ABA Commission on Women in the Profession

Women Trailblazers in the Law

ORAL HISTORY

of

SHIRLEY ADELSON SIEGEL

Interviewer: Joan F. Krey

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Ms. Siegel: There are some things I would like to say about my relationship to my classmates. They were always friendly, in fact there were occasions when another student would approach me to join with him on a paper or project, I specifically recall Walter Rosen and Harold Segall’s doing so, and I felt free to approach Boris Bittker to work on a project with me. He subsequently became a very good law professor but then he was just another classmate. And Potter Stewart and I worked together on tax matters for Professor Wallace’s seminar. Professor Wallace had his students team up to work on the federal tax questions he assigned, and so Potter and I teamed up. Well, not long after graduation, we were at war. My classmates were scattered all over the globe. I took it upon myself to send out double postcards to all of my classmates. This was in 1942-43. I got addresses from the school and the cards were forwarded to their APO addresses, simply asked for news, where they were and what they were doing, that I could include in a newsletter. I did this several times during the War. This was so exciting for me and I think for them too.
Ms. Krey: This time period, you graduated in '41?

Ms. Siegel: Yes. Pearl Harbor was in December '41. Four of my classmates died during the War.

Ms. Krey: Remind us how many women were in your class.

Ms. Siegel: I was the only woman in my class.

Ms. Krey: Were there women behind you. I mean the classes behind you?

Ms. Siegel: Oh yes, there were.

Ms. Krey: So at the school at any one time there were how many?

Ms. Siegel: Seven or eight. And we had a women's lounge which had been designed for a really large class of women. We were rattling around in it, and after my time it was converted into the faculty dining room, I believe.

Ms. Krey: Why was that so large.

Ms. Siegel: I guess it was anticipated that there were going to be women students. Well, I would like to continue, about my classmates. In 1972, (of course I am jumping but I want to finish the Yale law school items) in 1972 I was elected to the board of the alumni association of the law school and I was told that I'd received the most votes of all of the at large candidates. I don't know if that has any significance; I have kept that note in my file. And I did have wonderful individual contacts after the school years. Many years later a classmate of mine, Harold Segall was giving a course at Yale School of Management and invited me to join him, which I did for two or three years. He would teach law for people entering business and I taught law for people entering government, because at that point I had had much experience in
government. I had a great time doing that course. And I guess I should tell you about my encounters with Potter Stewart, Byron White and President Ford. These are each little stories. Potter Stewart, in 1962 I went down to argue my first United States Supreme Court case and on the evening before the argument the phone rang. I got on, hello Shirley this is Potter. I hadn’t seen him since 1941 or been in touch with him. Well, he said I see that you are in town and I just want to chat. I said now wait a minute, I said this isn’t Potter this is Jason. No, he said it’s Potter. I said, I know, Jason, I’ll be seeing you tomorrow. I said I’m working now. I’m trying to practice my argument for tomorrow morning and I really don’t have time to chat. I’ll see you tomorrow. He said, oh no, its Potter. And I said, quit kidding. And I hung up. The following day in Court while I was seated at the counsel table listening to the argument to which I’d be responding shortly, a page came down from above with a little note, which of course, I’ve treasured. It says, Shirley it was I, Potter. So that’s a funny episode isn’t it. And it circulated at the City Bar Association here in New York because I had mentioned it to Edith Spivack as a juicy episode that I could tell her about confidentially.

Subsequently, at an American Bar Association conference at which Justice Stewart was present. Edith went up to him and said, is that story that Shirley tells true? And he said yes. So of course, then the matter became public. And I was somewhat embarrassed.

Ms. Krey: [INAUDIBLE?] Did you see Potter Stewart at anytime after?
Ms. Siegel: No, his little note had said. Why don’t you stop in to see me. I never did. Well, I once saw him when he came to speak at the New York City Bar Association. I saw him very briefly, not a real encounter. Then I’ll tell you about Byron White. This was about twenty years later. I had just resigned as a Solicitor General in New York State.

Ms. Krey: What year ________?

Ms. Siegel: ’82. This was in ’82. I got a message from one of the lawyers in the New York Attorney General’s office who had recently appeared before the United States Supreme Court that when she was asked a particular question by the Court, she responded by saying “Our former Solicitor General Shirley Adelson Siegel thought that . . . ,” which of course is an incredible way to address the Courts, and that thereupon, a note was sent by Justice Byron White to his clerk, while the argument was proceeding, saying “Call Albany and find out what has happened to Shirley Adelson Siegel.” Whereupon, I wrote to him and thanked him very much for his solicitude. I had known him slightly at law school. He was a year after me. I thanked him and he responded, why don’t you stop in to see me. It just happened that I was going to be in Washington and so I stopped in. He was extremely cordial. He introduced me to the chief judge, who was very relaxed at his desk in an old sweater and he insisted on taking me around and showing me all the paraphernalia at the Court. And we chatted about how the states were being represented before the Court, which was then a problem. And, he too, said oh do come in and we can have lunch right in my office. But, as you see, I’m
very poor at that. I never followed it up. And, finally I just want to put in this tidbit about President Ford. He was also a classmate. I didn’t know him at school, really. But when I became associated with a law firm in California in 1948, I sent notices to all my classmates. To my amazement, even classmates whom I didn’t remember responded with their best wishes. And this included Gerald Ford, who wrote his good wishes and also that he had just been elected to Congress, and, how well he’d run, but, he added, this is a pretty solid Republican district. Years later, when he was President and I was on the Board of the Alumni Association of the Law School, he was invited to come up to the law school to speak. And, as he went around shaking hands, he came to me. He pointed at me and said, “oh the girl in the class” and of course the Yale photographers were following him around so I have a picture memorializing this encounter. That was the extent of my acquaintanceship with him. But since he was the United States President, I think it merits being included in this oral history. So now I’ve said all the nice things. And I’d like to continue talking about relationships with my classmates by reporting two encounters that were ambiguous but that I took bitterly in retrospect. I was on the Law Journal Board, and in my second year, it was the time to choose the officers of the Board for the following year. The fellow who was from the class ahead of me who was the Chair of the Board, Langden Van Norden, spoke to me one day and said, “How would you like to go for a walk?,” which was very unexpected. I had never spoken with him before this. So, we just walked a little bit across the campus and came back and that was
it. Well, my reaction to this was that it was very odd and I was sort of amused. He had been doing all the conversing and it was all about Kinder, Kuche, and Kirche.

Ms. Krey: Which means?

Ms. Siegel: Children, cooking and church.

Ms. Krey: Was he trying to tell you women's place is not in law school but children and home and church?

Ms. Siegel: Yes, and that did not occur to me until the 1970s. And this was 1940. When I began to look back at my life. I saw that he was telling me he would not make me an officer for the next year and that I was disqualified because of my gender. Actually I don't know if he were speaking for himself or for all the officers.

Ms. Krey: So that actually is what happened?

Ms. Siegel: I was not an officer. I didn't miss being an officer of the Board. My life seemed full enough. I was working every afternoon for Professor Moore as well as keeping up with school work and the ________. I was potentially active too on behalf of President Roosevelt campaign. But when I reflected on the significance of this I did become bitter.

Ms. Krey: So, it's a very good story, it just shows how later on we look back at things with a different value system.

Ms. Siegel: Yes, and I have one other story about my relations with my classmates, which also left me somewhat bitter, although I am getting over this one. And this is in the context of extremely friendly relations with them overall. We had
reunions of the class every five years. At one point, and I don’t recall exactly when this was, whether we were out ten years or fifteen years or what. I got a phone call from a classmate who was on the arrangements committee for the reunion. And he said, Shirley we have a good chance to have our reunion Banquet at Mory’s. And, you know the fellows would really like it. There’s only one hitch and that is they don’t admit any women at Mory’s so we just wondered how you’d feel about it. And I said, that’s okay, I don’t mind. Many years later, in 1971, we were having a reunion. I came late with my husband. The minute I entered the room, something was different. My classmates were coming up to me with remarks like wow, now we are going to be seeing Shirley on the Supreme Court. Oh, wow, oh boy, you know. And I didn’t like this. I really didn’t like it at all.

Ms. Krey: In 1971 they were more cognizant of woman’s rights issues.

Ms. Siegel: Tremendously. There was talk about putting a woman on the Supreme Court. And it was all over the newspapers.

Ms. Krey: And you didn’t like it, did you not like it because now they were looking at you as a woman instead of a fellow law student?

Ms. Siegel: Well, possibly that. And also, I didn’t like it because I found it embarrassing. I was the last person on the program to be called on. I was given no prior notice that I would be called. After dinner, the fellow who was chairing the meeting said and now, in effect here is the treat. With all this talk he said about putting a woman on the Court, and about women being in the law
profession, he said we had our woman. And I want to introduce you friends to our woman. We had one, you know.

Ms. Krey: It was like the class pet?

Ms. Siegel: Yes. I had never been treated like that during school where I was one of the boys.

Ms. Krey: Was it so much that you were one of the boys or one of the students?

Ms. Siegel: One of the students.

Ms. Krey: One of the boys sometimes implies they swear around you --

Ms. Siegel: No they didn’t. They didn’t and I didn’t participate in sports. I didn’t go to sports games.

Ms. Krey: You were a law student like anybody else?

Ms. Siegel: Yes.

Ms. Krey: And now you were being singled out?

Ms. Siegel: Oh yes, oh yes. By now, of course, I was a little high. There had been a party. And I was called and I had to stand up and say something. So, I spoke very briefly and very quietly and I said that now there are wonderful young women coming to the law. I said I have met these women and they are admirable and I really would be ashamed if they were to know that when at one time in the past, when asked by my class whether I would mind if they had their reunion at a restaurant that didn’t accept women, I had said I wouldn’t mind, although the fact is that I was very disappointed. And I sat down. The meeting was then adjourned without comment. Everyone filed out of the room. They were just slinking out of the room.
Mr. Krey: Because they didn’t want to be reminded of what they had done.

Ms. Siegel: Right. However, that was ’71 and in ’72 I was elected to the Board of the Alumni Association. No doubt also by the votes of these classmates.

Ms. Krey: So now you are at the period where you are leaving law school in 1941. When did you first start looking for jobs right after law school?

Ms. Siegel: Oh, late Fall, 1940. And, of course, most of the looking was during the Christmas break. As I think I mentioned earlier the school had given us in the Fall of ’40 a list of law firms in Manhattan and encouraged us to stop.

[END OF SIDE A]

Ms. Siegel: ____________ in at any one of these firms for an interview. And so I was job hunting when I’d go back home on the weekend. And I made up my own list. This paper that I’m looking at, which is dated January 9, 1941, lists “Firms I’ve been to where prospect is hopeless.” And I list 23 names. Then “Letter asking for appointment not even acknowledged,” one name. Then “Wrote for appointment but couldn’t get it,” another name. Next, “Where I was told no interviewing at present,” eight firms. Wrote on top of the right hand column, “This side of the sheet is brighter.” Then, “keeping my name,” eight firms. “Prospect is excellent,” Proskauer Rose & Paskus. “Prospect is pretty good,” Office of Cahill, U.S. Attorney. Then, “Nothing doing at the Corporation Counsel’s office. But I am going to pull strings to meet Mr. Tretter, head of their legal division at the New York City Housing Authority.” And then, “I’m still planning to get an introduction to Rex Tugwell somehow.” I never did get that introduction. These were notes to myself.
Ms. Krey: Who is Rex Tugwell?

Ms. Siegel: He was an important member of the Roosevelt Administration.

Ms. Krey: So on the list was; the top says prospect is hopeless, is that because, did they ever say because we don’t hire women?

Ms. Siegel: I don’t remember.

Ms. Krey: Should we put that list in as part of the interview? You could think about it.

Ms. Siegel: Now I’d like to continue talking about my job hunting. I mentioned earlier that there was a letter from Professor Arthur L. Corbin, a giant in the field of contract law. He stopped me in the hall in that Spring of ’41 and said, how are you doing. I think word was getting around that I hadn’t yet got a job; it was a small school. He then told me to go to see the firms on a list that he gave me with about a half dozen names. He said that he had written personal letters to them, they would certainly grant me an interview, and that he had recommended that they consider me seriously. So, one of these firms which I identified in the earlier part of this interview as White and Case but now I look at my notes better to see that it was R.C. Hunt at Chadbourne Hunt. I don’t recall the names of the other firms on his list. The fellow who interviewed me for Mr. Hunt offered me a copy of Professor Corbin’s letter. It’s very strong. It reads: “Here is a girl for whom I hope you can do something….. She is one of our best in industry, in mental power and in personality. Anyone who employs her in legal work will have reason to be thankful to us . . . she needs help to get a starting job, first, because she is a girl, and secondly, because she is Jewish. There is no reason for the slightest
hesitation on either ground . . . However far you go, she will make good.

Anything you can do for her will be a special favor to me. With kind regards,

Arthur L. Corbin. She has not seen this.”

Ms. Krey: Who is she, when you said she has not . . .

Ms. Siegel: I am the she. Right. Now I want to tell you that he was not the only faculty member who completely on his own initiative and without my approaching him felt that he had to reach out for me. Professor McDougal was very concerned, so he wrote me this little note in January. “Boris Bittker tells me you still do not have a job. Hence I am taking the liberty of writing an old friend and classmate of mine who is now a partner in Root, Clark”. Root, Clark finally sent me a letter: “I am sorry . . . our own diminished quotes plus the very large number of applications,” etc. “Incidentally, our own Yale men spoke very highly of your capacity.” Then I had unexpected help from Professor Underhill Moore, with whom I had studied bills and notes. Professor Moore did not contact me directly but obviously he had contacted on my behalf Julius Henry Cohen, who was the counsel of the Port of New York Authority. Mr. Cohen, in forwarding me to someone in the public sector who he felt was a good person for me to see, quoted Professor Moore as having written to him: “She is one of the four or five best students in the School. In addition . . ., she has been helping Professor J.W. Moore . . ., and as his assistant, has had rather unusual experience for a law school student,” and Mr. Cohen went on to say that his assistant had interviewed me and had made a very favorable report and that one of my
classmates, "young Arthur Stern, also tells me in what high esteem she is held by her classmates. I understand she is eager to get into public work in preference to going into private practice. I should like to help her if I can. Accordingly I am sending her to you . . . ." I mean these letters show how faculty members spontaneously rose to lend a hand to this peculiar student, a Jewish girl who was not getting anywhere in her job hunting although she had done very well at the School. I also found some disposition to be of help to me although not so far as to make me a job offer, on the part of some of the attorneys I met in the course of my going the rounds. Louis Weiss at Cohen, Cole Weiss and Wharton (now called Paul Weiss) didn't make any place for me in his firm but he was left worrying about it and so he tried to work something out. He wrote me: "It is possible that I have been helpful in connection with Mr. Cahill's office. He is unaware of the source of the push, but there will be a push within the next few days." Mr. Cahill was the U.S. attorney. Meanwhile, a George Nebolsine, a partner of Wright Gordon Zachry and Parlin, had written me on December 3. Dear Ms. Adelson, "I took the liberty of getting in touch with Mr. John T. Cahill", and he suggested that you stop in to see him."

Mr. Nebolsine's letter is of interest independently of the Cahill matter: "With reference to your request that we consider your application for a position with this firm, I have discussed this matter with my partners and the concensus was that, considering your special aptitudes, we could not offer you the scope and opportunity that you should aim to get. I think that it is only fair to add that in
financial practice, which constitutes a considerable part of our firm’s work, you as a woman would be under a handicap, which I see no reason for you to feel in many other branches of legal practice.”

This is the sorry history of my job hunting while still at School. On the other hand, I heard from Proskauer, Rose & Paskus: “Dear Miss. Adelson: We have practically reached the point where we are prepared to break down a precedent of many years standing, and I would be pleased to see you again.”

Ms. Krey: Was any of this, they hadn’t yet lost anybody to the War, right, then there were no men . . . .

Ms. Krey: Well, no this is January ’41 . . . So it didn’t happen for another year, that they started having to worry about the men’s leaving.?

Ms. Siegel: That’s right. I have been told by friends of mine who did have jobs during the War, I mean women friends, that they were let go when the War was over.

Ms. Krey: Well that’s the story of all of the women who worked, wasn’t it, Rosie the Riveter?

Ms. Siegel: Yes, the same thing. Well, I went with the Proskauer firm, I was the first woman there. I was introduced around and Judge Proskauer said to me, “You will be the rose in Proskauer Rose and Paskus.” How do you like that? Very sweet.

Ms. Krey: It’s quite an achievement. It’s always hard to be a groundbreaker. Any other women in any other firms in Wall Street at that time?

Ms. Siegel: Well, there were certainly very few. One incident that I recall was the day that I went to court with Judge Proskauer in the early 1940s when he was
arguing in the Appellate Division First Department where he had been a member of the Court at one time. It was a stockholders' suit. And I was the associate holding all the papers and sitting on the bench while he was arguing. I was so intrigued by the fact that the person who was holding all the papers for his opponent was Soia Mentchikoff, but she and I barely glanced at one another and didn’t talk.

Ms. Krey: So she was with a New York firm?
Ms. Siegel: Yes. Normally I didn’t see many, but there were some women who were older than I who were well established. I have a letter here from Mary H. Donlon. At seventy-two Wall Street.

Ms. Krey: February 24, 1941: Dear Miss Adelson I am indeed delighted to learn that you have secured an opportunity to practice law.”
Ms. Siegel: Yes, I did have contact with a few women who were practicing law who were older than I, who were further down the road and they were very gracious. I don’t recall that I knew then any of my generation except for the ones that I knew from Yale. There were a couple of girls from the class ahead of me who had jobs in New York - one at Simpson Thacher and one at Milbank Tweed.

Ms. Krey: Was it true what they said that the women who were practicing on Wall Street mostly did blue sky work, work that was behind the scenes in securities. People in my generation always heard that?
Ms. Siegel: I don’t recall that. I think women who had jobs often did trusts and estates.
Ms. Krey: And what kinds of things were you doing the first year?
Ms. Siegel: Well, at Proskauer’s they had a nice policy of giving you a very diverse experience. And so those first few years I did a little of everything. I assisted in litigation, I worked on certiorari proceedings to review tax assessments. I did a lot of tax work with Wilbur Friedman, who was a young partner there.

Ms. Krey: Didn’t he become a commissioner?

Ms. Siegel: He became head of the New York County Bar Association and I don’t recall if he were commissioner at one time or not. I’m looking back many years. I did some estates work. I did a bit of everything and then I got into labor law as soon as the War got under way and there was a War Labor Board. This was a specialized kind of practice. I was the assistant to Burton Zorn.

I continued to get invitations even after I had my job at Proskauer’s to go down to Washington, once the War was on. There was a lot happening down there. Here is a letter that suggests I come down to the Office of Petroleum Coordinator to help draft legislation.

Ms. Krey: And that was at the Department of Interior?

Ms. Siegel: Department of Interior --

Ms. Krey: Was this somebody you knew at Yale?

Ms. Siegel: Yes. Here is another Yale connection. Myres McDougal then in the Foreign Economic Administration at the Department of State: “There is no one whom I should prefer more to have on my staff.” That kind of thing. So, there were these opportunities. However, the Proskauer’s experience was really excellent. Now I want to tell you, because this is very important, all the things that I was doing pro bono while I was at Proskauer’s.
Ms. Krey: How long were you there?

Ms. Siegel: I’ll have to tell it to you later in context because it won’t seem to make sense.

I was there, I left and I came back a few years later.

Shortly after I arrived at Proskauer’s, in the early part of ’42, an associate who had been volunteering with the American Civil Liberties Union, Jim Field, was drafted and I said to him. I so envy your work you were doing with ACLU. I wonder whether you could recommend me for the hole that you are leaving when you go? And, he said, okay, and before I knew it I was working with the Lawyers Panel of the ACLU. The Lawyers Panel of the ACLU was a special, very top level small group chaired by Whitney North Seymour, who had been President of the American Bar Association. The members included Arthur Garfield Hayes, who has the General Counsel of ACLU, Osmond Fraenkel and Roger Bladwin. Baldwin worked full time for ACLU and he had assisting him at the office. Clifford Forster, who was a Yale law school graduate, ahead of my time. Lawyers Panel met monthly and these meetings were a highlight of my life. I was the only woman in the group, I was also the youngest. The next youngest was Ben Herzberg who was at the Cook Nathan firm. When assignments were made there was no one on whom to dump them but me and Ben Herzberg. By the following year, I was the so-called secretary of the Lawyers Panel. And I want to give you just a little idea of the kind of matters that we were involved in. The President had signed an Executive Order in March 1942 enabling the military to set up zones in the country where they could make all the rules. If they had to evacuate enemy
aliens, they could do it. They had very broad authority from the President.

And the first thing that came down the pipe at the ACLU was the East Coast Order issued by a military Commander. Here in May I sent Clifford a two-page legal memorandum, single-spaced on the law that I considered applicable on that. As you can see, I have notes from Clifford to me and notes from me to Clifford going all down the page. All was on this issue of what turned out to be the matter of internment of Japanese Americans. That was the big case. We began to get reports from the West Coast and specifically Seattle, where they had several cases that were sprouting up and we in the Lawyers Panel were kibitzing (if I may use that word on an ABA interview) on these West Coast cases. The lawyers out there were handling them, but we were writing them memos on them.

Ms. Krey: This is about the Japanese internment?

Ms. Siegel: Yes. And, of course, as you know the cases we were working on ultimately went to the U.S. Supreme Court and the position of the ACLU lost. Another area in which I became involved at ACLU had to do with mailing privileges. I see here a three point brief I wrote in January 1943 entitled In the Matter of Revocation of the Second Class Mailing Privileges of the Militant, a Trotskyist publication. We were also circulating drafts of rules that could be adopted by the Post Office Department on excluding obscene or seditious matter; thus I have a note from Clifford dated October 5, 1942, reading "If you could let me have this within a week . . . " and Ben Herzberg was also commenting on the rules, which occupied our attention for several years;
finally in 1945 ACLU had a bill introduced on this in Congress. We were really having the time of our life. And during all this time I’m doing a full time job at the Proskauer office. One catch is that I was living at home, so I wasn’t having to take care of my own food, housing and all that kind of thing.

Ms. Siegel: Did the Proskauers know you were doing this work?

Ms. Siegel: Oh yes, they didn’t disapprove. They were encouraging even in those days as they are today.

Ms. Siegel: That’s wonderful.

Ms. Siegel: And I was spending almost the same amount of time on housing, which I’ll come to in a minute. This is May 17, 1983: Dear Shirley from Clifford. The Board and the officers of the Union (that is, the American Civil Liberties Union) have requested me to write you and thank you for the splendid memorandum you’ve given us on the constitutionality of legislation prohibiting the disbursement of federal funds to specific individuals. I also wish to add my thanks to this, particularly in view of the fact that you had to work on Sunday to do it. “And then a handwritten note on the bottom of the letter from a secretary Sarah Hirsch, “May I add my commendation! I hope this will be a strong refutation to those cocky male attorneys who speak contemptuously of ‘female lawyers.”’

Ms. Siegel: And this was Clifford Forster?

Ms. Siegel: Right. And a little later on July 28, 1943 I sent him a list of six U.S. Supreme Court cases on women’s rights in connection with Dorothy Kenyon’s planned lawsuit over the dismissal of married teachers in Boston. The letter is signed
Secretary of Lawyer’s Panel indicating that at least by then I was the Secretary. Well, there was practically nobody there. Everyone, except me and Hertzberg, who was above me in seniority, everyone was a figure of national importance. It is my recollection that there weren’t more than seven or eight people at a meeting. At a monthly meeting. It was an incredible opportunity for me. Then I have, I’ll just do a few more quickly here to finish with civil rights.

Ms. Krey: So Boston was dismissing women teachers when they got married, that was the issue?

Ms. Siegel: Right. And Dorothy Kenyon was one of these older women lawyers to whom I referred earlier who had fine careers. Then here’s a draft of an amicus brief in 1944, regarding martial law in Hawaii on which I had worked. But now, I come to an amicus brief I remember very well, where the ACLU was successful, involving the Railway Labor Act and the way that the “Negro” firemen on the southern railroads were being squeezed out by a combination of the union and the railroads. This was the celebrated case of Turnstall and Steele vs. Brotherhood of Locomotive Firemen, where I wrote the ACLU brief in the U.S. Supreme Court. My name appeared above that of Arthur Garfield Hayes.

Ms. Krey: Did you get to sit in the Court in 1944?

Ms. Siegel: I did not. I couldn’t. All these things were being done on nights and weekends because I never cut short my Proskauer activity. That had its own life.
Ms. Krey:        In those days at Proskauer, did you have to bill hours?

Ms. Siegel:         Yes. Seven hours a day.

The last thing I'm going to mention in connection with ACLU was also a very big matter.

[END OF TAPE SIDE B]