

Public Service at the Highest levels

The career of Daniel Levin, '81, is distinguished by contributions at the highest levels of government. He has served as deputy legal advisor to the National Security Council under Brent Scowcroft and Colin Powell



Daniel Levin

and legal advisor under Stephen Hadley, as chief of staff to FBI director Robert Mueller and to Attorney General William Barr, and as acting head of the Office of Legal Counsel in the Justice Department.

Even before he arrived at the Law School Levin demonstrated an interest in public issues. He took a semester off from Harvard to work for the Senate Subcommittee on Investigations and he worked for

six months after graduation in the office of columnist Jack Anderson.

At the Law School, where he graduated first in his class, he hewed to his priorities, choosing participation in a clinic over the enticements of *Law Review*. "The *Law Review* said that you couldn't do both *Law Review* and a clinic," he said. "I really wanted to do clinical work."

Then, when the Street Law program came to the Law School for the first time, he and classmate Sean Hanifin, '81, were among the first to sign up. "Sean and I taught at a school for physically disabled youngsters," he recounted. "That, and the clinic, were the best times I had at law school and the times I think I learned the most—although I also had some tremendous teachers like Geoffrey Stone, '71, and David Currie."

He returned to the Law School to teach at the Mandel Clinic during the 1989–1990 school year: "I wanted to try to help give more students the same great experience I had there," he said. By then he had worked for Powell and had also served in the environmental crimes section of the Justice Department.

When Barr was appointed Deputy Attorney General in 1991, Levin joined his staff. "Bill wanted to have someone with some knowledge of national security issues, and I was very fortunate that he picked me," Levin said. "It's a sign of how times have changed that back then I was just about the only person on the Deputy's staff really concentrating on national security issues—and I was also involved in environmental matters and civil litigation."

In 1993, Levin joined Hale and Dorr (today he is Counsel at Wilmer Cutler Pickering Hale and Dorr LLP), but ten eventful years in government still lay ahead of him. He left the firm in 1995 to become an Assistant U.S. Attorney in Los Angeles. "It was a job I had always wanted to do," he said. "It was in many ways the most enjoyable work I've ever

done." He prosecuted racketeering cases, worked with a task force that included the FBI and the Los Angeles police and sheriff's departments, and handled several lengthy trials, including the first federal death penalty case in Los Angeles in over thirty years.

In 2001 he served on the Department of Justice transition team for the new Bush administration, expecting to return to Los Angeles when he finished that task. But Attorney General John Ashcroft '67, asked him to stay and work on national security issues and when Mueller became FBI Director on September 4, 2001, he asked Levin to come to the FBI to serve as chief of staff. Levin's first day at the FBI was September 11. Of course, he soon took on major responsibilities relating to terrorism. In 2003, Attorney General Ashcroft brought him to the Department of Justice to coordinate the administration's response to the National Commission on Terrorist Attacks on the United States—better known as the 9/11 Commission.

In 2004, President Bush appointed him Acting Assistant Attorney General for the Office of Legal Counsel (OLC) following the departure of former Law School faculty member Jack Goldsmith as head of that office. OLC fulfills a vital role, serving in effect as outside counsel for all the agencies of the executive branch and as general counsel for the Justice Department itself. It reviews all proposed orders of the Attorney General and all regulations requiring the Attorney General's approval. Previous OLC heads include William Rehnquist and Antonin Scalia.

"OLC was an amazing place to be," Levin recalled. "It's a small office filled with very brilliant, extremely talented people and I was very fortunate to have a chance to work there." It was also, according to news reports that Levin declines to discuss, a focal point of controversy because Goldsmith refused to endorse the memorandum, created within OLC in 2002 but only leaked to the media in 2004, that became known as the "torture memo," in which very wide latitude was given to government interrogators to inflict physical pain and psychological distress.

Levin inherited the controversy over that memo. On December 30, 2004 (after what *Newsweek* described as "a fierce behind-the-scenes bureaucratic fight"), a memorandum he authored was posted at the OLC web site, officially replacing the 2002 memorandum and endorsing as the definition of torture used in congressional anti-torture laws a definition considerably less permissive than the one in the 2002 memo.

In February 2005 Levin became legal adviser to National Security Advisor Stephen Hadley, a position he held until joining Wilmer Hale in October. He said this time he expects to stay put awhile. "At least, as long as they'll have me," said Levin, whose attentions will remain focused on his practice there. That doesn't mean, though, that there will be no significant changes forthcoming in his life: this fall he'll be getting married, to Nichole Chen.—G.D.