



CAPITOL ASSETS

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JUSTICE SOUTER SHARES A STORIED CAREER

With warmth and humor that belied so much of the popular image of him as reserved and aloof, Justice David Souter charmed and engaged the guests at the chapter's annual Supreme Court luncheon on May 12th. Saying he had no speech but instead "just some stories" to tell, Justice Souter led his audience behind the formal façade of the Court and showed a bit of the humor and heart of both the institution and its people.

He told of being "tracked down" by Justice O'Connor no more than 30 minutes after his confirmation by the Senate became official so she could welcome him to the court.



Photos by Regina Brzozowski

Justice O'Connor has a very welcoming voice, teased Justice Souter, "when she is not chastising you about something." He also told his listeners how Justice Blackmun unexpectedly came to his chambers a couple of months into Justice Souter's first term. "We didn't have time to visit each other, the workload didn't allow it." But Justice Blackmun put his hand on Justice Souter's shoulder and said, "This is your first term. I remember my first term. I know what you are going through. I just wanted to come in here and put my hand on your shoulder." And then he left. That was one of many such gestures and kindnesses during his first term, said Justice Souter.

Story followed story, with some he had been told and some in which he took part. All of them illustrated how, for all the disagreement and passion that might appear in the decisions and dissents the Court published, the relations between the justices were almost never rancorous. Justice Souter said he was told by Justice William Brennan of only one uncivil exchange that took place in the justice's con-



Paul Vamvas and Justice Souter

ference (between Felix Frankfurter and William O. Douglas). "That's once in the fifty years between Bill Brennan's time on the court and mine. That's not bad."

Perhaps the most moving story Justice Souter told was about the day that Justice Thurgood Marshall announced to his colleagues, at the end of their last conference of the term, that he was retiring. Many of his colleagues urged him to stay on the Court. But Marshall said, "The machine is running down." No one knew what to say. But Justice Souter said he realized that Justice Marshall had waited to retire until he was too old to pursue other interests or start another chapter in his life. "And I promised myself I wouldn't let that happen. And so far I've stuck to it."

LAWYERS HAVE HEART 10K RACE & FUN WALK

The Capitol Hill Chapter has registered Team FBA as a team in the upcoming Lawyers Have Heart race. The race and fun walk will be on Saturday, **June 13, 2009**, in Georgetown (Washington Harbor).

There is a long history of FBA involvement with this race, and all chapter members, as well as all FBA members, friends, and family are encouraged to participate. More info on the race can be found at:

<http://www.runlhh.org/race/index.htm>.

Contact President-Elect T.J. Halstead at (202) 707-7981 or tjhalstead@gmail.com for more information about this great community service event.

MESSAGE FROM CHAPTER PRESIDENT PAUL VAMVAS

The last several months have been busy for the Capitol Hill Chapter, as you will see from the articles and features in this newsletter. The chapter was lucky to have three terrific luncheon speakers talking about some of the most interesting and important issues of the days. In February Professor Michael Greenberger of the University of Maryland Law School, whose career in the federal government put him at the heart of major financial regulation issues, was our speaker. A regular commentator on these issues, as well as someone often called on to testify before Congress on such matters, Greenberger explained, in terms that even the uninitiated could understand, the shocking story of how the national economy finds itself in its current mess. Then, in March, long time journalist, columnist, and civil rights activist Karen DeWitt talked about the civil rights movement, past and present. She pointed out how differ-

ently older and younger people saw that struggle and how the civil rights movement might be trapped in the past and in need of updating its message. Finally, in April, ABC News correspondent Sam Donaldson talked about his near half century spent covering Washington, D.C., and national politics, how both have changed, and where he sees politics and journalism going.

But the lunches, as interesting as they were, were only part of the story of what the chapter is doing. Reaching out to new and current members who regularly use social networking sites in their jobs and personal lives, the chapter set up its own Facebook page. Jeff McDermott, who designed and maintains the page for us, has a piece in the newsletter about how he did it and what it does. We also sent a letter, reprinted on page 4 of the newsletter, to welcome new members of Congress to Washington and to encourage them to be part of our community.

We also revived the chapter's ethics symposium on May 29, 2009, with a morning program at the Library of Congress on the new rules dealing with conflicts of interest, gifts, and lobbying. Government attorneys and attorneys dealing with the

federal government found the extremely qualified panel both timely and fascinating. Special thanks again to Peg Perl and Chuck Arberg for their outstanding work in making the event a success.

Of course, thanks as always to executive council members William Souter and Cynthia Rapp, our most prestigious annual event, our lunch at the Supreme Court, was held on May 12, 2009. With Justice David Souter's recent announcement of his retirement, our event was especially poignant as he related personal stories about his years on the Court and what his future holds.

The rest of the year also promises interesting speakers and events. On June 13th, our chapter will join with other local FBA chapters to participate in the Lawyers Have Heart 10K race and fun walk. Our June luncheon speaker, author David O. Stewart, will talk about his new book on the impeachment trial of President Andrew Johnson. Also, watch your e-mail for information about a happy hour soon as well as other social events. We hope you can be there for these great events, and please encourage your attorney friends to join us and join the chapter.

—Paul Vamvas

*Please join us in
welcoming our newest
Capitol Hill Chapter
members:*

Miguel Acosta
Marianne Cufone
Joseph Giblin
Thomas Louthan
Denise Neary
Melissa Reisman
Panthaky Shiraz
Sarah Smith
Kimberly Whitaker



Paul Vamvas presenting a token of our appreciation to speaker Karen DeWitt

Photo by Richard Litsey

GREENBERGER EXPLAINS ROOTS OF FINANCIAL CRISIS

If the First Rule of Holes is stop digging when you are in one, the second rule must be to figure out how you got there so you don't fall in again. On February 24th, Professor Michael Greenberger of the University of Maryland School of Law explained to members and guests of the Capitol Hill Chapter how the world found itself in its financial hole.

In an amazingly clear tour through the bizarre world of subprime mortgages, collateralized debt obligations, credit default swaps, and all the rest of the financial instruments that lie at the bottom of this current economic crisis, Professor Greenberger helped his listeners understand what they meant and how they came to be. The

underlying problem, he explained, was the historically unfounded but passionately held belief that housing prices would never go down. This belief led banks and mortgage companies to loan money to people who had almost no probability of repaying it, then bundle these loans together and securitize them (that is, sell pieces of them to investors). That, in itself, Greenberger told his audience, was not the problem. The problem was the banks and mortgage companies got the rating agencies that the financial system had relied on for so many years to rate the best of these bad loans as triple-A, or high quality, which they were compared to the worst of the worst of the same package of

bad loans. But that didn't keep them from later dividing the loans at the bottom of this group and giving the best of *those* a triple-A rating. Synthetic CDOs and credit default swaps, insurance policies that weren't allowed to be called insurance policies (lest the insurance regulators look too closely at them), soon followed along with a lot of other financial instruments that basically traded on the same irrational belief in the never deflating housing market.

Greenberger's audience just sat there shaking their heads in silence, incredulous at the financial house of cards that was allowed to be built and then inevitably collapse when housing prices began to drop. Greenberger said he thought it would take some years to fill the productivity gap left by the crisis but that regulation of the financial industry in the future will be necessary to avoid falling in this hole again. The audience was indebted (no pun intended) to Professor Greenberger for explaining such a complex subject in such a clear and compelling way.

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Professor Michael Greenberger addressing the Chapter

Photo by Richard Litsey



Federal Bar Association

CAPITOL HILL CHAPTER

March 27, 2009

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ADAM BRAMWELL
Counsel
Secretary of the Senate

Dear [New Member of Congress]:

I am writing as the President of the Capitol Hill Chapter of the Federal Bar Association to congratulate you and to welcome you to Capitol Hill. The Capitol Hill Chapter of the FBA is made up of hundreds of attorneys who work directly for the Congress and in other agencies and institutions on the Hill. The U.S. Supreme Court, the Government Accountability Office, the Federal Judicial Center, the Administrative Office of the U.S. Courts, the U.S. Sentencing Commission, the Library of Congress and the Government Printing office are among the organizations represented in the Capitol Hill Chapter.

The FBA is dedicated to the advancement of the science of jurisprudence and to promoting the welfare, interests, education, and professional development of all attorneys involved in federal law. The mission of the Capitol Hill Chapter is to bring those benefits to members working on the Hill. To do this we hold monthly luncheons with guest speakers on topics of interest and importance to our members. Past speakers have included Members of Congress, agency heads such as the Comptroller General and the Director of the Federal Judicial Center, important executive branch officials such as the Inspector General of the Department of Justice, journalists including members of the Supreme Court press corps and all 9 Justices currently serving on the Supreme Court. The Justices have spoken at our annual Spring lunch at the Supreme Court. This year we plan to hold a half-day symposium on government ethics that can earn attendees continuing legal education credits required by their state bars, and a series of policy breakfasts where members and guests will be addressed on issues of importance by your fellow lawmakers.

If you are an attorney and already a member of the Federal Bar Association in your home state, we hope you will make the Capitol Hill Chapter your FBA home here in Washington. If you have lawyers working in your office, I hope you will recommend the FBA and the Capitol Hill Chapter to them. It will be an excellent way for them to network with other lawyers on the Hill and in D.C. so that they can further help you in your important legislative work. You and they can learn more about the chapter at our website <http://www.fbacapitolhill.org>.

Again, congratulations and welcome to Capitol Hill. Good luck in meeting the challenges of the coming legislative year and we hope you can make the Capitol Hill Chapter of the FBA part of your life here in Washington.

Sincerely,

Paul S. Vamvas, Esq.
President
Capitol Hill Chapter
Federal Bar Association

RACE, CLASS, & SOCIAL JUSTICE: A LUNCH WITH KAREN DEWITT

Race, class, and social justice were the topics of discussion at the Capital Hill Chapter's March lunch when reporter and civil rights activist Karen DeWitt was the speaker. After a career covering these topics at the New York Times, USA Today, and ABC News, as well as her current work for a major civil rights coalition, DeWitt brought to the discussion a long perspective on the movement's history and some sharp insights into its present and future.

DeWitt asked the lunch guests to do a word association test that asked what came to mind when she said "welfare," "affirmative action," and "civil rights." Most people when asked to make those associations said that African Americans were the leading beneficiaries of welfare and affirmative action. But DeWitt stated that the



Karen DeWitt

Photo by Richard Litsey

numbers actually show that most welfare money is spent on white children and that white women benefit from affirmative action programs more than any other group. One of the most interesting differences that came up at the lunch was that the association to the term "civil rights" varied greatly according to age. Older lunch guests said things like

Martin Luther King and younger ones replied gay rights. DeWitt pointed out that those disparities are among the issues traditional civil rights groups have to deal with as they plan for the future.

As for the election of the Nation's first African American president, DeWitt thought it would have a mixed effect on civil rights as a movement. Too many people would see it as the culmination of the struggle, making future action unnecessary. But even a little thought about the structural injustices that still exist in American society, DeWitt said, should dissuade people of that believe.

DeWitt's presentation and Q&A with the guests made for a thought provoking and engaging discussion that provided some light on topics that all too often only generate heat.

NOTABLE NOTES & KUDOS

Editor's Note:

We'd love to share your good news with the Chapter. Please send submissions to:
Ellen.Sutherland@mail.house.gov



Colonel Cynthia Rapp

"Lieutenant Colonel Cynthia Rapp, Judge Advocate General's Corps, U.S. Army Reserve, was promoted to Colonel on March 13, 2009. Cynthia served as an Army Judge Advocate for five years before leaving active duty to accept her appointment at the U.S. Supreme Court. She is presently the Deputy Clerk at that Court. Cynthia's husband, Jim, and son, Alex, pinned the eagles on her uniform shoulders."

- William Suter

"By the way, I just received some very good news, which may be of interest to the Chapter. My daughter Elizabeth (Libby), who will be a freshman this fall at the College of William & Mary, has been awarded the 2009 Earl W. Kintner Public Service Scholarship by the Foundation of the Federal Bar Association. She received the news last evening in a telephone call from David Rosenbaum, the Foundation president."

- Jeff Hennemuth

CHAPTER USES TECHNOLOGY TO REACH OUT TO YOUNGER MEMBERS

In January, the Capitol Hill Chapter of the Federal Bar Association launched its own Facebook page. Facebook is a popular social networking website with over 175 million users worldwide. The Chapter's Facebook page contains notice of upcoming events, information about the Chapter, links to the FBA and the Chapter's websites, and photos taken from past Chapter events. For example, the page exhibits several photos of last year's Supreme Court Luncheon with Justice Samuel Alito (taken by Chapter Council member Richard Litsey), as well as photos

from the tour of the Capitol Visitors Center and many other recent events.

Anyone can join Facebook for free and then "become a member" of the Capitol Hill Chapter's group. As a member of the group, you have ready access to the information on the page, as well as notice of upcoming Chapter events. If you would like to peruse the Facebook page (even if you are not a member of Facebook), you can do so at: <http://www.facebook.com/board.php?uid=38869778639#/group.php?gid=38869778639>

The Facebook page was created in response to an initiative by Chapter President Paul Vamvas to extend the Chapter's outreach to younger attorneys and to law students. The Facebook page is maintained by Amy Bowser and Jeff McDermott, the co-chairs of the Chapter's Young Lawyers Division Committee.

We welcome anyone interested in the Chapter to become a member of our Facebook group!

— Jeff McDermott

ETHICS SYMPOSIUM A SUCCESS

With a renewed focus on ethics and integrity in government and the Obama administration's ongoing efforts to increase transparency, the ethics symposium held by the Capitol Hill Chapter on May 29 could hardly have been more timely and useful for those who attended. Chapter member Peg Perl and Executive Council member Chuck Arberg organized the symposium and brought to those in attendance an in-depth and well rounded discussion of current issues on this topic.

Entitled "Professional Responsibility for Government Attorneys: Conflicts of Interest, Gifts, and Lobbyists," the program featured experts on ethical issues and processes in all three branches of the federal government. In particular, the experts compared ethical rules between branches.

Moderated by Peg Perl (counsel to the House Committee on Standards of Official Conduct), the faculty for the symposium were:

- Robert Deyling of the Administrative Office of the U.S. Courts and Counsel to the Judicial Conference Committee on Codes of Conduct.
- Peter Van Hartesveldt, an attorney at Nosaman, LLP/O'Connor and Hannan who advises on ethics and disclosure after serving for 5 years at the House Committee on Standards of Official Conduct.
- Petra Smeltzer, counsel at O'Melveny & Myers LLP and an adjunct professor at the Georgetown University Law Center, where she teaches courses on ethics in the federal government.

- Anne Weisman, Chief Counsel for Citizens and Ethics in Washington, an ethics watchdog group.

In a lively two hour session that included both lecture and Q&A, Perl and the faculty led those attending through the labyrinth of executive, congressional, and judicial ethics regulations including the new, tougher standards established by the Obama administration. Providing practical and useful information on dealing with several problems in this area, the symposium gave the attendees both a better understanding of what they need to think about and some tools for doing so.

This year's symposium was the first of what the Capitol Hill Chapter hopes will become an annual event for the Washington legal community.

SAM DONALDSON ON WASHINGTON, POLITICS, & JOURNALISM

The force of nature that is Sam Donaldson blew through the Capitol Hill Chapter when the long time ABC News correspondent was the chapter's luncheon speaker on April 22, 2009. Drawing on his nearly fifty years of experience covering Washington and national politics, Donaldson talked about the politicians and the stories he has covered. It was part political science class and part performance.

On the whole, he said, he found the people he had covered to be honest and hardworking politicians motivated by a desire to do what they thought was best for the country. And he said they were almost invariably interesting. "We usually elect the people we find interesting. I mean no one wants to spend time with someone boring." Before television became so ubiquitous, and the consequences of what they said so high stakes, Donaldson said politicians were more interesting on camera as well as off. "Everett Dirksen, Russell Long, these men were always interesting." Now, he noted, they have all been so reined in by consultants and advisors that they are afraid to say anything interesting or "off message" on camera.

Donaldson also spoke about the changes in the news business since he joined ABC News in 1967. Back then, the networks had a

monopoly on broadcast news, made a lot of money with their entertainment programming, and did not expect their news divisions to make money. Now, with competition from cable television, the internet, social networking sites, and the rest, everyone in broadcasting is scrambling to find a way to get an audience and make a profit. And newspapers are no different. Where front pages stories used be about hard news, now they are often features. If the front page does have news stories, they often back into a story with a long description about the weather, the subject's mental state, and the other people in the story.

Johnson administration's Great Society program for civil rights reform, ending poverty in America, and other major goals, Donaldson said that the Obama agenda was even more ambitious in some ways. He said that President Johnson used to say that what started to unravel his plans was losing his fight for home rule for the District of Columbia. "Because once a President marches up Capitol Hill and doesn't get what he wants, there is blood in the water and his opponents feel emboldened." Donaldson worries that Obama may be trying to do too much and could get tripped up by something relatively trivial.



Treasurer Tony Ogden, ABC News Correspondent Sam Donaldson, President Paul Vamvas, Secretary Matt McGhie, and President-Elect T. J. Halstead

Photo by Richard Litsey

"You don't find out until about the sixth paragraph that the guy was shot and killed," Donaldson said.

Donaldson also talked about the Obama administration and its ambitious agenda. Remembering the

Contrary to a recent story in the Washington Post, Donaldson made it clear he is not retiring and plans to be around for some time. Watching him hold forth from the podium in April, it was easy to believe.

"We usually elect the people we find interesting. I mean no one wants to spend time with someone boring."

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Council Members:

House of Representatives:
Dan Strodel
Ellen Sutherland

Senate:
Joseph Haughey
Richard Litsey

UPCOMING CHAPTER EVENTS

Happy Hour

Join fellow Capitol Hill
and D.C. Chapter FBA
members and guests for
happy hour

For information, contact:
Jeff McDermott
(mcdermottj@gao.gov) or
Amy Bowser
(bowsera@gao.gov)

Wednesday, **June 10**, 2009
5:00 p.m. - 7:00 p.m.
Capitol City
Brewing Company,
2 Massachusetts Ave. NE
(next to Union Station)

A luncheon with author
David O. Stewart
“Impeached - The Trial of
President Andrew
Johnson and the Fight for
Lincoln’s Legacy”

To RSVP, contact:
Tony Ogden at
togden@gpo.gov

Wednesday, **June 17**, 2009
12:00 - 1:30 p.m.
Montpelier Room,
6th Floor, SW Corner,
Madison Building,
Library of Congress

A luncheon with
Kathleen McCleery
Deputy Executive
Producer,
PBS News Hour

To RSVP, contact:
Tony Ogden at
togden@gpo.gov

Wednesday, **July 8**, 2009
12:00 - 1:30 p.m.
Montpelier Room,
6th Floor, SW Corner,
Madison Building,
Library of Congress