

ABA Senior Lawyers Division  
Women Trailblazers in the Law

**ORAL HISTORY**

of

**SHIRLEY M. HUFSTEDLER**

Interviewer: Lee Edmon

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ORAL HISTORY OF SHIRLEY MOUNT HUFSTEDLER

FIRST INTERVIEW

November 22, 2005

This is the first interview of the oral history of Shirley Mount Hufstedler which is being taken on behalf of Women Trailblazers in Law, a Project of the American Bar Association Commission on Women in the Profession. It is being conducted by Lee Edmon on November 22, 2005.

Ms. Edmon: All right, I think we've got this started. It is November 22, 2005, at five o'clock in the evening, and I'm here with the Honorable Shirley Hufstedler in her office at Morrison & Foerster. So, I'm going to put this over here so that it's easier to hear you.

Ms. Hufstedler: OK.

Ms. Edmon: We're going to start back at the beginning, so why don't you tell me about your place of birth, date of birth, and then what you remember about your family.

Ms. Hufstedler: I was born on August 24, 1925, in Denver, Colorado, and I had an older brother three years older than I who was likewise born in Denver. My mother's family emigrated from Germany early in the 19th century, and my grandmother had a very dramatic life, as did my mother. I'll just hand you a little piece that my mother wrote, which tells you about her family, and these people were pioneers in Missouri. My mother had a lot of tragedy happen in her family, and my grandmother had tragedy in hers, because in the woodland areas where they were farming on the Missouri

river, my grandmother's father was killed felling a tree. My great-grandmother was left with three small children, and she had a flood which destroyed their place of living. They barely escaped with their lives.

When my grandmother was about 7 years old, she had a case of conjunctivitis, and there was no real medical care available. An itinerant man who came around pretending that he had some medical experience, put blue vitriol in her eyes and burned the lenses. All of her life she was legally blind, like looking through tissue paper. Now, of course, today you'd do implants, but then you couldn't do anything. So, due to a variety of vicissitudes, my great-grandmother, along with her three children including my grandmother, eventually emigrated to Colorado, where my father was born.

My mother was born in Missouri, but she had barely been able to attend school -- there was very little education available -- so when she entered the Denver schools, she made up all of the elementary school years in a year, and thereafter she graduated as valedictorian of her high school class and was offered a scholarship to the University of Colorado, very rare in those days. But since her father had left her mother in the meantime, she had to go to work to support herself and her mother, so she did. However, she did take enough extension courses that she eventually got a university degree and became a schoolteacher in the Denver schools.

However, my mother had a very bad time during the First World War because her name was German. Her name was Eva von Behren. At that

time, even composers of music whose names were Germanic had been ripped out of schoolbooks. It was not a very pleasant time to be a teacher. Then, she had the bad taste to marry my father, who had been a naval officer during the First World War, and they considered it unsuitable for women who were married to continue teaching, and absolutely verboten that a woman who was married and had a child or was pregnant should go on teaching. You shouldn't expose any of the children who were students to a female who was pregnant, which seems to me an outstandingly sappy point of view, but that's the way it was. So, she was dismissed from teaching because she became pregnant with my brother, Kenneth.

Well, my father worked with a lot of different kinds of employment -- primarily construction. He and his partner, a man by the name of Roger Mead, developed their own construction company specializing in construction of large buildings. They became eventually the largest such construction company in Colorado.<sup>1</sup>

So, then the Great Depression came along. There wasn't enough work in Colorado to support that firm. Therefore, when the Roosevelt administration decided to create government projects for large construction corps, university buildings and, of course, post offices and other such major facilities all over the West, my father's firm bid on those projects, and succeeded in landing enough of them. That, however, meant that my father

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<sup>1</sup> A little footnote: when Justice Byron White was a young man, he worked for my father's construction company in Colorado, and therefore Byron and I have known each other forever, and we're very good friends.

would move with the family in every state and city in which a building was going on until the building was far enough along so that he could confidently leave it to a construction superintendent. For that reason, I never attended school in the same state, let alone in the same city, after I was above the second grade. I was in schools in New Mexico and Montana and California and Wyoming. Every place I went I was wildly ahead of most kids on most things, but in some areas, like arithmetic, I would either be repeating what I already knew, or I would be asked to solve problems I'd never seen before in my life; so, it was challenging, to say the least. And being the new kid in a new town on a new block always made it rather difficult to adjust. Well, one thing that stood out to me, I think, well in all of those traumas was that one learns how to get along with other human beings, and how to smell trouble before it hits you in the face, and I think that's been useful in my life.

But after this strange and wacky kind of, I use the word "education" loosely, I ended up for a time in California schools in the sixth grade, and to my immense surprise, since I had just moved from a town in Montana where it got to 50 degrees below zero, I was astonished when the youngsters in my class all leaped up in great excitement and ran to the window because we were having a little bit of snow fall in Los Angeles. Oh, my God! But in each one of these places, I was fortunate to make some good women friends, girlfriends then, most of whom have now gone on before me, but we maintained those friendships for decades even though

we didn't see each other.

But, I had figured out that, by the time I was 13 years old, I would be able to figure out how to get some kind of a paying job, so I've had some kind of a paying job and went to school, since I was 13 years old. Of course, I did do some babysitting. In those days you got a ripping 50 cents for an evening, not only to take care of the children, but also to do the family dinner dishes and all the rest. Well, that's the way it was, and then later when I moved to Albuquerque, New Mexico from California, I fibbed a little bit, and said I was 14 when I was really 13 because I was in high school. I had finished high school just before I was 16 years old and finished my undergraduate degree at the University of New Mexico when I was 19.

Then, in the meantime, I had made a very dear friend who was really the most wonderful mentor for me. His name was Ernie Pyle, and he was a famous war correspondent. I got acquainted with him initially because my father had gone into a small construction business by that time, that he owned, and he built a house – at that time he built all houses -- and Ernie Pyle bought one of them; so, we became very fast friends, peculiar for the vast difference in our ages, but I think he was the first person who thoroughly believed in me, that I had extraordinary talents, and he always encouraged me. And, when he was home temporarily from the war, I would become his secretary, so we spent a lot of time together, and he had a great deal of influence on what's happened to me because of his

confidence in me. Many, many years later, a woman who knew him as well, said that he had said to her about me “when she grows up I want to marry her!” Ha, ha, ha, ha!!! There was no romantic attachment at all. I loved him dearly, but not romantically at all.

And we spent a lot of time together because Ernie’s wife, Jerry Pyle, had been suffering rather severe mental illness for a long time. She had bipolar disease, and it became much worse when she became addicted to liquor and to uppers of various kinds so that a lot of times when Ernie was back from the war, Jerry was hospitalized. Now, when he was gone, I used to go up quite frequently to prepare dinner for her, because she wasn’t eating and to calm her down I would sit at the piano. I was a piano teacher at the time -- I also taught piano -- and I would play some Chopin or some Beethoven, things that she liked, then I would feed her and put her to bed. But, one of these times when Ernie was gone, she really was completely off the wall, and I awakened in the middle of the night and realized something was wrong. When I was awake, suddenly I realized she had turned the gas on; so, I opened the windows quickly and turned the gas off, and when I came back into the guest bedroom where I was sleeping, here came Jerry with big scissors and was prepared to stab me! [chuckle] I thought that was more than enough for that program. At 16, I had enough wit about me to get the scissors away from her and turn her into bed, and when I got her back into bed, I didn’t linger. I left. So, I never went back to spend the night with her in that good clinic, which was why, of course, that poor

Ernie when he was home on leave for a time lived by himself, which was why we spent our time talking together.

Well, among other developments during that time, a movie was going to be made of one of Ernie's books, and the man who was chosen to play Ernie Pyle was Burgess Meredith; so, I got well acquainted with Burgess Meredith when he came back to Albuquerque to see Ernie. When I graduated from college, I had no reason to want to linger in Albuquerque, New Mexico, so I was going to go west. I had then entertained the idea, and had been toying with it some time, I'd especially like to go to law school; however, the pickings financially were very slim, so, because of my connection with Ernie and my knowing Burgess Meredith, I was hired as a secretary for Paulette Goddard and Burgess Meredith, and I worked at Paramount. I soon decided that, after a year of that, it was time for me to go to law school. My enchantment with the entertainment industry, it turned out, was quite limited.

So, I had a boyfriend when I was an undergraduate. I had dated quite a bit, and he knew I wanted to go to law school, and he wanted to go to law school too, so he persuaded me to apply to Stanford because that's where he was going; so, we both applied to Stanford and we both were admitted with the largest class ever admitted to Stanford Law School. Because that class began at the very end of the Second World War, the class was considerably older, about five years older, than most entering classes in law school.

By the time I had entered law school, I had also, of course, had a lot of different kinds of jobs. I'd done everything from selling from door to door, to doing visits on all kinds of neighborhoods in response to employment by a statistical company to find out who was doing what or who was buying what. Doing all these cold calls let me fully appreciate what the difference between a cold call and a hot call was!

But, I found out that -- something I've always really cherished about it -- people who were lower income and who were minorities who lived in Albuquerque were always more hospitable to me than the middle and so-called upper income people were. Many of them were very kind to me, and needless to say, I'm going to return that kindness to them by never prying into things that I thought would be unhappy to them. But, I learned what I had to learn for the job I was doing. I was also the editor-in-chief of the college newspaper. I pledged to Chi Omega sorority when I was a freshman, and I earned a number of honors when I was an undergraduate. So, I think the experiences were helpful and, of course, I must admit I had a very good time with lots of boyfriends at the big airbase.

Ms. Edmon: I'd like to go back, if you could, and just fill in some of the blanks . . .

Ms. Hufstedler: Oh, sure.

Ms. Edmon: . . . from the very early days. You mentioned your grandmother, who was

Ms. Hufstedler: . . . partially blind.

Ms. Edmon: . . . partially blind. What was her name?

Ms. Hufstedler: Well, I'll give you all of this, but her name was Adeline, we called her Addie.

Ms. Edmon: And was she alive when you were alive?

Ms. Hufstedler: Yes, I knew her very well, because during a significant part of my young childhood, she lived with my mother and father. She was . . . I realize that she was terribly old. She was, of course, an old woman, but the fact that she didn't have eyesight meant that her world was limited to what she heard on the radio. She simply didn't see well enough to read. Although I talked to her, and I was fond of her, but not particularly, because our interests were so vastly different that we didn't have just an enormous amount to say to each other.

I did know she drove my mother up the wall, because she would come to see my mother and have an endless amount of complaints. Well, I can understand why she was complaining, but mother couldn't fix it. It just was a way for her to get her troubles out in the open, so that didn't make my mother very happy, and my father was always working terribly hard, so they didn't have a lot of time for much fun.

I thought maybe... I brought a little thing that might be of some interest to you, because . . . . [review family photograph] Now, this was my father's family. That's my father, my grandmother, my great-grandmother, and my brother when he was a baby. They were really a very strong bunch of individuals.

Ms. Edmon: Now this is your father . . .

Ms. Hufstedler: That's my father as a young man.

Ms. Edmon: And this is . . .

Ms. Hufstedler: . . . my grandmother. That's Sara Mount. I have no other copy of this one, so I'll give this one to you to tell you about my mother's family.

Now, my mother's family were all Germans. My father's family, who immigrated to the United States early in the 19th century, were all either Scottish or English. There had been some distinguished people in that family before the younger men wanted to emigrate to the United States.

My father and his family lived in Denver. My mother and father knew each other when they were in high school. When my father came back from the war, they met at a dance in Denver, and one thing led to another, romance blossomed, and the two of them married. And, it was altogether, I think, a happy marriage, though not a tranquil one.

My father was very bright, but he loved the Navy, and, as was not uncommon even for people who were not in the Navy, my older brother, 3 years my senior, was in sailor suits a lot of the time. Eventually, he joined the Navy during the Second World War. He was a submarine officer, and he thought being a submarine officer was absolutely wonderful. I must say, a love affair with a submarine I could not bear to share. I would get claustrophobic even going to visit him.

Ms. Edmon: Was your father a submarine officer?

Ms. Hufstedler: No, no, he was an ensign in the Navy in World War I, but he was not in

submarines. He was in the regular old-fashioned Navy, but he had a lot of assignments he thought were terrific. He got to live in San Francisco for a while, and other places he thought were really grand. He made a lot of friends that way. But, anyway, my brother's enthusiasm for the Navy never flagged.

At the end of the Second World War, instead of doing what I thought he had loved the most, he was really tremendously suited to be a college professor -- he was an engineer also -- but my dad wanted him to come into the construction business with him, so that's what he did, and he continued the business after my father's death.

I never knew my great-grandmother on my father's side very well because she was hard of hearing, and I was a very young child when she died. But I did love my father's mother. We nicknamed her "Namu" -- you know, small kids always name grandparents something that sounds appropriate to them, and we were very close. It was she who taught me to cook about the time when I was six years old. She taught me how to cook and can and pickle all these things.

Now, it's true that I never did learn how to properly cook a jack rabbit. Her husband was an avid hunter who believed that if you couldn't kill a deer in one shot, you had no business being allowed to hunt at all. My father had some proclivities in the same way, ones I might say I never did share. Anyway, that was male stuff in those days. And of course there was a lot of very wide open space in Colorado at that time, and on holidays we

did spend a good deal of time in the Colorado mountains which I came to love. We also got well-acquainted with many of the old mining towns because my father's father was an engineer who, among other things, wired the first hotel for electricity in the world with Thomas Alva Edison, and he ran the electrical facilities in some of these mining camps during that period of time. He was a character, and he was an inventor. When he was falling in love with one of his inventions, he'd follow anybody at all, including the children or somebody who was just stopping by, even if they went to the bathroom, he'd come by still continuing to tell them all about what he was doing, inventing. He invented a lot of things.

Ms. Edmon:

Now, did you know him as well?

Ms. Hufstedler:

Yes, I did know him. I was still very young, about 5 years old when he died. I called him "Baps," and I got along with him fine. I thought some of his habits were peculiar. He was one of the generation who liked and did dip snuff, which I thought was very peculiar, but dipping snuff among people of his age and circumstances was not at all rare in those days. Of course, he thought cigarettes were an abomination. No real male would ever touch a cigarette, a good cigar maybe, but never a cigarette.

So, anyway, the peculiarities of the family were visited upon me in various ways as they are with most families, and I admit that some of my peculiarities were visited back on them -- that's only fair, you know? So, I learned a lot from all of them, and each one I learned from differently. I also had a great aunt -- Aunt Clara, my grandmother's sister, who lived

with my father and my grandparents for many years. She had been trained to be an opera singer, among other things, but unfortunately she lost her hearing, and that ended that. She had a younger brother who did have a perfectly beautiful voice, but he died very young. She didn't have that good a voice, but she had a passable voice. It wasn't too bad, but the loss of her hearing meant that she lost the musical career. She lost whatever hope she ever had for having a family of her own. She remained a maiden lady for the rest of her life, but I always got along with Aunt Clara just fine. My grandmother, Sara, was one of 13 children. Of course, as you well know, in the 19th century there wasn't much any woman could do about whether she had that many children or not. I knew only two of the sisters besides my grandmother and Aunt Clara, but I really only met them – I can't claim that I knew them at all. When my grandfather and grandmother came to the States, some of them moved to upstate Illinois where they had a farm. That's where the 13 children were born, and the last one was the sole male – as I said, he did not live very long, but my grandmother developed no enthusiasm for taking care of children, because she had been taking care of babies and children since she was little more than a child herself, because she was the second eldest, and so, with her mother perpetually bearing and her caring for all these infants, her enthusiasm for a lot of children was minute. And the results of all that, besides the disinclination on the part of my grandfather to have a particularly close relationship with my grandmother, I think, were relatively limited under the

circumstances.

But, why my grandmother, after all that experience with all those sisters, decided to dress my father as a girl until he was 5, I have no idea, but he certainly outgrew it and was a man's man. My grandmother had her own peculiarities, but she was a lot of fun sometimes; she knew a lot of things that I was interested in learning, and she never minded taking time to teach me a lot of things that she thought would help me. But, she knew how to deal with frontier life and a lot of other things that certainly I had no reason to know anything about, and she enjoyed telling me about all of her experiences, and I enjoyed listening. My brother, of course, may have enjoyed a little bit of it, but he was not in the cooking mode by any means, and he never learned how, so the result was a cozy relationship between my father's mother and me. But when my grandfather died, my grandmother, I use the word loosely, "remodeled" this big Victorian house and took in roomers . . .

Ms. Edmon: Where was this?

Ms. Hufstedler: Denver . . . to make ends meet. Of course, there wasn't any such thing as Social Security or anything, so she just had to make do with what she could do. And, some of the roomers were very strange. They also gave me an education, sometimes a bewildering education, such as one of the tenants who came racing through the kitchen on our floor, brandishing a large butcher knife and chasing her husband. I thought that was a little more excitement than any of us needed for dinner! Oh, well . . . . It did

train me rather young that not all married couples get along over time.

So, there were lots of funny things that happened, and there were sad things that happened in growing up. I always had an opportunity when I was staying with my grandmother to practice the piano and do things I really enjoyed besides cleaning up the pots and pans.

So, after we moved around the United States, I didn't see my grandmother unfortunately contracted breast cancer, and at that time not a lot was known about it, but in the meantime, she had become a devout Christian Scientist, and had people pray, but it didn't seem to be very effective.

Now, at the same time, my father grew to have a detestation of that faith, because he was nearsighted, and my grandmother didn't believe in having him be fitted for glasses; so, until he was in college he had a terrible time seeing what was going on, and he used to have blinding headaches, and all they would do for him was pray over him a lot. Well that sort of turned him against not only Christian Science, but left him very skeptical about organized religion. My mother, however, was very sure that my brother's and my education was not complete without spending a good deal of time in Sunday school -- not always the same church, but different churches -- and I must say I found Sunday school incredibly boring when it went beyond using crayons to paint outlines of pictures, because when I asked the Sunday school teacher questions, they wouldn't be able to answer them. I wanted to know where something was, where it went, what happened, and there was just no response because the people who were

doing that were undoubtedly faithful and cared about the religious education of the children, but they didn't have enough education themselves to be able to explain what the Bible passage was about.

Instead, mostly what I was doing, and what the other youngsters were doing, was endless committing to memory long sections of pieces in the Bible to be able to recite it letter-perfect without having any particularly good idea about what the point was. It was just to take the little critters out of the way of the adults while they were doing what they wanted to do, and I'm afraid didn't accomplish much else; however, I did go faithfully, and when I was in Dillon, Montana, I did sell daffodils for the benefit of the church door to door.

Ms. Edmon: And what church was this?

Ms. Hufstedler: Episcopal, and it was daffodils at 25 cents a bunch, but it was during the depths of the Depression, and even with those girls coming to the door to ask them if they'd like to buy, it was more often than not that doors were slammed in my face. They were embarrassed. They didn't have 25 cents. So, it was a grim time. It's hard for people to believe today when we mourn about how we have financial troubles, but when the financial system of both Europe and America both collapsed, it was a period of great stress. There were thousands upon thousands of young men who had no opportunities for any employment. They bummed on railroads. They went to various towns and communities to beg food from people who lived there. It wasn't that they were lazy, there was just no employment, and of

course, the breadlines stretched everywhere.

Ms. Edmon: You were very young. You remember . . . ?

Ms. Hufstedler: Oh, I remember this vividly, sure. It was not a fleeting memory by any means. People were required to figure out how they could do what they wanted to do with no resources except their own, and that's what I did; so, it certainly trained me not to be intimidated by hardships or blockades, things like that. I always figured that, if I could sit down and think of some way through it or around it, I could get it done. And, it didn't work all the time, but it worked most of the time, but I also learned a lot about other people, and, of course, in doing so other people learned a lot about me. My brother and I were very different, but we were devoted to each other. We sometimes fought like two stray panthers. My mother and dad took us on a lot of automobile trips, and they had a very good way when we got too quarrelsome. They'd stop the car, let us out, they'd drive up a quarter of a mile, and we'd have to run to catch up and get back in the car. But it wasn't dangerous at that time because these were sparsely traveled roads, and I found out that that was probably healthy. It was certainly good for the parents' sanity, and took a lot of eager energy out of my brother and me. And we played games, because there was little by way of amusement you had, except what you made yourselves. So, we played all kinds of games – board games, every kind of game – Parcheesi, poker, all kinds of available board games, and endless games of Monopoly, so that I did learn about cards, and you learn a lot about people when you play cards with

them. Two ways to get to know somebody sometimes better than you'd like to: one is to play cards with them and the other is to take a trip with them, and in each instance, the façade of the person washes away very quickly.

And, it's another time in which to remember that a sense of humor is one of the best defenses against somebody who is behaving rather inappropriately so that a sense of humor has saved me from a lot of things. Among other things, I think it helped me to understand not to take myself too seriously. If I thought somebody was being something of a boob a time or two, I realized that so was I a time or two, and that means that you don't have a serious problem avoiding arrogance. I have had no reason to feel arrogant in my life. Instead, it's better to think about what other people need, and if you are able to at least make a try at helping people get what they need, you can get along with them; so mostly, I have.

END OF SESSION