.**ORAL HISTORY**
OF
RICHARD E. WILEY

Third Interview – August 1, 2013

This interview is being conducted on behalf of the Oral History Project of the Historical Society of the District of Columbia Circuit. The interviewee is Richard E Wiley, Esquire. The interviewer is George Jones, Esquire. The interview took place on August 1, 2013.

Mr. Jones: So, when we stopped last time you were about to re-enter private practice to your wife's great delight. Tell me about that process.

Mr. Wiley: Yes. On October 18, 1977, I had to leave the FCC, and I started talking to a number of firms and decided ultimately on Kirkland & Ellis. I had overtures from various firms—Hogan & Hartson, Skadden Arps and Dow Lohnes, which is a communications firm here in town, as you know. I thought K&E was a very strong firm. It was headquartered in Chicago which, of course, is my hometown. I thought there was a possibility I might want to go back there someday, maybe get involved in politics; who knows? And it had a small communications practice at the time, maybe seven or eight lawyers—

Mr. Jones: In DC?

Mr. Wiley: In DC. I thought I could use that to build on. It was a good base. And, most importantly, Kirkland asked me to be the partner-in-charge here of the Washington office which gave me an opportunity for a leadership position of the sort I had enjoyed at the FCC. I thought if the practice didn't develop, it would give me something to do. (both laugh)

Luckily, however, the practice did take off. The second day I was at Kirkland I got a call from a Los Angeles lawyer who was here in town and he was going to interview three firms, including ours. He had seen my name quoted in the *Wall Street Journal* that day, so he said he came to me first. He was with Xerox Development Corporation, a subsidiary of Xerox, in Los Angeles. He told me they were thinking about a new technology project. I was very interested, because it wouldn't involve any conflicts for me. It was something I had never worked on at the FCC. He decided after our meeting not to visit the other firms, and retained me more-or-less on the spot.

The nice thing about it is for the next three or four years I worked on that project to a large extent. I must have gone to Los Angeles three or four dozen times. It was a very interesting project. I also began to bring in a number of other clients—Xerox, the parent, of course; GTE, which was later merged into the Bell system, but before that was very much an independent telephone company; CBS; Texas Instruments; Motorola; Twentieth Century Fox; Newspaper Association of America; COMSAT, which is the satellite company that we had talked about before in Dean Burch's "open skies" program, if you recall—

Mr. Jones: Sure.

Mr. Wiley: After three or four years, we got Xerox Development Corporation everything they wanted, but the parent company decided not to proceed with the project. So, I had done my job. I had been well paid for my efforts. In the course of five years at the firm, I had been able to grow the communications practice from seven or eight

lawyers to twenty-five. So, obviously, all was going very well for me and I enjoyed it greatly.

There was a little bump in the road. In 1980, as you will recall, Ronald Reagan was elected President. That was only three years after I had left the FCC, but I knew a lot of the people in the Reagan campaign and I got invited by somebody who had worked for me at the FCC to serve as head of the Justice Department transition team. They said you'll be great because you don't have any conflicts and you can do this. Well, I didn't know too much about all the DOJ issues, but I can assure you that I started learning the first day they asked me.

Mr. Jones: Sounds familiar.

Mr. Wiley: They gave me a part-time office over at the Department of Justice. First thing I did was to interview Ben Civiletti, who was, I thought, a great guy, and Charles Renfro, the deputy attorney general, who was a wonderful man who later became a federal judge. They were both very cooperative.

Mr. Wiley: In any case, the next thing I was asked to do was to go to Los Angeles and brief William French Smith, who was going to be the new Attorney General, Judge Smith as we called him. I worked really hard to get ready for that trip. I had some backup here at the firm, including a young man named Henry Habicht, who later went to the Justice Department. I recommended him to Judge Smith. I also had help from a young fellow named Ken Starr, who was in Judge Smith's Washington office, and who I later recommended to the Judge. Those two fellows eventually became counselors to the new Attorney General. So I went out, met Judge Smith, and developed a good relationship with him. We later

played tennis during his tenure here. He was a big tennis buff, and I was also. We played both in Washington and out at the Claremont Club to which he belonged in California. He was really a fine man.

One night we were having dinner at the Jefferson Hotel over on 16th Street. He said, "Look, I'd like you to come into the administration. I'd like you to be Associate Attorney General." And, boy, I was very excited about that prospect; for one thing I liked public service. I had spent eleven years in the federal government: three and a half years at the JAG Corps and seven and a half years at the FCC. So I went home to see my dear wife.

Mr. Jones: I know what the reaction was.

Mr. Wiley: (laughs) And the reaction was what you'd expect, because I was really building a practice at Kirkland. It was three years out, and these clients—the kind of clients which I recited for you—which would be on anybody's list of great clients to have was something that I was beginning to accumulate. Obviously, the offer was an honor. I liked Judge Smith. It was very tempting, but ultimately I decided, no. It was the same level of position that the chairman of the FCC was, a Level 3; it would have caused me to have to leave the communications practice I had spent over seven years at the FCC and now three more at Kirkland really honing my expertise on. In those days the Associate Attorney General's responsibilities were criminal. The deputy's were civil. I don't know if they continue doing that.

Mr. Jones: I think it's still the same.

Mr. Wiley: So, anyway, I didn't know anything about criminal law, and I would really be a duck out of water. William French Smith said you can learn it and, of course, one

of my capacities is to pick things up pretty rapidly. But I ultimately decided that it would interrupt my practice. I enjoyed K&E and I just decided to turn it down.

Mr. Jones: You said you built the—before we get too far—So, how large was K&E's Washington office when you joined in '77?

Mr. Wiley: Well when I left it was seventy-five, so it was probably around 60 or something like that.

Mr. Jones: Oh, I see. And seven to eight communications lawyers?

Mr. Wiley: Yes.

Mr. Jones: Were you doing FCC-related projects for Xerox and Texas Instruments?

Mr. Wiley: Yes, all these clients.

Mr. Jones: I see.

Mr. Wiley: The work that came to me was largely work that I had not been involved with at the FCC, which was good.

Mr. Jones: And the rules permitted you to practice—

Mr. Wiley: Practice before the agency right away, but on the Xerox Development Corporation project I really didn't have to go back to the FCC at all. I may have done so during that period for other clients, but XDC was really a project that was headquartered in California. I was meeting with the executives out there, and talking to them about the new technology opportunities that they were thinking about.

Mr. Jones: I see.

Mr. Wiley: So, I just decided that things were going well for me. I was going to stay. Well that looked like a good decision. And, by the way, I was also earning some

money for the first time. When I left the FCC I was basically pretty tapped out. I think I told you the story of trying to buy a new car and had to take a loan for it.

Mr. Jones: Right.

Mr. Wiley: So it seemed like a great decision, but one day I was down in Florida on business. I got a call from the managing partner of Kirkland & Ellis in Chicago, a man who had really been responsible for my being hired. He had conducted the negotiations with me.

Mr. Jones: Was that Johnson?

Mr. Wiley: Elmer Johnson, yes. And he said, "Guess what?" He said, "I've got great news for you. I'm going to become the general counsel" of what he called Midwestern Bell, but was really Ameritech, as it turned out to be. The name hadn't been selected at that time.

Mr. Jones: Was it Illinois Bell then?

Mr. Wiley: No, this was one of the Baby Bells that had been spun off from AT&T in the divestiture.

Mr. Jones: Oh, that's right. So it's right after the divestiture?

Mr. Wiley: It was right after the divestiture.

Mr. Jones: I see. Ameritech.

Mr. Wiley: Ameritech. It wasn't called Ameritech at that point; this was really just getting formed. He said, "I'm going to stay a partner at Kirkland & Ellis." Well, from a conflicts standpoint, this really locked it in. It was obviously very good news for Kirkland & Ellis. They were very excited about it. I said I thought it was going to be a problem for me because I was on the other side of the Bell Companies on

many issues at that point. I had argued cases before Judge Greene who was presiding over the breakup of AT&T. (All that changed later in my career, as we can talk about.)

So Elmer said, "Come out to Chicago, let's talk about it." He had the whole management committee for dinner at the University Club and Bert Rein and I were there also. They indicated why this would be advantageous to them. Sidley had AT&T, and they would now have Ameritech. It made sense from their standpoint. But for me, it was pretty clear I would have to leave Kirkland & Ellis to maintain the competitive communications practice that I was building. The local Bell company was going to be a monopoly. They told me that I needed to give up my telecommunications clients, but could keep CBS and other media clients. Of course, I just didn't want to think about that. I was in full blush of building this practice, which was coming together better than I ever expected it to do, to be very candid.

This was a heady time for me after the wonderful FCC years. I was greatly chagrined when I had to leave the FCC. I have to admit it. I'm one of those people who loved the agency and the job and never wanted to leave, as you can tell by the Carter administration experience that I had.

So, I now was going to have to leave Kirkland & Ellis, which, in truth, I didn't want to do.

Mr. Jones: I'm sure they didn't want you to leave either.

Mr. Wiley: Oh, they didn't want me to leave, but they wanted to take this client. I had a number of major conflicts. I just thought this was going to frustrate the future

development of my practice, as I explained to them. So the departure was friendly and businesslike. I had no ill feelings about it, except that I didn't want to go. Of course, I had financial insecurities. I was doing well at that point. They had been very generous to me, and that should be said. I was given three months to leave.

It got into the papers and the trade press that I was leaving – in particular, a big article in the *Chicago Tribune*, which was not particularly kind to Kirkland, but very kind to me because it looked like they were pushing me out. I don't really think that was true. As Fred Bartlett, one of the top partners there said, "This is just business, Dick; don't take it personally." And I didn't. I felt badly about it, but I didn't take it like they were getting rid of me or wanted to get rid of me.

In any case, we had thirty-one firms contact us during that period. I remember one of those snow days when I was home and could not get out of my cul-de-sac in Arlington. A catalog of great firms called that day and it was very flattering. Latham & Watkins was the firm that I focused on most, because it is a wonderful firm, but it seemed a lot like Kirkland from my standpoint. Skadden came back again and locally, Hogan. Those were sort of the firms that I thought most about.

But I was worried that the same thing could happen to me again. That I could build a practice, and get hurt by conflicts. At my own firm, I thought maybe I could control my own destiny. So Bert Rein, who I had known a little bit in the State Department during the Nixon and Ford years, but who I'd gotten to

know quite well during the five years at Kirkland, and I began to think about maybe starting our own firm. He indicated that he would be willing to come with me.

Mr. Jones: He was at Kirkland when you joined?

Mr. Wiley: Yes he was at Kirkland. And the twenty-five communications lawyers were essentially going to go because I was largely the rainmaker. Then Jim Wallace, who was then, and still is, our lead IP litigator said that he would go. Ultimately, it broke down that half the firm, thirty-seven, by exact number, would leave. I was still worried that was not enough to make a practice. So I walked down the street to the Commodities Future Trading Commission and talked to Phil Johnson who I had met at Kirkland. He had gone into the administration as Chairman of the CFTC, and now was thinking of leaving. I said, "Phil, why don't you come with us. We'll make you a name partner, Wiley Johnson & Rein." I said, "Can you build a commodities practice here in Washington," because I thought it was a practice that needed to be in a market like in New York and Chicago. He said, "I think I can do it." His general counsel also joined us.

So, on May 1, 1983, we formed the new firm and ventured into a legal unknown. Basically, Kirkland had four floors, 9, 10, 11 and 12 in this building. The communications floors were 10 and 11. So we took 10 and 11, and they took 9 and 12—

Mr. Jones: (laugh)

Mr. Wiley: —which I think was odd. The other thirty-eight lawyers on 9 and 12 were all friendly. I mean there were no ill feelings on their part. Their practice was largely tied into Standard Oil and the other major clients that Kirkland had.

May 1, 1983 was a Sunday, and I went to church and knew I was still a partner at Kirkland & Ellis until noon. When church was over, I got in my car and drove downtown to do some work here. Barry Strauss, who was the firm administrator—

Mr. Jones: For Kirkland or for your new firm?

Mr. Wiley: For Kirkland, but Barry decided to cast his lot with us. I had been close to the staff; I had been the managing partner right from the start, as I indicated. So, he and the entire staff came with me which made life a lot easier. I didn't have to worry about hiring secretaries or ordering pens and pencils. So Barry Strauss had put up a temporary sign on the 11th floor. When I left, on Friday, the sign was Kirkland & Ellis, one of the great firms in this country, and I mean that sincerely. On Sunday, I got off the elevator and I saw Wiley, Johnson and Rein. I thought, What have I done? (both laugh) What have I done?

What we found was that the clients that I had all said they would come with me, and Bert's clients came, and Jim Wallace's came, and pretty quickly things began to purr. I talked to Chuck Verrill who had been a name partner over at Patton Boggs and an old friend of mine. He came with us and started an International Trade practice. A couple of years later, Rand Allen came through and wanted to develop a Government Contracts practice. He had been with Crowell & Moring, and I said, "Come on in." Tom Brunner was over at DLA

Piper—Piper Marbury it was called then. He said, "I have the Dick Wiley problem," which was a conflicts problem. The clients at that firm were running into his insurance practice. So, he said he would join us. Over the years we continued building. Then in 1987, '88, somewhere along that line, a good friend of mine, Fred Fielding, was going to be leaving the Reagan administration—

Mr. Jones: He was the White House counsel?

Mr. Wiley: White House counsel. Fred lived in Arlington, less than a mile from me, and I had known him well. I said, "Fred, why don't you come"? Johnson had departed by that time to practice in New York City. "We'll change the name from Wiley Rein to Wiley Rein & Fielding." Fred decided to do that, rather than going back to Morgan Lewis. He was here twenty-one years, and we can talk about that story later. But, Fred joined us. So, we had a nation of immigrants, you know, to help build the firm.

Our goal at the time and our vision was to develop a large diversified law firm here. Yes, we had a communications practice, but we needed to build away from it a little bit. To try to build a practice focused on Washington and on the federal government and on litigation, regulation and, to some extent, transactional matters. Today we have about two dozen practices and 275 lawyers. What we set out to do, we largely have done.

We also had a vision of the culture. I felt like you could have a work-life balance and still be able to compete with large Washington firms, not necessarily Skadden Arps or Kirkland & Ellis in terms of profits, but successful enough. I feel good about the fact that over the years Barry is still here as the firm

administrator and we very seldom have lost people to other law firms, usually only to the government. Hopefully, some of them will come back; indeed, some of them have.

We wanted this, for both professionals and non-professionals, to be a place where you can have a home – and where everybody knows each other. I can say I know every lawyer here and most of the staff. We are an old-style firm in that regard. In this day and age, I realize the multi-city firm is the model, but our model is just a little different than that. We're very efficient, because we don't have to duplicate all our systems and our accounting and technology. It has worked for us, at least in our own view.

Mr. Jones: How large are you today?

Mr. Wiley: About 275.

Mr. Jones: That's pretty substantial.

Mr. Wiley: Well, I think in terms of Washington law firms, boots on the ground, we're about tenth in size. Now that doesn't mean we're tenth in overall size, of course. But, in terms of people right here in Washington, it's around tenth.

Mr. Jones: Right. We have a similar number in Washington.

Mr. Wiley: Yes. If you look at the numbers, George, your firm and our firm and Patton Boggs, they all come up—

Mr. Jones: Ten, eleven, twelve in size.

Mr. Wiley: Yes, ten, eleven, twelve or something like that. So, it's worked out pretty well the way we wanted to. Fred, by the way, was here until George W. Bush invited him to go back to the White House—which really surprised me because I didn't think

he'd want to do the same job again. But, just like me, I suppose if I could have gone back to the FCC at sometime—I couldn't have done that, of course, because of conflicts.

Mr. Jones: Right. I was about to say.

Mr. Wiley: It would have been a great experience, to go back and really know how to do it this time. I think Fred did a fine job for Bush in the very last couple of years of that administration. When he got out, Fred was going to do a lot of arbitration work and really needed an international office and a New York office. So, in a very friendly manner because we are still friends—his wife also is a good friend of my wife—he decided to go back to Morgan Lewis. I understood that totally.

Throughout the last three decades, I have been very active in the communications practice. I've also served as the managing partner through all the years, except in the last year or two I have been elevated to the role of chairman, but I'm still very active in the management. Peter Shields is now our managing partner. He and I work pretty closely together. Being a managing partner and being a rainmaker is probably two full-time jobs. It's probably not what you want to do, I think, with your rainmakers.

It's been possible for me for several reasons. Number one, my partners have been very supportive. I have had a great team. We have seventy-five communications lawyers, so there's an expert on every aspect of the practice. Dick Wiley doesn't have to know every single jot and tittle. There is somebody down the hall that will know the details better than I will in a lot of respects. And number two, I had Barry Strauss—and he and I are very close—and the excellent

staff that he has assembled. Number three, as you can see, I have a lot of energy and enthusiasm. I think that goes a long way in life, maybe more than skill.

But, there it is. It has worked out nicely, I think, for us. Once I started the firm, it was really impossible for me to leave and go back into the government. I thought maybe there would be other opportunities that would come along in the Reagan administration, after I'd turned down the associate AG's position. But, once the firm started, I really couldn't think about it. I had to stay here.

We have tried to develop the firm not only with the laterals we brought in, but also tried to compete with great firms like yours as far as bringing in younger people just out of law school and judicial clerks, including Supreme Court clerks. One of the things I found is we would win matters at the FCC, but lose them at the court of appeals. I was used to that from my FCC days (both laugh). Andrew McBride came over from the Cooper Carvin firm and started an appellate practice. And, then, Helgi Walker, who also was a Supreme Court clerk, joined us. And Bert, himself, is a Supreme Court clerk. We've got a bunch here. Not like your practice, but a lot of ours is built around the communications field, obviously.

As we talked about before, Bert argued two cases recently before the Supreme Court and always argued a lot of other court of appeals cases. Indeed, I also have argued a number of cases before courts of appeal. But, what I have done primarily is to develop a ubiquitous communications practice. A lot of firms emphasize media or telecom, but we've tried to do all of the above that you can

do within the confines of conflicts and business relationships. So we cover telecom, media, wireless, international.

A few years ago, David Gross, who'd been for eight years at the State Department, head of Communications and Information Policy, came over to help us expand our international practice. Basically, our objective is to have expertise in all aspects of the communications field.

My own work has largely been in large, complex transactions. Mergers, if you will, and like the bankruptcy of *Tribune*, more recently. I represented JPMorgan in that case. The mergers largely involved the Bell Companies. You might ask, well, how did that happen, because I had to leave Kirkland because of conflicts with the Bells.

Mr. Jones: I was dying to ask you that question.

Mr. Wiley: I had represented the Newspaper Association of America in cases before Judge Greene. In 1996, Congress decided to pass a new Communications Act, and largely supplant the Communications Act of 1934. This was the Telecommunications Act of 1996. And, one day thereafter, I was visited by a PacTel executive. PacTel was the Baby Bell on the West Coast. He said, "We'd like you to consider being our lawyer and do our work." I said, "Well, gee, you ought to talk to your management about that because they may think I'm Public Enemy No. 1." He said, "That's old thinking. The 1996 Act changed everything."

In fact, I had been thinking about how I could kind of jump the hoops over to the Bell system, because it was obvious the Bell companies were going to be

the survivors and the strong players in the future. In fact, PacTel even talked about us opening up an office on the West Coast. But then they ended up getting acquired by Southwestern Bell. Southwestern Bell also acquired Ameritech, and there were a number of other mergers in that field, and we were involved in a lot of them. GTE, which had long been my client, ended up merging into the Bell system even though they had been highly independent.

CBS also had a number of mergers. Westinghouse, you'll recall and Viacom which, of course, they're owned by now. We were in all those transactions.

One day I got a call, and an individual asked me to come over to the Willard Hotel and meet with him. It turned out to be Craig McCaw, who is an interesting billionaire. He wanted to get into the wireless field, and we represented him for many years, until his company was acquired by AT&T. Indeed, we started doing work for AT&T and for Verizon, as they began to emerge.

We also handled the AOL/Time Warner and Comcast/Adelphia mergers, just to name another two.

Mr. Wiley: And we continued the work with other media companies, like Belo. Belo owns a number of newspaper companies and broadcast stations and now they're merging with Gannett, which was also a client.

In 1990 I started doing work for a company which was called CD Radio. CD Radio had the idea of satellite radio, and ultimately became Sirius. Then we were engaged in the Sirius/XM merger for my old friend Mel Karmazin, who had

been head of CBS. I had handled the CBS/Infinity merger years before when his company was Infinity. So, I've known Mel for a long time.

I worked for a number of newspaper/broadcast companies, and the JPMorgan representation sort of grew out of that. Comsat was a longtime client, one of the largest clients I had for many years, but ultimately, of course, Intelsat took it over.

Mr. Jones: Intelsat, the one right up on Connecticut Avenue?

Mr. Wiley: Yes, exactly. They're moving to Virginia ultimately.

I was also involved in major FCC rulemakings – for example, one involving the Newspaper Broadcast Cross-Ownership rules. While those rules may have made sense in 1975, they make absolutely no sense today. John Sturm, who'd been my legal assistant at the Commission, became head of the Newspaper Association of America here in Washington, and we worked to eliminate the rules, but unsuccessfully I have to say.

Mr. Jones: So far.

Mr. Wiley: Yes, so far. Some day it will have to happen. All these projects and all these rulemakings have taken me back to the FCC, which has always been my port of call, you might say—a place where I feel very comfortable. I still walk through there and know a lot of the people that I once worked with when I was there. Now, they're beginning to retire, but a lot of them are still there. I've always enjoyed the FCC. That was a great experience for me.

Again, I was able to do all this because of the deep bench we have here. Two people, in particular, that I've talked to you about before: Larry Secrest,

who'd been my top media aide and helped me with the 1976 debates issue. And Mike Senkowski, who was FCC chief of staff and my top telecom guy. They both have been partners here in our firm. As I said in that article in the DC Bar publication—

Mr. Jones: *Washington Lawyer*.

Mr. Wiley: —*Washington Lawyer*, "You don't succeed in this practice alone." It's just too complex. All these big regulatory practices take great expertise. So it's wonderful to have an expert team here.

But the truth is I still yearned for public service. So, in 1987, I got a very welcome call from Dennis Patrick, who was then the Chairman of the FCC. I knew him, of course, and he asked if I would come over and see him. He said, "We're thinking about a new transmission standard for broadcasting." The so-called analog television standard, to which all sets had to be manufactured, was the original television norm that we had in this country as TV emerged starting in the early '50s.

That standard was set, if you can believe it, back in 1941. That's how early they were thinking about television. Patrick said, "We want to develop a new standard" for what he called advanced television. He said, "Research and development has been going on in Japan and in Western Europe. Congress and our Commission are very concerned that the United States is going to be left behind. So we'd like you to come in and head up what is called a Federal Advisory Committee"—it's under the Federal Advisory Act in which you have to have meetings in the public, and you can't have any conflicts.

I didn't represent any set manufacturers at that point, so that wasn't a problem for me. I thought, I could take this on. He said, "It'll probably be a two-year project." I was worried about the two years of pro bono work. I'm the managing partner. I've worked and developed all these clients. I mean, how much time do I have? I want to see my wife and kids—

Mr. Jones: You'd be surprised at how little sleep you really need.

Mr. Wiley: Well, that is one of my secrets, if you want to know the truth.

Mr. Jones: You don't sleep?

Mr. Wiley: (laugh) A little bit. But anyway, I said, "Fine." It turned out to be nine years, not two years. But when you're having fun, as I've said, who's counting?

Mr. Jones: Right.

Mr. Wiley: So anyway, I took it on. But what did I take on? I had to first figure out who is going to be on the Advisory Committee. Patrick wanted the leaders of the major broadcast companies, like Rupert Murdoch and Larry Tisch at CBS at the time, and the leading cable companies, set manufacturers and later, computer companies. He said, "There will be twenty-five people on the Advisory Committee and you'll be the CEO, basically." So, October '87, I was sitting back in my old chair up there in the Commission meeting room. I was back; my dreams had come true (laugh).

Mr. Jones: The Chairman is back.

Mr. Wiley: I had returned to the FCC. While the staff people over there didn't work for me, a number of them were available to me because this was an engineering project, a standard. I'm not a technical person. While I have learned enough to be

dangerous about electronic communications, I needed an expert engineering staff. The goal was to develop this new standard. But how do you do it?

I remember going to a restaurant down the street with the chief engineer of the FCC and on the back of an envelope we sort of charted out a committee structure. And I said, "But we've got to have co-chairmen. Because we have to have a cable guy and a broadcast guy. We've got to make it look very fair. Otherwise, we will not get the support of these industries. They will be concerned about each other." My old political instincts were useful in this regard.

Mr. Jones: Essential, it sounds.

Mr. Wiley: Basically, what we devised that day was to have an international competition. We would invite everybody by June 1 of 1990 to develop systems that we could test. Then I helped convince the cable and broadcast industries to build a laboratory down in Alexandria where we could test these systems. Twenty-three different proposals were submitted but a lot of them were just ideas, and, so, there was nothing to test.

We made the decision early on that we were only going to deal with the players that could bring us systems that we could actually, under objective standards, test. The Japanese were developing a so-called MUSE System which I had seen in Las Vegas at the National Association of Broadcasters convention. I saw pictures of geisha girls walking in gardens. You could see their faces very clearly. It was the first time I had ever viewed high-definition television—it was fantastic.

Mr. Jones: Right.

Mr. Wiley: It was better than anything we had ever seen at that time in our homes. I said, "We want that." But the geisha girls weren't making much movement. It wasn't like sports or anything like that. This was just at the very inception. So the Japanese wanted to be in our competition.

Mr. Jones: A Japanese company?

Mr. Wiley: It was NHK, which is their big engineering company. RCA and Phillips, which were the big European companies at that time, and AT&T wanted to be in the game. Zenith, which was the last American set manufacturer, Sarnoff Laboratories, and MIT also were interested in participating. Then a company called General Instruments, of which Don Rumsfeld was chairman of the board, decided to enter our competition. But all these entities were proposing analog transmission, which was the old technology. I began to think about and hear from some of the engineers that the Holy Grail was digital transmission.

Mr. Jones: Do you mean the proposals that they made were all analog?

Mr. Wiley: All of the proposals were analog, advanced analog; high definition. And the Japanese system was analog.

Mr. Jones: I see.

Mr. Wiley: I had begun to hear rumblings of digital transmission. I was talking to a lot of people in and out of the Commission. I went to New York one time to make a speech at some investment banking conference, and the chief engineer of CBS came over and said, "Hey, we had an interesting demonstration today, a digital transmission; the language of computers." I said, "Well, I want to hear about it."

June 1, 1990 was approaching and we were getting ready for testing, and I said, "Everybody who's going to be tested has got to be in by that time." The entity proposing digital transmission turned out to be General Instruments. I said, "If they want to play, then they'd better get in by June 1 because we're going to cut it off at that point. We're going to start doing our testing, our evaluations. It's going to be a very long project."

I had already been working on the Advisory Committee for three years, so I wanted to get it going. Just before Memorial Day I was invited to meet with General Instruments. They said, We have a digital system. And I said, "Terrific. Give me a check for $175,000"—which I had established as the entry fee to pay for all the costs because we had to get a budget here too.

Mr. Jones: Right.

Mr. Wiley: We didn't have any money. We were making this up as we went along. I remember MIT did not want to pay $175,000. "We're an academic institution" and I said, "Pardon me. You want to be in this game, you've got to pay $175.000." I knew the commercial entities were all paying and, if I started making cut-rate deals, I'd get a lot of heat. So General Instruments got it in by June 1.

Then I started getting calls from the other proponent systems saying, "What do you think about digital transmission"? Well Japan and Western Europe had spent all those years developing an advanced analog system and they were bureaucratic, government-run systems. I didn't want anything to do with that at all. I was focused on the private sector, looking for the best that technology had

to offer. So I said, "It's your decision, but to me I'd think about digital," because I said, "That's the future."

I went over and made a speech in Europe and got booed off the stage. (laugh) I said, "You've got to go digital. It's going to be digital." The audience didn't agree! The Japanese even told me that it would be 2005 before digital transmission would happen. I said, "I think we can do it faster," because I had talked to General Instruments and the other systems. They were all switching to digital. Then they started talking about merging. They came in and said, What do you think about a merger? I encouraged all mergers.

Mr. Jones: Right.

Mr. Wiley: Because I figured the stronger they got and the fewer systems I had to test, the better it would be. So we ended up testing four digital systems and the Japanese system, which had been developed over many years. And, guess what, under objective standards, we found out, to our amazement, that the digital systems did better even than the MUSE system, which was a real revelation that we had something going here. Incidentally, the European systems had shifted too.

Mr. Jones: They were digital.

Mr. Wiley: They were digital. But here was the problem. All of them had been developed on the fly because digital transmission had been introduced so recently. They were learning from each other and copying from each other. One day, Zenith's CEO Jerry Pearlman called me—a Saturday. I remember it to this day. He said, "You know, we'd really like to have our improved system tested." I said, "But we just put everyone through testing at $175,000 for each one of them." He said, "Yeah,

but our system's much better than it was." I replied, "Well, Jerry, they're all going to say that." He said, "Well, do you want to pick a system that isn't as good as it could be"? I said, "No, you're right about that."

Mr. Jones: (laugh)

Mr. Wiley: So I got the "brilliant idea" of writing a letter to all the proponents. I said, "I'm going to give you two choices. Either a second round of testing and another $175,000, millions in developmental work, and another year or two," or, I said, "We could have"—and I just picked the term out— "a grand alliance of systems. We'll take the best elements of each system and combine it into one." At first they thought the "Grand Alliance" was a silly name, but they got enamored of it somehow. It became the name.

They started having meetings to see if they could reach agreement. They would report back to me and say, We're working on it. Finally, the big meeting was May 1 of 1993 — I think I've got the right date —at the Grand Hotel by chance which is now the Westin. It's at 24th and M. And they said, We're all meeting over here, and I thought, oh boy, this is it.

Paul Misener, who was my assistant (now the head of Amazon's office here in Washington and internationally and a brilliant engineer and lawyer) and I were sitting here on pins and needles waiting for the call. Finally, Robert Graves, who was AT&T's representative, telephoned and said, "It didn't work. They're breaking up and going home."

I said, "Wait, wait. I'm coming over." So I went over and asked, "Why"? They said, "Well, we can't agree on this and on that." And I said, "Let's forget

what we can't agree on, let's talk about what we can agree on. Don't we want HDTV? That's what we all really want. And don't we all agree that the digital picture has to have over 1,000 scanning lines"?

Mr. Jones: For the sharpness of the picture?

Mr. Wiley: Yes. And they all agreed. Then there was the question of whether it would be progressive scanning or interlace scanning. I don't want to turn this into a technical treatise, but computers are progressively scanned. And television is interlaced. And all the programming was interlaced.

I said, "Well, don't we think that it would evolve to progressive, but right now we've got to have interlaced scanning." MIT said, "No way, it's got to be progressive right from the start or we're not playing." I said, "Hey guys, we've been at this now—you know, this is 1993. We've been at this six years. We're right on the cusp. We're all here, think about it."

So they all broke up into different suites, and I circulated around to them. I finally got MIT to call Boston and talk about it and said, "You've got to be part of this." Finally, they all said they'd meet the next day. We met all day long.

Jim Quello—you saw him in the FCC photograph—was then the Chairman of the FCC. And one thing I wanted was a press conference. If I saw they were coming together, I wanted to lock it all in by announcing it. So I called Jim and said, "Can we come over at two o'clock and meet with you in the Commission meeting room." But the meeting dragged past two o'clock because the proponents were still talking about patent royalties. That's one issue I didn't want to get into.

I said, "You guys figure that out, I'm only dealing with the technology and what's good for the country." So, finally, about 4:30, they all voted to join the Grand Alliance. I said, "Let's all go over to the FCC. Chairman Quello will be there."

So we all kind of signed it in blood, and it was reported in the papers. The next day the "Grand Alliance," and they liked that term, was born. But we weren't done, we were just starting. It was really not the beginning of the end, it was the end of the beginning because we had to build the system.

Mr. Jones: And when you say, build the system do you mean build the TV sets?

Mr. Wiley: No, a model TV system based on digital transmission which turned out to have 1080 lines. You'd have to have an engineer explain why it was. It was a very complex system that had to be built and tested.

Mr. Jones: And is it that the group of seven are still—

Mr. Wiley: The Grand Alliance. They were the Grand Alliance. It was wonderful.

And at one point, we had over a thousand engineers working on this as volunteers. They were the cream of this nation's video engineering talent. The nice thing about the Federal Advisory Committee Act is that we did it all in public. So, you had a peer review. Some guy would say—I'm making this up—we need 1080 scanning lines. Well he would have to get up and explain why in front of his peers.

Mr. Jones: Right.

Mr. Wiley: Way above my pay grade, I can tell you that. And, as we built the various systems, we'd have technical bake offs—we used to call them—for individual

elements. For example, the audio quality. Phillips and Dolby had competing concepts. And there was a huge fight over which one was going to be included in the new system and standard. Somebody accused me of putting a thumb on the scale for the Dolby system because it was American. I said, "Listen, I don't play that way. We want what is best for this country technology-wise. This is for future generation of American citizens." Sounds heroic, but I'm just telling you that's what I had to do. Having been Chairman and being backed up by the then Chairman of the FCC, Al Sikes, at the time, I could kind of influence them a little bit. And, when Dolby did better, it got selected.

Then there was a fight over the modulation technique. Zenith and the cable industry had different technologies. And so there was a major debate on that. So, you know, it went on and on and on. But, ultimately, to make a long story short and not to bore you on this thing, the Grand Alliance system was built, and tested by our Advisory Committee. Tested in the lab and in the field as well. But, then, Reed Hundt, the Democratic chairman, wanted something different.

Mr. Jones: Oh no.

Mr. Wiley: He wasn't especially enamored with high definition. Instead, he wanted so-called multicasting. And the public television guys told me that they wanted it also.

Mr. Jones: What does that mean?

Mr. Wiley: Our digital system had a through-put of 19.4 million bits per second. Most of the bits could be used for a single high definition signal. And broadcasting always had been a one channel service. But the alternative was to break the bitstream up into four or five channels of standard definition which would be equivalent to

analog television. I said, "Well, why would we want that? We worked all these years for HDTV." The public TV reps said, because we want to put on educational programming during the daytime when nobody cares what the quality is. We could do a lot of good with that. And, by the way, the commercial stations could put on a local news channel and a local sports channel—which is exactly what many are doing.

Mr. Jones: (laugh)

Mr. Wiley: It was too late to test the concept because we had completed all the testing by that time. But, fortunately, we were able to prepare a technical paper which said that digital multicasting was feasible, which it has proved to be. Many of the stations today transmit several multicasting channels. And the beauty of the FCC's standard—the Grand Alliance standard—is that you can shift flexibly between HD and multicasting in different time periods. By the way, progressive versus interlace scanning—that big fight—all went away because Intel developed a chip that made it invisible in the television set.

Mr. Jones: It didn't make any difference.

Mr. Wiley: It didn't make any difference. We fought about that for years.

Mr. Jones: Now is this all going on at the same time that telecommunications transmissions are going digital?

Mr. Wiley: Yes. The whole world was going digital—telephone companies were out ahead of that technical initiative, and I assumed broadcasting had to go digital. By the way, we also wanted to make the standard accessible to cable and satellite transmission and, now, telephone (FIOS for Verizon, U Verse for AT&T). So

they all used the same standard for video, and that's the beauty of it. As indicated, the FCC's standard is very flexible, so you can shift in different parts of the day between high definition—primetime, sports, movies—to standard definition for educational programs or the local sports channel or the local news channel during the daytime, when the quality isn't quite so important.

Mr. Jones: Right. People aren't watching, they're just listening while they do other things.

Mr. Wiley: Well, that may be. So, we got it done finally. But, after all those years, it took the FCC nine torturous months to go through their regulatory process. Chairman Hundt was concerned about it being a computer standard as well.

And, of course, what is happening today is that the television set and the computer are merging, and with service to handheld mobile devices as well. Anyway, we got it all done, and the FCC ultimately adopted the new standard in December of 1996, and the epic was over for me. I certainly didn't design the system. As you can tell, I'm not an engineer, but it was great to be part of the process and receive an Emmy to boot.

Mr. Jones: The Grand Alliance folks—did they get Emmys as well?

Mr. Wiley: Most of them did and should have. During these nine years, incidentally, I probably spent fifteen to twenty percent of my time working on the standard.

Mr. Jones: For anybody else that would have been a full-time job.

Mr. Wiley: Yes, well maybe so. Now some weeks you wouldn't have to worry about it, just a couple of phone calls. Other weeks it would be almost full-time. There's a book written by Joel Brinkley, who was a *New York Times* reporter and the son of David Brinkley.

Mr. Jones: Sure. Absolutely.

Mr. Wiley: His book, *Defining Vision*, tells the whole story. Everything I've told you, he tells in an amusing way. It's not a technical treatise.

Today, as I said in that DC Bar article, when I hear my neighbors and friends say, HDTV, isn't it great? It gives me a lot of personal satisfaction. Starting the firm and being Chairman of the FCC were wonderful. But if I had to pick the single thing that has given me the most personal satisfaction, the achievement of my life, it would have been this one.

Mr. Jones: I can believe that because it has significantly affected every person in the United States.

Mr. Wiley: Yes, that's true. The first generation of HDTV sets weren't very good, and people were even questioning whether we picked the right standard. And there was reason to argue that position, because if we had done our work ten years later, we would have emphasized mobile technology more than we did. We were thinking, again, of people sitting in front of a great big screen—

Mr. Jones: Right, sitting in front of it.

Mr. Wiley: My vision was a screen that would be hung on a wall which is what many people have today. Believe it or not, after all this effort, people are working now on what is called Ultra High Definition. It's going to be much better. I have seen it at the London Olympics on a very large screen and in Las Vegas. It's the next big thing. So, what you're going to see is technology continuing to move ahead. And if there's any lesson that I needed to learn when I was in my thirties and was FCC Chairman, which I didn't fully understand at the time but do now, is that you've

got to give technology its head in this country. By the way, it's moving a lot faster than it did when we were there. In other words, the standard was set in '96 and really just fully implemented in the United States in 2009. Within ten years after that, sometime in this decade, there'll probably be a new one.

Mr. Jones: A new FCC standard, do you think?

Mr. Wiley: A new standard, maybe, but the only thing that will slow it down is not the technology; it's going to be the marketplace. Because people aren't going to want to run out and buy another new television receiver too soon.

Ultimately, there will be very high resolution pictures on hand held devices the kids carry around. You see it now in high definition, and it'll be even better. Then, in your home the only thing that's going to limit the adoption of ultra high definition is just how big do you want the screen to be, and how big a home you have. The ultra high definition set I saw had a 100 inch screen. It was tremendous. But you don't need it in your house. You need it for motion picture houses, sports bars and things like that.

Mr. Jones: Or stadiums.

Mr. Wiley: Yes.

Mr. Jones: Is that what they have?

Mr. Wiley: That's HDTV.

Mr. Jones: That's still HDTV.

Mr. Wiley: But it'll be ultra HDTV. The Japanese are working on super high vision, which is even more.

Mr. Jones: More pixels or more lines?

Mr. Wiley: More pixels. But I think this will not be as revolutionary as the move to HDTV. One of the other things people are thinking about, of course, is 3D. But they've had trouble with it. I think the answer is you've got to have no glasses.

Mr. Jones: Exactly. Exactly.

Mr. Wiley: It's called stereoscopic 3D, which means no glasses. You can bring the set home and watch 3D. Everything comes in its time. Our biggest fear in HDTV was that the sets would not be good enough or the programming wouldn't be sufficiently available. Chicken or egg, if you will.

One big advantage we had was Hollywood. Hollywood shot movies in wide-screen cinematography, which was equivalent to HDTV. So we had a lot of HD programming in movies. Once the networks began to see that sports in HDTV would be a big winner, the programming started to come.

Now all prime time is HD. First the ads were not in HD; now they are. Another thing we had to pick was the dimensions for the new HDTV sets. It's 16:9. The old picture was more boxy at 5:3. All those decisions were made by our advisory committee. Incidentally, Hollywood wanted 18:9, but it just didn't work with the algorithms that we had.

Mr. Jones: 18:9 would be good for movies?

Mr. Wiley: Movies. But it did not pan out for what we were trying to accomplish. Basically, we provided leadership. But the standard was developed by engineers. They could find a solution for every problem. I came away from this experience with great admiration for them.

Mr. Jones: Were there representatives from all of these represented pieces of the industry?

Mr. Wiley: Yes. The key guy was Joe Flaherty of CBS who'd been the chief engineer back when I was Chairman of the FCC, so I knew him.

Mr. Jones: Right. And he volunteered too?

Mr. Wiley: They all volunteered. For these guys this was the next frontier.

Mr. Jones: Right. Like going to the moon.

Mr. Wiley: This was quite a technical achievement, and something they are all proud of.

Mr. Jones: So, you had representatives from the various pieces of the industry on the advisory committee?

Mr. Wiley: Yes.

Mr. Jones: And then you had the proponents of the systems?

Mr. Wiley: Yes, and we had the twenty-five people on the Advisory Committee itself. And all sorts of committees and subgroups, with co-heads drawn from various industries.

One of the mistakes we made was that the computer companies felt excluded from the process. They came into the game a little late and we had to get them assimilated quickly. This progressive versus interlace issue was a big problem. But, as indicated, it got solved. At the end of the day, pretty much everybody bought into the new standard so I could go back to practicing law and running the firm full-time.

Mr. Jones: So, in December '96, the standard was adopted?

Mr. Wiley: Yes. But then we had to have a transition. There were two major problems. First, you had to give every broadcaster two channels. Why two channels? You had to maintain the analog system on one channel while you slowly transitioned

over to digital on the other. And second, what would happen to all the analog sets in people's homes when digital comes in?

Mr. Jones: Right.

Mr. Wiley: A lot of people can't afford a digital set or maybe the digital set isn't working as well and they want to use their analog sets. So we proposed converter boxes.

Mr. Jones: Right.

Mr. Wiley: The government ultimately brought into that and largely paid for them. They spent a couple billion dollars on it. I don't know whether you have one, but up in my bedroom I have a little analog set with a converter box. I want to keep it as sort of a relic, if you will.

Mr. Jones: An antique.

Mr. Wiley: It converted the digital signals (counter intuitively) back to analog so you could watch it on your analog set. That was really a stopgap thing. Maybe the government shouldn't have spent that amount of money, but for a lot of older people, poorer people, and non-English speaking people, people who were going to have analog sets, it sufficed.

Mr. Jones: Why would non-English speaking people—

Mr. Wiley: Well, immigrants, who perhaps didn't have the necessary finances.

Mr. Jones: So it's just people who don't have the money to buy?

Mr. Wiley: It's economics, not a language issue.

Mr. Jones: It happened fairly smoothly, I think.

Mr. Wiley: No.

Mr. Jones: What I mean is—

Mr. Wiley: From the outside looking in you'd say fairly smoothly.

Mr. Jones: Right.

Mr. Wiley: Things happened, even at the very end. The gold standard in broadcasting has always been VHF, the lower part of the spectrum. UHF was the wild and woolly area when television first was introduced. You could hardly receive the picture, and then, over time, it became better and better.

So we assumed all the television stations would want to maintain their VHF signal. Well, guess what? No engineer predicted it, but when the transition occurred the VHF signals sometimes were less good. In the digital world the UHF—the higher band—turned out to be generally better. Who knew? I certainly didn't, but that's what the FCC figured out. So there were a lot of problems for stations in the early years of the transition.

Mr. Jones: I know that I only saw the very tip-top of the glacier, but my sense was there was a lot of concern when the government said on such and such day, digital television. Everybody has to have it. People were, as Americans are, up in arms that they were being told that they had to do something by such and such date. I don't know how to do this. What am I supposed to do? I don't want to buy another television. I don't want to have to pay for cable. And then the government made the decision to provide the converter boxes—

Mr. Wiley: And the FCC did a wonderful job of going around to various broadcast markets and educating the people. They would go into markets, and hold seminars; this was a huge project for the FCC. Much as today, with the switch to broadband, which is high capacity Internet service.

Mr. Jones: Over the cable wires.

Mr. Wiley: Or telephone.

Mr. Jones: But once it actually happened and people saw HDTV, they said, Wow, that's really great.

Mr. Wiley: That was the saving grace. It's what you could see, right?

Mr. Jones: And people who said, Well, I still don't want to pay money for a new television, and I don't want to pay money for cable, and I don't want to pay money for this, they had the option of keeping what they had and they could still watch the programs that they watched the same way they always watched them.

Mr. Wiley: The converter box program probably didn't make a lot of sense except from a fairness standpoint to make sure that it wasn't only wealthy people who got digital and others lost the use of their existing sets. It was essential for that period of time.

Mr. Jones: Absolutely. And, it may not have made sense from a purely economic perspective or even a policy perspective, but it made tremendous sense from a public relations standpoint. The process, again, looking at it from the outside, once it happened, Wow, this is great stuff. We should have done this earlier. This is wonderful. My wife says that she hopes it doesn't get any clearer because when you're watching a sports broadcast, you can see everything. You can see the pores in a pitcher's face as he's about to pitch.

Mr. Wiley: But it will take some time to see ultra high definition, and you'll see that TV can get even better. I think our telephone service is terrific but, with broadband, it's going to get better, right? Now, they're talking about HD voice. And guess what

radio is doing? They are working on HD digital radio, which would not only have the advantage of clearer reception, but maybe have multiple radio channels which would give you more capacity.

All this is, again, the inevitable, undeniable march of new technology. That was something that I didn't fully appreciate when I was in my thirties and, therefore, made some mistakes. I now understand that you've got to get on the side of new technology. The United States may not always produce the equipment—but we have a terrific capacity in software and programming. Obviously, HDTV wasn't put into effect in this country fully until 2009. People were watching it all during the early part of the 2000s, but the changeover, the transition day, was in June 2009.

Mr. Jones: Right. It was a remarkable thing to witness. Having heard about the effort that went into it, I wonder to what you attribute the success of the project? Putting together seven or eight—

Mr. Wiley: It was unlike the European and Japanese systems. Ours wasn't a top down system; it was really bottom up where engineers, through peer review and without government or private sector management or interference, actually were able to design the "perfect" system or as close to it as we could develop at that time. And we tested and retested it. We really tried to make sure it worked, because we didn't want to screw up people's television sets. My name would have been mud in this country.

Mr. Jones: Right.

Mr. Wiley: So, it was a great achievement. Not by me, but a great achievement by all of those people who worked on it and they feel that way about it. I feel a good sense, when I'm with them, that this had really been the crowning moment in their professional lives as it was for me.

Mr. Jones: I can imagine. About how many people, do you think—just a ballpark estimate—contributed to the successful result?

Mr. Wiley: Over 1,000.

Mr. Jones: All volunteers?

Mr. Wiley: All volunteers. Now there was a core group, a hundred maybe, because all of the major companies had engineers that were working with us. FCC Chairman Al Sikes and I agreed on one thing, we were going for the gold. In other words, one network wanted to have what they called "enhanced definition." It wouldn't be high definition, it simply would be enhanced. I told the National Association of Broadcasters that this would be like when Technicolor came in, we would settle for Sepia. No way. I'm a baseball fan, as you know. I watch the Nationals and the Orioles, and I love watching those games in HD.

Mr. Jones: What I was referring to, I went to a Nationals game and this huge screen that they have there—

Mr. Wiley: Spectacular.

Mr. Jones: It's amazing, absolutely amazing. Sometimes you catch yourself at the game watching the screen. It is amazing, and it's amazing that it's so big and still so sharp.

Mr. Wiley: That's HDTV technology. Ultra high definition will be even better.

Mr. Jones: And still big.

Mr. Wiley: Even bigger. Now it's going to take some years for this to occur, but it's coming.

Mr. Jones: Did HDTV change require the broadcasters to install new equipment for transmission?

Mr. Wiley: Huge. That's why they are somewhat put off by the thought of yet another transition coming along because it took so much capital for them to build their HDTV systems. Even now some of the newsrooms are just getting into HDTV at the local level. The networks have done it, but they perhaps are in a better financial condition. HDTV makes the news so much more spectacular, I think.

. Jones: The difference is astonishing. How could we have watched this all those years? When you doing it, it seemed fine, but now that you've seen HD you can't go back to the farm.

Mr. Wiley: So that's the story of Dick Wiley's life here. Not very enthralling, perhaps, but I have enjoyed it.

Mr. Jones: No, absolutely enthralling; absolutely enthralling.

Mr. Wiley: Well you're nice to spend the time you have on this.

Mr. Jones: You're the only lawyer in Washington with two Emmys, I'm sure of that.

Mr. Wiley: (laugh). Well, that's probably so. I was trying to figure out some way to get an Oscar, but I couldn't do that. (laugh).

Mr. Jones: Well, you know, never say never. It could happen.

Mr. Wiley: Never say never.

Mr. Jones: One of the ironies that you alluded to when you were talking about leaving Kirkland to start your own firm was that the impetus for your leaving was that

Johnson was going to become the General Counsel of the Midwestern Bell Company and that created conflicts with your competition carriers, or your competitive carriers.

Mr. Wiley: Yes.

Mr. Jones: And after '96 you ended up representing many of the Bell companies. At the time—

Mr. Wiley: Timing is everything in life.

Mr. Jones: Fair enough. Was Johnson still alive when that happened?

Mr. Wiley: Well, what happened, very ironically was before I left Kirkland & Ellis, Johnson decided to leave Ameritech and become General Counsel of General Motors.

Mr. Jones: Right.

Mr. Wiley: So the same guy who wrote that article in the *Tribune*, Jim Warren, who is a very good reporter, called me and said, "Guess what, he's leaving. You don't have to leave." And I said, "Jim, we've crossed the Rubicon."

Mr. Jones: That ship has sailed.

Mr. Wiley: We had the firm set up. This was sometime in the winter. I remember it was a cold night when he called me and I said, "We're gone on May 1. It's over." But it was tempting to think about it because I had a good experience with Kirkland & Ellis and I'm a great admirer of that firm.

Mr. Jones: Okay. Well I think that may conclude. If you have additional stories that you want to tell, we can have another session.

Mr. Wiley: No, I think not. I think I've bored you and bored anybody who ever reads this stuff. But it has been interesting to relive these three stages.