

Exit Interview with Anne Marie Dobmeyer, Intern, Counsel Office

Interviewer: Marie Allen, Presidential Papers Staff

Date: May 21, 1979

Location: Room 490, Old Executive Office Building

Transcriber: Lyn B. Kirkland

Allen: First, I would like to ask you some background information, biographical type things.

Dobmeyer: All right.

Allen: Where did you grow up and what schools did you go to?

Dobmeyer: OK. I grew up in Ohio in a small town called Coldwater which is about 60 miles north of Dayton. I went to parochial schools through the 8th grade and then to public high school. I went to Ohio State in 1964 and received my BFA in 1968. Do you want all the schools I went to?

Allen: Uh huh.

Dobmeyer: I attended, oh dear, Ohio State University graduate school in education in 1971. I attended University of [Berne?] in 1971. I attended the University of Maryland and Frankfurt West Germany in 1972 and part of 1973. I went to Ball State University in [audio unclear] in 1974. I started Antioch School of Law, Washington, D.C. in 1976 and graduated yesterday, May 20th, 1979.

Allen: Congratulations. How did you come to join the White House staff?

Dobmeyer: As part of the Antioch Law School curriculum we are required to do a 12 week internship and we have the option of either taking one that was offered to us by the school or generating our own. The one internship, or one of the internships that was offered to me was a clerkship with a court of appeals judge with whom I did not particularly want to work so one day, just on a whim, I called the White House and somehow got the right office and was granted an interview with Margaret McKenna, came down and interviewed with her and was hired shortly thereafter for a 12 week period beginning March of 1978. Then I stayed on full time through the summer and part-time in my last year of law school.

Allen: Since you've been here, what have your primary duties been?

Dobmeyer: Well, essentially, I have been the law clerk for the office. There are five full time attorneys: Bob Lipshutz, who is the chief counselor to the President and Margaret McKenna

who is deputy, and then Mike Cardoza, Pat Apodaca, and Doug Huron, who are the three staff attorneys. I have worked mainly with Margaret and I think secondly, with Doug. I have done some work for Bob Lipshutz and Pat Apodaca and very little for Mike Cardoza. I have worked on an incredible range of things, everything from federal judgeships to the escalatory application of the national environmental policy act. Those are probably the two projects that I worked on the longest.

Allen: Could you take those two, take first the judgeship thing, and describe how you got an assignment, what the type of assignment was and what the process of completion and review was?

Dobmeyer: OK. After the judgeship act was passed last year, and as a result of that act, the President would appoint 117 new district court judges and 38 appellate court judges. Because they are presidential appointments, we had the opportunity to have a lot of input on the kind of judge that the President would be appointing. Margaret and I especially, of course, wanted to see a lot more women and minorities in the federal judgeship positions and we felt there were a lot of women who were extraordinary and very qualified and that through our efforts some of those women and minorities would be appointed to federal judgeship positions.

The process is---there are actually two processes, one for federal judges on the district level and the other for those judges on the appellate level. On the appellate level, commissions are used, commissions made up generally of about 11 members. Those are also set up by the President, our office, with the assistance of the Justice Department, and through those commissions we were able to, I think, have a great deal more input as to the type of judge that we were looking for, whereas with the district court judges there was still a concept of senatorial courtesy that in some respects and with some senators which plagued us. We had very little control, in some cases no control, over the names that they would submit for appointments.

I think that President Carter was probably more committed to establishing a federal judiciary with numerous women and minorities than anyone save Margaret McKenna and myself in the administration. Now, I am sure there were other people with whom I have not dealt. But, I know there were times when I wondered how committed President Carter really, really is to this. I mean we would sit down and say, now wait a minute, how badly does he really care whether there are any women judges and if there were two judges who had identical qualifications and one were a male and one were a female, who would he really take, and it has always been the female and we were really delighted with that. When we would send a memo in and get a notation back from him he, he would always raise the issue to us, what about minorities and females. I know they are out there, I know they are qualified, now get them in for us.

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Allen: What was the process? How would someone's name first come to your attention as a potential nominee and then how did it end up in the President's hands. What was that process? What were the sources by which you got names?

Dobmeyer: OK. For the women and minorities we, I wouldn't say solicited, but we were in touch with a lot of groups; civic groups, NAACP, women's groups, and they would send us lists of attorneys they thought were qualified and would perform well on the federal bench. We would take those names and send them to the Justice Department and they would do the FBI check and the routine background investigation. We would get the names down to, let's say, three or four for one vacancy and then have to select. We would accept all the input from any outside groups. We had meetings with various groups, especially in the District of Columbia, with the Judicial Selection Project.

Allen: What other groups did you get input from?

Dobmeyer: That particular project is made up of a lot of public interest lawyers who belong to other groups who for the sake of the judiciary had kind of met together and decided that they could find qualified attorneys and would help us find qualified attorneys and we really did need that help because our staff is so small that we had no outreach. There was no way that we could get all the names of qualified attorneys and someone's name would show up on my desk from a constituent, you know, in Montana or some place and they would say, "Look, we know so and so. She's terrific and enclosed is her resume and letters of recommendation." So, we would send this name on to the Justice Department and they would begin to investigate her if we thought she was a serious candidate.

Allen: Did they investigate her qualifications or just her security status?

Dobmeyer: They would kind of do both. They would do all the security and then her name would go to the American Bar Association and they would, I don't know how to say this politely about the American Bar Association, because we have really disagreed on their definition of qualified. They have a cutoff date for number of years that one is supposed to have been in litigation before one is qualified to be a federal judge. Sometimes it is appropriate and sometimes it is not. Obviously if someone has been out of law school for three or four years, or five or six years, that person probably is not going to be qualified and yet in some instances there is a person who is so extraordinary or so superb or who would learn quickly and would be an excellent federal district judge, then we, of course, would push for that person and hope that they would be nominated, but ultimately the ABA would come back and say that we find this person not qualified, and they found a number of women not qualified by virtue of the fact that they had not had 12 years or 10 years of litigation experience.

Allen: Was that their most common complaint? Did they have other standards you heard from frequently too?

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Dobmeyer: That was probably the most common. With several women they had graduated from law school and then practiced for a few years and then stopped to have children, and then returned to practice and that was always seen as a break in service---an odd term. So long as you weren't a practicing lawyer, if you weren't working for a firm, then that didn't count and those years would be subtracted from the total years that you had been a member of the bar which in some cases I found very absurd, especially when you look at the number of judges we have who have practiced 12 years and are miserable judges, have deplorable records, at least according to my value system.

Allen: What were you looking for, you and Margaret, as far as qualifications for a judge?

Dobmeyer: We would look for someone who, well, first of all, was very bright, had very strong credentials.

Allen: Very bright as judged by law school records? By a particular type of law school?

Dobmeyer: I think I use bright as a combination of two terms, intelligence and creativity. Someone who perhaps has taken on extracurricular, if you will, projects, even though they are working at a law firm or someone who went to one of the large law firms but chose to work in the pro bono section or the public interest section; people who were aware of sociological problems and would be willing to make decisions in light of those problems and even in the face of extreme pressure, should that be necessary.

Allen: Now that illustrates certain types of concerns for the underprivileged and this was a thing you were very interested in.

Dobmeyer: Primary.

Allen: Sensitivity.

Dobmeyer: Primary. This was in the President's executive order. His letters to the nominating commission for the courts of appeals judgeships and also in the letter he sent to almost every senator who would have input as to the fellow judges for their particular state. He urged them time and time again to at least attempt to find women and minorities who were qualified and who could possibly be nominated or at least be considered for one of the judgeships.

Allen: In your qualifications there is a certain doubt, I'm seeing two things in what you are describing as qualifications. One is records: what kind of legal records a person has, and the second, the types of concerns they evidenced in their records. You seem to be saying that you were very interested in not only women and minorities but those women and minorities who had a sensitivity toward the underprivileged and towards less materialistic forms of law practices. Is that ...?

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Dobmeyer: Yeah, I think that is accurate. On a district court level a good background in trial experience is certainly more necessary than at the appellate court level because of the number of trials that you do. That is one reason why it is probably easier to have a very qualified woman or minority be appointed to an appellate court because the 12 years of litigation experience wasn't necessary, and yet that is considered a higher position than the district court level—there are fewer appellate court judges, the salary's better.

Allen: Uh huh.

Dobmeyer: I read statistics the other day and I had not been aware that Carter had appointed more Ivy League graduates to the federal bench than other graduates and I was actually kind of surprised. But I think that is healthy. I think that is something to be said for him, that he didn't really care where they went to school as long as they had an understanding of people and I believe that his appointments are certainly demonstrative of his compassion for all the people who are less fortunate than he and all of us who work here.

Allen: Uh huh. Uh huh. Did you get some specific directions from him in the beginning about the type of character as well as qualifications that he was looking for in these judges?

Dobmeyer: I'm not sure exactly what his input was at that stage. I know that the executive order and the letters that I spoke of earlier more or less directed or at least expressed his wish that consideration be given to people who were especially sensitive to the needs of the poor and disadvantaged and generally that relates to a certain economic group. We were certainly never advised or told please don't appoint any corporate lawyers to the federal bench, but I think generally because if someone is a public interest lawyer or someone has a strong background in criminal or general practice family law and so forth, essentially any law where there is client contact, then I would think that it is safe to say that that person is more aware of the problems and concerns that the everyday citizen has.

Allen: Uh huh. Uh huh. You had started following the process through and had gotten to the point where the Justice Department was working with the ABA to get their response to specific candidates. Was there a particular unit in the Justice Department that did this, interacted with the ABA?

Dobmeyer: Yeah, there wereone of the associate attorney generals is Mike Egan. His office handled it and his assistant who is Phil Wadlan and I think Phil took care of the day to day affairs of tracking all the judges and knowing where all the vacancies were and kind of handling logistically all the multitude of candidates. It's incredible the number of people that have really been suggested.

Allen: Did they inaugurate the process, then, by informing you when there was a vacancy, informing you of the need for appointments?

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Dobmeyer: Sometimes they would and sometime they wouldn't. Generally we would find out from the administrative office of the court. That's a separate agency and every month they would send us a list of the vacancies in every judicial district.

Allen: Ummmm! Oh!

Dobmeyer: So, on May 1st of this month I got a list of all the vacancies. Now, generally because of the Justice Department contacts, they would know prior to that list where a vacancy would arise....you know, so in so is sick or we know that so in so is going to retire in six months or whatever and often we would get a letter form the judge himself or herself saying that I plan to retire or I'm resigning effective on a given date and so we would expect that vacancy even though at that time it technically would not be a vacancy. We could kind of pencil that one in as the next one in that district.

Allen: Did that get to be pretty complicated? What are the numbers involved as far as federal judgeships that are going to be vacant?

Dobmeyer: I would imagine before the judgeship bill, at any given time, let's say there were ten vacant judgeships, but since the bill passed, of course, initially we had 117 and that was just the district court level. And it also seems to me that just looking over some of the statistics that we've had more vacancies through attrition than they've had in prior years, so in addition to the 117, we have say 30 vacancies on the district court level and then oftentimes when some of the district court judges are elevated to the appellate level, so there is another vacancy and because the President has nominated some federal judges to the appellate level, there is another vacancy. So, you really have to keep very careful track of them and the Justice Department does a very good job of that.

Allen: Hmmm!

Dobmeyer: Then they will send us [pauses].... lists are different for appellate and district and for the District of Columbia, because those are presidential appointments for the D.C. Superior Court and the D.C. Court of Appeals, although there is a commission generally because there is no senator here and because it is a district, and not a state, they are presidential appointments.

Allen: Hmm. I never realized that.

Dobmeyer: Yeah, it gives us more people to worry about and appoint. But the Tidings commission, as it is referred to, the D.C. commission, is an excellent commission and I think has given us some superb judges.

Allen: Huh!

Dobmeyer: Especially under President Carter.

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Allen: This is a commission set up specifically to recommend appointments to the District of Columbia and it dates only since the omnibus judge bill?

Dobmeyer: No, it dates before that and under the judgeship bill the D. C. district court didn't get any new seats so the D. C. court of appeals did. The D. C. circuit got two new seats, but the district court didn't get any. I don't know if it was in operation before President Carter took office. I don't know how long it has been so good and so active, but even on the superior court level, which is kind of the equivalent of the city court, for the most part the judges, the new judges, the judges for the last five years, have really been excellent.

Allen: So your work is much easier in the District of Columbia because you receive the recommendations from this commission?

Dobmeyer: Right.

Allen: And generally you are able to act on those and send those through for approval?

Dobmeyer: Right and that is kind of the same method with the federal appellate level. They also have a nominating commission and they also send us "X" number of names for every vacancy there is. There is no senate involvement on the appellate level and because we do have nominating commissions who have been instructed by the President to find qualified women and minorities, and the way the commissions have been set up, they are lawyers and non-lawyers, and men and women, and various races and ethnic groups.

Allen: Who appoints this commission?

Dobmeyer: The President appoints them.

Allen: Are there different commissions? Is there one commission to nominate people for all appellate court levels or are they divided by region?

Dobmeyer: They are divided by region. Every.....there are eleven circuits. There are ten circuits plus the District of Columbia circuit and each of those divisions has their own commission, so a nominating commission, and then within those commissions, let's say the Fifth Circuit, which is a huge circuit, you have the eastern Fifth and the western Fifth because it is so large, and then within those, Florida and all of those southern states in that area. There was a move during this administration to separate the Fifth Circuit, to divide it, to split it and I think politically that was very intriguing to watch. It was not split, which means when the whole court meets together *en banque* they are going to have to take numbers to find seats at the table but I think personally it would have been disastrous to split it.

Allen: Why so?

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Dobmeyer: The western Fifth has a good reputation for civil rights decisions. The eastern has a deplorable reputation for civil rights decisions, and that's what a split would have meant. So, after they would have been split and decisions would have been coming out of the east and the west, or the renamed circuit, whatever that might have been, I think we would have had a severe loss in terms of civil rights from the eastern portion of that circuit.

Allen: Hmmm! Hmmm! You've described the nominating commission for the District of Columbia, the Tidings Commission, and you were describing earlier soliciting names from the NAACP and women's groups, are these solicited names only done in cases in which you think a nominating commission is not giving you as many names of a certain type as you want or is it done across the board?

Dobmeyer: I think it is done across the board. We will receive a letter from citizen "X" in Utah----this is probably not a good example [laughs]---we'll use Massachusetts, maybe that's a little better. We don't know what the nominating commission has done. We don't know the candidates that they've interviewed. We don't know how far along they are in their process. They have a reporting date but we certainly don't keep tabs on them but what we do try to do---what we do, is to send them copies of all the names that we have and this is done via the Justice Department. We forward all the judgeship mail to the Justice Department with instructions to them to make sure that it gets to the commissions, so they send names out to the commission. It could be, and generally is the fact that the commission has already heard of this person, has already made at least an initial determination about whether this person should be interviewed or whether that person were not qualified for a judgeship. But every once in a while somehow a name doesn't come to their attention and we try to give them, you know, that particular name. I'm sure most of them they've seen.

Allen: And the commissions then report to the Justice Department?

Dobmeyer: They send the names in to us through the Justice Department and then we make the final selection.

Allen: And the Justice Department receives them, clears them with the ABA at that point?

Dobmeyer: Well, yeah. The ABA either finds a person unqualified, and generally, as I said earlier, that is because of years of experience, qualified, well qualified, or exceptionally well qualified. There haven't been very many exceptionally well qualified judges, or at least according to the ABA, and I have read the material that they put out concerning how they make their determinations and generally it is very vague; how do you measure competence, and indeed it really is a difficult, difficult job?

Allen: You were talking about the ABA and their ways of coming up with qualifications.

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Dobmeyer: Most of what we get are qualified, some well qualified. I think only three, at least of recent appointments, have been found exceptionally well qualified. All three of whom were white men, one of whom certainly deserved the rating, one I think was very questionable, and the second I really have no reason to, I just don't know enough about him to know what his background truly was. He was appointed some time ago. So the ABA sends that over with, the Justice Department sends that over and the Attorney General will attach a paragraph to his letter saying the ABA has found this individual well qualified or whatever, and thus the Attorney General kind of formally recommends the person.

Allen: How many recommendations do you generally get from Justice for each place?

Dobmeyer: Sometimes only one [laughs], sometimes three for a seat.

Allen: Does the ABA review rule out a good many people or does the Attorney General merely just append the ABA's ratings to the names? If someone was found unqualified by the ABA would their name not be sent to you, frankly?

Dobmeyer: There are so many variables in that it is almost hard to say. I'm not sure of the procedures the Justice Department whether or not the ABA does checks on any number of people or just on specific persons that have made the final three or four or five person cut-off.

Allen: You're just describing the ABA's involvement and the point at which you do finally get the ball into your court for action is when?

Dobmeyer: Well, it is such an on-going process.

Allen: I know it.

Dobmeyer: And there are so many names involved. The ABA sends their recommendations into the Justice Department and the Justice Department will just attach that recommendation to whatever person, whatever judgeship seat, that person is seeking. Then sometimes it is hard to say what happens first. If the Justice Department, or if we are interested in a particular person, let's say we have found a person and we know that he is imminently well qualified to be a judge, we have done all our homework. We have looked at his resume, we have interviewed people, we have gone through all his texts and uh....

Allen: When you say 'we', are you talking about the Counsel's Office or referring to the Justice Department interview?

Dobmeyer: Both together. Just the administration as a whole. Sometimes because they do some and we do some. They find some people. We find some people. Generally we certainly work together, but uh...

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Allen: When you get the names prior to Justice---I keep trying to tighten you down to specifics [laughs].

Dobmeyer: I'd rather not be tied down. [Laughs] I'm just kind of wondering.

Allen: You were describing the process between the Justice Department and Counselor's office.

Dobmeyer: Right. Our office is so small because we have only five people and I think that the Counselor's Office, at least in prior administrations, had very little to do with the appointing of judges. President Carter has decided that we will take a very active role in working with the Justice Department to guarantee that some of the new judgeships would be served with qualified women and minorities. At times that has been very difficult. One, because we are understaffed and really don't have the resources to track every judgeship seat that there is, and at other times it has been difficult to work with others who perhaps have other priorities or other types of people in mind for judges. Formally this was, of course for the district judges, up to the senators and the senators would choose and I think that former presidents probably said very little about the choice and that really gets into the whole idea of the legal system and social policy. The role of judges and the role of the whole legal system has just changed so much; just an incredible amount in the last ten years. Judges are deciding things that were just unheard of ten years ago, and so in so far as creating the whole social fabric of the country, a judgeship has become a very important, well, job, I guess---avocation for some.

Allen: So the selection of the individual is much more important.

Dobmeyer: Yes. President Carter has made it a lot more important and with the new numbers of appeals judges that we are getting to set up the commissions that really helped for us to get some idea of what is going on and again, we don't have the resources to monitor and we depend a lot on the Justice Department to really take care of the formalities. At the same time it's not fair to ask them to carry out all of the President's wishes, but we certainly expect them to completely support the type of judge that he wants.

Allen: You describe the process all the way up to your office and there is a point at which you recommend an appointment to the President.

Dobmeyer: Right.

Allen: Do you do that by memorandum, basically?

Dobmeyer: Right. Right. We'll take---let's say it gets down to normally three people and we will look at the three people and determine who is more qualified in terms of schooling, experience, the types of experience they've had, who would perhaps perform better according to the President's guidelines as he set down in executive order with regard to having concerns for the disadvantaged and persons of a lower economic status and then make a selection. We look at

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all the letters of recommendation very carefully and decide. It is a very difficult decision and it is one that certainly has caused some chaos in our office because we don't agree all the time. Sometimes we argue whether or not "X" should have it or "Y" should have it and I think that is really healthy. Were we to always agree that, yeah, he's the right one or she's the right one, I think that we wouldn't completely understand what or who we were appointing. Then, of course, we have had some, I wouldn't say bad, but not great appointments and we've had some fantastic appointments and I think all in all we will come out with an excellent record.

Allen: When you send those three names finally to the President, do you come down as an office and recommend one of them?

Dobmeyer: Yes, we do.

Allen: But still send the other two?

Dobmeyer: Right. We recommend one.

Allen: Does the President generally agree with your choice or does he frequently chose one of the others?

Dobmeyer: He generally agrees with our choice, although at times we have, at least once, that I have sent in the memo and then because of a development "with truth memo" or sent in a follow up memo with regard to so and so, or in one instance Mrs. Carter got some additional mail on one of the candidates and, you know, we really try to draw everything together and I listen to the President. I don't know how the rest of them worked but Carter is extremely interested in being able to see as much about every person as he can and if he wants to know more about some person, then he will send it back to us and say well, what about so and so or don't forget about women and minorities. And those are the kinds of things that have appeared in the columns of the memos and we get them back and there is no question that that's his writing, you know. [Laughs]

Allen: Uh hum. Uh hum. There was a story in the paper which you may chose not to comment on and, all right, we can go on to something else, about Senator Byrd and his lack of any women in his list of possible judges. Do you have anything to say about that? [Dobmeyer laughs.]

Dobmeyer: Well, I was considering moving to Virginia. [Both laugh] As you know, there are no qualified women lawyers in Virginia. We were all astounded. We thought about moving down there. [Laughs] It was certainly disheartening. We had worked so hard, and tried as best we could to help the Senator find good people, with the emphasis on finding qualified women and minorities, and the fact that he came up with 10 names, all of whom were white men... [Laughs].

Allen: Now, was this for district court or...?

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Dobmeyer: District court, yes. Fortunately the senator has no control or less control over the nominating commission. That would be Fourth Circuit. But because this is on the district court level, he sent us 10 names. There was real concern and there was outrage, and when you get outrage not only from us but from so many organizations, including lengthy memoranda and letters of disappointment from average citizens, from law school professors, from the ACLU and other private organizations, then you start to wonder what is really going on. There is some indication that Senator Byrd had selected all 10 before any commission was set up. The senator was not told to set up a commission for the district court but the President encouraged commissions on the district court level. And evidently there was a commission and I think there was one woman on it but there was also indication that the 10 names were selected before the commission convened, so one has to question the value of that commission. I really don't know what will happen with Virginia. The President has suggested that he will select two of his 10 or perhaps two seats that maybe the senator should look maybe into the hills of Virginia [Laughs] to see whether he can come up with some women and minorities. It's a good example, it's a perfect example, of, you know, the constraints imposed on President Carter. I mean, there is only so much you can do. Of course, he can say, well, I just chose not to appoint and not appoint anyone to fill those vacancies, and Virginia, every state, is in real need of the extra judges, but at the same time, you know, there is politics in the judgeships like there is politics in everything. So you have to decide what is at the other end of the avenue.

Allen: Usually the President appoints the district judges as more or less a formality then, accepting the names the senator gives him.

Dobmeyer: Yes.

Allen: And it is very rare for him to take issue with a senator's list of names?

Dobmeyer: I wouldn't say it's very rare, but it is uncommon. And I say that because soon after the bill passed, he did send a letter to every senator, or nearly every senator, suggesting quite strongly that they seek out qualified women and minorities applicants and at least consider them for judgeships and many of the senators have done superb jobs—Senator Kennedy. We have four new district judges from Massachusetts; one woman, one black man, two white men. I am sure there were political considerations there, but regardless, it appears as though there are four very well qualified, very highly thought of, and very well respected individuals and it didn't seem to be that difficult to do. I realize that Virginia and Massachusetts are a bit different, but still. [Laughs]

Allen: From what you've said, seems though, although this has been a difficult process, the judgeship duties you've had, still have been rewarding and a worthwhile use of effort. Do you see it that way?

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Dobmeyer: Yeah. The hours we've spent working on this, sometimes it is almost hard to imagine we could spend so much time looking for people and getting names and talking to people. People are very active and citizens are very concerned about who is going to be forming their lives and then shaping the lives of their children with judicial decisions and we've really been open to all the suggestions and all the mail that we've received on all of the candidates.

Allen: Just as a final thing. You mentioned interviewing people. Do you have a procedure for interviewing the finalists for each judgeship position? Do you actually talk to the people who you have recommended or do you rely on Justice Department investigations there?

Dobmeyer: As far as I know, we have never interviewed any candidate other than those for the District of Columbia. We rely on the senators and, for the appellate level, the nominating commission and sometimes the nominating commissions will say we find these three, five, ten people qualified for these particular seats. The commission was in agreement that their first choice, the office choice, would be so and so and they will just write that in, and so if they do really feel strongly about someone then they will make that public.

Allen: We've taken a lot of time talking about the judge process. That is a very important thing and a nice analysis of the forces that go into it. But what about your other jobs and duties in the Counselor's Office? What were some other things you've spent some time on?

Dobmeyer: Well, I guess second to the judges, most of my time was spent on an animal policy, the National Environmental Policy Act of 1969, and the issue arising from that was whether or not that act as it applies to US government activities in the United States should apply as well to US government activities overseas.

Allen: Hmm!

Dobmeyer: And, as so many things around here are, in the world as a reaction to a number of law suits, where agencies were suing or being sued because they were attempting to, for example, to erect a nuclear power plant in a foreign country and what damage should be applied, if any, and who has the responsibility. Should we expect the foreign country to set forth the standards and give directions or should we take it upon ourselves to say we know this is safe and only this amount is safe and that we will proceed accordingly.

There is a statement that is prepared kind of in conjunction with the act, which I will call LUPA (Land Use Plan Amendment) because everybody calls it LUPA, which is an environmental impact statement, lovingly referred to as EIS, and some of these statements have been known to cost in excess of \$60,000 and take two to three years. And really, when we started talking about environment impact studies, I was thinking of, well, maybe 20 or 30 pages, you know, something in general terms that said, yes, we should do this because, or, no, we shouldn't do this because, or we could do this much, but not that, and it would be rather short and I was shocked to find out

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the amount of money that it costs and the time that is spent to study an area in a foreign country before we proceed with some construction project.

Allen: I would like that job.

Dobmeyer: [Laughs] I might know where you can get one. [Both laugh.] I guess the fascinating part about that whole job was that it was decided that the administration needed some kind of a position and there was a real problem with the Justice Department defending actions against the government in court and not really sure where we stood because we had that congressional bill but we had no other position on it. We would want to avoid litigation. We would want to avoid all those costs. As someone I think who has a strong environmental background, I was appalled at some of the government projects that were going on.

I was real excited about the project. Initially we had to determine how best the policy of the administration could be put forth and we finally decided on an executive order. And then the problem, of course, was how to write it when it is going to affect so many agencies, so we decided, our office, Margaret McKenna and Bob Richards, and Margaret and I worked on this all summer long, the summer of '78, and I think it is fair to say six days a week, 10 hours a day. I question whether or not, now that I think about it, it was an enjoyable summer, but then when I thought about it, all I wanted to do was take two days off and get out of here. But we worked with two agencies, the Council on Environmental Quality and the State Department and essentially helped to negotiate, arbitrate, and calm tempers as we constructed an executive order.

Allen: Actually drafting language?

Dobmeyer: Actually drafting language. Spending weeks on two words. Listening to nuclear specialists lecture us about spent fuel and environmental expert's lectures about toxic chemicals. It was really an education.

Allen: Did you have the different agencies come up with drafts or did you write the drafts? Who was the primary creator of the language?

Dobmeyer: The agencies primarily created the language. I found this personally very annoying because they are very difficult to understand unless you are a nuclear engineer or a nuclear person, as we got to call them, or an environmental nuke, a nuke that's an environmentalist. [Laughs] It was very difficult. We got to the end of the order, and I will never forget this, and I looked at Margaret and I said, "Can I take this home and write it so we can understand this now?" And we looked at each other and we thought, my God, if we do that the State Department won't agree to it and the CEQ won't agree to it. Who wrote this order? The order is a good order. We received letters from the National Wildlife Federation and the Swiss government commending us on this order---the National Wildlife Defense Fund and other environmental

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groups, and so, you know, it was really exciting to think that although we had not done as much as I thought we could have, we did something good. And maybe they did understand it.

Allen: Give me the names of the people you worked with primarily at Environmental Quality and the State Department, just for the record.

Dobmeyer: Primarily we worked with Charles Warren from CEQ.

Allen: W-A-R-R-E-N.

Dobmeyer: Right. And Nicolas Yost, Y-O-S-T, from CEQ, Foster Knight with a K at CEQ, Gus Speth, S-P-E-T-H, from CEQ. You didn't know they had that many people over there, did you? [Laughs]

Allen: No.

Dobmeyer: And there are more. Those are the main people we worked with. From the State Department we worked mainly with Herb Hansell who's the legal advisor and [pauses], I've forgotten his name.

Allen: What office is he in?

Dobmeyer: He's also in the legal advisors office. He worked with Herb. It was kind of funny because I didn't know who Herb Hansell was. I knew he was the person from the State Department who was going to attempt to help us draft this executive order but had no idea what that position, at least, was supposed to mean to someone over here and was quite shocked when during the signing of the peace treaty, the peace treaty between Israel and Egypt, that he was the person standing right behind President Carter and was the one who went to Israel and Egypt. And I was thinking, gee, I worked with Herb also. [Laughs.] He clearly didn't, he just didn't fit that role. You know, I was really shocked. I was thinking, gee, maybe I should have been more reverent, but... in retrospect, no, I think not. [Laughs] I think I shouldn't have been.

Allen: It is very interesting to get the story of the writing of the executive order because there will be students who go back and trace the way that order was written and the different people who were instrumental; the turning point. When you look back on it, can you highlight a couple of the more difficult issues that you resolved in order to get that order out or were there specific turning points, hard issues you all faced? What are your memories that stand out?

Dobmeyer: Well, many times it was a lack of understanding among CEQ, the State Department, and us. I think most of the time we spent learning about each other's procedures and the process generally. If a chemical is, let's say, banned from production here, can we import goods if the goods are treated with that chemical in another country? You remember the kids' pajamas, the treated pajamas, the infant wear that were found to be flammable? What happened, to those?

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Well, during the negotiations we found out that a lot of those had been sent overseas only to be imported in under another name, so how far does this executive order go? How much do we have to cover? If we say *chemicals* what's that going to mean to everybody? Do you have to have an appendix and a definition for every word that we use? It was..... I think generally, at least, I was very disappointed because I found that we were dealing [end of tape 1A]

Tape 1 B [Repeats tape 1A for the first 8 minutes 40 seconds.]

with agencies and private industry who essentially couldn't be trusted to care for the health and the welfare of their own nation. I mean, there are just certain people who wouldn't hesitate to import a chemical that may be hazardous provided that there is economic gain for them and so, you know, in that whole respect we really felt a need to define everything. At the same time to have input from the export-import thing to saying, yes, the order is all well and good, however you realize what this is going to mean economically for the United States and there were compromises that had to be made. And I wasn't very happy with those compromises, but then I've never been through a depression.

Allen: Are there any of those compromises that you can talk about or would you rather not get into it?

Dobmeyer: How long do you want to be here? [Laughs]

Allen: I've got plenty of time. I think this is a great chance to get some of the history of that executive order on the record. Someone just reading it years from now won't know that certain language came easily and other language you sweated months over.

Dobmeyer: We even had a great comma debate. That is kind of what we referred to it as. And I am sure that is true of the government across the board. Now, I have never considered myself particularly or extremely articulate but I'm a good writer and I have had a lot of practice at writing and I find that, at least for the people I've worked with here, grammatically have not had a very good education.

Allen: Hmmm.

Dobmeyer: I think a lot of the skills, the writing skills, are not good. They are not poor but they are not excellent. They are not the quality that we should have, especially when you are doing things for the entire country, when you're writing an executive order. I mean, sometimes I would look at these paragraphs and think, whatever does this mean? What have we written? Explain this to me. If I am to follow this, what do you want me to do? I have no idea what you are talking about. And that would usually be responded to, "Well, in the scientific community everybody knows that this means thus and so." That's fine if the order is to be followed only by

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those in the scientific community, but if it is to be adhered to at all by non-scientists; I mean I would hate to be a new environmental lawyer and try to figure that order out. I would hate it.

Allen: Did you end up writing it in everyday language or did you just advise?

Dobmeyer: No, we did not end up writing it in plain English. That always was one of the threats when the State Department and CEQ tempers flared which was not unfrequent---infrequent. And ours as well. I would threaten to send the whole order to the Plain English Department of OMD [Laughs], so that they could write it so that everybody could understand it. Then everybody would understand it except for ...

End of Tape 1B

Beginning of Tape 2A

This is an interview on May 31, 1979, with Anne Marie Dobmeyer, a second interview, on the first floor of the Old Executive Office Building in the Law Library. This is Marie Allen. Have you got your mike on?

Allen: We've just started talking about an Executive Order that you worked on. Could you describe that order first for us again?

Dobmeyer: Sure. I have a White House fact sheet and a copy of the order. The title of the order is "Environmental Effects Abroad of Major Federal Actions". And I'll give you a copy of that.

Allen: OK.

Dobmeyer: The Executive Order deals with the application of The National Environmental Policy Act of 1969 to federal actions overseas. The issue was brought to a head when part of the administration, for example, the Export Import Bank and the State Department had taken a stand that it did not apply to any of their activities overseas. And on the other hand, the consulate on environmental quality and environmental protection agency and agriculture also had held the position that it did apply to government activities overseas.

[Clears her throat.] My apologies for my cold. The administration decided to take position on the issue of whether or not it did apply, especially after the Export-Import Bank and AID and State Department had been sued in federal district court about their injurious activities overseas. Because Environmental Quality had initially promulgated the regulations, this was not a serious defiance from some of the other agencies, government agencies, that deal with the economic growth, from the State Department and Export-Import Bank, and so forth and it was decided after the judgement of the CEQ's regulations that the administration should come together as a group and try to work on something and promulgate some new regulations that would be

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minimally palatable to all these agencies in the administration. It was decided that-----actually, I guess it just kind of got dumped in the legal counsels' hands.

Generally our office doesn't take such a large part in any given situation. We give advice. We study things, we research different issues, but we generally don't take on any large projects, and that's generally because there are only five attorneys and it is a very small office. It is Domestic Policy staff and the NSC, all the other staffs are large enough and have their own legal staff, so as the President's lawyer, as the President has always referred to us, we were not sure whether or not we should take it and yet there seemed to be no one who could at least make that thing with an impartial view. It is clear that we couldn't allow any one agency to issue those orders or to guide the other agencies through the regulations, so it was decided that we would take two agencies; we would take the State Department, that's the lead agency on foreign affairs, and CEQ, which is the Council on Environmental Quality, as the lead agency on issues of the environment and if those two agencies could work, we worked together with them.

Allen: Could you list some of the people in those two agencies that you worked with?

Dobmeyer: Yeah. From the Council on Environmental Quality, Charles Lewis, Nicolas Yost, Gus Steph.

Allen: Could you spell Steph?

Dobmeyer: S-T-E-P-H and his assistant Gustaf or Gustav Foster Knight. I think it is Gustaf.

Allen: And the last name is?

Dobmeyer: Foster K-N-I-G-H-T [she spells]. And from the State Department, the names in that agency with whom we worked were Herb Hansell, who was the legal adviser and his deputy, Mark Feldman. There were other people from the State Department, a lot of other people from the State Department, but none who continued through all the negotiations as did Herb and Mark.

It was everyone's decision, the White House decision that the best way to state our policy would be through an executive order. There are various ways for the administration to direct agencies to follow certain orders or enforce certain regulations and we thought that the executive order was the best. We did not want to have to address the legal issue of whether or not LUPA applied, because honestly we didn't want to address the law suits. There had been so many law suits already just involving the environment and so forth. There were several pending at the time of the order and several still pending that deal with this exact issue and because of that we went into two different routes that although we clearly were not addressing the legal issues, we make the administration's position clear.

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President Carter was really—I was surprised, I guess, to see his involvement in this and his stated success, his background as an outdoorsman. He had a belief, almost a requirement of a healthy environment that few people here I've seen have. Most people won't sell out the environment. You look at the agencies with which we were dealing, talking about the agencies with friends and strong economic background, the agencies with the money and the power against the Council on Environmental Quality and the Environmental Protection Agency and Agriculture. But it was really for a long time it appeared to me to be a Mutt and Jeff routine. It was comical. But the President was so firm on his commitment to the environment that it really helped out to try to help the agencies get through this.

Allen: How did the President express that?

Dobmeyer: I think we didn't really know that until we sent him an options paper and this contained some things, specifically some nuclear issues that we could not resolve with the State Department and the CEQ. It was I guess a five page executive order in which every word of that order was agreed upon by the State Department and the CEQ and I'll get back to the President in a minute. But after we'd typed up the draft and send that draft out to all the agencies, and then we would get back all the agency comments. We would try to incorporate as many comments as we could into the order. It was the first time that I had realized that there are some incredibly bright people in government and that I shouldn't be shocked. People who again not only were knowledgeable about their area of expertise, but could see potential effects of their area on some area with which they really didn't deal, not at all.

That was a real surprise to me that they were as keen as they were. So we would get comments from the State and the CEQ and sit down and redraft it and send it out again. We sent it out twice to the agencies and really took to heart all their suggestions and then at the end there were still some issues we just could not resolve and we sent the President an "options" paper which listed the issues and then the options and that also went to the Domestic Policy staff. Stuart Eizenstat looked at it and I think made some comments on it and I believe that options paper also went along and a letter about reactions and feelings. And that all went to the President which was shortly before Christmas, I guess, because this whole thing sort of happened on Christmas vacation. None of us went anywhere on Christmas. We were really hoping that it would be finished by then. The judge thing was pending this whole time, the judge was being very kind and we kept getting stays, but it began to feel like a stay of execution or something. And finally over Christmas vacation and the first of January the President signed the order.

But he did, several times, talk to Stuart Eizenstat and Bob Lipshutz about it and expressed his concern for the environment and, of course, I guess, especially if you're the President it is pretty hard to talk environment when the country's economy is not very well off. But I was really pleased about the notes he would put in the columns of our letters on the options paper, that maybe understand that it might not be realistic and we couldn't sacrifice the economy for the Dobmeyer. Anne Marie

environment at this time and probably never would. It was realistic. I didn't agree with it, but it was realistic. But at the same time he was so aware of the environment and wanted to do as much as he could for it. I know a lot of people have said to me that's ridiculous. You don't have to sacrifice the economy. It doesn't cost that much to make a study of the environment. You only have one environment. And I surely understand that. There is a part of the National Environmental Policy Act that requires an environmental impact statement, an EIS, to be written for every project domestically. And that was one of the questions whether or not that would apply overseas because some of these statements take two or three years to do and cost upwards of fifty or a hundred thousand dollars. And you get into the third issue of should the foreign government have a say so. If they don't care about their environment or if they need a dam or a factory or something so badly, should that be sacrificed for the environment? When the Aswan Dam was built in Egypt that was a Soviet project, and it was discovered soon thereafter that it was a disaster. The number of people who got malaria, and cholera, and whatever else you get from drinking polluted water, you have to ask, was it worth it to have that dam there? It was proven it really didn't function as it was supposed to nor take care of the Nile as it was supposed to.

Allen: From what you have said about the drafting of this order, there were three major parties, the CEQ, the State Department, and the Counsels' Office. Could you describe how those three parties' perspective, with regard to the facts, differed? What was the role of the three different parties?

Dobmeyer: Yeah, the CEQ was pro-environment. The State Department was not anti-environment but pro foreign affairs and pro economy. CEQ knew that if the economy suffered it didn't mean the environment would be better off. State Department's view was if the economy prospers the environment suffers. They were vehement, they were definitely very vehement about it. There were some heated discussions, some very heated discussions and Saturday sessions. People got very tired and consumed tons of coffee, and I don't know. I am sure it brought out the worst in people. And at the same time, some things that happen were so comical. Herb Hansell is the media advisor for the State Department which in government circles, anyway, is a very high post. I didn't realize this until the signing of the Israeli Peace Treaty when Sadat and Began were at the White House. And right behind, RIGHT BEHIND [emphasizes], President Carter, stood Herb Hansell. And I thought, my God. I had no idea that he had the weight that he did. But, I remember on one occasion it was hot. We did this all last summer. It was just an awful summer.

Allen: Where were you? Where were you working?

Dobmeyer: We were working mostly in this library because it was one place that we could all meet and there was always enough room and it was easy to clear people to get in this building. We met a couple, I guess one Saturday morning at the Roosevelt room at the White House in the Dobmeyer. Anne Marie

West Wing and a couple of times we had small meetings in Bob Lipshutz's office in the West Wing. Once in even in Margaret's office but the rooms there are so small that this was the best place. Oddly enough, I always thought that the meetings went far better in the White House. Now, I don't know if that's true but I think when people get in there, there is almost a sense of reverence and they tend not to be so loud and fidgety as they tend to be over here. Can that be true? It's a very scholarly observation. [Laughs] but I think it's true.

Allen: What were the points of most conflicts?

Dobmeyer: Well, I'll go through them in order. Just the definitions. To say what a major work this turned out to be! There was a State Department [?] on every paragraph. I really can't think of any paragraph, including the heading, to disagree on. If it wasn't any general, a real substantive disagreement, it was grammatical or syntax. I happen to think that it is a very poorly written order. I remember when the President signed that I really felt bad for him because I thought grammatically we could have done a much better job and every attempt that we made to make it readable, to re-write something, to restate something, was met with opposition from both the agencies saying, "look, if you change it now, neither one of us will understand what it means. We understand what we have written now. But my concern was that other agencies that didn't have the scientific background, and I didn't have a scientific background, wouldn't be able to read this.

Allen: The initial draft was done by which agency?

Dobmeyer: Well, the initial draft, it's hard to say. Both departments had an initial draft. We kind of had an initial draft, but we built ours on theirs. What we would essentially try to do was rephrase things so they would be readable to both sides without trying to take a position.

Allen: Were you doing most of the actual redrafting or was Margaret?

Dobmeyer: What we would try to do is to get the agencies to do it. I think it was far better when the agencies did their own drafting and it was accepted by the other agency than to have us do it because we were accused on several occasions by one agency or the other after the debates got heated of favoring the economy or the environment and I certainly didn't like that position and didn't feel that we needed to be in that position and felt we couldn't be productive in that position.

Allen: Did Margaret chair the meetings?

Dobmeyer: Margaret chaired the meetings. On occasion I did. She generally did. She had far more impact with the two agencies than I did. When they found out I was a law student I was something less than human. [Laughs] It was a difficult position for me to be in, really. It was pretty awful. At the same time there was almost a jealousy that I worked somewhere they would

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like to work, and so there was a connection. And after a while, they got really good about it, I thought. I called Herb all the time and Herb always took my phone calls and he didn't, as a lot of agency personnel will do, give it to someone else. He'll call you back. He just doesn't have time right now. I guess that is why I was so shocked when I found out that he really held a high position, but he did take my phone calls. [They laugh.]

Allen: From what you are saying, there were no major issues of contention that stand out in your mind, but merely language arguments with each paragraph.

Dobmeyer: The nuclear issue was probably the one that we couldn't resolve and it was one that went to the President and something that was really difficult for us to do because we are not nuclear experts and when we got into spent fuel and talking about things like that and what the best way is to dispose of certain things; what are safe shipping methods? I mean, as far as I was concerned, it was totally out of our ball park. We really didn't know. It was clearly our goal to send to President Carter because that is his field and we knew that he would be firm and clear. And he was firm and clear, and I think that's OK, but that's probably a different subject. But to the extent that the order dealt with it, that was probably one of the main problems of contention between the two agencies.

Allen: Thank you. You have given a summary of the ways the executive order was put together. Do you have any other comments about it?

Dobmeyer: Well, it was just a sophisticated deal and it was interesting to see the President's role, and to see the congressional roll in it. They had written REPA? They had written the National Environmental Policy Act. I had read all the congressional histories, the floor speeches, statements by Muskie and Humphry, and it was really exciting to see their role and then to watch them almost ten years later say, "Oh no, that is ridiculous, of course we meant that that applies to federal government activities overseas" and yet nowhere in the act is it stated. We talked about the environment, we talked about the world environment. And yet, it just wasn't clear from my reading on the certain part on the environment and I would certainly look for that. And it just wasn't anything that I found in the act that you could isolate certain words and phrases and say, "Oh, yes, definitely there is a world bent here." But, overall, if you read the act as a whole, if you read the testimony as a whole, I don't think you could say fairly that it was intended by all the congressmen who voted on that act that it applied to government activities overseas.

Allen: You didn't really end up by addressing that matter, but you just provided the executive order to govern the federal government's environmental activities overseas.

Dobmeyer: Right. We did address the legal aspects of that matter, but from this executive order the Council of Environmental Quality now has issued regulations. I have not, since I've been part time this past year, I have not worked on these except just to view the regulations and I understand that of course there are problems with those. They have been published in the Dobmeyer. Anne Marie

Federal Register so I suppose they are still waiting for a redrafting to come. One thing that we did get that was real exciting to me, because I had lived in Europe for six years and know the way in which they work with their environment, and it is clearly the most beautiful place you have ever seen. Somehow I can't imagine a nuclear power plant in downtown Berne, Switzerland, or something. But we got a letter from the Swiss government, the environmental division of the Swiss government, commending us on the order. They are realistically saying they know that more will be required than this order but it is certainly a statement and it is a government policy and it's been made public.

Allen: How does this executive order change what the federal government is doing abroad in relation to the environment?

Dobmeyer: Well, stating essentially-----it is very general. It is very broad and the real power will come from the regulations that are issued pursuant to the executive order which we are still working on. Hopefully it will mean that, instead of an agency just going into some foreign country helter skelter and building a dam or setting up some agriculture station or putting in a milk processing plant, whatever it is that might involve a change in environment, or manufacturing something overseas that requires a chemical that is on the list of toxic chemicals in the United States. At least it will hopefully prevent government agencies, not private agencies. Its design is ridiculous. It's ironic the government has written this and spent all this time and money to cover itself and yet the private issues just aren't covered. It is frustrating to see some of them quite active in the overseas industries and that's real apparent.

Allen: Are private agencies covered in the domestic law under REPA (Rules for Educator Preparation and Accountability) legislation? Are their activities restricted now?

Dobmeyer: They would be, I guess, to some extent. But I think that would only be, let's say, where there is a government contract. There would have to be some connection to the government.

Allen: Uh huh, uh huh. So, you see some damage still being done both domestically and foreign?

Dobmeyer: Oh, lord. Oh, absolutely.

Allen: Or private?

Dobmeyer: Absolutely

Allen: What were the issues, just in general, that were being litigated? What are the issues that gave rise to this order; the issues you mentioned that were in litigation? Do you know which countries were involved and what issues were involved?

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Dobmeyer: Well, there was one case that involved the Darién Gap Highway in South America and that's probably the most....

Allen: The what highway?

Dobmeyer: It's called the Darién. There's a gap, geographically a gap, in Central and South America and I think this is part of the highway that connects the Americas project and there was a suit filed to enjoin construction of the highway because it was discovered by environmental groups that absolutely no studies had been done on the construction of this highway whatsoever and that certain types of flora and fauna were going to be destroyed. It's kind of like the South American snail darter case, I suppose, in a lot of ways. But it would become extinct because of this highway and the Army Corp of Engineers were down there blasting away and determined to put this highway through and no consideration was given at all to the natives and any problems that it might bring about for the tribes, and you know, I can see that happening so clearly because so many times as Americans we have no concept of history, whatsoever, certainly not much of one and not much of a concept for different cultures. You know it's generally been our position that if we go in and Americanize, we go in and make it great. And I'm sure no one asked the tribes people whether or not they wanted a six-inch concrete slab running into their village, so of course they were annoyed. It doesn't do much for their economy. They don't have *economy* like we have an economy and don't need one.

Allen: They don't have hot dog stands.

Dobmeyer: They don't have hot dog stands, that's right. That's more accurate than I can say it.

Allen: So the highway through the Central Americas, then, was one of the filings. Do you remember any others?

Dobmeyer: Yeah, that were various other suits but I can't remember the individual projects that were enjoined because of the suits.

Allen: And most of those suits were handled by the Justice Department.

Dobmeyer: Yeah.

Allen: What section of the Justice Department had responsibility for that?

Dobmeyer: Well, sometimes it was difficult to tell. [Allen laughs.] We worked mostly with their counselor's office, their legal office, their legal advisors' office. They have one whole section that's a lands division, but I think generally they do the domestic issues.

Allen: The environmental issues?

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Dobmeyer: Yeah, the environmental issues but only the ones that pertain to the national level. When it hits the international level I really am not sure who in the Justice Department handles that. I remember some names of people I spoke to on the phone but we didn't deal directly with many people over there on the order. As a matter of fact we would ask the Justice Department for a position paper on one of the sections on the executive order and it just occurred to me that we never did get that, so I don't know whether the environment is just not their thing or they were afraid to take a position because they're all still in litigation. That's an awfully big place over there.

Allen: Did you have any dealings with the Pentagon on the subject with the armed forces?

Dobmeyer: With the Defense Department. A lot with the Defense Department and Dianne Seimer. A fantastic attorney.

Allen: Spell it out.

Dobmeyer: [Spells out] D-I-A-N-N-E S-E-I-M-E-R. And I don't know-----she's the chief counsel for the Department of Defense. I don't really know how long she's been there. I would say she is probably, OK, she is one of the top two or three most respected legal counsels in the government. She holds her position and holds it firmly. Very bright. Very articulate. Very firm. And, of course, she's the Defense Department's chief attorney.

Allen: How did you get involved with her on the issues?

Dobmeyer: She really supplied us... any time we wanted background on any particular issue we could always call the Defense Department and Dianne would have it here in two days in a binder. [Laughs.] She was incredible. I think probably of all the people we worked with and I don't know what her staff is like, I don't know how many people she has working for her, if she has anyone working for her, if she lives there, I don't know, but she put out more and was more thorough and investigated the entire issue, the entire environmental issue, not just restricted to the service, but she's involved in everything. I mean from this to the reorganization project. She's in everything. Her name is everywhere. And she's so knowledgeable about everything that she is a part of. She came to some of our meetings that we had about REPA because the Defense Department, of course, plays such a large role overseas and she's very good. She's very forthright. She doesn't say much more than needs to be said but she always says what she feels. She's just such an advocate for her agency. And I just have that feeling that you could put her in any agency and she would advocate just as hard for that agency, regardless of her position. She's just extremely, extremely able.

Allen: Were there other people that come to mind that you also dealt with, for instance, you mentioned the Justice Department, Defense Department, CEQ, State. Anybody else that needs to be mentioned?

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Dobmeyer: [Long pause.] I'm trying to think. You know, over the year there were so many people on and off, and in and out and sometimes it seemed that every time you turned around there was someone leaving and someone new and they would start coming to the meetings. There were some.....I can look it up. Barry Glick from Export Import Bank was very good.

Allen: Warren Glick?

Dobmeyer: [Spells] G-L-I-C-K. I need to look at all the people that we worked with. John Moore, also from the Export Import Bank. He probably impressed me. I think when I was speaking earlier about being surprised or delighted that some people in government were so bright, I think Moore is one of those people. He is very sharp and yet such a nice person. Very soft spoken. He was fun to work with because, you know, there a lot of things that I don't understand about the economy and a lot of things that I learned working on this order and, if it was apparent that I did not understand, he would stop and talk very simply and just explained things so well...and to everyone who was there, even the State Department. When it would get to the point it was almost a battle of tempers, it was almost always because one of us didn't understand someone else's position. It was that we really didn't understand the terminology, or the battle of semantics or the grammar, whatever....and many times we would come out on the same side.

Allen: OK. What about the role that Mr. Lipshutz played? Did he have any substantive impact on the executive order or did he primarily interpret it to the President?

Dobmeyer: He called, I think, a couple of meetings and we were there a couple of times when we had met an impasse. The State Department and CEQ kind of just looked at each other and said "No, we are not going any farther. Let's gut the whole thing." [audio unclear] They would say, "You need it just as much as we need it." [audio unclear] We would leave the meeting screaming at each other and go get some coffee or something and a couple of times after that when people left with almost everything, everything unresolved and this would be over just one paragraph, and we would be doing fine until we hit this paragraph and we would hit a stone wall and a couple of times Bob called a meeting and they really listened to him. I think he has such a good background. He's the kind of person, I guess, who I always think of as having a good solid knowledge of law. He is the person who would have Blackstone's on his desk and that's kind of like the law encyclopedia and the history of law. He is a person who would know Blackstone's. He probably got that as a graduation present.

Allen: And reads it every day. [They laugh.]

Dobmeyer: That's right. And I really admire and respect him for that because he always has a new twist.

Dobmeyer. Anne Marie

We are young. Everybody is young and I'm thinking sometimes that is pretty scary. Herb Hansell, I don't know how old Herb is, but he is probably 60 or so. He is a little bit older but most of us are in our thirties, a few in their 40s, but a very young group, and I think Bob had a way of lending some credence to sometimes our chaotic negotiation sessions and he would just take it point by point and say, "all right, now you say this and you say that. What do you want from this? OK, fine. What do you want from this?" And then, because it's his position, he's got a lot of power and he controls the situation very well and he ignores all the personalities, which I thought was real interesting. Completely ignored everyone and he just listened to words and concepts and he would come out and write the whole plan. And at the end he would just say "Well, how about this?" And someone would say, "That's OK, but ...and just to continue on that and refine that. If you don't want that specifically or particularly, is my concept right? Yes or no? And he would keep going on from there. We also met with Stu Eizenstat on one occasion, but Stu doesn't have the --he's not as tempered as Lipshutz, and I think, especially when things had been kind of chaotic or uneven for six or nine months, you know, it takes a certain amount of levity to bring things back into order and I think Bob really helped us out in situations. I wish he had had the time and the energy to help us some more, but as I said, it was a project that I really don't think we should have been involved in because it included two of us almost full time and we really didn't have the time for that. I don't think we got the help from the Justice Department that we should have. I was real disappointed there because I expected that we would really be educated and briefed thoroughly or they would help us with the negotiations and it just didn't happen.

Allen: The Justice Department played a very quiet role.

Dobmeyer: A very quiet role.

Allen: From what you've described.

Dobmeyer: A very quiet role.

Allen: They didn't sit in on most of the meetings?

Dobmeyer: Uh uh. No.

Allen: Were there other people in the White House that were involved?

Dobmeyer: Uh, I am trying to think of the people who were most incredible. Kathy Fletcher, Domestic Policy staff was involved. Kitty Schirmer, although I have never met with her. She's also on Domestic Policy staff.

Allen: Schirmer?

Dobmeyer. Anne Marie

Dobmeyer: I think it's S-C-H-I-R-M-E-R. [She spells aloud.] It might be S-H, but I think there's a C in there. I'm trying to think of who else? I think that's about it. There may have been others. It occurs to me we had a meeting once with Bert Carp and other people from Domestic Policy staff but that may have also been at a time when Stu Eizenstat came.

Allen: Did you also meet with the Security Council?

Dobmeyer: I worked some with Jessica Putnam Mathews. I enjoyed working with her. She's very bright. She's no longer with the White House staff but it was fun to work with a living scientist who was just so good.

Allen: A famous living name.

Dobmeyer: That's right. She was real good, although again, at that level, you know, they didn't participate in the negotiations. I mean, we just showed them, "this is how far we are. What do you think of it?" But we did get a lot of comments and advice from them. Most of the departments were real cooperative. Agriculture was great. I never really thought of working with people from the [audio unclear] Department and I can't remember the person's names. And I think what I shall do is find you the list. We had one print out list for, you know, just to make sure that everybody got copies of everything. That describes another problem...just getting things out of here. Support. Sometimes we had great support and sometimes it would take two days for things to get to HEW. Things would kind of get lost.

Allen: And, of course, your paper records reflect the names of people that you were involved with.

Dobmeyer: Sure.

Allen: That's a very nice summary, Ann. Anything else we haven't covered?

Dobmeyer: No, I don't think so. I think that's probably more than you initially bargained for [Laughs].

Allen: One of these days we'll have researchers working with executive orders and environmental effects abroad and they will just be delighted to find that I actually asked you that question.

Dobmeyer: [Laughs] And they will probably think "why didn't she ask her thus and so."

Allen: Yes, inevitable. If that researcher wants to ask you his own questions eight or ten years from now, how would we go about reaching you, getting in touch with you? What's a good permanent address?

Dobmeyer: Well, uh?

Dobmeyer. Anne Marie

Allen: What about your parents' address?

Dobmeyer: My parents' address I suppose is. Their address is 5019 State Route 219, East Coldwater, Ohio. Their zip code is 45828.

Allen: Your parents' name is?

Dobmeyer: My father's name is Normand and my mother's name is Ester. The last name is Dobmeyer also and my address here is 1707 Lamont St., NW 20009 and I plan to be here at least five more years. I may not make ten.

Allen: Is there an association, like an alumni association that you will always belong to that you will be updating your address with?

Dobmeyer: No, I don't think so. [Laughs] I always mean to send those things back but it's not important to me, you know. As far as I know, I don't belong to anything at this time.

Allen: What about your sister with the five children. Is she permanently settled in one place that she will probably be for a while?

Dobmeyer: They will probably be there ten years. Her name is Katherine Barlow. She lives at 6310 Miranda Drive, and that's in Dayton, Ohio. And that's 45415.

Allen: Those are two pretty good lead in case you have gone to California and taken up a law practice and are on a beach over there.

Dobmeyer: If I go anywhere, I'll have to pass another bar so I think I will definitely stay five. If I go anywhere it will probably be northeast. I would love to go back to Europe too.

Allen: Thank you. This has been really valuable and it's given us a lot of background information to supplement to the presidential records.

Dobmeyer: I'm glad I could help. I hope maybe it helps out someone someday, though I'm really curious as to what [audio unclear].

Allen: You'll have a good time in Washington. Thank you.