

## ORAL HISTORY OF TOM WILLIAMSON

Fourth Interview

March 29, 2016

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 Tom Williamson, and the interviewer is Precious Boone. The interview is taking place in Tom's office in Washington, DC on March 29, 2016. This is the fourth interview.

Ms. Boone: In our last session we did cover a lot of ground. We started in Ethiopia, moved on to the West Coast of the United States, came back to the East Coast at the beginning of your time at Covington, and we discussed your practice, including your time at the Neighborhood Legal Services office.

So, in this session, I'd like you to set the scene for us. At this point you've been at Covington & Burling for a couple of years, and you're working a lot of hours, winning a lot of cases. And I'd like to get your idea of what you're thinking. Are you at the point where you feel like, I could do this forever, or are you waiting for something? Are you looking for something different? Were you satisfied?

Mr. Williamson: Well I was somewhat unsettled because I'd had a tremendous experience representing poor people at the Neighborhood Legal Services program. And, when I had gone to law school I had mainly been attracted because of my admiration for lawyers who were bringing civil rights cases, or representing poor people. And so it seemed kind of ironic that here I was now going back to a large corporate law firm. I think Covington was probably the largest one in

Washington at the time. And trying to figure out, how can I find a niche in this practice where I would be comfortable, or is it may be time for me to think about going someplace else?

I didn't give much thought to going someplace else. It turned out that the practice area I had been doing before I went to Neighborhood Legal Services was communications, and for better or for worse I had learned that I wasn't as interested in communications law as I thought when I originally came to the firm. One of the advantages of being in a large law firm is that you can switch, or at least at Covington, you could switch around to a different practice area without having to go through the trauma, if you will, of changing law firms.

My patron at the firm and mentor was a partner named Chuck Miller. He had been pioneering a practice area that Covington pretty much invented, representing state governments against the federal government in disputes about health and welfare programs—mainly the Medicaid program but also sometimes the food stamp program and a program-- What is it called now? I've forgotten the name, but it used to be AFDC, Aid to Families with Dependent Children. It's generally referred to as welfare programs, income assistance to poor people. Because the federal government was paying a substantial percentage of the cost of these programs, the federal government issued regulations about how the program should be administered in

the states. There were various disputes that arose as to whether the states were in compliance with the federal regulations.

When I came back to the firm, Chuck Miller indicated that he had a need for some additional assistance from an associate in this area. My first client was the State of Oklahoma where they had a problem that was about a \$7 million dispute with the federal government.

Ms. Boone: Not small change for your first case.

Mr. Williamson: He wanted me to spend some time in Oklahoma documenting the claim that the state wanted to make. I went down there with another associate, who had some more experience in the area, but he left after the first day and said he had to go off to Florida to assist Florida with its claim. I spent the next week or so in Oklahoma City, reviewing documents and talking to lawyers and administrators of the Oklahoma programs that were subject to review, to try to figure out what they could claim from the federal government.

I was concerned about whether I was handling my responsibilities efficiently and effectively, because I think the expectation originally was that it would just be three or four days, but I spent either a week or maybe two weeks. The reason I did is I kept finding things that I thought would allow us to increase the amount of the claim. As it turned out, I was able to develop documentation or arguments to support a \$14 million claim instead of 7 million.

As a result, Chuck Miller was pleased with that and the client was pleased with it, and so I got launched into the states practice. I handled some other matters for Oklahoma. They actually asked that I be sent back down there to handle some other disputes they had with the federal government.

Ms. Boone: So this is within the first-- your first year or two?

Mr. Williamson: This would have been-- I'd been at the firm about 18 months before I went to Legal Services. And I came back in August or September of '76, and got started on this Oklahoma matter. Since I started at the firm in '74, this would have really gotten into my third year, when I was getting experience handling these state claims.

Ms. Boone: That's unheard of now at a big firm. Was it just as unheard of then for a third-year associate to manage a case?

Mr. Williamson: The tradition at Covington was to give associates as much responsibility as the partner thought the associate could handle. I was getting into much more than what I really understood in the first instance. I was definitely learning and making it up as I went along. That was part of what made the practice interesting and attractive to me.

In our states practice it was not like being an antitrust lawyer, or being a communications lawyer, where you had extensive regulations, substantial amount of federal precedent. It was kind of new to the federal government to have states arguing back against the

federal government when it was mainly the Department of Health Education and Welfare, which later became the Department of Health and Human Services.

I forget the year that it changed its name to HHS. So part of the appeal was that you were-- It wasn't so much that I was managing anything, but it was an area where it was important to be creative about figuring out arguments because there was not an extensive amount of precedent to work with. So I enjoyed that flexibility. I was fortunate that I had someone like Chuck managing me, because he's a brilliant lawyer, and when I would run out of ideas he would give me good suggestions or very incisive guidance about how we could accomplish something more for the clients.

I also enjoyed building relationships with the clients since now my clients were not commercial corporations, but they tended to be state health and welfare agencies. Like the Department of Social Services or State Department of Welfare. Well, there was something that happened in between, but in the early 80's when I was doing this practice, the Reagan administration was in office and the federal government was attempting to cut back on support for health and welfare programs that were funded by the federal government. So they would do audits or challenge the certification of various facilities in order to lay the groundwork for imposing a sanction of taking money back or cutting off money in the future.

When we were offline, you asked me about Wes Williams— Wes Williams was the first African American partner at Covington. He specialized in representing financial institutions in matters involving regulation of financial services, and he also was a personal mentor for me. Now my house here on Poplar Lane, Wes and his wife, Karen Hastie Williams, who was a distinguished lawyer in her own right at Crowell and Moring, used to live just two houses -- now there's a new house that got built -- now it's three houses up the street. At that time I'd moved into my first house around the corner over on Primrose. But Wes was somebody who was there to reassure me that I was making good progress at the firm. He provided really very thoughtful kind of intelligence and reflection on different personalities in the firm.

When you're young, for a law student you are prone to stereotype large law firms in very categorical terms. When you're actually working at an institution it's really important to know who the personalities are, what their priorities are, how they approach training lawyers, how to interpret their assessments of you. There are definitely partners who are enamored of a tough love approach where they may be saying quite a bit that's critical of your work, but they're doing that because they want you to improve as rapidly as possible. Wesley was a very helpful interpreter of those sorts of dynamics and nuances within the firm.

I think he was unhappy with me in late '78 when I told him that I had been offered an appointment, a presidential appointment, to become the Deputy Inspector General of the then newly-formed Department of Energy.

Ms. Boone: That was pretty early in your career then. At this point, '78, you're starting your fifth year?

Mr. Williamson: No. Fourth year. I started in '74. It happened around the time I was 32 years old, I think.

Ms. Boone: And why did Mr. Williams think that wasn't the best?

Mr. Williamson: Well, Wesley was very invested in the firm as a quality institution to train lawyers, and he was consistently supportive of my prospects of becoming a partner at Covington. The normal time you have to spend at the firm before you become a partner is eight years. I think his inclination was that, before going and taking some federal government position, which was also part of a Covington tradition, it would be best if I secured tenure or some permanency at Covington by making partner.

To be saying after my fourth year, or toward the end of my fourth year as an associate, that I was planning on leaving gave him considerable pause and concern that I might wander off to doing public service in the federal government and never come back to the firm. He wasn't adamantly opposed but I think he felt his loyalties were very much divided, because he had such high hopes for me as

someone who would end up being the second African American partner at Covington. But I was young and it seemed like an unusual opportunity.

Ms. Boone: How did the Department of Energy hear about you?

Mr. Williamson: I'm not exactly sure how it came about. The person who recruited me was a gentleman named J.K. Mansfield or Ken Mansfield. At that time there was only one other statutory IG office in the federal government, which was at the Department of Health and Human Services. This was a new office. There was a new statute that created the Department of Energy in '77. Probably '77, because Carter was elected in '76, so the first year of his administration would have been '77.

And this guy, J.K. Mansfield, just called me out of the blue. J.K. has passed away so we can't call him for confirmation now, but somehow he had heard about me. He asked if we could go out to lunch and he told me that he had worked for many years with Senator Jackson from Washington, who was the chair of the Senate Committee on Energy and Natural Resources. The Deputy IG position at that time was subject to Senate confirmation. That's not true now, but in that legislation it was. Senator Jackson had told Ken Mansfield that he had persuaded the president to nominate Ken to be the Inspector General, and that he also had an understanding that Ken would be allowed to

designate whom he wanted to have as the Deputy IG. He asked me if I would be willing to accept that appointment.

I didn't really know anything about energy law. I just knew really what I had read in the newspapers about the new department. I had to sort of weigh, did I want to stay at the firm and continue on the path that I'd begun to carve out in the states practice to see if I could solidify my position or my progression toward making partner.

Ms. Boone: Did Chuck Miller weigh in at all? Did you seek his advice?

Mr. Williamson: I think Chuck made it clear that he felt I had a very promising future at the firm, but he's a very wise, sensitive man. He knew that I'd come to Washington with a strong interest in public service, and I think he felt he should be sensitive to that priority on my part. And so he didn't try to unduly influence me one way or the other. Obviously he had started to invest in me as somebody that clients could rely upon, and so that was another issue. If you leave, are you going to disrupt client relationships? That could be a significant consideration in whether the firm would make you a partner.

But as things played out, I decided I wanted to explore this new adventure.

The firm made clear that even though they would have preferred that I stayed, that I went with their best wishes, and they asked me to keep an open mind about coming back to the firm when I finish my government service. But I did decide to go off to Energy,

and I was sworn in in December of 1978 as the first Deputy Inspector General of the newly formed Department of Energy.

Ms. Boone: And what kind of work did you do in the Inspector General's office?

Mr. Williamson: Well the mandate of an IG's office is to investigate fraud, waste and abuse, and to do so in a way that is independent of management control. So we had three major divisions. One was investigations, both criminal and civil, looking to see whether there was misuse of government resources. Then we had an audit division, that was the largest group, and they were doing audits of how the Department of Energy was spending its money, making sure that funds were properly accounted for and that people were not engaging in wasteful or improper financial practices. Third we had an inspections group. The inspections group tended to be people with technical and engineering backgrounds. A lot of people don't realize that, I believe second to the Department of Defense, the Energy Department is the largest employer of private contractors to carry out its functions. That's because a huge responsibility borne by the Department of Energy is researching, designing and manufacturing nuclear weapons. I think many people assume that that's done by the Defense Department, but it's actually done by the Energy department through these very large contractors that were called National Laboratories. There's one, Lawrence Livermore Laboratory, the Los Alamos Laboratory, there's Oak Ridge

down in Tennessee. There's a whole complex of these facilities. There's research going on in all of them.

New weapons or refinements of weapons are developed, the design. Then there are places like Oak Ridge and Savannah River where the weapons are actually produced; manufactured. Nuclear weapons are a very expensive type of weaponry, and the United States has massive numbers of those weapons. We had technical people to take a look at how those contracts were being carried out.

Ms. Boone: Did you enjoy the work that you were doing in the Inspector General's Office?

Mr. Williamson: Yes. It's because I always had aspired to be involved in public service. As the Deputy IG, I was not primarily a lawyer. I was the number two management official for our office. We weren't a huge office, we had about 120 people, but that was a lot for me, going from being an associate, taking orders from partners at the firm, to becoming somebody who was a spokesperson for a major federal office. You had to develop management directives for your staff. You had to oversee the progress that they were making in carrying out the work plans and priorities, or responding to allegations.

There would be things that would come up in newspaper articles, or people from the Hill, oversight committees, saying, "We understand that such and such misconduct is going on at the Department of Energy and we would..." Also, you would have

whistleblowers who would pass on information, sometimes confidentially, about matters that needed to be investigated or audited. It meant that you would sometimes be meeting with people on the Hill about the status of your investigations, or being asked to testify.

One investigation we did was of the situation at one of the National Laboratories. It turned out that there were publications in the parts of the library that were publicly available that contained secrets relating to how to make an H-bomb. We were asked to investigate, how is it that that sort of highly classified information was put in a public space where someone from a foreign government could just come and read or compile that information that might then be used to help their design of H-bombs or thermonuclear weapons.

At the time another big area of controversy had to do with the strategic petroleum reserve, because this was during the time of the Arab oil boycott. Tens of millions of dollars were being spent buying oil and putting it in special storage facilities so that if there was a national emergency, the U.S. would be able to use its own strategic petroleum reserve to meet the country's oil needs. They were trying to get together enough oil to be able to operate for six months without having to import oil.

Whenever you have big construction projects and a lot of money being spent, you have to worry whether there's any corruption going on, and how efficiently are they managing these projects? Are

they doing them in places where it's sensible to be right there in the facilities? The Energy Department also was involved in innovative technologies that would reduce dependence on oil. So we went in, took a look at some wind projects, wind power projects, solar projects.

Whenever you got new types of contracts you have to worry, are these businesses that are receiving these contracts legitimate businesses? Is there any fraud going on? Even if there's not fraud, are they operating in an efficient way?

So it was a fascinating time. There was also a huge regulatory program to try to control the price of oil. It was back in the late seventies because of the oil Arab boycott. The government tried to create incentives to increase US production, and that ended up spawning a big reseller industry, because there were different prices for oil depending on whether it was new oil or old oil. But trying to keep track of what was new oil and old oil was a pretty complicated process for the government.

Ms. Boone: I've seen, like pictures of cars lined up at the gas stations trying to...

Mr. Williamson: It's that era. Another area of course was alleged misconduct by government officials within the department. We did a major, pretty controversial investigation of a very high level official who had been accused of using government funds to take her son on government trips.

Ms. Boone: Ouch.

Mr. Williamson: Take her son, I think it was to Alaska, at government expense when he didn't seem to have a real official role.

Ms. Boone: So how and when did your time there end? Was it with Carter's transition?

Mr. Williamson: While I was there, one of the things that I tried to accomplish was to actually involve more women and minorities in the more senior positions and more important investigations. This isn't directly responsive to your question, but it's part of what I was most proud of, facilitating opportunities for people of color and women to play a higher-level role in the operations of the IG's office. Because traditionally, you know, women had been largely limited to clerical or administrative support roles. I hired a couple of lawyers, one from the National Labor Relations Board, another lawyer, even a couple of lawyers from the Justice Department. Brought them into the GS-15 level and I put them into supervisory positions, and also tried to make sure that people of color received opportunities to demonstrate how they could contribute to advancing the department's mission.

But anyway, as far as my transition, I told Ken Mansfield that I wasn't aspiring to stay in the IG, Deputy IG position for the long term. We got rolling in late '78. I got brought in late '78, and we finished staffing up the office toward the end of '78, early 79. There was an election in 1980. The Carter administration lost the election and I was

a political appointee. As is the tradition in the federal government, all the presidential appointees are asked to submit their resignation.

Now there is an ironic twist with regard to the inspectors general because later in 1978 there was a new law passed, the Inspector General Act of 1978, that created statutory IG's at all the cabinet departments and a few other places. It was supposed to be a non-partisan appointment. So when President Carter was defeated and the Reagan transition team began to circulate memos, they specifically requested that the presidentially appointed IG's--and there were two presidentially appointed deputy IG's--not submit their resignations. And people in the IG community interpreted that as meaning that the office would be treated as a non-partisan office.

It turned out it was a political stunt, because I had told Ken Mansfield that I was planning to return to private law practice in early 1981. And I had actually drafted and sent a letter to President Carter thanking him for giving me the opportunity to serve and letting him know that I'd be willing to serve for some interim period while the new people came in.

But as it turned out, on Inauguration Day, which was sometime around January 20, 1981, President Reagan issued a press release-- no, no, issued an executive order, that was communicated in a press release, stating that he was firing all of the statutory IG's and the two deputy IG's, and he was going to replace them with inspectors general

who were meaner than barnyard dogs, I think was the language that was used.

So people had been lulled into some complacency to think they would be allowed to stay on when in fact they just wanted them all in place so that they could include everybody's name in this executive order.

I think I have the distinction, perhaps, of being the only person who has a very nice letter from President Carter accepting my letter of resignation, and then being included in an executive order where I was fired by President Reagan.

Ms. Boone: (Laughter) So you returned to Covington. There was no hesitation about that.

Mr. Williamson: No, no. I did look around at other firms. I didn't just mindlessly or blindly go back to Covington. I thought, well this is a transition time, I should do some looking around. Interestingly, I mainly spoke to friends of mine whom I had met initially at Covington, who were now working at other law firms, and asked them, did they think their firm might be interested in hiring me? To a person they all said that their firm would be delighted to have me. This is what they told me personally, this is not what their firm said, but they said that their firm would be delighted to have me join. But they personally advised me that if I had the opportunity to return to Covington and become a partner there, that that would really be preferable for my own interests

and my professional goals. Even though they were working at these other firms, it was quite striking that they had such respect for Covington.

The firm had made clear that if I were to come back, I would be given full credit for my two years and two months at the Energy Department, and that I would be coming up for partner in about 18 months. It was quite instructive to me that there was such deep respect for Covington that people at other firms were saying I would be better off going back there, if I was in good shape for partnership.

Ms. Boone: So, as Mr. Williams wanted, you did become the second partner at--

Mr. Williamson: Second African American partner at Covington. Yes.

Ms. Boone: What did you have to do to become partner?

Mr. Williamson: You have to demonstrate that you can provide legal services up to the firm's quality standards, that you have a track record of effectively taking on responsibilities and fulfilling client expectations. The early 80's was the beginning of a time when law practice in Washington, D.C. was about to undergo a drastic change.

Ms. Boone: Why is that? What change?

Mr. Williamson: Well into the 70's, the early 80's, law firms mainly or exclusively practiced in just one city. Covington's one city was Washington, D.C. Indeed, most of the firm's business came through referrals from other law firms. The lawyers in major firms in Chicago or Los Angeles or

Denver, Houston would say, “Well, if you have a Washington problem, here’s a top firm that you should go to.”

Then other major firms decided, why couldn’t we get some of that legal services in Washington, DC? Let’s set up our own office there. We’ll refer our clients to our office and start competing with firms like Covington and Arnold. The big ones then were Covington, and Arnold & Porter, Wilmer Cutler, what was then Hogan & Hartson. There are several others. They either only had an office in Washington, or might have had a very small office in New York City, but not an office that was really there as a convenience for your Washington-based lawyers. Covington just had an office in Washington.

When that sort of competitive pendulum started to shift, it created a different sort of environment for the Washington law firms. They had to decide, “Well are we going to set up offices in other cities?” Covington didn’t think that made much sense for Covington to do, because our specialty really was what we could do in Washington. What would be the point of somebody coming to us in Los Angeles to do work that involved California law? On the other hand, it created radically different and more aggressive, competitive pressure in Washington because these other firms were looking to do the same thing that we did for their clients back in the days when they used to refer them to us.

When I started law practice, actually it's another big change, it was a violation of the Code of Professional Responsibility to solicit business. It was a Supreme Court decision in the 70's that held that was unconstitutional. It used to be, generally speaking, against the law to advertise for legal business.

Ms. Boone: I did know that you couldn't advertise, but I guess I didn't realize what that actually means.

Mr. Williamson: Well, advertising is a type of solicitation.

Ms. Boone: So you become partner during this shift.

Mr. Williamson: I was there primarily in '81.

Ms. Boone: So you became a partner in '80?

Mr. Williamson: In '82.

Ms. Boone: In '82. Did your practice shift?

Mr. Williamson: No. I had returned to the states practice. I don't know if it was before or after I left that I was able to expand the clients I dealt with. I did a lot of work with the State of New York. There was one case that was about a \$55 million case for New York where we were successful in being able to hold onto 55 million the federal government wanted to take back. I continued to do matters for Oklahoma. I'm trying to think of some of the other clients. There was a case from Massachusetts.

I can't remember which ones I handled before or after I became a partner, but I returned to the states area and was representing

states from different parts of the country. I handled a matter for Illinois. Let me think if this is before I made partner or not. I guess I'm getting too old to remember that far back.

Ms. Boone: So as a partner, you're working a lot with younger attorneys. You're staffing your cases with associates. Did you have a certain philosophy on what you were looking for in the people you had staffed on your cases?

Mr. Williamson: Well, you wanted bright, energetic people. I was particularly interested in people who thought they would enjoy representing a state government, trying to figure out strategies to hold onto or increase resources that could be made available to support social welfare and health programs.

One thing that makes Covington such a delightful place to work is you wanted colleagues whom you enjoyed working, who had a sense of humor, who were hard working because it was demanding work, but respectful of each other, were very collegial. A key distinguishing characteristic of the firm, was that, even though you had a lot of high-energy, ambitious people, you didn't want people who were somehow trying to be competitive with each other, or make someone else look bad, or undercut anybody else's work. I found there were, the types of folks we recruited, frequently reflected these very positive, collegial characteristics.

Ms. Boone: I'm jumping around and if you want to take me back please do. After you become partner, you're doing that for about ten years, and then you get on another president's radar, President Clinton, and you are nominated the Solicitor of Labor.

Mr. Williamson: Yes. During that time I stayed with the states practice. One of the other things I did as a partner, I developed a specialty and a bit of a national reputation defending against federal efforts to take funding away from large state-operated institutions for severely and profoundly retarded individuals. There was a lot of controversy during this time because there was a national movement to de-institutionalize people from these large facilities. Most of our clients were trying to adapt to that, but they still had a number of these large facilities. The federal government had very elaborate regulations for how those facilities were supposed to be run, because they were quite expensive. Back then, for some states, it would be \$300 a day per resident for the healthcare and what they called active treatment. You tried to provide training exercises to improve the abilities of these profoundly and severely retarded or developmentally disabled, as they refer to them now, people so that they could take better care of themselves. Or they might have some kind of sheltered workshop where they'd have a sort of a job they were doing, so that their lives would be more meaningful.

The de-institutionalization movement was justifiably motivated by concerns that people were just being warehoused in these large

facilities and weren't really getting care that helped to develop their capabilities. There was a facility in Massachusetts that we defended, although ultimately we were unsuccessful in that case. But there were places in Oklahoma, Kansas, New York, New Jersey, West Virginia.

West Virginia might have been the most traumatic one.

Normally, when the federal government did a survey and said, we're going to decertify your facility, the state could keep receiving funding until there was a hearing and a decision confirming the decertification. You'd have an administrative law judge make a ruling. These hearings sometimes would be two or three weeks.

In West Virginia, this would have been in 1989, or they may have been surveyed in '88, the federal government said, well the conditions at this facility, it's called the Colin Anderson facility, are so bad that they present an immediate threat to the health and safety of the residents. The regulation said if the facility posed an immediate threat, then the federal money would be cut off immediately and the state would have to pursue its appeal rights in the absence of continuing federal funding.

I was asked to come to West Virginia and speak to the people in the cabinet department in charge of this facility, because they—I think they had lost \$5 million of federal funding, which was a lot of money in West Virginia in the late 1980's. They wanted me to testify before the state legislature about how the state needed to appropriate

new money because the federal government wasn't going to pay. I looked at the federal report and I had some questions about it. I asked if I could go to the facility to speak to the people there to understand why there had been such a negative review. I spent a day or so talking to people at the facility, and when I came back I informed the state officials that I thought we could prepare a case to reverse the federal decertification.

Ms. Boone: So they hired you to talk to the state legislature so that they can get the money that they needed from the State. You investigated, and you believed that you could build a case against the federal government, to at least keep the funding there until it went through the normal process of a hearing.

Mr. Williamson: Well, they'd already cut off the funding. We were having to build a case—

Ms. Boone: To reinstate the payment?

Mr. Williamson: -- to get the \$5 million that had been cut off, and then to have the funding reinstated going forward.

Ms. Boone: That's good.

Mr. Williamson: I pulled together my team. I had some great young associates. We had to work pretty hard. We had either two-or three-week hearing. We got to know the people at the facility quite well, and we did a very thorough review of their records and the investigation of what the federal surveyors had been relying upon.

We turned in our post-trial briefs or brief. About a week before the federal government had to turn in its brief, they called up and said that they were prepared to reinstate the \$5 million in funding and recertify the facility going forward.

Ms. Boone: That's a great result for your client. That was great. So it sounds like this was a really fulfilling practice for you.

Mr. Williamson: Yes. It was very interesting. What made it distinctive and interesting is that we were able to bring to bear the resources that are normally deployed by large corporations to fight for the legal rights of state agencies, many of whom were intimidated by the federal government.

South Dakota was another client where there was a couple of million dollar dispute. Again, that was a lot of money for South Dakota back then. They wanted to take away the money. I don't think it was an ICFMR, that's what they call these big places, Intermediate Care Facilities for the Mentally Retarded.

On that case one of the interesting things was that I asked Phyllis Thompson, who was then a Covington associate, she's now an Associate Judge at the D.C. Court of Appeals as you know, to help me on the case. Phyllis was a little concerned about our going out to South Dakota. She said, "Don't you think they're going to be troubled by having two black lawyers representing them?" I said, "Phyllis, that's their problem. That's not your problem. Your job is just to get ready to defend this case," up to the standards that she had already set.

I said, "Well, I'm going to inform them that they're very fortunate because I was able to secure the assistance of one of the top young associates we have, one of our rising stars, and that they should really be grateful and that it was good luck for them that I was able to get such a strong associate."

So we went out there and, sure enough, they fell in love with Phyllis. She did a brilliant job. She even helped examine some of the witnesses, and we won the case. So South Dakota got a couple million dollars back.

Ms. Boone: So you dropped a couple of names. Give me some more. Who are some of the other people that you worked with during your tenure at Covington? Some of your contemporaries.

Mr. Williamson: The way we did the states practice, the partners usually worked with just one or two associates. We didn't have big teams of partners working on cases. The cases were big. The dollars were significant. There are a lot of associates who came through that practice area. I can't really recall everybody's name offhand. There are some who are partners today in different areas.

There's a guy, Don Ridings that worked on a case in New Jersey. There was a guy, Stanlake Samkange. His mother was from Mississippi, his father was from Zimbabwe. He's now a high level official with the UN World Food Programme. There was another guy, Jamie Sterin. He's a partner at another law firm. I don't remember the

name of the law firm. Jamie was terrific. There was another lawyer named Kelly Knivila. She's a lobbyist out in Oregon.

You know, Covington is a place where a lot of people pass through. Phyllis later became a partner in the states practice area. There were only limited opportunities to do that because, unlike corporations where you really have an unlimited number of potential corporate clients, there are only 50 states. Phyllis was a bona fide star performer, and she ended up being a partner in that area.

Ms. Boone: I'm going to fast-forward a little bit. I want you to talk a little bit about your time as the Solicitor of Labor.

Mr. Williamson: In 1992, I got involved in the Clinton campaign. I had been in graduate school at Oxford with Bill Clinton. He and I were in the same class, so I'd been friends with him for a long time. Actually, I worked on a matter for the State of Arkansas. We got Arkansas involved in a coalition with New York and Missouri and a couple of other states for some legislation that benefited the states in proceedings where they had Medicaid disputes with the federal government. I helped with some of the fundraising.

I wasn't actually planning on going into the administration. I didn't have a particular goal to do that. I was having an enjoyable time in my practice representing state governments. I was looking forward to the Clintons coming to Washington, since I would sometimes visit with them. If I was out in that part of the country, I

might spend the weekend with them in the guest house at the Governor's Mansion in Little Rock. I was very enthusiastic in supporting his candidacy in 1992.

After he got elected, another one of our Oxford classmates, Bob Reich, was nominated to be the Secretary of Labor. Bob and I had been good friends for many years, in addition to Oxford, when he was a lawyer in Washington at the Solicitor General's office and at the FTC. His wife was an associate at Covington, so she and I were both associates at Covington. When I would do recruiting, I would do some recruiting up at Harvard and he when they left Washington, he became a professor at the Kennedy Institute and Clare, his then wife, became a professor at Harvard Law School-- I would sometimes stay at their house.

He started inquiring about whether I would be interested in serving as the Solicitor of Labor, to help him run the department. I agreed to do that.

Ms. Boone: How was your time at the department?

Mr. Williamson: I had a wonderful time. It's a very important responsibility. Most people don't realize that the Solicitor's office at the Labor Department is one of the largest legal offices in the federal government. It was over 500 lawyers-- or close to 600 when I started. We actually reduced the size of all the staff in the Labor Department, including the Solicitor's office, so I think it was closer to 500 when I left. But the

Labor Department enforces a very wide range of employment laws. They don't enforce the National Labor Relations Act. That's the National Labor Relations Board. There is quite an array of federal employment laws, ranging from the wage and hour laws, minimum wage and overtime, to RISA, to Mine Safety & Health, to OSHA the Occupational Safety and Health Act. There are certain laws relating to victims of black lung disease.

There are international aspects of what the Labor Department does. It's a member of the International Labor Organization. There are 130 or maybe 150 employment laws that the Labor Department enforces. There is the Office of Federal Contract Compliance Programs, an antidiscrimination office, that regulates government contractors. You're not allowed to discriminate, and you also have to engage in affirmative action. That authority is enforced by the Labor Department.

It's a very interesting, diverse array of responsibilities when you're the Solicitor of Labor. I was able to hire a really talented staff. My deputy was another African American fellow, Oliver Quinn, who was spectacular. He had tremendous credentials and was just an incredibly smart, wise, hardworking guy. He was very much an alter ego for me when I was the Solicitor of Labor. My executive assistant was an African American woman I brought over from Covington who was protégé then, Thomasenia Duncan. She's now the Chief

Executive for the Federal Multidistrict Litigation office, if you know that part of the federal court system, where we have these really big, complicated cases that involve more than one jurisdiction. They get referred to the MDL panel.

Ms. Boone: Yes. I worked on a MDL case. Very unwieldy. I had a very small role.

Mr. Williamson: She's the chief executive of that now. Then earlier, she'd been the General Counsel of the Federal Elections Commission. She was a fairly young lawyer then. Tommie turned 30 her first year she was working with us. We had a very strong team. Judy Kramer was another.

Ms. Boone: When you were in a position to do so, you always reached out to look for qualified African Americans to fill some position?

Mr. Williamson: I wanted to be sure that they were given a chance. For my deputy at Labor, the white House kept sending over names of people who they thought should be considered, but I was concerned that, within the community of lawyers who did employment law, women and minorities were underrepresented. I wanted to be sure that they got a fair shot.

As it turned out, I would interview people and there were some who were fairly good but very few minorities. And then, lo and behold, they actually sent over the name of this guy, Oliver Quinn. I seized on that because, on Inauguration Day, I was sitting next to

another one of our Rhodes Scholar, Oxford classmates, a guy named Doug Eakeley, who was a very prominent lawyer from New Jersey, and Bill later appointed him to be the chair of the Legal Services Corporation. He had told me, you should keep your eye out for this guy, Oliver Quinn. He's a fantastic lawyer. So Doug himself is not an African American but he's a very keen judge of top legal talent.

I was into very high quality people, but I was also committed to the idea that very high quality people of color were often not either given opportunities or recognized as easily or readily as high quality white people.

Ms. Boone: Did you get any pushback about that?

Mr. Williamson: I did. There was somebody who came to talk to me, an assistant to another high-level official in the Department of Labor., and said maybe I was sort of having too many black people in the top positions. I told that person, I said, "You go back to your boss and you tell him, any time you'd like to have a conversation about the qualifications and the abilities of the people I've chosen, I am drooling with anticipation about how much I am going to enjoy that conversation.

Ms. Boone: (Laughter)

Mr. Williamson: So what do you think happened?

Ms. Boone: Like you were allowed to do, make the best decisions for your hiring. That was great. I do want to be respectful of your time, but I wanted to get into your current time at Covington, your family life. I want to

get into your decision to become President of the D.C. Bar, and then get an idea of what you see as the future of litigation-- of the legal profession. So I don't know if you want to try to tackle that now.

Mr. Williamson: We can probably do a little more. I probably should stop in about a half an hour. My stamina's not so great these days.

Ms. Boone: Let me take you back then to your return to Covington in 1996.

Mr. Williamson: Didn't want to talk about what we did at the Labor Department?

Ms. Boone: Let's talk about that.

Mr. Williamson: You know, when you have these opportunities to be in government it's not something that you just want to do so you can have that on your resume. You want to try to participate in meaningful reforms or improvements of the law, or enhancement of people's rights. We were very proud that our first big project related to the first law that was signed by the Clinton administration, which was the Family Medical Leave Act. We were in the Rose Garden saying, isn't this amazing that Bill has been elected. When we first started, we had majorities in the House and the Senate, Democratic majorities. Really, within a few weeks, the Family Medical Leave Act was signed by the President. As part of the law, they said they wanted to have the regulations issued within, I think it was, 120 days, as final regulations. I'm trying to remember whether they were issued as final or proposed. Either way, that's a very short time to get a complicated federal statute transformed into a full set of federal regulations. We welcomed the

challenge. There were a lot of terrific career lawyers at the Labor Department, whom I enjoyed working with. Even though we were asked to do this in a different format than the traditional format, the initial regulations were actually organized as questions.

Ms. Boone: The regulations were issued as questions?

Mr. Williamson: You have a question then you have the answer.

Ms. Boone: Was that the first time that that format was being used?

Mr. Williamson: I'm not sure it was original, but when you think about it, it's a much more logical way, actually, to do regulations. If you do it by the traditional kind of subject matter classification, you often have to cross-reference things and jump all over the place to get an understanding of what these rules really mean. So we tried to organize them into, what are the questions people are likely to ask? And then put the answers in as the subsections of the regulation. So it was both that we had an extensive task, we were using an unconventional format, and we had a tight time limit. We got that done on time so we were very proud of that.

During our time, the Secretary's focus was really a lot on job retraining, and we had a division that helped to support the efforts to develop legislation for that. Of course, there are various controversies that arise when you're in office, where the Solicitor's office is called upon to defend what the Department is doing.

There was something that was very controversial, succeeded for a while but ultimately the courts ruled that the law-- the regulation that we had come up with -- was not supported by the law statute. That was a regulation to prohibit the use of replacement workers when a strike was going on. Was it that simple or was there another nuance to it? That was the basic issue. We actually won at the district court level. That was a big project for the Labor Department, to come up with a defensible regulation to prohibit replacement workers being used to break strikes.

During our time, the white House wanted people to do what they called reinvention projects, to have government operate in novel ways. We came up with a project, relating to the Mine Safety & Health Administration, to try to get lawyers involved earlier in investigation and enforcement of mine safety violations. During our tenure, not so much because of the Solicitor's office, but the efforts of Mine Safety & Health working with our lawyers, there was a significant reduction in fatalities in mines. That was something we were proud of.

Also during this time there was something called MEWAs, which-- MEWA is something Employee Welfare Association. What was going on, and this was another one of our reinvention projects, was to develop special teams of lawyers working with ERISA lawyers to bring litigation or get injunctions to break up these MEWAs. What

was going on is that people were going around setting up so-called health insurance plans, and getting members of unions to pay premiums to them, and they would just collect the premiums and then take off with the money. There wasn't really a health insurance plan behind it. We developed some strategies for how to detect when that was going on, and then bring aggressive enforcement actions.

There was an effort where we assisted the Secretary when there was a determination that people out in Los Angeles, although it wasn't just limited to Los Angeles, were working in sweat shops. They were largely people who were undocumented workers, Filipino workers or something like that in Los Angeles. Basically, it was late 20th century slavery. We were able to focus enforcement resources on trying to expose that type of exploitation and get major companies, particularly big brand name companies, to develop monitoring efforts and compliance programs so that they would be able to say accurately that their clothes were not being made by workers who were being exploited like slaves.

Ms. Boone: Tell me a little bit about, maybe an inside scoop on, Robert Reich. He's had a lot to say about this election recently, but I didn't really know much about him. One of the things I read said that he's considered one of the top 10 Secretaries of Labor ever. What was your impression? What made him such a great Secretary?

Mr. Williamson: Well, Bob is an amazing combination of skills and talents. He's a very extraordinary human being just flat out. I mean, he's not just a very thoughtful, really brilliant commentator on fairness and social equity in our society, he's also a painter, he's a poet. When he was at Oxford, he directed and performed in dramatic productions. In fact, the way he met Clare was he cast her in a production of "The Fantasticks", where both he and she were in those roles. So you have just an extraordinarily intelligent human being. He was also very shrewd in understanding how to give visibility and prominence to the Labor Department. You see, most people today they probably don't actually know the name of the Secretary of Labor.

Ms. Boone: I don't.

Mr. Williamson: See, guilty as charged. Tom Perez is his name. You should know because he's actually from Maryland. Bob understood how to integrate the way the media operates and the types of issues that were important to workers, so that they were on the network news and part of the national discussion that was going on. Those are key reasons why he is considered such a successful Secretary of Labor.

Ms. Boone: And were there any memorable briefs or arguments that were being made before the Supreme Court at that time?

Mr. Williamson: We had a number of cases before the Supreme Court. They actually tended to be in areas that are not so readily understood by the public. Like, there was some stuff relating to the Labor Department's

responsibility for compensating people for black lung disease. I'm trying to remember whether we had any really hot issue that made it to the Supreme Court. There were important issues but there weren't things that were sources of major public controversy and widespread coverage, at least while I was there.

There was something early in the term that I went to talk to the Solicitor General about. I can't remember the issue now. I remember having the conversation and weighing in.

Ms. Boone: Let me get to your time back at Covington, 1996, when you decided to return to Covington after your time at the Department of Labor. At that time, were you considering anything else besides Covington?

Mr. Williamson: No. No. This time I had been a partner for, what '82 to 93, for 10 years. I didn't lightly leave the firm, even if I viewed the Solicitor job as a wonderful opportunity to return to public service. At Covington at the time that I left I was the Chair of the Pro Bono Committee. Was I chair before I left or after I came back? Chair of the Public Service Committee? You know, I'm not sure now, but I've been active on pro bono matters and the firm's pro bono policy during the time I was a partner. I think I was Chair before I left. By then I had developed extensive relationships with other partners. I was going to come back, and when I came back I decided to shift practice areas. When I left Covington before, I'd left as an associate, so I didn't feel as bound to

the firm and as identified with the firm as I did when in '92-- early '93  
I was leaving as someone who'd been a partner for more than 10 years.

Ms. Boone: So you were rooted.

Mr. Williamson: So that was my home I'd come to understand why my former  
colleagues had recommended to me that, if you're going to go back to  
private practice, Covington is a really distinctive place.

Maybe we should stop here and we can talk about that next  
time.

Ms. Boone: Okay. Will do. Well thank you for, [inaudible] for your time, and I  
look forward to the rest of our conversation.

Mr. Williamson: Okay.