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Ex-White House Counsel Bernie Nussbaum, Who Worked Nixon's Impeachment, Dies At 84

Bernie Nussbaum, who served as counsel to President Bill Clinton and who was a senior member of the U.S. House Judiciary Committee's staff for impeachment...

By Andrew Denney | March 13, 2022



(//images.law.com/sites/newyorklawjournal/2022/03/13/ex-white-house-counsel-bernie-nussbaum-dies-at-84/bernard-nussbaum-of-wachtell-lipton-rosen-and-katz-argues-in-front-of-the-appellate-division-first-department-on-judicial-raises-seated-is-richard-h-dolan-of-schlam-stone-dolan-111808-11/) Bernard Nussbaum of Wachtell, Lipton, Rosen and Katz argues in front of the Appellate Division, First Department on judicial raises..Seated is Richard H. Dolan of Schlam Stone & Dolan ..111808..111808

Bernie Nussbaum, who served as counsel to President Bill Clinton and who was a senior member of the U.S. House Judiciary Committee's staff for impeachment of President Richard Nixon's impeachment, according to an announcement from the Federal Bar Council. He was 84.

"Bernie epitomized the essence of the Federal Bar Council," council president Jonathan Moses wrote in a statement to members of the organization. "A strong believer in professionalism and good relations among lawyers, no matter on what side of the 'v' they found themselves and no matter their political views."

Nussbaum is a past president of the Federal Bar Council. Mark Zauderer, a fellow past president for the council, was a "friend and mentor to lawyers across the legal profession."

"He was equally at home in a courtroom or sharing a drink with colleagues, with fascinating stories of legal battles that were inspirational," Zauderer said.

Nussbaum, who was of counsel at Wachtell, Lipton, Rosen & Katz, was born in Manhattan's Lower East Side in 1937 to Polish immigrants. He was the first in his family to attend a higher learning institution, obtaining a bachelor's degree from Columbia University before graduating from Harvard Law School.

In law school, he worked as the note editor for the Harvard Law Review. When Nussbaum was a 3L at Harvard Law, his contemporaries included future U.S. Supreme Court justices Anthony Kennedy and Antonin Scalia, he said in an oral history interview ([//www.nixonlibrary.gov/sites/default/files/forresearchers/find/histories/nussbaum-2011-10-01.pdf](http://www.nixonlibrary.gov/sites/default/files/forresearchers/find/histories/nussbaum-2011-10-01.pdf)) for the Richard Nixon Presidential Library & Museum.

Nussbaum got his start in the legal profession under Robert Morgenthau in the U.S. Attorney's Office for the Southern District after he "traveled around the world" for a year on Harvard's Frederick Sheldon Traveling Fellowship, he said in the 2011 interview.

"You really learned to try cases in that office, and to deal with judges and to deal with juries and to deal with factual presentations and confictual gathering and investigations," Nussbaum recounted.

In 1966, Nussbaum joined Wachtell Lipton when it had a roster of seven or eight attorneys, he said.

On Oct. 20, 1973, President Richard Nixon carried out the "Saturday Night Massacre," in which he unsuccessfully ordered the U.S. Attorney General and his deputy to fire the special prosecutor leading an impeachment inquiry into Nixon during the Watergate scandal.

Sometime after the U.S. Attorney and the deputy resigned, Morgenthau called Nussbaum and informed him that he and others had floated Nussbaum's name for counsel in Nixon's impeachment.

Morgenthau called him and told Nussbaum his name was suggested as a good fit for the impeachment counsel team. He ended up being put in charge of managing and combing through the thousands of hours of audio recordings of Nixon's phone calls and conversations in the Oval Office.

During those years, he recounted in his oral history, Nussbaum became acquainted with Hillary Clinton, who was a fellow House Judiciary Counsel. She introduced him to her then-boyfriend Bill Clinton, who appointed Nussbaum as White House counsel after he was elected to his first presidential term.

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