



President George W. Bush Oral History Project

BRIEFING MATERIALS

Jay P. Lefkowitz

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Prepared by Bryan Craig, Senior Researcher
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Presidential Oral History Program

MAY NOT BE REPRODUCED OR CIRCULATED

JAY P. LEFKOWITZ NEWS TIMELINE

Prepared by Bryan Craig

Miller Center, University of Virginia, 08/15/2013

- 1984** Jay P. Lefkowitz earns a B.A. in history from Columbia University. (<http://www.kirkland.com>)
- 1984-1986** Lefkowitz is a Harlan Fiske Stone Scholar. (<http://www.kirkland.com>)
- 1987** Lefkowitz receives a J.D. from Columbia Law School. (<http://www.kirkland.com>)
- 1987-1991** Lefkowitz serves as an attorney at Paul, Weiss. (*The Washington Post*, 01/24/1993)
- 1991-1993** Lefkowitz serves in the George H.W. Bush Administration as director of cabinet affairs and deputy executive secretary to the Domestic Policy Council. (<http://2001-2009.state.gov/r/pa/ei/biog/66929.htm>)
- 1994-2001** Lefkowitz is a lawyer at Kirkland & Ellis.
- 2001**
- January* Lefkowitz becomes general counsel of the Office of Management and Budget (OMB). (*Legal Week*, 10/23/2003)
- On the 29th, President George W. Bush's domestic policy team discusses stem cell research. The Clinton Administration planned federal funding for stem cell research on lines derived from destroyed embryos that were eradicated by private sources. The grants have not been funded as yet. Bush says he must examine the issue in-depth. (George W. Bush, *Decision Points*, New York: Crown, 2010, pp. 109-110)
- March* The OMB tells all federal agencies to open approximately 425,000 jobs that are more "commercial" in nature to competitive bidding with the private sector. (*The Washington Post*, 06/01/2001)
- Spring* Lefkowitz is placed in charge of reviewing the stem cell issue for Bush because the OMB would oversee the funding policy. He sends the president background material that covers both sides of the issue. By June, Domestic Policy Adviser Margaret Spellings, Counselor Karen Hughes, Senior Adviser Karl Rove, and Lefkowitz also set up a series of meetings with scientists, doctors, ethicists, religious thinkers, and policy people for Bush. (Bush, pp. 111, 113; *Commentary*, 01/2008, p. 22)

July On the 10th, *The Washington Post* publishes a story that the Salvation Army and the White House entered a deal granting the organization a federal waiver exempting it from state and local employment anti-discrimination laws covering sexual orientation. According to John DiIulio, the director of the Office of Faith Based Initiatives (OFBI), Rove received the offer from the Salvation Army and turned it over to Don Eberly, deputy director of OFBI. Eberly handed the offer to the OFBI's legal counsel, Don Willett, who turned it over to Lefkowitz. Lefkowitz turned down the offer because it was inconsistent with existing policy. (John DiIulio, Jr., *Godly Republic*, Berkeley: University of California Press, 2007, pp. 134, 291; *The Washington Post*, 07/13/2001)

On the 9th, Rove, Lefkowitz, Dr. Leon Kass of the University of Chicago, and Daniel Callahan of the Hastings Center for Bioethics meet with Bush over stem cell research. Kass and Callahan discuss the idea that federal money could fund research on existing embryonic stem cell lines, but not on future ones. Hughes and Lefkowitz work with Bush on drafting remarks. (Karl Rove, *Courage and Consequence*, New York: Threshold Editions, 2010, pp. 245-246; *Commentary*, 01/2008, p. 23)

August On the 8th, Lefkowitz has dinner with Bush and Laura Bush the night before Bush's stem cell research address. On the 9th, Bush outlines his plan that provides government funding for research on already extracted stem cells, but prohibits extraction of additional stem cells from human embryos. (Bush, p. 118)

On the 25th, Bush announces the President's Management Agenda (PMA). It incorporates 23 E-government initiatives and a "competitive sourcing" initiative that requires agencies to determine whether they can do the job just as efficiently as private contractors. The agenda later involves scoring 26 major agencies by a "red," "yellow," or "green" status that measures progress toward efficient management. (http://www.whitehouse.gov/omb/financial_fia_pma; *The Washington Post*, 11/06/2001)

September On the 11th, al-Qaeda attacks the World Trade Center in New York City, the Pentagon in Washington D.C., and fails to hit an unknown Washington, D.C. target as the plane crashes near Shanksville, Pennsylvania.

October On the 8th, Bush establishes the White House Office of Homeland Security.

2002

January Bush signs No Child Left Behind on the 8th.

At the State of the Union (SOTU) address on the 29th, Bush announces the creation of the USA Freedom Corps.

February On the 4th, Bush announces his \$2.13 trillion budget. It includes a \$38.3 billion increase in military spending, an 11.7 percent increase, and asks Congress to give the president the authority to spend \$10 billion beyond that to fight the war in Afghanistan. The budget calls for a permanent extension of the tax cuts and for freezing or cutting spending in six out of the fourteen major cabinet departments. (*The New York Times*, 02/05/2002)

April On the 2nd, Bush announces his early childhood education plan. It is a Head Start accountability program where all Head Start teachers will be re-trained in alphabet, letter writing, and numbers instruction, using a detailed literacy-screening test. Bush plans to spend \$45 million over five years to research effective early literacy programs. (*The New York Times*, 04/03/2002; *The Washington Post*, 04/03/2002)

Lefkowitz becomes deputy assistant to the president for domestic policy and heads the Domestic Policy Council. (*The Washington Post*, 04/30/2002)

Summer Deputy Chief of Staff Josh Bolten creates a task force to develop a plan to use antiretroviral medicines to fight HIV/AIDS for African countries in need. Lefkowitz, Dr. Anthony S. Fauci, director of the National Institute of Allergy and Infectious Diseases, Mark Dybul, Deputy National Security Gary Edson, Robin Cleveland from OMB, Bolten's deputy, Kristen Silverberg, and Dr. Joe O'Neill, director of national AIDS policy, is part of the team. Bolten recommends to the president a \$15 billion, five-year program. (Bush, p. 337)

December Continuing to face resistance in Congress to faith-based legislation, Bush announces on the 12th in a Philadelphia speech that he will issue executive orders to begin implementing parts of his faith-based initiatives. Most controversially, Bush directs federal agencies not to discriminate against faith-based groups in awarding federal funding for social services, which effectively allows faith-based organizations that discriminate in hiring on the basis of religion to receive federal funding. Bush also directs FEMA to allow religious nonprofits to receive natural disaster aid. (Mike Gerson, *Heroic Conservatism*, New York: HarperOne, 2008, p. 171; Jo Renee Formicola, Mary C. Segers, and Paul Weber, *Faith-Based Initiatives and the Bush Administration*, New York: Rowman & Littlefield, 2003, pp. 150-151)

2003

January Bush signs an executive order creating the President's Council on Service and Civic Participation to help encourage volunteerism in America.

On the 15th, Bush urges the U.S. Supreme Court to strike down the University of Michigan's affirmative action admittance policy. Solicitor General Ted Olson is asked to prepare a brief that argues against the University of Michigan's decision to use a points-based admittance program, but not against the policy of

affirmative action itself. National Security Adviser Condoleezza Rice, Lefkowitz, Vice President Dick Cheney, Chief of Staff Andy Card, and Rove meet with Bush over 24 times in the last month to reach this decision. Later, the U.S. Supreme Court rules 5-4 that the Equal Protection Clause does not prohibit the UM Law School's use of race as a "plus" in admissions decisions, but agrees that the university's points-based program for undergraduate admissions does discriminate against non-minority applicants. (*The Washington Post*, 01/17/2003; *The New York Times*, 12/19/2002; *The Economist*, 01/18/2003; *Newsweek*, 01/27/2003; *Grutter v. Bollinger*, 539 U.S. 539 [2003]; *Gratz v. Bollinger*, 539 U.S. 244 [2003]; Barbara Perry, *The Michigan Affirmative Action Cases*, Lawrence KS: University Press of Kansas, 2007)

In his State of the Union speech on the 28th, Bush announces the President's Emergency Plan for AIDS Relief (PEPFAR) focusing on a world-wide campaign to prevent the spread of HIV and caring for HIV-infected people. (<http://www.pepfar.gov/>)

- Spring* Spellings attends a series of meetings about severe acute respiratory syndrome (SARS) with Lefkowitz, Bolten, Fauci, and Cheney's Homeland Security Adviser Carol Kuntz. They closely follow the outbreak in China and Canada while Bush increases funding to combat a possible outbreak in the U.S. (*The Washington Post*, 05/03/2002)
- March* On the 19th, Bush gives the order to launch Operation Iraqi Freedom.
- April* On the 9th, the Senate passes the revised Charity Aid, Recovery, and Empowerment (CARE) legislation that offers tax incentives to encourage greater charitable donations to faith-based organizations. It also includes block-grant funding for technical assistance for religious groups seeking federal social services funding, but drops the controversial provision allowing religious groups to discriminate on the basis of religion in hiring. However, the legislation later dies in negotiations among the House, Senate, and White House. (*CQ Weekly*, 12/13/2003)
- October* On the 7th, Lefkowitz leaves the White House and returns to Kirkland & Ellis. (*Legal Week*, 10/23/2003)
- 2004** Lefkowitz is appointed to the U.S. delegation to the International Conference on Anti-Semitism. (<http://2001-2009.state.gov/r/pa/ei/biog/66929.htm>)
- October* On the 18th, Bush signs the North Korean Human Rights Act of 2004. The law provides funding to NGOs that promote human rights, democracy, rule of law, and the development of the market economy. It also supports U.S. efforts for North Korean refugees. It establishes an office in the State Department on North Korean human rights run by a special envoy.

(<http://www.humanrights.gov/2010/11/12/north-korean-human-rights-act-of-2004/>)

2005

February On the 14th, Secretary of State Rice meets South Korean Foreign Minister Ban Ki Moon to discuss diplomatic strategies to pressure North Korea to stop its nuclear weapons program. North Korea announces that it is pulling out of the six-party talks and wants bilateral discussions with the U.S., which Bush rejects. (*The New York Times*, 02/15/2005)

August On the 19th, Lefkowitz is appointed special envoy on human rights in North Korea. (<http://2001-2009.state.gov/r/pa/ei/biog/66929.htm>)

On the 29th, North Korea announces that it will delay the six-party talks for two weeks reportedly in response to Lefkowitz's appointment and joint U.S.-South Korean military exercises. (*The New York Times*, 08/30/2005)

September On the 8th, Lefkowitz states that he plans to publicize whatever he learns about human rights abuses in North Korea. He also says that his work is entirely separate from the work of the six-party talks lead by Assistant Secretary of State Christopher Hill. (*The New York Times*, 09/09/2005)

On the 16th, the United Nations (UN) passes a resolution on the human rights situation in North Korea. It is reauthorized every year during Lefkowitz's tenure. (<http://www.hrnk.org>)

On the 19th, China announces that North Korea will abandon its nuclear weapons program in exchange for financial incentives. The deal is a product of Rice and Hill's negotiations in bilateral talks with North Korea, which is a shift in policy. However, by October, North Korea announces its first nuclear test. (Glenn Kessler, *The Confidante*, New York: St. Martin's Press, 2007, pp. 80, 83-84, 87)

December On the 9th, Lefkowitz attends an international forum on North Korea's human rights issues, sponsored by Freedom House and South Korean nongovernmental groups. Lefkowitz calls for international cooperation to pressure North Korea to improve their record. He also calls the nation "a hidden world of hopelessness and terror." (*The Washington Times*, 12/10/2005; *The New York Times*, 12/10/2005)

2006

January Lefkowitz announces that the U.S. plans to take measures to allow North Korean defectors seek refugee status. (*BBC*, 01/17/2005)

- February* On the 16th, in a hearing before the House International Relations Committee, Rice says that she plans to “get him [Lefkowitz] out more, we need the rest of the international community to also pay attention to this issue.” (*BBC*, 02/17/2006)
- March* Lefkowitz attends another international forum on North Korea’s human rights issues sponsored by Freedom House and South Korean nongovernmental groups. (*BBC*, 03/20/2006)
- Chinese officials arrest North Korean refugee, Kim Chun-hee, and send her back to North Korea. China’s president, Hu Jintao, is planning a summit in April and the White House says it is “gravely concerned about China’s treatment of Kim Chun-hee.” (*BBC*, 03/31/2006) Lefkowitz says that statement reflects Bush’s “strong feelings” he has on the refugee issue. (*The Korea Times*, 06/28/2006)
- On the 31st, Lefkowitz says that the international community should impose fair treatment for workers at the new industrial complex in the North Korean town of Kaesong where cheap North Korean labor makes products for South Korean companies. In response, South Korea says Lefkowitz’s words are “inappropriate” and “misleading.” (*BBC*, 03/31/2006)
- April* The North Korea Freedom Coalition organizes North Korea Freedom Week, a series of events that include congressional hearings, concerts, and rallies. On the 28th, Bush meets with North Korean refugee Kim Han-mi at the White House and Lefkowitz testifies in the House. (*The Korea Times*, 04/29/2006)
- July* On the 4th, North Korea tests a long-range missile. Rice contacts Asian ministers and helps pass a UN Security Council resolution to condemn the test and calls on North Korea to suspend its program and return to six-party talks. Lefkowitz cancels his planned trip to the Kaesong complex. (*The Washington Post*, 07/05/2006, 07/11/2006; *The New York Times*, 07/17/2006; *BBC*, 07/07/2006)
- On the 19th, Bush vetoes a stem cell research bill that would lift the president’s funding ban. (*The Washington Post*, 07/20/2006)
- September* South Korea postpones expansion of the Kaesong complex. Lefkowitz continues to raise concerns that South Korean companies at the complex may be aiding the North Korean’s missile and nuclear weapons program. He later argues that South Korea needs to use the Kaesong complex to pressure North Korea to open up the country for international human rights inspections. (*BBC*, 09/21/2006, 12/13/2006)
- October* In response to a North Korean underground nuclear test, Rice goes to Japan, South Korea, China, and Russia to get support for UN financial sanctions against North Korea, although some fear that the sanctions could lead to war. The UN passes resolution 1718. In a couple of weeks, North Korea agrees to talks. (*The New York Times*, 10/19/2006, 10/22/2006, 11/02/2006)

November The UN's human-rights committee passes a draft resolution about human rights in North Korea. (<http://www.un.org/News>)

2007

January Lefkowitz gives a speech on human rights arguing, "What we are seeing in North Korea is in some respects as Asian Darfur." (*BBC*, 02/07/2007)

February North Korea agrees to close its main nuclear reactor in exchange for \$400 million in fuel and aid. Rice plays a major role in the deliberations and allows Hill to enter into bilateral talks. (Elisabeth Bumiller, *Condoleezza Rice: An American Life*, New York: Random House, 2009, pp. 306-307; Kessler, p. 239)

March On the 1st, Lefkowitz testifies before the House Committee on Foreign Affairs saying the Kaesong complex does have merits, especially if it leads to future freedom for North Korea and outside exposure. He hopes to visit the complex and to seek direct talks with North Korea. (*BBC*, 03/01/2007)

September On the 2nd, the U.S. reaches a draft agreement with North Korea to close three more plants and to disclose the extent of its plutonium enrichment in return for fuel and economic aid. (*The Washington Post*, 10/03/2007)

2008

January On the 4th, Bush and Cheney meet with Director of National Intelligence Mike McConnell and three experts on North Korea to discuss the likelihood of North Korea giving up its nuclear weapons. The experts are reportedly not optimistic. During the National Security Council meeting, Cheney and Rice disagree about the six-party talks. Rice states that the U.S. was able to negotiate the dismantling of the Pyongyang reactor as a first step. Cheney argues that the North Koreans are using the talks to cover up their nuclear activity. Rice and Bush agree that to get the North Koreans off the terrorist watch list and lift any sanctions, the country had to present a complete and comprehensive declaration on their nuclear programs and stop nuclear proliferation to Syria. (Dick Cheney, *In My Time*, New York: Simon and Schuster, 2011, pp. 481-482)

On the 17th, Lefkowitz delivers an address to the American Enterprise Institute. He states North Korea is not serious about disarming in a timely manner. Rice responds that Lefkowitz does not speak for the six-party talks. (Cheney, p. 483; *The New York Times*, 01/23/2008)

February Rice embarks on an Asian tour to discuss North Korea. The North Koreans had missed their deadline to close their plants. (*The Washington Post*, 02/28/2008)

June North Korea blows up the cooling tower at their Yongbyon nuclear reactor. (Cheney, p. 486)

July Lefkowitz cancels his planned trip to the Kaesong industrial complex after a South Korean tourist is killed by North Korean soldiers near a resort in North Korea. (*The Korea Times*, 07/21/2008)

Hill testifies before the Senate Armed Services Committee that he will invite Lefkowitz to all future negotiations with North Korea, unless they deal with nuclear disarmament. (*The Korea Times*, 08/03/2008)

The Senate confirms Kathleen Stephens as ambassador to South Korea. She replaces Alexander Vershbow. (*The Korea Times*, 08/03/2008)

August North Korea announces they will stop dismantling the Yongbyon reactor unless they are taken off the terrorist watch list. Rice and Hill work on a verification protocol for inspectors and receive verbal assurances. (Condoleezza Rice, *No Higher Honor*, New York: Crown, 2011, p. 710; Cheney, p. 486)

North Korea denies Lefkowitz's application to visit Kaesong. (*BBC*, 08/07/2008)

October On the 7th, Bush signs the North Korean Human Rights Reauthorization Act. (<http://www.washingtonwatch.com>)

Rice removes North Korea from the list of states that sponsor terrorism. (*The Washington Post*, 10/12/2008)

December Negotiations fail to get a written verification protocol. In response, the U.S. stops energy assistance and the six-party talks end. (Rice, p. 711)

2009

January Lefkowitz presents his final report. Lefkowitz recommends using a Helsinki model where human rights, economic, and political-military issues are linked together as they were in Eastern Europe. As progress is made on these issues, more aid could be given to North Korea. (<http://www.state.gov/s/senk/115268.htm>)

TIMELINES

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JAY P. LEFKOWITZ SUGGESTED TOPICS

Prepared by Bryan Craig

Miller Center, University of Virginia, 08/16/2013

Early Relationship with Bush

- How and when did you meet George W. Bush? What were your early impressions of him? Did you know Bush well prior to joining the Bush administration?
- Describe your working and personal relationships with Bush. How did your relationship with him evolve?
- How did your prior work experiences in the George H.W. Bush administration prepare you for your appointments in his son's administration?

General Counsel for the Office of Management and Budget (OMB)

- How did you come to serve as a general counsel for the OMB? Did the president express to you his expectations before you took office? What were your primary responsibilities? Describe your working relationship with Mitch Daniels. With whom did you work most closely?
- Discuss your role in helping formulate President Bush's policies on stem cell research.
- What role did you have in the faith-based initiatives at this time? Describe the Salvation Army federal waiver request. How did it affect faith-based initiatives?
- Tell us about your role in developing and implementing the President's Management Agenda (PMA) and President Bush's reasons behind it.
- Describe your experience on September 11th. What role did you have in creating the Office of Homeland Security?
- How closely did you work with Margaret Spellings on No Child Left Behind and the Head Start accountability plan?
- Tell us about your role regarding President Bush's position on the U.S. Supreme Court case relating to the University of Michigan's admittance policies.
- Explain your role in the creation of PEPFAR. How involved was President Bush in the process?

Domestic Policy Adviser

- How did you come to serve as a domestic policy adviser for President Bush? Did the president express to you his expectations before you took office? What were your primary responsibilities? With whom did you work most closely?
- Describe the policy-making and decision-making process in the administration. How did your role as domestic policy adviser fit into the process and how often did President Bush become involved in that process? How frequently did you meet with him? Describe your interactions with key administration agencies.
- Tell us what kind of impact foreign policy, particularly the War on Terror, had on President Bush's domestic policy agenda during your tenure?
- Tell us about the White House's relationship with the sponsors of faith-based legislation in the House and Senate. Who were the primary supporters and opponents of the faith-based legislation? Why do you think the legislation was ultimately unsuccessful? Did you agree

with the president's decision to use executive orders to enact part of his faith-based initiatives?

- What other major policies did you work on that the press overlooked?

Special Envoy on Human Rights in North Korea

- How did you come to serve as a special envoy? What were President Bush's expectations before you took office? What were your primary responsibilities? Tell us about your working relationship with Secretary Condoleezza Rice and Christopher Hill. With whom did you work most closely?
- Describe the policy-making and decision-making process in the administration relating to North Korea. How were disagreements settled among the various principles? Tell us how the decision to take North Korea off the terrorist watch list was made.
- How well were you kept informed of the six-party talks on nuclear disarmament and how was your position as envoy related to these talks? Did Secretary Hill bring you into discussions near the end of your tenure? How did Secretary of State Rice respond when you said in 2008 that North Korea was not serious about disarming?
- Describe your working relationship with South Korean governmental officials.
- Tell us about your efforts to improve the plight of North Korean refugees. Why did President Bush become interested in Kim Chun-hee case?
- How successful were you in spotlighting labor issues at the Kaesong industrial complex and how did it affect human rights policy? Why were you not able to visit the facility?
- Describe your work with the United Nations and NGOs. How did President Bush see these organizations furthering the cause for human rights?
- How did the wars in Iraq and Afghanistan, prisoner abuse, military commissions, and the Guantanamo Bay facility affect your work on human rights?
- Discuss the benefits and drawbacks of working out of an office at the Department of State while keeping your position at Kirkland & Ellis.

The Bush Presidency in Retrospect

- What do you consider your most significant accomplishments during your tenure?
- What were the most challenging parts of your jobs? What were the most rewarding?
- What were Bush's greatest assets as president? Assess his strengths and weaknesses as a communicator, domestic policymaker, a legislative leader, leader of public opinion, and world leader. Which of his attributes served him best in the presidency?
- Evaluate the Bush presidency on human rights. Assess the strengths and weaknesses of the Bush presidency. What features of the Bush presidency were overlooked or misunderstood by the press and public?
- How should the Bush presidency be viewed in history?

