

PERSONNEL

SENSITIVE
PERSONAL
INFORMATION

THE WHITE HOUSE
WASHINGTON

00 AUG 23 PM 2:00

August 21, 2000

Maria Echaveste/Mark Lindsay:

Dan Burkhardt, the Director of Presidential Correspondence, is leaving the White House; his last day is Friday, August 25th. I would like to promote Delia Cohen, currently the Deputy Director, to fill his slot. Delia has been Dan's deputy since March 1998 (2 ½ years), often running the office when Dan is away and handling many of the Department's personnel issues, among other things. She is a talented manager and writer, and she is uniquely qualified for the job.

I would like to promote Delia to Special Assistant to the President and offer her \$82,000/year. As you know, Presidential Correspondence includes a staff of 70 people; it is a big job, and I expect they will be in high gear through January 2001. Delia has indicated that she intends to stay through the end of the Administration.

I have mentioned this proposed personnel change to John; he has no problem with it but asked to be recused from formally considering the issue. I have attached Delia's resume for your information.

Approve ☒

Disapprove ☐

Discuss ☐

Lisel Loy 

DELIA COHEN

2651 Woodley Road, NW
Washington, DC 20008

202-456-5462 (work)
202-667-1998 (home)

The White House, Office of Correspondence and Presidential Messages, Washington, DC (March 1998 – present)

Deputy Director

- manage 13-office department (70 staff, 800 volunteers, 20 interns)
- write and edit presidential letters, messages, certificates, and proclamations

The White House, Office of the Vice President, Washington, DC (Aug. 1997 - March 1998)

Advance Team

- coordinated media coverage, site logistics, and motorcade for vice presidential events

Freelance Editing Business (1989 - 1998)

Copyeditor

- copyedited books and technical, medical, and scientific journals

National Women's Business Council, Washington, DC (Jan. - July 1997)

Program Manager

- directed access to capital and credit policy workshop series with Federal Reserve and SBA
- wrote speeches, press releases, policy papers, and talking points for the White House, Congress, and the OECD

Florida Democratic Party Coordinated Campaign, Tallahassee, FL (Sept. - Nov. 1996)

Director of Women's Outreach and Women's Policy Spokesperson

- served as campaign spokesperson on women's policy
- created and coordinated extensive free press coverage of Florida women's support for Clinton/Gore
- assembled and managed statewide grass-roots women's leadership group to implement campaign objectives
- directed constituency outreach events with special focus on Republican and Independent women
- worked on advance team for the President and First Lady's Florida events

Democratic National Convention, Chicago, IL (June - Aug. 1996)

Editor, Women's Caucus

- wrote and designed daily newsletter and coordinated women's caucus program

The White House, Office for Women's Initiatives & Outreach, Washington, DC (Jan. - June 1996)

Graduate Intern

- coordinated briefings for women's groups and White House on affirmative action, choice, and product liability
- wrote/edited newsletter and other publications
- acted as virtual conference moderator with America OnLine

InterAction, Washington, DC (Jan. - May 1996): Largest U.S. coalition of development and relief agencies

Graduate Intern

- annotated bibliography on civil society

Amnesty International, New York, NY (1994)

Director of Intern Program

- directed internship program and supervised 20 interns
- wrote, copyedited, and proofread publications

British Language Institute, Cairo, Egypt (1990)

English Teacher

- taught English as a second language to Middle Eastern and expatriate students of all levels

EDUCATION

School for International Training, Brattleboro, VT: coursework for Master's program in International Development (1995)

Smith College, Northampton, MA: B.A., English literature; concentration in Neuroscience (1987)

INTERESTS

- Languages: Arabic, French, Spanish (beginning to intermediate)
- Cross-cultural (lived and worked in the Middle East, Southeast Asia, and Australia, 1989 - 1992)
- Long-distance running (New York City Marathon, 1994; Boston Marathon, 1985)
- Trekking (Mount Everest base camp, Nepal, 1992)

THE PRESIDENT HAS SEEN

7-12-99

THE WHITE HOUSE
WASHINGTON

✓
July 1, 1999

MR. PRESIDENT:

As you know, we're one short in our office following Phil's departure.

I've settled on a very good candidate to come on board as a new deputy staff secretary. Her name's Lisel Loy. She's a Yale (B.A.) and Stanford (J.D.) grad who did public interest legal work here in D.C. (Podesta's clinic at Georgetown); and who's been at Interior since 1997 working for David Hayes, the acting deputy secretary. (Her dad's the undersecretary for global affairs at State).

By all accounts she's an extremely talented lawyer and writer -- and a good person with common sense, poise, and sound judgment to boot. I've attached her resumé.

I'd like to hire her, after you've had a chance to consider her and sign off.

Approve ☒ Disapprove ☐ Discuss ☐

Sean Maloney *SM*

PHOTOCOPY
WJC HANDWRITING

ADAM L. ROSMAN
1833 Swann Street, N.W., No. 22
Washington, D.C. 20009
H 202-483-1818
arosman483@aol.com

EDUCATION

Stanford Law School, Palo, Alto, CA 1992-1995
Juris Doctor, 1995; Article Editor, *Stanford Law Review*; Creator and Director, *Law Review Conference*; Semi-Finalist, *Kirkwood Moot Court Competition*; Co-Chair, *Stanford Law Society of Washington, D.C.*

Union College, Schenectady, NY 1983-1987
Bachelor of Arts, *magna cum laude* in Political Science, 1987; Phi Beta Kappa; Senior Commencement Speaker; Creator and Producer, *Union College Public Speaking Competition*; Varsity Baseball; Theater.

Kansai Gaidai University of Foreign Studies, Osaka, Japan Fall, 1986

London School of Economics, London, England, U.K. Fall, 1985

EXPERIENCE

United States Attorney's Office for the District of Columbia, Washington, D.C. Dec. 1996-present
Assistant United States Attorney. Represent the United States in a wide range of criminal matters in both local and federal court systems in the District of Columbia. Experience includes arguing and briefing appeals before the District of Columbia Court of Appeals; conducting grand jury investigations and obtaining indictments in U.S. District and D.C. Superior Court; and prosecuting more than thirty criminal trials for offenses such as homicide, narcotics distribution, armed robbery, aggravated assault, uttering and theft.

Notable Prosecutions. United States v. Kevin Cleary et al., 00-76 (U.S. District Court; prosecution of co-conspirators in multi-jurisdictional cocaine conspiracy); United States v. Leon Barbour, 99-279 (U.S. District Court; prosecution of five-time convicted felon on weapons charge); United States v. Joshua Felson et al., F-8421-96 (D.C. Superior Court; prosecution of three co-defendants for first degree murder and conspiracy to murder (co-counsel)); United States v. Michael Campbell et al., 97-278 (U.S. District Court; prosecution of two co-defendants for armed robbery, armed kidnapping and first degree murder (co-counsel)).

Published Appellate Opinions. United States v. Leonard M. Watson, 697 A.2d 36 (D.C. 1997) (police had probable cause to search trunk of automobile when they saw driver smoking what appeared to be marijuana and found bags of heroin in the door); Walter Munn v. United States, 703 A.2d 1239 (D.C. 1997) (prosecutor's comment in opening statement about "network of distributing drugs" improper but harmless); Louis Bolanos v. United States, 718 A.2d 532 (D.C. 1998) (in rape case, government's evidence that co-defendants assaulted complainant one week before the rapes properly admitted into evidence).

Awards: Special Achievement Award for Sustained High-Level Performance, September, 1999; Advocate of the Month, General Felony Section: November, 1997, February, 1999; May, 1999 (honorable mention); Employee Volunteer Service Award, April, 1998.

Clinton/Gore 1996, Washington, D.C. Fall, 1996
Assistant to the Director of Presidential Debate Preparation. Assisted Victoria Radd in all aspects of campaign's debate operation including preparation of briefing books, specific issue research and debate prep site logistics. Worked with White House and campaign staffs to ensure that briefing materials were factually accurate, internally consistent and supported by appropriate executive branch departments.

The Honorable Gladys Kessler, United States District Court, Washington, D.C. 1995-1996
Law Clerk. Assisted federal judge in all aspects of judicial decision-making and case management. Docket was criminal and civil, and included complex administrative law suits, RICO actions and public corruption trials.

The Boston University/Chelsea Public Schools Partnership, Boston & Chelsea, MA 1990-1992
Assistant to the Chairman and Superintendent. Implemented and coordinated school- and university-based programs as part of Boston University's 10-year management of the Chelsea Public Schools. Represented school system in public hearings, meetings and on task forces. Implemented school system's first early-childhood education program.

John Silber for Governor, Boston, MA 1990
Deputy State Field Director. Managed operation of state field organization. Directed convention delegate operation.

TEACHING & LECTURE EXPERIENCE

Georgetown University Law Center, Washington, D.C. Fall, 1999, 2000
Adjunct Professor of Law. Trial Practice. Semester-long course teaches basic trial advocacy skills through lectures, demonstrations and mock exercises. Students develop a case theory, structure opening statements and closing arguments, conduct direct and cross examinations, and lay evidentiary foundations.

Georgetown University Law Center, Washington, D.C. January, February, 1999
Lecturer. Professional Responsibility in Prosecuting. Course examined professional responsibility in the context of criminal prosecution, with specific focus on the ethics of federal prosecutors. Lectured on "Prosecutorial Discretion: The Charging Decision," and "Candor in Prosecution."

University of Virginia School of Law, Charlottesville, VA February, 1998, 1999
Lecturer. Trial Advocacy. Instructed in direct and cross examination module of semester-long course. Course was taught by the Honorable Ellen Segal Huvelle, United States District Judge for the District of Columbia.

Metropolitan Police Department, Washington, D.C. June, 1999
Lecturer. Detective & Investigator Training School. Instructed MPD detectives and investigators on case preparation, focusing on crime scene control, witness statements, and physical evidence.

D.C. Law Students in Court, Washington, D.C. February, 1999
Lecturer. Joint program of five law schools in the District, staffed by attorneys who supervise law students in litigation. Lectured on "Ethics in Prosecution."

United States Attorney's Office Training Program, Washington, D.C. 1997-present
Instructor. Train new AUSAs on direct and cross examination, opening and closing statements, and case preparation.

Union College, Department of Political Science, Schenectady, NY Spring, 1987
Co-Teacher. Contemporary International Politics. Team-taught course with member of faculty.

OTHER EXPERIENCE

Office of the White House Counsel, The White House, Washington, D.C. Summer, 1994
Legal Intern. Researched and wrote legal memoranda on issues affecting Executive Office of the President.

Akin, Gump, Strauss, Hauer & Feld, L.L.P., Washington, D.C. Summer, 1994
Summer Associate. Researched legal issues and drafted memoranda and motions for litigation and employment groups.

MEMBERSHIPS & ACTIVITIES

District of Columbia Bar, *Criminal Law and Individual Rights Section*; District of Columbia Bar Association, *Young Lawyers Section*; Commonwealth of Massachusetts Bar; American Bar Association, *Prosecution Function Committee*; Edward Bennett Williams Inn of Court, *Associate*; 24th Judicial Conference of the District of Columbia, *Voting Delegate*; Assistant United States Attorneys Association, *Member*.

THE WHITE HOUSE

WASHINGTON

5.26.00

JOHN -

ADAM'S RESUME, PER OUR
DISCUSSION, I THINK HIS QUALIFICATIONS

EXPERIENCE ARE EQUIVALENT

TO MINE/SEAN'S WHEN WE EACH

STARTED AS DEPUTY STAFF SEC.

W/ SPECIAL ASSISTANT TITLE. I'D

LIKE TO BE ABLE TO BRING HIM

ON AS A SPECIAL ASST, IF

YOU APPROVE.

- LISEL

THE WHITE HOUSE
WASHINGTON

May 16, 2000

John/Maria:

As you know, Joel Wiginton declined our offer for the Deputy slot. I have reconsidered the pool of strong candidates I've interviewed and would like to make an offer to Adam Rosman, a law school classmate of mine from Stanford, who's currently at the U.S. Attorney's office.

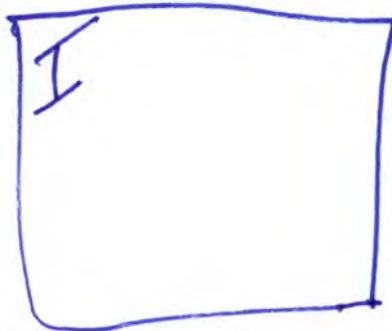
I know Adam to be a talented and meticulous lawyer, an excellent writer, and a thoughtful, poised person. He's been an AUSA since 1996, during which time he's had extensive teaching experience at Georgetown, UVa and elsewhere. Adam worked with Todd Stern and Vicki Radd on '96 debate prep and was also at the White House during the summer of '94 in the Counsel's office. He has had campaign experience as Deputy State Field Director for John Silber's Massachusetts gubernatorial campaign.

If you approve, I would propose to bring him over as a detailee from Justice; as I understand it from Mark Lindsay, a detail would be a plus from our point of view. I have attached his resume for your information.

Approve ☒

Disapprove ☐

Discuss ☐



Lisel Loyd 



Lisel Loy
 1802 35th Street, NW
 Washington, DC 20007
 (202) 208-1446 (w); (202) 965-6321 (h)

EXPERIENCE

Dec. 1997-present

U.S. Department of the Interior, Office of the Secretary, Washington, DC.
Special Counsel to the Acting Deputy Secretary. Primary advisor to Deputy Secretary on Pacific Northwest salmon issues, including impacts of Endangered Species Act on Northwest hydropower and Indian treaty rights; the Administration's Livability Initiative; Indian water rights protection for New Mexico pueblos in middle Rio Grande. Responsibilities include working with Interior staff in developing departmental positions; writing policy and briefing papers for Deputy Secretary; representing Deputy Secretary at departmental and inter-agency meetings; coordinating on inter-agency initiatives with staff at other agencies, the Council on Environmental Quality and the Vice President's office.

Aug. 1995-Aug. 1997

Institute for Public Representation, Georgetown Law Center, Washington, DC.
Graduate Fellow/Staff Attorney. Represented individuals, nonprofits and community groups in civil rights and environmental cases involving urban land use and water pollution issues; solid waste management; Native American law; and race and disability discrimination. Briefed and argued appeal in disability rights case before U.S. Court of Appeals for the Ninth Circuit. Supervised and evaluated law students in clinic, with emphasis on legal research and writing.

Summer, 1994

Beveridge and Diamond, Washington, DC.
Summer Associate. Researched and wrote legal memoranda on issues of federal environmental law, general litigation and white collar criminal defense; provided pro bono assistance for HIV-positive clients affiliated with Whitman Walker Clinic.

Community Law Center, Baltimore, MD.
Summer Associate. Organized community-based project to train lay advocates and conduct know-your-rights workshops in Baltimore neighborhoods.

Summer, 1993

Washington Lawyers' Committee for Civil Rights, Washington, DC.
Summer Associate. Worked on litigation team representing plaintiffs in class action suit against Denny's restaurants. Interviewed witnesses and class members and wrote affidavits; researched and wrote legal memoranda.

Jan. 1990-Apr. 1992

Trust for Public Land, New York, NY.
Senior Project Associate. Designed, managed and raised funds for environmental education program serving 500 schoolchildren in low-income community. Worked with community groups and government agencies to address inner-city open space needs. Negotiated land transactions between private landowners and government agencies as part of land conservation program.

EDUCATION

Georgetown University Law Center, Washington, DC. LLM, Advocacy, 1997.

Stanford Law School, Stanford, CA. J.D., 1995.

Activities: Article Editor, *Stanford Law Review*.
 Co-chair, Environmental Justice Project, East Palo Alto, CA.

Yale University, New Haven, CT. B.A., History, 1988, *cum laude*.

BAR MEMBERSHIP

New York, District of Columbia, U.S. Court of Appeals for the Ninth Circuit.

Dawn M. Chirwa

315 F St. NE ♦ Washington, DC 20002
Phone (202) 456-7963 ♦ Home Phone (202) 543-2016 ♦ Email chirwad@aol.com

WORK HISTORY

9/95 - Present
Washington, DC

The White House Associate Counsel to the President

Responsible for providing legal advice to the President and to employees of the White House Office on a wide range of issues related to the Office of the President. Specifically, I provide legal advice on matters related to government ethics, political activity, including campaign expenditures and political travel, executive clemency power, personnel and security issues. I also provide advice on various policy issues -- primarily in the area of civil rights and immigration issues and U.S. territorial matters.

10/94 - 8/95
Washington, DC

Department of State, Office of the Legal Advisor Attorney Advisor

Provided legal advice to the Secretary and employees of the State Department on government ethics and personnel issues, including handling EEOC cases for the Department. Moreover, I was the attorney primarily responsible for providing legal advice to the Medical Office of the State Department on all issues arising at U.S. embassy medical units throughout the world.

10/92 - 9/94
Washington, DC

Arnold & Porter Associate

Conducted legal research, prepared memoranda and legal briefs, handled client meetings and negotiated before government agencies on behalf of a number of multinational corporate clients in a variety of practice areas, including international trade, antitrust, and environmental law. In addition, I was a member of a team representing an inmate on death row in Virginia in a state *habeas corpus* action.

7/91 - 9/91
New York, NY

Cleary, Gottlieb, Steen & Hamilton Summer Associate

Assisted in providing legal advice for an initial public offering; researched and wrote legal memoranda pertaining to bankruptcy litigation.

EDUCATION

Stanford Law School - JD, 1992 - Conferred with Distinction

Top 15% of Graduating Class

Stanford International Law Society -- Co-Chair

Stanford Journal of International Law -- Associate Managing Editor (1990 - 1992)

Jessup International Moot Court Competition -- Best Brief (Regional)

University of Wisconsin - Madison -- Bachelor of Science (Psychology), 1988

Dean Scholar

Chancellor Scholar

VOLUNTEER AND COMMUNITY ACTIVITIES

The DCWorks Program -- For the past six years, I have helped to coordinate a pre-college summer program designed to assist disadvantaged high school students of color to attend college.

KRISTEN E. SCHMEELCKE

1736 North Queens Lane, Apt. 196 Arlington, VA 22201 (703) 528-4682

EDUCATION

Vanderbilt University School of Law, Nashville, TN

Juris Doctor, May 1996

Recipient, **Harlan K. Dodson Award**: Moot Court Board; Director, National First Amendment Moot Court Competition; Director, Legal Aid Stipend Fund

The American University, Washington, DC

Bachelor of Arts, School of Public Administration, May 1990

Resident Advisor; Mortar Board, Alpha Lambda Delta; Golden Key National Honor Society

EXPERIENCE

HOLLAND & KNIGHT LLP, Washington, DC

9/96 - Present

Associate

Broad-based commercial and civil litigation practice focusing on government contracts, energy, health care, construction and pro-bono social security cases. Litigation experience includes first chair trial responsibility, depositions, discovery management and motions practice. Monitor legislative and regulatory developments. Expertise in False Claims Act, including drafting responsibilities for industry response to qui tam action.

Provided on-site contract management for major transportation infrastructure project

Publications: *Federal Grant Funded Construction, Affirmative Action After Adarand, Procurement Law Advisor Legislative Update and Procurement Law Advisor Y2K Update.*

Professional Affiliations: Vice Chair, Legislative Coordinating Committee, ABA Public Contract Law Section. Member, Civil False Claims Act Working Group. Admitted to Maryland and District of Columbia bars.

955-3000

3d year couple friends
Melinda

Burrows

* Jane + Shelly

knows Redesta + Ucelli

Steve Green - ambassador to Singapore
Noel Gould - Virtual Trade Mission

ASTRUM INTERNATIONAL, Washington, DC

Deputy Director, International Projects

Expanded international markets for Astrum's operating companies, Samsonite, Culligan and Botany 500

Established relations with Congress and government agencies to secure support for overseas ventures and

created international resource briefing materials. Coordinated chairman's political and philanthropic activities.

1/91 - 8/93

DEMOCRATIC SENATORIAL CAMPAIGN COMMITTEE, Washington, DC

1/90 - 12/90

Assistant National Events Director

Created and maintained a daily briefing on senatorial campaigns. Acted as liaison between Committee staff and Senate offices. Coordinated logistics for and advanced senators' national fundraising trips.

INTERNSHIPS AND SPECIAL PROJECTS

Holland & Knight LLP, Washington, DC

Summer Associate

5/95 - 8/95

Less, Getz & Lipman, Memphis, TN

Summer Associate

5/94 - 8/94

Amtrak, Washington, DC

Government & Public Affairs Intern

9/88 - 6/89

Mendenhall Associates, Wilmington, DE

Marketing Associate

12/88 - 8/89

Senator Joseph R. Biden, Washington, DC

Congressional Intern

1/87 - 9/87

Crompton & Solomon, Wilmington, DE

Law Firm Runner

2/85 - 1/88

- Vice President and General Counsel, Virtual Trade Mission Foundation - Present
- Legal Advisor, President's Committee on the Arts & the Humanities, Coming Up Taller Initiative - Present
- Planned Absolutely Unofficial Bluejeans Bash - 1993 and 1996 Clinton-Gore Inaugurals
- Planned U.S. Olympic Committee Annual Washington Dinner - 1991 and 1992
- Helped Walter Shorenstein plan San Francisco Fundraiser for Vice President Gore - June 1993
- Cofounder, Cajun-Kosher Coalition (Breau-Lieberman fundraising effort)
- Coordinated and led GQ Magazine delegation to Moscow and St. Petersburg
- Planned and led GUM Management on two-week, six-city tour of U.S. retail operations

THE MICHAEL LEWAN COMPANY

June 14, 1999

MEMORANDUM

TO: Doug Sosnik
FROM: Michael Lewan
RE: Kristen Schmeelcke

Kristen Schmeelcke is under consideration to be Deputy Staff Secretary at the White House. She is my old friend and a great person for the President's team. Back in 1992, she staffed the Breaux-Lieberman efforts and has handled both law and politics with great skill.

Give her your most serious consideration.

CLARA JIHYE SHIN

2001 16th Street, NW #206 • Washington, DC 20009 • 202-456-5506 • Clara_J._Shin@WHO.EOP.GOV

Maria Echaveste
John Podesta

EDUCATION

Stanford Law School, J.D., May 1998

- Honors: *Stanford Law Review*; *Environmental Law Journal*; Steven M. Block Civil Liberties Writing Award.
- Activities: Asian Pacific Islander Law Students Association, President; Public Interest Law Students Association, Program Chair; East Palo Alto Law Project, Economic Development Committee.

Smith College, B.A. in Government and Psychobiopolitics (self-designed interdisciplinary major), May 1992

- Honors: First Group Scholar (top 5% of class) and Departmental Honors.
- Activities: Class President; Special Assistant to the College President; *Korean-American Women's Journal*, Co-founder and Editor; Committee on College Planning and Resources, Student Member.

WORK EXPERIENCE

White House Office of the Chief of Staff, Washington, DC

White House Fellow, September 1998-Current

- Track science and technology issues for the Chief of Staff and serve as a liaison to technology groups.
- Manage, for the Counsel to the President and the Deputy Chief of Staff, the interagency Civil Rights Coordinating Council focusing on civil rights enforcement priorities.
- Assist in the development, drafting, and publication of the *President's Race Report*.
- Aid the Deputy Chief of Staff in managing the development of the President's 1999 State of the Union.

Paul, Weiss, Rifkind, Wharton & Garrison, New York, New York

Summer Associate, June-August 1997

- Drafted habeas corpus appellate briefs and prepared merger agreements.

United States Agency for International Development (USAID), Pretoria, South Africa

Assistant to the Regional Legal Advisor for Southern Africa, June-August 1996

- Drafted Bilateral Agreements with South Africa to establish economic policy and human rights programs.
- Assisted in developing a privately-funded, lease-to-own housing program for low-income South Africans.

Corporation for National Service (CNS), Washington, DC

AmeriCorps Program Officer, December 1992-1995

- Assisted in creating the CNS, managed a \$25 million AmeriCorps grant portfolio, and facilitated state partnerships.
- Co-designed the \$100 million public service component of a HUD initiative to revitalize distressed public housing.
- Designed and managed a Department of Defense program to assist areas negatively affected by military downsizing.

National Women's Law Center, Washington, DC

Research Associate, June-December 1992

- Drafted position papers on laws excluding women from military combat and coordinated the advocate groups.

OTHER EXPERIENCE

United Nations Conference on Human Rights, Zagreb, Croatia and Vienna, Austria

Management Team, July-November 1993

- Coordinated the Earth Train Youth Summit for Peace in Zagreb, Croatia.
- Assisted in organizing the UN Children's Conference on Human Rights and drafted the Conference Report.

Tahoe-Baikal Binational Environmental Institute (TBI), Lake Tahoe, California and Lake Baikal, Siberia

Founding Member and Participant, June 1988-September 1991

- Participated in developing the project design for TBI and drafted the first Project Report.

Friend of Janet Reno &
Nelson Reagan

Robert Jarrin 1717 20th Street, NW, Apt. 310, Washington, DC 20009 • (202) 986-7621

EDUCATION

Northeastern University School of Law, Boston, MA

Candidate for Juris Doctorate, May 1999. Elected Faculty Advisory Council Representative, first year, Class of 1999.

University of Maryland, College Park, MD

Bachelor of Arts Degree, Government and Politics, May 1994. Funded 100 percent of tuition and living expenses.

Study Abroad: **El Instituto Internacional**, Madrid, Spain, summer of 1993.

PROFESSIONAL EXPERIENCE

The Overseas Private Investment Corporation (OPIC), Legal Affairs, Washington, DC, March 1999 – Present

Legal Intern. Assist OPIC attorneys on a variety of international transactional matters pertaining to risk assessment, project finance, and investment insurance.

QUALCOMM Incorporated, Office of External Affairs, Washington, DC, October 1998 – March 1999

Senior Government Affairs Specialist. Commuted weekly from Boston, MA, to Washington, DC, to support QUALCOMM's government relations efforts, legislative interests, and international lobbying presence. Assisted the Director of Government Affairs to prepare briefing materials, conduct opposition research and draft issue briefs. Worked with industry consultants to further QUALCOMM's government relations strategy and to achieve the global harmonization of the 3rd generation of wireless digital telecom technology. Edited several motions filed by the company before the U.S. Court of Appeals.

QUALCOMM Incorporated, Latin America Wireless Infrastructure Division, San Diego, CA, Summer 1998

Business Management Intern. Assigned to an acquisition team responsible for assessing the value and viability of wireless operations that were privatized by the Brazilian Ministry of Telecommunications (TELEBRAS) on July 29, 1998. Assisted senior managers and corporate officers to prepare the business case analysis and valuation of four wireless entities that were subsequently bid upon by QUALCOMM at nearly \$1.4 billion dollars. Transactional legal work included drafting agreements between corporations, writing terms sheets and operative documents, translating contracts, and assessing potential liabilities.

The White House, Office of Counsel to President Clinton, Washington, DC, March 1998 - May 1998

Legal Intern. Served as a legal intern in the Office of Counsel to the President of the United States. Assignments included drafting motions on behalf of the Executive Office of the President, writing legal memorandums and conducting inquiries for administrative legal matters. Helped to prepare the Director of Administration for budgetary hearings before the U.S. House of Representatives and the Senate.

U.S. Department of Justice, Office of Attorney General Janet Reno, Boston, MA, August 1997 - March 1998

Consultant. Received sole source justification contract from the Department of Justice to continue a project begun as a law clerk for the Attorney General, Janet Reno. Implemented the *Federal Support for Communities Initiative* and finalized the *Federal Support for Communities Resource Guide* and web page. Worked mainly from the U. S. Attorney's Office in Boston, MA, and traveled frequently to meet with Ms. Reno and other senior Department of Justice officials. Received commendation from the Attorney General, May 1998.

U.S. Department of Justice, Office of Attorney General Janet Reno, Washington, DC, Summer 1997

Law Clerk. Worked under the direct supervision of Ms. Reno and her personal staff on a project aimed towards improving the way the Department of Justice and other executive agencies categorize and disseminate information on domestic programs and grants. Ultimately, founded the *Federal Support for Communities Initiative* and drafted the *Federal Support for Communities Resource Guide*, which sparked an innovative intra-agency, collaborative effort. Worked extensively with many components of the Department of Justice and attended Cabinet level meetings and briefings with Ms. Reno.

Technical Assistance & Training Corporation (TATC), Washington, DC, May 1994 - March 1996

Associate. Contracted to provide management consultant support to the top officials of the U.S. Department of Labor, including various political appointees and former Secretary of Labor Robert Reich. Assisted in the development of agency directives, formalized management training initiatives, and organized nationwide conferences and town hall meetings.

SKILLS AND ACTIVITIES

Native fluency in Spanish. Extensive computer experience. Cycle and run competitively.

References Available Upon Request

CAROLYN R. FLAMM

14 Timberline Court
Pittsburgh, Pennsylvania 15217
(412) 521-5058

Called 5/28
left message

PROFESSIONAL EXPERIENCE

PENNSYLVANIA SUPERIOR COURT - JUDGE JOHN L. MUSMANNO
Chief Judicial Law Clerk - 1998

COHEN & GRIGSBY
Litigation Associate - 1996 - 1998

PICADIO McCALL KANE & NORTON
Litigation Associate - 1994 - 1996

REED SMITH SHAW & McCLAY
Litigation Associate - 1991 - 1994

Carolyn Flamm
412 880
5803

EDUCATION

DUKE UNIVERSITY SCHOOL OF LAW
Juris Doctor - 1991
Grade Point Average - 3.4
cum laude

UNIVERSITY OF PENNSYLVANIA
Bachelor of Arts - 1988
Grade Point Average - 3.8
magna cum laude

RECENT POLITICAL CAMPAIGN ACTIVITIES

CONGRESSMAN BILL COYNE
14th Congressional District
Fundraising, Phone Banking, Sign Distribution
Fall 1998

REPRESENTATIVE DAN FRANKEL
23rd Legislative District
Organized Community Meeting, Fundraising, Literature Distribution
Spring 1998

JUDGE JOHN L. MUSMANNO

Pennsylvania Superior Court

Chaired and Organized Young Lawyers Fundraiser, Worked Polls

Fall 1997

CHRISTIAN F. SCHERER

Sheriff

Co-chaired Fundraiser

Fall 1998

99 FEB 5 PM 1:16

PROFESSIONAL AFFILIATIONS AND CIVIC ACTIVITIES**AMERICAN INNS OF COURT****AMERICAN BAR ASSOCIATION****PENNSYLVANIA BAR ASSOCIATION****ALLEGHENY COUNTY BAR ASSOCIATION**

Chair – Member Services Committee

Center for Volunteer Legal Resources – *Pro Bono* Volunteer**ANIMAL LEGAL DEFENSE FUND****FEDERAL BAR ASSOCIATION**

Co-chair – Young Lawyers Division

REFERENCES**ROBERT S. GRIGSBY****COHEN & GRIGSBY**

Westinghouse Building

11 Stanwix Street

Pittsburgh, Pennsylvania 15222

(412) 297 - 4973

HARLEY N. TRICE, II**REED SMITH SHAW & McCLAY**

435 Sixth Avenue

Pittsburgh, Pennsylvania 15219

(412) 288 - 3282

ANTHONY P. PICADIO**PICADIO McCALL KANE & NORTON**

4680 USX Tower

600 Grant Street

Pittsburgh, Pennsylvania 15219

(412) 288 - 4010

JUDGE JOHN L. MUSMANNO**PENNSYLVANIA SUPERIOR COURT**

3130 1 Oxford Centre

301 Grant Street

Pittsburgh, Pennsylvania 15219

(412) 880 - 5800

MAY 14 PM 4:30

WILLKIE FARR & GALLAGHER**FAX TRANSMISSION**

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FROM: Jacqueline Pearson

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TO: Sean Maloney

Attached, as discussed, is a copy of
the resume of Kathryn Jones of Harvard.

-J

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Kate
KATHRYN C. JONES

57 Roseland Street #1
 Somerville, MA 02143
 (617) 576-4711
 kjones@law.harvard.edu

called 5/28

left message

12:00 p.m.

6/2/99

EDUCATION

HARVARD LAW SCHOOL, J.D. candidate, June 1999

Honors: Irving R. Kaufman Public Service Fellow, awarded to graduating students who embody the spirit of **public interest lawyering**
 Edith Fine Public Interest Fellow, awarded to one graduating woman who has demonstrated extraordinary leadership and commitment to pursuing public interest work

Activities: *Harvard Civil Rights-Civil Liberties Law Review*, Executive Board
 SAILS Lunch Project, Co-founder and chair
 Student Public Interest Network, Co-chair
 Student Funded Fellowships, Co-chair
 4th Annual Public Interest Auction, Co-chair

Thesis: *Faith Without Boundaries: A Practical Opposition to Charitable Choice*

Cuomo -

Dave Colonic - summer assoc
 worked with Cuomo

YALE UNIVERSITY, B.A. American Studies with Distinction, May 1996

Honors: *cum laude*
 Robert E. Lewis Award for **top senior intramural athlete**
 Robert Perkins Prize for contribution to intramural athletics

Activities: Class of 1996, Treasurer
Habitat for Humanity, Co-founder and work trip coordinator
 Focus on New Haven Community Service Orientation

Thesis: *The Green Grass of Home: An Ethnographic Study of the Irish American Community in New Haven*

- 6/10 = graduation
 - taking the bar exam
 last week in July
 - in 516 928-2019
- (**EXPERIENCE**
 long island though the weekend

CRIMINAL JUSTICE INSTITUTE, Cambridge, MA

1998-1999

Represented adults and juveniles charged with criminal or delinquency offenses in Massachusetts state courts. Responsible for investigation, interviews, legal research and writing, and trials. Received extensive training in all aspects of criminal defense work through Harvard's clinical program.

NAACP LEGAL DEFENSE AND EDUCATIONAL FUND, INC., NY Summer 1998

Researched legal issues for cases in the Criminal Justice Project, including direct representation in state and federal courts at the trial, appeal, and post-conviction stages and impact litigation related to criminal justice. Prepared memoranda on legal and policy issues concerning state indigent defense systems, voting rights, juvenile justice, and hate crimes legislation.

HALE AND DORR LEGAL SERVICES CENTER, Jamaica Plain, MA 1997-1998

Represented low-income clients in the Housing Division of Harvard's Legal Services Center. Handled ten cases each semester at every stage of the summary process action, including client interview and communication, investigation, and litigation. Prepared, filed, and argued legal motions.

PUBLIC DEFENDER SERVICE, Washington, D.C.

Summer 1997

Aided in the representation of indigent criminal defendants. Researched legal issues, conducted investigations, and assisted at hearings and trials in the D.C. Superior Court. Prepared memoranda and briefs on issues such as Rape Trauma Syndrome, Fourth Amendment search and seizure, and Fifth Amendment privilege.

HARVARD DEFENDERS, Cambridge, MA

1996-1997

Represented low-income clients in criminal show-cause hearings. Handled intake calls during weekly office hours. Received training in client interviewing, investigation, and hearing procedures.

PERSONAL

Enjoy sports, Kentucky basketball, anything outdoors, and writing.

KATHRYN C. JONES
57 Roseland Street, Apartment 1
Somerville, MA 02143
(617) 576-4711

References

Professor Jeanne Charn
Harvard Law School
Austin Hall 204
Cambridge, MA 02138
(617) 495-5448

and professor of ethics

Laura Hankins
NAACP Legal Defense and Educational Fund
1444 Eye Street, N.W.
10th Floor
Washington, D.C. 20005
(202) 682-1300

Roger Bertling
Hale and Dorr Legal Services Center
122 Boylston Street
Jamaica Plain, MA 02130
(617) 522-3003

Nicole Denise Shivers

603 10th Street, NE
Washington, D.C. 20002
Home Phone (202) 544-0559

OBJECTIVE- To obtain a position in an environment where I can utilize my experience in international relations, research and organizational skills in order to improve the conditions of the underserved.

WORK HISTORY

- 08/98-04/99 *Legislative Fellowship- Congressman Charles B. Rangel (D-NY)*
worked on international and women's issues including human rights, Africa trade, domestic violence, health and Cuban issues. Organized briefings and meetings with congressional staff and lobbyists.
- 09/98 *Democratic National Committee-Volunteer*
"Get Out the Vote Campaign"- November 4th, 1998 elections
- 02/98-07/98 *Dynamic People Employment Agency- Assignments*
EDS/Unigraphic- Administrative Assistance
Atlanta Life Insurance Auditing Department-Administrative Assistant
Georgia Post Council- Clerical and Data Entry
Griffin and Strong Law Office- Data Entry
JcPenny- Clerical and Data Entry
- 09/97-12/97 *Internship in South Africa with Lawyers for Human Rights.*
My responsibilities included: coordinating and facilitating a paralegal training program, administrative duties, organizational development and field research
- 07/97-09/97 *Refugee Women's Association-Volunteer*
Taught Ethiopian women English
Counseled the women in understanding Western culture
- 02/97-05/97 *University of California at Berkeley*
Research Assistant for Dr. Stephen Small (Georgia Archives)
Project Title: "Mulatto Slaves in Georgia and Jamaica from 1850 to 1860"
- 08/96-05/97 *Clark Atlanta University-Africana Women's Studies Department*
Administrative Assistant
- 01/96-05/96 *Tennessee State University-College Tutor*
Tutored students with Attention Deficit Disorder (ADD)

EDUCATION

Currently working on master's thesis in Africana Women's Studies
Clark Atlanta University- GPA 3.7
Bachelor's of Arts- History 1995
Tennessee State University- GPA 3.5

COMPUTER SKILLS

- WordPerfect, Microsoft Word, Microsoft Excel, Macintosh, Internet Browser

ASSOCIATIONS / AWARDS

08/96-05/97 Academic Fellowship/Clark Atlanta University
08/93-12/95 National Dean's List
08/94-12/95 History Club/Tennessee State University
08/93-05/94 Spanish Club/Tennessee State University

References available upon request.

CHARLES B. RANGEL

15TH CONGRESSIONAL DISTRICT
NEW YORK

DEPUTY WHIP

COMMITTEE

WAYS AND MEANS

RANKING MEMBER

SUBCOMMITTEE ON TRADE

JOINT COMMITTEE ON TAXATION

Congress of the United States
House of Representatives
Washington, DC 20515-3215

2354 HAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-3215
TELEPHONE: (202) 225-4365

DISTRICT OFFICES:

MS. VIVIAN E. JONES
DISTRICT ADMINISTRATOR163 WEST 125TH STREET
NEW YORK, NY 10027
TELEPHONE: (212) 683-39002110 FIRST AVENUE
NEW YORK, NY 10029
TELEPHONE: (212) 348-9630PLEASE RESPOND TO
OFFICE CHECKED

March 8, 1999

Mr. Bob Nash, Director
White House Personnel
The White House
Washington, DC 20500

Dear Bob:

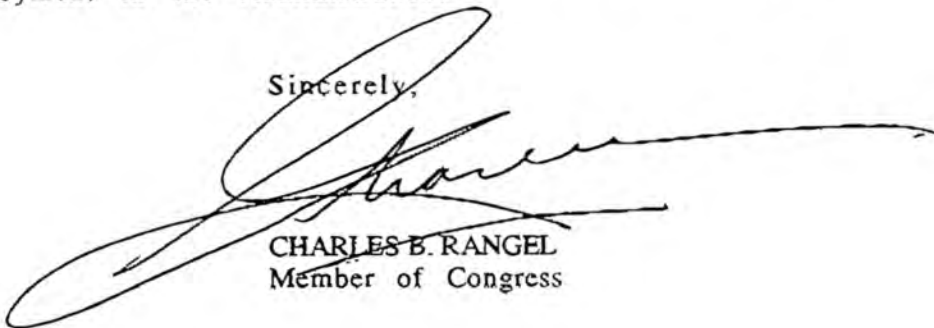
I am writing to support the appointment of Nicole Shivers to a position in the Administration. A fellow of the Women's Research and Education Institute (WREI), Ms. Shivers' appointment to my Washington office began in September 1998 and will end in April of this year.

As you can see, Ms. Shivers' academic and work background have given her significant exposure in the international arena, particularly in Africa, the area in which she is completing her Masters degree.

In my office, Ms. Shivers has been a productive addition to my staff. She has demonstrated her professionalism and commitment to my legislative efforts while gaining a knowledge of the legislative process and its relationship to the executive branch. She has consistently proven her willingness to work hard as a member of the team.

I urge you to do whatever you can to assist in her search for employment in the Administration.

Sincerely,

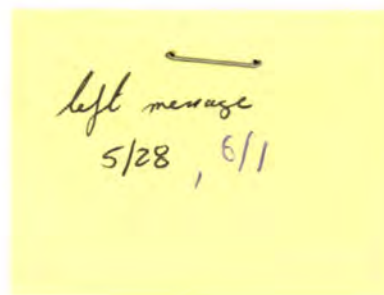


CHARLES B. RANGEL
Member of Congress

CBR/em

cc : Charles Duncan

SALA ELISE PATTERSON
4420 18th Street, N.W.
Washington, D.C. 20011
(202) 291-8973



EDUCATION:

Columbia College, Columbia University, New York, NY.
 B.A., *cum laude*, African American Studies/English, 1996.

Reid Hall, Columbia University, Paris, France.
 French Language and Civilization, January 1995 - May 1995.

AWARDS:

Departmental Honors, African American Studies, Columbia College, 1996.
 Kluge Scholar, Columbia College, 1992 - 1996.
 National Achievement Finalist, NY Times Scholarship, 1992.

EXPERIENCE:

- Aug. 1998 - **Greenpeace, USA, Washington, D.C.**
 Sept. 1998 **Assistant Campaign Organizer**
 Aided in the development of a national environmental justice policy campaign. Responsibilities included running campaign office, organizing press conferences and media coverage, coordinating mailings, soliciting support from legislators and entertainers, and responding to public inquiries.
- Oct. 1997 - **International Foundation for Education and Self-Help, Cotonou, BENIN.**
 Mar. 1998 **Volunteer English Teacher**
 Taught, developed curricula, examinations, activities and lesson plans for an experimental pilot project in the Beninese Public Elementary Schools.
- July 1996 - **Japan Exchange Teaching Program (JET), Nishiazu, JAPAN.**
 Aug. 1997 **Assistant Language Teacher**
 Created and executed lesson plans, examinations, and activities for Junior High and Elementary level English instruction.
- Sept. 1995 - **profundities, inc., Harriette Cole, New York, NY.**
 May 1996 **Research Coordinator**
 Promoted from research assistant to designer and coordinator of a more effective research system on Ms. Cole's second book publication. Duties included hiring and supervising a nationwide team of researchers.
- June 1995 - **Congressional Black Caucus Internship, Washington, D.C.**
 Sept. 1995 **Junior Legislative Assistant**
 Prepared legislative memos and fielded constituent questions and concerns for Congresswoman Eleanor Holmes Norton.
- Sept. 1993 - **ELLE Magazine, Kim France, New York, NY.**
 May 1994 **Entertainment Intern**
 Served as Ms. France's personal assistant. Duties included screening, giving preliminary reviews of music, books, and videos to be covered in the magazine, as well as attending industry functions to scout new talent.

SKILLS:

Fluent in French
 Conversational Japanese
 Conversational Italian

REFERENCES: Available upon request.

Leah Pizar

1318 35th Street, N.W.
Washington, D.C. 20007
(202) 298 7667

Sara-
Leah is Blinken's
sister I told you
about. - LARA

674-7232 (w)

PROFESSIONAL EXPERIENCE

- 2/98- present **United States Department of State, Washington, D.C.**
Deputy Director of Communications, Bureau of Public Affairs: Develop and implement communications and media strategies for full spectrum of foreign policy issues. Work in coordination with National Security Council and other agencies. Draft speeches, articles, press releases etc. for the Secretary, the Assistant Secretary for Public Affairs and other Department officials. Evaluate, edit, clear documents generated by the Department.
- 8/96-1/98 **The White House, Washington, D.C.**
National and International Advance Representative: Planned and oversaw logistics for media coverage of the President and First Lady for international as well as official and campaign-related domestic travel.
- 10/95-8/96 **Embassy of the United States of America, Paris, France.**
Special Assistant and Speech Writer to Ambassador Pamela Harriman: Researched and drafted policy speeches, articles, editorials, briefing memoranda and talking points in English and French.
- summer '94 **The Foreign Policy Association, New York, NY.**
Assistant to the Editor: Researched and wrote articles on international issues including economic development in South America, Haitian and Cuban immigration crises, the UN International Conference on Population and Development.
- summer '93 **UNESCO Courier, Paris, France.**
Assistant researcher: Edited and translated articles for issues devoted to nuclear disarmament, natural resources and international cultural exchange.
- summer '92 **United States House of Representatives, Washington, D.C.**
Intern, Office of Representative Stephen Solarz: Drafted press releases, responses to constituents on domestic and international issues and entries for *The Congressional Record*.
- summer '91 **The Forward, New York, NY.**
Reporter: Wrote articles and features on New York politics, culture and education. Covered the 1992 Summer Olympics in Barcelona, Spain.

EDUCATION

- 10/94-10/95 **Institut d'Etudes Politiques, Paris, France.**
Advanced Degree (DEA) in International Relations with honors: Thesis on French strategies in the GATT Uruguay Round negotiations (137pp.)
- 9/90-6/94 **Harvard University, Cambridge, MA.**
A.B. in Government with honors: Focus on U.S.-European relations. Senior thesis on "The Franco-American Cultural Wars" (101pp.) Founder and editor of *Euroforum*, a quarterly publication and sponsor of lectures on European affairs. Editor, *The Harvard Crimson*. Led student delegation to academic conference on "The Future of the International System" (Luxembourg 1993.)
- 9/75-9/90 **Ecole Active Bilingue, Paris, France.**
French *baccalaureat* with honors. 2nd Prize, *Concours General* (national essay competition.)

LANGUAGES

Fluent English, French, Spanish. Basic Italian and Portuguese.

BETH PRICHARD ALPERT
317 S. Mill View Way
Ponte Vedra Beach, FL 32082
904-543-0656 (H) 904-366-2909 (O)

CSX Transportation

Director-Community Relations & Public Affairs

Direct CSX Transportation's community relations and corporate giving programs. Manage public affairs projects to increase and strengthen company's presence across 23-state operating system. Direct CSX Transportation's Political Action Committee (PAC)-including plan development, video and training components.

Jacksonville, FL

June 1998-Present

Director of Public Affairs

July 1997-June 1998

Co-authored and managed communications and public relations plans for Surface Transportation Board (STB) approval of the CSX-Norfolk Southern joint acquisition of Conrail. Directed ten state public relations firms and four national consulting organizations on earned media and grassroots strategies for acquisition approval. Created and directed company's industrial development communications plan.

Vice President Al Gore

Liaison to Democratic National Committee

Washington, DC

April 1996-July 1997

Directed all operations and staff of the Vice President's Liaison Office, including development of Vice President's Intergovernmental Affairs and Southern Political Desk operations. Managed communications and political issues between the DNC and the White House.

Director of Public Liaison, The White House

May 1994-April 1995

Created and managed the Vice President's political liaison operation, including formation of core constituency outreach programs. Accompanied the VP on all domestic and foreign missions.

Executive Assistant, The White House

January 1993-May 1994

Managed all operations of the Vice President's West Wing Office and served as principal contact between the VP and his staff. Created and managed VP's Women's Outreach initiative. Directed coordination of briefings and meeting preparation for all events, as well as debriefing the VP for feedback to his and White House senior staff.

U.S. Department of Labor

Chief of Staff to Deputy Secretary

Washington, DC

April 1995-April 1996

Managed strategic planning and operations of the Office of the Deputy Secretary. Served as senior advisor on policy initiatives and directed coordination of Administration/Departmental priorities among executive staff.

Clinton-Gore 1992

Executive Assistant to Senator Al Gore

Washington, DC

July 1992-January 1993

Managed daily schedule, briefing book and correspondence systems while accompanying Senator on campaign plane.

U.S. Senator Al Gore

Executive Assistant/Scheduler

Washington, DC

November 1989-July 1992

U.S. Representative Bob Clement

Staff Assistant

Washington, DC

November 1988-November 1989

Education

Harvard University, Cambridge, MA

Program for Senior Managers In Government

September 1994

Middle Tennessee University, Murfreesboro, TN

B.S.-Communications, Cum Laude

May 1987

Jennifer Muller
1600 South Eads Street, Apt. 1116S
Arlington, VA 22202
(703) 892-0586

62817

called 6/2

EDUCATION

Brown University

Magna Cum Laude, May 1996

Departmental and Thesis honors in American Civilization

School for International Training—International Relations, Botswana Africa, February- May 1995

Studies focused on conservation and sustainable development in Africa, language learning and cross-cultural exchange.

Ann Walker
383-9597
Nobela warriale

EXPERIENCE

The White House, Office of the Vice President, Executive Assistant for Policy, January 1998 – Present

I work on issues such as bilingual education, clean air, environmental justice and government reinvention. I also write speeches for Senior Policy Advisor Morley Winograd, and author briefing memos for the Vice President. Other responsibilities include coordinating office operations and acting as a staff contact for events.

The White House, Presidential and Vice Presidential Advance Staff, November 1997- Present

As a member of the site and press advance staff, I have set-up sites for Presidential visits, arranged layouts for staging and press risers, backdrops and cut-away risers, set-up filing centers and transmission pools, and been responsible for coordinating press and troubleshooting on-site.

The White House, Office of Communications Special Projects, Intern, September 1997- January 1998

Drafted an "African American Accomplishments" stump speech for administration officials, wrote sample op-eds for outside groups, drafted talking points for senior staff, conducted research and edited the President's "Central High" speech for publication. Other projects included creating a media strategy for Bill Lee's appointment to the position of Assistant Attorney General for Civil Rights.

The White House, Office of the White House Press Secretary, Intern, January 1997- April 1997

Drafted correspondence for Mike McCurry, maintained the ebb and flow of documents to and from the press office, wrote memoranda, distributed daily press guidance and conducted administrative duties.

National Security Council Press Office, Intern, September 1996 - January 1997

Responsibilities included drafting and editing press releases, channeling journalists' requests to press officers, answering press queries and conducting research for White House spokespersons and National Security Advisors.

Broadcast Journalist, TCI Cable--Channel 6, Long Island, New York, September 1996- December 1997

Reported for 1996 election night special, hosted Juvenile Diabetes Foundation walk-a-thon program, and hosted educational program in conjunction with Animal Planet. I also served as a political analyst on monthly show, "Youth and Politics," and as a freelance reporter.

Broadcast Journalist, LI News Tonight--Channel 25, Long Island, New York, June 1996 - September 1996

Covered search and recovery effort at TWA flight 800 crash site, followed congressional races and reported local crimes.

The White House, First Lady's Social Office, Intern, December 1995- January 1996

Assisted in the planning and coordinating of Christmas White House events including State Dinners and Candlelight Tours.

The White House, First Lady's Office of Scheduling and Advance, Intern, July 1995- August 1995

Phoned parties interested in scheduling time with the First Lady, maintained scheduling records, managed incoming and outgoing scheduling requests and conducted administrative duties.

Kuru Bushman Development Trust, Project Worker, --Kalahari Desert, Botswana, April 1995

Worked with indigenous populations on wildlife and resource management. Planned and organized a new store, assisted with Bushman craft buying and the running of the craft project.

WRITING AND ORATORY AWARDS

- Veterans Foreign Wars- Voice of Democracy Speechwriting Contest -1st Place N.Y. State
- American Legion Speechwriting Contest - 1st Place District
- Scholastic Publishing Company's Writing Contest -Essay, "A Tale of Truth the Rainforest Calamity," 3rd Place Nationally
- Princeton University Book Award
- Nassau County Bar Association- Law Day Essay Contest- 2nd Place
- Hofstra University Short Story Writing Contest- Honorable Mention
- Cable Television & Telecommunications Association of New York Gilbert Award for Journalism- Finalist
- U.S.A. Today Academic Team
- American Academy of Achievement Salute to Excellence Honorary Guest

AWARDS FROM PUBLIC OFFICIALS

- State of New York Legislative Resolution presented by Senator Tully
- State of New York Legislative Resolution presented by Senator Maltese
- New York State Senate Achievement Award
- Citation from Nassau County Executive Tom Gulotta
- Proclamation from Town of North Hempsted Supervisor Ben Zwirn

PUBLICATIONS

- Publication of Speech "Why I am Proud of America" *United States Congressional Record* (Vol 136 #22)
- Publishing Rights Sold for "A Tale of Truth: The Rain Forest Calamity" to Scholastic Magazine Company

**Remarks for Morley Winograd, Director of the National Partnership for
Reinventing Government and Senior Policy Advisor to the Vice President to
PNGV Award Winners
March 17, 1999**

Thank you

I have the pleasure and honor of being here to celebrate your tremendous accomplishments. I know that the Vice President wanted to be here today. He asked me to express to you his sincere pride in all of the really great work that you are doing.

PNGV has often been compared with the Apollo space program of the 1960s and there is a lot of justification to that comparison. Just as Apollo was aimed at doing something that few people thought possible, something so unreachable as landing and walking on the moon, you too are visionaries and pioneers.

A long time ago the Vice President had a dream of industry and government working together to develop cars that are clean, safe, affordable and have three times the fuel economy as the typical American passenger car. He also believed that we could achieve that goal without a lot of regulation, that the market could drive the innovation. If we partnered our greatest minds, he thought that we could achieve this result. Back in 1993 Bob Eaton, Red Poling, Jack Smith, the President and Vice President all geared up to undertake our version of the Apollo mission.

But there is one big difference between the Apollo program and ours. In the Apollo program, they only had to build one rocketship at a time, and cost was not a factor. But the vehicles that are developed under PNGV have to be mass manufactured at a cost that the average family can afford. We just recently passed the halfway point for PNGV, five years of the projected 10 year research program. Early next year we will mark another important milestone when the automobile manufacturers unveil their PNGV concept cars. But we can't stop there. We must drive our program home, and

develop an environmentally friendly car that every American will park in his driveway.

A lot of people thought that the Apollo program would not succeed. I don't have to tell you that Neil Armstrong did walk on the moon. With each discovery you make you are bringing us one step closer to our goal. And for this, each of you deserve a hearty congratulations.

I hope that each of you will accept the letters of congratualtions from the Vice President that will be presented to you with your awards, and to your project leaders (after the program). You should all be really proud of your accomplishments today.

The goals that we have set are lofty, and the obstacles at times vast, but the work that you have done on fuel cells is really top notch. In the words of Neil Armstrong, "That's one small step for man, one giant leap for mankind."

**VIDEOTAPED REMARKS FOR VICE PRESIDENT AL GORE
BLACK COLLEGE FOOTBALL ALL AMERICAN AWARDS
25TH ANNIVERSARY CELEBRATION**

February 27, 1999

It is my great honor to welcome you to the 25th Annual Sports Black College All American Awards Banquet. Congratulations to American Urban Radio Networks and Ron Davenport for continuing to raise the bar for our nation's youth.

There is something about football, about Americans' belief in the game-- we often see games as metaphors for who we are as a people. As in athletics we want the rules to be fair, and people to get their fair chance. You are helping to translate these principals off the field-- to close the gaps that have existed historically between the races in this country. Sponsors Chevrolet Motor Division, the U.S. Marines and Terry Manufacturing, your donations of more than one hundred million dollars over the years to Black Colleges around the country are having a profound impact on our society as a whole. Our Administration is joining you in this effort. Over the course of the Administration we have increased funding for Historically Black Colleges by over \$250 million to ensure access to a quality education to young African Americans of promise.

There are so many winners in this room who make the future look promising. Winners like Offensive Player of the Year Patrick Bonner and Defensive Player of the Year Terry Houzah (Who-Zah). Not to mention Alvin Wyatt, winner of the Eddie Robinson Coach of the Year Award. This nation needs more African American coaches and team owners like you, to lead such award-winning teams like the outstanding Florida A&M, 1998 National Black College Football Champions. Congratulations to each of you for your truly phenomenal achievements.

And a special salute to the SBN All American Team-- each of you has embraced the ideal of Martin Luther King Jr. who said "I can never be what I ought to be until you are what you ought to be." I'd like to thank you for reaching back to the community, to help to ensure that the next generation doesn't have to jump over the same hurdles. To the special guests here tonight, the students of the Atlantic Public High School, you should keep in mind that SBN All American Jerry Rice, who will soon be inducted into the Hall of Fame, began to develop his strong hands by catching bricks from his father while working on a scaffolding and his speed from running 5 miles to and from school. You never know where the future will take you-- keep working hard, and striving for your goals.

Author James Lawton once wrote "They say football is America's greatest game, but it is not. The greatest game in America is called opportunity. Football is merely a great expression of it." The you are translating the values of teamwork, commitment, stamina and fair play on and off the field and typifying the true American spirit. Congratulations to each of you here tonight for your exceptional personal achievements-- you are an inspiration to the next generation. Have a fantastic 25th celebration.

**VIDEOTAPED REMARKS FOR VICE PRESIDENT AL GORE
ENCOURAGING TVA CADNET SCHOOL-TO-WORK EXPANSION**

February 2, 1999

When I was in high school I spent my time away from the classroom working on a farm in Tennessee—those are some of my most cherished memories where I learned the meaning of hard work and integrity that have seen me through my career. Today, young people are growing up in a faster world, a more technological world, where the nature of work is changing and the skills learned on the job are becoming even more essential. Moore's law says that our technology is doubling every 18 months. By the year 2000, 60% of all jobs will require highly technical skills. As time passes, there will be fewer opportunities for the untrained worker.

When President Clinton and I came to office we were struck by some pretty startling statistics. In the years preceding our Administration, wages of young workers who only had a high school diploma had fallen by 40%. The wages of high school dropouts fell even further. And yet, half of high school graduates in this country weren't going on to college, three-quarters weren't finishing. Too many students were dropping out or graduating without the skills that they needed to succeed in today's economy—failing to see the promise and potential that lay ahead of them. That is why the President and I worked so hard to build bipartisan support for the School-to-Work Opportunities Act (of 1994) that aimed at preparing our children for a changing world.

One such School-to-Work program, Tennessee Valley Authority's CADnet, has had demonstrated success teaching high school students computer aided drafting techniques in a realistic business environment. Under the management of Ken Gorman who was brought on by Morris Chapman of TVA, CADnet has become one of the finest School-to-Work programs in the nation. Individual students are trained to engineer drawings on a computer drafting system and to pursue contracts from industry. Some students are inspired to learn more, and have decided to pursue higher education or other vocations, but others are transitioning successfully into the job market. The program now benefits six schools and has enrollment of over four hundred students - the expansion of this program throughout the Tennessee Valley would allow it to reach even more students throughout the nation.

There is an old Native American saying-- "Tell me and I will forget. Show me and I may not remember. Involve me and I will understand." This philosophy is central to the CADnet program that mixes old style apprenticeship with modern day technology. In each classroom there are no visible signs of a chalkboard, just a cluster of desks in a dim lit room and students working with mentors.

This sort of program can help all of our children realize their potential in the information age. As they enter the marketplace our young people will soon find that what they can learn will translate into what they can earn. If we wish to give all of our young people the power to succeed in the changing marketplace and to soar as high as their dreams take them, then we must waste no time in preparing each of them for the high-tech world that awaits them.



Congressional Record

United States
of America

PROCEEDINGS AND DEBATES OF THE 101st CONGRESS, SECOND SESSION

Vol. 136

WASHINGTON, WEDNESDAY, MARCH 7, 1990

No. 22

House of Representatives

ESSAY BY JENNIFER ROSE
MULLER

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1990

Mr. MRAZEK. Mr. Speaker, I rise today in recognition to Jennifer Muller, of Roslyn, NY. She recently won first place in the Voice of Democracy competition sponsored by VFW Post 5253 of Albertson.

The Voice of Democracy competition is an outstanding program that encourages our young people to express their thoughts and feelings about the meaning of democracy in essay form. This year's program, which was the 43d annual competition conducted by Post 5253, was conducted under the leadership of Voice of Democracy Chairman Vincent Oesterle, Cochairperson Rhoda Zwicker, Commander John Devane, and Post President Lorraine Olteal.

Subsequent to winning the Albertson Post 5 competition, Jennifer went on to win the Nassau County and New York State competitions. She recently participated in the national competition held in Washington, DC.

Mr. Speaker, for the benefit of my colleagues, I insert Jennifer Muller's insightful and eloquent essay into the record:

ESSAY BY JENNIFER ROSE MULLER

My grandfather used to tell me "Home is the place where you hang your heart." I would add, "Home is also a place, where you can take off your shoes, recline and be yourself." Although in order to maintain your home, you may have to do a few chores, it is always worthwhile because home is a place where you can speak your mind and be comfortable * * * I can sincerely say that America is my home.

Although it is a cliché to say that America is the land of purple mountains and amber waves of grain. She is more than her sce-

nery. America is about her people. Real people. Walking down the street of the city, what do you see? People. Dark people or light people * * * a Jewish person entering a Chinese restaurant, a barebacked construction worker lifting a cinder block, an Indian man dancing the tarantella, and a woman at a podium speaking out for the rights of AIDS patients. All under the collective title of Americans. Not people hindered by injustice or oppression, but rather people protected by the Bill of Rights and joined together by the bond of their citizenship and this citizenship guarantees many things.

Only in America could a citizen write a letter to the President saying anything he believed and expect a response in return. Only in America are the people governing and the people being governed one and the same. Only in America could I run into the streets with a burning flag denouncing her name without fear of retribution * * * Only in America.

This seems especially amazing when we compare these actions with those of the Russian author Solzhenitsyn, who in February of 1945 wrote a letter to a friend in which he made a reference of the "whiskered one" or Joseph Stalin and made a derogatory comment about the war. The letter fell into the wrong hands. Solzhenitsyn was sentenced to 8 years in a labor camp on the outskirts of Moscow. He didn't even come close to burning the Russian flag.

Thus, America is a great paradox. While She seems to potentially contain the seeds of her own destruction through her tolerance of criticism. She never falters. Rather, with each blow from the people She is tested, sometimes reformed, and always made stronger.

Early American protester Henry David Thoreau is a great example of a man whose protests had a tremendous impact. He fought slavery and the war with Mexico by passive resistance. His essay entitled "Civil Disobedience" was an inspiration to many including Martin Luther King, Jr.

King was an ordinary American citizen who proved to be not so ordinary when he led thousands in protest against American policies of segregation and inequality. His

protests led to progress. Today we have the first black mayor of New York and the first black governor of Virginia.

Compare that with the other nations of today where religious and racial inequality still burn strong. Such nations such as South Africa and their policies of apartheid, Russian discrimination against the Jews, and in Czechoslovakia where last April thousands of Roman Catholics rioted for religious toleration. Many were killed at the fangs of dogs and greater than 200 were arrested. There are no Martin Luther King, Jr.'s to lead the people of these nations and to speak out for them. Especially when speaking out in itself is a crime.

But in America, you don't have to be a Martin Luther King, Jr. or a Caesar Chavez to have an effect. Just last week, I joined hands with other Americans to protest Japan's actions because they recently violated an international pact to stop whaling. I signed petitions and wrote a letter to President Bush asking him to put the pressure on Japan to stop the slaughter. In what other nation could I voice my opinion so loudly and so directly? Perhaps I might have an effect on American foreign policy. On November 24, I will take part in an anti-fur march. My voice will be heard!

But many other nations, whether they are tyrannical or oppressive, rape their people by telling them where to live, what occupation to be, or what to think. They rape their people not only because they violate the people's freedom to choose but because they make even the most moral acts immoral by forcing the people to take part in them in the same way that making love becomes rape when it is forced.

I am proud of America because She allows me to be who I am. She allows me to speak out for what I believe in: whether it is whales, abortion or getting a traffic light installed at the end of my street. My pride in America stems from her strength of diversity in opinion, nationality, and her allowing for freedom of choice.

My grandfather was indeed a wise man. Home is the place where you hang your heart and mine is hanging in the United States on a hook that allows for conflict, diversity, and openness.

Jennifer Muller
1600 South Eads Street
Apartment 1116 South
Arlington, VA 22202
(703) 892-0586

Veterans of Foreign
Wars Speechwriting
Contest--1st place
N.Y. State and one of
53 national winners out
of 150,000 entrants

—
left message
coming 2pm

Rick
Richard W. Hess

479 5168

Twenty-one Hundred 19th Street, NW, Apartment 206 • Washington, DC 20009 • (202) 319-9868 • hess@dnc.democrats.org

WORK EXPERIENCE

Democratic National Committee, Washington, DC

Deputy Press Secretary -- March, 1998 to present

- Serve as sole on-the-record contact for media inquiries into dozens of ongoing congressional/federal investigations into the Democratic National Committee arising from 1995-96 campaign fundraising.
- Work as spokesperson for Democratic Party's anti-GOP message with print, radio and television journalists. Gave numerous radio and television interviews. Highlight GOP's anti-working family agenda in press releases, talking points and memoranda.
- Brief General Chair Gov. Roy Romer and National Chair Steve Grossman prior to television interviews on general message and answers to specific questions.

Research Associate -- 1996 to March, 1998

- Researched campaign finance record of former and current GOP officeholders and officials during campaign finance inquiry.
- Worked as political researcher for national presidential campaign. Collected and summarized the public and legislative records of Republican presidential and vice presidential candidates, including a dozen potential vice presidential candidates.
- Provided immediate background information on campaign and political issues for campaign's "rapid response" press operation. Wrote extensive research documents as well as short "talking points." All writing emphasized clarity, accuracy, precision and speed.
- Helped prepare Vice President's debate briefing books. Fact-checked portions of President's debate briefing books.

Public Strategies, Inc., Atlanta, Georgia

Research Consultant -- 1995

- Worked for a public affairs consulting firm, providing initial research on potential client list and on the firm's market competitors.
- Developed and maintained database of clients and governmental/political contacts. Managed Atlanta office during absences of office manager.

Zell Miller for Governor Campaign, Atlanta, Georgia

News Briefer and Researcher -- May to December, 1994

- Collected and summarized political news into a twice-daily briefing for Governor Miller and senior campaign staff.
- Monitored television, radio and print media for opposition advertisements for campaign's "rapid response."
- Researched opposition candidates and campaign policy issues.

The White House, Washington, DC

Intern, Domestic Policy -- July to August, 1993

- Assisted Domestic Policy program staff and Carol Rasco, then-Assistant to the President for Domestic Policy, with office duties, including scheduling and correspondence.

Clinton/Gore '92 Campaign, Little Rock, Arkansas

National Advance Staff -- June, 1992 to January, 1993

- Prepared event locations for media and crowd events. Managed small events such as press conferences, editorial board meetings, and campaign rallies attended by tens of thousands of people.

EDUCATION

Emory University, Atlanta, Georgia

B.A. in Political Science and History, December, 1995

Phi Beta Kappa

College Dean's List

Phi Alpha Theta, National History Honor Society

Pi Sigma Alpha, National Political Science Honor Society

Tom Janenda - Dep Research

Peter Kadzik - attorney

Amy Weiss

Dan Goldberg

'99 JUN 28 AM 11:02

THE WHITE HOUSE
WASHINGTON

June 21, 1999

Go for it.
SDP

John:

After learning Clara's decision last week, I brought Lisel Loy back in for a second interview; got a writing sample; and spoke with a number of her references (including Hope Babcock at GTU and David Hayes at Interior, both of whom raved about her).

By all accounts she's an extremely talented lawyer and writer -- and a good person with common sense, poise, and sound judgment to boot. I've attached her resumé.

I'd like to move toward making her an offer, after you and the President have had a chance to consider her. She'd probably need around \$75,000 and could start in mid-July, which is important given the clock we have running on David's departure in mid-August.

Please let me know how you'd like to proceed.

Sean Maloney *SM*

cc: Karen Tramontano

5.16.00

Maria-

I wanted to let you know I talked with Kathy Curran this morning. We had a good meeting, and I'm sure she would be very good in the position.

As I've outlined in the attached note, my first choice for the job is Adam Kosman, a lawyer at the U.S. Attorney's office. Having known and worked with Adam, I have absolute confidence that he'd do an outstanding job as Deputy Staff Sec.

If for some reason things don't work out with him, I'd like to revisit Kathy as a candidate.

Lisel

THE WHITE HOUSE
WASHINGTON

May 16, 2000

John/Maria:

As you know, Joel Wiginton declined our offer for the Deputy slot. I have reconsidered the pool of strong candidates I've interviewed and would like to make an offer to Adam Rosman, a law school classmate of mine from Stanford, who's currently at the U.S. Attorney's office.

I know Adam to be a talented and meticulous lawyer, an excellent writer, and a thoughtful, poised person. He's been an AUSA since 1996, during which time he's had extensive teaching experience at Georgetown, UVa and elsewhere. Adam worked with Todd Stern and Vicki Radd on '96 debate prep and was also at the White House during the summer of '94 in the Counsel's office. He has had campaign experience as Deputy State Field Director for John Silber's Massachusetts gubernatorial campaign.

If you approve, I would propose to bring him over as a detailee from Justice; as I understand it from Mark Lindsay, a detail would be a plus from our point of view. I have attached his resume for your information.

Approve _____ Disapprove _____ Discuss _____

Lisel Loy *lk*

4pm TELUS

JOEL K. WIGINTON

1731 S Street N.W., # 11; Washington, DC 20009
(202) 456-6494 (work); (202) 328-6565 (home)

WORK EXPERIENCE

The White House, Special Assistant to the President for Legislative Affairs – 1/99 to Present

Served as the President's primary lobbyist to the Senate Judiciary, Commerce, Banking, Agriculture, and Small Business Committees and on transportation, technology, telecommunications, and disaster relief issues. Responsible for developing policy with the White House Office of Policy Development and the relevant Departments and Agencies. Oversaw and directed the lobbying efforts of the Departments and Agencies within my issue areas.

George Washington University School of Law, Adjunct Professor – 9/98 to 5/99

Developed the curriculum for and taught Legal Writing and Research to first-year law students with a particular emphasis on appellate brief writing, critical thinking, and oral advocacy.

The Senate Judiciary Committee, Constitution Subcommittee, Chief Counsel – 3/98 to 1/99

Served as Chief Counsel to Senator Russell Feingold, Ranking Minority Member on the Constitution Subcommittee. Directed the legislative, hearing, and oversight efforts of the Subcommittee and served as the lead Senate staffer on constitutional issues. Managed a small staff of lawyers and professional staff members. Prepared in depth constitutional analysis of bills and proposed constitutional amendments for the Senator and the full Judiciary Committee.

The Senate Judiciary Committee, Courts Subcommittee, Counsel – 3/97 to 3/98

Served as Counsel to Senator Richard Durbin, Ranking Minority Member on the Courts Subcommittee. Primary staffer to the Senator on constitutional, civil rights, civil justice, and telecommunications issues. Key responsibility for the Subcommittee's judicial review function.

Swidler & Berlin, Litigation and Telecommunications Associate – 8/96 to 3/97

Extensive motion practice in federal complex commercial litigation. Written and oral advocacy before a number of different state agencies regarding a major telecommunications merger.

Dorsey & Whitney, Litigation Associate – 8/95 to 8/96

Deposition and motion experience. Argued a dispositive motion in a federal constitutional case.

EDUCATION

University of Chicago School of Law, J.D. – 6/95 – **Macalester College**, B.A. – 5/92

10³⁰ Thurs
called 5.31.00

ANDREW J. SHAPIRO

2000 Connecticut Ave., NW, #501
Washington, D.C. 20008
Work: (202) 353-0012
Home: (202) 232-0972
e-mail: andrew_shapiro@hotmail.com

EXPERIENCE

**INTERNATIONAL COMPETITION POLICY ADVISORY COMMITTEE TO THE
ATTORNEY GENERAL AND THE ASSISTANT ATTORNEY GENERAL FOR ANTITRUST**

Counsel

U.S. Department of Justice, Washington, DC

May 1998 – Present

Assist Advisory Committee Members in considering the challenges for international antitrust enforcement in the global economy and providing a policy vision to guide the U.S. Department of Justice. Responsibilities include research and writing on issues relating to the interface of international trade and competition policy as well as the role of competition policy in the development of electronic commerce, preparing talking points and speeches for Co-Chairs of Advisory Committee, and managing outreach to businesses, trade associations, and other groups involved in the work of the Advisory Committee.

COMINGTON & BURLING

Associate

Washington, DC

November 1995 – May 1998

Worked on projects in international, litigation, and antitrust practice areas. Major projects include drafting comments to the United States Trade Representative, providing advice to clients concerning the Foreign Agents Registration Act and the Export Trading Company Act, and drafting brief for NFL Special Master Proceeding.

MICHIGAN DEMOCRATIC PARTY COORDINATED CAMPAIGN

Assistant Communications Director

Detroit, MI

September 1996 – November 1996

Assisted Communications Director in coordinating statewide press, research and monitoring efforts for Clinton-Gore '96 and Michigan's Democratic ticket. Wrote press releases and media advisories describing Clinton-Gore and Democratic Party media events in Michigan. Drafted talking points for surrogates who were to appear on television or radio.

THE WASHINGTON INSTITUTE FOR NEAR EAST POLICY

Senior Research Assistant

Washington, DC

September 1989 – May 1991

Provided research support for Fellows. Managed incoming research information. Edited *Policy Papers* and wrote *Policy Forum Report* Newsletters.

EDUCATION

COLUMBIA UNIVERSITY SCHOOL OF LAW, New York, NY

Juris Doctor, May 1994

Honors and Activities: Harlan Fiske Stone Scholar – 1st, 2nd and 3rd Year
Journal of Transnational Law – Notes Editor
Harlan Fiske Stone Moot Court Competition Finalist
Parker School Certificate of Achievement in International Law
First Amendment Teaching Assistant, Columbia University School of Journalism

COLUMBIA UNIVERSITY SCHOOL OF INTERNATIONAL AND PUBLIC AFFAIRS, New York, NY

Masters in International Affairs, May 1995. Teaching Assistant for International Law.

UNIVERSITY OF PENNSYLVANIA, Philadelphia, PA

Bachelor of Arts *cum laude* with Honors Distinction in Diplomatic History, Minor in Political Science, May 1989
Honors History Thesis: *Anglo-American Relations and the Egyptian Question, 1952-54*

HONORS AND MEMBERSHIPS

Council on Foreign Relations. Term Member. 1999 – Present

Salzburg Seminar Fellow. Session 365, *The Transatlantic Agenda at the Turn of the Century*. March 1999

American Bar Association, Member, Sections of International and Antitrust Law

Co-Chairs:
James F. Rill
Paula Stern

Members:
Zoë Baird
Thomas E. Donilon
John T. Dunlop
Eleanor M. Fox
Raymond V. Gilmartin
Vernon E. Jordan, Jr.
Steven Rattner
Richard P. Simmons
G. Richard Thoman
David B. Yoffie

**INTERNATIONAL COMPETITION POLICY
ADVISORY COMMITTEE**
To The Attorney General And The
Assistant Attorney General For Antitrust

Executive Director:
Merit E. Janow

Counsel:
Cynthia R. Lewis
(202) 514-8505

Andrew J. Shapiro
(202) 353-0012

Stephanie G. Victor
(202) 616-9705

FACSIMILE

To: Lisel Loy
White House Office of the Staff Secretary

Fax No. : 202-456-2215

From: Andrew J. Shapiro

Date: May 1, 2000

Pages: 2 (including cover page)

Message:

It was nice to speak with you about a possible position in the Staff Secretary's office. As we discussed, you will find attached a copy of my resume. If you require any additional information, please do not hesitate to contact me at 202-353-0012. I look forward to hearing from you soon.

Andrew Shapiro

James F. Rill, Esq.
Collier, Shannon, Rill & Scott, PLLC
3050 K Street, N.W., Suite 400
Washington, DC 20007

Dr. Paula Stern
The Stern Group, Inc.
3314 Ross Place, N.W.
Washington, DC 20008

Professor Merit E. Janow
Columbia University
420 West 118th Street
Int'l Affairs Bldg., Room 909
New York, NY 10027

ICPAC
U.S. Department of Justice
Antitrust Division - Rm. 10011
601 D Street, N.W.
Washington, DC 20530

Phone: (202) 342-8430

Phone: (202) 966-7894

Phone: (212) 854-1724

Phone: (202) 353-9074
Facsimile: (202) 353-9985

698-F 20/10/0 219-1

9888888202

May-01-00 01:50pm From-ICPAC

Sean P. Maloney

05/10/2000 10:37:27 AM

Record Type: Record

To: Lisel Loy/WHO/EOP@EOP

cc:

Subject:

fyi

----- Forwarded by Sean P. Maloney/WHO/EOP on 05/10/2000 10:37 AM -----



Vicki Johnson

05/10/2000 10:28:22

AM

Record Type: Record

To: Sean P. Maloney/WHO/EOP@EOP

cc:

Subject:

Hi Sean- By now you may have received an email from Daniel Montoya. I wanted to *confidentially* express my interest in the Deputy Staff Secy position, and Daniel suggested I ask you what my next step would be. I'm the attorney for Presidential Personnel, and also work with Julian Potter, Paul Yandura and Phil Dufour on the gay and lesbian appointment process. I'd be happy to talk with you or Lisel Loy about my background and interest in the position. Thanks. My extension is 6-6780. Unfortunately since I don't have much privacy in my office, I may ask to call you back.

VICKI JOHNSON

1715 19th St., NW #2 Washington, DC 20009 (202) 462-5644 avjohnson@hotmail.com

LEGAL AND POLITICAL EXPERIENCE

THE WHITE HOUSE, Washington, DC

Counselor, Executive Office of the President, Office of Presidential Personnel November 99 - Present

Liaison between Office of Presidential Personnel and White House Counsel on all matters related to Presidential Nominations and Appointments. Duties include political and legal vetting, assisting with nominations and recess appointments strategy and interpreting governing legislation. Report to Director and Deputy Director. Responsive to White House Senior Counsel on Nominations. Responsible for reviewing and responding to all requests for documents and to all legislative referral and OMB memoranda on pending legislation. Drafted issue updates for Director's weekly report to the President. Handled responses to candidates and queries from Members of Congress. Managed staff assistant and intern. Top Secret Clearance.

UNITED NATIONS' INTERNATIONAL TELECOMMUNICATIONS UNION, Minneapolis, MN

Plenipotentiary Conference Outreach Manager February 98 – January 99

Developed and implemented outreach plan to recruit and coordinate 1,000 volunteers for month-long international technology conference. Managed all outreach aspects of conference according to needs of UN and US State Department diplomatic officials.

US DEPARTMENT OF HOUSING & URBAN DEVELOPMENT, Washington, DC

Congressional Liaison Officer April 97 - November 97

Clinton Administration appointee; served as Departmental liaison for 72 U.S. Senators and U.S. Representatives from Minnesota, California, Hawaii and Nevada. Utilized broad knowledge of the legislative process and of all HUD programs and initiatives. Disseminated information, both pro-actively (e.g. Statements of Administration Policy on legislation) and in response to requests from Congressional staff (e.g. policy queries and constituent issues). Coordinated Congressional outreach for special projects including the signing of an M.O.U. with the National Urban League, and President Clinton's Community Empowerment Board Regional Conference.

THE 53RD PRESIDENTIAL INAUGURAL COMMITTEE, Washington, DC

Co-Director of Lesbian and Gay Outreach November 96 - January 97

Served as official liaison to the Lesbian and Gay (L/G) community, identified leadership for all inaugural events and responded to daily press and public inquiries regarding inaugural events.

DEMOCRATIC NATIONAL COMMITTEE, Washington, DC

Deputy Director of Lesbian and Gay Outreach May 96 - November 96

Coordinated and supervised all aspects of the L/G Caucus for the 1996 Democratic National Convention, including speakers, programming, materials and VIP arrangements. Served as liaison between L/G community leaders, L/G democratic clubs and Party leadership. Coordinated DNC L/G efforts with other Democratic base vote groups.

US DEPARTMENT OF HOUSING & URBAN DEVELOPMENT, Washington, DC

Legal Honors Attorney, Office of General Counsel September 92 - June 95

Researched and drafted legal memoranda, opinions, correspondence and regulatory documents in areas of public and assisted housing and general litigation issues. Chosen as one of six law school graduates nationwide to participate in HUD's Legal Honors Program.

FEDERAL HOUSING FINANCE BOARD, Washington, DC

Law Clerk May 91 - August 91

Researched and drafted legal memoranda and opinions in areas of banking, administrative and corporate law.

EDUCATION

EMORY UNIVERSITY SCHOOL OF LAW, Atlanta, GA

J.D. 1992 and Member of Georgia Bar
Dean's Task Force on Diversity Appointee
Dean's List

SMITH COLLEGE, Northampton, MA

B.A. 1987 in Political Science
Sophia Smith Award (Top 1% Incoming)
Dean's List

VOLUNTEER EXPERIENCE

GORE 2000

- Assistant to Director of Strategic Operations August 99 – November 99
- Mirian Saez for Gore Delegate Campaign GOTV volunteer

HUMPHREY FOR GOVERNOR '98 (Constituent Outreach and Fundraising Advisor) November 97 – November 98

OTHER: Event Volunteer: Habitat for Humanity, NOW, AIDSWalks, Washington Humane Society. Steering Committee Member: Emory Law School Public Interest Committee. Co-Founder and/or Co-Chair: HUD Federal GLOBE, Emory L/G Law Society.

2925 Briarpark Drive
Suite 100
Houston, TX 77042
Phone: 713-781-8000
Fax: 713-784-4141

Granite Properties

'00 MAY 9 PM7:01

Fax-

To: Lisel Loy	From: Stuart Dow
Fax: 202-456-2215	Date: May 9, 2000
Phone:	Pages: 2, including cover page
Re:	CC:

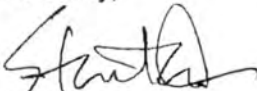
☐ **Urgent** ☐ **For Review** ☐ **Please Comment** ☐ **Please Reply** ☐ **Please Recycle**

Lisel:

I apologize for the informal nature of this correspondence. I've attached a copy of my resume, and as you'll see, it's not completely up-to-date. As you may recall, I no longer practice law, though I've kept my license. And though my former firm was prepared to make me a partner (and I'm happy to put you in touch with references there to verify this), I simply did not enjoy litigation. So, when I received an offer to head up a new business line with a commercial real estate developer, I decided to take seize the opportunity. Incidentally, I'm happy to send you writing samples, just let me know.

I would love to come to Washington to pursue discussions or an interview, if you consider that a logical next step. I look forward to hearing from you. Thanks for your consideration.

Sincerely,



Stuart Dow

Stuart J. Dow
4035 W. Alabama
Houston, Texas 77027
(w)713.781.8000/(h)713.626.5207
studow@hotmail.com

Education: **Yale University:** B.A. in History, graduated cum laude 1988. Concentration in Medieval Jewish-Arab Relations. Winner of the Cogswell Award for outstanding community service. Head Freshman Counselor for Calhoun College. Statewide Chairman of *Connecticut Committee for Handgun Control*.

University of Texas School of Law: J.D. 1994. Member of The Review of Litigation; Winner of Hutcheson & Grundy Moot Court Competition; Winner and named Best Advocate in the Strasburger & Price Honors Mock Trial Competition.

Employment: **Susman Godfrey, L.L.P.** (Houston, Texas) 1994 - Present
 Associate Attorney. Extensive hands-on experience in a variety of complex, commercial litigation, including anti-trust actions, toxic-tort class actions and , international contract disputes. Have tried the following cases:

Steven Weller v. Xavier Mines, Ltd., et. al. (1995): Represented Plaintiff in case involving breach of contract and fraud claims arising out of oil and gas exploration in the former Soviet Union. Prepared and put on expert witness and argued legal motions. Case settled on eve of closing arguments with Defendants agreeing to pay Plaintiff over \$5 million.

Elizabeth Miller v. Lee Ellis, James Metyko and Big Ball Sports, Inc. (1996): Represented Plaintiff in minority shareholder oppression claim. Responsible for all pre-trial discovery and legal motions. At trial, opened, put on Plaintiff and cross-examined one of the Defendants. Jury found for the Plaintiff on every issue and judgment entered for the Plaintiff at \$3.3 million.

Rafael and Patricio Healy v. Peter and Kenneth Sperling, Smith Barney, Inc. & D.E. Frey, Inc. (1997-98): Represented Mexican father and son in N.A.S.D. arbitration in claim based on broker misconduct and unsuitable investment strategy. Responsible for all pre-trial discovery and legal motions; prepared all fact and expert witnesses; put on Plaintiff and expert, and cross-examined Defendant and Defendants' expert. Decision rendered in favor of the Plaintiffs, who were awarded compensatory damages and attorneys fees.

The Jerusalem Post 1989 - 1990
 Journalist for English-language, Israeli newspaper. Covered daily-life in Jerusalem; featured stories included: peace dialogues between Israelis and Palestinians during height of the *Intifada*; fight against homelessness in Jerusalem by local priest; and clandestine frequenting of adult bookshops by the ultra-orthodox.

Miscellaneous:

- Creator of J-MASS (Jewish Monthly Adult Study Sessions)
- Frequent lecturer on Jewish and legal topics
- Member of the Boards of Directors of the Jewish Federation of Houston,, Houston Hillel, and the KIPP Academy (a charter school for inner-city children)
- Proficient in Spanish and Hebrew
- Hobbies include reading, playing the saxophone and exercise

1045.01
723 8474

JOEL K. WIGINTON

1731 S Street N.W., # 11; Washington, DC 20009
(202) 456-6494 (work); (202) 328-6565 (home)

WORK EXPERIENCE

The White House, Special Assistant to the President for Legislative Affairs – 1/99 to Present

Served as the President's primary lobbyist to the Senate Judiciary, Commerce, Banking, Agriculture, and Small Business Committees and on transportation, technology, telecommunications, and disaster relief issues. Responsible for developing policy with the White House Office of Policy Development and the relevant Departments and Agencies. Oversaw and directed the lobbying efforts of the Departments and Agencies within my issue areas.

George Washington University School of Law, Adjunct Professor – 9/98 to 5/99

Developed the curriculum for and taught Legal Writing and Research to first-year law students with a particular emphasis on appellate brief writing, critical thinking, and oral advocacy.

The Senate Judiciary Committee, Constitution Subcommittee, Chief Counsel – 3/98 to 1/99

Served as Chief Counsel to Senator Russell Feingold, Ranking Minority Member on the Constitution Subcommittee. Directed the legislative, hearing, and oversight efforts of the Subcommittee and served as the lead Senate staffer on constitutional issues. Managed a small staff of lawyers and professional staff members. Prepared in depth constitutional analysis of bills and proposed constitutional amendments for the Senator and the full Judiciary Committee.

The Senate Judiciary Committee, Courts Subcommittee, Counsel – 3/97 to 3/98

Served as Counsel to Senator Richard Durbin, Ranking Minority Member on the Courts Subcommittee. Primary staffer to the Senator on constitutional, civil rights, civil justice, and telecommunications issues. Key responsibility for the Subcommittee's judicial review function.

Swidler & Berlin, Litigation and Telecommunications Associate – 8/96 to 3/97

Extensive motion practice in federal complex commercial litigation. Written and oral advocacy before a number of different state agencies regarding a major telecommunications merger.

Dorsey & Whitney, Litigation Associate – 8/95 to 8/96

Deposition and motion experience. Argued a dispositive motion in a federal constitutional case.

EDUCATION

University of Chicago School of Law, J.D. – 6/95 – Macalester College, B.A. – 5/92



U.S. Department of Justice

Civil Rights Division

'00 MAY 9 AM 10:34

*Educational Opportunities Section
P.O. Box 65958
Washington, DC 20035-5958*

FAX TRANSMITTAL SHEET

		Date: 5/09/00
To:	Name: Lisel Loy	
	Organization: Office of the Staff Secretary	
	FAX No: (202) 456-2215	
	Off. Phone: (202) 456-2702	
From:	Name: Sunil Mansukhani	
	Organization: Dept. of Justice Civil Rights Div.	
	FAX No: (202) 514-8337	
	Off. Phone: (202) 305-1804	
Subject: As we discussed.		
Number of pages transmitted (including this sheet): (30 Pages maximum)		/ 0
		

Sunil H. Mansukhani

2800 Quebec St. N.W. # 908
Washington, D.C. 20008
(202) 305-1804

EDUCATION

YALE LAW SCHOOL, J.D., 1995

Activities: Yale Law Journal, Editor 1994-95
Moot Court, Fall 1994
Yale Journal on Regulation, Editor 1993-94
TRO Project for Battered Women, 1992-93

UNIVERSITY OF ILLINOIS at URBANA-CHAMPAIGN

A.B. *Summa Cum Laude* in Political Science and Economics, 1992

Activities/Honors: Phi Beta Kappa; Phi Kappa Phi and State Farm Fellowship Recipient, 1992; Charles Merriam award for outstanding junior in Political Science, 1991.

EXPERIENCE

Summer 1999-
Present

TRIAL ATTORNEY, U.S. DEPT. OF JUSTICE, CIVIL RIGHTS DIVISION Washington, D.C.

Litigate on behalf of the United States in education-related civil rights cases. Work also involves conducting investigations, negotiating settlements, and drafting *amicus curiae* briefs. Took CLE courses in ADR and Trial Advocacy.

Fall 1997-
Summer 1999

STAFF ATTORNEY, INSTITUTE FOR PUBLIC REPRESENTATION (IPR), Georgetown University Law Center, Washington, D.C.

Represented plaintiffs in federal trial and appellate civil rights cases. Drafted motions and briefs. Took and defended depositions. Engaged in legislative advocacy. Supervised law students' clinical work at IPR. Took CLE courses in Employment Discrimination, § 1983 Litigation, and Negotiation. LL.M. in Advocacy awarded, October 1999.

Fall 1996-Fall 1997

LAW CLERK, CHIEF JUDGE EDWARD N. CAHN, E.D. Pa.

Analyzed motions in criminal and civil cases and made recommendations to judge. Drafted opinions, orders, and jury instructions.

Fall 1995-Fall 1996

ASSOCIATE, CROWELL & MORING, Washington, D.C.

Worked on team representing defendant in concurrent criminal investigation and qui tam litigation. Researched and drafted memoranda for other clients on several criminal procedure issues and statutes. Participated in all phases of discovery for civil antitrust case, including fact development, deposition preparation, and drafting numerous motions.

Pro Bono: Represented a mother in two child custody cases. Drafted section of *amicus curiae* brief to U.S. Supreme Court analyzing Arizona's English-only law. Responsible for preparing possible claim against urban school district for discriminatory treatment of limited English proficient students. D.C. bar training in child custody and domestic violence cases.

- Spring 1995** **SUPERVISING STUDENT, JEROME FRANK LEGAL SERVICES ORGANIZATION, New Haven, CT**
Supervised two law students' work on juvenile delinquency and child abuse and neglect cases in Advocacy for Parents and Children clinic. Planned and evaluated class sessions, and revised clinic manual on child abuse and neglect.
- Summer 1994** **SUMMER ASSOCIATE, CROWELL & MORING, Washington, D.C.**
SUMMER ASSOCIATE, KIRKLAND & ELLIS, Washington, D.C.
Drafted motions in limine and legal memoranda. Prepared comments to EPA in response to proposed rulemaking. Participant, Kirkland Institute for Trial Advocacy.
- Jan 93-Dec 93** **LEGAL INTERN, JEROME FRANK LEGAL SERVICES ORGANIZATION, New Haven, CT**
Co-represented four children in an abuse and neglect proceeding, one client in a Social Security disability claim, and assisted in the settlement of a class action lawsuit on behalf of patients confined in a state psychiatric hospital.
- Summer 1993** **LAW CLERK, U.S. ATTORNEY'S OFFICE, Seattle, WA**
Drafted brief to 9th Cir. concerning improper implementation of a plea agreement. Wrote memoranda analyzing several criminal statutes.
- Summer 1992** **ORIENTATION STUDENT LEADER, University of Illinois**
Led discussions of campus issues such as academic expectations in college, drug abuse, and acquaintance rape. Approx. 10,000 freshmen and parents participated.
- Fall 1991** **RESIDENT ADVISOR, University of Illinois**
Responsibilities included peer counseling, conflict mediation, and policy enforcement for a floor of 57 underclassmen.
- Summers 1989-91** **CAMP COUNSELOR, Buffalo Grove, IL**
Planned as well as supervised activities and field trips for children between the ages of 5 and 9.

PUBLICATIONS: School Searches After New Jersey v. T.L.O.: Are There Any Limits?
34 University of Louisville Journal of Family Law 345 (1996).

Whitewater: Government Officials Paddling in a River of Red Ink.
32 Criminal Law Bulletin 99 (1996).

PRESENTATIONS: "Federal Rule of Civil Procedure 68 and its Implications on Public Interest Law Practice"
University of Tennessee College of Law, January 1999
Villanova University School of Law, April 1999

VOLUNTEER WORK: Asian Pacific American Legal Resource Center, Summer 1999-Present
Growing Together Tutoring Program, Summer 1998
Georgetown Tutoring Program, 1997-98
Philadelphia Cares, 1996-97
Project SAT, 1995

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF LOUISIANA

J.K. HAYNES FOUNDATION AND
LEGAL DEFENSE FUND, ET AL.

Plaintiffs,

VERSUS

LOUISIANA BOARD OF ELEMENTARY
AND SECONDARY EDUCATION,
ET AL.

Defendants.

C.A. NO. 99-607-A

**UNITED STATES' RESPONSE AS AMICUS CURIAE TO J.K. HAYNES
FOUNDATION AND LEGAL DEFENSE FUND'S MOTION TO REMAND**

The Court's January 26, 2000 Order permitted the United States to file an amicus curiae brief to address the issues raised by Plaintiffs J.K. Haynes Foundation and Legal Defense Fund, et al.'s ("Haynes") Motion to Remand the above-captioned matter to state court. As discussed below, this matter should be remanded because the case does not present a federal question. Further, this Court does not need to retain jurisdiction over the case in order to protect its jurisdiction in the on-going school desegregation litigation, Davis and United States v. East Baton Rouge Parish Sch. Bd., C.A. No. 56-1662-A (M.D. La.).

BACKGROUND

Haynes filed a Petition for Declaratory Judgment and Injunctive Relief on July 20, 1999, in Louisiana state court against the Louisiana Board of Elementary and Secondary Education

("BESE"), the East Baton Rouge Parish School Board ("EBR Board"), and Gary Matthews, Superintendent of the EBR Board (collectively, "defendants"). The Petition alleged that the EBR Board's actions had the purpose and effect of sabotaging and delaying approval of the J.K. Haynes Charter School ("Haynes School") as a Type 2 charter school under the jurisdiction of the BESE.¹ Pet. at ¶ 17. Haynes requested that the court "declare the rights, status, and/or legal relations of the J.K. Haynes Elementary Charter School under the Louisiana Charter School Demonstration Program Law" vis a vis the defendants. Id. at ¶ 19. Specifically, Haynes sought a declaration that the EBR Board had rejected the full implementation of Haynes' charter school plan so Haynes' application for a Type 2 charter was properly before the BESE. Id. at ¶¶ 20, 27.

Defendants filed a Notice of Removal soon after being served with Haynes' Petition, and Haynes has since responded with a Motion to Remand the matter to state court. Since the initial filing of Haynes' Petition, this Court has granted two EBR Board motions in Davis which approved the size and grade levels at the

¹A Type 2 charter is issued by the BESE, while a Type 1 charter is issued by the local school board. LSA-R.S. 17:3973(2)(b). The Haynes School has been operating under a Type 1 charter. The Louisiana Charter School Demonstration Program Law permits a charter school sponsor to seek a Type 2 charter if the local school board rejected the charter proposal or placed conditions on the charter school that are not acceptable to the charter school sponsor. Id. § 17:3983A(2)(a)(i). The EBR Board has allegedly refused to approve Haynes' proposal to operate a K-6 school, so Haynes submitted its proposal to the BESE. Pet. at ¶ 12. BESE's alleged failure to act on Haynes' proposal was the impetus for Haynes' Petition.

Haynes School. See Ruling on Motion in Connection with Charter Schools, Aug. 2. 1999; Ruling on Motions, Jan. 25, 2000.

DISCUSSION

Haynes' Motion to Remand asserts that its Petition is concerned solely with the interpretation and application of a state statute to proceedings pending before a state agency, i.e., whether its application for a Type 2 charter school is properly before the BESE. Defendants argue that Haynes' Petition raises a federal question and infringes upon this Court's jurisdiction in Davis so the case should be removed to federal court pursuant to 28 U.S.C. § 1441. Defendants contend removal is appropriate under 28 U.S.C. § 1331 (federal question jurisdiction), 28 U.S.C. § 1367 (supplemental jurisdiction), and 28 U.S.C. § 1651 (All Writs Act). Notice of Removal at 2.

Federal Question and Supplemental Jurisdiction

Federal question jurisdiction is present when a civil action arises under the Constitution, laws, or treaties of the United States. 28 U.S.C. § 1331. "To support removal, the defendant bears the burden of establishing federal jurisdiction over the state-court suit." Carpenter v. Wichita Falls Indep. Sch. Dist., 44 F.3d 362, 365 (5th Cir. 1995). "The presence or absence of federal-question jurisdiction is governed by the 'well-pleaded complaint rule,' which provides that federal jurisdiction exists only when a federal question is presented on the face of the plaintiff's properly pleaded complaint." Rivet v. Regions Bank

of Louisiana, 118 S.Ct. 921, 925 (1998), quoting, Caterpillar Inc. v. Williams, 482 U.S. 386, 392 (1987). "However, in certain situations where the plaintiff necessarily has available no legitimate or viable state cause of action, but only a federal claim, he may not avoid removal by artfully casting his federal suit as one arising exclusively under state law." Carpenter, 44 F.3d at 366.

Plaintiffs' Petition does not raise a federal question on its face, nor does it attempt to convert a federal claim into one arising out of state law. The Petition alleges that the EBR Board interfered with Haynes' efforts to have its application for a Type 2 charter school considered by the BESE. Resolution of this issue requires an interpretation of Louisiana's Charter School Demonstration Program Law to determine when a charter school application is properly before the BESE. Relief, if granted, would require the BESE to consider Haynes' application. Simply put, there is no federal question raised when deciding whether BESE must consider Haynes' Type 2 charter school application.

In arguing that federal jurisdiction is present, defendants rely primarily on a joint "Status Report" prepared after defendants' Notice of Removal was filed in which Haynes asserted there was federal jurisdiction in the case pursuant to 42 U.S.C. § 1983. See Defts' Memo. in Response to Pltfs' Mot. to Remand at 4-6. The United States has no first-hand knowledge why Haynes asserted that jurisdiction existed under § 1983. Haynes contends

that it expressed its reservations about the Court's jurisdiction during a status conference with Magistrate Judge Noland, and that the statements in the Status Report were made in anticipation of future amendments to their complaint.² Pltfs' Reply Memo. at 4. The Status Report does raise a question concerning the nature of Haynes' claims against the defendants. However, Haynes has not amended its Petition to include § 1983 claims. Absent any such amendment, no federal claim is raised in Haynes' Petition so removal is not permitted. See Rivet, 118 S.Ct. at 925.

Defendants' Notice of Removal also cited the supplemental jurisdiction statute, 28 U.S.C. § 1367, as a basis for removal. Notice of Removal at ¶ 3. Defendants did not explain in their Memorandum in Response to Plaintiffs' Motion to Remand why § 1367 required removal. In any event, it is clear that the supplemental jurisdiction statute is not a proper basis for removal in this case. The removal statute, 28 U.S.C. § 1441, only permits removal of cases in which a federal court could have original jurisdiction. The supplemental jurisdiction statute is not itself a source of original jurisdiction so it cannot be used as an independent basis for removal. 16 Moore's Federal Practice § 107.14[1], at 107-42 (Matthew Bender, 3d ed.). The supplemental jurisdiction statute only serves to remove non-federal claims when there are other claims with federal

² Defendants agree that Haynes' allegations in the Status Report exceed the scope of the claims that are made in Haynes' Petition. See Status Report at 4.

jurisdiction. Id. at 107-42.1. Here, there are no other claims with federal jurisdiction, so the supplemental jurisdiction statute is inapplicable.

All Writs Act

The All Writs Act, 28 U.S.C. § 1651, grants federal courts the authority to issue orders that are "necessary or appropriate to effectuate and prevent the frustration of orders it has previously issued in its exercise of jurisdiction otherwise obtained." United States v. New York Tel. Co., 434 U.S. 159, 172 (1977). Removal of a lawsuit pursuant to the All Writs Act is appropriate only in exceptional circumstances. 16 Moore's Federal Practice § 107.16, at 107-140.2 (Matthew Bender, 3d ed.).

Defendants assert that Haynes' Petition infringes on this Court's orders and jurisdiction in Davis, so the Court should retain jurisdiction over the Petition pursuant to the All Writs Act. Notice of Removal at 3. We disagree.

The question presented by Haynes' Petition is whether its application to become a Type 2 charter school is properly before the BESE. The answer to that question will have no impact on how charter schools are evaluated in Davis. The Court's role will remain the same as it always has been, which is to determine whether the existence, the size, and the grade configuration of the charter school will interfere with the EBR Board's ability to comply with the extant consent decree and other applicable federal law.

Defendants postulate that if Haynes is eventually approved

as a Type 2 charter, it could undermine this Court's prior orders approving the Haynes School. Defts' Memo. in Response at 10. The possibility that Haynes might one day become a Type 2 charter school still does not change the Court's role as it relates to the approval of charter schools. Louisiana state law provides that charter schools are subject to the desegregation plan applicable to the parish in which it is located. LSA-R.S. 17:3991C(3). Plaintiffs acknowledge that it is subject to the Davis consent decree and recognize that federal district court approval is necessary regardless of whether it is a Type 1 or Type 2 charter. See Pltfs' Reply at 2-3. Because it is undisputed that this Court must give final approval to the size and grade structure of the Haynes' School, it is not appropriate or necessary for this Court to invoke the All Writs Act to take jurisdiction of Haynes' Petition.

CONCLUSION

For the foregoing reasons, Haynes' Motion to Remand should be granted.

carline train

Steen knows me,
NAS Dealers
728-8474

JOEL K. WIGINTON

1731 S Street N.W., # 11; Washington, DC 20009
(202) 456-6494 (work); (202) 328-6565 (home)

WORK EXPERIENCE

The White House, Special Assistant to the President for Legislative Affairs – 1/99 to Present

Served as the President's primary lobbyist to the Senate Judiciary, Commerce, Banking, Agriculture, and Small Business Committees and on transportation, technology, telecommunications, and disaster relief issues. Responsible for developing policy with the White House Office of Policy Development and the relevant Departments and Agencies. Oversaw and directed the lobbying efforts of the Departments and Agencies within my issue areas.

George Washington University School of Law, Adjunct Professor – 9/98 to 5/99

Developed the curriculum for and taught Legal Writing and Research to first-year law students with a particular emphasis on appellate brief writing, critical thinking, and oral advocacy.

The Senate Judiciary Committee, Constitution Subcommittee, Chief Counsel – 3/98 to 1/99

Served as Chief Counsel to Senator Russell Feingold, Ranking Minority Member on the Constitution Subcommittee. Directed the legislative, hearing, and oversight efforts of the Subcommittee and served as the lead Senate staffer on constitutional issues. Managed a small staff of lawyers and professional staff members. Prepared in depth constitutional analysis of bills and proposed constitutional amendments for the Senator and the full Judiciary Committee.

put hqs
back at things
from consti
off. co.

The Senate Judiciary Committee, Courts Subcommittee, Counsel – 3/97 to 3/98

Served as Counsel to Senator Richard Durbin, Ranking Minority Member on the Courts Subcommittee. Primary staffer to the Senator on constitutional, civil rights, civil justice, and telecommunications issues. Key responsibility for the Subcommittee's judicial review function.

Swidler & Berlin, Litigation and Telecommunications Associate – 8/96 to 3/97

Extensive motion practice in federal complex commercial litigation. Written and oral advocacy before a number of different state agencies regarding a major telecommunications merger.

Dorsey & Whitney, Litigation Associate – 8/95 to 8/96

Deposition and motion experience. Argued a dispositive motion in a federal constitutional case.

EDUCATION

University of Chicago School of Law, J.D. – 6/95 – Macalester College, B.A. – 5/92



Record Type: Record

To: Lisel Loy/WHO/EOP@EOP

cc:

Subject: References

Hey Lisel -- I called, but you were in a meeting. Based upon the all too likely possibility that we'll play phone tag all day, I thought I'd answer your question via email. Karen Robb (6-6493) and Tom Walls, Feingold's LD, (224-5323) are probably the best folks to use as references. If you want more names (e.g, Tracey Thornton, Larry Stein, etc.), please let me know.

Oh, and sorry I didn't get back to you on Friday. We left for the retreat at 8:15.

- job.
- what he does.
- how you work together.
- strengths & weaknesses.
- poise / maturity
good under
detail
big picture

knows
Sean Maloney
does job.

Joe Wignitar.

April 21, 2000

MEMORANDUM FOR THE PRESIDENT

FROM: Beth Nolan
Bruce Reed
Chuck Brain

SUBJ: Victims' Rights Amendment

I. SUMMARY

The Department of Justice ("DoJ") is preparing a "views letter" on S.J. Res. 3, the version of a Victims' Rights Amendment (the "VRA") now before the Senate. Senators Kyl and Feinstein sponsor this amendment, and a cloture vote on the motion to proceed is scheduled for Tuesday, April 25th. Although you and the Attorney General have historically supported a victims' rights amendment, the particular version before the Senate is seriously flawed. The DoJ views letter, therefore, will note the Administration's support for a "good" constitutional amendment, our willingness to support S.J. Res. 3 if its flaws were fixed, but express our opposition to the current version of Kyl-Feinstein.

II. BACKGROUND

You first announced your support for a victims' rights constitutional amendment in 1996 at a Rose Garden event attended by crime victims and Senators Kyl and Feinstein. Your remarks laid out the seven basic elements you required in a victims' amendment: (1) the right to notice of and to attend public court proceedings; (2) the right to make a statement to the court about bail and sentencing; (3) the right to be heard prior to acceptance of a plea bargain; (4) the right to notice of parole hearings; (5) the right to notice when the defendant escapes or is released; (6) the right to restitution from the defendant; and (7) the right to reasonable protection from the defendant.

Although the Kyl-Feinstein amendment generally addresses your principles, you have never voiced your specific support for this particular version. Indeed, as set forth below, there are four significant concerns with the Kyl-Feinstein amendment:

- (1) The rights provided crime victims by Kyl-Feinstein could conflict with the constitutional rights afforded the accused, including the rights set forth in the 5th, 6th, and 8th Amendments. And as a latter ratified amendment, it is possible that a court will construe the victim's rights created by Kyl-Feinstein to trump the accused's rights.

Our position, therefore, is that any VRA must include language noting that the amendment should not be construed to deny or diminish the rights of the accused as guaranteed by the Constitution.

- (2) Kyl-Feinstein would create an improper incursion on the President's (and governors') executive pardon power. Kyl-Feinstein does more than simply diminish the control over pardons that the Framers vested in the President, it does so in particularly significant ways. The proposed language would require the President to give victims notice of and an opportunity to submit a statement prior to the President granting a pardon, commutation, or remission of restitution. It also seemingly would authorize Congress to regulate the pardon power in some respects. We would eliminate the clemency provisions entirely.
- (3) Kyl-Feinstein would unnecessarily impinge upon law enforcement by permitting an exception from a victim's guaranteed rights only where there is a "compelling" governmental interest, a constitutional standard that could effectively prevent law enforcement interests from ever prevailing. We believe that the standard should be "significant" government interest.
- (4) One of the restitution provisions in Kyl-Feinstein would undercut both finality and law enforcement interests. The current language would permit a victim to reopen the restitution portion of a sentence for any reason, at any time, even after a sentence has been served in full. We would, therefore, eliminate this restitution provision.

III. ANALYSIS

As previously noted, DoJ is preparing a views letter on Kyl-Feinstein. This letter will outline the four concerns addressed above. In addition, the letter will clearly note that we would support a constitutional amendment that addresses our concerns, but that we oppose this particular version of the VRA. Specifically, the DoJ letter will read in pertinent part:

We strongly support a victims' rights amendment to the Constitution and would support S.J. Res. 3 if the concerns detailed in this letter are addressed, but we oppose it in its current form. We urge the Senate to continue to work with the Department to improve the constitutional amendment, while, in the interim, continuing to assist crime victims through the enactment of appropriate legislation.

DPC, Counsel's Office, Legislative Affairs, and DoJ have agreed on the above position, because, as outlined above, the amendment is seriously flawed. More importantly, however, Kyl-Feinstein may actually pass the Senate. There is no definite vote count, because no VRA has ever been addressed by the full Senate. However, our estimates suggest that there are at least 56 solid "yes" votes with 20 Senators still undecided. Perhaps more telling is that there are currently 13 Democratic cosponsors of Kyl-Feinstein, and it is unlikely that many Republicans

will oppose. In addition, if the Senate passes this version of the VRA, it is also possible that the House will pass the same version by a wide margin. Finally, Senator Daschle has emphatically requested that the Administration express its opposition to the amendment, because he believes this will spur enough Democrats to vote against it.

We have couched our “opposition” to Kyl-Feinstein, however, with a reiteration of our support for a “good” constitutional amendment and our interim support for a statutory alternative. We have done so to mitigate the antagonism of the victims' rights groups, to whom we have promised support for an amendment. As noted above, you and the Attorney General have historically supported a victims' rights constitutional amendment. To remain consistent, therefore, it is imperative that we highlight the fact that the Administration is opposing *only this particular version*, that we would support Kyl-Feinstein if the sponsors addressed our four concerns, and that we will work with those committed to the issue to craft a constitutional amendment around which we all can rally.

I got into DC later —
than I'd anticipated —

today — sorry —

I'm sure you've had great
luck w/ candidates but
I'm a good one, too! Let's
talk when you can — ZB

EUGÉNIE BISULCO

1215 N. COURTHOUSE ROAD, APARTMENT 200, ARLINGTON, VIRGINIA 22201
703-243-1766 (HOME) 202-456-2707 (WORK)

QUALIFICATIONS

Committed to this Administration, diplomatic and hardworking, with balanced work and volunteer experience and proven skills in written and oral communications.

EXPERIENCE

1999--Present **The White House** Oval Office Operations
Senior Writer for Presidential Personal Correspondence

- Promoted with advanced responsibilities.
- Assist with selection of official White House portrait artist.
- Handle special writing/editing projects.
- Assist with the President's weekly radio address.

1997--1999

Special Assistant for Personal Correspondence

- Draft letters to personal friends of the President.
- Edit, review, and clear letters and messages prepared by Correspondence Department. Consulted regarding President's connection to correspondents. Determine which correspondence is seen by the President.
- Maintain files for resource of the President's biographical and personal formation and handwritten language.
- Summarize correspondence in memoranda form for the President.
- Trained and experienced in White House Advance procedures for the President and First Lady.

1994--1997 **U.S. Department of State** Art in Embassies Program
Assistant to the Director & Imaging Manager

- Promoted twice in three years.
- Served as Personnel Administrator and Intern Coordinator/Supervisor. Interviewed and selected Program personnel.
- Facilitated special projects and events. For these events, wrote talking points for speeches for Secretary of State, President, and First Lady.
- Highly trained in system and database administration. Designed and managed digital artist registry. Trained staff with related equipment.
- Served as State Department Liaison to the Friends of Art and Preservation in Embassies.

- Handled Director's scheduling and correspondence. Attended meetings on behalf of Director.

1993--1994 **Wellesley College** Davis Museum and Cultural Center
Assistant to the Public Relations Manager

- Wrote press releases and served as liaison to the press.
- Facilitated special events and promotions. Conceived and implemented new outreach methods for campus publicity.
- Conducted research. Maintained press database.

1993 **The White House** Office of the First Lady
Intern

- Assigned to scheduling, correspondence, and research for the Deputy Chief of Staff.
- Assisted with Presidential Appointment personnel.
- Drafted correspondence for the First Lady. Edited nominating speech delivered by the President.
- Participated in meetings on education, healthcare, and other topics.

1991--1993 **Wellesley College** Office for Resources
Student Assistant

- Drafted trip reports and donor status reports.
- Tracked gifts and developed filing system for Senior Development Officer.

1992 **U.S. House of Representatives** Bill Alexander, MC
L. B. J. Intern

- Made advance arrangements and prepared briefing books for Congressman's trip to the Democratic National Convention.
- Handled constituent inquiries.

1991--1992 **Wellesley College** Office of Financial Aid and
 Student Employment
Student Assistant

- Assigned all incoming first-year students to work/study positions for two consecutive classes.
- Requested by Office of Personnel to create report on management procedure used in determining direction of new work/study program.
- Handled parent and student inquiries on every aspect of financial aid. Processed loans.

1988--1992 Stone County Citizen Mountain View, AR
Contributing Reporter and Photographer

- Given front page and by-lines for coverage of political events.
- Conducted exclusive one-on-one interviews with political figures, including U.S. Senator, U.S. Congressman, State Attorney General, and First Lady Hillary Rodham Clinton.

1989 U.S. House of Representatives 101st Congress
Democratic Page

- Delivered urgent messages to Members on the House Floor.
- Distributed notices and other items to Congressional offices.

EDUCATION

1998 The Johns Hopkins University Baltimore, MD
▪ *M.A. in Writing.*

1994 Wellesley College Wellesley, MA

- *B.A. in English and Studio Art.*
- Graduated Magna Cum Laude and with departmental honors in Studio Art.
- First-year Student Distinction Award.
- Publicity Director, Junior Show.
- President, College Democrats. Mobilized volunteers for Clinton/Gore '92 campaign. Arranged weekly volunteer service to Senator Edward Kennedy's senatorial campaign. Gave remarks on behalf of Massachusetts Democratic Party for Clinton/Gore '92 at Wellesley town rally for local and national Democratic political candidates. Invited to write op-ed piece supporting Clinton/Gore '92 for *Counterpoint Magazine*. Invited as guest on WZLY news program to promote Clinton/Gore '92 by speaking to personal experiences growing up in Arkansas. Received Service Distinction Award from the College Democrats of America for two years of service as President of campus chapter.
- Host, weekly radio program on WZLY 91.5 FM, "Theme and Variation," featuring guests and diverse music. Broadcasted one-on-one interview with Hillary Rodham Clinton.
- Speaker, Washington, DC reception in honor of Hillary Rodham Clinton. Audience of well over 2,000 guests.

NOTABLE

- Author, *Looking for Mrs. Empty*, a poetry chapbook published by the Argonne Hotel Press in 1999.
- Associate Editor, *WordWrights Magazine*, a literary journal.
- Created, scripted, conducted interviews for, edited, and provided voice-over for promotional video for 1989 Fulbright School of Public Affairs, University of Arkansas at Fayetteville.
- In 1988, was invited to present views on education standards to Joint Interim Committee on Education, Arkansas State Legislature. Wrote and delivered speech entitled "A Call for Greater Expectations" on student evaluation of teachers and merit-based teacher salaries. Was first and only student to speak before said committee.
- Numerous awards for speechmaking. Affiliations: Optimist Club, Beta Club, 4-H, and others.
- Fluent in French.

VOLUNTEER WORK

- Gore 2000, Manchester
- Washington Animal Rescue League
- DC Reads
- Virginia Democratic Party
- Kennedy for Senate '94
- Clinton/Gore '92, Nashua and Boston
- Massachusetts Democratic Party
- College Democrats of America, Washington
- Bill Alexander for Congress

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Meagher & Flom LLP
1440 New York Ave., NW
Washington, DC 20005
(202) 371-7019

EXPERIENCE

Skadden, Arps, Slate, Meagher & Flom LLP, Associate, Litigation Department: Have focused on defense of white-collar criminal and complex civil enforcement matters. Experienced in making strategic and tactical decisions and in day-to-day case management. *September, 1996 to Present.*

Judge Patricia M. Wald, United States Court of Appeals for the District of Columbia Circuit, Law Clerk. *July, 1995 to July, 1996.*

Congressman Jim Cooper, Legislative Assistant: Responsible for development and assisted in enactment of significant health care and public safety legislation. Participant in Jackson Hole Group of health policymakers. Was the principal staff member responsible for development and architecture of Mr. Cooper's *Managed Competition Act*. *June 1990 to July, 1992.*

EDUCATION

Yale Law School, *J.D.*, 1995

Senior Editor, *Yale Law Journal*
Member of States' Attorney and Landlord-Tenant Advocacy Programs

University of Chicago, *A.B., Statistics*, 1990

Graduated as a Student Marshal — the University's highest general honor
Phi Beta Kappa
Also completed degree requirements for Economics

PUBLICATION

The Sale of Insurance Products, co-author (chapter in *Consumer Financial Services Litigation and Enforcement*, to be published in Summer, 2000).

called
5-31-00

SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP

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FIRM: _____

CITY: _____ DATE: May 8, 2000TELEPHONE NO.: 202-456-2704FACSIMILE NO.: 202-456-2215FROM: Anand S. Raman FLR/RM.: _____

DIRECT DIAL: _____

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MESSAGE: Writing Sample is Attached

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

WASHINGTON SPORTS VENTURES, INC.,

Plaintiff,

v.

JOHN KENT COOKE, SR. and
CHARLEY CASSERLY,

Defendants.

C.A. No. 99-CV-01182 (EGS)

**DEFENDANT CHARLEY CASSERLY'S REPLY
IN SUPPORT OF HIS MOTION TO DISMISS COMPLAINT**

PRELIMINARY STATEMENT

Defendant, Charley Casserly ("Mr. Casserly"), respectfully submits this Reply in further support of his Motion to Dismiss. For the reasons that follow, as well as for those cited in his Memorandum of Points and Authorities in Support of Motion to Dismiss ("Casserly Mem."), that Motion should be granted.

INTRODUCTION

In an effort to strike out against somebody for having failed to secure the Washington Redskins ("The Redskins"), plaintiff, Washington Sports Ventures, Inc. ("WSV"), filed a complaint against Messrs. Casserly and Cooke that was fatally deficient on both the law and the facts. Once those deficiencies were pointed out in Defendants' Motions to Dismiss, however, WSV back-pedaled away from its own allegations faster

than a defensive back guarding Jerry Rice. And with similarly predictable results, WSV has tripped itself up and exposed the futility of its actions.

Perhaps the biggest reversal in the Consolidated Opposition is WSV's remarkable claim that it did not withdraw its bid for the Redskins, Consolid. Opp. at 44-45, despite specifically having alleged to the contrary in its Complaint. *Id.* ¶ 90.¹ As plaintiff appears now to recognize, its business decision to withdraw its bid means that any further litigation of this matter would plunge the parties and the Court into a highly speculative Never-Never Land inquiry into what might have happened if the plaintiff's acquisition had proceeded to a vote, and how each of the NFL teams might have acted absent the alleged interference. The futile and legally untenable nature of such an inquiry, as well as the ineffectiveness of WSV's new claim that its bid is still on the table, are discussed at length in Mr. Cooke's Reply, and will not be repeated here. Suffice it to say, however, that if WSV is willing to abandon such a critical and specific allegation in its Complaint, one can only wonder what it will say as to the completely ambiguous (and baseless) assertions of conspiracy, malice and misrepresentation made against Mr. Casserly.²

¹ This will undoubtedly come as a surprise to both the NFL, which voted to accept the withdrawal, and to Mr. Daniel Snyder — a part-owner of plaintiff WSV — who ultimately secured The Redskins for his own organization.

² It is obvious that plaintiff will change positions and will cavalierly add or delete factual assertions simply to avoid dismissal. Plaintiff desperately wants to survive until it can get extensive discovery in hopes of finding a case for the claims it has already made. Thus, although plaintiff's withdrawal of
(continued...)

But the withdrawal point is far from the only contradiction contained in plaintiff's Consolidated Opposition. For example, the complaint alleges that prior to the close of bidding, John Kent Cooke, Sr. ("Mr. Cooke") had already secured enough votes to defeat the acquisition of The Redskins by WSV. Consequently, Mr. Casserly cannot have caused any damages to plaintiff. Next, the complaint alleges that Mr. Casserly was motivated by fear of losing his job and/or loyalty to Mr. Cooke. By alleging such motivations, however, plaintiff has made our case because it has eliminated the possibility that Mr. Casserly could have been motivated solely by a desire to harm plaintiff, and thus plaintiff itself has established that Mr. Casserly acted with justification or privilege. And finally, the Complaint does not allege that Mr. Casserly caused another party to breach WSV's contract to purchase The Redskins, but rather, claims that Mr. Casserly's actions constituted the breach. It is therefore irrelevant whether Mr. Casserly was an "officer" or "employee" of the Redskins, because his actions cannot, as a matter of law, constitute both a breach of contract and tortious interference with contractual relations.³

² (...continued)

its bid renders it essentially impossible to determine whether any conduct by defendants could have caused plaintiff any harm, plaintiff has nonetheless proposed taking "approximately 35 to 50 depositions," in addition to interrogatories and requests for admissions. *See* Parties' Joint Statement Pursuant to Local Rule 206(d), at ¶ 8(b) (emphasis added). Plaintiff is clearly attempting to use discovery to develop the factual predicate for a case it was required to have investigated before filing suit. *See* Fed. R. Civ. P. 11(b).

³ The complaint alleges that Mr. Casserly was an "officer" of the Redskins, *id.* ¶ 51. Plaintiff is, of course, bound by factual allegations made in its complaint, and cannot alter them by contrary averments in its opposition brief.
(continued...)

Whether it now likes them or not, plaintiff is bound by the well-established precedents in this area, and by the factual allegations it has made. This Court should not permit plaintiff selectively to ignore or amend *sub silentio* the allegations in the complaint, through its Consolidated Opposition. Rather, the allegations in the complaint, which are taken as true for purposes of this Motion, compel that the complaint be dismissed.

Therefore, for all of the reasons stated in the Memorandum of Points and Authorities in Support of Defendant Charley Casserly's Motion to Dismiss Complaint, the Complaint should be dismissed with prejudice, and judgment entered in favor of Mr. Casserly.⁴

³ (...continued)

See Henthorn v. Dep't of Navy, 29 F.3d 682, 688 (D.C. Cir. 1994) ("the sparse case law addressing the effect of factual allegations in briefs or memoranda of law suggests that such matters may never be considered when deciding a 12(b)(6) motion . . . and most certainly may not be considered when the facts they contain contradict those alleged in the complaint") (citation omitted). The newly-minted claim in the Consolidated Opposition that Mr. Casserly was a mere "employee," *id.* at 29, is thus of no legal effect, as are all other factual allegations plaintiff has attempted to get in through the back door.

⁴ Plaintiff does not dispute that Mr. Cooke is a necessary or indispensable party to this litigation, but instead relies on its argument that the Court has jurisdiction over Mr. Cooke. Consolid. Opp. at 7 n.5. Should this Court conclude, however, that it lacks subject matter jurisdiction over Mr. Cooke, then it should dismiss the entire action, for the reasons stated in Mr. Casserly's Memorandum of Points and Authorities in Support of Motion to Dismiss. *Id.* at 6-9.

ARGUMENT

I. PLAINTIFF'S OWN COMPLAINT PRECLUDES THE POSSIBILITY THAT MR. CASSELY COULD HAVE CAUSED IT ANY DAMAGES.

In its complaint, plaintiff alleges that prior to the WSV bid to acquire The Redskins, "defendant John Cooke had already fixed the ultimate outcome with certain NFL officials and owners so that the bidding process was a charade and there was no chance that plaintiff WSV and the Milstein group would ultimately succeed." *Id.* ¶ 37 (emphasis added). A fortiori, Mr. Casserly could not have proximately caused any damages to WSV. And without causation, WSV has no claim. *See* Casserly Mem. at 10-11.

In a response relegated to a footnote, plaintiff says that "Casserly's conduct made performance of the contract more difficult and caused breach of the Contract," and that the question of damages is a "factual" one. Consolid. Opp. at 44 n. 37. However, the response that actions taken by Mr. Casserly made performance by the contracting party, Jack Kent Cooke, Inc. ("JKCI"), more difficult is devoid of any reference to the complaint, and at any rate, is a *non sequitur*. Once Mr. Cooke had allegedly locked up enough votes to secure the defeat of the NFL acquisition, the damage alleged by plaintiff had already been done. Even if Mr. Casserly then took the actions plaintiff claims — and he denies that he did so — such actions could not have caused plaintiff additional harm.

To the contrary, the damages alleged by plaintiff in the complaint flow directly from the NFL's failure to approve its acquisition of the Redskins. *See* Complaint

¶¶ 97, 103. And since plaintiff alleges that this failure was preordained, then as a matter of law and logic, Mr. Casserly cannot have caused any cognizable harm to plaintiff. See *Sharma v. Skaarup Ship Management Corp.*, 916 F.2d 820, 828 (2d Cir. 1990) (claim dismissed where plaintiff failed to allege that defendant's actions were "but for" cause of third party's breach). Thus, there is no "factual" issue to be resolved, and this ground alone supports the entry of judgment in favor of Mr. Casserly. See *Special Event Entertainment v. Rockefeller Center, Inc.*, 458 F. Supp. 72, 78 (S.D.N.Y. 1978) (dismissing complaint where there was "conspicuous absence of any allegation that the contract would have been performed were it not for defendants' acts").

II. PLAINTIFF'S OWN COMPLAINT ESTABLISHES THAT MR. CASSERLY'S ACTIONS WERE PRIVILEGED.

In order to establish tortious interference with contract, plaintiff must allege that defendant intentionally procured a breach of contract without justification. *Equity Group v. PaineWebber*, 839 F. Supp. 930, 934 (D.D.C. 1993) (applying District of Columbia law); *International City Management Ass'n Retirement Corp. v. Watkins*, 726 F. Supp. 1, 5 (D.D.C. 1989) (same); *Dyer v. Bergman & Assocs.*, 657 A.2d 1132, 1139 n.10 (D.C. 1995); *Dunn v. Cox*, 163 A.2d 609, 611 (D.C. 1960).⁵ In this case, however, even

⁵ Several cases applying District of Columbia law have not included absence of privilege or justification among the elements of tortious interference, or have treated privilege or justification as an affirmative defense. E.g., *Sorrells v. Garfinckel's*, 565 A.2d 285, 289-90 (D.C. 1989). The apparent conflict between these cases and the ones cited in the text does not appear to have been addressed. However, even if the Court were to treat privilege or justification as an affirmative defense to tortious interference, it would nonetheless
(continued...)

plaintiff does not claim that Mr. Casserly was motivated solely by a desire to harm WSV, but instead affirmatively asserts that he was motivated by a desire to protect his job or his relationship with Mr. Cooke. Complaint ¶ 18. Thus plaintiff can, at most, show only that Mr. Casserly had "mixed motives," which, as a matter of law, does not establish that Mr. Casserly acted without privilege or justification. *See, e.g., Cox v. CSX Intermodal, Inc.*, No. 96-4514, 1999 WL 9764, at *6 (Fla. Dist. Ct. App. Jan. 13, 1999) (plaintiff must show employee acted "solely with ulterior purposes and without an honest belief that her actions would benefit her employer") (emphasis added).

As Mr. Casserly has pointed out — and plaintiff has failed to dispute — he had the authority and responsibility as the General Manager of The Redskins to deal directly with the media and/or NFL representatives. *See* Casserly Mem. at 17-18. Thus the actions of which Mr. Casserly are accused, which involve interaction with the media or NFL representatives, are neither sinister nor cloaked with impropriety, and do not, even under the reading most generous to plaintiff, support an inference of malice.

It is not enough for plaintiff to state in a conclusory fashion that Mr. Casserly's actions were "malicious." Complaint ¶¶ 98, 104. To the contrary, "[w]here the complaint fails to allege circumstances which establish that a defendant's actions were

⁵ (...continued)

be appropriate to dismiss the case on these grounds at this stage of the proceedings, since plaintiff's complaint itself has established the defense. *See, e.g., Bermudez v. First of Am. Bank Champion*, 860 F. Supp. 580, 593 (N.D. Ill. 1994) (if complaint itself establishes affirmative defense of statute of limitations, plaintiff "will plead him or herself out of court").

'unprivileged' or 'improper,' the complaint is properly dismissed on preliminary objections." *Buczek v. First Nat'l Bank*, 531 A.2d 1122, 1124 (Pa. Super. Ct. 1987) (emphasis added); *see also Papasan v. Allain*, 478 U.S. 265, 286 (1986) ("we are not bound to accept as true a legal conclusion couched as a factual allegation"); *George A. Fuller Co. v. Chicago College of Osteopathic Med.*, 719 F.2d 1326, 1333 n.6 (7th Cir. 1983) ("the mere allegations of 'malice,' unsupported by any facts which show that defendants acted without justification or privilege, does not state a cause of action for tortious interference with contractual relations").

In this case, plaintiff's complaint alleges no circumstances which would establish that Mr. Casserly acted without privilege or justification. Nor, in fact, has plaintiff alleged (nor could it reasonably do so) that Mr. Casserly was motivated by any ill-will or animosity toward plaintiff. Consequently, the complaint should be dismissed.

III. PLAINTIFF'S OWN COMPLAINT SHOWS THAT MR. CASSERLY'S ACTIONS CONSTITUTED AT MOST A BREACH OF CONTRACT, NOT TORTIOUS INTERFERENCE WITH CONTRACT.

Relying on *Sorrells v. Garfinckel's*, 565 A.2d 285 (D.C. 1989), plaintiff claims that a corporate employee who is not an officer thereby has the requisite third-party status to tortiously interfere with a contract. Consolid. Opp. at 28. However, that is neither a correct statement of the law nor of the holding of that case. And, in any event, plaintiff has alleged that Mr. Casserly was an "officer" of the Redskins. *See* Complaint ¶ 51.

Sorrells, which arose out of a dispute between a fired employee and her former supervisor, does not hold that an individual's status as a non-officer subjects her to liability for tortious interference. Rather, the issue in *Sorrells* was whether the supervisor could be considered the "alter ego" of her employer vis-a-vis the fired employee's employment contract. 565 A.2d at 285-86. Although the Court found that the supervisor did not act as an employer under the circumstances of the case, the holding was not mandated by the fact that the supervisor was not an officer, but rather was based on the grounds that the supervisor had not been granted authority by the company to terminate (and thus potentially breach) an employment contract. *Id.* The supervisor in *Sorrells* only had authority to induce more senior officials to breach the contract; her actions alone could not constitute the breach.⁶

In this case, however, plaintiff has not alleged that Mr. Casserly induced anyone else to breach the contract between WSV and JKCI. Rather, plaintiff's theory is that Mr. Casserly's actions themselves constituted the breach by JKCI. Plaintiff alleges

⁶ Plaintiff is correct in noting that the individual defendants in *Press v. Howard Univ.*, 540 A.2d 733 (D.C. 1988), were "officers" of the University. See Consolid. Opp. at 29 n.24. However, the holding in *Press* that the defendants were not subject to liability for tortious interference was not premised on their status as officers, but rather on the fact that they were "acting as agents" of the University, and thus that the University itself was acting "through their actions." *Id.* at 736. Similarly, plaintiff has accused JKCI of breaching its contract with WSV through the actions of Mr. Casserly.

Moreover, plaintiff cannot argue that Mr. Casserly, as the General Manager of The Redskins, was acting outside the scope of his employment when he communicated with the press and representatives of the NFL. As such, *Sorrells* is wholly inapplicable.

that JKCI had a duty to use its "best efforts" to ensure approval of plaintiff's bid by the NFL, Complaint ¶ 45, and that this duty flowed to Mr. Casserly, who was obliged by a "fiduciary duty" to JKCI to undertake such efforts, *id.* ¶ 51. Therefore, the breach, under plaintiff's own theory, was a failure to use "best efforts" to secure approval by the NFL, and the breaching party was JKCI, acting through Mr. Casserly. *Id.* ¶¶ 45, 51, 96. Unlike the defendant in *Sorrells*, therefore, Mr. Casserly did not induce someone else to breach a contract; rather, his actions were the alleged breach.⁷

Moreover, it is not possible, as a matter of law, for an individual's actions simultaneously to be imputed to his employer for purposes of establishing breach of contract, yet for the individual also to be liable for tortious interference with contract. Plaintiff claims that *Nickens v. Labor Agency of Metropolitan Washington*, 600 A.2d 813 (D.C. 1991), stands for a contrary proposition. See Consolid. Opp. at 25. However, plaintiff badly misreads *Nickens*.

In *Nickens*, the plaintiff had had an "intimate personal relationship" with the president of her employer, who had allegedly assaulted her, and then the next day had ordered the organization's executive director to place her on administrative leave. The

⁷ Plaintiff argues that Mr. Casserly is like the defendant in *Sorrells* because he did not have the power to "terminate or modify the Stock Purchase Agreement." Consolid. Opp. at 29. This is beside the point. As discussed above, the breach — according to plaintiff's own theory — was Mr. Casserly's failure to use "best efforts" to ensure approval by the NFL, not any termination or modification of the contract. Indeed, as discussed above, plaintiff maintains that its contract to buy The Redskins is still on the table. See Consolid. Opp. at 44-45.

executive director did so, and two weeks later terminated the employee on pretextual grounds. 600 A.2d at 815. In this narrow factual context, the president's actions were held to be outside the scope of his authority, and the Court thus held that he could be found liable for tortious interference with plaintiff's employment contract. *Id.* at 819-20. The Court took pains to note, however, that in such a case, the proper cause of action against the defendant was not "wrongful discharge" (*i.e.*, breach of contract) but rather was "intentional interference with contractual relations." *Id.* at 818. Thus, *Nickens* does not stand for the proposition that the actions of an employee or officer can support both a cause of action for breach of contract and one for tortious interference with contract. Rather, it supports the proposition that the remedies are mutually exclusive.

Here, however, plaintiff wishes to have it both ways. First, it seeks to impute Mr. Casserly's actions to The Redskins and JKCI for purposes of establishing breach of contract. It then claims that these same actions constituted tortious interference. This is an unsupportable position. Either Mr. Casserly was an outsider intermeddling in WSV's contract to purchase the Redskins, or he was a corporate official or employee, acting for his employer (and, in plaintiff's view, thereby breaching the contract). Neither *Nickens*, nor any other authority of which counsel is aware, is to the contrary.

CONCLUSION

For all of the foregoing reasons, Charley Casserly's Motion to Dismiss Complaint should be granted, the action should be dismissed in its entirety, and judgment entered in favor of Mr. Casserly.

Respectfully submitted,

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▪ Office of the Wage and Hour Administrator, *Counselor to the Administrator*

April, 1996-March, 1999; December, 1999-present.

Manage special projects for the Wage and Hour Administrator concerning priority enforcement, legislative, and regulatory issues. Coordinate internal policy development, communications, and outreach to key Congressional and constituent parties, and represent the Administrator within the Department and the Administration. Provide technical assistance and guidance on Fair Labor Standards Act, Family and Medical Leave Act, and prevailing wage laws in response to requests from Congress, the Administration, state and local government, potential complainants, and general public.

Senate Health, Education, Labor and Pensions Committee

Washington, DC

(on detail from the Labor Department)

▪ Senior Minority Labor Counsel, March, 1999- November, 1999 (Acting Chief Minority Labor Counsel, March, 1999-June, 1999).

Senior advisor to Senator Edward M. Kennedy, the ranking Member, and the Chief Minority Labor Counsel on national and state labor-related issues, including the campaign to raise the minimum wage, Fair Labor Standards Act, Family and Medical Leave Act, Occupational and Safety Health Act, Davis Bacon Act, National Labor Relations Act, and pension and retirement issues. Represented the Senator and coordinated with national and state labor leaders, other Senate offices, and the Administration. Developed and analyzed legislation and legislative policy. Wrote speeches and briefing materials and prepared the Senator for legislative hearings and mark-ups, legislative activity on the Senator floor, public appearances and private meetings.

United States Department of Labor

Washington, DC

▪ Office of the Assistant Secretary for Policy, *Chief of Staff*, October 1995-April 1996.

Coordinated and managed policy issues for the Secretary of Labor and the Assistant Secretary. Represented the Assistant Secretary within the Department and the Administration. Oversaw daily activities, personnel and budget issues for the Assistant Secretary, including interviewing and hiring staff; handling of sensitive labor-management relation issues; tracking and managing agency's overall budget, including the agency's research budget.

▪ Office of Congressional and Intergovernmental Affairs, *Legislative Officer*, January, 1995-September, 1995.

Assisted the Assistant Secretary in planning and managing the Department's legislative program; maintaining liaison with Members of Congress, Congressional committees and staff primarily concerning the Fair Labor Standards Act, the Family and Medical Leave Act, the Davis Bacon Act, and the Service Contract Act; and tracking and monitoring Congressional action on issues relevant to the mission of the Department.

▪ Office of the Secretary, *Special Assistant to the Secretary*, July, 1993-December, 1994.

Managed and prepared daily briefing materials for Secretary of Labor concerning Secretarial events, meetings, and policy decisions. Coordinated with all Departmental agencies, including Chief of Staff, policy and line agencies, and with White House and with other Cabinet agencies

and Congressional staff. Prepared weekly report informing the White House of major Departmental activities, including status of major policy initiatives; upcoming significant events; and potentially controversial issues.

Office of the President

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- *Staff Assistant, Health Care Task Force*, April, 1993-July, 1993.

Office of the Vice President,

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Advised and represented clients and performed research on a wide range of labor and employment matters, including union organization and collective bargaining; compliance with employment-related state and federal statutes, including ERISA and the Fair Labor Standards Act; and employment discrimination and wrongful discharge litigation.

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Note, The National Labor Relations Board's Proposed Rules on Health Care Bargaining Units, 76 Va. L. Rev. 115 (1990)

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FROM: Kathy Curran.

If you do not receive all of the pages please call:

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At Marge Tarmey's suggestion I am
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- Virginia Law Women, 1986-1989
- St. Yves Catholic Law Students Society, 1988-1989, Co-founder and President

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Note, The National Labor Relations Board's Proposed Rules on Health Care Bargaining Units, 76 Va. L. Rev. 115 (1990)

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White House Office of Science and Technology Policy

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Senior Policy Advisor, National Security and International Affairs Division

Global Health

- Developed with NSC the White House Vaccine Initiative; organized White House vaccine meeting with leaders of pharmaceutical industry, international organizations and foundations.
- Develop G-8 position papers, briefing materials, and Communiqué language on international health; represent U.S. at G-8 Health Experts meetings.
- Draft Presidential Decision Directive, speeches for Vice President and President's Science Advisor, briefing materials and press guidance on new health threats.
- Manage implementation of PDD by 20-agency Task Force, including State, HHS, DoD, USAID and CIA; coordinate between public health and bioterrorism initiatives.

Cooperation with Russia, Ukraine, South Africa and Latin America

- Coordinate Science and Technology (S&T) Committees, chair IWGs, and negotiate international agreements for Vice Presidential Commissions with Russia, Ukraine, and South Africa.
- Draft speeches, briefing materials, press guidance and talking points on international S&T, including S&T elements of nonproliferation initiatives.
- Led U.S. delegation to Moscow for meetings of working group on barriers to scientific cooperation.
- Led S&T delegation and negotiated U.S. positions for Summit of the Americas and U.S.-Mexico Binational Commission.

U.S. Agency for International Development

1993-1994

AAAS Fellow, Office of Energy, Environment and Technology

- Drafted White House strategy on role of foreign assistance in capturing overseas markets for U.S. environmental technology industry.
- Evaluated \$100 million environmental assistance program as member of 12-person team.

HONORS AND PROFESSIONAL ORGANIZATIONS

- **Council on Foreign Relations**, Term Membership, 1999
- American Association for the Advancement of Science
Science and Diplomacy Fellowship, 1993-95
- United States Department of Education Fellowship, 1990-91

LANGUAGES

- Working knowledge of French and Italian

Infectious Diseases/Vaccines
Background for April 6-7, 2000 G-8 Sherpa Meeting

Issue

To urge our G-8 counterparts to: (1) increase their financial commitments to programs to combat global infectious disease threats, particularly HIV/AIDS; and (2) accelerate the development and delivery of vaccines for HIV/AIDS, malaria, and tuberculosis (TB).

Key Points

Scope of Problem

- Infectious diseases are creating a mounting social and economic burden on developing countries, causing almost half of all deaths worldwide of people under age 45.
- HIV/AIDS is particularly devastating. AIDS is now the single leading cause of death in Africa, and HIV infection rates are soaring in Africa, Asia, and Eastern Europe. As a result, life expectancy is declining sharply in many African countries, and the epidemic is jeopardizing the economic stability of sub-Saharan Africa and parts of Asia.
- Other infectious diseases, such as malaria and tuberculosis (TB), continue to take millions of lives. Compounding this problem are new drug-resistant strains of TB, which are most prevalent in the former Soviet Union.

Critical Role for Vaccines

- Vaccination is one of the most cost-effective ways to improve the wellbeing and productivity of the poorest countries – and the developed nations have the scientific and technological capacity to make new vaccines possible. Existing vaccines for hepatitis B, meningitis, and other diseases do not yet reach many of the world's children. More than 3 million children die needlessly each year from diseases that could be prevented by currently available vaccines.
- Effective vaccines do not yet exist for some of the leading killers, including malaria, TB and HIV/AIDS, which take nearly 5 million lives each year. Because developing countries often cannot afford to buy vaccines, the market does not provide incentives for pharmaceutical companies to develop vaccines for diseases that disproportionately affect those countries.

Why a G-8 initiative now?

- The G-8 now has a unique opportunity to make significant contributions to the fight against these diseases by: (1) catalyzing the pharmaceutical industry to develop new drugs and vaccines; (2) increasing bilateral assistance for disease prevention, mitigation and control; and (3) calling upon the MDBs to shift resources towards basic health services, including immunization, prevention, and treatment of diseases.

- The G-8 is also uniquely positioned to engage leaders and mobilize political commitment in the countries hardest hit by HIV/AIDS.
- The Okinawa Summit falls at a critical time, coinciding not only with a rapid acceleration in HIV infection, but heightened international attention and unprecedented private donations for global health.

USG Actions

- President Clinton has made global health a top priority of his foreign policy agenda. Last week in India, he called upon top government officials to greatly expand efforts to prevent and destigmatize HIV/AIDS.
- President Clinton's budget request to Congress also calls for significant increases in global disease prevention, control, and research efforts, including:
 - \$100 million increase for AIDS prevention and treatment in Africa, Asia, and other regions of the world -- doubling last year's funding;
 - \$50 million for the purchase of existing vaccines through the Global Alliance for Vaccines and Immunizations (GAVI);
 - \$38 million increase for vaccine research at the National Institutes of Health;
 - \$1 billion tax credit for the sales of vaccines for AIDS, malaria, and TB.
 - Call to the MDBs to dedicate an additional \$400 to \$900 million annually of their low interest rate lending to expand immunization, prevention and treatment of infectious diseases.

Link to Cologne Debt Initiative

- A G-8 health initiative would expand upon our effort through the Cologne Debt Initiative to make resources available for health, child survival, and AIDS-related prevention and care.

U.S. Position on G-8 Health and Development Experts Meeting proposed by Japan

- The U.S. will participate in the April 19-20 G-8 health and development experts meeting in Tokyo. We will identify the appropriate representatives once we receive additional information about the meeting.

THE CLINTON-GORE ADMINISTRATION: NEW PARTNERSHIPS TO DEVELOP & DELIVER VACCINE TO DEVELOPING COUNTRIES

March 2, 2000

Today, President Clinton Will Meet With Leaders of Industry, Foundations, and International Organizations to Announce New Partnerships to Develop and Deliver Vaccines For Diseases -- Including HIV/AIDS, Malaria, and Tuberculosis -- For Developing Countries. In his State of the Union Address, the President said, *"I ask the private sector and our partners around the world to join us in embracing this cause. We can save millions of lives together, and we ought to do it."* At this meeting, key leaders of pharmaceutical and biotechnology companies, international organizations, foundations, and the public health community will endorse the President's Millennium Vaccine Initiative, released last month, and announce new commitments to develop and deliver vaccines to developing countries. The President will also call upon Secretary Shalala to convene a meeting of experts from industry, government, and academia to address impediments to vaccine development in the private sector and to strengthen public-private partnerships.

The President And The CEOs Of The Four Largest Vaccine Manufacturers Will Announce Unprecedented Levels Of Corporate Support To Vaccinate The World's Children. Today, industry will respond to the President's call with important new steps as CEOs of the four largest vaccines manufacturers – Merck and Co., Inc., American Home Products Corporation, Glaxo SmithKline Beecham, and Aventis Pharma AG – will announce that they will donate millions of doses of state-of-the-art vaccines – worth more than \$150 million – to those in the developing world and make a renewed commitment to step up research and development on vaccines for HIV/AIDS and malaria.

- Merck and Co. will donate one million doses, worth \$100 million, of RECOMBIVAX – HB – a vaccine to prevent Hepatitis B;
- American Home Products Corp. will announce a donation of 10 million doses of Haemophilus influenza type-B (Hib) conjugate vaccine to GAVI to protect more than 3 million children in developing nations;
- SmithKline Beecham will announce expansion of its malaria vaccine program and also renewed its pledge to donate \$1 billion to eliminate lymphatic filariasis (elephantiasis);
- Aventis Pharma announced a donation of 50 million doses of polio vaccine to Africa.

These Private Sector Commitments Build On The Administration's Millennium Vaccine Initiative, Announced by the President In His State of the Union Address. The major components of the Millennium Vaccine Initiative include:

- \$50 million in the President's FY2001 budget as a contribution to the vaccine purchase fund of the Global Alliance for Vaccines and Immunization (GAVI);
- Presidential leadership to ensure that the World Bank and other multilateral development banks dedicate an additional \$400 million to \$900 million annually of their low-interest rate loans to health care services;
- Significant increases in federally funded basic research on diseases that affect developing nations;
- A new tax credit for sales of vaccines for infectious diseases to accelerate their invention and production;
- A call to our G-7 partners to join our efforts to ensure a future market for these vaccines.

The President Will Also Recognize the Unprecedented Contributions From The Philanthropic Community. This includes a \$750 million contribution from The Bill and Melinda Gates Foundation to the vaccine purchase fund of the Global Alliance for Vaccines and Immunization. The President also praised new models for public-private partnerships, including the International AIDS Vaccine Initiative, which announced that it will invest more than \$10 million this year to triple the number of AIDS vaccine candidates moving toward trials.

The Scope Of The Problem Of Infectious Disease In Developing Countries:

- While sub-Saharan Africa accounts for only 1/10 of the global population, over 70% of individuals infected with AIDS globally live there. There is a 60% chance that a 15-year old in Zambia will die of AIDS today. Thirteen million sub-Saharan African children have now lost one or both of their parents to AIDS.
- One-fourth of all deaths each year worldwide – 13 million people – are the result of infectious diseases.
- Over 8 million children die each year of centuries-old diseases – and more than 3 million of these deaths could be prevented by existing vaccines.

- Immunization is one of the most cost effective health interventions. It costs only \$15 to immunize a child, yet in developing countries, children remain 10 times more likely to die of a vaccine-preventable disease than those in the industrialized world. Twenty percent of children worldwide lack access to basic immunization services.
- Only 2% of all global biomedical research is devoted to the major killers in the developing world.

Details of the Corporate Commitments Include:

- Merck will donate one million doses, worth \$100 million, of RECOMBIVAX – HB – a vaccine to prevent Hepatitis B – over five years. Merck will collaborate with the Global Alliance for Vaccines and Immunization (GAVI) to identify countries that will most benefit from this vaccine. Merck also reaffirmed its commitment to the discovery of new vaccines for diseases of global significance, including HIV/AIDS. Merck committed to developing AIDS vaccines for strains of the virus found not only in the industrialized world, but in the poorest countries as well.
- American Home Products Corp. announced a donation of 10 million doses of Haemophilus influenza type-B (Hib) conjugate vaccine to GAVI. As a result, more than 3 million children in developing nations will be protected from one of the leading causes of deadly pneumonia and meningitis.
- SmithKline Beecham announced a commitment to expand its malaria vaccine program and will begin malaria vaccine trials in Africa for the most critical population – children. The trial would begin in the Gambia as early as this autumn. SB also renewed its pledge to donate \$1 billion to eliminate lymphatic filariasis (elephantiasis), which destroys lives in 80 countries.
- Aventis Pharma announced a donation of 50 million doses of polio vaccine to Africa. This donation will support the WHO and UNICEF-led drive to end polio in five war-torn African nations. Aventis also reaffirmed its commitment to maintain the largest private AIDS vaccine research program and is moving forward with clinical trials in Africa, Asia, the United States, Europe, and soon, the Caribbean.

The President's Millennium Vaccine Initiative:

In his State of the Union address, President Clinton called for concerted international action to combat infectious diseases, which kill more than eight million children worldwide and orphan millions more. Recognizing that vaccines are a critical, cost-effective weapon in the fight against these diseases, the President announced a multi-part Millennium Vaccine Initiative:

- A new financial commitment to purchase and deliver existing vaccines in poor countries. As Vice President Gore told the U. N. Security Council earlier this month, the Administration's FY 2001 budget includes a proposed \$50 million contribution to the vaccine purchase fund of the Global Alliance for Vaccines and Immunization (GAVI).
- Increased investments in health in developing countries. The President is calling on the World Bank and other multilateral development banks to dedicate an additional \$400 million to \$900 million annually of their low-interest-rate loans to expand immunization, prevent and treat infectious diseases, and build effective delivery systems for other basic health services. These investments are as central to economic progress as investments in education and physical infrastructure, and they would build on the new focus on basic health services that we have supported as part of the Highly Indebted Poor Countries (HIPC) debt initiative. This proposed shift in existing resources does not require additional U.S. budget expenditures.
- A significant increase in basic research on diseases that affect developing nations. The Administration's FY 2001 budget for the National Institutes of Health includes a sharp step-up in research critical to the development of vaccines for malaria, tuberculosis, and HIV/AIDS.
- A new tax credit for sales of vaccines for malaria, tuberculosis, and HIV/AIDS to accelerate the invention and production of these vaccines. Because developing countries often cannot afford to buy vaccines, the market provides little incentive for pharmaceutical companies to develop vaccines for diseases that disproportionately affect those countries. This tax credit would provide such an incentive, because every dollar paid by a qualifying organization to buy a qualifying vaccine would be matched by a dollar of tax credits – representing up to \$1 billion of additional funding for future vaccine purchases.

GARY HALL

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Washington, DC 20009
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PROFILE

An energetic and results-oriented corporate attorney with premier large law firm transactional experience, a distinguished public service career, and an outstanding leadership track record. Major strengths include:

- Securities and Merger/Acquisitions Expertise
- Sound Quantitative Background
- Skilled Negotiator
- Broad Business and Government Contacts
- Experienced Public Speaker/Presenter
- Strong People-Management Skills

EXPERIENCE

1999-PRESENT U.S. DEPARTMENT OF TREASURY, Washington, DC

WHITE HOUSE FELLOW

Assigned to the Under Secretary of the Treasury for Domestic Finance to work on policy initiatives central to the Administration's national economic strategy, including writing speeches, assisting with drafting and reviewing proposed legislation, responding to Congressional inquiries, and conducting briefings.

1996-1999 GARDNER, CARTON & DOUGLAS, Chicago, Illinois

CORPORATE ATTORNEY

Provided legal representation and counseling on a wide range of domestic and international corporate finance transactions for companies in diverse industries, including information technology, utilities, financial services and telecommunications. Highlights include:

- Drafted documents, participated in negotiations and organized due diligence investigations in connection with 9 merger, acquisition, and divestiture transactions valued close to \$13 billion
- Drafted and reviewed corporate governance documents; underwriting agreements; and official statements, prospectuses, SEC registration statements and other closing documents for approximately 25 registered and exempt securities transactions, including deals with convertible features
- Received firm recognition on three separate occasions for successfully negotiating complex disputes between corporate clients and local government
- Standout client developer, including as a first-year associate

SPRING 1995 MAYER, BROWN & PLATT, London, England

LEGAL EXTERN

Reviewed and compiled closing documents for international commercial and banking transactions. Also, assisted with drafting a client development research memorandum that analyzed new case law application and interpretation of Sections 10 and 12 of the Securities Act of 1933 to certain securities transactions.

1989-1993 CITY OF CHICAGO, Chicago, Illinois

DEPARTMENT OF GENERAL SERVICES

FINANCIAL OFFICER FOR THE BUREAU OF REAL ESTATE

1992-1993

Performed budgetary duties associated with financial management of the City's real estate inventory including land valuations, land acquisition and disposition analysis, and cost/benefit evaluations of privatization proposals.

- Provided cost management for City construction, design and engineering projects totaling over \$350 million
- Developed system to expedite payments owed to City vendors and contractors
- Lead a task force to identify and account for over 10,000 properties owned by the City

MAYOR'S OFFICE OF BUDGET AND MANAGEMENT

SENIOR BUDGET ANALYST

1990-1992

BUDGET ANALYST

1989-1990

Analyzed budgets and assisted in formulating fiscal policy for certain City Departments with various funding sources, including the City's Corporate Fund, Federal Grant Fund (CDBG), Water/Sewer Funds and Special Tax District Fund.

- Served on a Committee to review applications for City low-interest loans and tax subsidies to local businesses
- Formulated the budget and assisted with creating the organizational structure for merger of the Department of Planning and Department of Economic Development
- Lead an interdepartmental task force to improve water and sewer usage fees collections, which increased collections by over \$15 million annually.
- Streamlined procedures for implementing and approving major infrastructure improvements
- Selected to participate in the Intergovernmental Executive Development Program (youngest person ever selected)

EDUCATION

J.D., Notre Dame Law School, 1996—Concentration in International Commercial Law
Concannon International Law Centre, London, England 1994-1995

B.B.A., Howard University, 1989—Major: Finance

PERSONAL DATA

Married to Elna Moore Hall, Ph.D. (senior management consultant with Hewitt Associates)

Active Golfer; Softball Team Member (Played NCAA Division I—Second Base)

Seasoned Domestic and International Traveler

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EDUCATION

Stanford University, Palo Alto, CA
Ph.D. candidate in American History (ABD), 1996 - present.

Pacific School of Religion, Berkeley, CA
M.A. in religious studies, 1996.

Grinnell College, Grinnell, IA
B.A. in religious studies, 1987.

EXPERIENCE

Levi Strauss & Co., Corporate Affairs Division, San Francisco, CA
October 1992 - September 1994; Summer 1995
Corporate Affairs Consultant. Consulted on research projects relating to corporate social responsibility, government affairs, and public policy. Researched, analyzed and reported on political and social conditions and human rights violations in countries where Levi Strauss & Co. operates and other issues of concern to senior executives.

The AIDS Consortium, Johannesburg, South Africa
November 1991 - July 1992
Administrative Director. Coordinated the development of a national, grass-roots coalition of 45 AIDS-related organizations in South Africa. Coordinated media strategy. Raised over \$180,000 from international foundations to support the coalition. Designed and produced prevention and education brochures and media advertisements.

San Francisco Supervisor Carole Migden, San Francisco, CA
January 1990 - November 1991
Legislative Aide. Developed legislation and policy positions for county legislator. Researched policy issues, drafted HIV/AIDS budget amendments, wrote speeches.

State Senator Milton Marks, San Francisco, CA
July 1989 - January 1990
Community Liaison. Developed community relations strategies for a state senate field office. Analyzed health issues and pending HIV-related legislation.

California AIDS Leadership Committee, San Francisco, CA
January 1989 - July 1989
Public Policy Assistant. Assisted state advisory committee in drafting a four-year HIV/AIDS plan and prevention strategy for the State of California.

UCSF Center for AIDS Prevention Studies, San Francisco, CA
December 1988 - July 1989
Research Assistant. Researched knowledge, attitudes, and behaviors related to AIDS and HIV-prevention in San Francisco.

SPECIAL SKILLS

Extensive research and writing skills. High level of computer proficiency, including web design and database development.

REFERENCES

Available on request.

Guatemala Country Overview

Guatemala is the largest country in Central America, with a population of more than 10.5 million people. It also has the region's largest economy, with a gross domestic product of approximately \$12 billion. However, economic wealth is concentrated in the hands of large landowners who dominate export crop production in the fertile lowlands. The wealthiest 10% of the population receives almost one-half of all income, and the wealthiest 20% receives two-thirds of all income. The result is that approximately 80% of Guatemalans live in poverty, with more than half living in extreme poverty. Guatemala's social indicators (e.g., infant mortality rate, life expectancy, literacy rate) are correspondingly among the worst in the Western Hemisphere, and the country's averages mask even sharper inequalities between social groups and regions. Guatemala's large indigenous population, which accounts for about one-half of the country's citizens, remains largely outside the country's political, economic, social and cultural mainstream. A large majority of indigenous people lives in isolated rural areas with little access to social services, education or employment opportunities.

Guatemala has had a turbulent post-independence history. The country gained independence from Spain in 1821, but from the mid-19th century until the mid-1980s, it passed through a series of dictatorships, insurgencies, coups, and periods of military rule with only occasional periods of representative government. Nominal civilian rule returned to Guatemala in 1985, when the country became a constitutional republic and elected a democratic government, but the armed forces have continued to play a very active role in the nation's political life into the 1990s. The current president, Alvaro Arzu Irigoyen of the conservative National Advancement Party (PAN), was elected to a five-year term in January 1996.

Since the early 1960s, the Guatemalan military has engaged in counter-insurgency operations against leftist guerrillas. When the army gave up its governing role as a result of the 1985 democratic elections, it rededicated itself to professionalizing its forces to combat the insurgents. The leftist insurgency has since been reduced to the point that it does not threaten national stability, but much of Guatemala's continuing violence stems from the long-running conflict between government forces and the umbrella guerrilla group known as the URNG (Guatemalan National Revolutionary Unity).

The country's violent internal struggle reached a high point during the mid-1980s. Thousands of Guatemalan civilians, especially indigenous Indians, were killed during the army's efforts to repress the guerrillas. The 1990s have seen substantial improvement, although political violence continues to claim many lives. In January 1994, former President Ramiro de Leon Carpio agreed to resume long-stalled UN-sponsored peace talks. The first major improvement to come out of the peace talks was the establishment of a UN Human Rights Verification Mission (MINUGUA), which began operating in Guatemala in November 1994. The negotiations are now entering their final phase, and negotiators hope to sign a final peace accord by the end of 1996.

The Guatemalan economy has performed well over the last several years. Real GDP grew by 4% in 1994 and by 4.5% in 1995. Inflation has been relatively moderate as well, holding at around 12% each of the last two years. Guatemala's expanding economy has been led by traditional exports, such as coffee and sugar, and by non-traditional exports, such as assembled clothing, winter fruits and vegetables, furniture, and cut flowers. Agriculture, which contributes roughly a quarter of economic output, two-thirds of exports and half of employment, remains the most important economic sector. The non-traditional sector has seen dramatic growth and has provided jobs and increased income for tens of thousands of people over the last ten years. Most manufacturing is devoted to light assembly and food processing operations and is still geared mainly toward the domestic and Central American markets. However, the United States remains the country's largest trading partner.

Facts at a Glance

Official name:	Guatemala
Capital:	Guatemala City (pop. 2 million)
Area:	42,000 sq. miles; about the size of Tennessee
Nationality:	Guatemalan(s)
Language:	Spanish (official); more than 40% of the population speaks one of 23 Mayan languages as a primary language)
Currency:	Quetzal (Q)
Exchange rate:	\$US1.00 = Q6.05 (September 1, 1996)
Head of state:	President Alvaro Arzu Irigoyen
Ruling Party:	National Advancement Party (PAN)
Next election:	November 1999
Time Zone:	EST -1 hour, PST +2 hours, GMT -6 hours
Phone codes:	Country code (502); Guatemala City code: 2, all others: 9

Executive Summary

Overview

Guatemala, the largest country in Central America, has a long history of civil strife and political instability. Although the government and the leftist URNG guerrillas are expected to end their long-running civil conflict by signing a peace accord within the year, Guatemala continues to suffer from political violence and a very high crime rate. Guatemala's civil insurgency has rarely affected foreign-owned businesses directly, but it has the country remains politically and socially unstable. The most significant human rights issues in Guatemala today concern the ongoing violence directed at human rights monitors, journalists, students, religious personnel, former refugees, and others working for peace and justice in Guatemala.

The most significant human rights issues in Guatemala that could directly affect business operations concern violations of labor rights, violence against union members, and crime. Specific labor issues include a long tradition of union repression, violence directed at union organizers, poor working conditions, child labor and low wages. In recent years, public sector union members and unions in Guatemala's high-profile *maquiladora* industry have been the targets of serious human rights abuses.¹ The most significant security threat to anyone in the country, Guatemalan or foreigner, is crime.

Despite Guatemala's history of civil strife, foreign businesses have conducted business in the country without serious problems for many years. *In the past two decades, little political violence has been directed at foreign firms operating in Guatemala.* The Guatemalan government welcomes foreign investment and generally places few legal or regulatory restrictions on foreign companies. The United States is by far the largest foreign investor in the country.

Issues addressed in this report include:

Repression of unions: Many Guatemalan employers believe that labor unions are associated with disruptive and sometimes dangerous leftist forces in the country. For these and other reasons, many employers have strongly resisted union organizing, and unions are still relatively weak in Guatemala. International labor organizations claim that Guatemalan employers typically circumvent existing laws protecting rights to free association and collective bargaining, although union membership has increased in recent years. Union leaders and members are sometimes the targets of violent human rights abuses, including kidnapping, beatings and assassinations. It is not always clear whether these abuses are directly union-related or whether they are part of the larger pattern of violence in the country.

¹"Maquiladora" or "maquila" is the name given in Mexico and Central America to factories that assemble goods for export from imported materials. In countries such as Honduras and Guatemala, the large majority of maquilas produce garments. In Mexico, maquilas also produce items such as auto parts, electrical components, household appliances, furniture, toys and sporting goods.

Wages: Like many developing countries, Guatemala has come under increasing scrutiny in recent years for paying low wages in its *maquiladora* sector. Although wages in the manufacturing sector provide a relatively high standard of living in a country where nearly 80% of the population lives below the poverty line, they appear very low when judged by U.S. or European standards.

Child labor: Guatemala's minimum working age is fourteen, but experts estimate that more than one million children under the legal age work in the country. According to some recent reports, Guatemalan employers have substantially reduced their use of child labor in response to international criticism and negative publicity. Nevertheless, the U.S. Department of Labor believes that child labor remains a problem in some remote factories and in rural areas.

Crime, kidnappings and safety: Violent crime is a very serious and growing problem throughout Guatemala. In recent years, a wave of kidnappings-for-profit has hit the country. Officials estimate that more than three kidnappings take place each day. Because the object of the kidnapping is ransom, business executives and other wealthy individuals are the usual targets of these crimes. Travel in Guatemala can be risky, especially at night.

Civil strife and violence: Guatemalan citizens are subject to a very high level of politically related violence. Human rights organizations have documented a disturbing pattern of "extra-judicial" executions, disappearances, torture, death threats, intimidation and other abuses. The perpetrators of these abuses are mostly members of the army, police or army-created "civil defense patrols." The high level of political violence, combined with the high rate of common crime, has left many Guatemalans feeling unprotected. The number of people carrying weapons has increased in recent years, and incidents of "vigilante justice" directed at suspected criminals are increasingly common.

Judicial ineffectiveness and military impunity: The Guatemalan judicial system is deeply flawed, and law enforcement is often non-existent or ineffective. Members of the armed forces, many of whom are suspected of committing the most egregious human rights violations in the country, generally enjoy near total impunity. Because of corruption, inefficiency and a lack of political will, most crimes go uninvestigated and unpunished.

Section 1: Labor Rights

A. Freedom of Association and Collective Bargaining

Although Guatemalan law provides workers freedom of association and the right to form and join trade unions, these rights are often denied in practice. Labor unions are relatively weak in Guatemala, due in part to a long history of violent resistance to union organizing and repression of union members. Currently, only 8% of the country's total work force is unionized. The strongest labor unions are in the public sector.

Historically, many Guatemalan employers have considered union activity confrontational and disruptive and have worked to circumvent labor laws in order to discourage workers from forming unions. Trade union leaders and members have routinely been the targets of serious human rights abuses, including threats, assassination attempts, kidnappings and physical harm. Public sector union leaders and unionists in the high-profile maquiladora industry have been the most common targets of such abuses in recent years. The Labor Ministry's efforts to investigate attacks against union leaders are generally inadequate or non-existent.

Workers have the right to strike, but Labor Code procedures make legal strikes cumbersome.² Although workers also have the right to organize and bargain collectively, collective bargaining is limited in practice by the weak structure of the union movement, the requirement that 25% of the workers in a factory or business must be union members in order for collective bargaining to take place, the lack of experience with the practice, and the preference of management in many cases to avoid formal ties with trade unions.

Before 1992, only one union had received legal recognition in the maquiladora industry. A union organizing effort in a plant owned by Philips Van Heusen was successful in 1992, and since that time approximately ten unions in the maquiladora sector have received recognition. However, none has been able to gather enough support to bargain collectively.

An active "solidarity" movement in Guatemala claims approximately 250,000 members in more than 475 companies. Solidarity associations are workers' groups that provide some benefits to workers (similar to a credit union), but do not negotiate for workers or engage in collective bargaining with management. Unions may legally continue to operate in workplaces that have solidarity associations, and workers have the right to choose between the two or belong to both. Many union leaders charge that management promotes solidarity associations to avoid the formation of trade unions or to rival existing labor unions.

²The law requires that two-thirds of the workers must approve a vote to strike. In addition, agricultural workers are prohibited from striking at harvest time, and the government has the legal right to prohibit strikes that it considers harmful to the national economy. For these reasons, legally authorized strikes have been very rare.

Recent Events

The past two years have seen several serious attacks against union leaders in the public sector and the maquiladora industry. The first half of 1995 was a particularly bad period. In February 1995, a member of the executive committee at the M. J. Modas maquiladora was kidnapped and threatened. In March 1995, the secretary general of the union at the Cortex maquiladora was assaulted and severely beaten. Later that month, the violence reached a new level with the first assassination of a labor leader in the maquiladora sector, Alexander Yovany Gomez, the treasurer of the union at a Korean-owned maquiladora called RCA Industries (RCA has since gone out of business). In May 1995, Flor de Maria Seguero, a union organizer at the Lunafil maquiladora, was abducted, beaten and raped. Seguero had worked actively with international labor organizations. In 1994, she had attended U.S. congressional hearings on working conditions in Central America.

Violence against union leaders continues in 1996, but it has lessened somewhat in comparison to 1995. In the first half of 1996, labor unrest has centered in the public sector, largely in response to a number of large government layoffs. There have been no major strikes in the maquiladora sector in 1996, which may account for the drop-off in violence against maquiladora unionists. Several public sector union leaders have been abducted, threatened and attacked since the beginning of the year. During the same period, labor unions have organized a number of large work stoppages and public demonstrations to voice their anger at the government's new privatization policies.

B. Wages, Benefits and Working Hours

For the past several years, international media and labor groups have criticized wage rates in Guatemala, including those in the export sector. Minimum wage levels, which vary by sector, are set by a bilateral committee representing labor and management (see Appendix A). Many unskilled and semiskilled workers, especially those in rural areas, do not receive the legally mandated minimum wage. According to the United Nations and the World Bank, most minimum wages in Guatemala remain too low to provide a minimum standard of living for a worker and his or her family based on international measures of poverty. The United Nations Development Programme (UNDP) estimates that approximately 60% of Guatemalan workers live below the international poverty line.³

Trade union leaders and human rights groups charge that Guatemalan workers are sometimes forced to work overtime, often without required overtime pay, in order to meet work production requirements. The legal workday is eight hours, and the workweek is forty-four hours (see Appendix A). However, as in many developing

³The "international" or "absolute" poverty line is determined by calculating the income or expenditure level below which a minimum, nutritionally adequate diet plus essential non-food requirements are not affordable. The absolute poverty line is used by the United Nations and the World Bank to compare poverty levels in countries around the world. In contrast to the absolute poverty line, "relative" poverty lines are defined in relation to another variable (e.g., minimum wage).

countries, a tradition of much longer hours remains in place due to economic conditions. In 1995, the Guatemalan labor research center AVANCSO reported that the average workday in fifteen maquiladoras it surveyed was ten hours per day and that most workers worked on Saturday.

Recent Events

In recent years, several U.S. labor organizations and human rights groups have criticized the export manufacturing industry in Central American countries for paying very low wages. Several U.S. newspapers and television programs have reported that the average wage paid in garment-producing *maquiladoras* in countries like Guatemala and Honduras is often no more than \$2.50 to \$3.00 a day. Although this rate of pay meets the legal minimum wages in these countries, it appears exceedingly low to American consumers when no context is provided for comparison. Media attention on "sweatshop conditions" in Central America has increased substantially in recent months.

C. Child Labor

Although the Guatemalan Labor Code sets the basic minimum age for work at fourteen (see Appendix A), laws governing the employment of minors are not effectively enforced. A 1992 report by UNICEF reported that Mexico and Guatemala had the highest levels of child labor in Central America. UNICEF estimated that more than one million children aged seven and up were working in Guatemala in 1992, with the great majority working in the agricultural industry or in small home businesses. In recent years, international attention has focused on the issue of child labor in Guatemala's garment-manufacturing maquiladora sector. United States Embassy officials and some Guatemalan non-governmental organizations now assert that, as a result of the negative publicity, employers have substantially reduced their use of child labor. Nevertheless, some evidence suggests that a small number of children under the age of fourteen are still working in textile factories. According to the U.S. Department of Labor, remote factories and subcontracted garment manufacturing enterprises are more likely than urban factories to employ children.

The Guatemalan Constitution provides for compulsory education for all children up to the age of twelve, or to the sixth grade. Less than half the population, however, actually receives a primary education. Children in rural and indigenous areas are far less likely than others to complete primary school.

Recent Events

In September 1996, representatives of the U.S. Department of Labor visited Guatemala (along with Honduras, El Salvador, the Dominican Republic, the Philippines and India) to learn more about how U.S. apparel companies are implementing their codes of conduct regarding child labor. The trip, led by the Child Labor Group of the Labor Department, was mandated by Congress and will result in a public report to Congress.

D. General Working Conditions

Occupational health and safety standards are inadequate in Guatemala. As in most other developing countries, laws that guarantee good working conditions are inadequately enforced. Although workers have the legal right to remove themselves from dangerous workplace conditions, few workers are willing to risk losing their jobs by complaining about unsafe conditions. In general, health and safety conditions in the *maquiladoras* are better than those in most other sectors. There have been no major problems regarding health and safety in recent years in the *maquiladoras*. Working conditions in Guatemala are substantially similar to those in most other Central American countries.

Section 2: General Business Risks

A. Crime, Kidnappings and Safety

Violent crime is a very serious and growing problem throughout Guatemala. According to the U.S. State Department, there has been very little political violence directed at foreign firms operating in Guatemala, but crime is a threat to anyone working in the country. Intercity travel after sunset anywhere in Guatemala is dangerous. Travelers in private vehicles have been robbed, abducted, and murdered. There have also been incidents during daylight hours.

Kidnappings of business executives and other wealthy individuals for ransom are commonplace. The great majority of kidnappings are of Guatemalan citizens. According to official statistics, 130 kidnappings occurred in the first five months of 1996, although Attorney General Gabriel Pirez has said that the real figure is much higher, estimating an average of three kidnappings a day.⁴ Almost fifty people were kidnapped during one two-week period in May and June 1996. Several prominent figures, including Human Rights Ombudsman Garcia Laguardia, have openly accused the military and police of carrying out many of the crimes. The Criminal Investigations Division of the police has agreed that some gangs are, in fact, headed by members or ex-members of the police and army.

Terrorist incidents occur sporadically, but generally increase during periods surrounding key political events. In the past, explosives have been detonated at bridges and at electrical, television and radio towers. Smaller explosive devices have been detonated in public places, although most of these explosions have occurred at night and have resulted in relatively few deaths.

In March 1994, the U.S. State Department issued a Travel Warning advising all U.S.

⁴There have been six kidnappings during the past two years involving American citizen residents of Guatemala, one of whom was murdered.

citizens to avoid non-essential travel to Guatemala because of possible violence related to widespread, unfounded rumors that foreigners were stealing children in order to extract and sell their vital organs. *The warning was modified in mid-1994 to exclude from the warning travel to the main tourist and business locations in the country, but the U.S. State Department continues to warn travelers to avoid travel to rural areas.* None of the victims of the violence or harassment resulting from the so-called "baby parts" issue has been a U.S. or foreign businessperson.

B. Rule of Law

The Government of Guatemala welcomes foreign investment and generally accords foreign investors good treatment. There are few legal or regulatory restrictions placed on foreign investors.

Intellectual Property Rights Protection

Although Guatemala is making some efforts to modernize its intellectual property rights regime, its protection of intellectual property remains inadequate. Guatemala's patent law is out of date and deficient in several areas.⁵ The law does not provide sufficient protection for owners of well known trademarks. The right to exclusive use of a trademark is granted to the first to file. This practice has permitted third parties to register and use (or prevent others from using) internationally-known trademarks. Sales of falsified name-brand clothing and other merchandise are widespread in Guatemala.

Guatemala is a signatory of the 1994 revision of the Central American Convention for the Protection of Industrial Property. If the convention comes into force and Guatemala ratifies it, some of the country's intellectual property deficiencies would be overcome. In January 1996, however, the Guatemalan Congress voted against ratification of the Convention.

Bureaucratic Regulations

Bureaucratic hurdles are common for both domestic and foreign companies operating in Guatemala. Companies are frequently subject to ambiguous requirements that are applied inconsistently by different government agencies. Public participation in the promulgation of regulations is rare and there is no consistent judicial review of administrative rule making. Customs administration is particularly problematic, with inconsistent classification and valuation of imports, frequent delays at the border and widespread corruption. Government officials have been known to seek bribes for their services, but this practice is no more widespread in Guatemala than it is in most other Central American countries, and it is generally less widespread than in many Asian countries.

⁵These include limiting protection to only fifteen years (ten years for food, beverages and medicines), broad compulsory licensing and parallel import requirements.



call turnB.



Dublin's → A.S.

Rel malley
mid East
work for
Dublin's
Diana Helwig**LAUREL E. MILLER**

7830 ABERDEEN ROAD
BETHESDA, MARYLAND 20814
HOME (301)907-3862
OFFICE (202)647-3777

EDUCATION**THE UNIVERSITY OF CHICAGO LAW SCHOOL**

J.D., with honors, 1992.

Member of Editorial Board, *The University of Chicago Law Review*.

Published Comment: *Forum Non Conveniens and Foreign Plaintiff Access to U.S. Courts in International Tort Actions*, 58 U Chi L Rev 1369 (1991).

Co-founder, Comparative Legal Studies Abroad program.

PRINCETON UNIVERSITY

A.B., with honors, Woodrow Wilson School of Public and International Affairs, 1986.

President, Princeton University Press Club. Stringer for newspapers and wire services.

Cast member, Triangle Club musical-comedy productions.

EXPERIENCE**UNITED STATES DEPARTMENT OF STATE, Washington, D.C.**

Senior Advisor, Office of the Special Advisor to the President and Secretary of State for Kosovo and Dayton Implementation, 1999 to present.

Provide policy analysis and recommendations to the senior State Department official responsible for U.S. policy toward Southeast Europe. Coordinate activities of offices within the Department involved in developing and implementing Southeast Europe policy. Review and approve policy documents, public diplomacy, and briefing materials on behalf of the Special Advisor. Present U.S. Government positions to officials of foreign governments and international organizations. Participate in all of the Special Advisor's meetings, and accompany him on official travel.

NATIONAL SECURITY COUNCIL STAFF, THE WHITE HOUSE, Washington, D.C.

Director for Inter-American Affairs, 1998-1999.

Advised and assisted the President, through the National Security Advisor and the Senior Director for Inter-American Affairs, on policy toward Mexico and the Caribbean, and on Latin American regional trade issues. Coordinated policy matters among United States Government agencies concerning countries and issues within my portfolio.

COVINGTON & BURLING, Washington, D.C. and Brussels, Belgium

Associate in the Washington office, 1993-1996 and 1997-1998, and Associate in the Brussels office, 1996-1997.

Practice areas included public international law, European Community law, economic sanctions law, communications law, and administrative law. From 1995 to 1998, assisted Covington & Burling senior counsel Roberts Owen in his roles as a member of the United States negotiating team for the Bosnian peace process, the Presiding Arbitrator of the Brcko Arbitration Tribunal, and the Arbitrator for the Federation of Bosnia and Herzegovina. Participated in the Dayton peace conference for Bosnia and Herzegovina as a member of the U.S. delegation.

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT, Pasadena, California

Judicial Clerk for Judge Cynthia Holcomb Hall, 1992-1993.

Analyzed legal issues and drafted judicial opinions for a federal appellate court judge.

LAUREL E. MILLER

PAGE 2

CENTRE FOR SCIENCE AND ENVIRONMENT, New Delhi, India

Researcher for a non-profit public interest organization, 1989.

Authored report on the environmental impact of the Green Revolution published in a book on the state of India's environment.

***THE JAPAN TIMES*, Tokyo, Japan**

Staff reporter assigned to the politics and economics desk, 1986-1987.

Wrote news and feature articles for the largest English-language daily newspaper in Japan.

AWARDS AND FELLOWSHIPS

COUNCIL ON FOREIGN RELATIONS

International Affairs Fellow, 1998-1999.

UNITED STATES DEPARTMENT OF STATE

Superior Honor Award, for contributions as a member of the team that negotiated the peace accord for Bosnia and Herzegovina, 1996.

FORD FOUNDATION

Fellowship in International Law, The University of Chicago Law School, 1992.

ROTARY FOUNDATION

Graduate Fellowship, University of Delhi, India, 1988-1989.

**MEMORANDUM
OF CALL**

Previous editions usable

TO:

Lisel

☐

YOU WERE CALLED BY—

☐

YOU WERE VISITED BY—

Adam Steinman

OF (Organization)

☐

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(Enter area code,
if necessary)

☐

DSN

(202) 662-9559

☐

WILL CALL AGAIN

☐

IS WAITING TO SEE YOU

☐

RETURNED YOUR CALL

☐

WISHES AN APPOINTMENT

MESSAGE

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DATE

5/3

TIME

11:20

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50363-111
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OPTIONAL FORM 363 (Rev. 7-94)
General Services Administration

re/s.
current job.
str./wreat
go from here.

ANDREW J. SHAPIRO

2000 Connecticut Ave., NW, #501

Washington, D.C. 20008

Work: (202) 353-0012

Home: (202) 232-0972

e-mail: andrew_shapiro@hotmail.com

in depth knowledge
intern'l / trans-columbia
trade + compet
memos to adv. etc.
drafting, coord.

EXPERIENCE

INTERNATIONAL COMPETITION POLICY ADVISORY COMMITTEE TO THE ATTORNEY GENERAL AND THE ASSISTANT ATTORNEY GENERAL FOR ANTITRUST
U.S. Department of Justice, Washington, DC

Counsel

May 1998 - Present

Assist Advisory Committee Members in considering the challenges for international antitrust enforcement in the global economy and providing a policy vision to guide the U.S. Department of Justice. Responsibilities include research and writing on issues relating to the interface of international trade and competition policy as well as the role of competition policy in the development of electronic commerce, preparing talking points and speeches for Co-Chairs of Advisory Committee, and managing outreach to businesses, trade associations, and other groups involved in the work of the Advisory Committee.

COVINGTON & BURLING

Washington, DC

Associate

November 1995 - May 1998

Worked on projects in international, litigation, and antitrust practice areas. Major projects include drafting comments to the United States Trade Representative, providing advice to clients concerning the Foreign Agents Registration Act and the Export Trading Company Act, and drafting brief for NFL Special Master Proceeding.

MICHIGAN DEMOCRATIC PARTY COORDINATED CAMPAIGN

Detroit, MI

Assistant Communications Director

September 1996 - November 1996

Assisted Communications Director in coordinating statewide press, research and monitoring efforts for Clinton-Gore '96 and Michigan's Democratic ticket. Wrote press releases and media advisories describing Clinton-Gore and Democratic Party media events in Michigan. Drafted talking points for surrogates who were to appear on television or radio.

THE WASHINGTON INSTITUTE FOR NEAR EAST POLICY

Washington, DC

Senior Research Assistant

September 1989 - May 1991

Provided research support for Fellows. Managed incoming research information. Edited *Policy Papers* and wrote *Policy Forum Report* Newsletters.

EDUCATION

COLUMBIA UNIVERSITY SCHOOL OF LAW, New York, NY

Juris Doctor, May 1994

Honors and Activities:

Harlan Fiske Stone Scholar - 1st, 2nd and 3rd Year

Journal of Transnational Law - Notes Editor

Harlan Fiske Stone Moot Court Competition Finalist

Parker School Certificate of Achievement in International Law

First Amendment Teaching Assistant, Columbia University School of Journalism

COLUMBIA UNIVERSITY SCHOOL OF INTERNATIONAL AND PUBLIC AFFAIRS, New York, NY

Masters in International Affairs, May 1995. Teaching Assistant for International Law.

UNIVERSITY OF PENNSYLVANIA, Philadelphia, PA

Bachelor of Arts cum laude with Honors Distinction in Diplomatic History, Minor in Political Science, May 1989

Honors History Thesis: *Anglo-American Relations and the Egyptian Question, 1952-54*

HONORS AND MEMBERSHIPS

Council on Foreign Relations. Term Member. 1999 - Present

Salzburg Seminar Fellow, Session 365, *The Transatlantic Agenda at the Turn of the Century*, March 1999

American Bar Association. Member, Sections of International and Antitrust Law

Co-Chairs:
James F. Rill
Paula Stern

**INTERNATIONAL COMPETITION POLICY
ADVISORY COMMITTEE**
To The Attorney General And The
Assistant Attorney General For Antitrust

Executive Director:
Merit E. Janow

Members:
Zoë Baird
Thomas E. Donilon
John T. Dunlop
Eleanor M. Fox
Raymond V. Gilmartin
Vernon E. Jordan, Jr.
Steven Rattner
Richard P. Simmons
G. Richard Thoman
David B. Yoffie

Counsel:
Cynthia R. Lewis
(202) 514-8505

Andrew J. Shapiro
(202) 353-0012

Stephanie G. Victor
(202) 616-9705

FACSIMILE

To: Lisel Loy
White House Office of the Staff Secretary

Fax No. : 202-456-2215

From: Andrew J. Shapiro

Date: May 1, 2000

Pages: 2 (including cover page)

Message:

It was nice to speak with you about a possible position in the Staff Secretary's office. As we discussed, you will find attached a copy of my resume. If you require any additional information, please do not hesitate to contact me at 202-353-0012. I look forward to hearing from you soon.

Andrew Shapiro

James F. Rill, Esq.
Collier, Shannon, Rill & Scott, PLLC
3050 K Street, N.W., Suite 400
Washington, DC 20007

Dr. Paula Stern
The Stern Group, Inc.
3314 Ross Place, N.W.
Washington, DC 20008

Professor Merit E. Janow
Columbia University
420 West 118th Street
Int'l Affairs Bldg., Room 909
New York, NY 10027

ICFAC
U.S. Department of Justice
Antitrust Division - Rm. 10011
601 D Street, N.W.
Washington, DC 20530

Phone: (202) 347-8470

Phone: (202) 966-7894

Phone: (212) 854-1724

Phone: (202) 353-9074
Facsimile: (202) 353-9985

89E-J 20/10 P 229-T

988835202

May-01-00 01:50pm From-ICFAC

**Suggested Opening Remarks
for Attorney General Janet Reno
for May 17, 1999 ICPAC Hearings**

It is my pleasure to welcome you all to the final day of the Spring Hearings of the International Competition Policy Advisory Committee. I would like to thank the Co-Chairs, Paula Stern and James Rill, the Members of the Committee, and the Executive Director, Professor Merit Janow, for all their hard work on this issue over the last year and a half. I also would like to extend my welcome to today's participants, who have taken time out of their busy schedules to share their views with the Advisory Committee.

International competition policy is playing an increasingly important role in the global economy. Many direct government barriers to international trade have fallen and the resulting increase in trade flows has helped spur broad economic growth and opportunity. However, as these national trade barriers have fallen, the importance of effective antitrust enforcement has grown. In order to ensure that consumers reap the benefits of increased international trade, antitrust enforcers must remain vigilant against those who seek to engage in conduct that would damage competition.

The Justice Department is committed to meeting the challenges posed by the new global economy and is playing a leading role in developing and enforcing sound competition policy. Under the able leadership of Joel Klein, our Antitrust Division has had unprecedented success in attacking international cartels that cost consumers vast amounts of money each year. Through its sustained enforcement efforts, the Antitrust Division has succeeded in exposing these cartels. The result has been numerous guilty pleas and, in the last two fiscal years, record fines. Just two weeks ago, SGL AG, the world's largest producer of graphite and carbon products, agreed to pay a record \$135 million fine and plead guilty to participating in an international conspiracy to fix

prices and allocate the volume of graphite electrodes in the U.S. and elsewhere. With over 30 grand juries currently investigating suspected international cartel activity, the unmasking and prosecution of international cartels is likely to increase dramatically.

Another area where the Justice Department has met the challenges posed by globalization is in its review of multinational mergers. The global economy is currently undergoing an unprecedented merger wave. Many of these transactions require review by several different national antitrust enforcement agencies. In my view, the Antitrust Division has managed this flood of multinational merger notifications with great skill and has ensured that the interests of U.S. consumers are protected.

While the Department has enjoyed important successes in its international antitrust enforcement efforts, the increasing globalization of markets presents unique challenges to the development of sound competition policy. In late fall of 1997, Joel Klein and I agreed that the Justice Department could benefit from bringing together a diverse group of experts for two years to make recommendations concerning the most pressing issues in international competition policy. We were fortunate to be able to recruit a distinguished roster of business executives, lawyers, scholars and economists. We asked the members to examine three issues:

- First, building on U.S. antitrust cooperation agreements, how do we build a consensus among governments for cooperation and effective enforcement efforts aimed at eliminating international cartels?
- Second, given the proliferation of national antitrust laws and premerger notification requirements, how can the various antitrust agencies achieve sound results for both merging firms and consumers? and

- Third, how should the U.S. address anticompetitive schemes by private firms in other countries that impede access to markets?

By all accounts, the Advisory Committee has made impressive progress towards its goal of delivering a report to the Justice Department by the end of this year. At its first set of public hearings last November, the Advisory Committee heard from 48 of world's leading thinkers in international competition policy including the heads of 10 different national competition authorities. And just a few weeks ago, the Advisory Committee held the first day of its spring hearings with testimony from members of prominent trade associations, bar associations and other experts. I am confident that the testimony offered to the Advisory Committee at its hearings has greatly enriched the American public's understanding of these difficult and complex issues.

At today's hearings, I understand that the Advisory Committee will hear testimony from members of the American Bar Association's Section of Antitrust Law which has formed a special task force to provide input to the Committee. The Advisory Committee will also have the opportunity to hear from representatives of several U.S. businesses who have experienced problems in accessing foreign markets. The testimony offered today will make a considerable contribution to the ongoing work of the Advisory Committee.

On behalf of the Department of Justice, I would like to thank all those who have generously given their time to participate in the Advisory Committee process.

I am looking forward to receiving the final report of the Advisory Committee later this year. I have every confidence that the Committee's recommendations will make a significant contribution to the development of the United States international competition policy and

ultimately lead to the development of policies which will benefit U.S. consumers. Thank you.

ANDREW J. SHAPIRO - REFERENCES

- boss now*
- 1. Merit E. Janow - (212) 854-1724 - Executive Director, International Competition Policy Advisory Committee; Professor, Columbia University School of Public and International Affairs.
 2. Seth A. Tucker - (202) 662-5101 - Partner, Covington and Burling. *supervised on pro bono case; ran on his own.*
 - ok w/ him* — 3. Michael L. Gordon - (646) 458-5340 - Vice President for Communications and Investor Relations, Kozmo.com; former Spokesman, Attorney General Janet Reno; former Communications Director, 1996 Michigan Democratic Party Coordinated Campaign. *advised to foreign agents Ted Koorhuis -*

Further references available upon request.

*personal person
didn't run pro bono office -*

MEMORANDUM
OF CALL

Previous editions usable

TO:

Sean

☒ YOU WERE CALLED BY ☐ YOU WERE VISITED BY—

Chad Johnson

OF (Organization)

☐ PLEASE PHONE ☐ (Enter area code, if necessary) ☐ DSN
(cell) 202-316-1382

☐ WILL CALL AGAIN ☐ IS WAITING TO SEE YOU
☐ RETURNED YOUR CALL ☐ WISHES AN APPOINTMENT

MESSAGE

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at wlt
William Wayburn recommended
he call you*

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ChadSJ@aol.com

05/05/2000 12:01:37 PM

Record Type: Record

To: Lisel Loy/WHO/EOP

cc:

Subject: Fwd: Chad Johnson / Staff Sec'y Inquiry

Lisel, I sent the attached email to Sean, and understand that you are heavily involved in the interview process. I wanted to copy you on this email to Sean and hope to talk with you as well. Thanks, Chad

CJ

Chad S. Johnson

(chad@chadworld.com)

home office 202.625.1382 fax 202.625.1383

Return-path: <ChadSJ@aol.com>

Date: Fri, 5 May 2000 11:57:39 EDT

From: ChadSJ@aol.com

Subject: Chad Johnson / Staff Sec'y Inquiry

To: sean_t_maloney@who.eop.gov

Message-id: <31.4994b90.26444973@aol.com>

MIME-version: 1.0

X-Mailer: Windows AOL sub 36

Content-type: text/plain; charset=US-ASCII

Content-transfer-encoding: 7BIT

Full-name: ChadSJ

Sean, I have been working with Daniel Montoya for several months looking at potential presidential appointment and WH positions. Last night, I received a call from a friend at the WH informing me that you may be leaving your position soon, which may open a very exciting position(s) very quickly. I spoke with William Waybourn, a good friend, who gave me your number and email address. (In fact, I may have met you at one of William's parties.) In any case, William suggested I contact you directly to inquire about opportunities. I have also called Presidential Personnel and Marsha Scott's office, as Daniel is out of town and difficult to reach. My back ground in brief is Emporia (Kansas) High School, Harvard College and Law School, federal clerkship in Puerto Rico, and 7 years as an attorney at Skadden Arps here in D.C. Since April 5, I have taken an unpaid leave of absence at least through November to work on the Gore campaign as a volunteer and pursue other

interests. Thus, I'm in a a very flexible position to consider current, rush opportunities. I would be very interested in speaking with you at your convenience. My pager number is 888-757-1382, cell 202-316-1382, and my home office number is below. Thanks, Chad

CJ

Chad S. Johnson
(chad@chadworld.com)
home office 202.625.1382 fax 202.625.1383

**MEMORANDUM
OF CALL**

Previous editions usable

TO:

☐ YOU WERE CALLED BY— ☐ YOU WERE VISITED BY—

OF (Organization)

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☐ RETURNED YOUR CALL ☐ WISHES AN APPOINTMENT

MESSAGE

cell: 202-316-1382
home office:
202-625-1382

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DATE

TIME

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50363-111
UNICOR FPI-SST

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General Services Administration

RUSH 5 PM 4:00

CHAD S. JOHNSON
CJ HOLDINGS
CJ INVESTMENTS
THE CJ FOUNDATION
1519 P STREET, N.W.
WASHINGTON, D.C. 20005
TELEPHONE No.: 202-625-1382
FACSIMILE No.: 202-625-1383
CELLULAR No.: 202-316-1382
PAGER No.: 888-757-1382

FACSIMILE TRANSMITTAL SHEET

PLEASE DELIVER THE FOLLOWING PAGE(S) TO:

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Lisel Loy

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White House

CITY:

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5/5/2000

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MESSAGE:

Resume per Sean Maloney.

Thanks for your
consideration.

- Chad

Chad S. Johnson

1519 P Street, N.W.
 Washington, D.C. 20005
 202.625.1382 (phone) 304.724.1382 (W. Va. phone)
 202.625.1383 (fax) 304.724.1383 (W. Va. fax)
 888.757.1382 (pager)
Chad@Chadworld.com

Skadden, Arps, Slate, Meagher & Flom LLP
 1440 New York Avenue, N.W.
 Washington, D.C. 20005-2111
 202.371.7334 (direct phone)
 (on unpaid leave at least through the November election)

WORK EXPERIENCE

**Senior Associate Attorney, Banking/Regulation Practice Group of Corporate Law Department,
 Skadden, Arps, Slate, Meagher & Flom LLP.** November 1993 - present.

Represent and assist top financial institutions with complex mergers, acquisitions, regulatory questions, compliance matters, federal and state banking agency communications, and legislative developments. Assist and report to firm partners regarding delegated tasks. Interact with senior officers and directors of financial institutions. Supervise and manage teams of New York and D.C. based mid and junior level attorneys; legal assistants; legislative, graphics, and economics professionals; and clerical staff on various research, writing, presentation, and client development projects. Recent responsibilities include providing advice on and execution of the merger of Citicorp and Travelers Group into Citigroup, including related affiliation of Nikko Securities and Salomon Smith Barney; merger of Chemical Bank and Chase Manhattan; and government-required acquisition of the U.S. operations of The Daiwa Bank, Limited by The Sumitomo Bank, Limited. Other recent tasks include drafting preliminary book chapters on 'financial institutions and e-commerce' and on 'financial institutions and privacy'; analyzing pending federal and state financial institutions legislation; and researching federal and selected states' predatory lending laws and rules. An extensive enumeration of responsibilities and roles in projects undertaken in my position at Skadden Arps will be provided on request.

Pro Bono Representation of Non-Profit Organizations and Indigent Individuals While at Skadden Arps. Among others, serve as *General Counsel*, Gay and Lesbian Victory Fund and Gay and Lesbian Victory Foundation. 1994 - present. Selected and practiced poverty law as Skadden's designated full-time *Pro Bono Attorney*, Legal Aid Society of D.C. January 1997 - August 1997. Provided legal services as *National Counsel*, Gay & Lesbian Alliance Against Defamation (GLAAD). 1995 - 97. Raised funds and organized a national board of directors as *Co-Chair* of Servicemembers Legal Defense Network (SLDN). 1996 - 98. Co-founded, co-chaired, and presently serve on the *Executive Board* of Harvard Law School's gay and lesbian alum organization. 1992 - present. Represent several indigent individuals with landlord-tenant and family law matters. 1997 - present.

Federal Law Clerk, The Honorable José Antonín Fusté, U.S. District Judge, District of Puerto Rico. September 1992 - October 1993.

Teaching Fellow, Harvard College, cosmology and quantum mechanics courses, receiving Harvard College Danforth and Bok Outstanding Teacher Awards (1990 - 91 and 1991 - 92). 1987 - 88, 1989 - 90, 1990 - 91, 1991 - 92.

Summer Associate Attorney, Weil, Gotshal & Manges LLP, Washington, D.C., Summers 1991 and 1992;
Paul, Weiss, Rifkind, Wharton & Garrison, Washington, D.C., Summers 1990 and 1991.

LEGAL EDUCATION

Harvard University, Law School, J.D., Class of 1992. *General Editor, Harvard Law School Civil Rights-Civil Liberties Law Review*, published article regarding the policy of the armed forces on the service of gay and lesbian people, edited two outside articles pertaining to civil rights and criminal law. 1990 - 92. *Research Assistant to Visiting Law Fellow William Rubenstein*, researching male rape and writing first drafts of chapters on criminal law and employment discrimination for Rubenstein's text: *SEXUAL ORIENTATION AND THE LAW*. January 1992 - June 1992.

Harvard/Radcliffe College Resident Tutorship in Law, Leverett House, Harvard College. 1990 - 92.

UNDERGRADUATE AND SECONDARY SCHOOL EDUCATION

Harvard College, A.B., Honors, Class of 1989, Economics Concentration with focus on Government. Awarded John Harvard Scholarship, 1985 - 86, and Harvard College Scholarships, 1986 - 87, 1987 - 88, 1988 - 89 for high grade point averages.

Emporia Senior High School, Emporia, Kansas. Graduated 4.00 honors student, 1985. Elected student body president, 1984 - 85.

PRESIDENTIAL POLITICAL ACTIVITIES AND OTHER PERSONAL INTERESTS

Deputy Business Liaison (unofficial title at present) & *Gay & Lesbian Outreach Steering Committee Member, Gore 2000.* *Volunteer/Contributor, Gore 2000*, including sponsorship of D.C.'s *Salute to Tipper Gore*.

Volunteer/Contributor, Clinton-Gore 1992 (Massachusetts, Puerto Rico), *1996* (District of Columbia). *Interests:* Travel, Politics, Economics, Technology, Popular Culture, Pugs, the Shenandoah River, and Outdoor Activities.

00 MAY 2 PM 10:01

SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP

1440 NEW YORK AVENUE, N.W.
WASHINGTON, D.C. 20005-2111

TELEPHONE NO.: (202) 371-7000

FACSIMILE NO.: (202) 393-5760

DIRECT FACSIMILE NO.:

FACSIMILE TRANSMITTAL SHEET

PLEASE DELIVER THE FOLLOWING PAGE(S) TO:

NAME:

Hon. Lisel Loy

FIRM:

CITY:

DATE:

May 2, 2000TELEPHONE NO.: 202-456-2704FACSIMILE NO.: 202-456-2215FROM: Anand S. Raman

FLR/RM.:

DIRECT DIAL: 202-371-7019

TOTAL NUMBER OF PAGES INCLUDING COVER(S):

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MESSAGE: Lisel: I will definitely be out of town on Thursday, but I am basically free tomorrow afternoon (and Friday as well). Let me know if you need anything else.

- Anand

DAVID BERNELL
10115 Brunswick Ave.
Silver Spring, MD 20902
301-649-2950

EXPERIENCE

-
- | | | |
|---------------|--|----------------|
| 1998-
2000 | Executive Office of the President, Office of Management and Budget
Confidential Assistant to the Associate Director--Natural Resources, Energy and Science. <ul style="list-style-type: none">· Coordinate annual budget review and appeals process with the Associate Director for the Departments of Energy, Interior, Agriculture, EPA, NASA, NSF, and the Army Corps of Engineers; manage and/or carry out assignments that originate in or come through the Associate Director's office; assist in drafting, reviewing and clearing correspondence, memos and official transmittals to White House offices, Congress, Cabinet agencies and various constituencies; prepare daily briefing books for the Associate Director. | Washington, DC |
|
 | | |
| 1993-8 | College of Notre Dame of Maryland
Associate Faculty, Department of History/Political Science <ul style="list-style-type: none">· Courses: Introduction to International Affairs, Introduction to American Politics, The Cuban Revolution, The U.S. and Latin America, America at War, Politics and Science in the 20th Century, American History and Politics in Film. | Baltimore, MD |
|
 | | |
| 1996 | Clinton/Gore '96
National Advance Staff <ul style="list-style-type: none">· Advanced all aspects of campaign trips; prepared and organized sites; managed relations with the media; built crowds; coordinated activities with local party organizations. | Washington, DC |
|
 | | |
| 1996 | Johns Hopkins University
Instructor, Department of Political Science <ul style="list-style-type: none">· Course: International Relations--Theory and Practice | Baltimore, MD |
|
 | | |
| 1991-6 | Johns Hopkins Hutzler Undergraduate Library
Manager <ul style="list-style-type: none">· Supervised daily operation of the library; hired, trained and supervised staff of twenty-five; scheduled employee shifts to maintain 24-hour a day staffing; prepared staff payroll; processed all incoming books and periodicals; selected new items to be added to collection; coordinated services with main library; wrote monthly and annual reports on library operations. | Baltimore, MD |
|
 | | |
| 1991-6 | Center for Talented Youth
Instructor <ul style="list-style-type: none">· Course: World Politics | Carlisle, PA |

EDUCATION

-
- | | | |
|------|---|---------------|
| 1997 | Johns Hopkins University
Ph.D., Department of Political Science
Dissertation: "This is Not Cuba: Representing Castro in the United States" <ul style="list-style-type: none">· Departmental Teaching and Research Fellowship, JHU Dept. of Political Science, 1989-94.· Research grant for fieldwork in Cuba, JHU Latin American Studies Program, 1995.· Study grant for Spanish language training, JHU Dept. of Political Science, 1992.· Spanish language training in Guatemala, Nicaragua, and Mexico, 1991, 92, 94.· Fieldwork conducted in Cuba, March 1995. Research on U.S.-Cuban relations at the Center for the Study of the United States; interviews with government and Communist Party officials, and scholars from the Jose Marti Institute and Institute of History.· Fieldwork conducted in Guatemala, Summer 1992. Research on the Guatemalan insurgency and U.S. influence on Guatemalan national politics. | Baltimore, MD |
|------|---|---------------|

David Bernell

- 1994 **Johns Hopkins University** Baltimore, MD
Master of Arts, Department of Political Science
Thesis: "The Curious Case of Cuba in American Foreign Policy."
- 1989 **University of New Mexico** Albuquerque, NM
Secondary education teacher certification, New Mexico
- 1988 **University of New Mexico** Albuquerque, NM
Bachelor of Arts, Political Science
• Magna Cum Laude
• Phi Beta Kappa
• University of New Mexico Presidential Scholarship, 1984-1988.

PUBLICATIONS AND PRESENTATIONS

- 2000 "James Monroe," in *Presidential Administration Profiles*, (Detroit, MI: Gale Research). (Forthcoming)
- 1997 "Constructing the Hated Castro in American Foreign Policy: From Threat to Illegitimacy," Presented at the Northeastern Political Science Association Annual Meeting, Philadelphia, PA.
- 1995 "Los Estados Unidos y Cuba: Imperialismo y Comunismo," Presented at the Center for the Study of the United States, Havana, Cuba.
- 1994 "The Curious Case of Cuba in American Foreign Policy," *Journal of Interamerican Studies and World Affairs*, Summer 1994, Vol. 36, No. 2, pp. 65-103.
- 1990-8 "United States of America," "Canada," "Dominican Republic," "Dominica," "St. Kitts-Nevis," "Ireland," "Australia," and "New Zealand," in *Current Leaders of Nations*, (Detroit MI: Gale Research).

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