**LUDLAM:** The antitrust bill was very threatening to the business community. This was the first big fight for the Business Roundtable, which has become a formidable lobby for the business community. This bill basically empowered all of the state attorneys general to file class action antitrust lawsuits on behalf of consumers against businesses for price fixing and other antitrust violations. The antitrust law calls for treble damages, so the liability was potentially very large.

We all know that state attorneys general tend to be very ambitious and aggressive—witness Elliot Spitzer in New York. So the bill was going to lead to an awful lot of trouble for the business community. By current standards, this was a very left-wing bill—and it's inconceivable that it'd be given serious consideration today.

**RITCHIE:** Although the Republican minority leader was a co-sponsor of the bill.

**LUDLAM:** Yes, Hugh Scott was involved with the bill and supported it. Some conservative Democrats had heartburn about the bill, led by Jim Allen, and Peter Rodino hated the bill. Rodino eventually went along with the bill because his committee was more liberal than he was and he settled for getting his name on it. In the Senate, there were some Republicans supporting the bill and President Ford eventually signed it into law. That didn't persuade Allen not to fight nearly to the death to kill it.

Jim Allen was an absolutely fabulous individual for whom I had and have great respect.[67] He was very kind, very bright, and very principled. He knew the Senate rules because he had been president of the Alabama senate, and the Alabama senate used the U.S. Senate rules. So he already knew the Senate rules before he got here. He didn't learn them here. Allen was a typical Dixie senator, very pro business. He was a Democrat, but a very conservative Democrat and he saw that the antitrust bill would be very tough on the business community.

Despite the fact that I was fighting to pass the bill and Allen was trying to kill it, I came to revere him. I remember one incident with Allen that shows what kind of man he was. I was working on some issue—I don't recall the substance—and Allen had an interest in it. He asked to meet with the staffer who was handling it—not to meet with another senator, but to meet with the staffer. I went over to his desk on the Senate floor. He had a desk on the aisle and we started talking. It didn't seem right for me to stand next to him when

one of these diseases. It was a royal pain to keep getting these extensions every time the credit was about to expire and I hated the R&D Tax Credit Coalition, which I found to be the most dysfunctional coalition I'd ever tried to work with. So to make the orphan credit work, to reduce our year-to-year political workload, and to get away from the damned R&D credit coalition, I urgently wanted to make the orphan credit permanent.

An additional problem was that many small biotech research companies couldn't use the credit in the year in which they earned it. This was true of most of the small biotech companies that had no product, no sales revenue, no taxable income, and, therefore, no tax liability with respect to which to claim the tax credit. To make matters much worse, they weren't permitted to carry the credit forward, the orphan credit, to use it in a tax year in which they did have products, sales revenue, taxable income, and tax liability. All other business credits could be carried forward, but not the orphan credit. Why this one credit was singled out as the only one with no carry forwards is a mystery. But it meant that the credit was useless to nearly all of the companies that might develop drugs for these diseases, in a current or future tax year.

I developed a two-part strategy to remedy this mess. In the 1996 tax bill I secured an amendment that permitted companies to carry forward the orphan credit.[124] Then in the 1997 tax bill I secured an amendment making the orphan credit permanent.[125] I knew if I couldn't secure carry forwards, I couldn't justify the work to make the credit permanent. So I had to pass the carry forwards amendment first.

Chuck Brain, later the chief Clinton lobbyist, was my partner in this elaborate strategy.[126] He had worked on the House Ways and Means Committee and he and I established a powerful personal relationship with one of the staffers over there who cared deeply about research on orphan diseases. Chuck is one of the most effective lobbyists I know and a dear person. I absolutely loved working with him. He and I both viewed this project in very emotional and personal terms.

One of my dearest friends, Jen Belton, has a son, Noah, who is slowly dying of a rare orphan genetic disease—it's a rare form of Leukodystrophy that is known to have afflicted thirty-two people in the U.S. Jen is the most devoted mother and the most deeply spiritual and loving person I've ever met. She and her husband, Hugh, have kept Noah alive hour by hour for many extra years. Noah is a delightful person. He's totally disabled, yet he has a

wicked sense of humor. He's kind and spiritual and very courageous. We're all blessed to know Jen, Hugh, Noah, and their other children, Sarah, and Julia. They're all wonderful friends and delightful human beings.

So my work on the orphan credit was emotional and very personal. I was fighting for Noah, Jen, Hugh, and their family. The political and the personal sometimes merge up here; it's never better than when this happens. When we'd won the permanent credit, I recruited the entire orphan disease community to write personal thank you notes to the key staffer on the Ways and Means Committee who had helped us. I ran into her a few days later and she said she'd cried when she'd received all these notes. She'd never been thanked for her work before—the business lobbyists are rapacious and just come back for more goodies—and she'd never worked on a tax issue laden with so much emotion or been so appreciated by the beneficiaries.

The orphan credit is a powerful incentive for industry to conduct research on rare diseases. The orphan credit is worth about $40 million in tax savings per year, perhaps forever.[127] So this was a very sweet and personal victory for me, one that is paying dividends each year. I doubt it'll help Noah, but it gives me comfort to know I've done all I can do to help him and millions of others like him.

Early in service at BIO, I led a huge fight with NIH, which was seeking to regulate the prices of products of companies that had licensed technologies from NIH. I got NIH to repeal the whole scheme. It took me two years to do that and I had to run roughshod over NIH Director Harold Varmus. The prospect of price reviews was killing the NIH technology transfer program. Companies would not begin a discussion with NIH about its technology until the price review threat was withdrawn. Without any technology transfer partners, the NIH research was going to waste and not being developed into products for patients.

Actually, my old work on the capital gains issue proved to be crucial in winning this repeal of the price review scheme. I'd made friends with a venture capitalist in New York who was a close personal friend of HHS Director Donna Shalala, a sorority sister. When it looked like HHS would simply change its "reasonable pricing" rule, I got this friend to call Donna and tell her to just euthanize the rule. That's what Donna did. My opponent at HHS was Bill Corr, a friend who had worked for Senator Metzenbaum. You keep running into friends—on your side or the opposite side—in this political game! It's a very small town.

We got the price review scheme repealed, but the technology transfer function at NIH is so miserably managed that it is still a mess there. With the price review threat it was 100 percent broken, but now it's still 95 percent broken. So in the same bioterror bill I just mentioned, I've included a sixty-page NIH reform section, focused on technology transfer. So here I am, twelve years later, working on the same issue!

At BIO I had the sense that our message would be amplified if we organized the high-tech companies into an Entrepreneurs Coalition. The high-tech sector is surprisingly disorganized in Washington, and no such coalition existed. High-tech companies are just too individualistic and entrepreneurial to get themselves organized. Getting organized is the only way to succeed in Washington.

So I went to friends at the American Electronics Association (AEA), Council of Growing Companies (CGC), The Nasdaq Stock Market, National Venture Capital Association (NVCA), and Software Publishers Association (SPA), and we organized the coalition. Together we represented fourteen thousand companies. In 1996 and 1998 we published a comprehensive and detailed agenda of issues of concern to the entrepreneurial, high-technology sector and we distributed it to all incumbent candidates. It didn't have much impact, but it's an approach that I hope someone in the high-tech sector will pursue.

At BIO I organized the first fly-ins of company executives to lobby the Hill and organized the first political action committee. The industry was very naïve when I got to BIO and I was constantly urging them to get more active and practical. This is a problem for the entire high-tech sector.

**RITCHIE:** How did you get back up here again?

**LUDLAM:** Following my seven years at BIO—a life sentence at a trade association—I took nine months off to recuperate. While I was looking for a new job on the Hill, I led a political fight in my neighborhood. In 2000, after I'd left BIO, I organized the Garden and History Tour for the Cleveland Park Historic Society (CPHS), a neighborhood group. The tour featured a local 1847 springhouse. A springhouse is a structure placed over a spring in which food is cooled by the spring water. Our neighborhood is part of the old Springland Farm founded by John Adlum around 1800. The springhouse served his manor, which is located on Tilden Street right behind my house.

I received confidential information from an inside source that the land on which the springhouse was located was going to be sold and that it might well be developed, destroying the springhouse. So I persuaded a wealthy neighbor to hire the top historic preservation lawyer on the East Coast. In a blitz, we recruited CPHS to sponsor our petition, intervened in a pending historic landmark proceeding to prevent the withdrawal of the pending application, testified at a public hearing on the petition, and secured the landmark designation. The owners of the property never knew what hit them!

We saved the springhouse for posterity. It probably deprived the owners of the land of about $1-2 million in profits they'd have enjoyed if they could have subdivided the property and developed it. My political skills came in handy at home.

During this time, I hankered to return to my home on the Hill and lined up my current position with Senator Lieberman. I'd worked closely with him and his brilliant legislative director, Bill Bonvillian,[128] when I was with Bumpers and BIO. Lieberman is probably the single most active senator on high-tech issues, and Bill is a genius on these issues, so it's been a perfect home for me. I think it's best to talk about my Lieberman work in another interview. It's mostly focused on bioterrorism, fiscal responsibility, and international competitiveness issues.

Let me just say that Bill is an absolutely superb boss. Irene and Si were also, so I've been blessed in my career to work under truly brilliant and kind individuals as my mentors. That is an unusual combination in this town. I've been blessed. I'm still having fun up here, but I'm feeling quite free to retire after these efforts and these accomplishments. It's certainly been fun in a lot of ways.

**RITCHIE:** Well, you compared it to World War I at one point. There certainly was a lot of trench warfare that you've been engaged in over that time.

**LUDLAM:** Yes, I love the trench warfare up here. It's combat, no question about that. It engages all your faculties. It's a high energy game. Some of these fights take years, but if you keep plugging away, inch by inch, you can have a huge impact. The key is setting the strategy on the first day and never losing sight of the goal line. That's what I'm doing now on bioterrorism and fiscal responsibility. That's what I did for five years on the patent

reform fight.

To end today's discussion on a lighter note, let me tell you the story of the Senate buffalo. We need to move from deadly serious issues to the story of a plastic buffalo! Right across from the door clerk on the Senate side off the Reception Room, on the desk where phones are for staff, there resides a plastic buffalo. People have wondered where it came from. It weighs about one ounce. It's a fixture of the U.S. Senate on a par with the statues of the vice presidents and the glorious chandeliers.

For the full story on that, you really need to talk to Myron Fleming, who is one of the Senate doorkeepers. He and I have spent many hours sitting in the Senate chamber and we both love the institution. This is what Myron told me about the buffalo. Don Larson was his boss, and Don was a fairly aggressive, difficult individual. At some point Don started screaming at Myron about something and Myron said, "You buffalo-ass son of a bitch, don't point your finger at me." Myron is a pretty forceful guy as well. And he's a classy guy.

Bob Russell, who was also a doorkeeper, overheard this exchange. That weekend, he was at a yard sale and somebody was selling this plastic buffalo. He bargained them down from twenty-five cents to five cents and bought the buffalo. He brought it in and, ever since, it's been sitting there at the staff entrance to the Senate floor. There are some heavy moments around here, and there are some light moments around here. [Laughs]

Some of this work is very serious, and some of it is just absurd and silly. It's a very human institution that can be dominated by senators like Hart, Mansfield, Byrd, Kennedy, Abourezk, and Lieberman. The fights can be very dramatic. But the institution still finds a place for a plastic buffalo.

**RITCHIE:** Being there on the floor and dealing with all the strategies that are involved in passing and blocking legislation, how did you prep yourself? Did you read through *Riddick's Procedures*? How do you cope with the arcane nature of Senate rules and precedents?

**LUDLAM:** Well, I love learning the rules of procedure. I guess I'm an antiquarian. I believe you have to know the rules to prosper here. That's why I won the aircraft noise fight. I knew the rules better than the Commerce Committee staff. I learned a lot about the

rules during the epic Hart-Scott-Rodino fight. Then, over time, I began to understand more and more about the rules. If you are around here long enough, you learn things. I learned some funny and helpful things like: What is a star print? What is an original bill? Lots of things like that are useful to know.

You may never use that knowledge a second time or a third time, but it's useful to know things like that. I think it's basically longevity that leads to knowledge, but I have gone far out of my way to study the rules. I also love to deal with the Budget Act and the Administrative Procedure Act, two other key statutes. If you want to do well in this game, you have to know the rules, the BA, and the APA. I consider myself to be an expert on all three. One of my mentors on these issues is Bill Dauster, now with the Finance Committee, who is the Senate's institutional memory regarding procedures.

I love the Senate. I love the institution. I admire it. I love its foibles. Its history. Its traditions. Its drama and humor. I love to give tours of the Capitol and the history of the Capitol. I just gave a big tour to congressional fellows in our office the other day. I love to tell the story of this place. I certainly know the limitations of this institution. I know its problems. I know when it's operating at its best and when it's operating at its worse. But I fundamentally believe that the rules, the procedures, the traditions, the subject matter that we debate, are really important. Tradition and the rules are critical to trying to bring some civility to the process.

I believe that if you know more about the rules, and know more about the subject matter, and know more about the process, you will probably win. So my battle plan is always to try to know more then anybody else knows about the issue so we'll never be surprised or outflanked. If there is some process or procedure or approach or argument that I can make that will advance my cause, I want to know what it is, and I want to be able to use it.

A lot of what I see now around here is slipshod. There is much less respect for the institution, much less respect for the individuals, much less civility, much less maturity on the part of the staff. Poor-quality work product, less respect for the institution as an institution. We need people who love the institution and protect it.

**RITCHIE:** Did you make much use of the legislative counsel's office in any of these projects? You've mentioned the parliamentarian, but I wonder how you use the Senate

legislative counsel?

**LUDLAM:** Yes, I have the greatest respect for the SLC. We just introduced a bill to fundamentally overhaul the entire budget process—my fiscal responsibility initiative. I'll talk about it in our next interview. I went through forty or forty-five drafts of this bill with the legislative counsel before we introduced it. It's been introduced as S.1915. I love working with the legislative counsel's office. I love crafting legislation, trying to find the right words.

I've developed something of a legislative drafting style. This budget process bill has almost twenty pages of findings. The reason for this is that I'm using the findings to educate people about some very arcane subject matters in the bill. I figure if I put the findings in the bill, they are more likely to read them than if they are in a separate document as a floor statement.

Sometimes I try to make something more transparent in the bill by including some findings to explain the subject matter. Sometimes I write out the new law in long hand instead of simply amending the current law. It's very hard to understand what's happening when you put "on line xx, strike the word 'not.'" I often try to write a bill so people can read it and understand what it does. In other cases, I find it more useful to hide what I'm doing. But I think, every time, you ought to be making a choice on whether you make some point more obvious or less obvious. So I have very strong feelings and values about how to draft legislation or how to draft an amendment.[129] I also love dealing with the questions of the amendment tree: the seven amendments that can be pending at any given time. I know all about how to play the amendment tree.

I have copies of the rules. I study them from time to time, and love asking questions of the parliamentarian, trying to find out where a bill will be referred, redrafting so that it will go to one committee rather than another, discussing what motions or points regarding a bill are available. I love combat, and I think that is certainly a useful system of values around here because it is combat.

It's often a game of inches, as we saw on the noise/bribe bill. The more you know about physically how things happen, the better you can maneuver. You need to know exactly who refers a bill to a committee, when, and on what basis. Where does a bill actually go when it goes on the calendar versus going to a committee? How does a bill get a number?

How can you select a number in advance that is a better sounding number than another number? Little things like that. It's all a question of craftsmanship. It's pride in one's work.

**RITCHIE:** Well we really covered a lot of territory. Maybe this would be a good break. This has been terrific, especially the discussion about the Hart-Scott-Rodino.

**LUDLAM:** People should go back and read the transcripts. They read like a soap opera.

**RITCHIE:** Well I'm going to, I'm going to read some of the things you mentioned!

**LUDLAM:** They were dramatic, incredible speeches.

**RITCHIE:** That was the summer that I started here in '76, and I remember that filibuster going on at the time. Of course, I was really on the periphery of it all, but it brings back some memories.

**LUDLAM:** Somebody could write a whole article about what does this say about the institution and its values.

**RITCHIE:** Well your interview will be a good starting point for that.

**LUDLAM:** Good.

**RITCHIE:** Well, thank you. We will get you a copy of the first transcript and this one as soon as we can, and then whenever you get some time in the next week or so we can arrange another interview.

**LUDLAM:** Well, actually the good news is I'm flying to Egypt on Tuesday for a vacation, so it will be in the New Year.

**RITCHIE:** Have you ever been to Egypt before?

**LUDLAM:** No. It should be fun. It's a camping trip, so a perfect way to see the country.

**RITCHIE:** I don't know if you've noticed I have a picture on the wall here of James Landis, who was instrumental in creating the federal regulatory system. He was the fellow I wrote my doctoral dissertation about. I published that in 1980 just as all the whole deregulation movement was breaking.

**LUDLAM:** Well, the story of regulatory process and the creation of EPA and OSHA, the early cost-benefit analysis, and then the Reagan intervention in the rule-making proceedings—this is where the rubber hits the road in this town. I was in the middle of all of that for about ten years. It's pretty well settled down now. It's a lot less contentious than it was in the '70s and '80s, but regulatory policy was and remains one of the biggest arenas for fights in government. Initially, we saw agencies writing rules by fiat, without sufficient substantive input, and without any cost-benefit analysis. The liberals, of course, thought that was fine, but everybody including Carter and many others thought that we had to professionalize the rule-making process in order to save it.

**RITCHIE:** And that was the turning point, just about that time period. Well thanks, I appreciate this enormously.

**End of the Second Interview**

Endnotes

[66] Once cloture is invoked—which requires sixty of the one hundred senators—there was allotted only one more hour per senator for debate before a final vote on the bill. Once cloture was invoked on a bill, final passage was supposed to come quickly. In this case, Senator Allen continued to filibuster the bill even after cloture was invoked—the first post-cloture filibuster. He did this by filing endless amendments to the bill and insisting on a vote on each of them, together with endless motions, appeals of rulings of the chair, etc.

[67] Jim Allen was born in Alabama in 1912. He attended the University of Alabama and University of Alabama Law School. He practiced law 1935 to 1968; was elected as a member of the Alabama state legislature from 1938-1942; served in the United States Naval Reserve from 1943-1946; was elected as a member of the Alabama state senate 1946-1950; served as lieutenant governor of Alabama from 1951-1955 and 1963-1967; and was elected to the U.S. Senate in 1968 and reelected in 1974. He died suddenly in 1979 and his wife was appointed to serve out his term.

[68] Robert C. Byrd was born in North Carolina. He attended Beckley College, Concord College, Morris Harvey College, and Marshall College, all in West Virginia, and George Washington University Law School, Washington, D.C. He graduated from American University Law School 1963. He received a bachelor's degree in political science from Marshall University 1994. He was elected as a member of the West Virginia house of delegates 1947-1950; and served in the West Virginia senate from 1951-1952. He was elected to the U.S. House for the Eighty-third, Eighty-fourth, and Eighty-fifth Congresses (1953-1959) and elected as a U.S. senator in 1958. He was reelected in 1964, 1970, 1976, 1982, 1988, 1994, and 2000. He stands for reelection in 2006. He's served as the secretary, Senate Democratic Conference from 1967-1971; Democratic whip from 1971-1977; majority leader from 1977-1980 and 1987-1988; minority leader from 1981-1986; and president pro tempore 1989-1995. He has chaired the Senate Appropriations Committee. He's authored a massive history of the Senate, four volumes.

[69] If you don't get recognized by the chair, you can't speak.

[70] The precipice the Senate faced in the Hart-Scott-Rodino debate is remarkably similar to the precipice the Senate faced regarding the filibusters of Senate Democrats of the Bush administration judges. On May 23, 2005, the Senate blinked and did not invoke the "nuclear option" of crushing the Democrats by ending debate on the judges by a majority, rather than a super majority, vote.

[71] Quentin Burdick was born in North Dakota in 1908. He graduated from the University of Minnesota in 1931. He was elected to the House for the Eighty-sixth Congress (1959-60) and Senate in 1960, to fill the vacancy caused by the death of William Langer. He was reelected in 1964, 1970, 1976, 1982, and again in 1988. He died in 1992. He was chairman of the Committee on Environment and Public Works (100th-102nd Congresses).

[72] Tomas McIntyre was a senator from New Hampshire. He was born in 1915, attended Dartmouth College and the Boston (Mass.) University Law School. He served in the United States Army 1942-1946, became the major of a small town and city solicitor. He was elected to the Senate in 1962. He was reelected several times, eventually being defeated in 1978. He died in 1992.

[73] June 9 *Congressional Record* at 17247.

[74] June 9 *Congressional Record* at 17251.

[75] A live quorum call is different than a regular quorum call. In a regular quorum call, there's no vote. They use these as space holders, "time outs," without adjourning. They slowly read the names of the senators and then invariably they dispense with the quorum call. In a "live quorum" they vote to instruct the sergeant at arms to round up the members to make a quorum. The vote on this instruction finds that there's a quorum, so the sergeant at arms never runs off to arrest the members.

[76] The president pro tempore is a constitutionally recognized officer of the Senate who presides over the chamber in the absence of the vice president. The president pro tempore (or, "president for a time") is elected by the Senate and is, by custom, the senator of the majority party with the longest record of continuous service. The president pro tempore often presides when the session opens, but then other senators take over and serve as the presiding officer of the Senate.

[77] The "well" of the Senate is the area between the senators' desks and the dais. The desks are arranged in a semi-circle that bounds the well on one side. The dais includes the desk for the presiding officer, the table for the journal clerk, parliamentarian, and two reading clerks. Between the dais and the senators' desks are tables for the majority and minority floor staff.

[78] A fascinating review of the "constitutional" option to change the Senate cloture rule—the so called "nuclear option" now under discussion in the Senate regarding the filibusters by the Democrats of the Bush judicial nomination—is presented in Marty Gold's piece in the

*Harvard Journal of Law and Public Policy*, "The Constitutional Option to Change Senate Rules and Procedures: A Majoritarian Means to Over Come the Filibuster" (Volume 28, Issue 1). Marty doesn't delve into the Hart-Scott-Rodino debate, but he could have done so with great impact because in this case it was Senator Byrd who threatened majority cloture. It is now Senator Byrd who is the leading opponent of the nuclear option, but back with H-S-R he was the one who was outraged by a determined and militant minority.

[79] Mike Mansfield was born in New York City in 1903. In 1906 his family moved to Great Falls, Montana. He served as a seaman when only fourteen years old in the United States Navy during the First World War, as a private in the United States Army in 1919-1920, and as a private first class in the United States Marine Corps 1920-1922. He worked as a miner and mining engineer in Butte, Montana, 1922-1930; attended the Montana School of Mines at Butte in 1927 and 1928; graduated from Montana State University at Missoula in 1933; and received a masters degree from that institution in 1934. He also attended the University of California at Los Angeles in 1936 and 1937; was a professor of history and political science at the Montana State University 1933-1942; and was elected as a Democrat to the Seventy-eighth Congress in 1943. He served in the House for ten years and was elected to the United States Senate in 1952 and re-elected in 1958, 1964, and 1970. He was elected as Democratic whip from 1957-1961; and Senate majority leader from 1961-1977. He was chairman, Committee on Rules and Administration. He was appointed as Ambassador Extraordinary and Plenipotentiary to Japan 1977-1988. Upon his retirement from public service he served as East Asian advisor, Goldman, Sachs. He was awarded the Presidential Medal of Freedom on January 19, 1989. He died in 2001.

[80] The Op. Ed. by E. J. Dionne in the *Washington Post*, March 22, 2005, "Will Republicans Go Nuclear?"

[81] Using the filibuster to delay debate or block legislation has a long history. In the United States, the term filibuster—from a Dutch word meaning "pirate"—became popular in the 1850s when it was applied to efforts to hold the Senate floor in order to prevent action on a bill. In the early years of Congress, representatives as well as senators could use the filibuster technique. As the House grew in numbers, however, it was necessary to revise House rules to limit debate. In the smaller Senate, unlimited debate continued since senators believed any member should have the right to speak as long as necessary. In 1841, when the Democratic minority hoped to block a bank bill promoted by Henry Clay, Clay threatened to change Senate rules to allow the majority to close debate. Thomas Hart Benton angrily rebuked his colleague, accusing Clay of trying to stifle the Senate's right to unlimited debate. Unlimited debate remained in place in the Senate until 1917. At that time, at the suggestion of President Woodrow Wilson, the Senate adopted a rule (Rule 22) that allowed the Senate to end a debate with a two-thirds majority vote—a tactic known as "cloture." The new Senate rule was put to the test in 1919, when the Senate invoked cloture to end a filibuster against the

Treaty of Versailles. Despite the new cloture rule, however, filibusters continued to be an effective means to block legislation, due in part to the fact that a two-thirds majority vote is difficult to obtain. Over the next several decades, the Senate tried numerous times to evoke cloture, but failed to gain the necessary two-thirds vote. Filibusters were particularly useful to southern senators blocking civil rights legislation in the 1950s and 1960s. In 1975, the Senate reduced the number of votes required for cloture from two-thirds (67) to three-fifths (60) of the one-hundred-member Senate. Many Americans are familiar with the hours-long filibuster of Senator Jefferson Smith in Frank Capra's film *Mr. Smith Goes to Washington*, but there have been some famous filibusters in the real-life Senate as well. During the 1930s, Senator Huey P. Long effectively used the filibuster against bills that he thought favored the rich over the poor. The Louisiana senator frustrated his colleagues while entertaining spectators with his recitations of Shakespeare and his reading of recipes for "pot-likkers." Long once held the Senate floor for fifteen hours. The record for the longest individual speech goes to South Carolina's J. Strom Thurmond who filibustered for twenty-four hours and eighteen minutes against the Civil Rights Act of 1957.

[82] Recently I'd thought that this would happen on the Senate FSC-ETI bill, dealing with outsourcing. The Democrats had offered many amendments to the bill the first time and could have done the same when it came to take the bill to conference —amending the Senate amendment to the House bill—but the Democrats ran out of steam and there were only a few amendments the second time around.

[83] See September 7 *Congressional Record* at 29145-29153, especially 29147.

[84] See following tribute from Senator Daschle upon Murray's death in 2000. "Mr. President, over the weekend we were saddened to learn of the death of Murray Zweben. Murray was chosen by the late Floyd Riddick to be his assistant in the parliamentarian's office in 1965. He followed "Doc" Riddick in that post and became the Senate Parliamentarian in 1975. He served in that capacity for six years and left in 1981. The Senate recognized his exemplary service in 1983 by elevating him to parliamentarian emeritus. After he left the Senate, Murray worked in private law practice and played as much tennis as his schedule would permit. Those of us who knew Murray and his extraordinary ability to fly through the New York Times crossword puzzle, in ink no less, will miss him. Our thoughts and prayers go out to his wife Anne, and his children Suzanne, Lisa, Marc, John, and Harry."

[85] See August 31 *Congressional Record* at 28603.

[86] See 431 U.S. 720 (1977) and Donald Baker, "Hitting the Potholes on the Illinois Brick Road," *Antitrust*, Fall 2002 at 15.

[87] Unanimous consent permits the Senate to structure its business in any way that all senators—without any one objecting—accept. Any one senator can object and that defeats unanimous consent. The consent requests are routinely "hot lined" to all senators—on a special phone—and if no senators object, the unanimous consent agreement—commonly referred to as "UC"—is adopted. Many UCs are proposed without any use of the hot line—and they are normally cleared in advance with both parties before they are proposed. Unanimous consent gives total power to individual senators.

[88] See October 14, 1978 *Congressional Record* at 37416.

[89] See October 14, 1978, *Congressional Record* at 38629-32 and 38689-92.

[90] Dick Tuck was a famous Democratic Party political prankster, best known for his practical jokes committed against former President Richard M. Nixon. Tuck is best known for dressing up as a railroad conductor, and waving a train out of the station while Nixon was still speaking from the train's rear platform. In another gag, as Nixon spoke to a crowd of Chinese-Americans, Tuck caused a sign to be displayed behind Nixon reading (in Chinese) "What about the Howard Hughes secret loan?" (The reclusive billionaire had loaned money to Nixon's brother.) When Nixon ran for president in 1968, it is said that his aides threw away thousands of foreign-language campaign buttons for fear Tuck had gotten to them. Tuck began as a campaign aide to Helen Gahaghan Douglas, whom Nixon defeated in the election for senator from California in 1950. Nixon, who had already made a name for himself as a member of the House Un-American Activities Committee, ran a mud-slinging campaign, falsely portraying Douglas as a Communist sympathizer. Tuck vowed revenge and was hired as a Nixon campaign aide (while secretly working for Douglas). Tuck organized a Nixon rally, booking the largest auditorium possible. However, he barely publicized it; therefore, Nixon showed up to speak before a crowd of forty in a four-thousand-seat auditorium. In 1956, Nixon was running for reelection as vice president during the Eisenhower administration. Tuck learned that the route taken by San Francisco garbage trucks going to the dump led them right past the Republican National Convention. Tuck paid to have the garbage trucks bear signs that read "Dump Nixon." The 1960 Democratic convention was one of the first to be covered by television cameras. Tuck, then an aide to California Governor Pat Brown, somehow persuaded the cameras to focus on eight thousand seats full of John F. Kennedy supporters while ignoring seventy-six thousand empty seats. In 1964, Tuck unsuccessfully ran for the California state senate, promising to rehabilitate the Los Angeles River by either filling it with water or painting it blue. "The job needs Tuck," read a Tuck billboard, "and Tuck needs the job." In 1968, Tuck was a key adviser in Robert F. Kennedy's presidential campaign and rode in Kennedy's ambulance as the mortally wounded candidate was rushed to the hospital. When he became president, Nixon emulated

Tuck's pranks by hiring dirty tricks specialists such as Donald Segretti. Strangely enough, Segretti was a graduate of the high school I attended in San Marino. But the Segretti tricks tended to be mean-spirited rather than humorous. For example, Segretti's dirty tricks included forging letters to newspapers imputing sexual misconduct to Hubert H. Humphrey and forging letters on the stationery of Sen. Edmund S. Muskie that included language denigrating blacks. Apparently Nixon realized that Segretti's efforts were not comparable to the standard set by Tuck. In a White House conversation taped on March 13, 1973, Nixon commented, "Shows what a master Dick Tuck is . . . Segretti's hasn't been a bit similar." The Segretti operation eventually evolved into the Howard Hunt/Gordon Liddy "plumbers" operation and the Watergate and Ellsberg break ins.

[91] See October 14, 1978, *Congressional Record* at 37385.

[92] See H.R. 13350, 94th Congress; June 25, 1976, *Congressional Record*; S.1458, 95th Congress; May 11, 1977, *Congressional Record*; and Public Law 95-70.

[93] Subpart 9.5, Federal Acquisition Regulations (FAR).

[94] The Administrative Procedure Act (APA) is the law under which some fifty-five U.S. government federal regulatory agencies like the FDA and EPA create the rules and regulations necessary to implement and enforce major legislative acts such as the Food Drug and Cosmetic Act, Clean Air Act, or Occupational Health and Safety Act. See Title 5, United States Code, Chapter 5, sections 511-599.

[95] See S. 262, 96th Congress. Reported to Senate from the Committee on Governmental Affairs, S. Rept. 96-1018 (October 30, 1980). Never considered by full Senate or House.

[96] See S. 111, introduced by Senator Bumpers on January 23, 1979. The bill provides that in any court reviewing federal agency actions, the courts shall decide de novo all relevant questions of law. The bill states that there shall be no presumption in any such proceeding that any rule of any agency is valid and it requires that such validity be provided by clear and convincing evidence except when such a rule is set forth as a defense in a criminal trial or action for a civil penalty.

[97] Jim graduated from the University of Missouri Schools of Journalism and Law. He studied under the late Dean Earl F. English and Professor Paul Fisher, two pioneers on Freedom of Information Act policy issues. Davidson served as special assistant/press secretary to Senator

Stuart Symington and subsequently as chief counsel to the Senate Governmental Affairs Subcommittee on Intergovernmental Relations (IGR), and as chief counsel/staff director of the Senate Judiciary Subcommittee on Administrative Practice and Procedure. As counsel to the IGR Subcommittee, chaired by Senator Edmund S. Muskie, he helped write and enact the 1974 amendments to the Freedom of Information Act. Senator Muskie's principal amendment, which was so opposed by the White House that the bill was vetoed by President Ford, would have established a new standard for the disclosure of national defense and foreign policy information. The Senate and House were successful in overriding the president's veto. He also assisted Senator Sam J. Ervin in writing the Privacy Act of 1974. This was the first effort by the Congress also aimed at government openness—this for the citizens of the United States about whom the government had collected information and was using it to make decisions about their lives. Among other activities with the IGR Subcommittee, he conducted the first public oversight hearing of Central Intelligence Agency surveillance of U.S. citizens, helped coordinate a congressional and public campaign to oppose the Nixon administration's Official Secrets Act (S. 1), and helped write and pass the Government in the Sunshine Act, the Federal Advisory Committee Act, and many other open government initiatives. Subsequently he moved to the Judiciary Subcommittee, chaired by Iowa Senator John C. Culver, where he worked on the Regulatory Flexibility Act. He now leads Davidson & Company, a consulting company focused on media and freedom of information and intelligence classification issues.

[98] Between 1969-1972, Harrison was a public interest advocate, serving as executive director of the Center for Study of Responsive Law (popularly known as "Nader's Raiders"), and advocating environmental and consumer causes before the Congress and executive agencies. In the U.S. Senate between 1972-76, Harrison served as chief legislative assistant to the late Senator Philip A. Hart, chairman of the Antitrust and Environment Subcommittees in the Senate. From 1977-1981, he was executive associate director of the Office of Management and Budget in the Executive Office of the President. He was in charge of management, reorganization, and regulatory policy for OMB. He served for four years as executive director of the president's Reorganization Project which prepared and advocated before Congress executive agency reorganization plans for the Executive Office of the President, the Dept. of Energy, the Dept. of Education, the Federal Emergency Preparedness Agency ("FEMA"), the Nuclear Regulatory Commission, and several other agencies. Harrison is now a partner in the Washington, D.C., office of the law firm of Latham & Watkins, where he is co-chairman of the firm's energy practice. In the 1980s, he was a leading advocate for the creation of the competitive power industry and was a founder of the largest trade association for the independent power companies. He served as outside counsel, strategic advisor, and investor in two of the leading independent cogeneration power companies created during that time, Intercontinental Energy Corporation and Sithe Energies. From 1995-1998, he was chairman of the firm's International Practice, directing Latham's expansion in Asia and other parts of the world. From 1998 to 2000, Mr. Wellford was vice chairman of Sithe Energies, Inc., one of the world's largest merchant power generation companies. Since 2000, in addition to ongoing work in mergers and acquisitions and energy project finance, Mr.

Wellford has assisted a number of renewable energy, energy efficiency, resource recovery, and environmental technology companies with private equity financing, project financing, and mergers and acquisitions. He holds a Ph.D. in government from Harvard University, where he was a Danforth Fellow and Teaching Fellow and a Juris Doctor degree from Georgetown University Law School. He was a Marshall Scholar at Cambridge University and valedictorian of his graduating class at Davidson College.

[99] See Chuck Ludlam, "Undermining Public Protections: The Reagan Administration Regulatory Program," *Alliance for Justice*, 1981.

[100] See "Administration's Fiscal Year 1983 Budget Proposal," Senate Finance Committee hearings, part 3 at pages 70-72.

[101] See the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA)(HR 4961, 97th Congress, Public. Law 97-248). The Act placed restrictions on the issuance of small issues of industrial development bonds used for private activities for purposes of the tax exclusion of interest on such bonds but did not touch the bonds issued by non-profits.

[102] Steve served as vice president and general counsel at the Biotechnology Industry Organization (BIO) from 2001-2005 and now represents Nabi Biopharmaceuticals, a Florida company focusing on the immune system and infections. From 1989 to 2001, Steve was a partner at Hogan & Hartson, representing clients like Amgen, Genentech, the American Academy of Pediatrics, the American Cancer Society, the Fred Hutchinson Cancer Research Center, and the Infectious Diseases Society of America. He held a similar position from 1979 to 1989 and 1969-1971 with Reed, Smith, Shaw & McClay. He was chief counsel of the House Health and Environment Subcommittee, working with Chairman Paul Rogers, from 1971 to 1979.

[103] See "Analytical Perspectives on the U.S. Government," Fiscal Year 2005 at table 18-1 (estimates of total income tax expenditures). The tax exemption for student loan bonds is worth $260-380 million per year; for private nonprofit educational facilities it's worth $780 million to $1.13 billion; and for hospital construction it's worth $1.62 to $2.29 billion. About 80 percent of this revenue loss to the government accrues to the benefit of the bond issuer. On this calculation see "Tax Credit Bonds," report of the Congressional Budget Office (July 2004).

[104] See H.R. 3801 as introduced on August 4, 1983.

[105] See H.R. 3398, House Report 98-267 and Public Law 98-573.

[106] When a foreign country subsidizes a particular industry, the United States may, under certain circumstances, impose import duties to compensate for the favored treatment. International law recognizes the legitimacy of countervailing duties. Under the General Agreement on Tariffs and Trade (GATT), countries may impose countervailing duties on goods produced with the aid of a "bounty or subsidy." The GATT, however, does not clearly define subsidy. This vagueness resulted in the development of domestic law that attempts to define what subsidies the United States may countervail. Unfortunately, the United States law allows the countervailing of domestic subsidies only if the subsidy benefits a particular industry or group of industries. This is known as the specificity requirement. Under this test, the foreign government must provide aid "to a specific enterprise or industry or group of enterprises or industries." Back in 1984 the U.S. took a very narrow view of the specificity rule and was extremely reluctant to find that natural resource subsidies were subject to countervailing duties. The Gillis Long proposal, if it had been enacted, would have ensured that countervailing duties were available as a remedy. In coming so close to enacting his proposal, we put pressure on the countries that were targets of the bill—Russia, Eastern Europe, China, Mexico, Brazil, and Canada where energy and other natural resources were owned by the governments—to reform their practices. They could see that their natural resource subsidies might be vulnerable, and over time U.S. negotiators took a broader view of the specificity rule and found many more cases where countervailing duties were appropriate. This trend was strengthened by the enactment of the 1988 trade bill that included strengthening of dumping law against a non-market economy. Had this trend begun in 1984 and accelerated in response to a specific statutory mandate, the pressure against unfair subsidies would have had a much greater impact. Today, environmentalists are discoveringthat these natural resource subsidies can lead to unsound agriculture practices, excessive exploitation of scarce natural resources, and excessive dependence on fossil fuels.

[107] Charlene and her husband, Ed Cohen, became dear friends of mine in the 1970s. Charlene attended Catholic Law School with my ex-wife and I knew Ed on the Hill. He's a distinguished public servant in his own right, having served many years on the Hill for Warren Magnuson on the Senate Commerce Committee staff (where he was one of the leaders in the consumers right movement), in the Carter White House (where we worked together on the regulatory reform issues), and Clinton Interior Department with Bruce Babbitt. Ed is now the Washington representative for Honda Motors. Before becoming U.S. trade representative, Charlene had worked at a law firm and been deputy trade representative. She was the administration's leader in opening of foreign markets and the elimination of regulatory and investment barriers around the world, and as the architect of U.S. trade policy, she was a central figure for international business. She's best known for negotiating the historic market opening agreement with China on its entry into the World Trade Organization, which has deepened China's stake in a stable, rules-based global economy and helped lead to a doubling of American exports to China since the year 2000. Beyond this,

Charlene formulated an aggressive agenda to open foreign markets at the WTO and across the globe, negotiating hundreds of complex trade and commercial agreements with virtually every major market, from Japan and the European Union to the smallest states of Latin America, Africa, and the Middle East. In addition to agreements covering traditional sectors of the economy, Charlene also developed and negotiated trade rules for the information age, concluding global agreements covering the world's telecommunications markets, global financial services, information technology products, intellectual property rights, and cyberspace, which account for well over half of all global commerce. The breadth of Charlene's accomplishments and her international reach have been widely recognized: Harvard Law School has honored her with its "Great Negotiator" award and the Harvard Business School has chronicled her deft negotiating skills in a series of case studies. She was the recipient of Yale Law School's Prieskel-Silverman Fellowship for distinguished public service, and her savvy and skills are detailed at length in *Leading Up*, a book published under the auspices of the Wharton School and the Wharton Center for Leadership and Change. She's now a lawyer with Wilmer, Cutler and Pickering.

[108] With Senator Bumpers I had the great privilege of working with Scott Hibbard, Deborah Estes, Christie Dawson, and Tracy Crowley, all dear friends to this day.

[109] Kent is currently director of the Science, Technology, America, and Global Economy program at the Woodrow Wilson International Center. He's just published the definitive account of the "competitiveness" issue: *Building the Next American Century: The Past and Future of Economic Competitiveness* (Woodrow Wilson Center Press, 2005). Prior to joining the Center, Kent served as the associate deputy secretary at the U.S. Department of Commerce. Before joining the Clinton administration, he served as president of the Council on Competitiveness; chief economist to U.S. Senate Majority Leader Robert Byrd; senior economist at the Joint Economic Committee; and legislative and policy director in the office of U.S. Senator Gary Hart during the senator's first presidential campaign. Prior to his congressional service, Kent served as a staff attorney for the Urban Law Institute and an International Legal Center Fellow and Latin American Teaching Fellow in Brazil. He holds a Ph.D. in economics from Washington University, an LL.B. from Harvard Law School, and a B.A in political and economic institutions from Yale University.

[110] See S. 931 introduced by Senator Bumpers on April 7, 1987. See also S. 348 introduced on February 7, 1989; S. 1932 introduced on November 11, 1991 (47 cosponsors); and S. 368 introduced on February 16, 1993 (37 cosponsors).

[111] See 26 United States Code 1202, Pub. L. 103-66, title XIII, Sec. 13113(a), Aug. 10, 1993. Proposals have been made to amend my venture capital gains incentive to make it work as intended. There was a Senate Small Business Committee roundtable on May 22, 2002, on

"Unleashing the Power of Entrepreneurship: Stimulating Investment in America's Small Businesses," chaired by John Kerry. An old friend of mine, Mark Heesen, president of the National Venture Capital Association, testified in favor of amendments to my incentive. Senator Kerry introduced a bill to this end, S. 1676. I doubt if anything will be done to make this incentive work as I'd intended it to work.

[112] In order to be eligible for patent protection, United States patent law requires that an invention be, 1) New or Novel: The invention must be demonstrably different from publicly available ideas, inventions, or products (so-called "prior art"). This does not mean that every aspect of an invention must be novel. For example, new uses of known processes, machines, compositions of matter, and materials are patentable. Incremental improvements on known processes also may be patentable; 2) Useful: The invention must have *some application or utility* or be an improvement over existing products and/or techniques; 3) Non-obvious: The invention cannot be obvious to a person of "ordinary skill" in the field. Non-obviousness usually is demonstrated by showing that practicing the invention yields surprising, unexpected results.

[113] The original proposed Utility Examination Guidelines were issued in December 1994, in response to a groundswell of complaints I orchestrated that Examining Group 1800 (biotechnology) was imposing a nearly impossible burden on biotech and pharmaceutical applicants to establish section 101 utility. These guidelines were formally published for comment on January 3, 1995. The proposed guidelines were incorporated nearly verbatim as section 608.01(p)A of the revised MPEP circulated in March, and were assumed to be final. The "final version" of these guidelines, published in the July 14, 1995, volume of the Federal Register (60 FR 36263-265). See (http://www.uspto.gov/web/offices/com/sol/ /notices/utilexmguide.pdf).

[114] Currently serving his eighth term in Congress, Dana Rohrabacher represents California's wealthy Orange County coastal community, including Palos Verdes. He's chairman of the Space and Aeronautics Subcommittee and a senior member of the International Relations Committee. He's known for his late-hours speeches on C-SPAN. He is one of that body's most forceful spokesmen for human rights and democracy around the world. Rohrabacher led the effort to deny Most Favored Nation trading status to Communist China, citing the rogue nation's dismal human rights record and opposition to democracy. Prior to his first term in Congress in 1988, Dana served as special assistant to President Reagan. For seven years he was one of the president's senior speechwriters. During his tenure at the White House, Rohrabacher played a pivotal role in the formulation of the Reagan Doctrine and in championing the cause of a strong national defense. He also helped formulate President Reagan's Economic Bill of Rights, a package of economic reforms that the president introduced in a historic speech before the Jefferson Memorial. Prior to joining Ronald Reagan's White House staff, he was an editorial writer for the *Orange County Register*, and

graduated from Long Beach State College in 1969 and received a masters degree from the University of Southern California. He's famous as a surfer and gadfly. See H.R. 811 introduced by Congressman Rohrabacher on March 15, 1997.

[115] In chess matches, players are each given a fixed amount of time to make all of their moves—called "time control." A time control of 40/2 means that each player has two hours to make the first forty moves. A "sudden death" time control means that both players must make all their moves for the game before time expires; "game/30" means that each player must make all their moves in thirty minutes or less. When one player has moved, he or she stops the countdown on his clock—often called an "allegro" clock—and this automatically starts the countdown on the other player's clock. The two clocks are part of one mechanism in the center of the table. Time pressures on one or both players can become a major issue as the match proceeds. In the patent context, the examination process moves back and forth between the PTO and the applicant, with inquiries and responses, rulings and appeals, etc., so it's possible to determine how much time each "player" has consumed.

[116] Dave Schmickel is a detailee from NIH at the Senate Health, Education, Labor, and Pensions (HELP) Committee. At NIH he served in the Office of Technology Transfer. Previously, Dave was a principle at the investment firm Meridian Venture Management, Ltd., in New York City, which invested in mature biotechnology companies. He also has served as patent and legal counsel for the Biotechnology Industry Organization (BIO) in Washington, D.C., as a patent examiner at the Patent and Trademark Office, and as an associate with a large Washington, D.C., based law firm. Dave received his doctoral degree from the Department of Biology at the Johns Hopkins University in Baltimore and his Jurist Doctorate from the University of Baltimore.

[117] See S. 975 introduced on April 28, 2005. The predecessor bill is S.666, introduced in March 2003.

[118] Dave was detailed to the Senate HELP Committee in 2005 to work on this legislation.

[119] The original version of the Ganske bill (H.R. 1127), introduced in March 1995, would have banned the issuance of patents claiming "pure" medical procedures, such as methods of making incisions for cataract or open heart surgery. However, the bill's language was so broad that it would also have banned patents on new uses for known compounds and many diagnostic assays. The Ganske bill thus faced strong opposition from groups such as the Biotechnology Industry Organization, the American Bar Association, and the American Intellectual Property Law Association, and the bill did not become law. The Ganske bill was revived, in very different form, as Section 616 of the 1996 omnibus appropriation bill, P.L.

104-208, and it became law in late 1996. The new Ganske compromise law no longer attempts to curtail patentable subject matter. Instead, the compromise legislation amends 35 U.S.C. Section 287 by adding a subsection (c) that exempts from the definition of patent "infringement" a medical practitioner's performance of a "medical activity" on a human or a laboratory animal. Rather than banning patent protection for medical procedures, the Ganske compromise legislation establishes that any such patents are not infringed when the patented procedures are performed under certain situations by certain classes of individuals.

[120] The language reads as follows: "an employee health benefit plan or a health plan issuer offering a group health plan may establish, under the terms of such plan, eligibility, enrollment, or premium contribution requirements for individual participants or beneficiaries, *except that such requirements shall not be based on* health status, medical condition, claims experience, receipt of health care, medical history, evidence of insurability (including conditions arising out of acts of domestic violence), *genetic information*, or disability." Section 101.

[121] There exists a database of four thousand human genes and seven hundred genetic disorders called the OMIM(TM), Online Mendelian Inheritance in Man. This database is authored and edited by Dr. Victor A. McKusick and his colleagues at Johns Hopkins and elsewhere, and developed for the World Wide Web by the National Center for Biotechnology Information. The database contains textual information, pictures, and reference information.

[122] An orphan disease is defined as a condition that affects fewer than 200,000 people nationwide. This includes nearly six thousand diseases as familiar as cystic fibrosis, Lou Gehrig's disease, and Tourette's syndrome, and as unfamiliar as Hamburger disease, Job syndrome, and acromegaly, or "gigantism." Some diseases have patient populations of fewer than a hundred. Collectively, however, they affect as many as 25 million Americans, with one in every ten individuals in this country having received a diagnosis of a rare disease. That makes the diseases—and finding treatments for them—a major public health concern. See the Web site of the National Organization for Rare Diseases for a description of the symptoms for eleven hundred of these diseases.

[123] Since 1983, the Orphan Drug Act has resulted in the development of nearly 250 orphan drugs, which now are available to treat a potential patient population of more than 12 million Americans. In contrast, the decade prior to 1983 saw fewer than ten such products developed without government assistance. As a result, treatments are available to people with rare diseases who once had no hope for survival. Many consider the ODA the most successful tax incentive in the history of the tax code. It's an incentive for economic activity that would not otherwise occur—whereas many tax incentives are windfalls for what taxpayers would do anyway without a tax incentive.

[124] See H.R. 3448 (104th Congress) and Public Law 104-188 (August 20, 1996; Section 1205).

[125] See H.R. 2014 (105th Congress) and Public Law 105-34 (August 5, 1997).

[126] Chuck was head of legislative affairs for the Clinton White House and a top aide to the Ways and Means Committee. He founded his own firm after the breakup of Bergner Bockorny Castagnetti Hawkins & Brain. He's regularly voted one of the city's top "hired guns."

[127] See Joint Tax Committee "Comparison of The Estimated Budget Effects," JCS-37-07 (July 10, 1997).

[128] Bill has been legislative director and chief counsel for Senator Lieberman since Joe took office in 1989. From 1974 to 1975 Bill was a law clerk to Judge Jack B. Weinstein, U.S. District Court for the Eastern District of NY; from 1975 to 1977 he was an attorney with Steptoe and Johnson; from 1977 to 1981 he was deputy assistant secretary, director of congressional affairs, and liaison officer, Deptartment of Transportation; from 1981 to 1985 he was a partner at Brown and Roady; and from 1985 to 1989 he was a partner at Jenner and Block. He has degrees from Columbia and Yale Universities and Columbia Law School.

[129] I worked closely with Stacy Kern of the Senate Legislative Counsel in drafting the BioShield II legislation. She was utterly brilliant in this effort. We want through four main drafts, but I gave her fifty to seventy documents worth of amendments to each draft. Some of them were overlapping or even inconsistent. She sorted through these amendments and often spotted errors in proposals from some of the top D.C. law firms. We ended up with a 360-page bill and she gets much of the credit for how well it reads and how few mistakes it contains.