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Interview with

Leonard Garment

Conducted by Jim Flug

July 24, 2002

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Conducted by: James Flug (**JF**)
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JF: . . . I'm here because I was also, from 1973 to 1975, Executive Director of the National Legal Aid & Defender Association. Today is July 24, 2002, and I'm sitting here in the Rare Book Room of the National Equal Justice Library, and I'm pleased to introduce my interviewee, Leonard Garment. Mr. Garment was, during a key part of the history of the Legal Services Corporation, with the White House with the title of, I hope, special consultant to the President and then subsequently as acting counsel to the president. That was in President Nixon's time. And then for President Ford, Assistant to the President and subsequently special representative to the United Nations Human Rights Commission. You were in private practice in New York at the time you joined the Nixon Administration, and you tell a story in your book that one of your first contacts with the Nixon Administration had to do with Legal Services. Do you want to retell that story?

LG: The book is *Crazy Rhythm*. Always have to get a plug-in. I became involved in legal services because during the campaign, when I was Nixon's law partner in New York, I worked on most of the domestic issues, the so-called minority issues. They were minority issues in more senses than one. They had to do with minority employment. They also had to do with issues on which there was less than great enthusiasm on the Republican side. But they were nevertheless issues that were being addressed in the campaign, and I worked on those. I was a trial lawyer, and I had a certain sense about what counted in the affairs of people, in communities, what

worked, what didn't work. I had also brought Pat Moynihan into proximity to the candidate Richard Nixon and then as a result of that worked to bring Pat into the White House. He had written a book called *Maximum Feasible Misunderstanding* about the poverty program, what worked, what didn't work. I had my own views about what worked and what didn't work as a result of the work I did during the campaign. So, when I was sitting around trying to figure out what job I should put myself in contention for, and none were open to me during the period after his election because they didn't think I fit, and they were correct, I was not a political person, I didn't have experience in politics, and I wasn't a Republican, I wasn't that much of a Democrat, I was a trial lawyer at that time, and the campaign was kind of a free form lawsuit. I don't mean to sound cynical but that was what drew me to it. There was a need for a director of OEO, and various names had come up, and I think it was Pat Moynihan who suggested to Peter Flanigan or to the President or to the group that decided on these matters, my name, because I was the President's lawyer during the campaign, his partner, a trial lawyer, had certain presumptive loyalty to the general programs that he espoused. And so one day I had an invitation from Arthur Burns to come over and have lunch with him at the White House mess to talk about the possibility of my taking over the OEO. I knew Dr. Burns from the campaign, and he was then counselor to the President. During the campaign he was general advisor on domestic issues and on economic issues. So we were friendly. And we had a very friendly lunch, and we talked about a variety of matters, and then zeroed in on OEO. And basically the question that he asked me was, what would I do, what was my sense about OEO and the programs of OEO? What would I emphasize, what would I deemphasize. And I just answered the question. I wasn't preparing to take a job, I just said what I knew, and I said think many of the programs don't work, and the heart of OEO, the thing that does work in my view, is the Legal Defense Program. It was like,

Gong! A bell rang. Wrong answer, the absolutely right wrong answer. As Thelonious Monk would say, it was the right wrong note.

AA: Just to put it in perspective for the record, OEO had been established administratively, and then legislatively probably in 1966, and had its office of legal services, which was then supervising the legal services program.

LG: That's what they were most concerned about was getting some control over the office of legal services. And that was the hot button item in OEO because of the class action suits, the governors, the congressmen, everybody in the Republican party considered that one of the more serious problems confronting the nation.

JF: Why don't you just begin by laying out in general what your first – so you did not get the job of OEO director.

LG: Donald Rumsfeld was approached, and to everybody's pleasant surprise Don took the job; young congressman with a big future. I think he's still in the political business now as Secretary of Defense. Showed signs of being a successful person whatever he did even then. And he had that whole group around him. Dick Cheney, who else was working with him? Frank Carlucci. This was the OEO group. And their area of principal management concern apart from the usual business, budget, administration of the program, was what to do about Terry Lenzner and what to do about the Legal Services Program.

JF: Let's just identify Terry.

LG: Terry Lenzner was head of the legal defense section of OEO. And Terry was a feisty Harvard linebacker or tackle, and a very good lawyer, and a very aggressive chief of the legal defense program.

JF: After not getting the OEO job you then went into the White House as –

LG: I went into the White House as special consultant which was a description for the handling of just about anything that nobody else wanted to do, including consultation with legal services programs, working with different branches of the administration on law-related problems. I got very deeply involved in school desegregation which became a major issue during the first couple of years of the administration. I took over coordination with the arts programs and somehow the president saw advantage on the merits and for political reasons in advancing, increasing, doubling year by year the budget for arts and humanities, which surprised everyone. If you want to talk about that we can, but --

JF: Since time is limited, we probably should go back to the legal services program. How did you first get involved, who came to you first and said we have a problem?

LG: There were always problems. And as a matter of fact the people I worked very closely with were the legal services group: Rumsfeld, and Cheney, and Carlucci. Paul O'Neill was sort of the secretary of the treasury for social programs, even then, deputy in the Office of Management and Budget and he and -- early on it was Weinberger and George Schulz doing the budget -- and Paul O'Neill handled all of the social programs. Was not only supportive in terms of making the argument for generous budget allocations to summer jobs programs, to the arts, but also to legal services and to OEO. Keep it alive. So there was a group of people there, they had their eye on the present and a sense of the future, and Nixon, for all -- in due course some of the real complexities will be, they are being, studied with a little more academic care, reading the papers and analyzing them. There's a very good book that touches on legal services, but only tangentially, by Dean Katlowksi, Harvard Press, just out in the last month or two. So you began to see where Nixon would zig and zag, sort of on torpedo patrol, to avoid the problems that were encountered by presidents in the 60s and 70s because of the war in Vietnam. And one way of

dealing with the war in Vietnam was to try to cap, to control, the domestic unrest, a lot of it coming from the left and from the liberal side of the aisle, by giving in, by being more generous than people thought Richard Nixon would be.

JF: So did you have a direct mandate from the president when you first started working?

LG: I had no mandates from Richard Nixon other than to do whatever I thought I should do until he told me to stop. Usually that would be from either Haldeman or Ehrlichman. The president generally sort of let me go because I had played a role with him from the time he started his comeback campaign in 1963 until his election, and I think for the period of time that I was in the white house with Richard Nixon I did a variety of things, saw him only occasionally when I had to or when he insisted on seeing me. I had no need to; I wasn't dealing with the items that were central to his presidential agenda, which were largely in foreign policy, and in political strategic manipulation.

JF: So what was your own position that you were following and implementing?

LG: The White House is a very competitive place. People come in, and it's kind of a healthy thing, to have people who have different agendas, that are not just robot loyalists, but who have a very fundamental sense of loyalty to their boss, to the President, and who then, within a certain range of argument, flexibility, are prepared to argue the case for the president to decide on a variety of issues. And I think I won a lot more than I lost. The records of the administration, the tapes and so forth, would indicate that the president would say, well, Len's the liberal. You gotta watch him on some of these issues. But I think he realized I was fairly prudent and had a sense of how politics worked. And then there would be Pat Buchanan, who sort of represented the other side of the arguments that went on. So a lot of my work was done by

memorandum. Just thousands of memoranda in the files, in the Library of Congress and in the National Archives, and at home. My own personal cache.

JF: There were a number of disputes within the legal services program during that early period, '69, '70, '71. Let me mention some words and see if they trigger any memories. One is the Murphy Amendment, one is regionalization, and one is the firing of Terry Lenzner. Were you involved in some or all of those?

LG: Well, let me see. Terry Lenzner. I wasn't involved except Terry and I were friends. He, like – who was over on school desegregation at HEW who was thrown over the side as kind of a ritual sacrifice, to the other side? He was in the Carter Administration. I can't remember, it'll come back.

JF: What inside or outside was pushing that required the firing of Terry Lenzner? What were the forces at work?

LG: Objections to him, that he was a fanatic, coming from southerners and from governors and from others, to positions that he took. All resentments in government require a scapegoat. The economy goes down now and you have to put everybody in jail, or fire 17,000 people at Arthur Andersen, because a scapegoat is needed. Politics is war pursued by other means. And Terry Lenzner was, under the Geneva Convention, he's a disposable captive. And he went out.

JF: And what were the principal reasons?

LG: The principal reasons were that he was too aggressive in his pursuit of the agenda of using, permitting, encouraging class actions that made for large changes because they affected the political process. They were cases in which courts were called upon to change welfare eligibility. States were forced to expand certain programs, so the governors didn't like it, budget

people didn't like it, conservatives didn't like it, too much Terry Lenzer government. Out he went.

JF: And internally in the White House was that reflected in people like Buchanan or anybody else?

LG: Yeah, Buchanan would have been in his daily news advisories to the president – there was a white house daily news report, the president received that in the morning along with his national security briefing from Kissinger, from the CIA, and it would be all marked up, and that was prepared by Buchanan, and by (Lyndon) Mort Allin who worked for Buchanan. And so they'd have the items, and anybody who has pencil and paper, typewriter, Xerox machine, and has that kind of access to a president on a daily basis has an immense amount of power, much more so than all the people who go on all the television shows, and Buchanan picked those items, Lenzer, Lenzer, Lenzer, president at some point said, I don't want to see any more Lenzer.

JF: Terry's replacement was a man named Fred Speaker.

LG: Don't remember him.

JF: Okay, he wasn't there very long.

LG: He spoke quietly. [laughter]

JF: He was there for a matter of months and then left. The other thing going on at that time was the CRLA fight, the California Rural Legal Assistance program.

LG: That I remember.

JF: Ronald Reagan was the governor of California and he was about to veto the grant. What do you remember about that?

LG: That was a big deal, because Ronald Reagan was important. Ed Meese was very much involved in that, he was counselor to the governor. And Ed Meese had a program out there called Judicare, which was a state legal services program which had all of the restraints, limitations on class actions and so on. It was more of a program of assistance in areas of more or less routine legal matters. Matrimonial cases, eviction cases, things of that sort. I don't remember the precise detail, but it was kind of in a polar sense different from legal services. And that became a large issue. You will remind me of the exact procedure but I think a veto by the governor could be overridden by the president or by the director of OEO, that if there was a gubernatorial veto then the process became very confrontational and high-level, and these were big stakes because everything was big stakes then, particularly with a very popular governor like Ronald Reagan.

JF: And actually you finessed it, and you avoided Reagan's veto.

LG: I was trying to remember exactly what it was. We went back and forth, we spent more time debating that, and that was with – Cheney was involved, and Rumsfeld, and Carlucci. I forget whether Carlucci may have been running Legal Services then, or OEO, but they were all in consultation with each other on this one. John Mitchell was very concerned about losing Reagan or having a big fight with Reagan. And the question was which would get it, Judicare or CRLA, which was a very popular program and a flagship program in the legal services world. It was myself and either Cheney or Carlucci, one of us said, I'm not sure that it was me but I was involved in it, so I either came up with the idea or I assented to it, it was: hey, let's give them both. We're fighting over this amount of money, we'll give the money to Judicare, we'll give the money to CRLA, and that's what we did and that solved the problem. Simple.

JF: Reagan withdrew his objections.

LG: Simple. Money solves everything. **[laughter]**

JF: The next thing that happened was sort of a major change. In 1971, the American Bar Association and a council chaired by Roy Ash studied the legal services program and made some recommendations. Do you remember that?

LG: Vaguely.

JF: They recommended the creation of a corporation, and that started **[unintelligible, both speakers talking]** that era.

LG: When was that recommendation made?

JF: The recommendations were in early '71, and the president's own bill went in May of '71. So what happened?

LG: That went on from May of '71 until a day or two before Nixon resigned.

JF: Why don't you tell that whole story as best you can.

LG: I'll be expecting you, or – somebody should write a book about that story, it's representative of a whole time. It went through an infinite number of stages, versions, lives, deaths, rebirths, so forth. There were arguments. Both sides had reservations about the whole idea of institutionalizing the legal services program into a corporation. I became more and more involved as sort of the middle man, the dispenser of other peoples' technical wisdom, and I came to a very strong feeling that the program itself was always going to be intensely politicized wherever it was, but it would always be at the edge of doom in a white house because of the pressures, because the president has to make choices that frequently involve life or death or programs as elections, off-year elections, presidential elections come up. And this was the endless Salomonic baby, with people constantly hanging a sword over it and deciding whether or not to slice it in half or kill it. So the Legal Services Corporation idea seemed, as I recall now, a

sound way of preserving it. And, yes, there would always be fights. There would be fights about the scope of the program, there would be fights about funding the program, but it would have a kind of institutional life, and it would not be sitting in the white house where it would be always, and by always I mean constantly, subject to almost daily hourly manipulation. So for whatever reason, right or wrong, I signed up on that side. And what I remember about my own work in the program, and a lot of people did a lot of work on it, I'm sure you did, your organization did, and I don't recall which side you were on, whether you were for it or against it.

JF: We were for it.

LG: Okay, good. It reached the point where – the men who were instrumental in doing the work – your organization was very active. I remember speaking at an annual meeting of the National Legal Defenders Association, so I must have been on your side or you wouldn't have invited me, you wouldn't have fed me a nice dinner. It wasn't in Washington, it was somewhere else. All convention meetings are held in different places. New Orleans.

JF: We did meet in New Orleans once.

LG: I think it was New Orleans. The particular people that I dealt with – there was a flow of information from the advocate organizations like your own – the individuals I dealt with who did just a huge amount of work on this were two lawyers, Howard Westwood at Covington & Burling, and Ted Voorhees at Dechert, Price & Rhoads. Quite coincidentally and without my recalling any of this I joined that firm years later and wandered into a room in Philadelphia that was called the Voorhees Room in memory of Ted, who was a tax lawyer and who also represented Nixon during Nixon's Watergate tax problems. This is a tight little world here in Washington, center of a lot of related activities. They did constant drafting to meet the opposition, to meet the demands of the various sides, I don't think it was as simple as one side

against another side, they were all different, it was a whole – centrifugal forces operating, pulling one way or another. They worked up drafts, and they would send the drafts to me, and I would hear complaints from people in the White House, and I would say, we're having this problem, these are the issues that are being raised, and the advocate organizations want this. They would be very knowledgeable about all of that. Now Laird, as you reminded me earlier when we were chatting, sounded off in favor of the program. But the two of them did the work. They met the various objections by the work of drafting. And I'm sure wherever that record exists – and I got every copy of everything – whether it's in my basement, or in the library of congress, somewhere – just piles and piles of drafts that they prepared. And I would circulate them, and I'd hear from John Rhodes, who for some reason or another was a strong advocate for –

JF: He was then a Congressman from Arizona. And the White House circulated the drafts of the first Legal Services Corporation bill widely for comments, they were getting input from a lot of different persons.

LG: That's right. By reason of one of the committees that he served on, and by reason of his own belief as to the future of the program, John was very helpful. Lugar was mayor of Indianapolis, and he was very interested and very helpful, because they had sort of a major interest, he did, he was a very astute man. Showed that when he became Senator. Still is, I think, alive, well, and senatorial. There were a large num of contributors to that debate, and it continued all through those years, all through Watergate. I looked at my records, my calendars, it would be Watergate, Watergate, Legal Services, Indians, Wounded Knee, this and that and the other thing, getting Jews out of Russia under the Jackson Vannick issue. These were sort of very big things. A lot of the issues like school desegregation, the conventional race issues, were more or less – the first couple of years had done a lot of very constructive work in moving away from those

very heated fights over busing and constitutional amendments, desegregation was underway – still have a lot of problems, but things were underway, and there was a shift more to the economic side of the problems.

JF: So focusing back to '71, the president's first bill was introduced and sent to Congress in May of 1971. Can you identify particular people who made that happen other than yourself?

LG: No. [laughter] I'm not giving myself sole credit, but I tend to remember myself as the focus of activities in which I was involved, and I remember these individuals gradually becoming much more involved, and I recall writing a lot of memoranda saying this is something we should support, and having people in the Administration either for it or passive, and the opposition coming from elsewhere.

JF: And did people like Howard Westwood and Ted Voorhees come to your office and actually lobby you, say we need a bill?

LG: Hundreds of hours. They spent time in my office, they spent hundreds of hours with me. Really did, literally.

JF: Who else can you remember?

LG: I just remember them. Maybe they had some people from their law firms, may have been your organization. I recall them.

JF: How about the American Bar Association? Do you remember the ABA coming to see you?

LG: Was Jerry Shestack active then? They sent in institutional support.

JF: Did you work with people from the Washington office of the ABA?

LG: Not really. I may have received information from them. My office was very hands-on, and I had helpers, a young lawyer who worked with me on a number of matters, Doug Parker

helped me, a former law partner of mine. I had people that I knew and had confidence in that worked on all these things with me. Brad Patterson was my executive assistant, my partner, he understood the workings of the bureaucracy. I'd say, Brad, tell me what this is all about, what's going on here, and he'd have a memorandum, fish out all that stuff. During all those years I had a certain kind of relationship with some of these people, and that counted for more than being either a policy person or a political person. I had certain views, I had a little bit of training as a lawyer writing briefs, which I transferred to the business of writing memoranda either for or against something, and I just got involved in everything including the Abominable Snowman in Canada, the mysterious geographical programs. Name it.

JF: Now the first message from the President about the Legal Services Corporation, if I can be a little bit judgmental, looks like it could have been written by a liberal Democrat or the National Legal Aid Defender Association.

LG: Well, probably I submitted it, or it was worked out with Ray Price or with – no, I didn't write presidential messages, I wrote memoranda, and then I would talk to whoever was assigned from the statement writing team and something like that would have fallen – it's going to be positive, and it's going to have these elements, and E might say, well, what are we – he might figure it out, or Ray Price, or if it was Jim Keogh running the speechwriting team they would assign it to somebody like the fellow who wrote most of the Indian message and then went and became publisher of the National Herald-Tribune, Lee Huebner. My guess is that Lee – it's just a guess – Lee or Ray Price would have done the presidential message.

JF: The ideas were very much like the ones you just expressed: the independence of the entity, the ability of the lawyers to practice law without hindrance, and making it a long-term –

LG: I did feel very strongly about that, and I'm still doing that.

JF: And at that time in '71 was there a point at which the President had to sign off on that, or this just went on below the radar?

LG: He signed off on it. And then it went forward, it crept forward, it went this way, that way. It was like a centipede. It had a hundred legs carrying it in different directions through those years. But the most interesting part of it is the execution of the bill. Do you want me to finish it off? **[laughter]**

JF: Let me just go through '71 for a second. Because something interesting happened in '71, there was bipartisan support for the bill and eventually the house put it into the Office of Economic Opportunity amendments, and then in December of 1971 the President vetoed that bill, the Office of Economic Opportunity bill, for a variety of reasons, one of which was that he didn't like the particular form of the first Legal Services Corporation Bill. Does that trigger any special memories?

LG: None at all. I was probably off somewhere on an Indian tribal question. I think I got back in time for all of the final moments, these various crises. **[laughter]**

JF: The next thing that happened was Spiro Agnew wrote an article in the ABA Journal viciously attacking the program. Do you remember that?

LG: Yes.

JF: Is there any light you can throw on that background?

LG: Not much, except that he didn't count for that much in terms of – I expected him to say that. And he was kind of a self-propelled politician. He had his own views. He had a fair amount of bitterness at being excluded from policy circles, and he was kind of a shrewd politician. He had had some success, which resulted in his being nominated for the "Spiro Who"

(??) role at the '68 Convention. But it was expected that he would oppose it, and that probably solidified the ranks of those who were in favor of it.

JF: And who would have been urging him to do that, how would that have happened?

LG: There were various people. That would be Buchanan, Harry Dent perhaps, the southern contingent, the anti-lawyer, anti legal services group. There were a number of them, conservatives in the White House, they didn't like these people. They were lawyers, to begin with; they were Harvard lawyers; they were lawyers for radicals. They considered lawyers involved in legal services programs to be uniformly unproductive, subversive. [laughter]

JF: In 1972 both houses passed the corporation bill again.

LG: In that time, legal services had the kind of political salience that abortion has had in recent years. There are things that we forget. I don't think they're cyclical. They become absorbed. Craziest in the arts, Mapplethorpe, obscene exhibits funded with federal money: tremendous uproar and press coverage, and then people sort of become used to the shocks, and then they become bored with them, and the press becomes bored, and the issues are then resolved. That's the nature of democracy. Kind of works if you stick to it. People just have to sort of keep calm.

JF: At about the same time as the Agnew article, both houses passed the corporation again, and the pres again threatened to veto it over the board appointment powers. That was the issue which –

LG: A lot of that stuff Nixon probably had very little to do with. Even Haldeman, Ehrlichman who was domestic chief, would have little to do with – that would swim up from OMB, from Justice Department, you wouldn't know where it would come from, there would be a set of memoranda and it would be circulated through Buchanan, or through Tom Huston, or

through some of the other people in the White House, and then the President would make a statement, issue it, sign it, because Presidents usually sit around a lot and gab about matters that have to do with the life and death of nations. And that's what they should be doing.

JF: That bill in 1972 was withdrawn, the legal services community agreed not to put Nixon to the test. And the next thing that happened in January of 1973 was that the Administration decided to dismantle OEO, and Howie Phillips was appointed to do that. What's your recollection of that?

LG: I knew him. I had a very friendly relationship with him, and I can't remember why. I sort of understood that kind of conservative, and he had some nice qualities. He was fat. Sorry, Howie. I mean, he was overweight. As opposed to most of the conservatives I knew who were shrunken, and that kind of shriveled attitude was conveyed in their politics. Now he was chubby, and there was a warmth to him despite his being conservative and having strong views against legal services. He was in a way kind of radical on other things, on the side of poor people, he felt very strongly that this was not the right way to do it, it should be done another way, but it should be done. So I had mixed feelings about Howie Phillips. I thought his approach to the programmatic side of this was slightly addled, wouldn't work, and that he was sailing his own little ship, his own little rowboat, and that he would be not a good influence. I forget how he got named for some reason. What year was it, when was he named?

JF: It was January '73.

LG: Well January '73 I was already into Watergate. I was in the consultative group January and February. It was not public, it was Dick Moore, Ron Ziegler and myself. Trouble had started.

JF: You were out of action in terms of the dismantling of OEO.

LG: I was out of action, absolutely, had nothing at all to do with it. So I knew Howie Phillips.

JF: And eventually the court fired Phillips because he hadn't been properly appointed.

LG: That's right. Didn't do it right. He hadn't been properly appointed. He hadn't been correctly or properly or wisely appointed. All of the foregoing. But in any event he was a lively conservative agitprop type. And they don't last. Government is very severe on radicals because bureaucracy governs everything and ultimately they pull them down if they get a little bit too wild.

JF: Two years after the first bill that you sent up, you sent up another bill in May of 1973.

LG: Can I interrupt just for a moment? Phillips's appointment was found to be illegal?

JF: Faulty procedurally, and a federal court overturned it.

LG: And that was the end of it? So they didn't try to correct it?

JF: They subsequently appointed I think Alvin Arnettt.

LG: Who? I remember the name but I don't remember him.

JF: That may have been a little after, there may have been somebody in between.

LG: But everything was going toward Legal Services Corporation then.

JF: Well, in May of '73, the bill was reintroduced, and again with a very strong presidential statement.

LG: See, I had a fair amount of influence then. May of 1973 I was now substitute counsel for John Dean in Watergate, and I was seeing the President and I was attending cabinet meetings, so if I said, come on, let's get with that, that's all I had to say. I didn't have to even write a memorandum, and they would just do it. That I know.

JF: Just to put this into historic perspective, John Dean had been the counsel to the President when Watergate occurred, in June of 1972. In April of 1973 he resigned.

LG: March 21 he went in and told the President, there's a cancer on the presidency. Negotiations between he and the White House faltered, he went over to the other side and gave testimony against Nixon, he was canned, fired, resigned, pushed, jumped, on April 30 1973 and I became counsel to the President.

JF: For the purposes of Watergate, or for general purposes?

LG: No, general. And Fred Bazard came in as sort of my helper, as special counsel on Watergate, and then we worked together, Fred and I. He had a lot of experience with CIA and with the Defense Department. Wonderful friend.

JF: You were working on Watergate, did you have time for things like legal services?

LG: Well, I had Fred Fielding doing – he was my deputy then, Fred Fielding, who later on became counsel to President Reagan – and Fred was very knowledgeable about everything, because he did all that stuff for John Dean. So Fred took care of pardons, and conflicts of interest, and he'd come in with papers and tell me (??), and I trusted him so I'd sign what I was supposed to sign. And I did other things: the Indian issues I was into and out of, Wounded Knee was taking place at that time. You get to a certain point where you don't have to struggle to make your views known, and they either say yes or no.

JF: Can you remember any conversations with the President while you were counsel about legal services?

LG: About legal services? No. If we did some talking, it would always be – he sort of generally supported the idea that lawyers – you've got to keep some kind of control so it doesn't

explode, but he understood the value of lawyering. And he knew that I felt very strongly about it because it was something that I knew. Most of this other stuff I had no idea about.

JF: So it doesn't surprise you that even after this earlier history, in May of 1973 he still issued a strong statement in support of Legal Services?

LG: No, to the contrary. They'd be asking me then. I was counsel to the President. I'd say by all means, make it even stronger.

JF: In September of '73, he issued a special message to the Congress on national legislative goals in which he listed all of his legislative goals.

LG: Was that the result of the National Goals Council? I was chairman of that, I don't even remember – what date was that?

JF: September 10th 1973, and it's a whole long list. **[gives papers to LG]** Unfortunately I only have the beginning and the part on Legal Services.

LG: No, this is different, this is – Indian legislation, that I worked on, worked on the message with Lee Huebner and with Bruce Raab. He helped me with a lot of this stuff. Bruce Raab, Legal Services, did drafting. These are the basic positions, OMB, White House, routine messages from the speechwriters' group.

JF: It's interesting, I think, historically, that in the middle of Watergate he's putting out a list of his goals, and one of the listed goals is the Legal Services Corporation.

LG: It's interesting but it's not surprising, because his problem was not from the conservative world, it was from the world that was interested in things like Legal Services, ending the war in Vietnam, and providing jobs, food, shelter to the needy.

JF: By that time the Legal Services Corporation had passed the House and it was coming up in the Senate, and apparently there was some negotiation between the proponents of the legislation and the White House in the fall of '73 on into the winter of '73, into December of '73.

LG: Fall of '73 to winter of '73 was full-time Watergate, because that's tapes, Supreme Court, Saturday night massacre. That's the map of the sky by which I can tell you where I was at any particular time.

JF: So who would have been negotiating for the White House if you were busy on other things?

LG: The legislative people. They would have been Dick Burrell, or it would have been any one of a half a dozen of those fellows. They had instructions: do Legal Services. Get it done. This is the program. It's what the President wants. See, by the time we get to the summer of '74 – the final months, before the final days – and as a matter of fact every effort was made to rally that small cadre of Nixon supporters, the Republican conservatives, it was his last hope. That was a problem at that point, because these were people who were doing the last-ditch defense work for Nixon. I don't think he had that much real hope that it was going to work. So that would explain the fact that we were able to manage to convince him, despite the fact that it was totally contrary to his theoretical interest in surviving, that he should sign the Legal Services Corporation and not veto it, though there were people (??) who wanted him to veto it. I'll tell you a little story as to how that got to be signed at the end. Unless you have something else you want to raise first.

JF: That's so important that let's skip to that.

LG: Okay. Bill was passed, and we're into the end of July when it was signed and when it was enrolled, and there was a real question of whether it was going to be signed. Our little

group, whoever it was, I don't remember any of the real conversation. But this is what I did. We must have been very concerned. I was trying to figure out how can the argument be made to Richard Nixon that it was in his political interest to sign the Legal Services Bill at a time when the only people who were still supporting him were people who were historical avowed opponents of Legal Services. The assumption in all of that is that he was thinking about all these things, which may not have been altogether correct. In any event, I as an exercise said, well, there's no point in writing a memorandum because at that point the person who was making all of the decisions on everything other than Watergate itself, on legislation, on how to keep things going, was Al Haig. So the question was not who should call the President, or write to the President, but who should go to Al Haig. Now Al Haig knew what my position was, but that wasn't going to do it with quite the same effectiveness. And at that stage he was haggard. And I said, well, Al Haig has to be thinking about his own future. Because it's closing in. We are now into the final days. August 8th was the resignation. The bill was signed I think August 4th? 3rd?

JF: The conference report passed the House in May, 190 to 183, and then as you just described the conservatives in both the House and the Senate threatened the President that he would lose their support if he signed the bill unless the backup centers went. So they added an amendment that Edith Green had sponsored to get rid of the backup centers, and it's now July of 1974.

LG: End of July.

JF: He signed it on July 25th. So this discussion was going on between May of '74 and July of '74.

LG: He resigned on August 8th, right. So there was still a tiny little bit of foothold on this precipice leading to resignation.

JF: So who went to Haig?

LG: I just sat and thought. How do you figure out space-time theory. I said, who are the two people that Haig would listen to. And I came up with Cy Vance and Joe Califano. Because he had worked with Califano, very close with him,

JF: Just for the record Cyrus Vance was –

LG: Later on he was Secretary of State, but he had been in the McNamara – he was Secretary of Defense during the Johnson Administration. Very high level.

JF: And Joe Califano?

LG: Joe Califano had been assistant to President Johnson and he was also Al Haig's pal, and he was also Ed Williams's partner at Williams, Connolly and Califano. A very heavyweight Washington lawyer, as a matter of fact quite heavyweight, at the end he lost some weight after that.

JF: So you thought of Cy Vance and Joe Califano.

LG: I had to speak to them. I reached Cy Vance at the Princeton Club, and I reached Joe Califano at his law firm. I may have seen Califano, but I remember talking to Cy Vance. I said, you fellows have to call – and of course Cy Vance was a great defender of Legal Services, as you know, he was head of the legal aid program in New York when he went back to Simpson Thacher, before he became Secretary of State in the Carter Administration. And the same for Joe Califano. I explained the circumstances, and I said call Al, tell him he's got to do it, this is really big stuff. And they did it. I know that they called him, and I know that Al Haig said, We've got to sign that bill.

JF: Did he know that you had anything to do with it?

LG: No. He may have found out. Didn't I write about that in the book?

JF: If you did I haven't found it, so it may be there.

LG: Okay. Maybe he did, maybe he didn't, but that's the story, that's how it was done.

JF: And have you ever discussed it with Haig since then?

LG: Maybe. I just don't recall. If I haven't I will, soon. **[laughter]**

JF: So they went to Haig, and Haig agreed that the President should sign the bill.

LG: Well, Haig said sign, you know, he signed the bill.

JF: This was July 25th, so it was just two weeks before he resigned.

LG: One can make too much out of something like this, it's a nice little anecdote, it's mildly self-serving. I did it then, I thought a lot of it then. But I think with the benefit of a lot of thinking and writing a book and knowing more about history and still being interested, I don't think Nixon would have vetoed the bill. Because by then he knew the Watergate jig was up, and the last thing that he wanted to do was leave the place littered with kind of public policy corpses, such as a veto of this bill for which he had given his support for a period of three years. But it's a good story.

JF: Did it ever come up in your conversations with him, either then or subsequently?

LG: No.

JF: And there were no statements issued when it was signed. Do you have any idea of what the physical situation was July 25th? It looks like he may have been at the western White House.

LG: Have him sign it and forget about it. Maybe he won't even know what it is. **[Laughter]** I'm kidding, it was not a question of a guided signature. But a message would have been unnecessary. We were not in the business of trying to rouse a bunch of voters to our cause at that point, just to get it done.

[TAPE BREAK]

JF: I don't think there's any need to go back to that business of Mel Laird and who did what to whom because you were probably not involved then. So I think we'll skip now to post-signing. We'll start with the Ford Administration.

Gerry Ford became President in August of 1974, and shortly thereafter you became a special assistant to the President?

LG: Assistant.

JF: Assistant to the President. Which was actually a higher title than you'd had.

LG: Technically the same thing. I had the same perks, same salary.

JF: You did whatever the President wanted.

LG: Yeah, right. Door to door transportation. The ancient perks. No more, you can't do it anymore.

JF: So coincidentally that was the 90-day period during which, after the President signed the bill, Legal Services Corporation had to get organized, it had to draft regulations, there had to be a board appointed, and it had to start going. Were you part of that activity and if so, what did you do?

LG: That's right. It was actually Don Rumsfeld who was instrumental in my staying, and my staying was very good for anybody – the corporal's guard who were close to Richard Nixon who were invited by President Ford to stay on had kind of the seal of approval, or okay. Everybody else was dispensed with rather abruptly. These were the things I had to sort of finish up during September, October, November, for the rest of the year. And worked principally on the board, proposals with respect to the board, talking to candidates, talking to people about candidates. Some (??) there are lists that are eight inches thick of names of people. So there was

that, and then there were the arts, sort of keeping that thing moving, and a couple of farewell junkets to misbegotten places like Paris and London.

JF: So focusing in on the corporation, you were the point person on the nominations to the board, and there was an interim person who was in charge of the corporation, Lou Oberdorfer, who was organizing –

LG: Saw him the other day at the judicial conference.

JF: Did you have anything to do with his selection? I forget how he was selected.

LG: Probably, because I had proposed him as head of the FBI back in the days where they were looking for a substitute for Pat Grey, and when Judge Burn had that unhappy little meeting with Ehrlichman that resulted in one of the horrors of Watergate. I had known Lou Oberdorfer, because he would come in and talk to me about civil rights programs and what have you, and we just saw alike on various things. He had been in the Johnson Administration. Forget what his job was.

JF: He started in the Kennedy Administration as the head of the tax division, where I worked for him.

LG: That was it. Right. Wonderful man. Absolutely terrific. Saw him a couple of weeks ago. We were sitting next to each other at a little book meeting on Shirley Jackson's collection of stories, *The Lottery*.

JF: So he was in charge of the transition. Do you remember anything about that period?

LG: I know that we were very close, because when I saw him this last time a few weeks ago we hugged each other. We have a tentative date in August. He introduced me to Judge Tatel there, and Judge Tatel had been reviewing the battling memoranda of the head of OLC named Rehnquist and Leonard Garland on issues having to do with all of these subjects, but most

particularly on school desegregation, bringing a case, Homes against Alexander, constitutional amendments, what have you. And I won those. Tatel got a big kick out of that.

JF: You probably don't remember this but David Tatel was Lou's assistant on the Legal Services Corporation transition, he was a young lawyer then, and he assisted Lou on the transition. The transition produced two things. One was a set of proposed regulations for the corporation, which was heavily fought over by the contending sides, and the other was the proposed list of nominees to the board. So why don't you just free associate about some of the things you remember about the nominees to the first board.

LG: I've always enjoyed that, sort of looking for the needle of excellence in the haystack of mediocrity. How's that? That's pretty good.

JF: That's good.

LG: There were a lot of very interesting people. I'd like to see those lists.

JF: The three that I have in front of me, the controversial ones, actually most of them were not too controversial, they were leaders of the bar.

LG: Who were the controversial ones?

JF: The controversial ones were Denison Kitchel, Edith Green, and William Knecht. (??)

LG: Those were the conservative – Denison, he was Barry Goldwater's campaign manager. Who was the other one? Edith Green?

JF: Edith Green was the congresswoman who was the sponsor of the amendment that purported to get rid of the back-up centers, and William Knecht was from the California Farm Bureau Association, which was the opponent of CRLA. Do you remember anything about the history of their selection?

LG: Were they selected?

JF: They were originally on the White House board list. They never were actually – well, tell me what you remember, then I'll try to –

LG: Well I was no longer a great power, I just had great discernment. **[laughter]** I might have come up with a different board. The names I recall were Roger Cramton.

JF: He was the dean of Cornell Law School and became president of the Corporation. Were you responsible for him?

LG: I don't recall specifically except that I know that I got to know Roger Cramton very well, and I have a hunch that I presented his name or very much supported his name and then spent time with him afterwards. That's all I remember.

JF: I'll go down the list and see if you remember any of the others. Bob Kutak, from Kutak Rock in Omaha.

LG: I remember recommending him. Or, I remember the name.

JF: Sam Thurman.

LG: No.

JF: Dean of the Utah Law School. Revius Ortique.

LG: He was from New Orleans, and he was from your organization, and I'm sure I put his name in. Was he named?

JF: He was, and he was also president I think of the National Bar Association.

LG: That's correct, right. The African American bar association.

JF: Then Marshall Breger.

LG: Young Marshall Breger. Was he on the list?

JF: He was then a professor at University of Texas Law School.

LG: I either recommended him – because he was active in Jewish affairs. Marshall Breger. He’s a judge now. Do I have the right fellow? Very chubby.

JF: He joined the Reagan Administration as chief of Jewish affairs I think.

LG: Something like that.

JF: But he was considered at the time, I think, a conservative.

LG: I didn’t know him before hand, but I got to know him.

JF: Marlow Cook.

LG: Kentucky Senator. Good fellow. He was one of the supporters of the program. I think.

JF: I think that’s right. J. Melville Broughton.

LG: Don’t know him.

JF: Lawyer in North Carolina. Rodolfo Montehana.

LG: Don’t know.

JF: California lawyer. Glen Stoffel, a lawyer in Kansas. And William Janklow.

LG: Janklow, I remember him. Vaguely. I’m mixing him up with Mort Janklow, who’s a literary agent.

JF: Bill Janklow was then attorney general of South Dakota and then subsequently became governor of South Dakota. And I believe had had some history of confrontations with Legal Services.

LG: I just know the name. I’m thinking of Mort Janklow.

JF: Those were the ones who finally got on the board. Denison Kitchel removed himself for health reasons, Edith Green removed herself when the attacks on her began.

LG: Wrong color. [laughter]

JF: And Knecht, the committee refused to confirm Knecht. Does that bring back any more memories?

LG: Not particularly. I think I was thinking of the future then, working on a partnership with Bill Ruckleshaus.

JF: Anything else that you've recalled since then about things you were already asked about?

LG: The significant thing I recall about nominees – I'm sure there were a bunch of people that I – I think Vernon Jordan I had on my list – a whole bunch of people that turned up in different administrations, but one I do recall, because I recall calling a partner who I knew at Hughes Hubbard – because I called a lot of lawyers who were active in these programs, and I said, Well, who's good? And I had various names, and I don't remember them. But I do remember one, because it's a name that stayed through the years, I can spend the next three hours talking about that. This was Amalya Kearse. She was a trial partner at Hughes Hubbard in New York. African American. Tennis champ, and also world champ bridge player. And the other usual credentials in terms of bar associations. Not the ACLU, NAACP. But not very active. She was a lawyer, an appellate lawyer, of immense gifts, but quiet and thoughtful. And I became just very interested. So we nominated her, or I did, I put her name in, she was not named.

JF: So somewhere in your files, completely different lists.

LG: Oh yeah. Lists galore. I didn't have anything much else to do except compile lists, things that they should do in other areas, the arts, the war in Vietnam, that it was disgraceful to bug out as completely as Congress was doing then, leaving the Cambodians and the South Vietnamese exposed, it was just so shameful.

JF: Do you remember who in the Ford Administration was vetting your recommendations on Legal Services?

LG: Well, the chief of Staff was Rumsfeld, and then later on became Cheney. So these were the people that were involved, but there was also that big battle as to who was number one guy, and that was a fellow who was not very friendly because he was fighting with Rumsfeld. And he was very close to Gerry Ford. I forget his name. But there was always that battle. And he was much more conservative about all these things. And Bryce Harlow was also – very good guy on race issues, on things of this sort, not.

JF: Was Paul O’Neill still in the Administration?

LG: Paul O’Neill was still there. Over at OMB. And he continued for quite some time until he went out, of course did Alcoa (??), lots of other things. But these were Nixon people who at a certain level were inherited, and they were waiting for Nixon to go. Rumsfeld had me over to – either he had me over or I was going to Europe for some reason – this was the year before, Nixon was still there, and Rumsfeld was ambassador to NATO. I think I was making a speech in Germany on culture or something. And I went down to Brussels and spent time with him, and I stayed with he and Joyce at their castle, their own home. And we sat out on a bench, talked for a couple of hours about what was happening in Watergate, how long would Nixon last, would he last. There was already a group that was preparing for this forced transition. And it was an appropriate thing to do, to prepare for that. But it was this group, it was Bryce Harlow, and it was Don, and it was Cheney and Carlucci – the whole gang that turned out to be the Ford group. Can’t remember that fellow’s name who was very close to Ford. He would have been instrumental on Legal Services.

JF: I want to say Buchen but I don’t think you mean –

LG: No, it wasn't Buchen. Though if Buchen had had a hand, he would have been okay. I think it was a lot of, Well, we're gonna get some of our own guys in there. And their own guys were Republican conservatives. And they were also trying to put together their own Congressional caucus.

JF: Did you know Cramton before this came up?

LG: I don't think so. I just knew that – or wait a minute. Roger Cramton, of course I knew him, because he was the one who resigned as a result of the impoundment that Nixon came on with, the budget impoundment. And Roger Cramton thought it was unconstitutional. I forget what his job was, either Deputy Attorney General, or one of those jobs, and he resigned. And that gave him very real credibility as a person of stature, standing. That's why he became chairman. So you had to go figure out what it was he resigned over.

JF: Probably. OLC?

LG: No, he resigned over the budget.

JF: Was he at the justice department?

LG: He was at the justice department.

JF: Probably the Office of Legal Counsel.

LG: Something like that, and he said that this is unconstitutional, the president does not have the power to impound, the budget saving by impounding it, actually it was program directed, not so much money saving. Nobody ever tries to save money.

JF: Let's spend the last few minutes just going some names.

LG: Amalya Kearse, I must just tell you that she was then my choice when I was – later on, Grishon Bell had me on the commission recommending federal judges. This was the Carter Administration, I was in New York practicing law and I was doing the Moynihan judicial

selection, I was chairman of his group, and Gabe Walsh, who was Iran Contra, and I, he was the chairman, I was the vice chairman of the selection panel on court of appeals judges, for the Second Circuit. And I proposed Amalya Kearse, and there were like five names to be presented. And two would be named, that were openings. And again it was a very big deal, big fight, very important. Judith Kaye, who is now chief judge of the court of appeals, was on this panel and she was my kind of colleague and made a lot of the arguments. And I said Amalya Kearse, from the Legal Services investigation, I said, She's the one. And I had her name put forward for consideration. And then it boiled down to a battle between – one was set, because Newman was going to be named, and we had one more opening. And it was going to be African American, and it was either going to be Amalya Kearse or Constance Baker Motley. And Mary Pinkett, state legislature, from Brooklyn, very powerful, labor unions, African American, completely for Constance Baker Motley. And then we had a classic argument for three long sessions on, what's the whole point of excellence and affirmative action and opening things up and to pick the very best and she was named to the court of appeals. And then some years later in the Bush Admin they called me and said if you'll take the AG's job, we'll make her deputy attorney general, prepare her for the Supreme Court. Called her, she said, I love being on the court of appeals. I would love to be on the Supreme Court, but I don't want to be Deputy Attorney General. End of the Amalya Kearse story. That all goes back to Legal Services.

JF: You knew her because of the screening you had done on the Legal Services Corporation

LG: Right. But it does show how these things breed armies of relationships.

JF: Let me go back to a couple of other names. Paul O'Neill we've mentioned several times. Do you just want to elaborate a little bit on what his role was in the Administration and to the extent you can remember if you had any contact with him on the Legal Services Corporation.

LG: I had a lot of contact with him on everything having to do with social programs. Whatever I was involved in, he was involved in, and he was involved in a lot more. He had that whole span of programs, making the penultimate recs on money. And he was just very supportive of good things. Very prudential. He was working with Casper Weinberg and he was working with George Schultz. He's not a political pussycat, but he had strong convictions, and he was just a winner. The whole group of them, we see now, their lives are kind of orderly progressions through a vetting process, going out and making a lot of money and becoming independent, when they came back in they were not burdened by fear of indigent status.

JF: Unless they invested in high tech stocks.

LG: Well, they can take it. **[laughter]**

JF: Do you remember any particular interactions with Paul O'Neill on Legal Services? I'm just trying to probe here.

LG: I don't remember any particular one, but I'm sure – I have no recollection of it.

JF: In the break we discussed briefly Edgar Kahn, he was sort of one of the grandparents of legal services.

LG: Edgar Cahn came to see me, I didn't know him, this was in the period when I had this basketball court of an office that Richard Nixon had just vacated at my law offices in Washington, corner office, they had everything but a hoop, size of a basketball court, also had a gymnasium next door, just huge and empty, and I had nothing really to do there except to

wonder why I was not in the government, because that's what I had been working on for five or six years.

LG: This is early 1969.

JF: No, this is '68 until the inauguration and into May or June when I finally went into the Administration. Having told him that I'm going to be the Republican Clark Clifford because I'm not a Republican and I'm not Clark Clifford. I'm just a boy from Brooklyn. And I don't know anything about these things and I don't want to end up going to jail, or I'm going back home and practice law. So Nixon said come on over, we'll find a job for you.

LG: So you were in the Mudrose Office here in Washington and Edgar Cahn came to see you.

LG: Right, Edgar Cahn. I had plenty of time, so I saw a lot of people there. Louis Conover came over, we had a party for Duke Ellington on his seventieth birthday. Edgar Cahn came over. He may have just called me and said, I'd like to come over, I'm Edgar Cahn. He may have sent me the piece that he and his wife, Jean Kemper Cahn, had written for the Yale Law Journal which was the seminal article about the legal services program. It was very thick, occupied almost a whole issue of the journal. And so I did see it, then or later. He came over and he gave me a book. Talked to me about legal services, then thereafter – because we became friends, and for years after that, even through the time, the death of Jean, everything that happened, lots of things. He gave me I think on the very first visit because the book first came out, Citizens Advocate Center, as I recall, was the publisher of a book called My Brother's Keeper, or His Brother's Keeper, which was about the Indians. It was a book he had written, or the Center had produced with his basic authorship. And that was my first introduction to all the Indian issues. And I'm sure we talked about Legal Services, and a variety of poverty programs,

because we spent time together. And then when I went over to the White House later on, I'm sure I talked to Edgar because that was the time, I may even have talked to Moynihan, about OEO. Because as I think about it now, really for the first time, I don't think Pat himself would have come up with the idea so I probably was kind of engineering something, saying maybe I'll do OEO if they can't figure out what to do with me, I'll try it, I'm a lawyer. And Pat said, Hey, well, that's an idea. So I would have talked to E about that, talked to him about a lot of things. And he had that wonderful, very sweet quality, something beyond just a do-gooder, sort of a very serious, religious quality. Like a rabbi of social problems. And that I think is something that I found attractive. Convincing.

JF: Did you keep touch with him, do you think, while you were in the White House?

LG: Oh sure. And afterwards. And when did Jean die?

JF: Long after the Administration.

LG: I knew about that, we talked about that. He had all the problems at Antioch, and I got involved in that. Wasn't he dean of Antioch?

JF: I think he and Jean were co-deans. So you suspect but don't have any specific recollections that he was involved in your thinking and acting on Legal Services.

LG: Yeah, right. I'm sure he was, but I don't have any recollection.

JF: Any other names that come to mind? Gary Bellow?

LG: I knew him. But I don't have any specific –

JF: Clint Bamberger.

LG: Name. That's all. Less than Gary Bellow. Keep going.

JF: We discussed Chesterfield Smith, the other presidents.

LG: I wasn't very keen about ABA, Chesterfield Smith. That's like Marshall Field III, I met him recently, I was gonna say Lenny Garment One. Chesterfield Smith is too imposing a name for me to get close to. But I know, he's ABA.

JF: Very supportive.

LG: All right, fine. All these people are very supportive for reasons having to do with the prestige of the position, the status in the bar. I mean, the ABA people are politicians. I have a deep fundamental set of reservations having to do with politicians.

JF: This is your interview, not mine, but I'll interject that in that spectrum I would put Chesterfield on the most personally motivated and committed, so (??) he was my rabbi.

[laughter]

LG: He was your rabbi. Woah, Chesterfield Smith. I'd like you to meet my rabbi, Chesterfield Smith, that's a good way to spark a conversation.

JF: From St. Louis, McAlpen.

LG: No.

JF: Okay. I think we've gone over your part of this history, which is obviously extremely important because you were there from the day the legislation was introduced until the day it was signed, and then with the board, so I think you qualify as a supremely major player.

Thank you.

LG: Life, I think, consists, at least for me, it's altogether – not altogether, you know, you look at the past – I really think very little about history. Life consists of the present and the future. History is sort of swallowed up. Oceans of time. Oceans of time.

JF: But obviously you spent a lot of time thinking about the past.

LG: Because I wanted to solve questions about what I was about. And I got some answers. But even after I'd written that book, wrote the epilogue, thought I should write something now [**unintelligible**] I could see a lot of things that were superficial. And that's what you try to do, you try to – What was I all about. What am I, you know, what is it about. But the present and the future is what life consists of. The past is, you know, you hope you did well. You hope you don't regret it. I figure the things I can't remember probably have something about them that – something I don't want to remember.

JF: No, I don't think so. I think it's random. [**laughter**]