

Oral History of STEPHEN J. POLLAK
Tenth Interview-April 15, 2010

This interview is being conducted on behalf of the Oral History Project of the Historical Society of the District of Columbia Circuit. The interviewee is Stephen J. Pollak, and the interviewer is William Schultz. The interview took place at the Goodwin Procter law firm at 901 New York Avenue, N.W., in the District of Columbia on April 15, 2010. This is the tenth interview.

Mr. Schultz: Steve, I understand that during the Carter Administration you represented some public figures tied to the Administration, Hamilton Jordan and Billy Carter, and later, the 1984 vice-presidential candidate Geraldine Ferraro and her husband. I would like to talk to you about all of those. Maybe I'll start by asking you how was it do you think that they came to you for these very important representations?

Mr. Pollak: Bill, there really was no "they" because in each instance, the client came in perhaps related but in different ways. The representation of Hamilton Jordan, who was chief of staff to President Carter, and Jody Powell, who was Director of Communications, arose as a result of Lloyd Cutler who was at that time Counsel to President Carter in the White House. On one Friday in August, when on Saturday I was leaving with my family for a vacation in Kitty Hawk, North Carolina, I received a call from Lloyd Cutler advising me that Hamilton Jordan and Jody Powell, neither of whom I knew, had a need for counsel and would I take a call from Hamilton. I said I certainly would.

Mr. Schultz: Let me just stop you – how did you know Lloyd Cutler?

Mr. Pollak: I knew Lloyd Cutler from the time I came to Washington in 1955 or 1956 to interview with law firms seeking a job on graduation from Yale in 1956, and I interviewed at a Yale firm, as I saw it, called Cox, Langford, Stoddard, and Cutler. It was nine people, nine lawyers. Lou Oberdorfer was a partner. And I met Lloyd, he interviewed me. They did not offer me a job. They hired Sam Stern, who was clerking for Chief Justice Warren, finishing a clerkship for Warren, and I joined Covington & Burling. Subsequently, I had known Lloyd at somewhat of a distance through Yale Law contacts because he had gone to Yale, and he and Gerry Gesell, with whom I worked at Covington, were friends, and I came across him in that connection. When I was head of the Civil Rights Division, Lloyd had public assignments. He was Executive Director of the National Commission on the Causes and Prevention of Violence established in 1968 by President Johnson, and I related some to him in his role there. I don't think we had ever shared a representation or that I had ever been on a case with him. My perception was that he couldn't invite members of his own former law firm, and I was a candidate. In any event, I was flattered by his inquiry.

Hamilton called me, and he just said, "Jody and I have a need for a lawyer, would you come over to the White House and talk to us?" So I went to the White House. I brought along Henry Ruth, who at my urging had earlier been made a partner at Shea & Gardner. He had been general counsel for a client of mine, the Trustees of the United Mine Workers of America Health & Retirement

Funds, and had been an Independent Counsel in connection with Watergate.

Henry had criminal experience.

Mr. Schultz: So you knew it was a criminal-type matter?

Mr. Pollak: I knew that much, yes. We learned, as the newspapers reported, that two defendants who had been convicted but not sentenced in a tax-skimming case, who owned and ran Studio 54 in New York and who were represented by Roy Cohn, had --

Mr. Schultz: Tell us who Roy Cohn is.

Mr. Pollak: Roy Cohn was a famous, or infamous, attorney who had been counsel for Senator Joseph McCarthy during his investigations and had a flamboyant and unsavory reputation. Apparently the Department of Justice had told these defendants – one was Steve Rubell – that if they could offer up some significant persons who had used drugs at Studio 54, they might get a lighter sentence. They had reported to the Department that Hamilton Jordan and Jody Powell had been there and snorted cocaine. That was at least my understanding. A statute that existed at that time provided that if a high-government official was alleged to have committed a crime, the Attorney General was to name an independent counsel to investigate the allegations and bring formal charges if the facts warranted. The independent counsel – called a “special prosecutor” – had been named, Arthur H. Cristy, a highly regarded New York lawyer. This was the first time the statute has been applied. As the public record revealed, Hamilton and Jody had been in New York City on public business at the time reported, they had visited

Studio 54, but they had not snorted cocaine. There would have been an issue for me of representing both persons, but that issue never arose because it turned out that at the asserted time Jody had left Studio 54. It was clear that the defendant persons who named Hamilton and Jody were either confused or had someone else in mind. In any event, any assertion that Jody had done this act fell away. However, the investigation continued as to Hamilton, and I undertook the representation, along with Henry Ruth. I wanted to follow up and get more information. That Friday evening, we went to the White House after 7:30 at night and spent some time there with Jody and Hamilton. I came back the following day on which I was to leave in my car for Kitty Hawk and brought my son Roger and a friend of his with me to the White House. While I was meeting with Hamilton, they were enjoying the White House Mess. I got the facts I wanted and proceeded to leave that day for Kitty Hawk and dealt with the matter (because there were no immediate deadlines requiring my presence for a week or two) by telephone. In any event, it wended its way along, and ultimately the special prosecutor presented the case to the grand jury and the grand jury no billed it. No charges were brought.

Mr. Schultz: How long did that take, from beginning to end?

Mr. Pollak: As I say, that was August. It resolved itself some time after March of the next year, about an eight-to-twelve-month period. I know when it was because, as you Bill Schultz know, I go skiing in Utah in March. It so happened that the date before the grand jury was during the days that I was skiing, so I skied one

morning, took a van down to the Salt Lake City airport and took an afternoon plane to Washington. I slept in my own bed, met Hamilton at the airplane in Washington, we flew to New York, he went before the grand jury, and I took a plane back to Utah at 6:30 that night. I recall dictating into a portable machine on the plane my recall of the day and my client's report of his appearance before the grand jury. I was skiing the following day. I felt like a jet-setter.

You would have a hard time appreciating the difficulties that these proceedings caused for the President's chief of staff. Hamilton was directly involved in negotiations to free hostages held by Iran, and Hamilton --

Mr. Schultz: So this is sort of at the end of --

Mr. Pollak: The Carter Administration, yes. And Hamilton, while I was representing him, traveled in a disguise to the Middle East to negotiate for the release of the hostages. He had to schedule these proceedings and interviews by me and the goings on with the special prosecutor in and among all his other duties. That was very dislocating for him. I found that he was very quick of mind and was able to devote himself 100 percent to my needs when called on to do something. It was a very interesting representation.

Mr. Schultz: Tell me more about your impression of both Jody Powell and Hamilton Jordan.

Mr. Pollak: I saw the most of Hamilton and much less of Jody. My impression of Hamilton Jordan was a favorable one. The representation came after the period of time in which he was looked on as kind of a callow youth who happened to have ascended because of his role in the Carter campaign for the presidency to be the

President's chief of staff. He was easy to deal with. He didn't stand on ceremony. He got down to business right away. He brought to bear all of his calendar materials, and of course, the chief of staff has a pretty full paper record of where he was when. He was really enjoyable to work with. He kept quite a division between his public duties and the area of work for which I was responsible. I would visit him in the White House, but he didn't share his public responsibilities with me.

What I'd say about Jody is that he was – both men were very bright and reflected that. They were quick. Jody was a family man, had a wife, children, seemed completely out of character to be somebody who would have done what was alleged. Hamilton was – I can't recall what his marital status was – but he was a little less of the family creature I saw in Jody. I never doubted that he was innocent of the charges. One other thing that was interesting, and this came up with Billy Carter as well, I felt a responsibility to keep the lines of communication quite clear. The decisions that we made respecting Hamilton, just as decisions we made later respecting Billy Carter, were made independent of anybody who was in the federal government, certainly independent of the President. I thought that was entirely in the interest of my clients and certainly in the interest of the President.

Mr. Schultz: Did you have any contact with the President?

Mr. Pollak: I really didn't. All that I remember was one incident when I was at the White House in a hallway of the West Wing waiting for Hamilton. Bob Strauss, a

high official for Carter, was there and the President was walking in and out. I was introduced to him, probably by Hamilton. He may have had on a cardigan sweater.

Mr. Schultz: Did the special prosecutor have the authority simply to drop the prosecution, but he decided to take it to the grand jury?

Mr. Pollak: I suppose that he had the authority to drop it, but I suppose he had testimony placing Hamilton at the Studio 54 and the claims of the two defendants that he sniffed cocaine, and so presenting it to the grand jury was understandable. I have no direct knowledge of his reasoning.

Mr. Schultz: Had you had prior experience in criminal law?

Mr. Pollak: I don't know that I had. I felt perfectly at home doing what I was doing. I had a lot of experience working with facts, and so I was working with facts. I spent a great deal of time on the case as you can imagine. I think there are now rules about private lawyers representing high government officials billing for their time so that there's no underbilling, but there weren't any such rules at the time. With my firm's permission, we reduced our charges quite drastically for this government servant.

Mr. Schultz: Did you have any contact with Hamilton after the Carter Administration left?

Mr. Pollak: I did. Limitedly. He ran for the Senate, you'll recall. I had arranged with him that while he was in the government he didn't need to pay my bill, and we arranged for periodic payments over a significant period of time once he left the

government. When he ran for the Senate, I excused him from making further payments while he was running.

Mr. Schultz: Should we talk about Billy Carter?

Mr. Pollak: Yes.

Mr. Schultz: Was this after the Hamilton Jordan representation?

Mr. Pollak: Yes. When somebody is chief of staff to the President, all kinds of people try to ingratiate themselves, so there's an awful lot of things that come the way of the chief of staff. That seemed evident to me, seeing Hamilton deal with the life that he was leading.

Mr. Schultz: Can you be more specific?

Mr. Pollak: He was making this trip to New York to perform some public business. There were people who wanted to show him a good time, take him around to the very trendy places and be seen with him. This was the outcome. Long hours spent defending himself, large articles in the press, and a whole diversion which certainly we saw.

Mr. Schultz: Were there other examples that you observed, people trying to ingratiate themselves, by giving gifts or that sort of thing?

Mr. Pollak: I couldn't go around with him in any public space without people stopping and making a fuss. That's all.

Mr. Schultz: How did he react to that? Some people like it, some people don't.

Mr. Pollak: He had a Southern manner. He accommodated as if it was expected. I don't think he sought it out. It didn't seem to me to go to his head. Early in his career as

chief of staff, which I never observed, I wasn't on the scene, the public perception was that he acted in unseemly ways because he thought he was a big shot. That had passed by the time I met him.

Mr. Schultz: Billy Carter. How did that representation come to you?

Mr. Pollak: That was different. Billy Carter was not in the government. He got into difficulty because he accepted money from Libya, and the charge was made that he was paid to act for Libya and that he had failed to register as a foreign agent.

Mr. Schultz: Just tell us a little bit about Billy Carter, his background. He was obviously the President's brother.

Mr. Pollak: Right. He was a younger brother of the President. He was married to a woman named Sybil, they had six children. When the President was elected, and having been Governor of Georgia, Billy Carter was running the family peanut farm in Georgia. The President's personal lawyer, Charles Kirbo – according to Billy, I never talked about Billy's case with President Carter, so my knowledge about these matters comes from Billy – in any event, Billy understood that Kirbo informed the President that because the peanut farm received some federal subsidies, Billy couldn't continue to operate it. So Billy lost his job. My perception is that because of that, or matters related to that, Billy started drinking, and he engaged in certain unflattering behavior as a result of his drinking, including some incident where he arrived at an airport, or he was on a tarmac or something, and he urinated on the tarmac. It was all over the public press. He generally had sort of a clownish reputation, I think as a result of his drinking.

Mr. Schultz: Do you know anything about his relationship with his brother, the President?

Mr. Pollak: I think the President was very fond of him, and was very concerned about him. Attorney General Civiletti, because of the President's concern, had some concern too because there were some – I think Cutler was still in the White House – inquiries made of me about what we were doing in relation to Billy. My feeling was that the President and his Administration would be best served if we kept our counsel to ourselves and we did. That may have been upsetting to the President, but we never communicated with the Administration up one side or down the other, other than the people who were responsible for the administration of the Foreign Agents Registration statute in the Department of Justice with whom I dealt officially.

Mr. Schultz: Were there attempts by Lloyd Cutler or others in the Administration to communicate with you?

Mr. Pollak: All that was going on was the normal concern of an older brother when the authorities were investigating the younger brother. I was working with Henry Ruth, and we thought the best course that we would take would be to erect an entire wall between us and any high officials of the government.

Mr. Schultz: And they accepted that?

Mr. Pollak: They had to because we didn't give them any choice. We just said we had no comment.

Billy called and said, "I have a problem." I think he referenced what we had done for Hamilton and said he'd like to come see us. It was a fascinating,

really fascinating, representation. It had two facets. My conclusion was that he should register as an agent of a foreign government, so we had to get the form that the registration office required. Then we had to fill it out correctly. We had to be certain that we had the facts, and it required a documentation as to how much money had been received and for what. We had to get the right facts for all of that. We made that filing. Then in addition to that, the United States Senate investigated Billy, and we prepared him to testify. I have on my wall here a picture of Henry Ruth and me which says, "Washington, Aug. 21 – BEHIND THE BACK CONFERENCE – Billy Carter's two lawyers stretch to confer for a moment behind their client's back as the president's brother continues his testimony Thursday on Capitol Hill before the Senate Judiciary Subcommittee, which is studying his dealings with Libya." Then it identifies Henry Ruth and me, and says 1980. I will attach the photo to this oral history.

Mr. Schultz: Right. August 21, so that's right up to the election.

Mr. Pollak: Exactly. There are three volumes of testimony of Billy that I have in my library. He testified for a lengthy period, and we of course worked with him to prepare him for that. One of the challenges of the representation was that Billy liked to be the center of attention of the press. My instructions to him were that he was not to be talking about the substance of the matters. He was a good client and followed the instructions. Contrary to the public perception, he was very smart. He was in full command of himself by that time, and he was an outstanding client. He performed very well, and he took his lumps based upon mistaken behaviors of the

past. It was a pleasure representing him. One of the highlights occurred the night before his opening testimony before the Senate committee. My wife and I gave a dinner for Billy and Sybil and Billy's two siblings, other than the President, Ruth, the sister who rode motorcycles and wore beads, and Gloria. They all came for dinner out on the deck behind our house in Cleveland Park. Henry Ruth and his wife were with us. I remember the President's siblings talking about the President and Rosalynn in a very family kind of way. So it was a very interesting evening.

Mr. Schultz: So you had to decide whether you needed to file registration, and then you had to represent him before the Senate committee, but was there any potential prosecution or investigation by the federal government?

Mr. Pollak: I think the Office of Foreign Agent Registration investigated his behavior and his registration statement. We had to produce documents for that office. To my knowledge, it never became a criminal investigation.

Mr. Schultz: Did you have any contact with him after the representation closed?

Mr. Pollak: No, not really. I think that there were some materials that I and my colleagues returned to him, but I never had any other contact with him. I cannot remember having any communication about the outcome with the President. I never had a call from the President commenting on the outcome, and I never spoke with the President about the matter.

Mr. Schultz: Is there anything else about the Hamilton Jordan representation or the Billy Carter representation that should be included in this oral history?

Mr. Pollak: I think it's hard being a sibling of the President. Throughout history, it's been hard. I think it was hard for Billy. Billy just didn't have a role. He wanted to have a role, a working role. I still have a tape measure, it's here on my desk, saying "Carter's Warehouse, phone 824-4915, Plains, Georgia."

Mr. Schultz: Did he ever talk to you about how difficult it was being a brother of the President?

Mr. Pollak: He complained about Kirbo and the edict that came down saying, "you can't run the peanut factory." That was his work. But I don't think he was given to more global ruminations about being a sibling of the President. From the evening with the family, my perception was that the President's siblings felt a mixture of emotions.

Mr. Schultz: He was the oldest?

Mr. Pollak: He was the oldest, right. But they, like all siblings, grew up together. They viewed him as a brother.

Mr. Schultz: Do you remember anything anyone said?

Mr. Pollak: I just remember that they had comments about Jimmy and Rosalynn. I felt fortunate to have the representation. I may have done it as public service.

Mr. Schultz: Maybe not voluntarily, though?

Mr. Pollak: I received psychic remuneration.

Mr. Schultz: You were the lawyer for the people in and near the Administration in serious trouble.

Mr. Pollak: The funny thing about it was that I had no relationship with the Carter Administration at all. At the outset of the Administration, I had hoped to get a

job. I wanted more public service, but I never had even an offer of a job, and as I say, I had no relationship with anybody in the Administration. I've told you how the Jordan representation came about through Lloyd Cutler, and I think Billy just took a page out of that.

Mr. Schultz: I think they must have been very happy with you representing them, somebody recommended you to Billy Carter probably.

Mr. Pollak: He said he read it in the paper.

Mr. Schultz: Is that right? That's interesting. He probably saw that you were successful.

Mr. Pollak: It suggests that the Studio 54 thing came up in 1979 and that it had been put to bed in the Spring of 1980. Billy came in the Spring of 1980.

Mr. Schultz: Was there ever any discussion about the impact of Billy Carter's situation on the President's re-election?

Mr. Pollak: It may have been speculated on in the press.

Mr. Schultz: You don't remember any discussion with him or anybody in the Administration?

Mr. Pollak: No.

Mr. Schultz: So then Geraldine Ferraro.

Mr. Pollak: I have to tell you how Geraldine Ferraro came about.

Mr. Schultz: But before you do, is this 1984?

Mr. Pollak: 1984.

Mr. Schultz: Just tell us, maybe somebody will be reading this 25 years from now, who Geraldine Ferraro was.

Mr. Pollak: Geraldine Ferraro was a congresswoman from New York who lived out near Kennedy Airport; her district must have been out there in Queens. She was finishing her third term. The Democratic Convention, to which I was not a delegate and was not present, elected Walter Mondale, Carter's Vice President, as the candidate to run against President Reagan. The common understanding was that it was an extremely uphill battle for Mondale and perhaps for that reason, consideration was given to doing something unprecedented, which the Party ultimately did, and that is to select a woman as the candidate for vice president. That's what happened, and the person selected was this third-term congresswoman. I've always thought that in the political calculus of the time there was some concern on the part of the Republicans that this selection of a woman could conceivably constitute a threat for the Mondale ticket against the Reagan ticket, and so from the very moment that she was named, there arose a great clamor over an assertion that was originally made by a professor at GW or American University that she had improperly or intentionally falsified a statement that she filed with the Federal Election Commission when she was running in 1976 for her first term in Congress. I'll explain what that allegation was, but in any event, there grew to be a whole play out of claims that Geraldine Ferraro had committed a grievous wrong in falsifying this document that had been filed some six years previously. She was embroiled in rebutting those charges during the entirety of the campaign. It carried on to investigations by the Federal Election Commission and the Congress well into 1985, maybe even 1986. Depositions

were taken, the Department of Justice had a criminal investigation. It was a big deal, and it was all about this charge that she filed a false or misleading statement with the FEC a long time before she ever became a vice-presidential candidate.

What had happened, according to Gerry Ferraro and her husband John Zaccaro and her aides, so I have no reason to doubt it, was that she was running for Congress – this is, to me, very interesting and it reflects the status of women in what must have been 1978 – and she had a need for campaign funds. A young man came to her campaign office and volunteered to work for her election, representing himself to be an expert on the federal election laws. He advised that she could meet her financial needs if there were members of her family who could make her a loan. So, her children and John made her loans. Candidates for federal office must make periodic filings about their campaign finances, and her first filing with the Federal Election Commission was rejected, or at least found wanting, in that she reported her loans and they said, “You’re not entitled to have any loans from your family, that’s proscribed.” So she had to come up with money to pay them back. Being a woman, when she went to a bank, she couldn’t get a bank loan. Now maybe there were other reasons she couldn’t get a bank loan, but the primary reason, as I understood it, was because she was a woman and she had limited opportunities for getting that kind of financing. So she had a piece of property in her name which she sold. It was property in SoHo in New York City. The allegation was that the property wasn’t hers, that it was her husband’s. That was the issue.

Here's how I came to have the representation, at least this is my understanding of it. The Mondale campaign was under way. I said to a lawyer friend of mine, John Nolan, who I thought had connections into the Democratic Party, that I was looking around for some way to contribute to Mondale's election. John mentioned it to Mondale's aide who was until recently the President of the National Trust for Historic Preservation, Dick Moe. He was active in the Mondale campaign. Gerry's need for representation came up, and Moe must have mentioned my name. I knew Mondale some from having testified before a Senate committee he chaired on school desegregation. Ultimately, the treasurer of the campaign, Mike Berman, called me up one afternoon and asked if I would talk to Gerry Ferraro who needed a lawyer. I said yes. Gerry called me up and said she needed a lawyer, would I represent her. I said sure. She said, "Well, we're having a meeting with our accountants tomorrow morning in New York." Her accountants were Arthur Young, one of the Big Seven accounting firms. She asked would I come up to that meeting. Again, I said sure. She must have told me something about what the problem was.

Mr. Schultz: It was probably in the papers too.

Mr. Pollak: Sure. So I flew up to New York for this meeting. I went there with my partner Tony Lapham. The subject of the meeting was that Arthur Young was putting together Gerry's registration and disclosure statement as the candidate for Vice-President. It had to be filed with the FEC. The disclosure form asked every question you could possibly ask about everything you ever owned, how it came to

be owned by you. So it put in issue all of her finances and raised the necessity of being completely and totally factually correct. As I sat in this meeting room in New York City with a raft of people I had never met before, an amazing thing dawned on me: on all the issues, I became the decision maker. Everything that was put on the table, they looked to me to decide because after all, the filing was by Gerry Ferraro and I was her lawyer. So it was really an eye-opening experience, an amazing experience. We continued to work on the statement for some period after. I'm happy to say that the statement was filed and it passed muster. But that was just one of a host of challenges facing my new client for which I was responsible.

Mr. Schultz: That was the beginning.

Mr. Pollak: That was the beginning.

Mr. Schultz: Was this a pro bono representation?

Mr. Pollak: No, but it was certainly done at a reduced fee. I was not a big money maker for my firm on these representations.

Soon thereafter, Gerry undertook to have a tell-all news conference at a motel/hotel near Kennedy Airport. Tony and I worked with her to prepare her for the conference along with her staff member, Maxine Isaacs, who was the wife of Jim Johnson, Mondale's campaign director, was a press person for the Ferraro campaign, and others. I remember riding over to the conference with Gerry in a limousine. We had tried to identify all the questions she could be asked, how she would answer them based upon everything that we knew. We went into this

motel and there were a million microphones and television cameras, all that. My memory is that she did an excellent job and handled it very well, but the charges dogged her throughout the campaign and even beyond. They kept being blown up, her good answers never seemed to catch up with the allegations. All of her documents were subpoenaed by the Public Integrity Section of the Department of Justice. Gerry and her husband John Zaccaro were subpoenaed by the Department of Justice to give depositions, as were others who touched the properties in any way.

Mr. Schultz: Is this after the election?

Mr. Pollak: Yes, most of that was after the election.

Mr. Schultz: But during the election there were also lots of allegations about John's real estate holdings?

Mr. Pollak: There were subterranean or not so subterranean allegations that hadn't a shred of validity from that day to this – that John had some connection with the mafia. I thought the source of those was nothing but undisguised prejudice against Italian-Americans. John was in real estate, he had real estate ownerships. The trials that they suffered because she was a candidate were heavy. The family was a good American family. They had a son, Harry, and two daughters, lovely people. It was something to relate to them. It gave me a look at what it is to be a candidate. They didn't have time to pay their bills. I mean they paid them, but when they had a moment of free time, they'd be doing the kind of things that each of us has to do to keep our household together. It was quite amazing to observe. During

the campaign, Gerry had to spend significant time dealing with requests for documents and other things when she was traveling across the nation trying to help Mondale win election.

Mr. Schulz: Whatever came of these charges?

Mr. Pollak: We represented Gerry in a major investigation by the House Ethics Committee. Ultimately the House Committee issued a decision which we considered a favorable outcome. Gerry testified before the House Committee. Then there was a full-blown Federal Election Commission proceeding, and we briefed numerous issues in filings before the FEC. As I mentioned, the Public Integrity Section of the Department of Justice had a criminal investigation, subpoenaed documents, and deposed Gerry and John. At one time the Department of Justice or the FBI had gotten wind of some kind of threat against John, and I remember meeting with FBI Director William Webster, trying to be sure that John was protected. It was a whole array of representations.

Mr. Schultz: Nothing ever came of any of it?

Mr. Pollak: I want to be precise about the outcome of the investigation by the House Ethics Committee. I've got in my library materials respecting its hearing on Geraldine Ferraro. [Finds some materials] This is a report of the House Committee on Standards of Official Conduct, December 4, 1984, a good month after the election. The volume runs 795 pages. The Washington Legal Foundation was the first to make the charge against Gerry that kicked it all off.

Mr. Schultz: Is this the report here?

Mr. Pollak: Yes. Looking at pages 28-29 of the report, there were two conclusions. One was that “Representative Ferraro either failed to disclose or incorrectly disclosed a significant number of items relevant to her total financial concerns. As a result, approximately ten of the allegations in the WLF [Washington Legal Foundation] complaint are sustained.” The second was that “Representative Ferraro did not meet three standards necessary for claiming the exemption from disclosure of her husband’s financial interests. Her inability to successfully claim the exemption centered on the benefit she has received from her husband’s financial activities. The preceding pages of this report identify many items which would be characterized as the financial interests of John Zaccaro. Maintenance of the Forest Hills home, education of the children, and the purchase of vacation properties are three examples of expenses covered with John Zaccaro’s financial resources.” The report goes on: “The Committee wishes to weigh at least two considerations which reflect favorably on Representative Ferraro’s position in matters relating to the WLF complaint. First, no information received by the Committee staff in the course of this investigation indicates a deceptive intent on the part of Representative Ferraro. Instead, all facts point to error, oversight, and misinterpretation as reason for the incomplete disclosures. Second, the Congresswoman has amended her 1978 through 1983 disclosure statements to include nearly all of the information originally omitted or misreported. While these amendments do not cure the alleged violations of House Rule XLIV (as concluded in Section V of this report), the fact of their filing may indicate the

Congresswoman’s willingness to make full disclosure.” The Committee then says it’s faced with determining the appropriate action. The Congress was adjourned so the full House was unable to take formal action. The Committee determined what it would have recommended to the House had the House been in session: The report relates that the staff recommends that “the Committee conclude with regard to the errors and omissions alleged in the WLF complaint that Representative Ferraro has committed violations of House Rule XLIV constituting a technical violation. A technical violation is a determination made available to the Committee pursuant to Rule 17(c)(2). It carries no recommendation for action when a report of such finding is made to the House.” The report was approved by the Committee by a vote of ten to two. We thought that was a good outcome.

Mr. Schultz: I can see that. So what happened to Geraldine Ferraro?

Mr. Pollak: Well, her husband kept practicing real estate – he’s not a lawyer – he continued his real estate business at 218 Lafayette Street, New York City, and Geraldine went into a law firm. She wrote a couple of books and practiced law, and I think she’s now retired. She has been battling cancer.

Mr. Schultz: Any other thoughts on this representation?

Mr. Pollak: I worked on it with at least three outstanding partners of mine, Tony Lapham, Wendy White, and John Rich, and we gave the representation the best we had. It was mired in financial documents, real estate transactions, there was a “guys and dolls” cast of people in New York who had roles: investors, real estate agents,

accountants. They all were interviewed by the FBI or gave depositions. It really had a life of its own. Gerry and John became friends of ours. They were very appreciative of our work. It was another rewarding experience.

Mr. Schultz: You were in a small firm then, Shea & Gardner.

Mr. Pollak: Yes. When I joined Shea & Gardner in 1969, it was probably 19 lawyers. It grew incrementally. Maybe it was 30 when I represented Gerry and John.

Mr. Schultz: And now you're in a large firm?

Mr. Pollak: Right.

Mr. Schultz: And of course law practice has changed, it's much more focused on profit.

Mr. Pollak: It's also become much more specialized. I considered that I was well-qualified to handle these representations, but I was not engaged in the practice of representing persons under criminal investigation.

Mr. Schultz: It's true, criminal investigations, federal election law, real estate law, accounting, all the areas that you certainly hadn't specialized in.

Mr. Pollak: No, but apprenticing with Gerhard Gesell and attending Yale Law School and serving in the Department of Justice were adequate preparation.

Mr. Schultz: What I was getting at is, I mean these are obviously very high profile, very interesting cases that any lawyer would be flattered to be able to do one of them, but do you think in a large law firm today a lawyer would be able to do these cases at the fees you were or were not being paid?

Mr. Pollak: I think there would be questions raised. There were no questions raised in my firm. Frank Shea had been an Assistant Attorney General, he had been on

Justice Jackson's staff at Nuremberg; Warner Gardner had been Solicitor of Interior and Labor and held other high positions in the federal government. They believed in public service. I think we all thought that a lawyer who is asked to take on representation of public servants has an obligation to respond. Not an obligation to respond without fee, but astronomical fees were really not in the cards for any of these people. They didn't have that kind of money. Ferraro and Zaccaro were not wealthy. One of the things that was fun was to see the family trying to cope with the mother being a candidate for Vice President.

Mr. Schultz: It came kind of fast on her, didn't it?

Mr. Pollak: Right. It did.

Mr. Schultz: It sounds like your firm not only went along, they were probably delighted that the firm was associated with this kind of work.

Mr. Pollak: I hope so. They at least never complained to me. And I felt good about it. I thought it was a great opportunity.

Mr. Schultz: Sounds great.

Mr. Pollak: Want to close it up?

Mr. Schultz: Probably a good stopping place. Three pretty interesting matters.