

TRANSCRIPT OF INTERVIEW WITH JUDGE ARLIN M. ADAMS

1. **Gordon:** I am Sarah Gordon here on July 1 1999 with Judge Arlin Adams who has kindly agreed to participate in the Oral Legal History Project at the University of Pennsylvania Law School. The interview is being conducted in his office at the Law Firm of Schnader, Harrison, Segal and Lewis at 1600 Market Street in Philadelphia. First of all Judge, let me tell you what a pleasure it is to see you today and I want to thank you for giving us your time.
2. **Adams:** My pleasure, I can assure you.
3. **Gordon:** If I could, I'd like to begin at the beginning with your childhood in Philadelphia. Could you tell us first when you were born and where have lived?
4. **Adams:** I was born in 1921. World War One was over. We lived in an area that was known as Central North Philadelphia, a very good neighborhood at that time. It had many people of German extraction who worked in the hosiery mills, many hosiery mills, printing plants and particularly the hat industry. Stetson was very big all over the United States and they had their big plants in Philadelphia. They were enormous.
5. **Gordon:** What did your parents do?
6. **Adams:** My father had been an artist. He had gone to the Pennsylvania Academy of Art. But in those days artists couldn't make a living and he drifted into the hat business, mainly because of Stetson.
7. **Gordon:** Did your mother work as well?
8. **Adams:** Not at first. She was raising children, and not too long afterward the depression set in and that changed an awful lot of things. There wasn't much money and eventually she did do some work in department stores.
9. **Gordon:** So, the depression affected you a lot?
10. **Adams:** Enormously. It had an enormous impact. Not only on myself and my siblings, but on most people in the United States. At one time during the depression well over 25% of the employable people in the United States were unemployed, and on many of the street corners down here in the center part of the city, grown men were selling apples. It's a true story. You've heard legends about it I guess. It's true. We saw them. It was really pathetic. There were soup-kitchens. That affected my life very much. We eventually moved from that area to what I called the Roosevelt Boulevard - Olney area and that's where I went to high school. Fortunately, it was the best high school in the city by far. My father objected because he had gone to Central High School, and everyone up to that time had thought that was the best school in the city. In those days Central was so good that it was able to award degrees. It awarded an AB degree. My father had an AB from Central. He had never gone to college. He had gone to Art School. But Olney soon supplanted Central and Girls' High which was also a very good school, and when I graduated, I think we won 22 of the 24 city scholarships. An amazing record. I did not get one. I was busy doing other things. I was writing for the newspapers and very interested in athletics and as a result, when I wanted to go to college in 1938 there wasn't very much money. There weren't very many jobs, but I did get a job, \$5.00 a week at the Philadelphia Inquirer. Really a copy-boy, I guess, you would call it. That was with the elder Mr. Annenberg. He was running the paper. And I was there for about 3 weeks, when someone came along and offered me another job. I said to him: "How much will you pay?" and he said: "Five dollars a week," which was

pretty good money in those days. And I said, "why would I leave my job at the Inquirer and take a job with you for five dollars a week, the same salary?" He said "Well, I don't want you to start until 2:00 clock in the afternoon, and if you do that, you can go to college." So I went to Mr. Annenberg and asked what he thought of that. He said, "Grab it. You can always come back to the Inquirer. Get a college education." And that's how I went to college.

11. **Gordon:** Was your decision to go to Temple based on its nearness to you?
12. **Adams:** Yes, it was three blocks from this man's warehouse. He turned out to be a well known in Philadelphia, John Taxon, and his principal warehouse was about three blocks from Temple, so I'd go to class from about 8:00 to 1:00, have lunch, and walk to work. I would stay there from 2:00 until 9:00, then go home, study, and start again, the next day.
13. **Gordon:** Did you work the entire time you were a student at Temple?
14. **Adams:** Yes, I was a student for three and half years, because I went to summer school. Since I was working, I might as well go to summer school, and I continued to work into my first year and a half of law school. John Taxon tried to persuade me not to go to law school. He said, "you can run this business for me." And I said, "no, I think, I want to go to law school." He said, "well, at least stay here." Then he changed my hours from 2:00, so I would start at 3:00, so when I went to law school it was from 3:00 to 9:00, until I went to the Navy.
15. **Gordon:** You were awarded a scholarship upon your graduation from Temple?
16. **Adams:** Yes, a full scholarship. The Head of the Political Science department took me by trolley car from Temple University to the University of Pennsylvania, and introduced me to the Registrar. He said, "I want you to give this young man a full scholarship. He is the best that we've ever had," and strangely enough, they did. They gave me a full scholarship.
17. **Gordon:** Had you ever thought of becoming a lawyer before then?
18. **Adams:** Yes, I had always wanted to be a lawyer. I didn't think I could do it, because I didn't think I had the resources.
19. **Gordon:** You mentioned that you graduated at the outset of World War II, and I know that you served in the Navy. Could you tell us what led you to you choose the Navy or did it choose you?
20. **Adams:** Well I was very impressed with the Pearl Harbor events. They took place on a Sunday, December the 7. In Philadelphia it was a Sunday. And I made up my mind then. I was not in the draft. I was too young. I made up my mind that I was going to go down to the recruiting station. It was here in the middle of the city. I think it was 13 and Market Street, and volunteered to serve in the Navy. I don't know why I offered the Navy ahead of the Army except that I knew where the recruiting station was for the Navy. Anyway that was an interesting story because when I went there they gave me a physical examination, they put me on the scale and shook their heads: "No!" I said, "what's the matter?" They said, "You are twenty pounds underweight!" I said, "Aside from that, would you take me?" "Yes." I said, "So what shall I do?" They said, "Well, you work in the food-produce industry, we recommend that you eat bananas and cream for sixty days, and come back." And I did. And I gained the weight, and they gave me my commission, as Ensign in the Navy, and told me that they would call me. And I went back to law school, and I stayed there until May. That was the end of the term. I

was taking my Contracts exam, and a Naval Officer walked in and gave me my orders to report. Of course, that ruined that exam for me, but actually I didn't report until November. In the meantime I spent the summer working on the Law Review. I was elected to the Law Review. I was very high in the class, and in those days you had to do a note if you wanted to qualify as an officer. I won that election and I became the editor-in-chief, but I had to leave right away.

21. **Gordon:** What did you write your note on?
22. **Adams:** On the Pennsylvania Labor Relations Act, which had just been passed. I compared that with the National Labor Relations Act.
23. **Gordon:** And then after finishing your note you were sent to the North Pacific?
24. **Adams:** No. At first I was stationed here, at the air-field. The Navy had an air-field at the Navy Yard. I stayed there for about a month, was sent to Harvard, the Harvard Business School, for about two and a half months for some sort of indoctrination, and then I went overseas.
25. **Gordon:** What kinds of work did you do? It was Fleet Air Wing Four?
26. **Adams:** Fleet Air Wing Four had the responsibility of patrolling the North Pacific. It was supposed to conduct mainly searches, looking for air craft, foreign air craft, submarines. But we had a commander who was a very aggressive fellow. And we wound up fighting the Japanese as far as away Sakhalin, Paramushiru and places like that. We had no business doing that. We really didn't have equipment to do it. But he was very gung-ho, very interesting man, and it was a great experience. I was the logistics officer and the wing contained many squadrons of airplanes. Most were land-based, but some were sea planes because they tried to get slow planes so that they could search the ocean for enemy submarines. You have to remember, in those days the Japanese were in the Aleutians. They had gone for Midway. When they lost the battle of Midway, they went North to the Aleutians, and we had to drive them out the Dutch Harbor, Kiska, Attu, Schemya and finally had the territory, and then used that as a base for bombing northern Japan.
27. **Gordon:** You saw quite a bit of an action then?
28. **Adams:** Yes. It was action in North Pacific. But it was an interesting job.
29. **Gordon:** Did you come back to Philadelphia immediately after?
30. **Adams:** No, the Navy first sent me to Norfolk, but the whole Navy supply situation was controlled from Philadelphia, and the Admiral requested me. I gladly went to Philadelphia, and was able to do work at the same time on a Master's degree, because I was free at night. I took courses at Penn and Temple, and pretty much finished work on my master's in Economics.
31. **Gordon:** And that degree was awarded by Temple?
32. **Adams:** Both. Both Temple and Penn.
33. **Gordon:** Was your masters thesis connected to any of your research that you'd done in law school?
34. **Adams:** Completely different subject. I think what I was writing on at the time was the effect of the income tax law in formulating social policy.
35. **Gordon:** Were you married during the war?
36. **Adams:** Yes, I was married right after I was inducted into the Navy, and when I knew that I would probably go overseas, my lady-friend and I agreed that it might be a good idea to get married. I think she took a chance because I wasn't sure I would get back.

Things were not going well in those days. We had Guadalcanal, and Solomon Islands. When I was about to go overseas my then new wife said, "I think you ought to go in to see the Dean and find out about this scholarship, because after you come home, you are going to have a year and half of law school." So I said, "Oh, it's a good idea." I asked to see Dean Keedy, and he was such a logical fellow. He said, "Well, Mr. Adams," he called every student "mister." He said, "We don't have to talk about the scholarship when you come home, until you come home. Isn't that right?" And I said, "Well, I guess technically that's right. Simply, it's more than technically. Isn't it?" And he made me agree we shouldn't talk about the scholarship until I got home, so I never knew about the scholarship. Fortunately, Franklin Roosevelt decided to have the GI Bill of Rights, so when I came back, I went in to see Dean Keedy, and he said, "you see? Now what we'd like you to do is to give up that scholarship because the government is going to pay you the tuition, and let some young lady go to law school." And I agreed and that's exactly what happened.

37. **Gordon:** Had the Law School changed or had your approach to Law School changed once you returned after the war?
38. **Adams:** Well during the war the Law School had very few students, the classes had about 10 kids and mostly women. The guys were drafted or took defense jobs or things of that sort. No, when I came back to Law School it was essentially the way it was when I left. I loved the Law School, it really was the greatest intellectual experience that I had ever had.
39. **Gordon:** Did any of the Professors or courses make a particular impression on you?
40. **Adams:** Well Keedy did. I had Goodrich, Herbert Goodrich taught Conflicts, he eventually went on the Court of Appeals. Fry taught Corporations -- very bright man. Chadburn who eventually went off to Harvard to teach Evidence. It was a very good faculty.
41. **Gordon:** I also noticed that you were Editor-in-Chief of the Law Review in your third year. What was involved in running the Law Review?
42. **Adams:** Well, when I came back they reelected me. And during the war they could not put out as many issues, they didn't have the material. But we tried to return it to, I guess, a six issue a year effort. It took a lot of hard work, it really did. It was hard to get out leading articles and notes because during the war years everyone had been busy working on the war effort. But it was an interesting experience. I had a good group of kids, Ray Bradley eventually went on the faculty, I don't know whether you knew Ray Bradley, very bright and Henry Sawyer, was very bright, Von Moschzisker whose father had been the Chief Justice of the Pennsylvania Court, they were smart people.
43. **Gordon:** After Law School you clerked for Chief Justice Stern of the Supreme Court. How did the Chief Justice choose his clerks in those days?
44. **Adams:** He called the Dean of the Law School and said, "send me the best" or something like that. They sent me out. I liked him very much, he was a very quiet, very smart man, very, may have been the smartest man I ever met. And I only clerked a very short time. I started in March. I graduated in March of '47, in those days there were no air conditioners so they really couldn't work in the summer. He went off to Maine, came back in September. I had an offer of a fellowship to Harvard Law School, a teaching fellowship. Professor Powell was going to take me under his wing and I asked Judge Stern what he thought of that. He said, "well I don't know whether you should do that."

He said, "my son-in-law had the same opportunity," his son-in-law was a very smart guy, Henry Friendly, maybe the smartest of them all, although I used to say to Henry, "you're not as smart as your father-in-law." He said, "Henry had to decide whether he wanted to practice or to teach and he decided to practice." He said, "why don't you go out to Law School and talk to the Dean." By then Earl Harrison was the Dean. He had come back from Europe where he had served as the Head of the Immigration Department. And I went out to see Earl Harrison, a wonderful man. He said, "well, I think you ought to do both, teach and practice." I said, "how can I do that?" He said, "we are going to ask you to teach next term." He said, "you get a good job, at a good law firm, and you'll be teaching here and I think that's best." I followed his advice, and then one day Judge Stern said, "I saw William O. Schnader at some legal club and he said he wants to see you, and he is interested in hiring you. I'd go over and see him." So I went over, and he did offer me a job and I eventually took it. That's what happened.

45. **Gordon:** At this very firm?

46. **Adams:** At this very firm.

47. **Gordon:** What was your starting salary?

48. **Adams:** Well, I knew that William Schnader was going to ask me that question, so I said to the Chief, "what do I do if he asks me about my salary?" He said, "well, he is a very fair man and I think what you ought to do is to say to him, whatever you think is appropriate. I'm sure it will be satisfactory." And I followed his advice and when Schnader got to that part of our discussion, he said, "now we want to talk about salary. How much are you making now?" I think a clerk for the Supreme Court was making \$3000.00. He said, "we have never paid \$3000.00 for a starting associate." I said, "whatever you think is appropriate." He said, "but I am not going to ask anybody to come here and take a cut in salary so we are going to start you at \$3000.00. That is the highest we've ever paid." And he did. That was November of '47. The day before Christmas, he came in to see me, and gave me an envelope and he gave me an extra \$1000.00. Ten years passed and Horace Stern, who was then retired, called me on the phone, he said, "I have a question to ask you." I said, "what is it?" He said, "remember you came in to see me about salary? I put it in my diary and I want to follow up. Was that advice appropriate?" I said, "it sure was, he's been very, very generous." I thought that was a wonderful story about these two very unusual men.

49. **Gordon:** What kinds of work did you do when you first came to the firm?

50. **Adams:** Well Schnader had had a stroke, and he had recovered from a stroke but he could not go to Court. I did most of his brief writing and things like that. Schnader was a very bright man, he had been Editor-in-Chief of the Law Review and he was the author of the Pennsylvania Workmen's Compensation Act. He was a Bull Mooser. He knew Billy Lewis who was then the Dean of Law School, Governor Pinchose and Theodore Roosevelt, they were all Bull Moosers. I don't know if that expression means anything. They were liberal Republicans, reformists, they believed in conservation and things of that sort that seemed very radical in those days. Schnader of course was very active in the American Law Institute and eventually drafted the Uniform Commercial Code, and got the Gold Medal of the ABA for that. Wonderful man. Didn't have children, and he kind of adopted me as a son and we were very close. So I was very close to him, did things that I'm sure he didn't approve of, such as becoming a Judge. I don't think he liked that idea very much, but it was a great relationship, great intellect.

51. **Gordon:** The first time you left the firm as far as I understand was in 1963, when you were appointed Secretary of Public Welfare for the Commonwealth of Pennsylvania. Who was Governor then?
52. **Adams:** Scranton, William Scranton. That was interesting. After Scranton was elected he called me from Florida where he was vacationing, and he said, "I think you ought to become Secretary of Banking." So I went in to see Schnader and he said, "absolutely not, no way. We represent banks and that would create a conflict." I called Scranton and told him. A few days later he said, "how about becoming Commissioner of Insurance?" I went up to see Schnader, "absolutely not, we represent Insurance Companies there will be a conflict." He must have thought that I was going to stay in the firm at the same time. The day after Christmas, Bill Scranton called and said, "my sisters and I had Christmas dinner and were talking about the cabinet. They think you ought to become Secretary of Health and Welfare." I said, "well, I'll try it, but I can't make any promises." I went in to see Mr. Schnader. He said, "Secretary of Welfare, that's different, that helps people. Banking and insurance, that doesn't help people. If you want to do that I will not object." I started to walk out of his office. You have to realize this is a very imperious, Prussian-type man. And as I was walking toward the door he said, "by the way do you know what your salary is up there?" I said, "I haven't the slightest idea." He said, "I thought something like this was going to happen. It is \$22,500. You have three daughters, you couldn't possibly do it." I said, "well, I'll work it out." He said, "don't be a fool." He said, "I don't have any children, and you're making \$100,000.00, I'll give you the balance." I said, "no, I would never do that." He said, "I think you're a darn fool." "But I think you are right." I did it. I loved that experience. Scranton was a wonderful man. He let me do anything I wanted as far as progressive work. We started what later became known as that program that helps children, Head Start. We started that and then Sergeant Shiver who is in the Federal Government, came, saw it, liked it and adopted it for the Federal Government. We adopted functional education programs for people on Welfare, we did a lot of interesting things for the retarded, introduced music in their programs, art in their programs, it was a terrific experience I will never forget that experience.
53. **Gordon:** It sounds as though from the reforms you instituted as well as the larger focus of the country, the War on Poverty and so on, that the country as a whole and the state of Pennsylvania changed a great deal in its approach to poverty and disability. Do you think that change was for the better?
54. **Adams:** Well at that time I think it was. Pennsylvania was really in the dark ages in welfare. It was treating people on welfare as though they were not only second- class citizens, but third-class citizens. It was thinking only of the cost of the benefits and not ways to help these people get out of welfare. I remember vividly on one occasion I went to the Governor and I said, we have a black girl down in North Philadelphia, and she has just finished High School. This girl is very promising. I want permission to let her go to college without taking the family off welfare. They gave me his standard answer, "if that is your judgment, you do it. We will be criticized, but do it." That lady eventually went to Medical School and I still hear from her. He was very strong on things of that sort. He wanted me to run for Governor, and I did not want to run for Governor. Then one day I walked in to see him and I said, "I think this Governorship is going to end, pretty soon." He said, "why?" I said, "because I am going to make birth

control available to people on welfare, unless you object. If we do it, that will be the end of me politically." He said, "I don't object. I think you're wrong, it won't be end of you politically. You do it." And we did it and he was right. It was accepted, he was ahead of his time.

55. **Gordon:** After leaving the Scranton administration in 1966, you returned to this firm for about three years, before being appointed to the Federal Bench. During that period you were also Chancellor of the Philadelphia Bar Association. What's entailed in the Chancellorship?
56. **Adams:** Well in those days I would say it took about two thirds of my time. We didn't have the hierarchy that they have now. We did have an Executive Director, and that helped greatly. We had a wonderful Executive Director. But we didn't have the facilities that they have now. That the Chancellor had to do a great deal of work. But the firm gave me permission to do it. Schnader's idea was "look you could do anything you want, as long as you finish your legal work." So I was here until 11:00 to 12:00 o'clock every night. But it was fun, and another great experience.
57. **Gordon:** Were you also active in politics and public life during those years?
58. **Adams:** Not really. I'd helped Mr. Schnader who was the Chairman of the City Charter Commission when I first came to the firm. As I told you he was pretty close with me and he asked me to do a lot of the work for him. Although he wrote the Charter, I helped him. And that gave me some ideas and he also became Head of the Dewey Campaign and I helped him on that. But I was not taking an active role. Somehow however, I did get to know President Eisenhower. I am not sure how I got to know President Eisenhower, but as result of knowing President Eisenhower, I got to know the Vice-President who was then Richard Nixon, and we were fairly friendly. Wasn't a close friend, but you know, he knew my name I knew his name. Back in 1968, I guess the year after I was chancellor, Tom McCabe, was the President of Scott Paper and I think he was the Republican representative from Pennsylvania, had a birthday party for Richard Nixon. He had been very friendly with me he even invited me to that party. It was a luncheon. Pennsylvania was strongly for Nelson Rockefeller. And as I walking out of the luncheon, Richard Nixon stopped me, and said, "I know all your friends here are going to be for Nelson Rockefeller, but can I count on you?" I said, "well you know I'll be willing to help." He said, "Oh no, I don't want you to be willing to help me I want you to come to New York and be on the team." I said, "gee, Richard" whatever I called him then, he was just a practicing lawyer in New York, maybe I called him Vice-President. I said, "I've just gone through three and half years in State Government, a year as Chancellor, I have three daughters, I don't think I can afford it." He said, "well think about." I said, "sure I will." Monday morning I came into the office, no sooner had I opened the door, than I got a call from Mr. Schnader. He wanted to see me. He said, "I understand you were down to Tom McCabe's for a luncheon." "Yes I was." He said, "I got a call from Richard Nixon over the weekend." He said, "I don't particularly like Richard Nixon." He said, "but in my opinion he's going to be the next President of the United States." I said, "really?" He said, "yes." He said, "I'll tell you what I want you to do." He said, "you go to the cashier, and get enough money to buy a Metroliner ticket to New York. You're on the team." And as always, I did what he said. And I went to New York and I was close associate of Richard Nixon. That's how it happened.

59. **Gordon:** Soon after he was elected in his first term he appointed you to the Third Circuit.
60. **Adams:** Well, yes, but there was a little bit of a story. After he was elected he called about 15 or 20 of us to Southern California, which was his home base, and he was talking about plans for his administration, and he went around room and asked each of us what our ideas were. When he got to me, I said, "well one thing I think we ought to do is get out of Vietnam." I agreed with Senator Flanders, who was a very prominent Vermont Republican at that time, who was saying, let's say we won and go home. Surprisingly Richard Nixon, I won't say he turned on me, but obviously did not like that advice. He quickly turned away, and a kind of a cool relationship developed. He didn't think that I should be on his first team. In any event, many people thought he was going to appoint me to a very high position, but it was just as well. I went back and I was practicing law, and then one day I got a call and said, "the President is having some sort of function at the White House would you be willing to go down?" I said, "certainly," and I went down. Nixon said, "I think I'd like to appoint you to the Third Circuit." I said, "that's very nice. May I think about it, and I will call you and let you know." He said, "of course." Very interestingly at the time we were talking about Social Security, and I said, to him "I don't think rich people ought to get Social Security, doesn't serve an purpose and it hurts the fund." He said, "well you may be right, let me think about that." Anyway his Attorney General came over to see me and said, "look, the President of the United States asked you to take a very important position, don't think about it too long. He said, "he has something in mind for you." I said, "well, let me talk to my partners." And I was talking to them when I got a call from the President, but it was not about the Third Circuit. He said, "I talked to the Head of the Social Security Agency, and he said, 'your idea has great merit, but we can't sell it because Social Security is an insurance program, that's how we've been able to promote it, and if we took the wealthy people out of the program, as far as benefits are concerned, then we would be charged with hurting the insurance aspect.'" And he didn't talk to me about the Court, and a few days later I called the Attorney General and I said, "yes I would be willing to do it."
61. **Gordon:** What was the confirmation process like?
62. **Adams:** There was none. What happened was very interesting when my name went over from the White House to the Senate, Hugh Scott who I guess was the Minority Leader at the time from Pennsylvania, called me on the phone and said, "I'm going to ask Ted Kennedy whether it's necessary for you to come down to Washington. You don't want to come down to Washington"? I said, "not particularly." So the story is that he went over to see Mr. Kennedy. Senator Scott said, "it's not necessary to have this proceeding is it?" Kennedy said, "no, it is a waste of time." So they brought the name out, and that was the end of it. I never had any hearing.
63. **Gordon:** After you were sworn in, what did you find the most demanding aspects of learning to be a federal judge?
64. **Adams:** Well I liked all of it. I immediately got a batch of briefs, because as you probably recall from your own time with the Court, you get a sitting, then you get all the briefs for the sitting, and I began to read them. In those days we only had one law clerk, it was a woman and she was obviously new and she didn't know too much about it. So we had to learn together. And then we had oral argument, and then we had conferences, and then the opinions were assigned. I liked all of it. I liked reading the

briefs, hearing the arguments, going into the conference. I guess I enjoyed the opinions the most. I think that was very interesting.

65. **Gordon:** If you had to describe your philosophy as a judge, how would you summarize your approach?
66. **Adams:** Oh I guess, I was kind of in the middle. I was open to new ideas, but I was kind of conservative, I think. I thought precedent was extremely important. I thought that we should be very reluctant to disturb legislative judgments. I guess I was a follower of the Felix Frankfurter School in that regard, and my own judicial clerkship was with a person who was like that. I think Horace Stern did not wish to interfere with legislative matters. I think Horace Stern felt that what you do was to line up all the precedents, all the relevant cases, and kind of reach a judgment based on what they pointed to. On the other hand, if you got into new situations that were never contemplated, you ought to have an open mind.
67. **Gordon:** In your tenure on the bench, did you notice any changes in the kinds of cases that came to you?
68. **Adams:** More and more civil rights cases. Civil rights was a very important matter, not only then, maybe even now it may be the most important matter of our times. But there were more and more of those cases.
69. **Gordon:** Did any one case or situation strike you as particularly difficult?
70. **Adams:** Yes, I think there was one case, where I was a little bit ahead of the curve, on civil rights. I can't remember the name of the case, Novacell or something like that. I found that I was a little bit more liberal than some of my colleagues in some of the civil rights cases. In the criminal cases, no, I think I was mainstream. I was very worried about the sentencing. I thought many of the sentences were far too long. They were unrealistic. I still feel that way. We were sending too many people to prison, but that was not my job. I was not the sentencing judge. I was merely determining, if anything, whether the person who did impose the sentence, abused discretion. That's a different role. I couldn't say that a person who sentenced a criminal to ten years had abused his discretion, even though I thought that two, three, four years would have been more than adequate. I still think that those sentences were too long. They don't serve the purpose.
71. **Gordon:** With a singular notable exception you had a string of brilliant and dedicated law clerks.
72. **Adams:** No, I had all outstanding law clerks.
73. **Gordon:** How did you choose your clerks?
74. **Adams:** Well I had a lot of applications. I think there was some feeling at the time, that I was going to be on the short list for the Supreme Court. And I think a lot of the students, and the members of the faculty that advised them, encouraged them to apply for my clerkship. So I had a lot of very good applications. And I would take the applications, and with the help of my law clerks, review them, and select those I thought fit in with our thinking. Which was really people who wanted to work very hard, and didn't mind long hours and were very careful in their writing and in their research. I think we got a pretty good cross-section.
75. **Gordon:** You became known on the bench for your careful opinions in cases involving, especially, the religion clauses of the First Amendment. Had you always been interested in questions of law and religion?

76. **Adams:** No, that came about in the following fashion. Shortly after I became a Judge, the professor who was teaching constitutional law at the University Law School, had a heart attack who was Paul Bruton, wonderful man. And the Dean, I think it was Bernie Wolfman at the time, said, "look we are in a crisis situation. Paul Bruton's just had a heart attack." It was right before Labor Day, "can you step in and teach that course? We know you haven't had any preparation, but you should know this stuff." And I guess I unwisely agreed. I was teaching three days a week, which was a little heavy, if you're a newly appointed Judge. Shortly thereafter Lou Pollack became the Dean, and I told him, "Lou, I can't teach three days a week. I'm willing to do a seminar, one day a week or something like that." He said, "why don't you do a First Amendment seminar?" I said, "fine." And the First Amendment seminar consisted of the freedom of speech and press as well as the religion clauses. After about three years of that, I went in to see Dean Pollack, and I said, "it's too much for one seminar, we will have to cut it in half." He said, "you're right." I thought that he was going to say, "you do the speech and press." But he said, "no." He said, "it will be relatively easy to get somebody to do speech and press. You do the religion clauses." I said, "there's not even a text book." He said, "write one." That's exactly what happened.
77. **Gordon:** You have written extensively in the field.
78. **Adams:** Well, I have written a number of items.
79. **Gordon:** Do you have a particular approach to the religion clauses you could summarize for us here?
80. **Adams:** Yes. At the time, Justice Brennan had enormous influence with the Supreme Court. Wonderful man, good scholar, great Justice in my opinion. But I began having some doubts about some of his positions. The prayer in the school position, the Christmas decorations position, things like that. And I decided I would do my own research. He would pretty much start with the feeling that there is an absolute wall, the Jeffersonian concept, wall of separation. I wondered about that, and my own research indicated that was a little superficial, that really was not what the Framers had in mind. And I began expressing myself on that. I think that my version, my understanding I guess I should say, is a little more accurate than the Brennan understanding. I love Justice Brennan, he was wonderful, warm man and we had many discussions on the subject. I have written a Law Review article on it which I lauded him greatly, but that's what whetted my appetite for the subject. I thought intellectually it was a very interesting subject.
81. **Gordon:** After 17 years you resigned from the bench. What led to your decision to retire?
82. **Adams:** Well, I don't think I've ever decided myself what led to that. There had been two or three times when I had been seriously considered for the Supreme Court. They turned out to be rather traumatic experiences because when you are considered for that position, the FBI begins investigating. On the last one, they even went to, by that time my mother was in a nursing home, and they went to the nursing home. The FBI began questioning her and everybody in the nursing home. I just didn't think it was good idea to expose the family to that sort of thing anymore. It wasn't going to happen. I was too old, and I didn't think there was much more that I could contribute to the Court. I think I had written some acceptable opinions. I just thought it would be a good idea to try something different. I went to the Chief Justice, who was Warren Burger at the time and

I discussed it at length with him. He reluctantly agreed, and he was also about to leave. I think I even talked to Justice Rehnquist at the time about it. I can't say it was a wise decision, although I have enjoyed what I've done since then.

83. **Gordon:** Since returning to private practice twelve years ago, have you noticed any changes in the legal profession?
84. **Adams:** When I left, this office had maybe fifty, sixty lawyers, something like that. It was a very civil type practice. When I came back, the adversarial nature of the practice had changed substantially. The emphasis on money had changed to the point that it was disconcerting to me. The lack of interest in younger lawyers coming in, the young associates, was greatly diminished. When I left I had known every lawyer in the office, was very close friends with many of them, especially the younger ones. I found that that was not the way things were done anymore. And I thought I could do something about that, it's a forlorn hope, because I think the forces that have gathered, that have brought about the changes are very strong forces, strong forces. One of the things that happened when I left the Court, was that both Chief Justice Berger and then Chief Justice Rehnquist wanted me to head up a very small task force that was going to be entitled "The Better Way." Meaning a better way of conducting civil litigation, and they gave me a brilliant young law professor from Duke whose name just escapes me, as the staff. I quickly learned that there is no quick fix on these problem. It takes a great deal of work. And someday the profession will come back to where it was, I think, but not for a long time.
85. **Gordon:** Because of the economic forces.
86. **Adams:** I think the economic forces are so strong that they put a great deal of emphasis on the money aspect. The so-called bottom line is an expression that always disturbed me. I just don't think a profession should be oriented toward a bottom line unless the bottom line is what is best for the society we're serving. But that's not the bottom line that they were talking about. They were talking about the bottom line in dollar signs, which didn't appeal to me.
87. **Gordon:** Your own practice, even in this new world of economic forces, has maintained a strong component of government and public service work. What percentage of your time do you currently devote to public service activities?
88. **Adams:** I'd say about a quarter, maybe a little more, a quarter to a third. I devote a great deal of time to mediation and arbitrations. I think that is another very important development in the law. I think we've just seen the beginning of that. I think you're going to see a great deal more alternative dispute resolution, again mainly because of the cost to litigate a case civilly today is so expensive, that many large corporations feel that they would prefer to select an arbitrator or a mediator to try to resolve the dispute and get on with their principal work, which is not litigation. So I think you are going to see a great deal of that.
89. **Gordon:** You've also been involved I think in the American Arbitration Association and American Bar Associations joint committee to draft regulations for the arbitration of HMO's.
90. **Adams:** In the health field we've done that, that's finished. I would hope that now state legislators and congressional leaders will adopt those and write them into law.
91. **Gordon:** Currently you see the problems with the way such disputes are handled?

92. **Adams:** Well, we understood that there were a lot of sick people who were in an HMO, or something of that sort, that were not getting the attention that they were entitled to, not getting the medicines that they were entitled to. This is pretty serious stuff. And if they have a complaint, those complaints have to be listened to promptly, because when somebody is sick, that person can't wait for two years to have a complaint aired. So there has to be some mechanism to resolve that. Many of our older people today, and they're a growing segment of our population, that have health problems, hospital problems, HMO problems. That protocol that we develop should go a long way to solve them.
93. **Gordon:** Also among your government service assignments was Independent Counsel for the investigation of HUD from 1990 through '95.
94. **Adams:** Well I was there until '95, I didn't finish. There was one case to be completed which was against former Secretary of Interior, James Watt, and that case was handled by one of my deputies, Larry Thompson. Very able fellow, had been the U.S. Attorney in Atlanta, and since it was the last case I thought I would resign, and he would become the boss man. Unfortunately it took a long time, and one of the reasons is that there were a few other cases that were on appeal and the Appellate Court was taking a great deal of time with them. But the bulk of the work was done in five years. Yes.
95. **Gordon:** Do you have a particular approach to such a task as the job of Independent Counsel?
96. **Adams:** I think the statute has to be radically changed. Of course as of today it's no longer in existence. I think it should be restricted much more than it is. I think it should be limited to persons that have very high positions, the President, the Vice-President, maybe the Chief of Staff, maybe the Cabinet. I'm not so sure about that, but it ought to be limited. I think that term of office ought to be limited maybe to a year, and if you can't finish the investigation you should have to go back to the Court, the Attorney General, whatever, to get an extension. It was too open-ended. The expenditures of money was too open-ended. There were no restraints built into that system. I do think that Congress will have to address the subject. It's too easy to say it hasn't worked and we're not happy with it. In the future something is going to happen with the Chief Executive or high ranking officer. I don't think that the public will be completely satisfied to have the Attorney General, appointed by the administration, do the investigation. So my guess is that they will develop some alternative approach.
97. **Gordon:** You also serve as the Trustee and Bankruptcy for the New Era Foundation which I is the largest bankruptcy ever of a non-profit entity. How have you managed that bankruptcy?
98. **Adams:** Well, I managed it mainly because I had so many wonderful lawyers that were representing the creditors. Plus various religious groups, that became very cooperative. There was one religious group I guess composed mainly of Penetecostle Ministers that was extremely helpful and they were not measuring things by the bottom line. They were measuring things by what was best for the entire community. I think we will be able to report about a 92% recovery rate. But I don't deserve the credit for that. I think the lawyers and these religious groups were very helpful, very cooperative.
99. **Gordon:** I also notice that you have been involved for over a decade in an organization known as Pennsylvanians for Modern Courts which I gather is dedicated to the

improvement of Pennsylvania's court system. How do you advocate making such improvements?

100. **Adams:** Well, I think the principal proposition that we've been trying to get across is merit selection of judges which is the same as American Judicature. At the very least we think that the appellate judges in Pennsylvania, which would be members of the Supreme Court, the Superior Court, the Commonwealth Court, should be appointed and not elected. I don't think you can expect the electorate, the average voter, to know enough about candidates for the judiciary to exercise the electorate intelligently. When it comes to the Common Pleas Courts, the local county courts, I think you can make a better argument that the people in the counties for which those people are serving, might have a better idea. But at the appellate level I think there should be merit selection.
101. **Gordon:** And you have also long been involved with educational and learned societies. When did you first become active in the government of the Law School?
102. **Adams:** I think when I was in Harrisburg, as Secretary of Welfare. It goes way back. I think the people at the Law School were aware of my very deep affection for the Law School. Even though I couldn't help them very much financially, certainly at the time, they very early on invited me to serve on that and I enjoyed it very much.
103. **Gordon:** You've been the President of the Board of Overseers as well. How would you evaluate the changes in the Law School during your time as a member of the Board?
104. **Adams:** When I first went on the Board, in all candor, I thought the Law School was going down, in representation and its ability to recruit students, as well as faculty. Its physical plant left a lot to be desired. It was not getting enough money from the central administration of the University to pay adequate salaries and the other things that Professors must have, minimal provisions for doing research and things of that sort. We exerted a great deal. We, when I say we, the advisory board, exerted great pressures on the succession of Presidents of the University. At the same time the University began saying that the Advisory Board members had to get the alumni to make better contributions. I think both together worked to increase the level, at least the material level, of the Law School, both the building, the facilities that were available, the compensation. I think it has worked well. I think the Law School is well on the way to returning to where it was when I was a student. When I was a student the four best law schools clearly, were Harvard, Yale, Columbia and Penn. That's the reason why the blue book is written by those four schools. Now what happened after the War is that so many people were interested in Law Schools that it was able to, that the Profession was able to, support a whole series of very good law schools like Stanford, Duke, Michigan, and NYU, and some that I'm not even mentioning. Nonetheless, when you consider the history and resources of the University, I'm not going to be satisfied and my colleagues are not going to be satisfied until Law School is back in that position.
105. **Gordon:** I also see that you've been President of the American Philosophical Society since 1993. Could you tell us something about the Society and how you became involved with it?
106. **Adams:** Well the Society is the oldest learned society in the United States-- probably in North America. It was fashioned on the Royal Society of Great Britain, that Benjamin Franklin was a member of, and when he returned from Great Britain in mid

1700's, he resolved that the United States ought have a comparable group and I think it was around 1743 that he organized what was the beginning of the American Philosophical Society. It is a society that is really dedicated to promoting "useful knowledge" and he felt very strongly about it. It's not very large, it only has about 550 American members, maybe 100 foreign members, it's on the grounds of Independence Hall. It preceded the American Revolution. It had members like Franklin, Washington, Jefferson. Particularly Jefferson, who was the President of the Society when he was both Vice-President of the United States and the President of the United States. He launched the Lewis and Clark expedition from the Society. We have a great many of his papers including his version of the Declaration of Independence, which is worth seeing, beautifully written and annotated by Thomas Jefferson, his comments, or rather Madison's comments on the Constitution, all the Lewis and Clark papers, Madam Curie's papers. We're always proud of the fact that even before 1800, we had female members who were very distinguished scientists. I guess we were the oldest society that ever had anything like that.

107. **Gordon:** Turning just quickly to your career as a public speaker, I know that you've given many named lectures including the Owen Roberts Lecture at the Law School, in 1987. How frequently are you called on to speak, and what do you most enjoy talking about?

108. **Adams:** I'd say three or four times a year. I think the most recent one I gave at a small religious college in Elizabethtown, and there I talked about ethics. I gave one at Lehigh University, a named lecture, there I talked about the profession. And I will frequently talk, at Furman, I talked about religion. I think they're fairly broad, but they generally are intellectual not political. I don't do that, and I am not doing very much in the health field anymore. It passed me by. So I guess it's the constitutional area and in the ethics area.

109. **Gordon:** Your work and your achievements have been recognized in several ways including Honorary Degrees, from University of Pennsylvania and Villanova, then the prestigious Philadelphia Award in 1997, and Bar Association Medal this year. Do you remember any one award or degree with particular vividness?

110. **Adams:** Well they all meant a great deal to me. To get an honorary degree from the undergraduate or graduate school means a great deal. It did to me. I can't begin to tell you how gratified I was on those two occasions. But the Philadelphia Award is somewhat different. It has a great history and many wonderful people who have received it, and that's for general service to the community. The Gold Medal of the Bar Association is really for organized bar work. So they're all a little different, but they all meant a great deal to me.

111. **Gordon:** My last question reveals that when we did a computer search on you, it netted 710 stories. You have had a very high profile and distinguished career. If you were to give advice to young lawyers, law students, any advice to them today garnered from your experience in your career, what advice would you give them?

112. **Adams:** I certainly think Law School is a great experience, even if you don't want to practice law. I think it's wonderful preparation for business, publishing, writing, so many things. So I would encourage anyone who could do it, to go to law school, and to take it very seriously. To work as hard as you can, do the work, don't skip classes, do as much as the professor asks you to do. Try to get to know the professors. They're

generally very inspiring people, they have great insights. If you can do a judicial clerkship, so much the better, again you get to know someone who has a very special interest in the law, can give you insights, guidance and also become a resource when you have a question or two that you want to ask. Whether you want to practice law, that's a personal decision. Some people want to go into government, some people want to go into mergers and acquisitions. You have to make up your mind. But the law is a majestic profession, and it will bring great happiness to somebody who takes it very seriously.

113. **Gordon:** Thank you Judge, we very much appreciate it.