

INTERVIEW 3 (DECEMBER 12, 2014)

MCCREERY: Good afternoon, Justice Werdegar. You indicated you would like to say a few more words about your time at Berkeley's law school. Would you do that now?

WERDEGAR: Yes. Thank you, Laura. Last time I made reference to the four H's that were professors for my class. They were about as young as we were, and I think I misspoke as to who they were and left out one of those wonderful four H's.

Who they were was Ira Heyman, Professors Hetland, Halbach, and Hazard. So that's Heyman, Hetland, Halbach, and Hazard — I think all early promising stars at the time and later nationally recognized stars. In our second year came the fifth H, and that was Herma Hill. She, as I probably mentioned, became the first woman dean of Boalt later on.

You also asked me whether former Governor Pete Wilson, who was my classmate at the time, had manifested any political aspirations. I think I was unclear whether he had. But reflecting on it, I think the more correct answer is yes, he had some musings about a possible political career.

In fact, it was my impression at the time that a number of my classmates were thinking of a political career. One of them in that context made the comment to me, "Of course, my wife couldn't work." That was how it was. A politician's wife presumably would be giving teas and doing her own campaigning activities on his behalf and what have you.

Going through my files — still back at Berkeley but after I had left — there was a Boalt Hall student newsletter or newspaper dated Fall 1963, so that was two years after I left Boalt. In it there are many interesting things. On the cover, Earl Warren has come back to the school. It was his alma mater, and he was shoveling dirt for a cornerstone of the Earl Warren legal center, which was going to materialize — and has.

But inside there was a letter published from a woman student to the dean or assistant dean saying, would they please consider the condition of the little lounge? This reminds me that there was a men's lounge, large, and this student called the women's lounge the "little lounge."

She said, "Whereas the men's lounge has multiple, maybe ten, lights, we have none. Our sofas and chairs are in serious need of recovering or refurbishing."

There was a response from the dean saying, “The funds for the lounges are provided by the alumni. We did use some funds this last year to improve the men’s lounge. We didn’t have enough for the women’s lounge.” If she would like to come and speak to this dean, perhaps they could discuss what they might do, and she might want to solicit funds from the alumnae, the women alums. I looked this up. I think “alumnae” is plural for women, and “alumni” is plural for everybody. But I thought that was funny.

Of particular interest: That letter was written by a student named Jane Brady. I later came to know Jane Brady as a staff attorney here at the Supreme Court for Justice David Eagleson and later Justice Marvin Baxter. Jane Brady was, in fact, a classmate of Rose Bird.

Also in that newsletter was an article for the ladies. There was a program established for the wives of the law students where they would have speakers, periodically, to let the wives know some of the things their husbands were learning and were studying. They also had a Wednesday evening bridge club set up for the wives. Those were the days. [Laughter]

MCCREERY: What awareness did you have at the time of those events carved out for the wives of students?

WERDEGAR: None. I had no awareness. I was in my own little world, and I had no awareness. [Laughter] Actually, there was one couple I mentioned earlier, Gene Swann and his wife, who was already an attorney. He was the other black student in my class, along with Thelton Henderson — the two of them. I did know his wife, but she was a very powerful, strong, already-credentialed attorney. I doubt I would have heard about the wives’ activities from her.

MCCREERY: I would like to follow up with one other question about law school and your study habits, which you happened to describe to me after we finished recording last time. You had developed a method for turning your class notes into material that you would then use later on. Would you be willing to describe that?

WERDEGAR: Yes. [Laughter] I’m laughing because it seems so meticulous, but it worked. You would study the cases the night before that were assigned, and then you would go to class and there would be class discussion revolving around those cases and other issues. Periodically I would condense my summaries of the cases and integrate them with the class

discussion on those cases and distill it into what seemed to be the important principles and points.

I would do this over the semester. When it came time for finals, I never looked at my casebook. I never looked at my class notes. I had — in those days it was typewriter — it was none of this computer where you could just easily click-click-click and delete — but I would have multiple pages of a course that had integrated everything that had happened. All I had to do was study my outlines.

Later there came to be commercial outlines that people would purchase — I forget the names of some of them — but that did mostly the same thing. Just, of course, it wasn't tailored to the particular law school where you were or the particular professor that you had, but it would outline the subject matter of the class that you were interested in. People later said I could have sold my notes. They probably would have been unintelligible to others, although I did loan them to friends who came later, somebody I had known from high school and college. What use they would have been to anybody else, I don't know.

MCCREERY: Thank you. We wanted to talk today about your move to Washington, D.C., where you continued your law career. How did you and Dr. Werdegar go about moving to the East Coast and finding a place to live?

WERDEGAR: I want to step back and say that I married David on September 1, 1961. We had a very brief honeymoon at Manka's in Inverness, which is west Marin. It was Labor Day weekend. He was at that time — that's why we went to Washington — he had started his service as a captain, being a doctor, in the Army.

We flew to Washington, and he had already rented a little house on P Street in Georgetown. We were a block away from Georgetown University — not the law school — had that been the case, I probably should have gone to Georgetown Law School — but from the undergraduate university. It was a cobblestone street.

Living next door to us was Nancy Dickerson, who at that time was a quite-attractive television reporter. We were in the same general area as President and Mrs. Kennedy had lived in Georgetown before they had moved to the White House, and not far from Dumbarton Oaks. Georgetown was *the* place to live at that time.

I think the unit that we rented was owned by Georgetown University. It since has been demolished. It was a two-story house, very tiny. We shipped out my husband's bachelor furniture, which was very big, and it really was totally oversized for this little Georgetown house. But we did not care.



WEDDING DAY — SEPTEMBER 1, 1961 —
KATHRYN AND DAVID WERDEGAR.

We were walking distance from Wisconsin Avenue, which had a lot of little fashionable shops. But most notably it had the French Market, which purveyed elegant French delicacies and food. I never went, really. My husband loved to do that kind of thing and still does. But it was patronized by Pierre Salinger, who was President Kennedy's press secretary. On occasion David would be mistaken for Pierre Salinger, and he thought that was a lot of fun.

He would bring home things that I had not encountered before, such as escargot, that we would serve at an occasional dinner party.

MCCREERY: You had talked briefly at the end of our last interview about the fact that your husband was Jewish, while you were not. I wonder if that's something you could talk about in terms of the early years of your marriage, and what sort of response you got from others?

WERDEGAR: You have to be particular about what others we're speaking about. From my family, which as you know — my aunt with whom I had lived, and so on — my father seemed all right with it. My family was fine. David's family was not.

Insofar as socially, once we were at a party in New York and I met a woman there who was also married to a Jew. It was an "intermarriage," as we were considered. I was thrilled to meet her. I had never met anybody who had had that experience before.

In that era it was like so much else. It's nothing today. Well, I suppose in some families any kind of intermarriage that doesn't reflect who the family is is challenging to them. But generally, in those days, I was told 6 percent of Jews intermarried. Today it's over 50 percent.

But the circles in which we traveled — I'd always had Jewish friends. In fact, my closest friends, coincidentally, had often been Jewish. But being raised — or not raised — the way I was, I sometimes hardly knew that, and it didn't mean a thing to me. But I guess I was attracted to a certain humor and intellect and style of being that I hadn't identified as being Jewish.

But it had always been attractive to me. When I went to Wellesley my boyfriend was Jewish. I might have mentioned this earlier. I didn't even know it until someone said, "Don't you and John have a religious problem?"

It has been an enrichment. To digress a bit, our sons, who are now half-Jewish and half-not, have very much enjoyed that part of their lives, and I'm very happy for them. I think it's very enriching.

But there was pain. David's family was very unaccepting. But we were early, and now nobody takes account of it. Our friends are a mixture.

MCCREERY: Thank you for reflecting on that. Can you say a bit more about the social life that you enjoyed in Georgetown?

WERDEGAR: It was very exciting to be in Washington. The social life wasn't confined to Georgetown. It was Washington, and this was the new Kennedy administration. The president had been elected only six, seven, eight months before, and a lot of young people were attracted to Washington to join the government.

Coming from California, I found Washington extremely exciting in so many ways that maybe we'll touch on as we go along. David was a New Yorker, and he had friends from New York that we would see. Some had come to Washington to do various things.

I'll speak later about this friend Judy Norrell, who I met in law school, through whom we met friends. One was working for the CIA. Of course, he wouldn't say where he was working. [Laughter] We had to discern that after a long acquaintanceship.

Everything about Washington was exciting. There was a sense, both for me personally as I said, coming from California, but for everybody who came to the city at that time, a sense of optimism and hope and renewal. All these people who were young, were in our twenties, felt that whatever contribution we were making, that we *were* making a contribution.

People were deeply engaged in the newness and the hope and possibility of it. Jack Kennedy at his inauguration had said, "Ask not what your country can do for you but what you can do for your country." It was such a refreshing idea. As young people we really bought into that and we believed it.

So parties, social events, were exciting. Everybody was doing something different, and they were all — the people I'm speaking of now didn't have children. We were all that young. Most of them didn't, anyway. It was a wonderful time.

MCCREERY: Let's begin to talk about your law school experience. Would you describe from the beginning your introduction to George Washington University's law school?

WERDEGAR: George Washington was much larger than Boalt. It had an evening division and a day division, and I think it might have had about

1,500 students, whereas — and I'm speculating in both cases — but I think Berkeley had about 600 students. An impression that stayed with me and that I had at the time was how much more mature and serious the students seemed. I think one reason I felt this is that so many of them wore suits. In Berkeley they wore jeans or khakis.

Why did they wear suits? Because a number of them had outside jobs. Classes at Berkeley were scheduled in such a way that it was very difficult for you to have outside employment of any substantial nature. I think the ABA [American Bar Association] rules required that in some way. I'm not an expert on this. But GW had a night and day division, and students in either division could take classes in either division.

I was aware at that time of only about three women, but I'm told that there were as many — in the night and day combined in the three years — there were as many as ten women. I'm told by this friend I was speaking about that there was a locker room that had ten lockers for women, and it accommodated everybody. So we were still a novelty. That was soon going to change, but we were still a novelty.

MCCREERY: As a third-year student, what presence of women was there in your own class?

WERDEGAR: There were three. One, whose name was Norma Bannish, was my moot court partner, and we won our moot court argument to the great chagrin of the men because we used props. It had something to do with rental property or something, and we made a sign that became evidence in favor of our case. [Laughter] They really felt that we had cheated. I can't say we didn't, but I'm not sure. We won.

The other I met in international law, and her name was Judy Norrell. We took notice of each other for two reasons. After class I asked her if she knew where I could get the extra reading that had been mentioned. She just thought this was insane. [Laughter] Who would do that? I, on the other hand, noticed that she could speak extemporaneously about anything that came up, never having cracked the book.

We were complete opposites. She did not like law school, and I liked it. We became lifelong friends. Our children call her Aunt Judy, and our grandchildren call her Aunt Judy. She still lives in Washington, and she's an interesting character in her own right.

It was a fortuitous meeting because her mother, whose name was Catherine Norrell, was a congresswoman from Arkansas. Judy's home had been Arkansas. Catherine Norrell was always wanting to point out that she had been elected to Congress. The few women in Congress in those days had been appointed on the death of their husband. Judy's father had died, but Catherine Norrell *ran* for his seat and she was elected.

This association was extremely fortuitous because, being friends with a congresswoman, we had access to events that were very special, and if you like I'll tell you about them.

MCCREERY: Please do.

WERDEGAR: One that was, of course, very memorable was I was able to have a seat in the gallery of the House of Representatives when President Kennedy gave his State of the Union message in January 1961.

Another was I was able to be a guest at the Congressional Wives Club, which as the title speaks, was for the spouses of congress-people. Again, President Kennedy spoke. Normally it would have been Jackie Kennedy, but she was pregnant with their third child and didn't attend. Their third child, you might recall, was Patrick, and he died soon after his birth.

That was extremely special. Judy knew Washington in and out. She had spent a good deal of her growing up there, even though she was from the South.

MCCREERY: As the daughter of a congresswoman, you were saying, she had grown up exposed to that life. Yet she did not like law school. Did she elaborate on why?

WERDEGAR: She might have, but I can't remember. She went on to become a lobbyist. She never liked the law, and maybe I'll have to ask her. There were reasons, but I've forgotten them. She became a lobbyist, a successful lobbyist, and she has since then become quite a notable art collector of Southern art, Southern black art and photographs. This is how she's most happily spending her years right now.

MCCREERY: What exposure did you have to Congresswoman Norrell yourself?

WERDEGAR: A lot. She was a lovely lady.

MCCREERY: It's interesting to be exposed to someone coming to represent the South in Washington. I wonder what sense of the South you had there in town?

WERDEGAR: I'd like to speak to that. One of my first impressions about Washington — to go back to Georgetown and the cobbled streets and the fall colors. From California you don't get that. Dumbarton Oaks in the fall. The riot of colors!

But I was surprised at how Southern the town seemed. I had expected it to be more Eastern in feel. That might have been a flaw in my sense of geography [Laughter] or an expectation, it being the nation's capital. But it was very Southern.

At that time, 1960, 1961, 1962, 1963, the South was still segregated. Lunch counters, restaurants, hotels, motels, schools were separated. Drinking fountains were separated into "colored" and "white." Washington was not segregated, but there was a sense, nevertheless, a spillover of that Southern reluctance to intermingle whites and blacks.

I had a cleaning woman whom I asked what I could give her for Christmas. She was a black woman, and she said that she just didn't feel comfortable that she could go into a department store and try on or purchase underwear, lingerie, and would I buy some of that for her for Christmas?

Another thing about Washington is it did have a large black population. Some of them, perhaps, doubtless were impoverished, but a lot of them were civil servants working for the municipal government or the federal government. They were very visible in a way I hadn't seen in California. They were clerks and receptionists and office workers. I think Washington had a strong middle class of blacks at that time.

I'd like to observe that back then, in the sixties and seventies, the preferred term, I think, by the community we're speaking of and by people who wished to be sensitive to their concerns — the designation was "colored" or "Negro." You know that over time that's gone by the wayside and "Black" with a capital B became the, I think, preferred, accepted reference. Then it evolved to African-American.

I'm not a scholar of this, but I have an interest in it for the sake of trying to be sensitive to what people are thinking. My understanding now is that different elements of the community either prefer Black or prefer

African-American. That's just an aside. But back in the sixties it was "colored" or "Negro," in opposition to some less agreeable terms.

MCCREERY: Were there any African-American students in your law school?

WERDEGAR: Oh, probably, but I didn't know any. But socially I knew some through Judy. There were African-American women lawyers, too, that we met through Judy, and another African-American couple that was extremely attractive and dynamic. I can't tell you any more about them.

MCCREERY: Some of the very early civil rights activities in the South were beginning to happen at the time you were in Washington. To what extent did that touch you there, if at all?

WERDEGAR: It certainly did. It did ultimately, but you're absolutely right. They were just beginning to happen. Coming from California, I had no awareness of sit-ins, freedom rides, marches. But at George Washington I took a constitutional law seminar, and it focused in-depth on the civil rights issues of the day. It was an eye-opener for me, and in fact, as one might surmise, it was critical in influencing my future path. That was taught by — did I mention? — Professor Robert Dixon.

Another professor I had at George Washington that I want to mention is Professor Monroe Freedman. He was a brilliant man. He was my law review adviser. He has later become a nationally recognized — and very controversial for reasons I can't tell you today — expert on legal ethics. But he was a dynamic person.

Professor Robert Dixon was less dynamic, but he had this seminar and a few of us, a small group, as I say studied in-depth civil rights issues of the day. He set me on my path.

MCCREERY: It sounds as if there were some differences in the curriculum itself that was offered from what you had experienced at Berkeley.

WERDEGAR: Your first two years in law school are largely — this may have changed, but they're largely required courses: torts, property, constitutional law, criminal law. While I doubt Berkeley had a seminar on civil rights, I may have mentioned I did take constitutional law at Berkeley from Professor Heyman, who had clerked for "the chief." That would be Earl Warren.

The last two weeks we rushed through the Bill of Rights because the Warren Court hadn't yet incorporated all the first ten amendments applicable to the federal government — hadn't incorporated through the Due Process Clause — to the states. So certainly I doubt there was a civil rights seminar. International law? Maybe, maybe not.

MCCREERY: How were your own legal interests evolving in law school in that third year?

WERDEGAR: As I say, that seminar was the one I remember most. I also remember international law because of meeting Judy. I took federal procedure. I don't think I found it too interesting. I don't think anybody finds it too interesting. These are things you have to do.

MCCREERY: You mentioned a couple of faculty members. In a more broad sense, I wonder what comparisons you might make between the George Washington faculty and that here at Berkeley.

WERDEGAR: I would say George Washington had some extremely capable professors. What I noticed about George Washington is that, although I was impressed by the men in suits and they seemed more mature, I think at the time, it's fair to say, it was less academic or abstract than Berkeley. Law schools do have different emphases. Many would tell you that Yale is the most intellectual law school in the country. Others might say it has competition in that regard. Some law schools don't aspire to that at all. They aspire to teaching students how to draft a will and draft a contract and do a pleading.

I think it was less academic, but it was more practical because — this was a salient part of the experience — the professors would often be adjunct or part-time professors who were working in government. And a lot of the students would be working in government. So there was a real-world sense of the application of the law in life. That made it very nice, actually. A professor would come down from an agency and teach us something, but he knew what life was really like.

MCCREERY: It was taking advantage, certainly, of being in Washington and those natural strong ties to government.

WERDEGAR: As a classmate of mine who was on the law review in Washington and who was instrumental — and I'm very grateful to him — in

having me be awarded the George Washington Distinguished Alum Award many, many years later. But as he said, “To be a law student in Washington! It was the most wonderful place in the world to go to law school. The three branches of government are there — the White House, the Congress, and the Department of Justice — in these magnificent buildings. It’s the heart-beat of our country’s government, and it’s awe-inspiring.” I was awed by it.

MCCREERY: You mentioned Chief Justice Earl Warren and the fact that you’d been introduced to some of his leadership from taking constitutional law from Professor Heyman. But I wonder to what extent the Warren Court and the doings of that court were integrated with your own course work in the third year?

WERDEGAR: On the civil rights issue, certainly Little Rock schools had been integrated. As the years went on — and certainly when I was living in Washington — the Warren Court was making its impact felt.

As a Californian and a young person, I didn’t have a large awareness of the political aspects of the Supreme Court. I do recall seeing — maybe as a high school student or whatever — “Impeach Earl Warren” signs. It didn’t mean anything to me. Now, as a student of the law, I realized that what the so-called Warren Court achieved is anathema even today to certain people and was certainly a revolution in its time. So I’m more understanding of the emotions that the court generated.

MCCREERY: You mentioned being on law review while at George Washington. Exactly how did that come to pass?

WERDEGAR: I applied. As I have said, George Washington University was wonderful to me. First of all, they accepted me as a student and agreed to give me a degree. One year — and your third year is supposedly the least intense, the easiest, year.

Even having had two years at Berkeley, they didn’t feel they could do that. I don’t know if that was a consequence of the Academic Senate or just attitudes of the time. So first, GW accepted me.

Secondly, I went and applied to serve on law review, and they said, “Fine.” GW not only accepted me, but they must have accepted my grades because, as I think I’ve told you, they allowed me to graduate number one in the class, having spent only my third year there, which in a way is astonishing. It’s also,

perhaps, a little unfair to the man who had every reason before I showed up to think he was going to be number one. [Laughter]

MCCREERY: I know you won the Charles Glover Award at the end of that third year.

WERDEGAR: I did. Again, that was something else. I have a letter saying, "We are pleased to tell you that you have been awarded the Charles Glover Award for outstanding legal scholarship." So I'm grateful to them. My friend Judy, who has continued to live in Washington and been in touch with some of our classmates, tells me that the man who was the presumptive number one really didn't get over it. I don't blame him. But I will say, I'm also told that he's been extremely successful and he's been very, very wealthy. So it didn't impede his life path.

MCCREERY: As you went through that third year, what sense did you have of the other students and what sorts of plans they would have after graduation? Where was that class headed, in general?

WERDEGAR: I have no idea, to tell you the truth. I was a new bride. I had made friends with Judy, but I wasn't engaged with the men in the class. The students were practical. I know that one classmate, to my surprise, came out to California, Chuck Manatt, and became head of the Democratic Party in a particular time in California and also the head of a big firm. I don't think he was from California.

MCCREERY: You mentioned being a young bride, and that reminds me to ask you, as an aside, how your husband's medical career was progressing at Walter Reed.

WERDEGAR: His obligations. He was really stepping away from his so-called career, taking time out. He was doing research at Walter Reed on blood pressure, the correlation between blood pressure and stress and so on.

When I started working he did something that was really creative. He found a food delivery service that we would order. They would come, go up the stairs of our little Georgetown house, and leave these meals and tin covers over them. We would have that for dinner. We'd put the empty containers out on the stairs, and they'd take them away and deliver another meal. I have to credit him with real creativity and sensitivity on that.

MCCREERY: That sort of thing is widespread today, but that must have been quite creative in its time.

WERDEGAR: It was very creative.

MCCREERY: Is there anything else you'd like to say to sum up your year at George Washington Law School or your experience in Washington that very first year?

WERDEGAR: No. I'm just, as I've said more than once, very grateful to George Washington. It was a fine educational third year. I will mention, though, that I regret I didn't attend my own graduation, which I think is a reflection on how little I understood what I had achieved. There was not even a celebration of any kind. Of course, my husband's always one to celebrate so I can't say that he didn't promote one, but I sort of dismissed what I had done in a way that perhaps reflects the time or my particular temperament.

About my ending up number one at George Washington, I was very gratified, not just for the honor of doing that, but I felt it validated what had happened at Berkeley and if anybody thought it was a fluke, certainly this would put that to rest.

MCCREERY: You presumably knew that you would stay on in Washington a bit longer. How did you go about thinking what should be your next step?

WERDEGAR: Yes. David's obligation was two years, so I knew that I would be applying for work in Washington. As a result of that civil rights seminar, I applied to both the Commission on Civil Rights and the Civil Rights Division of the Department of Justice. Both were very new, having been established in 1957 as a result of the Civil Rights Act of 1957.

I also applied to serve as a clerk with Chief Justice Earl Warren, which — in light of my reticence that probably seems a little incongruous, which it was. But my husband urged me to do it. So I did. Going through my files I found a letter received in my last year of law school from my friend, John Niles, who became editor-in-chief after I left Berkeley. He said, "Are you still thinking of applying to Warren? I'm going to apply to Warren."

MCCREERY: Pardon me for interrupting. This sounds like it was something the two of you had discussed earlier, perhaps?

WERDEGAR: I can't remember. It must have been, based on, "Are you still thinking of it?" We had been somewhat in touch. He was a good friend. He said, "There's also a woman, an anomaly like you," or something like that, "who is going to apply to Warren." Then he told me what it was like to be editor-in-chief of the law review. It meant he was never prepared for class. [Laughter]

So I did apply, and as I say David encouraged me to do this. I received a letter inviting me to come for an interview, which I did.

I was escorted down this long marble hall and ushered into the chief justice's chambers. He was seated at an enormous desk. He greeted me very cordially and invited me to take a seat near him or across from him. I'm sure we talked about Berkeley and so forth, but I really don't remember the substance of our conversation.

What I do remember is during our visit he took a telephone call. The way he answered the phone was, "Hello, Governor."

I don't know who the governor was or what they said, but I was just amazed. I thought, "Here I am in the office of the chief justice of the United States, and he's talking to a governor." It seemed so far out of my realm. I was deeply impressed.

"Hello, Governor."

I wish I remembered what they were talking about.

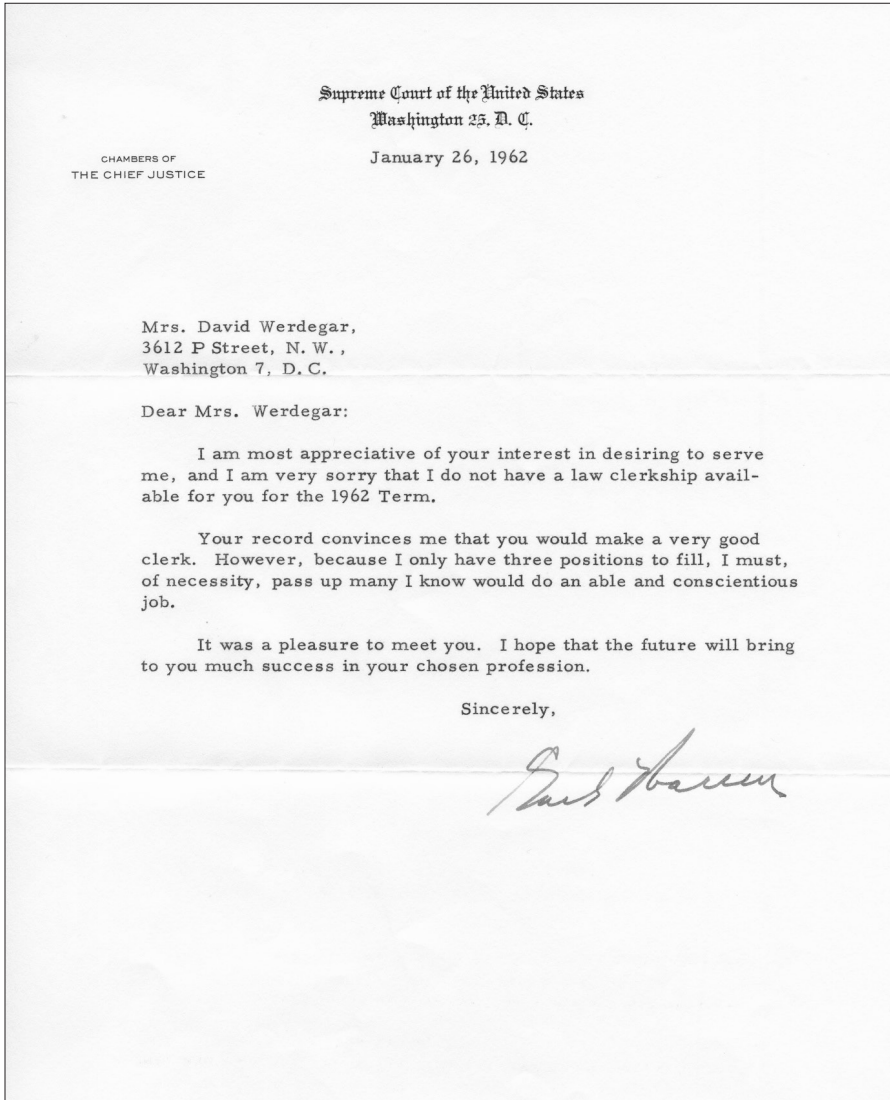
As it happened John Niles was offered a clerkship and took it. We visited when he came to Washington later. I was not, but I have a letter from Earl Warren thanking me for applying and professing that it had been a pleasure to meet me and expressing regret that, as he only had three clerkship slots, he wasn't able to offer a position to every qualified applicant [see following page].

Earl Warren never did have a woman clerk, nor do I believe until after that time did any justice except perhaps — I'm not sure about this, but — Douglas might have had one some years back. I'm not sure.

One might choose to say Earl Warren was prejudiced or biased or so forth, but I can't say that. I met a Boalt graduate some years back who had done research on Earl Warren, and he had in his possession and sent me a copy of a letter that Professor Adrian Kragen of Boalt had written to Earl Warren in 1959, December, asking him if he would be willing to take a woman. I want to quote from that letter. Professor Kragen writes:

“I know, of course, that you have no personal prejudice against the use of women clerks but thought it might be that the character of the entire group working as law clerks might be such as to make it impossible or impractical to fit in a woman.”

You see the delicacy with which they are trying to say, “How would a woman fit in?”



LETTER FROM CHIEF JUSTICE EARL WARREN, JANUARY 26, 1962.

On top of the letter in Earl Warren's handwriting is written: "Wire him that it's okay." So that's a bit of historic memorabilia there.

MCCREERY: You learned later, as you say, that Professor Kragen had written this letter and received a response. But what did you know of him when you yourself were at Berkeley?

WERDEGAR: Oh, nothing. Nothing.

MCCREERY: Do you have any knowledge — was he inquiring on behalf of anyone specific?

WERDEGAR: Yes, he was, and I don't know who it was. This was 1959, so I would have been a first-semester student. Your question is apt because I think Earl Warren asked his alma mater, as many justices do, to feed him potential clerk applicants.

I don't know who it was. The year ahead of me, as I've described before, was Joanne Garvey, who was outstanding. She wasn't number one, but she was on the law review and she became just a star of the legal community later on as she moved through her career — the first of so many different things. But that wasn't Joanne because this would have been a third-year student. If they were seeking it in the winter of 1959, that student would have graduated in 1960. So I don't know, and I don't know if she applied.

But John Niles became a clerk. At that time, I was interested to see that they only had three clerks. Now I think they have more. I'll mention that in those days it was typical to apply to clerk for the United States Supreme Court right after graduation. That has changed dramatically. I don't think you would have a prayer. Now it's expected that you've had at least another clerkship and maybe some practical experience in a very prestigious law firm.

MCCREERY: How did you learn that John Niles had been accepted for such a clerkship?

WERDEGAR: I don't know when I learned, but he moved to Washington and we socialized with him and his wife.

And indeed, going back to my job searches, I'm sure to have clerked for the chief justice of the United States would be an incomparable experience. Nevertheless, the experience that I did have was fabulous. I ultimately

received a letter offering me a position from the Civil Rights Commission and from the Department of Justice.

The Civil Rights Commission was more of a policy-making research entity, and the Department of Justice struck me as more hands-on dealing with the real issues. My letter, interestingly, was written by Byron White, my letter offering me the job in the Department of Justice — soon to become Supreme Court Justice White. But he was deputy attorney general, and he offered me the job [see facing page].

MCCREERY: Do you recall what more there was to the process in making both of those applications? You had some letter of application. Was there a personal interview in either case?

WERDEGAR: On those two I don't remember, frankly, at all. The interview I remember is the one I've just described with the chief justice. They must have met me face to face at the Justice Department. I have no memory about the commission. My grades were outstanding, but I think any entity would want to see you.

I was accepted to the appeals and research section of the department, which is a very small section. Surely — our boss was Harold Greene — surely he would have wanted to meet me. There were four or five attorneys, all of us young.

MCCREERY: Tell me more about the work of the appeals and research section, as you came to know it.

WERDEGAR: Yes, I will. I'd like to speak first about Harold Greene because Harold Greene was a *mensch*. That's a word that means just a splendid human being. In addition, he was an excellent lawyer.

He was a German Jew who fled Germany from the Nazis and ultimately, after some way stations, came with his family — his parents and himself — he was a young man — to this country. He served as an interrogator in the U.S. Army of German prisoners of war for military intelligence. Then he went to George Washington Law School — and that probably helped me when I was applying — and was appointed after doing some other things as the first head of the appeals and research section.

He became nationally known much later as the federal judge who presided over the breakup of "Ma Bell," AT&T. But he professed that he simply agreed to a settlement between the government and AT&T — because that

UNITED STATES DEPARTMENT OF JUSTICE
OFFICE OF THE DEPUTY ATTORNEY GENERAL
WASHINGTON, D. C.

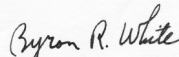
Mrs. Kathryn M. Werdegarr
3612 P Street, N.W.
Washington 7, D.C.

Dear Mrs. Werdegarr:

It is my pleasure to offer you a position in the Department of Justice for assignment to the Civil Rights Division following your graduation from law school. You may enter on duty at a convenient date as a GS-9 at an annual salary of \$6435. We expect that you will be admitted to the bar either before or within nine months of entering on duty. Like most other government monetary commitments, this offer is, of course, conditioned upon legislative appropriations supporting the Department's budget requests and, as in the case of all officials and employees of the Department, the appointment is subject to the results of a routine investigation as to character and fitness which can be instituted promptly upon the receipt of the requisite forms.

Please execute and return the enclosed Form 86 in quadruplicate and Form 87. It will expedite the character and fitness investigation if you will furnish several character references in addition to those mentioned on the preliminary application form.

I wish to congratulate you on your record of achievement in law school and upon being chosen to become a member of the Department's staff.



Byron R. White
Deputy Attorney General

LETTER FROM DEPUTY ATTORNEY GENERAL
BYRON R. WHITE, SPRING 1962.

was faulted at the beginning — I'm not an expert on this but I remember it raised a lot of eyebrows. Was this going to be good? But I think it was the antitrust division of the Department of Justice against AT&T. They reached a settlement, and at that point Judge Greene approved the settlement but he wasn't responsible for it.

He's also credited with helping to pass the Civil Rights Act of 1964 and 1965. In his obituary he was called one of the legends of the American bar, so he was a splendid man.

Going to what we did in the division, he was credited with helping to pass the Civil Rights Act and that's what we were working on in 1962 and 1963. This was the emergence of civil rights. There was political pressure on this administration to do something about it, and I think the attorney general, Bobby Kennedy, was vigorous in his wish.

MCCREERY: As an aside, you talked about becoming excited about these areas while still in law school and being there in Washington. What were your own views and proclivities with regard to civil rights issues in terms of political background and so on?

WERDEGAR: Obviously, I had an affinity for assisting people who were suffering injustice. I wasn't highly political. It goes back to my being friends with Jews who — I hardly knew they were Jews. It wasn't an issue with me, even though nobody I knew in my family or in my other social life had ever known any Jews, taking us back to an entirely different era. So my instincts were with civil rights, and this was something I could really get excited about, and with reason.

You asked what our responsibilities were. We did a little bit of everything, depending on what the issue was. I'm here to say we made it up as we went along. One thing we did is we researched and drafted early legislation about enacting a federal public defender's office. To that time there had been no federal public defender. Some states had public defenders. We drafted legislation to abolish segregation in public accommodations, such as hotels and motels, restaurants, and theaters.

We drafted speeches for the attorney general on civil rights issues, and I do remember one phrase of mine that made it into Attorney General Bobby Kennedy's speech on public accommodation law. It went as follows: "Pity the plight of the Negro traveler." And that's what he proclaimed.

The point was, as was expounded on after that introductory phrase, that the Negro traveler had to be very concerned about where he or she was going to stop for the night, where he or she could eat, where he or she could have a comfort stop. It's almost impossible to fathom right now, but they were not assured of a place to sleep at a lodging along their route. Amazing.

MCCREERY: You mentioned Attorney General Kennedy's vigor in pursuing these ideas. What sorts of directions did you get from Harold Greene and others about how to write for him, how to represent him?

WERDEGAR: I recall none. I guess there may have been, but I recall none. He would select — and surely his own speechwriters would have a strong hand in it.

Other things we did: A significant part of our work was writing *amicus curiae* briefs seeking to hold in contempt recalcitrant Southern governors who would not accede to federal orders to desegregate their schools. The famous phrase of the day was articulated by Governor George Wallace of Alabama. These people are unbelievable. George Wallace of Alabama, who would “stand in the schoolhouse door” and not let it happen. And Ross Barnett of Mississippi. It was a very strong segregationist South, and these people did it for their political benefit.

MCCREERY: What sorts of strategies was this Civil Rights Division employing to try to effect these major changes?

WERDEGAR: It would be driven by the attorney general, but the service that we provided was — it would be an *amicus curiae* brief, which means “friend of the court.” We would draft the briefs that we were told to draft, and we also became experts in contempt of court for these governors. They were in contempt of court. They were not obeying court orders. I do remember researching this wholly new area of law, contempt of court. It was very exciting.

We would also write *amicus* briefs to get Martin Luther King, Jr., out of jail when he was arrested. In this context *amicus*, friend of the court, really makes sense because we wouldn't be a party. It would be a state entity that would have arrested him and put him in jail. I think as a political effort to show solidarity with Martin Luther King and the black community, the federal government decided to submit briefs as friend of the court, urging the court to release him. Going back to the violation of federal court orders, we must have been writing briefs as a party.

James Meredith — you might remember the name — was chosen, or chose himself actually, to desegregate Ole Miss, the University of Mississippi. Of course, Mississippi put up a battle, and Ross Barnett, the governor, wasn't going to have any part of it. But in 1962 he entered the University of

Mississippi, and he was accompanied by U.S. marshals. There were riots. It was terrible. But he was accompanied by U.S. marshals and a Department of Justice attorney, John Doar.

John Doar was assistant — I'm not clear on these titles — assistant deputy or something for civil rights, and he was a giant of a man. He was tall in stature, and he was large in spirit and intelligence and courage. There are photographs that you can see. This is such a central part of the history of civil rights. He went on this campus with the United States marshals, and I've read that there were federal troops available.

He took James Meredith onto the campus, and he lived with him for some extended period of time. The joke at the time in the department was that if it had been Joanie Meredith, I might have been sent down to accompany her to Old Miss. [Laughter] Just a joke, I think. I don't think anybody would have thought I was physically suited to do that. But that was quite a dramatic event.

Living in Washington and working in the Justice Department at this time was so exciting. These were the news events of the day. I would go home and turn on the television, and I would see events that peripherally if not directly were what I was working with.

A lesser thing that we did, but important to the people involved, was respond — not always as promptly as we should — to pro per habeas corpus petitions by federal prisoners. So we drafted legislation, we wrote briefs on behalf of the government in civil right cases, we wrote amicus curiae briefs seeking, as I say, to get Martin Luther King, Jr., out of jail but also seeking to have Southern governors who deserved it to be held in contempt. It was quite thrilling.

MCCREERY: Say a bit more about the amicus curiae brief on behalf of Martin Luther King, Jr. What became of that particular effort, and how was it used?

WERDEGAR: That's a fair question, but I don't know. It starts in our division. I have a copy of one of the briefs I had a hand in at home, but I haven't revisited it. It doubtless explained why the incarceration was invalid, a violation of freedom of speech and freedom to petition the government.

Speaking of that, and speaking of being involved in the events of the day, on television you'd go home and you'd see what was happening in

Birmingham, Alabama. You'd see, I think it was, Sheriff Bull Connor with the attack dogs on leashes and these fire hoses blasting these peaceful well-dressed absolutely civilly disobedient people. It really aroused the American public, it really did once this was televised, the extreme measures of what some Southern officials were doing.

MCCREERY: You're describing quite a range of responsibilities of your division in these various important areas, all very timely, as you say, with current events. How large a staff were you, and how were you organized?

WERDEGAR: We were a small staff. I think we were five. This was new, brand-new, and the need for attention to the particular issues that I've mentioned arose, really, with the new administration. The Civil Rights Division was established, I'm told historically, in 1957. What happened with it between 1957 and the Kennedy administration, I don't know.

I did read a quote by Harold Greene much later in life where he said, "In our day we didn't have issues like affirmative action and some of the other issues that certain people feel are complicated and nuanced." He said, "It was very clear what was right and what was wrong."

MCCREERY: What was Mr. Greene's personal style in working with you as a staff?

WERDEGAR: Supportive, genial, free-rein. Just easygoing.

Again, I read a quote from him on his life, where he said, "It was one of those things where you never knew what was coming your way," meaning his section, the appeals and research section. "The attorney general would call me up at midnight and say, 'We're going to take James Meredith into the University of Mississippi tomorrow. If they block this or don't allow it to happen, what are our legal options?'"

I'm quoting Harold Greene. So he had to scramble and figure that out. I was not responsible for that. [Laughter]

I was so sorry to leave, actually — I would have stayed in Washington. My husband knew that he wanted to live in California, and he was right because Washington, it turns out, is really a town often of transients, people who come with one administration and go back to where they came from. So the friendships that are strong and the bonds that are there — it passes with time.

He knew he wanted to live in California, and I might interject here — not to mention the weather. In Washington it would snow every year. I don't think this was a surprise. But they acted, every time it snowed, like they'd never seen snow before. [Laughter] Government offices would close. Schools would be discharged. People would try to slog their way on foot home. I'm told it's not much different today.

I digressed. Oh, yes. What a gentleman Harold Greene was. He secured for me a photograph I have here of Attorney General Bobby Kennedy, signed: "To Kay Werdegar with great appreciation. Bobby Kennedy." Bobby Kennedy I don't think ever met me personally, but apart from Harold Greene some of his lieutenants did. And he gave me a clock that I still have somewhere, inscribing it: "With great appreciation."

We were, as I say, a small division, and we were close. We were all so energized and inspired, and most of us, I would say, were very capable. It was the cream of the crop. I was accepted to the Department of Justice as an honors attorney, as a GS-9, and my salary was \$6,400 a year.

MCCREERY: Who were your fellow employees there, and what became of them?

WERDEGAR: One of them, Allen Mayer, came back to California, and we stayed in touch for a while. I liked him a lot, but we've lost touch. There was another attorney in the Civil Rights Division, but he wasn't in the appeals and research section, from Boalt. There were four or five people from Boalt — and I'm counting myself among them now even though I graduated from George Washington — who did go to Washington and work in some aspect of civil rights in the department.

Brian Landsberg was one. He's now a professor, unless he's retired, at the law school in Davis, not UC Davis Law School, but — I'll have to think of it [McGeorge School of Law]. And Bert Danziger worked in the voting rights section. He was a good friend of mine, if I didn't mention him, from Boalt, a really nice guy, kind of a street fighter kind of a guy. "Justice!" He was going to fight for it.

But after that we were small. I knew one woman in the Department of Justice, and we became social friends, couples. We enjoyed each other a lot, but we lost touch. She's the only woman I'm aware of. She was in the civil division, not civil rights, but we did become socially acquainted. It was a

lot of fun. Young, newly married, newly engaged in dynamic, important issues. It was a very exciting time.

MCCREERY: What exposure did you have to other parts of the Civil Rights Division, the full department?

WERDEGAR: None, really.

Speaking of being in Washington at an exciting time, I'd like to speak about the Cuban Missile Crisis. That was October of 1962. Evidently the government had determined, perhaps through U2 flights — in any case, they had determined that Cuba — or as former President Kennedy would say, “Cuber,” — he had a wonderful Massachusetts-Boston accent — had missile sites. It already had some missiles, and they were pointed toward us. Our intelligence also discovered that Russian ships were steaming toward Cuba carrying additional nuclear-tipped missiles. This was a real crisis. You remember this was the Cold War, and it was cold.

The president initially at some point shared this information with the public, so we were aware that this was going on. David had had surgery and was home during this time. I think history will say the “crisis” lasted thirteen days. I'm simply quoting history. I'm not here to say I knew that or know it.

David was home recovering from surgery, and he had the radio on. He would report to me at night that the radio would be telling us that these Russian ships were steaming toward Cuba. They were steaming and steaming, and I'm not exaggerating, “Steaming.” [Laughter] We used to laugh a little bit, like, “Are they going backwards?” They kept “steaming” toward Cuba, and the issue seemed to be, were we going to have a preemptive strike on Cuba? Were we going to impose a blockade on these ships?

David and I drove past the executive office buildings one time at night, and the lights were ablaze like they would never be, which bespoke to us that the administration was working late into the night.

I remember being in this intimate group of appeals and research attorneys, and we were talking about what was happening. We really felt that war was imminent, and that Washington would be one of the first targets. We really felt there was a serious possibility we were going to die.

I remember discussing with a Catholic office mate of mine and saying to him, “It must be wonderful, as a Catholic, to know what happens to you

after you die.” Because I assumed that was a correct interpretation of the faith. But we had these discussions.

History has later said it’s the closest we ever came to nuclear war, and it was the scariest moment of the Cold War. I think being in Washington we felt it particularly. Happily, Kennedy and Khrushchev resolved it through negotiation, and history tells us that it was Bobby Kennedy and Jack Kennedy together who managed to resist a more confrontational approach that was being advanced by maybe some of the military officers and averted what might have been a cataclysmic confrontation. So that, too, was enhanced by being right there in the nation’s capital.

MCCREERY: How do you evaluate your time as part of President Kennedy’s “New Frontier,” as you look back on it now?

WERDEGAR: At the time and for a long time after, I said it was the best job anybody ever could have had. As a young attorney, it was unbelievable. I didn’t dream I’d ever have anything that exciting. Of course, now that I’m a justice of the California Supreme Court I have to include this position as one of the two most thrilling of a career. I was just fortunate that I was in that place at that time. That was just good fortune. I was surrounded — looking back, I didn’t necessarily appreciate the stature of the people I was working with at the time, but they’ve come to be known as just giants of the era.

I mentioned Harold Greene and John Doar, but there were others in the Department of Justice: Nicholas Katzenbach and Burke Marshall. They all were men of great courage, and they were heroes in the civil rights movement. Just through good fortune of time and place, I at least breathed their same air. Difficult, challenging times produce, for some, greatness. A lot of these people that I’ve mentioned rose to that occasion and were able to use to the benefit of the country their extraordinary talents.

MCCREERY: Yes. Mr. Katzenbach, for example, went on to be attorney general himself, and as you say many other illustrious positions came out of this group.

WERDEGAR: Yes, he did. I’d like to speak about going to work in the Justice Department building, actually. I would take a bus. I think I would walk down to Wisconsin Avenue, even in the snow, and catch a bus on

Wisconsin Avenue. I think it would take me down to Pennsylvania Avenue, where the Department of Justice building was.

At that time the building was known as the FBI building, so I worked in the FBI building, so-called because the FBI's offices were there. Tourists would be streaming into the building to go tour the FBI offices and, I think, also to see target demonstrations by FBI officers. I'm not sure because I never took the tour, which seems strange at this time. But I was always so proud to walk into that building as a young attorney.

I also recall that in front of the building there would be Black Muslims known as Nation of Islam hawking their publication called *Muhammed Speaks*. I can't be sure, but I think even Malcolm X himself might have been there at some point. So every aspect of it was dramatic.

I would have stayed, as I mentioned, in Washington because all I saw was what was the now, not what the future was. Of course, it couldn't possibly have continued to be the same once we had children and life moved on. David had a position at UC Medical Center waiting for him, so we packed up and left.

MCCREERY: But as your first professional position as a new attorney, how good a match was that for you at that time?

WERDEGAR: Whether it was a good match you'd have to ask Harold Greene. But in my mind it was fabulous because I was engaged in something that I was passionate about. Our tasks were research and writing, which it turns out have been my path and my strength my whole career.

MCCREERY: What influence do you think that year had upon you later on? Is that something you can put into words?

WERDEGAR: When I came back to California the immediate influence was that I found that I was put in the position socially of being a spokesperson for the civil rights movement. Again, California was still a bit of a backwater. This was all news, and people didn't quite understand what the issues were. I was invited — I was put on the spot a lot, or you might say "had the opportunity" a lot to talk about it.

It was just a continuation of my natural — unexamined, but my natural affinity for what I perceived to be justice and my natural lack of any prejudice against groups that might have been disfavored at the time. It seemed just natural.

MCCREERY: Before we leave Washington entirely, what did you learn from John Niles about his experience clerking for Chief Justice Warren?

WERDEGAR: I wish I had asked him. We did socialize. That would have been fifty years ago, and whatever he might have said didn't stay with me. I'm sure it was a sensational experience. He later went on to take a position in New York that had been waiting for him whether he got that clerkship or didn't get it. I think for John, he probably found that year one of the most satisfying of his life. But it was a brilliant progression in his career, which — I'm so happy for him.

I wish I had remembered what he might have said and what cases he might have worked on. But I don't know.

MCCREERY: But you knew this would be a one-year assignment for you and that you'd be returning to California to a job awaiting Dr. Werdegar?

WERDEGAR: Yes, because that was David's service obligation, and he had discharged it — and in a most agreeable way for both of us, really. For me, a Californian — of course, I had been to Wellesley, which took me out of the usual right there. But I was ready for this experience and didn't know what California was going to hold for me. Of course, I was looking to starting a family.

Our last day was August 28th, 1963. Does that date mean anything to you?

MCCREERY: Why don't you tell me what happened. [Laughter]

WERDEGAR: I would say, fittingly that was our last day because that was the day that was proclaimed to be the March on Washington for Jobs and Freedom. We had movers coming, and David agreed that he would stay at the house and deal with the movers, and I could go to the march. I went with my friend Judy Norrell, the one I met in law school whose mother was the congresswoman from Arkansas.

We walked down 16th Street to the Mall, and we were a little apprehensive and a little wary because the administration was concerned there was going to be real violence. There were contingency plans, which I can't say I knew at the time but I've since read, of federal troops. There were a lot of police present, mounted police and foot police. So we didn't know what we'd be getting into.

We were some of the very few white people. It has since been estimated that there were about 250,000 people, 75 to 80 percent of which were black. Blacks had been bused in or taken trains, airplanes, driven themselves in from the South and from New York, had been marshaling the day or two before. So there we were.

MCCREERY: What was the atmosphere out in the crowd there?

WERDEGAR: As it happened — as I say, we were self-conscious and concerned — as it happened the atmosphere was friendly, relaxed, peaceful. It was like a Sunday picnic. People were in a good mood. They were all nicely dressed, like they were going to a Sunday social. Judy and I felt ultimately perfectly at home there. Some people climbed into trees to get a better view. It was an enormous crowd. You've probably seen pictures. They were passing out placards. Some placards said, "We shall overcome." Others had other slogans or affiliations on them.

I picked up a button, which I have hanging right here in my office and I looked at yesterday. It's a white hand clasping a black hand. It's a white button, round, and on top it says, "March for Jobs and Freedom." On the bottom it has the date, August 28th, 1963. In the middle it has, let's see, in small print beneath the clasped hands, it has "AFL-CIO Local 64." I've never noticed that, actually, before. Underneath that in very small print it said, "Union made."

I kept that button. I picked it up somewhere. There must have been other options in the buttons or the placards. Some of the placards declared what church the person was with or what union the person was in or what advocacy group.

My friend Judy said that, coming from the South, she had never seen such a mingling of black and white. There were plenty of whites and plenty of blacks in the South, but the two never intermingled in a natural way. It was a marvelous feeling. I remember that Marian Anderson sang and Joan Baez sang. We were way back.

There were other speakers, and then there was Martin Luther King, Jr. Shall I talk about his speech? We couldn't really hear all his words. What you couldn't miss — and this was new to me — was the cadence, the rising, and the *swelling* and the diminishing, and the *swelling* and the diminishing, and the building up. Judy said that it reminded her of a Baptist

cadence, a Southern Bible-belt cadence that she grew up with. Of course, I had never heard anything like it. It was a day where you felt hopeful, happy to have been present.

We could not have known, however, that it would become the iconic speech that it did. Many, many years later — many years later — when my older son was in college and he had a seminar on the 1960s, I went for the one and only time in my life to a college class of one of my children. I walked in the classroom, and unexpectedly they were discussing that march. They had a recording of Martin Luther King, Jr.'s speech. That's when I realized it was history. I was there, and it was history. When you're living what you're living or where you are, you don't realize, at least I certainly didn't — I don't think most of us do — this is history. But it was.

MCCREERY: What do you think was the effect of the March on Washington?

WERDEGAR: I have to leave that to experts to say. I will say that, at the same time — and I'm glad this came up — the women's movement was emerging on the tails of the civil rights movement. I do want to speak about Betty Friedan's book *The Feminine Mystique*.

During my year in Washington — the book came out in 1963, so it must have been my year working in the Justice Department — Betty Friedan's book *The Feminine Mystique* was published. I read it, and it was a revelation. This book was speaking to matters that I had not articulated but I felt and was validating the path that I was taking.

I would like to read from Gail Collins' book — *When Everything Changed: The Amazing Journey of American Women from 1960 to the Present*, her book — on the impact of Betty Friedan's book. Betty Friedan conducted interviews of married women and so forth, and the material that she compiled formed the basis of *The Feminine Mystique*.

"*The Feminine Mystique*," I'm quoting Gail Collins, "was like an earthquake." Her thesis was that housekeeping just simply was not an appropriate full-time job for American women. American women had been — I don't know if she used the word "brainwashed," but had been persuaded that the shiny kitchen floor and the clean, freshly pressed laundry, and the perfectly well-scrubbed children were her destiny and her pride and joy.

Betty Friedan's book just blew the whistle on that. She didn't denigrate that. But she said it's just not true that that makes a life and that the talent and energy and gifts that women could bring to other endeavors in addition were being completely wasted.

"The power of Friedan's writing," I'm quoting again, "made *The Feminine Mystique* a sensation when it was published in 1963. Some of the women," I'm quoting, "were outraged that *The Feminine Mystique* had placed their choices into question and others," and I'm quoting, "like myself, felt at last they had been understood."

It was a validation for women who had chosen for whatever reason an unconventional path and were uncertain and felt they had to explain themselves and had to not inconvenience anybody. I certainly had those attitudes.

Later on in my life, when my husband's family would come to visit, I would stop work. My education and accomplishment as a lawyer was not something admired. It was something *not* to talk about in the eyes of his family.

The Feminine Mystique started, marked, I think, the beginning of the women's movement. You asked me what do I think the impact of the March on Washington was. I'm not a social scientist or a historian. I've read that the women's movement in the end, although still in progress, had perhaps achieved more of what it hoped for than the march.

But the march did prompt — after Jack Kennedy tragically was killed that following winter — what a shock that was — Lyndon Johnson came into office and was a true believer of civil rights. He signed the Civil Rights Act of 1964. The march definitely, I think, made that a necessity politically. But it's also been said that in doing that the Democrats lost the South. In my growing-up period and that time in Washington — and my friend Judy, who was an expert on the subject, being a Southerner, agrees — the South was solid Democrat. Once a Southern president signed the civil rights law, he lost the South. We now know, for whatever reason, the South is not solidly Democrat. It's just all a bit of fascinating history.

MCCREERY: How did you come personally to read Betty Friedan's book?

WERDEGAR: I don't know. It was out there, and I was intellectually curious. The mystique, I understand, is the mystique that a woman's role is to

serve her family and have a perfect home and the perfect roast and everything would be wonderful.

I actually lived that even as I pursued my career, as might develop when we talk about subsequent events. It would have been an obvious thing to come to my attention, and it was marvelous.

MCCREERY: Who could you talk to about these ideas?

WERDEGAR: I don't remember. Maybe my friend Judy Norrell. She has continued to be intellectually stimulating and of wide-ranging interests. She herself didn't marry.

But I don't think I needed to talk to others. When you say, "Who could I talk to?" do you mean to support my views or to exclaim how challenging and energizing this was? There have been few of my contemporaries who have been on the path that I've been on, when you start looking at that path to how far you carry it. So maybe that woman who was in the civil division of the Department of Justice — we've lost touch. Otherwise I can't in particular remember anybody. I didn't need to. There it was in the book.

MCCREERY: You mentioned the assassination of President Kennedy, which occurred only a few months after you left. Knowing that you were part of his administration, would you be willing to talk about how you learned the news and what went through your mind?

WERDEGAR: I think it's like 9/11. You never forget where you were when you heard it. I was home in our apartment in Sausalito, and I heard it from the radio. You just couldn't believe it. You just couldn't believe it. The shock and the pain of it on every level, for the country, for his family, for those who cared about what we thought were his ideals.

Then, of course, what followed was endless watching of television about the funeral, and about Jack Ruby, and catching Oswald, and the reruns of the car ride through Texas and the photographs, and Oswald being shot by Ruby, and Jackie Kennedy, who comported herself unbelievably for the benefit of the nation in preparing the funeral and having her children — nobody has that control over their children — having her children be adorable and behave superbly. It was just sickening. It was just a painful shock.

Then you'll remember, moving forward, that — I don't have the dates in mind, but — it wasn't that long afterwards that Martin Luther King

was killed. It may have been longer than I think, but it wasn't — and then Bobby Kennedy was killed.

MCCREERY: 1968, both of those.

WERDEGAR: That was several years. It seemed one hard upon the other. You just wondered what was going on in our country.

MCCREERY: You mentioned Mrs. Kennedy. I wonder what sort of role model she was to you and other young women in Washington at the time, if you thought of her as such?

WERDEGAR: I didn't think of her as a role model. I think I marveled at her. She was, what? Thirty, thirty-one, thirty-two? She was multi-lingual. Again, this was part of the new Kennedy administration. She was young, thought to be extremely attractive, stylish. She had an interest in fashion, in the arts, in classical music, and in French cooking. The White House had hired a French chef. This was just such a new thing.

Washington did not have many interesting restaurants at all. I'm not sure they do now, but they didn't then. But there was a restaurant called the Sans Souci near the White House that was very popular. All things French — and that goes back to the French market, where Pierre Salinger and my husband shopped — became quite fashionable because Jackie Kennedy favored them.

To live in Washington and to be young and to be in sync with the administration — I don't know what it was like for people who found this administration uncongenial to them — but at that time we were in sync with the administration. The Kennedys were in the news all the time.

I want to back up and say that one event, again, being in Washington, was going to the Supreme Court — I think it's the only time I heard oral argument at the Supreme Court — and hearing Bobby Kennedy give his first and I think only oral argument before a court. In a moment I'll get you the name of the case.

MCCREERY: Did you go as a class, or were you there on your own?

WERDEGAR: Oh, no, no. I was there on my own. I was probably working in the Justice Department. How I got a seat I'm not sure because the courtroom was packed. The entire Kennedy clan was there. To those of us at that time, this was something. There was Jackie Kennedy and Ethel

Kennedy and Joan Kennedy, who was Ted Kennedy's wife. Before the argument, Teddy Kennedy was sworn in as member of Supreme Court bar on the same day that his brother was making his oral argument.

As a matter of history, I'd like to give you the name of the case. It was called *Gray v. Sanders*.⁶ It was argued January 17, 1963, and it was a voting rights case that had to do with the government challenging Georgia's county unit system that it used as a basis for counting votes in the Democratic primary for the nomination of a senator and other statewide offices.

This was an important case because what followed it was something known as the "apportionment cases" examining the system of various states and how they apportioned their geographical units and the weight they would give them.

MCCREERY: Yes. One of the major areas of the Warren court, looking back.

WERDEGAR: Yes. Thank you. That's true. Bobby Kennedy had elected to argue the case himself, and I don't know how it was that I had a seat because the courtroom was packed. I was thrilled to be there. All the Kennedys and me. [Laughter]

The Kennedys set a tone of style and flair and sophistication, and while it lasted I think Jackie Kennedy was viewed widely as representing our country well. We all know — or those of us who were around remember — she was a sensation when they traveled to France. Jack Kennedy, who had a delightful sense of humor, said, "I'm the man who accompanied Jackie Kennedy to France."

He used television, it's been recognized, in a way that it had never been used before. He had a quick wit, a lively intelligence.

MCCREERY: And certainly the Kennedy–Nixon debates in 1960.

WERDEGAR: That changed the course of history, yes. The Kennedy administration was short and brief. How it would have played out is not for me to say. Historians can't figure that out either, but I think anytime you serve in government in Washington it has to be an exciting time because it's the heart of our government. That time for me, as a young person, was just magical.

⁶ 372 US 368.

MCCREERY: As an aside, much was made at the time that President Kennedy was a candidate of the fact that he was a Catholic. We were talking earlier today about various religions and how those sometimes cause a lot of conflict for people personally. In your memory how big an issue was that at the time that he was running?

WERDEGAR: Do you mean to me personally or to the country?

MCCREERY: To the country, as you recall it.

WERDEGAR: It seemed to be a very big deal, and of course Jack Kennedy was a little-known individual as well. It just shows you how things evolve. I don't think we've had a Catholic subsequently, but I don't think it would be an issue if we did. But at the time it was this purported concern that the president would respond to the wishes of the Vatican and not his own conscience. Today I don't think that claim would ever be made.

MCCREERY: Had you attended oral argument before, or did you say this was your only time?

WERDEGAR: No. This was my only time.

MCCREERY: What do you recall of the oral argument process, if anything?

WERDEGAR: I don't. I don't.

MCCREERY: Not knowing then that you would subsequently engage in such a thing yourself in great detail.

WERDEGAR: No.

MCCREERY: Finally, you mentioned earlier Byron White, who shortly became a Supreme Court justice. Then President Kennedy had the other appointment in Arthur Goldberg. Did that make much of an impression on you and yours at the time?

WERDEGAR: No, it didn't. No.

MCCREERY: Your whole path into the judicial career sounds fairly unanticipated. Had you thought about any such thing at an early stage like that?

WERDEGAR: [Laughter] I've had externs that serve here, and we meet with them for lunch — it's supposed to be one of the perks of being an extern at the California Supreme Court — ask me that question. I just have to laugh.

Think back to the times that I'm speaking about. I've never heard of a woman judge. I hadn't heard of a woman lawyer, and I certainly didn't know where my career was going to take me as I tried, down the road, to accommodate having a family and being the wife of a very busy professor of medicine at an academic institution. It never crossed my mind until way later, and I assume we'll get to that later. No. I was putting one foot in front of the other and seeing where it would take me, and it took me to some very nice places.

MCCREERY: Thank you so much. Is there anything you'd like to add about your time in Washington?

WERDEGAR: No. It's a special place and I think for anybody, especially people trained in the law who have the opportunity, at least for a short time, to live and work there, it's a wonderful experience. I'm just so grateful that circumstances — my husband's military obligation — took us there.

Thank you, Laura.

MCCREERY: Thank you so much, Justice Werdegar.

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