Dweck: Hello, it's November 22, 2000. My name is Isaac Dweck. I am here to interview Allen Black at the law firm of Fine, Kaplan & Black for the Oral Legal History Project at the University of Pennsylvania.

Dweck: Good morning, firstly, to begin, when and where were you born?


Dweck: And where you raised there as well?

Black: I was there up through high school and then I came out east to college and law school and ended up back here in Philadelphia, undoubtedly because I had gone to law school here.

Dweck: Where your parents also born in Pittsburgh?

Black: My mother was, my father came from Ohio

Dweck: What were your parents' occupations when you were young?

Black: My mother was an elementary school teacher who was a fanatic on proper grammar, she passed along to me I guess, and my dad was an architect.

Dweck: Where either of your parents or any of your relatives involved in the war effort, World War II, when you were younger?

Black: No

Dweck: Do you have any siblings?

Black: No, I am an only child.
Dweck: I noticed in your resume that you have a lot of positions with religious affiliations, was religion a very important aspect of your family life growing up?

Black: Moderately so, I would say, and I am surprised that my resume shows a heavy weighting in that direction, what things did you have in mind?

Dweck: well there was a few things towards the end, religious affiliations at the end and I was wondering if that had a lot to do with, like for instance, Trinity Episcopal Church and Episcopal Diocese of Pennsylvania, I was just wondering if that was something that developed later or if that was something that you developed at a younger age?

Black: Oh probably both, I think I followed the pattern that many people do, you know that your dragged to church as a child and then as you go off to college you sort of get away from that and then later on in life you end up coming back. I have been active in church affairs and community involvement sort of sponsored by religious organizations to a fair degree, you know, later on in life.

Dweck: You went to high school in Pittsburgh, you said.

Black: I went to Peabody High School in Pittsburgh, Pennsylvania.

Dweck: In high school, how did you start developing an interest in law, if you did at all?

Black: Well, to tell you the truth, I did not develop an interest in law until I was in law school. I went off to college intent on becoming a chemist and I had done very well on the college boards in math, very well, so when I went to college they stuck me in an advanced calculus course that was so advanced that I had no idea what they were talking about. I got a C minus or something, which was the lowest grade they gave in the advanced courses but they asked me to leave so there went the chemistry career and I was taking a history course I liked, so I ended up as a history major and somewhere around this time of my senior year, November of my senior year of college I realized that was not going to be a terribly useful degree, what could I do with it, I could teach school maybe or something, I didn’t really want to do that, so I temporized and applied to some law schools, ended up going to Penn and things
just clicked, I loved it, I loved the law school training and loved the law, and it was what I was meant to do but I didn’t know it until somewhere during that first year at Penn.

Dweck: To go back to high school for a second, where you involved in any particular extra-curricular activities?

Black: The most significant one was the school newspaper.

Dweck: You were, just to bring in some current events from that time period, you were about 12 years old when Brown vs. Board of Education was decided, do you remember thinking about that, or perhaps you were too young, but do you remember thinking about that and what impact that had on you?

Black: I didn’t at the time because the public schools in Pittsburgh were pretty thoroughly integrated at the time I was there, my high school was, I would guess, 20 or 30 per cent black and another 20 per cent Jewish, a real mix of kids. Where it hit me is when I went off to college, I went to Princeton, and when I got to Princeton in the Fall of 1959, the local movie theater was still segregated, black people had to sit in the balcony and I was just flabbergasted, I could not believe it, and I am sure that a lot of my friends from northern states couldn’t believe it either. And I think that had an impact on me because I have maintained an interest in sort of racial equality issues ever since then, I worked in the Civil Rights division of the Justice Department for a period of time after graduating from law school, although I haven’t done much officially, that has always been an interest and I have tried to work on that issue all through my life.

Dweck: I actually have a quote from a Princeton class of 1928 member about diversity, I was wondering if you could comment on, he said, and I quote, “Princeton is popular through the south because it is the one eastern school which does not enroll Negroes.” Throughout much of its history, the university has been described as a northern town that has its spiritual heart in the south. I was wondering if you could comment on that in terms of the perspective of diversity at Princeton.

Black: Well, I think that may have been the case in 1928, and to some extent, that was the case in 1959, that isn’t
certainly the case now, I was back there just a month or so ago, and that campus is amazingly diverse now. I am sure they have made a very very strong positive effort to bring those kinds of changes about and from everything I can tell, even sort of the old fogey alumni body is pleased to see that happen. But I am sure in 1928 that is probably right, and in my class there were maybe four or five black guys, at that time there were no women, now, there is a very healthy percentage. I do not know what the numbers are, but when you walk around that campus, you can see.

Dweck: To go back to your decision to attend Princeton, where you deciding on any other schools at the time, or where you considering not going to college, perhaps, at all?

Black: No, I always knew that I wanted to go to college, the high school counselors in public schools in Pittsburgh had kind of a limited range, they suggested either Pitt or Penn State, those were the only two options that were offered to kids that they thought were bright enough to go to college. I was sort of looking in those areas when a relative of my mother who lived in Maplewood, New Jersey was visiting and she said, “well you know, we have a little cow-college out here in New Jersey that maybe you ought to look at called Princeton.” And, you know, I hadn’t really even thought that that was a possibility, but I followed up on her suggestion and the rest was history.

Dweck: You also said that you where a history major, I was wondering if there were any particular professors or classes that you look back and really remember or maybe affected you in any particular way?

Black: Well, I very much liked the courses in American history, there was a great course by David Donald, I think was his name, on the history of the Civil War, I remember, and there was a wonderful old professor by the name of Strayer who taught a course, taught several courses in medieval European history that were great. I wouldn’t say, though, that that part of my educational career has really shaped what I did later, I found it very interesting, very entertaining, it was probably good training for the mind, but as I say, when I got to November or December of my senior year and suddenly woke up and realized that I had to do something with my life, history wasn’t what it was it was going to be.
Dweck: Where there any particular extra-curricular's that you were involved with in college that you can look back on?

Black: I worked as a reporter for the Daily Princetonian, which is the college newspaper, and through that, I got into aviation, I got interested in flying and took flying lessons and got my pilot's license, which has been a lifelong interest of mine, and really a great love. I have flown airplanes ever since then, and I still do today, I love it, and it has been just a great thing for me throughout my life.

Dweck: To go back to Princeton for a second, some historians, and you were a history major, have attributed Woodrow Wilson's ascendance to the Presidency as a result of his opposition to the Eating Clubs. I was wondering if you had any particular experiences with the Eating Clubs, were you a member of one, and your basic views on them.

Black: I was a member of an Eating Club, it was called Cloister Inn, and it was a wonderful place. I had lots of friends there, people I still see, I just last month stopped on my way back from Albuquerque in Topeka, Kansas to visit a classmate of mine from college who was a friend through Cloister. I did not see anything wrong with them, they were fun, they were a place to eat lunch, to eat dinner, and play bridge.

Dweck: I believe you graduated in 1963.

Black: Right.

Dweck: that same year, John F. Kennedy was killed, and Charles Kaiser has written, "After his death, we turned him into a demigod, his administration into a magical mystery - 'Camelot'". Firstly, can you describe where you were when you heard.

Black: Absolutely, I absolutely remember where I was, I was sitting in a classroom at the law school. If you were standing in the courtyard, facing the goat, it was to the left and downstairs, I forget, I think maybe it was Curtis Reitz' Class, either Curtis Reitz or Jan Krosnovetsky [sic]. And somebody came in and whispered something to the professor and he turned white and said, "you know, I have
just received word that the President has been shot, I am going to dismiss class." And everybody went out to the courtyard, at that time the dormitories where right there, and somebody had set up a television set in the window of one of the dormitories, and there were just hundreds of students and faculty and everybody standing around watching this one tiny little television set. And everybody was just completely flabbergasted, and shocked and couldn’t believe it. I think that’s a moment where anyone who is older than just five or six years old at the time remembers where he or she was and what they were doing. It’s a moment that doesn’t leave your memory.

Dweck: Did that affect you in any way in terms of pursuing a legal or politically oriented career path.

Black: I don’t think so, it was a shock to everyone, I think particularly younger people like myself, who at the time were particularly enamored by President Kennedy and thought he was doing a great job were very wary of Lyndon Johnson thinking that he would be a curmudgeon of some sort. And, certainly on the civil rights issues where I was worried, he turned out to do a great job. I guess in some ways it shows that you can’t really judge a book by it’s cover.

Dweck: You said that part of the reason you chose law school was believing that there wasn’t much to do with a history degree, where you considering other schools besides Penn, or why did you go to Penn?

Black: Yeah, I applied to Virginia and Harvard and Penn. There is a funny story about Harvard that I don’t mind telling for the tape. They sent me a letter saying that we can’t admit you, we are going to put you on our waiting list. But you should know that it is going to take a couple months, and if we do eventually admit you from our waiting list, we will have exhausted our financial aid. So, if you get in from the waiting list, you are on your own. So I wrote back saying thank you very much, but I cannot afford to go without financial aid so, you might as well take me off the waiting list and make a spot for somebody else. Later I got into both Penn and Virginia, and picked Penn, then, still later I got a letter from Harvard saying, "Dear Mr. Black, we got your letter saying that you would like to be removed from the waiting list, but we just thought you’d be interested to know that if you
had remained on the waiting list, you would not have been
admitted." Which I thought was so Harvard. I went to Penn
over Virginia, in large part on my father's advice, he said
"you really ought to go to a law school in a big city,
rather than in a small town because, in a big city you can
go see the workings of the court system, there would
federal courts there and state courts there and you can
spend a lot of time, and you won't have that in Virginia."
And I thought, well, you know, that makes some sense, I was
having a hard time, sort of, deciding. So I came to Penn
and I never once went and sat in a courtroom, state,
federal or anything else. Penn could have been in Timbuktu
for all that. But it was a good choice, I am very happy
with it.

Dweck: Do you have any particular memories of your one-L
year? Any professors that maybe hit you the hardest?

Black: First year, well one memory that sticks with me is
Curtis Reitz. The way he would call on somebody was so
slow and deliberate. He would call on somebody and if you
didn't have the answer, he would just sit silently and wait
till you got the answer. And it was excruciating,
particularly, if you were the target. It was excruciating
even if you were just another member of the class. And I
remember just thinking how frustrating and annoying this
was, and I thought that it was a waste of time. It was
Agency, it was the course, he was teaching agency. Then at
the end of the semester when I sat down to sort of prepare
for the exam, all of a sudden, everything just fell into
place and I realized, it was like a light bulb going on,
that this very slow, methodical, frustrating process had
actually brought out everything that needed to be brought
out. And I realized that I knew the material, that I knew
the topic. That was interesting. Paul Mishkun [sic.] was
a great influence on me, he was a great professor and
friend. He taught federal procedure and jurisdiction, and
that sort of thing, civil procedure. Paul Bender, it was a
great faculty, it really was.

Dweck: You taught at North Dakota, Rutgers and Penn. Can
you compare what you saw teaching, how law school has
changed from when you went as compared to what it was when
you taught?

Black: They were all very different law schools. North
Dakota was tiny law school out in the middle of nowhere and
had an enrollment, I think, of maybe three hundred altogether, maybe not, maybe only two hundred. A faculty of about eight, something like that. The thing I remember about North Dakota that struck me was that the brightest kids in the class out there were probably every bit as good as the brightest kids in the class at Penn or anywhere else. And they had gone to North Dakota for family reasons or whatever. It was when you got down to the other end of the class that you could see a difference. At Rutgers, I was an adjunct and taught trial advocacy probably for six or seven years or something like that in the seventies, in the mid-seventies probably through the early eighties. I guess the thing that was different, strikingly different, was the number of women who were law students by that time. In my class we had maybe a half dozen out of 185, by the late seventies, Rutgers was probably one-third women in the class. That was a significant change.

*Dweck:* When you went to Penn, was there a public service requirement?

*Black:* No.

*Dweck:* You also served on Law Review, how was your experience on Law Review, I believe you were comment editor.

*Black:* It was very valuable, it was a place where you learned how to work hard, I really worked on, sort of, perfecting my writing style there. It was a source of great camaraderie with the other folks who were working on the Review. I tended to devote an enormous amount of my time to it, at the expense of going to classes or studying for classes. Somehow or other it seemed to work out. It was a pretty decent substitute.

*Dweck:* During the sixties, there was a social or political zeitgeist. To quote Keith Richards "It was an unassailable outlet for some pure natural expression of rebellions." I was wondering whether you could talk about whether or not you were involved in this sort of zeitgeist of the sixties. If you have any particular comment about what was going on at that time.

*Black:* I think most of the people, student aged people, at that time, felt that a lot of changes needed to be made in our society. I noticed more people at college being
actually active in going out and protest marches and that sort of thing. I think maybe the workload at law school was too great to allow very much of that sort of thing, but I think even though we were working hard, the student people were pretty sympathetic with the goals of the civil rights protestors and so forth, it was really just the beginning of the Vietnam conflict, so you didn’t have that topic so central in the public eye until a little bit later on.

Dweck: After law school you clerked for Judge Wisdom in Louisiana. What options were you weighing after law school, perhaps private practice as opposed to clerking? Why did you make that decision? And why Louisiana?

Black: I think I pretty much always had felt that I wanted to clerk for a year after law school. I thought that it would really be a good experience and a good transition to the real world and just a good thing to do. I applied to Judge Wisdom for really two reasons. One is that he had a reputation around the law school and among the faculty and other that I talked to as being on the best and brightest circuit court judges anywhere. He was also in the forefront in leading the Fifth Circuit’s civil rights efforts to desegregate schools and public accommodations and so forth. That was a matter that interested me considerably, so he was really my first choice. I had applied to a few other court of appeals judges and to a judge on the Supreme Court of Pennsylvania. But I was thrilled when Judge Wisdom offered me the job and I accepted it instantly. It was an interesting experience for a Northern boy to go down to Louisiana in the midst of the civil rights upheaval and to live down there. It was a, the clerkship itself was a stupendous experience. Judge Wisdom was just a magnificent judge and teacher, and he and his wife opened their arms to his law clerks, we became almost literally members of the family and stayed so after our clerkship year was over. There were something like 95 law clerks for Judge Wisdom over the course of his career and we would get together every few years in New Orleans for a big party to celebrate the Judge’s birthday or the anniversary of his appointment to the bench, or whatever. So it was a relationship that continued right up until his death a year ago this past May.

Dweck: Were there any particular cases, perhaps involving civil rights, that you remember?
Black: Oh Boy, there were so many. The answer is yes. The most important case that was before our court the year that I was there, a school desegregation case, called the Jefferson County Board of Education case, it was a case in which Judge Wisdom held for the majority of the panel, that the HEW, Department of HEW, Title VI guidelines on desegregation on public schools had to be followed by the school district in the six states of the Circuit in order to comply with the Constitutional mandate to desegregate. Essentially, the heart of the Judge’s opinion, was that he said that “the only desegregation plan that meets Constitutional standards is one that works. And, this is the way, we have tried for years, this is the only way we are going to make it work, so you got to do it. You got to do this.” And the advantage, of course, was that there were crystal clear, black and white rules, that the school boards could follow, knowing that if they did it they were doing the right thing, and it was pretty easy for them to tell whether they were doing it or not. It’s interesting to me, I think some of the school boards, and certainly some of the members of the school boards from the deep south in those days really wanted to do what was the right thing. And, you talked with some of them who were enmeshed in these huge litigation battles with the government and they would say, “well you know, we really sort of know that we have to do this, but it will be so much easier for us back home when the court tells us we have to do it”. It was an interesting thing. I hadn’t thought that that perspective was there when I traipsed off to Louisiana as a kid right out of law school.

Dweck: Given the opposition to desegregation, did you at any time feel that there was a threat to your wellbeing? Was that ever a concern?

Black: Not while I was clerking, I had a couple of experiences later on while I was working for the Civil Rights Division that were a little bit scary. Judge Wisdom got threats, he would have people call his home in the middle of the night and curse at him or his wife or his daughters if they answered the phone. The year before I clerked, somebody threw rattlesnakes into his garden. And, there were some people who were pretty nasty. I did not experience that. The court was in New Orleans or New Oryans [sic] as they insist on is correct and I spent most of my time in the city. And, you didn’t get that kind of,
sort of, redneck violence in the city. I'd have been more concerned out in the boonies.

Dweck: You mentioned that after the clerkship you went to work for the Department of Justice in 67-68. What kind of factors informed that decision?

Black: Well, at that point I really was committed to the civil rights movement. I had been interested in it ever since my freshmen year at college and of course, clerking for Judge Wisdom during that period reinforced that interest and that was what I decided that I really wanted to do. And I was fortunate to be able to get a job as a trial lawyer with the Civil Rights division. I had seen them appear before the court time and again during the year of clerkship and they were doing what I wanted to do.

Dweck: Do remember any particular cases during that time period that you worked on?

Black: Yes, the one that sticks out in my mind most prominently was a case in which the Department of Justice intervened in a, the State of Louisiana's attempt to prosecute a prominent civil right's lawyer for essentially practicing without a license in Louisiana. And the Department made a huge effort to bolster his defense and ultimately prevailed, so I worked very hard on that, and remember numerous school desegregation, public accommodation desegregation cases. We were observers in elections in rural Louisiana and Mississippi. Those were some interesting trips. It was an interesting year, maybe even not quite a year. It got cut short by military duty brought on the Vietnam War, so I didn't get to stay as long as I wanted to.

Dweck: If I could quote Martin Luther King, he said that "One has to conquer the fear of death if he is going to do anything constructive in life and take a stand against evil." April 4, 1968, I believe while you were working with the Department of Justice, he was assassinated. Given your work in civil rights over the past couple of years, how did that, in particular, affect you?

Black: Well it was a shocking thing. I guess it shouldn't have been. But it was a shocking thing. That was right at the tail end of my time with the Civil Rights Division. I was moving off to the Navy at that point. But it was, you
know it was just a terrible thing that it was kind of hard to believe that that sort of thing could happen in the United States, but of course then it continued to happen with Robert Kennedy and etc. etc.

Dweck: During your clerkship and while you were at the Department of Justice, did you have much personal contact with the leaders of the civil rights movement?

Black: No, not really. I was at a lower level. I did meet John Dorr, who was, of course, a great hero of the civil rights movement. Some other folks, Owen Fisk, I worked for Owen Fisk when he was at the Justice Department.

Dweck: After your job at the Justice Department you went to the Navy as a Judge Advocate General. You said it was military service, is that why you went?

Black: It, yeah, in 68', I guess, the Vietnam War had cranked up to the point where pressure from the draft board was intense and it got to the point where it was clear to me that I either had to join voluntarily or be drafted. And I joined the Navy and went off to an abbreviated officer candidate school and then became a JAG officer. I did appellate criminal defense work for most of my two or three years there.

Dweck: Was most of your work in the United States or did you actually get to travel?

Black: I was stationed in Washington, D.C. for almost the entire time. I did, I was sent to Okinawa to defend the retrial of one of my clients who had been convicted of rape over there and I got him a new trial on the appellate level and then his family requested that I be sent over to defend him at the retrial and after a lot of squabbling the Navy agreed to do that. So I did get one trip to Okinawa out of the whole thing. Most of the time I was in Washington.

Dweck: did you support the conflict politically? Did you sort of have this internal struggle between supporting the Vietnam War effort and, perhaps, not support the Vietnam War?

Black: It's interesting, I remember vividly the moment at which my opinion changed about the War, and it was while I was in the Navy. I had started out thinking, you know I
don’t have time to study all the facts and know whose
telling the truth about whether it’s good bad or
indifferent. So, basically, not knowing, really I don’t
have any choice but to trust what the people who are in
charge are doing. They must have studied the facts, they
must know what is going on, and I just have to rely that
they’ll do the right thing. And then one day I was walking
through Washington National Airport and saw a young guy in
an army or marine uniform walking the other way through the
airport and a big chunk of his head had been blown away and
he was missing an eye and there was this sort of skin over
that part of his head. And I looked at this young kid and
I thought that this guy is probably on his way home to
Shimoken [sic] Pennsylvania or somewhere and he is going to
get off this little commuter airplane and he is going to
meet his mother and his girlfriend and they are going to
look at what is coming back from this war. And there just
isn’t anything that can possibly justify that. There just
isn’t anything. And, my mind changed at that moment. I
still remember it.

Dweck: Were you married at the time?

Black: No, no.

Dweck: And your family was still in Philadelphia?

Black: My folks were in Pittsburgh, they stayed in
Pittsburgh.

Dweck: 1968 also saw, two other major events that I was
hoping you could comment on, one of them, you went to two
Ivy League schools, In 1968 there was a riot by SDS at
Columbia, I was wondering if your experiences at two Ivy
League schools could maybe comment maybe about what you
were thinking about that?

Black: To tell you the truth, I don’t even remember that
that happened, so it must not have made much of an
impression on me. You know, I have heard about that, but I
don’t remember knowing about it at the time, I am sure I
read about it in the newspaper.

Dweck: I guess perhaps the student protests in general,
perhaps Kent State, were those things at the time you were
working at the Department of Justice and Navy, were those
things affecting the way you were thinking about the War?
Black: I think, they did to some extent, as I am sure they affected everyone’s thinking. I was certainly aware of what was going on, thinking that, in particular what happened at Kent State was a tragedy, but, I don’t think that I was affected any more, you know, than anybody else, by what happened there.

Dweck: After you worked for the Navy you began teaching in addition to some private practice, I think, what made you decide to teach as opposed to private practice?

Black: There’s actually a good story there. I, as a Navy JAG officer doing appellate defense work, handled lots and lots of cases. There was one case in which the Court of Military Appeals held that there was a whole class of minor courts marshal that had been improperly convened so that they essentially had no jurisdiction to try the people they tried. And it, it was limited to the Marine Corps, but it was widespread in the Marine Corps so that there were probably thousands of people who were convicted by these courts marshal that had no jurisdiction. I had about six clients who fit that, into that category, and, so I petitioned. One of the problems is that there is special court marshal with a maximum jail sentence is six months so that these were people who were going to be in and out real quick. But nonetheless, they had been convicted by a court that had no jurisdiction, which under our system, as you know, is absolutely outrageous. So I went to the Navy court and presented petitions for these people and nothing happened and nothing happened and I went to see the chief judge of the Navy court and I said, “Judge,” he was a Navy captain, “Captain, you know I’ve got these six guys, you know, that were convicted without jurisdiction, you know and I know that the convictions are void, you’ve got to do something about it.” And he said, “Well, Lieutenant Black, you know its May, we have a heavy caseload, I don’t think the court going to reach that issue probably until we reconvene next September.” I said, “But Captain, these guys are going to be out of jail by then.” “Well, then they’ll be just where you want them, that’s fine. You’re not suggesting they’re weren’t guilty, were you Mr. Black?” “No, I mean the court had no jurisdiction.” “Well, we’ll get to it when we get to it.” So I went back to my office and just by happenstance I was a member of the District of Columbia Bar Civilian Court. So I sat down and started preparing petitions for habeas corpus to file in the
federal district court to get these guys out of jail. And, my secretary turned me in to my boss who was the head of the appellate defense section. And he called me on the carpet and said, "Well, you know, don't you, that Navy regulations forbid Navy lawyers from practicing in civilian court." And I said, "Yeah, Captain, I know that, but I got these guys that are being held in jail unconstitutionally with no jurisdiction, you know, I have got a duty to my clients, what am I supposed to do, I have got to do this." I ended up over across the river at the Pentagon in front of the Judge Advocate General himself, gave me the same shpiel, I gave him the same shpiel. He said to me, "Lieutenant Black, let's just suppose for discussion sake that I would give you a direct order not to file those petitions for habeas corpus." I said, "Well, Admiral, I would have no choice but to follow your order, to obey your order, but I would have to resign from representing those people and I think that I would have to do it publicly at a press conference under the circumstances." Well, that caused an eruption. There was another track going on at the same time, a friend of mine who had been a fellow defense counsel and had gotten out of the Navy a year earlier was from North Dakota, he had gone back home to North Dakota to join the faculty of the law school out there. Tiny little faculty, eight people. Right around this same time, another member of the faculty had announced that he was leaving. And they were stuck, they had a new semester coming up, they had nobody to fill this slot, they didn't know what to do. My friend said to the Dean, I bet if you could get Allen Black out of the Navy he'd be willing to come out here to God-forsaken North Dakota and fill in. So at the same time all this other stuff was going and the conflict with the Judge Advocate General, the Dean of the North Dakota Law School is calling their two senators and saying, "We need you to get this guy out of the Navy for us." And, the senators called the secretary of the Navy and said "You know, we need to get this guy out of the Navy to fill in out at the North Dakota Law School." The Secretary of the Navy calls the Judge Advocate General and says "You know, I know this is a great imposition, but would you mind letting this guy out of the Navy a year early so that he can go out and help out our constituents out here in North Dakota. The Judge Advocate General says, "Would I mind? Wow, hallelujah, what a blessing!" So we worked out a deal that they would let my six guys out of jail and retry them if they wanted to. I don't think they retried any of them, but they'd let my six guys out of
jail, they’d let me out of the Navy if I’d go out and teach for a year at the University of North Dakota Law School. And that’s what happened.

**Dweck:** Growing up in Pittsburgh, living in Philadelphia and New Orleans, what was it like to be in the middle of North Dakota for a year?

**Black:** I was interesting, interesting. It was tolerable and actually kind of fun because there was a one-year commitment and there was always the light at the end of the tunnel. I don’t know how people exist there knowing that they’re going to be there indefinitely. But for me, with a years commitment, it was fun, it was sort of a kick to call up my friends and say it forty below zero tonight and we’re all going out on our snowmobiles. But, it helped to know that it was only a year.

**Dweck:** What type of classes did you teach while you were there?

**Black:** Let’s see, I taught civil procedure, real property and conflict of laws.

**Dweck:** And then you moved into commercial litigation back in Philadelphia after that year was up?

**Black:** Right.

**Dweck:** What spurred your interest in commercial litigation? You were doing a lot of civil rights work and criminal defense work.

**Black:** I think it was the notion that doing, sort of going into the plaintiffs anti-trust and securities class action work, you could combine a sense of doing good for some sort of social good and at the same time making a good living. And I had some friends who were working for Harold Kohn, who was one of the preeminent plaintiffs’ class action lawyers at the same time. I think I gravitated back to Philadelphia because most of the people I knew who were lawyers were here because they had Penn connections. And, so I applied to Harold Kohn’s office for a job and got it.

**Dweck:** What was the major difference between working in the private sector and public sector?
Black: Interesting, I haven’t thought about that. I guess in one sense, the private sector is easier to deal with because you didn’t have to fool around with all the bureaucracy and idiocy of useless forms and etc. etc. etc. I don’t know.

Dweck: In 1975, you founded this firm, what was your relationship with Mr. Fine and Mr. Kaplan? And what spurred you to begin this firm?

Black: Well Aaron Fine and Arthur Kaplan and I, were part of the Kohn firm. Aaron had been there, had been with Harold Kohn for something like 26 years, something like that. Arthur’s a couple of years younger than I am, and he and I had been there for three or four or five years or something like that. And, Aaron Fine and Harold Kohn had some sort of big fight and Aaron left a week or so later Arthur left and a week or so after that Aaron and Arthur announced that they were going to form a law firm and start practicing law and a week or so after that they came to me and asked if I would be interested in joining them. And I thought about it for a while and agonized over the prospect of leaving something that was pretty secure for something that was pretty risky. Ultimately, after I consulted with my god friend and law school roommate, Mark Goldberg who was the just the fount of common sense and wisdom, Mark advised me that it would be silly to pass up an opportunity like this and it turned out that he was right. So I did it and he was right. And it has been a great experience ever since.

Dweck: You have a very extensive background in complex litigation with a lot of cases, can you talk about, perhaps, the work you did in tobacco litigation.

Black: Well, we were never in the tobacco litigation, we, some of the big cases that stick out in my mind, one of the biggest was the corrugated container anti-trust litigation down in Houston where it was twenty years ago, we tried it as a class-action before a jury down there for four months over the summer, the hottest summer I think I ever spent anywhere. And ended up getting a plaintiffs verdict, that when all the settlements finally fell into place after that, the recovery was 5 or 6 hundred million dollars for the class, which was a huge amount at that time. It’s still real money. That was a great case. Another case that I enjoyed a lot was called Stainton against
Tarrantino, in which I represented a partner in one of the large law firms here in Philadelphia who had been sued as a defendant in a RICO case and that one we tried for a good month in front of Judge Katz in the district court here.

Dweck: I noticed that you were involved in the Lexis and Westlaw case, do you still use Lexis?

Black: No, we use Westlaw, we’re still loyal to our client. Even though our client has now been purchased by Thompson. That was fascinating too. That came about, one of my co-counsel who helped us try the corrugated container case was a guy by the name of Vance Opperman from out in Minnesota. He was in private practice doing commercial litigation at the time, but his family really owned West Publishing Company. And, later on, when Lexis came on the scene and Lexis and Westlaw were battling out over the computerized legal research, Vance brought Arthur and me and a number of other people together as a legal team to represent West in course of all these litigations and there were copyright litigations and anti-trust litigations, you name it and they were being filed in Cincinnati where Lexis had it’s headquarters and Minneapolis where West had its headquarters. It was a great experience. We worked with a lot of the best lawyers in the country and a lot of the best economists in the country and ultimately did a pretty good job for West.

Dweck: I just want to switch back to your aviation and your love of aviation, I noticed that you are Chairman of the Bucks County Airport Authority.

Black: That’s one of my many extra-curricular activities these days, yeah.

Dweck: What kinds of responsibilities does that entail? It seems to me also to by a type of political position, do have any kind of political aspirations?

Black: I’ll answer those one at a time. The authority owns and operates two airports up in Buck’s County, Doylestown Airport and the Quakertown Airport. And, as Chairman of that five member board we have responsibility for everything that goes in to owning and operating a couple of airports. It is, the board members are volunteers, we’re not paid, we’re appointed by the county commissioners, and, no I don’t have any political
aspirations in terms of running for office or anything. I tend to be somewhat active politically, but, mostly just for community service reasons.

Dweck: You also have a lot of positions, I noticed on the ALI. What has that been like working on the ALI?

Black: That’s been a great experience. As you know, the ALI is a great organization to sponsor scholarly work with respect to law reform. And, particularly, writing and publishing the restatements of the law and similar studies. I have been a member since 1976 when Judge Wisdom got me in and it’s just a thrill to sit in the same room with people like Charlie Wright and the other great minds of the law, academics, judges and great practitioners and debate the fine points of what the restatements ought to say. About six or seven years ago Judge Wisdom got me elected to the Council of the ALI, which is the sixty member governing board of directors. And, that’s been and even more interesting and stimulating experience because the council meets three times a year to work intensely on the drafts of the various projects. And, it requires you to do homework in areas of the law that you know nothing about. We just finished a project on family law and for some reason, that attracted my interest so I got really into it. Now I know a lot about family law, not that I’ll never ever use it. But, I can feel that I had an influence on the Institutes study and product and hopefully that will have an influence on the law.

Dweck: As you look to the future of your law practice, where do you see this practice and your work, legally, going?

Black: I think we’ll probably be on the same track that we are now. We started in 1975 with the 4 lawyers, Arthur Aaron and me and one associate, in 25 years we have now grown to nine and I am sure we will continue to stay small because we think it is a lot more pleasant way to practice law. And my guess is that we’ll maintain our focus primarily, if not exclusively on commercial litigation. We do mostly plaintiff’s work, but we do some defense work and I, in particular, I enjoy that. Right now, one of my most interesting matters is that I am representing someone who was an officer in the Allegheny Health System, who, as you can imagine, is being sued by everyone in the world. And I think it is good to work both sides of the street, I think
it makes you a better lawyer. I think in all your cases, if you’ve been on the other side and you sort of know where the other side is coming from you’re going to do a better job. So I think we’ll continue to do mostly plaintiff’s work, some defendant’s work and probably continue pretty much on the same course.

Dweck: I would like to ask one last question, and I feel like I would be remiss if I didn’t. Given the whole Constitutional crisis, or whatever you want to call it with the presidency, so have any particular comments for posterity, or any insights you would like to offer about what is going on in Florida?

Black: Not beyond, what I think probably ninety-nine percent of the American public feels right now. I just wish it would be over, why don’t they just flip a coin and decide and just be done with. I’m embarrassed for our country that we have gotten to the point where, in the eyes of the world, Americans settle absolutely everything through litigation, they know no way of settling differences other than litigation. It’s certainly an appropriate method for settling some differences, but it is incredibly cumbersome, incredibly expensive, incredibly unpredictable and it, you know, even at all that, it still is a rough way to get to the truth. It doesn’t guarantee that the end result is in fact the truth. I tend to think that, even this may sound strange coming from a litigator, but I think that the European countries have a much more civilized way of approaching dispute resolution and they tend to come to litigation as a last resort after chief executives of the two companies have sat down at a table and said “Come on, we know we both can’t be right, let’s just work something out.” But, we seem to have a well-deserved reputation of expecting litigation of a way to solve everything, and it just isn’t. So I would just propose flipping a coin.

Dweck: Thank you very much for your time.

Black: Thank you.