

From inside the book

88 pages matching **guys** in this book

Page 27

curve wasn't sharp and he was walking a lot of guys. He's got about eight kids and ending training means more to him than a lot of other

Page 106

the big leagues.

Coaches have little real responsibility, so it seems to me they should, at the very least, try to help club morale—cheer guys onward and upward, make jokes and smooth out little problems before they become big ones.

Page 140

worry about coming in with men on base.

"Finally, I don't think it's fair to compare me right away with guys like Niekro, Wood, Fisher and Wilhelm. They're top pitchers and I think I should be allowed to be only fair or even mediocre for a while—say, a month or six weeks. After all, the other guys have had years."

From inside the book

81 pages matching **asked** in this book

Page 117

time with that one) are still in Phoenix and I won't join them until they come home. They play in Tulsa first, so I called Bob Lemon, who's the manager, and asked if he intended to use me as a starter right away and he said no, he planned to use me in relief and that I might as well wait for them to get home.

Page 234

I asked him what he meant by that.

"Well, one time we were sitting in a restaurant," O'Donoghue said

Page 235

Joe.

"I don't know why everyone laughed," Brabender said later. "I thought it was a good question."

"Yeah, but Jim asked it," Marshall said. "So we're all supposed to laugh. You should have asked it, Gene. Then we would have gotten

From inside the book

20 pages matching **ballclub** in this book

Page 254

guilty until proven innocent.

That's what happened around the Yankees too. When Johnny Keane was manager and losing control of the ballclub, there was a story in the paper quoting an unnamed player as saying that Keane was a bad manager, that he was handling the club poorly, that none of the

Page 300

base, Fred LaBot yelled at him, "Comon, rat boy, regroup out there."

There was a lot of grouching about the flight home. We had a three-hour wait after the game was over and then an hour-and-a-half wait in Chicago. If we had a charter flight we could have gotten in to Seattle at about twelve-thirty instead of four-thirty. The ballclub argues that it costs too much money to charter a plane and generally we just shrug

Page 351

body listens when he talks: "You know a ballclub I can't see? I just can't see Atlanta. They just don't seem to have the depth. You know another club I can't see? Ours."

Fred Gladding, called Fred Flintstone, doesn't look like a baseball

From inside the book

30 pages matching **ballpark** in this book

Page 82

and Bell is one of the leading practitioners. "When I get home I'm going to knock my old lady's eyebrows off," he'll say. Or he'll go up to Ray Oyler and say, "Ray, when you come to the ballpark tomorrow will you bring my socks? I left them under your bed."

Sometimes you'll get this kind of conversation:

Page 190

"Yean, surre."

And I've known ballplayers who thought it was great fun to turn on a tape-recorder under the bed while they were making it with their latest broad and play it back on the bus to the ballpark the next day.

Johann Sain returned my call this morning and we had a long talk

Page 396

"If you don't you have to stay in the barracks and they padlock the doors at midnight," he said. "If you don't make it in, you have to pound on the door and that's the way they catch you."

From inside the book

11 pages matching **ballplayer** in this book

Page xii

to be a big-league ballplayer and why I still want to get back on top again. I *enjoy* the fame of being a big-league ballplayer. I get a tremendous kick out of people wanting my autograph. In fact, I feel hurt if I go someplace where I think I should be recognized and no one asks me for it. I enjoy signing them and posing for pictures and answering reporters' questions and having people recognize me on the street. A lot

Page 280

and I've heard some of the people on the Yankees say you're kind of crazy and silly and I was told, 'You got stuck with one there.' But I tell them, 'As far as I'm concerned, if he gives me a hundred percent on the field, I'm going to use him. I'm judging him strictly as a ballplayer.' You hear all kinds of things through the grapevine. Bouton is

Page 282

That's a tough spot for a ballplayer. What could Steve have said? "My arm doesn't hurt but I don't think it would be a good idea to work anymore." No chance. So he stood out there risking two months of rehabilitation for one stinking ballgame, which we eventually lost anyway.

From inside the book

35 pages matching **batting** in this book

Page 25

But he's getting the idea.

Got a big day tomorrow. Ten minutes of batting practice. I think I'll use the Johnny James (former Yankee pitcher) theory of batting practice. Under this theory you imagine you're in a game and you move your pitches around on the hitter, dust him off, throw sliders, the works. The hitters hate it. But it helped Johnny James make the team.

Page 117

for any more money, but we might not be able to get the \$500 back if we can't rent to somebody else.

A lot of players don't have the problems we do because they leave their families at home and live in hotels. That's for one of two reasons. They're just starting out and don't make enough money. Or their kids are old enough to be in school and they don't want to take them out.

Page 163

up, and one of the fines is for fraternizing with the opposition. With the Yankees in town this has already cost me \$2. On the other hand, I have had some satisfactions. One of the games is splitting the pitching staff into two teams during batting practice, with the losing team having to drop 50¢ into the kitty. I'm a terrible hitter in batting practice, possibly

From inside the book

10 pages matching **swing** in this book

Page 48

to tell about his conversations with Keane. He said they'd go like this:

"How do your legs feel today, Mick?"

"Not too good."

"Yes, but how do they feel?"

"It hurts when I run, the right one especially. I can't stride on it

Page 103

Everyone works out pregame nervousness in his own way. Tommy Davis was standing in the middle of the clubhouse taking a hitting stance with no bat in his hands, anticipating the pitch, striding into it, checking his swing and then going back and doing it all over again. It reminded me of a guy going over his notes just before a final exam, knowing all the time it wasn't going to do any good. If you don't have

Page 314

I fell right back in the swing of things. I guess Mike Marshall was right. It doesn't hurt to apologize.

We scored a run in the ninth, which meant we had just enough runs to lose 4-3. I think that's six in a row now and we're in fifth place. Nobody talks about it except Joe Schultz

From inside the book

12 pages matching **blefary** in this book

Page 363

IL*Atlanta*

Blefary was giving me the business tonight. The first

Page 371

There was a play in yesterday's game that would have been funny if it weren't so bad. We were leading 2-1 at the time and Jimmy Wynn's on second. With two out Blefary hits a clean single to right, certain to score Wynn—except that Wynn rounds third, gets halfway home, then realizes that he hasn't touched third. So back he goes, tags it and

Page 382

but he couldn't stop." Frontrunning was in his blood.

Curt Blefary is a big, rough, physical man. He likes to slap people on the back too hard, jab you in the ribs, squeeze your arm black and blue. He also likes to charge Robert, our twenty-five-year-old club-

From inside the book

33 pages matching **boys** in this book

Page 83

...ing around with the boys just to keep up an act. Johnny Blanchard of the Yankees was an ace. He was just another jocko, but he was an ace because he was always out with Mickey Mantle and the boys, drinking, partying, playing cards. Every once in a while, just to enhance his image, he'd smack some poor guy off a bar stool and that was great. Johnny Blanchard was one of the boys.

Page 179

20

I'm trying so hard to be one of the boys I'm even listening to country music. And enjoying it. The back of the bus is the

Page 221

sent him a big box of cookies and he put them out on the table before the game. "Let's get to these cookies," Joe Schultz said. "They came all the way from southern Illinois."

Sitting at the table at the time was one of the young clubhouse boys, and he was reading a high-school biology book. Joe peered over his shoulder for a while and then said "How Boston, this is something

From inside the book

79 pages matching **called** in this book

Page 120

One of our guys opening and closing a checking account in three days." True. We have taken the money out of our Seattle account and will deposit it in Vancouver. But we're optimistic. We're leaving a few dollars in the Seattle account in case I get called up later this summer. I should say *when I get called up*.

Page 204

were. I'd have called you in here. You've helped the team. I'm pleased."

He wasn't going to let me off without some kind of lecture, however. About a week or so ago I'd been warming up for what seemed like an hour and finally put my jacket on and sat down. "Crissakes, don't sit down out there." Sal Maellie had told me. "It looks horseshit

Page 376

"Curfew," he said. "Twelve-o'clock curfew."

When I got up to the room Norm Miller said, "They called, they called."

"What time?"

"Well, they called at eleven."

From inside the book

club

Search

78 pages matching **club** in this book

Page 23

assuming, that as a coach, he assumed his job because he was always checking the stock tables and because between 1932, when he began to play for the Yankees, and 1968, when he left as a coach, he had pulled down some 23 World Series shares in addition to his considerable salary. And no one has noticed him spending very much of it. In addition, starting at age fifty, he elected—possibly through foolishness, more likely

Page 47

I DON'T KNOW, HE SAID. HE WAS GROWING UP NOW. WHEN IT STARTS feeling better then you can start throwing again." Real scientific.

I believe Dr. Gaynor was actually offended when you came to him with an injury. You were imposing on his time. I'm sure there were a lot of guys who chose not to go to him with injuries because they didn't want to take his cuff. I know I did. Mickey Mantle and Whitey

Page 120

Having made the move to Syracuse a couple of times and then to Seattle and now to Vancouver makes me a member of a not very exclusive club. Us battered bastards of baseball are the biggest customers of the U.S. Post Office, forwarding-address department. I've seen letters chasing guys for months, years even. Sometimes you walk into a club-

From inside the book

30 pages matching **coach** in this book

Page 18

Lots of holler out there in the infield. "Fire it in there, baby." "C'mon, Joey." "Chuck it in there." And the word for *that*, friends, is false chatter. You don't hear it as much during the season because nobody's nervous and nobody has to impress a coach who thinks you're

Page 23

checking the stock tables and because between 1932, when he began to play for the Yankees, and 1968, when he left as a coach, he had pulled down some 23 World Series shares in addition to his considerable salary. And no one has noticed him spending very much of it. In addition, starting at age fifty, he elected—possibly through foolishness, more likely

Page 106

Plaza was a coach under Schultz in Atlanta when it was still a minor-league city, and that's one of the ways you get to be a coach in

From inside the book

68 pages matching **feel** in this book

Page 48

to tell about his conversations with Keane. He said they'd go like this:

"How do your legs feel today, Mick?"

"Not too good."

"Yes, but how do they feel?"

"It hurts when I run, the right one especially. I can't stride on it

-----"

Page 64

feel bad about losing. I'm sure they believe that if you look like you feel bad about losing then you're the type who wants to win. So you go along with the little game. And they played this game real hard with the Yankees when I got there, but every once in a while Phil Linz, Joe Pepitone and I would giggle about something after a losing game and we

Page 168

Today I've been thinking about God and baseball, or is it baseball and God? In any case, this rumination was caused by the sight of Lindy McDaniel of the Yankees. Although I've never met him, I feel I know him pretty well because of this newsletter he sends out from Baytown, Texas, called "Pitching for the Master." One of the first I got from him—and all the players receive them—was a complete four-

From inside the book

38 pages matching **dugout** in this book

Page 198

you hit me on the knee tonight. It could have been my hand. Then I can't do my job."

I agreed with him, so I went over to Eddie O'Brien and said, "Eddie, old pal, how about you putting on a mask and catching me?"

"It's not my job to warm up pitchers," Eddie said.

Page 208

looks right in on us and says, 'Nice game tonight. Go get em tomorrow.' Jesus, I thought he was going to ask me for my autograph."

During the game a guy came down from the stands to the dugout and said to Mike Marshall, "Hey, is Mike Marshall in the dugout? I'm a good friend of his "

Page 232

on reality than other baseball men. Example: Joe got into a terrible argument with an umpire at home plate about a checked swing and when it was over he stormed back to the dugout, still muttering. Just before stepping into the dugout, though, he spied a blonde sitting in the first row behind it and said, "Hiya, blondie. How's your old tomato?"

From inside the book

29 pages matching **funny** in this book

Page 34

room and you wouldn't want to stand in his way, would you?" Fritz said he wouldn't, so they put him in with Dooley Womack, young pitcher. He was three months younger than I.

They thought I was a bad influence on Fritz. The Yankees had some funny ideas about bad influence. What I did bad was talk to

Page 117

So I got permission to work out with the Pilots. I felt terribly awkward in the clubhouse and I saw that the guys also felt funny about me being there. They had these funny looks on their faces, and I felt I had a rare and communicable disease.

Driving over to the park I thought about what I would say to them. "When you make a mistake, admit it and ask me to come back." But

Page 261

want to do that. I think it was a prank. I think it was funny when I tried to pick up the shoes that were nailed down. I think it was *supposed* to be funny. I think.

Besides, I can still wear the shoes—as long as it doesn't rain.

From inside the book

79 pages matching **going** in this book

Page 54

to let on you have an education.

Well, Mincher was talking about going to see a Johnny Cash show, and I imagine when he talks about Johnny Cash it's like the Negro players talking about James Brown. Lots of times in the clubhouse you'll have a radio on and every once in a while it gets switched back

Page 186

she's going to notice first thing that I'm not using the batting helmet with the earflap on it. And tonight she's going to be on the telephone.

Page 234

Going to Disneyland, I remembered going to the World's Fair in New York a few years back. Driving one of those little tour buses there was Dusty Rhodes, the guy who in 1954 helped win a pennant and a World Series pinch-hitting for the Giants. Dusty Rhodes, one of my heroes, wearing that blue uniform and driving a bus. I wondered how

From inside the book

57 pages matching **guess** in this book

Page 30

in left field. When the game was over I walked back into the clubhouse and there was a path of white towels from the door to my locker, and all the guys were standing there, and just as I opened the door Mickey was putting the last towel down in place. I'll never forget him for that. And I won't forget the time—1962, I guess it was—in Kansas

Page 35

MARCH



Page 307

"Okay, I'll take a shower," I said. "Only I want you guys to think about what I said."

"I'll think about it," Pagliaroni said. "My whole life revolves around Jim Bouton."

"I guess you won't think about it much at that," I said.

From inside the book

33 pages matching **happened** in this book

Page 87

baseball play real deep, the catcher said. All you have to do is lay down a bunt and beat it out."

That's exactly what happened. Phil got the hit for his .300 average and got the manager to take him out of the game. Now it's in the record books forever that Phil Linz hit .300.

The same thing happened with Tommy Davis. He was hitting .299

Page 124

on the sidelines before the games. He's so enthusiastic he actually jumps around and says happy things when one of our guys gets a hit. In fact the first time he jumped up and started cheering I looked around to find out what had happened. All that happened was we got another one of about twenty hits. So at least he won't be grumbling about having to catch my knuckles

Page 326

there? Christ, they'll kill me in that league. Well, I'm just going to have to tell the Astros that I'm still learning the pitch and they'll have to be patient and not expect any miracles. Lord, wouldn't it be awful if I couldn't get the feel of it? If it happened in Seattle, nobody would notice. But here the whole country is watching a pennant race, and I'm in it, and suppose I can't pitch? I took a Titalac and started to pack.

From inside the book

13 pages matching "harry walker" in this book

Page 327

he didn't think so, that all our pitchers have numbers in the 30's and 40's. He said I'd have to talk to Richardson or manager Harry Walker if I wanted to change the rule. I said I was sure they wouldn't want to be bothered with something so small, and he said, "Oh, you'd be surprised."

Page 330

"Oh, of course, Harry Walker. No doubt about it. Harry Walker is the reason for the success of this team."

Harry never turned a hair.

It was exciting to sit out in the bullpen in an Astro uniform in

Page 355

"Like hell," I said. "Just because somebody puts a number on a piece of paper that doesn't mean I have to pay it."

She wound up calling the manager and he said, yes, I would have to pay only one dollar per shirt, so I saved a buck and a half. Now if everybody did that, the savings would add up to millions. Millions, I tell

From inside the book

20 pages matching **hegan** in this book

Page 74

A revelation about Joe Schultz. Mike Hegan has been hitting hell out of the ball and at this point is to the Seattle Pilots what Mickey Mantle was to the Yankees. Today he was hit on the arm by a fastball, and when Joe got to him and said, "Where'd you get it, on the elbow?"

Page 85

20*Holtville*

Mike Hegan has been hitting like fury. He does that from

Page 186

Mantle pointed it out to all the Little League, high-school and college players who were watching, but somehow I doubt it. So I'll do it here. It started in the first inning when Joe Sparma walked Tommy Harper, leading off, on four-straight pitches. Hegan was the next batter. Ball one. On ball two, way over Hegan's head, Harper tries to steal second and

From inside the book

79 pages matching **hell** in this book

Page 70

MARCH
21

Page 87

Rollins told him to go to the catcher, throw the ball, and get him to tell him what was coming by offering him half the money.

Rollins: "I didn't want to do it at first. I said I didn't think it was right, but they said hell, it was common practice, and there I was just out of school and didn't know a damn thing. So I told Kamy I needed another home run and that he'd get \$150 if he told me what was coming.

Page 337

Now he didn't want to handle the ball anymore than he had to. Just for the hell of it, I gave him the sign again a few pitches later. I wanted to see if he'd shake me off again. He did.

One day Joe Pepitone inserted a piece of popcorn under his fore-

From inside the book

26 pages matching **houk** in this book

Page 7

Page 7

Page 32

than one run per game, and in one stretch I went nine innings without giving up a hit. At the end of spring training a newspaper guy said to Houk, "Wow, didn't Bouton have a great spring?" and Houk said, "You can't go by that too much. He always has a good spring." (The spring before I was 1-3 and had a 5.10 ERA.)

Page 161

was laughing his head off and we grabbed each other and started waltzing like a couple of bears. He tried to throw me off balance and I tried to wrestle him down and all the time we were kidding each other.

"How's your wife?" I said. "Give me a fake punch to the ribs."

"She's fine," he said. "You can punch me in the stomach. Not ... head."

From inside the book

53 pages matching **kids** in this book

Page 23

beady little eyes shining, not an ounce of fat on him, taking calisthenics with all us kids and never missing a beat; jumping-jacks, pushups and everything. Another thing he does is get up every morning at six-forty-five and take a long, pre-breakfast stroll. When he was with the Yankees, once in a while he'd run into some of us coming back from a night on

From inside the book

48 pages matching **hitter** in this book

Page 62

the same thing. They're asking you to obey good pitching principles; keep the ball down (most hitters are high-ball hitters), don't make the pitch too good (don't pitch it over the heart of the plate), move the ball around inside the strike zone and change speeds (keeps the hitter off balance), and get ahead of the hitter (when you have two strikes on a

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

----- X	
The Authors Guild, Inc., Associational Plaintiff,	:
Betty Miles, Joseph Goulden, and Jim Bouton,	:
individually and on behalf of all others similarly	:
situated,	:
	:
Plaintiffs,	:
	:
v.	:
	:
Google Inc.,	:
	:
Defendant.	:
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Case No. 05 CV 8136-DC

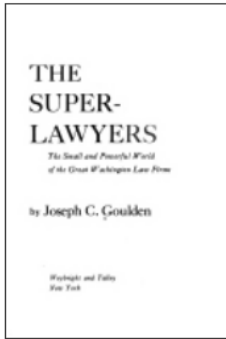
EXHIBIT

2

[PART 1 OF 3]

**TO THE DECLARATION OF MICHAEL J. BONI IN SUPPORT OF PLAINTIFFS'
OPPOSITION TO DEFENDANT GOOGLE'S MOTION FOR SUMMARY JUDGMENT**

The Super-lawyers: The Small and Powerful World of the Great Washington Law Firms



Joseph C. Goulden



0 Reviews

Weybright and Talley, 1972 - Law firms - 408 pages

Common terms and phrases

Abe Fortas Acheson Administration airline American antitrust argued Arnold and Porter asked attorney Austern auto bank Banzhaf bill called chairman Clark Clifford client Commission Commissioner Committee Congress Congressional Corcoran corporate counsel Covington and Burling Dean Acheson decision Defense Democratic Dobrivar drug Federal government fees filed foreign former Fortas and Porter hearings hired industry ington Johnson Justice Department Karasik Kennedy law firm Laylin legislation Lloyd Cutler loan lobbyists matter ment million Mudge Rose Nader Nixon Panalba partner Patman Penn Central percent political practice President railroad Ralph Nader Randolph Guthrie regulatory agencies Representative Republican says Secretary Senator Smathers someone staff Stuart Symington subcommittee sugar Supreme Court talk Temko thing Thurman Arnold tion told Tommy Tommy Corcoran Truman Unimed wanted Washington Law Washington Lawyer White House wrote York

From inside the book

83 pages matching **lawyer** in this book

Page 6

enough to subdue it and shape it to its own purpose. The Washington Lawyer is the man American business depends upon to "subdue . . . and shape" the Federal government.

The Washington Lawyer in recent decades has stepped beyond the attorney's traditional role as legal representative. The

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and are expected to do nothing in all matters; the lawyer is trained as a skillful gatherer and interpreter of facts. And facts, properly presented and carefully analyzed, provide the rationale for most legislation, the cynics notwithstanding."

The astute lawyer-lobbyist involves himself in a bill from the

Page 314

Most of the Washington Lawyer's tax work is done in face-to-face conferences with IRS officials, ranging from agent level up to (albeit rarely) the Commissioner of Internal Revenue. Each official has varying authority to settle a dispute; the lawyer must

From inside the book

87 pages matching **lawyers** in this book

Page 9

hundred mark by the time this book reaches print. Covington and Burling, the city's largest firm, grew from eighty-five lawyers in 1960 to the present one hundred thirty. Arnold and Porter went from thirty-five to seventy; Wilmer, Cutler and Pickering from

Page 190

190

The Superlawyers

Page 326

Regardless of the merits of the attack on Cutler, the students succeeded in dramatizing a question that Washington Lawyers—and those elsewhere—had previously discussed only in the most theoretical terms: What is the lawyer's responsibility to society, as opposed to his responsibility to an individual client?

From inside the book

41 pages matching fact in this book

Page 196

here, and our president especially has been keeping an eye on you,' and 'Have you ever given any thought as to how long you intend to remain with the Commission?' These might have been very innocent—my friend thought they were implicit offers of a job. Although he wasn't asked to do so—and in fact the facts in

Page 232

it, and he asked for a copy of it. ("Take me a picture of this," he told a secretary.) Then he talked about it. The Federal Reserve Board, he argued, "was never intended to cover loans made by European banks—that's a lot of crap. As a matter of fact, we consulted with the Federal Reserve Board before we made the

Page 378

wise for the oil industry and the power companies to call their attorneys 'public-interest lawyers,' because they can make a strong argument that they in fact *are* public-interest lawyers, the definition being as vague as it is.

"Soon after I went into practice for myself. I was approached

From inside the book

18 pages matching **facts** in this book

Page 75

the expression—and man, did I feel good. It was like being thrown into the creek by your dad to learn to swim; you consume an awful lot of water, but you learn how to swim.

“An interne has to work on people to become a doctor, and he sends some to the graveyard. Well, I sent mine to the state

Page 207

use of a hazardous drug when the available facts and the national drug law dictate such action. We believe that the facts show clearly that Panalba presents serious hazards to patients who take it which are not balanced by any benefit to be expected

Page 256

and the speaker for gathering it. In addition, the speaker is trained as a skillful gatherer and interpreter of facts. And facts, properly presented and carefully analyzed, provide the rationale for most legislation, the cynics notwithstanding.”

The astute lawyer-lobbyist involves himself in a bill from the

From inside the book

73 pages matching **attorney** in this book

Page 11

Rose, Guthrie and Alexander. Before 1969 the firm included two other names—those of President Nixon and his Attorney General, John Mitchell. The Phoenix firm of Mitchell's Deputy Attorney General, Richard Kleindienst, suddenly decided it needed an office in Washing-

Page 196

...to that of acceptance of a specific position as former agency attorney says the vagueness essential to this sort of bargaining-in-the-dark can backfire: "I had a friend who was assigned to a case involving —. Their attorney peppered him with remarks like 'We sure think you are doing a fine job over

Page 299

unique," says Gordon MacDougall, the private transportation attorney. "Any trade association attorney worth his weight watches the national situation and has people contact him immediately when a case is breaking." But private practitioners such as MacDougall are at a disadvantage: "Lawyers as a group

From inside the book

35 pages matching **attorneys** in this book

Page 3

in Washington about which other attorneys dare only dream. At some time in the future Clifford might be emulated, even surpassed; he need not fear duplication. And, finally, the mystique exemplified by Clark Clifford is both blessing and curse for attorneys who practice in the same town with him.

Page 7

mond Garry, the association's executive director, stresses that these figures are largely guesswork, and for several reasons. Until April 1, 1972, attorneys practicing in Washington courts were not required to join a bar association. Effective that date, the D.C. Court of Appeals required attorneys to join a lawyers' ✓

Page 191

The turnover at Federal agencies is brisk. Paul Rand Dixon once estimated that the FTC hired 750 attorneys during his first five years as FTC chairman, just to maintain a 400-man level. The SEC loses about 75 of its 380 attorneys each year to private practice; the FPC, 10 of 70; the FCC, 35 of 200; the CAB, 20

From inside the book

4 pages matching **degree** in this book

Page 73

influence of any kind in Washington. If you want to employ someone who has influence, you will have to go somewhere else. First, because I am not sure what the term 'influence' means, but that is inconsequential; second, because whatever it is, we don't have it

Page 368

got my degree in 1967. Then I joined a public-interest law firm, a very respectable place on LaSalle Street—Devoe, Shader, Mikva,* and Plotkin, it's called. But that wasn't the answer, either. Single legal actions don't really change things; you have to get to the heart of the corporation—the way things are run

Page 401

as Presidential adviser, 69, 98-99, 103
reassesses Vietnam position, 106
receives law degree, 73
re-enters private life (1969), 107
relations with John Kennedy in 1960, 91
relations with Lyndon Johnson, 102-103

questioned by congressional subcommittee, 164-168
recruited by Felix Frankfurter for New Deal, 152
retained by Burlington Mills, 172-173
retained by Henry J. Kaiser, 157
retained by Sterling Products Company, 158-159

From inside the book

87 pages matching case in this book

Page 31

partners, quickly became the country's expert on the National Recovery Administration, and he drafted numerous Blue Eagle industry codes. (Just as quickly, unfortunately, his specialty evaporated. "When the Supreme Court declared NRA unconstitutional in the sick chicken case," Horskv says. "half of what

Page 44

Under Secretary of State, the department's number-two position. Laylin, however, insists that Acheson "had absolutely nothing to do" with Covington and Burling representing Iran and Greece, two nations with whose affairs Acheson dealt intimately in his official capacity. "The Iran case came about this

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of guilt in the decree because "the defendants in this case believe they did not violate the antitrust laws." If such an admission had been required as the price of an agreement, he said, there would have been no decree, and "the case would have to go to trial." The last statement points up the importance the industry at

From inside the book

79 pages matching **court** in this book

Page 121

right to learn . . . what the offense of which he had been convicted was." Arnold, Fortas and Porter chased this cloud through the courts for seven years before the government blushed and gave the men their back pay. And Owen Lattimore, the academic expert on China hailed into court on the most

Page 253

The Lawyer as Magician

Congress is the police court of Washington Law. Despite the

Page 280

send me the usual retainers."

To Webster's credit, he made no secret of his dual status as legislator and bank lawyer, because he publicly (and successfully) represented the bank in forty-one cases argued before the United States Supreme Court. But even full disclosure did not

From inside the book

26 pages matching **courts** in this book

Page 61

for one party, you eventually waive it for all. The public interest—what is it? Who can define it?” asks John Sapienza. He defines “public policy” as an act of Congress that has been upheld by the courts. “I don’t recognize the onnipotence of a Federal official, and I have no qualms whatsoever about chal-

Page 121

right to learn . . . what the offense of which he had been convicted was.” Arnold, Fortas and Porter chased this cloud through the courts for seven years before the government blushed and gave the men their back pay. And Owen Lattimore, the academic expert on China hailed into court on the most

Page 189

available in advance . . . And appeals to the courts at every stage: you set a hearing date, they ask a postponement, you deny it, they go to court. They seldom win, but everything stops while it is argued. They try to put in superfluous testimony, the

From inside the book

32 pages matching **judge** in this book

Page 25

the mine's main partners, Edward F. Burling and Judge J. Harry Covington, were men of totally disparate personality. The austere, taciturn Burling was a man out of an old *Saturday Evening Post* success story. He grew up in rural Eldora, Iowa, where he worked in a grocery store at age eleven, and went on

Page 28

the 1930s, Charles Horsky frequently rode the Pennsylvania Railroad's Congressional train to New York with Judge Covington. "The train would leave Union Station at four-thirty in the afternoon, and on any given chair car Judge Covington would

Page 291

Bromley also defended United States Gypsum against an antitrust suit filed in 1940. Thurman Arnold, then the Assistant Attorney General for antitrust matters, knew Bromley's skill at muddling a case and sought to expedite the suit by convening a special three-judge court. He told Bromley, "I'll fix your kite, my

From inside the book

3 pages matching **judges** in this book

Page 28

know at least six people. It was a true education to walk through the train with him. The same thing coming back—constant handshaking.” Knowing government bureau chiefs, and judges, and members of regulatory agencies, is one level of advantage; more important for the firm, however, was Covington’s

Page 286

to be associated. Celler has said repeatedly he does not share the income from the “non-Celler” firm, and that he considers his practice to be “active and regular” within the meaning of the ABA code. “In any event,” he says, “my constituents must be the ultimate judges to the quality and character of my perform-

Page 374

volvement of Congress in matters affecting the military, Gesell wrote, “the potential conflict between an office in the military and an office in Congress is not inconsequential.” Gesell stopped short of ordering present reservists to resign, for judges historically have not told Congress how to run its business—only ad-

From inside the book

6 pages matching **bench** in this book

Page 25

the main name partners, Edward F. Burling and Judge J. Harry Covington, were men of totally disparate personality. The austere, taciturn Burling was a man out of an old *Saturday Evening Post* success story. He grew up in rural Eldora, Iowa, where he worked in a grocery store at age eleven, and went on

Page 127

attorney during Johnson's reign as Senate majority leader, Vice President, and President.

Johnson met Fortas when he was a first-term Congressman hot after public power for his Texas district, and Fortas, as director of the Department of the Interior's division of electric

Page 149

front row as Edward Bennett Williams argued a case. "Tom wrote a note and beckoned to a page to come get it and take it up to Justice —, who was sitting on the bench," the lawyer said. "Justice — read it, and looked down at Tom and smiled and nodded. I don't have the slightest idea what it was all about.

From inside the book

49 pages matching **bar** in this book

Page 23

sources seaward of the two-hundred-meter line. The United States government submitted a draft treaty—lawyer Laylin's handiwork, basically—to a United Nations committee in August 1970. On another front, as chairman of a special American Bar Association subcommittee, Laylin is mobilizing bar support

Page 224

bar association function in Tallahassee, Florida. Seemingly slowness and congeniality even with strangers—no, *especially* with strangers—are tactical mannerisms sons of the South have used for decades to beguile and disarm unwitting Northerners; a hint of the country yokel, no single word or inflection you can iso-

Page 234

sent his corporation on the East Coast, should he settle there to practice law, and internationally. Pepsi-Cola was in the process of challenging Coca-Cola for what we could call the Soda Pop Leadership of the World, and a former Vice President of the United States is a good detail man for softening up potentates

From inside the book

48 pages matching **legislation** in this book

Page 138

Paul Porter became close to Representative Wright Patman (D., Tex.) during the war because OPA legislation had to clear Patman's committee. Porter didn't forget the friendship.

Page 255

Congress and tell the client what sort of legislation is needed, and exactly how he should go about obtaining it. Then they shake his hand at the door and send him a bill. Clifford is careful never to approach a Congressman face to face on behalf of a specific client. And even such an experienced legal warhorse as

Page 274

Howard R. Kornegay, a North Carolina Democrat who was a member of the House Interstate and Foreign Commerce Committee during his four terms in Congress. Kornegay went on the tobacco lobby payroll to help emasculate legislation requiring

From inside the book

88 pages matching law in this book

Page 70

officer Clifford did not participate in the 1968 campaign—although his law partner, former CIA official Thomas D. Finney, helped direct Senator Eugene McCarthy's Presidential bid. And as of mid-1971 Clifford was the chief foreign policy adviser to Senator Edmund Muskie, who he early decided was the most

Page 181

painstakingly they argued their case against administrative law. The administrative law process was damned as un-American." Because of the war, the Administrative Procedure Act, their goal, did not get through Congress until 1946. But the end result was exactly what the corporations wanted. *The New York*

Page 358

later, a panel chaired a D.C. committee that revised police, court, and jail procedures during situations that result in mass arrests. And Cutler has been a guiding force in the Lawyers' Committee for Civil Rights Under Law, virtually the only surviving white-dominated group pressing for desegregation.

From inside the book

17 pages matching **laws** in this book

Page 42

didn't think it would be terrible to tighten the antitrust laws. This ripped through Cordiner's defenses so brutally he broke down and agreed the present laws were "amply severe."

Page 255

the Society of Magazine Editors, and the U.S. Information Agency. And he argues that a combination lawyer-lobbyist is vastly more valuable on the Hill than a non-lawyer-lobbyist. "He is trained to interpret laws and provide legal analysis for his client," Ablard has written. "One who can interpret and analyze

Page 336

not undercut the other. Rather than protesting against all regulation, the industry should draw up a model bill that would establish a sympathetic climate and set forth a preliminary approach.

From inside the book

93 pages matching **government** in this book

Page 6

enough to subdue it and shape it to its own purposes. The Washington Lawyer is the man American business depends upon to "subdue . . . and shape" the Federal government.

The Washington Lawyer in recent decades has stepped beyond the attorney's traditional role as legal representative. The

Page 44

Sumner's and Acheson's, says, "This was the only time in the postwar period the Soviets were bargained out of anything."

Dean Acheson had left Covington and Burling in 1941 to reenter government; from August 1945 to June 1947, when the firm was rebuilding its international practice, he served as

Page 156

"I'm getting out, Sam, but not for long. I want to make one million dollars, in one year, that's all. Then I'm coming back to the government for the rest of my life."

In 1941, less than a year after leaving the White House, Corcoran encountered the friend again. "Say, Sam," he said, "I've

From inside the book

88 pages matching **federal** in this book

Page 6

concentration, one with the trappings but not the reality of regulation, one which stifles competition in the name of an "orderly" market.

Lee Loevinger, formerly a member of the Federal Communications Commission, now an attorney in Washington, once

Page 31

Burling to scuttle the program. Edward Burling went into Federal court in Oklahoma and obtained an injunction halting a PWA project which conceivably could have cost the holding company a handful of customers. Acheson chuckled in his

Page 161

Federal agencies. He found Corcoran's jauntiness exhilarating, and he shared Corcoran's zest for causes. That was almost forty years ago. Now Rauh sat quietly in the Federal City Club and swished around a glass of bourbon and ice and reminisced about his erstwhile crusader friend.

From inside the book

business

Search

89 pages matching **business** in this book

Page 35

into the business today and put their money into it, thereby making an investment, unless there is some proper protection against fly-by-night companies whereby some irresponsible companies cannot come along with a lot of secondhand planes and cut prices right out from under legitimate operators. A system

Page 156

got to raise the price or shorten the time."

Corcoran stepped from the White House into so thriving a law business that for many months he didn't even bother to open an office in the business district. He had to be told people would be

Page 226

upon what is happening now, because of course Mudge Rose is not that sort of firm. "We are technicians," Randolph Guthrie said. "We are not in the business of affecting government. We work directly with the staff people, not at the high level—we're

From inside the book

52 pages matching tax in this book

Page 148

tion walks around with him, and the career people are wary of him and maybe even resent him a little bit. I've been told he's a damned smart lawyer, and maybe he is, in his special fields. But I never saw any evidence that he knew all that much about tax law. Oh, he could set up the high-level conferences, and get his

Page 309

Lawyer can choose from a vast variety of forums, ranging from the informal office conference to a full-blown court proceeding, or even to Congress.

Given the proper resources—i.e., a rich enough client—a good tax lawyer won't stop until he has exhausted all avenues,

Page 314

Service is situated in Washington is undeniably the single most important influence upon the nature of the Washington tax lawyer's practice. Physical proximity to the national office permits rapid transmission of information, personal discussions, readily scheduled conferences and all of the other obvious advantages

From inside the book

87 pages matching **firm** in this book

Page 234

sent his corporation on the East Coast, should he settle there to practice law, and internationally. Pepsi-Cola was in the process of challenging Coca-Cola for what we could call the Soda Pop Leadership of the World, and a former Vice President of the United States is a good detail man for softening up potentates

Page 265

Karasik tried to explain away the letter by saying he wrote it while in the Dominican Republic. "I think that when I went down there, I probably had a recommendation, but I am not—I think it was not a firm which I knew personally. I believe I would have characterized it differently if I had known that firm

Page 358

belief that individual lawyers with the firm should be free, consistent with the Code of Professional Responsibility, to pursue their own personal and professional goals. Rather than attempting to achieve a unified "position" on any particular matter, the members of this firm encourage each

From inside the book

86 pages matching **firms** in this book

Page 26

practice the city had in those days had grown in response to isolated and highly specialized situations. Right after the Civil War, when the industrial revolution began to boom across America, patent attorneys dominated "Washington Law." (Of the four firms listed in the 1880 edition of *Martindale and Hub-*

Page 285

by the Supreme Court, and any lawyer who practices is subject to them. Hence the new rule caused literally dozens of Congressmen-lawyers to withdraw from their firms during the two years after its enactment.

Page 328

and Moore. (Wilmer, Cutler and Pickering now serves as the Washington office of Cravath, Swaine and Moore; the two firms even share the same address and phone number in the Washington telephone directory.)

From inside the book

88 pages matching **office** in this book

Page 156

once or not a business phone. To do so, he told people, would be a nuisance. Anyone who really mattered could eventually find him; anyone who couldn't wasn't the sort of insider-client he wanted, anyway. A resentful rival viewed the lack of accommodations from a slightly different perspective. He told journalist

Page 309

Lawyer can choose from a vast variety of forums, ranging from the informal office conference to a full-blown court proceeding, or even to Congress.

Given the proper resources—i.e., a rich enough client—a good tax lawyer won't stop until he has exhausted all avenues,

Page 315

appointees, so they could better spend their time with the staff."

The fact that the person requesting the interview was a former government official was high automatic entry into his office, Caplin says. "It's a combination of camaraderie and courtesy. You find time for a former official. If a man who used to be

From inside the book

20 pages matching **offices** in this book

Page 65

In the Covington and Burling pecking order, the more senior partners enjoy offices on the seventh and eighth floors of 888 16th Street NW, or the coveted spacious corner offices on the floors below, with two-wall windows. My first two weeks in the

Page 197

Representative Richard L. Ottinger, while in Congress, complained that the "close relationship between the ICC and the railroads is far more than a matter of philosophical affinity. It is a *working* economic and personal relationship, which frequently involves the most insidious possible influence by an industry

Page 221

cials with whom he had talked about the \$225 million bail-out "now understand" the deep-rooted nature of the railroad's problem, and were ready to set about correcting them.

As it developed, the Penn Central did not receive the \$225-

From inside the book

89 pages matching **partner** in this book

Page 59

you expect to practice law with him the rest of your life," a senior man said. "It's hard to tell him you've changed your mind when he is already a partner." The selection process is ritualized. One Monday afternoon in mid-June of each year the firm's partners gather in what Charles Horsky calls "Jack Valenti's

Page 119

rabbit warren of five *more* townhouses. Now, with seventy-plus lawyers, it has trouble finding enough messenger boys to carry papers around, and associates gripe about having to walk in the snow when a senior partner calls them over for a chat. The growth was steady: three men a year. One quantum jump in size

Page 234

them reached an agreement, and the new partner issued an announcement in writing from his suite at the Waldorf-Astoria Towers:

On June 1, 1963, I shall move my residence to New

From inside the book

12 pages matching **associate** in this book

Page 14

industry he represented. Wald told *The Wall Street Journal's* Jonathan Kwitny: "I haven't the slightest doubt that cigarettes cause lung cancer. I had to come home every night and face my kids saying, 'Daddy, why do you work for a cigaret company?'"

Page 15

there are guidelines: The Washington Lawyer works 1,200 to 1,400 hours a year* that are "billable" to specific clients. The straight-billing rate ranges from \$35 per hour for a very junior associate in a large firm to \$250 for the name members of the name firms. Retain-

Page 57

varied enough experience so that you'll have a background in almost anything a lawyer can do in Washington. But rotate from field to field too much, and you'll become a dilettante." One disgruntled former associate who resigned after two years

From inside the book

27 pages matching **question** in this book

Page 61

explaining that corporations have a right to legal representation," a senior partner says. "I'm always getting questions like, 'Will I *have* to represent corporations? Or anyone else who comes along?' One year the question was, 'What, for example, would Covington and Burling do if you were asked to represent

Page 67

stabbing for it, chief. Clark says: "Clark's book says: 'I ask the first-question and I ask it, and the feet swing, and the teepee hands slowly rise across his chest, and the eyes are with me, unblinking, and is it a smile or the permanent expression of a quizzical listener, the locked-on face that is unrevealing of emo-

Page 326

Regardless of the merits of the attack on Cutler, the students succeeded in dramatizing a question that Washington Lawyers—and those elsewhere—had previously discussed only in the most theoretical terms: What is the lawyer's responsibility to society, as opposed to his responsibility to an individual client?

From inside the book

27 pages matching **questions** in this book

Page 105

ington with "nagging, not-to-be-suppressed doubts" about the validity of the judgments that had put the U.S. into Indochina. Clifford began to pay closer attention at the White House briefings; his questions took on a sharper edge.

In November 1967 Johnson decided to replace Robert S.

Page 158

... Sterling Products Company, part of the ... Sterling Products Company, was one person who sought help. The Ross firm had subsidiary and related companies in Latin America, England, and Germany, and the Justice Department's antitrust division had grave questions about some of its overseas

Page 276

Representative Wright Patman (D., Tex.), chairman of the House Banking and Currency Committee. Patman is congenitally hostile to bankers, and Yingling knows little can be gained by serving up witnesses for him to torment with needling questions. Patman loves to preface "questions" with rambling de-

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

----- X	
The Authors Guild, Inc., Associational Plaintiff,	:
Betty Miles, Joseph Goulden, and Jim Bouton,	:
individually and on behalf of all others similarly	:
situated,	:
	:
Plaintiffs,	:
	:
v.	:
	:
Google Inc.,	:
	:
Defendant.	:
	:
	:
----- X	

Case No. 05 CV 8136-DC

EXHIBIT

2

[PART 2 OF 3]

**TO THE DECLARATION OF MICHAEL J. BONI IN SUPPORT OF PLAINTIFFS'
OPPOSITION TO DEFENDANT GOOGLE'S MOTION FOR SUMMARY JUDGMENT**

From inside the book

9 pages matching **witness** in this book

Page 38

know, I'm not even sure I could locate the criminal courts here in the District."

One Covington and Burling partner said the firm avoids criminal work for two reasons. The firm's built-in expenses are such that few criminal defendants can afford the per-hour fee of \$50

Page 256

dent lawyer-lobbyist, is famed for the hot-box training he gives Ford witnesses the night before they testify. Markley puts the witness in a chair in Ford's Shoreham Hotel suite and asks him the nastiest questions conceivable for hours. Get rid of the

Page 276

nunciatory obiter dicta on the evils of the financial community; even if a banker witness has the right answer, and proves that the premise of Patman's query is wrong, the damage is done—immediately, to the banker's ego and temper; the next day, in

From inside the book

9 pages matching **stand** in this book

Page 40

au, at the taxpayers' expense. Gessen had kept GE officials off the public witness stand, however, and he did not intend to let the consumers win a backdoor victory. Regardless of the public-policy issues, he maintained, the testimony should not be released. U.S. District Judge J. Cullen Ganey agreed, over Jus-

Page 322

the system of "stand-up" fighting, which was common in Ribicoff in 1969, "that Mr. Nader, a lawyer himself with no lack of ability in a stand-up fight, would stoop to conquer." Now let's give Nader credit for doing good things, because things *are* wrong in the country. And a smart publicist, too. He took Lloyd

Page 329

Washington lawyer, in the ability to produce a legal memorandum justifying what his client wants done. Even persons favorably inclined toward your client are more comfortable if you give them something real heavy and legal-looking to stand on." Two 1971 cases illustrate the point:

From inside the book

12 pages matching **jury** in this book

Page 113

stories about Arnold and Porter and Johnsonian cronyism, and tried hard in its early months to smear mud on A&P's bright brass doorplate. The Justice Department convened a grand jury in Cleveland to investigate whether business had in fact stolen documents Arnold

Page 158

diverted from the German agents to spread German propaganda." According to Littell, the antitrust division pushed for criminal proceedings before a grand jury. Corcoran, however, persuaded Attorney General Biddle to settle the case via a civil consent

Page 341

The Los Angeles grand jury did not agree, and the foreman advised Samuel Flatow, the Justice Department lawyer directing its work, that the majority wanted to return indictments anyway, and Washington be hanged. The grand jury could have done so

From inside the book

9 pages matching **argument** in this book

Page 183

Austern thinks it rank nonsense to credit—or blame—him for the fact that quality labeling has never passed Congress. He says he is simply a lawyer who from time to time has presented a client's argument on an issue. If "consumer advocates" had the better case, and the support of the American people, Congress

Page 340

Page 340

Page 378

wise for the oil industry and the power companies to call their attorneys 'public-interest lawyers,' because they can make a strong argument that they in fact *are* public-interest lawyers, the definition being as vague as it is.

"Soon after I went into practice for myself. I was approached

From inside the book

4 pages matching clerk in this book

Page 254

... must register with the Clerk of the House of Representatives and the Secretary of the Senate. He must file quarterly reports detailing the interest represented and the amount of money spent. Clifford and other lawyers avoid registering in a

Page 364

peal, flew to Washington early the next morning, a Saturday, and was lucky enough to find a clerk on duty at the Court of Appeals to accept his filing.

Just as he anticipated, the tobacco companies filed their ap-

Page 378

... being used for the benefit of consumers, not the corporations.

Elman understands the New Washington Lawyers because he sees in them a reincarnation of the New Deal spirit he found when he came to Washington in the 1930s as a clerk to his old

From inside the book

48 pages matching **antitrust** in this book

Page 158

... Sterling Products Company, part of the ... Sterling Products Company, was one person who sought help. The Ross firm had subsidiary and related companies in Latin America, England, and Germany, and the Justice Department's antitrust division had grave questions about some of its overseas

Page 341

restricted agreements were arguably ancillary to the joint undertaking. I will not pretend that a reasonable man, *particularly if he had a more evangelical approach* to antitrust than I have, could not have decided differently . . .

Page 395

The Politics of Oil.

Austern's quotation on consumerism is from "The Formulation of Mandatory Food Standards," *Food Drug Cosmetic Law Quarterly*, December 1947; on Federal antitrust activities, from proceedings of the Antitrust Law Symposium of the Antitrust Law Section, New York

From inside the book

28 pages matching **austern** in this book

Page 175

at the White House, (c) a legislative strategist who can carry through on that old chestnut, "If you don't like the law, change it" (Austern does); and (d) the most potent single voice in Covington and Burling, the chief justice of Washington's largest firm.

Page 176

retirement.

Austern doesn't think much more of the regulatory agencies than does his arch-adversary Nader, but for very different reasons. Listen to him for several hours, and read his speeches and bar and trade journal articles, and the frustration and outrage are

Page 183

it, determines the price. If the quality was clearly marked, the housewife could ignore the brand names and buy on the basis of quality.

Austern rallied opposition when Tugwell's proposal went before Congress. At one meeting of the National Canners Associa-

From inside the book

27 pages matching "clark clifford" in this book

Page 3

God, I thought, I am doing Clark Clifford a favor by interviewing him.

I told this to another writer a few days later. "Jesus," he said, "Clifford sure conned you."

Page 68

count of Clark Clifford's first day in court in St. Louis, Missouri, in 1929, and the fact that he had evaded me by exactly forty years does not disturb me at all. I am too busy listening to the Gospel as spoken by Clark Clifford, and scribbling furiously

Page 102

Reuson gets the out, he said, he'll cuss and call me a son of a bitch and the whole business. But he'll pay it. And next year, when he's down in Miami Beach playing gin rummy with his buddies, he'll talk about his 'friend Clark Clifford' and his 'lawyer Clark Clifford,' and how much the so-and-so charged him—

From inside the book

86 pages matching **committee** in this book

Page 55

conducted," a member of the committee told me. "There are some firms around the country—I can think of one in Cleveland, and in Dallas and on the Coast, and right here in Washington, for that matter—that are dictatorial, with one man in complete control. Not every lawyer likes to be involved in the

Page 383

sion. Nonetheless, a conservative local bar could destroy the public-interest lawyers through a war of attrition.

Any self-policing should start at the top, which is to say, within the American Bar Association itself. The ABA is a caricature of what is wrong with Washington Lawyers' domination

Page 396

The data on the Sugar Lawyers is from hearings before the House Agriculture Committee, *Extension of the Sugar Act*, February–May 1971; a staff report of the same committee, *The United States Sugar Program*, December 31, 1970; and foreign agent registration statements filed with the Internal Security Division of the Department of Justice.

From inside the book

36 pages matching **corcoran** in this book

Page 154

name, was one Corcoran tool. Another, perhaps even more important, was a careful seeding of the Federal government with men loyal both to FDR *and* the positions Tommy Corcoran advocated within the Administration. *U.S. News* (now *U.S. News & World Report*) in a somewhat awed appraisal of Corco-

Page 164

Corcoran but saw him anyway. What Corcoran did not know was that for a time Kline had instructed his secretary not to make any appointments for Corcoran or put through his phone calls. "I told her that I didn't want to see him anymore. I felt he was perhaps going outside of the record in some of these cases

From inside the book

71 pages matching **corporate** in this book

Page 70

officer Clifford did not participate in the 1968 campaign—although his law partner, former CIA official Thomas D. Finney, helped direct Senator Eugene McCarthy's Presidential bid. And as of mid-1971 Clifford was the chief foreign policy adviser to Senator Edmund Muskie, who he early decided was the most

Page 347

hard core of his sincerity. Cutler has more faith than most of us in the public spirit of corporate moguls. He thinks he can cajole these people, and pat them on the back, and lead them to good citizenship (i.e., building safe cars that don't emit deadly gunk).

Page 367

and who forced America's largest industrial corporation to spend more than \$400,000 in a proxy fight with its own shareholders—which is to say, its owners. Phil Moore, corporate guerrilla, patiently maneuvering General Motors toward a con-

From inside the book

15 pages matching "lloyd cutler" in this book

Page 322

... Ribicoff in 1969, "that Mr. Nader, a lawyer himself with no lack of ability in a stand-up fight, would stoop to conquer." Now let's give Nader credit for doing good things, because things *are* wrong in the country. And a smart publicist, too. He took Lloyd

Page 333

settle several stockholder suits which gave the U.S. a marketable clear title to the company and then complete the public sale. Lloyd Cutler on the Supreme Court, replacing Justice Tom Clark; Lloyd Cutler in the Commerce Department as deputy to his old friend Secretary John Connor early in the Johnson Ad-

Page 337

certainly Lloyd Cutler knows that the time to work on a bill is *before* it is introduced, and that is what he did. The criminal sanctions weren't in the Administration's bill because Cutler got them out at the drafting stage. As I was saying, you have to listen between the lines when Lloyd Cutler is talking, because he

From inside the book

40 pages matching **nader** in this book

Page 21

well . . .

And Ralph Nader. This Man Nader, engaged in a Nader's Raiders study of the firm. This Man Nader wanted to interview every partner and every associate in the firm, and on the record. This Man Nader wanted access to Covington and Burling's

Page 322

assistant to Dr. Milton Eisenhower, the chairman, says, "Cutler was scrupulous about it, too; he kept away from TV altogether.")

Sighhhhh. Then Nader. What *can* be done about him? A law-

From inside the book

45 pages matching **nixon** in this book

Page 125

[then Vice President] through having Eddie Rickenbacker [president of Eastern Airlines] contact [Attorney General] Bill Rogers in the [Justice] Department.

I agreed that Nixon was the right man, but thought we might get the story over more satisfactorily through Bob

Page 233

ating defeat in the 1962 California gubernatorial election. Nixon wanted a place to rebuild his life and to make money while doing so. He found some peculiarly appealing qualities in New York; to Robert J. Donovan of the *Los Angeles Times* he described it as "the most beautiful and most exciting and most exciting"

Page 237

former Vice President enabled Nixon to obtain briefings from old State Department friends before his foreign travels. He was especially interested in Taiwan, whose long time ruler, Chiang Kai-Shek, gave Mudge Rose client PepsiCola an exclusive franchise arrangement.

From inside the book

12 pages matching "penn central" in this book

Page 245

[the banks] was pulling the rug out from under the company." Board chairman Stuart Saunders on May 19 told Secretary of the Treasury David M. Kennedy of the tightening bind on his company; that the debenture issue had failed; that if Penn Cen-

Page 248

bank loan. Board meeting notes show Patman's antagonism and the directors' reciprocal bitterness: Director Seabrook, for instance, quotes Patman as saying he was "sorry that Administration failed to go through [with the guarantee] because he wanted to knock hell out of it." Paul Gorman, the Penn Central

Page 251

Banking and Currency Committee is shaky. He holds the chairmanship by virtue of the seniority system, but Democrats have voted with Republicans to override him in the past. In the instance of Penn Central, the GOP members told Patman, "One scent of partisan politics, and we'll gut you."

From inside the book

58 pages matching **senator** in this book

Page 263

"we have made contact with a powerful law firm in the Senator's home state." Karasik, who did not name the Senator in the memo, continued:

The senior member of the firm is the executive officer of

Page 278

Jerry S. Cohen, longtime chief counsel and staff director of the Senate Antitrust and Monopoly subcommittee and now in private practice, agrees; indeed, he told me, "The secret to Clark Clifford's success is his ability to convince a Senator that 'It's to your advantage to do it this way'—which is to say, Clifford's

Page 317

letter and seeks out a Senator who will have it typed on official stationery and mailed under the Senator's signature. Senator Russell Long frequently obliges him; so did Senator Everett M. Dirksen before his death. Says the IRS man, "If the Senator is a straight-shooter he will say to Maer, 'You write a letter to me

From inside the book

1 page matching **manage** in this book

Page 313

managed to cut the vote to 8-7, but remarked to Field after his defeat, "It'll never come out of the statute." Comments Field, "He's right—it's engraved on stone."

How did you do it? I asked Duncan. How did you manage to persuade Mills to recommit the bill and insert your amendment?

From inside the book

24 pages matching **trial** in this book

Page 75

Page 75

Page 345

to Nader, the most grievous part of the decision was that it permitted the AMA and the Big Four to avoid public trial. Nader considered this bad for two reasons.

After years of jousting with corporations, Nader realized their dread of adverse publicity—that the most effective way of halt-

From inside the book

2 pages matching **trials** in this book

Page 121

the academic expert on China, named this court as the most
bizarre indictment since the Salem witch trials: perjury, for
denying to a Senate committee that he was a "follower of the
Communist line" and a "promoter of Communist interests."
Judge Luther Youngdahl, a former Republican Governor of

From inside the book

6 pages matching **defendant** in this book

Page 121

act was the result of mental disease, the defendant could be
acquitted on the ground of insanity. For the equally obscure
Clarence Gideon, the Florida ne'er-do-well, Fortas took a Su-
preme Court assignment and won the case establishing that de-
fendants, even indigent ones, must have counsel at all stages of a

From inside the book

88 pages matching **washington** in this book

Page 5

talk. we talk about the weather, and the merits of station wagons. Big stuff." This from a specialist in transportation law, a man who was involved in two landmark rail merger cases, but who is completely unknown outside the tight circle of fellow practitioners in the field.

From inside the book

27 pages matching **district** in this book

Page 127

attorney during Johnson's reign as Senate majority leader, Vice President, and President.

Johnson met Fortas when he was a first-term Congressman hot after public power for his Texas district, and Fortas, as director of the Department of the Interior's division of electric

From inside the book

67 pages matching **right** in this book

Page 121

right to learn . . . what the offense of which he had been convicted was." Arnold, Fortas and Porter chased this cloud through the courts for seven years before the government blushed and gave the men their back pay. And Owen Lattimore, the academic expert on China hailed into court on the most

From inside the book

20 pages matching **rights** in this book

Page 61

Hoffa take the Fifth Amendment more than one hundred times before the Senate rackets committee. The Bill of Rights, this man says, is a very encompassing guarantee, and it protects corporations and individuals alike, and once you start waiving it for one man you weaken the entire system for all. "The public inter-

From inside the book

90 pages matching **client** in this book

Page 314

for any case in which timing is an important factor." Not every case results in a multibillion-dollar saving for a client, such as Mike Duncan gained for the shale oil industry. But Caplin says the same principles apply in any tax proceeding: Know the peo-

From inside the book

82 pages matching **clients** in this book

Page 6

concentration, one with the trappings but not the reality of regulation, one which stifles competition in the name of an "orderly" market.

Lee Loevinger, formerly a member of the Federal Communications Commission, now an attorney in Washington, once

From inside the book

12 pages matching **enter** in this book

Page 255

"The same lawyers would never consider taking the same approach to the courts and counsel the client as to how to enter a plea and then send him off to the courthouse to follow instructions," Ablard wrote in a 1970 law review article. "Yet the strange stigma that some seemingly sophisticated members of the

From inside the book

72 pages matching **counsel** in this book

Page 228

Hargrove wrote in another memo in August 1970, "the issuer [USPS] would normally have a good deal to say about the counsel the underwriters selected, although the underwriters themselves engaged such counsel and pay their fees."

Nine months later, in May 1971, USPS permitted the leading

From inside the book

1 page matching **address** in this book

Page 328

and Moore. (Wilmer, Cutler and Pickering now serves as the Washington office of Cravath, Swaine and Moore; the two firms even share the same address and phone number in the Washington telephone directory.)

From inside the book

59 pages matching **senate** in this book

Page 276

son (D., Va.), then chairman of the Senate Banking and Currency Committee, which had jurisdiction over the bill. For safety's sake, Carey decided to make one last round of Committee members, particularly one Senator who opposed the insurance portion of the bill

From inside the book

58 pages matching **justice** in this book

Page 262

ment in 1950 and formed a law partnership. An early client was the Dominican Republic. In 1954 the firm signed two separate agreements: one provided a flat fee of \$95,000, which was reported to the Justice Department under the Foreign Agents Registration Act; the other, unreported, called for a bonus of \$1 per

From inside the book

57 pages matching **money** in this book

Page 62

for not hiring better attorneys. Or at Congress for not providing enough money to hire them. Or at yourself for not being willing to pay the taxes to provide the money to hire the better attorneys. And so forth.

When public-interest law became fashionable in Washington

From inside the book

84 pages matching "covington and burling" in this book

Page 21

Covington and Burling: The Pinnacle of Power 21

Page 51

Covington and Burling: The Pinnacle of Power 51

Page 56

right in the middle. What would we do with a former chairman of the FTC? Hell, show me anybody in Washington who knows more about the FTC than Tommy Austern and I'll give you the keys to the office. Or the CAB. Remember, Howard Westwood *created* the CAB." Covington and Burling does not frown at

From inside the book

26 pages matching "mudge rose" in this book

Page 221

Mudge, Rose, Guthrie and Alexander

221

Page 239

Mudge, Rose, Guthrie and Alexander

239

Page 242

relying upon a Mudge Rose legal opinion* to fight a former Mudge Rose partner [Nixon]."

Mudge Rose and its predecessor firms have maintained offices in Washington since the early 1950s, according to Randolph Guthrie. His cited reasons are the same as any out-of-town firm

From inside the book

fortas

Search

41 pages matching **fortas** in this book

Page 112

tion, and especially young lawyers with consciences rent asunder by the performance-promise gap of the sixties, Fortas's acceptance of a \$20,000 fee from the foundation of financier Louis Wolfson was no particular surprise; indeed, to some it epitomized Fortas. Within the bounds of the law, but at the outer edges of propri-

Page 127

Arnold and Porter: Silent, as in Fortas

127

Page 128

turer named James Ling and by 1962 had started Ling-Temco-Vought on a dizzying rise through the financial world. Both Post and Ling are friends of Lyndon Johnson, through whom they came to know and trust Abe Fortas. In 1962 Fortas helped Post

From inside the book

71 pages matching **administration** in this book

Page 92

taking a position *in* the Kennedy Administration (assuming, as Clifford did early, that Kennedy did win) but who intended to do a great deal of business *with* the Kennedy Administration. Clifford would handle the transition from Eisenhower to Kennedy. He went to work in early fall drafting a document detail-

Page 238

was Nixon's liaison with the lame-duck Johnson Administration, while John Sears was the special emissary to Spiro T. Agnew; both took middle-echelon positions in the Administration. And corporate Washington—the lobbyists and trade associations and

Page 337

Cutler, in rebuttal, denies that criminal penalties were ever a priority item for the industry, although it "did and does" oppose them. Further, he notes, criminal sanctions were never in the auto safety bill—neither in the original Johnson Administration submission nor in the versions reported from the House and

From inside the book

16 pages matching **airline** in this book

Page 33

placed upon the freedom of unsubsidized carriers to fly over any route or into any territory. Further, entering the airline business required nominal capital investment: The airways were free, and navigational and other operational facilities were maintained or subsidized by the government. A fledgling airline did

Page 36

economic consequences of the aviation plan lawyer Westwood wrote for the ATA. Postmaster General James A. Farley noted that the government had spent "hundreds of millions of dollars in the building of airports, installation of beacon lights, etc., and direct subsidies paid to the contractors. Now that the financial

Page 52

black passengers on nights from New York. When the airline faced loss of its landing rights at Kennedy International Airport in New York, Covington and Burling defended it, first before the New York State Commission on Human Rights, then in United States District Court. The representation disgusted the

From inside the book

66 pages matching **american** in this book

Page 23

sources seaward of the two-hundred-meter line. The United States government submitted a draft treaty—lawyer Laylin's handiwork, basically—to a United Nations committee in August 1970. On another front, as chairman of a special American Bar Association subcommittee, Laylin is mobilizing bar support

Page 84

pendent Indonesia.

The gas bill veto was enough to shatter any subconscious thoughts Clifford might have entertained about building a law practice on Truman's name. So did another early case, this one on behalf of Howard Hughes's TWA. Arch-rival Pan American,

Page 146

American World Airways paid him a retainer of \$30,000 a year, although he never appeared on its behalf in a formal proceeding at the Civil Aeronautics Board (Steptoe and Johnson, a conventional firm that does conventional aviation work, received fees

From inside the book

27 pages matching **argued** in this book

Page 106

By mid-March Clifford had concluded the United States should start winding down the war and get out of Vietnam. He argued, as he wrote later, "that the United States had entered Vietnam with a limited aim—to prevent its subjugation by the north and to enable the people of South Vietnam to determine

Page 121

right to learn . . . what the offense of which he had been convicted was." Arnold, Fortas and Porter chased this cloud through the courts for seven years before the government blushed and gave the men their back pay. And Owen Lattimore, the academic expert on China, bailed into court on the most

Page 362

naïve group calling itself SOUP (Students Opposing Unfair Practices) argued that Campbell should have to inform customers they had been deceived. The FTC rejected SOUP's novel argument by a 4–1 vote but said such ads might be appropriate in some situations. SOUP tried again a year later with Firestone

From inside the book

83 pages matching asked in this book

Page 42

Claus asked me if it wasn't true that I loved my mommy and poppy and that I was the dearest, sweetest and best little boy in the whole, wide world . . .

Chairman Kefauver had difficulty in holding onto his judicial mien when the GOP solon asked the witness if he

Page 61

explaining that corporations have a right to legal representation," a senior partner says. "I'm always getting questions like, 'Will I *have* to represent corporations? Or anyone else who comes along?' One year the question was, 'What, for example, would Covington and Burling do if you were asked to represent

Page 167

"What hadn't he said?" asked Bennett.

"I don't know," Corcoran said.

"Well," continued Bennett, "have you followed this policy of going to the Commissioners, as you did in this case, in all of the cases that you have tried before the Federal Power Commission?

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

----- X	
The Authors Guild, Inc., Associational Plaintiff,	:
Betty Miles, Joseph Goulden, and Jim Bouton,	:
individually and on behalf of all others similarly	:
situated,	:
	:
Plaintiffs,	:
	:
v.	:
	:
Google Inc.,	:
	:
Defendant.	:
	:
	:
----- X	

Case No. 05 CV 8136-DC

EXHIBIT

2

[PART 3 OF 3]

**TO THE DECLARATION OF MICHAEL J. BONI IN SUPPORT OF PLAINTIFFS'
OPPOSITION TO DEFENDANT GOOGLE'S MOTION FOR SUMMARY JUDGMENT**

From inside the book

19 pages matching **auto** in this book

Page 322

yer who didn't get his way in the auto cases, and isn't man enough to take a licking without whining, the way a good lawyer is supposed to do. No understanding whatsoever of the adversary system, which is my God after all what law is about, American style. It is disappointing. Cutler wrote Senator Abraham

Page 334

phased attention, then the Vietnam War, and its massive revenue demands, intervened. The auto industry, meanwhile, had encountered a more serious problem—the public furor over safety, stirred by Nader's exposés. General Motors, stupidly, hired a private detective to investigate Nader's private life.

Page 340

Three of the four attorneys working on the case recommended that the Justice Department bring both civil and criminal antitrust actions, and that the auto manufacturers and the AMA be indicted for a Sherman Act conspiracy in restraint of

From inside the book

11 pages matching **banzhaf** in this book

Page 363

Safety standard, entered the National Highway Traffic Safety Bureau a proposed safety standard on auto bumpers.

The acronyms are no accident, for Banzhaf runs the only law course in the nation where writing press releases is part of the syllabus. Banzhaf considers the general public the students'

Page 364

anxious they would go to some remote court, say in San Francisco, to make it harder for me, or look for a 'best-deal' court, where they could rely upon a friendly judge," Banzhaf said. The court where the first appeal is filed assumes jurisdiction over all future proceedings in the case, hence timing is important. "I

Page 366

agency. And he discarded conventional law teaching methods, where students spend dreary hours in the library memorizing appellate decisions. Banzhaf decided on the go-do-it approach.

"The danger in public-interest law is that you can become a Don Quixote, because you are up against some pretty big wind-

From inside the book

24 pages matching **bank** in this book

Page 139

Kincaid, president of Central Bank & Trust Company, a smaller Lexington bank which competed with the merged banks, said the local U.S. District Court had been unable to obtain the stipulated divestiture agree-

Page 276

former side effects notwithstanding.

Doing a good job practicing before Congress can mean *avoiding* Congress. John H. Yingling, the bank lawyer-lobbyist we met earlier, knows when to fight and when to sidestep. When possible, he tries to keep his clients out of range of the irascible

Page 280

industry, for it dominates his state. But he is also a strong advocate of strict antitrust enforcement, so he refused Cutler's client's request. Several weeks later, the bill appeared under sponsorship of Senator Russell Long (D., La.). In the same vein, Senator Sam Ervin (D., N.C.) is noted among colleagues for

From inside the book

46 pages matching **bill** in this book

Page 84

Let's work this thing out together. Flexibility. In 1952 Clifford worked hard to obtain legislation authorizing pipelines to increase the price of natural gas, a bill of great benefit to client Phillips Petroleum. With the help of the oil industry's great

Page 193

of his Puerto Rican hotel bill not covered by his \$27 per diem allowance from the government. (The week-long stay at the Tryall Club with the ICC lawyers cost Cheseldine and his wife another \$496.55.) However, Congressional investigators found MCLA correspondence in which Cheseldine is quoted as asking

Page 337

Cutler, in rebuttal, denies that criminal penalties were ever a priority item for the industry, although it "did and does" oppose them. Further, he notes, criminal sanctions were never in the auto safety bill—neither in the original Johnson Administration submission nor in the versions reported from the House and

From inside the book

50 pages matching **called** in this book

Page 136

certification relied upon data the FDA called "phony."

Chesebrough-Pond's, Inc., a longtime cosmetics manufacturer, moved into the drug field in the 1960s with a sustained-release aspirin called Measurin. Such drugs are valuable to arth-

Page 151

In the spring I called Corcoran's office and told a secretary what I was doing, and asked for an appointment. I'll get back to you. She didn't. I called again. I'll get back to you. She didn't. I called again. Mr. Corcoran says he is too busy and good luck.

By June my Corcoran file contained a stack of interview notes

Page 315

Assistant Secretary of the Navy called you, for instance, you felt he would not bother you unless he was serious." But oftentimes, Caplin said, the lawyer would go through a desultory recitation of his case and leave a memo for the IRS staff to study. "All he

From inside the book

69 pages matching **commission** in this book

Page 8

ederal Trade Commission, and elsewhere. The larger New York law firms—Cravath, Swaine and Moore; Paul, Weiss, Rifkind, Wharton and Garrison, to name two of a dozen—maintain Washington offices, partly for logistical and administrative convenience; but as one prominent Wall Street name told me,

Page 193

Cheseldine says. “If you will look at the spread, it is all over the country and there is no one law firm. I don’t see how anybody can infer partiality, because the record down at the Commission, I think, speaks for itself. We don’t have any complaints about it.”

Page 199

—then assistant general counsel of the Federal Communications Commission, now a senior partner in Arent, Fox, Kintner, Plotkin and Kahn. Ken Cox, the former FCC Commissioner, states, “Harry was a hard regulator. The Commissioners would come into an executive session after the public hearing with their

From inside the book

59 pages matching **chairman** in this book

Page 191

The turnover at Federal agencies is brisk. Paul Rand Dixon once estimated that the FTC hired 750 attorneys during his first five years as FTC chairman, just to maintain a 400-man level. The SEC loses about 75 of its 380 attorneys each year to private practice; the FPC, 10 of 70; the FCC, 35 of 200; the CAB, 20

Page 260

can persons who will be involved in both the preparation and passage of the legislation." Cooley was also confident of a personal audience with Congressman Poage, his successor as chairman. Cooley wrote Peal: "While I realize that the chairman cannot possibly confer with all petitioners personally, I am cer-

Page 383

1970 affiliations of the members of the ABA's Division of Food, Drug and Cosmetic Law:

. . . The vice chairman of the division was general coun-

From inside the book

31 pages matching **commissioner** in this book

Page 163

Commissioner William R. Connoles wasn't happy being pressured by Tommy the Cork. Connoles said Corcoran arrived late in the day and "asked my secretary for permission to see me. He had no appointment and had asked for none. He had not told me

Page 166

the head of a pin." Any conversation with a Commissioner relates back to a statement of fact. "You cannot say, 'Mr. Commissioner, I hope you will expedite that XYZ situation which I cannot identify to you by name.'" So long as agency staff mem-

Page 195

tain roughly the same language. There are variations. FCC members may not accept payment for writing, which the prolific Commissioner Nicholas Johnson estimates costs him \$15,000 a year.

But William I. Casey, the former chairman of the SEC, says a

From inside the book

31 pages matching **democratic** in this book

Page 79

be titled "The Selling of the President 1948." "The basic premise of this memo—that the Democratic Party is an unhappy alliance of Southern conservatives, Western progressives, and big-city labor—is very trite, but it is also very true," Clifford wrote. "And it is equally true that the success or failure of the

Page 114

and Porter. The firm's former staff were
Arnold and Porter from Democratic politics. For two
years after the Johnson Administration ended, the firm
donated legal services to the Democratic National Com-
mittee, charging only for out-of-pocket expenses. Three

Page 151

Democratic Presidential campaign since 1940. Along the way:
secretary to Justice Holmes; Reconstruction Finance Corpora-
tion; Labor Department; Public Works Administration; the
SEC; administrative assistant to Roosevelt 1938-41; special as-
sistant to Attorney General Francis Biddle during the war.

From inside the book

47 pages matching **decision** in this book

Page 94

\$3-billion dump.

Clifford was not involved in the antitrust trial, in which Covington and Burling represented du Pont. "After the suit was all over, and the decision entered, Crawford Greenewalt, the du

Page 139

consistently shared sevenfold in 1948, with sales of slightly more than \$200 million—but was rapidly expanding in the lucrative Southwestern markets. The FTC decision is a masterpiece of something or other; lawyers who have studied the case haven't decided ex-

Page 238

each airline involved resorting to lawyers and lobbyists with political clout. In dizzying succession, the Civil Aeronautics Board overruled its own examiner's decision—one reached after three years of exhaustive study—only to be reversed in turn by John-

From inside the book

congress

Search

82 pages matching congress in this book

Page 254

to fault the Washington Lawyer as an *individual* for what is wrong with Congress is akin to blaming a single smoker for air pollution. But some Washington Lawyers are vital in the process through which Corporate America rules the United States; they contribute to the shortcomings of the system, and hence are

Page 293

The Corridors of Congress: Looking Down on Capitol Hill 293

Page 374

United States shall be a member of either house during his continuance in office." When a Kansas Senator named James Henry Lane accepted a brigadier's commission in the Civil War, the Senate promptly ejected him from Congress. Nor would the Justice Department permit Lyndon Johnson or Warren Magnuson

From inside the book

congressional

Search

42 pages matching congressional in this book

Page 12

...new legislation. Some members of the private bar recruit venal Congressmen to perform bloody hatchet work on recalcitrants. A prime example: in 1959 a skittish Federal Power Commission chairman *volunteered* to a Congressional subcommittee the fact that Washing-

Page 283

notoriety supports the charge by a special committee on Congressional ethics of the Association of the Bar of the City of New York that "law practice has demonstrated a special potential for actual and alleged Congressional improprieties, and that law practices have played a disproportionate role in the history of

Page 396

Politics and the Regulatory Agencies, cited above. The Cohen quotations are from the GWLR issue cited above and an interview.

My discussion of Congressional ethics vis-à-vis law practices relies heavily upon *Congress and the Public Trust*, by James C. Kirby, Jr., Armin Rosencranz, and Ellen W. Ober, a report by the Special Committee on Congressional Ethics of the Association of the Bar of the City

From inside the book

10 pages matching **Dobrivir** in this book

Page 374

to serve simultaneously in Congress and the Navy during the Second World War.

In early 1971 Dobrivir was approached by the Reservists Committee to Stop the War, a group of some 2,000 present and

Page 375

voice Congress from the military. I think we accomplished a desirable end."

For his first thirty-five years Bill Dobrivir appeared to be on the track that leads to a comfortable living as a corporate Washington lawyer. After graduation from Harvard Law School, he

Page 376

forcement (or non-enforcement) of the Walsh-Healy Act, which requires government contractors to comply with Federal safety and health standards. Dobrivir won.

From inside the book

36 pages matching **drug** in this book

Page 133

current firms, retailers, lawyers assigned to cases are not always aware of the full ownership of client corporations. The result, inevitably, is the potential for grave embarrassment.

In the 1960s, Unimed, Inc., an amalgamation of small drug firms based in Morristown, New Jersey, got FDA permission to

Page 136

who practice at the FDA rank him among the top half-dozen specialists in Washington. He is particularly adept at the private bargaining with FDA officials that comprises an estimated ninety-five percent of a drug practice. In one instance, Land succeeded in keeping a product on the market even though its

Page 207

use of a hazardous drug when the available facts and the national drug law dictate such action. We believe that the facts show clearly that Panalba presents serious hazards to patients who take it which are not balanced by any benefit to be expected

From inside the book

fees

Search

27 pages matching fees in this book

Page 170

bar's self-written ban on discussion of client-attorney relations, seldom can the work performed be subjected to objective scrutiny. In some areas, however, the public has a direct financial interest. If a utility, for instance, pays unnecessary legal fees, the consumer pays the cost, in fractions of cents added to utility

Page 228

Hargrove wrote in another memo in August 1970, "the issuer [USPS] would normally have a good deal to say about the counsel the underwriters selected, although the underwriters themselves engaged such counsel and pay their fees."

Nine months later, in May 1971, USPS permitted the leading

Page 376

...these freight trains, locomotives, and engines, is a health hazard. The FDA in mid-1971 told the railroads to install chemical toilets on new trains after 1972.

Dobrivir feels fees will be the salvation of public-interest law,

From inside the book

17 pages matching **filed** in this book

Page 343

ment offer, Cutler, Mann, and other AMA representatives began bargaining for a consent decree even before the suit was formally filed (ultimately, on January 10, 1969, eleven days before the Johnson Administration left office). Cutler says the Justice Department even offered to negotiate a "pre-filing" con-

Page 364

at least they would go to some remote court, say in San Francisco, to make it harder for me, or look for a 'best-deal' court, where they could rely upon a friendly judge," Banzhaf said. The court where the first appeal is filed assumes jurisdiction over all future proceedings in the case, hence timing is important. "I

Page 396

The data on the Sugar Lawyers is from hearings before the House Agriculture Committee, *Extension of the Sugar Act*, February–May 1971; a staff report of the same committee, *The United States Sugar Program*, December 31, 1970; and foreign agent registration statements filed with the Internal Security Division of the Department of Justice.

From inside the book

43 pages matching **foreign** in this book

Page 47

am reluctant about telling people in the State Department that something I am advocating is a good thing for my client *and* the United States, too."

The distinction carries with it an independence that Laylin says he would not have if he acted as the agent of a foreign

Page 48

ful attempt to extradite the ousted dictator Marcos Perez Jimenez for trial for fiscal corruption. But as a private citizen, Acheson spoke with the authority of a former Secretary of State on issues involving foreign governments which Covington and Burling has represented. He served as the United States' liaison

Page 49

dor in Mexico City. I learned much there about how business is done with foreign nations. It was invaluable." (Covington and Burling, which avoids hiring lawyers from the government, makes an exception in the international field: it actively scouts the Foreign Service for bright people.) After two years with

From inside the book

78 pages matching **former** in this book

Page 238

his firm followed the routine. After it happened [the Nixon ad], of course, everyone was saying how 'eager' we were to tell the world the President was our former partner. No matter what you do, you are criticized."

Page 274

Earle C. Clements, former Democratic Senator from Kentucky, is a registered lobbyist for the Tobacco Institute, an industry lobby group, and four tobacco corporations: Brown & Williamson, Liggett & Myers, Inc., R. J. Reynolds, and Philip Morris. Working closely with him at the Tobacco Institute is

Page 315

appointees, so they could better spend their time with the staff."

The fact that the person requesting the interview was a former government official was nigh automatic entry into his office, Caplin says. "It's a combination of camaraderie and courtesy. You find time for a former official. If a man who used to be

From inside the book

42 pages matching **hearings** in this book

Page 201

challenge the proposed rulemaking. Whether you credit them, or lay it to sour grapes, many private practitioners still insist that there are few rulemaking hearings in which the burden does not fall harder upon the objector."

But one watches the regulatory commissions and asks, Does it

Page 351

■ ■ Bruce Montgomery, director of the *pro bono* program at Arnold and Porter, was preparing for Interior Department hearings on the pipeline oil companies' plan to build across the Alaskan tundra to speed exploitation of the North Slope reserves. Arnold and Porter repre-

Page 392

Adverse Senate reaction to the duPont-Christiana legislation was expressed in hearings before the Senate Finance Committee on March 17 and 24, 1965; and in floor debate the next two months. A somewhat more conspiratorial account is given in *Clark Clifford: Attorney at War*, by David Welsh and David Horowitz, *Ramparts*, April 1968.

From inside the book

18 pages matching **hired** in this book

Page 28

son who needed a job, or some old without government lawyer who wanted a place to rest. Mr. Burling was also extraordinarily lucky: very early along [1921], he hired Dean Acheson, who had the charisma to attract clients also, and who could handle himself in a courtroom; and he hired Paul Shorb. Mr.

Page 141

Fortas thing"; and frustration over whether a subtle change of direction is going to correct a very uneasy situation.

Until 1968 Arnold and Porter hired its new people almost entirely from government service. The policy gave the firm in-

Page 375

ington lawyer. After graduation from Harvard Law School, he spent a year in Chile as a Fulbright Scholar, and then another year in Colombia as member of a Harvard advisory committee on tax reform. Covington and Burling hired Dobrivir on the basis both of his Harvard record and his fluency in Spanish, and

From inside the book

81 pages matching **industry** in this book

Page 309

even by the petroleum trade journals, and none by the daily press. Before this century ends, however, it stands to save the shale oil industry a billion dollars or more in taxes. And the shale oil companies worked fifteen years to get the loophole they wanted.

Page 334

passed legislation, then the Vietnam War, and its massive revenue demands, intervened. The auto industry, meanwhile, had encountered a more serious problem—the public furor over safety, stirred by Nader's exposés. General Motors, stupidly, hired a private detective to investigate Nader's private life.

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The last statement points up the importance the industry attached to damage suits looming over them. And Cutler also scoffed at Nader's complaint that settling the case without a trial would harm plaintiffs. He said the prospective litigants included "several of the leading and richest states in this country, very

From inside the book

53 pages matching **johnson** in this book

Page 90

Throughout the Eisenhower years, Clifford's name was constantly linked—politically and professionally—to three United States Senators in a unique position to benefit clients of a Washington Lawyer: Lyndon B. Johnson, the Senate majority leader; Robert Kerr, whose love affair with the oil industry was one of

Page 103

have had the job. He refused. He wanted his independence. And his law practice, which did not suffer from the hours Clifford spent at the White House. During a rambling conversation with reporters in 1967 Johnson remarked that "my friend Clark" earned \$1.3 million the previous year.

Page 238

was Nixon's liaison with the lame-duck Johnson Administration, while John Sears was the special emissary to Spiro T. Agnew; both took middle-echelon positions in the Administration. And corporate Washington—the lobbyists and trade associations and

From inside the book

8 pages matching **karasik** in this book

Page 264

ingly recommend that the retainer fee be paid, and the contingency fee be agreed, all as outlined above.

The Karasik memo came to light in roundabout fashion. Assassins killed the Dominican dictator Rafael Trujillo in 1961,

Page 265

Karasik tried to explain away the letter by saying he wrote it while in the Dominican Republic. "I think that when I went down there, I probably had a recommendation, but I am not—I think it was not a firm which I knew personally. I believe I would have characterized it differently if I had known that firm

Page 266

Byrd before the Senate Finance Committee (of which he was chairman) considered the sugar quotas. Fagelson agreed to "think about" the matter, whereupon Efron sent a skeletonized account of the contact to Karasik, who was then in Ciudad Tru-

From inside the book

38 pages matching **kennedy** in this book

Page 91

The East wouldn't take Johnson. Kennedy was too young, and Catholic besides. Adlai Stevenson—did anyone really want to retread *him* again? Hubert Humphrey, deep Southern trouble. Who else? Clifford put together an informal brain trust for Svmington. and raised money for him. and wrote speeches. and

Page 92

taking a position ~~in~~ the Kennedy Administration (assuming, as Clifford did early, that Kennedy did win) but who intended to do a great deal of business *with* the Kennedy Administration. Clifford would handle the transition from Eisenhower to Kennedy. He went to work in early fall drafting a document detail-

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From inside the book

15 pages matching **laylin** in this book

Page 23

sources seaward of the two-hundred-meter line. The United States government submitted a draft treaty—lawyer Laylin's handiwork, basically—to a United Nations committee in August 1970. On another front, as chairman of a special American Bar Association subcommittee, Laylin is mobilizing bar support

Page 46

particular attention to Republican Senator Arthur Vandenberg. Diplomatically, Laylin and O'Brian wrote speeches for the Greeks to present both in the Security Council and in the General Assembly. The issue there was support of guerrillas in Greece by Yugoslavia, Albania, and Bulgaria. "I never spoke

Page 49

the Foreign Service for eight people.) After two years with Morrow, Laylin returned to Sullivan and Cromwell; although he yearned for an international practice, some homework was in order. "Talk all you want to about being an 'international lawyer,'" Laylin says, "first you've got to learn to be a good lawyer.

From inside the book

11 pages matching **lobbyists** in this book

Page 238

was Nixon's liaison with the lame-duck Johnson Administration, while John Sears was the special emissary to Spiro T. Agnew; both took middle-echelon positions in the Administration. And corporate Washington—the lobbyists and trade associations and

Page 260

war as one reason.

One Congressional staff member suggested that the committee—and especially Poage—"bent over backwards to avoid showing any favoritism for Cooley." When chairman, Cooley preferred to deal with the sugar lobbyists in the privacy of his office.

From inside the book

41 pages matching **percent** in this book

Page 5

could be transformed into instruments for the amassing of monopolistic corporate power. Attorney General John Mitchell, whose credentials as a capitalist are beyond reproach, said in a 1969 speech, "In 1948, the nation's two hundred largest industrial corporations controlled forty-eight percent of the manufac-

Page 8

young fellows to do the daily running; I sit up here and hustle the clients."

The statistical vagaries and qualifications notwithstanding, Washington is a heavily lawyered city. Washington has slightly less than one-half of one percent of the United States popula-

From inside the book

65 pages matching **political** in this book

Page 24

crats. Although it is the foremost law office in a political town, Covington and Burling is not a blatantly political firm; one partner, John Douglas, son of former Senator Paul Douglas, managed to run a key committee for Senator George McGovern's Presidential campaign without once getting his name into

Page 235

Page 235

Page 238

each airline involved resorting to lawyers and lobbyists with political clout. In dizzying succession, the Civil Aeronautics Board overruled its own examiner's decision—one reached after three years of exhaustive study—only to be reversed in turn by John-

From inside the book

87 pages matching **says** in this book

Page 61

explaining that corporations have a right to legal representation," a senior partner says. "I'm always getting questions like, 'Will I *have* to represent corporations? Or anyone else who comes along?' One year the question was, 'What, for example, would Covington and Burling do if you were asked to represent

Page 315

appointees, so they could better spend their time with the staff."
The fact that the person requesting the interview was a former government official was nigh automatic entry into his office, Caplin says. "It's a combination of camaraderie and courtesy. You find time for a former official. If a man who used to be

From inside the book

88 pages matching **told** in this book

Page 337

Cutler, in rebuttal, denies that criminal penalties were ever a priority item for the industry, although it "did and does" oppose them. Further, he notes, criminal sanctions were never in the auto safety bill—neither in the original Johnson Administration submission nor in the versions reported from the House and

From inside the book

58 pages matching **matter** in this book

Page 86

Page 86

Page 194

Page 194

Page 266

Byrd before the Senate Finance Committee (of which he was chairman) considered the sugar quotas. Fagelson agreed to "think about" the matter, whereupon Efron sent a skeletonized account of the contact to Karasik, who was then in Ciudad Tru-

From inside the book

40 pages matching **million** in this book

Page 94

other products to GM. Christiana owned some 63 million shares of the 281 million GM shares outstanding. The complex case dragged through the courts for a decade, twice going to the U.S. Supreme Court before the government won and Christiana was ordered to divest itself of all GM stock within ten years—a

From inside the book

90 pages matching **practice** in this book

Page 1

Page 1

Page 70

along with government. But not as a lawyer. The routine practice, he said, "does not interest me in the least. If a company represented had a whole series of matters before the Federal Power Commission, I would have to go out and hire a specialist. When I started my practice, I wanted to be the higher-level

From inside the book

63 pages matching **staff** in this book

Page 315

appointees, so they could better spend their time with the staff. The fact that the person requesting the interview was a former government official was nigh automatic entry into his office, Caplin says. "It's a combination of camaraderie and courtesy. You find time for a former official. If a man who used to be

From inside the book

35 pages matching **supreme** in this book

Page 121

act was the result of mental disease, the defendant could be acquitted on the ground of insanity. For the equally obscure Clarence Gideon, the Florida ne'er-do-well, Fortas took a Supreme Court assignment and won the case establishing that defendants, even indigent ones, must have counsel at all stages of a

From inside the book

50 pages matching **thing** in this book

Page 62

of the firm's time to notable causes. Covington and Burling said nothing, but watched with a good deal of detached amusement. "We had been doing this sort of thing in our own unorganized, unstructured, unpublic way," a senior partner states, "long before it became 'the thing to do' in Washington Law." Two out-

From inside the book

15 pages matching **loan** in this book

Page 232

loan. If it was not a first-class loan, we didn't want to make it. So I call up [the Fed] and find out—I tell them all the facts. 'Why are you calling me on this?' the man asked. Based on that conversation, and what we knew of the law, we gave the opinion the loan was all right."

Page 245

says he was "uncertain" as to what statutes to proceed under. Guthrie helped steer Kennedy—and the government—toward emergency loan guarantee provisions of the Defense Production Act, intended to protect companies considered essential to the

Page 250

delighted if we had gotten the loan, but I was not upset they didn't." He also avows Mudge Rose neither expected nor received any financial benefit from the Penn Central work. "As a matter of fact," he said, "we probably lost \$50,000. They still owe us that much, and I'm not confident of getting more than a

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

----- X	
The Authors Guild, Inc., Associational Plaintiff,	:
Betty Miles, Joseph Goulden, and Jim Bouton,	:
individually and on behalf of all others similarly	:
situated,	:
	:
Plaintiffs,	:
	:
v.	:
	:
Google Inc.,	:
	:
Defendant.	:
	:
----- X	

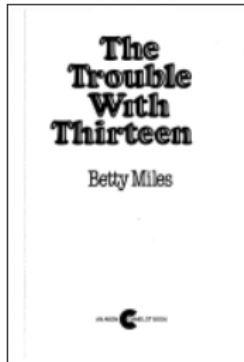
Case No. 05 CV 8136-DC

EXHIBIT

3

**TO THE DECLARATION OF MICHAEL J. BONI IN SUPPORT OF PLAINTIFFS'
OPPOSITION TO DEFENDANT GOOGLE'S MOTION FOR SUMMARY JUDGMENT**

The Trouble with Thirteen



+1 0

Betty Miles

★★★★★

11 Reviews

Avon, Sep 1, 1980 - Juvenile Fiction - 116 pages

Twelve-year-old Annie is unwilling to face some major changes in her life.

Common terms and phrases

Angela **Annie** Anyway **Aunt Sylvia** Barclay beautiful best friend Bruce camera chair **Coke** couch
Cowboy beans cuba **Dairy Queen** dance **Debbie** **doll house** door
doughnut dresses driveway **ears pierced** Erica everything eyes feel felt **fourposter** front funny
girls glad **going** grabbed guess hugged Janie jumped **Kate** Kate's **Kenny kids** kitchen knew laughed
leaned back **lettuce** **lilacs** litde **looked** Madison Marvin minute miss Mom's move neat nice
nightgown **Nora** **Nora's** old dog pajamas party **Peter James** photo booth picture
porch pretty probably pulled **Rach** Rachel asked **Rachel looked** **Rachel put** Rachel took rack seemed
shouted sleeping smiled sorry sort stared started steps stopped stuff stupid suddenly sure talk tell Thanks
things thought trying turned walked wearing Weiss What's wheezing wish wondered worry **Yeah** yelled **York**
City

From inside the book

12 pages matching **angela** in this book

Page 29

and Angela and Janie crowding over after her.

"What?" Rachel sat up straighter. I could see she didn't want them to notice anything.

"Mom's letting me get my ears pierced, for my

Page 40

"I don't know. I wasn't that sure I wanted to."

"Did anyone, besides Kate?"

"Not yet. Angela still might."

I was relieved. It was good not to be the only one

Page 50

But just when I got relaxed, Debbie had to jump up and start looking through Kate's records. "I've gotta hear this!" she said, holding one up.

As soon as Kate put it on, Debbie began wiggling

From inside the book

6 pages matching **twelve** in this book

Page 7

me I'm turning into a young lady. But I don't want to turn into anything, yet. Anyway, not so fast.

Some kids in our class do. Kids like Debbie Goldstein and Iris McGee. They act as though they just

Page 20

gardening, jogging, woodworking, climbing mountains in Vermont. He makes us special birthday cards with little cartoon pictures. My twelve-year-old card had a raccoon and a skunk with balloons coming out

Page 37

"Boy, I hate to think how much noise five twelve-year-old girls are going to make. I'm glad *I* don't have to be there."

"So am I," I said quickly. "So is everyone. The very

From inside the book

90 pages matching **thirteen** in this book

Page 8

are funny, but we do.

We like the same books, too. *Little Women* is our favorite. Rachel's read it thirteen times and I've read it fourteen. We've read all the *Little House* books over

Page 12

...and, but she was very smart and I do think she was actually quite sophisticated.

"What are you getting Kate for her birthday?" I asked. Kate was going to be thirteen on Saturday. She

Page 51

"Really?" I took a bigger step and tried to move my arms like Kate and Janie. "I can't even imagine being *thirteen!*"

"I know it." Sue stopped jumping around. "Still, I

From inside the book

19 pages matching **school** in this book

Page 27

home. You'd hate it in the city. In some dark huge apartment with no yard or anything. You'd have to go to a new school. Kids would ignore you, or else beat you up. You could get mugged on the street—"

Page 28

Barclay School? It's supposed to be so exclusive. I wondered if Rachel would start acting snotty if she went there. Maybe she wouldn't want me to meet her new friends. Probably she'd start wearing sappy

Page 55

Barclay!

"I didn't know you were going to do that!"

"I didn't either. Mom just called them up and they said to come over. School was out, but the director

From inside the book

8 pages matching **class** in this book

Page 7

me I'm turning into a young lady. But I don't want to turn into anything, yet. Anyway, not so fast.

Some kids in our class do. Kids like Debbie Goldstein and Iris McGee. They act as though they just

Page 8

that, Rachel said. I guess she thinks it's sophisticated. Like reading *Seventeen*."

Iris has a subscription to *Seventeen*. She brings it to school and passes it around in class. She never passes

Page 30

thinking of it. Compared with Rachel moving it was such a little thing, but it bothered me. I wondered whether Kate turning thirteen would make all the kids start acting different. Scary or better, than probably

From inside the book

12 pages matching **friend** in this book

Page 28

year. Aunt Sylvia has a friend whose kids go to
Barclay. She says they love it. I'm going to the city this

Page 90

dragging me around like some big New York expert,
making me feel stupid. It hurts my feelings!"

"I'm *sorry* if I hurt your *feelings*," Rachel leaned
back against the stone window. "I'm *sorry* if I made

From inside the book

11 pages matching **friends** in this book

Page 28

Barclay School? It's supposed to be so exclusive. I wondered if Rachel would start acting snotty if she went there. Maybe she wouldn't want me to meet her new friends. Probably she'd start wearing sappy . . .

Page 90

Page 90

Page 94

you'll all be happy."

I never thought before about all the people who could feel sad when two people get divorced. Not only their children, but their friends and their family. I

From inside the book

36 pages matching **annie** in this book

Page 97

Annie. Denny and Clay's marriage wasn't a waste!
They had a lot of good years and a lot of love. And they

Page 106

The book was upside down. I can't ever wrap a book so
the title comes out on top.

Rachel turned it over. Then she gasped. "Oh,
Annie! Oh, wow, that's so neat! *Thanks!*" She opened

From inside the book

3 pages matching **fall** in this book

Page 13

could happen, like Peter James' father."

Peter is Kenny's best friend. He lives on our block. His father had a heart attack on the golf course one day last fall and just suddenly died.

Page 17

Page 28

fast, so we know what part of the city to move to. Sylvia says I have to apply practically this minute if I want to get into Barclay next fall. See, they don't accept that many kids for eighth grade. Most kids just

From inside the book

34 pages matching **nora** in this book

Page 4

Our best article idea so far was "You *Can* Teach an Old Dog New Tricks." I thought it up. Nora was perfect for the article because she's ten years old and she never learned tricks when she was young. Mr.

Page 5

laps, panting.

I scratched her behind the ear. "You're a dumb old dog, that's what you are."

Nora wriggled appreciatively. In the sun, her fur

Page 65

I tried to squash the feeling down. I started to look for Nora in her favorite sleeping places; the chair she wasn't supposed to lie in, the hall rug, the foot of my

From inside the book

6 pages matching **pajamas** in this book

Page 23

Kate's mother.

"Mom! It's a *sleep-over* party. We'll wear pajamas the whole time!"

"You should have some new pajamas, too," Mom

Page 32

better. I knew Kate would like it.

Bamberger's pajama department is called Night Life. They had racks and racks of nylon pajamas with bikini pants and smock tops. I would never wear

From inside the book

2 pages matching **summer** in this book

Page 101

...

Page 102

day this summer you and Ken and I could bike out to Blue Lake," he said. "If you wanted to."

I was surprised. He must have noticed I was getting older. "Sure, neat," I said, too pleased to try to act cool.

From inside the book

1 page matching **teacher** in this book

Page 14

beautiful. She looks like a fashion model, which is what she was before she got to be a nursery school teacher. Rachel says she hated it, except that's how she met Mr. Weiss.

From inside the book

16 pages matching **best** in this book

Page 5

was the exact color of honey.

Rachel stroked Nora's back. Rachel doesn't have a dog, so she shares Nora with me. Nora loves her next best to anyone in our family. Maybe she thinks

From inside the book67 pages matching **rachel** in this book

Page 5

Rachel back to the steps and scrambled up across our

From inside the book4 pages matching **teen** in this book

Page 8

just says that so we'll match.

Anyway, the same things strike us funny. Like words that bother you when you read them. Rachel's worst example is the way the o's don't match in *good*

From inside the book

16 pages matching **dog** in this book

Page 4

~~... ..~~

Our best article idea so far was "You *Can* Teach an Old Dog New Tricks." I thought it up. Nora was perfect for the article because she's ten years old and she never learned tricks when she was young. Mr.

From inside the book

45 pages matching **mom** in this book

Page 22

"I'm not kicking her. I'd just like to move around in here without bumping into her, for once."

Mom and Dad came in. "Oh, kids," said Mom, "cut it out, will you? Let's have a pleasant meal."

From inside the book

9 pages matching **move** in this book

Page 51

"Really?" I took a bigger step and tried to move my arms like Kate and Janie. "I can't even imagine being *thirteen!*"

"I know it." Sue stopped jumping around. "Still, I

From inside the book

5 pages matching **iris** in this book

Page 8

after I heard Iris and some kids talking about it in the girls' room. It sounded stupid.

"I don't know why she wants to read things like that " Rachel said. "I guess she thinks it's sophisticat-

From inside the book

19 pages matching **sue** in this book

Page 51

"Well, Annie, want to try?" Sue jumped up.
"Sure I guess " I stood up carefully smoothing my

From inside the book

2 pages matching **"dairy queen"** in this book

Page 4

worry about training Nora. But she's very intelligent.
She's probably the only dog in the world who knows
what "Dairy Queen" means. If you even whisper those
words, she runs to the car and tries to jump in. A dog

From inside the book9 pages matching **"aunt sylvia"** in this book

Page 96

**them. I would much rather have stayed with Aunt
Sylvia "You go first " I told Rachel I leaned back**

From inside the book19 pages matching **debbie** in this book

Page 41

**across the hall into the dining room. Debbie Goldstein
was standing there!**

**I couldn't believe it. Kate never said anything about
Debbie coming. Her mother must have made Kate ask**

From inside the book

4 pages matching **pierced** in this book

Page 51

guess it's not all that different. Look at Kate."

It was true. Except for the pierced ears, and the dancing, Kate seemed about the same. "Yeah. You don't have to change overnight or anything " I

From inside the book

28 pages matching **kenny** in this book

Page 22

"That dog's a real drag sometimes," Kenny said, pushing her out of the way.

"She is not! And you don't have to *kick* her!" I said quickly.

From inside the book 24 pages matching **kate** in this book

Page 41

**"Happy Birthday!" we yelled. Angela began giving
Kate thirteen hits and we crowded around and pitched**

From inside the book 37 pages matching **looked** in this book

Page 32

**person who puts you down. But I wanted to get her
something really good. Finally in the Indian store I
saw a blue enamel bracelet that looked quite elegant
and only cost four dollars. After I bought it I felt much**

From inside the book

11 pages matching **girls** in this book

Page 37

YOU LOOK NICE, MOM, MOM SAID ENCOURAGINGLY.
"You're going to have a wonderful time, I know. How
many girls did Kate invite?"
"Five, I think. Except now Rachel won't be there."

Page 48

people wouldn't say it, especially girls. It's like calling
your own body stupid

Page 84

SCREECHING AROUND THE CURVES. AT 1200H SUDDENLY
a bunch of black girls with Afros and high wedge shoes
burst on and grabbed straps above us. They were
shouting and kidding around about one girl's boy

From inside the book

28 pages matching kids in this book

Page 27

home. You'd hate it in the city. In some dark little apartment with no yard or anything. You'd have to go to a new school. Kids would ignore you, or else beat you up. You could get mugged on the street—"

Page 28

year. Aunt Sylvia has a friend whose kids go to Barclay. She says they love it. I'm going to the city this

Page 104

"I *will*, though!" Even as I said it I wasn't positive. It's hard to predict how you'll feel. Before, I used to think you could.

"You know how, in books, the kids put their doll

From inside the book

19 pages matching **yeah** in this book

Page 88

Yeah. She turned away quickly and started looking at books. I pretended to look through the posters but I couldn't concentrate. After a few minutes I went over and tapped her shoulder.

Page 91

those dresses cost?

"Yeah." I opened the door for her and waved her in.

The saleswoman was standing right inside. I wondered if she'd heard us fighting, but she didn't say

Page 104

"Yeah, but we could start on it now, and then each of us do more and put it together the next time."

From inside the book

2 pages matching **lilacs** in this book

Page 66

the smell of the lilacs and the chill of the ground and the sight of Nora's stomach swelling out with every wheeze. I wanted to hold her tight so she couldn't wheeze any more. I wanted to carry her to some warm

Page 67

I took her into my arms very carefully and crawled slowly out of the lilacs. Branches scraped against my face. I carried her to the house and set her down in the old sling chair on the back porch. Then I ran upstairs

From inside the book2 pages matching **lettuce** in this book

Page 18

goes."

"Rachel minds." I pulled the lettuce out of the refrigerator drawer. "You know what, Ken?" I couldn't stop myself. "Rachel thinks her parents might get a

Page 64

the print shop and Kenny would be home late. She asked me to start dinner. I took the lamb chops out of the fridge and peeled some carrots and cut them up and started washing lettuce for a salad. I was patting

From inside the book

17 pages matching **anyway** in this book

Page 8

just says that so we it match.

Anyway, the same things strike us funny. Like words that bother you when you read them. Rachel's worst example is the way the o's don't match in *good*

Page 34

~~terrific and impress the other kids. Don't the colors~~
terrific?" I asked. "Don't you just love it?"

"It's nice and bright, anyway." Mom sounded as though she was trying hard to be tactful. "Have you looked at everything here?"

Page 58

"Well, I don't, but Sue and I started to because everyone else was, and it was pretty easy, really, once we got the hang of it. Anyway, we're going to practice together this week so we'll be experts pretty soon—" I

From inside the book

11 pages matching **beautiful** in this book

Page 77

Page 77

Page 99

rolling around on the sawdust in the window. They were small and pudgy with little bare pink stomachs. They were so cute I wanted to cry.

"That black cowd one is best," Bruce said. "He has

Page 106

it's a beautiful package," she said shyly. Neither of us had any practice with good-bye gifts before.

"Open it!"

Rachel untied the ribbon and pulled the paper off.