

**NLWJC - Kagan**

**DPC - Box 013 - Folder 020**

**DPC [Domestic Policy Council] -  
Personnel**

# Withdrawal/Redaction Sheet

## Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. letter	From: Jamie Grodsky To: Elena Kagan; RE: Address (Partial) (1 page)	05/19/1997	P6/b(6)
002. resume	Jamie Grodsky; RE: Address and Phone No. (Partial) (1 page)	n.d.	P6/b(6)
003. resume	David Medina; RE: Address and Phone No. (Partial) (1 page)	01/31/1997	P6/b(6)
004. resume	Franklin Urteaga; RE: Address and Phone No. (Partial) (1 page)	n.d.	P6/b(6)
005. resume	David Medina; RE: Address and Phone No. (Partial) (1 page)	n.d.	P6/b(6)
006. resume	Michael Gordon; RE: Address and Phone No. (Partial) (1 page)	n.d.	P6/b(6)
007. resume	Robert Mulderig; RE: Address and Phone No. (Partial) (1 page)	n.d.	P6/b(6)
008. resume	Brad Smith; RE: Address and Phone No. (Partial) (1 page)	n.d.	P6/b(6)
009. resume	Franklin Urteaga; RE: Address and Phone No. (Partial) (2 pages)	n.d.	P6/b(6)
010a. fax	From: Nicholas Gess To: Elena Kagan; RE: Address and Phone No. (Partial) (1 page)	01/10/1997	P6/b(6)
010b. letter	From: Nicholas Gess To: Elena Kagan; RE: Address and Phone No. (Partial) (1 page)	01/10/1997	P6/b(6)
010c. resume	Nicholas Gess; RE: Address and Phone No. (Partial) (1 page)	01/10/1997	P6/b(6)

**COLLECTION:**

Clinton Presidential Records  
 Domestic Policy Council  
 Elena Kagan  
 OA/Box Number: 14359

**FOLDER TITLE:**

DPC [Domestic Policy Council] - Personnel

2009-1006-F  
db1536

### 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]
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- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
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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]
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- 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]
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011. resume	Joseph Fanaroff; RE: Address and Phone No. (Partial) (1 page)	n.d.	P6/b(6)
012a. letter	From: Joseph Fanaroff To: Bruce Reed; RE: Address and Phone No. (Partial) (1 page)	12/31/1996	P6/b(6)
012b. resume	Joseph Fanaroff; RE: Address and Phone No. (Partial) (1 page)	n.d.	P6/b(6)
013. resume	Abigail Mann; RE: Address and Phone No. (Partial) (1 page)	12/04/1996	P6/b(6)

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Elena Kagan  
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Reply ✓

Dear Jamie:

Thanks very much for your letter. It's been a pleasure talking with you in the past few months.

We still don't have any positions open, but may have ~~one~~ a slot or two in mid-late summer. You can be sure we'll think of you then.

May 19, 1997

Very truly yours,  
EJK

Jamie A. Grodsky

P6(b)(6)

Ms. Elena Kagan  
Deputy Assistant to the President for Domestic Policy  
The White House  
218L OEOP  
Washington, D.C. 20502

Dear Elena:

I thoroughly enjoyed speaking with you on the phone a while back. Jon Yarowsky, who knows me well and is familiar with my work, has contacted you about my interest in joining your staff. I am confident that my experience would be of service to you in shaping well-conceived and effective domestic policy for President Clinton.

As you know, for the past two years, I have served as a Counsel with the Senate Judiciary Committee. Previously, I was a Counsel to the House Committee on Natural Resources. My public policy experience is deep and broad, and I believe that I could contribute to the Domestic Policy Council in a variety of areas.

In my current position on the Judiciary Committee, I am involved in several spheres of domestic policy, including constitutional issues, intellectual property, information privacy, consumer and environmental issues. On the Natural Resources Committee, I focused on domestic environmental policy as well as international trade and sustainable development.

Before attending law school, I was a Policy Analyst at the congressional Office of Technology Assessment (OTA), where I focused on high-tech and economic competitiveness issues.

My work has included in-depth research, consulting with individuals and interest groups around the country, convening meetings and hearings, developing policy recommendations, conducting briefings, and drafting legislation. I enjoy translating

highly technical information into language easily accessible to policymakers and the public. I have received awards for my writing, and have published in a variety of formats, from law reviews and government reports to newspaper articles and speeches.

My B.A. is from Stanford University, my M.A. is from U.C. Berkeley, and my law degree is from Stanford Law School. I have attached my curriculum vitae.

Many thanks for your attention. I would be delighted to meet with you. Additional copies of this letter have been sent to Bruce Reed and Paul Weinstein.

Yours Sincerely,

  
Jamie Grodsky

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**JAMIE ANNE GRODSKY**

P6/(b)(6)

o) (202) 224-6443

h) P6/(b)(6)

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**EDUCATION**

**STANFORD LAW SCHOOL**

Juris Doctor, 1992  
Articles Editor, Stanford Law Review  
Hilmer Oehlmann Prize for Legal Writing  
Adolph and Olaus Murie Award in Environmental Law  
Co-Chair, Women of Stanford Law  
Elected Representative, Faculty Public Interest Committee

**UNIVERSITY OF CALIFORNIA, BERKELEY**

M.A., Geography (Economic), 1986  
Thesis Subject: Deep Seabed Mining and the Law of the Sea  
Teaching Assistant, Science Policy

**STANFORD UNIVERSITY**

B.A., Double Major in History and Human Biology/Natural Sciences, With Distinction, 1977  
Senior Class President

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**PROFESSIONAL EXPERIENCE**

(List of Publications Attached)

**BAR MEMBERSHIP:**

Member of the California Bar and the District of Columbia Bar

**UNITED STATES SENATE:**

Washington, D.C., 1995-present

**Counsel, Committee on the Judiciary, Subcommittee on Technology.** (105th Congress)

**Counsel to Senator Dianne Feinstein, Committee on the Judiciary.** (104th Congress)

Areas include Constitutional Law, Intellectual Property, Product Liability, Technology, and Environmental Law. Constitutional matters include: property rights and regulatory takings, equal protection, affirmative action, speech, privacy, civil rights, federalism, and separation of powers. Intellectual Property issues involve copyright, patent and trademark, with an emphasis on the Internet and other new communications media. Environmental matters include takings, regulatory reform, environmental audits, and environmental crimes. Responsible for developing new legislation; evaluating pending bills; providing counsel at hearings and markups; analyzing judicial and executive branch interpretations of statutory law. Extensive writing for speeches, floor statements, position papers, and Judiciary Committee Reports.

**UNITED STATES HOUSE OF REPRESENTATIVES:**

Washington, D.C., 1993-1994

**Counsel, Committee on Natural Resources.** Responsible for private property and regulatory takings issues: jurisprudence, policy, implications for federal land use programs. Population and resources: designed and implemented studies and a congressional hearing on the changing economies and demographics

## JAMIE A. GRODSKY

of the American West. Explored contemporary pressures on natural resources and sustainable development initiatives. Trade and environment: developed positions and recommendations on the environmental and sovereignty aspects of the GATT Uruguay Round and U.S. implementing legislation.

### UNITED STATES CONGRESS, OFFICE OF TECHNOLOGY ASSESSMENT:

Washington, D.C., 1984-1989

**Analyst**, Communications and Information Policy Program. July 1986-January 1989

OTA Project, Informing the Nation. Published on public policy and legal issues arising from the use of new communications technologies. Topics included: the ambiguities in the case law emerging from the extension of the Freedom of Information Act to electronic records; the influence of computers on the management of classified information; the impact of new information technology on the government-press relationship. Further research addressed constitutional issues arising from use of new technologies by the media.

**Research Analyst**, Economic Competitiveness Program. October 1984-July 1986

OTA Project, Technology and the American Economic Transition. Reviewed and analyzed the role of technology in determining the U.S. economic competitive position in various sectors of the U.S. economy. Published chapters and background papers on the U.S. position in high-value agricultural product markets, the structure of the U.S. advertising industry, and the evolution of the direct marketing industry.

### WOODS HOLE OCEANOGRAPHIC INSTITUTION:

Woods Hole, MA, June 1983-January 1984

**Research Assistant**, Marine Policy Program. Evaluated undersea mineral development for a project sponsored jointly by the National Oceanic and Atmospheric Administration (NOAA) and Woods Hole Oceanographic Institution. Contributed chapter on land-based mining investment laws and policies of several foreign countries to serve as a model for the proposed mining of nearshore mineral deposits on the mid-oceanic ridge. Prepared background papers outlining legal structures operating in coastal waters prior to the U.S. unilateral declaration of an Exclusive Economic Zone, and compared regimes under the International Law of the Sea Treaty.

### OCEANIC SOCIETY, SAN FRANCISCO BAY CHAPTER:

San Francisco, CA, January 1979-January 1981

**Educational Director**. Founded and directed SEA CAMP, a maritime education program for children, now operating in seven cities in the U.S. Designed and administered educational programs conveying aspects of maritime history, marine natural history, and marine policy problems. Programs included lecture courses, outdoor field classes, and scientific symposia.

## ADDITIONAL EXPERIENCE

### CALIFORNIA AGRICULTURAL LANDS PROJECT:

**Research Associate**, San Francisco, CA, June-December, 1982. Helped produce "Quick-Book," Genetic Engineering of Plants, designed to give media convenient access to current facts and issues pertaining to genetic engineering in agriculture, from a scientific and commercial perspective.

**JAMIE A. GRODSKY**

**ASSOCIATION OF BAY AREA GOVERNMENTS, CITIZEN'S ADVISORY COMMITTEE ON WATER QUALITY:**

**Delegate**, San Francisco, CA, 1980-1981. Helped develop and implement a regional water quality plan for the San Francisco Bay Area pursuant to the federal Clean Water Act.

**AMERICAN MUSEUM OF NATURAL HISTORY, SOUTHWESTERN RESEARCH STATION:**

**Research Fellow**, Portal, AZ, Summer 1976. Awarded American Museum's Research Fellowship in Experimental Biology. Studied the effects of overgrazing on Arizona rangelands.

**MONO BASIN RESEARCH GROUP:**

**Research Assistant**, Lee Vining, CA, Summer 1975. Explored biological effects of lake drainage by Los Angeles Department of Water and Power. Developed plant censuses and bird surveys. The study resulted in An Ecological Survey of Mono Lake, California.

**POST-GRADUATE YEAR:**

July 1977-May 1978. Worked and traveled across the U.S., emphasizing eastern and southern states. Volunteered in a shelter for the homeless in New York City. Lived with tobacco sharecropping and coal mining families in rural Kentucky and Tennessee. Walked from California to Utah with a Native American group as part of the "Longest Walk."

**SUMMER LEGAL POSITIONS**

**Powell, Goldstein, Frazer & Murphy**, Washington, D.C., 1991. Antitrust, trade, and environmental matters.

**Jones, Day, Reavis & Pogue**, Washington, D.C., 1991. Telecommunications matters.

**United States Department of Justice**, Washington, D.C., 1990. Environment and Natural Resources Division. Extraterritorial application of the National Environmental Policy Act (NEPA); legislative and interpretive rulemaking issues affecting Superfund; jurisdictional and procedural questions arising under the Federal Advisory Committee Act (FACA).

**Coblentz, Cahen, McCabe & Breyer**, San Francisco, CA, 1990. Fair trade and campaign finance issues.

**PERSONAL INTERESTS AND ACTIVITIES**

Fluent in French. Lived in Switzerland (one year: Ecole Internationale de Geneve) and England (six months: Stanford Overseas Studies); extensive travel in Europe, with additional travel in Latin America and the Soviet Union.

Marine biological research at Stanford University's Hopkins Marine Station (fall, 1978).

Invited speaker on the environment, natural resources, emerging technologies, and the Freedom of Information Act (for continuing legal education series and interest groups).

Acoustic guitarist (bluegrass).

Field Hockey (Stanford Intercollegiate Team, 4 years; member of club teams in the District of Columbia).

Tennis (United States Lawn Tennis Association).

**PUBLICATIONS**  
(Sole Author Unless Indicated)

**JAMIE A. GRODSKY**

**LAW JOURNALS AND REPORTS**

"*Certified Green: The Law and Future of Environmental Labeling*," 10 Yale Journal on Regulation 147-227 (1993).

"*The Freedom of Information Act in the Electronic Age: The Statute is Not User Friendly*," 31 Jurimetrics: Journal of Law, Science, and Technology 17-51 (1990).

"*The Electronic Press Release and Government-Press Relationships*," Informing the Nation: Federal Information Dissemination in an Electronic Age. United States Congress, Office of Technology Assessment (October 1988).

"*The Freedom of Information Act in an Electronic Age*," Informing the Nation: Federal Information Dissemination in an Electronic Age. United States Congress, Office of Technology Assessment (October 1988).

Technology and the American Economic Transition. United States Congress, Office of Technology Assessment (May 1988). Contributing author: communications, agriculture.

A Review of U.S. Competitiveness in Agricultural Trade. United States Congress, Office of Technology Assessment (October 1986). With K.A. Cook.

The Structure and Evolution of International Mining Agreements: Application to the Potential Development of Deep Sea Polymetallic Sulfides. University of California, Berkeley (May 1985). Graduate Thesis.

"Quick Book" on Genetic Engineering of Plants. California Agricultural Lands Project (November 1982). Contributor.

**WORKING PAPERS**

U.S. Trade in High-Value Agricultural Products: Markets and Policy. United States Congress, Office of Technology Assessment (August 1986).

The Structure of the U.S. Advertising Industry in the 1980s. United States Congress, Office of Technology Assessment (June 1986).

The Evolution of Direct Marketing in the U.S. United States Congress, Office of Technology Assessment (February 1986).

**ARTICLES AND BOOK REVIEWS**

"*The Sea Camp Experience*," Oceans Magazine (September 1980).

"*The Coastal Zone Management Commissions: California's Experiment in Shoreline Protection*," Oceans Magazine (May 1980). Book review.

"*The Healing Sea: Deriving Biomedical Benefits From Marine Organisms*," Oceans Magazine (July 1979). Book review.

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DAVID MEDINA

P8(b)(6)

**EDUCATION**

**HARVARD UNIVERSITY**  
**JOHN F. KENNEDY SCHOOL OF GOVERNMENT**  
*Master of Public Policy, 1993*  
• Woodrow Wilson National Foundation, Fellow  
• Democratic Caucus, President

**UNIVERSITY OF CHICAGO**  
*Bachelor of Arts, 1991*  
• Student Government, President  
• Hispanic Students Association, President  
• Maroon Key Society, Member

**PRINCETON UNIVERSITY**  
*Course work in public policy, Summer 1990*

**UNIVERSITÉ DE CAEN**  
*Course work in French history, Spring 1988*

*Prove —  
Recommended by  
Craig Smith  
Elena*

**LEGISLATIVE EXPERIENCE**

**UNITED STATES SENATOR CAROL MOSELEY-BRAUN**  
*Legislative Assistant, February 1993 - September 1995*  
Advised the Senator on education, labor, transportation, housing, and immigration issues. Drafted and managed eight pieces of legislation including five education bills which became law. Directed the General Accounting Office's study of the physical condition of America's public schools. Wrote speeches and editorials. Created a statewide education task force. Organized press conferences.

**CONGRESSIONAL HISPANIC STAFF ASSOCIATION**  
*Vice President, January 1994 - December 1994*  
Coordinated policy discussions between members of Congress and Congressional staff members.

**UNITED STATES SENATOR PAUL SIMON**  
*Legislative Fellow, June 1991 - August 1991*  
Researched health care issues. Wrote statements for the *Congressional Record*. Summarized committee testimony. Responded to constituent mail.

**CAMPAIGN EXPERIENCE**

**DEMOCRATIC NATIONAL COMMITTEE**  
*Deputy Midwest Political Director, September 1995 - present*  
Advised DNC Chairmen of political developments in 13 states. Evaluated voter contact plans and operations budgets. Coordinated press conferences, fund-raisers, and constituency meetings. Directed GOTV activities in Shelby County (Memphis), Tennessee.

**ALAN WHEAT FOR UNITED STATES SENATE**  
*Field Coordinator, October - November 1994*  
Organized press, fund-raising, and GOTV activities in St. Louis.

**CAROL MOSELEY-BRAUN FOR UNITED STATES SENATE**  
*Field Coordinator, May - November 1992*  
Directed one of four field offices in Chicago. Briefed elected officials on campaign developments. Organized volunteers for canvassing, phone-banking, and GOTV. Won Participation 2000 scholarship.

**LANGUAGES**

Fluent in Spanish. Proficient in French.

28 January 1997

Bruce Reed  
Assistant to the President for Domestic Policy  
c/o Cathy Mays  
The White House  
Washington, DC 20500  
2<sup>nd</sup> Floor West Wing

Elena -  
Poss. thing?  
NPR and Ickes,  
interesting combo.  
BR  
(worth talking to)

Cathy:

As per our telephone conversation this morning, I am submitting my resume for Bruce Reed to review. As my resume indicates, I have assisted Harold Ickes at the White House in the capacity of support staff (filing, handling all phone calls, scheduling meetings, etc.). I would appreciate being considered to work as part of Bruce's staff.

Thank you for your time and consideration.

  
Franklin F. Urteaga

confirmed: Fri. 10:30 A, yr. offc.  
Please sit us a time for  
me to meet with this  
guy. Friday looks pretty  
clear, but check with me.

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**FRANKLIN F. URTEAGA**

P6/(b)(6)

P6/(b)(6) (h), 202-222-1728 (o)

**EDUCATION:**

**THE GEORGE WASHINGTON UNIVERSITY, Washington, D.C., June 1996**  
**Master of Public Administration (MPA)**

Concentration: Executive, Legislative & Regulatory Affairs, GPA: 3.87

**CALIFORNIA STATE UNIVERSITY, LOS ANGELES, June 1992**

**Bachelor of Science, Technology & Public Affairs**

**EXPERIENCE:**

Dec. 1996-  
Jan. 1997

**THE 53<sup>rd</sup> PRESIDENTIAL INAUGURAL COMMITTEE**

**VIP Events Staff**

Responsible for logistical coordination, implementation, and management of four Vice Presidential Inaugural Events. Conducted negotiations with vendors, and other service providers. Drafted and coordinated information, briefing and decision memoranda for VIP Events Director.

June 1996-  
Nov. 1996

**THE CLINTON/GORE '96 REELECTION CAMPAIGN, Washington, DC**

**Special Assistant to the Deputy Campaign Manager**

Responsible for researching, analyzing, and writing initiative for Campaign Minority Banking Project. Coordinated and managed Get Out The Vote (GOTV) effort, sending staff to field. Acted as liaison between field staff and state contacts for GOTV project. Prepared talking points and memoranda for Deputy Campaign Manager. Interviewed prospective staff for placement throughout the campaign.

Nov. 1995 -  
June 1996

**THE WHITE HOUSE, Washington, DC**

Office of the Deputy Chief of Staff, Harold Ickes

**White House Staff**

Responsible for writing position papers on various legislative and executive issues. Prepared and distributed memoranda for Deputy Chief of Staff. Developed and maintained spreadsheets for tracking work in-progress and history of documents. Performed various administrative functions, including handling phone calls, scheduling and arranging meetings, and compiling/filing data.

May 1995-  
Oct. 1995

**THE WHITE HOUSE, Washington, DC**

The Vice President's National Performance Review

**White House Intern**

Researched, analyzed, and created comprehensive report on prospective entitlement reductions and five-year savings for 1996 federal budget proposal. Prepared summary report on NPR regulatory reinvention efforts used to develop Appendix D of Vice President's Third Annual Status Report. Developed regulatory initiatives report for NPR Deputy Director to brief Hill staff, academics, and foreign officials on Vice President's reinvention efforts.

Feb. 1994-  
Aug. 1994

**U.S. FEDERAL TRADE COMMISSION, San Francisco, California**

**Consumer Protection Representative**

Informed consumers and businesses about consumer protection laws and regulations. Provided oral and written information to consumers and businesses to resolve various issues (telemarketing and credit card fraud, and product liability). Initiated outreach fairs to inform public of consumer rights.

Jan. 1994-  
Mar. 1994

**MISSION ECONOMIC DEVELOPMENT ASSOCIATION, San Francisco, California**

**Planning/Community Technical Associate**

Served as liaison to City Hall for local merchant associations. Developed and implemented financial projects and programs to positively affect socio-economic character of community. Orchestrated support program for area businesses: loan packaging, technical assistance, economic development presentations and workshops.

Jun. 1992-  
Jun. 1993

**LOS ANGELES COUNTY SUPERIOR COURT**, Los Angeles, California  
**Judicial Intern**

Served as intern for criminal and civil court judges. Responsibilities included analyzing case depositions, writing reports of observations on jurisprudence in the courtroom and judges' chambers. Gained first-hand familiarity with law as practiced in an urban setting.

Jan. 1989-  
Jan. 1994

**HUGHES AIRCRAFT COMPANY**, El Segundo, California  
**Project Engineer**

Prepared new business proposals for Satellite Business Group. Planned cost and scheduling of satellite program materials. Generated earned value status reports and engineering component specifications for programs. Trained technical personnel to produce and test satellite products. Created technical, computer training, and system documentation manuals for satellite programs.

**COMMUNITY  
SERVICE:**

The George Washington University, Public Service Academy mentor and tutor for Anacostia High School students

Implemented and coordinated engineering and technology minority student internship between California State University, Los Angeles and Tylan General Corporation

Coordinated CSULA's Open House events for the recruitment of minority high school students  
Coordinated and hosted CSULA's Department of Technology Annual Awards Banquets

CSULA's Department of Technology Student Council President, 1991-1992

**ACADEMIC HONORS/  
ACHIEVEMENTS:**

**Government Affairs Merit Scholarship, 1996**  
**Urban Affairs Scholarship, 1995**  
The George Washington University, Washington, D.C.

**General Motors Distinguished Undergraduate Scholarship, 1992**  
**Department of Technology Outstanding Service Award, 1992**  
**Dean's List, 1990-1992**  
California State University, Los Angeles

**Superior Team Member Recognition Award, 1993**  
Hughes Aircraft Company, Space & Communications Division

National Dean's List, 1991-1992, 15th Annual Edition

**COMPUTER  
SKILLS:**

Proficient in both Macintosh and IBM compatible systems using: Basic, Lexis/Nexis, Word Perfect, Microsoft Word, Windows 96, Excel, Lotus Notes, 1-2-3, SPSS, Harvard Graphics, Corel Draw, Power Point, PageMaker, PC Tools, Norton Desktop, Mac Scheduler, Mac Draw, etc.

**OTHER:**

Fluent in Spanish  
Secret Clearance

**REFERENCES:**

Available upon request

# Withdrawal/Redaction Marker

## Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
005. resume	David Medina; RE: Address and Phone No. (Partial) (1 page)	n.d.	P6/b(6)

### COLLECTION:

Clinton Presidential Records  
Domestic Policy Council  
Elena Kagan  
OA/Box Number: 14359

### FOLDER TITLE:

DPC [Domestic Policy Council] - Personnel

2009-1006-F

db1536

### 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]

# DAVID MEDINA

P6/(b)(6)

## EDUCATION

**HARVARD UNIVERSITY**  
**JOHN F. KENNEDY SCHOOL OF GOVERNMENT**  
*Master of Public Policy, 1993*  
• Woodrow Wilson National Foundation, Fellow  
• Democratic Caucus, President

**UNIVERSITY OF CHICAGO**  
*Bachelor of Arts, 1991*  
• Student Government, President  
• Hispanic Students Association, President  
• Maroon Key Society, Member

**PRINCETON UNIVERSITY**  
*Course work in public policy, Summer 1990*

**UNIVERSITÉ DE CAEN**  
*Course work in French history, Spring 1988*

## POLICY EXPERIENCE

**UNITED STATES SENATOR CAROL MOSELEY-BRAUN**  
*Legislative Assistant, February 1993 - September 1995*  
Advised the Senator on education, labor, transportation, housing, and immigration issues. Drafted and managed eight pieces of legislation including five education bills which became law. Directed the General Accounting Office's study of the physical condition of America's public schools. Wrote speeches and editorials. Created a statewide education task force. Organized press conferences.

**CONGRESSIONAL HISPANIC STAFF ASSOCIATION**  
*Vice President, January - December 1994*  
Coordinated policy discussions between members of Congress and staff members.

**UNITED STATES SENATOR PAUL SIMON**  
*Legislative Fellow, June - August 1991*  
Researched health care issues. Wrote statements for the *Congressional Record*. Summarized committee testimony. Responded to constituent mail.

## POLITICAL EXPERIENCE

**PRESIDENTIAL INAUGURAL COMMITTEE**  
*Director of National VIPs, December 1996 - January 1997*  
Manage communications between the Committee and 750 National VIPs. Assist White House in determining which political, cultural, and social VIPs to invite to official Inaugural events.

**DEMOCRATIC NATIONAL COMMITTEE**  
*Deputy Midwest Political Director, September 1995 - November 1996*  
Advised DNC Chairmen of political developments in 13 states. Evaluated voter contact plans and operations budgets. Coordinated press conferences, fund-raisers, and constituency meetings. Directed GOTV activities in Shelby County (Memphis), Tennessee.

**ALAN WHEAT FOR UNITED STATES SENATE**  
*Field Coordinator, October - November 1994*  
Organized press, fund-raising, and GOTV activities in St. Louis.

**CAROL MOSELEY-BRAUN FOR UNITED STATES SENATE**  
*Field Coordinator, May - November 1992*  
Directed one of four field offices in Chicago. Briefed elected officials on campaign developments. Organized volunteers for canvassing, phone-banking, and GOTV. Won Participation 2000 scholarship.

## LANGUAGES

Fluent in Spanish. Proficient in French.

CAROL MOSELEY-BRAUN  
ILLINOIS

COMMITTEES:  
BANKING, HOUSING, AND  
URBAN AFFAIRS  
FINANCE  
SPECIAL AGING

United States Senate  
WASHINGTON, DC 20510-1503

January 16, 1997

Mr. Ronald A. Klain  
Chief of Staff  
Office of the Vice President  
128 Old Executive Office Building  
17th and Pennsylvania NW  
Washington, D.C. 20500

Dear Mr. Klain:

It is with great pleasure that I recommend David Medina, who currently serves as Director of National VIPs at the Presidential Inaugural Committee, for a political appointment in the Clinton Administration.

Mr. Medina would like a position with the Clinton Administration that focuses on the interaction between policy and politics. His policy work for me in my Washington office along with his political work for the Democratic National Committee make him an excellent candidate for a position in the Office of the Vice President. However, any similar position that calls for someone with both a policy and a political background would be appropriate.

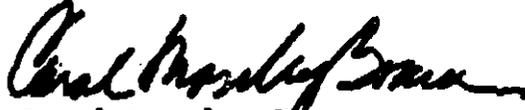
At the DNC, Mr. Medina advised Chairman Fowler and Senator Dodd of political developments in 13 states. He also evaluated voter contact plans and budgets for Democratic coordinated campaigns in the Midwest. In fact, the DNC sent Mr. Medina to Memphis to direct get-out-the-vote activities when the poll numbers in the Presidential race closed to within the margin of error in Tennessee.

While working for me in my Washington office, Mr. Medina advised me on education, labor, transportation, housing and immigration issues. He drafted and managed eight pieces of legislation, including five education bills which became law. One of these new laws -- the Education Infrastructure Act -- represented the first federal initiative designed to help repair our nation's crumbling schools. Surprisingly, Mr. Medina was able to work for me while simultaneously earning his masters degree in Public Policy from the Kennedy School of Government at Harvard University.

Page 2

In short, I am convinced that Mr. Medina's academic background and professional experience make him an excellent candidate for a political appointment in the Clinton Administration. I recommend him to you without reservation.

Yours truly,



Carol Moseley-Braun  
United States Senator

CMB:kel

SOLOMON P. ORTIZ  
27TH DISTRICT, TEXAS

2136 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-4327  
202-225-7742

DISTRICT OFFICES:  
3649 LEOPARD SUITE 510  
CORPUS CHRISTI, TX 78408  
512-883-5868

3505 BOCA CHICA BOULEVARD, SUITE 200  
BROWNSVILLE, TX 78521  
210-541-1242

Mr. Ronald Klain  
Chief of Staff  
Office of the Vice President  
The White House  
1600 Pennsylvania Ave., NW  
Washington, D.C. 20500

Dear Mr. Klain:

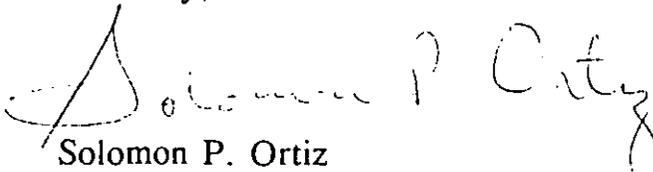
It is with great pleasure that I write this letter on behalf of Mr. David Medina, who currently serves as Director of National VIPs at the Presidential Inaugural Committee, for a political appointment in the Clinton Administration.

As the enclosed resume indicates, Mr. Medina is highly qualified individual for an appointment. He is a 1993 graduate of the Kennedy School of Government at Harvard University, and went on to work for U.S. Senator Carol Moseley-Braun as a legislative assistant. He advised the Senator on education, labor, transportation, housing and immigration issues. I understand he drafted and managed eight pieces of legislation including five education bills which became law.

I strongly believe that President Clinton and the Administration will be well served by Mr Medina's appointment. I look forward to your favorable consideration of Mr. David Medina. Please feel free to contact me if I can be of any further assistance in this matter.

With kindest regards, I am

Sincerely,

  
Solomon P. Ortiz  
Member of Congress

SPO/gv

Congress of the United States  
House of Representatives  
Washington, DC 20515-4527  
January 15, 1997

COMMITTEES:  
NATIONAL SECURITY  
SUBCOMMITTEES:  
RANKING MINORITY, MILITARY  
INSTALLATIONS AND FACILITIES  
MILITARY RESEARCH AND DEVELOPMENT  
MORALE, WELFARE AND RECREATION PANEL  
RESOURCES  
SUBCOMMITTEES  
ENERGY AND MINERAL RESOURCES  
FISHERIES, WILDLIFE AND OCEANS



**THE 53RD PRESIDENTIAL INAUGURAL**

*CO-CHAIRS*

ANN DIBBLE JORDAN  
TERENCE R. MCAULIFFE

*CO-EXECUTIVE DIRECTORS*

CRAIG SMITH  
DEBBIE WILLHITE

January 23, 1997

Mr. David Medina  
1325 18th Street, NW, #904  
Washington, D.C. 20036

Dear David,

Thank you for your outstanding work in the VIP office of the Presidential Inaugural Committee. The 53<sup>rd</sup> Presidential Inaugural, "An American Journey," was successful because of the tremendous effort of individuals such as you.

Your work in the VIP office was an enormous undertaking and we truly appreciate your commitment to ensuring that our clients were well served. We were faced with accomplishing a great deal in a very short period of time, and our success is a sign of your excellent work as well as your dedication.

President Clinton and Vice President Gore were very pleased with all the inaugural activities. Your efforts have helped to ensure that this administration will continue to build a bridge to the 21<sup>st</sup> Century.

We will always remember this extraordinary experience. It was a pleasure working with you and if we can ever be of any help in your future endeavors, please do not hesitate to contact us.

Sincerely,

Sylvia M. Panetta  
Co-Director  
VIP Department

Fred DuVal  
Co-Director  
VIP Department

*I'm happy to have had the chance to work with you. You've gone a long way to make this effort a success.*

801 I Street, N.W. • Washington, D.C. 20599-0002  
(202) 222-1600



January 30, 1997

Mr. Ronald Klain, Chief of Staff  
Office of the Vice President  
The White House  
Washington, D.C. 20500

Dear Mr. Klain:

It is with great pleasure that I recommend David Medina, who currently serves as the Director of National VIPs at the Presidential Inaugural Committee, for a political appointment in the Clinton Administration.

Mr. Medina would like a position with the Clinton Administration that focuses on the interaction between policy and politics. His policy work for U.S. Senator Carol Moseley-Braun along with his political work for the Democratic National Committee make him an excellent candidate for a position in the White House. However, any similar position that calls for someone with both a policy and a political background would be appropriate.

At the DNC, Mr. Medina advised Chairperson Fowler and Senator Dodd of political developments in 13 states. He also evaluated voter contact plans and operations budgets for Democratic coordinated campaigns in the Midwest. In fact, the DNC sent Mr. Medina to Memphis to direct get-out-the-vote activities when the poll numbers in the Presidential race closed to within the margin of error in Tennessee.

While working for Senator Moseley-Braun, Mr. Medina advised the Senator on education, labor, transportation, housing, and immigration issues. He drafted and managed eight pieces of legislation including five education bills which became law. One of these new laws -- the Education Infrastructure Act -- represented the first federal initiative designed to help repair our nation's crumbling schools. Surprisingly, Mr. Medina was able to work for Senator Moseley-Braun in Chicago and Washington while simultaneously earning his masters in public policy at the Kennedy School of Government at Harvard University.

In short, I am convinced that Mr. Medina's academic background and professional experience make him an excellent candidate for a political appointment in the Clinton Administration. I recommend him to you without reservation.

Sincerely,



Dale Lestina, Manager  
Federal and State Relations  
National Education Association  
Government Relations

cc: David Medina ✓



NALEO Board of Directors

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- Hon. Richard Alarcón, President  
Hispanic Elected Local Officials  
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- Hon. Xavier Becerra  
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- Rudy Beserra  
Coca-Cola Company
- Arnold Flores, Vice-President  
National Housing Management Corp.
- Hon. Jesus G. Garcia  
Illinois State Senator
- Hon. Wifredo Gort  
Vice-Mayor  
City of Miami
- Hon. Guillermo Linares  
Councilmember  
City of New York
- Hon. Gloria Molina  
Supervisor, Los Angeles County, CA
- Hon. Deborah Ortega  
Councilmember  
City of Denver
- Hon. Angel L. Ortiz  
Councilmember  
City of Philadelphia
- Hon. Solomon Ortiz  
Member of Congress
- Hon. Ed Pastor  
Member of Congress
- Jesus Rangel  
Anheuser-Busch Companies, Inc.
- Hon. Ileana Ros-Lehtinen  
Member of Congress
- Hon. Gracie Saenz  
Councilmember  
City of Houston
- Hon. Esteban Torres  
Member of Congress
- Hon. Danny Trujillo, President  
Hispanic Caucus  
National School Board Association
- Executive Director  
Arturo Vargas

January 14, 1997

The Honorable Al Gore  
Vice President  
The White House  
Washington, DC 20500

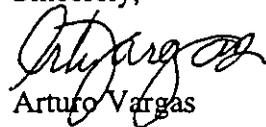
Dear Mr. Vice President:

The National Association of Latino Elected and Appointed Officials (NALEO) would like to congratulate you on your election to a second term.

On behalf of NALEO, I am pleased to endorse in the strongest possible terms the candidacy of David Medina for a political appointment in the Clinton Administration. Mr. Medina would be an exceptional public servant and an invaluable asset to your policy efforts.

David Medina is uniquely qualified to fulfill the duties of a policy position in the Office of the Vice President. His work as a Legislative Policy Analyst for Senator Carol Moseley-Braun's office combined with his leadership as the Deputy Midwest Political Director for the Democratic National Committee make him the ideal candidate for a policy position.

I strongly urge you to give Mr. David Medina's candidacy your full consideration. Please feel free to contact me if you would like further information on Mr. Medina.

Sincerely,  
  
Arturo Vargas  
Executive Director

cc: Erskine Bowles, Chief of Staff  
Ronald Klain, Chief of Staff  
Bob Nash, Director of Presidential Personnel

□ 3409 Garnet Street  
Los Angeles, CA 90023  
(213) 262-8503  
Fax (213) 262-9823

□ 514 C Street, N.E.  
Washington, DC 20002  
(202) 546-2536  
Fax (202) 546-4121

□ 2759 S. Central Park  
Chicago, IL 60623  
(312) 277-1440  
Fax (312) 277-1015

□ 4920 Irvington Blvd., #B  
Houston, TX 77009  
(713) 697-6400  
Fax (713) 694-2229

□ 853 Broadway, Suite 1920  
New York, NY 10003  
(212) 777-8335  
Fax (212) 777-8611





January 23, 1997

Mr. Ronald Klain  
Chief of Staff  
Office of the Vice President  
The White House  
Washington, D.C. 20500

Dear Mr. Klain:

I am writing to recommend David Medina for a political appointment to the Clinton Administration. Mr. Medina recently served as Director of National VIPs at the Presidential Inaugural Committee.

I understand that Mr. Medina would like a position with the Clinton Administration that focuses on the interaction between policy and politics. His policy work for U.S. Senator Carol Moseley-Braun along with his political work for the Democratic National Committee make him an excellent candidate for a position in the White House. However, any similar position that calls for someone with both a policy and a political background would be appropriate.

As political director for the Human Right Campaign, I was familiar with Mr. Medina's role at the DNC in political developments in thirteen states. He also evaluated voter contact plans and operations budgets for Democratic coordinated campaigns in the Midwest. In fact, the DNC sent Mr. Medina to Memphis to direct get-out-the-vote activities when the poll numbers in the Presidential race closed to within the margin of error in Tennessee.

As HRC's chief Lobbyist, I also interacted with Mr. Medina during the time he worked for Senator Moseley-Braun. Mr. Medina advised the Senator on education, labor, transportation, housing, and immigration issues. He drafted and managed eight pieces of legislation including five education bills which became law. One of these new laws - the Education Infrastructure Act - represented the first federal initiative designed to help repair our nation's crumbling schools. Mr. Medina was able to work for Senator Moseley-Braun in Chicago and Washington while simultaneously earning his masters in public policy at the Kennedy School of Government at Harvard University.

I consider David Medina an excellent candidate for a political appointment and recommend him to you without reservation.

Sincerely,

A handwritten signature in cursive script that reads "Daniel Zingale".

Daniel Zingale  
Executive Director AIDS Action

cc: Erskine Bowles  
Chief of Staff Designate  
The White House  
Washington, D.C. 20500

Bob Nash  
Director  
Office of Presidential Personnel  
OEOB Room 153  
Washington, D.C. 20500

BCC: David Medina  
1325 18th St., NW - #904  
Washington, DC 20036

1875  
Connecticut Ave NW  
Suite 700  
Washington DC  
20009  
Fax 202 986 1345  
Tel 202 986 1300

# Withdrawal/Redaction Marker

## Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
006. resume	Michael Gordon; RE: Address and Phone No. (Partial) (1 page)	n.d.	P6/b(6)

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Domestic Policy Council  
Elena Kagan  
OA/Box Number: 14359

### FOLDER TITLE:

DPC [Domestic Policy Council] - Personnel

2009-1006-F  
db1536

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

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**MICHAEL L. GORDON**

P6/(b)(6)

**EXPERIENCE**

**PRESIDENTIAL INAUGURAL COMMITTEE, Washington, DC (1996-97)**

**Communications Director, "An American Journey:"** Served as liaison and spokesperson to national media for "An American Journey," the Inaugural events on the Mall. Organized and scripted free media events to announce themes, programs and participants. Developed message of "An American Journey" for all Inaugural Committee documents. Managed staff of four.

**MICHIGAN COORDINATED CAMPAIGN, Detroit, MI (June 1996-November 1996)**

**Communications Director:** Coordinated statewide press, research and monitoring efforts for Clinton-Gore '96 and Michigan's Democratic ticket. Served as campaign liaison and spokesperson to statewide media. Drafted speeches for Clinton-Gore surrogates on the economy, education and health care. Devised and implemented rapid response communications plan to counter state visits by Republican ticket. Coordinated Clinton-Gore constituency roll-outs. Managed staff of 10.

**U.S. DEPARTMENT OF EDUCATION, Washington, DC (1994-96)**

**Special Assistant, Deputy Secretary Madeleine Kunin:** Functioned as Deputy Chief of Staff in office of 25. Developed Administration policy on school uniforms and student truancy; drafted President Clinton's Manual on School Uniforms and Manual to Combat Truancy. Developed Administration policy on student loan consolidation, direct loan payment options and other postsecondary initiatives. Represented Deputy Secretary to constituency groups on equity issues. Coordinated education policy and press for White House Conference on Youth Drug Use and Violence. Served as Acting Chief of Staff.

**CLINTON-GORE PRESIDENTIAL TRANSITION, Washington, DC (1992-93)**

**Associate Counsel, Personnel Department:** Served on vetting team, providing research and analysis of candidates for Cabinet positions.

**CLINTON-GORE '92, Little Rock, AR (1991-92)**

**National Advance Staff:** Served as lead or press lead on advance teams throughout country. Managed all aspects of traveling and local press operations. Organized free and paid media campaigns. As Deputy Press Desk, trained and advised advance staff. During early months of campaign performed field work and fundraising in New York and New Hampshire.

**EDUCATION**

**COLUMBIA UNIVERSITY SCHOOL OF LAW/GRADUATE SCHOOL OF BUSINESS**

Joint Degree Program: J.D./M.B.A., 1991.

Honors: Law School Dean's List; Business School Dean's List.

**UNIVERSITY OF PENNSYLVANIA**

B.A., cum laude, 1987 with honors from communications department.

Honors and Activities: Spoon Award 1987 (Penn's highest undergraduate honor); President, Penn Student Body; Dean's List.

**LEGAL EXPERIENCE**

**SKADDEN, ARPS, SLATE, MEAGHER & FLOM, New York, NY (1993-94)**

**Associate:** Worked in banking and real estate departments.

THE WHITE HOUSE  
WASHINGTON

2/6

Elena -

I don't know whether you need someone with housing expertise, but I thought I'd pass this along. Bob is a great person, and he's extremely interested in being a part of this Administration.

Thanks,

Katli

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- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

**Robert E. Mulderig**

P6/(b)(6)

(410) 313-6337 (o); P6/(b)(6) (h)

---

**Objective** A senior-level position developing increased opportunities for affordable housing, and/or access to opportunities for employment, education, and/or health care.

**Education** **Master of Business Administration, July 1982, The University of Pittsburgh**  
**Bachelor of Arts in Mathematics and English, May 1976, Bucknell University**

---

**Experience and Skills Summary**

- Sixteen years experience in public program management, managing staffs of up to 20 persons and budgets of up to \$2 million.
- Seven years experience with local public housing agencies, preceded by ten years experience in the federal public sector.
- Seven years experience in all phases of contract management for housing programs and services.
- Sixteen years experience in directing the preparation of technical documents and proposals.
- Five years experience in information systems analysis/management.
- Outstanding oral presentation and written communication skills.

---

**Employment History**

**February 1994 - Present. Deputy Administrator, Office of Housing and Community Development, Howard County, Maryland.**

- Manages a wide spectrum of programs for affordable rental housing and homeownership, with overall annual budget of \$2 million.
- Generated \$275,000 in increased operating revenue for current fiscal year.
- Responsible for evaluations, personnel decisions, and career development plans for 10 staff.
- Staffs all actions of the Howard County Housing and Community Development Board.

**Program responsibilities include:**

- Manages rental housing programs comprising 275 clustered and scattered units; annual budget = \$1 million.
- Manages rental assistance programs providing subsidies to 35 special needs client households; annual budget = \$250,000.
- Manages first-time homebuyer programs providing reduced mortgages and settlement expense loans for up to 300 clients per year; annual budget = \$550,000.
- Manages development projects funded through Community Development Block Grant program; annual budget = \$100,000 - \$200,000.
- Manages Maryland State rehab loan program for projects administered in County.
- Staffs program for financing non-profit developers of affordable housing opportunities for frail elderly.
- Co-Chairs County Board on Homelessness, providing guidance to County government agency administering homelessness programs.

**May 1989 - February 1994. Transitional/Specialized Housing Program Manager (Assistant to Resident Services Director), Housing Opportunities Commission, Kensington, MD.**

- Managed programs providing housing and comprehensive services for 70 households.
- Managed program providing counseling to clients in housing crisis.
- Managed \$1.15 million annual budget, provided through five federal (\$1 million) and three county (\$150,000) contracts for housing, supportive services, and counseling.
- Directed development of four successful proposals for federally funded programs totalling \$4 million.
- Responsible for evaluations, personnel decisions, and career development plans for 10 staff.
- Assisted Division Director in preparation and implementation of overall Division budget (\$3.5 million); and with program planning, resource planning, and program evaluation.
- Chaired agency-wide teams: Housing Programs; Ad Hoc Public Housing Admission and Occupancy Policies; Procurement Procedures; Performance Appraisal System.

**January 1988 - March 1989. Assistant to Executive Director, Jubilee Jobs, Inc., Washington, DC.**

- Advised Executive Director on matters related to staff development, staff evaluation, resource planning, automation planning, and long-range financial development.
- Provided staff workshops on goal-setting, team-building, and consensus management.
- Provided services to clients in individual job counseling and in group sessions.

**November 1983 - November 1987. Section Chief, Federal Reserve Board of Governors, Washington, DC. Responsibility for implementing and operating large-scale processing systems used to generate Federal Reserve statistics. Specific responsibilities included:**

- Managed system development and operating programs with an annual budget of \$750,000.
- Responsible for evaluations, personnel actions, and career development plans for 19 staff.
- Co-directed the successful implementation of the largest software system ever installed onsite.
- Participated in the Office Automation Task Force; made recommendations for implementation.
- Participated actively on high-level Federal Reserve Systemwide task forces and committees.

**June 1978 - August 1981; September 1982 - November 1983. Project Leader/Systems Analyst, Federal Reserve Board, Washington, DC.**

- Managed five professional staff; provided evaluations and recommended personnel actions.
- Prepared position papers on issues relating to the implementation of new technologies.
- Directed the development of technical specifications for programming staff.
- Directed technical writers in the preparation and publication of procedures statements.

---

#### **Professional and Community Associations**

- Former Co-Chair, Howard County Board on Homelessness
- Member, Board of Directors, Howard County Association of Community Services
- Liaison member, Board of Directors, United Way of Howard County, Maryland
- Vice President, 5112 Connecticut Avenue Cooperative Housing Association
- Delegate and former treasurer, DC Cooperative Housing Coalition, Inc.
- Member, Beta Gamma Sigma (National Business Honorary)
- Volunteer, Youth Ministry Program, Holy Trinity Church, Washington, DC

# Withdrawal/Redaction Marker

## Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
008. resume	Brad Smith; RE: Address and Phone No. (Partial) (1 page)	n.d.	P6/b(6)

### COLLECTION:

Clinton Presidential Records  
Domestic Policy Council  
Elena Kagan  
OA/Box Number: 14359

### FOLDER TITLE:

DPC [Domestic Policy Council] - Personnel

2009-1006-F  
db1536

### 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]
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- 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]
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# BRIAN D. SMITH

## EXPERIENCE

- Secretary's Briefer, Office of the Secretary,  
U.S. Department of Labor, Washington, DC* 1996  
Create a daily briefing for the Secretary of Labor. Supervise all staff preparation of briefing materials. Provide the Secretary with remarks, message and context for each event, interview and meeting. Participate in long-term scheduling strategy. Accompany the Secretary to certain events.
- Special Assistant to the Assistant Secretary,  
Office of Congressional and Intergovernmental Affairs,  
U.S. Department of Labor, Washington, DC* 1995  
Implemented the legislative agenda of the Secretary of Labor. Managed the communications between the congressional affairs department and the Secretary's office. Guided the Secretary's congressional outreach by developing targets for potential support of the Department's programs.
- Legislative Assistant, Office of Congressional and Intergovernmental Affairs,  
U.S. Department of Labor, Washington, DC* 1995  
Represented the Labor Department's employment and training policies and initiatives in communications with Congress.
- Assistant Campaign Manager, Alan Wheat for U.S. Senate, St. Louis, MO* 1994  
Directed the campaign manager's communications with consultants and staff. Managed assignments from the campaign manager and coordinated information provided to the manager. Responsible for candidate debate briefings, surrogate scheduling and event advance. Organized message and constituent outreach events for the candidate.
- Staff Assistant to the Secretary, U.S. Department of Labor, Washington, DC* 1993  
Assisted the development of workforce reform legislation.
- Intern, Honorable Sander M. Levin (D-MI),  
U.S. House of Representatives, Washington, DC* 1992  
Assisted legislative work on international trade.
- Intern, Corporate Communications, Continental Cablevision, Boston, MA* 1991  
Wrote press releases and acted as a company spokesperson.
- Intern, America's Public Television Stations, Washington, DC* 1990  
Supported grassroots letter-writing campaign.
- Intern, Grocery Manufacturers of America, Washington, DC* 1989  
Compiled database information to assist grassroots lobbying.

## EDUCATION

**Bachelor of Arts in History and Government, May 1994**  
College of William and Mary, Williamsburg, VA

REFERENCES AVAILABLE UPON REQUEST.

# Withdrawal/Redaction Marker Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
009. resume	Franklin Urteaga; RE: Address and Phone No. (Partial) (2 pages)	n.d.	P6/b(6)

## COLLECTION:

Clinton Presidential Records  
Domestic Policy Council  
Elena Kagan  
OA/Box Number: 14359

## FOLDER TITLE:

DPC [Domestic Policy Council] - Personnel

2009-1006-F  
db1536

## RESTRICTION CODES

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

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**FRANKLIN F. URTEAGA**

P6/(b)(6)

P6/(b)(6) (h), 202-222-1728 (o)

**EDUCATION:**

**THE GEORGE WASHINGTON UNIVERSITY, Washington, D.C., June 1996**  
**Master of Public Administration (MPA)**

Concentration: Executive, Legislative & Regulatory Affairs, GPA: 3.87

**CALIFORNIA STATE UNIVERSITY, LOS ANGELES, June 1992**  
**Bachelor of Science, Technology & Public Affairs**

**EXPERIENCE:**

Dec. 1996-  
Jan. 1997

**THE 53<sup>rd</sup> PRESIDENTIAL INAUGURAL COMMITTEE**

**Deputy Director of VIP Events**

Responsible for logistical coordination, implementation, and management of four Vice Presidential Inaugural Events. Conducted negotiations with vendors, and other service providers. Drafted and coordinated information, briefing and decision memoranda for VIP Events Director (Clark Ray).

June 1996-  
Nov. 1996

**THE CLINTON/GORE '96 REELECTION CAMPAIGN, Washington, DC**

**Special Assistant to the Deputy Campaign Manager**

Responsible for researching, analyzing, and writing initiative for Campaign Minority Banking Project. Coordinated and managed Get Out The Vote (GOTV) effort, sending staff to field. Acted as liaison between field staff and state contacts for GOTV project. Prepared talking points and memoranda for Deputy Campaign Manager. Interviewed prospective staff for placement throughout the campaign.

Nov. 1995 -  
June 1996

**THE WHITE HOUSE, Washington, DC**

Office of the Deputy Chief of Staff, Harold Ickes

**White House Staff**

Responsible for writing position papers on various legislative and executive issues. Prepared and distributed memoranda for Deputy Chief of Staff. Developed and maintained spreadsheets for tracking work in-progress and history of documents. Performed various administrative functions, including handling phone calls, scheduling and arranging meetings, and compiling/filing data.

May 1995-  
Oct. 1995

**THE WHITE HOUSE, Washington, DC**

The Vice President's National Performance Review

**White House Intern**

Researched, analyzed, and created comprehensive report on prospective entitlement reductions and five-year savings for 1996 federal budget proposal. Prepared summary report on NPR regulatory reinvention efforts used to develop Appendix D of Vice President's Third Annual Status Report. Developed regulatory initiatives report for NPR Deputy Director to brief Hill staff, academics, and foreign officials on Vice President's reinvention efforts.

Feb. 1994-  
Aug. 1994

**U.S. FEDERAL TRADE COMMISSION, San Francisco, California**

**Consumer Protection Representative**

Informed consumers and businesses about consumer protection laws and regulations. Provided oral and written information to consumers and businesses to resolve various issues (telemarketing and credit card fraud, and product liability). Initiated outreach fairs to inform public of consumer rights.

Jan. 1994-  
Mar. 1994

**MISSION ECONOMIC DEVELOPMENT ASSOCIATION, San Francisco, California**

**Planning/Community Technical Associate**

Served as liaison to City Hall for local merchant associations. Developed and implemented financial projects and programs to positively affect socio-economic character of community. Orchestrated support program for area businesses: loan packaging, technical assistance, economic development presentations and workshops.

Jun. 1992-  
Jun. 1993

**LOS ANGELES COUNTY SUPERIOR COURT**, Los Angeles, California

**Judicial Intern**

Served as intern for criminal and civil court judges. Responsibilities included analyzing case depositions, writing reports of observations on jurisprudence in the courtroom and judges' chambers. Gained first-hand familiarity with law as practiced in an urban setting.

Jan. 1989-  
Jan. 1994

**HUGHES AIRCRAFT COMPANY**, El Segundo, California

**Project Engineer**

Prepared new business proposals for Satellite Business Group. Planned cost and scheduling of satellite program materials. Generated earned value status reports and engineering component specifications for programs. Trained technical personnel to produce and test satellite products. Created technical, computer training, and system documentation manuals for satellite programs.

**COMMUNITY  
SERVICE:**

The George Washington University, Public Service Academy mentor and tutor for Anacostia High School students

Implemented and coordinated engineering and technology minority student internship between California State University, Los Angeles and Tylan General Corporation

Coordinated CSULA's Open House events for the recruitment of minority high school students  
Coordinated and hosted CSULA's Department of Technology Annual Awards Banquets

CSULA's Department of Technology Student Council President, 1991-1992

**ACADEMIC HONORS/  
ACHIEVEMENTS:**

**Government Affairs Merit Scholarship, 1996**  
**Urban Affairs Scholarship, 1995**  
The George Washington University, Washington, D.C.

**General Motors Distinguished Undergraduate Scholarship, 1992**  
**Department of Technology Outstanding Service Award, 1992**  
**Dean's List, 1990-1992**  
California State University, Los Angeles

**Superior Team Member Recognition Award, 1993**  
Hughes Aircraft Company, Space & Communications Division

National Dean's List, 1991-1992, 15th Annual Edition

**COMPUTER  
SKILLS:**

Proficient in both Macintosh and IBM compatible systems using: Basic, Lexis/Nexis, Word Perfect, Microsoft Word, Windows 96, Excel, Lotus Notes, 1-2-3, SPSS, Harvard Graphics, Corel Draw, Power Point, PageMaker, PC Tools, Norton Desktop, Mac Scheduler, Mac Draw, etc.

**OTHER:**

Fluent in Spanish  
Secret Clearance

**REFERENCES:**

Available upon request

Franklin F. Urteaga

P6/(b)(6)

**REFERENCES**

**Peter S. Knight**

Presidential Campaign Manager  
The Clinton/Gore Re-election Campaign '96  
(202) 659-3005

**Janet Murguia**

Deputy Assistant to the President  
The White House, Office of Legislative Affairs  
(202) 456-6620

**Craig T. Smith**

Co-Executive Director  
The 53<sup>rd</sup> Presidential Inaugural Committee (1997)  
(202) 222-1687

**Fred DuVal**

Director of VIP Operations  
The 53<sup>rd</sup> Presidential Inaugural Committee (1997)  
(202) 222-1907

**Mickey Ibarra**

Elections & Campaigns Manager  
National Education Association  
(202) 822-7348

# Withdrawal/Redaction Marker

## Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
010a. fax	From: Nicholas Gess To: Elena Kagan; RE: Address and Phone No. (Partial) (1 page)	01/10/1997	P6/b(6)

### COLLECTION:

Clinton Presidential Records  
Domestic Policy Council  
Elena Kagan  
OA/Box Number: 14359

### FOLDER TITLE:

DPC [Domestic Policy Council] - Personnel

2009-1006-F  
db1536

### RESTRICTION CODES

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

- P1 National Security Classified Information [(a)(1) of the PRA]
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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]
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**NICHOLAS MICHAEL GESS**

P6/(b)(6)

**(202) 514-8352 (office)**

P6/(b)(6)

**(home)**

**FACSIMILE COVER SHEET**

**TO: Elena Kagan**  
**FROM: Nicholas M. Gess**  
**DATE: January 10, 1997**  
**PAGES: 4 (including this cover)**  
**SUBJECT: see attached**

# Withdrawal/Redaction Marker Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
010b. letter	From: Nicholas Gess To: Elena Kagan; RE: Address and Phone No. (Partial) (1 page)	01/10/1997	P6/b(6)

## COLLECTION:

Clinton Presidential Records  
Domestic Policy Council  
Elena Kagan  
OA/Box Number: 14359

## FOLDER TITLE:

DPC [Domestic Policy Council] - Personnel

2009-1006-F  
db1536

## RESTRICTION CODES

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

- P1 National Security Classified Information [(a)(1) of the PRA]
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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)]

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- 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]

**NICHOLAS MICHAEL GESS**

P6/(b)(6)

P6/(b)(6) (home)  
(202) 514-8352 (office)

January 10, 1997

Elena Kagan, Esquire  
Domestic Policy Council  
The White House  
Washington, DC 20500

Dear Elena:

Many thanks for taking the time to speak with me last night. I am committed to working on the White House staff, preferably for the Domestic Policy Council. I have spent the past three years working on criminal justice issues and the advocacy group, intergovernmental, media and Congressional issues raised by them. I could be an asset and am available to you in any time-frame which allows me to give reasonable notice here at the Justice Department.

I have taken the liberty of enclosing my resume and appreciate any consideration you can give me. I can provide references and writing samples and can come over for an interview at virtually any time.

Sincerely,



Nicholas M. Gess

Enclosure

# Withdrawal/Redaction Marker

## Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
010c. resume	Nicholas Gess; RE: Address and Phone No. (Partial) (1 page)	01/10/1997	P6/b(6)

### COLLECTION:

Clinton Presidential Records  
Domestic Policy Council  
Elena Kagan  
OA/Box Number: 14359

### FOLDER TITLE:

DPC [Domestic Policy Council] - Personnel

2009-1006-F  
db1536

### RESTRICTION CODES

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

- P1 National Security Classified Information [(a)(1) of the PRA]
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#### Freedom of Information Act - [5 U.S.C. 552(b)]

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**NICHOLAS MICHAEL GESS**

P6/(b)(6)

**Office Address:** Director of Intergovernmental Affairs  
United States Department of Justice  
950 Pennsylvania Avenue, Room 1342 Main  
Washington, DC 20530-0001  
(202) 514-8352 (office)  
(202) 514-2504 (facsimile)

**Experience and Background:**

- Admitted to the Bar of the Supreme Judicial Court of Maine (October 1981), the United States Court of Appeals for the First Judicial Circuit (April 1984), and the United States District Court for the District of Maine (October 1981).
- Director of Intergovernmental Affairs, United States Department of Justice, Washington, DC (August 1995-present)  
Appointed by Attorney General Janet Reno to coordinate her relationship with state and local prosecutors and law enforcement and the groups which represent them as well as selected other relationships including governors, mayors, victims' and legal groups. Responsible for some aspects of criminal justice planning with the White House as well as strategic planning, speech writing and advance for the Attorney General and Deputy Attorney General.
- Counsel to the Assistant Attorney General, Office of Legislative Affairs, United States Department of Justice, Washington, DC (May 1995-July 1995)  
Appointed by Assistant Attorney General for Legislative Affairs to advocate the Administration's positions on terrorism and related matters. Major task was coordinating the Administration's position on issues which led to the enactment of the Anti-Terrorism Act of 1996. Also represented the Administration's interests in significant Congressional oversight hearings in the Senate and the House of Representatives.

- Counsel to the Attorney General's Advisory Committee of United States Attorneys (AGAC), United States Department of Justice, Washington, DC (February 1994-April 1995)  
Appointed by AGAC Chair, Southern District of New York United States Attorney Mary Jo White, to provide legal advice and assistance to the AGAC, a body of United States Attorneys appointed by Attorney General Janet Reno to advise her on issues of importance to her and the United States Attorneys. Particularly worked on Department of Justice Crime Bill Working Group.
- Assistant United States Attorney, District of Maine, Portland, Maine (February 1987-January 1994).  
Responsible for general criminal litigation. Served as Chief of Narcotics and firearms prosecution (Project Triggerlock) Coordinator. Handled major narcotics, money laundering and tax cases and some appellate work.
- Assistant Attorney General, Criminal Division, State of Maine (February 1984-January 1987)  
Responsible for criminal prosecutions such as murder, multi-county fraud, police misconduct and other cases in which a local district attorney was recused. Also served as Counsel to the Board of Trustees of the Maine Criminal Justice Academy.
- Assistant District Attorney, Second Prosecutorial District, Portland, Maine (October 1981-January 1984)  
Responsible for routine criminal and appellate prosecutions before the Supreme Judicial, Superior, District and Juvenile Courts of the State of Maine.
- Management Trainee, First Brunswick Federal Savings and Loan Association, Brunswick, Maine (June 1977-August 1978)

### Education

- J.D. 1981, University of Maine School of Law, Portland, Maine
- A.B. 1977, cum laude in Government, Bowdoin College, Brunswick, Maine
- H.S. 1973, Middlesex School, Concord, Massachusetts

### Personal

- Single
- Born in 1955, New York, NY

### References

Available on request

1. Joe Farnoff

92 campaign - advance

GW law school - at night.

Tex OC/Howard - labor

Porter Bayman - for Rahm

Smart / good at getting things done.

RE-enrolling for  
res. shop

~~2~~

2. Chris Gillespie -

Bill Clinton -

looking at Treasury.

3. Rich Hess - works for Bowen

479-5168

92 campaign.

researcher for Zell Miller

been w/ Bowen ever since

Payment  
support  
card

(Elena - FYI)

Columbia University in the City of New York

OFFICE OF PUBLIC AFFAIRS

301 Low Library  
New York, N.Y. 10027

12/26/96

Hi Bruce -

Congrats on the job. You  
deserve it.

Let me know if I can help  
over.

I've got great (+ diverse)  
Columbia interns if + when you  
need them. source for  
interns / things?

Hope to see you in 4 years.

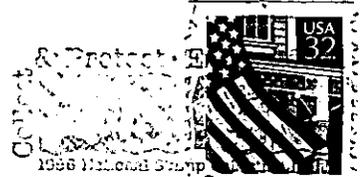
All the best,

Alan

Alan Stone  
former student

*A. Stone*  
Columbia University  
in the City of New York  
New York, N.Y. 10027

Office of Public Affairs  
301 Low Library



*Bruce Reed  
The White House  
Washington, D.C.  
20500*



# Withdrawal/Redaction Marker

## Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
011. resume	Joseph Fanaroff; RE: Address and Phone No. (Partial) (1 page)	n.d.	P6/b(6)

### COLLECTION:

Clinton Presidential Records  
Domestic Policy Council  
Elena Kagan  
OA/Box Number: 14359

### FOLDER TITLE:

DPC [Domestic Policy Council] - Personnel

2009-1006-F  
db1536

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## JOSEPH C. FANAROFF

P6/(b)(6)

### EDUCATION

#### **The George Washington University Law School, Washington, D.C.**

Juris Doctor expected May 1997

G.P.A.: 3.06

Honors Pass, Legal Research and Writing, Fall 1994

Moot Court Board Member

#### **The University of Delaware, Newark, DE**

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**Fall 1996**

##### **Volunteer Research Assistant**

- Researched and drafted memoranda on various domestic policy issues, including crime legislation, and welfare policy

## REFERENCES

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Office of the Chief of Staff, The White House  
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## ARGUMENT

I. THE OZ CITY COUNCIL'S DRUG, ALCOHOL, AND HIV SCREENING PROGRAM VIOLATES THE FOURTH AMENDMENT RIGHTS OF JUNIOR AND SENIOR HIGH SCHOOL STUDENTS ATTENDING YELLOWBRICK HIGH SCHOOL.

A. THE SCHOOL BOARD PROCEDURES FOR SCREENING MUST MEET THE REASONABLENESS STANDARD OF THE FOURTH AMENDMENT

The Fourth Amendment protects persons from unreasonable searches and seizures. U.S. Const. Amend. IV. A search occurs when "an expectation of privacy society is prepared to consider reasonable is infringed." United States v. Jacobson, 466 U.S. 109, 115 (1984). Typically, a search is reasonable when conducted pursuant to the issuance of a warrant based on probable cause. While this Court has waived the warrant requirement for school officials, it has reaffirmed the need for searches conducted in the school environment to comport with the reasonableness standard of the Fourth Amendment. New Jersey v. T.L.O., 469 U.S. 325, 340 (1985).

The School Board Procedures for Screening (hereinafter "SBPS") mandates that all junior and senior high school students attending Yellowbrick High School submit to suspicionless testing of their blood and urine for drugs, alcohol, and the human immunodeficiency virus (hereinafter "HIV"). Where school officials have sought to drug test student athletes, this Court has determined that Fourth Amendment strictures require a balancing of the privacy interests of the students against the interests of the school in advancing the testing program. Vernonia School

District 47J v. Acton, -- U.S. --, --, 115 S.Ct. 2386, 2390 (1995). This Court has not had occasion to rule on the constitutionality of procedures which test individuals for the HIV virus, however, prior decisions affirm the need for reasonableness when blood tests are executed. South Dakota v. Neville, 459 U.S. 553, 563 (1983), Schmerber v. California, 384 U.S. 757, 761 (1965).

B. STUDENT PRIVACY RIGHTS ARE NOT DIMINISHED TO A POINT WHERE A SUSPICIONLESS SEARCH OF THEIR URINE AND BLOOD IS PERMITTED.

1. Students retain a reasonable expectation of privacy in the school environment.

In the oft quoted words of Justice Fortas, students do not "shed their constitutional rights at the schoolhouse gate . . . ." Tinker v. Des Moines Independent School District, 393 U.S. 503, 506 (1969). While student privacy rights are somewhat diminished, "the situation is not so dire that students in the schools may claim no legitimate expectations of privacy." T.L.O., 469 U.S. at 338. Urination is one of society's most private functions, as Justice Kennedy noted, "[t]here are few activities in our society more personal or private than the passing of urine . . . It is a function traditionally performed without public observation; indeed its performance in public is generally prohibited by law as well as social custom." Skinner v. Railway Executives Association, 489 U.S. 602, 617 (quoting National Treasury Employees v. Von Raab, 816 F.2d 170, 175 (5th Cir. 1987)).

This Court's approval of drug testing in Acton was premised in large part on the decreased privacy rights unique to participation in school athletics. Acton, -- U.S. at --, 115 S.Ct. at 2393. The Acton court noted two fact specific reductions in privacy rights of student athletes: First, the nature of athletics, which calls for athletes to dress and undress in front of each other in school locker rooms where little privacy is afforded; Second, the reduced privacy expectation which attends voluntary participation in athletics, and its particular requirements above and beyond school attendance (i.e. preseason physical examinations, insurance coverage, and rules of conduct established by coaches). Id. Neither of these situations extend to *all* students attending junior and senior high school.

Students who do not participate in athletics are neither obligated to use "shower heads lined up along a wall ...." Acton, -- U.S. at --, 115 S.Ct. at 2393, nor urinate in toilet stalls which do not have doors. Id. Students retain discretion where they change their clothes, if at all, and where they urinate. Although these two factors do not extend to an ordinary student, this Court also recognized that all students must undergo a physical exam before the school year. Id. at 2392. The District Court made no finding of fact regarding the need for students attending Yellowbrick High School to submit to this type of examination. Assuming *arguendo* that students do need to undergo such an exam, such an exam is not in and of itself

sufficient to find privacy rights so diminished that mandatory blood and urine testing may be upheld. Following this logic, any individual who must undergo a physical examination as a prerequisite to employment or academic opportunity (absent other reductions in privacy- *see National Treasury Employees v. Von Raab*, 489 U.S. 656, 672 (1989)(upholding suspicionless drug testing of Customs agents involved in drug interdiction), *Skinner*, 489 U.S. at 626 (upholding suspicionless drug testing of railroad employees involved in train accidents)) would be amenable to compulsory, suspicionless drug, alcohol, or HIV testing. Students who undergo medical examinations do so in the non-threatening and non-accusatory atmosphere of their family doctor's office without monitors standing outside the bathroom door if a urine sample is given, and without the threat that testing results could lead to suspension from extra-curricular activities. The medical check-up cannot, on its own, be maintained as a sufficient diminution of student privacy rights which would permit suspicionless blood and urine testing by the school.

The SBPS further intrudes on student privacy rights because it is a blanket testing procedure which does not require that school officials have any suspicion that a student is using drugs or alcohol or is infected with the HIV virus. While this Court has recognized that administrative searches absent individualized suspicion are permissible in certain instances, those situations involved

persons engaged in highly regulated activity or where acquiring individualized suspicion would be contravene the purpose of the search. Michigan Department of State Police v. Sitz, 496 U.S. 444, 455 (1990)(upholding the screening of all drivers through a sobriety checkpoint), Von Raab, 489 U.S. at 674, Skinner, 489 U.S. at 626, Camara v. Municipal Court, 387 U.S. 523, 532 (1965)(upholding administrative sweeps of apartments for housing violations).

The SBPS is inconsistent with this line of cases. In Von Raab, for example, this Court found the nature of Customs Agents activity so critical to the interdiction of drugs into this country that suspicionless testing was permissible absent any showing of a drug problem within the agency. Von Raab, 489 U.S. at 669. This waiver of the individualized suspicion requirement is only permitted where "an important governmental interest would be placed in jeopardy by a requirement of individualized suspicion." Skinner, 489 U.S. at 624. It cannot be disputed that "a proper educational environment requires close supervision of schoolchildren." T.L.O., 469 U.S. at 339, therefore, school officials may still require blood or urine testing based on reasonable suspicion. T.L.O., 469 U.S. at 341.

Although this Court has allowed certain suspicionless based tests, concern over broad schemes such as the SBPS has been voiced. *See* Acton, -- U.S. at --, 115 S.Ct. at 2405 ([I]ntrusive blanket searches of schoolchildren, most of whom are innocent, for evidence of wrongdoing are not part

of any traditional school function I am aware of." (O'Connor, J. dissenting), Von Raab, 489 U.S. at 683 ("What is absent in the Government's justifications- notably absent, revealingly absent, and as far as I am concerned positively absent- is the recitation of *even a single instance* in which any of the speculated horrors actually occurred...." (Scalia, J. dissenting)(emphasis in original)). Such is the case here, no student has been accused of, or has been found to be using drugs or alcohol, nor have any cases of HIV infection been reported. In light of the absence of such findings, the SBPS represents "a kind of immolation of privacy and human dignity in symbolic opposition to drug use." Von Raab, 489 U.S. at 682.

As this Court recognized in Acton, "Somewhat like adults who choose to participate in a 'closely regulated industry,' students who voluntarily participate in school athletics have reason to expect intrusions upon normal privacy rights and privileges, including privacy." Acton, -- U.S. at --, 115 S.Ct. at 2393. The Court's use of the word "somewhat" implies that although not exact, the correlation between adults working in a regulated industry and student athletes is close enough to warrant the extension of suspicionless drug testing; however, it stretches reason to claim that a student who "chooses" to avail themselves of a public school education would likewise sacrifice important privacy interests.

2. The SBPS does not have adequate safeguards to protect the privacy interests of students.

Appellees may argue that adequate safeguards exist to protect the privacy interest of the student. This argument is unpersuasive. While the SBPS does include measures to protect the confidentiality of the student, there remain several provisions which are unduly intrusive. First, if a student tests positive for drugs his re-test does not occur for nine weeks, and the student is suspended from extra-curricular activities during that time. (R. at 24). Due to the possibility that a drug test may return a "false positive", that is, a result showing drug use where none occurred, a completely innocent student may be barred from participating in extra-curricular activities for a period roughly equal to that of a sports season. For students who participate in academic clubs, this may reflect poorly on their ability to gain admission to college or academic honors programs. This inordinate period of time is unacceptable where at little expense, the student could be retested immediately, or within a reasonable time, to confirm or rebut the test results. Instead, a possibly innocent student could be branded with a "druggie" label for over two months, not escaping the attention of classmates who may wonder why he or she has suddenly been barred from the debate team or wrestling squad.

While school officials do not visually monitor the student while he urinates, the aural confirmation of the urination turns an otherwise private function into one

implicating public scrutiny. As this Court noted, "[n]or can it be disputed that the process of collecting the sample to be tested, which may . . . involve visual or aural monitoring of the act or urination, itself implicates privacy interests." Skinner, 489 U.S. at 617. Finally, students must submit a signed form from their doctor documenting any prescription medication the student uses. (R. at 24). While this information is confidential, it still requires submission of information which may otherwise be private to the student, her family, and their doctor.

3. The SBPS intrudes into the sensitive and highly personal area of sexual activity.

The second provision of the SBPS, which mandates HIV testing is similarly intrusive. This Court has upheld warrantless penetrations of the skin for the purposes of blood testing where probable cause existed to support a finding that a person was driving while intoxicated, or where recent history suggested that deadly railroad accidents could be contributed to the use of alcohol on the job. Schmerber, 384 U.S. at 770, Skinner, 489 U.S. at 607. The context in which the motorist in Schmerber and the railroad employees in Skinner were compelled to submit to a blood test are far different than the circumstances at issue here. In Schmerber, the police had probable cause to suspect that the motorist had in fact operated his vehicle under the influence of alcohol, Schmerber, 384 U.S. at 769; railroad employees in Skinner underwent blood tests if they

were involved in an accident, over 20 of which in the prior 10 years were attributed to alcohol use by employees. Skinner, 489 U.S. at 607. In other words, individuals compelled to have their blood tested did so after individualized suspicion of their guilt had been established. Further, these blood tests only revealed information about whether the person had consumed alcohol, no information about possible infection with a deadly disease was elicited.

Among those rights we as a society hold to be fundamental is "the right to be free, except in very limited circumstances, from unwanted governmental intrusions into one's privacy." Stanley v. Georgia, 394 U.S. 557, 564 (1969). A common mode of transmission for the HIV virus is the exchange of seminal or vaginal secretions. By mandating blood testing for the HIV virus, the government intrudes into the sensitive area of sexual conduct, an area this Court has afforded certain liberty. Roe v. Wade, 410 U.S. 113, 164 (1973)(striking down a state statute prohibiting abortion), Eisenstadt v. Baird, 405 U.S. 438, 453 (1972) (striking down state statute prohibiting the use of contraception by unmarried individuals), Griswold v. Connecticut, 381 U.S. 479, 485 (1965)(striking down state statute prohibiting dissemination about and use of contraceptives). The SBPS would permit governmental intrusion into this area by divulging to school officials those students who were infected with the HIV virus,

information, we assert, which is extremely private and sensitive to the student and her family. While it is laudatory that school officials are interested in the health of students, more appropriate supervision rests with the parent.

C. THE OZ CITY COUNCIL HAS NOT SUPPORTED ITS CONTENTION THAT IMPORTANT GOVERNMENTAL INTERESTS EXIST TO PERMIT THEIR DRUG, ALCOHOL, AND HIV TESTING PROGRAM

As this Court has noted, "Deterring drug use by our Nation's schoolchildren is at least as important as enhancing efficient enforcement of the Nation's laws against the importation of drugs . . . ." Acton, -- U.S. at --, 115 S.Ct. at 2395. Respondents do not deny that drug use and teen pregnancy are tragic problems, however, in implementing the SBPS, the Council did not base its finding on any empirical study of Oz teenagers, instead, they relied on studies done in neighboring communities and other studies conducted nationwide. (R. at 5). It is important to note that *no* Yellowbrick High School student has been caught using drugs or alcohol, no reports of drunk-driving accidents have been reported, neither teachers nor parents have complained about students using drugs, and no cases of HIV infection have been reported. These facts directly contradict sociological interpretations finding that 60 percent of all teenagers abuse alcohol and roughly one-third of teenagers use drugs. (R. at 5). These figures cannot be reconciled with the dearth of incidents in Oz involving teenagers and drugs or alcohol. As such, the conclusions

drawn by the Council "were not findings at all, but purely speculative conclusion." City of Renton v. Playtime Theatres Inc., 475 U.S. 41, 60 (1986)(Brennan, J. dissenting).

While this Court has recognized that "[i]t is not for us to resolve empirical uncertainties underlying state legislation....", Paris Adult Theatres I v. Slanton, 413 U.S. 49, 60 (1973), permitting the Council's findings of fact to create a basis for such an intrusive entry into student privacy rights would permit any locality to utilize the studies of other cities to justify their actions. For example, neighboring communities may have actually experienced problems among its teenage population with drugs, alcohol, or HIV infection; given that fact, actions in response to those problems would certainly be appropriate, but allowing Oz to extrapolate the findings of other cities and assume that these same problems exist in Oz would permit retrospective justification for their actions. City of Renton, 475 U.S. at 62 (Brennan, J. dissenting).

The need for the state to advance an interest "which appears important enough to justify the particular search at hand...." Acton, -- U.S. at --, 115 S.Ct. at 2394-5, cannot be met by a generalized concern over problems uncertain to exist. Testimony of two doctors and the police commissioner failed to correlate increases in petty juvenile crime and teen pregnancy with documented instances of drug or alcohol use. (R. at 6). Additionally, testimony regarding increases in teen pregnancy were rebutted by an article which found

teen pregnancy to be cyclical. (R. at 7). In short, the Council's findings of fact are open to more than one interpretation and do not conclusively show a problem of drugs, alcohol, or HIV infection among Oz teenagers.

By way of comparison, school officials in the Vernonia School District, whose drug testing program for student athletes was affirmed by this Court, had "direct observations of students using drugs or glamorizing drug and alcohol use . . . ." Acton, -- U.S. at --, 115 S.Ct. at 2389. Additionally, drug problems in Vernonia were "largely fueled by the 'role model' effect of athletes' drug use . . . ." Id. at 2396-7. Finally, school officials had witnessed "an almost threefold increase in classroom disruptions and disciplinary reports . . . ." Id. at 2389. *See also Skinner*, 489 U.S. at 606-7 (finding that one-fourth of railroad workers were "problem drinkers" and that 21 recent train accidents involved the use of drugs or alcohol). Were even one of these problems evident at Yellowbrick High School the Council's findings could be considered appropriate; however, absent such findings, the SBPS can neither be said to advance an important governmental interest sufficient to outweigh the privacy interests of students, nor withstand judicial scrutiny.

# Withdrawal/Redaction Marker

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
012a. letter	From: Joseph Fanaroff To: Bruce Reed; RE: Address and Phone No. (Partial) (1 page)	12/31/1996	P6/b(6)

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31 December 1996

Mr. Bruce Reed  
Chief Domestic Policy Advisor to the President  
The White House  
West Wing- 1st Floor  
Washington, D.C., 20500

Dear Mr. Reed:

By way of introduction, my name is Joe Fanaroff, I have been involved with the Administration in various capacities for the last four and one-half years. I am aware of your recent appointment as the President's chief domestic policy advisor and I am very interested in joining your staff.

I have no doubt that more than a few people are similarly interested in working for you, however, my varied experiences both within and outside the Administration have prepared me for the demanding work you do. First and foremost, I am about to graduate law school where I have learned the important lessons of analysis, research, and cogent summary of issues. I have been able to apply these skills in the political arena through my work in Mr. Harold Ickes' office where I spent a summer working for his assistant Jennifer O'Connor, and during the 1996 campaign while working for Ms. Beth Berman doing policy research for the campaign. Additionally, I have spent parts of both the 1992 and 1996 campaign doing advance for the President.

I have a great interest in domestic policy and think there are many initiatives the President can forward during the next four years to seal his place in history on issues like education, drug policy, and crime. I have been fortunate to have studied these issues and others both in college and law school. Having worked on two campaigns I am also aware of and welcome the long hours and precise level of work which is expected of those charged with carrying the President's message.

Let me thank you in advance for taking the time to read and review this letter and the enclosed resume. Please feel free to contact Ms. O'Connor, Ms. Berman, or Mr. Jason Goldberg, who I also worked with during the 1992 campaign, if you would like to know more about the quality of work I can produce. Again, thank you, and Happy New Year.

Sincerely,



Joseph C. Fanaroff

P6/(b)(6)

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## JOSEPH C. FANAROFF

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# POWELL TATE

*a Cassidy Company*

TO: Melissa Green

FROM: Abby Mann

DATE: 12/4/96

FAX #: 456-2878

# OF PAGES: 3 Including Cover Page

RE:

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Thank Meli's! Don't work too hard.

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- 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]

**ABIGAIL MANN**

P6/(b)(6)

(202) 434-8311 work

P6/(b)(6)

**WORK EXPERIENCE**

**Powell Tate, Washington, DC, February 1996 - present.**

Production Manager/ Account Executive. Manage the production of national issue advertising campaigns for print and television media, contract and oversee freelancers, advance shoots, manage shoots and video edits, buy and place national print ads in major publications, produce video news releases, act as direct client contact.

**Shrum Devine Donilon, Washington, DC, Fall 1996.**

Associate Producer. Produced political television and radio ads for the winning democratic U.S. Senate campaigns of Bob Torricelli, Jack Reed & Tom Harkin. Oversaw edits, narrations, and graphics sessions.

**Republican National Convention, San Diego, CA, August 1996.**

Live Shot Coordinator. Produced live satellite feeds of members of Congress and governors from Convention floor to local television stations around the country.

**Greg Stevens & Co., Alexandria, VA, July 1994 - September 1995.**

Production Coordinator. Coordinated all elements of pre, field and post production of political television and radio ads for statewide republican campaigns. Hired freelancers for film shoots, oversaw all facets of shoots and edits. Managed all financial aspects of production department: budgeting, invoicing contracting & collection.

Administrative/Production Assistant. Maintained the president's schedule, performed basic accounting, helped organize shoots and edits of statewide political television ads.

**The Common School, Amherst, MA, January - May 1994.**

Full-time Student Teacher in mixed third/fourth grade class. Designed and implemented curriculum in the following areas: math, reading, writing, science & history.

## **EDUCATION**

**Mount Holyoke College, South Hadley, MA.**  
**A.B. in Psychology and Education; Elementary Teacher's Certification**

**School for International Training, Bali, Indonesia, Spring semester 1993.**

## **FUND-RAISING EXPERIENCE**

**Georgetown Day School Board of Alumni, Washington, DC, 1994 - present.**  
**Treasurer, Co-Chair of 1994 & 1995 Alumni Annual Appeal.**

**Development Office, Mount Holyoke College, Spring 1991 - present.**  
**Second Reunion Gift Manager, '94-'96. Senior Giving Representative, '93-'94.**  
**Fund-raiser for Capital Campaign, alone raised over \$150,000, Spring 1991.**

**The Millennium Society, Washington, DC, August 1994 - January 1996.**  
**Host Committee Member, '94 & '95. Chairman, Silent Auction. Ball Organizer, 1995.**  
**Organized all aspects of 1,200 person New Year's Eve Charity Ball at The National Press Club to benefit Millennium Scholars Program, an international scholarship fund.**

## **SKILLS**

**Video Editing: Working knowledge of linear and non-linear video editing: AVID Media Composer.**

**Computers: Knowledge of Mac & Windows based software and hardware.**

**Languages: Intermediate French and Bahasa Indonesia.**

## **LEISURE ACTIVITIES**

**Sports: Squash, Tennis, Aerobics.**

**Travel: Extensive travel in Asia and the Caribbean.**