

# Q&A

## WHIRLWIND

Before taking up entertainment law, Marilyn G. Haft worked for the ACLU, Bella Abzug, the White House and the U.N.

INTERVIEW CONDUCTED AND EDITED BY ERIK LUNDEGAARD



**Q: You graduated from NYU School of Law in 1968. How many women were in your class?**

**A:** There were 30 out of 300. That was the largest class of women anywhere at that point.

**Q: Any particular attitude that you encountered there? Like, "What are you doing here?"**

**A:** Not really. I was not called on for almost the entire [first] year. I wasn't somebody who was looking for trouble—I didn't raise my hand—but they normally look at the roll and call people to answer questions to make sure we're participating. And not until May of the first year was I called upon.

**Q: What about a sense of camaraderie with the other women?**

**A:** There wasn't much opportunity for camaraderie. [But] there were a few notable women in my class. Carol Bellamy. She became the first female president of the city council in New York. She even ran for mayor. And we had the mayor: Rudy Giuliani was in my class.

**Q: And you. Eight years later, you were in the White House.**

**A:** It was pretty crazy.

**Q: How did you get interested in the law?**

**A:** When I was 6 years old, I was shown a film about the Holocaust in school. And I sat there and I said, "I'm going to make sure that never happens to anybody in the whole world ever again." I'm 6. And I didn't know how to do it, but—

**Q: Wait, I'm sorry. A Holocaust film? At 6?**

**A:** Well, I went to Hebrew school. It was crazy that they showed it to young children like that. They showed it to the whole school.

Then when I was 8 or 9 years old, I had gone to the U.N. on a school trip and was like, "OK, this looks like a good place to tell the world what to do." Then when I was 10, I heard somebody on the radio, and his name was Louis Nizer, and he was talking and it seemed like everybody was paying attention. And I said, "Wow, that guy's a lawyer. I'm going to be a lawyer because people will pay attention to me, and I'm going to stand in front of the United Nations and tell people to stop this nonsense."

What I wanted to do was go to the American Civil Liberties Union to do that. And so I graduated law school.

**Q: What did your parents do? And what did they think of your ambitions?**

**A:** My mother was a teacher. She had gone to college, which was also odd for her time. My father was in business, manufacturing. They were frankly not excited about me [going into law], to say the least. They thought nobody would want to marry me, and they wanted me to be a teacher because they thought that was the best thing. So I did get a teaching degree and I did do substitute teaching. [But] they were very unhappy that I was going to become a lawyer. I had to send myself to law school.

**Q: Did they show up at graduation?**

**A:** Oh yeah. I was not cut off or anything like that. But they expected me to be self-reliant.

I didn't have any contacts for the ACLU, but one day I was sitting in the library, and some guy who was a graduate student in tax at NYU, he said, "If you don't start interviewing, you're not going to get a job." And he took me into one of the best tax firms in the country: Roberts & Holland in the Chrysler building. And lo and behold, they hired

me. I was really shocked. But after six to eight months there, I went in, as only a young person can do, and said, "This is not what I want to do. I want to go to the ACLU. Or I'll do international finance." So they said we don't know anything about the ACLU, but go visit a man, Robert Haft—which you know is my last name. At that time he could literally say to me, "You're qualified but you're too attractive. The wives of my clients are not going to be happy if you start traveling with their husbands." He was able to say that. ... Long story short, we ended up getting married. [They divorced in 1975.]

I was actually in international finance for about a year. I worked with Robert Haft in Geneva, Switzerland and shared an office with James Roosevelt. He was the only person who took me seriously because his mother was Eleanor, and she was bright, so he thought I'd be bright. Everybody else kind of looked at me like, "Huh?" Then Robert managed to get me into the New York Civil Liberties Union, and the head of the New York Civil Liberties Union, Aryeh Neier, went to the national office and he took me with him.

The national office was not very large—I think maybe 10 or 12 lawyers and staff—and the newbies get things like separation of church and state, which was not important at that point. Also prisoners' rights. What you do at the ACLU is you get cases on appeal. But to be able to take those cases to the next level, whether it's federal court or state court, you had to have a good trial record. And we didn't get very good trial records. So I decided I was going to become a litigator myself. I looked around and I said who needs representation? And gays really didn't have real representation. So I went to Mel Wulf, who was the legal director, and the board, and they said,

"OK, but you have to raise money for yourself to do it." I did. I went to the Playboy Foundation that had just started this stuff.

**Q: Playboy? Hugh Hefner?**

**A:** Yeah.

**Q: For homosexual rights?**

**A:** Because it was sexual privacy. I said, "Guys, you're making a lot of money on this stuff." I could tell you a lot of funny stories about what happened when I went there. But I won't.

**Q: Oh, tell us one.**

**A:** No, no. I'll just tell you I got a lot of male volunteers to come with me. And lo and behold, they gave me the money. I started the project and did a lot of the first gay rights litigation in the country, including challenging sodomy laws and challenging visitation rights for gay people for their kids, employment. We consistently lost but we made records. We started the test case stuff.

**Q: This is a time when there were sodomy laws on the books in most states, right?**

**A:** Yes. I brought a really, really good case but ... we lost. We expected to lose. North Carolina. At the military base, there was a guy who was gay, it was a bookstore, and [the local authorities] sent somebody, not even 18 years old, to entrap my client. The sheriff actually testified at the trial that he stood with binoculars to look into the room ... at the back of the bookstore, and my client had pulled the shades so it was private. So it was a ridiculous case. It was entrapment, privacy, everything, and we lost because it was time to lose. I can't believe how different it is today.

**Q: I was going to ask you about that. Just in the last five years there's been this huge shift, in both public opinion, and, as a result, policy, toward gay marriage.**

**A:** In 2003, when the sodomy law was overturned, the Supreme Court, in its dissent, specifically said, "What are they going to ask for next? Marriage?" And here it is. I can't tell you how stunned I am. I'm excited, but it's really shocking in terms of how quickly it changed.

So getting back to the career, I was hired by NBC to be a full-time consultant on the news.

**Q: Did that appeal to you? You wanted to be at the ACLU.**

**A:** But I'd been there for six years. And, for me, television and news was about communication and getting the word out.

Then I got a call to see if I was interested in working on Bella Abzug's staff, to be counsel to her committee investigating the intelligence agencies based on the Watergate stuff. So I did that. I went down to Washington. And all I wanted to do was come home to New York. Because I'm a New Yorker, New Yorker, New Yorker.

**Q: But you stayed.**

**A:** Carter was elected and I got a call from ... There was a woman named Midge Costanza, who was the assistant to the president for the Office of Public Liaison, and she invited me to be on the staff of the White House. There were about five of us, and we were each given areas. I asked for and received the arts because I was always interested in the arts. And I took Native Americans because I didn't know anything about them.



LEFT: When she was 8 years old, Haft visited the U.N. on a school trip and thought, “OK, this looks like a good place to tell the world what to do.” In 1980, she got her wish. RIGHT: Haft with the ACLU in the early 1970s, where her work in early gay rights litigation led her to, of all places, the Playboy Mansion.



**Q: Weren't you also part of a meeting with homosexual leaders at the White House? Apparently the first time that happened?**

**A:** That's correct.

**Q: What do you remember about that meeting?**

**A:** It was the beginning of the administration, March 1977, and Midge and I suggested that they come and meet with us to tell us what problems they had with the government. I had been the only straight person on the board of the National Gay Task Force. So the heads of that, male and female, came. Frank Kameny came.

Obviously there are a lot of interesting stories in the White House. Joan Mondale was very involved with the arts. I was on her subteam and became friendly with her and then the vice president. The vice president asked me to be his deputy counsel and liaison with the intelligence agencies for the White House to discuss the rewriting of their charters—because of all the violations that happened because of Watergate, etc., etc. I think I was the youngest person in the room. We did that every day for several months.

I was also involved in the pre-Camp David negotiations. Mondale went to Israel to warm up the situation and I went along. They took along Democrats who were high-profile and who had donated to the cause: Lew Wasserman and Arthur Krim, among others. There were two planes and I got to sit with Lew and Arthur. I was told ... Actually it was Bob Torricelli, who ultimately became a senator—he was associate counsel, younger than me, but very savvy about

politics—and he told me to talk to each person and get to know them and let them get to know you. So I did what he said. This is a bit of a funny story. I get off the plane. At the bottom of the stairs is the defense minister of Israel, Ezer Weizman, whom I knew. And we start speaking Hebrew. Mondale almost fainted. He thought I was from Minnesota.

These heads of the movie studios were like, “Oh my God.” They had all the money in the world, and they were very interested in Israel, but they didn't speak Hebrew. So they were, frankly, taken, and they came to me, almost together, and said, “When you get out of this business, we can help you into our business.”

**Q: So that's how you got into entertainment law?**

**A:** That's why the door was open, let me put it that way.

Anyway, I wanted to come back to New York, so they had me participate in the running of [Carter's] primary campaign in New York City. As my reward for doing that, I got to go to the U.N. for the last year of the administration as one of the six representatives of the United States. So my dream came true.

**Q: Nice.**

**A:** Can you believe that? I mean that's crazy, right? It was not exactly what I thought it was, but it was fascinating and fabulous. I learned the U.N. is a complicated place but it is a valuable place for preventing trouble. It's also an opportunity for diplomats to see one

another so you can forestall misunderstandings and make things happen. They are not an enforcer, as we well know. But it's got huge NGOs, where they help people all over the world. It's not what everybody wanted it to be but it is valuable.

**Q: What does a representative, as opposed to an ambassador, do at the U.N.?**

**A:** I was the person that sat for the United States in the third committee. The third committee was the committee that dealt with economic and social issues: women's rights, human rights. It was the time of the Cold War, so we would sit there every day with these telexes, which were in a huge stack. Anything to do with Russia was at the top because it was the most important. They came in different colors, depending on what it was supposed to be, how you were supposed to be dealing with it. And if something got very controversial, sometimes you'd need to go back to the White House.

**Q: And the Cold War was getting colder, right? Afghanistan, we're boycotting the summer games ...**

**A:** And the Russians were saying that we, the United States, violated the human rights of African Americans. I don't remember who they complained about but I turned around and gave them what for publicly and it ended up in the U.N. newspaper. The KGB literally came over to me and asked me how I spelled my name. But you know, when you're young, you're fearless and stupid.

**Q: This is a whirlwind ride. You go from law school to the ACLU to the White House to the U.N. Your dreams come true. Then all of a sudden, boom, Carter loses badly. What was it like the day after the election?**

**A:** It was a "What am I going to do now?" feeling for sure. It was confusing but I was happy to be back in New York and I needed to figure out what I wanted. I wanted to have something to do with film because I was an addict.

**Q: Did you go looking for a law firm?**

**A:** I went looking for a job in law firms and they were like, "What?" I had absolutely no experience other than this.

**Q: Other than everything.**

**A:** But I was too senior and too junior. I was not a business person, and there's such a dichotomy between government and idealism and business, right? I had no knowledge about how to write contracts or anything like that. I was not very useful in that sense. [But] somebody kindly taught me about contract law: Just write it so people understand it and look at forms, but make sure that you understand the English. So I started.

**Q: Did you have an office?**

**A:** I got an office from a guy named John Scanlon, who was in publicity for people in the film business, primarily. Richard Plepler, who's the head of HBO now, was in there, too. They were all in publicity and they wanted me because they thought I could bring in clients because of my contacts, so they gave me free office space in New York.

**Q: Nice deal.**

**A:** It was very pleasant and I made some good contacts there. Then I started producing movies and representing people, and it just went on and on. And in 1990, I was invited into a law firm. I got invited into a number of law firms from 1990 to 2010.


What I ended up specializing in, in the entertainment business, was finance. Along with somebody from Merrill Lynch, I structured the first securitized receivables in the film business in the middle of the '90s. I ended up being a producer on some. The first film I did, I was really a producer on it. I was standing on the set with the executive producer, writing the checks and watching everything carefully. I walked in everybody's shoes. I ended up representing the writer/director.

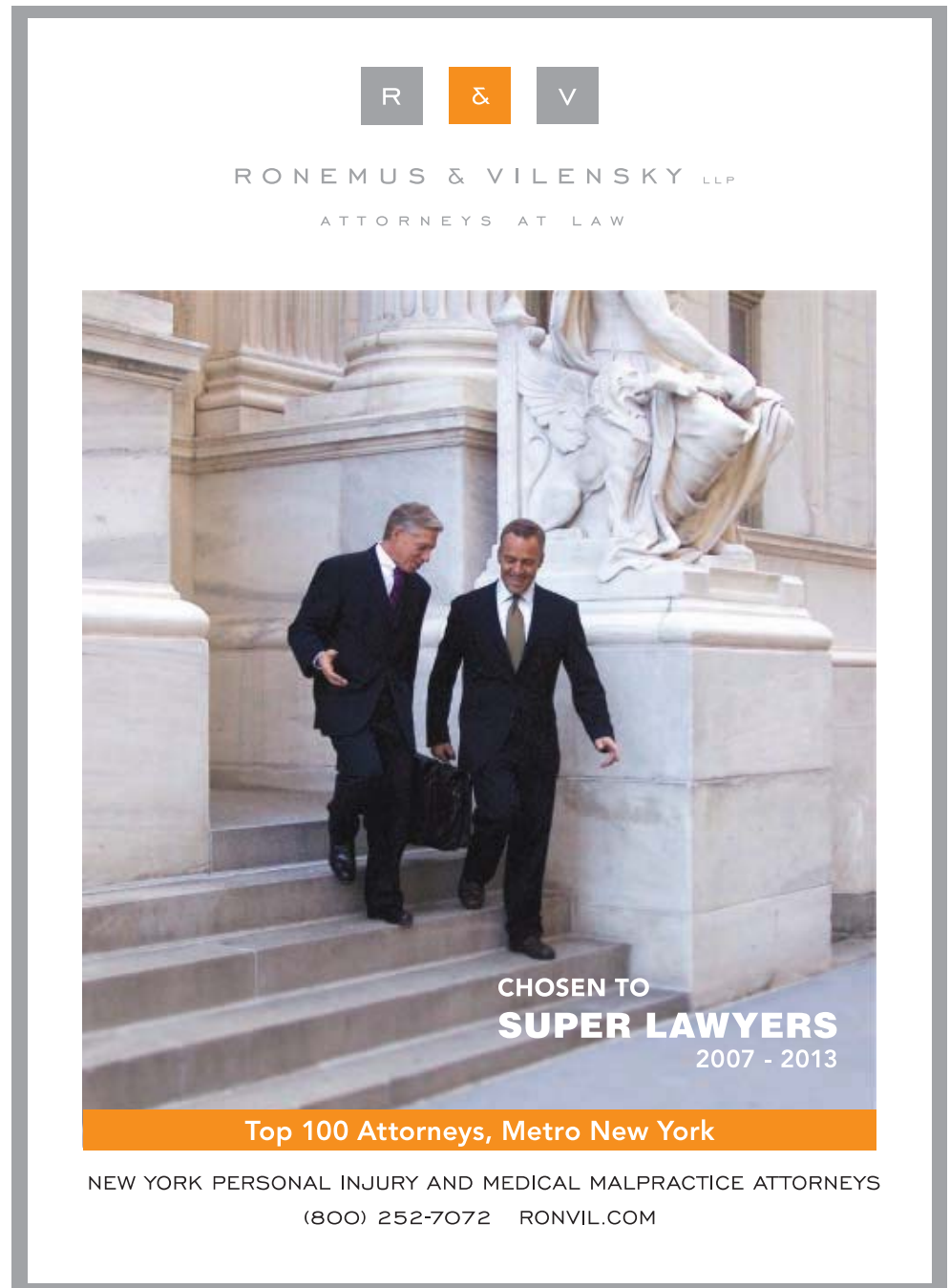
**Q: What movie was that?**

**A:** *In a Shallow Grave*. It came out in '88. Skouras Films distributed it. It was on American Playhouse.

I also represented *American Masters* on PBS and got executive producer credits on the Preston Sturges [documentary] ... And there was a Frank Capra [documentary] that I was involved with. ... I also represented Peter Jennings when I was at a law firm.

**Q: You still love film after being in the industry so long?**

**A:** Oh God, yes. It's like a joke. Moving images, if they're any good, I just get transported. 



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