

# Daughter *of a* Soldier

Cheryl Mills's defense argument during the impeachment trial buoyed a battered Executive, and made her dad proud.

NAIVELY, SHE SAYS now, she assumed nobody would notice. Four o'clock in the afternoon, a Wednesday, and most people were at work. What difference would it make that cameras were recording her every word and gesture—who was watching?

She positioned her papers on the lectern in front of her and stepped back momentarily, lifting her eyes to the Senate gallery. Quickly, she searched the faces and found her parents. Her father nodded firmly.

Then she stepped into the lectern and in a clear, strong, confident voice began to speak.

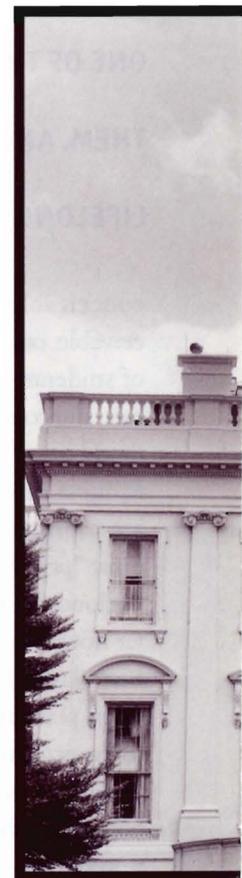
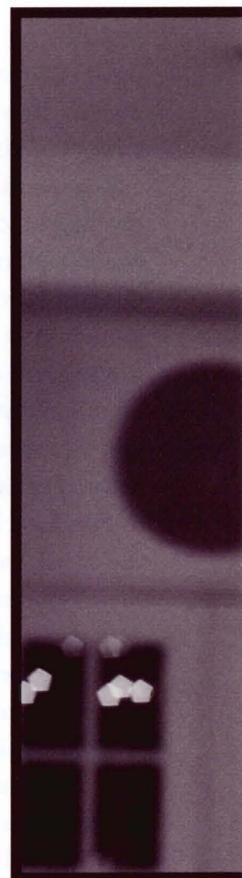
*"Mr. Chief Justice, managers from the House of Representatives, members of the Senate, good afternoon. My name is Cheryl Mills, and I am deputy counsel to the President."*

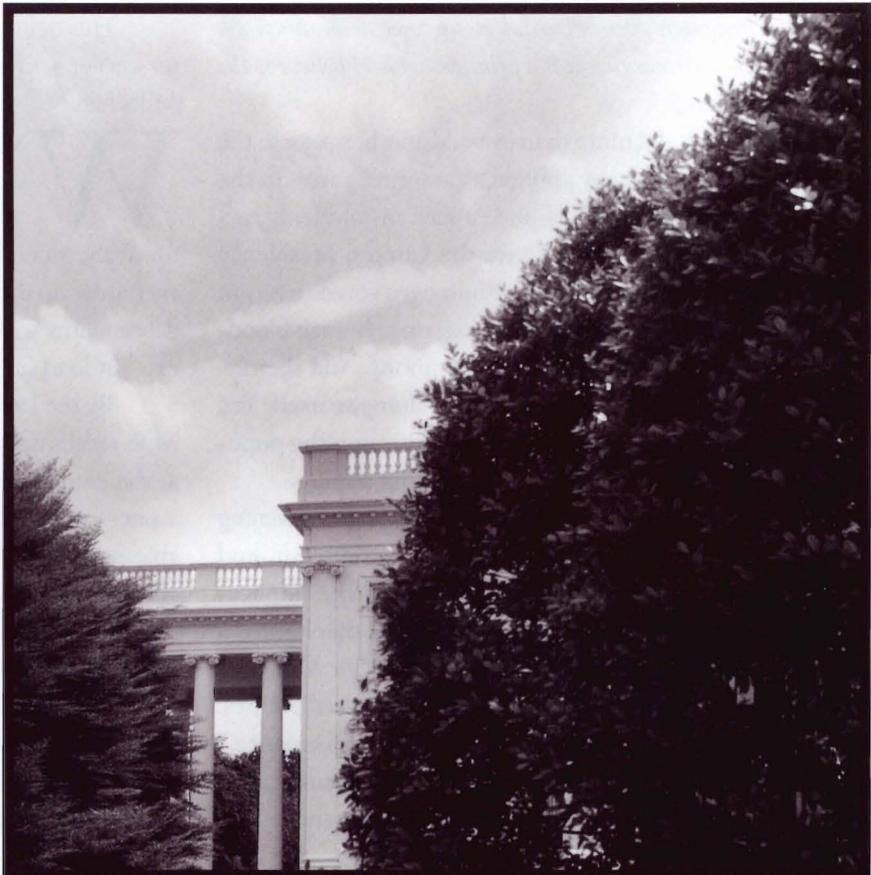
What happened over the next 45 minutes in the solemnity of the Senate chamber was, depending on one's perspective, a remarkable defense argument by a charismatic performer, a key event in a historic trial, a prideful moment for black Americans, or all of the above.

Across America, in small-town barbershops and in automobiles in the middle of nowhere, people listened, riveted, as Mills '90 meticulously and passionately argued that President Bill Clinton, whatever his flaws, was not guilty of impeachable offenses. *"If you love the rule of law, you must love it in all of its applications. You cannot only love it when it provides the verdict you seek, you must love it when the verdict goes against you as well. We cannot uphold the rule of law only when it is consistent with our beliefs, we must uphold it even when it protects behavior that we don't like or is unattractive or is not*

BY KEVIN COOL

PHOTOGRAPHS BY SUSAN RUBIN





*admirable or that might even be hurtful. As a lawyer, as an American, and as an African-American, it is a principal which I believe to be the very core of my being."*

Mills's words did more than just add another page to the impeachment chapter; they applied a cauterizing iron to the rotting skin of the proceedings, and Americans suddenly recognized the smell. She did not save the Clinton presidency that afternoon—the Senate likely would have voted to acquit in any case—but she strengthened an executive branch bloodied by months of scandal and sordid testimony. And she catalyzed debate about what the country was doing to itself. You could practically hear the murmur ripple through the populace: She's not talking about *him*, she's talking about *us*.

By nightfall, Cheryl Mills was a household name. Evening newscasts ran significant excerpts from her argument, and pundits on half a dozen programs considered the implications of her words. Brian Williams of MSNBC shepherded a panel of analysts through a discussion of whether Mills had bolstered the Presidency or merely engaged in racial politics. Print media were less trenchant. "A virtuoso performance," the *Washington Post* said the next day. *Time* magazine called her "one tough sister." "A 33-year-old black woman went to the belly of one of the whitest beasts of the nation—the U.S. Congress—and got the better of him," wrote *Salon* magazine columnist Joan Walsh.



Her delivery, her demeanor, even her dress, fueled water-cooler conversations from Maine to California. Cheryl Mills had become a star.

WASHINGTON, D.C., is only 150 miles from Amelia County, Virginia, but the distance Mills's family traveled to reach the seat of power was, figuratively, much farther. For generations after Robert E. Lee's surrender up the road in Appomattox, former slaves and their descendants in Amelia County relied on gruel and sweat to eke out lives on tiny plots of land.

By the 1940s, life was a little better, but still hard. Robert Mills recalls walking three miles from his home to cut the grass at the county courthouse for 20 cents an hour. He attended a one-room school—"Actually, two rooms. We had a movable partition," he said. What mattered more than the accommodations was the education.

He was the first in his family to attend college, as was the "city girl" from Richmond he married, LaVerne. Robert joined the army, where integration already had occurred and where skin color was less of an impediment. Off the base, though, prejudice was profound. In uniform or not, Mills could not sit at public lunch counters or anywhere he chose on a public bus. Like many of their contemporaries, trained to endure and overcome, Robert and LaVerne twisted the pain of their exclusion into something positive and used it as motivation. "In those days it wasn't good enough to be as good as the next guy, you had to be better," Robert said.

A military intelligence officer who rose to the rank of lieutenant colonel, Mills moved his family often. While in St. Louis in 1965, he and LaVerne welcomed their second child, a daughter.

From the beginning, Cheryl seemed hard-wired for success. She was competitive, intense, driven. She grew up on military bases in Germany and Belgium, surrounded by diversity and indoctrinated into a culture of acceptance within which race was merely a characteristic, not an excuse for categorization. Because of all the moving around, she had to be gregarious to make new friends. She learned how to adjust. In fifth grade Cheryl announced that she wanted to be a lawyer. "She was interested in fairness," said LaVerne. "She thought lawyers made the world fair."

Cheryl never deviated from that path. Through high

In fifth grade Cheryl announced that she wanted to be a lawyer. "She thought lawyers made the world fair," her mother said.

# Decisions, Decisions

school and four years at the University of Virginia—where she became the first black woman ever to win the school's prestigious Pete Gray Award, and graduated Phi Beta Kappa—Mills was pointing to the day when she would stand in front of a jury and make her case. Virginia School of Law offered a full scholarship, but she turned it down to come to Stanford.

During her first year at SLS, Mills met professor Barbara Babcock, and her life was changed. "She had a tremendous impact on my desire to do defense work. She really made me think about how our legal system works; that it only works with both sides being committed to their causes." Babcock, now the Judge John Crown Professor of Law, remains a close friend and mentor. "She's my hero," said Mills.

Emily Uhrig '91, a friend and school-mate of Mills at Stanford and now a deputy federal public defender in Los Angeles, worked with Mills to organize a conference for women of color studying the law. Uhrig was and continues to be inspired by Mills's energy and commitment. "Cheryl just gets things done," she said. "If she sets her mind to doing something, she will do it. When Cheryl believes in something her argument comes through almost as truth."

**M**ILLS WAS introduced to the Beltway legal community during an externship with the Public Defender Service in Washington. After graduation, she joined Hogan & Hartson, one of the capital's premier law firms, and spent much of her two years there on cases involving school desegregation, working with David Tatel, a former visiting professor at the Law School and now a judge in the D.C. District Court of Appeals.

In early fall of 1992, with polls showing Clinton far ahead of incumbent George Bush in the presidential race, Mills joined the transition team that would shepherd in the new administration. Still in her mid-20s, Mills was helping craft ethics policies for Clinton's top advisers, and she regularly called on her Stanford professors for advice. Soon after Clinton was elect-

## *Congressman Tom Campbell votes on impeachment*

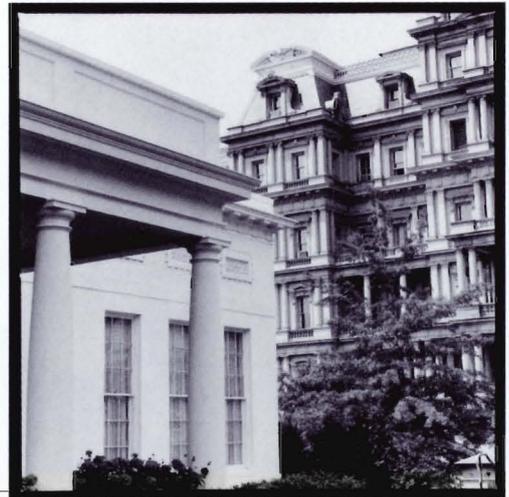
On December 15, 1998, the air in California Congressman Tom Campbell's office was thick with anticipation. It also was thick with reporters, dozens of whom crushed into the room to hear Campbell, standing behind a massive bank of microphones, announce his decision on whether to support the impeachment of President Clinton. Campbell was one of the last Republicans in the House to announce his position, and his was viewed as a key vote in the final tally.

Campbell's stance—that the President's testimony to the grand jury in the Paula Jones case amounted to perjury and was grounds for impeachment—came at the end of a tortuous deliberation and at the risk, according to many analysts, of the Stanford Law School professor's political career.

In the days leading up to his climactic press conference, Campbell faced a dilemma—whether to follow the dictates of his constituents in his heavily Democratic district or listen to his conscience and do what he felt was right. In the end, Campbell's integrity won out. "I couldn't do it any other way," Campbell told the *San Jose Mercury News* following the vote. "It's just not right by me."

Voters lobbied vigorously against impeachment. Candlelight vigils were held outside Campbell's office. On the day before his announcement, his staffers were inundated with more than 1,000 calls from constituents, most of them opposing impeachment, and Campbell went home that Monday night with a briefcase full of e-mail messages. Despite his moderate political history and occasional break with convention, Campbell's impeachment vote placed him in a tenuous political position. His last-minute decision seemed to carry more weight than those that had gone on the record earlier, and made him more vulnerable to attack. His Democratic constituents were angry and said so.

Campbell has not retreated, though, and insists that voters eventually will understand his reasoning. "I think the people of my district will judge me fairly," he said.



ed, she was named White House associate counsel, an extraordinary appointment considering her age, says Babcock.

"She had only been out of law school for a couple of years. Whoever was responsible for the appointment—whether it was the President himself or Hillary Clinton or somebody else—they saw in her the special qualities of leadership and judgment and something you might call 'moral force' that is very

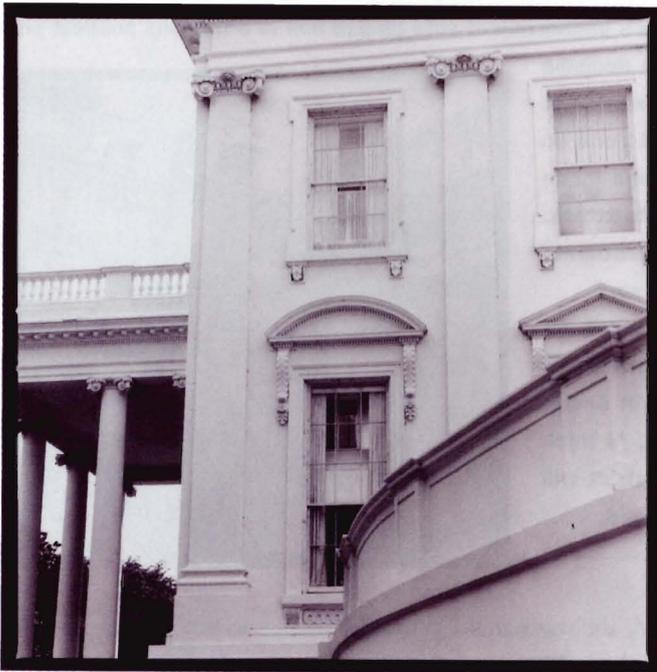
unusual in one so young," Babcock said.

When independent counsel Kenneth Starr began his Whitewater probe and later expanded the investigation to include Clinton's alleged affair with Monica Lewinsky, Mills's life turned upside down. At the height of Starr's inquiry, Mills was working 14 to 18 hours a day.

"As a general matter, being White House counsel is no walk in the park," said Mills. "But that time was particularly intense. It was all-consuming. I would usually arrive at around six-thirty in the morning and on a good day would leave around nine at night, but there were many times when I didn't leave until after midnight."

Babcock worried about her protegee's well-being. "It's an extremely complicated job that she'd been doing, and under terrific strain," she said. "After two or three years, I began telling her, 'Cheryl, you've got to get out of there. If you want to do jury work—and you're going to be great in front of a jury—you've got to get started.' But just when she was on the verge of leaving, something else would come up, and she is so responsible and so loyal that she stayed."

One of the confusing aspects of her job, Mills says, was sorting out precisely what the role of the White House counsel should be. Was the client the President or the Presidency?



into consideration what judgments would ensure that the institution itself was preserved in a fashion that was most advantageous to the Executive without regard to the occupant."

"White House counsel represents the Presidency, but that idea is only a concept. You have a person who occupies the Presidency, so their feelings, their thoughts, and their actions obviously have an impact on your experience. There are certainly occasions when we look at where the institutional interests are and those are not always coextensive with the President's interests. Ultimately, you have to take into consideration what judgments would ten, twenty, or thirty years down the road ensure that the institution itself was preserved in a fashion that was most advantageous to the Executive office without regard to the occupant," she said.

OVER TIME, MILLS SAYS, different members of the White House defense team became familiar with the various allegations and the facts associated with them. Mills spent much of her time on issues raised about the President's secretary, Betty Currie, and the series of events related to her testimony about gifts Clinton gave to Lewinsky. When it came time to present the argument in the Senate, Mills's selection was a natural extension of her work in that evidentiary area, she says. But aside from the substantive issues of the case, Mills also wanted the Senate to consider the larger issues involved. "There were times [during the trial preparation] when I would wonder how we got where we were, and if we had any sense of ourselves that was grander than the minutiae with which we were dealing," she said.

The intensity of the preparation left little time to be nervous. "At the time you don't really think more expansively than 'tomorrow I'm going to get up and give my argument; do I have X, Y, and Z ready?' You are so focused on what you're doing that sometimes it's hard to step back and see that it has a larger meaning than the task you're performing.

"There was a moment, though, while I was getting ready to go to bed that night, when I found myself thinking, 'Gee, I hope I don't screw up.'"

She awoke the next morning ready literally to face the world. With her parents seated above, millions watching on television, and countless others following along on National Public Radio and other news sources, Mills made her argument. Known for her rapid-fire expository style, she concentrated on speaking slowly, deliberately, punctuating cer-

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# A Painful Process

Based on Deborah Rhode's wry description of events behind the

*Professor Deborah Rhode advises on the impeachment matter*

scenes at the hearings on President Clinton's impeachment, the process sounds more like the progeny of Molière than Madison.

Rhode, the Ernest W. McFarland Professor of Law, says her stint as senior counsel for the Democratic members of the House Judiciary Committee was a lesson in how politicized the political process could be. Asked to provide expert opinion on matters relating to ethics, gender, and constitutional issues, Rhode spent most of the fall in Washington working with Congressional members trying to determine whether the President should, or could, be removed from office.

The initial accommodations were anything but glamorous. Part of the reason was because the appropriations for adequate office space were held up by the

opposing party. Rhode and her co-counsel spent part of the first

several weeks sitting on the floor outside the area where confidential documents had to be reviewed. When one of the Democratic committee members was surprised to encounter them there, a colleague of Rhode's quipped: "I wish your party could win some elections so we could get some chairs."

Some aspects of the experience had a "surreal" quality. "We could be arguing with GOP lawyers at two a.m. over whether some four-letter word should be deleted from materials released to the public, and then begging to borrow some white-out," Rhode said.

Rhode was not prepared for the enormous gap between political rhetoric and reality—for the wide distance between Congressional leaders' public posturings and private behavior. She was

equally disturbed by what she called the "harassing use of sexual harassment claims" in the Paula Jones litigation, and the sometimes casual disregard of constitutional standards and procedural integrity during the hearings.

On evenings when the partisanship and pressures of Capitol Hill became especially trying, Rhode often went running on the Mall. The illuminated majesty of Washington monuments reminded her of the larger democratic values that the process was designed to preserve, she says.

Reflecting on that larger meaning was also helpful when family and friends would ask: "How can you defend him?" referring to President Clinton.

"I wasn't defending the President," Rhode would respond. "I was defending the process. I was there to help the Congress create a proceeding that could get it right."

tain points with the inflection of a veteran trial attorney.

When she had finished, Mills was not sure whether she had done well or poorly.

"There's a uniqueness to presenting in the Senate," she said. "There's no reaction. You stand up and you speak and you sit down. No one says anything. There is a solemnity and formality about the occasion, and you don't have the immediate feedback that you might have in another environment about whether people agreed with or disliked what you said."

Later, several senators, including some Republicans, approached her to say that she had done a good job. Her biggest fans, Robert and LaVerne, arrived from the gallery to congratulate her. Both of them were crying. "I have probably seen that three times in my life, so it meant a lot to me," Mills said.

"I was just so proud, and I was thinking how far the Mills family had come," Robert said.

Cheryl acknowledged the praise and quickly moved on. "She has never had much interest in her own achievements," Robert said. "We can't even get her to put her Phi Beta Kappa certificate on her wall. It's not that those things aren't mean-

ingful to her; she just doesn't dwell on them."

Is Mills convinced she has done the country a service? "I believe this: that without regard to political party—and this is not something I probably would have said prior to coming to this job—there is something unique about our institutions of leadership that need to be valued in a way that transcends whatever partisan issues arise."

"As a government servant, I would like people to reach the point where they can say, 'I may not like this conduct and I may not like this person, but I value the institution enough to say that it should not be altered by this conduct or this person—that they should not be big enough or small enough to change those things that are our values that transcend time. I think that in the end I can feel good about the fact that where we ended up was consistent with those values.'"

What she did on the Senate floor that day in January also was a triumph for the Mills family, and a tribute to her father. "I feel very good about the fact that I was able to make him proud at that moment," she said. "Considering where he came from—that's very meaningful to me." ■