

Oral History of William H. Jeffress, Jr.

Third Interview – August 23, 2011

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 William H. Jeffress, Jr. The interviewer is Professor Angela J. Campbell. The interview took place at Georgetown Law.

PROF. CAMPBELL: It is already August 23. Last time we had finished talking about your clerkships. You said you had a lot to say about your time at Miller Cassidy. So unless there is something you want to add from last time, we can just get started with that.

MR. JEFFRESS: No, I'm amazed at how long I've talked already, and I'm not even to my practice of law. So, I think when we left off, I left my clerkship with Justice Stewart and joined what was then a six-lawyer firm—Miller, Cassidy, Larroca & Lewin.

PROF. CAMPBELL: So four of them were the named partners?

MR. JEFFRESS: The four of them were the named partners, and there were two other former Supreme Court law clerks, both of whom were friends of mine.

PROF. CAMPBELL: And who were they?

MR. JEFFRESS: Bob McLean, who left not long after I started to move back home to Chicago. He became the managing partner of Sidley and Austin. He unfortunately died about eight or ten years ago. And the other was Marty Minsker, who clerked for Justice Harlan. When Justice Harlan died, he had helped wind up Justice Harlan's affairs at the Court and then he had started with Miller Cassidy a few months before I did. So it was just the four plus those two. I was the seventh come to think of it.

It was a very interesting firm. Jack Miller had been head of the criminal division of the Justice Department under Bobby Kennedy. He had been president of the bar in D.C. and run for lieutenant governor of Maryland, unsuccessfully, as we were happy to note. He was a unique

fellow. He loved practicing law, loved people. He was a great leader of that firm and always was our inspiration.

The firm did almost entirely litigation. We were trial lawyers. The four named partners had served in the Justice Department at one time or another. We handled almost any kind of case. We didn't do divorce cases and we didn't do personal injury cases, but we did just about any other kind of litigation—small to large. Lots of interesting cases. Small enough cases where I, as a brand new lawyer, could walk into court on my own and argue the case, or take a deposition, or whatever. So it was a way to learn by getting my feet wet immediately, which is one thing that most attracted me to the firm.

When I started at Miller Cassidy I wanted to know whether I would like being a trial lawyer and whether I would be any good at it. You never know until you do it. If I didn't like it, or wasn't any good at it, I thought I would go teach at a law school somewhere. I had the credentials, what was then considered credentials, to teach. But I loved it from the beginning. I tried cases with Nat Lewin. Tried my first case on my own, I guess in 1974. Well, I did everything I could find. I was in small claims court. I did everything I could to get in court whether it was a paying case or not a paying case.

PROF. CAMPBELL: Are there some of those early cases that you particularly remember?

MR. JEFFRESS: Well yeah. Let's see. I had a friend from law school—the wife of a friend—she was a real estate agent in town, and she thought her employer had cheated her out of a commission for, I think it was \$10,000 or some small amount, relatively. And I said, sure, I'll handle it, and my fee if I win, will be dinner at the restaurant of my choice. I picked a restaurant

in San Francisco. Unfortunately, we lost the case before Judge Hannon in Superior Court. I told Mary it was because she was not a credible witness. (laughter)

PROF. CAMPBELL: Are you still friends?

MR. JEFFRESS: Yes, we're still good friends. And one of our clients was Ringling Brothers Barnum and Bailey Circus. I had a case against Abe Pollin when he built the Capital Centre out in Largo, Maryland, having to do with his breach of an agreement to allow the circus to play at Capital Centre on certain terms. When the agreement fell apart, he started producing his own circus. We had a Lanham Act claim that he was creating confusion between his circus and Ringling Brothers Barnum and Bailey. We had a preliminary injunction hearing before John Lewis Smith in District Court, which we won. Went up on appeal, we won.

During that time Ringling Brothers put on the circus here, and they had a number of complaints by people that they didn't get the seats they paid for or this, that and the other. I went into small claims court and represented them on that. It was really great—I got to see their headquarters in D.C. I met the lion trainer, Werner [Gunther Gebel-Williams]. Anyway it was a fascinating case.

We represented a company called Darling Delaware. You weren't here then, but back in the late 60s, early 70s, Darling Delaware ran a rendering plant on the Georgetown waterfront. And the stink was terrible throughout Georgetown. There would be days when all of Georgetown was affected. You had protests from senators and congressmen—get rid of this thing. And we defended them. The D.C. government had something called the “smell-o-meter,” or something like that, to prove this was a nuisance. We proved the smell-o-meter was not a scientific instrument. (laughter) To make a long story short, kept it open long enough that somebody had them to pay them a lot of money to go out of business.

I did another case for Darling Delaware where they picked up fat and bone at grocery stores that was cut off the meat, and transported it to make tallow for candles and other things, soap. The D.C. government started giving all their trucks tickets because they weren't covered. They said you're hauling garbage, and the D.C. Code requires a special license and covered trucks to haul garbage. Well, that would have meant a lot of money for them. [*Darling Delaware Corp. v. Dist. of Columbia*, 380 A.2d 596 (D.C. 1977)]

So I tried the case in Superior Court. The sole question was whether what they were hauling was garbage—the definition of garbage under the D.C. Code. So that was another of my famous cases. We won that case. (laughter) So that's an illustration of the just dozens of cases, fairly small cases.

But two years after I started, Nixon resigned. We had represented Richard Kleindienst in the Watergate stuff; represented Richard Moore, who was a White House advisor. Jack Miller had become known to Nixon through Moore. After Nixon resigned, within a week I believe, he hired us to represent him. Those were exciting days. There were a number of issues that he faced, one of which was, would he be indicted.

Immediately, we started meeting with Leon Jaworski, who was the Watergate special prosecutor. Did some work to try to show that it would have been impossible for Nixon to get a fair trial. We had some arguments that you cannot indict a former president for conduct while in office, but given that the impeachment clause says if somebody is impeached they can be prosecuted, we thought we would probably lose that argument. He resigned rather than be impeached but still—. For about thirty days we worked furiously night and day on the various issues presented. Another one was what happens to his tapes and papers.

PROF. CAMPBELL: Before you get to that, I remember reading an article about this where it basically said that Jack Miller was responsible for convincing Nixon to accept a pardon. Is that correct?

MR. JEFFRESS: Yes.

PROF. CAMPBELL: I don't know what your involvement was and how much you can say about it, but I think that would be very interesting.

MR. JEFFRESS: Well that's the third segment, it sort of follows this.

PROF. CAMPBELL: Okay, so let's keep it in your order.

MR. JEFFRESS: There were White House tapes that the special prosecutor was seeking to obtain and had obtained some, which led indirectly to his resignation. He had hundreds of thousands of papers in addition. By history and tradition, the White House papers of a president were considered his personal property. Lincoln's heirs actually had sold his papers for \$50,000, I think. George Washington's son had taken custody of his papers. There was a long history. That issue was more one of history than of law, because it had never been challenged. Marty Minsker, I remember, became the world's leading authority on the presidential papers.

As a practical matter, no one was going to let Nixon walk off with all his tapes and papers and destroy them. And that was a big issue between us and the White House and special prosecutor at the time.

Contemporaneously, Jack was talking to people in the White House, including the White House counsel, about a pardon and the wisdom of President Ford pardoning Nixon. Nixon was ill at the time, if you remember, he went to California and he had phlebitis. So Jack was back and forth between California and Washington quite a bit that month. The way things worked out

is that—I don't say Ford agreed to pardon Nixon—but he did make it clear that nothing would be done until this problem of the tapes and papers was solved.

We negotiated an agreement called the Nixon-Sampson Agreement [Sampson was head of the General Services Administration] to govern custody of Nixon's tapes and papers. Basically, it was a two-key system. The government would keep the tapes and papers, but access would require two keys: one, which we would hold as Nixon's attorneys, and one, which the government would hold. Nobody could have access without the permission of the other. We negotiated that, signed that, and the next day, Ford pardoned Nixon.

We had made various arguments, including some legal arguments, but mostly arguments about what is best for the country. Convinced Leon Jaworski. Although he never said anything in our presence or made any representation to us, it's clear from his book that he thought that was the best thing to do and signaled the White House that he had no objection to the pardon. And so the pardon occurred. And then a firestorm happened.

I think within a matter of days, Congress passed a law declaring the Nixon-Sampson Agreement invalid, taking sole control for the government of Nixon's tapes and papers, and stating in one provision of the law that if the court should determine that these are his personal property, he shall be compensated as provided in the Fifth Amendment for a taking. That led to two decades of litigation; more than two decades, twenty-five years I think.

PROF. CAMPBELL: Now that act was the Presidential Documents Act or something like that, do you remember the name?

MR. JEFFRESS: Yes, the Presidential Recordings and Materials Preservation Act. It was passed in 1974, shortly after the pardon. We first challenged that law and ultimately lost in

the Supreme Court. They said the government has provided that if you show they are your papers, you're entitled to compensation.

PROF. CAMPBELL: So this was brought as like a declaratory judgment? I have the case *Nixon v. Warner*, but that's not this case?

MR. JEFFRESS: No. I'll get to that one because I argued that one. *Nixon v. Administration of General Services*, [433 U.S. 425 (1977)] was to declare unconstitutional the law passed by Congress. We did that, I think, as an injunctive case, but probably declaratory as well. That zipped through the courts pretty quickly. We ultimately lost in the Supreme Court.

We then started a case seeking compensation for Nixon for the tapes and papers. Simultaneously, because the Act had provided that if there were personal and private documents among Nixon's papers, he was entitled to have them, there were hundreds of disputes with the government. At one point, the court ordered that the government excise the personal and private conversations from the tapes. The government archivist went all up in arms because you couldn't excise them without destroying the tapes. So all this went on. To make a long story short, because of all the litigation we had, all of the disputes with the government, the information became public later than it would have under the Nixon-Sampson Agreement. (chuckles) It would have expired after twenty-five years and all become public. There were different stages at which other stuff would become public. That litigation was unbelievable, and it lasted a long, long time.

PROF. CAMPBELL: Can you give some examples of some things that were disputed?

MR. JEFFRESS: Well, there would be conversations with his daughter, for example, that got recorded because this was a voice activated system. We said, "Well, a conversation with his daughter, you know we're entitled to that, so cut it out of the tape." "Well, we can't cut it out of

the tape because that will destroy the integrity of the tape.” That probably took five years to resolve those questions, and I forget even how we did it.

PROF. CAMPBELL: Maybe the technology got better by then.

MR. JEFFRESS: Probably, probably.

PROF. CAMPBELL: I do vaguely remember what a shock it was when it was discovered that he had been taping these conversations all along and I guess the technology was fairly new.

MR. JEFFRESS: Actually, Johnson had had the same system and there are a lot of his tapes that are available. But his was not voice activated, so it didn't pick up everything.

PROF. CAMPBELL: I see.

MR. JEFFRESS: And I think what happened with Nixon, it was voice activated and therefore, he would forget it was on and forget he was being taped. He never told me that, but it's possible.

Johnson, on the other hand, I think he had to flip a switch. There are lots of fascinating conversations that Johnson had that are available at the Archives. They published a disk with one of the biographies of Johnson. It's fascinating stuff. Johnson was quite a manipulator. You can see him manipulating people to get to where he wanted to be. Like in the 1964 murders of Goodman, Chaney and Schwerner down in Mississippi. Remember the Philadelphia, Mississippi, murders? He's on the phone constantly, trying to get information about that and motivate the FBI to get answers. You can hear him—he'll talk to one person and then another person will tell him something different. And he won't just say well look, I was just told something different. Instead, he'll let them dig themselves in, and then he'll say, well, let me tell

you something, I don't believe that you've done what you say you've done, because I happen to know blah-blah-blah. (laughter) But anyway, I digress on Johnson.

So, there was a lot of other litigation as well. Part of the litigation was requests or demands for Nixon's testimony—demands in the Watergate case, demands in the sort of sub-Watergate case, where Judge Gesell had the Ellsberg break-in case where Ehrlichman was a defendant, lots of others. For the most part, we were helped by the fact that Nixon was in bad health. Some we decided we could not successfully oppose, and others we opposed but were unsuccessful. The testimony was taken, I believe in every instance, out in California. And I didn't attend any of that. Jack did. Or Stan Mortenson, my partner.

PROF. CAMPBELL: Did you talk to Nixon personally about these matters?

MR. JEFFRESS: I did. Well, you say about these matters. I had one case that I handled personally. After the Watergate conspiracy trial—the Mitchell, Ehrlichman, Haldeman trial—the network news organizations and Warner Communications sought copies of the tapes that were played at the Watergate trial. They said there can't be any claim of privilege because they are public. I argued, first before Judge Gesell, who was assigned this matter, that when tapes are obtained by subpoena to do justice in a criminal case, the person from whom they are subpoenaed should not be subjected to their commercialization just from the fact that they happened to have become evidence in a criminal case. [*United States v. Mitchell*, 386 F. Supp 639 (D.D.C. 1975)]

I argued that; lost that in the D.C. Circuit. [*United States v. Mitchell*, 551 F.2d 1252 (D.C. Cir. 1976)] Filed a cert petition which was granted; and the Court, rather than resolving that question, decided that the Presidential Recordings Act sort of occupied the field here and controlled access to these tapes. And that if the networks were to obtain copies, they would have

to obtain them within the rules and procedures set by the Archives. [*Nixon v. Warner Communications*, 435 U.S. 589 (1978)] So that was the result. But it was exciting to argue a case in the Supreme Court—my client is Richard Nixon, and I’m thirty-two years old. So it was an exciting time.

PROF. CAMPBELL: But since this is for the D.C. Circuit Historical Society, do you remember what happened at the D.C. Circuit?

MR. JEFFRESS: Yes, I do.

PROF. CAMPBELL: Probably something you’ll never forget I imagine.

MR. JEFFRESS: Frankly, when we signed the Nixon-Sampson Agreement, a lawsuit was filed by some—I forget even who were the plaintiffs—citizens and maybe some congressmen to enjoin the Nixon-Sampson Agreement. And that was consolidated with *Nixon v. Sampson* [389 F. Supp. 107 (D.D.C. 1975)] and assigned to Judge Richey. As I mentioned before, Congress then passed a law invalidating the Nixon-Sampson Agreement. A three-judge court was required to rule on our lawsuit to declare that unconstitutional, with a direct appeal to the Supreme Court.

PROF. CAMPBELL: So that was in the Presidential Act, that provision for the [three-judge court]?

MR. JEFFRESS: No, that’s just a matter of law. We sued to declare that law unconstitutional and enjoin its enforcement. And under the law at that time, the three-judge court was necessary to consider the constitutionality of an act of Congress. And there was no dispute about that—a three-judge court was required. So that was assigned as a related case also to Judge Richey.

It soon became apparent to us that Judge Richey was not going to rule on the motion for a three-judge court. Instead he was going to proceed with the *Nixon v. Sampson* case, where he would be the only judge. And we worked Christmas Eve, Christmas Day, New Year's Eve, New Year's Day, we always had something due. While refusing to rule on the three-judge court, Judge Richey set a schedule in *Nixon v. Sampson* to enable him to rule in a matter of two weeks or something on the ownership of the tapes and papers. It was clear he was just itching to do that.

So we filed a petition for mandamus in the D.C. Circuit to require Richey to convene a three-judge court and to cease proceedings in *Nixon v. Sampson* and related cases where the news media had sued Sampson to enjoin the agreement. [Ed. Note: Judge Richey had three consolidated cases, *Nixon v. Sampson*, *Reporters Committee for Freedom of the Press*, and *Hellman v. Sampson*, see *Nixon v. Richey*, 513 F.2d at 433, n. 8.] We filed it in the afternoon and Judge Richey became aware of it. The clerk of the court of appeals called Judge Richey's chambers wanting to know how much time the Court had to consider this before he ruled in *Nixon v. Sampson*. He told the Court he was not going to rule today. So, at 2:00 in the morning, he got his staff in and ruled.

PROF. CAMPBELL: Oh my goodness.

MR. JEFFRESS: This is all set out in the opinion of the Court of Appeals. [*Nixon v. Richey*, 513 F.2d 430 (D.C. Cir. 1975)] I'm not making this up. They even had a time line when all this occurred, which is attached to the opinion.

We learned about it first thing in the morning and immediately went to the Court of Appeals before noon and asked that they rule on our petition for mandamus because Judge Richey had flouted the Court of Appeals by ruling at two o'clock in the morning. The Court of

Appeals had an argument on it. No, the first thing they did was they issued a temporary stay of his ruling. They then had an argument, I believe the next day.

I'll never forget that argument. Bill Dobrovir, who was a good lawyer, friend of mine, was representing Jack Anderson and he was arguing that "Look, there is no rush here. They are asking that you issue a mandamus. Just let the process play out, they can appeal Judge Richey's ruling" and so forth. Judge Wilkey leaned over the bench, he said "Well, Mr. Dobrovir, if there was no rush, why did Judge Richey rule at 2:00 o'clock in the morning?" (laughter) So anyway, they overturned his ruling—they stayed it, vacated it.

PROF. CAMPBELL: Now did you argue that case?

MR. JEFFRESS: No, Jack Miller was arguing these cases. I was working on them, and I was in court. So that was a fascinating period. And then we went on to a three-judge court; they ruled against us. [*Nixon v. Administrator of General Services*, 408 F. Supp. 321 (D.C. Cir. 1976)] That's what produced the Supreme Court ruling that upheld the congressional statute. [*Nixon v. Administrator of General Services*, 433 U.S. 425 (1977)]

Those were exciting days. I'll never forget that year—the end of the year 1974. I probably worked sixteen hours a day every day including Christmas and New Year's and everything else to meet those deadlines.

PROF. CAMPBELL: And you were a young father?

MR. JEFFRESS: I was a young father with three children.

PROF. CAMPBELL: How was that for your wife?

MR. JEFFRESS: Well she was excited too.

PROF. CAMPBELL: She knew you were making history.

MR. JEFFRESS: Oh sure.

PROF. CAMPBELL: Well okay. The case that I read was in the D.C. Circuit, Judge Bazelon wrote the opinion—

MR. JEFFRESS: Is that in *Warner Communications* or which one is that?

PROF. CAMPBELL: Oh yes, that's *Warner Communications*, never mind.

MR. JEFFRESS: That's the case I lost on the way to the Supreme Court.

PROF. CAMPBELL: Yes, okay.

MR. JEFFRESS: But the most fascinating case is the opinion of the D.C. Circuit on Judge Richey, on our petition for mandamus, where they append a time line (chuckles) of Judge Richey. [*Nixon v. Richey*, 513 F.2d 430, App. B (1975)]

So let's see. That Nixon litigation actually continued even after his death. We represented his estate in seeking compensation for the value of the tapes and papers. That again was fascinating because how do you put a value on Nixon's handwritten notes on a yellow pad of his Moral Majority speech? I mean it's invaluable; it's part of history. You just don't think of it as commercial.

That litigation stretched out. Judge Penn probably did us a favor. There was a motion in the litigation which he sat on for eight years; didn't rule; nothing happened in the litigation. And by the time that eight years was up, Nixon—I won't say he was rehabilitated—but the anger was gone. We were now in a different era altogether. We had Iran-Contra to worry about and so forth.

So, Judge Penn sat on it for a long time, finally ruled. We took it to the Court of Appeals, and they reversed and held that Nixon was entitled to compensation. [*Nixon v. United States*, 978 F.2d 1269 (D.C. Cir. 1992)] That was followed by a trial which went on for about three or four months. I believe in 2000, no, in 1999, and before the conclusion of the trial, we settled that

case with the government. They paid as I recall \$18 million or something, which is probably less than the value of the papers, but took into consideration that we might lose. Some of that money finally went to pay legal fees to Miller, Cassidy, Larocca & Lewin and some of it went to Nixon's estate. But the majority of it went to the Nixon Library to house and preserve many of his papers.

PROF. CAMPBELL: So the motion that Judge Penn was sitting on, I didn't quite understand what that was.

MR. JEFFRESS: I think it was a motion for summary judgment by the government; could have been a motion to dismiss. My memory doesn't serve me, but it was dispositive motion. [Ed. note: It was on cross-motions for summary judgment. *Nixon v. United States*, 782 F. Supp. 634 (D.D.C. 1991).]

As I say, that started in August of 1974, when we started representing Nixon and continued all the way until Miller Cassidy merged with Baker Botts in 2001. So it pretty much was the whole time. And always very interesting. So that was a big case, one big case to start with.

As far as my own career, sometime in 1974, I went to Louisiana to represent a company that was under investigation by the Antitrust Division—criminal investigation.

PROF. CAMPBELL: Before we get to Louisiana, did you want to talk more about the Warner Communications case, because I don't know that we actually finished that one.

MR. JEFFRESS: I think I talked about that last time, didn't I? I talked about Justice White and Justice Stewart. Anyway, what questions do you have about it?

PROF. CAMPBELL: I guess the question I have is really about the Presidential Recording Act. Not knowing that history, my question is, when I read the case, I was so surprised that the Supreme Court ruled on a ground that you didn't argue before the Court.

MR. JEFFRESS: Right.

PROF. CAMPBELL: It just struck me as very odd.

MR. JEFFRESS: I think they didn't want to reach the merits. It was very hard to make the argument from the language of the statute. The language of the statute—I can't remember exactly what it said at this point—but basically said this doesn't displace other rights on other grounds that persons may have. I think probably Congress had in mind subpoenas that other people might issue for some of the papers. But, it's not all that unusual to have a case in the Supreme Court that goes off on an issue that neither party really argued. Many times that's a matter of—not judicial restraint, that's the wrong word—but avoiding making rulings that the Court doesn't have to make and would rather not make. That's the way I always explain the majority in that case.

PROF. CAMPBELL: I guess the other question I had was why did President Nixon object so strongly when the tapes at issue I gather had actually been played in court and the transcripts had been released to the public? So why was this such an important issue for him?

MR. JEFFRESS: Warner Communications, for example, was going to produce a set of phonograph records, which is what we had back in those days, and maybe tapes as well, narrated by George C. Scott, of Nixon using all kinds of expletives and saying things that would have had a more intrusive impact on his privacy, on his psyche, than anything ever published in a transcript. And that was one of the major things we argued. I think every member of the Supreme Court agreed with me just from their own experience that it's a different order of

magnitude when you have videotape or audiotape of an individual than if you have somebody writing a book describing his conduct.

I remember what I thought was a brilliant argument by Edward Bennett Williams in the Supreme Court. He said “transcripts cannot give you the full meaning of what occurred.” For example, he said, “the transcripts are littered with the entry ‘u-h-hyphen-u-h.’ But a reader of the transcript doesn’t understand whether Nixon is saying uh-HUH or unh-unh or UNH-uh.” (Jeffress pronounces the word differently) (laughs) I thought it was a good argument.

But anyway, that’s why Nixon cared. That’s what was at stake really. I think that if Warner Communications had not come in with the idea of commercializing the tapes, it could have been different. And another thing that happened was Bill Dobrovir—and this got a lot of publicity—had a portion of one of the tapes under some sort of protective order. He made the mistake of playing them at a cocktail party, and that got out, and it was pretty offensive. So, had Warner Communications not come in with the idea of commercializing the tapes, I think I would have had a harder time in the Supreme Court. I don’t think they would have been as eager to find a way to keep the tapes out of the hands of the news organizations.

And what happened, the case in the D.C. Circuit you’ll notice is *Nixon v. NBC News* or something. Do you have the opinion? What’s the caption?

PROF. CAMPBELL: This is *United States v. John Mitchell* [551 F.2d 1252 (D.C. Cir. 1976)].

MR. JEFFRESS: Is that what the caption was? All right. But who were the applicants? So you see what happened was in the criminal case of *United States v. Mitchell*, we had an appeal of National Broadcasting Company, *et al.*, plus lots of other news organizations. [ABC, CBS, the Public Broadcasting System, and the Radio Television News Directors Association].

And then we had a separate petition by Warner Communications, which was going to commercialize the tapes. So when you are drafting a cert petition, I decided you can caption it anything you want. I called it *Nixon v. Warner Communications*. (chuckles) I didn't call it *Nixon v. NBC News*. I remember, oh gosh, what's his name, great First Amendment lawyer?

PROF. CAMPBELL: Floyd Abrams, I think was on the other side, right?

MR. JEFFRESS: Floyd Abrams. So Floyd, I think he called me up. And he said, "Look, what are you doing?" (pounds on the table) "This is not the caption, we're the appellants." (pounds again) And I said, "Well, you're one of the appellants, but I can call it what I want." "No you can't. We were the first appellant listed in the D.C. Circuit." I said, "Well Floyd, you know I filed the petition. I mean, if you want to do something to change the caption, that's up to you." He was furious. (laughter) For good reason. Believe me, it was not accidental that I called it *Nixon v. Warner Communications*.

PROF. CAMPBELL: Yeah, that's fascinating. I guess the other question I had was what was it like to have a former president as your client?

MR. JEFFRESS: Well, I'll tell you. Before August of 1974, I was agitating for Nixon's impeachment and had very little good to say about him as president. But from the day that we started representing him, I considered him very much an underdog. He had very few friends in the judiciary or in the country. Everything, the powers of all kinds of institutions, were arrayed against him. And that's just the kind of person I like to represent.

From the time we started representing him, I had nothing bad to say about him. I liked him as a person. He was always kind and considerate. I only met him once, but I talked to him on the phone several times. It was a thrill. Even though most of my friends didn't have any use

for Richard Nixon. One friend called me up and said, “Kleindienst, Nixon,” he says, “who’s your next client – Satan?” (laughter)

PROF. CAMPBELL: So you didn’t have any qualms about taking on this case?

MR. JEFFRESS: Oh, not a bit, no, not a bit. I was thrilled to do it. I don’t know this personally, but the story was that he had talked to a lawyer with another California-based, large firm, somebody he knew, about representing him. That lawyer had said, “Well, we’re going to have to take this through our firm’s executive committee, and we’ll need to iron out the problems and we’ll get back to you in a week.” And I think Nixon was a little taken aback by that. When Richard Moore called Jack Miller, Jack got all of the partners in Miller Cassidy in his office, and we decided in five minutes to do it.

PROF. CAMPBELL: So being a small firm gave you that flexibility?

MR. JEFFRESS: It helped. And we were excited to do it; really, we were excited to do it. Nat Lewin had written an article that had not yet been published calling—gosh, couldn’t have been calling for his impeachment because he already resigned. I forget what the article was—it may have been arguing that he should be indicted. Anyway, it was an article that, obviously if you were Nixon’s lawyer, you have no business writing. But he had written it, it was in the *New Republic*, and it had already been printed but hadn’t been released. It was released either the very day we announced we were going to represent Nixon or the next day. And that was something of an embarrassment. But, it couldn’t be helped. We didn’t do anything wrong. At Miller Cassidy, we had Republicans and Democrats, and we had people that liked Nixon and people that didn’t. But once we started representing him, there was no question. It was a thrill to do it, and it was an exciting adventure.

PROF. CAMPBELL: So, I guess I had interrupted you. You were talking about how you went down to Louisiana?

MR. JEFFRESS: Yeah, that does change the subject. In 1974, a friend of Jack Miller's in Louisiana, his wife's family, owned a bakery in Louisiana that was under investigation under the antitrust laws. Ultimately, that company was indicted. I had primarily handled the case.

PROF. CAMPBELL: So this was a criminal antitrust case, like price fixing?

MR. JEFFRESS: Price fixing. We got through motions, and the case was headed to trial. I was down there with my client and they said, "Who is going to try this case?" And I said, "Well, I'm sure Jack Miller will be happy to come try it." And they said, "We would be just as happy if you tried it," which I thought was a compliment. I was twenty-nine years old or something. I said I would love to do it. So I got to try my first criminal case as lead counsel when I was twenty-nine years old; maybe I had turned thirty by the time of the trial. And it was successful. That family became very close friends of mine, still are. Judge Reggie is the man's name who was the son-in-law of the owners of the bakery. He became my good friend and client in any number of things and referred cases to me and recommended me to other people. The result was that over a period of twenty years, maybe a little more, I tried nineteen criminal jury trials in the state of Louisiana, including cases in which I represented the Insurance Commissioner and the Commissioner of Natural Resources and a congressman and a judge and a number of businessmen. I was in three of the four trials of Edwin Edwards. (rumbling sounds) It's not raining; I don't know what it is.

PROF. CAMPBELL: It's like an earthquake. But they must be doing construction— (rumbling sounds get louder) Oh, my God! (other voices can be heard in the background)

MR. JEFFRESS: Had to be an earthquake, huh?

PROF. CAMPBELL: I think it was. What else could it have been?

MR. JEFFRESS: You don't think it was an explosion? I didn't hear anything.

PROF. CAMPBELL: The clock fell down.

MR. JEFFRESS: That is weird.

PROF. CAMPBELL: And the battery fell out so we know exactly what time it was.

MR. JEFFRESS: (looking out the window) Nobody out there seems to be excited.

PROF. CAMPBELL: That really kind of freaked me out. [Ed. Note: It was an earthquake.]

[END RECORDING]