ABA Commission on Women in the Profession
Women Trailblazers in the Law

ORAL HISTORY

of

ZONA HOSTETLER

Interviewer: Joan Goldfrank

Dates of Interviews:

October 18, 2006
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January 24, 2007
This is the fourth interview of the oral history of Zona Hostetler which is being taken on behalf of Women Trailblazers in the Law, a Project of the American Bar Association Commission on Women in the Profession. It is being conducted by Joan L. Goldfrank on January 24, 2007.

Ms. Goldfrank: We are at 3011 Albemarle Street, N.W., at Zona Hostetler’s home conducting the fourth interview. Let’s discuss your work for the National Equal Justice Library.

Ms. Hostetler: The Library is the brain child of Earl Johnson who succeeded Clint Bamberger as head of the federal Legal Services program and has written many books about the Legal Services program. He is now a Justice on a California state appellate court. He has been the guiding spirit of an effort to preserve the history of the Legal Services movement, and Georgetown Law School has agreed to house the Equal Justice Library in its general law library - and to scan into its computer system the papers and recorded histories of lawyers who have been active in Legal Services. I am co-chair of the collections committee and helping to pull together those papers. There are already quite a number at the library. Because the grant for completing this work is only for two years, we are under some pressure to do this quickly. Also a lot of the people important to the development of the federal legal services program are getting very old, and in fact we have already lost a few of them. We also want to have videotaped oral histories of these people as well as collect their papers. I did the oral history of Gary Bellows whom I spoke about earlier and who is a great hero of mine. On his oral history, he talks about his role in creating the Legal Services program with Edgar and Jean Cahn. He also talks
about going to California to help set up the California Rural Legal Assistance Program and representing Cesar Chavez. It was that program’s representation of migrant workers that incurred the wrath of Ronald Reagan who at that time was Governor of California. Then when he became President, Reagan and his conservative Congressional colleagues tried to eliminate the federal legal services program by defunding it. They were unsuccessful because the program was very popular in most states. The library also has the oral history of Sargent Shriver who was President Kennedy’s brother-in-law and was appointed by Lyndon Johnson to head the Office of Economic Opportunity, the federal anti-poverty program of which the OEO Legal Services Program was a part. (Subsequently the OEO Legal Services Program became the congressionally chartered Legal Services Corporation.) Hillary Clinton, who later became New York Senator after her husband Bill Clinton’s tenure as President, was the first president of the Legal Services Corporation Board. We have an interview of her on video. So the Library is capturing this history and it is interesting and also kind of fun. When you are an old lawyer you get to do library work (laugh). You remember I said that when I first graduated from Harvard Law School, the State Department offered to hire me but only to help organize their library, and I wasn’t very impressed with that offer. But now at age 71, I am ready to do library work and actually enjoying it. (Laugh.)

Ms. Goldfrank: Where is the grant from?

Ms. Hostetler: The money comes from several foundations and individual contributions. It is all private funds. I am not in charge of raising the money.
Ms. Goldfrank: I had asked you last time whether in your practice you had confronted any ethics issues and you said you remembered one.

Ms. Hostetler: In large part it is true that I didn’t have ethical dilemmas. In large part I chose not to represent clients whose views or goals I didn’t agree with. I don’t mean to be sanctimonious about it but I was lucky I was able to do that because I had a husband who worked hard and earned a decent income for the family and I was free to earn not very much money and to do what I felt was right. So I never had to represent tobacco companies or polluters or anyone whose policies were anathema to me. But I did have one ethical dilemma. I represented a woman in her late 70s. Her daughter and only child who was an artist had died while living in the Midwest. My client wanted to mount an exhibit of her daughter’s artwork but first she had to get custody of the artwork which was out of state. So there was a fair amount to do to go through the out of state court system and close the estate there and get the artwork here. But that was all pretty straightforward work. Needless to say, however, my client was quite distraught by her daughter’s death and the stress of closing the estate. She also became somewhat ill herself. One day she telephoned me and said she wanted to come talk with me about changing her will. She appeared with this 40-year old man – a very slick, used-car salesman type, and she said, “I want you to meet my fiancée and I want to change my will and leave everything to him.” Well, it seemed clear to me from the outset that he was overly eager to get her apartment, her car, and whatever few goods and bank accounts she had. So, I temporized and said I would get back to them. I called a few of her friends and I learned that my client had an older brother who was in his
80s and in a nursing home on the west coast. So I asked my client to come back by herself without her fiancée to find out whether she wanted to leave anything to her brother. Well, no, she said, she was estranged from him, she hadn’t communicated with him in many years and she had no interest in leaving him anything. Her two women friends who were very concerned about this new found fiancée conceded that the fiancée was actually giving her a good time. He was taking her to the Kennedy Center, to the opera, to art exhibits, and out to dinner, and she was having a wonderful time. The Code of Ethics says that a lawyer’s ethical obligation is to do what the client wants. The client makes the calls. There is wiggle room when the client is non compos mentis but my client was not mentally impaired. It just seemed to me that she was being taken advantage of. On the other hand, she was having a good time. I finally decided that she was making a bargain: that she would have fun during her last days; and he would get her money. I did struggle with whether I should refuse to draft the will, but after I had a heart to heart talk with her, and she was adamant that that was what she wanted, I drafted the will according to her directions.

Ms. Goldfrank: Did you talk with any colleagues about your struggle?

Ms. Hostetler: I think I did but I am not sure they were ethics experts. It was interesting because the opinions were divided: “You can’t let this fellow do this to her,” said some, and “Hey, if she wants to have a good time with this fellow, and she is paying him for it, who are you to substitute your judgment, etc.” said others.

Ms. Goldfrank: Did you ever question what you did or did you feel comfortable with it?
Ms. Hostetler: I am not entirely comfortable because when she did get ill a couple of years later and was in a nursing home, this so-called fiancée didn’t even bother to visit her, much less help take care of her, which I later found out about. He was clearly interested only in getting his hands on her property. From a legal ethics standpoint I believe I did the right thing. I think that a lawyer does have to abide by the client’s wishes. But from a personal point of view, I thought it was rather sad that in her last days she had to, in effect, buy friendship, which then turned out to be false friendship.

Ms. Goldfrank: How about your work with the American Bar Association (ABA)?

Ms. Hostetler: I got involved in ABA work in 1978. There were very few women members of the bar nationwide, fewer in the ABA, and even fewer in positions of leadership, either in the ABA or in state bars. This was becoming an issue in the late 60s and early 70s as the women’s movement was getting underway. Our own Brooksley Born, here in Washington, D.C., a partner at Arnold and Porter, was pushing the leadership issue in the ABA. She had become very active. So had Marna Tucker, another member of the D.C. Bar who later would become President of the District of Columbia Bar. There is a famous story of Marna Tucker standing up in the House of Delegates (the legislative body of the ABA) to speak in support of a resolution that the ABA should not discriminate against women and that all ABA committees should be encouraged to include women. There was some opposition to this resolution on the ground, that it wasn’t necessary, that there wasn’t any discrimination within the ABA, and that women could already be in positions of leadership if they wanted to be. Marna looked out over the sea of faces – 500 or
1000 representatives of all the state bars – and 99 percent of them were white men. Marna, in a very lady-like voice, sweetly said, “Just look around you. You don’t see too many like me do you (laugh).” The resolution was adopted and following that meeting and Marna’s speech there was a big push to put at least one woman on every committee (laugh). I received a letter (in 1978 I believe) from the incoming ABA President, Leonard Janofsky, appointing me to the Association’s Standing Committee on Legal Ethics, which was one of its principal and most prestigious committees. I think I was asked because I was working at the D.C. Bar in its public interest office setting up pro bono programs, and there were not many women involved in bar work at that time. I suspect that Marna or Brooksley, or both of them, nominated me. I wasn’t even a member of the ABA at the time. So, I joined the ABA and the Ethics Committee. The Committee was all male, or nearly so. Betty Fletcher had been on the committee but was about to go off since her term had ended. She later became a judge on the U.S. Ninth Circuit Court of Appeals. Derrick Bell, a professor at Harvard Law School and an African American, also became a member of the Committee the next year. While, there were some issues that came up for discussion where a woman’s point of view would be somewhat different from those of the men, for the most part the division on the committee would be more between a traditionalist, often conservative, way of looking at issues and a more modern outlook. Legal advertising was a big issue then, for example. I can remember arguing that I thought an ethics ban on lawyer advertising was probably unconstitutional, with the Committee majority insisting that it was not. But then, while I was on the
Ethics Committee, the famous Supreme Court decision in Bates, came down ruling such bans unconstitutional so that, of course, settled the issue. What I remember most about my committee tenure is that Derrick Bell proposed, and I seconded, an amendment to the Code of Judicial Conduct that would forbid judges to be members of private clubs that invidiously discriminate against minorities or women. This was becoming a big issue among women professionals particularly as it related to private clubs that were professional clubs, that is, clubs that weren’t religious clubs or sports clubs but purported to be clubs for leaders or professionals in the community. Women professionals saw their inability to be members as holding them back from developing networks and business opportunities that would advance their careers. In addition, it was demeaning to say that the mayor of a city, for example, could not belong to the downtown professional club because she was a woman. I remember (laugh) when I first came to Washington, Harvard law School Dean (and later U.S. Solicitor General) Erwin Griswold, invited me to the Cosmos Club in Washington, and I had to enter through the back door because women were not supposed to step foot on the hallowed ground of the front lobby. We all ended up in the same place – the dining room (laugh), but we were forbidden to enter by the front door. It reminded me of my days growing up in the South where if you went to the drive-in movie, there would be a white entrance and a black entrance, and the white people in their car went in one way and the black people in their car went in another way, but we all ended up in the same place watching the movie in our cars. Digressing for a moment, I just two months ago became a member of the Cosmos Club
(laugh), joining Judge Pat Wald, Brooksley Born, Judge Judy Rogers and others who, like me, were not allowed to be members of the Club (or even enter the front door) when we first arrived in Washington. (laugh).

Ms. Goldfrank: What did Dean Griswold say when you had to enter through the back door?

Ms. Hostetler: That is a funny story. We had lunch, and when it ended, I said, “Dean, thank you and I’d love to have lunch with you again but not at the Cosmos Club because I really don’t like coming in the back door.” We had lunch many times after that for the next three decades, and we never went back to the Cosmos Club. Then, not long before he died, he called and said, “Zona, I would like to take you to the Metropolitan Club for lunch they admit women.” He said this all in one breath. Now that was some thirty or so years later so he clearly remembered the Cosmos Club incident.

Well, I digressed. Back to the ABA and its legal ethics committee, it was in the late 1970’s and the women’s movement was in high gear as well as the civil rights movement. Most of the men on the committee, other than Derrick Bell, were discomfited with the proposal to amend the Code of Judicial Conduct banning judicial membership in private clubs that excluded women and minorities. They knew that clubs should not discriminate but they didn’t want to make waves, which was a common attitude within the ABA culture at that point in time. It was a fairly conservative organization then and the social mores dictated that one did not go out of one’s way to insult or antagonize other members. The other committee members agreed in principal with the concept of amending the Code of Judicial Conduct, but only Derrick and I pushed the issue.
Derrick was less politic in his rhetoric than I was, accusing the other members of being bigots, and the next year he was no longer on the Committee. Somehow I managed to stay on, probably because I argued with a smile and didn’t inflame my arguments. I was then left alone to do the drafting and the lobbying for the amendment. The long and the short of it is that it took four years to get this amendment, first out of the committee, and then adopted by the ABA House of Delegates. The issue kept being deferred by the Committee. Once, I managed to shame the Committee into reporting it to the House of Delegates but it gave only lukewarm support to its own measure and the House tabled the measure after it was submitted. At one point, the Committee was visited by a delegation of state trial judges. We had been told that the federal judges and the appeal judges would support amending the Code of Judicial Conduct but that the trial judges would not. The delegation of state trial judges, which was dominated by a group from Texas, said, “Oh, please don’t take our clubs away from us. This is where we get to hear what the common man is thinking about and to keep our fingers on the pulse of what is happening in our community.” But, of course, the clubs they belonged to were all white and all male! Still, my fellow members of the Ethics Committee were very loath to take on these judges. So the issue dragged on for another year. Resolutions to amend the Codes of Ethics could only be passed at one of the two national meetings held each year. Finally, in the fourth year, I and other women in the ABA had lined up support within several sections of the ABA – the young lawyers division, the individual rights and litigation sections – as well as affiliated women’s bar associations and also non-bar women’s organizations.
One of the women's movement leaders who was a leader in the national effort to end discrimination against women by private clubs was Lynn Hecht Schafran of the National Organization of Women (NOW) of New York. She had initiated lawsuits against private clubs in New York City, but they were unresolved at that time. She also helped our ABA effort. But we needed to get the support of the governing council of the federal judges to have any hope of persuading the House of Delegates to adopt the amendment. However, the federal judges who were active in the ABA also didn't want to antagonize the state court judges. So we needed to persuade them. I remember well that a large group of women judges and lawyers gathered in someone's hotel room, sitting on the beds and the floor. Judge Gladys Kessler had called all her fellow judges and they all squeezed into this one small bedroom. There were perhaps thirty or forty of us who met in this bedroom to strategize how to get the clubs amendment through the ABA. The press had gotten wind of the proposal and publicized it so it appeared that this time the delegates would not be able to avoid a vote with the press watching them. The governing council of the judicial division consisted of all male judges and it was meeting the following day to discuss its agenda, including the question of whether it should support our amendment to the Code of Judicial Conduct barring judicial membership in private clubs that discriminate. It was decided that Gladys and her fellow women judges would go to the meeting of the Judicial Council the next day even though they were not on the Council. So, the next day, they did go, and upon arriving, sat down in the back of the room and one of them sweetly said, "Oh, we don't want to interrupt your meeting but we are so very interested in the
clubs amendment and we would like to hear your debate." So, with all the women judges in the ABA sitting in front of them, the Judicial Council voted to support the amendment! The House of Delegates was meeting I think the next day. I drafted a one-page leaflet, made a couple thousand copies and slipped them under every door at the hotel where the House of Delegates would be assembling. The honeymoon couple and tourists got one too because I didn’t know which rooms the ABA delegates were staying in. On the day of the House of Delegates meeting, Ann Macrory and I stood outside the door handing out the leaflets. Martha Barnett, who many years later would become President of the ABA but was then on the Council of the Individual Rights Section, agreed to speak on behalf of the resolution, and we had several other bar leaders and judges lined up to speak as well. And so, after four years of unsuccessful efforts, the Clubs amendment was finally adopted by the ABA and the ABA’s Code of Judicial Conduct was amended. This was a significant victory because once the ABA adopted the amendment, the U.S. Senate Judiciary Committee almost immediately began to use it in questioning nominees for judgeships. In fact, several potential nominees for federal judgeships had to resign from clubs of which they were members because the clubs had a “no woman” rule or they didn’t have any minority members. In turn, these resignations from clubs began to influence the clubs to admit both women and minorities.

Ms. Goldfrank: Tell me about your work as Chair of the Individual Rights and Responsibilities Section of the ABA.
Ms. Hostetler: The section I was most interested in at the ABA and that I joined right away was the Individual Rights and Responsibilities Section (IRR). The work of that Section was the work I was most interested in. I wasn’t a member of the Torts Section or Tax Section or any other bread and butter section which most of the ABA members belong to. The litigation section for example has over 100,000 members. By contrast, IRR has maybe 3,000 members. I always urge every ABA member to be a member of the Individual Rights Section because that section is the conscience of the ABA. The Individual Rights Section is the Section that has always, from its founding by Father Robert Drinan and others, spoken up for human rights and women’s rights and against discrimination. But it was several years later that I was elected to the leadership council of IRR. When my Ethics Committee term expired, I was appointed Chair of the Professionalism Committee, and after that, Chair of the Immigration Committee. Eventually, I became more active in the leadership of the Individual Rights Section and was elected to serve on its governing Council. I served on the governing council of that section for about 10 years or more, and in 2001 I was elected Chair of the Section. As luck, or the lack of it, would have it, I became Chair in August 2001. In September the country was attacked by terrorists, and our work for the next year would be driven by the events that happened after those terrible attacks. We were immediately concerned that the Muslim population in this country would be the subject of hate crimes, would be discriminated against, and would be rounded up by the government without cause. The first thing we did was draft and publicize a resolution calling on governments and people not to make the
American Muslim population scapegoats for the attacks. We also saw almost immediately that the federal government under President George Bush was going to overreach in its efforts to defend against terrorist threats. The administration rushed through a so-called Patriot Act within weeks of the attack. Some of the provisions were reforms of security laws that were needed. For example, the existing laws required a warrant for each telephone line, but in the modern world homes often had several lines, as well as cell phones, and faxes, so that the law needed to be tweaked. But it was clear that the administration wanted to go beyond sensible tweaking and wanted to amend the laws so that it could round up people, particularly immigrants, and hold them for long periods without probable cause, without getting warrants, and without taking them before grand juries. The most dismay ing thing at the time to us was that the opposing political party – the Democrats- were so shell shocked by what had happened on 9-11 and what public opinion would do to their own re-election chances, that they went along with the administration willy nilly and would not speak up against the administration’s plans. And the same would prove to be true a few weeks later when the administration proposed to change the military tribunal rules. The Bush Administration suggested that they could detain terrorist suspects, not charge them, and hold them indefinitely, and without counsel. Again, the Democrats in Congress were not standing up to oppose this proposal in large numbers. Only a few Democrats spoke out against the Bush Administration plans. It was in this atmosphere that IRR took the lead within the Bar, speaking out against the Bush Administration’s overreaching efforts to gut Constitutional guarantees of due
process and contravene the Geneva Conventions to which our government was a signatory. Our greatest allies were not the Democrats, but rather the conservative libertarians, such as representatives from the Cato Institute think tank. Much of the press also was either sympathetic to what the Bush Administration wanted to do or was indifferent. Interestingly, the Pentagon lawyers we talked with were in sync with us. The Pentagon lawyers were on our side of the argument that rules affecting terrorist suspects should be in accord with Constitutional due process and the Geneva Conventions that mandated that detentions and trials should be conducted in accordance with the same rules applied to our own soldiers in courts martial. The Pentagon lawyers, and the military brass generally, were concerned that if our government passed laws in violation of the Geneva Conventions, our soldiers would be in jeopardy when they were captured in wars overseas. However, they couldn't go public with these concerns because the Bush Administration's civilian leadership of the Pentagon, headed by Defense Secretary Donald Rumsfeld, was supportive of, and in some cases, the instigator of the Bush Administration policies. So I spent the Christmas holidays of 2001 to January 2002 drafting an emergency resolution for the February 2002 mid-year meeting condemning the administration's proposal and putting the ABA on record as supporting adherence to our traditional notions of Constitutional due process and to the provisions of the Geneva Conventions. After I drafted the resolution, others in the IRR such as Neal Sonnet, helped make it even stronger. The New York City Bar Association was especially helpful. That Bar Association had drafted the Code of Military Conduct decades earlier and had long been a home
for Judge Advocate Generals, so it could and did provide a lot of historical as well as legal arguments for our resolution. In addition, under the rules of the American Bar Association, state and city bar associations had priority in introducing emergency resolutions which meant that our resolution would be guaranteed a vote. We then lobbied the various sections of the bar but it wasn’t a very hard sell this time, in large part because most lawyers, I think, had been trained to revere the rule of law and the right of suspects to have legal counsel, to know the charges against them, and to have an opportunity to refute the charges. Also, with greater numbers of younger lawyers, and especially women and minority lawyers, having joined the ABA in the 1980’s and 1990’s, the ABA had become more modern, and more liberal, than when I first joined it. The Bush Administration sent the Solicitor General, Ted Olson, whose wife had been killed in the plane that crashed into the Pentagon, to argue against our proposal in the House of Delegates debate. Olson argued that passing the IRR resolution would give comfort to the enemy. In spite of the force and public pressure of this argument, the ABA House of Delegates, only five months after 9-11, passed our IRR resolution by an overwhelming vote. So, while the country was very supportive of the Bush Administration’s war proposals in general and didn’t bother to ask about the details or legal niceties of them, the ABA stood tall. The ABA President at the time, Bob Hirshon of Maine, said in his farewell address a few months later that he thought that the proudest moment of his term was that the ABA stood up for the rule of law in passing our IRR resolution when the country was quite hysterical (albeit perhaps understandably so) because of the horrible 9-11 attacks.
Ms. Goldfrank: Did you have an agenda that you thought you would work on prior to 9/11?

Ms. Hostetler: Yes, but I am not sure I can recall now what it was. Whatever was on the agenda had to be subordinated to our efforts to halt the Bush Administration’s anti-terrorist policies. We did manage to work on some other issues: I recall that we offered programs and resolutions supporting stem cell research and immigrant rights issues, for example, and a resolution urging our government to ratify the international Convention Ending Discrimination against Women (CEDAW.) We participated in several *amicus* briefs, most notably one for a case that went to the U.S. Supreme Court arguing for access to courthouses by persons with disabilities. There were a number of things on the agenda that we did manage to get to but what was happening to civil liberties in this country was the overriding concern. This concern got worse after my term as Chair, as the Bush Administration excesses continued: the War in Iraq, the torturing of suspects, etc.

While no longer Chair I remained actively involved in these issues both within and outside of the ABA. I suggested to a group of lawyers called together by the nonprofit organization, Alliance for Justice, led by Nan Aron, that the ABA be asked to pass a resolution against torture and that Nan’s organization ask leading lawyers and law professors to sign a letter against the indefinite detention of terrorist suspects at Guantanamo and publish it in national newspapers. These things were done but they didn’t have much of an impact either on public opinion or on the policies of the Bush Administration which repeatedly demonstrated that it didn’t care what lawyers or their bar associations though of them. Now, as we talk in 2007, it appears that finally the American public believes that we have
gone too far in dismantling civil liberties. But, I’m afraid the Bush
Administration policies will have disastrous repercussions for our country for
many, many years to come.

Ms. Goldfrank: When and how did you meet your husband, Jim?

Ms. Hostetler: Jim was in his third year of Harvard Law School when I was a first year student,
but we did not meet there. We did not meet until we were both in Washington
several years later in 1962. Jim was at that time working for the Department of
Health, Education and Welfare (HEW) in the General Counsel’s Office. In his
spare time, he was a leader of a group of young professionals who went out to
public housing projects in Northeast Washington to tutor and mentor grade school
children and I had signed up for the program. Jim claims that he had met me at
the beach the summer before. I vaguely remember being at a large party with a lot
of people but I don’t remember him specifically at that party. Part of our family
lore is that when Jim called me to go out six months later and mentioned that he
had met me the summer before, I thought he was someone else (laugh), and I
accepted the date. But then I became very impressed with what he was doing with
the children in the northeast part of the city. A few years later he helped to set up
a tutoring program for the D.C. government.

Ms. Goldfrank: How long did you date?

Ms. Hostetler: Not long. I saw a good thing (laugh) and I didn’t let too much time pass. We were
married before the year was out, which was about ten months later.

Ms. Goldfrank: Where were you married?
Ms. Hostetler: We were married in Williamsburg, Virginia in the Wren Chapel where non-denominational services are held. I had gone to William and Mary and loved the Chapel. Also, I was relatively new to Washington and I didn’t have any family here. You could say it was an early “destination” wedding.

Ms. Goldfrank: Was it a small wedding?

Ms. Hostetler: We thought it would be a small wedding. We thought our friends in Washington would not come all the way to Williamsburg—three hours away—for a wedding. So we invited all of our friends in the belief that most would not come. But it turned out that most of our invitees had never been to Williamsburg and they thought that that would be an interesting place to visit. As a result we ended up with a couple of hundred guests, more people than the chapel would hold. (laugh) We had a reception at the Williamsburg Inn with a string quartet dressed in colonial costume. It was a nice wedding.

Ms. Goldfrank: Did you wear a white wedding dress?

Ms. Hostetler: I did.

Ms. Goldfrank: Do you still have it?

Ms. Hostetler: I don’t. At the time, I still didn’t have very much money and I was still paying off debts from law school. So I borrowed the dress from a friend and then had to return it.

Ms. Goldfrank: When were your children born?

Ms. Hostetler: My first son was born a year later and my second son three years after that.
Ms. Goldfrank: You have talked about the importance of balancing your family with your career. How would you describe Jim’s understanding and was he supportive of your career?

Ms. Hostetler: Part of the reason why I was attracted to Jim was that he was not threatened at all by the fact that I was a lawyer and was very supportive of my being a lawyer. This was at a time when that was not universally true of men. There were very few women in law school. (Only seven of us graduated from Harvard Law in 1960 in a class of some five hundred men.) There were professors in law school who didn’t think women should be lawyers. There were classmates who didn’t think that women should be taking up places in law school that they thought would otherwise go to men. Many law firms refused to hire women, and even if they did hire women, there were very few women who were made partners. There were extremely few women on law faculties. Jim was a very good lawyer himself, very self-confident, very comfortable with himself and with all other people. I have never seen Jim uncomfortable with anyone from any walk of life. He was very comfortable with me and my friends who were women lawyers. That made him extremely attractive to me. He was very attractive in a lot of ways. We share the same interests. We are both political junkies and interested in social justice issues. He is an avid reader. He is a much better reader than I am. I don’t know how he does it but he reads probably a book every week, mostly nonfiction, and also reads three newspapers every day as well as several magazines and retains it all. Jim is an only child and right now he is providing a lot of caregiving for his soon to be 98-year old mother. He has been very supportive of every member of the
family. My brother died when he was 35 and left three small children aged one, five and seven, and Jim spent many years being the surrogate dad to those three children. (My sister also died at the age of thirty-seven after a two year bout with cancer and he was very supportive of her in her last years.) He was very attentive to my mother in her late years, and now he is incredibly supportive and attentive to his own mother in her declining years. He is quite a rock.

Ms. Goldfrank: When you married did you plan to have children?

Ms. Hostetler: I did. We both did. I really had a need to have children, to have a family unit, because I had not had what I thought was a very good family unit when I was growing up. So I really wanted a nuclear family with me, the mother, a father and children, that would do things together and would be supportive of each other. That was every bit as important to me as being a lawyer; probably more important than being a lawyer really.

Ms. Goldfrank: Did you take family vacations?

Ms. Hostetler: Yes. We had some very wonderful vacations visiting the National Parks. We first visited the local parks in West Virginia. Jim actually helped set up those parks. He worked for the Kennedy Administration at first for the Department of Health Education and Welfare and then as assistant to the head of the Area Development Administration (ADA), which later became the Economic Development Administration. President Kennedy had won West Virginia in the presidential election, and it was a key state in his victory. So, he wanted to follow through on his promise to West Virginia that he would do something nice for the state. What he did to fulfill that promise was to tell ADA to develop a system of state parks in
West Virginia. They were very successful, and we went to them a lot. We also went to the Rockies and the Canadian Rockies. We had a lot of very nice trips to parks and camping sites with our children. Eventually, we bought a cabin in Vermont on a little lake, where we have spent a part of each summer for the last thirty-five years or so.

Ms. Goldfrank: Is Jim in private practice now?

Ms. Hostetler: He has recently retired from his law firm but he still practices part time on behalf of some of his long standing clients. After we were married, and had a child, he left the government and joined a small firm, Gadsby and Hannah, a Boston firm. Later, he went to work for Oscar Chapman’s firm, Chapman, Duff and Paul, another small firm. Oscar Chapman was Secretary of the Interior in the Roosevelt Administration and was the person who, at the behest of Eleanor Roosevelt, arranged for Marian Anderson, the African American opera star, to sing on the steps of the Lincoln Memorial when the Daughters of the American Revolution would not let her sing in their recital hall. After the demise of the Chapman Duff and Paul successor firm, he then joined a Chicago firm, Kirkland and Ellis, in the Washington office. He was in his early fifties at that point and he stayed there until he retired. He represented mostly small trade associations of scientists and laboratories. He also continued to do some economic development kind of work, and represented the New England Congressional Caucus. He also did the legal work in establishing the Women’s Caucus on Capitol Hill and its spin-off, the Congressional Women’s Research and Education Institute, which he represented for many years. His clients adore him, and several of the associations he has
represented have presented him with their annual awards that usually go to leaders in their professions, not to their lawyer. His clients have mostly been very interesting and were doing worthwhile work. For the most part, we have both been blessed in our practices.

Ms. Goldfrank: You two never worked together professionally?

Ms. Hostetler: No. I am not sure that would have worked. (laugh) That might have been a little too much togetherness.

Ms. Goldfrank: Would he ask your advice on issues?

Ms. Hostetler: Sure. We always talked with each other about whatever we were working on. When my boys were living at home we would include them in the discussions. I remember when I had a Supreme Court argument, I had a moot court before my family. My two young sons asked very intelligent questions (laugh).

Ms. Goldfrank: And your youngest son, Eric, is a lawyer?

Ms. Hostetler: Yes. He is a lawyer in the Justice Department, in the Environmental Section. After graduating from Stanford Law School, he clerked, worked for a law firm for a couple of years and then went to the Justice Department. He has always been very interested in environmental law.

Ms. Goldfrank: Were you happy when he went to law school?

Ms. Hostetler: Yes, but I did counsel him to consider other professions because the profession was changing when he went to law school. I wrote about these changes when I was Chair of the ABA’s Professionalism Committee. I lamented the ever increasing tendency of law firms to over-emphasize the bottom line, the tyranny of the billable hour, the lack of mentoring and increased weeding out of associates
(and partners as well) if they were not bringing in an obscene amount of money.
So I was not entirely sure that Eric should go to law school but he wanted to go, and, in fact, he is the best lawyer in the family.

Ms. Goldfrank: That is an objective mom (laugh).
Ms. Hostetler: Yes. An objective mom.
Ms. Goldfrank: Does he ever seek your advice about his work or his career?
Ms. Hostetler: I am very happy that we have a close relationship and do talk generally about his work and his career. We don’t talk about his cases though, in large part because I’m not at all knowledgeable about his area of the law. He handles very complex cases in the environmental field involving complex scientific facts. When I read his briefs, I don’t understand the words in them, let alone the overall meaning.

Ms. Goldfrank: When your boys were young what were the dinner conversations about?
Ms. Hostetler: Oh, a lot of the conversation was about politics, general issues of the day, and the social changes of the times. And, of course, we talked about what each of us was involved in at the time. We tried to have dinner as a family most nights and there were always family discussions about lots of things.

Ms. Goldfrank: Did you have help to care for the boys even though you were working part time?
Ms. Hostetler: When they were very young, I think I had someone help three days a week and when they were older that changed to one day a week. It is interesting how times changed during my lifetime. My sons grew up not being sexist. Everyone pitched in and did house work. Jim to this day does the laundry. Our older son, Randy, who died at the age of 32, was a pianist and composer, and while he was an undergraduate at Yale he was in line to be in the Whiffenpoofs. He had been the
leader of the first co-ed singing group at Yale and had composed several
arrangements that are still being sung by it. But Randy decided that he didn’t
want to be in the Whiffenpoofs because it didn’t have women and it had what
seemed to him at that time to be a tradition of going around to gatherings of men
alumni who were part of the old boy network that didn’t want to admit women to
Yale. So, he believed, as a matter of principle, he should not join the
Whiffenpoofs, and I understand his decision was a topic of considerable
discussion on campus.

Ms. Goldfrank: Did he talk with you about that?

Ms. Hostetler: He told me (laugh) what his decision was.

End of Fourth Session.
List of cases, statutes and other authorities cited in the oral history of Zona Hostetler:


Reiss v. Richardson, 455 F.2d 1287 (D.C. Cir. 1971).


Lawyers’ Statement on Bush Administration’s Torture Memos.