

# FOIA Marker

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## Presidential Personnel, White House Office of Bullock, Katja

Stack:	Row:	Sect.:	Shelf:	Pos.:	FRC ID:	Location or Hollinger ID:	NARA Number:	OA Number:
W	13	29	5	1	13694	26557	14084	15375

Folder Title:

Pitt, Harvey

# Withdrawn/Redacted Material

## The George W. Bush Library

DOCUMENT NO.	FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
001	Report	Harvey Lloyd Pitt - From: Dina Powell	1	N.D.	P6/b6;
002	Report	Harvey Lloyd Pitt - From: Dina Powell	1	N.D.	P6/b6;
003	Report	Harvey Lloyd Pitt - From: Dina Powell	1	N.D.	P6/b6;
004	Email	Re: Harvey Pitt - To: Timothy C. Stout - From: Dina Powell	2	05/16/2001	P5;
005	Report	Harvey Lloyd Pitt - From: Dina Powell	1	N.D.	P6/b6;
006	Report	Harvey Lloyd Pitt	1	05/02/2001	P6/b6;
007	Report	Harvey Lloyd Pitt - From: Dina Powell	1	N.D.	P6/b6;

**COLLECTION TITLE:**

Presidential Personnel, White House Office of

**SERIES:**

Bullock, Katja

**FOLDER TITLE:**

Pitt, Harvey

**FRC ID:**

13694

### 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 advise 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]

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

**Deed of Gift Restrictions**

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
- C. Closed in accordance with restrictions contained in donor's deed of gift.

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

**Records Not Subject to FOIA**

**Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.**

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**SERIES:**

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**FOLDER TITLE:**

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SEC

Chairman

- pls return to Dina

|

|

PREPARED BY: Dina Powell

**NAME:** Harvey Lloyd Pitt  
**NAME & STATE:** Harvey Pitt of North Carolina  
**POSITION:** Commissioner of the Securities and Exchange Commission and  
Upon Confirmation Designate Chairman

**TYPE:** (*bold one*) PAS PA SES FT PT **TERM:** Remainder  
of term  
expiring  
6/5/02 and a  
new 5 year  
term expiring  
6/5/07

**VICE:** Paul R. Carey **GENDER:** M **DOB:** (b)(6)  
**BIRTHPLACE:** Brooklyn, NY **PARTY:** (b)(6) **SSN:** (b)(6)

**ETHNIC HERITAGE:** Polish American **RACE:** White

**CHILDREN:** Emily, Jonathan, Robert, **SPOUSE:** Saree  
Sally

**VOTING CITY, STATE** Washington, DC **HOME** Washington, DC  
(*in 2000*) **STATE:**

**CURRENT HOME** (b)(6) **CURRENT** Partner, Fried, Frank,  
**ADDRESS:** (b)(6) **POSITION AND** Harris, Shriver &  
**WORK ADDRESS:** Jacobson, Chairman of  
the DC Office  
1001 Pennsylvania Ave,  
NW Washington DC  
20004

**HOME PHONE:** (b)(6) **WORK PHONE:** 202-639-7100

**EDUCATION:** JD St. John's  
University Law  
School  
BA City  
University of New  
York- Brooklyn  
College **AWARDS:**

**PREVIOUS** General Counsel **MILITARY** None  
**POSITIONS HELD:** SEC **SERVICE:**

**PREVIOUS** None  
**PRESIDENTIAL**  
**APPOINTMENTS:**

-----  
**President approved:** \_\_\_\_\_

**Security package sent:** \_\_\_\_\_

INDEPENDENT AGENCIES

<u>NAME</u>	<u>POL.</u>	<u>STATE</u>	<u>DATE APPOINTED</u>	<u>TERM EXPIRES</u>
* <u>SABINE RIVER COMPACT ADMINISTRATION (Texas and Louisiana)</u>				
<u>Federal Representative of the United States</u>				
Peggy E. Montano		CO	3/30/95	
* <u>SECURITIES AND EXCHANGE COMMISSION (5) (BI-PARTISAN)</u>				
Isaac C. Hunt, Jr. — <del>Pitt</del> R 2005	D	OH	1/29/96	6/5/00
Laura S. Unger (ACTING CHAIR) <del>Glassman</del>	R	NY	11/1/97	6/5/01
Paul R. Carey (dead) — <del>Johns Glassman</del>	D R	NY	10/31/97	6/5/02
Arthur Levitt, Jr. <del>Harvey Pitt</del>	R	NY	4/7/98	6/5/03
(A Levitt, Jr. rsg. 2/9/02, eff. 2/9/01;				6/5/04
Norman Johnson (Vic. <del>Singel</del> ) <del>Atkins</del>	R			
* <u>SECURITIES INVESTOR PROTECTION CORPORATION (5)</u>				
Deborah Dudley Branson (Public) (VICE CHAIR)		TX	6/30/95	12/31/96
Charles L. Marinaccio (Sec. Ind.)		DC	6/30/95	12/31/96
James Clifford Hudson (Public) (CHAIR)		OK	10/7/94	12/21/97
Marianne C. Spraggins (Sec. Ind.)		NY	6/30/95	12/31/97
Albert James Dwoskin (Sec. Ind.)		VA	12/26/95	12/31/98
* <u>SECURITY POLICY ADVISORY BOARD (5)</u>				
Thomas A. Brooks		VA	3/29/96	3/28/99
Larry D. Welch (CHAIR)		VA	9/5/00	9/4/03
James H. Bilbray		NV	1/12/01	1/11/04
Nina J. Stewart		TX	1/12/01	1/11/04
* <u>SELECTIVE SERVICE</u>				
<u>Director</u>				
Gil Coronado		TX	10/7/94	
(Gcoronado rsg. 12/7/00, will remain as head agency transition officer (agency designee)				
Alfred Rascon		R CA		
* <u>National Selective Service Appeal Board (3)</u>				
Betsy Levin		DC	3/30/95	
Leo M. Romero		NM	3/30/95	
Jan Craig Scruggs		MD	3/30/95	
Barbara W. White		TX	3/30/95	
Jane H. Macon		TX	3/16/00	

4  
 HWAJ  
 R.H.  
 3 longest  
 2nd longest - gave

## TALKING POINTS FOR PRESENTMENT OF NOMINEES TO THE PRESIDENT

**NAME:** Harvey Pitt

**POSITION:** Chairman of the Securities and Exchange Commission

**CRITERIA:** Expertise and credibility in the Securities Markets, Wall Street, Accounting Firms, Legal Community, and Congress

Primary Mission is to protect investors and maintain the integrity of the securities markets.

Primary overseer and regulator of the U.S. securities markets

**EXPERIENCE:** Youngest General Counsel of the SEC

Considered one of the top securities attorneys in the country

Partner, Fried Frank – Top Securities Firm

**EDUCATION:** JD – St. John's Law School  
BA – City University of New York

PREPARED BY: Dina Powell

NAME: Harvey Lloyd Pitt  
NAME & STATE: Harvey Pitt of North Carolina  
POSITION: Commissioner of the Securities and Exchange Commission and  
Upon Confirmation Designate Chairman

TYPE: (bold one) PAS PA SES FT PT TERM: Remainder of term  
expiring 6/5/02 and a  
new 5 year  
term expiring 6/5/07

VICE: ~~Issac Hunt~~ *Paul Cary* GENDER: M DOB: (b)(6)  
BIRTHPLACE: Brooklyn, NY PARTY: (b)(6) SSN: (b)(6)

ETHNIC HERITAGE: Polish American RACE: White

CHILDREN: Emily, Jonathan, Robert, SPOUSE: Saree  
Sally

VOTING CITY, STATE Washington, DC HOME STATE: Washington, DC  
(in 2000)

CURRENT HOME ADDRESS: (b)(6) CURRENT POSITION AND WORK ADDRESS: Partner, Fried, Frank, Harris, Shriver & Jacobson, Chairman of the DC Office  
1001 Pennsylvania Ave, NW Washington DC 20004

HOME PHONE: (b)(6) WORK PHONE: 202-639-7100

EDUCATION: JD St. John's University Law School  
BA City University of New York- Brooklyn College  
AWARDS:

PREVIOUS POSITIONS HELD: General Counsel SEC MILITARY SERVICE: None

PREVIOUS PRESIDENTIAL APPOINTMENTS: None

President approved: \_\_\_\_\_

Security package sent: \_\_\_\_\_

**NAME:** Harvey Lloyd Pitt  
**NAME & STATE:** Harvey Pitt of North Carolina  
**POSITION:** Commissioner of the Securities and Exchange Commission and Upon Confirmation Designate Chairman

**TYPE: (bold one)** PAS PA SES FT PT **TERM:** Remainder of a 5 year term expiring 6/5/05

**VICE:** Issac Hunt **GENDER:** M **DOB:** (b)(6)  
**BIRTHPLACE:** Brooklyn, NY **PARTY:** (b)(6) **SSN:** (b)(6)

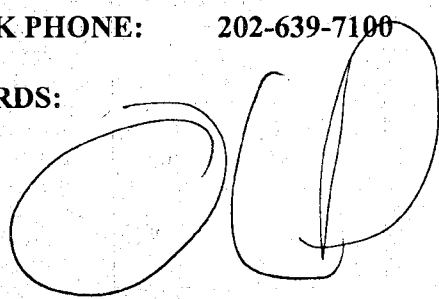
**ETHNIC HERITAGE:** Polish American **RACE:** White

**CHILDREN:** Emily, Jonathan, Robert, Sally **SPOUSE:** Saree

**VOTING CITY, STATE (in 2000):** Washington, DC **HOME STATE:** Washington, DC

**CURRENT HOME ADDRESS:** (b)(6) **CURRENT POSITION AND WORK ADDRESS:** Partner, Fried, Frank, Harris, Shriver & Jacobson, Chairman of the DC Office  
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Email	Re: Harvey Pitt - To: Timothy C. Stout - From: Dina Powell	2	05/16/2001	P5;

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For a complete list of items withdrawn from this folder, see the  
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**SERIES:**

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**FOLDER TITLE:**

Pitt, Harvey

**FRC ID:**

13694

**OA Num.:**

15375

**NARA Num.:**

14084

**FOIA IDs and Segments:**

2014-0563-F

2014-0370-F

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NAME: Harvey Pitt

A.D. Dina Powell

POTENTIAL POSITION: SEC Chairman

AGENCY: SEC

RECOMMENDED BY: see inside sheet

DATE RECEIVED BY OPA: 5/2 3:45pm

DATE DUE TO PPO: \_\_\_\_\_

PREVIOUS POLITICAL POSITIONS:

B/C STATE LEADERSHIP:

\_\_\_\_\_

BUSH ACTIVITY:

GOP STATE CHAIR:

\_\_\_\_\_

RNC CM/CW:

\_\_\_\_\_

COALITION SIGN-OFF (If relevant):

OTHER:

\_\_\_\_\_

  
OFFICE OF POLITICAL AFFAIRS

1  
RANKING

5/2/07  
DATE

### **Criteria for SEC Chairman**

- Knowledge of critical issues facing the SEC---no learning curve
- Industry experience --- hands-on dealing with SEC regulations
- Loyal to the POTUS and his agenda
- Respected among enforcement and industry constituencies
- Fair-minded, honest reputation
- Balanced approach to reviewing, overturning and implementing old and new regulations

## Harvey Pitt

### Experience:

- Youngest general counsel of the SEC (1975-1978)
- Partner, Fried Frank – Top Securities Firm
- Member of the NASD Legal Advisory Board
- Member of the Advisory Subcommittee, Federal Regulations of SEC, ABA

### Qualities:

- Considered one of the top securities attorneys in the country
- **Loyal to the President and his agenda (early supporter)**
- Familiar with and agrees with the President's policies and vision for the SEC
- **Highly respected by top wall street firms, top accounting firms, former SEC officials, legal and enforcement constituencies**
- **Knows SEC very well—will not be captive of the staff**
- **Strong reputation: seen as fair-minded, balanced and honest**

### Questions:

- **Known as tough negotiator; alienated some who were on the other side of him in legal battles**
- Has represented many clients from industry before the SEC, including a controversial individual: Ivan Boesky
- Could be seen as too close to big industry (Charles Schwabb issue)

### References: (bolded names contacted)

**Donald Marron, Director & Chairman of UBS PaineWebber, Inc.**

**David Komansky, Chairman & CEO of Merrill Lynch**

**Frank Zarb, Chairman & CEO of the NASD**

**Philip Laskawy, CEO of Ernst & Young LLP**

**Dick Grasso, Chairman & CEO of the New York Stock Exchange, Inc.**

**Ede Holiday, Cabinet Sec'y, '89-90, GC Treas. Dept. '90-'92**

Barry Melancon, President & CEO of the AICPA

Professor Jon Macey, Cornell Law School

Jim Schiro, CEO of Pricewaterhouse Coopers

Matt Fink, President of the Investment Company Institute

John C. Whitehead, AEA Investors 212-755-3131

Judith Soltz, Executive V.P. & General Counsel of CIGNA,

Tom Green, General Counsel of Dell Computer 512-728-0355

### Others who weighed in:

Chris DeMuth (President, AEI)

Senator Gramm

Name, Last	First	Middle	Title	Occupation
PITT	HARVEY		Mr.	Lawyer

Position Sought	Position	Firm / Agency
SEC Chairman	Corporate Partner Resident 1978-Present	Fried Frank's Washington, D.C. and New York offices

#### Notables

- **According To A Recent *Washington Post* Article, Pitt Is The Frontrunner For The SEC Post:** "Washington securities lawyer Harvey L. Pitt, who was the youngest general counsel in Securities and Exchange Commission history in the 1970s and has since represented many clients before the agency, has emerged as the Bush administration's leading candidate to become the new SEC chairman. Several congressional sources and industry lobbyists said yesterday that administration officials have told them Pitt is the top choice and that background checks are being conducted on him."
- **According To *The New York Post* Sources Close To Pitt Denied He Would Take The Job As Wall Street Cop.** "It's just not something he would do; he is gainfully employed," a source close to Pitt said.
- **Former SEC Chairman Arthur Levitt Recently Said Pitt Would Make An Excellent SEC Chairman Because, Among Other Things, "He Knows And Respects The Agency."**
- **Pitt's Name Has Appeared In *The National Law Journal* As A Potential SEC Chairman Candidate.** The name at the top of the list to replace Chairman Levitt is James R. Doty, a partner in the Washington, D.C., office of Baker Botts LLP and former SEC general counsel under President George Bush. Two other names being floated are Harvey L. Pitt, a partner in the Washington, D.C., office of Fried, Frank, Harris, Shriver & Jacobson and another former SEC general counsel; and U.S. Representative Rick Lazio, R-N.Y.
- **At 30, Pitt Became The Youngest General Counsel At The S.E.C.**
- **Pitt Has Been Called "The Best-Known Securities Lawyer In The World."**
- **Pitt Was A Major Force In The Insider Trading Scandals, While Representing Dennis Levine, He Helped Uncover Ivan Boesky's Criminal Activities.** In the Salomon bond debacle, former Salomon top lawyer Donald

Feuerstein hired Mr. Pitt to represent him before the SEC; the SEC cleared Mr. Feuerstein of any misconduct.

- **Pitt Said Michael Milken's Lengthy Prison Term "Puts A Fitting Conclusion To Four Years Of Deception And Lying."** Mr. Milken, he said, "contended that he hadn't violated the law, that Boesky was a liar and that the government had a vendetta against him." Mr. Pitt and others were quick to criticize the legal tactics of Mr. Milken's sizable defense team, led by Arthur Liman, a partner at the New York firm of Paul, Weiss, Rifkind, Wharton & Garrison. The expertise of his lawyers cost Mr. Milken and Drexel an estimated \$100 million.
- **Pitt Has Been Concerned About Municipal Bond Underwriters' Political Contributions To Public Officials Involved In Bond Offerings.** "The allegations of people making campaign contributions to get business are going to have some significant impacts ... on (political) races and certainly on the regulatory side," says former SEC general counsel Harvey L. Pitt.
- **Pitt Has Said That Corporate Insiders Risk Running Afoul Of The Law If They Buy Or Sell Stock On The Eve Of Public Announcements That Can Affect The Value Of The Company's Stock.** "When they sell or buy (in those circumstances)," said Pitt, now a corporate securities specialist for the Washington law firm of Fried, Frank, Harris, Shriver & Jacobson, "they have a potential breach of fiduciary duty to the company and its shareholders, and they may be guilty of insider trading. . . . It's an ill-advised transaction."
- **In 1987, Two Proposed Definitions Of Insider Trading Were Offered In Congress.** One, introduced in the Senate as S. 1380, was drafted by a committee of lawyers headed by Harvey L. Pitt, John F. Olson, and Theodore A. Levine acting at the request of Senator Donald Riegle, Democrat of Michigan. The Securities and Exchange Commission offered the second. Both bills would cure the *Chestman* majority's finding that the commission's Rule 14e-3 -- which proscribes trading while in possession of material nonpublic information concerning a forthcoming possible tender offer -- exceeded the scope of its rulemaking authority under Section 14(e) of the Securities Exchange Act of 1934. Section 16A(c)(2) of S. 1380 would prohibit tips by defined persons concerning certain specific corporate transactions.
- **Pitt Became A Key Contributor To Laws Defining Insider Trading.** Key to the compromise of the 1987 legislation was the commission's willingness to adopt the approach of the lawyers group, headed by Harvey L. Pitt - defining illegal insider trading as the "wrongful use" of "material nonpublic information" about a corporation that affects its stock market price, or trading on the basis of such information that was "obtained wrongfully."

**Pitt Has Been Bothered By The Way Wall Street's Image Has Been Tarnished By Insider Trading.**

Of the insider trading scandals that have tarnished Wall Street's image, Pitt says "the public perceptions might be skewed somewhat" by the accompanying publicity. "The facts are our system works. That ought to give investors an enormous sense of confidence in our markets." Then he cautioned: "There is more of this than most people suspected, but we're talking about an enormous industry. There were problems with individuals abusing an informational advantage, and they are being dealt with."

**After Being Snubbed By The Justice Department, U.S. District Judge Stanley Sporkin Hired Harvey Pitt To Represent Him Against A Writ Of Mandamus Requested By The Federal Republic Of Germany.**

The German government filed the motion in 1984 after Sporkin initially declined to obey a decision of the U.S. Court of Appeals for the D.C. Circuit to dismiss the case filed against Germany by Holocaust survivor Hugo Princz; instead, Sporkin allowed Princz to substitute four German companies as defendants.

**In 1987, Pitt Called On President Reagan To Increase Funding For The SEC.**

"There can be little doubt that the commission lacks both the resources and the remedies that are necessary if the agency is to deter securities law violations in the most efficacious manner," said Pitt, a former SEC general counsel. While President Reagan's 1988 budget called for a 26 percent budget increase for the SEC, Pitt said, "I am nevertheless concerned that the agency is seeking too little, too late."

**Pitt Recently Said He Disagrees That Antitrust Work Tends To Lag Under GOP Presidents.**

Pitt says, "I think, if anything, the new administration will encourage and stimulate the demand for antitrust counsel. Who better to lead our group than someone who is a veteran of the last two Republican administrations?"

**Flags**

**Pitt Was Ivan Boesky's Lawyer.** "As Ivan F. Boesky's lawyer, Mr. Pitt has had to deal not only with a flood of press calls and S.E.C. negotiations, but an ever-expanding insider trading case that appears to be shaking even the most seasoned of professionals in the Wall Street trading community. It could include some of the most prominent old-line brokerage firms and their top executives. Moreover, Mr. Pitt, a partner at Fried, Frank, Harris, Shriver & Jacobson, was obviously concerned about the effects of the case and the growing publicity on his client, whom he has known since 1978. Mr. Pitt has represented Mr. Boesky in a number of other matters before the S.E.C. In the end, however, Mr. Boesky will pay a

high price for his trading on nonpublic information about takeovers.”

- **In November 1986, Boesky Paid A Record \$100 Million Fine To Settle A Securities And Exchange Commission Complaint That He Misused Private Information To Profit In Securities Transactions.** He was banished from the securities business for life.
- **Pitt’s Association With Mr. Boesky Dates Back To Late 1978 When He Left The S.E.C. General Council’s Office To Become A Partner At Fried, Frank.** He said he had represented Mr. Boesky “in an assortment of matters relating to his arbitrage activity or S.E.C. inquiries,” and that finally earlier in the year when the S.E.C. began pursuing its latest case against the Wall Street speculator, Mr. Boesky “came to me, and asked that I sit down with him and discuss the situation and try to figure out where he stood, which we did.”
- **Despite Also Donating To Republicans, Pitt Has Contributed Money To Numerous Democrats, Including:** Sen. Max Baucus (D-MT), Rep. John Dingell (D-MI), Sen. Tim Wirth (D-CO) and Bob Eckhardt (D-TX).

PREPARED BY: Dina Powell

NAME: Harvey Lloyd Pitt  
NAME & STATE: Harvey Pitt of North Carolina

POSITION: *Commissioner of the Securities & Exchange Commission  
and U.S. Sentimentation Designate Chairman*

TYPE: (bold one) PAS PA SES FT PT

TERM: *remainder of 5 yr  
term expiring  
6/5/03*

VICE: *Arthur Levitt, Jr.*

GENDER: M

DOB: (b)(6)

BIRTHPLACE: Brooklyn, NY

PARTY: R

SSN: (b)(6)

ETHNIC HERITAGE: Polish American

RACE: White

CHILDREN: Emily Laura, Jonathon,  
Robert, Sally

SPOUSE: Saree

VOTING CITY, STATE (in 2000) Washington, DC

HOME STATE: Washington, DC

CURRENT HOME ADDRESS:

(b)(6)

CURRENT POSITION AND WORK ADDRESS:

Chairman and Partner in the Washington, DC office of Fried, Frank, Harris, Shriver & Jacobson  
1001 Pennsylvania Ave,  
NW Washington DC  
20004

HOME PHONE:

(b)(6)

WORK PHONE:

202-639-7100

EDUCATION:

JD St. Johns University  
BA City University of New York- Brooklyn College

AWARDS:

PREVIOUS POSITIONS HELD:

General Counsel SEC

MILITARY SERVICE:

None

PREVIOUS PRESIDENTIAL APPOINTMENTS:

None

President approved: \_\_\_\_\_

Security package sent: \_\_\_\_\_

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Bullock, Katja

**FOLDER TITLE:**

Pitt, Harvey

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14084

**FOIA IDs and Segments:**

2014-0563-F

2014-0370-F

**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 advise 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]

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

**Deed of Gift Restrictions**

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
- C. Closed in accordance with restrictions contained in donor's deed of gift.

**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]

**Records Not Subject to FOIA**

**Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.**

PREPARED BY: Dina Powell

**NAME:** Harvey Lloyd Pitt  
**NAME & STATE:** Harvey Pitt of North Carolina  
**POSITION:** Commissioner of the Securities and Exchange Commission and  
Upon Confirmation Designate Chairman

**TYPE:** (*bold one*) PAS PA SES FT PT **TERM:** Remainder  
of a 5 year  
term  
expiring  
6/5/03

**VICE:** Arthur Levitt, Jr. **GENDER:** M **DOB:** (b)(6)  
**BIRTHPLACE:** Brooklyn, NY **PARTY:** (b)(6) **SSN:** (b)(6)

**ETHNIC HERITAGE:** Polish American **RACE:** White

**CHILDREN:** Emily, Jonathan, Robert, **SPOUSE:** Saree  
Sally

**VOTING CITY, STATE** Washington, DC **HOME** Washington, DC  
(*in 2000*) **STATE:**

**CURRENT HOME** (b)(6) **CURRENT** Partner, Fried, Frank,  
**ADDRESS:** (b)(6) **POSITION AND** Harris, Shriver &  
**WORK ADDRESS:** Jacobson, Chairman of  
the DC Office  
1001 Pennsylvania Ave,  
NW Washington DC  
20004

**HOME PHONE:** (b)(6) **WORK PHONE:** 202-639-7100

**EDUCATION:** JD St. John's  
University Law  
School  
BA City  
University of New  
York- Brooklyn  
College **AWARDS:**

**PREVIOUS** General Counsel **MILITARY** None  
**POSITIONS HELD:** SEC **SERVICE:**

**PREVIOUS** None  
**PRESIDENTIAL**  
**APPOINTMENTS:**

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**President approved:** \_\_\_\_\_

**Security package sent:** \_\_\_\_\_

**HARVEY L. PITT**  
**SUITE 800**  
**1001 PENNSYLVANIA AVENUE, N.W.**  
**WASHINGTON, D.C. 20004-2505**  
**(202/639-7100)**

**PERSONAL**

- Fifty-five years old, Born on [redacted] (b)(6) in New York City
- Married to Saree Ruffin Pitt (Winston-Salem, N.C.)
- Four Children, Emily Laura, age 32; Jonathan Bradley, age 28; Robert Garrett, age 11; and Sara (Sally) Dillard, age 9
- [redacted] (b)(6)
- Resident of Washington, D.C.

[redacted] (b)(6)

**PROFESSIONAL BACKGROUND**

**Managing Partner**  
**Fried, Frank, Harris, Shriver & Jacobson**  
1001 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004-2505  
**1978-Present**

- Practice Specialties Include Corporate, Securities, Banking and Administrative Law.
- Emphasis on the Representation of Fortune 500 Companies, Financial Institutions, in Connection with Mergers, Acquisitions, Divestitures, Leveraged Buyouts, Negotiated and Unsolicited Tender Offers, Mutual Fund Regulation, Disclosure Obligations, Securities Regulation and Securities Enforcement Matters
- Responsible for the Management of the Firm's Washington, D.C. Office of 130 Attorneys
- Member of Firm's Governance Committee

\* \* \*

**General Counsel  
United States Securities and Exchange Commission  
450 Fifth Street, N.W.  
Washington, D.C. 20549  
1975-1978**

- Chief Legal Officer of the Securities and Exchange Commission
- Responsible for the Administration and Interpretation of the Federal Securities Laws, Representation of the Securities and Exchange Commission in the Federal Courts and before Other Federal Agencies, Working with Congress in the Development of Legislation; Serving as White House Liaison, and Agency Liaison with the Central Intelligence Agency, and Agency Ombudsman
- Draftsman of Several Major Pieces of Securities Legislation for the Securities and Exchange Commission, Including the Securities Acts Amendments of 1975 and the Foreign Corrupt Practices Act of 1977
- Appointed During the Ford Administration; Served Three Chairmen -- Ray Garrett, Jr., Roderick M. Hills, and Harold M. Williams

\* \* \*

**Executive Assistant to the Chairman  
United States Securities and Exchange Commission  
1973-1975**

- Chief Legal Advisor to the Chairman of the Securities and Exchange Commission, Ray Garrett, Jr.
- Served During the Ford and Nixon Administrations

\* \* \*

**Chief Counsel of the Division of Market Regulation  
United States Securities and Exchange Commission  
1972-1973**

- Senior Legal Advisor to the Division of the Securities and Exchange Commission Responsible for the Regulation of the Nation's Stock Exchanges, Trading Markets, Options Markets, and the Professionals Who Trade on Those Markets

- Served During the Nixon Administration

\* \* \*

**Editor, Institutional Investor Study  
United States Securities and Exchange Commission  
1971**

- One of Four Attorneys Who Authored and Edited Major Securities and Exchange Commission Study of Institutional Investors and Their Impact on the Nation's Securities Markets for the United States Congress

\* \* \*

**Special Study to the General Counsel  
United States Securities and Exchange Commission  
1969-1970**

- Supervisory Attorney in the Securities and Exchange Commission's Office of General Counsel, Responsible for the Preparation and Presentation of the Commission's Appellate and Supreme Court Litigation; Review of Proposed Regulations; and Interpretation of Existing Statutory and Regulatory Provisions

\* \* \*

**Legal Assistant to Commissioner Francis M. Wheat  
United States Securities and Exchange Commission  
1968-1969**

- Principal Legal Advisor to Presidential Appointee to the Securities and Exchange Commission

**EDUCATIONAL ACTIVITIES AND BACKGROUND**

Thomas A. O'Boyle Distinguished Visiting Professor  
University of Pennsylvania School of Law  
**1984**

\* \* \*

Adjunct Professor of Law  
University of Pennsylvania School of Law  
**1983-1984**

\* \* \*

Adjunct Professor of Law  
Georgetown University Law Center Graduate Program  
**1974-1984**

\* \* \*

Adjunct Professor Of Law  
The George Washington University Law School  
**1972-1982**

\* \* \*

**J.D. Degree**  
St. John's University Law School  
New York, New York  
**1969**

\* \* \*

**B.A. Degree**  
City University of New York (Brooklyn College)  
**1965**

## Harvey Pitt

### Experience:

- Youngest general counsel of the SEC (1975-1978)
- Partner, Fried Frank – Top Securities Firm
- Member of the NASD Legal Advisory Board
- Member of the Advisory Subcommittee, Federal Regulations of SEC, ABA

### Qualities:

- Considered one of the top securities attorneys in the country
- **Loyal to the President and his agenda (early supporter)**
- Familiar with and agrees with the President's policies and vision for the SEC
- **Highly respected by top wall street firms, top accounting firms, former SEC officials, legal and enforcement constituencies**
- **Knows SEC very well—will not be captive of the staff**

**Chuck Schwabb issue: He was not his first choice, although he does not have one. He did speak with Linnet Deily and understands where we are in the process and that the President needs to make an appointment. He would like to meet with him when we make the announcement. In addition, it was brought to his attention that Pitt has represented Schwabb several times in the past. If we proceed, we will make sure he meets with him ASAP.**

### References: (bolded names contacted)

**Donald Marron, Director & Chairman of UBS PaineWebber, Inc.**

**David Komansky, Chairman & CEO of Merrill Lynch**

**Frank Zarb, Chairman & CEO of the NASD**

**Philip Laskawy, CEO of Ernst & Young LLP**

**Dick Grasso, Chairman & CEO of the New York Stock Exchange, Inc.**

**Ede Holiday, Cabinet Sec'y, '89-90, GC Treas. Dept. '90-'92**

Barry Melancon, President & CEO of the AICPA

Professor Jon Macey, Cornell Law School

Jim Schiro, CEO of Pricewaterhouse Coopers

Matt Fink, President of the Investment Company Institute

John C. Whitehead, AEA Investors 212-755-3131

Judith Soltz, Executive V.P. & General Counsel of CIGNA,

Tom Green, General Counsel of Dell Computer 512-728-0355

### Others who weighed in:

Chris DeMuth (President, AEI)

Senator Gramm