

LEGAL SERVICES CORPORATION
SEARCH COMMITTEE MEETING

OPEN SESSION

May 20, 1990
Commences at 2:15 p.m.

Hyatt Regency Crystal City
2799 Jefferson Davis Highway
Potomac Rooms III & IV
Arlington, VA 22202

Committee Members Present:

George W. Wittgraf, Chairman
Howard H. Dana, Jr.
Guy Vincent Molinari

Board Member Present:

J. Blakeley Hall

Staff Present:

Timothy Shea, Vice President & General Counsel
Maureen Bozell, Secretary
David Richardson, Comptroller & Treasurer

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O P E N S E S S I O N

(2:15 p.m.)

1
2
3 CHAIRMAN WITTGRAF: Our meeting of our Search
4 Committee of our Board of Directors of the Legal Services
5 Corporation would come to order. It's approximately 2:15 p.m.
6 on Sunday, May 20, 1990.

7 Notice had been given that the meeting would begin at
8 12:00 p.m. In fact, we're beginning some 2 hours and 15 minutes
9 late on the one hand to enable Mr. Molinari to be able to join
10 us at approximately 1:00 p.m. from New York and from
11 Washington's National Airport; secondly, to give all of us an
12 opportunity to each some lunch; and third, to give Mr. Molinari
13 a opportunity to complete reading the resumes that are available
14 to us, Mr. Dana and I having had an opportunity to finish that
15 task late this morning.

16 We have, in reviewing the resumes with the benefit of
17 the Corporation's Board Secretary, gone through some 307
18 resumes, each of which is numbered and identified by number
19 rather than by name, the numbers having been established simply
20 by the chronological receipt of the resumes by the secretary.

21 It appears on review that there are three duplicate
22 resumes so that in fact the number of resumes before is -- or

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1 the number of applicants before us is 304 rather than 307. Is
2 that your understanding now as well, Maureen?

3 MS. BOZELL: Yes.

4 CHAIRMAN WITTGRAF: Mr. Dana has been good enough,
5 prior to our beginning our meeting to take the notes that each
6 of the three of us, he and Mr. Molinari and I, made as we read
7 through the individual resumes and has compiled them so that we
8 now have before us a compilation showing how each of us graded
9 or received the resumes. I might add that each of us reviewed
10 the resumes individually so that wherever we came to the same
11 conclusions, it was only independently and not collusively.

12 Before we get to an actual discussion of the resumes,
13 let's discuss a little bit the process that we're going to use.
14 It's my preference, in so far as possible, and I think all three
15 of our preference, to try to move this process along as quickly
16 as possible.

17 At our Board meeting on March 27th, I had indicated
18 that we would be reading the resumes, by now with the deadline
19 for the receipt of them having been this last week, Tuesday, May
20 15, that we would be able to advise the Board by June 25 of the
21 people we considered appropriate for interviewing and, with the
22 permission of those so-called finalists, to publicize their

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1 names as finalists, then, by July 23rd, to be able to hire a new
2 president at a board meeting.

3 My sense is that we may be progressing even faster
4 than I had contemplated back on March 27th, in that we may be
5 able to speed up that process beyond what I projected then. I
6 guess the first question is how far today we want to whittle the
7 number down from 304 to 20 or 30 or 40. After we've whittled
8 the number down, what additional information we want to get from
9 the candidates that we want to consider further, to get further
10 information from.

11 Mr. Dana, have you put together a proposed
12 questionnaire to go to the people from whom we want to receive
13 further information?

14 MR. DANA: I have, Mr. Chairman, and it's -- what I
15 did was I took the presidential questionnaire that was used,
16 apparently, last time together with portions of what we would
17 understand to be something comparable to what we submitted to
18 the White House, which talked about assets and lots of other
19 questions that may be more intrusive than we needed to be, and
20 come up with a composite questionnaire, which I would propose
21 for consideration of the committee.

22 I would propose that we send that questionnaire to

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1 however many we -- to the remaining people under active
2 consideration, indicating that they are under active
3 consideration and asking if they wish to remain so. In most
4 cases, some people have given us references and in some cases
5 they have not.

6 This would really trigger their consent to call
7 references and would provide us, hopefully, with enough
8 additional information so that we could reduce the list even
9 further based upon this information. I guess I would encourage
10 us to look this over.

11 CHAIRMAN WITTGRAF: Would you review briefly the
12 sequence that you've got so that we all understand it?

13 MR. DANA: Yes. Page 1, which is the beginning of the
14 questionnaire, we have just the basic information, name and
15 address. Then I would eliminate questions 1, 2, 3, 4, 5 and 6.

16 CHAIRMAN WITTGRAF: As being duplicative of what's in
17 the resumes, by and large?

18 MR. DANA: Yes. In other words, if they are semi-
19 finalists, we ought to at least know whether they are members of
20 the bar and their educational background. So I start off
21 essentially with 7. The first question, then, should be: In
22 general, describe your views regarding the provision of legal

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1 services to those unable to afford counsel.

2 Two, describe what you believe to be the strength of
3 the legal services programs funded by the Corporation. Three,
4 describe the weaknesses. Four asks the ultimate question which
5 has been tailored from the past one but essentially it says, why
6 do you want to be president, give the Corporation's history, the
7 fact that we are a recess board. Essentially, it says why would
8 you want to come into this veil of tears.

9 Five says, to date your application has been kept in
10 strict confidence. However, we are now at the stage when we may
11 soon be checking references. If you wish to remain under active
12 consideration and your resume does not list the names and
13 telephone numbers of references, please provide three or four at
14 this time.

15 Six is, please attach copies of any books, articles,
16 reports or other published materials you have written. Seven,
17 eight, nine, ten, eleven, twelve, thirteen, fourteen through
18 eighteen deal largely with conflicts of interest, any possible
19 civil or criminal involvement that we might find embarrassing,
20 especially if we didn't know about it before we made the person
21 president, dealing with filing taxes, crimes, disciplinary
22 litigation generally.

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1 Then the catch all, do you know of any information
2 that others might give us to try to prevent you from being
3 appointed to the presidency of the Legal Services Corporation.

4 CHAIRMAN WITTGRAF: Or as president.

5 MR. DANA: What?

6 CHAIRMAN WITTGRAF: Just simply as president.

7 MR. DANA: Yes, as. The last two pages are from the
8 last resume, authority to release information and a background
9 investigation waiver and release. Presumably, this would assist
10 in verifying academic performance and sort of an advanced
11 release of that that otherwise might be not released.

12 CHAIRMAN WITTGRAF: Thank you, Mr. Dana. Mr. Shea, as
13 the Corporation's legal counsel, have you had occasion to review
14 these materials prior to this time?

15 MR. SHEA: Mr. Chairman, no, I have not.

16 CHAIRMAN WITTGRAF: Fine. We'll go on. I think
17 because these materials are somewhat dated, they may be subject
18 to some review and some modernization perhaps by you and for the
19 benefit and protection of the Corporation and it's Board of
20 Directors.

21 Mr. Molinari, your comments?

22 MR. MOLINARI: Well, looking at 18, Mr. Chairman, it

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1 reads, "Have you made any public statements including writings
2 about your support for or opposition of legal services or any of
3 its grantees?" I think we might want to broaden that to say,
4 have you made any public statements including writings about the
5 Legal Services Corporation?

6 When you restrict it with the language that we have
7 there, I think we may be depriving ourselves in this search for
8 useful information. Somebody may have written something or said
9 something that's been published about the Legal Services
10 Corporation, but they may be construed in their mind that it's
11 necessarily being in support or opposition to legal services or
12 its grantees. Yet, that information could be critical to us in
13 our review of their application.

14 CHAIRMAN WITTGRAF: so you would suggest that the
15 wording be to the effect support or opposition to the Legal
16 Services Corporation or its grantees or the provision of legal
17 services generally?

18 MR. MOLINARI: I don't know whether we want to say
19 support or opposition. Just say public statements including
20 writings regarding the Legal Services Corporation or its
21 grantees, I think would be a good idea.

22 CHAIRMAN WITTGRAF: Do you have any objection to that,

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1 Mr. Dana?

2 MR. DANA: No.

3 MR. MOLINARI: I have one further question. Maybe
4 Howard can answer it. In these questions about tax returns, I
5 see in No. 11, we're asking whether they had an audit which
6 resulted in a tax lien or collection procedure. Are we at any
7 point here asking for copies of tax returns from the applicants
8 or is that something that has been considered in the past or is
9 under consideration?

10 MR. DANA: I don't know whether this -- we're not
11 formally asking for it here. The question is whether there's
12 authority to release information or background investigation
13 waiver and release, whether that could ever be used for that
14 purpose.

15 MR. MOLINARI: The reason I raise this question is,
16 back in New York City, at the present time, there's background
17 checks being made on a number of people that are taking
18 positions in city government. That is a question that is being
19 asked. It has been somewhat controversial. I think it's
20 something we should to consider and either say we want it or we
21 don't want it. At least consider it.

22 CHAIRMAN WITTGRAF: It's my opinion that we would want

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1 to reserve the right to obtain copies of tax returns. I don't
2 know that we necessarily would, but if there was some question
3 or concern that we had, that we would want to do so to satisfy
4 ourselves regarding any such question.

5 MR. MOLINARI: Can I go one step further, maybe about
6 seven steps further? Are we contemplating that at some point
7 down the line, we'll be hiring somebody that will be doing
8 background checks on the final applicants?

9 MR. DANA: I would think so. I think that has been the
10 practice in the past. I think that, hopefully, we will boil the
11 list of prospects down sufficiently so that it won't be a major
12 expense, but in the past they've hired former FBI agents and
13 others to check references and verify that the person is what he
14 or she represents themselves to be.

15 I think there is -- my assumption is that our capable
16 and able staff sitting out there at the table is not going to be
17 in a position to do all of that by telephone.

18 CHAIRMAN WITTGRAF: The answer is yes. Whether that
19 will be the No. 3, the No. 6, the No. 9, No. 12, I guess,
20 remains to be seen. But with some number who would be under
21 final consideration, yes.

22 MR. MOLINARI: Well, I think, again getting back to

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1 the question of tax returns, that might be something important
2 to those who are going to be involved in that process. I don't
3 know that we necessarily have to answer that today. We can let
4 that go and, like you say, reserve the right at some subsequent
5 time to request or demand that information.

6 CHAIRMAN WITTGRAF: If we're agreed in principle
7 regarding the 18 questions and the 2 authorizations or waivers
8 attached thereto, it's my thought that the Corporation's General
9 Counsel would review it and attempt to satisfy himself on behalf
10 of us as directors in the Corporation that what we were asking
11 was legally authorized. We then would review a final draft
12 before we actually sent it out.

13 My only concern is that we want to move as quickly as
14 we can so that while this won't happen between today and
15 tomorrow, probably within a week's time at the latest, we would
16 be able, essentially, to say to our semi-finalists, please give
17 us this additional information and be able to say to everyone
18 else thank you very much, but it appears that you're no longer
19 under consideration for the position of president.

20 So we can keep moving. I would think that in a week's
21 time that would be realistic. Is that fair, Mr. Shea?

22 MR. SHEA: Certainly. From my perspective, it is.

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1 CHAIRMAN WITTGRAF: Thank you. We're pretty well
2 agreed then that these materials will be the ones we'll use to
3 get additional information from our semi-finalists. I don't
4 know that a motion is necessary, but I think the consensus is
5 that unless there is objection, that we will use the
6 questionnaire that we've just reviewed.

7 Before we talk specifically about semi-finalists,
8 let's talk some more then about the time table. If we're able
9 to agree yet today on a group of semi-finalists somewhere in the
10 range of 20 to 40 and are able within a week's time to get the
11 questionnaire we've just talked about to them, that would be
12 roughly May 28th. Realistically, they would need until June
13 18th or so, which would be two to three weeks?

14 MR. DANA: I would not think that it would take --

15 MR. MOLINARI: I'd give them seven days.

16 MR. DANA: Yes. You could answer this, hopefully--
17 most of these questions are, yes I filed my taxes or no I
18 haven't been indicted.

19 CHAIRMAN WITTGRAF: So allowing for some time in
20 transit, June 11th, Monday, June 11th?

21 MR. DANA: That's fine.

22 CHAIRMAN WITTGRAF: We'd be looking at getting them

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1 out Monday, May 28th, getting them back or postmarked by Monday,
2 June 11th. Do you think it would be appropriate then for the
3 three of us to try within a matter of days after that to sit
4 down and review those materials so that we can get down to some
5 group of finalists?

6 MR. DANA: I think so.

7 MR. MOLINARI: I think we have to.

8 CHAIRMAN WITTGRAF: We're looking at a Board meeting
9 on the 25th of June. Is it realistic that the three of us could
10 get together sometime on Saturday the 16th or Sunday the 17th or
11 Monday the 18th?

12 MR. DANA: I don't have my --

13 CHAIRMAN WITTGRAF: I think for the three of us
14 Saturdays and Sundays are best; are they not?

15 MR. MOLINARI: Yes.

16 MR. DANA: Yes.

17 CHAIRMAN WITTGRAF: So we would be looking at Saturday
18 the 16th or Sunday the 17th?

19 MR. MOLINARI: Yes. I'd have to check back home on
20 that, George, but I think that makes sense.

21 CHAIRMAN WITTGRAF: Right. With Maureen Bozell's
22 assistance, let's look at one or two or both of those dates. Do

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1 you see any problem with that Saturday or Sunday, Maureen?

2 MS. BOZELL: I'm told it's Father's Day for those of
3 you who want to know.

4 CHAIRMAN WITTGRAF: Well, all three of us are fathers
5 for better or worse, even if we're not there, I think. I can
6 probably endure being gone on part of Father's Day, I would
7 guess.

8 MS. BOZELL: I don't see any problem.

9 CHAIRMAN WITTGRAF: Otherwise, all right. Do you
10 think it would be possible then, assuming that we narrow the
11 field down to I'll use the No. 6 and I have no preconceived
12 notion be it 3, 6, 9, 12, but I'll say 6 for the sake of
13 discussion, that we, as the whole Board, could interview those 6
14 on Monday, June 25th, our next regularly scheduled board
15 meeting?

16 I don't think that the press of our Board business
17 will be so great, and we'll still be ahead of the Senate on the
18 confirmation process, I'm sure, at that point; that we won't be
19 bumping into the Senate or the Senate Committee wanted to see us
20 then. I guess our only problem will be the possible
21 nonavailability of one or more of the candidates on what will be
22 relatively short notice at that point, about a week's notice.

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1 Mr. Dana?

2 MR. DANA: Yes, I'm wondering -- it seems to me that
3 at some point in this process, we should go public with the
4 names of the finalists and give sort of generally the world an
5 opportunity to tell us what we don't know about these
6 candidates. Was it your thought that we would make a decision
7 at that June meeting?

8 CHAIRMAN WITTGRAF: Good question, not only for
9 purposes of publication, which I have committed us to, for
10 better or worse, previously on March 27th, but also for purposes
11 of undertaking the kind of background check we've described.
12 I'm not sure, but what we would still have to make our decision
13 at a later date. Our next projected meeting date is July 23rd.
14 We might want to move -- try to get a consensus of the Board to
15 move that date forward, perhaps a week, to July 16th, for
16 example.

17 I think you're right. We have to allow both for
18 publication, so-called publication, publicity purposes, and for
19 field check purposes sometime before we're able to make a
20 decision.

21 MR. DANA: I guess my sense is that we should -- it
22 might be helpful to contemplate having some interviews in late

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1 June, sort of in connection or around the meeting date. Invite
2 the Board to participate in those interviews, but view that as a
3 way of narrowing it even further.

4 CHAIRMAN WITTGRAF: It would be my desire to ask the
5 Board to participate in those interviews, I believe.

6 MR. DANA: But not necessarily --

7 CHAIRMAN WITTGRAF: Not make a decision.

8 MR. DANA: Not make a decision and maybe contemplate
9 additional interviews at the subsequent meeting.

10 CHAIRMAN WITTGRAF: Right. I mean, I think not only
11 might some number of us as Board members have both positive and
12 negative reactions, but there might be a finalist or two who
13 might decide that he or she doesn't want any part of this Board
14 and might withdraw from further consideration at that point.

15 MR. DANA: It's hard to be, but it's possible.

16 CHAIRMAN WITTGRAF: I guess the earliest the Board
17 could make a final decision probably would be the 16th and it
18 might still be the 23rd of July, depending upon the schedule of
19 the members of the Board. I guess I would be inclined to hope
20 that it's not necessary to call the finalists back for another
21 interview, but I guess if it became necessary, we could.

22 Hopefully, there could be some Executive Session and

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1 Board discussion both on June 25th after we've met all or most
2 of the candidates, as well again on July 16th or 23rd when we
3 get to making the final decision and hopefully offering a
4 contract to a president.

5 Mr. Shea, Ms. Bozell, Mr. Richardson, what is the
6 understanding of any of you regarding payment for or
7 reimbursement of candidate's expenses incurred in travelling to
8 Washington to meet with or appear before the Board in the
9 interviewing process?

10 MR. SHEA: It's permissible as far as I know,
11 reasonable expenses.

12 CHAIRMAN WITTGRAF: Standards that would be similar to
13 those --

14 MR. SHEA: And not unprecedented, as far as I know.

15 CHAIRMAN WITTGRAF: It's legally permissible. It is
16 precedent, and it would be consistent with the standards that
17 the Board and the staff adhere to?

18 MR. SHEA: Yes.

19 CHAIRMAN WITTGRAF: Mr. Richardson is comfortable that
20 we have adequate funds?

21 MR. RICHARDSON: Yes, sir.

22 CHAIRMAN WITTGRAF: Something in the range of, I would

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1 guess, 4 to 12 people. So I believe we're looking then at the
2 three of us reviewing the semi-finalist material and coming up
3 with a group on June 16th or 17th, attempting to interview the
4 finalists with the whole Board on June 25th, Monday, June 25th,
5 with the permission of those finalists, following that meeting,
6 to announce the fact of their consideration to the public, to
7 proceed to whatever field checks or reference checks we deem
8 appropriate.

9 Then, if all goes well for we as a whole Board, a
10 Board of 11 to attempt to select a president and offer a
11 contract on July 16th or 23rd.

12 Mr. Molinari?

13 MR. MOLINARI: I just wanted to review with you again
14 the process. We are planning now to meet on Saturday the 16th
15 or Sunday the 17th.

16 CHAIRMAN WITTGRAF: Yes, sir.

17 MR. MOLINARI: What are we going to do on those days?

18 CHAIRMAN WITTGRAF: On one of those days, we, as the
19 presidential Search Committee of the Board, will select a group
20 of finalists from today's group of semi-finalists, based largely
21 upon our review of the supplemental materials we receive from
22 the semi-finalists.

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1 MR. MOLINARI: Then the meeting in July, which would
2 be either the 16th or the 23rd, the so-called finalists would be
3 presented to the full Board for an interview?

4 CHAIRMAN WITTGRAF: No, on June 25th.

5 MR. MOLINARI: June 25th, okay.

6 CHAIRMAN WITTGRAF: Yes, that's right, June 25th.

7 MR. DANA: Or 24th or 25th in connection with the
8 meeting.

9 CHAIRMAN WITTGRAF: Yes, it could be June 24th or
10 25th. We could stradle those two says. The 24th is a Sunday.
11 The 25th is a Monday.

12 MR. MOLINARI: Yes, that's the thing I wanted to offer
13 as a possible suggestion. In looking at the calendar, I'm just
14 wondering whether it might be desirable for us as a Search
15 Committee to try to conduct some interviews beyond the winnowing
16 down process. It may make it easier for the Board if we do
17 that.

18 MR. DANA: You mean before the 25th?

19 MR. MOLINARI: Yes, before the 25th. It leaves us, I
20 guess, the 24th which is a Sunday, which might be difficult, but
21 it might get a good number in. I guess instead of talking
22 numbers, we talk percentages. It might get 75 percent of those.

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1 I think that might be helpful. It's a suggestion. It's just a
2 question that we don't know what the final numbers are going to
3 be.

4 If, in a winnowing down process, we are forced -- I'm
5 not looking to come back here, believe me, any more than I have
6 to. But it may help the Board if, in fact, we try to conduct
7 some interviews as the Search Committee. That might tailor-make
8 the process a little bit more. I offer it for consideration.

9 CHAIRMAN WITTGRAF: What would be possible, I suppose,
10 along those lines, if we think it's better, would be for us, as
11 a three-member committee, on Sunday, June 24th, to interview,
12 I'll say, a dozen candidates with the hope that we as the Search
13 Committee would then say that we have three, four, five or six
14 actual finalists.

15 I'm not sure what term comes in here between semi-
16 finalists and finalists. Maybe we should be back to calling
17 today's group quarter-finalists. Anyway, we might get down to
18 that group. We could publicize that group. We could do
19 background checks on that group.

20 Then we could actually, on July 16th or 23rd, do the
21 Board interviews with the thought that the Board would also
22 attempt, at that time on July 16th or 23rd or 15-16 or 22-23,

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1 make a decision based on the interview. What you're saying is
2 there may be a need for a two-step interview process.

3 Mr. Hall, do you have any comments?

4 MR. HALL: No, thank you.

5 CHAIRMAN WITTGRAF: Mr. Dana?

6 MR. DANA: Well, I don't think we should be talking
7 individuals, but I have -- I think it might be helpful to, at
8 some point today, find out how well we've done in our individual
9 reading of these to see what we're talking about today in terms
10 of the numbers.

11 That may assist us in deciding whether or not we want
12 to even think about some interviews in the middle of June as
13 opposed to just at the end. We may want to have some interviews
14 even earlier than the end of June in order to assist in sort of
15 refining our views.

16 MR. MOLINARI: If I may just add, the problem with the
17 process is obvious that we're looking at paper. Sometimes the
18 paper looks awfully good, but when the person behind the paper
19 comes before you, you get a different impression. We can
20 already see by the preliminary ratings that we've made, that
21 there's a rather welcome continuity of rankings.

22 In many cases, we've ranked the same individuals in

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1 that ranking process. Similarly, I think that when we look
2 ahead, if we're going to be doing a normal hearing on the 25th,
3 a business day, and during that day we're also going to be doing
4 interviews, depending upon the number, it may be very difficult
5 for the Board to be able to do all that. With 11 members asking
6 questions, it might make it a little unwieldy.

7 I just offer -- it really doesn't matter to me very
8 much -- the thought that if we can someplace in between for the
9 assistance of the Board do some kind of interview process, the
10 three of us, I think it would be very helpful to the Board in
11 its final deliberations and may cut the numbers down even
12 further.

13 MR. DANA: Having gone through this process on
14 occasion, I have sometimes -- you know, you grab six and you
15 interview them and then none of them stand out and you say, "I
16 don't think we're there yet." If we're not careful, we might
17 get ourselves into a position where we haven't -- the committee
18 isn't really enthusiastic about anybody yet.

19 We ask the Board to make a decision. I think it would
20 be very helpful to be reasonably enthusiastic about the people
21 that are being presented to the Board.

22 CHAIRMAN WITTGRAF: Looking at the calendar, let me

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1 mention one other thing that might give us some flexibility.
2 July happens to be a month with five Mondays. We've been
3 projecting a Board meeting on July 23rd. In fact, our Board
4 meeting could be the fifth Monday, July 30th, in which case we,
5 as a Search Committee, could do some work on either the 9th, the
6 16th or the 23rd, depending on how things are shaping up and be
7 in a better position, as Mr. Molinari suggests, to present three
8 or four or five or six finalists to the Board, say, on July
9 30th.

10 Let's go forward this afternoon on the assumption that
11 what I'll now call our quarter-finalists will submit materials
12 so that we can review those materials on June 16th or 17th and
13 that we will begin our interviewing process as the Presidential
14 Search Committee on Sunday, June 24th, the day before our next
15 meeting on Monday, June 25th.

16 Then, depending a little bit on the schedules of our
17 Board members, that we will look at the month of July in such a
18 way as to allow us, as a committee, the time we need before we
19 get the Board to the point of interviewing the three to six
20 finalists we have.

21 Do either of you have any serious conflicts in your
22 schedules on weekends in July that you can think of?

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1 MR. DANA: I love to leave Maine in July.

2 MR. MOLINARI: I'd have to check. Unfortunately, I
3 don't have a schedule with me.

4 CHAIRMAN WITTGRAF: Nothing that comes to mind?

5 MR. MOLINARI: No.

6 CHAIRMAN WITTGRAF: Have you we lost you, Ms. Bozell,
7 or is this making any sense? So, what we are looking at and
8 which will allow us the flexibility that Mr. Dana has described
9 as viewing the 25 to 40 people we sift through to today as
10 essentially quarter-finalists, with the possibility of having 10
11 to 12 to 15 semi-finalists before we get to the 3 to 6 finalists
12 we'll present to the Board.

13 We're really taking one more step in the process
14 perhaps, but hopefully still being in a position to make a final
15 decision by July 23rd or July 30th as an entire Board, with the
16 thought, even, as I look at the resumes now that I would say
17 more or less half of the candidates under consideration at this
18 point are from outside the Washington area and are going to need
19 some time probably before they can move and assume any new
20 responsibilities in Washington, which does mean that probably at
21 the earliest a September 1st start date I'm afraid.

22 MR. DANA: Unless we get lucky and somebody is

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1 available instantly, which is hard to contemplate.

2 CHAIRMAN WITTGRAF: I would say actually the people
3 we're looking at most seriously, unless it would happen to be
4 somebody who is already a part of the organization, would not be
5 very apt to be able to move on a weekend's notice. I mean, I
6 think most of the people we're looking at tentatively are
7 otherwise gainfully occupied right now.

8 MR. DANA: I think that's true.

9 CHAIRMAN WITTGRAF: Okay, before we get to the numbers
10 themselves, is there anything else we should take up before we
11 go into Executive Session?

12 MR. DANA: I do think it would be important while
13 we're in what passes through the sunshine to indicate that all
14 of us have reviewed these resumes using a 1, 2, 3 system so that
15 w1 was great and 3 was not and 2 was somewhere in between.
16 We've independently made that analysis and then put that
17 information on a master index. That's what all of us are
18 looking at now.

19 Do you contemplate proposing tomorrow to the full
20 Board what we've just talked about today as our recommendation
21 on how to proceed?

22 CHAIRMAN WITTGRAF: As our tentative time table, yes.

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1 MR. DANA: Presumably the Board would endorse that?

2 CHAIRMAN WITTGRAF: Yes, I'm going to essentially look
3 for endorsement by acquiescence as opposed to resolution.

4 MR. DANA: Fine.

5 MR. MOLINARI: If I may add to what Howard has said, I
6 think it's well for the record that we do emphasize the fact
7 that Maureen has sent each of us a copy of every single resume
8 to our homes or businesses and that each of us has individually
9 reviewed every single resume and made our own ratings
10 independent of each other.

11 We're meeting now to compare the results of our
12 ratings and to get into the process of determining the
13 finalists, quarter-finalists or whatever.

14 MR. DANA: When we go into Executive Session, it would
15 seem to me that hopefully Blakeley would remain and Maureen
16 would remain. Would you think it would be necessary for anyone
17 else to remain?

18 CHAIRMAN WITTGRAF: Only the reporter. The Blakeley
19 to whom you refer is Blakeley Hall, one of the members of our
20 Board of Directors.

21 MR. DANA: Correct.

22 CHAIRMAN WITTGRAF:

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1 MR. MOLINARI: Ms. Bozell or Mr. Shea, is there
2 anything before we proceed, I believe, to Executive Session that
3 you think should be made a matter of record or that either of
4 you would like to add regarding the process at this point?

5 MR. SHEA: Not that I have.

6 MS. BOZELL: Only one thing. On the agenda, you did
7 have review of qualifications. I don't know if it's your
8 intention to do that in closed session or open session or not at
9 all.

10 CHAIRMAN WITTGRAF: At this point, I believe that the
11 qualifications are implicit in the individual reviews that each
12 of the three of us has done to the extent we're looking for
13 things that go beyond the advertisement or the posting. We will
14 continue to look for those same things with the additional
15 materials we receive through the questionnaire.

16 I don't see any specific purpose to our adopting any
17 additional list of qualifications at this time, unless Mr. Dana
18 or Mr. Molinari feels otherwise.

19 MR. DANA: I don't.

20 CHAIRMAN WITTGRAF: I do have one question, I guess,
21 for the committee as well as for Ms. Bozell and perhaps Mr.
22 Shea. The cutoff date, of course, was May 15th. The mail has

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1 pretty well quit coming to the independent box that Ms. Bozell
2 established for this process.

3 What is the committee's view or what should be the
4 committee's view or what must be the committee's view if we
5 receive any additional materials now that we've moved to or are
6 about to move to the quarter-final stage in the process?

7 MR. DANA: For myself, I would like to leave the door
8 open to the last-minute application that we regard to be
9 spectacular and heretofore have not received. But I think that
10 increasingly there would be a bias against consideration of
11 that. But I wouldn't want to rule out the possibility of a
12 late, last-minute application.

13 CHAIRMAN WITTGRAF: Is it fair to say that upon
14 motion, I guess, which would require support of two of the three
15 of us, that any additional resume that might be considered, if
16 two of the three of us feel that it's appropriate, that that
17 would be the basis for such consideration? Are you comfortable
18 with that, Mr. Dana?

19 MR. DANA: Certainly.

20 CHAIRMAN WITTGRAF: Ms. Bozell?

21 MS. BOZELL: Excuse me, Mr. Chairman. We did post
22 again the position for the president during this past week in

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1 order that you might be able to take in resumes beyond the May
2 15th deadline. That was to conform to our personnel manual that
3 states specifically that according to our posting rules, that we
4 would not be able to accept anybody past the deadline were it
5 not that we repost it. So, the posting is up again in the
6 Corporation and is noted as opened until filled.

7 CHAIRMAN WITTGRAF: Is there anybody who would be
8 aware of the posting other than the people who now specifically
9 work for the Legal Services Corporation?

10 MS. BOZELL: No. It's a formality, but it's
11 necessary.

12 CHAIRMAN WITTGRAF: A formality in compliance with the
13 Corporation's personnel policies and procedures.

14 MS. BOZELL: That's correct. We've not advertised it,
15 in other words.

16 MR. DANA: Question on that. When was the last time a
17 resume arrived?

18 MS. BOZELL: Yesterday I had five, I think, that you
19 have seen since.

20 MR. DANA: So, it's grown to somewhat greater than a
21 trickle.

22 CHAIRMAN WITTGRAF: Or it has not yet subsided below a

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1 trickle.

2 MR. DANA: In other words, if five came in yesterday,
3 there may be some in the box today.

4 MS. BOZELL: Excuse me, Mr. Dana, I meant Friday. I'm
5 getting my days mixed up.

6 CHAIRMAN WITTGRAF: Were there any yesterday?

7 MS. BOZELL: No.

8 CHAIRMAN WITTGRAF: And you checked, good. Anything
9 further?

10 (No response.)

11 CHAIRMAN WITTGRAF: At this time, the Chair is
12 prepared to entertain a motion -- while we have taken a
13 preliminary vote by telephone, the Chair is prepared to
14 entertain a motion at this time that the Presidential Search
15 Committee proceed to Executive Session.

16 M O T I O N

17 MR. DANA: So moved.

18 MR. MOLINARI: Second.

19 CHAIRMAN WITTGRAF: Discussion?

20 (No response.)

21 CHAIRMAN WITTGRAF: Hearing none, those in favor
22 signify by saying aye.

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1 (A chorus of ayes.)

2 CHAIRMAN WITTGRAF: Opposed nay?

3 (No response.)

4 CHAIRMAN WITTGRAF: The ayes appear to have it. The
5 ayes do have it. At approximately 3:00 p.m., the Presidential
6 Search Committee is proceeding to Executive Session for the
7 purpose of reviewing the field of applicants for the position of
8 president and in the hope of narrowing that field to a set of
9 quarter-finalists.

10 (Whereupon, at 3:00 p.m., the open session was
11 adjourned to Closed Executive Session.)

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(5:15 p.m.)

1
2 CHAIRMAN WITTGRAF: It's approximately 5:15 p.m. We
3 return to the open meeting of our Presidential Search Committee.
4 We have concluded our deliberations in the Executive Session.
5 We have determined that as of this time the 304 applicants
6 before us for consideration for the position of President of the
7 Legal Services Corporation, that we plan to consider further the
8 applications of 20 of those applicants and will notify them as
9 soon as possible with the questionnaire discussed earlier.

10 We also will ask the Board Secretary, with the staff
11 available to her, at the earliest possible date after completion
12 and mailing of the questionnaires to those 20 remaining
13 applicants, that the other 284 applicants be advised that their
14 application is no longer under consideration and that they are
15 no longer under consideration for the office of president.

16 Mr. Dana?

17 MR. DANA: Is the chairman's thought that these people
18 should be advised as soon as possible that they are not under
19 active consideration or do we want to just leave them in limbo
20 for a while until we make a decision? The theory, I suppose, we
21 are free to change our mind with respect to some of the
22 momentous decisions that we made.

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1 CHAIRMAN WITTGRAF: I think I understand your concern
2 with the possibility of going back. My thought is that that
3 possibility, as it exists for perhaps 1 or 2 or 3 or 4
4 applicants, is outweighed greatly by the need to let the other
5 applicants know that they are not under consideration any
6 longer, particularly in light of the fact that for many of those
7 applicants, it's already been three to four weeks since they
8 submitted their resumes or applications.

9 As a practical matter, it's probably going to be
10 another week or two before the letters we're talking about get
11 mailed to them. So we're looking at anywhere between three and
12 six weeks between their having submitted their resumes and
13 having been notified of the fact that they are no longer under
14 consideration.

15 It seems to me, at least, that we wouldn't want to go
16 back to 1 or 2 or 3 or 4 of the original applicants who don't
17 happen to be among the 20 quarter-finalists; that we would not
18 be barred from doing that. That would simply indicate, frankly,
19 that we had changed our minds.

20 MR. MOLINARI: I'll take a crack at that. I think if
21 I understood Howard's concern, the one that he expressed
22 earlier, that we may wind up, at least potentially, with a

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1 shortfall of having gone through the entire process and then
2 might, in that eventuality, want to reopen and take a look at
3 some of the others.

4 The fact that we have 20 going in makes me pretty
5 positive about the fact that we're going to wind up with at
6 least several excellent candidates. So I don't think that
7 contingency could occur. I think if it did, which is very, very
8 unlikely, we wouldn't be barred, as George said, from reopening.

9 But I think we owe it to the folks that are out there
10 that have been waiting, if they're not going to be in the
11 finals, I think as a courtesy we should notify them as soon as
12 possible.

13 MR. DANA: All right. For anyone following it quite
14 closely, they would learn that, in a sense, because they didn't
15 receive the questionnaire. So I think that it may be kinder to
16 -- say the fact that you aren't getting your questionnaire, the
17 fact that this envelope is a thin envelope, it means that you
18 are not being considered. But I guess that's okay.

19 CHAIRMAN WITTGRAF: I think the reality is that most
20 of the people are not following it that closely and are just out
21 there kind of wondering what happened to that stuff they sent to
22 the Legal Services Corporation.

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1 MR. DANA: One problem you have is you will -- this is
2 not really a problem. I withdraw it. You're going to find that
3 people are going to figure out who is under active consideration
4 because they are going to be the ones that are going to get the
5 questionnaires.

6 CHAIRMAN WITTGRAF: I think the first priority is to
7 get the questionnaires out to the 20 individuals to whom we want
8 them sent. Hopefully, as soon as possible after that, the other
9 284 letters would be sent out. Have we asked for anything
10 that's unrealistic?

11 MS. BOZELL: No.

12 CHAIRMAN WITTGRAF: Is there further business to come
13 before our committee at this time?

14 MR. DANA: Apparently, we're being encroached to
15 terminate.

16 CHAIRMAN WITTGRAF: Ms. Bozell, can you think of
17 anything further we need to consider at this time?

18 MS. BOZELL: No, I can't think of anything.

19 M O T I O N

20 MR. DANA: I would move that we adjourn.

21 MR. MOLINARI: Let me just ask a question.

22 MR. DANA: I withdraw my motion.

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1 MR. MOLINARI: At what point do we report back to the
2 Board?

3 CHAIRMAN WITTGRAF: Tomorrow morning.

4 MR. MOLINARI: Tomorrow?

5 CHAIRMAN WITTGRAF: You bet.

6 MR. MOLINARI: In Executive Session?

7 CHAIRMAN WITTGRAF: No, again --

8 MR. MOLINARI: You mean generically you're going to
9 report back to the Board?

10 CHAIRMAN WITTGRAF: Yes, sir. I will try to share
11 with them the time table we discussed earlier, the procedure
12 that we've just followed and completed, the questionnaire
13 procedure that comes next and the time table that we're trying
14 to work with and the fact that we have identified 20
15 quarter-finalists.

16 Without identifying them by name -- I guess I'd be
17 interested in the thoughts of you all -- I have no problem, I
18 guess, sharing the names of the 20 quarter-finalists with any
19 Board member who would ask the secretary of the Board for that
20 information with the understanding that that is confidential
21 information.

22 I would like to believe, just as Mr. Hall is here this

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1 afternoon, that any of our 11 Board members would take a pledge
2 or a requirement of confidentiality literally and abide by it.

3 MR. MOLINARI: I raised that question for a couple of
4 reasons. Number one, there's been a couple of Board members
5 who, for whatever reason, believe that they've not been advised
6 of things that are going on. I don't think that's a healthy
7 climate for us, particularly in view of the history of this
8 thing.

9 I'm just wondering. We are a committee of the Board.
10 So now, if we go tomorrow and somebody says to any one of us--
11 I can't imagine who -- but they may say, who has been selected
12 and who hasn't been selected? It's kind of rough to say to
13 another Board member, I'm sorry, I can't tell you. By the same
14 token, I think that should be an agreement that's reached by us.
15 I have nobody specific in mind.

16 MR. DANA: I think the rules of the Corporation are
17 that there is nothing that a director can't have. So I think we
18 are bound by those rules to disclose the names.

19 MR. MOLINARI: Supposing somebody goes to Maureen
20 tomorrow, for example, and says, "I would like a list of those
21 who were in the finalists"?

22 MR. DANA: I think that presumably she will not have a

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1 list. But if they came to you and me by tomorrow, we do have a
2 list. I would give you a page of history which really focuses
3 on the mind concerning the last time.

4 Eight years ago I sat on a meeting and we went around
5 and around and we decided that we were not ruling people out,
6 but we had made this analysis and we had boiled the list down.
7 The Chairman of the Board was not in attendance. His particular
8 candidate had not been rated particularly highly, presumably
9 because we had not had the benefit of this evaluation.

10 There may be people on the Board who have candidates
11 that they have encouraged to apply and who may be upset that
12 their particular candidate has not been viewed well in this
13 effort. I don't know what you'd do about that, but it seems to
14 me that if somebody who is on the Board who has a candidate that
15 they really think ought to be looked at more carefully, I think
16 we ought to take another look.

17 If we have already sent them out a letter saying
18 you're history, that's going to be difficult.

19 MR. MOLINARI: Conversely is the flip side of that,
20 Howard, too. The reason I raised it -- one of the reasons that
21 came to my mind is that of the 20 selected, it may be that some
22 members of the Board might know them and might have some

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1 information that they want to share with us indicating that
2 person should not be given consideration, in which case, we
3 wouldn't want to maybe carry the process any further.

4 In that case, at least, I think, we'd probably want to
5 discuss it between the three of us and maybe reconsider the
6 vote. That's a possibility.

7 MR. DANA: I mean, I think there is --

8 MR. MOLINARI: Let me say this. I have not had any
9 member of the Board ask me for any information or questions
10 concerning any of the nominees. It's just that I'm concerned.
11 You've been through it before, Howard. I haven't. I'm
12 concerned about if a member comes up to any of us tomorrow--
13 it's a long day. We're going to be here all day -- and says, of
14 the 20, how many are this and how many are that, I think we
15 should have an understanding as to what we're going to say and
16 what we're not going to say.

17 MR. DANA: I think it is worse to rule somebody's
18 candidate out rather than have somebody in who doesn't belong
19 there. I mean, I'm sure of the 20 we have in now, there are
20 people who shouldn't be there. We will, I think, learn that
21 long before we get to the four or five.

22 There may be people who I think are 1s that, if

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1 someone came to me and said did you know this person was bum-
2 bum-bum-bum, I would say no I didn't. But I have been in the
3 situation where we rule somebody out or didn't because we didn't
4 do it -- what you want to do is write to the people who are not
5 in active consideration and say you are off.

6 You didn't even do that and really upset someone who
7 really had encouraged this resume and they just assumed that the
8 person will rise to the top. So I guess my feeling is that it
9 may make sense to go into Executive Session tomorrow, just the
10 Board members, and review the names and indicate that it's
11 confidential and just tell them why we thought these people
12 deserved to remain in the pool.

13 As you say, get reactions. I don't see any downside
14 to that as long as everybody understands that it's supposed to
15 be confidential.

16 MR. MOLINARI: I think it would put us in a very
17 awkward position if we say tomorrow, which we'll be saying, that
18 we've reduced it to 20 and then we say to them by the inference
19 by our silence, we're not going to tell you who the 20 are. So
20 that's part of my concern.

21 The Board members, I would guess, are entitled to that
22 information. As you pointed out before, every one of them could

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1 really get the information based on the --

2 CHAIRMAN WITTGRAF: I think what I'll do is make the
3 nonspecific comments early on when we go to Executive Session,
4 and I'm not sure when that will be. When we go to Executive
5 Session, then we can just quickly go through the names. No one
6 has mentioned to me that he or she has a candidate.

7 We certainly can indicate at that time, if any one of
8 you as Board members, feel that there is a person whom you've
9 encouraged, whom you believe in and who ought to remain in the
10 process at least through the second phase, I'm certainly not
11 adverse to keeping anybody in that any Board member feels
12 strongly about. Better at 21, 22, or 23 than --

13 MR. DANA: Than have a happy 11.

14 CHAIRMAN WITTGRAF: Yes, right, sure. Eventually the
15 11 of us have to agree on 1 and that still could be a difficult
16 decision.

17 MR. DANA: When we have that Executive Session, that
18 is typically -- I, for one, would feel most comfortable if we
19 were just the Board and Maureen.

20 CHAIRMAN WITTGRAF: And the reporter.

21 MR. DANA: And the reporter, rather than have the
22 president, the general counsel and some of the other people who

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1 tend to attend those Executive Sessions.

2 CHAIRMAN WITTGRAF: I think generally it is the people
3 who need to be there. At this point, probably only Maureen
4 needs to be there. The only other time our Board has been in
5 Executive Session was mostly to talk about litigation. At that
6 point, General Counsel was there as well as president and I
7 don't recall who else. No, I don't know why it can't be
8 essentially the same session tomorrow that we're having this
9 afternoon.

10 MR. DANA: Technically, I think the president is a
11 member of the Board.

12 CHAIRMAN WITTGRAF: An ex officio member of the Board;
13 right?

14 MR. DANA: He might well insist on being present.

15 CHAIRMAN WITTGRAF: Sure.

16 MR. DANA: I'm not sure how you want to deal with
17 that.

18 CHAIRMAN WITTGRAF: I guess if the president wants to
19 be there and he's bound by the same professional pledge of
20 confidentiality that we all are --

21 MS. BOZELL: I think Mr. Wear did make a note that he
22 had already spoken to you that he had no reason to know the

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1 names of the applicants. So I think he would probably excuse
2 himself.

3 CHAIRMAN WITTGRAF: For that portion of the Executive
4 Session perhaps, sure, if he insists.

5 MR. MOLINARI: Actually, following the earlier
6 conversation as to when the notices are going out, Maureen's
7 response was that the information is going to be out in a matter
8 of a few days anyhow.

9 MR. DANA: But not the list. The people will know
10 that they're in. People who know that A, B and C have applied,
11 if they want to call up A, B and C and they'll say, did you get
12 the questionnaire. So they'll know, but nobody is going to see
13 the whole list unless it's Maureen or --

14 MR. MOLINARI: Yes, but if anybody has a particular
15 interest in a particular nominee, they'll know soon enough
16 because that nominee, once it gets the letter, the nominee is
17 going to call that person if there is any relationship between
18 them.

19 CHAIRMAN WITTGRAF: Let's go one step farther. What
20 about making copies of resumes available to Board members at
21 this time?

22 MR. MOLINARI: All of them?

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1 CHAIRMAN WITTGRAF: The twenty.

2 MR. MOLINARI: I think it's a good idea myself. I
3 don't see anything wrong with it.

4 MR. DANA: I do. I mean, I would think that it would
5 be a good idea to discuss them. I would think it would be a
6 very good idea if somebody wants to come in and read all the
7 resumes. I think that's fine. But I think if we start
8 distributing these resumes all over the country, I have the same
9 view -- I don't know. Maybe I'm wrong. How do you feel,
10 Blakeley?

11 MR. HALL: If they're a Board member, they ought to
12 get a copy if they want it.

13 CHAIRMAN WITTGRAF: It comes back to the same thing
14 about professionalism and trust. I mean, I guess I'm inclined
15 to agree if it's something that's available to them, we have to
16 prevail upon them to use it confidentially and without breaching
17 the confidence of the individuals involved.

18 MR. DANA: Then it seems to me that in Executive
19 Session after you give the speech, you say, if you want copies
20 of these resumes, Maureen will give you a copy.

21 MR. HALL: Most of these names are going to be known
22 shortly anyway, I would think, a few days, a week at least?

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1 MR. DANA: I don't think so.

2 CHAIRMAN WITTGRAF: Yes, I would hope not the 20. The
3 intent is when we get down to some smaller number that we then
4 actually solicit comment, but we've are dealing with people at
5 this point who at least in some of their materials -- I think
6 you've seen some of it too -- who have asked us specifically,
7 because of their present jobs and so forth, to maintain their
8 confidentiality.

9 Unlike Iowa law, where all of us would be subject to
10 sunshine, I don't think that's true. I think that we do have
11 some obligation to attempt as best we can to maintain the
12 confidentiality of that information at this time until we
13 affirmatively receive their permission to announce or publicize
14 their names or identities.

15 MR. HALL: Well, I did want to say this. I didn't
16 mean to invade the privacy of your committee today. I thought
17 everyone could attend.

18 CHAIRMAN WITTGRAF: Absolutely.

19 MR. DANA: Everyone can.

20 MR. HALL: But their views may be the same as mine,
21 though I'm not on your committee. Frankly, you know, I'm just
22 as curious as the next guy. I want to see who applied and I

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1 kind of want to know who all got cut out and who didn't.

2 CHAIRMAN WITTGRAF: sure.

3 MR. HALL: They're going to want to know the same
4 thing. You're lucky that I was here today because I can brag on
5 you. You all did a terrific amount of work going through these
6 things.

7 MR. DANA: I think that's the reason why the Executive
8 Session, the Executive Report and, I think, making the resumes
9 available if they want them is good. But I don't think that the
10 names are going to be known, should not be known as a list.

11 MR. MOLINARI: Just let me do one caveat. Again, if
12 one member requests copies, obviously one member is going to
13 receive it. If two or three, similarly they will receive it.
14 Then the next time they come to a meeting, somebody finds that
15 A, B and C have gotten copies of it. It creates a problem
16 internally.

17 Right away they are going to say -- as one member in
18 particular who constantly says, "I'm not being advised. I don't
19 get this in the mail. I don't get that in the mail." I'm sure
20 it's not the fault of anybody sending stuff out, but the
21 perception is one person. You probably all know who I'm talking
22 about. He constantly says he's not receiving the material.

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1 I think it's just because he moves around quite a bit
2 that he's not getting it. But we don't want to convey the
3 impression that we're the inner circle and that we have
4 information and they're not going to get it. If we're going to
5 give it to one, I think we should give it to all with an
6 Executive Session, saying to them --

7 I think George raises a very good point. People could
8 lose their jobs if they've requested confidentiality because
9 they don't want their employers to know that they're seeking the
10 position. The last thing in the world any of us want to do is
11 jeopardize the person's job.

12 So I think we need to emphasize the sanctity of the
13 documents and the information in there. But if we go -- I'm
14 open to suggestions. I don't have any hard thoughts on the
15 subject. It's just that it seems to me we're a committee of 11
16 set and they heard us be appointed the committee.

17 Now it's winnowed down to 20. We're going to go to a
18 meeting tomorrow and not say who the 20 are or not say take
19 these home, read them, study them because you're going to be
20 interviewing some of these people or voting on them.

21 MR. DANA: I guess you must have misunderstood me.
22 I'm perfectly happy that we distribute the names. I think it is

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1 true that if anybody wants these resumes, they are entitled to
2 them. I guess the only question is whether we just, as a matter
3 of course, make copies of all 20 and distribute it to the Board.
4 I don't feel that strongly.

5 CHAIRMAN WITTGRAF: I think we all pretty well agree
6 here. I think I will affirmatively state we will send everybody
7 the 20 resumes that we're looking at with the caveat over and
8 underscored and underlined that these are people's lives and
9 jobs and families you're talking about. Please govern
10 yourselves accordingly.

11 The simplest thing is just -- we won't have 20 resumes
12 tomorrow. I don't think that that's realistically possible, but
13 within a week's time everybody will have the 20 resumes to begin
14 looking at them.

15 MR. MOLINARI: May I just make this one further
16 suggestion? Maybe nobody is going to raise the question
17 tomorrow, but if somebody raises the question tomorrow and asks
18 for copies before they leave, what do you do, Mr. Chairman?

19 CHAIRMAN WITTGRAF: I mean, if somebody feels that
20 strongly, I guess we'll make whatever effort is necessary to get
21 a set for that person. We're talking about -- the 20 represents
22 on average about 5 pages -- about 100 pages of reproduction per

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1 Board member. We can do it for one. I'm not sure that it's
2 fair to the staff to try to get it for everybody right on the
3 spot tomorrow.

4 MR. HALL: You could tell them that you've mailed it
5 out on Friday. They'll receive it when they return to their
6 office on Tuesday.

7 CHAIRMAN WITTGRAF: It sounds familiar, Mr. Hall. You
8 have a good sense of humor, subtle, sometimes too subtle for the
9 chairman, but a good sense of humor. In this case, I think the
10 chairman is with you.

11 Is there further business?

12 (No response.)

13 CHAIRMAN WITTGRAF: Maureen, is there anything else
14 you think we need to discuss or that you want to ask about?

15 MS. BOZELL: I guess just to go over the dates again.

16 CHAIRMAN WITTGRAF: Which are at best tentative. The
17 Presidential Search Committee and any Board members who wish
18 will be reviewing the materials from the semi-finalists on June
19 16th or 17th as our schedules suggest, based, I guess, upon your
20 contacting and reaching a consensus for the three of us in
21 particular. We will attempt to reduce the 20 quarter-finalists
22 down to some smaller number.

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1 We, as the Presidential Search Committee, will attempt
2 to interview those semi-finalists on Sunday, June 24th, so that
3 on Monday, June 25th at our next regular Board meeting, we can
4 advise the members of the Board and, of course, subsequent to
5 the Board meeting, provide the additional information from the
6 questionnaires to the members of the Board. Also, at that time,
7 we can advise the public at the Board meeting of our finalists.

8 Then we will attempt to have the finalists available
9 to be interviewed on either the 16th or 23rd of July. At this
10 point, it would appear to be the 23rd of July, if not Sunday,
11 the 22nd, some combination of Sunday, the 22nd and Monday, the
12 23rd. So that, hopefully, when the Board meets on Monday, the
13 23rd, it can select a president and offer a contract to him or
14 her at that time.

15 We had earlier today discussed the possibility of an
16 additional July meeting with the success that we think we've had
17 in narrowing the field today. It appears to be at the moment
18 that we may not need the additional July meeting but may be able
19 to get by with June 16 or 17, June 24 and 25 and then, let's
20 say, July 22 and 23.

21 MS. BOZELL: Would you still then set the tentative
22 starting date in September, September 1?

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1 CHAIRMAN WITTGRAF: The only reason I referred to
2 September 1 was my expectation that any new president is going
3 to need some time to remove himself or herself from present
4 professional obligations. I was simply figuring more or less a
5 month from the end of July to the end of August or the first of
6 September.

7 It certainly would be this committee's and the Board's
8 hope that it would be even sooner, such as August 15th, and then
9 that's something we'll discuss in our interviews. I guess,
10 depending on how strongly we feel about a candidate, if he or
11 she could not come until September 15th or October 1st or
12 October 15th, that's something we would have to weigh.

13 I only said September 15th as an approximation;
14 earlier if possible, conceivably later.

15 MR. DANA: Mr. Chairman? We sort of worked that
16 schedule before we knew how many people we were going to be
17 dealing with. It seems to me that we're down to a relatively
18 small number for the 20th of May. We are presumably going to be
19 getting a letter/questionnaire out this week to these 20 people.

20 If we get it back in a relatively short period of
21 time, we might try and advance that effort a little bit so that
22 we may be -- it seems to me we're giving up a lot of time

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1 between now and the 25th of June. All we're doing during that
2 period is meeting one day to boil down from 20 to, presumably, 6
3 or 7.

4 What we don't have in this process is any kind of
5 investigative -- we haven't really built that into it.

6 CHAIRMAN WITTGRAF: The investigative period, I
7 believe, would occur between June 25th and July 23rd.

8 MR. DANA: What is we were to get these resumes back
9 by June 3rd. We can go back to the calendar again like we did
10 earlier. I fear that's not realistic. I had mentioned June
11 11th earlier, which is a Monday. I supposed June 8th, which is
12 the preceding Friday, is a possibility.

13 But I think realistically reviewing the materials,
14 preparing the materials, mailing the materials, throwing in
15 Memorial weekend, allowing individuals to complete the materials
16 and getting them back to us is going to take us into the early
17 part of June.

18 MR. DANA: What if we were to review these materials,
19 boil the list down further, might it make sense at that point
20 before we go much further to go out and hire a person to check
21 references so we would have that information on a somewhat
22 larger group that we would then have available to us?

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1 CHAIRMAN WITTGRAF: I think you're talking about a
2 fairly expensive undertaking. I guess my initial reaction would
3 be that we would do so-called field checks on more or less the
4 half dozen that we were quite serious about. I think we're
5 talking about at least several hundred dollars, if not several
6 thousand dollars, per field check.

7 MR. DANA: How many people would you think we might be
8 interviewing on the 24th in your head?

9 CHAIRMAN WITTGRAF: On the 24th, I would think we
10 might be interviewing as many as a dozen, with the hope of
11 bringing the group of some 3 to 6 to the Board on the--
12 actually, on the 16th or 17th, we would be reviewing materials,
13 arranging the interviews for the 24th.

14 We would be interviewing some dozen on the 24th, with
15 the thought of announcing some 3 to 6 on the 25th and bringing
16 those 3 to 6 before the Board probably on July 23rd and hoping
17 that we could get the field checks done for that 3 to 6 between
18 June 25th and July 23rd.

19 MR. DANA: I would just observe that we're at 20 now
20 and you're hoping to get to 12 in 35 days. I just wonder if
21 we're going to need 35 days to get it down. I think we may
22 shrink it quicker than that. I'm just wondering if there was a

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1 possibility of having interviews on the 16th.

2 MS. BOZELL: I could get the questionnaire out
3 probably by the Wednesday morning mail, if that --

4 CHAIRMAN WITTGRAF: I certainly would be delighted to
5 try to interview a dozen people on the 16th and 17th. In other
6 words, one of the things that you're going to be sending out is
7 the questionnaire. I would hope that sometime between now and
8 leaving, you could -- I think you should send the letter that
9 basically says you are a semi-finalist and we want you to fill
10 out this questionnaire. You're under active consideration and
11 we'd like to have you let us know right away if you don't want
12 to remain so.

13 If that went out on Wednesday and then we got the
14 copies of the questionnaires sent to us, we could have a
15 conference call and maybe agree to 12 to interview on that
16 period. Then we could, in effect, advance the game a whole
17 month maybe. It's just a thought.

18 MR. MOLINARI: I think that's not a bad idea. What we
19 can actually do, George, is see what progress we make in terms
20 of responses. If it's good and based on what Maureen said, it
21 may be that we'll have enough information to advance the dates,
22 which I think everybody would like to see.

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1 Let me ask one further question, though. Did I not
2 understand that earlier, much earlier, that there's an
3 additional number of resumes that come in pursuant to that other
4 notice and we're going to review them?

5 MR. DANA: We have them all.

6 MR. MOLINARI: We have them all. Oh, okay.

7 MS. BOZELL: We have them all to date. There may be
8 some -- I'll be going by there tomorrow morning to see if there
9 are any that have come in.

10 MR. MOLINARI: That's the question. There's probably
11 some trickling in, whatever the number. What do we do with
12 those? Are we going to do them by conference call or long
13 distance?

14 MR. DANA: I think we ought to. I think we ought to
15 try and stay reasonably current on them. If there's any that we
16 want, based upon our review and the standards that we now are
17 sort of -- we know where we're all coming from, if we think we
18 want to throw somebody into the 20, I think we should. Send
19 them a questionnaire and move it right along.

20 CHAIRMAN WITTGRAF: My only concern in all of this is
21 -- I'm not sure and I don't know if Maureen is sure -- where are
22 we in terms of notice requirements for any telephone conferences

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1 that the three of us are having with you?

2 MS. BOZELL: For that? I don't think you would --

3 CHAIRMAN WITTGRAF: We were talking a few moments ago
4 not so much on the question -- it pertains a little bit -- not
5 so much the question of adding 1 or 2 or 3, but more on the
6 question, perhaps, narrowing the field from, say, perhaps 20 to
7 12 or 10. Those are substantive decisions and I fear we've got
8 some kind of notice obligation on those.

9 MS. BOZELL: A seven-day notice is what it would
10 require.

11 CHAIRMAN WITTGRAF: Where does that leave us, though,
12 in terms of a telephonic meeting?

13 MR. DANA: Can't we suspend an Executive Session that
14 we just had until -- are we able to go sort of remain as in a
15 perpetual Executive Session?

16 CHAIRMAN WITTGRAF: Are we able instead to call the
17 meeting for the Corporation's offices to transact it on the
18 telephone and have a speaker phone available for the public,
19 then to go into Executive Session? I would rather go into
20 Executive Session when the time comes.

21 If, for example, right now we're talking about Monday,
22 June 11th, that we would publish whatever kind of notice seven

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1 days out is required; that the forum available to the public
2 would be a speaker phone somewhere; that we would then go into
3 Executive Session, in which case the public, save Maureen and
4 the reporter, would be excused from that room.

5 We would then deliberate, come back into session.
6 Those people would be allowed back in the room and we would
7 conclude that we had narrowed our field, under active
8 consideration, from 20 to 12 or 10 or whatever number. I think
9 we have an ongoing legal obligation that I'm a little concerned
10 with.

11 MR. DANA: Maybe the solution would be to have a
12 regular scheduled meeting that occurs at 4:00 Monday afternoon
13 or some appropriate time that we can deal with these things on a
14 regular basis as you indicated and announce that to the world so
15 that -- if it's Thursday afternoon or some afternoon so there
16 are -- I think we have occasionally had a conference call. I
17 don't know the extent to which conference calls are noticed, but
18 I think what you're saying is that they probably ought to be.

19 CHAIRMAN WITTGRAF: Well, I think the conference calls
20 we've had up to now have been simply for the purposes of
21 agreeing upon when to meet and agreeing to send out copies of
22 materials. I don't think we've probably violated anything

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1 there.

2 If, in fact, we are moving into a much more
3 substantive area, which is the selection of candidates, I think
4 we're obligated to give notice.

5 MR. MOLINARI: Let me ask a follow-up question to
6 that, too. I think that it would be to our advantage in view of
7 the job that's entrusted to us to seek some cutoff date on when
8 we're going to receive resumes. Can we determine from Maureen
9 what that date would be in light of the second notice that was
10 sent out?

11 MS. BOZELL: It's opened until filled. It's really up
12 to you all to decide when you want it to stop. I suspect that
13 it will trickle down to nothing even in this week.

14 MR. MOLINARI: Yes, but even if it's one. If it's
15 one, there's a question of what do we do with that one? I think
16 we ought to set some kind of an arbitrary date and that should
17 be a cutoff date.

18 MR. DANA: I guess my feeling is that we should. As
19 time goes by, it becomes harder and harder to take anybody
20 seriously. But the idea of having an arbitrary cutoff date if,
21 in fact, some spectacular person were to apply -- I mean, a rule
22 is a rule. I suppose you could always break the rule, but I'm

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1 not sure that I would necessarily favor an arbitrary date.

2 MR. MOLINARI: Well, we're dealing with lawyers. So
3 my concern is that somebody is going to say they were given
4 short thrift; that the Executive Sessions that were held were
5 held today and that their application or resume was not given
6 due consideration. We need to protect against that, at least
7 know at what point, if any -- I'm just throwing it out on the
8 table for discussion.

9 The way these things have been coming in -- it's
10 slowing down but they're still coming in. The word will still
11 filter out, you see, the thing you sent. We disseminated the
12 letters for the ABA which went out to people suggesting that
13 they might want to send in resumes. I guess that's to a
14 membership.

15 MR. DANA: Yes. Almost all these resumes, I noticed
16 the very last one was dated May 14th. Everybody knows there was
17 a -- I don't think there is a resume in here that is dated after
18 the 15th, even though I'm sure there were plenty that were
19 mailed after the 15th.

20 CHAIRMAN WITTGRAF: Maureen, you had a reference to
21 the regulations?

22 MS. BOZELL: Well, there is a process whereby you can

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1 close a meeting in advance in order to have a series of meetings
2 that treat the same topic and are closed for the same purpose.
3 So, presumably, you could close tomorrow, I suppose, in advance
4 of your selection process -- I mean, vote to close tomorrow, in
5 advance of your selection process, the next couple of Executive
6 Session meetings.

7 CHAIRMAN WITTGRAF: Okay, we're actually talking about
8 just this committee. Can we do that right now?

9 MS. BOZELL: No, the full Board has to vote it.

10 CHAIRMAN WITTGRAF: Okay.

11 MS. BOZELL: You could do that tomorrow in open
12 session. I mean, take the vote in open session and then be
13 closed for future meetings.

14 CHAIRMAN WITTGRAF: I suppose if we could project two
15 dates -- what's best for you? Mondays?

16 MR. MOLINARI: Monday is generally best.

17 CHAIRMAN WITTGRAF: If we projected a couple Monday
18 afternoons, June 4th and June 11th, 5:00 p.m. Eastern, is that
19 too late?

20 MR. MOLINARI: Good.

21 MR. DANA: Fine.

22 CHAIRMAN WITTGRAF: Yes, if we projected and had the

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1 Board approval for telephonic meetings of the Presidential
2 Search Committee to be held in closed or Executive Session at
3 5:00 p.m. Eastern Daylight Time on Monday, June 4 and Monday,
4 June 11, we would then be able to determine what progress we
5 were making with getting the questionnaires back and whether or
6 not, in fact, it would be possible to interview some number of
7 candidates on June 16th or 17th, which would then allow us to
8 expedite the process.

9 That would take the burden off of us of interviewing
10 on Sunday, June 24th, but would give us an extra week or so for
11 field checks on the 3 to 6 people of whom we were particularly
12 interested and still announcing the identities of those people
13 on the 25th to the Board and to the public.

14 MR. DANA: Would it be appropriate to ask Maureen to
15 look into the cost and availability and have a report for us by
16 the 4th or so, some point, and let us know what the --

17 CHAIRMAN WITTGRAF: Private field checks. I'll try to
18 find out if there is any possibility of our being able to
19 utilize the FBI.

20 MR. DANA: There is not, in my opinion. I think we've
21 checked in years gone by. Since we're not a federal agency --

22 CHAIRMAN WITTGRAF: We are.

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1 MR. DANA: I think they'll take a view not for this
2 purpose.

3 MR. MOLINARI: You can check. I think you're going to
4 get the answer that Howard suggests.

5 MR. DANA: They have plenty of retired FBI agents who
6 love the work.

7 MR. MOLINARI: Just don't use the same guys that did
8 our background check. He was there for weeks. What a cost that
9 must be if you really think about it. I was going to raise the
10 same question because thinking about the in-depth work they did
11 on my own case, that's got to be very costly if you pay that on
12 the outside, in which case, that may dictate to us a somewhat
13 different approach on the cut.

14 CHAIRMAN WITTFRAF: That's my concern earlier. I
15 think you're talking about an expensive process. That's why 12
16 or 20 is an awful lot. Three to six, I think, is preferable.

17 MR. DANA: The searches that I'm aware of that were
18 used in the past, fall far short of the FBI saga. We checked
19 verification of education, employment history verification for
20 the past 10 years including interview with supervisor, coworker
21 and salary, interview with three references, not coworkers,
22 provided by the candidate, residence verification for 15 years,
23 neighborhood investigation and criminal record check. It was

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1 \$300 per case back in 1982, so you're probably talking --

2 CHAIRMAN WITTGRAF: Five or six hundred dollars.

3 MR. DANA: In 1985, verified the highest educational
4 decree, same sort of check.

5 CHAIRMAN WITTGRAF: I'll try to check, even tomorrow
6 morning if I can, about the possibility of the FBI. I guess I'm
7 a little skeptical about their availability, just as Guy and
8 Howard are, so that when you get a chance this week or so, try
9 to see.

10 Further business to come before the committee at this
11 time?

12 M O T I O N

13 MR. MOLINARI: I move we adjourn, Mr. Chairman.

14 MR. DANA: I will second that.

15 CHAIRMAN WITTGRAF: It's been moved and seconded that
16 we adjourn. All those in favor signify by saying aye.

17 (A chorus of ayes.)

18 CHAIRMAN WITTGRAF: Those opposed, nay.

19 (No response.)

20 CHAIRMAN WITTGRAF: The ayes appear to have it. The
21 ayes do have it. We are adjourned. Thank you.

22 (Whereupon, at 6:02 p.m., the open session of the
23 Presidential Search Committee was concluded.)

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