



**RONALD REAGAN ORAL HISTORY PROJECT**

**FINAL EDITED TRANSCRIPT**

**INTERVIEW WITH FRED FIELDING**

August 17, 2004  
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### INTERVIEW WITH FRED FIELDING

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**Knott:** This is the Fred Fielding interview for the Ronald Reagan Oral History Project. Thank you for giving us your time. We know that you served as a deputy counsel for President [Richard] Nixon. We'd be interested in knowing how that came about, and then we'll jump right into your role as White House counsel for Ronald Reagan.

**Fielding:** I was practicing law in Philadelphia, having gotten out of law school in '64. I'd practiced for a year, and then went into active duty in the Army during Vietnam. I came out after two years and was practicing law again in Philadelphia when I got a call from one of my senior partners, who was checking to see if I was a registered Republican. The law firm's Washington office had been queried about whether they had anybody to recommend for a new position in the White House counsel's office.

The counsel was John Dean, and he was 32 years old. They were looking for somebody younger than Dean, somebody who could be just his backup, not necessarily deputy counsel. So I was asked if I would be interested. There was an exchange of questions between me and my senior partner, and I was invited down to interview for the job. I'd just finished a major case and was going off on vacation, and when I called Dean to set up the interview, I told him I was scheduled to go the next day. I said, "But if you want—"

He said, "Oh, no. Call me when you get back." I just assumed that took care of that. But I did call him when I came back, and he asked if I could come down the next day. I went down and interviewed, and he called and offered me the job that day when I got back home.

I worked for him and set up the counsel's office, started to hire a few more people. I was the assistant counsel, if I had a title at all—"associate counsel," I guess it was. In early '72 or late '71 I became the deputy counsel, which was a commissioned rank in the White House staff office. It was not because of working in campaigns or anything like that. I had had very little exposure to politics, and for a number of years had actually been registered as an Independent.

**Knott:** So you're in the Nixon White House when Watergate unfolds?

**Fielding:** Oh, yes.

**Knott:** Of course, John Dean is very much in the thick of that.

**Fielding:** Right.

**Knott:** What was the atmosphere like in the White House?

**Fielding:** It was horrible. Actually, you know, it's hard to put the corners and the sense around what's meant by the term "Watergate." Leading up to the campaign in '72, there was a lot of concern in the White House about the antiwar riots and demonstrators. We had gone through the Pentagon Papers issues. I had actually been the White House representative for the Pentagon cases hearings up in New York. I won't say there was paranoia about this, but [Daniel] Ellsberg's actions really did cause a lot of people to become very upset and very concerned, from the President on down. The President just couldn't understand how somebody could break the law like that and be hailed a hero. Of course, it was the Vietnam issue. There was a political view that Vietnam was bad, or the political view that we should not be fighting in Vietnam. It was all mixed up in liberal and conservative politics.

I say that only by way of setting an atmosphere. I guess every White House has a certain amount of siege mentality anyway. But once the Watergate break-in issue came into the press day in and day out, it enhanced that sense of isolation. It's hard to describe Watergate *per se*, because during the campaign it was an annoyance, but nobody believed that there was any nexus between the campaign and CREEP, the Committee to Re-Elect the President, and the White House or the administration. Everyone thought it was just an aberrant bunch of incompetent people who had tried to do something stupid. They were cowboys, third-rate burglars—all the famous quotes.

We'd get press inquiries about things, and we'd be writing up talking points for our people to respond, always on the assumption that there was no connection. Of course, John Dean became involved in that process as well. He was kind of the point person, and he spent a lot of time talking with people. He basically involved me to run the counsel's office, which was fine with me. Although Dean and I did have some tense times together—especially the end of '72, to the point where I really pretty much decided that maybe I should just leave.

**Knott:** He was so completely focused—

**Fielding:** No. He wasn't sharing what was enveloping his time in the office, and I was frustrated, as I was his deputy. "Is there anything I can do to help?" "No, no"—that kind of stuff. Actually, one of his friends from law school who became a friend of mine, a lawyer in town, told me a couple of years later (I wish he had told me before) that he remembered a Christmas party in '72 where he and I talked, and I told him I was thinking of leaving. He talked to John about it and said, "You know, you'd better start including your deputy a little more and getting him more involved, because he's feeling like it's time for him to move on."

And Dean said something to him like, "No, there are certain things I'm working on exclusively, and I'm keeping him out of them. And he'll be happy some day I did." Or something like that. I said after, "I wish to hell he had told me that"—or told the prosecutors or somebody that.  
[laughter]

**Knott:** You got dragged into the investigations?

**Fielding:** Oh, yes.

**Knott:** They assumed you had some role in it?

**Fielding:** I had an office right next to John, and I was in and out all the time. There were incidents where I actually would touch on things he was doing, not realizing I was doing it.

For example, there was a very strange incident when we knew that [E.] Howard Hunt had been involved in the break-in. We knew that Hunt used to have an office in the White House. Then we found out he had a safe in the White House. They were going to open it, but nobody had the combination, so they had to drill it open. They were going to do it one evening. So Dean says, "I have to go out. Why don't you go down and observe the drilling?"

The next morning I told him (or maybe that night; I don't remember), "You know? There are all kinds of papers in there. There's a gun in there. There's a gun in the safe in the White House!" Dean professed not to know anything about Howard Hunt or all this stuff. The next day we went through all the papers, and it turned out later that he had gone through it before I went through it. He had taken out a notebook that had an address book and stuff like that. He tried to destroy it in the shredder we had in our office, and it apparently jammed and broke the shredder.

Anyway, I did a rough inventory of the safe's contents, and I wanted to turn the gun over to the FBI [Federal Bureau of Investigation] or the Secret Service or somebody. They didn't want to take it. I said, "Well, what do you want me to do with it?" [laughter] I told them either they take the gun or they get nothing. They eventually took the papers and the gun.

At another point, Dean came back from a meeting, shaking his head, and said, "I don't know what to do. I just had a big fight with [John] Ehrlichman." Ehrlichman had told him some of the stuff that was in Hunt's safe was problematic and said, "You drive home every night across the Potomac, why don't you just deep-six the stuff?"

John was saying this to me, and I'm thinking, *Why is he telling me this?* So I said, "That's crazy. We don't know what it is, but it is evidence and you can't just destroy it." And he said, "What would you do?" I said, "Just go back and tell him that too many people know about this stuff. Tell him that *I* know about this stuff." And that's what he ultimately did. But I thought afterward, *If I had said, "Jeez," I know who would have been throwing it in the river, and it wouldn't have been Dean.* [laughter] With those kinds of occurrences, you look back and you think, *Thank God I had the instinct to do the right thing*, because you're weaving in and out of this criminal conspiracy, and you don't know that he knows more than you do. You're making assumptions that people like Bob [H. R.] Haldeman and John Ehrlichman and John Dean are good public servants and not involved in basically criminal activity, or political activity that turned criminal.

That's a long windy response to what you asked. After the election and after this meddlesome story didn't go away (and the reason it didn't go away was the trial of the burglars who were arrested), once the inquiry started and as it progressed, you had the FBI looking at it, you had the independent counsel looking at it—special prosecutor, I guess he was—Archie [Archibald] Cox's group. They had little teams, and one was the Ellsberg break-in, and one was this and that and the other thing. Every one of them wanted to interview you, as well as House and Senate committees. There were civil lawsuits with depositions being taken. I personally stopped counting after 35 interview sessions with me. I just stopped keeping records of it, because it was going on and on and on.

**Knott:** How unpleasant was that? Were people really putting the squeeze on you?

**Fielding:** Well, they were investigators bound to get at something.

**Knott:** Did you have to go out and hire an attorney for yourself?

**Fielding:** Actually, as it turned out, it was fortunate—my evidence professor at [University of] Virginia had come back to Washington and was practicing law right across from the Old Executive Office Building, where I had my office. So I finally went over and visited with him—he was only a couple of years older than I was—and he said, “Don’t do this by yourself. I’ll be your lawyer.” So he was my lawyer. I paid him, and he was my lawyer.

It really was awful, because I was also doing a full-time job. And especially after Dean left—at one point I was basically told that I was being thrown out with Dean and everybody else. It was by Leonard Garment, who had come in to be the counsel. I said to Leonard, “Give me enough time to place the rest of the staff people.” I set out to make sure they all got jobs.

One day, he and maybe it was Jim St. Clair or Charlie Wright—the Watergate team—came back from a meeting on the Hill. They had some questions—actually, a legal question, an evidentiary question. They came into my office and sat down. “Hey, let’s bounce something off you.” And we talked about it. I was able to come up with a solution that I think everybody approved. And as they were starting to leave, Garment stuck his head back in and said, “Oh, you know that conversation we’re going to have? Don’t worry about it. You have to stay. We need you to stay.” So that was the end of my being thrown out. I then basically ran the office.

**Knott:** Were you under the administration?

**Fielding:** No, no, no. At one point, late in ’73, the President’s team—or the President—was going to do something—either ignore a court order, or they were going to do something in defiance of a court order. They were talking about it. I wasn’t involved in it, but of course I knew generally what was going on with what they were doing day in and day out. We had talked and I said, “Look, guys, I can’t stay if the President’s going to do that.” So I put in my letter of resignation, even though I wasn’t part of the team doing it. My resignation was to be effective as soon as possible, but no later than, December 31. I forget when it was. Anyway, the team changed their minds and didn’t do what was being considered.

So Leonard asked me, “I guess you want to pull back your letter of resignation?” I said, “No, let’s just leave it in there.” It was to be effective no later than the end of the year. And then Leonard got fired as counsel. He remained as counsel in charge of Indians or something, some humanitarian task, which was what he was known to like anyway. Then they asked me if I would stay on to transition the new counsel in until he could get his staff and learn the office himself. I agreed to do that, as long as I wrote another letter—I wanted to get my first letter back, but I wanted to get the President’s acceptance letter of the second one before I would agree.

It sounds silly, but I really did. The sad part was that I had also insisted—though it sounds churlish, I guess—that I wanted the President to personally sign the letter accepting my resignation, because I really wanted him to read my letter. So in both instances I had to give back

my first letter from Nixon to get my second one. And the difference in his signatures in that brief period of time was scary.

**Knott:** Hmm. Interesting.

**Fielding:** Whether it was just bad day/good day, it was very scary to see the difference. In any event, I stayed until the end of January, early February, and then went back to private practice.

**Knott:** Were you surprised by the extent—which we all found out afterward—to which the President was involved?

**Fielding:** Yes, I was very surprised. I don't know how much he really ever knew, but it didn't matter, because he was complicit in something going on. As everybody says, I don't believe he would have had to leave office if he had just burned the tapes. For some reason, he didn't want to. He must have thought they were exculpatory—which would lead you to believe that he didn't really know how deep he'd gotten himself into it, or how one particular conversation would look, taken out of context. I don't know. Yes, this is a mystery. He's a mystery.

**Knott:** That experience didn't sour you on government service? I would have thought it might. But you went back in a short time.

**Fielding:** It was really a very disheartening experience, because I guess I was very naïve about government. There were aspects of it that were disappointing, let's put it that way—as well as having the hell scared out of me. I didn't know at one point what was going to happen, whether I was going to be indicted. In my experience watching then, and what I've done ever since, I know things can happen to people. In government, there's a vortex, and when you get sucked into that vortex, you don't get spit out in full pieces. You're sometimes in bad shape. People can get indicted and ruined who really are innocent—or certainly at least lacking in motive. It just doesn't matter. There's a force that takes over in a political scandal that just destroys everything in its wake. It was a scary time for me, being there.

But did it disillusion me? No, I guess it didn't. And as ironic as it sounds, when I was later fortunate enough to serve the next Republican President, that prior experience made me a much better counsel to the President. It's one of these experiences that are really strengthening, if you survive. It's the best training, because you've seen what people can do, and you stop making assumptions about regularity of actions.

**Knott:** So, you were particularly cautious about ethical—?

**Fielding:** Oh yes, absolutely.

**Morrisroe:** After you returned to private practice, did you continue your involvement in politics?

**Fielding:** Well, having not been involved in it before—Actually, I wasn't involved at all in the next election cycle. I didn't seek out, wasn't sought out when [Gerald] Ford was running. But I was kind of interested, because I was watching Ronald Reagan, who was going for the nomination, as well as the sitting President. I was intrigued by him, but I didn't get involved at

all. And I wasn't necessarily going to be involved in the next Reagan campaign, except that a good friend of mine was Richard V. Allen. He and I spent a lot of time together. We're good friends and had a place down at Sanibel Island.

He was very involved with Ronald Reagan, and had been for a number of years. I would hear him talking about this all the time. Then, during the campaign itself, he asked me if I would join a group called the "Thursday Night Group." Those were people who were not directly involved in the campaign but were just Washingtonians who would come together and give their analysis of what had happened during the week—not having any ties to anything.

**Morrisroe:** Who was the audience for the opinions of the group?

**Fielding:** Oh, it was people like Paul Laxalt, who was running the campaign, and a couple of campaign people. Dick Allen himself was involved in it. So I got to know some of these people. And then two interesting things happened. First, before the election, Drew Lewis was very involved in the campaign. Drew had asked to meet me. I was in Pennsylvania and so was he. Somebody had talked to him about me, and so we had a long chat. He said, "I hope you'll get involved somehow in the administration," and I said, "I'll help any way I can." He said, "One of the things I'd like you to do is talk with our people."

They were setting up a campaign headquarters in Virginia, and I basically worked with them to try to figure out the physical security systems for the campaign. I didn't think much would come of that. Then a friend of mine from the Nixon White House called and asked, "What do you know about this new Ethics in Government Act?" I said, "I'll tell you what I know about it." This was the first administration that had to go through the Ethics in Government Act.

He said, "Can you give me something on this?" and I said, "Sure." Then, a fellow named Ed [Edwin] Meese was flying into town. Ed and [Pendleton] Pen [James], my friend, were good friends.

**Knott:** Pen James was the Nixon person?

**Fielding:** Yes. He asked if I would go out to Dulles [airport] with him, and we met with Meese, and I talked to Meese all the way in in the car about the Ethics in Government Act. I then went back and put together a notebook to give to prospective candidates, with an explanation of the Ethics in Government Act—a little "dos and don'ts" list.

It had a section in the notebook where you could insert the prior confirmation hearings for that slot, and a law review article. There wasn't a lot in the field about it. I wrote a pretty extensive memo to Ed Meese and Pen James suggesting how they should handle the Ethics in Government Act through the transition, because they were going to be involved in it. Ed was in charge of the transition; Pen was the lead personnel person. Everyone assumed that Ed Meese would be Chief of Staff if the President won, because they'd been so close when Reagan was Governor.

I also met Ed Meese because a newspaper reporter for the *Wall Street Journal* was really going after Dick Allen about something Dick had done in the past—some business deal. Jonathan Kwitny was the writer. I represented Dick.

**Knott:** Is this about Taiwan?

**Fielding:** Yes, it probably was Taiwan or Korea. I went in and negotiated with Ed Meese—this guy I had just met—for Dick to resign from the campaign (this was two weeks before the election) on the condition that if the Governor won the election, Dick would be the first-named White House staff member, the National Security Advisor. We cut that deal. Life is funny.

**Knott:** There was no resistance to that proposal?

**Fielding:** No, they really liked Dick, and it was a matter of *How do we deal with this?* My sense of it was that nobody wanted to ask Dick to resign. They would just as soon it not be a distraction, but they didn't want to ask him to resign. So this was an easy way to do it.

I had another contact with Ed Meese after that. After the election, he asked me if I would come into the transition and basically do what I was suggesting they should do. I agreed. It was easy for me, because I knew that I didn't want to go into government, had no intention of going back into government and leaving my law practice. So I could deal with people with impunity, basically: taking very hard positions with applicants as to ethics issues. I knew a lot of the people they were considering, because a lot of the talent pool for these positions had come out of the Nixon days. I was fortunately able to set up a nice little staff of people to help me during the transition.

Then, lo and behold, they weren't filling the counsel's job, and they kept not filling the counsel's job. And January 18's coming, 19's coming. I said, "Look, guys, you've got to do something about this." We had set up a temporary office in the OEOB [Old Executive Office Building]; we moved in on January 20. We moved the transition stuff into the space that was the traditional counsel's office staff space, in the Old Executive Office Building. But there was no counsel, and I was leaving. They had a temporary person acting there, but everybody knew he was temporary. Then the President called and asked if I'd take the job.

**Knott:** The President called you?

**Fielding:** Yes.

**Knott:** Was it a brief conversation? Do you recall anything from that conversation?

**Fielding:** Oh, I do recall a lot of it. I think it was 7 o'clock in the evening, and a woman who was working with me walked in and said, "The President's on the telephone." I'd brought her in to really run the transition operation. I knew her from the Nixon days. I said "Right." She said, "No, the President's really on the phone."

I got on, and sure enough, there he was. We just chatted. He said he'd like very much if I would be his counsel. And I said, "Gee, Mr. President, I really had not planned on going into government. You deserve somebody who can commit to you for four years." (I really hadn't planned on it. I knew a lot of people who had.) And he said, "Let me worry about that. I really would like you to do this." So I said, "Well, if you do, I'm very flattered and honored. And if you're asking me, I'm honored to accept."



He started to laugh. He said, “Gosh, I’ve been putting this off for so long because everybody told me this was going to be a real hard sell. I’m really glad.” And I said, “Wait a minute. I don’t want you to think your new counsel’s a pushover. The reason I’m saying yes is that I don’t know how to say no to a President. But, if I go home and talk to my wife about it, I’ll know how to say no tomorrow morning.” *[laughter]*

So we laughed about that. But the irony of it is that of all the assistants to the President of the original group, I stayed the longest.

**Knott:** Had you met him prior to that?

**Fielding:** The only time I had met him was during the transition. They had a group of people over to Blair House, for a meeting, but that was the only time I had ever met him.

**Morrisroe:** What were your impressions of him?

**Fielding:** Oh, they reinforced my impressions of him from watching him. Obviously, we had to get to know each other. He was surrounded by lawyers. And the setup in White House hierarchy at that point, if you recall, was what they called the “Troika.” You had the Chief of Staff, who was a lawyer. You had the counselor to the President, who was his lawyer; and his former attorney general and his former everything. He had an outside advisor who was very much involved in day-to-day stuff in Bill Clark, who was a lawyer over at the State Department. So there was a lot of competition from people who were lawyers, and I was the stranger. We had to get to know each other, and I had to establish my role as opposed to the Meese role and the Baker role.

**Morrisroe:** You were on the transition team to select the counsel. Were you given any guidance by the senior members of the transition—or the President or Meese or Baker—about the type of person they were looking for or the role the counsel should play?

**Fielding:** No. I’m glad you raised that. My role in the transition was to deal with whomever they had decided upon, someone they were either going to recommend to the President or about whom the President had said, “I’d like Cap [Caspar] Weinberger to do this, if he can do it.” My role was to vet them to see if they had background issues, to see if they had financial or ethics issues that we couldn’t resolve, and that sort of thing. I wasn’t selecting. I was vetoing.

**Morrisroe:** So your role then, in counsel selection, was what your role would be in any of the offices as a conflict-of-interest counsel?

**Fielding:** Yes, right. The other funny thing about it—and I guess I should have seen what was coming—was that for each constituent group within the White House, there was also a transition group. There was a transition group for the Legislative Affairs of the [Jimmy] Carter White House. They would find out what the ongoing issues were—each group had a transition team working with its counterpart. I ran the transition team for the White House counsel’s office.

**Morrisroe:** Right, right.

**Fielding:** And the Office of Special Trade Rep, too. So I could have been Special Trade Rep, too. As I say, it was funny, looking back. It was very easy for me, because I didn't want anything. I just wanted to get the job done. Then, at the end, actually, I was tempted to go into government, because a couple of the incoming Cabinet people had asked me to consider going on their team.

One of them who was very persistent was Al [Alexander] Haig. He wanted me to come over and be the legal advisor at the State Department. I actually went over and talked to him twice about it, because he said, "C'mon, you have to do this." I said, "Legal advisor?" He said, "Forget about the title. I want you on my team. Tell me what you want to do." I was a little tempted by that, but at the end I decided I wouldn't do it. Then, of course, the President asked me, and that was different.

**Knott:** You knew Haig from your Nixon days?

**Fielding:** "Colonel" Haig. I feel sorry for Al Haig, I really do.

**Knott:** You thought he got a raw deal?

**Fielding:** History has given him a wrong label. I mean, he is what he is. Al Haig is Al Haig. By the same token, I think it's a shame for everyone to remember him for one thing. It was a moment that he created and the circumstances created, and it wasn't ever accurately reported fully. Nonetheless, he created it. But you shouldn't remember some of these people for the rest of their life for a moment like that.

**Morrisroe:** During the transition, you were reported as saying that you thought that the Ethics in Government Act in '78 ultimately inhibited recruitment, made it more difficult to recruit the best for office. Can you talk a little bit about how you think that affected recruitment during the period when you were serving as conflict-of-interest counsel?

**Fielding:** I could tell it had created problems by talking to people. If we'd have a candidate who was going to be in the energy business in the Energy Department, well, who were they? They were people who were involved in energy. But by law you couldn't own any energy stock and go into the Energy Department. Well, there aren't a lot of nuns and priests and monks who have an energy background. And the people who are good in energy are the people who have lived it. It's their life, and they know it.

At that problems caused by this act were, we identified a problem that took me—actually, I never finished it—I fought for six years to get what we call now a "Certificate of Divestiture." If you are required to sell some stock, you can defer the capital gain until you sell whatever you bought to replace your stock. So people have control over it. You'd ask somebody to go in, and they couldn't afford to do it because their capital gains would have knocked them dead.

A lot of it was anecdotal. People would say, "No, I'm not interested." I'd hear this story from the guys who were doing the recruiting. They'd say, "I can't get somebody to do this." Communication, same problem. And during that period, a lot of people were very resentful of having public disclosure of their wealth, or their lack of wealth. It wasn't just for the social

reasons. Some people had strong philosophical feelings. They didn't want their neighbors to know how wealthy they were. They didn't want their kids to know if they were wealthy.

It was hard to calculate, but you knew there was a problem. We've solved the one problem now. It was the end of the Reagan years, after I left, when they finally got Treasury turned around. Treasury didn't want to do it. How much money can it cost the Treasury? Nothing. So now you can get a Certificate of Divestiture if you have to sell something. But you have to remember, you can't sell it the day before you're confirmed. You have to wait until you're confirmed and then sell it.

**Morrisroe:** How does it affect the workload of both the transition and, ultimately, the counsel's office?

**Fielding:** What? The Ethics in Government Act?

**Morrisroe:** Yes, enforcement.

**Fielding:** Everybody who comes into government, throughout an administration, has to go through this process. In my case, I used to spread the assignments around among most of my staff people. I had one or two people who did that clearance work exclusively. Yes, it's a significant part of what a counsel's office staff is doing.

**Morrisroe:** How did that compare with what was going on during the Nixon administration? You weren't operating under this law, but were there any procedures in the office for reviewing new appointees? Or is that something that counsel's office did?

**Fielding:** I'm pretty sure we discussed in our prior meeting about Bill Casey, because the Bill Casey nomination for SEC [Securities and Exchange Commission] chairman came up and was the impetus for making a significant change in our clearance process.

**Morrisroe:** The blind trust.

**Fielding:** Yes, but it wasn't just the blind trust situation. Dean came to me and said, "We're going to do this guy, Bill Casey." Well, I didn't know who the heck Bill Casey was, except that his name was kind of familiar. I knew he had something to do with the law books. He had put out a series of law books. But he was very involved in a lot of different types of transactions. He was a wheeler-dealer, if you will, as well as an entrepreneur.

Dean said, "You better chat with Casey and see if there are any issues involved in his financial holdings, since he's going to be chairman of the SEC." I talked to Bill Casey, and he was either in an air terminal or a train terminal, talking on the phone. That was how I was screening him for what his holdings were. And if you've heard the legend about Bill Casey, about how he talks and mumbles, it's true. Here we are talking on the telephone with announcements going on behind, and he's mmmm-bbl-mmm [mumbling noises].

Bill Casey was really funny. I remember he used to sit there and talk, and he'd play with his tie. So not only is he mumbling, but he's chewing his tie at the same time. You couldn't understand what he was saying.

**Knott:** He's chewing his tie?

**Fielding:** Yes. He used to play with his tie all the time. One time I was in a National Security Council meeting with him when he was Director of the CIA [Central Intelligence Agency]. He was down at the other end of the table, in the Sit Room [Situation Room], and he was saying something I couldn't understand. I kept thinking, *Jesus, he may be saying something I'm going to have to remember someday. I can't even hear him, let alone understand him.*

The SEC thing came up, and of course it was a very controversial, tough confirmation hearing. We had to sort through all of his financial holdings and unwind them and figure out who were partners with whom, and all that kind of thing. I remember we spent one whole weekend at the White House. John Dean's office was to my right, and there was another office to my left that Casey worked in. I was in this little office in between. We worked that whole weekend just trying to unravel his stuff.

At one point we were all in our respective offices, and I heard this horrendous crash in Dean's office. It sounded like an explosion. I went over and opened the door. They had these big overhead lights made of metal, and, for some reason, this thing had fallen out of the ceiling. I looked, and here's John Dean, white as a sheet, sitting behind his desk with this wreckage all in front of him. The chair I had just been sitting in was just split in half.

**Knott:** Whoa!

**Fielding:** I'm looking in, and there's Dean sitting like this, and all of a sudden I hear this voice behind me [mumbling noises], and here's Casey. He's looking over my shoulder, "Mmmmmm." He never said another word, just went back into his office. [laughter] Oh, my. There's history for you.

After that, I went back and said, "Look, we can't keep doing this. This is crazy." So I devised a questionnaire, which is basically still the same one that's used today. It's called the White House PDQ—Personal Data Questionnaire. Basically, it's the one we drafted in 1971 or '72. That was the beginning of it. There was no screening process up to that point. It sounds inconceivable, but it also tells you a little something about confirmation hearings and how the whole politics of use of Senate debate has changed remarkably.

**Morrisroe:** After you were counsel, did you have any conversations with [James] Baker or Meese or Reagan about the purview of the office, what the role and responsibilities would be?

**Fielding:** Oh, yes. Not with the President. I was counsel to the President. And I have to say that the counsel to the President is different in every administration. If it's ever been institutionalized, it probably is much more so since the Reagan administration. I issued guidelines. I set up reporting requirements and set up things, for instance, so that in the White House there isn't a direct contact with the Justice Department, except through the counsel's office. So you can keep people from calling up and trying to—

**Morrisroe:** You traded memos with Attorney General, as I recall, fairly early on?

**Fielding:** Yes, we traded memos with them, but I also issued memos to White House staff on various departmental contacts and that sort of stuff. I really tried to institutionalize it, because it had to be. The personal relationship of a President to his counsel, of course, will vary, and has varied, depending on the tenure of the counsel—which may vary, depending on the relationship with the President. We built up a staff, but not at all, for instance, the size of the [Bill] Clinton White House staff, which had a whole different unit. It was almost two staffs. They had a crime-fighter staff and a counsel staff.

**Morrisroe:** Did you have the authority to make all the selections for your office? You had a pretty free hand?

**Fielding:** Yes, I did. The only one who was really strongly urged upon me was a deputy named Herb Ellingwood, who was a former law school classmate and very close friend of Ed Meese. Ed said, “I wish you’d consider bringing him on the staff.” And I said, “But he’s pretty senior.” “Well, maybe he could be a deputy. Maybe he could be kind of a ‘counsel.’” So I went to Baker and said, “I want another deputy slot.” He said, “Fine.” So I hired him for Ed, and then I picked my own deputy, and had him as a second deputy. I gave him some assignments, but he had things he wanted to do separately. Do I get to review this?

**Knott:** Yes, you do. You have complete control.

**Fielding:** One day he came in and started reporting to us how he had spent the prior week and weekend in Seoul, Korea, at an evangelical rally. He had given out Bibles that had the President’s signature imprinted on them. And I decided that he really should do something else for his President other than be on the White House staff. So I went down and talked to Pen James, and he saw the need for Herb to go be the head of the office of Merit Systems Protection Board. So that’s where Herb served his country.

**Morrisroe:** What were you looking for in your staff? Were you seeking to fill particular slots and roles, or all-purpose players?

**Fielding:** Smart people, just looking for the smartest people I could find. If I had to do a profile of somebody, it would have been kind of like I was: a young litigator who could deal with all sorts of problems. I didn’t care if they had background or not. It’s pretty hard to find people who have had specific relevant background. My deputy was a former prosecutor and was also a good friend of mine. So I had a comfort level with him. The others were just bright people. That’s an interesting question, “What was I looking for?”

Once I decided on the staff, the one thing I did bring in a specialized person for was during the transition (as I mentioned, this was the first time that there had been a transition in the Ethics in Government Act). I figured the Office of Government Ethics was really going to be important. So I went over and asked if they would detail one of their people to my staff during the transition. And it turned out great, because if you ever have a hitch with the Ethics in Government Act in clearing somebody, there was my guy. Plus, we really worked together pretty carefully and built a relationship. Afterward, when I started, I had the same fellow transferred, and he was detailed to me. Then he eventually came on the White House staff. So he was really

brought on there for that specific expertise. The rest were just good lawyers, varying in age and experience.

Everybody was young. My most senior, other than my deputy, was a fellow from Hogan & Hartson in New York, a trial lawyer, a young partner. There were a couple of people I considered but didn't initially hire, and then later hired. Chris [Charles Christopher] Cox was interviewed three times before he got hired. Mike Luttig was my youngest hire. I hired him out of law school.

**Morrisroe:** I recall you saying in our earlier interview that he even came up when he was in law school.

**Fielding:** Oh, yes. I worried about him. I had two issues with Mike. First of all, he kept coming up to D.C. while he was in law school. I said, "Mike you have to graduate. I can't take you on my staff if you don't graduate from law school." And, then, he wouldn't take his bar exam. I don't know if he just didn't because he was afraid he'd miss an assignment, or whether he was afraid he'd fail the exam. So we finally brought him in, and we had an intervention with him. We told him, "If you don't take your bar exam, we're going to fire you. And then you'll never get to be a clerk, and you'll never get to be—" Everybody knew what Mike wanted to be. I think he got a robe for his 16th birthday. That's what he really wanted to be.

We had a wonderful, wonderful staff. When Reagan died, I did an interview. I don't know if you picked it up from the *Legal Times*, but I really meant what I said in there. I was so blessed with such good people.

**Knott:** How much interaction would you have with Jim Baker? Was it daily?

**Fielding:** Oh, yes. Yes, daily, several times daily. Baker had a system. He had a senior staff meeting in the morning. And then, as it started to evolve, he had a meeting after the meeting. I won't say that I was invited in there right away, but pretty quickly I started to be in the meeting after the meeting where you'd hash out a lot of stuff. I saw Baker innumerable times during a day, always with "walk-in" access.

**Knott:** What was your assessment of him?

**Fielding:** Terrific. He really is a good Chief of Staff. He's so smart politically, very astute politically. The only criticism I've ever heard of Jim Baker is that "Baker's shrewd for Baker." But, you know, part of being a good politician is knowing everything that's going on around you and behind you. And that's what he is. He sets up a network of talented people and—

**Knott:** Some of the right-wing Reaganauts question Baker's fidelity to Reagan.

**Fielding:** Oh, yes. Sure they did. Hell, he was the campaign manager for the opponent during the primaries. And yet it was a very astute choice. You wanted Ed Meese there, but you always wanted somebody like Jim Baker. Ed Meese had a briefcase that didn't have a bottom in it. Stuff went in there and some of it never came out. Baker was all very businesslike. They each were wonderful people and each brought something different to the table. But yes, the Reaganauts looked for every incident and every nuance against them or against the President, for lack of

devotion to the President. I guess the best barometer of that wasn't the Reaganauts; it was Nancy Reagan. She became very fond of Jim Baker and depended on him a lot.

I had a fight with the Reaganauts when the administration first started, because these guys came in with no portfolio and decided they were going to set up office in the Old Executive Office Building, and do this and do that.

**Knott:** Is this the kitchen cabinet?

**Fielding:** Yes. Somebody had to be the enforcer, and all of a sudden I was out there. But it was a problem that had to be dealt with, and it had to be dealt with as forthrightly as we could do it. Several of them went into the administration. That was fine.

**Morrisroe:** If I recall, though, it was the Ethics in Government Act and a disclosure that they would have to undertake to become an active part that was something of a disincentive for them?

**Fielding:** Yes. Did I tell you the [Frank] Sinatra story? This is awful. Mrs. Reagan decides that Frank would like to be in the government. It would be great if Frank came in the government and ran some commission or did something. So I think, *Holy God! What am I going to do with this?* [laughter] So we worked up this little thing.

He was over visiting the Reagans, and then [Michael] Deaver brought him over to see me. "Let's go up and see Fred." In my office, I had—still have—a little platform about 6x6 with a little electric train that just goes around. Well, Sinatra walked in, and we started chatting. I didn't know he was a train collector. He just thinks this is the greatest thing in the world. Deaver's asking, "Where did you get it?" I can see a Frank Sinatra Christmas gift coming up. He's fascinated by this train. He keeps talking about his train collection and all.

So everybody's big buddies, and I said, "Listen, I think it's really great that you're coming into the government. What I really want to do, I want to personally take charge of this and get this expedited. So I'll give you all the forms to fill out—for the FBI investigation, and the full field investigation, and all the financial stuff. I'll work with you hand in hand, and I'll make sure that you're personally interviewed, just to get the ball rolling." Well, that was the last we heard from Frank. Mr. Francis Sinatra never got those forms filed. [laughter]

**Knott:** But did he get the train set for Christmas?

**Fielding:** I'm sure he did. He didn't get mine. What was really funny about him was that afterward, he sent me a note thanking me for our meeting, which I didn't expect. And then, every once in a while he would write me a letter about something. And he always signed it "Francis Albert." I'd heard people joke, but that's the way he would sign his letters. I don't know if that's "You're a real close friend" or "You're a real far friend." You know? I'm sorry to digress.

**Knott:** How would you characterize your relationship with Ed Meese? Did the two of you get along?

**Fielding:** Oh, yes. I still see Ed. I like Ed. I'm very fond of Ed. We had some difficulties from time to time. Ed has had some interesting people on his staff and some very able people on his

staff. And he also had some people who were just hangers-on, who abused their relationship with him. Ed Meese is the nicest guy in the world. He would never even have noticed it, let alone do something, so that caused some problems. And every once in a while we'd have problems because Ed would be susceptible to people wanting to come in and talk to him about the ATT [American Telephone & Telegraph] divestitures or things like that that he shouldn't be asked to discuss. I tried to be helpful to him by being the buffer for him. Ed and I, I think, got along very well. Also, we worked a lot of judicial selection together.

He and I had one serious disagreement about judicial selection issues, at a time when—I think he was Attorney General then. His staff was pushing somebody I thought should not be a judge.

This one particular candidate was someone who his staff had obviously convinced Ed should be a judge. We had an exchange out in the hall, outside the Roosevelt Room. The candidate was a law professor. I said, "Ed, as long as I'm counsel to the President, I will never recommend anybody to the President to be a judge who has referred to the parties in *Plessy v. Ferguson* as 'pickaninnies' in his class. I don't care what else he's done in his life. You can't do that to the President of the United States." We really had an angry moment over this thing.

The other thing that was very difficult was when Ed was a nominee for Attorney General. I was working on his confirmation. He used to wear Adam Smith ties. And one day we were getting ready for a big meeting. I collected every Adam Smith tie that I could get, that had been given to me, and I went down and gave everybody an Adam Smith tie when we started our session. [laughter] (I never got them back, come to think of it.)

So I was very involved in his confirmation, and wanted him to get confirmed. But then, when the issues started to surface, I became convinced that Ed should ask the President to withdraw his name for a while, which he ultimately did. Ed was very resistant to do it. One day, I just went down to his office and said, "Ed, I'd like you to come with me. I'm going to go to talk with the President about this, and I hope you'll come with me." He did. And he withdrew. And that was personally a very tough moment for me and both of us.

**Knott:** Yes, I'm sure.

**Fielding:** It was certainly an understandable moment. But I think the world of Ed. I did then, and I still do today. He was a wonderful public servant, and one of the nicest men you will ever get to know. And he's smart.

**Knott:** There was always this cloud around him, though. How do you explain that?

**Fielding:** Associates. People he has around him. He had some very good people, but he also had a bunch of people who just used him, used his name. He's really smart. He's really a quick study. He also had a cloud around him because the "left," if you will, in California hated him. If they couldn't hate Ronald Reagan because Ronald Reagan was Ronald Reagan, there was somebody they could hate, and that was Ed Meese. That's life. That's politics.

**Morrisroe:** You touched on judicial selection and the committee. Can you talk a little bit about how the Judicial Selection Committee was organized and operated, and the decision, fairly early on in the administration, to eliminate the so-called Merit Commissions that Carter had set up?



**Fielding:** Yes, yes. Thank you for reminding me of that. Traditionally, the Justice Department had played the laboring lord in judicial selection. And it was usually, as in the Nixon White House, at best, a Deputy Attorney General's notice to a John Ehrlichman, for instance. And early on I had discussions with Ronald Reagan about this. He was very mad at himself, or disappointed in himself, for some of his judicial selections when he was Governor. He felt that he had not been careful enough, or that he had been misled, or there hadn't been a careful enough vetting, and that he had put on a bunch of what he considered to be "activist judges."

His perfect view of a judge was a judge who interpreted the law, who did not make social policy, but was a strict constructionist. I don't know if he used the term, but that's what he was talking about. That, I understood, was what he was looking for. Early on, the decision was made in a meeting that we would bring the judicial selection process into the White House, and I would chair the group. So I set up what was called a Judicial Selection Committee, and we met, I think, once a week.

I told you that at some point it became principals only. But originally it was Baker, Meese—actually, sometimes Deaver came, but he wasn't that interested in it. The counsel to the President was the chair. The legislative affairs guy, the political guy (guy or girl), somebody else. Oh, personnel.

**Morrisroe:** Pen James?

**Fielding:** Yes, the personnel office. And then from the Justice Department, you had the Office of Legal Policy, the Attorney General, the Deputy Attorney General, the Associate Attorney General. It was a pretty high-level meeting for those kinds of people for one subject. That's what we set up. And, getting back to your reference, when we came in, there had been a proliferation of Judicial Merit Selection Commissions in various states. I think there was actually even a Carter Executive order on it. I'm not sure about that.

I looked at it, did some research, talked to a series of people who had been involved, and looked at some results. I came to the conclusion that they really didn't obviate politics, which was the big selling point. "Get politics out of judicial selection." It didn't at all. What it really did, in most instances, was put it one step away where it appeared to be out of politics but really wasn't. So there was less accountability for these groups. And also, in particular areas, we wanted to enhance the role of the Senate, especially in the circuits, but we wanted to have ultimate control over the selections.

What do I mean by "control"? Just that. That's where you get the President having felt that he had not done it in the past. He would ask a Senator for three to five names for any opening in their jurisdiction or their circuit. Depending on the seniority, power, and influence of the Senator, we got three to five names. Sometimes, "You want three names? Here's the first one." It depended on who it was. But there were a lot of instances where, if they gave us names and we checked them and weren't happy with them, we'd go back and say, "Do you have any more names?" We would override the Senator if we had to. The other thing we tried to get away from was, in the circuits, having an "assigned" seat: that's the Maryland seat; that's the Virginia seat. We weren't always successful, but we tried to get away from that nomenclature.

I think the process worked pretty well once we got it going. It was a little hard to get it set up, and we had to break a little institutional china to do it, but I think it worked pretty well. Then the vetting was done at the Justice Department. How it's done? I think it's done closer to that model now. In the Clinton years, I think they had set up a double set. You had much more going on operationally at the Justice Department, yet the people at the White House thought they were doing it too. My recollection is there seemed to be a lot of duplication. But, of course, we spent a whole Miller Commission [Miller Center Commission on the Selection of Federal Judges (1996)] looking at it after that.

**Morrisroe:** So, during your tenure then, essentially the recommendations would come in from the Senators, and whomever else, and the Justice Department would do the initial kind of ideological cut, questionnaire-interviewing?

**Fielding:** Yes, except we had long discussions about what you do and what you don't ask people. I think it was pretty carefully observed under Bill Smith. I don't know what happened after that.

**Morrisroe:** About the litmus tests?

**Fielding:** Yes.

**Morrisroe:** —and abortion issues.

**Fielding:** And I really don't think that took place when I was there. I'm pretty sure it didn't. But I heard some stories about it afterward.

**Morrisroe:** So, during your tenure, were the decisions made on the Judicial Selection Committee consensus-based decision-making for the most part?

**Fielding:** For the most part, yes.

**Morrisroe:** You mentioned the one potential judge that you vetoed. Was there frequent disagreement?

**Fielding:** No, no.

**Morrisroe:** More or less on the same page?

**Fielding:** It was pretty much on the same page. There may have been favorite sons or favorite daughters—

**Morrisroe:** Can you talk about the role of the ABA [American Bar Association] during your tenure? And their Committee on the Federal Judiciary?

**Fielding:** As you know, after leaving the Reagan White House I ultimately went on that committee and served two terms. I really was very upset with the ABA when I first came into the Reagan administration, and I did some analysis and looked at some comparisons of what had happened, and the people they had approved and given their highest ratings. I think at that time

they even had one extra rating, “extremely well-qualified,” or something like that. I’d heard stories about the ABA, but I was trying not to rely on that.

Although, having been an ABA member for a number of years, I knew where the bent of the organization was ideologically, and not necessarily in love with every President. So I finally asked to go out and meet with the committee. I just was as blunt as I could be: “We’ll use you. We’d like to use you. You’re a valuable service. But all I want is for you to give us the same kind of evaluations you were giving the Carter judges.”

The chairman said, “Oh, we do, we do.” I said, “No you don’t.” Fortunately, I had done my homework, and I just laid it right out, as much as you can compare apples and oranges. But they really hadn’t. After that it got a little better. We had a couple of tense moments with them over one particular judge. I think it was a Court of Claims judge. They kept finding him unqualified or not qualified. He actually later died before he got his confirmation hearing.

The ABA had gotten a little involved in the Carter/Reagan campaign. In the first year, the ABA thought they owned Law Day. So I invited them to come in and meet with the President to sign the Law Day Proclamation, which a President did every year. They were very upset when they got there and found that the National Bar Association, the Federal Bar Association, and the Women’s Bar Association had also been invited and were in the room. They were very upset about that. I was trying to make a point—and I think it was made—not only to the ABA, but to the other entities as well. It was a very tense meeting.

**Morrisroe:** Yes. I can imagine.

**Knott:** Could you talk a little bit about the nomination of Sandra Day O’Connor? That was a very important event.

**Fielding:** Sandra Day O’Connor was interesting. As it turned out, when we had the vacancy, she was on my list and she was on Bill Smith’s list. I know how she got on my list, and I suspect she got on Bill Smith’s list the same way—from the Chief Justice who had, early on, invited me over to his home so we could get to know each other, and putzed around and talked about everything under the sun. He cooked lunch. Actually, it was a very pleasant afternoon; we had a little glass of wine. And one of the things that came out of that was Sandra Day O’Connor’s name. He told me how he had met her, if the President would ever be interested in a woman. I had walked into his plan, because I asked him what women jurists he had run into, since it was clear that the President wanted to do that, if he was comfortable with the nominee.

And so, when the vacancy occurred, she was on the list and was selected. We brought her into town. I went to meet with her with Ed Meese, Mike Deaver, and Jim Baker. I guess all four of us went to meet her at the L’Enfant Plaza Hotel. She was very impressive, a very impressive woman. But then, when we were getting ready to announce, we were afraid it was going to leak out, because although the [Department of] Justice teams had been out and about for some time before we brought her in here, there was just starting to be too much attention. So we decided that we’d better make the announcement. But we didn’t want to go through the regular White House speechwriting and communications office, because we were afraid that it would leak out from our own press office.

So I was assigned the task of writing the President's announcement, which I did. And as I say, I'm very proud of it, because he didn't change anything in it—or maybe changed a word or two. That was my other task: secret announcements. It was a historic moment. It was actually fun. The vetting and the prep were done by the Justice Department. I attended, and I think maybe one other person from my staff may have attended some of the vetting sessions.

**Morrisroe:** Were murder board operations and things like that done in the White House, or was that over at Justice?

**Fielding:** No, I think for her they were all done at the Justice Department. I did several of them, and that's why I'm not sure. Some of them were done at the White House, but I think hers were done over there. I know that we have a photograph of the vetting team, a young, fresh-faced, Ken Starr in the middle of it. So I think that it was done over there. It's funny. The day she was going to be sworn in after the confirmation hearings—I've tried to go back and sort this out, because it's kind of a mystery. When she was coming over to the White House, something else was going on that day. And somehow I was sent over there basically to babysit her and her husband and her family until the President and everybody else could get there. Then we were all going to go up in a motorcade to the Supreme Court.

I remember doing that, and I know that my schedule got jumbled around because of that. I can tell, because there are photographs of who arrived and when they arrived. But then, after they met first with Mrs. Reagan and then with the President, for some reason, I didn't go up to the swearing in, which would have been very illogical. I can't remember what it was that pulled Baker and Meese away beforehand. Then I obviously had to go sweep up whatever it was, tend to it. I can't put back together what it was.

The O'Connors were quite a hit in Washington. It was an exciting era of social entertainment, anyway—the Reagan years. It's never been the same since, and they were an interesting part of it, because they were suddenly a very exciting couple. John is a very entertaining fellow, although he's not doing well right now. [Deceased by publication date.]

**Morrisroe:** Did the selection group for the Supreme Court vacancy present Reagan with several options from which he'd choose? Or was O'Connor the consensus recommendation?

**Fielding:** Oh, there were several people on the list. But, as I recall, she was pretty much a consensus.

**Morrisroe:** What was it that drew both the group, and ultimately Reagan, to her selection?

**Fielding:** I don't know. I guess her record. She was close to [William] Rehnquist. The Chief Justice was recommending her. It all fit together. She's a very attractive person. And she had a terrific record too, by the way. She obviously was eminently qualified to go on the bench. That made it easy.

**Morrisroe:** Maybe to bookend our discussion of judicial selection, going from the highest court to a lower tribunal, the D.C. judicial commission. That was one of the earlier controversies with respect to judicial selection. Do you have any recollections about that?

**Fielding:** Alcee Hastings?

**Morrisroe:** Yes.

**Fielding:** Well, Bill Borders was the Carter carryover on the D.C.—I forget what it was called. Maybe it was just called the Judicial Nominations Committee.

**Morrisroe:** Yes, I think so.

**Fielding:** He was the President's appointee. The President was supposed to have one. I asked Bill Borders to come visit with me. In the Carter years, they slipped those D.C. courts' selections over to the Personnel Office for some reason. I called Mr. Borders in and suggested that I wanted to talk to him and hoped that I could talk to him from time to time and give him our White House views on candidates. He didn't think that was a good idea at all. He said he was the President's appointee, and he didn't need any input from the White House. So I suggested that if that was really his view, he ought to step down and let the President have his representative on there.

He didn't agree with that, and he said that no, he was the President's appointee, even though he didn't think he needed to have any discussions with us about the President's views. So I said, "If that's your choice, fine. OK, we're going to replace you." He tried to make a big press splash about that. He actually filed a lawsuit, and he won at the lower court level. And while we were appealing it, he was caught in the parking lot making a political payoff, a cash payoff, to Judge Alcee Hastings. So not much happened on that appeal. The irony of it is that in his trial, one of his defenses was that I, to get even with him, had set up this sting to nail him. Not much went with that either; he was convicted.

I guess that was the most controversial part of that selection. Although, it's interesting. This is a good court. For local courts, it really is a good court. But it has to be paid attention to. Both my deputy and I were members of this bench, so it made it easier for us to pay attention to it. But it really is a good court, at both levels.

As for the federal district court for the District of Columbia Circuit, the first judge we put on the bench was Pen [Thomas Penfield] Jackson. Everybody knew Pen Jackson. That was easy. For the second one, I wanted to recommend to the President somebody I thought the world of. I thought he really would be a good judge, but he practiced in the District and in Maryland. So I called up the Chief Judge, whom I knew from my trial work, and we chatted about him. I told him what the problem was and asked, "What would your reaction be? Because if you're not for it, I'm not going to recommend it to the President." He said, "Let me get back to you."

The next afternoon, he called and said, "There will be no problems. I think this is a wonderful idea." The Chief Judge at that time was Aubrey Robinson, who's a terrific judge and a terrific human being. He took this judge under his wing—the fellow's name is Tom Hogan. He's now the Chief Judge, and he's so much like Aubrey Robinson in the way he runs the Court. It's a beautiful thing to see. So Judge Robinson really took care of him, and made sure there was no problem, took him under his wing.

I have a photograph that's in the Chief Judge's chambers. At one time, I was with the President and Ed Meese, and I told the President a joke. The office press photographer was taking pictures,

and he caught the moment. There's Reagan with his head rearing back, and there I am, laughing at my own joke like I always do. Ed Meese is laughing. Today a copy of that photo hangs in Tommy Hogan's office and says, "Dear Tom, as a moment of history, I thought you'd like to see the President's reaction when I suggested you to be judge." [laughter]

[BREAK]

**Knott:** We thought, if we could, we'd ask you to recall some particular events, starting off with the assassination attempt on President Reagan, your recollections of that day, and also questions surrounding the 25th Amendment.

The assassination attempt. I was actually meeting with Ed [Edwin] Schmults, the Deputy Attorney General, when I was buzzed and told that there'd been a shooting, and the President was on his way to the hospital. Several people had been hit, but at that point, we didn't think that the President had been hit. Then, very quickly thereafter, we knew that he had been. This was to be a big event.

The irony of it, when you look back, is that morning when we had our senior staff meeting, we went through the President's schedule, along with everything else, and nobody wanted to go to this particular event. It was an AFL-CIO after lunch, drop-by type thing at the Hilton up the street. There was no excitement to attending the event, just to go with the President.

Very briefly, then, after that we started to get information. After receiving a call from Dick Allen I went down right away to the Situation Room in the basement of the White House, and we started calling in the Cabinet. I walked over to the press office, and it was just pandemonium, everybody screaming and yelling. There was a young press guy who had gotten up on top of the table and was trying to talk to the press people. You know, "Everybody—" He wasn't registering and wasn't doing any good. This fellow was a good friend of mine. He had actually been my "little brother" in a fraternity when I was in college.

I walked over and got him out of there and just let the press scream at each other for a couple of minutes. It wasn't doing any good. We assembled back in the Sit Room, and the Cabinet started to come in. Basically, we sat out the whole storm from there, figuring out what to do, and watching the events. We were getting a lot of our information from television, as well as some direct lines from the Secret Service.

The irony of it was that Baker, Deaver, and Meese—the "Troika"—were all at the hospital with the President. The Vice President was out of town with his staff, so it was not your normal situation. The press people who ordinarily would have been with the President—Jim Brady, who was the press secretary, was shot, so he wasn't functioning. Lyn Nofziger, for some reason, was either with the party or went to the hospital. So he started serving as the press person out there. He was very good at it, because he was calm and a known figure, a kind of reassuring, avuncular fellow.

At one point, when we were in the Situation Room, we heard that Jim Brady had died. We had a moment of silent prayer. The Sit Room was Dick Allen's, basically, because he was National Security Advisor. And when we sat down, he put a tape recorder on the table and taped the conversation. There were some things that weren't taped, and the only thing I can think of that occurred was when he was changing tapes, or some conversations were out of earshot. I say that because there were a couple of things that didn't show up on the tapes. But for the most part, there's a taped record of what was said in the Situation Room.

When we started this dialogue today, we talked about Al Haig briefly. And that was, of course, the day that Al Haig had his famous "I'm in charge" routine. To me, it was very strange. Haig was sitting right across from me. I was at the end of the table. Dick Allen was next to me. Right across from me was Al Haig, and right above Al Haig was the television for the Situation Room. So when I looked up, I could look at Al Haig or I could look up and there was the television. Weinberger was down at the other end of the table with Bill Casey at that side of the table. We have photographs, again, of who was seated where. But, on the Haig thing, it was really strange, because we're all talking around the table, and Haig was right across from me.

I suddenly heard Al Haig's voice, and I looked over and there was no Al Haig. I looked up, and there was Al Haig on the television. It was him bursting in to say, "I'm—" I forget, literally, what he said. But, the impression was "Don't worry about anything. I'm in charge here." But he was out of breath. Here's a guy who had had a heart attack. He smoked several packs of cigarettes a day. And he went over, ran up the stairs—instead of taking the elevator—ran all the way at a fast pace to the Press Briefing Room, and burst into an unfamiliar Press Briefing Room. Of course his hands were trembling and his voice was shaking. I've always thought it's just a shame that Al Haig is remembered for that moment as opposed to all the other things he did in his life and for his country—everything from Colonel Haig in the Nixon White House to all the other things he did. But there he was.

And then he came back, and he and Weinberger got into this argument about Constitutional authority and rankings of the Cabinet. Haig said something to Weinberger—"You better check your Constitution, buddy." And then he looked across the table at me and said, "Right, Fred?" And I said, "No, Al, not right." [laughter]

Actually, the debate has been mischaracterized slightly. There was a big debate on who had charge of national command authorities, which I'm not going to get into today. It's very classified stuff. That was the dynamics of the room.

But the most amazing thing of all that day was how well it worked. This is March 30. This Cabinet met and was put together January 20, and in the intervening time, they were all setting up, learning their new jobs, and not necessarily interplaying with each other. Yet it all got together and it all worked. So, with some glitches, it was pretty remarkable.

One of the issues that comes up when people talk about this is the 25th Amendment. Early on, I had commissioned our staff to put together a notebook—*The Doomsday Book*—of what to do if you have to exercise the 25th Amendment on an emergency basis. We had the rudimentary stuff, although I don't think the book was quite finished. I don't think we had all the form letters in

place, or something wasn't done. But we basically had the checklist. So we were working from that and preparing the letters in case they would be required.

The story that's part of the urban myth is that Richard Darman, at one point, comes in and takes the documents I had prepared, which my staff had brought down to me while I was there—and put them off into a safe so there'd be no further talk of it.

But it wasn't quite that way, at least from my recollection at the time. There were no indicia—this sounds very strange at this point, when you look back in history—but there were no indicia in the Sit Room that the President was injured as seriously as he was. It was reported he was joking with the doctors; he was joking with people; he was joking with Nancy, and nobody really realized—at least from our end, and my view. And I've talked to several people who were there at the hospital, including Ed Meese, since then. It seems nobody ever really realized how badly he was injured and how close to death he was. You can say, “Well, if you knew he had to go under anesthesia for some period of time, why didn't you do it?” Well, we just—we just didn't in that room, full of Cabinet and all.

The other thing is not a political or legal reaction, but a real-life reaction, about the situation. We had no idea who the shooter was. We had no idea if this was part of a national or international conspiracy. We didn't know. We had to put all the troops around the world on all kinds of high red alerts, because we just didn't know. The “Cold War” was still cold! To suddenly say, “The President is fine. He's alive, but we've exercised the 25th Amendment,” would have been a very serious move. Not that it necessarily couldn't have or shouldn't have been done—but it would have been a very serious move, especially that early into the administration.

From my point of view at that time, he was not in a medical jeopardy situation that would have demanded it. And at that point, we would probably have had to have the Cabinet vote to do it because the Vice President was away. But we did not exercise the 25th Amendment. The Vice President came back—assumed the reins, if you will, from Al Haig, or whomever. *[laughter]* And then went on functioning. Actually, the Vice President sat in on the senior staff meeting the next day, which the President never did. So that was kind of a reassuring thing for everybody on the staff.

When the Vice President first came back to D.C., he sat in the Sit Room, and then we went up to his office. The Attorney General and I briefed him on the 25th Amendment option. We briefed him on several issues that were coming up, but primarily the 25th Amendment was the original reason we went up there. There was Baker, Meese, and me, the Vice President's Chief of Staff, Admiral [Daniel] Murphy. Boyden Gray was there, his lawyer. We talked about national command authorities. Then the Vice President went to the Press Briefing Room and briefed.

As I said, that was a long day. Everybody asks me, “What do you remember most about that day?” What I remember most about that day is that everybody was so drained and so emotional afterward. When I left about midnight, I was walking up to get my car in the West Exec Drive. And there was Jim Brady's Jeep sitting where he had driven it in that morning. I—lost it.



**Knott:** Did you notice any changes in President Reagan once he returned from the hospital? Edmund Morris, I think, tries to make the case that Ronald Reagan was not quite the same after that. Much slower—

**Fielding:** Not really. Maybe we were looking for it, but he seemed to be more philosophical. But not slower at all. Not slower at all.

**Knott:** Good.

**Fielding:** I was really surprised when I read the letter that everybody read from Ronald Reagan saying that he had Alzheimer's. The letter sounded like him, so I didn't have any question that he'd written it. And then, of course, it turned out it was in his own hand. But what surprised me was about six months before that, I had gotten a call from him, and we were chatting about something. The purpose of his call was something that he and I had worked on together, or I'd worked on for him, and it was kind of a complex thing.

He was calling about some aspect of it, and his memory of it was better than mine here in Washington. I said, "Look, I'm going to come out there in the next day or so. Why don't I just come up to your office, and we'll go through the files, and then I can give you a better idea or confirm" whatever it was. So I did. I went through the files and figured out what it was. Then his secretary walked in and said, "The boss wants to see you before you leave."

So I went over, and I'm waiting. And he opened the door, and there he is with this attractive woman. It's Mrs. [Debbi] Fields, of Mrs. Fields Cookies. And in typical Ronald Reagan fashion, he says, "Oh, come on in, Fred," and he was introducing me to Mrs. Fields. I'm looking around the room, and there are jars of Mrs. Fields cookies and all kind of gift decanters and cookies all around. "Have a cookie, Fred." We chatted for a couple of minutes, and then she left. Then he and I started chatting about the issue. Then we were talking about mutual friends. Perfectly fine. Perfectly lucid. Much more lucid than I on that particular issue.

The only thing that bothered me about that visit was when the secretary came in and said, "Now, Mr. President, you're going to have to go soon, but we have to sign 20 books before we leave." And I'm thinking, *I don't like the way she's talking to the President of the United States*. Then I got to thinking about it on the trip back east—*Mrs. Fields? Oh, come on. He should be meeting with people who stimulate him, who keep him active, instead of Mrs. Fields Cookies*. So that bothered me.

I had gone for a couple of years to his birthday parties. Maggie [Margaret] Thatcher would come. It was always fun. But one year I didn't go. I had talked to Dennis Revell, who was Maureen Reagan's husband, about something else after that, and he said, "Didn't see you at the—" And I said, "No. How was it?" He said, "Well, the old man"—or whatever he called him—"gave a great speech. He got a little mixed up. He got his cards mixed up, and you could tell that he knew something was amiss—that he gave part of his speech twice. But it was great both times."

And we kind of laughed, because I'd seen that happen over the years. It didn't matter what he was saying. But, other than that, I was very surprised, saddened, but surprised.

**Knott:** There were other occasions where, I think, you did have to invoke the 25th Amendment?

**Fielding:** There was one incident later where we did invoke the 25th Amendment. The only controversial part of that was the people who said, “Well, you really didn’t invoke the 25th Amendment,” because of the letter that he signed. To set the stage, the President suddenly had to have a cancer operation. We found out about it in the afternoon, and I went over either to the Residence or to the Oval Office. I think it was the Residence, because Mrs. Reagan was there. We talked about it. Don Regan was Chief of Staff at the time. We talked about the 25th Amendment, and we talked about the upcoming medical procedure. He was going to be put under anesthesia to have this surgical procedure.

So we chatted, and I was of a mind that he should exercise the 25th Amendment. My argument was, “Look, this will make it easier in the future.” Ronald Reagan always was concerned that if he did something, would it set a pattern? Would it lock in his successors? Would it force on them a precedent that they would have to either deal with or overcome? This was not only a 25th Amendment issue; this was on executive privilege, on a lot of things. So we talked about exercising the amendment at some good length, but no decision was reached. I went home that night and drafted three letters.

One was just a one-liner, exercising the amendment. The second specifically didn’t exercise it. The third was the letter that’s in the history books now. In that letter, he basically tries to say, “I’ve studied the 25th Amendment. I’ve had it explained to me. I’ve looked at it, and this is not what I think the drafters meant by the 25th Amendment. I don’t want to tie the hands of—but I also think—da-da-da-da-dah.” So he transferred the power to his Vice President. That was his way of being happy that he was exercising the 25th Amendment without necessarily setting a precedent. So that’s the letter he signed. He said, “Now, you make sure that George understands that the First Lady doesn’t go with this deal.” [laughter]

We all met that next morning in the hospital room, and when I went in to sign the letters, we went through them all again, and he picked that one. Don Regan was there, and so was Nancy. The Vice President was playing tennis when he became “acting” President. Then we had the issue, once he went under and we delivered the letters, of when to take the power back. The way the President takes it back—if he himself takes it back—is he writes a letter and advises Strom Thurmond that he’s fine and he’s taking it back. There aren’t many reference books for this one.

We sat down with the doctor, and I said, “How are we going to know whether he’s capable of doing this?” We chatted for some time trying to figure out a way. We were working backward from the medication he’d been given and the lapse times it takes in the Recovery Room and that sort of stuff. I guess I made the suggestion, “How about if we take the letter that he has to sign, have him read it and discuss it, and see if he understands it. Would that be good?”

The doctor said, “That would be a good way to do it.” So that was the not-so-scientific test we decided upon. It sounds funny when you say it now, but the doctor said it would work. So we waited, and he was in the Recovery Room for some time. Then Regan and I, and Larry Speakes, who was the acting press secretary, went in to visit with him. He was lying in his hospital bed. We walked up, and he started to make small talk and made some joke about “Where’s the rest of me?” from the old movie role he had played. He was catching on. So I felt a little better about it, because, I must tell you, I had no idea if this was really a sufficient way to gauge his recovery.

I really decided in my own mind that the best way to judge it would be to watch him and see how he acts and reacts. You know, you can tell if people are with it or not with it. We were all kind of looking at each other. I gave him the letter, and I said, "Mr. President, going back to the 25th Amendment, would you read this letter so we can discuss it? If you want to, read it out loud." So he took the letter, and he looked at it, and he held it in his hand. His eyes start squinting, and this seems to be not going anywhere. We're all looking at each other, and we said, "Maybe we should just come back tomorrow." He said, "No, no, no. I just can't read this. I have to get my glasses." [laughter] That was the problem. So he put his glasses on, and we all started breathing again.

He read it, and he talked about it, and he signed it. That was it. But again, there's a question afterward—was this a valid test? Was there enough? Who knows? But that's what we did. Your history of the 25th Amendment.

**Knott:** If we can take you through a series of events—most of these have ethical implications. The first is the whole question with Raymond Donovan, the Secretary of Labor. That dragged out over a period of months, if not years. Could you recount for us your involvement in that?

**Fielding:** That problem started toward the end of the transition. We were rushing to get everybody through the process and confirmed. I was working with the FBI, and they got an anonymous tip or a tip from someplace. I can't remember where. Maybe it was from a reference on a wiretap "overhear." Something. There was some question about whether Donovan and his company were "mobbed up." I was working closely with the FBI. They used to even come to my home to discuss these things late at night.

I said, "How do we deal with this? What do we do?" They came up with a protocol of how to proceed. Another thing had happened during that period that went to the integrity of the system, and it caused some heartache. It was unfair to Ray Donovan. This was the new administration. I'm getting FBI stuff, and I'm not even a government employee. But we're working these little treaties we had. And at one point, some of this information that was coming to me—*ergo* to the President-elect—was also going to the Senate committee, which kind of defeats the purpose of the FBI full field investigation. It's one thing to share with them, but the President should have the ability to make the decision whether he wants to go forward with this before we start sharing it with people—in fairness to the candidate as well.

So it wasn't always clear what information the Senate committee had received and what we had received—whether they knew the information we knew and when they knew it. It was a little sideshow, but unfortunately it caused delay in this clearance and Ray, unfortunately, was not able to be sworn in on January 20 with the rest of the Cabinet. It took maybe a week more, a couple of days more, to finish up his clearance before he could be sworn in with the new Cabinet. It was kind of a shame that he started out with this cloud. But obviously it was resolved enough that his company wasn't mobbed up. So he was confirmed.

And then, damned if later—he was actually in my office talking about something, and somebody called him. He put down the telephone and said, "You're not going to believe this. There's been a new allegation." Then an Independent Prosecutor was appointed to investigate Donovan.

Correct me if I'm wrong—he was cleared of that, and then after he resigned and was then indicted on other charges and went through a trial and was acquitted.

**Knott:** Did he have that famous quote about “Which office do I go to to clear my name?”

**Fielding:** “Get my good name back.” That’s the way he felt. We had the decision of whether the President would ask him to step down during the independent counsel inquiry. The President refused to. He said, “I know Ray Donovan.”

**Morrisroe:** I’d like to ask one that’s related to the quasi-ethics issues and ties into the negotiations discussions you had with Congress over the invocation of executive privilege, relating both to the [James] Watt inquiry and also the ongoing issue at the EPA [Environmental Protection Agency]. Can you talk a little bit about those controversies and the question of whether to invoke executive privilege or to enter into fairly intricate negotiations with the committees investigating?

**Fielding:** Yes. I’ve always had a theory that if people were of good will and proper purpose, you’d never have an executive privilege fight. There are always ways you can figure out how to get Congress the information they need without violating the principle of executive privilege, if both sides really want to do it. Sometimes the “if” isn’t there, though.

Early on, we had devised a memo that went out to the various departments and agencies—which the President signed off on—that basically said, “If you’re going to want to assert executive privilege, it has to be done through the White House.” The President himself had to exercise it. It couldn’t just be exercised by a Secretary of this or that. There wouldn’t be the inference that somebody was just doing it to hide information. But the EPA fights—I really forget the details. I know our first big one was with Jim Watt, but I forget the details of it. That may have been what prompted us to issue that memo.

**Knott:** There was the whole Rita [Marie] Lavelle thing.

**Fielding:** Oh, Rita Lavelle—I kind of combine that with Anne Gorsuch’s issues.

**Morrisroe:** It was about Canadian oil—

**Fielding:** I have no recollection of it at all. I just remember that Watt later felt—I really think that Watt tried to exercise it himself. I don’t know why I say that.

**Morrisroe:** Oh, he did.

**Fielding:** Oh, he did? Then that’s what prompted sending the memo.

**Morrisroe:** Yes, Congress was investigating something about a Canadian policy that would make it easier for U.S. oil companies to invest. And he rebuked a request from Congress, claiming executive privilege. That probably was that.

**Fielding:** And that prompted us to say the only person who can assert the privilege is the President, because later Jim Watt told Anne Gorsuch, “Don’t count on those guys to back you

up. They'll sell you down the river." It wasn't a matter of selling them down the river. It was a matter of letting the President make the decision on executive privilege.

Anne Gorsuch was on the heels of the Rita Lavelle dustup. There were some real serious questions about whether people had not been forthcoming and had withheld documents—not having to do with the programmatic stuff, but having to do with their own conduct. But on the executive privilege fight with Anne Gorsuch, there were two fights. The first one was with a Member named Elliott Levitas. Congressman Levitas got into a squabble, and the Justice Department had gotten out in front of this. The negotiations had gotten so sour that finally somebody called and said, "The White House better get involved in this." I remember going up the Hill to meet with the Republicans and then the Democrats and Levitas. I walked up and the Justice Department lawyers were standing in the hall. The Democrats wouldn't even let the DOJ [Department of Justice] legislative people in the room, they were so mad at them. This is not a way to negotiate.

I went in and met with Levitas for a time. He just shook his head and said, "I wish you had come up here sooner. We could have stopped this. I can't stop it now. The vote's going down." We negotiated a resolution with Levitas—during a horrific snowstorm. Carol Dinkens, Ed Schmults, and I went back up to the Hill and hammered out a resolution. I remember it was during a very bad snowstorm, and I was a hero to my kids because the White House sent out military vehicles to pick me up so I could go in to negotiate.

But, the strangest part of the day was yet to come. We were in negotiating and we reached a resolution. We came out of the room and the press were all over the place. It was pitch black at night up at the building with the horseshoe driveway, the [Sam] Rayburn Building. So we're coming out—Ed Schmults and Carol Dinkens and I—and the press are waiting in the hallway. They had the cameras, and were running backward and banging into doors and falling down like they always do.

We get out in the horseshoe driveway, and there's a town car sitting there. We jumped into the car, and Ed Schmults said, "Take us to the White House." And the driver said, "Fine." ZVROOM! We jumped in the car, and he pulled away. And then he said, "Where to, gents?" We said, "Take us to the White House." He said, "I'll take you anywhere, but you know you're in the Humble Oil car." We had gotten in the wrong car! We'd gotten in an oil company's car. Carol was sitting up front. She said, "I thought there was something funny. I looked down and there was a *Playboy* magazine on the floor." [laughter]

Then we got into a further fight with John Dingell. Dingell wanted to hang Gorsuch. And we really did get into an executive privilege fight over the issue of releasing requested law enforcement files. We had meetings in the Oval Office, because it was a law enforcement issue in which the Justice Department felt very strongly that these were actual, ongoing case files, and we just couldn't turn them over. We proposed all kinds of things, all kinds of ways to get around it, which ultimately were the ways that we solved the problem.

But Dingell really wasn't after the files—he wanted what he was going to get, and that was Anne Gorsuch. We had all these meetings in the White House, and Anne Gorsuch actually brought in Paul Laxalt to a meeting in the Oval Office. He sat there and said, "You sure we want to do this

(assert executive privilege)?” That was about all he said. I said, “Yes.” But there again, that fight should never have occurred, except that there was no way to solve it. We couldn’t give up the law enforcement stuff. That’s a precedent you can’t mess with.

So that’s a long history of executive privilege in the Reagan years in a very small nutshell. I don’t think we had too many of those. The only problem with executive privilege issues—it’s kind of like war powers issues. Nobody focuses on them until you’re in the middle of a fight. But war powers should be looked at in the calm of peace so you can decide procedures and ways to do it instead of always having an institutional clash between branches occurring at the same time. And that’s really what executive privilege is. It’s just a clash of institutions. The way that people who want to start a fight are clever is that they’ll try to make it an institutional issue, not a committee issue, not a Republican issue or a Democratic issue, but a challenge to the integrity of our institutions. And they can get both sides to vote on it.

**Knott:** Can we talk about the importance of the PATCO [Professional Air Traffic Controllers Organization] strike to the Reagan Presidency?

**Fielding:** Yes, actually, that came up again during the funeral, too. It came so early on, and I do think that probably historians will talk about it and the President’s action as a very vital part of the President’s first term. The issue was whether the air traffic controllers could strike. And as recently as two weeks ago, I was talking to somebody who was at the Department at that time who’s back at the Department now as an under secretary. And he again said that that whole system would never have recovered if the President hadn’t done what he did. He had to make the decision of whether to accede to the controllers union, PATCO’s demands or accede to the threat of a strike.

And, on a personal level, on a Presidential level, he was really very taken aback and annoyed and angered, when he found that they had signed an oath that they wouldn’t strike. That really was a very significant thing to him. But it was handled in the way that you would hope Presidential decisions are handled. It engaged the Transportation Department, the Labor Department, the Justice Department, the FAA [Federal Aviation Administration], the White House Domestic Council, as well as my office, and even some outside people who were brought in to look at this issue and how we were going to deal with it. So when the decision came and they were going to strike, he just exercised the Presidential authority and fired them all. It was a very important part of that first term, and, I think, of exercise of Presidential power and judgment.

My own personal side of that story was that I worked with him and helped prepare the documents and everything else. On the day I took the paper in for him to sign, he signed it and said, “Now, I am doing the right thing, aren’t I, Fred?” And I said, “You’re doing the right thing, Mr. President—unless there’s a crash in the first 48 hours.” That’s the essence of Presidential power. It doesn’t matter if you’re legally right. Events can make you very wrong historically.

I think the administration would have had a hard time recovering from that if his foes had said, “There’s the arrogance of power, and now 300 Americans are dead in the ground.” So it was a very important thing. It was interesting to me to watch it all come together, too, because it was really the first thing where there was multifaceted and executive branch preparation for and execution of a policy.

**Knott:** Was it rare for him to say something to you like, “Am I doing the right thing here?” Had it happened on other occasions?

**Fielding:** Yes, yes. It happened on executive privilege issues. He’d say, “C’mon, let’s go over this again.” He wanted to understand. Again, executive privilege: What’s this going to do to my successors? Very important. I remember one time he called me in, and it was late. Even Jim Baker gave up and left. Usually, as Chief of Staff, Jim Baker would sit in on a session with the President, as he would want to know what was going on. Then we actually started walking. We kept talking, and he had to go home. So we walked over to the Residence, and we kept talking. We got to the elevator, and I thought he was going to say good night. He pressed the elevator, and we kept talking, and we went up in the elevator, and we’re still talking. The elevator opens. Mrs. Reagan spoke from another room, “Hi, Daddy.” You hear this voice, and he says, “Hi, Mommy. I’m here with Fred.” And I’m thinking, *If the Russians are listening right now: Vas is dis ‘Mommy’? Vas is dis ‘Daddy’?* [laughter]

It wasn’t every day that there was something like that, but it wasn’t totally out of character.

**Knott:** We’ve heard stories from others about his stubbornness on certain things. Did you ever have any situations where he was sort of digging his heels in, but you had a very strong opinion as well, perhaps from a legal perspective, that he was making a mistake?

**Fielding:** Oh, there were some things, sure, that happened like that. I’m not sure if even in this context I should go into what I’m thinking of right now, because it really was executive privilege. They are the essence of the kinds of discussions you have.

**Knott:** But would you see this stubbornness on occasion?

**Fielding:** Yes, but you never knew—occasionally, and only occasionally. There were some political appointees, for instance. He just wanted to take care of his old buddy, such-and-such. You’d have to come and say, “Mr. President, the guy’s been charged with rape”—whatever it was, hypothetically. There were some things he just couldn’t do or shouldn’t do.

There was a time when some people had kidnapped the two owners of an abortion clinic and were holding them hostage. They called themselves the “Avengers of God.” They had a list of demands for the President. This was one of these instances that Bill Webster, Director of the FBI, called me at home about at 10:00 o’clock at night. “We have this hostage situation.” “Well, what’s going to happen?”

We decided that we’d wait and talk to the President first thing in the morning—which we did. We explained it to him, and I think the Attorney General actually got in on it, too. They wanted the President to go on nationwide television and read a script or do something like that to say how abortion was horrible. God, you think it’s a no-brainer. And yet, talk about him being stubborn—it wasn’t that he was stubborn. He kept saying, “But if they kill these people—I could save their lives by just doing this.”

**Knott:** Then he was open to it?

**Fielding:** Well, what I finally did—this sounds very arrogant and harsh. I think he wanted not to be talked out of it, but just to have us explain that he just couldn't do it. He didn't want to be the one who said, "I'm not going to do it." I finally said, "Well, Mr. President, I think you're right." This was after a couple of hours. "I think you're right, Mr. President, that we should do that. And I think we also ought to put on your schedule every week—every Tuesday or every Thursday—a terrorist half hour, and then you can go in and respond to the demands of the terrorists." And he looked at me. Is that stubborn? I don't know what it is. It was human. But he knew where he had to end up. It was just that simple. He knew where he had to end up, intuitively.

**Knott:** We've heard this as well, especially in the context of the Iran-Contra affair, that these personal appeals would weigh pretty heavily on him, the whole hostage situation.

**Fielding:** I can't comment on that, because I had left. It flashed through my mind when you said that, *I bet people had talked to you about that*. Fortunately I was not—or unfortunately—was not there at the time.

After the Iran-Contra story broke, at the suggestion of Mrs. Reagan, I was asked to consider whether I'd go back to the White House to be in charge of handling the issue. But I couldn't go back, because when Don Regan talked to me about it, I said that it was fine, but I had to be able to report directly to the President—not through the Chief of Staff—because I didn't know how much he knew, to be candid about it. And Regan was adamantly against that.

Then, unbeknownst to me, he told the First Lady and the President that I had turned it down. I didn't find that out for some time. But that's what that was all about. We were just talking about this because Regan's former deputy was chiding me the other day for not coming back and doing it. But that was the problem.

**Knott:** Did you know Don Regan?

**Fielding:** Yes, yes. Oh, I vetted him when he was coming into the administration in the first term as Secretary of the Treasury. He and I had to make a decision about whether we could work together when he was coming over as the Chief of Staff. That was what he wanted. I thought that was kind of interesting. Oh, we got along fine. He's a good man. It's just that was not the job for him. It was expedience—Jim Baker wanted the Treasury job and Don Regan wanted to be Chief of Staff.

**Knott:** One of the criticisms of—well, first, Ronald Reagan, but it involves Don Regan—is that President Reagan was passive, and Don Regan was more than willing to fill the void, that President Reagan was more than willing to defer. Was it your impression that Ronald Reagan was a passive person?

**Fielding:** [laughter] No. No. But he wasn't worried about somebody outshining him, either. Don Regan loved that job, and as I said, it really wasn't the job for him at the time. It was kind of funny. There'd be a picture, photograph, taken of the President meeting with a world leader and Don would lean over the couch to make sure he was seen in the photos—stuff that just didn't make sense and was so out of character for that White House. But if you asked the President if he was offended by it, no, he didn't care one way or the other. But I wouldn't call him passive.



He didn't care about the small stuff. That's how you could sum it up. I think that's it. I think it's also fascinating that people are realizing now what those of us who worked with him realized. When you saw something that was clever, witty, or an interesting turn of phrase—a lot of times it was him. And now that they're finding all his old manuscripts and everything that's all handwritten, it's all him. He had a good knack of taking the temperature of the country—of knowing the tolerance level of the American public—much better than we did, much better than any of the staff people.

**Knott:** Can you talk a little bit about Nancy Reagan and your dealings with her? Of course, Don Regan had a rough time with this.

**Fielding:** The gowns! Well, Nancy Reagan, in a way, was a lot what he wasn't, in their life. I mean, much more interested in the social side—but not to the exclusion of her dedication to him. It was just in addition to that. If you got near him, she was tough. As I've said, I had a very good relationship with her, and she used to call me a lot.

I smoked for a while when I was in the White House. I stopped smoking. And then Nancy Reagan would call, and my deputy would run in with this pack of cigarettes and an ashtray, just as a gag. And if she started out a conversation saying, "Fred, Fred—" you knew this was a bad one. If you got a three "Fred," it was awful. [laughter]

The call was usually something she would be mad at, or something somebody had done, and she wanted me to do something about it. It wasn't for her own benefit. It was that she thought somebody was taking advantage of the President, or—

**Knott:** What happened with the gowns?

**Fielding:** With the gowns? We always had a little difficulty with her understanding the gift rules. The first year, she didn't understand it, even though we'd had a briefing when we first had to fill out the disclosure forms for the end of the first year. She had forgotten a lot of it—the niceties of what you could do. So I had to send somebody over there. We went through the Residence and found stuff in closets, et cetera, that hadn't been reported. (Oh boy, this must never get out until after she dies.) Her view was if it was a personal gift, it wasn't a gift to the First Lady. She felt she could be the arbiter of that. We just had to change her understanding of that. When we finally realized what was happening with the gowns, it was that designers were leaving these gowns with her. And nobody realized that that's what her practice had been—what the designers' practice had been.

It wasn't an exclusive practice with her, but she was a target. She had a target on her back with the press corps—it was the "Imperial First Lady." She broke that finally at a Gridiron Dinner when she went out and sang "Second-Hand Clothes." It was really wonderful.

But that was after we had gone through this whole process. I talked with the Office of Government Ethics about how we were going to do this. These gowns were deemed to be on loan to her. So we stopped the old gown practice. And then, candidly, it started again after I left. I didn't really realize it until it hit the papers. Then when her book came out, I read that with my breath held, because I didn't know what she'd say. But she was honest enough to say that she had even committed to me that she wouldn't do it anymore, and she went and did it.

But honestly, all kidding aside, as tough as I've seen her on people, she really could be very sweet. And she is now. I saw her at the funeral, and I saw her when she got an award. She invited a couple of us over and put us on the guest list at a little party she had. She couldn't have been nicer or sweeter.

But she's a tough lady; you don't cross her. When I went to leave the White House, I went over to talk to her because I wanted her to hear that I was leaving. Here I am, the last of the original assistants to the President, and probably, except for Mike Deaver, had worked more closely with her than anybody on the staff except for Deaver and her own staff. And over the five and a half years, she talked to me many times about the loyalty of this one or the loyalty of that person. Boy! She found out I was leaving, and she lit into me about being disloyal, leaving Ronnie alone, "all these friends are deserting." I thought, *God Almighty, what do you want?* But after that it was fine. That was just her natural initial reaction. After she talked to the President, she apologized.

**Knott:** We've also heard a lot about Ronald Reagan's sense of humor.

**Fielding:** Oh, God, don't do this to me. I can never remember them when I want to.

**Knott:** You showed us a photo of the two of you, and I think he has got a bumper sticker that says—

**Fielding:** Oh, yes, "My lawyer can beat your lawyer."

**Knott:** Right. That's on Air Force One.

**Fielding:** That's right. It was a snapshot on Air Force One.

**Knott:** Did he have a lot of lawyer jokes?

**Fielding:** Oh, he always told lawyer jokes. But the one kind of joke he loved to tell was Russian jokes. He thought that Russian humor was so absurd and so crude, and yet so meaningful. He always had Russian jokes. And because he was from an era of—there were some jokes that would not be politically correct now, some of his favorites. He liked to tell stories about living over the office, living over the store. Did I tell you his favorite joke?

**Knott:** I don't recall.

**Fielding:** His favorite joke was one that once you knew it, he would make reference to the punch line. It was about the two little twins. One was an optimist and one was a pessimist. The doctors were very baffled by this, and they decided they would try to figure out what made these identical twins so different. So they took the little pessimist and put him in a room with all these new toys. New toys! And they put the optimist in a room full of horse manure. They're peeking in and watching, and there's the little kid with the toys, and he's crying and banging the toys and jumping up and down, and he's really unhappy. They look in the other room, and here's this kid diving in and jumping up and down and digging around the manure. So they bring them both out and they say to the little pessimist, "What's the problem?" The kid says, "These toys, they're

broken, they don't work, they're made of plastic, they do this—" They turn to the other kid, and they say, "What are you so happy about?" He says, "I know there's a pony in here somewhere."

You'd walk into the Oval, and there'd be something awful going on, and he'd say, "Hey guys, there's a pony in here somewhere," and everybody knew what he was talking about.

**Morrisroe:** Yes.

**Fielding:** He had wonderful one-liners, too. He was very quick, very quick. We'd occasionally have a weekly lunch with just the senior staff and the President. No agenda or anything. You'd just go in and talk and have lunch. The Vice President would join us, and it was just the Assistants to the President. He was always full of jokes then.

One day he came in, and he had just come from a reception. He came in and said, "Gosh. You know, I just was in this reception and there was a guy there, and I just couldn't remember his name. You know, that's not good for a politician."

Then he said, "Of course, it's great being President. I come in here every day and I meet the nicest new people." And he laughed. He thought that was funny. It was almost prophetic. I thought about it afterward.

**Knott:** Yes.

**Fielding:** That's the way he was. He was just one-liners. He'd been around show business. I'm sure there were enough things that reminded him of a punch line or something. He also told some pretty rough stuff occasionally, too. But that's privileged. That's it.

**Knott:** That's really too bad. Morris talks about "—this wall. What a distant character Reagan was. Kind of cold, aloof."

**Fielding:** It's obvious that he did elude Edmund. We were all a little stunned by Edmund's seeming inability to write the book. And then, when he wrote it, by the tone that he took, it was inconsistent with the person we knew and observed. Also, it was inconsistent with Edmund's seeming evaluation of it, contemporaneously. But I think the most stunning thing was Morris's article in the *New Yorker* after the funeral. That was the damndest thing. It was just one more shot: "Now maybe you'll listen to me." He was obviously perturbed at the tributes being paid to this guy.

That funeral was something else. Golly. When Maggie Thatcher made her speech, it was probably one of the best speeches, historically, ever. It was a tremendous eulogy. All I could think of was *How would you like to be sitting there knowing you were going to speak next*, and you hear this wonderful speech?! Of course, everybody did a good speech, and every one was different. [Brian] Mulroney's was great, too. But I kept thinking, *Oh, my God, have you ever been on a stage, and somebody's knocking them dead, and you look down at your notes and think, nobody's going to like this. This is awful.*

**Knott:** When you heard the news that the President had died, was there one particular memory that you have of him that stands out in your mind?

**Fielding:** Oh, gosh. I spent a lot of time with him—not as much as other people, but I spent a lot of time because I was there a long time. There were interesting times. We were in helicopters, and he would be talking about the oil drilling offshore. There are just so many things—he was very generous and funny.

In that picture I was talking about that I gave Tom Hogan, he loved the joke I was telling him: I told him that the press had asked me how much it cost me to have lunch at the (subsidized) White House Mess. And I said, “About 400,000 bucks a year.” He thought that was just the funniest thing in the world. These are wonderful moments, because you’re dealing with somebody who’s warm. But he’s still President of the United States, and you remember that every minute you’re around him too. But one particular? No, I guess not.

**Knott:** We’ve heard what an even-keeled person he was. But did you ever see flashes of anger in him?

**Fielding:** Yes, I was thinking of it. I remember him just really getting mad about something, just instantly got mad, and instantly got over it. But I can’t remember what it was.

**Knott:** I thought you told us a story about how he finally, reluctantly signed something after—

**Fielding:** I’m kind of remembering it too, because he put the pen down. But I can’t remember what it was. Oh, boy. I’ll write you.

**Knott:** Actually, if you do remember when you get the transcript and you want to add it—

**Morrisroe:** Were there any issues or events that you think give an insight into either your role or Reagan as President that we haven’t brought up?

**Fielding:** No. As I say, the one that really brought it home to me was the PATCO situation. It was my answer, but until I said it, I hadn’t really thought about the awesome task he had. You can be so right and still so wrong, and have no control over it.

But there were so many things that you think about from time to time. The damndest, dumbest things come up. Somebody was out on the West Coast, and they saw this group that they thought was a really good entertaining group. I guess they’d, you know, had a couple of drinks. “Hey, you have to come to the White House.” Well, yes, whatever.

Anyway, all of a sudden, we’re having a picnic scheduled on the South Lawn for Congress, right before they go out for the summer. It had been a kind of contentious session, so this was a good way to bring everybody together and have a picnic. As it turns out, this group that was going to entertain at the picnic is nonunion. And that gets out. They’ve signed a contract with these people, and they’re nonunion. Of course, the President was a former head of a union, but his constituency was in right-to-work states. But the worse thing is that the union finds out about it, and they’re going to put a picket line around the White House, so any Congressman or Senator who’s about to go home has to cross a picket line. That’s the kind of issue you get when you’re counsel to the President. What do you do? “Solve it, Fred. Solve it.” That really is the kind of stuff we’re involved in. That’s it.

**Knott:** You solved it?

**Fielding:** Yes, yes. They performed later. Not at that event. [laughter]

**Knott:** Thank you again for giving us this time.

**Fielding:** Absolutely.

**Knott:** We're very grateful.

[End of interview]

### **Post-Script**

For information of any reader: This interview was actually a repeat of the original interview I gave on a previous date; that transcript was either damaged or lost. I mention this because in reading, it may seem that some of the questions are leading, and some of my answers reference prior discussions or are abbreviated, or at times go beyond the questions posed because I knew I had already answered the question and provided information in the prior discussion. I have tried to correct some of these problems in editing, but do want any reader to have the benefit of this explanation.