

RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY  
NEW BRUNSWICK

AN INTERVIEW WITH DIANE CROTHERS  
FOR THE  
RUTGERS ORAL HISTORY ARCHIVES

INTERVIEW CONDUCTED BY  
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TRANSCRIPT BY  
RUTGERS ORAL HISTORY ARCHIVES

Kathryn Tracy Rizzi: This begins an oral history interview with Diane Crothers, on February 25, 2022. I am Kate Rizzi, and I am in Branchburg, New Jersey. Diane, thank you so much for joining me for this fourth oral history session.

Diane Crothers: Kate, thank you so much for your partnership and leadership in what's been a fascinating inquiry, thank you. I'm in Brooklyn, New York.

KR: Great, thank you. Today, we are going to talk about your time at Rutgers Law School, and I know that you want to start off with some memorable experiences.

DC: Well, yes, some things have come to mind in the last few days. I was watching an interview with Sheryl Lee Ralph, who is a star of the sitcom *Abbott Elementary* that's on the networks now, and it was a Rutgers African-American Alumni Alliance interview with her by Denniston Bonadie. She, apparently, according to this interview, was the first woman to go to Rutgers undergraduate school and she went in the early '70s, just around when I went to law school. Denniston, who I know from the Rutgers African-American Alumni Alliance, asked her a lot about her sense of belonging at Rutgers. This was so curious to me because I would never have used that word "belonging," and I wondered if it was just because we were older. It was law school. It wasn't undergraduate, but I started thinking about this whole notion of belonging and when you think you belong to an institution. [Editor's Note: On February 22, 2022, the Rutgers African-American Alumni Alliance (RAAA) and the Rutgers University Alumni Association (RUAA) hosted a virtual conversation between actor Sheryl Lee Ralph, Kendall Hall, president of the RAAA, and Denniston Bonadie, coordinator of Digital Village and Outreach Programs. Ralph graduated from Rutgers College in 1975. In 1972, Rutgers College became coed and began enrolling women who were transfer students and first-year students. The first coed four-year class graduated in 1976.]

Then, today, I listened to this wonderful podcast by the new [assistant] dean [and director] of the Minority Student Program at Rutgers Law, Clifford Dawkins. [He gives] a very vulnerable and touching intro of his early life, in which he is raised in Jamaica, partly by his grandmother, comes back to the U.S. to live with his mother. She dies in an accident. He goes into foster care, his sister goes into foster care, so they have a number of years in foster care. Then, he talks about meeting people who helped him go to Rutgers--actually, Cornell, undergraduate. He just takes you through his life, but he very much uses the metaphor of family and talking about how much people belonged in the Minority Student Program and that they articulated this when they welcomed and recruited people that this was a family. [Editor's Note: On February 24, 2022, Clifford Dawkins, RLAW '15, appeared on the Rutgers Law School podcast *The Power of Attorney* in the episode entitled "The Minority Student Program with Assistant Dean Clifford Dawkins."]

I thought, "It would have been such a different experience." I mean, we were the women coming in, so family might not have been the perfect metaphor, but sisters. I can't imagine, looking back, the warmth that he is describing, and he also references "The People's Electric Law School." I copied you on this podcast this morning because I thought you might like to hear him, because he hits a number of themes that we have talked about. That was interesting to me, to hear about Sheryl Lee Ralph feeling belonging. Her mother, I think, is from Jamaica. Denniston

is originally West Indian, has a strong West Indian accent. Clifford Dawkins has a mother from Jamaica. I don't know if some of this is West Indian, culturally, this knitting together, but it was very interesting because as far as my experience, we sure didn't have that. It was great to hear that somebody got it and somebody was offering it, during the life of People's Electric. So, there's that. [Editor's Note: During the late 1960s and early 1970s, the Rutgers School of Law-Newark was known by many in the law school community as "The People's Electric Law School."]

I wanted to mention, too, I don't know if I mentioned that when I was trying to figure out going to law school, I looked at three law schools in the New York area. I think you asked me whether I applied to anything else besides Rutgers, and I did not. Did I talk about this, about looking at these other two?

KR: No, you did not talk about the other two.

DC: Okay, good. I looked at Brooklyn Law School and I looked at NYU [New York University]. I went to visit NYU. At that point, I probably knew that there was a women's contingent just ahead of me that had tried to integrate the law school, and that was Jan Goodman and I think Nancy Stearns were there. I went and I sat in on an income tax class, and I thought, "Maybe not. Maybe this is not going to work for me." [laughter] Then, I looked at the Brooklyn Law School catalog, and in three years, you had, at that time, one elective and you could choose between income tax or land use finance. I thought, "I'll die. I can't." [laughter]

Just now, when I was looking at my pitiful transcript from Rutgers Law School, I was noticing the proportion of independent studies that I did. About twelve percent of my work at the law school was independent study, and I was just somebody who obviously could not follow the rules in any number of ways. By the time I get to law school, I'm really kind of at my worst in my whole trajectory. [laughter]

I don't know if I mentioned that when I was at [the University of North Carolina at] Chapel Hill, I would do the course the way the professor wanted it done until the midterm and I'd get an "A." Then, I'd do it the way I wanted to do it until the end of the class and get a "C." This is not like a normal law student. So, that's from trying to figure out law schools.

Then, years later, I don't know how many years later, I am interviewing at Legal Services Corporation with a dark-skinned man, Jamaican, Jamaican accent, as far as I knew, very British, and he asks me what my law school grade point average was. I said, "Well, I don't know." He said, "You're going to have to come up with a better reason than that." I thought, "This is not made for me." [laughter] So, I called up the law school. I called up Linda Garbaccio, the registrar, and I said, "So what's my grade point average? Why don't I know what it is?" She said, "Oh, we got rid of all that during the rebellion." [laughter] There wasn't one, and here I am being dragged over the coals. I called the guy back and said, "Listen, Jack ..." Anyway, that was not in my future, that job.

That's kind of an interesting thing about Rutgers because the legal profession, obviously, is climbing, climbing, climbing. When you're listening to this new Supreme Court nominee, she

went to Harvard. She clerked for Breyer. She did this, she did this. It's all these steps. If you go to a school where you have pass/fail, which I did for two out of the three years, you've just taken yourself out of the running. They let you do that, so that's a different school. [Editor's Note: On February 25, 2022, President Joe Biden nominated Ketanji Brown Jackson to be an Associate Justice of the Supreme Court, filling the vacancy left by the retirement of Justice Stephen Breyer, for whom Jackson clerked in 1999-2000.]

I did want to tell you a weird thing that I remember. I'm in law school and I think it's like the first year. I'm totally intimidated. I missed the first day and had to go the second day. I screwed up when to go. I know I was late; I screwed it up. When I get to class and I'm sitting there and I'm feeling totally in the wrong place, I developed this kind of a fantasy. I would imagine that I was sitting in class. Can you see my upper body? I was sitting in class, and I don't know if this was triggered by if I talked or if I didn't talk, but my right or my left arm would begin [to raise], and it didn't happen in real life, but my fantasy was it would extend like this, out in front of me, in this angular fashion. It's bent at the elbow. I would have this fantasy over and over and over again in class. I had no idea. Finally, I was in therapy to try to figure out how I can get through law school. Polly, my therapist, pointed out to me that, "That could be an erect penis," which I think it was. It was like, "How could I fit in?" Anyway, so, I bet you'll never get that from anybody else. I just thought of it last week. I thought, "I'll add that in for local color." That's what it was like for me.

KR: The first year of law school has the reputation of being the ultimate challenge.

DC: Awful.

KR: There's a lot of weeding out of students. What are your recollections of your first year?

DC: Nobody said they were weeding us out. I remember when my dad went to medical school, this was at Yale, they said, "Turn to the left, turn to the right, one or two of you won't be here [at graduation]." I don't remember anything like that.

I remember my legal writing class with this awful law student, I guess he was a TA [teaching assistant], and we had to write something about a dog bite case. Now, I am thinking, "Did I go to law school for a dog bite case?" Okay, so, I've got issues. I turn it in, and the guy gives me a "D." In this very harsh voice, he says, "Your law firm will be sued for malpractice if you turn this in." Thanks so much; there's a welcoming atmosphere in my first semester.

I did have the presence of mind to take pass/fail that whole first year, so at least I wasn't totally focused on that, but I was trying to pass. I didn't pass one class, and the class that I didn't pass was actually the one I spent about ten years working in at the federal government years later, in legislation. [laughter] But I fell asleep once in that class, not a good sign. Legislation could be so interesting. The guy who taught the class had written a casebook on the Food and Drug Administration, the FDA; that's what our whole course was about. I almost died. Years later, when I was doing legislation, it was the Equal Employment Opportunity Commission. It was Title VII, Title IX, a little more interesting to me.

My reading speed went down to ten pages an hour because of those casebooks. I had never had to read anything twice before. I had to read these cases over and over. I had that radio program at WBAI on books and films of interest to women, so I was still getting copies of books that were interesting to me. I had no time to read. In undergraduate school, where I was an indifferent student and went to four colleges and kept dropping out and working in between, I had done the work but not really enthusiastically, shall we say. Getting to law school and having somebody grill you and call on you, cold call, and having to learn what a case was and how this worked, it was terrifying. That year was very tough. I didn't feel like I had any place to go though, because I needed to earn a living. I wasn't able to work as a film director as a woman. I could always earn a living as a lawyer; the law was interesting to me, the politics of it. Dropping out was not an [option], although a couple years later, I did think about dropping out.

That's when I decided to finish my bachelor's degree so that I would have one degree, because I had not finished it. I finished a correspondence course in geography with a law school friend of mine. We would sit with a bottle of red wine and try to finish this thing, and it would ask these deep questions, like, "If the trade winds stopped, how would your life be affected?" I would write a whole essay about chocolate and how my life just couldn't go on without chocolate. [laughter] I got through that, and then I got the bachelor's degree. It looks like I went to one of these what used to be matchbook law schools. You're probably too young to remember this, but on matchbooks, it would say, "Six weeks to a law degree," or some ridiculous promise. So, I graduated in '74 from law school. I graduated in '73 from the University of North Carolina. That's the beginning of law school. [Editor's Note: Diane Crothers was admitted to the Rutgers School of Law-Newark in 1971 through the demonstrated social commitment admissions standard.]

KR: What were the demographics like of your law school class?

DC: Well, we've heard and what I've seen when I look at the people who graduated in '74 is that it was about forty percent female. I think about thirty-eight percent of the graduating class were female. So, that's probably about right. The Minority Student Program took twenty-five percent, I think, African Americans at the time. I don't know if they were Latinos or others in that. That was a floor, and not a ceiling, so there were additional African American students. As all of us have talked about, who are talking now about law school, it's the first time we as white women had been in an integrated classroom, and it was seriously integrated. I mean, it was not just one Black person. So, that was great. That changed everything. It made it a lot more interesting to go to class. There were a lot more possible permutations of issues and opinions and experiences, and it made classes much more engaging to me, such as they were, after I got through the first year. I think that the class right before us, the women in that think that they were at about twenty percent, and some of them remember being told it was a computer error that caused that. By the time we got there, in the Class of '74, professors would still say stuff like, "Let's hear the women's point of view." You'd still get that in class, yes, and that's why we had to start the pencil-dropping thing as well. [Editor's Note: The phrase "As all of us have talked about, who are talking now about law school" refers to a group of women alumni of Rutgers Law School from the Classes of 1973 and 1974 who meet regularly via Zoom.]

KR: Why was Rutgers Law School called "The People's Electric Law School"?

DC: Significant people of my law school generation and a year or two before me had been attracted to Arthur Kinoy, who was the founder of the Center for Constitutional Rights. He and [William] Kunstler had been civil rights lawyers all over the South. Arthur was extremely aggressive in court, and there was nothing he would not do for a client in terms of flipping all kinds of legal theories or legal approaches to things. I can see it still in the January 6th stuff; there are people litigating who are following in his footsteps about the January 6th insurrection. There's this wonderful book that he wrote after he retired, *Rights on Trial*, which shows him coming from the McCarthy period. There's a picture at Rutgers Law School, which you've probably seen. He was a little guy. He's being dragged out of a hearing room by the neck by this marshal. He just was a very attractive, charismatic figure. He encouraged Rita Schwerner, who is now Rita Bender, to come to Rutgers after her husband Mickey was killed in '64. She was a civil rights activist in Mississippi. She had thought about Columbia, and he said, "No, no, no, you're not going to find people like you at Columbia. You need to come to Rutgers." And she did, and that's where she met Bill Bender, who was also a left-wing kind of guy.

There was George Conk, who was in my class or one year behind or ahead, because he took some time out to work in the McGovern campaign, and he's the one I most associated with People's Electric Law School, with that moniker. He has written this law review article, which I think I sent you. He teaches at Fordham Law now, adjunct. He wrote a whole piece about the four or so areas of law that People's Electric changed in New Jersey, death penalty, tenants, all kinds of women's stuff. So, I think very much it was that. [Editor's Note: The article being referred to is, "People's Electric: Engaged Legal Education at Rutgers-Newark Law School in the 1960s and 1970s," 40 *Fordham Urban Law Journal* 503 (2012), by George W. Conk, Rutgers School of Law, Newark, Class of 1974.]

Also Donna Lieberman, who is still the head of New York Civil Liberties Union, she was one class ahead of me, and she was attracted by someone like Arthur, I think. Then, when she worked so hard to get more women in, she also, I would imagine, is looking for people who will fit into this and who will appreciate and grow from People's Electric.

At one point, when I had a class with Arthur--I had two classes with him. I had "Constitutional Law" the first year, which was very helpful to have someone like him. He was also a very gentle professor, unlike many law professors, who people would be crying and throwing up. Arthur, one time, was asking in class, "Who's got the burden of proof in this case?" Somebody said, "The defendant." He said, "Well, that's almost right." Now, there were only two choices, and it was wrong. [laughter] Also, he would let you drive your own education. In that class, a guy came up to me afterwards, a blonde curly-haired guy, who I think spent his whole life at Legal Aid as a lawyer, and he said, "I really envy you." He said, "Every question you ask is trying to figure out how you can use the law for women." Arthur would let you do that. He would let you figure out what *you* wanted to do with this. Then, he taught "Advanced Constitutional Problems," I had that class with him, and the text for that was the appellate brief that he had written in the Chicago Seven case with Bobby Seale. That was the essence of activism, at least for men and white men, at that point.

This other guy, Gene Gratz, who had been a carpenter and he had chopped off one of his fingers, he's a law student. He's from Berkeley or someplace and he's got this ponytail, a white guy, little wire-rimmed glasses, and he and I often were dissenters of various types in the classroom. We were taking that seminar together. We made a deal that when the people that we saw as kind of Arthur groupies might go after us, that if he had made a point, whether I agreed with it or not, I would take it and I would run for the finish line. If I had made a point and they were cutting me off, he would take it and run. We went to class like that, and so things got a little rowdy. I went up to Arthur afterwards, after one of these classes, and apologized for all that. It was a free speech class about free speech and the Chicago Seven case. One of the other students said something like, "Well, we let you in here." He said it either to Gene or to me, at which point things kind of got out of hand. I went up to Arthur later and I apologized for all this rumpus. He said, "No, don't worry." He tells me this long story about how Castro put people on the Supreme Court or something, I have no idea what the connection was, but his whole demeanor was, "Dissent, it's the lifeblood of America." Now, that's a great thing to have in law school, because most people are not like that, most law professors.

KR: Who were some other memorable professors that you had?

DC: Well, I had Eva Hanks [for the property law class]. I had three women in three years. She's the first one, the first year, and she is known for being very kind of straitlaced. She is German-educated originally. I didn't know anything about how she helped Ruth Ginsburg get there. I didn't know anything about her as a feminist at the time, so I just experienced her as tough and that's how most people did. Usually in a classroom, I'll sit like in the second or third row, so that the teacher and what they're trying to do fills up my whole screen, and I did not sit in the front at Eva Hanks' class. I would sit in the back. Also, she was trying to quit smoking, so you couldn't smoke in that class. That's how I discovered how much anger got channeled through a cigarette [laughter], because if you had an emotion, you could light up and it somehow got it out of you. She was tough. Years later, when I was taking the bar exam, I failed the New York Bar first, and I had not had classes in like a third of the stuff that they were examining, not a good way to go into a bar exam. Then, years later, I was taking the Jersey Bar, when my son was about two and that would be 1980, and I was dying with property. It was all this stuff of lives in being, so many lives in being about wills, and I was trying to learn this stuff. Finally, I looked up the fail rate in property on the bar exam, and it was the highest fail rate. I thought, "Okay, you are not alone, and you're only going to get a maximum of three questions on lives in being, so just take a breath." But all that was from Eva. It was a tough topic, and she was rigorous. She set a high standard. [Editor's Note: In 1962, Eva Hanks became the first female faculty member at the Rutgers School of Law. Ruth Bader Ginsburg joined the faculty in 1963, making Rutgers one of only three law schools in the nation to have two female faculty members. (From "A Tribute to Eva Hanks," by Matthew Diller, from the *Cardoza Law Review*, Vol. 36:403)]

Let's see, the other memorable [professors], Chuck Jones was terrific, a gentle Black guy who taught me civil rights and I think criminal procedure and legal representation of the poor. At that time, that was a required course the first year, which was unique in American legal education. I loved that course. I wrote a paper on child abuse, and I found out that pets, animals, had more legal rights than children. That's the kind of thing I was interested in, who does and does not

have legal rights and who has other people speaking for them, which might work much of the time but not all the time. He was my professor in that, and he liked that paper and so that was good. I was feeling like, "Okay, somebody here likes my work." He was memorable.

At that time, professors could sleep and did sleep with students. I had this one class where there was a very physically unappealing professor, and I just could not connect to the subject matter at all. I just couldn't find my way in. But I knew who he was sleeping with, and I used to sit there and watch him and think, "How much would it be worth? Why is this person sleeping [with him]?" She was very attractive, blonde and pretty long hair. Anyway, so that was a memorable teacher.

Then, we had torts. We had Smitty. Smitty was an elder, white, Mississippian man who was revered in a lot of ways. He helped found the law and American society kind of humanities focus at the law school, but he made a lot of jokes about fat women, prostitutes. He said that abortion was unnecessary because pregnancy was just a thing women said they were to get men to marry them, and that was for a semester. I found that that I really couldn't tolerate it. I took notes, I took notes on all those jokes, and also torts, trying to learn torts, which I'd never heard of before that semester. Then, I decided, "I can't sit here." So, I had to teach myself torts, and I just didn't go back to class. He gave a very good final exam. He talked about if you had had a vasectomy or a sterilization and you still got pregnant, was that a wrongful birth? Now, that's an interesting question, I thought. I can still remember it all these years later. So, he was memorable. I never took anything else with him.

Back to this first year, then, in evidence law, the professor who taught that had written the casebook, and it was full of violence against women. It was full of rape, gang rape. Gang rape is more violent than single rape, so you get a lot of beating and a lot of cutting of the woman or women. In that class, it seemed to me, he would enjoy calling on women. One day, he called on a woman who I knew had been raped. She had to recite this whole case. I dropped the class. I don't want to identify that woman, so I can't really [talk about it].

Then, "Women in the Law" was a revelation. We had, I guess, Nancy Stearns for that. She made people cry because these women, it was all women, maybe one man--yes, I think one man--but you found out what these judges said about your sex. I think it was the Virginia Minor case, she was trying to vote. I could be remembering this wrong in terms of which case this is, but it was a whole discussion of how women aren't quite citizens. I remember this one woman, Beverly Katz, just crying at hearing this language about you from the profession that you were entering. That was a tough class, to come up against the history of that. Nancy Stearns is one of the people that fought the New York abortion case, and there was a book called maybe *Abortion Rap* or something. She, Florynce Kennedy and other women took it on and won and established it. She's still active. I see her on podcast things about People's Electric and about Ruth Ginsburg. [Editor's Note: Virginia Minor, a leader of the suffrage movement in Missouri, tried to register to vote and was refused because she was a woman. She brought suit against the registrar, Reese Happersett, on the grounds that the provision in the Missouri Constitution that allowed only men to vote violated the Fourteenth Amendment. In *Minor v. Happersett* (1875), the U.S. Supreme Court ruled that Missouri allowing only male citizens to vote was not an infringement of Minor's rights under the Fourteenth Amendment, that voting was not an inherent

right of citizenship, and that the Constitution neither granted nor forbade voting rights for women. As a result of the lawsuit *Abramowicz v. Lefkowitz* challenging New York's abortion law, the New York legislature voted in 1970 to legalize abortion until the twenty-fourth week of pregnancy.]

Employment discrimination I had with Al Blumrosen, who was magnificent. This was a guy, who, with his wife Ruth, she was in another graduate school in Rutgers, I think, and together, they published a lot of stuff about employment discrimination and the law of it, the theory of how it developed, how it should develop. [Editor's Note: Ruth Blumrosen was an associate professor at Rutgers Graduate School of Management and later an adjunct professor at Rutgers Law School-Newark.] He had worked as a consultant in Washington when the Equal Employment Opportunity Commission was getting set up. He wrote a book about Newport News, a famous employment discrimination case. He was white. He was deeply committed to racial equality. He was probably my favorite professor from law school. I did an independent study with him. I worked on the AT&T employment discrimination consent decree. He would behave in class in a way that was unique in my experience. He would ask me to tell the class about my research, and he was so respectful toward me. He treated me like a peer. He also had asked me, offline, if I had been a newspaper reporter, because he thought my writing was so clear. This was not what I was used to in law school. One of my female classmates circulated a rumor, or said at one point, that we were sleeping together, because that was the only explanation there could be for this guy being good to me in class, so that was kind of funny. [laughter] We were not sleeping together. He was remarkable.

When I finally graduated from law school and I had my parents come, my father had not understood what this law school thing was all about and thought it was bankers, that's who he knew, and I would not fit in. Al Blumrosen gave the keynote address that day, and my father has a big epiphany and comes running over to me, "I get it. I get it." [laughter] Al Blumrosen helped us understand one another better. That was great.

We had a class in which one of my sister law students was really pushing the envelope on the limits of gender. This was in family law, I might as well say. The professor did not like it, and so we had, to my mind, very interesting discussions. When the exam came, he had a character in the fact pattern of a question on the exam that had a woman who wanted to attach a penis to her body and he named that character after my friend. She had an unusual name, and he named her that. It wasn't like Anne or Mary or something. We were trying to figure out whether to go to the dean about that or not, but this woman law student had already had a conversation with that dean, when he told her that she had to decide between being a mother and being a lawyer. I can't remember whether we went to the dean or not about that, but that was one of the things. Prior to Title VII, prior to sexual harassment law, or MeToo, there was no place to go. I mean, there's no place to go with this stuff, and it's amazing to me that we even thought about going to the dean, that this was a violation of our rights as students to hear this misogyny about one of our own. That was tough. I have heard from another law school graduate woman from that period that he was also problematic with her as well and her father defended her, so that was a good story.

KR: Did you, in fact, go to the dean?

DC: I don't recall. I never went to that dean about anything, once I heard that story about--I wasn't a mother, but anybody who says you have to choose is not my kind of guy. I don't really recall if we went. She would remember and she is now retired in North Carolina, but I haven't been able to contact her. I tried. So, I don't know.

Then, the last semester, I had a class in "International Law of Human Rights," and I think it was an adjunct who taught that class. The Allende government had just been brought down in Chile. He went down there as part of a--not peacekeeping-- but as an observer. He came back, and he talked to us in class about that. This seminar room was kind of in the middle of the law school, and it had no windows. It was a small class, maybe ten or fifteen, and he started talking about the use of torture. He started talking about the torture of a pregnant woman, and it was clear from his demeanor and his voice that he was aroused by it. Once again, I couldn't sit through it, and so I dropped that. This is why I had to take all these independent research classes to make up for all the things that I ended up dropping.

I did end up taking evidence from somebody whose wife was a feminist academic. When we discussed evidence in that class, we got to this part about how, at that time, it was a lawful inference you could draw if somebody fled the scene of a crime, that that meant guilt. There's lots of reasons different people flee from the scene of a crime, now we know. But at that time, that was the law. Then, there was also, if you had a rape allegation, if the woman was a virgin, it was more likely to be true. This is nuts, in my mind. So, we had a big discussion about that, that this has nothing to do with anything. This is apples and oranges. He, to his credit, Richard Parker, was able to tolerate having a discussion about that and to have us learn the law of evidence, even as we critiqued it. That's what many of us came to Rutgers to do, to learn the law and be able to critique it and change it. At its best, that's what it gave us.

Those three years, I went out of my way to never be alone with a male professor. I don't know how I managed that with Al Blumrosen, but maybe he was my exception. When I was alone with one professor, he offered me a ride back to New York and asked me out to dinner. I told him the story of my first marriage, the violence in it and how I had planned to kill my husband, and that took care of that. [laughter] So, it was a little indirect, but such were the tools we had at the time.

KR: You said you had three women professors.

DC: Yes. I had Rhonda, at that time, her name was Rhonda Copelon Shoenbrod. She dropped one in between. She became an international law, an international human rights person. She took us to Clinton Women's Prison, and so we taught women prisoners law, such as it was. That was my first experience inside a prison. A lot of those women, the ones that we met anyway or the ones that stuck, were in for either assisting in drug sales, the boyfriend, husband, but there were people who had killed either husbands or their children. So, that was my first experience with that, yes. We would drive over there, and it was great to have a class like that. I mean, lots of law schools don't take you inside a prison.

Years later, when I'm sitting in D.C. and I was prosecuting cases, I prosecuted in a part of the court that was a quasi-civil, quasi-criminal part, so that you rarely incarcerated anybody, unless

they broke a contempt order, but you got jurisdiction over children, or adult males or over juveniles, and you could order their lives in thus and such a way, but you weren't putting them in a prison. In that job, I was sitting in court one day waiting for my case to come up, and I watched a woman lawyer from the criminal side in the Justice Department. It was a white woman with short blonde hair. She stood up and she just went to town about why this person should be locked up, and I have no idea what the details of the case were or how heinous it was. She went on and on and, essentially, the way she talked about them was like they weren't actually a person. I thought, "You know, I could no more get out of bed in the morning and go do that." A place like Rutgers took you to the other side, took you to see what happened to people and who they were. Years later, when you watch something like *Orange is the New Black*, you're watching, "What puts women in prison?"

KR: Was that a law clinic?

DC: No, we didn't litigate. It was just called "Women and the Correctional System Seminar." That's what it was called, yes. That was my third woman. However, Rhonda, years later, I saw her at some event, and she might have been ill at the time. She died shortly thereafter, and I don't remember what kind of illness she had or if it affected her mind. What she said to me that day was, "Oh, I had such hopes for you." I have no idea how she measured and evaluated--she was a Yale Law School graduate. I had already been so deeply affected by community organizing, by the politics of stuff, that I was never going to be a straight-ahead lawyer. I could not believe in the justice system the way that other lawyers seemed to. I didn't love the justice system. I'm not saying she did, but she could operate in it and I could not.

KR: What did you do for some of your independent studies?

DC: I remember two of them. This one was the AT&T settlement, and I published that article in 1973 in the *Women's Rights Law Reporter*. Again, to me, what was most interesting about that case was what the company said as it refused to integrate. So, they said all these awful things about Black women, "These women can't get any other jobs. I'm sure we can pay them five thousand dollars a year. There's no place for them to go." There were just all these great quotes from all the litigation that painted a picture of how horrific AT&T was and how willing it was to keep people down. That was my kind of reporting and writing, not just the legal theory. [Editor's Note: Pursuant to an Equal Employment Opportunity Commission (EEOC) action against AT&T in 1970, AT&T signed a consent decree agreeing to eliminate discriminatory recruiting, hiring and promotion practices towards women and minorities.]

Then, the other thing I did, which Al let me do, was I created a bibliography. It was called "Selected Legal History of Women's Rights," and I just looked up everything I could find. I have not tripped across that. I have seen it over the years in its little, pitiful dog-eared form. I think it was just as comprehensive an account as I could create of what had been written about the legal history of women's rights. I did have a nightmare once in law school, I think it was in law school--yes, it was, because I wrote about it to Ruth Ginsburg. When she was put on the Court of Appeals later, I wrote her this fan letter congratulating her, and I told her about this nightmare. In this nightmare, I am down in the library in the U.S. Reports, the federal cases. I am looking volume by volume by volume for a case where a woman is a party, not where she is

being transferred or affected, but where she is a party, an active litigant, and I cannot find one. So, that's the kind of thing I was preoccupied by in law school.

Also, it was affecting me that my third year, I started teaching law at undergraduate schools. I was teaching "Gender, Law and Society" at Livingston College in Rutgers, at what was then Jersey City State College in Jersey City, and then in the summer, I taught it at NYU, some institute at NYU. When I was interviewing for the women in the law one at NYU, the guy who was interviewing me just said some outrageous sexist stuff, which I then dealt with, and I probably looked at him like, "Have you lost your mind?" He said, "I was just testing you to see how you would deal with a student." [laughter] He said, "You did very well, and you're hired." [laughter]

During that year, when I was teaching, I was teaching Monday night or Tuesday night at Livingston from seven to ten--God--and Monday and Wednesday from like 5:15 to 6:45 at Jersey City. I lived in Manhattan. I went to law school in Newark. There was the gas crisis; you had to get up in the morning and get gas in the car by like five a.m. to be able to make all these stops and do this. I was teaching undergraduates. I was never interested in teaching lawyers, law students, but I loved the undergraduates. At Jersey City, there were a lot of working-class people who were adults. At Livingston, they were seventeen to twenty-one-year-olds. So, I would teach the same cases in these two different populations, and it was fascinating to watch what they did with it. The young ones, half the class, there were six weeks at the beginning of the class on marriage and divorce law. The big news in that is that the government is a party to what you think of as a private arrangement, marriage, and that's good news to tell someone before they get in, that this is not just a personal thing between you and this person you love. So, the young ones, half the class or a third of the class say, "Well, I'm never getting married; this won't apply to me." [laughter] Then, I would go to the other class, which had grownups, and they were single, married, widowed, divorced. Everybody was in that class. One woman came up to me afterwards in the parking lot, and she said--I'll never forget it--she said, "I'm really sorry, but I have to drop your course. I don't think I can stay in your course and stay married."

Also, it was so much fun to teach these courses because you were free. I was teaching something completely new. There weren't any undergraduate courses on law and gender at that time, this is '73-'74, and so you could do a lot of stuff. At Livingston, there was going to be a rape conference and they wanted me to come talk at that, but it conflicted with my class. So, they taped my class one night, while I was teaching rape law. Watching that, I discovered how I taught, because I did all this jumping around. First, I would be the defendant. I'd be the judge. I'd be the victim, and I would just take these different roles and act them out, which I hadn't really been conscious of. Certainly, that was not how I was taught rape law in law school.

In the Jersey City class, I had a lot of cops who thought this was a gut course and they were going to take this because it was so easy. So, I had two guys who were good friends. One guy was named Cornelius Enright and he had very blue eyes and a crew cut. He was like from Iowa or someplace. I was irritated at their condescension. I thought, "Okay." When we got to our final project, they would pair up by twos and they would argue pro and con to some legal theory and the class would be the jury. These two guys decided to argue--and this is the kind of thing I would teach--whether the missionary position should be a legal requirement of marriage, because

you can find cases on that. That's the kind of thing I found when I did the legal history. You could spend time trying to figure out, "Is there a legal basis for that?" And there is. Anyway, so, they would do this case. Cornelius got up. This is the only time I completely lost control of myself in front of a class. He got up and he said that the proof of this, why it's okay to have this be a legal requirement is, he says, "That's the position a woman is in at the gynecologist." [laughter] I had to turn around and face the blackboard before I got myself under control. So, that was exciting. That was fun. [laughter] That was my third year, and that was a good segue that law school is not forever, I'm going to get out of here.

KR: What else do you remember about Livingston College at that time? Do you remember the campus? It was actually, in its early years, called the mud flats because it was newly constructed. Do you remember any of the faculty members or any of the administrators?

DC: I don't, but many years later, like two years ago or so, my brother, who I'm very close to, who lives in northwest Connecticut, he's in a book group with somebody and he tells me, her name is Frances Moulder, and he tells me that she is doing family history research. She has southern roots. My brother says, "You two have a lot in common that you're looking into this stuff." He introduces us and we get to be friends. She comes and speaks in a course that I did on Reconstruction, and now she's speaking on another course that I set up on slavery. While we're doing all this, and I'm digging through, trying to sort my papers out, I find a petition on my behalf, in 1974, that she signed. She taught at Livingston College in sociology, in women's studies. I think I was trying to get a reappointment in the Livingston College Political Science Department for this class, and Carey McWilliams was the chair. He was not a fan, and he said that I was completely wrong. I have these letters from him, where he's just saying what a completely unprofessional and non-factual person I am and I'm comparing apples and oranges. In retrospect, he was probably right, but I was new to academic life and didn't really see that my being a third-year law student was not equivalent to being a post-Ph.D. adjunct, or whatever it was. As we're fighting this fight about whether I could teach this course again, my little students are all up in arms. There's this adorable guy, Gary Mitchell, and he is in my class and he is a good organizer. He develops this document called "The Flower of the Political Science Department." [laughter] It's about my course and why it should continue and on and on. It turns out, in the last year or so, I don't know how I tripped over him, but he became a lawyer and he's got daughters who are human rights lawyers now. I called him up and was reminding him about this course, and he said, "Well, you know, you made me promise that if I went to Rutgers Law School, I would work for the *Women's Rights Law Reporter*," which I don't remember, but he did and that's the kind of guy he is.

Physically, I don't remember. I mean, I was exhausted. One time, I forgot to get gas, and I was flying up the New Jersey Turnpike, after this class at Livingston, and ran out of gas. I was listening to Beethoven's Ninth, and I ran out of gas. These troopers stopped, and thank goodness I was not a Black man because they helped me and I was able to get home. But, no, I was just exhausted running from job to job to school to home. That's all.

Frances was on that [petition], so I scanned it and sent [it to] her. She said, "That's my signature. I did, I did." She did support me back then. Then, I went to work full time once I got out of law school. For Jersey City State, it's the same thing; I remember Route 1/9, driving up and down

that strip, that's it. [laughter] Oh, one of my cute students there, a young Black man, he didn't do any work. He was late. He was sitting in the back of the room, wouldn't do a thing, and then he tried to get by the final project by saying, "How about if I interview you for my radio program?" I said, "I have a radio show. That's really not going to do it." [laughter]

KR: The next question I am going to ask you, you have touched upon this in some of your narrative today. How do you think you and the other women in your cohort were treated as law students?

DC: Actually, one thing which relates to this, this is a friend of mine who was working on a rape case, and it wasn't how she was treated; it was how the victim was treated. This case was thrown out, because the woman had underpants on that had a day of the week embroidered in the front of them. Somebody decided that the kind of woman that would have a pair of underpants with the day of the week embroidered basically wasn't a real virgin, wasn't somebody worthy of protection. One of my friends was beside herself. She was an Irish Catholic from Jersey City. She was a tall, slender, black-haired, hot-headed woman. She got mad. I think that was the end of it for her with criminal prosecution. She was so furious.

Then, when we were in a clinic, the best I can recollect, it was a defendant that we were supposed to represent. My memory doesn't make sense about this because if he had in fact raped and murdered somebody else using the same modus operandi, he probably wouldn't have been out on the street to do it again, but he might have. So, he would pick up a woman at the corner of some bank in Newark and get her in the car and take her away and rape her. One woman, this is what he was accused of for the case that came to us, she escaped and so she could testify, or he let her go. I don't remember. When we were going to do that case, the women in that clinic, it was another particularly confident and thoughtful classmate of mine, who was about ten or fifteen years older than I was and who had been active in the ACLU in New Jersey for a number of years, and she had the power of her convictions. With her, we set out to prove to the two professors who ran this clinic that there were cases that because of the politics and the terrorism in them, they wouldn't take. For instance, they wouldn't take a lynching case. They wouldn't take somebody who was accused of doing a cross burning, doing a lynching. No matter how much that person needed a lawyer, they would say, "Somebody else needs to be doing this." We tried to make the case to them that rape was a terrorist act and that we didn't want to defend people who were accused of it with public money in the clinic in the law school. My part of the project was to research lynching law, and that is really how I got interested in lynching. The lawlessness and the participation of law enforcement officers in lynching throughout the South was striking and was news to me in '71-'72. Other people took different parts of this case, and the professors were really unhappy with this. These were good, left-wing, ACLU, civil rights movements-committed lawyers. The women's movement was very disruptive of many of those things.

One of us wrote a skit about that, and the reason I want to share it with you is it's really a document of the time. It is about the contradictions and the explosions that happened when feminism met legal structures that were built for men, that were built for patriarchy, and it wasn't pretty. It was violent, just like the violence of patriarchy. Just as a disclaimer, we didn't attack anyone. We didn't do anything physical to anyone, but we sure did write about it. Okay, so, it's

two pages. "He was lying on a bloodied ice patch in the parking lot between the clinic and the law school. His penis and testicles had been hacked away. Professor A had been dead only a short time when the students had come upon his body. Like Professor B, who had survived an earlier attempt at castration, he had provoked the attack by being on the street and by failing to wear his protective armor plate. The wave of castrations, begun a decade ago by squads of women, had become commonplace. Male hysteria called for greater protection from these crazed women and for the apprehension of Jill Dross, the guerrilla leader of the attacks. Jilly Dross had earlier been seen leaving the parking lot at the time of the A murder and had earlier been identified by B as the woman who had attempted to castrate him. Jilly was brought in and questioned about the B incident and the A slaying. She was repeatedly given Miranda warnings, and she refused offers to bring in counsel. Jilly declared she was unable to stop her castration crimes and that Professor A was her latest victim. She asked to give a statement describing the details of this and other murders." This is incredibly angry. "She was convicted of the A murder, and the appeal was pressed to the Supreme Court, which sustained her conviction. Fortunately, for Jilly, a clinic at the law school became interested in her case, and women there sought to bring a habeas petition because they didn't think the entire confession was truly voluntary. Only nine-tenths they believed to be voluntary. Much rancor was engendered by the efforts of these women because the law school was supporting them. Professor B went around whining incessantly that the law school should not take the case because it had made some cockamamie commitment to groups that had been discriminated against, oppressed and exploited and that men were an oppressed group, particularly susceptible to castration. 'Nonsense,' women answered. 'What's so bad about castration? We litigate issues. We don't get involved with cases designed to redress the grievance, et cetera.'" I think you get the flavor of this. We don't have to go through the whole thing.

This was enormously difficult to handle and, let me just say, my grade suffered. [laughter] That's about as direct as anything that happened in law school, I think, that particular fight. Many years later, in 2009, we had a Ruth Ginsburg Day at the law school. I had a beautiful pink linen suit on that day, and I came up on the train from D.C. for it, to Newark. As I walked in, one of those professors looked me in the eye and then looked at my breasts, and I thought, "Gee, same old, same old."

KR: Can you tell for the record the pencil-dropping story?

DC: Okay, sure. Yes, I think that it was my friend from Jersey City who developed this. According to some notes I made maybe ten years out of law school, I think she's the one that developed this, and it probably was after that thing with the day of the week on the underpants. We would be in class. Of course, all the casebooks were written for a male audience, and of course, all the people who wrote the casebooks were not aware that they were doing that, and they weren't thinking about whether it would always be all men. Those three ideas were surfacing. We had a case once in criminal procedure of a woman named Madge Oberholtzer. This was a young Kansas woman in the '20s, who was kidnapped by somebody from the Klan, who she had been dating, and she was taken on to this train and kidnapped for several days and raped repeatedly and her body was bitten and bitten and bitten, during and after these rapes. This was a case that was important to us because she tried to poison herself after this whole thing and she did it unsuccessfully, but she made a declaration of who was responsible and then she died.

So, we were being taught what a dying declaration was by the use of this case. I remember sitting in that classroom and hearing this go on and on, and having women recite these things about the bites and the rapes. It was an ordeal.

Around that time or shortly thereafter, as a group, we developed this action we would take when there was an experience like that in the classroom where the sexism or the misogyny just was way over the top and really made it difficult to learn. We would all take our pencils and just drop them all at the same time. I think Chuck Jones was the teacher in that criminal procedure class because I think I can remember him looking up as all these pencils dropped and not knowing what that was. I don't know where we got this idea, but we wanted to register that this needed to be thought about, needed to be changed, and we had no mechanism for that. As people will do, I mean, just like today in Russia, in fifty cities, people are demonstrating against the invasion of Ukraine, and it's a big surprise. When you're sitting in law school, you don't know how to do this, so that's what we could do.

KR: Do you want to take a quick break?

DC: This would be a good, yes.

[RECORDING PAUSED]

KR: All right, we are back on and recording.

DC: Great. I just had one additional thought about what we were just talking about. I just want to make absolutely explicit that it is not only having women in the classroom and becoming lawyers, but it is that you have admitted people who have been raped, who have had their lives threatened, and even if no one wants to ever talk about that, and certainly the women do not want to talk about that in class, that's affecting them. It's affecting the fact that men in the class may have not had that experience. It's got a lot of ramifications, and I think that that is something that's very difficult for legal education or education in general to take account of it and figure out how to adjust the curriculum.

One time, when I worked for the Labor Department in Washington, it was right after Anita Hill, and we were doing sexual harassment training for employees. It's a heavily Black labor force in Washington, D.C., and one of the Black employees, a man, asked me, "So how come we're not doing racial harassment training?" There's no good answer to that, but these things change the way we frame what our lenses are. I think that that is something that is extremely difficult to address, because when you're a student, you're way out of your depth, and when you're a faculty member, you're trying to get tenure, and when you're a litigator, you're not in law school. So, there's nobody positioned to take it on. Now, I don't know if the AALS [Association of American Law Schools] takes that on, but that's something to take on.

KR: How do you think Rutgers Law School shaped you, influenced you, in the type of law that you wanted to pursue in the future?

DC: Well, there's a wonderful book called *Becoming Gentlemen: [Women, Law School, and Institutional Change]* by Lani Guinier, which was published in about '96 or so, or it's about the Class of '96, at, I think, Penn Law School. She says, in that study of those women, that women disproportionately want to go into public interest law, compared to men who go to law school.

I don't have any particular memory about that with the women that I went to law school with, but a lot of the men that I went to school with also had those interests of public interest law. I think Rutgers shaped me in that it validated the work that I had been doing up to that time. It certainly validated my civil rights organizing, my labor organizing. My last semester, I took "Workers and Their Unions," and that was directly linked to my work in this textile mill organizing. Except for gender, I thought they were talking basically about the same world I had inhabited. I don't think that would have been the case at an elite school.

I don't know if you've been following the fools that the people at Harvard, the faculty, are making of themselves about that Title IX case. All these faculty members, high tuition, Harvard elite, decided to believe what the accused professor had to say about the sexual harassment alleged by this student. Finally, somebody points out, "You're just believing what the lawyer says about his client. Why would you do that? You don't have any facts." [Editor's Note: In early February 2022, three graduate students filed a lawsuit against Harvard University for mishandling sexual harassment allegations made against an anthropology professor, John Comaroff. More than ninety scholars at Harvard and other institutions signed open letters in support of Comaroff. (From "A Lawsuit Accuses Harvard of Ignoring Sexual Harassment by a Professor," by Anemona Hartocollis, *The New York Times*, February 8, 2022)]

I think that I would have been much unhappier at many other places. I appreciate that Rutgers cost so little, so I didn't have to go into a huge amount of debt. I never considered working in a law firm. I didn't have to work in a law firm. I could pay my debts off working for public entities, and I did. I spent my entire life working for universities, federal government, state government, city government. I never had to go be a rainmaker or work in a firm or try to get to be partner, and that was because of Rutgers. Lots of people do take those paths. It was just not going to be my path, not by who I was by the time I went to Rutgers.

KR: To what an extent were you getting advice or guidance while you were at Rutgers Law School about these different avenues that you could go into in the law?

DC: None. Now, part of that, if I had ever developed a relationship one on one with the professor, but three out of thirty were women, so I would have to be alone with them. That was not going to work for me based on my previous experience. I don't remember anything about whether there was a career--this is a long time ago. I don't recall that we got any of that. My first job I got out of law school, I got through *The New York Times*. I just was back in the regular way of finding a job, read the ads. That's what we did in those days.

KR: What other anecdotes would you like to share about your time at Rutgers Law School?

DC: I think you've been pretty exhaustive. Let me look at my list and see if I want to add anything else. There was a professor, Jose Rivera, and I was suffering with taking the bar exam

at one point. He had this advice about the bar exam. He said to just imagine that you were a member of the ruling class and answer all your questions that way, and that was very helpful. Now, I wouldn't have gotten that at a lot of law schools, for sure.

I think one of the things that was extremely interesting and helpful, and I see it now in my Rutgers Law School Zoom group of half a dozen of us from '73 to '74 graduating classes, is the intensity of the politics of law and gender and race and class. One of the people I'm close to now, fifty years later, we can rely on relationships and friendships we formed in a women's group fifty years ago. You've heard that audiotape. Those are self-revelatory remarks that you do not usually show your belly in law school about. When you reconnect fifty years later, we are able to connect at a deeper level. [Editor's Note: This is referring to a series on "Womankind" for WBAI Radio that Diane Crothers did on women in the law in the early 1970s. The first in the series featured women law students discussing feelings of isolation in law school.]

The way that we connect, one of the women in the Class of '73, who's on this group with me, she came up in a Catholic school in New Jersey. Her graduating class, they asked them this question and then they recorded their answers and put it in a little ball or something and forty years later at a reunion opened it up and showed them all, which is a great idea. I certainly wished I'd had that. This is a girl's school, I guess, they asked the girls whether there was ever going to be a woman president, and my friend was the only one in her whole group that said yes. Now, that's who she was who went to law school. She had a dream that her people could occupy the top power positions. When you reconnect, you have many levels of reconnection, so I think that was a huge gain.

Also, this other friend of mine, Kathy, from my same class, she was representing a woman who was in the Army and was getting discriminated against. During law school, she was working on a case, and she was getting a lot of heat from the left wing of our women's group about that, that the military was bad, nobody in the military should ever be supported for any reason. They were having this whole fight about that. We would be in the bathroom, and people would be crying and criticizing each other and fighting. As one in our group said, "Other law schools didn't have that in the bathroom." I think that's true; I mean, I don't know.

During law school, there was a national organization forming of women law students, and we went to that conference. There were these women there from Yale and Harvard. Yale and Harvard were both at about eight percent at that point. These women, when we challenged them about what is this, they said, "I'm sure that if there were any other women that were qualified to be at Yale or Harvard, they'd be there," that we were so different than that. We so thought that women should be fifty percent of everything and that if they're not qualified, it's because they'd been blocked, not because they can't do it. That was huge.

What it means in the long term is, Kathy and I, she had a Black roommate at Sarah Lawrence, who became a historian and died recently. Pam, the roommate, wrote a thesis about the Free University of the University of South Carolina, 1873 to 1877. Now Kathy and I and another friend of hers from Sarah Lawrence, who is Black, are engaged in creating a video of Pam's life. There are just all these things that knit us together because we were in an excluded group at an institution that was at least trying to be welcoming. So, that was big.

KR: I want to ask you about Rutgers Law School's reputation. There were a number of notable professors at Rutgers Law School and a number of notable alumni who have gone on to do various things.

DC: Elizabeth Warren, yes.

KR: Right. There are just so many.

DC: I know, but she's my favorite. I was a Warren supporter.

KR: As you have gone through your career, what's been the perception of Rutgers Law graduates?

DC: I worked my entire life in Washington and in New York. In those two markets, it had no special attachment. People didn't know the People's Electric Law School thing. That was an internal thing to the circles I was in. They probably thought that I wasn't bright enough to get into a good school. As my son grew up, as a Black male, and trying to figure out where he should go to school and what the function of these labels is, I personally don't need somebody thinking that I'm not smart because of where I went to law school because that will work to my advantage. Did you ever see that t-shirt, "Go ahead, underestimate me"? [laughter] As I started to be employed in legal areas and fight about stuff, mostly the feedback that I've gotten was how tireless I am, how relentless I am, how persuasive I am, and how I will just not give up, and those are qualities that Rutgers helped with. They didn't create them, but they helped with shaping them and they gave me confidence to do that.

I think that this whole fight about the way *U.S. News and World Report* evaluates law schools and the stuff about the difficulty getting in--there's a book that somehow I did not read in 2017, which I just got out of the library, called *Dream Hoarders* [by Richard V. Reeves] and it's about the top-fifth of the United States and how people like me privilege our own children in such a way that it blocks other people and how this all works. The book is saying, it's not the one percent's problem; it's the top twenty percent. This whole thing about labelling and who goes to elite schools and the cachet you get from it.

When my son was looking into colleges, my dad had gone to Swarthmore and to Yale Medical, and he loved Swarthmore, my dad did. He didn't feel the same way about Yale. I wanted to take Toby to look at Swarthmore for some of the same reasons that it made my dad flourish, the small classes, individual attention, but also, being Black, it was going to be a marker that he was very smart and he wouldn't ever have to say that because anybody who knew what Swarthmore was would get that, and that was one less thing that he needed to contend with. I felt it more with him than whether I needed it or particularly wanted it.

Also, the economics was very important to me, that I could afford Rutgers. I would probably not be a lawyer today if they hadn't had the demonstrated social commitment thing that you can get in without a bachelor's degree, and the cost.

I had lunch with a lawyer a couple of months ago, a woman my age, a lawyer. I was talking about Rutgers and what it was like at the law school and singing its praises. She said to me, "Yes, but if somebody gets into Yale versus Rutgers, they're going to go to Yale." I thought, "You know, I don't know why I thought I liked you enough to have lunch with you. We really don't have anything in common." That was the end of that. But, I thought, "Now, that attitude is a typical attitude." I'm certainly against the grain, but this whole thing that you get into the best school and the best is defined as other than what Rutgers offers.

Well, listening to Cliff Dawkins today on this podcast, having this kid go through foster care and make it to Cornell and Rutgers Law School and the Eagleton Institute and the Bloustein Policy [School], that is the nature of education. That is what should be happening, to my mind.

Also, at one point, I think it was when Ruth Blumrosen's funeral was held, one of the last big Rutgers groups I've been to, and maybe Wade Henderson, who was a Black lawyer a year ahead of me, a law school graduate from Rutgers, he might have been the one that said this, that Rutgers was responsible for half the Black lawyers in D.C. Now, that is huge, because you cannot change the world without lawyers, in my opinion.

KR: You said you got your first job by looking at a *New York Times*' ad. What was that first job?

DC: When I was in law school and deep into employment discrimination and Revised Order Four and Title VII, I fell in love with the concept of affirmative action, and it seemed to me the appropriate remedy and this is how you could address a lot of issues, that other mechanisms were much too incremental. I had no sense of humor about this, and my nickname was the "Queen of Affirmative Action" in law school. So, there was a job, Director of Affirmative Action. [laughter] It's made for me. It was part of City University of New York, what was then Staten Island Community College. The president of the college was a wild-assed guy, who was a short, Jewish, liberal guy who had never graduated from undergraduate but did have a law degree and insisted on being referred to as Dr. Birenbaum. Fine, he wants to be Dr. Birenbaum, I'm going to be Dr. Crothers. My dad was Dr. Crothers; I've got a lot of affection for that title. I applied for that job, and when they interviewed me, I think they interviewed me in a racially-mixed group that was their affirmative action advisory board or something. That was a plus; I had never had that experience before. I went to work there and was part of City University, the largest public urban university in the country, eighteen or twenty campuses at that point. My first day, I don't know, maybe we should go into this next time. Have I showed you this thing, this Angela Davis thing? Can you see it? [Editor's Note: Diane Crothers shows the front page of *The News Ferry: The Learning Town Press*, May 14, 1974.]

KR: Yes, hold it up a little bit more into the camera. Did you email me a copy of that?

DC: I think I gave it to you, yes. On the other side, there's a title, "Affirmative action can work. Key: enforcement, says Director Crothers." Okay, so, this is my first day. I had to go to work there before the law school graduation. I think it was May Day. It was May 1, 1974, and that day, Angela Davis came to speak. The Black students took over the whatever room, pushed a table into Bill Birenbaum's ribs and bruised his ribs. I gave my speech. It was a big day.

[laughter] I felt right at home. Bill was the kind of guy who when he did graduation, he's this little, short guy, like five-three or four, and he would wear a dashiki and take Mao's *Little Red Book* and hold it aloft, so this is a guy who was poking people in the eye constantly. Two years later, the college folded. The college was wrapped into Richmond College and became part of the four-year thing. My whole office was retrenched and we were all out of work. '74 to '76, it was a wild ride. Now, when he interviewed Ben, my son's father, to be the head of the Performing and Creative Arts Department, that's where I met Ben, they just drank at a bar and he tried to drink Ben under the table. That's how Ben got his job. That was Bill.

We can just briefly talk about those couple years. When I got that job, I basically thought affirmative action was a legal problem, a legal challenge. It was in Title VII. It was in Revised Order Four, which was what affected federal contractors, and we had federal contracts. I went about it probably very directly, when I look at the memos and the fighting that went on. Bill, at one point, looked around the room of my affirmative action advisory board and he said, "I brought you here. I brought you here," and just went around and told everybody to sit down and shut up. There was a dean who was trying to help me at some point when my ass was in a wringer and he said, "After this is all over, I'm going to take you out to lunch and we're going to talk about Bill's Noah's Ark theory of affirmative action: two of everything and then that's it." [laughter] Of course, as a lawyer, I was interested in procedure. I was interested in selection procedures. This all-white department would hire another white man, and I would ask to see all of the applications. I'd go through them, and this one applicant was a member of the Black Librarian's Caucus in the ALA or whatever it was. I said, "How did this interview go?" The head of the department says, "He was very cocky." I thought, "You know, there's probably a problem here." That's the kind of thing that's giving me a headache to remember. [laughter] That's the kind of thing we would be into.

This was during the period when New York was going bankrupt, and Ford had said, "Drop dead New York." At the end of that two years, when New York was going bankrupt and it wasn't clear what City University was going to do, Ben and I had gotten married. We had two jobs at City University, so our entire income was wrapped up in this and we both worked for Bill at Staten Island. To his credit, he was such a theatrical guy, he held a faculty meeting one day, administrators, and he wanted everyone to vote on whether we were all going to take a ten percent cut in salary, so we could save every job. That's a very nifty thing to do. It barely failed, and that's the kind of leadership that he gave. The way he did it was--is it the "Leningrad Symphony"? I'm trying to remember, or is it Stalingrad? They're starved during World War II, and somebody writes this symphony. There's this really intense Russian symphony ["Stalingrad Symphony"]. He's playing that in this auditorium as we all come in to vote. [laughter] He was a case to work for.

Also, I encountered there things that while my legal education didn't explicitly prepare me for, they gave me a compass to figure out stuff. I went to this faculty party, when I first got there after graduation, and then I got called into the president's office the next work day. His assistant wanted me to report on what faculty members had said at this party. I said, "I'm not doing that." She was mad. She was very loyal to him, worked for him her whole life. I thought, "Really?" That was my introduction to appointments, how you get jobs, what the expectations are, how you pay it back, how are you going to be a nice girl.

KR: What did you think of having to work within a system and especially within a huge bureaucracy?

DC: I have always been drawn to large systems and exactly those problems. Years later, I was teaching at Vassar and I created a course called "The Civil Rights Movement and American Law." I realized that I was really bored. This is '82 or so, '80. I realized I was bored at teaching law anymore. I taught cross-discipline, so I'd do sociology, literature, history, and law. When I was teaching that class, I used a book called *Poor People's Movements* by Frances Fox Piven and I realized that what I was most interested in and the question I kept coming back to in class was, "What are the conditions that have to exist for change to happen?" When you play in a big field, you get to explore those questions.

CUNY had twenty campuses or whatever and there was an affirmative action officer at each of these campuses, so all of a sudden, I had a peer group. It's always been interesting to me the jobs that I had where other people are doing the same job versus the ones where I'm a one-off. In this situation, I could see how other people were doing the job. I had seventeen things on my job description, my written job description, and I used to post it over my desk at work to remind myself that nowhere did it say that I should change anything. There was all this stuff about reports and collect data and do this, do that, review this, review that, but nowhere did it say [that I should change anything]. That was my contribution, that I thought you could change things. It was the beginning of a very long career. The last job I had was 400,000 City of New York employees at forty agencies, so you've got a lot of moving pieces to try to figure out what will move who and for what reason and how that will work. That all started in that first job out of law school, trying to figure out--who came to Staten Island to work? Who were the students who lived in Staten Island? It's a very different place, you may know, from the rest of New York City, a lot of firefighters and police officers and people who flee the darker parts of New York. I had a lot of them in my classes and a lot of them in the faculty. So, I'm trying to figure out what would move these people. A lot of mafioso had rooted there, a lot of Italian Catholics. That was all interesting to me to try to figure that out. It was a set of problems that was worth my attention.

I also met my second husband there. I met him through his résumé because I was Director of Affirmative Action. [laughter] I saw his résumé and I thought, "Well, who is this?" because he had been an international artist. He had been in Paris and Cologne and part of the Fluxus art movement in Paris in the '60s. He had worked for [New York City Mayor] John Lindsay and had put opera in the park. Tall, good-looking, Black man, very urbane, took me to *Madama Butterfly* for our first date at the Met [Metropolitan Opera]. That was also a big piece of that, the last year of that job.

KR: These would have been the years that the ERA, the Equal Rights Amendment, was going through its ratification. What do you remember about that? Were you involved in that at all in New York? Were you following it?

DC: No. I went to work for Bill Birenbaum in May of '74. In April of '75, I married Ben. In March of '75, just before I married him, I acquired a twelve-year-old, six-foot-two stepson, who

was German and American, born in Paris, German mother, African American father. I became a mother for the first time by looking up. That next year, I had my hands full. I don't remember doing anything. In fact, I remember not being able to stay awake through an opera. I was exhausted. [laughter]

KR: I do want to ask you about your family, but regarding the ERA, the flipside of that, as somebody who has dedicated much of her life to women's equality, the 1970s was also the rise of the anti-feminists, Phyllis Schlafly, and Anita Bryant came a little bit later and so forth.

DC: Yes.

KR: How much were they on your radar? What were you following?

DC: I have always been following all of that. I have been, since high school, an inveterate reader of *The New York Times*. I'm a voracious reader of books, *The New York Review of Books*. I was following it all. The ways that I was active were just through work. We did try to form an organization called the New York State Higher Education something-something, and I was the president of that. I found a letter recently [from] somebody who I got into that, a Black man from one of the Brooklyn branches of City University. We were trying to exert some muscle through that. I wrote some testimony, which we submitted on Title IX, when Congressman Gus Hawkins was doing a hearing on that and it was via my being president of this organization, so that I wasn't connected to CUNY. We participated in that legislation. The Education Amendments and Title IX were '72, so this would have been the regulations after that. Here we were sitting at a university, so we could say something about that. I think it was mostly stuff like that that was employment related, education access related during those two years anyway. Then, we lost our jobs. We had just bought a house up near Woodstock, and so we had to relocate, find new jobs. We just had a lot of stuff to do that I didn't have time and energy for outside my job and family.

KR: How does it sound that we stop for today? In our next session, we will pick up with 1978 and moving forward in your career after that. Does that sound good?

DC: Yes. In '74 to '76, I'm at Staten Island. Then, I move Upstate and have this job that is so boring I fell asleep once describing it. Then, I meet my friend Lorraine, who is still a dear friend, who I just heard from today, and we cook up Project Second Chance. Yes, that's a new chapter.

KR: Okay, yes, that sounds great. We will pick up there in the next session. Diane, thank you so much.

DC: What a day, what a day. [laughter]

KR: Thank you so much for doing this oral history with me. I will stop the recording, and we can speak for a minute off the record.

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