

**Oral History of Carol Garfiel Freeman
First Interview
February 5, 2021**

Jodi Avergun: Good morning. So, this is Jodi Avergun. Today is February 5, 2021. It is 1:03 p.m. on the East Coast and 10:03 a.m. on the West Coast, where we are joined by Carol Freeman:, who has graciously agreed to participate in the D.C. Circuit Historical Society's Oral History Project. And we are very pleased, Carol, to have you doing this project for us. It is an honor, and on behalf of the board of the Historical Society, thank you. So, well, go ahead.

Carol Freeman: Having been a member of the D.C. Bar since 1964, it's somewhat of an honor for me to be chosen to participate in this project.

Jodi Avergun: All right, well that's good. I would love to start off with you at the beginning, and I'm going to try and interrupt you as little as possible. So, feel free to narrate as much as you want, but I reserve the right to ask follow-up questions. I'd love to hear about your childhood and your background, where you grew up and your history growing up, and we'll start there, OK?

Carol Freeman: That's fine. Let me say in the beginning, I know that most of the Oral History Project is done face to face, and the reason this is not being done face to face is because I am in California where we were last winter when the Coronavirus sprang up. And we have been reluctant to go back to Maryland because we didn't want to fly for medical reasons. We're healthy, but we're of an age where we're susceptible to the virus, and so we've stayed here in order to preserve our health. We have, since a week ago, gotten the first shot of the Pfizer virus vaccine, and in two weeks, we'll get

the second shot. And a few weeks after that, as I understand it, we should be 95% safe, so that sometime in late April, maybe early May, we will get back to Maryland, to our home. And, hopefully, after that, we can have a face-to-face meeting, suitably masked, suitably socially distanced. But it will be more like the usual Oral History Project. And we're going to do this solely on the phone, my phone, because it is apparently better to record when it's done on the phone rather than on the Zoom visual. So that's an introduction here.

Jodi Avergun: I think, Carol, I just want to interrupt as I told you I might do. That's fantastic context, I think, important for the Oral History Project so that people can see the moment in time that this is happening, and maybe we'll even come back to some experiences in your retirement at a later date. But I promise you that our next meeting will be face to face, masked and distanced, because I probably won't qualify for a vaccine by then. But I'm glad that you are safe and healthy, and coming home in the foreseeable future.

Carol Freeman: Well, if we can slow it down so that there's at least one meeting left, we can do something face to face. That's the hope. I think what you're saying is that people 30 years from now will not understand what was going on in the winter, or in the year 2020 going over to 2021, and that we need to explain to them that this was a time when people did not really want to get together if they were smart.

Jodi Avergun: I think that's right.

Carol Freeman: So, beginning. OK, I've read several of the other oral histories, or at least parts of them, that have been given. I read ones by Judge June Green, Judge Joyce Green, both of whom I knew. Zona Hostetler, whom I think I've met, although we grew up in the same legal community, but we had different paths. And I know that part of the interest is in my background and how I got to be a lawyer.

Carol Freeman: So let me start by saying I was born in 1937, in New York City. My parents, Theodore Garfiel and Isabel Levy Garfiel, were both born in New York. My father's parents, Charles Garfiel and Marie Lipshitz, came to the U.S. from Poland/Russia in the early-to-late 1890s. My grandfather came first in 1892, went into business of some sort in New York, and became a citizen. My grandmother came in 1898 with her mother and a sister and lived in Philadelphia with a brother who had come over earlier. Supposedly my grandfather was walking by, saw my grandmother, and decided to court her. The families were probably relatively affluent. My grandmother spoke many languages and was working with her brother in his pharmacy when my grandfather saw her. I was not curious enough when she was alive to ask her details about her education, but they were an educated family. My grandfather, when he got to the U.S., somewhat quickly got into doing some real estate business, so I gather that he was also from a relatively affluent – and affluent isn't quite the right word, but he had the ability to get involved in business quickly. My grandmother became a citizen when she married my grandfather. By 1900, when their first child was born, they were living

on East 90th Street in Manhattan. They were Orthodox Jews So that's my father's family.

Carol Freeman: My mother's family came over here much earlier. Her paternal grandparents, Ernest Abraham Levy and Isabella Levy, were from London and the word is that they were cousins. They married in London in 1859 and came over to New York later that year with their oldest son. The rest of their 12 children, including my grandfather Herman John Levy (known as Jack), were born in New York. They lived in what was probably East Harlem, or possibly West Harlem, and they were not affluent. My mother's father's family was Jewish, but not apparently Orthodox.

Carol Freeman: My mother's maternal grandparents were James Clark and Bridget Vaughn They were Catholic and came over from Ireland in – I've never quite found their immigration status – but they came over before the 1860s, met and married in New York, and had several children including my grandmother Alice. They were also not affluent. The Levy and Clark families lived around the corner from each other. Jack Levy met Alice Clark, they fell in love, and they got married with the caveat that any children would have to be brought up Catholic. And this is only really relevant because it took my parents, Ted and Isabel, a while to get married because of the religious difference. But once they did get married, they settled into a Jewish home, although essentially a Reform Jewish home. OK, so that's my ancestry, as far as I can tell.

Jodi Avergun: Can I ask you a question about that?

Carol Freeman: Sure.

Jodi Avergun: So, these are your grandparents who – one of your grandparents was Irish Catholic. Is that right, or are we a generation further beyond?

Carol Freeman: My mother's mother's parents came over from Ireland, they were Catholic and their children including my grandmother Alice were brought up Catholic. My mother's father's parents, who were Jewish, met and married in London and came to New York from London in 1859 with their first son, who was not my grandfather.

Jodi Avergun: Got it. Got it.

Carol Freeman: Both of my grandparents on my mother's side were born in the U.S.

Jodi Avergun: Got it. OK, just wanted to clarify the generations. All right. Well, that is interesting in that they lived in the same town, and I bet religious intermarriage back in the old country was probably not that common.

Carol Freeman: You're talking about towns. This is Manhattan in New York City. This is the city, this is not a town.

Jodi Avergun: I didn't understand that we're talking about your grandparents who are already in the United States. So, sorry, go ahead.

Carol Freeman: OK, my great-grandparents came over, my *great*-grandparents, One set of great-grandparents on my mother's side came over in 1859, from London. The other set of great-grandparents on my mother's side came over from Ireland, probably around the same time. Both sets of great grandparents settled in Manhattan, they settled in what is probably the area between 90th Street and 120th Street, East or West. They moved around a lot. I've

tracked them on Census records. I haven't read that over in preparation for this meeting interview. But this was not a small town; it was Manhattan.

Jodi Avergun: Got it.

Carol Freeman: Got it?

Jodi Avergun: Yep.

Carol Freeman: OK. So both families happened to be in the same neighborhood, so my grandfather Jack Levy and my grandmother Alice Clark obviously ran into each other and knew each other. The child of the English immigrants and the child of the Irish immigrants were living in the same area, probably, and that's how they met.

Jodi Avergun: Uh-huh.

Carol Freeman: I think it was around the Columbia University campus, because I remember going by with one of my sons, once, trying to find the address, and this building that they had lived in at one point had been torn down, so around Columbia University. But, of course, at that point, Columbia University, I think, was still downtown, somewhere around Rockefeller Center, so it wasn't Columbia.

Jodi Avergun: OK.

Carol Freeman: That's a sidetrack.

Jodi Avergun: Yeah, but I didn't know that about Columbia. Maybe that's another conversation. Go ahead.

Carol Freeman: We have a lot of Columbia in my family. It may come out as time goes on.

Jodi Avergun: OK.

Carol Freeman: OK, I talked about my grandparents and my great-grandparents. My father, Ted Garfiel, was born in 1905. He had an older sister. His father was in the real estate business. His mother did not work. He grew up, he went to Townsend Harris High School. He was not a serious student at that point. I think the story was that he flunked Latin, though he ended up getting admitted to Columbia College in 1920, when he was 15 or 16 when he was admitted to Columbia College. So he was Class of 1924 at Columbia. After he graduated he went into business. First, he went down to Philadelphia and worked with somebody in the clothing industry. He ended up back in New York, where he had a small hosiery company. His father died in 1927, and my father then took over a lot of the real estate business that his father had operated. So he ended up being in real estate. Not huge, expensive projects, like someone who will not be mentioned here, but small residential buildings, perhaps, with a store on the ground floor. 80th Street and Third Avenue, he had some buildings on Hunt's Point Avenue at one point, he had some on East Broadway at one point, he had one on 116th and Third. Smallish buildings, but that was what he did.

Carol Freeman: My mother's parents, Jack and Alice, lived at first in in the neighborhoods in Manhattan where they had grown up. They had several children. Their first child was a little girl named Isabel, named after her grandmother Isabella who had come from London. Baby Isabel died in 1902, and this is a story that probably has nothing to do with me, but my mother was born in 1903, and she was also named Isabel. She had an older sister, Muriel. There was Muriel, there was Isabel, there was Elsie, who was born in 1907, and

Eddie, who was born in 1910. So Isabel, my mother, was the second of four living children. At some point in the 1910's the family moved to Brooklyn. My mother went to Erasmus Hall High School. She did not go to college, because, in those days, most girls didn't go to college. But she did work with her father, who also had a real estate business of some sort. He owned buildings in Brooklyn, I think. I haven't developed a lot of the evidence, and I'm not sure any of it still exists, as to exactly what his real estate business was. I know they did own a building on Eastern Parkway at one point, and my information was that Jack Johnson, the Black boxer, lived in one of the apartments at one point.

Jodi Avergun: Ahh.

Carol Freeman: It may have been the same building that my mother's family lived in at the same time, but I haven't tracked that down. I've done a fair amount of genealogy, but there are still a lot of loose ends to be wrapped up if I ever get around to it.

So my parents, Ted Garfiel and Isabel Levy, met in 1930 at a Halloween party, which neither of them had really meant to go to, but somebody invited them. So they met and it was a very dull party, but my father knew of a guy who could provide some alcohol, this being during the years of prohibition, and so my father would manage to liven up the party and they started dating. They got married in 1934. They lived on East 79th Street for a while and then, when my mother got pregnant in 1937, they bought a house in Brooklyn, and that was where I grew up. It was 786 East 19th Street in Brooklyn, the Midwood area of Brooklyn, and I was born in August 1937.

My parents renovated this 1910 house and they moved in sometime in the fall of 1937. I went to elementary school at P.S. 152, which was walking distance from our home. I took piano lessons at a school called the Mabel Corey Watt School of Music, which I, after a while, used to ride to on my bike. I did a lot of bike riding in the neighborhood. What else? I had a very, very best friend who lived next door. When my parents were renovating the house, they put in a lot of outlets in the top floor, big front room for their son's electric trains. Of course, they never had a son, although I did get some electric trains from some of my cousins, at one point. I am an only child. I never had a brother or sister.

Jodi Avergun: Well, Carol, let me ask you about that, because that's so interesting. How did you come to learn that the electric outlets were there for a hoped-for son or a hoped-for brother for you?

Carol Freeman: What was that?

Jodi Avergun: How did you know that they put in electric outlets hoping that they would have a son who would have electric trains?

Carol Freeman: I'm not sure that they were hoping, but maybe they were just assuming. I was just told that they put in electric outlets for their son's electric trains.

Jodi Avergun: OK.

Carol Freeman: And it was a big playroom in the top of the third floor of the house. There was also a closet under the eaves of the house in that room, and my friends and I used to play games hiding there from, I don't know, from Cowboys and Indians or whatever we were playing. Let's see. The War, World War II, came up in the middle, there, and my father joined the National Guard.

He wanted to enlist, but my mother discouraged that because he was 36 years old and had a small child so he went into the National Guard instead. I think he was a block captain during the air raids, I don't know what you would call it. I wasn't very old at that time. But we had blackouts for a time and I remember the blackout paint on the windows. What is relevant to why I became a lawyer is that I used to listen to a lot of radio programs. There was no television in those days; there was radio and there were two kinds of programs. There were fifteen-minute programs that would be in the late afternoon, and they were called soap operas because they were sponsored, for the most part, by soap companies, like Rinso and Dreft and some of the other soap companies. But they generally dealt with girls from the poor neighborhoods who went to the big city and met a guy and became very wealthy or went over to Europe and became titled wives. So that was one kind of soap opera. The other kind of radio program was a half-hour program, which were more adventure programs, like *The Lone Ranger*, which was my absolute favorite.

Jodi Avergun: Is that right?

Carol Freeman: And indeed, I have the – I'm blocking as to what it's called. We do get to edit this a little bit, don't we?

Jodi Avergun: We might be able to in the transcript. You can look at the transcript, but the oral history, as recorded, is recorded. But I'll check on that for you.

Carol Freeman: OK, I understand that. My ringtone is the William Tell Overture, which was The Lone Ranger's music.

Jodi Avergun: Yes.

Carol Freeman: But the other program that was relevant to my professional life was a program called *Hop Harrigan, Ace of the Airways*. I don't remember if it was a fifteen-minute or a half-hour program, but this was during World War II and he was obviously a pilot who was flying sorties, either against Germans or Japanese. And he had a nurse whose name was Gail Nolan, and I said I wanted to be a nurse like Gail Nolan. And my father said, "Nurses empty bed pans and take orders from doctors. Be a doctor." That is relevant to how I became a lawyer because my parents always encouraged me to become a professional, to have a profession, which, I gather, was rather unusual for parents of girls in the 1940s and '50s. Many of my college classmates – I'm jumping ahead a little bit – many of my college classmates, in later years, became lawyers, but very few of us went to law school directly from college. And many of them have said their parents, their fathers, particularly, wanted them to do something they could use to support themselves, like teaching. And I certainly don't want to denigrate teachers – my daughter is a teacher – but education and teaching was what parents of daughters in the '40s and '50s thought their daughters should do. My parents were different and a little unusual in that they wanted me to become a professional like a doctor or a lawyer. My uncle Eddie, my mother's younger brother, was a lawyer and my mother used to help him study, both, I think, in law school and certainly for the bar exam, and she probably would have been a very good lawyer. And she was encouraging me to be a lawyer. I think my father was encouraging me to be a doctor. So that is something that is definitely relevant to how I became a lawyer.

Jodi Avergun: But you always wanted to have a career outside the home, you think.

Carol Freeman: Oh, yes. Oh, yes. I mean, I always expected to get married and have children. But it was always assumed that I would do something a little bit – I'm going to call it a profession – even though teaching and college education, they're professions, but in the context of going to – I don't know how to put this without –

Jodi Avergun: They wanted you to have an advanced degree?

Carol Freeman: Yes. OK. So, there we are. I'm in the sixth grade. I want to be a doctor now. And in those days there were three kinds of schools. There was kindergarten through eighth grade, elementary school. There were junior high schools, which were seventh, eighth and ninth grades. And there were high schools, which were ninth, tenth, eleventh and twelfth grades. This is in New York City, possibly elsewhere in the country, but I'm only talking about New York City. So, in the sixth grade, the educational system had started a program called Special Progress Classes where selected students could do the seventh, eighth and ninth grades in two years rather than three. I don't know if this was the first year it was started but it was pretty new at that time. So I was chosen or selected or recommended by P.S. 152 to be part of this program and my parents agreed. So I and a few of my other classmates went down to Cunningham Junior High School 234 to be in the Special Progress Classes. And so I did the seventh, eighth and ninth grades in two years so, technically, I'm a year ahead of where my birth cohorts would otherwise be. I ended up being Valedictorian of that class and, interestingly, two of my classmates from junior high school ended up in my

law school class. And one of my junior high school classmates, my very best friend at that point, ended up in my college class.

Jodi Avergun: Um hmm.

Carol Freeman: OK. In the year 1951, which was when we graduated from junior high school, my parents had decided to move from Brooklyn to Manhattan, so I did not go to the local high school that I would've gone to in Brooklyn. I went to Bronx High School of Science in the Bronx. And the reason I went there was, the other high school choices were not available or not interesting. We had moved to an apartment on 77th Street between Lexington and Third avenues. The local high school was all girls and didn't have a very good reputation. The other possible high schools were Hunter College High School which was also all girls, and the High School of Music and Art which I understood required students in the music program to study a second instrument – and I didn't want to do that. Stuyvesant was all boys at that point. So, Bronx Science was left and it was a very good high school. I had a good time there. One of the questions that is suggested was whether there were differences in the way young men and women were treated and I would say no, I think we were all treated the same.

Jodi Avergun: So, Bronx Science, for people who don't know, like its name suggests is a very science focused school and might even be called a STEM school now. They were open to girls and boys in the high school having the same opportunities to learn science and math in the 1950s there.

Carol Freeman: And you had to take an exam to get in.

Jodi Avergun: Yep.

Carol Freeman: It was an exam and it drew people from all over – probably not from Staten Island – but certainly from Queens, Brooklyn, Manhattan and the Bronx. It was one of the elite schools at that point. I never figured out the percentage of boys and girls but there were certainly a large number of girls –

Jodi Avergun: OK.

Carol Freeman: – which we were called in those days. The program basically required four or possibly five years of science and four years of math. There was only room for three years of language so I continued with French that I had studied in junior high school for the three years that I was there. They had two special classes. One was called Science Techniques Laboratory – which was shop to some extent – and you built a scientific instrument. I built a microscope. And the other course that was different was mechanical drawing which was basically creating blueprints for things. I thought that was a lot of fun. I really enjoyed that one. For extracurricular activities, the one that I was most involved with was the newspaper called the *Science Survey*. We also had four years of English and four years of social studies – so it was basically a liberal arts course with somewhat of an emphasis on the science end of it. In those days I do not think there was any emphasis on what is now called STEM. It was just what you did [laughter]. Anyway, so I took a journalism course – I guess it must have been junior year – and both junior year and senior year worked on the newspaper. We did not have an editor-in-chief but another girl and I were the women who wrote the editorials. So that was a lot of fun – working on the newspaper. And we also joined a whole bunch of other clubs

because you wanted to beef up your résumé so you could get into a good college.

Jodi Avergun: So nothing's changed between 1955 and 2020 – kids in high school have to beef up their résumés. [laughter]

Carol Freeman: Yeah, but the only one that was really serious was the newspaper. OK, now we get to applying to college. The only colleges I considered were the – what were called the Seven Sisters. In those days there was the Ivy League and there were the Seven Sisters. The Ivy League schools for the most part were all male. Cornell was co-ed but for some reason I never thought about Cornell. Harvard had Radcliffe which has now been merged into Harvard. I've got a friend who went to Radcliffe; she's a little annoyed because she keeps getting invitations to Harvard reunions but she was a Radcliffe graduate, not a Harvard graduate. I guess Penn had an adjunct that had women. Brown had Pembroke and Pembroke may have been now merged into Brown.

Jodi Avergun: It is that's where I graduated from.

Carol Freeman: Hmm?

Jodi Avergun: That's where I graduated from – is Brown.

Carol Freeman: Is that right?

Jodi Avergun: So Pembroke is Brown.

Carol Freeman: Yeah, like Radcliffe is Harvard.

Jodi Avergun: Like Radcliffe.

Carol Freeman: So there was the Ivy League, which was mainly male, and there was the Seven Sisters: Wellesley, Smith, Radcliffe, Bryn Mawr, Vassar, Holyoke

and somewhere else which escapes me at the moment. Anyway, we went up to

Jodi Avergun: Was it Wesleyan?

Carol Freeman: No, that was a boys' school. Wellesley, Smith, Holyoke, Vassar, Radcliffe, Bryn Mawr. Well, whichever it was, I didn't apply to it.

OK, so we went up to Boston for college tour and at that point my first interview was going to be at Radcliffe. I went up having read the catalog and thought, "This is terrific."

Jodi Avergun: It must have been Smith College.

Carol Freeman: But the tour was not as exciting as I thought it would be so I was rather saddened by that and then we went to Wellesley which I absolutely adored. It was a beautiful campus; it was a good tour; the catalog was obviously interesting. So I applied to Wellesley, Radcliffe, Vassar – where we did go up for a tour – and Smith, where I only had an interview at an office in New York. My grade guide, which counselors were called then, told me not to apply to Wellesley because I'd never get in. Wellesley did not have a good record of taking people from Bronx Science. Well, I applied, I got in, I went and I loved it. I had a very good time at college. It was all women then and it's still all women. That was nice. I made some very good friends there. I had a good time. I didn't do anything particularly outstanding for extracurriculars. I did learn how to play bridge. We played a lot of bridge and I had a not overly distinguished academic record. My grades were good enough that I was named a Wellesley College Scholar for all the time that they designated Wellesley

College Scholars but I wasn't in the highest group of scholars and I was not Phi Beta by any means. But, I had a good time and I learned a lot. I did start off pre-med. I took a lot of science courses – chemistry and biology - which I did enjoy. Then in the summer of 1955 I read a book about the history of the Jews and the period of the Middle Ages and pre-Middle Ages, Middle Ages and just after the Middle Ages, which I found very interesting. So the next year, sophomore year, I started taking history courses and I ended up being a history major. I continued to take science courses but at one point I ended up with Atomic Physics which I passed; I did all right. But I really didn't grasp exactly what was going on in the course. That was when I changed from, that was partly how I changed from being pre-med to pre-law. In the summer of 1957 when I was debating what to do after college, my parents suggested that I go to a program at NYU that would counsel on vocations. I did go there. I remember taking some preference tests, as well as ability tests and I was gearing the answers on the preference questions towards medicine but I scored very high for both law and medicine. My thinking at that point I think in part was that it would be easier to drop out of a profession for a few years while raising children in law rather than medicine. As it turned out, I never really did drop out of one profession, of my legal profession. I kept going continuously but that was part of my thinking. I guess I must have enjoyed the professional ability test part of the law. So, I did apply to law school, I took the law school aptitude exam which at that point was not the kind of very heavy, very serious test that people, I'm going to say

now, but I know that my sons when they were both taking the law school aptitude test, the LSAT, they studied, they took courses; it was a very serious thing. It wasn't really then, I think it was more of an IQ kind of test. It had fact situations and you were supposed to answer questions about the fact situation and it also had those things, which I enjoyed, where they give you a bunch of cubes stacked together and you're supposed to try and figure out how many cubes there are altogether. I thought it was fun. I enjoyed taking the test. I will say that I had a date that day who was also taking it and we were going to the Harvard/Princeton game afterwards and so all I was concerned about was would we make the kickoff of the football game. I supposed that helped. I wasn't stressed taking the exams. I did extremely well on the exam. So, I ended up going to law school.

The only law school I applied to for some reason was Columbia. It was assumed that I would go back to New York. Oh, I had forgotten to say that my father had assumed that I would go to Barnard. Oh, I'm sorry, Barnard is the seventh of the Seven Sisters. I don't know why I forgot Barnard. When I was applying to college he assumed I would go to Barnard. He had gone to Columbia. He had become very active in Columbia alumni affairs. But I wanted to go out of the city. So that was the first real big argument I had with my parents and I won that one and I went out of the city. But, I came back to Columbia Law School.

One of the questions you had was, "Did I work during high school?" and I'm going to add, "during college." I did not work during high school. I

went to summer camp. Then, after I stopped going to summer camp my parents took a house on a lake somewhere, either in New York State or Vermont, and we went away for the summer. There was something else I was going to mention.

Jodi Avergun: You were coming back to – you won the battle not to go to Barnard.

Carol Freeman: I just wanted to mention that was the first big argument I had with my parents. I had a very pleasant childhood. We were comfortable. We weren't overly affluent but we were – the phrase was “comfortable” in those days. I had normal stresses like friends and being bullied, not doing that well in a particular course. But it was generally a very comfortable childhood.

Where are we here? I'm looking at your little list that I have some notes. Oh, the other thing you wanted to know was the proportion of my college classmates that went on to graduate school. I dealt with this a little bit earlier. There were about four or five of us who went directly to law school. One other woman came to Columbia. One of them went to Boston University. I forget where the fourth went. But there was no office that encouraged and assisted students in applying to graduate schools or counseled them as to what they could do. At least as far as I know. There may have been a small group of professors who assisted pre-meds. I don't know because I dropped out of that area. There certainly was no group that was encouraging people to go to law school. And there were not that many women in law school in those days.

Jodi Avergun: Did that create any pressures on you?

Carol Freeman: What?

Jodi Avergun: Did that create any unusual pressure? I think of a lot of people who are reading this, young women, who'll be listening or reading this now, would like to know a little bit what that felt like, being just one of the few women. Was it noticeable? Did people talk about it? Were women ostracized or just accepted? Did people view it as "You're taking a spot of a man" as we've heard in Justice Ginsberg's biography.

Carol Freeman: You mean once I got to law school.

Jodi Avergun: Yes.

Carol Freeman: We certainly did stand out. We started with 15 women out of a class of 300 at Columbia Law School Class of 1961. Two of those 15 women ended up being among the top five students in the class after the first year. The Law School recognized the top five students in the class as James Kent Scholars, and the next group as Harlan Fiske Stone Scholars. Our first year one woman was third in the class and I was fifth, so 2/5 of the Kent Scholars were women. I did do an analysis a few years ago. I think we graduated nine, possibly 10, of the 15 and there were only 230 altogether who graduated. I think, I never calculated the proportion of people who dropped out. I will say that I did participate in a study group with four men, one of whom graduated and became a recognized lawyer in his area, two of whom dropped out and the fourth ended up at a different law school. In the study group we would be discussing issues and I did not understand what they were talking about and it turns out that was because a lot of times they did not know what they were talking about.

The women in the law school generally did better than the men. I was lucky. I lived at home, I had no distractions. I didn't have to cook, I didn't have to clean. I didn't have to have a side job. I remember sitting there for the first several weeks or maybe months sitting on my bed with *Black's Law Dictionary* on one side and the case on the other side and every other word I had to look up to see what it meant. Even though my uncle was a lawyer I had no real understanding of what lawyers did. My uncle did give me a few books, fiction books, right when I was going to law school to see what it would be about. But, I did not grow up in a family with lawyers. But, I found it fascinating. I'm one of those strange people who loved law school. Most people did not like law school. I loved law school. I found it intellectually interesting. I found it challenging. I just liked it. So, it clearly was the right place for me. OK. Were we treated differently? I don't know that we were. I had no experience like Justice Ginsberg where she was asked, I think it was she who was asked, "Why are you here? You are taking the place of a man." I do not remember anything like that and women, by the way, had been at Columbia Law School for decades. At least since 1929-1930 there have been women in the Law School. So there were almost 30 years' worth of women at Columbia Law School, which may be the difference between Columbia and Harvard. Because Harvard, I think, when Justice Ginsberg was there, had only had women for a few years so that may have been part of the difference.

At Columbia there was one professor who taught a course called the Development of Legal Institutions. It was a legal history course which might have been very interesting after we'd had a year or so of law school. But it was a first-semester, first-year course called DLI and I'm going to say nobody knew what was going on. I certainly didn't really understand it. I got an A in the course. On the other hand I got an A in all of my courses the first year. The professor in the DLI course had what he called "Ladies Day" and it was a day he would call on ladies to recite in the course. You never knew when Ladies Day was. He also had a day, Columbus Day, when he would call on the people with Italian names. I suspect he probably picked a day and called on people with Irish names although his course was not being taught in the spring when St. Patrick's Day would have been an obvious day to call on Irish people. So, that was the only overt picking out of women that I remember.

One of the questions you asked was, "What options in the law were available to women who were graduating law school in 1961?" OK, that's easy. Even though you had super, super grades there was absolutely no question of applying for a Supreme Court clerkship. The Justices did not take women as clerks in those days. There were judges on the Circuit Court who would accept women clerks. I was not interested in that because I had been on the Law Review and I thought it would probably be just another year of being on Law Review or theoretical legal issues. I wanted to clerk for a U.S. District Court judge because they conducted trials. I did not know what I wanted to do after law school but I thought

that would be a good way to find out what possibilities there were. The downtown law firms generally did not hire women. They did have a few women in securities, and blue sky law departments. There were women practicing in areas the fancy firms did not do, areas like domestic relations. There was not a huge white collar criminal area at that point. Law has certainly changed greatly since 1961. The big firms, which are the firms that people on Law Review, people with excellent records would be likely to apply to, generally did not take women and I will also say they did not take Jewish people. I applied to several of these firms and I was not given any offers and I never knew whether it was because I was a woman or because I was Jewish.

Jodi Avergun: Mmmmmmm.

Carol Freeman: I didn't really want to work for a firm. I wanted to be a District Court law clerk. I had worked for a firm between second and third years of law school. It was interesting. It was one of the "Jewish" firms. I had an OK time but it wasn't very exciting. I did not receive an offer from them. I didn't expect one and I didn't really care about that because that isn't what I wanted to do. We glossed over the time I did – at that point Law Review was chosen by grades exclusively. There was no writing contest for a place on the Law Review. I ended up being fifth in the class and I was obviously accepted to the Law Review. I spent most of the next two years of law school mainly working on the Law Review.

Jodi Avergun: So let me stop you there Carol for a minute, because I don't mean by the questions I sent you in advance to gloss over anything. So is there

anything that you recall about your time on Law Review and I also want to get to the job application process. But, anything that you recall or want to reflect about on your time on Law Review? Do you remember what you wrote on, anything like that, anything notable or noteworthy?

Carol Freeman: No. I think that was where I got to know about or – the people who were working on Law Review with me were the people I knew best in law school. There was one other woman, no two other women, and one of them actually had gone to Wellesley. Footnote: Many of the senior women, and when I say senior I mean women who came before me, turned out to have gone to Wellesley. So even though Wellesley didn't encourage people to go to law school there was something in the air there that ended up producing prominent women lawyers. Not Justice Ginsberg, she was from Cornell but still. So there were three of us out of maybe, I don't know, 30 people on the Law Review. Some were married, some were not married. I don't know, we just all worked on the Law Review. That's what we did.

Jodi Avergun: That's OK. Did you publish an article? Did students do that at that time?

Carol Freeman: I wrote a case note published in volume 59 of the *Columbia Law Review*, page 1084. On a conflict-of-laws issue. They kept suggesting articles that I might develop, but I never found, they never suggested one that ended up being a worthwhile article, so I never did write anything that was published other than this case note. I did cite checking and reviewing of article submissions by professors and by practicing lawyers. Of course,

by the third year, I was reviewing things that had been written by juniors.
That was what we did.

Jodi Avergun: Just to go back to the summer associate position. What firm was that that you worked at?

Carol Freeman: Proskauer Rose.

Jodi Avergun: Were there other women there?

Carol Freeman: I have only a vague recollection of that period. The summer associate programs were not as structured and as intense or intensive as they have been now. When I say “now,” I’ve got these two sons who are lawyers who graduated from law school in ’96 and ’99 so my knowledge of the summer associate program when I talk about “now” I mean back when Alan and Pete were summer associates. The summer associate programs were involved with trying to encourage these young lawyers to come work for the firm and they had all sorts of baseball outings, dinners and lunches. I don’t think we had any of that. It was very unstructured. I probably wrote memoranda. I don’t recall ever going to court with anybody. I don’t really remember subject matters. Later on I would recognize the names of some of the people with the firm but I don’t have any real recollection of that summer. So, that’s that.

Jodi Avergun: OK.

Carol Freeman: On the question of what to do after law school, I did make a note here that at that point there were very few women teaching law – my only recollection is of one, Soia Mentschikoff, who taught at, I think, the University of Chicago but teaching law was not something that women

were likely to do in those days, back in the '60s. A footnote to that: there appears now on the Historical Society website an article I wrote a few years ago that I just polished up about the first 13 women AUSAs in the District of Columbia. There is a group of present and former women AUSAs from D.C. who, off and on, over the last some number of years have gotten together twice a year for dinner. I think in the last five years or so it has been a little bit more structured than it was before that. But about five or six years ago this group decided to do a study of the first women in the D.C. U.S. Attorney's Office. I, at that point, was retired so I undertook it and Sylvia Bacon, who was one of them, and I got together and I did some research. Sylvia had some recollections. I wrote up this article which is now on the Historical Society website.

Jodi Avergun: OK, I am going to have to read that and ask you questions about it at our next meeting I think.

Carol Freeman: Between 1925 and 1970, there were only 13 women AUSAs in the District of Columbia. Thirteen.

Jodi Avergun: Wow.

Carol Freeman: I'm trying to pull up my article so I can – OK, yeah. Sorry, 1921. The first woman AUSA was appointed in 1921. Between then and the end of 1969 there were only 13 altogether. I was the eleventh and I was there from '64 to the end of '68. I'm doing a lot of talking, so –

Jodi Avergun: Yes. We could take a break and call back in. Would you like a five-minute break?

Carol Freeman: No, I have a glass of water here, that's perfect.

Jodi Avergun: Oh, OK.

Carol Freeman: So, that gives you an idea. In the 1970s, there was a large influx of women going to law school, and therefore there was large influx of woman AUSAs, and women in the legal profession, generally, but until 1970, it was pretty skimpy.

Jodi Avergun: Yeah.

Carol Freeman: Anyway, so read the article it's sort of interesting.

Jodi Avergun: I'm going to.

Carol Freeman: It was fun to write.

Jodi Avergun: I'm going to.

Carol Freeman: So where are we now? What do I do? Are we through with law school or do you have any other questions?

Jodi Avergun: What was graduation like?

Carol Freeman: What?

Jodi Avergun: What was graduation like? So, there were you know, fewer of you were, or was it just a normal graduation ceremony?

Carol Freeman: Yeah.

Jodi Avergun: OK. So were there –

Carol Freeman: It was a big Columbia graduation.

Jodi Avergun: Yup, got it, I guess with the rest of the university.

Carol Freeman: In between the Low Library and Butler Library, and people were lined up from, on the lawn, there was the college and the nursing and Barnard and the law school.

Carol Freeman: Yup. Nothing special.

Jodi Avergun: OK, so you knew there were certain jobs that were not going to be open to you, and that you wanted to work in the District Court. So, let's sort of start with, you're now graduated, and when do you get your first job?

Carol Freeman: I applied to several judges of the U.S. District Courts of the Southern District and the Eastern District, and I was matched up with, and I guess I had an interview with, Judge Charles Metzner of the Southern District of New York, who had been a judge there for about two years by that time. I was his third law clerk. He turned out to be a Columbia College graduate. He was not really a friend of my father's, but I guess my father knew him, because my father was very active in Columbia College alumni affairs. After I had accepted the position with Judge Metzner, I got a phone call at home from Judge Zavatt, who was the Chief Judge of the Eastern District, and he wanted me to come and be his law clerk, and he tried to persuade me to do that. Which was very, I felt very good about that, but I said I already committed to Judge Metzner, so I ended up in the Southern District of New York. One of the two other woman on the *Law Review* worked, I think, for Judge Palmieri on the Southern District. There were some of our classmates who clerked on the Circuit Court, but let's see. I was Judge Metzner's third law clerk. His first two law clerks were called Mike, their names were Mike, so for the first few weeks, the judge would call, "Mike!" meaning me. He was a very, very nice man. I had a wonderful time. I clerked for him for two years. I remember that most of the other judges had their law clerks write memoranda and then the judge would turn it into an opinion. The Judge had me write an opinion and then he would revise it, of course,

but I got into the writing format of writing an opinion rather than writing a memorandum. The other thing that he felt very strongly about was, he dealt with sentencings on his own. He did not consult me or anybody else, as far as I know, on sentencing. This was something that was entrusted to him personally and it was something he did on his own.

Jodi Avergun: Do you know why that was?

Carol Freeman: Because it was his responsibility. I mean, he obviously read the materials that the litigants had provided, but he didn't want any input from anybody else who might have a different, have an opinion. It was his responsibility and he thought he should undertake it himself.

Jodi Avergun: OK.

Carol Freeman: We had some very interesting cases. Well, I will mention three of them. I will mention also, first, a summary of my two years there or even the first year. When I started, the Judge was in what was called Motions Court and so he would be hearing motions for summary judgment, motions for this, motions for that. That was interesting and I have one case I'm going to talk about. But then we had a civil trial and I thought, "This is it." I think this is what I wanted to do. But then we had a criminal trial and that was where I focused on, because liberty was involved rather than just money. And so that was a precursor or stimulus for me becoming a criminal lawyer. Because it involved liberty, it was much more serious, much more – now I can't find the word – impactful. That's not a word.

Jodi Avergun: It is. I think it is.

Carol Freeman: Much more consequential case. Now I know money is important and I know a lot of civil trials ended up, civil trials do end up with helping people who have suffered great injury, but criminal cases to me was where I wanted to go. So that was probably the most important thing in my years there. However, getting back to Motions Court, one of the cases that the Judge had in the first Motions Court was a motion for summary judgment by a litigant called The Community of Roquefort. The Community of Roquefort, France, had a service mark that said that the word “Roquefort” could only be applied to sheep’s milk blue mold cheese made in the caves of Roquefort, France. Well, there was a company in Israel that made Garden of Eden Heavenly Cheese, but it was made in Israel and they were calling their cheese Roquefort cheese. It was a sheep’s milk blue mold cheese but it was made in Israel rather than in Roquefort, France. And the community of Roquefort brought suit against Garden of Eden Heavenly Cheese Company for infringement of its service mark. And I guess we must have been working late a lot, because the Judge and I would go out to dinner and we would order what the menu would call Roquefort dressing and we would ask, is it really Roquefort cheese or is it another blue mold cheese?

Jodi Avergun: [Laughter]

Carol Freeman: And I will say as a footnote that the moving papers, which included wrappings from the various cheeses, was getting a little smelly by this point.

Jodi Avergun: [Laughter]

Carol Freeman: But our informal survey confirmed that there was, in fact, confusion, and based on the moving papers we ruled for the Community of Roquefort. And

that decision was affirmed on appeal. So that was one of the memorable cases that I had with the Judge. Another case was when TransWorldAirlines (TWA) sued Howard Hughes and Hughes Tool Company for various machinations that had allegedly been detrimental to TWA. Now, Howard Hughes and maybe Hughes Tool Company owned a large chunk of the stock of TWA. And I have not gone back and studied all the details of it, but there was a point at which TWA had noticed the deposition of Howard Hughes to assist its case. Howard Hughes was a very notoriously reclusive person and nobody, including his lawyers, really knew where he was. But the subpoena for his deposition had been served properly and his lawyer, the Tool Company's lawyer, said he's basically not going to appear. So the Judge held a hearing at 4:00 in the afternoon to determine whether, in fact, Howard Hughes was going to appear the next day for his deposition. And the clerk called out three times for Howard Hughes and there was no answer. And the Judge, ultimately, the question was, is Howard Hughes present? And nobody answered, so the Judge entered a default judgment for TWA, which ultimately, twelve years later, I think, was reversed by the Supreme Court. And I forget why it was reversed because I wasn't working for the Judge anymore then. But that was a very dramatic moment.

Jodi Avergun: Yes.

Carol Freeman: And the third significant case that I had with the Judge was a five-month criminal trial, where the three people were alleged to have used the assets of a small Oklahoma bank to buy the bank. And that involved a man named Freeling, who was the president of the bank, a guy named Houlihan, who

was the head of the Grand Bahama Bank and Trust Company, which basically had no assets, and another guy named Legere. And even though I skimmed the case last night, I forget what Legere's role was, but he was tied up with Houlihan. And basically the major stockholders in the Oklahoma bank wanted to sell their stock and Houlihan, with his Grand Bahama Bank and Trust Company, which had no assets, wanted to buy the stock. It involved Freeling sending bonds that had been lodged for safekeeping with his bank to Hanover Bank in New York in the account of the Grand Bahama Bank and Trust Company. Houlihan for the Grand Bahama bank sold the bonds and the proceeds of the sale were used to buy the stock from the owners of the Oklahoma bank that wanted to sell. It was a very elaborate scheme. And it was a five-month criminal trial. Freeling ultimately was acquitted. Houlihan and Legere were convicted and this is the case, this is how, I'll tell you, I learned to be an assistant U.S. attorney, because the Judge was kind enough to let me sit in all the time during the trial. Well, at times that I needed to be there, so I would know what issues arose that I needed to research to give him advice on, an evidentiary issue or some other issue that might arise during the trial. But I learned how to say, "Showing you Government Exhibit 1 for identification. Have you ever seen this before?"

Jodi Avergun: [Laughter]

Carol Freeman: You know the scheme. You were an AUSA.

Jodi Avergun: Yep.

Carol Freeman: So this is how I learned to be an AUSA.

Jodi Avergun: That's probably the best training you could get.

Carol Freeman: It was a lot of fun. I won't say it was the best job that I ever had. That was probably being an AUSA. But I had three excellent jobs during my career: one was the clerkship, two was an AUSA and three was being Deputy Public Defender in Montgomery County, Maryland. Because being a defense lawyer is more challenging than being an AUSA.

Jodi Avergun: Yes, you certainly, the government has a lot of advantages. That is true.

Carol Freeman: So that's where we are.

Jodi Avergun: So you spent two years clerking in the Southern District, right?

Carol Freeman: What?

Jodi Avergun: You spent two years clerking in the Southern District.

Carol Freeman: Two years. And I knew at the end, I knew halfway through, that I wanted to be an AUSA. And the assumption was that I would apply to the Southern District. And actually at that point I knew that it would be for the Civil Division because the Chief of Criminal, who was Silvio Mollo. And I forget what, Vincent Broderick must have been Deputy U.S. Attorney. The U.S. Attorney was Robert Morgenthau, who in later years developed a reputation as being a great promoter for women. But back in 1963, he was not a great promoter of women. It took him a long time to offer me a position, which Judge Metzner was annoyed at, because most law clerks got accepted pretty quickly. He did ultimately offer me a position in the Civil Division. But by that time, I had decided to move to Washington. I applied to several branches of the Justice Department and to the U.S. Attorney's Office in Washington. I don't remember what the U.S. Attorney's Office replied, but

it was probably something like, we don't have any openings at the moment, but we'll keep your r sum  on file. That's relevant to what happened later.

Jodi Avergun: Yes.

Carol Freeman: I went down to Washington for interviews. I interviewed with the Criminal Division and I interviewed with what was then called the Internal Security Division, which at that point was probably devoted mainly towards Communists rather than some other kind of terrorists. And I was offered a position in the Criminal Division, which I accepted. So in the summer of '63, or the fall, I moved down to Washington.

Jodi Avergun: OK. So I think this is a perfect place to stop. You've been talking straight for an hour and a half. Might remind you of your trial days and jury openings and closings. So let me, I want to stop the recording here, Carol, but it will hang up the Zoom while it saves. So can you just email me a phone number that I can call you back at while this is saving and I'll phone you in a moment.

Carol Freeman: Sure. OK.

Jodi Avergun: Let me just exit out of the Zoom and you can send me a regular email. Go ahead.

Carol Freeman: Are you going to want me to keep my phone active on the Zoom or should I hang that up?

Jodi Avergun: No. I'm going to end the meeting for everybody.

Carol Freeman: OK.

Jodi Avergun: And I don't want to record your phone number here for everybody in the rest of the world to see and hear forever and ever. So we'll hang up.

Carol Freeman: I'm going to send you an email right now.

Jodi Avergun: Perfect. Perfect. And I will hang up and I'll talk to you shortly. So that's the end of recording session 1 at 2:30, Eastern time, on February 5. Thank you, Carol.