guests. We all became very close friends. The people I met at Renaissance Weekend, the people we met in the early years are still very, very close with us. When Micah was about 13, he had been going there a lot. One of the things they do is that everyone is on a panel to discuss some topic. There were even panel discussions with children and the parents would always go to hear their kids perform. Well, back up a little bit because the week before Renaissance Weekend, we had gone to a Christmas Eve party at some friends' who were journalists. It was a midnight dessert party and we had Micah with us. He was listening to the discussions that we were having with the journalists. When we left he said, "Oh, I wish I could have participated in that discussion. I really felt strongly about blah, blah, blah." Larry and I said, "Well, Micah, just because we're adults doesn't mean you're not entitled to your

opinion. Speak up! It doesn't matter who is there, if you have an opinion, we want you to speak up." So now go back to Renaissance Weekend. Micah was on a children's panel called "My New Year's Resolution." Several of the people in the audience were U.S. Senators and a host of other celebrities because all their kids were on the panel. So Micah starts out by saying, "My New Year's resolution is that I am going to speak up and speak my mind. My parents told me that I had a right to say what I wanted to say, so that's what I'm going to do. So Mom, I want to tell you to get your priorities straight! I miss you! I know you're handling a big case, but I miss you."

I get chills when I tell that story now, and I get tears in my eyes. I heard it. I heard it, you know, and nothing was worth my son saying I miss you. I didn't quit the case, but I readjusted my time. I also made sure I never would be in the situation where my kids would say, "Get your priorities straight".

MC: Have you spoken with him about that since that time?

MT: Well interestingly, since that time, last year I went to his panel on " Things I've Learned from My Parents." I went to his panel and listened. This time, about 15 years later, he said, "My mother is a divorce lawyer and when I was growing up my father was a criminal defense attorney. Those are two very, very stressful jobs that deal with the negative forces in people's lives. What I'd like to learn from my parents is how they kept that negativity out of our house. The entire time I was growing up I never felt any negativity in our house." So, that panel presentation was a pat on the back. Afterward, I said to him, "Of course you felt no negativity. You were the whole reason we came

home." That was nice to know that he knew the things at the office stayed at the office and when we were home we were his parents.

My friendship with Bill and Hillary Clinton is grist for many stories. Some of my favorites involve a side of Hillary that the world does not see very much, but her friends enjoy often. Hillary and I attended an ABA meeting in Toronto and managed to find time for a lunch together. This was when Bill was still Governor of Arkansas. Freed from the Governor's Mansion, she and I found a deli and pigged out on hot dogs and junk food. We talked about our lives; we talked about her sacrifices for Bill's career. I remember her saying how much she loved politics and I said "When are you going to get your turn?" Even then, she clearly wanted her turn. Sitting at that table with mustard smeared on us, it seemed so unlikely that things would play out the way they did. It's nice she got her turn.

When the Clintons were in the White House, they were very kind to my husband and me. We had several invitations to White House events and I was in total awe each time we were there. One of my fondest times was with Hillary in 1993 when she was first in the White House. One morning, I was conducting a deposition in one of my biggest cases, the Herbert and Gloria Haft divorce. About 11:00 in the morning, my secretary came in and handed me a note which said " Call Mrs. Clinton at the White House immediately." Of course I called a recess right away and called the White House. Hillary wanted me to join her for a private lunch that day if I was free. Well, I certainly made myself free. I went back into the deposition and said that I had to adjourn for lunch at the White House. That name-dropping was somewhat intimidating to opposing counsel, and I wanted it to

be. Anyway, I joined Hillary for a private lunch; just the two of us in the Lincoln sitting room. As we were eating, she would tell me that the teacups were from the Rutherford B. Hayes administration; the plates were from the Wilson years, etc. We were like two little girls giggling through history, both feeling the thrill of being where we were. This was quite early in the Clinton Administration, and I think everything was still fresh to Hillary.

MC: The commitment that you've described to the family, dinner, evenings, and the weekends with the family being away suggest very strongly how you separated your work pursuits from the family time.

MT: One of my proudest accomplishments is that our kids want to be with us. That is something that is not true with a lot of families. When my son is visiting in town, he brings people over to our house and or we'll go out to dinner with his friends. He enjoys us and our kids want to be with us. We have a lot of fun. And so whatever it is, it worked. We didn't hover, so they want to be with us.

MC: Why don't we conclude there.

Women Trailblazers in the Law Project

of the ABA Commission on Women in the Profession

Oral History Interview of Marna Tucker (Part IV)

Senior Partner, Feldesman Tucker Leifer Fidell, LLP

(Washington, D.C.; October 3, 2007)

MC: This is Mary Clark with Marna Tucker. It is Wednesday, October 3, 2007, and this is Part IV of our oral history interview. I have a note to myself to start with a television interview that you conducted as D.C. Bar President. You had mentioned that you had a story to tell about that.

MT: That's right.

MC: We have covered much of your D.C. Bar presidency, but not this story.

MT: Right. As I said earlier, being the first woman D.C. Bar president attracted a lot of attention, not only from women lawyers, but from other women as well. I thought it was important to be, as much as I could, a role model for other people, and I had several television interviews. I received a call from a woman for a 4 o'clock afternoon talk show, which I attended. She was conducting this truly boring interview, and I knew it was boring, but I was doing the best I could to perk it up. The last question she asked was, "Have you always wanted to be D.C. Bar president?" I looked at her, and I thought, "I

just couldn't believe she would ask that kind of a question," and I said, "No, I've always wanted to be Miss America," at which point all of the cameramen and everybody laughed. They all knew what kind of an inane question that was in terms of the real world. She had to laugh. That was one of my most fun interviews as a result of that comment.

MC: And they ran the interview.

MT: Well, it was live. She didn't have a chance. But I said, "Who watches at 4 in the afternoon," competing with Oprah?

MC: Exactly. Now, how did you move from the D.C. Bar presidency to your leadership roles with the ABA? You had been a staff attorney working on projects with the ABA. But in terms of leadership and participation in various committees, how did that happen?

MT: The D.C. Bar and the ABA activities were always very interconnected. What led to what, I'm not sure. Timewise, the ABA was the first activity. I was a staff person for the Individual Rights Section *Pro Bono* Project. When I finished that staff position, I became active as a volunteer in that section, as a member of the ABA. At the time, the section leadership knew me because, as a staff person, I had made several presentations to them. I easily got into a position of leadership on the Individual Rights Section Council as a volunteer. I started as a Committee chair in the section, and then I was elected to the Council within a couple of years. While I was on the Council, I was elected to the officer

position that would lead to becoming chair. In the early 1980's, which corresponded very much with the time I was active in the D.C. Bar leadership, I became chair of the Section on Individual Rights of the ABA. I was already active in the House of Delegates of the ABA. I had run in the '70s for the position of D.C. Bar Delegate to the House of Delegates. I have been in the ABA House of Delegates now over 35 years. I love working with legislative bodies, and that in essence is a legislative body. Being in the House of Delegates, I met people throughout the ABA. That is what was going on in the late '70s and the early '80s with my bar activities. ABA activities are sort of seasonal. They have meetings a couple times a year, the Council meets twice more than that, but it's not an every day kind of thing. With the D.C. Bar, my activities before I became Bar President, had been in the ethics, grievance and discipline field. I was on the Board of Professional Responsibility, appointed by the D.C. Court of Appeals for six years, when I first started. I was very, very happy doing ethics and grievance work. It was that work, being on court committees, rewriting rules and ethics that led to my becoming the ABA Chair of the Standing Committee on Professional Discipline. That was a heavy-duty, highly substantive Committee. So the local and national activities really fed into each other.

MC: With regard to the Section on Individual Rights, were there particular issues that you were specifically focused on, or took a leadership role on, with regard to the rights of women?

MT: Yes. Very early on in the Section, in the early '70s, we were getting the ABA to take positions on women's issues. Title VII of the Civil Rights Act had passed, and we got the ABA to take some forward looking positions on that, but we in the Section were also trying to get the ABA to take positions against private clubs that discriminated, which at the time was a leap. My main activity in the ABA against sex discrimination was through the Section of Individual Rights. At that time, that Section was considered really "left-wing," but we always tried to make our arguments mainstream and educate people. I think some of the most important changes for women that occurred in the entire profession came from the Section of Individual Rights. Those battles we fought, particularly the way we did it, are now mainstream ABA positions. I'm very proud of the ABA and very proud of the work that the Section did, and that I was a part of that. My friends who were involved in those battles are still my close friends today.

MC: Who were you working with most closely in strategizing how best to approach these issues, how to mainstream these issues?

MT: At the time, my two buddies in the Individual Rights Section who were women were Brooksley Born (she was then known as Brooksley Landau) and my friend Sally Determan. I got to meet them through women's activities, and we all became very close friends. Until this day, over 30 years later, we are very, very close. Our careers have all been slightly different, but the trajectory has been up, and they both were very active on the Council. Brooksley had chaired the Council for the Section of Individual Rights a couple of years before me. Sally, I think, was two years after me. But we were all in the

same program together. And there were other people. I told you that we were successful because of how we handled these issues. The people we relied on to present issues in the House of Delegates were the then-leadership of the ABA. We weren't the leadership at the time. But we spent time educating people like Chesterfield Smith, who was wonderful, Bob MacCrate, who was terrific, Jack Curtin, whom I've mentioned. There was one woman on the Council, Rita Hauser, as I recall. Rita Hauser was a U.S. Delegate to the United Nations, the Human Rights representative to the United Nations from the State Department at the time. She was on the Council before I was elected. She was a Republican. I remember that. That was in the day when Republicans and Democrats worked together. Rita Hauser never took on women's issues, to my recollection. She was much more active in the human rights area. She was older than I and was from a different generation of women. Women's issues came to the Section when Brooksley, Sally Determan and I were involved. Justice Ruth Bader Ginsburg was on the Council when she was a law professor. What a group! We got the ABA to move forward. And, we paved the way for other women and other issues. We all had friends in D.C. like Judy Lichtman, who was then head of a nonprofit group called the Women's Legal Defense Fund. It is now called the National Partnership for Women and Families and is a high-powered national women's organization. Judy Lichtman was very interested in the Family and Medical Leave Act and was one of its strongest movers and shakers. She wanted to get the ABA endorsement on that Act because it was a very dramatic step, and very, very important. I was her point-person in the ABA, and we got the ABA to support it in the House of Delegates. ABA endorsement of proposed legislation meant that the proponents could use the resources of the ABA lobbyists. The ABA had a

markedly conservative reputation at the time. Its support of that legislation was very significant. Looking back, I recall, Judy Lichtman and President Clinton (ex-President Clinton) in the White House ceremony for signing the bill. President Clinton signed the Family Medical Leave Act, which was one of the first things he signed. She was very, very proud of that, deservedly so. All of us feel very proud. That was an important historical step. When people read this oral history, if ever they read it a zillion years from now, it will be interesting to see how they process the idea that parents can take leave to have babies and take care of sick people, sick relatives in their family, as a revolutionary thing-- that employers couldn't fire them for that. But it was revolutionary then.

MC: Was it gender-neutral the entire time that you worked on it, or were you instrumental in ensuring that it be gender-neutral?

MT: It was always gender-neutral, to my recollection.

MC: That is, in many ways, one of the revolutionary aspects.

MT: Unfortunately, even though the law allows men to take paternity leave, the prevailing culture still hasn't caught up with that yet. A few men do it, but it has a long way to go to become part of the parenting culture.

MC: In terms of the paid element of the leave, do you recall debates or discussions around that?

MT: Yes. We in the Section weren't going to go there. We weren't going to make paid leave the first step for getting ABA endorsement. We began with the simple equitable proposition that we didn't want people to be fired if they took off a few months to take care of their families, which was what was happening to women all the time. The opposing arguments were: "I can't run a business without you for three months and pay you, if you're not there. I have to pay somebody else to do your job." We wanted to establish the principle that you had a right to that job and that becoming pregnant was not a disqualifying act on your part and that you needed to take time off. We were one of the few nations that was really backward on that issue.

MC: Were there other initiatives like that that you were involved with while at the ABA?

MT: Well, there had been a series of them, and they all emanated from the Individual Rights Section. There was discrimination in private clubs. That was another big one. At the time, there were men-only private clubs which were used in a very commercial, but social, sense to obtain and conduct business. When you call a club a private club, that really goes to the heart of American individualism. It went to the very heart of what a lot of lawyers felt was an important individual right-- that they should be able to be with whomever they wanted on a social basis and that it should not be illegal to discriminate on the basis of race or sex socially. We fought a long battle to show that private clubs

really were extensions of commerce; that it was a place where deals were made. Golf games were places where business was conducted in the most important sense. It was getting business; it was cutting deals. I'm very proud that we made the ABA look at that issue, really, and that was a very important one that it understood. We were able to push for legislation and now, lo and behold, there are women in the Metropolitan Club and the Cosmos Club, the Union Club. It was Groucho Marx who said, "I never want to be a member of a club that would have me." But it was important for us, and of course, ours was the first generation of women lawyers who were invited into these clubs. They had to extend the invitation, and we worked side by side with these men who ran the clubs. The ABA's judicial ethics code now includes a prohibition on membership in clubs that discriminate on the basis of race and sex. In my position right now, on the ABA Standing Committee on Federal Judiciary, when we review and evaluate all nominees for federal judges, one of the questions that is asked of these nominees is "Are you or have you ever been a member of a club that discriminates?" Many of them put the Boy Scouts and the Girl Scouts, and I understand that, but that message is now embedded in the culture.

One other issue that was very critical was the position we took on the pro-choice issue, the abortion issue, a woman's right to choose. It was a very divisive issue in the ABA as it is in the country as a whole. We were able to carry the day in the House of Delegates that the ABA supported a woman's right to choose. It was a long battle. A lot of people resigned from the ABA, saying they did not want to be a member if that was the ABA's position. It's an issue that is still divisive and probably will never reach common ground. It's always sad when in a law-abiding country, people say, "Well, you

know, I'm not going to be a member anymore. I'll let my feet do the talking." But that is their right. The ABA has taken a pro-choice position, because, of course, it is an important legal issue as well as a moral issue.

MC: Has the ABA taken a position on anything else like abortion? Anything that is as much of a lightening rod of public opinion as abortion is?

MT: Well, you know, the ABA again was the first bar association to deal with the issue of sexual orientation, the rights of homosexual and transgender persons. When you look at the composition of the ABA, the vast majority of its members are not on the two coasts. They're located in the heartland of the country where gay rights had never been a popular issue or even an issue for a long time. That issue was a very tough thing for the ABA to grapple with, but it took its baby steps. It started really with issues of not only discrimination against homosexuals, but the entire AIDS question. Several prominent ABA members died of AIDS; several leaders in the Section of Individual Rights died of AIDS during the period that we were examining the sexual orientation issue. Of course, the country has now taken giant steps to eliminate such discrimination, and even to allow gay marriage. Like abortion, it's still very divisive. We have to keep our eye on it and keep moving forward.

There were other issues--Vietnam War issues and human rights issues--that the Section tackled. I've been talking mostly about discrimination issues, but we have been involved in human rights issues all across the world. The Section's work was a

wonderful educational experience. I wish, I hope, that the Section continues the work of the angels. The sad thing is that the Section has always been one of the smallest sections in the ABA, so it doesn't have the funds to do what really needs to be done on all fronts. But it is a powerhouse in stature for its size.

MC: Why is that?

MT: Well, primarily it's because you don't make money by doing that kind of work. Moral issues don't generate fees. The largest section in the ABA is the Litigation Section.

MC: I see. So their conferences are fee-generated, and...

MT: Yes. You have to pay to join a section, and the bread-and-butter sections, the ones that teach people how to be better lawyers, how to do their job better and also how to get better clients, those are always the largest sections. The Individual Rights Section has always been called the "conscience of the ABA." It has sustained itself and hopefully will continue to do so. There are always a handful of lawyers who want to do that.

MC: Do you continue to work with that section, or now that you're on the Standing Committee on the Federal Judiciary, is that where your efforts are focused?

MT: Yes, I'm still a member of the Section of Individual Rights, but I'm not really active in it. The Standing Committee on the Federal Judiciary really takes a huge amount of time. Every single federal judge who is nominated has to be evaluated, and every report that we do is a telephone book -sized report. I spend way over 1,000 hours a year doing these evaluations. It's a job that is an honor to perform, and I feel the weight of the responsibility.

MC: That's 20 hours per week.

MT: Minimum. It's a lot. When Justice Samuel Alito was nominated for the U.S. Supreme Court, I was in charge of that report, and that's all I did for several weeks. We had 30 days to do the report, which meant I was on the telephone all the time. I had help from other people, but, it was immensely time-consuming. When we do these reports, we call people who have connections with the nominee. There's a promise of confidentiality. We ask them all about their experiences with the candidate. We evaluate the candidates on three criteria, and politics is not one of them. The way to be appointed to that Committee is to be well-known, well-respected as a lawyer, and have the credentials to be able to fairly judge candidates. Many of the people on the Committee have been active in some aspect of the political world. But once you are a Member, you have to agree that you will not be engaged in politics. Right now, in the federal Presidential election, I'm seeing a wonderful campaign, and I am not able to help people that I would like to help, financially or otherwise. But I have to be neutral, and I have sworn under oath that I will remain neutral.

MC: Tell me more about how long your term is, and more importantly, how you came to be on the Committee, and what your service has been like, your experience there.

MT: First of all, the Committee has 15 members. Every judicial circuit has a representative and some circuits have two. Then there is the Chair who is not representing any circuit. Everyone except the Chair is appointed for a three- year term, and we are appointed by the President of the ABA. We are completely independent. We do not report to the House of Delegates. We do not report to the President of the ABA. We have money from the ABA to do our job, but it is the only ABA Committee that is totally independent. I was appointed in 2005. I will tell you, it was the last thing on my mind and it was not a position I actively sought. Since this is an oral history of what I've done, I should say that the most rewarding things I have done were not things I have sought. They were things that were presented to me, "Would you like to do this?," "We would like you to have this," and I have honestly never thought about it beforehand. My nomination for D.C. Bar President was that way.

MC: That takes us back to where we started today, the T.V. interview.

MT: Right. I never planned to be D.C. Bar President, never thought about it, and I never planned to be on any ABA Standing Committee and never had anybody make calls for me or anything. The things that have been most rewarding just sort of fell into my lap. I

was too busy enjoying what I was already doing to think ahead to where I wanted to go. But apparently other people were looking and thinking about things for me to do.

MC: So you received a call...

MT: I got a call from the then President of the ABA, Michael Greco, who said he had five appointments, and he asked me if I would serve as the D.C. Circuit representative. He asked me whether I would do that, and then he told me that that means you can't be involved in politics. Well, it was a tremendous responsibility, but I did not decide right away that I wanted to do it. I'm an advocate. I have causes. I like to take positions on things. So to be totally fair in the evaluation of judges using the ABA "nonpolitical" criteria, would mean I might in some instances offend a lot of my close friends and a lot of the causes that I felt strongly about. I had to think about that, and give up my political involvement at the time. Hillary Clinton has been a longtime friend of mine, and she was thinking about running for President of the United States at the time, and I knew that people knew I was close to her. I would have to cut off all contact with her because I did not want to give anybody ammunition to accuse me of being political and unfair. I wasn't sure I wanted to do that. I thought long and hard and talked to several people before I responded. At the end of the day, several of my friends said, "Look, we're your friends. We're your family. We'll understand if you have to do that, and take positions, but it's important that someone like you be on that Committee." So I took it. And, of course, the first thing out of the bag was the nomination of Justice Samuel Alito for the U.S. Supreme Court. His nomination normally would have been headed by the Third Circuit

representative, but she had a conflict and could not do it. Some of my very dearest friends were absolutely furious with me because the Committee found him "unanimously well-qualified."

MC: That's remarkable. I was going to say you couldn't have been on the committee for more than a year...

MT: No, not even a year. But it's not hard to figure out how to do this. You know the lists of people you have to call, and you know the criteria you must use. People are very forthcoming with their views, even other Justices on the Supreme Court. There were some very tough issues with Justice Alito's nomination, but most of them did not go to the criteria that we used for our rating. Our Committee examined a candidate's legal competence, integrity and temperament. These, of course are flexible concepts, and should be. Arguments have been made that if a nominee is extreme in a position, that such an approach goes to the issue of competence. That of course is a very tough issue. For Supreme Court nominations, the Committee uses the resources of a reading group at Georgetown University Law Center-- law professors who read every single case and gave us information about these cases. So it wasn't as if I had to read every case and make a judgment, "Is this an extreme position?" or what, but at the end of the day, we found him unanimously well-qualified. I still think he is well-qualified. But some of his decisions I'm not happy with. But that's how the system of nomination and confirmation works, and I did my best to be fair. I had several liberal friends who were very angry with me because they thought he was extreme and not qualified. My only answer to them was, "If

you would have read everything I read and talked to all the folks I talked to, you probably would understand why I did this."

MC: Also, their opinions can be presented through other mechanisms.

MT: Yes. But it hurt. I wanted everybody to say, "Oh, Marna, you just did a great job on that." I just tried to do what was right. You just have to take the slings and arrows, and I got a lot of them. But then there was a serendipitous thing that happened. There was another very controversial nomination that I had to conduct. The nominee was being nominated for the second time because his first nomination had lapsed in the Congress. The first ABA evaluation of the nominee found him "Well-Qualified." I had to conduct another evaluation. I thought the earlier evaluation was not thorough enough. So I contacted 95 people, and at the end of the day, I found the nominee "Qualified." Not "not-qualified," but not "well-qualified." Well, the bloggers went nuts. I didn't know it at the time because I don't read blogs. But I started getting calls from friends of mine saying, "Do you know what they're saying about you on this blog," so I started reading it, and boy, did it hurt. This time I was being attacked by the right wing, saying, "What qualifications does a divorce lawyer have to evaluate judges?" "This is purely a political person who has donated money to the Democrats, a big donor." I'm not a big donor, but the bloggers had taken every dime I contributed over 20 years and added it all together. And over 20 years, it looked like a nice amount of money. The attack was superficial, but it just hurt. The bloggers also attacked the entire Committee to try to discredit all our work. You know it hurt to see unfair accusations in print after working so hard, and I

couldn't do anything about it. The ABA said, "Look, this isn't the mainstream press, don't worry about it, no one cares." I just had to say, "Sticks and stones will break my bones, but names will never hurt me." It was hard, but you learn things about friends and enemies. Politics in Washington is really a blood sport.

Then something happened that was just lovely. I got a call from a friend of mine, Betty Murphy. Betty and I had been active in the ABA on various committees for years, and she is just a lovely, lovely smart person, and I respect her a lot, and I think she respects me. She called me up and said she had read something in *The Legal Spectator*, which I don't read, and she was very concerned about it. What the magazine had done was it had taken excerpts from this unfair blog. She was very concerned because they were calling me an ideologue on this nomination. She said, "I just want you to know that I want to write a letter. And I want your okay. I want you to know that I'm doing this." She wrote a letter saying that she had known me for 15 years in the ABA, and that none of the descriptions in the article fit me at all. She said that I deserved to do the job I was doing. She did a very courageous thing and stood up to them. She said, "I was former chair of the Republican Party, and I'm a big Republican, etc., so, you know, shut your blog up." I appreciated that enormously, and it also showed me a lot about the importance of collegiality in organizations like the ABA. When you get into discussions on divisive issues, you develop relationships with people who may not agree with you, but as lawyers you're respectful and try your best to move forward and find common ground. So that's a nice little story to say that I'm very appreciative of Betty Murphy. Blogs can be poisonous and, it would appear, several of the bloggers, not exclusively so,

are male and some really take a very misogynistic, for lack of a better term, critique of issues. This was when they were attacking the ABA committee, not just me. In the blog itself, it said, "If you have any dirt on any of these ABA members, send it to me so I can get it out there," and, you know, that's just bad to do.

MC: So three years, is that a renewable term?

MT: No, three years, that's it. But once you're on the Committee, you can be called upon forever to do these reports. Like sometimes we have 20 evaluations going at the same time, and there may be 3 nominations going on in one Circuit. We'll call former members back to help out with evaluations. It has been a very, very rewarding job, and I've enjoyed the ABA. Very different from what I've done before.

MC: Do you have any thoughts as to what comes next? After your service on the Committee? Other than a well-earned vacation?

MT: Actually, no. People had talked a few years ago, "Did I want to be President of the ABA?" I never really did. I never aspired to be President of the ABA. The idea of flying on airplanes to give speeches to bar associations, even though you can stand up for certain causes, is not what I wanted to do. But I enjoy supporting people and working for them. I think I'd rather be a "king-maker" than a king. My good friend Carolyn Lamm right now is running for ABA president. She wants to do it. She's earned it, and I'm doing what I can to help her. But in terms of my own ambition, I think that I'm at the

end of the ABA ladder. I hung around. I stepped down from being co-chair of the Women's Caucus. I see that I'm winding things down. But then there will be something that pops up, and I never know what it will be. I'm not planning on it because, as I said before, the best things that have happened to me have fallen in my lap while I wasn't looking.

MC: With that in mind, something we had talked about doing today is taking a look back at your reflections on women in the profession. You were also interested in addressing questions of values and character. You had also noted dreams as something you'd be interested in speaking about. I'm not sure what direction you'd like to go in at this point, so this is an invitation to you to reflect on, as you put it, values and dreams. I'm going to leave it to you in terms of what you'd like to highlight.

MT: I'm now 66 years old. The year 65, at least culturally, is said to be the year people are allowed to retire and get their Social Security and all of that. But what really happens to someone at 65 and 66 is very interesting. I've looked back. First of all, I'm lucky to have good health and my energy. I could keep doing what I want to do except maybe ski. Water-skiing would be easier than regular skiing because I have a little balance problem, but otherwise, health-wise, it's okay. But I look back, and things are beginning to come full circle in my life. I really enjoy the way things come full circle. Maybe other people could say they predicted it, but I'm always kind of surprised when things happen. On the one hand, I'm beginning to feel the sad losses of friends. I went to San Jacinto High School in Houston. That school has become a technical school. The school put out an

alumni directory of everybody who ever went to San Jacinto High School. They called people up if they had a phone number and said, "You could read in this directory, if you bought it, what people are doing," and I decided, "Oh sure, I'd like to have that." It wasn't expensive. So I sat down with it the other night when it came, and I looked at my class. I did remember a lot of the people. Then I looked for the two classes before, which included several of the guys I dated. I dated guys who were usually a couple of years older. The sad thing is that the guys who I dated were all dead. It was noted in the book by double X's, which was such a sad feeling. The sense of loss I had was all consuming. They were so much a part of my personal history -- my first date, the fun records we played, the dancing when I hear the '50s music, the parties we had -- and to know that those people are just gone. It was very sad. I also recently went back to my high school 50th reunion. Most of my classmates stayed in Houston, so I was somewhat of a celebrity to return home. About 25% of my classmates were dead. My best girlfriends were still very much alive and in full swing. They were all still beautiful. The women held up much better than the men. It was as if no time had passed when my girlfriends and I started talking. We realized what innocent high school years we had—no drugs; we didn't know about gays and lesbians; and no war. The worst thing we did was to skip school occasionally. I wish my children had that innocent foundation. Kids are forced to grow up and see things they shouldn't see too soon.

Another thing happened recently. I got a call that was one of the nicest calls, and it made me a little choked up, I must say. My very best friend whom I met in college who became my "little sister" was a woman named Muff Singer. Muff and I met at my sorority party when she was being rushed to join my sorority. I was a year older than she

was. She walked in, and she and I had the same dress on. So we knew we were destined to meet. For all these years, no matter where we lived, we were connected. We were telepathic. I knew when something was bothering her. I would get some sort of a mental feeling. She called me when my mother died. She knew my mother died, but nobody had told her. She could feel my pain and my grief, and she called and said, "I know something's wrong," and it was that kind of connection. We were truly soulmates. We each married and had kids. She lived in California. She had a daughter Sarah, and Sarah was the age of my son, Micah. I remember we would get together and we would say, "Wouldn't it be nice if they hit it off and all of that." Of course, they hated each other. Muff died a couple of years ago from ovarian cancer. I think of her a lot. I didn't realize how much she was the person I would turn to when something good would happen because she made me laugh, and I feel her loss deeply. Well, her daughter got married this past summer. She married an Israeli, and so the wedding was in Israel, and I wasn't able to go to Israel. Two things about the daughter: The first thing was that at Muff's funeral, Muff had one remaining living sister who was sort of annoying to Sarah. And so Sarah said, "Do you mind if I sit with you, Marna," and I said "Of course," and I spent a lot of time with Sarah at the funeral. My son, who lived in California, and knew about Muff, my son had come with me because he knew how unhappy I was about the funeral. My son Micah and Sarah started talking, and they became best friends as a result of that meeting. Although she lives in Berkeley and he lives in LA, they call and text each other all the time. She's having a party now to celebrate the wedding because the wedding was in Israel, and he's going to go to that party. They have become close friends. I don't know everything they do, but I know they're in touch. So that circle closed, and I know

Muff had something to do with that. I know she's working it from above. The other thing that happened was Sarah called me the other night to tell me she's going to have a baby.

MC: Oh, lovely.

MT: The fact that she called to tell me that, put me in a mother role with her. I was so happy for her. I'm just thrilled. So it's those kinds of things when you talk about values and things going around. To me, my family and my friends have always been the most important things to me. I have a very close family, and a handful of very close friends. I have a lot of acquaintances. But the circle gets larger as well. For all the losses, there are new additions. I made some new friends. It started a few years ago when a lawyer named Rob Weiner and his wife Cheryl Weiner (who's originally from Texas) became friends at a Princeton event where our children were attending. Rob was active in the DC Bar and was elected President. Cheryl, who is not a lawyer, is one of the most down-to-earth, wonderful people who just makes me laugh. She makes me be me, good and bad. When there's somebody I really don't like, she and I will sit there and be catty together if we want to be. And she's just outrageous sometimes, and I love her outrageousness. So she's sort of new in the last several years, a very important new person in my life because Rob and Cheryl introduced my daughter to her future husband. They gave a wonderful party for her and even had part of the wedding ceremony at their home when Cecily and John got married. I didn't know it the day we were at Princeton, but Rob and Cheryl would also become the godparents to our first grandchild. So, as I

lose one friend, I hopefully gain another. Yet the loss of that history of my life, I feel deeply and it can never be replaced. But I'm glad to see that in certain ways, my children are keeping the circle going.

My daughter Cecily decided to go to law school after her years at Princeton and graduate work. That was a surprise to me. I thought she wanted to be a woman rabbi. Now I'm watching Cecily and her values, her caring about people who don't have what she has, people who don't have enough to live on. She and her husband are very, very giving, and they care about people who need things. And so those values, hopefully, will carry on with her family as well. You can't teach kids values by simply saying, "Be nice to people, give to charity." I don't know how it gets conveyed. But we have been lucky to produce two children with wonderful values. Did I ever tell you about my son and the directorship and what happened to him?

MC: No. You told me a very funny story about your son at the Renaissance weekend.

MT: Well, that wasn't so funny. But this is a story about my son when I realized that he was a man of great value and of the values that I thought were important. He is now working to become a film director. But in college, he wanted to direct various plays at Princeton. He directed a play called "Picasso at the Lapin Agile." He got his roommates who had never acted before involved in the theater group, Theater Intime, and he recruited a lot of his friends who had never acted before. He conducted all of the rehearsals. Anyway, we went to Princeton to see the play. It was quite a wonderful play, but one of his roommates was the weak link of the actors. He was not a really good

actor. Well at the end of the year, Princeton had its traditional Princeton Reunion, which is the biggest event of the year. The Theater Intime board chooses the best play performed during the year to present at Reunion, because that's when everybody comes back and a large audience is guaranteed. Micah's play was selected to perform at the Reunion. The Board got together with him and said, "Well, we've got to improve it, so this guy has to go because John, whatever his name was, John just didn't do the part well." Micah stood tall and said, "No, John stays." And the Board said, "No, the Board is telling you to do this." Micah said, "John stays or the play doesn't go. John did everything I asked him to do. He did his best. This is college, not Broadway!" Those sentences to me said that that's why my son is a wonderful man, and why I'm so proud of him. And that also tells you what my value is--- of loyalty to people who do and the importance of standing up for those kinds of things. So that was my son and the things that he did.

MC: That certainly speaks to a sense of perspective, that he had it well in mind what was at stake in terms of this performance. As you say, it wasn't Broadway, it was a college performance. That he has perspective.

MT: Right. Now I hope as he plunges forward with his career that his sense of loyalty and decency doesn't destroy him in the brutal world of Hollywood, but I think he'll land on his feet. So we'll see what happens there.

So those are the kinds of thing that are important to me in terms of my family. I have a wonderful marriage, two children who love to be with us, and who I'm very, very

proud of. I have just had my first grandchild and am enjoying my kids' enjoyment. I'd love to see the family grow. In terms of the family, my husband used to laugh when I'd say, "You know, I've really been very lucky. I have everything I want. Two houses, a home in Maryland and a home in West Virginia, two wonderful children, two great dogs, two terrific cats," and then I said, "And the first of two wonderful husbands!" Such good fortune.

MC: I remember stories of your husband coming home with you while you were nursing and reading to you.

MT: That's right. Did I tell you that story? Well, it's true. Another thing about my husband, when people say, "Well, what is it that makes marriage work?" He doesn't like to go places without me. He wants to be with me. That gives me such a nice feeling. I remember when I ran for D.C. Bar President, and I asked him, "Listen, you're going to have to go to all these events and cocktail parties as my husband." He's not somebody who likes to schmooze although actually he's gotten pretty good at that. He'd say, "No, I want to go there because I would rather be with you at some place I don't necessarily want to be than not be with you." That has been the real underpinning of our marriage. I like that. Also when I come in on airplanes from business travel, he always picks me up because he says it's really important to be met, to be greeted, to be welcomed. These are the things he does that are just wonderful, endearing things.

MC: I'm also mindful of what you said about your children choosing to be with you and your husband on the weekends, rather than at soccer or parties of friends, that they clearly value the same closeness, warmth, and connection.

MT: Yes, and I don't really know why they want to do that. I know our daughter and son-in-law said they'll probably come down to visit us this week at the farm, and on Sundays they pop in with dinner. My son who comes home for 3 or 4 days goes to see his friends but then he brings them home to us and we'll all be included. I don't know why. I don't know what it is. I wish I did because I would bottle it and sell it. But it is real. It's not all a picnic. Believe me, they will take me to task when they need to. They're brutal. They're not sitting there saying, "Oh Mom, you're just great. You're wonderful." It's "Oh there goes Mom again."

MC: But they have the confidence to do so.

MT: Oh, yes. There are also multiple conversations going on at our table at the same time. If you were to ever listen to a conversation where all four of us are there, you would not know where one ends and one begins. Once we sort of did that, to see what was happening, and it's hysterical, and we all know where we're going. We've had a wonderful, close-knit family and my regret is that my mother never got to see that and my father only saw some of it, but he didn't live around here. I hope my husband and I live long enough to enjoy our grandchildren as much as we enjoy our children. So, that's the family front, my hopes and dreams. There isn't anything I want. I'm very content

right now in my life in terms of love, in terms of what I'm doing with my occupation and my work and in terms of friends. I'm just content. That's a dream come true. A lot of people never get to that.

MC: Is this different in kind than in other stages in your life? You had said that you were very content with your life as it is now, and my response to that was you struck me as someone who always had that sense of appreciation about your life, having heard your reflections in terms of the family you were born into and your appreciation for your father and your siblings. But you say it's different in kind now.

MT: Yes, I think it is different. I mean, growing up, there was always a little emptiness. When I wasn't married, I had a sense of loneliness. When I was growing up, I had a sense that I was sort of a fraud, you know, when people would say, "Oh she's very smart." Yes, I sort of knew that I was this other person and, from what I hear talking to other people about this, it's not too different from the way we all felt. The face I had to the world and the face I had to myself were a little bit different. I wasn't this secure, confident person. Things have integrated right. I had lots of doubts. I had a loneliness about things. But since I've grown up, the emptiness is gone. It truly was a physical feeling of something I had to fill up, perhaps with the enjoyment of career or something like that. My career went in a million different ways, different than I ever would have thought, but it has been very rewarding. There is a problem with being content in that I say, "Well, I'm really enjoying what I'm doing now and maybe I ought to move into something that'll shake it up a little bit, to grow a little bit more." I think something is

going to happen that is going to do that. I trust it'll happen. But I don't think I can plan it myself because none of my plans ever worked out, as I said. But the contentment is developed. My daddy always used to say, "Lucky people do their homework." I always say, "I'm so lucky." I've done this and then something happened. Lucky people do their homework. I did work at things, I did try that. But maybe I protected myself by saying, "I'm not really thinking about this. I'll just work and maybe it will happen," and not plan it so that I wouldn't be disappointed.

MC: Your reflection here reminds me of advice that I once heard Delissa Ridgway give, and I know she's a close friend of yours. She once spoke at a Women's Bar program, where among other things, she advised women to put themselves in the way of opportunity. Do your homework for sure, but do your homework in a way that is engaged with other people, that is creating options, either consciously or not, that put yourself in the way of opportunity. I hear about the things that you've done, and you say things have just happened, but I wonder whether they have happened in large part because you put yourself in the way of opportunity, in terms of the people that you've met and the cross-pollination of activities.

MT: Well, I guess that's true. I was just thinking about something like that. I don't think I ever told you about my trip to China. One of the things that I did in the late '80s was lead trips for the organization People to People. That's a cultural exchange program, and they have lots of groups. I know you've gotten letters from them. They travel all over the world. One of the trips I had always wanted to take was to China. I had never

been to China and that was one of my dreams. It was 1989, so we created a lawyers' trip to China, and we took about 25 people to China on a "Women in the Law" trip. My husband went with me, and we got 25 people to go. About three weeks before we went, China started having problems with demonstrations at Tiananmen Square. The students were camped around the Square, and they were demonstrating for participation in Chinese "democracy." I wanted to go there, and we planned the trip with People to People. Shortly before the trip, People to People said "We may not be able to do this because the State Department says that the Chinese have declared Martial Law. And there's a certain element of danger. We can't guarantee your safety, so you may not want to go." About ten people cancelled and I said, "Mmm, that's the time to go." I was a student in the '60s. I marched in college to integrate the movie theatres, in law school with Martin Luther King, at Berkeley for preservation of People's Park. I put my body where my mouth was. There is a great feeling of being part of something when change is occurring. I want to look back at life, at my life feeling that I was a part of change. What has made it so rich is that I was at the forefront of change all the time. I always say it is easier when you're at the forefront of change because there aren't that many people at the forefront, so you can get to the top of the ladder faster. But there's also a lot of risk involved in that. Not surprisingly, I said, "We're going to China."

We went to China, and we had this wonderful trip to Beijing, Harbin and Shanghai. We were about two weeks into a three-week trip and had been to Tiananmen Square. There we talked to the demonstrating students and watched them construct a statue called Lady Liberty. It looked like our Statue of Liberty. What was wonderful

about the Chinese students was their eagerness to talk with us. In 1989, the students had very little, if any, contact with the outside world. This was pre-Internet days. They only had government-approved magazines or newspapers. Our group brought them the magazines we had read on the airplane and they were thrilled to get them, even though we had to be cautious in how we delivered the magazines to them. Turns out that there was a picture of the Chinese students on the covers of Time and Newsweek. The students would read the articles from the magazines over the loudspeakers at the universities to let the students know what the world was thinking about them. The Chinese government had closed down all kinds of communication. The way the students communicated was very primitive. They would post these purple ditto sheets with information on electricity poles and you'd see twenty people deep reading from these things. That's how they got news that was different from what the government was sending them. We talked to them, and I thought, "Oh these are just like the kids at Berkeley" when they were trying to participate more in the school governance. All these kids wanted in China was a seat at the table. They didn't want to run the country. They just wanted a voice. However, that was not culturally appropriate. The elders rule. We then left Beijing, and went to Shanghai. In the hotel where we stayed, we were able to get the satellite coverage on television so you could see the American news on TV. We saw the 7 o'clock evening news at ten in the morning. I learned early that morning that the Chinese government had had this massacre at Tiananmen Square, which we had left the day before. It was "Wow!" Nobody knew what was going on except the people who were in the hotel. The Chinese people didn't know. Our group went on our tour that day. By 4 o'clock that afternoon, the Chinese demonstrators had come down from Beijing to

Shanghai and told the people about what was going on. Demonstrations of mourning had started. The demonstrators wore yellow flowers, the color of mourning. Demonstrations were increasing in Shanghai. Troops were out everywhere.

When we got back to our hotel, we could see armed troops on every corner with machine guns. It became very clear that the city was shutting down. Our group was caught in the middle of this growing armed encampment. Several things happened there. We couldn't leave the hotel, and we didn't know how to get in touch with people. We just didn't know. I called the State Department to find out what was happening, and they were of no help. Essentially, we were on hold. I called the People to People organization, and they said, "Look, just hang in there. Stay in touch. We'll try to arrange trips to get you all out of there, but stay in your hotel." In the meantime, this hotel was beautiful, so we weren't suffering. I don't want to be a martyr with this.

The next day, we canceled all our planned events, of course. As we were hanging around the lobby, all of a sudden, about twenty women marched into our hotel to meet with us. We couldn't go to them, so they came to us. These were women from the Shanghai Bar Association, who had looked forward to meeting with us. They were not going to let a demonstration stop that meeting. These were women who had gone through the Chinese Cultural Revolution and had been sent to pig farms to be re-educated. Many of them bore scars from those days. Now they were learning again how to take hold of their lives as professionals. It was so important for them to come. We all settled in and talked about being women lawyers and what women can do together. It

was just an amazing and moving meeting. I realized how important it was, and how far ahead of the rest of the world we were in the women's movement in the United States. We tried to help them, and agreed to stay in touch with them. They had walked miles to come to this meeting that we didn't even know we were going to have. It was very, very moving.

We stayed in the hotel with troops outside for a couple of days, and then the group started to get restless. A couple of people started getting really antsy. My husband and I were leaders of the group, and I learned a little bit about group dynamics. We were trying to get out of there. I told everybody, "Look, have your bags packed. We have no idea when we're going to get a flight, and we just have to be ready to leave." One night, at two in the morning, we got a call from People to People, who said, "We're flying a plane in. You need to figure out how you can get to the airport." Well, it's not like the airport was a mile away. We had hosts there, who were helpful to us, but we literally had to commandeer a bus. They said, "Get down there right away," and I said, "I know enough not to go under cover of darkness. It's too dangerous with armed troops out there. We'll go at first light." I didn't want people to think we were up to no good, so my husband went around and knocked on everybody's door and said, "Be downstairs at 5 o'clock, ready to leave. We'll hopefully have a bus to take us to the airport." Everyone was so tense. I'll never forget one woman in our group was so scared that when we knocked on the door, she came to the door, and begged "Don't shoot. We're Americans!" She was so scared the whole time.

We got everybody out, and we got to the airport. Of course, there was no plane. The airport was teeming with people who were all trying to get out because no one knew at the time what was happening, whether the whole government was in revolution or what. It was hot, and there was no place to sit except on the floor. Someone took a picture of my husband and I leaning back to back, asleep, because we could lean on each other, sitting up, falling asleep while we were waiting. Every once in awhile, I'd go to the back to see what was happening with our plane. I couldn't get an answer but people were starting to lose control, so I decided this was the time to lie. I said, "It'll be a couple more hours but the plane's on the way, you know, so just hang in there." I thought if I were calm, I could keep them calm. Then there were other people, strangers, who thought we knew what was happening. They came over and said, "We're alone, can we join you?" I said, "Sure." I didn't know what was going on. I just knew I had to keep everybody calm and keep everybody together; that there was some safety in numbers.

Well, indeed, the Northwest Airlines plane did arrive. There was this big glass window in the airport, and we saw the plane land. A cheer went up from the crowd because there was a U.S. flag on the tail. We were loaded on that plane in thirty seconds. You have never seen people move so quickly to get out of there. The interesting thing is we had not a clue where we were going. We didn't know where the plane was flying to! We just knew that we were leaving China, and the airline didn't care whether we had a ticket. We just got on the plane. They took us to Japan, to Narita Airport. Anyway, when they said where we were going, it was like "Yay." I laugh at how in the United States, if you're going to New York and your plane lands in Newark,

you're upset because of the inconvenience. Here we were, in Japan, thousands of miles away from home, saying "Yay, we're so happy to be here. We'll figure it out." But we got there and Northwest Airlines was wonderful. All we had to say was "We were evacuated from China, and they said, "Where do you want to go?" They took everybody home. It took awhile, but the adventure was worth it.

I will tell you that when I got back, I had post-traumatic stress syndrome. I didn't know I had it. I did not know it because I held together. I loved being the General in the crisis. I handled it beautifully. I'm very proud of myself. But I did pay an emotional price. I fell apart after that. I did not talk about all of the things I'm telling you about for six months. I could not talk about it. People would say, "Oh, what was your trip like?", "Oh, it was fine." I didn't realize what post-traumatic stress syndrome was until I had to give a speech at Renaissance Weekend the following December. It was June when we got back, and this was in December, I was put on a panel with people who had been in crisis situations. Somebody on the panel was in Hurricane Hugo, and someone was in a war zone, and I was the Chinese evacuation person. They had a psychiatrist on the panel, too. I could not organize my thoughts for this panel. Usually, I have my presentations worked out a week beforehand at least, but after China, I could not figure out what I was going to say. Again, it was like I couldn't deal with it. The psychiatrist started talking about post-traumatic stress syndrome, and he said, "People don't realize it, but it's like you're driving a car and you say, 'I think I better put the brakes on,' and it's like everything was in slow motion." I said, "That's sort of how I felt about a lot of things," and I realized in the middle of it that I had it. And that was my speech. I said,

"Thank you for putting me on the spot. I now realize what has been going on. I haven't been able to talk about this because it apparently really affected me."

That experience was just a wonderful, wonderful experience on every level. As Americans, we sometimes think we're wrapped in this cloak of freedom, that wherever we go in the world that this cloak will protect you, and it doesn't. I would do stupid things because I thought I had all these rights and freedoms, even though I was in another country. Now I understand much more how an immigrant who never had these rights and freedoms, when they get them, appreciate them in such a different way. At that level, I learned a lot. I learned a lot about my ability to lead and do something when I was scared stiff that I could be shot. I learned all about the Chinese people and what a beautiful country it was, and what these brave students were like, and that we're all part of this big family in the world. I went back to China a couple of years ago. It is now almost twenty years since the Tiananmen Square Massacre. I was invited to give a speech on the changing laws of China and to talk about ethics and regulation of the legal profession, which their legal profession had little understanding of. It was like speaking two different languages. But I was able to go back. We went only to Beijing, but what a change! It's amazing what the computers and the internet have done for communication. Try as it might, the Chinese government can't keep people from information. And the growth of bookstores there was amazing. We went to a bookstore that was huge, like seven stories high and a million students all sitting on the floor reading these different books. Night and day from 1989, just amazing. So China is a big part of my life.

MC: Did you continue with the women lawyers in a mentoring fashion, or any type of...

MT: Well no, because...

MC: There was no way to find them?

MT: There was no way to stay in contact with them at that time. I suppose I could try to find them now. But I had other similar adventures. I had another trip to South Africa with People to People. It was also a Women in the Law group, and we met with women lawyers there. I got some of them in touch with the National Women's Law Center because they were trying to start an organization like that. I also led a group to Cuba. During a short window of time, we were able to travel to Cuba for educational purposes. Seems like I have picked all the countries to visit that are in some state of turmoil. In Cuba, they were having demonstrations at the United States Interests Section, which was what our embassy is called there. Remember Elian Gonzales and the controversy over whether he should return to Cuba with his father? Well, Elian's father was a waiter in Cuba. I learned where he was working from his lawyer in the U.S., Greg Craig, who is presently White House Counsel for President Obama. I made sure that we went to the restaurant in Cuba. I went to see him, and I have a picture right there with the father. I touch history. I don't know why I have been so lucky as to be able to touch history. I won't be written up in the history books, but my life still has gone in a wonderful direction.

MC: In terms of putting yourself in the way of opportunity, it is that you have been in the mix. You have been in the action when things happen. So where do you go to next?

MT: I don't know. Oh, for the trip? Actually, we're going to Australia on vacation, and New Zealand, which I want to see. There are a lot of places I haven't traveled, but there are always going to be hot spots. Where my life on the cutting edge of history will lead, I don't know. As I said, I feel sort of content now. I think the mantle has been passed to my daughter and that generation to take up the new movement for women.

MC: The last thing that I was going to say in terms of the book project that you've framed, looking at couples where the woman has the more public persona and how does the marriage work, how does the man facilitate this, in conjunction with our discussion of the FMLA and the need for cultural change. That, to me, suggests the cutting edge in cultural change, in terms of marital dynamics and gender roles.

MT: Well, that's interesting because I don't think gender roles have changed a whole lot. Not yet. I just think women have gotten more to do. It is true that the younger men, they're a lot more involved. I love Sundays, where you see the fathers wheeling all their kids and they're doing that, but you don't see them on Mondays doing that. A lot has to change in the legal profession. The legal profession itself has not changed much. All of the opportunities available for women and all that, is still within the same structure of partnerships. The profession may be global now, but I don't know if globalism itself will force a change. Still to be a successful lawyer, you do the best by having a "wife" at

home taking care of all of the things you need, raising your children, having all kinds of support at home. Today that no longer makes sense. It doesn't make sense to me that for a lawyer to be successful, man or woman, they have to bill 2,000 hours a year and give up other parts of their lives and have to make these choices. That you have to travel to do this, and you have four-week trials in all these weird places. There has got to be a better way. I would like to spend the last part of my days seeing whether we can do more than just make those little changes that are collateral to the profession and really change the profession to be family friendly and a sane place to work. That involves eliminating the greed, the dollars; it's driven by dollars. It wasn't always that way. It used to be the days of "To Kill a Mockingbird," and all of that. A lawyer wasn't necessarily the richest guy in town, but he was the most highly respected. With the recent collapse of sectors of the economy, the profession is undergoing a huge change that should have happened long ago. My hope is that some new models for practice develop out of the ashes.

MC: The lawyer-counselor. Which brings us back to all of your work with the bar, whether it's the ABA or the D.C. Bar and the various pro bono projects with which you've been involved. The lawyer as central to civic life and civic governance.

MT: Now, you know, lawyers don't have a whole lot of time to do this kind of work. I think lawyers would like to do it, but then they've got to decide if they've got the time to do it with everything else. You only have 24 hours in a day, and you've got to choose. But the profession shouldn't make those demands. I would like to figure out a way to change the profession, and then I think that change in the families will start to happen. I

think the generation of sons that have been brought up by my generation of mothers are going to make a big difference on what they will do and what kind of marriages they will have. They've seen their mothers do certain things, which is a lot different than the preceding generation. What they choose to work on should be different.

MC: Maybe we should conclude there?

MT: Okay.

Women Trailblazers in the Law Project

of the ABA Commission on Women in the Profession

Oral History Interview of Marna Tucker (Part V)

Senior Partner, Feldesman Tucker Leifer Fidell

(Washington, D.C.; June 27, 2008)

Mary Clark: It is June 27, 2008. I have the pleasure of meeting with Marna Tucker for a fifth interview. We were just talking about some of the issues that we would like to focus on in today's session. I thought I would start with your recent trip to Texas, where you witnessed the reading of your brother's play. I was hoping that you could tell us more about the origins of that and your reactions.

Marna Tucker: Earlier in our interviews, I was telling you about my brother Neil, who was a playwright, who died of AIDS in 1995. One of the things about my brother was that he had great talent and great foresight. He was ahead of his time and, like a lot of artists probably, would not be discovered until after his death when the time was right. I always thought his humor was ahead of its time.

MC: In what way was it ahead of the time?

MT: The things he would write about were things that were funny. The events he would write about were things that people couldn't imagine at the time, unless you happened to be someone who could see into the future. My brother's favorite play, and one that I had seen several years ago in its reading stage, was called "Oil." He wrote it in the early 1970's before the problems with the Saudis, before energy became a huge problem. "Oil" was about a wealthy Texas family

headed by a woman named Magritte. Magritte's husband was Sycamore. Everyone treated Sycamore as if he owned all of the oil fields, but, of course, she owned the oil fields. But women in that day had to act like the men were the owners, although the women always ruled behind the scenes. I found it interesting that my brother was able to understand the importance of strong women and the roles they had to play over forty years ago.

This play had a very strong character in Magritte. It was the story of how the family wanted more oil wells. Magritte's and Sycamore's daughter was a hippie living in California who was interested in alternative energy. She was working with a company that had an "energy button" that you could put on a house and that would generate energy.

It was all Neil's imagination, and the amazing thing was that today all of it has come true. In the 1970s, he gave the play to Tyne Daily, the actress, and she loved the role of Magritte. In the late 70's or early 80's, it was put on in New York as a reading, and I saw it performed there. But it never caught on; it was too long, and it just wasn't going anywhere.

A fellow named Marshall Stackman was a friend of my brother Neil, who wanted to make this play happen. He loved the play, and he wanted to keep it going even after my brother died. Tyne's interest in it sort of faded after Neil died. I kind of dropped it except for my role as executor of his estate.

A few years ago, Marshall still wanted to put this play on as it became more and more relevant. I sold him an option to put on the play. Everyone said to him, "it needed to be cut down; it needed to be rewritten," and every playwright who took it just couldn't do it.

MC: Why is that?

MT: I don't know; they couldn't do it; it just didn't work. But then my niece, my brother's daughter Raelle, in the meantime, had grown up and blossomed, and now is a very successful television writer. She knows how to write, and she knows how things play.

MC: And she knows her father's voice.

MT: That's the most important thing. She knows her father's voice, and she knew "Oil" when he was writing "Oil;" well, when he was working on "Oil." He was always working on "Oil;" it never really got done.

So Marshall prevailed upon Raelle to take a hand at re-writing it. She was the only playwright who really was able to cut what needed to be cut because she knew her father's voice. She cut it down and rewrote it. She worked with Tyne Daly and renewed the relationship. When the play was rewritten, they decided that they needed to see how it would play before a Texas audience.

MC: Why Texas?

MT: Well, it's a Texas family, and they wanted to see if the humor worked with a Texas family. You know, if people in Texas didn't really relate, if it wasn't true to that, and it wasn't funny in that way, then it wouldn't carry as a play.

So Marshall arranged for the play to be read in Dallas, and Tyne Daly was still very, very interested in it, and still is. She wants to do it on Broadway. We'll have to see if this ever will come to be. I'm sure this oral history will be long done before we know what happens there. Raelle told me that she wanted me to come to Dallas for the reading with my sister Debi, so we could see Neil's play as rewritten by her. It seemed like a wonderful thing to do. Raelle, his

daughter, came to our family late, and the fact that she was reaching out to us to share her work was a wonderful thing.

MC: Why is that?

MT: Because Raelle's mother and my brother were never married. Raelle was raised by her mother, Joy, most of the time. They lived in Ibiza, Spain where Raelle was raised for most of her life. Raelle didn't come back to the United States until she was 17. I had seen her when she was very young before she left for Ibiza. She was about 6 years old and her mother had joined a cult with the "Bogwan." All I knew about the cult was that they all wore red all of the time. Raelle came to spend a few weeks with us at our farm in West Virginia. When I unpacked her clothes, everything was red. She was a glorious child, even at that age. She would put on performances for all of us. Then she moved away and we didn't see her for many years. When my brother got sick with AIDS, she wanted to come back and take care of him. He was always in touch with her, but he didn't really raise her. But Raelle loved him. Now, it has been several years since Raelle has really entered our family. She now comes to family events and things. She came to my daughter's wedding, which has occurred now since the beginning of this oral history. She and her fiancée David have come to other family events. Raelle and my son, Micah, who lives in California, have become very close friends, plus being first cousins. Micah is a filmmaker, and the two of them are kindred spirits in more ways than kinship. As time has gone on, Raelle has really become a part of our family. Raelle has become very successful as a TV writer. She is a producer of "True Blood", a very popular HBO production. She has been given the okay to write her own HBO show and Micah has been helping her with research. Neil would smile if he knew the two of them were working together. We'll see if her show becomes

successful for HBO. Perhaps some of her fairy dust will sprinkle on Micah. The entertainment world is a tough world, but I hope the two of them land on their feet.

MC: What was it like to be in Texas for the production?

MT: When Raelle asked us to go to Dallas, she made it very clear to me that it was important to her that I see this play. That was the first real reaching out I could feel from her in terms of my being her aunt. I told my sister that, and there was no question that we were going to be on that plane to Dallas. And we were. The play was held at a theater in a large park in Dallas. I had told my old college roommate, Tanis Weiss, who was living in Dallas, about the play. She and her husband came. I wanted to make sure the house was full, which it was. It played for two nights. It was wonderful. So here we are in Dallas at the play with my sister, my niece, and my old roommate. The Texas accents were very familiar, and I felt like I was in a bubble, like the world of my past had come to the world of my present, and it was all there. As the play unfolded, it was wonderful; it was really funny. It was familiar to me because my brother had written about a lot of the character traits in our own family. There was this one moment when I got this very deep sense of sadness because I saw it was my brother's voice, and how sad it was that he wasn't here to see it. On the other hand, how wonderful it was that his daughter was able to do what my brother couldn't do. He didn't have the discipline to do it. He was short on discipline; she was overly disciplined, and it came out wonderfully. His voice lives on, and she made him better. I hope all our children do. I mean they are better than we are, and, hopefully, they take the values we've instilled and make life better. It was all right there in that two hour play in Dallas. It became so clear to me, what my family was about, and our strengths and shortcomings. I could see it in the humor of the play, my brother's shortcomings, his lack of discipline, but his strengths, his ability to see the world, his amazing humor, and then having produced this

fabulous daughter. We all got a lot closer. Plus, I became friends with Tyne Daly, who is a fabulous and talented woman. We got together again at the Obama Inauguration, and we are still hoping we can do the play. So that was Dallas.

MC: You said that everything came together in your life, your past and your current experience. I thought about your reference to your daughter's wedding, and to your husband's family reunion, and wondered whether you had reflections on those as well? Whether your daughter's wedding was a time also where your life came together because of old friends and family. Here is your daughter taking this step forward.

MT: I think all weddings are family reunions, and I think that's the reason they're all wonderful and happy. Most of the time, everybody has a good time and puts aside all of the petty little fights that may have been going on. The other thing that happened to me, and this was within a week of the Dallas event, was my husband's side of the family had a family reunion—the first (and last) Baskir-Cohen Family reunion.

I haven't talked about this before, but my husband has one brother, Mark Baskir. His father, Philip Baskir, had one brother, Irving Cohen, known as "Pat". My husband's father and his brother had not spoken for twenty years, and no one knew why they fought. His uncle Pat had two sons as well. Phil and Pat were brothers. They each had two boys, and each of the two boys has children. My husband's brother Mark and his wife Carol have a boy and a girl. My husband and I have a boy and a girl. Pat and his wife Phyllis had two sons, Peter and Laury. We call him Laury even though his name is Laurence, same as my husband's name. Pat and Phil had different last names, which is a story that I'll let my husband's oral history explain. But Laury Cohen is his name. He's an orthopedic surgeon in the Berkshires, and he has two sons, Joshua

and Jonathan. Peter Cohen, who is now the patriarch, the oldest of the four, has a son Adam and a daughter, Elissa. Adam recently married a woman named Margo and they have a new baby, Lily.

MC: Is he located on the East Coast?

MT: Peter's in the Berkshires now; he was in New York advertising, but he moved to the Berkshires when he retired. Now the reason this history is important was that Pat and Phil had not talked for twenty years, and none of us knows why. There were secrets in that family, and no one understands why. But before Pat died, Phil and Pat got together. So the last few years of their lives, they did talk. The rest of the family got together fairly frequently, and we would see each other at events, weddings and things like that. My husband and his brother live in different cities and have this sort of normal big brother, little brother tension. They get along; they just didn't see each other that often. I didn't know about the Cohen brothers, other than that I would see them at a few things.

Pat and Phil both died, and both the women, the mothers, had been dead for awhile. So Peter decided -- I guess feeling his own mortality, he's now 72 -- Peter decided he wanted to have a family reunion, mostly so that the younger people would get to know each other in what was now a very small family. Peter said, "Let's have it in the Berkshires," where they had houses, and we all went. What was wonderful was that the younger generation, my daughter and son, and the Cohen children, all of them are in their late 20's and 30's, and they're all very successful in what they've done. A lot of them have intermarried, not just Jewish families. Larry's son Joshua married Yuki, who is Korean, and they have a beautiful little Korean American Jewish child named Sophie. They have just had their second child, Zoe Pearl. I got a

thank you note from Yuki the other day, and she signed it Yuki Cohen -- it is so American. It just was wonderful. Anyway, then my brother-in-law Mark's daughter Lauren married a fellow from Puerto Rico, and Mark's son Matthew married a woman from Mexico. Everybody is intermarried, very mixed.

MC: Did all of the spouses come to this?

MT: Yes. Everybody came for some part of the weekend, and it was very relaxed. It wasn't over-planned. Everybody did their little thing, but we all met, and most of the thing was eating out in the yard and talking to people. The last day of the reunion there was a brunch, and Yuki pulled me aside -- we kind of hit it off -- and she said Josh... Josh had just opened a bar called Mo's in the small town of Lee in the Berkshires. Josh and Jonathan both had been ski bums as they were growing up. They were absolutely the most gorgeous young men, and they could both be movie stars right now, they are fantastic looking guys, and for some reason they were just ski bums. Their Dad, Laury, was always working at the hospital, and he and their mother were divorced. So here were these ski bums, who really hadn't done a whole lot, but as they found the women of their dreams, they started settling in. The first real project that Josh did was to buy this bar. As my son says, "What's wrong with that? You hang out all night with all of your friends, serving them good beer." Mo's has turned out to be very successful and Josh and Yuki are expanding it. They are also expanding their family.

Josh decided he was going to have a bar that served only the really exclusive microbrews. This was unique in this poorer town in the Berkshires. No Bud Light was served there, and that meant that the beers cost a lot. So he was bringing in a new clientele, and it takes a long time to develop a business like that. He's been working really hard.

Josh would pop in and out of the reunion, but he would have to go back to the bar. That night, after we all had dinner, all of us went to the bar. The whole family trudged in. It's not that big of a bar; we filled it up. The first thing I did was go to the ladies room. The bar is just a wild place. It's a bar that has all kinds of things hanging from the ceiling. I walked in the ladies room, and there was this elegant, peaceful space, with lovely fragrances, and there was hand lotion, diffuser fragrance and hand towels. I looked, and I said, "That's Yuki." It was Yuki with the beautiful, oriental peacefulness of the ladies room. This was a great bar.

The next day, Yuki said how much it meant to Josh that everybody in the family had gone, and it's the first time he really felt like he had family. The reason I even mention this is because you never know what's going on in a family. We only would see them at certain weddings and nice events. I never knew that Josh felt alienated. But what she was saying is he really wanted family, and it meant a lot that we had gotten together for that. It was a lovely event. Whatever the secrets were in the family, whatever the pressures were, everybody behaved beautifully, and everybody had a good time.

MC: It sounds like a real move forward.

MT: It is, and I hope that the younger generation will continue it because we are a small family. It was very, very important to me because I don't ever remember having a family reunion of any kind. We were in Texas, and the rest of the family was in Philadelphia.

MC: Does your sister have children?

MT: Yes.

MC: Did your children spend time with your sister's children?

MT: My sister has a son named Brady, and Brady is much younger than my kids. Brady is just 17, and he is going off to college. There was a huge difference in age of the children, but they are very close. My kids love Brady. He would come up and stay with us at the farm. He was a great baseball player. When my kids were in town, they would always go to watch his baseball games. Micah, my son, coached him with his SATs over the telephone because my son makes money teaching SAT courses. He was doing that for his cousin. Although there is a huge difference in age, they're very, very close. My daughter talks to my sister about things mothers and daughters are unable to talk about. I know if anything really horrible were to happen, that I would be on alert. We're all very close. We just went to Brady's high school graduation. Every one of us showed up at the graduation and cheered him on. We're just very lucky. It's a fun family, and these last months have been full of a lot of joy, the kind of joy that fills up your insides.

MC: It's funny you should say that because one of the things you said about your life, growing up in Texas and before you were married, was that you felt a sense of emptiness. There were many good things in your life, but there was a sense of emptiness, and it was in your married life and your present life that you had a sense of fullness.

MT: It's true for me, and I guess it's true for a lot of people. It is people and caring and relationships that matter, that make you feel good, and that last. The last couple of weeks, I've been thrilled because some very nice honors have happened to me professionally. The Legal Times newspaper decided for its 30th Anniversary issue to feature the ninety lawyers who in the last thirty years were the greatest lawyers in Washington. I was one of those people.

They divided the Greatest Lawyers into thirty people they called "Visionaries", thirty people they called "Champions" and thirty people they called "Pioneers." The thirty people who were the Pioneers were all deceased. They were honoring people like John Pickering, Lloyd Cutler, and Chuck Ruff. Their standard for selection was people who changed the legal profession. The Visionaries were the ones who originated the changes and pushed for the changes. The Champions were the ones delivering the changes. To be named in that group, I don't know how they selected it, but to be called a Visionary by my peers... To me, it answered the question, "Have I succeeded in my profession?" Well, I got my Good Housekeeping Seal of Approval from that article. It made me very happy for a day. It was nice, it felt good, and I was happy.

Another thing happened that made me very proud about what I've done: The National Organization for Women ("NOW") is giving me an award, called the "Intrepid Woman Award." Every year at their national convention, they give out a group of these awards. You don't have to be a lawyer; in fact, most awardees aren't lawyers. Janet Reno is getting one of these, and Katie Couric is getting one, Dorothy Height from the National Council of Negro Women, Linda Chavez Thompson and myself. We're getting this award for being, quote, "Intrepid women, fearless in what we were doing." I kind of thought, "I'm not fearless."

MC: Really? You've taken incredible risks.

MT: Well, this is what's so funny. It never felt like I was fearless. You always perceive yourself so differently than other people perceive you. Again, I'm very excited about the award because it's an affirmation that what I decided to devote my life to meant something to a whole organization of women. That's really exciting. But again, it feels good for a day or two, and you

write it down on your resume, but what really matters and stays with me is having my niece say, "It's important to me that you come and be with me, and see how well I've done."

MC: The last time we spoke, your best friend's daughter had just called to let you know she was pregnant.

MT: I'm so glad you mentioned that because she has had her baby. I went to see her and her baby in California. She had a lot of trouble having the baby. She was uncomfortable when I saw her. She had just had it for a couple of days and had been home for about a day or so, but I got to see the baby. Of course, the baby has a million names. She married an Israeli fellow named Boaz. The baby has five names. The first name is Maytal.

MC: That honors your friend?

MT: Named after my friend Muff whose real name was Maida. That's traditional in Jewish families, but "Maytal" is a Hebrew word meaning "morning rain." I thought that was lovely; to see the life cycle there. I still feel my friend on my shoulder. I always say that. She's with me a lot because she was the keeper of my personal history, so now, you're the keeper.

MC: You must have felt that when you were visiting her granddaughter.

MT: Oh yes. I worry about them. She's having a little problem. Having the baby was very overwhelming for her. We'll see how that works out, but right now it's wonderful to see her. That too came full cycle since we've started this.

MC: I think you said your son had become quite friendly with her because they were both on the west coast.

MT: That's right. He took me over to see her. We both went to see the baby, and both picked out little baby gifts. Now she has moved to Los Angeles from Berkeley. She was in Berkeley with her husband, where she had been in school, and they moved down to L.A. into her parents' home because her father was alone in this big house. They will probably stay there until they get settled and decide what her husband is going to do -- He's deciding whether to go back to Israel and work or work here. At least my son gets to see Sarah more often. My son is the big connection with all of my family, with Raelle and Sarah, Muff's daughter.

MC: I've been thinking about your fearless award, and thinking of different events in your life that you've shared with me, both in terms of things like when you were at the University of Texas, but also thinking in terms of your professional life. Shortly after you started at the firm, you were called into court -- you were filling in for someone -- and you described how you were going before a judge who was known to be very tough. It seemed to me that, rather than shying away from the experience, you met it head on. You might have experienced some fear, but you, rather than shying away, went into the experience and got a lot out of it. It was some sort of motion argument, and I remember your saying that you felt exuberant in terms of how well you had performed. What are your reflections on your fearlessness? You said it didn't seem to fit right when you first heard it?

MT: As I look back on the things that I have done in my career that have been the most meaningful, I think, "I've just been lucky to have been born at the time I was born." The world was making changes, not brought about by me, but it invited me to be at the cutting edge of the change. If I had been born five years earlier, I would have been part of the quiet generation. I was at the right age when the civil rights movement started. I was just at the right age, where I could demonstrate for civil rights and be active. I didn't do what I thought was the most fearless

thing, and that would have been going to Mississippi during the Mississippi Freedom Summer. I wasn't that fearless, but I worked in the Civil Rights Division of the Justice Department and we were working with those kids who went to Mississippi in the summer of '64.

I did go to the Martin Luther King "I Have a Dream" speech. I was there in 1963 at that huge demonstration. Nobody knew what was going to happen. That was really the first huge demonstration for integration. There were people with guns on street corners that I remember.

When I moved to California, I did go to the People's Park demonstration where Ronald Reagan had given orders to shoot anybody that tore down the People's Park fence. I knew I had to go. I remember seeing National Guard members with their guns drawn. I was a lawyer then in California. I knew that a line had to be drawn: you do not shoot people because they step on property. When I think about what the People's Park protest was about, it was that people wanted to make it a park for kids to play in instead of developing it. So I went to that one.

There was the Civil Rights Movement; then there was the Women's Rights Movement. I happened to be in law school just at the beginning of the change, and just at the beginning of those organizations that were starting, that became leaders and still are leaders in the women's rights movement. I was born at the right time.

When you are a pioneer, when you are at the beginning of a change like that, the people who first join in that movement become bonded in a way that that relationship lasts forever. It is such a momentous event that it sticks forever. The second generation rarely feels that. And so, I still have wonderful friends that helped start the women's rights organizations, and who were active in the civil rights organizations. I still think that I was born at the right time. I happened to be at the right place as well.

MC: You've also seized opportunities where you have been. You have taken risks and gone to places. I'm mindful of your work with Congressman Lowenstein, and with the Legal Services Corporation. You have taken jobs that haven't existed before.

MT: That's true. It was the first of the neighborhood legal services programs. It was the beginning of that national program, and, again, I was born at the right time. I had just gotten out of law school. I knew I wanted a job helping the disadvantaged. There was discrimination against hiring women in law firms, and that just looked like a great job to take. It really set the tone for what I value, access to justice for all people in this country. It didn't have to do directly with being a woman; it was really for poor people. As it turned out, it was because I was a woman and not able to get other jobs that I turned to the things that I could do: legal services. The people who were the pioneers at the beginning are different than the people that came after, both in their relationships and in their fiber.

MC: The risks they've taken.

MT: But, you know, you talk about risks; there is something quite liberating about being a woman.

MC: In what way?

MT: In that, because there were limits on what you were allowed to do, on what you were expected to do, I always felt like I could do whatever I wanted to do. It was more liberating. I got more of an advantage personally out of the discrimination against me than detriment. Everybody in my law school knew who I was because I was a woman. I can't tell you all of their names, but they knew the women because we stood out.

One of the seminal things that happened to me was becoming the first female D.C. Bar President. We just elected our eighth woman. The only reason I know is that I just went to an event, and the woman told me she was the eighth, and I said, "That's great; we've lost count." But people still come up to me and think that my election was yesterday. It was 25 years ago. That event was totally unexpected for me, but if I had been a man, would I have been president of the bar? I don't think so, not at that time. I mean maybe I would have been, but it was time for a woman.

On the whole, it has not been my burden; but my joy, being a woman. My daddy always used to say that I really am an optimist; this is what I got from my father. It really is true. I just look at things in a happy way, in a good way. I don't carry anger very long.

MC: That was one of the questions that I had for you in reflecting on the interviews that we've had and the nature of the work that you do, which could be very hostile, representing individuals in divorces and child custody proceedings; seeing people at their most vulnerable point. How is it that you maintained such a positive outlook in the face of this very conflictual environment? You've just suggested one way in terms of your father's optimism, but are there other things as well?

MT: It is keeping my eye on what my job is, and my job is to be a problem solver. As much pain as I hear, I have learned that it's not my pain. Hopefully, I am sympathetic enough, or empathetic enough so that my clients know I hear them. But a lot of that has come with years. It took a long time to develop that kind of shell that you can help and yet not stay in it.

MC: You were just beginning to say in terms of the filter you have for problem solving on behalf of your clients, but not necessarily being kept up by this pain. You said that there are some things that break through.

MT: The cases that do keep me up at night are the ones where they're affecting children, and I can't do anything about it. The legal system isn't working, and my clients are out of sync. There are some things I just can't do. One of the things you were talking about earlier, I have this drive that I think it's my ambition or competitiveness or something; I don't like to lose. Whether it be a case or not being able to help somebody, and when it's clear to me there is nothing I can do, that really keeps me up at night because I won't let it go. I just have to keep thinking about it because I want to help that kid, and I want to do it, and there's no way to do it.

MC: What then happens?

MT: It keeps me up at night. At some point, you move on. That happens less and less now, but it does eat you up inside.

I don't know if I told you about something that happened with my son at Renaissance Weekend? About the negativity?

MC: You said he remarked on how you had really kept it out of the house. Both you and your husband had.

MT: That's right. At the time, my husband was a criminal defense lawyer, and we both had to deal with things that could eat you up inside. Apparently, my children never felt it. Which means it wasn't there because kids feel it all; they are really plugged in, whether it's spoken or not. Why and how I could remain upbeat, I wish I knew what the answer was. How can I not be

upbeat? I've had such good fortune. Because I've had good fortune, when something is not good, I really do believe that it has a reason, and it will turn into something good. It doesn't mean that I'm a Pollyanna. I've seen it play out over the years, over a lifetime, a career.

MC: I wonder if your public service also helps you in that regard? It reminds me of something you said in our last interview. I asked about your reflections on the legal profession, and you had highlighted as one of your concerns about the legal profession today, that people don't have time to engage in public service or *pro bono* service as much as the profession should because of the billable hour demands.

MT: It's more than billable hours. Billable hours is the symptom; greed is the disease.

MC: If you are in a practice where you're heavily engaged in public service and pro bono work, I wonder whether it can create pressure, but can also be a pressure release valve from the intensity of the practice dynamic itself. Does that contribute?

MT: I'm not sure they aren't two different sides of the same coin. *Pro bono* work for poor people is as gut wrenching; domestic violence cases for women are just as gut wrenching as the most horrible divorce for rich people. You either feel like you can help and use your tools with your skills. I don't know how doctors ... I don't know how cardiac surgeons, or brain surgeons do what they do... Why would somebody choose that job? Somebody probably said, "Why would a divorce lawyer choose that job?" There is something that makes you pick that field. I didn't start out that way. I never really planned to be where I am. People keep saying, "What are you going to do in your retirement?" and I just don't plan. You should plan your retirement. I just sort of take little steps, and I say something is going to happen that's going to make it all very clear to me, and it will. I have not a clue what it will be. I don't really plan. If the

opportunity is there and it is something that looks like I want to do, I'll do it, and it'll go where it'll go. I've been fortunate. I don't know what else to say about that.

MC: We had talked a little bit last time about dreams, again as a reflection on the interviews, and you highlighted some dreams like becoming a grandmother, and also things with regard to the arts, and your husband had been very encouraging of your painting, and otherwise. Tell me about the other things that you'd like to highlight in terms of your dreams. See this as an invitation, in reviewing our interviews, to add reflections.

MT: I find it fascinating to see interviews on TV of people who have either retired or changed their lives by doing something totally different. Either they did because they were victims of Katrina and their business was wiped out, and then they just do something totally different. I know there are a lot of things I like and want to learn about. I want to learn to water color. I want to go to a water color camp and sit there for six weeks and learn how to do it and make beautiful objects. There are a lot of other things, I guess, but I don't want to do anything hard. I want to just sit there and enjoy and find things that are enjoyable. I don't know what that will be. My dreams are a lot of things. I love to dance. I would love to start playing tennis again. I was a tennis champ in high school, and now I don't play anymore. I should plan what I want to do. I should say, "O.k., I'm going to sign up for this water color camp next summer, and not work," but something keeps me from doing that.

MC: Your life so far suggests that things will happen.

MT: There is a lot of serendipity. It's the same problem that presents itself to everybody that was a lawyer of my age.

MC: I wonder if that brings us back to the question of optimism again now, mindful of your People to People trip to China, and your description of that. The same set of facts could be described by someone else in a harrowing, horrible, frightening way – an experience that they would shy away from ever repeating. But that's not how you described it. You described it, ultimately, as this great experience that you and your husband were able to survive. But there was a sense of optimism in your description, different than I think others would have.

MT: It was moving, and it was painful, but I learned a lot about the group of people traveling together and myself. Speaking about that China trip, I ran into somebody who was on the trip, and she reminded me that it's going to be twenty years next year. She said, "Can we plan a twentieth reunion and go back?" I'm thinking, "Could I do that, but this time complete the trip without the massacre?" I'm thinking about it. That may be one of the things that we do.

MC: Are there other things at this time that you would like to include? We can always leave open the opportunity for revisiting.

MT: Well, I've enjoyed meeting you and seeing how you take these events in my life and make them hang together as if it's a story.

MC: In reviewing the transcripts, I've gotten so involved with your description of the events. You are a marvelous story teller. The way you captured your trip to China, or the sorority experiences you had, the story telling is very compelling. You bring things to life. That might be something to think about pursuing.

MT: I do like speaking. I do enjoy doing that. I like to write. I have to give this speech for the NOW award. I like giving speeches, but I always write them out. The best speeches I've ever given have been the ones where I personally feel it, or there's a story to tell. I'm awake 12 or 14

hours a day and a lot of things happen, but I only remember a few of them. Only a few are significant. How do you pick?

MC: I think about your going to the reading of your brother's play, and how it really integrated all the different elements of your life, to recognize that, and retain that sense.

MT: That was clear. That was an event. What is less clear is, right now, I'm doing an evaluation for a federal judge, and I just finished one for the Fourth Circuit. I get to call all these people up and ask them about other people. After I hear all about the person, I go meet the individual and do an interview of them. I love writing up the interview. It is getting into the nitty gritty of somebody's life. I feel like when I do that, I've made a friend for life. I feel like I know this person so well. That's what I've been doing for the last few weeks. Is this going to be something I remember five years from now as something significant? I don't know.

MC: You're involved in their lives at a momentous point for them, which takes us back to the observation you made before about pioneers in the legal profession, in particular, that you were involved in these momentous experiences with other people and the bonds that it formed. You might not see people for a long period of time, but you feel a strong attachment or connection to them from that shared experience.

MT: It's true, and my husband always says, "Marna, you can talk to anybody. How can you get these people to talk about all these things?" I don't know. I guess I have that kind of face. One of the nominees that I had to do an interview with, I thought he was terrific, and he was confirmed. I got a call the other day, and he said, "I hope you'll come to my investiture. I really would like that." It made me feel so good that it obviously went two ways.

Another nominee who hasn't been confirmed that I evaluated quite awhile back called and said, "I'd like my family to meet you." I said I can't do that. If this administration ends, then we can do that. But it's a relationship we made that is on hold. That is somebody I would want to know in the future.

MC: The importance of relationships.

MT: Well, it's Washington. Washington is a town that is very, very open to new relationships.

MC: Why do you think that is?

MT: Because people are always coming and going, and moving. You don't know how long they're going to be here. Most towns, including where I grew up, have a very closed society. It's very hard to break in to a new community, unless it's a university community or an army base, where it's set up for people coming and going. Washington is sort of a big Army base. People are always coming and going. It is a much more open place for friendships. Most cities are not like that, and most people don't leave their communities. Most people go back to where everybody knows them.

MC: Any final thoughts about your dreams?

MT: This oral history has evolved over almost three years. During that time my daughter married and has given birth to Elio Nataniel Baskir Freedman, my first grandchild. Early in this history, I talked about my dream of being a grandmother. Well, it is better than I thought. I have reduced my hours at work and try to spend a day or two with him. Of course, since I am blessed with them living nearby, I am also a regular babysitter when Cecily and John go out in the evening. It is truly a miracle watching a baby grow from birth. I could play with him all day,

making weird noises and screwing up my face to make him laugh. The love comes from a part of me that is reserved just for him. When I have trouble falling asleep at night, I think of his smile and it calms me down, like a tranquilizer. I particularly enjoy watching Cecily and John develop as parents. They are very laid back and take Elio everywhere. He has more frequent flier points than I do this year, since they travel with him to see friends all over the world. Cecily is struggling to balance everything in her life. It is hard for me to hold my tongue and not offer advice. I have to appreciate the unique relationship between mothers and daughters who have chosen the same profession. Cecily must prove herself in her profession and as a mother on her own terms.

And finally, there is my husband Larry. We have had almost 38 years together and the days get mellower. We finish each other's sentences. We respect each other's opinions. He still makes me laugh, and I know how to get a giggle out of him. We have entered our golden years and are traveling a lot more. He has not retired yet, but he is able to take the time he wants. He knows how to make me happy and feel protected but free to be me. I remember a tiff that Larry and I had about 20 years ago when we were renovating our kitchen. I wanted a fixed island in the center of the kitchen, and he wanted a movable island. Things got heated. I finally cried. He said, "Mama, I will always give you what you want. I'll never deny you anything in my power. But, please, let me be a participant in the process." That bit of advice has made it easy. Knowing that the issue will come out the way I want allows me to listen to Larry and hear him. We are able to share our views more generously. Sometimes I change my mind and realize he has the better idea. He should bottle his advice and sell it as a remedy for a happy marriage. He and I are now the older generation in our families. All of our parents are now deceased. We

enjoy watching our children reach out to the family members of their generation. And we reach out to the family members of our generation. Sure, there are petty squabbles and no one knows how they originated, but that is the stuff of families. What we have are the stories, the personalities, the love and the sharing. It has been a good life.

End of Oral History Interview