

Gerald R. Ford Oral History Project
Ken Lazarus
Interviewed by
Richard Norton Smith
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Smith: I guess the obvious place to begin is, how did you find yourself in the Ford White House?

Lazarus: At that time, most of the young Republican lawyers in the city were discredited, as you know.

Smith: By Watergate?

Lazarus: Yeah. So, I was approached by three fellows who were assigned the task of finding some lawyers to work with Phil Buchen. That was Jerry Morgan, who worked in the Eisenhower administration, Ed McCabe, who also worked there, and Bryce Harlow.

Smith: Legendary figure.

Lazarus: But I talked to McCabe and Jerry Morgan. Jerry Morgan was, I think, the first legal counsel to President Eisenhower and then after Sherman Adams, everybody got bumped up and then, I think, McCabe became legal counsel. So, they recruited me.

Smith: Do you know where they got their authority?

Lazarus: I believe they were on assignment from the president, basically. He had some sort of informal group put together to take care of staff and they were part of it.

Smith: It's interesting that he would go back to Eisenhower people. Harlow was, as I say, a legendary figure. Ford has been described as Eisenhower without the medals. So, you came into the White House when?

Lazarus: Almost immediately after President Nixon's resignation, which I think was August 9th.

Smith: That's right.

Lazarus: Shortly after that. I was, at that time, chief counsel to Republicans on the Senate Judiciary Committee. And very shortly after that, I spoke with Ed McCabe and was then put in touch with Phil Buchen. I worked with him briefly before I went on to the White House staff. And I think I went on to the White House staff in September.

Smith: Tell me about Phil Buchen.

Lazarus: Phil was a fine man and a good lawyer, but he had no background in Washington. He was basically, I think, a trust lawyer transposed into Washington. So, he had good legal analytical skills, but he had no background or training experience in all the kinds of issues that come up here.

Smith: It's interesting you characterize it that way, because there is this school of thought, maybe caricature, that Ford brought with him all of these Capitol Hill and Grand Rapids types - that was said with a certain degree of condescension - but clearly they were people he trusted and had worked with for some period of time. Buchen being at the top of the list. I detect, from what you say, Buchen had the skill, the raw talent, and he had the instincts or the character or whatever the job called for, but he didn't have experience in this town that is uniquely valuable if you're going to be in the White House.

Lazarus: That's right. And, also, Phil didn't have any of the gangster about him. He was so close to the President at the outset that he could've preempted substantial segments of the White House operation, but never did so. He wasn't interested in that. He was more interested in working with the President one on one in deciding matters, so he didn't go out and do a lot of work, analytical work, or anything relevant to the questions that came up. Other people would tend to do that and then he would sit with the President and talk them through.

Smith: Was he a sounding board for the President?

Lazarus: I think the President trusted his instincts.

Smith: One of the recurring issues that we've encountered in the course of this project is that among the challenges Ford confronted was providing the right

mix of change and continuity. In terms of just administrating the White House, deciding what to do with the Nixon holdovers. Clearly most of them had nothing to do with Watergate. and our sense is that he wanted to be fair to them. Many of them were very talented and he needed that talent to keep the place running. At the same time, Rumsfeld has said, and others have confirmed, he was strongly urging Ford to clean house early for the symbolic value. Did you sense tension between, for lack of a better word, the holdovers and the newcomers?

Lazarus: I think you described it very well. I think, in terms of the tension that existed, the President, as you know, is a very fair man and went out of his way to be decent with people. I sensed the frustration on the part of Rumsfeld and other people with getting rid of the old people. Several of the Nixon people did stay over and became central to Ford's White House operation. I'm thinking of Mike Duvall, Jerry Jones, they all stayed over.

Smith: Terry O'Donnell.

Lazarus: Well, I don't know what he did in the Nixon administration, but the other people, certainly Mike Duvall, was an active member of the Nixon administration. He wasn't the very top level, but he eventually became quite close to the President.

Smith: While Ford was vice president, clearly there were those in the White House who questioned whether he was up to the job. Was there any of that, again, for lack of a better word, condescension detectable in any of the holdovers, people whose loyalty to Richard Nixon was such that they questioned Gerald Ford's capacity or even legitimacy?

Lazarus: I don't think so. If it did exist, I think it was there in absolute minimum. Obviously, a lot of those people who felt an allegiance to President Nixon were upset by the circumstances and that might've been reflected in their thinking and their actions. But I don't think that was any part of it. When you work up close with a person, you see the real person. When President Ford came into office, he looked more like a congressman from Michigan than a

President of the United States. He had not gone through the crucible of primaries and obtained that patina that presidents have. He obtained it later.

Smith: The trajectory of the Ford presidency is of someone coming into the office, in many ways unprepared, and learning how to be an executive as opposed to a congressman without ever jettisoning, totally, his congressional instincts. The first day that they're actually living in the house, he's walking up to the West Wing and – classic Congressman Ford – the Marine opens the door and the President walks over and sticks out his hand and says, “Hi. I'm Jerry Ford. I'm going to be living here. What's your name?” Now, that's a congressman speaking.

Lazarus: There's also, in the beginning and throughout his term, that he suffered fools far too much.

Smith: What do you mean?

Lazarus: He would let people go on and discuss things after he had decided them, just because he was polite and he didn't want to shut people off. So he would listen to them.

Smith: In what kind of context?

Lazarus: I can remember one example.

Smith: Sure.

Lazarus: Ford decided that he wanted a swimming pool at the White House and we had endless meetings on this topic. They were all trying to disabuse him of this pool because these were difficult economic times. But this was a very modest cost and I think it was being funded by minor contributions from children or some such. And Ford sat through three or four meetings where a number of people tried to talk him out of this, said this wasn't anything more than a backyard pool. And before, he used more colorful language, but then he finally said, “Let's go ahead and do this.”

Smith: Did you ever see his temper?

Lazarus: That was the only time I ever saw him get angry with anybody. Mind you, I was a very young man at that point in time, so Ford was the same age as my father. So I wasn't chummy with the President. I saw him frequently, but I wasn't chummy with him.

Smith: Were you there when the pardon occurred?

Lazarus: No, I was there afterwards, but I wrote the President's testimony, at least the drafts. And briefed him on the pardon power and did his testimony before the House Judiciary Committee and things related to that. So, I came to understand what had occurred, I think.

Smith: Was there an internal debate about the wisdom of breaking that historical precedent and going up on the Hill as he did to testify before the House?

Lazarus: I think there was, but I wasn't privy to that. I know, myself, I commented to several people, probably Jack Marsh and Phil Buchen, that I thought that they allowed too much time up there for questioning. I thought it was too drawn out and they seemed to agree with that kind of stuff. And I wouldn't have been surprised if people had tried to talk him out of that, but he felt very comfortable doing that.

Smith: Is that, again, part of the transition from the congressman to the President? I mean, that was his backyard.

Lazarus: I think it was just his open nature. He felt he had nothing to hide and he had done the honorable thing and he wasn't afraid to go and talk about it.

Smith: Did you have a personal opinion about the pardon?

Lazarus: I thought it was the wise thing to do when it was done and I continue my view today. Mind you, I had worked on the Hill and I participated in the Saturday Night Massacre hearings and all that kind of stuff and I had seen some of the ugliness underlying the President's resignation. So, I readily agreed that things had gone on too long.

Smith: It's hard to make people today in this instant, 24/7 news cycle - can you imagine Watergate going on for, what, two years?

- Lazarus: Right. No, I think a lot of it was a result of the personalities involved and a lot of other factors as well. I couldn't see it occurring again.
- Smith: When you went in there, how was the counsel's office organized. Was it re-organized as a result of Ford's becoming president?
- Lazarus: When I was approached by McCabe and Morgan, they originally described to me an office that was different than what I saw. They advised me that Phil was going to be the counsel to the president and told me about his relationship with the president. Phil Areda was to be deputy counsel to the president and my understanding was that he had been given assurance that he would take over the Domestic Council in that capacity as deputy counsel to the president. I would be the associate counsel to the president and I would be relied upon to provide assistance relevant to Constitutional types of issues that I had worked on the Hill, legislative enactments, and all that sort of stuff. When I got in there, I don't recall a lot of discussion about that. Events took over. Vice President Rockefeller, in effect, was given the domestic counselor's staff and things changed. Phil Areda left. So, things changed in terms of what my original understanding was.
- Smith: It's our sense that Areda left, in effect, was driven away by Rockefeller. It's not altogether clear whether that simply was musical chairs - that Rockefeller had been promised a role in domestic policy not dissimilar to what Henry Kissinger played in foreign policy, which also planted the seeds for all kinds of problems down the road. Again, is very much a congressman splitting the baby. Did you know Areda?
- Lazarus: Yeah, I worked very closely with Phil when I was there. It wasn't a long time. And then, periodically, throughout Ford's presidency, on a regular, maybe bi-monthly basis, Phil would come through town and he usually would come to see me.
- Smith: Tell us about him because I know very little about him aside from this apparent tug of war.
- Lazarus: Areda, as I understand it, had the job that I had in the Ford White House in the Eisenhower White House. He was the young guy who was supposed to do the

paperwork and the analysis and that kind of stuff. He was very, very bright. Rumor has it, I don't know if it's true or not, that Phil had the highest grade point average ever at Harvard Law School and that remains the case to this day, I'm told. He was very bright, a very good student. His expertise was in economic areas and anti-trust, as you know, but he also had very high standards. He was very likeable and decent. I thought he was absolutely first rate and I was sad to see a really first rate guy leave.

Smith: Did he make it clear that he was leaving because of the Domestic Council?

Lazarus: No sour grapes or anything like that. I think once his understanding of the position changed, he just left in a very pleasant way.

Smith: We talked to Bobby Kilberg. How was the office organized at that point? Who did what? And, did it evolve over the two and a half years?

Lazarus: Yeah, well, it evolved in terms of people leaving over a period of time.

Smith: Were some of those Nixon folks?

Lazarus: No, no. Well, when I came in, it was my understanding, as I've told you, that it was going to be Phil Buchen, Phil Areda and myself and maybe a couple of people who weren't presidential appointees.

Smith: Would that be the typical size of the counsel's office?

Lazarus: A half dozen or so?

Smith: Yeah.

Lazarus: It's certainly not the case any longer, but that's about what was needed, I think. Half a dozen, maybe ten. And Bill Casselman had been the president's counsel when he was vice president and Bill was going to leave and go out into private practice. He stayed on for a short period of time. So, he was transitional, sort of.

Smith: Is he still around?

Lazarus: Bill Castleman is still around, I think. I think he's out in Middleburg. I kept in touch with him until about a year or two years ago. Bobby Kilberg came in

later. I don't remember exactly when. And Bobby handled a number of assignments but I didn't see Bobby's work as sort of day-in, day-out kind of work. It was more project-oriented.

Smith: Was she the first woman in the Counsel's office?

Lazarus: I don't know. I don't know of any other woman who worked there, but she might well have been. There was another fellow there named Jim Wilderotter who worked exclusively on the Watergate stuff. And then there were a whole succession of people who went into the sort of number two slot after Phil left. Not a whole succession, but Rod Hills and then Ed Schmultz.

Smith: So, there was a, for lack of a better word, Watergate hangover? I mean, a continuing need to deal with Watergate related issues?

Lazarus: Well, dealing with the tapes was pretty much Wilderotter's work. He reported to Phil on it to the extent he needed guidance. But I don't think it was any hangover to speak of. Basically, the tapes were there and they needed to be reviewed from time to time for various purposes.

Smith: Maybe this doesn't fall under your domain, but I'm confused over the process whereby ultimately the tapes became the property of the federal government.

Lazarus: Yeah, I don't really know. I mean, there was some legal analysis that led to that. I don't recall what it was at the moment, if I knew at the time.

Smith: So, what kinds of things would you be working on?

Lazarus: The things that were the most fun that I worked on and those that stay with me is the appearance before the House Judiciary Committee and everything associated with that.

Smith: That was sort of high drama.

Lazarus: I think Ford did a bang up job on that. If you've looked at it or recall it, I think Elizabeth Holtzman was the one who went after him the most. I don't think she succeeded. I think he did quite well. As a matter of fact, I remember him bouncing in the polls at the time by about five or ten points

after his appearance. I liked that. I handled the nomination of John Stevens to the Supreme Court.

Smith: It's funny because we talked to Justice Stevens, and there are so many things that are amazing in light of what we're going through right now. The fact that the President never interviewed him.

Lazarus: I might say I wasn't involved in his selection. I did have the lead in terms of handling his nomination. As I understand it, I remember Ed Levi saying that the President wanted to find the best person for the job. That's what he told Levi. And Levi told the President that he had read all of Stevens' opinions and that each of them was like an individual pearl in a necklace of excellence. That's how he put it. I think he sold Ford with that idea. I know, originally, I'd heard when the vacancy first occurred, the President mentioned favorably that he thought Barbara Jordan would make a great Supreme Court Justice. He said that, but just said it in passing. I'm not aware of any further review of that as a possibility. But he mentioned that originally. As far as I know, it came down to Arlen Adams, who was a judge on the court of appeals in Philadelphia at the time, and Stevens. And Levi recommended Stevens and the President went with it.

Smith: It's also fascinating that in his confirmation hearings, nobody asked him about *Roe v. Wade*.

Lazarus: I didn't remember that.

Smith: No doubt that's the last time that will happen.

Lazarus: I think he was approved unanimously and he had a fairly easy go of it.

Smith: In later years, people assumed – given the story line of Presidents being surprised by their appointees - that somehow the President was disappointed. To the contrary, he was very proud of that appointment.

Lazarus: Yeah, and I think rightly so.

Smith: It's really one of the last appointments made for sheer talent, sheer ability, apart from ideological considerations.

Lazarus: Well, Stevens, I thought, was the best writer on the Supreme Court. He had superb analytical abilities and he was no doubt the most knowledgeable in terms of anti-trust and other economic and business areas. And, even in dissent, I think it was his dissent in Hallorby (?) case recently - I think Scalia wrote the majority - and you read his dissent, I don't think it indicates that he's a screaming liberal or anything like that. I mean, any good lawyer is a conservative lawyer in that he looks for a reason to put further gloss on the law if necessary and his analysis is solid, conservative analysis.

Smith: My sense is, he's always felt a little bit surprised that people label him as a liberal, because he doesn't think of himself as a liberal.

Lazarus: He doesn't think he's changed he thinks the rest of the world has and I tend to agree with that. Some of the other areas I enjoyed, I've been teaching for a number of years at Georgetown. The course I've been teaching in recent years is called Constitutional Aspects in Foreign Policy. It's basically a separation of powers course. And Ford was, I think, a first rate defender of the presidency in terms of separation of powers. And, so, he often would stay the course with things like legislative vetoes. He laid the groundwork, really, for the Chada case that came later in the Supreme Court.

Smith: Which is...?

Lazarus: Legislative vetoes are a way in which Congress used to enact law where they would keep the string on the law afterwards. For example, what you would find is Congress would write a law and implore an agency to do good and avoid evil and give them some general guidance. But then they would say that regulations, for example, wouldn't take effect until they were proposed, laid before the Congress. The Congress would have the chance to veto them and all that sort of things, where they would try to keep controls and extend their control over what was normally executive authority.

Smith: The administrative realm.

Lazarus: Yeah. And the Chada case in the Supreme Court changed that and knocked out legislative vetoes which had been in practice in thousands of pieces of legislation. Every time a legislative veto came up, Ford would speak against

it and indicate that he was fighting against it every chance he had. It wasn't until sometime later, I think it was during Reagan's presidency, that the Supreme Court held it. Another thing he did was in the area of foreign affairs. I think it was Congressman Dingle at the time and a number of other people on the Hill wanted to dictate to the President whether he should use treaties or executive agreements in certain situations. They wanted to prescribe which situations in which you'd use executive agreement and the other where you'd use treaties. By law, it's the president's choice. They're fungible. You can use either one. And Ford fought against that. Whenever a principle basis of presidential power came up by my perception, he was Johnny on the spot.

Smith: It's ironic because, here you have someone who was a child of the Hill, who suddenly finds himself pitch forked into this office that he never aspired to and forced to defend its prerogatives against his former colleagues. The War Powers Act - my sense is that he and those around him (and indeed, I suspect, other presidents as well), strongly questioned its constitutionality, but did not want to test the issue.

Lazarus: It's funny. I have another little funny anecdote about the War Powers Act. You're absolutely right in what you said. Phil Buchen could never remember how the War Powers Act worked. It required you to notify certain people in the leadership. Now, Ford, you're absolutely right, questioned, challenged, the constitutionality of the War Powers Act, and he was right. The War Powers Act is and was unconstitutional. But Ford used to observe the notice requirements in the statute which required you, upon the shifting of substantial numbers of troops, to advise certain leadership people on the Hill. He would do that, but they couldn't keep straight who you had to advise and what the nature of the thing was and the section number and that sort of thing. So, I could always tell when something was cooking. For example, *Mayaguez* and these other things. Phil Buchen would tell me to make sure to be around or by the phone at home or whatever. He put me on alert, so to speak. He wouldn't say what was cooking, but he would let me know so I would guess that there was something going on that they might want to alert Congress about.

- Smith: What was the mood around the White House that April when Saigon was falling?
- Lazarus: Very sad.
- Smith: Did it just permeate the place?
- Lazarus: I think so, yeah. It was very sad. Now, I don't mean everybody was in a funk for a long period of time, but from the President on down, everybody was very sad about that.
- Smith: We've been told that when it came to budget issues, but others as well, he liked to have differing viewpoints, liked to hear people argue out an issue. Which is not something, for example, that one would associate with, say, Richard Nixon, who I think tended to be much more isolated. Did you see that or take part in that?
- Lazarus: Again, I think the best way I can describe it is to give you an example. I remember one weekend day, I don't remember if it was a Saturday or Sunday, but the subject of no-fault insurance came up. Secretary Coleman had to go to the Hill to testify on the subject the following Monday or Tuesday, so we're meeting on the subject. Ford had never addressed his position on no-fault insurance. And there was a big legal aspect of the discussion because this would've compelled states to perform, to enact certain laws. Not the normal carrot and stick of 'if you don't enact this, you lose this subsidy' or whatever, but to just compel them to try and force the states to do something by executive fiat. Secretary Coleman thought it was constitutional and there were a number of other people on the other side. I remember Levi being there, Don Baker from the anti-trust division, there were perhaps six or seven people there and it was a Saturday. The President, after half an hour or so of the discussion, was pretty clear that he didn't want to support it. But we stayed there for another 2 or 3 hours giving everybody a chance to come back at him as many times as they wanted to. Eventually, Secretary Coleman ran out of arguments to make. He had a chance to make every single one and he wasn't getting anyplace with the President. Finally, he said, "Well, Mr. President, I realize that I've lost this and maybe if you buy me a beer, we'll

call it quits.” But he ended it. President Ford was willing to sit and talk with him as long as he wanted to.

Smith: Did he ask questions?

Lazarus: Oh, yeah, he was involved. He wasn't just sitting there. He was participating in the discussion.

Smith: That's wonderful. Secretary Coleman told us that he weighed in at the time of the Boston bussing issue and as he recounted it the President's position was, “You know, Bill, I'm just opposed to bussing any kid further than they can walk to school.” A view grounded in his own experience of the neighborhood school. What kind of conservative was Gerald Ford?

Lazarus: I think he's what we used to call a 'country club conservative'. He was basically moderate, perhaps somewhat liberal on social issues.

Smith: Including civil rights.

Lazarus: Yes. And his instincts all went in that direction. And very frugal in terms of money. And strong national defense and very much an internationalist.

Smith: Pretty much a product of the war in that sense. It's a double-consensus. You have a consensus of the generation that fought in the war, and then found itself in the Cold War.

Lazarus: Exactly.

Smith: Do you think the combination of those things contributed in any way to a kind of maybe unnatural consensus? I mean, people look at politics today and it's ugly and divisive and yet there is a debate as to whether maybe it's not more typical of the broad sweep of American politics than the '50s and '60s consensus that people remember fondly. I wonder whether looking back, the '50s and the '60s were not in some ways aberrational. You had these preexisting conditions, both the common experience of fighting World War II and before that, the Depression, and then the unifying reality of the Cold War.

Lazarus: I think you put your finger on something, but I think also that the fly in the ointment as I see it is that today there is no incentive for politicians to appeal

to the reasonable nature of the population as a whole. And that the real fly in the ointment is the redistricting. People are more and more concerned about creating safe districts, so that you have districts that are 75% conservative or 75% liberal. And the only way people get beat is the conservative gets attacked from his right and the liberal gets attacked from his left. So, consequently, there's no reason to pitch the reasonable man and that leads to all this exaggerated rhetoric.

Smith: Of course. And the media pouring kerosene on the fire because they need confrontation, and the 24/7 news cycle demands a new story line every day. When he was in office, Gerald Ford was described as the most conservative president since Calvin Coolidge. Then in very short order, he became this liberal marooned in his own party because Reagan conservatism redefined the party. At the same time, Ford was the last president willing to use whatever political capital he had, plus the veto pen, to try to restrain federal spending.

Lazarus: That's right. He certainly used it, didn't he?

Smith: Frank Carlucci told us a wonderful story about going in to see the President. There was something he wanted to talk to him about, this bill. And Carlucci said, "It's a terrible idea, but I guarantee you it's politically popular and if you were to veto it, it would be overridden in a minute." And Ford said, "Well, that's alright, if it's the right thing to do." So he did veto it and, of course, it was overridden in a minute.

Lazarus: Yeah, as I say, he just had a very nice – he tried to do the right thing. I don't think he gave a moment's thought to what was political, necessarily.

Smith: Did that hurt him? There is a school of thought that the White House was very slow to anticipate the Reagan challenge. Either to believe that he would run, or to take him as seriously as he warranted. I realize you were presumably insulated from politics. But you were also in the middle of it. Did you ever sense that this was an apolitical White House long after it should've been if they wanted to get reelected?

Lazarus: Well, you know, the White House reflected the boss and he was the boss. I don't think it was a-political, but I don't think that they focused on the

election until they were in the midst of it. I don't know if that would've changed anything in terms of the significant things that Ford decided.

Smith: Do you think that's in part a reflection of what we talked about earlier? This learning process?

Lazarus: Yeah, I do.

Smith: Plus he had such an incredibly full plate.

Lazarus: Right. And I think when he came into office the furthest thing from his mind was election. I'm quite confident that that's the case. As he grew in the job and he thought he was pretty good at it, figured he ought to stay around, it was in the country's best interest to do that. And he went after it. But I don't think he ever went in there with the idea of getting elected and continuing in office.

Smith: How would you describe/define his growth in office? You say 'as he grew in office.' What did you see that leads you to that?

Lazarus: Well, you could see it in all ways. I mean, if you just took pictures of him in the early days and then took pictures of him later on, you'd see the difference. Better turned out, better groomed.

Smith: More relaxed?

Lazarus: More polished presentation in all respects. His delivery improved considerably. And a lot of it was, just as I say, going through the crucible, combat. Political combat improves your situation and he went through that.

Smith: Do you think in the process, he discovered, "Hey, guess what? I can do this job."

Lazarus: Right. "I'm pretty good at that." And he was always interested in substance and he was pretty good at the substance and going through all of the combat that the President goes through, political combat. He became better at it.

Smith: I think the Hill would have given him, if he didn't already have, a very thick skin. We were talking to someone who was not very politically sophisticated,

a young staffer who had gone into the White House. The President had just met with Tip O'Neill in the Oval Office and had had a great meeting. And then Tip went out and beat his brains out on the north lawn for the cameras. And this guy only saw the sequel. Anyway, he told the President, "Tip O'Neill's saying all these horrible things about you." The President was sort of rocking back and forth, pipe in hand. He said, "Oh, that just politics."

Lazarus: Well, I always thought the President got a bum wrap in people trying to trivialize his abilities. I've been around a lot of big league politicians. Ford was a bright man. A brighter man than Tip O'Neill. And I don't think that O'Neill ever saw anything political that Ford didn't see coming either. Ford was a more generous spirit, I think, and just tended not to get down there. He was a very charitable man, you know, all those Midwestern values and everything else are true.

Smith: I spent a lot of time in the Midwest. And my sense is there is a bias against Midwesterners or a caricature, maybe, because some of them talk slow; the assumption is, they must think slow.

Lazarus: Exactly. I understand that on a personal level. I grew up in the New York area and when I came down to Washington, it took me a long time to transition in my speech and otherwise from the New York style to the D.C. style. Ford not only had it stylistically, but that reflected his essence, too. That's who he was. A very decent, fair-minded person.

Smith: And yet, the least self-dramatizing.

Lazarus: Right.

Smith: Which, in some ways, is the part of the presidency that he never mastered. The theater of the job.

Lazarus: I think that's right.

Smith: Which tells you more about us than it does about him.

Lazarus: I think that's right.

- Smith: A couple quick things. Deregulation. Were you involved at all in that?
Because, clearly, that was a significant policy initiative of the administration.
- Lazarus: I was involved in it to some extent, but I wasn't at the core thing. If you're talking about deregulation of the airline in particular, which took a substantial amount of time in our office, Ed Schmaltz did most of that and he was assisted by Dudley Chapman, who was another lawyer in the office.
- Smith: Are they around?
- Lazarus: I think Dudley's deceased and I think Ed Schmaltz is retired and living in Maine, I think. Ed was deputy attorney general in the Reagan administration.
- Smith: Oh, sure, that's where I recognize the name. You went through more than one attorney general. Would Saxbe have been attorney general when you started?
- Lazarus: Yeah, I also handled the nomination of Ed Levi.
- Smith: Tell us about Levi because he is to some degree an unsung hero in all of this. Presumably, Ford had a very keen awareness of the need to restore confidence in the Justice Department. Where did Saxbe fit into all of that?
- Lazarus: I don't think Saxbe ever really fit into the office. When I first got out of law school, I went into the honors program at Justice for four years. I enjoyed it very much because it was like an extension of law school. You got to go out and talk with people about all kinds of legal matters that went on, a lot of the young fellows and some seasoned people and whatnot. Saxbe just didn't fit, especially given the times after Watergate. Levi was perfect because what he was, the dean of this law school now at the Justice Department, (where) you don't need to supervise people on every little task that goes on, but you need to set the tone and all that sort of thing. And Levi was just perfect at that time. Couldn't have found anyone better.
- Smith: Was he a Rumsfeld recommendation?
- Lazarus: I never saw the selection process of Levi. I know that Buchen supported him. My guess is that Rumsfeld selected him and, if so, it was a very good selection.

Smith: Classy.

Lazarus: I worked on his nomination. I worked with him. He tried to recruit me to the department. And the fellow who was my assistant on the Hill became his chief of staff. So, I worked very closely with him. I really liked him and I admired him. He was a fine person.

Smith: We've been told initially he had some problems with Eastland and - would Hruska had been the ranking Republican?

Lazarus: Yeah.

Smith: Eastland referred to him as 'The Bow Tie'. He thought a bow tie was a dangerous liberal affectation.

Lazarus: Well, what happened was, when his nomination went forth, normally you let people know a day or two in advance just so that they can feel like they're part of the insiders group or whatnot. And that hadn't been done properly with Eastland and Hruska and some of the older fellows on the committee at that time. Another part of the problem was, Levi in his youth had been a member of something called the Lawyers Guild. And that always raised a problem with the old guys because a lot of the people in the Lawyers Guild went on to become members of the Communist Party back in the early days, et cetera, et cetera. Although, a lot of very bright, young academicians also participated and never went in that direction. Nonetheless, it tar brushed them to some extent. So it was really a mismanagement of the nomination when it was first announced that led to that problem. He had no problems with people on the Hill after that. As a matter of fact, we had breakfast with Chairman Eastman. Do you know who Tom Korologos is?

Smith: Yes.

Lazarus: Tom and I went up there with Levi and I remember that Korologos did something that was really funny. We were having breakfast and Eastland served grits to everybody, including Levi. And Eastland went out to take a phone call during our breakfast and Levi had been pushing these grits around the plate and he turned to Korologos and said, "Do I have to eat these things?"

And Korologos said, “You want to be attorney general?” Levi ate a couple spoons of it.

Smith: My sense has always been this was not a job Levi particularly coveted. I mean, he had a very distinguished career going out at the University of Chicago. Did he have to be persuaded?

Lazarus: I don’t know. He was a very taciturn person. I don’t know if you know him at all, but he would never let on how he was feeling. He was just very much his own man.

Smith: Was he intimidating?

Lazarus: He was never intimidating to me. He had a first rate intellect, of course, but no, he wouldn’t push people around. He wouldn’t do that and didn’t work that way. He had a wry sense of humor and was a very laid back kind of person. I remember one time he criticized somebody at a meeting with the President and the way he criticized them was he said to the fellow, “I don’t understand how a person as obviously bright as you could reach a conclusion like that.” But that was as rough as he got. Ford assumed that Levi knew all law, almost, so at a cabinet meeting every once in awhile, he would say to Levi, “Ed, didn’t the Supreme Court of Michigan decide something on that issue?” And Levi was “Darn it. He got me again.” He liked the President and the President liked him, but they were very, very different types of personalities. Levi was a very private person and Ford was a very public man.

Smith: It tells you a lot about Ford, that he was comfortable with high-power intellects, high-power egos in some cases. He seemed to be completely comfortable.

Lazarus: And Levi was very comfortable with him, too. They communicated effectively.

Smith: I know he had enormous respect for Levi. What haven’t we covered?

Lazarus: I don’t know. I think you’ve pretty much covered everything.

Smith: Again, I realize you were not part of the campaign, but did you think at the end of the '76 campaign that he'd caught up? Did you think that your lease might be renewed?

Lazarus: I didn't think we were going to make it, but I was hopeful that we would. I remember being very disappointed when we lost. But, I was still always proud. There's one other thing I'd like to say. I was always proud of being part of President Ford's White House staff and I was so happy that he lived long enough, to understand that the American people took pride in him as well.

Smith: Time was good to him. He lived long enough to know that most people had come around to his way of thinking on the pardon and, in fact, honored him for the political courage that it took.

Lazarus: His whole life was outstanding. He was an Eagle Scout. Wouldn't you have loved to have a son like that? You know?

Smith: Lots of people were saying I wish he was my next door neighbor.

Lazarus: Exactly.

Smith: Do you remember the last time you saw him?

Lazarus: I think the last time I saw him was at some golf tournament. I was in the audience. I think it was in Ohio. I went to some golf tournament and I was walking around and he was playing in this tournament and I went up to him and saw him at the tee and said 'hi' to him and he said 'hi' to me and asked me how I was doing and stuff like that. The last time I had any involvement with the presidency was when I went out to the University of Michigan a couple of years ago when they dedicated a building in his honor. And, earlier, his funeral here in town. As I say, I was never the President's buddy. I was a young guy and I did legal work there. But I always admired him.

Smith: What a great experience to have, particularly early in your career.

Lazarus: Yeah, I remember the first time you go into the Oval Office. You know, he would let the legal staff use Camp David and took people on Air Force One

when he had a chance and stuff like that. He was really very generous to people.

Smith: How do you think he should be remembered?

Lazarus: I think as a very decent and honorable man who rose to the challenge.

Smith: That's perfect.

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