



Legends

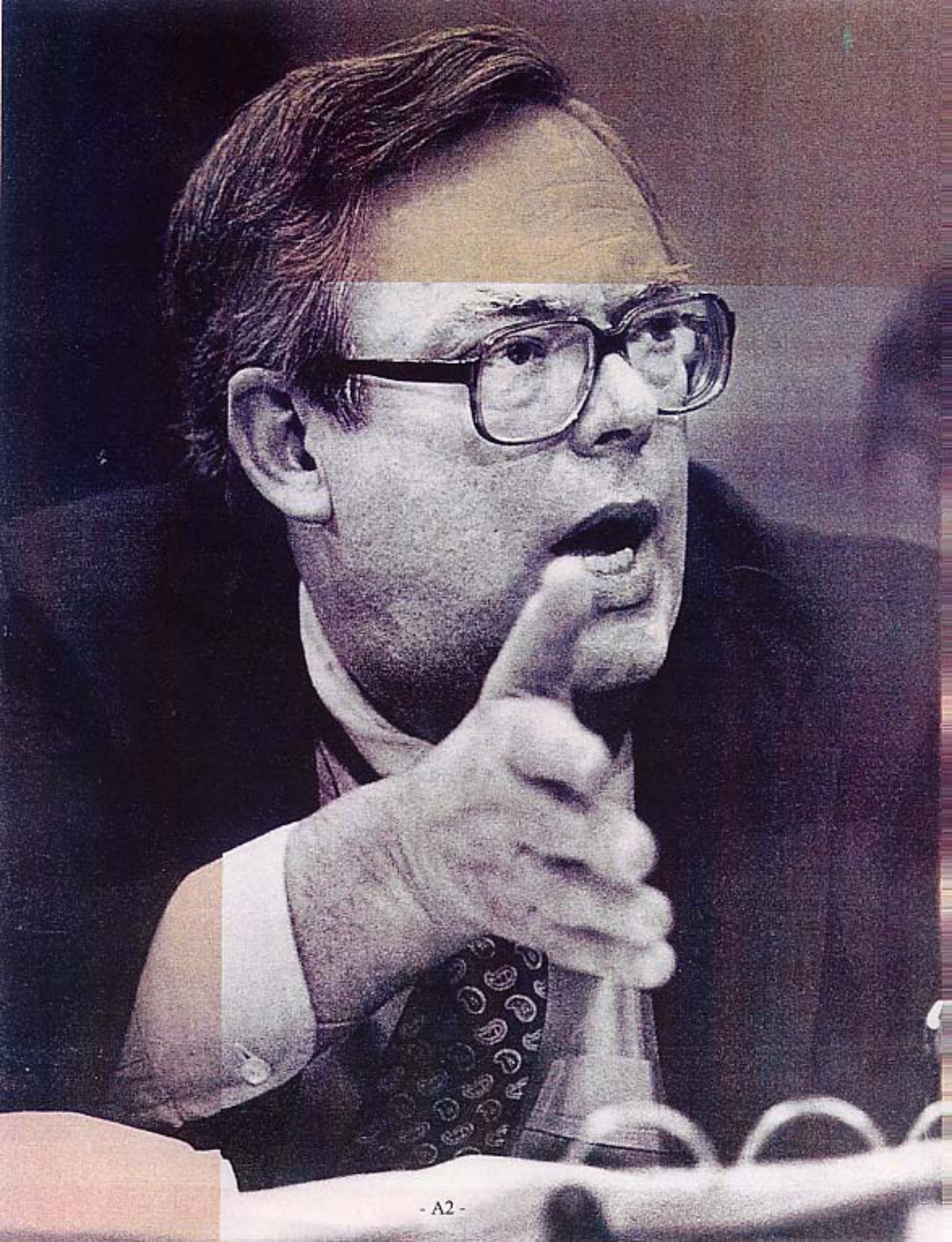
IN THE LAW

Charles F. C. Ruff BY DANIEL BECKER

Periodically *The Washington Lawyer* features a conversation with a senior member of the District of Columbia Bar reflecting on his or her career as a lawyer. The "Legends in the Law" are selected by the District of Columbia Bar's Publications Committee on the basis of their prominence in their profession and their individual impact on the law and the legal profession in the District of Columbia.

On November 19, 2000, the D.C. Bar lost one of its genuine legends when Charles F. C. Ruff died at the age of 61. *The Washington Lawyer* has chosen to remember Ruff in both the words he left behind and the reminiscences of those who worked closely with him.

A former president of the D.C. Bar, Ruff was a 1963 graduate of Columbia Law School. During the course of his career, he served in the U.S. Department of Justice, the U.S. Department of Health, Education and Welfare, and the Watergate special prosecutor's office, and he was the U.S. attorney for the District of Columbia, corporation counsel for the District of Columbia, and counsel to President Clinton. At the time of his death, Ruff was a partner at the law firm of Covington & Burling.



Charles F. C. Ruff was born in Cleveland, Ohio, in 1939, and he grew up in New York City from the age of three.

"Starting in 1945," he recalled in a 2000 interview for a D.C. Circuit Court oral history project, "my mother became the public relations director of the Metropolitan Opera. I had the most extraordinary experiences growing up. For that reason. Almost every Saturday when the

opera was in season, I would go down to the old Metropolitan Opera House on 39th Street and spend Saturday afternoon listening to the opera in the audience or backstage. I spent 25 Saturday afternoons a year at the Met."

That experience imbued Ruff with a lifelong love of music.

In the late 1950s Ruff enrolled at Swarthmore College, and after graduat-

ing in 1960 he enrolled at Columbia Law School, where he was an ambitious law student.

"I absolutely detested law school. In the first year, I spent a lot of time looking at other things, like joining the Peace Corps or taking a tramp steamer around the world. . . . I was of the group that went to law school because that's what you did and because you could do any-

thing after law school. I never had a thing going good to practice in a particular field. I became interested in criminal law because of a very enjoyable criminal procedure class that I took in my second year."

During his third year of law school, an intriguing opportunity presented itself. The assistant dean at Columbia racked a notice on a bulletin board inviting students interested in teaching law in Africa

to contact the dean's office.

"I asked my wife Sue if she was interested, and she said, 'Why not?' I had the sense that it was a time to do something totally different."

In December 1965 Ruff and his wife took off for Liberia.

"The university campus was what you would imagine such an institution in Africa would look like at that time. It was a series



PHOTOGRAPH BY LARRY ANTHONY FOR THE WASHINGTON POST

of one-story buildings. The law school consisted of two classrooms, an office, and an air-conditioned room we used as a library. For four lawyers just out of law school who had to teach, buy books for the library, and administer the school, it was an overwhelming experience. It was also a lot of fun."

A year after his arrival in Liberia, Ruff contracted a undiagnosed virus that resulted in paralysis below the waist, and he

of one-story buildings. The law school consisted of two classrooms, an office, and an air-conditioned room we used as a library. For four lawyers just out of law school who had to teach, buy books for the library, and administer the school, it was an overwhelming experience. It was also a lot of fun."

A year after his arrival in Liberia, Ruff contracted a undiagnosed virus that resulted in paralysis below the waist, and he

of one-story buildings. The law school consisted of two classrooms, an office, and an air-conditioned room we used as a library. For four lawyers just out of law school who had to teach, buy books for the library, and administer the school, it was an overwhelming experience. It was also a lot of fun."

A year after his arrival in Liberia, Ruff contracted a undiagnosed virus that resulted in paralysis below the waist, and he

sp on the rest of his life using wheel chair. As devastating as the disease was, Ruff preferred to look on the bright side, believing that he was fortunate to have survived.

"We were very lucky because the best doctor in Liberia was a neighbor. Otherwise I probably would not have made it."

After a year of rehabilitation, Ruff visited Washington, D.C., in 1966 to attend a convention. At the time, he was teaching law at the University of Pennsylvania. On a whim he decided to stop in at the Department of Justice, where he talked with some lawyers in the organized crime section. Shortly thereafter, he was offered a job in the section.

"Their work seemed a lot more interesting than teaching," he recalled. "They pursued the bad guys. It was very clear who was good and who wasn't. There was a tremendous energy in the [organized crime] section. That period from 1967 to 1970 was exciting. I got out of bed every morning thinking that what I did was worthwhile and fun."

From 1970 to 1972 Ruff headed the Organized Crime and Labor Management Section. During that time he led the prosecution of W. A. "Tony" Buzby, the head of the United Mine Workers union, who was convicted of making illegal campaign contributions.

For the 1972-73 school year, Ruff decided to return to teaching at Antioch School of Law, which had just opened its doors that September. It was only there a year, but had a great time.

"Antioch was on a day-to-day basis the single most exciting job I ever had. The school was in some dilapidated office space on 19th Street. We had students who were struggling out of the '60s and early '70s antiwar movement. There wasn't a day without some kind of havoc. It was a year of glorious living."

The following year he received an offer from the Georgetown University Law Center, and after accepting he was offered a job in the Watergate special prosecutor's office. Georgetown refused to release him from his teaching contract, so he worked two full-time jobs throughout the 1973-74 academic year.

Ruff worked in the Watergate special prosecutor's office for four years and eventually took charge of it after Leon Jaworski stepped aside. Although the convictions related to the Watergate burglary were the most sensational, the special prosecutor's office devoted most of its time investigating and prosecuting both individuals and corporations for illegal contributions to President Nixon's 1972 re-election campaign.

Lloyd Cutler, who met Ruff when they investigated the head of American Airlines for suspicious contributions, recalled his first impressions.

"Chuck Ruff was very sensible, very calm, and would open his mind to you. There was something about his being in a wheelchair that added what the Europeans call *gravitas* to what he said."

Ruff announced the closing of the Watergate office in June 1977. Shortly

"He inspired all of us to take on public service."

-Jamie Gorelick

thereafter, President Carter nominated Ruff to be deputy inspector general of the U.S. Department of Health, Education and Welfare (HEW). His confirmation was stalled, however, by Senator Robert Dole of Kansas, who had been the vice presidential candidate on the Republican ticket in 1976.

During the campaign news reports surfaced alleging that the Ford-Dole campaign had received illegal contributions. The Republicans demanded that Ruff, who was still working in the special prosecutor's office, clear the campaign of these allegations. Ruff did so, but not until October 14.

Dole felt that this execution came too close to the election, and should have taken place earlier. And it was Dole's pique that led him to hold up Ruff's appointment for two months, in a maneuver that the *Washington Post* denounced as a "silly game." Eventually, Ruff was confirmed by the full Senate, and his duties at HEW included rooting out Medicare and Medicaid fraud.

In 1978 President Carter nominated Ruff to be the U.S. attorney for the District of Columbia. A *Washington Post* survey at the time said the choice of Ruff was irresistible because anyone would be "in an untenable position opposing Ruff because of his high qualifications."

As U.S. attorney, Ruff provided oversight of the prosecutions of two members of Congress involved in the Abscam scandal. Though Abscam is vaguely remembered now, those in law enforcement who worked on the case are convinced that the investigations helped reduce corruption in the U.S. Congress.

Gregory B. Craig who would later

work with Ruff in the defense of President Clinton during the impeachment proceedings, first met Ruff after the assassination attempt on President Reagan in 1981. Craig was part of the Williams & Connolly defense team that represented the accused assassin, John Hinckley, and Ruff was responsible for the prosecution.

"It was a terrible crime," Craig recalled. "Chuck had some tough duties. At one point he had to ask us what kind of ammunition our client had used, because a D.C. Justice officer who had been shot had a bullet lodged in his neck, and the doctors needed to know if it was anything ammunition. The doctors were debating whether to operate. Chuck asked and said he understood the delicacy of the situation from the point of view of the client's rights, but he never suggested any sort of easy agreement regarding how he might use the information. He understood that we were professionals and valued life first and foremost. We got the information kitchen."

Hinckley's defense attorneys eventually presented a successful insanity defense for Hinckley. Twenty years later Craig said that he was glad Ruff was leaving the U.S. attorney's office at the time, because if he had stayed, they might have had a rougher time in court.

"I had the feeling that Chuck had a different sense of law to try the case. I was very happy that Chuck was out on the other side, because I think he might have been more effective."

In 1982 Ruff joined the law firm of Covington & Burling, where he had a series of high-profile political clients, including senators John Glenn and John McCain. Glenn was one of the notorious "Keating Five" accused of interfering with the federal investigation of Charles Keating and Lincoln Savings and Loan. Although Glenn admitted receiving \$200,000 in campaign contributions from Keating, Ruff asked the Senate Select Committee on Ethics to determine whether Glenn was "in some fashion as yet undetermined, influenced by Mr. Keating's contributions."

Ruff demanded that the committee do more than follow the money trail; he demanded that it produce evidence of improper action on the part of Senator Glenn. It was a compelling defense, and Senator Glenn, like Senator McCain, was exonerated.

In the summer of 1992 the news broke that members of Virginia Senator Charles Robb's staff had audiotapes of private telephone conversations of Governor L. Dou-

glas Wilder, who was a potential Democratic primary opponent for Robb's second term. The Department of Justice initiated an investigation and received guilty pleas from Robb's staff for illegally using Wilder's cellular phone conversations.

As the investigation proceeded, Ruff devised a strategy, wherein Senator Robb appeared before the grand jury on two separate occasions, and Ruff had a light

by Rosenberg. In addition, he made his dry wit available to all members of the Bar in his President's Page, a feature of *The Washington Lawyer*.

Here is a paragraph from one of his columns: "I recently was treated to an example of the initiative and imagination that have made America a business great. I received a letter from an entrepreneur who has taken specialization to new heights for

of *The Washington Lawyer's* valuable collector's items. Alas, you will simply have to imagine what sparking joke might have graced this page."

At the outset of President Clinton's first term, Ruff was prominently mentioned as a possible choice for deputy attorney general, but the nomination never materialized, owing, in part, to concerns over Social Security withholding

"Chuck was, in a very real sense, a do-gooder his entire life."

—Lloyd Cutler

ranking Justice Department official explicit to the grand jury that the members were not bound to follow the prosecutors' recommendations for an indictment. Ultimately, the grand jury refused to indict Robb, and Ruff was credited by those who followed the case with saving the senator from a potential scandal that could have badly damaged his bid for reelection in 1994.

Janice S. Goreslick, former president of the D.C. Bar and former U.S. deputy attorney general, pointed out at a memorial for Ruff that he "was the lawyer of choice for embattled senators."

In 1989-90 Ruff also served as president of the D.C. Bar. He is warmly remembered by Executive Director Katherine A. Mazzarelli.

"Chuck Ruff resides in a special place in the hearts and minds of those who worked with him as D.C. Bar president. He brought his sense of humor, considerable skills to the issues facing the Bar. He gave each issue his complete attention, analysis, and time, as though it were the only matter on his plate. He dealt with the staff with a humanity and respect that was simply special.

"Each of us cherishes our 'Chuck' stories. We are grateful that he shared a piece of himself and his life with us. He was loved and is sorely missed."

During his term as president, Ruff strongly supported pro bono and reduced government agencies to ease restrictions that prevented government lawyers from being more active in pro bono representation. He also instituted the Beatrice Rosenberg Award, which is presented annually to a D.C. Bar member whose career in government reflects the highest order of public service in the tradition set



depths). Expressing concern for the heavy burdens that fall on bar presidents, he offered to relieve me of one of mine by waiving the President's Page. Taking this as a subtle, but pointed, comment on the quality of my previous efforts, I rejected the offer out of hand. Perhaps, though, I acted too hastily; a little P&G Noonan (he did write might well) have made these issues

undomestic employees. "Even Chuck's disappointments were inevitable," noted Goreslick. "He might have been deputy attorney general, but it wasn't to be. So what did he do? He inspired all of us to take on public service by agreeing to be corporation counsel [for the District of Columbia]. The town was literally abuzz. It made others step back

and think about their careers and what differences they could make."

That came about in 1995, when Ruff accepted Mayor Marion Barry's offer to head the Office of the Corporation Counsel (OCC).

Judge John M. Forrest, in a *Legal Times* memorial written about Ruff, said, "When Chuck Ruff agreed to become corporation counsel for the District of Columbia, I, like many others, was astounded because the job to be done seemed so difficult, given a history of inadequate resources, and because Chuck obviously could have taken on any number of more glamorous, high-paying positions. But none of that mattered to Chuck. Very simply, he wanted to help the city and its people—period."

At the time he took the job, Ruff told the *Washington Post*, "I've sort of been picking up the phone with some resignation because I'm worried the person is going to say, 'You're crazy!'"

In explaining why he decided to leave his lucrative private practice and take the D.C. government position, Ruff said, "I've been a resident of this city for 28 years, and I can think of no greater honor than to help the District address some of the problems that it faces."

Lloyd Cutler has since said that Ruff's decision did not surprise him. "We use the term *de gustibus est disputandum*, but Chuck was in a very real sense, a dog-eat-dog life."

Ruff threw himself into the job with zeal. He used his connections inside the Department of Justice to obtain unused government computers for OCC. He devoted a great deal of energy to helping the city's children, and he inspired the Justice Department to start a juvenile crime prevention program. He also worked closely with U.S. Attorney Erik H. Holder Jr. in making the District's summer jobs program a success.

In 1996 Ruff spoke to the graduating class of Georgetown University law students, and encouraged them to consider how much good they could do as lawyers.

"For every tale of a lawyer who rushes to the rescue of a tattered or hounded but ethical rule or looks the other way as his client perpetrates a fraud, there are a hundred tales that are never told of lawyers who are the last name for the defenseless. . . . The degree you receive today is a passport to a rewarding life. It does not signify that you are wiser or better than your fellows. It does not give you the right to claim some unique ability to separate good from evil. It does

give you the opportunity to serve in ways that others cannot."

In 1997 Ruff left the Office of the Corporation Counsel to move to the White House, where he was counsel to the president. At the time, the name Monica Lewinsky was as unknown to the American public, and despite the ongoing Whitewater investigation, Ruff had no way of knowing of the meltdrom that was coming. But throughout the Lewinsky scandal and the impeachment that followed, Ruff remained a loyal advocate for his client and successfully defended President Clinton during his trial in the U.S. Senate.

Ruff is probably best remembered for his opening statement in which he made the argument that the president's offense did not reach the level of "high crimes and misdemeanors" necessary to justify overturning the expressed will of the electorate. In his speech wrapping up the House managers' impeachment case, Representative Henry Hyde of Illinois had invoked the heroism of American fighting men who had died on the battlefield, and Ruff responded to this emotional appeal by noting that his father had landed at Normandy on D-Day and that "he didn't fight, no one fought, for one side of this case or the other. He fought as all those did for our country and our Constitution."

In looking back on Ruff's decision to mention his father, Gregory Craig recalled, "Chuck was determined not to personalize things, but there were so many mentions of battlefields and cemeteries and what those fighting men would say from the other side. Before his presentation Chuck asked David Kendall and me if we should answer in kind. We discussed it beforehand, but we didn't know what he had in mind. It was brilliant. He was so emotional afterwards. It took him about 20 minutes to gather himself again. That was a powerful moment for him."

Afterward Hyde held still will toward Ruff. He recently told the *Legal Times*, "[Ruff] was a gentleman and an excellent lawyer. . . . He was someone whose word was good."

Craig also pointed out that though Ruff is well remembered by the public for his appearance before the Senate, his best work had come before, when he and David Kendall "drew a very firm line" on what constituted lying under oath.

"Had it not been clear that there was no way we were going to commute criminal conduct, we would have been pushed

forever," Craig said. "Senator Daschle and Richard Gephardt wrote letters to the president saying that he wasn't being well served by his lawyers. It was a difficult spot to be in, because the lawyers were being attacked. I think Chuck saved the president."

"Litigating lawyers will appreciate the situation. There was constant pressure for a deal, and he said, 'No way.' Chuck was most effective because he took the position he did without apology, saying, 'This is what lawyers do.'"

Craig believes that Ruff saw the case as the most important of his career.

"He cared enormously about the case. I don't think that there was a case that he cared more about than the successful defense of the president in the impeachment."

Lloyd Cutler believes that Ruff's defense was brilliant. If you were going to grade them on the skill of advocacy, I think Chuck and the whole team would get a 10 or a 9.9."

In 1999 Ruff returned to Covington and Burlington. Near the end of his life, he took on a project to help better the lives of poor workers throughout the world, and last year he became chair of the board of the Fair Labor Association, which studies ways to address working conditions in factories around the world.

At the memorial after his death, Justice Gorsuch noted that since his death, there has been a tremendous sense of loss felt by Ruff's colleagues who took his advice for granted.

"Lots of people have said to me, 'I can't believe he won't be there for advice anymore.' It's true in Covington and throughout this town."

Beth Nolan, who took over for Ruff in the White House, said, "I told people that I succeeded Chuck as the counsel to the president. I use the word *succeed* deliberately, because no one could replace Chuck."

"I never thought that I would live to see how truly irreplaceable Chuck was. In the last two months of my job, I realized how often I thought to myself, 'Let's check it out with Chuck,' because I had to catch myself each time I had that thought. I miss the calming reassurance of knowing he was there. Chuck was such a rock."

On November 19, 2000, while he was engaged on behalf of Vice President Gore in the Florida recount case, Ruff suffered a heart attack that took his life. He left behind his wife Susan Willis Ruff, daughters Carin Ruff and Christian Wagner, and his mother Margaret Carson.

Daniel Becker is a staff writer for the D.C. Bar.