

THE MUSEUM OF MODERN ART ORAL HISTORY PROGRAM

INTERVIEW WITH: MIRIAM GOLDMAN CEDARBAUM (MGC)
INTERVIEWER: SHARON ZANE (SZ)
LOCATION: UNITED STATES COURTHOUSE, 500 PEARL STREET, NEW YORK, NY
DATE: SEPTEMBER 7, 2000

TAPE 1, SIDE 1

SZ: This is an interview with Judge Miriam Cedarbaum.

MGC: I actually use my whole name, Miriam Goldman Cedarbaum.

SZ: Miriam Goldman Cedarbaum for The Museum of Modern Art Oral History Project. It's the 7th of September in the year 2000, and we are at the federal courthouse.

MGC: The United States Courthouse for the Southern District. There are now two United States Courthouses here in downtown Manhattan. This one is at 500 Pearl Street. This is the newer of the two.

SZ: And the reason for two is what? Overflow?

MGC: Our court has grown so much since the beautiful original courthouse around the corner was built as a WPA project in the early '30s. It easily housed both the Court of Appeals for the Second Circuit and the United States District Court for the Southern District of New York in its tower, as we call it, the upper floors of the courthouse. The District Court has entirely outgrown that building.

MGC: This building is just about five years old. I left the old building with considerable trepidation and very mixed feelings. It's a wonderful old building, and it's the building in which I started my professional career as a law clerk to a judge of this court, in that building on Foley Square. And I was an Assistant United States Attorney for the

Southern District of New York at a time that the United States Attorney's Office was small enough to be housed in that building.

SZ: Well, Judge Cedarbaum, let me start by asking you what I always ask: Tell me where and when you were born and just something about where and how you grew up, if you would.

MGC: Alright. I was born on September 16, 1929. And although I was delivered in a hospital in Manhattan, my family lived in Brooklyn, and I grew up in the Crown Heights section of Brooklyn, half a mile from Ebbetts Field. And we were ardent Dodger fans [laughing]. The whole neighborhood heard every home run.

SZ: Crown Heights, at that time -- how would you characterize the kind of a neighborhood it was?

MGC: It was a middle-class, largely Jewish neighborhood, with a lot of happy children.

SZ: I presume you were among them?

MGC: I was certainly among them. My own street was largely two-family houses. There were some streets with bigger, one-family houses. And, a major institution of the area was the Brooklyn Jewish Center, and it was on Eastern Parkway between Brooklyn Avenue and New York Avenue. I grew up on Montgomery Street between Brooklyn Avenue and Kingston Avenue.

SZ: Were you an only child?

MGC: No, I had an older sister. A brilliant, beautiful older sister, who unfortunately died some years ago. It gets to be longer ago, but I think of her so often that it doesn't seem so long since she's been gone, but it's actually now nine years. But we certainly grew up together in a household of parents, both of whom were public school teachers, who loved young people. And my own childhood memories are very warm and very happy.

SZ: You're lucky.

MGC: I am indeed, and I am lucky in another way. Because my parents were relatively unwordly people. It never occurred to anybody in my family that there was anything women could not do. So that I grew up without any notion that there was anything that women could not do, certainly in the world of the intellect.

SZ: And I presume that, being teachers and therefore educated, that there was an expectation or certainly an atmosphere that fostered that kind of feeling?

MGC: Absolutely. Absolutely. I did not realize at the time, but I have since learned from talking to other women, how much rarer that experience was than it should be. But there's no question that my parents enormously valued education and they, although they were not people of wealth at all, were eager to send their daughters to the best colleges that they could.

SZ: Did you have a religious background?

MGC: Yes. I attended the Hebrew school at the Brooklyn Jewish Center. That was an after-school Hebrew school, from the time I was in the, well, I'm not sure when I started, but I went to Hebrew school three times -- two afternoons and Sunday morning -- every week. And I even was interested enough to go on to a community Hebrew high school, which met on Sundays farther out in Brooklyn.

SZ: Wasn't it, at that time, somewhat unusual for a girl to have been given that kind of . . . ?

MGC: Again, in retrospect, it's true. There were not many girls in my Hebrew school class [laughing]. But again, I really did not focus sharply on that. I guess I was as unworldly as my parents. My mother was very attached to Judaism. My grandmother, my mother's mother, lived with us. And all of my growing-up years, she was really like a second mother to me. My mother taught, and my grandmother was the one who gave me lunch when I was in grade school. I came home every day for lunch. And I loved my granny dearly. As I look back, I think she was the first

activist feminist that I met; I used to ask her to tell me stories about her Lithuanian childhood. She came to this country by herself from Lithuania at the age of nineteen, in 1884. And it was clear to me from some of the stories she told me about her views of the way in which Lithuanian men treated their wives, that she had some suspicion of men although she herself had been married twice.

SZ: To Lithuanian men?

MGC: Well, I was never sure whether she was talking about the men in the Jewish community in which she grew up, or the men who came to her father's tavern who were not part of her immediate community. I wish I had asked many more questions of both my grandmother and my parents because there are many things I would very much like to know that are lost in the mists of time.

SZ: Not an uncommon regret.

MGC: I did learn a little Russian from my grandmother, which makes it possible when we have visiting Russian judges to greet people in Russian, which they very much enjoy. And, although Yiddish was not the language of my house, my grandmother and mother spoke to each other often in Yiddish, and my grandmother read a daily Yiddish newspaper. I discovered, many, many years later, that when I visited Germany on business and was in The Netherlands for pleasure, that I really could understand a lot of the language. And even some Danish and Swedish, because they're all Germanic tongues.

SZ: Interesting. Did you go to public school?

MGC: I went to public school. I went to the neighborhood public school, Public School 161, in Brooklyn which, like Ebbetts Field, was between Montgomery Street and Crown Street.

SZ: So close.

MGC: That's right. It was the custom in those days for children to come home from grade school for lunch at home, a custom I enjoyed so much and thought was so good for the children. In part, I chose, many years later, to live in Scarsdale because when we moved to Scarsdale, all of the children came home for lunch. Because at that time, the people who set educational policy in Scarsdale thought it was better for the children, also.

SZ: That's interesting.

MGC: And although I wasn't always available at lunch, I was happy to provide somebody to be available, because I thought it was good for the children.

SZ: And high school? You went where?

MGC: I went to Erasmus Hall High School, which celebrated its bicentennial which I attended in 1987. As you may know, it's the second oldest secondary school in the United States, second only to the Boston Latin School. It was the first secondary school in the colony of New York. And it was originally a Dutch Reform Academy, which was organized by the Dutch Reformed Church across the street at the corner of Flatbush and Church Avenues. Some time around 1890, I'm not really sure of the date, it became a public school, very much like the history of the Boston Latin School, which also started, as you know, as a private school and eventually became a public school.

SZ: And did you use New York City a lot as a young person? I'm just looking at your dates and actually you were a teenager during the Second World War.

MGC: That's correct. Absolutely. The subway was a very familiar mode of transportation. When I was growing up, nobody worried about security in the subway. My very protective parents had no concern about my being in the subway late at night. And to this day, I happily travel the New York City subways. They're a remarkable institution.

SZ: And they work.

MGC: They not only work, but I don't think there's a subway system in the world that carries the number of people the distances that the New York subway, which is now almost a hundred years old, carries people. To me, the remarkable thing is not that occasionally there are confrontations, but how regularly people travel in close proximity in the most civil fashion. I travel back and forth. I come in during the rush hour when the subway is very crowded, and people are extremely pleasant and courteous to each other, even though we're often at closer quarters than we would like. I think the New York City subway system does not get the understanding, from people who are not familiar with it, that it deserves. Indeed, the admiration.

SZ: Just a little bit about the War, if there's anything about it that you remember from those days. Did it touch your family? Did your father go?

MGC: No, my father was not young enough to serve. My own classmates were too young, but a number of my sister's classmates -- my sister was three years my senior -- did go. And a young cousin who was married, whose wedding I attended, her husband went off to war shortly after they were married and never lived to see his son. He was killed in the Battle of the Bulge. We were all keenly aware of it. We were keenly aware of the rise of Hitler. In New York City, there was a very active German-American Bund, and in those days, Father Coughlin broadcast regularly. And my family was very conscious of the terror that Hitler represented.

SZ: Your parents worked all during the Depression, though, I presume?

MGC: That's correct.

SZ: Yes. So you had a comfortable upbringing?

MGC: That's correct.

SZ: You must have had a different experience than some others, in any event.

MGC: In many ways, that's right. We had a security that business people of that period did not. My husband's father, who was the owner of a small dress factory in New Haven, Connecticut, had a much more uncertain time during the Depression.

SZ: Do you -- just one last thing, and then we can move on -- remember having an idea of what was going on in Europe? Really of what was going on? Do you remember when you first found out?

MGC: My memory is not very sharp. I remember rolling bandages during the War. I remember listening to President Roosevelt right after Pearl Harbor. And indeed, listening to President Roosevelt all the time that I was growing up. I certainly remember that, from my point of view, he was the president.

SZ: There was nobody else. Right.

MGC: When I actually became aware of what was going on in Europe, I'm not sure, but it was early enough for more people to have been saved. Let me put it that way. We had no illusions at some point. Now, of course, I was a child, so how realistic or clear my understanding was, I can't really now tell. I was just twelve at the time of Pearl Harbor, but my family was politically and socially conscious. My father was one of the founding members of the original Teachers' Union of New York City, and was a very active member of what became the UFT [United Federation of Teachers]. And like many unions, there was a split, in the early '30s. Teachers who were viewed as Communists and fellow travelers left the union. The union was actually then called the Teachers' Guild, and what was called the Teachers' Union was the group that broke away, indeed in some sense was pushed out, because John Dewey was also one of the founders of the New York City Teachers' Union, and my father knew him and respected him. I think they were both involved in what was, at that time, a wrenching process for everybody involved. And I do remember very vividly the Nazi-Soviet Pact in 1939 [Soviet-German Frontier and Friendship Treaty], and when Hitler marched into Poland on September 1st of '39. That I was keenly aware of, and of the fact that, at that time, Russia was his ally.

SZ: Which was an event that turned a lot of people around.

MGC: Well, one would have expected it to. It, it certainly caused a lot of excitement. I also remember very vividly Munich [Munich Conference, 1938], but again, how much of this was dinner table conversation and newspaper headlines, and radio commentary. . . And what it actually meant to me? There's no question the War and the rise of Hitler made a deep impression on me, but exactly what I thought at any given moment is very hard to recapture.

SZ: I think that is an almost impossible thing to recapture. Well, about your choice of Barnard [College], of going to college, of staying in the city. . . What were you interested in?

MGC: Alright. My sister went to Wellesley and was very happy there and was very eager for me to follow. And I actually was admitted to Wellesley and changed my mind at the last minute. Indeed, my picture was in the freshman handbook. Because although my parents were prepared to devote all of their resources to education, in those days, the New York State Regent's Scholarship was a substantial consideration. It had been raised to \$350.00 a year sometime between the time my sister went to college and the time I entered. The Regent's Scholarship was much harder for me to turn down, or I felt it was, and it was for that reason that I switched at the last minute.

SZ: Entering in the fall of '46?

MGC: Yes.

SZ: And, what was Barnard like at that time?

MGC: I spent four extremely happy years at Barnard. I found it enormously stimulating. I still have very strong ties to Barnard. I'm now a Trustee of Barnard. I have strong ties to many of my classmates. I credit Barnard with a lot of the reading that I have continued to pursue in later times. Barnard really gave me the inspiration, although I'm sure my parents did as well, frankly, and several of my high school teachers. My experience at Erasmus was also very unusual. In those days, highly educated

gentlewomen became teachers, and I had several memorable high school teachers who had Ph.D.'s in their fields. Many of them were eccentric, which made them extremely interesting as teachers. At Erasmus I had for creative writing one year an English teacher who was herself a poet, and who was, in many ways, to adolescents so strange that she was able to break through many of the inhibitions of adolescents and get us to do things, the kind of writing that I think especially the boys might have been otherwise embarrassed to do. But because of her I suppose you might say extraordinary skill at drawing out young people and making them feel free, because she was so free in the way she expressed herself, she made an enormous impression on me. We wrote these three-line Japanese poems -- haikus we called them. And I still remember that she assigned us an essay a 250-word essay, in which we used no adjectives or adverbs. She was trying to teach us the strength of the English language, which lies in the verbs and the nouns. She did many extraordinary things for her students.

And there were others as well. I had a number of very fine teachers at Barnard, too, but by the time I got to Barnard, I also was very much stimulated by a number of my classmates. The same was really true in high school, and we had one mathematics teacher who was so eager to promote, I always thought that she did it, to promote social relationships between the brightest mathematics students [laughing]. She ran an after-school club called the XYZ Club, which resulted in a number of high school romances. And I suspect that that was part of her purpose.

SZ: But the choice -- I know that the issues were different in 1946 than the scenario today -- of an all women' college? Even then there was obviously some consideration of wanting one environment over another.

MGC: There was, but to be perfectly frank, the best colleges, that were not all-men's colleges were all-women's colleges. But, I found that that had a great value, and I am a proponent of women's college education. At Barnard, as had been the case in the years that I was growing up in co-ed schools, there was just no consideration of the idea that anything was barred to women. Or that girls could not do anything, anything that boys could do, in the intellectual world. And for me, I think that was a very good extension of my own growing-up views, and I think it was a good thing

because I proceeded, after Barnard, to go to an all-men's school, and did not feel at all strange.

SZ: Or intimidated?

MGC: Or intimidated. I was one of eight women in a freshman class of 280 at Columbia Law School. The whole class sat together for our entire first year. We had prescribed courses, six days a week, and we became very close friends. In some sense there really was not a great deal of difference between the boys that I met and the girls I went to college with. That is, men are as gossipy as women, perhaps more so. And maybe it's because I really did not have a highly-raised consciousness, I was really unaware of anything unusual. . .

SZ: . . . well, you did, but you could see the numbers, and not that many women went to law school.

MGC: Yes. It's true, it's true. Law school itself did not prepare me, let me put it that way, for the world outside. That is, I was not conscious of difference at law school.

SZ: I think I can presume, from what you're saying, that something on that order came later.

MGC: Correct. Correct.

SZ: But maybe back up and tell me a little bit about what you studied at Barnard, and what attracted you to the law. I presume at some point during your four years in college, that, that became clear.

MGC: That's true. I should preface it all by telling you that my sister preceded me at Columbia Law School.

SZ: I see. And she was one of how many women in her class? Do you know?

MGC: I'm not sure, but the numbers in those days were very similar. But generally speaking, the women excelled because it was a largely self-selective group. I was a government major, but I have always wanted to be a generalist. I am, in many ways, a dilettante. I am fascinated by many things. In spite the fact that I was a government major, I took a great deal of mathematics at college. In those days, I used to have an aptitude for aptitude tests, I was put into a first-year chemistry section, which was a special section for people with an aptitude for chemistry, which I really don't have. But it was a fascinating class. We had a wonderful teacher, and I enjoyed it very much. I took several philosophy and religion courses. I took French all through college. I'm very interested in language, and I had studied French for three years in high school, and I pursued it for another four at college. And still enjoy any opportunity to speak, to be forced to speak, French. I really took the minimum number of courses in my major because I really wanted a general education, and I have never regretted it.

In my senior year at college, I had a young government teacher. In those days, I was very much interested in politics, as was she. And she regretted that she had not gone to law school because most of the political leaders of our country are lawyers, and I think she influenced me. I really didn't decide to apply to law school. In those days, we were not required to plan our lives from kindergarten. I didn't decide to apply until my senior year, and then took what was probably one of the first legal aptitude tests, in the spring. I really applied only to Columbia Law School. When I graduated from college, I heard, or during my senior year I heard, that Harvard was going to admit women for the first time the following year. And I wrote to Harvard to inquire, and got back a letter which I considered extremely inhospitable, which said it was true that they were going to admit women in the fall, but they would not provide housing for them. And I felt that if Harvard didn't want me, I didn't want Harvard so I did not apply. That may have been a childish reaction, but so it was. But during my first year of law school, I really fell in love with the law. It was like learning to read and write all over again. I was enormously excited by it. And there, too, at Columbia, I had memorable teachers. I don't know how familiar you are with law professors.

SZ: I've heard names, and it might mean something.

MGC: Well, I had Carl Llewelyn for contracts and Herbert Wechsler for criminal law, and the then Dean of the Law School, Young B. Smith for torts. For contracts, a year-long course, I had Llewelyn for my second semester, actually, and I had Professor Patterson for my first semester. And although Professor Patterson was the least dramatic of my teachers, I really learned to read cases from him. We were called on regularly to recite, and we covered four or five cases every day in that class, and I really learned what a holding of a case was, which has served me well. That is the fountainhead of legal analysis of case law. I also had a very great teacher for civil procedure, Jerome Michael, who was a master of what we loosely call the Socratic Method. And although recent law students seem to take things more personally, we were all used as foils for the Socratic Method [laughing] and never felt the least bit offended by it. We understood that this was a drama for classroom and was intended not to demean us but to dramatize a legal point, or to sharpen our ability to analyze, which indeed it was.

SZ: So, you found you liked all of it, or was there a specific direction in which you felt you were going at that point?

MGC: The first year we had a cross-section, but there were several courses after that that particularly inspired me. One of them, interestingly enough, was a small seminar on federal jurisdiction, which Professor Wechsler started with mimeographed materials that year. And the materials, which later were published as a book by Professor Wechsler at Columbia and Professor Hart at Harvard, were so interesting that to this day, I am fascinated by the jurisdictional issues that I regularly raise and consider. Constitutional law is a subject that excites all law students and I was no different. But in terms of having a subject that I intended to pursue as a lawyer, I was not sufficiently familiar really with the practice of law. And I suppose I was not a sufficiently long-range planner, at that point to have a fixed ambition in the law.

SZ: I'm going to turn this over.

END TAPE 1, SIDE 1

BEGIN TAPE 1, SIDE 2

SZ: You said you were finding what you were liking or not. You were obviously a very good student.

MGC: I turned out eventually to be second in my class. Interestingly enough, I did better in law school than in college in terms of grades, for whatever reason.

SZ: But then, you had to make a decision about which way to go, right?

MGC: Then you had to apply for jobs, when you left law school. And when I graduated, it was the custom, or really during my senior year it was the custom, in the fall of the year before graduation, around Thanksgiving time, to go downtown with résumés and walk into law offices and be interviewed. That was the practice. And it soon became apparent to me that the partners who interviewed me always remarked that they would for themselves, of course hire me, but the clients might have different views. Many of them were married to women who had trained as lawyers.

SZ: Many of these partners?

MGC: Many of these partners had wives who were trained as lawyers, but very few of them were practicing law. In any event, I was in some sense rescued from all of that because I was told by someone at the law school that Judge [Edward Jordan] Dimock of the Southern District. . . I can't even remember the details anymore, but somehow, I was interviewed by Judge Dimock. At the time I didn't realize that he didn't interview law clerks generally, but indeed was sent a clerk by Harvard law school every year. So, I didn't know that someone who turned out to be a member of my husband's class at Harvard Law School felt "done-out" by me.

SZ: Oh [laughing].

MGC: I heard that many years later at a class reunion. But Judge Dimock hired me as his law clerk for the following year, and you can see his picture here on my wall.

SZ: Oh. Yes.

MGC: He was a wonderful, wonderful man. A man of true judicial temperament, from whom I learned an enormous amount, and whom I greatly admired, indeed, loved. And with whom I sat in the courtroom for a whole year, so that I learned so much from watching trials and arguments and all of the many things that happen in courtrooms that I became very interested in becoming a trial lawyer. I had never been in a courtroom before.

SZ: Had you taken litigation in law school?

MGC: There wasn't such a course in my time.

SZ: I see.

MGC: As in most professional fields, lawyers learn practical things through apprenticeship, at least that was the case when I graduated from law school in 1953. The purpose of good law schools was to develop analytical skills, not to teach technique or particular subjects. Given the right training, was the theory, a graduating lawyer could learn anything that his client required because we knew how to look things up. We knew how to carefully analyze the problem. And I'm not sure they were wrong. And now I know there are more clinical courses given, and I'm sure they're very interesting for the students. But in any event, I was lucky that Judge Dimock let me sit in the courtroom whenever he sat in the courtroom so that I learned so much from watching and listening and discussing with him some of my questions.

In retrospect, the educational value of that year was just amazing. And I tell my own law clerks that it is a remarkable educational experience. And because of how much I learned from watching and listening in the courtroom, I urge my own law clerks to sit in the courtroom as much as they possibly can. And I welcome them in the courtroom even when I really do not need them there, which is much of the time, as Judge Dimock really didn't need me there all the time. But in any event, I was again lucky because I could see from what I saw in the courtroom that the only young lawyers who got up on their two feet in the courtroom, generally speaking, were the

assistant United States attorneys, who regularly appeared in criminal matters, and in some civil matters. So I applied to the United States Attorney's office. Judge [Joseph Edward] Lumbard, who later became a distinguished member of the Second Circuit Court of Appeals, was then the United States Attorney for the Southern District. And I was lucky enough to be hired by Judge Lumbard, even though I had much less experience than most of the other assistants in the office. There were very few lawyers in the office who had no practical experience. And although I was in what they called the Civil Division in those days, we were so uncompartimentalized because it was such a small office that I helped to try a major criminal case. This is a painting made by a juror in that case of the courtroom from the vantage point of the jury box of me examining a witness.

SZ: Wow.

MGC: And this juror was a retired engineer, and you can see from the way in which he lined up the hats on the rack that he was not, and I hope by his manner of portraiture, that he was not an artist, but an engineer [laughing]. But he painted several, during that very long criminal trial, when he went home at night, and gave them to the judge, Judge Archie [Owen] Dawson, after the jury verdict. And Judge Dawson gave this one to me the following year, and it is a wonderful memento. It was not my first trial, but it was one of my very early experiences examining a witness in a courtroom in a major criminal prosecution, actually.

SZ: Shall I turn it off? It's time, and we'll start next time.

MGC: Fine.

END TAPE 1, SIDE 2

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INTERVIEW WITH: MIRIAM GOLDMAN CEDARBAUM (MGC)
INTERVIEWER: SHARON ZANE (SZ)
LOCATION: UNITED STATES COURTHOUSE, 500 PEARL STREET, NEW YORK, NY
DATE: SEPTEMBER 26, 2000

BEGIN TAPE 2, SIDE 1

SZ: We left off last time when you were recounting to me your work history prior to your going to work at The Museum of Modern Art. I really think we got through your clerkship.

MGC: Yes, I was then an Assistant United States Attorney in the Southern District.

SZ: Yes, but I think that's where we stopped. We didn't get to your experience in Washington.

MGC: All right. I met a man who was working at the, actually I was in Washington on business on a case for the United States Attorney's Office, when I met my husband. And he was then at the Justice Department in the Appellate Section of the Civil Division.

SZ: An attorney?

MGC: Yes. And we were married, and in those days, it did not cross my mind that I should not go to live where my husband was.

SZ: This was when?

MGC: Well, I was married in August of 1957. And, indeed, I resigned from the U.S. Attorney's Office and moved to a garden apartment in Arlington, Virginia, from which

we traveled into Washington daily. I also worked in the Justice Department, first in the Court of Claims section, which was a litigation section, and then in the Deputy Attorney General's office.

SZ: U.S.?

MGC: Yes. Yes. The Deputy Attorney General at that time, Lawrence E. Walsh, had been a district judge in the Southern District before he left the bench and became the Deputy Attorney General, and he knew me from the courthouse. And when he went to the Justice Department, he urged me to come work for him, which I did.

SZ: So this was late '50s. Eisenhower was President.

MGC: Yes. This was the second Eisenhower administration. And indeed the Justice Department was very much involved, and the Deputy Attorney General was very much involved, and the appellate section in which my husband worked was very much involved, in civil rights matters, in the Little Rock case, which, you may remember, resulted in Eisenhower calling up the National Guard of Arkansas. And which resulted in substantial litigation, but also in the drafting of executive orders, which both my husband and I were involved in.

SZ: Was it exciting?

MGC: It was an exciting time. Alaska was becoming a state, and I was involved in the drafting of the legislation for the creation of the state of Alaska.

SZ: Alaska was the last one, right? [Note: Alaska was the 49th state admitted to the Union on January 3 1959. Hawaii became the 50th state on August 21, 1959].

MGC: I'm not sure.

SZ: Well, they came pretty much together anyway, didn't they?

MGC: Yes. And in those days, the Deputy Attorney General was the liaison with Congress for the appointment of all judges, including justices of the Supreme Court. So I had a little opportunity to watch and participate in a process that was much less complex and time-consuming than it has become.

SZ: So the work you did down in Washington you enjoyed?

MGC: I did. I did. Although, the courtroom was my first love.

SZ: Well, you said that in the Court of Claims, you were. . .

MGC: I became a member of the bar of the old Court of Claims. And I enjoyed that, but that was for a very short period of time.

SZ: I'm just reflecting on that comment you made about following your husband to where he was. What was the pattern, subsequently?

MGC: Well, that's an interesting question, because, in fact, my husband, who was not from New York and was a member of the Connecticut bar, came with me to New York when he left the Justice Department after our first son was born. He had to take the New York bar exam, and he went to work for the law firm of which he became an important partner for the rest of his career.

SZ: Which is what?

MGC: Carter, Ledyard, and Milburn, here in Manhattan.

SZ: His specialty?

MGC: Although my husband at the Justice Department argued appeals around the country in behalf of the government, he decided that for him litigation was too confrontational. He preferred to facilitate business transactions, and so he became a corporate lawyer. He was a business adviser and a securities and banking law expert. We don't call lawyers experts. That's not a term we use.

SZ: Okay. Specialist? Is that better?

MGC: No, he concentrated in that area, is what we say [laughing].

SZ: I never knew that. So, was your son born while you were still in Washington?

MGC: Yes. Our first son was born at what was then a brand-new Washington hospital, the Washington Hospital Center, in January of '59.

SZ: And for you, the question of having children and having a career together?

MGC: I was not a long-range planner. And I was not prepared to have anybody else be the primary influence on my children. When my son was six months old, we moved to New York, actually to Brooklyn Heights. And because I had practiced law before, both classmates and friends from the U.S. Attorney's Office began to call me for a variety of assignments. I joined the Brooklyn Bar Association, which had a non-circulating library, which made it easy for me to find any books that I needed, and I worked part-time from home during that period on a freelance basis.

SZ: So you basically left Washington and came to New York because your husband was changing what he was doing?

MGC: Yes, but I was happy to come back, frankly. It was interesting to live in Washington, but Washington was a place from which on holidays, everybody left. All the traffic went elsewhere. Although there is an indigenous community, most of the people who come to work for the government come from elsewhere, and many of them return to elsewhere, as did we. Although for my husband, it was not a return. It was a new place, but it was closer to where he came from.

SZ: He was from Connecticut, you said?

MGC: Yes, from New Haven. Although, as a youngster growing up in New Haven, he was an ardent Brooklyn Dodger fan. I was able to take him to Ebbetts Field to watch the

Dodgers shortly before they left Ebbetts Field, which for him was very exciting since he had never been to Ebbetts Field. He'd listened to Red Barber on the radio, and we're now Mets fans. He actually incorporated the Mets, as a lawyer. The first owner of the Mets, Joan Payson, was a client of his firm. But, I also had a number of interesting part-time jobs which, luckily for me, sought me out. Judge Walsh became the chairman of a Moreland Commission on the Liquor Law [New York State Moreland Commission on the Alcoholic Beverage Control Law], here in New York. And from 1963 to '65, I worked theoretically part-time, but in truth, full time at odd hours for that Moreland Commission. I became their First Assistant Counsel, and that was an interesting experience.

SZ: Because?

MGC: It was, for me, a glimpse of the legislative process, and indeed of the way in which the New York State government operated, that I had not previously been exposed to. And the hearings we held were an opportunity for me to do work similar to courtroom work. I also found it an opportunity to try to improve the laws of New York, which we were partially successful in doing, first to persuade the governor and then the legislature.

SZ: That?

MGC: That price maintenance was not the best way to combat alcoholism. We were not entirely successful in eliminating what was, at that time, the major source of corruption in the liquor industry, the way in which licenses were issued, and their extraordinary value because of their limited number. But we did make a substantial contribution to reducing that problem somewhat.

SZ: Any other of these part-time assignments during those years that you remember were particularly interesting?

MGC: Well, I did not do any other work during that period. This was not freelance. This was a commitment.

SZ: I see. Although as you said, you did it at odd hours.

MGC: Well, I started, theoretically, very few days a week, perhaps one. But I ended up working on weekends; we had a very nice office boy who used to take my sons out to see all the parades on Fifth Avenue and engaged the children by showing them how to make copies of various things on what was then an exciting new Xerox machine.

SZ: So your second son had been born by then?

MGC: Yes.

SZ: Obviously. He was born when?

MGC: I had a second son in the summer of 1961, actually in August, although he was expected in October. He was called Gandhi in the hospital because his ribs stuck out. He was a seven-month baby, but luckily he was a very perfectly formed and beautiful Gandhi.

SZ: So, you managed to remain their primary influence and still. . .

MGC: That certainly was my effort. I could not try cases during that period because I was limited not only to part-time, but the part-time was specific times, and you cannot arrange to go to court only on the days that you are able to get away. And indeed, I did not. But I found it all stimulating and interesting, and I have never regretted taking the opportunity to watch my children grow. Indeed, I have always been of the view that the deeper and broader one's experience, the better trial lawyer one becomes. And I have always felt that all of my life's experiences, including the things that I did with my children and the PTA activities, contributed to the kind of understanding of human conduct and human reactions that are a big help in the courtroom.

SZ: Well, I think, from what I have here, I see 1965 was the year you went to the Museum. Right?

MGC: That's exactly right.

SZ: Tell me how and why that happened.

MGC: Actually Dick Koch called me. He had heard -- it must have been right after the Moreland Commission had wound up -- he had heard that I had been working part-time. [Note: Richard Koch served as Director of Administration, Deputy Director, General Counsel and Secretary of the Museum, 1959-1979; he was also Director of Administration, Deputy Director, General Counsel, Secretary of the Museum, 1959-1979].

SZ: Now, you knew Dick Koch how?

MGC: From law school. Dick was the year after me at Columbia Law School, the class of '54. I revised his first note on the Columbia Law Review. And Dick was looking for help at the Museum, where he was both Counsel and Director of Administration, and his administrative duties were very substantial. And he called to see if I would be interested in what turned out to be working three days a week, but I stipulated that my summers would be away from the Museum because I still wanted to be with my children when they were home more hours than during school time.

SZ: Were you still living in Brooklyn Heights at this point?

MGC: That's a good question. We moved to Scarsdale in August of 1965. Well, we were just in transition. Our older son was entering the second grade. Our younger son was ready for nursery school. This was at a time that we didn't send our children to nursery school from the time they were born, as is now the common practice. As a pure aside, part of the reason I chose Scarsdale, in addition to their wonderful train schedule, was the fact that in the grade school, they insisted on the children going home for lunch. And even though I was not going to be there every day at lunch time, I felt it was very important for the children to have the break in the middle of the day. And there were some days when the children didn't go back to school in the afternoon, which I also approved of, frankly. The kindergarten was half-day, and

even the first grade was half-day several days a week in the beginning. And I thought that was a very good educational approach, because my observation was that a lot of the time children spend in the early years at school is not productive time. Of course, I'm now very out of date, in my views. . .

SZ: You'd be surprised. . .

MGC: . . . because day care is very important for working parents, and the schools provide a lot of day care. And probably many places do as good a job as any other day care provision, except that I have always thought that very young children are extremely stimulated by being in groups and really can use a little bit of quiet time when they don't have quite as many people around.

SZ: So, you, I presume, had someone living at home?

MGC: I did not have live-in help. I had, when my children were young, a wonderful woman who drove herself to our house, and that was true when I started at the Museum. Before that, in Brooklyn Heights, I had had a very good babysitter. And in Scarsdale, the woman I had when my children were young was, luckily for me, extremely capable and was able to come early enough, although that was another arrangement that I had actually with Dick. I did not come very early in the morning. I took a train right after my children went off to school, and she was able to stay until I got home.

SZ: So Dick's offer was appealing to you for what reasons?

MGC: I had never thought about working for a museum. I don't know that I would have thought of it on my own. But in some ways, it was like being an individual practitioner, which I also had no experience of, having no sounding boards in the law, really. Not that I couldn't talk to Dick, but he was understandably occupied with other things and I didn't really feel that there was any need for me to involve him in any of the legal matters on which I was giving advice, except in a very general way. That is, he was aware of what I was doing, but was not involved in the legal research or advice in the details of it, other than to accept my conclusions. And there were a

number of, of areas of the law that I was not previously involved in that interested me. And, in addition, of course, all learning interests me, frankly.

I went to the Museum at a time that the copyright law of the United States was in the process of being changed. A new statute was pending before Congress. Indeed, it hung fire for twenty years because of the advent of the Xerox machine and cable television. Those were the technological changes that held up the new statute because of the very substantial conflicting interests of various groups, because of those changes. Specifically, publishers were concerned about reproduction of books that otherwise would have been purchased, as were other publications. And there were a lot of matters which were gradually worked out by industry agreement that eventually resulted in the adoption of the new statute. But during most of the time I was at the Museum, the new statute was pending, so that I became very familiar with the old law and at the same time, a student of the new law, which was enacted in 1976. And I handled a number of copyright problems at the Museum and became very much interested in the law of copyright. It is a conceptually interesting area of the law.

SZ: Even more complicated today, I guess.

MGC: By new technology. The whole computer era has resulted in changes that create a lot of copyright problems because the rubric of copyright is not a perfect fit. But there have been a lot of changes in the copyright law since; so what I call the "new law" was adopted in 1976. It's no longer such a new law, and it has been changed in many ways. We have moved closer to the rest of the world in copyright, as the world has moved closer together.

In any event, the Museum, as you know, was a publisher of books and reproductions and greeting cards, all of which had their own legal problems and copyright problems among them. The Museum Film Department has a major collection of old silent films that the Museum has preserved and transferred to safety stock, and educated lots of college students about, which resulted, while I was at the Museum, in some claims by people who thought that they could profit theatrically from the audience that the Museum had developed. As if one could show The Birth of a Nation [1915, director:

D. W. Griffiths] in theaters, other than to students of the film. And, indeed, we did have a lawsuit over The Birth of a Nation, a suit against the Museum and against a man named Paul Killiam, who was himself a specialist in old silent films and had certain programs and arrangements that he made including clips from The Birth of a Nation. There were also some claims about old Douglas Fairbanks films, which resulted in the institution of a lawsuit against the Museum, which was settled. But the same predator, as I viewed him, got a quit-claim from the widow of the playwright of The Clansman [, A Historical Romance of the Ku Klux Klan, 1905, author: Rev. Thomas Dixon Jr.], which was the play from which the story of The Birth of a Nation was taken. As you may know, it was a glorification of the Ku Klux Klan, the story. And, indeed, it came from a play called The Clansman. This man, Raymond Rohauer, got a quit-claim, as I say, from the widow of this author and from somebody else: he found some surviving relative of the principal of the old Epic Producing Company, which had issued The Birth of a Nation, and which was the copyright proprietor. And, with these questionable claims of title to the copyright, he sued both the Museum and Paul Killiam in a case that went to trial in this court, a trial in which Lillian Gish testified. And D. W. Griffith came to life, a little bit.

In any event, the Museum was exonerated in a jury verdict. I retained outside counsel for that trial. But I was in court with him, and I prepared probably the most important cross-examination of the trial. Indeed, the lawyer that I retained was a wonderful copyright lawyer named Alan Latman, who became a professor of copyright law at NYU Law School and unfortunately died an early death. But I learned a tremendous amount about copyright from Alan, and he encouraged me to become very much steeped in the copyright law at a time that very scholarly studies were being produced for the Congress by the Copyright Office. Alan himself had done a few of those studies. This was a man who had been a classmate of my husband's at Harvard Law School and had been at Erasmus Hall High School when I was a student there. He was a wonderful person and a brilliant lawyer, and unfortunately, as I said, died too soon.

I also retained Alan in a suit brought by a photographer against Andy Warhol and The Museum of Modern Art. It was in that case that I learned that the way in which Andy Warhol operated was to find a picture in a magazine, which is indeed what

we're talking about. He clipped a photograph of flowers from a magazine, sent the photograph to his silkscreen printer and asked him to print it without the details, and that's how *Flowers* was produced, in many colors. Since I am not an art expert, I will not comment on my view of that [laughing] of whether this is art.

SZ: Well, what about on the method of producing it?

MGC: But the method -- when the photograph was copyrighted by the photographer -- raised legal problems. The Museum had reproduced *Flowers* on a greeting card and that's how the Museum became a defendant in the case. It was my untutored impression that a lot of people at the Museum had questions about the lasting value of Andy Warhol.

SZ: Period [laughing]. Yes.

MGC: I shouldn't make an aside now about Andy Warhol, but I'm tempted to do it, although I'm probably not helping your archive. My father was born in a small town in what was then Austria-Hungary, called Medzilaborce. And right after the Czech Republic and the Slovak Republic separated, my husband and I took a trip through both the Czech Republic and the Slovak Republic with the ultimate objective, which we accomplished, of visiting the town in what is now northeast Slovakia, of Medzilaborce. It was serendipitous that that little town has an Andy Warhol museum because the Warhola family came from an even smaller town seven kilometers from Medzilaborce. And Andy Warhol remained, and his family remained, quite close to some relatives who were there and especially to a local artist in the area who persuaded the Slovak government -- the Ministry of Culture -- to set up this Andy Warhol museum. And the Andy Warhol Foundation in New York assisted them with some material. And as I said, serendipitously, my husband's law firm represented the Andy Warhol Foundation, so that we went to Medzilaborce with an introduction to the director of the museum. We were there looking for my grandfather's grave, but also to see the town in which my father had been born. So, in that sense, Andy Warhol brought us a very interesting experience. We were the first people who had ever come from New York. No one had ever come from the Warhol Foundation. And we were visiting dignitaries.

SZ: Let me turn the tape over.

END TAPE 2, SIDE 1

BEGIN TAPE 2, SIDE 2

MGC: We did not find my grandfather's grave. The museum found us a guide to the old Jewish cemetery. And the museum introduced us to a local artist who had been a teenager when the Jews were deported from Medzilaborce, on whom the deportation had made a deep impression and who had started, several years before our visit, to paint paintings of his recollection of the deportations. They were primitive paintings that were very moving. He gave us color photographs of the paintings, and it was an interesting experience to meet him. My father and his mother and siblings came to the United States shortly after the turn of the century. His grandparents actually came even earlier than that with their younger children. My father's mother was their oldest, and she was already married when they left. So, we did not have any wartime connection with Medzilaborce. The only place I have ever heard of Medzilaborce outside of my father's family was in Dr. Zhivago. It was mentioned as the town in which the Russian troops were quartered when they first crossed the Hungarian border. And, although this is a tiny town, I can only guess that maybe they stopped in that tiny town because there is a daily train. There is a railroad station in that town, and there is a daily train from Medzilaborce to Prague and from Prague to Medzilaborce. There are many bigger cities in Slovakia but none of them has a railroad. This is truly an aside.

SZ: Yes. Well, the lawsuit itself?

MGC: That suit was settled.

SZ: Yes.

MGC: I not only learned about Andy Warhol's method of "art" but I learned a little bit about Andy Warhol personally, but that's certainly unimportant in the Museum Archives.

I'm sure there are other people at the Museum who know a great deal more about him.

SZ: So Dick basically was busy with administrative duties and you took on a lot of the legal issues?

MGC: Right. Dick was involved in the legal end of labor disputes. That is, he really worked with the labor lawyers.

SZ: Bob [Robert] Batterman?

MGC: Yes. Dick became very close to Bob Batterman, is my recollection. They worked together a lot. I gave advice to the Publications Department and the Film Department in legal matters. I can't say this was my exclusive province, because Dick and I worked together; I was never out of communication with Dick. I tried to keep him abreast of everything I was doing. Painting and Sculpture and Photography and Drawings, from time to time. That is, I was frequently called about legal questions. The Junior Council often came to me, for some reason.

SZ: Oh, because they published the calendar and the greeting cards.

MGC: Or they selected them, yes. Yes. So, I had a fair amount of contact with Barbara Jakobson at that time. And I was the Assistant Secretary of the Museum; I think Dick was called Secretary. But, I also attended all of the board meetings because I kept the minutes of the board.

SZ: The head of Publications at the time you came to the Museum was Dick [Richard E.] Oldenburg?

MGC: He certainly was the head of Publications during a large part of that time.

SZ: That's right. So you got to know Dick Oldenburg fairly well, in that capacity?

MGC: That's true.

- SZ: I'm thinking that you really came when the Museum was about to undergo a big transition. I think Alfred Barr was retiring. Monroe Wheeler retired.
- MGC: Right, well, Alfred Barr was still presenting new acquisitions to the Board. Monroe Wheeler was certainly still around. Dorothy Miller was actively involved. Betsy Jones, who left the Museum, I think to go to Smith College, was very active with both Dorothy Miller and Alfred Barr. That is, I remember them almost as a triumvirate. And I had a lot of contact with Betsy Jones. There was during part of my tenure, a lawyer in the State Attorney General's Office named Joseph Rothman, I believe, who was very much interested in art. And a series of hearings were held on artists' rights, which resulted eventually in the adoption of a New York statute on artists' rights. And the other thing I was very much involved in -- it's now coming back to me when I speak of artists' rights or claims -- was the French artists' organizations.
- SZ: Yes, the one that was associated with Picasso.
- MGC: The names of which I used to be very familiar with [laughing].
- SZ: It'll come to me. I should know. [SPADEM.]
- MGC: There were two major French organizations.
- SZ: And because there were so many works of art by these French artists in the collection?
- MGC: I'm trying to remember the precise context in which this arose, but again, it must have been in the context of reproduction.
- SZ: Right.
- MGC: That is, these are royalty collection agencies. And the acronyms are on the tip of my tongue.

SZ: What would happen, what would happen when the Museum acquired a painting by an American artist? Is that something that's negotiated or are those rights that, that stand alone no matter what, in terms of reproduction, and things like that?

MGC: Well, under the old copyright law. . .

SZ: . . . which was the one that applied, while you were there?

MGC: Yes. The artist really did not retain any copyright in works that had been publicly exhibited. Unrestricted exhibition was publication, and under the old copyright law, once you published without a notice of copyright, the work was in the public domain. There was no copyright. So that, under American law, none of these works had any copyright restrictions.

SZ: But I guess the issue is that artists have just continually pushed for more and more control.

MGC: Exactly. And that was the purpose of this artists' rights statute. Right. Well, European artists have what are loosely called "moral rights." They have a right to control the use of their work if they consider it in any way improper, an injury to their reputation. These so-called "moral rights" are matters that artists' groups have, from time to time -- primarily lawyers of artists' groups -- tried to import into the American law. California really did come close to adopting the European mode of artists' rights. New York didn't go quite as far, but certainly the New York statute in its early days raised a lot of legal questions about whether some parts of it were contrary to the federal copyright statute, and therefore invalid, preempted. There's a lot of argument, and there remains a lot of argument, not so much about artists' rights in this regard, but as to what kinds of claims are preempted by the federal copyright law, at least with respect to the use and reproduction of works of art.

SZ: Well, you've given me a few interesting stories about some of these issues. Any others in line with this part of your responsibilities?

MGC: Well, I remember very vividly the exhibition of photographs by Diane Arbus, photographs for which the artist did not have consents to photograph. And I remember concerning myself, but this again I suppose is privileged material. I did give several legal opinions on certain aspects of the exhibition of Diane Arbus' photographs, in connection with both the New York privacy statute and the law of defamation.

The publishers make contracts with authors. The Museum makes publishing contracts, which I was involved in. As I was involved in some gifts that involved stipulations of one sort or another, and documents evidencing gifts.

SZ: Were some real major acquisitions made during those years?

MGC: Yes, the [Sidney] Janis Collection was one, and also the drawings of Mies van der Rohe.

SZ: The Janis Collection. Were you part of that?

MGC: I'm trying to remember. It was a subject that I certainly discussed at length with various people. I just really don't remember the details.

SZ: Here's a question: gifts with stipulations -- did the Museum have a particular policy about stipulations? Did they like to steer clear of them at that point?

MGC: Like all institutions, all museums, they would like as few stipulations as possible, but depending on their interest in the work, they could be as flexible as required, which is what one would expect. The negotiation of gifts was generally done by the curators who had special relationships.

END TAPE 2, SIDE 2

THE MUSEUM OF MODERN ART ORAL HISTORY PROGRAM

INTERVIEW WITH: MIRIAM GOLDMAN CEDARBAUM (MGC)
INTERVIEWER: SHARON ZANE (SZ)
LOCATION: UNITED STATES COURTHOUSE, 500 PEARL STREET, NEW YORK, NY
DATE: NOVEMBER 1, 2000

BEGIN TAPE 3, SIDE 1

SZ: I thought we would do just go through some of the major events of the institution during your time there, and see just what it elicits from you.

MGC: Actually, it occurs to me, as I think about it, that the Whitney moved out when I was at the Museum, and the Museum expanded into the Whitney building. [Note: the Whitney opened at 20 W. 54th St. in 1954; MoMA announced its acquisition of the Whitney Museum building in June, 1963, the latter moving to its present location shortly thereafter. MoMA was closed from Dec. 2, 1963 to May 24, 1964 for construction and remodeling.]

SZ: Which was on 54th Street, right?

MGC: Correct.

SZ: Let me ask about what I call the aftermath of the '64 expansion, because you came in right about that time.

MGC: I think I actually started in '65.

SZ: Yes.

MGC: Is that right?

SZ: Yes.

MGC: Well, I was not very familiar with the internal organization of the Museum before that. I was much more familiar with it afterward, and to what extent it was a change, is not clear. I certainly was there during the transition from Alfred Barr to his successor.

SZ: That was the next thing I wanted to ask. When Barr retired, and then, shortly thereafter, René d'Harnoncourt retired and was subsequently killed, this set off a whole kind of power vacuum there, because then Monroe Wheeler also retired. I think you had these three events in 1967, '68, and '69. Then there was the appointment of Bates Lowry and what happened with all that. [Note: Bates Lowry was Director from July 1968-May 1969.]

MGC: It's true, but in terms of the change of, from René to some of his successors, initially, most of the same curatorial people stayed on.

SZ: Right.

MGC: And while there may have been some friction between the old-timers and the new-timers, there wasn't radical change at that point. And in addition, because the first successor was there for a relatively short period of time -- and it wasn't really until Dick Oldenburg came that there was anyone for a sustained period after René -- there was not as much internal change during the interim period. I think, ultimately, Dick made some changes, some of which I think benefited the Museum, some of which may not have.

SZ: Can you give me an example or two of those changes?

MGC: Yes, I'm trying to remember. Well, when I came to the Museum, the woman who ran the Public Relations Department, was Liz [Elizabeth] Shaw, who was, let's say, a very strong personality, and had her own little empire. Indeed, I should say that because my vantage point was not from museum administration, but from the world of lawyers. It seemed to me, when I came to the Museum, that there were a lot of little empires [laughing], and considerable clawing and pulling between them, among

them. There was jockeying for position, which from my vantage point was educational and interesting to watch because I wasn't really a part of it. A lot of it was jockeying for position with various members of the board of trustees, some of whom had particularly close relationships with some members of the staff, or appeared to. And I interpreted all of it as an insecurity because there are very few objective measures of their performance.

SZ: And that you saw?

MGC: That I did see.

SZ: Now that you mention the jockeying for position, it was said that Arthur Drexler, for instance, wanted the director's position and that he tried hard to get it. [Note: Drexler was Director of Department of Architecture and Design, 1956-1979.]

MGC: I have no doubt of that. Arthur was very ambitious. And he was one of the staff members who seemed to have special relationships with some of the members of the board, and was eager to enlarge them. But as I said, these, for me, were really aspects of a type of insecurity that I was unfamiliar with.

SZ: When Dick Koch became part of that interim year-long triumvirate, how did that effect you? [Note: from Bates Lowry's resignation in May 1969 until John Hightower's appointment as Director in May 1970, the Museum was run by an interim committee.]

MGC: That was much later.

SZ: It was a year, yes, maybe a year or two later.

MGC: I guess so.

SZ: I'm just wondering whether it presented you with certain issues. I think around that same time you had all of these labor issues bubbling up, and I know you had mentioned to me that, that's something that you. . .

MGC: I do remember the first time that there was a serious effort to organize a union, and I remember the picketing. And I remember that particular members of the board were adamantly opposed to any kind of union activity, and some were less horrified. Probably the one who was least antagonistic was John de Menil. The one who expressed his hostility most openly was John Loeb, who was prepared to fire everybody on the picket line.

In any event, that initial activity eventually subsided in my recollection, and it wasn't until several years later that there was a very serious and, indeed, successful effort to form a union.

SZ: That's right.

MGC: And that was under a different regime.

SZ: And when that did happen what was the overall reaction to that?

MGC: Well, it was almost suppressed by what I recall as the firing of John Hightower by the then chairman of the board, who was William [S.] Paley, on his own. [Note: Paley was president of the Museum, 1968-1972; and chairman, 1972-85. Hightower was director, May 1, 1970- Jan. 5, 1972.] And I understood that to be because Hightower recognized the union, and there must have been other things as well. But Paley did not convene a board meeting to do it. And, of course, a great deal has been written about the break between Paley and [Ralph] Colin as a result of Paley's not having consulted the board before firing the director.

SZ: Were you present for any of that?

MGC: I was certainly present throughout William Paley's chairmanship.

SZ: Yes.

MGC: And I have a distinct recollection of the suddenness with which Hightower was fired. And it was not at a board meeting that it happened. But, whatever private irritations,

or indeed not-so-private irritations, were caused by what some described as a high-handed act, there was very little expressed at the board meeting about people's views, generally. I cannot recall whether Ralph Colin -- well Ralph did resign, and now it's now coming back to me, did resign as a result. And he had been a very active and supportive trustee of the Museum. He was, as you know, an important art collector, and Paley's lawyer -- the lawyer for CBS -- and the head of the Art Dealers Association, or their principal adviser and perhaps their founder. And we all understood that the relationship between CBS and Rosenman Colin ended with Ralph's resignation from the board.

SZ: So it was a big rupture?

MGC: Well, internally, I can't say. It was clearly a rupture between Paley and Colin.

SZ: Yes, that's what I meant.

MGC: Absolutely. What its impact was on other members of the board, or indeed, on the operation of the Museum, I can't tell you. That was not as clear, although, I'm sure to anybody to whom it mattered, it was clear that you did not cross William Paley. You didn't even publicly disagree with him, perhaps not even privately.

SZ: And the John de Menil piece of this?

MGC: I remember his expressing much greater sympathy for union activity and formation of a union. I think that was before Hightower, even. He was much less shocked that the Museum staff would want to unionize.

SZ: Did you have any personal feelings about the place of a union like that in a big non-profit Museum, or not so big, at the time?

MGC: I was not clear on why a union was formed at that time, other than that there was a lot of change. And I think sometimes people are frightened by change. There perhaps also was some expansion of the staff. But I think there was generally some movement, this was not a pioneering effort entirely. There were other types of

institutions in which the formation of unions was beginning to be tried or discussed. I don't know whether there was a specific precipitating cause because I was not really involved in union membership or union organization. So I was not one of the people who was even approached to participate. And the people I talked to, generally speaking, because they tended to be department heads, were not really participants in this movement.

SZ: This is kind of a non-sequitur. Were there particular department heads whose company you particularly enjoyed?

MGC: I was very fond of Willard Van Dyke. I did a lot of work with the Film Department. And I worked very closely with Margareta Akermark and with Joanne Koch, Dick Koch's wife. I also especially liked Riva Castleman, who was the head of the Department of Prints, for at least part of the time that I was there. I worked very happily with John Szarkowski. And I worked well with people in the Painting and Sculpture Department, although, there always seemed to be a little bit less coherence in that department. The people in Painting and Sculpture when I first got there were largely dominated by Alfred Barr. That is, Dorothy Miller and Betsy Jones with whom I had the most contact. And later, there was some sense of a little less solidarity [laughing] in that department than in some of the others.

I worked with almost everyone in the Film Department at one time or another. I worked with Eileen Bowser. And I never had a sense that the Film Department was fragmented. I should add that I got along very well with Bill Lieberman, also. Although, Bill was one of those whom I always thought seemed insecure in the way that I described before.

SZ: Now, you were there for what they referred to as the "two Bills" power struggle.

MGC: That is true. And, because of the difference in their personalities, they lobbied in different ways. Bill Lieberman was not a shouter.

SZ: The inverse of that is [that Bill Rubin was.]

MGC: Right. Oh, I don't think there's any question. I think anybody on the same hallway knew that. And I never understood why shouting should accomplish anything, but some people are cowed by shouters.

SZ: Right. Well, I know, you were going to talk to me a little bit about Eddie [Edward M.M.] Warburg.

MGC: Who was a very sweet man.

SZ: He was on the board at that time.

MGC: He was on the board. I should say that I don't know how powerful any of these men, either Eddie Warburg or John de Menil, was at that time. Because, when I first came to the Museum, Blanche Rockefeller was chairman, I believe, and she was succeeded by David [Rockefeller], who was succeeded by Bill Paley. [Note: William Paley was president, 1968-72, chairman, 1972-85; Blanche Rockefeller was president, 1972-85, chairman, 1985-87; and David Rockefeller, chairman 1962-72.] And it seemed to me that the chairmen were the major power sources at that time. I know that when Paley was chairman, he had his own assistant, Arthur Turtelow, who was a man of extraordinary intellect and scholarly interests, and I think was one of Paley's speech writers, sit in on all board meetings. What kind of advice or assistance he looked to Turtelow for, I'm not sure, but he was not prepared to rely on the Museum's staff.

SZ: So Eddie Warburg was a not very strong presence on the board. Is that what you're saying?

MGC: I think that's probably right, although everybody liked him. I'm not sure that John Loeb was a major player. My sense was that the chairman and those trustees to whom the chairman looked were the major players. But, I had no private sources.

SZ: Right.

MGC: I was not a confidante of any of these people. I am giving you my very superficial observations.

SZ: Right. Well, you did tell me that you had some relationship with Mrs. [Beth] Straus and Mrs. [Joanne] Stern. [Note: both women were very active on numerous committees and programs, including serving as president of the International Council from 1966-1971 (Strauss) and 1971-86 (Stern), in the Museum from the late 1940s through the 1980s.]

MGC: That's true.

SZ: And Barbara Jakobson.

MGC: That's true, through the Junior Council and the International Council, which I gave some advice to from time to time. And because these were people who were in the Museum more, and did not just appear at board meetings, I had an opportunity to get to know them better. We had more contact.

SZ: Right.

MGC: And we were able to form a more personal relationship, and I think did.

SZ: Did you ever get any feeling about the way women operated in that institution, as opposed to men?

MGC: I really never thought about it. Most of the members of the Junior Council were women. Although there were some young men. Most of the members of the International Council were women. And I think that must have been, in part, because there were a lot of daytime activities that were really available only to women who did not work on a regular basis, or I should say to people who did not work on a regular basis. Or perhaps were more appealing to such people. The International Council traveled. The Junior Council had a lot of projects that drew people to the Museum.

SZ: Mrs. Rockefeller was obviously very present and a strong part of what. . .

MGC: Well, the whole Rockefeller family was, in some sense, closely attached to the Museum, for a lot of historic and familial reasons. And even those who were not active during the time that I was there had been. And I was aware of that. When René d'Harnoncourt retired, it was Nelson Rockefeller who hosted a very festive party in his honor. And I gather that Nelson Rockefeller had brought René d'Harnoncourt to the Museum, and was himself both a collector and a genuine admirer of modern art.

SZ: You knew René.

MGC: I did know René, who was very charming. René d'Harnoncourt was a very, very charming person, who, generally speaking, seemed to get along with almost anybody that he needed to get along with.

SZ: It was really sad the way he died.

MGC: Oh, it was awful. It was a true tragedy, and a terrible shock. I remember very vividly. He was, after all, a young man. He retired at age 65.

SZ: The one area that we really haven't covered, and this will just be whatever you remember about it, was the whole birth of the idea for this expansion project and however it went along until you left the Museum.

MGC: I think there is a general idea in many places, and it wasn't peculiar to the Museum, that you either have to grow or you will decline. And nobody wants to decline. And if you have the prospect of building something, it reinforces whatever leadership qualities are attributed to you. I'm making some very broad generalizations, but to some extent, I think that that is indeed what fuels the expansion of many non-profit organizations. One might say that every new leader needs a major project. And there are always articulable reasons for major new projects. As we both know, although it is now from afar that I see it, the Museum is again engaged in a major project.

During the time that I was there, the Museum engaged in two major expansions. It was finishing one when I arrived. But it wasn't really finished, because moving into the Whitney was itself a major project. And, of course, the more you expand, the larger your staff needs to be. And there's no question that some aspects of every expansion are an improvement. I think it may well be that some of the expansion did expand the staff substantially, which is also generally an accompaniment, and probably triggered the first union organizing effort. And I would guess that as the staff grew, there were more opportunities for organizing a union. As any organization becomes less a family, and more a collection of strangers, and as people feel less known and less recognized, there is more need for some formal protection.

SZ: Do you remember how the whole idea of perhaps selling the Museum's air rights surfaced?

MGC: I have a very vague recollection of that. Funds for expansion are always important, and there is always some serious analysis, or periodically some serious analysis, of sources that are available for substantial capital support for major projects. I'm sure Dick Koch had a lot to do with it. He certainly helped to develop it.

SZ: But that was not anything you got involved in?

MGC: Not in any major way, no.

SZ: And, let's see, you left the Museum what year?

MGC: I left in '79.

SZ: '79. So that was before any of it was really accomplished?

MGC: Yes, but it was very much in the works. You're talking about the tower?

SZ: Yes. You left before the big Picasso retrospective because that was in 1980. [*Pablo Picasso: A Retrospective*, MoMA Exh. #1290, May 16-September 30, 1980.] So, that was really before everything got shut down and dug up.

MGC: Yes. But it was very much in the works.

SZ: Right. Right.

MGC: It was something that was worked on, but there were a lot of other things happening, too. There were a lot of reorganizations along the way, internal reorganizations.

SZ: Right. By that, you mean administrative reorganizations?

MGC: Yes.

SZ: Well you mentioned last time that you were there when Ed Saxe was brought in. [Note: Saxe was Deputy Director and General Manager, 1977-79/80.] And that kind of impacted your office. It certainly impacted Dick Koch, I think.

MGC: Yes. I think that's right.

SZ: Let me just turn the tape over. I'm at the end here.

END TAPE 3, SIDE 1

BEGIN TAPE 3, SIDE 2

MGC: I think after Dick Oldenburg had been there for a while, he was more eager to turn over the staff a little bit and bring in some of his own people, for a variety of reasons, some good, some not so good.

SZ: You were there for fourteen years.

MGC: Yes.

SZ: That's a long time.

MGC: I was there for a long time, and I had a long view.

SZ: Is there a way you could summarize that long view?

MGC: Well, I think as I said before, because my vantage point was somewhat specialized and outside of the competitive track if you will. . .

SZ: Right. No "night of the long knives" for you [laughing].

MGC: Exactly. Exactly. There was no one I felt in competition with. There were some people I thought were more effective than others, more capable than others, but that had no serious effect on me during most of that time. I just found it extremely educational to see how what we call a not-for-profit corporation operates, and how, in many ways, it is not immune internally from the same kind of competition that you find in for-profit corporations. In some sense, some of the stakes are similar, although some are quite different, but personal power and influence are measured in different ways and in some ways, I think it probably makes for a more competitive atmosphere. There are some people who are team players and understand the advantages of cooperation, but it was my observation that the advantages of cooperation, interestingly enough, are not always as obvious to the people in a not-for-profit company as in a for-profit company.

SZ: There's no bottom line. There's no effective bottom line.

MGC: That's exactly right. So you're not measured in the same way, and indeed, it's very difficult to be measured, which I think probably makes people more insecure. They need, or many feel the need, to reassure themselves and to impress other people in ways that, in other contexts, would not be impressive.

SZ: So you left in '79, to go to Davis, Polk?

MGC: Yes.

SZ: And your reasons for leaving?

MGC: Well, my younger son was graduating from high school, and the then senior partner of Davis, Polk & Wardell, who'd been offering me jobs for as long as I could remember, was extremely persuasive about my coming there.

SZ: And you left with no regrets?

MGC: I left with no regrets. I had not gone there [the Museum] expecting it to be, for me, a career growth opportunity, but, in fact, it was. It was for many reasons. It was because I became something of an expert on copyright law, which is a field of the law which is extremely interesting and was in a state of flux during the period that I was at the Museum. I broadened and deepened my understanding of art, which is not only educational for a lawyer, but because the law cuts across human experience, all breadth and depth contributes to the improvement of a lawyer. I left with no regrets for having gone there and no regrets for having left when I did. The fact that I was not really part of the organizational chart [laughing], had many advantages. But the job also had drawbacks for me that made me ready to leave. I also really wanted to go back to the courtroom, which was my first love.

SZ: And that's what you did at Davis, Polk?

MGC: Yes.

SZ: So, you were a litigator?

MGC: Yes. I was very lucky because we had several extremely interesting cases, each of them very different, that I was involved in trying. I have, on the whole, led a charmed life, both professionally and personally, for which I am very grateful. I count my blessings.

SZ: And then in 1986, you. . . ?

MGC: In 1985 I was nominated by President Reagan to be a United States District Judge for the Southern District of New York.

SZ: Which you so became.

MGC: And since that time, I have had the most interesting job I can imagine.

SZ: Because?

MGC: Because I learn at least one new thing every single day of the week, and there are very few jobs that you can say that about, and even fewer that you can say that about after almost fifteen years. I sit in the most interesting court of the United States. The breadth and variety of the cases that I hear is remarkable. That's why so many of us continue to sit, even past the age at which we have to.

SZ: You can sit until such time as you decide you don't want to?

MGC: That's true. But we also can do as I did in 1998, take senior status, which means that I made a vacancy for another judge, and theoretically, I can cut back on my docket, and eventually, I will. I have not done a lot of that, of cutting back yet, but, in effect, senior federal judges donate their services.

SZ: I see.

MGC: That is, I could stop working altogether and earn the same amount because a federal judge retires on full pay.

SZ: So, does this allow you to pick and choose what cases you want to hear?

MGC: Yes, you can, theoretically, but most of us are team players and feel some obligation to the court to hear most of the kinds of cases that come to the court. I should say that one of the pleasures of working at the Museum was to work with Dick Koch, whom I did and do admire. Dick is an extremely bright and able person and lawyer,

and he was not of the staff of the Museum. I don't say that critically because he, too, was in a different position, really.

SZ: Right.

MGC: And most of the time, was not competing on the same basis. Although, since for him, it was more of a career than it was for me, or than I viewed it, he probably -- and here I am just speculating -- was more frustrated by certain aspects of the operation of the Museum than I was, only because I didn't view it in the same way.

SZ: Thank you.

END TAPE 3, SIDE 2

END INTERVIEW