

Autobiographical Writing

My Career as a Lawyer

After 2 1/2 years (from September 1951 to January 1954) working full time as an organizer for Local 38 of the International Ladies Garment Workers Union (ILGWU), and going full time to NYU, ostensibly working toward a PhD in Economics, and having gotten married in December 1951, I decided to give it all up before I broke down.

I had undertaken this regimen—primarily the full-time student bit--to keep out of the Army. In May 1951, I had completed the ILGWU's one-year training program for union organizers which had been recognized by the Selective Service System as an accredited school, and I had received a deferment from the draft.

The US had been involved in “the Korean conflict” for almost a year, and my draft board had been after me since I had turned 18 in December 1945. However, as a full time student at CCNY from September 1945 through June 1949, I had gotten deferments for this period. (The draft had continued through 1948.) According to the selective service law as I remember it, I was eligible for induction until 35. So when the Korean war started in 1950, the ILGWU Training Institute kept me out of the Army, and in the summer of 1951, in order to continue keeping out of the Army, I enrolled at NYU. In my imagination, I had a vision of the members of Local Board 19, receiving my new request for student deferment, and saying “curses, foiled again.”

My first thought was to keep out of the Army as long as I could, but after 2 1/2 years of a grueling schedule, I notified my draft board that they had won. “Take me. I am yours. As of February 1954, I will no longer be a full time student.” I actually asked them to allow my wife and me to take a short trip and then I would be ready to go. Their response: We will draft you when we want to; not when you tell us to. We have quotas to fill, and we don't need you at this time. Wow! I wasn't quite sure what that meant: two months, three months, six months?

I had left my job with the understanding that I was going to serve my country and would return after my discharge. What to do? I couldn't go back to my old job. I couldn't see hanging around until I was called for induction.

Become a lawyer! I had always been interested in law and found the course on labor law that was taught in our union training program by Prof. Forkosch particularly interesting: yellow dog contracts, blacklistings, the Wagner Act, the Taft-Hartley Act. Maybe I could become another Clarence Darrow, or Louis Brandeis?

Although The Ethicist would not approve, (and I had some misgivings) I went to the Placement Office of the NYU Law School at the end of February 1954 with the following story: After two and a half years as a graduate student in economics here at NYU, I have decided to switch my career objective to law. I hope to start law school in September. Would they share with me their job listings for law clerks so that I might seek such

humble employment in anticipation of entering into my studies? They were pleased, and very helpful. People are so gullible. My story sounded plausible, and the kind placement officer gave me several listings of law firms looking for law clerks. After reviewing them, I decided to go first to a law firm that sounded very prestigious—House, Grossman, Vorhaus and Helmsley-- located on Fifth Avenue and 43rd Street. I called them and made an appointment for the next day, and that afternoon, redid my resume.

I didn't have a Brooks Brothers suit, but I dressed well enough in suits I had bought at Klein's on the Square (the equivalent of Filene's Basement). My credentials were impressive: Academically, a master's degree in education and two and a half years of graduate study in economics. Employment: part-time jobs through high school and college, substitute teaching, and two and a half years as a union organizer.

My interview with the House Counsel went beautifully. He was delighted that a mature and intelligent young man who will be starting law school in September was interested in working as a law clerk for his firm. He anticipated that I would be clerking for them for the next three years. "Oh yes," he asked. "How do you stand with the draft?" "I assume I will get a student deferment," I lied. Fine. Start Monday. The salary was \$50 a week.

Throughout the months of March and April and the beginning of May, I played at being a law clerk. I was taught to answer calendars. I had an impressive leather brief case in which I carried impressive briefs which I would file with the appropriate clerks at the appropriate court houses. (It was one of those moments when you have a revelation—when the electric light goes on over your head—realizing why a brief case is called a brief case.) A great part of my day was spent traveling the court circuit in New York (and occasionally getting lost in Brooklyn and Queens) and on one occasion leaving my brief case on the subway, and by some miracle recovering it at the lost and found at the end of the line, I would also file legal papers in legal files in the office, and put new inserts into the loose leaf binders of the many different services the law firm received. I enjoyed reading the different cases, but never really learned all the legal terminology or the different appellate court levels. Maybe if I stayed a little longer...

However, during the first week of May, I received word from my draft board to report for a physical at 39 Whitehall St. Finally. With much trepidation, I notified the House Counsel that it appears that I am going to be drafted. He was horrified. He reminded me that I told him I was going to get a school deferment. "How do you think I feel?" I answered.

And so House Grossman and I parted company. There was no farewell party, no bonus, no promise to reemploy me when I get out of the army. Just a handshake and my final pay check. And so ended my career as a lawyer, except that throughout my 21 years on the staff of the US Commission on Civil Rights, most everybody kept asking me "Are you a lawyer?"

What happened when I went to take the physical and the weeks that followed is another story.

My Career as a Lawyer (second draft)

How do you choose a career? When you are a youngster, you are constantly asked “What do you want to be when you grow up?” So you look around your world, and make a selection from the professions of the people you know and admire. For me, they were practically all teachers. However, there was Max, the brother of my cousin Louis’ wife. He was a lawyer. By the time I graduated from junior high school, I toyed with the idea of becoming either a teacher or a lawyer. My mother was pleased that I thought about teaching, and law was also a respectable profession. But I know she secretly harbored the dream of my becoming a writer.

I went on to a science high school, Stuyvesant, and to CCNY, and teaching continued to be my career goal. However, somewhere around my junior year, I began to think about working for a labor union. At that point, I thought I might either teach social studies in high school or get a job in the education or research department of a union. (I never thought about becoming a labor lawyer. That would have required going to law school.)

At CCNY, I took the education sequence and majored in economics, taking all the labor economics courses the school offered. And when CCNY offered a free fifth year—a Master’s in Education—I took that too. But then the ILGWU announced a one-year “Training Institute” to prepare young people for work in the labor movement.