

**NOMINATIONS OF RAYMOND W. KELLY
AND MARCIA E. MILLER**

HEARING

BEFORE THE

COMMITTEE ON FINANCE

UNITED STATES SENATE

ONE HUNDRED FOURTH CONGRESS

SECOND SESSION

ON THE

NOMINATIONS OF

**RAYMOND W. KELLY, TO BE UNDER SECRETARY OF THE TREASURY
FOR ENFORCEMENT; AND MARCIA E. MILLER, TO BE COMMISSIONER
OF THE U.S. INTERNATIONAL TRADE COMMISSION**

—————
JUNE 13, 1996
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NOMINATIONS OF RAYMOND W. KELLY AND MARCIA E. MILLER

THURSDAY, JUNE 13, 1996

U.S. SENATE,
COMMITTEE ON FINANCE,
Washington, DC.

The hearing was convened, pursuant to notice, at 12:40 p.m., in room SD-215, Dirksen Senate Office Building, Hon. William V. Roth, Jr. (chairman of the committee) presiding.

Also present: Senators Chafee, D'Amato, and Moynihan.

The CHAIRMAN. The committee will please be in order.
Senator Chafee?

OPENING STATEMENT OF HON. JOHN H. CHAFEE, A U.S. SENATOR FROM RHODE ISLAND

Senator CHAFEE. Mr. Chairman, thank you. I know that Senator Moynihan is coming and I do not want to jump ahead of him, but, in fact, I am. I have to go over to the floor, but I just wanted to say, Mr. Chairman, if these remarks are going to be written up, if my remarks could follow those of Senator Moynihan.

I just want to say that I think the appointment of Marcia Miller is an excellent one. I think she will be a very calm influence on the International Trade Commission. I know that she has done an excellent job in keeping the staffs together and briefing them in connection with GATT, NAFTA, and all of those difficult trade matters that we have done here.

So I think it is an excellent appointment to the International Trade Commission, and I vote for her with enthusiasm.

The CHAIRMAN. Well, it is always nice to see able members of the Finance Committee or staffers move up. Some of us just stay on.

Senator CHAFEE. Well, I am not sure it is a move up. I would consider it a lateral move.

The CHAIRMAN. All right. I stand corrected.

Senator CHAFEE. And I do not know Mr. Kelly, but I am sure he is—

Senator MOYNIHAN. Would it make a difference to you to know that he is a Marine? Of course, you can tell he is a Marine.

Senator CHAFEE. I thought he looked like a Marine. [Laughter.]

On that high basis, he has got my vote.

The CHAIRMAN. Well, we are very pleased to have both of these nominees before us. I want to give Senator Moynihan the honor of introducing the two nominees.

Senator MOYNIHAN. Very generous of you, Mr. Chairman. I think we know Commissioner Kelly from his time in New York, and his

extraordinary work in Haiti on behalf of the peacekeeping forces there. Extraordinary record from the beginning. We are very proud to have him before this committee.

For Marcia, there are no words. I have a statement which I will place in the record, because I would not trust myself to read. I am happy to recommend both of these distinguished Americans for the important positions of public trust and confidence which they are nominated for by the President of the United States.

[The prepared statement of Senator Moynihan appears in the appendix.]

The CHAIRMAN. Thank you, Senator Moynihan.

As we have indicated, we are very pleased to have these two nominees before us. At this time, I understand both of you have family members in attendance.

Mr. Kelly, would you like to introduce your family?

Mr. KELLY. Yes, Mr. Chairman, I would. With me is my wife of 33 years, Veronica, and my oldest son, James. I have one other son, Gregory, who is a captain in the Marine Corps and could not be here today.

The CHAIRMAN. Welcome. I know this is a very proud day for you. We are delighted to have you here.

Marcia, now we would like to meet your family.

Ms. MILLER. Yes, Mr. Chairman. Thank you. I would like to introduce my husband, Jim Turner, to the committee, and also my good friend, Susan Reilly-Simpson. We thought about bringing our 14-month-old son, Graham, along with us, but did not.

The CHAIRMAN. I think you should have.

Ms. MILLER. Well, I knew it was a way to keep the hearing brief, but since sitting still is not quite in his vocabulary yet, we will hold that perhaps for another day.

The CHAIRMAN. We are delighted to have your family members join us in this momentous occasion.

Mr. Kelly, do you have any statement you would like to make?

Mr. KELLY. Yes, Mr. Chairman. It is a brief one.

STATEMENT OF RAYMOND W. KELLY, TO BE UNDER SECRETARY OF THE TREASURY FOR ENFORCEMENT

Mr. KELLY. Mr. Chairman and Senator Moynihan, thank you for giving me this opportunity to appear before you today as you consider my nomination as Under Secretary of Treasury for Enforcement.

I also want to thank President Clinton and Secretary Rubin for their expression of confidence in me with this nomination.

Nearly all of my professional life has been involved with law enforcement, most of it with the New York City Police Department, which I joined when I was still in college, and left 32 years later as police commissioner, having served in nearly every rank in 25 separate commands.

Shortly after I left the police department for the private sector, I was asked by the State Department to be the Director of the International Police Monitors in Haiti. There I was graphically reminded of how the integrity of the police is fundamental to the functioning of a democracy.

Our first responsibility in Haiti was not so much to make sure the public upheld the law, but to make sure the police did not break it. That challenging experience notwithstanding, to me, New York was and remains today one of the most complex policing environments in the world.

For that reason, it puts extraordinary demands on individual police officers, their supervisors, and the department's executive corps.

But the results were just as rewarding as the environment was demanding. We helped keep the public safe and we helped bring to justice those who broke the law. I cannot think of a better definition of job satisfaction, whether in the service of my home town or of our Nation.

As police commissioner, I frequently worked closely with many of the same Treasury agencies that I am now being considered to oversee as Under Secretary. So this is a particular privilege for me because of the long experience the New York City Police Department has in working with Customs, the Secret Service, and the Bureau of Alcohol, Tobacco and Firearms.

Much of our mutual cooperation and coordination became routine over the years, but sometimes the routine gave way to the spectacular, such as our joint emergency response to and investigation of the World Trade Center bombing.

Hundreds, if not thousands of Federal and local law enforcement personnel played roles in saving lives the day the World Trade Center was bombed, and saving countless others who surely would have died had the terrorists been allowed to return to bomb again in New York.

Treasury, of course, played a special role. In the dark and dangerous rubble beneath the World Trade Center, an ATF expert found the clue that would break the case wide open. It is precisely that kind of expertise, be it expertise in combatting drug smuggling, money laundering, arson, or counterfeiting that the enforcement arms of the Treasury Department use more effectively than anyone else to address problems too big or too complex for local or even State jurisdictions alone.

Treasury's law enforcement personnel constitute a wealth of expertise probably unequalled in the world. They have used it to save the lives of ordinary Americans, to safeguard our leaders, and our economic institutions. They have a lot to be proud of.

As Under Secretary, I would convey that pride and make certain Treasury's enforcement personnel were recognized for their outstanding work. At the same time, I would move to quickly correct any failures with a thorough and frank assessment of what went wrong, and then take prompt action to correct it.

I have been in law enforcement too long to believe that things will never go wrong. I also know that the only way to proceed when mistakes are made is to admit them, take corrective action, learn from them, and move on. There is really no other choice for law enforcement. Too much is at stake.

The people, through Congress, have invested extraordinary authority in U.S. law enforcement agents. They range from authority to confiscate property, to take a person into custody, to use deadly force. These are awesome responsibilities.

The extraordinary powers entrusted to law enforcement must be exercised with the utmost care and respect for the democracy from which they arise. They demand the highest standards of professional conduct from those who take an oath to uphold the constitution of the United States.

I have been held to those standards as a police officer, as a police commander, and as police commissioner. I have demanded them from everyone who has ever reported to me. Given the opportunity to serve, I would do so as Under Secretary.

Again, Mr. Chairman, Senator Moynihan, thank you for this opportunity. I will be happy to answer any questions that you may have.

The CHAIRMAN. You certainly have a very solid law enforcement background, Mr. Kelly.

Senator Moynihan?

Senator MOYNIHAN. Just a single point, Mr. Chairman. That has to do with the present security arrangements around the White House. Not to be derisory, but you could find them in Port of Spain without much difficulty; barriers lining the streets, turning people away.

There is a legitimate question of security, but there is also a matter of appearances. That building has been where it is for a very long while. Never in any of the great wars, in the Civil War when hostile forces were across the Potomac, during the first World War when there was serious espionage activities on the part of the German government, the second World War, the Cold War, has it been made to appear a fortress under siege. It sat there looking confident, as indeed it ought to have done. I have been involved with the redevelopment of Pennsylvania Avenue since President Kennedy's administration.

I make the point that in the original L'Enfant plan, Pennsylvania Avenue goes up to a square on which the President's house, as it is called, is located, then continues beyond, just as it does here on the Capitol grounds.

So it does not mean there has to be any particular street traffic flow. The possibility of simply putting a tunnel from 14th Street to 16th Street in the way we have on DuPont Circle or any underpass in this country is clearly there.

But could I ask you if you would look to the question of what we are saying to the world by these sudden arrangements?

Mr. KELLY. Yes, sir. I certainly will. I know it is a difficult issue, and I know a very prestigious group of people, both inside and outside of government—

Senator MOYNIHAN. A very able group, headed by Roger Kennedy. You could not ask for a finer group. But time goes by and you start getting used to things that you would have been horrified by 20 years ago.

Mr. KELLY. Yes, sir. Well, I certainly would have an open mind on that issue.

Senator MOYNIHAN. The Secret Service keeps saying to anybody who says anything else, well, yes, I know that is your opinion, but let us tell you what has to happen. The Secret Service is a splendid institution. Its budget was \$22,000 under Woodrow Wilson. On the day President Kennedy was shot, it was \$7 million. I was in the

White House when the word came that he was dead. It is now half a billion. Is that right, sir?

Mr. KELLY. Yes, sir.

Senator MOYNIHAN. Half a billion. We still only have one President and one Vice President at a time. You can get yourself into the business of, no one dares to turn you down, because what if something happens? But half a billion dollars is a lot of money. And it can be used very simply to say for threat analysis and worst possible case scenarios, and no one dares say no. So the next thing you know, we will have a \$1 billion budget, and still just one President and one Vice President. I would just make that point. I do not want to press any further. I would appreciate your response.

Mr. KELLY. Yes, sir.

The CHAIRMAN. It is my intent to let Marcia go ahead with her opening statement, and then if there are any further questions we will proceed at that time.

Marcia?

STATEMENT OF MARCIA E. MILLER, TO BE COMMISSIONER OF THE U.S. INTERNATIONAL TRADE COMMISSION

Ms. MILLER. Thank you, Mr. Chairman. Thank you very much for scheduling this hearing so promptly. I greatly appreciate it.

I do not have a prepared statement. I just have a few comments I want to make, essentially to express my strong feelings about the committee and my experience here, and the people with whom I have worked. I will also say a little bit about how I view the International Trade Commission.

First of all, Senator Moynihan, to you most of all, thank you. Thank you, first, for recommending me for the position for which I am being considered today. It is an honor to have been nominated by the President. I have had the support of you and many friends in the administration and I greatly appreciate that.

I think Senator Chafee made the comment that he saw this as more of a lateral move. Frankly, so do I. Senator Moynihan, I have to thank you, first and foremost, for making me the Chief Trade Counselor of the Senate Finance Committee.

I have been with the committee for 10 years. It has been a fantastic experience in all regards, working first for Chairman Bentsen, then for Chairman Moynihan who appointed me the Chief International Trade Counselor of the committee 3 years ago.

In all honesty, I think 20 or 30 years from now I will look back on these 10 years with the Finance Committee as the best of my career. I say that and think, well, what am I saying about the rest of it? But, in all honesty, I do believe that will be the case. I know other Chief Trade Counselors of the Finance Committee have felt that way when they looked back on their time here. It has been a great honor and privilege to work for you, Senator Moynihan, and to work for the Finance Committee in these last 10 years.

It has also been a time when we have had some very important and significant trade policy achievements. I joined the committee when it was working on what became the 1988 Trade Act, which I consider landmark legislation in changing U.S. trade laws.

Then we spent several years working on the Uruguay Round and the NAFTA to ultimately, under Chairman Moynihan's direction,

go through the implementing process in the committee, putting together the NAFTA and Uruguay Round implementing legislation.

That was just an incredible opportunity for me, under the direction of the members of this committee. Very important events occurred with those bills. They were done well, I think, because of the spirit of the way in which this committee works, and also in so many ways because of the strength of my many friends that are sitting behind you.

To the extent I have done my job well here, it is because they have done their jobs well. We, together, have essentially tried to meet the demands and do the work of the committee. That has been a great experience.

Regarding my nomination to the International Trade Commission, first, a few words about the role of the International Trade Commission as I see it. I know very well the extent to which this committee views the ITC as being important as an independent, fact-finding body on trade matters, both in terms of administering the trade laws that are under the International Trade Commission's jurisdiction, whether that be the antidumping/countervailing duty laws or unfair trade laws under Section 337, and also the role it plays in doing fact-finding studies at the committee's request or the request of the administration.

The important thing to emphasize here is the independence and nonpartisan nature of the International Trade Commission. It is critical to the operation and credibility of our trade laws, in my view, that the ITC be independent and unbiased, both in fact and in perception. That independence is hugely important, in my view. I think I have basically come to that conclusion from watching the ITC's relationship with this committee.

As for myself, I sought this appointment with no agenda. If confirmed I take no agenda to the Commission. Basically, in my view, the purpose of a Commissioner is to administer the laws written by the Congress as written by the Congress. A Commissioner should not presuppose any particular policy bias with respect to those laws, but administer them as you have directed. I pledge to you my best efforts in that regard, to administer the laws objectively, fairly, and vigorously.

I have no other comments, and would be happy to answer any questions.

The CHAIRMAN. Let me say that there has been a lot of talk in recent days about bipartisan action. I can tell you, there is a great deal of pride on both sides of the political aisle to see you make this lateral move.

Ms. MILLER. Thank you.

The CHAIRMAN. Senator D'Amato, would you like to make any comment?

Senator D'AMATO. I can assure you, Mr. Chairman, it will be in a different tone and an entirely different nature than my last comment. [Laughter.]

The CHAIRMAN. A quick-change artist, yes?

**OPENING STATEMENT OF HON. ALFONSE M. D'AMATO, A U.S.
SENATOR FROM NEW YORK**

Senator D'AMATO. Mr. Chairman, let me ask, first of all, that my entire statement be placed in the record as if read in its entirety.

The CHAIRMAN. Without objection.

[The prepared statement of Senator D'Amato appears in the appendix.]

Senator D'AMATO. Let me say that I am pleased and delighted to see the President's nominee, Raymond Kelly, before this committee. I hope that we can favorably report him out as soon as possible. He has a long and distinguished record of public service, and in the area of law enforcement is second to none.

His stewardship of every position that he has ever held, starting in his first days in the New York City Police Department, working himself up to commissioner, to the arduous and responsible task assigned to him by the President, he has carried out with nobility.

He has been loved by his men, he has been innovative. He will be a great addition to law enforcement, to this administration, and particularly to the rigorous responsibilities and duties that this position carries with it. I certainly want to congratulate him, and to his wonderful family, to his wife, Veronica, and I guess Jim Kelly and Gregory Kelly are here—

Mr. KELLY. Gregory is not. But thank you very much, Senator.

Senator D'AMATO. All right. I have a Gregory. He is not Kelly. A Gregory Murphy, my oldest grandson. Of course, I do not know, Senator Moynihan, if you are aware—and maybe the commissioner, I still call him the commissioner, does not want this out—that he lived for a while in a little community called Island Park. But I am particularly delighted to see Ray.

Senator MOYNIHAN. That speaks well of Island Park.

Senator D'AMATO. Here is one of our flowers that we are all very proud of.

Mr. KELLY. Thank you very much.

The CHAIRMAN. I have a series of standard questions I ask, so I will ask each of you to respond to them.

Is there any reason, Mr. Kelly, you are aware of in your background that might present a conflict of interest with the duties of the office to which you have been nominated?

Mr. KELLY. No, Mr. Chairman.

The CHAIRMAN. Marcia?

Ms. MILLER. No, Mr. Chairman.

The CHAIRMAN. Do you know of any reason, personal or otherwise, that would in any way prevent you from fully and honorably discharging the responsibilities to the office for which you have been nominated, Mr. Kelly?

Mr. KELLY. No, Mr. Chairman.

The CHAIRMAN. Marcia?

Ms. MILLER. No, Mr. Chairman.

The CHAIRMAN. Do you agree, without reservation, to respond to any reasonable summons to appear and testify before any duly-constituted committee of Congress, if you are confirmed, Mr. Kelly?

Mr. KELLY. Yes, Mr. Chairman.

The CHAIRMAN. Marcia?

Ms. MILLER. Yes, Mr. Chairman.

The CHAIRMAN. Mr. Kelly, if you are confirmed as Under Secretary for Enforcement you will, of course, be responsible for overseeing the activities of the U.S. Customs Service, the Bureau of Alcohol, Tobacco and Firearms, and the Secret Service. As Senator Moynihan has already pointed out, these are three critical law enforcement agencies.

All three of these agencies have come under varying degrees of criticism with respect to how they carry out their respective law enforcement missions. What is your view on how effective those agencies have been in carrying out their responsibilities?

Are there particular improvements or changes that you think are necessary to make those agencies more effective, and what would be your priorities in implementing any such changes?

Mr. KELLY. Mr. Chairman, I can only speak from my own experiences and institutional experiences with the New York City Police Department and interaction with the agencies that you have mentioned, and they have all been positive.

As I said in my prepared remarks, certainly the World Trade Center was an important event in my life. I was very impressed with the capability and quality of the ATF personnel who responded.

In New York City, we have had ongoing operations with Customs, and certainly with Secret Service, for many years and are things that I have been intimately involved with. I have been more than simply just impressed with the quality of work that they have done.

However, I intend, if confirmed, to do an assessment of the agencies under my direction, looking at issues such as resources, personnel selection, internal investigations, training, things that I am familiar with from my background, and then take it from there to see what improvements can be made, what streamlining can be done.

Obviously there are issues now that are on the front burner, issues such as the church burnings—a very important and very serious matter—that have to be addressed immediately by me.

I see myself as a hands-on manager. I have done that throughout my law enforcement career, and I do not intend to change that approach in this new position.

The CHAIRMAN. Marcia, I have a question for you from Senator Breaux. The antidumping statute directs the International Trade Commission to consider three factors in determining injury to a domestic producer: the volume of imports of the subject merchandise, the effect of imports of that merchandise on prices in the United States for like products, and the impact of imports of such merchandise on domestic producers of like products.

Some commissioners, however, consider the profitability of the domestic industry before making an injury determination. If the U.S. industry is a healthy one, no injury is found.

If confirmed as a commissioner, how would you weigh these factors in making injury determinations?

Ms. MILLER. Mr. Chairman, I think I would probably rely on one lesson I learned early on in the Finance Committee. The first Trade Counsel I worked under here used to say to me, when in doubt, read the law. Invariably, it clarified things for us.

In this case, when you look at the law it does not suggest any weighing of the three factors that you mentioned.

There is no weighing by the terms of the law itself. Basically, I believe one should look at the specific facts involved in each case, on a case-by-case basis. But the law does not prescribe any weighing, so I do not think I would either.

The CHAIRMAN. Senator Moynihan?

Senator MOYNIHAN. Marcia, very judicial.

I am glad that you raised the subject of the church burnings, which I know the President is much concerned about, and so is the Congress.

The CHAIRMAN. Everyone is. Yes, indeed.

Senator MOYNIHAN. Everyone is concerned. It is exactly the kind of situation that we pick a Ray Kelly for. I mean, there could be all sorts of explanations, and probably there is more than one. I am sure you will find them, and I wish you great success.

Mr. KELLY. Yes, sir.

The CHAIRMAN. The hearing is adjourned.

[Whereupon, at 1:07 p.m., the hearing was concluded.]

APPENDIX

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

PREPARED STATEMENT OF HON. ALFONSE D'AMATO

I am pleased to see that Mr. Raymond Kelly is being nominated for the position of Under Secretary of the Treasury for Enforcement. Would also like to take this opportunity to recognize his family: his wife Veronica C. Clarke and his children, James F. Kelly and Gregory Kelly.

Mr. Kelly's academic history is very impressive. He graduated from Manhattan College with a Bachelor's Degree, then went on to St. John's University Law School. He received a secondary law degree from New York University Graduate School of Law as well as a Masters in Public Administration from Harvard University.

I am pleased to note that Mr. Kelly has worked for 32 years in law enforcement in New York City, rising through the ranks of the New York City Police Department to become New York City Police Commissioner. He worked effectively to combat crime and make New York a safer city. Not surprisingly, Mr. Kelly has received many awards and was recognized as New York State's Law Enforcement Official of the Year in 1993.

Mr. Kelly certainly deserves the praise he received for his emergency response to, and subsequent investigation of, the World Trade Center bombing in 1993.

After his service to New York City, Mr. Kelly served in Haiti as a Director of the International Police Monitors of the Multinational Force in Haiti where he monitored the interim public security force and the ending of human rights abuses. He was commended by President Clinton for this service.

I am confident that Mr. Kelly will pay close attention to the roles of the individual Treasury agencies that handle such important international problems such as counterfeiting of U.S. currency and the burgeoning money laundering problem.

Now, I would like to welcome Mr. Kelly and look forward to working with him on these important issues.

PREPARED STATEMENT OF RAYMOND M. KELLY

Mr. Chairman, Senator Moynihan and members of the committee. Thank you for giving me this opportunity to appear before you today as you consider my nomination as Under Secretary of the Treasury for Enforcement.

I also want to thank President Clinton and Secretary Rubin for their expression of confidence in me with this nomination.

(With me today are my wife Veronica and son James. My other son, Gregory, a Marine Corp captain and pilot, unfortunately could not be here).

Nearly all of my professional life has been involved with law enforcement. Most of it with the New York City Police Department which I joined when I was still in college and left 32 years later as police commissioner, having served in nearly every rank and in 25 separate commands.

Shortly after I left the police department for the private sector, I was asked by the State Department to be Director of the International Police Monitors in Haiti. There, I was graphically reminded of how the integrity of the police is fundamental to the functioning of a democracy. Our first responsibility in Haiti was not so much to make sure the public upheld the law, but to make sure the police didn't break it.

That challenging experience notwithstanding, to me, New York was, and remains today, one of the most complex policing environments in the world. And for that rea-

son, it puts extraordinary demands on individual police officers, their supervisors and the department's executive corps.

But the results were just as rewarding as the environment was demanding. We helped keep the public safe, and we helped bring to justice those who broke the law. I can't think of a better definition of job satisfaction, whether in the service of my home town or our Nation.

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Hundreds, if not thousands of Federal and local law enforcement personnel played roles in saving lives the day the World Trade Center was bombed, and in saving countless others who surely would have died had the terrorists been allowed to return to bomb again in New York.

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At the same time, I would move to quickly correct any failures with a thorough and frank assessment of what went wrong, and then take prompt action to correct it.

I have been in law enforcement too long to believe that things won't ever go wrong. I also know that the only way to proceed when mistakes are made is to admit them, take corrective action and move on.

There is really no other choice for law enforcement. Too much is at stake. The people, through Congress, have invested extraordinary authority in U.S. law enforcement agents. They range from authority to confiscate property, to take a person into custody, to use deadly force.

These are awesome responsibilities.

The extraordinary powers entrusted to law enforcement must be exercised with the utmost care and respect for the democracy from which they arise. They demand the highest standards of professional conduct from those who take an oath to uphold the Constitution of the United States.

I have been held to those standards as a police officer, as a police commander and as police commissioner. I have demanded them for everyone who has ever reported to me, and given the opportunity to serve, I will do so as Under Secretary for Enforcement.

Again, Mr. Chairman, members of the committee, thank you for this opportunity, and now I'll be happy to answer any questions you may have.

BIOGRAPHICAL:

Name: Include any former names used

RAYMOND W. KELLY

Address: List current residence and mailing addresses

375
SOUTH END AVE. APT 16A
NEW YORK, NY 10280

Date and place of birth:

SEPTEMBER 4, 1941

NEW YORK, NY

Marital status: Include maiden name of wife or husband's name.

MARRIED VERONICA C. CLARKE

Names and ages of children:

JAMES F. KELLY AGE 30

GREGORY R. KELLY AGE 27

Education:

List institution(s), dates attended, degree received, and date degree granted.

MANHATTAN COLLEGE 9/59-6/63 BBA RECEIVED 6/63

ST. JOHN'S UNIV. LAW SCHOOL 9/67-6/71 JD RECEIVED 6/71

1/30/962:52 PM

Education con't:

**NEW YORK UNIVERSITY GRADUATE SCHOOL OF LAW, 9/71-6/74
LLM RECEIVED 6/74**

HARVARD UNIVERSITY, KENNEDY SCHOOL, 9/83-6/84 MPA RECEIVED 6/84

Employment record: List all positions held since college, including title or description of job, name of employer, location of work, and dates of inclusive employment.

**NEW YORK CITY POLICE DEPARTMENT 6/63 - 1/94
POLICE OFFICER -PATROL OFFICER,
SERGEANT-PATROL SUPERVISOR,
LIEUTENANT -PATROL SUPERVISOR/LEGAL ADVISOR.
CAPTAIN-PRECINCT COMMANDER,
1984-DEPUTY INSPECTOR, PRECINCT COMMANDER,
INSPECTOR-COMMANDING OF MANAGEMENT ANALYSIS AND PLANNING
UNIT,
1987-DEPUTY CHIEF-COMMANDER OF MANAGEMENT ANALYSIS AND
PLANNING UNIT
ASSISTANT CHIEF, COMMANDER OF SPECIAL OPERATIONS DIVISION,
FIRST DEPUTY COMMISSIONER-SECOND IN COMMAND OF NYC POLICE
DEPARTMENT,
POLICE COMMISSIONER CHIEF OF NYC POLICE DEPARTMENT. RETIRED
JANUARY 8, 1994**

**UNITED STATES MARINE CORPS
ACTIVE DUTY 1963-1966 PLATOON COMMANDER AND ARTILLERY OFFICER,
CAMP PENDELTON CALIFORNIA AND REPUBLIC OF VIETNAM.
MEMBER OF THE UNITED STATES MARINE CORPS RESERVE FROM 1966
UNTIL RETIREMENT IN 7/93 WITH RANK OF COLONEL**

THE INVESTIGATIVE GROUP. INC.

**CURRENTLY PRESIDENT OF THE INVESTIGATIVE GROUP, INC. A COMPANY THAT
SPECIALIZES IN LITIGATION SUPPORT AND DUE DILIGENCE INVESTIGATIONS FOR THE
LEGAL COMMUNITY. EMPLOYED SINCE 7/94 UNTIL THE PRESENT. NY OFFICE LOCATED
AT 366 MADISON AVE. NEW YORK, NY 10017.**

**PURSUANT TO A CONTRACT WITH THE U.S. DEPARTMENT OF STATE, FUNCTIONED AS
THE MONITOR OF THE INTERIM HAITIAN POLICE FORCE WHILE A NEW POLICE FORCE
WAS BEING RECRUITED AND TRAINED.**

Employment con't:

SEIGEL, KELLY, McALLISTER AND TWOMEY 1979-1981
 PART TIME LAW PRACTICE IN MINEOLA, N.Y. 220 OLD COUNTRY ROAD,
 MINEOLA, NY-FIRM WENT OUT OF BUSINESS IN 1981.

NEW YORK DAILY NEWS, 1994-1995, PART-TIME COLUMNIST

Government experience: List any experience in, or association with, Federal, State or local governments including any advisory, consultative, honorary or part-time services or positions.

OTHER THAN ABOVE, I WAS A CONSULTANT TO THE CITY OF OMAHA, NEBRASKA CONCERNING THE NEGOTIATION OF A COLLECTIVE BARGAINING AGREEMENT WITH ITS POLICE FORCE FROM 4/94 TO 9/94

IN MAY OF 1995 I WAS APPOINTED TO A POSITION ON AN OVERSIGHT COMMITTEE OF THE NEW YORK CITY POLICE DEPARTMENT'S INTERNAL INVESTIGATIONS BY THE NYC COUNCIL. HOWEVER, THAT COMMITTEE IS THE SUBJECT OF LITIGATION AND HAS NOT BEGUN TO FUNCTION.

Memberships: List all memberships and offices held in professional, fraternal, scholarly, civic, charitable, and other organizations.

MEMBER, MARINE CORPS RESERVE OFFICER'S ASSOCIATION
 MEMBER, NASSAU COUNTY BAR ASSOCIATION
 MEMBER, INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE
 BOARD MEMBER, NATIONAL CENTER FOR MISSING AND EXPLOITED
 CHILDREN
 BOARD MEMBER, FUTURES IN EDUCATION
 BOARD MEMBER, GOODS FOR GUNS
 BOARD MEMBER, CENTER FOR EMPLOYMENT OPPORTUNITIES
 ADVISORY BOARD MEMBER, FOUNDATION FOR A CIVIL SOCIETY

Political affiliations and activities: List all memberships and offices held in or financial contributions and services rendered to all political parties or election committee during the last ten years.

FINANCIAL CONTRIBUTION TO THE REELECTION CAMPAIGN OF GOV. MARIO CUOMO \$100 SEPTEMBER 1994

Honors and Awards: List all scholarships, fellowships, honorary degrees, honorary society memberships, and any other special recognition for outstanding service or achievement.

AWARDED MAYOR'S TROPHY FOR GRADUATING FIRST IN NYC POLICE ACADEMY CLASS OUT OF A CLASS OF 1800 . (1967)

AWARDED POLICE FOUNDATION SCHOLARSHIP TO HARVARD UNIVERSITY IN 1983

RECEIVED 15 AWARDS FOR MERITORIOUS SERVICE WHILE MEMBER OF THE NEW YORK CITY POLICE DEPARTMENT.

LAW ENFORCEMENT EXECUTIVE OF THE YEAR, NY STATE 1993

MERITORIOUS AWARD FROM PRESIDENT CLINTON FOR SERVICE IN HAITI

COMMANDER'S MEDAL FOR PUBLIC SERVICE BY CHAIRMAN OF JOINT CHIEFS OF STAFF- MARCH 1995

HONORARY DEGREE AWARDED BY MARIST COLLEGE, MAY 1995

Published writings: List the titles, publishers and dates of books, articles, reports, or other published materials you have written.

ARTICLES

HAITIAN DIARY -NY TIMES APRIL 2, 1995

THE FOLLOWING NY DAILY NEWS ARTICLES:

HOWTO PREVENTTHE BIGOTS FROM BECOMING COPS, 10/11/95

KELLY CLEARS AIR OF SAFETY ISSUE, 08/25/95

WHY THE NYPD BLUE IT IN DC, 05/ 25/95

BURGLARIES DOWN BUT NOT OUT, NY DAILY NEWS, 05/22/94

KIDNAP VICTIM PASSES TEST OF COURAGE, NY DAILY NEWS, 08/21/94

WHEN A COP GETS KILLED, A BIT OF BLUE DIES, 3/20/94

TIME TO TRUST NEW PLAN FOR POLICING COPS, 7/17/94

GANGS DON'T REIGN IN THIS CITY, 4/17/94

TWIN TOWERS OF WORLD TRADE CENTER PROBE, 3/06/94

HANDCUFFING THE POLICE, NEW YORK TIMES OP-ED, 1/11/96

Speeches: Identify each speech which you have given during the past three years, the organization to which the speech was given, and supply two copies of each speech.

MARIST COLLEGE COMMENCEMENT SPEECH, MAY 20,1995

CITY OF NEW YORK COMMISSION TO INVESTIGATE ALLEGED POLICE CORRUPTION, OCTOBER 6,1993

PUBLIC SAFETY COMMITTEE OF THE CITY COUNCIL-PUBLIC HEARING ON CIVIL DISORDER, NOVEMBER 18,1993

THE SAMUEL AND MAY RUDIN LECTURE SERIES AT THE ROBERT F. WAGNER GRADUATE SCHOOL OF PUBLIC SERVICE NEW YORK UNIVERSITY, APRIL 12, 1994, GIVEN TO INVITED GUESTS OF NEW YORK UNIVERSITY

GROCERY MANUFACTURER'S OF AMERICA, JUNE 5,1994, TO ANNUAL CONVENTION AT THE, GREENBRIER COUNTRY CLUB.

POLICING A DIVIDED COMMUNITY. FOUNDATION FOR A CIVIL SOCIETY'S CONFERENCE, THE FUTURE OF NORTHERN IRELAND, JUNE 7,1995 BELFAST, NORTHERN IRELAND.

COUNCIL ON FOREIGN RELATIONS, AT ITS HEADQUARTERS IN NYC. JAN 17,1995, HAITI: SAFE AND SECURE.

ASSOCIATION OF CONVENIENCE STORE OWNERS OF AMERICA, AT ITS ANNUAL CONVENTION IN NAPLES FLORIDA, FEB 28,1995.

NATIONAL INSTITUTE FOR JUSTICE, CONFERENCE ON POLICING IN EMERGING DEMOCRACIES, WASHINGTON D.C., DECEMBER 14,1995

AMERICAN SOCIETY OF INDUSTRIAL SECURITY. NYC ANNUAL MEETING APRIL 15,1993

Qualifications: State what, in your opinion, qualifies you to serve in the particular position to which you have been nominated.

MY PROFESSIONAL LIFE HAS CONSISTED ON A NUMBER OF CHALLENGING POSITIONS WITH INCREASING RESPONSIBILITY IN THE LAW ENFORCEMENT FIELD CULMINATING IN MY BEING THE CHIEF EXECUTIVE OFFICER OF THE LARGEST LAW ENFORCEMENT ORGANIZATION IN THE UNITED STATES. I BELIEVE THAT I HAVE THE NECESSARY EXPERIENCE AND EDUCATIONAL BACKGROUND TO FUNCTION EFFECTIVELY IN THE POSITION OF UNDERSECRETARY FOR LAW ENFORCEMENT IN THE DEPARTMENT OF THE TREASURY.

FUTURE EMPLOYMENT RELATIONSHIPS:

Will you sever all connections with your present employer, business firm, association or organization if you are confirmed by the Senate?

YES

Do you have any plans after completing Government service to resume employment, affiliation or practice with your previous employer, business firm, association or organization?

NO

Has anyone made a commitment to employ your services in any capacity after you leave government service?

NO

If confirmed, will you serve your full term of office?

YES

POTENTIAL CONFLICTS OF INTEREST:

Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients, or customers.

NONE

Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated.

NONE

Describe any business relationship, dealing or financial transaction which you have had during the last ten years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated.

NONE

Describe any activity during the past ten years in which you have engaged for the purpose of directly or indirectly influencing or affecting the administration and execution of law or public policy.

SOME OF MY SPEECHES AND WRITTEN ARTICLES, ALONG WITH MY ACTIVITIES FOR FOUR NOT FOR PROFIT BOARDS, COULD BE CONSTRUED TO HAVE BEEN DONE TO DIRECTLY OR INDIRECTLY AFFECT PUBLIC POLICY.

Explain how you will resolve any potential conflict of interest including any that may be disclosed by your responses to the above items. (Please provide a copy of any trust or other agreements.)

IF, IN THE FUTURE, I BECOME AWARE OF THE POTENTIAL FOR A CONFLICT OF INTEREST TO ARISE IN CONNECTION WITH THE PERFORMANCE OF MY OFFICIAL DUTIES, I WILL CONSULT PROMPTLY WITH THE TREASURY'S ETHICS COUNSEL.

Written opinions should be provided directly to the Committee by the General Counsel of the Agency to which you have been nominated and by the Director, Office of Government Ethics, Office of Personnel Management concerning potential conflicts of interest or any other legal barriers to your serving in this position.

TESTIFYING BEFORE CONGRESS:

Are you willing to appear and testify before any duly constituted committee of the congress on such occasions as you may be reasonably requested to do so?

YES

Are you willing to provide such information as is requested by such committee?

YES

OTHER:

Provide the full details of any civil or criminal proceedings in which you were a defendant or any inquiry or investigation by the Federal, State, or local agency in which you were the subject of the inquiry or investigation?

NONE THAT I WAS AWARE OTHER THAN BACKGROUND.

INVESTIGATIONS FOR PROMOTION IN THE POLICE DEPARTMENT. AN INVESTIGATION WAS CONDUCTED BY THE NEW YORK CITY COUNCIL FOR APPOINTMENT TO A POLICE OVERSIGHT BOARD. HOWEVER, THAT BOARD HAS NOT YET BEEN INSTITUTED DUE TO ON-GOING LITIGATION.

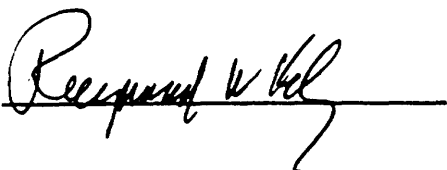
Give the full details of any proceeding, inquiry or investigation in which you were the subject of the proceeding, inquiry or investigation.

NONE

Have you ever been convicted (including pleas of guilty or nolo contendere) of any criminal violation other than a minor traffic offense?

NO

Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be considered in connection with your nomination.



30 JAN 96

Signature

Date

SENATE FINANCE COMMITTEE
QUESTIONNAIRE RESPONSE

A. BIOGRAPHICAL:

1. Name: Marcia E. Miller
2. Address: 4960 Butterworth Place, NW
Washington, D.C. 20016
3. Date and place of birth: August 15, 1955
Indianapolis, IN
4. Marital status: Married to James C. Turner Jr.
5. Names and ages of children: One son, Richard Graham Turner, 14 months
6. Education: The Johns Hopkins University, School of Advanced
International Studies, September 1978 - May 1980,
M.A., International Relations, 1981

Miami University, Oxford, Ohio, September 1973 -
May 1977, B.A., International Studies and Political
Science, 1977
7. Employment record: U.S. Senate Committee on Finance, Washington,
D.C., Minority Chief International Trade Counselor
(January 1995-Present); Chief International Trade
Counselor (February 1993-December 1994);
Professional Staff Member (January 1987-January
1993)

Wilmer, Cutler and Pickering, Washington, D.C.,
International Economic Specialist (September
1985-December 1986)

American Textile Manufacturers Institute,
Washington, D.C., Assistant Director, International
Trade (October 1983-August 1985); Assistant to
the Director of International Trade (October 1981-
October 1983)

Delegation of the Commission of the European
Communities, Washington, D.C., Editorial
Assistant (June-August 1979)

Miller Sales Corporation, Indianapolis, Indiana,
Business Office Manager (1977-1978)

8. Government experience:

My principal government experience has been my employment with the Senate Finance Committee. In addition, in December 1992, I assisted the Presidential transition team for then President-elect Clinton and, for the month of January 1993, worked at USTR in a general advisory capacity. (In February 1993, I returned to the Finance Committee to become Chief Trade Counselor.) Also, while working for the American Textile Manufacturers Institute, I was a member of the Department of Commerce Exporters Textile Advisory Committee and served as an industry advisor to the U.S. government on textile trade negotiations.

9 Memberships: Council on Foreign Relations
Trade Policy Forum
Congressional Staff Forum Steering Committee
Johns Hopkins Alumni Association
Miami University Alumni Association

10. Political affiliations and activities:

I am a registered Democrat in the District of Columbia. As mentioned in the answer to question eight, I advised the Presidential transition team of then President-elect Clinton in December 1992, with specific responsibilities regarding the USTR transition.

11. Honors and Awards: None.

12. Published writings: None.

13. Speeches:

In my position on the staff of the Senate Finance Committee, I have given numerous speeches, mostly informal in nature, to various groups interested in international trade policy and legislation. In all instances, I spoke without prepared text.

14. Qualifications:

I believe my experience both in and out of government qualifies me to serve as Commissioner on the United States International Trade Commission (ITC). In my public and private sector employment, I have become familiar with the ITC and the laws it administers, particularly the antidumping and countervailing duty laws and section 201 of the 1974 Trade Act. I have followed the ITC's work and learned these laws from three perspectives: (1) as a staff member of the Senate committee with jurisdiction over the ITC and the laws it administers; (2) as part of a law firm's international trade practice, representing both domestic and foreign clients before the ITC; and, (3) as association staff to a domestic industry petitioning the ITC. My work in each of these fields has provided me with substantial technical knowledge as well as a certain degree of practical experience regarding the ITC's responsibilities. Moreover, my experience with the Senate Finance Committee has given me significant insight into Congressional expectations of the ITC as an impartial, fact-finding agency on international trade matters. If confirmed, I believe this background, and the variety of perspectives it has given me on the ITC's work, will serve me well as a Commissioner.

C. FUTURE EMPLOYMENT RELATIONSHIPS:

1. Will you sever all connections with your present employer, business firm, association or organization if you are confirmed by the Senate?
Yes.
2. Do you have any plans after completing Government service to resume employment, affiliation or practice with your previous employer, business firm, association or organization?
No.
3. Has anyone made a commitment to employ your services in any capacity after you leave government service?
No.
4. If confirmed, will you serve your full term of office?
Yes.

D. POTENTIAL CONFLICTS OF INTEREST:

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients, or customers.
None.
2. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated.

My husband and I hold stock in a variety of manufacturing and service companies. It is my understanding that there are no current Commission investigations that could have an effect on any of our holdings. If an investigation begins that would have a direct and predictable effect on any of the companies in which we own stock, I will either sell the stock, recuse myself from the investigation, or, if the interest is not substantial, obtain a waiver of conflict of interest restrictions from the appropriate official.

My husband, as a financial advisor with American Express, consults regarding personal investments with a small number of clients who are lawyers practicing on occasion before the Commission or are employees in industries that could potentially be affected by a Commission investigation. While my husband's work does not present a direct conflict of interest, it may suggest the appearance of a conflict if one of his clients is a party or represents a party in a Commission investigation. Therefore, it is my

intention, if confirmed, to resolve these appearance issues by taking action such as recusing myself from the investigation, my husband terminating his consulting relationship with the client, or obtaining a waiver from the appropriate agency official.

3. Describe any business relationship, dealing or financial transaction which you have had during the last ten years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated.

None, except as noted in question two.

4. Describe any activity during the past ten years in which you have engaged for the purpose of directly or indirectly influencing or affecting the administration and execution of law or public policy.

Any such activities have occurred solely in the context of my present and past positions with the Senate Finance Committee.

5. Explain how you will resolve any potential conflict of interest including any that may be disclosed by your responses to the above items. (Please provide a copy of any trust or other agreements.)

I will resolve any potential conflict of interest as described in my response to question two.

6. Written opinions should be provided directly to the Committee by the General Counsel of the Agency to which you have been nominated and by the Director, Office of Government Ethics, Office of Personnel Management concerning potential conflicts of interest or any other legal barriers to your serving in this position.

It is my understanding that these are being provided.

E. TESTIFYING BEFORE CONGRESS:

1. Are you willing to appear and testify before any duly constituted committee of the Congress on such occasions as you may be reasonably requested to do so?

Yes.

2. Are you willing to provide such information as is requested by such committees?

Yes.

F OTHER:

1. Provide the full details of any civil or criminal proceedings in which you were a defendant or any inquiry or investigation by the Federal, State, or local agency in which you were the subject of the inquiry or investigation.

There are none.

2. Give the full details of any proceeding, inquiry or investigation in which you were the subject of the proceeding, inquiry or investigation.

There are none.

3. Have you ever been convicted (including pleas of guilty or nolo contendere) of any criminal violation other than a minor traffic offense?

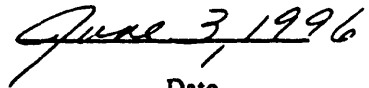
No.

4. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be considered in connection with your nomination.

There is no additional information that I believe relevant to the nomination.



Signature



Date

PREPARED STATEMENT OF HON. DANIEL PATRICK MOYNIHAN

Mr. Chairman, it is with great personal pleasure, and also some regret, that I introduce Marcia Miller to the Committee. She is, of course, already well known to all of us. Marcia has been nominated by the President to fill one of six seats on the International Trade Commission—a position for which she is manifestly well-qualified.

Marcia has been with the Finance Committee staff for almost a decade now, since January 1987. I take some credit for her long tenure, since one of my first accomplishments when I became Chairman of the Finance Committee in 1993 was persuading Marcia Miller to serve as our Chief Trade Counselor.

And why? There was simply no better candidate. Marcia has had a hand in drafting all of the major trade bills of the past decade, beginning with the comprehensive Omnibus Trade and Competitiveness Act of 1988.

As Chief Trade Counselor, Marcia guided this Committee expertly over difficult terrain: our sometimes contentious consideration of the North American Free Trade Agreement implementing legislation, and our lengthy deliberations over the complex bill implementing the Uruguay Round agreements and establishing the World Trade Organization.

And after having mastered these challenges, Marcia moved on to an even greater one—raising her now 14-month-old son, Graham. Even then, she accommodated the Committee: she waited until the Uruguay Round Agreements Act had been enacted into law before giving birth.

Marcia Miller will bring to the International Trade Commission great expertise in the trade laws, a powerful command of details, and unique skill in forging consensus among persons with widely divergent views.

I know every member of the Committee will join me in supporting Marcia's nomination, in thanking her for her years of service to the Committee and the Senate, and in congratulating Marcia and her husband Jim Turner in this richly deserved honor.

