

Oral History of Judge Thomas Penfield Jackson
Myles V. Lynk, Esquire, Interviewer
Second Interview - April 26, 1995

MR. LYNK: Judge, when we were last together, you had talked about how, after your service in the Navy, you had picked up your life after that and pursued what for you had been a long-term interest in following your father into the law. Would you talk a little about that?

JUDGE JACKSON: Well, of course, finishing law school, I had to decide where I was going to go to work and, of course, the conventional learning in those days, and it may be still, is that it's not generally a good idea for father and son to practice law in the same law firm. And with that in mind, I had to give some serious thought as to whether or not I would want to come back with the family firm. And, ultimately, I resolved the issue in favor of coming back and joining the family firm.

MR. LYNK: Now, you had clerked there during your summers at law school?

JUDGE JACKSON: Yes, yes I had. The considerations against, of course, were all the considerations having to do with not going into a firm in which your father was a dominant senior partner. But, counterbalanced against that were a number of considerations, one of which was that I knew the firm because I had clerked there, I knew the sort of law that they practiced and knew that I would be, if I came to the firm, doing the things that I would like to do. Not the least of which was getting into court early and often. I have always wanted to return to Washington to live, so I didn't want to look at firms other than in Washington. And finally, it was a small firm where there would very likely not be much in the way of jealousy on the part of other people in the firm. I really had no immediate contemporaries as an associate. I fit right

at the very bottom of the pecking order. There wasn't anybody who had any worries about my being favored. Finally, the firm, I think, did something very smart. They assigned me to one of the other partners as my mentor and I did not, for a number of years, work with my dad at all. I was assigned to work under the tutelage of John Laskey whose specialty was at that time defense of medical malpractice cases, and so I worked under John and got probably as good a grounding in how to become a trial lawyer as I could possibly have. John was a very experienced, very able, very well-respected trial lawyer and I discovered that I was utterly fascinated with the business of learning medical law. I very much enjoyed getting into the mental mode of thinking, if you will, of a co-profession that was at least as sophisticated as the law in terms of its intellectual rigors and learning how to think like a doctor, which you have to do in order to handle these cases. I found it to be an absolutely fascinating experience.

MR. LYNK: Today we often hear of tensions between the medical profession and the legal profession, just because many lawyers sue doctors. Was that true when you were practicing law?

JUDGE JACKSON: I think less so then than it is today, and there are a number of reasons for that, the major one I would ascribe to being the rise of the professional expert witness who, for one reason for another, has decided that he is willing to make his living testifying against his professional colleagues. There were fewer of those in those days. Of course, that was referred to by the plaintiffs' bar as the "conspiracy of silence," and I think there was an element of that in it, but most physicians of my acquaintance, and I've met a number of them, would have been perfectly willing to testify against a colleague if they thought the man or woman was a malpractitioner – had in fact been negligent. But so often these cases are not

attributable to any dereliction. Certainly a dereliction of a major proportion on the part of the physician. They just happen to be poor outcomes or adventitious mishaps that cannot be laid at the feet of the attending physician, or for that matter, the hospital. And so there were a number of physicians that I knew who, of course, were willing to testify against colleagues if they found meritorious cases. And it was interesting to me that they did. The best of the plaintiffs' lawyers invariably did not bring cases unless they had a reputable physician to testify for them. And in those cases in which a reputable practitioner, and not a professional witness, was prepared to implicate his colleague in malpractice usually settled – almost always settled. In any event, I think that the rise of the expert witness – professional expert witnesses – has increased the antipathy. That and the absolutely exorbitant verdicts that have been rendered. An interesting footnote to that, I think, is that while most physicians in the days when I began practice were resigned, but reluctantly so, to having to participate even in the defense of a case – their own or someone else's – it was a distraction from their professional activities. My impression was that the very best of those physicians, once they got into the case, became fascinated with the law, and they began to think of trial strategy and they began to think of various theories on which the case could be brought. I'd have the best of the doctors that I've defended writing me notes about questions to be asked to opposing experts and things of that nature. And once they got involved in it – once they had become intellectually absorbed in the business of litigation – they very often were available thereafter as expert witnesses for either side in appropriate cases, and no longer felt the antipathy that they had had at the outset.

MR. LYNK: How long did you work with Mr. Laskey primarily?

JUDGE JACKSON: I probably worked under his tutelage until about I guess

1970 or '72.

MR. LYNK: And that would have begun in 196 —

JUDGE JACKSON: Well, '64 was when I left law school. Right. I became a partner in 1967 and becoming a partner in a small firm which was then probably about 12 lawyers, was not nearly the big event that it is in big firms. It was just the ordinary rate of progression. But even as a young partner I operated very much under the tutelage of John Laskey.

MR. LYNK: Were there any other lawyers there during that period that you worked closely with that you can recall?

JUDGE JACKSON: Not really. Most of the work that I did was under John Laskey and then, of course, I began to bring in a few cases on my own. I did three or four plaintiff's cases on my own, but really so long as I was in an instructional mode I was working under John Laskey.

MR. LYNK: And then in 1972?

JUDGE JACKSON: Well, the early 1970s. I more or less began to take over what had been John Laskey's practice. I was regarded able to do so and John was in the process of retiring to go to Florida and I was fortunate in having the major insurance carriers and the major hospitals we represented willing to look to me as the heir to John's practice and to continue to employ our firm to do that. So by that time I had younger lawyers working under me.

MR. LYNK: In terms of the major — can you give me a sense of the hospitals that were your clients, for example, in this area?

JUDGE JACKSON: It varied from time to time and it became — well let me put

it this way – we represented at one time or another and for considerable periods of time, the Washington Hospital Center, Sibley, Georgetown, Greater Southeast, Capitol Hill, the old Doctors Hospital. And from time-to-time when other counsel for various hospitals or physicians had conflicts, we would represent physicians from George Washington and I think we represented the Seventh Day Adventist Hospital on occasion.

MR. LYNK: What was the firm's name at this time?

JUDGE JACKSON: It was then Jackson, Gray and Laskey. And the firm was a successor, if you will, to a firm that had begun during the last half of the preceding century called Brandenburg & Brandenburg and occupied offices in the old National Savings and Trust Company Building, that big red brick building with a spire on the top, at the corner of 15th & New York Avenue.

MR. LYNK: I know it well. Our offices are a few blocks down.

JUDGE JACKSON: It's a wonderful building. And my dad had started there as an associate at Brandenburg & Brandenburg back when he finished law school.

MR. LYNK: Now, did you ever do any work with your dad, after, say in the early '70s or in the '70s at all.

JUDGE JACKSON: Toward the end of the '80s or rather the end of the '70s, I began to work with him on one of his major clients which was the American Land Title Association. I also did work on – a fair amount of work as a matter of fact – not strictly under his direction, but after having acquired a certain amount of expertise on my own, handling cases on my own, for various title insurance carriers. I did work for what was known as District Realty Title Insurance Corporation, the old Lawyers Title Company, later on for Chicago. Most of that

being litigation arising out of real estate transactions, either transactions being directly settled by the title insurers – these title underwriters – or claims on title policies. My father had become, over the years, quite expert in the field and he was recognized, I think, nationally, as an expert in title insurance, and ultimately became General Counsel of the American Land Title Association, which is the trade association for all title insurance underwriters and at the time all title agencies, not qualified to write insurance, but nevertheless doing title searches and making settlements of real estate transactions. A good deal of the activity in those days for the title companies had to do – and for the land title agencies – had to do with the assaults by the organized bar on the title insurance industry as being engaged in the unauthorized practice of law. And all over the country, various state bars were claiming that to make real estate settlements, to record title instruments, and to advise on real estate transactions was, in fact, the exclusive province of the legal profession. So, periodically we would be confronted with one of the members of the American Land Title Association being sued for the unauthorized practice of law and —

MR. LYNK: Here in D.C. or around the country?

JUDGE JACKSON: Around the country. Usually it would be handled by local counsel, but we would be advising on strategy in meeting the suit.

MR. LYNK: It's interesting, because here in the District I chaired the Clients' Security Fund of the D.C. Bar some years ago where a lot of – in the boom '80s – a lot of lawyers did get involved in doing it and were not really prepared to do it —

JUDGE JACKSON: And went south, too —

MR. LYNK: And went south with their client's money and we had to —

JUDGE JACKSON: That was a perennial problem for the title insurance

companies. The title insurance companies were very ambivalent about lawyers. Title insurance companies, on the one hand, knew that they could do in-house, using paralegals or the equivalent, virtually everything that the real estate settlement lawyers were doing. On the other hand, the real estate settlement lawyers were an enormous source of business and would develop relationships with title insurance underwriters in which they would send major clients to these title insurance companies who made a fair amount of money on these people. The upshot of it was that the title insurance companies would appoint a lawyer, particularly in the suburbs – I think at all times in the city the insurance underwriters did most of the real estate settlement work – but in the suburbs in particular, and that's where the big development was occurring in the '70s and '80s, they would appoint lawyers as agents for these title companies. Some of them were well established and very reputable practitioners who developed practices given over exclusively to real estate settlement work and they were, in effect, factories for making settlements with their lawyers doing 10, 12, 14 settlements a day and millions and millions of dollars in their escrow accounts at any given time. But they had been appointed agents for the title insurance companies and they were, as agents, authorized to issue title binders and thereafter to pronounce on title, the state of title, and to certify title to the title company which would then issue a policy on their certification. So they were in a principal-agent relationship and occasionally the less established of these practitioners were tempted, and in most cases, succumbed, to the temptation to take this big escrow account and apply it to their own ends. Then the title companies would be sued as principals for an agent to recover this money. And lots and lots of money was involved. These were big sums of money that these people had. The standard technique was to accept a lump sum payoff of a seller's mortgage by the new mortgagee of the buyer of a house, hold onto it in

the escrow account, without ever releasing the mortgage, and then make monthly – just keep up the monthly payments on the mortgage with the mortgage then placed on for the purchaser of the house being, in effect, the second mortgage.

MR. LYNK: That's interesting.

JUDGE JACKSON: That generated a lot of litigation and I got to do that. I think by this time my father was spending more time working on national title insurance problems and so I was available and was able to do it, so I took over the representation of individual title companies. There were other partners in the firm who did the same thing. Ben Dulaney, who joined the firm when our firm merged with Ed Campbell's firm, Douglas, Obear, & Campbell, which would have been in the mid-1970s.

MR. LYNK: Okay. Is that when the name became Jackson & Campbell?

JUDGE JACKSON: No. It only recently became Jackson & Campbell. It's been through a number of others, and I'm thankful that they've now settled on an institutional name. It was a – an earlier merger had been with the law firm of the late Roger Robb, a circuit judge here. His firm was Robb, Porter, Kistler & Parkinson, I think, and when Roger Robb went on the bench, we merged with the remainder of that firm, the major partners of which were Ken Parkinson and Don Kistler. For a time after the firm was Jackson, Gray & Laskey, it became Jackson, Laskey & Parkinson and I think that was its last formulation. No, it was Jackson, Laskey & Parkinson and then when we merged with Campbell's firm, it was Jackson, Campbell & Parkinson and ultimately they decided that they were going to go to a two-name institutional name, and it's now Jackson & Campbell, and I think that's where it's going to stay.

MR. LYNK: Now, throughout the decade of the '70s the firm was growing in

size through the mergers and I gather through new hires.

JUDGE JACKSON: Not vastly. At the time I went on the bench in 1982, I don't think we had more than 20 lawyers.

MR. LYNK: Okay.

JUDGE JACKSON: It was still a very small firm.

MR. LYNK: And I gather you enjoyed that collegiality?

JUDGE JACKSON: Oh, yeah. There were, as there invariably are, differences as to what firm policy ought to be and differences as to who was being compensated in accordance with his true worth. But, by and large, it was a very friendly organization and we were all social friends as well as law partners.

MR. LYNK: And your practice was growing, as you described. And you were also growing in terms of your involvement in the community. You weren't just someone who was buried in the office all day, all the time.

JUDGE JACKSON: That's true. Our firm has always believed that it was important to be involved in professional activities. John Laskey had been a president of the Bar Association. That was when the Bar Association was *the* lawyers organization. My dad had been president of the Bar Association. And everybody in the firm had always been very active in the Bar Association – in bar matters; bar matters then being really primarily conducted by the Bar Association. There was no D.C. Bar. That, in and of itself, is a story. I worked my way up from the bottom ranks in the Young Lawyers Section, which was then called the “Junior Bar.”

MR. LYNK: I think I like Young Lawyers Section.

JUDGE JACKSON: Me, too. But the Junior Bar was a very respected

organization. We regularly won the national competition conducted by the ABA every year, and I got in the route of progression and worked my way up and was ultimately – I think it was in '71-'72, that I was the chair of the Young Lawyers Section. I think that's when it was, '71-'72. That's the plaque we won from the ABA for being the best large city's Young Lawyers Section in the country.

MR. LYNK: Well done.

JUDGE JACKSON: I'm still very proud of that. We worked very hard on that.

MR. LYNK: You said that – I'm curious – I guess the D.C. Bar right around that time would have been created, or was in the process of being created?

JUDGE JACKSON: It was in the process, and the irony of the situation, and I'm going to give you my version of it – others may have different recollections of it – but the irony of it was that the D.C. Bar originated with the Young Lawyers Section of the Bar Association. Many years before it became a reality, George Carneal who is a partner at Hogan & Hartson, I'm sure one of their senior partners and possibly retired now, I don't know; but George Carneal as a very young lawyer had chaired a committee of the Junior Bar which had studied the idea of a unified bar as it had been manifested in other jurisdictions and had written a report and recommended that something like that be adopted in the District of Columbia.

MR. LYNK: What does the term “unified” mean in that context?

JUDGE JACKSON: Compulsory. All lawyers must belong. And the primary justification was to establish a mechanism for the administration of discipline and to control admissions and all of the other attributes that an organization which is mandatory can exact from its membership. And the idea grew in – I don't want to say popularity – but in acceptability

because the Bar Association, being voluntary, really had very little control over the profession as such. And although it spoke for what was then the organized bar in the city of Washington, its membership was probably less than a majority of the lawyers in the city. And was to a certain extent, and this was part of its loss of position, was thought of as being rather a closed club – sort of an “old boys” network in which the committee chairmen of last year nominated the committee chairmen for next year, and the president who had been the committee chairman the year before that made the appointment. So very few people were accepted as new blood for the organization. In any event, there grew up a number of organizations of lawyers in the city who were not part of the Bar Association circle. I can think of the Lawyers’ Committee for Civil Rights Under Law. And even if they were not organized, there was a substantial resentment on the part of lawyers and, unfortunately, in some of the major and most reputable firms who resented the dominion that the Bar Association was exercising over its position as the spokesman for the organized bar who resented its purporting to speak for the organized bar when very often the positions it was taking were not in accord with what a lot of these other people believed and they simply lay in wait. The Bar Association decided – I can't give you the dates, but the years would be, I think, in the mid-1970s, and I guess maybe the late 1960s, early 1970s, the Bar Association had reached the point where it concluded that a unified bar would really be a good idea, with the power to discipline miscreant lawyers, the power to really speak for the whole bar for all lawyers rather than simply those who were members of the association, was attractive to it; and so it established a committee to create an organization known as the unified bar. I'm trying to remember who was the chair – the chair of the committee was – I'll think of it in time. (Albert Brault, Sr.) But he was one of the old boys of the Bar Association, a senior partner of a small, prominent, local firm, and

I was on his committee as a draftsman of the first rules of the first charter for the unified bar and a date was established for the — [End of side A of tape.]

JUDGE JACKSON: It was assumed all along, why I do not know, but it was assumed all along, by all of the members of the association involved in the creation of the unified bar, that the Bar Association would simply metamorphose into the unified bar, that the president of the unified bar would be the president of the Bar Association and it would simply be a transformation in, virtually in name only, from Bar Association to unified bar. Well, all of the people who had for many years been resenting the Bar Association and its arrogance in purporting to speak for all lawyers got together and the organizational meeting was scheduled to be held at the Mayflower Hotel. And the dissidents, if you will, staged an absolutely masterful *coup d'etat*. They packed the house with non-Bar Association lawyers and just ran roughshod over the proceedings, took it over, and, from that point forward have never looked back. It really became an organization which put the Bar Association in a very poor second place to the unified bar. And, really, as I think most people would acknowledge today, has done a very good job by-and-large; with some digressions it has fulfilled all of the expectations of it as the organization of the legal profession in the city of Washington, leaving the voluntary bar, the Bar Association, really with not that much of a function of its own. It can't even pretend to be a specialized bar such as the Women's Bar or the Washington Bar Association. It has no particular constituency other than the people who continue to enjoy the comradery of the voluntary bar association.

MR. LYNK: I was just going to say, and yet it continues, its —

JUDGE JACKSON: It does and —

MR. LYNK: — and it's Young Lawyers Section is still — is vigorous and vital.

That's incredible.

JUDGE JACKSON: Yes. The Young Lawyers Section has been the jewel in the crown of the Bar Association. But it has from the very beginning. It's got a marvelous tradition and continues to do splendid work. I don't know how the whole story is going to play out. I have, from time to time, thought that a merger of the Bar Association and the unified bar would be very much in the interests of both organizations because if the Bar Association were, for example, to become a section of the unified bar representing local practitioners, as opposed to those whose practice is national, it could then, if it preserved sufficient autonomy, speak out on public issues —

MR. LYNK: That's right —

JUDGE JACKSON: — which it does today, but would be speaking, in effect, for the whole organization. Its freedom to lobby, if you will, I think could be very much to the benefit of the unified bar, the D.C. Bar; the quid pro quo for the D.C. Bar would be to get this Young Lawyers Section, which is absolutely dynamite in terms of doing good work.

MR. LYNK: That's right. They still do —

JUDGE JACKSON: — but there's enough resistance in both organizations so that I don't think it's ever going to come to pass in my lifetime.

MR. LYNK: Judge, how are we for time?

JUDGE JACKSON: I'm going to start trial at ten o'clock, but —

MR. LYNK: Okay.

JUDGE JACKSON: How about you?

MR. LYNK: No, I'm fine. In the '70s your practice was growing, you were very

active in the Bar Association. I remember when we talked before about your early years in Washington as a student and your perception of the city and its environs as a very comfortable, not as urbanized a place as it later became. Now you've spent a number of years in New England, at sea, you've come back to Washington in '64 to practice full-time. Are you living in the city or do you live in Montgomery County at this point?

JUDGE JACKSON: Right now?

MR. LYNK: No, no, I mean in the '70s.

JUDGE JACKSON: Oh, we were living in Montgomery County.

MR. LYNK: And you were also getting involved in sort of extra curricular activities in Montgomery County?

JUDGE JACKSON: Not really.

MR. LYNK: No really?

JUDGE JACKSON: No. My focus has always been in the city.

MR. LYNK: Okay. Were you involved in any sort of charitable or other types of activities?

JUDGE JACKSON: Well, the church that we regularly attended at the time was at Chevy Chase Circle, but it was just over the District line.

MR. LYNK: Was that All Saints' Episcopal?

JUDGE JACKSON: Yeah.

MR. LYNK: Okay.

JUDGE JACKSON: And I was on a vestry at All Saints' Church for a time. But that really was the extent of my suburban activity.

MR. LYNK: And, of course, I gather you were raising two children at that time?

JUDGE JACKSON: Yeah. They went to Chevy Chase Elementary School. But I was not particularly active in the – I didn't do anything with the PTA or anything with the school.

MR. LYNK: Now, home rule was coming to D.C. during this period, and we had talked earlier about the war years in Washington and your perception of that, and in the '50s, as a student in high school in '54. What was your perception of the city – of how it was changing, growing – the issues that were taking place around home rule and other matters in the '70s?

JUDGE JACKSON: Well, of course, these were the Vietnam War years.

MR. LYNK: Oh, that's right, and also the Vietnam War. And you as an ex-officer probably had some strong views at that time.

JUDGE JACKSON: I probably would have been described as a hawk at the time. I was convinced, and I would argue at cocktail parties that the president has got to know what he's doing, and he knows things about this that we don't know and we're not being told about it. So, I think we have to trust our president to lead us in the right direction, which is a whole 'nother story. Of course, there were the assassinations of Bobby Kennedy and Martin Luther King, and the riots in the city. It was a city in turmoil, there's no question about it.

MR. LYNK: Now, were you here in the city during the riots of '68?

JUDGE JACKSON: Oh yes, yes. I remember looking out an office window at 17th and K and seeing pillars of smoke rising a few blocks over to the east. I remember seeing armed troops on the street corner armed with combat rifles. Very unsettling experience. I

remember when the emergency call went out to all lawyers to come down and represent rioters who had been arrested, and were being arraigned in droves in Superior Court. We mounted a Young Lawyers Section effort to put together defense teams for these people. I represented a couple myself. So the city was very much in flux at that time, there's no question about it, and I think that the riots, of course, marked the inevitable eventuality of home rule.

MR. LYNK: Many people can discern real changes in their lives or in their perceptions of the life of the city along the fault line of the riot. There is before-the-riot and then there's after-the-riot. How do you think the riot affected you or changed your perceptions?

JUDGE JACKSON: I think for me, it was only indirectly. It affected the lives of the people who were involved intimately in the affairs of the city much more directly. My life was a professional life and the Bar Association – well my life was really primarily professional, and as a young father raising two daughters, I don't think that I can say that it ever had any direct impact on me.

MR. LYNK: Did it affect how you perceived the future of Washington, or how perceived —

JUDGE JACKSON: At the time?

MR. LYNK: At the time. Try to put yourself back in '67, '68 and '69.

JUDGE JACKSON: I think it contributed to a sense of unease that things were coming apart, that order was breaking down. But that was as much attributable to the events of the Vietnam War as it was to what was going on in the city in terms of the turmoil here. Of course, those were the years of the sexual revolution, too. Those of us in my generation were sitting around thinking, shucks, we missed the whole thing. (Laughter.)

MR. LYNK: Vietnam obviously was another fault line.

JUDGE JACKSON: No question about it.

MR. LYNK: Were you involved in any active way in either the defense, or in your case —

JUDGE JACKSON: Not really, although looking back on it, I can see that I was certainly in line for it. If I had been five years younger and had followed the same career path I probably would have gone to Vietnam.

MR. LYNK: Were you still on reserve status at that time?

JUDGE JACKSON: I was an inactive reservist at the time. I hadn't been busted out yet. If you don't do things as a reservist they throw you out. Eventually, since I had done nothing in the way of reserve activity, they wrote me, "Thanks, good luck, Lieutenant, we'll see you later." I love the story that Kennedy used to tell about when he was President. He got one of these form letters from his Secretary of the Navy which said, "Lieutenant Commander Kennedy, you have obviously not kept up with your naval service, so we are dismissing you from the Naval Reserve and you should know that, notwithstanding your failure to succeed as a naval officer, many former naval officers have gone on to successful lives, so please don't despair."

(Laughter.)

MR. LYNK: That's the kind of letter you pray —

JUDGE JACKSON: One of the wonderful things about Kennedy was his sense of humor; he had an absolutely splendid sense of humor, and you can still chortle about his felicity at making a good joke, and a joke of himself, yes. He may have had other flaws, but he certainly had a very good sense of who he was and had a good sense of humor. Let's see, that

was apropos of what we were talking about.

MR. LYNK: We were getting a sense of flux, turmoil, changes going on in the city in the late '60s, early '70s as you were getting established —

JUDGE JACKSON: Well, they were and, of course, at that time, Watergate descended upon us and that was a major watershed in my life. That would have been the summer of 1971, I guess, when the break-in was first reported, and I got a call from Ken Parkinson who said, “We have just been asked to represent the Committee for the Re-election of the President in a civil suit that Ed Williams had just filed on behalf of the Democratic National Committee. How do you feel about it?” Of course, at that time, it looked to me to be enormously exciting and a dramatic case with the chance for a lot of public exposure.

MR. LYNK: Now, had you been involved in Republican politics at that time?

JUDGE JACKSON: I had been a Republican precinct chairman in Chevy Chase which really simply involved the passing out of literature and campaign envelopes, and walking around at the polls. But that was all that I had done. And I was not a very good precinct chairman, unfortunately. (Laughter.)

MR. LYNK: I don't believe that.

JUDGE JACKSON: It's true, it really is. But, certainly my activities as a precinct chairman had nothing to do with our getting the *Watergate* case, I think, or our piece of the *Watergate* case. That came, I think, through a recommendation from Roger Robb, who was then on the court of appeals, and at some point somebody in the Republican hierarchy – Roger Robb had represented Barry Goldwater, for example – I think somebody in the Republican hierarchy somewhere said, “Well, we ought to ask Roger Robb who we ought to get to defend

this lawsuit,” and Roger mentioned his old partner, Ken Parkinson – his old junior partner. And so, we were retained to represent the Committee for the Re-election of the President. That incidently coincided with the year that I was the chair of the Young Lawyers Section. So, it was the busiest year of my entire life. As things played out, it turned out to be a very traumatic time for us.

MR. LYNK: Can you talk about that, was it you and Ken Parkinson basically leading the team at your firm? Were there other lawyers involved?

JUDGE JACKSON: Well, all of us, at one time or another, save for my dad who was very chary about the whole thing from the word go, and John Laskey who was in the process of leaving the firm, I think, at that time or thinking about it, got involved. Certainly all the younger lawyers would get bits and pieces of things to do. Ken was undoubtedly the lead lawyer in the case. I was, I guess, his principal assistant. But, Ken, to his great sorrow I think, got much more involved in strategizing with the people from the Committee for the Re-election of the President and meetings with John Dean and with the officials of CREEP, which left me to do most of the courtroom work. So, whenever there was a motion to be filed or argued or whatnot, I was usually the one who went to court and did that. I think probably I developed something of a reputation, a favorable reputation in doing that. It was high profile stuff at the time. I think I did it creditably. Of course, as the situation played out – I can tell you at the outset, I certainly believed and I have no reason to think that Ken Parkinson didn't believe that this whole Watergate operation had been done by the CIA. This was, of course, at the height of the dissent over the Vietnam War, and there was a lot of suspicion of the government. Others had been, if not in complicity with those who opposed the war – well – there was a lot of suspicion around in all directions, I guess, at the time. But, it really stayed with me for a long

time that I was not being told what was going on because I didn't need to know it. But that it was done lawfully and properly by the authorities of the U.S. government and that it was simply my job to go ahead and defend the lawsuit as best as I was able and that I didn't have to be told all of the details of the whole thing. As it turned out, we were all hoodwinked and I still resent that to this day. I went to the deposition – you can see on the wall behind you under the picture of my law clerks there – there's a picture of Ken Parkinson, John Mitchell, and me in route to John Mitchell's deposition in Williams' office. I was there when Ed Williams said to John Mitchell, having been first duly sworn, "Mr. Mitchell, did you have any advance knowledge of the Watergate break in?" To which, John Mitchell, former Attorney General of the United States said, "I did not." That was enough for me, I believed my client. As it turned out, we were all deceived. But, I started to tell you, when I first began to get misgivings—serious misgivings about the rectitude of the client we were representing – I don't know whether you remember a young man by the name of Egil Krogh, "Bud" Krogh?

MR. LYNK: Oh, yes, Bud Krogh.

JUDGE JACKSON: He had been a White House functionary under Haldeman, I guess, or Erlichman, or somebody. And, in a little backwater proceeding of the Watergate affair, Egil Krogh, young lawyer, eagle scout, young father, model citizen pled guilty to a felony and was sentenced to prison. I thought, the president can't let this happen to this young man. If this is truly on the up-and-up, how can the president let this young man suffer this? He's going to lose his license to practice law, he's going to go to prison with young children. What is going on here? And I think from that point forward, I was very chary of the client we were representing and, of course, ultimately, as we all know, it turned out that they were not very reputable people.

MR. LYNK: Judge, why don't we stop on that note to be continued.

JUDGE JACKSON: Okay.