

ROBERT LIPSHUTZ INTERVIEW

DATE: March 6, 2003

SPEAKERS: Interviewee ROBERT LIPSHUTZ
Interviewer Kay Hamner (QUESTION)

TOPIC: The Carter Center Oral History Project

QUESTION: Let me begin by saying this is Kay Hamner, interviewing Robert Lipshutz on Thursday, March the 6th, 2003, at the offices of Lipshutz, Greenblatt & King, at 2300 Harris Tower, Peachtree Center, Atlanta, Georgia. Lipshutz is spelled L-I-P-S-H-U-T-Z.

We know that you were with the President as White House counsel when he was at the White House, but I wanted to start with when you first heard about or became involved with the planning for the Presidential Library and Museum. So was that while President Carter was still in office or afterwards?

ROBERT LIPSHUTZ: It was towards the end of his administration, and particularly picked up interest after he lost the re-election campaign to President Ronald Reagan. So we began to do some work on it during the latter part of his administration, but got much more involved after he came back home.

QUESTION: At that point, I don't imagine they were discussing plans for the structure so much as what they were going to do with the materials for a while. Is that correct?

ROBERT LIPSHUTZ: Well, the materials themselves were not something that we had to house. That was done by the Archivist, the federal government, even though he was out of office.

And so that was a matter that we really did not have to take on any serious responsibility – we cooperated, but that was all that was necessary. And the federal government arranged to use the old Post Office building on Forsyth Street as a temporary headquarters to store the materials and to work on organizing them before a library could be built.

QUESTION: At that time, though, President Carter wasn't talking about having some sort of a center other than his Presidential Library, was he? That came later.

ROBERT LIPSHUTZ: That's correct. The initial discussion was strictly about a Presidential Library in the more traditional sense.

QUESTION: So at what point did you learn that he was thinking about doing something more than that?

ROBERT LIPSHUTZ: I don't recall exactly at what point that became a factor, because as I said, the idea was to first get a site for the library, for the Presidential Library itself, and most of the early efforts were in that direction, trying to get a site. First of all, the President had to select the city in which he wanted to locate the library and the museum. And then, after selecting the city, try to find the specific site which was available.

QUESTION: And when did the property that ultimately it ended up being built upon – when did that first begin being discussed as a possible site?

ROBERT LIPSHUTZ: Well, I don't recall exact dates. It became one of the sites seriously being considered fairly early on. And this is property which was owned by the state of Georgia. There were other sites discussed in Atlanta besides that, such as the Emory University campus; perhaps something on the west side of Atlanta. But this became a very favorite site, if it could be utilized.

But as I said, it was part of land which was owned by the state of Georgia, much of which had been acquired during President Carter's term as governor in anticipation of building an extension of the expressway system from the downtown connector out to the Stone Mountain connector.

QUESTION: Were you involved with the negotiations with the state over getting that property?

ROBERT LIPSHUTZ: Not really. Charles Kirbo was primarily involved in doing that.

QUESTION: I know that you were the person who was involved, though, in negotiating what became the agreement between the Archivist, for the Library and Museum, and the private Carter Center as to how things were going to operate out there. So I know – I talked with Dr. Laney, and he told me it was like late 1981, early 1982, when they first started talking about maybe a “center” there at Emory. So when did you start – I say 'when,' but I assume at that point it was understood that there had to be some working arrangement between the two entities, and you got involved in that.

ROBERT LIPSHUTZ: You mean between the archivists and--

QUESTION: Right.

ROBERT LIPSHUTZ: -- between the federal government and President Carter.

QUESTION: Right.

ROBERT LIPSHUTZ: Yes, I was very much involved in that, and we dealt with the archivist and other federal government people in the Reagan administration. But we first had to make sure that we had the site itself so we'd know where we were going to put it and what we were talking about, in detail.

And we did negotiate this agreement, which you have copies of -- very detailed agreements as to the utilization. And at that point, the decision had been made to have The Carter Center, not just the Library.

QUESTION: So, do you remember who it was from the National Archives that was primarily involved in those discussions?

ROBERT LIPSHUTZ: I don't recall his name -- the Archivist at that time -- later on, as we were beginning to carry out the plan, or even begin to carry it out, a Dr. [Robert] Warner from the University of Michigan was the Archivist. But his predecessor's name I don't recall -- his name is on the contract, and I was just looking at it, and I still can't quite read it, but maybe we can double-check that.

QUESTION: But it wasn't Don Schewe at that point, I believe.

ROBERT LIPSHUTZ: Don was -- Don was involved, because he actually witnessed the agreement. It's signed by the Archivist. I believe the name is Frank Burke, B-U-R-K-E, if I'm reading his signature correctly.

QUESTION: Was he personally involved, or did he deputize Don or someone else to actually work out the details?

ROBERT LIPSHUTZ: Well, Don was not really that much involved in those details. Don's primary responsibility was organizing the records of the Carter administration, at the Richard Russell Building. Don might have been involved with him, of course, in discussing what to talk about, what to work out.

But he wasn't primarily involved in that.

QUESTION: Okay.

ROBERT LIPSHUTZ: Now, this could only, of course, be done after we had finally determined where we were going to put the Center, and what property we were going to have to work with.

QUESTION: Well, I'm sure you had discussions with President Carter about this agreement. What role did President Carter, at that time, think that the federal government would play in terms of helping to run the place?

ROBERT LIPSHUTZ: Well, it was quite clear that the federal government, through the Archives, which at that time was part of the General Services Administration, would run the Library itself.

Now, the President had the authority to approve of the selection of the Library Director – in this case it turned out to be Don Schewe. But that's true of each Presidential Library with a living President. That President has the right to approve who's going to run it.

I don't recall all the discussions we had about the details of the arrangements, but we did off and on discuss that as we worked out the very intricate contract which you've seen as to how the operation would be carried out, and outlined the responsibilities both financial and otherwise, and the exact property involved, and so forth.

QUESTION: Well, who was working with you on that from President Carter's side? Did he have a member of his staff, like Dan Lee or Phil Wise or someone that was involved?

ROBERT LIPSHUTZ: Well, now, Phil Wise was not here at that time, but Dan Lee was involved. But his responsibility was primarily in the construction phase of this whole development.

QUESTION: Well, in terms of what President Carter – what became The Carter Center side of the agreement – was there someone on President Carter's staff that was representing that part of the organization?

ROBERT LIPSHUTZ: I don't recall. I'm sure that I had a good bit of discussion with Charles Kirbo, and of course, with the President, on many of the details. Some of the more technical details, like how to handle the utilities, and

how to handle the groundskeeping, and so forth, probably went ahead and just, you know, got the President to approve everything, but didn't have to involve him in that much of the detail.

QUESTION: So you were primarily the one who developed what would be the working arrangement?

ROBERT LIPSHUTZ: Yes, that's correct.

QUESTION: You didn't have really much of a model; there was no other Presidential Library which had this kind of an arrangement between a private center, but did you talk with other Presidential Libraries about how they financed things or how things were operated? I understand some of them have private foundations that get involved in carrying out some of their operations.

ROBERT LIPSHUTZ: Well, the most obvious comparison at that time – well, two of them – there was the Johnson Library in Austin, Texas, and the Kennedy Library in Massachusetts. I don't recall any in-depth conversations with people at that time about it, but obviously, I must have had some because it was a new experience for me, too.

QUESTION: So it took some time to work out, I guess, and then it all became effective in 1986, when the facilities opened?

ROBERT LIPSHUTZ: Just one second. Yes, 1986 was the year that we signed the agreement and it became effective. Actually, the date was October the 1st.

QUESTION: When it opened out there?

ROBERT LIPSHUTZ: No, that was when we made the agreement. I don't recall off-hand the opening date.

QUESTION: October 1st, 1986 was when the grand opening ceremony was held, when President Reagan came.

ROBERT LIPSHUTZ: No, I thought that was – no, no, I thought that was later.

QUESTION: And I came a month later, in November 1986.

ROBERT LIPSHUTZ: Oh, that – hmm. [Break in recording.]

One of the interesting things about the negotiations and the agreement we reached with the federal government, which was then President Reagan's administration, is that we had negotiated all these intricate details with the Archivist, and actually had them all out in writing.

And then a new appointment was made to the head of the GSA, a person whose name I don't recall, but whose description I've always heard as a political hack, who was apparently on some kind of a vendetta against the Carter administration or the President, and he tried to repudiate the agreement in some very important details.

And it was going to cause a great deal of trouble. And so at that point I decided to try to handle this through the Reagan White House. So I went to the Counsel for the President, the man who had the same job which I had; a man named – a lawyer named Fred Fielding – and discussed it with Fred.

And he said, "Look, you already had this early agreement; I'll take care of getting it reinstated so there won't be a problem." And within a very short time, that had been done and we had gotten back to the original terms of a very lengthy negotiated agreement with lots and lots of details – by the intervention of President Reagan's counsel.

QUESTION: What was it that the new head of GSA wanted to change?

ROBERT LIPSHUTZ: I don't recall now all the different things they wanted to change, but primarily they wanted to shift a lot more financial and other responsibilities to The Carter Center rather than the federal government which would run the Carter Library and Museum.

QUESTION: I see. Well, mentioning funding – of course, President Carter had to start raising money soon after leaving the White House for building this library. Were you involved with any of the plans for how the funds were going to be raised?

ROBERT LIPSHUTZ: Not really. That was not my responsibility.

QUESTION: I see. So working with the national Archivist was the primary role that you played in getting this agreement worked out?

ROBERT LIPSHUTZ: That's correct, as far as up to that point, that was my primary – and helping to locate the site and presenting the alternate sites to the President.

QUESTION: Were there other people involved with that? Who worked with you on trying to find a site?

ROBERT LIPSHUTZ: Well, I'm sure that Charlie Kirbo did. I don't recall others offhand. And I really don't recall many of the sites that were discussed.

QUESTION: There weren't a lot that would hold it, when you got right into the environs of Atlanta, I guess – there weren't a lot of sites large enough and had the right access.

ROBERT LIPSHUTZ: That's correct – in Atlanta. The first decision the President had to make, of course, was whether it was going to be in the city of Atlanta or some other city. And there were discussions – I remember Macon, for instance, was discussed. Obviously, Plains was discussed. And I don't recall other cities.

But within Atlanta, there weren't too many sites. There was some discussion about the Emory University campus.

QUESTION: Yes, I believe – that kind of thing. Well, I know that you have continued to be very actively involved with the Library, and I believe you serve at the national level, right? Isn't there a Board of Advisors or something to the Presidential Libraries that you serve on?

ROBERT LIPSHUTZ: Oh, there's a group, which is established by the Archivist, with a representative from each one of the Presidential Libraries. And we get together in an advisory capacity. We receive a lot more information than we necessarily give out, in advice.

But we do meet, generally once a year, sometimes twice a year; sometimes in Washington; more often at the site of a Presidential Library, and discuss things and have the Archivist present a lot of his information and ideas. And act as sort of a liaison between each of the Presidential Libraries and the Archivist, beyond the staff level.

QUESTION: So you continue to serve, to do that?

ROBERT LIPSHUTZ: Yes, I've been doing that, oh, I don't know how long.

QUESTION: And have you been involved – I know that The Carter Library doesn't actually have like a Board of Advisors and that sort of thing --

ROBERT LIPSHUTZ: That's correct.

QUESTION: -- but I know that you still continue to try to be helpful with advising the Director and others. Do you recall any special projects that you've been involved in with the Library that you'd like to talk about?

ROBERT LIPSHUTZ: Well, one of the more amusing things goes back to the negotiations with the federal government on the details of this contract. As you know, the building there is really a single building; they are not two separate buildings. But the legal title to a part of the real estate is in the Archivist – the federal government – and the other part is in The Carter Center, what is now called The Carter Center.

Well, we had to determine where to draw the line through the building, if you will, to make a legal description of which was which. And we learned, before we did that, that if we wanted to have a social event in The Carter Library, on federal government property, and serve any kind of alcoholic beverage, we had to get the permission each time from the Archivist.

Well, even though the Carter situation might not have tolerated much alcohol, occasionally we might have had wine and beer. And so we had to try to figure out a way to avoid this red tape with social events, of being able to serve alcoholic beverages.

So what we did, we drew a line, which was rather awkward, so that just off of the reception area for The Carter Library, below the steps – there were about seven, eight steps – there's a wide hallway. And we drew the line so that that hallway remained part of The Carter Center, not part of The Carter Library.

So that we could serve alcoholic beverages there without having to go to Washington each time we wanted to do it. That was one of the most amusing items of negotiations.

QUESTION: Well, you might be interested in knowing how we worked that out over the long haul. Soon after I came there, in November 1986, I set up a committee that consisted of the manager for events in The Carter Center, and either the Director of the Library or his Deputy -- Martin Elzy often does this -- to

review all the events that are going to be taking place there. And as long as they approve – the local Director or his Deputy – says okay for those events, they don't have to take it to Washington. In other words, Washington has deputized them now to make those decisions.

So we haven't had a lot of problem with being able to do that. But you know, that could change – it's very good that that's in writing, because as to whether you can expand that a little bit or not depends upon the local Director and what his personal feelings are on that. So if we didn't have it in writing, down the road there could be a teetotaler who caused a problem – so that's a very good thing there.

But I had wondered about how that line was drawn, because it means that the café is on The Carter Center side, and The Carter Center then, is responsible for operating the café, but the primary beneficiary is our visitors to the Library. Was that talked about? That has been one of the things that puzzled me.

ROBERT LIPSHUTZ: Well, we may have talked about the café, but the primary purpose of that awkward line, if you will, was the alcoholic beverage issue.

QUESTION: Well, I know that I've worked under this agreement – well, I've been there, this past November, was sixteen years. I came there to do a little volunteer work and leave, and got hooked there. But we have been working with this agreement for some time. It may be time for us to revisit a few of the points in it, because over a period of sixteen years, we now know better how to work together there.

And a lot of it ebbs and flows, depending on the Library's budget. You know, they do more – like in helping take care of the grounds -- when they can get a budget approved where they can. And where they can't, The Carter Center has more there.

Well, do you have any particular remembrances of President Carter, at the time that he left the White House and was involved in this? I know that he had an adjustment period there to private life again. Did you see much of him at that time?

ROBERT LIPSHUTZ: I don't think I saw a great deal of him.

QUESTION: So were you involved, when he first started talking about wanting to do something like a Center?

ROBERT LIPSHUTZ: I'm sure that I was in some conversations; I honestly don't recall details of it, though.

QUESTION: So you weren't at Sapelo Island when they had that first discussion about setting up a center?

ROBERT LIPSHUTZ: Where? At Sapelo?

QUESTION: It was in 1981 or 1982 at Sapelo Island.

ROBERT LIPSHUTZ: No, I don't think I was at that meeting.

QUESTION: All right, well, do you have any other remembrances? The main thing we wanted to get on the record was how these negotiations took place, as to how these two entities were going to work together, because it's unusual – everybody that we've talked to since President Carter, that have sent people to The Carter Center to start making plans for their own libraries, have always been very interested in the fact that this is so different than other Presidential Libraries, and how do we make it work?

Matter of fact, even current Directors – the current Director of the Johnson Library, was here a few months ago asking those questions. So there's a lot of interest that needed to be on the record about how all of this was worked out and all of that.

ROBERT LIPSHUTZ: Well, we, of course, tried to anticipate most of the issues that would come up from time to time, from year to year, and pin them down so there would not be a great deal of haggling back and forth and misunderstandings and so forth.

And that's why it is such a detailed agreement on such things as the groundskeeping and utilities and the policing and all of the things that are covered in that. It is a lot more detailed than you might expect between two adjoining property owners, if you will.

QUESTION: Refresh my memory, now – when the materials from the Presidential administration were actually then placed in that facility over there – they are the property of the federal government; they're not the personal property of the President anymore, correct?

ROBERT LIPSHUTZ: The records that are now in the Library?

QUESTION: In the Library.

ROBERT LIPSHUTZ: At the time of President Carter's administration, they were still the property of the President. And he voluntarily donated those to the federal government. He had no legal obligation to do that, but he did it. During his administration, however, a law was passed which changed that, so that these records did become part of the federal government's property, and all administrations following that of President Carter.

But President Carter, who helped pass that legislation -- helped encourage it to be passed by the Congress, and he signed it -- had also at the same time stated that he would give his records to the federal government. This all, of course, arose out of the Nixon situation.

QUESTION: Well, then President Carter had the right to close certain of his records, if he wanted to and not make them accessible.

ROBERT LIPSHUTZ: Well, even under the new law, a President or a former President, or even a former President's family -- a spouse, family -- has the right to keep certain records closed for certain periods of time. Under the old law, of course, the President owned the papers and could do what he wanted with them. And President Carter has imposed some restrictions on opening his records, but very few.

QUESTION: Well, when you were talking in the early days about the Presidential Library, at that time was it thought that the President would have a personal office in what was going to be the Library? And I'm asking this because I'm interested in what kind of provisions are made if somebody doesn't have a Center like President Carter, for the President and perhaps First Lady to have an office.

ROBERT LIPSHUTZ: There are statutes and there are provisions for giving a President logistical support when he's out of office. In addition to compensation, a pension if you will, he's given a certain amount of an allowance which Congress approves from year to year, for secretarial help; he has free postage; he has money to pay rent on a space -- whether it's, in this case, in the Carter Presidential Center, or somewhere else, an office building, for instance. President Clinton has one right now, in an office building; eventually it will be in his Center. That's provided by the Congress each year.

And it doesn't change -- I don't think it changes a great deal in time. And as you know, the federal government provides Secret Service protection for the President and his spouse; or, after his death, his widow.

And there are other kinds of expenses directly related to the public

functions of a President which are provided by the federal government through the Congress.

QUESTION: But at the time that you were first talking with the Archivist, it wasn't thought that he would have an office at the Library.

ROBERT LIPSHUTZ: Well, it wasn't determined, but as you know, from year to year the allowance for rent, if you will, is paid to The Carter Center for the space which otherwise might be in an office building in downtown Atlanta.

QUESTION: Right. I'm involved with negotiating that with the GSA. But I just wondered if, we did not have a private Center, would he more likely have had an office and just the Library – a Presidential Library? I believe the Johnson Library made accommodations in the Presidential Library itself.

ROBERT LIPSHUTZ: I don't remember that, but it could well be. I've been there, but I don't know.

QUESTION: Well, this is – I think we've pretty well covered the information I felt really needed to get on the record about how all of this happened. But are there other things that you would like to just mention and get on the record here?

ROBERT LIPSHUTZ: Well, one of the major responsibilities that the President asked me to take over was to supervise the monetary matters during construction of the physical plant.

QUESTION: Oh, really?

ROBERT LIPSHUTZ: Dan Lee was the, in effect, the supervising contractor, if you will. But I supervised the financial aspects of it, approving bills and – I don't recall; I think I even co-signed checks -- I'm not sure of that. But he asked me to do that, to assume that responsibility.

QUESTION: And with that, I understand that raising funds weren't easy at that time, so it was almost like construction was underway before everyone knew exactly where all of the money was coming from.

ROBERT LIPSHUTZ: Well, I'm sure that's true, but then that's the way we elected a President, too [laughing].

QUESTION: So, were there financial problems in getting the construction completed?

ROBERT LIPSHUTZ: I don't recall there was any crisis. I'm sure that we had plenty of tight moments, but I don't recall any of the details of that. Nothing that rose to the level of a crisis. That I remember.

QUESTION: I know that when I first came, there were still a number of pledges that people had made to contribute that had to be collected, and the final construction bills paid out of those, and we were a couple of years getting all of those in. We did get them all in, but – that was amazing.

ROBERT LIPSHUTZ: No defaults?

QUESTION: I think there was maybe two defaults out of all of those; it was really remarkable, the rate of collection on those pledges.

Well, is there anything else?

ROBERT LIPSHUTZ: Well, no – I don't recall any other major – major items in relation to this aspect of things.

QUESTION: All right. Well, the way this works is that Martin [Elzy] sends this off to a transcriber. It comes back and comes to you, the transcription does. You can make any changes, alterations, that you want to make. You can, within reason, if you want to say there's anything that you wanted to not have public access to for a period of time, you would have the right to say that. We would hope that you didn't, of course. And as soon as you have the transcript, as you want it to be, as you feel it should be, you would sign a deed of gift that this interview could become a part of the public record at the Jimmy Carter Library and Museum.

ROBERT LIPSHUTZ: Okay.

QUESTION: And if you think of anything else – sometimes when I go over the transcription, something jumps out at me as a point that I'd like to have a little bit further clarification on, and I would call you. And if you think of anything you would like to add, when you get the transcription, go ahead and add an addendum saying that this is something that you're – it wasn't part of the original interview, that you're adding to it.

ROBERT LIPSHUTZ: Okay, be glad to.

[End of interview]