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Records of the White House Office of Counsel to the President: A Guide to Its Records at the Jimmy Carter Library

Collection Summary

Creator: Office of Counsel to the President

Title: Records of the White House Office of Counsel to the President

Dates: 1977-1981

Quantity: 400 linear feet (118 linear feet, 7 linear inches open for research), 270 containers

Identification:

Accession Number: 80-1

National Archives Identifier: 1083

Scope and Content:

The files consist of correspondence, memoranda, notes, briefing papers, legal documents, and miscellaneous printed material. These materials relate to information regarding all official White House legal issues including domestic matters and foreign policy treaties. The files also consist of legal advice given to the president on personal and political situations.

Creator Information: Office of Counsel to the President

The purpose of the White House Office of Counsel to the President was to provide legal advice to the President and the White House staff. It also acted as liaison to the Department of Justice and to the legal counsels of various government agencies. It dealt with ethical matters, conflicts of interest, and security clearances concerning Presidential appointees and White House staff. It provided legal advice on the President's official and personal legal affairs, legislation, and Supreme Court cases. It also was involved in the coordination of appointments to the federal judiciary. The Counsel's Office staff is comprised of lawyers plus clerical and administrative personnel. Detailees, consultants, and interns increased the size of the office to varying levels throughout the administration.

The White House Office of Counsel to the President was headed by Atlanta lawyer Robert J. Lipshutz from January 1977 until his resignation effective at the end of September 1979. Washington attorney Lloyd N. Cutler succeeded Lipshutz on October 1, 1979 and served for the remainder of the administration. Additional information

concerning the role of the Office may be found in Lipshutz Files, "[Attorneys], Lawyers, Government (Better Management), 1978-1979 [CF, O/A 439];" in Cutler Files, "Administrative Matters, 1/79-5/80;" and in McKenna Files, "Counsel's Office - Administration, 1/77-6/79."

[Biographical information](#) on key office personnel is located at the end of the finding aid.

Restrictions:

Restrictions on Access: These papers contain documents restricted in accordance with applicable executive order(s), which governs National Security policies, applicable statutes/agency restrictions, and material which has been closed in accordance with the donor's deed of gift.

Terms Governing Use and Reproduction: Copyright interest in these papers has been donated to the United States Government. Some of the records may be subject to copyright restrictions (i.e. newspapers, publications, etc.). Researchers should contact the publisher for further information.

Related Material:

Related materials in this repository: White House Central Files: Subject File, Judicial-Legal Matters (JL) category; Domestic Policy Staff;

Index Terms:

Limited to major topics under each category

Persons: Robert J. Lipshutz, Lloyd N. Cutler, Margaret A. McKenna, Bert Lance, Billy Carter, Zoe Baird

Subjects: Human rights, Middle East, 1980 Olympics, Jewish affairs, Strategic Arms Limitation Treaty (SALT), Iran hostage crisis, 1980 Presidential Election Campaign, judicial matters, legal matters, nuclear non-proliferation, Canada, international relations

Types of Material: Correspondence, Memoranda, Notes, Briefing papers, Legal documents, Printed material

Administrative Information:

Preferred citation: [Type of Document], [Names of Sender and Recipient or Title of Document], [Date], [Collection Title], [Series Title], [Folder Title], [Box Number], Jimmy Carter Presidential Library.

Acquisition information: These historical materials were received under provisions of the instrument of gift that Jimmy Carter signed January 31, 1981.

Processing information: The first series of the collection was opened in 1988. The open dates are indicated in the series descriptions. A sizeable amount of material is closed under donor restriction and national security in the Lipshutz, Cutler, and McKenna series.

System of Arrangement:

The records of the Office of the Counsel to the President are divided into nine series:

Series Title	National Archives Identifier
Robert J. Lipshutz's Files	139514
Lloyd N. Cutler's Files	140160
Margaret A. McKenna's Files	140556
Zoe Baird's Subject Files	579324
Barbara Bergman's Subject Files	579325
Patrick Apodaca's Subject Files	579256
Philip Bobbitt's Subject Files	16929958
Doug Huron's Campaign and Presidential Transition Files	36485112
Doug Huron's Subject Files	579334

Detailed Description of the Collection

[Robert J. Lipshutz's Files](#)

Scope and Content: Containers 1-48. This series was opened in 1988. This series contains subject files consisting of correspondence, memoranda, notes, briefing papers, legal documents, and miscellaneous printed material. The Lipshutz material filed here originally was located primarily in White House Central File, Oversized Attachments and White House Central File, Confidential File, Oversized Attachments. Only one box designated as Lipshutz material came from the Counsel's Office at the end of the administration. Specific topics covered in the materials include human rights matters, the Middle East, and domestic Jewish affairs, which reflect Lipshutz's personal interests in those issues. In addition, major topics include congressional veto, Bert Lance investigation, Intelligence Oversight Board, China Normalization, and Indian Land Claims. Arranged alphabetically by folder title.

[Lloyd Cutler's Files](#)

Scope and Content: Containers 49-112. This series was opened in 1988. The series consists of a subject file (including "Chron" as a subject listing) which contains correspondence, memoranda, notes, briefing papers, legal documents, and miscellaneous printed material. Topics in the series include the 1980 Presidential election campaign, and international relations issues such as Canadian fisheries, the 1980 Olympics, and the Iranian hostage crisis. Most of the Cutler material filed here came directly from the Counsel's Office at the end of the administration. However, some of the material is from White House Central File, Oversized Attachments and White House Central File, Confidential File, Oversized Attachments. Folders with bracketed titles contain material from unlabeled folders, unfiled material, and material that came from the White House designated as "Too Late to File." The latter material was interfiled with the White House Staff Office material by the staff of the Carter Library and bears a "Too Late to File" stamp. Arranged alphabetically by folder title.

[Margaret A. McKenna's Files](#)

Scope and Content: Containers 113-144. This series was opened in January 1988. The materials in this series are comprised of subject files, which consist of correspondence, memoranda, notes, briefing papers, legal documents, and miscellaneous printed material. The files relate to

McKenna's responsibility in the Counsel's Office as the lead on office administration, particularly delegating work assignments and providing supervision; interagency policy and legal disputes; and issues of executive privilege and public access to government documents. By the end of the Carter administration, all of McKenna's files had been sent to the White House Central File unit. They arrived at the Carter Library as Oversized Attachments and Confidential File Oversized Attachments, but they have been brought back together in this series. Folders with bracketed titles contain material from unlabeled folders. Arranged alphabetically by folder title.

Zoe Baird's Subject Files

Scope and Content: Containers 145-157. This series was opened in April 2014. The materials in this series consist of correspondence, memoranda, notes, briefing papers, legal documents, schedules, and printed material. As Associate Counsel to the President, Zoe Baird focused on legal issues related to Agent Orange, executive orders, the anti-busing rider veto, energy, agriculture, and the Merit Systems Protection Board. Several files from the Merit Systems Protection Board case have been closed due to donor deed restrictions. Arranged alphabetically by folder title.

Barbara Bergman's Subject Files

Scope and Content: Containers 158-174. This series was opened in July 2014. The materials in this series consist of correspondence, memoranda, notes, briefing papers, legal documents, schedules, and printed material. As Associate Counsel to the President, Barbara Bergman focused on legal issues related to executive privilege, conflict of interest, whistle blowers, and Three Mile Island. Arranged alphabetically by folder title.

Patrick Apodaca's Subject Files

Scope and Content: Containers 175-206. This series was opened in December 2014. The materials in this series consist of correspondence, memoranda, notes, briefing papers, legal documents, schedules, and printed material. As Associate Counsel to the President, Patrick Apodaca focused on legal issues related to the AT&T anti-trust case, White House staff issues concerning conflict of interest, executive clemency, FOIA requests, Indian affairs, the Northern Tier Pipeline, and presidential appointments. Arranged alphabetically by folder title.

Philip Bobbitt's Subject Files

Scope and Content: Containers 207-222. This series was opened in December 2014. The materials in this series consist of correspondence, memoranda, notes, briefing papers, legal documents, schedules, and printed material. As Associate Counsel to the President, Phillip Bobbitt focused on legal issues related to Haitian refugees, the Iran hostage crisis, the military and weapons trade, the Carter administration presidential papers, and energy. In addition, Bobbitt's work with Lloyd Cutler on the charter for the CIA is covered extensively in this series. Arranged alphabetically by folder title.

Doug Huron's Campaign and Presidential Transition Files

Scope and Content: Containers 223-230. This series was opened in March 2015. The materials in this series consist of correspondence, memoranda, notes, briefing papers, legal documents, schedules, and printed material. As counsel to the Carter-Mondale campaign, where Doug Huron was responsible for ensuring compliance with federal election laws. This series contains material

related to the 1976 presidential campaign and transition planning. Arranged alphabetically by folder title.

[Doug Huron's Subject Files](#)

Scope and Content: Containers 230-270. This series was opened in March 2015. The materials in this series consist of correspondence, memoranda, notes, briefing papers, legal documents, schedules, and printed material. As Senior Associate Counsel to the President, Doug Huron focused on legal issues related to the Balance Budget Amendment, the selection, review, and nomination of federal judges, Equal Employment Opportunity Commission, and presidential papers requests for materials. Arranged alphabetically by folder title.

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Biographical Information

Robert J. Lipshutz

Robert Jerome Lipshutz was born in Atlanta in 1921, graduated from Boys High School in 1939, and subsequently the University of Georgia Law School in 1943. He served in the United States Army from 1943-1946. By 1947, Lipshutz was practicing law in Atlanta.

His longtime political alliance with Jimmy Carter began in 1966 when he met and worked for Carter during his first campaign for Georgia Governor. Lipshutz again worked with Carter during the 1970 gubernatorial campaign. After the successful election, Carter appointed him to the Georgia State Commission on Compensation in 1971 and the first state Board of Human Resources in 1972.

Lipshutz chaired the 1973 National Democratic Telethon and became a member of the Georgia fundraiser for the Democratic National Campaign Committee in 1974. He worked as Treasurer of the Jimmy Carter Presidential Campaign Committee throughout the 1976 Presidential Election season. Following Carter's election, Lipshutz served as Counsel to the President from January 21, 1977 until September 30, 1979. The August 10, 1979 White House announcement of his resignation indicated that Lipshutz intended to return to law practice in Georgia; although, he continued to advise Carter throughout the remainder of his administration. Upon Lipshutz's return to Atlanta, he became involved with the establishment of the Carter Presidential Library and the administration of the Jimmy Carter Personal Assets Trust.

Lloyd N. Cutler

Lloyd Norton Cutler was born in New York City in 1917 and graduated from Yale Law School in 1939. From 1940-1942, Cutler practiced law in New York City. He served in the United States Army from 1942-1945. By 1946, Cutler was practicing law in Washington, D.C.

Cutler became a prominent Washington attorney and first served the Carter Administration as the President's Special Representative for maritime resource and boundary negotiations with Canada from 1977 to 1979. In June 1979, he became Counsel to the President on the ratification of the Strategic Arms Limitation Treaty (SALT) II. On August 17, 1979 the President announced Cutler's appointment as Counsel to the President. He served in that position from October 1, 1979 through November 30, 1980. He continued to serve as an unpaid consultant on pending matters, most notably the negotiations for the release of American hostages held in Iran, until the end of the administration. After leaving public service, Cutler returned to practicing law in Washington, D.C.

Margaret A. McKenna

Margaret Anne McKenna was born in Providence, Rhode Island in 1947 and graduated from Emmanuel College in Boston, Massachusetts in 1967. McKenna subsequently attended the Southern Methodist University Law School, graduated from this institution in 1971, and passed the Texas bar the same year. In 1974, she was admitted to the District of Columbia bar. From 1974-1976 McKenna worked as the Executive Director of the International Association of Official Human Rights Agencies. Beginning in 1975 through 1977, she maintained a position of visiting professor with the Graduate School of Human Relations at the University of Oklahoma.

In 1976 she accepted the position of Assistant to the Director of the Office of Revenue Sharing, Treasury Department.

McKenna served as the Rhode Island State Coordinator for the Carter-Mondale campaign during the 1976 presidential election season. Following President Carter's election, she became a member of the Talent Inventory Program staff with the Carter-Mondale Transition Group. McKenna served as Deputy Counsel to the President from January 1977 until December 1979. She was the only Deputy Counsel in the Office throughout Robert Lipshutz's service as Counsel. From 1979-1980, McKenna worked in the Department of Education Transition Team and accepted the position of Deputy Under-Secretary of Education in 1980.

Zoe Baird

Zoe Baird was born on June 20, 1952. She earned an A.B. with a joint degree in political science and communications and public policy, Phi Beta Kappa, in 1974 from the University of California, Berkeley. She earned a J.D. in 1977 from the Boalt Hall School of Law at UC Berkeley. Baird clerked for U.S. District Judge Albert C. Wollenberg from 1977 to 1978 and worked as Attorney-Advisor at the Office of Legal Counsel at the U.S. Department of Justice from 1979 to 1980. She was Associate Counsel to President of the United States Jimmy Carter from 1980 to 1981.

Patrick Apodaca

Patrick Apodaca was born on March 11, 1952 in El Paso, Texas. He received his B.S.F.S. from Georgetown University and his J.D. from the Harvard University. He was Associate Counsel to the President from 1977 to 1981.

Philip Bobbitt

Philip Bobbitt was born on July 22, 1948 in Temple, Texas. He received his A.B. in philosophy from Princeton University in 1971 and his J.D. from Yale University in 1975. He also received his M.A. and Ph.D. in modern history from Oxford University in 1983. He was Associate Counsel to President Carter for which he received the Certificate of Meritorious Service. He is best known for work on military strategy and constitutional law and theory, and as the author of *Constitutional Fate: Theory of the Constitution* (1982), *The Shield of Achilles: War, Peace and the Course of History*(2002), and *Terror and Consent: the Wars for the Twenty-first Century*(2008).

Doug Huron

Doug Huron was born on December 28, 1945 in Highland Park, Michigan. He received his BA from Swarthmore College in 1967 and a J.D. from the University of Chicago Law School in 1970. From 1970 through the early 1976, Huron worked in the Civil Rights Division of the Justice Department, where he prosecuted cases of employment discrimination. In April 1976, he resigned from the Justice Department to work for the Jimmy Carter presidential campaign. In the general election, he served as counsel to the Carter-Mondale campaign, where he was

responsible for ensuring compliance with federal election laws. From 1977–1981, he served as Senior Associate Counsel in the Carter administration.