

**Elliot Levitas interviewed by Bob Short**  
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**Reflections on Georgia Politics**  
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BOB SHORT: I'm Bob Short and this is another in our series of Reflections on Georgia Politics sponsored by the Richard Russell Library at the University of Georgia. Our guest today is Elliot Levitas, five term member of the Georgia House of Representatives, five term member of the United States Congress from Georgia's Fourth District, Rhodes Scholar and a distinguished attorney in Atlanta. Welcome Elliot.

ELLIOT LEVITAS: Thank you, Bob.

SHORT: Before we talk about your political and professional life, please tell us if you will about your family and your early life.

LEVITAS: I was born in Georgia Baptist Hospital in Atlanta, grew up in Atlanta. I was the second son of a family. My brother Ted, who is a well-known internationally renowned children's dentist, also was born in Atlanta and we grew up here. Both of our parents had been immigrants to this country. My father immigrated from Ireland via England to the United States, came to Atlanta, and my mother as a small child, probably three years old, four years old, came to this country from what was then Poland or Russia in Eastern Poland today and they both put their roots down here and were very, very active and prominent in the Atlanta community and especially in the Atlanta Jewish community. They met because they were both teaching Sunday school at the synagogue and that's where they met and he got married and my mother was, as I

say, very prominent in the general community. She was a friend of the woman who was superintendent of schools, a woman named Ira Jowell. They went to Girls' High School together. My father was very active in the general community, in civic, charitable organizations and also in the Jewish community. In fact, frequently when the rabbi of his synagogue had to go out of town, it was my father who you asked to conduct the services and deliver the sermon. Anyway, that...those are my parents. They also were very civic-minded in the sense of if you get something from a community you've got to give back to the community and they were very clear about people's social responsibility, civic responsibility.

We grew up over near what is today Grady High School. We grew up near Piedmont Park and in that area. I went to Atlanta public schools. I went to what was then Inland Elementary School, O'Keefe Junior High School, Boys' High School and then the last year it became Grady High School from which I was graduated.

As I say, there was a lot of social consciousness imparted to both my brother and me from our parents. I remember in the library of our house on Park Drive, there was a picture, a round picture on the wall of Franklin Delano Roosevelt and just as some religious families have pictures of religious icons, for my family, Franklin Delano Roosevelt, and that was in the 30s. That's when all of this was going on and they were very heavily involved in that.

Anyway, as I say, I grew up, went to the Atlanta public schools here. When I finished public school here, I went to Emory University. My brother had gone to Emory University until World War II interrupted his career and he went into the Navy. When I was at Emory, I was very active on campus in student matters. The last year I was there the Korean War had broken out and I

joined the ROTC, having been a member of Junior ROTC at Boys' High School I was able to get into the program. And the ROTC, of course, eventually led to my being able to go into the Air Force after I was graduated from law school. When I left Emory, I was planning to go to law school at Harvard but in my last year at the urging of the political science faculty, particularly a man by the name of Charles Hownshall, I applied for a Rhodes Scholarship and completely, much to my surprise, I was chosen and then I had to decide what to do because I was going with this young woman who later became my wife but you couldn't be married and go to Oxford as a Rhodes Scholar. But everybody said or my advisors said, you know, you ought to go ahead and do that, so Barbara and I decided that would be what we would do and I would go on and spend two years at Oxford as a Rhodes Scholar which was a wise piece of advice because it made a lot of difference in things that happened later in life.

One of the amusing stories about my going to Oxford -- I didn't want to lose time, so I wanted to study law at Oxford because in Georgia that country just like going to an American law school and so I said, "I'm going to study law." As they call it, read law, and that was fine until I got the -- I guess you would call it the prospectus of what you had to do and if you read law at Oxford in those days, to get a law degree which is what I intended to do, you had to take at least one course in Roman law and the examination was written in Latin and most of the treatises you were going to be examined on were also written in Latin. While I had -- that was sort of a daunting thought -- I had taken Latin in O'Keefe one year and I think one year at Boys' High School if I remember correctly, so I knew there was something called Latin and I had studied -- read Caesar's *Gallic Wars* and things like that, but now was going to be asked to study Gaius and Justinian and

common on the law. Well, I decided that it was going to require being tutored and my old Boys' High School Latin teacher was a man named Rosser. He was legendary at Boys' High. So I decided to go see him and see if he would tutor me over the summer. The problem was that I was one of Mr. Rosser's nemeses when I was at Boys' High School, and I knew he would relish the thought of my having to crawl to him and say please help me learn enough Latin to study law at Oxford. To make a long story short, he graciously took me as his student and we spent that summer before I left for Oxford studying Latin and I enjoyed it so much that instead of taking the one course in Roman law, I ended up taking two courses in Roman law and believe it or not, I've actually found some utility for that during my legal career.

Anyway, after I got out of Oxford with my law degree, I wanted to come back to the United States and take a degree here just to make sure I had a good founding in the law -- American law -- and instead of going to Harvard as I had originally thought, it turned out that Barbara -- Babs, as I called her in those days, had gone off. She had originally gone to Agnes Scott for one year while I was at Emory, but she then had gone to the University of Michigan. So I said that's a pretty good law school, applied there and finished my law degree in the United States at Michigan.

Thereafter, we went into the Air Force. I was in the Strategic Air Command stationed in Maine, Upstate Maine, which led to my agreeing never to be north of the Mason-Dixon Line again if I could help it. It was cold and I had some experiences in SAC, Strategic Air Command, where you had to go out in the middle of the night for alerts, and I realized that that wasn't the part of the country I want to be in.

After the Air Force, Barbara and I came back to Atlanta. I had given some thought to working in Washington but I had spent so many years in school and law school, I wanted to get started so I came back to Atlanta and we settled down here. So that was basically it. One thing on the law business, I did one year at Michigan but I still needed one more year so I came back to Atlanta, joined the law firm of Arnall, Golden & Gregory at that time, small, about four people in the law firm, and was able to work during the day and go to night law school at Emory which they had in those days and Barbara was teaching school. She was a school teacher at Lucky Street School and we would go days without seeing each other, leave notes, because she was working in the daytime when I was...and I was working at nights, so we would just miss each other. But anyway, that's the background, Bob.

SHORT: So, you knew former Governor Arnall? Tell us about him.

LEVITAS: Yes, Arnall, Golden, Gregory, the senior partner of that firm was Ellis Arnall who had been both attorney general and Governor of the state. He was certainly one of the defining political people in modern Georgia political history. In fact, the reason I went with that law firm was because of Governor Arnall. He was also a brilliant lawyer and to be able to work with him just as a lawyer was something I looked forward to. As attorney general in Georgia for example, he brought a lawsuit on behalf of the State of Georgia against the eastern railroads. It was called Georgia v. Pennsylvania Railroad or Reed v. Pennsylvania Railroad and he claimed that they were engaged in an antitrust conspiracy against the South that the freight rates were stacked

against the South. It would cost more to buy something in the South if it were manufactured than it would in the North because of this and it was a system that he felt was keeping the South down. Brought this lawsuit and by the time it got to the Supreme Court for hearing, he had been elected governor in Georgia and he, as governor, argued that case before the Supreme Court which decided in favor of Georgia, struck down this discriminatory freight rate system and did a great deal to make it possible for the South and Georgia especially to become more industrial and that made a lot of difference to the future of the state.

Governor Arnall had gone to Sewanee and he'd also gone to Mercer and he'd gone to the University of Georgia Law School, but he and I worked together as lawyers for a number of years. He was an author. He had written a book called *The Shore Dimly Seen* which talked about the emergence of the South as an equal region of the country and it became a very popular book. He wrote one or two other books, but he was a very erudite man, but he was an excellent politician and as people in Georgia may remember, some of his reforms like abolishing the poll tax which we had in Georgia, like letting 18-year-olds vote. I believe Kentucky was the second state. Georgia was the first state to do that. And since that World War II was going on at the time, he argued that if people could be called upon to die for their country, they ought to be able to vote in the country's elections, but that wasn't the only area of his reform. He had the school system and the university system is really where he had his major political springboard. Because the crediting boards determine that the school...the university board of regents in Georgia was being politically manipulated. They were going to and they may actually have discredited the university system and Arnall ran on a platform of he was going to restore accreditation and take

the system out of politics and that's where the present board of regents got its independence as a result of those activities. So he was truly a visionary as well as an outstanding lawyer from whom I learned a great deal as I did from his partners at that time, a man named Cleburne Gregory and a fellow named, a gentleman named Sol Golden and basically me, although two other people had passed through that law firm about the same time who had political experience. One was a fellow named Charles Weltner who had ultimately served in the Congress and a justice on the Georgia Supreme Court and another fellow named Ben Blackburn who had served in Congress and actually the person I ran against when I was first elected to Congress. So being with Arnall was an experience.

I'll just tell you one more story about Arnall unless there's some other areas you would like me to go into about his background and what he did, but this is a personal story. As I say, we both practiced together for a long time and one of our clients was Walt Disney, Walt Disney Productions. We spent time out in Burbank at the studios. I got to meet Walt Disney. In fact, our children had signed pictures of Disney characters by Walt Disney and his brother Roy Disney, who was the business genius, but one year we had to go to England because of the law that had been passed in England which hurt the Disney copyrights and while we were over there since Governor Arnall knew that I had gone to Oxford, we decided to go up and spend the weekend at Oxford University at my college. And Governor Arnall--we had dinner with all of these robed dons, professors and who pretty much looked down on most Americans, particularly political Americans and especially southern political Americans. So that was the group we were having dinner with. One of these dons who was particularly down on the United States and its

foreign policy and your use of American aid for political reasons said to Arnall, he said that, "You know you ought to stop using money to try to influence political decisions in Europe," and then Arnall without batting an eye, having gone to Sewanee and studied Greek, responded with a quote from Homer, one of the quatrains of Homer in which he said, "Beware of Greeks bearing gifts," in Greek. It so floored that guy from the Oxford University faculty, that he immediately decided that southern politicians may be pretty sharp.

SHORT: Interesting story. When did you first become interested in being a politician?

LEVITAS: Bob, I first became interested in politics, which preceded, by a number of years, my becoming interested in being a politician. At the time I was growing up, going through college, starting my legal career here, Georgia was a different state from what it became. We were under the county unit system. The people in urban Georgia were basically disenfranchised. A person could become elected governor and boast that no street car ran in any county that voted for him and the consequence of this skewed political system in disenfranchising essentially the urban part of Georgia was to me a great injustice. There were a number of people in those days who began to try to do something about it. Politically there wasn't much that could be done, but the courts became an avenue and a number of lawsuits were being brought to attack the county unit system, to attack the malapportionment of our legislative bodies and it wasn't just Georgia, other states in the South and some even outside the South and I got interested in that and somebody that I had respected and known growing up a number of years, but he was also a formidable

Georgian, a man named Morris Abram. And Morris Abram, who had unsuccessfully run for Congress by the way, brought one of these lawsuits and actually brought a couple of them and I worked with Morris as a junior lawyer on those lawsuits because I saw that as an avenue using the law, relying on the Constitution of the United States to change the political face of Georgia. As a result of that concern, disenfranchising, and it was as a result of the opportunity presented by the legal framework that I got involved. There was an important Supreme Court case called Baker v. Carr and that case said you can't have malapportioned legislatures and a case following that in Georgia required first the state senate and then the state house to be reapportioned. About that time, literally, somebody said well you've been talking about all this redistricting and reapportionment and why don't you get involved in it? It never occurred to me, literally, until that time to do that, but I finally said, well, I guess it was a question of putting your feet where your mouth was and so I in the first reapportionment election of the Georgia House, I decided to take a shot at it and I had at that time DeKalb County where I lived had three representatives. After reapportionment, we had 15. I offered for one of those seats in a multi-member district. I had some very, very able people working for me from day one; a woman who had run Charlie Weltner's campaign named Marianne Summers was introduced to me and she became my campaign manager; a fellow named Leon Eflen who had been active in a lot of these urban issues came and helped me and that's when I decided to do it and that was the first election of the reapportioned Georgia House. I'll never forget one of the most definitive experiences – keep in mind, I grew up sort of in a sheltered existence, didn't have a lot of public political experience and I had to go out and start shaking hands of strangers on the street and I'll never forget the first

day that I walked to a complete stranger at a little shopping center near Avondale Estates and said, "My name is Elliott Levitas. I'm running for the state legislature and I'd like you to vote for me." Well, I'll tell you, that was quite an experience. It was like in a football game before the game begins, everybody is tense, but after the first play, when you've actually butted heads, it becomes a lot easier. But I'll never forget that first day that I shook a hand of a stranger and said, "Please vote for me."

**SHORT:** So you go to the Georgia General Assembly after reapportionment that changed the...really the total makeup of that legislative body from an all white, all rural, all segregationist body into more of a melting pot of Georgians. How did you find it?

**LEVITAS:** Well, it was a challenge and it was an opportunity. I was sworn in as a member of the Georgia House for the first time on January the 10, 1966, and something else happened on that day as well. That was the day that the Georgia legislature told Julian Bond, who is a black political Atlantan who had just also been elected to the Georgia House of Representatives, as had a number of other -- a few other black members, but they told Julian that he could not take his seat and the reason he couldn't take his seat according to the people who were opposing him was because he had made statements relating to the Vietnam War, which were considered to be not just unpatriotic but according to their claims, treasonous. And therefore he was not entitled to have the oath of office. And so on the first day I ever served in public office -- had just gotten sworn in -- the first issue I ever had to vote on was whether to seat Julian Bond as a member of

that body, and there was a trial that took place in the Georgia House. People representing Bond, people representing his accusers and saying that he shouldn't be entitled to take a seat and that debate raged all day long. You can imagine the emotions were so high. It was such tension. And at the end of the day it had grown dark outside. A vote was taken. This is the first vote I ever cast in public office was whether to seat Julian Bond or not. I didn't agree with most of what Julian - almost everything I didn't agree with - but I also, as a lawyer and somebody that respected the Constitution, I was convinced that he had every right in the world to say what he wanted to say, take positions he wanted to take. Indeed as an elected person, he had even more reason to speak out the way he wanted to no matter how unpopular it was, so I had concluded that I was going to vote to seat Julian Bond. I also knew that that would be a very unpopular vote, even in my district. I had no doubt that the people in my district would not want Julian Bond seated and so therefore I realized that I was making a politically risky vote to say the least. But I decided that I'll be darn if the first vote I ever cast in public office is going to be one that I believe to be constitutionally wrong, and I would rather not have a long political career than have one that started off doing something that I knew in my heart was the wrong thing to do.

Anyway, I voted for Julian Bond to be seated. I got hundreds of letters, many phone calls, death threats to me, death threats to my mother and some very scurrilous things were delivered to my house, but I knew that was for me the right thing to do. And I said my job now is to convince my electorate that I did what was right whether they agreed with it or not and I was able to do that. In the meantime, the courts got the Julian Bond case and the Court of Appeals here ruled that the Georgia legislature had the right to keep him out. By the way, Griffin Bell wrote the

opinion. It was then appealed to the Supreme Court and the Supreme Court reversed the Court of Appeals and said what I had believed that the Constitution gives Julian Bond the right to speak on these issues, to vote the way he did and that just because that was at odds with the feelings and beliefs of the members of legislature, there was no basis for barring him for seating. At the time, Bob, I thought I would have a very glorious but brief political career. I really did. I went home that night and told my wife about it and I said, "I'd rather live with that than not." And as a result of things that transpired between then and the next election I was able to gain reelection. I wanted to put that context in there because I think that was a defining moment.

SHORT: Another big issue in 1967 was when you were called upon to elect a Governor.

LEVITAS: Well, that was a very interesting situation because what had happened is in the primary election or in the general election of that year, a Democrat, Lester Maddox, was running against a Republican, Bo Callaway. I am a Democrat, have been, am, and will be, but my former law partner, Ellis Arnall -- actually it wasn't former at that time. He was still my law partner -- was put up as a write-in candidate and he had gained enough votes as a write-in candidate to deny either Callaway or Maddox a majority, and under the Georgia Constitution at that time, if nobody got a majority, the legislature had to elect a Governor - very unusual. Not particularly pleasant, but that's what it was. There were, obviously -- or not obviously now -- but in those days there were many more Democrats in the legislature than there were Republicans so it was pretty much assured that the Democrat, Lester Maddox, would be elected. A group of us who

were Democrats, were contacted by Bo Callaway or some of his people, but basically Bo Callaway, and asked if we would help him in the legislative process. I remember included in that group was the person I thought was the finest legislator I'd ever served with in Georgia -- named Robin Harris from DeKalb County. A colleague of mine, a fellow from Columbus, Georgia named Milton Jones; a fellow from St. Simon named Reed Harris; a couple of others. Anyway, the interesting part of that story, and then I'll tell you what happened, is that Bo Callaway, this very capable business executive, had served in Congress so therefore knew politics pretty well, was conceived as having a very tight political organization. We got together down at the Marriott Hotel one Sunday night to meet with Callaway and his aides to see how we were going to handle this legislative election of the Governor. So we get into the meeting and we talk for a little while and then one of us says to Bo, "All right, let us see the list of members of the legislature that you've contacted who are going to vote for you and those who said they are going to vote against you." Bo turned to his aide, a fellow by the name of Amos, and said, "Let him see the list." Amos turned to somebody else and said, "Let him see the list." Turned out there was no list. They hadn't made a list of who they had contacted, if anybody, to find out. Said, "Well you've got to do that by the way." We said, "You've got to do that right away. Let's now turn to the rules. What are the rules that are going to govern this election in the General Assembly?" Bo turned to Amos and said, "Give him the rulebook." And Amos turned to somebody and said, "Give him the rulebook". Well, they didn't have a rulebook and here they were going to decide whether they were going to be elected Governor or not and didn't even have a rulebook. And then we said, "Well, I think you've got some homework to do but we'll

help you anyway.”

One of the rationales for each of us, aside from the fact that there was a discomfort with Lester’s racial politics, was the fact that in my district, for example, the vote in favor of Callaway was overwhelmingly for Callaway. And in that type of election, I had a responsibility to be the proxy, to cast the vote which my constituents had been deprived of casting. And so on the day of the legislative election, our strategy was -- we realized we didn’t have enough votes to carry the day, Bob, so what we decided to do instead of saying let’s have a vote up or down who gets elected, we took the position that the General Assembly ought to return the decision to the people and that there should be now another election in which only two candidates would be on the ballot, Callaway and Maddox. But at least the people rather than the members of the legislature would make the decision, so using the political -- the rules of the House and the Senate in joint session, that was the approach we took. If I remember correctly, Peter Zack Geer was the presiding officer of the...at that session and he was supporting, of course, Lester Maddox, and we did not get a lot of favorable rulings from the chair that day. I remember that. Anyway, the vote was taken and I voted for Bo Callaway and most of the rest of the people voted for Lester Maddox who was then elected Governor. That was the experience with him.

The other person that I wanted to...that I think it might be useful to mention, is Carl Sanders, because Carl Sanders was a young lawyer from Augusta who had been a State Senator, was considered progressive and had risen to the point where he could run for Governor. And a lot of us, particularly in the urban areas, felt that he was the person who could bring about the changes that we wanted. This was before I served in the legislature and there was an election that year

without the county unit system and Carl Sanders was running in it and I believe the major opponent was Marvin Griffin and Marvin Griffin was an experienced, popular former Governor but he was part of the old group, the rural group, and Carl, with his new ideas, was part of the new wave and I remember that was one of the most exciting elections I ever participated in. One of the things we did, Bob, I remember this very well, in preparing our campaign to help Carl, is we took a map of Georgia with all the counties and showed where these counties were and how many county unit votes they had and how many people there were -- had dots in there. And then we had an overlay so that the counties disappeared and only the popular vote centers were there. We said we've got to stop thinking in terms of counties and start thinking in terms of where people are, where voters are and that was one of the driving forces behind our strategy to shift the emphasis from counties to people and, of course, Carl got elected at that time. A number of years later, Carl, after he had left office, he was making a comeback, returning because Governors were term limited. He ran against a young man who had unsuccessfully run for Governor in the year that Arnall and Maddox were seeking the nomination and his name was Jimmy Carter. And Jimmy Carter was, again, running against Carl on the basis, or Carl was running against him on the basis, but Carl was the now the establishment and Jimmy was the outsider. And Carter effectively turned that against Sanders. I remember he referred to him as "Old Cufflinks" because Carl Sanders wore cufflinks and Jimmy used that as an act of elitism. But it is also inaccurate to recall -- and people have forgotten this -- that Jimmy Carter was not running as the modern liberal, he was running as the more conservative of the two. He ran against Carl because Carl was too liberal, and as a result of that he gained a lot of the support

from the rural, more conservative legislatures that I was dealing with as opposed to the people I had mentioned before. And in that regard, I remember that one of the issues, Carl Sanders, when he was Governor, had refused to invite George Wallace to address a joint session of the Georgia legislature and one of the issues that Jimmy Carter raised was he said, "If I'm elected governor, we'll invite George Wallace" -- who was considered to be the segregationist candidate -- "We will invite him to speak to the legislature and Sanders won't." And I think a lot of people were influenced by that. So people have forgotten that it was not Sanders being conservative and Jimmy being liberal, it was just the other way around.

SHORT: If you don't mind, Elliot, let's go back for a minute to 1967 when yet another event happened during that very historical period in Georgia political history and that was independence.

LEVITAS: Oh, very much so. That was a turning point actually and to this day it's had its impact. By independence, Bob, in those days the legislature was very much subservient to the Governor. That reminds me of something else I would like to touch upon about two-party system. We can come back to that. By subservient to the Governor, I mean the Governor literally named the person who was going to be Speaker. He brought an election, they went through the motions of an election, but the Governor designated the person he wanted to be Speaker. He not only did that but he would sit down with the Speaker with a chart and a list of names of the members of the House for example and assign every member to a committee and if

you wanted to be on the agriculture committee, but didn't tow the line of the Governor, you didn't get on the Agriculture committee, you got on the Venetian blinds committee. And the Governor literally dominated the legislature.

It was standard operating procedure in those days if a debate was going on and there was a loudspeaker going from the floor down to the Governor's office, so he could listen in to that debate. If he didn't like what somebody said, he would send a message up to the floor and say, "Have Bob Short come down to my office right away." And he would explain to him why he needed to go back and change his position. He also had a telephone in the Governor's office which went straight to the Speaker's rostrum and also went to the Lieutenant Governor's on that matter at that time, but he would call up in the course of the debate and say, "Do this, do that." So the Governor literally dominated the legislature. If you wanted a committee assignment, if you wanted appropriation for your home district, you better do what the Governor said or you were in bad shape.

So there was a movement that got started, a group of us, to change that. We called it independence and it coincided with the election of Lester Maddox and that was significant because Lester, having been elected by the legislature, and not having taken office, immediately upon the election occurring, didn't have the strength for those reasons to continue to dominate. And if we could put together a group that would come up with an agenda so we would elect a Speaker who was say, he's not going to be subservient to the governor, and then we would be able to break that chain. And so we convened a group. This group got together. Again, many of the same names I've mentioned. People like Roy Lambert. People like Milton Jones and Reed

Harris and Robin Harris out at Stone Mountain, sent out an invitation to all of the Democratic members of the house and invited them to come out there. The people who were sort of in contention at that time to be Speaker was a very experienced member of the house who had formerly been Speaker by the name of George L. Smith, II. George L. Smith was from Emanuel County, Swainsboro, conservative and considered by some to be part of the old crowd, but he was a very wise man. And when he was invited, one of the conditions of attending is that if you participate in this process then you agree that you will vote for the nominee of the caucus when it gets to the floor, so that way we had the honor bound position that this is how you do it. And number two, we're going to do a secret ballot, because if you did an open ballot, the Governor would be in a position to seek retribution. So those were some of the things. When George L. Smith said, "I will join with you to do this." I think that's what swung the difference even though my friend Robin Harris announced as a candidate for Speaker against George L. Smith, we had the caucus following the Stone Mountain meeting just before the legislature opened. We took a secret ballot and George L. Smith became the first independently elected nominated Speaker of the House. And when the House of Representatives convened, he was elected Speaker and the telephone down to the Governor's office was removed and that totally changed the politics in this state because it restored the legislative branch to electing its members from all around the state to a position at least of equality with that of the Governor.

I said I wanted to say one thing about the two-party system and you may want to go into it more deeply than this, but people for years have said what we need in Georgia is a two-party system and that was the mantra of the Republicans for years and years to justify why there ought to be

Republican leadership. We need a two-party system. You got a one party system, you don't get democracy, you don't get openness, you get corruption, all sorts of bad things. But the reality is, and I think in historic perspective, it's pretty obvious, we've always had a two-party system in Georgia. It wasn't called Republican or Democrat, the two parties, it was called for a period of time the Talmadge Wing and the Arnall Wing, and it had different names. But there has always been in Georgia this rural, urban, conservative, more liberal division and it was as much a two-party system as it is today where you have the labels Democrat and Republican. And I think that's an important thing to remember. The problems that Georgia had wasn't because we didn't have Republicans and Democrats as a two-party system, it was because we had this unrepresentative county unit system which disenfranchised a large part of the population. The reason I say historic perspective sort of justifies my analysis is that today after reapportionment came in, after things began to change, and a Republican party began to emerge primarily in the suburbs, and then it spread to other parts, the people who should have been Republicans all along, became Republicans and the Democrats were those who were on the other side. So when you look at the number of people who switched from Democrat to Republican, that was just doing what came naturally. That's where they should have been all along. We just didn't call them Republicans or Democrats in those days. We had two parties and we will now as both parties evolve and the Democratic party will evolve and the Republican party will evolve, but we will have two parties now, Republican, Democrat, not just Talmadge and Arnall.

SHORT: Good analysis. Elliott, what issues were you most interested in while you were a

member of the Georgia General Assembly?

LEVITAS: Well, the principal issues that I dealt with were – I guess you'd say urban issues. I was the chairman of the State Planning and Community Affairs Committee and we dealt with a lot of planning, land use issues, public transportation, MARTA, creation and oversight of the MARTA program, the environment generally and specifically, the Chattahoochee River. When Jimmy Carter was Governor and had his government reorganization program, he asked me to handle the reorganization of the Department of Natural Resources and that was part of an outgrowth of my environmental interests and so that plus the judiciary. The Judiciary Committee was where most of my efforts were devoted.

One thing we did is we also and things were emerging, concepts that you never heard about before. Ten years before I went in the legislature, if you had used the word ecology, people wouldn't know what you were talking about. Those things then became sort of current. The environment became a public concern. Let me just for example mention the Chattahoochee River of which I referred to. The Chattahoochee River -- a major watercourse down the middle of Georgia and over to the Alabama border down to Florida, a major resource -- flows right through a large urban area and it was being developed on its banks, on both sides, particularly in the Atlanta area and people who were concerned about conservation, development, issues of that sort, wanted to create a system of land use protection to stop or restrain the development of all of the land around the Chattahoochee River to preserve it, to be used as a public resource for recreation and other activities, water quality. Well, they had some very active grass roots groups

in Georgia called Friends of the River or the Georgia Conservancy who were actively promoting legislation to protect this river from excessive development and they tried for years and years to do it, four years as I recall it, and unsuccessful. They got all the editorials and the newspapers and radio and television station was supporting it but every year we'd get shot down because the people who were opposed to it could get the bill pigeon-holed someplace and it usually got shut down in the house. Well, one year they came and asked me if I would handle this bill and I believed in it but I said I'm not going to handle it unless you promise me you will not make any public statements about it, have any big rallies, do a lot of ballyhooing about what you are going to do. Just be quiet, contact the people I asked you to contact until we get this bill passed and out of the House of Representatives, then we'll deal with it over in the Senate. They agreed.

I introduced the bill and it got passed by the House of Representatives in the first week of the session and was in the Senate before anybody knew the bill had even been introduced. That's like the old Irish statement, "May you be in heaven before the devil knows you're dead." That's what we did. We got the bill over the hurdle of the House into the Senate -- and it got into the Senate. Jimmy Carter was Governor at this point. Lester Maddox is Lieutenant Governor and Lester and Jimmy I would say were not political friends. They were bitter enemies. As soon as the Chattahoochee Bill, which Governor Carter supported, got over to the Senate, Lieutenant Governor Maddox called a press conference. Television cameras, I can still see them, and he takes my bill, holds it up and he says this Chattahoochee River Bill is going into my desk drawer. It's going to be locked up and it will never again see the light of day. It's dead. I remember that very well. And we tried all manner of ways to get the bill out of committee, out of Lester's desk

and it just wasn't going to happen.

So close to the end of the session, I visited the Speaker of the House who was then George L. Smith and I said, "Mr. Speaker, what can we do? My bill is locked up in the Lieutenant Governor's drawer and it's not going anywhere and we really need it and the Governor wants it, the public wants it." And George Smith said -- Speaker said, "Don't worry. It will come out and it will pass." I said, "Mr. Speaker, how do you know that?" He said, "Let me show you something." And he reached down and opened his drawer and he had about five bills in his drawer. He said, "These are five bills that Lester Maddox's closest personal friends and contributors really want and they are going to ask him to get that bill out of there." He closed the drawer. He said, "Just wait." Well, we get closer and closer to the end of the session and I go back to the Speaker and I said, "Time's running out, Mr. Speaker. We've only got a couple of days." He said, "I know." He said, "It's coming out and here's what we're going to do." And we outlined this strategy. Now, George L. Smith, as I said, is the best politician I've ever known and he knew that he might be able to run roughshod over the Lieutenant Governor, probably could have, but he didn't think that was the best way. He said, "We've got to give him a way out so he doesn't completely lose face when he has to surrender because his friends come to him." Well, how do we do that? He says, "Well, you negotiate that part of it and I'll tell you what we'll do later." Anyway, we made a deal with Lester that he would let the bill out and go for a vote provided we put a grandfather clause in there. So any pending zoning application at the time the bill was signed would be grandfathered and wouldn't be subject to the environmental protections in my bill and he would let it out. And then what we did...and that happened. That's

what we signed off on. On the last night of the session, the bill came out. This amendment was added to it, came over to the house. The House agreed to it and that meant the bill was passed. This was I think on a Friday or Saturday night. I think it was Friday night about 12:00. And the idea was that on Monday all of the people who wanted to file applications would run down to the courthouse, and file zoning applications. They'd be grandfathered. At 12:20 in the morning, and I've got a photograph of this, there was a bill signing in Governor Carter's office and there must have been 40 people, environmentalists, grass roots people, legislature. He signed the bill 20 minutes after it was passed so nobody had a chance to go down to the courthouse and file a zoning application. The bill passed. We got the Chattahoochee Bill on the books and that later led to the park but that's another story. But that's a fascinating story.

Now I learned a piece of that story that I'd never heard before just a couple of weeks ago. I knew that one of the principal opponents of -- well, actually that wasn't his main concern, but Johnny Isakson -- Senator Isakson's father was a real estate person and he wasn't for this bill but he wasn't really leading the charge against it. But it was also true, I knew, that he was a friend of Lester Maddox and one of the bills in George L. Smith's desk drawer was a bill that related to something that Mr. Isakson, Sr. was very interested in and it was that bill that got Lester to unlock the drawer and agree to this arrangement. I saw Senator Isakson a few weeks ago and I said, "I know that your father was very friendly with Lester Maddox." Because of what I just told you, this story about him unlocking the drawer. I said, "But I just realized that he must have been very close friends." Johnny Isakson told me that his father and Lester Maddox were the closest of friends. In fact, they were next door neighbors and when Johnny was growing up, they

lived right next door to the Maddoxes and became lifelong friends. He was his closest friend. In fact, Johnny Isakson, Senator Isakson, told me that after his father died, he went to his house to clean it out and in the basement of the house he saw a bicycle hanging from the ceiling. He took it down and there was a note attached to it: "If anybody finds this bicycle after I'm dead, return it to Lester Maddox. It was collateral for a loan I made him and was the bicycle he rode in front of the Governor's mansion." And that's how close they were. I didn't know that. I knew they were friendly. George L. Smith knew that and he knew that he could get that bill out when Mr. Isakson goes to the Governor's and says, "I've got to have that bill, let this out." Then George L. gave him the backdoor at the Alamo. He didn't have to surrender. He said, "I'll get an amendment" -- got the amendment. Bill comes out and Carter signs it at 12:20 in the morning. That's the way things used to work.

**SHORT:** Let's talk for a minute about MARTA. You were chair of the committee that handled the legislation that created MARTA.

**LEVITAS:** Yes, there had been efforts for years, major efforts, by the leaders of the metropolitan Atlanta community to get a rapid transit, mass transit system installed here and those leaders, people like Ivan Allen, Jr., Dick Rich, the head of the furniture company, Haverty's Furniture Company, all these communities had been trying for years and they were visionary people. We're talking way back when they began to think in terms of mass transit. You wouldn't have thought this somewhat sleepy town needed anything like mass transit, but

they knew we did and there was a major effort made to get a comprehensive, modern, state-of-the-art system installed. We knew there had to be a referendum and one was taken and lost. It was a system that would have basically funded the MARTA system by property taxes. They waited a couple of years. People like Dick Rich and others came back and put in a sales tax that would fund the system and that would give the opportunity for future expansion instead of trying to do it all at once, it would be done. One of the people who played a major legislative role in this, in the House, was a very popular legislature from the coast and his name I can't recall right now. I know his daughter, Gracie, but...

SHORT: John Greer.

LEVITAS: John Greer. And John Greer took this on as far as the taxes and referendum and carried the legislation. And John was, as I say, a very -- he had run for Lieutenant Governor by the way. He was an ally of Carl Sanders. Ran unsuccessfully for Lieutenant Governor but remained in the legislature and was able to get the support of a lot of people outside the metro area to support this second effort. And we got it done on the second effort, but one of things that we realized is that every major transit system in this country going back to New York and Boston, even San Francisco to a certain extent, always got themselves into both financial trouble early on or into corruption early on. One of the ways Louis Brandeis made his name was through his investigations of the corruption in the Boston Transit System, because it was just ripe for corruption -- a lot of money, very little controls. So what we did in Georgia and to my

knowledge [audio gap] had a major scandal dealing with the finances of the MARTA system. We set up something called the Metropolitan Atlanta Rapid Transit Oversight Committee or MARTOC. It was a legislative committee joint House-Senate and it's been in place ever since and with very strict public disclosure requirements with oversight opportunities. I must say the legislature has not been as diligent as it should have been in exercising those authorities that it had under the MARTOC Act on many occasions, but overall it has provided the means to create the MARTA system and lay the groundwork for its expansion into the future and unless metropolitan Atlanta and other metropolitan areas deal with their traffic problems, they are going to be choked to death.

SHORT: So then comes 1974, I believe, when you made the decision to run for Congress. What prompted that decision?

LEVITAS: Well I didn't like the politics of the fellow who was in office at the time. It's not just that he was very conservative. I thought he was beyond and out of step and didn't really reflect the attitudes of the people in the Fourth Congressional District which was the east side of Atlanta and its eastern suburbs out through DeKalb and Rockdale County, so I had been thinking about doing this. This truly was one where I had given it some thought and I had a lot of hesitancy, not the least of which is I didn't think I could win, but several people in DeKalb County began to, how shall I say, harass me, urge me and people who say you know, nobody ever gets really drafted into running for public office. I didn't get drafted into that. That's not

what they were doing. They were just putting pressure on me and one of them was going around talking about I was afraid to do this and I wouldn't do that because he wanted me to run and this fellow was a leader in DeKalb County by the name of Manuel Maloof. Manuel Maloof who became the CEO and chairman of the DeKalb Commission, was a very popular figure and a very popular politician and he kept going to the newspapers and saying if Elliott Levitas would just have the guts to do it, he would make a lot of difference. So he kept humiliating me and embarrassing me until finally one day I really got annoyed with what he was saying and told a reporter for one of the local newspapers, a journal called the DeKalb New Era, that I was going to run and I really -- the chances of my winning if you look at polls were not very encouraging, but different things happened.

You'll find this interesting, Bob, and I think for historic purposes we need to put it out there. One of the questions was could a person of the Jewish faith be elected to the Congress. That hadn't happened in Georgia in modern times. I think there was a fellow from Columbus right after the Civil War by the name of Moses, but I'm not sure about that. So we polled that issue because I wanted to know and it said the poll results came back and said 28% of the people will not vote for you because you are Jewish. That's a pretty significant number of people. But we analyzed that 28%. What did it mean? And we found out that almost all of those 28% would not vote for me for some other reason before they got to that one, so we figured it was a wash and we were going to see what the people really believe. But I've never told that story publicly before and I just think it's an important piece of history.

In any event, we put together a very good campaign. Marianne Summers, again became my

campaign manager. We pulled in some very good professionals. At that time, the Republican Party was gaining popularity nationally and in Georgia. I remember the ad agency that we worked with -- this was in 1995 -- I guess it was '94, and we knew the bicentennial year was approaching and everybody was already beginning to talk about it and so we adopted a campaign slogan of, "Vote for Elliott Levitas. It's a Declaration of Independence." And we used that message, independence. You aren't going to be a lockstep Republican. You aren't going to be a lockstep Democrat, you're going to be independent and work for the people and listen to them. That was the theme and we organized very enthusiastic grass roots groups, went out, and campaigned in shopping centers. That was the era when we first began to realize that the marketplace has now become the mall and began to utilize that all over metropolitan Atlanta, particularly the suburbs. Did a lot of one-on-one campaigning in these areas. We did balloons and kids with waving things. That was the first time that had been done.

And the other thing we did is we got a large recreational vehicle and it became our mobile campaign office. Our campaign office wasn't just in downtown Decatur, our mobile offices were where you lived and we were talking to you because we wanted to hear from you. So we took the campaign out into the neighborhoods and when the election came around and I won, I really have got to tell you I wasn't shocked, but I was pretty surprised. But it was the result of some really incredibly good decisions that were made by people on my campaign staff and by the hard work of grass roots people. That was at a time when people were ready to see something different and I got elected to the House of Representatives, and of course that was also right at the time -- and this clearly played a role in it too -- of the Watergate and my class in

Congress was referred to as the Watergate babies. We were the Watergate babies. The person that I ran against in that election had the misfortune of being one of the last Republicans to realize that Nixon was a crook and so he kept hanging on supporting Nixon and even as it became more obvious that Nixon was not going to make it and when Gerald Ford granted the pardon, it was pretty clear to me that we had a shot at it. So that's how I got into it and that was the -- I think, the reason that I was able to prevail.

SHORT: Well another historical event occurred while you were in Congress, I think two years later, when the people of the United States elected Georgia's own Jimmy Carter as President.

What were your relations then with Carter when he was President?

LEVITAS: I had mentioned earlier that I had been Carter's floor leader for certain legislation, particularly on his government reorganization in the natural resources area, but I had supported Carl Sanders against Carter when they ran against each other and Jimmy Carter tended to remember those kind of things, had a long memory, but it was interesting because when Jimmy - he and I having served together in the legislature and both having served on the Education Committee, we shared a lot of common interests and he went out of his way to invite me to become part of his campaign team, I went down to St. Simons one time. It was actually Sea Island where we had a meeting and people like Charlie Kirbo and Hamilton Sheridan and Stuart Eizenstat were there, but I did not join that kitchen cabinet. He went on to get elected and we had a cordial, good relationship. I think that he could have benefitted more by having a closer

relationship with the Georgia House and Senate. But he just never all out. The one person in his administration who had the best sense of that was Bert Lance, who had been the Highway Transportation Commissioner for Jimmy Carter in Georgia and had gone to Washington with him and was now the Director of the Office of Management and Budget, a very powerful position, and Bert had very good political instinct and political sense. In fact, I think one of the greatest blows that Carter suffered was when Bert Lance had to resign -- was forced into resignation. But my relationship with his administration was good. I helped them in the house on a number of occasions on specific bills. We also had very major differences by the way and one of the historic constitutional confrontations between Congress and the White House was one between Jimmy Carter and me that I'll touch on in a minute. But when I could help him I considered it an honor to be able to do so in certain areas where Carter wanted to reform the government, also in the environmental areas.

Fast forward by the way, when Jimmy Carter had lost the election and was going to leave office, there was a bill to fund presidential libraries and the Republicans and some of the Democrats who were very bitter tried to gut Jimmy Carter's funding for his presidential library. I happened to be on the committee through which that bill went and I personally stopped them from taking away from Carter the appropriate funding that he, like any other former President, should have for his library and I've always felt that that was the right thing to do. Anyway, going back, Jimmy did have the Georgia delegation down to the White House on a number of occasions where he would talk about issues that he would like us to help him with. He reached out on some occasions but not enough and I think his presidency would have been enhanced if he had

been able to take his shoes off and put his feet upon the table and sit around and talk to some of the people in the House and the Senate from Georgia who wanted to help him, but that he just never took that last step and I think that's a misfortune because I think it could have made a lot of difference.

SHORT: You started on several key committees in Congress. You were Chair of the Subcommittee on Investigations and Oversight, a committee of Public Works and Transportation, what comes to mind when I say the word, "Wastegate?"

LEVITAS: There was legislation known as Superfund program. It was a new program, had a lot of billions of dollars in it to clean up hazardous waste sites. As Chairman of the Oversight Committee for Public Works Projects, that came under my jurisdiction. And I had always felt that when it came to oversight, Congress spent too much time doing autopsies, looking at dead bodies and trying to clean up the mess of something. I wanted to do oversight that came in before the bad stuff happened, so I said let's take a look at this new program that's just been in there called the super fund program. There were a couple of little incidents that said something wasn't going all together right, but nobody said there's a big scandal here. I got my investigators to go out and start looking at EPA records and sites and strangely we began to see some pushback. They didn't want to do it. Now, we're not talking about something that was highly partisan, we're talking about cleaning up waste, but why was there this pushback? And our investigators began to find evidence that the Superfund grants may have been given out for

political purposes to a district where there was a Republican in the House or running for the House and they were maybe using these monies politically. So as they began to push back, we began to, as they say, smell a rat, and went after it more vigorously. As we began to peel that onion further, we indeed uncovered some evidence that there were certain hazardous waste facilities, Superfund facilities, that may have been decided upon for purely political reasons and so we asked to see the records.

And the EPA was being run by a woman named Anne Burford -- Anne Gorsuch-Burford from Colorado and she was a friend of the administration -- of the Attorney General. She was a very close friend and follower of a fellow named James Watt who was Secretary of, I think, Interior at the time, and she was at the focal point of this thing and she refused to give us access to the records and that convinced me that there was something wrong there. I mean we're not talking about partisan records. We're not talking about foreign policy. We're talking about hazardous waste clean-up. And so we issued a subpoena to Ms. Gorsuch to produce these records at which point President Reagan claimed executive privilege over hazardous waste records. Well, when he did that, I knew we had it -- that there was something bad going on there and we had to get these records. So we proceeded with the hearings on hazardous waste. Mrs. Gorsuch refused to turn over the records. We cited her for contempt of Congress and the committee and the House of Representatives voted that she was in contempt of Congress. It became a major issue with one of these Nightline issues. It would be on every night.

And finally I got a call one afternoon because we were about to take other action against Mrs. Gorsuch in court. I got a phone call from a fellow named Jim Baker, and Jim Baker at this time

was Chief of Staff in the White House and one of the most able public officials I've ever seen -- knew his business, but he knew they had a problem and Baker said to me, "I want to put an end to this thing." That showed how smart he was. He didn't want it to keep dragging out. He said, "So, would you like us to fire Mrs. Gorsuch?" I wasn't going to give him that because I knew that he would then blame her firing on me, not on what she did or what they did. So I said, "That's your job. That's your problem." And so he said, "Okay." He said, "We're going fire to Mrs. Gorsuch," because I knew that's -- he just wanted me to take the responsibility for it. Make a long story short, Mrs. Gorsuch resigned as did about 20 other senior officials at EPA. The Superfund program was literally rescued from the downhill that it would have gone into if we hadn't done this anticipatory oversight and investigation and that was certainly one of the key events in my Congressional career and also one of the most important precedents set in the sharing of power between the three branches of government, because the courts made it clear that just because the President claims executive privilege, it does not protect those documents from being disclosed to Congress that it needs; and that issue has arisen subsequently and in fact it's an issue that's going on even as we speak.

SHORT: You're known by your colleagues as the watchdog over airline passenger safety and the FAA which is the federal agency that controls that and manufacturers. Were you the watchdog?

LEVITAS: I hope so, Bob, because when I took the responsibility of this oversight committee,

one of the things that I realized is that at that time most reform of aviation safety, most concerns happened after there was a crash and people were killed. Again, it bothered me that you had to have some disaster in order to do something to prevent disaster. And I remember the biblical story of Jonah and when the Lord came to Jonah and said, "You need to go to Nineveh and tell those people they better shape up because they're not acting right." Jonah didn't want to do that for a lot of reasons and not the least of which was -- he said, "You know I suppose you don't do it I'm going to be embarrassed." Well sure enough, he goes to Nineveh, and says shape up. They did and he got upset because the Lord hadn't destroyed Nineveh. But again, that told me that the time to do something is before it happens and to take corrective action. That's the way I felt about the aviation industry.

And people in the aviation industry didn't really like what I was doing, particularly the manufacturers, because I was saying that you needed not to do cost benefit studies on how much a human life is worth. And we were able to bring about the first major investigation of aviation safety that had ever been done. The general accounting office worked on it for two years and we were able to bring about safety reforms and at that time -- about the same time, the air traffic controllers had gone out on strike and so I had to get in the middle of that as well. And I want to use this as an example of how when the government works right, it can make a difference. This was bipartisan. My staunchest ally and greatest supporter on the work I was doing -- we were doing -- on aviation safety and the air traffic controllers and even the Superfund program by the way, was a Republican Congressman from Staten Island named Guy Molinari and instead of being at each other's throats, we worked together and we were able to make a difference in

aviation, safety, and super fund and these things. And in aviation programs, Guy Molinari, who was the ranking member on my committee, was able to have the leeway to do what he needed to do to bring about oversight of the air traffic control system which I, to this day, believe has saved hundreds of lives.

SHORT: I want to read you, Elliott, an item from a newspaper and have you comment on it.

This is a quote: "Levitas also strongly feels that Congress gives too many recesses and vacations at a time when there are pressing problems to be solved."

LEVITAS: Well, I don't know when I said that but it's still true and it's unfortunate. Surely Congress has need to have district work periods, recesses and what have you but you don't walk away in the midst of a crisis and my guess is I said that at a time whether it was an international crisis or the OPEC oil issues at a time when Congress needed to stay on the job and get it done. These people have a great responsibility to America and if they walk off and say, "Well, it'll wait till next month or next year," then that sends a message that it's not as important as it really is. And so yes I felt that way then, I still do. And I think when there's an issue that needs to be addressed, whether it's high gasoline prices or an international situation, Congress needs to stay on the job until it's done.

I want to go back to one thing, Bob, because I think it is important and I said there was one issue in which President Carter and I really had a confrontation and a clash and that was of constitutional proportions. And I don't know if you would plan to get into this at some other

point, but one of the areas that I also spent a lot of time working on is the area of government regulation -- excessive government regulation. Government regulations are issued by people who are not elected by anybody or accountable to the citizens, and yet their regulations, if you violate them, can get you put in jail just as quickly as if you violate an Act of Congress. So I was going trying, and I tried the entire time I was in Congress, to get my arms around how you make regulations more rational, more transparent, more reflective of what the people and the Congress want, and Jimmy Carter and I butted heads on that issue. One aspect of it was called the legislative veto and we fought about that. We put provisions in that would let Congress review regulatory actions that were taken and block them and Jimmy Carter was furious about that, didn't like it and he also thought too -- I will give him this -- that he thought it was an interference with his executive power. On the other hand the legislature is responsible for making the laws and these laws were being made by people who are not in the legislature and I felt there needed to be accountability. In fact, at one point, when we had successfully added this legislative veto provision to a series of bills, he would issue what they call a signing statement. And a signing statement -- which has become much more frequent by the way since Carter -- says, "I'm signing this bill but I'm not going to enforce this bill." This provision over here, I'm not going to enforce it. It's in the bill. It's in the law, but I'm not going to enforce it and I have always felt that that was probably an impeachable offense. The Constitution says that the President shall faithfully execute the laws, not make the laws, not decide which laws he wants to execute, but he shall faithfully execute the laws. So President Carter and I clashed on that. The Supreme Court in a decision said that the legislative veto was invalid because Congress had to be present, the so-

called presentment clause, it's actions to the President. That legislative veto issue is still a very live issue. It will have one day come back to the Supreme Court but getting control of the regulatory structure of this country to assure that the laws are made by people elected by and accountable to the voters, I still think, is a major concern that we need to not lose sight of.

SHORT: Well, you've had many memories and we appreciate you sharing them with us. Do any others come to mind?

LEVITAS: Not immediately, Bob. My experiences in both state and federal government have been so rich and rewarding. I always said I never wanted to make a career out of public office and I didn't. But I really felt that I made a contribution. As my mother and father would have told me, you have to give something back to this country. I feel I've done that.

There were other areas in which I've worked on the international scene. I was a member of what they call the North Atlantic Assembly which is the parliamentary arm of NATO and I worked very hard in trying to get the Europeans to share the burden of defending the Western world.

Since I've left Congress, I have continued to work abroad in certain areas, working with institutions. One is called the National Democratic Institute, which is a creation of Congress that works with emerging democracies to help them develop governments to the extent possible, free of corruption, and I've found that very rewarding. And so I've been able to do that, both while in Congress and subsequently. But overall I found it a very rich experience that has given me the feeling that I haven't solved all the problems in the world and nobody ever will, but that I have

been able to make a difference.

SHORT: You've been involved in the last several years in a major lawsuit. Do you have time to share that with us?

LEVITAS: Yes, I will talk about that because I think it is one of the landmark lawsuits in American history. By the way, it's been going on as we sit here. It's in its 12<sup>th</sup> year. The name of the suit is Cobell v. Kempthorn. It used to be Cobell v. Norton and before that it was Cobell v. Babbitt. What it is in a word is it's a class action suit pending in the District of Columbia federal court, where the Native Americans' land was taken by the federal government and supposedly held in trust for the Native Americans and the land was administered by our government, primarily the Interior Department, the Treasury Department; and the proceeds, the royalties, the rents that were received were supposed to be returned to the people who owned the land, which were the Indians. That trust was established in 1887. To this day, there has never been an accounting of the monies that have gone through that trust. Now, you don't have to engage in conspiracy theories to know that where you've got billions of dollars flowing through a governmental system dealing with property rights of other people that somebody may pilfer some of that money, may lose track of it, or it's not there. What we did is we said to the government, "We want an accounting for the money of these people. We know that there has been over \$13 billion dollars go through this system. Where is their money? Who has it? Where is their land? Who has it? And give us an accounting." It's a major case. In fact, I

would say it's American history. As a lawyer, it touches on almost every aspect of the law -- constitutional law, trust law, civil procedure, contracts. It's the whole gambit. So for me, as a lawyer, it's a very interesting case. But it's a case about doing justice to people. Both Republican and Democratic Senators who have had involvement in this case have said it is a taint on American honor and it is. We have not treated these people fairly and the time has come to do justice and that's what this lawsuit is about. We're trying to get an accounting of our client's money. To the extent that it has not been paid over to them, there needs to be an accounting to find out where that money is and who's responsible for it.

But it's about American history and a lot of that American history, by the way -- dealing with Native Americans -- comes out of Georgia. Most of the early constitutional cases are cases that arise in North Georgia involving primarily the Cherokee. And those cases, decided by Chief Justice Marshall, are the foundation for the case I am now working on, which I think is an interesting fact that what goes around, comes around.

SHORT: One final question: How do you think Elliott Levitas should be remembered?

LEVITAS: That he tried his best to do his best.

SHORT: Well, I've often said, Elliot, even to you, that if it were possible I would make you the Chief Justice of the United States Supreme Court, because that's the confidence I have in you as a person, as a public servant, and as a lawyer.

LEVITAS: Thank you, Bob. I am honored to hear you say that. I'm flattered, but you probably would scare the pants off a lot of lawyers in this country.

SHORT: Thank you very much for being with us.

[END]

**University of Georgia  
Elliot Levitas**

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