

**Project Name:** *Immigrant Alexandria: Past, Present and Future*

**Title:** *Interview with Phil Hirschkop*

**Date of Interview:** *June 5, 2019*

**Location of Interview:** *Virginia*

**Interviewer:** *Dan Lee*

**Transcriber:** *Shiva Kumar*

**Abstract:** *In the interview Philip J. Hirschkop talks about dealing with various types of cases in his career.*

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<b>INTRODUCTIONS 00:00:00</b>	
Dan Lee	Hi, I'm Dan Lee, the City Historian of Alexandria, Virginia. Today is June 5, 2019. It's 1:38 in the afternoon. I'm here with Philip Hirschkop to continue our conversation from two weeks ago about his long legal career. How are you doing, Phil?
Philip J. Hirschkop	Fine, thank you.
DL	I kind of wanted to start talking about some of your cases dealing with education especially with the rights of teachers. And perhaps, you can start with one of your first cases, which was <a href="#">Johnson v. Branch</a> .
<b>JOHNSON V. BRANCH 00:00:35</b>	
Philip J. Hirschkop	<p>It was actually my first case. In Virginia, you could take the bar before you graduated if you met certain qualifications, which I did. And I actually filed the Johnson case in North Carolina in <a href="#">New Bern</a>. It's the second oldest, I think federal court <del>in the</del> after United States, <del>but</del> <del>New Bern, North California</del>. We sued because this teacher had gone out on demonstrations with some of her African-American students, but not during school hours, and not in violation of school policy, and they didn't break any laws and get arrested. But the white supremacy down there certainly took umbrage with her teaching kids to stand up for themselves.</p> <p>So, I brought the case. We were successful. But the <a href="#">NEA</a> joined in by the time we went up and appealed to the Fourth Circuit. And they then retained me to represent the <a href="#">DusShane Fund</a>, which is the big teacher rights fund for the NEA protecting teacher civil rights and against wrongful firings. And for two or three years after that I went all over the country responding to these complaints and looking at them and picking out which cases would be best suited to make law and had the most justification. It was quite a big part of my career those first three or four years.</p>
DL	Now, when you say the NEA, do you mean the National—?
Philip J. Hirschkop	National Education Association.
DL	Education Association. Okay, can you tell us a little bit about the result and the argument that you made in that case?
Philip J. Hirschkop	<p>Well, it was a straight free speech argument. She had a right to speech, had a right to petition for grievances. She had a right to congregate with whomever she pleased, if it didn't interfere with her teaching and school policy. It was her constitutional rights that were very much in question. We were successful in the district court and we were successful again in the court of appeals. Interestingly enough, one of the school people went on, I think to become chief judge of the Supreme Court of North Carolina some years after the case. But it was a fascinating case Johnson. It wasn't a great momentous case although it made good laws. It's one of the early cases that teachers are entitled to live their lives and enforce their rights, if it didn't interfere with the teaching.</p>

DL	You've mentioned this a couple of times already, but you seem to be interested in creating law almost—write a new law. Was this already—like did you already have this desire from case number one or—?
Philip J. Hirschkop	<p>No, I mean—remember at the time I took the Johnson case, I had already—it was just after I took the <a href="#">Loving case/Johnson</a>. It was as a result of taking the Johnson case that I met <a href="#">Bernie Cohen</a> and got involved in the Loving case. So during the course of the Johnson litigation, I was also litigating Loving. And that was bringing a big change in the law on the major constitutional changes and the right of people to marry their partners. That was a huge <a href="#">change/ease</a> of law.</p> <p>I've been lucky enough when I first got involved in the law and civil rights law to meet <a href="#">Bill Kunstler</a> and <a href="#">Arthur Kinoy</a>, two great lawyers, brilliant lawyers. And they were looking to change the status quo in the south. They were looking to make things new and to use the law to do it. So much of what I've done is along those lines. This is using the law to change things to a more modern approach whether it was the big prison cases I brought or the teacher rights cases, the women's rights cases. They all were involved with new applications in the law or tremendously broadening the rights of people as protected by the law.</p>
DL	You're from New York and then from New Jersey, and a lot of your cases have been in the south. Did you initially experience a lot of prejudice or a lot of feeling like being an outsider or were you treated like an outsider?
<b>EXPERIENCES WITH PREJUDICE 00:05:08</b>	
Philip J. Hirschkop	<p>Well, I was an outsider. There was no question about that most of the time. Where I was raised in New Jersey, my—as a kid in Brooklyn, that didn't really apply. Where I was raised in New Jersey, the migratory laborers would come up there. They lived in the backs of trucks. They were put <a href="#">into</a> chicken coops where there was no running water and there were no bathrooms. They just got the manure cleaned out. It was a terrible stench. And they came to New Jersey to pick potatoes. They picked asparagus in southern New Jersey. They picked peanuts and cotton and tobacco, and down in Florida they picked citrus. And they went up to New York to pick apples or out to western Virginia. They lived on the back of a truck when they were traveling. They had one guy in the car who is sort of the ringmaster. It was a horrible show. But I got to know them because I lived in a small town.</p> <p>Got <a href="#">to know</a> with them to the extent that when I first got <a href="#">into</a> the civil rights, one of my first big cases, it was in North Carolina, and I got to know a major civil rights worker there, Golden Frinks (phonetic). Golden had refused to go to the back of the bus before Rosa Parks, and was prosecuted for it. He was <a href="#">in</a> SCLC. He was in Southern Christian Leadership Conference, a field worker. And I would talk to some of the people in that area and the civil rights lawyers in the North wouldn't understand us because I understand that lingo that they used from the migratory laborers. So I had that background.</p> <p>When I came down here in—when I was in the army between high school and</p>

	<p>college, I did have an incident where I was stationed at Augusta, Georgia and then I was stationed at Fort Bragg, North Carolina. They were my two big home bases for the extent of my army career. When I first flew to Augusta, I went to take a drink at a fountain, and some guy told me I couldn't drink at the fountain. He said colored only, I didn't know what that was really for. "A kid from Brooklyn, you don't tell him where <del>he can you could</del> drink." That was the first time I was arrested. And then, living in Alexandria, living in Arlington, first in Alexandria, I was exposed to prejudice here.</p> <p>When I first thought of practicing in Alexandria, the bar was segregated. I forced them to integrate the bar. There was a pattern over a period of time where I was exposed to civil rights things that gave me a belief that I followed ever since.</p>
DL	Okay. To go back to another education case and another case in the south, you also argued for in <a href="#">Scott v Tennessee</a> .
<b>SCOTT V TENNESSE 00:08:01</b>	
Philip J. Hirschkop	I never got to argue.
DL	Okay.
Philip J. Hirschkop	The Scott v. Tennessee of course was the old law that—I can't remember the name—the famous case.
DL	Clarence Darrow.
Philip J. Hirschkop	Clarence Darrow arguing the <a href="#">Scopes</a> case, <del>but</del> the teacher who was prosecuted with teaching evolution.
DL	Scopes.
Philip J. Hirschkop	Scopes case, yeah, it was the same law. And the National Science Teachers Association, which is associated with the NEA asked me to <del>get</del> down and attack the law. We had a teacher who also had violated it currently. I went down and filed suit in Tennessee, and the next day, the state legislature repealed the law. Because when I got home there was a big cake, "You succeeded where Darrow failed." It was a joke by my father. It was fun. I think it taught me very much. But there were a lot of cases for the NEA that were very formative in law, and very often I do, I get the case started. I find lawyers. I go over the initial theories before the NEA would agree to fund it. So, when the case went to US Supreme Court on teaching evolution, I was <del>as</del> part of <del>that filing</del> writing an amicus brief for the National Science Teachers Association. A lot of my work in my first five years was in the field of education.
DL	Okay. We must talk about another one. <a href="#">The Alabama State Teachers Association v. Lowndes County</a> .
<b>ALABAMA STATE TEACHERS ASSOCIATION V. LOWNDES COUNTY 00:09:47</b>	
Philip J. Hirschkop	Yeah, it was more of it. That was a civil rights case more than <u>about</u> education. <del>They</del> We were integrating the schools down in Lowndes County. I can't remember why I got called in but I remember my local counsel was Fred Gray, one of the great civil rights lawyers down in Montgomery. We were <del>before</del> for a three-judge panel <del>including</del> for Frank Johnson, one of the great federal judges

	in the south. But they ordered the integration of <del>the</del> schools. Partly education, <del>but that's</del> mostly from my civil rights work.
DL	Okay. And then, one more case we have, which is <a href="#">Rypkema v. the Board of Education in West Virginia</a> .
<b>RYPKEMA V. BOARD OF EDUCATION WEST VIRGINIA 00:10:20</b>	
Philip J. Hirschkop	<del>It was a</del> A little town in West Virginia, just over the line from Virginia. She assigned the Little Red <del>Schoolbook Book [sic]</del> for the kids to read. It was printed I think in Sweden. There was nothing pornographic about it, but it did discuss sex and some other things. And for these high school students, it was perfectly fine to assign at any decent school. But the school board said, "Oh no, there were passages in there that were horrible." And they then were ordering certain books to be taken from the library and be burned. So I got into a lawsuit out there, and it was riot. It was like the movie that Darrow made about this—movie, Darrow and the Scopes trial, Inherit the Wind.
DL	Okay.
Philip J. Hirschkop	Because I <del>wassa</del> w deposing these people. And I said, "What about this passage? Was that something you blocked?" "What about this passage?" Well, I was reading passages from Shakespeare. You know, Taming of the Shrew has all sorts of horrible things in it. But even Hamlet—and I was reading things from the Bible. They would ban the Bible. They would ban all the Shakespeare, and it showed what jerks they were, and it was a very successful case.
DL	Okay. Let's move on then to another really big case that you had later on in your career about Miller v. Daves—or Davis; I'm sorry.
<b>MILLER V. DAVIS 00:12:04</b>	
Philip J. Hirschkop	Yeah. That was a fascinating case you see. The AARP started out as probably biggest scam in the history of the United States.
DL	The AARP?
Philip J. Hirschkop	<p>The American Association of Retired People. You're talking about an organization that maybe the—it's probably the biggest organization in the world. Its membership exceeds the citizenship of <del>many</del>most third world countries. Its budget is enormous. Until the AFL-CIO had split up, it was the second biggest organization. It represents millions and millions of old people, enormously powerful. But it was founded by a guy who founded <a href="#">Colonial Penn Insurance Company</a>, and it was all a scam. It was all to get teachers to sign up so they can get the insurance. It started with the teachers' retirement group in California. There was a woman who ran that was just a genuine icon of the geriatric movement.</p> <p>The guy who founded Colonial Penn, he himself had lost his license and sanctioned in New York for insurance fraud or something. When he found this elderly woman in California, they started AARP, but Colonial Penn had all the rights to the <del>insurance through</del>insured, the AARP. <del>So the</del> only insurance you got in Maturity magazine, which is the magazine of AARP, was Colonial Penn Insurance. We're talking about millions of dollars here.</p> <p>They had one vice president assigned to the board of AARP who flew all these</p>

	<p>old people in private jets all over the world apparently. They went <del>to</del> meetings in Argentina and Spain and all. So they voted whatever they wanted, but the insurance was controlled by a trust. And the trust was three people, two of them were from Colonial Penn. We're talking about for Colonial Penn to get a contract from AARP. The general counsel of AARP was the man who had been general counsel with Colonial Penn his firm had, and his firm's offices were in the Colonial Penn building where they are free rent up on 55th Avenue or Park Avenue in New York. So it's like going into a room to negotiate, we have one lawyer representing both sides negotiating with himself. So Colonial Penn became this huge corporation. It's probably the major growth cooperation according to Forbes, four out of the ten years in that particular decade.</p> <p>When a big law firm in New York, the <del>Shea Gould law</del><del>SherGill</del> firm got wind of it, they tried bringing a suit to break it open. When the suit was brought down, they tried serving it on the director of AARP, the executive director, Harriet Miller. She went on to become mayor of a big city in California, I don't remember which one. But she had been the top female executive in the United States at the time. She was called in by the head of Colonial Penn and told that she had to accept service for the board of directors <del>who were</del> being sued and not tell them they were being sued. So, it bothered her and she thought it was something wrong with that. And she was directed to me because of my ACLU work, and I ended up bringing a suit for her. I nearly went bankrupt over—they had these huge law firms fighting with me and a lot of skulduggery. A judge was bribed. I mean, it was just a horrible case. We ended up successfully concluding the case, and ultimately all the AARP insurance went to another major group and it got bid on.</p>
DL	Okay.
Philip J. Hirschkop	<p>Unfortunately, it's sixty boxes downstairs in my basement that are sealed. As part of the settlement, I had agreed not to <del>publish</del><del>open up</del> the sealed <del>information</del><del>boxes</del>. Now, a lot of them I can disclose. All the pleadings were public. But the stuff that was sealed as part of the agreement is I can't move to unseal it, and it's a real part of the American history. I'm not sure what to do with them is what I'm trying to say.</p>
DL	<p>Okay. What do you think—you know, you talked about it being a real part of the American history, what do you think that legacy is going to be from that case?</p>
Philip J. Hirschkop	<p>Well, you know, the insurance companies have a special place in our law. They are exempt from the anti-trust laws, so they can get together and conspire against it more easily than others <del>they should technically</del>. You know the group was supposed to be representing the rights of old people, which it does now I believe, but then it wasn't. It was just an insurance company scam or sham or however you put it. But I guess if there is anything to be learned is that not to do it again because somewhere someone will step up and say, no that's wrong. On the other hand, the man Davis who put it all together died worth hundreds of millions of dollars, a huge powerful figure. He gave lots of money to major,</p>

	<p>major political figures. <a href="#">Mike Mansfield</a> who was majority leader of the Senate at the time—we know how powerful <a href="#">Mitch McConnell</a> is currently. He actually was the one who had Harriet Miller appointed. He was from Wyoming and she was from Wyoming in that job, and he got—and I'm not saying that Mansfield did anything wrong, but he got huge political contributions from the head of the Colonial Penn who contributed to others. So, we see history repeats itself sometimes in very evil ways.</p>
DL	Okay.
<b>HIRSCHKOP V. SNEAD 00:18:29</b>	
DL	Let's talk about a case involving you and involving <a href="#">Hirschkop v. Snead</a> .
Philip J. Hirschkop	<p>Well, when I initially started practicing law in Virginia, there were contempt and bar complaints. I had seventeen bar complaints against me over the period of first several years in practice, which is clearly a record. I don't know anyone who got close to that. Not a record you really want. And none of them were from clients. None of them were from doing anything wrong to a client <del>but</del> from public statements in the course of civil rights work.</p> <p>At one point, the Virginia Penitentiary was one of the worst in the United States. It was as bad as <a href="#">Parchman Prison</a>, Raiford in Florida, the Louisiana prison; the ones you hear about horrible things. In the Virginia Penitentiary, if someone wrote to the ACLU or even before that when it was no ACLU, to a lawyer, and said, "I'm being brutally treated or something," he was hung from the bars by his hands just so that his toes could touch the floor. And he could stand in his own excrement and urine for two or three days while they gave him some bread and water. It was just brutal something out of Nuremberg.</p> <p>And so, I got involved in going after them. I'm not sure how far you want me to go, that's very complex.</p>
DL	I want you to talk about the <del>role</del> of a defense lawyer, too, just <del>[crosstalk]</del> .
Philip J. Hirschkop	<p>Well, so the bar decided they had to get rid of me because the bar was run by very conservative people in those days. As we talked about last time, the Alexandria bar was segregated when I went to move the admission of <a href="#">Otto Tucker</a>, <del>the brother of Sam Tucker the</del>, greatest civil rights lawyers in the history of Virginia. <del>His brother</del>—they didn't want them in there because he did civil rights work. Well, it's the same thing with me. The bar didn't want me around, so I got all these bar complaints. And ultimately, I had had enough.</p> <p>When we did the prison reform stuff in Virginia, <a href="#">Godwin</a> was the governor. He was a very conservative, Democratic governor. Then Governor <a href="#">Holton</a> came in and he put in very progressive prison <del>managers</del>magistrates, and we settled the cases and made some big steps forward bringing Virginia prison system to a more modern system. When Holton left because you're only allowed to serve one term by law in Virginia, Godwin ran again as a Republican. So he got the commonwealth attorney in Richmond to get</p>



	<p>indictments for misdemeanors against all the prison leadership; the superintendent, the assistant superintendent. The assistant superintendent, then <a href="#">Dennis Gallagher</a> I got to know quite well had me represent him, and I went to court. I told the judges <del>this</del> he can't go anywhere, it's an original indictment for misdemeanor. And walking out of court, the press all ran up to me because I had been suing the prisons <del>and</del> said why are you representing prison people? And I said, "Well, he is a good guy." I didn't violate the rules, the rules being you can't make a comment that might influence <del>at</del> the future jury."</p> <p>The bar went after me for that. I had a full blown hearing with the top trial lawyer brought in especially—Roberts, I can't remember his first name—from a big firm in Richmond to prosecute me. I brought in two lawyers from New York and a substantial <a href="#">attorney</a> from Arlington. We lost the case in district court and we won it in the court of appeals on the right of a lawyer to speak out. I had said nothing wrong. Something very interesting came out in that case about how foolish the bar rules can be and lack of background <del>and</del> prejudice that give rise to some of the rules, the old rules with the bar.</p> <p>That's one of the major cases on the rights of the lawyers to speak freely. Just as a quick analogy to it. You hear about the <a href="#">BerrigansBergens</a> were indicted; the Attorney General of the United States goes into that place with a big statue of the woman with bared breast, <del>the one</del> and a Republican attorney general covered up <del>the statue</del> in the conference <del>area</del> room there in the auditorium. He announces these are—they're guilty. We got this, we have that. That's perfectly fine, but if a defense lawyer does it, then it's prosecutable. It's madness. It's the bar being controlled by prosecutors and the establishment. That was one of the cases that helped break that open that lawyers can't stand up both publicly and in court.</p> <p>They stopped going after me as a result of my case. They had to apologize. It was on the front page of the <i>Washington Post</i>. I don't think it made the front page actually. It made it to the <i>Washington Post</i>. They ended up putting me on the grievance committee, and that I ended up being on bar council, the governing body of the Virginia State bar. All growing <del>from the</del> adverse attack <del>on me in the</del>—by the bar.</p>
<b>ADVOCACY OF FAIRNESS 00:24:11</b>	
DL	You seem to care an awful lot about fairness. Would that be accurate?
Philip J. Hirschkop	Yeah. Absolutely.
DL	Was that something that you had from a very young age, and you've kind of brought this through for all these years?
Philip J. Hirschkop	Yeah. Who knows where it comes from? The most poignant memory I have of <del>that</del> is when my pop was dying many years later, I had already been through a lot of my legal career. He had some major surgeries as a result of cancer. He was in Florida. He came out of the anesthetic they had him on. He was a little

	<p>violent. My father was not a violent man. He would never strike a woman. So they tied him down on a gurney. I had just flown down from Virginia to see him and take care of him as much as I could. I went to the gurney. I said, "My God, you've leashed my father. What's wrong with you people?" And the nurse says, "Well, you know, he's disruptive." And I said that's bullshit. I unleashed him and he looked up at me. He hadn't really been cognizant that much for a couple of days really, and he says, "It's not right, Philly." And I always picture my pop saying it's not right. The only picture I think I told you last time on my desk for the last fifty years, and <del>not the</del><del>that was</del> one of my best dog but the only real picture on my desk for the fifty years has been a picture of my father and I in front of the US Supreme Court.</p>
DL	And what case was it?
Philip J. Hirschkop	In the Loving case, <del>the day I argued that they argue</del> —Loving.
DL	Okay. Was that the only time he saw you argue in the court?
Philip J. Hirschkop	Yes.
DL	Okay.
DL	You've done a couple of medical cases or cases involving doctors. Can you talk to us about that?
<b>SOME OF THE MEDICAL CASES 00:26:06</b>	
Philip J. Hirschkop	<p>Yeah. I used to be very active in the American Trial Lawyers Association as a plaintiff's lawyer. I did some major personal injury cases. I didn't normally take the usual auto accident case because I—in fact, in my whole career I've done complex litigation. I taught constitutional litigation in Georgetown. But some of the malpractice cases really opened the doors up. And applying my civil rights background took me to another step beyond where many lawyers would go. Some would. We had one Peterson case. Got a lot of publicity and a lot of recognition. A young preemie, he was just a day away from going out of hospital as a healthy child just being born early all of a sudden became vegetative. They <del>gave</del><del>give</del> him adult insulin in his TPN bag, the IV bag. The hospital had a lawyer that had a habit of lying and covering up and getting away with it because half the judges are from either ex-prosecutors or the defense lawyers, the majority actually. And very often they tend to be the brighter lawyers. The defense starts to pay a little more money when you start out. There are some very brilliant plaintiff lawyers. But there are a lot of lawyers out there <del>who</del> just went to law school because they didn't know what else to do when they graduated college.</p> <p>In the Peterson case between the lawyer and the hospital, they then concocted a story that someone sneaked into the hospital at night and put this drug into this baby and another baby's bag. The other baby died. My baby, Matthew Peterson lived for twenty-one years. His mother called every morning <del>about</del> <del>Matthew</del> who was in Portsmouth in a hospital. She called every morning for twenty-one years to <del>see</del><del>ay</del> how her son is doing. Went down to the birthday party once a year. But he had no motor control. He couldn't see or hear. It was a terrible situation. They lied about it and I went after them. The family at some point wanted to pull out. It took years of litigation. I had to non-suit,</p>

	<p>drop the suit and re-file it at one point.</p> <p>It turned out that it was just a mistake in the lab. They color code the different medicines, chemicals that are given out. And she hadn't taken any adult stuff off her hood <u>to</u> replace with <u>juvenile meds</u> a— <u>a mix up of the bags --</u> and put <u>adult insulin</u> stuff in the bag. And the stuff he was supposed to get which is really nothing <u>more than</u> some kind of <u>juvenile medication</u> <u>placebo</u> was the same color as the adult insulin. They knew about that for years while they lied and lied. We managed <u>to find</u> it after fighting with them in a malpractice case to get the fact that they had gone down to University of Virginia and got two experts to review the whole thing. The experts concluded what really happened. And then we brought a very big conspiracy case, which we settled the morning of the trial for millions of dollars.</p> <p>But it really exposed what was going on at the hospital and how they corruptly tried to cover up. And there were several other malpractices along those lines with the hospital on that. The malpractice cases—there are a couple of others of that nature that led me into the medical field where I represented some very substantial doctors. Those are the two cases I think you're aiming at.</p>
DL	Yeah.
Philip J. Hirschkop	The <a href="#">Osheroff case</a> and the Dietrich case.
DL	So, let's talk about Osheroff first. Can you give us a little bit of background on that?
<b>THE OSHEROFF CASE 00:30:04</b>	
Philip J. Hirschkop	Yeah. Ray Osheroff was a nephrologist here in Alexandria, a very colorful character. He played the banjo in a bluegrass band. But in those days, the government had just decided they would pay for dialysis.
DL	Nephrologist is—?
Philip J. Hirschkop	<p>Is a kidney doctor and they gave them the dialysis. So they start opening dialysis clinics. Well, that was a gold mine among doctors, dialysis clinics. Ray had a terrible personal problem that his children from his first marriage had been taken to England. He became severely depressed, agitated depression. His second wife was a very attractive woman and worked as an ER doctor. And the two doctors he brought in to help <u>him</u> <del>them</del>, they were just his associates. They got together and they convinced him he should go into an institution to be treated for his depression, and he did need treatment for his depression. It was severe.</p> <p>So they put him in the <a href="#">Chestnut Lodge</a>. Well, Chestnut Lodge, which was a world famous institution—it's closed now—up in Rockville, Maryland was for schizophrenics. It was not for depressed people. You treat them totally different.</p>
DL	What year was this around?
Philip J. Hirschkop	It was forty years ago roughly.

DL	Okay. So it's the seventh?
Philip J. Hirschkop	<p>And there was a big fight in those days about that how to treat depressed people between the psychoanalysts, the Freudian-trained doctors who do <u>not</u> believe in medication and the psycho-pharmacologists, the doctors who realized that to treat an agitated depression you have to medicate him. It's a physiological illness. It's not just an emotional illness.</p> <p>Ray was in this institution where his nails got that long and his hair was down. He paced twenty hours a day. He saw a doctor three times a week for an hour each where they did regression therapy. You know, you're a baby now. They're really going to put diapers on him. It's horrible. After a number of months they wouldn't let him see his mother. After a number of months, his mother finally got to him. She went to some psychiatrist who knew what it was about, and they got to transfer him up to Silver Hill or <u>Silver Lodge</u> whatever it is up in Connecticut. That's a renowned institution for treating depressed patients.</p> <p>Within weeks, he was out. Well, the doctors who had convinced him to go in had taken over his business. So they wouldn't let him back in the business. They told all the patients he was crazy. So, first we brought a malpractice suit against Chestnut Lodge, and we were very successful there. And then we brought a bigger action against these doctors. It was the first case of its kind under the new statute, which is interfering with a person's business.</p> <p>It made a lot of law. People we called in—we called in the main experts on psychopharmacology, so Dr. Kline from <u>PNS</u> Columbia <u>P and S</u> School of Medicine in New York City, the doctor from Duke who developed the test for that, a psychiatrist, very famous from Harvard on treatment of depression. They brought in people trained under Freud's daughter on the other side. As the case it made a lot of law; it was written up in the New England Journal of Medicine and has had a number of seminars about it about what is the proper treatment between the two, psychopharmacologists and the psychoanalysts, the Freudians and the non-Freudians. It was a fascinating case. I had to read a lot of books on depression to be able to adequately examine and cross-examine these doctors. But I say it made a lot of law within medical profession on the <u>actions</u><del>rights</del> of the doctors.</p>
<b>DIETRICH CASE 00:34:23</b>	
Philip J. Hirschkop	<p>The Dietrich case also was a case that made a lot of law. Ted Dietrich may have been—clearly was among the best cardiovascular surgeons in the world, heart surgeon doctors. He trained under <u>DeBakey</u> who made—almost everyone knows—one of the first artificial hearts in Houston. DeBakey had Dr. Cooley—I think he is at Baptist Hospital in Houston, the Texas Heart Institute—and he forced Cooley to leave when they were developing a mechanical heart and Cooley went ahead with the valve that DeBakey was out <u>giving</u><del>open</del> speeches somewhere. And then, Ted Dietrich took over for Cooley as the Chief Resident or something. They were trying to develop something where they could—if</p>

	<p>someone came in deceased, they could take multiple transplants of different parts of the body.</p> <p>Again, DeBakey was out traveling and Ted Dietrich did that and was forced to leave. So Ted Dietrich moved to Arizona. Well, Arizona is one great market for heart work, and there is lot of old people in Sun City. It's a big retirement community out there. And he became very famous. He had the <a href="#">Arizona Heart Institute</a>, but it was the only closed <a href="#">physician</a> institute that you have there, same as the big place up in Minnesota.</p>
DL	Mayo Clinic.
Philip J. Hirschkop	<p>The Mayo Clinic, it's a closed institute. You can only <del>practice</del> get in there if they will admit you; <del>unlike</del> just like the average hospital, you go in if you have a medical degree and meet the society standards and you get admitted. So the local doctors got <del>up</del> a huge conspiracy against Dietrich. Of course, they initiated eight malpractice cases. His malpractice insurance went through <del>thete</del> sky. This was a guy who made a lot of money, had world recognition. Apparently, the fastest hands, and it's very important. When they open, they open your chest to get you on and off that machine. It's the amount of time your heart is stopped.</p> <p>I went out there and was in there—actually the surgical <del>suites</del> sweep when they did some open heart surgery. It's just fascinating. Watching at some point how the heart is in. You know, it's human life. But at any rate, we ended up bringing a massive lawsuit. We sued the top lawyer. He was the head of the biggest law firm who organized the conspiracy in Phoenix, Arizona, <del>and</del> seventeen or eighteen surgeons, four hospitals, the AMA, the Maricopa County Medical Society, the American College of Thoracic Surgeons et cetera. And we had all these big law firms on the other side.</p> <p>We ended up—we thought we're just going to get lost. We couldn't prove anything till we finally got some calendars, and <del>observed</del> also these mysterious meetings with all these surgeons and this lawyer, and that led to breaking it open. So after some years of litigation, we settled that case, and it's a massive case for the rights of doctors. The medical profession has terrible problems governing itself as does the legal profession. But doctors, you know, they get elected as chief of staff from private practice. They're not necessarily full-time doctors in a hospital, particularly in smaller communities. And any opposition to stop them from getting referrals for the emergency room or—if someone does something, it has a negative result. It just maybe—you know, that's life sometimes. It doesn't go where you can predict. But they'll come in and testify, "Oh no, we should have seen it happening. You should have said this or that." A lot of judgmental <del>criticism</del>.</p> <p>Dietrich is one of those cases that got massive write-ups again in the general medicine <del>and</del> elsewhere that gave doctors the ability to fight back against the groups that try and keep them from properly pursuing their careers. Ted</p>

	<p>Dietrich would operate on class three patients. So you have class one through four patients in heart surgery, four being people who are not going to make it probably. But most heart surgeons in those days, I don't <u>know</u> what it's now, would not touch a class three patient because there's a high death rate. On the other hand, if you don't operate— I don't know it's almost a guaranteed death rate—Ted had brilliant hands and he saved a lot of people who otherwise would not be saved by other doctors.</p> <p>But in the meantime, he got put on the cover of <u>Life Magazine</u> that said, "Teddy Terrific" under it, and all these doctors were afraid between his closed institute, his big reputation that he's going to take away a lot of their business, and <u>from</u> some of these other hospitals. So, it led to the suit, but it was a wonderful victory for the rights of doctors, and ultimately rights of patients.</p>
DL	<p>Okay. You've also done a lot of work on dealing with animal rights. One of the major ones is Berosini.</p>
<p><b>BEROSINI CASE 00:39:39</b></p>	
Philip J. Hirschkop	<p>The <u>Berosini case</u>. Well, I have represented <u>PETA</u>, the biggest animal rights group in the world since they began. It started right here in Fairfax County. The head of PETA who is kind of the grand dame of animal rights, Ingrid Newkirk, probably the most recognized person since, Mr. Singer in the animal rights movement, Peter Singer.</p> <p>She was at a demonstration up at a little park near the headquarters, the <u>Frying Pan Park</u> in Fairfax County near the county seat. She got arrested. I got a call because of my civil rights work that someone has been arrested for a demonstration. I represented a lot of <u>SNCCsnick</u> kids and it's now—yeah, I will do it, what the hell, you know, I won't charge <del>or</del> anything. The jury was out six minutes and came back and acquitted her. I've represented her and PETA ever since. And that's been fascinating work because in the forty years I've represented them, the way we treat our fellow creatures has changed dramatically. How we allow animals to be used. PETA itself is the main reason you don't see animals that much being abused in the testing for cosmetics. You know, they were pouring lye into animal's eyes to see first how they react. There was one test I remember where they were shooting animals. It was well funded by National Institute of Health where they were shooting animals so then doctors could do emergency surgery on them to help them later treat soldiers in emergency rooms.</p> <p>Well, there is plenty of emergency rooms with shot people, you just go down and get experience. You don't have to brutalize all these animals. But it led to a number of cases. The biggest case I had for—the one you asked about Berosini. Berosini was the major act that preceded Siegfried &amp; Roy <u>in Las Vegas</u> although they were there at the time Siegfried &amp; Roy, but they were just starting out.</p> <p>He had orangutans in this act. And <del>a</del> orangutan is probably the second brightest animal after human beings, but they were brutally treated. They were beaten</p>

	<p>with a rod. We found out—what I discovered—what I think the world discovered—what I discovered working with animal rights cases, there is no way in the world you can take a large wild animal and train it other than brutalizing it. A dog, you can give him a little biscuit, you know, <u>a</u> treat. You can't give a tiger or a lion a treat to go jump through a burning hoop. They have to be terrified to do that.</p> <p>Orangutans are animals four <u>to</u>-four-and-a-half feet high and their arms are long as high as they are and twice the length of my arms <u>orand</u> so, and ten or fifteen times more powerful than human being. They're beaten, <u>but if</u> the animal goes crazy in an audience; it could be brutal. And they were brought on a stage at the <u>Stardust Hotel</u> where they're ten or fifteen feet from the audience with clinking glasses and flash bulbs going off. And so they had to be trained. They only keep their eyes on the master, which was Berosini.</p> <p>So he kept them in a bus where the cages were like small refrigerators. They're two-and-a-half by three foot at the base, which violated federal rules because you had to have twenty-one square feet for an animal like that. They couldn't lie down. These are arboreal creatures who live their lives in trees. There were little holes in there. When I say cages, you picture bars. There were no bars. It was solid steel like that refrigerator in my kitchen with little holes around the top. We have the pictures they had to submit to the Department of Interior because these are <u>an</u> endangered species <u>out</u>. <u>In</u> <u>I</u>—cages, you see the little fingers, these animals, they put themselves just to peak out of those little holes. Twenty-three hours a day they were kept in those. It was just brutal. They were beaten with a—I say an iron bar when they least expected it constantly. So they were terrified of Berosini. He is the only one who fed them. He is the only one who opened the cages. They knew their lives are every bit dependent on him in every way. And that's the only way you got them to perform.</p> <p>Now, their performance was they gave a finger to the audience or they made a couple of obscene gestures. That was the whole act, but people got a big kick out of it, especially <u>from</u> these wild animals. They're kind of fun creatures. They had this big smile when they grinned and ran, but they're rare. They only come from Borneo and Sumatra. They're brilliant animals, but were brutalized. And so, we were in trial there for <u>several</u><del>six</del> weeks with them that went on appeal. We lost the trial. No one wins in a trial that goes against the local people. The jury is all people who work in casinos. But we went on an appeal, and then we got a big judgment against Berosini, which we collected there from whoever previously brought the lawsuit. And that led to a lot of other cases where people felt empowered to protect their rights against the establishment with people because when you go to Vegas attacking a show, it's a huge endeavor.</p>
DL	Okay. Are there any other cases for PETA that you would like to tell us about?
<b>OTHER ANIMAL RIGHTS CASES 00:45:28</b>	
Philip J. Hirschkop	Well, there were a lot of them. So, I've represented PETA for forty years. We

sued [Ringling Brothers](#). It was a major case. A case we actually won but lost. It's hard to picture. The jury came back against us in the ultimate case. But we started out as a case where Ringling Brothers had hired all sorts of criminals. These guys worked on the trains. They were brutal. We heard stories about murders and drugs, and [Feld](#) knew these animals; particularly the elephants are being brutally treated, the only way they get them to perform with these horrible bullhooks. We deposed Feld. We deposed all his senior people. We exposed things how the animals are brutally treated from the time they're small [calves](#) and torn away from their mothers because they stay with their mother for years. ~~B, baby elephants. And they're~~ [are](#) strung out with ropes from each of their four feet, four limbs, and splayed just to get them to do things.

So, it went on. We were able to force them to produce the records they had stolen from PETA to admit who they had stolen from, but we made a massive record of the brutality. When it came to the trial, we could not prove what our damages were because the break-ins into PETA [files](#) -the—had been ten years before. So the jury just felt—I talked to some jurors afterwards. They felt terrible things had happened, but we didn't have damages. But that information was widely circulated, and I feel that's the major reason that Feld was forced to close down, and that saved a lot of elephants' lives. I'm very proud of that. I'm very happy with that case.

And that's just one of the many cases. I mean, we've had cases in PETA where the general counsel of PETA brought a case on behalf of orcas in California that they're covered by the Thirteenth Amendment in the United States constitution that they're held in involuntary servitude, and you can't place an orca in slavery. And of course, the [opposing](#) argument is that the Thirteenth Amendment wasn't meant to extend ~~to~~ the whales, it was for people. So we've gotten a lot of ribbing about that. People said [PeTA](#) we must be crazy for bringing such a suit, but actually—and it wasn't my idea to bring it so I could speak more freely about the brilliance of it.

It was a brilliant concept to bring the suit because ultimately the law is very ~~high~~ bound, and it doesn't just change when you have a good fact out of a good case. Hell, we wouldn't have all these guns running around if practical situations would get rid of them. The analogy I guess I could pose, you understand is it when I graduated law school, they had the case of [Gideon v. Wainwright](#) in the US Supreme Court. They made the movie *Gideon Blows His Horn* about a man who didn't have counsel, and he had I think [lengthy](#) life imprisonment, but he committed [a](#) serious felony. And for the first time in 1963, the US Supreme Court recognized he had an absolute right to counsel if he was charged with a felony. The state has to provide one. They never decided that before.

It was only after years and years of cases coming up that they finally were able to do that. In *Loving* case, it's the same thing. So only after years and years that



	they made such a fundamental decision. And so, in the orca case, the same thing. Our society will not make major changes in animal rights, which seemed fundamental in humane society without it first being brought up numerous times. So it's the way of going to the court and saying, "You should be cognizant to what's happening to these animals."
DL	So, I kind of want to ask you about three more cases. You've won two cases against an entire government? Is that—or an entire foreign government? Can you—in the—?
Phillip J. Hirschkop	You mean the Iranian cases?
DL	Yes.
<b>THE IRANIAN CASES 00:50:14</b>	
Phillip J. Hirschkop	<p>Yeah. They're actually kind of easy cases. They're fascinating; they're—one was 312 million dollar verdict mostly punitive that we will never collect. One is a 305 million dollar verdict, mostly punitive, and we've collected most of the five I think. But for terrorism, there is no question; Iran is the main sponsor of terrorism in the world. They fully fund <a href="#">Hezbollah</a>. Unfortunately, the other big group funding is coming out of our friends in Saudi Arabia who are supposed to be buddies to us, but they're taught in schools in Saudi Arabia you got to kill Jews, you got to kill Americans. But they were fascinating cases because we had to go to the experts in the world to prove the source and the effect of the terrorism. They're easy cases because Iran never defends those cases. So, it's like putting on a play. You write a script. You go to court and say, "Here it is." But you've got to convince the federal judge of the probability of what you're saying is true and meet that legal standard to get the judgment.</p> <p>But in the course of that, the people I represented were different <del>from</del> the average case. The average terrorist case is some poor people on a bus that gets blown up in Israel or a bomb goes off near the Marine barracks or things like that. They are hurt just as much as famous people and all, but there're people you've never heard of and no outside contact other than they're brutally treated by terrorists.</p> <p>The two cases I had; one case <del>involved</del> the last minister of education <a href="#">in Iran</a>. He is the first one to bring women into the government in Iran under the Shah. He escaped on the back of a donkey. There was a <a href="#">fatwa</a>, an order—a government edict for his killing by the <a href="#">Khomeini</a> government, Ayatollah's government. He came to me with the case. He was the head of a group that was funded by the CIA. That was like Radio <del>Free</del> Europe, but it was Radio <del>Free</del> Iran. It was out of Egypt. It was giving word to the Iranian people about what better life it was out of Iran, and how unnecessarily <del>brutal</del> their <del>lives were</del> life was.</p> <p><del>A b</del> Brilliant educated <del>man</del>, <del>Cyrus and the guy was</del> <a href="#">Dr. Elahi</a> <del>who</del> <a href="#">who</a> was murdered <del>was with</del> his deputy in Paris. He was shot five times right in the street. The French police actually caught, and the French prosecuted and put in</p>

	<p>jail the people who informed that they came right from Iran, right from Khomeini's government.</p>
<p><b>The Rafii Case 00:53:26</b></p>	
<p>Phillip J. Hirschkop</p>	<p>The second case, the <a href="#">Rafii case</a> was the daughter of <a href="#">Dr. Bakhtiar</a>. Dr. Bakhtiar was the last Prime Minister of Iran before Khomeini. So when the Shah left, he was in charge, but he is loved by all Iranians. He worked in the Second World War with the French underground. He was a known poet and a world-known diplomat, and probably would have taken Iran to great places had he had been able to last there. He again was smuggled out in big earthen pot—it was something right out of Arabian Nights on the back of a mule crossing the border to Turkey because there was a Fatwa against him.</p> <p>He lived in Paris suburbs and they tried bombing him near the Iranian—Iranian terrorists. Finally, I think it was Khomeini's nephew came with people who had their passports right from the Iranian embassy, and they murdered him in his house and disemboweled him, just tried cut of his head. It was brutal. So we sued on behalf of his daughter there for the loss of her father, which you could do under these special laws that we have for suing terrorist nations. Normally, you couldn't do that because of the sovereign immunity for foreign countries.</p> <p>So they were fascinating cases. They didn't advance the law particularly other than maybe the understanding of maybe why there should be some exceptions in international law to certain set standards like sovereignty.</p>
<p>DL</p>	<p>Okay. You also briefly talked about representing <a href="#">H. Rap Brown</a> last time, but can you go into a little more detail? I think perhaps you gave us an anecdote, but maybe it wasn't on camera last time.</p>
<p><b>H. RAP BROWN CASE 00:55:32</b></p>	
<p>Phillip J. Hirschkop</p>	<p>Well, Rap had been one of the leaders of SNCC, the Student Nonviolence Committee—Yeah, I draw a blank after all these years—but the Southern Coordinating Committee, <del>but</del> <a href="#">John Lewis</a>, the Congressman, <del>was</del> one of the major leaders also. I remember John Lewis spoke at the major speech in 1963 when Dr. King delivered the mountain speech. But he had become fairly violent, Rap Brown, and he was a big guy, 6'3", 6'4".</p> <p>There had been a large demonstration in the eastern shore of Maryland—in Cambridge, Maryland, and they really wanted Brown back, and he went to the demonstration. So they claimed that he had started a conflict, <del>rationaly</del>, he committed arson and rioting, but he was in Virginia. He got arrested in Virginia. They were going to extradite him. And they were so afraid of things in Virginia then, which was also a fairly segregated state. They <del>had him at</del> <del>have</del> <del>now</del> the State Penitentiary, which is <del>for</del> very dangerous criminals, not for non-convicted people being extradited.</p>

	<p>We filed a habeas before <a href="#">Judge Merhige</a>, a great federal judge. It was one of his very first cases. Bill Kunstler came in from New York, a great civil rights lawyer, and <a href="#">wehe</a> turned him loose. So, we took <a href="#">Ra[him]</a> out of the Richmond in my car. I had a big Pontiac in those days, a Bonneville. We went up Broad Street like at eighty-five miles an hour. We had a Marshall or someone in the car in front of us and the sheriff in the car behind us and some state police. They escorted us right up all the way to <a href="#">Ladysmith Ladies Smith</a> on <a href="#">US 95ninety-five</a> to get us the hell out of Richmond. They had horse-mounted police along the street outside the federal courthouse for a simple habeas hearing.</p> <p>And it turned out that the assistant attorney general in charge of civil rights in the United States told the reporters that what they claimed, <a href="#">but</a> did not at all happen the way they claimed. It was a <a href="#">totally improper</a><del>total proper</del> extradition. But that was—it's a fun case. I remember when he got brought into the courthouse; there was a very large deputy there. He was a large guy, Rap. The deputy said, "Sir, I'll stand between you." And Rap said something and the other guy said something, and then Rap tried hitting the deputy. And of course, thank God, I wasn't that tall because it went right over my head and those two took a couple of swings over my head. I then got Rap out of there. But yeah, it was a difficult time. I didn't want to represent him very long because I had serious disagreements with what he was doing with his life at that point. It was no longer civil rights. But it was just one of many civil rights cases.</p> <p>The problem we're having is you're asking me about some cases that are highly complex—complex litigation—that went on for years and had many aspects to them. And so, it didn't feel like this is hard. We could sit until one of these cases is not covered.</p>
DL	Sure.
Phillip J. Hirschkop	So, we're just glossing, and that's about all we can do.
DL	But you have some interesting anecdotes from perhaps something more local involving Alexandria and a private investigator? Is that the—?
<b>CASES IN ALEXANDRIA 00:59:29</b>	
Phillip J. Hirschkop	No, I handled the massage parlor cases when they were coming on. A lot of the lawyers <a href="#">who</a> were handling <a href="#">then and</a> there were all convictions. They were shutting <a href="#">them</a> down. The local municipalities didn't want massage parlors in Alexandria or in Richmond. They were passing these ordinances, which were terribly overbroad.
DL	What time frame was this?
Phillip J. Hirschkop	Twenty-five years ago or something like that. A number of the local major criminal lawyers came to me and said, "Could you step in because you do the constitutional work." And I did. I took <a href="#">it up to</a> -the Fourth Circuit. It was successful and kept them open a number of years till they figured out how to get more refined tighter ordinances that ultimately shut <a href="#">them</a> down.

	<p>But in the course of it, I had some crazy experiences. There was one large place up on King Street, that <u>had my</u> clock in the middle of it. That old Seth Thomas came from the basement there. It was an ex-policeman. His wife was stunning, a beautiful woman. She would go walking along in Crystal City at lunch time. And that night, the place was crowded with guys. She would pass out flyers, a beautiful woman. And they called me and said, "You want to come see this crazy thing?" I said I never want to see anything. I will represent in court.</p> <p>But through—associated with that, I <u>retained this</u> <del>rented his</del> <u>Private Eye</u> in Alexandria, <u>who</u> also had this beautiful woman working for him. And if he needed to get some information from somebody, she'd meet some poor guy and the guy had no chance after that. All the secrets came out in bed or elsewhere. He ended up advising many of the divorce lawyers <u>that</u> it was legal to wire tap in a private home, if it was one spouse against another, which isn't true. It wasn't legal. So, a number of the lawyers then got called into federal grand juries and I got involved. Got to know the Private Eye.</p> <p>The Private Eye ended up serving two years in state jail for wire tapping because he was selling the equipment and all. He then became the chief protection officer or <u>protection</u> <del>correction</del> or whatever the hell they call this guy, security, head of security for Ringling Brothers and <u>Barnum &amp; Bailey</u>. So that when I sued Ringling Brothers, Barnum &amp; Bailey for PETA, I had to deal directly with this guy who they had fired by then for things he did. I heard stories that were going on in these trains that were unbelievable. Murders, drugs, and things, and insides to how the circus really worked to get that whole illegal operation of brutalizing elephants. But you know, just one of the things they sort of tied together after a while.</p>
DL	<p>Before we conclude, I actually wanted to talk about one more case in which you helped primarily about the end of the House of Un-American Activities Committee?</p>
<p><b>THE PEACE MOVEMENT 01:02:51</b></p>	
Philip J. Hirschkop	<p>In my career, the thing I'm most proud of is not the Loving case. It's got a lot of publicity. It's certainly something that has tremendous impact on the constitutional rights of people, was my involvement with the peace movement. I was chief counsel more or less for the peace movement in D.C. I'm fiercely proud of that. I represent the mobilization, the new mobilization for a while <u>partly</u> the moratorium, but made a collective impact. All the groups that had the major demonstrations during the late sixties and early seventies during the Nixon administration against the war in Vietnam. And I had my own <u>police cruiser</u> <del>erew</del>, so I had my own pass to the <u>mayor's command center</u>. I would meet with John Dean at the executive mansion or elsewhere. We had <u>a meeting</u> <del>me meet him</del> at the Occidental, <u>and one at</u> his swimming club to negotiate permits. I negotiated most of the permits for every major demonstration in those years or co-negotiated with <u>Rennie Davis</u> and <u>Dave Dellinger</u>, <del>the</del> two of the major leaders of the peace demonstrations.</p>

	<p>But of all the things that we did or I did in my career that was the most dramatic is we stopped the war. I honestly feel that is those people on the street willing to get arrested, willing to take the tear gas, willing to show up and give up large chunks of their lives to say this isn't right. So with the Cambodian demonstration after we bombed Cambodia on the Ellipse with the Mayday week when there were demonstrations every day at the Justice Department, on the steps of the Capitol and 2,000 or 3,000 people arrested at a time. It brought the issue so clearly to the mind of the public that a democratic society was able to work at its best. It wasn't done through any of these horrible things this Trump guy is putting on us.</p> <p>And so there were many anecdotes, many stories about that. As a result of my work the committee to abolish the <a href="#">Un-American Activities Committee</a> had brought me in as a vice president. Now, there is one little thing. I had actually at one point kind of worked for the Un-American Activities Committee. When I was in law school, you get Hill fever in the law schools. Everyone would work <del>up</del> <a href="#">up through someone</a> and they know. I had a friend who worked for <a href="#">Senator Montoya</a> from New Mexico; he was then Congressman until he became Senator Montoya.</p> <p>And so in my second year of law school, I went to night school so I was able to work during the day. I worked in the US Patent Office the first two years till I became a civil rights lawyer. I went to work for <a href="#">Dick Ichord</a> who was <del>at</del> the Congressman from Missouri. When I looked him up, he was on House Internal Affairs Committee or subcommittee, whatever it is. So I went in and he said, "You seem like a bright young man," And we fit well together, and I was his legislative assistant. The first time I got there they wanted me to write a newsletter on the Un-American Activities Committee. Well, I did and I gave it to him and he called me and he said, "You are a communist." I wrote honestly what they had really screwed up. I ended up getting their files and giving them to the <a href="#">National Lawyers Guild</a>. After about two months, he said, "Maybe you should work at home." After two <a href="#">more</a> months, we just went our own ways. So I had to back out of that crazy, crazy committee.</p> <p>But I did participate in a number of lawsuits both through the committee to abolish the House of Un-American Activities Committee and through my work in the peace movement. I became the—John Kerry's sister worked for me. I got to know John. I represented them for a while. Veterans—when they were arresting demonstrators from the US Supreme Court, we got them all acquitted during the peace demonstrations. All of that went together to help get rid of that bloody committee, which had a horrible history to begin with. But there were a lot of lawsuits, individual lawsuits. Some for very famous people, Ben Spock and—God knows how many actors actually I got out of jail. It's a long list.</p>
DL	When we were talking back about the orcas and using that Thirteenth

	<p>Amendment, you talked about how this takes a lot of time. It takes many lawsuits to change law. As we conclude kind of, what would you want someone who wants to make our country a better place or the world a better place who is a lawyer? What would be some of the advice that you would give them?</p>
<p><b>CONCLUSION 01:08:01</b></p>	
<p>Philip J. Hirschkop</p>	<p>Get off their ass. I don't know how many people over the years have come to me for jobs. You know, I had high visibility cases and they seemed to be fun to a lot of outside people. At times, I cried myself to sleep, an ex-<a href="#">Green Beret</a>, when the bar went after me, I didn't want to practice anymore. My ex-wife, thank goodness, had the sense to talk to me, and said, "Stick with it." You know, you're tougher than that. But I was just so fed up. I was tired of being attacked. Every time I walked into a courtroom, I felt like an alien. So, how many people come to me and said, "I believe in civil rights." And I say to them, "Well, how many demonstrations have you taken part? How many picket lines have you been on? How many times have you been arrested? How many articles have you written? How many studies have you done? What have you done?"</p> <p>Many people believe, and honestly believe something is wrong, but they're not willing to go out and do something about it. And its lots lawyers can do, and not just like Left wing, I mean or Liberal. I don't like Left wing that much. You can go down to the American Civil Liberties Union. You can go down to National Organization of Women. You can go down to the LGBT community, and say, "Can I help?" There're people being arrested. There're suits being brought. God knows how many suits we're seeing nowadays because of the immigration. You know, people just don't do it. They are opposed to what's happening to the immigrants, the way we're treating them. And they're honestly opposed. But they're not going to interrupt their dinner at night or their game that weekend or being out on the boat or spending time with their kids in school. You got to be willing to do that. There is a time to it.</p> <p>I say it goes either way because there are Right wing groups that have their things. The <a href="#">NRA</a> and other crazies about guns. So, it's just—you got to be willing. It could be a difficult price to pay. I devoted myself to much of my work for a long time to the exclusion of my personal life. So there are things I didn't do with my children that I regret now or in my marriage—my prior marriage. But that's the advice I would give. If you believe it, you got to do it. You got to act it. You got to live it. You got to be willing to make a sacrifice.</p>
<p>DL</p>	<p>And along with that, it seems like you have to be patient. Is that true? I mean, you have to understand that it takes a long time to—?</p>
<p>Philip J. Hirschkop</p>	<p>Yeah. I see now when I talk to people, and they tell about how horrendous the change in our society are—the societal changes on civil rights and women's rights. And I said, "You know, it is. We've had some bad setback under this president." On the other hand, I remember getting off <del>at</del> that plane in Georgia not being able to drink at the colored water fountain, which is a silly thing</p>

	<p>because what is serious is the African-American families who drove across the state of Georgia, and they couldn't stop and go to the bathroom. They had to stop and do it behind a tree, and god forbid, some white police officer caught them in front of their children. They couldn't stop and buy them a meal or a little place—you know, sometimes you just don't find a place to stop or something. The horrors they were put through—my not drinking at a fountain paled by it, but it was symbolic of it.</p> <p>So, patience is, is that I tell people I'm blessed by age that I remember how bad it was. You develop an attitude, it's a work in progress, our developing society where <del>there areis couple of</del> giant steps forward as we saw with the <a href="#">Earl Warren</a> court, massive—as we saw under Bill Clinton. As we absolutely saw under Obama. And there are steps backward as we're seeing now with wiping out the EPA department, every department. I don't know where they found these people in the cabinet. But we'll never go back to slavery. I don't believe so anyhow. I don't think we'd reach the stage that Germany reached with the treatment of Jews. On the other hand, human nature is human nature. We need to guard against it.</p>
DL	Okay. With that I thank you so much for your time and your effort.

**[01:12:59] End of Audio**

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