Phyllis A. Kravitch

July 17, 2013; July 19, 2013; August 7, 2013

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ORAL HISTORY

of

PHYLLIS A. KRAVITCH

Interviewer: Anne Emanuel
With assistance from: Laurie Kotz

Dates of Interviews:
July 17, 2013
July 19, 2013
August 7, 2013
I am Anne Emanuel and I’m with Judge Phyllis Kravitch at her home in Atlanta on July 17, 2013, and we are beginning, this is our first interview in the Trailblazers Oral History series.

Judge, as you moved through school, when did you decide that you were interested in going to law school?

Early on I fell in love with ballet and I thought I was going to be a great ballerina. I think it was probably by the time I was a teenager that I decided, started thinking about law school, although back then there were no women lawyers and certainly no women on the bench or anything as we have here today. I remember one incident when I was about 12. My father was one of the only lawyers in Savannah, he was a trial lawyer and if the court appointed him to represent an indigent, he would take the case. And he was appointed to represent an indigent African-American man in a highly-publicized and very unpopular case. And as a result, I was the only little girl in my scout troop that was not invited to another child’s birthday party, which upset me terribly. And my
father's way of dealing with my disappointment was to explain the Constitution and the Sixth Amendment and I remember that he said, “When you are a little older, you’ll understand there are more important things in life than birthday parties.” I didn’t know what he meant at the time but as time went by, I remembered that and became more interested in a legal career.

But as you mentioned, not only very few but virtually no women were lawyers at the time and I suspect certainly none in Savannah, Georgia.

There was one woman who had passed the Bar when my father had and then gone to Washington to practice up there. And the few women who did pass the Bar and practice were more or less like paralegals. They didn’t go into court.

When you did decide to go to law school, did your father support you?

Oh absolutely, he was very encouraging.

And your mother.

She went along.

You know we’ve skipped right by college. Obviously you went to college before you went to law school.

I went to college in Baltimore, and I remember the Dean talking to me about medical school because Johns Hopkins had a scholarship I think for women students, but I wasn’t interested in medicine.

So I take it you had a very strong academic record in college. The Dean was asking you about a scholarship to medical school.

Right.

And that was at Goucher.
Judge Kravitch: Yes. And then I looked at law schools to see which ones admitted women. And I remember my father saying, apply at the University of Pennsylvania because he said when he went to law school in 1914, there was a woman in his class.

Prof. Emanuel: Did you apply to any other law school or just University of Pennsylvania?

Judge Kravitch: I wanted to apply to Harvard but Harvard did not take women at that time. And some law schools that did accept women, I was told women were never called on. You more or less audited. And I have to say at the University of Pennsylvania, I was treated like everybody else in the class. And I remember the first day walking into that huge entrance hall and there were all men. We had assigned seats. And I went into the lecture hall because there were 160 in my class and there was one other woman and a very friendly young man sitting across from me introduced himself, said, “Good morning, my name is Arlin Adams and I’m from Philadelphia.” And I said, “I’m Phyllis Kravitch and I’m from,” and he said, “Georgia? South Carolina?” And I said, “Georgia.” And we ended up studying together and he ended on the Third Circuit Court of Appeals.

Prof. Emanuel: Amazing. And the other woman in the class, did they seat you near her or did they put you in the same sections.

Judge Kravitch: I think it was done alphabetically. I know she sat on the other side of the room and she had a lot of friends in Philadelphia.

Prof. Emanuel: Now you said you were treated like every other student, was that true of every professor at Penn?

Judge Kravitch: Most of them. There were two instances in which I was treated differently. There was one professor, and only one, who I was told ahead of time never called
on a woman. And one time, after two or three men that were called on didn’t
give the right answer, he said, “Is anyone else prepared to recite?” And I raised
my hand and I said, “Professor Chadwick, I would like to.” And he said,
“Because no one is prepared, I’ll discuss the case myself.”

Prof. Emanuel: My goodness.

Judge Kravitch: Now that wouldn’t happen today. Another professor, Professor Philbrick, who
was just a dear little gentleman, right out of Dickens, taught us property law, and
one time, after two or three students had given the wrong answer, he looked over
to me and said, “Miss Kravitch, how would you analyze this case?” And I told
him. He said, “Exactly, exactly.” And then he turned from side to side and said,
“Gentlemen, gentlemen, aren’t you ashamed?” But for those two instances, I
was treated like anyone else in class.

Prof. Emanuel: And you did very well in your class too.

Judge Kravitch: I think so because under the then-system, at the end of the first year, the top 10
percent were invited to try out for Law Review, and I was in that 10 percent.

Prof. Emanuel: So you served on the Law Review.

Judge Kravitch: Yes.

Prof. Emanuel: And that was quite a distinction, University of Pennsylvania Law Review.

Judge Kravitch: And I ended up as one of the Board of Editors.

Prof. Emanuel: And an editor as well. And then when you got close to graduation and began
looking for a job?

Judge Kravitch: There were no jobs, not for women.
Did anyone interview you?

No, even though by that time, the war had started. My first year in law school came Pearl Harbor. And I remember the next day going to school and there was a notice that we were not going to have class, everyone would assemble in the main assembly hall so we could listen to the President’s speech.

So you started law school in the fall of 1940, is that correct.

In the fall of 41.

In the fall of 41. Oh, because Pearl Harbor was December.

Yes.

And then did many of your male classmates leave after that or not return for the second year of law school?

Gradually, they would start leaving. What the school decided to do, and they announced this the next day after Pearl Harbor or two days later, that because they wanted as many to be deferred if possible in the beginning, because it took a while before the draft was fully in place, that they would cancel all formal vacations and we would go through the summer so that those who were in the third year would graduate in May anyway. And then instead of having a summer vacation, the next semester would start after a week’s vacation. They did announce that the few women in the law school would not have to abide by that schedule, but since all my friends were, I decided I would do it too. So I went through law school in two years. And then came the looking for a job.

And what was the process? Did the law firms come to the campus to interview, invite you to the offices?
Judge Kravitch: I'm not sure. Being a woman, I wouldn't have been invited to meet with anyone. The Dean suggested that I apply for a clerkship and I did.

Prof. Emanuel: And which court did he suggest?

Judge Kravitch: To the Third Circuit, which is up in Pennsylvania. And I applied, but no one interviewed me. Owen J. Roberts, who was on the Supreme Court, was a friend of the Dean and had previously taught at Penn. In fact he taught my father. And after no law firm would interview me, the Dean suggested that I apply for a clerkship. I had one interview on the Supreme Court, but I was told that preference would be given to a male student because there never had been a female clerk.

Prof. Emanuel: Was that Justice Roberts?

Judge Kravitch: No that was Justice Murphy. But after the interview he told me it was his birthday, and his secretary had brought him a cake. The other justices were all coming in to share and would I do him the honor of staying and slicing the cake. So I did not get the clerkship but I played hostess.

Prof. Emanuel: And, Judge, you mentioned the Third Circuit. Did you get any interviews on the Third Circuit?

Judge Kravitch: No, but I interviewed with one District judge who told me he had absolutely no objection to a female clerk and that if he could not find a qualified male, he would offer me the job. And he found a qualified male. I knew he would.

Prof. Emanuel: It would seem like that.

Judge Kravitch: So finally my father said if you want to practice law, you can always come back
I thought the Dean tried to assist you with private practice opportunities too.

He did suggest that I apply to one law firm where he was friendly with one of the partners who said they might consider a woman, but he called me the next week and said he got a phone call from the partner who wanted to know what religion I was because they would not accept anyone who was Jewish.

So they would have hired a woman.

They would have considered hiring a woman.

So at that point, your father stepped in?

Well, my father just said if you want to practice law, you can always come back home.

Did he have a solo practice?

There were two or three younger lawyers in the office. It was mainly his practice, but he always had a few young associates. So I went back to Savannah.

And his practice was?

It was a general practice and he was one of the few lawyers in Savannah who would represent a Black person. Especially if he was appointed in a criminal case. Appointed counsel back then was not compensated at all. You weren’t even paid your out-of-pocket expenses. And that’s why most lawyers didn’t want to accept cases that the court appointed. My father felt it was your obligation as a member of the Bar to represent someone if the court asked you and there was no conflict. And I found an article just last week, a newspaper...
clipping, in which the judge in the Superior Court commended him for never refusing to take any case that the court asked him to.

Prof. Emanuel: And you found that article where Judge?

Judge Kravitch: It was in some of my papers in the office.

Prof. Emanuel: Wonderful. Well he must have had a fair number of those cases because he was one of the few people that would take them.

Judge Kravitch: Well he did. And back then, judges from adjoining counties would call and ask him to take a case because they couldn’t find counsel at the local Bar.

Prof. Emanuel: I believed he maintained a civil practice as well as the criminal practice.

Judge Kravitch: It was.

Prof. Emanuel: So you came back and were a new lawyer in the office. Were you the only woman attorney practicing in Chatham County?

Judge Kravitch: There might have been one or two others, but they didn’t go to court. They were more like paralegals.

Prof. Emanuel: So you didn’t have a female colleague in those early years.

Judge Kravitch: No.

Prof. Emanuel: But you did go to court with your father.

Judge Kravitch: Oh yes.

Prof. Emanuel: And what were your early experiences in court? I think we’re talking 1943-44.

Judge Kravitch: I started practicing about 1944. Usually I was the only woman in the courtroom. And there were no women on juries. They were all male.

Prof. Emanuel: So there were no other women in the courtroom unless someone was there in the
spectator section.

Judge Kravitch: Right.

Prof. Emanuel: Even the court reporters were not female at the time.

Judge Kravitch: No the court reporters were all male. And the clerk of the court was always a male.

Prof. Emanuel: And I believe it caused a little stir when your father first took you to court.

Judge Kravitch: That's right.

Prof. Emanuel: Could you tell us about that.

Judge Kravitch: Well, I went to court with him and sat at the counsel table and made notes. And the next day the presiding judge called my father and told him that every lawyer who was in that courtroom, or who passed by and looked in and saw me sitting there called the judge afterwards to complain about my presence, that a courtroom is no place for a woman. And the judge agreed with them. He told my father to find work for me to do in the office. And all my dad said was, "Your Honor, she passed the Bar, she's been admitted to practice and if the men don't like it, that's just too bad, they'll just have to get used to it."

Prof. Emanuel: Now did your father tell you about that when it happened?

Judge Kravitch: No, not until later.

Prof. Emanuel: It would have been very intimidating.

Judge Kravitch: I probably would have given it up, gone into something else.

Prof. Emanuel: But he sent you into court very quickly, very soon. I think he sent you into handle a case.
Judge Kravitch: Yes. I remember the case because, as he explained to me ahead of time, it was a no lose proposition. It was a case that had been settled. It was an African-American school teacher whose car had been hit driving home from school. The person who ran the red light admitted it was his fault and his insurance company offered to pay the damages. There was minimal damage to the car considering he hit it broadside which the insurance company paid for, but her 12-year old son was in the car with her, and there were no seatbelts then. And he'd been jostled on the front seat and hit his arm and required going to the doctor and having an x-ray taken. Because there was a minor involved, the agreement had to be approved by the court. The judge put the case down on the motions day calendar. Being a newly-admitted lawyer, I wrote out every question beginning with, “Would you please state your name,” and by the time I got to the third question, the room had gotten very quiet, and the judge is frowning and I thought I had left out something very important. And I couldn’t see what. I finally finished, and the judge then said court will be in recess for ten minutes. And I gathered up my papers and as I left the courtroom, the bailiff said, “Phyllis the judge wants to see you in chambers right away.” So I went into his office. I said, “Your Honor, do you want to see me?” And he said, “Yes. I told your father last week to keep you in the office because lawyers don’t want you in the courtroom, but if you insist on coming in, on your very first case, did you have to offend everybody in that room. I don’t understand you at all.” And I said, “Your Honor, I don’t understand, what did I do.” And he said, “What did you do? You called that n-word woman Mrs. The custom here is to address Black people by their
first name.” And I thought, I’m back in the South.

Prof. Emanuel: And this was the presiding judge again.

Judge Kravitch: This was the presiding judge.

Prof. Emanuel: And it was a direction. So you spoke to your father about that too I assume.

Judge Kravitch: The judge said, “Your father does it and he gets away with it because most of the lawyers are afraid of him, but it’s not going to be easy for you.”

Prof. Emanuel: My goodness. What did he mean when he said most of the lawyers are afraid of your father.

Judge Kravitch: He used to win all of his cases.

Prof. Emanuel: He was an excellent trial lawyer I take it.

Judge Kravitch: He was probably the best trial lawyer in south Georgia.

Prof. Emanuel: He didn’t have the gender issues that you had, but he was a Jewish man.

Judge Kravitch: And he also was willing to represent a Black person. He had an integrated waiting room. And even when I started practicing, I can remember from time to time someone who had made an appointment would arrive, walk into the waiting room, see a Black person sitting there, and just say cancel my appointment.

Prof. Emanuel: Because his Black and White clients used the same waiting room.

Judge Kravitch: Yes.

Prof. Emanuel: To get back to that courtroom story.

Judge Kravitch: Clarence Thomas will let you know that my father represented his grandfather at one time.

Prof. Emanuel: Do you know what the matter was?
Judge Kravitch: Probably a lease or something like that. Because his grandfather had a small business.

Prof. Emanuel: And he would have needed commercial help. Were there Black lawyers practicing then?

Judge Kravitch: A few. There was one Black lawyer who started practicing the same time I did, and he was not allowed to use the law library in the courthouse. He used to come and use my father's library.

Prof. Emanuel: Would other lawyers let him use their library?

Judge Kravitch: No.

Prof. Emanuel: Was that your father's custom with the Black lawyers in Chatham County?

Judge Kravitch: There was only one or two. There was one practicing.

Prof. Emanuel: That was Mr. Gadsden?

Judge Kravitch: This was before Mr. Gadsden. When I was little, growing up, there was a lawyer by the name of Lemon, J.P. Lemon I think. And I remember one day, I was in about the second grade in school, and Mr. Lemon had called my father to see if he was going to be back in the office. He wanted to talk to him about a case and my dad said no, it was too hot but why didn't he come by the house. And a few minutes later, he drove up. I was playing with a classmate in one of the other rooms. And my father went to the back of the house and asked the maid to bring some iced tea in for him and Mr. Lemon. And Monday morning the little girl went to school, her name was Isabelle, and told everybody in the class that she would never again go to Phyllis's house to play because she was there Saturday and this Black man came to the house, to the front door, not the back door, and
Phyllis's father let him and a few minutes later, here came the maid from the kitchen with a silver tray and two glasses of iced tea and served him as if he was real company, and when she went home and told her mother, her mother said she could never again go over there to play.

Prof. Emanuel: Did any other children follow suit and not come to your house because of that?

Judge Kravitch: No.

Prof. Emanuel: But then when you became a member of the Bar and joined your father's practice, were you a member of the local Bar association, did you attend the kinds of functions that young lawyers usually went to?

Judge Kravitch: I usually went to the meetings. I might not have had much company, but I attended the Bar meetings.

Prof. Emanuel: I assume there was a Savannah Bar Association.

Judge Kravitch: There was, and later on I became the first woman President of it.

Prof. Emanuel: And how did that come about, Judge?

Judge Kravitch: I'd been practicing probably 20 years. And the Savannah Bar had gotten an award for having had the best programs during the year at one of the state bar meetings, which pleased everybody. I had been chair of the committee that had done the programs. And one of the lawyers stopped me in the hall to congratulate me because the Savannah Bar had gotten this award. And he said you've never been an officer of the Bar and I'm on the nominating committee. And we're meeting next week and I'm going to nominate you to be secretary. And I said I wouldn't accept it. There's nothing wrong with being secretary, but under the custom of the Savannah Bar, someone right out of law school is usually
secretary. Not somebody that's been practicing 20 years or more. And that would be equating a woman with 20 years practice with a man right of law school. I said, there are several young women who have just been admitted to practice, elect one of them secretary. He called me a few days later and said “I told them what you said. They'd like to make you president.”

Prof. Emanuel: And you were nominated for President. Was anyone nominated to run against you?

Judge Kravitch: No.

Prof. Emanuel: So you served as President of the Savannah Bar.

Judge Kravitch: And I was determined that was going to be the best year of the Savannah Bar. So I picked up the phone and called the incoming President of the American Bar Association, not knowing that his calendar is made up a year ahead a time. And invited him to come to our first meeting a couple of months away.

Prof. Emanuel: So this is 1973 and you called the incoming President of the ABA, Chesterfield Smith.

Judge Kravitch: I called and told the secretary who I was and she wanted to know what I wanted to talk to him about, and I explained I was the incoming President of the Savannah Bar. We wanted to invite him to come and speak at our first opening year luncheon. And she said, “Well Mr. Smith's schedule is made up a year ahead of time. And about that time, this booming voice said, “Where is this call coming from?” And he grabbed the phone, and he said, “This is Chesterfield Smith. I’m sorry but I won’t be able to come but please explain to the Savannah Bar that my schedule’s already a year ahead of time and what did you say your
President’s name was so I can write to him and explain?" And I said, "I’m the incoming President." And he said, "Savannah, Georgia’s elected a woman? What day did you want me to come?"

Prof. Emanuel: Oh my goodness.

Judge Kravitch: He said, "I’ll try to see if I can try to arrange it." A few minutes he called me back and said, "I have to be in Detroit or some place in time for a dinner meeting. But this is the time my plane would leave Savannah; if you could arrange your meeting so that I can get to the airport in time, I’ll come."

Prof. Emanuel: And I take it you arranged it.

Judge Kravitch: I arranged it. And he came, so we started the year with much publicity and a larger attendance than we’d ever had.

Prof. Emanuel: That was quite a coup. And he recognized the significance instantly of you being elected.

Judge Kravitch: Yep. It was about that time that things began changing radically.

Prof. Emanuel: In the 70s for women. It’s not very long after that when you went on the bench.

Judge Kravitch: It was the next year. In Georgia, judges technically are elected. Usually they were appointed because no one would run against an incumbent judge, and if someone died mid-term, and the governor appointed a successor, then that judge would from then on run unopposed. And for the first time since I had been practicing, there was going to be a vacancy because one of the incumbent Superior Court judges, there were three in Savannah in Chatham County, announced he was going to serve out his term but then he was going to retire and he was not going to run for re-election. And the next day in court rumors were
flying around as to which lawyers were interested in running for the job. And they all said they couldn’t afford to run. They had children in college and they could not take a decrease in earnings. And then one of them looked at me and said, “You know Phyllis, if you were not a woman, you’d be the perfect candidate. You’ve got name recognition. You’re in court all the time. You don’t have three children to send through college.” And again he repeated, “If you were not a woman, you’d be the perfect candidate.” And I called him the next day and said, “You all talked me into it.”

Prof. Emanuel: So you ran for that seat. Were you opposed in the election?.

Judge Kravitch: Oh yes, there were two lower-court judges that announced. One was a juvenile court judge and one was a state court judge.

Prof. Emanuel: So they had name recognition too.

Judge Kravitch: Oh yes.

Prof. Emanuel: And they were both men.

Judge Kravitch: They were both men. And there was much making fun of a woman being on the bench such as “she would put pink lace curtains in the windows.”

Prof. Emanuel: You mean in legal circles or in the press?

Judge Kravitch: Both. I announced that I was not going to take any contributions over $100 and no contributions from any lawyers.

Prof. Emanuel: Now that was quite unusual I would assume.

Judge Kravitch: Very. I found out only lawyers contributed to judicial races. But I’m very much opposed to elected judges for that reason.
Prof. Emanuel: So you ran your campaign without contributions from lawyers.

Judge Kravitch: It was a very low-key race. I think I met everybody in Chatham County. Former clients would call and say what can I do to help you. And I would say invite some of your neighbors over for about an hour and don’t serve anything except Cokes or lemonade and I’ll come and answer questions about the court.

Prof. Emanuel: And by then you had a substantial number of former clients.

Judge Kravitch: Oh a lot.

Prof. Emanuel: And you had represented them in all kinds of matters. Did you handle criminal cases too?

Judge Kravitch: I had handled some criminal cases, but not a lot. But I had several murder cases representing women who had killed their husbands.

Prof. Emanuel: Did you have any acquittals in that group?

Judge Kravitch: They were all acquitted.

Prof. Emanuel: My goodness.

Judge Kravitch: I had at least a half of dozen.

Prof. Emanuel: Not an easy case to win ordinarily.

Judge Kravitch: But these were women whose husbands had abused them.

Prof. Emanuel: And in civil cases, you also handled civil litigation and I think in those years too you were handling civil rights litigation.

Judge Kravitch: Some yes. There was one case that provoked a lot of controversy and was very unpopular, and that was for African-Americans to be allowed to vote in the Democratic primary.
And this was the 60s? The 70s?

This was probably in the 60s.

And African-Americans weren't allowed to vote in the Democratic primary.

No. And there was no Republican, except every four years somebody running for President. But the Governor, the state legislators, all of those people were chosen in the Democratic primaries and that candidate would run unopposed in the general election.

And African-Americans weren't allowed to participate in the primaries. Who were the clients that you represented in that litigation?

Prominent Black citizens.

Was your father involved in that too?

Oh yes.

So Judge we were talking about your successful run for Chatham County Superior Court in the early 1970s.

No woman in the state of Georgia had ever been on a court that high. There had been women probate judges on the municipal court, but not a court of general jurisdiction.

So you were the first female Superior Court judge in the entire state of Georgia?

Yes.

And that was in Chatham County, which happens to be one of the more southern-most counties in Georgia. So winning that election must have been a daunting prospect.
Judge Kravitch: Well, it attracted a lot of publicity. There was a huge article in the Atlanta newspaper. Mainly because I was the first woman in the state. And shortly thereafter it opened the door to judgeships through the Governor appointing women to the court.

Prof. Emanuel: It must have been controversial among the electorate in Chatham County at the time. What was your base of voters that allowed you to win that election? Do you have an idea?

Judge Kravitch: Yes. Former clients, we represented a lot of people, working-class people, women, women’s groups, especially since my opponents made fun of the idea of a woman being on the bench. And I even had young women in high school calling and saying I can’t vote yet because I’m only 17 but what can I do to help. And senior citizens. And I had been on the Board of Education several years earlier and had worked very hard to equalize pay between Black and White and male and female, and all of these former schoolteachers came out or called and said what can we do to help.

Prof. Emanuel: So among the school teacher groups you were equalizing on racial grounds and also gender. But did you feel like you had general support among school teachers, not just the women and the Black teachers?

Judge Kravitch: I think I had support among all the teachers, and I must have gotten almost 100% of the Black vote.

Prof. Emanuel: Because you and your father had represented Black people in some significant voting rights litigation as well as all the criminal cases.

Judge Kravitch: Exactly.
Prof. Emanuel: And what women’s groups were there?

Judge Kravitch: The Junior League.

Prof. Emanuel: So Judge, when you say that the women’s groups supported you, do you mean official endorsements by the groups.

Judge Kravitch: No, most of these groups don’t get involved in politics, but I had most of the members. And they were calling. They would like to help.

Prof. Emanuel: So you had a strong grass roots campaign.

Judge Kravitch: Very. By the end of the campaign I knew everybody in Chatham County.

Prof. Emanuel: And how did the local press group respond to this?

Judge Kravitch: They mainly stayed fairly neutral.

Prof. Emanuel: In other words, they just tried to report the coverage on the campaign.

Judge Kravitch: Right. And the campaign got rather ugly. Under Georgia law, you have to have 50 percent of the vote, otherwise there’s a runoff. I came in first, but I didn’t get 50 percent, so then there had to be a runoff between me and the man who came in second. During the first campaign, the two male candidates were throwing mud at each other because I don’t think they thought I had a chance. And then it turned out, I came in first. Then I had to have runoff with the one who came in second. And then he got on television and started saying things like, “when the right-thinking White people look at the polls and they see that most of the Black neighborhoods voted for Ms. Kravitch, they are going to the polls because they’re not going let a bunch of Blacks decide who is going to be the judge.” And all that hurt him. At one forum at a Savannah church, he got up and said
only a Christian could be a judge.

Prof. Emanuel: And were you very confident going into the elections?

Judge Kravitch: No.

Prof. Emanuel: Was your father confident on your behalf.

Judge Kravitch: Oh, he had already died.

Prof. Emanuel: Oh I didn’t realize that. But that was a very brave thing to do at that point in time.

Judge Kravitch: I ran and went on the bench, I believe five or six years after he died. [Aaron Kravitch died in April 1971. Judge Kravitch was elected as a superior court judge in 1977.]

Prof. Emanuel: But he would certainly have liked to see you on the bench. And your mother was still alive at that time?

Judge Kravitch: Yes.

Prof. Emanuel: But you took it on despite your lack of confidence that you could win.

Judge Kravitch: When I announced I think I thought I had a chance to win. I had been told that my name had been up before a commission when there was a vacancy on the state court bench about six or seven years earlier, and that the then-Governor had said, “Georgia’s not ready for that yet.” So I thought, we’ll see.

Prof. Emanuel: And would that have been a state-wide commission, or a Savannah commission.

Judge Kravitch: State wide.

Prof. Emanuel: And the two men that ran against you, I assume you knew them.

Judge Kravitch: One was a state court judge and one was a juvenile court judge.
So you did know both of them. The Bar wouldn’t have formally supported anyone, but did you feel like you had support from other lawyers?

Most of the Bar supported the state court judge.

And he came in second.

Yes.

And did the juvenile court judge endorse anyone after he was eliminated.

No, except he let it be known that he would support me.

He did. That’s an interesting development in itself.

Well the other one had been so nasty during the first campaign when it was three of us running.

Did the local press think you were a viable candidate?

I think so.

So what was it like to be the first woman superior court judge in the entire state of Georgia?

Interesting. The two local superior court judges were friendly with the state court judge. So they were not very helpful.

How were received at the state-wide meetings of Superior Court judges?

They were very kind and very helpful.

Across the state. Did anyone step up and offer you assistance as a new judge?

Oh yes, one judge from Athens. In fact his son is in Congress now:

John Barrow

Did you know him before you went on the bench?
Judge Kravitch: No. Also Judge Harrison was very helpful. He was the judge that I would succeed.

Prof. Emanuel: And he was helpful to you?

Judge Kravitch: Very, very.

Prof. Emanuel: And you had appeared before him many times.

Judge Kravitch: Oh yes. In fact when he was asked which of the three candidates is best qualified to go on the bench, his answer was, "There is only one that is qualified and that's Kravitch."

Prof. Emanuel: That was an endorsement.

Judge Kravitch: Oh yes a good one.

Prof. Emanuel: By the time you went on the bench about how many women were practicing?

Judge Kravitch: Probably about 20.

Prof. Emanuel: And I assume you had their support.

Judge Kravitch: Most of them

Prof. Emanuel: But not all?

Judge Kravitch: No, because most of them had gone into firms that were not supporting me.

Prof. Emanuel: Savannah had significant law firms at the time?

Judge Kravitch: Yes.

Prof. Emanuel: And the firms as a whole supported other candidates?

Judge Kravitch: The firms as a whole mostly supported Jim Head.

Judge Kravitch: He was a state court judge.
Prof. Emanuel: And they continued to support him even after he began the campaign based on race?

Judge Kravitch: Because they thought he was going to get elected.

Judge Kravitch: As one lawyer was quoted as saying, “You have to decide whether you practice in juvenile court or state court.”

Judge Kravitch: “If you support Grady, you won’t be able to go into state court, and if you support Jim Head, you won’t be able to ever go into juvenile court if you had a case there. But if you don’t support Phyllis, and she gets elected, will she be fair?” He then answered the question himself, “Oh, absolutely.”

Prof. Emanuel: Now by that time were there many other professional women in the courthouse?

Judge Kravitch: No.

Prof. Emanuel: Not even court reporters? The secretaries I assume were female.

Judge Kravitch: The secretaries were all female, but most of the other office holders were not.

You were entitled to a bailiff, which I didn’t want, and a secretary. I needed a secretary. They had a civil service arrangement where they’d advertise the open position and then send you the top three applicants. When they had the top three, I said, “Let’s start with Number 1, what was her score, what’s her background, what’s her education?” They didn’t have computers in those days, and the woman who was number 1 was so much better qualified than the next two. I said, “I’d just like to interview No. 1.” The woman said to me, “You don’t have to take number 1, you can take number 2 or 3.” She kept repeating this. I said, “You’ve told me that twice, I’m only interested in the one with the top score.” She was a college graduate, and had a very important job in New York before she
married and moved to Savannah. The woman said, "Miss. Kravitch, she's Black." I said, "So." "You'd hire a Black secretary," she asked. I said, "If she's the best qualified." She was by far the best qualified. The lady in charge sent all three to my office when I said I would just like to interview number 1.

Prof. Emanuel: So you hired No. 1 and how long did she stay with you?

Judge Kravitch: As long as I stayed at the courthouse. And it almost blew the roof off of the Chatham County Courthouse. She was the first Black person to have a job other than the cleaning crew in the Chatham County Courthouse.

Prof. Emanuel: And this was in the 1970s. My goodness. And when you left did she continue with anyone?

Judge Kravitch: She's now secretary to the Magistrate Judge.

Prof. Emanuel: Decades later. So Judge, you were confronting all kinds of bias, not only gender, but religious and racial bias, all of it quite head on.

Judge Kravitch: Yes.

Prof. Emanuel: And partly that came from your father's tutelage?

Judge Kravitch: I think so.

Prof. Emanuel: As a Judge in Chatham County, did you feel you received the same deference from the Bar that male judges did?

Judge Kravitch: No.

Prof. Emanuel: Were there specific things that happened that made it discernible or was it more attitude?

Judge Kravitch: It was attitude. They'd walk in the outside office to the secretary's desk and
hand her the documents and say, “take them in to her.”

Prof. Emanuel: And they would refer to you as “her” and not “judge”?

Judge Kravitch: When my nephew was about 14, he came home from summer camp and had a week in Savannah before they were going back to New York, and with nothing to do, so I’d told him I’d give him a job. He could come down to the office with me every morning and put the books back on the shelves, help carry things downstairs to the Clerk’s office and run errands. So he felt very important. One night after he came home, he said, “The lawyers who are coming into this office, they don’t have very good manners. They never say please or thank you or thank you.” I said, “Andy, just because they went to law school doesn’t mean they have good manners.”

Prof. Emanuel: Was that because your secretary was a Black woman? Or did they treat you rudely as well?

Judge Kravitch: The other two judges never invited me to go to lunch or anything else the entire time I was on the Superior Court.
Friday, July 19. I’m with Judge Phyllis Kravitch at her home and we’re taping. This is the second day of taping for the Women Trailblazers project for the American Bar Association. And Judge Kravitch, we moved forward to your election as the first woman Superior Court judge in Georgia. But I would like to go backwards and talk a little bit more about your early education in Savannah. I think you were always an exceptional student. You attended the public schools in Savannah?

Everyone did.

And the public schools of course were segregated.

There was one very small private school. But everyone else went to public school.

And was the private school grade school through high school?

It was grade school. And I believe it was just for girls. But it was very small
and so practically everyone went to public schools.

Prof. Emanuel: The public schools were segregated by race at the time.

Judge Kravitch: Yes.

Prof. Emanuel: And that wouldn't change for quite a while.

Judge Kravitch: That didn't change until the Supreme Court changed it.

Prof. Emanuel: And lawyers like you and your father litigated it.

Judge Kravitch: Schools were still segregated when I was on the Board of Education. [Judge Kravitch served on the board from 1949-1955].

Prof. Emanuel: Throughout your educational career, you always did very well?

Judge Kravitch: Yes.

Prof. Emanuel: And in grade school, I think in grade school you also stepped forward and ran for election.

Judge Kravitch: To be president of a student organization. And the first time I ran, I ran against a boy and he got elected. And I came home and complained that it wasn't fair. The boys all voted for the boy and some of the girls did too. And all my father told me was, "You've learned an early lesson in life, but if you really want something, you have to work hard and you may have to work twice as hard and be twice as good but you can do it."

Prof. Emanuel: And what grade were you?

Judge Kravitch: In the sixth grade.

Prof. Emanuel: In the sixth grade. Was it customary for girls to either run or be elected?

Judge Kravitch: No. Then the next year I went to junior high and I was elected editor-in-chief of
the school newspaper. And I might have been the first woman, the first girl, to be elected because it was in the newspaper and my father was so proud of me that he went down the street from his office to a typewriter store and bought the most expensive portable typewriter that they had. The salesman convinced him to buy it in silvery gray instead of black because it was more feminine. I still have the typewriter. Went all through law school with it.

Prof. Emanuel: And then high school. Did you go to a separate school for high school?
Judge Kravitch: I went to Savannah High School.

Prof. Emanuel: So when you were in school, there was a grade school and a junior high.
Judge Kravitch: Grade school went through the sixth grade, and junior high was the seventh, eighth, and ninth. And high school then was the top three grades.

Prof. Emanuel: Did you continue journalism in high school?
Judge Kravitch: Oh yes, I was editor of the yearbook.

Prof. Emanuel: And then you were going off to college.
Judge Kravitch: I was sixteen.

Prof. Emanuel: Did you start school early to graduate at sixteen?
Judge Kravitch: I started school early because I was very close to my older sister, who was two years older. And when she started school, I went with her. My mother took us to register the first day and I wanted to stay in school with her. And the teacher, who knew my parents, just said, "Oh let her stay." So I stayed and went to school every day with my older sister and then the next year, the second grade teacher was having no part of it. So I had to go to kindergarten, which I hated.
And then when I started in the first grade, the teacher took me to principal’s office and said “This little girl is doing third grade work, I can’t keep her in the first grade,” so they compromised and put me in the second grade. So I was always a year or two ahead of myself.

Prof. Emanuel: And you actually finished high school at 16.

Judge Kravitch: Yes. I went to junior college in Savannah for a year and then I transferred and went to Goucher, which was in Baltimore.

Prof. Emanuel: And how did you select Goucher?

Judge Kravitch: My mother had had a cousin who had gone there. And it wasn’t as far. I wanted to go to New England. And no way were they going to send me that far away. So Goucher was more or less a compromise. It was in Baltimore.

Prof. Emanuel: And why would you want to go to New England?

Judge Kravitch: I had read about it and thought it would be nice to go.

Prof. Emanuel: And your mother was from New England wasn’t she?

Judge Kravitch: No. She was from Philadelphia.

Prof. Emanuel: Oh. So you wanted to go farther north than Pennsylvania?

Judge Kravitch: Like Boston or something. There were no planes then, even to go to Baltimore was an overnight trip on the train.

Prof. Emanuel: Then you went from Goucher to law school?

Judge Kravitch: Yes.

Prof. Emanuel: Did many of the other young women graduating from Goucher consider law school?
Judge Kravitch: I don’t think anybody did. Most of them were already getting engaged to be married by the time they graduated college. And if they thought of any other kind of career, it was probably to teach.

Prof. Emanuel: But very few, if any, thought of law school or any of the professions.

Judge Kravitch: No.

Prof. Emanuel: You graduated from college in 1941.

Judge Kravitch: Yes. So my first day in law school, I’ll never forget it because I walked into the great big assembly hall in the law school building and it was just filled with young men.

Prof. Emanuel: How large was your class.

Judge Kravitch: I think there were about 160, and there was one other woman.

Prof. Emanuel: It would seem that would be a little bit daunting to be one of only two women in the class.

Judge Kravitch: I think there were two or three more who started and dropped out by the first or second week. But then there was one other woman who graduated with me.

Prof. Emanuel: Did she graduate with you or did she do the normal course and graduate a year later?

Judge Kravitch: No, she graduated the same time I did.

Prof. Emanuel: Did you keep up with her?

Judge Kravitch: For a while.

Prof. Emanuel: Do you remember who it was?

Judge Kravitch: Mary McDowell. I think she went in the Navy when we graduated and then
practiced in a small town in Pennsylvania in her brother’s firm.

Prof. Emanuel: Did the women in the class receive many, if any, job offers?

Judge Kravitch: No.

Prof. Emanuel: And what about the men in the graduating class of the University of Pennsylvania law school in that era. What were their job prospects?

Judge Kravitch: It was the war years. So by the time we graduated, half of them already left to go into the service and came back and got their degrees later. So it was not typical.

Prof. Emanuel: Not a typical class.

Judge Kravitch: No.

Prof. Emanuel: If they did earn their JD and wanted to enter the job market?

Judge Kravitch: They had no problem.

Prof. Emanuel: And they were sought after I assume.

Judge Kravitch: Especially by large firms, especially if they had top grades.

Prof. Emanuel: And you were in that group because you were a member of the Law Review board of editors.

Judge Kravitch: Yes.

Prof. Emanuel: You and your one female colleague in law school were both passed over by the job market.

Judge Kravitch: Was that a question?

Prof. Emanuel: And that brought you back to Savannah to practice with your father.

Judge Kravitch: I interviewed for clerkships. I was very fortunate to get an interview with a
Supreme Court Justice who told me quite frankly that the Court had never had a female law clerk. Justices in those days only had one clerk. And that he did not want to be the one to break precedent, but it was his birthday and his secretary had brought him a cake and would I do him the honor of staying and slicing the cake. And with mixed emotions I did, and it was exciting to me to hold court.

Prof. Emanuel: And that was Justice ?

Judge Kravitch: Justice Murphy.

Prof. Emanuel: How did you get the interview with him?

Judge Kravitch: Justice Roberts had taught at the University of Pennsylvania and was still friendly with the Dean. And I think the Dean wrote to him about me and Roberts had a permanent law clerk but he said he would ask around and see if any of the other justices would interview me.

Prof. Emanuel: And who was the Dean at the University of Pennsylvania at that time.

Judge Kravitch: Keedy.

Prof. Emanuel: He took your situation quite seriously I take it.

Judge Kravitch: Yes. Because he knew that I didn’t get any job offers from firms. And in fact he sent for me and said he had suggested my name to a friend of his who was head of a large firm and they said they’d never had a woman but they would be willing to interview me. To have the young lady send her resume. Which I did. And the next day, the firm called the Dean and said, “She has an unusual name, is she Jewish? We don’t accept Jews in the law firm.” So that ended that one opportunity.
And that was, of course, not the first time that you had faced being female and then being Jewish as barriers to moving forward. So at that point, you came back and sat for the Bar in Georgia.

Were there any other women involved in that process?

I don’t remember any.

Do you remember about how many people sat for the Bar when you did?

Probably a dozen.

Was that because of the war years?

I think so. Because I took the Bar, I think it was in November, and the war had started the year before.

Did you have any concern at that time that your application might not be treated equally because you were a woman?

If I remember correctly, I think you were given a number. I think it was blind, I don’t think my name was on the application.

So you passed the Bar and came back to Savannah.

There was a news article in the newspaper when I passed the Bar. “Miss Kravitch admitted to practice,” and then the little sub-headline was, “She will make an attractive addition to the Savannah Bar.”

This was in the local Savannah newspaper?

Yes.

That’s interesting. They didn’t expect to see that much of you in court I take it.
They did describe in the article what I was wearing.

When you were sworn in?

Yes. But that didn't change too much over the years because I remember, years later, when I was appointed to the 5th Circuit Court of Appeals, a writer from the Atlanta newspaper called me to get some information to write a story because I was female, and she wanted to what I was wearing to be sworn in. And I said a suit, and she said, "Whose is it?" I said, "It's mine."

I take it she meant designer label.

Oh, of course, and I thought times really haven't changed.

And that was in the late 70s?

Yes.

So when you were sworn into the Savannah Bar were there a group of people sworn in with you?

No I was sworn in that day by myself.

I assume you knew the Superior Court judge.

Yes.

So he was welcoming to you?

Oh yes. Very nice. I knew everybody in the courthouse.

Because you had gone back and forth with your father so often?

I had gone to court quite often even when I was in high school, sometimes if there was an interesting case. And I remember once going to hear a case my father was trying, and two of my friends, both young men, were with me, and
then by the time court was ready to start, my father came back, called me out into the hall, and said, "The judge wants you to leave. He doesn’t think this is any place for a young woman." I said, "Well I’ll go tell Paul, and he’s going to be disappointed we have to leave." Daddy said, "He doesn’t have to leave, he just said you."

Prof. Emanuel: And you were sitting in the audience in the courtroom?

Judge Kravitch: Yes.

Prof. Emanuel: So did you leave?

Judge Kravitch: No. I went out in the hall complaining about how it wasn’t fair. And most law firms back then would have a porter who would bring books back and forth and Daddy, my father had a Black porter and I started complaining to him that I had to leave, the judge wouldn’t let me stay in the courtroom and Billy and Paul were going to stay and I didn’t think that was fair. So he said, "Well, follow me." Black people had to sit in the balcony then. So he took me up the steps and said to some of the spectators, "Move over this is Mr. Aaron’s little girl and she wants to sit up here." So from then on I would sit in the balcony.

Prof. Emanuel: My goodness, how old were you then.

Judge Kravitch: Probably about 15, 14 or 15.

Prof. Emanuel: And was it unconventional for women to be in the courtroom, or was it that you were young, or both?

Judge Kravitch: Both.

Prof. Emanuel: And did the judge realize you were in the balcony?
Judge Kravitch: Oh no, he wouldn't have allowed it.

Prof. Emanuel: Because it was a segregated balcony?

Judge Kravitch: Yes. So from then on if I wanted to watch the case, I would automatically go sit up in the balcony.

Prof. Emanuel: So you viewed a fair amount of litigation that way.

Judge Kravitch: Oh yes. When I saw the movie, To Kill A Mockingbird, remember the children going up to the balcony?

Prof. Emanuel: Yes. It's very resonant of that scene. Did you work in your father's office at all in your high school years and when you were at Armstrong State in Savannah?

Judge Kravitch: In the summertime.

But then once I went to law school, we didn't have summer vacations anymore.

Prof. Emanuel: That was because of the war years. You took an accelerated course. We talked about that yesterday a little bit. Did the other woman in the class choose the accelerated course too?

Judge Kravitch: Yes. We both did.

Prof. Emanuel: So you went through on the same schedule. And you came back. When you were at Armstrong State and you worked in your father's office, could you go to the courtroom then?

Judge Kravitch: I didn't usually, although if it was civil case, probably.

Prof. Emanuel: And the case the judge asked you to leave, was that civil or criminal?

Judge Kravitch: That was probably a criminal case.

Prof. Emanuel: And that would have been part of the reason he didn't want you in the courtroom?
Judge Kravitch: Yes.

Prof. Emanuel: So did you go back and sit in the courtroom for civil cases?

Judge Kravitch: I don’t remember. I must have, because I would sit and watch the cases quite often.

Prof. Emanuel: Did many other young people in the community go to the courtroom?

Judge Kravitch: Some young men that were going to go to law school.

Prof. Emanuel: At about what age?

Judge Kravitch: Teenagers.

Prof. Emanuel: Not college men, or both?

Judge Kravitch: There probably were a few, but by that time the war had started and they wouldn’t have been college students, they would have all been getting ready to go in the service.

Prof. Emanuel: That’s right. Those are the critical years.

Judge Kravitch: World War II was everybody’s war. It was not like the war today. Because even people where there were no men in the family or no boys to go felt that it was their war. And everybody was trying to do their part.

Prof. Emanuel: And so many young men went off, did that make your reception in court any easier because the young men were all off at war when you went to the courthouse?

Judge Kravitch: Probably to a certain extent. There were no women on juries, and usually I was the only woman in the courtroom.

Prof. Emanuel: And of course you couldn’t sit at counsel table with your father until later.
Judge Kravitch: Till after I passed the Bar and was admitted.

Prof. Emanuel: Did the female relatives of the people involved in the litigation go to the courtroom?

Judge Kravitch: Generally speaking even women whose relatives were involved didn’t come to court.

Prof. Emanuel: In both civil and criminal litigation.

Judge Kravitch: Yes.

Prof. Emanuel: And you did attend both civil and criminal trials. And later you handled a great deal of both civil and criminal litigation.

Judge Kravitch: Criminal cases if we were appointed. Many lawyers would not handle a criminal case, and if the judge wanted to appoint them would find an excuse that there was a conflict or they were going to be out of town. And most of your prominent White lawyers would not represent a Black person.

Prof. Emanuel: And they were able to avoid it?

Judge Kravitch: Yes. And my father felt equality under the law meant there were no color lines. He had one waiting room in his office and it was integrated. And I can remember from time to time somebody who would have made an appointment coming to the office and looking around and seeing a Black person sitting there waiting just walk over the receptionist and say cancel my appointment.

Prof. Emanuel: This would be in the 1950s?

Judge Kravitch: Yes. And my father felt that as a member of the Bar if the court wanted to appoint you to take a case, it was your duty to accept the appointment. So as a result, quite often, if it was a highly-publicized case, judges from other counties
adjoining Chatham would ask my father to represent somebody in a case because no local lawyer would accept appointment.

Prof. Emanuel: And how did the compensation in those cases work?

Judge Kravitch: There was no compensation. You didn’t even get your out-of-pocket expenses. If, when the case was over, you filed an appeal to the Georgia Supreme Court and had to come to Atlanta, it was out of your own pocket.

Prof. Emanuel: So that presented an economic hurdle, I would think, to your father spending so much of his time on uncompensated cases.

Judge Kravitch: He felt it was your duty.

Prof. Emanuel: Was he a sole practitioner in those years or did he have a partner?

Judge Kravitch: He usually had two or three younger lawyers in the office.

Prof. Emanuel: Did they handle cases like that as well.

Judge Kravitch: They would assist him sometimes.

Judge Kravitch: Most of the time, I was the only one in the office.

Prof. Emanuel: Most of the time it was you and your father practicing?

Judge Kravitch: Yes.

Prof. Emanuel: When he did have younger lawyers, were they Jewish lawyers, or were they both Jewish and Gentile.

Judge Kravitch: Both.

Prof. Emanuel: So there wasn’t a complete bar to it.

Judge Kravitch: No.

Prof. Emanuel: And did the other young male lawyers in the practice take up the criminal
Judge Kravitch: They did, just to a limited extent.

Prof. Emanuel: It's interesting that in that era lawyers could, in fact, refuse the appointment continually, never accept an appointment.

Judge Kravitch: Today they couldn't. But back then, the judge seemed to understand that lawyers didn't have to accept appointments. So the result was, in an unpopular highly publicized case, it was usually my father who would be appointed.

Prof. Emanuel: And many of those cases would involve Black defendants.

Judge Kravitch: Most of them.

Judge Kravitch: In some of those cases, they were asking the death penalty.

Prof. Emanuel: Handling a death penalty case is quite a commitment.

Judge Kravitch: I think I may have told you yesterday that I remembered once when I was about 12, my father had been appointed to represent a Black man in a highly-publicized unpopular case, and as a result, I was the only little girl in my scout troop that was not invited to a child's birthday party.

Prof. Emanuel: And how old were then, Judge?

Judge Kravitch: About 12. And my father's way of consoling me, because I was quite upset about it, was to explain the Constitution and the Sixth Amendment, and finally realizing it wasn't getting through to me, he said, "When you're a little older, you'll understand that there are more important things in life than birthday parties." I didn't understand it at the time, but as time went on by, I knew exactly what he meant.
That lesson took well. Now Judge in addition to representing so many Black defendants in criminal cases, you and your father also handled representation of the Black and working-class in Savannah.

And also the Legal Aid organization was voluntary. It was not compensated by the government the way it is today. And only a certain percentage of lawyers volunteered to work with legal aid, usually on civil cases. So as a result, I got quite a few appointment requests from Legal Aid. I had to handle some of them.

Again the balance must have been a little bit economically difficult.

It was, but you just assumed that was part of the price you paid for practicing.

And handled the cases.

And it served me well. Although growing up, our family was not wealthy, it was during the Depression and I was more fortunate than some of my classmates in school. But for the first time when I started practicing, I came face-to-face with people who had nothing. I remember being appointed to represent a young woman whose husband had thrown her out of the house, she had just had a baby, and a neighbor took her in and took her to the Legal Aid office, and they called and asked me to represent her. And I did, and the Judge put it down for a hearing because she was staying with a neighbor, the husband still had the apartment. And I called her and told her to meet me in the courthouse the next day. And it was in the winter time and it was freezing, and walking to court, I saw her coming across from the courthouse and she had on a little thin sweater, she wasn't wearing a coat and it must have been about 30
degrees and when I caught up with her, I said, “Oh Mrs. So and So, you should have worn a coat, you just had a baby and it’s freezing out.” She said, “Miss Kravitch, I don’t have a coat.” And I could have bitten my tongue off. I called a friend who was about her size and relayed the story to her, and when I came home from the office, my maid said, “Miss So and So came by with a couple of coats, they’re up in your room. She said you’d understand what they were about.” So I delivered the coats to the client that night. But it helped me with representing other people and since I’ve been on the bench.

Prof. Emanuel: It helped you as a judge you think as well?

Judge Kravitch: To understand that everybody is not in the same situation.

Prof. Emanuel: Was it divorce?

Judge Kravitch: I don’t know that they got a divorce, but he was ordered to support her and to give her the apartment to live in.

Prof. Emanuel: So that was a victory.

Prof. Emanuel: So you and your father handled a higher volume of indigent criminal defense cases and also civil legal aid cases than many lawyers.

Judge Kravitch: The majority of the clients paid their bills; we represented a lot of wealthy people and middle-class people. In fact in the beginning, when I first passed the Bar and started to practice, at least once a week, two or three times a week, there’d be a knock on my door and my father would usher in a person or a couple and explain that this is my daughter and she graduated University of Pennsylvania and she was on Law Review and I’m going to have her work on your case. And then, invariably, they would say, “Mr. Kravitch, I’m sure your
daughter is a very smart young lady, but we need a real lawyer.” And I finally said if he did that one more time, I’m walking out. And two or three days later he did the same thing. He ushered in a young Black woman who was about my age and gave the same spiel that I was going to handle her matter, and she smiled and said that will be just fine. And that was my first client.

Prof. Emanuel: My goodness, so the other ones didn’t want you to work on their cases.

Judge Kravitch: No. “We want a real lawyer.”

Prof. Emanuel: Were there other men in the firm then or was it just your father?

Judge Kravitch: Mainly, just my father.

Prof. Emanuel: And do you remember your first client?

Judge Kravitch: Oh yes. Her sister and brother-in-law had been killed in an automobile accident a couple of years earlier leaving a small child who was just about two years old, and she and her husband took the child. And now the child was getting ready to start school, and she thought she ought to legally adopt her and they wanted to see about legally adopting her. I had never handled an adoption, but I thought it’s going to be handled right because she was such a lovely person. And a few years later, she came up again. Her husband had died and she wanted me to handle the will and transfer the property, etc. And we got to be good friends.

Prof. Emanuel: Your father, you and your father’s practice built up quite a network of support in Savannah I take it.

Judge Kravitch: Yes.

Judge Kravitch: And then gradually I started going into court to try the cases.

Judge Kravitch: And when they first started having women on juries, if I had a case, the other
side would strike every woman juror.

Prof. Emanuel: When was that when women were first on juries?

Judge Kravitch: I'm not sure, it was at least ten years after I started practicing.

Prof. Emanuel: So sometime in the 50s. Could they manage to strike all the women?

Judge Kravitch: In the beginning there weren't that many women.

Prof. Emanuel: In the beginning, I know the judges themselves were not happy to see you come into the court and handle criminal matters as an attorney.

Judge Kravitch: Some of the judges.

Prof. Emanuel: There were three Superior Court judges, and some were more receptive than others.

Judge Kravitch: Yes.

Prof. Emanuel: Of course, you knew them all personally.

Judge Kravitch: That's right.

Prof. Emanuel: Which would have made it delicate. How long did it take for the judges as a general matter to come around to accepting a woman litigator?

Judge Kravitch: Probably just a couple of years.

Prof. Emanuel: And the other members of the Bar?

Judge Kravitch: Some yes, and some no.

Prof. Emanuel: In fact, you were one of the very few women in the practice of law in Savannah in those years.

Judge Kravitch: One of the very few who went to court.

Prof. Emanuel: Now I know there were others but how many women were there overall do you
think?

Judge Kravitch: Maybe four or five.

Prof. Emanuel: That's a small number. And of the four or five, was there anyone else that went to court?

Judge Kravitch: Not in the very beginning, but then later some of them got admitted to practice. In fact the woman that's the head of Georgia Legal Services now, Phyllis Holman, started practicing in Savannah.

Prof. Emanuel: I didn't realize that. But Phyllis is considerably younger. That would have been in the 70s.

Judge Kravitch: Probably.

Prof. Emanuel: And you started practicing in the 40s.

Judge Kravitch: Yes. Early on there were no other women. Except maybe handling real estate matters and uncontested matters.

Prof. Emanuel: But not in a trial practice.

Prof. Emanuel: And in those early years, did you handle jury trials with all male juries?

Judge Kravitch: Those were the only juries you had.

Judge Kravitch: When they were making such a big deal the other day in the Zimmerman case about the fact that all of the jurors were all of one gender, and they kept asking different people, “Have you ever seen a jury like that,” and I felt like saying when I started practicing, it was always one gender.

Prof. Emanuel: What did you sense the male jurors’ reaction was? How were you received in the courtroom by the jurors?

Judge Kravitch: Very protective. And that’s what the lawyers objected to. They said they had to
be so careful not to even raise their voice.

Prof. Emanuel: So you turned a liability into an asset.

Judge Kravitch: In effect, yes.

Prof. Emanuel: And did you handle both civil and criminal cases with all male juries.

Judge Kravitch: Both.

Prof. Emanuel: Because you were doing a lot of both at the time.

Judge Kravitch: Yes.

Prof. Emanuel: And so you started practicing in Savannah I believe in 1944.

Judge Kravitch: Yes.

Prof. Emanuel: And practiced with your father until he died in . . .

Judge Kravitch: In 1971.

Prof. Emanuel: 1971. And at that point it was still a small firm. 

Judge Kravitch: There were three other lawyers in the firm. But he had had a bad heart attack several months before he died. And after that there were three other lawyers in the office and they decided to start their own firm.

Prof. Emanuel: And they were all men. Did they invite you to join them?

Judge Kravitch: Oh no, that’s one of the reasons they decided to start their own firm because, being a woman, I wouldn’t be able to continue his practice.

Prof. Emanuel: So they left and you did continue to practice.

Judge Kravitch: Yes.

Prof. Emanuel: Did the clients by and large stay with you?

Judge Kravitch: Some did and some didn’t.
But enough stayed.

The week after he died, I probably had a half-dozen clients who had lawyers call and say they wanted their files, or the client would call and say they’d like to take their files and go to another lawyer to finish the case. I said come right up. Some did and some didn’t.

I wanted to talk about some of the other cases you and your father handled before his death. One thing notable we were talking about is the Legal Aid representation and indigent and criminal defense representation, but you also were called in by the man who was known at that time as the richest man in Georgia, which does suggest a very high reputation.

We also had had a highly-publicized case that went to the Supreme Court and involved the State of South Carolina taxing Georgia shrimpers at a much higher rate than fishermen from South Carolina, and we went into federal court and that case went to the United States Supreme Court and we won it.

And Judge that case I believe is *Toomer v. Witisell*. It was decided by the United States Supreme Court in 1948.

I had only been practicing a short while when we had that case.

And you handled most of the research.

Yes.

And briefing.

Yes.

And who were you clients? How did those clients come to the firm?
Judge Kravitch: They were Georgia shrimpers.

Prof. Emanuel: And they came as a group?

Judge Kravitch: Toomer had a small shrimping company and then some of the others joined.

Prof. Emanuel: And that was a commercially-significant case for the State of Georgia and the State of South Carolina.

Judge Kravitch: It was very significant. And interestingly enough, once we filed it and certiorari was granted and it assigned for oral argument, a case was brought in California for people in the fishing industry up and down the cost of California by one of the biggest firms in Washington.

Prof. Emanuel: First there was a trial in federal district court in Savannah.

Judge Kravitch: No. In South Carolina.

Judge Kravitch: And the judge ruled against us because the law then permitted it. And he said we would have to take up to a higher court.

Judge Waring was the judge in South Carolina who handled the case.

Prof. Emanuel: Now did you go to that trial with your father?

Judge Kravitch: Yes. And then we asked for cert to the Supreme Court.

Prof. Emanuel: Directly from District Court?

Judge Kravitch: No, we had to take it to the Circuit Court, which automatically affirmed the District Court because that law had been on the books for a long time.

Prof. Emanuel: Was there oral argument in that case?

Judge Kravitch: There was in District Court.

Prof. Emanuel: But not in the Court of Appeals?
No. And *cert* was granted by the Supreme Court and then it was assigned for oral argument. And then we got a letter from a lawyer, a nationally-known lawyer who was in one of the large firms in Washington, to the effect that he represented a group of fishermen from California, a large contingent, and they had a similar case, and he noticed that *cert* had already been granted in our case and it had been assigned to oral argument, which meant that whatever happened in our case would affect his, although he didn’t say that in the letter that he wrote. But he offered to take over our case and represent our clients, submitting additional briefs if necessary, and to make the oral argument at no cost to our clients. And I remember I read the letter and I said to my father, that’s the most insulting letter and that I’d write and say no thank you. And he said, “It’s not your case Phyllis, it’s the clients’ case. And we’ll let the clients decide.” So he sent for the clients and he explained that this was a very powerful law firm, very well known, and it would not cost them any additional fee and he would not be offended if they decided they wanted to turn the case over to those lawyers. And he said, “You don’t have to make up your mind right now, you can go home and think about it, and let me know tomorrow.” And they left. Two minutes later they came back and they said, “Mr. Kravitch, we don’t know those lawyers, we know you and Miss Phyllis and we’d just appreciate it if you would just tell them, thank you, no thank you.” So we went to Washington and my father argued the case, and I was admitted to the Supreme Court right before the oral argument.

Were any other lawyers admitted to practice with you that day?
Judge Kravitch: No.

Prof. Emanuel: And I would think not many women had been admitted to practice before the United States Supreme Court at the time.

Judge Kravitch: I was more concerned about what to wear, looking back.

Prof. Emanuel: But you came up with something.

Judge Kravitch: The most expensive suit I've ever had in my life.

Prof. Emanuel: That was an occasion for one. Was any comment made by the Justices about your being a woman?

Judge Kravitch: No.

Prof. Emanuel: And then you were able to sit at counsel table while your father argued the case.

Judge Kravitch: Yes.

Prof. Emanuel: And what was the resolution of the case?

Judge Kravitch: We won it, unanimously.

Prof. Emanuel: And I think that case is still leading precedent.

Judge Kravitch: It is and it's studied in most law schools.

Prof. Emanuel: That's a landmark decision. Now you had another large commercial case back in those days that involved the Central Georgia Railway Company.

Judge Kravitch: Yes.

Prof. Emanuel: And you worked with your father on that. How did that case come to you?

Judge Kravitch: We represented some of the stockholders.

Prof. Emanuel: You represented Sol Solomon and Edward Quirk.

Judge Kravitch: They owned a lot of stock.
And were they residents of Savannah.

Part time.

And they brought this major corporate litigation to Kravitch and Kravitch.

They'd moved to Savannah and were living there.

And you were involved in that with your father as well.

To a certain extent, not as much as with the shrimp case.

And then later in the late 1950s I assume, you handled a case for Mr. Reynolds who at that time, I think, was reputed to be the richest man in Georgia.

Yes, and because of Sapelo Island and his reputation as being one of the wealthiest men in the state, it was front page news in the Atlanta newspaper every day.

Oh because he was so wealthy.

Yes.

And his connection with Sapelo Island?

He owned most of the island.

And in fact the Reynolds plantation is still on Sapelo Island.

The mansion is still on Sapelo Island.

And it was a front page story because of his importance and

And the money involved.

It was a divorce action?

It was a divorce action.

And you represented Mr. Reynolds, I believe.
Judge Kravitch: He had started the case with a lawyer from Brunswick or Darien I think. And then when his wife was served with the papers, she went to the Gambrell firm in Atlanta. And that’s when Mr. Reynolds apparently called his New York lawyers and one of them flew down and decided he needed local counsel. And he hired my father.

Judge Kravitch: And Jim Hill was in the Gambrell firm at the time.

Prof. Emanuel: Jim Hill, who later became your colleague on the Fifth Circuit and then the Eleventh Circuit, right?

Judge Kravitch: And Harold Hill, who became Chief Justice of the Georgia Supreme Court.

Prof. Emanuel: And Robert Richardson, who was a very notable practitioner in one of Atlanta’s most successful larger firms.

Judge Kravitch: Yep.

Prof. Emanuel: They were all opposing counsel in that case, not to mention Mr. Gambrell himself for whom the Emory Law School is named.

Judge Kravitch: That’s right.

Prof. Emanuel: So that was the roster of opposing counsel, and you and your father represented Mr. Reynolds, was it Richard Reynolds?

Judge Kravitch: Yes.

Prof. Emanuel: Now in that case were you and your father both litigating it?

Judge Kravitch: He mostly litigated, but I handled some other things for Mr. Reynolds, including incorporating an airline.

Prof. Emanuel: And what was the name of the airline?

Judge Kravitch: Golden Isle Airlines.
And you handled the incorporation of it?

He was one of the largest stockholders in Delta. And he had the bright idea, and quite frankly it was a good idea, to start a small airline that would meet the Delta planes in Savannah and then go to some of these smaller places like Brunswick and Statesboro, and he wanted it incorporated.

And you handled the incorporation.

I told him he ought to get a lawyer that had handled these sort of these things before. I had never incorporated a major airline, and he said he already knew that. And he was friendly with the Board of Delta and one of them, the head lawyer for Delta would confer, I could confer with him if I wanted to.

So he had you handle that.

To incorporate it.

That is back in 1960, so all of this litigation, to go back to our discussion yesterday, comes before your presidency of the Savannah Bar Association.

So Judge, in the 1960s, you and your father were handling a number of major cases that were both economically and socially important, including *Georgia v. Manor*, a companion case to *Furman*. We were just talking about two of them.

Of course, there were cases in the civil rights area.

I had brought one for Blacks to be allowed to vote in the Democratic primary because at that time they could vote in the General Election, but usually someone ran unopposed in the General Election.

Is that the *Jamerson* case, Judge?
Judge Kravitch: That was *Jamerson v. Cabel*. Mr. Cabel was the registrar.

Prof. Emanuel: And you were attempting to get what, to win an equal protection argument?

Judge Kravitch: To be allowed to vote in the primary, which was the Democratic party primary.

Prof. Emanuel: And as a result you handled the trial in Federal District Court.

Judge Kravitch: Before Judge Scarlett

Prof. Emanuel: Judge Frank Scarlett, he was one of judges in the Southern District or was he the only judge in the Southern District then?

Judge Kravitch: He was the only judge in the Southern District at that time, I believe.

Prof. Emanuel: So the case came before him and I believe there was an incident associated with that case.

Judge Kravitch: He called the office, his secretary did, and said he wanted to have a pretrial conference in his chambers the next day at 3:00 between the lawyers and their clients. And I called my two clients and told them to meet me in the courthouse the next afternoon at 3:00. And when I got there, the judge’s secretary said, Mr. Cabel and Mr. Bouhan, Mr. Bouhan was the country attorney representing Mr. Cabel who was the registrar were already in the judge’s office and she would tell him I was there. And she picked up the phone and said I’d had just arrived and then she repeated that the others were already in the judge’s chambers, which I thought was unusual and for me to go on in. And I motioned for my clients to follow me in. And when Judge Scarlett saw us coming in, he grabbed onto his chair and stood up and screamed at me, “What are you doing, are you crazy, get those N-word out of here, I don’t let them in my chambers.”

Prof. Emanuel: Because your clients were two Black men.
Yes. And I thought, equality under the law, things haven’t changed much since I start practicing.

Did you win that litigation by the way?

A companion case from another District had already gone to the Fifth Circuit, and they had come down our way, and Mr. Cabel or Mr. Bouhan announced the Black citizens could register right away.

And I didn’t want the case dismissed because I said it could happen again. And Judge Scarlett said he wouldn’t dismiss it for a couple of days, and the next day there were hundreds of Blacks standing in line around the courthouse waiting to register to vote.

And were they allowed to register?

Yes.

So you won that one without an opinion being issued by Judge Scarlett.

Exactly.

And in that case, Mr. Jamerson, I believe, was related to Drew Days. [Drew Days was the Assistant Attorney General for Civil Rights under President Carter and Solicitor General under President Clinton.]

Drew Days, who I met later, said he used to visit Savannah when he was growing up. I think his father was in the service or something. And he said, “My mother was from Savannah.” And I said, “What was your mother’s maiden name?” thinking there’s no prominent Black family in Savannah named Days. And he said, “Jamerson.” I said, “Oh, are you related to Dr. Jamerson who’s a dentist?” He said, “Yes, that’s my uncle, my mother’s brother.” I said,
“Many years ago,” and this conversation with Drew Days took place after I came on this Court and met him, “I represented him in a matter many years ago.” And he said, “Yes, I know.”

Prof. Emanuel: I imagine he did know Judge. So you had handled a great deal of significant litigation. And you were known well enough that you were asked to do a TV appearance to comment on the ERA.

Judge Kravitch: Yes. Because I was a female lawyer, and the television station wanted somebody to explain it, and I had appeared before the State Judiciary Committee. Georgia did not adopt it, but the chair of the judiciary committee called me afterwards because I had said there were so many laws that were discriminatory. There was even one law, I remember, that if someone died and did not leave a will, only a male heir could be appointed executor of the estate, not a female. There were hundreds of statutes like that. The chair of the committee said if I would just send them which laws needed changing, they weren’t going to adopt the ERA, but they would see some of these laws got changed. I said there were too many, I wouldn’t have time to research them all. He said maybe you could meet with us from time to time and go over some of them, which we did. When I was elected to the superior court, I said I wouldn’t have time to do it often. And then a year or two later, when my name came up for the Federal court, he wrote one of the nicest letters. I had been told when I first went to Atlanta to talk about ERA that this man who was chair of the Committee was very anti-female and it would be an uphill battle. But he wrote one of the strongest letters of support for me to be appointed to this Court,
a Dear Jimmy letter, apparently they were friends when Jimmy Carter was governor.

And I’ll tell you who was also in the Georgia Legislature and was very helpful, and that was Julie Carnes’ father.

I remember him because he was very supportive, which most of the people were not. His daughter was in law school. [Julie Carnes now sits on the United States Court of Appeals for the Eleventh Circuit.]

Prof. Emanuel: And at that time were there any women in the legislature?

Judge Kravitch: I don’t remember, but there weren’t on the Committee.

Prof. Emanuel: But Judge Carnes was a supporter. Then you came back to Savannah and were asked to go further with the TV appearances?

Judge Kravitch: The television station wanted to hire me. They were going to pay me a fee to have a program where I would appear about once a month or twice a month and explain different laws. I could pick them out and talk about aspects of the legal profession, etc. because they said they’d gotten such favorable feedback from the one program. And I said I thought it would be construed as advertising. But I did think it was a good idea for people to have a program, and said I would talk to the President of the Bar and see if the Bar Association was willing to do it as one of their projects, and use different lawyers every month. And the President of the Savannah Bar thought it was a great idea if I’d be Chairman.

And it was after we got an award for having such a good program that he said he was going to nominate me as secretary.

Prof. Emanuel: And at that point he was going to nominate you as secretary. Now this is after
you handled the sort of litigation we’ve been talking about?

Judge Kravitch: That’s right.

Prof. Emanuel: And been the spokesperson at the General Assembly on ERA and he was suggesting a nomination as Secretary of the Savannah Bar Association. And what was your reaction?

Judge Kravitch: I said, “I won’t accept it because traditionally secretary is always someone right out of law school, and if you make me secretary, it would be equating a woman practicing over 20 years with a young man right out of law school.” And he said, “You know they won’t make you President.” But I said several young women have just been admitted to practice so make one of them secretary. And a couple of days later, he called me and said “I told the nominating committee what you said, and they want to make you President.”

Prof. Emanuel: And you were nominated for President of the Savannah Bar.

Judge Kravitch: Yes.

Prof. Emanuel: And did you have to run, were you opposed?

Judge Kravitch: No. They asked for nominations. Nobody ever opposed from the floor and there were no nominations from the floor.

Prof. Emanuel: So you served as President of the Savannah Bar Association and you were the first woman in that position.

Judge Kravitch: And I decided it was going to be probably the most outstanding year they’d ever had. We used to have a luncheon meeting once a month which was sparsely attended, usually maybe half the members of the Bar would come, but I thought I’m going to have top programs and we’re really going to have a banner year.
So the first thing I did was to call, I told you this the other day, Chesterfield Smith who had just been elected President of the American Bar Association to invite him to come to our opening luncheon.

Prof. Emanuel: Did you know him at all Judge?

Judge Kravitch: I didn’t know him at all. And I didn’t realize that the President of the ABA tries to go to a different state every week, and his schedule is probably made out probably a whole year ahead of time. His or her schedule, but I didn’t realize that when I called to see if he could come to our opening meeting. And his secretary came back to the phone and said, his schedule was already made out and that he had to be out of the city on that particular day or something, but he appreciated the invitation. And then he came to the phone and he said, “Let me explain, I want to thank, please tell your incoming president I appreciate his invitation and I wish I could do it.” And I said, “I’m the incoming president.”

He said, “Savannah, Georgia’s electing a woman. Wait a minute, what day did you want me to come, let me see what I can do”

I had him send a picture and there was a great big article in the paper announcing that the President of the ABA was coming to address the Savannah Bar.

Prof. Emanuel: You turned it into a banner year.
Today is Wednesday, August 7, I'm Anne Emanuel. I am here with Judge Phyllis Kravitch at her home recording an oral interview for the ABA Women Trailblazers project. Judge Kravitch, among other pieces of litigation you and your father handled, one we talked about was the *Jamerson* case.

Judge Kravitch: *Jamerson v. Cabel.*

Prof. Emanuel: Yes. And that was back in 1946.

Judge Kravitch: Yes. Back then African-Americans were allowed to vote in the General Election but not in the primary, in the Democratic primary. And that was tantamount to the General Election because in effect there was no Republican party except every four years when somebody was running for a national office.

Prof. Emanuel: And I believe, in fact, when Sonny Perdue was elected Governor in 2003 he was the first Republican elected Governor of Georgia since 1868.

Judge Kravitch: I think that's correct.

Prof. Emanuel: The Democratic Party had an extremely strong hold then. So that litigation was
most important, but I think it was very controversial.

Judge Kravitch: It was very unpopular because the White majority in Savannah did not want Black people to be allowed to take part in elections. It was an unpopular case to bring. We represented a group of young Black professional and businessmen and went into Federal court. There were cases like this being brought all over the South and one went to the Fifth Circuit, which ruled in our favor.

Prof. Emanuel: The court held that Black people had to be allowed to vote in the Democratic primary?

Judge Kravitch: They had to be allowed to register.

Prof. Emanuel: To register as Democrats.

Judge Kravitch: As Democrats. And then they could vote in the primary.

Prof. Emanuel: And one of your plaintiffs in that case was a local dentist.

Judge Kravitch: Named Jamerson.

Prof. Emanuel: And decades later, there's a story associated with that when you were nominated to the Fifth Circuit by President Carter, you went to Washington to meet other nominees because, as you explained on the last tape, it was after an Omnibus Bill so there were a handful of judges to meet.

Judge Kravitch: And I flew up to Washington to a reception, which the President gave at the White House.
Judge Kravitch: He'd been President for two years. And there were a handful of women in the room, maybe four or five that he had nominated for the District bench. And one of the young aides came over to me and asked if I was Judge Kravitch, and I said yes. And he said, "Well, Drew Days," who was an Assistant Attorney General, would like to meet you." And he took me over and introduced me. He said he was delighted that the President had selected me for the nomination and then he added, "My mother was from Savannah and when I was young, I used to visit Savannah in the summer to visit my grandparents." And I said, "What was your mother's maiden name?" because the name Days didn't ring a bell. And he said, "Jamerson." And I said, "Are you by any chance related to Dr. Jamerson who's a dentist? Many years ago, I represented him in a matter." And he said, "Yes, I know." Because his uncle was the client that helped bring the case of African-Americans to be allowed to vote in the primary.

Prof. Emanuel: That's an amazing circle. That litigation was in 1946 and, as you said, it was very controversial. It was very courageous for a lawyer to take on that kind of litigation. Within a year or two, you and your father took on another very controversial cause when you sued, I believe, the editor of the Farmers and Market Bulletin.

Judge Kravitch: The state of Georgia was primarily agricultural then. And the Secretary of Agriculture was a very important position, usually a steppingstone to the governorship. The state of Georgia had funded a newspaper supposedly for farm news, and the editor, the Secretary of Agriculture was a man named Tom Linder, who used the news media, the paper, as a hate sheet against Blacks, minorities,
etc. We brought an action to stop the publication of everything but farm news, and that caused quite a controversy.

That paper was called *The Georgia Farmers Market Bulletin*. And it’s still in publication, I believe, and it carries stories and advertisements from all over the state. But in 1948, after you brought that lawsuit, I have a copy of that paper with the headline, *Kravitch, Kravitch and Komissars Make War on the Georgia Farmers Market Bulletin*, and Mr. Linder wrote a front-page story about the lawsuit in which he says, referring to you and your father, “My best information is that the mother and the father of these creatures came from Russia.” Did that put you in harm’s way?

It could have. I didn’t think about it at the time. But it could have. For a long time, my father was probably one of the only lawyers in Savannah who would agree if the court wanted to appoint him to represent an indigent in a criminal case. He felt it was the duty of a lawyer if the court asked him, unless there was a conflict, to accept the appointment. So he had quite a few unpopular cases, and the telephone would ring all night, and the house was going to burn down and those kind of threats, so we were used to them.

It strikes me looking at this too that there’s a very strong anti-Semitic tone to it.

He agreed when the case came up to just print farm news and that ended his political career.

And that was a huge victory.

Also back in that era, from 1949 to 1955, you were a member of the Chatham
County Board of Education. Was it unusual for a woman to have that position?

Judge Kravitch: There had been two women before me on the Board of Education and so it was customary to have at least one female on the school board.

Prof. Emanuel: And do you know how you came to be appointed?

Judge Kravitch: I was told that two very prominent lawyers had wanted their wives to be appointed, and the County Commissioners didn’t want to offend either one of them. There was only one vacancy and I was young, I’d just finished law school a couple of years before, and single. So for the County Commissioners, this is what I was told anyway, I was a compromise. I was a lawyer, and I was young, and I had gone to public school in Savannah.

Prof. Emanuel: And the other women I imagine were probably not attorneys or probably not professional women?

Judge Kravitch: No they were not.

Prof. Emanuel: Because again we’re talking about your appointment to that in 1949. Was there any controversy associated with that?

Judge Kravitch: No. The fact that I was a lawyer helped.

Prof. Emanuel: And once you got on the Board of Education, what was the work of the Board? Were you overseeing the Chatham County Public Schools?

Judge Kravitch: And back then we didn’t have private schools. There was one very small private school and two Catholic parochial schools. But other than that everyone went to public school.

Prof. Emanuel: So this is several years before Brown v. Board of Education.

Judge Kravitch: Oh yes, they were segregated. There were White schools and Black schools.
And I assume they were not equal.

They were anything but equal. I was shocked when I got on the school board because I had not been practicing very long. So I decided I would take every Friday and visit another school. There were about 40 or 50 schools in the city.

And there was such a difference between the White schools and the Black schools that it was shocking.

And were you able to do anything to correct the imbalances back then?

I tried in a small way. I remember when we built one school and I spent a lot of time, I wrote to Washington and got brochures on how large a space you should have in schools and worked with the architect, and everyone on the Board was very pleased. And then the next year, we were going to build a school for Black children. And I said well we already spent so much time on the specifications for the White school, that we ought to use the same architect and just conform the plan to the new location, but use the same specifications for the size of the classrooms, etc. And that caused quite a furor. I remember one member of the school board went to see my father, indignant, “You sent your daughter to school up there and she’s now come back home with all these communist ideas of wanting to have tile bathrooms for a bunch of Black children.”

And in the end did they use the plans?

We used the same plans.

So that was a victory. There were salary inequities too, I think.

Oh yes. White males got the highest amount of pay even if they didn’t have a
college degree, maybe three years of college, White females got next, Black males got third, and Black females were at the bottom of the list, even if they had masters’ degrees.

Prof. Emanuel: So you had both race and gender discrimination.

Judge Kravitch: Both.

Prof. Emanuel: You were on the school board until 1955. Was that one six-year term?

Judge Kravitch: It was one six-year term.

Prof. Emanuel: And you were not reappointed.

Judge Kravitch: No, you were never reappointed.

Prof. Emanuel: I want to talk about another piece of litigation that you mentioned. In the mid-1970s, a lawyer from King & Spalding here in Atlanta contacted you for help with a relative’s divorce.

Judge Kravitch: One of his relatives was involved in a former divorce suit in which property had been conveyed, and there was a dispute over the property. And he asked me if I would represent her because her husband was the wealthiest man in the county and no one wanted to take a case against him.

Prof. Emanuel: Was that Chatham County or nearby?

Judge Kravitch: A nearby county.

Prof. Emanuel: Another south Georgia county. So you took that case.

Judge Kravitch: Because he had asked me to take it. And the litigant on the other side referred to me all morning as “the Jew woman lawyer.” Like it was all one word.

Prof. Emanuel: And this was in the formal hearing?
Judge Kravitch: Oh yes.

Prof. Emanuel: And it's also in the mid-1970s.

Judge Kravitch: The judge finally recessed court and called us into his chambers and he said, "If you refer to opposing counsel other than by her name, I'm holding you in contempt of court." So that ended that abuse.

Prof. Emanuel: You faced that double problem being an early woman in the profession and being a Jewish woman.

Judge Kravitch: That's right.

Prof. Emanuel: In the 1970s, you were working out of your office in Chatham County, and then you ran for superior court, which we talked about.

Judge Kravitch: We talked about that.

Prof. Emanuel: I don't know if we talked about after you had been elected to superior court, but before you were sworn in, there was a state-wide meeting of superior court judges.

Judge Kravitch: I flew up, it was in Atlanta, no it was in Athens.

Prof. Emanuel: So you flew to Athens for it.

Judge Kravitch: Yes because I didn't drive on the road and the other judges were going to drive, but they didn't invite me to drive with them. So I flew.

Prof. Emanuel: How many other Superior Court judges were there in Chatham County?

Judge Kravitch: There were two others. There were three of us. And I went to Athens to the meeting that started with a reception the night before and I got dressed and went to it. I was the only woman in the room. But a very nice judge from another county, from Athens, came over and said let me take you around and introduce
you to everybody.

Judge Kravitch: That was Judge Barrow.

Prof. Emanuel: You also mentioned another judge, I believe Judge Harrison.

Judge Kravitch: He was very helpful. You were asking if any of the local judges were helpful. Judge Harrison was the judge in Chatham County whom I succeeded.

Prof. Emanuel: He was helpful to you?

Judge Kravitch: He was very helpful.

Prof. Emanuel: But the other two men that were on the bench were not.

Judge Kravitch: But I had run against their buddy. I ran against a state court judge whom they were friendly with.

Prof. Emanuel: So did you think that was more about politics than it was about you being a woman or a Jewish woman?

Judge Kravitch: I think it was because they were friendly with him in the courthouse.

Prof. Emanuel: So they weren’t happy that you had taken the seat. And that left you without another judge to have lunch with most days.

Judge Kravitch: Most days I ate by myself. Occasionally, I would take my secretary to lunch and she was an African-American woman, the first Black person ever to work in the Chatham County Courthouse other than the cleaning crew, and that caused a great controversy.

Prof. Emanuel: Another thing you mentioned was that you didn’t keep a bailiff. Normally, judges had a secretary and a bailiff. And you didn’t.

Judge Kravitch: I didn’t see the need for one.
Prof. Emanuel: What did the bailiff do for the other judges?
Judge Kravitch: Carry books from the office and that sort of thing.
Prof. Emanuel: So did that create any controversy that you chose not to do that?
Judge Kravitch: No, I told the County Commissioners I would rather have them use that money toward another law clerk.
Prof. Emanuel: So you did have a law clerk?
Judge Kravitch: There had been one law clerk for all the judges, and then we had the second law clerk for all the judges.
Prof. Emanuel: Well did your colleagues appreciate that?
Judge Kravitch: Oh yes, I didn’t get to use a law clerk very often.
Prof. Emanuel: Now a few years before you went on the bench, you came to Atlanta and were meeting with Smythe Gambrell who was a distinguished Atlanta lawyer and in fact is the man for whom Emory Law School’s building is named, the Gambrell Building. Were you in litigation with him or were you visiting in Atlanta and met with him.
Judge Kravitch: No, I was in litigation with him, and we were trying to settle a case. There were several lawyers representing two or three different litigants all involved in this one case, and Mr. Gambrell had suggested that if we could agree on a day and come to Atlanta, he was sure we could finish this case rather than trying to do it piecemeal over the telephone. And I flew up and we had a meeting in his office.
Prof. Emanuel: And you were the only woman.
Judge Kravitch: Yes, I think there were two other lawyers. And when it got to be lunchtime and
we had made great progress, Mr. Gambrell said to his secretary, “We can stop
now while you get these pages typed and go to lunch, and would you please call
the club and tell them how many people there will be in my party.” And the
secretary said, “Mr. Gambrell, it’s not,” I don’t remember whether she said
Tuesday or Thursday, whatever. He said, “I’m aware of that. You don’t have to
keep reminding me, but please do as you’re told and call the club and tell them I
want a table and how many.” And she repeated her objection again and finally,
because he was getting very annoyed, she said, “Today is not Ladies Day and
Miss Kravitch can’t go.” He said, “That’s ridiculous. It’s not like she’s a woman
guest, she’s a lawyer.” The secretary said, “Mr. Gambrell, those are the rules,
you helped write them.” And I was enjoying this tremendously so I said, “Oh
well I don’t want to keep the rest of you from going to your club, I’m sure I can
find a drugstore someplace that will let me get something to eat.” And he said,
“No that’s nonsense,” and said call the hotel to the secretary. So we all went to
the hotel for lunch.

Prof. Emanuel: Do you have any idea when the Commerce Club changed its rule about women
being admitted?

Judge Kravitch: I don’t know. They had changed it by the time I moved to Atlanta. [The
Commerce Club began admitting women as members in the mid-1970s. In 1981,
there were 15 women among some 1500 members.]

Judge Kravitch: But that was not unlike most places, most clubs would not allow women
members, even professional clubs. And I can remember several times when in
private practice when I had to go out of town and stay at a hotel, I’d call the
dining room to make a reservation and when I went down, the headwaiter would suggest that I'd probably be more comfortable in the coffee shop.

Prof. Emanuel:

In a hotel. And even professional clubs didn't admit women.

Judge Kravitch: No.

Prof. Emanuel: And by professional clubs you mean associations of lawyers.

Judge Kravitch: Like the Commerce Club.

Prof. Emanuel: That was a businessman's professional club. As opposed to a country club.

Judge Kravitch: Yes. And then a companion club, also sponsored by the bank, opened in Savannah, and my father was invited to be one of the charter members. A committee came to the office and said they were going to start a companion club to the Commerce Club to be called the Chatham Club in Savannah. And since it was professional, he could take clients there and the dues would be tax deductible, and there would be one room where Mrs. Kravitch could bring her friends when she wanted to entertain them. There'd be a Ladies Room for the wives. And my dad said, "Well I never take time off for lunch, but Phyllis goes to lunch a lot. We'll join, but in her name and the office will pay for it." "Oh no, she can't join." He said, "You just finished telling me my wife could take her and entertain her friends." "It's for professional men, their wives and widows. But not professional women." So he said well he didn't want to be part of it. So that ended that. [After the club changed its rules to admit women, Judge Kravitch would not join because the club did not admit Blacks. Eventually, the club relented and admitted Eugene Gadsden, the Black lawyer who had used the library in the Kravitch law offices because the bar's law library was segregated.
In 1979, Eugene Gadsden became a Chatham County Superior Court Judge.

Prof. Emanuel:
Well Judge we’ve talked about your extensive courtroom practice in the 50s and 60s and early 70s and then your term on the Chatham County Superior Court and then in about the second year I think of the Chatham County Superior Court, you were nominated to the Fifth Circuit.

Judge Kravitch: I was still in my first term on the Chatham County Superior Court.

Prof. Emanuel: You were the first woman elected to a superior court in the state of Georgia, and you were also the first woman to serve as a superior court judge.

Judge Kravitch: That’s right. Technically, judges are elected. But in the years I had been practicing nobody had ever been elected in a contested case because generally speaking, nobody ran against a sitting judge. And if someone died mid-term the Governor would appoint a successor. And then they would run unopposed in the next election. And Judge Harrison, who was our chief judge, announced that when his term was up, he was already I think past 70, he was not going to seek re-election. But he was not to going retire ahead of time, so it meant for the first time in years there was an open election.

Prof. Emanuel: And you ran and won that seat. Judge Harrison didn’t endorse anyone did he?

Judge Kravitch: I was told that he helped me tremendously. He came from a very social background, mainly Republican, and he went to the Savannah Golf Club, and afterwards in the Club Room, somebody said to him, “Who is the best qualified candidate that’s running in this race. You’re certainly in position to know.” And Judge Harrison said, “What do you mean, the best qualified? There’s only one that is qualified and that’s Kravitch.”
Prof. Emanuel: Oh my goodness.

Judge Kravitch: So technically he didn’t endorse anybody.

Prof. Emanuel: Did he have any idea that you would run for it?

Judge Kravitch: Oh this is after I’d already announced.

He served out his term. He’d been judge for several terms, and each time he would run unopposed, and this time he announced that he was not going to run again.

Prof. Emanuel: And you won that seat and served as a superior court judge for two years before you learned that you had been nominated to the 5th Circuit.

Judge Kravitch: Generally speaking, federal judges are named by the President, but usually for district judges, the senators from that state suggested the names to the President. Circuit judges were named by the President, and then the senators from that state, if they have no objection, send up what’s known as a blue slip to the Senate Judiciary Committee, and then the full Senate has to confirm them. And President Carter, in order to keep it out of politics, announced that in every circuit he was going to appoint a commission. When there was a vacancy, the commission would meet and send him up to five names that they considered qualified, and he would only appoint to the circuit court someone whose name was on that list of five. And then I saw a notice in the paper that Judge Morgan had announced he was taking senior status, and this created a vacancy on the Fifth Circuit. And the Fifth Circuit then had six states in it and Georgia was one of six.
Prof. Emanuel: So for the first time, the President had created a judicial nominating commission as opposed to simply keeping the decision in his total control.

Judge Kravitch: Yes.

Prof. Emanuel: And you were aware of that.

Judge Kravitch: That was highly publicized, especially when Judge Morgan announced he was taking senior status. That this was creating a vacancy.

Prof. Emanuel: And the convention was that another judge from Georgia would be appointed to take that seat.

Judge Kravitch: Yes.

Prof. Emanuel: So you were aware of that.

Judge Kravitch: That’s right. I did not know President Carter. I had not known him when he was Governor because I’d never been in politics.

Prof. Emanuel: Did you have any intimation that you might be the nominee.

Judge Kravitch: No, I had no desire. I didn’t even intend to apply for it. But then I got a letter from the Commission saying my name had been suggested and I had not applied and they were sending me the questionnaire. And if I was interested in being considered, I should fill it out and send it in.

Prof. Emanuel: And you were home in Savannah when you got that.

Judge Kravitch: And my sister Sally was visiting. And I took the letter home and said, “Look what came in the mail. Isn’t this interesting.” And she looked it over and she said, “That’s wonderful. You’re going to apply aren’t you?” And I said, “No, where do I come to being a Circuit Court of Appeals Judge, Sally, that’s for

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people like Learned Hand and Elbert Tuttle.” She said, “Honey, Learned Hand is
dead and Elbert Tuttle’s already on that court.” And I said, “Well, I don’t know
our two senators, I wouldn’t know anybody in Washington anyway.” And the
next morning I woke up and she had written a little short story on yellow pad
paper under my door called “Judge Cinderella.”

Judge Cinderella.

Yes. Because she had read the whole questionnaire, including how much pro
bono you’d done and name your most significant cases, etc. She said you know
every judge in the state of Georgia, and it said judicial experience was not
required but it was preferred. And she said, “Who do you know that would fit
the qualifications that they’ve set out.” And it was a very funny little story about
King Chatham deciding to appoint a judge, and they made a robe and said
whoever the robe fits will be appointed, and they rode throughout the state, and
everybody tried it on and either it was too tight or too short. She based it on
Cinderella.

And in the end they came to you.

And in the end they came to this little country courthouse and lo and behold the
robe fit. So I laughed and I went to the office and this is what I had to send in.

This being probably a 20-page single-spaced document that answered the
questionnaire that was circulated by the committee.

This was the questionnaire.

And that, in fact, disclosed your extensive courtroom experience and the
importance of the cases you and your father had handled in the 50s
Judge Kravitch: Including some of the civil rights cases.

Prof. Emanuel: Including the major civil rights cases from that part of the state.

Judge Kravitch: And I sent it in. And the next week I got a phone call saying the commission was meeting in Atlanta and they would interview me on a Tuesday or Wednesday, whichever day, in the federal courthouse in such and such a room at 11:00. So I flew to Atlanta and I went into the room, it was a judge’s office, I remember that. And his secretary was sitting there, and I showed her the letter, and she said they’re meeting down the hall in the courtroom, the committee. And someone will be in to get you when they are ready. And then she got up and left. And a few minutes later, a gentleman walked in, and said “Pardon me, but I’d like you to fix me a cup of coffee and bring it to me down the hall in the courtroom. In fact while, you’re doing it, why don’t you make a whole pot full, and then I won’t have to bother you again.” And I said, “Well, if you show me where they keep the coffee in this building, I have no idea, I’d be glad to.” “Oh,” he said, “Don’t you work here?” I said, “No, I was just waiting for an appointment.” “Oh,” he said, “I’m sorry I thought you worked here.” And he left. And a few minutes later another gentleman walked in and said, “Is this Judge Kravitch?” and I said, “yes.” He said, “DuBose Ausley, I’m Chair of the Commission and we’re ready now to interview you if you’ll come with me.” And he took me down the hall to the courtroom and under the bench there was a long table with, I think there were 12 people around the table, I’m not sure.

Prof. Emanuel: That would be 12 men.

Judge Kravitch: No there was one woman. And he said, “This is our next interviewee, this is
Judge Phyllis Kravitch from Chatham County, Georgia Superior Court,” and he started introducing me, and then we came to the coffee gentlemen, the one that had told me to go fix him coffee, and I said, “Oh I think we’ve met.” And his face turned kind of pink and he said, “I realize I owe Judge Kravitch an apology and the rest of you an explanation.” He said, “I knew that this morning we were interviewing judges, sitting judges, and this afternoon we were interviewing lawyers, and when I went out to get coffee and saw Judge Kravitch sitting in an office at the end of the hall, it never dawned on me that she would be a judge, I just assumed she worked in the building.” And the woman on the committee said, “Mr. Smith, that’s what we were talking about earlier, stereotypes. Why because you knew that this morning we were interviewing judges did you assume that she was only somebody’s secretary, that she could not have been a lawyer or a court reporter, or indeed a judge?”

And he didn’t ask the first question.

Prof. Emanuel: How long did that interview last with the Committee. Do you have a recollection?

Judge Kravitch: It didn’t last more than about 30 minutes.

Prof. Emanuel: And it was questions to you from the committee? Did the woman play much of a role in it?

Judge Kravitch: No, she asked a few questions. They all did. And they said they’d be in touch. They had other people to interview in the afternoon. And the next day I had a phone call from the Chair saying mine was the one of the five names that they had sent to the President.
And then what was the next step in the process.

The next step in the process was just waiting to see who he was going to name. Griffin Bell was Attorney General then. And I was told that Griffin had already made a remark to somebody who mentioned my name, and Griffin said, “She’s not getting this appointment. If the Omnibus Bill would go through appointing additional judges, she might have a chance at one of the others, I don’t know, but she’s not getting this one.” And the rumor further was that one of the five was a judge, was a Justice on the Georgia Supreme Court, I’m trying to think of his name.

I think it was Robert Hall.

Yes. And he was a good friend of Griffin. But he had a rather bleak early record as far as civil rights were concerned. As did Griffin.

But the rumor had it that Justice Hall then on the Georgia Supreme Court was the front-runner.

Yes.

So at what point does the ABA get the nominees, do they wait till the President selects one or was it at that point when there were five of them.

No. They don’t get into the act until the President selects one.

So you were told the very next day you were on the list of five.

And that was in the paper.

And Justice Hall was on the list of five as well. Do you remember the other people?
Judge Kravitch: There was one federal district judge, Henderson.

Prof. Emanuel: Judge Albert Henderson who sat in the Northern District in Atlanta.

Judge Kravitch: I think he was on the list of five.

[The five names on the list were Judge Albert Henderson, Justice Robert H. Hall, Donald Hollowell, Judge William O'Kelley, and Judge Kravitch.]

Judge Kravitch: And this was right around Labor Day. And it wasn't until I think about December that I got a phone call.

Prof. Emanuel: That's a long wait. And when you got a phone call, who was it from?

Judge Kravitch: It was from an Assistant Attorney General in Washington who said he had just left the White House and I was the President's choice for the nomination but this is subject to ABA approval and FBI clearance so they would suggest that I say nothing about it. This is not the nomination.

Prof. Emanuel: I see.

Judge Kravitch: But they wanted to let me know that the FBI would be getting in touch with me.

Prof. Emanuel: And did the FBI get in touch with you?

Judge Kravitch: By the next morning. With the FBI going around a place like Savannah, Georgia, there were headlines in the Savannah newspaper.

Prof. Emanuel: So much for secrecy.

Judge Kravitch: Yes.

Prof. Emanuel: My goodness. Did you hear anything from the White House?
Judge Kravitch: I got a phone call from the FBI saying the FBI would like to come to my home that evening to interview me. And the FBI agent arrived and again he let me know that I had not been nominated, I had just been selected subject to FBI clearance.

Prof. Emanuel: But you had no difficulties with FBI clearance.

Judge Kravitch: No.

Prof. Emanuel: And the ABA?

Judge Kravitch: The ABA gentlemen called me. I then got a phone call from a woman who had just gone on the district bench I think in Arkansas someplace. And she said, “The ABA’s going to give you a hard time. They don’t want women.”

Prof. Emanuel: And she knew the gentleman who was coming to interview you from the ABA?

Judge Kravitch: No, but they’d given her a hard time. So she said, “Just get all the information about the Court that you can because they gave me a hard time.”

Prof. Emanuel: Well as a result of her phone call, did you do anything?

Judge Kravitch: Oh yes, I called the Clerk of the Court in New Orleans to find out what the docket had been for the last couple of years. What kinds of cases and the percentage. I wanted to make sure that I felt qualified.

Prof. Emanuel: Oh so you were prequalifying yourself before your interview and then the gentlemen came for the interview.

Judge Kravitch: He could not have been more rude.

He made an appointment, I remember, to come to my office at 12:00 and he arrived at 4:00.
My goodness. Did he call in the interim?

No, I just sat there waiting.

And this is your Superior Court Judge’s Chambers.

And he said that he was concerned that I had never from my resume appealed an antitrust case. I said, “No, that’s highly specialized and probably handled by law firms that wouldn’t have taken a woman in.” But I’d had _cert._ accepted in two cases in the Supreme Court and I gave him the names of the cases, one being _Toomer v. Witsell_, and one was a death penalty case in which my father had been appointed to represent an indigent and that had gone to the Supreme Court and then my father died and I was appointed to finish it. And I worked on it with Tony Amsterdam. [_Toomer v. Witsell_ was the 1948 case involving Georgia shrimpers. The Georgia death penalty case was _State v. Manor_; 408 U.S. 935 (1972), which was remanded by the United States Supreme Court in 1972.]

Did you handle the _cert_ petition in that case?

Yes.

And he asked what has the Fifth Circuit got to do with death penalty.

I said, they are going to have a lot to do with it soon because the law was already changing.

In fact this interview would have been in 78 or 79.

And the Court had just decided the _Gregg_ case, which upheld the constitutionality of the Georgia death penalty statute.

You got it.
Prof. Emanuel: So that was very, very relevant.

And did you talk about the amount of antitrust work the Court did?

Judge Kravitch: Oh yes, I said, "Do you know how many antitrust cases the Fifth Circuit had in the last two years?" And he didn't. I said, "Two."

Prof. Emanuel: So how long did that interview last? He arrived about four.

Judge Kravitch: I gave him a ride to the airport because he was on a 5:30 plane or something but the interview didn't last very long.

Prof. Emanuel: My goodness. Do you remember who it was or where he was from?

Judge Kravitch: He was from Macon, I know that.

Prof. Emanuel: Of course, if he was from Macon, Georgia, there might have been someone else he preferred to have the seat since it was the Georgia seat.

Judge Kravitch: I don't know. I don't know. And then another couple of weeks went by or a week or two, and then I got a phone call from Senator Nunn's office saying my name had just gone to the Hill and immediately both blue slips went up.

Prof. Emanuel: Oh my goodness.

Judge Kravitch: And I said, "Now what does that mean?"

Prof. Emanuel: So by the time you heard about it you knew that you had the Senator's approval.

Judge Kravitch: Immediately, yes he said my name had gone to the Hill, which meant I'd been nominated, and immediately both blue slips went up, and I didn't know what he was talking about. He said the senators send up a blue slip if they approve the nominee from their state.

Prof. Emanuel: And that would have been which two senators?
Judge Kravitch: Senator Nunn and Senator Talmadge.

Prof. Emanuel: Senator Talmadge, who had his own person in contention but nonetheless sent a blue slip. And then the next step is going to Washington for the confirmation.

Judge Kravitch: Then I got a phone call from the Attorney General’s office a couple of days later, saying that it was a brand new committee. Senator Eastland from Mississippi had been chair of the Judiciary Committee, and Senator Eastland was well known as a segregationist, so he wouldn’t have been that much in favor of Miss Phyllis Kravitch. But he had just retired, and a new committee had been appointed, and Senator Kennedy was chair. And so I got the phone call from the Attorney General’s office and he said generally speaking every time there’s a nominee, they bring them to Washington, the Attorney General does, a couple of days ahead of time, maybe a week or so, to help prepare them for the confirmation. I said, “Well you’ll let me know.” He said, “Well now, it’s a brand new committee. Kennedy’s the Chair. We have no idea what their format is going to be or what questions they are going to ask.” So he said, “Quite frankly, we’ll have somebody there the first few hearings, but since you are the only nominee for a circuit judgeship, quite frankly, Judge Kravitch, all we can say to you is happy landings.”

Prof. Emanuel: So they didn’t bring you in early for briefing.

Judge Kravitch: No.

Prof. Emanuel: My goodness.

Judge Kravitch: Because he said we don’t know, this is a whole new committee.
But even so, Judge, you would think they might bring you in for briefing.

But they didn’t.

They didn’t.

I asked Judge Hill what kind of questions they asked, and he said when he went up there, nobody was there, Mary went with him and nobody else was in the room, and he said half the committee didn’t even show up.

This is Judge James Hill who had been on the Fifth Circuit then just a few years.

Yes

And I knew him from the Reynolds case. And he had been a district judge first.

And he said the room was half empty and it was like nothing. So Sally and a friend flew down from New York and spent the night with me in the hotel. And the next morning, we got up and had breakfast and then I went to the hearing, and I had to push my way in, it was so crowded.

Oh my goodness.

Because it was a brand new committee and since it was such a difference, Kennedy from Eastland, everybody’s uncle was there to see what the new committee was going to be like, including television cameras. And with my heart thumping, I pushed into the room.

And you were the only circuit court judge there that day.

Yes. And there were three or four district judges.

So did you know anyone there besides Sally?

She was in the place for visitors, I couldn’t even see her. Somebody had called
me from Senator Nunn’s office the day before to say it’s customary to invite your
two senators from your home state. Nobody had told me that. I did not know
Senator Nunn. He had called to let me know that my name had gone to the Hill
and both blue slips went up, but he didn’t say anything about being there. So I
quickly called Senator Nunn, Senator Talmadge was out of town.

Prof. Emanuel: One would assume that it would have been customary for the Attorney General’s
office to tell you that or someone in Justice.

Judge Kravitch: But they didn’t, nobody told me. Somebody else from Senator Nunn’s office
called to tell me. I thought, I’ve already stuck my foot in it. But anyway he was
there and he came over and introduced himself. And then he was the one that
presented me and made a little speech.

Prof. Emanuel: And he supported the nomination.

Judge Kravitch: Oh yes, what an honor for him to nominate Judge Phyllis Kravitch. Then he
proceeded to say Phyllis has done this, and she’s done this, and she’s done that.

Prof. Emanuel: So Senator Nunn endorsed you quite warmly in his introduction.

Judge Kravitch: Yes. And then the chair was Kennedy, and he commented on the fact that I had
hired the first African-American ever to have a position in the courthouse in
Chatham County and some of the work I had done for poor people, etc. He was
just very complimentary. Senator Kennedy. And didn’t ask me any hard
questions at all. And then he asked the other senators if they wanted to ask any
questions, and one just commented that he always looks at the financial
disclosures and mine was one of the cleanest records he remembered seeing.
They were all very complimentary and finally he turned to the senator from
Alabama, Howell Heflin,
and asked him if he had any questions. And he said, no he had no questions but he would like to say a few words. He said that before he came on the Senate, he had been Chief Justice of the Supreme Court of Alabama and that he did not know me because I didn’t practice in Alabama, but he was very close to the Chief Justice of the Georgia Supreme Court, who had been very complimentary. I think he said he had hoped I’d be the first woman on that Court or something to that effect. And he said, “It’s obvious Judge Kravitch has all the qualifications to be a Circuit judge as far as her scholastic background, her experience as a lawyer, her experience as a trial judge, and now that we’ve met her, she will not only bring expertise to the Fifth Circuit but also charm.” What do you say? I said “Thank you.”

After me, they had three district judges who had been nominated, and then they recessed and Senator Kennedy invited the nominees to his chambers for coffee. When I went out in the hall, two young women were standing there and they said, “Judge Kravitch, I’m so and so,” they introduced themselves. “We came here this morning to make sure you were treated fairly being a woman, and you let us down so. We can’t get over it.” I said, “What are you talking about?” “Well, when that man insulted you,” she shook a fist, “We thought you’d let him have it. And instead you meekly said thank you.” I said, “Who insulted me? I don’t think anybody insulted me.” “Well, when that Senator said you would add charm to the Fifth Circuit.” I said, “He already said all the right things. It’s not as though he had said that a male nominee would bring experience and expertise
and ability and a woman would add charm. That would have been an insult. But
he said all the right things. He’s from the South and it was just the icing on the
cake. It was his way of trying to be extra nice. He was not insulting.” “Well if
anyone said that to me, I’d feel insulted.” And I wanted to say,”Lady, nobody
ever will.”

Prof. Emanuel: So, Judge, you were the first to appear that day.

Judge Kravitch: I was the only nominee for a circuit judgeship. There were either three or four
for district judgeships. One being a woman from Boston who’s a district judge,
and there were several men for district judgeships.

Prof. Emanuel: So there was another woman in the group but, of course, I think President Carter
had made a commitment to producing more gender and racial diversity on the
court.

Judge Kravitch: Yes.

Prof. Emanuel: Well it sounds as if you were the first woman to appear before the newly
constituted Judicial Committee.

Judge Kravitch: I was. That’s why they didn’t bring be up ahead of time to prepare me. They
said it’s a brand-new committee and they had no idea what kind of questions
they’re going to ask.

Prof. Emanuel: Do you know if they brought the other nominees in from that day to prepare
them?

Judge Kravitch: Well they were there when I was questioned, so they were questioned right after I
was.

Prof. Emanuel: I know, but do you know if they had come in early.
Prof. Emanuel: It's a little surprising, I would have thought they would attempt a briefing even with the uncertainty. So you adjourned to Senator Kennedy's office for the recess.

Judge Kravitch: Just about 20 minutes and then he had to go back to a meeting or something and I got a phone call the next day I think from Senator Kennedy's office telling me that I had been unanimously approved by the Committee, but now it would have to go before the full Senate. Well I knew, I had sense enough to know as inexperienced as I was, that if you are unanimously approved by the Committee, you are not going to have a hard time before the full Senate. That would be just automatic.

Prof. Emanuel: And was it.

Judge Kravitch: Yes.

Prof. Emanuel: And do you remember the vote in the Senate?

Judge Kravitch: It was unanimous. I don't know how many people were there for the vote. That was a couple weeks later.

Prof. Emanuel: So at that point you were ready to be sworn in as the newest judge on the Fifth Circuit. Where was the swearing in? In Washington?

Judge Kravitch: In Savannah.

Prof. Emanuel: And then did you open your chambers in Savannah?

Judge Kravitch: I was told that there was no room for me in the courthouse in Savannah and asked would I be willing to temporarily move to Atlanta.
Prof. Emanuel: Were you surprised when the Administrative Office said they couldn’t find room in the federal courthouse in Savannah?

Judge Kravitch: I just took ‘em at their word. And so would I be willing to temporarily move to Atlanta and I said yes. After all the hoopla about being the first woman, I didn’t want to start sounding difficult. So then they called me back about ten minutes later and they said that the Russell Building wasn’t finished yet.

Prof. Emanuel: That’s the present federal courthouse that houses the district courts in Atlanta, but it was under construction then.

Judge Kravitch: Yes. There was no room in the federal building that housed the Fifth Circuit in Atlanta either unless I was willing to share a suite of offices with Judge Tuttle. I said, “Judge Elbert Tuttle?” They said yes. I said, “What does Judge Tuttle think of this?” They said, “We haven’t called him yet but I’m sure there’d be no objection. He’s a senior judge and he has a couple of empty rooms.” So within five minutes I had a phone call from Judge Tuttle, and I thought oh dear, the secretary said this is Judge Tuttle on the telephone, Judge, to talk with you. I went to the phone. “Judge Kravitch, this is Elbert Tuttle.” And I said, “Yes Judge Tuttle.” He said, “I just want to tell you how pleased I am, AO just called me and said that I’m going to have the pleasure of sharing a suite of offices with you and how nice it’s going to be for the first time since I’ve been on the Court that I’ll have a colleague right in the next room that I can discuss difficult legal problems with.” I thought Judge Tuttle doesn’t need me, but already this told me what this man was like.

Prof. Emanuel: That was a nice introduction to the Fifth Circuit.
Judge Kravitch: Very.

Prof. Emanuel: So you did come to open your first chambers as a Fifth Circuit judge in Atlanta?

Judge Kravitch: I drove up to Atlanta that weekend. A friend of mine had two sons who were home from college for spring break and they hired a U-haul. I had flown up to Atlanta the week before and found an apartment. And then the two Anderson kids packed some of my furniture and a few things from my apartment, and some of my paintings, and they drove it up Saturday on the weekend. And Judge Hill and his wife called me, they took me to dinner. And in the meantime, Judge Hill hired a secretary for me from his former law firm, and Monday morning I arrived at the federal courthouse and the first person to come see me to say welcome and is there anything to do to help you was Judge Albert Henderson, who had been one of the five names that the Committee had sent to the President, which tells you what kind of person he was.

Prof. Emanuel: So he appeared immediately. He was later nominated to the Fifth Circuit and served with you.

Judge Kravitch: Yep.

Prof. Emanuel: So you moved into chambers with Judge Tuttle, and Judge Henderson came into greet you, so that was a somewhat smooth transition. But you said temporary. Were they trying to prepare chambers in Savannah?

Judge Kravitch: I was told they were going to find space in Savannah, but that never did happen.

Prof. Emanuel: So you never opened chambers in the federal courthouse in Savannah?

Judge Kravitch: No, after two years, they found space for me in a bank building.

Prof. Emanuel: In Savannah. So the district court judges sat in the federal courthouse and you
had chambers in a bank?

Judge Kravitch: Yes.

Prof. Emanuel: Did you think that had anything to do with gender, Judge?

Judge Kravitch: Probably.

Prof. Emanuel: It seems exceptional that the Administrative Office of the Courts and the federal court wouldn’t ensure that there were chambers.

Judge Kravitch: And then they found room for a district judge who had taken senior status from Missouri or someplace.

Prof. Emanuel: They moved in a district judge from an out-of-state district?

Judge Kravitch: That was later.

Prof. Emanuel: But one would assume that that space could have served as your chambers.

Judge Kravitch: No question, there was room.

Prof. Emanuel: Do you think anybody was behind that resistance to have you move in?

Judge Kravitch: I think it was because I was female.

Prof. Emanuel: How many district court judges were there in Savannah?

Judge Kravitch: Two.

Prof. Emanuel: And one was Judge Lawrence?

Judge Kravitch: Then Judge Lawrence died. One was Judge Alaimo who was from Brunswick, but he would come back and forth, and one was Judge Edenfield.

Prof. Emanuel: That’s Avant Edenfield.

Judge Kravitch: Yes. And sometimes, when I would go to Savannah, because my mother was still living then and I’d have to go down and look after her, I would be working
on an emergency matter and the district judges would not let me use their
libraries. Until Judge Moore arrived.

Prof. Emanuel: So, Judge, your original chambers, after sharing with Judge Tuttle, were in the
bank building in Savannah. And were you the only member of the court who
was not in the courthouse?

Judge Kravitch: I think Judge Hatchett might have been in the bank office, in an office building.

Prof. Emanuel: In Florida?

Judge Kravitch: In Florida, but I'm not sure.

Prof. Emanuel: Judge Hatchett was the first Black judge on the Fifth Circuit. So how long did
you stay in the chambers in the bank building in Savannah?

Judge Kravitch: About ten years. And then the lease was up. And meanwhile, Judge Vance had
been killed.

Prof. Emanuel: Judge Vance is the judge who was assassinated by a mailbomb.

Judge Kravitch: And we were all under marshal protection for over a year. Then the Klan
demonstrated against me.

Prof. Emanuel: In Savannah?

Judge Kravitch: In Savannah.

Prof. Emanuel: How did they demonstrate? What was the demonstration?

Judge Kravitch: I had handed down a decision they did not like. The panel of three judges had
handed it down, and it was a *per curiam* decision against the Klansmen. And a
group of them in their white robes marched up and down one of the main streets
in Savannah with a sign saying, "Get rid of Judge Kravitch."
Prof. Emanuel: In their white robes. And this is in the 80s?

Judge Kravitch: Yes. And the Court, my lease was about up, decided I’d be better off in Atlanta. So I moved.

Prof. Emanuel: And were you happy with that decision?

Judge Kravitch: I didn’t like the idea of the Klan demonstrating. That gets to be a little nervous making and I’d already had, I’d been on the panel with Judge Vance, so the government had to approve where I lived.

Prof. Emanuel: Did you have to have marshals with you at your office, at your home?

Judge Kravitch: When we were under marshal protection for a year after Judge Vance was killed, yes. And I had a hard time there because the district judges in Savannah needed the marshals to be at the courthouse.

Prof. Emanuel: And you didn’t have marshals at the bank building?

Judge Kravitch: No.

Prof. Emanuel: Well that’s extraordinary, Judge.

Judge Kravitch: The last six months I did.

Prof. Emanuel: Was that because of the Klan demonstration?

Judge Kravitch: No, that was right before the Klan demonstration I think.

Prof. Emanuel: But there was a period of time when all the marshals assigned stayed at the courthouse instead at your offices.

Judge Kravitch: I had to have the chief judge make arrangements to get marshal protection for me from out of town. They would fly somebody in to stay with me for a week. And then they’d fly somebody else in the next week.
In other words, it doesn't sound as if your colleagues on the federal bench in Savannah were welcoming.

Anything but, until Judge Moore got appointed. Because when I first came on the Court, Judge Moore was not on the bench yet.

We used to have to send all the records back to the courthouse in Atlanta, and they had to be sent certified mail at the post office. That's where the district Court is. And I would have to use my car, and one of my law clerks would take these records to the courthouse. They had reserved parking for judges, for the executive, for the different officials of the court around three sides of the courthouse post office building. And across the front was meter parking for people who came to the post office. And sometimes my clerks would have to stand in line to mail their packages inside, and I’d get a parking ticket because the meter parking was a very short time. After I paid three parking tickets, I asked Judge Alaimo if they would give me a reserved space, but he said no they needed them all.

So you not only didn't have chambers in the federal courthouse, you didn't even have a parking space.

So I had a sign made that said Official Business US Court of Appeals, Eleventh Circuit. And I gave it to my law clerk and I said anytime you take these boxes of papers to the post office to mail, stick this up in the windshield and we won't get any more parking tickets.

And you didn't.

No. And then one day Judge Alaimo was coming out of the courthouse and he
saw that sign and he walked over to the car and said, “Where did that sign come from?” I said, “I waved a magic wand and it just appeared, Tony.”

Prof. Emanuel: Did you have any litigation experience with Judge Alaimo back when you were both lawyers in that part of the state?

Judge Kravitch: Not particularly.

Prof. Emanuel: But none of those judges were at all receptive to your being a member of the bench?

Judge Kravitch: They couldn’t stand it. In a town the size of Savannah, a district judge has everything but a white ermine collar on his robe, and now all of a sudden here’s a woman that’s on a court above theirs and they couldn’t stand it.

Prof. Emanuel: All right Judge, when we stopped we were talking about your early years on the Fifth Circuit and when you first sat in Atlanta, you shared Judge Tuttle’s chambers.

Judge Kravitch: Yes.

Prof. Emanuel: And that lasted how long?

Judge Kravitch: Two years.

Judge Kravitch: Because they were getting ready to remodel our building, and they advised me then that they were going to find space for me in the courthouse in Savannah, and if I was going back to Savannah now was the time to do it. Because they had to empty the Atlanta building. So they said temporarily they would put me in an office building, but that would be temporary, and the temporary arrangement lasted 10 years.

Prof. Emanuel: So you went back to Savannah to the bank building for 10 years.
Judge Kravitch: And it was during that time that Judge Vance was assassinated, and I was under marshal protection, and then the Klan demonstrated and meanwhile, there was no chance of moving into the federal building.

Prof. Emanuel: So even though they had told you they would make room in the courthouse, they didn’t, but they did make room for a district court judge.

Judge Kravitch: They made room later for a district judge from the Sixth Circuit who had taken senior status and wanted to retire in Savannah.

Prof. Emanuel: Amazing. When you came to Atlanta, did you move into what’s now the Tuttle Courthouse.

Judge Kravitch: Yes. They had remodeled it.

Prof. Emanuel: The refurbished headquarters of now the Eleventh Circuit.

Judge Kravitch: The Eleventh Circuit.

It became the Eleventh Circuit in I think in 81.

Prof. Emanuel: When you were in Savannah, at one point, you were Chair of the Judicial Conference, and the Conference planned a meeting in Savannah.

Judge Kravitch: Yes.

Prof. Emanuel: Was that the old Fifth or the Eleventh.

Judge Kravitch: That would have been the Eleventh Circuit. [The conference was held in Savannah in 1983].

Prof. Emanuel: And how did you come to be Chair of the Judicial Conference?

Judge Kravitch: Because it was in Savannah that year.

Prof. Emanuel: And the planning for that turned out to be interesting.
Judge Kravitch: Mr. Reese was our Circuit Executive, and he made all the arrangements. And every place he had selected had a discriminatory membership policy.

Prof. Emanuel: Black people, or women, or both?

Judge Kravitch: Yes. And I called the Chief Judge and said I wouldn’t be Chair if we used places that discriminated. And he said if you can find comparable places, go ahead. So it took some doing, but we had one of the main functions in the Telfair Museum. And the dinner that the Chief Judge always gives for the chief judges of the district, I had at Elizabeth’s Restaurant. They opened it that night.

Prof. Emanuel: This is a very well-known and fine Savannah restaurant. You met a little resistance didn’t you though when you suggested that you shouldn’t be using private clubs.

Judge Kravitch: Oh yes, Mr. Reese said those are the only suitable places to entertain in Savannah. I said, “We’ll see about that.”

Prof. Emanuel: And I think the Conference was a great success with the dinner at the museum.

Judge Kravitch: It was and from then on, they’ve always had the Conference at places that do not have a discriminatory policy.

Prof. Emanuel: I’m sure you get great pleasure from that. Have you ever chaired a Conference meeting again?

Judge Kravitch: No, usually it’s somebody who has chambers in that city. [The Conference was in Savannah in 2013; Chief Judge Lisa Godby Wood acted as the Chair.]

Prof. Emanuel: Did you go down for it, Judge?

Judge Kravitch: Yes.
That would be a nice homecoming.

It was very nice.

So you've had now 35 years on the Circuit Court of Appeals.

Well I went on, I was nominated in 78 and it was 79 before I was sworn in.

And when you were sworn in, one of the first times you sat on a panel, you went to New Orleans. The Fifth Circuit at that time was headquartered in New Orleans.

Yes.

So you were going to New Orleans to sit on a panel.

About once a month. The taxi story?

The taxi story, yes Judge.

I woke up one morning, I'd just gone on the Court, and it was raining very hard. I went down to the desk to ask if they would call a cab for me although the Courthouse was only about five blocks away and ordinarily, I walked. She said it has been raining all night and the cab companies are not answering the phone, but to go out front and the doorman would try to get me a cab. And I did, and I stood in line awaiting my turn and then the doorman had gone to the corner to hail some cabs around the corner, and as a cab drove up and I stepped out to get in it, two men that had just come out of the building with expensive briefcases said, "Lady, we've got an important engagement." And they took my cab. And it took a few minutes for the doorman got me another cab. When I got on the bench, their's was the first case.
Prof. Emanuel: There they were sitting at counsel table?

Judge Kravitch: There they were.

Prof. Emanuel: And did they recognize you?

Judge Kravitch: Oh, if you would have asked the man his name, he couldn’t have said. Every one of his answers was “Uh, uh, uh.” He almost died when he saw me sitting up there.

Prof. Emanuel: They didn’t make any comment about it?

Judge Kravitch: No.

Prof. Emanuel: Speechless. And you said it was early in your career on the bench?

Judge Kravitch: I think it was my first case. My first panel anyway.

Prof. Emanuel: And if you’d been on the bench longer?

Judge Kravitch: If I’d been on the bench longer, when the case was over I would have said, now this won’t affect your case but from now on, be careful whose cab you grab. But I had just come on the Court. When we got off the bench, one of the judges on the panel said, “You know, that first lawyer, I was shocked because the brief was so good and yet he didn’t seem to know what the case was all about, all he kept saying was uh, uh, uh.”

Prof. Emanuel: Oh my goodness, it was that apparent.

Judge Kravitch: A very prominent lawyer in Atlanta told me that he was a witness to both ends. He was staying at the Royal Sonesta Hotel.

And he saw the man grab my cab, and then he was going to court, his was another case.
Prof. Emanuel: So he saw both pieces of it.

Judge Kravitch: Yes.

Prof. Emanuel: I imagine he enjoyed it.

Judge Kravitch: Oh, he loved it, he's told me before, he's a very prominent lawyer.

Prof. Emanuel: From Savannah? Or from Atlanta.

Judge Kravitch: No, from Atlanta. [The lawyer was Lawrence Ashe.]

Prof. Emanuel: I imagine it took awhile for counsel to get used to a woman on a circuit bench. Because as you said, you were only the third woman in the entire country.

Judge Kravitch: Oh it did, I remember having one case argued and the lawyer wasn't used to coming before the Fifth Circuit. This was when we were still going to New Orleans and when he finished his argument, he said and he wanted the Court to know, "What an honor it was to have appeared before you judges, you Members of the Court, and you too lady." (laughter)

Prof. Emanuel: Oh, he said that. Oh my goodness. Were the judges on the Fifth Circuit welcoming more so than perhaps the District Court bench in the Southern District?

Judge Kravitch: Oh I think they were.

Prof. Emanuel: Of course there was Judge Tuttle whose chambers you shared. And then you had some history with Judge Goldberg too.

Judge Kravitch: Judge Goldberg's uncle had gone to law school with my father, and they had remained good friends.

Prof. Emanuel: And he was very happy to have you join them.
Judge Kravitch: Oh yes.

Prof. Emanuel: How long was it before another woman joined the Fifth Circuit? Was there ever another female appointment to the Fifth Circuit?

Judge Kravitch: Oh yes, right after I was appointed, the Omnibus Bill passed. See I succeeded, as I said before, Judge Morgan.

Prof. Emanuel: Right. Who in fact had succeeded Judge Tuttle.

Judge Kravitch: Yes. And then the Omnibus Bill passed, which created over a hundred new judgeships all over the country, and several of them were on the Fifth Circuit. It’s one of the things that caused the Fifth Circuit finally to split because the Court got to be too big.

When I went on the Fifth Circuit, there were 15 judges and then the Omnibus Bill gave us 11 more. And, suddenly the Court grew to 26, and another woman came on, and that was Carolyn King.

Prof. Emanuel: Right. Is she in Texas?

Judge Kravitch: Yes. She’s from Houston.

Prof. Emanuel: And then over time others?

Prof. Emanuel: And then there’s Judge Black, Susan Black from Florida.

Judge Kravitch: She was a district judge. She came on later.

Judge Kravitch: Then Rosemary Barkett came on.

Prof. Emanuel: In Florida.

Judge Kravitch: Yes.

Judge Kravitch: Once the Omnibus Bill passed, it created these new judgeships in each Circuit. I
think every Circuit had at least one woman. And now, today, more and more women are going on the bench.

Prof. Emanuel: That has changed, but back when you started, you were almost alone.

Judge Kravitch: Usually alone.

Prof. Emanuel: Well, there were only, as you said, there were only two of you sitting in the country. Judge Hufstedler, in the Ninth Circuit, and you were the only sitting Circuit judges.

Judge Kravitch: Until the Omnibus Bill passed.

Prof. Emanuel: Until the Omnibus Bill.

Judge Kravitch: And then almost immediately, every Circuit had a female.

Prof. Emanuel: Which was a good development.

Judge Kravitch: Oh yes.

Prof. Emanuel: We talked about your chairing the Judicial Conference and recognizing that the Court could and should move away from private clubs and finding among other hosts, the Telfair Museum. You were helpful to the Court with Atlanta’s High Museum, I think, when the Eleventh Circuit was redecorating what’s now the Tuttle Courthouse.

Judge Kravitch: Yes. Our conference room was beautifully renovated and one of the judges suggested that the walls looked so empty that we needed some art, but there were no funds for it. And I suggested that we call the High Museum and see if they’d lend us some. And they were very happy to. So now we have beautiful pieces of art that had been in storage that belong to the High.
Prof. Emanuel: And you have quite a collection of your own art, both in your office and at your home.

Judge Kravitch: That's right. Every judge can decorate his or her chambers the way they want, and I happen to like art, and I have extra paintings that I was not using at home that I've brought down to the office and hung up.

Prof. Emanuel: Now that affinity for art, did it start with your parents?

Judge Kravitch: Yes, my mother had an uncle, my grandmother's brother, who back in the late 1800s had gone to the Pennsylvania Academy of Fine Arts, and he was a portrait painter. And he used to come visit us in the wintertime and as a big treat would always take us out for lunch and then to the Telfair Museum.

Prof. Emanuel: And your younger sister, Sally, in fact married a painter.

Judge Kravitch: She painted herself.

Prof. Emanuel: Oh, I knew she was an actress.

Judge Kravitch: She was, but she went to art school. She went to the University of Pennsylvania and got a degree in art history and also went to the Pennsylvania Academy and studied painting and then decided she wanted to go on the stage. And went to New York, auditioned and studied with Uta Hagen, who was a very-well known actress, and before she married and had a child and retired from the stage, had a very successful career on the stage. She was in several Broadway shows, including Beckett with Laurence Olivier.

Prof. Emanuel: I didn't realize it was Beckett. I knew she appeared with Laurence Olivier. And she married a

Judge Kravitch: She married a well-known painter.
Prof. Emanuel: And through them you knew one of the most-famous American painters of the century.

Judge Kravitch: Mark Rothko.

Prof. Emanuel: So your sister still lives in New York City and her husband still paints.

Judge Kravitch: And teaches at the Art Students League.

Prof. Emanuel: The first few years on the Court were difficult. I think it took a while before the other judges, all of them, got used to a woman being on the Court. I noticed for a couple of years, I was not assigned the opinions that I thought I should have been given. And for a couple of years, I was the only judge on the Court who was not chairman of a committee, and it took a while for some of that to change.

Prof. Emanuel: I think this is well known and not court confidential. I think it is correct, the opinion assignment is done by the presiding judge of a panel after oral argument.

Judge Kravitch: No, the assignment of opinions is done by the senior-most judge who rules that way.

Prof. Emanuel: Who rules with the majority.

Judge Kravitch: Yes.

Prof. Emanuel: So it would be at a conference of the judges on that panel after the day’s oral arguments.

Judge Kravitch: Yes.

Prof. Emanuel: And even in that context you didn’t feel you were getting equal treatment, because that’s a very personal context. It would ordinarily be three people in the room if I’m correct.
And sometimes it was an *en banc* case.

Were you assigned the opinion in many *en banc* cases in those early years?

No.

Judge you joined the Fifth Circuit in 1979, becoming at that time the third woman ever appointed to sit on a Circuit, but only the second woman in the country then sitting, you and Judge Hufstedler. But it was some years before you chaired a substantive committee for the circuit itself or one of the national committees that circuit judges often participate in that are under the direction of, or in collaboration with, the Supreme Court. I believe it was when Judge Tjoflat became Chief Judge.

Yes.

And what were your appointments at that point?

I was put on the Rules Committee for the Eleventh Circuit and also the Standing Committee on Rules for the Chief Justice.

The Standing Committee on Rules for the Chief Justice was a national committee.

The Chief Justice has a number of committees that the judges from the various circuits are appointed to, both district judges and circuit judges, and they're very important committees and very prestigious. And only when Judge Tjoflat got to be Chief Judge of the Eleventh Circuit [in 1989] was I ever appointed to one. And then I was appointed on our Court to the Rules Committee which is one of the more important committees and on the national committee to the Standing Committee on Rules.
Prof. Emanuel: And those were, how long did you hold those appointments Judge.

Judge Kravitch: I think the length of service is about four years for each one.

Prof. Emanuel: So it took you more than a decade, well over a decade to be appointed to a significant committee?

Judge Kravitch: Yes.

Judge Kravitch: I was probably the only judge on our Court who had not served on something.

Prof. Emanuel: Interesting. Thank you very much for sharing your recollections.