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## Lloyd N. Cutler, Counselor to Presidents, Leading Lawyer and Founder of Wilmer, Cutler & Pickering, Dies at 87

MAY 8, 2005

Lloyd N. Cutler, who served as White House Counsel to Presidents Carter and Clinton and was a founder of Wilmer, Cutler & Pickering in 1962, died in Washington on May 8, 2005, at age 87, after a long illness. For half a century, he was one of America's most distinguished public and private lawyers.

Mr. Cutler's public career included prominent assignments from six Presidents. Under President Johnson, he was Special Counsel to the President's Commission on Urban Housing and later Executive Director of the Eisenhower Commission (on the Causes and Prevention of Violence) appointed in 1968 in the wake of the Martin Luther King, Jr. and Robert F. Kennedy assassinations.

For President Carter, he served as White House Counsel and as Special Counsel to the President on Ratification of the Salt II Treaty and as the President's Special Representative for Maritime Resource and Boundary Negotiations with Canada.

President Reagan made him a Senior Consultant to the President's Commission on Strategic Forces (the Scowcroft Commission) and a presidential appointee to the Quadrennial Commission on Legislative, Executive, and Judicial Salaries. President George H.W. Bush appointed him Chair of the Quadrennial Commission. He returned to the White House as Special Counsel to President Clinton, and was appointed by President George W. Bush to serve on the Commission on Intelligence Capabilities of the United States.

President George W. Bush expressed his sympathy upon learning about the loss of Lloyd by saying, "Laura and I are saddened by the passing of Lloyd Cutler. Lloyd Cutler served our Nation with dedication and distinction throughout his extraordinary career, including as Counsel and adviser to President Carter and President Clinton, and most recently on the Commission on Weapons of Mass Destruction. He was a devoted public servant who had a profound influence on the legal profession. Laura and I extend our deepest sympathy to his family."

Mr. Cutler's career as a lawyer in private practice was equally diverse and distinguished. After World War II, he helped form a small Washington, DC firm that merged in 1962 to become Wilmer,

Cutler & Pickering and merged again in 2004 to become WilmerHale. His nine arguments in the Supreme Court included such pathbreaking cases as *Buckley v. Valeo* (upholding the constitutionality of the post-Watergate campaign finance reform law), the *Regional Rail Reorganization Act Cases* (upholding the act that took the property of the Northeast railroads to create Conrail, and *NAACP v. Claiborne Hardware* (reversing an antitrust judgment against the NAACP). His work made major contributions to bankruptcy law, administrative law, securities law, auto safety, drug safety and our understanding of the workings of our three branches of government.

Mr. Cutler was also a prominent leader on many of the significant causes of our time. He was a founder and Co-Chairman of the Lawyers' Committee for Civil Rights Under Law and a founder of the Southern Africa Legal Services and Legal Education Project (which fought apartheid in South Africa through the legal system). He was also Co-Chairman of the Committee on the Revision of the Czechoslovak Constitution.

Mr. Cutler's other professional and personal interests spread across the nation and the world and over a remarkable range of fields of law and other subjects. A list of his published writings spans seven pages and covers the presidency, the separation of powers, international relations, war powers, disarmament, human rights, corporate governance, the judicial confirmation process and many other topics. He was a Member of the Council of the American Law Institute and of the Yale University Council. He taught courses at Yale Law School, All Souls College, Oxford, and Nuffield College, Oxford. He was a Trustee of the Brookings Institution, and member of the Trilateral Commission, the Council on Foreign Relations, the American Academy of Political and Social Science and the American Academy of Arts and Sciences. He was also a director of The Metropolitan Opera and The Phillips Collection.

He received widespread public recognition, including honorary Doctors of Law degrees from Princeton University and Trinity College, the Jefferson Medal from the University of Virginia, the Fordham-Stein Prize from Fordham University, the Marshall-Wyeth Medallion from William & Mary, the Lifetime Achievement Award from the Lawyers' Committee for Civil Rights Under Law, the American Lawyer Lifetime Achievement Award and the Yale Medal.

Mr. Cutler was born in New York in 1917, the son of a lawyer who was a partner of Fiorello LaGuardia. He graduated from Yale College in 1936 and Yale Law School (where he was Editor-in-Chief of the Yale Law Journal) in 1939. He served as law clerk to Judge Charles Clark on the U.S. Court of Appeals for the Second Circuit and was then hired by the firm now called Cravath, Swaine & Moore, where he met his future partner John Pickering. Near the outbreak of World War II, he came to Washington where he worked in the Lend-Lease Administration and then at the Department of Justice, where in 1942 he helped prosecute the eight Nazi saboteurs captured in New York after coming to the United States in a submarine. He enlisted in the Army combat engineers and worked in military intelligence and code breaking during the war.

Mr. Cutler's first wife, Louise Howe Cutler, died in 1988. He is survived by his wife Polly Kraft; his sister Laurel Cutler Israel; his three daughters, Deborah Notman, Beverly Cutler and Louisiana Cutler; his son, Norton Cutler; and eight grandchildren.

The firm also continues to mourn the passing of our founding partner and friend [John H. Pickering](#).  
Mr. Pickering died at age 89 on Saturday, March 19, 2005.