# EXHIBIT 10
# TO THE COMMENTS
# OF RELPROMAX ANTITRUST INC.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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| UNITED STATES OF AMERICA<br><br>Plaintiff,<br><br>v.<br><br>MICROSOFT CORPORATION,<br><br>Defendant. | ) | CIVIL ACTION NO. 98-1232 (CKK)<br><br>Filed: January 24, 2002 |
| STATE OF NEW YORK *ex rel.*<br>Attorney General ELIOT SPITZER, *et al.*,<br><br>Plaintiffs,<br><br>v.<br><br>MICROSOFT CORPORATION,<br><br>Defendant. | ) | CIVIL ACTION NO. 98-1233 (CKK)<br><br>Next Court Deadline:<br>March 4, 2002<br>Pre-hearing Conference |

**MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF THE MOTION OF RELPROMAX ANTITRUST INC. FOR LIMITED PARTICIPATION AS AN AMICUS CURIAE AND FOR AN EXTENSION OF TIME**

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IN THE UNITED STATES DISTRICT COURT
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**MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF THE MOTION OF RELPROMAX ANTITRUST INC. FOR LIMITED PARTICIPATION AS AN AMICUS CURIAE AND FOR AN EXTENSION OF TIME**

## I. INTRODUCTION

The Antitrust Procedures and Penalties Act (Tunney Act) was signed on December 21, 1974, to remedy one of the many abuses of power which led to the adoption of the second of three Articles of Impeachment of the President by the Committee on the Judiciary of the United States House of Representatives on July 27, 1974, and to the only Presidential resignation in the history of our nation on August 9, 1974. The Tunney Act is not merely some procedural nicety. The Tunney Act is discussed in greater detail below (see section III.B., pp. 18-22, "The Tunney Act Was

Intended To Prevent An Abuse Of Power In The Current Situation").

Defendant Microsoft Corporation ("Microsoft") has not complied with the disclosure requirements of the Tunney Act, specifically 15 U.S.C. § 16(g), or this Court's Order dated November 8, 2001. Pursuant to 15 U.S.C. § 16(b) and (g), anyone has the statutory right to comment on the Revised Proposed Final Judgment ("RPFJ") in captioned Civil Action 98-1232 for fifty (50) days after Microsoft complies with 15 U.S.C. § 16(g). Relpromax Antitrust Inc. ("Relpromax") hereby asserts its statutory right, which is also the statutory right of all Americans, to consider for fifty (50) days a true and complete disclosure by Microsoft pursuant to 15 U.S.C. § 16(g) and then to file with the United States such written comments as it deems appropriate with respect to the RPFJ in light of the information disclosed pursuant to 15 U.S.C. § 16(g).

Accordingly, Relpromax seeks an order:

1) granting Relpromax status as an amicus curiae with the right of limited participation in proceedings so it can assist, if necessary, in obtaining, inter alia, the statutorily required (and Court ordered) disclosure;

2) compelling Microsoft to comply with the statute and the November 8, 2001, order; and,

3) extending the time for comments to provide Relpromax and all interested parties with their statutory rights.

## II. FACTUAL AND PROCEDURAL BACKGROUND

From 1993 through 1996, Microsoft contributed a total of about $366,000 to federal parties and candidates.[1] Declaration of Brian Dautch ("Dautch Dec."), ¶¶ 2- 3 and Attachments 1 and 2. (A copy of the Dautch Declaration is attached hereto as Exhibit A.)

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[1] The total includes contributions directly to candidates or political action committees reported as made by individuals who listed Microsoft as an employer.



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On May 18, 1998, these civil actions were filed.

From 1997 through July 31, 2001, Microsoft contributed a total of over $6.8 million to federal parties and candidates. Dautch Dec., ¶ 2, and Attachment 1.

From 1997 through June 30, 2001, in addition to about $6.8 million in contributions Microsoft spent an additional $17.6 million on lobbyists who contacted many federal agencies and Members of the House and Senate seeking support for Microsoft's antitrust policies. Dautch Dec., ¶¶ 2, and 8-42 and Attachments 1, and 9-43. Given that Microsoft contributed to the campaigns of 38 U.S. Senators and 124 U.S. Representatives in 2001 alone (a non-election year), it is even possible that some of the federal legislators contacted by Microsoft about its antitrust problems had received, and/or may have been seeking, Microsoft campaign contributions. Dautch Dec., ¶ 2 and Attachment 1.

On July 6, 1998, Charles F. Rule, Esq., became a registered lobbyist for Microsoft. From approximately 1986 to 1989, Mr. Rule was the Assistant Attorney General in charge of the Antitrust Division of the United States Department of Justice. Dautch Dec., ¶ 4, and Attachment 7. In 1998, Mr. Rule was a partner with the lobbying firm[2] of Covington & Burling of Washington, D.C. On July 6, 1998, Covington &Burling filed a Lobbying Registration, pursuant to 2 U.S.C. § 1603(a)(2), indicating that Mr. Rule was among the firm's "employees" who had acted or expected to act as lobbyists for Microsoft Corporation.[3] On page 2 of the Lobbying Registration, Covington &Burling reported that the lobbyists expected to lobby on issues including "[c]ompetition matters affecting

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[2] See 2 U.S.C. § 1602(9).

[3] The Lobbying Registration (dated June 29, 1998) is known as Form LD-1 which is required to be filed by 2 U.S.C. § 1603 (Section 4 of the Lobbying Disclosure Act of 1995). The Lobbying Registration was filed with the Office of the Clerk of the U.S. House of Representatives. A copy of this Lobbying Registration is Attachment 4 to the Dautch Dec.



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computer industry software."

On August 12, 1999, Covington & Burling filed a mid-year 1999 Lobbying Report (Form LD-2) indicating that for the period from January 1, 1999, through June 30, 1999, the firm received $40,000 from Microsoft for lobbying.[4] On page 6 of the form, Covington & Burling reported that Charles F. Rule lobbied the U.S. House of Representatives and the U.S. Senate for Microsoft on "[c]ompetition issues affecting computer software industry."

On September 28, 2001, this Court docketed an order requiring the parties to engage in intensive settlement negotiations until November 2, 2001. A copy of the order is attached hereto as Exhibit B.

From on or about October 1, 2001, to November 6, 2001, according to written unsworn testimony by lobbyist Rule, he was one of the principal representatives for Microsoft in the negotiations with respect to the RPFJ. Dautch Dec., ¶ 4 and Attachment 3.

On November 6, 2001, the United States and Microsoft filed a Stipulation and attached form of Revised Proposed Final Judgment. The Stipulation was signed on behalf of the United States by Charles A. James, Assistant Attorney General in charge of the Antitrust Division of the United States Department of Justice.[5] (A copy of the Stipulation is attached hereto as Exhibit C.) In the Stipulation, Microsoft agreed to make the disclosure required by 15 U.S.C. § 16(g). Stipulation, ¶ 3.

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[4] The Lobbying Report (dated August 10, 1999) is on a form known as Form LD-2 which form is required to be filed by 2 U.S.C. § 1604 (Section 5 of the Lobbying Disclosure Act of 1995). The Lobbying Report was filed with the Secretary of the United States Senate. The Lobbying Report is Attachment 23 to the Dautch Dec.

[5] The Stipulation was also signed on behalf of certain plaintiffs in the companion Civil Action No. 98-1233 (i.e., the States of Illinois, Kentucky, Louisiana, Maryland, Michigan, New York, North Carolina, Ohio, and Wisconsin) (hereinafter referred to as "Settling States").



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On November 8, 2001, this Court ordered Microsoft to make the disclosure required by 15 U.S.C. § 16(g) "within ten days of the publication of the proposed Final Judgment in the Federal Register." (A copy of the Court's Order dated November 8, 2001, is attached hereto as Exhibit D.)

On November 15, 2001, lobbyist Charles F. Rule, Esq., apparently attempted to become a counsel of record for Microsoft in Civil Action No. 98-1232 pending before this Court. On November 15, 2001, a document titled "Notice Of Entry Of Appearance" for Charles F. Rule was filed with this Court and is recorded as electronic docket entry number 29 in Civil Action No. 98-1232. (A copy of the Notice Of Entry Of Appearance is attached hereto as Exhibit E.) According to the court docket for Civil Action No. 98-1232, the Notice Of Entry Of Appearance for Mr. Rule was signed and filed by Bradley Smith and not by Mr. Rule. According to the official docket, no document filed on behalf of Microsoft in this civil action (or Civil Action No. 98-1233) from November 15, 2001, through January 18, 2002, has been signed by Mr. Rule on behalf of Microsoft.[6]

On November 16, 2001, an item appeared on the front page of The Wall Street Journal which item stated in full:

> "LEGAL LOOPHOLE: Microsoft tries to shield its top Washington lawyer, Charles F. Rule, from having to reveal some contacts with the administration before he negotiated the company's controversial antitrust settlement. He was formally named a counsel of record yesterday, exempting him from disclosures otherwise demanded under a 1974 law requiring court review of antitrust deals."

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[6] There is no indication in the electronic docket, which is the only docket available for this stage of Civil Action No. 98-1232, that Mr. Rule has signed any pleading described in Rule 7(a), F.R.Civ.P., in ink and then caused the document to be filed electronically by someone else with the Court.



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(A copy of the item from The Wall Street Journal, November 16, 2001, page 1, is Attachment 5 to the Dautch Dec.)

On November 28, 2001, the RPFJ was published in the Federal Register along with a copy of a document titled "Competitive Impact Statement" which was filed with this Court on November 15, 2001.

On December 10, 2001, Microsoft filed Defendant Microsoft Corporation's Description Of Written Or Oral Communications Concerning The Revised Proposed Final Judgment And Certification Of Compliance Under 15 U.S.C. § 16(g) ("Microsoft's Description"). (A copy of Microsoft's Description is attached hereto as Exhibit F.) The Description purported to reveal "'any and all written or oral communications by or on behalf of" Microsoft 'with any officer or employee of the United States concerning or relevant to'" the RPFJ with the exception only of "communications made by **counsel of record** alone with the Attorney General or the employees of the Department of Justice alone [emphasis added]." Microsoft Description, pp. 1-2. Microsoft's Description reveals only: 1) that unnamed "counsel for Microsoft" (n.b. as opposed to "counsel of record for Microsoft") met with plaintiffs' representatives and mediators from September 27, 2001, through November 6, 2001, and that a Mr. William Poole of Microsoft participated in some of the meetings from October 29, 2001, through November 2, 2001; and, 2) that at an October 5, 2001, meeting, technical questions were discussed by Ms. Linda Averett, and Messrs. Michael Wallent, Robert Short, and Chad Knowlton (all of Microsoft) with plaintiffs' representatives and plaintiffs' technical expert Professor Edward Felten. Microsoft certified that with the submission of the Microsoft Description, Microsoft "has complied with the requirements of 15 U.S.C. § 16(g) and that this submission is a true and complete description of such communications known to Microsoft." Microsoft's Description was electronically signed by John Warden, Esq., of the law firm of Sullivan



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& Cromwell. The name of Charles F. Rule appears on the document apparently as Counsel for Microsoft. There is no signature line on the document for Mr. Rule's signature. Other than the appearance of Mr. Rule's name well below and to the left of Mr. Warden's name, there is no mention of Mr. Rule by name in the Microsoft Description or of any communications Mr. Rule had on behalf of Microsoft with any officer of employee of the United States concerning or relevant to the RPFJ (for example, oral or written communications or promises during the course of the intensive month-long negotiations which led to the RPFJ or drafts of proposed language for the RPFJ).

On December 12, 2001, Mr. Rule appeared (along with Assistant Attorney General Charles A. James and others) and submitted written testimony (not under oath) on behalf of Microsoft concerning the RPFJ before the Committee on the Judiciary of the United States Senate. Dautch Dec., ¶ 4, Attachment 3. In this testimony concerning the captioned civil actions, Mr. Rule (referring to the RPFJ as "PFJ") stated (p. 1, sentences 3-4):

> "As this committee is aware, I am counsel to Microsoft in the case [n.b. Civil Action Nos. 98-1232 and 98-1233] and was one of the principal representatives for the company in the negotiations that led to the proposed consent decree. The PFJ was signed on November 6th after more than a month of intense, around-the-clock negotiations with the Department and representatives of all the plaintiff states."

## III. ARGUMENT

### A. THE TUNNEY ACT REQUIRES FULL DISCLOSURE BY MICROSOFT

The relevant portions of the Tunney Act are now codified as Title 15 U.S.C. § 16(b)-(h).

The Tunney Act applies to the current proposal for a consent judgment (RPFJ) by the United States in captioned Civil Action No. 98-1232 which was brought by the United States under the



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antitrust laws. 15 U.S.C. § 16(b). To cast sunlight on any potential abuse of power, to provide the public with information necessary both to understanding the full context of the RPFJ and to providing as insightful comments as possible (as allowed by 15 U.S.C. § 16(d)), and to provide the Court with information the Court must have prior to determining whether entry of the RPFJ is in the public interest (as required by 15 U.S.C. § 16(e)), Microsoft must make the disclosures required by 15 U.S.C. § 16(g) which provides in full that [emphasis added below]:

> "Not later than 10 days following the date of any proposal for a consent judgment under subsection (b) of this section, each defendant shall file with the district court a description of any and all written or oral communications by or on behalf of such defendant, including any and all written or oral communications on behalf of such defendant, or other person, with any officer or employee of the United States concerning or relevant to such proposal, except that any such communications made by **counsel of record alone** with the Attorney General or the employees of the Department of Justice alone shall be excluded from the requirements of this subsection. Prior to the entry of any consent judgment pursuant to the antitrust laws, each defendant shall certify to the district court that the requirements of this subsection have been complied with and that such filing is a true and complete description of such communications known to the defendant or which the defendant reasonably should have known."

Both the Tunney Act and this Court's November 8, 2001, Order setting forth the schedule to be followed to comply with the Tunney Act in this case clearly grant the public fifty (50) days to prepare and file comments on the RPFJ after defendant's true and complete disclosure of all communications specified by 15 U.S.C. § 16(g) .



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As is shown below, the Microsoft Description of December 10, 2001, did not meet the requirements of 15 U.S.C. § 16(g).

There are at least five broad categories of communications which should have been disclosed: 1) oral or written communications by or on behalf of Mr. Rule acting in any capacity for Microsoft; 2) oral or written communications in Mr. Rule's presence (these communications were not made by counsel of record alone); 3) oral or written communications which may have induced the Deputy Chief of Staff to the Attorney General of the United States (David Israelite, who recused himself from any involvement with Microsoft matters due to a conflict of interest) to place a predawn telephone call on October 9, 2001, to a lobbyist for a Microsoft competitor complaining about the competitor's support for the retention of independent private counsel by the States suing Microsoft in Civil Action No. 98-1233; 4) oral or written communications or promises by Microsoft lobbyists (other than Mr. Rule) or Microsoft personnel to officers or employees of the United States; and, 5) communications made at Microsoft's request or suggestion to officers or employees of the United States (e.g., communications by Members or employees of either House of Congress to officers or employees of the Executive Branch).

### 1. Mr. Rule's Undisclosed Conversations Prior to November 15, 2001 Are Not Exempted from Disclosure

#### a. Mr. Rule Was Not Counsel Of Record For Microsoft Prior to November 15, 2001

The statute, 15 U.S.C. § 16(g), exempts from disclosure only two types of oral or written communications with any officer or employee of the United States. First, the statute exempts communications between counsel of record and the Attorney General alone (i.e., outside the presence of Microsoft personnel and other Justice Department officers or employees). Second, the statute exempts communications between counsel of record and employees of the Department of



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Justice alone (i.e., outside the presence of Microsoft personnel and non-employees of the Justice Department). The statute does not provide for a lobbyist (or other person who is not counsel of record) to conduct negotiations with the Attorney General and/or Justice Department employees and then, after reaching agreement on a consent judgment, convert from a lobbyist into a counsel of record in order to shield from disclosure communications and negotiations conducted when he was not counsel of record.

At a minimum, the term "officer or employee" in 15 U.S.C. § 16(g) should include any officer or employee of the Executive Branch. It is clear that offices and employees of the Executive Branch are within the scope of the statute because the two classes of exclusions are of officers or employees of the Executive Branch (i.e., the Attorney General and employees of the Department of Justice). Arguably, the term "officer or employee" in 15 U.S.C. § 16(g) could also include any "officer or employee" of the Legislative Branch. The precise scope of the term "officers and employees" within the meaning of 15 U.S.C. § 16(g) appears to be a matter of first impression in this Court. Given the control of the Justice Department budget by the Congress, the importance of disclosing communications by Microsoft with Members of Congress or their staff concerning or relating to the RPFJ is manifest. In any event, the statute makes clear that any communication concerning or relating to the RPFJ made on behalf of Microsoft (whether by Microsoft, a Senator, or anyone else) to an Executive Branch officer or employee must be disclosed under 15 U.S.C. § 16(g).

Mr. Rule was not a counsel of record prior to November 15, 2001. Accordingly, any oral or written communications made by him, or on his behalf, concerning or relevant to the RPFJ to any officer or employee of the United States must be disclosed. Clearly, communications made in the negotiations which resulted in the RPFJ both concern the RPFJ and are relevant to the RPFJ.



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Mr. Rule was the Assistant Attorney General in charge of the Antitrust Division long after the Tunney Act became the law. While the disclosure requirements of 15 U.S.C. § 16(g) would apply to Mr. Rule's client even if Mr. Rule were totally unfamiliar with antitrust law, the disclosure requirements should be applied strictly given that Mr. Rule was the principal law enforcement officer of the United States charged with enforcing this precise statute for about three (3) years.

If Mr. Rule's testimony to the effect that he was a principal negotiator on behalf of Microsoft of the RPFJ is accurate, then there are clearly undisclosed communications made by Mr. Rule or in his presence.

Typically, a principal representative in negotiations would have made oral comments to the negotiators for the United States. Further, the principal negotiator would have submitted written drafts of language (whether in electronic, magnetic, or paper form) to be used in the RPFJ.

Also, there is the matter of Lobbyist Rule's contacts with the Administration which contacts were reported by The Wall Street Journal. What precisely does Microsoft want to conceal? Why does Microsoft want to conceal these communications? Discovery (or a true and complete disclosure under 15 U.S.C. § 16(g)) is needed to provide the American people and this Court with the answer to these questions.

**b. Mr. Rule Was Not Counsel Of Record For Microsoft Even After November 15, 2001**

If Microsoft's position is that Mr. Rule's communications prior to and during settlement negotiations did not have to be disclosed because on the date the Microsoft Description was filed Mr. Rule was a counsel of record, that position is both untenable and, as discussed above, contrary to the plain language of the statute.



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Local Civil Rule 83.6(a) governs the process by which an attorney becomes a counsel of record and provides in full that:

> "An attorney eligible to appear may enter an appearance in a civil action by signing any pleading described in Rule 7(a), Federal Rules of Civil Procedure, or by filing a written notice of the entry of an appearance listing the attorney's correct address, telephone number and bar identification number."

As mentioned above, as of the date of this Memorandum, Mr. Rule has not in connection with the captioned civil actions signed any pleading described in Rule 7(a) of the Federal Rules of Civil Procedure (i.e., basically, various types of complaints and answers).

The typical written notice of entry of an appearance is signed by the attorney entering the appearance. For example, when appearances were entered by Douglas Davis, Esq., Steven Kuney, Esq., and Brendan Sullivan, Esq., each of these attorneys signed and filed a written notice of appearance containing the necessary information. (Copies of the notices of appearance for Messrs. Douglas, Kuney, and Sullivan are attached hereto as Exhibits G, H, and I, respectively.) Mr. Rule did not sign or file what purports to be his written notice of entry of appearance. The written notice attempting to enter an appearance for Mr. Rule was signed and filed by Bradley Smith, Esq., of Sullivan & Cromwell.

As noted above, Mr. Rule has not, in connection with the captioned Civil Actions, signed any pleading described in Federal Rule of Civil Procedure 7(a).

Thus, arguably Mr. Rule was not a counsel of record even when the Microsoft Description was filed on December 10, 2001. Accordingly, any oral or written communications Mr. Rule had with officers or employees of the United States concerning or relating to the RPFJ must be disclosed.



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### 2. The Undisclosed Conversations of Microsoft's other Lobbyists With Executive Or Legislative Branch Officials Or Employees Are Not Exempted From Disclosure

Even if Mr. Rule's testimony to the effect that he was a principal negotiator on behalf of Microsoft of the RPFJ were inaccurate and even if Mr. Rule had absolutely no oral or written communications at any time of any type, kind, or description with any officer or employee of the United States (whether in the Executive or Legislative Branch), it is still likely that there were other undisclosed oral or written communications made by or on behalf of Microsoft concerning or relevant to the RPFJ.

In addition to Mr. Rule, Microsoft has a substantial number of other inside and outside federal lobbyists who were paid on the order of $17,645,000 from 1997 through June 30, 2001.

A partial list of some known lobbying expenditures and contacts includes the following:

1. From January 1, 1999, through June 30, 2001, according to the official reports required by Section 5 of the Lobbying Disclosure Act of 1995, 2 U.S.C. § 1604, the lobbying firm of Barbour Griffith & Rogers, Washington, D.C., reported receiving $1,380,000 from Microsoft for lobbying the House and Senate concerning issues including "the Justice Department's Antitrust inquiry." Dautch Dec., ¶¶ 8-12 and Attachments 9-13.

2. The official reports show that from July 1, 1997 to June 30, 2001, the lobbying firm of Clark & Weinstock, New York, New York, received $1,480,000 from Microsoft for lobbying the House and Senate concerning issues including Microsoft's position on the Department of Justice antitrust suit against Microsoft. Dautch Dec., ¶¶ 13-19 and Attachments 14-20.

3. The official reports show that from January 1, 1998 to June 30, 1999, the



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lobbying firm of Covington & Burling received $140,000 from Microsoft for lobbying the House and Senate concerning, inter alia, competition issues affecting the computer software industry. Dautch Dec., ¶¶ 20-22 and Attachments 21-23.

4. The official reports show that from July 1, 1997, to June 30, 2001, the lobbying firm of Downey Chandler, Inc. (at times known as Downey McGrath Group), received $560,000 from Microsoft for lobbying the Office of the Vice President, the Departments of Justice, State, and Commerce, and the House and Senate concerning issues including the Department of Justice's antitrust suit against Microsoft. Dautch Dec., ¶¶ 23-30 and Attachments 24-31.

5. From July 1, 1999 to June 30, 2001, the official reports show that McSlarrow & Associates, at times known as McSlarrow Consulting, L.L.C., received $200,000 from Microsoft for lobbying the House and Senate concerning issues including competition in the software industry. Dautch Dec., ¶¶ 32-35 and Attachments 33-36.

6. From January 1, 2000 to June 30, 2000, the official report shows that Microsoft itself spent $3,340,000 on lobbying the National Security Agency, Federal Bureau of Investigation, Senate, House, the Departments of Justice, Commerce, and Defense concerning issues including competition in the software industry.[7] Dautch Dec., ¶ 36 and Attachment 37.

7. From July 1, 1997 to June 30, 2001, the official reports show that Preston Gates Ellis & Rouvelas Meeds received $1,380,000 from Microsoft for lobbying the White House, the Vice President, the National Security Agency, the Central Intelligence Agency, the National

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[7] On November 5, 1999, this Court entered Findings of Fact adverse to Microsoft. U.S. v. Microsoft, 84 F.Supp.2d 9 (D.D.C. 1999). On April 3, 2000, this Court entered Conclusions of Law holding Microsoft to be in violation of the antitrust laws. U.S. v. Microsoft, 87 F.Supp.2d 30 (D.D.C. 2000). On June 7, 2000, this Court entered an order requiring Microsoft to devise a plan to split itself into an operating systems business and an applications business. U.S. v. Microsoft, 97 F.Supp.2d 59 (D.D.C. 2000).



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Security Council, the Office of Science and Technology Policy, the Federal Bureau of Investigation, the U.S. Trade Representative, the National Economic Council, the Office of Management and Budget, the Departments of Justice and Commerce, and the House and Senate concerning issues including competition in the software market. Dautch Dec., ¶¶ 37-42 and Attachments 38-43.

The massive amount of money spent on lobbying raises a number of issues relevant to the Tunney Act disclosure Microsoft should have made including, but not limited to, those mentioned below.

First, given that Microsoft was ably represented by accomplished in-house counsel and the distinguished law firm of Sullivan & Cromwell upon whom all opposing parties were required to serve all documents pursuant to Federal Rule of Civil Procedure 5, why was it necessary to spend over $1.3 million for Barbour Griffith & Rogers to monitor the same civil action? Where did the money really go? What did the money really buy? Did Barbour Griffith & Rogers discuss the Microsoft antitrust litigation with any officer or employee of the United States while the RPFJ was being negotiated?

Second, as of June 30, 2001, Microsoft, its employees, and its outside lobbyists had spent upwards of $20,000,000 over several years lobbying, and where possible making campaign contributions, to many officers and employees of the United States. It is difficult to believe that when negotiations intensified and were conducted around-the-clock[8] in October, 2001 not one of the legions of Microsoft lobbyists in whom the company invested millions made a single call to any officer or employee of the United States concerning or relevant to the RPFJ. In particular, it is difficult to imagine that no United States Representative and no United States Senator was asked

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[8] Statement of Charles F. Rule to the Committee on the Judiciary, US. Senate, December 12, 2001 (Dautch Dec., Attachment 3, ¶ 2).



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to contact the Executive Branch in support of Microsoft.

### 3. Additional Undisclosed Conversations May Have Caused A PredawnTelephone Call From A Senior Aide To The Attorney General To A Lobbyist

The New York Times of November 2, 2001, reported ("States Biding for Time to Study Microsoft Settlement Plan" by Stephen Labaton, pp. C1 and C4) that:

> "Some of Microsoft's largest competitors voiced bitter disappointment about the terms of the proposed deal and asserted that the company had used its political influence with a Republican administration to try to quickly put an end to the case."
>
> "The rivals said that during court hearings that will be required on the proposed settlement, they intended to provide evidence of what they say was an improper discussion between a senior aide to Attorney General John Ashcroft who had been a top official in the Republican Party and a Republican lobbyist for AOL-Time Warner that demonstrated Microsoft's political muscle. In a statement issued today, Representative John Conyers Jr., Democrat of Michigan, also indicated that he would be examining that incident, word of which has been circulating widely in recent days among lawyers, lobbyists and executives following the case."
>
> "The aide to Mr. Ashcroft, David Israelite, had been the political director of the Republican National Committee, which received hundreds of thousands of dollars from Microsoft during the 2000 presidential campaign. Mr. Israelite, now Mr. Ashcroft's deputy chief of staff, has recused himself from any involvement in the Microsoft antitrust case because he owns 100 shares of Microsoft stock."
>
> " The lobbyist involved in the discussion was said to be Wayne Berman, who is also a top Republican fundraiser."



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"According to the notes of a person briefed about the conversation on Oct. 9, the day it is said to have occurred, Mr. Israelite called Mr. Berman."

" 'Are you guys behind this business of the states hiring their own lawyers in the Microsoft case?' Mr. Israelite asked Mr. Berman in the predawn conversation, according to the notes. 'Tell your clients we wouldn't be too happy about that.' "

" . . . According to people who were later briefed on the conversation by an AOL executive, Mr. Israelite then complained that AOL, a leading Microsoft rival, had been trying to 'radicalize' the states to oppose a settlement."

(A copy of the article from The New York Times of November 2, 2001, is Attachment 8 to the Dautch Declaration.)[9]

Given the impact of the RPFJ on an important sector of the economy and the over-riding importance of maintaining public confidence in the integrity of both public officials and the judicial process, it would be reasonable to inquire of both Messrs. Israelite and Berman either at a hearing before the Court or at a deposition whether any conversation such as that set forth in the article published on November 2, 2001, by The New York Times ever occurred. The conversation, if it occurred, was not privileged. Because Mr. Israelite is recused from taking official action with respect to Microsoft, the inquiry would also not require any intrusion into the reasons for any of his authorized official actions. If the conversation occurred at the request of Microsoft, this Court and

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[9] In addition to the Microsoft stonewall, the Justice Department is apparently stonewalling the ranking minority member of the House Judiciary Committee, Rep. John Conyers, Jr., concerning the reported Israelite-Berman predawn conversation. On Nov. 6, 2001, Rep. Conyers wrote a letter to the Attorney General inquiring about the alleged conversation. (A copy of a press release containing the text of the letter from Rep. Conyers is Attachment 44 to the Dautch Dec.) As far as can be determined, no response had been received by Rep. Conyers from the Attorney General as of January 22, 2002.



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the public have a statutory right to know that fact.

## B. THE TUNNEY ACT WAS INTENDED TO PREVENT AN ABUSE OF POWER IN THE CURRENT SITUATION

### 1. The Lawful $200,000 ITT Pledge Related To One Of The Impeachable Abuses Of Power In The Early 1970's Was Equivalent To About $650,000 In 2001 Dollars Which Amount Is Vastly Exceeded By Over $23 Million Microsoft Has Lawfully Spent On Federal Campaign Contributions and Lobbying Since 1997

#### a. The ITT Litigation and the Kleindienst Nomination

In 1969, the United States filed three civil antitrust actions against the International Telephone and Telegraph Corporation ("ITT") challenging the acquisition by ITT of three corporations (Canteen Corporation, Hartford Fire Insurance Company, and Grinnell Corporation). Statement Of Information, Hearings Before The Committee On The Judiciary House Of Representatives, Ninety-Third Congress, Second Session, Pursuant To H. Res. 803, Book V, Part I, Department Of Justice ITT Litigation - Richard Kleindienst Nomination Hearings ("Statement Of Information" or "SOI"), pages 3-4. (A copy of the basic statement of facts in the Statement Of Information is attached as Attachment 45 to the Dautch Declaration.)

Attorney General John Mitchell was recused because his former law firm had represented an ITT subsidiary; Deputy Attorney General Richard Kleindienst acted as Attorney General in connection with the litigation and sought and received approval from Counsel to the President John Ehrlichman before filing the first civil action. SOI, p. 3.

On December 31, 1970, ITT won a judgment in the Grinnell case after a trial. SOI, p. 13.

From April to June, 1971, a substantial amount of political pressure was applied by the President and his assistants to Deputy Attorney General Kleindienst and Assistant Attorney General



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in charge of the Antitrust Division Richard McLaren to convince them to forego an appeal and settle the ITT cases. SOI, pp. 17-31.

On July 21, 1971, ITT-Sheraton pledged up to $200,000 to bring the 1972 Republican National Convention to San Diego, California. SOI, p. 32. There is no suggestion that this contribution by itself was illegal.

On July 31, 1971, a settlement of the ITT litigation was announced. SOI, p. 34.

On February 15, 1972, the President nominated Richard Kleindienst to be Attorney General. SOI, p. 36.

On February 29, March 1 and March 3, 1972, three columns by columnist Jack Anderson were published alleging a connection between the ITT-Sheraton pledge and the ITT antitrust settlement and alleging the involvement of Messrs. Mitchell and Kleindienst. SOI, p. 39. (Copies of the Anderson columns and a memorandum allegedly written by an ITT lobbyist, Ms. Dita Beard, all of which were included in the evidentiary material supporting the Statement Of Information are attached as Attachment 46 to the Dautch Declaration.) As a result of publication of the first two Anderson columns, Mr. Kleindienst asked that his confirmation hearings be re-opened. SOI, p. 39.

At the hearings in 1972 on his nomination to be Attorney General, Mr. Kleindienst denied talking to all the President's men other than casually about the ITT matter and also denied receiving any suggestions from them about the action the Justice Department should take in the ITT cases. SOI, p. 42.

On June 12, 1972, Richard Kleindienst became Attorney General. SOI, p. 61.

On May 16, 1974, Richard Kleindienst pleaded guilty to one count of refusing or failing fully to respond to questions propounded to him by the Senate Committee on the Judiciary during the hearings in 1972 on his nomination to be Attorney General. SOI, p. 66.



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On August 9, 1974, the President resigned.

### b. The Impeachment Resolution

The second Article of Impeachment (adopted by a vote of 28-10 in the House Judiciary Committee on July 27, 1974) charged the President with using the powers of his office in violation of his constitutional oath, disregarding his constitutional duty to take care that the laws be faithfully executed, and repeatedly engaging in five (5) types of conduct violating the constitutional rights of citizens, impairing the due and proper administration of justice and the conduct of lawful inquiries, or contravening the laws governing agencies of the executive branch and the purpose of those agencies.

The specification of the fourth type of allegedly improper conduct stated in full with respect to the President that (emphasis added):

> "He has failed to take care that the laws were faithfully executed by failing to act when he knew or had reason to know that his close subordinates endeavoured to impede and frustrate lawful inquiries by duly constituted executive, judicial and legislative entities concerning the unlawful entry into the headquarters of the Democratic National Committee, and the cover-up thereof, **and concerning other unlawful activities including those relating to the confirmation of Richard Kleindienst as Attorney General of the United States**, the electronic surveillance of private citizens, the break-in into the offices of Dr. Lewis Fielding, and the campaign financing practices of the Committee to Re-elect the President."

House Report 93-1305, August 20, 1974, pp. 139-183.

During the Senate debate preceding adoption of the Antitrust Procedures and Penalties Act



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(the Tunney Act), Senator Tunney said:

> "The genesis of this legislation came during the hearings held by the Senate Judiciary Committee on the nomination of Richard Kleindienst, the hearings which quickly became known as the ITT hearings, because the major issue involved allegations that a massive behind-closed-doors campaign resulted in halting the Justice Department's prosecution of the ITT case and its hasty settlement favorable to the company. During these hearings, I became concerned with the apparent weaknesses of the consent decree process, which could allow this kind of corporate pressures to be exercised." Cong. Rec. Senate, December 9, 1974, page 38585.

**c. Since 1997 Microsoft Has Spent Over $23 Million On Federal Lobbying And Campaign Contributions**

As mentioned above, since 1997, Microsoft has spent in excess of $23,000,000 on federal campaign contributions and lobbying with substantial effort devoted to lobbying concerning the captioned civil actions. The ITT pledge of $200,000 in1971 is the equivalent of about $650,000 in 2001 dollars. Dautch Dec., ¶ 43.

There is no suggestion that any of Microsoft's expenditures by themselves are illegal.

In the instant matter, the Justice Department won at trial and on appeal. The Department has agreed to what some have characterized as a "sweetheart" settlement negotiated behind closed doors by a lobbyist for Microsoft which, so far, has not revealed information the Tunney Act (and this Court's order) require it to reveal.

**2. The Tunney Act Was Intended To Protect The Consuming Public From The Type Of Forces At Work Today In Connection With The RPFJ**

The point is not that an unfortunate chapter in our nation's history has repeated itself or might repeat itself precisely but rather that the same type of economic forces at work in connection



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with the ITT litigation are at work today. In the United States, the presence of strong economic forces tends to bring about the involvement of political forces.

In 2001 dollars, the amount ITT pledged to buy influence and access in 1971 is greatly exceeded by the amount spent by Microsoft in the last few years on lobbying and campaign contributions. The impact ITT had on the 1971 economy while substantial pales in comparison to the impact Microsoft and its products have on the 2002 economy. The forces at work today may be stronger than those in play thirty years ago.

The problem was aptly summarized in the following quotations (by Senator Tunney during Senate debate) from testimony before the Senate Judiciary Committee by United States Circuit Judge J. Skelly Wright, Chief Judge of the United States Court of Appeals for the District of Columbia Circuit:

> "By definition, antitrust violators wield great influence and economic power. They often bring significant pressure to bear on government, and even on the courts, in connection with the handling of consent decrees. The public is properly concerned whether such pressure results in settlements which might shortchange the public interest. . . . Because of the powerful influence of antitrust defendants and the complexity and importance of antitrust litigation, the public reasonably asks in many instances whether in reaching a settlement, the government gave up more than it need have or should have. Some response to this public concern is desirable, in my opinion, not only to ensure that the compromise struck by the Justice Department is fair from the public's point of view, but also to alleviate fears which, even if unfounded, are unhealthy in and of themselves."

Cong. Rec. Senate, July 18, 1973, pp. 24597-24598.



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### C. ON THE PRESENT RECORD THE UNITED STATES WILL NOT BE ABLE TO COMPLY WITH THE COURT ORDER OF NOVEMBER 8, 2001, REQUIRING CERTIFICATION BY THE UNITED STATES OF COMPLIANCE WITH TUNNEY ACT PROCEDURES

On November 8, 2001, this Court ordered the United States to file, when appropriate, a certification of compliance with the Antitrust Procedures and Penalties Act (Tunney Act). Given the apparent failure of Microsoft to comply with the Tunney Act and the United States' knowledge of this apparent compliance failure, it would appear to be difficult, if not impossible, for the United States to provide the required certification in good faith. This difficulty provides another reason for the Court to order compliance by Microsoft with the terms of 15 U.S.C. § 16(g).

### D. THE COURT SHOULD AGAIN ORDER FULL DISCLOSURE, ALLOW FULL DISCOVERY OF THE NECESSARY FACTS, AND EXTEND THE TIME FOR COMMENTS OR TERMINATE CONSIDERATION OF THE RPFJ

Even if Microsoft chooses to amend the Microsoft Description in an attempt to comply with a second court order (after defying the first court order) with respect to 15 U.S.C. § 16(g), the Court should consider allowing limited discovery by Relpromax Antitrust Inc., as an amicus curiae, into the communications revealed and into the issue of whether all communications were in fact revealed in order to avoid the prospect that Microsoft's initial reticence infects a disclosure which purports to be in accord with the terms of a second disclosure order.

Alternatively, in the interests of judicial economy, the Court may terminate all consideration of the RPFJ at this time and deny entry of the RPFJ on the grounds that the Court has not been provided with the information the statute requires the defendant to provide as a condition precedent to approval of a consent judgment in these circumstances.



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### E. IF THE COURT DOES NOT ORDER FULL DISCLOSURE NOW, ENTRY OF THE RPFJ COULD BE REVERSED ON APPEAL FOR THAT REASON ALONE; HOWEVER, IF THE COURT ORDERS ADDITIONAL DISCLOSURE AND THEN ENTERS THE RPFJ, THERE WOULD BE A LOWER POSSIBILITY OF REVERSAL DUE TO DEFENDANT'S FAILURE TO COMPLY WITH THE DISCLOSURE PROVISIONS OF THE TUNNEY ACT

Given the procedural history of this case (i.e., Judges Sporkin and Jackson were removed from this case or its predecessors by the Court of Appeals), it would indeed be unfortunate if the Court were to allow Microsoft to withhold information to which the public has a statutory right, determine that entry of the RPFJ is in the public interest, and then be reversed on appeal due to the failure of Microsoft to comply with 15 U.S.C. § 16(g) (necessitating re-commencement of the Tunney Act procedures with respect to the current RPFJ several years from now). Alternatively, if the Court were to order full compliance with the Tunney Act now, the delay would be minimal (on the order of sixty (60) days) and (assuming Microsoft made a true and complete disclosure) any decision to enter the RPFJ could not be reversed due to Microsoft's failure to comply with its disclosure obligations under the Tunney Act.

### F. RELPROMAX AS THE ONLY PARTY OR PROPOSED AMICUS CURIAE WITH AN EXPRESSED INTEREST IN OBTAINING A FULL DISCLOSURE FROM MICROSOFT SHOULD BE GRANTED THE RIGHT TO LIMITED PARTICIPATION AS AN AMICUS CURIAE IN THE TUNNEY ACT PROCEEDINGS

Clearly, Microsoft, the United States, and the Settling States have little or no interest in inquiring into the communications Microsoft should have disclosed pursuant to 15 U.S.C. § 16(g) or into the adequacy of the Microsoft Description. Their only interest (explicitly expressed so far) is in obtaining Court approval of the RPFJ as fast as possible. In particular, the United States Department of Justice presumably already has knowledge, at a minimum, of certain undisclosed communications made to the Justice Department by Microsoft lobbyist Charles F. Rule from on or



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before October 1, 2001, through November 6, 2001.

The Litigating States[10] (the governments which did not settle in Civil Action No. 98-1233) are not parties to Civil Action No. 98-1232. While they and their citizens of course have Tunney Act rights, the Litigating States have, so far, expressed little interest on the record of Civil Action No. 98-1232 in obtaining for their citizens' consideration during the comment period the information from Microsoft to which the public is entitled under the Tunney Act.

Given his responsibility for the Antitrust Division and his signature on the Stipulation filed with the RPFJ on November 6, 2001, the Assistant Attorney General in charge of the Antitrust Division knew, or in the exercise of reasonable care should have known, that lobbyist Rule was one of Microsoft's principal representatives during the negotiations which led to the RPFJ and was not, at the time, counsel of record for Microsoft. As far as can be determined from the public court record of this case, the United States has not exerted itself in any way to obtain a proper disclosure from Microsoft or to encourage Microsoft to amend the Microsoft Description.

The attitude of the Justice Department has changed under the leadership of Attorney General John Ashcroft.[11] The Department's attitude toward this civil action was perhaps best expressed by Assistant Attorney General James at the December 12, 2001, Senate Judiciary Committee hearing. Due to a roll call vote, Mr. James was given just a few moments for his opening remarks of the day.

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[10] The Litigating States are the District of Columbia, California, Connecticut, Florida, Iowa, Kansas, Massachusetts, Minnesota, Utah, and West Virginia.

[11] David Israelite, Mr. Ashcroft's Deputy Chief of Staff, reportedly owns 100 shares of Microsoft stock worth about $6,610 at the close of trading on January 18, 2002. Dautch Dec., ¶ 44 and Attachment 8. David Israelite recused himself from any involvement in the antitrust suit against Microsoft. The President's campaign, his Inaugural fund, Attorney General Ashcroft, and his various campaign committees received about $180,000 in contributions from Microsoft and its employees in 1999 and 2000. Dautch Dec., ¶ 2 and Attachment 1. Mr. Ashcroft has not recused himself from any involvement in the antitrust suit against Microsoft.



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The first point he chose to make was "some argue that the case never should have been filed."[12]

Another reason for the statutory requirement of fifty (50) days to consider the defendant's communications is that the significance of any individual communication in light of the RPFJ may only be apparent to one person or a few persons. The consideration time allows interested persons either to consult with others or experts or to conduct additional informal or (with the Court's approval) formal inquiries into the facts in order to be able to advise both the United States and the Court of the full implications of the disclosures in light of the RPFJ. Given the carefully crafted statutory arrangement, the Congress realized that the Court on its own can not be expected either to uncover or understand all the implications of Microsoft's communications for the RPFJ without the assistance of persons at least interested enough in the RPFJ, the rule of law, and/or the avoidance of another impeachment inquiry due to, inter alia, an abuse of the antitrust settlement power to devote their time to the public interest in this matter.

Given that Relpromax is an interested person and, in particular, interested in obtaining the information to which it has a statutory right pursuant to 15 U.S.C. § 16(g), it would be appropriate and in the public interest for the Court to enter an order, pursuant to 15 U.S.C. § 16(f)(3), in the form submitted herewith authorizing limited participation by Relpromax in proceedings before the court.

The Court has extended itself to make all of Microsoft's communications available to the entire nation by instituting electronic filing for the captioned civil actions. This means that anyone anywhere with Internet access and a PACER ("Public Access to Court Electronic Records") account is able to read Microsoft's Description of its communications concerning and relevant to the RPFJ without having to travel all the way from one end of the country to the courthouse.

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[12] The full preliminary transcript is attached as Attachment 49 to the Dautch Dec. The remarks referred to appear on page 10.



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It is now time for Microsoft to comply with the statute.

In Senate debate which preceded adoption of the Tunney Act, Sen. John Tunney quoted the words of Supreme Court Justice Louis Brandeis to sum up the meaning and purpose of the Act:

"Sunlight is the best disinfectant." [13]

## REQUEST FOR ORAL HEARING

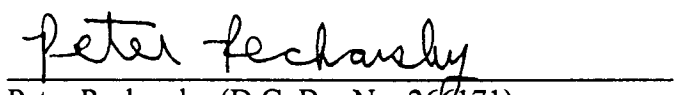
The Court may order an oral hearing on this motion pursuant to 15 U.S.C. § 16(f)(5) which provides in full that:

"In making its determination under subsection (e) of this section, the court may -

. . . (5) take such other action in the public interest as the court may deem appropriate. "

It is in the public interest that the proper statutorily required disclosure be made. It is further in the public interest that the public be allowed their statutory right to consider the full ramifications of the RPFJ for fifty (50) days after a true and complete disclosure by Microsoft of all non-exempt communications with officers or employees of the United States concerning or relevant to the RPFJ. Accordingly, pursuant to 15 USC sec. 16(f) (5), movant requests an oral hearing on this motion at the Court's earliest convenience.

Respectfully submitted



January 24, 2002

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Attorney for Relpromax Antitrust Inc.

[13] Cong. Rec. Senate, July 18, 1973, p. 24599.



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## EXHIBIT LIST

| | |
|---|---|
| Exhibit A | Declaration of Brian Dautch dated January 23, 2002 |
| Exhibit B | Order docketed September 28, 2001 |
| Exhibit C | Stipulation dated November 6, 2001 |
| Exhibit D | Order dated November 8, 2001 |
| Exhibit E | Notice Of Entry Of Appearance for Charles F. Rule dated November 15, 2001 |
| Exhibit F | Defendant Microsoft Corporation's Description Of Written Or Oral Communications Concerning The Revised Proposed Final Judgment And Certification Of Compliance Under 15 U.S.C. § 16(g) dated December 10, 2001 |
| Exhibit G | Appearance of Douglas Lee Davis dated December 12, 2001 |
| Exhibit H | Appearance of Steven R. Kuney dated November 1, 2001 |
| Exhibit I | Appearance of Brendan V. Sullivan, Jr. dated November 1, 2001 |



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# EXHIBIT A

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

| | | |
|---|---|---|
| UNITED STATES OF AMERICA<br><br>Plaintiff,<br><br>v.<br><br>MICROSOFT CORPORATION,<br><br>Defendant. | ) | CIVIL ACTION NO. 98-1232 (CKK) |
| STATE OF NEW YORK *ex rel.*<br>Attorney General ELIOT SPITZER, *et al.*,<br><br>Plaintiffs,<br><br>v.<br><br>MICROSOFT CORPORATION,<br><br>Defendant. | ) | CIVIL ACTION NO. 98-1233 (CKK)<br><br>Next Court Deadline:<br>March 4, 2002<br>Pre-hearing Conference |

**DECLARATION OF BRIAN DAUTCH**

1. My name is Brian Dautch. I am a law clerk for Peter Peckarsky, Esq. I have personal knowledge of the facts testified to below and if called as a witness could testify to those facts.

2. Attached hereto as Attachment 1 is a copy of an article dated September 6, 2001 and titled "Microsoft Antitrust Case: An Update on the Company's Lobbying and Campaign Contributions" and related information which was downloaded from the website (www.opensecrets.org) of The Center For Responsive Politics ("CRP"). The chart on page

2 of Attachment 1 shows that Microsoft an its employees contributed about $6.8 million to national political parties and federal candidates from 1997 through July 31, 2001. The chart on page 3 of Attachment 1 shows that Microsoft spent about $17.1 million on federal lobbying from 1997 through December 31, 2000. The CRP reported it had found $161,250 in contributions from Microsoft or its employees to the Bush campaign or the Bush-Cheney Inaugural Fund. The CRP also reported it had found $19,250 in contributions in 1999 and 2000 to the campaign of Attorney General Ashcroft and to the Ashcroft Victory Committee. The listings and dates for $19,000 of these contributions are shown in Attachment 1 hereto.

3. Attached hereto as Attachment 2 is a copy of a copy of the mission statement of the Center For Responsive Politics which was downloaded from the website (www.opensecrets.org) of The Center For Responsive Politics.

4. Attached hereto as Attachment 3 is a copy of the unsworn Statement of Charles F. (Rick) Rule, presented on December 12, 2001, to the Senate Judiciary Committee. Attached hereto as Attachment 4 is a copy of a Lobbying Registration for registrant Covington & Burling dated June 29, 1998. Attached hereto as Attachment 7 is a copy of Charles F. "Rick" Rule's resume, which I obtained from the website of Fried, Frank, Harris, Shriver, and Jacobson (www.friedfrank.com).

5. Attached hereto as Attachment 5 is a copy of an item from the front page of the A section of The Wall Street Journal, dated November 16, 2001.

6. Attached hereto as Attachment 6 is a copy of the preliminary transcript of the December 12, 2001 Senate Judiciary Committee hearing concerning the proposed settlement of the Microsoft antitrust case.

7. Attached hereto as Attachment 8 is a copy of an article titled "States Biding for Time



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to Study Microsoft Settlement Plan" by Stephen Labaton which appeared in The New York Times, November 2, 2001, on pages C1 and C4.

8. Attached hereto as Attachment 9 is a copy of Form LD-2 dated August 5, 1999, in which Barbour, Griffith, and Rogers ("BGR") reported that during the first half of 1999, it received $300,000 from Microsoft for lobbying.

9. Attached hereto as Attachment 10 is a copy of Form LD-2 dated February 13, 2000, in which BGR reported that during the last half of 1999, it received $320,000 from Microsoft for lobbying.

10. Attached hereto as Attachment 11 is a copy of Form LD-2 dated August 12, 2000, in which BGR reported that during the first half of 2000, it received $300,000 from Microsoft for lobbying.

11. Attached hereto as Attachment 12 is a copy of Form LD-2 dated February 14, 2001, in which BGR reported that during the last half of 2000, it received $240,000 from Microsoft for lobbying.

12. Attached hereto as Attachment 13 is a copy of Form LD-2 dated August 14, 2001, in which BGR reported that during the first half of 2001, it received $220,000 from Microsoft for lobbying.

13. Attached hereto as Attachment 14 is a copy of Form LD-2 dated February 6, 1998, in which Clark and Weinstock ("CW") reported that during the last half of 1997, it received $80,000 from Microsoft for lobbying.

14. Attached hereto as Attachment 15 is a copy of Form LD-2 dated August 4, 1998, in which CW reported that during the first half of 1998, it received $160,000 from Microsoft for lobbying.



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15. Attached hereto as Attachment 16 is a copy of Form LD-2 dated February 11, 1999, in which CW reported that during the last half of 1998, it received $220,000 from Microsoft for lobbying.

16. Attached hereto as Attachment 17 is a copy of Form LD-2 dated August 9, 1999, in which CW reported that during the first half of 1999, it received $220,000 from Microsoft for lobbying.

17. Attached hereto as Attachment 18 is a copy of Form LD-2 dated August 11, 2000, in which CW reported that during the first half of 2000, it received $280,000 from Microsoft for lobbying.

18. Attached hereto as Attachment 19 is a copy of Form LD-2 dated February 9, 2001, in which CW reported that during the last half of 2000, it received $280,000 from Microsoft for lobbying.

19. Attached hereto as Attachment 20 is a copy of Form LD-2 dated August 9, 2001, in which CW reported that during the first half of 2001, it received $240,000 from Microsoft for lobbying.

20. Attached hereto as Attachment 21 is a copy of Form LD-2 dated August 4, 1998, in which Covington & Burling ("CB") reported that during the first half of 1998, it received $40,000 from Microsoft for lobbying.

21. Attached hereto as Attachment 22 is a copy of Form LD-2 dated February 4, 1999, in which CB reported that during the last half of 1998, it received $60,000 from Microsoft for lobbying.

22. Attached hereto as Attachment 23 is a copy of Form LD-2 dated August 10, 1999, in which CB reported that during the first half of 1999, it received $40,000 from Microsoft



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for lobbying.

23. Attached hereto as Attachment 24 is a copy of Form LD-2 dated February 13, 1998, in which Downey Chandler, Inc. ("DCI") reported that during the last half of 1997, it received $60,000 from Microsoft for lobbying.

24. Attached hereto as Attachment 25 is a copy of Form LD-2 dated August 7, 1998, in which DCI reported that during the first half of 1998, it received $80,000 from Microsoft for lobbying.

25. Attached hereto as Attachment 26 is a copy of Form LD-2 dated February 16, 1999, in which DCI reported that during the last half of 1998, it received $60,000 from Microsoft for lobbying.

26. Attached hereto as Attachment 27 is a copy of Form LD-2 dated July 30, 1999, in which DCI reported that during the first half of 1999, it received $80,000 from Microsoft for lobbying.

27. Attached hereto as Attachment 28 is a copy of Form LD-2 dated February 14, 2000, in which DCI (now called Downey McGrath Group, Inc., or "DMG"), reported that during the last half of 1999, it received $100,000 from Microsoft for lobbying.

28. Attached hereto as Attachment 29 is a copy of Form LD-2 dated August 11, 2000, in which DMG reported that during the first half of 2000, it received $80,000 from Microsoft for lobbying.

29. Attached hereto as Attachment 30 is a copy of Form LD-2 dated February 14, 2001, in which DMG reported that during the last half of 2000, it received $40,000 from Microsoft for lobbying.

30. Attached hereto as Attachment 31 is a copy of Form LD-2 dated August 14, 2001,



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in which DMG reported that during the first half of 2001, it received $60,000 from Microsoft for lobbying.

31. Attached hereto as Attachment 32 is a copy of Form LD-2 dated August 14, 2000, in which Lackman & Associates, L.L.C., ("L&A") reported that up to June 30, 2000, it received $17,500 from Microsoft for lobbying.

32. Attached hereto as Attachment 33 is a copy of Form LD-2 dated January 21, 2000, in which McSlarrow & Associates, L.L.C. ("MA") reported that during the last half of 1999, it received $40,000 from Microsoft for lobbying.

33. Attached hereto as Attachment 34 is a copy of Form LD-2 dated August 10, 2000, in which MA (now known as McSlarrow Consulting, L.L.C., or "MC") reported that during the first half of 2000, it received $40,000 from Microsoft for lobbying.

34. Attached hereto as Attachment 35 is a copy of Form LD-2 dated February 2, 2001, in which MC reported that during the last half of 2000, it received $60,000 from Microsoft for lobbying.

35. Attached hereto as Attachment 36 is a copy of Form LD-2 dated August 12, 2001, in which MC reported that during the first half of 2001, it received $60,000 from Microsoft for lobbying.

36. Attached hereto as Attachment 37 is a copy of Form LD-2 dated August 11, 2000, in which Microsoft reported that during the first half of 2000, it spent $3,340,000 for lobbying.

37. Attached hereto as Attachment 38 is a copy of Form LD-2 dated February 17, 1998, in which Preston, Gates, Ellis, & Rouvelas Meeds, L.L.P. ("PGERM") reported that during the last half of 1997, it received $220,000 from Microsoft for lobbying.



MTC-00030631_0717

38. Attached hereto as Attachment 39 is a copy of Form LD-2 dated August 14, 1998, in which PGERM reported that during the first half of 1998, it received $360,000 from Microsoft for lobbying.

39. Attached hereto as Attachment 40 is a copy of Form LD-2 dated February 14, 2000, in which PGERM reported that during the last half of 1999, it received $200,000 from Microsoft for lobbying.

40. Attached hereto as Attachment 41 is a copy of Form LD-2 dated August 14, 2000 in which PGERM reported that during the first half of 2000, it received $220,000 from Microsoft for lobbying.

41. Attached hereto as Attachment 42 is a copy of Form LD-2 dated February 14, 2001, in which PGERM reported that during the last half of 2000, it received $260,000 from Microsoft for lobbying.

42. Attached hereto as Attachment 43 is a copy of Form LD-2 dated August 14, 2001, in which PGERM reported that during the first half of 2001, it received $120,000 from Microsoft for lobbying.

43. On January 14, 2001, I called the Bureau of Labor Statistics to inquire about changes in the Consumer Price Index. The BLS advised me that a Consumer Price Index of 100 on January 1, 1972 would equate to a CPI of 326 on January 1, 2001.

44. According to the Wall Street Journal of January 21, 2002, p. C8, the closing price of Microsoft common stock on January 18, 2002 was $66.10 per share.

45. Attached hereto as Attachment 44 is a copy of a press release dated November 6, 2001, from Congressman John Conyers, Jr., which appears to contain the text of a letter dated November 6, 2001, from Rep. Conyers to The Honorable John Ashcroft, Attorney



MTC-00030631_0718

General of the United States.

46. Attached hereto as Attachment 45 is a copy of the basic statement of facts in the Statement Of Information, Hearings Before The Committee On The Judiciary House Of Representatives, Ninety-Third Congress, Second Session, Pursuant To H. Res. 803, Book V, Part I, Department Of Justice ITT Litigation - Richard Kleindienst Nomination Hearings.

47. Attached hereto as Attachment 46 are copies of pages 614-615, 634-636 from the Supporting Evidence in Statement Of Information, Hearings Before The Committee On The Judiciary House Of Representatives, Ninety-Third Congress, Second Session, Pursuant To H. Res. 803, Book V, Part II, Department Of Justice ITT Litigation - Richard Kleindienst Nomination Hearings. A two (2) page memorandum dated June 25, 1971, from D. D. Beard to W. R. Merriam is on pages 614-615. Columns by Jack Anderson dated February 29, 1972, March 1, 1972, and March 3, 1972, appear on pages 634-636, respectively.

I declare under penalty of perjury that the foregoing is true and correct, executed in Washington, D.C., on January 23, 2002.

Brian Dautch



MTC-00030631_0719

# ATTACHMENT 1

# TO THE

# DECLARATION OF BRIAN DAUTCH

Alerts: Current Congress

Alert List Signup

Alerts: 106th Congress

Alerts: 105th Congress

Alerts: 104th Congress

FORMAT TO PRINT
E-MAIL TO A FRIEND

THE CENTER FOR RESPONSIVE POLITICS

# Microsoft Antitrust Case: An Update on the Company's Lobbying and Campaign Contributions

MONEY I POLITICS A

Sept. 6, 20
Vol. 6, No.

Prepared
Holly Bail
tel: 202-857-
fax: 202-857

After more than three years of investigations, litigation and intensive lobbying, the Justice Department today announced it would no longer seek a break-up of the computer giant Microsoft, ending one aspect of a landmark case that sent the company's campaign contributions soaring and formally introduced the computer industry to Washington politics.

The decision by the Bush administration to vacate the lawsuit that was first initiated in 1998 by the Clinton Justice Department is considered a major victory for Microsoft, which nearly tripled its campaign contributions and more than doubled its lobbying expenditures during its fight against the antitrust case.

During the 1999-2000 election cycle, Microsoft contributed more than $4.7 million in soft money, PAC and individual contributions to federal candidates and parties—almost three times what the company contributed during the previous three election cycles combined. More than half that money went to Republicans.

The Bush campaign reported $61,250 in contributions from Microsoft employees during 1999-2000. Attorney General John Ashcroft, a former U.S. Senator from Missouri, reported just $9,250 in contributions from Microsoft during the last elections, though the company did contribute $10,000 to the Ashcroft Victory Committee, a soft money account run jointly by the Ashcroft campaign and the National Republican Senatorial Committee.

But that's not all the money that Microsoft has thrown around Washington in recent years. During the calendar year 2000 alone, Microsoft spent almost $6.4 million to lobby Congress and the Clinton administration, according to reports filed with the U.S. Senate. That's a significant increase over the $4.9 million in lobbying expenditures the company reported in 1999. And Microsoft also was a major contributor to the Bush-Cheney Inaugural Fund, donating $100,000 to the gala last January.

Just months into the 2001-02 election cycle, Microsoft already ranks as a significant contributor, giving just over $700,000 to federal parties and candidates, split almost evenly between the two major parties. (This includes contributions reported to the FEC through the end of July.)

However, the lawsuit's most significant impact on campaign finance extends beyond Microsoft itself. The antitrust lawsuit proved to be a major turning point in the tech industry's involvement in Washington politics.

Shortly after the Justice Department launched its lawsuit, Microsoft became one of the first computer companies to open lobbying offices in Washington and was one of the first to contribute major soft money dollars to the political parties. By the year 2000, computers and Internet companies ranked No. 7 on the list of the biggest industry givers on the federal level, contributing more than $39.7 million. Since 1997, Microsoft has been the industry's biggest contributor.

Click here for a look at Microsoft's contributions to:

Members of the House in 1999-2000
Members of the House in 2001
Members of the Senate in 1995-00
Members of the Senate in 2001

And click here for the company's lobbying expenditures dating back to 1997.

| Microsoft Soft Money, PAC & Individual Contributions to Federal Parties and Candidates, 1993-2001* | | | |
|---|---|---|---|
| Election Cycle | Total | Dems | Repubs |
| 1993-94 | $109,134 | $76,566 | $30,918 |
| 1995-96 | $256,634 | $129,474 | $104,210 |
| 1997-98 | $1,407,271 | $482,903 | $903,118 |
| 1999-00 | $4,701,631 | $2,153,064 | $2,488,943 |
| 2001-02 | $700,085 | $328,955 | $371,130 |

*Based on FEC data downloaded 9/1/01. The totals for the 2002 election cycle including fund-raising numbers reported to the FEC through July 31, 2001.



MTC-00030631_0722

THE CENTER FOR RESPONSIVE POLITICS

# Money in Politics Alert

Microsoft Antitrust Case

| Microsoft Lobbying Expenditures, 1997-00* | |
|---|---|
| **Calendar Year** | **Lobby Total** |
| 1997 | $2,120,000 |
| 1998 | $3,740,000 |
| 1999 | $4,860,000 |
| 2000 | $6,360,000 |

*Based on filings with the US Senate.

THE CENTER FOR RESPONSIVE POLITICS

## Microsoft PAC & Individual Contributions to the Senate, 2001*

Back to Alert

| Name | Total |
|---|---|
| Wayne Allard (R-Colo) | $1,500 |
| Max Baucus (D-Mont) | $1,000 |
| Evan Bayh (D-Ind) | $2,000 |
| Robert F. Bennett (R-Utah) | $1,000 |
| Joseph R. Biden Jr (D-Del) | $1,000 |
| Maria Cantwell (D-Wash) | $35,250 |
| Jean Carnahan (D-Mo) | $1,000 |
| Max Cleland (D-Ga) | $1,000 |
| Hillary Rodham Clinton (D-NY) | $1,000 |
| Thad Cochran (R-Miss) | $3,000 |
| Susan Collins (R-Me) | $2,000 |
| Larry E. Craig (R-Idaho) | $2,000 |
| Pete V. Domenici (R-NM) | $2,000 |
| Byron L. Dorgan (D-ND) | $1,000 |
| Richard J. Durbin (D-Ill) | $1,000 |
| Michael B. Enzi (R-Wyo) | $1,000 |
| Phil Gramm (R-Texas) | $1,000 |
| Charles E. Grassley (R-Iowa) | $1,000 |
| Chuck Hagel (R-Neb) | $2,000 |
| Tom Harkin (D-Iowa) | $1,000 |
| Tim Hutchinson (R-Ark) | $4,000 |
| James M. Inhofe (R-Okla) | $1,000 |
| Daniel K. Inouye (D-Hawaii) | $500 |
| Tim Johnson (D-SD) | $2,000 |
| Mary L. Landrieu (D-La) | $3,500 |
| Patrick J. Leahy (D-Vt) | $250 |
| Carl Levin (D-Mich) | $3,000 |
| Blanche Lambert Lincoln (D-Ark) | $1,000 |
| Mitch McConnell (R-Ky) | $9,750 |
| Patty Murray (D-Wash) | ($3,000) |
| Jack Reed (D-RI) | $1,000 |
| Pat Roberts (R-Kan) | $1,000 |
| John D. Rockefeller IV (D-WVa) | $1,000 |
| Jeff Sessions (R-Ala) | $3,000 |
| Gordon Smith (R-Ore) | $4,000 |
| Robert C. Smith (R-NH) | $1,000 |
| Deborah Ann Stabenow (D-Mich) | $1,000 |
| Ted Stevens (R-Alaska) | $6,000 |

*Based on FEC data downloaded 9/1/01.

THE CENTER FOR RESPONSIVE POLITICS

## Microsoft PAC & Individual Contributions to the Senate, 1995-00*

Back to Alert

| Name | PAC & Indiv Total |
|---|---|
| Patty Murray (D-Wash) | $48,236 |
| John McCain (R-Ariz) | $47,449 |
| Maria Cantwell (D-Wash) | $25,350 |
| Conrad Burns (R-Mont) | $20,250 |
| Edward M. Kennedy (D-Mass) | $15,000 |
| Bill Frist (R-Tenn) | $12,500 |
| Dianne Feinstein (D-Calif) | $12,000 |
| Jon L. Kyl (R-Ariz) | $12,000 |
| Jeff Bingaman (D-NM) | $12,000 |
| Rick Santorum (R-Pa) | $11,000 |
| Joseph I. Lieberman (D-Conn) | $10,500 |
| John Ensign (R-Nev) | $10,000 |
| Mike DeWine (R-Ohio) | $10,000 |
| Max Baucus (D-Mont) | $10,000 |
| Olympia J. Snowe (R-Maine) | $10,000 |
| Deborah Ann Stabenow (D-Mich) | $8,250 |
| Patrick J. Leahy (D-Vt) | $7,150 |
| Ron Wyden (D-Ore) | $6,000 |
| Ernest F. Hollings (D-SC) | $6,000 |
| Trent Lott (R-Miss) | $6,000 |
| George Allen (R-Va) | $5,500 |
| Kent Conrad (D-ND) | $5,500 |
| Max Cleland (D-Ga) | $5,250 |
| Mary L. Landrieu (D-La) | $5,000 |
| Ben Nelson (D-Neb) | $5,000 |
| Hillary Rodham Clinton (D-NY) | $5,000 |
| Charles E. Schumer (D-NY) | $5,000 |
| Tom Daschle (D-SD) | $5,000 |
| Robert C. Smith (R-NH) | $4,500 |
| Christopher J. Dodd (D-Conn) | $4,000 |
| Kay Bailey Hutchison (R-Texas) | $4,000 |
| Phil Gramm (R-Texas) | $3,800 |
| Jack Reed (D-RI) | $3,500 |
| Michael D. Crapo (R-Idaho) | $3,500 |
| James M. Jeffords (R-Vt) | $3,250 |
| Sam Brownback (R-Kan) | $3,000 |
| Zell Miller (D-Ga) | $3,000 |
| Mitch McConnell (R-Ky) | $3,000 |
| Richard G. Lugar (R-Ind) | $3,000 |
| Lincoln D. Chafee (R-RI) | $3,000 |

| | |
|---|---|
| Byron L. Dorgan (D-ND) | $2,500 |
| Daniel K. Akaka (D-Hawaii) | $2,500 |
| Gordon Smith (R-Ore) | $2,500 |
| Arlen Specter (R-Pa) | $2,500 |
| Tim Hutchinson (R-Ark) | $2,000 |
| Barbara Boxer (D-Calif) | $2,000 |
| Evan Bayh (D-Ind) | $2,000 |
| Chuck Hagel (R-Neb) | $2,000 |
| Ted Stevens (R-Alaska) | $2,000 |
| Richard J. Durbin (D-Ill) | $2,000 |
| Pete V. Domenici (R-NM) | $2,000 |
| John D. Rockefeller IV (D-WVa) | $2,000 |
| Jeff Sessions (R-Ala) | $2,000 |
| Charles E. Grassley (R-Iowa) | $2,000 |
| Robert F. Bennett (R-Utah) | $2,000 |
| Jim Bunning (R-Ky) | $1,500 |
| George V. Voinovich (R-Ohio) | $1,500 |
| Robert C. Byrd (D-WVa) | $1,500 |
| Blanche Lambert Lincoln (D-Ark) | $1,500 |
| Thomas R. Carper (D-Del) | $1,500 |
| John Kerry (D-Mass) | $1,250 |
| Carl Levin (D-Mich) | $1,250 |
| Bill Nelson (D-Fla) | $1,000 |
| Christopher S. Bond (R-Mo) | $1,000 |
| Fred Thompson (R-Tenn) | $1,000 |
| John B. Breaux (D-La) | $1,000 |
| Bob Graham (D-Fla) | $1,000 |
| Strom Thurmond (R-SC) | $1,000 |
| Larry E. Craig (R-Idaho) | $1,000 |
| Paul S. Sarbanes (D-Md) | $1,000 |
| Don Nickles (R-Okla) | $1,000 |
| Peter G. Fitzgerald (R-Ill) | $1,000 |
| Robert G. Torricelli (D-NJ) | $1,000 |
| Frank H. Murkowski (R-Alaska) | $1,000 |
| Tim Johnson (D-SD) | $1,000 |
| Wayne Allard (R-Colo) | $1,000 |
| Judd Gregg (R-NH) | $1,000 |
| Craig Thomas (R-Wyo) | $1,000 |
| Ben Nighthorse Campbell (R-Colo) | $1,000 |

*Based on FEC data downloaded 9/1/01.

THE CENTER FOR RESPONSIVE POLITICS

## Microsoft PAC & Individual Contributions to the House, 2001*

Back to Alert

| Name | PAC & Indiv Total* |
|---|---|
| Dick Armey (R-Texas) | $2,500 |
| Spencer Bachus (R-Ala) | $1,000 |
| Joe L. Barton (R-Texas) | $1,500 |
| Xavier Becerra (D-Calif) | $500 |
| Ken Bentsen (D-Texas) | $1,000 |
| Howard L. Berman (D-Calif) | $1,000 |
| Michael Bilirakis (R-Fla) | $1,000 |
| Henry Bonilla (R-Texas) | $1,000 |
| Mary Bono (R-Calif) | $1,000 |
| Rick Boucher (D-Va) | $1,500 |
| Kevin Brady (R-Texas) | $500 |
| Sherrod Brown (D-Ohio) | $500 |
| Ed Bryant (R-Tenn) | $1,000 |
| Richard M. Burr (R-NC) | $1,500 |
| Steve Buyer (R-Ind) | $2,500 |
| Lois Capps (D-Calif) | $1,000 |
| Steve Chabot (R-Ohio) | $1,500 |
| Barbara Cubin (R-Wyo) | $2,000 |
| Randy "Duke" Cunningham (R-Calif) | $1,500 |
| Jim Davis (D-Fla) | $500 |
| Thomas M. Davis III (R-Va) | $500 |
| Diana Degette (D-Colo) | $1,000 |
| Peter Deutsch (D-Fla) | $1,000 |
| Norm Dicks (D-Wash) | $4,000 |
| John D. Dingell (D-Mich) | $1,000 |
| Cal Dooley (D-Calif) | $4,500 |
| Jennifer Dunn (R-Wash) | $2,000 |
| Chet Edwards (D-Texas) | $1,000 |
| Robert L. Ehrlich Jr (R-Md) | $1,000 |
| Jo Ann Emerson (R-Mo) | $500 |
| Anna G. Eshoo (D-Calif) | $2,000 |
| Bob Etheridge (D-NC) | $1,000 |
| Sam Farr (D-Calif) | $1,000 |
| Mike Ferguson (R-NJ) | $500 |
| Mark Foley (R-Fla) | $1,000 |
| J. Randy Forbes (R-Va) | $1,000 |
| Harold E. Ford Jr (D-Tenn) | $2,000 |
| Vito J. Fossella (R-NY) | $1,000 |

| | |
|---|---|
| Martin Frost (D-Texas) | $1,000 |
| Elton Gallegly (R-Calif) | $1,000 |
| George W. Gekas (R-Pa) | $500 |
| Richard A. Gephardt (D-Mo) | $5,000 |
| Jim Gibbons (R-Nev) | $500 |
| Benjamin A. Gilman (R-NY) | $1,000 |
| Robert W. Goodlatte (R-Va) | $1,000 |
| Bart Gordon (D-Tenn) | $1,000 |
| Lindsey Graham (R-SC) | $4,500 |
| Sam Graves (R-Mo) | $2,000 |
| Mark Green (R-Wis) | $1,500 |
| Jane Harman (D-Calif) | $500 |
| Melissa A. Hart (R-Pa) | $1,500 |
| Dennis Hastert (R-Ill) | $1,000 |
| David L. Hobson (R-Ohio) | $1,000 |
| Rush D. Holt (D-NJ) | $1,500 |
| Mike Honda (D-Calif) | $1,000 |
| Amo Houghton (R-NY) | $2,000 |
| Steny H. Hoyer (D-Md) | $1,000 |
| Kenny Hulshof (R-Mo) | $1,000 |
| Jay Inslee (D-Wash) | $28,500 |
| John H. Isakson (R-Ga) | $500 |
| Sheila Jackson Lee (D-Texas) | $1,000 |
| William J. Jefferson (D-La) | $1,000 |
| Nancy L. Johnson (R-Conn) | $2,000 |
| Sam Johnson (R-Texas) | $1,000 |
| Ric Keller (R-Fla) | $1,000 |
| Mark Kennedy (R-Minn) | $500 |
| Patrick J. Kennedy (D-RI) | $1,000 |
| Jim Kolbe (R-Ariz) | $1,500 |
| Rick Larsen (D-Wash) | $15,500 |
| John B. Larson (D-Conn) | $500 |
| Sander M. Levin (D-Mich) | $3,000 |
| Jerry Lewis (R-Calif) | $1,000 |
| Zoe Lofgren (D-Calif) | $1,000 |
| William P. "Bill" Luther (D-Minn) | $500 |
| Robert T. Matsui (D-Calif) | $2,000 |
| Jim McDermott (D-Wash) | $2,000 |
| Scott McInnis (R-Colo) | $1,000 |
| Gregory W. Meeks (D-NY) | $1,000 |
| George Miller (D-Calif) | $1,000 |
| Dennis Moore (D-Kan) | $1,000 |
| James P. Moran (D-Va) | $1,000 |
| Sue Myrick (R-NC) | $1,000 |
| George Nethercutt (R-Wash) | $2,000 |
| Bob Ney (R-Ohio) | $2,000 |
| Jim Nussle (R-Iowa) | $1,000 |
| Douglas A. Ose (R-Calif) | $1,000 |
| C. L. 'Butch' Otter (R-Idaho) | $1,000 |
| Michael G. Oxley (R-Ohio) | $1,500 |
| Nancy Pelosi (D-Calif) | $1,000 |
| Charles W. "Chip" Pickering Jr (R-Miss) | $1,000 |

| | |
|---|---|
| Earl Pomeroy (D-ND) | $1,000 |
| David E. Price (D-NC) | $1,000 |
| Deborah Pryce (R-Ohio) | $1,000 |
| Jim Ramstad (R-Minn) | $500 |
| Denny Rehberg (R-Mont) | $500 |
| Harold Rogers (R-Ky) | $1,000 |
| Mike Rogers (R-Mich) | $500 |
| Ed Royce (R-Calif) | $300 |
| Paul D. Ryan (R-Wis) | $3,000 |
| Max Sandlin (D-Texas) | $500 |
| Tom Sawyer (D-Ohio) | $2,000 |
| F. James Sensenbrenner Jr (R-Wis) | $1,000 |
| John Shadegg (R-Ariz) | $1,000 |
| John M. Shimkus (R-Ill) | $1,000 |
| Adam Smith (D-Wash) | $10,500 |
| Lamar Smith (R-Texas) | $1,000 |
| Cliff Stearns (R-Fla) | $1,000 |
| Charles W. Stenholm (D-Texas) | $1,000 |
| John E. Sununu (R-NH) | $3,500 |
| John Tanner (D-Tenn) | $500 |
| Ellen O. Tauscher (D-Calif) | $2,000 |
| W. J. "Billy" Tauzin (R-La) | $2,500 |
| Todd Tiahrt (R-Kan) | $500 |
| Edolphus Towns (D-NY) | $2,000 |
| Fred Upton (R-Mich) | $2,000 |
| Greg Walden (R-Ore) | $1,500 |
| J. C. Watts Jr (R-Okla) | $1,000 |
| Henry A. Waxman (D-Calif) | $1,000 |
| Anthony Weiner (D-NY) | $500 |
| Jerry Weller (R-Ill) | $1,000 |
| Edward Whitfield (R-Ky) | $1,000 |
| Heather A. Wilson (R-NM) | $1,000 |
| Frank R. Wolf (R-Va) | $1,000 |
| Don Young (R-Alaska) | $1,000 |

*Based on FEC data downloaded 9/1/01.

THE CENTER FOR RESPONSIVE POLITICS

## Microsoft PAC & Individual Contributions to the House, 1999-00*

Back to Alert

Click here to view this list alphabetically

| Name | PAC & Indiv Total* |
|---|---|
| Jay Inslee (D-Wash) | $131,600 |
| Brian Baird (D-Wash) | $39,900 |
| Rick Larsen (D-Wash) | $35,600 |
| Adam Smith (D-Wash) | $31,750 |
| Jennifer Dunn (R-Wash) | $15,450 |
| Cal Dooley (D-Calif) | $12,500 |
| Robert W. Goodlatte (R-Va) | $11,750 |
| George Nethercutt (R-Wash) | $10,000 |
| Richard "Doc" Hastings (R-Wash) | $9,500 |
| Norm Dicks (D-Wash) | $7,500 |
| Ellen O. Tauscher (D-Calif) | $7,500 |
| Anna G. Eshoo (D-Calif) | $7,000 |
| Roy Blunt (R-Mo) | $7,000 |
| Charles B. Rangel (D-NY) | $7,000 |
| Barbara Cubin (R-Wyo) | $6,500 |
| Robert T. Matsui (D-Calif) | $6,500 |
| James P. Moran (D-Va) | $6,500 |
| Steve Chabot (R-Ohio) | $6,000 |
| Martin Frost (D-Texas) | $6,000 |
| Dick Armey (R-Texas) | $5,000 |
| John T. Doolittle (R-Calif) | $5,000 |
| Tom DeLay (R-Texas) | $5,000 |
| Richard A. Gephardt (D-Mo) | $5,000 |
| Bart Gordon (D-Tenn) | $5,000 |
| John Conyers Jr (D-Mich) | $5,000 |
| Carolyn McCarthy (D-NY) | $5,000 |
| Zoe Lofgren (D-Calif) | $5,000 |
| Ed Bryant (R-Tenn) | $5,000 |
| Thomas M. Davis III (R-Va) | $4,500 |
| John D. Dingell (D-Mich) | $4,500 |
| Jim Kolbe (R-Ariz) | $4,500 |
| Henry J. Hyde (R-Ill) | $4,000 |
| George W. Gekas (R-Pa) | $4,000 |
| Tim Roemer (D-Ind) | $4,000 |
| Charles W. "Chip" Pickering Jr (R-Miss) | $4,000 |
| Heather A. Wilson (R-NM) | $4,000 |
| Bob Etheridge (D-NC) | $4,000 |
| James E. Clyburn (D-SC) | $4,000 |

| | |
|---|---|
| Howard Coble (R-NC) | $4,000 |
| David Vitter (R-La) | $4,000 |
| Christopher R. Cannon (R-Utah) | $3,500 |
| Lois Capps (D-Calif) | $3,500 |
| Harold E. Ford Jr (D-Tenn) | $3,500 |
| Paul D. Ryan (R-Wis) | $3,500 |
| Adam Putnam (R-Fla) | $3,500 |
| Ed Schrock (R-Va) | $3,500 |
| Jim McDermott (D-Wash) | $3,500 |
| Nancy L. Johnson (R-Conn) | $3,500 |
| Anne Northup (R-Ky) | $3,500 |
| Jim McCrery (R-La) | $3,000 |
| Rick Boucher (D-Va) | $3,000 |
| Martin T. Meehan (D-Mass) | $3,000 |
| Howard L. Berman (D-Calif) | $3,000 |
| Ken Bentsen (D-Texas) | $3,000 |
| William P. "Bill" Luther (D-Minn) | $3,000 |
| Spencer Bachus (R-Ala) | $3,000 |
| Mary Bono (R-Calif) | $3,000 |
| Richard M. Burr (R-NC) | $3,000 |
| Steve Buyer (R-ind) | $3,000 |
| Chris John (D-La) | $3,000 |
| Ralph M. Hall (D-Texas) | $3,000 |
| Mark Green (R-Wis) | $3,000 |
| Bud Cramer (D-Ala) | $3,000 |
| Philip M. Crane (R-Ill) | $3,000 |
| Jim Gibbons (R-Nev) | $3,000 |
| Randy "Duke" Cunningham (R-Calif) | $3,000 |
| Diana Degette (D-Colo) | $3,000 |
| Elton Gallegly (R-Calif) | $3,000 |
| Vito J. Fossella (R-NY) | $3,000 |
| Ron Kind (D-Wis) | $3,000 |
| John Shadegg (R-Ariz) | $3,000 |
| Edward Whitfield (R-Ky) | $3,000 |
| Edolphus Towns (D-NY) | $3,000 |
| Bennie Thompson (D-Miss) | $3,000 |
| Bill Thomas (R-Calif) | $3,000 |
| W. J. "Billy" Tauzin (R-La) | $3,000 |
| John Tanner (D-Tenn) | $3,000 |
| E. Clay Shaw Jr (R-Fla) | $3,000 |
| Lindsey Graham (R-SC) | $2,750 |
| F. James Sensenbrenner Jr (R-Wis) | $2,749 |
| Xavier Becerra (D-Calif) | $2,500 |
| Harold Rogers (R-Ky) | $2,500 |
| Melvin Watt (D-NC) | $2,500 |
| Jim Davis (D-Fla) | $2,500 |
| Cliff Stearns (R-Fla) | $2,500 |
| Darrell Issa (R-Calif) | $2,500 |
| Mike Honda (D-Calif) | $2,500 |
| Kenny Hulshof (R-Mo) | $2,500 |
| Tom Sawyer (D-Ohio) | $2,500 |
| Porter J. Goss (R-Fla) | $2,500 |
| Sam Farr (D-Calif) | $2,500 |

| | |
|---|---|
| Melissa A. Hart (R-Pa) | $2,500 |
| Constance A. Morella (R-Md) | $2,500 |
| Dennis Hastert (R-Ill) | $2,500 |
| C. W. Bill Young (R-Fla) | $2,500 |
| Gene Green (D-Texas) | $2,000 |
| Ric Keller (R-Fla) | $2,000 |
| Robert Aderholt (R-Ala) | $2,000 |
| Thomas Gerard Tancredo (R-Colo) | $2,000 |
| William J. Jefferson (D-La) | $2,000 |
| Sheila Jackson Lee (D-Texas) | $2,000 |
| Eddie Bernice Johnson (D-Texas) | $2,000 |
| Felix J. Grucci Jr (R-NY) | $2,000 |
| Mark Kennedy (R-Minn) | $2,000 |
| Charles W. Stenholm (D-Texas) | $2,000 |
| Steny H. Hoyer (D-Md) | $2,000 |
| Darlene Hooley (D-Ore) | $2,000 |
| Chet Edwards (D-Texas) | $2,000 |
| Jane Harman (D-Calif) | $2,000 |
| Jeff Flake (R-Ariz) | $2,000 |
| Robin Hayes (R-NC) | $2,000 |
| Mark Foley (R-Fla) | $2,000 |
| Bobby L. Rush (D-Ill) | $2,000 |
| Henry A. Waxman (D-Calif) | $2,000 |
| Tammy Baldwin (D-Wis) | $2,000 |
| Joe L. Barton (R-Texas) | $2,000 |
| Dennis Moore (D-Kan) | $2,000 |
| Gary G. Miller (R-Calif) | $2,000 |
| Dan Miller (R-Fla) | $2,000 |
| Richard W. Pombo (R-Calif) | $2,000 |
| Earl Pomeroy (D-ND) | $2,000 |
| Michael Bilirakis (R-Fla) | $2,000 |
| David E. Bonior (D-Mich) | $2,000 |
| Adam Schiff (D-Calif) | $2,000 |
| Patrick J. Kennedy (D-RI) | $2,000 |
| J. C. Watts Jr (R-Okla) | $2,000 |
| Ron Lewis (R-Ky) | $2,000 |
| H. James Saxton (R-NJ) | $2,000 |
| Bob Clement (D-Tenn) | $2,000 |
| Sander M. Levin (D-Mich) | $2,000 |
| Fred Upton (R-Mich) | $2,000 |
| Steve Largent (R-Okla) | $2,000 |
| Jim Langevin (D-RI) | $2,000 |
| Christopher Cox (R-Calif) | $2,000 |
| Don Young (R-Alaska) | $2,000 |
| Douglas A. Ose (R-Calif) | $2,000 |
| Richard E. Neal (D-Mass) | $2,000 |
| Donald L. Sherwood (R-Pa) | $1,500 |
| Pete Sessions (R-Texas) | $1,500 |
| Greg Ganske (R-Iowa) | $1,500 |
| Robert L. Ehrlich Jr (R-Md) | $1,500 |
| Vernon J. Ehlers (R-Mich) | $1,500 |
| John E. Sununu (R-NH) | $1,500 |
| Jo Ann Davis (R-Va) | $1,500 |

| | |
|---|---|
| Barney Frank (D-Mass) | $1,500 |
| Ander Crenshaw (R-Fla) | $1,500 |
| C. L. 'Butch' Otter (R-Idaho) | $1,500 |
| Greg Walden (R-Ore) | $1,500 |
| Henry Brown (R-SC) | $1,500 |
| Michael G. Oxley (R-Ohio) | $1,500 |
| Charles Bass (R-NH) | $1,500 |
| Charlie Norwood (R-Ga) | $1,500 |
| Rush D. Holt (D-NJ) | $1,500 |
| Jim Ryun (R-Kan) | $1,500 |
| Amo Houghton (R-NY) | $1,500 |
| Scott McInnis (R-Colo) | $1,500 |
| J. D. Hayworth (R-Ariz) | $1,500 |
| Loretta Sanchez (D-Calif) | $1,500 |
| Ron Paul (R-Texas) | $1,250 |
| Saxby Chambliss (R-Ga) | $1,000 |
| Edward J. Markey (D-Mass) | $1,000 |
| Dan Burton (R-Ind) | $1,000 |
| Jim Ramstad (R-Minn) | $1,000 |
| Ken Lucas (D-Ky) | $1,000 |
| Eric Cantor (R-Va) | $1,000 |
| Maxine Waters (D-Calif) | $1,000 |
| Deborah Pryce (R-Ohio) | $1,000 |
| John Lewis (D-Ga) | $1,000 |
| Todd Akin (R-Mo) | $1,000 |
| William 'Lacy' Clay (D-Mo) | $1,000 |
| Jerry Lewis (R-Calif) | $1,000 |
| Ileana Ros-Lehtinen (R-Fla) | $1,000 |
| Mark Udall (D-Colo) | $1,000 |
| Jim Turner (D-Texas) | $1,000 |
| Brad Carson (D-Okla) | $1,000 |
| Roger Wicker (R-Miss) | $1,000 |
| Thomas M. Barrett (D-Wis) | $1,000 |
| John P. Murtha (D-Pa) | $1,000 |
| Albert R. Wynn (D-Md) | $1,000 |
| Mike Pence (R-Ind) | $1,000 |
| Frank R. Wolf (R-Va) | $1,000 |
| Jack Quinn (R-NY) | $1,000 |
| David E. Price (D-NC) | $1,000 |
| Leonard L. Boswell (D-Iowa) | $1,000 |
| Henry Bonilla (R-Texas) | $1,000 |
| Karen McCarthy (D-Mo) | $1,000 |
| Mike Ross (D-Ark) | $1,000 |
| Sue Myrick (R-NC) | $1,000 |
| Bob Ney (R-Ohio) | $1,000 |
| James A. Barcia (D-Mich) | $1,000 |
| Marion Berry (D-Ark) | $1,000 |
| Bill Jenkins (R-Tenn) | $1,000 |
| Lamar Smith (R-Texas) | $1,000 |
| Vic Snyder (D-Ark) | $1,000 |
| Jo Ann Emerson (R-Mo) | $1,000 |
| Baron P. Hill (D-Ind) | $1,000 |
| David L. Hobson (R-Ohio) | $1,000 |

| | |
|---|---|
| John M. Spratt Jr (D-SC) | $1,000 |
| Gary A. Condit (D-Calif) | $1,000 |
| Jack Kingston (R-Ga) | $1,000 |
| Mike Ferguson (R-NJ) | $1,000 |
| Lincoln Diaz-Balart (R-Fla) | $1,000 |
| Lane Evans (D-Ill) | $1,000 |
| John M. Shimkus (R-Ill) | $1,000 |
| Bart Stupak (D-Mich) | $1,000 |
| Nancy Pelosi (D-Calif) | $1,000 |
| John Thune (R-SD) | $1,000 |
| Frank Pallone Jr (D-NJ) | $1,000 |
| Charlie Gonzalez (D-Texas) | $1,000 |
| Marge Roukema (R-NJ) | $1,000 |
| Peter Deutsch (D-Fla) | $1,000 |
| John Culberson (R-Texas) | $1,000 |
| Lucille Roybal-Allard (D-Calif) | $1,000 |
| David R. Obey (D-Wis) | $1,000 |
| Brian D. Kerns (R-Ind) | $1,000 |
| Sam Johnson (R-Texas) | $1,000 |
| Jim Nussle (R-Iowa) | $1,000 |
| Nathan Deal (R-Ga) | $1,000 |
| John L. Mica (R-Fla) | $500 |
| Paul E. Gillmor (R-Ohio) | $500 |
| Lynn Woolsey (D-Calif) | $500 |
| Max Sandlin (D-Texas) | $500 |
| Wally Herger (R-Calif) | $500 |
| Sanford D. Bishop Jr (D-Ga) | $500 |
| Robert Wexler (D-Fla) | $500 |
| Anthony Weiner (D-NY) | $500 |
| John H. Isakson (R-Ga) | $500 |
| Dave Camp (R-Mich) | $500 |
| Benjamin L. Cardin (D-Md) | $500 |
| Eva Clayton (D-NC) | $500 |
| Joseph Crowley (D-NY) | $500 |
| Brad Sherman (D-Calif) | $500 |
| Peter T. King (R-NY) | $500 |
| Lloyd Doggett (D-Texas) | $500 |
| David Wu (D-Ore) | $250 |

*Based on FEC data downloaded 9/1/01.

## Results: Presidential Donors Search

75 records found in .09 seconds.

**SEARCH CRITERIA:**
Donor name: (all contributors)
Donor zip code: (any zip)
Donor employer/occupation: Microsoft
Election cycle(s): 2000

Sort by Name
Sort by Date
Sort by Amount
Change Sort Order

Start another search

Records 1 - 49:

| Contributor | Occupation | Date | Amount | Recipient |
|---|---|---|---|---|
| EISLER, CRAIG REDMOND, WA 98053 | MICROSOFT | 7/14/1999 | $2,000 | Bush, George W |
| MATHEWS, MICHELLE J BELLEVUE, WA 98004 | MICROSOFT CORP | 7/22/1999 | $2,000 | Bush, George W |
| PETERS, G CHRISTOPHER MEDINA, WA 98039 | MICROSOFT CORPORATION | 7/14/1999 | $2,000 | Bush, George W |
| FERNANDEZ, ROLAND L MR WOODINVILLE, WA 98072 | MICROSOFT CORPORATION/ENGINEER | 2/29/2000 | $2,000 | Bush, George W |
| BRESEMANN, JOHN K MR REDMOND, WA 98053 | MICROSOFT/SOFTWARE ENGINEER | 10/12/2000 | $2,000 | Bush, George W |
| NIELSEN, TOD MR REDMOND, WA 98053 | MICROSOFT/VICE PRESIDENT | 12/27/1999 | $2,000 | Bush, George W |
| SIMONYI, CHARLES DR BELLEVUE, WA 98009 | MICROSOFT | 8/17/1999 | $1,000 | Bush, George W |
| SHAW, GREGORY M BELLEVUE, WA 98004 | MICROSOFT | 7/14/1999 | $1,000 | Bush, George W |
| SAMPLE, WILLIAM J REDMOND, WA 98053 | MICROSOFT | 7/14/1999 | $1,000 | Bush, George W |
| MCCAULEY, DAVID SEATTLE, WA 98112 | MICROSOFT | 7/14/1999 | $1,000 | Bush, George W |
| KOSS, MICHAEL C BOTHELL, WA 98052 | MICROSOFT | 7/14/1999 | $1,000 | Bush, George W |
| EMANUELS, BRIAN D MERCER ISLAND, WA 98040 | MICROSOFT | 8/17/1999 | $1,000 | Bush, George W |
| BRUNTON, DEBORAH KIRKLAND, WA 98033 | MICROSOFT | 7/21/1999 | $1,000 | Bush, George W |
| HURLBUT, CLARK K RENO, NV 89511 | MICROSOFT | 6/24/1999 | $1,000 | Bush, George W |
| FLAAT, CHRISTOPHER A BELLEVUE, WA 98007 | MICROSOFT | 3/31/1999 | $1,000 | Bush, George W |

| | | | | |
|---|---|---|---|---|
| SPENCER, WILLIAM A MR REDMOND, WA 98052 | MICROSOFT/MARKETING MANAGER | 11/8/1999 | $1,000 | Bush, George W |
| WILLMAN, BRYAN MR KIRKLAND, WA 98034 | MICROSOFT/PROGRAMMER | 3/7/2000 | $1,000 | Bush, George W |
| WOODRUFF, BRYAN A MR REDMOND, WA 98053 | MICROSOFT/SOFTWARE DESIGN ENGINEER | 2/29/2000 | $1,000 | Bush, George W |
| WORLEY, TERENCE MR PLEASANTON, CA 94566 | MICROSOFT/SOFTWARE ENGINEER | 5/17/2000 | $1,000 | Bush, George W |
| BARON, WERNER MR REDMOND, WA 98052 | MICROSOFT CORPORATION/MARKETING | 2/28/2000 | $800 | Bush, George W |
| MASTERS, JERRY R WOODINVILLE, WA 98072 | MICROSOFT | 8/4/1999 | $500 | Bush, George W |
| JORGENSEN, ERIK M SEATTLE, WA 98101 | MICROSOFT | 7/16/1999 | $500 | Bush, George W |
| HERBOLD, ROBERT J BELLEVUE, WA 98015 | MICROSOFT CORP | 7/14/1999 | $500 | Bush, George W |
| BERENSON, HAROLD WOODINVILLE, WA 98072 | MICROSOFT CORP | 7/27/1999 | $500 | Bush, George W |
| BERENSON, HAROLD MR WOODINVILLE, WA 98072 | MICROSOFT CORP./ENGINEER | 1/20/2000 | $500 | Bush, George W |
| HERBOLD, ROBERT J MR BELLEVUE, WA 98015 | MICROSOFT CORP./EXECUTIVE VP & COO | 1/12/2000 | $500 | Bush, George W |
| SHAUGHNESSY, WILLIAM T MR REDMOND, WA 98052 | MICROSOFT CORP./PRODUCT & BUSINESS | 7/14/2000 | $500 | Bush, George W |
| SHAUGHNESSY, WILLIAM T MR REDMOND, WA 98052 | MICROSOFT CORP./PRODUCT & BUSINESS | 2/29/2000 | $500 | Bush, George W |
| KESTER, CHARLES G MR LAKE FOREST PARK, WA 98155 | MICROSOFT CORP./TEAM MANAGER | 3/8/2000 | $500 | Bush, George W |
| MCEACHRON, BRIAN L REDWOOD, WA 98052 | MICROSOFT CORPORATION | 7/14/1999 | $500 | Bush, George W |

Next set of records

2000 cycle data downloaded from FEC on November 1, 2001. Date of request: January 2, 2002

| | | | | |
|---|---|---|---|---|
| WORLEY, TERENCE PLEASANTON, CA 94566 | MICROSOFT | 6/30/1999 | $1,000 | Bush, George W |
| SPIX, GEORGE A REDMOND, WA 98052 | MICROSOFT CORP | 7/14/1999 | $1,000 | Bush, George W |
| SANDERSON, JEFFREY P BELLEVUE, WA 98004 | MICROSOFT CORP | 8/12/1999 | $1,000 | Bush, George W |
| PIMENTEL, ALBERT MONTE SERENO, CA 95030 | MICROSOFT CORP | 7/8/1999 | $1,000 | Bush, George W |
| MURPHY, R BARRY REDMOND, WA 98052 | MICROSOFT CORP | 7/13/1999 | $1,000 | Bush, George W |
| HARTNECK, RALF SEATTLE, WA 98144 | MICROSOFT CORP | 8/11/1999 | $1,000 | Bush, George W |
| FIRMAN, THOMAS R BELLEVUE, WA 98005 | MICROSOFT CORP | 7/14/1999 | $1,000 | Bush, George W |
| ASHMUN, D STUART SEATTLE, WA 98177 | MICROSOFT CORP | 8/10/1999 | $1,000 | Bush, George W |
| BERENSON, HAROLD MR WOODINVILLE, WA 98072 | MICROSOFT CORP./ENGINEER | 6/15/2000 | $1,000 | Bush, George W |
| HARTENECK, RALF MR SEATTLE, WA 98144 | MICROSOFT CORP./VICE PRESIDENT | 5/11/2000 | $1,000 | Bush, George W |
| BOYLE, MICHAEL P BELLEVUE, WA 98005 | MICROSOFT CORPORATION | 7/21/1999 | $1,000 | Bush, George W |
| DERMODY, CHARLES W MR REDMOND, WA 98052 | MICROSOFT CORPORATION/ENGINEER | 6/26/2000 | $1,000 | Bush, George W |
| PIMENTEL, ALBERT MR MONTE SERENO, CA 95030 | MICROSOFT CORPORATION/EXECUTIVE | 7/31/2000 | $1,000 | Bush, George W |
| SHERWOOD, DAVID E MR WOODINVILLE, WA 98072 | MICROSOFT/ATTORNEY | 6/8/2000 | $1,000 | Bush, George W |
| BLANKENBURG, ERIC P MR CARNATION, WA 98014 | MICROSOFT/CONSULTANT | 2/24/2000 | $1,000 | Bush, George W |
| HERBOLD, ROBERT J MR BELLEVUE, WA 98005 | MICROSOFT/COO | 11/22/1999 | $1,000 | Bush, George W |
| MASTERS, JERRY R MR WOODINVILLE, WA 98072 | MICROSOFT/FINANCE | 7/31/2000 | $1,000 | Bush, George W |
| SANDERSON, JEFFREY P MR BELLEVUE, WA 98004 | MICROSOFT/MARKETING | 5/17/2000 | $1,000 | Bush, George W |
| MATHEWS, MICHELLE MRS BELLEVUE, WA 98004 | MICROSOFT/MARKETING | 5/17/2000 | $1,000 | Bush, George W |
| DOUGLAS, DEDO MR REDMOND, WA 98053 | MICROSOFT/MARKETING MANAGER | 3/30/2000 | $1,000 | Bush, George W |

## Results: Presidential Donors Search

75 records found in .09 seconds.

**SEARCH CRITERIA:**
Donor name: (all contributors)
Donor zip code: (any zip)
Donor employer/occupation: Microsoft
Election cycle(s): 2000

Start another search

Records 50 - 75:

| Contributor | Occupation | Date | Amount | Recipient |
|---|---|---|---|---|
| MCEACHRON, BRIAN L REDWOOD, WA 98052 | MICROSOFT CORPORATION | 4/14/1999 | $500 | Bush, George W |
| PEASE, MATTHEW M WALNUT CREEK, CA 94595 | MICROSOFT INC | 9/30/1999 | $500 | Bush, George W |
| KELLY, JOHN MR KIRKLAND, WA 98033 | MICROSOFT/ATTORNEY | 2/29/2000 | $500 | Bush, George W |
| NIELSEN, TOD MR REDMOND, WA 98053 | MICROSOFT/DEVELOPING/MARKETING | 12/23/1999 | $500 | Bush, George W |
| RAVANI, ANTHONY MR INFO REQUESTED, | MICROSOFT/EXECUTIVE | 2/29/2000 | $500 | Bush, George W |
| NIXON, TOBY L MR KIRKLAND, WA 98034 | MICROSOFT/MANAGER | 2/29/2000 | $500 | Bush, George W |
| YANG, LIAN MR WOODINVILLE, WA 98072 | MICROSOFT/SOFTWARE DESIGN ENGINEER | 1/24/2000 | $500 | Bush, George W |
| JAKSTADT, ERIC MR WOODINVILLE, WA 98072 | MICROSOFT/SOFTWARE DEVELOPER | 3/7/2000 | $500 | Bush, George W |
| JAKSTADT, ERIC MR WOODINVILLE, WA 98072 | MICROSOFT/SOFTWARE DEVELOPER | 1/31/2000 | $500 | Bush, George W |
| GREGG, DIANNE L SUDBURY, MA 01776 | MICROSOFT INC | 9/14/1999 | $400 | Bush, George W |
| HOKE, STEVE KIRKLAND, WA 98034 | MICROSOFT | 6/30/1999 | $300 | Bush, George W |
| HARRISON, ARTHUR B MR CHARLOTTE, NC | MICROSOFT/SOFTWARE ENGINEER | 2/29/2000 | $300 | Bush, George W |

| | | | | |
|---|---|---|---|---|
| 28277 | | | | |
| LINDELL, STEVE MR BELLEVUE, WA 98008 | MICROSOFT CORP/ENGINEER | 10/11/2000 | $250 | Bush, George W |
| WARD, JAMES I MR CHARLOTTE, NC 28270 | MICROSOFT CORPORATION/TECHNICAL MAN | 3/8/2000 | $250 | Bush, George W |
| REMALA, RAO V WOODINVILLE, WA 98072 | MICROSOFT INC | 9/30/1999 | $250 | Bush, George W |
| WURDEN, FREDERICK L MR REDMOND, WA 98053 | MICROSOFT/MANAGER | 2/29/2000 | $250 | Bush, George W |
| NIXON, TOBY L MR KIRKLAND, WA 98034 | MICROSOFT/MANAGER | 4/13/2000 | $200 | Bush, George W |
| MASTERS, JERRY R MR WOODINVILLE, WA 98072 | MICROSOFT/FINANCE | 9/18/2000 | -$500 | Bush, George W |
| EISLER, CRAIG REDMOND, WA 98053 | MICROSOFT | 8/4/1999 | -$1,000 | Bush, George W |
| MATHEWS, MICHELLE J BELLEVUE, WA 98004 | MICROSOFT CORP | 8/12/1999 | -$1,000 | Bush, George W |
| BERENSON, HAROLD MR WOODINVILLE, WA 98072 | MICROSOFT CORP. | 8/1/2000 | -$1,000 | Bush, George W |
| PETERS, G CHRISTOPHER MEDINA, WA 98039 | MICROSOFT CORPORATION | 8/18/1999 | -$1,000 | Bush, George W |
| FERNANDEZ, ROLAND L MR WOODINVILLE, WA 98072 | MICROSOFT CORPORATION/ENGINEER | 4/21/2000 | -$1,000 | Bush, George W |
| BRESEMANN, JOHN K MR REDMOND, WA 98053 | MICROSOFT/SOFTWARE ENGINEER | 11/6/2000 | -$1,000 | Bush, George W |
| NIELSEN, TOD MR REDMOND, WA 98053 | MICROSOFT/VICE PRESIDENT | 2/2/2000 | -$1,000 | Bush, George W |

2000 cycle data downloaded from FEC on November 1, 2001. Date of request: January 2, 2002

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THE CENTER FOR RESPONSIVE POLITICS

2000 CYCLE | 2002 CYCLE

## John Ashcroft (R)

**1999-2000 PAC Contributions: $2,025,323**
Based on data released by the FEC on Thursday, November 01, 2001.

| | |
|---|---|
| ⊞ Agribusiness | $154,937 |
| ⊟ Communic/Electronics | $204,899 |
| ⊞ Printing & Publishing | $27,000 |
| ⊞ TV/Movies/Music | $47,499 |
| ⊞ Telephone Utilities | $60,450 |
| ⊞ Telecom Services & Equipment | $26,450 |
| ⊞ Electronics Mfg & Services | $6,000 |
| ⊟ Computer Equipment & Services | $37,500 |
| ⊞ 3Com Corp | $1,000 |
| ⊞ Amazon.com | $1,000 |
| ⊞ America Online | $5,000 |
| ⊞ Cable & Wireless USA | $1,000 |
| ⊞ Ceridian Corp | $2,000 |
| ⊞ Compaq Computer | $1,000 |
| ⊞ Computer Sciences Corp | $2,000 |
| ⊞ EDS Corp | $1,000 |
| ⊞ Gateway Inc | $4,500 |
| ⊞ Intel Corp | $3,000 |
| ⊟ Microsoft Corp | $9,000 |
| 3/2/1999 | $1,000 |
| 6/16/1999 | $1,000 |
| 6/28/1999 | $1,000 |
| 9/29/1999 | $1,000 |
| 12/9/1999 | $1,000 |
| 2/9/2000 | $1,000 |
| 5/12/2000 | $1,000 |
| 6/20/2000 | $1,000 |
| 9/7/2000 | $1,000 |
| ⊞ Oracle Corp | $1,000 |
| ⊞ Storage Technology Corp | $1,000 |

| | |
|---|---|
| ⊞ Sun Microsystems | $2,000 |
| ⊞ Technology Network Federal PAC | $3,000 |
| ⊞ Construction | $123,000 |
| ⊞ Defense | $17,000 |
| ⊞ Energy/Nat Resource | $210,550 |
| ⊞ Finance/Insur/RealEst | $329,208 |
| ⊞ Health | $140,000 |
| ⊞ Lawyers & Lobbyists | $69,023 |
| ⊞ Transportation | $209,050 |
| ⊞ Misc Business | $304,666 |
| ⊞ Labor | $9,000 |
| ⊞ Ideology/Single-Issue | $251,890 |
| ⊞ Other | $1,100 |
| ⊞ Unknown | $1,000 |

## Results: Individual Donors Search

105 records found in .03 seconds.

**SEARCH CRITERIA:**
Donor name: microsoft
Election cycle(s): 2002 2000

Start another search

- (•) Sort by Name
- ( ) Sort by Date
- ( ) Sort by Amount

Records 1 - 49:

| Contributor | Occupation | Date | Amount | Recipient |
|---|---|---|---|---|
| MICROSOFT WASHINGTON, DC 20036 | | 4/16/2001 | $15,000 | DNC/Non-Federal Corporate |
| MICROSOFT REDMOND, WA 98052 | | 6/27/2000 | $100,000 | RNC/Repub National State Elections Cmte |
| MICROSOFT REDMOND, WA 98052 | | 3/31/2000 | $55,000 | NRSC/Non-Federal |
| MICROSOFT REDMOND, WA 98052 | | 1/6/2000 | $35,000 | RNC/Repub National State Elections Cmte |
| MICROSOFT REDMOND, WA 98052 | | 6/30/2000 | $5,000 | Ashcroft Victory Cmte Non-Federal |
| MICROSOFT WASHINGTON, DC 20036 | | 7/29/1999 | $5,000 | DNC/Non-Federal Corporate |
| MICROSOFT REDMOND, WA 98052 | | 10/17/2001 | $25,000 | RNC/Repub National State Elections Cmte |
| MICROSOFT REDMOND, WA 98052 | | 10/13/2000 | $25,000 | RNC/Repub National State Elections Cmte |
| MICROSOFT REDMOND, WA 98052 | | 6/16/2000 | $25,000 | RNC/Repub National State Elections Cmte |
| MICROSOFT REDMOND, WA 98052 | | 4/12/2000 | $5,000 | RNC/Cmte to Preserve Eisenhower Ctr |
| MICROSOFT REDMOND, WA 98052 | | 5/5/1999 | $25,000 | RNC/Repub National State Elections Cmte |
| MICROSOFT WASHINGTON, DC 20036 | | 12/31/1999 | $45,000 | NRSC/Non-Federal |
| MICROSOFT REDMOND, WA 98052 | | 12/31/1999 | $32,500 | DCCC/Non-Federal Account 1 |
| MICROSOFT REDMOND, WA 98052 | | 10/13/2000 | $20,000 | RNC/Repub National State Elections Cmte |
| MICROSOFT WASHINGTON, DC 20036 | | 8/10/2000 | $15,000 | DNC/Non-Federal Corporate |

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| MICROSOFT WASHINGTON, DC 20036 | | 8/31/1999 | $15,000 | DNC/Non-Federal Corporate |
| MICROSOFT REDMOND, WA 98052 | | 5/6/1999 | $15,000 | DNC/Non-Federal Corporate |
| MICROSOFT REDMOND, WA 98052 | | 6/30/1999 | $15,000 | DNC/Non-Federal Corporate |
| MICROSOFT REDMOND, WA 98052 | | 12/17/1999 | $15,000 | RNC/Repub National State Elections Cmte |
| MICROSOFT REDMOND, WA 98052 | | 9/23/1999 | $10,000 | DCCC/Non-Federal Account 1 |
| MICROSOFT REDMOND, WA 98052 | | 10/20/1999 | $10,000 | DCCC/Non-Federal Account 1 |
| MICROSOFT REDMOND, WA 98052 | | 3/10/1999 | $10,000 | DCCC/Non-Federal Account 1 |
| MICROSOFT REDMOND, WA 98052 | | 3/6/2001 | $5,000 | RNC/Repub National State Elections Cmte |
| MICROSOFT REDMOND, WA 98052 | | 12/16/1999 | $10,000 | RNC/Repub National State Elections Cmte |
| MICROSOFT REDMOND, WA 98052 | | 7/29/1999 | $10,000 | RNC/Repub National State Elections Cmte |
| MICROSOFT REDMOND, WA 98052 | | 1/31/2001 | $7,900 | RNC/Repub National State Elections Cmte |
| MICROSOFT REDMOND, WA 98052 | | 1/25/2001 | $10,000 | RNC/Repub National State Elections Cmte |
| MICROSOFT REDMOND, WA 98052 | | 2/15/2001 | $10,000 | RNC/Repub National State Elections Cmte |
| MICROSOFT WASHINGTON, DC 20036 | | 6/27/2001 | $10,000 | DNC/Non-Federal Corporate |
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| MICROSOFT CORP REDMOND, WA 98052 | | 9/26/2001 | $20,179 | NRSC/Building Fund |
| MICROSOFT CORP REDMOND, WA 98052 | | 3/30/2001 | $50,000 | NRSC/Non-Federal |
| MICROSOFT CORP REDMOND, WA 98052 | | 5/17/1999 | $60,000 | NRSC/Non-Federal |
| MICROSOFT CORP REDMOND, WA 98052 | | 9/14/2000 | $5,831 | RNC/Repub National State Elections Cmte |
| MICROSOFT CORP WASHINGTON, DC 20036 | | 6/28/2000 | $30,000 | NRSC/Non-Federal |
| MICROSOFT CORP REDMOND, WA 98052 | | 6/7/2000 | $321 | National Abortion Rights Action League |
| MICROSOFT CORP REDMOND, WA 98052 | | 10/26/2000 | $25,000 | NRSC/Non-Federal |
| MICROSOFT CORP REDMOND, WA 98052 | | 10/26/2000 | $25,000 | NRSC/Non-Federal |
| MICROSOFT CORP | | | | |

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| REDMOND, WA 98052 | | 3/30/2001 | $25,000 | NRSC/Non-Federal |
| MICROSOFT CORP REDMOND, WA 98052 | | 6/4/2001 | $25,000 | NRSC/Non-Federal |
| MICROSOFT CORP REDMOND, WA 98052 | | 6/4/2001 | $25,000 | NRSC/Non-Federal |
| MICROSOFT CORP REDMOND, WA 98052 | | 8/17/1999 | $25,000 | NRSC/Non-Federal |
| MICROSOFT CORP WASHINGTON, DC 20036 | | 8/11/2000 | $50,000 | NRSC/Non-Federal |
| MICROSOFT CORP WASHINGTON, DC 20036 | | 7/11/2000 | $200 | NRSC/Non-Federal |
| MICROSOFT CORP REDMOND, WA 98052 | | 1/29/2001 | $202 | NRSC/Non-Federal |
| MICROSOFT CORPORATION REDMOND, WA 98052 | | 1/18/2001 | $250 | DSCC/Non-Federal Mixed |
| MICROSOFT CORPORATION REDMOND, WA 98052 | | 2/12/2001 | $250 | DSCC/Non-Federal Mixed |
| MICROSOFT CORPORATION REDMOND, WA 98052 | | 5/23/2001 | $40,000 | 2001 President's Dinner/Non-Fed Trust |
| MICROSOFT CORPORATION REDMOND, WA 98052 | | 8/21/2001 | $50,000 | RNC/Repub National State Elections Cmte |
| MICROSOFT CORPORATION REDMOND, WA 98052 | | 3/30/2001 | $50,000 | DSCC/Non-Federal Corporate |

2000 cycle data downloaded from FEC on November 1, 2001.

2002 cycle data downloaded from FEC on January 1, 2002. Date of request: January 20, 2002

## Results: Individual Donors Search

105 records found in .01 seconds.

**SEARCH CRITERIA:**
Donor name: microsoft
Election cycle(s): 2002 2000

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Records 50 - 99:

| Contributor | Occupation | Date | Amount | Recipient |
|---|---|---|---|---|
| MICROSOFT CORPORATION REDMOND, WA 98052 | | 6/8/2001 | $50,000 | DSCC/Non-Federal Corporate |
| MICROSOFT CORPORATION WASHINGTON, DC 20036 | | 6/16/1999 | $350 | NRCC/Non-Federal Account |
| MICROSOFT CORPORATION REDMOND, WA 98052 | | 10/20/2000 | $60,000 | DSCC/Non-Federal Corporate |
| MICROSOFT CORPORATION WASHINGTON, DC 20036 | | 3/30/2000 | $35,000 | NRCC/Non-Federal Account |
| MICROSOFT CORPORATION REDMOND, WA 98052 | | 4/11/2000 | $33,690 | NRSC/Non-Federal |
| MICROSOFT CORPORATION REDMOND, WA 98052 | | 4/4/2000 | $30,000 | 2000 Republican H/S Dinner Trust Non-Fed |
| MICROSOFT CORPORATION REDMOND, WA 98052 | | 7/26/1999 | $30,000 | 1999 Republican S/H Dinner Trust Non-Fed |
| MICROSOFT CORPORATION REDMOND, WA 98052 | | 12/31/1999 | $5,000 | Ashcroft Victory Cmte Non-Federal |
| MICROSOFT CORPORATION REDMOND, WA 98052 | | 3/30/2001 | $2,500 | DSCC/Non-Federal Corporate |
| MICROSOFT CORPORATION | | | | DSCC/Non-Federal |

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| CORPORATION REDMOND, WA 98052 | | 9/13/1999 | $5,000 | DSCC/Non-Federal Mixed |
| MICROSOFT CORPORATION WASHINGTON, DC 20036 | | 11/29/1999 | $25,000 | DSCC/Non-Federal Corporate |
| MICROSOFT CORPORATION REDMOND, WA 98052 | | 11/3/1999 | $25,000 | DSCC/Non-Federal Corporate |
| MICROSOFT CORPORATION REDMOND, WA 98052 | | 8/2/2000 | $2,500 | DCCC/Non-Federal Account 1 |
| MICROSOFT CORPORATION WASHINGTON, DC 20036 | | 8/30/2000 | $25,000 | NRCC/Non-Federal Account |
| MICROSOFT CORPORATION WASHINGTON, DC 20036 | | 3/27/2000 | $25,000 | NRCC/Non-Federal Account |
| MICROSOFT CORPORATION WASHINGTON, DC 20036 | | 10/22/1999 | $25,000 | NRCC/Non-Federal Account |
| MICROSOFT CORPORATION WASHINGTON, DC 20036 | | 3/23/1999 | $25,000 | NRCC/Non-Federal Account |
| MICROSOFT CORPORATION WASHINGTON, DC 20036 | | 6/22/2000 | $2,500 | NRCC/Non-Federal Account |
| MICROSOFT CORPORATION WASHINGTON, DC 20036 | | 3/23/1999 | $2,500 | NRCC/Non-Federal Account |
| MICROSOFT CORPORATION REDMOND, WA 98052 | | 4/21/2000 | $698 | NRSC/Non-Federal |
| MICROSOFT CORPORATION WASHINGTON, DC 20036 | | 6/30/2000 | $5,000 | NRCC/Non-Federal Account |
| MICROSOFT CORPORATION REDMOND, WA 98052 | | 11/3/2000 | $25,000 | RNC/Repub National State Elections Cmte |
| MICROSOFT CORPORATION REDMOND, WA 98052 | | 3/28/2001 | $25,000 | DCCC/Non-Federal Account 1 |

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|---|---|---|---|---|
| MICROSOFT CORPORATION WASHINGTON, DC 20005 | | 4/24/2001 | $100,000 | NRCC/Non-Federal Account |
| MICROSOFT CORPORATION WASHINGTON, DC 20036 | | 10/11/2000 | $75,000 | NRCC/Non-Federal Account |
| MICROSOFT CORPORATION REDMOND, WA 98052 | | 4/11/2000 | $51,832 | NRSC/Non-Federal |
| MICROSOFT CORPORATION REDMOND, WA 98052 | | 3/30/2000 | $56,542 | DCCC/Non-Federal Account 1 |
| MICROSOFT CORPORATION REDMOND, WA 98052 | | 6/30/2000 | $50,000 | DSCC/Non-Federal Corporate |
| MICROSOFT CORPORATION REDMOND, VA 98073 | | 2/26/1999 | $50,000 | DSCC/Non-Federal Corporate |
| MICROSOFT CORPORATION REDMOND, WA 98052 | | 10/26/1999 | $50,000 | RNC/Repub National State Elections Cmte |
| MICROSOFT CORPORATION REDMOND, WA 98052 | | 4/17/2000 | $40,000 | DSCC/Non-Federal Corporate |
| MICROSOFT CORPORATION REDMOND, WA 98052 | | 2/16/2000 | $40,000 | RNC/Repub National State Elections Cmte |
| MICROSOFT CORPORATION WASHINGTON, DC 20036 | | 6/30/2000 | $22,500 | NRCC/Non-Federal Account |
| MICROSOFT CORPORATION REDMOND, WA 98052 | | 4/17/2000 | $15,000 | DCCC/Non-Federal Account 1 |
| MICROSOFT CORPORATION WASHINGTON, DC 20036 | | 6/30/2000 | $20,000 | NRCC/Non-Federal Account |
| MICROSOFT CORPORATION REDMOND, WA 98052 | | 4/21/2000 | $453 | NRSC/Non-Federal |
| MICROSOFT CORPORATION WASHINGTON, DC 20036 | | 3/27/2000 | $15,000 | NRCC/Non-Federal Account |

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|---|---|---|---|---|
| MICROSOFT CORPORATION WASHINGTON, DC 20036 | | 3/23/1999 | $15,000 | NRCC/Non-Federal Account |
| MICROSOFT CORPORATION REDMOND, WA 98052 | | 5/24/2000 | $8,985 | 2000 Republican H/S Dinner Trust Non-Fed |
| MICROSOFT CORPORATION REDMOND, WA 98052 | | 12/31/1999 | $500 | DSCC/Non-Federal Mixed |
| MICROSOFT CORPORATION WASHINGTON, DC 20036 | | 3/23/1999 | $7,500 | NRCC/Non-Federal Account |
| MICROSOFT CORPORATION REDMOND, WA 98052 | | 2/29/2000 | $10,000 | DCCC/Non-Federal Account 1 |
| MICROSOFT CORPORATION REDMOND, WA 98052 | | 6/8/2000 | $250 | DSCC/Non-Federal Mixed |
| MICROSOFT CORPORATION REDMOND, WA 98052 | | 6/8/2000 | $250 | DSCC/Non-Federal Mixed |
| MICROSOFT CORPORATION WASHINGTON, DC 20036 | | 8/24/1999 | $250 | DSCC/Non-Federal Mixed |
| MICROSOFT CORPORATION WASHINGTON, DC 20036 | | 3/7/2000 | $10,000 | NRCC/Non-Federal Account |
| MICROSOFT CORPORATION WASHINGTON, DC 20036 | | 3/23/1999 | $10,000 | NRCC/Non-Federal Account |
| MICROSOFT CORPORATION WASHINGTON, DC 20005 | | 6/25/2001 | $5,000 | NRCC/Non-Federal Account |
| MICROSOFT CORPORATION WASHINGTON, DC 20005 | | 6/25/2001 | $5,000 | NRCC/Non-Federal Account |
| MICROSOFT CORPORATION REDMOND, WA 98052 | | 9/27/2001 | $10,000 | RNC/Repub National State Elections Cmte |

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2002 cycle data downloaded from FEC on January 1, 2002. Date of request: January 21, 2002

## Results: Individual Donors Search

105 records found in .05 seconds.

**SEARCH CRITERIA:**
Donor name: microsoft
Election cycle(s): 2002 2000

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Records 100 - 105:

| Contributor | Occupation | Date | Amount | Recipient |
|---|---|---|---|---|
| MICROSOFT CORPORATION WASHINGTON, DC 20005 | | 1/16/2001 | $10,000 | NRCC/Non-Federal Account |
| MICROSOFT CORPORATION RICHMOND, WA 98052 | | 5/11/2001 | $10,000 | DNC/Non-Federal Corporate |
| MICROSOFT CORPORATION REDMOND, WA 98052 | | 6/18/2001 | $10,000 | DCCC/Non-Federal Account 1 |
| MICROSOFT CORPORATION PAC ARLINGTON, VA | | 5/11/2001 | $1,000 | New Democrat Network |
| MICROSOFT EXCEL FAIRVIEW, NC 28730 | | 7/27/1999 | $500 | NRCC/Non-Federal Account |

2000 cycle data downloaded from FEC on November 1, 2001.

2002 cycle data downloaded from FEC on January 1, 2002. Date of request: January 21, 2002

# ATTACHMENT 2

# TO THE

# DECLARATION OF BRIAN DAUTCH

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## The Center for Responsive Politics

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The Center for Responsive Politics is a non-partisan, non-profit research group based in Washington, D.C. that tracks money in politics, and its effect on elections and public policy. The Center conducts computer-based research on campaign finance issues for the news media, academics, activists, and the public at large. The Center's work is aimed at creating a more educated voter, an involved citizenry, and a more responsive government.

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MTC-00030631_0752

# ATTACHMENT 3

# TO THE

# DECLARATION OF BRIAN DAUTCH

**Statement of Charles F. (Rick) Rule**
**Fried Frank Harris Shriver & Jacobson**
**Counsel for Microsoft Corporation**

**Before the Committee on the Judiciary**
**United States Senate**
**December 12, 2001**

Mr. Chairman and members of the Committee, good morning. It is a pleasure to appear before you today on behalf of Microsoft Corporation to discuss the proposed consent decree or Revised Proposed Final Judgment (the "PFJ") to which the U.S. Department of Justice and nine of the plaintiff states have agreed. As this committee is aware, I am counsel to Microsoft in the case and was one of the principal representatives for the company in the negotiations that led to the proposed consent decree.

The PFJ was signed on November 6th after more than a month of intense, around-the-clock negotiations with the Department and representatives of all the plaintiff states. The decree is currently subject to a public interest review by Judge Kollar-Kotelly under the Tunney Act . Because we are currently in the midst of that review and because nine states and the District of Columbia have chosen to continue the litigation, I must be somewhat circumspect in my remarks. However, what I can -- indeed, must -- stress is that, in light of the Court of Appeals' decision last summer to "drastically" reduce the scope of Microsoft's liability and in light of the legal standards for imposing injunctive relief, the Department and the settling states were very effective in negotiating for broad, strong relief. As the chart in the appendix depicts, ever since the Department and the plaintiff states first filed their complaints in May 1998, the case has been shrinking. What began with five claims, was whittled down to a single monopoly maintenance claim by a unanimous Court of Appeals. Even with respect to that surviving claim, the appellate court affirmed Judge Jackson's findings on only about a third (12 of 35) of the specific acts which the district court had found support that claim.

Given that history and the law, there is no reasonable argument that the PFJ is too narrow or that it fails to achieve all the relief to which the Department was entitled. In fact, as these remarks explain, the opposite is true -- faced with tough, determined negotiators on the other side of the table, Microsoft agreed to a decree that goes substantially beyond what the plaintiffs were likely to achieve through litigation. Quite frankly, the PFJ is the strongest, most regulatory conduct decree ever obtained (through litigation or settlement) by the Department.

Why then, one might ask, would Microsoft consent to such a decree? There are two reasons. First, the company felt strongly that it was important to put this matter behind it and to move forward constructively with its customers, its business partners, and the government. For four years, the litigation has consumed enormous resources and been a serious distraction. The constant media drumbeat has obscured the fact that the company puts a premium on adhering to its legal obligations and on developing and maintaining excellent relationships with its partners and customers. Litigation is never a pleasant experience, and given the magnitude of this case and the media attention it attracted, it is hard to imagine any more costly, unpleasant civil litigation.

Second, while the Department pushed Microsoft to make substantial, even excessive concessions to get a settlement, there were limits to how far the company was willing or able to go (limits, by the way, which the Department and the settling states managed to reach). Microsoft was fighting for an important principle -- the ability to innovate and improve its products and services for the benefit of

consumers. To that end, Microsoft insisted that the decree be written in a way to allow the company to engage in legitimate competition on the merits. Despite the substantial burdens the decree will impose on Microsoft and the numerous ways in which Microsoft will be forced to alter its conduct, the decree does preserve Microsoft's ability to innovate, to improve its products, and to engage in procompetitive business conduct that is necessary for the company to survive.

In short, at the end of the negotiations, Microsoft concluded that the very real costs that the decree imposes on the company are outweighed by the benefits, not just to Microsoft but to the PC industry and consumers generally.

The Court of Appeals' "Road Map" for Relief

In order to evaluate the decree, one must first appreciate the history of this case and how drastically the scope of Microsoft's liability was narrowed at the appellate level. When this case began with the filing of separate complaints by the Department and the plaintiff states in May of 1998, it was focused on Microsoft's integration of browsing functionality called Internet Explorer or IE into Windows 98, which the plaintiffs alleged to be an illegal tying arrangement.

The complaints of the Department and the states included five separate claims: (1) a claim under section 1 of the Sherman Act that the tie-in was per se illegal; (2) another claim under section 1 that certain promotion and distribution agreements with Internet service providers (ISPs), Internet content providers (ICPs), and on-line service providers (OSPs) constituted illegal exclusive dealing; (3) a claim under section 2 of the Sherman Act that Microsoft had attempted to monopolize Web browsing software; (4) a catch-all claim under section 2 that the alleged conduct that underlay the first three claims amounted to illegal maintenance of Microsoft's monopoly in PC operating systems; and (5) a claim by the plaintiff states (but not part of the Department's complaint) under section 2 that Microsoft illegally "leveraged" its monopoly in PC operating systems. As discovery got underway, the case dramatically expanded as the plaintiffs indiscriminately began identifying all manner of Microsoft conduct as examples of the company's illegal efforts to maintain its monopoly. But then, the case began to shrink.

" In response to Microsoft's motion for summary judgment, the district court dismissed the states' Monopoly leveraging claim (claim 5).

" After trial, Judge Jackson held that the plaintiffs failed to prove that Microsoft's arrangements with ISPs, ICPs, and OSPs violated section 1 (claim 2).

" Judge Jackson did, however, conclude that the plaintiffs had sustained their claims that Microsoft illegally tied IE to Windows (claim 1), illegally attempted to monopolize the browser market (claim 3), and illegally maintained its monopoly (claim 4), basing his decision on 35 different actions engaged in by Microsoft.

" In a unanimous decision of the Court of Appeals sitting en banc, the court reversed the trial court on the attempted monopolization claim (claim 3) and remanded with instructions that judgment be entered on that claim in favor of Microsoft.

" The unanimous court also reversed Judge Jackson's decision with respect to the tie-in claim (claim 1). The appellate court held that, in light of the prospect of consumer benefit from integrating new functionality into platform software such as Windows, Microsoft's integration of IE into Windows

had to be judged under the rule of reason rather than the per se approach taken by Judge Jackson. The Court of Appeals refused to apply the per se approach because of "our qualms about redefining the boundaries of a defendant's product and the possibility of consumer gains from simplifying the work of applications developers [by ensuring the ubiquitous dissemination of compatible APIs]." The court's decision did allow the plaintiffs on remand to pursue the tie-in claim on a rule of reason theory; however, shortly after the remand, the plaintiffs announced they were dropping the tie-in claim.

" With respect to the only remaining claim (monopoly maintenance - claim 4), the Court of Appeals affirmed in part and reversed in part the lower court and substantially shrank Microsoft's liability. After articulating a four-step burden-shifting test that is highly fact intensive, the appellate court reviewed the 35 different factual bases for liability and rejected nearly two-thirds of them.

¢ In the case of seven of those 35 findings (concerning such conduct as Microsoft's refusal to allow OEMs to replace the Windows desktop, Microsoft's design of Windows to "override the user's choice of a default browser," and Microsoft's development of a Java virtual machine (JVM) that was incompatible with Sun's JVM), the appellate court specifically reversed Judge Jackson's decision.

¢ The Court of Appeals dismissed sixteen of the remaining findings by reversing Judge Jackson's holding that Microsoft had engaged in a general "course of conduct" that amounted to illegal monopoly maintenance -- the so-called "monopoly broth" theory.

¢ With respect to the remaining twelve findings (concerning such things as Microsoft's refusal to allow PC manufacturers (OEMs) to remove end-user access to IE, Microsoft's exclusive arrangements with ISPs, and its "commingling" of software code to frustrate OEMs ability to hide access to IE), the court did affirm Judge Jackson's findings as not being "clearly erroneous." And even as to those twelve, a number were practices -- for example, the arrangements with ISPs -- that Microsoft had already ceased.

As a result, when the case was remanded to the district court and reassigned to Judge Kollar-Kotelly, four-fifths of the original claims were all but gone. With respect to the sole surviving claim, nearly two-thirds of the supporting findings had been rejected by the Court of Appeals. In the words of the Court of Appeals, its decision "drastically altered the scope of Microsoft's liability."

The Relevance of the Drastic Narrowing of Liability

The Court of Appeals' decision makes clear the critical significance of the drastic reduction in the scope of Microsoft's liability in terms of the relief to which the plaintiffs are entitled. As the court noted in instructing the lower court on how the remand for remedy should be handled,

"A court . . . must base its relief on some clear 'indication of a significant causal connection between the conduct enjoined or mandated and the violation found directed toward the remedial goal intended.' 3 PHILLIP E. AREEDA & HERBERT HOVENKAMP, ANTITRUST LAW 653(b), at 91-92 (1996). In a case such as the one before us where sweeping equitable relief is employed to remedy multiple violations, and some -- indeed most -- of the findings of remedial violations do not withstand appellate scrutiny, it is necessary to vacate the remedy decree since the implicit findings of causal connection no longer exist to warrant our deferential affirmance. . . . In particular, the [district] court should consider which of the decree's conduct restrictions remain viable in light of our modification of the original liability decision."

At the time Judge Kollar-Kotelly ordered the parties into intensive negotiations, she clearly recognized the importance of the drastic alteration to the scope of Microsoft's liability. The judge informed the government that its "first and most obvious task is going to be to determine which portions of the former judgment remain appropriate in light of the appellate court's ruling and which portions are unsupported following the appellate court's narrowing of liability." The judge went on to note that "the scope of any proposed remedy must be carefully crafted so as to ensure that the enjoining conduct falls within the [penumbra] of behavior which was found to be anticompetitive." The judge also stated that "Microsoft argues that some of the terms of the former judgment are no longer appropriate, and that is correct. I think there are certain portions where the liability has been narrowed."

Before discussing the negotiations and the decree itself, I would like to make three other points about the crafting of antitrust remedies that also are relevant to considering the relief to which the plaintiffs were entitled. First, the critics of the PFJ routinely ignore the fact that the Department has long acknowledged that Microsoft lawfully acquired its monopoly position in PC operating systems. Indeed, the Department retained a Nobel laureate in the first Microsoft case in 1994 to submit an affidavit to the district court opining that Microsoft had reached its position in PC operating systems through luck, skill, and foresight. It is true of course that Microsoft has now been found liable for engaging in conduct that amounted to illegal efforts to maintain that position; however, there is precious little in the record establishing any causal link between the twelve illegal acts of "monopoly maintenance" and Microsoft's current position in the market for PC operating systems. Thus, contrary to the critics' overheated rhetoric, there is no basis for relief designed to terminate an "illegal monopoly."

Second, decrees in civil antitrust cases are designed to remedy, not to punish. All too often, the critics of this decree speak as though Microsoft was convicted of a crime. It was not. This is a civil case, subject to the rules of civil rather than criminal procedure. To the extent the plaintiffs tried to get relief that could be deemed punitive, that relief would have been rejected.

Third, a decree must serve the purposes of the antitrust laws, which is a "consumer welfare prescription." I realize we are in the "season of giving," but an antitrust decree is not a Christmas tree to fulfill the wishes of competitors, particularly where that fulfillment comes at the expense of consumer welfare. Calls for royalty-free licensing of Microsoft's intellectual property, or for imposing obligations on Microsoft to distribute third party software at no charge, or for Microsoft to facilitate the distribution of an infinite variety of bastardized versions of Windows (and make sure they all run perfectly) are great for a small group of competitors who know that such provisions will quickly destroy Microsoft's incentives and ability to compete (not to mention violate the Constitution's proscription against "takings"). Such calls, however, are anathema to consumers' interests in a dynamic, innovative computer industry. Twenty years ago, my old boss and antitrust icon, Bill Baxter, warned about the anticompetitive consequences of antitrust decrees designed simply to "add sand to the saddlebags" of a particularly fleet competitor like Microsoft. It's a warning the courts would certainly heed today.

To their credit, the negotiators for the Department and the settling states understood these three fundamental antitrust principles. While we may have had to remind the other side of these principles from time to time, we did not have to negotiate for their adherence to them. Taxpayers and consumers can be proud that their interests were represented by honorable men and women with the utmost respect for the rule of law. For others to insinuate that, by agreeing to a decree that honors these three

fundamental principles, the Department and the settling states "caved" or settled for inadequate relief is as offensive as it is laughable.

The Negotiations

It is against the background I have sketched that, on September 27th, Judge Kollar-Kotelly ordered the parties into intensive, "around the clock" negotiations. Microsoft had already indicated publicly its strong desire to try to settle the case, and so it welcomed the judge's order. As has been widely reported, all the parties in the case took the court's order very seriously. Microsoft assembled in Washington, D.C., a core team of in-house and outside lawyers who have been living with this case for years, and who spent virtually all of the next five weeks camped out in my offices down the street. Microsoft's top legal officer was in town during much of the period directing the negotiations. Back in Redmond, the company's most senior executives devoted a great deal of time and energy to the process, and we were all supported by a large group of dedicated lawyers, businesspeople, and staff.

From my vantage point, the Department and the states (at least those that settled) made an equivalent effort. As the mediator wrote after the process ended, "No party was left out of the negotiations. ... Throughout most of the mediation the 19 states (through their executive committee representatives) and the federal government (through the staff of the antitrust division) worked as a combined 'plaintiffs' team." Jay Himes from the office of the New York Attorney General Eliot Spitzer and Beth Finnerty from the office of the Ohio Attorney General Betty Montgomery represented the states throughout the negotiations, putting in the same long hours as the rest of us. At various points Mr. Himes and Ms. Finnerty were joined by representatives from other states, including Kevin O'Connor from the office of Wisconsin Attorney General James Doyle.

The negotiations began on September 28th and continued virtually non-stop until November 6th. During the first two weeks, we negotiated without the benefit of a mediator. As they say in diplomatic circles, the discussions were "full and frank." The Department lawyers and the state representatives in the negotiation were extremely knowledgeable, diligent, and formidable.

Microsoft certainly hoped to be able to reach a settlement quickly and before a mediator was designated. However, the views on all sides were sufficiently strong and the need to pay attention to every sentence, phrase, and punctuation mark so overwhelming that reaching agreement proved impossible in those first two weeks. Eric Green, a prominent mediation specialist, was appointed by the court and with the help of Jonathan Marks spent the next three weeks helping the parties find common ground. As Professor Green and Mr. Marks wrote after the mediation ended,

"Successful mediations are ones in which mediators and parties work to identify and overcome barriers to reaching agreement. Successful mediations are ones in which all the parties engage in reasoned discussions of issues that divide them, of options for settlement, and of the risks, opportunities, and costs that each party faces if a settlement isn't reached. Successful mediations are ones in which, settle or not, senior representatives of each party have made informed and intelligent decisions. The Microsoft mediation was successful."

Working day and night virtually until the original November 2 deadline set by the judge, Microsoft and the Department agreed to and signed a decree early on November 2. The representatives of the states also tentatively agreed, subject to an opportunity from November 2 until November 6 to confer with the other states that were more removed from the case and negotiations. During that period, the states requested several clarifying modifications to which Microsoft (and the Department) agreed.

From press reports, it appears that during this period the plaintiff states also were being subjected to intense lobbying by a few of Microsoft's competitors who were desperate either to get a decree that would severely cripple if not eventually destroy Microsoft or at least to keep the litigation (and the attendant costs imposed on Microsoft) going. Notwithstanding that pressure, New York, Wisconsin, and Ohio -- the states that had made the largest investment in litigating against Microsoft and in negotiating a settlement -- along with six other plaintiff states represented by a bipartisan group of state attorneys general signed onto the Revised PFJ on November 6.

The Proposed Final Judgment

Throughout the negotiations, Microsoft was confronted by a determined and tough group of negotiators for the Department and the states. They made clear that there would be no settlement unless Microsoft went well beyond the relief to which, Microsoft believes, the Court of Appeals opinion and the law entitles the plaintiffs. Once that became clear, Microsoft relented in significant ways, subject only to narrow language that preserved Microsoft's ability to innovate and engage in normal, clearly procompetitive activities. Professor Green, the one neutral observer of this drama, has noted the broad scope of the prohibitions and obligations imposed on Microsoft by the PFJ, stating during the status conference with Judge Kollar-Kotelly that "the parties have not stopped at the outer limits of the Court of Appeals' decision, but in some important respects the proposed final judgment goes beyond the issues affirmed by the Court of Appeals to deal with issues important to the parties in this rapidly-changing technology."

I do not intend today to provide a detailed description of each provision of the PFJ; the provisions speak for themselves. It may come as something of a surprise in light of some of the uninformed criticism hurled at the decree, but one of Microsoft's principal objectives during the negotiations was to develop proscriptions and obligations that were sufficiently clear, precise and certain to ensure that the company and its employees would be able to understand and comply with the decree without constantly engendering disputes with the Department. This is an area of complex technology and the decree terms on which the Department insisted entailed a degree of technical sophistication that is unprecedented in an antitrust decree. Drafting to these specifications was not easy, but the resulting PFJ is infinitely clearer and easier to administer than the conduct provisions of the decree that Judge Jackson imposed in June 2000.

If, as one might suspect would be the outcome in a case such as this, the PFJ were written to proscribe only the twelve practices affirmed by the Court of Appeals, the decree would be much shorter and simpler. The Department and settling states, however, insisted that the decree go beyond just focused prohibitions to create much more general protections for a potentially large category of software, which the PFJ calls "middleware." But even these expansive provisions to foster middleware competition were not sufficient to induce the Department and the states to settle; rather, they insisted that Microsoft also agree to additional obligations that bear virtually no relationship to any of the issues addressed by the district court and the Court of Appeals. And lastly they insisted on unprecedented enforcement provisions. I will briefly describe each of these three sets of provisions.

1. Protections for "Middleware"

The case that the plaintiffs tried and the narrowed liability that survived appellate review all hinged on claims that Microsoft took certain actions to exclude Netscape's Navigator browser and Sun's Java technology from the market in order to protect the Windows operating system monopoly. The plaintiffs successfully argued that Microsoft feared that Navigator and Java, either alone or together,

might eventually include and expose a broad set of general purpose APIs to which software developers could write as an alternative to the Windows APIs. Since Navigator and Java can run on multiple operating systems, if they developed into general purpose platforms, Navigator and Java would provide a means of overcoming the "applications barrier" to entry and threaten the position of the Windows operating system as platform software.

A person might expect that a decree designed to address such a monopoly maintenance claim would provide relief with respect to Web-browsing software and Java or, at most, to other general purpose platform software that exposes a broad set of APIs and is ported to run on multiple operating systems. The PFJ goes much further. The Department insisted that obligations imposed on Microsoft by the decree extend to a range of software that has little in common with Navigator and Java. The decree applies to "middleware" broadly defined to include, in addition to Web-browsing software and Java, instant messaging software, media players, and even email clients -- software that, Microsoft believes, has virtually no chance of developing into broad, general purpose platforms that might threaten to displace the Windows platform. In addition, there is a broad catch-all definition of middleware that in the future is likely to sweep other similar software into the decree.

This sweeping definition of middleware is significant because of the substantial obligations it imposes on Microsoft. Those obligations -- a number of which lack any correspondence to the monopoly maintenance findings that survived appellate review -- are intended to create protections for all the vendors of software that fits within the middleware definition. Taken together, the decree provisions provide the following protections and opportunities:

" Relations with Computer Makers. Microsoft has agreed not to retaliate against computer makers who ship software that competes with anything in its Windows operating system.

" Computer Maker Flexibility. Microsoft has agreed to grant computer makers broad new rights to configure Windows so as to promote non-Microsoft software programs that compete with features of Windows. Computer makers will now be free to remove the means by which consumers access important features of Windows, such as Internet Explorer, Windows Media Player, and Windows Messenger. Notwithstanding the billions of dollars Microsoft invests developing such cool new features, computer makers will now be able to replace access to them in order to give prominence to non-Microsoft software such as programs from AOL Time Warner or RealNetworks. (Additionally, as is the case today, computer makers can provide consumers with a choice --that is to say access to Windows features as well as to non-Microsoft software programs.)

" Windows Design Obligations. Microsoft has agreed to design future versions of Windows, beginning with an interim release of Windows XP, to provide a mechanism to make it easy for computer makers, consumers and software developers to promote non-Microsoft software within Windows. The mechanism will make it easy to add or remove access to features built in to Windows or to non-Microsoft software. Consumers will have the freedom to choose to change their configuration at any time.

" Internal Interface Disclosure. Even though there is no suggestion in the Court of Appeals' decision that Microsoft fails to disclose APIs today and even though the Court of Appeals' holding on monopoly power is predicated on the idea that there are tens of thousands of applications written to call upon those APIs, Microsoft has agreed to document and disclose for use by its competitors various interfaces that are internal to Windows operating system products.

" Relations with Software Developers. Microsoft has agreed not to retaliate against software or hardware developers who develop or promote software that competes with Windows or that runs on software that competes with Windows.

" Contractual Restrictions. Microsoft has agreed not to enter into any agreements obligating any third party to distribute or promote any Windows technology exclusively or in a fixed percentage, subject to certain narrow exceptions that apply to agreements raising no competitive concern. Microsoft has also agreed not to enter into agreements relating to Windows that obligate any software developer to refrain from developing or promoting software that competes with Windows.

These obligations go far beyond the twelve practices that the Court of Appeals found to constitute monopoly maintenance. One of the starkest examples of the extent to which these provisions go beyond the Court of Appeals decision relates to Microsoft's obligations to design Windows in such a way as to give third parties the ability to designate non-Microsoft middleware as the "default" choice in certain circumstances in which Windows might otherwise be designed to utilize functionality integrated into Windows. As support for his monopoly maintenance conclusion, Judge Jackson had relied on several circumstances in which Windows was designed to override the end users' choice of Navigator as their default browser and instead to invoke IE. The Court of Appeals, however, reviewed those circumstances and reversed Judge Jackson's conclusion on the ground that Microsoft had "valid technical reasons" for designing Windows as it did. Notwithstanding this clear victory, Microsoft acceded to the Department's demands that it design future versions of Windows to ensure certain default opportunities for non-Microsoft middleware.

2. Uniform Prices and Server Interoperability

Nevertheless, agreeing to this wide range of prohibitions and obligations designed to encourage the development of middleware broadly defined was not enough to get the plaintiffs to settle. Instead, they insisted on two additional substantive provisions that have absolutely no correspondence to the findings of monopoly maintenance liability that survived appeal.

" Uniform Price List. Microsoft has agreed to license its Windows operating system products to the 20 largest computer makers (who collectively account for the great majority of PC sales) on identical terms and conditions, including price (subject to reasonable volume discounts for computer makers who ship large volumes of Windows).

" Client/Server Interoperability. Microsoft has agreed to make available to its competitors, on reasonable and non-discriminatory terms, any protocols implemented in Windows desktop operating systems that are used to interoperate natively with any Microsoft server operating system.

In the case of the sweeping definition of middleware and the range of prohibitions and obligations imposed on Microsoft, there is at least a patina of credibility to the argument that the penumbra of the twelve monopoly maintenance practices affirmed by the Court of Appeals can be stretched to justify those provisions, at least as "fencing in" provisions. There is no sensible reading of the Court of Appeals decision that would provide any basis for requiring Microsoft to charge PC manufacturers uniform prices or to make available the proprietary protocols used by Windows desktop operating systems and Windows server operating systems to communicate with each other. Nevertheless, because the plaintiffs insisted that they would not settle without those two provisions, Microsoft also agreed to them.

Before turning to the enforcement provisions of the PFJ, I want to say a word about the few provisos included in the decree that provide narrow exceptions to the various prohibitions and obligations imposed on Microsoft. Those exceptions were critical to Microsoft's willingness to agree to the sweeping provisions on which the plaintiffs insisted. Without these narrowly tailored exceptions, Microsoft could not innovate or engage in normal procompetitive commercial activities. The public can rest assured that the settling plaintiffs insisted on language to ensure that the exceptions only apply when they promote consumer welfare. For example, some companies that compete with Microsoft for the sale of server operating systems apparently have complained about the so-called "security carve-out" to Microsoft's obligation to disclose internal interfaces and protocols. That exception is very narrow and only allows Microsoft to withhold encryption "keys" and the similar mechanisms that must be kept secret if the security of computer networks and the privacy of user information is to be ensured. In light of all the concern over computer privacy and security these days, it is surprising that there is any controversy over such a narrow exception.

3. Compliance and Enforcement

The broad substantive provisions of the PFJ are complemented by an unusually strong set of compliance and enforcement provisions. Those provisions are unprecedented in a civil antitrust decree. The PFJ creates an independent three-person technical committee, resident on the Microsoft campus, with extraordinary powers and full access to Microsoft facilities, records, employees and proprietary technical data, including Windows source code, which is the equivalent of the "secret formula" for Coke. The technical committee provides a level of technical oversight that is far more substantial than any provision of any other antitrust decree of which I am aware. At the insistence of the plaintiffs, the technical committee does not have independent enforcement authority; rather, reports to the plaintiffs and, through them, to the court. The investigative and oversight authority of the technical committee in no way limits or reduces the enforcement powers of the DOJ and states; rather, the technical committee supplements and enhances those powers. Each of the settling states and DOJ have the power to enforce the decree and have the ability to monitor compliance and seek a broad range of remedies in the event of a violation.

Microsoft also agreed to develop and implement an internal antitrust compliance program, to distribute the decree and educate its management and employees as to the various restrictions and obligations. In recent years, Microsoft has assembled in-house one of the largest, most talented groups of antitrust lawyers in corporate America. They are already engaged in substantial antitrust compliance counseling and monitoring. The decree formalizes those efforts, and quite frankly adds very substantially to the in-house lawyers' work. As we speak, that group, together with key officials from throughout the Microsoft organization, are working to implement the decree and to ensure the company's compliance with it.

As with the substantive provisions, Microsoft agreed to these unprecedented compliance and enforcement provisions because of the adamance of the plaintiffs and because of the highly technical nature of the decree. Microsoft, the Department, and the settling states recognized that it was appropriate to include mechanisms -- principally, the technical committee -- that will facilitate the prompt and expert resolution of any technical disputes that might be raised by third parties, without in any way derogating from the government's full enforcement powers under the decree. Although the enforcement provisions are unprecedented in their stringency and scope, they are not necessitated or justified by any valid claim that Microsoft has failed to comply with its decree obligations in the past. In fact, Microsoft has an exemplary record of complying with the consent decree to which the

company and the Department agreed in 1994. In 1997, the Department did question whether Microsoft's integration of IE into Windows 95 violated a "fencing in" provision that prohibited contractual tie-ins, but Microsoft was ultimately vindicated by the Court of Appeals. Microsoft has committed itself to that same level of dedication in ensuring the company's compliance with the PFJ.

Conclusion

The PFJ strikes an appropriate balance in this complicated case, providing opportunities and protections for firms seeking to compete while allowing Microsoft to continue to innovate and bring new technologies to market. The decree is faithful to the fact that the antitrust laws are a "consumer protection prescription," and it ensures an economic environment in which all parts of the PC-ecosystem can thrive.

Make no mistake, however, the PFJ is tough. It will impose substantial new obligations on the company, and it will require significant changes in the way Microsoft does business. It imposes heavy costs on the company and entails a degree of oversight that is unprecedented in a civil antitrust case. For some competitors of Microsoft, however, apparently nothing short of the destruction of Microsoft -- or at least the ongoing distraction of litigation -- will be sufficient. But if the objective is to protect the interests of consumers and the competitive process, then this decree more than achieves that goal.

Finally, for all those who are worried about the future and what unforeseen developments may not be covered by this case and the decree, remember that the Court of Appeals decision now provides guideposts, which previously did not exist, for judging Microsoft's behavior, and that of other high technology companies, going forward. Those guidelines, it is true, are not always easy to apply ex ante to conduct; however, now that the Court of Appeals has spoken, we all have a much better idea of the way in which section 2 of the Sherman Act applies to the software industry. In short, what antitrust law requires of Microsoft is today much clearer than it was when this case began. We have all learned a lot over the last four years, and Microsoft has every incentive to ensure that history does not repeat itself.

# ATTACHMENT 4

# TO THE

# DECLARATION OF BRIAN DAUTCH

Secretary of the Senate
Clerk of the House of Representatives

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OFFICE OF THE CLERK
U.S. HOUSE OF REPRESENTATIVES

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# LOBBYING REGISTRATION

Lobbying Disclosure Act of 1995 (Section 4)

Check if this is an amended registration ☐

## REGISTRANT

1. Name of Registrant **Covington & Burling**

   Address **1201 Pennsylvania Avenue, N.W.**

   City **Washington** State **DC** Zip **20004**

2. Principal place of business (*if different from line 1*)

   City **Same** State/Zip (or Country)

3. Telephone number and contact name

   **(202) 662-6000** Contact **Stuart Stock**

4. General description of registrant's business or activities
   **Law Firm**

## CLIENT

*A lobbying firm is required to file a separate registration for each client. An organization employing in-house lobbyists will indicate "Self" on line 5 and proceed to line 8.*

5. Name of Client **Microsoft Corporation**

   Address **One Microsoft Way**

   City **Redmond** State **WA** Zip **98052**

6. Principal place of business (*if different from line 5*)

   City **Same** State/Zip (or Country)

7. General description of client's business or activities
   **Computer software company**

## REGISTRANT EMPLOYEES

8. Name and title of each employee of the registrant who has acted or is expected to act as a lobbyist for the client identified on line 5. Indicate any employee who served as a "covered executive branch official" or "covered legislative branch official" within 2 years before the date that the employee first acted or will act as a lobbyist for the client, *and state the executive or legislative branch position(s) in which the employee served.* Attach Lobbying Registration Addendum if necessary.

   **E. Jason Albert, Associate**
   **Victoria A. Carter, Associate**
   **Charles F. Rule, Partner**
   **Laurie C. Self, Of Counsel**



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## LOBBYING ISSUES

9. General lobbying issue areas (*select applicable codes, listed in instructions and on reverse side of Form LD-1, page 1*)

CPI CPT TRD

10. Specific lobbying issues (current and anticipated)
- **Protection of intellectual property rights, including copyrights.**
- **Electronic commerce matters.**
- **Competition matters affecting computer software industry.**

## AFFILIATED ORGANIZATIONS

11. Name, address, and principal place of business of any entity other than the client that contributes more than $10,000 to the lobbying activities covered by this registration in a semiannual period, and in whole or in part plans, supervises, or controls the registrant's lobbying activities. If none, so state.

| Name | Address | Principal place of business (city and state or country) |
|---|---|---|
| None | | |

## FOREIGN ENTITIES

12. Name, address, principal place of business, amount of any contribution of more than $10,000, and approximate percentage of equitable ownership in the client of any foreign entity that:

a) holds at least 20% equitable ownership in the client or in any organization identified on line 11; *or*
b) directly or indirectly, in whole or in major part, plans, supervises, controls, directs, finances or subsidizes the activities of the client or any organization identified on line 11; *or*
c) is an affiliate of the client or any organization identified on line 11 and has a direct interest in the outcome of the lobbying activity.

If none, so state.

| Name | Address | Principal place of business (city and state or country) | Amount of contribution for lobbying activities | Ownership percentage in client |
|---|---|---|---|---|
| None | | | | |

Signature [signature] Date 6/29/98

Printed Name and Title Stuart C. Stock, Partner



MTC-00030631_0766

# ATTACHMENT 5

# TO THE

# DECLARATION OF BRIAN DAUTCH

# WALL STREET JOURNAL.

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## 's News—

* * *

*World-Wide*

**THE TALIBAN MADE last-ditch stands as British marines landed north of Kabul.**

The Northern Alliance battled 31,000 Taliban and allied fighters encircled in the northern Afghan city of Kunduz, while Pashtun fighters fought to control Kandahar in the south. Mullah Omar, the Taliban leader, spoke by satellite phone with the BBC and vowed to fight to the death and seek America's "extinction." The British marines are to secure Bagram airport for an expected growing deployment of foreign troops. The U.S. also prepared to insert more soldiers to aid in the hunt for Osama bin Laden. New intelligence on his possible whereabouts, as well as chilling data on the weapons he was hoping to develop, came to light. (Articles in Column 1 and on Pages A3, A8, A9 and A10)

*The Northern Alliance wants credit for securing the release of eight foreign aid workers, including two Americans, the Taliban was holding. So does Libya.*

* * *

**An airport-security deal was sealed as** Bush blessed an accord reached by House and Senate negotiators on the issue of federalizing screening workers. After a one-year transition, the government is to take over that job. Meanwhile, airlines braced for the first Thanksgiving under tightened security procedures. (Articles on Pages A3 and B1)

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**...n investigators are looking into** the ...ibility that Flight 587 pilots may

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— INSIDE —

WEEKEND JOURNAL.

**A Haggler's Christmas**
*From small boutiques to Saks, a surprising number of stores are letting some customers name their price. How to get in on the holiday deals.*

**When Every Show's a Survivor**
*This fall, bad ratings aren't enough to sink new shows. Why 'Emeril' is still cooking.*

**'Harry Potter' Arrives**
*Will the Wizard of Hogwarts fly on the big screen? Joe Morgenstern's review.*


## *Nations Supporting Jihads of Yesteryear Now Close Borders*

* * *

### Yemen, for One, Won't Let Men Bent on Joining the Fight Go Off to Wage a 'Holy War'

By YAROSLAV TROFIMOV
*Staff Reporter of* THE WALL STREET JOURNAL

SANA, Yemen—Asked what he th about the war in Afghanistan, Abdu...

## Washington Wire

### A Special Weekly Report From The Wall Street Journal's Capital Bureau

**DIRECTOR DANIELS gets GOP votes for "worst ever" relations with Congress.**

Sen. Stevens, the Senate Appropriations Committee's top Republican, says so publicly of Bush's budget chief; others complain privately to the White House that they can't deal with Daniels. They charge he is trying to score political points at Congress's expense, to aid a run for the Senate from Indiana later.

Ire erupts after interviews in which Daniels belittles Congress. Cheney goes to the Capitol to rescue a $40 billion emergency-spending bill—and soothe House Appropriations Chairman Young. Daniels's office says it asked Cheney to go; Republicans say that is because Daniels wasn't welcome. With deputy Sean O'Keefe moving to head NASA, longtime GOP budget staffer Bill Hoagland rejects overtures about the job.

*With Congress still in town, in speeches Daniels quotes the song, "How can I miss you if you won't go away?"*

**PENTAGON PLANS for big increases, but hasn't enlisted the budget office.**

The services are told to build increases of about $15 billion annually into their plans for the budgets of the next two years. Such rises, inconceivable before Sept. 11, would drive overall military spending to $360 billion by 2004. On the ...ish list: intelligence-gathering sensors and spy drones—in high demand in Afghanistan but low supply.

A Defense official acknowledges the

## *Last Call?*

## Under Rising Pressure, AT&T's CEO Tries To Hold On to an Icon

### Loaded Down With Debt, Hit by Competition, Firm May Be Sold Off in Pieces

### A Losing Battle With the Bells

By DEBORAH SOLOMON
*Staff Reporter of* THE WALL STREET JOURNAL

NEW YORK—C. Michael Armstrong has spent four years of furious deal making in a bid to push AT&T Corp. beyond its long-distance roots and back on top of the telecommunications landscape.

Now, the chief executive and his top lieutenants are working frantically just to keep control of the company's destiny. Publicly, they insist that AT&T is better off than most of its peers struggling to survive the telecom meltdown. But privately, amid 16-hour days crisscrossing the nation in corporate jets, even they acknowledge that the end of an independent AT&T may well be in sight.

Faced with a massive debt load and a deteriorating cash position, AT&T is on the verge of selling parts or all of the business icon. That could include the two cable companies Mr. Armstrong spent $100 bill... ...uire in hopes of building an altern... ...al-phone networ... ...a cable lines.

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cy spending. (Articles on Pages A2 and A14)

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**Weaknesses remain** in the health system's preparations for terrorist attacks, administration officials told Congress. Meanwhile, lawmakers unveiled a $3.2 billion plan to fight bioterrorism. A top FBI official said recent Pennsylvania raids are unlikely to aid the anthrax inquiry. (Article on Page A6)

* * *

**Arafat called for** Israeli withdrawal from the West Bank, Gaza Strip and east Jerusalem in a speech on the 13th anniversary of his declaration of Palestinian independence. Israeli raids left a Palestinian dead as Arafat's police freed two militants detained after the assassination of an Israeli cabinet minister.

* * *

**Serb police guarded** government buildings after a mutinous secret-police unit, angry at Belgrade's dealings with the Hague, refused to accept civilian control. Separately, Kosovo votes tomorrow in a first, if symbolic, step toward independence from Serbia.

**Macedonia's parliament approved** constitutional reforms underpinning a peace deal. The vote came after a long period of pressure by Western envoys to codify new rights for ethnic Albanians after rebels disbanded.

* * *

**A federal judge dismissed** all remaining charges against two former Utah Olympic officials accused of buying votes to win the 2002 Winter Games for Salt Lake City. The judge had thrown out four key counts in July.

* * *

**Cancer researchers have developed a** method of encapsulating single atoms of radioactive material in injectable molecules that can find and destroy tumor cells. Human trials may begin soon. (Article on Page B3)

* * *

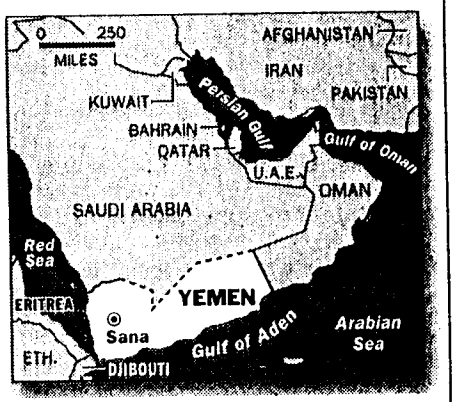
**Two freight trains collided** head-on about 25 miles northwest of Detroit, killing two crewmen, injuring two others and forcing nearby evacuations. Investigators focused on a switching malfunction or bad weather.

* * *

**Peace Corps workers were recalled** from Zimbabwe after the government refused to issue permits for new volunteers. Harare has been reducing the presence of international agencies ahead of elections next year.

might end up in Afghanistan. Pakistan, once a welcoming gateway for Arab mujahedeen, has also closed Afghan frontier crossings in recent weeks and carefully screens all Arab visa applicants, submitting their names to local security agencies.

Across the Middle East, hundreds of presumed jihad organizers, who openly worked out of mosques and even government offices to send fighters to Afghanistan in the 1980s and Bosnia-Herzegovina in the 1990s, have been rounded up since the Sept. 11 killings in New York and Wash-




ington. "Back in the past, going to jihad in Afghanistan was a big thing, something to be celebrated by everybody," explains Jamal Khashoggi, a Saudi newspaper editor who frequently met Mr. bin Laden in Afghanistan while covering the war in the 1980s. "Now, if you're a Saudi and you're going to fight there for the Taliban, you're joining the enemy."

In part, that's because few Arab governments want to upset the U.S. and end up a target in the Bush administration's war on terrorism. More important, the Afghan jihad campaign against the Soviets badly boomeranged on its Middle Eastern sponsors. Returning Afghan veterans such as Mr. bin Laden have helped destabilize much of the Arab world, fueling terrorist groups such as Egypt's Islamic Jihad, Algeria's GIA and the Aden Abyan Islamic Army in Yemen.

Intoxicated with their success in defeat-

*Please Turn to Page A8, Column 2*

*Senate aide, there won't be any money left."*

**FIRST LADY** Laura Bush will sub for her husband in tomorrow's national radio address, to kick off a campaign highlighting the Afghan Taliban's abuse of women. Also involved: Jay Leno's wife, Mavis, and Britain's Cherie Blair. Yesterday, at the Bush ranch, Russia's President Putin agreed the women need help, but the "end result" must not be that "a lady would turn into a man."

**TERRORISTS' FUNDS** are Treasury Secretary O'Neill's target in Ottawa today, as he presses the G-20 group of nations to form money-laundering surveillance units. The units would join the global Egmont Group intelligence exchange; among G-20 nations that don't belong are Saudi Arabia, China, Germany, Indonesia and India. Countries meeting in Canada have agreed to an antiterrorism agenda but not to specific actions.

**JOB REFERENCE:** The White House as early as today may grant Senate Majority Leader Daschle's wish and name his aide, Jonathan Adelstein, to one of two Democratic seats on the Federal Communications Commission. The vacancy has left the FCC with a 3-1 GOP edge.

**LEGAL LOOPHOLE:** Microsoft tries to shield its top Washington lawyer, Charles F. Rule, from having to reveal some contacts with the administration before he negotiated the company's controversial antitrust settlement. He was formally named a counsel of record yesterday, exempting him from disclosures otherwise demanded under a 1974 law requiring court review of antitrust deals.

**GOP'S GILMORE is safe through 2002, White House advisers say.**

The party chairman will stay on through the critical midterm elections, they are telling Republicans; many are unhappy about the GOP's loss last week of the governorships in New Jersey and Gilmore's Virginia.

Democrats gloat they have won "the main event" in redistricting after a federal court panel approves a plan favorable to Texas's majority-Democratic House delegation. GOP Leader DeLay of Texas had predicted gains of as many as eight seats; the party still says it can add two.

*Republicans urge ex-Rep. Lazio, who lost a Senate race to Hillary Clinton, to seek his old House seat back*

phone companies enter the long-distance market at a rapid clip, AT&T faces the prospect of heavy new competition.

The situation AT&T now finds itself in "is a little bit like Gen. Cornwallis surrendering to Revolutionary forces," says Tom Evslin, chief executive of Internet telephony firm ITXC Corp. and a former AT&T executive.

### The Parts or the Whole?

While many have speculated whether Mr. Armstrong would ultimately be removed from the helm of AT&T, it appears instead that AT&T is slowly being taken away from him. The company's directors, and Mr. Armstrong himself, had reluctantly come to the realization that AT&T is worth more in pieces than as a struggling whole when they announced a plan to break it into four pieces a year ago. Now, it appears the company will not be able to hold on to those different parts. "Times have changed," says a person close to Mr. Armstrong. Now, the thinking is, "If you're going to break up, why not just sell the pieces and get some long-term value for shareholders?"

With several trips to Washington a month, Mr. Armstrong, the 63-year-old former head of General Motors Corp.'s Hughes Electronics, is pleading with regulators to order relief. Taking an even more visible role is the company's chief financial officer, Charles Noski, who is trying to juggle the various credit-rating agencies, the equity and debt markets, AT&T's board and Wall Street as well as heading negotiations for the company's cable-TV unit.

Mr. Armstrong argues AT&T is better off today than it was when he took over, pointing to the building of wireless and cable franchises. "In 1997 we didn't know if AT&T had a future. But today we've got the assets, we've got the businesses, we've got the management team. We've got a future," says Mr. Armstrong.

### Hopes of Keeping It Together

He and other AT&T officials hold out the possibility of keeping the empire together. But he acknowledges that AT&T may not stay intact: "If it's in a form of stand-alone companies or in the form of further industry consolidation, those assets and those people and those customers will still be AT&T."

Some of AT&T's woes reflect those across the telecommunications industry, which is imploding in the wake of a massive glut of capacity and retrenchment of once-abundant investment dollars. But AT&T's plight was aggravated by [illegible] of deals struck by Mr. Armstrong.

## TODAY'S CONTENTS

THE INDEX TO BUSINESSES APPEARS ON PAGE B2

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ARD

STARS NO MORE: Analysts rocked and rolled on Wall Street.

INTERNATIONAL: Cavallo prefers dollarization to devaluation, A9.

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# ATTACHMENT 6

# TO THE

# DECLARATION OF BRIAN DAUTCH

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**HEADLINE:** U.S. SENATOR PATRICK LEAHY (D-VT) HOLDS HEARING ON "THE **MICROSOFT** SETTLEMENT: A LOOK TO THE FUTURE."

**SPEAKER:**
U.S. SENATOR PATRICK LEAHY (D-VT), CHAIRMAN

**LOCATION:** WASHINGTON, D.C.

**WITNESSES:**

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**BODY:**

U.S. SENATE JUDICIARY COMMITTEE HOLDS A HEARING ON THE **MICROSOFT** SETTLEMENT

DECEMBER 12, 2001

SPEAKERS:
U.S. SENATOR PATRICK J. LEAHY (D-VT)
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U.S. SENATOR MARIA CANTWELL (D-WA)
U.S. SENATOR JOHN EDWARDS (D-NC)

U.S. SENATOR ORRIN G. HATCH (R-UT)
RANKING MEMBER
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U.S. SENATOR SAM BROWNBACK (R-KS)
U.S. SENATOR MITCH MCCONNELL (R-KY)

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LEAHY: I just want to do a little housekeeping here. I want to make sure the chairman and ranking member of the Antitrust Subcommittee are here -- Senator Kohl and Senator DeWine -- both of whom have done a superb job for years in handling antitrust matters.

I told Senator DeWine earlier -- now this would probably cause a recall petition for the Republican Party in Ohio, but what a terrific job he did as chairman and what a terrific job Senator Kohl has done as chairman on antitrust matters in pointing out that they're issues of great complexity, very important to everybody here in the Senate. I've look at the proposed settlement the Department of Justice and nine states have transmitted to the District Court. The reason that they planned for the conclusion of what has really been a landmark antitrust litigation. But now, it's going to pass the legal test set out in the Tunney Act if it's going to gain court approval. That test is both simple and broad, and requires an evaluation of whether the proposed settlement is in the public interest.

There is significant difference of opinion over how well the proposed settlement passes this legal test. In fact, the states participating in the litigation against **Microsoft** are evenly split -- nine states joined in the proposed settlement and nine non-settling states presented the court with an alternative remedy.

As the courts wrangle with the technical and complex legal issues at stake in the case, this committee is conducting hearings to educate ourselves and to educate the public about what this proposed settlement really means for our high-tech industry and for all of us who use computers at work, at school, and at home.

Scrutiny of the proposed settlement by this committee during the course of the Tunney Act proceeding is particularly important. The focus of our hearing today is to examine whether the proposed settlement is good public policy and not to go into the legal technicalities.

The questions raised here and views expressed may help inform the court. I plan with Senator Hatch to forward to the court the record of this hearing for consideration as the court goes about the difficult task of completing the Tunney Act proceedings and the remedy solved by the non-settling states.

I am especially concerned that the District Court takes the opportunity seriously to consider the remedy proposal of the non- settling states but to consider them before she makes her final determination on the other parties' proposed settlement.

The insights of the other participants in this complicated and hard-fought case are going to be valuable additions to the comments received in the Tunney Act proceeding. I would hope that it would help inform the evaluation whether the settlement is in the public interest, a matter of which for many people is still an open question.

The effects of this case extend beyond simply the choices available in the software marketplace. The United States has long been the world leader in bringing innovative solutions to software problems, in creating new tools and applications for use on computers and the web, and in driving forward the flow of capital into these new and rapidly growing sectors of the economy.

This creativity is not limited just to Silicon Valley. My own home area, Burlington, Vermont, ranks seventh in the nation in terms of patent filings. Burlington has 38,000 people. It's in a county of about 130,000 people. It is not per capita. This is actual filings -- seven in the nation.

So, whether the settlement proposal will help or hinder this process, and whether the high tech industries will play the important role that they should in our nation's economy, is a larger issue behind the immediate effects of this proposal.

So, with that in mind, I intend to ask the representatives of the settling parties how their resolution of this conflict will serve the ends that the antitrust laws require.

Our courts have developed a test for determining the effectiveness of a remedy in a Sherman Act case: The remedy must end the anti-competitive practices, it must deprive the wrongdoer of the fruits of the wrongdoing and it must ensure that the illegality never recurs.

The Tunney Act also requires that any settlement of such a case serve the public interest. These are all high standards, but they are reasonable ones and people have dealt with them for years. In this case, the D.C. Circuit, sitting en banc and writing unanimously, found that **Microsoft** had engaged in serious exclusionary practices, to the detriment of their competitors and, thus, to all consumers. So, we have to satisfy ourselves that these matters have been addressed and redressed, or if they have not, why not.

I have noted my concern that the procedural posture of this case not jeopardize the opportunity of the non-settling states to have their day in court and not deprive the District Court of the value of their views on appropriate remedies in a timely fashion. In addition, I have two basic areas of concern about the proposed settlement.

First, I find many of the terms of the settlement to be either confusingly vague, subject to manipulation, or worse, both. Mr. Rule raised an important and memorable point when he last testified before this committee in 1997 during the important series of hearings that were convened by Senator Hatch on competition in the digital age, hearings that have shaped a lot of thinking in the Senate.

Testifying about the first **Microsoft**-Justice Department consent decree, Mr. Rule said, quote: "Ambiguities in decrees are typically resolved against the government. In addition, the government's case must rise or fall on the language of the decree; the government cannot fall back on some purported 'spirit' or 'purpose' of the decree to justify an interpretation not clearly supported by the language."

LEAHY: So, we take seriously such counsel, and would worry if ambiguity in the proposed settlement would jeopardize its enforcement.

Secondly, I am concerned that the enforcement mechanism described in the proposed decree lacks the power and the timeliness necessary to inspire confidence in its effectiveness. Particularly in light of the absence of any requirement that the decree be read in broad

remedial terms, it is especially important that we inquire into the likely operation of the proposed enforcement scheme and its effectiveness.

Any lawyer who has litigated cases, and Mr. James, I would certainly include you, any business person knows how distracting litigation of this magnitude can be and appreciates the value that reaching an appropriate settlement can have not only for the parties but also for consumers, who are harmed by anti-competitive conduct, and the economy. I'm the first one to say that we'd like some finality, so everybody involved, all companies, can know what the standards are and all consumers can know what they are.

Because of that, I do not come to this hearing prejudging the merits of this proposed settlement but instead as one who is ready to embrace a good settlement that puts an end to the merry-go-round of **Microsoft** litigation over consent decrees.

But the serious questions that have been raised about the scope, enforceability and effectiveness of this proposed settlement leave me concerned that, if it's approved in its current form, it may simply be an invitation for the next chapter of litigation. I want an end to this thing. I think everybody wants at end to it, but we want an end to it where we know what the rules are going to be. If we don't know what the rules are going to be, as sure as the sun rising in the East, we're going to face these issues again.

On this point, I share the concern of Judge Robert Bork, who warns, in his written submission, that the proposed settlement "contains so many ambiguities and loopholes as to make it unenforceable, and likely to guarantee years of additional litigation".

I look forward to hearing from the Department of Justice and the other witnesses here. I will put into the record a series of letters, one, a letter to myself and Senator Hatch from James Barksdale, another letter to Assistant Attorney General James and Senator Hatch and a letter to Senator Hatch from Assistant Attorney General James, letters to myself and Senator Hatch and Robert Bork, a letter to myself and Ralph Nader with two enclosures, written testimony of the Computing Technology Industry Association; written testimony of Catfish Software, Inc.; and written testimony of Mark Havicek (ph) of Digital Data Resources, Inc.

I yield to Senator Hatch who has been such a support of hearings on this issue earlier.

HATCH: Thank you, Mr. Chairman.

As you know, we conducted a series of hearings, as you've mentioned, in this committee in 1997 and 1998 to examine the policy implications of the competitive landscape of the then burgeoning high- tech economy and industry, which was about to explode with the advent of the Internet.

Those hearings focused on competition in the industry, in general, and, more specifically, complaints that **Microsoft** had been engaged in anti-competitive behavior that threatened competition and innovation to the detriment of consumers. Our goal was, and I believe today is, to determine how best to preserve competition and foster innovation in the high-technology industry.

Although the committee, and I, as its chairman -- then chairman, was criticized by some, I strongly believed then, and continue to believe now, that in a robust economy involving new technologies, effective antitrust enforcement today would prevent the need for heavy-handed government regulations of business tomorrow.

My interest in the competitive marketplace in the high-technology industry was animated by my strong opposition to regulations of the industry, whether by government, or by one or few companies.

As we may remember, the hearings before the Judiciary Committee developed an extensive record of **Microsoft's** conduct, and evidenced various efforts by the company to maintain and extend its operating system monopoly.

These findings, I would note, were reaffirmed by a unanimous, and ideologically diverse Court of Appeals. The **Microsoft** case -- and its ultimate resolution -- present one of the most important developments in antitrust law in recent history, certainly in my memory.

As I have emphasized before, having a monopoly is not illegal under our laws. In fact, in a successful capitalist system, striving to be one should be encouraged, as a matter of fact.

However, anti-competitive conduct intended to maintain or extend this monopoly would harm competition and could possibly be violative of our laws. I believe no one would disagree that the D.C. Circuit Court's decision reaffirmed the fundamental principle that a monopolist -- even a monopolist in a high-tech industry like software -- must compete on the merits to maintain its monopoly, which brings us to today's hearing. We are here to examine the policy implications of the proposed settlement in the government's antitrust litigation against **Microsoft.**

Mr. Chairman, rather than closing the book on the **Microsoft** inquiry, the proposed settlement appears to be only the end of the latest chapter.

The settling parties are currently in the middle of the so-called Tunney Act process before the court. And, the non-settling parties have chosen to further litigate this matter and last week filed their own proposed settlement.

This has been a complex case with significant consequences for **Microsoft,** high-tech entrepreneurs and the American public as well. The proposed settlement between **Microsoft** and the Justice Department and nine of the plaintiff state attorneys general is highly technical.

We have all been studying it, and its impact, with great interest. Each of us has heard from some, including some of our witnesses here today, that the agreement contains much that is very good. Not surprisingly, we have also heard and read much criticism of the settlement. These are complex issues, and I would hope today's hearing will illuminate the many questions that we have.

I should note that about two weeks ago, I sent a set of detailed and extensive questions about the scope, interpretation, and intended effects of the proposed settlement to the Justice Department, naturally seeking further information on my part.

First, I want to commend the department for getting the responses to these questions to me promptly. We received them yesterday. I think the questions, which were made public, and the Department's responses, could be helpful to each member in forming an independent and fair analysis of the proposed settlement.

To that end, and for the benefit of the committee, Mr. Chairman, I would like to make both the questions and the department's answers part of the record for this hearing, so I would ask unanimous consent that they be made part of the record.

As I noted in my November 29 letter to the department, I have kept an open mind regarding this settlement, and continue to do so. I have had questions regarding the practical enforceability of the proposed settlement and whether it will effectively remedy the unlawful practices identified by the D.C. Circuit, and restore competition in the software marketplace.

I am also cognizant of both the limitation of the claims contained in the original Justice Department complaint by the D.C. Circuit, as well as the standards for enforcement under

settled antitrust law.

I believe that further information regarding precisely how the proposed settlement will be interpreted, given D.C. Circuit case law, is necessary to any full and objective analysis of the remedies proposed therein. I hope that this hearing will result in the development of such information that would supplement the questions that I put forth to the Department.

Mr. Chairman, one important and critical policy issue that I would hope we can address today, and that I would like all of our witness to consider as they wait to be empaneled so that they can discuss, is the difficult issue of the temporal relation of antitrust enforcement in new high-technology markets.

It cannot be overemphasized that timing is a critical issue in examining conduct in the so-called "new economy". Indeed, the most significant lesson the **Microsoft** case has taught us is this fact. The D.C. Circuit found this issue noteworthy enough to discuss in the first few pages of its opinion. And I will quote from the unanimous court:

"What is somewhat problematic is that just over six years have passed since **Microsoft** engaged in the first conduct plaintiffs alleged to be anti-competitive. As the record in this case indicates, six years seems like an eternity in the computer industry. By the time the court can assess liability, firms, products, and the marketplace are likely to have changed dramatically. This, in turn, threatens enormous practical difficulties for courts considering the appropriate measure of relief in equitable enforcement actions." The Court goes on to say that "Innovation to a large degree has already rendered the anti-competitive conduct obsolete, although by no means harmless" unquote.

This issue is one that is relevant for this committee to consider as a larger policy matter, as well as how it relates to this case and the proposed settlement we are examining today. Let me just say that one of things that worries me is what are the enforcement capabilities of this settlement agreement? It was only a few years before these matters arose that **Microsoft** had agreed to a consent decree -- to a conduct decree that many feel that they did not live up to.

I think it's a legitimate issue to raise as to how well the agreement that the Justice Department has worked out with **Microsoft** and nine of the plaintiffs, how will it be enforced if anti- competitive conduct continues.

In that regard, let me just raise Mr. Barksdale's letter which I believe you put into the record.

LEAHY: I did, I did.

HATCH: Let me raise it, because he does make some interesting comments in his letter and if I can read them, I think they might be -- at least part of opening up the questions in this matter. I'll just quote a few paragraphs.

He says: "These developments have stiffened my resolve to do all I can to ensure that competition and consumer choice are reintroduced to the industry. It is vitally important that no company can do to a future Netscape that **Microsoft** did to Netscape from 1995 to 1999. It is universally recognized that the 1995 consent decree was ineffective. I respectfully submit that the proposed final judgment, PFJ, is the subject of the hearing would be even less effective, if possible, than the 1995 decree in restoring competition and stopping anti-competitive behavior. Accordingly, Senator Leahy, I'm going to follow your suggestion that I help the committee answer one of the central questions. If the PFJ had been in effect all along, how would it have affected Netscape? More important, how will it affect future Netscapes?"

He describes the impact on future Netscapes as follows and let me just read a couple of paragraphs in this regard: "As discussed in the attached document, the unambiguous conclusion is that the PFJ agreed upon last month by **Microsoft** and the Department of Justice had been in existence in 1994, Netscape would have never been able to obtain the necessary venture capital financing. In fact, the company would have not come into being in the first place. The work of Mark Andresson's team at the University of Illinois in developing the Mosaic browser would likely have remained an academic exercise. An innovative, independent browser company simply could not survive under the PFJ and such would be the effect on any company developing the future technologies as innovative as the browser was in the mid-1990s."

He goes on to characterize whether or not **Microsoft** could have developed itself, but let me just read the last two paragraphs of this letter: "If the PFJ's provisions are allowed to go into effect, it is unrealistic to think that anybody would ever secure venture capital financing to compete against **Microsoft.** This would be a tragedy for our nation. It makes a mockery of the notion that the PFJ is, quote, "good for the economy", unquote. If the PFJ goes into effect, it will subject an entire industry to dominance by an unconstrained monopolist, thus snuffing out competition, consumer choice and innovation in perhaps our nation's most important industry. And worse, it will allow them to extend their dominance to more traditional businesses, such as financial services, entertainment, telecommunications and perhaps many others.

Four years ago, I appeared before committee and was able to demonstrate, with the help of the audience, that **Microsoft** undoubtedly had a monopoly. Now it has been proven in the course that **Microsoft** not only having a monopoly, but they have illegally maintained that monopoly through a series of abusive and predatory actions. I submit to the committee that **Microsoft** is infinitely stronger in each of their core businesses than they were four years ago, despite the fact that their principal arguments have been repudiated eight to zero by the federal courts. Now, if you'll keep these thoughts in mind during your hearing, let me send a more detailed analysis of my views as followed".

Well, the importance of that letter is basically, Barksdale was one of the original complainants against **Microsoft** and was one of the very important witnesses before this committee in those years when we were trying to figure out what we're doing here.

And I don't think you can ignore that, so these questions have to be answered that he raises, plus the questions that I had given as well.

So, that's the -- you put that letter in the record?

LEAHY: I have and also I understood you wanted those letters (inaudible).

HATCH: I appreciate it.

Let me just say, Mr. Chairman, I'm grateful that you're continuing the committee's important role in high technology policy matters, and I as I would expect you to do, because I know that you take a great interest in these matters, as do, I think, every individual person on this committee and as does every individual person on the committee.

HATCH: I certainly look forward to hearing our witnesses today and I'm going to keep an open mind on where we're going here and hopefully they can resolve these matters in a way that is beneficial to everybody, including those who are against **Microsoft and Microsoft** itself.

Thank you, Mr. Chairman.

LEAHY: Thank you.

Senator Kohl?

KOHL: Mr. Chairman, we thank you for holding this hearing here today. This is a crucial time for competition in the high tech sector of our economy. After spending more than three years pursuing its groundbreaking antitrust case against **Microsoft,** the government has announced a settlement.

But the critical question remains, will this settlement break **Microsoft's** stranglehold over the computer software industry and restore competition in this vital sector of our economy. I have serious doubts that it will.

An independent federal court, both a trial court and a court of appeals found that **Microsoft** broke the law and that its violation should be fixed. This antitrust case was as big as they come.

**Microsoft** crushed a competitor, illegally tried to maintain its monopoly and stifled innovation in this market. Now, after all these years of litigation, of charges and countercharges, this settlement leaves us wondering, "Did we really accomplish anything?" Or, in the words of the old song, "Is that all there is?"

Does this settlement debate a Supreme Court mandate that it must deny the antitrust violator the fruits of its illegal conduct? It seems to me and to many, including nine of the states that joined the federal government in suing **Microsoft,** that this settlement agreement is not strong enough to do the job to restore competition to the computer software industry.

It contains so many loopholes; qualifications and exceptions that many worry that **Microsoft** will easily be able to evade its provisions.

Today, for the vast majority of computer users, the first thing they see when they turn on their machine is the now familiar **Microsoft** logo placed on the **Microsoft** start menu. And all of their computer operations take place through the filter of **Microsoft's** Windows operating system.

**Microsoft's** control over the market is so strong that today, more than 95 percent of all personal computers run under Windows operating system, a market share high enough to constitute a monopoly under antitrust law.

Its share of the Internet browsing market is now over 85 percent and reported a profit margin of 25 percent in the most recent quarter, a very high number in challenging economic times.

**Microsoft** has the power to dictate terms to manufacturers who wish to gain access to the Windows operating system and the ability to leverage its dominance into other forms of computer software. **Microsoft** has never been shy about using its market power.

Are we here today really confident that in five years, this settlement will have had any appreciable impact on these facts of life in the computer industry? I am not.

We stand today on the threshold of writing the rules of competition in the digital age. We have two options. One option involves one dominate company controlling the computer desktop facing minor restraints that expire in five years, but acting as a gatekeeper to 95 percent of all personal computer users.

The other mile is the flowering of innovation and new products that resulted from the breakup from the AT&T telephone monopoly nearly 20 years ago. From cell phones to faxes, from long distance price wars to the development of the Internet itself, the end of the telephone monopoly brought an explosion of new technologies and services that benefit



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millions of consumers every day. We should insist on nothing less in this case.

In sum, any settlement in this case should make the market for computer software as competitive as the market for computer hardware is today. While there is nothing wrong with setting, of course, we should insist on a settlement that has an immediate, substantial and permanent impact on restoring competition in this industry.

I thank our witnesses for testifying today and we look forward to hearing your views.

LEAHY: Thank you.

Senator DeWine?

DEWINE: Mr. Chairman, thank you very much for holding this very important hearing concerning the Department of Justice's proposed final judgment in its case against **Microsoft.**

Mr. Chairman, as we examine this judgment and attempt to imagine what it will mean for the future of competition in this market, we must keep in mind the serious nature of this case.

According to the D.C. Circuit Court, **Microsoft** did, in fact, violate our antitrust laws. Their behavior hurt the competitive marketplace. This is something that we must keep in mind as we examine the proposed final judgment.

This hearing is particularly important at this time, because federal law does require the District Court to examine the proposed settlement and determine if it is, in fact, in the public interest.

Federal law clearly allows the public to be heard on such matters. I believe that this forum today will further that process of public discussion.

The Court of Appeals in this case, relying on established Supreme Court case law, explained when appropriate remedy in antitrust case, such as this one, must seek to accomplish. It should unfetter the market and anti-competitive conduct, terminate the illegal monopoly and deny the defendant the fruits of its violations.

It's important, Mr. Chairman, that we examine where the proposed decree would, in fact, accomplish these goals. There seems to be a great deal of disagreement about what the competitive impact of the decree will be. While the proposed settlement, correctly, I believe, focuses primarily on the market for middleware, there has been a great deal of concern raised about the mechanism for enforcing such a settlement. Specifically, I think we need to discuss further whether the public interest would be better served with a so-called special master or some sort of administrative mechanism or whether the Justice Department can be more effective in enforcing the decree on its own.

In addition to the Department of Justice's proposed final judgment, we also have the benefit of another remedy's proposal which has been submitted to the court by nine states that did not join with the antitrust division's proposal. I would like to hear from our witnesses about the role they believe this alternative proposal should play in the ongoing Tunney Act proceedings.

As I mentioned early, Mr. Chairman, the Court of Appeals directed that any remedies should seek to deny **Microsoft** the fruits of its illegal activities. One clear benefit **Microsoft** derives from its violations was the effective destruction of Netscape as a serious competitor and a decrease in Java's market presence.

It's obviously impossible to go back in time and resurrect the exact market structure that

existed, but it is important to discuss how the proposed settlement deals with this problem.

I'd also like to note for the record that **Microsoft** will be represented today by one of their outside counsel, Rick Rule, rather than an actual employee of the company. Mr. Rule is an outstanding antitrust lawyer. He is well qualified to testify on this issue and we certainly look forward to hearing his testimony today.

However, Mr. Chairman, I must say that I am disappointed that **Microsoft** chose not to send an actual officer of the company because it does not appear to represent, frankly, the fresh start that I think we're all hoping to begin today.

Finally, I would like to thank you, Mr. Chairman, Ranking Member Hatch and Antitrust Subcommittee Chairman Kohl for all of your hard work in putting this hearing together and all of your work on this issue generally, over the last year.

I look forward to the testimony of our witnesses today and the committee's continuing oversight of this very important issue.

LEAHY: Mr. James, there's a vote on the floor. I think there's about two or three minutes left in the roll call vote. We're going to suspend while we go to vote, but I think...

JAMES: I have a really brief statement. Could I make that before you adjourn?

LEAHY: You can.

JAMES: Let me just say that at this hearing and the accompanying media spectacle indicate that **Microsoft** case is a subject of significant public interest and debate. Some argue that the case itself never should have been filed to begin with. Now, after nearly four years of litigation, **Microsoft,** the Department of Justice and nine states, have reached a settlement.

I just want to commend the parties for their tireless effort and countless hours in reaching the compromise. Settlement is nearly always preferable to litigation and regulation by the market is nearly always better than regulation by litigation or the government, for that matter.

As far as what the public thinks, just this week a nationwide survey indicated U.S. government and **Microsoft** agreed to settle the antitrust case, however, nine state AGs argued that the antitrust case against **Microsoft** should continue. Which statement do you agree with?

U.S. economy and consumers would be better off id the issue where we settle as soon as possible, 70 percent; the court should continue to investigate whether **Microsoft** should be punished for its business activities, 24 percent. Not that the public is always determinative, but I thought that would be an interesting observation to add.

Thank you very much, Mr. Chairman.

LEAHY: I think, Mr. James, I think you'd know from the comments that we're across the board here. Everybody, or the majority of the people favor a settlement, but I must say that I don't think the majority of the people favor any settlement. They favor a good settlement and that's what the questions will be directed at and that's why nine attorneys general have expressed concern. Nine agreed with the settlement, nine disagreed with the settlement. These are all very good, very talented people.

So, in your testimony when we come back, you've heard a number of the questions that have been raised and we look forward to you responding to them.

We'll stand in recess while we vote.

(RECESS)

LEAHY: Sorry for that.

LEAHY: Mr. James, I should put on for the record, Mr. James has served as the assistant attorney general for the antitrust division since June 2001. He previously served as deputy assistant attorney general for the Antitrust Division for the first Bush administration from 1989 to '92. He served as acting assistant attorney general for several months in '92.

He was then the head of the antitrust practice of Jones Day Reavis & Pogue in Washington. Not knowing what the Senate schedule might be, Mr. James, we'll put your whole statement in the record, of course. I wonder if you might summarize it, but also with some reference to the charge made in the letter to Senator Hatch and myself by Mr. Barksdale, who said had this been the ground rules -- we never would have been able to get Netscape off the ground had it been the ground rules at the time they began Netscape, they would have never been able to create Netscape. If that is accurate, of course, we've got a real problem.

So, Mr. James, it's all yours.

JAMES: Thank you, Senator Leahy and good morning to you and members of the committee.

I'm pleased to appear before you today to discuss the proposed settlement of our still pending case against **Microsoft** Corporation.

With me today are Deborah Majoris (ph), my deputy, and Phil Malone (ph), who has been the lead staff lawyer on the **Microsoft** case from the very beginning. I note their presence here because they were the ones who responded to the judge's order that we negotiate around the clock and I think they've recovered now.

As you know, on November 2, the department and nine states entered into the proposed settlement. We're in the midst of the Tunney Act period, as you know, and that will end at the end of January at which point the District Court will determine whether the settlement is in the public interest. We think that it is.

I'm somewhat limited in what I can say about the case because of the pendency of the Tunney Act proceeding, but of course, I'm happy to discuss this with the committee for the purpose of public explication.

When thinking about the **Microsoft** case, from my perspective, it's always important to distinguish between **Microsoft,** the public spectacle and **Microsoft,** the actual legal dispute. We look, in particular, to what the department alleged in its complaint and how the court ruled on those allegations.

The antitrust division complaint had four counts: attempted monopolization of browser market in violation of Section II; individual and competitive acts; and a course of conduct to maintain the operating system monopoly in violation of Section II of the Sherman Act; tying it's own browser to the operating system in violation of Section I; and exclusive dealing in violation of Section I.

I would note that a separate monopoly leveraging claim brought by the states was thrown out prior to trial and that the states at one time had alleged in their complaint monopolization of **Microsoft** Office market and that was eliminated by the states through an amendment.

There was, of course, a trial before Judge Jackson, at the conclusion of which Judge Jackson

found for the government on everything but exclusive dealing and ordered **Microsoft** to be split into a separate operating system and applications businesses after a one year transitional period under interim conduct remedies.

On appeal, however, only the monopoly maintenance claims survived unscathed. The attempt at monopoly claim was dismissed. The time claim was reversed and remanded for further proceedings under a much more rigorous standard and the remedy was vacated with the court ordering remedial hearings before a new judge to address the fact that liability findings had been, in their words, drastically curtailed.

Even the monopoly maintenance claim was cut back in the Court of Appeals decision. The Court of Appeals found for **Microsoft** on some of the specific practice and rules against the government on the so- called "course of conduct theory" of liability.

I recount all of this history to make two basic points that I think are important as we discuss the settlement.

First, the case, even as initially framed by the Department of Justice, was a fairly narrow challenge. It was never a direct assault on the acquisition of the operating system monopoly itself.

Second, and perhaps much more important, the case that emerged from the Court of Appeals was much narrower, still focusing exclusively on the middleware threat to the operating system monopoly and specific practices, not a course of conduct found to be any competitor.

The Court of Appeals decision determines the reality of the case as we found it in the department when I first arrived there in June as you noted. The conduct found to be unlawful by the court was the sole basis of relief.

It's probably worth talking just briefly about the monopoly maintenance claim. The claim alleges that **Microsoft** engages in various anti-competitive practices, the NT, the development of rival web browsers and Java. These products came to be known as middleware and was thought to pose a threat to the operating system monopoly because they had the potential to become platforms for other software applications.

The court noted that the middleware threat was nascent, that is to say that no one could predict when, if ever, enough applications would be written to middleware for it to significantly displace the operating system monopoly.

A few comments about the settlement itself. In general terms, our settlement has several important points that we think fully and demonstrably remedy the middleware issues that were at the heart of the monopoly maintenance claims,

In particular, are our decree contains a very broad definition of middleware that specifically includes a forms of platform software that have been identified as potential operating system threats today and likely to emerge as operating system threats in the future, in the broadest terms types of contractual restrictions and exclusionary arrangements the Court of Appeals found to be unlawful.

The defense is in those prohibitions where the appropriate nondiscrimination and non-retaliation provisions and it creates an environment which middleware developers can create programs that compete with **Microsoft** on a function -- like function basis to a regime of mandatory API documentation and disclosure.

The most simple terms we believe our remedy will permit is the development and deployment of middleware products without fear of retaliation or economic disadvantage. That is what we believe and what the court found that consumers actually lost through **Microsoft's** unlawful

conduct and that is what we think the consumers will gain through our remedy.

With specific reference to what Mr. Barksdale said, if I may. I've not reviewed Mr. Barksdale's letter. I know that in this particular situation with so much at stake in this particular settlement that I've seen lots of hyperbolic statements. I certainly wouldn't necessarily characterize his in that vein without having read it in some detail.

I would note, however...

LEAHY: Mr. James, we're going to give you an opportunity to do that, because I want you to look at it. You can feel free to call it hyperbolic or however, but I would ask that you and your staff look at his letter, which does raise some serious questions and I would like to see what response you have for the record.

JAMES: I will be happy to do so.

And with that, I'd be happy to answer your questions.

LEAHY: Did you have more you wanted to say on the letter before you...

JAMES: No, sir. I'm happy to respond to what you folks want to talk about.

LEAHY: The Department of Justice has been involved in litigation against **Microsoft** for more than 11 years. I am one of those who had hoped throughout that that the parties might come to some conclusion. I think that it's in the best interest if you can have a fair conclusion; it's the best interests of the consumers, the government, **Microsoft,** competitors and everybody else.

I have no problem with that, but that presupposes the right kind of settlement. Over the course of those 11 years, the parties entered into one consent decree and that just ended up with a whole lot more litigation over the terms of that consent decree.

I mention that because you take this settlement and its already being criticized by some for the vagueness of its terms and its loopholes. Judge Robert Bork warned that it's and I think I'm quoting him correctly, "likely to guarantee years of additional litigation".

Now, what kind of assurances can you give or what kind of predictions can you give that if this settlement is agreed to by the courts, that we're going to see an end to this litigation, we're going to have to stop this kind of merry go round of **Microsoft** litigation concerning compliance or even the meanings of the consent decrees. I notice a lot of people in this room on both sides of issue. I have a feeling they are here solely because of their interest in government and not because and not because the meter is running.

A lot of us would like to see this thing end, but why do you feel that this decree, this settlement is so good that it's going to end?

JAMES: Well, Senator, that's certainly a legitimate question and I understand the spirit in which it was asked. One, I think, the facts of life is that one of the reasons we have so many antitrust lawyers and perhaps why there are so many of them in this room, is that firms with substantial market positions very often are the subject of appropriate antitrust scrutiny and so it is with **Microsoft** and so it should be.

Our settlement here is a settlement that resolves a fairly complex piece of litigation. It, by it's terms, is going to be a complex settlement in as much as it does cover a broad range of activities and has to look into the future prospectively in a manner that benefits consumers. Some of that consumer benefit certainly will come from the development of competing products. Some of that consumer benefit, however, will come from competition from

**Microsoft** as it moves into other middleware products, et cetera.

We think that the terms of the decree are certainly enforceable. I think so much of what has been called a loophole are things that are carve-outs necessary to facilitate pro-competitive behavior and we certainly think that the enforcement power embodied in this decree, I would say an unprecedented level of enforcement power, three tiers of enforcement power, are sufficient to let the Department of Justice...

LEAHY: But keep in mind that usually these kinds of decrees, if it's not specifically laid out, the courts tend to decide the vague questions against the government, not for. Fortune Magazine called it and said even the loopholes have loopholes, a pretty strong statement from a very pro-business magazine.

The settlement limits the types of retaliation **Microsoft** can take against PC manufacturers that want to carry or promote non-**Microsoft** software, but some would say that gives a green light to other types of retaliation.

Now, I don't know why doesn't the settlement ban all types of retaliation. It has no -- the Court of Appeals, it said twice you commingle the browser and operating system code you violate Section II of the Sherman Act. The proposed settlement contains no prohibit on commingling code. There is no provision barring the commingling of browser code with the operating code.

So, you've got areas where they can retaliate. You don't have the barring of this commingling of code. I mean, are these -- Fortune Magazine, Judge Bork and others justified in thinking there are too many loopholes here, notwithstanding the levels of enforcement.

JAMES: Let me take your points in order -- first on the subject of retaliation.

Retaliation is a defined term in this decree. It's a term that we are using to define a sort of conduct that **Microsoft** can engage in when it engages in ordinary commercial transactions.

I don't think that there is any scope in the bounds of this case to prohibit **Microsoft** from engaging in any form of collaborative conduct with anyone in the computer industry.

Certainly, the types of collaborative conduct that are permitted, the so-called "loopholes", are the type of conduct that is permitted under standard Supreme Court law embodied in decisions like broadcast music and NCAA, also embodied in the Federal Trade Commission-Department of Justice joint venture guidelines that sanction forms of conduct, so that we think that antitrust lawyers certainly can understand these types of issues and that we think the courts can understand these types of issues.

JAMES: Secondly, with regard to your more particular point about commingling code -- it's certainly the case that the Court of Appeals following upon the District Court decision found that **Microsoft** had engaged in an act of monopolization in that it commingled code for the purpose of preventing the **Microsoft** browser from being removed from the desktop. That's certainly the finding of the Court of Appeals.

Now, in the process of going through my preparations for this hearing, I went back and looked at the Department of Justice position with regards to this throughout the course of the case and even in the contempt proceeding involving the former (inaudible), it has always and consistently been the Department of Justice's contention that it did not want to force **Microsoft** to remove code from the operating system. They said that over and over again in every brief that's been filed in this case.

What the Department of Justice wanted was an appropriate as a remove functionality that would give consumers the choice between middleware functionalities. That is exactly the

remedy we have here and we think it's an effective remedy.

We've gone beyond that particular aspect of this by including into our decree a specific provision that deals with the question of defaults, in other words, the extent to which a **Microsoft** middleware -- a non-**Microsoft** middleware product can take over and be (inaudible) both automatically in place of a **Microsoft** middleware product. That's something that was not in the earlier decree. It's a step beyond what was included in Judge Jackson's order.

We think that we have addressed the product integration aspects of the **Microsoft** monopoly made in this claim in exactly the terms that the department has always pursued with regard to that particular issue and we're completely satisfied with that aspect of the relief.

LEAHY: Well, I will have a follow up on -- as you probably expect that my time is up and I want to yield to Senator DeWine. Actually, I have a follow up on the retaliation also, but I do appreciate your answer.

Senator DeWine?

DEWINE: Thank you, Mr. Chairman.

This case has certainly been very controversial and inspired a great deal of discussion regarding the effectiveness of the antitrust laws, especially within the high tech industry.

Netscape, for example, vocally opposed **Microsoft** during this litigation and many of Netscape's complaints really were validated by the courts. And yet, Netscape ended up losing battle.

This sort of result has led some to question whether our antitrust laws can be effective in this particular industry and I personally believe the antitrust laws are essential to promoting competition within the industry and throughout the country.

But I would like to hear what your views are on this subject. What lessons do you think this case teaches us in regards to that and what do we say to people like Netscape?

JAMES: Well, it's certainly the case that our judicial system very often can provide a crude tool for redressing particular issues quickly. I would note that this particular case was litigated on a very fast track and the people at the Department of Justice ought to be really commended for pushing this case along at even the speed that it's taken, considering the comparable speed of other cases.

I think, however, that the case stands for an important proposition and that is that the Department of Justice is up to meeting the challenge, that it has the tools at its disposal to investigate unlawful conduct, to understand and appreciate the implications of what complex technical matters involve, to bring the resources to bear in order to litigate these cases to a successful conclusion and, where appropriate, to reach a settlement that's in the public interest.

One of the things that I think is an important issue to note here is that there is certainly a time difference between litigating a matter of individual liability and litigating a matter involving compliance with a term of a decree.

We think that the enforcement powers that are involved here are appropriate ones. We think that enforcement by the Department of Justice is the appropriate way to proceed in these matters and we're confident that this provides the sort of best mechanism for dealing with a complex matter in complex circumstances.

DEWINE: One provision of the proposed final judgment requires **Microsoft** to allow consumers or computer manufacturers to enable access to competing products. However, to qualify for these protections, it must have had a million copies distributed in the United States within the previous year.

This would seem to me to run contrary to traditional antitrust philosophy promoting new competition. Why are these protections limited to larger competitors?

JAMES: I'm actually glad you asked that question, Senator, because that's one of the prevailing, I think, misconceptions of the decree.

The provisions of the decree that require **Microsoft** to allow a OEM placed middleware product on the desktop apply without regard to whether or not that product has been distributed to 1 million people. That is an absolute requirement.

The million-copy distribution provision relates solely to the question of when **Microsoft** must undertake these affirmative obligations to create defaults, for example, for a middleware product, to provide other types of assistance to someone who has developed that product.

The fact of the matter is that this is something that requires a great deal of work, particularly these complex matters of setting defaults, which is very important to the competitive circumstances here. It would be very difficult to impose upon **Microsoft** the responsibility for making these alterations to the operating system and making them for every subsequent release of the operating system to be automatic in the case of any software company that shows up and says, "I have a product that competes".

But I want to be very clear here, Senator. Every qualifying middleware product without regard to how many copies its distributed, an OEM can place that product on the desktop immediately without regard to this 1 million threshold. And quite frankly, in today's world, 1 million copies distributed is not a substantial matter. I think in the last year I might have gotten 1 million copies of AOL 5.0 in the mail.

So, I don't think that that's really a very large impediment.

DEWINE: Can I ask one last question?

You've mentioned in a number of provisions the settlement will (inaudible) beyond the four corners of a case. But **Microsoft** agreed to these conditions anyway. What are they and what is the goal of these provisions?

JAMES: Well, I think one of the most important one is the default provision. As of the time of our original case, these middleware products were fairly simple, operating in a fairly simple way. You went -- you clicked onto that product, you evoked that product and then you used it in whatever way was appropriate.

In today's world, software has changed. We see what they call a more "seamless user interface user experience", and it's necessary for people to operate deeply within the operating system on an integrated basis.

There were allegations that **Microsoft** overrode consumer choice in these default mechanisms in the case. With regard to each and every one of those instances alleged by the Justice Department, the Justice Department lost. The court found that count for **Microsoft.**

Notwithstanding that as a matter of fencing in and improving the nature of this decree, we have included into this issue the subject of defaults.

Another important area, I think, is a question of server interoperability and that's a very, very

important issue as we see going forward. If you go back and read the complaint in this case, you will find the word "server" almost virtually never appears. There's no sort of very specific allegations that go to this.

We thought that this was an important alternative platform issue. We thought it was important to stretch for relief in this area and we did so and got, I think, relief that is very effective in preserving this as people go into an environment of more distributive web processing.

So, we think that that's a very powerful thing and I think these are two issues that the Department of Justice would have had a very, very difficult time sustaining in court to the extent that the court was inclined to limit us to the proof that we put forward, so I think these are very positive manifestations of the settlement.

DEWINE: Thank you, Mr. Chairman.

LEAHY: We're checking one -- and I mentioned this to Senator Kohl and Senator Sessions and Senator Cantwell (inaudible) been here to answer questions. We're finding out from the floor (inaudible) there may have been a (inaudible). Any senator has a right under Senate rules to object to committees meeting more than two hours after the Senate goes in session. We're on the farm bill and a number of appropriations and other central matters so that I've been told that a senator has objected, as every senator has a right to do, to its continuance.

And as a result, the good senator said they want us to, contrary to what is going on in the Senate floor, we have to respect the rules of the Senate. I do, and we're going to have to recess this hearing at this time. I'm going to put into the record the statements of all those who have come here to testify.

Senator Hatch and I will try and find a time we might reconvene this hearing because both Senator Hatch and I feel this is a very important hearing. Statements will be placed in the record. The record will be open for questions that might be submitted.

I apologize to everybody. We did not anticipate this. With 100 senators, every so often somebody exercises that rule. I emphasize, senators have the right to exercise that rule, especially when we're in the last three weeks of the session. I think we're going to break for Christmas Day, but we're in the last three weeks of this session and I think senator (inaudible) wants to make sure senators pay attention to (inaudible).

HATCH: Mr. Chairman?

LEAHY: Senator Hatch, we really technically out of time.

HATCH: Mr. Chairman, we are out of time. Any Senator can invoke a two-hour rule and a senator has done that. Fortunately, I think it was against the finance committee markup today, but we reported out to bill anyway right within the time constraint. That's where I went.

But both Senator Leahy and I apologize to the witnesses who put such an effort in being here today, because this is an important hearing. These are important matters for both sides, to all sides, I should say. There are not just two sides here, and these matters have a great bearing on just how positively impactful the United States is going to be in these areas.

So, I hope that we can reconvene within a relatively short period of time and continue this hearing, because it is a very, very important hearing and we apologize to you that this happened.

LEAHY: It's out of our hands, but I would normally recess until tomorrow, but tomorrow we

have this time for an executive committee meeting of the Judiciary Committee to do as we've done many times already, to vote out a large number of judges.

So, with that, we stand recessed.

(UNKNOWN): Mr. Chairman, just a matter of procedure. I am troubled by what I understand to be a decision to send this transcript to the court as an official document from Congress in the middle of a litigation that's ongoing. I would think that anybody's statement that they gave could be sent to the court. Any senator can write a letter to the court.

LEAHY: I appreciate -- we need to be...

(UNKNOWN): I haven't studied it fully, but as a (inaudible) it troubles me to have a...

LEAHY: That record is open to anybody who wants to send anything in. Senator Hatch and I have made that decision and that will be the decision of the committee.

We stand in recess.

(UNKNOWN): I will be recorded as objecting.

END

**NOTES:**
???? - Indicates Speaker Unknown
-- - Indicates could not make out what was being said. off mike - Indicates could not make out what was being said.

**PERSON:** PATRICK J LEAHY (94%); EDWARD M KENNEDY (72%); JOSEPH R BIDEN (57%); DIANNE FEINSTEIN (56%); RICHARD J DURBIN (55%); MIKE DEWINE (55%); ORRIN G HATCH (54%); STROM THURMOND (54%); JOHN EDWARDS (54%); ARLEN SPECTER (53%); JON L KYL (53%); JEFF SESSIONS (52%); MITCH MCCONNELL (51%); HERB KOHL (50%); RICHARD MICHAEL DEWINE (50%);

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# ATTACHMENT 7

# TO THE

# DECLARATION OF BRIAN DAUTCH

FRIED FRANK HARRIS SHRIVER & JACOBSON





Charles F. (Rick) Rule is a partner resident in Fried Frank's Washington, DC and New York offices and head of the firm's antitrust practice. He joined the firm in 2001.

Mr. Rule's practice focuses on providing U.S. and international antitrust advice to a variety of high-profile corporations, counseling, structuring joint ventures (including business-to-business exchanges) and representing major corporations in connection with investigations by the U.S. Department of Justice, the Federal Trade Commission and the European Commission.

Mr. Rule has represented clients such as Eli Lilly & Company, Microsoft Corporation, US Airways Inc., WorldCom, Inc., the National Basketball Association, Goodyear Tire and Rubber Co., and Air Products and Chemicals, Inc. He has also been involved in the antitrust clearance of some of the highest-profile mergers in recent years, including advising NYNEX in its merger with Bell Atlantic (now known as Verizon Communications) and serving as Exxon's lead counsel in its successful merger with Mobil Oil Corporation (now known as ExxonMobil Corporation).

Mr. Rule served as William Baxter's special assistant, in 1982, in the Antitrust Division of the Department of Justice. He served as acting head of the Division for almost half of 1985 and was appointed to the job permanently in late 1986, becoming the youngest person ever to be confirmed to the position of Assistant Attorney General in charge of the Antitrust Division. Mr. Rule continued as the Assistant Attorney General through the remainder of the Reagan Administration and for the first several months of the George Bush, Sr. Administration. He received the Edmund J. Randolph Award from the Department of Justice in 1988. Following his departure from the Justice Department in 1989, Mr. Rule was a partner and head of the antitrust practice at the Washington, DC law firm of Covington & Burling.

Mr. Rule has served as a distinguished adjunct professor of law at

American University's Washington College of Law. He was the inaugural chair of the Corporations, Securities and Antitrust Practice Group of the Federalist Society, and, from 1989-91, was chair of the Economics Committee of the ABA Antitrust Section. He is currently a member of the Advisory Board of BNA's Antitrust & Trade Regulation Report and also a member of the advisory boards of the Washington Legal Foundation and the Landmark Legal Foundation.

Mr. Rule is included among the world's leading antitrust lawyers in the *Chambers Global 2000-2001* listing. His biography appears in *Who's Who in America, Who's Who in the East, Who's Who in American Law* and similar publications.

Mr. Rule has written extensively and is a frequent lecturer on a variety of antitrust and regulatory topics, and he contributes a regular column on antitrust issues to the *Daily Deal*. (See attached publications list.)

Mr. Rule received his JD in 1981 from the University of Chicago Law School and his BA, *summa cum laude*, in 1978 from Vanderbilt University. He served as a law clerk for Chief Judge Daniel M. Friedman of the old United States Court of Claims (now the Court of Appeals for the Federal Circuit). He is on the Visiting Committee for the University of Chicago Law School. He is admitted to the bar in the District of Columbia.

Alphabetical Attorney Listing Attorney Database

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# ATTACHMENT 8

# TO THE

# DECLARATION OF BRIAN DAUTCH

Business Day

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FRIDAY, NOVEMBER 2, 2001

The New York Times

# States Biding for Time to Study Microsoft Settlement Plan

By STEPHEN LABATON

WASHINGTON, Nov. 1 — The 18 states involved in the government's landmark antitrust lawsuit against Microsoft rebuffed repeated requests today by Microsoft and the Justice Department to join the tentative settlement they reached a day earlier.

Concluding a series of meetings in Washington and cross-country telephone calls, the state prosecutors instead agreed among themselves to ask the federal judge overseeing the case for time to examine the details of the proposed deal.

The judge, Colleen Kollar-Kotelly of Federal District Court for the District of Columbia, has ordered the lawyers in the case to appear before her on Friday morning to report progress in the mediation proceedings that she set up five weeks ago.

Today Microsoft and senior Justice Department officials engaged with a mediator in shuttle diplomacy, vigorously pressing the states to adopt the agreement, people involved in the case said.

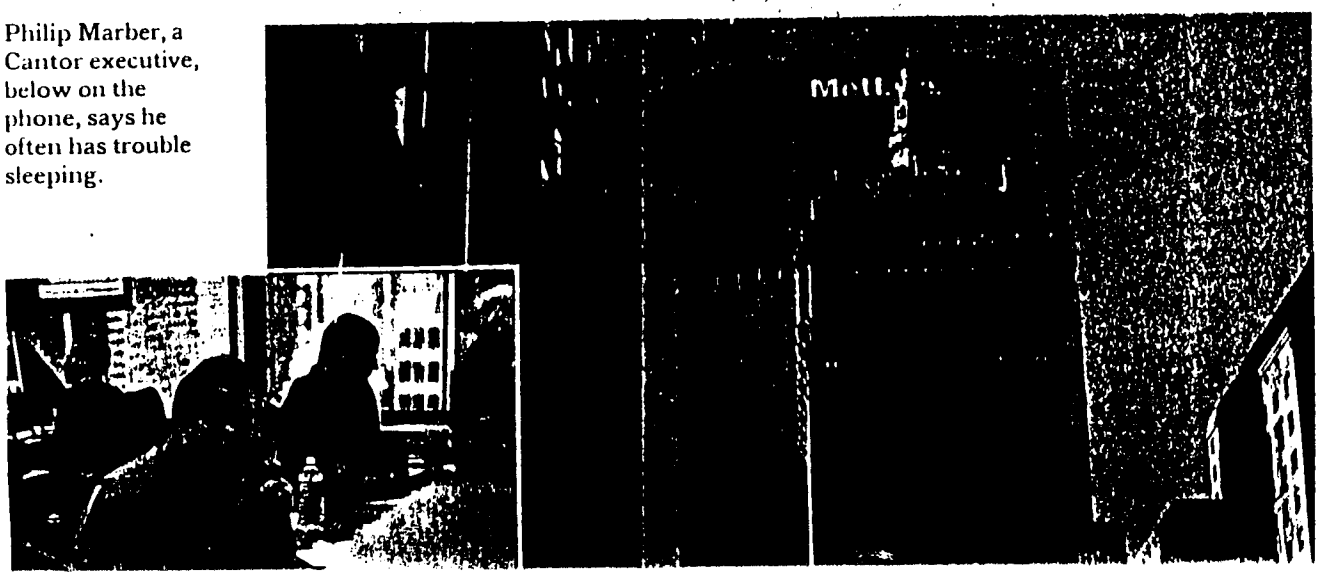
Under that pressure, leaders of the group struggled to hold together a fragile alliance that was being led from Washington by Tom Miller, the attorney general of Iowa, and Richard Blumenthal, the attorney general of Connecticut. Working from the headquarters here of the National Association of Attorneys General, the two were joined by lower-level lawyers from other states, including New York and California.

After a conference call this afternoon, the states agreed to have their newly hired lawyer, Brendan Sullivan, ask the judge for more time to consider the request. The decision was described as unanimous. Pressing hardest for the delay were representatives from California, Connecticut, Massachusetts, Ohio and Wisconsin, according to one lawyer involved in the case.

Participants described the state officials as wary of accepting a deal before scrutinizing the text of any proposed consent decree, particularly in light of the history of the case. "The last time I saw a public policy issue as important and difficult as Microsoft decided under impossible time constraints and without a chance for adequate public review was when California passed its electricity deregulation bill," said Bill Lockyer, the California attorney general. "I'm not about to stand by and see that happen again."

It was an inartfully drawn consent de-

Continued on Page 4



Philip Marber, a Cantor executive, below on the phone, says he often has trouble sleeping.

# Berkshire Set To Acquire Apparel Giant

## $835 Million to Be Paid For Fruit of the Loom

By DAVID BARBOZA

CHICAGO, Nov. 1 — Berkshire Hathaway, the holding company and investment

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TECHNOLOGY

# States Biding for Time in Microsoft Settlement Plan

Continued From First Business Page

cree in 1994 that became the center of the initial lawsuit filed by the Justice Department against Microsoft. In that case, Microsoft was accused of violating the terms of the decree by integrating its Internet Explorer browser software into its Windows operating system. The company replied that it had done nothing improper because the decree did not explicitly constrain it from such integration.

The state prosecutors today faced a difficult legal calculation. Several of them were described as being skeptical of the proposed deal but also uncertain whether they would be able to proceed as a group at odds with the federal government.

A break between the states and the Justice Department would throw the case into uncharted and possibly stormy legal waters. No agreement can take effect without the approval of a federal judge, and it is impossible to predict how Judge Kollar-Kotelly might react to the concerns of the states.

Nor is it certain whether her approval of a settlement would prevent the states from proceeding with their own antitrust lawsuit against Microsoft. To approve the proposed deal struck with the Justice Department, Judge Kollar-Kotelly would have to find that it was in the public interest.

Today's developments capped a remarkable week of behind-the-scenes negotiations in Washington. For Microsoft, the main negotiator has been Charles F. Rule of Fried, Frank, Harris, Shriver & Jacobson, a former assistant attorney general in charge of antitrust during the Reagan administration, where he got to know a young colleague working on antitrust issues at the Federal Trade Commission named Charles A. James. Mr. James, the current head of the antitrust division, is leading the federal government's effort to settle the case.

News of the proposed settlement between Microsoft and the Justice Department propelled the company's stock and contributed to a broader rally in the markets. Microsoft shares rose 6.4 percent, or $3.69, to $61.84.

Stacey Cramp/Legal Times

Charles A. James, the head of the Justice Department's antitrust division, is leading the government's effort to settle the Microsoft case.

Some of Microsoft's largest competitors voiced bitter disappointment about the terms of the proposed deal and asserted that the company had used its political influence with a Republican administration to try to quickly put an end to the case.

The rivals said that during court hearings that will be required on the proposed settlement, they intended to provide evidence of what they say was an improper discussion between a senior aide to Attorney General John Ashcroft who had been a top official in the Republican Party and a Republican lobbyist for AOL-Time Warner that demonstrated Microsoft's political muscle. In a statement issued today, Representative John Conyers Jr., Democrat of Michigan, also indicated he would be examining that incident, word of which has been circulating widely in recent days among lawyers, lobbyists and executives following the case.

The aide to Mr. Ashcroft, David Israelite, had been the political director of the Republican National Committee, which received hundreds of thousands of dollars from Microsoft during the 2000 presidential campaign. Mr. Israelite, now Mr. Ashcroft's deputy chief of staff, has recused himself from any involvement in the Microsoft antitrust case because he owns 100 shares of Microsoft stock.

The lobbyist involved in the discussion was said to be Wayne Berman, who is also a top Republican fundraiser.

According to the notes of a person briefed about the conversation on Oct. 9, the day it is said to have occurred, Mr. Israelite called Mr. Berman.

"Are you guys behind this business of the states hiring their own lawyers in the Microsoft case?" Mr. Israelite asked Mr. Berman in the predawn conversation, according to the notes. "Tell your clients we wouldn't be too happy about that."

Mr. Israelite purportedly told the AOL lobbyist that the Supreme Court would probably deny a Microsoft appeal later in the day, as the court in fact did, clearing the way for the Justice Department to push hard for a settlement with the company. According to people who were later briefed on the conversation by an AOL executive, Mr. Israelite then complained that AOL, a leading Microsoft rival, had been trying to "radicalize" the states to oppose a settlement.

In recent interviews, both Mr. Israelite and Mr. Berman denied that they had had any conversations about the Microsoft case or that they had talked at all that day.

"I find it offensive if someone has suggested that I violated the terms of my recusal, because I take that very seriously," Mr. Israelite said.

But an AOL executive said he was notified by Mr. Berman about his conversation with Mr. Israelite on Oct. 9, the day it was said to have occurred. Nevertheless, this executive and others at AOL said that upon re-examination of Mr. Berman's initial description of the conversation with Mr. Israelite, the company concluded that the account of the conversation might not have been reliable enough to justify filing an ethics complaint.

But other industry executives and lobbyists said they thought the conversation had occurred and would ask Judge Kollar-Kotelly to order an inquiry. Today Edward J. Black, president of the Computer and Communications Industry Association, a trade group whose members include many of Microsoft's corporate adversaries, said he and other groups would be raising the incident as part of a court proceeding to consider the merits of the settlement.

"Something is very rotten here," Mr. Black said. "Israelite is a recused official. He holds Microsoft stock. He raised a lot of money from Microsoft. He steered money into critical states that helped win the election. And then he takes action to help facilitate getting Microsoft out of trouble in an enforcement action."

# Antitrust Deal Is Called Big Victory for Microsoft

By STEVE LOHR

After more than three years of litigation, repeated courtroom setbacks and failed settle-

ly on whether an appeals court ruling in June was interpreted broadly or narrowly.

Some legal scholars pointed to the precedents establishing the standard that monopoly remedies should eliminate the monopoly, deny

with innovation.' "

The tentative settlement would prohibit Microsoft from entering into pricing deals and contracts with personal computer makers that effectively force them to favor Microsoft prod-

# ATTACHMENT 9

# TO THE

# DECLARATION OF BRIAN DAUTCH

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2

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**Barbour Griffith & Rogers**

2. Registrant Address ☐ Check if different than previously reported
Address **1275 Pennsylvania Avenue, N.W.** **Tenth Floor**
City **Washington** State/Zip (or Country) **DC 20004**

3. Principal Place of Business (if different from line 2)
City State/Zip (or Country)

4. Contact Name **Will Milligan**
Telephone **(202)-661-6320**
E-mail (optional) **wmilligan@bgrdc.com**
5. Senate ID # **5357-416**

7. Client Name ☐ Self
**Microsoft Corporation**
6. House ID # **31564040**

## TYPE OF REPORT

8. Year 1999 Midyear (January 1-June 30) ☒ OR Year End (July 1-December 31) ☐

9. Check if this filing amends a previously filed version of this report ☐

10. Check if this is a Termination Report ☐ >> Termination Date _____

11. No Lobbying Activity ☐

## INCOME OR EXPENSES - Complete Either Line 12 OR Line 13

**12. Lobbying Firms**

**INCOME** relating to lobbying activities for this reporting period was:

Less than $10,000 ☐

$10,000 or more ☒ >> $ **$300,000.00**
Income (nearest $20,000)

Provide a good faith estimate, rounded to the nearest $20,000 of all lobbying related income from the client (including all payments to the registrant by any other entity for lobbying activities on behalf of the client).

**13. Organizations**

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Expenses (nearest $20,000)

**14. REPORTING METHOD.** Check box to indicate expense accounting method. See instructions for description of options.

☐ **Method A.** Reporting amounts using LDA definitions only

☐ **Method B.** Reporting amounts under section 6033(b)(8) of the Internal Revenue Code

☐ **Method C.** Reporting amounts under section 162(e) of the Internal Revenue Code

Signature _____ Date **8/5/99**

Printed Name and Title **G.O. Griffith, Jr. - Managing Partner**



MTC-00030631_0796

Registrant Name: **Barbour Griffith & Rogers**

Client Name: **Microsoft Corporation**

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. **Using a separate page for each code,** provide information as requested. Attach additional page(s) as needed.

15. General issue area code **CPI** (one per page)
16. Specific Lobbying issues
    **H.R.775, Y2K Act,**
    **S.314, Small Business Year 2000 Readiness Act,**
    **In connection with the Justice Department's Antitrust inquiry.**

17. House(s) of Congress and Federal agencies contacted ☐ Check if None
    **House of Representatives**
    **Senate**

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) | New |
|---|---|---|
| **Barbour, Haley** | | **No** |
| **Griffith, Jr., G.O.** | | **No** |
| **Monroe, Loren** | | **No** |
| **Rogers, Ed** | | **No** |
| **Thompson, Brent** | | **No** |
| | | |
| | | |
| | | |

19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

Signature _____ Date **8/5/99**

Printed Name and Title **G.O. Griffith, Jr. - Managing Partner**



MTC-00030631_0797

# ATTACHMENT 10

# TO THE

# DECLARATION OF BRIAN DAUTCH

| Clerk of the House of Representatives | Secretary of the Senate |
|---|---|
| Legislative Resource Center | Office of Public Records |
| B-106 Cannon Building | 232 Hart Building |
| Washington, DC 20515 | Washington, DC 20510 |

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00 FEB 11 PM 2:16
OFFICE OF THE CLERK
U.S. HOUSE OF REPRESENTATIVES

# LOBBYING REPORT

Lobbying Disclosure Act of 1995 (Section 5) - **All Filers Are Required to Complete This Page** 2

1. Registrant Name
   **Barbour Griffith & Rogers**

2. Registrant Address ☐ Check if different than previously reported
   Address **1275 Pennsylvania Avenue, N.W.** **Tenth Floor**
   City **Washington** State/Zip (or Country) **DC 20004**

3. Principal Place of Business (if different from line 2)
   City State/Zip (or Country)

4. Contact Name **Evan Rikhye** Telephone **202-333-4936** E-mail (optional)

5. Senate ID # **5357-416**

7. Client Name ☐ Self
   **Microsoft Corporation**

6. House ID # **31564040**

**TYPE OF REPORT** 8. Year 1999 Midyear (January 1-June 30) ☐ **OR** Year End (July 1-December 31) ☒

9. Check if this filing amends a previously filed version of this report ☐

10. Check if this is a Termination Report ☐ >> Termination Date _____ 11. No Lobbying Activity ☐

## INCOME OR EXPENSES - Complete Either Line 12 OR Line 13

**12. Lobbying Firms**

**INCOME** relating to lobbying activities for this reporting period was:

Less than $10,000 ☐

$10,000 or more ☒ >> $ **$320,000.00**
Income (nearest $20,000)

Provide a good faith estimate, rounded to the nearest $20,000 of all lobbying related income from the client (including all payments to the registrant by any other entity for lobbying activities on behalf of the client).

**13. Organizations**

**EXPENSES** relating to lobbying activities for this reporting period were:

Less than $10,000 ☐

$10,000 or more ☐ >> $ _____
Expenses (nearest $20,000)

**14. REPORTING METHOD.** Check box to indicate expense accounting method. See instructions for description of options.

☐ **Method A.** Reporting amounts using LDA definitions only

☐ **Method B.** Reporting amounts under section 6033(b)(8) of the Internal Revenue Code

☐ **Method C.** Reporting amounts under section 162(e) of the Internal Revenue Code

Signature _____ Date **01/13/2000**

Printed Name and Title **G.O. Griffith, Jr. - Managing Partner**



MTC-00030631_0799

Registrant Name: Barbour Griffith & Rogers

Client Name: Microsoft Corporation

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. **Using a separate page for each code,** provide information as requested. Attach additional page(s) as needed.

15. General issue area code LAW (one per page)

16. Specific Lobbying issues
**H.R.775, Y2K Act,**
**S.314, Small Business Year 2000 Readiness Act,**
**In connection with the Justice Department's Antitrust inquiry.**

17. House(s) of Congress and Federal agencies contacted ☒ Check if None

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) | New |
|---|---|---|
| | | |
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| | | |

19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

Signature _____ Date 01/13/2000

Printed Name and Title G.O. Griffith, Jr. - Managing Partner



MTC-00030631_0800

# ATTACHMENT 11

# TO THE

# DECLARATION OF BRIAN DAUTCH

Clerk of the House of Representatives
Legislative Resource Center
B-106 Cannon Building
Washington, DC 20515

Secretary of the Senate
Office of Public Records
232 Hart Building
Washington, DC 20510

HAND DELIVERED

LEGISLATIVE RESOURCE CENTER
2000 AUG 11 PM 2:26
OFFICE OF THE CLERK
HOUSE OF REPRESENTATIVES

# LOBBYING REPORT

Lobbying Disclosure Act of 1995 (Section 5) - **All Filers Are Required to Complete This Page**

1. Registrant Name
**Barbour Griffith & Rogers, Inc.**

2. Address ☐ Check if different than previously reported
**1275 Pennsylvania Avenue, N.W.** **Washington**
**Tenth Floor** **DC 20004**

3. Principal Place of Business (if different from line 2)
City State/Zip (or Country)

4. Contact Name **Evan Rikhye** Telephone **202-333-4936** E-mail (optional)

5. Senate ID # **5357-416**

7. Client Name ☐ Self
**Microsoft Corporation**

6. House ID # **31564040**

## TYPE OF REPORT

8. Year 2000 Midyear (January 1-June 30) ☒ OR Year End (July 1-December 31) ☐

9. Check if this filing amends a previously filed version of this report ☐

10. Check if this is a Termination Report ☐ >> Termination Date

11. No Lobbying Activity ☐

## INCOME OR EXPENSES - Complete Either Line 12 OR Line 13

### 12. Lobbying Firms

INCOME relating to lobbying activities for this reporting period was:

Less than $10,000 ☐

$10,000 or more ☒ >> $ $300,000.00
Income (nearest $20,000)

Provide a good faith estimate, rounded to the nearest $20,000 of all lobbying related income from the client (including all payments to the registrant by any other entity for lobbying activities on behalf of the client).

### 13. Organizations

EXPENSES relating to lobbying activities for this reporting period were:

Less than $10,000 ☐

$10,000 or more ☐ >> $
Expenses (nearest $20,000)

**14. REPORTING METHOD.** Check box to indicate expense accounting method. See instructions for description of options.

☐ **Method A.** Reporting amounts using LDA definitions only

☐ **Method B.** Reporting amounts under section 6033(b)(8) of the Internal Revenue Code

☐ **Method C.** Reporting amounts under section 162(e) of the Internal Revenue Code

Signature Date 8/12/2000

Printed Name and Title G.O. Griffith, Jr. - Chief Operating Officer



MTC-00030631_0802

Registrant Name: Barbour Griffith & Rogers, Inc.

Client Name: Microsoft Corporation

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. **Using a separate page for each code,** provide information as requested. Attach additional page(s) as needed.

15. General issue area code IMM ____ (one per page)

16. Specific Lobbying issues
**H.R. 3767, Visa Waiver Permanent Program Act ,**

17. House(s) of Congress and Federal agencies contacted [ ] Check if None
**House of Representatives**
**Senate**

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) | New |
|---|---|---|
| Griffith, Jr., G.O. | | No |
| Rogers, Ed | | No |
| Barbour, Haley | | No |
| Monroe, Loren | | No |
| Thompson, Brent | | No |
| | | |
| | | |

19. Interest of each foreign entity in the specific issues listed on line 16 above [X] Check if None

Signature _____ Date 8/12/2000

Printed Name and Title G.O. Griffith, Jr. - Chief Operating Officer



MTC-00030631_0803

Registrant Name: Barbour Griffith & Rogers, Inc.

Client Name: Microsoft Corporation

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. **Using a separate page for each code,** provide information as requested. Attach additional page(s) as needed.

15. General issue area code LAW (one per page)
16. Specific Lobbying issues
    **Monitor the Justice Department's Antitrust inquiry.**

17. House(s) of Congress and Federal agencies contacted ☐ Check if None
    **House of Representatives**
    **Senate**

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) | New |
|---|---|---|
| Griffith, Jr., G.O. | | No |
| Rogers, Ed | | No |
| Barbour, Haley | | No |
| Monroe, Loren | | No |
| Thompson, Brent | | No |
| | | |
| | | |

19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

Signature _____ Date 8/12/2000

Printed Name and Title G.O. Griffith, Jr. - Chief Operating Officer



MTC-00030631_0804

Registrant Name: Barbour Griffith & Rogers, Inc.

Client Name: Microsoft Corporation

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. **Using a separate page for each code,** provide information as requested. Attach additional page(s) as needed.

15. General issue area code TRD (one per page)
16. Specific Lobbying issues
    **H.R. 4444, US-China Trade Relations Act of 2000,**

17. House(s) of Congress and Federal agencies contacted ☐ Check if None
    **House of Representatives**
    **Senate**

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) | New |
|---|---|---|
| Griffith, Jr., G.O. | | No |
| Rogers, Ed | | No |
| Barbour, Haley | | No |
| Thompson, Brent | | No |
| | | |
| | | |
| | | |

19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

Signature Date 8/12/2000

Printed Name and Title G.O. Griffith, Jr. - Chief Operating Officer



Signature Date 8/12/2000

MTC-00030631_0805

# ATTACHMENT 12

# TO THE

# DECLARATION OF BRIAN DAUTCH

| Clerk of the House of Representatives | Secretary of the Senate |
|---|---|
| Legislative Resource Center | Office of Public Records |
| B-106 Cannon Building | 232 Hart Building |
| Washington, DC 20515 | Washington, DC 20510 |

01 FEB 13 AM 11:09

4

# LOBBYING REPORT

Lobbying Disclosure Act of 1995 (Section 5) - **All Filers Are Required to Complete This Page**

1. Registrant Name
**Barbour Griffith & Rogers, Inc.**

2. Address ☐ Check if different than previously reported
**1275 Pennsylvania Avenue, N.W.** **Washington**
**Tenth Floor** **DC 20004**

3. Principal Place of Business (if different from line 2)
City State/Zip (or Country)

| 4. Contact Name | Telephone | E-mail (optional) | 5. Senate ID # |
|---|---|---|---|
| Evan Rikhye | 202-333-4936 | | 5357-416 |

| 7. Client Name ☐ Self | 6. House ID # |
|---|---|
| Microsoft Corporation | 31564040 |

## TYPE OF REPORT

8. Year 2000 Midyear (January 1-June 30) ☐ **OR** Year End (July 1-December 31) ☒

9. Check if this filing amends a previously filed version of this report ☐

10. Check if this is a Termination Report ☐ >> Termination Date _____ 11. No Lobbying Activity ☐

## INCOME OR EXPENSES - Complete Either Line 12 OR Line 13

**12. Lobbying Firms**

**INCOME** relating to lobbying activities for this reporting period was:

Less than $10,000 ☐

$10,000 or more ☒ >> $ $240,000.00
Income (nearest $20,000)

Provide a good faith estimate, rounded to the nearest $20,000 of all lobbying related income from the client (including all payments to the registrant by any other entity for lobbying activities on behalf of the client).

**13. Organizations**

**EXPENSES** relating to lobbying activities for this reporting period were:

Less than $10,000 ☐

$10,000 or more ☐ >> $ _____
Expenses (nearest $20,000)

**14. REPORTING METHOD.** Check box to indicate expense accounting method. See instructions for description of options.

☐ **Method A.** Reporting amounts using LDA definitions only

☐ **Method B.** Reporting amounts under section 6033(b)(8) of the Internal Revenue Code

☐ **Method C.** Reporting amounts under section 162(e) of the Internal Revenue Code

Signature _____ Date 2/14/2001

Printed Name and Title G.O. Griffith, Jr. - Chief Operating Officer



MTC-00030631_0807

Registrant Name: Barbour Griffith & Rogers, Inc.

Client Name: Microsoft Corporation

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. **Using a separate page for each code,** provide information as requested. Attach additional page(s) as needed.

15. General issue area code LAW (one per page)
16. Specific Lobbying issues
    **Monitor the Justice Department's Antitrust inquiry.**

17. House(s) of Congress and Federal agencies contacted ☐ Check if None
    **House of Representatives**
    **Senate**

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) | New |
|---|---|---|
| Griffith, Jr., G.O. | | No |
| Rogers, Ed | | No |
| Barbour, Haley | | No |
| Monroe, Loren | | No |
| Thompson, Brent | | No |
| | | |
| | | |
| | | |

19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

Signature _____ Date 2/14/2001

Printed Name and Title G.O. Griffith, Jr. - Chief Operating Officer



MTC-00030631_0808

Registrant Name: Barbour Griffith & Rogers, Inc.

Client Name: Microsoft Corporation

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. **Using a separate page for each code,** provide information as requested. Attach additional page(s) as needed.

15. General issue area code TRD (one per page)

16. Specific Lobbying issues
**H.R. 4444, US-China Trade Relations Act of 2000,**

17. House(s) of Congress and Federal agencies contacted ☐ Check if None
**House of Representatives**
**Senate**

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) | New |
|---|---|---|
| Griffith, Jr., G.O. | | No |
| Rogers, Ed | | No |
| Barbour, Haley | | No |
| Thompson, Brent | | No |
| | | |
| | | |
| | | |
| | | |

19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

Signature _____ Date 2/14/2001

Printed Name and Title G.O. Griffith, Jr. / Chief Operating Officer



MTC-00030631_0809

Registrant Name: Barbour Griffith & Rogers, Inc.

Client Name: Microsoft Corporation

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. **Using a separate page for each code,** provide information as requested. Attach additional page(s) as needed.

15. General issue area code TRD (one per page)
16. Specific Lobbying issues
    **H.R. 4444, US-China Trade Relations Act of 2000,**

17. House(s) of Congress and Federal agencies contacted ☐ Check if None
    **House of Representatives**
    **Senate**

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) | New |
|---|---|---|
| Griffith, Jr., G.O. | | No |
| Rogers, Ed | | No |
| Barbour, Haley | | No |
| Thompson, Brent | | No |
| | | |
| | | |
| | | |
| | | |

19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

Signature _____ Date 2/14/2001

Printed Name and Title G.O. Griffith, Jr. - Chief Operating Officer



MTC-00030631_0810

# ATTACHMENT 13

# TO THE

# DECLARATION OF BRIAN DAUTCH

| Clerk of the House of Representatives | Secretary of the Senate |
|---|---|
| Legislative Resource Center | Office of Public Records |
| B-106 Cannon Building | 232 Hart Building |
| Washington, DC 20515 | Washington, DC 20510 |

HAND DELIVERED

LEGISLATIVE RESOURCE CENTER

2001 AUG 14 PM 12:40

CLERK OF THE HOUSE
U.S. HOUSE OF REPRESENTATIVES

# LOBBYING REPORT

Lobbying Disclosure Act of 1995 (Section 5) - **All Filers Are Required to Complete This Page**

2

1. Registrant Name
   **Barbour Griffith & Rogers, Inc.**
2. Registrant Address [ ] Check if different than previously reported
   Address **1275 Pennsylvania Avenue, N.W.** **Tenth Floor**
   City **Washington** State/Zip (or Country) **DC 20004**
3. Principal Place of Business (if different from line 2)
   City State/Zip (or Country)
4. Contact Name **Evan Rikhye** Telephone **202-333-4936** E-mail (optional)
5. Senate ID # **5357-416**
7. Client Name [ ] Self
   **Microsoft Corporation**
6. House ID # **31564040**

## TYPE OF REPORT

8. Year **2001** Midyear (January 1-June 30) [X] **OR** Year End (July 1-December 31) [ ]

9. Check if this filing amends a previously filed version of this report [ ]

10. Check if this is a Termination Report [ ] >> Termination Date

11. No Lobbying Activity [ ]

## INCOME OR EXPENSES - Complete Either Line 12 OR Line 13

### 12. Lobbying Firms

**INCOME** relating to lobbying activities for this reporting period was:

Less than $10,000 [ ]

$10,000 or more [X] >> $ **$220,000.00**
Income (nearest $20,000)

Provide a good faith estimate, rounded to the nearest $20,000 of all lobbying related income from the client (including all payments to the registrant by any other entity for lobbying activities on behalf of the client).

### 13. Organizations

**EXPENSES** relating to lobbying activities for this reporting period were:

Less than $10,000 [ ]

$10,000 or more [ ] >> $
Expenses (nearest $20,000)

**14. REPORTING METHOD.** Check box to indicate expense accounting method. See instructions for description of options.

[ ] **Method A.** Reporting amounts using LDA definitions only

[ ] **Method B.** Reporting amounts under section 6033(b)(8) of the Internal Revenue Code

[ ] **Method C.** Reporting amounts under section 162(c) of the Internal Revenue Code

Signature Date **8/14/2001**

Printed Name and Title **G.O. Griffith, Jr. - Chief Operating Officer**



MTC-00030631_0812

# ATTACHMENT 14

# TO THE

# DECLARATION OF BRIAN DAUTCH

Registrant Name: Barbour Griffith & Rogers, Inc.

Client Name: Microsoft Corporation

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.

15. General issue area code LAW (one per page)
16. Specific Lobbying issues
**Monitor the Justice Department's Antitrust inquiry.**

17. House(s) of Congress and Federal agencies contacted [ ] Check if None
**House of Representatives**
**Senate**

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) | New |
|---|---|---|
| **Barbour, Haley** | | **No** |
| **Griffith, Jr., G.O.** | | **No** |
| **Monroe, Loren** | | **Yes** |
| **Rogers, Ed** | | **No** |
| **Thompson, Brent** | | **No** |
| | | |
| | | |

19. Interest of each foreign entity in the specific issues listed on line 16 above [X] Check if None

Signature

Date 8/14/2001

Printed Name and Title G.O. Griffith, Jr. - Chief Operating Officer



MTC-00030631_0814

SECRETARY OF THE SENATE
CLERK OF THE HOUSE OF REPRESENTATIVES

97 FEB -9 AM 11:52

31698027

2 For Official Use

# LOBBYING REPORT

Lobbying Disclosure Act (Section 5)

1. Year 1997

2. Report type *(check all that apply)* Midyear (January 1- June 30) ☐ Year End (July 1- December 31) ☒
Amended report ☐ Termination report ☐
No activity *(registration to remain in effect)* ☐

## REGISTRANT

3. Name of Registrant Clark & Weinstock

4. Telephone number and contact name
(212) 953-2550 Contact Anthony Ewing

## CLIENT *Lobbying firms file separate reports for each client. An organization employing in-house lobbyists indicates "Self."*

5. Name of Client Microsoft Corporation

## INCOME OR EXPENSES *Answer line 6 or line 7 as applicable.*

6. LOBBYING FIRMS. Income from the client during the reporting period, other than income unrelated to lobbying activities, was:

Less than $10,000 ☐ $10,000 or more ☒

If $10,000 or more, provide a good faith estimate, rounded to the nearest $20,000, of all income from the client during this reporting period. Include any payments by any other entity for lobbying activities on behalf of the client. Exclude income unrelated to lobbying activities.

Income $ 80,000 Total for year *(if Year End report)* $ 80,000

7. ORGANIZATIONS EMPLOYING IN-HOUSE LOBBYISTS. Expenses incurred in connection with lobbying activities during the reporting period were:

Less than $10,000 ☐ $10,000 or more ☐

If $10,000 or more, provide a good faith estimate, rounded to the nearest $20,000, of the total amount of all lobbying expenses incurred by the registrant and its employees during this reporting period.

Expenses $_____ Total for year *(if Year End report)* $_____

*Optional Expense Reporting Methods*

A. Registrants that report lobbying expenses under section 6033(b)(8) of the Internal Revenue Code may provide a good faith estimate of the applicable amounts that would be required to be disclosed under section 6033(b)(8) for the semiannual reporting period, and may consider as lobbying activities only those defined under section 4911(d) of the Internal Revenue Code. If selecting this method, check box and (i) enter estimated amounts on the "Expenses" line above; or (ii) attach a copy of the IRS Form 990 that includes this reporting period. ☐

B. Registrants subject to section 162(e) of the Internal Revenue Code may make a good faith estimate of all applicable amounts that would not be deductible under section 162(e) for the semiannual reporting period, and may consider as lobbying activities only those activities the costs of which are not deductible pursuant to section 162(e). If selecting this method, check box and enter estimated amounts on the "Expenses" line above. ☐

Registrant Name Clark & Weinstock

Client Name Microsoft Corporation

**LOBBYING ISSUES.** On line 8 below, enter the code for *one* general lobbying issue area in which the registrant engaged in lobbying activities for the client during this reporting period *(select applicable code from list in the instructions and on the reverse side of Form LD-2, page 1)*. For that general issue area *only*, complete lines 9 through 12. If the registrant engaged in lobbying activities for the client in more than one general issue area, use one Lobbying Report Addendum page for each additional general issue area.

8. General lobbying issue area code (enter *one*) CPI

9. Specific lobbying issues *(include bill numbers and specific executive branch actions)*

Support for Microsoft's position across a wide range of issues, including intellectual property rights, taxes, encryption, and other matters affecting the computer-software industry.

10. Houses of Congress and Federal agencies contacted

U. S. House of Representatives
U. S. Senate

11. Name and title of each employee who acted as a lobbyist

Vin Weber, Partner
Andrew Goldman, Managing Director
Deirdre Stach, Director
Ed Kutler, Managing Director
Kent Knutson, Director

12. *For registrants identifying foreign entities in the Lobbying Registration (Form LD-1, line 12) or any updates:* Interest of each such foreign entity in the specific lobbying issues listed on line 9 above

This report includes -0- Addendum pages.

Signature [signature] Date 2/6/98

Printed Name and Title Harry W. Clark III, Managing Partner

# ATTACHMENT 15

# TO THE

# DECLARATION OF BRIAN DAUTCH

SECRETARY OF THE SENATE
CLERK OF THE HOUSE OF REPRESENTATIVES

31698027

98 AUG -6 AM 11:00

RECEIVED
OFFICE OF THE CLERK
U.S. HOUSE OF REPRESENTATIVES

2 For Official Use

# LOBBYING REPORT

Lobbying Disclosure Act (Section 5)

1. Year 1998

2. Report type *(check all that apply)* Midyear (January 1- June 30) ☑ Year End (July 1- December 31) ☐
Amended report ☐ Termination report ☐
No activity *(registration to remain in effect)* ☐

## REGISTRANT

3. Name of Registrant Clark & Weinstock Inc.

4. Telephone number and contact name
(212)953-2550 Contact Anthony Ewing

## CLIENT *Lobbying firms file separate reports for each client. An organization employing in-house lobbyists indicates "Self."*

5. Name of Client Microsoft Corporation

## INCOME OR EXPENSES *Answer line 6 or line 7 as applicable.*

6. LOBBYING FIRMS. Income from the client during the reporting period, other than income unrelated to lobbying activities, was:

Less than $10,000 ☐ $10,000 or more ☑

If $10,000 or more, provide a good faith estimate, rounded to the nearest $20,000, of all income from the client during this reporting period. Include any payments by any other entity for lobbying activities on behalf of the client. Exclude income unrelated to lobbying activities.

Income $ 160,000 Total for year *(if Year End report)* $_____

7. ORGANIZATIONS EMPLOYING IN-HOUSE LOBBYISTS. Expenses incurred in connection with lobbying activities during the reporting period were:

Less than $10,000 ☐ $10,000 or more ☐

If $10,000 or more, provide a good faith estimate, rounded to the nearest $20,000, of the total amount of all lobbying expenses incurred by the registrant and its employees during this reporting period.

Expenses $_____ Total for year *(if Year End report)* $_____

*Optional Expense Reporting Methods*

A. Registrants that report lobbying expenses under section 6033(b)(8) of the Internal Revenue Code may provide a good faith estimate of the applicable amounts that would be required to be disclosed under section 6033(b)(8) for the semiannual reporting period, and may consider as lobbying activities only those defined under section 4911(d) of the Internal Revenue Code. If selecting this method, check box and (i) enter estimated amounts on the "Expenses" line above; or (ii) attach a copy of the IRS Form 990 that includes this reporting period. ☐

B. Registrants subject to section 162(e) of the Internal Revenue Code may make a good faith estimate of all applicable amounts that would not be deductible under section 162(e) for the semiannual reporting period, and may consider as lobbying activities only those activities the costs of which are not deductible pursuant to section 162(e). If selecting this method, check box and enter estimated amounts on the "Expenses" line above. ☐

Registrant Name Clark & Weinstock Inc.

Client Name Microsoft Corporation

**LOBBYING ISSUES.** On line 8 below, enter the code for *one* general lobbying issue area in which the registrant engaged in lobbying activities for the client during this reporting period *(select applicable code from list in the instructions and on the reverse side of Form LD-2, page 1)*. For that general issue area *only*, complete lines 9 through 12. If the registrant engaged in lobbying activities for the client in more than one general issue area, use one Lobbying Report Addendum page for each additional general issue area.

8. General lobbying issue area code (enter *one*) CPI

9. Specific lobbying issues *(include bill numbers and specific executive branch actions)*

Support of Microsoft's position across a wide range of issues, including intellectual property rights, taxes, encryption, and other matters affecting the computer software industry.
(HR3736, S.1723, S.2107)
(HR2368, HR2372, HR2991)

10. Houses of Congress and Federal agencies contacted

U.S. House of Representatives
U.S. Senate

11. Name and title of each employee who acted as a lobbyist

Vin Weber, Partner
Andrew Goldman, Managing Director
Ed Kutler, Managing Director
Deirdre Stach, Director
Kent Knutson, Director
Mimi Simoneaux, Director

12. *For registrants identifying foreign entities in the Lobbying Registration (Form LD-1, line 12) or any updates:* Interest of each such foreign entity in the specific lobbying issues listed on line 9 above

This report includes 0 Addendum pages.

Signature [signature] Date 8/4/98

Printed Name and Title Harry W. Clark, Managing Partner

# ATTACHMENT 16

# TO THE

# DECLARATION OF BRIAN DAUTCH

| Clerk of the House of Representatives | Secretary of the Senate |
|---|---|
| Legislative Resource Center | Office of Public Records |
| B-106 Cannon Building | 232 Hart Building |
| Washington, DC 20515 | Washington, DC 20510 |

RECEIVED
LEGISLATIVE RESOURCE CENTER
98 FEB 17 PM 12:56
OFFICE OF THE CLERK
HOUSE OF REPRESENTATIVES

# LOBBYING REPORT 11

Lobbying Disclosure Act of 1995 (Section 5) - All Filers Are Required To Complete This Page

1. Registrant Name
Clark & Weinstock Inc.

2. Address ☒ Check if different than previously reported
1775 I Street, NW, Washington, DC 20006

3. Principal Place of Business (if different from line 2)
City: New York State/Zip (or Country) NY

4. Contact Name: Anthony Ewing
Telephone: (212) 953-2550
E-mail (optional):

5. Senate ID #: 9443-381

6. House ID #: 31698027

7. Client Name ☐ Self
Microsoft Corporation

## TYPE OF REPORT

8. Year 1998 Midyear (January 1-June 30) ☐ OR Year End (July 1-December 31) ☒

9. Check if this filing amends a previously filed version of this report ☒

10. Check if this is a Termination Report ☐ ⇨ Termination Date _____

11. No Lobbying Activity ☐

## INCOME OR EXPENSES - Complete Either Line 12 OR Line 13

### 12. Lobbying Firms

INCOME relating to lobbying activities for this reporting period was:

Less than $10,000 ☐

$10,000 or more ☒ ⇨ $ 220,000
Income (nearest $20,000)

Provide a good faith estimate, rounded to the nearest $20,000, of all lobbying related income from the client (including all payments to the registrant by any other entity for lobbying activities on behalf of the client).

### 13. Organizations

EXPENSES relating to lobbying activities for this reporting period were:

Less than $10,000 ☐

$10,000 or more ☐ ⇨ $ _____
Expenses (nearest $20,000)

14. REPORTING METHOD. Check box to indicate expense accounting method. See instructions for description of options.

☐ Method A. Reporting amounts using LDA definitions only

☐ Method B. Reporting amounts under section 6033(b)(8) of the Internal Revenue Code

☐ Method C. Reporting amounts under section 162(e) of the Internal Revenue Code

Signature _____

Printed Name and Title _____



MTC-00030631_0821

Registrant Name Clark & Weinstock Inc. Client Name Microsoft Corporation

LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.

15. General issue area code CPI (one per page)

16. Specific lobbying issues

Support of Microsoft's position across a wide range of issues, including intellectual property rights, taxes, encryption, fast track trade authority, normal trade relations, internet tax freedom, and other matters affecting the computer software industry. (HR. 3736, 2368, 2372, 2991, 695, 947, 1689; S. 2067, 405, 1260, 507, 1723; House/Senate Treasury Appropriations Act of 1999; Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1999; Department of Commerce, Justice and State, The Judiciary and Related Agencies Appropriations for FY 1999).

17. House(s) of Congress and Federal agencies contacted ☐ Check if None

Senate
House of Representatives

18. Name of each individual who acted as a lobbyist in this issue area

| Name | | Covered Official Position (if applicable) |
|---|---|---|
| Ed Kutler | 8/95 - 8/97 | Assistant to the Speaker of the House Of Representatives, Rep. Newt Gingrich(R-GA) |
| Mimi Simoneaux | 1/96 - 1/97 | Legislative Asst. for Rep. Billy Tauzin(R-LA) |
| | 1/97 - 2/98 | Legislative Dir. for Rep. Billy Tauzin(R-LA) |
| Andrew Goldman | | |
| Deirdre Stach | | |
| Vin Weber | | |
| | | |

19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

Signature _____ Date _____

Printed Name and Title _____



MTC-00030631_0822

Registrant Name Clark & Weinstock Inc. Client Name Microsoft Corporation

## Information Update Page - Complete ONLY where registration information has changed.

20. Client new address

21. Client new principal place of business (if different from line 20)

City State/Zip (or Country)

22. New general description of client's business or activities

### LOBBYIST UPDATE

23. Name of each previously reported individual who is no longer expected to act as a lobbyist for the client

Kent Knutson

### ISSUE UPDATE

24. General lobbying issues previously reported that no longer pertain

### AFFILIATED ORGANIZATIONS

25. Add the following affiliated organization(s)

| Name | Address | Principal Place of Business (city and state or country) |
|---|---|---|
| | | |

26. Name of each previously reported organization that is no longer affiliated with the registrant or client

### FOREIGN ENTITIES

27. Add the following foreign entities

| Name | Address | Principal place of business (city and state or country) | Amount of contribution for lobbying activities | Ownership percentage in client |
|---|---|---|---|---|
| | | | | |

28. Name of each previously reported foreign entity that no longer owns, or controls, or is affiliated with the registrant, client or affiliated organization

gnature Date 2/11/99

Printed Name and Title Harry W. Clark III, Managing Partner

2 (Rev. 6/98)

Registrant Name Clark & Weinstock Inc. Client Name Microsoft Corporation

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.

15. General issue area code IMM (one per page)

16. Specific lobbying issues

Support of Microsoft's position across a wide range of issues, including intellectual property rights, taxes, encryption, fast track trade authority, normal trade relations, internet tax freedom, and other matters affecting the computer software industry. (HR. 3736, 2368, 2372, 2991, 695, 947, 1689; S. 2067, 405, 1260, 507, 1723; House/Senate Treasury Appropriations Act of 1999; Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1999; Department of Commerce, Justice and State, The Judiciary and Related Agencies Appropriations for FY 1999).

17. House(s) of Congress and Federal agencies contacted ☐ Check if None

Senate
House of Representatives

18. Name of each individual who acted as a lobbyist in this issue area

| Name | | Covered Official Position (if applicable) |
|---|---|---|
| Ed Kutler | 8/95 - 8/97 | Assistant to the Speaker of the House Of Representatives, Rep. Newt Gingrich(R-GA) |
| Mimi Simoneaux | 1/96 - 1/97 | Legislative Asst. for Rep. Billy Tauzin(R-LA) |
| | 1/97 - 2/98 | Legislative Dir. for Rep. Billy Tauzin(R-LA) |
| Andrew Goldman | | |
| Deirdre Stach | | |
| Vin Weber | | |
| | | |

19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

Signature _____ Date _____

Printed Name and Title _____



MTC-00030631_0824

Registrant Name Clark & Weinstock Inc. Client Name Microsoft Corporation

## Information Update Page - Complete ONLY where registration information has changed.

20. Client new address

21. Client new principal place of business (if different from line 20)

City State/Zip (or Country)

22. New general description of client's business or activities

### LOBBYIST UPDATE

23. Name of each previously reported individual who is no longer expected to act as a lobbyist for the client

Kent Knutson

### ISSUE UPDATE

24. General lobbying issues previously reported that no longer pertain

### AFFILIATED ORGANIZATIONS

25. Add the following affiliated organization(s)

| Name | Address | Principal Place of Business (city and state or country) |
|---|---|---|
| | | |

26. Name of each previously reported organization that is no longer affiliated with the registrant or client

### FOREIGN ENTITIES

27. Add the following foreign entities

| Name | Address | Principal place of business (city and state or country) | Amount of contribution for lobbying activities | Ownership percentage in client |
|---|---|---|---|---|
| | | | | |

28. Name of each previously reported foreign entity that no longer owns, or controls, or is affiliated with the registrant, client or affiliated organization

gnature Harry W. Clark III Date 2/11/99

d Name and Title Harry W. Clark III, Managing Partner

-2 (Rev. 6/98)

Registrant Name Clark & Weinstock Inc. Client Name Microsoft Corporation

LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.

15. General issue area code TAX (one per page)

16. Specific lobbying issues

Support of Microsoft's position across a wide range of issues, including intellectual property rights, taxes, encryption, fast track trade authority, normal trade relations, internet tax freedom, and other matters affecting the computer software industry. (HR. 3736, 2368, 2372, 2991, 695, 947, 1689; S. 2067, 405, 1260, 507, 1723; House/Senate Treasury Appropriations Act of 1999; Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1999; Department of Commerce, Justice and State, The Judiciary and Related Agencies Appropriations for FY 1999).

17. House(s) of Congress and Federal agencies contacted ☐ Check if None

Senate
House of Representatives

18. Name of each individual who acted as a lobbyist in this issue area

| Name | | Covered Official Position (if applicable) |
|---|---|---|
| Ed Kutler | 8/95 - 8/97 | Assistant to the Speaker of the House Of Representatives, Rep. Newt Gingrich(R-GA) |
| Mimi Simoneaux | 1/96 - 1/97 | Legislative Asst. for Rep. Billy Tauzin(R-LA) |
| | 1/97 - 2/98 | Legislative Dir. for Rep. Billy Tauzin(R-LA) |
| Andrew Goldman | | |
| Deirdre Stach | | |
| Vin Weber | | |
| | | |

19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

Signature _____ Date _____

Printed Name and Title _____



MTC-00030631_0826

Registrant Name Clark & Weinstock Inc. Client Name Microsoft Corporation

## Information Update Page - Complete ONLY where registration information has changed.

20. Client new address

21. Client new principal place of business (if different from line 20)

City State/Zip (or Country)

22. New general description of client's business or activities

### LOBBYIST UPDATE

23. Name of each previously reported individual who is no longer expected to act as a lobbyist for the client

Kent Knutson

### ISSUE UPDATE

24. General lobbying issues previously reported that no longer pertain

### AFFILIATED ORGANIZATIONS

25. Add the following affiliated organization(s)

| Name | Address | Principal Place of Business (city and state or country) |
|---|---|---|
| | | |

26. Name of each previously reported organization that is no longer affiliated with the registrant or client

### FOREIGN ENTITIES

27. Add the following foreign entities

| Name | Address | Principal place of business (city and state or country) | Amount of contribution for lobbying activities | Ownership percentage in client |
|---|---|---|---|---|
| | | | | |

28. Name of each previously reported foreign entity that no longer owns, or controls, or is affiliated with the registrant, client or affiliated organization

gnature Date 2/11/99

d Name and Title Harry W. Clark III, Managing Partner

-2 (Rev. 6/98)

Registrant Name Clark & Weinstock Inc. Client Name Microsoft Corporation

LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.

15. General issue area code TRD (one per page)

16. Specific lobbying issues

Support of Microsoft's position across a wide range of issues, including intellectual property rights, taxes, encryption, fast track trade authority, normal trade relations, internet tax freedom, and other matters affecting the computer software industry. (HR. 3736, 2368, 2372, 2991, 695, 947, 1689; S. 2067, 405, 1260, 507, 1723; House/Senate Treasury Appropriations Act of 1999; Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1999; Department of Commerce, Justice and State, The Judiciary and Related Agencies Appropriations for FY 1999).

17. House(s) of Congress and Federal agencies contacted ☐ Check if None

Senate
House of Representatives

18. Name of each individual who acted as a lobbyist in this issue area

| Name | | Covered Official Position (if applicable) |
|---|---|---|
| Ed Kutler | 8/95 - 8/97 | Assistant to the Speaker of the House Of Representatives, Rep. Newt Gingrich(R-GA) |
| Mimi Simoneaux | 1/96 - 1/97 | Legislative Asst. for Rep. Billy Tauzin(R-LA) |
| | 1/97 - 2/98 | Legislative Dir. for Rep. Billy Tauzin(R-LA) |
| Andrew Goldman | | |
| Deirdre Stach | | |
| Vin Weber | | |
| | | |

19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

Signature _____ Date _____

Printed Name and Title _____



MTC-00030631_0828

Registrant Name Clark & Weinstock Inc. Client Name Microsoft Corporation

**Information Update Page** - Complete ONLY where registration information has changed.

20. Client new address

21. Client new principal place of business (if different from line 20)

City State/Zip (or Country)

22. New general description of client's business or activities

## LOBBYIST UPDATE

23. Name of each previously reported individual who is no longer expected to act as a lobbyist for the client

Kent Knutson

## ISSUE UPDATE

24. General lobbying issues previously reported that no longer pertain

## AFFILIATED ORGANIZATIONS

25. Add the following affiliated organization(s)

| Name | Address | Principal Place of Business (city and state or country) |
|---|---|---|
| | | |

26. Name of each previously reported organization that is no longer affiliated with the registrant or client

## FOREIGN ENTITIES

27. Add the following foreign entities

| Name | Address | Principal place of business (city and state or country) | Amount of contribution for lobbying activities | Ownership percentage in client |
|---|---|---|---|---|
| | | | | |

28. Name of each previously reported foreign entity that no longer owns, or controls, or is affiliated with the registrant, client or affiliated organization

gnature Harry W. Clark III Date 2/11/99

d Name and Title Harry W. Clark III, Managing Partner



MTC-00030631_0829

Registrant Name Clark & Weinstock Inc. Client Name Microsoft Corporation

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.

15. General issue area code BUD (one per page)

16. Specific lobbying issues

Support of Microsoft's position across a wide range of issues, including intellectual property rights, taxes, encryption, fast track trade authority, normal trade relations, internet tax freedom, and other matters affecting the computer software industry. (HR. 3736, 2368, 2372, 2991, 695, 947, 1689; S. 2067, 405, 1260, 507, 1723; House/Senate Treasury Appropriations Act of 1999; Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1999; Department of Commerce, Justice and State, The Judiciary and Related Agencies Appropriations for FY 1999).

17. House(s) of Congress and Federal agencies contacted ☐ Check if None

Senate
House of Representatives

18. Name of each individual who acted as a lobbyist in this issue area

| Name | | Covered Official Position (if applicable) |
|---|---|---|
| Ed Kutler | 8/95 - 8/97 | Assistant to the Speaker of the House Of Representatives, Rep. Newt Gingrich(R-GA) |
| Mimi Simoneaux | 1/96 - 1/97 | Legislative Asst. for Rep. Billy Tauzin(R-LA) |
| | 1/97 - 2/98 | Legislative Dir. for Rep. Billy Tauzin(R-LA) |
| Andrew Goldman | | |
| Deirdre Stach | | |
| Vin Weber | | |
| | | |

19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

Signature _____ Date _____

Printed Name and Title _____



MTC-00030631_0830

Registrant Name Clark & Weinstock Inc. Client Name Microsoft Corporation

## Information Update Page - Complete ONLY where registration information has changed.

20. Client new address

21. Client new principal place of business (if different from line 20)

City State/Zip (or Country)

22. New general description of client's business or activities

### LOBBYIST UPDATE

23. Name of each previously reported individual who is no longer expected to act as a lobbyist for the client

Kent Knutson

### ISSUE UPDATE

24. General lobbying issues previously reported that no longer pertain

### AFFILIATED ORGANIZATIONS

25. Add the following affiliated organization(s)

| Name | Address | Principal Place of Business (city and state or country) |
|---|---|---|
| | | |

26. Name of each previously reported organization that is no longer affiliated with the registrant or client

### FOREIGN ENTITIES

27. Add the following foreign entities

| Name | Address | Principal place of business (city and state or country) | Amount of contribution for lobbying activities | Ownership percentage in client |
|---|---|---|---|---|
| | | | | |

28. Name of each previously reported foreign entity that no longer owns, or controls, or is affiliated with the registrant, client or affiliated organization

ignature Harry W. Clark III Date 2/11/99

ed Name and Title Harry W. Clark III, Managing Partner

D-2 (Rev. 6/98)

# ATTACHMENT 17

# TO THE

# DECLARATION OF BRIAN DAUTCH

RECEIVED
LEGISLATIVE RESOURCE CENTER
99 AUG 11 AM 10:51
OFFICE OF THE CLERK
U.S. HOUSE OF REPRESENTATIVES

Clerk of the House of Representatives
Legislative Resource Center
B-106 Cannon Building
Washington, DC 20515

Secretary of the Senate
Office of Public Records
232 Hart Building
Washington, DC 20510

# LOBBYING REPORT

6

Lobbying Disclosure Act of 1995 (Section 5) - **All Filers Are Required To Complete This Page**

1. Registrant Name
Clark & Weinstock

2. Address ☐ Check if different than previously reported
1775 I Street, NW Suite 700, Washington, DC 20006

3. Principal Place of Business (if different from line 2)
City: New York State/Zip (or Country) NY 10017

4. Contact Name: Cheryl Faunce Telephone: (202) 261-4005 E-mail (optional): cfaunce@cwdc.com

5. Senate ID #: 9443-381

6. House ID #: 316-98027

7. Client Name ☐ Self
Microsoft Corp

## TYPE OF REPORT

8. Year 1999 Midyear (January 1-June 30) ☒ OR Year End (July 1-December 31) ☐

9. Check if this filing amends a previously filed version of this report ☐

10. Check if this is a Termination Report ☐ ⇨ Termination Date_____

11. No Lobbying Activity ☐

## INCOME OR EXPENSES - Complete Either Line 12 OR Line 13

### 12. Lobbying Firms

INCOME relating to lobbying activities for this reporting period was:

Less than $10,000 ☐

$10,000 or more ☒ ⇨ $ 220,000.00
Income (nearest $20,000)

Provide a good faith estimate, rounded to the nearest $20,000, of all lobbying related income from the client (including all payments to the registrant by any other entity for lobbying activities on behalf of the client).

### 13. Organizations

EXPENSES relating to lobbying activities for this reporting period were:

Less than $10,000 ☐

$10,000 or more ☐ ⇨ $_____
Expenses (nearest $20,000)

14. REPORTING METHOD. Check box to indicate expense accounting method. *See instructions for description of options.*

☐ Method A. Reporting amounts using LDA definitions only

☐ Method B. Reporting amounts under section 6033(b)(8)of the Internal Revenue Code

☐ Method C. Reporting amounts under section 162(e) of the Internal Revenue Code

Signature_____

Printed Name and Title Vic Fazio - Partner



MTC-00030631_0833

Registrant Name Clark & Weinstock Client Name Microsoft Corp.

LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.

15. General issue area code BUD (one per page)

16. Specific lobbying issues

H.R. 2490, Treasury and General Government Appropriations Act, 2000,
H.R. 2606, Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000,
H.R.850, Security And Freedom through Encryption (SAFE) Act,
S. 1217, Departments of Commerce, State, and Justice, the Judiciary and Related Agencies Appropriations Act, 2000,
S. 1234, Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000,
S. 1282, Treasury and General Government Appropriations Act, 2000,
Support of Microsoft's position across a wide range of issues, including intellectual property rights, taxes, encryption, fast track trade authority, normal trade relations, internet tax freedom, and other matters affecting the computer software industry.

17. House(s) of Congress and Federal agencies contacted ☐ Check if None

House of Representatives
Senate
White House

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) | New |
|---|---|---|
| Bainwol, Mitch | Ch of Staff, Sen. Mack<br>Ch of Staff, Sen. Rep. Conf | ☒ |
| Goldman, Andrew | | ☐ |
| Kutler, Ed | Asst. to the Speaker, U.S. House of Reps. | ☐ |
| Simoneaux, Mimi | Leg. Dir. for Rep. Tauzin | ☐ |
| Stach, Deirdre | | ☐ |
| Stuart, Sandi | Asst. Sec. of Defense (DOD) | ☒ |
| Weber, Vin | | ☐ |
| Fazio, Vic (Exec. Branch Only) | Member, U.S. House of Reps. | ☐ |

19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

Signature _____ Date 8/9/99

Printed Name and Title Vic Fazio - Partner



MTC-00030631_0834

Registrant Name Clark & Weinstock Client Name Microsoft Corp.

LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.

15. General issue area code CPI (one per page)

16. Specific lobbying issues

H.R. 2490, Treasury and General Government Appropriations Act, 2000,
H.R. 2606, Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000,
H.R.850, Security And Freedom through Encryption (SAFE) Act,
S. 1217, Departments of Commerce, State, and Justice, the Judiciary and Related Agencies Appropriations Act, 2000,
S. 1234, Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000,
S. 1282, Treasury and General Government Appropriations Act, 2000,
Support of Microsoft's position across a wide range of issues, including intellectual property rights, taxes, encryption, fast track trade authority, normal trade relations, internet tax freedom, and other matters affecting the computer software industry.

17. House(s) of Congress and Federal agencies contacted ☐ Check if None

House of Representatives
Senate
White House

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) | New |
|---|---|---|
| Bainwol, Mitch | Ch of Staff, Sen. Mack<br>Ch of Staff, Sen. Rep. Conf | ☒ |
| Goldman, Andrew | | ☐ |
| Kutler, Ed | Asst. to the Speaker, U.S. House of Reps. | ☐ |
| Simoneaux, Mimi | Leg. Dir. for Rep. Tauzin | ☐ |
| Stach, Deirdre | | ☐ |
| Stuart, Sandi | Asst. Sec. of Defense (DOD) | ☒ |
| Weber, Vin | | ☐ |
| Fazio, Vic (Exec. Branch Only) | Member, U.S. House of Reps. | ☒ |

19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

Signature _____ Date 8/9/99

Printed Name and Title Vic Fazio - Partner

Form LD-2 (Rev.6/98) Page 3 of 6

Registrant Name Clark & Weinstock Client Name Microsoft Corp.

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.

15. General issue area code TAX (one per page)

16. Specific lobbying issues

H.R. 2490, Treasury and General Government Appropriations Act, 2000,
H.R. 2606, Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000,
H.R.850, Security And Freedom through Encryption (SAFE) Act,
S. 1217, Departments of Commerce, State, and Justice, the Judiciary and Related Agencies Appropriations Act, 2000,
S. 1234, Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000,
S. 1282, Treasury and General Government Appropriations Act, 2000,
Support of Microsoft's position across a wide range of issues, including intellectual property rights, taxes, encryption, fast track trade authority, normal trade relations, internet tax freedom, and other matters affecting the computer software industry.

17. House(s) of Congress and Federal agencies contacted ☐ Check if None

House of Representatives
Senate
White House

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) | New |
|---|---|---|
| Bainwol, Mitch | Ch of Staff, Sen. Mack<br>Ch of Staff, Sen. Rep. Conf | ☒ |
| Goldman, Andrew | | ☐ |
| Kutler, Ed | Asst. to the Speaker, U.S. House of Reps. | ☐ |
| Simoneaux, Mimi | Leg. Dir. for Rep. Tauzin | ☐ |
| Stach, Deirdre | | ☐ |
| Stuart, Sandi | Asst. Sec. of Defense (DOD) | ☒ |
| Weber, Vin | | ☐ |
| Fazio, Vic (Exec. Branch Only) | Member, U.S. House of Reps. | ☒ |

19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

Signature _____ Date 8/9/99

Printed Name and Title Vic Fazio - Partner



MTC-00030631_0836

Registrant Name Clark & Weinstock Client Name Microsoft Corp.

LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.

15. General issue area code TMM (one per page)

16. Specific lobbying issues

H.R. 2490, Treasury and General Government Appropriations Act, 2000,
H.R. 2606, Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000,
H.R.850, Security And Freedom through Encryption (SAFE) Act,
S. 1217, Departments of Commerce, State, and Justice, the Judiciary and Related Agencies Appropriations Act, 2000,
S. 1234, Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000,
S. 1282, Treasury and General Government Appropriations Act, 2000,
Support of Microsoft's position across a wide range of issues, including intellectual property rights, taxes, encryption, fast track trade authority, normal trade relations, internet tax freedom, and other matters affecting the computer software industry.

17. House(s) of Congress and Federal agencies contacted ☐ Check if None

House of Representatives
Senate
White House

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) | New |
|---|---|---|
| Bainwol, Mitch | Ch of Staff, Sen. Mack<br>Ch of Staff, Sen. Rep. Conf | ☒ |
| Goldman, Andrew | | ☐ |
| Kutler, Ed | Asst. to the Speaker, U.S. House of Reps. | ☐ |
| Simoneaux, Mimi | Leg. Dir. for Rep. Tauzin | ☐ |
| Stach, Deirdre | | ☐ |
| Stuart, Sandi | Asst. Sec. of Defense (DOD) | ☒ |
| Weber, Vin | | ☐ |
| Fazio, Vic (Exec. Branch Only) | Member, U.S. House of Reps. | ☒ |

19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

Signature _____ Date 8/9/99

Printed Name and Title Vic Fazio - Partner



MTC-00030631_0837

Registrant Name Clark & Weinstock Client Name Microsoft Corp.

LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.

15. General issue area code TRD (one per page)

16. Specific lobbying issues

H.R. 2490, Treasury and General Government Appropriations Act, 2000,
H.R. 2606, Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000,
H.R.850, Security And Freedom through Encryption (SAFE) Act,
S. 1217, Departments of Commerce, State, and Justice, the Judiciary and Related Agencies Appropriations Act, 2000,
S. 1234, Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000,
S. 1282, Treasury and General Government Appropriations Act, 2000,
Support of Microsoft's position across a wide range of issues, including intellectual property rights, taxes, encryption, fast track trade authority, normal trade relations, internet tax freedom, and other matters affecting the computer software industry.

17. House(s) of Congress and Federal agencies contacted ☐ Check if None

House of Representatives
Senate
White House

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) | New |
|---|---|---|
| Bainwol, Mitch | Ch of Staff, Sen. Mack<br>Ch of Staff, Sen. Rep. Conf | ☒ |
| Goldman, Andrew | | ☐ |
| Kutler, Ed | Asst. to the Speaker, U.S. House of Reps. | ☐ |
| Simoneaux, Mimi | Leg. Dir. for Rep. Tauzin | ☐ |
| Stach, Deirdre | | ☐ |
| Stuart, Sandi | Asst. Sec. of Defense (DOD) | ☒ |
| Weber, Vin | | ☐ |
| Fazio, Vic (Exec. Branch Only) | Member, U.S. House of Reps. | ☒ |

19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

Signature V. H. Fazio Date 8/9/99

Printed Name and Title Vic Fazio - Partner



MTC-00030631_0838

# ATTACHMENT 18

# TO THE

# DECLARATION OF BRIAN DAUTCH

| Clerk of the House of Representatives | Secretary of the Senate |
|---|---|
| Legislative Resource Center | Office of Public Records |
| B-106 Cannon Building | 232 Hart Building |
| Washington, DC 20515 | Washington, DC 20510 |

HAND DELIVERED

08 AUG 10 PM 5:02

# LOBBYING REPORT

Lobbying Disclosure Act of 1995 (Section 5) - **All Filers Are Required to Complete This Page**

1. Registrant Name
   Clark & Weinstock

2. Address ☐ Check if different than previously reported
   1775 I Street NW, Ste 700 Washington, DC 20006

3. Principal Place of Business (if different from line 2)
   City New York, State/Zip (or Country) NY 10017

4. Contact Name: Lisa Simpson
   Telephone: 202-261-4025
   E-mail (optional): lisa@cwdc.com

5. Senate ID #: 9443-381

6. House ID #: 316-98027

7. Client Name ☐ Self
   Microsoft Corp

## TYPE OF REPORT

8. Year 2000 Midyear (January 1-June 30) ☒ OR Year End (July 1-December 31) ☐

Check if this filing amends a previously filed version of this report ☐

10. Check if this is a Termination Report ☐ >> Termination Date _____

11. No Lobbying Activity ☐

## INCOME OR EXPENSES - Complete Either Line 12 OR Line 13

### 12. Lobbying Firms

INCOME relating to lobbying activities for this reporting period was:

Less than $10,000 ☐

$10,000 or more ☒ >> $ $280,000.00
Income (nearest $20,000)

Provide a good faith estimate, rounded to the nearest $20,000 of all lobbying related income from the client (including all payments to the registrant by any other entity for lobbying activities on behalf of the client).

### 13. Organizations

EXPENSES relating to lobbying activities for this reporting period were:

Less than $10,000 ☐

$10,000 or more ☐ >> $ _____
Expenses (nearest $20,000)

14. REPORTING METHOD. Check box to indicate expense accounting method. See instructions for description of options.

☐ Method A. Reporting amounts using LDA definitions only

☐ Method B. Reporting amounts under section 6033(b)(8) of the Internal Revenue Code

☐ Method C. Reporting amounts under section 162(e) of the Internal Revenue Code

gnature _____ Date 8/11/2000

.ated Name and Title Vin Weber - Partner



MTC-00030631_0840

Registrant Name: Clark & Weinstock

Client Name: Microsoft Corp

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. **Using a separate page for each code,** provide information as requested. Attach additional page(s) as needed.

15. General issue area code CPI (one per page)
16. Specific Lobbying issues
    **See attached page.**

17. House(s) of Congress and Federal agencies contacted ☐ Check if None
    **House of Representatives**
    **Senate**

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) | New |
|---|---|---|
| Kutler, Ed | | No |
| Simoneaux, Mimi | | No |
| Stach, Deirdre | | No |
| Weber, Vin | | No |
| Fazio, Vic | Member, U.S. House of Representatives | No |
| Stuart, Sandi | Asst. Sec. of Defense, Legislative Branch Only | No |
| | | |
| | | |

19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

Signature _____ Date 8/11/2000

Printed Name and Title Vin Weber - Partner



MTC-00030631_0841

Registrant Name: Clark & Weinstock

Client Name: Microsoft Corp

| m | Description | Data |
|---|---|---|
| 16 | Lobbying Issues | Lobbied the following legislation dealing with digital signatures:<br>* H.R. 1572, To require the adoption and utilization of digital signatures by Federal agencies and to encourage the use of digital signatures in private sector electronic transactions.<br>* H.R. 1685, To provide for the recognition of electronic signatures for the conduct of interstate and foreign commerce, to restrict the transmission of certain electronic mail advertisements, to authorize the Federal Trade Commission to prescribe rules to protect the privacy of users of commercial Internet websites, to promote the rapid deployment of broadband Internet services, and for other purposes.<br>* H.R. 1714, To facilitate the use of electronic records and signatures in interstate or foreign commerce.<br><br>Educated members of Congress regarding Microsoft's position on instant messaging.<br><br>Educated members of Congress regarding various Internet privacy issues.<br><br>Lobbied the following legislation dealing with clarifying hyperlinks to the Internet:<br>* S. 247, A bill to amend title 17, United States Code, to reform the copyright law with respect to satellite retransmissions of broadcast signals, and for other purposes.<br>* H.R. 768, To amend title 17, United States Code, to reform the copyright law with respect to satellite retransmissions of broadcast signals, and for other purposes.<br>* H.R. 1027, To provide for the carriage by satellite carriers of local broadcast station signals, and for other purposes.<br>* H.R. 1554, To amend the provisions of title 17, United States Code, and the Communications Act of 1934, relating to copyright licensing and carriage of broadcast signals by satellite. |



MTC-00030631_0842

Registrant Name: Clark & Weinstock

Client Name: Microsoft Corp

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. **Using a separate page for each code,** provide information as requested. Attach additional page(s) as needed.

15. General issue area code GOV (one per page)

16. Specific Lobbying issues
**Informed members of Congress regarding Microsoft's position on the Department of Justice's antitrust suit.**

17. House(s) of Congress and Federal agencies contacted ☐ Check if None
**House of Representatives**
**Senate**

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) | New |
|---|---|---|
| **Kutler, Ed** | | **No** |
| **Simoneaux, Mimi** | | **No** |
| **Stach, Deirdre** | | **No** |
| **Weber, Vin** | | **No** |
| **Fazio, Vic** | **Member, U.S. House of Representatives** | **No** |
| **Stuart, Sandi** | **Asst. Sec. of Defense, Legislative Branch Only** | **No** |
| | — | |
| | | |

19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

Signature _____ Date 8/11/2000

Printed Name and Title Vin Weber - Partner



MTC-00030631_0843

Registrant Name: Clark & Weinstock

Client Name: Microsoft Corp

OBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant .gaged in lobbying on behalf of the client during the reporting period. **Using a separate page for each code,** provide information as requested. Attach additional page(s) as needed.

15. General issue area code IMM (one per page)

16. Specific Lobbying issues
**Lobbied the following legislation dealing with H1-B visas:**
*** S. 1563, A bill to establish the Immigration Affairs Agency within the Department of Justice, and for other purposes.**
*** H.R. 2687, To amend the Immigration and Nationality Act to establish a 5-year pilot program under which certain aliens completing a postsecondary degree in mathematics, science, engineering, or computer science are permitted to change nonimmigrant classification in order to remain in the United States for a 5-year period for the purpose of working in one of those fields.**
*** H.R. 3983, To amend the Immigration and Nationality Act to promote a fairer and more efficient means for using highly skilled workers, to improve the collection and use of H-1B nonimmigrant fees, and for other purposes.**

17. House(s) of Congress and Federal agencies contacted ☐ Check if None
**House of Representatives**
**Senate**

Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) | New |
|---|---|---|
| Kutler, Ed | | No |
| Simoneaux, Mimi | | No |
| Stach, Deirdre | | No |
| Weber, Vin | | No |
| Fazio, Vic | Member, U.S. House of Representatives | No |
| Stuart, Sandi | Asst. Sec. of Defense, Legislative Branch Only | No |
| | | |
| | | |

19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

.gnature _____ Date 8/11/2000

.inted Name and Title Vin Weber - Partner



MTC-00030631_0844

Registrant Name: Clark & Weinstock

Client Name: Microsoft Corp

OBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant ıgaged in lobbying on behalf of the client during the reporting period. **Using a separate page for each code,** provide information as requested. Attach additional page(s) as needed.

15. General issue area code TRD (one per page)

16. Specific Lobbying issues
**Lobbied the following legislation dealing with Permanent Normal Trade Relations (PNTR) with China:**
*** H.J. Res. 57, Disapproving the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of the People's Republic of China.**
*** S. 2115, A bill to ensure adequate monitoring of the commitments made by the People's Republic of China in its accession to the World Trade Organization and to create new procedures to ensure compliance with those commitments.**

17. House(s) of Congress and Federal agencies contacted ☐ Check if None
**House of Representatives**
**Senate**

Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) | New |
|---|---|---|
| Kutler, Ed | | No |
| Simoneaux, Mimi | | No |
| Stach, Deirdre | | No |
| Weber, Vin | | No |
| Fazio, Vic | Member, U.S. House of Representatives | No |
| Simpson, Lisa | | No |
| | | |
| | | |

19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

ɜnature _____ Date 8/11/2000

..nted Name and Title Vin Weber - Partner



MTC-00030631_0845

Registrant Name: Clark & Weinstock

Client Name: Microsoft Corp

## 'nformation Update Page - Complete ONLY where registration information has changed.

20. Client new address

21. Client new principal place of business (if different from line 20)

City State/Zip (or Country)

22. New general description of client's business or activities

### LOBBYIST UPDATE

23. Name of each previously reported individual who is **no longer** expected to act as a lobbyist for the client
**Bainwol, Mitch**

### ISSUE UPDATE

24. General lobbying issues previously reported that **no longer** pertain

### AFFILIATED ORGANIZATIONS

25. Add the following affiliated organization(s)

| Name | Address | Principal Place of Business (city and state or country) |
|---|---|---|
| | | |

26. Name of each previously reported organization that is **no longer** affiliated with the registrant or client

### FOREIGN ENTITIES

27. Add the following foreign entities

| Name | Address | Principal Place of Business (city and state or country) | Amount of contribution for lobbying activities | Ownership % in client |
|---|---|---|---|---|
| | | | | |

28. Name of each previously reported foreign entity that **no longer** owns, **or** controls, **or** is affiliated with the registrant, client, or affiliated organization

ignature Vin Weber Date 8/11/2000

inted Name and Title Vin Weber - Partner



MTC-00030631_0846

# ATTACHMENT 19

# TO THE

# DECLARATION OF BRIAN DAUTCH

01 FEB -9 PM 2:46

HAND DELIVERED

| Clerk of the House of Representatives<br>Legislative Resource Center<br>B-106 Cannon Building<br>Washington, DC 20515 | Secretary of the Senate<br>Office of Public Records<br>232 Hart Building<br>Washington, DC 20510 |
|---|---|

# LOBBYING REPORT

Lobbying Disclosure Act of 1995 (Section 5) - **All Filers Are Required to Complete This Page**

7

| | | | |
|---|---|---|---|
| 1. Registrant Name<br>Clark & Weinstock | | | |
| 2. Registrant Address ☐ Check if different than previous reported<br>Address 1775 I Street NW, Ste 700<br>City Washington, State/Zip (or Country) DC 20006 | | | |
| 3. Principal Place of Business (if different from line 2)<br>City New York, State/Zip (or Country) NY 10017 | | | |
| 4. Contact Name<br>Lisa Simpson | Telephone<br>202-261-4025 | E-mail (optional)<br>lisa@cwdc.com | 5. Senate ID #<br>9443-381 |
| 7. Client Name ☐ Self<br>Microsoft Corp | | | 6. House ID #<br>316-98027 |

**TYPE OF REPORT** 8. Year 2000 Midyear (January 1-June 30) ☐ **OR** Year End (July 1-December 31) ☒

Check if this filing amends a previously filed version of this report ☐

10. Check if this is a Termination Report ☐ >> Termination Date _____ 11. No Lobbying Activity ☐

## INCOME OR EXPENSES - Complete Either Line 12 OR Line 13

**12. Lobbying Firms**

**INCOME** relating to lobbying activities for this reporting period was:

Less than $10,000 ☐

$10,000 or more ☒ >> $ $280,000.00
Income (nearest $20,000)

Provide a good faith estimate, rounded to the nearest $20,000 of all lobbying related income from the client (including all payments to the registrant by any other entity for lobbying activities on behalf of the client).

**13. Organizations**

**EXPENSES** relating to lobbying activities for this reporting period were:

Less than $10,000 ☐

$10,000 or more ☐ >> $ _____
Expenses (nearest $20,000)

**14. REPORTING METHOD.** Check box to indicate expense accounting method. See instructions for description of options.

☐ **Method A.** Reporting amounts using LDA definitions only

☐ **Method B.** Reporting amounts under section 6033(b)(8) of the Internal Revenue Code

☐ **Method C.** Reporting amounts under section 162(e) of the Internal Revenue Code

Signature _____ Date 2/9/01

Printed Name and Title Vin Weber - Partner



MTC-00030631_0848

Registrant Name: Clark & Weinstock

Client Name: Microsoft Corp

.OBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant ngaged in lobbying on behalf of the client during the reporting period. **Using a separate page for each code,** provide ..nformation as requested. Attach additional page(s) as needed.

15. General issue area code CPI (one per page)

16. Specific Lobbying issues
**See attached page.**

17. House(s) of Congress and Federal agencies contacted ☐ Check if None
**House of Representatives**
**Senate**

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) | New |
|---|---|---|
| **Fazio, Vic** | **Member, U.S. House of Representatives** | **No** |
| **Kutler, Ed** | | **No** |
| **Simoneaux, Mimi** | | **No** |
| **Stach, Deirdre** | | **No** |
| **Stuart, Sandi** | **Asst. Sec. of Defense, Legislative Branch Only** | **No** |
| **Urban, Anne** | **Legislative Director, Sen. Robert Kerrey** | **Yes** |
| **Weber, Vin** | | **No** |
| | | |

19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

Signature _____ Date 2/9/01

Printed Name and Title Vin Weber - Partner



MTC-00030631_0849

Registrant Name: Clark & Weinstock

Client Name: Microsoft Corp

| Item | Description | Data |
|---|---|---|
| 5 | Lobbying Issues | Lobbied the following legislation dealing with digital signatures:<br>* H.R. 1572, To require the adoption and utilization of digital signatures by Federal agencies and to encourage the use of digital signatures in private sector electronic transactions.<br>* H.R. 1685, To provide for the recognition of electronic signatures for the conduct of interstate and foreign commerce, to restrict the transmission of certain electronic mail advertisements, to authorize the Federal Trade Commission to prescribe rules to protect the privacy of users of commercial Internet websites, to promote the rapid deployment of broadband Internet services, and for other purposes.<br>* H.R. 1714, To facilitate the use of electronic records and signatures in interstate or foreign commerce.<br><br>Educated members of Congress regarding Microsoft's position on instant messaging.<br><br>Educated members of Congress regarding various Internet privacy issues.<br><br>Lobbied the following legislation dealing with clarifying hyperlinks to the Internet:<br>* S. 247, A bill to amend title 17, United States Code, to reform the copyright law with respect to satellite retransmissions of broadcast signals, and for other purposes.<br>* H.R. 768, To amend title 17, United States Code, to reform the copyright law with respect to satellite retransmissions of broadcast signals, and for other purposes.<br>* H.R. 1027, To provide for the carriage by satellite carriers of local broadcast station signals, and for other purposes.<br>* H.R. 1554, To amend the provisions of title 17, United States Code, and the Communications Act of 1934, relating to copyright licensing and carriage of broadcast signals by satellite.<br><br>Educated members of Congress on the competition in the software market. |



MTC-00030631_0850

Registrant Name: Clark & Weinstock

Client Name: Microsoft Corp

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. **Using a separate page for each code,** provide information as requested. Attach additional page(s) as needed.

15. General issue area code GOV (one per page)

16. Specific Lobbying issues
**Informed members of Congress regarding Microsoft's position on the Department of Justice's antitrust suit.**

17. House(s) of Congress and Federal agencies contacted ☐ Check if None
**House of Representatives**
**Senate**

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) | New |
|---|---|---|
| **Fazio, Vic** | **Member, U.S. House of Representatives** | **No** |
| **Kutler, Ed** | | **No** |
| **Simoneaux, Mimi** | | **No** |
| **Stach, Deirdre** | | **No** |
| **Stuart, Sandi** | **Asst. Sec. of Defense, Legislative Branch Only** | **No** |
| **Urban, Anne** | **Legislative Director, Sen. Robert Kerrey** | **Yes** |
| **Weber, Vin** | | **No** |
| | | |

19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

Signature _____ Date 2/9/01

Printed Name and Title Vin Weber - Partner



MTC-00030631_0851

Registrant Name: Clark & Weinstock

Client Name: Microsoft Corp

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. **Using a separate page for each code,** provide information as requested. Attach additional page(s) as needed.

15. General issue area code IMM (one per page)

16. Specific Lobbying issues
**Lobbied the following legislation dealing with H1-B visas:**
*** S. 1563, A bill to establish the Immigration Affairs Agency within the Department of Justice, and for other purposes.**
*** H.R. 2687, To amend the Immigration and Nationality Act to establish a 5-year pilot program under which certain aliens completing a postsecondary degree in mathematics, science, engineering, or computer science are permitted to change nonimmigrant classification in order to remain in the United States for a 5-year period for the purpose of working in one of those fields.**
*** H.R. 3983, To amend the Immigration and Nationality Act to promote a fairer and more efficient means for using highly skilled workers, to improve the collection and use of H-1B nonimmigrant fees, and for other purposes.**

17. House(s) of Congress and Federal agencies contacted ☐ Check if None
**House of Representatives**
**Senate**

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) | New |
|---|---|---|
| **Fazio, Vic** | **Member, U.S. House of Representatives** | **No** |
| **Kutler, Ed** | | **No** |
| **Simoneaux, Mimi** | | **No** |
| **Stach, Deirdre** | | **No** |
| **Stuart, Sandi** | **Asst. Sec. of Defense, Legislative Branch Only** | **No** |
| **Urban, Anne** | **Legislative Director, Sen. Robert Kerrey** | **Yes** |
| **Weber, Vin** | | **No** |
| | | |

19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

Signature _____ Date 2/9/01

Printed Name and Title Vin Weber - Partner



MTC-00030631_0852

Registrant Name: Clark & Weinstock

Client Name: Microsoft Corp

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. **Using a separate page for each code,** provide information as requested. Attach additional page(s) as needed.

15. General issue area code TRD (one per page)

16. Specific Lobbying issues
**Lobbied the following legislation dealing with Permanent Normal Trade Relations (PNTR) with China:**
*** H.J. Res. 57, Disapproving the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of the People's Republic of China.**
*** S. 2115, A bill to ensure adequate monitoring of the commitments made by the People's Republic of China in its accession to the World Trade Organization and to create new procedures to ensure compliance with those commitments.**

17. House(s) of Congress and Federal agencies contacted ☐ Check if None
**House of Representatives**
**Senate**

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) | New |
|---|---|---|
| **Fazio, Vic** | **Member, U.S. House of Representatives** | **No** |
| **Kutler, Ed** | | **No** |
| **Simoneaux, Mimi** | | **No** |
| **Simpson, Lisa** | | **No** |
| **Stach, Deirdre** | | **No** |
| **Urban, Anne** | **Legislative Director, Sen. Robert Kerrey** | **Yes** |
| **Weber, Vin** | | **No** |
| | | |

19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

Signature _____ Date 2/9/01

Printed Name and Title Vin Weber - Partner



MTC-00030631_0853

Registrant Name: Clark & Weinstock

Client Name: Microsoft Corp

## Information Update Page - Complete ONLY where registration information has changed.

20. Client new address

21. Client new principal place of business (if different from line 20)

City State/Zip (or Country)

22. New general description of client's business or activities

### LOBBYIST UPDATE

23. Name of each previously reported individual who is **no longer** expected to act as a lobbyist for the client
**Simoneaux, Mimi**

### ISSUE UPDATE

24. General lobbying issues previously reported that **no longer** pertain

### AFFILIATED ORGANIZATIONS

25. Add the following affiliated organization(s)

| Name | Address | Principal Place of Business (city and state or country) |
|---|---|---|
| | | |

26. Name of each previously reported organization that is **no longer** affiliated with the registrant or client

### FOREIGN ENTITIES

27. Add the following foreign entities

| Name | Address | Principal Place of Business (city and state or country) | Amount of contribution for lobbying activities | Ownership % in client |
|---|---|---|---|---|
| | | | | |

28. Name of each previously reported foreign entity that **no longer** owns, **or** controls, **or** is affiliated with the registrant, client, or affiliated organization

Signature Vin Weber Date 2/9/01

Printed Name and Title Vin Weber - Partner



MTC-00030631_0854

# ATTACHMENT 20

# TO THE

# DECLARATION OF BRIAN DAUTCH

| Clerk of the House of Representatives | Secretary of the Senate |
|---|---|
| Legislative Resource Center | Office of Public Records |
| B-106 Cannon Building | 232 Hart Building |
| Washington, DC 20515 | Washington, DC 20510 |

HAND DELIVERED

LEGISLATIVE RESOURCE CENTER

2001 AUG 13 AM 11:48

OFFICE OF THE CLERK
U.S. HOUSE OF REPRESENTATIVES

9

# LOBBYING REPORT

Lobbying Disclosure Act of 1995 (Section 5) - **All Filers Are Required to Complete This Page**

1. Registrant Name
   Clark & Weinstock

2. Registrant Address ☐ Check if different than previously reported
   Address 1775 I Street NW, Ste 700
   City Washington, State/Zip (or Country) DC 20006

3. Principal Place of Business (if different from line 2)
   City New York, State/Zip (or Country) NY 10017

4. Contact Name: Lisa Simpson
   Telephone: 202-261-4025
   E-mail (optional): lisa@cwdc.com
   5. Senate ID #: 9443-381

7. Client Name ☐ Self
   Microsoft Corp
   6. House ID #: 316-98027

**TYPE OF REPORT** 8. Year 2001 Midyear (January 1-June 30) ☒ **OR** Year End (July 1-December 31) ☐

9. Check if this filing amends a previously filed version of this report ☐

10. Check if this is a Termination Report ☐ >> Termination Date _____ 11. No Lobbying Activity ☐

## INCOME OR EXPENSES - Complete Either Line 12 OR Line 13

### 12. Lobbying Firms

**INCOME** relating to lobbying activities for this reporting period was:

Less than $10,000 ☐

$10,000 or more ☒ >> $ $240,000.00
Income (nearest $20,000)

Provide a good faith estimate, rounded to the nearest $20,000 of all lobbying related income from the client (including all payments to the registrant by any other entity for lobbying activities on behalf of the client).

### 13. Organizations

**EXPENSES** relating to lobbying activities for this reporting period were:

Less than $10,000 ☐

$10,000 or more ☐ >> $ _____
Expenses (nearest $20,000)

**14. REPORTING METHOD.** Check box to indicate expense accounting method. See instructions for description of options.

☐ **Method A.** Reporting amounts using LDA definitions only

☐ **Method B.** Reporting amounts under section 6033(b)(8) of the Internal Revenue Code

☐ **Method C.** Reporting amounts under section 162(e) of the Internal Revenue Code

Signature _____ Date 8/9/01

Printed Name and Title Vin Weber - Partner



MTC-00030631_0856

Registrant Name: Clark & Weinstock

Client Name: Microsoft Corp

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. **Using a separate page for each code,** provide information as requested. Attach additional page(s) as needed.

15. General issue area code CPI (one per page)

16. Specific Lobbying issues
**See attached page.**

17. House(s) of Congress and Federal agencies contacted ☐ Check if None
**Department of Commerce**
**Department of Treasury**
**Executive Office of the President**
**House of Representatives**
**Office of the Vice President**
**Senate**

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) | New |
|---|---|---|
| **Bieron, Brian** | **Policy Director, House Rules Committee** | **Yes** |
| **Fazio, Vic** | | **No** |
| **Gribbin, Dave** | | **Yes** |
| **Kutler, Ed** | | **No** |
| **Mathews, Jim** | | **Yes** |
| **Morrison, Timothy** | **Associate Director, Presidential Personnel** | **Yes** |
| **Stach, Deirdre** | | **No** |
| | | |

19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

Signature _____ Date 8/9/01

Printed Name and Title Vin Weber - Partner



MTC-00030631_0857

Registrant Name: Clark & Weinstock

Client Name: Microsoft Corp

| Item | Description | Data |
|---|---|---|
| 16 | Lobbying Issues | Help develop strategy and company policies on privacy law, including matters related to Windows XP and .NET and instant messaging through the following legislation:<br>H.R. 1017, Anti-spamming Act of 2001, to prohibit unsolicited e-mail know as spam<br>S. 2606, Consumer Privacy Protection Act<br>S. 197, Spyware Control Privacy Protection Act, to provide for the disclosure of the collection of information through computer software and for other purposes<br><br>Intellectual Properties issues--providing cyber and intellectual property enformement:<br>Senate Report 107-42<br>S. 1215, Departments of Commerce, Justice, State, Judiciary and related Agencies Approprations Act 2002<br>H.R. 2500, Departments of Commerce, Justice, State, Judiciary and related Agencies Approprations Act 2002<br><br>H. AMDT. 192 Walters Amendment, to provide that none of the funds designated for the Office of the U.S. Trade Representative may be used to initiate a proceeding in the WTO challenging any law or policy of a developing country that promotes access to HIV/AIDS, pharmaceuticals or medical technologies to the population of the country<br>H. AMDT. 194 Walters Amendment 2, to prohibit use of funds to initiate a proceeding in the WTO challenging any law of a country that is not a member of the OECD<br>H. AMDT. 193 Kucinich Amendment, prohibits the use of funds in the bill to initiate a proceeding in the WTO challenging any law of a country that is not a member of the OECD relating to HIV/AIDS pharmaceuticals. |



MTC-00030631_0858

Registrant Name: Clark & Weinstock

Client Name: Microsoft Corp

| Item | Description | Data |
|---|---|---|
| 18a | Lobbyist Name | Stuart, Sandi |
| 18b | Covered Official Position | |
| 18c | New Lobbyist | No |
| 18a | Lobbyist Name | Urban, Anne |
| 18b | Covered Official Position | Legislative Director, Sen. Robert Kerrey |
| 18c | New Lobbyist | No |
| 18a | Lobbyist Name | Weber, Vin |
| 18b | Covered Official Position | |
| 18c | New Lobbyist | No |

Registrant Name: Clark & Weinstock

Client Name: Microsoft Corp

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. **Using a separate page for each code,** provide information as requested. Attach additional page(s) as needed.

15. General issue area code GOV (one per page)

16. Specific Lobbying issues
**Informed members of Congress regarding Microsoft's position on the Department of Justice's antitrust suit.**

17. House(s) of Congress and Federal agencies contacted ☐ Check if None
**House of Representatives**
**Senate**

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) | New |
|---|---|---|
| **Bieron, Brian** | **Policy Director, House Rules Committee** | **Yes** |
| **Fazio, Vic** | | **No** |
| **Gribbin, Dave** | | **Yes** |
| **Kutler, Ed** | | **No** |
| **Mathews, Jim** | | **Yes** |
| **Morrison, Timothy** | **Associate Director, Presidential Personnel** | **Yes** |
| **Stach, Deirdre** | | **No** |
| | | |

19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

Signature _____ Date 8/9/01

Printed Name and Title Vin Weber - Partner



MTC-00030631_0860

Registrant Name: Clark & Weinstock

Client Name: Microsoft Corp

| Item | Description | Data |
|---|---|---|
| 18a | Lobbyist Name | Stuart, Sandi |
| 18b | Covered Official Position | |
| 18c | New Lobbyist | No |
| 18a | Lobbyist Name | Urban, Anne |
| 18b | Covered Official Position | Legislative Director, Sen. Robert Kerrey |
| 18c | New Lobbyist | No |
| 18a | Lobbyist Name | Weber, Vin |
| 18b | Covered Official Position | |
| 18c | New Lobbyist | No |



MTC-00030631_0861

Registrant Name: Clark & Weinstock

Client Name: Microsoft Corp

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. **Using a separate page for each code,** provide information as requested. Attach additional page(s) as needed.

15. General issue area code TRD (one per page)

16. Specific Lobbying issues
**Lobbied the following legislation dealing with Trade Promotion Authority Act of 2001**
*** H.R. 2149, To extend trade authorities procedures with respect to reciprocal trade agreements**

17. House(s) of Congress and Federal agencies contacted ☐ Check if None
**House of Representatives**
**Senate**

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) | New |
|---|---|---|
| **Bieron, Brian** | **Policy Director, House Rules Committee** | **Yes** |
| **Fazio, Vic** | | **No** |
| **Gribbin, Dave** | | **Yes** |
| **Kutler, Ed** | | **No** |
| **Mathews, Jim** | | **Yes** |
| **Morrison, Timothy** | **Associate Director, Presidential Personnel** | **Yes** |
| **Stach, Deirdre** | | **No** |
| | | |

19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

Signature _____ Date 8/9/01

Printed Name and Title Vin Weber - Partner



MTC-00030631_0862

Registrant Name: Clark & Weinstock

Client Name: Microsoft Corp

| Item | Description | Data |
|---|---|---|
| 18a | Lobbyist Name | Urban, Anne |
| 18b | Covered Official Position | Legislative Director, Sen. Robert Kerrey |
| 18c | New Lobbyist | No |
| 18a | Lobbyist Name | Weber, Vin |
| 18b | Covered Official Position | |
| 18c | New Lobbyist | No |



MTC-00030631_0863

Registrant Name: Clark & Weinstock

Client Name: Microsoft Corp

## Information Update Page - Complete ONLY where registration information has changed.

20. Client new address

21. Client new principal place of business (if different from line 20)

City State/Zip (or Country)

22. New general description of client's business or activities

### LOBBYIST UPDATE

23. Name of each previously reported individual who is **no longer** expected to act as a lobbyist for the client

### ISSUE UPDATE

24. General lobbying issues previously reported that **no longer** pertain

IMM

### AFFILIATED ORGANIZATIONS

25. Add the following affiliated organization(s)

| Name | Address | Principal Place of Business (city and state or country) |
|---|---|---|
| | | |

26. Name of each previously reported organization that is **no longer** affiliated with the registrant or client

### FOREIGN ENTITIES

27. Add the following foreign entities

| Name | Address | Principal Place of Business (city and state or country) | Amount of contribution for lobbying activities | Ownership % in client |
|---|---|---|---|---|
| | | | | |

28. Name of each previously reported foreign entity that **no longer** owns, **or** controls, **or** is affiliated with the registrant, client, or affiliated organization

Signature Date 8/9/01

Printed Name and Title Vin Weber - Partner



MTC-00030631_0864

# ATTACHMENT 21

# TO THE

# DECLARATION OF BRIAN DAUTCH

Clerk of the House of Representatives
Legislative Resource Center
B-106 Cannon Building
Washington, DC 20515

Secretary of the Senate
Office of Public Records
232 Hart Building
Washington, DC 20510

RECEIVED
LEGISLATIVE RESOURCE CENTER
98 AUG -7 AM 9:51
OFFICE OF THE CLERK
HOUSE OF REPRESENTATIVES

# LOBBYING REPORT

Lobbying Disclosure Act of 1995 (Section 5) - **All Filers Are Required To Complete This Page**

4

1. Registrant Name
Covington & Burling

2. Address ☐ Check if different than previously reported
1201 Pennsylvania Avenue, NW

3. Principal Place of Business (if different from line 2)
City: Washington State/Zip (or Country) D.C. 20004

4. Contact Name: Stuart C. Stock
Telephone: 202-662-5384
E-mail (optional):

5. Senate ID #: 11195-672

7. Client Name ☐ Self
Microsoft Corporation

6. ~~House ID #~~: 31827064

**TYPE OF REPORT** 8. Year 1998 Midyear (January 1-June 30) ☒ **OR** Year End (July 1-December 31) ☐

9. Check if this filing amends a previously filed version of this report ☐

10. Check if this is a Termination Report ☐ ⇨ Termination Date_____ 11. No Lobbying Activity ☐

## INCOME OR EXPENSES - Complete Either Line 12 OR Line 13

### 12. Lobbying Firms

**INCOME** relating to lobbying activities for this reporting period was:

Less than $10,000 ☐

$10,000 or more ☒ ⇨ $ 40,000
Income (nearest $20,000)

Provide a good faith estimate, rounded to the nearest $20,000, of all lobbying related income from the client (including all payments to the registrant by any other entity for lobbying activities on behalf of the client).

### 13. Organizations

**EXPENSES** relating to lobbying activities for this reporting period were:

Less than $10,000 ☐

$10,000 or more ☐ ⇨ $_____
Expenses (nearest $20,000)

**14. REPORTING METHOD.** Check box to indicate expense accounting method. See instructions for description of options.

☐ **Method A.** Reporting amounts using LDA definitions only

☐ **Method B.** Reporting amounts under section 6033(b)(8) of the Internal Revenue Code

☐ **Method C.** Reporting amounts under section 162(e) of the Internal Revenue Code

Signature_____

Printed Name and Title Stuart C. Stock, Partner



MTC-00030631_0866

Registrant Name Covington & Burling Client Name Microsoft Corporation

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which the registrant ngaged in lobbying on behalf of the client during the reporting period. **Using a separate page for each code**, provide information as requested. Attach additional page(s) as needed.

15. General issue area code CPI (one per page)

16. Specific lobbying issues

Competition issues affecting computer software industry.

17. House(s) of Congress and Federal agencies contacted ☐ Check if None

Senate

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) | New |
|---|---|---|
| Charles F. Rule | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |

19. Interest of each foreign entity in the specific issues listed on line 16 above ☐ Check if None

Signature [signature] Date August 4, 1998

Printed Name and Title Stuart C. Stock, Partner



MTC-00030631_0867

Registrant Name Covington & Burling Client Name Microsoft Corporation

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. **Using a separate page for each code**, provide information as requested. Attach additional page(s) as needed.

15. General issue area code TRD (one per page)

16. Specific lobbying issues

Electronic commerce matters relating to international electronic signature proposals.

17. House(s) of Congress and Federal agencies contacted ☐ Check if None

Department of Commerce

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) | New |
|---|---|---|
| E. Jason Albert | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |

19. Interest of each foreign entity in the specific issues listed on line 16 above ☐ Check if None

Signature [signature] Date August 4, 1998

Printed Name and Title Stuart C. Stock, Partner

Form LD-2 (Rev.6/98)



MTC-00030631_0868

Registrant Name Covington & Burling Client Name Microsoft Corporation

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. **Using a separate page for each code**, provide information as requested. Attach additional page(s) as needed.

15. General issue area code CPT (one per page)

16. Specific lobbying issues

- Protection of intellectual property through proposed federal action.
- Protection of intellectual property in World Bank lending programs.

17. House(s) of Congress and Federal agencies contacted ☐ Check if None

Senate
House of Representatives
Department of Commerce
Department of Treasury
Office of Management and Budget

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) | New |
|---|---|---|
| E. Jason Albert | | ☐ |
| Laurie C. Self | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |

19. Interest of each foreign entity in the specific issues listed on line 16 above ☐ Check if None

Signature [signature] Date August 4, 1998

Printed Name and Title Stuart C. Stock, Partner



MTC-00030631_0869

# ATTACHMENT 22

# TO THE

# DECLARATION OF BRIAN DAUTCH

| Clerk of the House of Representatives | Secretary of the Senate |
|---|---|
| Legislative Resource Center | Office of Public Records |
| B-106 Cannon Building | 232 Hart Building |
| Washington, DC 20515 | Washington, DC 20510 |

'99 FEB 10 AM 9:07

# LOBBYING REPORT

Lobbying Disclosure Act of 1995 (Section 5) - **All Filers Are Required To Complete This Page.** 5

1. Registrant Name
   **Covington & Burling**
2. Address ☐ Check if different than previously reported.
   **1201 Pennsylvania Avenue, N.W.**
3. Principal Place of Business (if different from line 2)

City: **Washington** State/Zip (or Country) **D.C. 20004**

| 4. Contact Name | Telephone | Email (optional) | 5. Senate ID # |
|---|---|---|---|
| **Stuart C. Stock** | **202-662-5384** | | **11195-672** |
| 7. Client Name ☐ Self | | | 6. House ID # |
| **Microsoft Corporation** | | | **31827064** |

**TYPE OF REPORT** 8. Year 1998 Midyear (January 1-June 30) ☐ OR Year End (~~July 1-December 31~~) ☒

9. Check if this filing amends a previously filed version of this report ☐

10. Check if this is a Termination Report ☐ ⇨ Termination Date _____ 11. No Lobbying Activity ☐

## INCOME OR EXPENSES - Complete Either Line 12 OR Line 13

**12. Lobbying Firms**

**INCOME** relating to lobbying activities for this reporting period was:

Less than $10,000 ☐

$10,000 or more ☒ ⇨ $ 60,000
Income (nearest $20,000)

Provide a good faith estimate, rounded to the nearest $20,000, of all lobbying related income for the client (including all payments to the registrant by any other entity for lobbying activities on behalf of the client.)

**13. Organizations**

**EXPENSES** relating to lobbying activities for this reporting period were:

Less than $10,000 ☐

$10,000 or more ☐ ⇨ $_____
Expenses (nearest $20,000)

**14. REPORTING METHOD.** Check box to indicate expense accounting method. See instructions for description of options.

☐ **Method A.** Reporting amounts using LDA definitions only

☐ **Method B.** Reporting amounts under section 6033(b)(8) of the Internal Revenue Code

☐ **Method C.** Reporting amounts under 162(e) of the Internal Revenue Code

Signature _____ Date 2/4/99

Printed Name and Title **Stuart C. Stock, Partner**

Registrant Name **Covington & Burling** Client Name **Microsoft Corporation**

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. **Using a separate page for each code**, provide information as requested. Attach additional page(s) as needed.

15. General issue area code **CPI** (one per page)

16. Specific lobbying issues

**Competition issues affecting computer software industry.**

17. House(s) of Congress and Federal agencies contacted ☐ Check if None

**House of Representatives**
**Senate**

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) | New |
|---|---|---|
| **Charles F. Rule** | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |

19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

Signature _____ Date 2/4/99
Printed Name and Title **Stuart C. Stock, Partner**

Registrant Name Covington & Burling Client Name Microsoft Corporation

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. **Using a separate page for each code,** provide information as requested. Attach additional page(s) as needed.

15. General issue area code ___TRD _____ (one per page)

16. Specific lobbying issues

**Electronic Commerce matters relating to international electronic signature proposals.**

17. House(s) of Congress and Federal agencies contacted ☐ Check if None

**Department of Commerce**

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) | New |
|---|---|---|
| E. Jason Albert | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |

19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

Signature _____ Date 2/4/99

Printed Name and Title Stuart C. Stock, Partner

Registrant Name **Covington & Burling** Client Name **Microsoft Corporation**

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. **Using a separate page for each code,** provide information as requested. Attach additional page(s) as needed.

15. General issue area code ___CPT _____ (one per page)

16. Specific lobbying issues

- **Protection of intellectual property through proposed federal action and implementation of Computer Software Piracy Executive Order.**
- **Protection of intellectual property in World Bank lending programs.**

17. House(s) of Congress and Federal agencies contacted ☐ Check if None

**Department of Commerce**
**Department of Treasury**
**Office of Management and Budget**

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) | New |
|---|---|---|
| **E. Jason Albert** | | ☐ |
| **Laurie C. Self** | | ☐ |
| **Stuart C. Stock** | | ☒ |
| | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |

19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

Signature _____ Date 2/4/99
Printed Name and Title **Stuart C. Stock, Partner**

Registrant Name Covington & Burling Client Name Microsoft Corporation

**Information Update Page - Complete ONLY where registration information has changed.**

20. Client new address

21. Client new principal place of business (if different from line 20)

City State/Zip (or Country)

22. New general description of client's business or activities

## LOBBYIST UPDATE

23. Name of each previously reported individual who is **no longer** expected to act as a lobbyist for the client

Victoria A. Carter

## ISSUE UPDATE

24. General lobbying issues previously reported that **no longer** pertain

## AFFILIATED ORGANIZATIONS

25. Add the following affiliated organization(s)

| Name | Address | Principal Place of Business (city and state or country) |
|---|---|---|
| | | |

26. Name of each previously reported organization that is **no longer** affiliated with the registrant or client

## FOREIGN ENTITIES

27. Add the following foreign entities

| Name | Address | Principal place of business (city and state or country) | Amount of contribution for lobbying activities | Ownership percentage in client |
|---|---|---|---|---|
| | | | | |

28. Name of each previously reported foreign entity that **no longer** owns, or controls, or is affiliated with the registrant, client or affiliated organization

Signature Date 2/4/99

Printed Name and Title Stuart C. Stock, Partner

# ATTACHMENT 23

# TO THE

# DECLARATION OF BRIAN DAUTCH

Back

Number of Pages: 6
Current Page: 2

| Clerk of the House of Representatives | Secretary of the Senate |
|---|---|
| Legislative Resource Center | Office of Public Records |
| B106 Cannon Building | 232 Hart Building |
| Washington, DC 20515 | Washington, DC 20510 |

SECRETARY OF THE SE

# LOBBYING REPORT

99 AUG 12 PM 2:

Lobbying Disclosure Act of 1995 (Section 5) - **All Filers Are Required To Complete This Page.** H. D.

1. Registrant Name
   **Covington & Burling**
2. Address ☐ Check if different than previously reported.
   **1201 Pennsylvania Avenue, N.W.**
3. Principal Place of Business (if different from line 2)

   City: **Washington** State/Zip (or Country) **D.C. 20004**

| 4. Contact Name | Telephone | Email (optional) | 5. Senate ID # |
|---|---|---|---|
| **Stuart C. Stock** | **202-662-5384** | | **11195-672** |
| 7. Client Name ☐ Self | | | 6. House ID # |
| **Microsoft Corporation** | | | **31827064** |

**TYPE OF REPORT** 8. Year 1999 Midyear (January 1-June 30) ☒ **OR** Year End (July1-December 31) ☐

9. Check if this filing amends a previously filed version of this report ☐

10. Check if this is a Termination Report ☐ ⇨ Termination Date _____ 11. No Lobbying Activity ☐

## INCOME OR EXPENSES - Complete Either Line 12 OR Line 13

**12. Lobbying Firms**

**INCOME** relating to lobbying activities for this reporting period was:

Less than $10,000 ☐

$10,000 or more ☒ ⇨ $ 40,000
Income (nearest $20,000)

Provide a good faith estimate, rounded to the nearest $20,000, of all lobbying related income for the client (including all payments to the registrant by any other entity for lobbying activities on behalf of the client.)

**13. Organizations**

**EXPENSES** relating to lobbying activities for this reporting period were:

Less than $10,000 ☐

$10,000 or more ☐ ⇨ $_____
Expenses (nearest $20,000)

14. **REPORTING METHOD.** Check box to indica expense accounting method. See instructions for description of options.

☐ **Method A.** Reporting amounts using LDA definitions only

☐ **Method B.** Reporting amounts under section 6033(b)(8) of the Internal Revenue Code

☐ **Method C.** Reporting amounts under 162(e) of t Internal Revenue Code

Signature _____ Date August 10, 1999

Printed Name and Title **Stuart C. Stock, Partner**

Registrant Name Covington & Burling Client Name Microsoft Corporation

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which t registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for ea code, provide information as requested. Attach additional page(s) as needed.

15. General issue area code TRD (one per page)

16. Specific lobbying issues

**Electronic commerce matters relating to international electronic signature proposals.**

17. House(s) of Congress and Federal agencies contacted ☐ Check if None

**Department of Commerce**

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) | Nev |
|---|---|---|
| **Stuart C. Stock** | | ☒ |
| **E. Jason Albert** | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |

19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

Signature _____ Date August 10, 1999

Printed Name and Title Stuart C. Stock, Partner

Registrant Name Covington & Burling Client Name Microsoft Corporation

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which tl registrant engaged in lobbying on behalf of the client during the reporting period. **Using a separate page for ea code**, provide information as requested. Attach additional page(s) as needed.

15. General issue area code CPI (one per page)

16. Specific lobbying issues

**Electronic signature legislation, including H.R. 1714 and S. 761.**

17. House(s) of Congress and Federal agencies contacted ☐ Check if None

**House of Representatives**
**Senate**
**Department of Commerce**

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) | Nev |
|---|---|---|
| **Stuart C. Stock** | | ☒ |
| **Erin M. Egan** | | ☒ |
| | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |

19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

Signature _____ Date August 10, 1999

Printed Name and Title Stuart C. Stock, Partner

Registrant Name **Covington & Burling** Client Name Microsoft Corporation

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which t registrant engaged in lobbying on behalf of the client during the reporting period. **Using a separate page for ea code**, provide information as requested. Attach additional page(s) as needed.

15. General issue area code CPT (one per page)

16. Specific lobbying issues

- **Protection of intellectual property through proposed federal action and implementation of Computer Software Piracy Executive Order.**
- **Protection of intellectual property in World Bank lending programs.**

17. House(s) of Congress and Federal agencies contacted ☐ Check if None

**Department of Commerce**

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) | New |
|---|---|---|
| **Stuart C. Stock** | | ☐ |
| **Laurie C. Self** | | ☐ |
| **E. Jason Albert** | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |

19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

Signature _____ Date August 10, 1999

Printed Name and Title Stuart C. Stock, Partner

# ATTACHMENT 24

# TO THE

# DECLARATION OF BRIAN DAUTCH

Secretary of the Senate
Clerk of the House of Representatives

For Official Use

RECEIVED
LEGISLATIVE RESOURCE CENTER
98 FEB 17 AM 10:05
OFFICE OF THE CLERK
U.S. HOUSE OF REPRESENTATIVES

# LOBBYING REPORT

Lobbying Disclosure Act of 1995 (Section 5)

1. Year 1997

2. Report type (*check all that apply*) Midyear (January 1- June 30) ☐ Year End (July 1-December 31) ☒
Amended report ☐ Termination Report ☐
No Activity *(registration to remain in effect)* ☐

## REGISTRANT

3. Name of Registrant DOWNEY CHANDLER, INC.

4. Telephone number and contact name
202 789 1110 Contact Kathleen Tynan McLaughlin

## CLIENT

*Lobbying firms file separate reports for each client. An organization employing in-house lobbyists indicates "Self."*

5. Name of Client Microsoft Corporation 31805008

## INCOME OR EXPENSES

*Answer line 6 or line 7 as applicable.*

6. LOBBYING FIRMS. Income from the client during the reporting period, other than income unrelated to lobbying activities, was:

Less than $10,000 ☐ $10,000 or more ☒

If $10,000 or more, provide a good faith estimate, rounded to the nearest $20,000, of all income from the client during this reporting period. Include any payments by any other entity for lobbying activities on behalf of the client. Exclude income unrelated to lobbying activities.

Income $ $60,000 Total for year *(if Year End report)* $ 140,000

7. ORGANIZATIONS EMPLOYING IN-HOUSE LOBBYISTS. Expenses incurred in connection with lobbying activities during the reporting period were:

Less than $10,000 ☐ $10,000 or more ☐

If $10,000 or more, provide a good faith estimate, rounded to the nearest $20,000, of the total amount of all lobbying expenses incurred by the registrant and its employees during this reporting period.

Expense $ _____ Total for year *(if Year End report)* $ _____

A. Registrants that report lobbying expenses under section 6033(b)(8) of the Internal Revenue Code may provide a good faith estimate of the applicable amounts that would be required to be disclosed under section 6033(b)(8) for the semiannual reporting period, and may consider as lobbying activities only those defined under section 4911(d) of the Internal Revenue Code. If selecting this method, check box and (i) enter estimated amounts on the "Expenses" line above; or (ii) attach a copy of the IRS Form 990 that includes this reporting period. ☐

B. Registrants subject to section 162(e) of the Internal Revenue Code may make a good faith estimate of all amounts that would not be deductible under section 162(e) for the semiannual reporting period, and may consider as lobbying activities only those activities the costs of which are not deductible pursuant to section 162(e). If selecting this method, check box and enter estimated amounts on the "Expenses" line above. ☐



MTC-00030631_0886

Registrant Name DOWNEY CHANDLER, INC.

Client Name Microsoft Corporation 31805008

**LOBBYING ISSUES.** On line 8 below, enter the code for *one* general lobbying issue area in which the registrant engaged in lobbying activities for the client during this reporting period *(select applicable code from list in the instructions and on the reverse side of Form LD-2, page 1)*. For that general issue area *only*, complete lines 9 through 12. If the registrant engaged in lobbying activities for the client in more than one general issue area, use one Lobbying Report Addendum page for each additional general issue area.

8. General lobbying issue area code (*enter one*) CPT

9. Specify lobbying issues (*include bill numbers and specific executive branch actions*)

Intellectual Property Rights
Patent Reform
Internet issues
Encryption
Immigration
Anti-trust issues

10. Houses of Congress and Federal agencies contacted

U.S. House of Representatives
U.S. Senate
Office of the Vice President
Department of Justice

11. Name and title of each employee who acted as a lobbyist

Thomas J. Downey, Chairman
Rod Chandler, President
Daniel T. Bross, Vice President
Margaret M. McCloud, Director

12. *For registrants identifying foreign entities in the Lobbying Registration (Form LD-1, line 12) or any updates:* Interest of each such foreign entity in the specific lobbying issues listed on line 9 above

NA

This report includes 0 Addendum pages.

Signature Thomas J. Downey Date 2-13-98

Printed Name and Title Thomas J. Downey Chairman

Form LD-2 (1/96)



MTC-00030631_0887

# ATTACHMENT 25

# TO THE

# DECLARATION OF BRIAN DAUTCH

| Clerk of the House of Representatives | Secretary of the Senate |
|---|---|
| Legislative Resource Center | Office of Public Records |
| B-106 Cannon Building | 232 Hart Building |
| Washington, DC 20515 | Washington, DC 20510 |

98 AUG -7 PM 12:57

OFFICE OF THE CLERK
U.S. HOUSE OF REPRESENTATIVES

# LOBBYING REPORT

Lobbying Disclosure Act of 1995 (Section 5) - **All Filers Are Required To Complete This Page**

4

1. Registrant Name
DOWNEY CHANDLER, INC.

2. Address ☐ Check if different than previously reported
1225 I STREET NW SUITE 350

3. Principal Place of Business (if different from line 2)
City: WASHINGTON State/Zip (or Country) DC 20005

4. Contact Name: Kathleen Tynan McLaughlin
Telephone: 202 789 1110
E-mail (optional):

5. Senate ID #: 12573-253

6. House ID #: 31805008

7. Client Name ☐ Self
MICROSOFT CORPORATION

**TYPE OF REPORT** 8. Year 1998 Midyear (January 1-June 30) ☒ OR Year End (July 1-December 31) ☐

9. Check if this filing amends a previously filed version of this report ☐

10. Check if this is a Termination Report ☐ ⇨ Termination Date _____ 11. No Lobbying Activity ☐

**INCOME OR EXPENSES** - Complete Either Line 12 OR Line 13

**12. Lobbying Firms**

INCOME relating to lobbying activities for this reporting period was:

Less than $10,000 ☐

$10,000 or more ☐ ⇨ $ _____
Income (nearest $20,000)

Provide a good faith estimate, rounded to the nearest $20,000, of all lobbying related income from the client (including all payments to the registrant by any other entity for lobbying activities on behalf of the client).

**13. Organizations**

EXPENSES relating to lobbying activities for this reporting period were:

Less than $10,000 ☐

$10,000 or more ☒ ⇨ $ 80,000
Expenses (nearest $20,000)

14. REPORTING METHOD. Check box to indicate expense accounting method. See instructions for description of options.

☒ Method A. Reporting amounts using LDA definitions only

☐ Method B. Reporting amounts under section 6033(b)(8)of the Internal Revenue Code

☐ Method C. Reporting amounts under section 162(e) of the Internal Revenue Code

Signature _____

Printed Name and Title THOMAS J. DOWNEY, CHAIRMAN



MTC-00030631_0889

Registrant Name DOWNEY CHANDLER Client Name MICROSOFT CORPORATION

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. **Using a separate page for each code, provide information as requested.** Attach additional page(s) as needed.

15. General issue area code CPI (one per page)

16. Specific lobbying issues

Software piracy
Judiciary Committee hearing on Competition and Innovation in the Digital age
Immigration
Competition
Department of Justice hearing

(continued)

17. House(s) of Congress and Federal agencies contacted ☐ Check if None

US Senate
House of Representatives
Office of the Vice President
Department of Justice
Department of State

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) | New |
|---|---|---|
| Daniel Bross | | ☐ |
| Rodney Chandler | | ☐ |
| Kelli Emerick | | ☐ |
| Thomas Downey | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |

19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

Signature _____ Date _____

Printed Name and Title _____

Form LD-2 (Rev.6/98)



MTC-00030631_0890

Registrant Name DOWNEY CHANDLER Client Name [illegible]

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. **Using a separate page for each code,** provide information as requested. Attach additional page(s) as needed.

15. General issue area code CPI (one per page)

16. Specific lobbying issues Continued
Technology to assist disabled
antitrust
Windows 98

17. House(s) of Congress and Federal agencies contacted ☐ Check if None

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) | New |
|---|---|---|
| | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |

19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

Signature_____ Date_____

Printed Name and Title_____



MTC-00030631_0891

Registrant Name DOWNEY CHANDLER Client Name MICROSOFT CORPORATION

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. **Using a separate page for each code,** provide information as requested. Attach additional page(s) as needed.

15. General issue area code TEC (one per page)

16. Specific lobbying issues

Digital TV standards

17. House(s) of Congress and Federal agencies contacted ☐ Check if None

US Senate

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) | New |
|---|---|---|
| Kelli Emerick | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |

19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

Signature [signature] Date 8-7-98

Printed Name and Title THOMAS J. DOWNEY, CHAIRMAN

Form LD-2 (Rev.6/98)



MTC-00030631_0892

# ATTACHMENT 26

# TO THE

# DECLARATION OF BRIAN DAUTCH

Clerk of the House of Representatives
Legislative Resource Center
B-106 Cannon Building
Washington, DC 20515

Secretary of the Senate
Office of Public Records
232 Hart Building
Washington, DC 20510

LEGISLATIVE RESOURCE CENTER
99 FEB 16 PM 3:12
OFFICE OF THE CLERK
U.S. HOUSE OF REPRESENTATIVES

# LOBBYING REPORT

Lobbying Disclosure Act of 1995 (Section 5) - All Filers Are Required To Complete This Page

5

1. Registrant Name: DOWNEY CHANDLER, INC.

2. Address ☐ Check if different than previously reported: 1225 I STREET N.W. SUITE 350

3. Principal Place of Business (if different from line 2)
City: WASHINGTON State/Zip (or Country) DC 20005

4. Contact Name: Kathleen Tynan McLaughlin Telephone: 202 789 1110 E-mail (optional):

5. Senate ID #: 12573-253

6. House ID #: 31805008

7. Client Name ☐ Self: MICROSOFT CORPORATION

**TYPE OF REPORT** 8. Year 1998 Midyear (January 1-June 30) ☐ OR Year End (July 1-December 31) ☒

9. Check if this filing amends a previously filed version of this report ☐

10. Check if this is a Termination Report ☐ ⇨ Termination Date _____ 11. No Lobbying Activity ☐

## INCOME OR EXPENSES - Complete Either Line 12 OR Line 13

### 12. Lobbying Firms

INCOME relating to lobbying activities for this reporting period was:

Less than $10,000 ☐

$10,000 or more ☒ ⇨ $ 60,000
Income (nearest $20,000)

Provide a good faith estimate, rounded to the nearest $20,000, of all lobbying related income from the client (including all payments to the registrant by any other entity for lobbying activities on behalf of the client).

### 13. Organizations

EXPENSES relating to lobbying activities for this reporting period were:

Less than $10,000 ☐

$10,000 or more ☐ ⇨ $ _____
Expenses (nearest $20,000)

14. REPORTING METHOD. Check box to indicate expense accounting method. See instructions for description of options.

☐ Method A. Reporting amounts using LDA definitions only

☐ Method B. Reporting amounts under section 6033(b)(8) of the Internal Revenue Code

☐ Method C. Reporting amounts under section 162(e) of the Internal Revenue Code

Signature _____

Printed Name and Title _____



MTC-00030631_0894

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. **Using a separate page for each code,** provide information as requested. Attach additional page(s) as needed.

15. General issue area code CPI (one per page)

16. Specific lobbying issues
SOFTWARE PIRACY
ANTITRUST
COMPETITION
TECHNOLOGY + HEALTH
JUDICIARY COMMITTEE HEARING ON COMPETITION and INNOVATION
DEPARTMENT OF JUSTICE HEARING

17. House(s) of Congress and Federal agencies contacted ☐ Check if None
Senate
House of Representatives
Office of the Vice President
Department of Commerce
Department of Justice
Department of State

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) | New |
|---|---|---|
| Daniel Bross | | ☐ |
| Kelli Emerick | | ☐ |
| Rod Chandler | | ☐ |
| Tom Downey | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |

19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

Signature_____ Date_____

Printed Name and Title_____



MTC-00030631_0895

LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.

15. General issue area code TEC (one per page)

16. Specific lobbying issues

DIGITAL TV STANDARDS
COMPETITION

17. House(s) of Congress and Federal agencies contacted ☐ Check if None

Senate
House of Representatives

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) | New |
|---|---|---|
| Kelli Emerick | | ☐ |
| Rod Chandler | | ☐ |
| Tom Downey | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |

19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

Signature_____ Date_____

Printed Name and Title_____

Form LD-2 (Rev.6/98)



MTC-00030631_0896

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. **Using a separate page for each code, provide** information as requested. Attach additional page(s) as needed.

15. General issue area code IMM (one per page)

Specific lobbying issues

H.R. 3736, IMMIGRATION BILL

17. House(s) of Congress and Federal agencies contacted ☐ Check if None

OFFICE OF THE VP
SENATE
HOUSE OF REPRESENTATIVES

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) | New |
|---|---|---|
| Tom Downey | | ☐ |
| Rod Chandler | | ☐ |
| Dan Bross | | ☐ |
| Kelli Emerick | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |

19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

Signature_____ Date_____

Printed Name and Title_____

Form LD-2 (Rev.6/98)



MTC-00030631_0897

Information Update Page - Complete ONLY where registration information has changed.

20. Client new address

21. Client new principal place of business (if different from line 20)

City State/Zip (or Country)

2. New general description of client's business or activities

## LOBBYIST UPDATE

23. Name of each previously reported individual who is no longer expected to act as a lobbyist for the client

Daniel Bross

## ISSUE UPDATE

24. General lobbying issues previously reported that no longer pertain

## AFFILIATED ORGANIZATIONS

25. Add the following affiliated organization(s)

| Name | Address | Principal Place of Business (city and state or country) |
|---|---|---|
| | | |

26. Name of each previously reported organization that is no longer affiliated with the registrant or client

## FOREIGN ENTITIES

27. Add the following foreign entities

| Name | Address | Principal place of business (city and state or country) | Amount of contribution for lobbying activities | Ownership percentage in client |
|---|---|---|---|---|
| | | | | |

28. Name of each previously reported foreign entity that no longer owns, or controls, or is affiliated with the registrant, client or affiliated organization

Signature Thomas J. Downey Date 2-16-99

Printed Name and Title THOMAS J. DOWNEY, CHAIRMAN



MTC-00030631_0898

# ATTACHMENT 27

# TO THE

# DECLARATION OF BRIAN DAUTCH

Clerk of the House of Representatives
Legislative Resource Center
B-106 Cannon Building
Washington, DC 20515

Secretary of the Senate
Office of Public Records
232 Hart Building
Washington, DC 20510

RECEIVED
LEGISLATIVE RESOURCE CENTER
99 JUL 30 PM 4:28
OFFICE OF THE CLERK
U.S. HOUSE OF REPRESENTATIVES

# LOBBYING REPORT

Lobbying Disclosure Act of 1995 (Section 5) - All Filers Are Required To Complete This Page

4

1. Registrant Name
DOWNEY CHANDLER, INC

2. Address ☐ Check if different than previously reported
1225 I STREET NW SUITE 350

3. Principal Place of Business (if different from line 2)
City: Washington State/Zip (or Country) DC 20005

| 4. Contact Name | Telephone | E-mail (optional) | 5. Senate ID # |
|---|---|---|---|
| Kathleen Tynan McLaughlin | 202 789 1110 | | 12573-253 |

| 7. Client Name ☐ Self | 6. House ID # |
|---|---|
| Microsoft Corporation | 31805008 |

TYPE OF REPORT 8. Year 1999 Midyear (January 1 -June 30) ☒ OR Year End (July 1 -December 31) ☐

9. Check if this filing amends a previously filed version of this report ☐

10. Check if this is a Termination Report ☐ • Termination Date _____ 11. No Lobbying Activity ☐

## INCOME OR EXPENSES - Complete Either Line 12 OR Line 13

**12. Lobbying Firms**

INCOME relating to lobbying activities for this reporting period was:

Less than $10,000 ☐

$10,000 or more ☒ * $ 80,000
Income (nearest $20,000)

Provide a good faith estimate, rounded to the nearest $20,000, of all lobbying related income from the client (including all payments to the registrant by any other entity for lobbying activities on behalf of the client).

**13. Organizations**

EXPENSES relating to lobbying activities for this reporting period were:

Less than $10,000 ☐

$ 1 0,000 or more ☐ * $ _____
Expenses (nearest $20,000)

14. **REPORTING METHOD.** Check box to indicate expense accounting method. See instructions for description of options..

☐ Method A. Reporting amounts using LDA definitions only

☐ Method B. Reporting amounts under section 6033(b)(8)of the Internal Revenue Code

☐ Method C. Reporting amounts under section 162(e) of the Internal Revenue Code

Signature _____

Printed Name and Tide _____



MTC-00030631_0900

Registrant Name DOWNEY CHANDLER, INC Client Name Microsoft Corporation

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide i nation as requested. Attach additional page(s) as needed.

15. General issue area code TEC (one per page)

16. Specific lobbying issues

Broadband
Information Technology

17. House(s) of Congress and Federal agencies contacted ☐ Check if None

U.S. Senate
U.S. House of Representatives

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) | New |
|---|---|---|
| i Emerick | | ☐ |
| Tom Downey | | ☐ |
| Rod Chandler | | ☐ |
| Thomas P. Scott | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |

19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

Signature _____ Date _____

Printed Name and Title _____



MTC-00030631_0901

Registrant Name DOWNEY CHANDLER, INC Client Name Microsoft Corporation

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide rmation as requested. Attach additional page(s) as needed.

General issue area code CPI (one per page)

16. Specific lobbying issues

antitrust
education technology
communications issues
patent reform
Microsoft trial
intellectual property
encryption
R & D tax credit

17. House(s) of Congress and Federal agencies contacted ☐ Check if None

U.S. Senate
U.S. House of Representatives
Office of the Vice President

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) | New |
|---|---|---|
| lli Emerick | | ☐ |
| Tom Downey | | ☐ |
| Rod Chandler | | ☐ |
| Thomas P. Scott | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |

19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

Signature _____ Date _____

Printed Name and Title _____



MTC-00030631_0902

Registrant Name _____ Client Name _____

Information Update Page - Complete ONLY where registration information has changed.

20. Client new address

_____

21. Client new principal place of business (if different from line 20)

_____ State/Zip (or Country) _____

22. New general description of client's business or activities

LOBBYIST UPDATE

23. Name of each previously reported individual who is no longer expected to act as a lobbyist for the client

Rod Chandler

ISSUE UPDATE

24. General lobbying issues previously reported that no longer pertain

AFFILIATED ORGANIZATIONS

25. Add the following affiliated organization(s)

| Name | Address | Principal Place of Business (city and state or country) |
|---|---|---|
| | | |

26. Name of each previously reported organization that is no longer affiliated with the registrant or client

FOREIGN ENTITIES

27. Add the following foreign entities

| Name | Address | Principal place of business (city and state or country) | Amount of contribution for lobbying activities | Ownership percentage in client |
|---|---|---|---|---|
| | | | | |

28. Name of each previously reported foreign entity that no longer owns, or controls, or is affiliated with the registrant, client or affiliated organization

Signature Thomas J. Downey Date 7-30-99

Printed Name and Title Thomas J. Downey, Chairman

rm LD-2 (Rev. 6198)



MTC-00030631_0903

# ATTACHMENT 28

# TO THE

# DECLARATION OF BRIAN DAUTCH

Clerk of the House of Representatives
Legislative Resource Center
B-106 Cannon Building
Washington, DC 20515

Secretary of the Senate
Office of Public Records
232 Hart Building
Washington, DC 20510

RECEIVED
LEGISLATIVE RESOURCE CENTER
00 FEB 14 PM 2:23
CLERK
HOUSE OF REPRESENTATIVES

# LOBBYING REPORT

Lobbying Disclosure Act of 1995 (Section 5) - All Filers Are Required To Complete This Page

1. Registrant Name
DOWNEY McGRATH GROUP, INC.

2. Address ☐ Check if different than previously reported
1225 I STREET NW SUITE 350

3. Principal Place of Business (if different from line 2)
City: Washington State/Zip (or Country) DC 20005

| 4. Contact Name | Telephone | E-mail (optional) | 5. Senate ID # |
|---|---|---|---|
| Kathleen Tynan McLaughlin | 202 789 1110 | | 12573-253 |

| 7. Client Name ☐ Self | 6. House ID # |
|---|---|
| Microsoft | 31805008 |

TYPE OF REPORT 8. Year 1999 Midyear (January 1 -June 30) ☐ OR Year End (July 1 -December 31) ☒

9. Check if this filing amends a previously filed version of this report ☐

10. Check if this is a Termination Report ☐ * Termination Date _____ 11. No Lobbying Activity ☐

## INCOME OR EXPENSES - Complete Either Line 12 OR Line 13

### 12. Lobbying Firms

INCOME relating to lobbying activities for this reporting period was:

Less than $10,000 ☐

$10,000 or more ☒ * $ 100,000
Income (nearest $20,000)

Provide a good faith estimate, rounded to the nearest $20,000, of all lobbying related income from the client (including all payments to the registrant by any other entity for lobbying activities on behalf of the client).

### 13. Organizations

EXPENSES relating to lobbying activities for this reporting period were:

Less than $10,000 ☐

$ 1 0,000 or more ☐ * $ _____
Expenses (nearest $20,000)

14. **REPORTING METHOD.** Check box to indicate expense accounting method. See instructions for description of options..

☐ Method A. Reporting amounts using LDA definitions only

☐ Method B. Reporting amounts under section 6033(b)(8)of the Internal Revenue Code

☐ Method C. Reporting amounts under section 162(e) of the Internal Revenue Code

Signature _____

Printed Name and Tide _____



MTC-00030631_0905

Registrant Name DOWNEY McGRATH GROUP, INC. Client Name Microsoft

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which the registrant ;aged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide ›rmation as requested. Attach additional page(s) as needed.

1ɔ. General issue area code TEC (one per page)

16. Specific lobbying issues

Broadband
Information Technology
business issues
Satellite Home Viewer Act

17. House(s) of Congress and Federal agencies contacted ☐ Check if None

U.S. Senate
U.S. House of Representatives
Small Business Administration

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) | New |
|---|---|---|
| Kelli Emerick | | ☐ |
| Tom Downey | | ☐ |
| Ray McGrath | | ☐ |
| Thomas P. Scott | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |

19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

Signature _____ Date _____

›rinted Name and Title _____



MTC-00030631_0906

Registrant Name DOWNEY McGRATH GROUP, INC. Client Name Microsoft

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.

General issue area code CPI (one per page)

16. Specific lobbying issues

antitrust
education technology
communications issues
Microsoft trial
intellectual property
encryption
R & D tax credit
Digital signatures
Technology changes
Digital Divide

17. House(s) of Congress and Federal agencies contacted ☐ Check if None

U.S. Senate
U.S. House of Representatives

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) | New |
|---|---|---|
| Tom Downey | | ☐ |
| Ray McGrath | | ☐ |
| Kelli Emerick | | ☐ |
| Thomas P. Scott | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |

19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

Signature _____ Date _____

Printed Name and Title _____



MTC-00030631_0907

Registrant Name DOWNEY McGRATH GROUP, INC. Client Name Microsoft

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which the registrant gaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide formation as requested. Attach additional page(s) as needed.

.. General issue area code LBR (one per page)

16. Specific lobbying issues

Digital Divide

17. House(s) of Congress and Federal agencies contacted ☐ Check if None

U.S. Senate
U.S. House of Representatives

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) | New |
|---|---|---|
| om Scott | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |

19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

Signature Thomas J. Downey Date 2-14-00

Printed Name and Title Thomas J. Downey, Chairman

LD-2 (Rev 6/98)



MTC-00030631_0908

# ATTACHMENT 29

# TO THE

# DECLARATION OF BRIAN DAUTCH

Clerk of the House of Representatives
Legislative Resource Center
B-106 Cannon Building
Washington, DC 20515

Secretary of the Senate
Office of Public Records
232 Hart Building
Washington, DC 20510

00 AUG 11 PM 12: 15

HAND DELIVERED

# LOBBYING REPORT

Lobbying Disclosure Act of 1995 (Section 5) - All Filers Are Required To Complete This Page

4

1. Registrant Name
DOWNEY McGRATH GROUP, INC.

2. Address ☐ Check if different than previously reported
1225 I STREET NW SUITE 350

3. Principal Place of Business (if different from line 2)
City. Washington State/Zip (or Country) DC 20005

4. Contact Name: Kathleen Tynan McLaughlin
Telephone: 202 789 1110
E-mail (optional):
5. Senate ID #: 12573-253

7. Client Name ☐ Self
Microsoft
6. House ID #: 31805008

## TYPE OF REPORT

8. Year 2000 Midyear (January 1 -June 30) ☒ OR Year End (July 1 -December 31) ☐

9. Check if this filing amends a previously filed version of this report ☐

10. Check if this is a Termination Report ☐ * Termination Date _____ 11. No Lobbying Activity ☐

## INCOME OR EXPENSES - Complete Either Line 12 OR Line 13

### 12. Lobbying Firms

INCOME relating to lobbying activities for this reporting period was:

Less than $10,000 ☐

$10,000 or more ☒ * $ 80,000
Income (nearest $20,000)

Provide a good faith estimate, rounded to the nearest $20,000, of all lobbying related income from the client (including all payments to the registrant by any other entity for lobbying activities on behalf of the client).

### 13. Organizations

EXPENSES relating to lobbying activities for this reporting period were:

Less than $10,000 ☐

$ 10,000 or more ☐ * $ _____
Expenses (nearest $20,000)

14. REPORTING METHOD. Check box to indicate expense accounting method. See instructions for description of options..

☐ Method A. Reporting amounts using LDA definitions only

☐ Method B. Reporting amounts under section 6033(b)(8)of the Internal Revenue Code

☐ Method C. Reporting amounts under section 162(c) of the Internal Revenue Code

Signature _____

Printed Name and Tide _____

LD-2 (REV. 6/98)



MTC-00030631_0910

Registrant Name DOWNEY McGRATH GROUP, INC. Client Name Microsoft

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.

15. General issue area code CPI (one per page)

16. Specific lobbying issues

antitrust
communications issues
intellectual property
encryption
R&D tax credit
digital signatures
digital divide
privacy

17. House(s) of Congress and Federal agencies contacted ☐ Check if None

U.S. Senate
U.S. House of Representatives
Office of the Vice President

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) | New |
|---|---|---|
| Kelli Emerick | | ☐ |
| m Downey | | ☐ |
| Ray McGrath | | ☐ |
| Thomas P. Scott | | ☐ |
| Elaine Acevedo | | ☐ |
| | | ☐ |
| | | ☐ |

19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

Signature _____ Date _____

Printed Name and Title _____



MTC-00030631_0911

Registrant Name DOWNEY McGRATH GROUP, INC. Client Name Microsoft

LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.

15. General issue area code IMM (one per page)

16. Specific lobbying issues

H-1B Visas

17. House(s) of Congress and Federal agencies contacted ☐ Check if None

U.S. House of Representatives

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) | New |
|---|---|---|
| Kelli Emerick | | ☐ |
| homas P. Scott | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |

19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

Signature _____ Date _____

Printed Name and Title _____



MTC-00030631_0912

Registrant Name DOWNEY McGRATH GROUP, INC Client Name Microsoft Corporation

Information Update Page - Complete ONLY where registration information has changed.

20. Client new address

21. Client new principal place of business (if different from line 20)

State/Zip (or Country)

22. New general description of client's business or activities

LOBBYIST UPDATE

23. Name of each previously reported individual who is no longer expected to act as a lobbyist for the client

Kelli Emerick

ISSUE UPDATE

24. General lobbying issues previously reported that no longer pertain

AFFILIATED ORGANIZATIONS

25. Add the following affiliated organization(s)

| Name | Address | Principal Place of Business (city and state or country) |
|---|---|---|
| | | |

26. Name of each previously reported organization that is no longer affiliated with the registrant or client

FOREIGN ENTITIES

27. Add the following foreign entities

| Name | Address | Principal place of business (city and state or country) | Amount of contribution for lobbying activities | Ownership percentage in client |
|---|---|---|---|---|
| | | | | |

28. Name of each previously reported foreign entity that no longer owns, or controls, or is affiliated with the registrant, client or affiliated organization

Signature Thomas J. Downey Date August 11, 2000

Printed Name and Title Thomas J. Downey, Chairman

Form LD-2 (Rev 6/98)



MTC-00030631_0913

# ATTACHMENT 30

# TO THE

# DECLARATION OF BRIAN DAUTCH

Clerk of the House of Representatives
Legislative Resource Center
B-106 Cannon Building
Washington, DC 20515

Secretary of the Senate
Office of Public Records
232 Hart Building
Washington, DC 20510

HAND DELIVERED

LEGISLATIVE RESOURCE CENTER

2001 FEB 14 AM 2:23

OFFICE OF THE CLERK
U.S. HOUSE OF REPRESENTATIVES

# LOBBYING REPORT

4

Lobbying Disclosure Act of 1995 (Section 5) - All Filers Are Required To Complete This Page

1. Registrant Name
DOWNEY McGRATH GROUP, INC.

2. Address ☐ Check if different than previously reported
1225 I STREET NW SUITE 350

3. Principal Place of Business (if different from line 2)
City: Washington State/Zip (or Country) DC 20005

| 4. Contact Name | Telephone | E-mail (optional) | 5. Senate ID # |
|---|---|---|---|
| Kathleen Tynan McLaughlin | 202 789 1110 | | 12573-253 |

| 7. Client Name ☐ Self | 6. House ID # |
|---|---|
| Microsoft | 31805008 |

TYPE OF REPORT 8. Year 2000 Midyear (January 1 -June 30) ☐ OR Year End (July 1 -December 31) ☒

9. Check if this filing amends a previously filed version of this report ☐

10. Check if this is a Termination Report ☐ * Termination Date _____ 11. No Lobbying Activity ☐

## INCOME OR EXPENSES - Complete Either Line 12 OR Line 13

### 12. Lobbying Firms

INCOME relating to lobbying activities for this reporting period was:

Less than $10,000 ☐

$10,000 or more ☒ * $ 40,000
Income (nearest $20,000)

Provide a good faith estimate, rounded to the nearest $20,000, of all lobbying related income from the client (including all payments to the registrant by any other entity for lobbying activities on behalf of the client).

### 13. Organizations

EXPENSES relating to lobbying activities for this reporting period were:

Less than $10,000 ☐

$ 1 0,000 or more ☐ * $ _____
Expenses (nearest $20,000)

14. **REPORTING METHOD.** Check box to indicate expense accounting method. See instructions for description of options..

☐ Method A. Reporting amounts using LDA definitions only

☐ Method B. Reporting amounts under section 6033(b)(8)of the Internal Revenue Code

☐ Method C. Reporting amounts under section 162(e) of the Internal Revenue Code

Signature _____

Printed Name and Tide _____

LD-2 (REV. 6/98)



MTC-00030631_0915

Registrant Name DOWNEY McGRATH GROUP, INC. Client Name Microsoft

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.

. General issue area code CPI (one per page)

16. Specific lobbying issues

antitrust

17. House(s) of Congress and Federal agencies contacted ☐ Check if None

U.S. Senate
U.S. House of Representatives

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) | New |
|---|---|---|
| homas P. Scott | | ☐ |
| Tom Downey | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |

19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

Signature _____ Date _____

Printed Name and Title _____



MTC-00030631_0916

Registrant Name DOWNEY McGRATH GROUP, INC. Client Name Microsoft

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.

General issue area code TRD (one per page)

16. Specific lobbying issues

Permanent Normal Trade Relations with China

17. House(s) of Congress and Federal agencies contacted ☐ Check if None

U.S. Senate
U.S. House of Representatives

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) | New |
|---|---|---|
| m Scott | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |

19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

Signature _____ Date _____

Printed Name and Title _____



MTC-00030631_0917

Registrant Name DOWNEY McGRATH GROUP, INC Client Name Microsoft Corporation

Information Update Page - Complete ONLY where registration information has changed.

20. Client new address

21. Client new principal place of business (if different from line 20)

City _____ State/Zip (or Country) _____

22. New general description of client's business or activities

## LOBBYIST UPDATE

23. Name of each previously reported individual who is no longer expected to act as a lobbyist for the client

Thomas P. Scott
Ray McGrath
Elaine Acevedo

## ISSUE UPDATE

24. General lobbying issues previously reported that no longer pertain

## AFFILIATED ORGANIZATIONS

25. Add the following affiliated organization(s)

| Name | Address | Principal Place of Business (city and state or country) |
|---|---|---|
| | | |

26. Name of each previously reported organization that is no longer affiliated with the registrant or client

## FOREIGN ENTITIES

27. Add the following foreign entities

| Name | Address | Principal place of business (city and state or country) | Amount of contribution for lobbying activities | Ownership percentage in client |
|---|---|---|---|---|
| | | | | |

28. Name of each previously reported foreign entity that no longer owns, or controls, or is affiliated with the registrant, client or affiliated organization

Signature _____ Date February 14, 2001

Printed Name and Title Thomas J. Downey, Chairman



MTC-00030631_0918

# ATTACHMENT 31

# TO THE

# DECLARATION OF BRIAN DAUTCH

Clerk of the House of Representatives
Legislative Resource Center
B-106 Cannon Building
Washington, DC 20515

Secretary of the Senate
Office of Public Records
232 Hart Building
Washington, DC 20510

01 AUG 10 AM 10:00
OFFICE OF THE CLERK
U.S. HOUSE OF REPRESENTATIVES
HAND DELIVERED

# LOBBYING REPORT

Lobbying Disclosure Act of 1995 (Section 5) - All Filers Are Required To Complete This Page

(2)

1. Registrant Name
DOWNEY McGRATH GROUP, INC.

2. Address ☐ Check if different than previously reported
1225 I STREET NW SUITE 350

3. Principal Place of Business (if different from line 2)
City: Washington State/Zip (or Country) DC 20005

| 4. Contact Name | Telephone | E-mail (optional) | 5. Senate ID # |
|---|---|---|---|
| Kathleen Tynan McLaughlin | 202 789 1110 | | 12573-253 |

| 7. Client Name ☐ Self | 6. House ID # |
|---|---|
| Microsoft | 31805008 |

TYPE OF REPORT 8. Year 2001 Midyear (January 1 -June 30) ☒ OR Year End (July 1 -December 31) ☐

9. Check if this filing amends a previously filed version of this report ☐

10. Check if this is a Termination Report ☐ * Termination Date _____ 11. No Lobbying Activity ☐

## INCOME OR EXPENSES - Complete Either Line 12 OR Line 13

### 12. Lobbying Firms

INCOME relating to lobbying activities for this reporting period was:

Less than $10,000 ☐

$10,000 or more ☒ * $ 60,000
Income (nearest $20,000)

Provide a good faith estimate, rounded to the nearest $20,000, of all lobbying related income from the client (including all payments to the registrant by any other entity for lobbying activities on behalf of the client).

### 13. Organizations

EXPENSES relating to lobbying activities for this reporting period were:

Less than $10,000 ☐

$ 10,000 or more ☐ * $ _____
Expenses (nearest $20,000)

14. **REPORTING METHOD.** Check box to indicate expense accounting method. See instructions for description of options..

☐ Method A. Reporting amounts using LDA definitions only

☐ Method B. Reporting amounts under section 6033(b)(8)of the Internal Revenue Code

☐ Method C. Reporting amounts under section 162(e) of the Internal Revenue Code

Signature _____

Printed Name and Tide _____



MTC-00030631_0920

Registrant Name DOWNEY McGRATH GROUP, INC. Client Name Microsoft

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide formation as requested. Attach additional page(s) as needed.

General issue area code CPI (one per page)

16. Specific lobbying issues

Internet privacy
intellectual property issues
Microsoft case - Department of Justice antitrust suit
R & D tax credit

17. House(s) of Congress and Federal agencies contacted ☐ Check if None

U.S. Senate
U.S. House of Representatives

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) | New |
|---|---|---|
| hn Olinger | | ☐ |
| Tom Downey | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |

19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

Signature Thomas J. Downey Date August 14, 2001

Printed Name and Title Thomas J. Downey, Chairman



MTC-00030631_0921

# ATTACHMENT 32

# TO THE

# DECLARATION OF BRIAN DAUTCH

| Clerk of the House of Representatives | Secretary of the Senate |
|---|---|
| Legislative Resource Center | Office of Public Records |
| B-106 Cannon Building | 232 Hart Building |
| Washington, DC 20515 | Washington, DC 20510 |

RECEIVED
SECRETARY OF THE SENATE
00 AUG 14 PM 4:27

# LOBBYING REPORT

Lobbying Disclosure Act of 1995 (Section 5) - **All Filers Are Required To Complete This Page**

1. Registrant Name
LACKMAN & ASSOCIATES, L.L.C.

2. Address ☐ Check if different than previously reported
1101 30TH STREET N.W. SUITE 220

3. Principal Place of Business (if different from line 2)
City: WASHINGTON DC State/Zip (or Country) 20007

4. Contact Name: CAREY LACKMAN
Telephone: 202/337.3137
E-mail (optional): CAREY.LACKMAN@LACKMAN.COM
5. Senate ID #

7. Client Name ☐ Self
MICROSOFT
6. House ID #

**TYPE OF REPORT** 8. Year 2000 Midyear (January 1-June 30) ☐ OR Year End (July 1-Decembe

9. Check if this filing amends a previously filed version of this report ☐

10. Check if this is a Termination Report ☑ ⇨ Termination Date 6/30/00 11. No Lobbying Acti

## INCOME OR EXPENSES - Complete Either Line 12 OR Line 13

**12. Lobbying Firms**

**INCOME** relating to lobbying activities for this reporting period was:

Less than $10,000 ☐

$10,000 or more ☑ ⇨ $ 17,500
Income (nearest $20,000)

Provide a good faith estimate, rounded to the nearest $20,000, of all lobbying related income from the client (including all payments to the registrant by any other entity for lobbying activities on behalf of the client).

**13. Organizations**

**EXPENSES** relating to lobbying activities for this reporting period were:

Less than $10,000 ☐

$10,000 or more ☐ ⇨ $ _____
Expenses (nearest $20,000)

14. **REPORTING METHOD.** Check box to indicate expe accounting method. See instructions for description of optio

☐ Method A. Reporting amounts using LDA definitions c

☐ Method B. Reporting amounts under section 6033(b)(8 Internal Revenue Code

☐ Method C. Reporting amounts under section 162(e) of

| | Internal Revenue Code |
|---|---|

Signature: C Lackman

Printed Name and Title: CAREY LACKMAN, MANAGER

LD-2 (REV. 6/98)



MTC-00030631_0924

Back

[redacted] Number of Pages: 2
Current Page: 2

Registrant Name LACKMAN & ASSOCIATES, L.L.C. Client Name MICROSOFT

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which the regist engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, pro information as requested. Attach additional page(s) as needed.

15. General issue area code CPI (one per page)

16. Specific lobbying issues

ANTITRUST

17. House(s) of Congress and Federal agencies contacted ☐ Check if None

U.S. SENATE

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) |
|---|---|
| CAREY LACKMAN | N/A |
| | |
| | |
| | |
| | |
| | |
| | |

19. Interest of each foreign entity in the specific issues listed on line 16 above ☐ Check if None

Signature C Lackman Date 8/14/00

Printed Name and Title CAREY LACKMAN, MANAGER

Form LD-2 (Rev.6/98) Page 2 of

# ATTACHMENT 33

# TO THE

# DECLARATION OF BRIAN DAUTCH

RECEIVED
LEGISLATIVE RESOURCE CENTER

00 FEB -2 PM 3:38

OFFICE OF THE CLERK
HOUSE OF REPRESENTATIVES

4

| Clerk of the House of Representatives | Secretary of the Senate |
|---|---|
| Legislative Resource Center | Office of Public Records |
| B-106 Cannon Building | 232 Hart Building |
| Washington, DC 20515 | Washington, DC 20510 |

# LOBBYING REPORT

Lobbying Disclosure Act of 1995 (Section 5) - **All Filers Are Required To Complete This Page**

1. Registrant Name
McSlarrow & Associates, L.L.C.

2. Address ☐ Check if different than previously reported
14842 North 18th Place, Phoenix, Arizona 85022

3. Principal Place of Business (if different from line 2)
City: State/Zip (or Country)

4. Contact Name: Alison H. McSlarrow
Telephone: (602) 482-3150
E-mail (optional):

5. Senate ID #: 48703-12

7. Client Name ☐ Self
Microsoft Corporation

6. House ID #: 34541002

**TYPE OF REPORT** 8. Year 1999 Midyear (January 1-June 30) ☐ **OR** Year End (July 1-December 31) ☒

9. Check if this filing amends a previously filed version of this report ☐

10. Check if this is a Termination Report ☐ ⇨ Termination Date _____ 11. No Lobbying Activity ☐

## INCOME OR EXPENSES - Complete Either Line 12 OR Line 13

### 12. Lobbying Firms

**INCOME** relating to lobbying activities for this reporting period was:

Less than $10,000 ☐

$10,000 or more ☒ ⇨ $ 40,000
Income (nearest $20,000)

Provide a good faith estimate, rounded to the nearest $20,000, of all lobbying related income from the client (including all payments to the registrant by any other entity for lobbying activities on behalf of the client).

### 13. Organizations

**EXPENSES** relating to lobbying activities for this reporting period were:

Less than $10,000 ☐

$10,000 or more ☐ ⇨ $ _____
Expenses (nearest $20,000)

**14. REPORTING METHOD.** Check box to indicate expense accounting method. See instructions for description of options.

☐ **Method A.** Reporting amounts using LDA definitions only

☐ **Method B.** Reporting amounts under section 6033(b)(8)of the Internal Revenue Code

☐ **Method C.** Reporting amounts under section 162(e) of the Internal Revenue Code

Signature _____

Printed Name and Title _____



MTC-00030631_0928

Registrant Name McSlarrow & Assoc. Client Name Microsoft Corporation

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. **Using a separate page for each code,** provide information as requested. Attach additional page(s) as needed.

15. General issue area code COM (one per page)

16. Specific lobbying issues

S. 247, Satellite Home Viewers Improvements Act, provisions relating to video streaming

H.R. 1554, Satellite Copyright, Competition, and Consumer Protection Act, provisions relating to video streaming

17. House(s) of Congress and Federal agencies contacted ☐ Check if None

U.S. Senate

U.S. House of Representatives

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) | New |
|---|---|---|
| Alison H. McSlarrow | Deputy Chief of Staff to Senate | ☐ |
| | Majority Leader Trent Lott | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |

19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

Signature _____ Date January 21, 2000

Printed Name and Title Alison H. McSlarrow, President



MTC-00030631_0929

Registrant Name McSlarrow & Assoc. Client Name Microsoft Corporation

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. **Using a separate page for each code,** provide information as requested. Attach additional page(s) as needed.

15. General issue area code CPI (one per page)

16. Specific lobbying issues

Competition in the software industry

17. House(s) of Congress and Federal agencies contacted ☐ Check if None

U.S. Senate

U.S. House of Representatives

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) | New |
|---|---|---|
| Alison H. McSlarrow | Deputy Chief of Staff to Senate | ☐ |
| | Majority Leader Trent Lott | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |

19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

Signature _____ Date _____

Printed Name and Title _____



MTC-00030631_0930

Registrant Name McSlarrow & Assoc. Client Name Microsoft Corporation

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. **Using a separate page for each code,** provide information as requested. Attach additional page(s) as needed.

15. General issue area code CSP (one per page)

16. Specific lobbying issues

S. 761, Millenium Digital Signature Commerce Act, all provisions

H.R. 1774, Electronic Signatures in Global and National Commerce Act, all provisions

H.R. 775/S. 96 (P.L. 106-37), Year 2000 Readiness and Responsibility Act, all provisions

17. House(s) of Congress and Federal agencies contacted ☐ Check if None

U.S. Senate

U.S. House of Representatives

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) | New |
|---|---|---|
| Alison H. McSlarrow | Deputy Chief of Staff to Senate | ☐ |
| | Majority Leader Trent Lott | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |

19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

Signature Alison H. McSl Date January 21, 2000

Printed Name and Title Alison H. McSlarrow, President



MTC-00030631_0931

# ATTACHMENT 34

# TO THE

# DECLARATION OF BRIAN DAUTCH

LEGISLATIVE RESOURCE CENTER

2000 AUG 14 PM 4:21

OFFICE OF THE CLERK
U.S. HOUSE OF REPRESENTATIVES

AUG 11 2000

5

| Clerk of the House of Representatives | Secretary of the Senate |
|---|---|
| Legislative Resource Center | Office of Public Records |
| B-106 Cannon Building | 232 Hart Building |
| Washington, DC 20515 | Washington, DC 20510 |

# LOBBYING REPORT

Lobbying Disclosure Act of 1995 (Section 5) - **All Filers Are Required To Complete This Page**

1. Registrant Name
McSlarrow Consulting L.L.C. (formerly McSlarrow & Associates L.L.C.)

2. Address ☒ Check if different than previously reported
6551 Kristina Ursula Court, Falls Church, Virginia 22044

3. Principal Place of Business (if different from line 2)
City: State/Zip (or Country)

4. Contact Name: Alison H. McSlarrow
Telephone: (703) 658-0138
E-mail (optional):

5. Senate ID #: 48703-12

7. Client Name ☐ Self
Microsoft Corporation

6. House ID #: 34541002

**TYPE OF REPORT** 8. Year 2000 Midyear (January 1-June 30) ☒ OR Year End (July 1-December 31) ☐

9. Check if this filing amends a previously filed version of this report ☐

10. Check if this is a Termination Report ☐ ➪ Termination Date _____ 11. No Lobbying Activity ☐

## INCOME OR EXPENSES - Complete Either Line 12 OR Line 13

### 12. Lobbying Firms

**INCOME** relating to lobbying activities for this reporting period was:

Less than $10,000 ☐

$10,000 or more ☒ ➪ $ 40,000
Income (nearest $20,000)

Provide a good faith estimate, rounded to the nearest $20,000, of all lobbying related income from the client (including all payments to the registrant by any other entity for lobbying activities on behalf of the client).

### 13. Organizations

**EXPENSES** relating to lobbying activities for this reporting period were:

Less than $10,000 ☐

$10,000 or more ☐ ➪ $ _____
Expenses (nearest $20,000)

**14. REPORTING METHOD.** Check box to indicate expense accounting method. See instructions for description of options.

☐ Method A. Reporting amounts using LDA definitions only

☐ Method B. Reporting amounts under section 6033(b)(8)of the Internal Revenue Code

☐ Method C. Reporting amounts under section 162(e) of the Internal Revenue Code

Signature _____

Printed Name and Title _____



MTC-00030631_0933

Registrant Name McSlarrow Consulting Client Name Microsoft Corporation

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. **Using a separate page for each code,** provide information as requested. Attach additional page(s) as needed.

15. General issue area code CPI (one per page)

16. Specific lobbying issues

Competition in the software industry

17. House(s) of Congress and Federal agencies contacted ☐ Check if None

U.S. Senate

U.S. House of Representatives

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) | New |
|---|---|---|
| Alison H. McSlarrow | Deputy Chief of Staff to | ☐ |
| | Senate Majority Leader Trent Lott | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |

19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

Signature _____ Date _____

Printed Name and Title _____



MTC-00030631_0934

Registrant Name McSlarrow Consulting Client Name Microsoft Corporation

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. **Using a separate page for each code, provide** information as requested. Attach additional page(s) as needed.

15. General issue area code CSP (one per page)

16. Specific lobbying issues

S. 761, Millenium Digital Signature Commerce Act, all provisions

H.R. 1714, Electronic Signatures in Global and National Commerce Act, all provisions

17. House(s) of Congress and Federal agencies contacted ☐ Check if None

U.S. Senate

U.S. House of Representatives

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) | New |
|---|---|---|
| Alison H. McSlarrow | Deputy Chief of Staff to | ☐ |
| | Senate Majority Leader Trent Lott | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |

19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

Signature _____ Date _____

Printed Name and Title _____



MTC-00030631_0935

Registrant Name McSlarrow Consulting Client Name Microsoft Corporation

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. **Using a separate page for each code,** provide information as requested. Attach additional page(s) as needed.

15. General issue area code IMM (one per page)

16. Specific lobbying issues

S. 2045, American Competitiveness in the 21st Century Act, all provisions

H.R. 3983, Helping Improve Technology Education and Achievement Act, all provisions

H.R. 4227, Technology Worker Temporary Relief act, all provisions

17. House(s) of Congress and Federal agencies contacted ☐ Check if None

U.S. Senate

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) | New |
|---|---|---|
| Alison H. McSlarrow | Deputy Chief of Staff to | ☐ |
| | Senate Majority Leader Trent Lott | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |

19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

Signature _____ Date _____

Printed Name and Title _____



MTC-00030631_0936

Registrant Name McSlarrow Consulting Client Name Microsoft Corporation

**Information Update Page** - **Complete ONLY where registration information has changed.**

20. Client new address

21. Client new principal place of business (if different from line 20)

City State/Zip (or Country)

22. New general description of client's business or activities

## LOBBYIST UPDATE

23. Name of each previously reported individual who is **no longer** expected to act as a lobbyist for the client

## ISSUE UPDATE

24. General lobbying issues previously reported that **no longer** pertain

COM

## AFFILIATED ORGANIZATIONS

25. Add the following affiliated organization(s)

| Name | Address | Principal Place of Business (city and state or country) |
|---|---|---|
| | | |

26. Name of each previously reported organization that is **no longer** affiliated with the registrant or client

## FOREIGN ENTITIES

27. Add the following foreign entities

| Name | Address | Principal place of business (city and state or country) | Amount of contribution for lobbying activities | Ownership percentage in client |
|---|---|---|---|---|
| | | | | |

28. Name of each previously reported foreign entity that **no longer** owns, or controls, or is affiliated with the registrant, client or affiliated organization

Signature Alison H. McSlarrow Date August 10, 2000

Printed Name and Title Alison H. McSlarrow, President

Form LD-2 (Rev. 6/98) Page 5 of 5

# ATTACHMENT 35

# TO THE

# DECLARATION OF BRIAN DAUTCH

LEGISLATIVE RESOURCE CENTER

2001 FEB 15 PM 3:26

OFFICE OF THE CLERK
U.S. HOUSE OF REPRESENTATIVES

FEB 12 2001

| Clerk of the House of Representatives | Secretary of the Senate |
|---|---|
| Legislative Resource Center | Office of Public Records |
| B-106 Cannon Building | 232 Hart Building |
| Washington, DC 20515 | Washington, DC 20510 |

# LOBBYING REPORT

Lobbying Disclosure Act of 1995 (Section 5) - **All Filers Are Required To Complete This Page**

(4)

1. Registrant Name
McSlarrow Consulting L.L.C.

2. Address ☐ Check if different than previously reported
6551 Kristina Ursula Court, Falls Church, Virginia 22044

3. Principal Place of Business (if different from line 2)
City: State/Zip (or Country)

4. Contact Name: Alison McSlarrow
Telephone: 703-658-0138
E-mail (optional):

5. Senate ID #: 48703-12

7. Client Name ☐ Self
Microsoft Corporation

6. House ID #: 34541002

**TYPE OF REPORT** 8. Year 2000 Midyear (January 1-June 30) ☐ OR Year End (July 1-December 31) ☒

9. Check if this filing amends a previously filed version of this report ☐

10. Check if this is a Termination Report ☐ ⇨ Termination Date _____ 11. No Lobbying Activity ☐

## INCOME OR EXPENSES - Complete Either Line 12 OR Line 13

### 12. Lobbying Firms

**INCOME** relating to lobbying activities for this reporting period was:

Less than $10,000 ☐

$10,000 or more ☒ ⇨ $ 60,000
Income (nearest $20,000)

Provide a good faith estimate, rounded to the nearest $20,000, of all lobbying related income from the client (including all payments to the registrant by any other entity for lobbying activities on behalf of the client).

### 13. Organizations

**EXPENSES** relating to lobbying activities for this reporting period were:

Less than $10,000 ☐

$10,000 or more ☐ ⇨ $ _____
Expenses (nearest $20,000)

**14. REPORTING METHOD.** Check box to indicate expense accounting method. See instructions for description of options.

☐ Method A. Reporting amounts using LDA definitions only

☐ Method B. Reporting amounts under section 6033(b)(8)of the Internal Revenue Code

☐ Method C. Reporting amounts under section 162(e) of the Internal Revenue Code

Signature _____

Printed Name and Title _____

LD-2 (REV. 6/98)



MTC-00030631_0939

Registrant Name McSlarrow Consulting Client Name Microsoft Corporation

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. **Using a separate page for each code,** provide information as requested. Attach additional page(s) as needed.

15. General issue area code CPI (one per page)

16. Specific lobbying issues

Competition in the software industry

17. House(s) of Congress and Federal agencies contacted ☐ Check if None

U.S. Senate

U.S. House of Representatives

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) | New |
|---|---|---|
| Alison McSlarrow | Deputy Chief of Staff to | ☐ |
| | Senate Majority Leader Trent Lott | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |

19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

Signature _____ Date February 2, 2001

Printed Name and Title Alison H. McSlarrow, President



MTC-00030631_0940

Registrant Name McSlarrow Consulting Client Name Microsoft Corporation

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. **Using a separate page for each code,** provide information as requested. Attach additional page(s) as needed.

15. General issue area code IMM (one per page)

16. Specific lobbying issues

S. 2045, American Competitiveness in the 21st Century Act, all provisions

H.R. 3983, Helping Improve Technology Education and Achievement Act, all provisions

H.R. 4227, Technology Worker Temporary Relief Act, all provisions

17. House(s) of Congress and Federal agencies contacted ☐ Check if None

U.S. Senate

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) | New |
|---|---|---|
| Alison H. McSlarrow | Deputy Chief of Staff to | ☐ |
| | Senate Majority Leader Trent Lott | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |

19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

Signature _____ Date _____

Printed Name and Title _____



MTC-00030631_0941

Registrant Name McSlarrow Consulting Client Name Microsoft Corporation

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. **Using a separate page for each code**, provide information as requested. Attach additional page(s) as needed.

15. General issue area code TEC (one per page)

16. Specific lobbying issues

Interoperability of instant messaging

17. House(s) of Congress and Federal agencies contacted ☐ Check if None

U.S. Senate

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) | New |
|---|---|---|
| Alison H. McSlarrow | Deputy Chief of Staff to | ☐ |
| | Senate Majority Leader Trent Lott | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |

19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

Signature Alison H. McSlarrow Date February 2, 2001

Printed Name and Title Alison H. McSlarrow, President



MTC-00030631_0942

# ATTACHMENT 36

# TO THE

# DECLARATION OF BRIAN DAUTCH

AUG 14 2001

LEGISLATIVE RESOURCE CENTER

2001 AUG 15 PM 12:58

OFFICE OF THE CLERK
U.S. HOUSE OF REPRESENTATIVES

| Clerk of the House of Representatives | Secretary of the Senate |
|---|---|
| Legislative Resource Center | Office of Public Records |
| B-106 Cannon Building | 232 Hart Building |
| Washington, DC 20515 | Washington, DC 20510 |

# LOBBYING REPORT

Lobbying Disclosure Act of 1995 (Section 5) - **All Filers Are Required To Complete This Page**

5

1. Registrant Name
McSlarrow Consulting L.L.C.

2. Address ☐ Check if different than previously reported
6551 Kristina Ursula Court, Falls Church, Virginia 22044

3. Principal Place of Business (if different from line 2)
City: State/Zip (or Country)

4. Contact Name: Alison McSlarrow
Telephone: 703-658-0138
E-mail (optional):

5. Senate ID #: 48703-12

7. Client Name ☐ Self
Microsoft Corporation

6. House ID #: 34541002

**TYPE OF REPORT** 8. Year 2001 Midyear (January 1-June 30) ☒ **OR** Year End (July 1-December 31) ☐

9. Check if this filing amends a previously filed version of this report ☐

10. Check if this is a Termination Report ☐ ⇨ Termination Date _____ 11. No Lobbying Activity ☐

## INCOME OR EXPENSES - Complete Either Line 12 OR Line 13

### 12. Lobbying Firms

**INCOME** relating to lobbying activities for this reporting period was:

Less than $10,000 ☐

$10,000 or more ☒ ⇨ $ 60,000
Income (nearest $20,000)

Provide a good faith estimate, rounded to the nearest $20,000, of all lobbying related income from the client (including all payments to the registrant by any other entity for lobbying activities on behalf of the client).

### 13. Organizations

**EXPENSES** relating to lobbying activities for this reporting period were:

Less than $10,000 ☐

$10,000 or more ☐ ⇨ $ _____
Expenses (nearest $20,000)

**14. REPORTING METHOD.** Check box to indicate expense accounting method. See instructions for description of options.

☐ Method A. Reporting amounts using LDA definitions only

☐ Method B. Reporting amounts under section 6033(b)(8)of the Internal Revenue Code

☐ Method C. Reporting amounts under section 162(e) of the Internal Revenue Code

Signature _____

Printed Name and Title _____



MTC-00030631_0944

Registrant Name McSlarrow Consulting Client Name Microsoft Corporation

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. **Using a separate page for each code,** provide information as requested. Attach additional page(s) as needed.

15. General issue area code CPI (one per page)

16. Specific lobbying issues

Competition in the software industry

17. House(s) of Congress and Federal agencies contacted ☐ Check if None

U.S. Senate

U.S. House of Representatives

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) | New |
|---|---|---|
| Alison McSlarrow | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |

19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

Signature _____ Date _____

Printed Name and Title _____



MTC-00030631_0945

Registrant Name McSlarrow Consulting Client Name Microsoft Corporation

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. **Using a separate page for each code**, provide information as requested. Attach additional page(s) as needed.

15. General issue area code CPT (one per page)

16. Specific lobbying issues

Software piracy, counterfeiting, and protection of intellectual property rights

17. House(s) of Congress and Federal agencies contacted ☐ Check if None

U.S. Senate

U.S. House of Representatives

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) | New |
|---|---|---|
| Alison H. McSlarrow | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |

19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

Signature _____ Date _____

Printed Name and Title _____



MTC-00030631_0946

Registrant Name McSlarrow Consulting Client Name Microsoft Corporation

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. **Using a separate page for each code**, provide information as requested. Attach additional page(s) as needed.

15. General issue area code CSP (one per page)

16. Specific lobbying issues

Internet privacy

S. 803, E-government Act of 2001, all provisions

17. House(s) of Congress and Federal agencies contacted ☐ Check if None

U.S. Senate

U.S. House of Representatives

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) | New |
|---|---|---|
| Alison H. McSlarrow | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |

19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

Signature _____ Date _____

Printed Name and Title _____



MTC-00030631_0947

Registrant Name McSlarrow Consulting Client Name Microsoft Corporation

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. **Using a separate page for each code,** provide information as requested. Attach additional page(s) as needed.

15. General issue area code TAX (one per page)

16. Specific lobbying issues

S. 512, Internet Tax Moratorium and Equity Act, all provisions
S. 589, A bill to make permanent the moratorium on the imposition of taxes on the Internet, all provisions
S. 664, New Economy Tax Fairness Act, all provisions
S. 41, To amend the Internal Revenue Code of 1986 to permanently extend the research credit, all provisions
H.R. 1836, Economic Growth and Tax Relief Reconciliation Act of 2001, research and development tax credit provisions

17. House(s) of Congress and Federal agencies contacted ☐ Check if None

U.S. Senate

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) | New |
|---|---|---|
| Alison H. McSlarrow | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |
| | | ☐ |

19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

Signature [signature] Date August 12, 2001

Printed Name and Title Alison H. McSlarrow, President

Form LD-2 (Rev.6/98)



MTC-00030631_0948

# ATTACHMENT 37

# TO THE

# DECLARATION OF BRIAN DAUTCH

Clerk of the House of Representatives
Legislative Resource Center
B-106 Cannon Building
Washington, DC 20515

Secretary of the Senate
Office of Public Records
232 Hart Building
Washington, DC 20510

RECEIVED
SECRETARY OF THE SENATE
00 AUG 14 PM 3:34

# LOBBYING REPORT

Lobbying Disclosure Act of 1995 (Section 5) - All Filers Are Required To Complete This Page

1. Registrant Name
Microsoft Corporation

2. Address ☐ Check if different than previously reported
21 Dupont Circle, NW, 5th Floor, Washington, DC 20036

3. Principal Place of Business (if different from line 2)
City: Redmond State/Zip (or Country) WA 98052

4. Contact Name: Jack Krumholtz
Telephone: 202-263-5900
E-mail (optional)

5. Senate ID #: 25204-12

7. Client Name ☒ Self

6. House ID #: 31174000

**TYPE OF REPORT** 8. Year 2000 Midyear (January 1-June 30) ☒ OR Year End (July 1-December

9. Check if this filing amends a previously filed version of this report ☐

10. Check if this is a Termination Report ☐ ⇒ Termination Date _____ 11. No Lobbying Activi

**INCOME OR EXPENSES** - Complete Either Line 12 OR Line 13

**12. Lobbying Firms**

INCOME relating to lobbying activities for this reporting period was:

Less than $10,000 ☐

$10,000 or more ☐ ⇒ $ _____
Income (nearest $20,000)

Provide a good faith estimate, rounded to the nearest $20,000, of all lobbying related income from the client (including all payments to the registrant by any other entity for lobbying activities on behalf of the client).

**13. Organizations**

EXPENSES relating to lobbying activities for this reporting period were:

Less than $10,000 ☐

$10,000 or more ☒ ⇒ $ 3,340,000
Expenses (nearest $20,000)

14. REPORTING METHOD. Check box to indicate expens accounting method. See instructions for description of options

☐ Method A. Reporting amounts using LDA definitions onl

☐ Method B. Reporting amounts under section 6033(b)(8)c Internal Revenue Code

☒ Method C. Reporting amounts under section 162(e) of th Internal Revenue Code

Signature: Jack Krumholtz

Printed Name and Title: Jack Krumholtz, Director of Federal Government Affairs,

MTC-00030631_0950

Registrant Name Microsoft Corporation Client Name Self

LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registr engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, prov information as requested. Attach additional page(s) as needed.

15. General issue area code IMM (one per page)

16. Specific lobbying issues
H.R. 3983, Helping to Improve Technology Education and Achievement Act of 2000
H.R. 4227, Technology Worker Temporary Relief Act
S. 2045, American Competitiveness in the Twenty-First Century Act of

17. House(s) of Congress and Federal agencies contacted ☐ Check if None
Senate
House of Representatives
Department of Commerce
National Economic Council
Office of the President

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) |
|---|---|
| Jack Krumholtz | |
| Eric Koenig | |
| Kerry Knott | Chief of Staff House Majority Leader Richard Arm |
| Kent Knutson | |
| Tom Jurkovich | Deputy Asst. Sec. for Intergovernmer Affairs, US Dept. of Commerce |
| John Sampson | |
| James Houton | Associate Director, Senate Democrat Steering and Coordination Committee |
| Ira Rubinstein | |
| Julie Inman | |

19. Interest of each foreign entity in the specific issues listed on line 16 above ☐ Check if None

Signature [signature] Date 8/11/2000

Printed Name and Title Jack Krumholtz, Director of Federal Government Affairs, Associate General Counsel

Registrant Name Microsoft Corporation Client Name Self

LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registr engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, prov information as requested. Attach additional page(s) as needed.

15. General issue area code CPT (one per page)

16. Specific lobbying issues

H.R. 354, Collections of Information Antipiracy Act
H.R. 4690, Departments of Commerce, Justice and State, the Judiciary, and Related Agencies Appropriations Act, 2001, relating to copyright and patent issues
House Amendment 889 to H.R. 4690, Amendment to increase funding for US Patent and Trademark offices
Software Piracy, Counterfeiting and Copyright Protection

17. House(s) of Congress and Federal agencies contacted ☐ Check if None

Senate
House of Representatives
Office of the Vice President
Department of Commerce
Department of State
United States Trade Representative
Department of Justice
National Economic Council

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) |
|---|---|
| Jack Krumholtz | |
| Eric Koenig | |
| Kerry Knott | Chief of Staff House Majority Leader Richard Arm |
| Kent Knutson | |
| Tom Jurkovich | Deputy Asst. Sec. for Intergovernmer Affairs, US Dept. of Commerce |
| John Sampson | |
| James Houton | Associate Director, Senate Democrat Steering and Coordination Committee |

19. Interest of each foreign entity in the specific issues listed on line 16 above ☐ Check if None

Signature Jack Krumholtz Date 8/11/2000

Printed Name and Title Jack Krumholtz, Director of Federal Government Affairs, Associate General Counsel

Registrant Name Microsoft Corporation Client Name Self

LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registr engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, prov information as requested. Attach additional page(s) as needed.

15. General issue area code TEC (one per page)

16. Specific lobbying issues

H.R. 1685, Internet Growth and Development Act of 1999
H.R. 1686, Internet Freedom Act
Interoperability of Instant Messaging
Encouraging development and roll out of broadband technologies

17. House(s) of Congress and Federal agencies contacted ☐ Check if None

Senate
House of Representatives
Department of Commerce
Federal Communications Commission

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) |
|---|---|
| Jack Krumholtz | |
| Eric Koenig | |
| Kerry Knott | Chief of Staff House Majority Leader Richard Arm |
| Kent Knutson | |
| Tom Jurkovich | Deputy Asst. Sec. for Intergovernmer Affairs, US Dept. of Commerce |
| John Sampson | |
| James Houton | Associate Director, Senate Democrat Steering and Coordination Committee |
| Marc Berejka | |

19. Interest of each foreign entity in the specific issues listed on line 16 above ☐ Check if None

Signature [signature] Date 8/11/2000

Printed Name and Title Jack Krumholtz, Director of Federal Government Affairs, Associate General Counsel

Registrant Name Microsoft Corporation Client Name Self

LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registr engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, prov information as requested. Attach additional page(s) as needed.

15. General issue area code TAX (one per page)

16. Specific lobbying issues

H.R. 3709, Internet Nondiscrimination Act
H.R. 4267, Internet Tax Reform and Reduction Act of 2000
H.R. 4460, Internet Tax Simplification Act of 2000
H.R. 4462, Interstate Sales and Use Tax Compact of 2000
S. 2401, New Economy Tax Simplification Act (NETSA)
S. 2775, Internet Tax Moratorium and Equity Act
S. 1611, To Amend the Internet Tax Freedom Act
S. 2323; H.R. 4109; H.R. 4182, Worker Economic Opportunity Act

17. House(s) of Congress and Federal agencies contacted ☐ Check if None

Senate
House of Representatives
Department of Treasury
Joint Committee on Taxation

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) |
|---|---|
| Jack Krumholtz | |
| Eric Koenig | |
| Kerry Knott | Chief of Staff House Majority Leader Richard Arm |
| Kent Knutson | |
| Tom Jurkovich | Deputy Asst. Sec. for Intergovernme Affairs, US Dept. of Commerce |
| John Sampson | |
| James Houton | Associate Director, Senate Democra Steering and Coordination Committe |

19. Interest of each foreign entity in the specific issues listed on line 16 above ☐ Check if None

Signature [signature] Date 8/11/2000

Printed Name and Title Jack Krumholtz, Director of Federal Government Affairs, Associate General Counsel

Microsoft Corporation

General Issue Area: TAX

Foreign Sales Corporation Dispute Pending at WTO

Name of each individual who acted as a lobbyist in this issue are

Marc Berejka
Julie Inman
Bill Sample

Registrant Name Microsoft Corporation Client Name Self

LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registr engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, prov information as requested. Attach additional page(s) as needed.

15. General issue area code TRD (one per page)

16. Specific lobbying issues

H.R. 4444, US-China Relations Act of 2000 (PNTR)
S. 2645, China Nonproliferation Act
S. 2277, A bill to terminate the applications of Title IV of the Trad Act of 1974 with respect to the People's Republic of China
World Trade Organization (a) Agreement on Trade-Related Intellectual Property Rights (TRIPS); (b) Post Seattle WTO Ministerial met and related e-commerce and trade issues
Foreign Sales Corporation Dispute Pending at WTO

17. House(s) of Congress and Federal agencies contacted ☐ Check if None

Senate
House of Representatives
US Trade Representatives
Department of State
Department of Commerce
National Economic Council

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) |
|---|---|
| Jack Krumholtz | |
| Eric Koenig | |
| Kerry Knott | Chief of Staff House Majority Leader Richard Arm |
| Kent Knutson | |
| Tom Jurkovich | Deputy Asst. Sec. for Intergovernmer Affairs, US Dept. of Commerce |
| John Sampson | |
| James Houton | Associate Director, Senate Democrat Steering and Coordination Committee |
| Julie Inman | |
| Bill Sample | |

19. Interest of each foreign entity in the specific issues listed on line 16 above ☐ Check if None

Signature Jack Krumholtz Date 8/11/2000

Printed Name and Title Jack Krumholtz, Director of Federal Government Affairs, Associate General Counsel

7



MTC-00030631_0956

Registrant Name Microsoft Corporation Client Name Self

LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registr engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, prov information as requested. Attach additional page(s) as needed.

15. General issue area code CPI (one per page)

16. Specific lobbying issues
H.R. 4246, Cyber Security Information Act
S. 2448, Internet Integrity and Critical Infrastructure Protection Act of 2000
Competition in the Software Industry
Promoting Protection of Critical Infrastructures

17. House(s) of Congress and Federal agencies contacted ☐ Check if None
Senate
House of Representatives
Department of Justice
National Security Agency
Federal Bureau of Investigation
Department of Commerce
Department of Defense

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) |
|---|---|
| Jack Krumholtz | |
| Eric Koenig | |
| Kerry Knott | Chief of Staff House Majority Leader Richard Arm |
| Kent Knutson | |
| Tom Jurkovich | Deputy Asst. Sec. for Intergovernmen Affairs, US Dept. of Commerce |
| John Sampson | |
| James Houton | Associate Director, Senate Democrat Steering and Coordination Committee |

19. Interest of each foreign entity in the specific issues listed on line 16 above ☐ Check if None

Signature Jack Krumholtz Date 8/11/2000

Printed Name and Title Jack Krumholtz, Director of Federal Government Affairs, Associate General Counsel



MTC-00030631_0957

Microsoft Corporation

General Issue Area: CPI

Name of each individual who acted as a lobbyist in this issue area:

Marc Berejka
Bill Guidera
Ira Rubinstein
Mike Egan
John Kelly
Ed Tobin

Registrant Name Microsoft Corporation Client Name Self

LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registr engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, prov information as requested. Attach additional page(s) as needed.

15. General issue area code CSP (one per page)

16. Specific lobbying issues
H.R. 1714, Electronic Signatures in Global and National Commerce Act
S. 761, Millennium Digital Commerce Act (Digital Signatures)
S. 2063, Secure Online Communication Enforcement Act of 2000
S. 854, Electronic Rights for the 21stCentury Act
S. 2448, Internet Integrity and Critical Infrastructures Protection Act of 2000
S. 2606, Consumer Privacy Protection Act
H.R. 4049, Privacy Commission Act
H.R. 1685, Internet Growth and Development Act

17. House(s) of Congress and Federal agencies contacted ☐ Check if None
Senate
House of Representatives
White House
Department of Commerce
Federal Communications Commission
Federal Trade Commission
Department of State

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) |
|---|---|
| Jack Krumholtz | |
| Eric Koenig | |
| Kerry Knott | Chief of Staff House Majority Leader Richard Arm |
| Kent Knutson | |
| Tom Jurkovich | Deputy Asst. Sec. for Intergovernmer Affairs, US Dept. of Commerce |
| John Sampson | |
| James Houton | Associate Director, Senate Democrat Steering and Coordination Committee |

19. Interest of each foreign entity in the specific issues listed on line 16 above ☐ Check if None

Signature Jack Krumholtz Date 8/11/2000

Printed Name and Title Jack Krumholtz, Director of Federal Government Affairs, Associate General Counsel

http://sopr.senate.gov/cgi-win/opr_gifviewer.exe?

Microsoft Corporation

General Issue Area: CSP

Specific lobbying issues

International Online Consumer Protection, Privacy and Jurisdictional Issues

Name of each individual who acted as a lobbyist in this issue are

Marc Berejka
Bill Guidera

Registrant Name Microsoft Corporation Client Name Self

LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registr engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, prov information as requested. Attach additional page(s) as needed.

15. General issue area code LBR (one per page)

16. Specific lobbying issues

H.R. 3462, Wealth through the Workplace Act of 1999
H.R. 1102, Comprehensive Retirement Security and Pension Reform Act

17. House(s) of Congress and Federal agencies contacted ☐ Check if None

Senate
House of Representatives
Department of Labor

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) |
|---|---|
| Jack Krumholtz | |
| Eric Koenig | |
| Kerry Knott | Chief of Staff House Majority Leader Richard Arm |
| Kent Knutson | |
| Tom Jurkovich | Deputy Asst. Sec. for Intergovernmer Affairs, US Dept. of Commerce |
| John Sampson | |
| James Houton | Associate Director, Senate Democrat Steering and Coordination Committee |
| Julie Inman | |
| Bill Sample | |

19. Interest of each foreign entity in the specific issues listed on line 16 above ☐ Check if None

Signature Jack Krumholtz Date 8/11/2000

Printed Name and Title Jack Krumholtz, Director of Federal Government Affairs, Associate General Counsel

# ATTACHMENT 38

# TO THE

# DECLARATION OF BRIAN DAUTCH

SECRETARY OF THE SENATE
CLERK OF THE HOUSE OF REPRESENTATIVES

31355019

For Official Use

9

98 FEB 17 PM 4:05

OFFICE OF THE CLERK
U.S. HOUSE OF REPRESENTATIVES

LEGISLATIVE RESOURCE CENTER
RECEIVED

# LOBBYING REPORT
Lobbying Disclosure Act (Section 5)

1. Year 1997

2. Report Type (*check all that apply*) Midyear (January 1-June 30) ☐ Year End (July 1-December 31) ☒
Amended report ☐ Termination report ☐
No activity (*registration to remain in effect*) ☐

## REGISTRANT

3. Name of Registrant PRESTON GATES ELLIS & ROUVELAS MEEDS LLP

4. Telephone number and contact name
( 202 ) 628-1700 Contact Rosanne Phillips

## CLIENT *Lobbying firms file separate reports for each client. An organization employing in-house lobbyists indicates "Self."*

5. Name of Client MICROSOFT CORPORATION

## INCOME OR EXPENSES *Answer line 6 or line 7 as applicable.*

6. LOBBYING FIRMS. Income from the client during the reporting period, other than income unrelated to lobbying activities, was:

Less than $10,000 ☐ $10,000 or more ☒

If $10,000 or more, provide a good faith estimate, rounded to the nearest $20,000, of all income from the client during this reporting period. Include any payments by any other entity for lobbying activities on behalf of the client. Exclude income unrelated to lobbying activities.

Income $ 220,000.00 Total for year *(if Year End report)* $ 380,000.00

7. ORGANIZATIONS EMPLOYING IN-HOUSE LOBBYISTS. Expenses incurred in connection with lobbying activities during the reporting period were:

Less than $10,000 ☐ $10,000 or more ☐

If $10,000 or more, provide a good faith estimate, rounded to the nearest $20,000, of the total amount of all lobbying expenses incurred by the registrant and its employees during this reporting period.

Expenses $ _____ Total for year *(if Year End report)* $ _____

*Optional Expense Reporting Methods*

A. Registrants that report lobbying expenses under section 6033(b)(8) of the Internal Revenue Code may provide a good faith estimate of the applicable amounts that would be required to be disclosed under section 6033(b)(8) for the semiannual reporting period, and may consider as lobbying activities only those defined under section 4911(d) of the Internal Revenue Code. If selecting this method, check box and (i) enter estimated amounts on the "Expenses" line above; or (ii) attach a copy of the IRS Form 990 that includes this reporting period. ☐

B. Registrants subject to section 162(e) of the Internal Revenue Code may make a good faith estimate of all applicable amounts that would not be deductible under section 162(e) for the semiannual reporting period, and may consider as lobbying activities only those activities the costs of which are not deductible pursuant to section 162(e). If selecting this method, check box and enter estimated amounts on the "Expenses" line above. ☐



MTC-00030631_0963

Registrant Name PRESTON GATES ELLIS & ROUVELAS MEEDS LLP

Client Name MICROSOFT CORPORATION

**LOBBYING ISSUES.** On line 8 below, enter the code for *one* general lobbying issue area in which the registrant engaged in lobbying activities for the client during this reporting period *(select applicable code from list in the instructions and on the reverse side of Form LD-2, page 1)*. For that general issue area *only*, complete lines 9 through 12. If the registrant engaged in lobbying activities for the client in more that one general issue area, use one Lobbying Report Addendum page for each additional general issue area.

8. General lobbying issue area code (enter *one*) CPI

9. Specific lobbying issues *(include bill numbers and specific executive branch actions)*
   Bills:
   **H.R.695; Security and Freedom Through Encryption (SAFE) Act;**
   **S.377; Promotion of Commerce On-Line in the Digital Era (Pro-CODE) Act of 1997;**
   **S.909; Secure Public Networks Act;**
   Congressional Issues: **Competition in the Software Market.**

10. Houses of Congress and Federal agencies contacted
    **House of Representatives**
    **Senate**

11. Name and title of each employee who acted as a lobbyist
    **HEIMAN, BRUCE - ATTORNEY**
    **BRANDT, WERNER - GOVT. AFFAIRS COUNSELOR**
    **CARLSON, AMY - ATTORNEY**
    **STEPHENS, DENNIS - GOVT. AFFAIRS ANALYST**
    **GARVIE, PAMELA - ATTORNEY**
    **MOSHER, SOL - SR. ADV. FOR FED. AFFAIRS**
    **BERGER, AMY - Attorney**

12. *For registrants identifying foreign entities in the Lobbying Registration (Form LD-1, line 12) or any updates:* Interest of each such foreign entity in the specific lobbying issues listed on line 9 above
    ****NONE** -**

This report includes 009 Addendum pages.

Signature _____ Date 2/17/98

Printed Name and Title TIM PECKINPAUGH - ATTORNEY



MTC-00030631_0964

# ATTACHMENT 39

# TO THE

# DECLARATION OF BRIAN DAUTCH

LEGISLATIVE RESOURCE CENTER
96 AUG 14 PM 3:33
OFFICE OF THE CLERK
U.S. HOUSE OF REPRESENTATIVES

| Clerk of the House of Representatives | Secretary of the Senate |
|---|---|
| Legislative Resource Center | Office of Public Records |
| B-106 Cannon Building | 232 Hart Building |
| Washington, DC 20515 | Washington, DC 20510 |

# LOBBYING REPORT

Lobbying Disclosure Act of 1995 (Section 5) - **All Filers Are Required to Complete This Page** 11

1. Registrant Name
PRESTON GATES ELLIS & ROUVELAS MEEDS LLP

2. Address ☐ Check if different than previously reported
1735 NEW YORK AVENUE, N.W. WASHINGTON
SUITE 500 DC 20006-5209

3. Principal Place of Business (if different from line 2)
City State/Zip (or Country)

4. Contact Name: ROSANNE PHILLIPS
Telephone: 202-628-1700
E-mail (optional):
5. Senate ID #

7. Client Name ☐ Self
MICROSOFT CORPORATION
6. House ID # 31355019

**TYPE OF REPORT** 8. Year 1998 Midyear (January 1-June 30) ☒ OR Year End (July 1-December 31) ☐

9. Check if this filing amends a previously filed version of this report ☐

10. Check if this is a Termination Report ☐ >> Termination Date _____ 11. No Lobbying Activity ☐

## INCOME OR EXPENSES - Complete Either Line 12 OR Line 13

**12. Lobbying Firms**

INCOME relating to lobbying activities for this reporting period was:

Less than $10,000 ☐

$10,000 or more ☒ >> $ $360,000.00
Income (nearest $20,000)

Provide a good faith estimate, rounded to the nearest $20,000 of all lobbying related income from the client (including all payments to the registrant by any other entity for lobbying activities on behalf of the client).

**13. Organizations**

EXPENSES relating to lobbying activities for this reporting period were:

Less than $10,000 ☐

$10,000 or more ☐ >> $ _____
Expenses (nearest $20,000)

**14. REPORTING METHOD.** Check box to indicate expense accounting method. See instructions for description of options.

☐ **Method A.** Reporting amounts using LDA definitions only

☐ **Method B.** Reporting amounts under section 6033(b)(8) of the Internal Revenue Code

☐ **Method C.** Reporting amounts under section 162(e) of the Internal Revenue Code

Signature _____ Date 8/14/98

Printed Name and Title EMANUEL ROUVELAS - ATTORNEY



MTC-00030631_0966

Registrant Name: PRESTON GATES ELLIS & ROUVELAS MEEDS LLP

Client Name: MICROSOFT CORPORATION

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. **Using a separate page for each code,** provide nformation as requested. Attach additional page(s) as needed.

15. General issue area code CPI (one per page)

16. Specific Lobbying issues
**H.R.695, Security and Freedom Through Encryption (SAFE) Act, all sections**
**S.2067, Encryption Protects the Rights of Individuals from Violation and Abuse in Cyberspace (E-PRIVACY) Act, all sections**
**S.376, Encrypted Communications Privacy Act of 1997, all sections**
**S.377, Promotion of Commerce On-Line in the Digital Era (Pro-CODE) Act of 1997, all sections**
**S.909, Secure Public Networks Act, all sections**
**Senate Judiciary Committee Hearings on Competition in the Software Market.**

17. House(s) of Congress and Federal agencies contacted ☐ Check if None
**House of Representatives**
**OSTP NSC USTR DOJ FBI NEC DOC CIA OMB NSA**
**Senate**
**Vice President**
**White House**

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) | New |
|---|---|---|
| O'NEIL, MICHAEL | Gen. Counsel, CIA -Chief of Staff-CIA | No |
| SLOMOWITZ, ALAN | Adm. Asst. -Rep. Robert Borski | Yes |
| WALKER, FRANKLIN | | Yes |
| MILDER, BENJAMIN | Leg. Corres. - Sen. Hatfield | Yes |
| HEIMAN, BRUCE | | No |
| BRANDT, WERNER | | No |
| CARLSON, AMY | | No |
| | | |

19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

Signature _____ Date 8/14/98

Printed Name and Title EMANUEL ROUVELAS - ATTORNEY



MTC-00030631_0967

Registrant Name: PRESTON GATES ELLIS & ROUVELAS MEEDS LLP

Client Name: MICROSOFT CORPORATION

| Item | Description | Data |
|---|---|---|
| 18a | Lobbyist Name | STEPHENS, DENNIS |
| 18b | Covered Official Position | |
| 18c | New Lobbyist | No |
| 18a | Lobbyist Name | MOSHER, SOL |
| 18b | Covered Official Position | |
| 18c | New Lobbyist | No |
| 18a | Lobbyist Name | BERGER, AMY |
| 18b | Covered Official Position | |
| 18c | New Lobbyist | No |
| 18a | Lobbyist Name | ABRAMOFF, JACK |
| 18b | Covered Official Position | |
| 18c | New Lobbyist | No |
| 18a | Lobbyist Name | MASHBURN, JOHN |
| 18b | Covered Official Position | LEG. DIR. SEN. JOHN ASHCROFT |
| 18c | New Lobbyist | No |
| 18a | Lobbyist Name | PIZZELLA, PATRICK |
| 18b | Covered Official Position | |
| 18c | New Lobbyist | No |
| 18a | Lobbyist Name | PECKINPAUGH, TIM |
| 18b | Covered Official Position | |
| 18c | New Lobbyist | No |
| 18a | Lobbyist Name | JARRELL, WILLIAM |
| 18b | Covered Official Position | Deputy Chief of Staff - Rep. Tom DeLay |
| 18c | New Lobbyist | No |
| 18a | Lobbyist Name | ROUVELAS, EMANUEL |
| 18b | Covered Official Position | |
| 18c | New Lobbyist | No |



MTC-00030631_0968

Registrant Name: PRESTON GATES ELLIS & ROUVELAS MEEDS LLP

Client Name: MICROSOFT CORPORATION

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.

15. General issue area code CPT (one per page)

16. Specific Lobbying issues
**H.R. 2281, WIPO Copyright Treaties Implementation Act, all provisions**
**S.2037, Digital Millennium Copyright Act of 1998, all provisions**

17. House(s) of Congress and Federal agencies contacted ☐ Check if None
**House of Representatives**
**Senate**

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) | New |
|---|---|---|
| WALKER, FRANKLIN | | Yes |
| MILDER, BENJAMIN | Leg. Corres. - Sen. Hatfield | Yes |
| HEIMAN, BRUCE | | No |
| MASHBURN, JOHN | LEG. DIR. SEN. JOHN ASHCROFT | No |
| PIZZELLA, PATRICK | | No |
| CARLSON, AMY | | No |
| ROUVELAS, EMANUEL | | No |
| | | |

19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

Signature _____ Date 8/14/98

Printed Name and Title EMANUEL ROUVELAS - ATTORNEY



MTC-00030631_0969

Registrant Name: PRESTON GATES ELLIS & ROUVELAS MEEDS LLP

Client Name: MICROSOFT CORPORATION

| Item | Description | Data |
|---|---|---|
| 18a | Lobbyist Name | BRANDT, WERNER |
| 18b | Covered Official Position | |
| 18c | New Lobbyist | No |
| 18a | Lobbyist Name | STEPHENS, DENNIS |
| 18b | Covered Official Position | |
| 18c | New Lobbyist | No |
| 18a | Lobbyist Name | JARRELL, WILLIAM |
| 18b | Covered Official Position | Deputy Chief of Staff - Rep. Tom DeLay |
| 18c | New Lobbyist | No |



MTC-00030631_0970

Registrant Name: PRESTON GATES ELLIS & ROUVELAS MEEDS LLP

Client Name: MICROSOFT CORPORATION

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.

15. General issue area code IMM (one per page)

16. Specific Lobbying issues
**H.R.3736, Workforce Improvement and Protection Act of 1998, all provisions relating to the H1-B visa program.**
**S.1723, American Competitiveness Act, all provisions relating to the H1-B visa program.**

17. House(s) of Congress and Federal agencies contacted ☐ Check if None
**House of Representatives**
**Senate**

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) | New |
|---|---|---|
| HEIMAN, BRUCE | | No |
| CARLSON, AMY | | No |
| BRANDT, WERNER | | No |
| ROUVELAS, EMANUEL | | No |
| O'NEIL, MICHAEL | Gen. Counsel, CIA -Chief of Staff-CIA | Yes |
| STEPHENS, DENNIS | | No |
| JARRELL, WILLIAM | Deputy Chief of Staff - Rep. Tom DeLay | No |
| | | |

19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

Signature _____ Date 8/14/98

Printed Name and Title EMANUEL ROUVELAS - ATTORNEY



MTC-00030631_0971

Registrant Name: PRESTON GATES ELLIS & ROUVELAS MEEDS LLP

Client Name: MICROSOFT CORPORATION

| Item | Description | Data |
|---|---|---|
| 18a | Lobbyist Name | MASHBURN, JOHN |
| 18b | Covered Official Position | LEG. DIR. SEN. JOHN ASHCROFT |
| 18c | New Lobbyist | No |
| 18a | Lobbyist Name | SLOMOWITZ, ALAN |
| 18b | Covered Official Position | Adm. Asst. -Rep. Robert Borski |
| 18c | New Lobbyist | Yes |
| 18a | Lobbyist Name | PECKINPAUGH, TIM |
| 18b | Covered Official Position | |
| 18c | New Lobbyist | Yes |
| 18a | Lobbyist Name | PIZZELLA, PATRICK |
| 18b | Covered Official Position | |
| 18c | New Lobbyist | No |
| 18a | Lobbyist Name | WALKER, FRANKLIN |
| 18b | Covered Official Position | |
| 18c | New Lobbyist | No |
| 18a | Lobbyist Name | MILDER, BENJAMIN |
| 18b | Covered Official Position | Leg. Corres. - Sen. Hatfield |
| 18c | New Lobbyist | Yes |



MTC-00030631_0972

Registrant Name: PRESTON GATES ELLIS & ROUVELAS MEEDS LLP

Client Name: MICROSOFT CORPORATION

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. **Using a separate page for each code,** provide information as requested. Attach additional page(s) as needed.

15. General issue area code TAX (one per page)
16. Specific Lobbying issues
    **H.R.1054, Internet Tax Freedom Act, all provisions**
    **H.R.4105, Internet Tax Freedom Act , all provisions**
    **S.442, Internet Tax Freedom Act, all provisions**

17. House(s) of Congress and Federal agencies contacted ☐ Check if None
    **House of Representatives**
    **Senate**

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) | New |
|---|---|---|
| MASHBURN, JOHN | LEG. DIR. SEN. JOHN ASHCROFT | No |
| PIZZELLA, PATRICK | | No |
| WALKER, FRANKLIN | | Yes |
| BRANDT, WERNER | | No |
| CARLSON, AMY | | No |
| STEPHENS, DENNIS | | No |
| | | |
| | | |

19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

Signature _____ Date 8/14/98

Printed Name and Title EMANUEL ROUVELAS - ATTORNEY



MTC-00030631_0973

Registrant Name: PRESTON GATES ELLIS & ROUVELAS MEEDS LLP

Client Name: MICROSOFT CORPORATION

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.

15. General issue area code TEC (one per page)
16. Specific Lobbying issues

17. House(s) of Congress and Federal agencies contacted ☐ Check if None
**House of Representatives**
**Senate**

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) | New |
|---|---|---|
| BRANDT, WERNER | | No |
| CARLSON, AMY | | No |
| HEIMAN, BRUCE | | No |
| STEPHENS, DENNIS | | No |
| JARRELL, WILLIAM | Deputy Chief of Staff - Rep. Tom DeLay | No |
| MASHBURN, JOHN | LEG. DIR. SEN. JOHN ASHCROFT | No |
| SLOMOWITZ, ALAN | Adm. Asst. -Rep. Robert Borski | Yes |
| | | |

19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

Signature _____ Date 8/14/98

Printed Name and Title EMANUEL ROUVELAS - ATTORNEY



MTC-00030631_0974

Registrant Name: PRESTON GATES ELLIS & ROUVELAS MEEDS LLP

Client Name: MICROSOFT CORPORATION

| Item | Description | Data |
|---|---|---|
| 18a | Lobbyist Name | PIZZELLA, PATRICK |
| 18b | Covered Official Position | |
| 18c | New Lobbyist | No |
| 18a | Lobbyist Name | PECKINPAUGH, TIM |
| 18b | Covered Official Position | |
| 18c | New Lobbyist | No |
| 18a | Lobbyist Name | ROUVELAS, EMANUEL |
| 18b | Covered Official Position | |
| 18c | New Lobbyist | No |
| 18a | Lobbyist Name | BERGER, AMY |
| 18b | Covered Official Position | |
| 18c | New Lobbyist | No |
| 18a | Lobbyist Name | WALKER, FRANKLIN |
| 18b | Covered Official Position | |
| 18c | New Lobbyist | No |
| 18a | Lobbyist Name | MILDER, BENJAMIN |
| 18b | Covered Official Position | Leg. Corres. - Sen. Hatfield |
| 18c | New Lobbyist | Yes |
| 16 | Lobbying Issues | Carriage of the Transmission of Digital Television Broadcast Stations, FCC Dkt, 98-120<br>Access to Telecommunications Services and Equipment for Persons with Disabilities, FCC Dkt 96-198 |



MTC-00030631_0975

Registrant Name: PRESTON GATES ELLIS & ROUVELAS MEEDS LLP

Client Name: MICROSOFT CORPORATION

## Information Update Page - Complete ONLY where registration information has changed.

20. Client new address

21. Client new principal place of business (if different from line 20)

City State/Zip (or Country)

22. New general description of client's business or activities

### LOBBYIST UPDATE

23. Name of each previously reported individual who is no longer expected to act as a lobbyist for the client
MEEDS, LLOYD

### ISSUE UPDATE

24. General lobbying issues previously reported that no longer pertain

SCI

### AFFILIATED ORGANIZATIONS

25. Add the following affiliated organization(s)

| Name | Address | Principal Place of Business (city and state or country) |
|---|---|---|
| | | |

26. Name of each previously reported organization that is no longer affiliated with the registrant or client

### FOREIGN ENTITIES

27. Add the following foreign entities

| Name | Address | Principal Place of Business (city and state or country) | Amount of contribution for lobbying activities | Ownership % in client |
|---|---|---|---|---|
| | | | | |

28. Name of each previously reported foreign entity that no longer owns, or controls, or is affiliated with the registrant, client, or affiliated organization

Signature E Rouvelas Date 8/14/98

Printed Name and Title EMANUEL ROUVELAS - ATTORNEY



MTC-00030631_0976

# ATTACHMENT 40

# TO THE

# DECLARATION OF BRIAN DAUTCH

Clerk of the House of Representatives
Legislative Resource Center
B-106 Cannon Building
Washington, DC 20515

Secretary of the Senate
Office of Public Records
232 Hart Building
Washington, DC 20510

RECEIVED
LEGISLATIVE RESOURCE CENTER
00 FEB 14 PM 3:23
OFFICE OF THE CLERK
U.S. HOUSE OF REPRESENTATIVES

9

# LOBBYING REPORT

Lobbying Disclosure Act of 1995 (Section 5) - **All Filers Are Required to Complete This Page**

1. Registrant Name
PRESTON GATES ELLIS & ROUVELAS MEEDS LLP

2. Registrant Address ☐ Check if different than previously reported
Address 1735 NEW YORK AVENUE, N.W. SUITE 500
City WASHINGTON State/Zip (or Country) DC 20006-5209

3. Principal Place of Business (if different from line 2)
City State/Zip (or Country)

4. Contact Name ROSANNE PHILLIPS
Telephone 202-628-1700
E-mail (optional)

5. Senate ID # 32098-366

7. Client Name ☐ Self
MICROSOFT CORPORATION

6. House ID # 31355019

## TYPE OF REPORT

8. Year 1999 Midyear (January 1-June 30) ☐ OR Year End (July 1-December 31) ☒

9. Check if this filing amends a previously filed version of this report ☐

10. Check if this is a Termination Report ☐ >> Termination Date _____

11. No Lobbying Activity ☐

## INCOME OR EXPENSES - Complete Either Line 12 OR Line 13

**12. Lobbying Firms**

INCOME relating to lobbying activities for this reporting period was:

Less than $10,000 ☐

$10,000 or more ☒ >> $ $200,000.00
Income (nearest $20,000)

Provide a good faith estimate, rounded to the nearest $20,000 of all lobbying related income from the client (including all payments to the registrant by any other entity for lobbying activities on behalf of the client).

**13. Organizations**

EXPENSES relating to lobbying activities for this reporting period were:

Less than $10,000 ☐

$10,000 or more ☐ >> $ _____
Expenses (nearest $20,000)

**14. REPORTING METHOD.** Check box to indicate expense accounting method. See instructions for description of options.

☐ **Method A.** Reporting amounts using LDA definitions only

☐ **Method B.** Reporting amounts under section 6033(b)(8) of the Internal Revenue Code

☐ **Method C.** Reporting amounts under section 162(e) of the Internal Revenue Code

Signature _____ Date 02/14/2000

Printed Name and Title JONATHAN BLANK - PARTNER



MTC-00030631_0978

Registrant Name: PRESTON GATES ELLIS & ROUVELAS MEEDS LLP

Client Name: MICROSOFT CORPORATION

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. **Using a separate page for each code,** provide information as requested. Attach additional page(s) as needed.

15. General issue area code CPI (one per page)

16. Specific Lobbying issues
**H.R.3194, Consolidated Omnibus Appropriations Act, relatig to patend and copyright issues.**
**H.R.775, Year 2000 Readiness & Responsibility Act,**
**H.R.850, Security And Freedom through Encryption (SAFE) Act,**
**S.314, Small Business Year 2000 Readiness Act,**
**S.6998, Y2K Act,**
**S.798, Promote Reliable On-Line Transactions to Encourage Commerce and Trade (PROTECT) Act of 1999,**
**competition in software industry**

17. House(s) of Congress and Federal agencies contacted ☐ Check if None
**House of Representatives**
**Senate**
**White House**

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) | New |
|---|---|---|
| BERGER, AMY | | Yes |
| BRANDT, WERNER | | No |
| FUNDERBURK, DAVID | CONGRESSMAN | Yes |
| PIZZELLA, PATRICK | | No |
| ROUVELAS, EMANUEL | | No |
| VALENTINE, STEVEN | Leg. Dir & Gen. Counsel Sen. Bob Smith | Yes |
| WALKER, FRANKLIN | | No |

19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

Signature Date 02/14/2000

Printed Name and Title JONATHAN BLANK - PARTNER



MTC-00030631_0979

Registrant Name: PRESTON GATES ELLIS & ROUVELAS MEEDS LLP

Client Name: MICROSOFT CORPORATION

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. **Using a separate page for each code,** provide information as requested. Attach additional page(s) as needed.

15. General issue area code CPT (one per page)

16. Specific Lobbying issues
**H.R.1761, Copyright Damages Improvement Act of 1999,**
**H.R.1858, Consumer and Inventors Access to Information Act of 1999,**
**H.R.1907, American Inventors Protection Act of 1999, (engrossed).**
**H.R.2654, American Inventors Protection Act of 1999,**
**H.R.354, Collection of Information Antipiracy Act,**
**S.1257, Digital Theft Deterrence and Copyright Damages Improvement Act of 1999 ,**
**Software piracy and counterfiting.**

17. House(s) of Congress and Federal agencies contacted ☐ Check if None
**House of Representatives**
**Senate**

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) | New |
|---|---|---|
| BRANDT, WERNER | | No |
| HEIMAN, BRUCE | | No |
| PIZZELLA, PATRICK | | No |
| ROUVELAS, EMANUEL | | No |
| WALKER, FRANKLIN | | No |
| | | |
| | | |

19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

Signature Date 02/14/2000

Printed Name and Title JONATHAN BLANK - PARTNER



MTC-00030631_0980

Registrant Name: PRESTON GATES ELLIS & ROUVELAS MEEDS LLP

Client Name: MICROSOFT CORPORATION

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. **Using a separate page for each code,** provide information as requested. Attach additional page(s) as needed.

15. General issue area code CSP (one per page)

16. Specific Lobbying issues
**H.R.1714, Electronic Signatures in Global and National Commerce Act,**
**S.761, Third Millennium Digital Commerce Act,**
**S.809, Online Privacy Protection Act of 1999,**

17. House(s) of Congress and Federal agencies contacted ☐ Check if None
**House of Representatives**
**Senate**

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) | New |
|---|---|---|
| BRANDT, WERNER | | No |
| PIZZELLA, PATRICK | | No |
| WALKER, FRANKLIN | | No |
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19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

Signature _____ Date 02/14/2000

Printed Name and Title JONATHAN BLANK - PARTNER



MTC-00030631_0981

Registrant Name: PRESTON GATES ELLIS & ROUVELAS MEEDS LLP

Client Name: MICROSOFT CORPORATION

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. **Using a separate page for each code,** provide information as requested. Attach additional page(s) as needed.

15. General issue area code IMM (one per page)

16. Specific Lobbying issues
**H.R.2687, Bringing Resources of Academia to Industry Act,**
**H.R.2968, S.1440, New Workers for Economic Growth Act,**
**S.1645, Helping Improved Technology Education (HITECH),**
**S.180, 21st Century Technology Resources and Commercial Leadership Act,**

17. House(s) of Congress and Federal agencies contacted ☐ Check if None
**House of Representatives**
**Senate**

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) | New |
|---|---|---|
| **BRANDT, WERNER** | | **No** |
| **HEIMAN, BRUCE** | | **No** |
| **PIZZELLA, PATRICK** | | **No** |
| **ROUVELAS, EMANUEL** | | **No** |
| **WALKER, FRANKLIN** | | **No** |
| | | |
| | | |

19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

Signature

Date 02/14/2000

Printed Name and Title JONATHAN BLANK - PARTNER

Registrant Name: PRESTON GATES ELLIS & ROUVELAS MEEDS LLP

Client Name: MICROSOFT CORPORATION

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. **Using a separate page for each code,** provide information as requested. Attach additional page(s) as needed.

15. General issue area code TAX (one per page)

16. Specific Lobbying issues
**H.R.2488, S.1429, Taxpayer Refund Act of 1999,**
**H.R.3194, Consolidated Omnibus Appropriations Act,**
**H.R.835, To amend the Internal Revenue Code of 1986 to permanently extend the research credit and to adjust the alternative incremental credit rates,**
**S.542, New Millennium Classrooms Act,**
**S.680, To amend the Internal Revenue Code of 1986 to permanently extend the research credit, and for other purposes,**

17. House(s) of Congress and Federal agencies contacted ☐ Check if None
**House of Representatives**
**Senate**

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) | New |
|---|---|---|
| BRANDT, WERNER | | No |
| HEIMAN, BRUCE | | Yes |
| PIZZELLA, PATRICK | | No |
| WALKER, FRANKLIN | | No |
| | | |
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19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

Signature

Date 02/14/2000

Printed Name and Title JONATHAN BLANK - PARTNER



MTC-00030631_0983

Registrant Name: PRESTON GATES ELLIS & ROUVELAS MEEDS LLP

Client Name: MICROSOFT CORPORATION

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using **a separate page for each code,** provide information as requested. Attach additional page(s) as needed.

15. General issue area code TEC (one per page)

16. Specific Lobbying issues
**H.R.1554, Satellite Copyright Competition Protection Act of 1999,**
**H.R.1685, Internet Growth and Development Act of 1999,**
**H.R.1686, Internet Freedom Act,**
**H.R.2420, Internet Freedom and Broadband Development Act of 1999,**
**S.877, Broadband Internet Regulatory Relief Act,**

17. House(s) of Congress and Federal agencies contacted ☐ Check if None
**House of Representatives**
**Senate**

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) | New |
|---|---|---|
| BRANDT, WERNER | | No |
| HEIMAN, BRUCE | | No |
| PIZZELLA, PATRICK | | No |
| ROUVELAS, EMANUEL | | No |
| WALKER, FRANKLIN | | No |
| | | |
| | | |

19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

Signature Date 02/14/2000

Printed Name and Title JONATHAN BLANK - PARTNER

Registrant Name: PRESTON GATES ELLIS & ROUVELAS MEEDS LLP

Client Name: MICROSOFT CORPORATION

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. **Using a separate page for each code,** provide information as requested. Attach additional page(s) as needed.

15. General issue area code TRD _____ (one per page)

16. Specific Lobbying issues
**Normal Trade Relations with China WTO provisions of The Agreement on Trade-Related IPR (TRIPs) Seattle WTO Ministerial Meeting (1999) and related issues.**

17. House(s) of Congress and Federal agencies contacted ☐ Check if None
**House of Representatives**
**Senate**

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) | New |
|---|---|---|
| BRANDT, WERNER | | No |
| HEIMAN, BRUCE | | Yes |
| PIZZELLA, PATRICK | | Yes |
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| | | |

19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

Signature _____ Date 02/14/2000

Printed Name and Title JONATHAN BLANK - PARTNER



MTC-00030631_0985

Registrant Name: PRESTON GATES ELLIS & ROUVELAS MEEDS LLP

Client Name: MICROSOFT CORPORATION

**Information Update Page** - Complete ONLY where registration information has changed.

20. Client new address

21. Client new principal place of business (if different from line 20)

City State/Zip (or Country)

22. New general description of client's business or activities

## LOBBYIST UPDATE

23. Name of each previously reported individual who is no longer expected to act as a lobbyist for the client

JARRELL, WILLIAM
STEPHENS, DENNIS
O'NEIL, MICHAEL
WALKER, FRANKLIN

## ISSUE UPDATE

24. General lobbying issues previously reported that no longer pertain

BUD, SCI

## AFFILIATED ORGANIZATIONS

25. Add the following affiliated organization(s)

| Name | Address | Principal Place of Business (city and state or country) |
|---|---|---|
| | | |

26. Name of each previously reported organization that is no longer affiliated with the registrant or client

## FOREIGN ENTITIES

27. Add the following foreign entities

| Name | Address | Principal Place of Business (city and state or country) | Amount of contribution for lobbying activities | Ownership % in client |
|---|---|---|---|---|
| | | | | |

28. Name of each previously reported foreign entity that no longer owns, or controls, or is affiliated with the registrant, client, or affiliated organization

Signature Date 02/14/2000

Printed Name and Title JONATHAN BLANK - PARTNER



MTC-00030631_0986

# ATTACHMENT 41

# TO THE

# DECLARATION OF BRIAN DAUTCH

| Clerk of the House of Representatives<br>Legislative Resource Center<br>B-106 Cannon Building<br>Washington, DC 20515 | Secretary of the Senate<br>Office of Public Records<br>232 Hart Building<br>Washington, DC 20510 |
|---|---|

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OFFICE OF THE CLERK
HOUSE OF REPRESENTATIVES

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# LOBBYING REPORT

Lobbying Disclosure Act of 1995 (Section 5) - **All Filers Are Required to Complete This Page**

1. Registrant Name
PRESTON GATES ELLIS & ROUVELAS MEEDS LLP

2. Address ☐ Check if different than previously reported
1735 NEW YORK AVE, NW WASHINGTON
SUITE 500 DC 20006

3. Principal Place of Business (if different from line 2)
City State/Zip (or Country)

4. Contact Name: ROSANNE PHILLIPS
Telephone: 202-628-1700
E-mail (optional):

5. Senate ID #: 32098-366

7. Client Name ☐ Self
MICROSOFT CORPORATION

6. House ID #: 31355019

## TYPE OF REPORT

8. Year 2000 Midyear (January 1-June 30) ☒ OR Year End (July 1-December 31) ☐

9. Check if this filing amends a previously filed version of this report ☐

10. Check if this is a Termination Report ☐ >> Termination Date _____

11. No Lobbying Activity ☐

## INCOME OR EXPENSES - Complete Either Line 12 OR Line 13

**12. Lobbying Firms**

INCOME relating to lobbying activities for this reporting period was:

Less than $10,000 ☐

$10,000 or more ☒ >> $ $220,000.00
Income (nearest $20,000)

Provide a good faith estimate, rounded to the nearest $20,000 of all lobbying related income from the client (including all payments to the registrant by any other entity for lobbying activities on behalf of the client).

**13. Organizations**

EXPENSES relating to lobbying activities for this reporting period were:

Less than $10,000 ☐

$10,000 or more ☐ >> $ _____
Expenses (nearest $20,000)

**14. REPORTING METHOD.** Check box to indicate expense accounting method. See instructions for description of options.

☐ **Method A.** Reporting amounts using LDA definitions only

☐ **Method B.** Reporting amounts under section 6033(b)(8) of the Internal Revenue Code

☐ **Method C.** Reporting amounts under section 162(e) of the Internal Revenue Code

Signature _____ Date 08/14/2000

Printed Name and Title STEVEN VALENTINE - OF COUNSEL



MTC-00030631_0988

Registrant Name: PRESTON GATES ELLIS & ROUVELAS MEEDS LLP

Client Name: MICROSOFT CORPORATION

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. **Using a separate page for each code,** provide information as requested. Attach additional page(s) as needed.

15. General issue area code CPI (one per page)
16. Specific Lobbying issues
    **S.2448, Internet Integrity and Critical Infrastructure Protection Act of 2000,**
    **H.R.4246, Cyber Security Information Act,**
    **Competition in the software industry.**

17. House(s) of Congress and Federal agencies contacted ☐ Check if None
    **House of Representatives**
    **Senate**

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) | New |
|---|---|---|
| BRANDT, WERNER | | No |
| PIZZELLA, PATRICK | | No |
| ROUVELAS, EMANUEL | | No |
| VALENTINE, STEVEN | Leg. Dir & Gen. Counsel Sen. Bob Smith | No |
| BERGER, AMY | | No |
| | | |
| | | |
| | | |

19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

Signature _____ Date 08/14/2000

Printed Name and Title STEVEN VALENTINE - OF COUNSEL



MTC-00030631_0989

Registrant Name: PRESTON GATES ELLIS & ROUVELAS MEEDS LLP

Client Name: MICROSOFT CORPORATION

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. **Using a separate page for each code,** provide information as requested. Attach additional page(s) as needed.

15. General issue area code CPT (one per page)
16. Specific Lobbying issues
    **H.R.354, Collection of Information Antiprivacy Act,**
    **H.R.4690, Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001, relating to copyright and patent issues.House Amendment 889 to H.R. 4690, to increase funding for the U.S. Patent and Trademark Offices.**

17. House(s) of Congress and Federal agencies contacted ☐ Check if None
    **House of Representatives**
    **Senate**

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) | New |
|---|---|---|
| PIZZELLA, PATRICK | | No |
| BRANDT, WERNER | | No |
| VALENTINE, STEVEN | Leg. Dir & Gen. Counsel Sen. Bob Smith | Yes |
| HEIMAN, BRUCE | | No |
| ROUVELAS, EMANUEL | | No |
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| | | |

19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

Signature _____ Date 08/14/2000

Printed Name and Title STEVEN VALENTINE - OF COUNSEL



MTC-00030631_0990

Registrant Name: PRESTON GATES ELLIS & ROUVELAS MEEDS LLP

Client Name: MICROSOFT CORPORATION

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. **Using a separate page for each code,** provide information as requested. Attach additional page(s) as needed.

15. General issue area code CSP (one per page)
16. Specific Lobbying issues
    **S.854, Electronic Rights for the 21st Century Act,**
    **S.2448, Internet Integrity and Critical Infrastructures Protection Act of 2000,**
    **S.2063, Secure Online Communication Enforcement Act of 2000,**
    **S.761, Third Millennium Digital Commerce Act,**
    **H.R.1714, Electronic Signatures in Global and National Commerce Act,**

17. House(s) of Congress and Federal agencies contacted ☐ Check if None
    **House of Representatives**
    **Senate**

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) | New |
|---|---|---|
| BRANDT, WERNER | | No |
| PIZZELLA, PATRICK | | No |
| VALENTINE, STEVEN | Leg. Dir & Gen. Counsel Sen. Bob Smith | Yes |
| | | |
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19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

Signature _____ Date 08/14/2000

Printed Name and Title STEVEN VALENTINE - OF COUNSEL

Registrant Name: PRESTON GATES ELLIS & ROUVELAS MEEDS LLP

Client Name: MICROSOFT CORPORATION

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. **Using a separate page for each code,** provide information as requested. Attach additional page(s) as needed.

15. General issue area code IMM _____ (one per page)

16. Specific Lobbying issues
**S.2045, American Competitiveness in the Twenty-first Century Act of 2000,**
**H.R.4227, Technology Worker Temporary Relief Act,**
**H.R.3983, Helping to Improve Technology Education and Achievement Act of 2000,**

17. House(s) of Congress and Federal agencies contacted ☐ Check if None
**House of Representatives**
**Senate**

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) | New |
|---|---|---|
| BRANDT, WERNER | | No |
| PIZZELLA, PATRICK | | No |
| SLOMOWITZ, ALAN | | No |
| VALENTINE, STEVEN | Leg. Dir & Gen. Counsel Sen. Bob Smith | Yes |
| HEIMAN, BRUCE | | No |
| ROUVELAS, EMANUEL | | No |
| | | |
| | | |

19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

Signature _____ Date 08/14/2000

Printed Name and Title STEVEN VALENTINE - OF COUNSEL

Registrant Name: PRESTON GATES ELLIS & ROUVELAS MEEDS LLP

Client Name: MICROSOFT CORPORATION

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. **Using a separate page for each code,** provide information as requested. Attach additional page(s) as needed.

15. General issue area code LBR (one per page)
16. Specific Lobbying issues
    **H.R.3462, Wealth Through the Workplace Act of 1999,**

17. House(s) of Congress and Federal agencies contacted ☐ Check if None
    **House of Representatives**
    **Senate**

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) | New |
|---|---|---|
| BRANDT, WERNER | | Yes |
| PIZZELLA, PATRICK | | Yes |
| VALENTINE, STEVEN | Leg. Dir & Gen. Counsel Sen. Bob Smith | Yes |
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| | | |

19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

Signature _____ Date 08/14/2000

Printed Name and Title STEVEN VALENTINE - OF COUNSEL



MTC-00030631_0993

Registrant Name: PRESTON GATES ELLIS & ROUVELAS MEEDS LLP

Client Name: MICROSOFT CORPORATION

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. **Using a separate page for each code,** provide information as requested. Attach additional page(s) as needed.

15. General issue area code TAX (one per page)

16. Specific Lobbying issues
**S.2775, Internet Tax Moratorium and Equity Act,**
**S.2401, New Economy Tax Simplification Act (NETSA),**
**H.R.4462, Fair and Equitable Interstate Tax Compact Simplification Act of 2000,**
**H.R.4460, Internet Tax Simplification Act of 2000,**
**H.R.4267, Internet Tax Reform and Reduction Act of 2000,**
**H.R.3709, Internet Nondiscrimination Act of 2000,**

17. House(s) of Congress and Federal agencies contacted ☐ Check if None
**House of Representatives**
**Senate**

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) | New |
|---|---|---|
| PIZZELLA, PATRICK | | No |
| BRANDT, WERNER | | No |
| VALENTINE, STEVEN | Leg. Dir & Gen. Counsel Sen. Bob Smith | Yes |
| HEIMAN, BRUCE | | No |
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19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

Signature _____ Date 08/14/2000

Printed Name and Title STEVEN VALENTINE - OF COUNSEL

Registrant Name: PRESTON GATES ELLIS & ROUVELAS MEEDS LLP

Client Name: MICROSOFT CORPORATION

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. **Using a separate page for each code,** provide information as requested. Attach additional page(s) as needed.

15. General issue area code TEC (one per page)

16. Specific Lobbying issues
**H.R.1686, Internet Freedom Act,**
**H.R.1685, Internet Growth and Development Act of 1999,**
**FCC Dkt. No. 99-168, Service Rules for the 746-765 and 776-794 MH Bands and Revisions to Part 27 of the Commission's Rules.**

17. House(s) of Congress and Federal agencies contacted ☐ Check if None
**House of Representatives**
**Senate**

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) | New |
|---|---|---|
| BRANDT, WERNER | | No |
| PIZZELLA, PATRICK | | No |
| VALENTINE, STEVEN | Leg. Dir & Gen. Counsel Sen. Bob Smith | Yes |
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| | | |

19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

Signature _____ Date 08/14/2000

Printed Name and Title STEVEN VALENTINE - OF COUNSEL



MTC-00030631_0995

Registrant Name: PRESTON GATES ELLIS & ROUVELAS MEEDS LLP

Client Name: MICROSOFT CORPORATION

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. **Using a separate page for each code,** provide information as requested. Attach additional page(s) as needed.

15. General issue area code TRD (one per page)

16. Specific Lobbying issues
**S.2277, To terminate the application of title IV of the Trade Act of 1974 with respect to the People's Republic of China,**
**S.2645, China Nonproliferation Act,**
**H.R.4444, To authorize extension of nondiscriminatory treatment (normal trade relations treatment) to the People's Republic of China,**
**World Trade Organization (a) Agreement on Trade-Related Intellectual Property Rights (b) Post-Seattle WTO Ministerial Meeting related commerce and trade issues.**

17. House(s) of Congress and Federal agencies contacted ☐ Check if None
**House of Representatives**
**Senate**

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) | New |
|---|---|---|
| BRANDT, WERNER | | No |
| PIZZELLA, PATRICK | | No |
| SLOMOWITZ, ALAN | | Yes |
| VALENTINE, STEVEN | Leg. Dir & Gen. Counsel Sen. Bob Smith | Yes |
| | | |
| | | |
| | | |

19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

Signature Steven R. Valentine Date 08/14/2000

Printed Name and Title STEVEN VALENTINE - OF COUNSEL



MTC-00030631_0996

# ATTACHMENT 42

# TO THE

# DECLARATION OF BRIAN DAUTCH

| Clerk of the House of Representatives | Secretary of the Senate |
|---|---|
| Legislative Resource Center | Office of Public Records |
| B-106 Cannon Building | 232 Hart Building |
| Washington, DC 20515 | Washington, DC 20510 |

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U.S. HOUSE OF REPRESENTATIVES

10

# LOBBYING REPORT

Lobbying Disclosure Act of 1995 (Section 5) - **All Filers Are Required to Complete This Page**

1. Registrant Name
PRESTON GATES ELLIS & ROUVELAS MEEDS LLP

2. Registrant Address ☐ Check if different than previously reported
Address 1735 NEW YORK AVE, NW SUITE 500
City WASHINGTON State/Zip (or Country) DC 20006

3. Principal Place of Business (if different from line 2)
City State/Zip (or Country)

4. Contact Name ROSANNE PHILLIPS
Telephone 202-628-1700
E-mail (optional)

5. Senate ID # 32098-366

7. Client Name ☐ Self
MICROSOFT CORPORATION

6. ~~House ID #~~ 31355019

## TYPE OF REPORT

8. Year 2000 Midyear (January 1-June 30) ☐ OR Year End (July 1-December 31) ☒

9. Check if this filing amends a previously filed version of this report ☐

10. Check if this is a Termination Report ☐ >> Termination Date _____

11. No Lobbying Activity ☐

## INCOME OR EXPENSES - Complete Either Line 12 OR Line 13

**12. Lobbying Firms**

**INCOME** relating to lobbying activities for this reporting period was:

Less than $10,000 ☐

$10,000 or more ☒ >> $ $260,000.00
Income (nearest $20,000)

Provide a good faith estimate, rounded to the nearest $20,000 of all lobbying related income from the client (including all payments to the registrant by any other entity for lobbying activities on behalf of the client).

**13. Organizations**

**EXPENSES** relating to lobbying activities for this reporting period were:

Less than $10,000 ☐

$10,000 or more ☐ >> $ _____
Expenses (nearest $20,000)

**14. REPORTING METHOD.** Check box to indicate expense accounting method. See instructions for description of options.

☐ **Method A.** Reporting amounts using LDA definitions only

☐ **Method B.** Reporting amounts under section 6033(b)(8) of the Internal Revenue Code

☐ **Method C.** Reporting amounts under section 162(e) of the Internal Revenue Code

Signature _____ Date 02/14/2001

Printed Name and Title STEVEN VALENTINE - OF COUNSEL



MTC-00030631_0998

Registrant Name: PRESTON GATES ELLIS & ROUVELAS MEEDS LLP

Client Name: MICROSOFT CORPORATION

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. **Using a separate page for each code,** provide information as requested. Attach additional page(s) as needed.

15. General issue area code CPI (one per page)

16. Specific Lobbying issues
**H.R.4246, Cyber Security Information Act,**
**H.R.5024, Federal Information Policy Act of 2000,**
**H.R.5658, Treasury and General Government Appropriations Act, 2001,**
**S.2448, Internet Integrity and Critical Infrastructure Protection Act of 2000,**
**Competition in the software industry.**

17. House(s) of Congress and Federal agencies contacted ☐ Check if None
**House of Representatives**
**Senate**

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) | New |
|---|---|---|
| BERGER, AMY | | No |
| BRANDT, WERNER | | No |
| IVEY, GLENN | | Yes |
| PIZZELLA, PATRICK | | No |
| ROUVELAS, EMANUEL | | No |
| STEPHENS, DENNIS | | Yes |
| VALENTINE, STEVEN | Leg. Dir & Gen. Counsel Sen. Bob Smith | No |
| | | |

19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

Signature _____ Date 02/14/2001

Printed Name and Title STEVEN VALENTINE - OF COUNSEL



MTC-00030631_0999

Registrant Name: PRESTON GATES ELLIS & ROUVELAS MEEDS LLP

Client Name: MICROSOFT CORPORATION

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. **Using a separate page for each code,** provide information as requested. Attach additional page(s) as needed.

15. General issue area code CPT (one per page)

16. Specific Lobbying issues
**H.R.354, Collection of Information Antiprivacy Act,**
**H.R.4690, Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001, relating to copyright and patent issues.House Amendment 889 to H.R. 4690, to increase funding for the U.S. Patent and Trademark Offices.**

17. House(s) of Congress and Federal agencies contacted ☐ Check if None
**House of Representatives**
**Senate**

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) | New |
|---|---|---|
| **BRANDT, WERNER** | | **No** |
| **HEIMAN, BRUCE** | | **No** |
| **PIZZELLA, PATRICK** | | **No** |
| **ROUVELAS, EMANUEL** | | **No** |
| **VALENTINE, STEVEN** | **Leg. Dir & Gen. Counsel Sen. Bob Smith** | **No** |
| | | |
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19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

Signature _____ Date 02/14/2001

Printed Name and Title STEVEN VALENTINE - OF COUNSEL



MTC-00030631_1000

Registrant Name: PRESTON GATES ELLIS & ROUVELAS MEEDS LLP

Client Name: MICROSOFT CORPORATION

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. **Using a separate page for each code,** provide information as requested. Attach additional page(s) as needed.

15. General issue area code CSP (one per page)

16. Specific Lobbying issues
**H.R.1685, Internet Growth and Development Act of 1999,**
**H.R.4049, Privacy Commission Act,**
**S.2063, Secure Online Communication Enforcement Act of 2000,**
**S.2448, Internet Integrity and Critical Infrastructures Protection Act of 2000,**
**S.2606, Consumer Privacy Protection Act,**
**S.2928, Consumer Internet Privacy Enhancement Act,**

17. House(s) of Congress and Federal agencies contacted ☐ Check if None
**House of Representatives**
**Senate**

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) | New |
|---|---|---|
| **BRANDT, WERNER** | | **No** |
| **PIZZELLA, PATRICK** | | **No** |
| **VALENTINE, STEVEN** | **Leg. Dir & Gen. Counsel Sen. Bob Smith** | **No** |
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19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

Signature _____ Date 02/14/2001

Printed Name and Title STEVEN VALENTINE - OF COUNSEL



MTC-00030631_1001

Registrant Name: PRESTON GATES ELLIS & ROUVELAS MEEDS LLP

Client Name: MICROSOFT CORPORATION

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. **Using a separate page for each code,** provide information as requested. Attach additional page(s) as needed.

15. General issue area code IMM (one per page)
16. Specific Lobbying issues
    **H.R.3983, Helping to Improve Technology Education and Achievement Act of 2000,**
    **H.R.4227, Technology Worker Temporary Relief Act,**
    **S.2045, American Competitiveness in the Twenty-first Century Act of 2000,**

17. House(s) of Congress and Federal agencies contacted ☐ Check if None
    **House of Representatives**
    **Senate**

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) | New |
|---|---|---|
| BRANDT, WERNER | | No |
| HEIMAN, BRUCE | | No |
| PIZZELLA, PATRICK | | No |
| ROUVELAS, EMANUEL | | No |
| SLOMOWITZ, ALAN | | No |
| VALENTINE, STEVEN | Leg. Dir & Gen. Counsel Sen. Bob Smith | Yes |
| | | |
| | | |

19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

Signature _____ Date 02/14/2001

Printed Name and Title STEVEN VALENTINE - OF COUNSEL



MTC-00030631_1002

Registrant Name: PRESTON GATES ELLIS & ROUVELAS MEEDS LLP

Client Name: MICROSOFT CORPORATION

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. **Using a separate page for each code,** provide information as requested. Attach additional page(s) as needed.

15. General issue area code LBR (one per page)
16. Specific Lobbying issues
    **H.R.1102, Comprehensive Retirement Security and Pension Reform Act,**
    **H.R.3462, Wealth Through the Workplace Act of 1999,**

17. House(s) of Congress and Federal agencies contacted ☐ Check if None
    **House of Representatives**
    **Senate**

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) | New |
|---|---|---|
| BRANDT, WERNER | | No |
| PIZZELLA, PATRICK | | No |
| VALENTINE, STEVEN | Leg. Dir & Gen. Counsel Sen. Bob Smith | No |
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19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

Signature _____ Date 02/14/2001

Printed Name and Title STEVEN VALENTINE - OF COUNSEL



MTC-00030631_1003

Registrant Name: PRESTON GATES ELLIS & ROUVELAS MEEDS LLP

Client Name: MICROSOFT CORPORATION

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. **Using a separate page for each code,** provide information as requested. Attach additional page(s) as needed.

15. General issue area code TAX (one per page)
16. Specific Lobbying issues
    **H.R.3709, Internet Nondiscrimination Act of 2000,**
    **H.R.4267, Internet Tax Reform and Reduction Act of 2000,**
    **H.R.4460, Internet Tax Simplification Act of 2000,**
    **H.R.4462, Fair and Equitable Interstate Tax Compact Simplification Act of 2000,**
    **S.2401, New Economy Tax Simplification Act (NETSA),**
    **S.2775, Internet Tax Moratorium and Equity Act,**

17. House(s) of Congress and Federal agencies contacted ☐ Check if None
    **House of Representatives**
    **Senate**

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) | New |
|---|---|---|
| BRANDT, WERNER | | No |
| HEIMAN, BRUCE | | No |
| PIZZELLA, PATRICK | | No |
| VALENTINE, STEVEN | Leg. Dir & Gen. Counsel Sen. Bob Smith | No |
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19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

Signature _____ Date 02/14/2001

Printed Name and Title STEVEN VALENTINE - OF COUNSEL



MTC-00030631_1004

Registrant Name: PRESTON GATES ELLIS & ROUVELAS MEEDS LLP

Client Name: MICROSOFT CORPORATION

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. **Using a separate page for each code,** provide information as requested. Attach additional page(s) as needed.

15. General issue area code TEC (one per page)
16. Specific Lobbying issues
    **H.R.1685, Internet Growth and Development Act of 1999,**
    **H.R.1686, Internet Freedom Act,**
    **FCC Dkt. No. 99-168, Service Rules for the 746-765 and 776-794 MH Bands and Revisions to Part 27 of the Commission's Rules.**

17. House(s) of Congress and Federal agencies contacted ☐ Check if None
    **House of Representatives**
    **Senate**

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) | New |
|---|---|---|
| BRANDT, WERNER | | No |
| PIZZELLA, PATRICK | | No |
| VALENTINE, STEVEN | Leg. Dir & Gen. Counsel Sen. Bob Smith | No |
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19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

Signature _____ Date 02/14/2001

Printed Name and Title STEVEN VALENTINE - OF COUNSEL



MTC-00030631_1005

Registrant Name: PRESTON GATES ELLIS & ROUVELAS MEEDS LLP

Client Name: MICROSOFT CORPORATION

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. **Using a separate page for each code,** provide information as requested. Attach additional page(s) as needed.

15. General issue area code TRD (one per page)

16. Specific Lobbying issues

**H.R.4444, To authorize extension of nondiscriminatory treatment (normal trade relations treatment) to the People's Republic of China,**
**S.2277, To terminate the application of title IV of the Trade Act of 1974 with respect to the People's Republic of China,**
**S.2645, China Nonproliferation Act,**
**World Trade Organization (a) Agreement on Trade-Related Intellectual Property Rights (b) Post-Seattle WTO Ministerial Meeting related commerce and trade issues.**
**Foreign sales corporation dispute pending at WTO.**

17. House(s) of Congress and Federal agencies contacted ☐ Check if None

**House of Representatives**
**Senate**

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) | New |
|---|---|---|
| BRANDT, WERNER | | No |
| PIZZELLA, PATRICK | | No |
| SLOMOWITZ, ALAN | | No |
| VALENTINE, STEVEN | Leg. Dir & Gen. Counsel Sen. Bob Smith | No |
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19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

Signature Steven Valentine Date 02/14/2001

Printed Name and Title STEVEN VALENTINE - OF COUNSEL



MTC-00030631_1006

Registrant Name: PRESTON GATES ELLIS & ROUVELAS MEEDS LLP

Client Name: MICROSOFT CORPORATION

## Information Update Page - Complete ONLY where registration information has changed.

20. Client new address

21. Client new principal place of business (if different from line 20)

City State/Zip (or Country)

22. New general description of client's business or activities

### LOBBYIST UPDATE

23. Name of each previously reported individual who is **no longer** expected to act as a lobbyist for the client
**PIZZELLA, PATRICK**
**ABRAMOFF, JACK**
**SLOMOWITZ, ALAN**
**BERGER, AMY**

### ISSUE UPDATE

24. General lobbying issues previously reported that **no longer** pertain

### AFFILIATED ORGANIZATIONS

25. Add the following affiliated organization(s)

| Name | Address | Principal Place of Business (city and state or country) |
|---|---|---|
| | | |

26. Name of each previously reported organization that is **no longer** affiliated with the registrant or client

### FOREIGN ENTITIES

27. Add the following foreign entities

| Name | Address | Principal Place of Business (city and state or country) | Amount of contribution for lobbying activities | Ownership % in client |
|---|---|---|---|---|
| | | | | |

28. Name of each previously reported foreign entity that **no longer** owns, or controls, or is affiliated with the registrant, client, or affiliated organization

Signature Steven Valentine Date 02/14/2001

Printed Name and Title STEVEN VALENTINE - OF COUNSEL



MTC-00030631_1007

# ATTACHMENT 43

# TO THE

# DECLARATION OF BRIAN DAUTCH

HAND DELIVERED

| Clerk of the House of Representatives | Secretary of the Senate |
|---|---|
| Legislative Resource Center | Office of Public Records |
| B-106 Cannon Building | 232 Hart Building |
| Washington, DC 20515 | Washington, DC 20510 |

LEGISLATIVE RESOURCE CENTER
2001 AUG 14 PM 3:34

10

# LOBBYING REPORT

Lobbying Disclosure Act of 1995 (Section 5) - **All Filers Are Required to Complete This Page**

1. Registrant Name
PRESTON GATES ELLIS & ROUVELAS MEEDS LLP

2. Registrant Address ☐ Check if different than previously reported
Address 1735 NEW YORK AVE, NW SUITE 500
City WASHINGTON State/Zip (or Country) DC 20006

3. Principal Place of Business (if different from line 2)
City State/Zip (or Country)

4. Contact Name TERRI PAULK
Telephone 202 628 1700
E-mail (optional)

5. Senate ID # 32098-366

7. Client Name ☐ Self
MICROSOFT CORPORATION

6. House ID # 31355019

## TYPE OF REPORT

8. Year 2001 Midyear (January 1-June 30) ☒ OR Year End (July 1-December 31) ☐

9. Check if this filing amends a previously filed version of this report ☐

10. Check if this is a Termination Report ☐ >> Termination Date _____

11. No Lobbying Activity ☐

## INCOME OR EXPENSES - Complete Either Line 12 OR Line 13

**12. Lobbying Firms**

**INCOME** relating to lobbying activities for this reporting period was:

Less than $10,000 ☐

$10,000 or more ☒ >> $ $120,000.00
Income (nearest $20,000)

Provide a good faith estimate, rounded to the nearest $20,000 of all lobbying related income from the client (including all payments to the registrant by any other entity for lobbying activities on behalf of the client).

**13. Organizations**

**EXPENSES** relating to lobbying activities for this reporting period were:

Less than $10,000 ☐

$10,000 or more ☐ >> $ _____
Expenses (nearest $20,000)

**14. REPORTING METHOD.** Check box to indicate expense accounting method. See instructions for description of options.

☐ **Method A.** Reporting amounts using LDA definitions only

☐ **Method B.** Reporting amounts under section 6033(b)(8) of the Internal Revenue Code

☐ **Method C.** Reporting amounts under section 162(e) of the Internal Revenue Code

Signature _____ Date 08/14/2001

Typed Name and Title STEVEN VALENTINE - OF COUNSEL



MTC-00030631_1009

Registrant Name: PRESTON GATES ELLIS & ROUVELAS MEEDS LLP

Client Name: MICROSOFT CORPORATION

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. **Using a separate page for each code,** provide information as requested. Attach additional page(s) as needed.

15. General issue area code CPI (one per page)

16. Specific Lobbying issues
**H.R.2590, Treasury and General Government Appropriations Act, 2002, relating to funding for US Customs anti-counterfeiting activities.**
**Competition in the software industry.**

17. House(s) of Congress and Federal agencies contacted ☐ Check if None
**Department of Justice**
**House of Representatives**
**Senate**

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) | New |
|---|---|---|
| IVEY, GLENN | | Yes |
| STEPHENS, DENNIS | | No |
| VALENTINE, STEVEN | Leg. Dir & Gen. Counsel Sen. Bob Smith | No |
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19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

Signature _____ Date 08/14/2001

Printed Name and Title STEVEN VALENTINE - OF COUNSEL



MTC-00030631_1010

Registrant Name: PRESTON GATES ELLIS & ROUVELAS MEEDS LLP

Client Name: MICROSOFT CORPORATION

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which the registrant ·ngaged in lobbying on behalf of the client during the reporting period. **Using a separate page for each code,** provide .nformation as requested. Attach additional page(s) as needed.

15. General issue area code CPT (one per page)

16. Specific Lobbying issues
**H.R. 2500 and S. 1215, The State, Justice, Commerce Departments and related agencies appropriations bill, relating to funding of enforcement of anti-privacy and intellectual property laws and relating to funding of the Intellectual Property Rights Center.**

17. House(s) of Congress and Federal agencies contacted ☐ Check if None
**House of Representatives**
**Senate**

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) | New |
|---|---|---|
| IVEY, GLENN | | Yes |
| STEPHENS, DENNIS | | Yes |
| VALENTINE, STEVEN | Leg. Dir & Gen. Counsel Sen. Bob Smith | No |
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19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

Signature _____ Date 08/14/2001

ıted Name and Title STEVEN VALENTINE - OF COUNSEL



MTC-00030631_1011

Registrant Name: PRESTON GATES ELLIS & ROUVELAS MEEDS LLP

Client Name: MICROSOFT CORPORATION

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. **Using a separate page for each code,** provide information as requested. Attach additional page(s) as needed.

15. General issue area code CSP (one per page)
16. Specific Lobbying issues
    **H.R.2458 and S.803, E-Government Act of 2001, relating to Internet privacy.**

17. House(s) of Congress and Federal agencies contacted ☐ Check if None
    **Department of Justice**
    **House of Representatives**
    **Senate**

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) | New |
|---|---|---|
| IVEY, GLENN | | Yes |
| STEPHENS, DENNIS | | Yes |
| VALENTINE, STEVEN | Leg. Dir & Gen. Counsel Sen. Bob Smith | No |
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19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

Signature _____ Date 08/14/2001

Printed Name and Title STEVEN VALENTINE - OF COUNSEL



MTC-00030631_1012

Registrant Name: PRESTON GATES ELLIS & ROUVELAS MEEDS LLP

Client Name: MICROSOFT CORPORATION

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. **Using a separate page for each code,** provide information as requested. Attach additional page(s) as needed.

15. General issue area code TAX (one per page)

16. Specific Lobbying issues
**H.R. 2526, Internet Tax Fairness Act of 2001,**
**H.R.1410 and S.512, Internet Tax Moratorium and Equity Act,**
**H.R.1552 and S.288, Internet Tax Nondiscrimination Act,**
**H.R.2421, Jurisdictional Certainty Over Digital Commerce Act,**
**S.245, A bill to make permanent the moratorium on the Federal imposition of taxes on the Internet.,**
**S.246, A bill to extend the moratorium on the imposition of taxes on the Internet for an additional 5 years.,**
**S.41, A bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit and to increase the rates of the alternative incremental credit,**
**S.589, A bill to make permanent the moratorium on the imposition of taxes on the Internet.,**
**S.664, NET FAIR Act,**

17. House(s) of Congress and Federal agencies contacted ☐ Check if None
**House of Representatives**
**Senate**

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) | New |
|---|---|---|
| IVEY, GLENN | | Yes |
| STEPHENS, DENNIS | | Yes |
| VALENTINE, STEVEN | Leg. Dir & Gen. Counsel Sen. Bob Smith | No |
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19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

Signature _____ Date 08/14/2001

rinted Name and Title STEVEN VALENTINE - OF COUNSEL



MTC-00030631_1013

Registrant Name: **PRESTON GATES ELLIS & ROUVELAS MEEDS LLP**

Client Name: **MICROSOFT CORPORATION**

| Item | Description | Data |
|---|---|---|
| 6 | **Lobbying Issues** | **S.777, Internet Tax Nondiscrimination Act,** |



MTC-00030631_1014

Registrant Name: PRESTON GATES ELLIS & ROUVELAS MEEDS LLP

Client Name: MICROSOFT CORPORATION

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. **Using a separate page for each code,** provide information as requested. Attach additional page(s) as needed.

15. General issue area code TEC (one per page)
16. Specific Lobbying issues
    **FCC Dkt. No. 99-168, Service Rules for the 746-765 and 776-794 MH Bands and Revisions to Part 27 of the Commission's Rules.**

17. House(s) of Congress and Federal agencies contacted ☐ Check if None
    **House of Representatives**
    **Senate**

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) | New |
|---|---|---|
| IVEY, GLENN | | Yes |
| STEPHENS, DENNIS | | Yes |
| VALENTINE, STEVEN | Leg. Dir & Gen. Counsel Sen. Bob Smith | No |
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19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

Signature _____ Date 08/14/2001

Printed Name and Title STEVEN VALENTINE - OF COUNSEL



MTC-00030631_1015

Registrant Name: PRESTON GATES ELLIS & ROUVELAS MEEDS LLP

Client Name: MICROSOFT CORPORATION

**LOBBYING ACTIVITY.** Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. **Using a separate page for each code,** provide information as requested. Attach additional page(s) as needed.

15. General issue area code TRD (one per page)
16. Specific Lobbying issues
    **H.R.2149 and S.599, Trade Promotion Authority Act of 2001, Permanent Normal Trade Relations (PNTR) of China.**

17. House(s) of Congress and Federal agencies contacted ☐ Check if None
    **House of Representatives**
    **Senate**

18. Name of each individual who acted as a lobbyist in this issue area

| Name | Covered Official Position (if applicable) | New |
|---|---|---|
| IVEY, GLENN | | Yes |
| STEPHENS, DENNIS | | Yes |
| VALENTINE, STEVEN | Leg. Dir & Gen. Counsel Sen. Bob Smith | No |
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19. Interest of each foreign entity in the specific issues listed on line 16 above ☒ Check if None

Signature _____ Date 08/14/2001

Printed Name and Title STEVEN VALENTINE - OF COUNSEL



MTC-00030631_1016

Registrant Name: PRESTON GATES ELLIS & ROUVELAS MEEDS LLP

Client Name: MICROSOFT CORPORATION

## Information Update Page - Complete ONLY where registration information has changed.

20. Client new address

21. Client new principal place of business (if different from line 20)

City State/Zip (or Country)

22. New general description of client's business or activities

### LOBBYIST UPDATE

23. Name of each previously reported individual who is no longer expected to act as a lobbyist for the client

PIZZELLA, PATRICK
ABRAMOFF, JACK
BRANDT, WERNER
SLOMOWITZ, ALAN

### ISSUE UPDATE

24. General lobbying issues previously reported that no longer pertain

### AFFILIATED ORGANIZATIONS

25. Add the following affiliated organization(s)

| Name | Address | Principal Place of Business (city and state or country) |
|---|---|---|
| | | |

26. Name of each previously reported organization that is no longer affiliated with the registrant or client

### FOREIGN ENTITIES

27. Add the following foreign entities

| Name | Address | Principal Place of Business (city and state or country) | Amount of contribution for lobbying activities | Ownership % in client |
|---|---|---|---|---|
| | | | | |

28. Name of each previously reported foreign entity that no longer owns, or controls, or is affiliated with the registrant, client, or affiliated organization

Signature Steven Valentine Date 08/14/2001

Printed Name and Title STEVEN VALENTINE - OF COUNSEL



MTC-00030631_1017

Registrant Name: PRESTON GATES ELLIS & ROUVELAS MEEDS LLP

Client Name: MICROSOFT CORPORATION

| Item | Description | Data |
|---|---|---|
| 23 | **Lobbyist Update** | **BERGER, AMY** |

# ATTACHMENT 44

# TO THE

# DECLARATION OF BRIAN DAUTCH

# PRESS RELEASE

## Congressman John Conyers, Jr.

**Fourteenth District, Michigan**
**Ranking Member, Committee on the Judiciary**
**Dean, Congressional Black Caucus**

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**FOR IMMEDIATE RELEASE:**
November 6, 2001

**CONTACT:**
**Dena Graziano: (202) 226-6888**

**CONYERS OBJECTS TO REPORTS OF INFLUENCE AND IMPROPRIETY IN THE PROPOSED MICROSOFT SETTLEMENT, SEEKS INFORMATION FROM ASHCROFT**

Today, Congressman John Conyers, Jr., Ranking Member of the House Judiciary Committee sent a letter to Attorney General, John Ashcroft complaining of reports of political influence and impropriety by Justice Department employees in the proposed settlement of the *U.S. v. Microsoft* case. A copy of the letter follows.

November 6, 2001

The Honorable John Ashcroft
Attorney General of the United States
U.S. Department of Justice
10th Street and Constitution Avenue, NW
Washington, D.C. 20530

Dear Mr. Attorney General:

I am writing to express my very serious concerns regarding reports of political influence and impropriety by Justice Department employees in the proposed settlement of the *U.S. v. Microsoft* case. I am also deeply troubled by your office's continuing failure to respond to my earlier requests for information set forth in my September 6, 2001 letter to you.

As I am sure you are aware, a number of reservations have been raised with the proposed settlement by consumer groups, trade associations, state attorneys general, and antitrust experts. I too am very concerned the proposed agreement represents a weakening in our government's resolve to protect competition, preserve consumer welfare, and foster continued innovation, particularly given the resounding and clear cut legal judgments achieved by your predecessor in office. Wherever one comes out on the merits or demerits of the proposed settlement, I do not believe the Department is at all served by continuing to stonewall inquiries into legitimate and credible allegations of political impropriety raised by the press and the public. I would therefore encourage your office to respond to my earlier letter and the additional questions raised in this correspondence by no later than November 23, 2001.

At the outset, let me note that my earlier expressed concerns about inappropriate political influence have only been heightened by recent media reports that your own Deputy Chief of Staff, David Israelite, communicated with outside lobbyists in an effort to convince them to alter their clients' views regarding the role of the states in the case. This inappropriate and possibly illegal contact is reported to have occurred after Mr. Israelite had recused himself from the case because of conflict of interest concerns. As a result, I would like to receive an itemization of any and all contacts between Mr. Israelite and any representatives of any outside party (including representatives of AOL/Time Warner) having any interest in the Microsoft case, as well as a detailing of any briefings or other "communications" (meant to include all notes, e-mails, documents, memoranda, phone records and any other types

of written, audio, or electronic communications) involving the Microsoft case which are in any way associated with, written to or sent from Mr. Israelite. If the allegations reported by the media are true, such active involvement by a recused public official could violate federal conflict of interest laws governing Executive Branch employees.[1] Among other things, Mr. Israelite would be disqualified from taking any significant action if the matter will have a "direct and predictable" effect on his interest.

In a similar regard, I am troubled by the possibility that additional staff who have been recused from the Microsoft case have been and will continue to be called on to offer services and judgments which implicate the case. For example, it has been reported that Mr. William J. Kolasky, who has previously written *amicus curiae* legal briefs supporting Microsoft's legal position and opposing the Department has been appointed to be Deputy Assistant Attorney General for International Affairs. Given that one of his principal responsibilities will be dealing with the European Union, which is itself in the midst of a significant antitrust proceeding involving Microsoft, it would seem difficult, if not impossible for him to discharge his duties without in some way taking an action impacting Microsoft. Of course we can only consider and scrutinize these conflicts if we learn of the persons in the Department who have recused themselves. This is why I am so troubled that your office has refused to turn over a list of political appointees at the Department who have recused themselves from the Microsoft case.

Third, the press has also reported that many career attorneys and staff at the Department were either cut out of the final negotiations or raised objections to it that were overruled. As a result, I would also like to receive copies of any and all "communications" (as defined above), by any Department employees or consultants regarding a possible settlement or proposing any suggestions or differing terms than those you agreed to. I am also concerned that political appointees within the Department may have threatened career employees for failing to "toe the company line" in this matter and support the settlement. As a result, I would also like to receive copies of all "communications" between any political appointees and career staff regarding the Microsoft case which could in any way be seen as threatening or intimidating. Given the thousands upon thousands of hours devoted by career staff at the Department, I believe it is counterproductive to totally subordinate their considerable efforts and input at this critical stage in the proceeding. Surely, public disclosure of these matters will contribute to the public's knowledge and understanding of this matter.

Thank you for your time and attention to this matter.

Sincerely,

John Conyers, Jr.
Ranking Member

cc: Hon. F. James Sensenbrenner, Jr.
Mr. Daniel Bryant

#107-97#

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[1] *See* 18 U.S.C. § 208(a); 5 C.F.R § 2635.401-403. *See also*, Ethical Rules for U.S. Attorneys, Sections 3-2.170-171, 3-2.220.

# ATTACHMENT 45

# TO THE

# DECLARATION OF BRIAN DAUTCH

# STATEMENT OF INFORMATION

## HEARINGS

BEFORE THE

## COMMITTEE ON THE JUDICIARY

HOUSE OF REPRESENTATIVES

NINETY-THIRD CONGRESS

SECOND SESSION

PURSUANT TO

H. Res. 803

A RESOLUTION AUTHORIZING AND DIRECTING THE COMMITTEE ON THE JUDICIARY TO INVESTIGATE WHETHER SUFFICIENT GROUNDS EXIST FOR THE HOUSE OF REPRESENTATIVES TO EXERCISE ITS CONSTITUTIONAL POWER TO IMPEACH

RICHARD M. NIXON

PRESIDENT OF THE UNITED STATES OF AMERICA

BOOK V—PART 1

## DEPARTMENT OF JUSTICE/ITT LITIGATION—RICHARD KLEINDIENST NOMINATION HEARINGS

MAY–JUNE 1974

MTC-00030631_1023

## FOREWORD

By Hon. Peter W. Rodino, Jr., Chairman,
Committee on the Judiciary

On February 6, 1974, the House of Representatives adopted by a vote of 410-4 the following House Resolution 803:

> RESOLVED, That the Committee on the Judiciary acting as a whole or by any subcommittee thereof appointed by the Chairman for the purposes hereof and in accordance with the Rules of the Committee, is authorized and directed to investigate fully and completely whether sufficient grounds exist for the House of Representatives to exercise its constitutional power to impeach Richard M. Nixon, President of the United States of America. The committee shall report to the House of Representatives such resolutions, articles of impeachment, or other recommendations as it deems proper.

Beginning in November 1973, acting under resolutions referred to the Committee by the Speaker of the House and with a special appropriation, I had begun to organize a special staff to investigate serious charges against the President of the United States.

On May 9, 1974, as Chairman of the Committee on the Judiciary, I convened the Committee for hearings to review the results of the Impeachment Inquiry staff's investigation. The staff began its initial presentation the same day, in executive session, pursuant to the Committee's Impeachment Inquiry Procedures adopted on May 2, 1974.

By June 21, the Inquiry staff had concluded its initial presentation.

On June 25, the Committee voted to make public the initial presentation including substantially all of the supporting material



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presented at the hearings. The Committee also voted to make public the President's response, which was presented to the Committee on June 27 and June 28 in the same form and manner as the Inquiry staff's initial presentation.

Statements of information and supporting evidentiary material were compiled by the Inquiry staff in 36 notebooks and furnished in this form to each Member of the Committee. The notebooks presented material on several subjects of the Inquiry: the Watergate break-in and its aftermath, ITT, dairy price supports, domestic surveillance, abuse of the IRS, and the activities of the Special Prosecutors. In each notebook a statement of information relating to a particular phase of the investigation was immediately followed by supporting evidentiary material, which included copies of documents and testimony (much already on public record), transcripts of Presidential conversations and affidavits.

The staff also presented to the Committee written reports on President Nixon's income taxes, Presidential impoundment of funds appropriated by Congress, and the bombing of Cambodia.

Book V, presented to the Committee under the general heading of "ITT," dealt with two areas of the Inquiry. First, material was presented with respect to the possible relation between the 1971 settlement of three antitrust cases filed against ITT and ITT's pledge of financial assistance to the San Diego Convention and Tourist Bureau for expenses related to the 1972 Republic National Convention. Second, material was presented with respect to the testimony of



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Richard Kleindienst and John Mitchell during Kleindienst's confirmation hearings before the Senate Judiciary Committee.

Every effort was made to preclude inferences in the presentation of this material. A deliberate and scrupulous abstention from conclusions, even by implication, was observed.

With respect to the Presidential recorded conversations, the Committee determined to hear the recorded conversations in their entirety. The Presidential recorded conversations were neither paraphrased nor summarized by the Inquiry staff. Thus, no inferences, or conclusions were drawn for the Committee. During the course of the hearings, Members of the Committee heard each recording and simultaneously followed transcripts prepared by the Inquiry staff. Each of these transcripts is reprinted under the appropriate Statement of Information.

During the course of the hearings, the Committee found it necessary to issue a subpoena to President Richard Nixon requiring tape recordings of 19 Presidential conversations related to the ITT matters before the Committee. The Committee also subpoenaed the President's copies of daily news summaries which were compiled by White House staff members from February 22, 1972 through June 9, 1972. The Presdient has not yet responded to this subpoena.

Prior to the Committee's issuance of the subpoena on June 24, 1974, the President furnished to the Committee an edited transcript of a meeting he held with H. R. Haldeman and John Mitchell on April 4, 1972 at which the Kleindienst nomination hearings were discussed.



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In a few instances, Ranking Minority Member Mr. Hutchinson and I determined, pursuant to authority granted us by the Committee, to defer the release of evidentiary material or to delete it for one of the following reasons:

1) Because the public interest in making the material public was outweighed by the potential prejudice to the rights of defendants under indictment and awaiting trial.

2) Because the information was classified or otherwise required confidential treatment,

3) Because the material was only marginally pertinent and was considered to be defamatory, degrading or embarrassing, or,

4) Because the material was not pertinent to Presidential responsibility within the outer limits of an impeachable offense within the meaning of the Constitution.

The Committee on the Judiciary is working to follow faithfully its mandate "to investigate fully and completely" whether or not sufficient grounds exist to recommend that the House exercise its constitutional power of impeachment.

I believe that the readers of these volumes will see that the Committee's primary effort in carrying out its mandate has been to obtain an objective, impartial presentation which will enable each Member of the Committee to make an informed judgment in fulfilling his or her constitutional responsibility.



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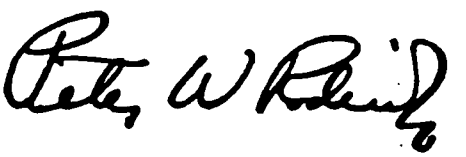
I also believe that the publication of the record of these hearings will provide readers with a clear idea of the particulars of the investigation and that the proximity of the evidence will assure them that no statement of information is offered without supporting evidentiary material.



July 1974



MTC-00030631_1028

1. By memorandum dated April 23, 1969 from Deputy Attorney General Richard Kleindienst, acting as Attorney General*, and Assistant Attorney General Richard McLaren, head of the Antitrust Division, to John Ehrlichman, Counsel to the President, Kleindienst and McLaren urged approval of the commencement of an antitrust action against the International Telephone and Telegraph Corporation (ITT) challenging its acquisition of Canteen Corporation. Commencement of the suit was approved and on April 28, 1969 the suit was begun in the United States District Court for the Northern District of Illinois.

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*Because Attorney General John Mitchell's former law firm had represented an ITT subsidiary, Mitchell recused himself and Deputy Attorney General Kleindienst acted as Attorney General in connection with the litigation.


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| 1.1 | Memorandum from Richard Kleindienst and Richard McLaren to John Ehrlichman, April 23, 1969 with attached draft complaint (received from White House) | 70 |
| 1.2 | Memorandum from Richard McLaren to Richard Kleindienst, April 25, 1969, 3 Kleindienst Confirmation Hearings (KCH) 1237 | 88 |
| 1.3 | United States v. International Telephone and Telegraph Corporation, Civ. No. 69c-924, Docket, 1-2 | 89 |
| 1.4 | Richard Kleindienst testimony, 2 KCH 96 | 91 |
| 1.5 | John Mitchell testimony, 2 KCH 539-40 | 92 |
| 1.6 | Memorandum from Richard McLaren for the Attorney General, April 7, 1969 (received from Department of Justice) | 94 |




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2. On August 1, 1969 two antitrust suits similar to the Canteen suit were commenced in the United States District Court for the District of Connecticut challenging ITT's acquisition of the Hartford Fire Insurance Company and Grinnell Corporation.

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2.1 United States v. International Telephone and Telegraph Corporation and Grinnell Corporation, Civ. No. 13319, Docket, 1-2 ..... 102

2.2 United States v. International Telephone and Telegraph Corporation and Hartford Fire Insurance Company, Civ. No. 13320, Docket, 1-2 ..... 104

2.3 Memorandum from Richard McLaren for the Attorney General, June 20, 1969 (received from Department of Justice) ..... 106

2.4 Memorandum from Richard McLaren for the Deputy Attorney General, approved July 25, 1969 (received from Department of Justice) ..... 120




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3. During 1969, 1970 and 1971, Harold S. Geneen, President of ITT, met on numerous occasions with White House staff members, other Administration officials and members of both houses of Congress to discuss various matters, including international monetary policy, the Office of Foreign Direct Investment policy, antitrust policy, balance of payments, revenue sharing and expropriation by foreign governments. During the summer of 1969 Geneen sought a personal meeting with the President to discuss the ITT antitrust cases. His request was denied because the President's advisers thought that such a meeting was inappropriate.

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| 3.1 | Harold Geneen testimony, 2 KCH 776-80 | 132 |
| 3.2 | Memorandum from Hugh Sloan to John Ehrlichman, June 30, 1969 (received from White House) | 137 |
| 3.3 | Memorandum from Dwight Chapin to Peter Flanigan, July 16, 1969 (received from White House) | 138 |
| 3.4 | White House "White Paper," The ITT Anti-Trust Decision, January 8, 1974, 1, 3 | 139 |




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4. During September 1969 Colonel James Hughes, Military Assistant to the President, spoke with Dita Beard, an ITT lobbyist, about the pending antitrust suit. Hughes reported on the conversation in a memorandum to Ehrlichman dated September 19, 1969.

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4.1 Memorandum from James Hughes to John Ehrlichman, September 19, 1969 (received from White House) ..... 142




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5. In August 1970 officials and representatives of ITT held five meetings with Administration officials, including Vice President Spiro Agnew, Secretary of Commerce Maurice Stans, Assistant Attorney General McLaren and White House counsel John Ehrlichman and Charles Colson to discuss antitrust matters in general and the ITT antitrust litigation in particular. In another meeting, Geneen and Attorney General Mitchell met to discuss overall antitrust policy with respect to conglomerates. At these meetings and in subsequent letters and memoranda ITT officials sought to persuade Administration officials that McLaren's antitrust views, as reflected in his conduct of the ITT litigation, were ill-advised and inconsistent with the Administration's antitrust policy.

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5.1 Memorandum from Tod Hullin to John Ehrlichman, August 4, 1970 (received from White House).....145

5.2 Letter from Richard McLaren to Tod Hullin, July 30, 1970, with attached memorandum from Richard McLaren to John Ehrlichman (received from White House).....147

5.3 Memorandum from Richard McLaren to Tod Hullin, August 3, 1970, with attachments (received from White House).....153

5.4 Letter from "Ned" [Edward Gerrity] to Vice President Spiro Agnew, August 7, 1970, with attached memorandum (received from House Interstate and Foreign Commerce Committee).....163

5.5 Memorandum from John Poole to Files, August 7, 1970 (received from Department of Justice).....166

5.6 Memorandum from Tod Hullin to Richard McLaren, August 10, 1970 (received from White House).....168




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5.7 Letter from Thomas Casey to Charles Colson, August 7, 1970, with attachment (received from White House) ..... 169

5.8 Memorandum from Charles Colson to John Ehrlichman, August 10, 1970 (received from White House) ..... 177

5.9 Memorandum from Tod Hullin to John Mitchell, August 11, 1970 (received from White House) ..... 178

5.10 John Mitchell testimony, 2 KCH 540, 542-43, 546, 549-50 ..... 179

5.11 Memorandum from Edward Gerrity to John Ryan, August 10, 1970 (received from Michael Mitchell) ..... 185

5.12 Memorandum from John Ryan to William Merriam, August 24, 1970, House Interstate and Foreign Commerce Committee, Special Subcommittee on Investigations, Hearings on Legislative Oversight of SEC: Inquiry into Withholding and Transfer of Agency Files Pertaining to ITT, 154-56 ..... 186



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6. On September 15, 1970 the trial in ITT-Grinnell began. In memoranda dated September 17, 1970 from Ehrlichman to Attorney General Mitchell and October 1, 1970 from Colson to Ehrlichman, the ITT litigation was discussed. Ehrlichman and Colson stated their concern that McLaren's conduct of the ITT cases constituted an attack on "bigness per se" contrary to the Administration's expressed antitrust policy.

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| 6.1 | United States v. International Telephone and Telegraph Corporation and Grinnell Corporation, Civ. No. 13319, Docket, 5 | 190 |
| 6.2 | Memorandum from John Ehrlichman to John Mitchell, September 17, 1970 (received from White House) | 192 |
| 6.3 | Memorandum from Charles Colson to John Ehrlichman, October 1, 1970, with attachment (received from White House) | 193 |




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7. The trial of ITT-Grinnell was completed on October 30, 1970 and the case was taken under advisement. A judgment for ITT on the merits was rendered on December 31, 1970. A notice of appeal was filed on March 1, 1971.

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7.1 United States v. International Telephone and Telegraph Corporation and Grinnell Corporation, Civ. No. 13319, Docket, 1,6-7 ..... 214

7.2 United States v. International Telephone and Telegraph Corporation, Opinion, December 31, 1970, 324 F. Supp. 19 ..... 217




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8. On March 3, 1971 at ITT's request Geneen and William Merriam, ITT Vice President and Director of Washington Relations, met with Ehrlichman to discuss antitrust matters.

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| 8.1 | John Ehrlichman log, March 3, 1971 (received from SSC) | 256 |
| 8.2 | Letter from William Merriam to John Ehrlichman, March 4, 1971 (received from White House) | 257 |
| 8.3 | William Merriam testimony, 3 KCH 951 | 258 |




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9. On March 20, 1971, on the motion of Solicitor General Erwin Griswold, the time for the government to perfect its appeal in ITT-Grinnell by filing its jurisdictional statement was extended from March 31, 1971 to April 20, 1971.

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9.1 United States v. International Telephone and Telegraph Corporation, Application for Extension of Time and Order of the Supreme Court, March 20, 1971, and letter from the Deputy Clerk of the Supreme Court to Solicitor General Erwin Griswold (received from Department of Justice)..... 260



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10. On March 30, 1971 Merriam and Thomas Casey, ITT Director of Corporate Planning, met with Peter Peterson, Assistant to the President for International Economic Affairs, to discuss a wide range of subjects including antitrust matters.


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| 10.2 Letter from William Merriam to Peter Peterson, April 7, 1971 (received from Peter Peterson) | 271 |




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11. At the request of Ehrlichman who said he spoke for the President, Peterson met with Geneen and Merriam on Friday, April 16, 1971. They discussed various subjects relating to economic policy, including overall antitrust policy related to bigness. At the end of the meeting, Geneen and Merriam discussed ITT's specific antitrust problems, including the fact that the deadline for the government to perfect the ITT-Grinnell appeal was the following Tuesday, April 20. After the meeting Peterson telephoned Ehrlichman and reported on the meeting including the discussion of the ITT-Grinnell appeal. Ehrlichman indicated to Peterson that action was under way to postpone the appeal. The following week Peterson reported to the President on the meeting and his subsequent telephone call to Ehrlichman.

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11.1 Peter Peterson affidavit, April 29, 1974 ..... 278

11.2 Memorandum from Peter Peterson to the President, April 23, 1971 (received from White House)..... 281




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12. Also on April 16, 1971 Lawrence Walsh, a member of a law firm that had long represented ITT, telephoned Deputy Attorney General Kleindienst. Pursuant to that telephone conversation Walsh caused to be delivered to Kleindienst a letter and memorandum urging that before the Department of Justice decided to pursue the ITT-Grinnell appeal to the Supreme Court it should undertake a review by all interested federal agencies of the economic consequences of a Supreme Court decision favorable to the government. Copies of the Walsh letter and memorandum were delivered later that day to Peterson and Ehrlichman.

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| 12.2 | Lawrence Walsh testimony, 3 KCH 1038-39 | 285 |
| 12.3 | Letter from Lawrence Walsh to Richard Kleindienst, April 16, 1971 with attached memorandum of law (received from White House; reprinted at 2 KCH 265-68 | 287 |
| 12.4 | Memorandum from William Merriam to Peter Peterson, April 16, 1971 with attached letter (received from Peter Peterson) | 304 |
| 12.5 | Letter from William Merriam to John Ehrlichman, April 16, 1971 with attached letter and memorandum of law (received from White House) | 305 |




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13. On Monday morning, April 19, 1971 Kleindienst told Walsh by telephone that Kleindienst did not think the ITT-Grinnell appeal would be delayed. In a memorandum dated April 19, 1971 to Kleindienst, McLaren disputed the position taken by Walsh in his letter and memorandum of April 16 and urged that the ITT-Grinnell appeal not be delayed.

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13.1 Lawrence Walsh testimony, 3 KCH 1039..... 308

13.2 Memorandum from Richard McLaren to Richard Kleindienst, April 19, 1971 (received from Department of Justice).... 309




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14. Beginning at 3:03 p.m. on the afternoon of April 19, 1971 the President met with Ehrlichman and George Shultz, Director of the Office of Management and Budget. The antitrust actions against ITT were among the subjects discussed. Ehrlichman said that the deadline for the ITT-Grinnell appeal was the following day and he reported that, despite his attempts to give the Justice Department "signals," the appeal was being pursued. The President then telephoned Kleindienst and ordered him to drop the appeal. After the telephone conversation the President expressed his concern that McLaren's actions with respect to conglomerates were contrary to the Administration's antitrust policy.

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14.1 Tape recording of conversation among the President, John Ehrlichman and George Shultz, April 19, 1971, 3:03 - 3:34 p.m., and House Judiciary Committee transcript thereof..... 312

14.2 Tape recording of telephone conversation between the President and Richard Kleindienst, April 19, 1971, 3:04 - 3:09 p.m., and House Judiciary Committee transcript thereof ..... 346




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15. After the President's telephone call Kleindienst met with McLaren and Solicitor General Erwin Griswold and directed that the Solicitor General apply to the Supreme Court for another extension of time. At 4:30 p.m. Kleindienst telephoned Walsh and informed him that the Solicitor General was arranging for an extension of time for the government to perfect its appeal.

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| 15.1 | Richard Kleindienst testimony, 2 KCH 250 | 350 |
| 15.2 | Richard McLaren testimony, 2 KCH 252 | 351 |
| 15.3 | Erwin Griswold statement, 2 KCH 242-43 | 352 |
| 15.4 | Erwin Griswold testimony, 2 KCH 373, 378-80 | 354 |
| 15.5 | Lawrence Walsh testimony, 3 KCH 1039 | 358 |




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16. On Tuesday, April 20, 1971, on the motion of Solicitor General Griswold, the time for the government to perfect its appeal in ITT-Grinnell by filing its jurisdictional statement was extended from April 20, 1971 to May 20, 1971.

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16.1 United States v. International Telephone and Telegraph Corporation, Application for Extension of Time filed by the Solicitor General and Order of the United States Supreme Court, April 20, 1971, with letter from the Deputy Clerk of the Supreme Court to Solicitor General Erwin Griswold (received from Department of Justice) ..... 360

16.2 United States v. International Telephone and Telegraph Corporation, Supreme Court Docket, April 19-20, 1971 ..... 365




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17. Also on April 20, 1971 Felix Rohatyn, an investment banker who was a director of ITT, met with Kleindienst to discuss the economic and financial ramifications of divestiture of the Hartford Fire Insurance Company by ITT. At the meeting Rohatyn asked to present these arguments to McLaren, and such a presentation was later arranged for April 29.

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17.1 Richard Kleindienst testimony, 2 KCH 96-97..... 368

17.2 Felix Rohatyn testimony, 2 KCH 114..... 370




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18. On April 21, 1971 the President met with Attorney General Mitchell and discussed, among other things, the ITT-Grinnell appeal. The President said that he did not care about the merits of the case but that the business community believed that the Administration was being even rougher on it in antitrust matters than had previous administrations. Mitchell argued that it was a political mistake to interfere with the appeal. The President agreed to heed Mitchell's advice to permit the appeal to be perfected.

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18.1 Tape recording of the end of a meeting between the President and John Mitchell, April 21, 1971, 4:18 - 6:13 p.m., and House Judiciary Committee transcript thereof ..... 372




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19. During the last ten days of April 1971 Geneen and Merriam of ITT wrote four letters to Administration officials -- one to Secretary of the Treasury John Connally and three to Peter Peterson -- containing references to antitrust matters. Two of the letters commented favorably on the ITT-Grinnell appeal delay.

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19.1 Memorandum from William Merriam to Peter Peterson, April 22, 1971, with attached letter from Harold Geneen to Peter Peterson, April 22, 1971 (received from Peter Peterson)..... 378

19.2 Letter from William Merriam to John Connally, April 22, 1971 (received from White House)..... 386

19.3 Memorandum from Peter Peterson to John Ehrlichman Dick [sic] Krogh, April 27, 1971, with attached letter from William Merriam to Peter Peterson, April 26, 1971 (received from White House)..... 388

19.4 Memorandum from Peter Peterson to John Ehrlichman and Dick [sic] Krogh, May 3, 1971, with attached letter from William Merriam to Peter Peterson, April 30, 1971 (received from White House..... 391




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20. On April 28, 1971 Ehrlichman wrote a memorandum to the President criticizing McLaren for failure to follow the Administration's antitrust policy, then under study by a Domestic Council Task Force, and recommending action to be taken. The President approved Ehrlichman's recommendations.

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| 20.2 | Memorandum from John Ehrlichman to Members of the Domestic Council, February 19, 1971 (received from Department of Justice)..... | 396 |
| 20.3 | Memorandum from Egil Krogh to Richard McLaren, April 30, 1971 (received from White House)..... | 398 |
| 20.4 | Memorandum from John Ehrlichman to John Connally, John Mitchell, George Shultz, Paul McCracken, Peter Peterson, and Peter Flanigan, September 14, 1971 (received from Department of Justice)..... | 401 |




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21. On April 29, 1971 Rohatyn accompanied by four ITT representatives met with Kleindienst, McLaren and Antitrust Division and Treasury Department staff members. The ITT representatives presented ITT's position that there would be adverse economic and financial consequences if the divestiture of Hartford were required. Following the meeting McLaren caused these arguments to be submitted to the Treasury Department and to Richard Ramsden, an independent financial consultant who had previously rendered advice to the Antitrust Division.

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21.1 Richard Kleindienst testimony, 2 KCH 98..... 404

21.2 Richard McLaren testimony, 2 KCH 102-03..... 405

21.3 Felix Rohatyn testimony, 2 KCH 114-16..... 407

21.4 Richard Kleindienst notes of April 29, 1971 meeting (received from Department of Justice)..... 410

21.5 Letter from Felix Rohatyn to Richard McLaren, May 3, 1971 (received from Department of Justice)..... 419




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22. Beginning in April 1971 Mitchell, Haldeman, Lawrence Higby, Gordon Strachan, William Timmons, Jeb Magruder and Robert Odle participated in the initial planning of the 1972 Republican National Convention and began to consider San Diego as a possible site. A memorandum from Higby to Strachan dated April 29, 1971 states that Haldeman discussed the possibility of a San Diego convention with California's Lt. Governor Ed Reinecke. The memorandum states that Reinecke would, as a result of his discussion with Haldeman, cause a proposal for San Diego to be the convention site to be made to the Republican National Committee.

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22.1 Memorandum from William Timmons to H. R. Haldeman, April 20, 1971 (received from White House)..... 425

22.2 Memorandum from Lawrence Higby to H. R. Haldeman, April 20, 1971 (received from White House)..... 426

22.3 Memorandum from Gordon Strachan to H. R. Haldeman, April 21, 1971 (received from White House)..... 427

22.4 Memorandum from Gordon Strachan to H. R. Haldeman, April 23, 1971 (received from White House)..... 428

22.5 Memorandum from Lawrence Higby to Gordon Strachan, April 29, 1971 (received from White House)..... 429

22.6 Memorandum from Gordon Strachan to H. R. Haldeman, May 11, 1971 with attached memorandum from William Timmons to H. R. Haldeman, May 6, 1971, and attached report (received from White House)..... 430

22.7 Memorandum from Robert Odle to Jeb Magruder, May 19, 1971 (received from White House)..... 448

22.8 Memorandum from Robert Odle to William Timmons, May 20, 1971 (received from White House)..... 454

22.9 Letter from Ed Reinecke to William Timmons, June 2, 1971 (received from White House)..... 455




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22.10 Memorandum from Robert Odle to Jeb Magruder, June 15, 1971 (received from White House)..... 456

22.11 Memorandum from Gordon Strachan to H. R. Haldeman, June 23, 1971 with attached memorandum from Robert Odle to Jeb Magruder, June 22, 1971, and attached memorandum from William Timmons to H. R. Haldeman, June 21, 1971 (received from White House)..... 458

22.12 Memorandum from Gordon Strachan to H. R. Haldeman, June 25, 1971 (received from White House)..... 464

22.13 Memorandum from Gordon Strachan to H. R. Haldeman, June 29, 1971, with attached memorandum from Jeb Magruder and William Timmons to John Mitchell and H. R. Haldeman, June 26, 1971, and attachments (received from White House)..... 465



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23. In a memorandum dated May 5, 1971 Ehrlichman informed Mitchell that he desired to meet with McLaren about the ITT cases to achieve the agreed-upon ends discussed by the President and Mitchell.

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. 458 23.1 Memorandum from John Ehrlichman to John Mitchell, May 5, 1971 (received from White House)..... 526


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24. On May 12, 1971 ITT President Geneen discussed with Congressman Bob Wilson, whose district included part of San Diego, the possibility of ITT financial support for a San Diego convention bid.

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24.1 Harold Geneen testimony, 2 KCH 647-48 ..... 528

24.2 Bob Wilson testimony, 3 KCH 866-67..... 530




MTC-00030631_1054

25. On May 17, 1971 the government's appeal in ITT-Grinnell was perfected by the filing of a jurisdictional statement.

Page

25.1 United States v. International Telephone and Telegraph Corporation, Notice of Docketing of Appeal, United States Supreme Court, May 17, 1971 (received from Department of Justice)..... 534



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26. By report dated May 17, 1971 Richard Ramsden reported his findings on the ITT position with respect to the financial ramifications of divestiture of Hartford.

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26.1 Ramsden Report, International Telephone and Telegraph Corporation, May 17, 1971, 2 KCH 103-10..... 538

26.2 Richard McLaren testimony, 2 KCH 103, 110..... 546



MTC-00030631_1056

27. On June 17, 1971 McLaren recommended to Kleindienst that the ITT suits be settled. His proposed settlement included the requirement that ITT divest itself of Grinnell, Canteen, and certain other ITT subsidiaries, but permitted ITT to retain Hartford Fire Insurance Company. The basic terms of the settlement offer were put to ITT on a take it or leave it basis and were accepted. Details of the settlement were then negotiated among ITT and Antitrust Division lawyers.

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| 27.1 | Memorandum from Richard McLaren to Richard Kleindienst, June 17, 1971 (received from Department of Justice) | 550 |
| 27.2 | Richard McLaren testimony, 2 KCH 110-13 | 553 |
| 27.3 | Felix Rohatyn testimony, 2 KCH 115 | 557 |
| 27.4 | Richard Kleindienst testimony, 2 KCH 98-99 | 558 |




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28. San Diego's convention bid was authorized by the San Diego City Council on June 29, 1971. On July 21, 1971 ITT-Sheraton's President, Howard James, confirmed by telegram his company's commitment to the San Diego Convention and Tourist Bureau of $100,000 for convention-related expenses plus an additional $100,000 if and when $200,000 was raised by the Bureau from other non-public sources. The pledge was subject to the condition that the Sheraton Harbor Island Hotel, then under construction, be used as Presidential convention headquarters. The decision for San Diego to be the convention site was made within the Administration and transmitted to the Republican National Committee. On July 23, 1971 the Republican National Committee selected San Diego as the 1972 convention site.

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| 28.1 | San Diego City Council resolution, June 29, 1971 (received from San Diego City Council) | 563 |
| 28.2 | Memorandum from Jeb Magruder to John Mitchell, June 30, 1971 (received from White House) | 568 |
| 28.3 | Memorandum from Herbert Klein to H. R. Haldeman, June 30, 1971 (received from White House) | 569 |
| 28.4 | Memorandum from William Timmons to Jeb Magruder, July 3, 1971 (received from White House) | 574 |
| 28.5 | Memorandum from Herbert Klein to the President, July 19, 1971 (received from White House) | 575 |
| 28.6 | Memorandum from William Timmons to the President, July 19, 1971 (received from White House) | 576 |
| 28.7 | Memorandum from Jo Good to Robert Dole, July 19, 1971 (received from White House) | 578 |




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28.8 Memorandum from Jeb Magruder to John Mitchell, July 28, 1971 with attached memorandum from Robert Odle to Jeb Magruder, July 27, 1971 (received from White House)..... 582

28.9 Telegram from Howard James to Bob Wilson, July 21, 1971, 2 KCH 678-79..... 588

28.10 Harold Geneen testimony, 2 KCH 648-49..... 590

28.11 Resolution on Selection of the Site for the 1972 Republican National Convention, July 23, 1971..... 592



MTC-00030631_1059

29. On July 31, 1971, after ITT and Antitrust Division lawyers had negotiated details of the settlement of the ITT litigation, the settlement was announced.

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29.1 Richard McLaren testimony, 2 KCH 110-14..... 596

29.2 Felix Rohatyn testimony, 2 KCH 115..... 601

29.3 Richard Kleindienst testimony, 2 KCH 99..... 602




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30. A Sheraton Harbor Island Corporation check for $100,000 dated August 5, 1971 and representing the non-contingent portion of ITT's pledge was delivered to the San Diego Convention and Tourist Bureau.

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30.1 Photograph of check from Sheraton Harbor Island Corporation to the San Diego Convention and Tourist Bureau printed in Washington Post, March 16, 1972, A13 ..... 604



MTC-00030631_1061

31. On February 15, 1972 the President nominated Richard G. Kleindienst to be Attorney General to succeed John Mitchell who was leaving the Department of Justice and who later became Campaign Director of the Committee for the Re-election of the President. The Senate Committee on the Judiciary held hearings on the nomination and recommendation on February 24, 1972 that the nomination be confirmed.

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31.1 Announcement of President's Intention to Nominate Richard Kleindienst to be Attorney General, 8 Presidential Documents 440, 448 ..... 606

31.2 Letter from President Nixon to John Mitchell, February 15, 1972, 8 Presidential Documents 439 ..... 608

31.3 S. Exec. Rept. 92-19, Nomination of Richard Kleindienst, 92d Cong., 2d Sess. (1972) ..... 609

31.4 Chicago Tribune, February 25, 1972, Section 2A, 1 ..... 612




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32. On February 22, 1972 columnist Jack Anderson obtained from an ITT source a memorandum dated June 25, 1971 purportedly written by ITT lobbyist Dita Beard addressed to ITT Vice President Merriam regarding the ITT-Sheraton convention pledge and settlement of the ITT antitrust cases. Anderson's investigative reporters contacted first Dita Beard to discuss and confirm the memorandum's validity and then ITT and Administration officials to discuss and attempt to confirm the events reported in the memorandum. On February 24, 1972 ITT personnel destroyed documents in the Washington office files.

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| 32.1 | Purported memorandum from Dita Beard to William Merriam, June 25, 1971, (received from White House) reprinted in 2 KCH 447-48 | 614 |
| 32.2 | Jack Anderson testimony, 2 KCH 449 | 618 |
| 32.3 | Brit Hume testimony, 2 KCH 408-14 | 619 |
| 32.4 | Felix Rohatyn testimony, 2 KCH 115-16 | 626 |
| 32.5 | Washington Post, March 3, 1972, D15 | 628 |
| 32.6 | Howard Aibel testimony, 2 KCH 704-05 | 629 |




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33. In a February 28, 1972 Department of Justice press release Mitchell said he had met Dita Beard only once, at a party given by Governor Louis Nunn of Kentucky in May 1971. Mitchell denied allegations that he had discussed the ITT antitrust cases with her. He also denied in the press release that he had discussed the ITT matter with the President.

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33.1 John Mitchell statement, Department of Justice press release, February 28, 1972 (received from Department of Justice)..... 632



MTC-00030631_1064

34. On February 29, March 1 and March 3, 1972 there were published three columns by Jack Anderson based in part on the Beard memorandum. The articles alleged a connection between the ITT-Sheraton pledge and the ITT antitrust settlement and purported to involve both Mitchell and Kleindienst. As a result of the publication of the first two articles Kleindienst asked that his confirmation hearings be reopened.

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| 34.1 | Washington Post, February 29, March 1, March 3, 1972 | 634 |
| 34.2 | Washington Post, March 1, 1972, A1 | 637 |




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35. On March 1, 1972 during his final press conference as Attorney General, Mitchell again denied talking to the President about ITT or any other antitrust case.

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35.1 John Mitchell press conference, March 1, 1972, 1-2 (received from SSC)..... 640



MTC-00030631_1066

36. On or about March 1, 1972 a member of the staff of the SEC demanded that ITT produce documents in the files of ITT's Washington, D. C. office. The SEC staff member contended that production of the documents was called for by subpoenas previously issued in connection with SEC proceedings. Attorneys for ITT collected documents believed to be included in the SEC demand.

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36.1 Michael Mitchell affidavit submitted to House Judiciary Committee, May 1, 1974, with attachments ..... 646




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37. On Thursday March 2, 1972 pursuant to Kleindienst's request the confirmation hearings resumed and Kleindienst, testifying under oath, denied talking other than casually to the White House and White House staff about the ITT matter. He denied receiving any suggestions from the White House as to the action that the Justice Department should take in the ITT cases.

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37.1 Richard Kleindienst testimony, 2 KCH 95-96, 157..... 678



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38. On the same day an ITT attorney delivered copies of one or more of the documents collected by ITT attorneys from ITT's Washington office files to White House aide Wallace H. Johnson. The document or documents were then conveyed by Johnson to John Mitchell. During the following week copies of other documents taken from the ITT Washington office which mentioned the ITT antitrust suits and contacts between ITT and administration officials were delivered by ITT attorneys to Johnson.

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| 38.1 | Michael Mitchell affidavit, submitted to House Judiciary Committee, May 1, 1974, with attachments | 682 |
| 38.2 | Wallace Johnson affidavit, April 25, 1974 | 713 |
| 38.3 | John Mitchell log, March 2, 1972 (received from SSC) | 717 |




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39. On the evening of March 2, 1972 Dita Beard, having spent two days at the ITT offices in New York City, left Washington by airplane for Denver, Colorado en route to West Yellowstone, Montana. During the flight she became ill and on the evening of March 3, 1972 she was admitted to a Denver hospital.

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| 39.1 | Dita Beard statement, 2 KCH 741-42 | 720 |
| 39.2 | Edward Gerrity testimony, 3 KCH 1167 | 722 |
| 39.3 | United Air Lines passenger ticket, issued to D. Beard for Flight #175, March 2, 1972 (received from United Air Lines) | 723 |
| 39.4 | Stewardess report on passenger illness of Mrs. Beard, occuring on Flight # 175, March 2, 1972 (received from United Air Lines) | 724 |
| 39.5 | Letter from J. Edgar Hoover to Chairman James O. Eastland, March 5, 1972, 2 KCH 213 | 725 |
| 39.6 | Medical Report by Dr. Joseph Snyder, March 13, 1972, 2 KCH 637-39 | 726 |




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40. On Friday, March 3, 1972 Kleindienst, in his testimony before the Senate Committee on the Judiciary, denied consulting with, reporting to, or getting directions from anybody at the White House about the ITT antitrust cases. He also testified that he did not recall why on April 19, 1971 the Department of Justice requested a delay in the appeal of the ITT-Grinnell case to the Supreme Court.

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40.1 Richard Kleindienst testimony, 2 KCH 95, 181, 191, 203-04 ..... 730



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41. On the afternoon of Sunday, March 5, 1972, the President and Haldeman returned to Washington, D. C. from Key Biscayne. On Monday, March 6, 1972 the President had conversations with Haldeman, Ehrlichman and Colson. At about 1:30 p.m., shortly after leaving the President's office, Ehrlichman met with SEC Chairman Casey.

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41.1 John Ehrlichman log, March 6, 1972 (received from SSC) ..... 736

41.2 Meetings and conversations between the President and John Ehrlichman, March 6, 1972 (received from White House) ..... 737

41.3 Meetings and conversations between the President and H. R. Haldeman, March 1, March 5 and March 6, 1972 (received from White House) ..... 739

41.4 Meetings and conversations between the President and Charles Colson, March 6, 1972 (received from White House) ..... 741

41.5 John Ehrlichman log, March 21, 1972 (received from SSC) ..... 742

41.6 William Casey testimony, House Interstate and Foreign Commerce Committee, Special Subcommittee on Investigations, Hearings on Legislative Oversight of SEC: Agency Independence and the ITT Case, June 27, 1973, 261-64, 309-10 ..... 743

41.7 William Casey calendar, March 6, 1972 (received from U.S. Attorney, Southern District of New York) ... 749




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42. On Tuesday, March 7, 1972 in a prepared statement given under oath before the Senate Committee on the Judiciary, Kleindienst described the circumstances surrounding the request for an extension of time to appeal ITT-Grinnell. He omitted mention of the President's order to drop the case made during their telephone conversation of April 19, 1971.

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42.1 Richard Kleindienst testimony, 2 KCH 95, 249-50..... 752



MTC-00030631_1073

43. On March 8, 1972 Kleindienst testified before the Senate Committee on the Judiciary and denied again that he was interfered with, pressured, importuned or directed by anybody at the White House in connection with the discharge of his responsibilities in the ITT cases.

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43.1 Richard Kleindienst testimony, 2 KCH 95, 323, 353 ..... 756



MTC-00030631_1074

44. In early March 1972 a White House task force, consisting of Ehrlichman, Colson, Moore, Dean, Fielding, Johnson, Assistant Attorney General Robert C. Mardian and others, was established to follow the Kleindienst hearings; its activities continued throughout the month. Fielding was given the responsibility of reviewing White House files and collecting all documents relating to ITT, which he proceeded to do.

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| 44.1 | Charles Colson testimony, House Interstate and Foreign Commerce Committee, Special Subcommittee on Investigations, Hearings on Legislative Oversight of SEC: Agency Independence and the ITT Case, 218 | 760 |
| 44.2 | Richard Moore testimony, 5 SSC 1947-48 | 761 |
| 44.3 | Wallace Johnson affidavit, April 25, 1974 | 763 |
| 44.4 | Robert Mardian testimony, 6 SSC 2348 | 767 |
| 44.5 | John Dean testimony, House Interstate and Foreign Commerce Committee, Special Subcommittee on Investigations, Hearings on Legislative Oversight of SEC: Agency Independence and the ITT Case, 66, 68 | 768 |




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45. On March 14, 1972 John Mitchell appeared before the Senate Committee on the Judiciary and twice denied under oath that he talked to the President about the ITT antitrust litigation or any antitrust litigation. On the evening of March 14, 1972 the President and Mitchell had a telephone conversation which, according to Mitchell's logs, was their only telephone conversation during the month.

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45.1 John Mitchell testimony, 2 KCH 539, 552, 571..... 772

45.2 John Mitchell log, March 14, 1972 (received from SSC)..... 775



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46. On March 15, 1972 E. Howard Hunt met with Colson, Johnson and Timmons. It was determined that Hunt should interview Mrs. Beard respecting the authenticity of the purported Beard memorandum. Hunt flew to Denver and interviewed Mrs. Beard in her hospital room. On March 17, after his return to Washington, he prepared a detailed summary of the interview.


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46.1 Charles Colson calendar, March 15, 1972 (received from SSC)... 778

46.2 E. Howard Hunt testimony, 9 SSC 3734-35, 3752-53..... 780

46.3 Charles Colson testimony, House Interstate and Foreign Commerce Committee, Special Subcommittee on Investigations, Hearings on Legislative Oversight of SEC: Agency Independence and the ITT Case, 201-03..... 784

46.4 Memorandum regarding Dita Beard, March 17, 1972 (received from White House)..... 787




MTC-00030631_1077

47. "ITT" is written on Colson's calendar for the morning of March 18, 1972. Colson had three telephone conversations with Mitchell during the morning. That afternoon the President and Colson met for more than two hours.

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47.1 Charles Colson calendar, March 18, 1972 (received from SSC) ..... 796

47.2 John Mitchell log, March 18, 1972 (received from SSC) ..... 797

47.3 Meetings and conversations between the President and Charles Colson, March 18, 1972 (received from White House) ..... 798




MTC-00030631_1078

48. On March 24, 1972 the President held his only news conference during the period of the Kleindienst nomination hearings. He stated that nothing had happened in the Senate hearings that shook his confidence in Kleindienst as an able, honest man fully qualified to be Attorney General. He also praised the actions of Richard McLaren, and the administration, in having moved effectively to stop the growth of ITT.

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48.1 President Nixon news conference, March 24, 1972, 8 Presidential Documents 673-75 ..... 800




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49. On the morning of March 30, 1972 Colson, Haldeman and MacGregor met. That afternoon Colson sent a memorandum to Haldeman stating that certain factors should be taken into account in determining whether to continue to support, or to withdraw, Kleindienst's nomination, including the possibility that documents would be revealed tending to show that the President was involved in the ITT situation in 1971 and contradicting statements made by Mitchell under oath during the hearings. Haldeman and Colson each had several conversations with the President on that day.

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49.1 Memorandum from Charles Colson to H. R. Haldeman, March 30, 1972, SSC Exhibit No. 121, 8 SSC 3372-76 ..... 805

49.2 Letter from William Merriam to John Connally, April 22, 1971 (received from White House) ..... 810

49.3 Letter from William Merriam to Peter Peterson, April 30, 1971 (received from White House) ..... 812

49.4 Letter from "Ned" [Edward Gerrity] to Vice President Spiro Agnew, August 7, 1970, with attached memorandum (received from House Interstate and Foreign Commerce Committee)..... 813

49.5 Memorandum from John Ryan to William Merriam, August 24, 1970, House Interstate and Foreign Commerce Committee, Special Subcommittee on Investigations, Legislative Oversight of SEC: Agency Independence and the ITT Case, 154-56, and partial handwritten copy of memorandum (received from White House) ..... 816

49.6 Memorandum from Herbert Klein to H. R. Haldeman, June 30, 1971 (received from White House)..... 820

49.7 Memorandum from Richard Kleindienst and Richard McLaren to John Ehrlichman, April 23, 1969 (received from White House)..... 821

49.8 Memorandum from Tod Hullin to Richard McLaren, August 10, 1970 (received from White House)..... 827

49.9 Memorandum from John Ehrlichman to John Mitchell, September 17, 1970 (received from White House)..... 828




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49.10 Memorandum from John Ehrlichman to John Mitchell, May 5, 1971 (received from White House) ..... 829

49.11 Memoranda from John Ehrlichman to the President, April 28, 1971 and May 3, 1971 (received from White House) ..... 830

49.12 H. R. Haldeman testimony, 8 SSC 3216, 3218-19 ..... 834

49.13 H. R. Haldeman calendar, March 30, 1972 (received from SSC) ..... 837

49.14 Meetings and conversations between the President and H. R. Haldeman, March 30, 1972 (received from White House) ..... 838

49.15 Meetings and conversations between the President and Charles Colson, March 30, 1972 (received from White House) ..... 839



MTC-00030631_1081

50. On April 4, 1972 Mitchell returned to his office after about two weeks in Florida. That afternoon he met with the President and Haldeman at the White House. According to Haldeman's testimony before the Senate Select Committee on Presidential Campaign Activities, his notes taken during the meeting indicate that the Kleindienst hearings were discussed.

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50.1 John Mitchell log, March 21 - April 4, 1972 (received from SSC) ..... 842

50.2 Meetings and conversations between the President and H. R. Haldeman, April 4, 1972 (received from White House) ..... 845

50.3 H. R. Haldeman testimony, 7 SSC 2866, 2881 ..... 846




MTC-00030631_1082

51. On April 27, 1972, the final day of the Kleindienst confirmation hearings, Kleindienst, referring to his earlier testimony about communications with persons at the White House, testified that if someone had called him to instruct him on the handling of the ITT case, he would remember such a call. Kleindienst said that no such conversation occurred.

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| 51.1 | Richard Kleindienst testimony, 2 KCH 95, 3 KCH 1673, 1682 | 850 |
| 51.2 | Richard Kleindienst statement, October 31, 1973, reprinted in New York Times, November 1, 1973, 33 | 853 |




MTC-00030631_1083

52. The press provided extensive news coverage and frequent editorial commentary on the Kleindienst confirmation hearings. John Mitchell's denials that he discussed the ITT cases with President Nixon were reported. Richard Kleindienst's descriptions of his role in the ITT-Grinnell appeal and settlement were also reported; these descriptions omitted reference to the President's order that the appeal be dropped.

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52.1 Newspaper articles from The New York Times and The Washington Post, February 25 - June 28, 1972, regarding hearings on the Nomination of Richard Kleindienst to be Attorney General..... 856

52.2 The Washington Post, March 10, 1972, A-1, A-12..... 857

52.3 The New York Times, March 15, 1972, 1, 34..... 858

52.4 The Washington Post, April 27, 1972, A-1, A-7..... 859

52.5 The Washington Post, April 28, 1972, A-1, A-6..... 860




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3. By letter dated April 25, 1972 from Senator Eastland, Chairman of the Senate Committee on the Judiciary, to SEC Chairman William Casey, Senator Eastland requested access to ITT documents in the possession of the SEC. This request was denied by Chairman Casey. If Chairman Casey had complied with the Senate Judiciary Committee's request the SEC would have supplied the Committee with, among other things, the following documents not obtained by the Committee during the course of the Kleindienst hearings:

1. Letter dated April 22, 1971 from Harold Geneed to Peter Peterson concerning their April 16, 1971 meeting with memorandum on antitrust policy attached.

2. Letter dated April 22, 1971 from William Merriam to John Connally referring to the ITT antitrust litigation.

3. Letter dated April 26, 1971 from William Merriam to Peter Peterson referring to planned antitrust legislation.

4. Letter dated April 30, 1971 from William Merriam to Peter Peterson referring to Solicitor General Griswold's request for an extension of time to perfect the ITT-Grinnell appeal.

5. Letter dated August 7, 1970 from Thomas Casey of ITT to Charles Colson discussing the pending ITT antitrust litigation.

6. Letter dated August 7, 1970 from "Ned" [Edward Gerrity] to Vice President Spiro Agnew with memorandum about ITT antitrust litigation attached.

7. ITT inter-corporate memorandum dated August 10, 1970 from Edward Gerrity to John Ryan discussing, among other things, Richard McLaren and the Administration's merger policy.



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8. ITT inter-corporate memorandum dated August 24, 1970 from William Merriam to John Ryan discussing, among other things, the ITT antitrust litigation, Richard McLaren and contacts with the Administration.

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53.1 Letter from Senators Kennedy, Bayh, Hart, Burdick and Tunney to Chairman James Eastland, April 19, 1972, 3 KCH 1664 ..... 865

53.2 Letter from William Casey to Chairman James Eastland, April 26, 1972, 3 KCH 1664 ..... 866

53.3 Letter from Edward Kennedy to Chairman Harley Staggers, December 13, 1972, House Interstate and Foreign Commerce Committee, Special Subcommittee on Investigations, Hearings on Legislative Oversight of SEC: Inquiry into Withholding and Transfer of Agency Files Pertaining to ITT, 28-29 ..... 867

53.4 Michael Mitchell affidavit, submitted to House Judiciary Committee, May 1, 1974, with attachments ..... 869



MTC-00030631_1086

54. On June 8, 1972 the Senate confirmed Kleindienst's nomination. On June 12, 1972 he became Attorney General.


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| 54.1 Congressional Record, June 8, 1972, S9114-15 | 902 |
| 54.2 President Nixon remarks at swearing-in ceremonies for Richard Kleindienst as Attorney General, June 12, 1972, 8 Presidential Documents 1024 | 904 |




MTC-00030631_1087

55. On three occasions in September 1972 Congressman Harley Staggers, Chairman of the House Interstate and Foreign Commerce Committee, Special Subcommittee on Investigations, requested from SEC Chairman William Casey access to material received from ITT by the SEC in connection with the SEC's investigation of ITT. Chairman Casey discussed Chairman Staggers' request with Mitchell, Dean and Colson. By letters to Chairman Staggers, Chairman Casey refused the requests. The ITT material was transferred by the SEC to the Department of Justice on October 6, 1972. In addition, an envelope containing other documents obtained from ITT which reflected contacts in 1970 and 1971 between representatives of ITT and Administration officials was delivered separately by the SEC to the office of Deputy Attorney General Erickson.

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55.1 Letter from Chairman Harley Staggers to William Casey, September 21, 1972, House Interstate and Foreign Commerce Committee, Special Subcommittee on Investigations, Hearings on Legislative Oversight of SEC: Inquiry into Withholding and Transfer of Agency Files Pertaining to ITT, 5..... 907

55.2 Chairman Harley Staggers statement, House Interstate and Foreign Commerce Committee, Special Subcommittee on Investigations, Hearings on Legislative Oversight of SEC: Inquiry into Withholding and Transfer of Agency Files Pertaining to ITT, 23..... 908

55.3 Letter from Chairman Harley Staggers to William Casey, September 28, 1972, House Interstate and Foreign Commerce Committee, Special Subcommittee on Investigations, Hearings on Legislative Oversight of SEC: Inquiry into Withholding and Transfer of Agency Files Pertaining to ITT, 6-8..... 909

55.4 William Casey testimony, House Interstate and Foreign Commerce Committee, Special Subcommittee on Investigations, Hearings on Legislative Oversight of SEC: Agency Independence and the ITT Case, 230, 235, 241, 250-51, 260-62..... 922




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55.5 Letter from William Casey to Chairman Harley Staggers, September 26, 1973, House Interstate and Foreign Commerce Committee, Special Subcommittee on Investigations, Hearings on Legislative Oversight of SEC: Inquiry into Withholding and Transfer of Agency Files Pertaining to ITT, 5-6 ..... 920

55.6 Letter from William Casey to Chairman Harley Staggers, October 6, 1972, House Interstate and Foreign Commerce Committee, Special Subcommittee on Investigations, Hearings on Legislative Oversight of SEC: Inquiry into Withholding and Transfer of Agency Files Pertaining to ITT, 8-9 ..... 922

55.7 Letter from William Casey to Ralph Erickson, October 5, 1972, House Interstate and Foreign Commerce Committee, Special Subcommittee on Investigations, Hearings on Legislative Oversight of SEC: Inquiry into Withholding and Transfer of Agency Files Pertaining to ITT, 135-36 ..... 924

55.8 Charles Mallory testimony, House Interstate and Foreign Commerce Committee, Special Subcommittee on Investigations, Hearings on Legislative Oversight of SEC: Inquiry into Withholding and Transfer of Agency Files Pertaining to ITT, 86-89 ..... 928

55.9 Ralph Erickson testimony, House Interstate and Foreign Commerce Committee, Special Subcommittee on Investigations, Hearings on Legislative Oversight of SEC: Agency Independence and the ITT Case, 128-30, 149-64 ..... 930



MTC-00030631_1089

. In a letter dated October 17, 1972 Chairman Staggers requested from Deputy Attorney General Erickson access to the ITT materials referred to the Department of Justice by the SEC. Erickson denied the request on the grounds that disclosure might prejudice any future criminal proceedings.

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56.1 Letter from Chairman Harley Staggers to Ralph Erickson, October 17, 1972, House Interstate and Foreign Commerce Committee, Special Subcommittee on Investigations, Hearings on Legislative Oversight of SEC: Inquiry Into Withholding and Transfer of Agency Files Pertaining to ITT, 9-10 ..... 950

56.2 Letter from Ralph Erickson to Chairman Harley Staggers, October 26, 1972, House Interstate and Foreign Commerce Committee, Special Subcommittee on Investigations, Hearings on Legislative Oversight of SEC: Inquiry Into Withholding and Transfer of Agency Files Pertaining to ITT, 10-11 ..... 952




MTC-00030631_1090

57. On January 8, 1974 the Office of the White House Press Secretary issued a "White Paper" entitled, "The ITT Anti-Trust Decision," describing the President's role in the ITT antitrust cases and their settlement.

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57.1 White House "White Paper", The ITT Anti-Trust Decision, January 8, 1974 ..... 956



MTC-00030631_1091

58. On May 16, 1974, Richard Kleindienst pleaded guilty to one count of refusing or failing fully to respond to questions propounded to him by the Senate Committee on the Judiciary on March 2, 3, 7, and 8 and April 27, 1972.

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58.1 United States v. Kleindienst information, May 16, 1974, with attached Watergate Special Prosecution Force press release ..... 966

58.2 Letter from Leon Jaworski to Herbert J. Miller, May 10, 1974 (received from Watergate Special Prosecution Force) ..... 969




MTC-00030631_1092

# ATTACHMENT 46

# TO THE

# DECLARATION OF BRIAN DAUTCH

PERSONAL AND CONFIDENTIAL

Washington Office

1707 L Street, N.W.
Washington, D.C. 20036
Tel. (202) 296-6000

To: W. R. Merriam

Date: June 25, 1971

From: D. D. Beard

Subject: San Diego Convention

I just had a long talk with EJG. I'm so sorry that we got that call from the White House. I thought you and I had agreed very thoroughly that under no circumstances would anyone in this office discuss with anyone our participation in the Convention, including me. Other than permitting John Mitchell, Ed Reinecke, Bob Haldeman and Nixon (besides Wilson, of course) no one has known from whom that 400 thousand committment had come. You can't imagine how many queries I've had from "friends" about this situation and I have in each and every case denied knowledge of any kind. It would be wise for all of us here to continue to do that, regardless of from whom any questions come; White House or whoever. John Mitchell has certainly kept it on the higher level only, we should be able to do the same.

I was afraid the discussion about the three hundred/four hundred thousand committment would come up soon. If you remember, I suggested that we all stay out of that, other than the fact that I told you I had heard Hal up the original amount.

Now I understand from Ned that both he and you are upset about the decision to make it four hundred in services. Believe me, this is not what Hal said. Just after I talked with Ned, Wilson called me, to report on his meeting with Hal. Hal at no time told Wilson that our donation would be in services ONLY. In fact, quite the contrary. There would be very little cash involved, but certainly some. I am convinced, because of several conversations with Louie re Mitchell, that our noble committment has gone a long way toward our negotiations on the mergers eventually coming out as Hal wants them. Certainly the President has told Mitchell to see that things are worked out.

Cont'd.



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fairly. It is still only McLaren's mickey-mouse we are suffering.

We all know Hal and his big mouth! But this is one time he cannot tell you and Ned one thing and Wilson (and me) another!

I hope, dear Bill, that all of this can be reconciled -- between Hal and Wilson -- if all of us in this office remain totally ignorant of any committment ITT has made to anyone. If it gets too much publicity, you can believe our negotiations with Justice will wind up shot down. Mitchell is definitely helping us, but cannot let it be known. Please destroy this, huh?



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The Washington Merry-Go-Round THE WASHINGTON POST Tuesday, Feb. 29, 1972 B11

# Secret Memo Bares Mitchell-ITT Move

By Jack Anderson

We now have evidence that the settlement of the Nixon administration's biggest anti-trust case was privately arranged between Attorney General John Mitchell and the top lobbyist for the company involved.

We have this on the word of the lobbyist herself, crusty, capable Dita Beard of the International Telephone and Telegraph Co. She acknowledged the secret deal after we obtained a highly incriminating memo, written by her, from ITT's files.

The memo, which was intended to be destroyed after it was read, not only indicates that the anti-trust case had been fixed but that the fix was a payoff for ITT's pledge of up to $400,000 for the upcoming Republican convention in San Diego.

Confronted with the memo, Mrs. Beard acknowledged its authenticity. The next night, badly shaken and acting against the wishes of ITT officials who wanted her to leave town, she met with my associate Brit Hume at her home to try to explain the document.

By this time, she said, ITT security officers from company headquarters in New York had put most of her office files through a document shredder to prevent their being subpoenaed after disclosure of the memo.

She said she met with Mitchell at the Governor's mansion in Kentucky during a dinner reception given by Republican Gov. Louie Nunn last May after the Kentucky Derby.

At the governor's reception, she said, Mitchell took her and Nunn aside and to her astonishment and shock, launched into an hour-long diatribe against her. He criticized her for putting pressure through Congress and the on the Justice Department White House on the anti-trust cases.

She said Mitchell confided to her he was sympathetic to ITT but had been prevented until then from helping the company because of the zeal of the Justice Department's anti-trust chief, Richard McLaren.

After his harangue, Mrs. Beard said, Mitchell agreed to discuss the anti-trust matters and asked bluntly, "What do you want?" meaning what companies did ITT most want to keep if the anti-trust cases were settled.

"We have to have Hartford Fire because of the economy," Mrs. Beard recalled saying.

She said she also told Mitchell ITT wanted to keep "part of the Grinnell Corporation," a manufacturing concern. She said Mitchell at first replied, "You can't have part of Grinnell," but he subsequently relented.

And, she said, when the Justice Department announced its settlement with ITT on July 31, more than two months later, it conformed to the agreement she had made with Mitchell.

Mrs. Beard insisted the subject of the GOP convention never came up with Mitchell and was never a factor in the anti-trust matter. But this clearly contradicts her memorandum, which was written about six weeks after the Kentucky Derby dinner.

It is addressed to W. R. (Bill) Merriam, head of ITT's Washington office. It is marked "Personal and Confidential" and its last line asks, "Please destroy this, huh?"

The memo warns Merriam to keep quiet about the ITT cash pledge for the Republican convention. "John Mitchell has certainly kept it on the higher level only," the memo says, "we should be able to do the same . . .

"I am convinced, because of several conversations with Louie (Gov. Nunn) re Mitchell that our noble commitment has gone a long way toward our negotiations on the mergers coming out as Hal (ITT President Harold Geneen) wants them.

"Certainly the President has told Mitchell to see that things are worked out fairly. It is still only McLaren's mickey-mouse we are suffering . . .

"If (the convention commitment) gets too much publicity, you can believe our negotiations with Justice will wind up shot down. Mitchell is definitely helping us, but cannot let it be known."

## ITT Replies

*ITT issued the following statement yesterday.*

"There was no deal of any kind to settle our antitrust cases. It is unfair to the individuals involved to even suggest such a possibility. Agreement was reached with the Justice Department only after hard negotiations between our outside legal counsel and the then-Assistant Attorney General Richard McLaren and his staff.

"Neither Mrs. Beard nor anyone else except legal counsel was authorized to carry on such negotiations. The June 25, 1971, memorandum attributed to Mrs. Beard was seen for the first time by the ITT official to whom it was addressed when it was brought in by a member of Mr. Anderson's staff last week.

"The San Diego contribution of the Sheraton Hotels was made as a non-partisan joint effort of the San Diego community and was purely in support of a local situation. Sheraton has two hotels in San Diego and a third is under construction which would be completed in time for the convention. There was no tie-in of any kind between this local joint participation and any other aspects of ITT's business."

Bell-McClure Syndicate



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The Washington Merry-Go-Round

THE WASHINGTON POST Wednesday, March 1, 1972 B 15

# Kleindienst Accused in ITT Case

By Jack Anderson

We have now established that Attorney General-designate Richard Kleindienst told an outright lie about the Justice Department's sudden out-of-court settlement of the Nixon administration's biggest antitrust case.

The case involved the International Telephone and Telegraph conglomerate, which appeared on the way to a Supreme Court showdown with the Justice Department over ITT's takeover of the huge Hartford Fire Insurance Co.

Last July, however, the case was abruptly settled. The terms, considered highly favorable to ITT, were announced at the same time ITT secretly pledged up to $400,000 to support the Republican convention in San Diego this year. A check for $100,000 has already been written.

Denying any connection between the convention cash and the antitrust settlement, Kleindienst insisted that the Justice Department's antitrust staff had been free from any political pressure from above.

"The settlement between the Department of Justice and ITT was handled and negotiated exclusively by Assistant Attorney General Richard W. McLaren (then head of the antitrust division)," Kleindienst said in a letter to Democratic National Chairman Larry O'Brien.

However, we have now learned that Kleindienst himself held roughly a half-dozen secret meetings on the ITT case with a director of the company before the settlement was reached.

The director, Wall Street financier Felix Rohatyn, conceded to us that he met in private with Kleindienst, who was then Deputy Attorney General, at the same time McLaren was negotiating with ITT's lawyers.

"I was supposed to make the case on the economic side of it," Rohatyn told my associate Brit Hume. He said he particularly stressed to Kleindienst ITT's arguments for keeping Hartford Fire.

## Kleindienst Duplicity

Kleindienst's duplicity is further evidence that the administration has much to hide in the ITT affair, which looks more suspicious the more we investigate it.

Not only Kleindienst, but his boss, outgoing Attorney General John Mitchell, has now been linked to the settlement. Mitchell had officially disqualified himself from the case because of an old relationship with ITT. Yet Dita Beard, the company's top lobbyist, has now acknowledged that she arranged the settlement with Mitchell in a private conversation at the governor's mansion in Kentucky after last year's Kentucky Derby.

Her admission came after we obtained an extraordinary confidential memo, written by her, from ITT's files. The memo suggested strongly that the settlement was made in exchange for ITT's pledge of cash support for the Republican convention.

Mrs. Beard also told us that the day after we confronted her with the memo, ITT security men from New York shredded many of her office files because they feared the papers might be subpoenaed when the memo became public.

Mitchell would not discuss the matter with us. John Hushen, a Justice Department spokesman, told us there was "no truth" to Mrs. Beard's story. He acknowledged, however, that Mitchell had spoken to Mrs. Beard at the governor's mansion.

We gave Hushen specific questions to ask the Attorney General. But four hours later, after conferring with Mitchell, he called us back without the answers.

Instead, he urged that we withhold our story on Mrs. Beard's version of events until, as Hushen put it, "we get all our ducks in a row." He said Mitchell would "prove" the falsehood of Mrs. Beard's incriminating memo, but three days later, no proof had appeared.

## Republican Names

The June 25, 1971, memo is studded with such big Republican names as President Nixon, Mitchell, California Lt. Gov. Ed Reinecke, San Diego Congressman Bob Wilson, White House aide Bob Haldeman and H. S. (Hal) Geneen, ITT's president.

It is addressed to W. R. (Bill) Merriam, manager of ITT's Washington office. "I thought you and I had agreed very thoroughly that under no circumstances would anyone in this office discuss with anyone our participation in the Convention, including me," Mrs. Beard wrote.

"Other than permitting John Mitchell, Ed Reinecke, Bob Haldeman and Nixon (besides Wilson, of course) no one has known from whom that 400 thousand commitment had come . . . John Mitchell has certainly kept it on the higher level only, we should be able to do the same . . ."

"I am convinced, because of several conversations with Louie (Nunn) re Mitchell that our noble commitment has gone a long way toward our negitiations on the mergers eventually coming out as Hal (Geneen) wants them. Certainly the President has told Mitchell to see that things are worked out fairly. It is still only McLaren's mickey-mouse we are suffering . . .

"If (the convention cash) gets too much publicity you can believe our negotiations with Justice will wind up shot down. Mitchell is definitely helping us, but cannot let it be known. Please destroy this, huh?"

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The Washington Merry-Go-Round THE WASHINGTON POST Friday, March 3, 1972 D15

# Contradictions Cited in ITT Case

By Jack Anderson

The Justice Department and International Telephone and Telegraph are now trying to lie their way out of a scandal over the suspicious, sudden settlement of a landmark antitrust suit against ITT.

In earlier columns, we disclosed a remarkable ITT memo indicating the Justice Department granted the favorable settlement in exchange for cash support of the upcoming Republican convention in San Diego.

The author of the memo, ITT lobbyist Dita Beard, told us she arranged the settlement herself in a private conversation with Attorney General John Mitchell at a Kentucky dinner party.

Mitchell refused to talk to us. A spokesman, John Hushen, urged us to withhold our story until he could "get our ducks in a row." He then waited three days before calling us back with a terse statement from Mitchell.

The statement says the Attorney General "was not involved in any way with the Republican National Committee convention negotiations and had no knowledge of anyone from the committee or elsewhere dealing with International Telephone and Telegraph"

This is false. In mid-May last year, California Lt. Gov. Ed Reinecke and an aide, Edgar Gillenwaters, met with Mitchell in his Washington office to discuss efforts to hold the convention in San Diego.

## Mitchell Misleads

We could not reach Reinecke, But Gillenwaters told us he and Reinecke personally informed Mitchell that ITT had offered to put up as much as $400,000 to support a GOP convention in San Diego.

"He liked the idea of (having the convention in) San Diego," Gillenwaters said of Mitchell. "He didn't need any persuading. He said, 'If you can do it, more power to you.'"

ITT also issued a statement on the matter which insisted that only its lawyers were authorized to deal with the Justice Department on the antitrust cases. "Neither Mrs. Beard nor anyone else except legal counsel was authorized to carry on such negotiations," the statement said.

This is also false. Felix Rohatyn, an investment banker and director of ITT, told us he held a series of about a half-dozen secret meetings during the merger negotiations with Deputy Attorney General Richard Kleindienst. Rohatyn said he was specifically authorized to "make the case on the economic side" by ITT President Harold S. Geneen.

Rohatyn's acknowledgment also puts the lie to an earlier statement by Kleindienst, who has been named to replace Mitchell as Attorney General. On December 13, Kleindienst wrote to Democratic National Chairman Larry O'Brien to deny that high-level political pressure had been exerted on the Justice Department's antitrust staff in the ITT case.

"The settlement between the Department of Justice and ITT was handled and negotiated exclusively by Assistant Attorney General Richard W. McLaren (then head of the anti-trust division)," the Kleindienst letter said.

Obviously, if Kleindienst were holding secret talks with Rohatyn on the case, it could not have been "handled" and negotiated "exclusively" by McLaren and ITT's lawyers.

## Under the Dome

Sen. Jennings Randolph, the West Virginia Democrat who fought for the eighteen-year-old vote for 30 years, recently went home to personally escort a college student to the voter registration desk. The unawed young lady registered Republican . . . Sen. Marlow Cook (R-Ky.), ranking minority member of the Senate Penitentiaries Subcommittee, will soon be taking a hard look at the federal prison rehabilitation programs. Cook hopes to kick off two days of hearings this April with testimony by James Hoffa . . .

As a member of the powerful Senate Commerce Committee, Indiana Democrat Vance Hartke will have a lot to say about whether the national no-fault automobile insurance bill ever reaches the Senate floor. His opinion may be colored somewhat by the fact that he is a full-fledges, dues-paying ($175 per year) "sustaining member" of the American Trial Lawyers Association — the lawyers' group which is lobbying mightily to kill the no-fault proposal . . .

The black-owned Afro-American newspaper appeared on the newsstand in a Senate dining room recently and stayed there exactly one day before irate Senate Restaurants Manager Joseph Diamond banned it. . . . Doug Toms, Federal highway safety director, may leave his job to take a crack at politics in Washington state. Toms was bitterly disappointed when he couldn't get Detroit to put airbags in all passenger cars by the 1974 models. He recuperated from the setback with a breezy 21-day junket to Japan to visit auto plants and see whether Honda can develop a safer motorcycle.

Ball-McClure Syndicate



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# EXHIBIT B

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

| | |
|---|---|
| UNITED STATES OF AMERICA,<br>Plaintiff,<br>v.<br>MICROSOFT CORPORATION,<br>Defendant. | Civil Action No. 98-1232 (CKK) |
| STATE OF NEW YORK, *et al.*,<br>Plaintiffs<br>v.<br>MICROSOFT CORPORATION,<br>Defendant. | Civil Action No. 98-1233 (CKK) |

**ORDER**

In light of the recent tragic events affecting our Nation, this Court regards the benefit which will be derived from a quick resolution of these cases as increasingly significant. Accordingly, to avoid the expenditure of the parties' financial resources on litigation costs which will surely be incurred if these cases continue to be litigated, the Court will order the parties into settlement for a fixed period of time, commencing as of the date of this Order and expiring on November 2, 2001. The Court expects that during this time the parties and counsel will fully

expend and concentrate all of their resources upon resolving these cases through a fair settlement for all parties. If the cases have not been fully resolved through settlement by November 2, 2001, then the Court will proceed with the scheduling order to be addressed at the September 28, 2001, scheduling conference and entered immediately thereafter.

The parties have indicated that if the cases are to be settled they can best resolve these cases without the assistance from a mediator. It has been three months since the appellate court rendered its decision with no resolution reached by the parties. The Court will give the parties until October 12, 2001, to settle the cases on their own. However, if at the end of that time, they have not been fully successful, the parties shall submit to Chambers, on October 12, 2001, the name of an agreed-upon individual to act as facilitator/mediator to assist the parties in their efforts. If the parties cannot agree upon an individual, then the Court will appoint such an individual to act as their facilitator/mediator. Any payment due the facilitator/mediator shall be borne equally among the three parties. At ten-day intervals, without disclosing or discussing the contents of the settlement discussion, the parties shall participate in a conference call to apprize the Court of their progress in settling the cases. The Court will not entertain any requests for extensions of the deadlines.

The Court cannot emphasize too strongly the importance of making these efforts to settle the cases and resolve the parties' differences in this time of rapid national change. The claims by Plaintiffs of anticompetitive conduct by Microsoft arose over six years ago, and these cases have been litigated in the trial and appellate court for over four years. As the Court of Appeals has noted, the relevant time frame for this dispute spans "an eternity in the computer industry." The Court expects that the parties will act in good faith and will engage in an all-out effort to settle these cases, meeting seven days a week and around the clock, acting reasonably to reach a fair

resolution.

Based on the foregoing, it is this ___ day of September, 2001, hereby

**ORDERED** that all proceedings in the above captioned cases are stayed until November 2, 2001; and it is further

**ORDERED** that during this time, counsel shall focus all of their attention on the settlement of these cases; and it is further

**ORDERED** that the parties shall be permitted to proceed without a facilitator/mediator until October 12, 2001, and thereafter until a facilitator/mediator is appointed; and it is further

**ORDERED** that if no resolution is reached by October 12, 2001, on that date, the parties shall submit to Chambers the name of an agreed-upon individual to serve as a facilitator/mediator; if the parties are unable to agree upon such an individual, the Court will appoint such an individual to serve as a facilitator/mediator; and it is further

**ORDERED** that the parties shall participate in a conference call to Chambers on October 12, 2001, and on October 22, 2001, wherein the parties shall report the status of their negotiations to the Court.

**SO ORDERED.**

_____
COLLEEN KOLLAR-KOTELLY
United States District Judge

# EXHIBIT C

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

| | |
|---|---|
| UNITED STATES OF AMERICA,<br>Plaintiff,<br>vs.<br>MICROSOFT CORPORATION,<br>Defendant. | Civil Action No. 98-1232 (CKK) |
| STATE OF NEW YORK *ex rel.*<br>Attorney General ELIOT SPITZER, *et al.*,<br>Plaintiffs,<br>vs.<br>MICROSOFT CORPORATION,<br>Defendant. | Filed: November 6, 2001<br>Civil Action No. 98-1233 (CKK)<br>Next Court Deadline: November 6, 2001<br>Status Conference |

**STIPULATION**

Plaintiffs United States of America ("United States") and the States of New York, Ohio, Illinois, Kentucky, Louisiana, Maryland, Michigan, North Carolina and Wisconsin and Defendant Microsoft Corporation ("Microsoft"), by and through their respective attorneys, having agreed to the entry of this Stipulation, it is hereby stipulated and agreed that:

1. A Final Judgment in the form attached hereto may be filed and entered by the Court, upon the motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16, and without further notice to any party or other proceedings, provided that the United States has not withdrawn its consent, which it may do at any time before the entry of the

revised proposed Final Judgment by serving notice thereof on Microsoft and by filing that notice with the Court.

2. Unless otherwise provided in the revised proposed Final Judgment, Microsoft shall begin complying with the revised proposed Final Judgment as it was in full force and effect starting on December 16, 2001. Subject to the foregoing, Microsoft agrees to be bound by the provisions of the revised proposed Final Judgment pending its entry by the Court. If the United States withdraws its consent, or if (a) the revised proposed Final Judgment is not entered pursuant to the terms of the Stipulation, (b) the time has expired for all appeals of any Court ruling declining to enter the revised proposed Final Judgment, and (c) the Court has not otherwise ordered continued compliance with the terms and provisions of the revised proposed Final Judgment, then all of the parties shall be released from all further obligations under this Stipulation, and the making of this Stipulation shall be without prejudice to any party in this or any other proceeding.

3. Pursuant to 15 U.S.C. § 16(g), within ten (10) days of the submission of the revised proposed Final Judgment, Microsoft will file with the Court a description of any and all written or oral communications by or on behalf of Microsoft, or other person, with any officer or employee of the United States concerning or relevant to the revised proposed Final Judgment, except that any such communications made by counsel of record alone with the Attorney General or the employees of the United States Department of Justice alone shall be excluded from this requirement.

4. Pursuant to 15 U.S.C. § 16(b), on or before November 16, 2001, the United States will file with the Court a Competitive Impact Statement explaining the terms of the revised proposed Final Judgment. The United States will publish the revised proposed Final Judgment and Competitive Impact Statement in the Federal Register.

5. The United States will publish a notice informing the public of the revised proposed Final Judgment and public comment period in the *Washington Post* and the *San*



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*Jose Mercury News*, for seven days over a period of two weeks commencing no later than November 15, 2001.

6. Members of the public may submit written comments about the revised proposed Final Judgment to a designated official of the Antitrust Division of the United States Department of Justice for a period of 60 days after publication of the revised proposed Final Judgment and Competitive Impact Statement in the Federal Register.

7. Within 30 days after the close of the 60-day public comment period, the United States will file with the Court and publish in the Federal Register any comments it receives and its response to those comments.

8. Once the aforementioned procedures have been compiled with, the United States will file with the Court a certification of compliance with the requirements of 15 U.S.C. § 16, and a Motion for Entry of Revised Proposed Final Judgment, unless it withdraws its consent to entry of the revised proposed Final Judgment pursuant to paragraph 2, above. At any time thereafter, and at the conclusion of any further proceedings ordered by the court pursuant to 15 U.S.C. § 16(f), the Court may then enter the revised proposed Final Judgment, provided that the Court determines that entry of the revised proposed Final Judgment will serve the public interest.

DATED this 6th day of November, 2001

FOR PLAINTIFF THE UNITED STATES OF AMERICA:

CHARLES A. JAMES (Bar No. 292201)
Assistant Attorney General
Antitrust Division
United States Department of Justice
901 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
(202) 514-2401



MTC-00030631_1106

FOR PLAINTIFFS THE STATES OF NEW YORK, OHIO, ILLINOIS, KENTUCKY, LOUISIANA, MARYLAND, MICHIGAN, NORTH CAROLINA AND WISCONSIN:

Eliot Spitzer
Attorney General of New York
120 Broadway
New York, New York 10271
(212) 416-8282

FOR DEFENDANT MICROSOFT CORPORATION:

JOHN L. WARDEN (Bar No. 222083)
Sullivan & Cromwell
125 Broad Street
New York, New York 10004
(212) 558-4000



MTC-00030631_1107

# EXHIBIT D

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

| | |
|---|---|
| UNITED STATES OF AMERICA,<br>Plaintiff,<br>v.<br>MICROSOFT CORPORATION,<br>Defendant. | Civil Action No. 98-1232 (CKK) |
| STATE OF NEW YORK, *et al.*,<br>Plaintiffs<br>v.<br>MICROSOFT CORPORATION,<br>Defendant. | Civil Action No. 98-1233 (CKK) |

**ORDER**

Pursuant to the status hearing held on November 6, 2001, it is this eighth day of November, 2001, hereby

**ORDERED** that the above-captioned cases shall proceed on two independent tracks:

* "Track I" is the label the Court shall use to refer to the Court's review, pursuant to the Antitrust Procedures and Penalties Act (Tunney Act), 15 U.S.C. § 16(b)-(h), of the proposed Final Judgment which reflects a settlement of Civil Action No. 98-1232 in its entirety and a partial settlement of Civil Action No. 98-1233.
* "Track II" is the label the Court shall use to refer to the remaining litigation between the States proceeding to litigation and Microsoft concerning an appropriate remedy in Civil Action No. 98-1233.

Accordingly, with regard to Track I, it is hereby

**ORDERED** that the States choosing to join the settlement shall inform the Court not later than November 9, 2001, of the identity of the individual(s) who will serve as their representative(s) in future proceedings before the Court;[1] and it is further

**ORDERED** that the United States shall inform the Court of the anticipated date of publication of the proposed Final Judgment and Competitive Impact Statement in the Federal Register as soon as such date is available; and it is further

**ORDERED** that, pursuant to 15 U.S.C. § 16(b), the proposed Final Judgment, in its final form, and Competitive Impact Statement shall be filed with the Court not later than November 15, 2001; and it is further

**ORDERED** that, pursuant to 15 U.S.C. § 16(g), within ten days of the publication of the proposed Final Judgment in the Federal Register, Microsoft shall file with the Court a description of any and all written or oral communications by or on behalf of Microsoft, or other person, with any officer or employee of the United States concerning or relevant to the proposed Final Judgment, except that any such communications made by counsel of record alone with either the Attorney General or the employees of the United States Department of Justice shall be excluded from this requirement; and it is further

**ORDERED** that, pursuant to 15 U.S.C. § 16(c), the United States shall publish in the *Washington Post*, the *San Jose Mercury News*, and the *New York Times* a notice containing a

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[1]While the Court is aware that the requirements of the Antitrust Procedures and Penalties Act (Tunney Act) apply only to proposals for "consent judgment[s] submitted by the United States," 15 U.S.C. § 16(b), the Court presumes that the States which have chosen to enter into a settlement agreement with Microsoft will play an active role in advocating the entry of the consent judgment proposed in this case.



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summary of the terms of the proposed Final Judgment, a summary of the Competitive Impact Statement, and a list of materials and documents which the United States shall make available for purposes of meaningful public comment and the place where such materials and documents are available for public inspection. Such publication shall continue for seven days over a period of two weeks, commencing not later than November 15, 2001; and it is further

**ORDERED** that members of the public may submit written comments concerning the proposed Final Judgment to a designated official of the Antitrust Division of the United States Department of Justice for a period of 60 days following publication of the proposed Final Judgment and Competitive Impact Statement in the Federal Register; and it is further

**ORDERED** that, within thirty days after the close of the 60-day public comment period, the United States shall file with the Court and publish in the Federal Register its responses to any comments received; and it is further

**ORDERED** that, simultaneous with the filing of its response to the comments of the public, the United States shall file any appropriate legal briefing with the Court; and it is further

**ORDERED** that upon completion of the above procedures, the United States shall file with the Court a certification of compliance with the requirements of the Antitrust Procedures and Penalties Act (Tunney Act), 15 U.S.C. § 16(b)-(h).

As discussed at the November, 6, 2001, hearing, following the close of the 60-day public comment period, the Court will hold a status conference wherein the parties shall address the nature and need for a hearing concerning the proposed final judgment.



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With regard to Track II, it is hereby

**ORDERED** that any and all motions in limine shall be filed not later than February 22, 2002; and it is further

**ORDERED** that a Pre-hearing Conference shall be held on March 4, 2002, at 9 a.m.

**SO ORDERED.**

As discussed at the hearing on November 6, 2001, following the filing of the parties' proposals for remedial relief in early December, the Court will require the parties proceeding along Track II to file a Joint Status Report which addresses any remaining issues concerning the nature of the remedy hearing. Thereafter, the Court will set a date for a status conference.

COLLEEN KOLLAR-KOTELLY
United States District Judge



MTC-00030631_1112

# EXHIBIT E

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

| | |
|---|---|
| UNITED STATES OF AMERICA,<br>Plaintiff,<br><br>vs.<br><br>MICROSOFT CORPORATION,<br>Defendant. | Civil Action No. 98-1232 (CKK) |
| STATE OF NEW YORK *ex. rel.*<br>Attorney General ELIOT SPITZER, *et al.*,<br>Plaintiffs,<br><br>vs.<br><br>MICROSOFT CORPORATION,<br>Defendant. | Civil Action No. 98-1233 (CKK)<br><br>Next Court Deadline: March 4, 2002<br>Status Conference |

**NOTICE OF ENTRY OF APPEARANCE**

Please enter the appearance of Charles F. Rule (Bar No. 370818) as counsel for defendant Microsoft Corporation.

Respectfully submitted,

Charles F. Rule (D.C. Bar #370818)
Fried, Frank, Harris, Shriver & Jacobson
1001 Pennsylvania Avenue, N.W.
Suite 800
Washington, D.C. 20004-2505
Telephone No. 202-639-7300

Attorney for Defendant
Microsoft Corporation

Dated: November 15, 2001

# EXHIBIT F

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

| | |
|---|---|
| UNITED STATES OF AMERICA,<br><br>Plaintiff,<br><br>v.<br><br>MICROSOFT CORPORATION,<br><br>Defendant. | Civil Action No. 98-1232 (CKK) |
| STATE OF NEW YORK *ex. rel.*<br>Attorney General ELIOT SPITZER, *et al.*,<br><br>Plaintiffs,<br><br>v.<br><br>MICROSOFT CORPORATION,<br><br>Defendant. | Civil Action No. 98-1233 (CKK)<br><br>Next Court Deadline: March 4, 2002<br>Status Conference |

**DEFENDANT MICROSOFT CORPORATION'S DESCRIPTION OF WRITTEN OR ORAL COMMUNICATIONS CONCERNING THE REVISED PROPOSED FINAL JUDGMENT AND CERTIFICATION OF COMPLIANCE UNDER 15 U.S.C. § 16(g)**

In conformance with Section 2(g) of the Antitrust Procedures and Penalties Act ("APPA"), 15 U.S.C. § 16(g), defendant Microsoft Corporation ("Microsoft") respectfully submits the following description of "any and all written or oral communications by or on behalf of" Microsoft "with any officer or employee of the United States concerning or relevant to" the Revised Proposed Final Judgment filed in these actions on November 6, 2001. In accordance with the requirements of the APPA, this description excludes

only "communications made by counsel of record alone with the Attorney General or the employees of the Department of Justice alone."

(1) Following the Court's Order dated September 27, 2001, and continuing through November 6, 2001, counsel for Microsoft met on a virtually daily basis with counsel for the United States and the plaintiff States in Washington, D.C. After the Court appointed Professor Eric Green of Boston University School of Law as mediator on October 12, 2001, Professor Green and his colleague Jonathan Marks participated in many of those meetings. From October 29, 2001 through November 2, 2001, Will Poole, a Microsoft vice president, also participated in some of the meetings.

(2) On October 5, 2001, counsel for Microsoft met with representatives of the United States and the plaintiff States in Washington, D.C. to answer a variety of technical questions. Linda Averett, Michael Wallent, Robert Short and Chad Knowlton of Microsoft attended this meeting, as did Professor Edward Felten of Princeton University, one of plaintiffs' technical experts.

Microsoft certifies that, with this submission, it has complied with the requirements of 15 U.S.C. § 16(g) and that this submission is a true and complete description of such communications known to Microsoft.



MTC-00030631_1117

Dated: Washington, D.C.
December 10, 2001

Respectfully submitted,

_____

John L. Warden (Bar No. 222083)
Richard J. Urowsky
Steven L. Holley
Michael Lacovara
Richard C. Pepperman, II
Ronald J. Colombo
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MTC-00030631_1118

# EXHIBIT G

AO 458 (Rev. 6/98 DC) - APPEARANCE

# United States District Court
## for the District of Columbia

ECF

STATE OF NEW YORK ex rel.
Attorney General ELIOT SPITZER, et al.,
Plaintiffs,

v.

MICROSOFT CORPORATION,
Defendant.

APPEARANCE

CASE NUMBER: 98-1233 (CKK)

To the Clerk of this court and all parties of record:

Enter my appearance as counsel in this case for

The State of West Virginia
by Attorney General Darrell V. McGraw, Jr.

December 12, 2001
Date

W. Va. 5502
BAR IDENTIFICATION NO.

Douglas Lee Davis
Signature

Douglas Lee Davis
Print Name

P. O. Box 1789
Address

Charleston, WV 25326
City State Zip Code

(304) 558-8986
Phone Number

# US DISTRICT COURT FOR THE DISTRICT OF COLUMBIA
## RENEWAL APPLICATION
(PLEASE PRINT OR TYPE)

**Name**

Last Davis First Douglas

Middle Lee Generation (Jr., Sr., etc.) _____

D.C./Federal Bar Identification Number _____ Social Security Number [REDACTED TEXT]

(If Federal Bar, please state name of court): _____

**Address**

Firm Office of the West Virginia Attorney General

Building & Suite P. O. Box 1789

Street 812 Quarrier St., 4th Floor

City Charleston State WV

Zip 25326 Phone (304) 558-8986

Unit (within firm or agency) Consumer Protection and Antitrust

**Status**

Criminal Justice Act Attorney (Yes) _____ (No) _____

U.S. District Court Admission Date Sept. 25, 1990, S.D.W.Va.

Employed by the United States Government (Yes) _____ (No) X

GOVERNMENT ATTORNEYS who practice and file pleadings before the US District Court should complete this form. Renewal Fees may be waived.

*CHANGE OF ADDRESS*

*This form may serve as written notification to the Clerk's office of address change under the requirements of Local Rule 706(c). However, this notification DOES NOT fulfill the PRAECIPE requirement of the Rule. 706(c) requires that, "(t)he attorney shall also within 10 days file a praecipe reflecting such change in each case which the attorney has pending before this Court serving a copy upon each of the attorneys in these cases."*

*FAILURE TO RENEW*

*An attorney who fails to file the required certification and pay the renewal fee will be provisionally removed from the list of members in good standing. The name of the attorney will be restored to the list of members in good standing upon the filing of the required certificate and payment of the delinquent fee within five years after the due date. At the end of the five years from the due date, the attorney's name will be permanently removed from the roll, without prejudice to an application for admission as a new member. [Local Rule 701.1(c)].*



MTC-00030631_1121

# UNITED STATES DISTRICT COURT
# FOR THE DISTRICT OF COLUMBIA

## ATTORNEY CERTIFICATION

In compliance with Local Rule 701.1.(a), all attorneys who are members in good standing of the bar of this Court, AND/OR, government attorneys eligible to practice by virtue of Local Rule 104(e) or (f), must submit this certification and hereby certify that he/she:

(MANDATORY FOR ATTORNEYS WHO ARE MEMBERS OF THE BAR OF THIS COURT)
(OPTIONAL FOR ATTORNEYS WHO WISH TO MAINTAIN A 'GOVERNMENT' STATUS)

1. _X_ is familiar with the current version of the Federal Rules of Civil Procedure, the Federal Rules of Evidence, the Local Rules of this Court, and the Rules of Professional Conduct as adopted by the District of Columbia Court of Appeals

and/or

2. ____ is familiar with the current version of the Federal Rules of Criminal Procedure, the Sentencing Guidelines, the Federal Rules of Evidence, the Local Rules of this Court, and the Code of Professional Conduct as adopted by the District of Columbia Court of Appeals. (Attorneys who appear in criminal cases.)

In compliance with Local Rule 104(b), an attorney who wishes to appear as sole or lead counsel in a contested evidentiary hearing or trial on the merits further certifies that he/she:

(CHECK ALL ITEMS THAT APPLY)

3. ____ has previously acted as sole or lead counsel in a federal district court or the Superior Court of the District of Columbia or a state trial court of general jurisdiction in a contested jury or bench trial or other contested evidentiary hearing in which testimony was taken in open court and an order or other appealable judgment was entered. [Local Rule 104(b)(1)]; OR

4. ____ has participated in a junior capacity in an entire contested jury or bench trial in a federal district court or the Superior Court of the District of Columbia or a state trial court of general jurisdiction. [Local Rule 104(b)(2)]; OR

5. ____ has satisfactorily completed a continuing legal education trial advocacy course of at least 30 hours sponsored by the District of Columbia Bar or accredited by a State Bar. [Local Rule 104(b)(3)]

In consideration of Local Rules 702(a) and 702.1, the undersigned applicant certifies that he/she:

(OPTIONAL)

6. ____ has read Local Rule 702(a) and understands that members in good standing of the bar of this Court have an obligation to assist or represent the needy in civil matters before this Court whenever requested by the Court and if necessary, without compensation. I have read Local Rule 702.1 and understand that the Court has established a voluntary Civil Pro Bono Panel from which attorneys may be appointed by the Court to represent indigent pro se litigants. I have indicated below whether I would like to receive additional information regarding the Court's Civil Pro Bono Panel.

_____ Please Send _____ Do Not Send

I declare under penalty of perjury that the foregoing is true and correct.

12/12/01
DATE

SIGNATURE OF ATTORNEY



MTC-00030631_1122

## CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of December, 2001, copies of my Notice of Appearance was served upon the following by first-class mail, postage prepaid, to:

Brendan V. Sullivan, Jr., Esquire
Williams & Connolly, LLP
725 Twelfth Street, N.W.
Washington, D. C. 20005

John L. Warden, Esquire
Sullivan & Cromwell
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New York, NY 10004-2498

Bradley P. Smith, Esquire
Sullivan & Cromwell
1701 Pennsylvania Avenue, N.W., 7th Floor
Washington, D. C. 20006-5805

William H. Neukom, Esquire
Law and Corporate Affairs
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Renata B. Hesse, Esquire
United States Department of Justice
Antitrust Division
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Washington, D. C. 20530

Jay L. Himes, Esquire

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Madison, WI 53703-7857

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Blake Harrop, Esquire
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Chicago, IL 60601

Douglas L. Davis
Assistant Attorney General
State of West Virginia

CertificateofService.LitigatingStates.12-12-01

# EXHIBIT H

AO 458 (Rev. 6/98 DC) - APPEARANCE

# United States District Court
## for the District of Columbia

STATE OF NEW YORK, et al.,
Plaintiffs,

v.

MICROSOFT CORPORATION,
Defendant.

APPEARANCE

CASE NUMBER: 98-1233 (CKK)

To the Clerk of this court and all parties of record:

Enter my appearance as counsel in this case for

Plaintiff States New York, California, Connecticut, Florida, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, North Carolina, Ohio, Utah, Wisconsin and the District of Columbia

November 1, 2001
Date

253286
BAR IDENTIFICATION NO.

Steven R. Kuney
Signature

Steven R. Kuney,
Print Name

Williams & Connolly LLP
Address
725 Twelfth Street, N.W.
Washington, D.C. 20005
City State Zip Code

202-434-5000
Phone Number

25

## CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of November, 2001, copies of Notices of Appearance for Brendan V. Sullivan, Steven R. Kuney and John E. Schmidtlein were served by facsimile and first-class mail, postage prepaid, to:

John L. Warden, Esq.
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Sullivan & Cromwell
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William H. Neukom, Esq.
Executive Vice President
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*Counsel for Defendant Microsoft*

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Antitrust Division
601 D Street, N.W.
Suite 1200
Washington, D.C. 20530

*Counsel for Plaintiffs*

John E. Schmidtlein

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MTC-00030631_1128

# EXHIBIT I

AO 458 (Rev. 6/98 DC) - APPEARANCE

# United States District Court
## for the District of Columbia

STATE OF NEW YORK, et al.,
Plaintiffs,

v.

MICROSOFT CORPORATION,
Defendant.

APPEARANCE

CASE NUMBER: 98-1233 (CKK)

To the Clerk of this court and all parties of record:

Enter my appearance as counsel in this case for

Plaintiff States New York, California, Connecticut, Florida, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, North Carolina, Ohio, Utah, Wisconsin and the District of Columbia

November 1, 2001
Date

12757
BAR IDENTIFICATION NO.

Signature

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Print Name

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Washington, D.C. 20005
City State Zip Code

202-434-5000
Phone Number

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## CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of November, 2001, copies of Notices of Appearance for Brendan V. Sullivan, Steven R. Kuney and John E. Schmidtlein were served by facsimile and first-class mail, postage prepaid, to:

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New York, NY 10004-2498

Bradley P. Smith, Esq.
Sullivan & Cromwell
1701 Pennsylvania Avenue, N.W.
7th Floor
Washington, D.C. 20006-5805

William H. Neukom, Esq.
Executive Vice President
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*Counsel for Plaintiffs*

John E. Schmidtlein

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U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA



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