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EF

079992

1170

IT023

PROOF

1009

THE WHITE HOUSE

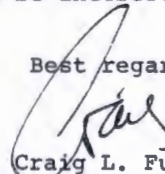
WASHINGTON

May 18, 1982

Dear Tom:

Our timing was unfortunate because of your travel commitments, but I wanted you to know that the President had several meetings with business and financial people last week. He received uniform support for his efforts and let them all know how committed he is to the Senate Compromise package. All indicated their support. I thought you would be interested in knowing with whom he met.

Best regards,



Craig L. Fuller  
Assistant to the President  
for Cabinet Affairs

Attachment

Mr. A. W. Clausen  
President  
The World Bank  
1818 H Street, N.W.  
Washington, D.C. 20433

*BJP*

08385255 OR-5/17  
per JH

WS

THE WHITE HOUSE  
WASHINGTON

IT023  
PE002-03  
FE006-03

May 13, 1982

MEMORANDUM FOR RONALD GEISLER

FROM: E. Pendleton James *EPJ*

SUBJECT: PAS Nominations

The President has approved the nomination of

James B. Burnham of Pennsylvania,  
to be the Executive Director of the  
International Bank for Reconstruction and  
Development, for a term of two years,  
vice Colbert I. King, resigned.

All necessary clearances have been completed.  
Please prepare the nomination papers.

cc:LRW

Announced: 5/14/82 (Philadelphia, PA)

To Senate: 5/18/82

06511555

*NOTED  
dus*

111390

'82 MAY 13 P8:41

THE WHITE HOUSE  
WASHINGTON

May 13, 1982

MEMORANDUM FOR RONALD GEISLER

FROM: E. Pendleton James 

SUBJECT: PAS Nominations

The President has approved the nomination of

James B. Burnham of Pennsylvania,  
to be the Executive Director of the  
International Bank for Reconstruction and  
Development, for a term of two years,  
vice Colbert I. King, resigned.

All necessary clearances have been completed.  
Please prepare the nomination papers.

cc:LRW

To DD  
5/13/82  
6:30 pm

MEMORANDUM

THE WHITE HOUSE  
WASHINGTON

May 13, 1982

MEMORANDUM FOR ROBIN GREY, PRESS OFFICE

FROM: Leslee P. Sherrill, Presidential Personnel

SUBJECT: Personnel Announcements

Please announce the President's intent to nominate the following individual below. Biographical material attached.

FRIDAY, May 14, 1982

*(R)* ~~DR.~~ JAMES B. BURNHAM, *OF PA.*

To be ~~the~~ United States Executive Director of the International Bank for Reconstruction and Development, for a term of two years, vice Colbert I. King, resigned.

cc: James/Tharp  
von Damm  
Wood  
Farrell  
Cooksey  
Holland  
Geisler  
Mason  
Holmer



THE WHITE HOUSE

Office of the Press Secretary  
(Philadelphia, Pennsylvania)

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For Immediate Release

May 14, 1982

The President today announced his intention to nominate James B. Burnham to be the United States Executive Director of the International Bank for Reconstruction and Development for a term of two years. He would succeed Colbert I. King.

Dr. Burnham is currently Special Assistant to the Chairman and Staff Director of the President's Council of Economic Advisers. Prior to assuming his current position in February 1981, he was Vice President, Chairman of the Country Review Committee, and Head of the Office of Government Affairs of Mellon Bank, N.A., Pittsburgh, Pennsylvania. Before joining Mellon Bank in 1971 he served as Economist and special assistant at the Board of Governors of the Federal Reserve System.

Dr. Burnham has also been on the faculty of the University of Pittsburgh as an adjunct associate professor in the Department of Economics and as lecturer in the School of Business. He was President of the Economic Club of Pittsburgh in 1975-1976. He is a member of the American Economic Association and the National Association of Business Economists.

Dr. Burnham graduated from Princeton University (A.B., 1961) and Washington University in St. Louis (Ph.D., 1970). He was a Fulbright Scholar in Brazil at the University of Sao Paulo. He is married, has four children and resides in Washington, D.C. He was born in New York City on October 22, 1939 and is the son of James Burnham, Senior Editor of National Review.

###

BPH

09563055  
IT023  
PE002-01

THE WHITE HOUSE  
WASHINGTON  
July 15, 1982

WS

MEMORANDUM FOR RONALD GEISLER

FROM: E. Pendleton James

EM

SUBJECT: PAS Nomination

The President has approved the nomination of

George R. Hoguet, of New York,  
to be United States Alternate  
Executive Director of the International  
Bank for Reconstruction and Development,  
for a term of two years, vice David S. King,  
resigned.

All necessary clearances have been completed.  
Please prepare the nomination papers.

cc: LRW

Announced: 7/14/82  
To Senate: 7/16/82  
08104155

NOTED  
hwy



82 JUL 15 P 7:16

7/16

-

OK per rged

Kathy Reid

ALSO:  
FRANKUM  
GREENLEAF  
RICHARD  
MALOLEY

WJ

RONALD W. REAGAN LIBRARY

THIS FORM MARKS THE FILE LOCATION OF ITEM NUMBER 12-13 LISTED ON THE  
WITHDRAWAL SHEET AT THE FRONT OF THIS FOLDER.

THE WHITE HOUSE  
WASHINGTON

July 12, 1982

MEMORANDUM FOR FLO TAUSSIG, PRESS OFFICE

FROM: Leslee P. Sherrill, Presidential Personnel

SUBJECT: Personnel Announcements

Please announce the President's intent to nominate the following individuals below. Biographical material attached.

*7/14/82*

~~TUESDAY, JULY 13, 1982~~

RONALD B. FRANKUM

To be an Associate Director of the Office of Science and Technology Policy, new position. He will also serve as Principle Deputy to the Director.  
PAS

CHARLES WILLARD GREENLEAF, JR.

To be an Assistant Administrator for the Agency for International Development (Asia), vice Jon D. Holstine, resigned.  
PAS

*GEORGE R. HOGUET, OF New York,*  
*(R)*

To be United States Alternate Executive Director of the International Bank for Reconstruction and Development, for a term of two years, vice David S. King, resigned. PAS

OLIVER G. RICHARD, III

To be a Member of the Federal Energy Regulatory Commission, for a term expiring 10/20/85, vice Matthew Holden, resigned.  
PAS

cc: James.Tharp  
von Damm  
Wood  
Schrote  
Cooksey  
Holland  
Geisler  
Mason  
Holmer

*Announced: 7/14/82*

*TORD 7/15/82 (7p)*

THE WHITE HOUSE

Office of the Press Secretary

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For Immediate Release

July 14, 1982

The President today announced his intention to nominate George R. Hoguet, of New York, to be United States Alternate Executive Director of the International Bank for Reconstruction and Development for a term of two years. He would succeed David S. King.

Mr. Hoguet is presently serving as a Consultant to the Department of Treasury. Prior to joining Treasury in June, 1982, he was Vice-President in the Project Finance Group of the Corporate Financial Services Department for Bankers Trust Company, New York, New York. From 1979 to 1981, he was Vice-President in the Mergers and Acquisitions Group of the Corporate Financial Services Department for Bankers Trust Company. He was Vice-President and Head Commercial Banking Training in 1978-1979. He joined Bankers Trust's Africa Group in the Middle East/Africa Division of the International Banking Department in August 1973. He was named Assistant Treasurer in 1974, Assistant Vice-President and Africa Group Head in 1975 and Vice-President in 1976. From 1969-1971, he was with Credit Commercial de France in Paris.

He graduated from Harvard College (B.A., 1969) and Harvard Graduate School of Business Administration (M.B.A., 1973). He is married with 2 sons and resides in Washington, D.C. Mr. Hoguet was born December 11, 1947 in New York, New York.

Copy to John Canty 9-16-83m



epn

10809055

THE WHITE HOUSE  
WASHINGTON

WS

IT023  
IT017  
IT002  
IT006  
FG011  
PE002-01

October 19, 1982

MEMORANDUM FOR RONALD GEISLER

FROM: Helene von Damm

*Helene v. Damm*

SUBJECT: PAS Nomination

The President has approved the nomination of

W. Allen Wallis, of New York,  
to be United States Alternate  
Governor of the International  
Bank for Reconstruction and  
Development for a term of five  
years; United States Alternate  
Governor of the Inter-American  
Development Bank for a term of  
five years; United States Alternate  
Governor of the Asian Development  
Bank; and United States Alternate  
Governor of the African Development  
Fund, vice Myer Rasish, resigned.

All necessary clearances have been completed.  
Please prepare the nomination papers.

*OK/RWD*  
*10/21/82*

cc: LRW

*Announced: 10/19/82*

*To Secretary of Senate 10/22/82*

*NOTED*  
*10/24*

281860

'82 OCT 21 P1:20

MEMORANDUM

To DD: 10/21/82  
1:20PM

THE WHITE HOUSE  
WASHINGTON

October 18, 1982

MEMORANDUM FOR FLO TAUSSIG, PRESS OFFICE

FROM: Claire O'Donnell, Presidential Personnel

SUBJECT: Personnel Announcements

Please announce the President's intent to nominate the following individuals below. Biographical material is attached.

TUESDAY, OCTOBER 19, 1982

(R) EDMUND T. DOMBROWSKI, of Calif;

To be a Member of the Federal Council on the Aging, for a term expiring 6/5/85, vice Aaron E. Henry, term expired. PAS

(R) W. ALLEN WALLIS

of ~~M. J.~~ (N.Y.)

*currently Under Sec. of State for Economic Affairs. will continue to serve.*

To be United States Alternate Governor of the International Bank for Reconstruction and Development for a term of five years; United States Alternate Governor of the Inter-American Development Bank for a term of five years; United States Alternate Governor of the Asian Development Bank; and United States Alternate Governor of the African Development Fund, vice Myer Rashish, resigned. PAS

cc: von Damm/Tharp  
Wood  
Schrote  
Cooksey  
Holland  
Geisler  
Holmer  
Mason  
Achui

*File checked at 11:05 am, 10/19/82  
Announced: 10/19/82*

October 22, 1982

Received from the White House a sealed envelope said to  
contain nominations by the President for the following-named  
persons:

Edward Lionel Peck, of California  
Betty H. Brake, of Oklahoma  
Edmund T. Dombrowski, of California  
Nanette Fabray MacDougall, of California  
W. Allen Wallis, of New York  
Ernst P. Frage, et al - U.S.N. list; 49 names  
Gary A. Avery, et al - U.S.N. list; 50 names  
Bruce C. Bechtel, et al - U.S.A.F. list; 20 names

*Thurston York*  
(Secretary of the Senate)

*4:53 P.M.*  
(Time received)

THE WHITE HOUSE

Office of the Press Secretary

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For Immediate Release

October 19, 1982

The President today announced his intention to nominate <sup>W. ALLEN</sup>~~Wilson A.~~ Wallis to be United States Alternate Governor of the International Bank for Reconstruction and Development for a term of five years; United States Alternate Governor of the Inter-American Development Bank for a term of five years; United States Alternate Governor of the Asian Development Bank; and United States Alternate Governor of the African Development Fund. He would succeed Myer Rashish. He is currently Under Secretary of State for Economic Affairs and will continue to serve in that capacity.

###



THE WHITE HOUSE  
WASHINGTON

147632  
IT083  
PR007-01  
FG012

5/31/83

MEMORANDUM

TO: CRAIG FULLER (Coordinate with William Clark)  
FROM: FREDERICK J. RYAN, JR. *FR*  
SUBJ: APPROVED PRESIDENTIAL ACTIVITY

MEETING: with A. W. Clausen, Chairman, World Bank, et al

DATE: July 11, 1983

*Prior to Summit  
Clausen asked JAB -  
Regan + JAB agreed to do*

TIME: 1:30 pm

DURATION: 20 minutes

6/9 - asked Chew for  
- Check w/ Chew on  
origin of request  
+ background

LOCATION: Oval Office

REMARKS REQUIRED: Talking points to be covered in briefing paper

MEDIA COVERAGE: If any, coordinate with Press Office

FIRST LADY PARTICIPATION: No

NOTE: PROJECT OFFICER, SEE ATTACHED CHECKLIST

- |     |               |                   |          |
|-----|---------------|-------------------|----------|
| cc: | A. Bakshian   | M. McManus        | W. Clark |
|     | R. Darman     | J. Rosebush       | C. Tyson |
|     | R. DeProspero | B. Shaddix        |          |
|     | K. Duberstein | W. Sittmann       |          |
|     | D. Fischer    | L. Speakes        |          |
|     | C. Fuller     | WHCA Audio/Visual |          |
|     | W. Henkel     | WHCA Operations   |          |
|     | E. Hickey     | A. Wroblewski     |          |



APPROVED FOR

THE WHITE HOUSE  
WASHINGTON  
Date: 7/11/89  
Time: 1:30  
Length: 20 min  
Date: 7/21/89  
FJR

SAMAH

Did we  
reschedule  
this  
FR

Dred

David Chew called

re: Reschedule meeting

for A.W. Clausen,

Chairman of World Bank.

He will be in town

June 1-6, and

then June 14 thru

mid July.

Meeting w/ POTUS, Sec Regan,

etc.

Samah

David Chew returned  
your call.

RONALD W. REAGAN LIBRARY

THIS FORM MARKS THE FILE LOCATION OF ITEM NUMBER 10 LISTED ON THE  
WITHDRAWAL SHEET AT THE FRONT OF THIS FOLDER.

THE WHITE HOUSE  
WASHINGTON

5/31/83

MEMORANDUM

TO: CRAIG FULLER (Coordinate with William Clark)  
FROM: FREDERICK J. RYAN, JR. *FR*  
SUBJ: APPROVED PRESIDENTIAL ACTIVITY

MEETING: with A. W. Clausen, Chairman, World Bank, et al

DATE: July 11, 1983

TIME: 1:30 pm

DURATION: 20 minutes

LOCATION: Oval Office

REMARKS REQUIRED: Talking points to be covered in briefing paper

MEDIA COVERAGE: If any, coordinate with Press Office

FIRST LADY  
PARTICIPATION: No

NOTE: PROJECT OFFICER, SEE ATTACHED CHECKLIST

|     |               |                   |          |
|-----|---------------|-------------------|----------|
| cc: | A. Bakshian   | M. McManus        | W. Clark |
|     | R. Darman     | J. Rosebush       | C. Tyson |
|     | R. DeProspero | B. Shaddix        |          |
|     | K. Duberstein | W. Sittmann       |          |
|     | D. Fischer    | L. Speakes        |          |
|     | C. Fuller     | WHCA Audio/Visual |          |
|     | W. Henkel     | WHCA Operations   |          |
|     | E. Hickey     | A. Wroblewski     |          |
|     | C. Hodges     | Nell Yates        |          |

## CHECKLIST FOR PROJECT OFFICERS

### General Responsibilities

- \_\_\_\_\_ Prepare and submit briefing paper to Richard Darman's Office by 3:00 pm of the preceding day. (14 copies)
- \_\_\_\_\_ Submit a complete, confirmed list of staff and attendees, identified by title, as well as the actual starting and completion times, to the President's Diarist, Office of Presidential Appointments and Scheduling within five (5) days after the event. (7560)
- \_\_\_\_\_ Coordinate with David Fischer on Presidential involvement and itinerary. (x2168)
- \_\_\_\_\_ Coordinate with Mark Weinberg in the Press Office (x2100) if applicable. Indicate home towns of participants.
- \_\_\_\_\_ If remarks are required, coordinate with the Speechwriters Office (x6266) well in advance.
- \_\_\_\_\_ Coordinate with Photographers Office, (x4050) if applicable.
- \_\_\_\_\_ If participant brings a gift, contact Mary Power (x7133) for handling.
- \_\_\_\_\_ If any foreign visitor or dignitary is to be involved, please coordinate with Charles Tyson of the NSC (x3440).

### West Wing Meetings

- \_\_\_\_\_ Notify and clear all participants. (Full name, social security number, date of birth).
- \_\_\_\_\_ Arrange parking with West Wing ushers and inform gate of arrival time and number of vehicles.
- \_\_\_\_\_ If tent name cards are needed, send a list of names to Muffie Brandon's office (x7064) 48 hours in advance.
- \_\_\_\_\_ All room arrangements (chairs, notepads, pencils, etc.) should be made through Carl Jones (x2275) or Nell Yates (x2605).
- \_\_\_\_\_ Coordinate with the Advance Office for Rose Garden events (x7565).

### Residence Events

- \_\_\_\_\_ Coordinate with the Social Secretary's office (x7064) for all arrangements.
- \_\_\_\_\_ Coordinate with the Advance Office for Presidential Arrangements and logistical support. (x7565)
- \_\_\_\_\_ Send guest list to Social Secretary's office, preferably three weeks prior to the event.

BROUGHT FORWARD

149196 CA  
IT023  
\_\_\_\_\_  
Previously filed                      Date

Name \_\_\_\_\_

Organization \_\_\_\_\_

\_\_\_\_\_ 146196 CA

IV083  
\_\_\_\_\_  
New File Symbol                      Date

Final Action \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



154412

IT023

/09

ID: 154412 CORRESPONDENCE TRACKING WORKSHEET PAGE D01  
 INCOMING CORRESPONDENCE DATE 830719 RECEIVED DATE 830721  
 (PREFIX) (FIRST) (LAST) (SUFFIX)  
 THE HONORABLE JACK F. KEMP  
 TITLE:

ORGANIZATION: U. S. HOUSE OF REPRESENTATIVES

STREET:

CITY: WASHINGTON STATE: DC ZIP: 20515

COUNTRY:

SUBJECT: RECOMMENDS MARY K. BUSH FOR APPOINTMENT AS  
 THE ALTERNATE EXECUTIVE DIRECTOR OF THE  
 WORLD BANK

|         |             |               |
|---------|-------------|---------------|
| AGY/OFF | ACTION CODE | TRACKING DATE |
| LADUBE  | ORG         | 830721        |

*(D) A 830811*

STAFF NAME: PRESIDENT REAGAN MEDIA: L OPID: LW TYPE: IBA  
 COMMENTS:

CODES: REPORT INDIV: 1240 USER: END

*✓ PP Dunlop A 830815*

*C 830831 DD*

1983 AUG 22 PM 3 44

RECEIVED



August 11, 1983

Dear Jack:

Thank you for your July 19 letter to the President urging the appointment of Mary K. Bush as Alternate Executive Director of the World Bank.

We appreciated receiving your strong endorsement of Ms. Bush and her qualifications for this post. Rest assured that your supportive remarks have been shared with the appropriate officials within the Office of Presidential Personnel, and that they will be given most careful consideration.

With best wishes,

Sincerely,

Kenneth M. Duberstein  
Assistant to the President

The Honorable Jack F. Kemp  
House of Representatives  
Washington, D.C. 20515

KMD:CMF:KRJ:jfc-8KMDMN

cc: w/copy of inc to Becky Dunlop - for appropriate action

WH RECORDS MANAGEMENT HAS RETAINED ORIGINAL



37  
KD  
#154412

ROOM 1618  
LONGWORTH HOUSE OFFICE BUILDING  
202-225-5107

JOE O. ROGERS  
EXECUTIVE DIRECTOR



**Republican Conference**  
**U.S. House of Representatives**  
**Washington, D.C. 20515**

**CHAIRMAN**  
**JACK F. KEMP, M.C.**  
31ST DISTRICT, NEW YORK

**VICE-CHAIRMAN**  
**JACK EDWARDS, M.C.**  
1ST DISTRICT, ALABAMA

**SECRETARY**  
**ROBERT J. LAGOMARSINO, M.C.**  
19TH DISTRICT, CALIFORNIA

19 July 1983

The President  
The White House  
Washington, D.C. 20500

Dear Mr. President:

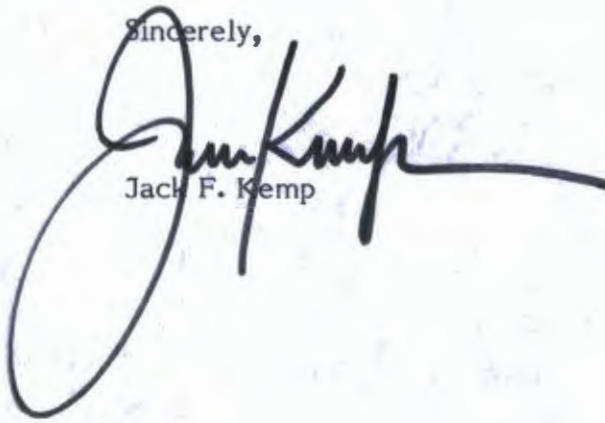
It has come to my attention that Mary K. Bush is being considered for the position of Alternate Executive Director of the World Bank. I offer a strong recommendation on her behalf.

Mary has a solid background in the technical banking issues which come before the World Bank. In nine years in the New York banking industry she rose to Vice President of Bankers Trust with responsibility for a diverse portfolio of financial instruments with particular emphasis on multinational firms. This experience will serve you well in the complicated lending decisions necessary in multilateral institutions.

Perhaps more important than her technical proficiency, Mary will bring to this position a very well developed sense of the role of the private sector in economic development and an appreciation for the limited role that government can play either domestically or through multilateral channels. Her work with Tim McNamar at Treasury has demonstrated clearly that she understands and supports your program for realigning the government role in economic development.

Mr. President, the World Bank is always surrounded by controversy and the role which it is taking in the current international debt problems has intensified scrutiny of its operations. I sincerely believe that by appointing Mary Bush to serve as your representative you will send a firm signal to all concerned that you are serious about reform and that you are steadfast in continuing your support for this important aspect of the international economic system.

Sincerely,

  
Jack F. Kemp

Received SS

1983 SEP 28 PM 12:46

THE WHITE HOUSE  
WASHINGTON

September 27, 1983

16203955  
I1023  
PE002-01

MEMORANDUM FOR RONALD GEISLER

FROM: JOHN S. HERRINGTON *JS*

SUBJECT: PAS Nomination

The President has approved the nomination of:

Hugh W. Foster, of California,  
to be United States Alternate Executive  
Director of the International Bank for  
Reconstruction and Development,  
for a term of two years, vice George R. Hoguet.

All necessary clearances have been completed.  
Please prepare the nomination papers.

*JS*  
9/29/83

*Announced: 9/27/83*

*To Senate: 9/29/83*

*NOTED  
dwy*

MEMORANDUM

THE WHITE HOUSE  
WASHINGTON

September 26, 1983

MEMORANDUM FOR ROBIN GRAY, PRESS OFFICE

FROM: Claire O'Donnell

SUBJECT: Personnel Announcement

Please announce the President's intent to nominate the following individual below. Biographical material is attached.

*Just*  
~~MONDAY~~, SEPTEMBER ~~26~~<sup>27</sup>, 1983

*(R) HUGH W. FOSTER, OF CANF.*

To be United States Alternate Executive Director of the International Bank for Reconstruction and Development for a term of two years, vice George R. Hoguet. (PAS)

NOTE: Per CO'D, HOGUET IS RESIGNING.

cc: Herrington/Tharp  
Dunlop  
Kennedy  
Holland  
Geisler  
Davis  
Bullock

*To RGD: 9/26/83 (12:45pm)  
Announced: 9/27/83*



THE WHITE HOUSE

Office of the Press Secretary

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For Immediate Release

September 27, 1983

The President today announced his intention to nominate Hugh W. Foster to be United States Alternate Executive Director of the International Bank for Reconstruction and Development for a term of two years. He would succeed George R. Hoguet.

Since 1982, Mr. Foster has served as United States Alternate Executive Director of the International Bank for Reconstruction and Development. He is currently on leave of absence from the Wells Fargo Bank in San Francisco, California, where he last served as Vice President and Area Manager of the bank's Asia Pacific Division. Previously, he served as Vice President and Area Manager in Mexico City in 1977-80; Vice President and Area Manager, China Sea Area, in 1975-77; and Assistant Vice President and Area Manager, Australasia Area, in 1974-75. He has held other positions with Wells Fargo Bank since 1969.

Mr. Foster graduated from Colgate University (A.B., 1965) and Stanford University Graduate School of Business (M.B.A., 1969). He is married, has five children, and resides in Washington, D.C. He was born December 13, 1943, in Baltimore, Maryland.

# # #



*WWS*

*WWS*

*167735  
1170  
IT023  
PE009  
FED12*

October 11, 1983

Dear Mr. Hoguet:

Thank you for your letter and I accept your resignation as the United States Alternate Executive Director of the International Bank for Reconstruction and Development, effective upon the appointment and qualification of your successor.

Your service to the Nation in this capacity has been greatly appreciated. I know that in the years ahead you will be able to look back with pride on your accomplishments.

You may be sure that you have my best wishes for every future success as you take on your new responsibilities as Deputy Assistant Secretary of the Treasury for International Affairs.

Sincerely,

**RONALD REAGAN**

The Honorable George R. Hoguet  
U.S. Alternate Executive Director  
The World Bank  
1818 H Street, N.W.  
Washington, D.C. 20433

RR:CO'D:vml--

NO REFERRAL

*Signed 10/11/83  
Orig. to Dede Menchaca, Room 1334, Treasury,  
for delivery: 10/11/83.*

*NOTED  
dwy*



53

THE WHITE HOUSE  
WASHINGTON

Received S  
1983 OCT -3 AM 11: 53

September 29, 1983

MEMORANDUM FOR THE PRESIDENT

FROM: JOHN S. HERRINGTON *JSH*

SUBJECT: Letters of Resignations

Attached for your review and signature are letters of acceptance for the resignations of the following persons:

Alfred L. Atherton, Jr., Ambassador to the Arab Republic of Egypt.

*→* George R. Hoguet, United States Alternate Executive Director of the International Bank for Reconstruction and Development.

*on/ps*



The World Bank  
1818 H Street, N.W.  
Washington, D.C. 20433  
September 26, 1983

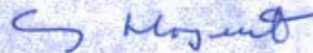
Dear Mr. President:

The Department of the Treasury has requested that I take up the duties of Deputy Assistant Secretary of the Treasury for International Affairs and serve as principal deputy to Assistant Secretary Marc E. Leland. Accordingly, I hereby resign as U.S. Alternate Executive Director to the World Bank, effective upon the nomination and qualification of my successor.

It has been a high honor to represent you in an important and visible world forum and a pleasure to assist Jim Burnham in exercising U.S. leadership in the World Bank and in defining its intellectual and economic agenda. Sustainable growth in the developing world can only be maintained through reliance on market forces and respect for individual rights. As well, the economic policies you have put into place have laid the basis for non-inflationary growth and prosperity in the 1980's and will benefit the developed and developing world alike.

I am grateful for the opportunity to have played a role in the Administration and look forward to working with the Treasury team and serving you in my new capacity.

Respectfully,



George R. Hoguet  
U.S. Alternate  
Executive Director

The President  
The White House  
Washington, D.C. 20500



KENNETH A. LAZARUS  
ATTORNEY AT LAW  
1875 EYE STREET, N.W.  
SUITE 1275  
WASHINGTON, D.C. 20006  
(202) 775-8900

PX

208814  
4640  
✓ ITO23  
FG006-01

January 12, 1982

The Honorable Craig L. Fuller  
The White House  
Washington, D.C. 20500

Dear Craig:

Enclosed is the resume of Dr. Michael Granfield, a close friend who is interested in being considered for the post of U.S. Executive Director to the World Bank. I am unclear as to whether it is a PAS, PA or Treasury appointment.

I first worked with Mike on the Hill in the early seventies and we have kept in close contact in the intervening years. He is bright, mature, articulate, tough and conservative.

Would you be so kind as to pass his name along to the appropriate office? On the merits, I believe he is worthy of the Administration's consideration.

On another note, I would like to take you, H.P. and Jim Rosebush to lunch on a day when it is convenient for the three of you. Please keep this in mind if and whenever they unshackle you from your desk.

Best regards,

  
Kenneth A. Lazarus

KAL:cch

Enclosure

Karen —  
I accept  
whenever....  
— why not tell  
Ken we  
forwarded the  
resume  
& pick a  
date for  
lunch  
CF

September 1, 1981

RESUME

MICHAEL E. GRANFIELD

Home Address:

11820 Hartsook St.  
North Hollywood, CA 91607  
(213) 769-9012

Office Address:

Graduate School of Management  
U.C.L.A.  
405 Hilgard Ave.  
Los Angeles, CA 90024  
(213) 825-2508

Date of Birth : December 16, 1943

Place of Birth: Joliet, Illinois

Education: B.A., Economics, 1965, University of Illinois  
Ph.D., Economics, 1970, Duke University

Work Experience:

1977-80 Associate Professor of Business Economics, U.C.L.A.  
Graduate School of Management

1976-77 Assistant Director for International Investment  
White House Council on International Economic Policy

Areas of responsibility in the Executive Branch:

- (1) Multinational Corporations and Investment
- (2) International Taxation
- (3) International Antitrust

1975-76 Senior Staff Economist, Council on International Economic Policy

1974-75 Chief Minority Economist, U.S. Senate, Antitrust and  
Monopoly Subcommittee

1968-74 Assistant Professor of Business Economics, U.C.L.A.  
Graduate School of Management

RESUME

Michael E. Granfield

Page Two

Additional Work Experience:

- 1981            Consultant to Westinghouse (Transfer Pricing)
- 1980 -            Consultant to Schlumberger (Fairchild) on International  
Present            Transfer Pricing
- 1979            U.S. - People's Republic of China Economic Development  
Seminar and Commission
- 1979 -            Consultant to IRS on International Taxation  
Present            (Transfer Pricing)
- 1977-79         Consultant to 3M Company on International Taxation  
(Transfer Pricing)
- 1977            Consultant to Center for Law in the Public Interest:  
"Sun Dance" case
- 1976-80         Board of Editors, Conflict
- 1974-76         Consultant to TAFT Broadcasting
- 1972-74         Consultant to Arnold and Porter and Cravath,  
Swain and Moore, on an antitrust case  
(GE and Westinghouse vs AEP)
- 1971-72         Consultant to KCET, Los Angeles
- 1971-72         Research Associate, Human Resources Research Center,  
University of Southern California,  
(worked on study of capital financing and prepaid  
medical care)

Other professional activities:

- (1) 1981 - L.A. County Productivity Commission
- (2) 1981 - California State Internship Committee

Publications:

(a) Books Published:

Granfield, M.E., An Economic Model of Residential Location,  
Ballinger Publishing Company (1975).



RESUME

Michael E. Granfield

Page Three

Publications - continued

(b) Chapters in Books:

1. Granfield, M.E., and Mittlebach, F.B., "Housing Problems, Goals, and Policies in Los Angeles," Chapter II, and "Expenditures and Housing Submarkets," Chapter IV in Report on the Housing Element for the General Plan of the City of Los Angeles, Division of Real Estate Research, GSM (June, 1970).
2. Granfield, M.E., "Concentrated Industries and Economic Performance," in Large Corporations in a Changing Society, Weston, J.F. (Ed.), New York University Press (Spring, 1975).
3. Granfield, M.E., "A Critique of the Structural Theory of Firm Performance," in Regulation and the Accounting Profession, Wadsworth, (Summer, 1980).
4. Granfield, M.E., "Competition in the Political Marketplace: Business or the Public Interest," in Corporate Enterprise in a New Environment, NYU Press (Fall, 1981).

(c) Professional Journal Articles Published:

1. Granfield, M.E., S.L. Conrad, and M. Oehm, "Toward Better Analysis of Social Programs," Inquiry, 10 (1973).
2. Granfield, M.E., "Residential Location: A Comparative Econometric Analysis," Applied Economics, 6 (1974).
3. Granfield, M.E. and A. Nicols, "Economic and Marketing Aspects of the Direct Selling Industry," Journal of Retailing, 51 (1975).
4. Granfield, M.E., "Resource Allocation Within Hospitals -- An Unambiguous Testing of the A-J Hypothesis," Applied Economics (Fall, 1975)
5. Granfield, M.E., and A.O. Osborne, "The Potential of Black Capitalism in Perspective," Public Policy (Winter, 1977).
6. Granfield, M.E., "An Economic and Political Analysis of Corporate Payments Abroad," Conflict (forthcoming).

RESUME

Michael E. Granfield

Page Four

(d) Other:

1. "The Concentration Hypothesis: Myth or Reality," special report for Senate Antitrust and Monopoly Subcommittee, Winter, 1975.
2. "An Analysis of the Federal Trade Commission's Line of Business Reporting," special report for Senate Appropriations Committee, Summer, 1975.
3. A critique of Robert Lindblom's "Politics and Markets."

References:

1. Ms. Marcie Montague  
Chief International Tax Counsel  
Fairchild Camera and Instrument Co.  
Mountain View, CA.
2. Mr. Walt Derrington  
Corporate Planning  
Fairchild Camera and Instrument Co.  
Mountain View, CA.
3. Mr. Allan Klein  
Chief International Tax Counsel  
Schlumberger,  
New York, NY.
4. Mr. Joseph Consoli  
Assistant Treasurer  
Memorex  
Sunnyvale, CA.
5. Mr. Ed Romoff  
District Supervisor  
International Division, IRS  
Los Angeles, CA.
6. Mr. Glen White  
Chief Tax Counsel  
Dow Chemical  
Midland, Mich.

RESUME

Michael E. Granfield

Page Five

References - continued

7. Professor J. Fred Weston  
Graduate School of Management, U.C.L.A.  
Los Angeles, CA.
8. Mr. James Schoenwetter  
International Tax Counsel, 3M  
St. Paul, Minn.
9. Mr. John Niehuss  
Merrill-Lynch  
1575 I Street  
N.W. Washington, D.C.
10. Senator Roman L. Hruska, (retired)  
(R, Nebraska).
11. Dr. J.M. Dunn  
President  
Can Manufacturers Institute  
Washington, D.C.
12. Mr. William Gorog  
Arbor International, Inc.  
McLean, Virginia.

*John*

1984 JUN 28 PM 3:11

THE WHITE HOUSE  
WASHINGTON

June 28, 1984

OK-RGD, pu SE  
6/28/84

3:10 PM

WBJ

21787155

ITD23

PE002-01

MEMORANDUM FOR RONALD GEISLER

FROM: JOHN S. HERRINGTON

*John*

SUBJECT: PAS Nomination

The President has approved the nomination of:

James B. Burnham, of Pennsylvania,  
to be United States Executive  
Director of the International  
Bank for Reconstruction and  
Development for a term of two  
years, reappointment.

All necessary clearances have been completed.  
Please prepare the nomination papers.

cc: BND

Announced: 6/28/84  
To Senate: 6/28/84

NOTED  
dws

MEMORANDUM

THE WHITE HOUSE  
WASHINGTON

TO RGD: 6/28/84  
3:10 PM

June 27, 1984

MEMORANDUM FOR FLO TAUSSIG, PRESS OFFICE

FROM: Claire O'Donnell  
SUBJECT: Personnel Announcements

Please announce the President's intent to nominate the following individuals. Biographical material is attached.

THURSDAY, JUNE 28, 1984

→ (R) JAMES B. BURNHAM, OF PA.

To be United States Executive Director of the International Bank for Reconstruction and Development for a term of two years. (reappointment) (PAS)

RICHARD H. HUGHES

To be a Member of the Export-Import Bank of the United States vice James Ernest Younge, resigned (PAS)

TEX LEZAR

To be an Assistant Attorney General (Office Legal Policy) vice Jonathan C. Rose, resigned.

Announced: 6/28/84

cc: Herrington  
Dunlop  
Kennedy  
Holland  
Geisler  
Bullock

mg



THE WHITE HOUSE

Office of the Press Secretary

---

For Immediate Release

June 28, 1984

The President today announced his intention to nominate James B. Burnham to be United States Executive Director of the International Bank for Reconstruction and Development for a term of two years. This is a reappointment.

Since 1982, he has been serving as U.S. Executive Director of the International Bank for Reconstruction and Development at the World Bank. Previously, he was Special Assistant to the Chairman of the Council of Economic Advisors in 1981-1982; Vice President of the Mellon Bank, N.A., in 1971-1981; and Special Assistant to Governor Maisel at the Board of Governors of the Federal Reserve System in 1969-1971.

He graduated from Princeton University (A.B., 1961) and Washington University (Ph.D., 1970). He is married, has four children and resides in Washington, D.C. He was born October 22, 1939 in New York, New York.

# # #

9/9  
ID # 221792

**WHITE HOUSE  
CORRESPONDENCE TRACKING WORKSHEET**

J TO 23

O - OUTGOING

H - INTERNAL

I - INCOMING

Date Correspondence Received (YY/MM/DD) 84,03,31

Name of Correspondent: Dr. George Novak

MI Mail Report

User Codes: (A) \_\_\_\_\_ (B) \_\_\_\_\_ (C) \_\_\_\_\_

Subject: Writer sends petition to revoke the immunity of World Bank.

**ROUTE TO:**

**ACTION**

**DISPOSITION**

| Office/Agency (Staff Name) | Action Code           | Tracking Date YY/MM/DD | Type of Response  | Code | Completion Date YY/MM/DD |
|----------------------------|-----------------------|------------------------|-------------------|------|--------------------------|
| <u>CO Kell</u>             | <u>ORIGINATOR</u>     | <u>DDI 84,04,11</u>    |                   |      | <u>C 84,05,11</u>        |
| <u>EEOC</u>                | <u>R</u>              | <u>84,04,13</u>        | <u>NAN</u>        |      | <u>C 84,05,11</u>        |
|                            | <u>Referral Note:</u> |                        | <u>(See memo)</u> |      |                          |
|                            |                       | <u>1 1</u>             |                   |      | <u>1 1</u>               |
|                            | <u>Referral Note:</u> |                        |                   |      |                          |
|                            |                       | <u>1 1</u>             |                   |      | <u>1 1</u>               |
|                            | <u>Referral Note:</u> |                        |                   |      |                          |
|                            |                       | <u>1 1</u>             |                   |      | <u>1 1</u>               |
|                            | <u>Referral Note:</u> |                        |                   |      |                          |

**ACTION CODES:**

- A - Appropriate Action
- C - Comment/Recommendation
- D - Draft Response
- F - Furnish Fact Sheet to be used as Enclosure

- I - Info Copy Only/No Action Necessary
- R - Direct Reply w/Copy
- S - For Signature
- X - Interim Reply

**DISPOSITION CODES:**

- A - Answered
- B - Non-Special Referral
- C - Completed
- S - Suspended

**FOR OUTGOING CORRESPONDENCE:**

- Type of Response = Initials of Signer
- Code = "A"
- Completion Date = Date of Outgoing

Comments: \_\_\_\_\_

Keep this worksheet attached to the original incoming letter.  
Send all routing updates to Central Reference (Room 75, OEOB).  
Always return completed correspondence record to Central Files.  
Refer questions about the correspondence tracking system to Central Reference, ext. 2590.



# RECORDS MANAGEMENT ONLY

## CLASSIFICATION SECTION

No. of Additional Correspondents: \_\_\_\_\_ Media: L Individual Codes: 4690 \_\_\_\_\_

Prime Subject Code: IT023 Secondary Subject Codes: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

## PRESIDENTIAL REPLY

| Code | Date  | Comment     | Form         |
|------|-------|-------------|--------------|
| C    | _____ | Time: _____ | P- _____     |
| DSP  | _____ | Time: _____ | Media: _____ |

**SIGNATURE CODES:**

- CPn - Presidential Correspondence**
- n - 0 - Unknown
- n - 1 - Ronald Wilson Reagan
- n - 2 - Ronald Reagan
- n - 3 - Ron
- n - 4 - Dutch
- n - 5 - Ron Reagan
- n - 6 - Ronald
- n - 7 - Ronnie
  
- CLn - First Lady's Correspondence**
- n - 0 - Unknown
- n - 1 - Nancy Reagan
- n - 2 - Nancy
- n - 3 - Mrs. Ronald Reagan
  
- CBn - Presidential & First Lady's Correspondence**
- n - 1 - Ronald Reagan - Nancy Reagan
- n - 2 - Ron - Nancy

**MEDIA CODES:**

- B - Box/package
- C - Copy
- D - Official document
- G - Message
- H - Handcarried
- L - Letter
- M - Mailgram
- O - Memo
- P - Photo
- R - Report
- S - Sealed
- T - Telegram
- V - Telephone
- X - Miscellaneous
- Y - Study

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
WASHINGTON, D.C. 20507



OFFICE OF  
CONGRESSIONAL AFFAIRS

MAY 10 1984

MEMORANDUM

TO: Sally Kelley, Director  
Agency Liaison  
Presidential Correspondence

FROM: Phyllis Berry *Phyllis Berry*  
Director

SUBJECT: Dr. George J. Novak  
Your I.D. #221792

We are returning the attached correspondence to you, since a reply from EEOC would be inappropriate. Mr. Novak is requesting that President Reagan revoke the immunity of the World Bank by Executive Order - - a matter over which the EEOC has no jurisdiction.

Attachment



T H E   W H I T E   H O U S E   O F F I C E

REFERRAL

APRIL 13, 1984

TO: EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

ACTION REQUESTED:

DIRECT REPLY, FURNISH INFO COPY

DESCRIPTION OF INCOMING:

ID: 221792

MEDIA: LETTER, DATED MARCH 26, 1984

TO: PRESIDENT REAGAN

FROM: DR. GEORGE J. NOVAK  
2422 K STREET, NW  
WASHINGTON DC 20037

SUBJECT: WRITER SENDS PETITION TO REVOKE THE  
IMMUNITY OF WORLD BANK

PROMPT ACTION IS ESSENTIAL -- IF REQUIRED ACTION HAS NOT BEEN  
TAKEN WITHIN 9 WORKING DAYS OF RECEIPT, PLEASE TELEPHONE THE  
UNDERSIGNED AT 456-7486.

RETURN CORRESPONDENCE, WORKSHEET AND COPY OF RESPONSE  
(OR DRAFT) TO:  
AGENCY LIAISON, ROOM 91, THE WHITE HOUSE

SALLY KELLEY  
DIRECTOR OF AGENCY LIAISON  
PRESIDENTIAL CORRESPONDENCE

CH-C

#781

APR 16 1984



50  
EEOC

March 26, 1984

The President  
The White House  
Washington, D.C. 20500

221792

Petition to Revoke the Immunity of the World Bank

*Skelly*  
I, the undersigned, petition my President to revoke the immunity of the World Bank, 1818 H Street, N.W., Washington, D.C., from judicial process which Executive Order No. 9751, 3 C.F.R. 558, granted it as an international organization pursuant to the International Organizations Immunities Act, 22 U.S.C. 288 (1976).

U.S. Court of Appeals decided on September 27, 1983, that the World Bank is not subject to the laws of the United States or any other nation, but that

*encl.*  
"To the extent widespread disregard of employees' contract rights indicates that an international organization is abusing its immunity from judicial process, a revocation of immunity under section 1 of the Act could be justified. See 22 U.S.C. 288 (1976). Mendaro v. World Bank, U.S.App.D.C. 717 F.2d 610, 616, n.41, D.C.Cir. 1983.

There is considerable evidence showing that the World Bank has been abusing its immunity from judicial process, and that there has been a widespread disregard of the rights of its employees, justifying a revocation of its immunity from judicial process at this time.

After this petitioner had filed a legal action against the World Bank in 1979, over one thousand employees of the World Bank signed a public petition and retained legal counsel to support petitioner's action as amicus curiae in order to establish their right to litigate their grievances in court. (See Attachment C, letter of Nussbaum to Richey dated April 9, 1979).

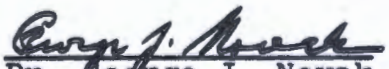
In response to the demands of its employees, the World Bank established an Appeals Committee in 1977-78. However, this committee proved to be ineffective because it only had the power to make recommendations, and it was itself composed of the members of the World Bank Management.

Recognizing this ineffectiveness of the Appeals Committee to represent the interests of staff members, the World Bank Staff Association demanded a more impartial tribunal, and the World Bank finally established an administrative tribunal in 1980, but with very limited jurisdiction and again hardly any independence from the World Bank Management. Petitioner had applied to this Tribunal and it ruled that his application was "inadmissible." (See Attachment J: W.B.A.T. Report No. 8).

The fact that after three decades of its operations, the World Bank established an appeals committee, and soon thereafter an administrative tribunal, shows persuasively that the disregard of the rights of its employees has become widespread in recent years. Members of the U.S. Congress have recently recognized the widespread abuses of employees' rights by the World Bank, as shown in recent letters to Hon. A.W. Clausen, President of the World Bank (See Attachments G and H).

Employees of the World Bank who have petitioned you and the previous Presidents have been referred to the Equal Employment Opportunity Commission which has invariably replied that the World Bank "is not subject to the laws of the United States or of any other member nation" and that the employees have "no recourse through the laws of this country." (See Attachments A, D and E).

The conclusion is inescapable that the World Bank has been abusing the rights of its employees, that the abuses have been widespread, and that in view of this widespread disregard of employees' rights, the immunity of the World Bank from judicial process should be revoked at this time by withdrawing Executive Order No. 9751, 3 C.F.R. 558 (1943-48 Comp.) or by any other appropriate means.

  
Dr. George J. Novak  
2422 K Street, N.W.  
Washington, D.C. 20037  
(202) 342-0795

Attachments



EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
WASHINGTON, D.C. 20506



MIL 26 1977

IN REPLY REFER TO:

Ms. Jacqueline Smith Scott  
3301 Steed Road  
Oxon Hill, Maryland 20022

Dear Ms. Scott:

Your letters to the President and Mrs. Carter concerning your employment problem at the World Bank has been referred by the White House to this office for a response.

As you may know, the Equal Employment Opportunity Commission administers Title VII of the Civil Rights Act of 1964, as amended, which prohibits discrimination based on a person's race, sex, color, religion and national origin by private employers, employment agencies, labor organizations, educational institutions, and State and local governments. However, the World Bank, an international governmental agency, is not subject to the laws of the United States or of any other member nation, pursuant to the Articles of Agreement drawn up at Bretton Woods in 1944 and subsequently ratified by the United States. Thus, it would appear that you have no recourse through the laws of this country.

I regret that I cannot provide you with the assistance you need in this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Sidney A. Wexler".

Sidney A. Wexler  
Deputy Director  
Office of Congressional Affairs



UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

Address Reply to the  
Division Indicated  
and Refer to Initials and Number

DSD:ERA:MKM  
144-16-0

May 9, 1978

Mr. George J. Novak  
628 A Street, N.E.  
Washington, D. C. 20002

Dear Mr. Novak:

This is in reply to your recent correspondence. We apologize for the delay of this response.

We have carefully considered the information you furnished. The circumstances you describe do not indicate a violation of a federal statute. Therefore, we have no authority to take any action on this matter.

Since you believe your rights have been violated, you may wish to retain a private attorney. However, if you lack the necessary funds, you may wish to contact the nearest Office of the Public Defender or the nearest legal aid office, to determine what remedies, if any, are available to you.

Sincerely,

Drew S. Days III  
Assistant Attorney General  
Civil Rights Division

By: *E. R. Aikens III*

E. R. Aikens III  
Civil Rights Division



**NUSSBAUM & OWEN**

1800 M STREET, N.W.

WASHINGTON, D. C. 20036

(202) 833-8900

TELEX NOWEN 64519

CABLE NOWEN WASHDC

Attachment C

MICHAEL NUSSBAUM  
MARGUERITE S. OWEN  
RONALD G. PRECUP  
JAMES P. DAVENPORT

MARTIN R. SAACH  
KATE A. MARTIN

LUCIEN HILMER  
OF COUNSEL

April 9, 1979

BY HAND

The Honorable Charles R. Richey  
United States District Judge  
United States District Court  
for the District of Columbia  
John Marshall & Constitution  
Avenue, Northwest  
Washington, D.C. 20001

Re: Novak v. World Bank  
Civil Action No. 79-0641

Dear Judge Richey:

Over one thousand World Bank employees have recently retained us to intervene or appear as amicus curiae on their behalf in the above-captioned action. The plaintiff, a former Bank employee, alleges that the Bank discriminated against him and otherwise violated his rights during the time of his employment.

The defendant has been given until April 25 to file a responsive pleading.

The interest of our clients is limited to the issue of whether this Court has jurisdiction over suits against the World Bank, a question that appears to be one of first impression in the courts of the United States. We intend to take no position on the merits of plaintiff's claims.

We respectfully request the Court, schedule permitting, to hold a brief status conference to establish a timetable for resolving the jurisdictional issue and to determine a procedure whereby our appearance would neither delay the case nor interfere with an orderly disposition on the merits. Because I must leave for South America on April 19 for lengthy arbitration hearings, I would be appreciative if the conference could take place before then so that I may personally attend.

The Honorable Charles R. Richey

---

The plaintiff, who is appearing pro se, as well as counsel for the defendant are aware of our interest in this matter and we are, of course, sending them copies of this letter.

Respectfully,



Michael Nussbaum

MN:hm

cc (by hand): Mr. George J. Novak  
Alexander F. Wiles, Esq.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
WASHINGTON, D.C. 20006  
Washington Area Office, 1717 H St., N.W., Suite 402

Charge No: 032-790522

George J. Novak  
628 H Street, N. E.  
Washington, D. C. 20002

Charging Party

The World Bank  
1918 H-Street, N. W.  
Washington, D. C. 20433

Respondent

DISMISSAL

Under the authority vested in me by the Commission's Procedural Regulations, I issue on behalf of the Commission, the following determination dismissing the charge for lack of jurisdiction.


The World Bank is an international governmental agency and therefore not subject to the laws of the United States or any other member nation, pursuant to the Articles of Agreement drawn up at Bretton Woods in 1944 and subsequently ratified by the United States. Thus, it would appear that you have no recourse through the laws of this country.

This dismissal concludes the Commission's processing of this charge.

On Behalf of the Commission:

MAY 31 1979

Date

  
Area Director

Enclosure: Copy of charge



Personnel → MENDARO

CONFIDENTIAL

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
WASHINGTON AREA OFFICE  
1717 H STREET N.W., ROOM 402  
WASHINGTON, D.C. 20006



Charge No: 032-800226

Susana Mendaro  
1352 Q Street, N. W.  
Washington, D. C. 20009

Charging Party

The World Bank  
1818 H Street, N. W.  
Washington, D. C. 20433

Respondent

DISMISSAL

Under the authority vested in me by the Commission's Procedural Regulations, I issue on behalf of the Commission the following determination dismissing the charge for lack of jurisdiction.

The World Bank is an international governmental agency and therefore not subject to the laws of the United States or of any other member nation, pursuant to the Articles of Agreement drawn up at Bretton Woods in 1944 and subsequently ratified by the United States. Thus, it would appear that you have no recourse through the laws of this country.

This dismissal concludes the Commission's processing of this charge.

On Behalf of the Commission:

FEB 12 1980

Date

CLARENCE BELL  
Area Director

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
WASHINGTON, D.C. 20548

Attachment F

RECEIVED

JUL 30 1980

July 29, 1980

OFFICE OF THE  
GENERAL COUNSEL

Cynthia A. Lewis, Esq.  
Beveridge, Fairbanks & Diamond  
1333 New Hampshire Avenue, N. W.  
Washington, D. C. 20036

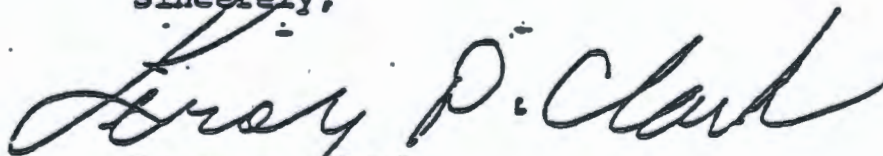
Re: Mendaro v World Bank, C.A. No. 80-1204

Dear Ms. Lewis:

On July 22, 1980, the Commission considered whether the International Bank for Reconstruction and Development (World Bank) falls within the jurisdiction of Title VII of the Civil Rights Act of 1964, as amended. The Commission voted to ratify the Dismissal issued by Mr. Clarence Bell on February 12, 1980, insofar as it dismissed Ms. Mendaro's charge due to lack of jurisdiction.

I will assume this letter can be substituted for the affidavit I previously supplied to you in this above matter.

Sincerely,



Leroy D. Clark  
General Counsel



# MENDARO SUPPORT COMMITTEE

507 - 7th Street, N.E.  
Washington, D.C. 20002

Attachment G

September 22, 1983

The Honorable A. W. Clausen  
President  
The World Bank  
1818 H Street, NW, Suite E1227  
Washington, D.C. 20433

Dear President Clausen:

We, the undersigned U.S. and Argentinian women's organizations, write to ask for your personal commitment and involvement in providing Ms. Susana Mendaro with a fair and open hearing before the World Bank Administrative Tribunal.

Ms. Mendaro worked for the World Bank as a development planner between 1977 and 1979. During these years she received superb job evaluations and the Bank received excellent commendations from the borrowers with whom she worked. Client countries were impressed by her level of energy, insight, commitment and organizational skills. However, in 1979, after she complained about sexual harassment and sex discrimination at the Bank, her employment was terminated. We are attaching herewith an outline of her charges.

Unfortunately, Ms. Mendaro's case appears not to be an isolated instance. As indicated in the report produced by the Bank Staff Association, "Status on Women in the Bank," the statistics on the hiring and promotion of women at the Bank are appalling.

We are seriously concerned that the Bank's claimed immunity from suit to challenge and redress such sex discrimination will provide an excuse to permit sexual harassment and sex discrimination to continue. Fair handling of Ms. Mendaro's claim by the Administrative Tribunal would encourage the recognition of women's intellectual and professional abilities at the Bank. This would be a sorely-needed new institutional beginning.

---

---



Your support will be appreciated.

Sincerely,

Char Mollison  
Women's Equity Action League

Mary H. Purcell  
American Association of  
University Women

Ann E. Moss  
Women's Pension Project

Sara Rioja / SPR  
Derechos Iguales Para la Mujer Argentina

Irma Broseau  
Natl. Fed. of Business & Professional  
Women's Club, Inc.

Gloria Boulder / SPR  
Centro de Estudios de la Mujer

Civil Madison  
WIDER OPPORTUNITIES FOR WOMEN, INC.

Maria Elena Oddone / SP  
Organización Feminista Argentina

Kathy Wilson  
National Women's Political Caucus

Ethel Susana Diaz / SPR  
Asociación Argentina de Mujeres  
de Carreras Juridicas

**EXECUTIVE COMMITTEE**

Patricia Schroeder, Co-chair  
Olympia Snowe, Co-chair  
Lindy (Mrs. Hale) Boggs, Secretary  
Marcy Kaptur, Treasurer  
Barbara Boxer  
Cardiss Collins  
Geraldine Ferraro  
Katie Hall  
Nancy Johnson  
Nancy Kassebaum  
Barbara Kennelly  
Barbara Mikulski  
Mary Rose Oakar  
Claudine Schneider

(membership list on back)

2471 Rayburn Building  
(202) 225-6740

Ann Charnley Smith  
Executive Director

# Congressional Caucus

for

## Women's Issues

Congress of the United States  
Washington, D.C. 20515

Attachment H

September 27, 1983

The Honorable A.W. Clausen, President  
The World Bank  
1818 H Street N.W. Suite E1227  
Washington, D.C. 20433

Dear President Clausen:

As co-chairs of the Congressional Caucus for Women's Issues, the charges of sexual harrasment made by Susan Mendaro, a former employee of the World Bank, against that institution causes us concern. We ask you to intervene in her behalf.

The World Bank holds a unique position in extending and encouraging opportunities for growth and development to struggling, lesser developed countries. When the Bank is called into question for discriminatory treatment of its female employees - a group which has gained international recognition as being categorically denied equality of opportunity - then questions necessarily arise of the Bank's commitment to an international development which recognizes the potential contributions of women, as well as men. We hold that equal opportunity, regardless of sex, is vital to the development of all modern societies. Our opinion is shared by the United Nations.

Ms. Mendaro worked for the World Bank as a development planner between 1977 and 1979. During these years, she received superb job evaluations, and the Bank received excellent commendations from the borrowers with whom she had worked. Client countries were impressed by her level of energy, insight, commitment, and organizational skills. However, in 1979, after she complained of sexual harrasment and sex discrimination at the Bank, her employment was terminated. We are attaching herewith an outline of her charges.

We are further concerned that Ms. Mendaro's case may not be an isolated instance. The report, "Status on Women in the Bank", produced by the Bank Staff Association, indicates that the hiring and promotion of women at the World Bank bears little correlation to other banks strides towards sex equity. In sum, the statistics on the hiring and promotion of women at the Bank are appalling. To quote from the report: "Set against the experience of certain U.S. comparators and other international organizations, the Bank's performance has generally been poor. The Bank still ranks among the lowest for total percentage of higher level women."



The Honorable A.W. Clausen

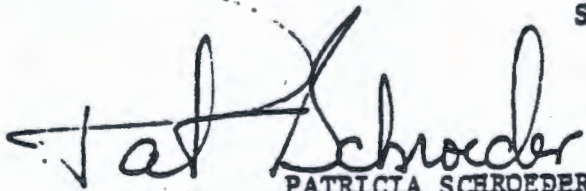
Page Two

September 27, 1983

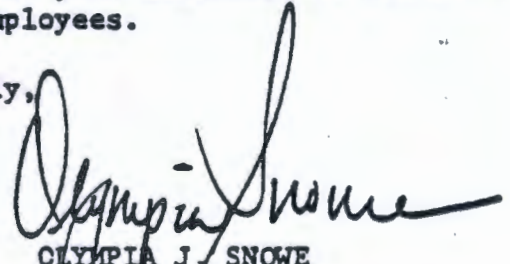
The Bank's claimed immunity from suit to challenge and redress alleged discrimination will certainly encourage the perpetuation of sexual harrassment and sex discrimination within the Bank. We are certain that you must share our concern for the female employees of the Bank. Ms. Mendaro's claim must receive fair handling by the Administrative Tribunal if the Bank is to regain our respect, as well as the respect of many of our colleagues.

We urge you, with our fullest respect, to use your influence on behalf of Ms. Mendaro, as well as all your female employees.

Sincerely,



PATRICIA SCHROEDER  
Member of Congress  
1st District, Colorado



OLYMPIA J. SNOWE  
Member of Congress  
2nd District, Maine



Attachment J

WORLD BANK ADMINISTRATIVE TRIBUNAL

Reports

1982

No. 8

George J. Novak,  
Applicant

v.

International Bank for Reconstruction and Development,  
Respondent

World Bank Administrative Tribunal  
Office of the Executive Secretary  
1982

Notice: This opinion is subject to formal revision before publication in the Federal Reporter or U.S.App.D.C. Reports. Users are requested to notify the Clerk of any formal errors in order that corrections may be made before the bound volumes go to press.

## United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

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No. 82-1316

GEORGE J. NOVAK, APPELLANT

v.

WORLD BANK, ET AL.

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Appeal from the United States District Court  
for the District of Columbia

(D.C. Civil Action No. 81-01329)

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Argued November 18, 1982

Decided April 1, 1983

*George J. Novak, pro se.*

*David P. Durbin, with whom Lawrence E. Carr, Jr.,*  
was on the brief, for appellee.

Before: MACKINNON and SCALIA, *Circuit Judges*, and  
SWYGERT,\* *Senior Circuit Judge*, United States  
Court of Appeals for the Seventh Circuit.

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\* Sitting by designation pursuant to 28 U.S.C. 294(d).

Bills of costs must be filed within 14 days after entry of judgment. The court looks with disfavor upon motions to file bills of costs out of time.



Opinion for the Court filed by *Circuit Judge* MACKINNON.

MACKINNON, *Circuit Judge*: Appellant, George J. Novak, proceeding *pro se*, appeals the dismissal of his action against his former employer, the World Bank,<sup>1</sup> and his local bank, Madison National Bank (Madison National), alleging age discrimination, in violation of 29 U.S.C. § 623(a) (1976),<sup>2</sup> and conspiracy to deter, by intimidation and harassment, his prosecution of actions against World Bank in the United States courts, in violation of 42 U.S.C. § 1985(2) (Supp. IV 1980).<sup>3</sup> The

<sup>1</sup> The World Bank was created by the Articles of Agreement respecting the International Bank for Reconstruction and Development, signed at Washington, December 27, 1945 by the United States and other world powers. 60 Stat. 1440, T.I.A.S. No. 1502.

<sup>2</sup> 29 U.S.C. § 623(a) (1976) provides:

It shall be unlawful for an employer—

(1) to fail or refuse to hire or to discharge any individual or otherwise discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's age . . . .

Appellant properly based federal jurisdiction for this claim on 28 U.S.C. § 1331 (Supp. V 1981).

<sup>3</sup> 42 U.S.C. § 1985 (Supp. IV 1980) provides:

(2) If two or more persons in any State or Territory conspire to deter, by force, intimidation, or threat, any party or witness in any court of the United States from attending such court, or from testifying to any matter pending therein, freely, fully, and truthfully, or to injure such party or witness in his person or property on account of his having so attended or testified . . . .

(3) . . . [I]n any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for

district court summarily dismissed appellant's complaint against Madison National on the grounds of *res judicata*. The complaint against World Bank was dismissed for failure to perfect service. *Novak v. World Bank*, No. 81-1329 (D.D.C. Feb. 4, 1982). We reverse because *res judicata* does not apply to the complaint against Madison National and because there is a reasonable prospect that service can be made on World Bank.

### I.

Appellant, age 53 when he filed his complaint in 1981, was an employee of World Bank from April 1967 until his dismissal in October 1979. His complaint in this action alleges a litany of misdeeds allegedly perpetrated against him by World Bank in pursuit of a policy of age discrimination. Complaint ¶¶ 20-27.<sup>4</sup> Appellant claims that World Bank harassed, threatened, and intimidated him as he attempted to pursue his employment discrimina-

the recovery of damages occasioned by such injury or deprivation, against any one or more of the conspirators.

Appellant properly based federal jurisdiction for this claim on 28 U.S.C. § 1343(a) (1) (Supp. V 1981).

<sup>4</sup> Appellant alleges:

The World Bank has engaged in impermissible and malicious covert and overt age discrimination practices in employment by recruiting . . . highly trained professional specialists under the age of 40 years, overloading them with work during the most productive years of their lives, and starting at about the age of 48 years, when they could not get another career appointment elsewhere, gradually increasing the workload and harassing them until they either resigned or suffered a sudden and untimely death, as official World Bank obituaries and personnel records show. The rationale of this harsh discrimination and extermination policy has been to project a youthful and dynamic image of the Bank staff at the expense of career development and human lives. . . .

Complaint ¶ 43.



tion claims. Complaint ¶¶ 34-42, 45.<sup>5</sup> He also asserts that Madison National participated in a conspiracy with World Bank and others to implicate him in a check forging scheme and thereby force his resignation, and to harass and intimidate him. Complaint ¶¶ 15, 28-33, 46.<sup>6</sup>

<sup>5</sup> Appellant alleges:

[S]tarting in October 1978, [appellant] received several phone calls with threats to kill him and messages that some special agents were looking for him. [Appellant] felt that his life was in jeopardy and he urged the [World Bank] Appeals Committee to expedite the consideration of his [age discrimination] appeal. . . . [T]he Committee denied all relief.

Although [appellant] experienced no harassment for three months, on March 8, 1979, two days after his Civil Action No. 79-0641 (filed in [the district] Court) was served on the World Bank . . . two agents appeared at about 8:15 a.m. (at exactly the same time of day as that when the chief communications officer of the World Bank was fatally shot in the basement) at the address which [appellant] stated in CA No. 79-0641. The agents, armed with guns, demanded to see [appellant]. Although they were told that he was not inside, the agents did not leave without searching the house.

Complaint ¶¶ 35-36.

<sup>6</sup> Appellant alleges that World Bank, in concert with Madison National and the United States Treasury Department, searched and located a Treasury obligation maturing on May 4, 1978, in the name of one Harry Novak whose signature resembled that of appellant. Appellant asserts that these conspirators arranged to have the check in payment of this obligation deposited to an account at Madison National in the name of Harry Novak, but bearing appellant's home address. He further alleges that Madison National laid the groundwork for this scheme by misprinting checks he ordered early in 1978 with the name Harry Novak, by forwarding checks and statements with the name Harry Novak to his home address, and by attempting to get his fingerprints on a signature card with the name Harry Novak, all despite his

This action is appellant's third attempt to assert his claims against World Bank in federal court. In February 1979, appellant commenced an action in the district court alleging that World Bank had impermissibly discriminated against him on the basis of age and nationality, and had harassed him during the administrative review process, in violation of his Fifth Amendment rights. Complaint ¶ 26, *Novak v. World Bank*, No. 79-0641 (D.D.C. filed Feb. 26, 1979). Appellant's complaint sought, *inter alia*, to enjoin World Bank "and those acting openly or covertly in concert with them, from threatening or engaging in any acts of reprisal, retribution, punishment or harassment against plaintiff because of his attempts to vindicate his right to equal employment opportunity." *Id.*, Part V, ¶ 7. This action did not include Madison National, nor did it aver the facts alleged in the present action with respect to that entity. The district court dismissed the action for failure to state a claim. *Novak v. World Bank*, No. 79-0641, slip op. at 4 (D.D.C. June 12, 1979).<sup>7</sup> No appeal was taken.

repeated protests. Complaint ¶¶ 28-31, 33. Appellant further claims:

The Madison National Bank allowed itself to be used as an accomplice either through reckless negligence or by entering into a conspiracy with the World Bank and the special agents who have been harassing and intimidating [appellant] under color of state and federal laws in order to discourage him in seeking a redress of his grievances before the federal courts.

Complaint ¶ 46.

<sup>7</sup> The district court noted that appellant failed to allege that he had given the Secretary of Labor the requisite notice of intent to sue and, therefore, his age discrimination action did "not state a claim under the Age Discrimination in Employment Act, 29 U.S.C. § 621 *et seq.* (1976)." *Novak v. World Bank*, No. 79-0641, *supra*, slip op. at 3. The district court rejected appellant's harassment claim because the Fifth Amendment did not apply to the World Bank as it was not a branch of the federal government. *Id.*



Undeterred, appellant filed a second action alleging essentially the same facts as his first, but grounding recovery against World Bank on "negligent business practices and personal injury." Complaint ¶ 20, *Novak v. World Bank*, No. 79-2305 (D.D.C. filed Aug. 29, 1979). Once again, Madison National was not a party to, nor mentioned in, appellant's action. The district court dismissed the action on the grounds of res judicata. *Novak v. World Bank*, No. 79-2305 (D.D.C. Oct. 23, 1979), *aff'd without opinion*, No. 79-2382 (D.C. Cir. Apr. 28, 1980).

Madison National filed a motion to dismiss appellant's most recent action, claiming that principles of res judicata barred his action because of his previous, unsuccessful litigation with World Bank. The district court granted Madison National's motion, summarily dismissing with prejudice appellant's action against Madison National "according to the principles of *res judicata* . . ." *Novak v. World Bank*, No. 81-1329 (D.D.C. Feb. 4, 1982). World Bank did not enter an appearance in the district court because appellant's attempts to effect service on World Bank had been frustrated.<sup>8</sup> The district court *sua sponte* dismissed without prejudice appellant's action against World Bank "for failure to obtain proper service." *Id.* This appeal followed.

<sup>8</sup> Appellant attempted to serve World Bank officers at its office at 1818 H Street, N.W., in the District of Columbia. The first attempt at serving World Bank failed, with the Marshal's return noting that "World Bank will not except [sic] service of the summons & complaint." U.S. Marshals Service, Process Receipt and Return (June 10, 1981), Record at 1A. A second attempt at service failed when "[s]ervice was rejected on grounds of immunity by Andrew Vorkink—Counsel for World Bank." *Id.* (Feb. 10, 1982). Appellant also attempted service by certified mail, return receipt requested, properly addressed to "The World Bank, Attn: Mr. A.N. Vorkink or Agent," but the letter was returned marked "unclaimed." We note that Mr. Vorkink *accepted* service in appellant's first action against World Bank. U.S. Marshals Service, Process Receipt and Return (Feb. 28, 1979), Record at 2, *Novak v. World Bank*, No. 79-0641, *supra*.

## II.

A. *Madison National Bank*

Madison National contends that appellant's action against it is barred by principles of res judicata. It asserts that all of the events supporting appellant's conspiracy action against Madison National occurred prior to his earlier litigation against World Bank. Madison National argues that appellant could have brought his conspiracy claim against Madison National in those earlier actions and, so, is barred by res judicata from doing so now in a suit involving Madison National. We cannot agree. The doctrine of res judicata based on prior adjudications in cases brought against World Bank has no application to appellant's action against Madison National, and the related doctrine of collateral estoppel, which is relevant to that action, does not bar appellant's action against that organization.<sup>9</sup>

The doctrines of res judicata and collateral estoppel are easily confused because the term "res judicata" is often used to embrace both doctrines. 1B J. Moore & T. Currier, *Moore's Federal Practice* ¶ 0.405[1], at 621-23 (2d ed. 1982). However, it is important to distinguish the two concepts because res judicata and collateral estoppel apply in different circumstances with different consequences to litigants. The Supreme Court recently articulated the distinction:

Under res judicata, a final judgment on the merits of an action precludes the parties or their privies from relitigating issues that were or could have been raised in that action. Under collateral estoppel, once a court has decided an issue of fact or law necessary to its judgment, that decision may preclude relitigation of

<sup>9</sup> We express no opinion, however, on whether appellant's action *against World Bank* is barred by principles of res judicata because World Bank is not presently a party to this action.



the issue in a suit on a different cause of action involving a party to the first case.

*Allen v. McCurry*, 449 U.S. 90, 94 (1980) (citations omitted).<sup>10</sup>

Thus, *res judicata* prevents the relitigation of any *claim* that was or that might have been brought in a prior action resolved on its merits, while collateral estoppel prevents the relitigation of any *issue* that was raised and decided in a prior action. *Id.* Furthermore, *res judicata* applies only between parties and their privies to the prior action, while collateral estoppel may be invoked by a stranger to the prior action against a party to that action. Although in the past the doctrine of mutuality applied to both *res judicata* and collateral estoppel, the Supreme Court in recent decisions has virtually eliminated the mutuality requirement for collateral estoppel. *Parklane Hosiery Co. v. Shore*, 439 U.S. 322, 326-28, 331 (1979) (mutuality not required for "offensive" collateral estoppel); *Blonder-Tongue Labs. v. University of Illinois Foundation*, 402 U.S. 313, 320-27 (1971) (mutuality not required for "defensive" collateral estoppel). However, mutuality still applies to *res judicata*—only parties and their privies to the prior action (whose rights against one another with regard to the binding effect of the judgment are of course reciprocal) are bound by the doctrine. *Parklane Hosiery Co. v. Shore*, *supra*, 439 U.S. at 326 n.5.

Application of these principles to this case reveals that the district court erred in dismissing appellant's complaint against Madison National on the grounds of *res judicata*. Madison National was not a party to appellant's earlier

<sup>10</sup> The doctrines of *res judicata* and collateral estoppel serve to relieve parties of the cost and vexation of multiple lawsuits, conserve judicial resources, and, by preventing inconsistent decisions, encourage reliance on adjudication.

*Allen v. McCurry*, *supra*, 449 U.S. at 94.

actions,<sup>11</sup> and, therefore, *res judicata* cannot bar appellant's action against Madison National.<sup>12</sup> Although it is possible that Madison National could successfully invoke collateral estoppel to prevent appellant from relitigating issues *actually decided* in his prior actions against World Bank, the question of whether appellant has a cognizable claim under section 1985(2) was not raised in his earlier

<sup>11</sup> Madison National now suggests that it should be treated as a privy of World Bank because appellant alleges a conspiracy between the two organizations. However, Madison National cites no precedent for the proposition that co-conspirators are to be treated as privies for the purposes of *res judicata*.

In most situations where privity has been held to exist, one or more of the following three relationships between the privies are present: concurrent relationship to the same right of property; successive relationship to the same right of property; or representation of the interests of the same person.

1B J. Moore & T. Currier, *Moore's Federal Practice* ¶ 0.411[1], at 1255 (2d ed. 1982) (footnote omitted). None of these circumstances is present in this case and we decline to extend the limited concept of privity to co-conspirators.

<sup>12</sup> *Res judicata* may bar appellant's section 1985 claim against World Bank if he could have brought that claim in his earlier actions against that organization. *But see* note 9 *supra*. Madison National argues that this possibility precludes the maintenance of a section 1985 action against it because a "single corporate entity is not a conspirator for the purposes of Section 1985." Brief for Appellee at 13. Appellant, however, asserts a conspiracy between more than one entity—World Bank, Madison National, and various unidentified agents and assassins. Section 1985 *does not* require that an injured party bring an action against each member of an alleged conspiracy in order to recover from any one conspirator:

[T]he party so injured or deprived may have an action for the recovery of damages . . . against *any one or more of the conspirators*.

42 U.S.C. § 1985(3) (Supp. IV 1980) (emphasis added). *See* note 3 *supra*.



actions. In his first action appellant claimed that World Bank's harassment and intimidation violated the *Fifth Amendment*. The district court dismissed that claim because the Fifth Amendment did not apply to World Bank's activities since it was not a branch of the federal government. *Novak v. World Bank*, No. 79-0641, *supra*, slip op. at 3. The district court did not determine whether the alleged harassment and intimidation by World Bank stated a claim under section 1985 (2). That being the case, appellant's section 1985 action against Madison National is not barred by the doctrine of collateral estoppel. Accordingly, we reverse the district court's dismissal of appellant's action against Madison National.<sup>13</sup>

#### B. *World Bank*

The district court *sua sponte* dismissed without prejudice appellant's action against World Bank for failure to effect service on that organization. Although district courts have broad discretion to dismiss a complaint for failure to effect service, dismissal is not appropriate when there exists a reasonable prospect that service can be obtained. *Grammenos v. Lemos*, 457 F.2d 1067, 1071 (2d Cir. 1971); *Richardson v. Ingram Corp.*, 374 F.2d 502, 503 (3d Cir.), *cert. denied*, 389 U.S. 866 (1967). We reverse the dismissal of appellant's action against World Bank because there is a reasonable prospect that service can be obtained on World Bank.

We are greatly concerned by the United States Marshal's refusal to serve World Bank in this case. The

<sup>13</sup> Madison National argues that even if *res judicata* does not compel dismissal of appellant's action, that action is barred by the statute of limitations. Since resolution of this issue will turn on factual questions, it is appropriate that the statute of limitations issue be considered by the district court in the first instance.

We express no opinion on the merits of appellant's claim against Madison National.

Marshal failed to serve process on World Bank because it refused to accept service,<sup>14</sup> claiming immunity from suit. See note 8 *supra*. It is not proper for a United States Marshal to avoid his duty to serve process merely because he notices the availability of a defense to the suit . . . ." *Hellenic Lines v. Moore*, 120 U.S. App. D.C. 288, 289, 345 F.2d 978, 979 (1965) (footnote omitted). If the Marshal refuses to serve persons who assert defenses to process, such persons could create their own immunity from suit simply by declining to accept service. The Marshal should carry out his responsibilities to serve process without regard to potential defenses, leaving decisions as to the validity of such defenses to the courts.

The Marshal should have left the summons with the specified World Bank officials and World Bank, if it claimed service was improper, should have contested the validity of service and asserted that it was not amenable to suit in the district court, as, indeed, it asserted in appellant's prior actions.<sup>15</sup> Accordingly, we reverse the district court's dismissal of appellant's claim against World Bank. We would ordinarily also direct the district court to order the Marshal to serve World Bank but a recent change in the Federal Rules of Civil Procedure removed the Marshals from such duty. Federal Rules of Civil Procedure Amendments Act of 1982, Pub. L. No. 97-462. Marshals now are without authorization to serve summonses and complaints in actions brought by in-

<sup>14</sup> When a person refuses to accept service, service may be effected by leaving the papers at a location, such as on a table or on the floor, near that person. *Errion v. Connell*, 236 F.2d 447, 457 (9th Cir. 1956); *Heritage House Frame & Moulding Co. v. Boyce Highlands Furniture Co.*, 88 F.R.D. 172, 174 (E.D.N.Y. 1980); 4 C. Wright & A. Miller, *Federal Practice & Procedure* §§ 1095, 1101, at 362, 384-85 (1969).

<sup>15</sup> *Novak v. World Bank*, No. 79-0641, *supra*, slip op. at 1. We express no opinion on the merits of World Bank's claim of immunity from suit.

dividual citizens; such process is now to be served by persons who are not parties and are not less than 18 years of age. Fed. R. Civ. P. 4(c).

### III.

The district court's reliance on principles of res judicata to dismiss appellant's action against Madison National was erroneous and such dismissal is vacated. The district court's *sua sponte* dismissal of appellant's action against World Bank is also vacated and plaintiff may proceed to effect service of process in accordance with Fed. R. Civ. P. 4. In reaching this result we wish to emphasize that we express no opinion on the merits of appellant's various claims against World Bank and Madison National.

*Judgment accordingly.*