



Carin Clauss

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Oral History Interview

Interviewed by: Lisa Mazzie



BEGIN TRANSCRIPT

MAZZIE: I'm Lisa Mazzie and I am here with Carin Clauss, professor emeritus, at University of Wisconsin Madison Law School. We're going to talk today about her history. I'm glad that you were able to come. Let's start with the beginning. Where were you born and where did you grow up? You were talking about Tennessee earlier.

CLAUSS: Yeah, I was born in Knoxville, Tennessee in 1939. It was [00:00:30] still a very undeveloped part of Tennessee, Appalachia. My father, who had emigrated from Germany in 1930, had gone to Tennessee to be the architect for TVA in 1934 and had married my mother before going to Tennessee. That's where I grew up.

It was actually [00:01:00] a wonderful place to grow up, because everybody that we knew were TVA people, so there were WPA artists, photographers, of course David Lilienthal, his top legal aides who argued the constitutionality of TVA, which was considered creeping socialism.

In terms [00:01:30] of childhood exposure, it's all kinds of exciting people. My parents built what was considered the first modern development of international houses up this mountain in Tennessee and everyone who lived there in their modern houses were TVA personnel.

MAZZIE: What made them modern houses for the ...

CLAUSS: My father had been a [00:02:00] protégé of Mies van der Rohe, who was a very prominent German architect. He was the project architect at the Barcelona World Fair, which is considered the first real international style of architecture. When he finished that project for Mies, he boarded a boat and came to the United States.

[00:02:30] My mother, who was born in Minnesota, her father had sent her to Europe after graduation to do the cultural tour and to fulfill her dream, which was to work for Le Corbusier, the French architect. She worked in Paris. Then, when the Depression got too severe that even Le Corbusier ran out of work, she returned to the United States [00:03:00] and met my father in New York, where they both went to work.

MAZZIE: Okay. Tell me about your parents. Did they have careers? Your father was an architect, but-

CLAUSS: My father was an architect. He came from a military family in Germany, so his father and older brother, who would've been the military, it was always the oldest son, were killed [00:03:30] in World War I. He then took care of the family. He graduated from architectural school in 1926.

He had planned to work with his uncle, who was an architect, most of my grandmother's family were architects or artists, but his uncle died shortly before he finished architectural school. He worked for Mies [00:04:00] van der Rohe and then hated Germany, hated the

militaristic part of Germany. He was a socialist. He had heard of this Roosevelt guy, who was governor, and he decided to go to New York.

MAZZIE: New York, okay. Great. Your mother was there?

CLAUSS: My mother had, by then, moved to New York. That's where they met, in New York.

MAZZIE: Was she involved in architecture as well?

CLAUSS: Oh, yeah. She was an architect. She had gotten her architectural [00:04:30] degree from the University of Minnesota. In those days, women got a special architectural degree of interior architecture. To qualify as an architect, she took engineering, as well as interior design, which was their architectural degree for women. She went to work with a Chicago firm, but [00:05:00] they did traditional architecture. She was very excited about this new modern architecture in Europe. He was the one who advised her, "You should go to Europe and work with Le Corbusier," so that became her goal.

Le Corbusier hadn't really hired too many women. I'm not sure he had hired any women, so she sat outside his office for six months, doing watercolors, [00:05:30] until he finally got so disgusted that he hired her. She just loved her experience in Paris, but when money ran out, you come home, right?

MAZZIE: Right. That was Paris in the '20s, which was quite a time?

CLAUSS: That was Paris in the '20s. Actually, when I went to Paris as a young college graduate, I went to see Le Corbusier. Apparently, I looked exactly like my mother, because he said, [00:06:00] "Oh, Mae West!" Of course, her name was Jane, not Mae, but anyway.

MAZZIE: Right. Wow. That was amazing.

CLAUSS: Anyway, they went to Tennessee and practiced architecture. We grew up on this mountain. The photographer had three kids, and two were much older, and then there was one my youngest brother's age. At the bottom [00:06:30] of the hill lived a hillbilly that we called "Old Charlie." My younger brother and I just loved Old Charlie. He had hogs. We liked to go down and watch the feeding of the hogs.

His oldest daughter would take us to church, because my parents were well-known atheists. The hillbillies were worried about these three little [00:07:00] kids. My older brother had no interest, but Carl and I, we were just fascinated. We went to Baptist church every Sunday with Polly. Old Charlie would make us whistles and teach us how to whittle. We had a good life on our mountain.

MAZZIE: That's wonderful.

CLAUSS: Yeah.

MAZZIE: You had two brothers, it sounds like?

CLAUSS: Yeah, an older and younger.

MAZZIE: Then, one was younger?

CLAUSS: Mm-hmm (affirmative).

MAZZIE: Were you the oldest or were you-

CLAUSS: No, I was in the middle.

MAZZIE: In the middle, okay. They're both still alive today?

CLAUSS: They're both still alive. [00:07:30] My older brother was a lawyer and my younger brother was an engineer businessman.

MAZZIE: No architects?

CLAUSS: No architects, although my father's family, true to form, they still have architects. His niece was an architect, many of his cousins once removed are architects, so that Clauss history [00:08:00] of architecture stayed. We were given drafting tools at age five. My father looked at my design of a house and said, "Do something else."

Peter, my older brother, would've been a good architect. He built his own house at 15, while my father was in Europe. It was very well-publicized, but [00:08:30] he wanted to make money. In those days, architects didn't make money, so he chose law. Carl and I just didn't have any talent, so it wasn't an issue.

MAZZIE: Yeah, so you had to do something else.

CLAUSS: We had to do something else, yeah.

MAZZIE: Okay. It sounds like you learned a lot of interesting things from the hillbilly.

CLAUSS: Absolutely. Of course, in our early school [00:09:00] years, you had rationing because of the war, so we couldn't go into Knoxville for school. There wasn't enough gas. The guys on the hill would carpool to get to work, but the kids weren't going to be transported to public school.

We went to the country schoolhouse, which was a couple miles away, that we would walk to. It was a three-room schoolhouse. It went up to the eighth grade. [00:09:30] You had two or three grades per class. It had no indoor plumbing, but my father realized we would not be happy with that, so they put in a beautiful bathroom in this little country schoolhouse.

We were very loved by the principal and the teachers. We had to win every cakewalk, which was a southern thing you did, sort of like "Stop the Music." [00:10:00] The principal was a big guy, Mr. [King 00:10:04], and any hillbilly kid that tried to win, he would just take them outside and beat them up, "These little kids, they have to win."

MAZZIE: Oh, my. Okay. How long did you go to that school?

CLAUSS: My older brother went through the fifth grade and I went into the third grade and my younger brother, the second grade. I thought [00:10:30] we had a wonderful education. Not only was the south, of course, fully segregated and racist, but there was no separation of church and state in those days. We learned to read from the Bible, but only the New Testament, of course.

When you completed reading one chapter, then you got a paper copy of that chapter. [00:11:00] At the end of the New Testament, you got a copy of the Bible. It was one of those inexpensive paper copies, but I still have it, as a matter of fact. I thought our reading skills were far superior to those of our friends in Philadelphia, when we moved to Philadelphia.

MAZZIE: Wow, because there are some big words in there.

CLAUSS: There are some big words in the Bible and, of course, the southern tradition of storytelling, [00:11:30] so the idea of telling a story or writing a story. Penmanship was very important in the southern schools and, frankly, manners. It may be superficial, but you always stood when you were addressed. I thought we were well-prepared for subsequent life.

Moreover, [00:12:00] we of course all were taught to read before we went to school. We might be the only family that had books. We liked to teach the other kids how to read. There's nothing like teaching to learn something better than you would otherwise know it. I thought we got an [00:12:30] excellent education. We had very dedicated teachers. They didn't have college degrees, but they had gone to what they call "normal school."

MAZZIE: The normal schools, right. Great. Then, your family moved to Philadelphia. It sounds like you were in third grade. Then, you went to public schools there?

CLAUSS: Then we went to public schools there, mm-hmm (affirmative).

MAZZIE: Then, how was that? It's obviously different than the southern school.

CLAUSS: Yeah, it was different. When we first moved, my father, [00:13:00] they wanted to move in part because they were sort of appalled at the education in the south. My mother was one of 16 children. My grandfather was head of the history department at the University of Minnesota. His first wife had eight and then his second wife, she died, that was my mother's mother, [00:13:30] had eight. It was two families.

My mother's mother had also taught history at the University of Minnesota. Let's see, I think she graduated in 1897. It could've been earlier than that, but roughly [00:14:00] then. At

that time, she had the highest average ever earned at the University of Minnesota. She was captain of the Minnesota debate team.

I have this clipping, where her team argued against the Wisconsin debate team and won. This was big news in Minnesota, because one, the first woman captain of the debate team, and secondly, they beat [00:14:30] Wisconsin. It was on popular vote on the president, kind of an interesting issue for today. They weren't too pleased with the education system in the south, so my father took a job with a Philadelphia firm.

The architectural schools in those days had a two-year position for a creative [00:15:00] teacher. They had asked my father to be that at Yale for two years. Since he was going to be teaching in New Haven and working in Philadelphia, we moved to Philadelphia.

MAZZIE: Okay. When you were in school then, it sounds like you knew and your family knew right away you weren't going to be an architect.

CLAUSS: Right. That was determined early.

MAZZIE: Right. Did you always know that you would go on to college, you just weren't sure what or did you know?

CLAUSS: Oh, there was no question that we would go on to college. [00:15:30] My mother's, only 14 of them survived to adulthood, but they all went to college. Two of her sisters were doctors, three were professors, an architect. Everyone had a profession. My grandfather required them to state their professional objective by age 12. They all read Greek [00:16:00] and Latin, so there was no question that you would go to school and be a professional.

MAZZIE: Did you have to state your professional objective at 12?

CLAUSS: The only disappointment was that my father really hoped I would be a doctor, but I was pretty sure I wouldn't do that. My own ambition was to be a foreign journalist, which one of my uncles had been. They'd also been lawyers, too, but this [00:16:30] one that I particularly admired was a journalist.

Then, I realized you didn't go into newspaper work and just become the foreign correspondent for a big country and then that would be pretty boring. I didn't switch to law school until after my last year of college. I had a Ford grant. I had a scholarship to go to Russia. [00:17:00] I had minored in Russian studies and economics was my major, but I realized I didn't want to do that.

MAZZIE: How and when did you realize that?

CLAUSS: I sort of thought it was just the wrong career choice. I didn't quite know what you did with economics in Russian. I thought I was the kind of person who needed a project and you would do the project and then be done and go on to the next project.

[00:17:30] I thought law would be ideal, because little did I know, you would have a case and you would handle the case and that would be the end of it. Of course, the first case I had went back to court 18 times and it was never the end of it, but I didn't know that back then. I just thought that was something nice about law.

In June, after graduation, I was working in New York [00:18:00] for the summer. I went to see the dean at Columbia Law School. I said, "I have this fellowship. I think I could get it transferred to law school if you would take me." He said, "Oh, did you take the LSAT?" I said, "Yeah." He said, "What was your score?" I told him. He said, "Oh, yeah. We'll take you."

I figured they were happy to get a woman. They could now say they had one more woman. I then went to see [00:18:30] the people that I had the fellowship from. They said as long as I would study international law, of course that would be compatible with the terms of the fellowship, so they switched it over. I then took courses in international law and international political science in order to satisfy that requirement.

MAZZIE: Right. Okay, let's back up a little bit and then we'll get back up to law school. When you were in high school, is [00:19:00] there any special memory from that time that you want to share, anything in particular, anything that stood out?

CLAUSS: I noticed it, from your questions, you wondered who the most influential people were. When we moved to Philadelphia, my father reestablished contact with an old friend of his from Germany, who had been the mayor of Munich before the rise of Nazism, [00:19:30] a socialist, so he had to flee. He was separated from his family. They had gotten part-way out of Germany, but not fully. He was in the United States, his family couldn't join him until 1946.

He had one daughter [00:20:00] that had been born before the war, who was about eight years older than me. He and his wife were great influences in my life. He taught me two very important things, one, we always had dinner with the adults. We were the only kids on the mountain, except maybe Billy Glenn had three older kids. [00:20:30] My parents just didn't think you separated kids and adults. They always had this very stimulating conversation going on and we participated. It didn't occur to us we didn't have important opinions.

I'll never forget, in 1948, the Democratic convention was coming to Philadelphia. We were at the dinner table and we're having a discussion. I make some pronouncement and Johannes says, [00:21:00] "What's your factual support for that?" I was just mortified. I felt like I didn't have any factual support for it. I had read it in the newspaper, it must be true, right?

That taught me a lesson that I hope I always taught my students, that I always wanted to know why I had an opinion or why you have an opinion. You ought to be able to document it and to be critical, analyze [00:21:30] it. That was a very important lesson. The second important lesson, my parents mostly palled around with artists once we moved to Philadelphia, and my interest was politics, thanks largely to Johannes, who had been one of Truman's speech writers. He was a prominent person in the Democratic party in Philadelphia, which was part of the Democratic [00:22:00] machine then in those days.

They were having a dinner party for the young mayor of Minneapolis, Hubert Humphrey. We were invited to the dinner party after Humphrey's big speech at the convention against segregation, and Humphrey did the dishes. He asked me to dry the dishes. I dried the dishes [00:22:30] for him, after which, of course, I was totally smitten by politics. That's what I did. That's my biggest memory.

In my fifth and sixth grade, we had history projects. I had my World News, which was a newspaper I put out every week with my little portable typewriter with a mimeograph machine. [00:23:00] The idea, because my grandfather had written many books on history, so I've read them all, was to coordinate what was happening in Egypt that was also happening in Babylon or was happening in Africa. You had to bring it all together.

MAZZIE: Right, so you were synthesizing, even then?

CLAUSS: Synthesizing, right, bringing together art and politics.

MAZZIE: Right, and that goes with the idea of being a journalist.

CLAUSS: Right. Oh, yes. I was definitely going to be a journalist. [00:23:30] Then, in high school, I think junior high actually, in those days, I had this eighth grade history teacher that I absolutely adored. His name was Carl Kane. I have a feeling, because he disappeared and I've in later years wondered whatever happened to him, I'm sure he didn't sign the oath that you had to take in those days [00:24:00] and was probably fired.

I've Googled and tried to figure it out and never been able to. Anyway, he had us take the preamble to the Declaration of Independence to our neighbors, to see if we could get them to sign it as a petition without identifying where it was from. In 1950, believe me, nobody would sign.

MAZZIE: Really? This was in Philadelphia?

CLAUSS: Yeah, this was the McCarthy era. By this [00:24:30] time, we were living in Swarthmore, but people were so fearful. My mother taught at Beaver College. She refused to sign the oath, but they didn't make her. My father was no longer teaching, so it wasn't an issue.

He really instilled in me my activism. In high school, I was editor of the school newspaper. [00:25:00] I would take it to be printed at this local printer, which was the head of the union shop for Delaware County. I got really involved with the committee on political education, COPE, which was one of the AFL activities.

I would spend my weekends stuffing envelopes, talking to the union guys. [00:25:30] I would write columns on what was happening in the labor movement. The newspaper guild was very powerful in Pennsylvania. One of the top leaders had been blinded with acid that had been thrown at him, so I would have these columns on union activities.

Then, they had this United Nations. High school students from [00:26:00] around the country, you would go represent a country. I was representing Togoland. I had a big resolution to become independent from Britain. We went to New York, they put us all up in a hotel, a kid from every state or maybe two kids from every state, because we represented all the countries of the United Nations. I really [00:26:30] was political by that time.

MAZZIE: Right. If you hung around with the guys in the union shop in that time, in the early '50s it sounds like, what did they think about a young girl hanging out with the ... You're in a male space, doing stuff.

CLAUSS: My parents believed that the only thing you did with your kids [00:27:00] was to make them self-reliant. As little kids, we did everything on our own, just the three of us. It's sort of a famous family story, when we first moved to Philadelphia, my father had a good artist friend in New York City, so they switched houses. The artist friend lived over at the Fulton Fish Market.

I always [00:27:30] get up at 4:00 in the morning, I always have, and my younger brother always did whatever I told him. I was 10, I woke up at 4:00, everyone was asleep. I told Carl, "Get up. I'm going to show you New York City from the subway system." We rode all around the subway, got back at 7:00. I'd left a little note that we had taken the subways. That just seemed normal to my parents. When you were eight, you got to take [00:28:00] the train in to the big city. When you were 12, you got to spend four days in New York by yourself. You just had to be independent.

A few years ago, I went to my 56th high school reunion. That's an unusual one to go to, but we graduated in '56. It was the first time I'd been back to my high school. They had nominated me to be on the [00:28:30] wall of honor so there was this induction ceremony, so I went back. When you get a chance to go to your 50th or 60th, do it. Cliques don't matter anymore. They're just so happy to see that you're still alive and you're happy to see they're still alive. You have a great time.

This one gal brings her husband over to meet me. He's at the veterinary school in Cornell. [00:29:00] She said that I was so important to her, because we had a class bully. I didn't know we had a class bully, but we had a class bully, she said. He'd picked on her, but he never dared pick on me or my best friend, Dean, who was a polio survivor and crippled, but very self-confident.

She would always sit between [00:29:30] us, she told her husband, so the bully wouldn't bother her. I don't remember that at all, because I don't ever remember anyone treating me badly. If you ask me about the union shop, I felt totally accepted, because thanks to Johannes, I was used to talking to adults. I was probably more comfortable talking to adults and I always [00:30:00] could document my viewpoint.

MAZZIE: Right. They respected you, it sounds like. Okay.

CLAUSS: I don't think they thought of me as a little kid.

MAZZIE: Okay, wow. That's great.

CLAUSS: Of course, I was my full height, which in those days was 5'8". Of course, I've shrunk a great deal.

MAZZIE: That's tall for a woman.

CLAUSS: That was tall and I was 5'8" by the time I was 10, so I think I looked older than I was. I don't remember anyone [00:30:30] ever ...

MAZZIE: Saying anything?

CLAUSS: Yeah, mm-hmm (affirmative).

MAZZIE: Okay. You graduated high school in 1956 and you said you went on to college and you studied economics and minored in Russian. Where did you go to college and what made you choose there?

CLAUSS: I went to Vassar. I applied to Vassar, Swarthmore, which was right across the street. I loved going to Swarthmore, because [00:31:00] you do your research there. I always thought that that way I'd pass for a college student, but I didn't want to go to Swarthmore, because it was right across the street from where I lived, and Radcliffe. My big criteria was who would give me a full scholarship. Radcliffe gave me no scholarship. Swarthmore gave me a scholarship and Vassar [00:31:30] gave me a full scholarship, so I chose Vassar.

MAZZIE: Okay, there you go.

CLAUSS: Right, good reason.

MAZZIE: Right, so the economics, but then you decided you weren't sure what to do with them?

CLAUSS: Yeah. I think I went into economics because one of my early heroes was my aunt Ruth, who was the oldest of my mother's first family, her half-sister. She had headed up the orphanage [00:32:00] for the international Red Cross after World War I. She had been a very close friend of Mrs. Roosevelt. She was in Japan at the Declaration of Human Rights Conference.

She died when I was in 11th grade, but she greatly influenced me. I knew one of her close friends was Mabel Newcomer, who was an economics professor at Vassar. [00:32:30] That was one of my reasons for selecting Vassar and for going into economics, because that's what Mabel Newcomer taught.

Then, I did research projects for her and for Emily Clark Brown, who was the comparative economics teacher who specialized in Russian, but didn't speak Russian, so I

translated the newspapers for her. Her specialty was labor, [00:33:00] so she was studying Russian labor economics. That was one of my interests.

MAZZIE: It was, at that time then, communist Russian?

CLAUSS: Oh, yes.

MAZZIE: Yeah, okay. There was this labor influence even back then coming through?

CLAUSS: Oh, sure.

MAZZIE: Okay. Then, you talked about why you decided to go to law school and then how you ended up at Columbia. If I recall from taking your class and from reading, you were one of six women in Columbia and you [00:33:30] entered in the fall of 1960?

CLAUSS: Mm-hmm (affirmative).

MAZZIE: There were 320 students at Columbia, you were one of six women. Can you talk about that time and what it was like being only one of six of 320 [crosstalk 00:33:47]?

CLAUSS: Yeah. Students have always often asked me about that, because it seems so odd to be one of six in a class of 320. Of course, [00:34:00] there weren't many women lawyers then either. I think, at that time, women lawyers probably made up about 4% of the profession. Women judges, much fewer, certainly less than 1%, women faculty, almost none. I'm not sure there were-

MAZZIE: Probably none [crosstalk 00:34:21].

CLAUSS: I think the famous Carl [inaudible 00:34:27], I'm blanking on it.

MAZZIE: [Soya 00:34:30] [00:34:30] ?

CLAUSS: Yeah, Sonia Mentacraft.

MAZZIE: Yes.

CLAUSS: I think she was teaching then, but there were very few. We did have a woman for legal writing. She had just graduated a couple years, she was getting a master's. Otherwise, there were no women faculty at Columbia. You have to look at it from the perspective of the faculty [00:35:00] and from the perspective of the students.

From the perspective of the students, they loved us. In the first place, it was nice to have six women. Now, three of the women were old. There was Kay McDonald, who was the wife of the senior partner at one of the big New York law firms. There was somebody Gray, was it Marion, who was a legislator from the [00:35:30] state of Vermont. They were both in their 50s,

I think, certainly their late 40s. Of course, since I was young, I'm maybe making them older than they were. Certainly, their children were grown, so whatever age that would make them.

Then, there was another older woman and then there were Barbara, and May, and Merrill. We were the three young [00:36:00] ones and there are 320 guys. They just loved us. What I was telling you before was that, when books would go on reserve, they would be, I'm afraid ... Columbia is a New York City school, there was New York behavior.

If people could get hold of the reserve books, if the guys could, [00:36:30] and keep them from their colleagues, that would be a good move, because like Trump, you always win at any cost, but they didn't mind us having the books. We should, after all, have the books, because we each had a study group. It was okay for the women to have the books, because they weren't going to go to Wall Street anyway.

MAZZIE: You were saying earlier that it was almost easier to be a token, because you weren't seen as a threat to the rest of them?

CLAUSS: Yeah, we weren't a threat. [00:37:00] In fact, that was true.

MAZZIE: You weren't a threat, right.

CLAUSS: If you look at it from the views of the professors and the law firms, we were there for intellectual interest. We certainly weren't there to practice law. We just had a different status. In terms of, "Did you have a good time in law school? Did you have lots of buddies? Did you have lots of friendships, good study groups?" Yes.

MAZZIE: Mm-hmm (affirmative). Did you have a mixed study group [00:37:30] or was it just the women together?

CLAUSS: There were so few of us, but-

MAZZIE: All the women studied together?

CLAUSS: No, we all studied separately. We each had our own little group of men that we studied with. There was one black, Frank Thomas, who later became president of the Ford Foundation. Maybe he had a study group. He wasn't in our study group or my study group. I don't know whose study group he was in. Obviously, if he became president of Ford, he was very, [00:38:00] very talented. He was also a star of the Columbia basketball team. I think at the time I went to Columbia, we'd lost 45 straight football games, but we had a good basketball team.

MAZZIE: That made up for that.

CLAUSS: That would get him into law school, yeah. From the professor's point of view, a lot of the professors did not respect women. Now, there are exceptions. I was a research assistant [00:38:30] to Herb Wechsler. I was a great admirer of ... I put down his name, so I wouldn't

forget. That's the trouble with age. The famous antitrust teacher at Columbia, whose name I'm temporarily blanking on, but his was probably the best class [00:39:00] I had.

Then, Mike Sovern, who taught labor law and Allan Farnsworth, who taught contract law. They were very supportive. In fact, it was really in Farnsworth's class that I realized I could analyze legal problems. He had a seminar that he taught with the head of one of the big law firms. [00:39:30] He would bring us a problem and we would have to write a legal memo for a partner and it would be then critiqued by the law firm.

MAZZIE: It was actual real problems?

CLAUSS: It was real life problem solving and something that I totally think is the way law school should be taught. He also taught a course in urban planning. We were given a real case, which was the development of the Brockway Beach, [00:40:00] Rockaway, whatever it was called. He took all the liberals and made us represent the developer. There, I think, were 10 in the class. Five of us represented the developers and then the five conservatives had to represent the community that wanted to stop the development.

MAZZIE: A nice switch for you guys.

CLAUSS: A switch and then you realized how committed you would become to your legal argument, [00:40:30] which again, I thought was a great teaching technique. Some of the law professors, we had this professor of legal history, and he definitely thought women shouldn't be in class. He would only call on women on the day of the right of the Vestal Virgin.

Then, the women, we were divided [00:41:00] alphabetically. In my section, I think we had four of the women. We would go to the front of the room and then he would say, "Okay, guys, are there any of these women who should be disqualified from testifying today?" He just went on like that, so there was that to deal with.

MAZZIE: Yes. How did the men in the classroom respond to that? You sounded like they were-

CLAUSS: I think they probably [00:41:30] didn't like it, but law school in those days was very different from the law school you went to. We wore professional clothes, women, stockings, heels. Men had to have, not only jackets and white shirts, but ties. We had classes all day Saturday, as well as five days a week. When you recited, you stood.

I can remember, in [00:42:00] those days, Professor Weinstein, now Judge Weinstein, who taught Civ Pro II, he would say, "Mr. Cohen, what's under your jacket? Is that a t-shirt with your tie over it? Leave the room. You're excused for the day. You're not dressed."

People didn't challenge professors, but I doubt that [00:42:30] they liked it. I think actually if you'd ask them did they hope we would all get good jobs, they hoped we would all get good jobs. I kept up with many of them after law school. I would say they thought we belong

there, but not all the teachers. I think it was age, because Farnsworth and Govern, [00:43:00] in those days ...

MAZZIE: They were the young guys.

CLAUSS: they were the young guys. They probably were in their third year of teaching or their fourth year of teaching. It was the old guys who, "Who are these women?"

MAZZIE: Right. You seem to have to had this interest in labor law. You were saying earlier you took some international law kinds of classes to fulfill the fellowship.

CLAUSS: Yeah, I liked it, because I was always a [00:43:30] policy wonk, but I definitely focused on labor law is what I wanted to do.

MAZZIE: Okay, so that's what you focused on there and you knew that. Now, in law school, did you see yourself then knowing what you might do after law school?

CLAUSS: Now I remember the name of my antitrust teacher, Milton Handler. He was one of our great professors at Columbia. [00:44:00] I just loved the antitrust law. Both antitrust law and labor law have a lot of economics. I wanted to be a litigator, like Professor Handler. I wanted to litigate antitrust cases, so I naturally applied to the Wall Street firms that did litigation, the big ones, and was shocked that they didn't offer me a job.

I [00:44:30] really had my heart set on litigation and it just didn't seem that there was a litigating job for women. Then, I remembered, in Tennessee, because we lived on this little mountain with all these people from TVA, one friend I had kept up with were the Seymours. Their daughter was a year younger than me [00:45:00] and she lived in New York and was going to school there when I was in law school. The Seymours had moved from Tennessee to Washington, DC to do government jobs and then to New York.

Her mother died when I was a freshman first year of law school. Naturally, I went to the service. [00:45:30] There was this woman, Bessie Margolin, whom I vaguely remembered as a lawyer from the TVA days. It turned out she was head of litigation at the Department of Labor and was the top of the civil service. She said, "If you ever want a job litigating, come see me."

When Wall Street seemed a little closed, I went down to Washington. [00:46:00] She said, "Oh, if you want to do antitrust, see my good friend, the Secretary of Treasury. See my good friend at the Federal ..." so I saw all these people. She said, "I want to have my people interview you."

When I heard what they were doing, I did go meet Leon Higginbotham, who was head of the Federal Trade Commission. I liked him a lot, but I really thought, "Wow, this is exciting," getting involved with this [00:46:30] new Equal Pay Act. The labor department, in those days, was very prominent in terms of economic policy. She was very prestigious. She had just gotten the President's Federal Woman's Award. I took that job.

MAZZIE: Okay, I want to back up just a little bit. Okay, we're in the early '60s and you graduated in 1963. I recall you telling us in employment law class how the dean called [00:47:00] all you women into his office. Remind me what happened.

CLAUSS: The Equal Pay Act seems, I suppose, old fashioned to people today, "What was this all about?"

MAZZIE: That was 1963.

CLAUSS: This was 1963 when it was passed. When I was at Vassar, there were just two careers, really, for women. There was teaching or library. [00:47:30] If you wanted to go into teaching, you went from Vassar to Harvard to get your master's in education. If you wanted to do library, you went to Columbia and went to the library school to get a master's or you did what many did, you went to Katie Gibbs and learned how to type and take shorthand. I already knew how to do that, because in high school I had gone to the local business college to learn [00:48:00] shorthand and typing.

MAZZIE: Which would be good reporter skills for those.

CLAUSS: Which would be good reporter skills. Then, with the Katie Gibbs business school degree behind you, you could then go to one of the big publishing houses or one of the big fashion houses and you could work your way up. Nobody went to law school or med school or anything like that.

[00:48:30] Women's career options were very limited. Career ladders were very short, because even if you were unusual and had a law degree, there were women with law degrees, or like my mother, an architectural degree, once you had children, you left the labor market. You might get a job once your children went to school, but you wouldn't get a job at the same place. You would have to start your career all [00:49:00] over again.

Women earned less than men. Union contracts would have machine assembler, a female rate, male rate. They were all set based on the basic labor rate. The basic labor rate, let's say for men it was a dollar, then for women, it would be 67 cents. If you had one skill above that, you'd increase [00:49:30] it, but women were always at a lower rate.

Since women only competed with women, because one of the personnel rules was you didn't have men and women working in the same job, women judged their success by how they did relative to other women. If you were making more money than a woman teacher, you were doing really well. There was no way Wall Street firms were going to [00:50:00] pay women the going rate for lawyers that year, which as I remember, I think it was \$7,200. It could've been less, but somewhere in there.

The deans for Harvard, Yale, and Columbia had gotten together to figure out what their few woman students should ask for if they made the decision to actually try to get a job on Wall Street. [00:50:30] Then, each of the deans at their respective schools called in their women students and said, "This is what is the going rate for women this year."

We were appreciative, because we had no idea what to say when we were asked, "What would you expect to be paid?" Now, we'd been told what we expected to be paid. It didn't shock us that it was less than the men, because the woman checker at the supermarket got less than [00:51:00] the man. Women always were paid less than men.

MAZZIE: Right. Did it strike you as unfair?

CLAUSS: I don't think so. I don't remember feeling it was unfair.

MAZZIE: It just was?

CLAUSS: It just was. It's the way the world was. It wasn't until I took my first job and learned that, two months before I started work, Congress had just passed a law called the Equal Pay Act. That would become one of my major [00:51:30] responsibilities. In fact, I briefed and/or argued the first 35 Equal Pay Act cases to go to the Courts of Appeals and tried the early ones.

It wouldn't have occurred to me. In fact, one of my earliest memories when I got to the labor department, very quickly, two years [00:52:00] after I got there, I became a special assistant to the solicitor. Goldberg, who was secretary of labor, was appointed to the Supreme Court. His deputy, the undersecretary, who was Willard Wirtz, who was a prominent labor law professor from Northwestern, he became the secretary of labor. His wife, Jane, was a big activist [00:52:30] at the commerce department, but I think maybe she was head of AID, which was the international development.

Since I was now a special assistant, I knew the secretary, her lawyers at commerce said she couldn't do something she wanted to do, so she came to see me. I said, "Of course. We can come up with a way to do that." Then, I became her favorite [00:53:00] lawyer outside of her own department.

That was the year 1965 or '64, the Civil Rights Act passes. Esther Peterson is working for Kennedy as his consumer affairs representative and she frequently gave testimony involving labor issues, so she would come to the labor department. Now, she's heard about this horrible new [00:53:30] law that's going to strip women of their workplace protections. She talks to Jane Wirtz, "Who can I see?" "Oh, go see Carin."

This woman, whom I just so admired, she had been at the side of Frances Perkins at the Triangle Shirtwaist Fire. Esther Peterson, the highest ranking woman in government, she's walking into my little office and she wants my help. "What can I do for you?" [00:54:00] She says, "You have to stop this law. You have to stop this law from being used to invalidate the protective laws that I fought so hard to get." I said, "Mrs. Peterson, they're going to help us." She was just appalled that I felt that way.

MAZZIE: Right, because that was the big concern with that, if I recall, a lot of that protections legislation was seen as good for women?

CLAUSS: [00:54:30] That's right. That's the first-wave feminist, the Brandeis Brief, protect women. The second-wave, I didn't know I was the beginning of the second-wave. Recently, Jane Picker, who I hope you get to interview, who was at Cleveland, ran one of the early clinics, like Louise, but she and I were recently inducted into the second-wave feminists, along with Ruth Bader Ginsburg. It was a big event, Sarah Weddington. [00:55:00] We were the equal rights people. Now, it turns out we're second-wave. There's the third-wave.

MAZZIE: There's a third-wave, right.

CLAUSS: Right. You see, we're not so hot, either. We're just like Esther Peterson. We're all captives of our time. We didn't know yet about second-wave feminism. We discovered that. We thought on our own.

MAZZIE: Yeah, on your own. She just could not figure out how this equality thing would actually be helpful?

CLAUSS: That's right. [00:55:30] It would subject us to the same terrible conditions. The one area that I worked so hard on, to get rid of fetal protection policies with Johnson Controls, so many of the women's groups, the third-wave, thought we'd done a bad thing, because now women would be subjected to the same toxins in the workplace that men were.

We really viewed it differently. [00:56:00] We thought, once you had women in the workforce, you would have to change workplace conditions to accommodate the needs of women so that that would help men. Men were being exposed to these same toxins, it just killed different parts of their body. They became sterile, instead of having kids with birth defects.

MAZZIE: Right. The idea was, why not get rid of the toxins, rather than [00:56:30] get rid of the-

CLAUSS: Right, rather than get rid of the women. In the early days after that Supreme Court decision, we were more pilloried than praised, because people saw it as a step back, not as a step forward. The transitions have always been hard.

MAZZIE: Right. Just to wrap up some ideas from law school here, did you do any extracurricular activities there or do you have a particular memory you want to share?

CLAUSS: [00:57:00] At law school, I worked half-time.

MAZZIE: Okay. What did you do when you were working?

CLAUSS: I worked for T.Y. Crowell, it was a publishing company, as an editor. If you ever read the American Encyclopedia of Literature, I edited that book. Anyway, I worked 20 hours a week and I also was an au pair for the family I lived free with.

MAZZIE: Okay, that was busy.

CLAUSS: I [00:57:30] didn't really do extracurricular stuff at law school. At Vassar, I was very active in politics. I headed up Young Democrats and I was very active with the New York Reform Democrats. I did a lot of research for Mabel Newcomer and for Emily Clark Brown and for [00:58:00] Dr. MacCracken's wife, who Dr. MacCracken was president. She was studying housing conditions of the poor. I developed a survey and went to every poor house in Poughkeepsie. It was quite an eye-opener to discover all these housing units without indoor plumbing or cooking facilities, even in the [00:58:30] '50s.

MAZZIE: '50s, right.

CLAUSS: Yeah, pretty shocking. Again, social awareness being awoken and I was active in civil rights issues, always. At law school, other than being a research assistant to Herb Wechsler, I went to my job in the afternoon.

MAZZIE: Right, kept very busy. Then, you landed at the Department of Labor [00:59:00] and did the litigating you had wanted to do. Talk-

CLAUSS: Right. For the first two years, I was doing litigation. Now, I got assigned to appellate litigation, which I loved, because I loved the writing and the arguing to the court.

MAZZIE: Right, and there's a lot of policy in there.

CLAUSS: A lot of policy, but I really wanted to be a trial litigator. That was just, Perry Mason, my dream. I had two [00:59:30] problems, one, I was kind of shy. I became very active in the FBA, Federal Bar Association, Young Attorneys. We put on events at the high schools. These were the DC high schools and they were big. They were bigger than my college. I would go in to teach the Constitution to these civics classes [01:00:00] of 200 kids. I would have to lecture to them.

I thought, my stage fright, because I was a little worried about being in front of a jury, would dissipate if I forced myself to do these oral presentations. I used to tell my students, "Do Toastmasters. You don't have to go give presentations to schools," but anyway, I didn't know that.

The [01:00:30] second thing is I did want to do trials. The young lawyers, they had a clinic that the FBA ran. You could go down on weekends and take on people's problems. They were adoption cases and eviction, the sort of thing we did at our clinics here, but they weren't done by the law school, but by the bar association. That way, I was getting some trial experience.

[01:01:00] I told the trial lit people that, if they threw a case my way, I would prepare it over weekends and do the trial. I'd get a week off from my regular work. I did get some trials, but then I was persuaded. It was great experience. [01:01:30] I always tell students that, when you have your first oral argument in front of a court, there's the argument you plan to give, the argument you gave, and then the argument you think you gave. It's a lot better than the one you gave.

I can remember being so nervous the first time. It was a case in St. Louis. I made the hotel maids [01:02:00] come in and listen to my argument. You soon learn to get over your stage fright. Then, I'm glad I made the switch to policy after a couple of years, because it was great to be exposed to making policy.

I only did that for two years. Then, when there was a change in [01:02:30] administration, I went back to appellate. The head of appeals had left, so I became head of appeals. Then, when my mentor, Bessie Margolin, left and retired in 1971, I took over as head of litigation.

MAZZIE: Wow, okay. It sounds like, though, in your career path here [01:03:00] in government, you've always mentioned a lot of different women that you've met along the way. You actually did have some exposure to-

CLAUSS: Oh, I definitely had mentors.

MAZZIE: Yes, to female mentors.

CLAUSS: Not at law school.

MAZZIE: Right, but after.

CLAUSS: After law school, this is sort of regressing, but Wendy Williams from Georgetown, I'm sure they'll have her history [01:03:30] ...

MAZZIE: That she's on the interviews, right.

CLAUSS: ... she's the official biographer for Ruth Bader Ginsburg. At the second-wave feminist induction, they asked Wendy how many arguments Ruth Bader Ginsburg had, which she of course knew, and had she the most? Nowhere near the most, because Bessie had argued 30 cases in the Supreme Court.

When Justice Douglas wrote his [01:04:00] autobiography and was asked who were the preeminent oralists of his time, she was one of the five he mentioned. When she retired, she said it was my duty to give her the going-away party. She expected it to be at a big ballroom at the Shoreham and that the entire Supreme Court would come.

I was probably, I [01:04:30] don't know, 32-years-old. I had never given a big party, I had no idea. Fortunately, someone on my staff, her mother had been the Mexican ambassador to the United States, so she was good at parties. The entire Supreme Court did come. Justice Warren gave the main address and many of the Court of Appeals judges. She was [01:05:00] very distinguished. I couldn't have had a better mentor.

She, of course, wanted for me everything that hadn't happened for her. She had stopped at the head of the career service, but why shouldn't I be a presidential appointee? I'm sure she was

very active in getting me the solicitor job, which was Carter's first appointment of a woman. [01:05:30] That would've made me the first woman general counsel in history.

Then, she pushed for my judgeship, which got put on hold in the Senate. Of course, I was supposed to be Dubinski's Communist granddaughter, even though I was no relation to Dubinski at all. Anyway, she too had been nominated for the court. She had been, allegedly, [01:06:00] the mistress of someone very prominent and that killed her nomination.

MAZZIE: Right. Do you think that was a distinctly female thing?

CLAUSS: Oh, I think so, but it didn't bother me at all, because we never would've been nominated had we not been women. In other words, were there any other men that should've been put on the DC Federal Court? Yeah, sure, lots of men, lots of very talented legal scholars in the SG's office, right?

MAZZIE: [01:06:30] Right.

CLAUSS: They were looking for women, because in those days, you wanted women. You wanted to have a token woman. I think competition is tougher today. You have to have many more credentials. When I was appointed solicitor, nowadays, they do go to the young side for presidential appointments, but I was 38. That would [01:07:00] be young by the standards of those days. It's because they were looking for women. When they were looking for judgeships, where would you find women? Either they were one of the few women teaching or they were women in government. That's where you're going to find them.

MAZZIE: Right, because they still really weren't on Wall Street or anything?

CLAUSS: They weren't anywhere else, right.

MAZZIE: Yeah. In 1977, you were appointed.

CLAUSS: You got all kinds of neat things. Nixon wanted me to take a presidential appointment, but [01:07:30] I was smart enough not to do that. He did send me to Japan.

MAZZIE: Oh, wonderful. For?

CLAUSS: There were the Nixon shocks to Japan, which was oil, soybeans, and recognizing China. He sent a delegation of 20 officials to Japan. There had to be two women, so it was me and Janet Norwood, who later [01:08:00] became the commissioner of the Bureau of Labor Statistics. At the time, we were both [inaudible 01:08:06] and we were the top civil service women.

We had a wonderful time. We were hosted royally at all the big corporations in Japan, got these great gifts. If you were a top career woman in government, there were so [01:08:30] few woman lawyers that you just stood out. I often told the students about all the judges knew you, because you were the only woman that was arguing in front of them on a regular basis.

When I would walk into the Fifth Circuit at the New Orleans courthouse, the judges would come out, I'd be talking to my opponent. They would come over, put their arms around me, "How about a [01:09:00] drink afterwards?" They meant a Coke. Guys didn't know that. They would think, "Oh my God, she knows these people."

If you argued in front of a judge six times, they would remember you, really, after the first time. If a guy argued in front of that judge 12 times, he was just one of the many suited guys that appeared, 15 lawyers every day, four days a week, you're not going to remember them.

MAZZIE: Right, they don't [01:09:30] stand out.

CLAUSS: It was a distinct advantage in those days.

MAZZIE: Yes. What are a couple of favorite memories from your time between graduating from law school and before you started teaching, which we'll get to in a bit?

CLAUSS: Intellectually, the most challenging experiences would've been some [01:10:00] of the big appellate cases or Supreme Court cases. I would say some of the important Commerce Clause cases. When I first came to teach, my ad law book had about 15 of my cases as cases excerpted for students. The Labor and Employment Law book had about another [01:10:30] 10 of my cases. Constitutional Law book had cases.

I would say the big controversy was state's rights and the Commerce Clause would've been, intellectually, one of the most exciting experiences and some of the big Equal Pay Act cases. In terms of overall impact, it was my four years with Jimmy [01:11:00] Carter. When I worked as a special assistant, I can remember handling phone calls or letters from women who would say, "I have a degree from the Oklahoma School of Mines. I find that I can't get a job, because women can't work underground under Oklahoma law," or, "I've been let go, because I'm two [01:11:30] months pregnant."

In those early days, the young women lawyers of Washington, Mary Eastwood, who worked for the Office of Legal Counsel at the Department of Justice, only once she had to cancel a dinner. She said she was only doing it because it was very, very important and I would read about it in the paper the next day.

It was [01:12:00] the US declares an embargo of Cuba. What she had worked on, Office of Legal Counsel always told the president whether he could do something, was that an act of war to embargo a country? Her decision was, no, it wasn't. Anyway, we had this group, we called ourselves "Wider Opportunity for Women." In our spare time, we wrote amicus briefs for all the cases that were going to the Supreme Court.

[01:12:30] Jane's clinic had taken LaFleur versus Cleveland State, which was the woman teacher who had been fired because she became pregnant, Bowe versus Colgate-Palmolive. Anyway, those were exciting days because we were revolutionaries, even though we worked for the government.

President Kennedy had appointed [01:13:00] the Commissions for Women at the various states. Their office, their director, Catherine East, was on my floor at the old labor department. They all came there, so I got to know them well, Bella Abzug, and Kate Clarenbach, and Betty Friedan and the rest of them.

I knew all the big issues. [01:13:30] Then, when I became solicitor and represented Carter at the National Women's Conference, Seneca Falls a hundred years later, or at the OECD conferences in Paris, then I could now take those concerns and put them into policy. Those were heady and exciting days.

MAZZIE: Oh, absolutely. You understood the gravity of what you were doing?

CLAUSS: Oh, absolutely.

MAZZIE: This was [01:14:00] groundbreaking stuff.

CLAUSS: Absolutely, yeah.

MAZZIE: Wow, that had to be amazing.

CLAUSS: There's really no way you can ever replicate that in your life. Now, the sad thing about if you contrast today, when I worked for government, long before I was nominated to be solicitor, the political officers of government didn't silence [01:14:30] their employees. When Congress was considering amending one of the labor laws, I went up to Congress, even though I was maybe only three years out of law school. If I was the expert on this section of the law, I went up to Congress.

I knew the senators and I knew the congressmen. I had worked with them on these laws, so that I was [01:15:00] ready to play a political role. Today, you got to take your Blackberry home. You absolutely can't make any phone call to the press without doing it on your government Blackberry, which will make a full record of what you said. You don't let career people speak for your agency. It's only the politicians who speak for the agency.

MAZZIE: Oh, okay. Do you think that's a problem?

CLAUSS: They often don't [01:15:30] know as much. You can't build a cathedral with just a designer if you don't trust the laborers to do their share, you don't get as good a product. I'm sorry to say, whoever heads up government, whether at the state level, whether it's Governor Walker or Governor Doyle and at the presidential level, the tendency is to have a close palace guard [01:16:00] and not to use your people. The Labor Department always used its people.

MAZZIE: That makes a difference.

CLAUSS: It makes a huge difference, but they don't anymore. After I left, things changed completely.

MAZZIE: Right. You left in 1981, when Reagan came?

CLAUSS: Yeah.

MAZZIE: You did a little bit of comparing the cases and the things that you had back then to the things that are happening now. Do [01:16:30] you see a big difference? What's the big difference between the policy portion in your time in government and the policy portion today? Is there one?

CLAUSS: Sure. Which policies are most important have changed dramatically. Back in the '50s and '60s, if you're looking at domestic politics [01:17:00] as opposed to international politics, worker issues were terribly important. There were huge strikes. When I was solicitor, we had a nationwide coal strike. We had a nationwide trucking strike. You had huge steel strikes, railroad strikes, so labor dispute resolution, improving wage conditions. [01:17:30] Martin Luther King was, after all, killed when he went to improve wages for sanitation workers.

MAZZIE: In Memphis, right.

CLAUSS: In Memphis. I always thought the labor department was the first civil rights agency, not because we house the president's committee on civil rights and had the Equal Pay Act, but because minimum wage laws and workplace safety laws were basically [01:18:00] laws for minority populations. If you look to see who has the highest workplace death rates, it was always hazardous employment was handled by minorities. Low wage jobs, minorities, women.

I always thought we were a civil rights agency. Most of our litigation was in the south. Today, environmental issues, they were hardly a blip on the screen, now [01:18:30] they eat up enormous resources of government. I think labor is still a big issue for the Supreme Court, but the days when we had at least two or three major Supreme Court decisions a year, I think those days are over. You probably have one a year.

Equal rights certainly has emerged as [01:19:00] an important thing, but wage protection, workplace safety and health, workers' comp, those sorts of issues aren't important today. If you look at the president's economic advisors in the '50s and '60s, labor would have been a prominent fourth person at the table. In the Chrysler bailout, because I was the representative [01:19:30] for labor, so it was labor, treasury, and commerce, that would never be true today, ever. The labor department definitely has a very small role in domestic policy.

MAZZIE: Compared to what it did then?

CLAUSS: Compared to its heyday. I would say education has declined significantly. Who are the winners? [01:20:00] Immigration, homeland security, of course, big, used to be virtually nothing. The trade issues, that used to be handled by labor. We negotiated the Uruguay Accord, the first GATT. That's now done by the trade representative, which is a new agency from those days. They've separated labor from trade.

Why have Hillary Clinton [01:20:30] and Bernie Sanders come out against it? I think it was a big mistake to separate labor and trade, because you don't have labor at the table on trade issues. That's one big change, just in terms of what is the focus of federal government attention. What's government [01:21:00] business versus what belongs to the private sector has changed.

I think the other thing that's changed is, frankly, the role of the lawyer. A big law firm in my days, a really big law firm, like Sullivan or the White & Case Firm, doing that one time, they would've been a hundred people. [01:21:30] Look at the firms today, three, four, 6,000 people. The government attorney would have been a prominent individual.

I remember once going to a case in the south and someone shared a cab with me. It was a young guy my age. He said, "Can I have your name and what hotel you're staying at?" I give it to him and he [01:22:00] says, "Carin Clauss? You're the Carin Clauss?" We had our own public affairs officers. When we brought lawsuits at the career level, they were written up. Stanley Sporkin, who later became general counsel at CIA, he was the head enforcer at the SEC. He was a household word. Corporations [01:22:30] feared him, but he was a GS-18. He wasn't a political appointee, he was a career servant.

Career practitioners at the labor department meant something. They don't anymore. They don't have responsibility. Lawyers at law firms, they had the highest standards of ethics. They were mentored, we were mentored. That doesn't happen anymore. You have big firms [01:23:00] getting caught in terrible ethical breaches. It's just not the same.

MAZZIE: Right, very different shift.

CLAUSS: Very different.

MAZZIE: When did you decide to move into academia?

CLAUSS: Yeah. I'm thinking, "Boy, that's what you came about."

MAZZIE: All of that leads up to this, right?

CLAUSS: Because of the reforms to the civil service law, which I helped write, [01:23:30] of '78, you couldn't be involved with anything you had worked on for two years after leaving the Carter administration. Since there was nothing to do with employment and labor law or civil rights that I hadn't been directly involved with, I wasn't going to be able to practice labor and employment law or discrimination law.

I thought, "This is a good time to teach it, after all, it's what my family has done. I [01:24:00] might as well go teach." Unfortunately for me, Eleanor Holmes Norton had made the same decision. We both wanted to teach at Georgetown, because I had no desire to leave Washington, DC. Georgetown said, "Oh, this is a tough choice between you and Eleanor. Both of you would do labor and employment law, so we'll let you know in April."

[01:24:30] Eleanor was married and her husband was bringing in a good salary, but I thought, "I really can't be unemployed for four months. Frankly, if I was choosing between me and Eleanor, prominent black woman who clerked for Thurgood Marshall, who headed up the EEOC, versus Carin Clauss, ordinary professional white American who was solicitor [01:25:00] of labor, I would pick Eleanor."

MAZZIE: That might be a little downplaying your credentials.

CLAUSS: Yeah, I think I would pick Eleanor. I thought, "I better take Wisconsin. They've made me an offer," so I took Wisconsin.

MAZZIE: That brings you up here, okay.

CLAUSS: Nowadays, no one would offer me a job to teach.

MAZZIE: Why?

CLAUSS: I was not really an academic, nor was Eleanor. Neither one of us should ever have gone into [01:25:30] teaching. In one way, because we were both total policy wonks. We were totally political animals. She used her short period at Georgetown to springboard to elected politics. She's still today the elected representative for the District of Columbia.

I used it to engage in my pro bono practice of law and [01:26:00] policy. I just wasn't cut out to be a research scholar. That just wasn't my shtick. I love teaching and I loved the freedom that working at a university gave you, so I could head up these commissions, both at the university and in the state on comparable worth.

I was very active with [01:26:30] the women's issues in higher education for the AAUP. I was on the ACLU women's project that Ruth Bader Ginsburg had started. We did amicus briefs and all the big discrimination cases. They had to find people who'd do this work for free. [01:27:00] If you taught, you could do it for free, right?

MAZZIE: Perfect. Right, there you go.

CLAUSS: The Johnson Controls', all the litigation against fetal protection policies. I did a lot of litigation involving union democracy. One of the big intersection of race, and ethnicity, and sex with the [Alom 01:27:23] case in the 9th Circuit, she was teaching here when she didn't get the promotion at Hawaii, so [01:27:30] I took on her case free.

I did the comparable worth cases, first as an expert witness in the case in Washington state that AFSCME financed, of course I did it pro bono. Then, I did the appellate briefs for the Michigan state comparable worth case. [01:28:00] I stayed very close to Claude Pepper and [inaudible 01:28:07] and we enacted a lot of amendments to my favorite laws, the age law, the Older Worker Benefit Protection Act, and amended the Fair Labor Standards Act to give a private right of action for wrongful discharge, allow the whistleblower protections, worked on consulting [01:28:30] arrangements under OSHA to involve the states in a more proactive way.

None of that would be recognized today when I help my scholar friend, Kathy Hendley, who was associate dean here and is our Russian comparative law scholar. She got her first dog. Since, I'm now fully retired, one of my responsibilities is to take care of her dog once a week. Sometimes we go walking together and she [01:29:00] says, "Oh, these young people. They think it's scholarship to write laws. Can you imagine?" I'm thinking, "Yeah. I used to write laws when I was a law professor. I thought that was good work to do."

The academy has changed. The kind of work that Louise, you're going to be talking to, I think [01:29:30] Louise has changed some with it, I never changed. I was a policy wonk and that's what I stayed. To me, I wanted to turn out law students who thought of policy as something lawyers could do, it was proper to do. It wasn't illegal lobbying, it was part of the profession. I hope that's [01:30:00] what I did.

MAZZIE: I can tell you, as one of your former students, I love policy.

CLAUSS: Great.

MAZZIE: I do want to ask, though, when you came in 1981, were there many other women on the faculty here? How was-

CLAUSS: Okay, there were very few women. Margo Melli was our first woman. I hope you've already interviewed her.

MAZZIE: I believe someone is going to be doing that, if they have not already.

CLAUSS: She's in very poor [01:30:30] health. Margo was the first woman. She was a graduate of Wisconsin and taught family law and became very preeminent in that field. Then, about three years before I came, June Weisberger came. She taught trust and estates and labor law, and Martha [01:31:00] Fineman.

Actually, June and Martha had been classmates at Chicago. Although June was seven years older than me and Martha was at least seven years younger than me, they graduated the same year from Chicago, because June first raised her three children and then went to law school when they were in school.

[01:31:30] There were those three. Oh, and Shirley had been here, Shirley Abrahamson, but she was then on the Supreme Court. There had been four women. I became the replacement, in a way, for Shirley. There are still four women. There were four women.

MAZZIE: Right, in a tenure track job, right?

CLAUSS: In a tenure track job. There were, of course, many women in non-tenure track positions. The most shocking of them would be Louise Trubek, who should've been tenure [01:32:00] track anywhere. She was considered for dean at many schools. At Wisconsin, we never made clinicians tenure track, unlike Georgetown or NYU where people like Sally Burns or

Susan Ross or Jane Picker became very preeminent based on their clinical work. That wasn't our routine. [01:32:30] That wasn't our tradition.

I would have to say I didn't really feel I fit. The funny thing about being a woman here was that, if you remember Margo Melli, when I came, I was still 5'8", despite my current 5'3", and Margo was five-foot. She probably weighed 80 pounds and she had [01:33:00] very light blonde hair, whereas I still had red hair, and towered over her, was much bigger than her. People would get on the elevator, "Hi, Professor Melli. How are you?"

I realized, it was kind of like what Herman Goldstein, he always talked about the description of a white assailant that would go on for three pages and the [01:33:30] description for a black assailant that would guess their height and the depth of the color and weight and that would be it, that would be a description. Apparently, we have a woman law professor, her name is Melli.

MAZZIE: Right, and that was it.

CLAUSS: And June, who didn't look like either one of us. She was also Professor Melli. I don't know, I think Fineman [inaudible 01:33:54] so young, she was considered a student. They just thought she was another [01:34:00] student. Anyway, shortly after I came, we then hired a number of women. I think the first was Ann Althouse, who'd been practicing for all of three years, so was still in her 20s.

We hired Judy Lachman, who went very quickly to MIT. We hired [01:34:30] Alta Charo and Vicki Schultz. Vicki, and Alta, and Ann, I think, had a much harder time than June or Margo or me, because we came after we had established careers.

June had been at the Cornell School of Industrial, [01:35:00] the labor, what did they call it? Anyway, it was a grad program. She had been the head lawyer for the Rochester School Districts. Of course, I'd come as solicitor of labor, so they hadn't had a presidential appointee before. We came with a built-in respect. [01:35:30] The three young ones, who were in their 20s, came. They weren't older than the students. Students commented on how they dressed, how they looked, how they spoke, did they know their field.

MAZZIE: Right, and they did not do that with you?

CLAUSS: They had a hard time. We were treated differently because we came, I think, the same way Shirley came. We came as established [01:36:00] women lawyers.

MAZZIE: Mm-hmm (affirmative). Now, when you said back in Columbia how women students were maybe treated differently by the male students versus the faculty, coming into Wisconsin here as a female faculty, did you notice a difference between how you were treated by the students and by the faculty?

CLAUSS: The faculty accepted us completely. I think if there was any [01:36:30] difference I could draw, it would be, in those days, we had a division between the true academics and the

practitioners. Someone like John Kidwell or Chuck Irish would have been a practitioner. These were people who established themselves, Stuart Gullickson, in private practice and then went into law teaching.

Then, there were the academics [01:37:00] who had PhDs in some other discipline, plus a law degree, who were the scholars, so that was a divide, although I think we respected each other. I don't remember there being any real tension in debating new hires or anything like that. The divide wasn't based on sex.

There was also some divide [01:37:30] around, I guess, the progressive law in society movement versus this more conservative business law. I came to my first faculty meeting because I arrived in winter, so I came maybe three weeks after the second semester had begun. The students had to agree [01:38:00] that they would take a class five days a week. I attend my first faculty meeting. It starts at 4:00 in the afternoon. I assume this would be a friendly, collegial discussion.

MAZZIE: Couple of hours, you'll be out, right?

CLAUSS: 9:00 at night, they're still hurling insults at each other. There is a very liberal progressive scholar named Bill Simon, who's being debated. [01:38:30] Bill Whitford and Bill Clune are on one side and Gordon Baldwin's on the other side. They are calling each other names and going back to when the Bills defeated Robert Bork, when he was here for an interview, and now Gordon is going to get his revenge and defeat Bills.

I'm thinking, "Oh, God, this is a snake pit. How did I ever get myself involved in something like this?" [01:39:00] When I came, I had been told by my mentors at the department, who many had come from academia, like the secretary of labor, Ray Marshall, was an academic, "Carin, don't reveal your politics. It's not the teacher's place to say what their politics are."

MAZZIE: Not even in Madison, where ...

CLAUSS: Even in Madison. When I came, there's this first group of students contact me, could they have lunch [01:39:30] with me? They were the Young Conservative Society. They were so glad to get another conservative on the faculty, "Poor Gordon Baldwin and so-and-so are the only two and we just need somebody, so we're just so pleased that you're here."

About a week later, I get an invitation from another group, "To get a socialist, maybe even a communist, we are so delighted! Except for Bill Clune, there's really no one to the far left and here you are!" I'm thinking, [01:40:00] "Oh, only in Madison."

I was delighted when, about three years into my tenure, I'm giving a talk and one of my former students is introducing me. He says, "I honestly don't know whether she's a Democrat or a Republican. Whatever she is, here she is." Then, I thought, "That's really wrong."

I think about the time I had you, I revealed my politics. I thought, I'm [01:40:30] teaching from a perspective. If I'm not honest about where that perspective is to the extent that I may

inadvertently take one point of view and not be as receptive to another point of view, I want my students to know about it. I want them to argue with me. I don't want them just to take it as gospel. Then, I revealed my true colors. I always thought that was very-

MAZZIE: Right. Do you think you became a better teacher [01:41:00] after you were able to be more true to yourself?

CLAUSS: Oh, absolutely, and I became a better politician. The first time I went back to Congress to testify, I can remember Senator Kennedy coming up to me and saying, "Carin, that's the best testimony you ever gave." I said, "It's the only time I didn't have to pre-clear my testimony. It's a big difference, you just speak what you think."

[01:41:30] That's what I treasured about teaching, the ability to say what I thought. I thought I should be appropriate about it. I shouldn't encourage people to vote a particular way, but I thought I should teach them how to think and to take an active role in the community to really live up to the [01:42:00] ideals of the profession that you devote so much time to pro bono activities.

Now, I spent a long time with the Federal Bar Association and ABA. I was secretary of the Labor & Employment Law Committee and it's time consuming. Ends of court, I thought people should be involved in their profession and in their community and give back.

MAZZIE: Right. What has [01:42:30] changed most over time? As a law professor, what have you seen change the most?

CLAUSS: The thing I've seen that I really like is an emphasis on clinical work. When I came here, I asked to handle the moot court program. We had only two moot courts, we did the national moot court and the Jessup. [01:43:00] That meant that this whole program was dedicated to the education of 12 students.

I thought, "There's something wrong with this, because we have many more students than 12 students." If you don't make law review or if you don't go out for law review, where is it that you get the opportunity to dig into a topic in-depth? Of course, [01:43:30] in those days, we only had one law review. Later, we added international and women's law journal, but we didn't have those then.

Again, how many people could be on law review? We appointed a committee and we came up with the idea of having a student-run moot court board. When I left, we were doing 20 national competitions and winning all kinds of awards. I, every year, [01:44:00] had to fight the faculty who would say, "You didn't win as many as so-and-so, let's drop the program," or, "Let's change the program, so that students can compete both in their second year and third year."

I said, "This is pedagogy. We're not doing this to fill up our trophy case," even though we were doing that. "We're doing this to give students an in-depth experience [01:44:30] with legal analysis, to express themselves in writing, and orally, and to get good jobs, to build their resumes."

That is one thing I hung onto when I retired in '09, I still taught an employment course every semester, and I hung onto that moot court until I finally retired. I just thought that was such an important part of the students' experience.

[01:45:00] I'm so delighted that we now have all these clinicals with people like Marsha and Sarah, who was one of our students, and what Ursula's doing to legal writing. We are turning out lawyers. I'd like to think we're turning out scholars, but in fact we're not primarily here to turn out scholars. We're primarily here to [crosstalk 01:45:27].

MAZZIE: Turn out lawyers. The MacCrate Report and [01:45:30] the Carnegie Foundation's a little more of a push toward the apprenticeship part of law, right, the actual, what will these people actually be doing when they're out of this building?

CLAUSS: Right.

MAZZIE: For the most part, they're going to be practicing law.

CLAUSS: Really, what they're doing. If I have any critique of the hiring at Wisconsin, and this isn't a personal critique, it's just how the faculties [01:46:00] that are selected at most law schools today, when I came there was an emphasis, if you looked at the Wisconsin faculty, criminal law was very big. Family law was huge, labor and employment law.

In each of those disciplines, we had at least three tenure track people, often six. Tax, trust and estates, real estate, none of those [01:46:30] things today, so much emphasis on Constitutional law and jurist burdens, but that's not what our graduates go do.

MAZZIE: Most people don't do that, right.

CLAUSS: They don't do that. I'm all for teaching that. I think it's wonderful. The one place we've expanded that I think is wonderful is law and science, but we've abandoned the sort of [01:47:00] middle class issues that people have with the law. We're a rural state. I think it's just a big mistake, because that's where most of our grads practice law and we're not training them.

I point out to the faculty anytime they'll listen to me that 27% of all federal filings are labor and employment law cases. If you looked at state [01:47:30] filings, I assume you could say the same for family law, trust and estates, and real estate. We're not teaching to the need, which is the same as skilled teaching to me.

MAZZIE: Right. You, like many of us who came into academics, never actually probably taught much before formally. How did you feel like you learned how to teach and what made you [01:48:00] better?

CLAUSS: Oh, right. When I first came to teach, I just pitied my students, because my only experience with teaching, it had been so long since I'd been in law school, I after all had been out 20 years, I hadn't kept my law school notes anymore, I couldn't remember law school teaching

the way they taught. I taught the way you would teach a continuing [01:48:30] legal education class, which was so far over the head of students. I had no idea what students would know.

By about the third year, "They might not even know what overtime pay is, I better go back to more basics." I think once I started going back to basics, I became a much better [01:49:00] teacher. I say I view myself more as a practitioner policy wonk than law scholar, but I actually became very interested in how laws are implemented and how they transform society.

I became much more thoughtful about my experience as an administrator and how [01:49:30] that informed administrative law. Even though I had been on the administrative conference and all of those things, I really hadn't seen administrative law as part of the transformative nature of law.

I started to teach administrative law in a very different way, like, "Here is a presidential statement. What's the basis for it? What's the factual [01:50:00] basis for this statement? How are those facts gathered? Could people participate in the gathering of the fact?"

I started teaching labor and employment law. I created a corporation named after me, of course. The first thing that would happen is that two unions would come in to organize and we would have unfair labor practices [01:50:30] and people would picket. You'd have to know what you could put on your picket sign legally and what you couldn't put on your picket sign and how you'd go through an election contest. Then, one of the unions would win and they would have to negotiate a contract with me. Oh, and I would fire some people and there would be wrongful discharge suits.

MAZZIE: Oh, so very practice-based, very problem-based.

CLAUSS: Right. Then, I went bankrupt and we had to take me through bankruptcy and how that [01:51:00] affected labor, would it be better to sell the assets or would it be better to have someone buy out the corporation, and all of those issues and how that would impact labor law.

It made it much more interesting. Depending on the size of the class, maybe I'd have a group write a union constitution or we could play around with all kinds of very practical experiences. I'd have mediators come in, professional bargainers come in.

MAZZIE: Right. Did [01:51:30] you ever have your students do what your fifth grade teacher had you do, which is go take that preamble?

CLAUSS: I never did.

MAZZIE: That just fascinates me. I'm wondering how it would-

CLAUSS: Remember, you should ask, whoever's going to interview Jane Schacter, now at Stanford. We took turns giving graduation speeches for a while. I finally would opt out, because it's too much work. Jane's speech, I [01:52:00] know I did mine, you had to play a big role on the

stage. It was a kind of a simple justice, Johnson Controls', she did hers on who represents the US Constitution. It was wonderful. I've often meant to ask her for a copy of that.

MAZZIE: Right, yeah. I will have to. We had Howard Erlanger at ours, yeah.

CLAUSS: Okay. Hers was you are the representative [01:52:30] of the US Constitution and it's your job as a lawyer, in your practice, in your daily life, in your role as a community activist, to represent the US Constitution. I thought that was a wonderful notion.

MAZZIE: Yes. What is the funniest thing that has happened to you in the classroom over your teaching career? That's a span now from 1981 [01:53:00] until 2009, you said?

CLAUSS: Yeah, it's a long time. Really, the funniest experience was how people thought I was both an archconservative and an archliberal. I have to say, in my early days of teaching, people liked me. They always thought I really knew my subject matter and I was smart, but they thought I was humorless, I didn't have a sense of humor and I should go to Chuck Irish's [01:53:30] class, this is, "How do you learn how to teach?" or to Howie Erlanger's.

Howie played the guitar and sang songs. I'm thinking, "No one wants me to sing a song." Chuck Irish tells funny stories and jokes. I think, "No, I don't think I'm very good at telling jokes, either. I always forget the punchline." Then, I became more comfortable, you said, just being yourself. I became more comfortable just being myself.

[01:54:00] Like any southern-raised person who likes to tell stories, I would tell stories about cases, and then I think the students got much more interested. We had a much more engaged class once I stopped worrying about lecture notes and being sure to cover all these points, just being more natural in the classroom.

MAZZIE: In the classroom, right. [01:54:30] First of all, how are you doing?

CLAUSS: Time is not my problem. It's your problem.

MAZZIE: Okay, I just want to make sure you're doing, because there are still some things I'd like to ask. While you were teaching, you were also able to do a lot of this pro bono work on causes that were very important to you. Did you-

CLAUSS: And university work. One of my big failed exercises was on the speech code, where they sent people from around the country [01:55:00] the day I presented our committee's work, which Don Downs was the minority reporter and I was the majority reporter. Don Downs won, because the faculty voted down prohibitions against hate speech.

I just felt that, and this gets to your question, "How did you feel as a woman student?" I felt fine vis-a-vis [01:55:30] my colleagues, but certainly professors at Columbia, and Ann Althouse, going to school 20 years later, would probably say the same thing, not all professors are comfortable with women in the classroom.

I thought the number one requirement for a university teacher should be that all their students are comfortable in their classroom. No one should feel that the professor wishes you weren't there, that you're a waste of their [01:56:00] time. I have many women friends in the sciences. If you ask them, "Why did you go into research instead of becoming a doctor?" they would say, "Our major advisor told us we were taking a man's place. They would never support us for med school. They would never support us for the PhD program. Even though we were their research assistant, we were taking away a [01:56:30] place of a man."

I wouldn't want anybody at the University of Wisconsin, undergrad level or the grad level, to feel that, because they were black or Latino or female or trans or whatever that that was a problem. I thought the speech code, professors could say what they wanted to in their opinion columns in the Wisconsin State Journal, they could write whatever book they wanted to write, but in the classroom, it ought to be [01:57:00] politically correct speech. That was not the way it turned out, so that was my biggest disappointment.

MAZZIE: Oh, when was this?

CLAUSS: Oh, my. I would say it was between 1990 and 1992, somewhere in that era.

MAZZIE: Okay, yeah, so that was a disappointment.

CLAUSS: On the other hand, [01:57:30] I did a lot of university committee work on pay issues and equity issues and putting together due process procedures for disciplinary hearings and sat on a lot of the disciplinary hearings. I had a thought, but apparently [01:58:00] I've forgotten it.

We did have some successes, what to do when Sparkle Plenty was being invited to the school by the drama department. The vice chancellor wanted to know who Sparkle Plenty was. I had no idea, but Alta showed me how to use the internet and I printed out all of her resume, which involved [01:58:30] covering herself, while nude, in chocolate and having the audience lick her clean.

I took it up to the vice chancellor. He said, "How did you get this information?" I said, "Oh, I put your name in and asked." He was in a state of shock, because he understood technology as well as I did. Really, only Alta was probably techy enough to get this information back then. We did stand up to the city and we had Sparkle Plenty on campus, so [01:59:00] free speech fights on both sides of the aisle. I thought we did a lot of very useful teach-ins, Bush versus Gore, on Act 10.

MAZZIE: Yes, I was going to ask you about. Tell me about these teach-ins. This state, Wisconsin, since 2010, has been a very interesting place to be for politics, particularly labor [01:59:30] issues.

CLAUSS: Oh, the other big event we had was on the treatment of gays. I arranged a big teach-in on that. Anyway, those were the big three teach-ins I was involved in. After Act 10, we did some small teach-ins on various aspects of Act 10, [02:00:00] the budget issues. Really, with

the teach-in, you're trying to present apolitically what the issues were, why they're important to the community.

MAZZIE: Mm-hmm (affirmative). Was this in the classroom?

CLAUSS: Bush versus Gore was in a classroom. It was one day, a Saturday. The gay rights [02:00:30] was a weekend and we had people from around the country. Act 10, we probably had 2,000 people down here for the teach-in. We had to pipe it through the ... People left the square and came down to hear a presentation of the issues. We tried to have it balanced. Don Downs was there and several people, Bill Cannon, and [02:01:00] others from political science.

MAZZIE: Right, I remember. I was one of the people marching around the square. I wish I had known about the teach-in.

CLAUSS: It was just really to give people an understanding of what the changes would be. My particular emphasis was the process that was used to get there.

MAZZIE: Exactly, yeah, or lack of. Sorry, there's my politics [02:01:30] coming through. Yeah, so still lots going on for you in here.

CLAUSS: Right. My latest was with the university series of retired faculty [inaudible 02:01:45], how Social Security became a four-letter word. You try to keep educating. I'm playing around with a bunch of essays on things I've learned from the candidates for the Republican nomination for the [02:02:00] presidency, because taking apart Walker's healthcare reform and Trump's very good suggestion on trade agreements, there are good suggestions, bad suggestions, surprising suggestions, just to reflect on them as they come out from the various candidates. I'll probably do the Democrats, too, but they haven't been debating yet. I have [02:02:30] to wait until the debates.

MAZZIE: Debates, right. Yeah, that will be interesting. A series of essays, do you plan to publish them or is this a reflective exercise?

CLAUSS: I'll share them and maybe you could publish them and sort of see what happens to people. I think you have to stay intellectually-engaged at my age. One way to do that is to engage [02:03:00] with everything that comes across your computer. I'd like to come down to the law school and go to the Supreme Court presentations. We have three wonderful young tenure track colleagues who have clerked for the Supreme Court and have given very interesting presentations last summer. I very much enjoyed them, [02:03:30] two women and a man. It's more fun to engage. I will always be a policy wonk.

MAZZIE: Right. Looking back on your entire career, I won't just stick with the teaching, but what was the most rewarding thing that you feel that you have done?

CLAUSS: [02:04:00] That's a hard question, because I think it would depend. I thought, in terms of really developing students, there certainly were students I'm still close to, where I've

worked with them very closely on their law note or career advice, but if I think in terms of what had the biggest impact on [02:04:30] student careers ...

MAZZIE: Pick up, that you were saying the most rewarding is the moot court?

CLAUSS: If you look at different things. If I look at student development, I have to say I thought the development growth of the moot court program was the most beneficial to the most number of my students. In terms of individual students that I worked closely with, I just delight in their success, like Debbie Katz [02:05:00] with her wonderful firm in DC and all she's accomplished.

I remember, and I'm not going to be able to tell you what year this is and what case is, but one year, there were several labor cases in the Supreme Court and three involved Title VII. Each one of those had one of my students on the Supreme Court brief or arguing the case. I thought, [02:05:30] "Wow. They're my students." It was a great feeling.

In terms of things the law school enabled me to do, like with my pro bono practice, I would say Johnson Controls' and the elimination of fetal protection policies was a big moment. I would have to say when the state adopted comparable worth that was a big moment, but then they repealed [02:06:00] it when Earl lost.

The other thing that academia allowed me to do is it gives you credibility. The eight years I served with Barrack Obama on the Joyce Foundation Board of Directors, I certainly felt we changed the dialogue on welfare reform with the [02:06:30] Welfare to Work grants we gave, on our efforts on gun control, on political reform. I felt those were to be in a position to see the money going to the right activities, to the right scholars to change [02:07:00] public policy was very rewarding and something I wouldn't have done had I been in private practice, instead of teaching.

MAZZIE: Right, so a little bit more exposure from here.

CLAUSS: Right.

MAZZIE: What has been the most frustrating?

CLAUSS: I suppose the most frustrating is what's happening [02:07:30] to law school education in terms of its cost, people's access to it. We have not been able to figure out how to help our students pay for ... We're not like Harvard and Yale, heavily endowed, so we haven't been able to give the kinds of scholarships you'd like to see us be able to give.

[02:08:00] We've tried to get more law firms who would sponsor students in a paid internship program. Again, there are not enough law firms in the Madison, Milwaukee market that enable us to handle even 50 students in the summer. I do get very frustrated at [02:08:30] our inability to carry out the mission of law school education in a way that is accessible and affordable.

MAZZIE: Right. If you had to do it all over again, would you change anything and what would you change on your path here?

CLAUSS: Oh, certainly if you could do a do-over, wouldn't everybody do a do-over?

MAZZIE: Most likely, yes.

CLAUSS: [02:09:00] Anything you wasted time on or came to a dead end, you'd eliminate.

MAZZIE: Exactly.

CLAUSS: Yeah. I would actually take a leaf from the more scholarly side of today's law school faculties and reduce more to writing. I think, [02:09:30] as I aged in the law school and had to do tenure reports on young colleagues and so on, one of my realizations was that people who never did write, if you never were an administrator, you wrote about administration, but really, if you had never done it, [02:10:00] you couldn't look at the issues that would be best to have looked at.

I realize that the, quote, "practitioners" are going to take a lot to our graves. I think Louise has done it right, in that she has spent the last 20 years after her pioneering clinical programs reflecting about them and writing about them and urging others to do the same, [02:10:30] so that that isn't lost to history. I would allocate my time a little differently.

MAZZIE: Mm-hmm (affirmative). You wouldn't change any of the things you've done, where you've ended up?

CLAUSS: I wouldn't have changed any of the issues I've dealt with. I feel those were the right issues for my day to deal with.

MAZZIE: Mm-hmm (affirmative). What do you think is the right issue for now? For [02:11:00] the women coming up, what should be the thing that we should focus on?

CLAUSS: I do think the two biggest things that worry me, and one reason I'm so concerned about the declining importance of labor law, is the loss of community. I just don't see what constitutes 21st century community that [02:11:30] produces the activist and the social change that's needed and this current case before the Supreme Court on whether people who don't want to belong to a union have to pay their fair share.

It's because if you think of a union as being a private club, of course no one should have to pay. If you think of the union as you should, as being the equivalent of a municipality, [02:12:00] except instead of representing the homeowners in that community, it represents the workers in that community, just the way we pay taxes for water services and sewer services and streets and trash collection, you pay for your contract protection and so on. You have to think of it as a public good that is funded by tax dollars [02:12:30] or in the case of a union, dues.

We don't, before we put out a fire, ask the person if they paid their property taxes this year. We put out the fire. You might have to rebuild your house if you didn't bother to insure it, but the community expense is getting the fire out. We have to deal with this loss of community. I see [02:13:00] everybody retiring to their gated communities and no one caring about their next-door neighbors or anything like that.

I think related to that is income inequality. It is shocking that some people make over a billion dollars a year. I don't know if you saw the article on drug price. This is one of my big issues, is healthcare. The drug prices are just out of sight. There have to be laws [02:13:30] to regulate that, there just have to be laws. Elizabeth Warren is probably fighting the right issues. I personally hope she stays in the Senate, because like Kennedy, that's where you fight them. You have to change the law.

MAZZIE: Right. Actually, I met her last weekend. It was delightful.

CLAUSS: At the party?

MAZZIE: Yes, it was just delightful.

CLAUSS: I was out of town, so I didn't.

MAZZIE: Oh, yeah. That was-

CLAUSS: We interviewed her on my second year here for a job. It was [crosstalk 02:13:57].

MAZZIE: Really? Oh, okay.

CLAUSS: She would've gotten it, [02:14:00] but her husband was applying for Willard Hurst's job. There were lots of candidates for Willard's.

MAZZIE: Yes. There was something you had said that I wanted to pick up on. You have been quite busy with all your work stuff, but how have you balanced your work, personal?

CLAUSS: I was lucky and so [02:14:30] was June, in that I didn't have children and June had children who were already grown. That makes it a lot easier. You still have parent care at the end of their lives and you still have your own social life, but you don't have the burdens of the young women scholars today. [02:15:00] How Cecelia Klingele does it with number nine on the way and a fully productive scholarly career teaching, I don't know how she does it.

My generation didn't have quite the same problems, because we tended to come into teaching later in life. I think that would be the trend. That was the trend for Ruth Bader Ginsburg. [02:15:30] I think there are very few women before us who started off ...

MAZZIE: As young women.

CLAUSS: ... as young women and went through families and so on.

MAZZIE: Right. What advice would you give to one of the young women students now just graduating, getting out of law school? What advice would you give her for a [02:16:00] successful path?

CLAUSS: I've seen so many of my students put together very satisfactory careers. The nice thing about law is you can keep up with your area, even while [02:16:30] at home with children. If that's what you want to do, and I applaud that, there's nothing wrong with that, you want to have your kids, then you just keep up with your area of law. You go to the conferences, you read those cases on the internet, certainly easy to do today.

You stay in touch with your old colleagues, you have lunch with them, and then you just slip back into practice. Although you've been [02:17:00] out for six or eight years and you might, therefore, be a little behind the people that you started out with, you'll catch up and go to where you would've been.

I just think of the number of people, like Margo Melli, who when they had their kids, now, she paid a price economically, but her husband was a successful lawyer, so she went on one-half time all during [02:17:30] her kids' grade school years, but she kept her finger at it.

Now, not every firm is going to let you do that. You might look to see how the firm treats its women. It still is what's good about government and academia, because they do accommodate long absences for children and they do accommodate part-time work, which not [02:18:00] every big firm does.

I think it's easier today, with the division between the regular partner and the equity partner. Once you take rainmaking out of it, there is less need to have a continuous career with lots of social engagements and so on, more compatible with family. On the other hand, it does create two tiers of [02:18:30] earners, but then I don't know how many of my students really want to make \$1,500 an hour. I don't know. Do you want to make \$1,500 an hour?

MAZZIE: I wouldn't mind having it, but I don't know that I would want to make it.

CLAUSS: Yeah, okay. Equity partners still command an enormous salary. I'm sure I'm four or five years out of date, it's probably \$3,000 an hour. I think most of my students [02:19:00] are happy with what law firms pay or government pays. It's a living wage.

MAZZIE: Yes. Is there anything that I didn't ask about that you'd like to talk about?

CLAUSS: I honestly don't think so.

MAZZIE: Think we covered everything? Is there anything that you're glad that I didn't ask you about?

CLAUSS: Oh, probably, like what I really think about so-and-so.

MAZZIE: Yeah, we won't [02:19:30] go there.

CLAUSS: I will say this, I say I'm not sure I was really intended to be a law teacher. I'm not sure that was my profession by the very fact that I was happiest when I was in a courtroom arguing or doing something policy, but I love the classroom. I love the students, I love teaching. [02:20:00] I think maybe I should have been a teacher, but maybe not a law school teacher, maybe some other kind of teacher.

That has been very rewarding and I have loved having all the students. I think they've kept me young. I think they've kept me interested in life. They never were successful in keeping me up-to-date on movie stars or pop singers, but yeah. I'm sure you've found teaching very rewarding.

MAZZIE: Very much.

CLAUSS: It is a very rewarding profession.

MAZZIE: [02:20:30] It is.

CLAUSS: I'm kind of reminded, I have a friend who was married to one of my closest friends. He was a quantum physicist here at the university and he died recently. She was bemoaning that she's so busy, she doesn't have time to ride her horses. She told the horse farm to use her horse in whatever way they could. They took the youngest Quarter Horse and made her a teacher for the disabled children.

[02:21:00] Jane was saying, "Oh, I feel so sad that Solo can't gallop through the fields." The instructor looked at her and said, "Is there any nobler profession than teaching?" I thought, "Hey, it's right for the horse, it was right for me." There's no nobler profession.

MAZZIE: That's right. I thank you for your time. There's so much more we could talk about, but it is getting late.

CLAUSS: It was very nice meeting you.

MAZZIE: Thank you very much and I think we'll call it-