

Name, Last	First	Middle	Title	Occupation
PITT	HARVEY		Mr.	Lawyer

Position Sought	Position	Firm / Agency
SEC Chairman	Corporate Partner Resident 1978-Present	Fried Frank's Washington, D.C. and New York offices

#### Notables

- **According To A Recent *Washington Post* Article, Pitt Is The Frontrunner For The SEC Post:** "Washington securities lawyer Harvey L. Pitt, who was the youngest general counsel in Securities and Exchange Commission history in the 1970s and has since represented many clients before the agency, has emerged as the Bush administration's leading candidate to become the new SEC chairman. Several congressional sources and industry lobbyists said yesterday that administration officials have told them Pitt is the top choice and that background checks are being conducted on him."
- **According To *The New York Post* Sources Close To Pitt Denied He Would Take The Job As Wall Street Cop.** "It's just not something he would do; he is gainfully employed," a source close to Pitt said.
- **Former SEC Chairman Arthur Levitt Recently Said Pitt Would Make An Excellent SEC Chairman Because, Among Other Things, "He Knows And Respects The Agency."**
- **Pitt's Name Has Appeared In *The National Law Journal* As A Potential SEC Chairman Candidate.** The name at the top of the list to replace Chairman Levitt is James R. Doty, a partner in the Washington, D.C., office of Baker Botts LLP and former SEC general counsel under President George Bush. Two other names being floated are Harvey L. Pitt, a partner in the Washington, D.C., office of Fried, Frank, Harris, Shriver & Jacobson and another former SEC general counsel; and U.S. Representative Rick Lazio, R-N.Y.
- **At 30, Pitt Became The Youngest General Counsel At The S.E.C.**
- **Pitt Has Been Called "The Best-Known Securities Lawyer In The World."**
- **Pitt Was A Major Force In The Insider Trading Scandals, While Representing Dennis Levine, He Helped Uncover Ivan Boesky's Criminal Activities.** In the Salomon bond debacle, former Salomon top lawyer Donald

Feuerstein hired Mr. Pitt to represent him before the SEC; the SEC cleared Mr. Feuerstein of any misconduct.

- **Pitt Said Michael Milken's Lengthy Prison Term "Puts A Fitting Conclusion To Four Years Of Deception And Lying."** Mr. Milken, he said, "contended that he hadn't violated the law, that Boesky was a liar and that the government had a vendetta against him." Mr. Pitt and others were quick to criticize the legal tactics of Mr. Milken's sizable defense team, led by Arthur Liman, a partner at the New York firm of Paul, Weiss, Rifkind, Wharton & Garrison. The expertise of his lawyers cost Mr. Milken and Drexel an estimated \$100 million.
- **Pitt Has Been Concerned About Municipal Bond Underwriters' Political Contributions To Public Officials Involved In Bond Offerings.** "The allegations of people making campaign contributions to get business are going to have some significant impacts ... on (political) races and certainly on the regulatory side," says former SEC general counsel Harvey L. Pitt.
- **Pitt Has Said That Corporate Insiders Risk Running Afoul Of The Law If They Buy Or Sell Stock On The Eve Of Public Announcements That Can Affect The Value Of The Company's Stock.** "When they sell or buy (in those circumstances)," said Pitt, now a corporate securities specialist for the Washington law firm of Fried, Frank, Harris, Shriver & Jacobson, "they have a potential breach of fiduciary duty to the company and its shareholders, and they may be guilty of insider trading. . . . It's an ill-advised transaction."
- **In 1987, Two Proposed Definitions Of Insider Trading Were Offered In Congress.** One, introduced in the Senate as S. 1380, was drafted by a committee of lawyers headed by Harvey L. Pitt, John F. Olson, and Theodore A. Levine acting at the request of Senator Donald Riegle, Democrat of Michigan. The Securities and Exchange Commission offered the second. Both bills would cure the *Chestman* majority's finding that the commission's Rule 14e-3 -- which proscribes trading while in possession of material nonpublic information concerning a forthcoming possible tender offer -- exceeded the scope of its rulemaking authority under Section 14(e) of the Securities Exchange Act of 1934. Section 16A(c)(2) of S. 1380 would prohibit tips by defined persons concerning certain specific corporate transactions.
- **Pitt Became A Key Contributor To Laws Defining Insider Trading.** Key to the compromise of the 1987 legislation was the commission's willingness to adopt the approach of the lawyers group, headed by Harvey L. Pitt - defining illegal insider trading as the "wrongful use" of "material nonpublic information" about a corporation that affects its stock market price, or trading on the basis of such information that was "obtained wrongfully."

- **Pitt Has Been Bothered By The Way Wall Street's Image Has Been Tarnished By Insider Trading.** Of the insider trading scandals that have tarnished Wall Street's image, Pitt says "the public perceptions might be skewed somewhat" by the accompanying publicity. "The facts are our system works. That ought to give investors an enormous sense of confidence in our markets." Then he cautioned: "There is more of this than most people suspected, but we're talking about an enormous industry. There were problems with individuals abusing an informational advantage, and they are being dealt with."
- **After Being Snubbed By The Justice Department, U.S. District Judge Stanley Sporkin Hired Harvey Pitt To Represent Him Against A Writ Of Mandamus Requested By The Federal Republic Of Germany.** The German government filed the motion in 1984 after Sporkin initially declined to obey a decision of the U.S. Court of Appeals for the D.C. Circuit to dismiss the case filed against Germany by Holocaust survivor Hugo Princz; instead, Sporkin allowed Princz to substitute four German companies as defendants.
- **In 1987, Pitt Called On President Reagan To Increase Funding For The SEC.** "There can be little doubt that the commission lacks both the resources and the remedies that are necessary if the agency is to deter securities law violations in the most efficacious manner," said Pitt, a former SEC general counsel. While President Reagan's 1988 budget called for a 26 percent budget increase for the SEC, Pitt said, "I am nevertheless concerned that the agency is seeking too little, too late."
- **Pitt Recently Said He Disagrees That Antitrust Work Tends To Lag Under GOP Presidents.** Pitt says, "I think, if anything, the new administration will encourage and stimulate the demand for antitrust counsel. Who better to lead our group than someone who is a veteran of the last two Republican administrations?"

#### Flags

- **Pitt Was Ivan Boesky's Lawyer.** "As Ivan F. Boesky's lawyer, Mr. Pitt has had to deal not only with a flood of press calls and S.E.C. negotiations, but an ever-expanding insider trading case that appears to be shaking even the most seasoned of professionals in the Wall Street trading community. It could include some of the most prominent old-line brokerage firms and their top executives. Moreover, Mr. Pitt, a partner at Fried, Frank, Harris, Shriver & Jacobson, was obviously concerned about the effects of the case and the growing publicity on his client, whom he has known since 1978. Mr. Pitt has represented Mr. Boesky in a number of other matters before the S.E.C. In the end, however, Mr. Boesky will pay a

high price for his trading on nonpublic information about takeovers.”

- **In November 1986, Boesky Paid A Record \$100 Million Fine To Settle A Securities And Exchange Commission Complaint That He Misused Private Information To Profit In Securities Transactions.** He was banished from the securities business for life.
- **Pitt’s Association With Mr. Boesky Dates Back To Late 1978 When He Left The S.E.C. General Council’s Office To Become A Partner At Fried, Frank.** He said he had represented Mr. Boesky “in an assortment of matters relating to his arbitrage activity or S.E.C. inquiries,” and that finally earlier in the year when the S.E.C. began pursuing its latest case against the Wall Street speculator, Mr. Boesky “came to me, and asked that I sit down with him and discuss the situation and try to figure out where he stood, which we did.”
- **Despite Also Donating To Republicans, Pitt Has Contributed Money To Numerous Democrats, Including:** Sen. Max Baucus (D-MT), Rep. John Dingell (D-MI), Sen. Tim Wirth (D-CO) and Bob Eckhardt (D-TX).