Judith A. Winston

July 27, 2005; September 22, 2005; May 2, 2006;
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ABA Commission on Women in the Profession

Women Trailblazers in the Law

ORAL HISTORY

of

JUDITH A. WINSTON

Interviewer: Marna S. Tucker

Dates of Interviews:

July 27, 2005
September 22, 2005
May 2, 2006
October 26, 2006
November 1, 2006
March 21, 2007
This is the first interview of the oral history of Judith M. Winston which is being taken on behalf of the Women Trailblazers in the Law, a Project of the American Bar Association Commission on Women in the Profession. It is being conducted by Marna S. Tucker on July 27, 2005. This is Tape 1.

**Ms. Tucker:** Good afternoon your honor. Could you please state what your full name is?

**Ms. Winston:** Yes, my name is Judith A. Marianno Winston, I should tell you that I generally use Judith A. Winston rather than M.

**Ms. Tucker:** So that is Judith A.

**Ms. Winston:** Yes.

**Ms. Tucker:** When were you born?

**Ms. Winston:** I was born on November 23, 1943 in Atlantic City, New Jersey.

**Ms. Tucker:** I'd like to know the name of your parents.

**Ms. Winston:** My father's name was, because he is not longer with us, Edward Carlton Marianno and my brother was named after him so he became Sr. My mother is Margaret A. Goodman Marianno.

**Ms. Tucker:** Your father is deceased now?

**Ms. Winston:** My father is deceased, yes. He died on either January 1, 1987 or January
I, 1988 and I always forget because it was New Year's Day that he died and I can't remember whether it was '87 or '88. It was one of those two years, I think it was '87.

Ms. Tucker: About how old was he when he died?

Ms. Winston: He was 77. I hesitated because my sister has been doing some genealogical work in recent years and she discovered some information about him which suggested he was born a year earlier than we thought. I really believe it was 77, he might have been 78.

Ms. Tucker: Your mother is still alive?

Ms. Winston: My mother is still alive and she lives in Silver Spring, Maryland. My sister and I moved her from Philadelphia, Pennsylvania -- where I grew up -- to Silver Spring to be near us after my brother died, he had lived in Philadelphia.

Ms. Tucker: So you've mentioned a sister and a brother. What is your sister's name?

Ms. Winston: My sister is Cynthia Arlene Marianno Paige and she lives here in Washington, with her husband and daughter.

Ms. Tucker: How old is she?

Ms. Winston: Cynthia is..., interesting... she is 57.

Ms. Tucker: She's your little sister?

Ms. Winston: Yes, she's my little sister. She is four years younger than I.

Ms. Tucker: And you have...

Ms. Winston: I had a brother. My only other sibling was my brother who was Edward Carlton Marianno, Jr., -- because my father and my brother had the same name -- we called him Carl. My brother was 60 years old when he died very suddenly of a heart attack. It was a month
after his 60th birthday.

Ms. Tucker: Was this an older brother? Where were you in the birth order?

Ms. Winston: He was older. He was 2 ½ years older than I, and he was born on June 2, 1941.

Ms. Tucker: It's just the three of you?

Ms. Winston: Just the three of us, yes.

Ms. Tucker: Now your grandparents. Do you have any recollection of your grandparents on both sides?

Ms. Winston: I remember, I never knew my father's parents. In fact my mother never met his parents. It was a very interesting story which was recently learned about him which I will tell at some point.

Ms. Tucker: Why don't you tell it now.

Ms. Winston: It is fairly elaborate, but I will tell it. My father never talked much about his family. We knew something. We knew he was raised by his grandmother. His mother hadn't been in touch with him during his childhood. Her name was Anna Williams. She never married his father but my father took his father's name although he claimed not to know very much about his father who was Marianno. We always were curious about dad. We knew that his mother had been a maid in Florida. My father was born in Eastman, Georgia, raised by a grandmother in Clearwater, Florida.

Ms. Tucker: Your father was not raised by his mother?

Ms. Winston: No, he was not. He was raised by his maternal grandmother.

Ms. Tucker: Anna Williams was his mother?

Ms. Winston: Yes, Anna Williams was his mother and we thought his father's name was
Leslie Marianno. We've always been curious his family. One, because the name is very unusual, Marianno. We spelled it with two "n"s", Marianno, which becomes significant later, as you will see. So my sister, a few years ago decided that she would do some research into our family history. We had the help, interestingly, of DNA testing. This is significant because we believed our father made up a lot of stories. My mother had a huge family and we were all very close to her family and we knew both her mother and her father, but my father never had any family stories. And so every once in a while, he didn't want to talk much about his boyhood, but every once in while, he would come up with something, particularly if he was reminded by a TV program or something. So he said to us on one occasion that his father was a Portuguese stone mason. We always thought that he had a Spanish name or an Italian name, so he said no, his father was a Portuguese stone mason. This came up because we watched a program on the building of the National Cathedral here in Washington, and how the stone masons from Europe were instrumental in its construction... and so forth. So anyway, my former son-in-law had this business in which he helps to match African Americans to their ancestral lands and African ancestry. So my sister decided that one of the things that we would do is to get the swab of my nephew, because the DNA is passed, you know, untouched from father to son, to son, to son, and so on. We had the results of this test and discovered that rather than having "hits" in Africa, we had what they call "hits" or traces of paternal background to Portugal and there were also some similarities to DNA from Germany. We said "oh my heavens, it looks like that story Dad told might in fact be true! There might be something to that story he told." My sister then went to the census and found a number of interesting things. She found the name Marianno in some census materials from a plantation in Georgetown, South Carolina. The owner of this plantation had emigrated to the U. S. from the Azores, which, of course, is a colony of Portugal. He and his
brothers had several slaves who were actually named in the census data and according to the names recurring, they would name their children, even the children of the slaves after the brothers and the other white relatives. So Edward, Antonio, Prince these were all names that kept recurring. I am not quite sure what the connection was, but she eventually found the name of Antonio Marianno in Eastman, Georgia. So, there had been, -- I don’t know whether the census data had the names or the facts about of these brothers who were in Eastman, Georgia and the fact that they had been born in South Carolina or the facts came from some other genealogical source. Okay, so she made these connections. Eventually, that led to a woman in Atlanta, Georgia who was the daughter of one of these brothers or sons of the people who had emigrated from South Carolina whose name was Antonio Edward Mariano. She was listed on a death certificate for her father, which my sister found, and her address was listed in Atlanta. It turns out this woman, who is now about 88 years old still lives at this address in Atlanta, so my sister wrote her a letter, explaining that she was trying to trace the family roots and that we were Marianno’s, but we used 2 “nn”s and they had 1, and thought that there might be a connection. It turns out this woman is also the family’s historian in her family and wrote back and said to her that “our people are Spanish. We come from people who came from Spain and so I don’t think we are related, it was interesting to talk with you”. And she said “It is interesting I have a niece who works in Washington,” and she thought she worked at the White House. She said her niece was a reporter and she gave my sister the name of this woman. So, my sister called up to me, and she was reading this letter which said “Sonya Ross is my niece.” I said to my sister “Sonya Ross?” She says, “Yes.” I said “Sonya Ross is an AP reporter who covered the race issue when I was the Executive Director of it in the Clinton White House”. I said, “I know her very well.” So I called Sonya up. I didn’t reach her immediately, but when I did reach her I said to her
“Sonya, I think, we may be cousins and I told her the story... I said, “My sister and I would like to set up coffee or tea or dinner with you or something, just to talk about this.” So, she said, “How about tonight?” So she came over and she brought all of these family pictures and she started taking out the pictures. She took out the picture of her grandfather, (her mother and this woman in Atlanta are sisters). She took out the picture of their father, and put it on the table and I looked at it and I looked at my sister and this man looks exactly like my father, except that he had a beard. And we both just burst out in tears because we had made this connection. There was no question in our mind, now we don’t know whether he was my father’s father or whether he was an uncle because he had several brothers. But the family resemblance was just amazing. It turns out that woman who is in Atlanta looks very much like my father. So we’ve decided that we have that connection. And this happened just about 2 or 3 years ago. We made this discovery, maybe 3 years ago. So we are very close to Sonya and her mother and aunt. The whole family is close to Sonya now. She comes to family gatherings. She’s a single woman who lives here in Washington, lots of friends, but we now have family here. So, that is the story of my father’s family. There’s still much to be discovered, and we are not quite sure whether we will know much more about his journey, other than where he started and that there are some people who are related to us. This story -- there was a piece done on this whole discovery of my sister on the Black Entertainment Television network -- on one of their shows. They had pictures. They interviewed my sister and interviewed me, so that was very interesting.

Ms. Tucker: So, do you know what your father did?

Ms. Winston: Well, my father left school. He never finished elementary school. He left there to try to earn a living. They were relatively poor people and so he left school. I am not sure what he did immediately, you know, after leaving school. I know at some point, early on in
his life when he was a teenager, a very young teenager; he was actually driving a car as a chauffeur. Just driving folks. He indicated that he was driving for some fairly well-to-do people and that permitted him to travel around the South. When he came to Atlantic City, New Jersey, he must’ve been at that point in his early 20’s. That’s where he met my mother. He came when he was driving a car, a taxicab and he eventually was a driver for a department store. He was the department store delivery man and he also did odd jobs around the department store in Atlantic City. During the war he had a family. By the time the war was in full progress, he was not draftable.

Ms. Tucker: You’re talking about World War II?

Ms. Winston: World War II, that is right, I forget in 1943, when I was born he actually had been recruited to work in the shipyards in New London, Connecticut and that’s where he learned to be a welder. Again, that’s significant because he took up that trade again a little later. The department store in Atlantic City either was reducing staff or folded, I am not quite sure which. So he left, could not find other work in Atlantic City which was basically a resort town, and so he went to Philadelphia 60 miles away.

Ms. Tucker: That was when you had already been born?

Ms. Winston: Yes, I was, I guess I was about 7 or 8 when he decided to look for work in Philadelphia, Pennsylvania after losing his job or being laid off from the department store. So he went to Philadelphia and obtained a job as a welder in a place called Yale & Towne, which subsequently became Eaton Yale and Towne. They made locks and so forth. But my father went to Philadelphia and commuted for awhile. He had a room in Philadelphia and then he would come home on the week-ends and after several months of that, at the end of the school year he decided he just needed to move the entire family to Philadelphia. We were all
devastated, my bother, my sister and my mother. My mother was born in Atlantic City, she had never lived anywhere other than Atlantic City except for a year in New York when she lived with her older sister and attended secretarial school for a year. But we were all devastated. It was as though we were going to the end of the world.

Ms. Tucker: How old were you?

Ms. Winston: I was, I must have been 8 or 9 I think around that time, maybe a little older. I think that was in '52, so I would have been 9. So we moved to Philadelphia and we used to come back to Atlantic City. We insisted my father drive us back to Atlantic City on the week-ends to get water. Why? Because the Philadelphia drinking water at that time was so horrible you could smell it before you could get it down. It was horrible and so we insisted that we had to have Atlantic City water. That was another aside. So my father remained a welder for the rest of his working life. He retired at age 65 from Eaton Yale and Towne.

My mother's family was quite large. As I said, she was born in Atlantic City. She had 8 siblings, 2 of whom died at very young ages, the oldest boy and a sister.

Ms. Tucker: What was your mother's maiden name? Oh, you already told me.

Ms. Winston: Margaret Ann Goodman. She had

Ms. Tucker: 8 siblings?

Ms. Winston: There were 8 siblings, the oldest boy and the oldest girl died very young.

One was an infant and I think the other died, I don’t remember which one, when he or she was 2 years old. The remaining siblings all were brought up in Atlantic City. There were 5 girls, that included my mother and 2 boys. My mother finished high school in Atlantic City. That was a very interesting phenomenon, most people don’t know this, but the elementary schools in Atlantic City were all segregated. The high school was not and there was only 1 high school and
so back then white students and colored (Negro at the time) went to the same high school but the black students were not permitted to use the swimming pool.

**Ms. Tucker:** Your mother was a black?

**Ms. Winston:** My mother was black. Both my parents are black. There was always some question of my father because of his name and because of his complexion. His complexion when he was younger was about my complexion— but as he aged he was a brown leathery looking older man. But my mother, it is interesting, my mother was clearly and is clearly a black woman, she is 85 now, by the way. However, she was always marked absent on all the Jewish Holidays in Atlantic City. I suppose because of her maiden name [Goodman], you know.

**Ms. Tucker:** Do you know how she got that name?

**Ms. Winston:** No, my grandfather, her father, was raised in Richmond, Virginia and I know that the name goes back at least a generation or two before him. I suspect that name came to his family in same way most names came to black families, who are, I am sure, descendants of the slaves in Virginia. His family, interestingly though, his family, that is my great-grandfather, father of my maternal grandfather, had a business in Richmond, Virginia for a while. He operated a cab company, which is very unusual for a black man to have been in business at that time. My grandfather, my mother’s father, was, he was a “jack-of-all-trades”, but he made his living for many years as a furrier, making fur coats for a company in Atlantic City. He taught one of my mother’s brothers how to make fur coats, and the two of them worked together for a very long time and had quite a reputation in Atlantic City for the speed by which they could produce these coats. There was some tension that revolved around that with the other workers, my grandfather and uncle were the only black workers (furriers) in this particular company. I don’t know how many of them there were, I can’t imagine there were too many. They were
often cautioned to slow down in their work, because they were making other workers look bad. I believe this was an issue of some tension for my grandfather. He was very proud of his work and his abilities and so he was under the notion that couldn’t work as fast and as well as he wanted to. And, of course he could not make as much money, as a result, to raise these now 7 children that he had.

Ms. Tucker: Were all of these furriers that were competitors with your grandfather, were they all black, or were they white and black?

Ms. Winston: All white. I understood that my grandfather and my uncle, Richard, were the only black furriers and that was considered something. Just from the stories that my mother tells me I suspect that that was a bone of contention for my grandfather, particularly that he was being pressured by these other men not to do as well as he could, not to make as much money, and so forth. There was some degree of resentment, but again these are second hand stories for me but I do remember them.

Ms. Tucker: Did you get any fur coats?

Ms. Winston: No, no never! It is interesting they used to get, they used to bring home the scraps of things that just couldn’t, wouldn’t work and I remember that my aunt and my mother used to make little doll fur coats. The tiny dolls, the Tony Dolls, she was very popular when I was a little girl. So I do remember that part. I thought that was quite exciting. But no, we never got any fur coats.

My mother’s mother, whose name is Margaret I. Boddy, came from Lancaster,

Ms. Tucker: Can you spell that?

Ms. Winston: Yes, “Boddy”. She came from Lancaster, Pennsylvania and my mother says, and it was confirmed by her aunt that my grandmother’s family was part American Indian.
I am not sure which tribe, but in her appearance it looked pretty clear that she must have been part something else other than black. She did not look like a black woman. She had long black hair. It wasn’t straight black; it was wavy black. I remember because I used to love to brush her hair and she used to love to have her hair brushed and I was always just amazed at how long it was. She wore it pulled back in a bun and she would let it out and it was down to her waist.

Anyway, she was a maid for many years. She worked in the homes of white families in the area, took care of children. My mother’s father and mother died at a very young age. I thought they both died before they were 60. My grandmother, I believe was 56 and my grandfather was 54 when he died. He died of a cerebral hemorrhage and my grandmother had a heart attack at the age of 56. So interesting to think back on that now because at the time I considered them very old, after all. I think now as I am looking to become 62 in November, I think, oh my God, how young they were when they died. They died at the age of 56 and 54. Anyway, so I am going to take a breath here and let you ask additional questions.

Ms. Tucker: You talked about your grandmother, grandfather and what your grandfather did. What did your grandmother do?

Ms. Winston: Well, she was a maid.

Ms. Tucker: That’s right, she was a maid.

Ms. Winston: On top of that, my father did become a welder and retired as a welder. My mother -- I should tell you a little bit about her. She went to secretarial school for a year, she really didn’t like it and she spent most of her working life as a sewing machine operator. When I was younger, when they asked about the occupation of my parents, I used to put “seamstress” for my mother because she made all of our clothes, my sister’s and my clothes. She kept correcting me,” “I was a sewing machine operator”. She worked in various factories -- first in Atlantic
Ms. Tucker: What do you think is the difference in her mind between a seamstress and in your mind and a sewing machine operator?

Ms. Winston: I think she thought term “seamstress” was too fancy and suggested someone who was taking in sewing instead of sewing things for pay directly like a person running a business or being in business for herself. She, my mother, was very active in the union, The International Ladies’ Garment Workers. I remember the song, and she was very proud of that. I think she tended to associate that with being a sewing machine operator rather associating her union with the fancier term of seamstress. It just didn’t sound like what she considered herself.

Ms. Tucker: Do you think her being active in the union -- did you sense that your parents were politically active because of that, or that was their political activity?

Ms. Winston: Oh, that was my mother’s political activity. My father, never, really. He wasn’t really involved in union activities or much of anything really. My father loved cars, he loved having a car, he loved driving his car, but he, you know, he really didn’t have any hobbies or outside activities. He used to fish occasionally, he used to play golf occasionally, but my mother was a union activist but more focused on you know, equal pay for equal work, making sure that they were being paid a full wage for piece work and hourly, however they did it. She actually became, gee I’ve forgotten what it’s called, like the steward or the equivalent of a union steward in the last two shops that she worked in.

Ms. Tucker: Was this in Philadelphia?

Ms. Winston: In Philadelphia, yes this was in Philadelphia.

Ms. Tucker: And you were aware of this position?
Ms. Winston: Yes, I was because she used to come home and she’d talk about some of the big union people that she had an opportunity to meet and I actually remember, this is getting a little bit ahead of the game, but I remember that when I was graduating from law school, my mother didn’t come to my law school graduation because she was going to a union convention in Florida. She was more interested -- she thought that that was more important for her to get her to represent folks in her shop than my law school graduation. In my law school graduation, pictures, there is a noticeable absence of my mother. But that was her political activity. I don’t, I don’t really remember much about, I don’t remember them talking very much about politics in my family. My father had his first stroke in 1985 or somewhere around there and I remember that my mother said just before my father’s stroke, they were watching President Reagan give a speech on television and daddy was really upset about something. She said my father kept saying, she said the last thing I remember him saying was “what did Reagan say?” She said “I noticed he looked like he had fainted. He looked strange,” I guess is basically what she said. Then we discovered he had had a stroke, so I blamed President Reagan for my father’s stroke. But I mean, it completely an atypical reaction because his interest in politics were not that profound or deep.

Ms. Tucker: This is side 2 of the Judith M. Winston tape # 1. You have talked a lot about several members of your family. Can you tell us about who in your family, influenced you the most, that you can discern?

Ms. Winston: Well, as I look back on it, I think the person who was most inspirational, and I guess in that sense, influential was my mother’s oldest sister, whose name is Dorothy Goodman Sharpe Hart. (She’s been married twice.) And I say that because my Aunt Dorothy or Aunt Dot as we call her ....
Ms. Tucker: Spell that name please?

Ms. Winston: D-o-r-o-t-h-y Goodman (of course) S-h-a-r-p H-a-r-t. Her second husband was Joe Hart. I say she was most influential because my Aunt Dot was the only member of my mother’s family to go to college. She went to college and she also has a master’s degree in education. She became a teacher. I was always inspired by her because as a young person she was the only person I knew who had gone to college. I had teachers, of course who obviously must have been and surely were college graduates, but she was someone that I thought I could emulate what she did, something I could aspire to. She helped me understand what was possible for me. I was always considered very smart. I did very well in school. I liked to read from a very early age and did much better in school than my brother, which was a source of some contention or tension. My father always treated me as though I was the eldest born in terms of showing me how to do things. He was not happy with the fact that my brother was, well, just not very interested in school, never did very well. He had to repeat two grades. I think my father was a bit embarrassed by that. In later years I truly believe that my brother had a learning disability which we were not in a position to understand, so he was considered slow and not smart. As a result I got a lot more attention because I was considered smart and I loved school and I loved to read and I was often receiving accolades of some kind of another as a result of my achievements at school. So from a very early age, I had this idea that I would go to college, but I had no idea how to make that happen. So my aunt was the inspiration and indeed the influential person in that regard. I didn’t spend that much time with her, I didn’t see her that often. She lived in New York with her own family and at family reunions or visits I would see her, so -- I guess I’d see her maybe two or three times a year at most. But she was held out as the person who had done this, so I thought that would be a natural thing for me to do, that is to go on
How do you think she got to college out of that large family?

Well, she did very well in school as well and she was the fortunate recipient of one of the Elks oratorical contests. I subsequently met other black people who had someone in their family -- some person -- who was the recipient of this type of award. It was available in lots of communities around the country from this organization which was the equivalent of the black civic association or black "masons" in the black community. They had scholarship programs. This is one of a few scholarship programs that my aunt was eligible for. I am not certain who influenced her thinking about college. She is still alive and I need to have this conversation with her about how it is that she managed to go to college. She went to NYU (New York University) as a matter of fact, which is pretty significant. My aunt is now 88. So, she had this scholarship. She lived with her aunt in New York to attend college so apparently she had enough money towards her tuition, I guess. So, out of my family members I think she was the most influential.

That's quite awhile back, that a black woman could go to NYU college at that point and time we are talking about. You're talking about late '30's, early '40's?

Yes, mid '30's to late '30's. Let's see my mother and father married in 1940. She was 22 at that time, so her sister was two years older, must have been in college, I would guess in the mid '30's. She went right after high school.

Mid '30's?

You know it's interesting, this is a wonderful exercise because I regretted that I did not talk to my father more to get as much out of him in terms of his memories. And I have this aunt who is still very alert and in very good health that I just need to get on phone with
and have this conversation with her before it's too late.

**Ms. Tucker:** We'll come back to that because we'll have other tapes later on that you will be able to show what you have learned.

**Ms. Winston:** To show what I've learned, exactly right. So she was the most influential.

I went through 4th grade in Atlantic City. My entire schooling in Atlantic City was at the Indiana Avenue School.

**Ms. Tucker:** This is in Atlantic City?

**Ms. Winston:** Yes, this is in Atlantic City.

**Ms. Tucker:** Indiana Avenue?

**Ms. Winston:** Right.

**Ms. Tucker:** This was a segregated school?

**Ms. Winston:** Yes it was segregated.

**Ms. Tucker:** And this was elementary school?

**Ms. Winston:** Yes. It's interesting that, I didn't realize it was segregated. I mean obviously, it was but we were just going to school with the kids we went to school with, the kids we grew up with, the kids who lived in the neighborhood and we lived in Atlantic City in a place called the Stanley Holmes Village. The Stanley Holmes Village was subsidized housing, and all the families who lived in this very large complex were black. I discovered some years later that there was a similar development on the other side of the railroad tracks, in Atlantic City in the white section of town, which is almost an exact duplication. We called it the "white village", it was the Stanley Holmes Village complex on the other side and all the families who lived there were white. The race piece -- race has been very significant in my life from a very early age, although its significance, that is, why it was significant, was a mystery to me for many
years, probably until I went to college. I’ll tell you some of my earliest memories of why race seemed to be a significant a factor related to my growing up. The first, the earliest memory I guess, is one of my best friends in Atlantic City. Her name is Pam Jones. Pamela looked much like my mother in terms of the complexion, she was brown skinned little girl. I looked much like her mother, that is, her mother is very fair skinned, not obviously black to many people. I remember one summer afternoon Pamela’s mother had the day off and decided she was going to take the two of us down to the beach. And, it was a fairly long walk from where we lived to the beach and in the course of having to go to the beach, I decided I really had to go to the bathroom really, really badly and we were passing one of the hotels not on the beach, but on the way to the beach. Pamela’s mother looked at me and didn’t want to be embarrassed by me, I guess, grabbed me and took me into this hotel and as we were going through the lobby. We were hurrying ahead, and Pam who was fine, was trailing behind us, and this bellman, I guess, a man in the hotel grabbed Pam and said “where are you going?” Her mother turned around and said, “She’s with me.” He looked at her and he said “You know we don’t allow coloreds in the lobby.” So she grabbed Pam and me and went to the restroom. So it was pretty clear to me that this man thought that Ms. Jones was white and I was probably her daughter because he didn’t grab me and permitted Pam to come along with her. I thought it was very strange, but you know at the time I really wasn’t giving that a lot of thought. I must have been, I don’t know maybe I was 6 or 7, I just don’t remember. I was trying to visualize my friend Pam and I figured from what I remember her, we both must have been around 6 or 7 years old, perhaps younger.

There are other relevant issues in terms of my early thinking about race. When we moved to Philadelphia we were in, my bother and I and my sister, were in an integrated school, Kearny Elementary School and I remember writing a letter to my friend Pam, soon after the first day of
school to tell her how many white kids there were in the class. It was a big deal. We thought, my brother and I both thought, it was a big deal and we were very excited about it.

**Ms. Tucker:** Great excitement?

**Ms. Winston:** Yes, yea it was special, we felt special. We were in a school now with white kids. So there was some, you know we had some sense of ourselves as I guess we were Negroes then, maybe colored. Anyway we described ourselves as either colored or Negroes at that time, but I remember writing this letter and there were a couple of kids in the class that I really liked, one of whom was a little boy named Karl. I remember Karl, I don't remember his last name, but I remember thinking that he was really cute, blond, blue eyed. I remember some weeks after school had started, meeting him for the first time outside of school at one of the local grocery stores on a Saturday. I wandered away from my mom and he was by himself and we moved up and saw one another. We were both pleasantly surprised to see one another and he said “What are you doing here?” and I said “I am here with my mother.” He said “Where is your mother?” and I pointed to my mother, and he looked at me and his face was all wrinkled up and he said “That’s your mother?” I remember -- and this is in some ways very painful – that there was a split second between my answering ”yes” or saying “yes, she is”, when I thought that I should deny my mother, because it is curious, my mother has always been a very large woman. She always carried a lot of weight, and it could have been that he was remarking on her size, but I don’t think so. And, that is probably my most painful earlier memory of, you know, race and wanting you know, not being sure that I wanted this new friend whom I liked a lot to, you know, maybe I didn’t want him to know that is my mother. I’ve told this particular story a lot. It is really hard -- it was initially very hard to tell this in a public setting, but it reminds me about how confused this issue of race is to lots of people and particularly for youngsters of color who, you
know, don’t really understand what it is this all about. I had this type of experience many times during my years in school in Philadelphia -- of confusion on the part of other people about me (and my racial identity). I must admit, I was confused too, because I did not understand any of the underlying issues. I mean, I did not know about segregation, legal or illegal and that it was a political and legal matter. I had the sense that somehow black people were not thought nearly as well of as white people and that there was something special about being white that is not associated with black folks. I remember in Atlantic City how excited we all were when Nat King Cole had his first television show and we all gathered around and everybody thought it was great whenever any black person appeared on television -- it was a huge deal for us, but you know it’s like well we have never seen ourselves -- we have never seen people who looked like us on television. But for me, there was a lot of confusion in school because of our family name and my skin coloring and the fact that in Philadelphia there were an awful lot of Italian people, people of Italian descent who had names that sounded like mine and people who looked like me. So, it was very confusing and I was doing very well in school. I continued to do very well in school basically through high school. I went to a public college prep high school, the Philadelphia High School for Girls which had a lot of smart girls in it so it was much more competitive than most of the other high schools in Philadelphia.

Ms. Tucker: Who chose that you should go to an all girls school?

Ms. Winston: I chose it, my mother didn’t know that much about it. I remember, that in the first place (apartment complex) we lived in Philadelphia that one family there had a daughter, another black girl whose name is Joyce Hodges. I remember thinking that she was really smart and carried herself really nicely all of the time and I admired her. She was probably about 4 or 5
year older than I and I heard that she was going to Girls High School and that it was a school for smart girls. And so I had this in the back of my mind that I would like to do that.

**Ms. Tucker:** What contributed, do you think, that made you view yourself as smart?

**Ms. Winston:** Well, I think it has had a lot to do with my interest in reading. I developed an interest in reading very early. I don’t knew where it came from. I had teachers who encouraged me.

**Ms. Tucker:** You knew you were smart.

**Ms. Winston:** Because of the grades I was getting in school. The fact that I was doing very well in school and from the very beginning teachers were very encouraging to me and quite honestly I think it also probably I was comparing myself with friends, some friends who were not doing as well. My brother was not doing well in terms of grades.

**Ms. Tucker:** Did your family call you the smart one?

**Ms. Winston:** They didn’t call me that, but there were signs. I would get a lot of congratulations for really good report cards. I think A or I think it we used to get E at that time, for excellent. Excellent, satisfactory, unsatisfactory and my parents made a big deal of it.

Atlantic City is full of my relatives, cousins, aunts, uncles. Back when my husband-to-be first got to Atlantic City to meet members of my family, he swore that every time he turned the corner we would meet one of my cousins. So, there were a lot of family gatherings. I remember that my cousins and my uncles would give me books to read. One cousin particularly, whose mother worked for a family who gave them books, you know, when their kids were finished with books.

He (my cousin) inherited this huge set of Nancy Drew Mysteries which I loved. He would give them to me, one at a time, and said you can’t have another one until you finish reading this one and you have to tell me what it is about. I would just devour them, I mean I would stay up under
the covers at night reading these books and I remember him talking to people in the family about how fast I was reading these books and how interested I was in these books. I would tell him the story. He wasn’t reading the books so he liked to hear me tell the story. So there was that. So that’s how it brings me to comparing myself to others in my grades. The family enthusiasm for what I was doing, my achievements and that made me think I was a smart kid.

Ms. Tucker: So, that’s one of the reasons you were talking about why you chose to go to Philadelphia High School for Girls.

Ms. Winston: That was the school that Marcia Greenberger went to, that was a public high school. It was a college prep school and there was an exam that you could take or you could get in by grades. I did not know about the grades part of it, but you could get in by virtue of your grades. It was very important because I remember when I was in Junior High School in 8th grade. This school (Girls High) started in 9th grade. Most of the high schools in Philadelphia started in 10th grade. So you had to be alert about that. I remember one day walking with a friend of mine after school and we were talking about the high schools that we wanted to go to and I said I want to go to Girls High School. Oh, she said, “Did you hear the announcement last week?” I said “What announcement?” “They announced that girls who are interested in going to Girls High School, should sign up to take the test.” I just remembered being devastated when I heard this, it was the week that I must have been out sick or something, I didn’t hear the announcement. I went tearing up to the counselor’s office and the counselor told me it was too late. I don’t remember the details, either that the test had already been given or I was too late to sign up, and I remember being absolutely miserable because I hated junior high school. In particular, there was this one boy in my class in junior high school that was a terror, I hated to go to school because I was going to run into him. He was always bugging me and it was really
Ms. Tucker: Do you remember his name?

Ms. Winston: His name was Harvey Johnson. Yes, I remember his name. I remember what he looks like. I remember it was just, it seemed like his purpose in life was to make me miserable.

Ms. Tucker: Any contact with him since that time?

Ms. Winston: No, I have no idea what happened to him. But I remember begging my mother to come to school, please come to school and make them give me the test. I found out later that the junior high school that I went to did not like their smart girls leaving to go to Girls High School. The boys would also leave to go to Central High School which was the equivalent boys school – public college prep school for boys in Philadelphia. Anyway, my mother, finally, because I was so miserable, decided to take some time off from work, as I recall, to go up and talk to the counselor. It was then that we found out that we could just submit my grades and see if I could get in on the basis of my grades, which happened. I was so relieved. Anyway that is how I got to Girls High School. It really was because of Joyce Hodges who was a person I admired and that I wanted to be like, and that’s where she went.

Ms. Tucker: Then, back to your elementary school, if you can remember that. What were your activities, the things that you were really interested in, your hobbies? What did you do as a little kid?

Ms. Winston: In grammar school, reading was the big hobby. I used to read a lot outside of school and outside of assigned school work. In Atlantic City I started playing the violin in school. I played the violin starting in 3rd grade and then in 4th grade. I had to borrow the school violin. We couldn’t afford for me to have my own.
Ms. Tucker: So where did you take lessons?

Ms. Winston: There were not private lessons, they were school lessons and I enjoyed that. I wasn’t very good, but I enjoyed it. When we moved to Philadelphia, Kearney Elementary School did not have a music program, and so I did not play a musical instrument again until junior high school, when I started playing the cello. So that is that. I found another teacher, a 5th grade teacher and subsequently my 6th grade teacher, first Mr. Goldfuss the 5th grade teacher and Mr. Rosen, the 6th grade teacher, at Kearney Elementary School both used to help me find books. I went through all the books in the library and Mr. Goldfuss would bring in books for me to read and I think I was something of a teacher’s pet, because my mother reminded me, actually not too long ago, when she found a photograph of me as a baby that she had shown to Mr. Goldfuss who kept it and she had to insist that Mr. Goldfuss give her back the picture. We had to bring in pictures of us as babies for the school newspaper. They were having a contest -- matching the pictures to the kids in the class. My mother gave him this picture of me as a baby sitting on top of this hassock. He took the picture, and he kept the picture and it was going around town saying that this was his little girl. That was interesting, my mother told me the story, I didn’t know it at the time. But she insisted that he give her the picture back and found it not too long ago. So he took a great deal of interest in me. Then Mr. Rosen, the 6th grade teacher, was just fascinated apparently, according to my mother, by the fact that I was reading all this material and he couldn’t keep up with me. He was going to the library and he was getting books out that he thought I should be reading and so on.

Ms. Tucker: You have had a lot of male elementary school teachers.

Ms. Winston: Yes

Ms. Tucker: You have named two out of six grades.
Ms. Winston: Well, yeah I think those were the only two. It is interesting, but I do remember Kearny Elementary School had a number of male teachers particularly at the 5th and 6th grade level. I actually remember Mr. Clausen was a black, male teacher who taught 6th grade. He was very handsome, I never had him. Because that was fairly unusual too, to have male teachers in schools at that time. I remember, too, in Kearney, there was a 1st grade teacher that my sister had and then Mr. Clausen. You are right, it is very unusual. By the way, I visited Kearney Elementary School in June of this year, it was the first time in 50 years that I've been back. I think it was 50 years from the time I started that school, I think actually it has been 50 years since I graduated. Kearney looked exactly the same, I couldn't believe it after 50 years.

Ms. Tucker: It looked smaller to you.

Ms. Winston: It looked smaller, but I mean, it was, they hadn't done any renovation.

The desks were newer desks, I mean the hallways looked the same, the principal's office is exactly in the same place. That is something that I would like to reminisce about a little bit later for some other reasons connected with some work I am doing in Philadelphia.

So, my interests. I used to like to sew; I loved to sew. My mother taught me how to sew, and I spent time making clothes for myself and for my dolls. I had a lot of friends. I loved playing outdoors.

Ms. Tucker: Do you still sew?

Ms. Winston: I do, yes.

Ms. Tucker: Do you still play the cello?

Ms. Winston: I still play the cello. I recently started cello lessons about 3 years ago. I had not taken lessons since high school, but I've had a cello. My husband bought me a cello 4 or 5 years after we were married. I am taking lessons now. My husband and I just gave a concert.
He plays the piano. I think it was May 8th. We gave a little performance for my closest friends. I remember I loved clubs. I used to always either, join or start girl’s clubs. We had a club when I was in 6th grade that we called the “Bon Chance” club, “Good Luck” were probably the only French words I knew and they sounded very sophisticated and we all had club shirts, blue flannel plaid shirts.

**Ms. Tucker:** This was a girls club in elementary school?

**Ms. Winston:** This was outside of school. This was just a group of girls I used to hang out with and felt we needed to just have a club. Part of the club activities, was to have sleep overs and just hang around. And it was a club. It was not a gang because at that time in Philadelphia there were a fair amount of gang activity -- some boy gangs and girls gangs. So we wanted to be clear that we did not have a gang, although we thought we could defend ourselves if necessary.

**Ms. Tucker:** Was this all black, or was this integrated, because now you are in an integrated school?

**Ms. Winston:** There were some, yea you know, there were some white girls.

**Ms. Tucker:** This is tape two of the Judith A. Winston tapes, Side One.

**Ms. Winston:** We were talking, I guess, about my activities in elementary school. In addition to playing the violin and the hanging around with the group of girls and the reading, I think I did fairly typical things. We used to go to the movies a lot. Nothing really unusual in that respect.

**Ms. Tucker:** What was your personality as a young girl? Were you a leader? Were you shy? Tell me about what you were like?

**Ms. Winston:** I used to think I was shy. But I don’t think I was with my friends. I think
I tended to want to be in charge. My brother, if he was still alive, probably would tell you that I wanted to be in charge. My sister would probably tell you that I wanted to be in charge. Not unlike now. I think my personality traits formed at a fairly early age. I like being in control. I think I was, I believe I was fairly well liked. I liked to laugh and I liked to be treated well and I liked to treat people well. I remember thinking that way at an early age I liked to be liked but I also liked to do be in control. As an aside, I will tell one of the things that used to amaze me a lot in high school. When I started to go out with boys I never seemed to be in the company of boys that would take the initiative to think of places to go, things to do. I always felt that I had to take the lead. It was very bothersome to me, because I didn’t want to be in that position in terms of a boy-girl relationship. There was something, I mention that because when I met the man who was to become my husband, one of the things that struck me immediately was that he could make decisions. He was very smart. He did not have any problems making decisions or deciding things, but he is not like that anymore. But I remember that. In junior high school, in terms of developing interests, I did take up the cello. I actually joined the music program at Penn Treaty Junior High School. It was a junior high school that went from 7th to 9th grade.

Ms. Tucker: Was that integrated?

Ms. Winston: Yes.

Ms. Tucker: Was it co-ed?

Ms. Winston: Co-ed yes. I learned of the music program and went to the music director and asked if I could play the violin in the orchestra; get an instrument, get a violin and take lessons and join the orchestra. I discovered that they had too many kids that wanted to work on the violin or wanted to play the violin. So the music director asked me if I would be interested in studying the cello. I had never thought about it, but I knew I wanted to play an instrument so I
agreed to try it. I started taking lessons on the cello then and, trying to make it back and forth from school to home, it was a large instrument I thought at the time and my father thought it was hilarious seeing me carrying this big cello back and forth. So I, continued to play and take lessons on the cello in public school in the music program through high school. I was in the orchestra both in junior high school and throughout high school. I continued to sew.

Ms. Tucker: You said earlier you hated junior high school?

Ms. Winston: Oh, yes.

Ms. Tucker: What did you hate about junior high school?

Ms. Winston: Well, I thought the classes were pretty boring. It seemed to be going so slow. I wanted to do more. I wanted to know more and I – this Harvey Johnson I am telling you he was the terror of my life.

Ms. Tucker: What was it that he did that made you hate those years?

Ms. Winston: Well, he would tease me. He would – I am trying to remember what it was. You know, there were actually a number of friends that said, “Oh he really likes you!” But nothing he did or said to me suggested that. He would always try to sit near me and he would distract me from the class. I don’t know whether he was pulling my hair, or what. You know, its funny, I don’t remember the specifics. I just remember having an intense dislike for him and not wanting to see him and dreading having to go to school and being in a classroom with him.

Ms. Tucker: Do you think that made you want to go to an all girls school?

Ms. Winston: I think it encouraged me think even more positively about going to Girls High School. I pretty much made up my mind that I wanted to do that, before even going to Penn Treaty, and quite honestly, Marna, I thought that it was a place where this one woman that I had admired so much went, and that it was a college prep. I think it may well have made me
very happy to know that I wouldn’t face somebody like Harvey Johnson in my high school.

**Ms. Tucker:** I want to get back to again, it was your friend Joyce that got you interested?

**Ms. Winston:** Right.

**Ms. Tucker:** And you said you admired her so much?

**Ms. Winston:** Yes.

**Ms. Tucker:** What did you admire about her?

**Ms. Winston:** You know it was interesting. She really wasn’t, I said friend, she really wasn’t a friend of mine because she was older, she was a lot older than me.

**Ms. Tucker:** What was her full name?

**Ms. Winston:** Joyce Hodges and her brother, her younger brother, Tony Hodges was in my class in elementary school. It was the way she carried herself. She always seemed so serene. She was always carrying books. She had an interest in school that wasn’t very evident among most of the kids that I knew. She lived in a very rough neighborhood and she just seemed to be sort of beyond it. She seemed to have the kind of personality and interests that I wanted to emulate. So, that was really, she was very nice, she would talk to me, but I just, I can’t say that I really knew her that well.

**Ms. Tucker:** She was a role model.

**Ms. Winston:** Yes, she was a role model. I didn’t know very much about Philadelphia having been transferred there from Atlantic City. There were a couple of high schools that I did not, that I didn’t like. For example, one of the reasons I did not like Penn Treaty in addition to Harvey Johnson is that we were fairly close to a school that we used to call the “bad boys school”. This was a place called Daniel Boone High School. I guess it was a high school. And
this was the place where they sent boys who had discipline problems. That school let out earlier than Penn Treaty Junior High School, but on Fridays, Penn Treaty let out early. My brother and I, had to take a trolley car and bus, I guess 2 trolley cars to school. My brother and I were in the same grade by this time. Because he had been left back and I had been promoted 2 grades, so we were very close and we would travel to and from school together. Well, on Friday afternoons we always had to make the decision as to whether or not we would walk home. It was a long walk home, so I used to avoid the Boone Boys who always got on the trolley car a few blocks after we got on. We had a couple of encounters. One involved my brother, I was really scared for him, I was scared for myself, too. It used to be that boys just picked on girls, but I remember one afternoon, Friday afternoon, we got on the bus and my brother had just gotten a new cap, all the rage at this time were these caps that were called “Jeff” caps with a little brim on the front and he had a new one. He was very proud of this hat and we were on the trolley and this group of boys got on. They were all black. It is interesting, I don’t know what the composition of that school looked like, but the kids who tended to get on the trolley car were all black and they saw my brother with this hat on, very popular with boys of this kind. They came over and one of the boys grabbed the hat off his head. My brother had blue hazel eyes, blond hair, even at that age, dirty blond hair and so they grabbed his hat off of him, it was significant because I knew he was going to fight them, because he loved his hat and just when he was about to get into it going after this kid with his hat. Then one of the boys said “Hey man, give him back that hat! He is colored.” The boy looked at him and said “Are you colored?” My brother said, “Yes, of course I am.” My brother was so shaken by the fact that they had to ask the question. He got off the trolley car and walked the rest of the way home.

Ms. Tucker: Your brother had light skin instead of black? Where did that come from?
Ms. Winston: My mother was light brown-skinned and she had dark hair. I think it comes from somewhere from my father’s side of the family. I am not quite sure, but we have seen pictures. We have seen a picture of his mother, my father’s mother. My sister looked very much like his mother. She does not look like my father. But the light hair business, I don’t know. My youngest daughter is very fair and has blondish brown hair. She is Cindy my youngest daughter. She went to Howard University. They used to call her “Cindy X” because she took the “race thing” to another dimension [because she hated the idea of being mistaken for someone other than what she is -- an African-American]. That was the reaction to lots of things. In any event, I was happy to get out of junior high school for all those reasons and go to Girls High School. It was quite an interesting experience for a number of reasons including the fact that I didn’t do nearly as well grade-wise at Girls High School. I really struggled and I couldn’t quite figure out what was going on because I felt that I was working as hard as I could and doing all my lessons. I decided some years after I finished Girls High School and went on to college that I didn’t really know much about getting extra resources. We did not have that many books in our house. My mother and father were not very interested in academic things.

Ms. Tucker: Did they help you with your homework?

Ms. Winston: No, I was on my own. I think that I needed guidance in getting resources. I concluded it could have been helpful to me in increasing my grades and doing better. I remember we had an encyclopedia that we got from one of the big food markets, where they used to sell those. Buy $25 in groceries and you could buy an encyclopedia one at a time for $0.89 or something like that. I remember that I was very excited I had those. I would spend some time at the library. I loved going to the Philadelphia Library which is this most beautiful building. I just liked being in that building. It was just really very elegant. It’s funny, but a few
years ago my husband and I went to Philadelphia for the week-end and we stayed at a hotel that is on Logan Square, Logan Circle anyway [where the public library is]. I decided to go into the library. It looks so much smaller and so much older than I remembered. I remembered this grand stair case in the library and those high ceilings. They are still there but look a lot different.

Ms. Tucker: You said you struggled a little more – did you make good grades?

Ms. Winston: I did okay, I probably finished in the middle of my class at Girls High School and I wasn’t doing badly.

Ms. Tucker: Any particular teachers that you remembered and that had a special influence on you?

Ms. Winston: Not in high school. There was a teacher in junior high school I should mention to you. Not in high school, that was one of the very disappointing things to me. There was not much nurturing going on there. There was no teacher that stood out as a teacher that particularly cared about me.

Ms. Tucker: Were there any black teachers?

Ms. Winston: No, there were none. I know that was true, because I know the woman who was the first black teacher at Girls High School because she was there the year after I left. My sister went to Girls High School and she started the year after I left. This woman was the mother of one of the girls that I graduated with and there was a big to do about that- that now, for the first time, the school had a black teacher. There were some unfortunate incidents at Girls High School in that they had some confusion. I remember one of the white students in my class who didn’t know that I was black. I remember being invited to a party, a cast party, for this play that I had talked about in my yearbook.

Ms. Tucker: What was the play?
Ms. Winston: It was about an election – a political campaign

Ms. Tucker: Do you remember the name?

Ms. Winston: I don’t remember the name.

Ms. Tucker: “A Family Affair”?


Ms. Tucker: Remember the role you played?

Ms. Winston: I played, Annie, a campaign manager, I think. I loved it, I was in the drama club. But I remember afterwards there was supposed to be a cast party at the home of one of the girls in the play. I was not the only black girl in the play, but I was the only one invited to this party. It was very clear to me, it seemed clear to me, I should say, because I was really dumb like that, I had the sense that they didn’t know. Whenever I was in that situation and I was in that situation a number of times, I was always troubled by whether I should just reveal it [that I am black], you know. I knew that passing, I did not want people thinking that I was trying pass. On the other hand, I was not anxious to be rejected after the revelation that I am black -- that I really didn’t want to experience that either. I remember seeing the movie called “The Wedding” the one when in which the actress Jean Simmons -- I think, her name was -- played the part of “Pinky” --and Ethel Waters was in the movie. There was a remake some years later with Lana Turner. But the earlier one that I saw,

Ms. Tucker: Do you remember the name as “The Wedding”?

Ms. Winston: I don’t remember for sure, but anyway, there was character in this particular movie, Pinky was the name of the young woman who was trying to pass and I remember seeing the first make of that movie as a youngster, beginning to get a sense of what it was like to be in that position, -- I don’t like to talk about this because it was sort of embarrassing, but I went
through this. It’s important to know that I did go through this as a youngster, because there are things that are associated with being black that were not positive. It was a basis for being rejected by some. On the other hand, as a youngster, I just didn’t get it. I simply could not understand what difference it made and why I was all right with people when they thought that I was white but not when these same people learned that I was black. How white people would act differently towards me. Interestingly, I sensed a change in my teachers when they learned that I was black, and I didn’t understand it. My mother would come to school for the first parent/teachers meetings. This was in junior high school when I started noticing this, and then in high school. Teachers who took an interest in me before would cease to exhibit that interest after that first meeting. I didn’t get it for awhile or I think I wouldn’t admit it – perhaps that’s what it is. The fact is that I may be attributing racial attitudes or bias to these matters as I am looking back at some of these things in retrospect. In some sense, my interpretation may be from the perspective of knowing what I know now about race and racial attitudes. How much of my reaction to these episodes were contemporary to them or am I now putting a gloss on them?

I had an experience in junior high school that is very vivid today and one that I understand better having learned more about race in America in later years. I decided in junior high school that I wanted to be a lawyer. I used to watch Perry Mason. I loved Perry Mason! Loved Perry Mason and what he did in the courtroom. It wasn’t a real conscious decision on my part. However, I remember being in my 7th grade homeroom with my teacher Ms. Caroline Long and we were having a discussion about careers and everybody had to go around and say what they wanted to do. Everybody wanted to be a teacher, you know. When she got to me I said I want to be a lawyer. She looked at me. Uh! Okay! Then when my mother came to the first parent teacher’s meeting.
Ms. Tucker: Was that the fact that you were a girl?

Ms. Winston: M'm

Ms. Tucker: That maybe there were no women lawyers?

Ms. Winston: It didn’t occur to me, I don’t remember it being a factor. I really don’t. I just don’t remember. Quite frankly I never thought that there were any impediments that were associated with women or girls. I don’t remember having that thought. I really do not. Then when my mother came to the 7th grade parent/teacher meeting she came back and told me that Ms. Long said to her that she thought that my mother needed to have a conversation with me because she was concerned that a Negro girl who wanted to be a lawyer was bound to be disappointed. She said it was too high an aspiration and I might want to think of becoming a teacher. I remember I really resented that. I do remember she made a reference to the Negro girl part of it. I actually do remember that.

Ms. Tucker: Was Carolyn Long white or black?

Ms. Winston: She was white. No I don’t think I had any black teachers ... I don’t remember having any black teachers at Penn Treaty. Come to think of it, I don’t know if they had any there. You know, I remember thinking, who does she think she is, if I want to be a lawyer, I will be a lawyer. But it wasn’t until some years later that this career interest developed quite strongly. Anyhow, I remember she said I couldn’t become a lawyer, so when it became something of interest to me, I remember very well her cautionary words.

Ms. Tucker: Do junior high schools have reunions?

Ms. Winston: I don’t think they do. I have been to Penn Treaty Junior High School. In fact I’m on the Penn Treaty Junior High School Wall of Fame. I was there for the Clinton
Administration Department of Education. We had -- all of us in the Department or many of us - decided that we would go back to school [as part of a Department initiative to recognize the opening of the school year]. The Secretary of Education, Dick Riley, asked us to go back to some school, one of the schools we had attended to encourage students there to complete their education. I said I wanted to go to Penn Treaty Junior High School. That is the school I wanted to visit.

**Ms. Tucker:** And you picked that over Kearny and Girls High?

**Ms. Winston:** Yes.

**Ms. Tucker:** Even though you did not like Penn Treaty.

**Ms. Winston:** Right, you wonder why I did that. I think I did that because I felt the message that I wanted to give probably wouldn’t be something that the girls at Girls High needed to hear because the girls there selected to go to that school. They were already high achievers and had already made some decisions about their education. Kearny Elementary School, I don’t know why I did not consider it. But I remember Wilson Good, who was a former mayor in Philadelphia and then a Secretary’s representative in the Clinton Administration for that region of the country. When he heard that I wanted to go to Penn Treaty Junior High School, he said, “Oh no, you really don’t want to go back there. Oh, the kids are so bad, it’s a terrible school and it just you know, it’s in a bad part of town.” I said, “But I want to go there.” You know, I found the kids there just kids and really sweet. It’s mostly Puerto Rican there. It’s a middle school, goes from 5th through 8th grades. But the kids touched us. When I asked them what they wanted they said: “We want more computers here. We don’t have new computers.” But it was very different of course as I compared it with my experience there. I mean, I started thinking about Daniel Boone boys and the things I worried about. Oh my gosh, well it was very
interesting to me these are just kids, struggling to get an education and to have working computers. I was subsequently invited to go back to give the commencement address and I just mention this because it is interesting to me. It was interesting to me, for example, to notice that the girls were coming to commencement in these beautiful ball gowns and they were really dressed up. Some of them had families bring them in cars that were decorated just like in a beauty pageant or something. You know they had their cars decorated. The kids would come in like they were going to a prom and I remember mentioning my surprise about this to the Principal, Mr. Zaconi. He said, “This is as far as many of these youngsters will go. This is a big deal. This is like a major event to their families it’s a big deal to graduate from any school. Albeit, from a middle school. It’s like a prom.” It was very moving to me.

Ms. Tucker: You are on their Wall of Fame?

Ms. Winston: M‘m. Wall of Fame. Yes. I think I was the one who started the Wall of Fame, actually. I had a plaque that they had made up that the Principal showed me after the commencement. He said this is for our Wall of Fame. I don’t think there is anybody else on the Wall of Fame, I will go back to see. I do some work in Philadelphia and I will go back and see. First of all, to see if I am still on it. But that was what I was told. They were very impressed that I was somebody that had been appointed to a high position in the Clinton Administration and that I had elected to come back to this school.

Ms. Tucker: When you were the commencement speaker do you remember the message you tried to give them?

Ms. Winston: First of all, I remember the speech was much too long for a junior high school. I basically was asking them to think big and to understand how staying in school and working hard in school could deliver their dreams. I basically told my story about my mom and dad and
that they had not finished elementary school and this is what I was interested in doing finishing school and going on to college. It was funny that a lot of the kids came up after the speech. This school is among one of the poorest schools in Philadelphia and is maybe 60% Hispanic 40% black and a few white students, very, very few. My mother and brother had come to hear me speak and I introduced them and the kids saw my mother and recognized that she was an African-American. So, some of the kids came up to me afterwards and said. We didn’t know you were black at first and a couple asked if I really was.

This is the second interview of the oral history of Judith A. Winston which is being taken on behalf of The Women Trailblazers in the Law, a project of the American Bar Association Commission on Women in the Profession. It is being conducted by Marna S. Tucker on September 22, 2005. This is Tape 3, Side 1.

**Ms. Tucker:** Judith, when we had our last interview we had taken you through your high school years. Now I would like to move into your college years. Did anyone specifically encourage you or discourage you from attending college?

**Ms. Winston:** Well, I mentioned, I believe when we talked last, an Aunt, my mother’s sister Dorothy Goodman Sharp Hart, who was the only one of my mother’s siblings who attended college. We were not particularly close when I was a youngster, but I was always inspired by the fact that she had attended college. In fact, she was the only person that I knew, who was a family member and close in that respect, who had attended college. So I knew what was possible for me, at least what I believed was possible for me. We talked about my aunt briefly last time. I followed-up on a question that you asked me that I could not answer. My aunt, who grew up in Atlantic City as did my mother and her brothers, won a scholarship to college. She attended NYU, New York University, and you asked me “what inspired her, how did she get to
college?" So I asked her this question after we spoke, and I found out something that absolutely
flabbergasted me. She said that she had entered the Elks Oratorical Contest,
which was a very well known contest among African-Americans in the 30's and 40's. A number
of people that I know participated. She was the winner in the Atlantic City, New Jersey region
of this contest. As a result of her winning this, she came under the tutelage of Dorothy Height.
Dorothy Height became her mentor, and it was Dorothy Height that encouraged my aunt to
attend NYU, which Dorothy attended after being enrolled at Barnard. Dorothy Height took my
aunt under her wing and guided her through the next couple of stages of the Elks Oratorical
Contest. I didn't actually think to ask my Aunt if she won on the National level. She was able to
get far enough in that contest to get a scholarship, which paid her tuition at NYU. She lived with
her aunt, my great aunt there. So, my Aunt Dorothy was an inspiration to me. I was not
encouraged to any great degree to attend college. My parents didn't know very much about it. I
must say that they were not unhappy about my thinking about it, but they could not provide me
with very much help in the way of guiding me. I attended a college preparatory high school, a
public high school, in Philadelphia, the Philadelphia High School for Girls. It was just assumed
that all the girls in this high school would go on to college. I think it was also mostly assumed
that we knew something about the college going process and many of my classmates probably
did. I was kind of shy about asking questions about it, but I thought I should know because it
was assumed that I would know. I spent a lot of time during those four years trying to figure out
the process. The school was not as nurturing to me as to others. I often mentioned to you what I
believed, that there was some confusion about my race in high school. I didn't quite know what,
in fact, the potential would be for a Negro/colored girl. I was very lucky though in that I did hear
Howard University came to Girls High School to recruit students there to apply to Howard.

**Ms. Tucker:** How many black girls were there?

**Ms. Winston:** Very few. Howard came there because Girls High School, in spite of the fact that very few of the students were black, had a good recruitment record from Girls High School and many of the black girls from Girls High School not only applied and went to Howard but were also scholarship recipients. I remember very well the morning that the Howard recruiter came to Girls High School, there was an announcement over the loud speaker that any Negro girls interested in speaking with the Howard University recruiter should report to a particular room at a certain time in the school day. When I got up to go to this meeting my homeroom teacher, Ms. Derr, called me over to her desk and she said “Ms. Marianno, where are you going?” I said: I am going to talk to the Howard University recruiter. She said to me, in a very quiet voice so no one else could hear “that is only for Negro girls.” I looked at her and said “yes, I am a Negro girl.” I just remember her turning very, very bright red and you know, she just waved me away. I discovered a couple of years later after I started attending Howard that there had been quite a brouhaha the previous year at Girls High School when one of the white students actually applied to Howard University and was admitted unbeknownst to her parents. She wanted to go and the parents were very angry that the school had, in essence, permitted her to apply, or sent her transcript, or whatever they did to facilitate her application. So there was some concern apparently, with that. The school did not, apparently, want girls who were not Negro to get into to see the recruiter. In any case, the Howard University application process was one in which you took an exam. The examination process was actually also the application process. So, anyone who signed up to take the exam also was applying to the University and competing for a scholarship. The application fee was waived, which was very important to me at that time,
because my parents did not have very much money, in fact, my father had been laid-off from his job as a welder, so my ability to apply to any institution where there was a fee involved was severely limited. I took the exam and I found out, interestingly, the evening that I returned from the senior class trip to Washington, DC, my only trip to Washington, D.C. at that point.

Ms. Tucker: That was your high school class trip?

Ms. Winston: The seniors always came to Washington, DC to see our government at work. That evening, I don’t remember the exactly the date, I am sure that I can find out, but it was in March or April. That evening when I got off of the train, I called my father, really to ask him to come pick me up from the train station. My mother answered the phone and said that I had gotten a letter from Howard University, which they opened. I had been awarded a full scholarship, which would cover my tuition and my room and board. It was the most wonderful news I had ever gotten, I thought up to that point. So, I knew that I was going to go to college.

Ms. Tucker: What was your parents’ reaction?

Ms. Winston: They were delighted and almost in a state of disbelief at that point because it seemed too easy. They knew that I was interested in going to college, they knew that I had taken this exam, they also were thinking about all the money that it would cost and concerned that I would be unable to attend, that they could not afford for me to go. I am sure that they were quite relieved. My father thought that I should consider going to some place locally, maybe a secretarial school, which my mother had gone to for a year after high school. Again, I believe his concern was financial. I think that that was good conclusion because four years later, when my sister was thinking about college, my sister did not receive a scholarship. She also attended Howard, but my father was adamantly opposed to her going to college because he thought it was
going to cost too much money and that she probably wouldn't use the education. It was a typical male reaction in those days, although I was surprised to hear it from my father. I was married at the time, and my husband, Michael and I said that we would assume whatever costs that there were. My sister was going to college. She could live with us in Washington where we were at the time.

**Ms. Tucker:** Did that happen?

**Ms. Winston:** That did happen, yes it did. My parents were both surprised and relieved. I was very excited, although I tell you I didn’t know anything really about Howard, at all. Except that it was historically a black institution. At that time that was not pleasing to me. The reason is that my experience had been that institutions that were predominantly black or all black were not that well received by many of the people that I knew, even black people. I lived in a neighborhood that was predominantly black and Hispanic. We had all the problems in that neighborhood that many poor neighborhoods have, where there is concentrated poverty. Those problems were largely associated with race in my mind at that time. I thought about one other institution. The only other institution that I knew about was Westchester State Teachers College. I had visited Westchester State as part of a class trip in high school and it looked just like a college campus should look. Dormitories, you know, wide-open spaces; the kinds of things that you used to see in the movies. I went to visit with the Vice-principal of Girls High School who was Dorothy Thompson. She was the one that provided the college counseling. We would also visit with her so that we could receive our scores from the SAT’s.

**Ms. Tucker:** Wasn’t Dorothy Thompson the counselor at Girls High School?

**Ms. Winston:** She was the Vice-principal and the guidance counselor. I went to see her and she was going to give me my SAT scores. They didn’t automatically come to students or parents
in those days. They went to the school, the school revealed the scores. I went to see her, but before she gave me my scores, she asked me where I was thinking about attending college. I said to her that I was thinking about Westchester State Teacher's College. She said, "Well, I really don't think your scores or your grades are high enough to get into Westchester State Teacher's College. Then she told me my scores. I was very disappointed in my scores, both the math and verbal scores. I thought I had done better. She said "I think you should consider Cheney State Teacher's College." That is a school in Pennsylvania which was historically a black college. Apparently its admissions' requirements were not really as high as Westchester State Teacher's College, also a Pennsylvania state college. I found out when I got to Howard University about a year or so later, when I received my transcript of my first year grades, that the [SAT] scores that Ms. Thompson had given me was about 100 points lower than my actual verbal score and I don't remember the math. The math was also higher than she indicated, but it was less than 100 points difference. So, she'd not told me the truth about what my score was. Many years after that, I told this story to a Howard University recruiter the recruiter who had come to Girls High School. I told him how surprised I was. We had become friends; my husband was on the faculty of Howard at that time. He said to me that Dorothy Thompson had consistently been an impediment to their being able to recruit students from Girls High School. She had been invited to Howard University to visit as many guidance counselors for high schools had been, and she had refused to come. He said, these are not her words, he always felt that Dorothy Thompson visualized Howard University as a small plot of land, with some ramshackle huts circled around a statue of Booker T. Washington. He said her attitude about black institutions and black students was not very positive according to him, which, of course, helped
to explain to me what she said to me. Howard University ended up being the only institution that
I applied to, happily for me, because I shudder to think about who I would be or where I would be but for the opportunity to attend Howard University.

**Ms. Tucker:** You were devoid of any resources to even learn about college availability for you?

**Ms. Winston:** Exactly, I didn’t know about the process of application. I don’t remember thinking about or knowing even the concept of tuition, how much it was.

**Ms. Tucker:** But you knew you had to take the SAT?

**Ms. Winston:** I knew I had to take the SAT. I also knew about and learned about the availability of the National Defense Educational Act loan.

**Ms. Tucker:** Three percent interest?

**Ms. Winston:** Right, and I used that to supplement my scholarship. I had a $500.00 scholarship per year. That covered my tuition at Howard, my room and my board. The tuition was $106.50 per semester. They quickly figured this out in a way that would permit students to have exactly the amount for their tuition, room and board. What I needed was some additional money to supplement my day-to-day living expenses and for books and that sort of thing. I was able to supplement that with the NDEA. I remember doing research and plowing through the literature trying find the answer to these questions. But I was embarrassed to ask people at the high school. I felt as though I was supposed to know all of that. I did not want to reveal my ignorance. My parents didn’t know the answers. They didn’t even have much information about where to get the answers.

**Ms. Tucker:** So you gleaned information from your girlfriends mostly?

**Ms. Winston:** No, I went to the library. I went to the library and looked at catalogues. I think
I would have figured out a good part of that from looking at catalogues. In terms of how I was going to go about putting myself in a position to apply and just to go through the process of applications. I was quite nervous about it. It turned out not to be as complicated in the terms of getting into Howard. I worried about my school and my grades and which institutions I would be eligible to attend. In later years there were these books that were published that did grids showing grade point average and test scores and the average for certain schools. I certainly remember seeing that with law school, but I don’t remember that kind of thing being available to me, at least I didn’t find it when I was thinking about college. I felt as though I really sort of made my way into this process.

Ms. Tucker: So you and your Aunt Dorothy were the only people in your close family, until your sister came up who went to college?

Ms. Winston: I actually had a cousin who followed me, a younger cousin who is in-between my age and my sister’s. She had actually started college education before my sister.

Ms. Tucker: And your Aunt was the only one of your family that attended college?

Ms. Winston: That is correct.

Ms. Tucker: Your generation?

Ms. Winston: I was the first. I have lots of cousins. When I think of my many cousins, maybe five out of forty of us attended college. Three of us finished.

Ms. Tucker: When you went to Howard, did you have to work while you were there to make extra money?

Ms. Winston: I didn’t have to the first year. I had between my $500.00 scholarship and my $400.00 NDEA loan. I had enough for the essentials. I had worked during the summer before going to college. I had saved maybe $100.00 or so and that would have been sufficient. I
actually did end up working a bit during my first year of college as a secretary for the person who ended up being my husband. My husband Michael was a senior in the College of Liberal Arts when I started in September of 1961 and he was the President of the Liberal Arts Student Council. They had a huge budget. After some weeks I ended up doing some typing for him, typing letters and I remember actually started off calling my husband, (at that time he was just the student body President), Mr. Winston. I thought he was as a senior entitled to some deference and I did not feel free to call him by his first name. I can’t remember exactly when I started working for him. I would put it at maybe a month or possibly two after I’d started my freshman year.

Ms. Tucker: That was you freshman year?

Ms. Winston: That was my freshman year. In subsequent years I also worked at a number of things. I worked in my, I think it was my junior year, maybe my sophomore and junior year for Dr. Elias Blake who had one of the first government contracts to provide technical assistance on school desegregation matters to the Office for Education, maybe it was the Office for Civil Rights. I can’t remember which of the two it was. I think it was the Office of Education in the Department of HEW. That was my first exposure to the whole idea of segregation. It is not something that I knew existed. I began learning at Howard about race in America.

Ms. Tucker: In 1962 and 1963, which would have been your sophomore year, right, do you remember a Dr. Harold Lewis?

Ms. Winston: Yes, yes.

Ms. Tucker: Do you remember that position?

Ms. Winston: Harold O. Lewis, he was the professor who took me under his wing as well as a group of students in my husband’s class. He was a history professor. I worked for Dr. Lewis the
summer after my sophomore year, in the summer that I married. I got married after my sophomore year of college and Dr. Lewis had a grant. He was doing research on black seamen. I spent much of my time in the Pennsylvania Historical Society in Philadelphia searching through archival records for black seamen, many of whom were named Cuffee. Actually it was spelled differently in many instances. This was Cuffee, and these were mostly seamen who were whalers who worked out of New England, and went out of the port of Philadelphia. Dr. Lewis became a very dear friend of ours. After he was our professor, I say our, because he was also my husband’s professor. He was the person who encouraged us do research, go beyond the requirements of the course syllabus. He actually pulled us out of our history classes and set up tutorials for us as a substitute for the actual class. I have never read as much or so deeply as when I read history for Dr. Lewis. I remember his final exams lasted sometimes eight to ten hours, all writing. I was almost late for my husband’s graduation. He was not my husband then. We were engaged by the end of my freshman year. He graduated at the end of my freshman year. I was taking an exam with Dr. Lewis and I finished maybe fifteen or twenty minutes before the commencement was to start. I started early the morning of the commencement. It was a 5 o’clock program in the evening. It is interesting as I am thinking about this, I hadn’t remembered until just this moment that I actually was taking a course with Dr. Lewis my freshman year. I didn’t work for him until the summer after my sophomore year. I must have been studying with him, because I was taking his exam.

Ms. Tucker: Let me backtrack a little, before you married Michael. When you headed off to Howard, where did you live when you started college?

Ms. Winston: I lived in a dormitory. I lived in Crandall Hall which was one of five women’s dormitories in what was called the Quadrangle.
Ms. Tucker: Was it on the campus?

Ms. Winston: It was on the campus. It was on 4th Street, N.W. at just about Howard Place. It is still there, even though there are quite a few other women's dorms now, forty some years later. I was so delighted when I saw Howard. I tell you, my idea about what to expect probably wasn't that much different from Dorothy Thompson, as described by the Howard recruiter. I just didn’t know what to expect. I couldn’t afford to go back to Washington to visit Howard after I had been admitted. So, I had never seen the campus until I arrived to start classes. I do remember asking the bus driver when we were there on a high school class trip, if we would pass Howard University. “No, no, no, it was all the way on the other side of town.” So I didn’t even see it before actually arriving September in 1961, on a train, with my trunk. In fact it was a real campus with beautiful Georgian brick buildings and the wonderful Founder’s Library. It looked like a college campus.

Ms. Tucker: Do you remember how it felt when you saw it the first time?

Ms. Winston: I was thrilled; I was really just thrilled. I was scared. I’d never lived away from home before.

[This is side 2 of the Judith A. Winston tape # 3.]

Ms. Winston: I was a little bit nervous about that. I tell you I have a vivid picture of my arrival at Howard and my first days there-- like, I even remember the weather. It was a bright summer day. Unlike most summer days in Washington it was not high humidity, it was just beautiful. I remember arriving in a little yellow suit with a white blouse and a little pillbox hat. Who would think of going to college like that now? I was alone, my father put me on the train that morning and I remember him looking at me very sadly and apologizing that he could not send me to college on the parlor car. I was in coach and he could not afford to come with me. I
was on my own. I was 17 years old; I was on the train for the first time by myself. I sat next to a young woman who turned out was also on her way to Howard from New York. She said to me then that she was going to Howard and that she was going to be a doctor. Indeed she is a pediatrician today in Washington. Her name is Lillian Beard and she is married to a judge, on the trial court in Montgomery County. He is an adjunct professor at the Washington College of Law where I taught. I just remember her being so absolutely sure of herself that she was going to be a doctor. I just marveled at her because she stuck to that. I told her that I thought that I wanted to be a teacher. We arrived and I remember the day as being beautiful and bright and sunny. That sort of captures the feeling I had during my days at Howard University. They never really changed very much. It was an institution that was just perfect for me, in terms of what I needed then. It offered a very challenging education program. Many people that I share that with are surprised because there are some ideas about black colleges that suggest that they are not as academically rigorous as your traditional white institutions. That is true for some. I have come to learn that it is inappropriate to talk about historically black colleges and universities as though they were one monolithic institution. One does not try to describe traditionally white institutions like they are all the same. Howard University is a university. It has a law school, a dental school, a medical school, a number of colleges and a strong graduate program. Some departments are stronger than others. I remember the time when the history department was quite strong and the opportunities for African Americans with graduate degrees, advanced degrees were quite limited. The best came from Howard University. So we as students had the benefit of a system of segregation and discrimination in that we had professors who were extraordinary in their preparation and intellect. My mother kept the first letter that I wrote home. I wrote it to her just after I returned
from my first social science class which was taught by Dr. Chancellor Williams. I remember writing to her that I had just gone to my social science class and I had a professor who had written a book which he had there. He showed it to us and I wrote to her, “He has written a book and he is a Negro!” I had put a big exclamation point after the word “Negro”. That was just out of the realm of my experience. I was in a place where my name, Marianna, did not confuse anybody. The vast majority of us attending the College of Liberal Arts were black students. Nobody had any doubts about that that I was aware of. So, I was relaxed. I didn’t feel as though I would have to worry about somebody mistaking me for something I wasn’t, or wondering whether I should wear a sign around my neck, so that I would not cause anybody any embarrassment. I knew that I was going to be evaluated on the basis of what I did, not on the basis of what people thought I was. It just opened up a world of possibilities for myself, many more than I had ever imagined. I had the opportunity to meet these professors who were very accomplished and also to meet students from all over the country from very different circumstances than mine. Some who were sons and daughters of doctors and lawyers, some who were the sons and daughters of sharecroppers.

Elaine Jones [who was until 2005 the Director-Counsel of the NAACP Legal Defense and Educational Fund] was in my class. Elaine Jones was a freshman with me in 1961. We did not live in the same dorm. I remember being very impressed by students, who like, Elaine were so full of confidence. Elaine Jones was then the same Elaine Jones that we know now: Outspoken, very strong views on things and very strongly held views, spoke with confidence, loudly.

Togo West [former Secretary of Veterans Affairs under Bill Clinton] was a student in the School
of Engineering. I remember Togo as a big fraternity guy. You could always see Togo in his big white fraternity sweater, I think he is Omega Psi Phi. I may be wrong about that. Again, he was very confident, a very accomplished guy even then.

I started to describe my husband Michael as a senior at Howard when I met him. I mentioned I used to call him Mr. Winston. I was very surprised not only at him, although he tended to be the poster boy for this concept of how accomplished and confident these young men and women were at Howard. I have to tell you, I went to Howard as a person who didn’t have a great deal of knowledge, as I have indicated, about being African American in America and I thought of myself as being a very special kind of colored girl in that I always did very well in school. I didn’t have many friends of color who were as interested in school as I nor were they doing as well. I thought I was special. I have come to understand that what I was, was very lucky. I had some opportunities that many of my friends never had. I also understood that I wasn’t special in that my potential to become an accomplished person was probably no greater than many of my friends. There was this moment in time when the powers on high put me at Howard University where I could learn something about why race functions in this country the way that it has and it does.

The four year period at Howard is actually a period of about five years because I left Howard after my sophomore year, after I married in 1963. I was in California for a year and then continued to finish the last two years after we returned from California in 1964. They were the most important years in my life in terms of having me become the person I am, whatever that is, and much of it had to do with my understanding the history of slavery in this country, the reconstruction period, the period of Jim Crow, laws. I was responding to those challenges of
race, civil rights. Race and gender really became the challenges of my career and of my life. Now, interestingly, these very same challenges are being faced by my daughters, both of whom have devoted a significant part of their personal and professional lives to law, race, education, and gender issues.

Ms. Tucker: Do you think that part of the reason that confluence of interest with you had to do also with the fact that this was 1961 and the civil rights movement was in its heyday, at least the legal aspect of the civil rights movement? Do you think that has something to do with it?

Ms. Winston: Yes I do. I do think it had a lot to do with this. It is important to recall that Howard University was in many ways at the center of the civil rights litigation that emerged really in the 1930’s and 1940’s in a series of cases that led up Brown. Afterwards, the law school and lawyers that were produced there, many of them significantly engaged in that litigation. The strategy that was developed by the NAACP Legal Defense Fund came out of Charlie Houston who was Dean of the Howard Law School. There was a lot of activity around the Civil Rights movement there. In fact, Stokely Carmichael, who was one of the leaders of SNCC, Mr. Black Power, was there.

Ms. Tucker: Was that in D.C.?

Ms. Winston: Right. Stokely Carmichael was a sophomore when I entered Howard as a freshman and I became involved in something called the Little Forum at Howard University which Stokely was a part of. This group would meet on a monthly basis. We would come together as a group. We would invite speakers and we would talk about topical issues of the day: political, racial, sometimes a combination of both things.

I remember Stokely Carmichael was appalled that I had never been to a “Holy Rollers” Church,
a Baptist church that was fundamentalist. I am not sure how to properly describe it. I had been brought up as a Roman Catholic. I always thought of the church as a place where you went to be chastised and not say anything. I never understood what was going on at the masses because they were always, at that time, conducted in Latin. I remember the nuns were very mean to me and others. So I did not have a good feeling for religion as something uplifting. He invited me one Sunday to accompany him to a church which was a few blocks away from the campus, which he called a "Holy Rollers" place. It was the most fun I ever had at a church. People were very welcoming to us. There was a lot of singing. I can't sing very well but I love to hear singing, I love to hear gospel singing. I tend to get goose bumps when it is really good, as it was at this Church. I remember the preacher at this Church inviting the visitors or anyone to testify. Of course, I wouldn't do that. I was too shy to do that. Stokely went up. He was just outrageous. It was good fun for him, I think he was in the moment in offering testimony. I don't think he was being disrespectful of the Church. He went up and talked and talked about his sins and asking for forgiveness and talking about celebrating life and celebrating God. It was a thrilling experience for me. I used that word a lot in connection with how it was yet another eye opener. I mentioned Stokely because he was one of the notorious people from Howard involved in the Civil Rights movement. I remember he joined the sit-in movement. He went down South for the Mississippi Summer, which I think was the summer of 1962.

**Ms. Tucker:** I think it was the summer of 1964.

**Ms. Winston:** He went earlier than that. There was also some activity the summer of 1962/63 and I mention it because there was a group of students going to help get voters registered, in the South. I am not sure what they were doing. In retrospect, I think it was to help register people to vote. I wanted to go. I was being urged to go by my friends and my parents wouldn't let me go.
I was very disappointed in a way. Quite honestly, I was somewhat relieved, because I was scared to go too.

I had a very good friend who was also a sophomore at that time who went. Her name is Jean Mathews. A lovely woman from Detroit, Michigan who was one of the first flower children that I ever knew. She was extremely non-violent acting. She couldn't understand how white people in the South could treat anyone the way some of the black folks in the South were being treated, particularly Civil Rights workers, those that were there to try to register voters. She really believed that if she just went down and talked to people about the power of love, presenting herself, that she could make a difference. That summer Jean was among many who were arrested. She was arrested and she was thrown in jail. I know that she came back to Howard deeply scarred because she was raped in jail. She was beaten and she was never the same. I mean it was so palpable the change in her, completely disillusioned. I am not sure what happened to her. I know in some years later ended up married to one of the Washington City Council members whose name was Frank Smith. He was on one of the first City Councils after Home Rule here in Washington, D.C. I just mentioned that to give you some perspective as to what was going on and what I was seeing at Howard.

My work at Howard with Elias Blake on school desegregation issues was very important to me because it was my first introduction to this notion of segregated and desegregated schools. I did a lot of research on this to help him. He actually had a project to help devise strategies for the effective desegregation of schools. It was this that led me to a number of different things including my work at the Council of Great City Schools, as a director of the Equal Education Opportunity Project which focused on school desegregation. That in turn led me to thinking about law school. I knew that when I worked at the Council of Great City Schools with the
Bachelor of Arts Degree, I was somewhat at a disadvantage because we were working with boards of education, school superintendents, a number of school official who had higher degrees, I felt that I needed to have more certification. I needed to have an additional degree. I thought that law school would probably be the quickest way of getting an advanced degree. It would assist me in doing the work that I did. My husband had gone through the Ph.D. process and dissertation writing and it took him eight years to complete from BA to Ph.D. I knew I did not want to devote that amount of time. It was the work at Howard University that I think was the beginning of my interest in pursuing my work in education and civil rights.

Ms. Tucker: Were you active in any all girls organizations in college? I know you got engaged at the end of your freshman year. Were you in a sorority or all women or all girls group at the time?

Ms. Winston: No, I wasn’t. I actually joined a sorority many, many years after graduating from college. I joined a graduate chapter of a sorority, Alpha Kappa Alpha (“AKAs”) which was also my Aunt’s sorority. She also joined as a graduate after college. I don’t remember being in an all-girls organization except in the dormitories. We did have councils and groups in the dormitories. They were women’s dormitories. They did not have any such thing as a co-ed dorm. There were meetings among groups of women living in particular dorms. I don’t remember the names of them.

I should tell you though. I am glad you asked this question. One of the most significant relationships that I had that helped to acquaint me to the gender issues was my relationship with Patricia Roberts Harris. Pat Harris was an Associate Dean of Students at Howard University my freshman year. Now she did subsequently become Dean of the Law School but at that time she had actually been hired to be Associate Dean of Students for Women. After she was hired she
took it upon herself to take all the stationary in her office, have her secretary “x”-out “for
women”. She was the Associate Dean for Students. She and my husband had occasion to meet
often, because he was the student body President of the College of Liberal Arts. There was some
fair amount of interaction between the Dean of Students and the President of the Liberal Arts
Student Council. He introduced me to her. He introduced me to her because he wanted me to
tell her about the D. C. Quiz.

Have I ever mentioned this concept to you? Freshman women at Howard were not permitted to
go off campus until they were able to successfully pass the “D. C. Quiz”. As impressed as I was
with the Howard University campus, it was for all intents and purposes maybe a three square
block area. We could be on one side of Georgia Avenue and be on campus and if we crossed the
street we could be off campus. Across the street were the restaurants, stores and that sort of
thing. We could not go downtown to the Hecht’s Department Store. We couldn’t go off
campus. We were subject to being expelled if we were off campus. We had a curfew of 7:00
PM, unless you were going to the library in which case we could stay out until the library closed,
which was at 10:00 PM. Some of us were just beside ourselves that we had restrictions that were
more severe than some of our siblings at home. The Quiz consisted of being able to name all of
the streets in succession up to the second alphabet [streets in Washington are named in
alphabetical order starting with streets with one syllable and progressing to streets with two
syllables and then three, etc.]. You had to be able to identify the name and number of the bus
that would take you to the Hecht’s Department Store so you would have to be able to say what
bus you would get on and when you would get off. You had to have the name of a shoe repair
shop, dry cleaners, a beauty parlor, I mean all these things. There are some women who never
got off campus. They could never pass this exam. Of course the men, freshman and sophomore,
never had any restrictions on them. When I started hanging out with Michael and his friends and told them about this Quiz, he was outraged and said: "You have to see Dean Harris about this." I ended up sharing this information with her and she immediately banished or eliminated this D.C. Quiz. She was outraged. It was my first encounter with the concept of feminism. I don’t know if she called it that. She clearly was a feminist and had very strong ideas. She believed in equality of women and women's rights and she thought it was appalling that these women would be subjected to this kind of requirement and there was absolutely none on men.

We became very good friends and she became a mentor of mine, not only during the years I was on campus but after I left and after she became the Ambassador to Luxemburg. In fact, Harris was responsible for helping me get my first job after college in 1968. I actually didn’t start working until a few years after my daughter was born. Pat Harris had been named one of several Commissioners on President Johnson’s Commission on the Causes and Prevention of Violence. That was the first place that I worked after I received my Bachelor’s degree, two years after my first daughter was born. We have remained friends, she and my husband Michael were particularly close friends. We talked every once in a while and she continued to be a mentor to both of us. She was the first one who my first role model as a feminist. I had never thought about women and the concept of equality versus thinking about black people and white people and equal opportunity but gender equality was not within my frame of reference because I really didn’t really see the distinction or I didn’t credit the distinction in the way men and women were being treated in my community as being a sign of inequality. It was just the way things were. It is also true in many respects about the way I saw race when I got to Howard University and began to understand that this is not some natural phenomenon having to do with capacity.
Ms. Tucker:  Judith, when we had our last interview we took you through your college years. You married in 1963 while you were still in college and you discussed with us how you met your husband, Michael. Did you feel like you had any changes of your previous plans when you met him?

Ms. Winston:  Well, I didn’t feel as though I had changed any plans except that of course I did leave college for a year after we married to accompany my husband to Berkeley, California where he was working on his master’s degree. So there was a disruption of my education. I worked that year in the accounting office at the University of California at Berkeley, while my husband completed his master’s degree. 1963, the year I married, was the same year that Betty Friedan published her book, The Feminine Mystique. Quite honestly I had not given very much thought at all, up to that time, about issues involving women. I had always felt that I would marry. It never occurred to me that I might not. I always believed that I would be the mother of children. It was just something that happened in my view. But the year that Betty Friedan published her book, of course I was working. I dropped out of school for a year, always with the intention of going back to college and finishing college. In fact, Michael promised my father that he would make sure that I continued college.

Ms. Tucker:  He didn’t promise your mother?

Ms. Winston:  He did not, he promised my father. That was when he came to ask for my hand and, I don’t remember whether we talked about this, Michael brought with him his bank book.
Because of course, he was in school, he was not working, but he wanted my father to know, that although he was going to be taking me out of school, so to speak, for a year, he could support me, though I needed to work. I was happy to do that, but he also wanted to make sure my father understood that he was as committed as I was to my completing college.

I now remember some other things in connection with your asking me whether or not my plans had changed. They had not changed, but I do remember having a number of conversations with some of my husband’s friends and then our friends about being in school and careers. I particularly remember one woman, who was also a graduate student married to another graduate student and Ellen Sewell. I remember Ellen being just so sympathetic in a sort of perverse way about my working and being out of school. In fact, she asked me if I was afraid of succumbing to “housewife’s rot,” a phrase I had not heard before. She was very contemptuous of the notion of being, a woman being committed or interested in housekeeping, cooking and all of the things one associates with being a housewife. On the other hand, these were things I enjoyed doing – decorating the house, (not that we had very much money for decorations), cooking and we loved entertaining even on a tiny little graduate student accounting office budget.

Ms. Tucker: Lots of lasagna?

Ms. Winston: Lots of lasagna, lots of ground beef for sure. We used to be able to buy a week’s worth of groceries for $15.00. I remember that very well because we were on a budget.

But in any event, Ellen really was the first person I actually talked to about things that we now talk about as feminist issues and feelings. I was quite chagrined. I was actually very unhappy about the notion that some people thought that I would not be a college graduate. I felt a bit uncomfortable on many occasions in conversations with these graduate students that were talking about their course work and their professors and I wasn’t able to engage in much of that and felt
quite inadequate to the task of having discussions about academic themes having not completed college.

**Ms. Tucker:** This is when you met her out at Berkeley?

**Ms. Winston:** Yes, this is '63, '64. Because my husband was awarded his Masters Degree in June, 1964 and we headed back to Howard University where I completed my education over the next two years. I majored in history. My husband began to teach there, in the History Department with the intention of returning to complete his work on his PhD. I finished college in 1966 and when I finished college, in June, 1966 I was pregnant with our first child, Lisa. Even so, I had applied and been accepted in the History Department of the University of California at Berkeley and intended to enroll in that program the following September/October.

**Ms. Tucker:** Did you go back out to California?

**Ms. Winston:** Yes, we went back out to California in 1966 when Michael needed to complete his residency requirements for the PhD in history. I was going to start a graduate program there in history. Our daughter was due in October, in fact she was born on October 16, 1966, so I postponed my graduate work, I thought, for a semester really intending to start in January rather than September or October. By that January, however, I was so completely enamored of being at home with our daughter, Lisa, I decided that I would not start graduate school. I wasn’t quite sure at that point whether I wanted to do graduate work in history anymore. Whether I just wanted to stay home and be a mom and enjoy both my daughter and my husband’s company. I just wasn’t sure whether teaching college was something I really wanted to do or whether I was simply following in my husband’s footsteps. I did know that I wanted some sort of career outside of the home, but not at that point.

**Ms. Tucker:** Did you consider a career in planning the timing of Lisa coming?
Ms. Winston: You know, I really didn’t. We had been married almost three years at the point that Lisa was conceived. We had, of course four anxious grandparents. People were always asking us when we were going to have a child. We thought that it was important for me to finish college first and I guess our parents figured that after I finished college a grandchild should be the next thing on our agenda. You know, Marna, I cannot actually remember even having a conversation. I am sure we must have, but I cannot remember my husband and I having a conversation about what it would mean to have a child and for me to be going to school. Clearly, there were some discussions, because in fact I had made the applications to graduate school. I am sure that the admission came after we knew that Lisa was expected. I just don’t remember the timing, it was so long ago. I was not unhappy about the decision not to enter graduate school at that time. I was perfectly content to do what I was doing, that is spending time with my baby. I did become involved in a number of activities in California. For example, I had volunteered to be a school resource teacher two days a week. That meant I went into a classroom, it was a second grade classroom, and assisted a friend of mine who was a teacher in that classroom and I helped her with kids that we described at that time as kids that had a lot of potential but who were not doing very well academically. I spent time with them helping them to learn to read. The teacher who was a friend of mine permitted me to do all kinds of things that were probably not part of the assigned curriculum. It was very enjoyable. I did enjoy that a lot. I also was involved in some arts and crafts work. I was taking a painting class, a class in jewelry making, and I was having quite a good time. So, we were there for two years while Michael completed his residency requirements. Then he had intended to stay longer. Michael had been offered a continuation of a teaching assistantship and he also wanted to stay and complete his dissertation. Then he received an invitation to return to Howard University as the Assistant Dean
of the College of Liberal Arts at a time when the University was undergoing some changes. That was the time of the black students movement. The students at the University were engaged in sit-ins wanting more courses on African-American history and wanting the University to be less paternalistic. Many of the administrators at that time were in their late 50's, early 60's. They thought that by inviting Michael back as an assistant dean, a graduate of the University, a young person, that he might be able to have some influence among some of the student leaders. So we changed plans, we decided not to stay in Berkeley. We would return to Washington. I knew that I wanted to look for a job. I was at that point ready to put my college degree to work for me. I had been in conversations with a number of women who were similarly situated in Berkeley. We began to talk about some of the things that Betty Friedan wrote about and the question of whether or not we could be satisfied being identified only as the wives of Mr. X and the mother of children. I had decided by that point that that was not sufficient for me.

I should also tell you, that come to think of it, I would like to take a little bit of detour, if I may, because I think this is a particularly important point related to my growing feminist’s interests. When Michael and I had decided to marry, I was of course at that time 18 years old. Michael had very well formed idea of the kind of life that he wanted for himself and his family, which he described to me in great detail. Essentially, he had the idea that he really wanted to be a college professor, that he wanted a mate to support him in that endeavor and someone who would be interested in raising his children as accomplished young people, would be there to entertain students. He wanted someone who was intellectually excellent. The idea in a nutshell was that I would in fact be well educated, but be contented to stay home and be a helpmate to him. That sounded just great to me. It’s interesting. It is coming back to me. I haven’t thought about this
for 40 years. The idea that I would be well educated was not something that he opposed and
certainly something that I was interested in doing. Over the next several years with the help of
some friends and lots of conversations, at a time, when the modern feminist movement was
moving into full swing, I realized that I was not particularly content to be "oh that’s Michael
Winston’s wife" or "that’s Lisa Winston’s mother”. I hadn’t felt so much in terms of
motherhood because it was still relatively early on, but I did not like the notion of having only an
identity that was associated with my husband and who my husband was. So, when we came
back to Washington, DC and Michael became the Assistant Dean of the College of Liberal Arts
at Howard, I know that I needed to work to make some money for the family and also I wanted
to work. I wanted to put my college degree to work. When we came back I contacted Patricia
Roberts Harris. She was then serving on the President’s Commission on the Causes and
Prevention of Violence. She was a person, that of course, I knew from Howard University were
she had served as Associate Dean of Students. She said that she was interested in helping me
and would inquire of the Executive Director of this President’s Commission as to whether or not
there was an opportunity for me. Again, not to repeat, because I think we did talk about this. I
was ultimately hired as a member of the staff. I was hired as a research assistant at the
President’s Commission on the Causes and Prevention of Violence and I began to undertake
research on juvenile violence and juvenile delinquents. I had put out a number of feelers about
positions when I came back to town in 1968. Soon after I was hired at the President’s
Commission, I also received an inquiry about my availability from a place called The Council of
the Great City Schools. I cannot remember how that contact was made, but I talked to the
Executive Director of a program there who was interested in hiring me to become a research
assistant there. I knew that my position on the President’s Commission was a temporary one.
They were scheduled to go out of business, as a matter of fact, at the beginning of the year. I started working for them, I think probably September, 1968.

**Ms. Tucker:** That was really your first post-college employment?

**Ms. Winston:** That’s correct. I worked there three months. I think it was not longer than a month to six weeks after I started working at the President’s Commission that I was interviewing The Council of the Great City Schools. They agreed that they would hire me at the conclusion of my time at the President’s Commission on the Causes and Prevention of Violence. I started working for The Council of the Great City Schools in January 1969.

**Ms. Tucker:** Can I stop you right here? When you started your first job and Lisa was still very young, did you have any household help? How did you manage your child care during that part of your life?

**Ms. Winston:** I was very lucky because at that time, my younger sister, Cynthia had a child, a daughter. She had gotten married and had a daughter seven months after Lisa was born. She and her husband both were students at Howard University. They were just moving back to Washington. They had gotten married, dropped out of school for awhile because the baby was due soon after they got married. They were living in Philadelphia. When Michael and I decided that we would come back to Washington, she and her husband decided that they would come back as well. He wanted to complete his education. She wanted to complete hers, although she did not go right back. She cared for my daughter, Lisa and her daughter, Gina, my niece. That is how we were able to manage because I was very concerned about childcare. My sister Cynthia took care of both girls for the first year after we returned. I guess it was 1968 though not just 1969. In late 1969 or early 1970, she went back to school and the two girls were enrolled
together in a daycare program.

**Ms. Tucker:** Now there were other aspects of managing a household besides your child. Did Michael participate in household responsibilities either before you went back to work or when you went back to work?

**Ms. Winston:** He did. He was very helpful as a matter of fact. Michael loves to cook and he frequently did cook. We’ve always had this agreement that the person who cooks does not have to clean up the kitchen. At the same time I do remember he was very helpful. I felt an awful lot of pressure to do everything that you know that was part of caring for the household including shopping, the laundry and all that. There were times that I felt very oppressed by that because I was working even though I did have childcare and I was very comfortable with my sister caring for my child. I always thought that the all the arrangements for managing the household, all the things that had to do with arranging childcare, managing the house, you know our lives together fell on me.

**Ms. Tucker:** Why do you think you felt that way?

**Ms. Winston:** Because I began to see that it seemed to be awfully one-sided. The care and feeding of the family, although he was very helpful with the cooking and feeding part, it always seemed to be my responsibility to make sure that things were working. That there was food in the house to be cooked, for example. That there was a menu planned and all of that sort of thing. The other thing that was very interesting to me is, we used to talk about this, Michael and I talk often about the fact that when we were both working, we had no margins. That is to say, if something went wrong there was really no leeway or someone to take care of it. One of us had to make the decision.

**Ms. Tucker:** No backups.
Ms. Winston: No backups, exactly right. So after my sister stopped caring for Lisa and went back to school and Lisa was in daycare, if Lisa became ill, it was usually assumed that I would be the one who would stay home with her. I did. Michael was working very hard, he was not just teaching he had this administrative job so he could not, he did not have the same freedom to be at home when he had when he was teaching, where he had some leeway. I became increasingly concerned about what I viewed as an unfairness. Michael’s view was that we had talked about this, you know after all I was supposed to be at home caring for him and the kids. We had this bargain. I was 18 years old. What did I know? I didn’t know what kind of a bargain I was making. I had this college degree and I had the same interest in building a career as he did. Could he have been content staying home with his master’s degree and later his PhD? His view was that I had agreed. That was not the deal. He was right, I think. In terms of what he wanted, he was very explicit. I expected to be married and at home taking care of the kids. I thought it would be a wonderful thing not to have to work. My mother worked all of her life and handled all the family matters. I just didn’t know that there was much out there that should be different or would be different. Then, of course there was Betty Friedan and Ellen Sewell and “housewives’ rot.” All of that was swirling around in the emerging women’s movement. But more than that, Marna, I had developed a great interest in civil rights and issues involving education and race. I thought that I had been very lucky and blessed with my own education. I was ready to move out of the circumstances that my parents lived in and their parents before them. I was college-educated and I thought I needed to do something with it. I felt I wanted to have more support and help than I was getting. So there were lots of tensions around that, early on.

Ms. Tucker: How did you handle that?
Ms. Winston: Well, basically I tried to do it all. I tried to be super woman because again I felt a bit guilty about it because Michael was right. He talked about it and I consented to this. I hadn’t realized that eventually I would mature in a way that would give me some different ideas and I had been in a world that I had not been in before. I had a different view. I did not feel as though it would be fair to disrupt his career plans either. He was a young assistant professor still working on his PhD, he had not completed his dissertation before we left Berkeley. It was very, very difficult for him to work full time as an administrator and teacher and try to get down to the Library of Congress to do his research and all that. He was under a lot of pressure and I knew that. So I simply tried to suck it up as much as possible. There were times when things broke down in a sense in terms of my resolve to try to do it all. Usually those breakdowns and rest stops between us occurred when we discovered that we needed to have those margins. Lisa would become ill and someone would have to pick her up or I needed to work late or he needed to work late and who would pick her up and that sort of thing.

Ms. Tucker: Was your marriage ever threatened, do you think during that time?

Ms. Winston: I don’t think seriously. I think because I loved my husband then and still do deeply. I did feel victimized sometimes and wondered what it would be like if you know, I decided to strike out without him and not be married. Honestly, the answer was not very satisfying to me both in terms of thinking about a life without him and thinking about our daughter and not having both parents, so it was not threatened seriously.

Ms. Tucker: You keep saying “Michael was right. That was our bargain.” What do you think you hadn’t counted on changing? Did he ever change?

Ms. Winston: He did. He did and he has. But it was gradual. He did not articulate. He would
just gradually do some things and pick up some slack or not be as critical as he had sometimes been in terms of how I was spending my time and some things did get better. It is interesting.

We had a marriage where maybe every 3 or 5 years there was this horrible explosion. I got tired. We would go through one of these all nighters in terms of just talking it through and revisiting and remembering what it was we bargained for and why things have changed and what we still wanted from life and each other and then suddenly we had moved some distance. We recognized that we were in a different stage now and this is how we are going to work it out. That has been true for almost 43 years now that we have been married and we have had this revisiting our lives and what we wanted from each other from time to time. I discovered, how hard it is to be married and really have to work at this and it is important to revisit what the deal is at any given point.

**Ms. Tucker:** The revisiting was not a planned revisiting, it was flare-up?

**Ms. Winston:** No, it was a time when things would come to head over one thing or another. But generally the blow ups were about things coming to a head or evolved around the fact that we had come to a point were we had two professional careers going on and we had a family and we had wanted to maintain a good family life for ourselves and our daughters.

[This is side 2 of the Judith A. Winston tape # 5.]

**Ms. Tucker:** I’m going to fast forward you a little bit. In dealing with your relationship with Michael, you have become very successful in your field a recipient of many honors and certainly a lot political responsibility that got a lot of attention. Was Michael ever threatened by your success and sort of outshining him?

**Ms. Winston:** I don’t think so. I do think that there was time when he resented the amount of time that I was spending on my career, expressing it as I said, resentment. I think it was in part
resentment. I also think it was concern with my priorities. I remember for example, when I was working, this is early in my career, at the Department of Health, Education and Welfare in the Office for Civil Rights as a special assistant to the Director, then David Tatel. There were lots of interesting, political things going on: meetings with the Secretary, Secretary Califano involved in higher education desegregation. There were early morning meetings and late evening meetings. I was calling to say I would be late -- we had a housekeeper/babysitter by that time so there wasn’t as much tension at that time. I remember rushing out one morning to a meeting and Michael helping to get the girls ready for school. That evening it was clear he had been simmering about this. He said to me “You know Judy you’ll never get this time back with Lisa and Cindy.” We had the second daughter by this time. This is after law school. He said “You will never get this time back again”; “You’re missing a lot”. He said, “Because even when you’re home, you’re not always present. You’re thinking about these great things important things you’re working on.” There’s a lot to think about. Even then he was right. I am not sure I admitted that to him at that time. But I often think about that conversation because I did try to refocus again. What I learned later, all those big power meetings and policy decisions and all that, Jimmy Carter lost the election, Ronald Reagan came in. I was working then as a career lawyer in the Department of Education and all these policies that we spent all this time on went up in smoke almost. You know it is like they never existed in terms of the civil rights policy of the Reagan administration. I thought about all the time and energy that some of us had put into those policies and issues. Certainly I had and my daughters at this time, you know, were growing up -- one was about to go to college and the other one was in high school and I missed a lot.

Ms. Tucker: Well didn’t he miss a lot?
**Ms. Winston:** Not in the same way. Yes I think he did. I think he did. He was able to see some things. He wasn’t traveling very much. I used to travel a fair amount. By this time you know he had gotten his PhD, done his dissertation, was not spending long evenings at the Library of Congress, but yes he did he miss them early on. I suspect, I don’t know, that he thought about that and in some ways having to counsel me about things that he had missed. You don’t want to miss things like I did, I don’t know. But I think it was a combination of resentment rather than a bargain being broken. Also, some concern about, you know how I was spending my time. I think, in somebody’s mind Michael and I had never had this explosive conversation about what was going on with him and his own evolution. Personally, professionally about the kind of life he was leading versus that life which he had speculated he would have when he was a senior in college. I do think that this was merely counseling and concern for me, but I also think there was some counseling and concern for himself being expressed, because indeed some of it was not sub rosa. He said he wanted more of my time for himself.

**Ms. Tucker:** Now let’s look at it from your children’s perspective. You now had the wonderful gift of hindsight to see you have two grown women as daughters and you look back. Do you think had you been at home all the time with them they would have turned out the same way or do you think that they would have been a different?

**Ms. Winston:** I don’t think that my being home with them would have made that much of a difference. I love the people that they turned out to be. I think they are the women they are, in part, because of what I was doing and not doing. Because I wouldn’t want to see them changed, I hate to think that maybe my being there would have somehow made a difference. Let me explain that, because it sounds a little confusing to me. I made sure that my children had a chance to learn a lot more from and about their father than they might have if he had been there.
more often. I think they learned about him and what they learned from him was very important.

Particularly my youngest daughter who herself is a college professor now. She struggled in school and is very much like her father. She spent a lot of time talking to him about this as a youngsters. We were shocked at how much really “took”, because it wasn’t evident when she was approaching a teenager that she was observing anything that either of us had to offer. My oldest daughter, I think, -- in fact, has said how important the time she spent with both of us has been to her development.

I will tell you one story that may also illustrate part of this. About four or five years ago my youngest daughter Cindy and I were asked to participate on a panel, a mother/daughter panel that the American Association of University Women sponsored. We decided that we would not share with one another our perspectives in advance. But the idea was to talk about the influence that we each had on each other. My youngest daughter said to the audience that I had been a real role model to her that she had always been amazed as a child how much I was able to do. I would make her prom dresses and made a graduation dress, and I was cooking and had wonderful meals on the table all the time, and she also knew I was going out and doing all these wonderful things in my profession and it seemed that I could do it all. So I was a wonderful role model she said, but she said in some ways it was a disability to her because she felt that she could never keep all those balls in the air. So the idea of her being a successful wife, mother and professional woman she assumed was an impossibility because I was like a super woman. She spoke first, and I responded, I said, you know it’s so interesting that that was your perspective. I did try to do all those things but I felt as though I was not doing any of them really well. At the office I was worried about things I needed to do at home that I hadn’t done or couldn’t do.

When I was home I used to think about the things I needed to do in the office that were daunting.
How I wouldn't have enough time and so I always thought that at some point I was going to be exposed as a complete fraud in all these areas because so much of what I did, I thought, was less than excellent. But then I did not want to, I tried very hard to keep those feelings to myself and not to reveal them to either my co-workers or my children, doubts about what I was doing. I feared, in the case of my children, that they would not think that they could grow up and be all the things that they wanted to do. I thought that that was very interesting. It never occurred to me that I was setting a standard for them by appearing to be so super duper, ultra competent. It never occurred to me that I was setting a standard for them that they would feel incapable of meeting. Indeed, they actually have grown up to be extraordinarily accomplished women more so in many ways than I. So, yes, I tried to do it all. Now, I need to remember the beginning question about that you asked Marna. I guess it was, did I think it would be different if I had been home more than I was. You know there were certain things that Michael and I decided were sacrosanct for the family including his insistence and my agreement that we should all have breakfast and dinner together. That we would not succumb to the pressures so much that we would all be eating dinner at different times and that sort of thing. That was very hard on all of us I think. It was hard on the girls particularly in their teenage years because they had things they wanted to do, and they didn’t want to always have to be home. Of course, there were some exceptions, obviously. But that was very important to us. It turns out this requirement that we had of ourselves as a family was the subject of my oldest daughter’s college application essay, which she had us read. She said in this essay, and she shared it with us, that one of the most important things for her was to have that solid place for her in the family and be a part of the family and how so few of her friends ever saw members of their family. She was so surprised to know that they would come home and some of them would never eat a meal with their parents—
she went to National Cathedral High School and so did my youngest daughter – and she said that she felt that that requirement was a real anchor for her, because she felt that was the place were we encouraged the children to talk to us about what they were doing, what they were thinking and she always had the strength that we offered right there she knew. I would like to find that essay actually and read it again. I was really surprised because after a while it was just routine we would be having breakfast and dinner together. We didn’t think much of it. But for her it was a real significant aspect of her growing up, a very important aspect and she said that it really provided, as I said, the anchor to family that she needed.

**Ms. Tucker:** Do your girls do that with their family?

**Ms. Winston:** It is interesting, neither one of them has children yet. Recently Lisa got divorced. Among the things that I just started to say is that one of the young men that Lisa was very fond of for a time, sort of precipitated an end to the relationship with her when she gave a small dinner party for him and a couple of other friends and just after the meal was finished he jumped up and ran into the living room and turned on the television. Literally, he finished eating and got up and he just couldn’t understand why she was so upset. She tried to talk and that got them into a discussion about what dinner is, not just for eating food and then moving on with your life. She realized that he and she had different values about that (and other things, too). She says she was reminded of her time at home and that essay and the importance of family meals. In some ways -- I don’t know this to be fact -- that I think that in many ways Michael and I may have set too high a standard as to what they should expect from their mates. What they want in terms of family. Both of them, they are disappointed in their ex-husbands because they are not like my husband in terms of his devotion to family life. In one case, my ex son-in-law was a “work-a-holic” of a guy who was not interested in a family life,
and having children as it turns out. In the other case, we discovered that my daughter was his third wife. He was not a very honest guy.

Ms. Tucker: She didn’t know that until?

Ms. Winston: She knew about one. But he proved to be something of a “womanizer” and my daughter had made clear before the marriage that she would not tolerate him being involved with other women. In any event, I think the bottom line is that basically my daughters are very anxious to have the kind of life that my husband and I wanted to create for ourselves and for them. I did want my daughters to understand that you could have a family and have a career and satisfy your intellectual interests as well. At the same time, I wanted them to know that they could have satisfying fulfilling lives whether or not they were married women or mothers. At the same time I think they had a very rich family life. So, in many ways we did show that you can have much of it, if not all of it. I don’t regret the kind of career and life I had. I would do a few things differently I think. I think I would spend more time thinking about what my priorities should be at any given point in my life. I didn’t spend enough time thinking about priorities and really how much time I should or should not devote to certain things. I am not sure what the result would have been, but I know a lot of times I was just going. Whatever was the next thing I was on to it. Sometimes what I was doing was almost mechanical in a sense in the terms of acting without putting things into perspective. Is this the right career move at this time of my life? What impact will it have on my children, my husband versus my decision based on “oh, this is a wonderful opportunity for me as a young lawyer”. Or, I ought to do this and then figure out how to make that work in the family. I think I should have done more of that at a particular point in my life and didn’t.

Ms. Tucker: That would have really made you a different person.
Ms. Winston: Yea, I think it would.

Ms. Tucker: I sort of like to go into this. I would like to move you into your career part.

Your first job after law school was as special assistant to the director of Office of Civil Rights under HEW. You did that for about two years? Right. How did you get that job?

Ms. Winston: During law school I worked for the Lawyer’s Committee for Civil Rights Under Law as a law clerk. I worked with Norman Chachkin, who headed the Federal Education Project of the Lawyer’s Committee. I met him some years earlier through a friend when he worked for the NAACP Legal Defense Fund in New York. When I was looking for work as a law student I knew about the Lawyer’s Committee and knew that Norman was there and he hired me. The reason that is important is that Norman Chachkin and Cindy Brown, who was the co-director of the Federal Education Project, were both invited by David Tatel to become Deputy Directors of the Office for Civil Rights when David was named to that post by Secretary Califano and President Carter. Both Cindy and Norman accepted that appointment. This was my last year of law school, when this happened in 1977. Norman, who was pleased with my work as his law clerk invited me to join him there as a Special Assistant. I had accepted a position already with the Federal Trade Commission to be a staff attorney in their Bureau of Consumer Protection.

Ms. Tucker: While you were in your last year of law school anticipating that would be your first job?

Ms. Winston: I accepted that first job because I thought it would be a way of having a nice comfortable career as a lawyer in a government office which would permit me to have a reasonable work life and time for family. Anything in the area that was not -- in my view at the time-- not too demanding in terms of the emotional energy that I would have to put into it, unlike the work that I had been doing both before law school and during law school in civil rights. So
this was an attempt to put my priorities in a different order, because law school had been stressful. Norman said “come join me at the office for Civil Rights I am going to be a policy director. It’s going to be so much fun. We will have an opportunity to work on these issues that we’ve been dealing with the Lawyer’s Committee.” This is a point that I sat down and thought a little bit more about how I was going to work all this through. It turned out fine. I don’t regret having ultimately accepted the offer from Norman while still in law school. I guess it was April when I accepted the offer. I actually started working there before I took the bar exam. Do you know Norman Chachkin? Those people that know Norman think he is a very special guy, extraordinary lawyer, has a photographic mind, I did not realize this for a long time, but you know he is a guy who can cite to the page and footnote in decisions and I thought he was representative of all lawyers. In any event, I accepted the offer and started working part-time while studying for the bar. I hadn’t intended to do that while studying for the bar exam. I had not intended to start work before completing my study for the bar exam, but about a month after Norman offered me this job, I accepted the job. I called up the Federal Trade Commission to tell them that I was not coming after all. They were furious with me, I talked to a fellow named Bill Baer (who is now with Arent Fox). He was then a Special assistant to Marjorie Silverman who was head of the Bureau at the FTC. He had interviewed me and he had actually extended the offer on behalf of the Federal Trade Commission. It was to him that I shared the fact that I was backing out after they made all these arrangements that had been made back in December of 1976. He was furious with me. We have become friends since then, however. In fact his wife ended up working with me in another government position. [She is Nancy Hendry who was a Special Assistant to the General Counsel of the U.S. Department of Education when I joined the Department in May 1980 as an Assistant General Counsel for Educational Equity.] So, a month
later, I am all ready to start studying for the bar and then move to the Office for Civil Rights at which point Norman calls me up and says “I hate it here, I am leaving”. He had been there for a month. “You can’t do that” I said to him. I’ve just turned down this other job, I have accepted this job with you. It’s you that I want to work with! He said, “It’s too crazy here, too bureaucratic. I can’t get anything done. It’s just driving me crazy.” Norman is a guy who wants things done immediately. So he ends up at this government office and the reason he hates it is he is typing his own memos because the secretaries are too slow. He has to contend with all these “sign off” boxes to get the policies he was drafting, and typing cleared and approved by other officials. I don’t know if you know about this but at that time government had a series of clearances and the clearances were represented by little boxes at the end of the memo and he had to take it from one office all the way up the hierarchy. Norman could not wait for that to happen in the normal course of things. So, Norman would write, develop the policy, type the memo in triplicate or whatever, then take the memo from office, to office, to office within the Office of Civil Rights and insist that the folks read it there and then and sign off on it. The administrative stuff was just driving him crazy. So I said, “Norman, you have got to stay. You cannot leave before I get there. If I come in and help you with that now, would you reconsider, would you stay at least until the end of the year so I will have a chance?” So he said “Okay, fine, but I don’t think you can change my mind.” I went in and I was trying to help him with all of these administrative tasks that were driving him “crazy”, and he stayed not until December, he stayed only until October. What that did was provide me with an opportunity to get to know David Tatel [who was the Director of the Office for Civil Rights and Norman’s boss] and others in the Office for Civil Rights. Ultimately, David asked me to be his special assistant, rather than being a special assistant in the policy office. Again, it is important because my relationship with David
Tatel and getting to know him led to other opportunities. That is how I started in government.

Ms. Tucker: I am going to back you up as I realized that I skipped law school, because we got onto the family and I know you went to Georgetown Law School and you started when?


Ms. Tucker: Why did you select Georgetown?

Ms. Winston: Well, I selected Georgetown because while I had applied to every law school in the city and in this area and was accepted to them all, I understood Georgetown to be the best in terms of its standing among law schools in this area. I was confined to ... I certainly did not want to leave my family to go to law school, so I figured I should accept admission in the best law school at least by reputation in the city. I had never been to the Georgetown University Law School, I didn’t know where it was, I had never seen it. I thought it was on the main campus over at Georgetown. I did not realize that it was in the downtown area of Washington where the courts are located here in Washington.

Ms. Tucker: Where there any people who were particularly helpful to you or were influential to you in the law school application process?

Ms. Winston: I consulted with our friend Conrad Harper who was the only lawyer I knew well. I talked briefly to Pat Harris about law school. But Conrad Harper probably was the most influential because he was the one that I felt I could speak to most candidly about law school. He was encouraging. I did not get much help with the applications, I just did them.

Ms. Tucker: Why did you decide to go to law school? Do you remember that?

Ms. Winston: I do, I remember very well. As you recall I started working with Council of Great City Schools in January 1969 and I stayed there until I went to law school. My work at the Council really encouraged me to go on to law school. Once, when I was younger, I thought I
wanted to be lawyer, but it was more as a result of looking at Perry Mason shows and thinking
that that was what it was all about. I had a seventh grade teacher tell my mother that she thought
it was a very bad idea for a negro girl to think about law school, that I should think about
becoming a teacher. That was sort of in the back of my mind, too, I guess.

I worked a lot with school districts about legal matters regarding school desegregation. I
had on occasion to be involved in some of the court cases in which some of the schools districts
were involved I was feeling very uncomfortable working with people who had doctorates and
law degrees and I had just my bachelors degree and it wasn’t even in education or political
science. So I really made the application to law school thinking that what I needed was an
additional credential. That I wanted to continue doing what I had been doing at the Council of
Great City Schools but to do it with a degree to give people some confidence that I knew what I
was doing. I thought that if I was going back to school that I wanted to have a program that had
a beginning and a clear end in that only three years were required to get through law school
versus many more years in graduate school and writing a dissertation and that sort of thing. So
that was the major reason why I decided to go to law school. I decided that if I was going to do
it, I should do it before or soon after my 30th birthday. I thought that was the high point at which
you should fish or cut bait in terms of career choices. It seems funny now, because that seems so
young at this point. I started the application process in November 1973 [my 30th birthday was on
November 23, 1973] that is when I decided that I would go ahead.

This is the third interview of the oral history of Judith A. Winston which is being taken on behalf
of The Women Trailblazers in the Law, a project of the American Bar Association Commission
on Women in the Profession. It is being conducted by Marna S. Tucker on May 2, 2006. This is
Tape 6, Side 1.
Ms. Tucker: We were talking about your attendance at Georgetown Law School and why you decided to go there. I notice while you were in law school that you were on the Law and Policy and International Business Law Journal, you were on the board of that Journal. Given your experiences that seems like an unusual law journal for you to have chosen to spend your time on. Why did you do that?

Ms. Winston: First, I recall that I came on to the Journal as a “write-on” and I think that the way it worked is that we did a write-on and then we were selected by one or more of the Journal’s staff to come on to the staff. I am not sure that I chose the Journal of International Law and Business so much as I chose to participate in the Journal write-on and that was the Journal [there were several at Georgetown] that selected me.

Ms. Tucker: Oh, so there were several law journals and that was the way that you were selected for one of them?

Ms. Winston: I believe that I was selected for either the topic that I chose, which was something lobbying for foreign entities. You know I just don’t remember. I remember that I chose to write-on. I remember that I wrote on one of the subjects that were offered to us and it had to do with foreign policy. I thought that the most interesting one was on legislation regarding registering to lobby on behalf of a foreign agent or some such thing and I was selected by this particular journal to be on the staff. It also may have had something to do with timing, Mama, I just don’t remember. But it was an usual thing for me to be participating on that particular journal as opposed to one that was involved in national domestic type issues. I think that is how it occurred. I will have to go back and try to figure that out.

Ms. Tucker: Tell me about your experiences in law school. What were your favorite classes?

Ms. Winston: My favorite class I guess was constitutional law. We had the course which was
called "Individual Rights and Liberties." It was not a constitutional law class, as such. It was not called that. It was basically First Amendment materials and I remember Nathan Lewin taught that course. It is interesting, most of the courses that I enjoyed the most in law school were courses that were taught by adjuncts. It is interesting that in later years I have come to believe that is because the adjuncts brought with them real life experiences and could illustrate theories of law and principals of law with their own practical experience. So I enjoyed those classes the most. I remember thinking early on as I started law school how different the legal education was from what I thought it would be. Yet I didn’t have much experience, indeed, no experience with lawyers except very indirectly. I thought I would go to law school and learn what the law says – just straight black letter law.

I was in many ways a bit disillusioned. I went to law school so that I could get my law degree so that I would have the additional credential. I hadn’t given enough thought to what it actually would mean to be in law school. I wanted to do well in law school. I did pretty well, but I wanted to do well in law school. At the same time I wanted not to neglect my family, so I treated law school like a job. Get up in the morning like I was going to work. I’d go in, I’d use all the time that I had between the hours of 8:00 am and 5:30 pm or so, when I tried to get home. I would tend to the needs of the girls, and afterwards, after they were in bed I spent the rest of the time on my law studies. The first year that I was in law school I was so nervous about being back in school, I had my seven-year old daughter, Lisa, read some of the cases to me while I was preparing dinner. I did not want to lose a beat, I didn’t want to miss anything, I was trying to treat this like a job. She was an excellent reader at 7 so I asked her to read my tort case book. I thought those would be the most interesting cases among the courses I had during the first year of law school. She would read these cases and she’d ask questions that I couldn’t answer. I
always tell friends and family, “Lisa, you know, read torts my first year in law school and commercial law my second.” Today, she is a fabulous lawyer in Texas and she said that was the beginning of her interest in being a lawyer. She really was very good and later on we also began teaching law school together. Anyway, I managed to get through the first year of discovering that legal education was not just about getting all the right answers about what the law is, but learning how to think, that was emphasized. I was very competitive, so I wanted to be on the Journal. I tried very hard to do well. I didn’t do as well as I would have liked but did well enough to feel good about finishing and being able to present myself as a accomplished person.

Ms. Tucker: Were there many women in your class?

Ms. Winston: There were surprisingly so. At that time about 30% of the first year class at Georgetown consisted of women, which was really quite extraordinary. Even at that time, in 1974, the Dean of Admissions at that time, David Wilmot had become somewhat notorious about his interest in diversity, both in terms of women and minority students. So I was very pleased to discover that we had an excellent representation at that time for women and African-Americans. Most of the minority students were African-Americans. We did have some Hispanic students but the real diversity in terms of race was provided by African-American students.

Ms. Tucker: Did you feel any discrimination against you while in law school by anyone?

Ms. Winston: We suspected a few professors of being biased. I remember that those of us who had been out of school for awhile who were educated in colleges that were not as stellar as some, had an opportunity for some mentoring and extra curricular things. I remember a group of us, mostly black students, were in a classroom with one professor who came into the room and looked around and said “Did you bring your paper and pencil?” Of course I was incensed that he
did not think us intelligent enough to come prepared. I had heard that this particular professor did not like African-American students. I never did figure out whether it was actually true. I heard a story a number of times from different people. The year before he had 8 black students in his class on Property and 7 of the 8 received failing grades. There was a protest and he was visited by a group of students to find out why seven failed and one passed. He said something to the effect of “well who was the eighth?” It turns out that the one who did not fail was a woman who was very fair-skinned and it appeared it may not have known she was an African-American woman.

I did have a sense that there was discrimination in a number of cases. Just seeing the professors interact with students in my class, I did feel that there was some discrimination. I don’t want to say “discrimination” because I can’t necessarily characterize or say there was some prejudice manifested in either consistently not calling on certain people, or treating people of color who raised their hands as well as women differently. But I did observe what struck me as discriminatory treatment not only by the professors, but in some cases, in most cases, by other students. The male students in the class were often very condescending, -- snickering when women, participated. There was not a lot of participation by women in the class as a result. After a while, of course I could understand better what was going on with respect to discrimination or bias against women students. I think that there were a number of cases that would be considered gender discrimination. But my ability to internalize or have a sense of discrimination based on gender did pass me by well into my adulthood. I didn’t observe that a lot when I was an undergraduate at Howard. I am sure it was there. However, my major focus in terms of discrimination was race but I was seeing at Georgetown some difference in treatment of women both by the professors and by fellow class members. We had some really excellent
role models on the faculty. I had Judith Areen for my Family Law class second year. Patricia King was there on the faculty. Of course David Wilmot is African-American who was dean of admissions and did teach.

Ms. Tucker: Do you think that it made a difference having woman as role models?

Ms. Winston: Absolutely. To me certainly, I think, I feel certain it made a difference to many of my classmates, if not all of my classmates.

Ms. Tucker: We did at Georgetown, when I went there, there was only one woman on the entire faculty named Helen Steinbinder and she was and object of derision. She taught Conveyancing, which nobody taught. So there has been a big change in those years that you were there.

Ms. Winston: The number of women in that class was really important for us to have a sense. I think, I don’t know if this is true, there is no way of knowing. I think that even without the women faculty members, having that number of women in that class made a difference in terms of the sense of confidence and comfort, even though we were not all participating. I was just determined that I was going to participate in class. I would ask questions, I just felt that I wanted to get as much out of this as I possibly could. One, because we were paying all this money, and two, because I just felt that I needed to take advantage of the time that I had there. I was feeling like I was making up some lost time having been out of college for about eight years before going back to law school.

Ms. Tucker: Did you form any friendships there in the limited amount of time you had that were lasting?

Ms. Winston: I did, although I rarely see many of my classmates. I do keep in touch with my best friend during the law school years. She is a woman named Aurora José who comes from
Guam. Somehow we were in the same section. Somehow we bonded. She is now in a family business with her husband in Las Vegas. Another good friend, Bob Kimmitt, is Deputy Secretary of Treasury [and former Ambassador to Germany during the George H.W. Bush presidency]. I got to know him well during our time on the Board of the Journal on International Law and Policy. But yes, there are a number of people that I have kept in touch with. I didn’t form the kind of friendships where there was a lot of socializing going on. But these are people that you know, I call friends, I see as part of the D. C. Bar or other bar activities. I knew that my time there was different from many of the rest. My time and kinds of friendships I formed are different in many respects because I was a married student with a family and not around campus so much. I often miss that part of my college years, where I simply didn’t have the same kind of social interactions like many of my classmates did.

Ms. Tucker: Did you face any special challenges at law school either because of race, or gender, on law review or jobs you had, in job placements, and any special things that you recall?

Ms. Winston: You know it is interesting, I am surprised that nothing is jumping to mind now, but I am sure there was something.

Ms. Tucker: Well, were there any advantages that you felt to being female or African-American or disadvantages or limitations?

Ms. Winston: Well, you know I was a bit nervous about how well I had been prepared as an undergraduate and how whether I could competitively participate in law school. It turned out I was very happily surprised. Not surprised, I was pleased. I was very pleased to know that I could hold my own, that I was competitive with many of my classmates in law school who had been educated in schools that are recognized for their excellence.
My husband who is an extraordinarily confident person who is very smart, probably the smartest person I have known, very well read, has been so since I first met him when he was a senior in college and comfortable and confident about the education that we received at Howard University. He used to say then, and he still says to students that he comes into contact with, I remember this because it influenced me, "You know everybody has 24 hours in a day. There are 10 million books in the library at Harvard University now. But nowhere there is going to read all those books. At Howard University, there is nothing that keeps you from reading as many books as anyone else and getting as much or learning as much. He says, "Really, it is what you make of it" and though we know some people who attended Howard University who left there and were not very well educated because they chose to do other things. We know a number of people at Harvard University who left there and are not very well educated. But, who had behind them the power of a Harvard University degree, which meant that they had access to many more places than a Howard degree could provide. You are there. You still have to prove that you know how to do it. So, I used to try to keep that in mind. I spent a lot of time trying to prove both to myself and to others that I was up to the challenge both as a woman and an African-American and in that way, race and gender did play a role in my law school education. I do think that there are a number of people, I am sure, that there are a number of professors that had doubts about my competence and that was just a challenge for me to just demonstrate what I could about my preparation. I am embarrassed to say that I am not coming up with any real challenges. I will have to think about that. Perhaps it says more about the time and distance that had passed since then. There was one incident that really was not, that didn’t have anything ..., right, actually it did have something to do with the law school. I remember the first year moot court argument in which we all had to prepare an argument and present it to [an administrative
The judge that heard this particular series of oral arguments by students was an administrative law judge who had been invited to participate in this part of law school and we were arguing a torts issue. It had to do with a person not wearing a seat belt and being involved in an accident. Let me just preface this first by saying that when I was in my first year of law school because I was concerned about time, I cut my hair and was wearing my hair natural [an afro style] so that all that I had to do in the morning was to get up, wash and wear. I had a fuzzy, wuzzy hairdo so it was clear to most people that I was a person of color, and in some cases that might not have been obvious, because of my complexion. So, I got up before this law judge [with my afro on display] arguing my side of this seat belt case and I started talking about the reasonable “person” standard. He said “Let me stop you,” He said, “Now reasonable “person”, is that the same standard that I learned as a reasonable “man” standard?” I said, “You know, yes it is the same thing, but I would think that a jury would want to take into account what every reasonable “person” in the community would think about this issue. At the end of the argument I went over to get my critique from the judge. He said to me “I think it is just reprehensible that you would attempt to impose your political view on this court”. I said, what are you talking about?

He said the standard is the reasonable man standard. I said, “No, we learned it in contract and torts. Our professor always talks about the reasonable person standard, as they do. I wasn’t making this up. I thought then, that he thought I had some political agenda, and I didn’t. [But, he made some assumptions, I believe, based on my appearance, perhaps that I was some 70s radical.] Obviously, that is another thing that occurs to me right now. Georgetown at that time was fairly progressive among law schools. Both for the fact that it admitted many women and
people of color and they had a number of younger faculty members at that point. My contracts professor and other professors were relatively new at that point [and were probably quite progressive and making their own political points about legal theories. But, we students had no way of knowing that the use of “person” versus “man” was a major departure from the traditional terminology. I thought the incident was all about this older white male judge’s view of me as a woman of color.]

**Ms. Tucker:** Well, I think we are going to end the tape now and on our next visit we will go into all of the jobs you had. End of Tape.

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This is Marna Tucker; I am interviewing Judith Winston for the Women Trailblazers in the Law, a project of the American Bar Association Commission on Women in the Profession. This is Ms. Winston’s fourth interview and it is taking place on October 26, 2006. This is Tape 7, Side 1.

**Ms. Tucker:** Judy in our last interview you were discussing how you were started in Government by working for David Tatel in the Office of Civil Rights. I believe that it was from 1977 through 1979.

**Ms. Winston:** That is correct.

**Ms. Tucker:** Could you tell us why you took that job?

**Ms. Winston:** Yes it was 1977 to 1979. I took that job largely on the urging of Norman Chachkin. Norman was a lawyer at that time, at the Lawyers Committee for Civil Rights Under Law. I had worked with him as his law clerk at the Lawyers Committee during my first, second and I also think third year of law school. I worked there during the school year. Norman had been invited by David Tatel (a former co-chair of Lawyers’ Committee) to become the deputy director for policy of the Office for Civil Rights in the Department of HEW. David had just been
named the Director of the Office for Civil Rights and left his position as partner in the law firm of Hogan & Hartson. He was familiar with Norman’s abilities and invited Norman to join him at OCR in the Carter Administration. In turn, Norman needed a special assistant, and invited me to join him. I had concluded early in my third year of law school that I was not going to continue working on the civil rights legal issues because I found them very emotionally draining and thought that I should do something different. Therefore, I had made that decision during the previous December (1976) to accept an offer from the FTC in the Consumer Protection Bureau. However, I was basically carried away by Norman’s enthusiasm, the opportunity to work on policy with my new law degree in hand, and to work at the very top of this federal agency. So, I thought about it for awhile and then decided that I would, in fact, accept his offer. The job that he wanted me to do was quite consistent with my lifetime interests in civil rights and education that I had developed in college at least. I thought I could do a good job at OCR and I had certainly enjoyed working with Norman. So, on that basis, I wrote to the FTC and told them that I reluctantly had to renge on my earlier acceptance. They were not happy about that especially since it was now May and I had accepted the position in December. But in any event, that is how I made that decision and went to work for the Office for Civil Rights in May of 1977 after my graduation, but before the bar exam. During that time I worked part-time while studying for the bar exam. I think I may have explained in the last interview why I made the decision to go to work at OCR before the bar exam rather than after. Shortly after Norman had offered me the position and shortly after I accepted it, he started working there and decided he really hated working for government. He called to tell me that he was going to be leaving, even before I was to arrive to become a special assistant. I persuaded him that he should not leave before I came and that I would come earlier than anticipated to help him work through some of the things that
he found so distasteful. What he disliked was trying to maneuver through bureaucracy and to handle all the administrative work that went with his position. I managed to persuade him to stay in the position at least until I could get there and help him work through some of the bureaucratic frustrations. He agreed to stay for another several months but I needed to start on a part-time basis to help with some of the challenges and also to become established in the position before he left. He left in October of that year, completely exhausted, because he felt he needed to do everything in connection with the development and clearance of a particular policy. When he left I stayed for another little while in the policy office of OCR and was subsequently invited to become the special assistant to the director, who was David Tatel. David Tatel as you know is now a very well respected judge on the Federal Court of Appeals for the District of Columbia.

Ms. Tucker: Can you tell us any of the particular memorable experiences you had while you were working for David Tatel?

Ms. Winston: Yes, there are actually two issues that we worked on during that period of time that I found particularly engaging and they were difficult issues. The first one was the attempt by the Office for Civil Rights to desegregate the former de jure state systems of higher education. Many people know about the government's role in desegregating elementary and secondary schools in the south. At this point, the government was working very hard to dismantle the affects of legal segregation in state colleges and universities. It was a very contentious period because, unlike public elementary and secondary schools, which require attendance on a compulsory basis, students are free to elect which college they would go to -- even if it is a public college. So the question of how to eliminate the effects of segregation was somewhat perplexing. David, who is such a masterful lawyer, worked very hard with a group of people, many people to devise a system that would help to eliminate some of what we called
“program duplication” among the state universities so that a student who wanted to undertake a particular course of study would be looking at those institution that offered that course of study. We were trying very hard to have some of the more desirable courses of studies offered by historically black colleges and universities as a way of attracting white students to those institutions because there was quite a bit of concern, particularly in the African-American community about whether or not historically black institutions would be destroyed in the process of the desegregation. They had been under funded consistently throughout most of their history and so did not have the physical plants or the reputations of excellence that would have otherwise automatically attracted some white students without having the programs beefed up. Of course state legislatures were resisting enhancement of the historically black institutions while continuing to provide significant additional help to the traditionally white formerly segregated institutions. So, that was very interesting to me. Particularly as a person who went to college at a historically black institution, not a public institution. Howard University is private but I understood, perhaps better that some, some of the difficulties surrounding these efforts. That occupied quite a bit of my time.

The second thing that was quite interesting in terms of my time at OCR in is the work we did on trying “flesh out” the anti-discrimination requirements of Title IX of the Education Amendments of 1975. As you know, Title IX prohibits sex discrimination in educational programs and activities receiving federal financial assistance. At that time there was a concern about some of the regulations that had been drafted to implement Title IX. Most significantly, at that time there was a lot of concern about what the statute and the regulations required colleges and universities to do to bring their inter-collegiate athletics programs into compliance with the law. Many colleges and university athletic programs were concerned about whether the
prohibition against gender discrimination would require, for example, the reduction in the football and basketball teams that had very substantial budgets and whether or not as much money had to spent on women’s athletics as men’s athletics. You know of course that football and basketball, particularly football, at the college/university level is really a big business and generates a lot of income for the institutions. Therefore, a lot of money was put into those programs. In fact, much more money is invested in the football and basketball programs than in any other men’s. Trying to explain what non-discrimination meant in this context was a real challenge for OCR because many believed an “equality” framework would destroy college football particularly. We worked on the issue as a team at OCR. I was just a small cog in that wheel. Nevertheless, it was quite an introduction to federal law, education and civil rights for someone like me who had just completed law school. I had the opportunity to sit in on meetings that the director had with state legislators, presidents of universities, with many members of the advocacy community at the highest levels. It was an eye opening and indeed thrilling experience for me. I spent two years there and left OCR not because I wasn’t having a wonderful time, but I had another opportunity that I thought would be quite important to me in my career to take advantage of. I was invited to become the executive assistant and legal counsel to Eleanor Holmes Norton, who was then the Chair, as she called herself, of the Equal Employment Opportunity Commission.

I had not met Eleanor prior to my interview with her. I was recommended to her by a woman named Fran Farmer, who had been at the Office for Civil Rights and who had joined Eleanor as, I believe her first executive assistant and legal counsel. Fran was subsequently promoted to be director of an office within the EEOC. I don’t remember at this point what office she moved up
to. In the process of leaving the legal counsel position, she was asked by Eleanor to recommend someone, and she recommended me.

It was an interesting interview because I had not met Eleanor before and Eleanor is, as you may know, a very powerful woman because she would not brook any nonsense. I remember her saying to me that she was very impressed with what I had done and with my resume, but she was not generally used to hiring anyone who had not finished law school at one of the top Ivy League law schools. Remember I went to Georgetown University's law school. She was also concerned that I had not clerked. However, she thought that I came with sufficiently high recommendations and had had experience. Of course I had a career in education research and directed an office prior to going to law school, so she gave me a chance to work with her. That experience was quite challenging as well. I knew very little about employment discrimination law. I had studied the issue in law school, had some exposure to it even in the Office for Civil Rights and certainly understood the concept of illegal discrimination and the standards that one had to meet to prove it. They were not that difference under Title VII law (Title VII of the 1964 Civil Rights Act). But during the period I worked for Eleanor as her legal counsel we were just getting into the development of legal standards to govern affirmative action employment. That of course became an even bigger issue for me as a lawyer and policy maker later in my career. It was there that I was not only introduced to the concept, but also had an opportunity to work through some of the initial regulations and guidance. Actually, we produced guidance more than regulations that had the force and effect of law as I recall but that were subsequently adopted by the Equal Employment Opportunity Commission. I think that probably was the highlight of my time there. It was a very interesting experience. One of the things that was interesting about it – and I know I use that word “interesting” a lot in these interview (I’ve have discovered that in reading the
transcripts) but it is a good word given my experience. I was involved in a number of incidents that were, in some cases, funny and in some cases quite disturbing. One of the funnier ones is that Eleanor -- whenever she wanted to get my attention on something -- would write a little note on her notepad, which had her name and title on the notepad. These were little four by six notepads and she would put the date on it and she would say “see me” and she would leave it on my chair, my desk or my in-box. I used to determine the extent to which I could go out and have lunch with some of my colleagues on the basis of the number of “See me’s” that I had on my desk at any one time. When I left the EEOC sometime later, my colleagues gave me a large photocopy of one of those notes. It was a note Eleanor had written and it said “see me”, and that sort of characterized my time there. I said, “you all made one mistake with this photocopy”, everyone said, “what’s that”, I said “this one doesn’t have a date on it”, which would have been wonderful because often times I had had so many of these “see me’s” that it was really hard to get to them all in a timely way. She would write a little blurb on it about what she wanted to see me about, so I said “this would have been great, because I could have come in with this one some days later and claimed that I had just gotten it because there was no date on it.” That was fun. Eleanor was such a hard charger as a Chair of the EEOC that we would often have morning meetings with me sitting on a chair next to her watching her exercise on the floor. She would be doing sit-ups and whatever one does on the floor, stretches, etc while explaining to me what she wanted me to do that day or that week.

**Ms. Tucker:** Was she your first female boss?

**Ms. Winston:** You know, in fact, she was my first female boss. Although when I worked for Norman Chachkin at the Lawyers’ Committee he was co-director of the Federal Education Program along with Cindy Brown who was technically my boss too, but because Cindy Brown
was not a lawyer, she very rarely gave me any assignments. I really considered myself working for Norman as a law student and as a law clerk. But yes, I actually had not thought about that fact, that she was my first female boss, but she was.

**Ms. Tucker:** Was it any different working for, of course Eleanor is a unique individual -- but was it different working for a woman like Eleanor compared to a man like David Tatel or Norman Chachkin?

**Ms. Winston:** You know, I think it was different in that I think it was a bit more intimate. So, for example, as I described my being there while she was exercising. I don’t think she would have felt as comfortable doing some of the exercises she was doing with a male executive assistant, although I can’t say that for certain, but that is my guess.

The other thing that was interesting, I think this was a factor as well. Eleanor though a bit older than I was not that much older than I and I think I was older than many of the people she had used before as executive assistants or special assistants and so we developed, I think a kind of camaraderie that may not have been possible with a much younger assistant. I mention that because one of the things that was striking to me then is that Eleanor can be a very difficult person to get along with and I remember talking to Fran Farmer about her relationship with Eleanor. I know that there were some circumstances where Eleanor could and did bring Fran to tears. Fran was not a frail person, nor weak minded, it was not easy to bring her to tears.

Eleanor was able to do that. She never raised her voice at me, I know she used to do that a lot with a lot of people, but she never did that with me. She occasionally exhibited an impatience with me, but it was a different kind of relationship. I think that had to do with the fact that I was closer in age to her than many of her other assistants. I couldn’t talk to you in any more detail about the difference that I experienced working with her as a woman boss versus working with

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men who were my superiors. As I think about it, I do think that there was a difference in the relationship, sort of a *Je ne sais quoi*, that is French for the term, something I can’t quite pinpoint that was different but certainly different.

**Ms. Tucker:** Have you kept up your relationship with Eleanor?

**Ms. Winston:** I have, I speak to her, not that often, but occasionally I speak to her. I see her fairly often. She is of course a District of Columbia resident. A congressional representative. The young woman who is her chief of staff actually is an elementary school classmate of my oldest daughter, so I frequently talk to her trying to reach Eleanor. So yes. For a number of years after I left the EEOC a group of us, who worked very closely together at the EEOC would have monthly meetings, just to keep up the relationship and I remember at one point there was a discussion about whether or not we should invite Eleanor to the meeting. The overwhelming sense initially was that we should not, because she was fairly overpowering and insistent as a boss. We did decide on one occasion to invite her to one of our lunches. I was responsible for calling her up and issuing the invitation, which I did and I told her where we were going to meet and on the day of this luncheon we all gathered and Eleanor was not there yet. It was raining very hard. I remember that and she came in about fifteen minutes late. She was soaking wet and she was just steaming and she looked at me and she said “you gave me the wrong address, I got out of the cab at 25\textsuperscript{th} and K instead of 25\textsuperscript{th} and F” or whatever it was, some blocks away and she looked at me and said, “I just can’t believe that you gave me that wrong address” and I looked at her and said “I think I gave you the address of this restaurant” I said, but in any event I said “I’m sorry.” It was not a very joyful lunch after that and my colleagues, I remember looked at me with sort of knowing smile on their faces as if to say “we told you so”.

**Ms. Tucker:** Where did that position lead to?
Ms. Winston: Interestingly that position led me to the U. S. Department of Education. I left the EEOC after only a year, not too much longer than that. I had only been there for about a year. I should say to you that the Department of Education had been created in 1979, actually opened in May 1980. The former Department of Health, Education and Welfare was split into two components, two separate cabinet level departments: the Department of Education and the Department of Health and Human Services. The person who was named the general counsel at the Department of Education was Betsy Levin, who was a civil rights lawyer and law professor. The first Secretary of Education was Shirley Hofstedler a lawyer who also had been a judge on the Ninth Circuit Court of Appeals in California. Betsy was setting up an office and actually had gotten a recommendation about me. I am not sure who recommended me quite honestly. Perhaps she talked to David Tatel, I just don’t remember at this point. She was looking for an assistant general counsel for what we called the Division of Educational Equity which was the unit within the Department of Education that would handle civil rights issues for the general counsel and for the Secretary. She called me over to talk to me about the position. I was very interested. I was interested because it was a career lawyer position. My other appointments, the one with the Office for Civil Rights and the appointment with Eleanor were all political appointments. I knew that they were only as good as the Carter presidency. It would last only that long -- at the pleasure of Mr. Tatel and Ms. Eleanor Holmes Norton who were also political appointees and would have to leave their positions at the end of President Carter’s tenure. I thought it would be a good thing for me to think in longer term about what I would be doing. To make a long story short, I went over and talked to Betsy Levin and she offered me the position of Assistant General Counsel for Educational Equity in the newly formed Department of Education. It was a wonderful combination of job responsibilities for me -- to provide legal advice on issues
such as Title VI of the Civil Rights Act of 1964; Title IX of the Education Amendments, the sex
discrimination or anti discrimination provision based on gender; the fairly new Civil Rights law
prohibiting discrimination against students with disabilities; and then some of the other programs
that had what we used to call an “equity” component to them. They included the Women’s
Educational Equity Act Program which provided grants to organizations that are focused on
providing technical assistant to assist girls and women in education to get opportunities
previously difficult for women and girls to attain. That was wonderful. Now, Eleanor was not
happy about my deciding on my own to leave her “in the lurch” as she put it. She was
particularly unhappy because the person luring me away from her was her law school classmate,
Betsy Levin. She couldn’t understand why I would prefer, by the way, to take that position when
I was working at such a high level at the EEOC. As it turns out it was quite fortunate for me
because, as you know, this is in May, 1980. That following November President Carter lost his
bid for a second term and I would have been out of a job. Although as it turned out it was not
such a happy time for me even as a career lawyer in the Department of Education, because
President Reagan came into office with the intent to do away with the Department of Education.
The Republicans in Congress were not particularly happy about the creation of the Department
of Education. They felt that the federal government had become too involved in education which
they viewed was a purely state responsibility and was a matter of states rights and that sort of
thing. President Reagan came in not happy about the Department of Education and there was a
lot of dismay about the course that civil rights implementation and enforcement had taken in
both health and human services and education. There I was in the position of an assistant general
with responsibility for advising the secretary on matters of civil rights and also working with the
Justice Department.
Ms. Tucker: But you stayed there six years?

Ms. Winston: I did. I stayed there for six years. I said to my husband, who couldn’t understand why I would want to stay in those circumstances, I said, I just hate the idea of giving up this seat to somebody that would be appointed by people who were really, in my view largely anti civil rights enforcement in this area. Besides, I had a wonderful staff of career lawyers working with me. I thought that we could continue to make clear our belief that the Department was required to enforce the law vigorously.

This is side 2 of the Judith M. Winston tape # 5

Ms. Winston: The political appointees who came into the department under Reagan had a pretty uninformed view of what the law required at that time. The general counsel, who had been appointed by President Reagan was a guy named Dan Oliver. As I understood it, he had not practiced law, he had been the editor at the National Review and seemed totally uninvolved in education legal issues, but he too came in with the declared intention to get rid of the Department of Education. That, he said, was his goal as general counsel. What was interesting about that period, Marna, is that the first Secretary of Education appointed by Ronald Reagan was a fellow named Terrell Bell, who was from Utah. He was a Mormon, a lovely, lovely man who had been a Commissioner of Education in the old HEW. Clearly, someone who believed that the federal government had an important role in education and it was Terrell Bell who actually devised the strategy that resulted in the department not being dismantled. What he did, was he formed a commission and I don’t really remember the impetus on how this started, but he formed a commission that came up with a report that described how mediocre education had become in the United States and how we were really imperiled in our ability to remain a country of prosperity unless we dealt more effectively with the type of public education we were offering.
to students. We were going to be outpaced by the Soviet Union in terms of our math and science education. The study is called A Nation at Risk. It really just basically bolstered the resolve in a number of very important places and among the public to make sure that the Federal Government continued to have a hand, at least, in providing resources for education and it was thought that it made little sense for the Federal Government to do away with the Department of Education. The public began to understand that the federal government has an important role to play in order for the nation to progress and to develop strong national education policy. But I did stay for six years. It became increasingly difficult because the civil rights agenda of the Reagan administration was such that many of the important advances, certainly not all, but many of the important advances that I thought we had made as a country in the 1960's and 1970's in advancing, for example, school desegregation and affirmative action were at risk during this period. I found myself fighting more with my superiors than with the people on the other side of lawsuits that were brought by or against the Federal Government in the civil rights area. I left in 1986 again for a wonderful opportunity. It was ironic, in a sense, that I left the federal government to take the position that had been occupied by Norman Chachkin during his last years at the Lawyers' Committee. When he left the government after three months, he went back to the Lawyer's Committee for Civil Rights and eventually became the Deputy Director of the National Lawyers' Committee for Civil Rights Under Law. When his two children -- he had a set of twins, girls -- when they finished high school in this Virginia, he decided that he wanted to go back to New York where he worked for the NAACP Legal Defense Fund. He went back to New York to work for the Legal Defense Fund and it was he who suggested to the Executive Director of the Lawyer's Committee, Bill Robinson, that he talk to me about taking Norman's place. So I had a call from both Norman and from Bill asking if I would be interested, and of
course, by this time I clearly still not very happy working in the Reagan administration, I was 
frankly kind of embarrassed about having been there for that long. As I said I had good motives 
for staying. I often said that we were representing well our understanding of what we were 
supposed to do under the law in enforcing civil rights. But I went to the Lawyer’s Committee. I 
accepted the position with a great deal of trepidation quite frankly because I worked with 
Norman and I knew what a wonderful lawyer he was. In fact, Norman turned out as a lawyer 
who has a photographic memory, who could recite in many instances line by line some of the 
most important Supreme Court decisions in the area. He remembered all the important cases, he 
remembered the holdings in a way that I found fascinating, in fact, I do remember as a law 
student wondering if I could ever be a competent lawyer because, in many ways, Norman was my role model at that time. I just felt that I did not have the capacity to do what he did. But I 
did accept the position of Deputy Director and in that position I had responsibilities for what we 
called the National Support Program of the Lawyers’ Committee and those were all the cases 
that did not fall squarely within one or more projects under the Lawyer’s Committee. For 
example, the school desegregation cases that were under way challenges -- most of them were 
challenges brought by the Reagan Administration to existing school desegregation programs. 
The Reagan Administration was determined to have these cases removed from federal court 
supervision. So I had that responsibility of supervising these cases (the Lawyers’ Committee 
would file amicus briefs in most of them). I also had some responsibility for reviewing cases and 
placing cases with law firms that had to do with criminal justice issues. I also had a number of 
administrative responsibilities and worked with the Lawyers’ Committee’s administrative staff to 
make sure that they were doing what they were tending well to the administrative support 
functions of the organization. I was very, very pleased to be back at the Lawyer’s Committee to
be in a position that had been once held by a mentor and role model and to work with lawyers, really all over the country, who were members of the Lawyer's Committees board, although many of them were in New York and many were in law firms in Washington. There were others who came from other parts of the country. I stayed there for two years. I left when Judy Lichtman, who was then, I guess she was called President of the Women's Legal Defense Fund called me to find out if I might be interested in coming to work with her. Again, I was not unhappy at the Lawyer's Committee, although I did not particularly like the administrative responsibilities that I had, choosing health care programs, making sure the benefits for the employees were appropriately administered. The real attraction that was offered to me by Judy Lichtman was: (1) I would not be responsible for any administrative work there; (2) she would also permit me to work a four day week. My youngest daughter was at that time a junior in high school and I wanted to have some more time to spend with her, in helping her, I thought to choose colleges and think about what she needed to do while she was approaching her senior year of high school. So I worked, supposedly, four days a week, Monday through Thursday. I had a long week-end, which was very nice. It turns out my youngest daughter was not interested in applying to any college except Howard University, here in the city, where my husband was then Vice President for Academic Affairs, so she needed no help with her college decision making although we did try very hard to persuade her to think about, at least applying to some other places. We thought it would be a good idea for her to be away from home. She knew Washington too well. We did persuade her ultimately to live on the campus. Anyway, the attraction for me at the Women's Legal Defense Fund was becoming the Deputy Director for policy where I would continue to be involved in civil rights issues albeit from the perspective of women's rights. Judy Lichtman was particularly interested in having me explore, along with her
Deputy Director for Employment, issues that were of particular concern to women of color. That was a great opportunity that I accepted and I enjoyed. Again, it provided me with an opportunity to get to know better many of the women’s rights advocates in the community. I actually think that I may have met you during that period of time, you, Brooksley Borne, Marcia Greenberger and many of you who had been associated with issues related to women’s issues and women’s rights. That was a special time for me.

**Ms. Tucker:** Did you find the switch from primarily racial discrimination issues to gender discrimination issues to be much of a switch for you really?

**Ms. Winston:** It really wasn’t that stark, (1) because when I was an Assistant General Counsel I had, among my responsibilities, the gender discrimination issues under Title IX and there were a number of important and exciting issues and policy issues that came my way as a result of that. I found it interesting to work for the Women’s Legal Defense Fund in terms of my relationship with some of my colleagues who were focused exclusively on what they call civil rights issues, meaning issues involving race and national origin. I will tell you one story to illustrate this.

I had been asked by Judy to represent the Women’s Legal Defense Fund on a number of occasions in meetings at the Leadership Conference on Civil Rights, which you know is a coalition of organizations which are interested in women’s rights, civil rights, rights, and constitutional rights. At that time there had been a series of decisions made by the Supreme Court which essentially gutted Title VII of the Civil Rights Act of 1964. These were employment decisions. Among the decisions, one was in a case called *Automotive Workers v. Johnson Controls*. It involved women who were in a battery factory and whose exposure to this fluid or liquid that went into batteries potentially jeopardized their reproductive functions. The
court had made a decision that essentially, if I recall correctly, that permitted the Company to deny all women the right to be employed in certain job categories because there was a danger that working with certain batteries or other material might adversely affect their fertility/reproductive capacity. All women were banned from applying or obtaining these high-paying jobs. Some women were beyond childbearing age and even they were not permitted by this company and the Court upheld this. The Leadership Conference was trying to decide which of these many cases that had been decided by the Supreme Court in 1989, it would actively try to get changed through legislation. So there was a big debate whether or not they would proceed to seek a legislative solution on this Johnson case. There were a number of people who said that it was going to get us bogged down in the abortion issue and that was a non-starter and so forth and so on. To get to the point of the story, one of our colleagues who worked for the NAACP said, “You know, this is not something that our constituents really feel they have any vested interest in and I don’t think that we should be spending our limited resources getting into this fight” I said, just a minute I am a card carrying member of the NAACP and at least fifty percent of your constituents are women and in fact many of the women who work in this particular factory are women of color – many are African-American women and poor women. I wish I could have captured the expression on his face. It was like, oh yeah. There are African-Americans who are women, who have interests that are different from African-American men. It was very instructive to me. It was almost spontaneous and I was just outraged at this. He had just basically wiped off the slate, at least fifty-percent of his constituency assuming they would have no interest in resolving this particular issue. He hadn’t given it a thought, and he was clearly just very embarrassed to recognize what he had done. I think in many ways that illustrates some of the tension that existed then, and I think even now, to some degree, within the community. Our
tendency, even in the civil rights advocacy community to separate these notions of women’s rights versus civil rights and to put a face on them that you know, they are issues that are important only to white women if they are women’s rights issues or to men of color if they are civil rights issues. Essentially that is the way many folks tend to think of these issues and it’s one of the things that I find most intriguing about the often used phraseology of “minorities and women”. In fact, this conceptualization started me thinking more about the place of women of color in this dichotomy of civil rights versus women’s rights and it was that thinking that led me to the next job.

Ms. Tucker: Which was?

Ms. Winston: Which was law teaching at the Washington College of Law at American University.

Ms. Tucker: Why did you decide to leave the Women’s Legal Defense Fund?

Ms. Winston: Well, it wasn’t really so much of a decision as it was a coincidence, which I will tell you about in a moment. In the end, I decided I wanted to put some distance between the work I was doing as a lobbyist, as an advocate and the opportunity to sit down and think about some of these issues more thoughtfully. What I found out about lobbying on the Hill for legislative changes, in Title VII for example, is how many critical and potentially life-changing decisions about what language to use in the bill are made on the spot. What should we say in this paragraph? Could we compromise on this word or phrase or provision? The negotiations with congressional staffs, with members of Congress and the give and take about the language felt too ad hoc to me. I felt as though we were not giving ourselves enough time to think about the potential consequences of using certain words, the implications for sub-groups within the larger community. How it would affect people in their every day lives. It just made me very
nervous, extremely nervous and so I felt like, at least I needed to be more thoughtful about it. So I had given some thought to the question of how I could find the time to become more thoughtful about these issues, to do some writing and exploration that did not require an immediate decision to be made. So, to complete this thought about my decision to leave the Women’s Legal Defense Fund in 1990, I have to say that it had a lot to do with my interest in having some time to think more deeply about the issues that I had been working on for so long and also to write a little bit about some of the things that I had observed and some of the concerns I had about discrimination based on race and gender. So I am happy to share the story of how I actually ended up as a law teacher, perhaps, if you are ready to close the discussion about my time at the Women’s Legal Defense Fund.

Ms. Tucker: Let me just ask you before we go into your professorial days. I would like to ask you whether you saw any differences in working for, what was a male dominated, racially concerned organization like the Lawyer’s Committee, compared to a female dominated gender concerned organization?

Ms. Winston: There were some happy differences, but in some areas, quite honestly I was surprised that there wasn’t enough of a difference. Now let me explain that. At the Women’s Defense Fund I think we had one man working on a staff of I would guess about 20 people at the time that I was there, I am not quite sure of the number, but that is what I would guess at this point. It was wonderful working with women who, of course, were all committed to the issues that we were dealing with. Some of the things that we would do, as a staff, we knew that there was generally a deep understanding of the challenges women faced. However, even in the midst of working hard on these challenges we would permit ourselves a bit of levity. For example, in a middle of a meeting about some very important issue, someone might decide to indulge the
group with some juicy gossip she had learned about or a great sale or product that we all needed to hear about. So we would stop, we'd gossip a bit or talk about some things that might not be considered the business of the organization, but something of interest. I remember talking to Claudia Withers recently about those days. She worked with me at the Women’s Legal Defense Fund and until very recently she was my law partner. She is now “of counsel” to the firm. We often reminisce about our time working at the Women’s Legal Defense Fund and how we would on many occasions stop in the middle of a meeting and share a little gossip. Everybody was comfortable with that. Often these meetings were with Judy Lichtman, who was the President, and the Director of Legal Programs, Donna Lenhoff. We would start the meeting off talking about new diets or something. It was really very, very good. Nobody thought it was necessary to be apologetic about the brief diversion. It didn’t interfere with our getting our work done. It was very comfortable. On the other hand, there were some aspects of working for a women’s organization that was a small, non-profit, often working on a shoe string that in many instances could not always practice what it preached to employers of women about providing family-friendly benefits and work-place rules. We advocated for the Family Medical Leave Act. The Women’s Legal Defense Fund was in the forefront of that movement. On the other hand, there was a fair amount of concern about some of the women on our support staff who had to take a fair amount of time off to attend to family issues. It wasn’t so much of begrudging women the time or not understanding but because there were so few of us and had so little money as an organization, we couldn’t be as magnanimous in actual practice to the women who needed the time off because they were shouldering heavy burdens as single mothers or just mothers with critical household as well as work responsibilities. I am trying to remember some specific instances. I remember some of my colleagues complaining about a lack of sympathy around
these issues, not Judy so much, I have to be clear about that. But there were some senior women on the staff, who at the time were neither married nor had children. My children were in college at that point or high school so the demands on me were not as great. I remember some of my colleagues with younger children. Most of them in support positions and they were not accorded as much sympathy as might have been suggested by the policies we advocated as an organization. We had difficulty in some instances translating our policy positions into actual on the job practices in the workplace. This was especially true in the case of the women who were not lawyers, who were not college graduates, but who had these serious economic and cultural pushes and pulls on their lives. Some could be described as among the working poor. They were not being paid very much money. They couldn’t come in some mornings because they said their child was sick that morning. Yet, we had this very important report that had to be typed and gotten out to meet a deadline. Who was going to type it? So, there was some tension about being sympathetic to that woman or wondering if she was just “goofing-off.” Of course, that is a difficulty any organization might face at any given time. But Claudia and I remembered thinking and talking a little about the difficulty of putting into practice, in a workplace, with the kind of constraints that we had, unrelated to the gender issue, but putting into practice the policies we were advocating that should be adopted and observed by men. We thought that we – as an organization – would not be at all sympathetic if we observed male employers questioning or begrudging women in support positions sick leave or time off. All in all, I must say it was a different atmosphere; it was a more comfortable atmosphere, to work as a woman. There was certainly more sympathy and more attention to some of the concerns that I’d had, and many women have had over their course of their working lives with trying to balance family and work obligations. But there were circumstances that existed where I think we did not do a good job of
making the workplace as family friendly or as woman friendly as we would like, particularly as related to some of the support positions that we had in our organization.

Ms. Tucker: Now let’s take back to your professorship at the Washington College of Law. You said how you chose that or how you got there would be of interest. What happened?

Ms. Winston: Right, I talked about having been troubled about how quickly we had to make critical decisions about legislative language and the tension involved in advocating for positions that we had not had a lot of time to think about on the Hill. But I wasn’t looking for another position. Many years after I became a law teacher, a lot of young lawyers would call me or come up to me and ask me to give them some advice about how to become a law teacher. I said, the first thing you have to do is to get yourself invited to Bill and Harriet Taylor’s New Year’s Day party. They would look at me and say “what are you talking about?” Well, I went to Bill and Harriet’s New Year’s Day party on January 1, 1990 and there were lots of people there including my neighbor and friend Elliott Milstein, who had just been appointed the new dean of the Washington College of Law at American University. My daughter's babysat for Elliott and Bonnies son Jake, and we were, as I said, we were neighbors. Elliott came up to me and said “you ought to be a law teacher; you ought to become a law professor.” So I said, “What are you talking about”, he says “really, have you ever thought about it?” I said “not really”. Indeed, I hadn’t really thought about it. He said “I wish you would come by and talk to me. Again, I said “Elliott what are you talking about?” He said that as part of his appointment he negotiated with the University the opportunity to appoint seven or eight new law professors and he was actually in the latter stages of bringing new people on. Elliott was particularly interested in having more diversity on the law faculty. He did not tell me all of this at that point, but he did say, he saw me and thought that I might make a good prospective law professor. I had worked directly with his
then wife Bonnie at HEW. So he knew something about my “lawyering” ability. So even
though I hadn’t given it much thought at the time, in the back of my mind I thought this might be
an opportunity to pull away from the hustle and bustles of lobbying advocacy to think and write
about these issues I had been struggling with for many years. When Elliott said he was honestly
urging me to come by and talk about the possibility, I decided to take him up on the offer to talk.
Meanwhile, Judy Lichtman was at this party and I did not want to encourage anymore entreaties
from Elliott for fear she would overhear and wonder about my loyalty to the Women’s Legal
Defense Fund. Unbeknownst to me, however, my husband Michael and I had separately invited
Judy and her husband, and Elliott and Bonnie to come home with us after this party just to chat
in a quieter setting because we had not seen either couple at length for a while. In any event, I
had to tell Elliott to just cool it because Judy you know is my boss. He actually called me a
couple of days later and said “I am quite serious, I would like you to just come in and talk with
me. I think law teaching is the greatest possible job in the whole world and I would like to talk
to you about it.”

Ms. Tucker: Did you go see him?

Ms. Winston: Yes I did, I met with him in his office at the Washington College of Law and
he talked to me about law teaching, he asked me about my interest, I told him about my wanting
to do some writing and he was very encouraging. So, I went home and I talked to my husband
Michael about it, he thought it was a wonderful idea for me to apply. Michael was very
concerned about the amount of time that I was spending working for the Women’s Legal
Defense fund, supposedly on a four day week, which often turned out not to be a four day week.
So Elliott said “I would like to get you in the process right now, we are about to close on a
couple of people but....” So Elliot arranged for me to have an initial interview with the
Appointments Committee. That meeting went well. The Committee invited me back for the all
day interview, in which I was to make a presentation at lunch to the faculty. This all had to be
done in a week’s time. Marna, I quite honestly did not think that there was much of chance that I
would actually be invited to join the faculty. However, after the interview with the
Appointments Committee, that initial interview, I was becoming more excited and indeed
intrigued about the idea. But I realized that this kind of opportunity and appointment does not
usually happen this way. I knew people who were trying hard to get appointments in law schools
and it was very difficult and it took some time. But, I said okay, I’ll come for the all-day
interview. Then I started to get very nervous about the presentation I was expected to make to
the full faculty at a luncheon meeting. Law professors are scholarly types, you know, they speak
a different language – you know, about “deconstruction theories” and critical legal theory, etc. I
was just a sort of bread and butter, nuts and bolts, legal advocate. Nevertheless, I decided I was
going to do a presentation on one of the cases that I worked on both at the Lawyer’s Committee
and at Women’s Legal Defense Fund that involved a class action complaint. So, I started writing
this presentation and the more I worked on it the more confused I got about exactly what I was
going to do. Nancy Polikoff, who was on the faculty and who is still at the Washington College
of Law had given me some advice and said, “You know they don’t like you to talk about
doctrine, they really want something more theoretical and cutting-edge.” I didn’t know what she
was talking about “what is not doctrinal? what else is there?” and so I remember getting ready
for this all day meeting and drafting maybe a ten or twelve page paper which was to be my
presentation. The more I worked on it, the more confused I became about class action, doctrine
and theory and how it was really implicated in this case. I stayed up all night, I remember
looking up and realizing that it was time for me to take a shower and to go over to the school. It had been a very long time since I stayed up all night for anything and it was like my brain was fried and I had this paper which didn’t make a lot of sense to me, quite honestly. The first part of the day consisted of interviews with students and other faculty members and just chit chat and I remember Burt Wexler, bless his heart (he died a couple of years ago) came over to me at one point and asked if I would like some time by myself before the luncheon presentation to the faculty – some time to just relax a bit. He said why don’t you come into my office, you can go over your paper and take a nap. So I went in I was looking at this paper and I swear to you, I could not even see what was on the paper. My eyes were just blurry, I said, I am going in here I am going to make the biggest fool of myself. You know I was just devastated at the thought. But, I went into the room and served myself a bit of lunch, I couldn’t eat, it felt like lead balls going down in my stomach. Finally, I was invited to start my presentation. The first thing I did was to talk about this case, which was the basis for this presentation. I started to talk about the case, getting the facts out, and one of the faculty members, I remember, his name was Bernie Corr, asked me a question. I cannot remember for the life of me what I said in response but I remember like it was yesterday the feeling I had while responding. I started to answer him but I had this sense that I was at the bottom of a pool and the answer to his question was a little red ball at the top of the pool on the surface and I was swimming up and up without much success to reach this little red ball and give him a satisfactory answer. You know, swimming and swimming, and swimming and not getting very far and in the process of struggling with this answer, one of the other faculty members, I think it was Paul Rice turned to Bernie Corr and said, you know, I don’t really think that question really gets to the heart of what is at issue here (or something like that) and they began to talk back and forth. They got into some kind of a
dispute, I can’t tell you what they said, I don’t know what the issue was, they got into it and a
couple of other people joined in, I am sitting there, you know, waiting for them to get back to me
but also wanting to disappear through the floor boards and never be seen again. Finally, time
was up. Faculty members had to go back to their classes; several of them looked over and said
we are so sorry we didn’t really give you a chance. I said I was sorry too and joked that I deeply
resented the fact that I could not finish my presentation and threatened to come back and finish it
the next day – smiling all the while. Many said, well don’t worry about it, you know, we are
glad to have a chance to meet you and so forth. Then I spent the rest of day meeting more
students and talking about who I was and all of that. I was so relieved to finally get through the
day. My hope was to leave and figure out how I would overcome the fact that I had completely
embarrassed myself and would now be exposed as a fraud. So, I was happy to get away and then
completely shocked to receive an offer to join the faculty soon thereafter. By this time it was the
end of February, 1990 when the offer was actually extended, it might have been earlier than that.
I was scheduled to start teaching the following fall.

Ms. Tucker: Was the meeting with individual groups of faculty or the exchanges with the
professors and students other than the substantive discussion at lunch as much of a nightmare as
your interview was?

Ms. Winston: No, they really were not. I of course had some time to prepare; we were
generally talking about my work and career – subjects and legal issues squarely in my area of
expertise. I was not pretending to be a law professor in those meetings before and after lunch. I
mean, really, I just didn’t have enough time to think about what would have been a reasonable
thing for me to present at the lunch meeting. I really should not have been trying to reach for
something that was so far beyond what I had been involved in – you know, a scholarly, legally
ephemeral legal theory. I wanted to sound like a law professor, sound scholarly, and I really wasn’t at that point. I just was not.

**Ms. Tucker:** What were you assigned to teach?

**Ms. Winston:** I had to teach a first year course, I chose civil procedure. They gave me a choice, here are the areas where we need some help, one of them was tax law and I said no way. I didn’t even know to be near a tax classroom. So, I said civil procedure. Because, indeed, civil procedure was the first year course that I enjoyed the most because it was the closest to what I perceived at that time, as a first year law student to be the work of a lawyer. I chose civil procedure. I was just astonished to know that I basically had carte blanche about how to teach civil procedure, what case book to use, what to cover, what not to cover. I was just flabbergasted to learn that law professors did not have a set curriculum or set of standards they had to observe in teaching particular courses. I thought I’d have guidance that would indicate: you must teach items A through F, the first semester and then G to whatever the next.

**Ms. Tucker:** Did you pick out your own case book or have what they usually used?

**Ms. Winston:** I did, I did. I also asked what other professors about the case book they were using to teach so I had that information. I consulted with a friend of mine, Dan Bernstein, who was then the dean at Howard or assistant dean at Howard. He was teaching civil procedure as well as carrying out his administrative responsibilities. My husband had suggested I talk to Dan and Dan made the most wonderful suggestion. He said “I always picked my case book based on what I think of the teacher’s manual for that case book. He said, “Let me recommend Landers and Martin. He recommended that because it was a case book that taught civil procedure using civil rights cases as illustrations of particular procedural points. In fact the Supreme Court case that I had tried to focus on in my presentation, *Martin v Wilks* was in this case book, and there
were a number of other civil rights cases I had worked on in that case book and it had a
wonderful, wonderful teacher’s manual. It offered up several model syllabi depending on
whether you were teaching a three hour course or six hours in two semesters. It was just perfect
for me, and it really helped to relieve a lot of my anxieties. So I choose that case book. Some
students, it turns out, I found out later, were disturbed by the fact that I was using a case book
that was different from most of the other professors who were using the Count Friedenthal Civil
Procedure case book because the students were hoping to buy used case books, and of course
there was nobody there using Landers and Martin. So my experience with my students started
out with a bit of resentment already built in. In addition, they knew they had a first-time law
professor. One who had never taught before and she is using a different case book. I discovered
all of this later on.

Ms. Tucker: Were there many women on the faculty at that time?

Ms. Winston: There were actually several women on the faculty. That is, more percentage
wise than many law schools at that time which was very, very good. There were no women of
color on the faculty. There were two men of color on the faculty, one was an assistant professor
and the other was an associate professor. Part of Elliott’s concern was that he felt the law school
should have greater diversity especially in terms of minority faculty but additional women
faculty as well. I was curious about the experience of my students – the extent to which they had
ever been taught by a woman (in college) of a person of color (at any level of their education. I
learned that very few of my first year law students had ever had a person of color man or woman,
teach them at any level of their education.

Ms. Tucker: Do you think they knew you were of color?

Ms. Winston: I think that there were probably some students who did not know initially, but
who learned soon after because in introducing myself, I just talked about my background, my work. I was introduced at the orientation and my bio was in some introductory material that students got, so they knew that I went to Howard University. I think people put two and two together after a while even though by virtue of my skin color some students might not have known by looking at me that I am African-American. It was a very interesting experience to me. As you know, law professors are judged or evaluated by students at the end of each semester and a lot of weight is given to student evaluations at AU. I think that is appropriate. The first semester that I taught I received the highest evaluations ever -- this was very encouraging to me. The second semester I ran into some significant problems with students and they resulted not from anything that I did, at least not initially. I took over the second half of the civil procedure class from one of my colleagues, Bernie Corr who is beloved by students. Some of our colleagues at the law school did think much of his teaching because it was thought that he was too lenient on students and there was a lot of spoon feeding going on in his classroom. But the students loved him and the students who had had him the first semester, for civil procedure, were furious that they could not have him the second semester. He simply didn’t teach the second semester course on civil procedure – never had done so. I found out that they had petitioned the Dean to have him teach the second semester course (Civ Pro II) and Dean refused because Bernie didn’t want to teach it. The Dean could not make him teach that particular course. So here I was a new law professor with a different case book from the one the students had purchased for Civ Pro I and deeply resented for replacing the students beloved Professor Corr. I decided immediately that I would permit them to continue to use the Cound Friedenthal case book so that they would not have to put out additional money and even though my students in the second Civ Pro II class I was teaching that semester were using Landers and Martin. Even so, there was a group of young
men in my class – all of them seemed be addicted to wearing these baseball caps turned around backwards – who would push back and push back in asking questions about almost everything I said. In effect challenging me about my knowledge of the subject matter. I remember one case that we were discussion where one student said “that is not what it says in the case book”. I don’t remember what the issue was, I said, “Well, the case book actually is wrong on this point” (the misstatement came in the series of comments and commentary after the case). The student responded incredulously “but its here in the CASEBOOK!” I said, let me just say this, it happens to be a case that I used to work on. I know the answer, I said, and remember, I am going to be giving the exam so you’ve got to make a choice between whether you want to go with what’s in the case boo on this point or what I’ve just said about it. Well, at the end of the semester, this particular class gave me a devastatingly bad evaluation.

**Ms. Tucker:** Did the women give you trouble?

**Ms. Winston:** No, not very much. In fact they were a group of black women in this class, maybe three or four of them, who were so nervous about how I was doing, I mean they really wanted me to do well. They knew I was a new teacher, of course, but they also knew that the white student -- the men especially were likely to judge their competence by my own missteps as a new teacher. It was a very complicated situation for us all. I mean I knew that I would make some mistakes as a new teacher. I had never taught this course before, okay. I taught the first half, but the second half is different. I was struggling with some things and learned that year that you never say to students “I don’t know the answer.” You just don’t, you cannot in any way expose yourself to not being the end all and be all in terms of your mastery of the subject. One student (white) actually said in class that he resented the fact that I was teaching civil procedure using the perspective of an African-American woman. I said, “Whose perspective would you
like me to use?” I said, first of all I am teaching civil procedure. I feel very comfortable that I know a lot more about it than you do, but that was during a period where there was a lot of heavily publicized unrest and controversy over the lack of women of color on the faculty at Harvard University Law School. I know because my daughter Lisa was a first year law student there. You may recall that period with Derrick Bell, a law professor there taking a very strong stance and demanding that the Law School invite an African-American woman to join the faculty in a tenure-track position. So I think many of the students, particularly white students, were using what was going on in these other places as a basis for being skeptical about me and how I had come to be on the faculty. They were concerned about whether or not they were getting the real deal. Remember Derrick Bell when he was a visiting professor at Stanford University? One of the white professors at Stanford decided that he (the white professor) needed to offer students a counter course on constitutional law as a means of making up for the constitutional law course Derrick was teaching at Stanford. I think this happened a year or two before I began teaching. But there was a sense that somehow, on the part of some students that I was not giving them the real deal. I had students write on the evaluation that they thought it was reprehensible that I should spend so much time on cases that involved African-American women. There were only two gender discrimination cases in the case book involving African-American women and the issue presented was there to raise the point about who could be an appropriate representative of a class. So if it was gender discrimination can you have a women of color brings the issue of race into the equation and still be a proper representative of “all women”, so that was one of the two cases. It was a highly appropriate illustration in the civil procedure course. The other case involved specific pleadings and judges who tended to hold civil rights complainants to higher standard when it came to the requirement that a plaintiff present a simple and plain pleading
statement. It also was a highly appropriate illustration of an issue in civil procedure. But those were the only two cases in the case book that involved African-American women. The two or three students who made this comment on the evaluation had apparently conflated these two cases into many and translated them into a criticism that I talked far too much about African-American women in the classroom. A couple of the black women students revealed to me later that after I passed out the evaluation forms for students to complete and after I had left the room a group of students got together and apparently conferring with one another about what would go into the evaluation.

Ms. Tucker: Well, the way you relate that period of time and that event is very painful to you even now. Why do you think it is so painful now that you have had so many successes?

Ms. Winston: Yes it is, yes it is. It was hurtful and I was very nervous about taking on the teaching career at that point in my legal career. I think most people tend to be nervous about taking on something new and then, of course, I had that awful experience at the presentation lunch.

Ms. Tucker: I am talking about why is it still painful?

Ms. Winston: Well, because I remember all the emotion energy that I put into teaching and it is coming back to me. I also think that the evaluations were not a fair assessment of my abilities and that my colleagues on the faculty would use the evaluations in an inappropriate way in making promotion and tenure decisions. As a lawyer who had developed expertise in Title VII employment discrimination matters over a number of years, I knew the evaluation forms were not based on objective criteria or standards. For example, students were asked to comment on whether their professor was a good or effective teacher. However, students were not provided with a set of standards for what characteristics or capabilities made for good and effective
teaching. My concern was that many students were coming at this issue with preconceived or stereotyped notions of who is or is not a good teacher and it was important to understand what criteria they were using to make that judgment. Faculty should attempt to describe what constitutes good or effective teaching and then ask students if they believe their professors exhibit these characteristics. To be fair, I believe the evaluation format was intended to identify some of these attributes of effective teaching but I am not sure that it would have withstood a challenge by women faculty or faculty of color if the evaluation results were used in a substantial way to determine who would or would not be promoted or receive tenure. I am not saying the students should not be given the opportunity to evaluate faculty. I think it is important to know what students think of professors and their competence in the classroom. However, the evaluations need to be looked at in context and we have to figure out how we are going credit them and respond to them as a basis for providing benefits or rewards, and promotions. It was a very emotional time for me which is what I am reflecting now on. It brought to bear for me for the first time, in a long time, some of my earlier experiences as a black woman. I felt strongly that instead of being evaluated certainly as a new and inexperienced law teacher – which I was – I was facing an added layer of scrutiny that had more to do with stereotypes than my teaching abilities. It had more to do with students feeling short-changed by having a new teacher with “an African-American woman’s perspective” substituted for a revered, senior white professor. These were issues that had to do with lots of things above and beyond who I was and I had just sort of gotten comfortable that I was beyond that. And even today, Mama, I think about some things I should have done differently with these students. I was concerned about not getting a level of respect from students that I thought appropriate. I was concerned about not letting my guard down and showing a sense of vulnerability as a new teacher and letting students take advantage
of me. Perhaps, I went a bit over board with that. One incident sticks out in that regard. Early in the second semester, I asked students who — for whatever reason — had not been able to complete an assignment to let me know at the beginning of class so that I would not call upon them to answer questions. In other words, I warned students that if they were not prepared to respond to questions, they hadn’t been able to do the assignment, to let me know in advance, come up to me at the beginning of the class and say Professor Winston, I haven’t been able to read the assignment for whatever reason. For two classes straight I called on this particular student and he couldn’t respond. So in the second class when this happened I asked if the person had done the reading, he said no. I said, I really don’t think you are going to be able to get very much out of this class, not having done the reading, and you didn’t let me know in advance, I have called on you two times before and in both cases you were unprepared. I suggest you just leave the class and do the reading. He just sat there. I asked if there were others in the class that day who had not done the reading assignment. One other young man raised his hand and I invited them both to leave. Eventually, they both did but I remember thinking at the time “well, you’ve committed yourself to this course of action and you can’t back down and say there are no consequences for students who fail to do the assignments, who don’t let you know in advance and who admit they haven’t done the reading. You’ve got to follow through.” Oh boy did that create a fire storm in that class. It turns out — I learned afterwards — that these two students were among the most popular students in the class and it was felt that I just humiliated them. So, I paid for it in terms of student evaluations.

Ms. Tucker: Tell me about the faculty tensions that you alluded to in your earlier answer.

Ms. Winston: I did not realize before I went into teaching that faculty politics can be quite
rough. I should have because my husband was a university professor for many years. There seemed to be two major factions within the law school, who were diametrically opposed to one another. Elliott Milstein had come from the legal clinical faculty. Clinicians at the Washington College of Law could actually gain tenure through their clinical practices. The law professors who were not clinicians, apparently felt that granting tenure to faculty who taught in the clinic rather than the traditional law school classroom represented a lowering of standards. They had the notion somehow that law teachers who had actually practiced law or were practicing law were not real law professors. Then there was, of course, the ideological divide. A divide existed between a number of very liberal, forward thinking, progressive law professors and some very old fashioned conservative faculty members. Some of that ideological tension centered on affirmative action recruiting of students and faculty and other attempts to increase racial, ethnic and gender diversity. Again the question presented was whether or not the law school was lowering its standards by expanding the number of women and people of color coming in both as students and as faculty members. So in a sense, my presence at the Law School put me in the middle of this tension. Here I am – recruited by Elliott who was the first faculty member gaining tenure as a clinician and the first clinician to ever serve as Dean. How I performed put his reputation is on the line as well as mine. I was very much his candidate and I did not want to be responsible for other faculty questioning his judgment. I also realized that other faculty – his friends on the faculty and on the Appointments Committee – had been willing to support me as his choice. So, I was very conscious of needing and wanting to succeed to vindicate his support and reputation as the Dean during his first year. I am sure that I was more obsessive about this than was probably warranted and I should not discount the heavy impact that the loss of the first semester civil procedure professor (Bernie Corr) had on the students who turned in the awful
evaluation that second semester of my first year. I should have been especially aware of these
evental events on their conclusions about me in light of the extraordinarily good evaluation I
received after my very first semester of teaching (unusually good for a first time law teacher I
was told). But it was hard to separate out all of these factors at the time – the ideological and
political battles that I was right in middle of at the time. A lot of it was not evident to me till
much later.

Ms. Tucker: Thank goodness.

Ms. Winston: Thank goodness, exactly. I was taking all of it quite personally. I have always
been a very competitive person, I have always felt as though I needed to do and be the very best.
I am somewhat a perfectionist and I knew I was testing myself as much as being tested, even
without knowing all the politics, I knew that I was in many ways a test case at the Law School
during my first year of teaching.

Fifth interview of Judith Winston

Date: November 1, 2006

Tape # 9 Side 1

Ms. Tucker: In our last interview, Ms. Winston was talking about the courses she was
teaching at the Washington College of Law, and we will continue from there. Judy, what other
courses did you teach at the Washington College of Law?

Ms. Winston: I taught Civil Procedure the first year and during the second semester of the first
year I also taught a course called Race and the Law which is a survey of race as it was affected by the law in the United States. The second year I was very excited about my course offerings because in addition to civil procedure, I was able to offer the first seminar ever, I believe, at the Washington College of Law on the intersection of Race and Gender. It was called Women of Color: the Intersection of Race and Gender in the Law and essentially it was about the way in which the law affects women of color. I'd become very interested in this subject when I was working at the Women's Legal Defense Fund. First of all because we did have a program that focused in large measure on women of color in employment and that year, we were also lobbying very heavily for a change in Title VII (prohibiting employment discrimination) and Section 1981 of the US Code (Title 42 USC Section 1981) which essentially provided protection to people on the basis of race in the employment contracting area. I mention that because one of the cases that had been decided by the Supreme Court involved an African American woman, who had been employed by a small savings and loan company who had been denied a promotion and subsequently dismissed. She sued the company under Section 1981 on the basis of race discrimination, and it turns out, as she told her story, that she had been discriminated against not only because of her race but also because she was a woman. It was very important in these factual circumstances to understand that she was a woman of color. She'd been hired as a clerk – a file clerk – although she had a college degree. And there were white women without college degrees who worked for the savings and loan company who were doing more sophisticated jobs, I'm not sure what they were but they were something more substantive. As a file clerk, the plaintiff was asked not only to file but she was also asked to sweep and dust, basically keep the place clean. None of the other women were asked to do that. When she applied for a position occupied at the time by white men, she was denied the
opportunity to work at a higher level more appropriate to her education. This company had fewer than 15 employees. Because of this the company was not covered by Title VII under which she could have sued for both race and gender discrimination. Section 1981 which was the alternate cause of action for her covers only race discrimination in employment contracts. However, she ran into a roadblock in attempting to sue under this old Civil Rights Law, section 1981, because the court saw the discrimination against her as purely sex discrimination. He could not see the race discrimination angle. That is, she was being treated different not just because she was a woman but because she was a black woman. There were several other technical problems including the concern that this particular provision didn’t protect people on the basis of race after the employment contract was made. In any event, the fact pattern here had a lot of us in the women’s community -- the women’s rights community -- talking about the peculiar circumstance of this woman, she sort of fell between the cracks of the law in terms of her treatment on the basis of her being a black woman. We think she was asked to do things probably a black man might not have been asked to do, and also denied the opportunity to do things that white women were able to do in this company. Turns out, there were a number of cases similar to this involving women of color, mostly African American women, women who were denied the opportunity to represent the class of women in a class action suit because it was felt that as an African American woman, she brought issues with her that were not representative of the entire class of women, most of whom were white women. So, I decided that I wanted to explore this more fully; this is one of the things that I had been thinking about writing about, this intersection of race and gender, when I became interested in law teaching, so I introduced a course, a seminar which attracted about 15 or 20 students that second year of my teaching. It was one of the most fulfilling activities I had been involved in and certainly the most fulfilling in
Ms. Tucker: Was that one of the first courses like that or the only course that you’re aware of?

Ms. Winston: It was one of the first. I do know that a colleague of mine who been at the EEOC with me, Judy Scales Trent, had introduced a similar course in... let’s see, she was at SUNY Buffalo, State University of New York in Buffalo the law school there and she introduced a course. I think it was called, “Women of Color in the Law.” I consulted with Judy before I introduced this course. We had a little different approach. She used a lot of literature to introduce law students to issues involving women of color and my course was more focused on case law that has developed and some of the legal theories that had been developed arguing that the law did not fully serve women of color suing either on the basis of race or gender. In that context, we talked about stereotypes, for example. We talked about the “reasonable woman,” the reasonable person: how a jury might interpret that concept in a case involving a woman of color. It’s always quite interesting. Some of the students that enrolled in that course are students that I continue to keep in touch with today. We really bonded in many ways. They were women students but I did have a couple of men in the course. The students were fascinated with the concept and many of them had not thought about it quite frankly. I continue to be interested and intrigued by the concept that you see often in literature and the law. You usually see references to minorities and women. And the fact that there are women who fit into both categories sometimes escapes people. I told the story, about one of my colleagues in the NAACP who felt that his constituents were not particularly interested in some of the issues involving women and reproductive rights. He was quite chastened to be reminded that probably half of the constituents at the NAACP were women of color who were seriously affected by employers who would not hire women for certain jobs because they might become pregnant. This issue was raised in a case called Johnson Controls decided by the Supreme Court in 1989 in which all women were
barred from working in certain higher-paying job categories.

**Ms. Tucker:** Were you evaluated at the end of your seminar by the students?

**Ms. Winston:** Yes.

**Ms. Tucker:** And what happened at the evaluation?

**Ms. Winston:** I receive an excellent evaluation from the students in that seminar. Students were very enthusiastic both about the material and about the way that I taught the course illustrating many of the concepts with my own personal and professional experiences. It was interesting to me that I had that reaction to my teaching. I taught the seminar in a relaxed and even conversational way because the class was small enough so that I could do that. I was pleased and intrigued by the responses because I always found that when I was a student the classes I took as a student that were taught by adjunct professors -- who brought with them some real life experiences as lawyers -- were better classes. A number of my colleagues who have come to teaching from clerkships or without having had substantial practice in law tended to be a bit contemptuous of those of us who had practiced for a number of years. An interesting phenomenon when you think about it. A person who is charged with preparing young people to become lawyers who had actually done it being seen in somewhat contemptuous terms by those who had never actually engaged in the profession in a practical way.

**Ms. Tucker:** That’s a variation of the clinical law professor versus the regular law professor role where the regular law professor looked down on the clinical law professor who was actually practicing.

**Ms. Winston:** Exactly

**Ms. Tucker:** And that continues to this day...

**Ms. Winston:** Exactly right. There was quite a bit of tension between those two factions at the Washington College of Law while I was there. This was true even though the new dean came up through the clinical program. It was quite extraordinary at the time for a law school
to give the clinicians the opportunity to become tenured faculty members. Anyway, getting back to my teaching experience, I taught the seminar three times before I left the law school which takes us to the next phase.

**Ms. Tucker:** I want to ask you a question about your time there. Did you, aside from the debacle with the evaluations your first year, did you experience any kind of discrimination by either the faculty or the students while you were there?

**Ms. Winston:** I wouldn't call it discrimination. The students, I think were so unused to having a person of color, a person other than a white person teaching them. Many of them, of course, probably had women teachers in their earlier years. But I did take a poll once with a group of my students. I asked them if they'd ever had an African American teacher before. Most of them had not. I don't remember the numbers but only one or two hands went up. Of those who said "no", I believe I may have been the victim of a negative stereotype. I was surprised at the level of disrespect that some of the showed me. Maybe these students were just obnoxious students and had disrespected all of their professors. My sense was that they were less respectful of me because it was difficult for some of the young men particularly to credit the notion that I might have something valuable to share with them – or something that was as good as or better than any of the white male professors. There were levels of challenges that I thought were a little out of the ordinary. Perhaps I was dwelling too much on my own law school experience as a measure of what I expected from my students. I don't remember any students in any of my classes when I was a law student being so challenging, calling into question something I said. I earlier mentioned the time one student indicated that what I said was different than what was in the case book. I responded by saying the case book was simply wrong in the way it described an aspect of a case. I don't remember exactly what the misstatement was. The student found it very difficult to accept what I was saying as true. In terms of my colleagues, I didn't face what I would call discrimination; I think that there was some stereotyped thinking. For example, some of the more progressive, liberal faculty members made some assumptions about what I would think about certain things and what my
position might be as an African American. Now, as it turns out, in many instances they were right. But some were people who didn’t know me well but in conversations would just make some assumptions about me that were interesting and in some instances they were not correct. I was not as progressive on some issues as they thought. I did spend some time talking to faculty members, about the risks that I thought the law school faced in considering student evaluations as a substantial factor in promotion decisions especially as the faculty became more diverse. I think it is a good idea to evaluate teaching and to make sure you don’t have just a bunch of really smart lawyers in front of a class who are excellent lawyers perhaps but inept in conveying effectively the substance of the course material. At the same time, if you are going to ask students who is, or is not, an effective teacher and use those responses to determine who will or will not be promoted, it is important to articulate a standard against which to measure effective teaching. I just felt that faculty of color and women faculty were open to abuse on that score. I think I experienced that to some extent. For example curing my second semester at American University, I taught a group of students who were upset that they had to take my civil procedure class. They were angry that their first semester civil pro teacher was not teaching the second half of the course. He was a very revered member of the faculty and the students knew that I was in the first year of my teaching career. They gave me a very hard time and a very low evaluation at the end of the semester even though I was teaching the same material to a second class which was more generous in their evaluations. So unless the law school had some standard criteria for judging effective teaching to which students could refer, compare and respond, the system was subject to abuse particularly if students have pre-conceived ideas about the capacity of woman color to be effective law teachers. So my conversations with some faculty was an attempt to have them understand disparate impact theory in employment discrimination and the role that over reliance on subjective teacher evaluations might play in making promotion decisions.
Ms. Tucker: So that's about 15 years ago?

Ms. Winston: Yes. I taught from 1990 to 1993, so 13 years ago.

Ms. Tucker: What did you do after you were teaching, and why did you leave?

Ms. Winston: I left to join the Clinton Administration. I became the General Counsel of US Department of Education. It's interesting how that happened because I vowed when I left the government in 1986 that I would never go back to government. The reason is that from 1982 to 1986, while working as a career attorney - an Assistant General Counsel - at the U.S. Department of Education during the Reagan-Bush Administration, I worked exceedingly hard on trying to preserve progressive policies on issues involving race discrimination and school desegregation. However, the political appointees in that Administration were not particular supportive of effective civil rights enforcement in these areas. I left very frustrated and disappointed in 1986, determined not to go back into federal government service. However, shortly after the election of 1992, I was invited by Peter Edelman, to join one of the Clinton Administration transition teams. My team was focused on federal civil rights matters and we interviewed staff at the several federal civil rights agencies to understand and report on the status of civil rights enforcement policies and implementation. I had just given my final exams and Peter, who was teaching at Georgetown, said: "look, I know you're finished with your exams, you have nothing to do between now and the beginning of the next semester." I said, "Yes except for grading the exams". He said, "Well, come on join me, this will be fun. We could really use your expertise; I want you to spend some time looking at the Office for Civil Rights in the Education Department, the Civil Rights Division in the Justice Dept, and the "Commission on Civil Rights". And so, I thought it would be fun to spend some time doing that. It was fun. I met a lot of people who were subsequently also in the Administration. During that period, a number of people with whom I associated on the transition team kept saying, "Well, what do you want?" I said, "I don't want anything. I really don't want anything" and they said, "Oh, come on, you must want something" and so they kept pressing me, "Come on, we need good people, let's have your resume". And so, eventually I started
saying that the only job I would accept, if I were to go back in the government, the only job
that I would want, would be General Counsel of the U.S. Department of Education. And,
indeed, at one point, I had a call from the Deputy Chief of Staff to Secretary Richard Riley.
This was Leslie Thornton and she asked if I would be willing to come in and talk to the
Secretary about the Asst. Secretary for Civil Rights position. And I
said, “I really don’t want to come in and talk about the Asst. Secretary for Civil Rights”. I
said, “However, if the Secretary would like to talk to me about the General Counsel position,
I’d be happy to talk about that”. She says, “Well, I would like you to meet him and the
Deputy Secretary so please do come in”. We set up an appointment, and I went in and I was
introduced to Secretary Riley and his Deputy, Madeline Kunin, who had been Governor of the
State of Vermont. I sat down and the Secretary said, “Well, Ms. Winston, I’d like to talk to
you about the position of the Assistant Secretary for Civil Rights”. I said, “Mr. Secretary, I
am delighted to be here, to talk with you and Deputy Secretary Kunin”, I said, “But I have to
tell you I really am not interested in that position”. He says, “What do you mean?” He says,
“Your whole resume is full of activity on civil rights”. I said, “Well, I really feel as though
I’ve grown away from that more narrow interest although it’s a very important area in my life,
I’m still very much committed to it”. I said, “But what I’m really interested in is the General
Counsel position and let me say to you that I think that any lawyer that you have coming in
here to talk about the General Counsel’s position, will have some area of expertise that he or
she would’ve had in his or her career. Mine happens to be Civil Rights which happens to be
one of the critical areas of activity in this Department. I think it would be particularly useful
for you to have General Counsel with a background in civil rights.” He was looking skeptical
and said, “Yeah, but you know, really, I been thinking about you for the Civil Rights
position”. I said, “Well, let me explain to you why I think it might be very useful to think
about me with my background for this other position.” And I went on to explain to him that
when I’d been there as a career lawyer, some years earlier, there was a considerable amount
of tension between the Office for Civil Rights and the General Counsel’s office, and that the
Secretary had to rely on the General Counsel to advise him or her about the Secretary's interest in a particular case, and that interest had to be evaluated in the context of all Department activities, not just in terms of Civil Rights. The Assistant Secretary for Civil Rights, on the other hand, had her own lawyers, and those lawyers would advise her in a fairly narrow area, at least they weren't obligated to take into consideration the impact that their decisions might have on other program or policy issues. I said, "So, you would really need somebody to help you understand, first, what civil rights issues are at stake? How do they relate to the Department's policies in other areas and other contexts?" I used higher education desegregation as an example. The Secretary clearly became interested -- I think "intrigued" is probably a better word.

Ms. Tucker: Did they have anybody else in mind at that time?

Ms. Winston: They did.

Ms. Tucker: Do you remember who it was?

Ms. Winston: Yes, I certainly do remember, it was Lani Guanier. Lani Guanier, of course, had been nominated to be the Assistant Attorney General for Civil Rights in the Justice Department. Her nomination turned out to be quite controversial for that position. Lani was not interested in being the General Counsel of the Department of Education, but some people in the Clinton Administration, wanted to offer her another option.

Ms. Tucker: But that was a confirmable position as well.

Ms. Winston: Exactly.

Ms. Tucker: So it would have been as problematical.

Ms. Winston: Well, not necessarily, because I think there were not a lot of people on the Hill that tended to think of the General Counsel's Office in the Department of Education as being as critical a position in terms of civil rights jurisprudence and civil rights enforcement, though I knew that the General Counsel could play a very critical role in that area in the Department of Education. The position of General Counsel was one which some people in the personnel area of the White House wanted to hold out to offer to Lani. They did not want to
commit that position at that point and it was my understanding that they wanted to be able to use it as an alternative position to offer Lani. It took a while before I was actually nominated to that position. I interviewed with the Secretary mid to late January of 1993 as I recall. I'll tell you the story because it involves my first meeting with President Clinton. I don't know if I shared this story with you earlier if so, I will repeat myself. I'd had the interview with the Secretary. I received a call a few days and the Chief of Staff said that the Secretary was interested in recommending me for the position of General Counsel. I was very excited and he said to me very clearly "Now, I can only recommend you to the President. I can't offer you this position, I can't nominate you for this position. So you need to be very careful." So I said, "Well, I need to inform the law school if in fact this is going to happen because I'd been assigned to some classes and they'd have to make some arrangements." So I went to tell the Dean of the Law School who was very excited on my behalf and he in turn let the President of the University know, the President of the University was Joe Duffy at that time, and Joe Duffy, of course, had been a person who had run for congress and Bill Clinton had worked on his campaign when he ran for the Congress. Ms. Winston: I knew Joe Duffy from some other contacts; I can't even remember where we met. But in any event, Joe Duffy called me up and said, "Well, this is great news, very exciting. Have you ever met President Clinton?" I said, "No, I have not." He said, "Well, he's coming here to the University to give his first foreign policy speech." This was towards the end of January 1993. So he said, "I'll tell you what you should do," He said, "You sit in the front row of the auditorium, I'll reserve a seat for you and then when the President finishes speaking, he comes down to the rope line to meet people and I will introduce you at that time." So I was very excited and, sure enough, after the speech, President Clinton came down. He was shaking hands with the people in the front row, and when he got to me, Joe Duffy said, "Mr. President, I'd like for you to meet Judith Winston, she's going to be your General Counsel at the US Department of Education." I said, "No, I'm only recommended,
I’m only recommended!” President Clinton looked at me, and he said, “Oh, I know who you are,” And I just looked at him. He says, “Oh yes, I know who you are.” and he stood and he talked, I don’t remember what we talked about at that point. I was stunned. I’ve heard a lot of people say this about President Clinton and it’s true. When he talks to you it seems as though you are the only one in the room. He looked at me while he was talking and he didn’t seem to be pressured to move on and it was just very exciting. I remember that all during the following weekend I was going around saying: “He knows who I am, He knows who I am!” Oh my gosh! It was just thrilling! After all he was the President of the United States.

Ms. Tucker: I wonder what your Aunt would have thought...

Ms. Winston: I don’t know if I ever actually shared this story with her. She’s still alive. She was very, very excited and proud that I joined the Administration and she certainly knew about the appointment after it happened.

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Ms. Winston: So, as I said, this was I believe late January 1993. I was not actually nominated to the position for another several months. I believe it may have been as late as April. I continued to teach my courses at the University. In fact, I’m sure I finished that semester. I started working as a consultant at the Department of Education pending the confirmation. This is a Presidentially-nominated, Senate confirmed position so I started, as many people did, working as a consultant at the Department. I could not, of course, occupy the seat of the General Counsel because I had not been confirmed but I was involved as a consultant in many of the inner workings of the Office of the General Counsel and my confirmation actually occurred without much controversy although there was certainly a bit of controversy associated with other nominees both at the Department of Education and in other agencies. By this time, the President had decided he was not going to go forward with Lani Guanier’s nomination as the Assistant Attorney General for Civil Rights. That was very, very disappointing. Disappointing not only in terms of her not getting it but also we were
disappointed and surprised that he would not support her even though the charges that were
being lodged against her were all quite bogus, in my view, based on some provocative writing
that she had done as a law professor. So, I was confirmed, I did not have a hearing but I had
to go up and meet with several staff members from various Republican Senatorial offices.
There may have been some Republican House staff represented there too. They insisted that in
order for them to support the confirmation, some of the conservative Republicans insisted that
I would have to resign from the Gender Bias Commission Task Force of the DC Circuit. I
was rather irritated with that because there were Government officials on the Commission.
There were a couple of people from the Justice Dept. for example. It was a federal court. I
was advised by Senator Kennedy’s office that they could fight the request because they thought
it was ridiculous too. However, they did not think they could get the confirmation thru that
summer and I’d have to wait till the fall if we decided to resist the demand that I resign from
the Task Force. I decided that I probably wouldn’t have time to be significantly involved in
the work of the Task Force, anyway, so I resigned. My confirmation went through by voice
vote and I was confirmed on June 28, 1993. There was no hearing involved.

Ms. Tucker: So, when you became General Counsel, what were the most significant
experiences you had in that position? This was in, the end of 1993.

Ms. Winston: Actually, it was June 1993 when I was confirmed. I’d started working as a
consultant I believe the end of April, maybe early May, the confirmation occurred in June.
Actually, it occurred on my father’s birthday. My father was no longer living but I remember
June 28, 1993 for that reason. Among the issues that I worked on that were most interesting
to me and most fulfilling, was a final rule on minority scholarships. The Office for Civil
Rights and the General Counsel’s Office had drafted a proposed rule following a brouhaha that
occurred during the Bush Administration. I had to stop for a minute and remember whose
administration. It was the first President Bush Administration.

Ms. Tucker: Bush 1.
Ms. Winston: Bush I. George Herbert Walker Bush, in which the then Assistant Secretary for Civil Rights (OCR), Michael Williams at the Dept. of Ed. had declared that it was a violation of Title VI of the 1964 Civil Rights Act to award scholarships using race as a criterion. The ruling by OCR came about when the NCAA decided to award a Martin Luther King college scholarship to African American students as a way of trying to pacify a number of people about the fact that the NCAA continued to hold its college football bowl in the state of Arizona. Arizona had refused to recognize the Martin Luther King Holiday, and a lot of people felt that the NCAA should not have any college football tournament in that state. So, they announced they were going to have a minority scholarship program. In response, and apparently without consultation with the White House or the Justice Department, the Assistant Secretary for Civil Rights, Michael Williams declared that the scholarship program was a violation of Title VI and the U.S. Constitution. The President and others in the Administration were reported to be very upset. At that point, George Herbert Walker Bush had not declared he was against affirmative action. He may even have been for it but in any event, did not want the political mess of seeming to deny scholarship assistance to minority students. By the end of the Bush Administration, they had issued a proposed minority scholarship regulation, setting out the parameters for the circumstances under which scholarships could be awarded on the basis of race under Title VI. We found lots of problems with the proposed policy when we came into office. We had all of the comments before us and were asked to issue a final rule. We made significant changes in the proposed rule. After President Clinton was in office we produced a final rule that talked about the expanded circumstances under which it was appropriate to consider race Under Title VI in awarding financial aid to students. I was very proud of that. I was involved in its development and promulgation.

Ms. Tucker: Is that rule still in effect?

Ms. Winston: It is, interestingly, and the analysis that we used and the standards that we used very much track what the Supreme Court approved in the University of Michigan
affirmative action cases which were decided in 2003. That to me was a very satisfying thing and the fact that the Bush II Administration has not rescinded the rule is satisfying. It hasn’t been challenged yet either. I keep waiting for that shoe to drop but it hasn’t yet happened and I suspect that one of the reasons is that people who would challenge it were waiting for what we now have: a new Supreme Court, a court without Justice O’Connor. So that was one area that was very important to me. The other thing that I found very gratifying as General Counsel was that I spent a lot of time trying to reform the way in which lawyers in the Department interacted with the program offices that they advised. I found that a lot of the lawyers in the Office of the General Counsel had themselves become policy makers and making decisions that I felt did not have the full backing or understanding of the real policy makers who were at the program offices. It seemed pretty clear when I was there earlier and also when I went back that a number of program officers, affirmatively decided not to consult the Office of The General Counsel because they believed that we were all naysayers. They would go ahead and implement the program in any way they wanted, finding it easier to go ahead and act and ask for forgiveness later or, simply have us try to get them out of a mess that they may have created whereas if they had consulted us in the beginning, perhaps we could have worked out some ways of having them achieve their goals without running afoul of the law or regulations. We conducted early in my tenure, a survey of our clients, to find out just what they thought about our services and where they thought there were problems. We used that document to build a new working relationship with our client offices. I had a wonderful group of lawyers working with me, many of them I knew from the time that I’d been there as a career lawyer. These were people who had been in the Department for many years. Some of them predated my time as an Assistant General Counsel (1980-1986) known some of them when I was in the Office for Civil Rights in H.E.W. when they were in the Office of the General Counsel at H.E.W. That was very helpful to me as I knew a lot about many of the people who ended up working for me in OGC. I knew that they were very skilled people, and I had no interest in trying to prevent them from using their great talents. I didn’t
want them to think that that was my objective. What I wanted them to do was make sure that we lawyers had an opportunity to advise our clients prior to any decision-making, to prevent problems, rather than simply trying to mop up problems that were caused by the reluctance of our clients to consult us. I think that was very successful.

Ms. Tucker: So that was your management philosophy?

Ms. Winston: That's right.

Ms. Tucker: The role you played in the Education Department included a substantive management component and that led you into a very interesting position at the White House, didn't it?

Ms. Winston: Yes, I guess the management aspect of my work as well as my prior civil rights work led me to the White House to be the Executive Director of President Clinton's Initiative on Race.

Ms. Tucker: What year was that?

Ms. Winston: That was 1997. It was July 1997; I should tell you that the year prior to my going over to the White House I had also been asked by the Secretary of Education to take on concurrently with my General Counsel position, the Under Secretary position at the Dept, so I was an Acting Under Secretary as well as the General Counsel. The reason for that is that our first Under Secretary moved up to be Deputy after Madeline Kunin left and we needed someone to fill the Under Secretary position which essentially was a position that required me to oversee the management of the Department as a whole.

Ms. Tucker: Where was that in the hierarchy?

Ms. Winston: It was the number three position. So there was the Secretary, Deputy Secretary, Under Secretary and the General Counsel was the number four position in the hierarchy.

Ms. Tucker: So you were doing both the Under Secretary and the General Counsel jobs?

Ms. Winston: I was doing both, and the reason I was doing both of them is that while the Secretary wanted me to take on solely the Acting Under Secretary position and appoint
someone else Acting General Counsel, I loved being General Counsel. Moreover, it wasn't clear that I would actually become the Under Secretary on a permanent basis. So, I asked him to give me the opportunity to do both, which he felt was a bit of a stretch. It was hard but I enjoyed it. I was able to recruit a good group of people to help me with that and so I was doing both.

**Ms. Tucker:** You had two offices?

**Ms. Winston:** I actually did not have two offices. The Under Secretary who was now acting Deputy had not moved out of his old office, because he was only acting and could not occupy the Deputy's office as such. So I stayed in my office but I did have staff in my capacity as Under Secretary. They were one floor above the General Counsel's office. I was on the sixth floor; my "Under Secretary" staff was on the seventh floor. It was sort of a hairy time but I think it prepared me very well for my time at the White House.

**Ms. Tucker:** How long did you do this double duty?

**Ms. Winston:** I did the double duty beginning soon after the 1996 Presidential election. Madeline Kunin left the Department and so it must have been from December 1996 or maybe January 1997 to July 1997. I don't remember the exact dates.

**Ms. Tucker:** How did the appointment to the White House position come about?

**Ms. Winston:** This is very interesting -- again my favorite word -- interesting. I knew about an effort to do something in the White House on race, I'd been asked some months earlier to come to a meeting that Deval Patrick -- who was the Assistant Attorney General for Civil Rights -- and Chris Edley -- who was over at the Office of Management and Budget in the White House -- had scheduled along with the Under Secretary of Defense, Edwin Dorn. They asked me at that time: “what would you think about the creation of a Race Commission?” I said, “I think it would be a really bad idea to call anything a Race Commission.” I said, “The concept of race as a social construction has been very divisive. I think the use of the word in this fashion might tend to promote more divisiveness. Why would you want that?” We had a conversation and Ed Dorn in the middle of the meeting placed a call to Felicia
Rashad, who’s an actress who used to be on the Bill Cosby Show. Apparently she is a good friend of Ed Dorn’s. When she joined the meeting she talked to us about how upset she was that in Texas -- where she grew up and was at the time -- people were talking about African Americans as “minorities” and she was not a “minority”, she wanted to be known as an African American and we needed to do something about this. I think Ed Dorn set up the call to help us her perspective. I did not think much of the idea of creating a commission based on race but I didn’t hear any more about the idea until July 1997. As it turned out, however, the conversation in Ed Dorn’s office was a prelude to a call I received several months later from Erskine Bowles, President Clinton’s Chief of Staff. Erskine asked me if I would come over and meet with him that afternoon at 2 p.m. I had never met Erskine Bowles, never talked to him on the phone before this. I was shocked that he was calling me and said, “Well, I’m happy to come over and talk to you, could you tell me, what you would like to talk to me about?” He said, “I’d like to talk to you about becoming the Executive Director of the President’s Initiative on Race.” I said,” Well, I’m happy to come over and talk to you but I should tell you that I’ve just agreed to stay on here with the Secretary to become his Under Secretary and to remain his General Counsel.” The Secretary at that point had talked to me about wanting to put my name forward as the Under Secretary. We had a very full conversation about that so I said, “So I really am not interested in making a move.” He said, “Well, as it turns out, I’ve talked to the Secretary, I’ve reached him at this home in fact he was at his son’s home and I reached him and I told him that I wanted to talk to you about this and he was very accommodating and said it would be just fine.” Anyway, I said, ”Ok, I’ll be over.” And I went right up to the Secretary and said,” Mr. Secretary, what is this all about?” He said, “Well Judy, I was sitting on my son’s patio having a drink and, I got this call, the White House is trying to reach me, it was Erskine Bowles and he said it was very important to him, very important to the President that they have this opportunity to talk to you. I went to the White House to talk to Erskine and he said “Look, I really want you to consider this, I want you to take this position, the President needs somebody in place very soon and I checked
you out in the civil rights community and everybody is very enthusiastic about you and he said. In response, I said, “Well, I have to tell you I am very skeptical about this whole thing, I’m not sure it’s a good idea, to call anything a Race Initiative. I’m not certain what it is the President wants to do.” He says, “Well let me tell you, I was very skeptical myself when I first heard about this.” He said that, once you...

Ms. Tucker: In his southern drawl

Ms. Winston: He said, “But once you talk to the President about this, you will be as committed to it as I am.” He said, “Now, you take all the time you need.” This was a Tuesday. He said, “You take all the time you need to figure this out but I need your answer by Thursday.” So I said, “Ok, fine, I’ll think about it but I’m not inclined to do it.”

Ms. Tucker: Was the President going to talk to you before that? I guess not. That would not be appropriate.

Ms. Winston: One key thing, -- and I don’t want to unnecessarily draw this story out, but I do have to share some of the details because it’s a very important part of understanding what happened during the time I was Executive Director. The President was out of the country. He was in Europe at this point. I’m not sure where or why he was there. He was there in Europe and staffing him on this, during this trip was the Deputy Chief of Staff, Deputy to Erskine Bowles, Sylvia Matthews. Sylvia Matthews had the domestic counsel jurisdiction and the Race Initiative was going to be in her bailiwick. The other deputy Chief of Staff was John Podesta. He did Foreign Affairs and National Security, that sort of thing was his portfolio.

So, I went back to my office, I talked to the Secretary and told him what was happening. He said, “You can’t really turn anything down if the President offers it to you. It would be very difficult.” I said, “I know, but I’m not really sure I want to do this. I’m going to call some people and talk to people.” Now I thought that maybe Chris Edley had recommended me for this. I’ve worked with Chris on affirmative action issues. I had been involved in affirmative action issues as part of the President’s Task Force, on Affirmative Action. So I called Chris, and I said to Chris, “Did you recommend me for this? Did you know I would be offered this
position?” He said, “Oh! Well that’s great!” and it was very clear that he was surprised.

Parenthetically, I should tell you that Erskine Bowles had suggested that I call Sylvia Matthews for more details about the substance of the Race Initiative plan. He had given me the number that I could use to try to reach her. However, Chris went on to say “Oh that’s very interesting. But you know, Judy, I’m surprised. I think this is really not a position suitable for you. You’re overqualified. They really just want somebody to make the trains run on time. I don’t really think this is a position that you’ll be happy with. It’s really not going to be substantive. And besides, I think they’ve actually offered this job to somebody else.” I said, “What are you talking about?” He said, “I think so. I have to go.” I said ok and I was very perplexed by that. I reached Sylvia after several tries. Actually, I think she may have called me back. I told her that “Erskine Bowles suggested I call you and talk to you a little bit more about the substance of the President’s Initiative on Race. He’s asked me to consider being Executive Director.” And there was a pause, and she said, “Judy, let me call you back.” she said, “They’re getting ready to do something here. The President is about to speak and I need to attend to the logistics...” I said, “Ok.” I thought that was strange. She hung up, I didn’t hear from her. Then I decided to call my friend, Susan Liss who worked in the Vice President’s office, I knew Susan had been involved in the discussion about Affirmative Action and Civil Rights and I was sure she had been involved in this. I said, “Susan, help me out here.”

Ms. Tucker:  Don’t tell me it was offered to Lani Guanier

Ms. Winston: No, it wasn’t Lani Guanier. I called Susan, and I told her the story. I think it’s Wednesday. I’d talked to Chris on Tuesday. Wednesday, I had the call back from Sylvia Matthews, so I called Susan and I said, “Help me out.” I told her the story. I said, “I don’t understand what’s going on here. I feel certain that Erskine Bowles has offered me this position and I’m to get back to him on Thursday.” I said, “I really don’t want to go thru this again.” One of the things I left out, Mama, is that I’d also been asked in January 1997 by the Attorney General, Janet Reno, if I would consider accepting the nomination to be the Assistant
Attorney General for Civil Rights. Deval Patrick had left. The Attorney General and White House Personnel staff were concerned about the confirmation process. They felt that someone who had already been confirmed by the Senate would have a much better chance of getting through the confirmation process without difficulty. I was very reluctant to take on this position. I was asked earlier on by Elaine Jones, maybe in December or so, when they knew that Deval was leaving, if I'd take it on. I told them, no. I just didn't want to go through that process. The Attorney General met me at a Christmas party and asked me if I would come see her about the position. She knew that I turned them down, but please come see her. So I talked to her in January and she was very insistent and very complimentary and you know, basically said, "Please, do this, talk to your family about it." and I said, ok. She really felt I should do it and could do it. After having a heart-to-heart discussion with my family, I agreed to accept the nomination if it was offered to me. Meanwhile, Elaine Jones [President and Director-Counsel of the NAACP Legal Defense Fund] had asked Bill Lann Lee to take it and he had agreed. So, now we were faced with a situation where there was the Attorney General's candidate – me – and there was Elaine Jones' and the NAACP Legal Defense Fund's candidate – Bill Lann Lee. The White House apparently didn't know what to do. The decision about who actually to nominate just languished. Meanwhile, there were all these rumors flying around and people on the political right were criticizing Bill and me over our civil rights records (too liberal). This was a set up for a potentially very contentious and messy confirmation process. Under these circumstances, it was very difficult for me to do anything in my role as General Counsel and Under Secretary.

Ms. Tucker: What year was this?

Ms. Winston: This was early 1997

Ms. Tucker: This was before the Race Initiative, so you're being set up again?

Ms. Winston: Right, it appeared I was being set up again. The Assistant Attorney General matter occurred some months before the Race Initiative. Around May, I simply just withdrew my name from consideration for the Assistant Attorney General position because the White
House apparently just could not make a decision. I felt that it would be just terrible to have this thing lingering over me for the summer. The Secretary, meanwhile, needed to make a decision about the Under Secretary position and the General Counsel position and needed to know if I was not going to stay, so I simply withdrew my name and Bill Lee was nominated. You know, by the way, that I think Bill is wonderful; He was at the time a good friend of mine. I would have been happy with that decision from the beginning, I would have been happy never to have my name in, but having made the commitment to the Attorney General I felt that I needed to go forward with it.

Ms. Tucker: Why do you think they did that?

Ms. Winston: Well, I think that the White House did not want to say to Elaine and one of the premier civil rights organizations that they weren't going to put Bill in. He was their person and they had made a commitment to support him and seek other support from the civil rights community. I'd turned her down when she'd ask me to do it. She had made this commitment to him. I think they were just in a very difficult place, they just didn't know who to disappoint; they didn't know how to disappoint Elaine or the Attorney General. I didn't think it was me, I think it was the Attorney General. I would have been very pleased if the Attorney General had come back to me and said, "Judy, you know as it turns out, this other name had gone forward, there was also some concern in the Justice Department and in the White House about whether Bill Lee could be confirmed. In fact, he never was confirmed because of his liberal civil rights record and because of his long association with the NAACP Legal Defense Fund. The Republican right in Congress refused to confirm him. I decided to withdraw my name because it was just too agonizing and I felt paralyzed in my ability to perform the job I currently held at the time. They didn't want me to do anything that might be perceived as controversial including making public speeches anywhere. They didn't want me to make any kind of record or statement and I things to do at the Department. So, that's when -- as I said earlier -- I had my conversation with the Secretary of Education about staying on as
the Under Secretary and General Counsel. It was several weeks after this that I got this call from Erskine Bowles.

So, getting back to the Race Initiative, I made a call to Susan Liss who knew all about Bill Lee and the Attorney General’s request to me. I said, “Susan, I don’t want to go thru this again.” I said, “I didn’t ask for this position, I don’t particularly want it, it’s going to be very difficult, I’m not sure I agree that the Initiative is a good idea. But it seems pretty clear that the President’s Chief of Staff has offered me the position. “So, I would just be very grateful if you could do some nosing around and see what the story is.” I did not hear back from Susan, but that night, I had a call at my home from Alexis Herman. I concluded later that Susan had asked Alexis to make the call to fill me in on what was happening. Alexis Herman was then the Secretary of Labor. Prior to her appointment as Secretary, she had been working at the White House and was very close to the President on these issues and others from the beginning of his first term. Alexis said, “Judy this is a very important position. Erskine is sincere in offering it to you; it’s your position if you want it.” I said, “Well, what is the story about Chris Edley saying somebody else has been offered the job.” She says, “Let me explain to you what has happened.” She said, “Sylvia Matthews would pretty much like to run this Initiative herself. Sylvia Matthews is a very brilliant, 32 years old but she doesn’t know much about race.”

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Ms. Winston: So, I was describing Sylvia Matthews as a brilliant young woman who was Deputy Chief of Staff and 32 years old at this point. Apparently Sylvia’s hope was to run this initiative pretty much her own. Alexis indicated that Sylvia had offered the position of Executive Director to someone else. She was a person that I did not know. I believe her first name was Jacqueline. I am not sure but she worked as a special assistant or administrative person for the Secretary of HUD. She was a young white woman who I understand had no
background or limited background in civil rights. And so this offer was outstanding and according to my conversation with Alexis, one of the President’s aides, Minyon Moore who was a Deputy Assistant to the President for Political Affairs was walking with the President one afternoon as he was preparing to go on his trip abroad. She said, “Well Mr. President, I think we’re ready to go with the Race Initiative and I think we will be able to sell your candidate for Executive Director to the civil rights community.” And he stopped, I’m told, stopped dead in his tracks said, “What do you mean?” She said, “Well...” she told him apparently what had happened, who this person was and that she had some concerns about how receptive the civil rights community would be to her appointment. But, she said, if this is what the President wanted, they would push it. So either he said to her, “Call Erskine” and tell him “You’ve got to fix this.” Or, he may have called Erskine himself and said, “Fix this. This is not going to work and we don’t have somebody who is substantively associated with these issues and so forth.” And that’s when Erskine started calling around or had someone call around to various people in the civil rights community. He had first talked to people in the White House, people like Cheryl Mills, and some other and ask, “Ok, whose out there?” my name came up. Cheryl Mills said,” I don’t think she would take it” and he said,” Well, who has asked her?” Their answer was nobody. And to make a long story short, the President had gone off to Europe with Sylvia. I don’t think that Sylvia knew anything about this turn of events. At that point, Erskine called me. In recounting all of this to me, Alexis said, “If you don’t do It, I’m very concerned about what will happen.” She said,” You know, there’s a lot of concern in the White House about whether or not we can pull this off and we need somebody who know something about the issues.”

Ms. Tucker: Is Sylvia Matthews an African American?

Ms. Winston: No, Sylvia Matthews is a white woman -- very nice, very smart but had not had any experience with race issues prior to this time. So, that is where we were on Wednesday night, the Wednesday night before the Thursday that I was to call Erskine Bowles. I must have been on the phone with Alexis for about an hour and a half, possibly two hours
during which she helped to fill me in on some of the background information. The President had announced the first meeting of his Advisory Committee on race. They were to meet the following Monday. The Monday after the Thursday on which I was to make my decision known, which is why Erskine wanted me to make a decision as it turns out, quickly. I had a long talk with my husband about it and with my daughters and they thought that I would probably forever regret not having accepted this challenge with all of the uncertainties and likely difficulties. I called Erskine the next day and told him that I would accept. I also talked to several other people; I talked to Deval Patrick and told him that Erskine said I could have anything I wanted if I accepted. I didn’t know what to ask for but the one thing Deval said I should ask for is a Blue Pass. This Blue Pass would get me into the entire West Wing complex and all Executive Offices without any difficulty. There are very few of them so I did ask for that.

Ms. Tucker: Did you even know what a Blue Pass was?

Ms. Winston: I had no idea. No, I was so naive when I went to the White House. I had no idea what I was getting myself into. I mean, I really have not been a very political person. I’ve not really been in involved politics at all.

Ms. Tucker: Did you know what to ask for in terms of staff?

Ms. Winston: No, not really, I didn’t have a lot of time to think about it carefully. I’d asked to be able to hire my own staff. I wanted to able to have the final word and Erskine said fine and of course wanted me to pass people by him. He said, “The only thing that I ask is that you make sure you bring on your staff a Native American staff person, somebody who represents that community. And that was important because there had been a major concern in the Native American community about the fact that the President did not appoint a Native American to the Advisory Committee, the Advisory Committee of seven people, and the chair of the Advisory Board was John Hook Franklin, the African American historian.

Ms. Tucker: This is the Advisory Committee to the Race Initiative

Both: Race Initiative
Ms. Winston: Yes. I will provide a little background information, again, to help you to understand some of the difficulties that would later become fairly overwhelming to me as the Director and to the success of the Initiative. The President announced the formation of this Race Initiative in a speech at the University of California San Diego on June 14, 1997, about a month before I was called by Erskine Bowles. The Race Initiative was supposed to be one thing when he got on the plane to go give this speech. When the President boarded Air Force One he had a speech in his hand that had been written by one of his speech writers along with members of the Domestic Policy staff that announced that the Race Initiative was going to be a series of constructive dialogues on race. When he got off of the plane in San Diego, he had a speech that had two parts to it. In the first was the strategy conceived by his domestic policy team that had him leading a series of constructive dialogues on race. The second part of the speech – written on the plane – now had him taking a full and comprehensive look at policies that affected minorities, recognizing the existence of an opportunity gap and disparities that existed among people on the basis of race and education, healthcare, the administration of justice, housing, employment, and I'm sure there were some others policy areas addressed.

Ms. Tucker: Across the board...

Ms. Winston: Across the board ... so the Race Initiative was announced as a broad approach to dealing with racial issues that divided the country. It was going to be more than just talking about race. It would have some significant policy aspects to it. What happened is that the President got on this plane with his seven Advisory Board members with one relatively modest speech in hand. One on the plane, the President took a look at this speech and did not think it was robust enough. I was told all of this by Alexis and then it was subsequently confirmed by others. He called Chris Edley into his office on Air Force One and said, “This is not good enough, we’ve got to do something about this.” When they got off the plane, they had, not surprisingly knowing Chris, a really substantive Initiative. Some of the Assistants to the President were furious with Chris. They couldn’t believe what they were hearing. They had reluctantly agreed to these constructive dialogues on race because the only
thing that was supposed to happen is a series of public discussions — people were supposed to be talking to one another. But now the Race Initiative threatened to intrude on their policy turf. These were policies that had already been carefully crafted for the President’s second term and with the full knowledge that it would be tough going with a Republican-run Congress in place. Now, these policies were potentially going to have to include a facet on race. There were lots of people in the White House who thought this was a “lose, lose” proposition. There was no crisis on race, the state of race relations was relatively calm, and the White House had to face a Republican Congress which meant it was going to be hard enough to get Clinton policy through but even more so if the policies seemed to favor racial and ethnic minority interests.

Ms. Tucker: But then Clinton wanted to do something?

Ms. Winston: Clinton wanted to do something on race. I learned very quickly after arriving at the White House that there were few if any staff in the White House who were better at understanding the impact that race and racial politics have had on the U.S. He understood well the price the country had paid for not coming to grips with some of the racial baggage of our past. He’s very eloquent in talking about it, very smart in understanding this and he talks about this a lot in his book. So, in July 1997, there were seven people named to the Board. However, no Native American was appointed and an outcry about that from the Native Americans had already developed because they believed they should be represented. We had the Hispanic community. Many people in the leadership in the Hispanic community were not happy because they felt that the term “race” referred only to African Americans and that we needed to be the “Initiative on Race and Ethnicity.” And although there was a Hispanic person on the Advisory Committee, the President and his staff tried very hard to have people understand that these are not people representing groups. This was to be a group of seven people that the President thought would be able to provide him with good advice on these issues and one that would work in the best interest of everybody that might be affected. That went over like a lead balloon among the communities that felt they had been left out and
not sufficiently represented on the board. Against this background, there was nobody who
was named Executive Director; nobody knew how this was going to work. The idea was that
this board of seven people would just go around the country and have conversations, and then
come back and report to the President and what he might do with some help from some White
House folks. Now after the altered speech we had this substantive policy component. By the
way, it never occurred to me that the White House didn’t have a plan for how to implement
and conduct the Initiative. They had been meeting on this for six months prior to its
announcement. When I accepted the position of Executive Director I told Erskine Bowles “I
accept this position but you realize I need to wind down some things at the Department of
Education so I won’t be able to start full time probably until August. I’d like at least a month
at the Department of Education to finish up and I’ll come over here”. And so, he said,
“That’s fine but could you come to the meeting on Monday, I just want to introduce you and
let people know you are going to take this on.” I said, “Fine.” When I arrived at the meeting
on Monday which was in the new Executive Office Building, I discovered that C-Span was
covering it.

**Ms. Tucker:** Did you have remarks prepared?

**Ms. Winston:** I did have remarks, I had maybe a page worth of things I would say about
being pleased to accept the position and looking forward to working with the Advisory Board.
I thought I’d get up at some point and respond after being introduced by Alexis Herman. I
also thought it would be made clear that I would not come aboard as Executive Director until
August. But, the White House staff had set up a small table in the front just to the right of the
longer table for the seven Advisory Committee members. The smaller table had a plague on it
with my name and underneath my name was the title “Executive Director”. Alexis said
“Judy, would you please sit up here.” The White House had invited to this meeting all the top
names in the civil rights and women’s rights advocacy community. People like Dorothy
Height, Roger Wilkins, Wade Henderson and Judith Lichtman was there -- stellar people. But
they would not let any of these people speak. There was to be no comment from the audience
only the Advisory Board. The Advisory Board was to meet all day, from 9 a.m. to 3 p.m. These people had not seen each other since they had been on this plane together when they met for the first time a month earlier in June. Staff had drafted an agenda for the Advisory Board.

**Ms. Tucker:** Had you been given this before hand at all?

**Ms. Winston:** No, no, no. I just knew I was to show up to be introduced. And they planned this meeting. The agenda was something that you could just look at and see that maybe it might take an hour, hour and a half to get through it. But they planned it for all day because it was hoped that the President, who had just come back from his European trip, would come over and say a few words and they wanted to leave enough of a window of time that he could come over. He never did come. So here’s this Board of seven people sitting with an agenda not of its own making and it was sort of like, “Well what did you do for the summer?” when you went on vacation. They had to go through some introductory things and some of the members talked about how they received so much mail since the Initiative was announced from people who wanted to be involved and people wanted to volunteer to help. I remember Angela Oh – who was one of the members and a Korean-American lawyer from Los Angeles -- turned to the Chairman, John Hope Franklin and said, “Mr. Chairman, I had all these people send me resumes, some of them were really interested, they’re very knowledgeable. Can we bring these people on to volunteer and help us with this?” And, he looked and says,” Well, I don’t really know, let’s ask our Executive Director.” And so, I tell you, I didn’t believe this was happening. Well, I knew enough as a lawyer and General Counsel that there might be some problem with that. By the way, our budget came out of the Justice Department, so the Justice Department policies, of course, were subject to and we had that budget, so that we could accept volunteers.

**Ms. Tucker:** Did you even know what your budget was at the time?

**Ms. Winston:** No I didn’t know. I didn’t know anything; my idea was that I would be winding all down my affairs at the Department of Education and use the month to begin to find
out what was going on with this Initiative, what I was really supposed to be doing. I didn't know any of that; I just hadn't had a chance...

**Ms. Tucker:** It's really scary when you think about these high level commissions that are designed to handle the most perplexing issues of our country, that they're born in politics and they thrive in politics and somewhere in that, people are trying very hard to deal with substance and solve a problem. But, you always think that somehow, the commissions and the White House are going to be the best and the brightest, and run the best kind of operation.

**Ms. Winston:** Exactly, I thought I would be entering a well-oiled and primed operation and giving it some additional direction and the benefit of my expertise and experience. The other thing that happened at this first meeting that in many ways set the stage for the rest of the tenure of this Board and the Race Initiative was that the Board really did finish chit-chatting with one another about the issues on the agenda which was not really very robust. At one point, the Chairman, in trying to fill the agenda asked each member to talk about its expectations for the Race Initiative. During that process, there was an exchange that lasted maybe two minutes, maybe three, that set the stage for the press coverage of the Initiative throughout its existence. Angela Oh, who I described earlier as the Korean-American lawyer from Los Angeles indicated that she was concerned about the fact that they were called an Advisory Board on Race because in her experience in Los Angeles — a city of many different races and ethnicities represented among the population -- where racism was only a small part of the larger issue. The concept of race was not a broad enough concept in her opinion. She thought that as a country we had grown beyond race as a dividing line, that we were in a new paradigm, that we've grown beyond talking about issues of race and that we needed to talk about cultural orientation and multi-culturalism. I thought it was a pretty effective and thoughtful statement. The Chairman of the Board, John Hope Franklin, was at that time 83 years old and had spent his entire career writing about African American history and race as an African American history professor. He initially thought her statement meant that race shouldn't be part of the discussion and he said, "Well, let me just tell you, this country cut it's
“eye-teeth” on racism. First starting with the American Indians, and then perfected it on African American slaves and a few others. So, race is still very much the essential problem. Racial attitudes are a essential problem here.” Angela responded by saying, “Oh, I don’t mean to offend you.” And the press, which was there in force, had been yawning up to this point and this exchange became the big issue on the front pages the next day. The Press seized upon this short exchange and portrayed Oh and the Chairman as locked in a controversy on race at the very start. They blew up this two minute exchange up to a contest between the racial and ethnic minorities and between the Chairman and the Korean-American member of the Board. This exchange was viewed as emblematic of the Race Initiative for the press and was essentially the theme of press coverage throughout the life of the Initiative. The press was looking for more than smoke on the issue of race, they wanted fire. They wanted it to be controversial. So that’s where we started. I’m going to fast forward a little bit. I want to just explain a little bit further the circumstances in which this Race Initiative began and some of the challenges we faced. I shared with you just now a description of the initial meeting of the Board and so the press was now waiting to see what else would happen in this Initiative which had been announced in June as a one year effort by the President. In twelve months the Initiative would end. The first meeting of the Board was in July, July 14, I believe, exactly one month after the one year Initiative had been announced. Between that time and my actually coming on board officially on a full-time basis, which was in August, I spent some time just trying to get a sense of what had been planned. It was very difficult to do. Many of the people who had been involved in the initial planning were on vacation when I started on August 4th. I went into a suite of empty offices in the New Executive Office Building. I had managed to secure the services of a young man who was an Administrative Assistant in the Office of Civil Rights Division of the Justice Department. That man’s name was Randy Ayers. I’d never met Randy before late July when I had the meeting in the White House to talk about my coming aboard. Randy had been assigned by the Attorney General to this pre-planning administrative effort to get the Race Initiative office up and running. He understood his
responsibilities were going to end after a month or so and he would return to the Civil Rights Division. I met Randy and immediately recognized his name. His name had been mentioned to me by my daughter, Lisa Winston, who worked in the Civil Rights Division for Deval Patrick, as his special assistant. She’s also a lawyer and Randy Ayers was one of two people who had befriended her and whom she had described to me apart from this effort, as being extraordinarily gifted in his ability to get things done, so she had cleared the path. So when I met him and realized that he had been assigned to this effort, albeit temporarily, I called Erskine Bowles and said, “You said I could have anything I wanted, I want Randy Ayers to be my Administrative Officer.” I said, “You know, we don’t have any staff, we don’t have any office space, we have no computers, we have nothing.” And it’s August and I’m here and we’re almost three months into this one year period and the press is calling me saying, “What’s going on?” “Have you solved the race problem yet?” “No, I would have to say. So Randy was just a godsend as far as I’m concerned. He knew how to get things done; he knew how to get people on board, how to process their papers. He helped get a lot of the people that I ended up with on staff detailed to this Race Initiative from other places in the Federal Government. I could not offer anything in the way of employment beyond the following June, though as it turns out, we were extended an additional 3 months. The Race Initiative ended at the end of September, 1998. So, I spent the first month trying very hard to pull together a staff, trying to anticipate what we would need, what we were going to do. I was asked to put together a work plan for the Race Initiative. The first thing I did, in addition to begging for Randy is I asked all the people in the White House and in the agencies that had been involved in the six month planning process before the Initiative was announced in June, to meet with me in an all-day session on Saturday. I remember we were in one of the conference rooms in the Old Executive Office Building. I sat down and I asked the assembled people if they could just go around and tell us, tell me basically what had been their role in the planning process, what was their understanding of how the Race Initiative would operate particularly with respect to their areas of expertise. And what I got that day was a whole lot of stories about people’s
racial experiences, how people had been discriminated against and how race had affected their lives. As to the six-month planning process, the first half of the planning process essentially was spent trying to decide whether or not they would recommend to the President that there be a Race Commission or a Presidents Initiative on Race with an Advisory Board. They decided that it would be a Presidential Initiative with an Advisory Board. That was how the first half of the six months was spent!

Ms. Tucker: And what would be the difference between the two?

Ms. Winston: The Race Commission would be basically an independently appointed group of people who would look into the issues of race in America and write a report. A President’s Initiative would be the Presidents own initiative. He was the focus of this effort and the advisory board would simply be reporting to him. He would then issue a report on the results. The second half of the six month planning was a discussion of who would be on the Advisory Board.

Ms. Tucker: And that was it?

Ms. Winston: That was it according to most of the people who had been involved in the effort. When they finally got the seventh person named, the President went to California and announced the Initiative. All that was planned at that point was a series of dialogues on race to take place around the country. It was understood that the President would be leading these dialogues. Everybody assumed that this would be the case and he would just go around and the Board members perhaps would do some independent activities and speeches and that sort of thing. So, that’s what I found in August.

Ms. Tucker: On your first Saturday in August

Ms. Winston: Right. And so, I had to do a work plan and I felt I needed to do it in conjunction with the Advisory Board. I found out the Advisory Board could not meet as a group in private because they were subject to the “Sunshine Law.” It had to be an open meeting with notice of the meeting published thirty days in advance. Because of that I spent a lot of time on the telephone with individual members of the Board talking to them about
possible activities for the Board and the President. Two or three of us would go out on a trip to meet with people to get advice from various experts in the field about substantive aspects of what they thought the Advisory Board should do. We had decided that the Advisory Board would meet once a month and each meeting would be focused on a different aspect of the race issue. These would be the dialogues on race for the Advisory Board and then we were going to plan a series of 12 meetings for the President to have these dialogues on race or so I thought. We were busy planning during the latter three weeks of August. We developed a plan for all of these meetings and the topics to be covered and where they would occur and we began to hire staff.

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Ms. Winston: We envisioned a series of town hall meetings for the President to conduct these constructive dialogues on race. In late August, however, I was first told that the President would not engage in any more than one event per month on this issue and that his schedulers had already scheduled his Race Initiative-related events for the months of September and November. I said, “Well wait a minute, I thought we were the Race Initiative and I was supposed to do this. He was scheduled to be in Little Rock, Arkansas, in September to recognize the 40th anniversary of the desegregation of the Little Rock High School by nine-African American students ("the Little Rock Nine"). His staff concluded, therefore, that this was race-related and that was going to be it for race matters in September. I said, “Well, we need the President to come to meet with the Advisory Board.” We wanted to do conduct the first substantive meeting of the Board and have him there. That meeting was scheduled for late September. The staff relented and said that the September meeting of the Board could be the “race-related” Presidential event for “October”. The White House staff had not scheduled anything on race in October. For November, they had planned a meeting on hate crimes at George Washington University and that was going to be his November “race” event. I said, “So you’re saying the first Town Hall Meeting we could plan for the President would be in December?” This was halfway through the one year term of the Initiative. In sum, the Race
Initiative staff and I were crushed by the fact that the President’s involvement would be so limited, especially since the media had been led by the President’s speech announcing the Initiative to believe he would be personally engaged in these conversations. To make a long story short because again, this is something that could be talked about for many hours, we had a lot of difficulty getting the White House domestic policy staff to provide us with the support that we needed to get the President engaged in this effort in a way that we understood he wanted to be. The first Town Hall Meeting was in December in Akron, Ohio. It was not the kind of meeting that I would have planned. I basically lost control of this effort because the things that I thought we should do to have an honest dialogue on race, the White House staff – mainly his senior advisors on political and communications staff – thought was too politically risky. I wanted him to talk to students. I’d understood the President to say he thought talking to young people about this issue would probably be the best way to look at it because after all these are the young people who are going to be our future and he thought that they could give us an honest view of what they believe were the critical issues around race. We wanted to plan this kind of discussion for him but the White House staff wanted it highly controlled, no surprises. On the other hand, they wanted to avoid the charge that it was scripted. I and my staff believed we needed to have some preliminary discussions with students. You just don’t go into a room and start talking about race and expect it to be constructive. You just don’t if you expect a robust discussion that will help people learn how negative racial attitudes are developed and how they might be overcome. The people I brought on staff had been involved in multicultural education and racial reconciliation efforts – that sort of thing. Some of the communications people and other White House staff thought the President shouldn’t be talking only to students. That was too risky. They believed he should be engaging opinion makers – people who had written on the issue of race and racial disparities. So we compromised and he went to the University of Akron where he would talk to authors, community leaders and a few students. It was something of a disaster because what my staff had planned was essentially scratched at the last minute. Anne Lewis (Director of White House Communications) and her
staff substituted a lot of the questions we had developed to stimulate the dialogue -- questions we thought the President should ask to elicit answers that might engage the audience and participants to explore and confront racial attitudes and the racial divide with the objective of seeking positive solutions that communities could work on to bring people together. I was by this time -- in early December -- just exhausted. I had not been able to sleep through the night for the first six months that I was on board because I really truly could not figure out how we could make a real and substantive enterprise out of the Initiative to achieve its objectives given all the political stuff that was happening in the White House. There was just one thing after another. Sylvia Matthews and I didn’t get along at all initially. She was very resentful I think, of my being brought in the way that I was. I didn’t feel that she had the credentials to make any critical decisions about the substantive piece of this and in some ways I do fault myself for not being as open with her as I might have been. We didn’t actually come to some kind of rapprochement until around January or February of that year. Essentially we just had what we described as a “coming to Jesus,” meeting -- meaning that we began to understand that we both wanted the Initiative to succeed even if we didn’t agree on what we needed to do to get to success under the circumstances. We decided to open our hearts and minds and understand that, we were in this together and needed to work together to understand each other’s point of view. We met in a Starbucks restaurant about a block from the White House and had a very good discussion and I really do like her, I mean she has many skills that I wish I possessed. She is very well organized and can really focus on the details in a way that I feel were just extraordinary to see. She approaches each challenge in a very focused and methodical fashion.

Ms. Tucker: So what do you think was the outcome of the Race Initiative?

Ms. Winston: Well, I think it was a big let down for many of the people who were enthusiastic about it from the start. They (and I, quite frankly) thought that by putting the weight of the Presidency behind a issue that has divided the country for many decades would surely move the issue forward in a positive way. The President in late December or early
January had become embroiled in the Monica Lewinsky scandal. His closest staff didn’t want him out speaking on anything like this at that point. He didn’t have the moral authority to be preaching to or lecturing to or even engaging in a conversation about this. So our plans in terms of involving the President—which were shaky in the first place for the reasons I mentioned earlier—were ratcheted down even more. We ended up having only one town hall meeting. We substituted instead a couple of highly scripted, safe, events. He appeared on the Lehrer News Hour on PBS to talk to a few authors who had written about race matters. We had a sort of town hall meeting in Houston, Texas that was about race and sports which I thought was appalling because if anything African-Americans have been stereotyped as gaining success only in the athletic arena. I objected to this approach but was overruled again by White House senior staff most of whom were men. My access to the President was severely limited by this time.

Ms. Tucker: Did you come out with a report?

Ms. Winston: We came out with a report September 18, 1998. I remember because it was not only my Mother’s birthday, it was also the day Kenneth Starr released his report on the Lewinsky matter. Our report was a report from the Advisory Board to the President. The President had indicated his intention to write his own report based on the advice of the Board—advice that was provided to him in a memo each month during the Initiative. For this reason several senior White House staff did not want the Advisory Board to make its own report.

The Advisory Board had been sending memos to the President, reporting on each of its meetings. White House staff thought this was sufficient and the Board did not need to issue its own report. John Hope Franklin and members of that Board had worked very, very hard during the year and taken a lot of criticism from the media. The Board had been lambasted in some places because they were not taking action to implement policy changes based on what they were learning in the field. Most people did not realize that they had no authority to do this. However, they were conducting meetings, engaging in conversations, attempting to educate the country about race matters and the need for racial reconciliation. They wanted to
produce a report that would document what they had done and what they had recommended to the President. They wanted something that would document the year and their efforts. So, we -- the Initiative staff and the Board-- wrote a report to present to the President. I remember having a meeting with Wade Henderson who urged me not to issue a report because he thought it would be so weak, that it would just be an embarrassment. I said to him that I understood what he was saying, but I felt as though I had to honor the Advisory Board’s concerns as well and that I felt we could do a credible job. I think did a credible job in fact. There were not any extraordinary recommendations. After all, the issues we addressed had been around for many decades. Some of the recommendations were obvious solutions related to the challenge of eliminating racial disparities for example in educational achievement. We documented some of the findings of disparities based on expert presentations that had come before the Advisory Board. We attempted to distill the expert testimony and to make recommendations that we thought the President and the Executive Branch of the federal government could carry out possibly with legislative support from the Congress, although we tried to minimize that because we did not think that the Congress that existed would adopt any of those recommendations. So we discussed what might happen in agencies to close the opportunity gap as evidenced by racial disparities in education, health care, etc.

Ms. Tucker: So Judy, what did you learn from your experience there?

Ms. Winston: Well I learned that even with the Office of the President behind an initiative like this, (and I thought this was extraordinary thing for a President to decide to take this on) but even with that, it was not sufficient to move very far on an issue like this. I learned how naïve I was about how things work in the White House; that every decision is basically a political decision or premised upon a political calculus. I am trying to remember an analogy that a woman named Lynn Cutler who was working in the White House at the time gave to me. She was very sympathetic to what we were trying to do and she pulled me aside one day and she said, “Judy, you have to understand that everybody in this building is an entrepreneur. Everybody has their thing that is “something” that they’re trying to sell or get
done and the only way to really work within the system is to try to understand what you have that they may want or need and vice versa.” I said, “I really appreciate that, I just can’t figure out what I have that they need.” Most of the people there -- most of them white men and women -- who had not engaged in this issue were very nervous about being involved in any aspect of it. Many, if not most, of them, I believe, thought the Initiative was a mistake from the beginning. There were a few at the beginning who - when they thought the Initiative was a Presidential priority – were anxious to be a part of it even though they personally had doubts about the undertaking. That is, when they thought this was President Clinton’s “thing” a lot of people worked hard to gain entry to Initiative even though they couldn’t quite figure out how they could contribute to the effort. These were mainly the younger people at the White House who were not Assistants or Deputy Assistants to the President. They were looking to move up, to be visible to the President and his senior staff. However, after we ran into the difficulties I described early with constant criticism from the press, half of them began distancing themselves from the effort. So, at the point I began to understand the “entrepreneur” analogy, I felt as though I didn’t have anything really to offer and as I indicated earlier by January, the President was largely disengaged from the effort. I was more exhausted then ever by that time. I was so very tired of trying to keep this show on the road, and dealing with all the issues that had been dumped on us. There were a lot of people who were sending us issues to respond to -- anything that had to do with “race”. They thought “well, this issue involves black farmers or a request from a Hispanic organization to the President to look at a particular issue, so let the Race Initiative take care of it.” I remember saying “I don’t have the staff resources to do all of this. This is not the Department of Race Issues. There’s no bureaucracy here that can handle this. I had a staff of about twenty-two people and we would be asked to respond to questions or correspondence from minority constituents. We often had to review speeches the President or others in the White House were planning to give to determine if there was anything in them. It is true, however, that having input into these presentations provided us with a window of opportunity, but it was also a
burden because I didn’t have the staff to do it well. I learned that I was naïve about having
come into this effort without having a clear and certain idea of how to make it work, a lot
more planning and thought needed to go into it on my part. It was extremely difficult to get
the ear of the President on this. The one time the President called me, I was sitting at my desk.
Out of the blue the telephone rings and Betty Curry, his Secretary said, “Judy, I have the
President on the phone, he wants to talk to you.” I was so stunned, I could hardly speak, I
mean really I could hardly speak and it was an opportunity. I learned that it was important to
always have a list at hand of the three or four things that if the President ever called, these are
the things you would talk about, you know the elevator speech. If you have only 20 seconds
with somebody you really need to talk to you need to be ready when and if it happens.
Unfortunately, I didn’t learn that until later. I was blocked getting into the President’s office
by a number of people who felt I needed to clear things through them. “What do you want to
talk to him about? Well, you know we’ll have to think about it.”

Ms. Tucker: Did it sour you on working in Government or just in the political White
House part?

Ms. Winston: Certainly in terms of the political cauldron that the White House is. To be
fair, though, I believe that what the President was trying to undertake in this Initiative is
probably the most difficult issue that we as a country have to deal with. I think that our
inability to deal with the existence and discrimination and negative racial stereotyping and
other negative attitudes about race and how our attitudes about race and our history of race
have really compromised the ability of this country to move forward well and continues to do
so. I just don’t think there is anything more important -- particularly as we are facing such
dramatic changes in our demographics in the 21st century. I don’t think I would have the
energy level that I would need to work in the White House again. One needs to be prepared to
devote 16 – 18 hours a day really to achieve something significant but even then there is no
guarantee that you would have any impact at all.

Ms. Tucker: Or have more staff
Ms. Winston: Or have more staff. I just remember being really angry with myself that I was not able to work for the 12, 13 or 14 hours a day, every day that many of the White House staff devoted to their responsibilities. On the other hand, I had vowed that I would not risk my marriage or my personal life with my family for this. I valued the time I was able to spend with my family every week and I made a commitment to my husband and daughters that I would not let my work consume me. As important as the issues were, I didn’t think I would have to work on them seven days a week, 12 to 14 hours a day. Whether or not in the long run that was a wise decision I can’t say. I don’t regret not having done that in a sense because I’m not sure that it would have made much of a difference given the resources that we had. It has taken me a very long time to overcome my disappointment with not having a ringing success. I’ve always succeeded at things that I tried my hand at, I had setbacks I’ve had disappointments but I’ve never felt as though I did not come close to meeting the mark. Race relations, the way we deal with people of color in this country historically and even today those things have been such a critical part of my own life that I feel as though I let myself down as well as others and I’ve had to counsel myself through this and my husband has been very helpful through this too. He said, “Judy,” (and he still says this to me, every once in a while if I’m thinking about this) “you worked for the President of the United States. It was the President’s Initiative. You yourself said that nobody in the White House was more devoted than he. If he was not happy with the way things were going, if he was not getting enough information about what was happening, he had the authority, certainly the authority and the power to make a difference, to call you in, to call the whole staff in and have a conversation.” He said, “So, I don’t see how you could have worked any harder on this and lived, so don’t keep beating yourself up about it.”

Ms. Tucker: Well let me ask you now,

Ms. Winston: Yes

Ms. Tucker: You did have exposure at the highest level, and to the resources of this Advisory Committee, the best minds you were able to assemble. You put in a lot of time to
think about what to do. If you now had your druthers on how to improve the situation of race in America, you have the ability to design a program and to do anything you want, you had more input than almost anybody else at the highest level. Had you thought about how to go about doing that?

Ms. Winston: I have given some thought to that, not as much as I should, just because it’s painful for me to think about this. I also concluded that the opportunity had past. But I think there are some things I would have done differently. One of the things I did was to develop a plan that had the President asking each Department, each Federal Executive Department, Cabinet Level Department, to designate its Secretary, Deputy Secretary or Under Secretary to take responsibility for the “One America” Initiative in his or her Department. To identify four or five policy initiatives that the Department would move forward that would address some of the disparities that exist based on race and ethnicity in their areas of responsibility; to provide him with a progress report once a month on what they were doing and if they were not doing what they had committed to. What I would do differently is make a greater effort to have the President directly follow-up on these commitments. I would have asked for an Executive Order directing each federal agency for monthly reports of progress, setting out what they had done, time frames for implementing more and provide a description of changes that they thought should take place either legislatively, regulatory or either or otherwise; to move towards a situation where we could make some progress in eliminating those disparities and to identify some other issues perhaps that would minimize some of the disadvantages that we were facing as a result of our having had segregation. Those are the kinds of things that I would have done, some measurable progress that could have been made. I don’t expect that we would have, even if these Initiative continued to exist beyond the 12 month or 15 month period, I don’t see that we would have made extraordinary progress but I think we would have had a record of having thought about this. Now, I should tell you and I think it’s important for this record, this oral history, to say that there were many people in this country, many organizations that were highly encouraged by what the President did. We published a report
called, "Promising Practices". We identify communities, organizations, individuals and businesses all across the United States that made efforts to help repair the breach between and among racial and ethnic groups, to bring people together, not just to talk about race, but to talk about issues of concern that they had in common and to bring together a group of people who were in fact racially and ethnically diverse to help solve these problems as a community. The efforts ranged at one end of the spectrum an interracial book club that met in someone's living room and at the other end of the spectrum a series of college and university dialogues on race involving thousands of students. The woman who started the book club intentionally invited women of different races to come and discuss a book in their living rooms once a month only to discover, that they shared some of the same ideas, concerns, and reactions to the book. She thought it was an extraordinary thing for herself and the people who were involved in this to know that their race or ethnicity did not generally affect the way they viewed the book although their different experiences and perspectives often enhanced their understanding of the subject matter. We had colleges and universities that agreed to sponsor dialogues on race in their university communities and we published a guide on "how to have a conversation on race", "how to have a dialogue on race" that is still in use on some college campuses. We put the college and university program together through a collaboration with a group of multicultural educators. So, there were successes and there were people who really appreciated what we were doing and felt it was now ok to talk about race and to address issues related to discrimination and bias and stereotyping, which was not a very popular thing during the Reagan Administration or the Bush Administration. We can end this session perhaps Marna, with my having said that, that there were successes, not at a macro but at micro level in many, many communities outside of Washington.

Ms. Tucker: Then I'd like to suggest to you. You said that perhaps the time had passed because of the opportunity. My suggestion to you is that the blueprint that you have outlined will be important in a transition to a new President and it may not have worked right then and there but, I wouldn't bury that. I would think that there will be, the way the history of this
nation goes; a new Administration coming in that will want to see something and that all you have learned will be useful.

Ms. Winston: I think that’s a very important point and I think that blueprint accompanied by perhaps a discussion of what it's cost us as a country not to have invested as much in some kids, some workers, our human resources across the board because of their race or ethnicity. I mean, it’s really cost us, and it will continue to cost us as we become part of the global community, where it’s very important for people to understand how to interact with others well; how to make sure everybody gets a good education. So, thank you for that point. I want to spend some time writing about this, I haven’t done it, I’ve taken notes, I’ve got some journal entries but I need to take some time now and just sort of put it down. Some of it is down now on this tape.

Ms. Tucker: But it is not wasted. It’s really not. It’s very valuable.

Ms. Winston: Well, thank you for that.

Ms. Tucker: Ok?

Ms. Winston: Ok.

Ms. Tucker: We’ve come to the end of this particular interview, and we’ll set up another one

Ms. Winston: Alright.
Ms. Tucker: Judy, at our last interview, we concluded with your position at the White House as the Executive Director of the President’s Initiative on Race. What did you do after that?

Ms. Winston: Well, immediately after I left in September 1998, I took some time to recover from that adventure and essentially went on vacation to Canyon Ranch for a little while to get some exercise and nutrition therapy and to get my life back in order. I returned in January, 1999 to the U.S. Department of Education to continue my work as General Counsel of the Department. I was also, at that time, the Acting Under Secretary of Education. At that point, we also had an Acting Deputy Secretary at the Department. His name was Mike (Marshall) Smith. I assisted him in my capacity as the Under Secretary pending what we hoped would be his confirmation as Deputy Secretary.

I was delighted to be back at the Department. The time I worked with Richard Riley, who was the Secretary of Education for the entire eight years of the Clinton Administration, was probably the most satisfying professional experience that I’ve had, just because it did bring together all of my many interests including my interest in education law and civil rights. I had a wonderful group of attorneys that I worked with and I also had the opportunity as the Acting Under Secretary to become more involved in the management of the Department and that was a good learning experience for me.

Ms. Tucker: At the end of the Clinton Administration, which was pretty close to the end of the Administration when you went back, did you have any other positions offered to you in the Government or with the Administration or did you decide to do something in the Private Sector?

Ms. Winston: Well, of course at the end of 2000, after the 2000 Election, because the position I occupied was a political position, I had to resign because I occupied a position that would be filled by a person chosen by newly elected President Bush. I decided to go back to teaching. I
made that decision towards the end of my time in the Clinton Administration. I should mention, by the way, I was confirmed before the end of the Administration as the Under Secretary, so for a time I served officially in the Under Secretary position. I don’t remember the exact timing but it was probably six to eight months before the end of the Administration. To respond to your question, I had begun to think about what I might do at the end of the Clinton Administration. What I really wanted to do was to continue the type of work that I had been doing as General Counsel because I enjoyed it so much. I had actually talked to a number of friends who are practicing in firms with an education practice. I interviewed a couple of people and learned that it would be very difficult for me to actually continue the type of work that I was doing in either an “Of Counsel” or possibly as a partner in a law firm. The reason for that is as my friend David Tatel said to me when he advised me about going into a firm practice, that the practice of law in big establishment firms is really a business. I would need to put together a business plan, and that I could anticipate likely, having to do a lot of client gathering, trying to find clients and getting work for associates to do. The more I talked to him and then to others, I decided that at that stage of my career, I really didn’t want to undertake a firm practice in an established firm. I contacted some friends who were still at the Washington College of Law at American University, where I had been prior to going into the Administration. I told them about another idea that I had which involved, trying to set up what I called an interdisciplinary center to consider critical issues related to law, policy, race and education. I had hoped to find foundation funding to establish such a center at the Washington College of Law. In addition, it was agreed that I would teach a couple of courses focused on education and civil rights, and I would begin to do that in the 2001-2002 school year. I was basically off, not working, catching up with a lot of personal things between January 2001, and August 2001 when I began teaching as a Research
Professor of Law. The Research Professor designation was given to me because of the anticipation of my doing some critical work around the issue of law, policy, race and education, and developing proposals. That was a very satisfying year in many ways. In other ways it was not. Since everyone knows very well, in September 2001, we had the awful experience of 9/11 and the terrorists’ attacks in New York and in Washington. As a result of that, the philanthropic world fell into a sort of spiral concerning grant-making: not quite knowing what proposals should be funded under the circumstance. Even before 9/11, we were experiencing an economic downturn and foundations were rethinking their grant-making portfolios. To make a long story short, I made several efforts that year to get funding for this program that I wanted to launch at American University. I was unable to get any foundation to do that. There was interest at a couple of places but the foundations were taking and long and careful look at their program and funding priorities. I had agreed to teach for a year, and then hopefully run this institute. The other issue that occurred to me during that time was that I was very ambivalent about what I was doing. I was both concerned about the state of the world and concerned about how I was going to spend the rest of my career. I’d been doing some consulting during the time that I left the Department and before starting to teach. During that year I realized that I was working much harder than I really wanted to. I also became a little ambivalent about whether I really wanted to take on the administrative responsibility of running the center if it had been funded. I made a decision at the end of the 2001–2002 school year that I would not continue to teach, that I would set up what I would hope to be a consulting firm to continue on a part-time basis some consulting with school districts, colleges and universities. I had been advising some colleges and universities on affirmative action risk assessment. I advised the Dean that I would not continue and I was going to set up this consulting firm with a former
colleague, Claudia Withers, who had been one of my deputies in the Office of the General Counsel and with whom I had worked in the earlier years at the Women's Legal Defense Fund. During the summer of 2002, we put together a business plan to incorporate a consulting firm that we would call Winston Withers and Associates. In the midst of that planning, I received a call from the General Counsel of the Los Angeles Unified School District, Hal Kwalwasser, who had been a Deputy General Counsel in the Defense Department during the Clinton Administration. He was working for the Los Angeles School District largely as a result of his friendship with his Superintendent, Roy Romer who had been a Governor of Colorado and had also been the head of the Democratic Governors Association. I don’t remember his credentials beyond being a democratically-elected Governor of Colorado. It’s important because, when Hal called me, he said the school district he was looking for outside counsel to represent the Los Angeles School District in Washington and wondered whether I would be interested in getting the contract to do that. He said to me, and I think you will find this interesting in light of what I said earlier about not wanting to go to a law firm, that they had been retaining a big law firm for a number of years, a Los Angeles law firm with offices in Washington. What he had discovered is that whenever the Los Angeles School District wanted the law firm to do something for them, they would assign a group of associates that didn’t know very much about the issue and they were taking a lot of time and, in his view, not giving the kind of in-depth advice that he thought they needed. It occurred to him, since he had been a political appointee, no longer in office that he should find out what happened to the former General Counsel of the Department of Education. He tracked me down. I didn’t know him when he was here in Washington. As a result of that call, I talked to Claudia Withers and we said, “Why don’t we, rather than incorporating as a consulting firm, why don’t we actually establish a law office?” We are both barred here in the
District of Columbia. I didn’t think there would be that much of a difference. There are some legal and ethical issues that one has to consider in making that decision. We ended up establishing Winston, Withers and Associates, LLC, a limited liability corporation as a law firm. I developed a proposal to be Washington counsel for the Los Angeles School District and was in fact successful at that. The Los Angeles School District became our major client, the first real client as a law office. They had me on a retainer for three years, and subsequently on a second contract, so I am still under contract with the Los Angeles School District. That work has been my major focus as a lawyer since leaving the Department and leaving the American University Law School.

Ms. Tucker: Beside Claudia Withers, were there any other people that worked with you when you founded your firm?

Ms. Winston: No. Claudia and I had a long talk about this how whether we wanted to grow the firm or just what we wanted to do and I explained to her that my interest is really in doing a limited amount of work. I wasn’t interested in going out and getting a lot of clients largely because quite frankly, I had been focused on my retirement date. I discovered during my hard working years in the Clinton Administration at the White House that I really needed to think about taking time to enjoy my life. I really felt as though the General Counsel position was in some ways, a culmination of my career as a lawyer. It really did bring to me all the things that I had been interested in, that I loved doing, but I wasn’t quite ready to retire after I left. I said to Claudia that my interest was in having a limited number of clients that I would work for directly, but that I would try to be helpful to her in marketing the firm should she want to grow the firm. Her area of interest and expertise is in employment law. She took on a couple of clients but we
never really got to the marketing. I think she was reluctant to do it and wasn’t quite sure whether
she wanted to do that. I think we both have a different orientation. We’re not rainmakers…

Ms. Tucker: I was going to ask you that. The Los Angeles School District fell into your lap.

How did you get other clients?

Ms. Winston: Well, largely from references and recommendations. I did some work for MIT.

Ms. Tucker: Did you have to market them or did MIT find you?

Ms. Winston: They found me. They actually called Walter Dellinger and wanted him to do
some work. He suggested that they call me. I had another client, the Oregon Health and Science
University in Portland, Oregon. They contacted me as a result of first contacting the General
Counsel of the University of Michigan, Marvin Krislov who said, “I can’t do that from this
position, you should call Judy Winston”. To make a long story a bit shorter, happily for me, my
clients came to me through referrals from others. Quite honestly, I was doing a lot of work for
the Los Angeles School District during the first two or three years of our association. I really
didn’t feel as though I could do a lot of marketing in areas that were not directly related to that
work; for example, seeking out speaking engagements; employment conferences; conferences
involving employment law; or offering courses at the Bar Association.

Ms. Tucker: So you didn’t do the traditional marketing?

Ms. Winston: I didn’t and Claudia was reluctant to do it. I don’t want to speak for her but I
think she was reluctant. She has a young daughter, and was spending a fair amount of time on
the two clients that she had. That’s important because as it turns out, Claudia has become “Of
Counsel” to the firm and taken on some work with the DC Bar Foundation. I am very close to
retirement, I quite honestly believe that I will retire from the firm and will probably close the
firm at the end of December of this year. My work with the Los Angeles School District has
slowed considerably. Roy Romer has left, Hal Kwalwasser who brought me in left a couple of years ago. The new people have come in, and the big issue for the Los Angeles School District from my perspective, for the last five years has been the implementation of the “No Child Left Behind” Act which had an enormous number of requirements the school districts had to comply with. Much of my time was spent advising them on what the law required in the way of implementation, helping them to understand and to negotiate some of the provisions of that law.

**Ms. Tucker:** Judy, when you started your consulting firm, was this the first time you ever had to charge clients?

**Ms. Winston:** Yes

**Ms. Tucker:** Did you have any difficulties in doing that?

**Ms. Winston:** I did. I had difficulty both trying to determine what I should charge for my time. I actually had advice from my own daughter who had been in private practice in pretty large law firms almost from the beginning of her law career. I remember having several conversations with her and she ultimately convinced me that I was under-pricing myself or inclined to under-price myself. I had an interesting arrangement with Los Angeles where they had me on a retainer for certain number of hours per month initially. As a result of negotiating the retainer, I had a reduced hourly fee for them for the benefit of the retainer. For my other clients, I had to give them some indication of what my hourly rates were. I ended up -- to my daughter’s horror – agreeing to substantial discounts on the fee that my daughter thought I should charge. However, I understand that this is not unusual in the private practice of law. I ended up having an hourly rate that I used for non-profits, which most of my clients were and a rate that I used for other institutions that were profit-making. That was interesting for me because we were running on a shoe string. We had decided that we would be judicious about
hiring other lawyers and administrative personnel for the firm. We have been very explicit about this on our website and our engagement letters with our clients. We wanted to make sure that they understand our concept of associates. What we have done on a number of occasions is, we bought people in as consultants or independent contractors as needed to work on matters when we needed more person power than either Claudia or I could provide. I had this horror of bringing people into the firm either as clerical or administrative assistants and then being responsible for having to make sure the money was coming in the pay them. I really didn’t want that responsibility again because I believed that at the time we set up the firm, that I was moving closer and closer to retirement. I have attempted at times, to think about broadening the firm and I think I could have done that. I managed to sit on my hands so to speak and not do that. Now that I am about to be a grandmother for the first time, I am convinced that I’d like to think about retiring on a full time basis in December so that I could really enjoy myself. I feel very fulfilled in my career. There’s nothing that I could think of now that I want to do that I haven’t done. I am looking forward to traveling with my husband. We recently purchased three weeks of a timeshare that would permit us to travel to different places. My daughter says I’m always welcome to come to Dallas to help her with our granddaughter so, I think I will be fine.

**Ms. Tucker:** Well, my bet is that it won’t be a retirement; it will be a transition into other fulfilling tasks.

**Ms. Winston:** Probably.

**Ms. Tucker:** Grandmother being number one. In retrospect, I was going to ask you about your plans for the future in the business, and I think you sort of nailed that one down. What do you think were the challenges you faced as a woman in starting your own business?
Ms. Winston: Well, the biggest challenge, Marna, is that I had no formal preparation for starting a business. I went to law school. I had been essentially a salaried employee, a salaried lawyer in all of my professional work as a lawyer. I think my orientation as a woman was not towards numbers and running a business and financial transactions and I was quite nervous quite honestly about doing this. Turns out, and it's not rocket science as you well know, it requires time and it requires that you read and undertake research to find out how these things work. What I have discovered is that there is a lot of help out there. The American Bar Association has a division for solo practitioners and a division that works on Law Practice Management. The DC Bar has such assistance either through direct contact or just providing literature. I do believe that in spite of all of my sense of myself as a feminist, I did not have the confidence that I should have had in entering this enterprise. Because my practice has been so small, I haven't been aware of any problems with people receiving me or accepting me as the owner or partner of a law firm. The fact that Hal Kwalwasser was able to call me and just off the bat, offer me the opportunity to bid on this contract, I thought was interesting. I think his interest was more my having been part of the Clinton Administration and the fact that I was a woman lawyer and not a man lawyer apparently. I think that is pretty responsive -- hopefully -- to your question.

Ms. Tucker: Now, I don't know when people will be reading this oral history of your life, but it is now 2007 and one of the most exciting years in terms of watching what's on the political front, in terms of the Democratic Party at least. It is highly possible, that in 2008, we could have either a woman President, or an African American President. Even though you will also be a grandmother, what if Senator Obama or Senator Clinton said to you, if either of them are elected, “Judy, you did such a great job in the Department of Education, name what you want to do in the Government, we want you back, we want the best and the brightest.” What would you do?
Ms. Winston: I would politely decline the invitation, as tempting as it might be. You know, I don’t even think it would be tempting because, I know how much work there is involved in doing a good job at a high level in government and any other enterprise. I know how much energy it takes to do that. As tempting as the position might be, I feel quite certain that I will not have the energy, psychic and physical to do that. I’m in pretty good shape health-wise, but I really feel quite satisfied that I’ve done professionally what I want to do. Now, I will be pleased to support either a President Clinton or President Obama in any way that I can. I’m trying to do as much of that as I can now. I feel comfortable that I’m ready to retire from the paid practice of law. I’m actually spending a lot more time on my volunteer activities these days than any paid work. I expect to continue to do some of that.

Ms. Tucker: What are you volunteering as?

Ms. Winston: Well, I’m on the Board of Directors of National Public Radio and it takes a lot of time. I actually roll off the Board in November. I will have completed two terms of three years each and that’s the maximum that is permitted. I’m on the Board of the Southern Education Foundation, which is based in Atlanta; I expect to continue to do that.

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In addition to the Southern Education Foundation, I’m on the Board of the Historical Society of the District of Columbia Circuit. I occasionally advise people involved in the District of Columbia Public Schools about various things. One of my former law students is the Chief of Staff to the newly appointed Deputy Mayor of Education. I expect to have some informal conversations with him and doing some volunteer work, but that will be it for me.

Ms. Tucker: Well, knowing that you have been involved on the public sector and the private sector, do you think the government can improve race relations?
Ms. Winston: I do think the government can improve race relations largely through the policy choices it makes, particularly in the area of education. I've always felt that the way we educate our children is central to improving race relations. There's a lot of work to be done in this area. I've had some significant disappointments in my lifetime working in this area because I think we should have moved more quickly and more forcefully than we have. I am very concerned about a couple of cases currently before the Supreme Court that you may know about involving the issue of school desegregation and the extent to which public schools can use race for the purposes of integrating schools on a voluntary basis. It has become more and more difficult to litigate a school desegregation case because of the level of proof that one needs to show that there's been some official action taken to isolate or discriminate against students on the basis of race. Most of the racial segregation in the school is related to housing patterns. I mention all of this because I think the government has not been as aggressive as it could be in eliminating some of the factors that result in racial isolation. I think because we live isolated lives racially, that the opportunity to interact among races and ethnicities has been the real stumbling block in terms of improved racial race relations. That's been pretty much demonstrated, where we've had significant diversity in schools, colleges and universities. Generally, the people who've been involved and participated in that level of diversity have much better attitudes about race and themselves. Let me put a period there and to conclude by saying, I do think government has a significant role to play. I'm also encouraged though, by the younger generation. There was an article in the Washington Post I believe, or it may have been the New York Times a few days ago about young people in their 20's who talk about race as not being a factor in the way they think about themselves or their friends. That's very good. I think California, where there is an extraordinary amount of diversity, is leading the way. In a sense, you will find more differences
among generations of people than within a single generation. Teenagers in California pretty much dress and look and talk alike, regardless of their race and ethnicity because they’ve had this opportunity to interact in significant ways.

Ms. Tucker: Who have been the most influential persons in this latter part of your life?

Ms. Winston: Well, there’ve been a lot of people I have interacted with. I have to say that perhaps the most influential in terms of my thinking a lot of issues is my husband, Michael. I’ve probably talked to him more than anyone else about issues of the day, about politics. He’s very thoughtful and he’s very well read. I would have to say it’s Michael. Now, moving outside of the family, actually, I won’t move outside of the family because my two daughters have also been major factors in influencing me. My younger daughter, Cindy, is the psychologist and is teaching at Howard University. She is very thoughtful, in fact, I’ve called her my life coach in recent years because she has helped me in understanding more abut what my priorities should be. I have tended to be involved in a lot of things, sometimes all at the same time and I haven’t been as introspective perhaps as I should about my life. When I talked earlier today about feeling as though I’ve accomplished all that I want in my profession, I’m very satisfied. I truly mean that. It was Cindy who helped me think through that because I was tending to look at the next thing. I have had a number of invitations, Mama, for example to join Boards, mostly non-profit Boards. I haven’t had the pleasure of being invited to any paying boards, which would have been nice. Lots of people wanted me to do things; to speak, to sit on Boards and my inclination has always been to say yes and of course I have always been overloaded as a result. My daughter Cindy, who is always concerned about my schedule and the fact that I am always going somewhere or agreeing to do something, she sat me down once, several years ago and helped me think about, why are you doing this? What more do you feel you need to accomplish? In the back of my
mind, it was always a sense of, yes, I need more recognition or I haven’t done quite enough or what I’ve done is not very significant. She helped me to think more clearly about that. Having done so, I have come to the conclusion that I’ve led a very full life. It’s not over and I plan to do a lot more but I want to do the things now that are not reaching for the next professional honor, or working hard at the law or in my profession but really enjoying life more. There are a lot places that I have not been, that I would like to see. The question was about who has influenced me so Cindy has been very helpful and Lisa as well. Lisa, the lawyer, has been influential in a very different way than Cindy. She is a person who is very quietly competent who is very accomplished and has done some very extraordinary things in her work and handling on her own now, a lot of things, including having her baby at age forty. It’s just been very impressive to me, and I’ve been influenced to try to provide as much support as I can because she doesn’t ask for it though clearly she would appreciate it if it were given. I think I’ve talked about how much I’ve enjoyed working with Richard Riley and how very impressed I am with him and his commitment to education. He is just a really nice guy. He really helped me and many, in fact, all of the people he worked with in the Department of Education understand that we can be significant persons, having achieved a lot and still be nice. Before and after we came to the Department in 1993, or after we came to the Department, we heard stories about some of the former secretaries of Education, one of whom did not permit employees to get on the elevator with him and his body guards. He kept all the offices, the glass doors on the suite of offices that the former secretary sat in locked. It was just extraordinary. I’ve always been very impressed by Richard Riley and the fact that he was the former Governor of South Carolina and managed to be a real down to earth person. Unfortunately, before I came to know him well, I had some of the same stereotypical views of white southerners as many people who grew up in the North, who
never really knew any white southerners very well. During the Clinton Administration, I had an opportunity to meet and know many such people well. They helped me recognize how, I myself had been a victim of stereotyped thinking. It doesn’t operate only on one side of the racial divide. I must say, to be fair to myself, not that I had a lot of animus and all that, but I realized how easily one can fall into thinking about groups of people in stereotypical ways and I tried very hard to overcome that and to think more deeply about how we come to regard people and what the factors are. Richard Riley was quite influential in my later years. There many women who have been in my life who have been role models. Judy Lichtman, who is not that much older than I is someone that I, had and continue to have great admiration for. I don’t want to leave anybody out. One of the things about my firm is, it has been in many ways, a lonely existence particularly since Claudia is now Of Counsel and not working directly in the office, I don’t get a chance to talk to many people and I often work at home. I do miss the interaction that I had when I was working in government, working in an organization that was larger.

Ms. Tucker: Well, I think that we have just about come to the end of this and I’d like to wrap it up with a question. You did the flip side of it already. If you could give your daughters advice, on how to have a meaningful and fulfilled life, what would that advice be?

Ms. Winston: Well, it’s an interesting question. I will start by saying how important my family has been in my life. I cannot imagine a life without my daughters and my husband in it. I never thought much about whether or not I would have children; I always assumed that I would. I always assumed that I would be married. I know that it’s not something that is destined to happen to every woman or man for that matter. Neither one of my daughters is currently married. They both have been married and I worry about how they will feel twenty or thirty years from now. Lisa is about to become a mom. I would say to her really take time to enjoy
your daughter and her life and be there for her as much as possible, helping her to fulfill her career interest. It’s amazing how quickly they grow up. I would say to my second daughter -- who has a PhD and doing very well in terms of her research and her professional activities -- I would say to her, you need to think about what you want to do in terms of having a family. I don’t think it’s necessary to have a husband, to decide to have children either through adoption or naturally. Just don’t miss it if that is what you want – be purposeful about it, don’t let the years slip by inadvertently and realize that this part of your life is unfulfilled. I guess the point is to be thoughtful about what you are doing. Don’t let life just come at you. There are decisions to be made. Neither one of them needs to make the same decisions that I made but there should be a level of thought and taking time just to sit. I realize I missed some of that. I guess that would be my advice to my daughters and that they shouldn’t feel constrained. I don’t think either of them feels at all constrained by their gender. I’m delighted by that. I don’t think either of them feels there is anything that they couldn’t do because they’re a woman or because they are women of color, African American women. Just because the whole world may be open to them, doesn’t mean that they don’t need to sit down and think hard and meditate on who they want to be and where they want to be twenty, thirty years from now and who they want to have around them. I wish I’d been given that advice. I’ve been very lucky in what I’ve been able to achieve and what I have.

**Ms. Tucker:** Lucky people do their homework.

**Ms. Winston:** Well, perhaps but I wish I... what’s the term? Take the time to smell the roses? That sort of thing. Well, I did some of that but I wasn’t as thoughtful about it as I would like my daughters to be.
Ms. Tucker: Now, I have finished asking you questions to help illustrate for the Women Trailblazers Project, why you have been the trailblazer for women throughout your life. Is there anything left that you would like to say for future generations?

Ms. Winston: I would. There's just one more thing. I'm concerned about women, women of color particularly forgetting how we got to this place. I guess that's of significance. These oral histories of women that the ABA Trailblazers project is focused on just didn't happen. I talked about being very lucky but in fact I know that my luck has been based on the foundation laid by the work of other women and other African Americans and it's important to know and remember that. There are still a lot of girls and women who have not had the opportunity to understand what's possible. It's the whole concept of giving back. I think people really need to do that. Mentoring is key; going into schools, talking, just presenting oneself as a person who is accomplished and has managed to do something significant in spite of the odds in many places, and help kids understand. I think there are too many kids in public schools, girls and boys, who have no idea what's possible for them, and that's a great tragedy because if you can't dream it, you can't very well think to achieve it.

Ms. Tucker: Thank you very much, and this is the end of the tape.

END TAPE