

# Changing of guard for Enron Task Force

Lead prosecutor plans to enter private practice

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
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There's been a change at the top of the Enron Task Force, with **Andrew Weissmann**, the lead trial lawyer in the **Arthur Andersen** obstruction prosecution, replacing **Leslie Caldwell**, who will soon leave the **Department of Justice**.

Weissmann and Caldwell both were careful to explain Monday that this does not mean the criminal investigation into Enron's collapse is complete. Although they would not

comment on whether former chairman **Ken Lay** might ever be charged, it is clear the investigation of Lay is heating up.

Caldwell will remain a Department of Justice lawyer but stepped down from her Enron position this week to start shopping for a job in private practice.

Weissmann, 45, who also spearheaded the negotiations in the Justice Department's Enron-related settlement with Merrill Lynch, was named to the post Monday. He had been the deputy director of the task force since it began more than two years ago.

"Our work isn't completed, and it is very important that we see it to the end. There are a number of trials pending, and there are ongoing investigations," said Weissmann, who was involved in some security cases before Enron but was best known as a mob prosecutor in Brooklyn. He had been deputy director of the task force since it began more than two years ago, and he led the grand jury investigations of ex-CFO **Andrew Fastow** and his wife, **Lea**, ex-treasurer **Ben Glisan Jr.** and the Nigerian barge deal.

Weissmann won a conviction against **Vinny "The Chin" Gigante**, the reputed head of the Genovese crime family who walked around the city in a bathrobe claiming incompetence, and he gained the trust of mob informant **Sammy "The Bull" Gravano**.

Defense attorneys involved in Enron cases met the news with little surprise. It has been rumored for months that Caldwell wanted to leave. A few noted that the prosecutorial style may change. Caldwell is a poker-faced sea of calm most of the time, while Weissmann has a more colorful and particularly meticulous style.

One suggested Caldwell's resignation raises questions about the timing of the recent indictment against former CEO **Jeff Skilling**, suggesting it may have been hurried to make it easier to point to the accomplishments of the task force as it undergoes a change in command.

Since it was formed in January 2002, the task force, which includes FBI and IRS agents, has obtained 29 indictments, convicted **Arthur Andersen**, entered into plea bargains with nine individuals, including former CFO **Fastow**, his wife and former treasurer **Glisan**, who is already serving a five-year prison term. The prosecutors also entered into deferred prosecution settlements with financial institutions **Merrill Lynch & Co.** and the **Canadian Imperial Bank of Commerce**. In addition, the Task Force has restrained more than \$140 million in proceeds derived by the defendants from alleged

criminal activity.

Caldwell, who has more than 50 trials in New York and California under her belt, said this is a good time to make a change.

"We've completed the lion's share of the investigative work," Caldwell said. "Things are in great hands."

Formerly chief of the criminal division in the U.S. attorney's office in San Francisco, Caldwell was chosen to head the Task Force in January 2002.

"The Enron Task Force has been extremely effective in bringing to justice those responsible for perhaps the most notorious corporate scandal in U.S. history," said Assistant Attorney General Christopher Wray of the Criminal Division in a Justice Department news release. Wray said Caldwell has shown exemplary leadership, at times in the face of tremendous public and media pressure.

Caldwell said the high points of this work include the final arguments and verdict in the Arthur Andersen case, each time prosecutors got someone to cooperate with the government and watching a really good team of people work.

A veteran of mob, drug and financially complex cases, Caldwell said the low point of the Enron case was probably uninformed people bemoaning the lack of progress.

"The frustration was not that they wanted results. It was that we were perceived as a bunch of losers" for not doing it faster, she said.

But, Caldwell said, that was only by those who didn't understand how much bigger the Enron case is than other corporate scandals. Enron was not just a handful of people self-dealing, but also there were more pervasive forms of corruption.

The Justice Department looked for prosecutors like Caldwell and Weissmann outside of Houston because the U.S. attorney's office here could not handle it because of too many conflicts.

"This is a terrific case. It's important to the public, it's important to the Department of Justice. It's multifaceted," said Weissmann, a graduate of Columbia Law School. "There is nothing boring about it."

In naming Weissmann, who came to the Enron case from his position as chief of the criminal division at the U.S. attorney's office in New York's eastern district, Wray said he's confident the Task Force will successfully complete its mission of bringing to justice all those who were criminally responsible for Enron's collapse.

The prosecution team has morphed several times. This week, in addition to Caldwell, Sam Buell, another prosecutor in the Arthur Andersen trial, will leave to return full time to being a federal prosecutor in Boston.

Joining the team recently were Sean Berkowitz, a federal prosecutor from Chicago, and John Hueston, an assistant U.S. attorney from the Los Angeles area.

Being on the task force has clearly been a life-disrupting effort for members.

Several children have been born while their prosecutor fathers were ferrying back and forth from the East Coast to Houston.

Caldwell moved from San Francisco to Washington, D.C., and then to New York during her two-year tenure.