

# Withdrawal/Redaction Marker

## Clinton Library

| DOCUMENT NO.<br>AND TYPE | SUBJECT/TITLE                                             | DATE       | RESTRICTION |
|--------------------------|-----------------------------------------------------------|------------|-------------|
| 001. resume              | [Personally Identifiable Information] [partial] (2 pages) | 12/00/1993 | b(6)        |

### **COLLECTION:**

Clinton Presidential Records  
Staff Secretary  
John Podesta (Subject Files)  
OA/Box Number: 5485

### **FOLDER TITLE:**

Bill Gould

2018-0662-S  
rs3136

### **RESTRICTION CODES**

#### **Presidential Records Act - [44 U.S.C. 2204(a)]**

P1 National Security Classified Information [(a)(1) of the PRA]  
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]  
P3 Release would violate a Federal statute [(a)(3) of the PRA]  
P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]  
P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]  
P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

#### **Freedom of Information Act - [5 U.S.C. 552(b)]**

b(1) National security classified information [(b)(1) of the FOIA]  
b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]  
b(3) Release would violate a Federal statute [(b)(3) of the FOIA]  
b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]  
b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]  
b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]  
b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]  
b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Files of John D. Podesta / *Staff Secretary*

ENCLOSURES FILED OVERSIZE ATTACHMENTS

5485

NARA 3905

Box 1

- Correspondence from Bill Gould
- Administrative Conference of the U.S.
- Confirmation of Larry Lawrence
- Memorandum recommending Duvall Patrick for Assistant Attorney General for Civil Rights
- Background information on Peter Edelman
- Memorandum regarding head of state immunity for Sheikh Zayed
- Background on Armstrong v. Executive Office of the President [three files]
- Background information on the Achieves

5486

ENCLOSURES FILED OVERSIZE ATTACHMENTS

Box 2

NARA 3906

- Black Binder of Issue Briefs
- White Binder of Writings by John A. Payton, Jr.
- Black Binder with the Public Hearing of the National Information Infrastructure Task Force / Information Policy Committee / Working Group on Intellectual Property
- Blue Binder with NLRB Third Vacancy Slot Resumes
- Public Hearing on Intellectual Property Issues Involved in the National Information Infrastructure

5487

ENCLOSURES FILED OVERSIZE ATTACHMENTS

Box 3

NARA 3907

- Intellectual Property / NII Roundtable - December 19, 1994
- Report to the President: Economic Package Outreach Plans
- Presidential Review Directive [PRD] 29 Task Force [5 binders]
- Brief Q & A on Clinton-Gore Economic Plan [3/1/93]

5488

ENCLOSURES FILED OVERSIZE ATTACHMENTS

Box 4

NARA 3908

- A Vision of Change for America briefing materials - February 17, 1993
- Economic Background Materials

*4 boxes recd in ORN 6/30/95  
filed 7/3/95*

# Files of John D. Podesta

## Box 1

- Correspondence from Bill Gould
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[three files]
- Background information on the Achieves

# Appointee Burns While Pols Fiddle

By Frank Swoboda  
Washington Post Staff Writer

On most mornings, Bill Gould walks two blocks from his house to his office at the Stanford University Law School and immediately begins calling Washington, sometimes up to 30 calls a day as he tries to put his life in order.

Gould, 57, is President Clinton's choice to be chairman of the National Labor Relations Board, the first black nominated to head the five-member panel that enforces the nation's basic labor law.

The process has made Gould an angry man. For the last six months, Gould's life has been on hold by White House bungling and old fashioned partisan politics. The dispute has left the five-member NLRB powerless to act because it lacks a quorum.

Each morning finds Gould on the telephone, calling anyone in Washington who will listen in an effort to end the limbo that has him dangling.

"I'm sure there are many people there [in Washington] who view me as having made a pain in the neck of myself," Gould said this week. "But the whole thing has been such a debacle. Nobody has really done what they've been supposed to do," he said.

The process has made Gould wonder why people want to take a job with the government. "You do run the risk of setting yourself up," he said.

Bill Clinton is the first president since Franklin D. Roosevelt to name a majority of the board in his first year in office. In addition to the three board members, Clinton also has been able to nominate a new general counsel, perhaps the most powerful job at the NLRB. The general counsel is the gatekeeper who decides what cases the board will hear.

Late last June, Clinton began the process of filling the vacant board seats by nominating Gould. Although Gould has worked both as a union lawyer (United Auto Workers) and a management attorney in New York, he made his mark as a labor law scholar and an arbitrator who has won high praise from labor and management.

Since then, the president has nominated Philadelphia labor lawyer Margaret Browning to fill another seat on the board, and

Fred Feinstein, majority counsel to the House Education and Labor's labor-management relations subcommittee, to be NLRB general counsel.

That left only the "Republican" seat on the board to be filled by the White House. By tradition, the party of the president has held a majority on the board.

Within a month of his being named, Gould had been cleared by the FBI and his nomination sent to the White House. Officials familiar with the case said Gould's nomination papers languished on the desk of Vincent Foster Jr., the White House counsel who committed suicide last summer.

White House officials conceded that the Gould case had been bungled by the president's personnel operation. By the time his papers were located and the process restarted, Gould's nomination was on hold and Senate Republicans, aided by the business community, had managed to arm themselves for battle.

When the Senate Labor and Human Resources Committee finally got around to holding hearings in early October, well past the late July confirmation date originally targeted by the White House, congressional Republicans were ready.

Borrowing a chapter from the Democrats, who held up Bush nominees to the board for nearly a year in 1989, Republicans on the Senate Labor and Human Resources Committee quickly made it clear that they had problems with Gould. They said he was too pro-union for their tastes. Sen. Nancy Landon Kassebaum (Kan.), the committee's new ranking Republican, soon made it clear that the GOP wanted to see who the White House would nominate for the Republican seat before the senators would act on Gould.

The White House, sources said, politely told the Republicans to get lost.

Sources said the Republicans had con-

cluded that they were in a position because of the White House delays to not only tell the administration to tell them who was going to be nominated for the third NLRB seat, but also to dictate the choice.

And by this time, according to business lobbyists, Kassebaum was angry. "If they ignored her and then they insulted her," said a key lobbyist who opposed Gould's nomination.

This week, with chief White House adviser Howard Paster trying to clear up the matter before leaving government, the White House was actively negotiating with Kassebaum to find an acceptable candidate for the remaining NLRB vacancy. Kassebaum and the White House acknowledged that they were in talking, but neither side would name candidates.

Kassebaum insists that she has nothing personal against Gould and indicates if Republicans get the right candidate for the third NLRB seat they will approve the other NLRB appointments.

"This is not an attempt to keep Gould dangling," she Kassebaum said this week. "This is a key position on the board for the future. It was the logical point for us to draw the line in the sand."

Paster predicted that the NLRB situation would be resolved "quickly," possibly no later than next week.

The name circulating yesterday for the Republican seat was Dawne Hicktop, a labor attorney for USX Corp. in Pittsburgh. Hicktop has White House approval, but it was unclear whether the Republicans had cleared her selection.

Meanwhile, Gould is trying to decide whether to sign up to teach classes or put his faith in a system he feels has let him down. Whatever the outcome, he said this week, "I'm not the kind of person who will back away from a fight."

File  
Gould

THE WHITE HOUSE  
WASHINGTON

23 DEC 3 P4:49

*file  
Gould*

December 3, 1993

MEMORANDUM FOR JAN PIERCY

FROM: Howard Paster *W*

SUBJECT: Recess appointment to NLRB

Bill Gould has recommended we consider the following people for a temporary recess appointment to the NLRB:

- 1) Cornelius Peck, recently retired from the faculty of the University of Washington Law School;
- 2) Gordon Myatt, a recently retired ALJ on the West Coast;
- 3) Lloyd(?) Merrifield, retired from the George Washington University Law School faculty; and
- 4) Ben Aaron, retired from the UCLA Law School faculty.

cc: John Podesta ✓  
Melanne Verveer

SCHOOL OF LAW  
STANFORD UNIVERSITY, STANFORD, CALIFORNIA 94305

93 DEC 13 10:21

WILLIAM B. GOULD IV  
CHARLES A. BEARDSLEY PROFESSOR  
OF LAW

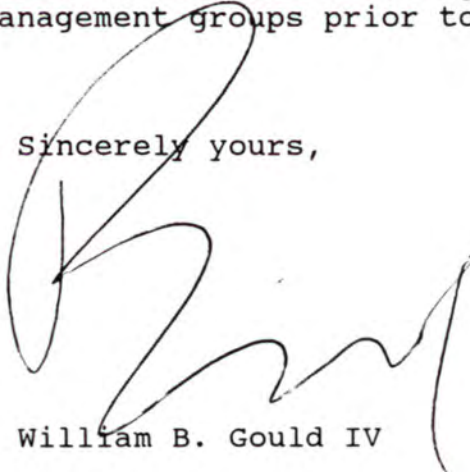
December 6, 1993

Mr. John Podesta  
The White House  
Washington, D.C. 20500

Dear John:

Here is the latest in the series of organizational memos put out by one of the management groups prior to Thanksgiving.

Sincerely yours,



William B. Gould IV

PR's  
Gould info -  
Also for file



~~CONFIDENTIAL~~

7YI

Joe Jayman

**MEMORANDUM**

November 22, 1993  
93-280

**TO:** LPA Company Representatives  
LPA Washington Representatives  
LPA Labor Law Task Force

**FROM:** Jeffrey C. McGuiness  
President

**RE:** White House Keeps Pushing For a Vote on Gould,  
But Can't Find 60 Votes to Break a Filibuster

Over the weekend, the White House continued pressuring moderate Republicans to break ranks with Senators Kassebaum and Dole over the threatened filibuster against the nomination of Prof. William Gould to chair the NLRB. Thus far, however, the Republicans have held firm, telling the White House that they will continue their united opposition against Prof. Gould until President Clinton nominates someone acceptable to the vacant Republican seat. And thus far, the Administration has refused to do so.

Congress may not adjourn until Wednesday, and until then the White House will continue pressuring the Senate. One of the reasons it is working on the nomination so vigorously is its desire to bring healing the rift between the White House and organized labor caused by NAFTA. The Republicans, however, feel their side of the aisle has already given the President a helping hand on NAFTA and see little reason to provide the salve.

Filibuster strength was developed by the strong industry lobbying last week, and we would suggest keeping up the pressure for the next two days. If Prof. Gould fails to win confirmation before adjournment, the White House will be forced to offer a full slate of NLRB candidates next January—three Board members and a new General Counsel. It can be expected that if that full slate is heavily slanted towards organized labor, the opposition will continue.

STANFORD LAW SCHOOL

93 DEC 16 P2:19

*PAW*

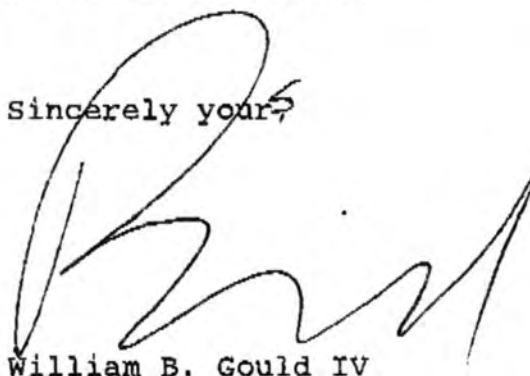
December 16, 1993

Mr. John Podesta  
The White House  
Fax 202 456 2702  
456 2215

Dear John:

In case your current round of discussions don't succeed, you might want to consider Edmund Dillworth.

Sincerely yours

A large, stylized handwritten signature in black ink, appearing to read 'Bill'.

William B. Gould IV

PROF W. GULD IV  
STANFORD LAW SCHOOL  
2 PP

EDMOND J. DILWORTH, JR.  
1026 STRATFORD PLACE  
BLOOMFIELD HILLS, MI 48304  
TELEPHONE: OFFICE: (313) 645-0800  
HOME: (313) 642-5298

EXPERIENCE:

- 1992 - Present: Partner - Hardy, Lewis, Pollard and Page, P.C., Birmingham, Michigan.
- 1986 - 1992: Group Counsel and Group Director Public Affairs, Chevrolet-Pontiac-GM Canada Group, General Motors Corporation
- Group Counsel - Managed the legal affairs of C-P-C including advice and counsel to senior management. Considerable time spent on environmental and safety issues.
- Group Director Public Affairs - Managed public affairs staff of 40 and product investigation group of 10. Counseled senior management in all areas of public affairs. Developed the strategy and acted as GM spokesperson in wide variety of situations including all major C-P-C litigation. Developed training programs and conducted counseling sessions with senior management on how to handle the media in significant news and crisis situations. Developed the strategy and communication plan and served as principal spokesman in over ten GM plant closings, including two involving significant litigation.
- 1985 - 1986 General Counsel, Saturn Corporation
- Assisted and gave counsel in the establishment and organization of Saturn. Served as principal negotiator and Saturn interface with all levels of government in establishing Saturn in Tennessee. Served as advisor to negotiators and principal draftsman of initial Saturn labor agreements.
- 1983 - 1986 Assistant General Counsel, General Motors Corporation
- Supervised all aspects of labor and personnel work for GM including management of litigation and negotiation with government agencies. Served as legal advisor and was active participant in national negotiations between GM and the UAW.

EDMOND J. DILWORTH, JR.  
PAGE TWO

- 1977 - 1983      Attorney-In-Charge, Labor Relations and Personnel,  
General Motors Corporation
- Directed the labor group in the legal staff. Was actively involved in discussions and negotiations in Washington with a variety of federal agencies including the Labor Department and EEOC.
- 1974 - 1977      Director, Personnel Analysis Group, General Motors Corporation
- Managed special group established to prepare defense of EEOC Commissioner's charge filed against all of General Motors.
- 1962 - 1977      Attorney, General Motors Legal Staff
- Served in a variety of assignments including product litigation, general litigation and labor and personnel. Served as counsel to executive who headed lobbying activities with state governments on dealer related legislation.
- 1960 - 1962      Private law practice - Detroit, Michigan.

EDUCATION:

- A.B., College Holy Cross, 1954  
L.L.B., University of Detroit, 1960
- 1954 - 1957      Served as operations officer on USS Gatling.

PROFESSIONAL  
AFFILIATIONS:

- Member and former Chairman, Employment Law  
Committee of Defense Research Institute
- Member and former Chairman, American Bar  
Association Labor Section's Committee on Equal  
Employment Opportunity
- GM representative and former Chairman, Equal  
Employment Advisory Council, Washington, D.C.

8032H

THE WHITE HOUSE  
WASHINGTON

93 DEC 15 All: 11

December 14, 1993

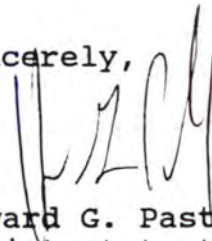
Dear Mr. Vergara:

Thank you for your letter in support of J. Robert Brame, III for an appointment to the National Labor Relations Board (NLRB). I appreciate your taking the time to write.

For your information, I have shared a copy of your letter with John Podesta, Assistant to the President and Staff Secretary. Please be assured that Mr. Brame will be given all due consideration for the NLRB.

Best regards.

Sincerely,



Howard G. Paster  
Assistant to the President  
for Legislative Affairs

Mr. James J. Vergara, Jr.  
Vergara & Associates  
100 Main Street Plaza  
Hopewell, Virginia 23860



**VERGARA  
& ASSOCIATES**

ATTORNEYS AT LAW

JAMES J. VERGARA, JR.  
DAVID W. RHODES  
PETER B. BARUCH100 MAIN ST. PLAZA  
HOPEWELL, VA 23860  
PHONE (804) 458-6384  
FAX (804) 541-3855

December 9, 1993

**BY FACSIMILE (202) 456-2461**Howard G. Paster  
Director of Legislative Affairs  
1600 Pennsylvania Avenue  
Washington, DC 20500Re: NLRB  
J. Robert Brame, III

Dear Mr. Paster:

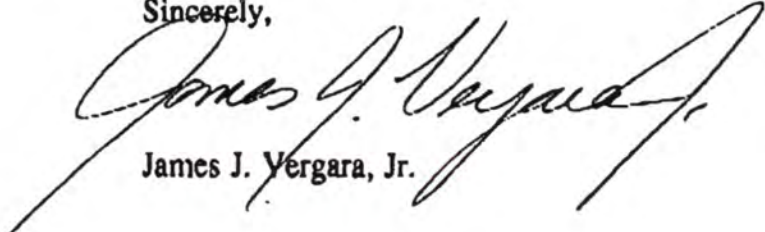
This letter is written in reference to J. Robert Brame, III. My firm's practice involves a significant amount of labor relations work on the union side. I have known Mr. Brame for several years, and during my twenty years in the practice of law have been involved in several cases wherein Mr. Brame was corporate counsel. Additionally, I have participated in seminar panel discussions with Mr. Brame.

His academic and legal reputation is that of a person well versed in labor law. In litigation, he has demonstrated outstanding ability not only to analyze the law and factual issues but also to coherently present his position. Of equal, if not greater, importance is that he has a reputation for both integrity and fairness. As an attorney representing labor, this is not something I can always say about a management attorney.

I believe Mr. Brame would make an excellent choice as an employer representative to the NLRB. Certainly, I strongly recommend him for consideration. Should further information be desired, please advise.

Your favorable consideration of his name would be most appreciated.

Sincerely,

  
James J. Vergara, Jr.

JJVjr:sm

THE WHITE HOUSE  
WASHINGTON

93 DEC 13 P8:38

*Paul*

December 13, 1993

**MEMORANDUM FOR JOHN PODESTA**

From: Joe Velasquez

*[Signature]*

Subject: NLRB

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In case you run out of candidates for the non-Democratic NLRB slot, Senator Durenberger has particular interest in Reginald Earl Jones.

His resume is attached for your information.

## **REGINALD EARL JONES**

**10613 Pennydog Lane  
Wheaton, Maryland 20902  
(H) 301-649-7558  
(O) 202-224-5141**

### **PROFESSIONAL EXPERIENCE:**

**UNITED STATES SENATE - OFFICE OF SENATOR JAMES M. JEFFORDS  
Washington, D.C.**

**1/93-Present Senior Legislative Counsel -- Issue areas include:**

- \* Judiciary
- \* Civil Rights
- \* Employment
- \* Civil Justice Reform
- \* Constitutional Freedoms
- \* Labor
- \* Occupational Safety & Health
- \* Crime

**UNITED STATES SENATE COMMITTEE ON LABOR AND HUMAN  
RESOURCES - SUBCOMMITTEE ON LABOR  
Washington, D.C.**

**4/89-1/93 Minority Counsel and Staff Director**

- \* Advise members and staff on legal/legislative issues;
- \* Interface with the public (e.g., constituents, trade and interest groups, union and corporate representatives) on Subcommittee issues.
- \* Principally aligned with ranking minority member, Senator Jim Jeffords (R. Vt.).

**102nd Congress Issues included:**

- (1) The Civil Rights Act of 1991;
- (2) Family and Medical Leave Act;
- (3) Comprehensive Occupational Safety and Health Reform Act;
- (4) Legislation banning replacement of economic strikers;
- (5) Congressional resolution of national freight railway strike;
- (6) North American Free Trade Agreement.

**Senior Legislative Aide and Staff Counsel -- All judiciary issues, including:**

- \* Abortion rights, Freedom of Choice Act;
- \* federal death penalty, habeas corpus, mandatory minimum sentencing;
- \* Senate confirmation of Judge Clarence Thomas for the Supreme Court.

**101st Congress Issues included:**

- (1) The Civil Rights Act of 1990;
- (2) The Older Workers Benefit Protection Act (Betts);
- (3) OSHA Criminal Penalty Reform Act;
- (4) Americans with Disabilities Act;
- (5) The Employee Pension Protection Act;
- (6) Legislation banning replacement of strikers;
- (7) Senate investigations of labor disputes (e.g., Greyhound, Eastern).

**Staff Counsel to Senator Jeffords for Senate impeachment trial of United States District Court Judge Walter L. Nixon, Jr.**

**SEYFARTH, SHAW, FAIRWEATHER & GERALDSON**  
New York, New York

9/83-3/89 Partner  
1/79-9/83 Associate

Specialist in labor and employment litigation; trials and appeals, at both the federal and state level. Particular emphasis on defense of discrimination actions and labor related injunction litigation.

In depth knowledge of Title VII, ADEA, NLRA, RLA, OSHA, IRCA, related federal and state statutes, as well as rules, regulations and procedures of the respective administrative agencies. Extensive experience in administrative investigations and hearings, collective bargaining, arbitration, mediation and union representation matters.

Frequent speaker before trade and professional associations on labor and employment relations topics.

**JACKSON, LEWIS, SCHNITZLER & KRUPMAN**  
New York, New York

8/76-12/78 Associate

Counseled employers regarding labor relations, EEO and related problems, including collective bargaining negotiations and grievance/arbitration proceedings.

Frequent practice before the NLRB, EEOC, NYS Division of Human Rights, NYC Commission on Human Rights, U.S. Department of Labor, etc. in administrative actions, and before state and federal courts in related judicial proceedings.

**LAW OFFICE OF MARVIN SCHWARTZ, P.C., INTERNATIONAL COUNSEL  
INTERNATIONAL ORGANIZATION OF MASTERS, MATES AND PILOTS,  
AFL-CIO**

**New York, New York**

**1/74-5/76 Law Clerk and Summer Associate**

Counseled union of ocean going ship captains and other officers regarding various labor relations issues, including collective bargaining, grievance/arbitration proceedings and internal union affairs in compliance with the Labor-Management Reporting and Disclosure Act.

**EDUCATION:**

**B.A. 1972, Yale University, New Haven, CT.**

**J.D. 1976, New York University School of Law, New York, NY.**

**M.B.A. 1976, New York University, Stern School of Business Administration,  
New York, NY.**

**PUBLICATIONS:**

**Co-Author, Civil Rights Act of 1991: Race to the Finish -- Civil Rights, Quotas and Disparate Impact in 1991, to be published by Rutgers Law Journal, Summer 1993 issue.**

**ADMISSIONS:**

- New York State Court of Appeals (1977)
- District of Columbia Court of Appeals (1989)  
[Bar No. 422118]
- United States Court of Appeals for the Second Circuit
- United States District Court for the Southern  
District of New York
- United States District Court for the Eastern  
District of New York

THE WHITE HOUSE  
WASHINGTON

*Pro*

93 DEC 16 P8:34

December 16, 1993

**MEMORANDUM FOR JOHN PODESTA**

From: Joe Velasquez

Subject: NLRB -- Donald T. O'Connor

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This additional letter recommending Donald T. O'Connor for the non-Democratic seat on the National Labor Relations Board is attached for your information.

# Gatz, Cohen, Segal and Koerner, P.A.

Attorneys at Law



ARTHUR D. GATZ, JR.  
ALLAN H. COHEN  
STANFORD A. SEGAL  
RONALD P. KOERNER  
BETTY ORA GRACE MESLER  
MICHAEL J. COLARUSSO  
STEPHEN J. O'BRIEN

LAW AND FINANCE BUILDING  
PITTSBURGH, PA 15219

PHONE: (412) 261-1380

FAX: (412) 261-0206

December 13, 1993

Bruce Lindsey, Assistant to President & Director  
of Presidential Personnel  
Office of Presidential Personnel  
Executive Office of the President  
1600 Pennsylvania Ave., N.W.  
Washington, D.C. 20500

Dear Mr. Lindsey:

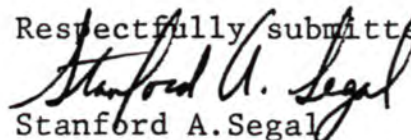
It has come to my attention that Donald T.O'Connor is currently a candidate for one of the vacant positions on the National Labor Relations Board. The purpose of this letter is to recommend Mr.O'Connor for that position.

I have been practicing labor law in the Pittsburgh area for over thirty years as a union attorney. My list of clients includes approximately twenty labor unions in the construction and industrial arena in the Pittsburgh area. In that capacity, I have had many occasions during which I sat across from Mr. O'Connor when he was in his capacity as a management representative.

While it is natural that Mr.O'Connor and I have disagreed on many issues, the fact is that one could never disagree with Mr.O'Connor in terms of his professionalism and his integrity. If, indeed, a representative of the republican viewpoint is to be included among the candidates for the empty positions on the Board, I believe it is important that that position be filled by an individual who cannot be challenged as representing petty politics, but who, instead, reaches his conclusions based upon his sound interpretation of existing labor law and his honest perception as to where labor law should be in the future.

I will probably continue to disagree with many of Mr.O'Connor's ultimate conclusions. However, this in no way diminishes my respect for him and my belief that he would be an honorable representative on the Board and would approach each case on its merits. It is important that the National Labor Relations Board have individuals of the highest degree of integrity and professionalism on it, and I, therefore, strongly urge the candidacy of Donald O'Connor.

Respectfully submitted,

  
Stanford A. Segal

SAS:mls

cc: Joseph Velasquez  
Senator Arlen Specter  
Senator Harris Wofford

JAMES M. JEFFORDS  
VERMONT

# United States Senate

WASHINGTON, DC 20510-4503

## FAX COVER SHEET

### COMMITTEES:

FOREIGN RELATIONS

RANKING: SUBCOMMITTEE ON AFRICAN AFFAIRS

LABOR AND HUMAN RESOURCES

RANKING: SUBCOMMITTEE ON EDUCATION, ARTS  
AND HUMANITIES

VETERANS' AFFAIRS

SPECIAL COMMITTEE ON AGING

To: Cliff Sloan

From: Mark Powder

Date: 12/6

Number of Pages (including cover sheet): 4

QUESTIONS ? CALL 202-224-5141

Comments:

Cliff -

Per our conversation  
on Saturday.

John -  
FYI - Jeffords  
is suggesting this  
gay for the Republican  
seat on the NCRS.

- Cliff

### PLEASE REPLY TO:

☐ WASHINGTON OFFICE:  
513 HART BUILDING  
WASHINGTON, DC 20510-4503  
(202) 224-5141

☐ BURLINGTON OFFICE:  
SUITE 100  
95 ST. PAUL STREET  
BURLINGTON, VT 05401  
(802) 858-8001

☐ RUTLAND OFFICE:  
LINDHOLM BUILDING, 2ND FLOOR  
2 SOUTH MAIN STREET  
RUTLAND, VT 05701  
(802) 773-3875

☐ MONTPELIER OFFICE:  
58 STATE STREET  
MONTPELIER, VT 05602  
(802) 223-5273

TOLL FREE: 1-800-835-5500

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DD/ITY: 1-800-835-5500

**REGINALD EARL JONES**

10613 Pennydog Lane  
Wheaton, Maryland 20902  
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(O) 202-224-5141

**PROFESSIONAL  
EXPERIENCE:**

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Washington, D.C.

1/93-Present Senior Legislative Counsel -- Issue areas include:

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- \* Civil Rights
- \* Employment
- \* Civil Justice Reform
- \* Constitutional Freedoms
- \* Labor
- \* Occupational Safety & Health
- \* Crime

**UNITED STATES SENATE COMMITTEE ON LABOR AND HUMAN  
RESOURCES - SUBCOMMITTEE ON LABOR**  
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- \* Principally aligned with ranking minority member, Senator Jim Jeffords (R. Vt.).

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**Senior Legislative Aide and Staff Counsel -- All judiciary issues, including:**

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- \* federal death penalty, habeas corpus, mandatory minimum sentencing;
- \* Senate confirmation of Judge Clarence Thomas for the Supreme Court.

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- (4) Americans with Disabilities Act;
- (5) The Employee Pension Protection Act;
- (6) Legislation banning replacement of strikers;
- (7) Senate investigations of labor disputes (e.g., Greyhound, Eastern).

Staff Counsel to Senator Jeffords for Senate impeachment trial of United States District Court  
Judge Walter L. Nixon, Jr.

**SEYFARTH, SHAW, FAIRWEATHER & GERALDSON**  
New York, New York

9/83-3/89 Partner  
1/79-9/83 Associate

Specialist in labor and employment litigation; trials and appeals, at both the federal and state level. Particular emphasis on defense of discrimination actions and labor related injunction litigation.

In depth knowledge of Title VII, ADEA, NLRA, RLA, OSHA, IRCA, related federal and state statutes, as well as rules, regulations and procedures of the respective administrative agencies. Extensive experience in administrative investigations and hearings, collective bargaining, arbitration, mediation and union representation matters.

Frequent speaker before trade and professional associations on labor and employment relations topics.

**JACKSON, LEWIS, SCHNITZLER & KRUPMAN**  
New York, New York

8/76-12/78 Associate

Counseled employers regarding labor relations, EEO and related problems, including collective bargaining negotiations and grievance/arbitration proceedings.

Frequent practice before the NLRB, EEOC, NYS Division of Human Rights, NYC Commission on Human Rights, U.S. Department of Labor, etc. in administrative actions, and before state and federal courts in related judicial proceedings.

**LAW OFFICE OF MARVIN SCHWARTZ, P.C., INTERNATIONAL COUNSEL  
INTERNATIONAL ORGANIZATION OF MASTERS, MATES AND PILOTS,  
AFL-CIO**

New York, New York

**1/74-5/76 Law Clerk and Summer Associate**

Counseled union of ocean going ship captains and other officers regarding various labor relations issues, including collective bargaining, grievance/arbitration proceedings and internal union affairs in compliance with the Labor-Management Reporting and Disclosure Act.

**EDUCATION:**

**B.A.** 1972, Yale University, New Haven, CT.

**J.D.** 1976, New York University School of Law, New York, NY.

**M.B.A.** 1976, New York University, Stern School of Business Administration,  
New York, NY.

**PUBLICATIONS:**

Co-Author, Civil Rights Act of 1991: Race to the Finish -- Civil Rights, Quotas and Disparate Impact in 1991, to be published by Rutgers Law Journal, Summer 1993 issue.

**ADMISSIONS:**

- New York State Court of Appeals (1977)
- District of Columbia Court of Appeals (1989)  
[Bar No. 422118]
- United States Court of Appeals for the Second Circuit
- United States District Court for the Southern  
District of New York
- United States District Court for the Eastern  
District of New York

OFFICE OF THE VICE PRESIDENT  
WASHINGTON

Dec. 17, 1993

TO: John Podesta  
FROM: Michael John Burton  
Special Assistant to the Chief of Staff

93 DEC 17 P5:59

*Paul  
this  
is  
important  
JDB*

Here is a copy of the letter we  
discussed.

If you have any questions, please be  
sure to give me a call at x7094.

**Buchanan Ingersoll**  
PROFESSIONAL CORPORATION

Attorneys

Alan C. Kessler  
215-665-3947

Two Logan Square, 12th Floor  
18th and Arch Streets  
Philadelphia, PA 19103-2771  
Telephone: 215-665-8700

Fax: 215-569-2066

December 10, 1993

Mr. Jack Quinn  
Chief of Staff to the  
Vice President of the United States  
The White House  
Washington, D.C. 20500

Dear Jack:

One of my partners, Donald T. O'Connor, has been advised that Senator Nancy Kassenbaum, ranking member of the Senator Labor Committee, submitted a list of five or six names including his, as candidates who would be acceptable to both the minority members of the Senate Labor Committee and the business community for a position on the National Labor Relations Board. This appointment would be for a third vacant seat currently existing on the board which, by tradition, is held by a Republican. I am further advised that Senator Kassenbaum met with White House representatives late yesterday regarding these candidates.

Donald O'Connor is the past chairman of this firm's Labor and Employment Law Group and has spent 36 years practicing all areas of labor and employment law. He has authored a number of writings and articles and has testified in a variety of legislative hearings including those before the United States House of Representatives Labor Management Relations Subcommittee.

In short, Mr. O'Connor is a very well respected and well regarded member of the Labor and Employment law bar, and I would highly recommend him for this vacant position on the National Labor Relations Board.

# **Buchanan Ingersoll**

PROFESSIONAL CORPORATION

Mr. Jack Quinn  
December 10, 1993  
Page -2-

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I would appreciate very much the Vice President's consideration of Mr. O'Connor for this position, and I would be happy to supply you with any additional information should you need it.

Thank you very much.

Kindest regards,

A handwritten signature in dark ink, appearing to read 'Alan C. Kessler', with a stylized, cursive script.

Alan C. Kessler

ACK/bkd



## Donald T. O'Connor

### Address

58th Floor, USX Tower  
600 Grant Street  
Pittsburgh, PA 15219

### Telephone

412-562-8936

### Telecopier

412-562-1041

### Areas of Law

*Labor and Employment Law*

### Focus

*Labor Relations*

### Education

*University of Buffalo (B.S., 1957)*  
*Boston College School of Law*  
*(LLB., 1966)*

### Representative Clients

*Adience, Inc.*  
*Canonsburg General Hospital*  
*FirstMiss Steel, Inc.*  
*Grubb & Ellis Company*  
*Office Buildings Association of*  
*Pittsburgh, Inc.*  
*Nordic Fisheries*  
*Stone & Webster Engineering*  
*Corporation*  
*Sears, Roebuck & Company*

Donald T. O'Connor has been a partner with Buchanan Ingersoll since 1974 and is the past chairman of the firm's Labor and Employment Law Group.

His 36 years of industry and legal experience have covered all areas of labor and employment law, including contract negotiations, arbitration, proceedings before the National Labor Relations Board, injunction matters, and advice and representation of clients in connection with wage-hour matters under the Fair Labor Standards Act. He is legal counsel and chief negotiator for the Office Buildings Association of Pittsburgh, Inc., a multi-employer bargaining association made up of owners and managers of office buildings in Pittsburgh.

By virtue of Mr. O'Connor's blue-collar background, having worked in automobile factories and construction projects while in college, and later representing both union and management in labor negotiations, he keenly understands the intricacies and subtleties of worker-management relations. Prior to graduation from Boston College Law School, he worked for nine years in labor relations and personnel with Continental Can Company and Weyerhaeuser Company. Upon graduation, Mr. O'Connor joined the National Labor Relations Board in Pittsburgh as a field attorney. Since 1986, he has exclusively represented management in labor relations matters.

Based on his experience in a recent labor dispute, he authored an article in the "Manager's Journal" of the July 26, 1993 edition of *The Wall Street Journal* entitled "Nothing Fair About Striker 'Fairness' Act." He also testified in legislative hearings in 1993, on the use of permanent replacements in strikes, before both the U.S. House of Representatives' Labor-Management Relations Subcommittee and, on behalf of the Pennsylvania Chamber of Business and Industry, the Pennsylvania House of Representatives' Labor Relations Committee.

Mr. O'Connor is an active member of the Committee on Development of the Law under the National Labor Relations Act, which is a part of the American Bar Association's Labor and Employment Law Section. He has presented papers to this prestigious group at a number of their annual mid-winter meetings. He has participated in numerous panels and symposiums sponsored by the American Arbitration Association, and various law schools and bar associations on a variety of subjects in labor relations law and wrongful discharge areas. He authored a chapter on employment and labor law in *The Law and Business of Resort Development*, a treatise published by Clark Boardman Co. He is a member of the Allegheny County Bar Association and was the first Chairman of its Labor Law Section from 1971 to 1973. He is listed in both *Who's Who in America* and *Who's Who in American Law*.

THE WHITE HOUSE  
WASHINGTON

OFFICE OF THE STAFF SECRETARY

Fax Transmittal Sheet

TO: *Richard Socarides*

Fax Number: *219-7971* Phone Number:

FROM: *Paul Richard*

SUBJECT: *Additional NLRB files*

DATE: *17 December 1993*

NUMBER OF PAGES (including cover sheet): *8*

MESSAGE:

*Per our conversation.*

If all pages are not received, please call 202/456-2702

The document accompanying this facsimile transmittal sheet is intended only for the use of the individual or entity to whom it is addressed. This message contains information which may be privileged, confidential or exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any disclosure, dissemination, copying or distribution, or the taking of any action in reliance on the contents of this communication is strictly prohibited.

# FAX



Minority Staff  
Labor and  
Human  
Resources Committee

**Nancy Landon Kassebaum**  
Ranking Member

Phone: (202) 224-6770  
Fax: (202) 224-6510

**Date:** 12/9/93  
**Time:** 3:45 p.m.

**To:** Nester Davidson Fax 456-2604  
White House Cong. Affairs office

**From:** Steve Sole

**Page 1 of:** \_\_\_\_\_

**Message:** A couple more names are attached that  
should be added to the list. Ray Jones  
works for Sen Jeffords and Melissa Potack  
works for Sen Grassley on the Judiciary Committee.

**REGINALD EARL JONES**

10613 Pennydog Lane  
 Wheaton, Maryland 20902  
 (H) 301-549-7555  
 (O) 202-224-5141

**PROFESSIONAL  
 EXPERIENCE:**

**UNITED STATES SENATE - OFFICE OF SENATOR JAMES M. JEFFORDS**  
 Washington, D.C.

**1/93-Present** Senior Legislative Counsel - Issue areas include:

- |                        |                                |
|------------------------|--------------------------------|
| * Judiciary            | * Constitutional Freedoms      |
| * Civil Rights         | * Labor                        |
| * Employment           | * Occupational Safety & Health |
| * Civil Justice Reform | * Crime                        |

**UNITED STATES SENATE COMMITTEE ON LABOR AND HUMAN  
 RESOURCES - SUBCOMMITTEE ON LABOR**  
 Washington, D.C.

**4/89-1/93** Minority Counsel and Staff Director

- \* Advise members and staff on legal/legislative issues;
- \* Interface with the public (e.g., constituents, trade and interest groups, union and corporate representatives) on Subcommittee issues.
- \* Principally aligned with ranking minority member, Senator Jim Jeffords (R. Vt.).

**101st Congress Issues included:**

- (1) The Civil Rights Act of 1991;
- (2) Family and Medical Leave Act;
- (3) Comprehensive Occupational Safety and Health Reform Act;
- (4) Legislation banning replacement of economic strikers;
- (5) Congressional resolution of national freight railway strike;
- (6) North American Free Trade Agreement.

**Senior Legislative Aide and Staff Counsel -- All judiciary issues, including:**

- \* Abortion rights, Freedom of Choice Act;
- \* Federal death penalty, habeas corpus, mandatory minimum sentencing;
- \* Senate confirmation of Judge Clarence Thomas for the Supreme Court.

**101st Congress Issues included:**

- (1) The Civil Rights Act of 1990;
- (2) The Older Workers Benefit Protection Act (OWBPA);
- (3) OSHA Criminal Penalty Reform Act;
- (4) Americans with Disabilities Act;
- (5) The Employee Pension Protection Act;
- (6) Legislation banning replacement of strikers;
- (7) Senate investigations of labor disputes (e.g., Greyhound, Eastern).

Staff Counsel to Senator Jeffords for Senate impeachment trial of United States District Court Judge Walter L. Nixon, Jr.

**SEYFARTH, SHAW, FAIRWEATHER & GERALDSON**  
New York, New York

9/83-3/89 Partner  
1/79-9/83 Associate

Specialist in labor and employment litigation: trials and appeals, at both the federal and state level. Particular emphasis on defense of discrimination actions and labor related injunction litigation.

In depth knowledge of Title VII, ADEA, NLRA, RLA, OSHA, IRCA, related federal and state statutes, as well as rules, regulations and procedures of the respective administrative agencies. Extensive experience in administrative investigations and hearings, collective bargaining, arbitration, mediation and union representation matters.

Frequent speaker before trade and professional associations on labor and employment relations topics.

**JACKSON, LEWIS, SCHNITZLER & KRUPMAN**  
New York, New York

8/16-12/78 Associate

Counseled employers regarding labor relations, EEO and related problems, including collective bargaining negotiations and grievance/arbitration proceedings.

Frequent practice before the NLRB, EEOC, NYC Division of Human Rights, NYC Commission on Human Rights, U.S. Department of Labor, etc. in administrative actions, and before state and federal courts in related judicial proceedings.

**LAW OFFICE OF MARVIN SCHWARTZ, P.C., INTERNATIONAL COUNSEL  
INTERNATIONAL ORGANIZATION OF MASTERS, MATES AND PILOTS,  
AFL-CTO**

New York, New York

**1/74-5/76 Law Clerk and Summer Associate**

Counseled union of ocean going ship captains and other officers regarding various labor relations issues, including collective bargaining, grievance/arbitration proceedings and internal union affairs in compliance with the Labor-Management Reporting and Disclosure Act.

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**J.D.** 1976, New York University School of Law, New York, NY.

**M.B.A.** 1976, New York University, Stern School of Business Administration, New York, NY.

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- New York State Court of Appeals (1977)

- District of Columbia Court of Appeals (1989)  
[Bar No. 422118]

United States Court of Appeals for the Second Circuit

- United States District Court for the Southern  
District of New York

- United States District Court for the Eastern  
District of New York

Melissa B. Pataack  
10488 Parthenon Court  
Bethesda, Maryland 20817

#### EMPLOYMENT

Chief Minority Counsel, Subcommittee on Courts and Administrative Practice of the U.S. Senate Committee on the Judiciary (Senator Charles E. Grassley, ranking member) (since May, 1991).

\* Supervise attorneys and staff assistant in legislative work:

- \* Courts and administrative law, including civil justice and product liability reform; intellectual property, antitrust, bankruptcy, immigration, civil rights and criminal law, constitutional issues and Congressional reform;

- \* Judicial nominations and Department of Justice oversight.

- \* Assist Sen. Grassley in selecting federal judicial and marshall candidates for recommendation to White House;

- \* Advise Sen. Grassley on Middle East foreign policy;

- \* Political liaison with Jewish community.

(employed as minority counsel 12/87 - 8/89).

#### PREVIOUS EMPLOYMENT

Legislative Liaison, American Israel Public Affairs Committee. Registered lobbyist on foreign policy matters pertaining to the U.S.-Israel relationship (August, 1989-May, 1991, and Acting Legislative Director from August, 1990 - December, 1990).

Associate Attorney, Sachnoff & Weaver, Chicago, Illinois. (January, 1986 - November, 1987). Responsibilities included representation of management before:

- \* National Labor Relations Board and federal courts in unfair labor practice and union representation matters;

- \* Federal and state agencies and courts in employment discrimination cases, including first chairing of administrative trial in an age discrimination case;

- \* Arbitrators in the final stage of grievance resolution;

\* U.S. and Illinois Departments of Labor in wage and hour matters.

Also, preparation for and conduct of collective bargaining negotiations; drafting personnel manuals and executive employment agreements; litigation of wrongful discharge claims. Full responsibility for research and writing on monthly client newsletter.

Associate Attorney, Friedman & Koven, Chicago, Illinois. Responsibilities same as above. (1981-1985).

#### EDUCATION

Boston University School of Law, J.D., May, 1981  
National Moot Court Team, 1980-81

Cornell University, B.S. (Industrial and Labor Relations), May, 1978

Admitted to practice law: New York and Illinois (1982)

#### PUBLICATIONS

"Federal Remedies in Employment Discrimination Actions," with Janet E. Goldberg. Employment Discrimination: Illinois Institute for Continuing Legal Education (1986).

"Labor Relations under the Bankruptcy Code," with Paul J. Cherner. The Labor Law Handbook: Illinois Institute for Continuing Legal Education (1984, with supplements).

#### BAR ASSOCIATION and TEACHING ACTIVITIES

Taught seminar in Historical Overview of the Middle East for the Legislative Studies Institute (August, 1991, and February, 1992).

Taught continuing legal education seminars in bankruptcy and labor relations (June, 1984), remedies in employment discrimination (November, 1984-87); and Trademark Revision Act of 1988 (October, 1988).

Teaching Assistant, Communications Law (Boston Univ., 1980-81); American Labor History (Cornell, 1977-78).

Labor Law Section Council, Illinois State Bar Association, 1984-86. Editor, Labor Law Section Council Newsletter, 1985-86.

# Withdrawal/Redaction Sheet

## Clinton Library

| DOCUMENT NO.<br>AND TYPE | SUBJECT/TITLE                                             | DATE       | RESTRICTION |
|--------------------------|-----------------------------------------------------------|------------|-------------|
| 001. resume              | [Personally Identifiable Information] [partial] (2 pages) | 12/00/1993 | b(6)        |

### COLLECTION:

Clinton Presidential Records  
Staff Secretary  
John Podesta (Subject Files)  
OA/Box Number: 5485

### FOLDER TITLE:

Bill Gould

2018-0662-S

rs3136

### RESTRICTION CODES

#### Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

#### Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

**COMMUNITY ACTIVITIES**

UJA/Federation of Greater Washington, D.C. - Campaign Cabinet; Budget and Planning Subcommittee; Missions Committee.

National Co-chair, UJA 1992 Israel Summer Singles Mission.

President, Young Leadership Division of the Jewish United Fund of Metropolitan Chicago, 1986-87.

Women's Young Leadership Cabinet of the United Jewish Appeal, 1986-92.

Wexner Heritage Foundation.

**TRAVEL**

Israel: 1975, 1984, 1985 and annually since 1988.

Soviet Union: 1987 (with Chicago Federation delegation) and 1988 (with Helsinki Commission Congressional delegation).

Germany: 1993 (with B'nai B'rith - Konrad Adenauer Foundation).

Born:

(b)(6)

CONTACT  
Sheet

AND

Recent  
Clips

- Nest



**UNITED STATES GOVERNMENT**  
**NATIONAL LABOR RELATIONS BOARD**  
**OFFICE OF THE GENERAL COUNSEL**  
Washington, D.C. 20570

*File  
Gould*

December 10, 1993

**TO:** John Podesta, Assistant to the President  
and Staff Secretary

**FROM:** Daniel Silverman  
Acting General Counsel  
National Labor Relations Board

In response to the request for information on the number of representation (election) cases which are being held up as a result of the lack of a quorum, I have been informed that the Board presently has 60 such cases pending and receives an additional 10 to 15 per week. Also pending are 25 unfair labor practice cases in which a party has requested summary judgment. It should be noted in this regard that a summary judgment motion is about to be filed in a particularly volatile case involving Emory World Wide in Wisconsin and that we were advised that, in response to the union's concerns, substantial Congressional inquiry about the lack of a Board quorum will be made in a few days.

If additional information would be helpful, please let me know.

*Dan. E. Silverman*  
Daniel Silverman

cc: Richard Secaredes  
Congressional Liaison

BIOGRAPHICAL SKETCH -- JOHN C. TRUESDALE

Residence: 5123 Worthington Drive, Bethesda, Maryland 20816  
Place and date of birth: (b)(6)  
Married: Karin Nelson of Springfield, New Jersey: Three sons,  
Jack, Charles, Andrew and one daughter, Margaret

EXPERIENCE

1948-1957, 1963 to date -- National Labor Relations Board  
3/48 - 1/51 Field Examiner, Third Region, Buffalo, New York  
1/51 - 7/52 Field Examiner, Fifteenth Region, New Orleans, La.  
7/52 - 8/57 Administrative Analyst, Division of Operations,  
Office of General Counsel, Washington, D.C.  
1957 - 1963 National Academy of Sciences, Washington, D.C.

Posts held during this period:

9/57 - 9/59 Deputy Director of Information, U.S. National  
Committee of International Geophysical Year.  
9/59 - 9/60 Director of Information for IGY.  
9/60 - 9/63 In addition to above duties: Secretary of Panel on  
Biographical and Medical Sciences, Committee on Polar  
Research; Secretary of Committee on Consolidated Upper  
Atmosphere and Space Data, Space Science Board; Director  
of World Data Center A for Rockets and Satellites;  
National Contact for Spacewarn.  
  
9/63 - 10/68 Associate Executive Secretary, NLRB, Washington, D.C.  
10/68 - 6/72 Deputy Executive Secretary, NLRB, Washington, D.C.  
6/4/72 - 10/21/77 Executive Secretary, NLRB, Washington, D.C.  
10/25/77 - 1/26/81 Board Member, NLRB, Washington, D.C.  
1/27/81 - present Executive Secretary, NLRB, Washington, D.C.

EDUCATION

Graduated from Grinnell (Iowa) High School 1938  
Grinnell College 1942 (A.B.)  
Cornell University 1948 (M.S. in Industrial &  
Labor Relations)  
Georgetown University Law Center 1972 (J.D.)

HONORS

1988 Presidential Meritorious Rank Award

AFFILIATIONS

Member, American, Maryland, D.C. and Federal Bar Associations:  
Member, Executive Board, Association of Labor Relations Agencies 1983-1993  
President, Association of Labor Relations Agencies, 1992-93  
President, 1985 - 1987, D.C. Chapter, Industrial Relations Research Association

MILITARY

2/43 - 6/46 U.S. Coast Guard Reserve. Rank at discharge Lt. (j.g.) Service in  
American, European, and Pacific Theatres of War.

*file  
could*



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD  
OFFICE OF THE GENERAL COUNSEL  
Washington, D.C. 20570

December 9, 1993

*file  
Gault*

TO: John Podesta, Assistant to the President  
and Staff Secretary

FROM: Daniel Silverman  
Acting General Counsel  
National Labor Relations Board

Subject: Lack of Quorum at NLRB

This is in response to the request for my views on the consequences of delaying the appointment of a third Board member. For the reasons set forth below it is my belief that a delay of a week or two is tolerable but that any delay beyond that time will cause serious adverse consequences to substantive case processing as well as has significant adverse political consequences.

The Board has decided that with only two members, it must suspend making all casehandling decisions. In this regard, the Board acted consistently with previous Boards when this situation has developed. In order to avoid the extremely adverse consequences which would have occurred if injunctive relief could not have been authorized to stop some of the most serious unfair labor practices, the three-member Board delegated its authority to the General Counsel to authorize such injunction proceedings. This occurred just before the end of the term of former member John N. Raudabaugh.

However, decision making in all other casehandling matters has been suspended because there are only two members on the Board. Regional Directors under delegation from the Board continue to have the authority to issue decisions directing elections which are conducted to determine if a union is to represent an employer's employees. However, the employer, union or employee parties to these cases have the right to file with the Board, a Request for Review of the Director's decision. During this period when the Board has only two members, it has permitted elections to be held in these cases, but the ballots are impounded, no vote count is taken, and the results of the elections are not announced. Thus, a resolution of the question of whether or not employees are going to be represented by a union and, consequently, whether or not an employer has to bargain with

John Podesta, Assistant to the President and  
Staff Secretary  
Page Two  
December 9, 1993

the union are left unresolved until a three-member Board can act on the Request for Review. These elections, of course, are of great significance to the employees, the union and the employer involved; leaving their relationship in such an uncertain state for any significant period of time will not only create instability in the workplace but may also delay the commencement of collective bargaining. It is this function of the Board, more than any other, which in my view will result in significant public reaction should the Board not have a quorum for more than another week or two.

Additionally, those significant and serious unfair labor practice cases where it is necessary to petition for contempt of a Circuit Court decision, are authorized by the Board. The Board has not yet spoken on the question of whether or not it will continue to authorize the filing of petitions for contempt in the absence of a third member. However, should the Board direct the filing of such a petition, undoubtedly the case would be compromised and delayed by a challenge to the Board's current authority to take such case action.

A similar situation exists with regard to the approval of formal settlements in which the party which had filed the charge of unfair labor practices refuses to enter into the settlement of the case. These settlements involve some of the most serious unfair labor practices and often are based on charges filed against repeat violators of the National Labor Relations Act. Formal settlements are effectuated by the issuance of a Board Order and a Judgment of a U. S. Circuit Court. Should the two-member Board approve such a settlement, issue an Order and seek Court Enforcement of that Order, the propriety of such actions by the Board would be open to challenge by the objecting charging party who may attempt to prove them to be invalid. A delay in the approval of a settlement, will delay the commencement of the remedy which usually involves back pay, offers of reinstatement and other matters to restore the status quo ante.

Prior to the departure of Member Raudabaugh, the three-member Board made a sustained and successful effort to decide many unfair labor practice complaint cases. As a result, the Board is more current, with respect to such cases, than it has been in many years. Under these circumstances a delay of a month or two would not likely create any crisis in the unfair labor practice area.

DEC-09-1993 11:13

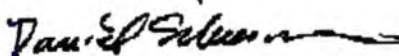
NLRE GC

202 273 4483 P.004

John Podesta, Assistant to the President and  
Staff Secretary  
Page Three  
December 9, 1993

Finally, it should be noted that a particular representation case, contempt matter, formal settlement or unfair labor practice case will be presented where prompt action by the Board would be in the public interest. Depending upon the nature of the situation the public outcry over the inability of the Board to act, may be significant. I believe that the accumulated delay of action in these areas should be avoided if there is any practical way to bring the complement of the Board members to three. I believe it would be most beneficial if this could be done in no more than two weeks so that the Board can resume issuing decisions in all of these important areas of labor-management relations law.

Please let me know if any further information would be helpful.

  
Daniel Silverman

cc: Richard Socaredes

**NAM** National Association  
of Manufacturers

F. M. Lunnie, Jr.

Senior Policy Director

FAX COVER PAGE

DATE: 12.2.93

TO: Joe Velasquez

FROM: Pete Lunnie  
tele: (202) 637-3129  
fax: (202) 637-3450/3182

RE: Dole letter on May Harrington

PAGES (including cover page): 2

Joe-

Attached is the Dole letter on May Harrington which we discussed. Must say I'm both dismayed and disappointed at what can only be characterized as a summary dismissal of May and Sham. Dismayed because it makes no political sense and disappointed given it has no relation to the merits of the candidates. It has the unfortunate potential of prolonging a battle over issues which should have been easily and quickly resolved... but. We'll continue to do what we have to, including our support of May & Sham and the battle for It's not over.

# United States Senate

OFFICE OF THE REPUBLICAN LEADER  
WASHINGTON, DC 20510-7020

October 25, 1993

Mr. Bruce Lindsey  
Director  
Office of Presidential Personnel  
Old Executive Office Building  
Washington, DC 20500

Dear Mr. Lindsey:

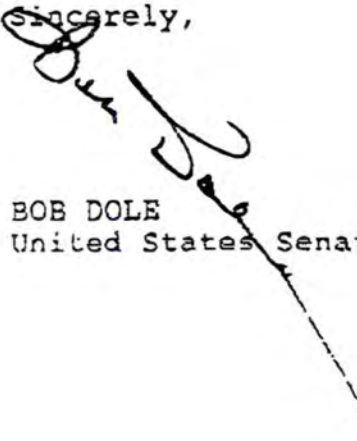
I am pleased to recommend Mary J. Harrington of New York for the President's appointment to the non-Democratic vacancy on the National Labor Relations Board.

Mary Harrington has nearly two decades of practical experience on both sides of the bargaining table -- first as a union member and official, later as a labor counsel to management. Before becoming an attorney, Ms. Harrington was a registered nurse, a teacher, a union contract negotiator and a union officer. She is now the Director of Corporate Labor Relations and Public Policy at Eastman Kodak Company, a company whose corporate citizenship and labor relations policies are considered among the finest in the nation.

Both union and management have entrusted Ms. Harrington to represent them in labor negotiations, and both have found her to be competent, effective and fair-minded.

I believe Mary Harrington will serve the National Labor Relations Board with distinction. Please give her every consideration as you prepare your recommendations for the President.

Sincerely,

  
BOB DOLE  
United States Senate

Enclosure

At present there are three openings on the NLRB.

By custom, two of those openings are designated to be pro-union or Democrat, and one is designated to be pro-business or Republican.

The President has nominated William Gould to be Chairperson of the Committee and Margaret Browning, a union attorney from Philadelphia, for the two Democratic slots. The Republican and business interests have tied up the Gould nomination (there is apparently no opposition to Ms. Browning) on a disagreement over the filling of the third slot.

To date, there have been several nominees suggested by the Clinton Administration/Democrats. The most prominent of these is a lawyer from Hawaii named Ken Hipp. Apparently, Mr. Hipp is a partner in a law firm with a former Rhodes Scholar who went to Oxford with the President. Also, the law firm was coordinator for Hawaii for Clinton during the presidential election. Finally, the former Republican governor of Hawaii is also a partner in this law firm which purportedly gives Mr. Hipp bipartisan appeal.

The business interests are opposed to all of the administration nominees and have dug in their heels on Ken Hipp and indicated that they are not going to let his nomination pass. The Republican forces have nominated Mary Harrington, a Director of Labor and Relations at Kodak, and Sharon Proust, Chief Labor Counsel to Orin Hatch, as alternatives. The Democratic forces led by Senator Kennedy have killed these nominations.

As the impasse stands today, Senator Kassenbaum has asked the business interests to submit a list of five names which would be acceptable to business interest to fill the third and final seat on the NLRB. These names would then be submitted through the Senate Labor Committee and through the offices of Senators Kennedy and Wofford, and ultimately the Administration. If an acceptable name could be found, the impasse for the Gould nomination would be broken.

It is in this connection that Dawne has received telephone calls from Doug McDowall, General Counsel for the Equal Employment Advisory Counsel (EEAC) and Jeff McGuinness who runs the Labor Policy Association (LPA). The coalition of business interests is comprised of the LPA, the EEAC, the National Association of Manufacturers, the Chamber of Commerce, the Business Roundtable, the Society for Human Resource Management, the Association of Builders and Contractors, the Association of General Contractors. This group is meeting tomorrow to plot its strategy and has asked Dawne to approve the inclusion of her name among the five to be submitted to Senator Kassenbaum.

I spoke directly to Jeff McGuinness last night who appears to be spearheading the Republican opposition. Mr. McGuinness indicated that the process is the exact counterpart to the same

process which occurred during the twelve years of Republican control of the White House when the Democrats, lead by Senator Kennedy, would "stuff" the Republican nominees to the NLRB. Jeff McGuinness indicates that he controls the business opposition, and that his name is well-known in Democratic circles as the person who is providing the opposition to the Gould nomination. He indicated further that his information is that Professor Gould has become very impatient with the process, and that all of the Democratic forces, including the White House, are "frantic" to break this impasse.

Without disclosing my role or interest, but with the understanding Mr. McGuinness knew that I was associated with the Democratic side and both the White House and Senator Wofford (facts which he learned from other people on the Business Roundtable), I asked McGuinness whether Dawne would be acceptable to the forces fighting the Gould nomination. He indicated that she was clearly their top choice and further, that her appeal was based in no small measure upon the perception that she had wide acceptance by the Steelworkers; Union with whom she has dealt during USX/USW Steelworker negotiations.

The new "kicker" is that McGuinness indicated that he believed that the five names that went through Senator Kassenbaum would be "doomed" just as the Republican nominations of Mary Harrington and Sharon Froust were doomed. He believes that the better course would be to have Dawne's name submitted through the Democratic side with the Republicans and business interests signing off as her being acceptable. In this regard, I believe Mr. McGuinness was, in my discussion with him, looking for me to do some of his work for him. I indicated that it would be best if Dawne's name surfaced and that if that list were suggested to Senator Wofford and to the President, that I would then take steps to make it possible for her to be nominated. We agreed to disagree on this and have agreed to proceed independently and along parallel paths and to talk next on the phone Tuesday after he has met with his people.

It is vital to me that if this is to be presented to either the President or Senator Wofford that it be from the standpoint of solving the Gould problem and Dawne being requested by the business forces to put her name up as part of that compromise solution. I do not wish to appear to be a "job-grabber".

MT ps

file  
6012

FAX - 219-7971

TO: Richard Socaridis

FROM: Dick Warden

In response to our earlier conversation, here are a few quick thoughts (bearing in mind the very general criteria you mentioned):

Tom Eagleton -- in semi-retirement in St. Louis. Also doing some broadcast punditry and maintaining affiliation with a law firm.

Gaylord Nelson -- former U.S. Senator; was president, Wilderness Society - not sure where he is now.

Wyche Fowler -- was Senate representative at FBC until recently. I'm not sure what he's up to now.

Marian Edelman -- president, Children's Defense Fund. Might be willing to take leave of absence.

Dick Moe -- former Mondale staffer, prominent lawyer, political advisor; currently at one of the prestigious conservative organizations.

Peter Edelman -- currently "counselor" at HHS to Shalala. Previously, faculty Georgetown Law School.

Bill Taylor -- active civil rights attorney; previously faculty Catholic Law School; former staff director, U.S. Civil Rights Commission.

Bruce Morrison -- former House member from Connecticut; not sure about present activity.

This is obviously a list without too much thought. I could suggest many others -- Democrats and Republicans -- if you wish. Of those listed, I think Eagleton or Nelson might best fill the bill.

*file  
Gould*

## NLRB CANDIDATES

1. J. Robert Brame  
McGuire, Woods, Battle & Booth; Richmond, VA  
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2. Charles I. Cohen  
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(202) 887-0855
3. Donald O'Connor  
Buchanan, Ingersoll; Pittsburgh, PA  
(412) 562-8936
4. Peter Robb  
Proskauer, Rose, Goetz & Mendelsohn; Washington, DC  
(202) 416-6854
5. Dawne Hickton  
USX; Pittsburgh, PA  
(412) 433-2967
6. Frank Casey  
Morgan, Lewis & Bockius; Washington, DC  
(202) 467-7000

**DAWNE S. HICKTON**  
242 Tech Road  
Pittsburgh, Pennsylvania 15205  
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**University of Pittsburgh School of Law, J.D. 1983**

Associate Editor, Journal of Law & Commerce  
Order of Barristers

W. Edward Sell Corporations Award for Excellence

**University of Rochester, Rochester, New York, B.A. 1979**

Double Major: English Literature/Political Science  
Keideaaens: 15 member Honor Society  
Justice: All Campus Judicial Council

**University of London, Birkbeck College, London, U.K. 1978**

## **EXPERIENCE**

**General Attorney - Litigation and Special Projects, USX Corporation**

May 1993 to Present

600 Grant Street, Pittsburgh, PA 15219-4776

**General Attorney-Employee Relations,**

**U. S. Steel Division of USX Corporation**

February 1992 to April 1993

600 Grant Street, Pittsburgh, PA 15219-4776

**Attorney, USX Corporation**

June 1983 to January 1992

600 Grant Street, Pittsburgh, PA 15219-4776

- Employment related litigation and counseling, including National Labor Relations Board cases; Pension Arbitration and Federal Court Litigation of ERISA claims; Title VII of the Civil Rights Act of 1964; Age Discrimination in Employment Act; Pregnancy Discrimination in Employment Act; and Handicap Discrimination Litigation.

- Counseling relating to all aspects of employment and benefits matters.
- 1989 and 1993 Labor negotiations with United Steelworkers of America -  
- negotiating on Benefits Committee for new labor, pension, and insurance agreements, drafting of same.

Law Clerk, Rothman, Gordon, Foreman & Goudine - 9/82 - 6/83  
300 Grant Building, Pittsburgh, PA 15219

Research Assistant to John E. Murray, Dean - 6/81 - 6/83  
University of Pittsburgh School of Law

Law Clerk, Solomon & Alburn - 6/79 - 8/80  
101 Main Street, Rochester, New York

Legislative Assistant to Colin Phipps, M.P., British Parliament - 1/78 - 6/78

#### **ADMITTED TO PRACTICE**

Supreme Court of Pennsylvania

Third, Fourth, Fifth, Sixth, Seventh, Tenth, and Eleventh Circuit Courts of Appeal

U.S.D.C., Northern District of Indiana; U.S.D.C., Northern District of Ohio;  
U.S.D.C., Western District of Pennsylvania

#### **PRO HAC VICE ADMISSION**

U.S.D.C., Northern District of Alabama; U.S.D.C., District of New Jersey;  
U.S.D.C., Southern District of New York; U.S.D.C., Northern District of Ohio;  
U.S.D.C., Northern District of Utah

Member of the Allegheny County and American Bar Associations (Labor and Employment Section Member)

#### **ACTIVITIES**

Allegheny County Bar Association - Pro Bono Activities, including participation in Child Advocacy Project and Fairy Tales and Nursery Rhymes Project.

Board Member - Equal Employment Advisory Council, Washington, DC, a nationwide association of 260 major U.S. companies and trade associations organized in 1976 to promote sound approaches to the elimination of employment discrimination.

Board Member - Kaufmann's Triangle Corner

Lecturer - Frequent lecturer across the country at employment seminars on issues relating to employment and benefits discrimination.

### **HONORS AND AWARDS**

1st Place Team Gourley Cup, 1983 Trial Moot Court  
Western District, Pennsylvania

1st Place Team Murray S. Love, 1983 Trial Moot Court  
University of Pittsburgh School of Law

1st Place Team Client Counseling Competition, 1983  
University of Pittsburgh School of Law;  
2nd Place, Regional Competition, Baltimore, Maryland

1st Place Team 1982 ABA Appellate Moot Court Competition,  
University of Pittsburgh School of Law;  
2nd Place, Regional Competition, Baltimore, Maryland



# University of Pittsburgh

UNIVERSITY OF PITTSBURGH MEDICAL CENTER  
Office of the Vice President and Counsel

## FAX TRANSMITTAL SHEET

TO: Jan Piercy  
FAX #: (202) 456-2259  
TO: \_\_\_\_\_  
FAX #: \_\_\_\_\_  
FROM: Lazar Palnick  
DATE: 12/6/93  
RE: NLRB  
OPERATOR: \_\_\_\_\_

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Jan, This is the latest. Please give to John Podesta.

Nixon at home - (412) 921-9098

Lazar at home (412) 661-3633

(Becker) (412) 392-7279

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could  
RUST!  
Kizer

12/06/93 12:04 FAX 412 281 1352

BurnsWhiteHickton

MICHAEL W. BURNS  
DAVID J. WHITE  
DAVID J. HICKTON  
DAVID A. DANCO (OH)  
LISA PUNO LAMILLAN  
RALPH E. MANNING (CT & NY)  
ROBERT L. SCHNEIDER, JR.  
MARY JANE POWERS  
DONALD C. EDWARDS II (WV)  
STEVEN F. FRANCHALSER (WV)  
EDWARD J. CHOCDO  
KAROL A. HARRIS (DC & WV)  
D. SCOTT NEWMAN  
ROBERT J. RAY  
JOHN G. WALL  
DANIEL S. DONATIOS  
PATRICK L. MECHAS  
CHARLES G. MANOLI, JR. (CA)



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December 6, 1993

Lazar Palnick, Esquire  
University of Pittsburgh Medical Center  
Legal Services Department  
3811 O'Hara Street  
Pittsburgh, PA 15213

~~CONFIDENTIAL~~

Dear Lazar:

The attached sheet reflects further information by way of intelligence since Friday.

Please call to discuss.

Very truly yours,

David J. Hickton

DJH/mtf  
enc.

DETERMINED TO BE AN ADMINISTRATIVE

MARKING INITIALS: DB DATE: 5/23/18

12/08/93 12:04 FAX 412 281 1352

BurnsWhiteHickton

It is confirmed that Senator Kassenbaum's list will go to the White House today. Included on the list are the following people:

1. Dawne Hickton
2. Sharon Proust
3. Mary Harrington
4. Richard Brean
5. (an unnamed lawyer from McGuire, Woods & Battle)
6. (an unnamed lawyer from Morgan, Lewis & Bochius)
7. Donald O'Connor

My understanding is that the Republican opposition to Ken Hipp remains firm. Additionally, the Republicans believe that Ken Hipp is going to withdraw due to his realization that the new ethics policy would effectively prevent him from post-NLRS practice for the balance of his career. The Republicans also believe that this ethics policy, if practiced as stated, would effectively bar several people from their list on the basis of age alone.

The Republicans further believe that Ken Hipp has become concerned about galvanizing business opposition to his nomination which would hurt him and his firm even if the nomination prevailed.

The Republicans are under the impression that the democrats are operating under a January 15, deadline with William Gould. They believe that William Gould must go back to Stanford by that date or he loses his academic appointment.

Today, Ted Reheagan, Republican Counsel to the Senate Labor Committee, is apparently going to call Dawne Hickton to discuss with her her views in more detail. Apparently, they believe that she has the best chance of being appointed, strictly looking at it from their side, given that the White House has already passed on Sharon Proust and Mary Harrington, and that the other members would have the same ethics problem as Ken Hipp. Ted Reheagan's purpose in talking to Dawne today is to assure them that she would be acceptable to their interests. My information is that Ted Reheagan has been told that owing to Dawne's position at USX and her position as a board member on the Equal Employment Advisory Council, that the Republicans believe Dawne would be moderate to conservative, and that they have given up the hope of getting an ultraconservative on the board.

The understanding between myself and Jeff McGuinniss is that he would confirm with me when the list had been sent to the White House, and that he understands that I would then be taking steps from my side. Accordingly, officially, I have taken no steps whatsoever. As you know, you are the only one with whom I had discussed this, and I will not discuss it with anyone else unless directed by you.

U.S. DEPARTMENT OF LABOR  
OFFICE OF THE DEPUTY SECRETARY

November 29, 1993

A handwritten signature in dark ink, appearing to be 'R. Socarides', is written over the date.

MEMORANDUM FOR THOMAS P. GLYNN  
STEVE ROSENTHAL

FROM: Richard Socarides  
SUBJECT: Professor Dunlop's  
NLRB Recess Names

Charles Morris - SMU

Ted St. Antoine - Univ of Michigan

Dallas Jones - Wisconsin Law School

Betty Murphy - Baker Law Firm  
- Former NLRB Chair

MT ps

FAX - 219-7971

TO: Richard Socaridis

FROM: Dick Warden

In response to our earlier conversation, here are a few quick thoughts (bearing in mind the very general criteria you mentioned):

Tom Eagleton -- in semi-retirement in St. Louis. Also doing some broadcast punditry and maintaining affiliation with a law firm.

Gaylord Nelson -- former U.S. Senator; was president, Wilderness Society - not sure where he is now.

Wyche Fowler -- was Senate representative at FEC until recently. I'm not sure what he's up to now.

Marian Edelman -- president, Children's Defense Fund. Might be willing to take leave of absence.

Dick Moe -- former Mondale staffer, prominent lawyer, political advisor; currently at one of the prestigious conservative organizations.

Peter Edelman -- currently "counselor" at HHS to Shalala. Previously, faculty Georgetown Law School.

Bill Taylor -- active civil rights attorney; previously faculty Catholic Law School; former staff director, U.S. Civil Rights Commission.

Bruce Morrison -- former House member from Connecticut; not sure about present activity.

This is obviously a list without too much thought. I could suggest many others -- Democrats and Republicans -- if you wish. Of those listed, I think Eagleton or Nelson might best fill the bill.

Could

John Reevesdale  
Leon Higginbotham

**GOULD CONTACT SHEET****~~CONFIDENTIAL~~**

Bill Gould 415-723-2979 (o)  
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Ben Johnson 2930  
  
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WH Liaison 219-7971 (f)  
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Associate Deputy Secretary  
  
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Beth Slavet  
Greg Watchman

**DETERMINED TO BE AN ADMINISTRATIVE****MARKING INITIALS:** DB **DATE:** 5/23/18

## **CONGRESSIONAL BLACK CAUCUS**

|                     |                  |
|---------------------|------------------|
| Harriet Pritchard   | 202-225-2406 (o) |
| Cong. Clay's office | 202-225-1725 (f) |
| Amelia Parker       | 202-226-7709 (o) |

## **OUTSIDE HELP**

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| (General Help)     | 301-654-1516 (h) |
| Walter Cammiot     | 202-637-5340 (o) |
| (Labor Law Help)   | 202-637-5323 (f) |
| Frank Powers       | 202-331-3700 (o) |
| (PR Consultant)    | 301-460-5548 (h) |
|                    | 202-331-3709 (f) |
| Dick Warden        | 202-244-1766 (o) |
| (Leg. Consultant)  | 202-898-3360 (o) |
| Bill Stewart       | 202-273-2976 (o) |
|                    | 301-986-5781 (h) |
| Bill Coleman       |                  |
| O'Melvany & Meyers |                  |

## Leaving NLRB in the Lurch

By Al Kamen  
Washington Post Staff Writer

**O**f the eight Clinton nominees the Senate left on the floor when it recessed last week, the most upsetting for the administration was William B. Gould IV, a Stanford law professor and specialist on labor law who was nominated to be chairman of the National Labor Relations Board.

Gould, who would be the first black to chair the board and only the second black member in its 58-year history, apparently was held up by some Republicans who saw him as too liberal and others who wanted to see who President Clinton was picking for the vacant Republican seat on the five-member board.

The White House, trying to cut a deal with Sen. Nancy Landon Kassebaum (Kan.), the top Republican on the Senate Labor Committee, was prepared last week to offer Republicans just about anyone they wanted if they would confirm Gould. The Clintonites last week floated Hawaii lawyer Kenneth Hipp and Lansing, Mich., lawyer Theodore Swift for the GOP seat, but it's not clear Senate Republicans are buying.

The reason for the White House concern? As of last week, the board does not have a quorum with which to function—although the agency's other operations are not affected.

Besides two longstanding vacancies, a third member, John N. Randolph, turned into a pumpkin last week when Congress adjourned because he was a Bush recess appointee. That left the board one short of a three-member quorum.

Word is the administration may make its own recess appointment of Philadelphia lawyer Margaret A. Browning, who is seen as noncontroversial. The administration is leery of going the recess route, but may do so if the Republicans agree to a deal.

As if the NLRB didn't have enough problems, the critical job of general counsel, held by Bush holdover Jerry M. Hunter, also became vacant over the weekend, and Clinton's nominee, longtime counsel to the House Education and Labor subcommittee on labor-management relations, Frederick L. Feinstein, was sent up to the Hill too late in the session to be confirmed. Dan Silverman, the New York regional director, is coming down to be acting general counsel until Feinstein is confirmed, probably in late February.

And so, Loop fans, nearly one year into the Clinton administration, the NLRB remains headed by Chairman James M. Stephens, who was appointed by labor's great and good friend, Ronald Reagan.

One wag familiar with the process joked that only a Herculean effort by the administration and organized labor could have produced this.

**Also Awaiting Senate Action...**

■ Free the Clinton Eight!

The seven other nominees on hold until the Senate returns in late January are Everett M. Ehrlich, for undersecretary of commerce for economic affairs; Nancy Gertner, a federal district judge nominee in Massachusetts, and five ambassadorial nominees: San Diego hotelier M. Larry Lawrence for Switzerland; Thomas L. Siebert for Sweden; Los Angeles car dealer Sidney Williams for the Bahamas; Atlanta investment banker K. Terry Dorabush for the Netherlands and former Action director Sam Brown to represent the United States as an ambassador to the Conference on Security and Cooperation in Europe.

The nominations likely will make it through when the Senate returns next year, although there was Foreign Relations Committee grumbling that some ambassadorial picks, especially Lawrence, were getting the jobs only because they were big contributors. (We're shocked!) But Republicans, given the Reagan-Bush record, can't complain about that with a straight face.

Meanwhile John B. Ritch III, Senate Foreign Relations Committee deputy staff director, was confirmed with blazing speed as U.S. representative in Vienna to the International Atomic Energy Agency and other United Nations agencies there.

Ritch's nomination was received Nov. 18, the committee approved it that afternoon and the Senate confirmed Nov. 20. Shows you the senators can move for one of their own.

### Another Submission for Halperin

■ Despite appearances, Morton Halperin, the nominee for assistant secretary of defense for democracy and peace keeping, technically is not held hostage because the Senate kicked his nomination back to the White House. (The Senate routinely sends back nominations at the end of a session if there is no unanimous consent to hold on to the nomination.)

The White House has pledged to resubmit the nomination, the target of heavy conservative fire, to the closely divided Senate Armed Services Committee, where Chairman Sam Nunn (D-Ga.) likely will be pivotal to Halperin's fate.

### Former Energy Dept. Critic Takes Post

■ Talk about the hen guarding the fox coop! Bob Alvarez is going to work for the Energy Department. Alvarez for years has been a thorn in the side of Energy, working for Sen. John Glenn (D-Ohio) on weapons plant issues, alerting reporters to screw-ups and rounding up witnesses for hearings critical of the department. Now he's going inside, according to Energy Daily, as an aide to Susan F. Thernay, the assistant secretary for policy. The department is filling up with former critics from the Hill and environmental groups.

# Conservatives Tear a Page From Liberals' Book, 'Borking' Clinton's Nominees for Legal Positions

By PAUL M. BARRETT

Staff Reporter of THE WALL STREET JOURNAL  
WASHINGTON — "Borking" is back, but with the roles reversed.

During the Reagan-Bush years, the right decried liberal attacks on judicial and Justice Department nominees such as Robert Bork. Clarence Thomas and William Bradford Reynolds. Indeed, the campaign that killed Mr. Bork's 1987 Supreme Court nomination bequeathed the verb, "to bork," meaning to barrage an appointee with sensational-sounding excerpts of past opinions, writings or speeches.



Robert Bork

Despite their protests about liberal tactics, however, conservatives have put together a potent borking machine of their own. Its key components: Republican Senate aides who compile negative dossiers on nominees; like-minded outside groups that seek to stir up "grass-roots" opposition; and conservative columnists, whose simultaneous alarms can create a powerful echo effect.

## 'It's Our Turn Now'

"Liberals stopped Robert Bork's nomination for the Supreme Court; liberals almost stopped [Justice] Clarence Thomas," says Thomas Jipping of the conservative Free Congress Foundation. And Mr. Reynolds was rejected for the No. 3 post at the Justice Department. "It's our turn now," Mr. Jipping declares.

The big conservative victory so far has been blocking Lani Guinier from becoming the Justice Department's civil-rights chief. But others are currently under fire, including Rosemary Barkett, a federal appeals court nominee, and William Gould, the would-be chairman of the National Labor Relations Board.

The connection to past battles is quite direct in some instances. Janet Napolitano, Mr. Clinton's choice to be U.S. attorney in Phoenix, generated GOP hostility because of her refusal to discuss confidential aspects of her work as counsel to Anita Hill, who accused Justice Thomas in 1991 of sexual harassment. Questions about Ms. Napolitano's role were first raised by conservative journalist David Brock, who attacked her in articles in

the American Spectator and the Washington Times. After using procedural maneuvers to delay Ms. Napolitano's confirmation for months, Republicans relented on Nov. 19 and allowed her to be confirmed for the post.

In pressing aggressive challenges to Clinton appointees, the conservatives "are borrowing a page from our book," says Nan Aron, who as director of the Alliance for Justice, a consortium of liberal groups, coordinated opposition to Reagan and Bush appointments. Conservatives acknowledge that, like their liberal counterparts in the 1980s, they have the resources to try to stop only a tiny fraction of the president's nominees.

"The goal is to force Clinton ... to expend as much political capital as possible," says Clint Bolick of the libertarian-conservative Institute for Justice. He helped lead the blitz on Ms. Guinier with a slashing editorial-page article in this newspaper. "If we succeed even in only a few cases," Mr. Bolick adds, "we may discourage the White House from choosing people with more extreme philosophies."

## Attack on Gould for NLRB Post

Republicans, for example, probably don't have the votes to kill Mr. Gould's nomination to head the labor-relations board. But they hope that by tying up the liberal Stanford law professor's appointment, they can influence the White House to name a more pro-business person for another vacancy on the NLRB. So, in an attack some business lobbyists describe privately as "borking," Mr. Gould is being depicted as a "radical" for having advocated pro-union legal changes in his academic writings.

In a new twist on earlier liberal strategy, the conservative opposition also involves covert efforts by some GOP Senate aides to incite editorialists and the public. After President Clinton announced in late September that he wanted to promote Judge Barkett from chief of Florida's top court to a spot on the federal appeals court in Atlanta, aides to GOP Sen. Orrin Hatch of Utah went to work. They combed the 54-year-old jurist's lengthy record to find examples of her liberal "activism," especially any opposition to death sentences in grisly murder cases.

In due course, Sen. Hatch, the ranking Republican on the Judiciary Committee, announced that he was "deeply troubled" by Judge Barkett's views on capital punishment. Behind the scenes, Mark Disler, a senior Hatch aide, circulated anti-Barkett memos to presumably sympathetic colum-

nists, urging them to use the material, but not identify its source.

A mini-wave of anti-Barkett editorials appeared. But then, columnist Charley Reese of the Orlando Sentinel, a recipient of the Disler package, blew the whistle on the Hatch aide. In response, Sen. Hatch publicly repudiated his assistant for not following "proper procedure," but added that the memos were accurate.



Rosemary Barkett

Similar tactics were used against Attorney General Janet Reno when she was nominated in February. According to Senate staff members, John Bliss, an aide to GOP Sen. Hank Brown of Colorado, along with a since-fired lobbyist for the National Rifle Association, helped spread allegations that Ms. Reno had a drinking problem—something she flatly denies.

John Thompson, a longtime Reno political foe from Miami, has submitted a sworn affidavit to the Senate Ethics Committee as part of a complaint alleging that Mr. Bliss prodded him to leak the drinking story to the press. Senate Republicans "were attempting to smear [Ms. Reno] through someone else, without having their fingerprints on the thing," Mr. Thompson says in an interview.

As he did when the Capitol Hill newspaper Roll Call first reported on the flap, Mr. Bliss says he was merely investigating allegations that turned out to be unsubstantiated. "We didn't go to [Mr. Thompson]; he came to us," the aide says, adding, "I never sought to share the information with the press." Sen. Brown blamed the rumors on Mr. Thompson and voted to confirm Ms. Reno.

Another thing that distinguishes the new borking from the old is increased technological sophistication, epitomized by the Free Congress Foundation's satellite video network. Started in 1991 to mobilize conservative groups around the country, the network is scheduled to expand to 24-hour-a-day cable service next month.

Mr. Jipping has appeared repeatedly on Free Congress telecasts, exhorting viewers to rise up against Judge Barkett because of what he says are her votes to spare some heinous killers from execution. The sermons have ignited anger among people such as Dale Switzer, the Tulsa, Okla., liaison of the Christian Coalition, a national organization headed by evangelist-politician Pat Robertson.

"For some reason, [Mr. Jipping's pitch] lit my fire," says Mr. Switzer, who has launched an anti-Barkett letter-writing drive aimed at Oklahoma Sens. David Boren, a Democrat, and Don Nickles, a Republican.

Sen. Hatch has succeeded in getting Judge Barkett's confirmation hearing put off until next year, but it's still far from certain that she will be stopped. She received the American Bar Association's top rating and has a plausible response to the charge that she is "soft" on the death penalty: She has voted more than 200 times to affirm capital sentences.

THE WALL STREET JOURNAL MONDAY, NOVEMBER 29, 1993

The Washington Times

November 27, 1993, Saturday, Final Edition

SECTION: Part D; BUSINESS; Pg. D5

LENGTH: 589 words

HEADLINE: NLRB nominee denies plan to alter law

BYLINE: David R. Sands; THE WASHINGTON TIMES

BODY:

With his nomination in limbo, President Clinton's choice to head the National Labor Relations Board strongly countered charges by business groups that he favors a massive rewrite of the nation's labor laws.

"The notion that I am somehow outside the mainstream on labor law is just ludicrous," Stanford University law professor William Gould said in a telephone interview this week. "I am very much a moderate politically and in the field of industrial relations."

Mr. Gould said he enjoys substantial support among management lawyers and noted that he spent more of his career as a labor lawyer representing management than representing workers. He said the opposition to his nomination has been led by "inside-the-Beltway business lobbies."

Facing the prospects of a lengthy debate and a Republican filibuster, the Senate adjourned for the year Wednesday without acting on the Gould nomination. Because there are now three vacancies on the five-member board, Mr. Clinton will have to make a recess appointment so the board can have a quorum.

The NLRB adjudicates labor-management disputes under the 1935 National Labor Relations Act.

Once expected to sail through, the nomination has snagged on business groups' criticisms of Mr. Gould's published writings and on a political standoff between the White House and Senate Republicans over who will fill an NLRB vacancy reserved for a Republican or an independent.

At the Oct. 18 vote of the Senate Labor and Human Resources Committee, Sen. James M. Jeffords, Vermont Republican, said he would not back Mr. Gould until he knew whom the president planned to nominate for the other vacancy. The White House, Senate GOP sources say, has refused to reveal its choice until Mr. Gould is confirmed.

The U.S. Chamber of Commerce, the National Association of Manufacturers, the National Federation of Independent Businesses, the Society of Human Resource Management and the management-backed Labor Policy Association have declared their opposition to Mr. Gould.

Citing a book the Stanford professor published this year, "Agenda for Reform," the groups say Mr. Gould advocates changes that would greatly strengthen labor unions in collective bargaining - including banning the hiring of permanent replacements for striking workers and increasing a union's ability to punish people who work during a strike.

"The professor finds himself in the position of having been highly articulate in advocating his point of view," said Randolph M. Hale, vice president of industrial relations for the National Association of Manufacturers.

"He has been hoisted by his own petard."

Mr. Hale said the NAM's position reflected not the perspective of Washington insiders but the conclusions of its labor law advisory committee, including experts from around the country.

In the Senate confirmation hearing, Sen. Orrin G. Hatch, Utah Republican, closely questioned Mr. Gould about his published views on labor law reform. Mr. Gould said he could judge NLRB cases objectively and would not try to use his post to rewrite the nation's labor laws.

In the telephone interview, Mr. Gould said he is the first nominee for NLRB chairman since the 1940s with a "long record as an impartial neutral" - a reference to his career as an arbitrator and mediator in more than 200 labor disputes since 1965. He also served on the staffs of former Democratic and Republican NLRB members.

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## LABOR REPORT

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TITLE: RAUDABAUGH DEFENDS REPUBLICAN ROLE IN SEEKING DISCLOSURE OF ALL NLRB NOMINEES.

### TEXT:

Asked whether his fellow Republicans are responsible for bringing the National Labor Relations Board to a standstill, board member John Raudabaugh reflected that the situation mirrors how Democrats behave during Republican administrations when they warn that the agency is dominated by management attorneys.

The immediate prospect of a quorumless NLRB eased on Nov. 23 when the Senate set a roll call vote for next week on the Brady handgun control bill. Although the Senate could take up the nomination of Stanford Professor William Gould at any time, a possible filibuster makes a further postponement likely.

Interviewed at the agency's headquarters Nov. 22 as he prepared to vacate his office to coincide with the adjournment of Congress, Raudabaugh said recent statements of Sen. Nancy Kassebaum (R-Kan) and her insistence that President Clinton get the candidates out front are uncannily similar to remarks of Sen. Edward Kennedy (D-Mass) seeking to delay a vote on his own nomination pending disclosure of the full lineup.

Raudabaugh, a Georgia Republican, serves as a recess appointee of President Bush, following the expiration of a previous term. His term ends with an adjournment sine die of Congress, at which time the agency will be down to two members. Sources expect that nominee Margaret Browning will be tapped to fill a vacancy on a recess basis.

As for the prospect that the agency would be without a quorum when his recess powers end, Raudabaugh said:

"The earth rotation isn't going to be affected by a two-month suspension of the board. This administration has had since January to select people and get people up here and I don't view the Republicans as engaging in gridlock whatsoever. They just want to see what the full package is going to look like.

"[G]o back and look at what was inserted into the Congressional Record by Senator Kennedy when I was nominated, and just change the names to today. He thought it was appropriate to wait and see what the full lineup was going to be before they voted. He was concerned that the board at that time was dominated by management lawyers."

Nonetheless, Raudabaugh discounted ideological objections to President Clinton's nominations of Stanford professor William B. Gould and Margaret Browning of Philadelphia and said their status as lawyers will enable them to take on the role of a neutral adjudicator:

"It seems to me there's a difference here between qualifications, competency to serve, and I suppose, some divining of how one might vote on a myriad of issues that you can't even possibly articulate because issues come up that are always new and novel.

"I assume the business community is looking at such things as Professor Gould's book [Agenda for Reform] and concluding from that and other writings that he has a lifelong professional perspective that is contrary to what they view as in their best interests.

"My own feeling is when I stand back from all this--of course I'm certainly not the decisionmaker on who gets on the board. But I do know certain realities. President Clinton won the election and as I recall when the AFL-CIO expressed some concern about my background they acknowledged that President Bush had won the election. And Presidents I would think have the right to make their selections.

"I think at this juncture, in light of the fact that the President has selected--Professor Gould and Margaret Browning--and that the board will still have Members [Dennis] Devaney and [James] Stephens, we're really just talking about one vacancy. I said several weeks ago in Chicago that I thought Professor Gould and Margaret Browning . . . seemed like reasonable thoughtful individuals to me. That is not to say, that the question of who occupies that fifth seat is not important."

Raudabaugh praised the efforts of Republicans to maintain some balance at the agency:

"I pay plaudits to the Republicans. Sen. Kassebaum has done a splendid job in making clear that . . . if they view Professor Gould as too liberal and Margaret Browning's background as . . . reflective of a pro-labor bent, and they see Member Devaney as a Democrat, and Member Stephens has been here for a long time so he has a voting record that you can analyze for yourself, then that fifth seat becomes very important. If not to achieve some semblance of balance, at

least to provide a voice for writing dissenting opinions to give the parties a clear avenue for appeal.

"The Republicans are doing a splendid job in holding out to make sure that the board has at least someone who is more of their liking."

Raudabaugh remarked that the agency's enforcement statistics are remarkably consistent over the year--without regard to what party holds power. "Hopefully no one is interested in packing the board," he said. "If they are, that's an outrage." He discounted as mischievous criticism that the playing field at the agency is skewed and needs to be corrected. The agency is efficient and productive, he said, warning that the appointment of cronies of one interest group or other disservices the American public.

In a Nov. 22 letter to President Clinton underscoring his resignation effective with the adjournment of Congress, Raudabaugh cited agency statistics showing that 98 percent of the cases are resolved without the need for a ruling by the five-member board, and that 94 percent of all contested matters are decided unanimously. "[W]hat the statistics reveal, across time and administrations," he said, "is that the board's substantive results reflect a playing field that long has been level and remains so today."

The letter praised the Clinton administration's support for encouraging joint labor-management committees and said such efforts are essential to ensure the competitiveness of the U.S. economy in the world marketplace.

Raudabaugh plans to return to private practice in Chicago with the firm of Matkov, Salzman, Madoff & Gunn.

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HEADLINE: Senate Stalls on NLRB Nominee  
GOP calls Stanford professor too pro-union to head labor panel

BYLINE: Carolyn Lochhead, Chronicle Washington Bureau

DATELINE: Washington

BODY:

Under pressure from Republicans, the Senate yesterday delayed until next year action on the nomination of Stanford law Professor William Gould IV to the chairmanship of the National Labor Relations Board.

If approved by the Senate, Gould, 56, would be the first black chairman of the labor board, an important quasi-judicial agency that exercises broad jurisdiction over the workplace, overseeing union elections and investigating unfair labor practices.

Led by Senator Nancy Kassebaum of Kansas, the top Republican on the Labor and Human Resources Committee, Republicans objected strenuously to what they call Gould's stridently pro-union views. Citing his book, "Agenda for Reform," opponents said he would use his position to give a radically pro-union tilt to labor law.

Bradley Cameron of the Labor Policy Association, a group of senior human resources officers in Fortune 500 companies, said the nomination "is killed for now."

Cameron said that the White House had been lobbying hard for two days to save the nomination but that the Senate Democratic leadership postponed a vote for lack of the 60 votes needed to break a Republican filibuster.

"It was a classic game of 'chicken' where the White House was threatening to try to ram it through and Republicans were saying, 'Fine, bring it to the floor, let's vote on it,' " Cameron said. "Obviously, the inability of Democrats to

invoke cloture would be pretty damaging to the nominee."

Republicans insisted that Gould be withdrawn or that the White House appoint a Republican to one of the other five positions on the board. Even though they would be outvoted, Republicans want a board seat to establish a dissenting view, because many NLRB decisions are later appealed to a higher court.

"Given that Gould's views are so far out of the mainstream," Cameron said, "this would at least establish for the record a dissenting opinion, and that becomes pretty important in the appeals process."

Introduced with lavish praise from Democratic Senators Barbara Boxer and Dianne Feinstein of California at his confirmation hearing October 1, Gould insisted that he would not use his position as a platform to change the law.

Gould joined the Stanford law faculty in 1972 and in 1990-1991, he was chairman of the City and County of San Francisco Task Force on Collective Bargaining. He has cited his experience as an arbitrator in promising to "resolve conflicts in a fair and evenhanded manner within the limits of the law as established by Congress."

The San Francisco Chronicle, NOVEMBER 24, 1993

GRAPHIC: PHOTO, WILLIAM GOULD , Filibuster was threatened , BY LIZ HAFALIA, THE CHRONICLE

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