

White House Interview Program

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INTERVIEWEE: ROBERT LIPSHUTZ

INTERVIEWER: Martha Kumar with Terry Sullivan

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RL: I live with one of my answers until—what's his name who died, a *Washington Post* reporter?

MK: Ann Devroy?

RL: No. Joe Kraft. Do you remember that name?

MK: Sure.

RL: One of the answers you'll see on here is when they asked me about Executive Privilege, what was I going to do about that and I said, "Frankly, I don't know; I've been in private practice all these years, I've really got to study the subject." And Joe Kraft, I'll never forget, wrote a blistering article about how could the President pick somebody as Counsel who didn't know the answer to such an important question.

MK: It's certainly better to not have an answer than to stick yourself with an answer that you can't get out from under.

RL: I think you find it interesting; a neophyte going in does in response for—

TS: Now you're giving us these.

RL: Yes. Keep that. I had some copies made.

TS: Thank you very much.

MK: Thanks very much.

RL: CBS sent me that years ago and I had some copies—I actually made the copies recently. I've had it all this time.

MK: One of the documents that I came across, I think it was yesterday, was one by Jack Watson in early December of 1976, talking about White House staff. The general approach was in deciding who they were going to pick, and how they were going to treat the whole subject of White House staff: they wanted to de-imperialize the staff and, therefore, cut out the various perks and try to cut the numbers, according to the campaign pledge. Cut the numbers. There was not a sense that a White House staff was important in bringing about an effective presidency. It seemed the tone mostly was in terms of the symbol of the White House, because the White House had been an issue during the campaign. So it did not seem to me to show that they were looking at it for what it was going to buy the new president. I wondered when you look back at a White House staff, what do you think is important for, for a president, and how does it fit into his presidency?

RL: Incidentally, I don't quite agree with that analysis that Jack apparently made. Parts of it sound consistent with my recollections, but not all of it. As far as not having the imperial presidency, that was clearly an objective. And we had it. One of the neatest pictures I have taken of me in the early days, was hitchhiking a taxicab in the early days to go to work or go home from work, instead of having a car with a chauffeur. That's a typical example.

Anyway, my broad perspective of what the White House staff is most important [for] in a presidency is being able to give the president an intelligent, in-depth understanding of matters on which he has to make a decision, number one, and, number two, to take off of his shoulders many, many of the day-to-day details, decisions and actions, that are his responsibility, but can be carried out by subordinates such as a White House staff person. I would say, secondarily, it's to help the President make policy decisions. President [Jimmy] Carter would circulate among the senior staff memoranda requesting answers or check-offs on issues that you yourself may not even be involved or have a background in, but just to get your opinion. It would be people like Jack and Stu Eizenstat and Hamilton [Jordan] and Jody [Powell], myself, and so forth. So he was trying to get and did get our reaction and our support—or sometimes not support—of decisions that he was going to make. So I think the White House staff is important to a presidency in those regards, and perhaps others, too.

MK: When you came in, was there any discussion, that you can remember having with Carter or with other senior people, about what you all were going to provide the President, such as you've just talked about: the ways in which you were going to be important to him on decision-making? Or did people just come in just focusing on their own tasks?

RL: I don't recall a specific conference where we sat around the table and said this, that and the other is the way we're going to operate. First of all, you'll recall that everybody at the senior level of the staff had been working for the President for years, both in the campaign and when he was governor. Frank Moore and Hamilton Jordan, Jody Powell, myself, Stu Eizenstat and Jack Watson, we had been working with the President very intimately and had quite a close and informal relationship. So we really didn't have to get to know each other, if you will. We already knew each other pretty well. So I don't remember we sat around and did what you're talking about, but instinctively I think, whatever we did we developed in that more casual or informal manner.

MK: In moving from a campaign into governing and you have the same basic people at the top, what are the differences in the ways in which you operate and the kinds of information that you provide a president and the whole structure? You had the same group of people in the campaign. Then how is that different when you come in for governing?

RL: Most importantly, your responsibility and your objective is entirely different. In a campaign your objective is to get elected and you keep that uppermost in your mind when you're making judgments or taking actions. Once you get into government, your responsibilities are quite different. They are, first of all, to try to do what you think is best for the country, the nation as a whole and, secondly, to protect the President in the matters that he is responsible for and has to take action on.

MK: Are the types of information that you bring to bear different during a campaign when the group of you would get together or you're dealing with each other and then also dealing with Carter as the candidate? How is that different when you come into the White House and are governing? What's the difference in the environment? You've got the same people but it's a very different kind of situation.

RL: First of all, obviously, you have different responsibilities. You have different types of decisions to make. In the campaign, actually, even though I was the campaign treasurer all the way through, I spent very little time with the candidate individually. Charlie Kirbo and Hamilton Jordan and Jody primarily were the more intimate day-to-day, if you will, week-to-week contact with the candidate. We worked together as a close, close team in the campaign. I had very little day-to-day, or even week-to-week contact with the candidate, whereas in the White House we're all there every day in the same building. Even though we may not sit down and have coffee together, we are still in, you might say, close contact every day. And while a lot of the contact is in writing, it's still much more intimate than the campaign was. That's in our case. That may not be true in every situation.

MK: Are the kinds of qualities that you need in top people in the campaign and then top people in a White House similar?

RL: The most important similar factor is the trust that the President has in the individual at the top level. It's a trust that had built up, in our case, over a number of years, both as governor and candidate, rather than hoping that a highly qualified person, technically and experience-wise, can come into your inner circle, if you will, and you still don't know if you trust them. That's pretty blunt. But I think that's why you find the Georgia mafia and the California mafia and the Massachusetts mafia and all. I think that's really what leads to so many White House staff senior people being people who have been close to a president in the past as contrasted with cabinet officers or department heads or agency heads.

TS: You were treasurer of the campaign?

RL: Yes.

TS: Then you were President's Counsel.

RL: I was what?

TS: You were Counsel.

RL: I thought you said President.

TS: President's Counsel.

RL: Yes.

TS: What was similar about the job and what was different about it for you?

RL: Well, obviously as the campaign treasurer, I was responsible mainly for managing the money. We had a lot of people raising money, and I was one of them, but I wasn't the lead responsible person on raising the money. But I was the key person who had to make the day-to-day decisions of how to spend the money, and since we had very little money, that turned out to be rather important. For instance, I had to make a decision in the primaries when we came out of Massachusetts and New Hampshire and then had New York and Pennsylvania. Well, just to refresh your memory on that, we in effect won New Hampshire but then we lost Massachusetts. We went to New York where [Jesse] Jackson was extremely strong and our real opponent, potentially, our most important opponent down the line. And we decided to spend practically no money in New York State--as a matter of fact, we conceded it to Jackson—and save our money for Pennsylvania which was going to be a

critical battle. Jackson, on the other hand, made the decision to spend a lot of money in New York presumably because he had a lot of friends who said, "Give us money for this and give us money for that." They almost spent themselves out of money—

[Interruption]

RL: They almost spent themselves out of money in New York, had little left for Pennsylvania and, since they frankly were not as attuned into the new campaign law, where you can't go back to your friends where you got \$1 million and even \$10,000, they weren't able to raise money in Pennsylvania. We, on the other hand, had reserved our resources and beat them. We wouldn't have been able to beat them if they'd matched us financially. That was the kind of decision we had to make in the campaign. We had a similar decision in the general election with [Gerald] Ford; I won't get in to that.

But the job I had in the White House was entirely different types of decisions. As I said earlier, the first decision is really what is best for the country in this matter or that matter and as far as the President is concerned and then, of course, also: how does a President come out of all this when he makes a decision to do this or do that, which was [an] entirely different thing, as far as my responsibilities were concerned.

MK: Are there certain qualities, though, that people who have worked in a campaign and have made it all the way to the end of a successful campaign—that they have that is helpful in the decisionmaking process within a White House, if they come in? For example, people in a campaign have to learn to deal with a variety of things in a timely manner. One person was saying that there are a lot of people that can write up good solid proposals, but often they can't do it in a quick manner, and that those people get dropped by the end of a campaign. The people at the end of a campaign are flexible, can move quickly, and are solid in the work that they do. So, often, they tend to be good people to bring into a White House. You find in each White House many people who have been on a campaign.

RL: I'm sure.

MK: There is certainly a question of what they bring? And then, how do you bring in other people, if you need other kinds of experience? Say, for example, in the [Ronald] Reagan Administration he, too, was a governor and did not spend a lot of time in Washington. Ultimately they brought in people with Washington experience. Most administrations do that either by replacing people, or layering people in, and bringing over some people. When was there a realization in the Carter Administration that that was something that was necessary?

RL: Well, obviously and as you're undoubtedly aware, we made the mistake of not doing that at the beginning. And the most meaningful, as far as I was concerned, was when we moved from me to Lloyd Cutler for that very reason. That was the reason we made that change, to get the Washington insider, at a high level, to work with the President on White House staff. We obviously should have done things of that type earlier. We did finally get a few other people. Bob Strauss was not on the White House staff, but became close and helped out in a number of ways in that respect. I would certainly urge any future president to do it right away like, as you say, Reagan apparently did. I didn't follow it that closely.

MK: What does the Washington person bring?

RL: I think it brings maybe more than one thing. One thing obviously, I think he brings: an understanding of how to deal with, particularly, the press in Washington; perhaps also how to deal with the political people in Congress a little better, even if you had experience as a governor or whatever. I think that's one thing. The other thing is: he builds up a wall of protection against the Washington people who don't get on the inside but who would be reluctant to criticize when their friends of many years standing are in on the inner circle, which we didn't have until later.

MK: So in a sense you buy into a network—

RL: That's right.

MK: —and they bring a network of people with them.

RL: Or they protect you against that network going out of their way to hurt you, which we ran into.

MK: Can you think of some instances in the first year in which you were hurt by not having people with a Washington experience, that they may [have] been able to provide a different version of things?

RL: Off the top of my head, I really can't. I'm probably familiar with it but it doesn't come to mind right away.

MK: What about [Walter] Mondale's role, because Mondale certainly had a network and was—?

RL: Mondale was invaluable; there's no question about that. I guess he is the exception to the description I gave you. We did have that one person there.

MK: In setting up your Office, what role did previous Counsels have in your thinking of what the job was going to entail, and how did you learn about the tasks?

RL: The Ford Administration people were extremely helpful to us, not only in the Counsel's office but Jim Baker and [Richard] Cheney and, in the case of the Counsel's office, Ford's former law partner—

MK: [Phil] Buchen.

RL: —Phil Buchen and his deputy, Edward Schmults I've talked to him in the last couple years. But they were extremely helpful not only verbally but in the case of the Counsel's office, some of the materials I gave you are material they furnished us. For example, the security procedures that got the [Bill] Clinton people in so much trouble, and how to handle FBI [Federal Bureau of Investigation] files. They gave us all of their literature on that, and we just were able to step right in and follow that and stay out of trouble. Well, other things, too; they were very helpful to me and my staff, my deputies, so that we really avoided pitfalls that future people like Clinton's original Counsel got into. Presumably, either he didn't ask for or didn't get, any help from the [George H. W.] Bush people. I don't know that for a fact, but he certainly didn't act as though he had gotten help, like on the Security Office. That's the most obvious.

MK: He seemed to—well, it looks like it was controlled under Management and Administration.

RL: What?

MK: It looks like FBI stuff was under Management and Administration, the Office of Management and Administration.

RL: Personnel office?

MK: They deal with some of the White House personnel. It's not the Office of Presidential Personnel, but they deal with White House personnel. So I think that they probably deal with personnel procedures.

RL: Now who is "they"?

MK: The Office of Management and Administration. That was the one that was headed by David Watkins. I think Craig Livingstone was in that office and that's where the files happened to be housed. Although I know, in any of the vetting process for appointees, the FBI files there are controlled by the Counsel's Office.

RL: Now as far as the clearance before we actually went into the White House a fellow named John Moore from Atlanta—I don't know if you've run across his name—was really in charge of directing the clearance of people for appointments. When we took over we, of course, had this Office to try to do the same thing.

MK: Was there anything written that you went through, that you read about the Counsel's Office?

RL: Well, the material the Ford people gave us, yes. It's in that stuff that I've given you.

MK: I wondered if there were any academics that had written anything—.

RL: No. I didn't read anything from an academic, a book or an article. What I got was the material that they had used in their function as Counsel before me.

TS: Did you feel like you had complete autonomy to set up the Counsel's Office any way you wanted or that there were—?

RL: I didn't have anybody tell me what to do—you've got to do this, you've got to do that. If that's what you mean, I didn't. But, on the other hand, I did try to follow the Ford people very closely, because I felt like they had been straight-shooting and intelligent people in what they had done.

MK: What were the main functions of the Office?

RL: The main functions of the Counsel's Office?

MK: Yes.

RL: Once again, I'll give you a long speech I've given, outlining what developed into the functions of the Office. I didn't go in there knowing this was what I was going to do, and what else I was going to do. In this very lengthy speech that I gave first at the University of Georgia and several other places, I did try to outline what I did, and what we did. It was a pretty broad-based thing. It wasn't just a technical and legal function, because the President gave me pretty much leeway. As I said, first of all, he got advice from all of his senior

people on a lot of subjects that they weren't even involved in, or had background in, just to get their opinion. Beyond that, such as speeches and in my case even foreign policy, I was able to, and did, function in a number of ways, outside the normal technical job of a lawyer.

MK: What were some of the areas, in particular, that Carter leaned on you for, that he was particularly interested in getting your opinion on?

RL: He considered me as responsible for the ethics in the government in the Executive Branch and to be his chief adviser on that subject. That was something broader than just the White House itself. I worked closely on that the whole time I was there, really. Obviously he came to me for the technical advice but, on the other hand, I leaned on the Justice Department for the real in-depth legal work that had to be done, research, opinions, et cetera.

MK: In the relationship between the White House and various parts of the White House, with the Justice Department's Office of Legal Counsel, were you the funnel through which all requests would go?

RL: Yes, I was. If not everything, practically everything, yes.

MK: What were some of the kinds of questions that would come from various White House staff, that would go to the Office of Legal Counsel?

RL: It's been so many years since then, it's hard to recollect. There are books that the Justice Department has put out on this, all the Opinions we ever received while we were there. I have them at home. But I can't really remember off-hand. There are a series of books that are Opinions of the Office of Legal Counsel during the time we were there, and I'm sure every other Administration. They tell where the questions came from. I'd have to go back and thumb through the index there to get to those. I don't remember.

MK: In the development of ethics legislation which creates the Office of Government Ethics and the whole financial disclosure process, what went into that? Where did the President come into the development of that legislation? What role did you have? What Offices did you deal with? Did you deal with the Office of Legal Counsel in developing the notion of that legislation? And, when you were dealing with people up on the Hill, how were you interacting with other parts of the White House on that? Sort of walk us through.

RL: It will have to be broad generalities. First of all, as you know, I'd been close to the President for many years before we went to Washington. I think I pretty well understood him and he understood me on our thinking on this whole subject of ethics in government and civil rights, human rights, and things of that type. So it wasn't a matter of being given a checklist of things to do. As far as developing the guidelines and the legislation, again, it's hard for me to recollect in detail how we did that. The Justice Department certainly played a major role in that. And other people on the White House staff, Stuart Eizenstat, Jack Watson, contributed to that whole process. We had a pretty nice informal relationship. We didn't just exchange memos. We could sit down and talk. We were right down the hall from each other, upstairs and downstairs from each other. Again, we'd all worked together for so long, so much of this was somewhat informal. The President set the tone for the whole thing, obviously, and beyond that it's difficult to recall details without going back and trying to find written recollections.

MK: One of the early things that you all did was in the process of vetting judges. You sought to change that process, to broaden it out.

RL: Yes.

MK: Can you talk some about that process?

RL: I can. Have you read Sheldon Goldman's book on picking federal judges?

MK: Yes.

RL: The chapter on Carter? I worked with Sheldon quite a bit on getting the material together for that. I would say that he lays that out extremely well, and very thoroughly. Fortunately, Griffin Bell and I—who disagreed quite a bit on the process—have remained very good, personal friends to this day and even during all that, but we really had basically a little difference in philosophy. My philosophy, I think, was a little closer to Jimmy Carter's. Griffin was very loyal to Jimmy Carter, so he did try to carry out the Affirmative Action program. This was a basic thing, as far as the process. As you know from reading the book or otherwise, Griffin and the President, before we went to Washington, worked out with the Senator from Mississippi—I've forgotten his name.

MK: [James] Eastland.

RL: Eastland—a basic procedure whereby the President would regain the control of Circuit Court appointments from the Senators in essence but still leave the appointment of District Court judges as a political prerogative of the Senators. That's putting it pretty bluntly. But with the guidelines that we had, in every instance we had the guidelines of qualified, ethical people, but on the affirmative action issue, the White House had to really prod a lot of Senators to voluntarily work with us on the District Court appointments. For the most part that worked out okay. Having read Sheldon Goldman's book, you can see that we did get results there, but it was a struggle. It was a struggle within the Justice Department because, number one, the White House was stepping into what many particularly career people, and even Griffin too, felt should be strictly their prerogative and that is: helping the President pick the judges. Secondly, the old-time career people in the Justice Department for the most part really weren't dedicated to affirmative action. Maybe they gave lip-service to it, but they were used to just following the old routine of the most qualified, the one the Bar Association considers best, and has been around the longest, and all that. We obviously had to change that approach if we were going to get women and minorities in any significant number into the judiciary.

MK: One of the memoranda I came across in the Carter Library was one that dealt with Circuit Court nominations and the recommendation for two people. The backup information about it talked about which senators were supporting the nominations of these two people for judgeships. So Carter wrote on it that it looked to him like there had been no change here, that these nominations were coming sort of the old way. There are many ways in which the change you brought about is a permanent change.

RL: Obviously, it has with the Clinton Administration. I haven't studied the Reagan and Bush administrations, but did you see the effect on them, too?

MK: Yes. I think they did it differently, but the White House was involved in it.

RL: To that extent, that was done.

MK: Once the White House came in, the White House has stayed very involved in the process.

RL: That much I knew. But I mean on the affirmative action approach. Did you see that we had any real effect, other than Sandra Day O'Connor?

MK: Yes. Well, in the Reagan and Bush administrations, particularly the Reagan Administration, they were concerned with some other types of things, particularly a political test of particular policies and trying to do some guessing there of what people would do. But it brings in a political kind of component to it, that obviously senators had their political ideas, too, and their interests, and these are just somewhat different. But the process definitely does have the White House at the core.

RL: You say the core. In the Reagan and Bush administrations?

MK: Yes. I think once the White House came in, it has definitely stayed in.

RL: I haven't studied the earlier history but in modern times—this century for instance—did the White House stay out of that? Was it really just a senatorial thing before our time?

MK: It was an area that could be of such contention that what they decided to do was work in a way that in a District Court nomination would allow the senators if they were the same party as the President, they would come up with the name.

RL: We did that, too.

MK: So there wouldn't be any fighting over it. But then other senators—because they knew that other senators wouldn't fight against them. It would be very rare. Once they'd come up with a nomination, it would go through.

RL: What about Circuit Court nominations?

MK: Circuit Courts were according to states, too, the states within the Circuit.

RL: They kind of swapped around within the Circuit?

MK: Yes. They knew which seats belonged with what states. Where you had a problem was if you had a new state. When Hawaii came in, that took some while. Hiram Fong, in fact, who was on the Judiciary Committee, finally just basically put a hold on everything and said that no nomination was going to move until Hawaii got a seat on the Circuit Court, which they finally did. But it was very much the same. In looking at hearings, for example, in an earlier time I went through some hearings to see how long it took, on an average, in the Judiciary Committee when Eastland was chairing it. The group that I looked at for a District Court nomination, it was eight minutes, and for a Circuit Court it was eleven or twelve. So it was a process that was just Senate-dominated and Justice Department, and the ABA [American Bar Association]; and the White House just would go along with the Justice Department. The White House would be represented by the Justice Department. So you all bring in the change there.

RL: Well, this, of course, was the attitude Griffin had, that it was really the Justice Department's role, not the White House. Finally, he did come around as you saw. Apparently he was reflecting the history that you're talking about.

MK: What were the kinds of interactions that you had on a regular basis with the Justice Department and with other Departments in the government?

RL: With the Justice Department, we had a very close relationship, not just on judicial appointments, but on many things. Mike Eagan was our main contact. He was in effect, you might say, designated by Griffin, first of all, because he was from Atlanta, from Georgia, and we all knew each other and, secondly, he and Griffin personally were very close. So we had a very good working relationship with them on practically everything that came up and Mike was the primary contact on that. Occasionally on commutation of sentences and pardons and things of that type, someone else might get involved, like Ben Civiletti - he was Deputy - when some key things came up. But, again, it was a perfectly cordial, easy-working relationship on everything that I can remember.

MK: What were the main issues that you would deal with them on?

RL: A lot of it was interpretation, sometimes strategy. One of the things I remember that was the most interesting was a question of the Concorde airplane landing rights at Kennedy Airport. Do you recall that story at all?

MK: No.

RL: The British and French had developed the Concorde; they were very proud of it. They wanted to get landing rights in the New York area. The New York Port Authority, on the other hand, because of political pressures there, of the people who live around the airport, did not want it and they fought it very strongly. So it was a political battle between the State Department, which wanted to accommodate the British and the French, and the Department of Transportation, which wanted to accommodate the New York Port Authority. So we devised, I guess Griffin's office and my office together, what we called the Southern Segregation Strategy. We went to Federal Court and we filed a lawsuit and we got the judiciary to give us what we wanted just as in the days of desegregation. That was the only way you could desegregate the schools in the South and so forth; politics were just too strong. The politics from the New York Port Authority—we wanted it; we wanted the Concorde rights, but we didn't want to just arbitrarily tell the New York Port Authority and, therefore, the people of New Jersey and New York, go-to-you-know-what. So, to me, that was one of the more interesting things in working with two Departments there. Well, three Departments, really. The Justice Department, we worked with them but we also had to accommodate the State Department and the Department of Transportation.

MK: Where did the President come in on that? At what point would have come into it?

RL: I don't really remember that he took any real strong lead on that. I think he left it up to us to figure it out. I'm sure that at one time or another he expressed himself on it and expressed himself—what we and Justice and our office wanted to do, I'm sure we weren't doing anything he told us he wanted differently. I don't remember he took a real strong role. We made it a legal issue and we took it to the courts. The Federal Court ruled with us and that resolved it.

MK: What kinds of decisions did he want to have a role in that involved your Office?

RL: Involved my Office?

MK: Yes.

RL: I'm sure a lot of the decisions. Obviously—.

MK: Say on judgeships, appointees to judgeships.

RL: His main interest was really in getting affirmative action to work. I don't recall but one appointment in which he expressed an absolute personal insistence on it from the very beginning. It happened to be one of the Georgia appointees who is still on the bench and has done a good job. And that's the only one I recall, in which he said, "I want this particular judge appointed." He went to the District Court and he's now moved up to the Circuit Court. So he really did not take a particular interest in individual appointments because of his interest in a person. But he was extremely interested, and as you have read and I'm sure heard, in carrying out his concept of affirmative action.

MK: When you made recommendations to him on judges, would you talk about the process that you'd gone through, the vetting committees that you'd put together and that sort of thing?

RL: Well, he was generally completely up to date on the process. He didn't get involved in the preliminaries of going through the commissions and screening people. He would see the end result—here's a list—and then get our recommendations on it.

MK: Did you take him the judicial appointees in a group, like you would wait and maybe bring him the names of ten people at a time?

RL: Ten appointments at a time?

MK: Yes. Or would you just go with them one by one?

RL: Well, it wasn't necessarily one by one but I'm sure there were instances in which one would come up at a time. But whichever ones were ready, you might say. There was no particular—.

MK: Did he ask on a regular basis what the percentages were, how many blacks, how many women?

RL: He was kept informed, whether he asked or not, by us, to make sure that he was up to date on what we were or were not accomplishing.

MK: What kind of regular reports did you provide him with? I could see that there are regular reports that come in—Cabinet reports, legislative reports—

RL: That my office provided?

MK: Yes. Was there anything that you provided him on a regular basis?

RL: I don't think we had any kind of a routine type of report that we ever gave him. We sent him lots of memoranda or whatever but it was not on any kind of regular schedule or with any definite deadline, every week, every month, do this, do that.

MK: You were involved in the issue of ethics. What are some of the other issues that you were involved in with legislation?

RL: Well, I personally got involved in the Middle East peace process very deeply, even though it wasn't in my job description. Because I did have a deep personal interest and a fortuitous opportunity came along to help. I was contacted by Wolf Blitzer who at that time was a

reporter for the *Jerusalem Post* and he said that a very nasty report had gotten out in Israel that I was anti-Israel, anti-Jewish, even though I was Jewish myself. He thought that ought to be straightened out, certainly with the Israelis. So he brought in a friend of his, a New York lawyer and businessman, who was close to the Israelis also, a fellow named Leon Charney. His name may mean nothing to you at all. He was a very successful businessman, more a real estate investor than a lawyer. He was a successful lawyer, but the main thing is he had a very successful relationship with some key Israelis and with Weizman [Ezer Weizman] who at that time when [Menachem] Begin went in, he became Defense Minister just a few months after we got there. This all happened after Begin actually came in. So Leon and I developed a relationship that ultimately developed into [a] back channel during the peace negotiations. Charney was close to Weizman who was Defense Minister and, obviously, of course, speaking for the Begin government, and I was, obviously, close to the President.

So we developed a back channel which the President approved of and which he used whereby we would get opinions from the Begin government, through Weizman, through Charney to me to the President, as to what was and what was not possible when problems came up, what could and couldn't be done as far as the Israeli perspective, so that the President was in a position either to remain very private in how he approached a problem with Begin or, if necessary, to go public or not to go public. There's actually a film that we have on it. It's a 90-minute docudrama that goes into this whole subject. I spent a fair amount of time on that. If you like, I'll give you a copy of the film. It doesn't necessarily relate to what does the White House Counsel do, but it's what I did.

MK: It shows the kind of flexibility in role that people who serve in senior posts in the White House have, that depending upon the circumstances, people can pick up—

RL: They can, if they President will let them.

MK: —a job. Had you known Wolf Blitzer?

RL: No, I didn't know him. We'd met but we didn't actually know each other intimately by any means. He knew me well enough to know that the stories were wrong about me being anti-Israeli and anti-Israel, obviously not anti-Jewish. So that's why he felt it worthwhile to try to straighten that out. That's what his objective was, so there wouldn't be this animosity from the Israeli side toward the whole White House, because of Jewish Counsel who supposedly was against them.

MK: What information role did you have with the State Department? Did you all keep the State Department informed?

RL: On this matter here?

MK: Yes.

RL: No. This was strictly for Carter's ears, to help him make judgments on how to handle it. He really took the lead on this thing from the very beginning. Now, whether he shared my specific memoranda and discussions with [Cyrus] Vance or [Warren] Christopher or whoever, I don't know, but I don't think so.

MK: What about [Zbigniew] Bzrezinski?

RL: Bzrezinski, I didn't have contact with him on it, or discuss it with him. But since he talked to Bzrezinski every day and Bzrezinski was so involved in everything on a much more intimate basis than Vance, he probably did discuss it with Bzrezinski. There was no conflict between the objective of what I had in mind and they had in mind, what Bzrezinski or Vance or Christopher or the President, but there was a question of turf that the State Department—I heard later that some of the lower level State Department people who were involved in these things, when they became aware, kind of resented it. That's a normal thing, turf protection.

MK: What kind of information was particularly valuable? What pieces of information can you think of that are particularly valuable, coming through, of having this kind of route?

RL: Well, you obviously didn't get a chance to see the file. The whole file, every memoranda, is over there at the Library. There was a lot of stuff that did come through. I'm trying to think of some of it offhand. Would you like to have a copy of that cassette? I don't know if you want to watch it or not; it goes into some of this.

MK: Sure.

RL: It's a 90-minute cassette, so you'll have to set aside half an evening. It was produced by Tel Aviv University. Let me see if I can—I didn't get you any material on that. These are some things that might or might not.... Give me just a minute to thumb through some of these files here on speeches and articles that might answer some of your questions.

MK: There is some kind of information that a President can get on a regular basis out of his Departments, but there need to be other kinds of more informal networks, such as yours.

RL: I think these can be very valuable in lots of situations.

MK: When does a president need to set up such a network? What are the kinds of circumstances?

RL: I'm not sure that you set that up deliberately. Like in our case, I think, frequently, things like that come to you without being solicited or planned. I may be too general in saying that.

This is a speech I gave on ethics after I left the White House. Just a second though on this other subject.

[Pause]

MK: Were there other such networks that you can think of, on other kinds of issues, informal kinds of arrangements that cut through institutions, that brought people together with the President, without the filter of institutions?

RL: I'm sure there were. Politically, I would say Bob Strauss undoubtedly had some things like this.

TS: But your contacts, as treasurer of the campaign, didn't translate into a network of people that you could draw on?

RL: As I say, my primary function was not raising the money, which is what I think you're assuming. My primary function was managing the money. So I was more often saying no to friends than yes. Labor unions wanted to get people on the street; we didn't have the money

so we couldn't say yes. The campaign part, other than the fact that I had a lot of publicity from it, was not really helpful, vis-à-vis contacts.

MK: What about the kind of networks that Hamilton Jordan had?

RL: Now Hamilton, of course, had the political liaison with a lot of these folks that you're talking to and alluding to outside of Washington.

I thought maybe I could find something here.... Well, the film will give you a lot of the answers of what I was talking about. I'm trying to see if there's anything in writing.

MK: Were there others in your Office that were involved in it?

RL: Not in this particular Middle East thing, except my secretary. She became very involved.

MK: Was Hamilton Jordan?

RL: Hamilton was aware of it but he wasn't really—and he got to know all the people, of course.

This is not so much on that, but it is on the foreign policy matters. It's a speech I gave which goes into a lot of that. I call it the "Battle for Peace."

This is my resignation procedure with me and the President and the White House staff. It kind of emphasizes, between us, what we considered the most significant things in our relationship.

MK: When you all were getting involved in the issue of boycotting of the Arabs—

RL: The Arab boycott?

MK: Yes—and Irving Shapiro came in, "Business Roundtable"—

RL: He was president of the Business Roundtable at that time, yes.

MK: —did you have a role in that?

RL: I won't say I had a lead role, but I did play a part in that whole subject, yes.

MK: It's interesting that, in effect, what happened is: the Administration said, "We will introduce the legislation if various sides can come together on an agreement, and we will facilitate bringing everybody together; and if you all hammer out an agreement then we'll introduce it." And that was what happened.

RL: That's the way it worked out. On the White House staff I would say that Stuart Eizenstat played the most important role in the senior White House staff—

MK: In helping bring that about?

RL: —in helping bring that about, yes. Stuart had a closer relationship with the Jewish leadership in the United States. I had a relationship that was good, but his was much more intimate, and since that was where the most emphasis was coming from in this country, Stuart was more important in helping facilitate that—as far as the White House staff is concerned.

MK: Did Shapiro come to the White House?

RL: Yes.

MK: Did he bring the issue to the White House or did the White House—?

RL: I don't know if he brought the issue there, but he certainly was involved in helping to implement it.

MK: Can you think of some other areas in legislation that you were involved in?

RL: I'm taxing my memory now.

MK: Immigration?

RL: Not really. I don't think I really got involved in that.

TS: Expansion of the judiciary?

RL: Expansion of the judiciary?

TS: Wasn't there a measure to expand the number of courts?

RL: Yes. I wasn't really heavily involved in that. I would say that Griffin probably played the most important role in finally getting Congress to go along with that. As you remember, the thing that held it up most of all was this Fifth District question and how to divide or not divide. I think that held up for more than a year, if I recall. In the end, once it did get passed, President Carter did get to make a large number of appointments, and he did.

MK: In looking at the appointment process, how long did it take from the beginning—of when a vacancy occurred—to the time when you all would usually have a name?

RL: I really don't remember, but it certainly varied. Some of them took quite a long time. If you remember, reading in this book about Circuit Court Judge Phyllis Kravitch here in Georgia, in which Griffin and Charlie Kirbo wanted somebody else appointed and Rosalynn [Carter] and I wanted Phyllis Kravitch appointed. It took about six or eight months before it finally moved up with the appointment. Later the other fellow, Albert Henderson, was appointed to the next opening that came up here in Georgia.

TS: But regular appointments—

RL: Regular appointments?

TS: Like a secretary. A secretary of an agency.

RL: Secretary of an agency? You're talking about Cabinet members, senior Cabinet members?

TS: Right.

MK: Let's take both kinds of appointees. First, in the judgeships: when you all were vetting them, and from the start when a vacancy occurred to when you had a name, and then the clearance

process, and then Senate confirmation. Was there any kind of rule-of-thumb that you thought of—of how long these appointments were going to take?

RL: I don't think we set any timetable for ours, so it's hard for me to say there was a rule of thumb. Obviously it takes a certain length of time just to go through the process you're talking about, including the local commissions that we tried to get. But I don't remember how long we're talking about. In most cases, we were only talking about weeks and occasionally, when we had problems, it could take several months. I don't think that was an unusual thing.

MK: In the clearance process for people that were nominated, say as a Deputy Secretary, what was the role that you all had there?

RL: I don't remember having any significant role in any of those appointments.

MK: Did you all handle the clearance process for them?

RL: No. The Justice Department really took care of that.

MK: Say somebody was appointed as a Deputy Secretary of HUD [Housing and Urban Development] and they would be given materials, the FBI form to fill out—now they have the financial disclosure materials as well as IRS [Internal Revenue Service]—

RL: I think we had that, too, didn't we?

MK: Well, yes, it starts in 1978 with the legislation. The Office of Government Ethics comes up then.

RL: I think though, even without the legislation, Carter—

MK: You had financial disclosure.

RL: And beyond that, even; we had to back down from one or two of them. Cy Vance wasn't going to do everything you wanted him to do.

MK: Today, there's no choice.

TS: Leeway.

MK: Everybody fills it out. Although the timetable is a little different for somebody who's appointed as a Cabinet secretary.

RL: I didn't mean to imply he didn't want to disclose anything. I think it's a question of not wanting to necessarily blind trust everything.

TS: But those kinds of things went to the Justice; you didn't settle them in your Office?

RL: For the most part, they did. We might get involved occasionally, but not routinely outside of the White House.

MK: The functions of your Office would be then the vetting of judges and providing the President with advice on issues on the political aspects of a legal issue, like say, on Executive Privilege. How did you come to develop views on Executive Privilege?

RL: Executive Privilege philosophy?

MK: Yes.

RL: Once we began to understand it, we decided to negotiate when the problem came up. As a result, I don't think we ever had a showdown on it. For instance, if a Committee wanted certain documents and certain information, we would try to figure out everything we could properly give to them and sit down with them—either I would, Frank Moore would or someone else would—and try to negotiate on disclosing everything we possibly could. I don't think we had any confrontations of any serious consequence on the whole executive privilege issue as a result of that.

TS: Do you think that's because they were the majority party?

RL: We were the majority party the whole time we were there.

TS: So you think that made it easier?

RL: It made it easier, sure.

MK: What about on War Powers legislation and positions that you took on that, on whether the President needed to inform the Congress?

RL: Well, since we had a President who was determined not to start any wars and not start any military battles if he could avoid it, it really wasn't a serious problem. I don't remember that we really had to confront that, to be honest with you.

TS: So the rescue attempt—

RL: Pardon me?

TS: You weren't there for the rescue attempt, so you don't know what the discussion was?

RL: The Iranian situation?

MK: Yes.

TS: Right.

RL: No. The only involvement I had in the Iranian situation—I had already come back to Atlanta, the first of October. The hostages were seized in the first week in November or something like that. Through this same fellow, Leon Charney, who also had a contact with the Austrian Prime Minister, Kreisky—if you remember that name—Kreisky sent word through this fellow Charney that he thought he could help on the hostage situation because he also had a close relationship with [Yassir] Arafat. Arafat in turn had befriended [Ayatollah] Khomeini and Khomeini, if you remember, gave the American Embassy to the Palestinians soon after he took it over. Anyway, Charney came to me and I went to the President. The President through Vance and Harold Saunders said, "Let's explore that." So

Charney and I, by coincidence, took the Concorde, and flew to Europe, to Paris, and then went to Vienna, and spent almost a week with Kreisky on that subject.

Kreisky called in his Lebanese ambassador, who was apparently close to Arafat, and in fact Kreisky was saying, "If you'll meet him"—I hadn't met with this fellow—"and you are considered a representative of President Carter, even though you're not in the Administration, then Arafat will go to bat and see if you can get the hostages"—there is a story written on it later on after it was all over with, after the hostages came home—"and try to help get the hostages released."

So I was communicating by private line from our Marine secret place in Vienna, with Harold Saunders back in Washington. After about a couple of days of discussions back here they said, "Don't do that; we already have a contact with Arafat and we don't want to go through with this idea here." It would have been a de facto recognition of the Palestinian movement.

While we were there, Charney flew to Israel. Kreisky got him a private plane or a government plane to fly him to Israel, to see how the Israelis would feel about it. So Weizman and Charney got together and Weizman in turn got the top people in the Israeli government together and they said, "Provided you keep us well informed, we want to cooperate and help you get the hostages out." So Charney comes back again; I relayed that word back but, despite that, our Government decided not to pursue that avenue. They pursued the other avenue, unfortunately. The other avenue never quite had the result, in time for elections.

MK: Were you involved in helping the President respond to [Supreme] Court decisions, when there was a Court decision that called for the President to make a statement responding to something that the Court had declared? Were there times when you would help him write a statement, or you would be involved in it?

RL: I'm trying to remember if there were such times.

MK: There are going to have to be.

TS: The Supreme Court ruled that it was not within the purview of a Federal District judge in Alexandria, Louisiana, to be drawing the plans for bussing from out in the county across school district lines into Alexandria, Louisiana. That was a decision made by a Federal Judge—

RL: A District Court judge.

TS: —a District Court judge, and it went up to the Court. When the Court makes that decision, would it automatically be everybody's presumption that that was your job to draft something for the President?

RL: I don't think so. I think that, probably, that would have stayed within the Justice Department and the Solicitor General would have probably represented the Government and, therefore, the President in that. We might or might not have had some discussions about it, but I don't know if, publicly, the President would have taken a position on that—other than through the Solicitor General.

MK: What about the issue of abortion?

RL: I don't even remember if there was such a case. Was that hypothetical?

TS: No. I worked for the Congressman from Alexandria, and it was a hot one.

RL: Is that right? I really do not remember that particular situation. Even really if hypothetical, I don't think the President would have been out front on that, nor would I have been out front.

TS: But the press might hope for the President to respond.

RL: The press hopes the President responds to a lot of things.

TS: So, would Jody presume that that was your responsibility?

RL: No. I don't think so at all. In that case, I think: presume that's the Justice Department, Solicitor General decision.

MK: Anything about *Roe v Wade*?

RL: Well, the President clearly supported that. As you know, Sarah Weddington was in our Administration.

MK: Right.

TS: But just because it was legal, and had to do to with the courts, it wouldn't necessarily fall to the legal Counsel.

RL: I don't think so. Not necessarily. The White House might be consulted on: "What do you think about this?" On *Roe v Wade*, there was no question about what the President's position was on that.

MK: How many deputies did you have in your Office?

RL: I had a total of four. One was a deputy and three were called assistants. But I only had four other lawyers the whole time I was there.

MK: There were four other lawyers?

RL: Yes.

MK: Today I think—I was going through a White House phonebook about a year ago and there were actually more lawyers than there are in the Solicitor General's office.

RL: About twenty weren't there?

MK: I think there were about twenty-one.

RL: I knew it had gotten up to a large number. Actually it had grown considerably before all the Clinton problems came up.

MK: Part of it is because of the vetting process. The clearance process for nominees is something that puts a lot of burden on that Office. So they've brought more people in.

RL: What do you mean, nominees to what?

MK: For judgeships.

RL: Are they clearing the judges there rather than the Justice Department?

MK: The clearance process goes through them, yes.

RL: Instead of the Justice Department?

MK: So they will do the interviews.

RL: They're doing it much differently than we did. We were the nudges and we were the instigators, but as far as the detail work—Justice Department did that.

MK: So you wouldn't have interviewed anybody?

RL: No.

MK: Now, there are interviews that are done there.

RL: The White House has taken a much bigger role than we ever took.

MK: That's one of the reasons why there are so many [added lawyers].

RL: I see. I thought it was because of some other problems they had.

MK: That adds to it.

TS: Were these other four lawyers people that you picked?

RL: Yes. I did pick them.

MK: Were they people you had worked with?

RL: I had worked with them in the campaign. I had never known them before. But every one of them had worked in the campaign. My deputy was Margaret McKenna, who has been president of Lesley College, up in Massachusetts, for quite a long time in recent years.

MK: What was her job? What were the jobs of each of them?

RL: Well, Margaret was basically a Deputy on everything—except she didn't get involved in Middle East, foreign-policy stuff. Doug Huron was a local Washington lawyer—they didn't really have specific jobs except the last one I'll mention—Michael Cardoza who is still in Washington; he's not a practicing lawyer; he's in investment banking; he had been a lawyer for a while; and a young man named Patrick Apodaca, who was recently out of law school, from New Mexico. Patrick was the one in charge of the security clearances and things of that type. I would say he's the only one who had a definitive job to do, day in and day out. The rest of us did whatever came along, except in the Middle East thing. I was the only one that was involved in that.

MK: Typically—.

RL: Margaret and Doug were the most active in soliciting, recruiting, if you will, judges out in the country. They were very active in doing that; they were the two on that.

MK: Did they help set up those various committees?

RL: Justice officially helped set those up. Occasionally, we found where one hadn't been set up, and Margaret, particularly, would take the lead on that, or Doug; either one of them. But, more than that, they played a big role in finding people who were eligible who might otherwise have never been found, particularly through contacts they had with women's organizations, civil rights organizations, and so forth.

TS: Did you have specific instructions when you hired these people: "Don't talk to the press, do talk to the press?"

RL: I don't remember that. They didn't talk to the press very much. I don't know if the press went to them that much, to be honest with you. I'm satisfied they didn't go behind our back and give out family secrets, things like that. I don't remember that they talked to the press very much.

TS: Do you have some things you wish you had told them, coming in, when it was all over with?

RL: Not that I remember. I really don't.

MK: Were there any people who regularly came to talk to you: reporters?

RL: There were a few. Bill Safire had a front, a guy who would constantly call me; he didn't come very often. I would politely talk to him. I've even forgotten his name now. He's still around; I think I saw his name in the press recently. The editor of *TIME*; he's retired now; he's still around.

MK: Hugh Sidey?

RL: Yes, Hugh Sidey. And then there were a couple of people from *Newsweek*, one woman and one man at that time.

MK: Tom deFrank?

RL: Tom deFrank was the man and—

MK: Eleanor Clift.

RL: I think it was Eleanor Clift. They would come fairly often. I didn't have a lot of interviews with the press, but I did have some. I'm trying to think of others.

MK: During a typical week, what kind of issues would come up that all of you would deal with?

RL: We've touched on the types of stuff.

MK: I was wondering if there were any—

RL: I did a fair amount of public speaking, too. I'd average about once every two weeks—giving a speech somewhere.

MK: What kinds of groups?

RL: It was different groups. A fair number were Jewish groups, with me being Jewish and all that. But there were a lot of different other kinds.

MK: Were those things that you arranged yourself?

RL: No.

MK: Within the White House, who was involved in that?

RL: It usually came from outside. I would get the invitation and decide whether or not to take it.

TS: You got the invitation, though? It didn't go to Communications and then be routed—

RL: No.

MK: Did you clear with anybody?

RL: I don't think so. I don't remember doing that.

MK: Can you give us an idea of what a day was like for you? When would you start? When would you get up? What was working in the White House like?

RL: The President made a statement to the staff when we first got started. He said, "Now, I want you all to have a private life. I don't want you to feel you have to be here until midnight and so forth. You've got to be with your family." And he really meant it. I was able pretty much able to follow that, even though I just had my wife. My children were all in college by that time or out of college. I usually was in and out of the White House at sunup, you might say.

TS: So there were cabs on the street to hail.

RL: Yes, that's right. You could always get a cab in Washington, especially on Pennsylvania Avenue, then. No longer.

MK: Did they change the policy on limousines?

RL: Yes. We never had limousines from Day One.

MK: So you never had a car pick you up.

RL: No. If, during the day, I had to go to something like a luncheon or meeting somewhere, obviously you could use White House cars on business. But as far as personal going to and from home—we never had cars.

TS: So you were there by seven?

RL: No. I wasn't. Eight-thirty or nine, something like that; and [I was] home by six, six-thirty in general.

MK: When was the senior staff meeting?

RL: It was usually in the morning. I'm trying to remember how often we had them. But they were usually in the morning. They were pretty informal get-togethers. I'm not sure that we made a lot of important decisions sitting around the table.

MK: Was it mostly to relay information on what each shop was—?

RL: Mainly to let people know what each person was doing, more than debating what to do.

TS: So, did you meet with your staff before you went to that?

RL: No. If there was something that related to us, I would relay it to the staff but—

TS: But you didn't regularly meet with your people to find out—

RL: No. But I was in constant communication with all four of them, all the time.

MK: Was there any regular procedure set up, where you would stop and look backward to see how things worked that had occurred during the week?

RL: I'm sure we did. You may remember the time that Hamilton Jordan got accused of improper conduct, or something like that. So it was just after we had been criticized for not doing enough on some ethics question—I don't remember what it was—so we decided to do something. So Mike Cardoza spent days and days making a thorough investigation; he wrote a forty-page report on what Hamilton did. And that's how we reacted to the criticism that we didn't do enough to back up our words about ethics. Then we got criticized for spending so much government money investigating such a silly question. That one kind of stands out.

TS: So, what did you all think about that?

RL: We concluded he was innocent.

TS: Not the substance; the response of Washington to—

RL: I guess we expected it, by that time. By then, we weren't shocked or surprised. This, again, is not having the Washington insider connections which we now—in retrospect—should have had from the beginning.

MK: When things don't go right at a start, what opportunities are missed early on, and how do you change course?

RL: That's too broad a question.

MK: In putting together a White House staff and in setting out—let's take both things, bringing in a White House staff that didn't have a Washington component to it.

RL: That was clearly a mistake, in retrospect.

MK: And then setting out an agenda that would fill a very large table. Both things seem to have a consequence that an image developed early on: that the President was a really nice guy, earnest in a new tone, but he had this very large agenda that reflected all of the different variety of interests within the Party, within the constituencies, and that it was difficult making choices. So that became, in a sense, an image that became etched in granite.

RL: I recall that.

MK: How does one try to tackle something like that, to change it around? And, can it be changed around?

RL: The other thing that I did not mention, that we were short on from the beginning, and frankly all the way through, we did not have a good public relations leadership. Jody was a great Press Secretary. Jerry Rafshoon was a great advertising manager. But we never had a public relations person really thinking about the various things that would have perhaps allowed the President to do all the things that he wanted to do, or at least try, or at least have them on agenda and put our best foot forward. Instead the press, you might say, and the political people outside of the Administration set the tone that you're talking about rather than us setting the tone. This is where the Clinton—as many things as I might criticize about the Clinton Administration, I have to admire them on their ability to do public relations first class. I think Reagan's people probably—

TS: So you came in short on Washington networks. You, in particular, end up being the turning point because you leave and Cutler takes your job.

RL: I what?

TS: You become sort of the turning point in what the Administration does to bring in those networks, because Cutler takes your position as Legal Counsel. Isn't that right, he ends up at Legal Counsel.

RL: Yes. That was way down the road, though.

TS: It's two years, right?

RL: It was more than that. It was almost three. I left there after about eight or nine months into the third year.

TS: Can you look back on that and see that there was a process that you and the other senior staff came to to recognize this was the kind of move you needed to make, and where to make it?

RL: I think most of us recognized it. I didn't make the decision, for me to be the one to be replaced.

TS: Sure.

RL: I don't think that I or anybody else on the senior staff really recognized that shortcoming, early on. I think it was only well down the road that it became more obvious, and particularly as we came near the election: the President's ratings went down, you might say, and things of that type. I don't know. Reflecting on it years down the road or even much

sooner than that, we should have done something from the very beginning, or if not from the beginning, right after we got there. But we didn't. Nobody—.

MK: Eizenstat wrote a memo to Carter in 1978 about the need—

RL: 1978? That was more than a year after we'd been there. On that subject?

MK: On the subject.

RL: I don't remember even seeing it, but I'm not surprised.

MK: Although he didn't say where. He just said it was important because of bringing in the networks. Ann Wexler is an example of bringing in somebody who is—.

RL: McDonald, is that what his name was?

MK: Alonzo McDonald.

RL: He was brought in, too, with that in mind.

MK: As a management person.

RL: But I don't think he fulfilled that role.

MK: And then Hedley Donovan—.

RL: That's really who I was thinking about.

MK: Because McDonald was used for the management part.

RL: Once again, that was well down the road. And Lloyd [Cutler] probably could have done it, but he got so involved in the Iran hostage thing that it consumed him. Maybe it was too late. In any case, if he hadn't had the Iran hostage thing, I think Lloyd might have turned it around before the election. We'll never know.

MK: In looking at the White House during your time period, did you see that, while the President wanted people to have a normal kind of life that there were people like David Rubenstein, for example—

RL: David is the exception. David is clearly the exception.

MK: He just about slept on his couch.

RL: Have you heard the old joke? We put in vending machines because of David: because they couldn't keep the Mess open for breakfast and late-night snacks.

MK: Was there a problem of burnout? And he lasted the whole administration.

RL: It obviously didn't burn him out. He's done quite well since he left.

MK: He sure has.

RL: He was the exception; he really was. Not that other people didn't put in night hours; of course they did. But nothing like David.

MK: Look at the kinds of jobs, for example, that Jody Powell did. He was responsible for a huge group of tasks that, in a sense, involved the long-range planning, because—for a long portion of time—there was no Communications Director. So he was having to do the long-range planning or not do it, doing speeches; Carter wanted him to work on the speeches as well.

In doing speeches and public presentations for a President, is it important to have somebody who was on the campaign be involved in that?

RL: I think it's important to have someone who is politically savvy, whether they were in the campaign or not.

MK: What about having somebody that has a memory of what it was that the President stood for over the time period when he was running for office?

RL: But they could learn that without having been in the campaign. There was enough material available for a person in that job and that responsibility to find out enough about him, plus the fact that he himself would review things—he didn't just pick up the text and go out and make a speech. He reviewed what he was going to say in advance.

TS: Do you think that the President spent time trying to convey to people what he wanted, when new people came in?

RL: You mean staff people?

TS: Right.

RL: I don't think so. Not too much.

TS: There's a story among [Lyndon] Johnson's staff that, on Saturday mornings, he would sit around with the new people for two or three hours and lecture them essentially about—

RL: [inaudible]

TS: —their responsibilities and how he wanted them to act and fit in.

RL: I don't think we had that much of a turnover. We added people from time to time but they would come in already with us, some staff people who had been there before. I don't recall we had that much turnover on the White House staff.

MK: During the transition, what was the main focus during the transition for preparing to govern? Was it on the agenda? Was it on personnel?

RL: I'm trying to remember. I was there for several weeks before. I'm trying to remember what it was we—as I mentioned, I personally spent a fair amount of time with my predecessors and that helped a great deal. Certainly picking staff people, that was when we were doing that. I was selecting these four people who ultimately became my staff. Others had similar responsibilities.

TS: Did you know from the very beginning you would be Counsel?

RL: No. But I knew there were only two jobs I wanted, either to be Attorney General or be Counsel. The President in his campaign had said he wouldn't appoint an Attorney General who had been active in his campaign, so that eliminated that possibility. So those were the two jobs that I concluded that, if I went to Washington, I would want.

MK: Were you involved in the picking of Cabinet secretaries?

RL: Not particularly. I might occasionally voice an idea, but not really. Charlie Kirbo was the most important person in things like that, by far.

MK: How often did you meet with Carter during the transition period?

RL: Not very often.

MK: When did you know that you were going to be Counsel?

RL: I'm sure it was at least six or seven weeks before we went up there. We all went down to Plains one day—I say we, the so-called senior crowd—and met with him and expressed ourselves as to what we wanted to do. I don't remember our conversations now. But that was the point at which—first of all, none of the others expressed a desire to have the same job as the so-called inner circle. The only conflict we had, as I remember, was Stuart and Jack as to who was going to do what and the President worked that out by coming up with two comparable positions to give both of them.

TS: So you talked in private?

MK: Beforehand did you all talk?

RL: We met down in Plains on this subject.

TS: But individually, or as a group?

RL: Well—

TS: In other words, did you go around the room?

RL: I know we did as a group. I don't remember any particularly secret talks. There might have been some, obviously.

TS: What you were talking about was going around the room.

RL: We were close enough and had worked together long enough and there were enough jobs available for the group we were talking about—there was no serious problem. The only slight conflict, competition if you will, it wasn't conflict, was with Stuart and Jack and the President resolved that by not just having the one job—I think it would have been Domestic Policy Adviser—by creating what amounted to a new position for Jack and was of equal importance.

MK: What about the job of Chief of Staff, and a definition of what that—?

RL: He decided not to have a Chief of Staff, if you remember. He wanted a spokes of the wheel approach and really to be his own Chief of Staff. He kept it that way for quite a long time before he finally changed.

MK: In looking at the kinds of decisions that Carter was involved in, and looking at some through the handwriting file, he certainly was involved in a broad variety of things.

RL: Yes.

MK: From the White House tennis court time—

RL: That was overstated. Susan Cloud really ran the tennis courts. She was his secretary. She did regulate it but I don't think he really—

MK: I saw a memo in which—

RL: What did he say?

MK: —[Jim] Fallows wrote him and said he really liked playing tennis and would like to use the tennis court. So Carter had then set out—I think it was either to Tim Kraft and Rick Hutchinson, asking them to look at what past practices were? And past practices generally were that it was just the President's family.

RL: Really? I didn't know that.

MK: Well, there was the pool which, then, only was used since Ford, and Ford had only his family use the pool. Carter and the tennis court—because he had covered over the pool—was family, and then he had three Cabinet and the very top senior staff allowed to use it. So Carter wrote that he would have the family, both of them would be for the family but he would allow other people, and they could ask him. It just said, "Just ask me." So in his memo to Fallows, he said that it was going to be for the family but you could just ask me when it's available. Unfortunately he walked into that one.

RL: But, in practice, Susan really kept the schedule.

MK: Was there any looking over—?

RL: Before you leave that subject, the one thing he did which was very nice, and I did take the initiative on using this practice, was letting senior staff people use Camp David on weekends when he wasn't there. It was a lot of weekends. I know I must have spent the weekend at Camp David, including my wife and my children; and Stuart did the same thing and others too, lots and lots of time. That was the nicest perk all of us got while we were there.

TS: Did that help you recharge?

RL: It was just nice. I guess it recharges, any relaxing weekend. It was relaxing to go up there.

MK: Was there a sense that, when you provided information to the President, that there were certain kinds of bases that you needed to touch, in order to have a memorandum or a recommendation that would satisfy what he wanted to have in various kinds of information?

RL: Start the question over again.

MK: When you were putting together a memorandum for the President: was there a common kind of memoranda that people would put together? Was there a process where you would give what was going on on the Hill, what the responses of the Hill were, responses of political parties, of key people there, interest groups, responses from a Department, from units within the White House? If you were going to make a recommendation on something, would there be these bases that you would automatically touch?

RL: You mean with other people on the staff?

MK: In your recommendations on something, would you have found out what these various opinions were, from all these various sources?

RL: I don't think I would have taken the initiative in many situations. I might have had some informal discussions on something. But there were different things that you would send the President in writing. Some things required a response; some things were merely information.

For instance, this Middle East stuff that I talked about, which is a whole slew of memoranda, there were none of them that required a response from him to me. It was just informing him, giving him the background and letting him factor that into how he was handling things. There obviously could be things in which we would ask for a response. I don't recall doing what he did. He would almost always give options as to the response he wanted from staff people, whatever it was, and to check off one or make a comment and so forth. I don't remember doing it that way. In other words, if I sent something to him that required a response, I don't think I would limit him to what I thought were the answers. That's being pretty general, but I think that would have been my philosophy.

MK: I was just thinking, as part of the process of providing information, would it be assumed that you collected information from these various parties?

RL: No. In dealing with the Jewish community, particularly, Stuart and I would frequently combine our thoughts in a single memorandum. He looked to us to try to handle that. It was such a delicate thing, with all this Middle East stuff going on. There was a constant demand on how to do things. So we would frequently combine on that. There might be some other things that others would combine with, but not too often.

MK: Did you find, sometimes, that there were people coming into the process that would try to persuade the President of another point of view?

RL: Well, Griffin and I had that in the Judgeship department, certainly.

MK: Was there an established process of paper flowing to the President?

RL: An established process?

MK: Yes. Did everybody just give it directly to the President?

RL: Yes.

MK: Even with the spokes of the wheel?

RL: [Inaudible] go through a chief of staff, which we didn't. We had the prerogative of going directly to him.

TS: The same thing with secretaries, Cabinet secretaries?

RL: As far as I know, they would only go through his immediate support staff, like Susan or Phil Wise, something like that, or if it was foreign policy it might go through Bzrezinski. I don't know. Very often, we would get things to which we were responsible to respond—like Justice Department—but they would not come to us to get our permission for a Justice Department memorandum to go to the President. Griffin could just send those, and did, direct.

MK: Do you find, in looking back in those years, that working in the White House requires a certain kind of person, that there are certain qualities of people that are successful in White House life?

RL: Well, you have to be philosophical, since you run into so many things you can't control or that you don't like, and all that. You have to learn to roll with the punches. Maybe that's a characteristic that needs to be there, if you're going to come out alive.

TS: How did you know when it was time for you to go?

RL: Well, it wasn't my decision. It was the President's decision, that he wanted to make this change. I cooperated; I didn't object. He offered to put me on the bench, and I thought about that seriously, because there was an opening both in the Circuit Court here and in the Circuit Court in Washington. Then, I discussed it with Griffin, as a matter of fact, to get his ideas, since he had been on the Court of Appeals for many years. And I discussed it, obviously, with my wife. I concluded that, temperamentally, I was not going to be suited for that, that after about a year or two of the glory, I'd get very bored. So I turned it down. But I didn't make that decision as to when I was to go. That was the President's decision, because that's what he wanted to do. I knew it was obviously the right thing for him.

TS: So you didn't have some sense that you needed to go?

RL: No. But I did have a sense that it was necessary for him to do something.

TS: We're just trying—.

RL: If he had replaced Jody, instead of me, I would have been happier but that wasn't the decision.

TS: Well, one thing we're interested in helping staff figure out is: how do they know when they've had enough?

RL: When they've personally had enough? I hadn't reached that point. I hadn't reached that point. I don't know. I guess when you feel like you're no longer trusted, obviously I think you need to go. Like, Joe Califano should have been much more diplomatic when he left because—well, he should have been. Let's put it that way. Mike Blumenthal, I don't remember how he reacted, but I'm sure he wasn't happy when he left. It's just part of your career, part of your life.

TS: There isn't a sense that you just can't take this pace any longer?

RL: I never personally reached that point. I'm not saying that some people didn't. I didn't reach that point.

MK: Carter continued to call you, and use you in certain circumstances, on an informal basis after you left?

RL: I used to go back to Washington pretty often, the rest of time, and I stayed at the White House when I was there, in the guest quarters. The hostage thing was probably the most important thing I got involved in after I left. But we stayed in close touch. I don't remember anything real important that I did in the rest of his administration. I tried to help in the campaign; I even went out and made speeches and things like that. But I don't recall anything very important except the hostage thing that I got involved in. But we remain on a close, personal relationship until this day. When he came back home, I was the key person in helping put together the Library, and the Carter Center, and all that.

In the papers, did you see the letter he wrote when I left?

MK: No, I didn't. I see that it's here.

RL: That's the communication we had at the time I left.

MK: No, I didn't. It wasn't in the group I saw.

RL: Look at the top of the second page of the handwritten letter. You'll find it amusing.

MK: I was certainly glad he has the handwriting he does. It's easy to read.

RL: You can read it. Is that the one about Betty?

MK: Yes. "My helping you propose to Betty."

RL: I was widowed almost thirty years ago now, before we went to Washington, and my wife was widowed about a year later. So we merged into what we called "The Real Life Brady Bunch"; we had six kids together. But, before Betty and I got married, when I was going out with her, we went to the Governor's mansion for some social event and that's where this story developed.

MK: What was his role?

RL: We were just standing around in the room and he came over, talked to us and said something like, "Betty, when are you all going to get married?" And Betty said, "Well, he hasn't asked me." He turned to me and said, "Why don't you go ahead and ask her?" I said, "Maybe I will." So we've been married now twenty-six years. This is a picture of our combined family. That was taken, obviously, while we were there. And the lower picture is a more recent one: with sons-in-law, daughters-in-law and grandchildren. We just had our sixth grandchild.

MK: When you look back at your White House life, what do you see as the real advantage of working in a White House? It's certainly not the pay.

RL: The advantage?

MK: Yes. What does it do—?

RL: If you want to make a lot of money, and be a lobbyist that can be an advantage, because a lot of people have done that successfully. You do establish an understanding of things and contact with people where you can make a lot of money doing that, especially if you're a lawyer, but not practice law, lobbying. That's one advantage. But to me the great advantage is just the memories that you were involved that have some meaning and in some cases lasting meaning such as the peace between Egypt and Israel. To my dying day, that will be a great recollection. I was somewhat involved in that. But also having helped elect Jimmy Carter, considering the circumstances under which he got into that whole situation of running for President, and to have been involved from the beginning in making that successful. That's some of the things that make it worthwhile.

MK: So, there's a sense all along, that the decisions that you're involved in as an administration, but also as a senior person within a White House, are critical decisions.

RL: Well, the judicial appointment process, since you've read Sheldon Goldman's book, you understand what my role was in that. To me, that's meaningful, especially with four daughters and several granddaughters. Women now are equal to men in the judiciary.

MK: What are some other decisions that you can think of, and actions that you participated in, that you look back and think: "I had a role in that!"?

RL: Let's go all the way back to when he got elected Governor, the second time he ran, and got elected. I helped him write his inaugural address, and that's when he made the statement that really propelled him on to the national scene, that "...the time for discrimination in the South is over." That was just part of it, but I helped put together that inaugural address. To me, that was meaningful, not just to him, but to the whole climate in Georgia, and the South, and the country. That to me was worthwhile, just knowing I played a little part in putting something like that together. And he carried it out; he didn't just talk about it.

MK: That's true—.

RL: As I said, electing a President from a former State of the Confederacy for the first time since the Civil War, playing a meaningful role in that, was something that makes it worthwhile to look back on. We don't consider Lyndon Johnson a Southerner; he's a Westerner.

But those are just some examples.

MK: Well, they are certainly major ones.

RL: Well, personally, they're meaningful.

MK: Particularly now, it seems that it's really difficult to get out of a White House in under about twelve hours a day, and the compensation at the time is certainly not much. But it's the impact that one has on issues and policy—

RL: It can be very important, either for good or bad.

MK: —that is the payoff. Thank you very much.

RL: My pleasure. I look forward to seeing the results, what you come out with some day. It's going to take you a few days to get there.

MK: It will come out in a variety of ways. The first thing that we'll do is release what we're going to call "Standards of a Successful Start", some of the elements that seem to be common to successful transitions. Then we'll work on our seven White House offices, the institutional memory for them, which we'll have available around the time of the election, certainly by election time, so the new people can use it.

RL: Would you actually put it out before the election, or right afterwards?

MK: Well, I don't think we've made the decision of exactly at what point. We're going to have it ready by the Spring.

RL: You will?

MK: We'll have it ready by the Spring. How we're going to distribute it, we'll have to see what the content is, how soon we'll make it available; how soon the transitions come about, when people are going to start putting together teams that are considering issues related to governing. Sometimes it's done very early. Reagan started in April of 1980.

RL: He did, that early?

MK: Yes. Because of the peculiar calendar this year, of the primaries, where the decisions will be made so early, it's possible that the candidates and their staffs will start thinking about issues of governing during the early parts of the campaign, because they'll have a lot of time.

RL: Well, I think, despite the pressure of the campaign, I think Carter gave a lot of thought and did a lot of reading as far as preparing for the job. It wasn't just the campaign that he spent time on during the campaign.

MK: What do you think are some of the important elements of a successful transition?

RL: I think the most important thing is to try to work closely with the people who are there, whether they are your Party or the other Party, as long as you can, before you actually take it over. I think you can just learn so much more in that fashion than any other fashion. Reading your material when you put it together is going to be extremely helpful, because something like this was not available when we went there. But I do think about the most important thing that can be done is, hopefully, have a cooperative team in there whether it's your Party or the opposite. In our case it was the opposite Party. In Clinton's case, again, I never knew what happened between the Bush people and the Clinton people, whether there was a deliberate freeze-out, or whether one side or the other didn't want to do it, or what.

MK: It must be difficult, once you come into office, once you occupy the White House itself, to do the preparation at that point. What happened in his [Clinton's] case was, people were not appointed until six days—most senior staff were not appointed until six days—before the Inauguration.

RL: Yes. Then that was his mistake.

TS: Yes. That's why we're interested in these questions about: "When did you know when you were going to hold these jobs?"

RL: I knew I was going to be in the White House, almost certainly, even before I told you, but the exact job, I didn't know. Even then, I still had over a month, and we spent most of that time in Washington, most of us did.

MK: So you talked to all of your predecessors.

RL: Not all of them; just the Ford people.

MK: Did you talk to other people in other parts of the White House staff, in addition to talking to Buchen?

RL: I'm sure I talked to them, but primarily—

MK: Cheney?

RL: —I got the information and advice from the Counsel's Office. I did. Now I don't know who all Jack and Stuart and Hamilton talked to, and Jody, but I'm sure they talked primarily to people who had comparable roles.

MK: You've talked about documents that you were given. Can you think of what documents—did you give documents after.... Well, it would have been Cutler.

RL: It would have been Lloyd. Did he give them to the Reagan people?

MK: Yes.

RL: I don't know, but knowing Lloyd, he probably did. I don't know that.

MK: That seems to be one Office in which there's been some of, that especially with ethics procedures and whatnot, within the White House. Those things have passed from one Administration to the other.

TS: They didn't talk to you about Executive Privilege then?

RL: They may have, but obviously we didn't have anything in writing, for one thing. We probably touched on it; I can't imagine we didn't. But, on the other hand, I didn't feel comfortable enough making a national statement about what my attitude was toward it.

TS: Do you think that was a good thing or a bad thing?

RL: That they didn't talk to me or I didn't say something?

TS: That you didn't say something?

RL: I wish I could have said something definitive, but I just didn't know enough to feel that I was correct in how I responded. I don't think it made a great deal of difference, because it's a little embarrassing to have an article come out like that. Amusingly, when Joe Kraft died, Lloyd Cutler's wife had died, and he married Joe's widow. That was long after the Carter Administration, some years later.

MK: Did you go on television after that?

RL: No. I did a lot of speaking, but I don't recall ever going on television again.

MK: It seems to be pretty recent, that senior staff are going on programs like "Face the Nation."

RL: Certainly the Clinton people have—in a big way.

MK: Well, not all of them. Erskine Bowles did not.

RL: He never did?

MK: No. He did once.

RL: And that was enough.

MK: He decided it was a waste of time; it took too much time to do, and he just didn't see what the payoff was in it. For example, [Mike] McCurry didn't; Dee Dee Myers didn't. They had the briefings that they did on a regular basis.

RL: Well, they're doing it now—for money.

MK: That's right, for money. But they did not go on the talk programs. It would more likely be the Chief of Staff, or one of the political people.

RL: Well, they are exposed to the TV camera so much, and can say whatever they want to say without having to go on a program.

MK: Yes, without having to drive to a studio, on a Sunday especially. It's the only day they've got.

Thanks very much.

RL: It was a pleasure. I look forward to the results.

[Interruption]

MK: On the Fallows article, were you there when the Fallows pieces came out?

RL: Yes. I don't remember much about it. I remember a little bit about it.

MK: I just wondered: what kind of response there was within the White House, and what kind of impact you saw those articles as having?

RL: If I'm not mistaken, he's the only person who worked on the White House staff for Jimmy Carter, and went out days later or months later, or years later, and has been highly critical. Obviously, that wasn't what most of us would have done.

MK: Was there a way in which those articles were particularly damaging?

RL: I assume that anything like that is damaging, to some degree. Once again, if we had had a good public relations staff, we could have turned it around, as the Clinton people did, and made something positive out of it. But we didn't.

[End of Disc 1 of 1 and Interview I]