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AN INTERVIEW WITH SHELDON COHEN
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INTERVIEW CONDUCTED BY
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Kathryn Tracy Rizzi: This begins an oral history interview with Sheldon Cohen, on June 6, 2023. I'm Kate Rizzi, and I'm located in Branchburg, New Jersey. I'm joined by my co-interviewer, Angie. Angie, would you like to go ahead and state your full name and where you are today?

Angie Abbas: Hi, I am Angie Abbas. I'm in Bergen County, Ridgefield Park, New Jersey.

KR: Sheldon, thank you so much for joining us today to do this second interview session.

Sheldon Cohen: It's nice to meet you. Pleasure to be here.

KR: To start today, Angie is going to ask you a question about taking the LSATs.

SC: Okay.

AA: As someone taking the LSAT later this week, I was wondering, what was the study material you used preparing for the LSAT, and was it expensive at all?

SC: I didn't use anything to prepare. I just took it, and I don't know how much it cost. It was a long time ago; it was sixty or seventy years ago. Maybe it was free, I have no idea. But I will say this about taking the LSATs. I was an engineering major at that time, and I found that the methodology in addressing problems that is taught, the scientific method, was very helpful in answering the questions on the LSAT. It taught me how to think in a methodical way, and I thought that was very useful. But [there was] nothing in particular to prepare.

AA: How long was the wait before you got your test results for the LSAT?

SC: I don't remember. I would say probably within months.

KR: We'd like to go into talking about your experiences in law school at Georgetown.

SC: Okay.

KR: Typically, the first year of law school is brutal. What was your first year like?

SC: I had no idea what it took to get a grade. I had no idea initially whether my efforts would produce an A or an F. I just worked like crazy and studied as hard as I could. At the end of the first semester, I got all As, except in one course I got a C. As I indicated, that was with a professor who was notorious for giving all of his friends in his fraternity As and people who were not of his religious persuasion less than that. I'm convinced that's why I got my only C from him. That gave me an idea of what level of effort I had to put in to get the grades. I continued to work as hard as I could after that. I didn't let up. I worked a lot harder in law school than I did in engineering school, maybe because I was more interested.

KR: During law school, what areas of the law did you find interesting?

SC: I found constitutional law very interesting. I found legal research very interesting, understanding how the law developed over the centuries, and how to research and how to find the origins of law and how laws were made, how laws were developed and passed in Congress. I thought that was very interesting. I won two prizes for having the best grade. One was in tax, in which I had absolutely no interest, and the other was legal research, in which I was very interested.

KR: Who are some memorable professors that you had in law school?

SC: Georgetown is a Jesuit University. At that time, and I don't know if it's still true, some of the professors were members of the Jesuit order. They were quite colorful, quite interesting. One was a man who was about to retire. He was in his late seventies or eighties and had been teaching for a long time. We were using a law book that he had written in 1935. It was pretty outdated, but that was the book he wrote. I think we were the last class ever to use that book because it was not in modern pleading. The whole system of pleading cases in court was revised in the 1940s and 1950s. He was still teaching the law as it was in the 15th century in merry old England, but it was a good background. It helped us understand the development of the law.

The two professors who gave me the two lowest grades I ever got, both, I have to say this, were notoriously anti-Semitic. I knew those courses as well as I knew all the rest of my courses. Everything else I got As, and with those two, one I got a C and one I got a D. I was very suspicious, but that was that. I never did anything about it.

KR: Angie, would you like to go ahead with some questions? I know you have one about Sheldon's cohort in law school.

AA: What was your cohort in law school? Were there different nationalities, different religions? Was there a lot of women? What was it like during that time in law school?

SC: Well, let me address the question of women first. There was a quota on women. Each year, only three women were allowed in the class, and they happened to be the smartest people in the class because they had to be really smart to get into law school. Nowadays, more than fifty percent, perhaps approaching sixty percent, in law schools are women. But at the time I was in law school, there were just three per year. [Editor's Note: As of 2021, women made up 55.3 percent of law students in the United States.]

As far as other cohorts, since Georgetown Law School was part of Georgetown University, which is a Catholic university, it had a lot of Catholic students, so naturally there were a lot of Catholic students in Georgetown. But I will have to say this, except for the two cases which I mentioned, I found absolutely no disparity in the way I was treated in law school. As a matter of fact, my first year was right after I got out of the Army and I applied for a scholarship, and I was turned down. The second and third years, they did give me a scholarship, I guess based on my academics.

Actually, I did get a privilege not being Catholic, because all of the Catholic students had to go to mass during the week and I was exempted, so I could go to the library and study. As far as

friendships and relationships, we were seated alphabetically. The people I knew best were in the Bs and the Ds; I was a C. Those are the people I made lifelong friendships with. The Xs and the Ys, I don't even know who they were; they were in another part of the classroom. [laughter]

AA: A follow-up question, were there a lot of Jewish students at Georgetown during this time?

SC: I really can't say, because I was really intent with my head down in the books, and when I looked to the guy on the right and the guy on the left, those two weren't Jewish. I don't know who else was in the class.

AA: How did your engineering background help you in law school?

SC: The same way it helped me in the LSATs. You learn a way of thinking, a way of solving problems as an engineer. You approach it methodically, and I used the same way of thinking in addressing legal problems. I found that the people who came with backgrounds in the soft sciences or in the arts had a much harder time focusing on how to resolve an issue, whereas I and the others who had engineering and scientific backgrounds did better because we used what, as I said, is the scientific method of how to focus on a problem, take it to its component parts, and then put it back together. So, I found the case studies we had relatively simple.

AA: Did you become a lawyer out of a sense of justice?

SC: No. I certainly developed a sense of justice after I became a lawyer and during my practice, but I entered law school not knowing what else to do with my life. I knew I didn't want to be an engineer. I didn't have any idea what else to do. When I took the LSATs, I said, "Well, I'll take them and see how I do." When I entered law school, I said, "Let's try it, and if I like it, we'll stick with it, and if I don't, I'll do something else." It turned out I liked it very much. I was thrilled by the things I learned that I had never encountered before.

I never had any courses in civics, in either high school or college, I never had any courses in government, I never had any courses in how the laws were made and how they developed. All of this I learned in law school, and it was a tremendous eye-opener for me. It was in law school and getting involved with it that developed my interest in becoming a lawyer and being a lawyer. It was later on, after I passed the bar, and as a young lawyer, my interest in justice was piqued and developed.

AA: Is there a specific law class that was memorable or that you struggled with in law school?

SC: Well, I didn't struggle with any of them. Was there any particular one? I found constitutional law very interesting. That, I think of all of the classes, was the one that motivated me the most.

KR: In your career, you ended up specializing in classified information and national security law. I'm wondering, were there any classes that you took in law school that proved useful to you in terms of that area of the law?

SC: There was no particular class. As you develop as a lawyer, you learn how to address problems. As a lawyer, you're confronted with a problem and you have to figure out a way to solve it. What I learned in law school was how to confront a problem, how to figure out a way to solve it, and then to go and solve it. I didn't learn anything in particular that taught me about national security law or really any particular area of the law. We had courses in contracts and property. But all of that was just really a background, a general way of teaching you how to think as a lawyer, how to approach a problem as a lawyer, and how to solve it.

Rarely did anybody go to law school and say, "I'm going to be a contracts lawyer," or, "I'm going to be a property lawyer." You don't think that way. When you graduate, if you're lucky, you get a job, and you're working on a problem with contracts, so you develop an expertise, or you're given a job in a firm that deals with, say, aviation law, so as you learn there, eventually you become an aviation expert.

In the developing of my legal knowledge and my legal practice, it led me into the field of employment law, civil rights, and as an offshoot of employment law, I was dealing with the problems of employees who had national security issues. One thing led to another. Had I started out in a firm that dealt with contracts, I might have wound up being a contracts expert. That's not how things worked.

KR: You started off law school going to school during the day at Georgetown, and then you switched to night law school.

SC: Yes.

KR: Can you tell us how that came about?

SC: Well, very simple. My wife [and I] had a baby when I was in the first year of law school. My wife had been working as a pharmacist. She was basically supporting us, and I needed to have a job to support the family. I would rather have gone to law school during the day and finished up, but I needed the money, so I got a job and switched to night school and worked during the day.

KR: How did you strike a balance between working, raising your young family, and going to law school at night? How did you strike that balance?

SC: I worked from nine to five or eight to four, whatever it was. I went to law school during the [night] hours and got home, had a bite to eat, and studied the rest of the time until I fell asleep. There was no free time. It was work, school, study, work, school, study. In my second and third years, I went to law school throughout the two summers, so I could finish in three years instead of four years. For the last two years or two and a half years, I had exactly two weekends between semesters, between the spring semester, the summer semester, and the fall semester. I managed to, having put in the extra time, the first year going full time, I had enough credits to graduate in three years. But there was no balance. It was just work like crazy all the time until you collapse.

KR: You were on the law journal at Georgetown.

SC: Yes.

KR: What was that like?

SC: That was the second summer. In addition to working, helping raise a family and going to school, there were four things being squeezed in time for three. In addition to everything else, one of the jobs in aspiring to be one of the editors was you had to work at editing other people's work, you had to write some original articles, you had to do research, you had to submit a publishable article. All of that was during one summer, the summer between my second and third years, when I was at the same time taking a full-time course load, working full time, and helping to raise my family full time. It was brutal.

KR: Do you happen to remember any of the topics that you wrote about for the law journal?

SC: I do. This was during the time when there was discussion whether or not cigarettes were even carcinogenic. The tobacco companies were saying, "Oh, there's nothing to it." The scientists were saying, "No, there's a link to cancer." I wrote an article that addressed the issues of whether tobacco was in fact a carcinogenic substance that ought to be banned, which subsequently it was banned--well, not totally banned, but it was a situation we have today where there are warnings on the cigarettes and young people are not supposed to be able to buy them.

KR: You were trying to become the editor of the law journal.

SC: Yes.

KR: Can you tell us the story behind that and what happened?

SC: Okay. There were two positions open as one of the editors, and there were three of us vying for those positions. We were given the summer to do our work and submit what we needed to submit to become an editor. One of the three of us was a shoo-in, and everybody knew it because he had this locked in. It was really one position for me and the other guy, and I thought I was way ahead in what I was doing. I was pretty confident that I was going to get it.

At the end of struggling all summer long to vie for this other position as an editor of the law journal and having done all the work, whoever was running this thing for the school, the faculty, said, "Well, they've decided, instead of having two positions, they're just going to have one position." So, the guy who was going to get it anyhow got it, and neither I nor the other guy that I was vying with got it. I always had my suspicions of why they cut out that second editorship. But having just come out of being a soldier for two years and learning to follow orders and don't question and being young, I didn't question it, and I've been sort of angry about it ever since.

I really think I was cheated. Here I am seventy years later, still feeling I was cheated, but I didn't do anything about it. If I knew then what I know now, and I had the experience then that I have now, I would have protested and probably would have won the protest. But I just accepted

my fate and moved on. Instead of becoming an editor of the law journal, I was simply a staff member of the law journal.

KR: Were there any clinics at Georgetown Law that you participated in?

SC: They didn't have clinics at that time. That was a later development.

SC: Can I ask a question? Angie, why do you want to be a lawyer?

AA: It's twenty-five percent for a sense of justice, seventy-five percent for a sense of money. I don't know if it was the same for you, if there was a guarantee, not guarantee per se, but a better sense of a cushion of employment.

SC: If you're interested in money, you're not going to be doing anything about justice, and if you're interested in justice, you're not going to be anywhere in the realm of money. So, you're going to have to pick one or the other.

AA: I agree with you completely about that. [laughter] I'm trying to think of balancing maybe the first couple years making money, and then I can go into justice once I'm comfortable financially, but you're completely right about that. In this time, it's one or the other.

SC: Rather cynical, but true.

AA: I totally agree.

SC: Okay, back to me.

KR: Sheldon, what else would you like to share about your experiences in law school?

SC: It was an eye-opener for me to how the world runs, an eye-opener to me about how the laws are made. It was an eye-opener to me about the Constitution, an eye-opener to me about government. None of this, being an engineer and taking science courses, I had ever an inkling with in college. I would say, I don't know what the universities do now, but as I indicated earlier, I became a five-year engineer, because even back then, I thought there had to be more to life than just slide rules or computers today. My advice to Rutgers University and every other university is to give courses to the engineers and the scientists in civics and government, so they know a little bit about what they're doing too and the world they're living in.

KR: What was your job search like when you got out of law school?

SC: The job I took when I was working and going to school, my thought at the time was that with my engineering background, I would be a patent lawyer. I got a job in the Patent Office, which I thought was the dullest thing I had ever done. I lasted six months and I quit, because I did not want to be a bureaucrat passing on other people's ingenuity and seeing other people doing things and me just sitting there being a paper pusher. I quit the Patent Office after six months. I was making seven thousand dollars a year, full-time salary. I took a job with a law firm, a very

small law firm, that did lobbying and took a pay cut to five thousand dollars a year. This was also at the same time with a new baby and a wife trying to support on five thousand dollars a year. However, rent was only eighty-one dollars a month for a nice one-bedroom apartment.

I didn't take this job in this particular law firm because of what the law firm did. I was really lucky with that. I got that job because a friend of mine who was a law clerk there was moving on, and I got his job. I was a law clerk in this twelve-man law firm, which today is considered minuscule, but in those days, it was a pretty sizable law firm. The members of the law firm were former high-level government officials, cabinet officers, counsel to the White House, governors. They were all very well-connected. They were Democrats, and it was a Democratic government. I was their assistant in their lobbying. Of course, I did what little research there was, and they did all the lobbying. But it was really nice for me because when one of these partners went in to see a governor, I went along with them. When they went in to see a senator, I went along with them.

Those years were spent on lobbying. I didn't go in there with the idea of becoming a lobbyist; it just turned out that way. There's so many things the law can do. At the time when young lawyers generally become partner at the end of six or seven years, there were three events that happened. Number one, the senior partners got sick or retired. The firm fell apart. When I was supposed to be a partner of this great firm, there was no firm anymore, it dissolved, because nobody was doing anything.

There I am left at the end of my sixth or seventh year in a Republican administration. There's no way I was going to be able to get a job in the administration. It was a recession, so businesses were not hiring. It was right about the time that other law firms were making their own people partners, and I'm not going to come from the outside and be made a partner there. I had no lawyering skills; I had great lobbying skills. At that point, I had no choice but to go out on my own as a sole practitioner, and there I've been ever since. I didn't choose to do what I did; what I did chose me.

KR: I'd like to ask you a couple of follow-up questions about your time working at the lobbying firm. First, let's talk about Chapman, Friedman, and DiSalle. What were your interactions like with them? [Editor's Note: Oscar L. Chapman (1896-1978) served as Assistant Secretary of the Department of the Interior during the Franklin D. Roosevelt administration and as the U.S. Secretary of the Interior from 1949 to 1953 during President Harry Truman's administration. Michael V. DiSalle (1908-1981) was an American attorney and politician from Ohio who served as the director of the Office of Price Stabilization from 1950 to 1952 and later as the 60th governor of Ohio from 1959 to 1963. Martin L. Friedman (1918-1977), who graduated from Rutgers in 1939, served as Special Assistant to President Truman from 1949 to 1953. He co-founded the National Democratic Club in Washington and served as its president from 1968 to 1970. He was counsel to the Democratic National Committee from 1961 to 1962 and served in John F. Kennedy and Lyndon B. Johnson's presidential campaigns, as well as in the 1968 presidential campaign of Senator Hubert Humphrey.]

SC: That's an interesting question. Well, to DiSalle, I was almost like a son to him. He would go out for lunch and dinner, he'd always invite me along. Chapman liked to talk and I liked to

listen, so when he went to lunch, he would invite me, and I'd go to lunch with him. All of them treated me very nicely, but I was a young kid who was twenty-four, and they had just completed long careers in the government, very senior people.

I was the legal errand boy. I didn't run errands, but I did the minor legal work. There were other lawyers in the firm who were more senior that really did the heavy lifting, but I was the guy that kept the library up to date and did the research and did the stuff that law clerks did. But my relations with them was always friendly, kindly, and, in particular with Michael DiSalle, very close.

KR: DiSalle was a mentor to you?

SC: A mentor in the sense that I followed him around when he was a lobbyist and learned by watching what he did. As I may have indicated in the notes that I sent to you, Oscar Chapman was the Undersecretary of the Interior under Roosevelt. He became Secretary of the Interior under Truman, and he was tasked in 1943--and this is all what he told me, I knew none of this except from his lips--he was tasked by President Roosevelt to go out and report on the conditions in the Japanese internment camps. He did a study, and he came back and reported to Roosevelt of the horrendous conditions there. [Editor's Note: After President Franklin D. Roosevelt issued Executive Order 9066 in February 1942, more than 120,000 Japanese Americans were forcibly removed and incarcerated in relocation camps, called "internment camps," between 1942 and 1945.]

I, and probably nobody else in the country, paid much attention to Japanese internment and prison camps during the Second World War, the Japanese on the West Coast. It is now 1962 or 1963, I'm having lunch with Oscar Chapman, and he's telling me about this and about what he did and how he reported to Roosevelt on the conditions. I couldn't believe my ears. I had never heard of such a thing. I said, "This could not possibly happen in the United States." Here he's telling me firsthand what's happening. I'd say it was more than an eye-opener; I was astounded to learn that such a thing was happening. Here I was learning history from the man who made history. So, those are some of my experiences working for people like that.

KR: Tell us a little bit more about what you did when you were working at the lobbying firm, some of the cases that you worked on, some of the research that you did.

SC: Okay. One client was Mexican sugar growers. There's always a conflict, there always has been, over subsidies to the American sugar growers down in Louisiana and the American beet sugar growers up in Idaho, and they're always lobbying to put restrictions on cheap sugar coming in from South American countries. The South American countries all had quotas put on them, and we were hired by the Mexicans to help lift the quotas.

We were trying to figure out a strategy that might convince Congress to lift some of the quotas. One of them we came up with was a question, and the question was, "Does anybody know whether beet sugar really doesn't cause cancer?" Well, it doesn't cause cancer, of course, but we had to find a hook. So, that was our hook to sow doubt in the minds of Congress of whether beet

sugar causes cancer or not. We couldn't take on cane sugar because the Mexicans were selling cane sugar, so we had to go after the beet sugar.

Another interesting case was we had a company that was hired to build a power line from [Glen] Canyon Dam in Arizona, where the dam was built, down into Arizona. Well, they were electrical contractors who knew nothing about building wire electrical lines, you know, the kinds you see overhead. They had to put in these towers that you see that hold up the wires, these high-tension wires. The big problem is they didn't know how to put up the towers and they didn't know how to pour concrete to level them off, and so there was a big dispute. [Editor's Note: Glen Canyon Dam is located in Arizona on the Colorado River.]

We were hired to address that problem, and I was the only one in the firm that had any kind of engineering or scientific background and the only one who knew anything about reading a blueprint. Since I could read blueprints, I was sent out to Flagstaff, Arizona, where all the blueprints were, to read them, and they were in a construction shack in Flagstaff.

I thought, Arizona, that's warm, so it'd be a nice vacation. Little did I know that Flagstaff is up in the mountains, and I was sent there in April. I had a light summer suit and a light topcoat, and there I am in snow drifts. I'd come, after a day out in the field in this construction shack, back to the motel that I'm staying in, and I'm trying to warm up, and there's all the snow bunnies coming off the slopes having spent a day skiing when I'm out there freezing, reading blueprints.

The airport was snowed in at Flagstaff, so we had to drive down to Phoenix to get a plane. We're driving down out of the mountains with snow on the ground and chains on the car. Eventually, we got down to the desert, which was dry but cold. Therefore, being the young lawyer and the only one that knew how to do anything, I was tasked in the middle of the desert to get out and take the chains off the car. Since I had used chains before, I knew how to do it, but otherwise, they would probably still be there in the desert.

Probably the most interesting case was we were representing record companies trying to get [royalties]. Under the copyright law, the record companies were not entitled to get royalties, and the recording artists were not entitled to get royalties. Well, the record companies wouldn't get much traction over there. Nobody was interested in a bunch of rich people making records, so we formed a committee of the recording artists and sent them up to lobby.

All of the singers of the day and the musicians of the day, one by one, I was given the job of taking them up to Capitol Hill and introducing them to the senators and letting all these famous people talk to the senators. Of course, senators and politicians always like to be around entertainers. I mentioned some of them in my notes that I sent to you. One of them was Judy Garland. I was supposed to take Judy Garland up to take her around. She was performing in Baltimore at that time. I was supposed to get a limo, drive it up from Washington with the driver, pick her up, take her around for the day, introducing her to the senators, and sell the case for royalties for recording artists.

I get up there at ten o'clock in the morning with the limo in Baltimore at the hotel, and I'm waiting and I'm waiting and I'm waiting. Finally, her manager comes down and says, "Well, she

can't make it for the day. She's not feeling well." Judy was an alcoholic at that point in time, and her life was being managed by a bunch of unscrupulous managers, each and every one of them who took advantage of her and took her money, which is pretty well-documented in her life. He said, "Well, she can't come down. She's not feeling well." I said, "Okay, what can I do?" I got in the limo, took the limo back to Washington, and went back to the office.

At about three o'clock in the afternoon, I get a call. It's Judy Garland. She's sorry she stood me up, but she'd like to make up for it by going out to dinner with me. Well, I nearly fell over. I, of course, said yes. Then, I went to talk to Mike DiSalle, who was the boss, so he and I went out for dinner with Judy Garland and her manager that night.

After dinner--and we had a very nice evening with her--we're driving back, and by that time, DiSalle went back to his apartment, he lived at the Watergate, and I was in the car in the backseat with Judy and her manager, and the limousine driver is in the front. He's driving back enthralled like everybody else. I remember he asked for her autograph, and she said sure. He passes back a piece of paper, and the manager takes it and scribbles her name on the paper, hands it back. So, the driver thinks he's got Judy Garland's autograph, and I'm watching this whole thing happen. It taught me a lesson in life that I haven't forgotten: don't believe your eyes. Anyhow, we got Judy back, thanked her. We had a good time, and that was my being asked for a date by Judy Garland.

Johnny Mathis was another one of the people. I guess I made an impression on Johnny because he too wanted a date with me. I said, "No, Johnny, I've got a wife at home." I was trying to think of the chairman; I'll think of the name later. Anyhow, a band leader [Stan Kenton], who was one of the big band guys at the time, was really the front. I don't think he realized he was being used for all this. He was a very sincere guy, and he wanted to get royalties for the performing artists, which I think they now get royalties, but it was a big issue at that time. He and I really became very friendly. By that time, he was probably in his sixties, I'm in my twenties, and so it was not an equal relationship but a very friendly relationship with him that lasted for quite a while. That probably was the most memorable case of all, especially being asked for a date by Judy Garland.

KR: Yes, that's neat. There are not many people who can say they went out to dinner with Judy Garland.

SC: And being asked by her.

KR: Yes. [laughter] What sort of contact did you have with senators or representatives when you were working for the lobbying firm?

SC: Well, my contacts were with their assistants. The lobbying was between the principals in the firm and the senators and the representatives, and then if something needed to be [done], a paper drawn up or something, then I would work with their assistants to get through what position we wanted to happen.

KR: Did we skip over anything in terms of your time at the lobbying firm?

SC: No, that pretty much sums it up. It was a lot of fun, but I will say in the seven years that I was there, I really didn't learn how to be a lawyer. I learned how to be a lobbyist.

KR: Well, that leads me into my next question, which is, how did you go about starting your own law practice?

SC: It was [like] being thrown into a maelstrom and trying to survive. As I said, the firm fell apart. At the end of my sixth year, I was supposed to become a partner, and I said, "Where are the papers? Where are the papers? Where are the papers?" Finally, they told me, "There's not going to be any partnership, because there's no firm left." One partner just was a drunk. Chapman just was old; he was a real old man at that time. Friedman was the national campaign manager for Hubert Humphrey. Humphrey lost, and when Friedman came back, he was worn out and had no more interest in the mundane world of law when he'd been at the top of the national campaign for almost a year. They said, "Well, we'll give you six months, and then you just have to go, because we can't pay you anymore."

In the same building where this firm had offices, there was another office where they had office space and a person I knew, a lawyer, was vacating his office, and so I rented that office in this other lawyer's firm. It was a father and son. This father and son were really general practitioners and lawyers in the old-school sense. So, I rented an office from them and really learned from them how to be a lawyer. When I went there, I literally didn't know where the courthouse was. I didn't know how to file a paper. I didn't know anything. Starting with the very basics, they really taught me what you needed to know to be a lawyer. I was renting an office from them and eventually had a brief partnership with the younger, the son, for a year or two.

I had to find a way to make a living, so I went to the court and took court-appointed cases. Other lawyers who had little cases come in that were too small for them to handle would give them to me. There was actually nothing too small for me because I had nothing else. Little by little, I learned how to [be a] lawyer. I learned how to handle cases. I learned how to deal with problems and slowly developed a practice. It was very hard.

I didn't know when I was taking court-appointed cases that you didn't get paid for handling misdemeanors. So, I was assigned misdemeanors, and I was doing very well, I was winning misdemeanors. I went to submit my voucher for payment, and they said, "Oh, we don't pay for misdemeanors. We only pay for felonies." Okay. So, then, I started to take felonies, and I was winning felonies. I put my fee papers in for representation, put them in court, and I was never getting paid. Finally, I found out that the judges had to approve them, and either they would cut down your fee to a minimum, or one judge never even looked at them. She just let them pile up. I said, "I can't work for nothing, and I can't take court-appointed cases if I don't get paid." I quit that and just started taking little Social Security cases and disability cases and divorces and real estate, a little of this, a little of that. With each case, [I] learned what that case is all about. When I'd make a mistake, if I'd get up front of a kindly judge who'd point out the mistake that I made, I wouldn't do it a second time. You learn that way. Also, you learned some hard lessons: when you deal with lawyers, not to trust everybody too. As each field became more developed, I

got into something that paid a little bit better, I would not do the stuff that didn't pay as well and kind of moved up the scale a bit.

KR: What was it like for you learning to become a litigator?

SC: It was learning everything from the beginning, and here I am, supposedly a lawyer with seven years of practice and not knowing anything about litigating. You'd read the books, you'd read the cases, and you'd see what other lawyers are doing, and try not to make the same mistakes twice.

I remember one case where I was representing somebody. There were a number of litigants. Each one of them was represented by their own lawyer, and I was representing one of them. We each got up to the judge and made our case of why whatever it was we wanted to happen or not happen and gave our long arguments. At the end, this older, experienced lawyer got up and he summed the whole thing up elegantly in about two sentences, and I'm watching him, I said, "Now, that's the way you handle a case."

I saw that on a number of occasions where lawyers with a lot of years of experience and probably too old to go to court anymore just saw right through to the heart of the issue and just got to the point in very few words. It's a very good learning lesson to learn how to be a lawyer. Learning by watching others and trial and error, you learn.

KR: Are there any memorable judges that you went before that stick out in your mind?

SC: Yes, a couple of them. One judge, who had been a lawyer on the other side of a case that I was handling, I had made a mistake, and he pointed out, "You don't want to do that. Here's the way you ought to do it." I remember [thinking] very kindly of him. Another judge, I was waiting for my case to be heard. I was in the federal district court, and there was a case in front of me. Whatever was going on [with the lawyer], the judge was making light of it, just cracking a few jokes. My case was the next one up. I got up to the lectern, and I said something in sort of a joking manner. The judge says, "I'm the one that jokes here, not you." That taught me a lesson.

Another case where I was, again, waiting for my case to be heard, and this was in the Court of Appeals. A lawyer from, I don't know what the case was, a patent case, whatever it was, they were arguing, and he got up to the lectern and had his bottle of water. Nowadays, nobody can walk around without having a bottle of water by their side. He had his bottle of water, and the judge said, "You're not in a ballpark. Put that away." I learned there's no room for being any less than serious in a courtroom. The judges, if there are going to be jokes, the judges will make the jokes, and you appear with them with all seriousness. Don't ever forget that, Angie. No joking allowed. The jokes are outside the courtroom, and leave your water bottle on the table.

AA: Understood. All seriousness. No jokes. As soon as I leave the courtroom though, I'll joke.

SC: Absolutely.

KR: In your memoir, you talk about representing a deaf and mute government employee who had been fired by the National Archives.

SC: Yes.

KR: Can you describe that case for us, how you became involved, and what the outcome was?

SC: At that time, this was before the Civil Rights Act was passed, before any employment laws had been passed. This was in the late '50s. No, it couldn't have been then. It must have been in the late '60s. Anyway, it was before any laws were on the books protecting rights of the handicapped or anti-discrimination laws. This fellow was deaf and mute because his facial muscles were paralyzed, so he couldn't even talk. The case was handled entirely in writing between him and me.

He had been apparently seen as a disruption in the National Archives where he worked, because one of the things he was charged with, he was banging on the doors of the elevator when it didn't come. Well, of course, he couldn't hear anything, so how could he know that he was making any noise? Another thing was he was charged with was being disruptive when he threw a Coke bottle in a metal wastebasket. Well, of course, how does he even know it makes a noise? One of the other things was that he was writing suggestive notes to the women in the office. In general, he was having a hard time. Like many people who are deaf or sightless, blind, they become almost paranoid because they're walking through a room, people look at them and they start laughing. Well, they may just be telling a joke amongst themselves, and it's just by happenstance when they walk in a room, but the person who walks in the room thinks, "Well, they're laughing at me." It's very common; it was particularly with him. I was left with no laws on his side in trying to build a case of why he ought to be [compensated]. He was improperly fired.

Combing through the books, the agencies had nice regulations, platitudes that, you know, treat people nicely, and blah, blah, blah, but nothing that required them to do anything. I took these nice platitudes, and I said, "Well, this is what you say you ought to do, so do them, and you haven't done them." Anyway, the case went up to the Federal Circuit Court of Appeals, and I had my client sitting there. One of the people who had been helping me on the case was a minister who knew sign language and was a translator between my client and myself. I had the minister come into court as an expert witness in his full minister regalia with the collar and the shirt, things that ministers of the cloth wear, sitting right in front.

As I was arguing the case to the court, I had him translating what I was saying to my client, who couldn't hear. The court was just enthralled upon watching this translating process going on; they weren't paying any attention to me, which is exactly what I wanted them to do. Anyhow, we won the case. It was the first case won against the federal government granting some protection to handicapped people prior to the benefit of any laws in existence at that time, which made me quite happy.

To answer your earlier question, Angie, about at what point did I get into people's rights? Once I started representing people who lost their jobs and were discriminated against, then I started

thinking about civil rights and liberties more than money because they didn't have any money to pay me.

AA: A follow-up question on that, did you feel a sense of accomplishment and reward after completing these cases with people with disabilities, especially employment cases?

SC: For sure, if you win. You feel a sense of despair if you lose. In one case, I was representing a deaf person who was a typographer. In those days, before computers set the type of newspapers, it was all done by hand, people sitting at these big machines setting the type in hot lead. I think they used to call them typographic machines. Anyhow, this was an occupation that was typically sought by deaf people because the noise in those newsrooms was horrendous, and since the typographers couldn't hear, it didn't bother them.

Anyhow, this guy I represented was working for *The Washington Post*. He was a union agitator, and eventually they laid him off. I appealed that. This one, I lost, and he lost his job and I couldn't get it back. About a year later, I ran into his son on the street, and I said, "How's your dad doing?" He said, "Oh, my father committed suicide after he lost the case." I will never forget that one. So, these things have a real effect.

On the other side, during the riots in Washington in 1968, when Martin Luther King was shot and there were riots in all of the major cities, Newark and every city in the country, including Washington, I took a number of those court-appointed cases. I represented this young guy who was picked up. This was several days later, and the police were making a sweep and picking up everybody in the street. He just happened to be picked up, and he really had nothing to do with it. After the trial--he was acquitted--he was in his last year in high school. A few years later, I'm walking down the street at lunchtime and hear somebody call out my [name], I look around, and it's the same guy, the young kid. I asked him, how's he doing? You know, some pleasantries. At that point, he had just graduated from college, and he was telling me how he had completed college. I'm thinking, but for that acquittal, he would've been in jail for God knows how long, and here he is walking down the street, a bright career ahead of him, finished college. As bad as I felt about the one who committed suicide, I felt good about the one who was now completing college.

AA: Sorry to hear about that with your client.

SC: Me too.

AA: That must have been very hard.

KR: When you were representing people who were swept up in the arrests after the riots in Washington, DC, are there any other memorable cases related to that?

SC: I represented a number of them, and some of them were dismissed and some of them pleaded guilty. I remember one guy I was appointed to represent was a student, a college student, and he and some others, on the night of the rioting, they'd broken the window of a camera shop and were caught as they were stealing cameras out of the camera shop. Now, here's

a guy who came from a well-to-do family, who had no reason to engage in the rioting, could have bought any one of the cameras, bought any five of the cameras in that camera shop, and yet engaged in the rioting; it was senseless. I only represented him as far as the arraignment because then his father, who had a lot of money, hired a private lawyer, and that's the last I saw of him. But there's the pointlessness of the destruction.

KR: What do you remember about the riots themselves, when the city went into lockdown?

SC: I remember it was late Friday afternoon, and our office was on the 13th floor of a building on the corner of Pennsylvania Avenue and 13th Street. You could see pretty much a large swath of the city. We started looking out the windows, and this was about two o'clock in the afternoon, and we started to see smoke coming up from different areas of the city. We started to get the news over the radio--no television, it was radio--of what was going on. Eventually, you could see smoke from every segment of the city. In every direction you looked, there were fires burning. Everybody got in their cars and fled the city, and the streets were clogged with cars. Me too. [Editor's Note: Following the assassination of Dr. Martin Luther King, Jr., riots erupted in Washington, D.C. that lasted from April 4 to April 8, 1968.]

I'd been a lawyer for three years at that point and was still working for the lobbying firm. I got out of the city and drove across the bridge to the suburbs listening to all this stuff that was going on. I felt that I should not have left. It disturbed me all night long; I couldn't sleep. At six o'clock Saturday morning, I got in my car and drove into the city. As I was driving in, at every street corner, there were soldiers with jeeps and machine guns. The city was quiet at that point. I was driving up by the Capitol. I guess they figured anybody in a car driving into the city must have some business there, and I had no problem.

I drove to the courthouse where they had all the people they had collected that night. It was there that I was appointed to a number of the people who had been arrested. One by one, their cases were developing. That was a very memorable night, driving into the city in the morning, six o'clock in the morning, and seeing soldiers and machine guns and jeeps on every street corner, waving me by into the city.

KR: What other types of cases did you handle having to do with employment law?

SC: In 1978, the government passed a law called the Merit Systems Protection Act, which gave employees rights to appeal, spelled out codes of conduct, and set up a series of administrative judges and administrative appeals courts. That was really the beginning of any sense of justice for employment. This applied only to the federal government. It was later on that other employment laws were developed based upon that. It set up a system where you couldn't just be fired for no reason. If it was based upon a performance, they had to set up performance deadlines and guidelines, a series of opportunities, and a whole system of appeal. Prior to that, where employees had no protection whatsoever, arbitrary action from political decisions, this set up a whole regime for hearing their complaints and their rights. [Editor's Note: The Merit Systems Protection Board was established in 1979 as a part of the Civil Service Reform Act of 1978. It handles employee appeals and organizes merit systems studies.]

Since I had been involved in these kind of cases before there was any law and trying to win them when there's no law, now suddenly I had a law to back me up. I got a reputation of handling these kinds of cases. One person hears the other, and so that's really how people get reputations, word of mouth. You win a case, and then people hear about it.

At the same time, a funny incident, the Supreme Court had just heard a case allowing lawyers to advertise; it was economic free speech. So, I was one of the first lawyers who advertised in the newspaper. I had a clipping, a little advertisement, of what kind of cases I handled. My daughter, who had recently graduated from college and was working for a year at NIH [National Institutes of Health] before she went on to medical school, was being given a hard time by the head of the laboratory. She didn't think she was being treated fairly. She was called into his office and he was dressing her down. She looked down and there on his desk under the glass was my advertisement for representing government employees. When he was done, she said, "That's my father." He never bothered her again. [laughter] [Editor's Note: In *Bates v. State Bar of Arizona* (1977), the Supreme Court found attorney advertising to be a form of commercial speech entitled to some degree of First Amendment protection.]

KR: I'm curious, did you represent anyone in employment discrimination cases that involved gender?

SC: Yes, a lot of female clients. Did any involve gender? Yes, a very memorable case. I was representing a senior CIA employee, and she was running a big operation. I won't say what it was. Then, her boss retired, and she was the most eligible person for appointment to that position, but she didn't get it. She was convinced, and I was too, that the only reason she didn't get that job, that senior-level job, was because they wanted a man in the position and not a woman. This is a part of the CIA that these are the guys that went out to do the dirty work in the field. They used to call them "knuckle busters," like they were apes, big, very masculine type of guy. Yes, I represented her. They wouldn't give her the job, but there was a very hefty settlement, and she retired. But I think clearly, she didn't get that job because she was a woman.

KR: During this period of time, lesbian, gay, transgender Americans would have been disqualified from civil and military service. There weren't Title VII employment protections for LGBTQ Americans until recent years, until this current Supreme Court. I'm wondering, were there any cases in which you were representing lesbian, gay or transgender people being discriminated against? [Editor's Note: Title VII of the Civil Rights Act of 1964 "prohibits employment discrimination based on race, color, religion, sex and national origin." As of the 2020 Supreme Court decision *Bostock v. Clayton County*, Title VII also officially protects employees nationwide from discrimination based on sexual orientation or gender identity.]

SC: Well, those terms were unheard of. Gay. Gay was what the term was. People who were gay were barred from having a security clearance. If you don't have a security clearance, you can't hold a job that requires a security clearance. There was a famous case in the Supreme Court that said you could not bar somebody's holding a security clearance or government employment because they were gay. [Editor's Note: In 1952, President Dwight D. Eisenhower signed Executive Order 10450, which barred gay and lesbian Americans from being employed by the federal government. *High Tech Gays, et al. v. Defense Industrial Security Clearance*

Office, et al. (1990) was a lawsuit decided by the United States Court of Appeals for the Ninth Circuit that addressed the issue of gay applicants being regularly denied security clearances by the Defense Industrial Security Clearance Organization, part of the Department of Defense. Previously, gay applicants were lawfully considered a “quasi-suspect class,” needing increased review to be given security clearances. The court sided with the Department of Defense and its suspicion toward gay applicants. In 1995, President Bill Clinton signed Executive Order 12968, which prohibited decisions around security clearances on the basis of sexual orientation.]

The only thing that people even talked about then were gay men. Lesbians and transgender and LGBT were not even thought about, not even on the horizon. The issues there were gay men being denied security clearances and jobs. All of the rest of this just later developed and built on that. There was a guy named Kameny who recently died. [Editor’s Note: Frank Kameny (1925-2011) was a U.S. Army Map Service astronomer who lost his position due to his sexual orientation. He appealed this to the U.S. Civil Service Commission and then sued the government in federal court, with the Supreme Court declining to hear his case in 1961. He worked as an activist for the rest of his life, founding the Washington, D.C. chapter of the Mattachine Society. He received a formal apology for his dismissal on behalf of the U.S. government by the Director of the Office of Personnel Management, John Berry, in 2009.]

KR: Yes, Frank Kameny.

SC: Frank Kameny was very outspoken and was the leader of the fight for civil rights for gay men. He was really the first one in this fight. Little by little, these rights developed. During my tenure, the fight was people just keeping their jobs if there was any hint of them being gay.

KR: Let's talk about you getting into security clearances. How did you first get into national security law?

SC: The first case I handled that dealt with some classified information, I didn't even know that I was dealing with that. Someone came in, this happened to be a woman, and the reason she was losing her job was because drank too much. It had nothing to do with her gender. There was a board that dealt with these things, and I took her case to the board and argued why she shouldn't lose her job because the allegations of her drinking were not sufficient, and lost the case.

What I didn't know was I was before the board that handled classified information and security clearances, and only in reflection did I realize that I was involved with that. But later on, as I started to handle cases like this and really got to understand the law and what the law was and where it was that I got an appreciation for the whole area. Again, as I said earlier, you win a case, someone comes to you, and you win another case, and eventually people think of you as the expert. After a while, you are the expert because you know more than anybody else. It developed over a ten or fifteen-year period, as my expertise in that developed.

KR: What were the issues that arose in security clearances and classified information cases?

SC: It's the same sort of stuff that we read about in the papers these days: mishandling classified documents, taking documents home that they shouldn't. The cases that were the serious cases of

spying and espionage didn't go to the administrative courts; they went to the federal courts. These people were tried and sent to prison. I didn't get involved with that type of thing, but mine were more administrative type of cases, where it was before this administrative court. There was, and still is, a series of things you could not do and must not do, and things that were prohibited practices in dealing with classified information. That was more the rule than the exception.

I handled cases where people were accused of pornography, sexual abuse of minors, every conceivable thing. Generally, these were not prosecuted to the extent of criminal prosecution. But the effect was serious enough, because if you worked in a field that required knowledge of classified information--like atomic energy, everything is classified--if you can't hold a security clearance, you're barred from the entire field of work. So, if you're a scientist that knows nothing except how to build atomic bombs and you can't have a security clearance, you just don't get a job. The issues were people losing their clearances, losing their jobs, losing the right to work in the field of their chosen profession, which when you have mortgages on the line, children's colleges on the line and you can't get a job doing anything, it's pretty disastrous.

KR: What types of different clients did you represent in security clearances and classified information law?

SC: Everything from atomic scientists to guards at the gate. From the most, I won't say menial, but limited types of employment to the highest level. I've represented three-star generals. I've represented CIA agents, a lot of engineers and technical people developing various arms for the government and classified things like that. I would say the full gamut of jobs that people hold, from generals to gatekeepers.

KR: Angie, I'll go over to you for some questions.

AA: What was it like running your own practice? Did you prefer it to working under someone, especially compared to the lobbying firm that you worked at previously?

SC: I worked for the lobbying firm at the very beginning of my career. I was a very young lawyer working under very senior experienced people. As I say, I learned a lot, but I didn't learn a lot about being a lawyer; I learned a lot about being a lobbyist. I was a sole practitioner from my seventh year to the end of my career not by choice but by circumstance. When I couldn't get a job and nobody would hire me, you were left with no options but to work for yourself. As I said, I was let go at the time when people are making partner because of the circumstances or recession and politics, government politics, and so when you have no other choice, you make the best of the situation.

It was enjoyable knowing that when a decision had to be made, I made the decision. I didn't have to account to anybody except to the court and my client. I didn't have to do things that I didn't think were right, and I did things that I might not have been able to do if I was working for someone else.

It's a difficult way to practice law these days, because law firms now have literally thousands of lawyers. The last time I asked somebody how big his firm was, how many lawyers, he said five thousand lawyers. Can you imagine, five thousand lawyers? This was very recently. So, you are limited to the types of cases you can handle. The big guys deal with the big guys, and the small guys deal with the small guys. There's no way that I could represent Apple, who probably have a thousand lawyers on one case, but then again, Apple's not interested. If one of Apple's employees wanted to get a divorce, they would go to somebody like me. They wouldn't go to one of these high-powered law firms and pay their lawyers fifteen hundred dollars an hour and have four of their lawyers sitting there in court while two more are holding their briefcases. These are the kind of cases that corporations pay big firms for. It's two different worlds. There's the corporate world and the world of personal practice, and never the twain shall meet.

AA: A follow-up question, did you have any employees under you while practicing on your own?

SC: The answer is yes. I had law clerks. At some times, I had young lawyers but not very often. It's hard to compete as a sole practitioner because anybody who's good can get a better job--a higher-paying job, I won't say better--a higher-paying job, and so they learn from you and then they move on, as they should, to something better or open their own law firm and go out on their own. A sole practitioner these days is an anachronism of the past. I would not recommend it.

AA: I'm listening to your advice exactly, writing it down. Kate is recording. Don't worry, I'm going to keep this all on my personal notes while in law school, hopefully.

SC: Get a job with a prosecutor as your first job out. You learn the ropes fast that way.

KR: I'd like to ask you about your writing the work for the Department of Defense. You wrote "Security Clearances and Protection of Classified Information: Law and Procedure."

SC: Yes.

KR: How did that come about that you wrote that?

SC: I was in the field and I reached a point where I knew more about it than anybody else. The area of classified information was a little bit different than it is now, because 9/11 changed everything. Before 9/11, when the Twin Towers were destroyed, the government was kind of half asleep, and so they were more concerned with internal security issues than they were having spies and that sort of thing, things that get prosecuted and sent people to jail for life.

I was dealing with that area of the law, and I found there was nothing written. There was no guidance. What I learned was putting together what the law was. I decided to write a book, a textbook, on it, a book of the law. I went about writing it, and nobody was interested in publishing it. I sent it off to a number of law book publishers, sent it off to another [publisher]; people were just not interested.

I approached the government, asked them if they would be interested in publishing it. Since there was nothing else, they did. They gave me a contract to write the book--actually to finish it because it was half-written. That's how it came about. If anybody's interested, you can get a copy of it for, I think, twenty-five dollars by writing to the National Technical Information Service, Springfield, Virginia, NTIS. I think they charge you twenty-five dollars for a disc, and if you wanted a hard copy, you can get it for seventy-five dollars. It's still in print.

KR: How was national security law impacted during the era of the Cold War?

SC: When you say the Cold War, what period of time are you talking about? Which Cold War?

KR: The Cold War against the Soviet Union, which lasted from post-World War II until roughly 1989.

SC: Okay. If you go back to the history of government secrecy, you can go back to George Washington, who issued the first regulation or the first letters saying we have to be careful with the nation's secrets. It was pretty somnolent until the Second World War, or even after that, I mean, during the Second World War, the Office of [Strategic] Services, the OSS was set up, which is a precursor of the CIA.

The first codification of this was under President Eisenhower, when he was president, I think it was 1952, and they decided, the government, they needed a code of conduct, a code of regulations, of what you cannot do and what you must not do, and what you must do. That was the first origin of it. There were a number of cases that went to the Supreme Court, which basically developed the framework for this in the '50s. [Editor's Note: In 1953, President Dwight D. Eisenhower issued Executive Order 10450, revoking President Truman's Executive Order 9835 of 1947 and dismantling its Loyalty Review Board program. Executive Order 10450 charged the heads of federal agencies and the Civil Service Commission, supported by the Federal Bureau of Investigation (FBI), with the task of investigating federal employees to determine whether they posed security risks and expanded the definitions and conditions used to make such determinations.]

That's what we dealt with, the regulations from the Eisenhower era and those few Supreme Court cases. You argued your cases based upon that. The standards were not much different than they are today, a little bit more refined now. It's clear that you can't discriminate against people because of their sex or other protected categories. You can't deny them security clearances for those reasons, but the other reasons basically are more or less the same.

That's the way the law stood until about 1988 or '89 when President [H.W.] Bush, the first President Bush, wanted to pass a series of stringent regulations that would deprive people of all sorts of rights that they had in handling classified information. It was at that time that the laws were reformulated, which I played a part in that representing the ABA [American Bar Association], the public interest. I think I lost track with your question. How was the law dealt with during the Eisenhower ...

KR: I asked about the Cold War, but actually what you're doing is you're explaining how national security law changed over time, and that's okay. You can continue with that.

SC: Well, anyhow, during the Cold War era, this is the Eisenhower era, and he was the first one that signed a series of regulations codifying the law. It was sort of a backwater in the law during that period of time. Nobody was paying too much attention to it.

KR: Tell us about your involvement when George H.W. Bush issued this executive order that would have impacted security clearances, and then through the American Bar Association, you got involved in opposing this.

SC: He proposed an executive order. He didn't issue it, and this would have imposed a lot of very stringent requirements and take away a lot of the few protections that government employees had. I was involved with the ABA and the Administrative Law Section of the ABA at that time, which covered everything that lawyers deal with with the government. That's called administrative law: aviation, food and drug, anything dealing with government regulations. This was a group of mostly academics who were involved in the ABA. For the most part, I find that practicing lawyers don't much get involved with the ABA. It's an exercise for academics because then they get to go to conferences and they get nice meals and they get paid to go to these conferences and tell about all the things they did. I was kind of a freak in that group, because here I am a sole practitioner, I'm not an academic, and I'm not a representative of some big law firm, which is mostly what it was. But I was the only one that had an interest in this issue of the change in the requirements for holding security clearances.

As I learned doing this, there's a whole chain of hierarchy in the ABA if you want to get anything done. First, you have to get it done through your section, then you have to move up to the council, then you have to move up to the board of governors, then you have to move up to the general assembly, blah, blah, blah. It was really a big deal and difficult to get anything done, but I was pressing this one issue and I was the only one interested. I thought it was important, and I took it through each of these steps and finally appeared before the ABA General Assembly in San Francisco and had it put on the agenda and had it voted. It was voted as a position, a national position, of the American Bar Association.

I was able to leverage this as being the public representative on these matters that were being considered then by Congress and by the administration. I was always able to say, "I'm the ABA representative," which I was, because I was the only one that cared about it. I testified in Congress to oppose this legislation. Congress, by my recollection, they did not pass it. Since it didn't pass Congress, the White House appointed a committee of representatives of all the government agencies to reconsider new regulations. Since I was the "representative of the ABA," I was on this committee and I was representing actually the employees' point of view rather than the agency's point of view.

That managed to get some effective changes to what they were proposing. The Bush-proposed regulation was never accepted and a whole new set of regulations were adopted. That's how I was involved with that, which is an interesting lesson. They say, "Making legislation is like making sausages." Have you ever heard that expression? "Everything comes in and something

comes out.” It’s really the way laws are made. People just sit down and talk about things, and out pops a law that’s affecting 230 million people. [Editor’s Note: In 1993, President George H.W. Bush issued Executive Order 12829 establishing “a National Industrial Security Program to safeguard Federal Government classified information that is released to contractors, licensees, and grantees of the United States Government.” Executive Order 12968, signed by President Bill Clinton on August 2, 1995, established uniform policies for allowing employees of the federal government access to classified information. It detailed standards for disclosure, eligibility requirements and levels of access, and administrative procedures for granting or denying access and for appealing such determinations.]

KR: How were security clearance law and national security law impacted by 9/11?

SC: It was an awakening to the American government and the American people that there are bad people out there wanting to do bad things to us. It was now a focus of our attention to there are adversaries out there. It has evolved into things like Guantanamo, where a special court was set up and it’s still in effect to allow the government, the FBI, to get warrants, search warrants, in secret, a whole level of secret activities permitted to the FBI now. It’s called the FISA Court, F-I-S-A, [Foreign] Intelligence [Surveillance Act]. [Editor’s Note: The Foreign Intelligence Surveillance Act (FISA) of 1978 set procedures for the use of various forms of surveillance and collection of foreign intelligence information, such as electronic surveillance, trap and trace devices, physical searches, and the use of business records. The Foreign Intelligence Surveillance Court holds private sessions to discuss issuing search warrants.]

In the course of writing this book, since it was being sponsored by the federal government, I got a letter from the government agency that was publishing it, giving me entrée to all of these various secret places. I was actually in the FISA Court and saw it and sat down with the people in the Justice Department talking about it. It’s an interesting place. It’s like a heavy door in a butcher’s refrigerator in a closed room and the door latches, no windows. You feel like you’re in somebody’s refrigerator in the supermarket. To get to the meat of your question, 9/11 awakened the government to the fact that there are serious adversaries out there that need to be dealt with.

KR: Was your law practice impacted by the Patriot Act that was passed after the September 11th attacks? [Editor’s Note: The Patriot Act, enacted in 2001 six weeks after the September 11th attacks, allows the government increased powers for surveillance of U.S. citizens without proof that the individual is an “agent of a foreign power.” The stated purpose of the Patriot Act is “to deter and punish terrorist acts in the United States and around the world, to enhance law enforcement investigatory tools, and for other purposes.”]

SC: No, because my practice was dealing with government employees, government contractor employees, who dealt with classified information, companies that dealt with classified information. The FISA Act was dealing with espionage, dealing with attempted subversion of the government by foreign forces. It was an entirely different area, so it was at that point that suddenly the world of national security was awakened that this is a serious issue to deal with. But as far as what I was dealing with, from the administrative end of it, this was there before, it was there after, it was there during, and it’s still there. It’s like two separate aspects of interest in national security.

KR: I'm going to ask a question and then, Angie, I'm going to turn to you. Did you ever represent any whistleblowers?

SC: Yes, I did. I have. To answer your question, yes.

KR: What were the issues involved, and what were the legal aspects that you were addressing?

SC: The first takeaway from this is unless it's a matter that really concerns you, don't be a whistleblower, because the whistleblower's the one that always pays the price. The one who blows the whistle, whoever you're challenging circles the wagons around you and all the guns are pointing in. It's a very heavy, heavy price you pay if you want to be a whistleblower. There are laws and regulations that supposedly protect whistleblowers, and they don't. You've got to have a really thick skin, be ready for the long haul, and you're lucky if you come out unscathed. But, then, with all that, if you think that the issue is important, go ahead and do it.

AA: Throughout the last ten years, we have seen a lot of people, especially during times of recession, not being able to get jobs in the field of their study, even if they have the qualifications. I want to hear your opinion on how reliable you think degrees are, especially Bachelors of Arts and Juris Doctor degrees, in your case, when it comes to law school.

SC: It's better to go to college than not, because you're going to have, in the long run over your lifetime, a much more productive life. If you graduate in the top ten percent of your class from the top ten percent of the law schools, you won't have any trouble getting a good job. If you graduate from Yale or Harvard and you're in the top of the class, you have a pretty good chance of getting a law clerkship on the Supreme Court. If you're not in the top of your class at Yale and Harvard, the chances of getting a clerkship at the Supreme Court are pretty nil. A lot of law schools sprang up when things were better days for lawyers and awarding law degrees for people who were marginal people from marginal law schools and then they couldn't get a job, a law-related job, when they graduated. I think that's a criticism of the education system of promising people things that they couldn't deliver on.

If you are a good student from a good law school, you'll be able to get a good job as a lawyer in a law-related field. It depends on what you have done and where you have done it. If you go to one of these diploma mills and graduate with a law degree from that, maybe you'll get a job working for the Social Security Administration, maybe not even that. If you graduate from Rutgers, you become a national security lawyer, only I didn't go to Rutgers Law School. It depends on your credentials.

The year I graduated, 1964, graduated from law school, was the fewest lawyers graduating before or since. It was the bottom of the curve, so it wasn't a hard time getting a job as a lawyer. Nowadays, there have been so many lawyers being turned out, more than the market can use, and this has been true for the past few years. Some of the law schools have recognized this and cut down on the size of their classes. Some of them have even closed. If you're not a really good student from a really good school, you're going to have a hard time. Where are you planning to go to law school?

AA: Anyone who takes me, honestly. [laughter]

SC: Oh, you've got to think higher than that. You don't want to go to anyone who would take you. [laughter] The old expression goes, "I never joined the club that would have me." So, shoot for the top.

KR: I think Angie's being modest. She is going into her junior year, so she has some time to decide.

AA: I'm trying to make sure I get the best score on the LSAT and follow that and then try to research what law schools, but like you said, aim for the best. That's what I'm trying. Hopefully Yale, maybe Georgetown. I'm thinking about how much they're going to pay me, hopefully, to go there though. Financial aid plays a big part in this.

SC: I like that you equate Yale and Georgetown.

KR: Sheldon, back to you, for some national security law. I want to circle back to you representing whistleblowers. What did you find interesting or surprising about the whistleblower cases?

SC: When the Civil Service Protection Act passed, 1978, it included a provision protecting whistleblowers and set out a series of standards that people are entitled to have for their protection. Since that time, there are innumerable laws creating whistleblower protections in every area of the law. There are dozens and dozens of whistleblower protections. The one thing they all have in common is they create standards that are very difficult to meet and very easily defeated. If you are a whistleblower, as I said earlier, you really have to be prepared for a hard fight. That was true of the cases that I handled. [Editor's Note: The Civil Service Reform Act (CSRA) of 1978 reworked civil service by disbanding the U.S. Civil Service Commission and replacing its functions with the Office of Personnel Management, the Merit Systems Protection Board, and the Federal Labor Relations Authority. The CSRA included provisions to protect federal employees from being punished for bringing wrongdoing to light.]

There's an office set up to enforce the Whistleblower Protection Act, a federal one. Most of the complaints that people submitted were thrown out, not accepted. The protections that this office afforded were not very effective, and it's a pretty frustrating type of thing. The cases went on for a long time. People got very little protection out of them. You couldn't make a career out of protecting whistleblowers. There was an office in Washington, a nonprofit organization, that set itself up to protect people like this. They relied on grants and other money for people who couldn't afford to pay for lawyers to protect them, because these cases just became, are, protracted, highly contentious, highly litigated, and they're difficult to win. [Editor's Note: The National Whistleblower Center (NWC) is the leading nonprofit dedicated to protecting and rewarding whistleblowers. The Whistleblower Protection Act of 1989 was designed to protect federal workers acting as whistleblowers from retaliation after reporting illegal activity relating to their work. The Office of Special Counsel investigates federal whistleblower complaints. The Merit Systems Protection Board, a quasi-judicial agency, adjudicates whistleblower complaints

and uses appointed administrative law judges. The Court of Appeals for the Federal Circuit hears appeals of whistleblower cases decided by the merit board.]

KR: Angie, do you have any other questions about Sheldon's law career and work in national security law?

AA: Yes, I do. This is more a question about your retirement, but what was your transition like from being a lawyer every day to retirement? Did you like the peace and quiet compared to the heavy-duty law environment you had?

SC: I practiced law for fifty-five years. They say, "An expert is somebody who knows more and more about less and less until you know everything about nothing." The other definition of expert is, "Ex' is an unknown quantity and 'spurt' is a drip of water under pressure." After a while, things become somewhat the same. I would say no matter what field you develop an expertise in, whether you're a heart surgeon or a policeman, you tend to be doing the same thing over and over again with a new set of faces and a new set of circumstances. For me, I'd done this for so long and younger people were coming up and I just felt it was time to relax a little bit. I phased it out. I stopped accepting new cases. I continued working on the cases I had, and finally they wound down. As I planned, I moved to a smaller office and let the cases work themselves out. When they were finished, I said, "Enough," and have not regretted it for one minute. I enjoy life and have more than enough to keep me busy all the time.

Some people, I know a couple of my cohorts, they're in their late eighties and they're still practicing law and they're afraid to quit. They can't imagine what they would do afterwards if they were not going to the office. They say to me, "What do you do?" I have so many things I do that they can't imagine what life would be like if they didn't go and sit behind that desk and answer the same questions all over again.

AA: I couldn't imagine working until eighty, especially as a lawyer. As soon as I can, I will retire.

SC: Then, you shouldn't be a lawyer. If that's your attitude about practicing law, go into some other field that you like.

AA: Honestly, I think law's the best fit for me, but working until eighty does not sound that appealing.

SC: Well, that's an exceptionally long time. But if you're in this to see how fast you can get out, don't go in it. Do something else. They say people who like what they're doing never work a day in their life, because every day is a pleasure.

AA: Hopefully, it will be that, but maybe I'm a little cynical.

KR: Sheldon, I have a few more questions for today. Before I ask you about your involvement in Phi Ep fraternity, is there anything else you would like to add about your legal career?

SC: If I didn't know it was time to retire, my body told me it was time to retire, because I had my last hearing on my last case that was still pending and everything else was done and finished except for this one hearing. I had the hearing, I think it was December 16, 2018, and on December 17, 2018, I had a stroke. My body was telling me, "That's enough." Anyhow, I fully recovered, so I'm doing fine.

KR: Are there any cases that we skipped over, any aspects of your law practice, that you would like to talk about?

SC: I think we've pretty much covered it. I could go for three more weeks talking about cases, but I think we've pretty much covered it.

KR: To ask you about your involvement in the Phi Epsilon Pi community, you've had ties to members of Phi Ep for almost seventy years. Describe what you have done in terms of staying in touch and in terms of getting together for reunions.

SC: The fraternity, from time to time, say, every five or ten years, would have a reunion. This would be a gathering of, say, a period of five or six classes, people you knew. The last reunion was scheduled for September 11, 2001. We all know what happened that weekend, the weekend of the Twin Towers, and so we never had that reunion. All the money we collected, we donated to the University for whatever purposes the University would use it.

I figured we were never, ever going to get together again. By that time, the fraternity had been disbanded in 1972. Here, this is already thirty years after the last group had been there. I figured we would never, ever get together. I thought, "We should keep together somehow," so I compiled a list of all of the fraternity members that I could find by going through old yearbooks, connections, getting lists from people. I started doing a quarterly newsletter, and as I would send out the newsletter, people would send information to me, so it really became a clearinghouse for information. In that way, I knew not only the people that were in school ahead of me by a couple of years and that were on the other end for a couple of years, I got to know on at least a corresponding basis people from the entire group. I did it for no other reason than just to keep people in touch. I sort of became the central clearinghouse for information for this.

Harry Riskin, who was a couple years after me, every year or so he'd say, "Let's have a union." I'd say, "Great, Harry, you do it. Great, Harry, I appoint you chairman for the reunion." I knew nothing would ever get done because Harry didn't do it. This time, he took me up on it, and he called together three of us. Since I was the guy with the mailing list, of course I had to be on the committee, because I was the only one that had any contact. That's how this latest reunion came about. [Editor's Note: The Phi Epsilon Pi reunion being described above took place on May 6, 2023 in New Brunswick.]

My association with this group of people has always been of a great pleasure to me. As a matter of fact, it was only yesterday that two people called me, one guy--I don't know if I mentioned it, I've written a cookbook--about the cookbook, and someone else called me, "How about taking a trip to Tanglewood together?" That's how you stay together with people. Some of these people I

haven't seen since graduation, but I pick up the phone and talk to them like we were just talking yesterday. It's been a personal pleasure for me.

KR: Tell us about the reunion that happened last month. Where was it? How many members came?

SC: It was at the Hyatt Hotel in New Brunswick. Thirty-two members showed up from the Class of 1958 to the Class of 1974. There were about twenty wives or significant others there. We had a luncheon. We had a tour of the University campus on buses supplied by the University. We had a cocktail reception at the Zimmerli Museum, and one of the fraternity members, one of my roommates, an art dealer, has donated a significant amount of work to the museum, so the reception was there honoring him. We met people we knew, and people we never met before, and people we just thought about, and we all had this common bond, and it was really, really a very warm feeling. Whether there's ever going to be another one, maybe, maybe not. If there is and I'm still alive, I'll be part of it because I have the mailing list. It was a warm gathering of people who all shared something in common; that was living together at 4 Mine Street and having the same memories. [Editor's Note: The Jane Voorhees Zimmerli Art Museum is located on the Rutgers-New Brunswick Campus. It was founded in 1966 as the Rutgers University Art Gallery and became the Jane Voorhees Zimmerli Art Museum in 1983.]

KR: Well, we've been together today about two hours and fifteen minutes, so we should wrap up soon. Before we wrap up, Angie, do you have any other questions?

AA: No, I'm good. Thank you.

SC: This is the latest thing that's been occupying my time. [Editor's Note: Mr. Cohen shows a copy of his cookbook.]

KR: The title is *Chef Shel's Favorite Recipes: A Collection of Traditional Ashkenazi Jewish Recipes and Other Personal Delights*.

SC: I just finished it, sent it out. You ask, what to do to occupy time? There's always plenty of things to do.

KR: Sheldon, what's your specialty?

SC: I cook pretty much everything, but I would say this is reflective of a lot of the stuff I ate as a child, so I'm cooking my mother's cooking.

KR: Oh, wonderful.

SC: If you'd like a copy, I'll send it to you.

KR: That's great. Thank you. What else would you like to share with us before we end today?

SC: You have my notes that I wrote; the purpose of writing that was so my children, who have probably no interest in their background, if they ever have an interest, they'll have something to refer to. I think we've pretty much covered my activities so far. I'm looking forward to more activities. This is not the end. Angie, if you're just getting into law to make some money and get out, look somewhere else. [Editor's Note: Mr. Cohen wrote an unpublished memoir entitled "My Life."]

AA: Understood, I appreciate your advice.

SC: This has been a pleasure to talk to you, and if there's any more I can talk to you about, feel free to call.

KR: Sheldon, thank you so much for spending this time with us and sharing your life experiences.

SC: You're quite welcome, and it's been a pleasure.

KR: Okay, have a great day.

SC: Thank you. Bye-bye.

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Reviewed by Angie Abbas 7/1/2023
Reviewed by Isabella Kolic 7/26/2023
Reviewed by Kathryn Tracy Rizzi 8/23/2023
Reviewed by Sheldon Cohen 8/23/2023