

UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

1. **Name**: State full name (include any former names used).

David Jeremiah Barron

2. **Position**: State the position for which you have been nominated.

Circuit Judge for the United States Court of Appeals for the First Circuit

3. **Address**: List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

Harvard Law School  
1563 Massachusetts Avenue  
Cambridge, MA 02138

4. **Birthplace**: State year and place of birth.

1967; Washington, D.C.

5. **Education**: List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

1991 – 1994, Harvard Law School; J.D. (*magna cum laude*), 1994

1985 – 1989, Harvard College; B.A. (*magna cum laude* with highest distinction in history), 1989

6. **Employment Record**: List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

1999 – present  
Harvard Law School  
1563 Massachusetts Avenue  
Cambridge, MA 02138

Chair of the Electronic Communications Policy Task Force (2013 – present)  
Honorable S. William Green Professor of Public of Public Law (2011 – present)  
Professor (2004 – 2011)  
Assistant Professor (1999 – 2004)

1996 – 1999, 2009 – 2010  
Office of Legal Counsel, United States Department of Justice  
950 Pennsylvania Avenue, NW  
Washington DC 20530  
Consultant (July 2010 – December 2010)  
Acting Assistant Attorney General (2009 – 2010)  
Principal Deputy Assistant Attorney General (2009 – 2010)  
Attorney Advisor (1996 – 1999)

1995 – 1996  
Associate Justice John Paul Stevens  
Supreme Court of the United States  
One First Street, NE  
Washington, DC 20543  
Law Clerk

1994 – 1995  
The Hon. Stephen Reinhardt  
United States Court of Appeal for the Ninth Circuit  
United States Courthouse  
312 North Spring Street, Suite 1747  
Los Angeles, CA 90012  
Law Clerk

July – August 1993  
N.A.A.C.P. Legal Defense and Educational Fund, Inc.  
1444 I Street, NW, # 1000  
Washington, DC 20005  
Summer Legal Intern

June – July 1993  
Covington & Burling, LLP  
1201 Pennsylvania Avenue, NW  
Washington, DC 20004  
Summer Associate

January – May 1993  
Harvard University  
1563 Massachusetts Avenue  
Cambridge, MA 02138  
Teaching Fellow for Professor Morton Horwitz

Summer 1992  
Ferguson, Stein and Watt (now, Ferguson, Chambers, and Sumter PA)  
741 Kenilworth Ave.  
Suite 300  
Charlotte, NC 28204  
Summer Legal Intern

January – May 1992  
Harvard Law School  
1563 Massachusetts Avenue  
Cambridge, MA 02138  
First-Year Lawyering Instructor

1989 – 1991  
The News and Observer  
215 South McDowell Street  
P.O. Box 191  
Raleigh, NC 27602  
Reporter (1989 – 1991)  
Summer Intern (1989)

Other affiliations (uncompensated):

2013 – present  
Massachusetts State College Building Authority  
253 Summer Street #3  
Boston, MA 02210  
Board Member

2012 – present  
Massachusetts Board of Higher Education  
Massachusetts Department of Higher Education  
One Ashburton Place Room 1401  
Boston, MA 02108  
Board Member (2012 – present)  
Chair, Task Force on For-Profit Institution Oversight and Online Learning (2012 – present)

2008 – present  
Rappaport Center for Law and Public Service at Suffolk University Law School  
Suffolk University Law School  
120 Tremont Street, Suite 110  
Boston, MA 02108  
Member, Advisory Board

1989 – present  
The Harvard Crimson Graduate Board  
The Harvard Crimson  
14 Plympton St.  
Cambridge, MA 02138  
Member, Graduate Board

2007 – 2009  
Harvard Law and Policy Review, Official Journal of the American Constitution Society  
Harvard Law School  
Cambridge, MA 02138  
Member, Board of Advisors

Approximately 2007  
American Society for Law and Policy, Harvard Law School Student Chapter  
Harvard Law School  
Cambridge, MA 02138  
Faculty Advisor

7. **Military Service and Draft Status:** Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

None. I did timely register for the selective service.

8. **Honors and Awards:** List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

Scholar-in-Residence, Columbia Law School (January 2012)

The Office of the Secretary of Defense Medal for Exceptional Public Service (November 2010)

National Intelligence Exceptional Achievement Medal, from the Acting Director of National Intelligence (July 2009)

Mark DeWolfe Howe Fellowship (1994)

Harvard Law Review Articles Editor (1993 – 1994)

Harvard Law Review Editor (1992 – 1993)

Walter Spearman Award, North Carolina Press Association (1991)

President, The Harvard Crimson (1987 – 1988)

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

Association of American Law Schools

Chair, Section on State and Local Government Law (2000)

American Bar Association

American Society of International Law

Roundtable of Experts on International Law and National Security (2011 – present)

Executive Session for: State Court Leaders in the 21st Century, Harvard Kennedy School of Government

Steering Committee (2008)

10. **Bar and Court Admission:**

- a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

New York, 1996

There has been no lapse in membership.

- b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

New York, Third Appellate Division, 1996

There have been no lapses in membership.

11. **Memberships:**

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

American Constitution Society for Law and Policy, Harvard Law School Student Chapter (approximately 2007)  
Faculty Advisor

Botanic Garden Children's Center (2006)  
By-Laws Review Committee

The Harvard Crimson Graduate Board (1989 – present)

Harvard Journal of Real Estate (2012 – present)  
Member, Faculty Advisory Board

Harvard Law and Policy Review, Official Journal of the American Constitution Society (2007 – 2009)  
Member, Board of Advisors

Harvard Kennedy School of Government/Harvard Law School Joint Degree Program (2010 – present)  
Co-Faculty Director

Harvard University Center for the Environment (2010 – present)  
Faculty Associate

Harvard Urban Law Association, Local Government Law Forum, Harvard Law School (2000 – 2008, 2010 – present)  
Faculty Advisor

Neiman Foundation (2002)  
Fellows Selection Committee

Rappaport Center for Law and Public Service at Suffolk University Law School (2008)  
Member, Advisory Board

Real Estate Academic Initiative, Harvard University  
Core Faculty member

South Asia Institute, Harvard University  
Member, Steering Committee

- b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion, or national origin. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical

implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

To the best of my knowledge, none of the listed organizations currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies.

**12. Published Writings and Public Statements:**

- a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply four (4) copies of all published material to the Committee.

*In Defense of Big Waiver*, 113 Colum. L. Rev. 265 (March 2013) (with Todd D. Rakoff). Copy supplied.

*Keith and the Good City*, 45 U.C. Davis L. Rev. 1945 (June 2012). Copy supplied.

*Judicial Independence and the State Court Funding Crisis*, 100 Kent. L. J. 755 (2011-2012). Copy supplied.

*Local Government Law* (West 2010) (5th ed., 4th ed., 3rd ed.) (with Gerald Frug and Richard Ford). Hard copy of fifth edition supplied.

*Teacher's Manual to Local Government Law* (West 2010) (5th ed., 4th ed., 3rd ed.) (with Gerald Frug and Richard Ford). Hard copy of fifth edition supplied.

*Foreword: Blue State Federalism at the Crossroads*, 3 Harv. L. & Policy Rev. 1 (2009). Copy supplied.

*The Dirty Dozen's Dirty Secret: The Conservative Legal Movement's Legitimacy Crisis – Part II*, ACSblog, August 12, 2008. Copy supplied.

*The Dirty Dozen's Dirty Little Secret: The Conservative Legal Movement's Legitimacy Crisis – Part I*, ACSblog, August 11, 2008. Copy supplied.

*From Takeover to Merger: Reforming Administrative Law in an Age of Agency Politicization*, 76 Geo. Wash. L. Rev. 1095 (August 2008). Copy supplied.

*M/Box, C/Box and the Old Logic vs. Experience Chestnut*, Slate Convictions, July 2, 2008. Copy supplied.

*Roe and Heller and the Limits of Partisan Entrenchment*, Slate Convictions, July 1, 2008. Copy supplied.

*Roe, Heller, Politics, and Jack*, Slate Convictions, June 28, 2008. Copy supplied.

*Of Heller, Roe, and Politics*, Slate Convictions, June 27, 2008. Copy supplied.

*Super-Duper Exclusive!*, Slate Convictions, June 20, 2008. Copy supplied.

*McCain Reacts . . .*, Slate Convictions, June 13, 2008. Copy supplied.

*The President Reacts*, Slate Convictions, June 12, 2008. Copy supplied.

*First Thoughts on Boumediene*, Slate Convictions, June 12, 2008. Copy supplied.

*More on the Times FISA Story*, Slate Convictions, June 10, 2008. Copy supplied.

*Enough With Superdelegates, What About the Electoral College*, Slate Convictions, June 6, 2008. Copy supplied.

*The Guantanamo Cases – Suppose the Supreme Court Gives Congress Advice . . .*, Slate Convictions, June 2, 2008. Copy supplied.

*Beating a Dead Horse With a New Stick – Once More on Wiretapping*, Slate Convictions, May 23, 2008. Copy supplied.

*Who Says Legislation Threatens Property Rights...*, Slate Convictions, May 23, 2008. Copy supplied.

*McCain Speech on Judges*, Slate Convictions, May 6, 2008. Copy supplied.

*Most Intriguing Author Line Ever*, Slate Convictions, April 28, 2008. Copy supplied.

*Voter ID: Nobody Knows Nothing and That Might Be Good*, Slate Convictions, April 28, 2008. Copy supplied.

*World Warms, EPA Chills*, Slate Convictions, April 15, 2008. Copy supplied.

*The Joke That Is Home Rule: A New York Story*, April 9, 2008. Copy supplied.

*Radicals in Robes? Check Out This Story on Whether Illegal Immigrants Can Sue?*, Slate Convictions, April 1, 2008. Copy supplied.

*And Now for Something Completely Different – Inclusionary Zoning*, March 30, 2008. Copy supplied.

*Eric's Surprising Argument for Why Bush Acted Irresponsibly in the FISA case*, Slate Convictions, March 28, 2008. Copy supplied.

*There May be Hard Cases But . . . the FISA Story Isn't One of Them*, Slate Convictions, March 27, 2008. Copy supplied.

*What's in a Name? Medellin, and the Many Meanings of Binding*, Slate Convictions, March 26, 2008. Copy supplied.

*Binary Executive – Take II*, Slate Convictions, March 20, 2008. Copy supplied.

*Heller, Casey and Party Politics*, Slate Convictions, March 20, 2008. Copy supplied.

*Binary Executive Redux*, Slate Convictions, March 17, 2008. Copy supplied.

*The Binary Executive?*, Slate Convictions, March 17, 2008. Copy supplied.

*City Bound: How States Stifle Urban Innovation* (Cornell 2008) (with Gerald E. Frug). Hard copy supplied.

*The Commander in Chief at the Lowest Ebb – A Constitutional History*, 121 Harv. L. Rev. 941 (February 2008) (with Martin S. Lederman). Copy supplied.

*The Commander in Chief at the Lowest Ebb – Framing the Problem, Doctrine, and Original Understanding*, 121 Harv. L. Rev. 689 (January 2008) (with Martin S. Lederman). Copy supplied.

*The Promise of Tribe's City: Self-Government, the Constitution, and a New Urban Age*, 42 Tulsa. L. Rev. 811 (Summer 2007). Copy supplied.

*City Limits*, The Boston Globe, February 25, 2007 (with Gerald Frug). Copy supplied.

Joint Statement of Principles to Guide the Office of Legal Counsel, Dec. 21, 2004, *reprinted in* 81 Ind. L. J. 1348 (2006). Copy supplied.

*A Rejoinder from Professor Barron*, Harvard Law and Policy Review Online (Sept. 2006). Copy supplied.

*Big Box Rules*, LawCulture, August 14, 2006. Copy supplied.

*Boxed Out*, The Boston Globe, August 13, 2006. Copy supplied.

*Untangling the Debate on Signing Statements*, Georgetown Law Faculty Blog, July 31, 2006. Copy supplied.

*Hamdan, Schamdan*, LawCulture, July 11, 2006. Copy supplied.

*What's Wrong With Conservative Constitutionalism: Two Styles of Progressive Critique and the Choice They Present*, Harvard Law and Policy Review Online (July 2006). Copy supplied.

*Hamdan and the NSA Issue: How Congress Should Respond to Yesterday's Ruling*, LawCulture, June 30, 2006. Copy supplied.

*Eminent Domain is Dead; Long Live Eminent Domain*, The Boston Globe, April 16, 2006. Copy supplied.

*Solving the Constitutional Crisis – Part III*, LawCulture, March 31, 2006. Copy supplied.

*It's Not Just Foreign Law They Don't Like ...*, LawCulture, March 6, 2006. Copy supplied.

*Fighting Federalism With Federalism: If It's Not Just a Battle Between Federalists and Nationalists, What Is It?*, 74 Ford. L. Review 2081 (March 2006). Copy supplied.

*Solving the Constitutional Crisis – Part II*, LawCulture, January 25, 2006. Copy supplied.

*Solving the Constitutional Crisis*, LawCulture, January 19, 2006. Copy supplied.

*So Much for the Kelo Backlash*, LawCulture, January 16, 2006. Copy supplied.

*Why (and When) Cities Have A Stake in Enforcing the Constitution*, 115 Yale. L. J. 2218 (2006). Copy supplied.

*"Privatizing the Constitution: State Action and Beyond"* in *The Rehnquist Legacy* 345 (Craig Bradley ed., Cambridge University Press, 2006). Copy supplied.

*International Local Government Law*, 38 Urb. Lawyer 1 (Winter 2006) (with Gerald Frug). Copy supplied.

*Make Eminent Domain Fair for All*, The Boston Globe, Aug. 12, 2005 (with Gerald Frug). Copy supplied.

*New London Case Not a Ruling to Condemn*, Hartford Courant, June 26, 2005. (reprinted in multiple outlets under different titles) (reprinted version supplied).

*Debate Pits Private Property Against Powers of the State*, econoblog, WSJonline.com, May 19, 2005. Copy supplied.

*Defensive Localism: A View of the Field from the Field*, XXI J. of Law & Pol. 261 (Spring-Summer 2005) (with Gerald Frug). Copy supplied.

*Reclaiming Federalism*, Dissent, Spring 2005. Copy supplied.

*Making Planning Matter: A New Approach to Eminent Domain*, Harvard Design Magazine 71 (2005) (with Gerald Frug). Copy supplied.

*Two Thoughts About the Future: One Concerning Courts, the Other Geography*, American Constitution Society @ YLS blog, Nov. 29, 2004. Copy supplied.

*Dispelling the Myth of Home Rule: Local Power in Greater Boston* (Rappaport Institute for Greater Boston 2004) (with Gerald Frug and Rick Su). Copy supplied.

*"Dispelling the Myth of Home Rule: Local Power in Greater Boston,"* Rappaport TODAY blog (March 16, 2004). Copy supplied.

*Overruling Home Rule*, 9 Commonwealth Magazine 15 (Winter 2004) (with Rick Su and Gerald Frug). Copy supplied.

*Reclaiming Home Rule*, 116 Harv. L. Rev. 2255 (June 2003). Copy supplied.

*The Community Economic Development Movement: A Metropolitan Perspective*, 56 Stan. L. Rev 701 (December 2003). Copy supplied.

*After 9/11: Cities*, 34 Urb. Lawyer 583 (Summer 2002) (with Gerald Frug). Copy supplied.

*The Census As a Call to Action*, XXIX Ford Urb. L. J. 1387 (April 2002) (with Gerald E. Frug). Copy supplied.

*When Local Control Goes Out of Control; Ouch! A Taxing Lesson for the Nation's States*, The Washington Post, July 15, 2001 (with Eric M. Zolt). Copy supplied.

*A Localist Critique of the New Federalism*, 51 Duke L. J. 377 (October 2001). Copy supplied.

*Chevron's Nondelegation Doctrine*, 2001 Sup. Ct. Rev. 201 (2001) (with Elena Kagan). Copy supplied.

*Constitutionalism in the Shadow of Doctrine: The President's Non-enforcement Power*, 63 J. Law & Contemp. Probs. 61 (Winter-Spring 2000). Copy supplied.

*The Promise of Cooley's City: Traces of Local Constitutionalism*, 147 U. Pa. L. Rev. 487 (January 1999). Copy supplied.

*Civic Republican Administrative Theory: Bureaucrats as Deliberative Democrats*," 107 Harv. L. Rev. 1401 (1994). Copy supplied.

*Race-Based Districting and Minority Voting Rights*, 107 Harv. L. Rev. 194 (1993). Copy supplied.

*Book Note, Democracy and Dishonesty*, 106 Harv. L. Rev. 792 (1993). Copy supplied.

Through on-line database searches, and a review of my own files, including a partial file of clips I had retained, I have identified a number of articles that I authored as a reporter for The News and Observer in Raleigh, North Carolina. However, I have not been able to locate other articles from the time period during which I was employed as a reporter at The News and Observer, and I was unable to obtain them from The News and Observer.

"Hoke Sheriff Fights for Job After Accusations of Bungling," The News and Observer, June 17, 1991. Copy supplied.

"POW-MIA Dispute May Aid N.C. Group," The News and Observer, June 10, 1991. Copy supplied.

"Repayment Waived on Error in Social Security," The News and Observer, June 7, 1991. Copy supplied.

"Saving Investors from Themselves," The News and Observer, June 3, 1991. Copy supplied.

"Pros, Cons of ILN's Legal Status," The News and Observer, June 3, 1991. Copy supplied.

"Tobacco Defended, Foes Roasted at Annual Meeting," The News and Observer, June 1, 1991. Copy supplied.

"Two Sons," The News and Observer, May 27, 1991. Copy supplied.

"Immigrant Scorpions not Welcome in Raleigh," The News and Observer, May 18, 1991. Copy supplied.

"Firm Closed as Pyramid Ploy Alleged," The News and Observer, May 17, 1991. Copy supplied.

"Day Care Parents Resent Implications of Hysteria," The News and Observer, May 15, 1991. Copy supplied.

"Parent Says PBS Show was Biased," The News and Observer, May 9, 1991. Copy supplied.

"Edenton Day-Care Mother Tells of Prosecutor's Threat," The News and Observer, May 8, 1991. Copy supplied.

"Arms Charge Foiled Supremacist's Goals," The News and Observer, May 6, 1991. Copy supplied.

"Raids on Bootleggers Seldom Plug the Flow," The News and Observer, April 28, 1991. Copy supplied.

"Friendly Undercover Visit – All in a Day's Work," The News and Observer, April 28, 1991. Copy supplied.

"When Life's a Beach, N.C. Ranks High," The News and Observer, April 28, 1991. Copy supplied.

"Body Sparks Chase on I-95," The News and Observer, April 18, 1991. Copy supplied.

"Thousands of Loved Ones Find the Waiting's Over," The News and Observer, April 16, 1991. Copy supplied.

"Lejeune, Pope Gain from Base Closings," The News and Observer, April 13, 1991. Copy supplied.

"USS Raleigh, Latest Ship Bearing City's Name, on Final Voyage," The News and Observer, April 10, 1991. Copy supplied.

"Shooting of Officer Baffling," The News and Observer, April 10, 1991. Copy supplied.

"Detective Gunned Down; 8 Charged," The News and Observer, April 6, 1991. Copy supplied.

"Videotape, Suspect's Help Lead to Arrest in Assaults," The News and Observer, April 5, 1991. Copy supplied.

"Sex-Abuse Trial Delayed; Charges Stand," The News and Observer, April 4, 1991. Copy supplied.

"Child Sex Abuse Trial Might be Delayed for Two Months," The News and Observer, April 3, 1991. Copy supplied.

"Wild Stories Cited as Sex Abuse Trial Starts," The News and Observer, April 2, 1991. Copy supplied.

"Tender Witnesses, Delicate Testimony," The News and Observer, March 31, 1991. Copy supplied.

"Homeless Deliver in Winston-Salem," The News and Observer, March 25, 1991. Copy supplied.

"Bulldogs Critically Maul Johnston County Boy, 2," The News and Observer, March 21, 1991. Copy supplied.

"Eagle Fliers Recall Sky Lit by Fire," The News and Observer, March 16, 1991. Copy supplied.

"Sudafed-Poisoning Response Questioned," The News and Observer, March 14, 1991. Copy supplied.

"82nd Makes Triumphant Return," The News and Observer, March 9, 1991. Copy supplied.

"Bragg Troops Return Today," The News and Observer, March 8, 1991. Copy supplied.

"POW's Wife Sees Husband Live on TV," The News and Observer, March 7, 1991. Copy supplied.

"Wife Says Seeing Airman Released was 'Like a Dream,'" The News and Observer, March 5, 1991. Copy supplied.

"Maker Recalls Sudafed," The News and Observer, March 4, 1991. Copy supplied.

"Gulf War Lifts Vietnam's Cloud from Fayetteville," The News and Observer, March 1, 1991. Copy supplied.

"Tears, Cheers Greet News 'War is Over,'" The News and Observer, February 28, 1991. Copy supplied.

"Ground War Weighs Heavy on Churchgoers around North Carolina," The News and Observer, February 25, 1991. Copy supplied.

"Families on N.C. Bases Feel Relief, Anxiety," The News and Observer, February 24, 1991. Copy supplied.

"Bragg Hospital Prepares Extra Beds for Casualties," The News and Observer, February 24, 1991. Copy supplied.

"Families Concern Officer," The News and Observer, February 23, 1991. Copy supplied.

"Peace Proposal Fails to Impress N.C. Military Circles," The News and Observer, February 22, 1991. Copy supplied.

"Military Bombing Range Gives Pilots a Realistic View of Iraqi Air Defenses," The News and Observer, February 19, 1991. Copy supplied.

"Families at N.C. Bases React Skeptically to Peace Rumor," The News and Observer, February 16, 1991. Copy supplied.

"Northampton Board Refuses to Overturn Incinerator Vote," The News and Observer, February 12, 1991. Copy supplied.

"N.C. Guard Apache Unit Put on Alert for Gulf Duty," The News and Observer, February 8, 1991. Copy supplied.

"Aid Sought for Towns Near Bases," The News and Observer, February 7, 1991. Copy supplied.

"Special Operations Soldiers Set Stage for Allied Victories," The News and Observer, February 1, 1991. Copy supplied.

"Departing Soldiers Leave Sperm in Banks," The News and Observer, January 29, 1991. Copy supplied.

"Quayle Offers Encouragement, Cheer to Pope, Bragg Families," The News and Observer, January 24, 1991. Copy supplied.

"F-15E Bristles with Equipment to Help Downed Pilots Survive," The News and Observer, January 23, 1991. Copy supplied.

"Prisoners a Grim Side of Gulf War," The News and Observer, January 22, 1991. Copy supplied.

"Children of Troops Struggle to Cope with Arrival of War," The News and Observer, January 18, 1991. Copy supplied.

"Role of 82nd Airborne Debated," The News and Observer, January 17, 1991. Copy supplied.

"News of the Attack Jolts the Home Front," The News and Observer, January 17, 1991. Copy supplied.

"N.C. Bases Step Up Security as Gulf War Starts," The News and Observer, January 17, 1991. Copy supplied.

"Waging Peace is Tough Battle for Student, Soldier's Wife," The News and Observer, January 16, 1991. Copy supplied.

"Troops' Early Return Brings Sense of Guilt," January 16, 1991. Copy supplied.

"Spouses Pray for Loved Ones," The News and Observer, January 15, 1991. Copy supplied.

"Families of Troops in Gulf Seek Their Peace in Prayer," The News and Observer, January 14, 1991. Copy supplied.

"Services Prepare for Families' Grief," The News and Observer, January 13, 1991. Copy supplied.

"Mother Asserts Innocence," The News and Observer, January 7, 1991. Copy supplied.

"Gulf Crisis Shows What Military Service Means," The News and Observer, January 1, 1991. Copy supplied.

"Wake Officers Gear for DWI Record," The News and Observer, December 30, 1989. Copy supplied.

"Raleigh Man Found Shot to Death in Chavis Park," The News and Observer, December 29, 1989. Copy supplied.

"Companies Say Prices May Rise," The News and Observer, December 25, 1989. Copy supplied.

"Cold Sends Triangle Folks Scurrying for Shelter, Heat," The News and Observer, December 23, 1989. Copy supplied.

"Car Device Will Check Some DWI Offenders," The News and Observer, December 22, 1989. Copy supplied.

"Explosion Destroys Day-Care Center; Children Escape," The News and Observer, December 21, 1989. Copy supplied.

"26 Indictments Scuttle Drug Ring, Police Say," The News and Observer, December 19, 1989. Copy supplied.

"N.C. Ranks High on Bad Rankings List," The News and Observer, December 17, 1989. Copy supplied.

"Museum Receiving More Trophy Heads," The News and Observer, December 15, 1989. Copy supplied.

"Offenders Still Drive After DWI," The News and Observer, December 14, 1989. Copy supplied.

"July Incident Linked to Crabtree Dispute," The News and Observer, December 9, 1989. Copy supplied.

"Colleges' Rivalry Hits Full Boil," The News and Observer, December 7, 1989. Copy supplied.

"Garner Man Killed When Train Hits Car," The News and Observer, December 1, 1989. Copy supplied.

"Fire Razes Fuquay Flea Market; Guard Injured," The News and Observer, December 1989. Copy supplied.

"Suspect Says Student 'Silently Insulting' Him," The News and Observer, November 30, 1989. Copy supplied.

"Traffic Survey Causes a Jam," The News and Observer, November 29, 1989. Copy supplied.

"Suspect in Maryland Slaying Skipped Probation in Wake," The News and Observer, November 28, 1989. Copy supplied.

"Oil Spills at School Offices," The News and Observer, November 28, 1989. Copy supplied.

"A Man's Personal Footnote to History," The News and Observer, November 22, 1989. Copy supplied.

"Police Look Closely at Whether Chases Are Worth the Risk," The News and Observer, November 21, 1989. Copy supplied.

"Toasts Mark Ratification of Constitution," The News and Observer, November 18, 1989. Copy supplied.

"Troopers Net More for DWI," The News and Observer, November 16, 1989. Copy supplied.

"DWI Arrests Soar Under Operation Eagle," The News and Observer, November 14, 1989. Copy supplied.

"Truck Driver Gets DWI Charge in 7-Vehicle Wreck," The News and Observer, November 10, 1989. Copy supplied.

"4 Willow Springs Teenagers Charged with Defacing Graves, School's Roof," The News and Observer, November 8, 1989. Copy supplied.

"3-vehicle Accident on I-40 Nets Charges," The News and Observer, November 7, 1989. Copy supplied.

"S.C. Man Found in Car's Trunk near Selma," The News and Observer, November 4, 1989. Copy supplied.

"Man on the Run Gets Ride from Deputy," The News and Observer, November 2, 1989. Copy supplied.

"Advocate Urges More Oversight of Museum," The News and Observer, November 1, 1989. Copy supplied.

"Some Think Hunters' Ties to Museums Unethical," The News and Observer, October 28, 1989. Copy supplied.

"Trophy Probe now Involves Two Coasts," The News and Observer, October 27, 1989. Copy supplied.

"Investigators Seeking Records, Gifts," The News and Observer, October 26, 1989. Copy supplied.

"Officials Learn Trophies Scattered Throughout City," The News and Observer, October 26, 1989. Copy supplied.

"N.C. Museum Curator Retires Amid Probe," The News and Observer, October 25, 1989. Copy supplied.

"N.C. Curator Investigated Over Endangered-Species Law," The News and Observer, October 24, 1989. Copy supplied.

"Wildlife Agents Investigate Curator," The News and Observer, October 24, 1989. Copy supplied.

"State Crime Up by 12 Percent," The News and Observer, October 24, 1989. Copy supplied.

"Cessna Crashes Near Knightdale," The News and Observer, October 24, 1989. Copy supplied.

"Stolen Safe Was Just Over His Head," The News and Observer, October 21, 1989. Copy supplied.

"Police Group Protests Searches," The News and Observer, October 21, 1989. Copy supplied.

"Baby Hurt in Bathtub Accident Dies," The News and Observer, October 19, 1989. Copy supplied.

"Memo Says Crabtree Mall Sought Cuts in Bus Service to Keep Black Teens Away," The News and Observer, October 14, 1989. Copy supplied.

"22 Drivers Face Charges in Cab Company Probe," The News and Observer, October 12, 1989. Copy supplied.

"Random Drug-Testing Plan to Begin for N.C. Inmates," The News and Observer, October 8, 1989. Copy supplied.

"Raleigh Family Homeless After Fire Guts Apartment," The News and Observer, October 7, 1989. Copy supplied.

"Body of Raleigh Clerk Found in Johnston Field," The News and Observer, October 6, 1989. Copy supplied.

"Police Have No Leads in Crown Clerk's Slaying," The News and Observer, October 6, 1989. Copy supplied.

"Body Thought to Be Missing Crown Worker," The News and Observer, October 5, 1989. Copy supplied.

"Police Benevolent Association Endorses Meeker for Mayer," The News and Observer, October 4, 1989. Copy supplied.

"Hostage Incident Resolved Peacefully," The News and Observer, October 3, 1989. Copy supplied.

"Wake Teenager Held After Shots Fired at Deputy Answering Domestic Call," The News and Observer, October 3, 1989. Copy supplied.

"Deputy Fired Upon; Wake Teenager Held," The News and Observer, October 2, 1989. Copy supplied.

"Portable Breath Analyzers Help Officers," The News and Observer, October 1989. Copy supplied.

"Wake Deputies Getting Semiautomatic Pistols," The News and Observer, September 28, 1989. Copy supplied.

"2 Inmates Escape Prison by Climbing Over Fence," The News and Observer, September 28, 1989. Copy supplied.

"2 Inmates Escape Prison by Climbing Over Fence," The News and Observer, September 28, 1989. Copy supplied.

"Officers' Complaints Fail to Sway Panel," The News and Observer, September 27, 1989. Copy supplied.

"Man Shot in Dispute in His Home," The News and Observer, September 27, 1989. Copy supplied.

"Law Officers' Group to Air Qualms About Management of Raleigh Police," The News and Observer, September 25, 1989. Copy supplied.

"Detectives Say Downtown Patrols a Pain," The News and Observer, September 22, 1989. Copy supplied.

"Lightning Strikes, Setting Two Fires in North Raleigh," The News and Observer, September 13, 1989. Copy supplied.

"Lightning Jolts Raleigh; Apartment, House Burn," The News and Observer, September 13, 1989. Copy supplied.

"Police Charge 15-Year-Old in Rash of Vandalism in Cary," The News and Observer, September 8, 1989. Copy supplied.

"Teen Charged in Cary Vandalism," The News and Observer, September 8, 1989. Copy supplied.

"Candidate's Brother Facing Tax Charges," The News and Observer, September 7, 1989. Copy supplied.

"N.C. Reaction to Bush's Proposal Mixed," The News and Observer, September 6, 1989. Copy supplied.

"Raleigh Man Charged with Bludgeoning Death on Bloodworth," The News and Observer, September 1, 1989. Copy supplied.

"Longtime House Leader Watkins Dies at Age 68," The News and Observer, August 27, 1989. Copy supplied.

"Players Suggest Their Own Team Rules on Drugs, Eligibility and Conduct," The News and Observer, August 26, 1989. Copy supplied.

"Man Charged With Forgery Arrested in Stabbing Case," The News and Observer, August 25, 1989. Copy supplied.

"Man Charged With Forgery Arrested in Stabbing Case," The News and Observer, August 25, 1989. Copy supplied.

"Raleigh Man Charged in Boylan Ave. Slaying," The News and Observer, August 24, 1989. Copy supplied.

"Raleigh Man Is Charged in Slaying," The News and Observer, August 24, 1989. Copy supplied.

"6 Hurt As Scaffold Falls at NCSU," The News and Observer, August 24, 1989. Copy supplied.

"Elderly Man Slain At His Home," The News and Observer, August 23 1989. Copy supplied.

"Raleigh Man Found Slain at His Home," The News and Observer, August 23, 1989. Copy supplied.

"GOP's Scarcity in City, County Offices Debated," The News and Observer, August 21, 1989. Copy supplied.

"Supercomputer Director Removed," The News and Observer, August 18, 1989. Copy supplied.

"State Supercomputer Director Is Removed," The News and Observer, August 18, 1989. Copy supplied.

"Sierra Club Wants New Look at Outer Loop," The News and Observer, August 17, 1989. Copy supplied.

"Sierra Club Seeks New Study on Outer Loop," The News and Observer, August 17, 1989. Copy supplied.

"Legislative Building Face-Lift Starts," The News and Observer, August 16, 1989. Copy supplied.

"Legislative Building Renovations Start," The News and Observer, August 16, 1989. Copy supplied.

"100-Foot Crane Tips at Raleigh Building Site," The News and Observer, August 15, 1989. Copy supplied.

"Group Spawned By Drug Sentence Hopes Concert's Message Clear," The News and Observer, August 13, 1989. Copy supplied.

"Pilot Loved Challenge of Flying," The News and Observer, August 13, 1989. Copy supplied.

"Fast Eddie Lived for Flying – And Died for It," The News and Observer, August 12, 1989. Copy supplied.

"State Chills Out as Cold Air Mass Moves Through," The News and Observer, August 11, 1989. Copy supplied.

"Mix-up Is Taxing For Many," The News and Observer, August 10, 1989. Copy supplied.

"Council Opinions Divided on Impact of Coliseum Funds," August 10, 1989. Copy supplied.

"Council Opinions Divided on Impact of Coliseum Funding," August 10, 1989. Copy supplied.

"Accountants, Lawyers Find Goof Taxing," The News and Observer, August 10, 1989. Copy supplied.

"Officials Want \$2 Million To Fix Up Executive Mansion," The News and Observer, August 8, 1989. Copy supplied.

"Make-Over Is Sought for Governor's House," The News and Observer, August 8, 1989. Copy supplied.

"Council Says Towing Firms Must Meet Regulations Or Lose Contracts With City," The News and Observer, August 3, 1989. Copy supplied.

"Heat Is On For Workers in Archdale Building," The News and Observer, August 2, 1989. Copy supplied.

"Temperatures Are Rising in High-Rise," The News and Observer, August 2, 1989. Copy supplied.

"Zebulon Declares War on Tap Water That Runs Brown," The News and Observer, August 1, 1989. Copy supplied.

"Zebulon Discussing 'War' on Brown Water," The News and Observer, August 1, 1989. Copy supplied.

"Gas Tax Hike Means Price Rises Tuesday," The News and Observer, July 29, 1989. Copy supplied.

"Triangle Roars for The Who," The News and Observer, July 28, 1989. Copy supplied.

"Aging Who Still With It, Say Fans of 60s, 80s," The News and Observer, July 28, 1989. Copy supplied.

"Many Tar Heels Favor Law Against Flag Desecration," The News and Observer, July 25, 1989. Copy supplied.

"Death Sparks Push for Skateboard Park," The News and Observer, July 23, 1989. Copy supplied.

"Cornerstone Yields Pieces of the Past," The News and Observer, July 21, 1989. Copy supplied.

"Cornerstone Holds Pieces of the Past from 130 Years Ago," The News and Observer, July 21, 1989. Copy supplied.

"Children Learn Rules of Roadway," The News and Observer, July 20, 1989. Copy supplied.

"Children Learn Rules of Road," The News and Observer, July 20, 1989. Copy supplied.

"Requests for Lead Tests Flood Raleigh Agency," The News and Observer, July 20, 1989. Copy supplied.

"Rolesville Names Mayor," The News and Observer, July 15, 1989. Copy supplied.

“‘Bull Man’ A Big Hit at Ballpark,” The News and Observer, July 10, 1989. Copy supplied.

“Former Manager of Raleigh to Head State Retiree Group,” The News and Observer, July 8, 1989. Copy supplied.

“Family Footing It 600 Miles for Fun,” The News and Observer, July 7, 1989. Copy supplied.

“Man, 73, Dies As Car Crashes, Catches Fire,” The News and Observer, June 29, 1989. Copy supplied.

“Old-Time Cars Stroll Down Raleigh Lane,” The News and Observer, June 28, 1989. Copy supplied.

“Old-Time Cars Stroll Down Raleigh Lane,” The News and Observer, June 28, 1989. Copy supplied.

“Beer Ban Should Go, Panel Says,” The News and Observer, June 27, 1989. Copy supplied.

“Bust Beer Ban, Council Panel Says to Raleigh,” The News and Observer, June 27, 1989. Copy supplied.

“Mickey Mouse Will Lead Old Cars in Raleigh Today,” The News and Observer, June 27, 1989. Copy supplied.

“Showcase Draws 19,000,” The News and Observer, June 25, 1989. Copy supplied.

“Study Stirs Hope for Clearing Zebulon Water,” The News and Observer, June 23, 1989. Copy supplied.

“Examination Stirs Up Hope for Clearing Zebulon Water,” The News and Observer, June 23, 1989. Copy supplied.

Through on-line database searches, and a review of my own files, I have identified a number of articles that I authored while a student in college as a reporter and editorial writer for The Harvard Crimson, although there may be others in the archives of The Harvard Crimson that I have not been able to locate:

“Why We Need a Student Center,” The Harvard Crimson, April 6, 1989. Copy supplied.

“A Parting Shot,” The Harvard Crimson, Feb. 1, 1989. Copy supplied.

"Michigan, Coach Bo and The Game: A Game Reunion," The Harvard Crimson, Nov. 19, 1988. Copy supplied.

"Who's Helping Whom?" The Harvard Crimson, Sept. 27, 1988. Copy supplied.

"A Paranoid Pledge," The Harvard Crimson, Sept. 20, 1988. Copy supplied.

"Is Quayle a Boom or a Bust?" The Harvard Crimson, Aug. 19, 1988. Copy supplied.

"The Murder-Suicide of Abe Fortas' Political Career," The Harvard Crimson, Aug. 12, 1988. Copy supplied.

"Yeah, Gimme a Light," The Harvard Crimson, Aug. 8, 1988. Copy supplied.

"The Search for Czars: Campaign 88," The Harvard Crimson, Aug. 2, 1988. Copy supplied.

"Revealing the Private," The Harvard Crimson, July 6, 1988. Copy supplied.

"What Jesse Has to Do," The Harvard Crimson, July 1, 1988. Copy supplied.

"Making 'A Risk for Peace' Pay Off: Commencement Speaker," The Harvard Crimson, June 9, 1988. Copy supplied.

"Questioning Motives," The Harvard Crimson, June 7, 1988. Copy supplied.

"What More Do They Want on Jesse?" The Harvard Crimson, Apr. 6, 1988. Copy supplied.

"Freedom of the Press: For Whom? Roaming the Real World," The Harvard Crimson, Jan. 25, 1988. Copy supplied.

"Why Johnny Can't Rule: Roaming the Real World," The Harvard Crimson, Jan. 13, 1988. Copy supplied.

"An Awkward Situation," The Harvard Crimson, Dec. 7, 1987. Copy supplied.

"Foner Says No to Harvard; Columbia Prof Will Stay Put," The Harvard Crimson, Dec. 5, 1987. Copy supplied.

"For Whom the Bell Tolls: On Books," The Harvard Crimson, Nov. 16, 1987. Copy supplied.

"Movement That Didn't Move: Roaming the Real World," The Harvard Crimson, Nov. 9, 1987. Copy supplied.

"Dispute Ends Artifact Exchange," The Harvard Crimson, Oct. 28, 1987. Copy supplied.

"Geertz Serious! Campus Critic," The Harvard Crimson, Oct. 26, 1987. Copy supplied.

"A Friendly Artist Makes Cambridge His Gallery: Slice of Life," The Harvard Crimson, Oct. 21, 1987. Copy supplied.

"The Affluent Classroom: Business School Critic," The Harvard Crimson, Oct. 19, 1987. Copy supplied.

"A Question of Right and Wrong: Roaming the Real World," The Harvard Crimson, Oct. 14, 1987. Copy supplied.

"Up With People: Campus Critic," The Harvard Crimson, Sept. 30, 1987. Copy supplied.

"College Secures VIPs Records," The Harvard Crimson, Sept. 26, 1987. Copy supplied.

"A New Course in History: Campus Critic," The Harvard Crimson, Sept. 23, 1987. Copy supplied.

"A New Era in Education Begins at Medical School," The Harvard Crimson, Aug. 21, 1987. Copy supplied.

"The Left's Adoption of States' Rights," The Harvard Crimson, Aug. 7, 1987. Copy supplied.

"Profs Say Hearings Helpful," The Harvard Crimson, Aug. 4, 1987. Copy supplied.

"Beanball," The Harvard Crimson, Aug. 4, 1987. Copy supplied.

"La Bamba: Cinema Veritas," The Harvard Crimson, July 31, 1987. Copy supplied.

"Colleagues Set Up Fund For Hit-and-Run Victim," The Harvard Crimson, July 21, 1987. Copy supplied.

"About Those Telegrams," The Harvard Crimson, July 21, 1987. Copy supplied.

"Crimebusters Galore," The Harvard Crimson, July 17, 1987. Copy supplied.

"B-School Tenures Its Fourth Woman Ever: School Adds Finance Specialist to Senior Faculty," The Harvard Crimson, July 7, 1987. Copy supplied.

"Racism Red Herring in Goetz Verdict," The Harvard Crimson, June 28, 1987. Copy supplied.

"Will Departmental In-fighting Affect Educational Quality? Departments in Trouble," The Harvard Crimson, June 11, 1987. Copy supplied.

"The Marshall Plan: Then and Now: 40 Years Ago," The Harvard Crimson, June 11, 1987. Copy supplied.

"NAS Rejects Huntington For Second Straight Year," The Harvard Crimson, Apr. 29, 1987. Copy supplied.

"Lee Takes War College's Offer; History Prof to Teach Officers," The Harvard Crimson, Apr. 11, 1987. Copy supplied.

"Making the Final Break: Campus Critic," The Harvard Crimson, Mar. 27, 1987. Copy supplied.

"CAPITOL IDEAS: The Health of the Presidency," The Harvard Crimson, Mar. 24, 1987. Copy supplied.

"Medievalist Takes Tenured Post: Visiting British Scholar Joins English Department," The Harvard Crimson, Mar. 20, 1987. Copy supplied.

"Princeton Eyes Skocpol; Final Offer Still Pending," The Harvard Crimson, Mar. 3, 1987. Copy supplied.

"The March of Racism: The Forsyth Saga," The Harvard Crimson, Feb. 5, 1987. Copy supplied.

"What Other Colleges Require: St. John's Great Books Program and U. of Chicago's Core," The Harvard Crimson, Nov. 10, 1986. Copy supplied.

"Literacy Expert Calls for Federal Aid to Help Grass Roots Reading Groups," The Harvard Crimson, Nov. 6, 1986. Copy supplied.

"Politics of Frustration: Brass Tacks," The Harvard Crimson, Oct. 25, 1986. Copy supplied.

"An Unimpressive Showing: Taking Note," The Harvard Crimson, Oct. 18, 1986. Copy supplied.

"Soviet Official Responds to Foreign Policy Attack," The Harvard Crimson, Oct. 2, 1986. Copy supplied.

"An Unhappy Birthday," The Harvard Crimson, Sept. 30, 1986. Copy supplied.

"Not a Precedent: Hill Spill," The Harvard Crimson, Apr. 16, 1986. Copy supplied.

"Playing the Lottery: Number 457," The Harvard Crimson, Mar. 8, 1986. Copy supplied.

"CUE Delays Submitting Buffer Idea to Fac. Vote," The Harvard Crimson, Mar. 7, 1986. Copy supplied.

"A Different Sort of Pre-Professionalism," The Harvard Crimson, Mar. 7, 1986. Copy supplied.

"Crisis After Cruse: Taking Note," The Harvard Crimson, Mar. 1, 1986. Copy supplied.

"Where Has All the Unity Gone? Brass Tacks," The Harvard Crimson, Feb. 22, 1986. Copy supplied.

"No Way to Treat a Hero: Taking Note," The Harvard Crimson, Feb. 12, 1986. Copy supplied.

"Brandeis Students Build Shanty: Protest School's South Africa-Linked Stock," The Harvard Crimson, Feb. 7, 1986. Copy supplied.

"Remembering to Forget: Taking Note," The Harvard Crimson, Feb. 6, 1986. Copy supplied.

- b. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

I am a member of the Massachusetts Board of Higher Education. In that role, I assisted in the review of *Time to Lead: The Need for Excellence in Higher Education, A Report to the People of Massachusetts* from the Massachusetts Department of Higher Education (September 2012). Copy supplied.

Executive Summary, *Boston Bound: A Comparison of Boston's Legal Powers with Those of Six Other Major American Cities*, Boston Foundation, Policy Brief (Feb. 2007) (with Gerald Frug). Copy supplied.

*Boston Bound: A Comparison of Boston's Legal Powers with Those of Six Other Major American Cities*, Boston Foundation, Policy Brief (Feb. 2007) (with Gerald Frug). Copy supplied.

I was a participant in a forum convened in July 2006 in Washington, D.C. by the Urban Land Institute (ULI) that issued a ULI Current Issues Report entitled, *Eminent Domain: An Important Tool for Community Revitalization* (2007). Copy supplied.

- c. Supply four (4) copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

Published Opinions of the Office of Legal Counsel:

Memorandum for Attorneys of the Office, *Best Practices for OLC Legal Advice and Written Opinions*, July 16, 2010. Copy supplied.

Memorandum Opinion for the Chairman, Administrative Conference of the United States, *Applicability of the Emoluments Clause to Nongovernmental Members of ACUS*, June 3, 2010. Copy supplied.

Memorandum Opinion for the Acting Deputy Attorney General, *Whether the Criminal Provisions of the Violence Against Women Act Apply to Otherwise Covered Conduct When the Offender and Victim Are the Same Sex*, Apr. 27, 2010. Copy supplied.

Memorandum Opinion for the Attorney General, *The Attorney General's Authority in Certifying Whether a State Has Satisfied the Requirements for Appointment of Competent Counsel for Purposes of Capital Conviction Review Proceedings*, Dec. 16, 2009. Copy supplied.

Memorandum Opinion for the Counsel to the President, *Applicability of the Emoluments Clause and the Foreign Gifts and Decorations Act to the President's Receipt of the Nobel Peace Prize*, Dec. 7, 2009. Copy supplied.

Memorandum Opinion for the Deputy General Counsel, Department of Housing and Urban Development, *Applicability of Section 163 of Division B of Public Law 111-68 to Payments in Satisfaction of Pre-Existing Contractual Obligations*, Oct. 23, 2009. Copy supplied.

Memorandum Opinion for the Principal Deputy Counsel to the President, *Removability of the Federal Coordinator for Alaska Natural Gas Transportation Projects*, Oct. 23, 2009. Copy supplied.

Letter Opinion for the Assistant Secretary for Financial Institutions, U.S. Department of Treasury, *Constitutionality of Mandatory Registration of Credit Rating Agencies*, Oct. 22, 2009. Copy supplied.

Memorandum Opinion for an Associate Deputy Attorney General, *Legality of Intrusion-Detection System to Protect Unclassified Computer Networks in the Executive Branch*, Aug. 14, 2009. Copy supplied.

Memorandum for the Attorney General, *Withdrawal of Office of Legal Counsel Opinion*, June 11, 2009. Copy supplied.

Memorandum Opinion for the Acting Legal Adviser, Department of State, *Constitutionality of Section 7054 of the Fiscal Year 2009 Foreign Appropriations Act*, June 1, 2009. Copy supplied.

Memorandum Opinion for the Attorney General, *Validity of Statutory Rollbacks As a Means of Complying with the Ineligibility Clause*, May 20, 2009. Copy supplied.

Memorandum for the Attorney General, *Withdrawal of Office of Legal Counsel CIA Interrogation Opinions*, Apr. 15, 2009. Copy supplied.

Legislative Testimony:

Joint Statement to the Senate, Committee on the Judiciary, Subcommittee on the Constitution, "Restoring the Rule of Law," Hearing, Sept. 16, 2008. Copy supplied.

Testimony by Speakerphone to the Vermont Senate Committee on Economic Development, Housing and General Affairs, "Regularly Scheduled Hearing of Committee," Feb. 26, 2008. My testimony concerned a pending bill, S.362, The Withdrawal of Vermont National Guard Military Forces from Iraq and the Federal Deployment of the National Guard. Video supplied.

Testimony to the Senate, Committee on the Judiciary, "Exercising Congress's Constitutional Power to End a War." Hearing, Jan. 30, 2007. Copy of testimony, written statement, and questions for the record supplied.

Letters:

Joint Letter to the Senate Judiciary Committee in Support of the Nomination of Stuart Delery to be Assistant Attorney General, Civil Division, United States Department of Justice (May 13, 2013). Copy supplied.

Joint Letter from Former Law Clerks to Congressional Leaders in Support of the Confirmation of Paul Watford to be Circuit Judge, U.S. Court of Appeals for the Ninth Circuit (May 15, 2012). Copy supplied.

Joint Letter to the Senate Judiciary Committee in Support of the Nomination of Virginia Seitz to be Assistant Attorney General, Office of Legal Counsel (Mar. 15, 2011). Copy supplied.

Letter from Constitutional Scholars to United States Senators Concerning Statement of Administration Policy ("SAP") on H.R. 1592, The Local Law Enforcement Hate Crimes Prevention Act of 2007, (July 2007). Copy supplied.

Letter from Constitutional Law Scholars to Congressional Leaders Concerning Constitutionality of Statutory Limitations on Troop Increase in Iraq, (Jan. 17, 2007.) Copy supplied.

Letter from Members of University Faculties in Law, International Relations, Diplomacy, and Public Policy to Members of the U.S. House of Representatives and the U.S. Senate Concerning Congressional Oversight of Reports of Abuse of Detainees in Iraq, (June 16, 2004.) Copy supplied.

Letter from Law Professors to Senators Frist and Daschle Concerning Constitutionality of the Filibuster, (May 16, 2003.) Copy supplied.

State Board Proceedings:

Since April 2013, I have served as a board member of the Massachusetts State College Building Authority. In that capacity, I have participated in meetings of the Board and its committees. Minutes supplied where available.

Since March 2012, I have served as a board member of the Massachusetts Board of Higher Education. In that capacity, I have participated in meetings of the Board and its committees. Minutes supplied where available.

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you, including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

The following list reflects my best efforts to identify the speeches or talks or remarks that I have delivered. To compile the list, I consulted my own files and internet sources. There may, however, have been speeches or talks or remarks that I have been unable to recall, or identify, and I have occasionally spoken at informal events for which I did not retain any record.

October 9, 2013: Presenter, Harvard University Electronic Communications Policy Task Force Open Forum, Harvard University, Cambridge, MA. I discussed the questions that the task force will be considering. I have no notes, transcript or recording, but press coverage is supplied. The address of the sponsoring organization is Harvard Law School, 1563 Massachusetts Avenue, Cambridge, MA 02138.

September 18, 2013: Remarks, Harvard Law School Office of Public Interest Advising Public Service Orientation, Harvard Law School, Cambridge, MA. I have given a number of these speeches annually since 2000, except when I was on a leave of absence. Representative notes from 2011 and representative video from 2010 supplied.

July 30, 2013: Moderator, "Separation of Powers in the 21st Century: The Rules of Engagement," Annual Meeting, Conference of Chief Justices and Conference of State Court Administrators. Burlington, VT. As best I can recall, I discussed the challenges of the role of the chief justice of a state supreme court. I have no notes, transcript, or recording. The address of the sponsoring organization is Conference of Chief Justices, c/o Association and Conference Services, 300 Newport Avenue, Williamsburg, VA 23185.

July 30, 2013: Presenter, "Judicial Independence and the State Court Funding Crisis," National Center for State Courts, Burlington, VT. Video available at: <http://vimeo.com/76525810>.

May 20, 2013: Interviewer, "John Paul Stevens in Conversation," Kennedy Library Forum. Boston, MA. Video available at: <http://www.youtube.com/watch?v=XhNm0luwYfo>.

May 9, 2013: Panelist, "Bridging Theory and Practice: Real Estate and the Built Environment at the University," Harvard Real Estate Academic Initiative, International Advisory Board Meeting, Harvard University, Cambridge, MA. As best I can recall, my remarks discussed the Gateway Cities course described in response to question 19. I have no notes, transcript, or recording. The address of the sponsoring organization is the Harvard Real Estate Academic Initiative, Seven Sumner Road, Room 303, Cambridge, MA 02138.

May 3, 2013: Panelist, "The Administrative Process: 75th Anniversary Conference," "Delegation -- Positive and Negative," Harvard Law School, Cambridge, MA. As best I can recall, my remarks were based on my

article, "In Defense of Big Waiver," a copy of which has been supplied in response to 12a. I have no notes, transcript, or recording. The address of the sponsoring organization is Harvard Law School, 1563 Massachusetts Avenue, Cambridge, MA 02138.

April 16, 2013: Panelist, "Resilience + Sustainability," at Harvard Real Estate Academic Initiative Conference on Resilience, Adaptability, and Sustainability of the Built Environment, Harvard University, Cambridge, MA. As best I can recall, I discussed governance challenges of adapting to sea level rise in urban areas. I have no notes, transcript, or recording, but press coverage is supplied. The address of the sponsoring organization is the Harvard Real Estate Academic Initiative, Seven Sumner Road, Room 303, Cambridge, MA 02138.

April 12, 2013: Presenter, Boston College Law School Faculty Workshop. I discussed my article, *In Defense of Big Waiver*. I have no notes, transcript, or recording, but a copy of the article on which the presentation was based has been supplied in response to 12a. The address of the sponsoring organization is Boston College Law School, 885 Centre Street, Newton, MA 02459.

April 9, 2013: Presenter, Morning Prayers at Harvard Memorial Church, Harvard University, Cambridge, MA. Audio available at:  
<https://soundcloud.com/harvard/david-barron-tuesday-april-9>.

April 5, 2013, Moderator, Panel entitled "Problem; Is There a Lack of Intellectual Diversity in Law School Faculties," Harvard Federalist Society Conference on "Intellectual Diversity and the Legal Academy," Harvard Law School, Cambridge, MA. Video available at:  
<http://www3.law.harvard.edu/orgs/fedsoc/intellectual-diversity-conference/>.

March 27, 2013: Panelist, "To EIP or not to EIP," Office of Public Interest Advising, Harvard Law School. Cambridge, MA. Video available at:  
[http://www.law.harvard.edu/media/2013/03/27\\_opia.mov](http://www.law.harvard.edu/media/2013/03/27_opia.mov).

March 9, 2013: Panelist, "New Ideas in Urban Planning and Disaster Response in an Era of Global Climate Change," Harvard Leadership Conference at Harvard University, Cambridge, MA. As best I can recall, I discussed the governance challenges of adapting to sea level rise in urban areas. I have no notes, transcript, or recording. The sponsoring organization is the Harvard Graduate Council, Harvard University, 1350 Massachusetts Avenue, Cambridge, MA 02138.

March 5, 2013: Moderator, "Preparing Massachusetts for Climate Change: Do State and Local Governments Have a Role and What are They Doing?," Rappaport Center for Law and Public Policy, Suffolk University Law School, Boston, MA. Video available at:  
[mms://media2.law.suffolk.edu/OnDemand/Rappaport\\_PreparingMassForClimateChange\\_030513.mp3](mms://media2.law.suffolk.edu/OnDemand/Rappaport_PreparingMassForClimateChange_030513.mp3).

March 2, 2013: Panelist, "Crime and Urban Development in Cities," Harvard Black Law Students Association Spring Conference, Harvard Law School, Cambridge, MA. As best I can recall, I discussed the limits states place on city powers. I have no notes, transcript, or recording. The address of the sponsoring organization is Harvard Law School, 1563 Massachusetts Avenue, Cambridge, MA 02138

February 28, 2013: Moderator, "What is Urban Law," 40th Urban Law Journal Symposium, Fordham Law School, New York, NY. Video available at: <http://vimeo.com/62187086>.

January 8, 2013: Presenter, University of Chicago Law School Public Law Workshop, Chicago, IL. I discussed my article, *In Defense of Big Waiver*. I have no notes, transcript or recording, but a copy of the article on which my talk was based has been supplied in response to 12a. The sponsoring organization is the University of Chicago Law School, 1111 East 60th Street, Chicago, IL 60637.

December 3, 2012: Presenter, Harvard Environmental Law Society, Harvard University, Cambridge, MA. I discussed the governance challenges of adapting to sea level rise in urban areas. I have no notes, transcript or recording, but press coverage is supplied. The sponsoring organization is the Harvard Environmental Law Society, Harvard Law School, Wasserstein Hall, Cambridge, MA 02138.

November 18, 2012: Interviewer, "Obama and the Supreme Court," Interview with Jeffrey Toobin, John F. Kennedy Library Forum, John F. Kennedy Library. Boston, MA. Transcript supplied.

November 16, 2012: Panelist, "Separation of Powers," Federalist Society National Lawyers Convention. Washington, D.C. Video available at: <http://www.youtube.com/watch?v=xnNntEnNZB0>.

November 5, 2012: Presenter, Harvard Law Society of Illinois, Chicago, IL. As best I can recall, I discussed my experience as the Acting Assistant Attorney General for the Office of Legal Counsel, United States Department of Justice. I have no notes, transcript, or recording. The address of the sponsoring organization is Harvard Law School, 1563 Massachusetts Avenue, Cambridge, MA 02138.

October 31, 2012: Introduction, Law and Government Program of Study, Kickoff Event Featuring Solicitor General Donald Verrilli, Jr., Harvard Law School, Cambridge, MA. Video available at: [http://www.law.harvard.edu/news/2012/11/06\\_solicitor-general-verrilli-greatest-legal-job.html](http://www.law.harvard.edu/news/2012/11/06_solicitor-general-verrilli-greatest-legal-job.html).

September 28, 2012: Presenter, American Constitution Society for Law and Policy, Harvard Law School, Cambridge, MA. As best I can recall, I discussed my experience as the Acting Assistant Attorney General for the Office of Legal Counsel, United States Department of Justice. I have no notes, transcript, or recording. The address of the sponsoring organization is Harvard Law School, 1563 Massachusetts Avenue, Cambridge, MA 02138.

June 1, 2012: Commenter, Harvard, Stanford, and Yale Law School Junior Faculty Forum, "Constitutional Law I & II," Harvard Law School, Cambridge, MA 02138. As best I can recall, I discussed two papers by junior faculty on constitutional law. I have no notes, transcript, or recording. The address of the sponsoring organization is Harvard Law School, 1563 Massachusetts Avenue, Cambridge, MA 02138.

May 20, 2012: Interviewer, "Conversation with Retired Justice John Paul Stevens," Harvard Law School, Cambridge, MA. Video available at: <http://www.law.harvard.edu/news/spotlight/constitutional-law/hls-celebrates-justice-john-paul-stevens.html>.

May 18, 2012: Remarks on behalf of the Massachusetts Board of Higher Education, Roxbury Community College Commencement, Boston, MA. I have no notes, transcript or recording. As best I can recall, my remarks extended congratulations to the graduates on behalf of the Massachusetts Board of Higher Education. The address of the sponsoring organization is Roxbury Community College, 1234 Columbus Avenue, Roxbury Crossing, MA 02120.

March 28, 2012: Panelist, "To EIP or not to EIP," Office of Public Interest Advising. Harvard Law School. Cambridge, MA. Video available at: [http://www.law.harvard.edu/media/2012/03/28\\_opia.mov](http://www.law.harvard.edu/media/2012/03/28_opia.mov).

March 5, 2012: Panelist, "*The Odd Clauses: Understanding the Constitution through Ten of Its Most Curious Provisions* by Jay Wexler, Professor of Law," Boston University School of Law, Boston, MA. As best I can recall, my remarks discussed the book that was the subject of this symposium. I have no notes, transcript, or recording. The address of the sponsoring organization is Boston University School of Law, 765 Commonwealth Avenue, Boston, MA 02215.

March 2, 2012: Panelist, "The Rule of Law and the Administrative State," at the Federalist Society National Student Symposium, "Bureaucracy Unbound: Can Limited Government and the Administrative State Co-Exist?," Stanford Law School, Stanford, CA. Video available at: <http://www.youtube.com/watch?v=t3njQn0ls9c>.

September 27, 2011: "The Constitution and National Security," Boston University Law School talk sponsored by the National Security Law Society, The Federalist Society, The American Constitution Society, and the Office of Student Affairs,

Boston University School of Law, Boston, MA. As best I can recall, my remarks discussed legal developments concerning counterterrorism since the Supreme Court's decision in *Boumediene v. Bush*, 553 U.S. 723 (2008). I have no notes, transcript, or recording. The address of the sponsoring organization is the Office of Student Affairs, Boston University School of Law, 765 Commonwealth Avenue, Boston, MA 02215.

September 27, 2011: Panelist, "The Case for Local Constitutional Enforcement," Harvard Civil Rights-Civil Liberties Law Review, Harvard Law School, Cambridge, MA. Video available at:  
[http://www.law.harvard.edu/news/spotlight/constitutional-law/18\\_kathleen-morris-local-constitutional-law-crcl.html](http://www.law.harvard.edu/news/spotlight/constitutional-law/18_kathleen-morris-local-constitutional-law-crcl.html).

September 23, 2011: Panelist, "Court Funding: Autonomy, Access, and Accountability," Kentucky Law Journal, American Bar Association, National Center for State Courts Symposium on Court Funding. As best I can recall, my remarks addressed threats to judicial independence posed by limited state court funding. I have no notes, transcript or recording. The address of the sponsoring organization is the Kentucky Law Journal, University of Kentucky College of Law, Lexington, KY 40506.

September 17, 2011: Moderator, "The Presidency in the Post-9/11 World," Conference on "Law, Security & Liberty After 9/11: Looking to the Future," Harvard Law School-Brookings Project on Law and Security, Harvard Law School, Cambridge, MA. Video available at:  
[http://www.law.harvard.edu/media/2011/09/17\\_blum3.mov](http://www.law.harvard.edu/media/2011/09/17_blum3.mov).

June 6, 2011: Presenter, "What We Talk About When We Talk About Integration: Three Distinctions That Matter for Europe and the United States," John F. Kennedy Lecture, TiasNimbas Business School, Tilburg University, Tilburg, Netherlands. As best I can recall, my remarks discussed the current federalism debate, including the debate over the Affordable Care Act, in the United States and its relationship to debates over subsidiarity in the European Union. I have no notes, transcript, or recording. The address of the sponsoring organization is TiasNimbas Business School, Tilburg University, Postbus 90153, 5000 LE Tilburg, The Netherlands.

March 29, 2011: Panelist, "To EIP or not to EIP," Office of Public Interest Advising, Harvard Law School. Cambridge, MA. Video available at:  
[http://www.law.harvard.edu/media/2011/03/29\\_opia\\_1.mov](http://www.law.harvard.edu/media/2011/03/29_opia_1.mov).

November 11, 2010: Panelist, "The Executive in Crisis: Constitutional Capabilities," at Stanford Law School conference, "The Constitution in the Financial Crisis," Stanford Law School, Stanford, CA. Video supplied.

November 9, 2010: Presenter, "Views From Washington: The First 18 Months of the Obama Administration," Harvard Law School, Cambridge, MA. As best I can recall, I described some of the legal issues the administration confronted in the first 18 months. I have no notes, transcript, or recording. The address of the sponsoring organization is Harvard Law School, 1563 Massachusetts Avenue, Cambridge, MA 02138.

October 29, 2010: Panelist, "Symposium on Federalism, Preemption and State Law," the Uniform Law Commission and George Washington University Law School, Washington, D.C. As best I can recall, I discussed the law of preemption generally. I have no notes, transcript, or recording. The address of the sponsoring organization is Uniform Law Commission, 111 North Wabash Avenue, Suite 1010, Chicago, IL 60602.

October 7, 2010: Panelist, Forum on *Laws, Outlaws and Terrorists* by Professors Philip Heymann and Gabriella Blum, Harvard Law School, Cambridge, MA. Video supplied.

October 2010: Keynote, "Views from Washington: The First 18 Months," Langdell Dinner for Harvard Law School, New York, NY. Notes supplied.

April 26, 2009: Panelist, "Boston Bound: A Comparison of Boston's Legal Powers With Those of Six Other Major American Cities," Rappaport Institute for Greater Boston, Harvard University, Cambridge, MA 02138. As best I can recall, I discussed the report "Boston Bound," which has been supplied in response to 12a. I have no notes, transcript, or recording. The address of the sponsoring organization is The Rappaport Institute for Greater Boston, Harvard Kennedy School, 79 John F. Kennedy Street, Cambridge, MA 02138.

October 24, 2008: Panelist, "Supreme Insights: Examining the Future of America's Highest Court," Harvard Law School, Cambridge, MA. Video supplied.

September 26, 2008: Panelist, "War Powers in Historical Perspective," Conference in Honor of Professor Morton, Harvard Law School, Cambridge, MA. Video supplied.

September 24, 2008: Panelist, "The 2008 Election: What is at Stake for the Judiciary," Federalist Society and the American Constitution Society chapters at the University of Pennsylvania Law School, Philadelphia, PA. As best as I can recall, my remarks addressed the potential for changes on the Supreme Court of the United States. I have no notes, transcript, or recording. The address of the sponsoring organizations is University of Pennsylvania Law School, 3501 Sansom Street, Philadelphia, PA 19104.

July 31, 2008: Panelist, "A Debate on Cato's 'The Dirty Dozen': The Worst Supreme Court Cases in the Modern Era?," Cato Institute and the American Constitution Society, Cato Institute, Washington, D.C. Video supplied.

June 3, 2008: Participant, Governor Deval L. Patrick's Listening Tour, Fitchburg State University, Fitchburg, MA. As best I can recall, my remarks discussed restrictions on home rule in Massachusetts. I have no notes, transcript, or recording, but press coverage is supplied. The address of the sponsoring organization is Fitchburg State University, 160 Pearl Street, Fitchburg, MA 01420.

May 7, 2008: Participant, Mayors Roundtable, at the U.S.-Arab Economic Forum in Washington, D.C. with mayors from cities in the United States and Arab countries concerning the powers of cities in different countries. As best as I can recall, my remarks focused on home rule in the United States and how states limit city powers. I have no notes, transcript or recording. The address of the sponsoring organization is American Middle East Economic Affairs Committee, 12740 West Warren Avenue, Suite 300, Dearborn, MI 48126.

May 2008: Presenter, Conference on "The Role of State Court Leaders in Supporting Public Policy For Chief Justices and State Court Administrators," National Center for State Courts, Philadelphia, PA. Notes supplied.

April 10, 2008: Panelist, "Takings and Environmental Regulation: When Is Compensation Warranted?," The Harvard Law School Federalist Society, Harvard Law School, Cambridge, MA. Video supplied.

Spring 2008: Presenter, "Commander-in-Chief at the Lowest Ebb," Duke Law School Faculty Workshop, Durham, NC. As best I can recall, my remarks were based on the Harvard Law Review articles on the commander in chief power, copies of which have been supplied in response to 12a. I have no notes, transcript, or recording. The address of the sponsoring organization is Duke University School of Law, 201 Science Dr., Durham, NC 27708.

January 18, 2008: Presenter, "City Structures," Emory Law School faculty colloquium, Emory Law School, Atlanta, GA. As best I can recall, my remarks were based on *City Bound: How States Stifle Urban Innovation*, a copy of which has been supplied in response to 12a. I have no notes, transcript, or recording. The address of the sponsoring organization is Emory University School of Law, Gambrell Hall, 1301 Clifton Road, Atlanta, GA 30322.

January 3, 2008: Panelist, "Cooperative or Clashing Federalism," Association of American Law Schools Annual Convention, New York, NY. As best as I can recall, my remarks focused on local government law and immigration. I have no notes, transcript, or recording. The address of the sponsoring organization is the Association of American Law Schools, 1201 Connecticut Avenue, NW, Suite 800, Washington, D.C. 20036.

November 29, 2007: Panelist, "The Mukasey Hearings Reconsidered," Harvard Law School, Cambridge, MA. Recording available at: <https://www.law.georgetown.edu/webcast/eventDetail.cfm?eventID=455>.

November 3, 2007: Presentation, "Substantive Fault Lines in Constitutional War Powers," Harvard Law School Colloquium on the Commander in Chief Power, Harvard Law School, Cambridge, MA. Notes supplied.

October 25, 2007: Presenter, "George Washington University Law Review's Annual Review of Administrative Law," George Washington University Law School, National Press Club, Washington, D.C. Notes supplied.

October 12, 2007: Presenter, George Washington Law School Symposium, "Access to the Media – 1967 to 2007 and Beyond," Washington, D.C. As best as I can recall, my remarks were introductory in nature and focused on my father, Professor Jerome A. Barron, who was being celebrated in this symposium. I have no notes, recording, or transcript. The address of the sponsoring organization is George Washington University Law School, 2000 H Street, NW, Washington, D.C. 20052.

September 11, 2007: Introductory Remarks, Speech by Hon. Stephen Reinhardt, Harvard Law School American Constitution Society for Law and Policy, Harvard Law School, Cambridge, MA. As best as I can recall, my remarks were introductory in nature. I have no notes, recording, or transcript. The address of the sponsoring organization is Harvard Law School American Constitution Society for Law and Policy, Harvard Law School, 1563 Massachusetts Avenue, Cambridge, MA 02138.

Fall 2007: Presenter, Debate on Adrian Vermeule, "Terror in the Balance: Security Liberty, and the Courts," sponsored by the Harvard Federalist Society and the National Security & Law Society, Harvard Law School, Cambridge, MA. As best I can recall, my remarks focused on the arguments contained in Professor Vermeule's book of the same title as the debate. I have no notes, transcript, or recording. The address of the sponsoring organization is Harvard Federalist Society, 1563 Massachusetts Avenue, Cambridge, MA 02138.

Fall 2007: Presenter, Lecture on American Administrative Law, Harvard Law School European Law Research Center, J&A Garrigues, S.L. Barcelona, Spain. As best as I can recall, my remarks provided a general introduction to American administrative law. I have no notes, transcript, or recording. The address of the sponsoring organization is Harvard Law School, 1563 Massachusetts Avenue, Cambridge, MA 02138.

Fall 2007: Presenter, Lecture on American Federalism, Harvard Law School European Law Research Center, J&A Garrigues, S.L. Seville, Spain. As best as I can recall, my remarks provided a general introduction to American federalism. I have no notes, transcript, or recording. The address of the sponsoring organization is Harvard Law School, 1563 Massachusetts Avenue, Cambridge, MA 02138.

August 2007: Panelist, "Reversing the Alito Effect: Mobilizing for 2008 to Take Back the Supreme Court," YearlyKos, Chicago, IL. As best as I can recall, my remarks focused on legal issues likely to come before the Supreme Court of the United States in upcoming years. I have no notes, transcript, or recording. The sponsoring organization, Yearlykos, is no longer in operation.

July 2007: Panelist, "Civil Liberties and Human Rights in the War on Terror," Harvard University Weatherhead Center for International Affairs, "Democracy in Contemporary Global Politics: Global Governance, Foreign Policies, Domestic Politics," Talloires, France. As best as I can recall, my remarks focused on recent court cases concerning law-of-war detention and military commissions. I have no notes, transcript, or recording. The address of the sponsoring organization is Harvard University Weatherhead Center for International Affairs, 1737 Cambridge Street, Cambridge, MA 02138.

April 26, 2007: Panelist, "Boston Bound: A Comparison of the Legal Powers of Boston with Those of Six Other Major American Cities," The Boston Foundation, Boston, MA. As best as I can recall, my remarks concerned the report I co-authored, *Boston Bound*, a copy of which has been supplied in response to 12a. I have no notes, transcript, or recording. The address of the sponsoring organization is The Boston Foundation, 75 Arlington Street, Boston, MA 02116.

April 24, 2007: Panelist, Northwestern University Law School Conference on Originalism, Northwestern University Law School, Chicago, IL. As best I can recall, my remarks discussed originalism and textualism and the relationship between the two. I have no notes, transcript, or recording. The address of the sponsoring organization is Northwestern University Law School, 375 East Chicago Avenue, Chicago, IL 60611.

March 16, 2007: Panelist, "How Can Congress Stop the War -- And Should It Be Able To?," Harvard Law School Chapter of the American Constitution Society and the Harvard Law and Policy Review, Harvard Law School, Cambridge, MA. As best I can recall, my remarks focused on the history and practice of congressional efforts to limit the president's war powers. I have no notes, transcript or recording, but press coverage is supplied. The address of the sponsoring organization is Harvard Law School, 1563 Massachusetts Avenue, Cambridge, MA 02138.

March 14, 2007: Panelist, "Harvard Law School Discussion of U.S. Attorney Firings," Harvard Law School, Cambridge, MA. Recording available at: [http://wilkins.law.harvard.edu/podcasts/AudioBerkman/2007\\_03\\_14\\_heyman\\_u\\_sattorneyfir.mp3](http://wilkins.law.harvard.edu/podcasts/AudioBerkman/2007_03_14_heyman_u_sattorneyfir.mp3).

Spring 2007: Presenter, Harvard Law School Colloquium on Constitutional Law, Harvard Law School, Cambridge, MA. I discussed a draft of my Harvard Law Review articles on the commander-in-chief power, copies of which were supplied in response to 12a. I have no notes, transcript, or recording. The address of the sponsoring organization is Harvard Law School, 1563 Massachusetts Avenue, Cambridge, MA 02138.

February 23, 2007: Introductory Remarks, Event Launching the Harvard Law and Policy Review, Harvard Law School, Cambridge, MA. As best I can recall, my remarks were introductory in nature. I have no notes, transcript, or recording. The address of the sponsoring organization is The Harvard Law and Policy Review, Harvard Law School, 1563 Massachusetts Avenue, Cambridge, MA 02138.

February 2007: Moderator, Panel at the UCLA Law Review Symposium, "Constitutional 'Niches': The Role of Institutional Context in Constitutional Law," UCLA Law School, Los Angeles, CA. As best I can recall, my remarks consisted of comments and questions about the other papers presented on the panel. I have no notes, transcript, or recording. The address of the sponsoring organization is the UCLA Law Review, UCLA School of Law, 71 Dodd Hall, Los Angeles, CA 90095.

January 6, 2007: Panelist, Conference on "International Workshop on the Legalization of Central-Local Relations," sponsored by The China Law Center at Yale Law School and The Constitutional and Administrative Law Center at Peking University, Beijing, China. As best I can recall, my remarks provide a general introduction to the various aspects of central-local relations under American law. I have no notes, transcript or recording. The address of the sponsoring organization is The China Law Center, Yale Law School, P.O. Box 208215, New Haven, CT 06520.

Winter 2007: Participant, "Liberties and Communities," The Constitution in 2020 Conference, American Constitution Society for Law and Policy, Yale Law School, New Haven, CT. I do not recall the substance of my remarks. I have no notes, transcript, or recording. The address of the sponsoring organization is Yale Law School, 127 Wall Street, New Haven, CT 06520.

December 12, 2006: Moderator, "The Unitary Executive: Approaches, Politics, and Current Implications," Harvard Law School Chapter of American Constitution Society for Law and Policy, Harvard Law School, Cambridge, MA. I have no notes, transcript, or recording, and I do not recall the substance of my

remarks I made in my role as moderator. The address of the sponsoring organization is Harvard Law School, 1563 Massachusetts Avenue, Cambridge, MA 02138.

November 15, 2006: Panelist, "Signing Statements," Frank J. Murray American Inn of Court, Boston, MA. As best I can recall, my remarks concerned the historical and legal basis for the use of signing statements. I have no notes, transcript, or recording. The Frank J. Murray Inn of Court has no physical address.

November 2, 2006: Panelist, "Progressive Constitutionalism," Sponsored by Harvard Law School American Constitution Society of Law and Policy, Harvard Law School, Cambridge, MA. As best I can recall, my remarks were based on *What's Wrong With Conservative Constitutionalism: Two Styles of Progressive Critique and the Choice They Present*, a copy of which is supplied in response to 12a. I have no notes, transcript, or recording. The address of the sponsoring organization is Harvard Law School, 1563 Massachusetts Avenue, Cambridge, MA 02138.

September 28, 2006: Presenter, "International Local Government Law," Yale Legal Theory Workshop, New Haven, CT. As best I can recall, my remarks were based on my article, *International Local Government Law*, a copy of which has been supplied in response to 12a. I have no notes, transcript, or recording. The address of the sponsoring organization is Yale Law School, 127 Wall Street, New Haven, CT 06511.

August 2006: Presenter, Sun Valley Writer's Conference. Sun Valley, Idaho. As best I can recall, my remarks discussed the history of efforts by Congress to limit the powers of the Commander in Chief. I have no notes, transcript, or recording. The address of the sponsoring organization is Sun Valley Writer's Conference, P.O. Box 957, Ketchum, ID 83340.

August 2006: Presenter, Sun Valley Writer's Conference, Sun Valley, Idaho. As best I can recall, my remarks discussed the Supreme Court's *Kelo v. City of New London* decision on eminent domain. I have no notes, transcript, or recording. The address of the sponsoring organization is Sun Valley Writer's Conference, P.O. Box 957, Ketchum, ID 83340.

June 20, 2006, Panelist, "Eminent Domain One Year After *Kelo*, Implications for Community Development," National City Network, Harvard University's Government Innovators Network and KnowledgePlex, Washington, D.C. Video supplied.

April 24, 2006: Panelist, "Lawyers (Can) Have Families Too: Balancing the Demands of Career and Family," Harvard Law School Association for Law and Family Matters and the Harvard Law School Couples Association, Harvard Law

School, Cambridge, MA. I do not recall the substance of my remarks. I have no notes, transcript, or recording. The address of the sponsoring organization is Harvard Law School, 1563 Massachusetts Avenue, Cambridge, MA 02138.

April 10, 2006: Presenter, Comments on Gerald Frug's article, "The City As a Legal Concept." Harvard Law School, Cambridge, MA. As best I can recall, my remarks described the arguments of Professor Frug's article and how the field of local government law has changed in the decades that followed its publication. I have no notes, transcript, or recording. The address of the sponsoring organization is Harvard Law School, 1563 Massachusetts Avenue, Cambridge, MA 02138.

April 2006: Presenter, Boston University School of Law Faculty Workshop, Boston University School of Law, Boston, MA. As best I can recall, the paper I presented was "Why (and When) Cities Have a Stake in Enforcing the Constitution," a copy of which has been supplied in response to 12a. I have no notes, recording, or transcript. The address of the sponsoring organization is Boston University School of Law, 765 Commonwealth Avenue, Boston, MA 02215.

April 2006: Presenter, Conference entitled, "Reinventing Older Communities: People, Places, Markets," Federal Reserve Bank of Philadelphia, Philadelphia, PA. As best I can recall, I discussed the Supreme Court's decision in *Kelo v. City of New London*. I have no notes, transcript, or recording. The address of the sponsoring organization is Ten North Independence, Mall W, Philadelphia, PA 19106.

March 31, 2006: Interviewer, Conversation with the Hon. Stephen Reinhardt, United States Court of Appeals for the Ninth Circuit, Ninth Annual Liman Colloquium, Yale Law School, New Haven, CT. I do not recall the substance of my remarks, but the event was an interview about Judge Reinhardt's career. I have no notes, transcript, or recording. The address of the sponsoring organization is The Arthur Liman Public Interest Program, Yale Law School, 127 Wall Street, New Haven, CT 06511.

March 31, 2006: Panelist, "Organizing and Reorganizing: The Challenges for Immigrants and Labor," Ninth Annual Liman Colloquium, Yale Law School, New Haven, CT. I do not recall the substance of my remarks. I have no notes, transcript, or recording. The address of the sponsoring organization is The Arthur Liman Public Interest Program, Yale Law School, 127 Wall Street, New Haven, CT 06511.

March 17, 2006: Presenter, "Why (and When) Cities Have a Stake in Enforcing the Constitution," George Washington University Law School Faculty Colloquium, Washington, D.C. As best as I can recall, my presentation was based on my article "Why (and When) Cities Have a Stake in Enforcing the Constitution," a copy of which has been supplied in response to 12a. I have no

notes, transcript, or recording. The address of the sponsoring organization is The George Washington University Law School, 2000 H St., NW, Washington, D.C. 20052.

March 3, 2006: Presenter, "International Local Government Law," University of Texas School of Law Faculty Workshop, Austin, TX. As best as I can recall, my presentation was based on my article, *International Local Government Law*, a copy of which has been supplied in response to 12a. I have no notes, transcript, or recording. The address of the sponsoring organization is University of Texas School of Law, 727 East Dean Keeton Street, Austin, TX 78705.

March 2006: Panelist, Yale Law Journal Symposium on Executive Power. As best I can recall, the paper I presented was "Why (and When) Cities Have a Stake in Enforcing the Constitution," a copy of which has been supplied in response to 12a. I have no notes, recording, or transcript. I have no notes, transcript, or recording. The address of the sponsorship organization is Yale Law School, 127 Wall Street, New Haven, CT 06511.

2006: Panelist, "The Scholarship of Laurence Tribe," Tulsa Law Review, College of Law, Tulsa University, Tulsa, OK. As best I can recall, my remarks were based on my article, "The Promise of Tribe's City," which has been provided in response to 12a. I have no notes, transcript, or recording, but press coverage is supplied. The address of the sponsoring organization is College of Law, Tulsa University, 3120 East Fourth Place, Tulsa, OK 74104.

November 2005: Panelist, "Working to Ensure the Fundamental Principles of Equality and Justice," American Constitution Society for Law and Policy, Northeast Regional Student Leadership Conference, Harvard Law School, Cambridge, MA. I do not recall the substance of my remarks. I have no notes, transcript, or recording, but press coverage is supplied. The address of the sponsorship organization is Harvard Law School, 1563 Massachusetts Avenue, Cambridge, MA 02138.

October 3, 2005: Panelist, Dean's Forum, Discussion of the Supreme Court's upcoming term, Harvard Law School, Cambridge, MA. Video available at: [http://www.law.harvard.edu/media/2005/10/03\\_do.mov](http://www.law.harvard.edu/media/2005/10/03_do.mov).

October 1, 2005: Panelist, "The Jurisprudence of Justice Stevens," Fordham Law School, New York, NY. As best I can recall, my remarks discussed Justice Stevens's view of federalism. I have no notes, transcript, or recording. The address of the sponsoring organization is Fordham Law School, 140 West 62nd Street, New York, NY 10023

July 30, 2005: Moderator, Can Federalism Be Progressive, 2005 American Constitution Society National Convention, American Constitution Society, Washington, D.C. Transcript supplied.

April 2, 2005: Panelist, "Privatizing the Constitution," Indiana University Maurer School of Law Conference, "The Rehnquist Legacy," Bloomington, IN. Video supplied.

Spring 2005: Panelist, "Defensive Localism: A View of the Field from the Field," Conference sponsored by the Journal of Law and Politics entitled, "Democracy in Action?: The Law and Politics of Local Government," University of Virginia School of Law, Charlottesville, VA. As best I can recall, my remarks were based on "Defensive Localism: A View of the Field From the Field," a copy of which has been supplied in response to 12a. I have no notes, transcript, or recording. The address of the sponsoring organization is Journal of Law and Politics, University of Virginia School of Law, 580 Massie Road, Charlottesville, VA 22903.

2004 or 2005: Panelist, "International Local Government Law," Conference sponsored by the Harvard Law School Institute for Global Law and Policy, Harvard Law School, Cambridge, MA. As best I can recall, my remarks addressed how international law treats cities. I have no notes, transcript, or recording. The address of the sponsoring organization is Harvard Law School, 1563 Massachusetts Avenue, Cambridge, MA 02138.

September 17, 2004: Panelist, Roundtable on the Commander-in-Chief Power, Executive Power and Interrogation, Detention and the Powers of the Executive – a Series of Roundtables Sponsored by the Program on Public Law at Duke Law School, Durham, NC. Video supplied.

September 2004: Panelist, "Dispelling the Myth of Home Rule: Local Power in Greater Boston," Boston Foundation Forum, Rappaport Institute for Greater Boston Training Session for Municipal Officials, Cambridge, MA. As best I can recall, my remarks were based on *Dispelling the Myth of Home Rule*, a copy of which has been supplied in response to 12a. I have no notes, transcript, or recording. The address of the sponsoring organization is The Rappaport Institute for Greater Boston, Harvard Kennedy School, 79 John F. Kennedy Street, Cambridge, MA 02138.

September 2004: Remarks, Orientation Dinner for First-Year Students, Harvard Law School, Cambridge, MA. Notes supplied.

August 2004: Presenter, "Gay Marriage in America: A Constitutional View," Sun Valley Writer's Conference, Sun Valley, ID. Notes supplied.

July 2004: "Home Rule Then and Now," Massachusetts Appellate Judges Conference. Weston, MA. Notes Supplied.

June 20, 2004: Panelist, "Gay Marriage, Federalism, and Amending the Constitution," American Constitution Society's Annual Conference, Washington, D.C. Video supplied.

May 2004: Presenter, "Separation of Powers and the War on Terror: A Look at the Current Cases," Harvard Law School Association of Mexico, Mexico City, Mexico. As best as I can recall, my remarks discussed recent court cases concerning law-of-war detention. I have no notes, transcript, or recording. There is no physical address for this organization.

March 2004: Presenter, "Dispelling the Myth of Home Rule: Local Power in Greater Boston," Boston Foundation Forum, Boston, MA. As best as I can recall, my remarks were based on "Dispelling the Myth of Home Rule," a copy of which has been supplied in response to 12a. I have no notes, transcript, or recording. The address of the sponsoring organization is The Boston Foundation, 75 Arlington Street, Boston, MA 02116.

February 5, 2004: Panelist, Dean's Forum, Harvard Law School, Cambridge, MA. Video supplied.

November 14, 2003: Commentator, "Localism in 20th Century American Society," American Society for Legal History Annual Meeting, Washington, D.C. Notes supplied.

October 25, 2003: Panelist, "How Should Progressives Think About the Constitution," Georgetown University Law Center, Washington, D.C. I have no notes, transcript or recording, but, as best I can recall, my remarks were based on an earlier version of *What's Wrong With Conservative Constitutionalism: Two Styles of Progressive Critique and the Choice They Present*, a copy of which has been supplied in response to 12a. The address of the sponsoring organization is Georgetown Law School, 600 New Jersey Avenue, NW, Washington, D.C. 20001.

April 26, 2003: Introductory remarks for speech by Attorney General Janet Reno, sponsored by the Harvard Law School American Constitution Society, Harvard Law School, Cambridge, MA. As best as I can recall, my remarks were introductory in nature. I have no notes, transcript, or recording. The address of the sponsoring organization is Harvard Law School, 1563 Massachusetts Avenue, Cambridge, MA 02138.

January 2003: Panelist, "Local Government Law and the 2000 Census," Association of American Law Schools Annual Convention, Washington, D.C. As best as I can recall, my remarks addressed local government law and findings from the recent census. I have no notes, transcript, or recording. The address of the sponsoring organization is Association of American Law Schools, 1201 Connecticut Avenue, NW, Suite 800, Washington, D.C. 20036.

Winter 2002: Presenter, "The Home Rule Project," Board Meeting of the Rappaport Institute for Greater Boston, Kennedy School of Government, Cambridge, MA. As best I can recall, my remarks described a course I co-taught at Harvard Law School on home rule. I have no notes, transcript, or recording. The address of the sponsoring organization is The Rappaport Institute for Greater Boston, Harvard Kennedy School, 79 John F. Kennedy Street, Cambridge, MA 02138.

Fall 2002: Presenter, "Reclaiming Home Rule," University of Virginia School of Law Faculty Workshop, Charlottesville, VA. As best I can recall, my remarks discussed the history and practice of home rule in American law. I have no notes, transcript, or recording. The address of the sponsoring organization is University of Virginia School of Law, 580 Massie Road, Charlottesville, VA 22903.

Fall 2002: Presenter, "Rethinking Home Rule," Stanford Law School, Colloquium on Distributive Justice, Stanford, CA. As best as I can recall, my remarks discussed the history and practice of home rule in American law. I have no notes, transcript, or recording. The address of the sponsoring organization is Stanford Law School, Crown Quadrangle, 559 Nathan Abbott Way, Stanford, CA 94305-8610.

Summer 2002: Presenter, "The Home Rule Project," Harvard Law School Summer Faculty Workshop, Harvard Law School, Cambridge, MA. As best I recall, my remarks described a course I co-taught at Harvard Law School on home rule. I have no notes, transcript, or recording. The address of the sponsoring organization is Harvard Law School, 1563 Massachusetts Avenue, Cambridge, MA 02138.

Spring 2002: Presenter, "Rethinking Home Rule," Georgetown University Law School, Colloquium on Constitutional Theory, Washington, D.C. As best I can recall, my remarks discussed the history and practice of home rule in American law. I have no notes, transcript, or recording. The address of the sponsoring organization is Georgetown Law School, 600 New Jersey Avenue, NW, Washington, D.C. 20001.

January 2002: Panelist, "The Use of Intellectual Property in My First Year Property Class," Association of American Law Schools Annual Convention, New Orleans, LA. As best I can recall, I discussed cases involving the misappropriation doctrine and the copyrighting of factual compilations. I have no notes, transcript, or recording. The address of the sponsoring organization is Association of American Law Schools, 1201 Connecticut Avenue, NW, Suite 800, Washington, D.C. 20036.

November 8, 2001: Panelist, "Rethinking Home Rule," American Society for Legal History Annual Meeting, Chicago, IL. As best I can recall, my remarks discussed the history and practice of home rule in American law. I have no notes,

transcript, or recording. The address of the sponsoring organization is American Society for Legal History, 4301 Friedmann Hall, Western Michigan University, Kalamazoo, MI 49008.

Summer 2001: Presenter, "Inclusionary Localism and the Doctrine of Home Rule," Harvard Law School, Summer Faculty Workshop, Cambridge, MA. As best I can recall, my remarks addressed the history and practice of home rule in American law. I have no notes, transcript, or recording. The address of the sponsoring organization is Harvard Law School, 1563 Massachusetts Avenue, Cambridge, MA 02138.

Fall 2000: Panelist, "A Localist Critique of the New Federalism," Duke Program in Public Law Conference, "The Constitution in Exile," Durham, NC. As best I can recall, my remarks were based on views similar to those in my article, "A Localist Critique of the New Federalism," a copy of which has been supplied in response to 12a. I have no notes, transcript, or recording. The address of the sponsoring organization is Duke Program in Public Law, Duke University School of Law, 210 Science Drive, P.O. Box 90362, Durham, NC 27708.

May 10, 2000: Presenter, "Local Government Law in a World of Limited Growth," Tucson, AZ. Metropolitan Housing Commission Conference. Tucson, AZ. Notes supplied.

March 2000: Introductory remarks to speech by Hon. Stephen Reinhardt, United States Court of Appeals for the Ninth Circuit, Harvard Civil Rights-Civil Liberties Law Review "Conference 2000," Harvard Law School, Cambridge, MA. As best I can recall, my remarks were introductory in nature. I have no notes, transcript or recording. The address of the sponsoring organization is Harvard Civil Rights-Civil Liberties Law Review, Harvard Law School, 1563 Massachusetts Avenue, Cambridge, MA 02138.

January 2000: Moderator, "The City in the 21st Century," State and Local Government Section, Association of American Law Schools' Annual Conference, Atlanta, GA. I do not recall the substance of my remarks. I have no notes, transcript, or recording. The address of the sponsoring organization is Association of American Law Schools, 1201 Connecticut Avenue, NW, Suite 800, Washington, D.C. 20036.

Fall 1999: Panelist, "Constitutionalism in the Shadow of Doctrine: The President's Nonenforcement Power," Duke Program in Public Law, Conference on "The Constitution Under Clinton," Durham, NC. As best I recall, my remarks were based on an early version of my article, "Constitutionalism in the Shadow of Doctrine," a copy of which has been supplied in response to 12a. I have no notes, transcript, or recording. The address of the sponsoring organization is Duke Program in Public Law, Duke University School of Law, 210 Science Drive, P.O. Box 90362, Durham, NC 27708.

- e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

Through on-line database searches, and a review of my own files, I have found records of the following instances in which I have been quoted from an interview in a publication, as well as records of the following radio and television broadcasts I appeared on as a law professor. In addition to the materials I have listed below, I also believe I was interviewed for an article in *The New England Monthly* published in the spring of 1989 on the election of the president of The Harvard Crimson, but I have not been able to locate the article. I believe I may have appeared on additional radio and television broadcasts including one on NPR concerning the litigation concerning the disclosure of materials from the Energy Task Force chaired by Vice President Richard Cheney and other ones on MSNBC during the litigation over *Bush v. Gore*, as well as a radio broadcast concerning the Supreme Court's decision in that case, but I have no notes and records in my calendar identifying them, and I have not been able to find them through on-line searches:

Nicholas P. Fandos and Samuel Y. Weinstock, "At Longwood Forum, Email Privacy Policy Task Force Details Challenges Ahead," *The Harvard Crimson*, Oct. 10, 2013. Copy supplied in response to 12d.

Steven S. Lee, "UC Leaders Present Student Opinion Survey to Email Privacy Policy Task Force," *The Harvard Crimson*, Oct. 9, 2013. Copy supplied.

"Barron Task Force Launches Consultation Forums," *Harvard Gazette*, Oct. 7, 2013. Copy Supplied.

"Where Law and Public Policy Meet: The HLS/HKS Connection," *Spotlight at Harvard Law School*, Summer 2013. Copy supplied.

"Lawyers as Advisers," *Harvard Law Bulletin*, Summer 2013. Copy supplied.

Colleen Walsh, "Q&A with David Barron," *Harvard Gazette*, May 7, 2013. Copy supplied.

Dev A. Patel, "Once Home to Kagan and Warren, HLS Faculty Still Only 20 Percent Female," *The Harvard Crimson*, May 6, 2013. Copy supplied.

Nicholas P. Fandos and Samuel Y. Weinstock, "With President's Charge, Email Policy Group Meets for the First Time," *The Harvard Crimson*, May 6, 2013. Copy supplied.

Nate Rawlings, "Was Boston Actually on Lockdown?," Time.com, Apr. 19, 2013. Copy supplied.

Quinn D. Hatoff, "Harvard Profs Tapped to Join Mass. Board of Higher Ed," The Harvard Crimson, Mar. 7, 2012. Copy supplied.

"Governor Patrick Appoints Two New Members to the Board of Higher Education," Mass.gov, Mar. 5, 2012. Copy supplied.

Elaine McArdle, "Stories from the West Wing," Harvard Law Bulletin, Winter 2011. Copy supplied.

Corydon Ireland, "Rising Seas, Imperiled Cities," Environment@Harvard, Vol. 3, Issue 2, 2011. Copy supplied.

Farah Stockman, "Harvard Scholar Ends Justice Job Quickly," The Boston Globe, Nov. 29, 2010. Copy supplied.

Jonathan M. Hansen, "Guantanamo: An American History" (2011). Phone interview, Oct. 13, 2010. Relevant pages from book supplied.

Charlie Savage, "Key Job Changing Hands at Justice," The Caucus Blog, June 24, 2010. Copy supplied.

Charlie Savage, "White House Deputy Counsel Resigns," The Caucus Blog, May 7, 2010. Copy supplied.

"The Power of City Hall is a Myth Sometimes, Say Barron and Frug – and They Explain Why," Harvard Law School Webpage, Spotlight – Faculty Research, Fall 2008. Copy supplied.

"Impeachment," Here and Now, NPR, June 23, 2008. As best I can recall, I discussed the case against the impeachment of President George W. Bush. Audio available at <http://www.hereandnow.org/2008/06/23/show-rundown-for-6232008>.

Michael Gardner, "New Twist to Old Issue of 'Taking' of Property," Copley News Services, May 4, 2008. Copy supplied.

Charlie Savage, "Bush Asserts Authority to Bypass Defense Act," The Boston Globe, Jan. 30, 2008. Copy supplied.

Kris Hudson, "Rising Use of 'Impact' Fees Rankles New-Home Buyers," The Wall Street Journal, Nov. 21, 2007. Copy supplied.

"Mukasey Confirmation for Attorney General to Start," NPR, Oct. 17, 2007. Transcript supplied.

Francesca Jarosz, "Before You Grab That Property," GP/Solo, Law Trends and News, Sept. 2007. Copy supplied.

"Presidential Secrecy," On Point with Tom Ashbrook, WBUR, Sept. 2007. Audio available at: <http://www.onpointradio.org/2007/09/presidential-secrecy>.

"Justice Department Investigators Stay the Course," NPR, Aug. 28, 2007. Transcript supplied.

"Attorney General Has a Second Date With Congress," NPR, July 23, 2007. Audio available at: <http://www.npr.org/templates/story/story.php?storyId=12185245>.

Dan Froomkin, "Bush's Middle Eastern Folly," Washington Post, July 17, 2007. Copy supplied.

Charlie Savage, "In Iraq Bills, A Vietnam Echo," The Boston Globe, July 16, 2007. Copy supplied.

Ian Master, "Background Briefing," July 1, 2007. Audio available at <http://ianmasters.com/content/2007-program-archive>.

Robb London, "Battlegrounds," Harvard Law Bulletin (Summer 2007). Copy supplied.

Kevin Zhou, "Sitkoff to Join HLS Faculty," The Harvard Crimson, May 25, 2007. Copy supplied.

"Hill Panel to Question Justice Aide Goodling," Morning Edition, NPR, May 23, 2007. Audio available at: <http://www.npr.org/templates/story/story.php?storyId=10344647>.

"Despite Furor, Gonzales Likely to Stick Around," Morning Edition, NPR, May 10, 2007. Audio available at: <http://www.npr.org/templates/story/story.php?storyId=10101946>.

Paula Zahn Show, "Will Iraq War Hamper Recovery Efforts," CNN, May 7, 2007. Transcript supplied.

Susan Milligan, "Impasse May Quickly Lead to Military Cuts, Bush Says," The Boston Globe, Apr. 4, 2007. Copy supplied.

Joan Biskupic, "Another Guantanamo Challenge for Justices; Court Could Review Ruling Limiting Rights of Prisoners," USA Today, Mar. 30, 2007. Copy supplied.

“Gonzales Remains, Despite Resignation Rumors,” NPR, All Things Considered, Mar. 30, 2007. Audio available at: <http://www.npr.org/templates/story/story.php?storyId=9248755>.

“Republican Senator Urges Gonzales to Resign,” Morning Edition, NPR, Mar. 15, 2007. Audio available at: <http://www.npr.org/templates/story/story.php?storyId=8922944>.

On February 14, 2007, I appeared on NECN in Boston for an interview concerning the report that I co-authored entitled, *Boston Bound*, a copy of which is supplied in response to 12a. I have not been able to locate a link to the broadcast or a videotape of it or a transcript of it.

Robb London, “HLS Constitutional law scholars tackle separation of powers in war-time,” Harvard Law School Webpage, Spotlight – Terrorism & National Security, January 2007. Copy supplied.

Paras D. Bhayani, “‘Beautiful Brainiac’ to Join HLS,” The Harvard Crimson, Dec. 8, 2006. Copy supplied.

Terry Pristin, “Voters Back Limits on Eminent Domain,” The New York Times, Nov. 15, 2006. Copy supplied.

“John Yoo’s War,” On Point With Tom Ashbrook, WBUR, Oct. 12, 2006. Audio available at: <http://www.onpointradio.org/2006/10/john-yoos-war>.

Linda Greenhouse, “His Hipness, John G. Roberts,” The New York Times, July 9, 2006. Copy supplied.

Joan Biskupic, “Court’s Rationale Could Affect Other Issues,” USA Today, June 29, 2006. Copy supplied.

“Private Property and Eminent Domain,” The Kojo Namdi Show, WAMU, June 22, 2006. Audio available at: <http://thekojonnamdishow.org/shows/2006-06-22/private-property-and-eminant-domain>.

On May 25, 2006, I appeared on an ABC News show in a segment entitled, “Wal-Mart Invasion; People of Hercules, California Versus Wal-Mart.” Transcript supplied.

Travis Loller, “Domain Bill’s Tough Talk Has Holes,” The Tennessean, May 12, 2006. Copy supplied.

Joan Biskupic, “Five Justices to Watch As the Roberts Court Evolves,” USA Today, May 11, 2006. Copy supplied.

Tom Brune, "Ruling Sought on Bush Wiretapping," *Newsday*, Mar. 30, 2006. Copy supplied.

Paras D. Bhayani, "Roberts Rejects His Profs' Brief," *The Harvard Crimson*, Mar. 7, 2006. Copy supplied.

Emily Bazelon, "Legalize it? Should the Law Make Room for Warrantless Wiretapping?," *The Boston Globe*, Feb. 19, 2006. Copy supplied.

"Judgment Days for Samuel Alito," *On Point*, WBUR, Jan. 10, 2006. Audio available at: <http://onpoint.wbur.org/2006/01/10/judgement-days-for-samuel-alito>.

Chris Arnold, "Limits on Eminent Domain May Go Too Far, Experts Warn," *All Things Considered*, NPR, Nov. 25, 2005. Transcript supplied.

Peter Schworm, "Law Community Cites Rehnquist's Courage, Commitment," *The Boston Globe*, Sept. 5, 2005. Copy supplied.

"Weighing the Impact of the Eminent Domain Ruling," NPR, July 1, 2005. Audio available at: <http://www.npr.org/templates/story/story.php?storyId=4725974>.

Gail Gibson, "High Court Upholds Eminent Domain," *Baltimore Sun*, June 24, 2005. Copy supplied.

"Supreme Court Backs Seizure of Property for Private Development," *Reporter's Notebook*, *To the Point*, June 23, 2005. Video available at: [http://www.kcrw.com/news/programs/tp/tp050623can\\_the\\_democrats\\_wi](http://www.kcrw.com/news/programs/tp/tp050623can_the_democrats_wi).

Javier C. Hernandez, "Alumnus Announces Governor Bid," *The Harvard Crimson*, Apr. 15, 2005. Copy supplied.

"Ask the Professor: Not-So-Eminent Domain," *Harvard Law Bulletin*, Spring 2005. Copy supplied.

Kate Moran, "Testing Eminent Domain's Limits," *The (New London CT) Day*, Feb. 20, 2005. Copy supplied.

Michael M. Grynbaum and Jessica R. Rubin-Wills, "Campus Reacts to Failure of Gay Marriage Appeal," *The Harvard Crimson*, Dec. 2, 2004. Copy supplied.

"Three Professors Join Tenured Faculty," *Harvard Law School Webpage*, Sept. 8, 2004. Copy supplied.

Warren Richey, "The Quiet Ascent of Justice Stevens," Christian Science Monitor, July 9, 2004. Copy supplied.

Joan Biskupic, "Justice Stevens Quiet Strength Can Be Persuasive," USA Today June 3, 2004. Copy supplied.

Joan Biskupic, "Prisoners Test Legal Limits of War on Terror," USA Today, Apr. 19, 2004. Copy supplied.

Erik Arvidson, "Headlines," Lowell Sun, Mar. 14, 2004. Copy supplied.

Michael M. Grynbaum and Jessica R. Rubin-Wills, "City Council Will Not Speed Gay Marriage," The Harvard Crimson, Nov. 25, 2003. Copy supplied.

Matt Viser, "Tired of Driving, Ready To Walk," The Boston Globe, Oct. 26, 2003. Copy supplied.

Matt McDonald, "Driving 'Spares' Out of Town Owners Challenge Limits on Old Autos They Keep for Parts," The Boston Globe, Aug. 28, 2003. Copy supplied.

Bob Montgomery, "Watershed Trail May Be Test Case," Greenville News (S.C.), Dec. 23, 2002. Copy supplied.

Anthony Flint, "Growing Issue in Campaign; Romney O'Brien Outline Steps to Control Sprawl, Traffic Jams in Suburbs," The Boston Globe, Sept. 22, 2002. Copy supplied.

Anthony Flint, "Sept. 11 Pushes Firms to Suburbs," The Boston Globe, Aug. 18, 2002. Copy supplied.

Jeanne Sahadi, "Making Sense of Estate Tax Cuts," CNN Money, July 13, 2002. Copy supplied.

Scott W. Helman, "Mass.-Only Discount Not Legal, Some Say," The Boston Globe, July 3, 2002. Copy supplied.

"Some Question Constitutional Legality of Fast Lane Discount," Associated Press, July 3, 2002. Copy supplied.

"Brown Hopes to Continue Family Tradition," Dayton Daily News, Apr. 21, 2002. Copy supplied.

"The Next Generation," Harvard Law School, Nov. 2001. Copy supplied.  
"Was Florida Court's Decision Right? Experts on the Constitution Sound Off," Investor's Business Daily, Nov. 24, 2000. Copy supplied.

"After 31 Years, Sorrento Supervises Last Closeout at the Crime," The Harvard Crimson, Sept. 18, 1998. Copy supplied.

Barbara E. Martinez, "Full-Time Employees Give 14 Plympton a Sense of Continuity, History," The Harvard Crimson, Jan. 24, 1998. Copy supplied.

13. **Judicial Office:** State (chronologically) any judicial offices you have held, including positions as an administrative law judge, whether such position was elected or appointed, and a description of the jurisdiction of each such court.

I have not served as a judge.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment? \_\_\_\_\_

- i. Of these, approximately what percent were:

jury trials: \_\_\_\_\_ %  
bench trials: \_\_\_\_\_ % [total 100%]

civil proceedings: \_\_\_\_\_ %  
criminal proceedings: \_\_\_\_\_ % [total 100%]

- b. Provide citations for all opinions you have written, including concurrences and dissents.
- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).
- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.
- e. Provide a list of all cases in which certiorari was requested or granted.
- f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.

- g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.
  - h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.
  - i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.
14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

I have not served as a judge.

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;
- b. a brief description of the asserted conflict of interest or other ground for recusal;
- c. the procedure you followed in determining whether or not to recuse yourself;
- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

15. **Public Office, Political Activities and Affiliations:**

- a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

2009 – 2010

Principal Deputy Assistant Attorney General, Office of Legal Counsel, United States Department of Justice. On January 20, 2009, I was appointed by the Attorney General. I became the Acting Assistant Attorney General for the Office

of Legal Counsel on January 20, 2009 by operation of law, pursuant to the Vacancies Reform Act.

March 2012 – present  
Member, Massachusetts Board of Higher Education  
(Appointed by Governor)

April 2013 – present  
Member, Massachusetts School Construction Building Authority  
(Appointed by Governor)

I have had no unsuccessful candidacies for public office or unsuccessful nominations for appointed office.

- b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

From November 2008 to January 2009, I served on the President-Elect's Transition Team as a member of the Department of Justice Agency Review Team.

From September 2008 to November 2008, I did volunteer work as part of an informal group for the Obama-Biden presidential campaign that analyzed potential election law issues in anticipation of the November 2008 presidential election.

From October 2007 to May 2008, I did volunteer work as part of an informal group advising the Hillary Clinton presidential campaign on legal policy matters.

In 2005 through 2006, I served as a member of the finance committee for Deval Patrick's campaign for Governor of Massachusetts. I served as the host or co-host of a number of fundraisers in connection with that volunteer position.

In October 2004, I did volunteer work as part of the Research, Analysis and Writing team for the Kerry-Edwards presidential campaign. I analyzed potential election law issues in anticipation of the November 2004 presidential election.

In June 2002, I served as a Delegate to the Massachusetts Democratic Party Convention.

**16. Legal Career:** Answer each part separately.

- a. Describe chronologically your law practice and legal experience after graduation from law school including:

- i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

From 1995 to 1996, I served as law clerk to Justice John Paul Stevens for the Supreme Court of the United States.

From 1994 to 1995, I served as law clerk to the Hon. Judge Stephen Reinhardt, Circuit Judge for the United States Court of Appeals for the Ninth Circuit.

- ii. whether you practiced alone, and if so, the addresses and dates;

I have not practiced alone. I have received compensation for providing legal consultation on occasion while serving as a law professor at Harvard Law School. In 2003 or 2004, I provided a few hours of consultancy services to Professor Richard Fallon in connection with memoranda he was preparing on constitutional issues relating to the Fuller Austin Settlement Trust and proposed legislation that would have taken money from existing trusts for asbestos-related illness. In February 2002, I provided consultancy services on a constitutional matter to the Woods Hole, Martha's Vineyard and Nantucket Steamship Authority. In 2001, I provided consultancy services to Professor Richard Fallon in connection with his preparation for oral argument on behalf of the appellee in *Starlight Sugar v. Soto*, 253 F.3d 137 (1st Cir. 2001). The case concerned issues of qualified immunity. In 2001, I provided compensated consultancy services to One Page, Inc., concerning copyright and other intellectual property issues. I also served as a counsel on two amicus briefs in the Supreme Court of the United States, which I have listed below.

- iii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each.

1996 – 1999, 2009 – 2010

Office of Legal Counsel, United States Department of Justice  
950 Pennsylvania Avenue, NW  
Washington DC 20530

Consultant (July 2010 – December 2010)

Acting Assistant Attorney General (2009 – 2010) (on leave from Harvard Law School)

Principal Deputy Assistant Attorney General (2009 – 2010) (on leave from Harvard Law School)

Attorney Advisor (1996 – 1999)

1999 – present  
Harvard Law School  
1563 Massachusetts Avenue  
Cambridge, MA 02138  
Honorable S. William Green Professor of Public of Public Law (2011 – present)  
Professor (2004 – 2011)  
Assistant Professor (1999 – 2004)

- iv. whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.

I have not served in such a position.

b. Describe:

- i. the general character of your law practice and indicate by date when its character has changed over the years.

After clerking, I served as an Attorney Advisor in the Office of Legal Counsel, United States Department of Justice, from 1996 to 1999. In that role, I worked on a wide variety of legal matters concerning federal law, drafting memoranda for the office and providing advice on litigation about which the office was consulted.

From 1999 through the fall of 2008, I was a law professor, in which I did occasional legal consulting and served as counsel on two amicus briefs in the Supreme Court of the United States, each of which is listed below.

Beginning in January 20, 2009, I became the Acting Assistant Attorney General for the Office of Legal Counsel. I continued to serve as a consultant to that Office after departing until December 2010. I then returned to law teaching at Harvard Law School.

- ii. your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

While engaged in the practice of law at the Department of Justice, I viewed my client as the United States. I served as a counsel on two Supreme Court amicus briefs representing members of Congress, and I served on the President Elect's Transition Team as a member of the Department of Justice Agency Review Team. My other work has been as a consultant on both litigation and non-litigation related matters.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

The majority of my legal career has been spent teaching. In that capacity, I have served as a counsel on two amicus briefs and signed on to three other amicus briefs. Of those briefs, one concerned a state court matter. While serving in the Office of Legal Counsel, I was not counsel for the United States in any litigation, but in my role as an Attorney Advisor and as the Acting Assistant Attorney General I was frequently asked to advise upon matters in litigation. My involvement in these matters exclusively concerned issues arising in the federal courts, at all levels, including the Supreme Court of the United States.

- i. Indicate the percentage of your practice in:

- |                             |     |
|-----------------------------|-----|
| 1. federal courts:          | 99% |
| 2. state courts of record:  | 1%  |
| 3. other courts:            | 0%  |
| 4. administrative agencies: | 0%  |

- ii. Indicate the percentage of your practice in:

- |                          |     |
|--------------------------|-----|
| 1. civil proceedings:    | 90% |
| 2. criminal proceedings: | 10% |

- d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

I have not tried any cases.

- i. What percentage of these trials were:

- |              |      |
|--------------|------|
| 1. jury:     | ___% |
| 2. non-jury: | ___% |

- e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

*Randall v. Sorrell*, Brief for Senator John McCain, Senator Russell Feingold, Representative Christopher Shays, and Representative Martin Meehan As Amici Curiae in support of respondents, 2006 WL 325180.

*Wisconsin Right to Life v. Federal Election Commission*, Brief of Amici Curiae Senator John McCain, Representative Chris Shays, and Representative Martin Meehan in support of Appellee, 2005 WL 3543096.

*Rumsfeld v. F.A.I.R.*, Brief of Amici Curiae Professor William Alford, et al., in support of Respondents, 2005 WL 2367595.

17. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

- a. the date of representation;
- b. the name of the court and the name of the judge or judges before whom the case was litigated; and
- c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

1. *Wisconsin Right to Life, Inc. v. Federal Election Commission*, 546 U.S. 410 (2006). I was a counsel for Amici Curiae Senator John McCain, Representative Christopher Shays, and Representative Martin Meehan in support of appellee. The brief argued that section 441b of the Bipartisan Campaign Reform Act of 2002, which required the use of segregated political action committee funds to pay for certain advertisements in advance of a federal election, could be constitutionally applied to three advertisements run by Wisconsin Right to Life, Inc. The Supreme Court in *Federal Election Commission v. Wisconsin Right to Life, Inc.*, 546 U.S. 410 (2006) (per curiam), reversed the lower court and held that an as applied challenge could be brought.

Co-counsel:

Grant A. Davis-Denny  
Bradley S. Phillips  
Munger, Tolles & Olson LLP  
355 South Grand Avenue  
35th Floor  
Los Angeles, CA 90071  
(213) 683-9100

Randolph D. Moss  
Seth P. Waxman  
Wilmer Hale LLP  
2445 M Street, NW  
Washington, D.C. 20037  
(202) 663-6000

Roger M. Witten  
Wilmer Hale LLP  
399 Park Avenue  
New York, NY 10022  
(212) 230-8800

Fred Wertheimer  
Democracy 21  
2000 Massachusetts Ave., NW  
Washington, DC 20036  
(202) 355-9600

Donald J. Simon  
Sonosky, Chambers, Sachse, Endreson & Perry, LLC  
1425 K Street, N.W.  
Suite 600  
Washington, DC 20005  
(202) 682-0240

Alan Morrison  
George Washington University Law School  
2000 H Street, NW  
Washington, D.C. 20052  
(202) 994-5157

Trevor Potter  
Paul Ryan  
Campaign Legal Center  
215 E Street, NW  
Washington, D.C. 20002  
(202) 736-2200

Charles G. Curtis, Jr.  
Arnold & Porter LLP  
555 Twelfth Street, NW  
Washington, D.C. 20004  
(202) 942-6462

David L. Anstaett  
Perkins Coie, LLP  
1 East Main Street  
Madison, WI 53703  
(608) 663-5408

Scott L. Nelson  
Public Citizen Litigation Group  
1600 20th Street, NW  
Washington, D.C. 20009  
(202) 588-1000

Counsel for appellant:

James Bopp Jr.  
The Bopp Law Firm  
One South Sixth Street  
Terre Haute, IN 47807  
(812) 232-2434

Counsel for appellee:

Paul Clement (formerly Acting Solicitor General)  
1919 M Street, NW, Suite 470  
Washington, D.C. 20036  
(202) 234-0090

2. *Randall v. Sorrell*, 548 U.S. 230 (2006). I was a counsel in this case for Amici Curiae Senator John McCain, Representative Christopher Shays, and Representative Martin Meehan in support of respondents. The case concerned whether the court of appeals correctly upheld Vermont's campaign contribution limits under applicable First Amendment standards and whether the court of appeals had properly remanded to the district court the issue of whether Vermont's expenditure limits were constitutional. The brief argued that the contribution limits should be upheld and that the court of appeals' remand should be affirmed, thereby staying the Supreme Court's hand pending further development of the issue by the lower courts. The Supreme Court in *Randall v. Sorrell* held that both the expenditure limits and the contribution limits were unconstitutional and remanded the case for further proceedings.

Co-counsel:

Randolph D. Moss  
Seth Waxman  
Wilmer Hale LLP  
2445 M Street, NW  
Washington, D.C. 20037  
(202) 663-6000

Roger M. Witten  
Wilmer Hale LLP  
2445 M Street, NW  
Washington, D.C. 20037  
(202) 663-6000

Grant A. Davis-Denny  
Bradley S. Phillips  
Munger, Tolles & Olson LLP  
355 South Grand Avenue  
35th Floor  
Los Angeles, CA 90071  
(213) 683-9100

Donald J. Simon  
Sonosky, Chambers, Sachse, Endreson & Perry, LLC  
1425 K Street, NW  
Suite 600  
Washington, D.C. 20005  
(202) 682-0240

Alan Morrison  
George Washington University Law School  
2000 H Street, NW  
Washington, D.C. 20052  
(202) 994-5157

J. Gerald Herbert  
Trevor Potter  
Paul Ryan  
Campaign Legal Center  
215 E Street, NW  
Washington, D.C. 20036  
(202) 736-2200

Charles G. Curtis, Jr.  
Arnold & Porter LLP  
555 Twelfth Street, NW  
Washington, D.C. 20004  
(202) 942-6462

Fred Wertheimer  
Democracy 21  
2000 Massachusetts Avenue, NW  
Washington, D.C. 20036  
(202) 355-9600

Scott L. Nelson  
Public Citizen Litigation Group  
1600 20th Street, NW  
Washington, D.C. 20009  
(202) 588-1000

Counsel for petitioners:

Mitchell L. Pearl  
Langrock Sperry & Wool, LLP  
P.O. Drawer 351  
Middlebury, VT 05753  
(802) 388-6356

James Bopp Jr.  
The Bopp Law Firm  
One South Sixth Street  
Terre Haute, IN 47807  
(812) 232-2434

Counsel for respondents:

Judge Timothy B. Tomasi (formerly at the Vermont Office of Attorney General)  
Superior Court of Vermont  
P.O. Box 570  
Hyde Park, VT 05655  
(802) 888-3887

3. *Rumsfeld v. Forum for Academic and Institutional Rights, Inc.*, 547 U.S. 47 (2006). In 2005, as a law professor, I joined an amicus brief in the Supreme Court with many of my faculty colleagues in support of respondent Forum for Academic and Institutional Rights, Inc. (FAIR) in an action against Secretary Rumsfeld challenging the Solomon Amendment, which governs universities' treatment of military recruiters. I also participated in the drafting of this brief. The main brief in the case presented a constitutional argument. The amicus brief presented a statutory argument – that the Amendment did not require universities to exempt the military from generally applicable anti-discrimination rules governing employers. The Supreme Court unanimously rejected all claims, constitutional and statutory alike, in *Rumsfeld v. FAIR*, 547 U.S. 47 (2006).

Co-counsel:

Walter Dellinger  
O'Melveny and Myers, LLP  
1625 Eye Street, NW  
Washington, D.C. 20006  
(202) 383-5300

Pamela Harris  
Georgetown Law School  
600 New Jersey Avenue, NW  
Washington, D.C. 20001  
(202) 662-9000

Toby Heytens  
University of Virginia School of Law  
580 Massie Road  
Charlottesville, VA 22903  
(434) 924-3229

Nicole Saharsky  
Office of the Solicitor General  
950 Pennsylvania Avenue, NW  
Washington, D.C. 20530  
(202) 514-2203

Counsel for petitioners:

Paul Clement (formerly Acting Solicitor General)  
1919 M Street, NW, Suite 470  
Washington, D.C. 20036  
(202) 234-0090

Counsel for respondents:

E. Joshua Rosenkranz  
Orrick, Herrington & Sutcliffe LLP  
51 West 52nd Street  
New York, NY 10019  
(212) 506-5380

4. *Rumsfeld v. Forum for Academic and Institutional Rights, Inc.*, 390 F. 3d. 219 (3d. Cir. 2004). In 2004, as a law professor, I joined an amicus brief in the United States Court of Appeals for the Third Circuit with many of my faculty colleagues in support of respondent Forum for Academic and Institutional Rights, Inc. (FAIR) in an action against Secretary Rumsfeld challenging the Solomon Amendment, which governs universities' treatment of military recruiters. I also participated in the drafting of this brief. The main brief in the case presented a constitutional argument. The amicus brief presented a statutory argument – that the Amendment did not require universities to exempt the military from generally applicable anti-discrimination rules governing employers. A divided panel of the Third Circuit concluded that plaintiffs had shown a significant likelihood of success on the merits of their First Amendment challenge and reversed and remanded to the district court to enter a preliminary injunction against enforcement of the Solomon Amendment.

Co-counsel:

Walter Dellinger  
O'Melveny and Myers, LLP  
1625 Eye Street, NW  
Washington, D.C. 20006  
(202) 383-5300

Pamela Harris  
Georgetown Law School  
600 New Jersey Avenue, NW  
Washington, D.C. 20001  
(202) 662-9000

Toby Heytens  
University of Virginia School of Law  
580 Massie Road  
Charlottesville, VA 22903-1738  
(434) 924-3229

Nicole Saharsky  
Office of the Solicitor General  
950 Pennsylvania Avenue, NW  
Washington, D.C. 20530  
(202) 514-2203

Counsel for appellant:  
E. Joshua Rosenkranz  
Orrick, Herrington & Sutcliffe LLP  
51 West 52nd Street  
New York, NY 10019  
(212) 506-5380

Counsel for appellee:  
Peter D. Keisler (then Assistant Attorney General)  
Sidley Austin LLP  
1501 K Street, NW  
Washington, D.C. 20005  
(202) 736-8027

5. *New Mexicans for Free Enterprise v. City of Santa Fe*, 126 P. 3d 1149 (2005).  
In 2005, as a law professor, I joined an amicus brief in the Court of Appeals of the State of New Mexico with other scholars of local government law and the New Mexico Municipal League in support of the City of Santa Fe in defense of its living wage ordinance. I also participated in the drafting of the brief. The amicus brief explained why the ordinance constituted a valid exercise of the city's state law home rule powers and why it was not preempted. The Court of Appeals upheld the ordinance as a valid exercise of local home rule authority in *New Mexicans for Free Enterprise v. City of Santa Fe*, 126 P. 3d 1149 (2005).

Co-counsel:  
Richard Briffault  
Columbia Law School  
435 West 116th Street

New York, New York 10025  
(212) 854-2638

Maureen Sanders  
Duff Westbrook  
Sanders and Westbrook, P.C.  
102 Granite Avenue, NW  
Albuquerque, New Mexico 87102  
(505) 243-2243

Counsel for appellant:  
Paul K. Sonn  
National Employment Law Project  
75 Maiden Lane, Suite 601  
New York, NY 10038  
(212) 285-3025

Counsel for appellee:  
Kathrin Kinzer-Ellington  
Ellington & Ellington LLC  
1322 Paseo De Peralta  
Santa Fe, NM 87501  
(505) 986-0677

18. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

Upon completing my clerkships, I served as an Attorney Advisor in the Office of Legal Counsel for three years. As an Attorney Advisor in the Office of Legal Counsel from 1996 to 1999, I was involved in a wide range of legal activities pertaining to all aspects of the Office's work. In that capacity, I provided advice and drafted opinions concerning a number of matters of constitutional, statutory and regulatory interpretation. I also advised on a wide range of litigation. The work I performed in my role as an Attorney Advisor for the Office was confidential and/or classified.

The majority of my legal career has been spent in law teaching. I have served as an assistant professor of law and as professor of law at Harvard Law School since 1999, with a leave of absence from January 2009 through July 2010. I am presently the Honorable S. William Green Professor of Public Law at Harvard Law School, where I have taught a number of courses, including a number with a clinical component. During my time as a professor, I have engaged in occasional consulting work and litigation,

including advising on a constitutional issue for the Woods Hole, Martha's Vineyard and Nantucket Steamship Authority and assisting in preparation for an oral argument in the United States Court of Appeals for the First Circuit in the case of *Starlight Sugar v. Soto*, 253 F.3d 137 (1st Cir. 2001). I also advised Senators Edward Kennedy and Charles Schumer on constitutional issues during the confirmation hearings on the nominations of Samuel Alito and John Roberts to be associate justices of the Supreme Court of the United States.

After serving on the President Elect's Transition Team as a member of the Department of Justice Agency Review Team in 2009, I returned to the Office of Legal Counsel as the Principal Deputy Assistant Attorney General and Acting Assistant Attorney General, and I served as a consultant to the Office after leaving in July 2010, providing occasional advice through December of that year. As the Acting Assistant Attorney General for the Office of Legal Counsel, I was responsible for all operations of the Office, both legal and administrative. I provided confidential legal advice on a wide range of federal litigation concerning constitutional and statutory matters at all levels of the federal court system, including the Supreme Court. In carrying out these duties and functions, I participated in a wide range of legal activities concerning matters of regulatory, statutory, constitutional, and international law interpretation in both the domestic and national security areas. I also advised on a wide range of litigation. A number of memoranda that I signed in my tenure have been made public on the Office's website, and they are listed above in answer to question 12c. Other legal work I did in that capacity is confidential and/or classified.

I have not performed any lobbying activities.

19. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

I taught Administrative Law in Spring 2000, Spring 2001, Fall 2002, Spring 2005, and Spring 2007, at Harvard Law School. The course covered basic federal administrative law. Representative syllabus supplied.

In Spring 2005 and Spring 2007, I offered a clinical component to the Administrative Law course in which a limited number of students received placements in the law offices of federal agencies in Massachusetts. No syllabus available.

I co-taught the course, Gateway Cities Field Study, with Ann Forsyth and Nicolas Retsinas, in Spring 2012, at Harvard Law School. The course placed students from Harvard Law School, Harvard Business School, and the Harvard Graduate School of Design in interdisciplinary teams and assigned them to various gateway cities in Massachusetts to advise on redevelopment challenges facing them. Syllabus supplied.

I co-taught a yearlong combined seminar and clinical, Green Cities: New York, with Gerald Frug, in 2009, 2010, and 2011, at Harvard Law School. The course examined New York City's efforts to implement PlaNYC and placed students in the Corporation Counsel's Office of the City of New York through a distance clinical. I taught the combined seminar and clinical by myself in 2012. Representative syllabus supplied.

I co-taught a year-long field study, Home Rule in Massachusetts, with Gerald Frug, in 2001, at Harvard Law School. The course examined home rule in Massachusetts. I have been unable to locate the syllabus.

I have been the faculty supervisor for a number of independent clinical offerings at Harvard Law School in which individual students have been placed in law offices in Massachusetts and across the country. No syllabi available.

I co-taught a seminar, International Local Government Law, with Gerald Frug, in Spring 2005, at Harvard Law School. The course examined the role international law plays in determining the power of cities. Syllabus supplied.

I taught a first-year reading group, Lawyering for the President, in 2010, 2011, 2012 and 2013, at Harvard Law School. The first-year reading group examined the role of executive branch lawyers. Representative syllabus supplied.

I co-taught a reading group, Lawyering for the President, with Jack Goldsmith, in Fall 2005, and I taught on my own a substantially similar version of this course as a reading group in Spring 2008 and as a seminar in Fall 2010 and Spring 2012, at Harvard Law School. The course examined the role of executive branch lawyers. Representative syllabus supplied.

I taught Legislation and Regulation in Spring 2008, Fall 2011, and Fall 2012, at Harvard Law School. The course covered basic statutory interpretation and administrative law. Representative syllabus supplied.

I taught Local Government Law in Spring 2001, Fall 2003, Spring 2007, Fall 2008, and Fall 2010, at Harvard Law School. The course is a survey of state and local government law. Representative syllabus supplied.

In Fall 2003, Spring 2004, Spring 2007, Fall 2008, and Winter 2009, I offered a clinical component to the Local Government Law course in which a limited number of students received clinical placements in the law offices of state and municipal governments and agencies in Massachusetts. No syllabus available.

I co-taught a first-year reading group, Social Capital and Cities, with Archon Fung, at Harvard Law School for a number of years before going on leave in 2008. The first-year reading group examined the importance of social capital to cities and suburbs and how local government law can create or undermine social capital. Representative syllabus supplied.

I taught Property in Fall 1999, Fall 2000, Spring 2002, Spring 2003, Spring 2004, Fall 2004, Fall 2005, and Fall 2006, at Harvard Law School. The course covered basic property law. Representative syllabus supplied.

I co-taught a seminar, Public Problems: Advice, Strategy, Analysis, with Archon Fung, in Fall 2012 and Spring 2013, at Harvard Law School. The course is required of all students enrolled in the joint J.D./M.P.P. program between Harvard Law School and Harvard Kennedy School. The course introduced students to case studies of public problems that raise issues of law and policy. Representative syllabus supplied.

I co-taught a seminar, Thinking About Cities, with Gerald Frug, in Fall 2002 and Spring 2003, at Harvard Law School. The seminar brought in guest speakers from practice and academia to discuss urban theories and issues. I have been unable to locate the syllabus.

I co-taught a seminar, Urban Responses to Sea Level Rise with Gerald Frug, Daniel Schrag, Jerrold Kayden, and Charles Waldheim, in Spring 2012, at Harvard Law School. The course examined the responses of cities to rising sea levels and the legal issues raised by those responses. Syllabus supplied.

20. **Deferred Income/ Future Benefits:** List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

None.

21. **Outside Commitments During Court Service:** Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.

No, except for the possibility of law teaching.

22. **Sources of Income:** List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

See attached Financial Disclosure Report.

23. **Statement of Net Worth:** Please complete the attached financial net worth statement in detail (add schedules as called for).

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, categories of litigation, and financial arrangements that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

The main conflicts of interest that I would confront would arise from my service at the Office of Legal Counsel. The only other significant source of potential conflicts of interest arising from my professional work would arise from my affiliation with Harvard Law School and with the Massachusetts Board of Higher Education and the Massachusetts State College Building Authority. In addition, my wife is employed by the Harvard Kennedy School of Government and is a candidate for Governor of Massachusetts. My wife and I also have financial holdings listed in my Net Worth Statement. I would handle all matters concerning recusal by consulting the rules and decisions that address what constitutes a conflict of interest, including 28 U.S.C. § 455 and the Code of Judicial Conduct for United States Judges. In close cases, I also would consult other judges and any person designated by the court or judicial organizations to provide advice on such questions as they arise.

- b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

In order to avoid any potential conflict of interest, I would consult the rules and decisions that address what constitutes a conflict of interest, including 28 U.S.C. § 455 and the Code of Judicial Conduct for United States Judges. Based on such sources, I would compile a comprehensive list of matters, clients or other persons so that I could readily identify potential conflicts of interest, and in close cases, I also would consult other judges and any person designated by the court or judicial organizations to provide advice on such questions as they arise.

25. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

Since April 2013, I have served without compensation on the Massachusetts State College Building Authority, which is charged with financing, designing, constructing, and overseeing the management of revenue-funded facilities for the nine state universities. Since March 2012, I have served without compensation on the Massachusetts Board of Higher Education, which provides an oversight role on behalf of the state's universities and community colleges and focuses on efforts to increase access to quality public higher education throughout the Commonwealth.

Since 2008, I have served on the advisory board of the Rappaport Center for Law and Public Service at Suffolk University Law School, which is devoted to promoting emerging leaders who are committed to public service and pro bono work.

Throughout my time in teaching, I have been a faculty supervisor for student clinical work for the disadvantaged both in conjunction with my course on Local Government Law, including clinical placements concerning community economic development, and as part of independent clinical projects. I have also promoted public interest and pro bono work as a faculty member through committee service, individual advising, and through appearances at public interest advising events.

**26. Selection Process:**

- a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

In the fall of 2010, I was contacted by an official from the White House Counsel's Office, inquiring whether I would be interested in being considered to serve as a Federal Circuit judge should a vacancy arise. I have been in contact with officials from the White House Counsel's Office and the Office of Legal Policy at the Department of Justice since that time. Although my contact was limited from late 2011 through early 2013, when a vacancy arose on the United States Court of Appeals for the First Circuit this summer, an official from the White House Counsel's Office inquired whether I was still interested, and I have been in more frequent contact since then. On August 27, 2013, I interviewed with attorneys from the White House Counsel's Office and the Department of Justice in Washington, D.C. On September 24, 2013, the President submitted my nomination to the Senate.

- b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully.

No.

**FINANCIAL DISCLOSURE REPORT  
NOMINATION FILING**

*Report Required by the Ethics  
in Government Act of 1978  
(5 U.S.C. app. §§ 101-111)*

|                                                                                                                                                                                            |                                                                                                                                                                                                                          |                                                              |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------|
| <b>1. Person Reporting (last name, first, middle initial)</b><br>Barron, David J.                                                                                                          | <b>2. Court or Organization</b><br>United States Court of Appeals for the First Circuit                                                                                                                                  | <b>3. Date of Report</b><br>09/24/2013                       |
| <b>4. Title (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time)</b><br>United States Circuit Judge, Active                                | <b>5a. Report Type (check appropriate type)</b><br><input checked="" type="checkbox"/> Nomination      Date 9/24/2013<br><input type="checkbox"/> Initial <input type="checkbox"/> Annual <input type="checkbox"/> Final | <b>6. Reporting Period</b><br>01/01/2012<br>to<br>08/31/2013 |
|                                                                                                                                                                                            | <b>5b.</b> <input type="checkbox"/> Amended Report                                                                                                                                                                       |                                                              |
| <b>7. Chambers or Office Address</b><br>Griswold 307<br>Harvard Law School<br>1533 Massachusetts Avenue<br>Cambridge, MA 02139                                                             |                                                                                                                                                                                                                          |                                                              |
| <b>IMPORTANT NOTES:</b> <i>The instructions accompanying this form must be followed. Complete all parts, checking the NONE box for each part where you have no reportable information.</i> |                                                                                                                                                                                                                          |                                                              |

**I. POSITIONS.** *(Reporting individual only; see pp. 9-13 of filing instructions.)*

☐ NONE *(No reportable positions.)*

|    | <u>POSITION</u> | <u>NAME OF ORGANIZATION/ENTITY</u>             |
|----|-----------------|------------------------------------------------|
| 1. | Board member    | Massachusetts State College Building Authority |
| 2. | Board member    | Massachusetts Board of Higher Education        |
| 3. | Professor       | Harvard Law School                             |
| 4. |                 |                                                |
| 5. |                 |                                                |

**II. AGREEMENTS.** *(Reporting individual only; see pp. 14-16 of filing instructions.)*

☒ NONE *(No reportable agreements.)*

| <u>DATE</u> | <u>PARTIES AND TERMS</u> |
|-------------|--------------------------|
| 1.          |                          |
| 2.          |                          |
| 3.          |                          |

**FINANCIAL DISCLOSURE REPORT**

Page 2 of 7

Name of Person Reporting

Barron, David J.

Date of Report

09/24/2013

**III. NON-INVESTMENT INCOME.** *(Reporting individual and spouse; see pp. 17-24 of filing instructions.)***A. Filer's Non-Investment Income**☐ NONE *(No reportable non-investment income.)*

| <u>DATE</u> | <u>SOURCE AND TYPE</u>                                   | <u>INCOME</u><br>(yours, not spouse's) |
|-------------|----------------------------------------------------------|----------------------------------------|
| 1. 2013     | Harvard University --faculty member, salary              | \$206,233.34                           |
| 2. 2012     | Harvard Univeristy -- faculty member, salary             | \$279,800.00                           |
| 3. 2011     | Harvard University -- faculty member, salary             | \$252,628.00                           |
| 4. 2013     | International Center for Sport Security, consulting fee  | \$9,846.00                             |
| 5. 2012     | The Wylie Agency, book advance                           | \$21,000.00                            |
| 6. 2012     | West Services, book royalties                            | \$2,458.29                             |
| 7. 2012     | National Center for State Courts, honorarium             | \$5,000.00                             |
| 8. 2012     | University of Kentucky, Kentucky Law Journal, honorarium | \$500.00                               |
| 9. 2011     | West Services, book royalties                            | \$1,599.95                             |
| 10. 2011    | CBMO-Tias-Nimbas Business School, consulting fee         | \$20,495.00                            |

**B. Spouse's Non-Investment Income -** *If you were married during any portion of the reporting year, complete this section.**(Dollar amount not required except for honoraria.)*☐ NONE *(No reportable non-investment income.)*

| <u>DATE</u> | <u>SOURCE AND TYPE</u>                                       |
|-------------|--------------------------------------------------------------|
| 1. 2013     | The Boston Globe, salary                                     |
| 2. 2012     | The Boston Globe, salary                                     |
| 3. 2013     | Harvard University, salary                                   |
| 4. 2012     | Harvard University, salary                                   |
| 5. 2013     | Simon & Schuster, book advance                               |
| 6. 2013     | CNN, analyst, wages                                          |
| 7. 2013     | International Center for Sport Security, Board member, wages |
| 8. 2012     | International Center for Sport Security, Board member, wages |
| 9. 2012     | MAC Consulting Services, consulting fee                      |

## Page 3 of 7

Barron, David J.

09/24/2013

Northeastern University, Honrarium, \$1000

xfact, inc., consulting fee

(Includes those to spouse and dependent children; see pp. 25-27 of filing instructions.)

☐ NONE (No reportable reimbursements.)

ITEMS PAID OR PROVIDED

2.

3.

4.

5.

**FINANCIAL DISCLOSURE REPORT**

Page 4 of 7

Name of Person Reporting

Barron, David J.

Date of Report

09/24/2013

**V. GIFTS.** *(Includes those to spouse and dependent children; see pp. 28-31 of filing instructions.)*☐ NONE *(No reportable gifts.)*

| <u>SOURCE</u> | <u>DESCRIPTION</u> | <u>VALUE</u> |
|---------------|--------------------|--------------|
| 1. exempt     |                    |              |
| 2.            |                    |              |
| 3.            |                    |              |
| 4.            |                    |              |
| 5.            |                    |              |

**VI. LIABILITIES.** *(Includes those of spouse and dependent children; see pp. 32-33 of filing instructions.)*☒ NONE *(No reportable liabilities.)*

| <u>CREDITOR</u> | <u>DESCRIPTION</u> | <u>VALUE CODE</u> |
|-----------------|--------------------|-------------------|
| 1.              |                    |                   |
| 2.              |                    |                   |
| 3.              |                    |                   |
| 4.              |                    |                   |
| 5.              |                    |                   |

# FINANCIAL DISCLOSURE REPORT

Page 5 of 7

Name of Person Reporting

Barron, David J.

Date of Report

09/24/2013

## VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

| A.<br>Description of Assets<br>(including trust assets)<br><br>Place "(X)" after each asset<br>exempt from prior disclosure | B.<br>Income during<br>reporting period |                                               | C.<br>Gross value at end<br>of reporting period |                                           | D.<br>Transactions during reporting period      |                         |                                 |                                |                                                                   |
|-----------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|-----------------------------------------------|-------------------------------------------------|-------------------------------------------|-------------------------------------------------|-------------------------|---------------------------------|--------------------------------|-------------------------------------------------------------------|
|                                                                                                                             | (1)<br>Amount<br>Code 1<br>(A-H)        | (2)<br>Type (e.g.,<br>div., rent,<br>or int.) | (1)<br>Value<br>Code 2<br>(J-P)                 | (2)<br>Value<br>Method<br>Code 3<br>(Q-W) | (1)<br>Type (e.g.,<br>buy, sell,<br>redemption) | (2)<br>Date<br>mm/dd/yy | (3)<br>Value<br>Code 2<br>(J-P) | (4)<br>Gain<br>Code 1<br>(A-I) | (5)<br>Identity of<br>buyer/seller<br>(if private<br>transaction) |
| 1. CREF Inflation-Linked Bond Fund                                                                                          | A                                       | Dividend                                      | K                                               | T                                         | Exempt                                          |                         |                                 |                                |                                                                   |
| 2. CREF Stock Fund                                                                                                          | A                                       | Dividend                                      | M                                               | T                                         |                                                 |                         |                                 |                                |                                                                   |
| 3. Fidelity Massachusetts Municipal Money Market Fund                                                                       | A                                       | Interest                                      | J                                               | T                                         |                                                 |                         |                                 |                                |                                                                   |
| 4. Fidelity Select Biotechnology Portfolio                                                                                  | A                                       | Dividend                                      | M                                               | T                                         |                                                 |                         |                                 |                                |                                                                   |
| 5. Fidelity OTC Portfolio                                                                                                   | A                                       | Dividend                                      | K                                               | T                                         |                                                 |                         |                                 |                                |                                                                   |
| 6. TIAA Traditional Annuity                                                                                                 | A                                       | Dividend                                      | K                                               | T                                         |                                                 |                         |                                 |                                |                                                                   |
| 7. Vanguard Prime Money Market Fund                                                                                         | A                                       | Interest                                      | J                                               | T                                         |                                                 |                         |                                 |                                |                                                                   |
| 8. Vanguard Target Retirement 2035 Fund                                                                                     | A                                       | Dividend                                      | N                                               | T                                         |                                                 |                         |                                 |                                |                                                                   |
| 9. Vanguard Total Bond Market Index Fund                                                                                    | A                                       | Dividend                                      | K                                               | T                                         |                                                 |                         |                                 |                                |                                                                   |
| 10. The Girls, LLC                                                                                                          | F                                       | Dividend                                      | P1                                              | T                                         |                                                 |                         |                                 |                                |                                                                   |
| 11. Mars-B, Inc.                                                                                                            | A                                       | Dividend                                      | M                                               | T                                         |                                                 |                         |                                 |                                |                                                                   |
| 12. Bank of America, cash accounts                                                                                          | A                                       | Interest                                      | L                                               | T                                         |                                                 |                         |                                 |                                |                                                                   |
| 13. U.S. Government Securities -- Series EE Bonds                                                                           | A                                       | Interest                                      | J                                               | T                                         |                                                 |                         |                                 |                                |                                                                   |
| 14. New York Times Company Stock                                                                                            | A                                       | Interest                                      | K                                               | T                                         |                                                 |                         |                                 |                                |                                                                   |
| 15. Vanguard Target Retirement 2035 Trust II                                                                                | A                                       | Interest                                      | K                                               | T                                         |                                                 |                         |                                 |                                |                                                                   |
| 16. Note -- Juliette Kayyem for MA                                                                                          |                                         | None                                          | K                                               | T                                         |                                                 |                         |                                 |                                |                                                                   |
| 17.                                                                                                                         |                                         |                                               |                                                 |                                           |                                                 |                         |                                 |                                |                                                                   |

1. Income Gain Codes:  
(See Columns B1 and D4)

A = \$1,000 or less  
F = \$50,001 - \$100,000

B = \$1,001 - \$2,500  
G = \$100,001 - \$1,000,000

C = \$2,501 - \$5,000  
H1 = \$1,000,001 - \$5,000,000

D = \$5,001 - \$15,000  
H2 = More than \$5,000,000

E = \$15,001 - \$50,000

2. Value Codes  
(See Columns C1 and D3)

J = \$15,000 or less  
N = \$250,001 - \$500,000  
P3 = \$25,000,001 - \$50,000,000

K = \$15,001 - \$50,000  
O = \$500,001 - \$1,000,000

L = \$50,001 - \$100,000  
P1 = \$1,000,001 - \$5,000,000  
P4 = More than \$50,000,000

M = \$100,001 - \$250,000  
P2 = \$5,000,001 - \$25,000,000

3. Value Method Codes  
(See Column C2)

Q = Appraisal  
U = Book Value

R = Cost (Real Estate Only)  
V = Other

S = Assessment  
W = Estimated

T = Cash Market

**FINANCIAL DISCLOSURE REPORT**

Page 6 of 7

Name of Person Reporting

Barron, David J.

Date of Report

09/24/2013

**VIII. ADDITIONAL INFORMATION OR EXPLANATIONS.** *(Indicate part of report.)*

# FINANCIAL DISCLOSURE REPORT

Page 7 of 7

Name of Person Reporting

Barron, David J.

Date of Report

09/24/2013

## IX. CERTIFICATION.

I certify that all information given above (including information pertaining to my spouse and minor or dependent children, if any) is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory provisions permitting non-disclosure.

I further certify that earned income from outside employment and honoraria and the acceptance of gifts which have been reported are in compliance with the provisions of 5 U.S.C. app. § 501 et. seq., 5 U.S.C. § 7353, and Judicial Conference regulations.

Signature: s/ David J. Barron

NOTE: ANY INDIVIDUAL WHO KNOWINGLY AND WILLFULLY FALSIFIES OR FAILS TO FILE THIS REPORT MAY BE SUBJECT TO CIVIL AND CRIMINAL SANCTIONS (5 U.S.C. app. § 104)

Committee on Financial Disclosure  
Administrative Office of the United States Courts  
Suite 2-301  
One Columbus Circle, N.E.  
Washington, D.C. 20544

# FINANCIAL STATEMENT

## NET WORTH

Provide a complete, current financial net worth statement which itemizes in detail all assets (including bank accounts, real estate, securities, trusts, investments, and other financial holdings) all liabilities (including debts, mortgages, loans, and other financial obligations) of yourself, your spouse, and other immediate members of your household.

| ASSETS                                     |   |     |     | LIABILITIES                                      |    |     |     |
|--------------------------------------------|---|-----|-----|--------------------------------------------------|----|-----|-----|
| Cash on hand and in banks                  |   | 74  | 188 | Notes payable to banks-secured                   |    |     |     |
| U.S. Government securities-Series EE bonds |   | 2   | 800 | Notes payable to banks-unsecured                 |    |     |     |
| Listed securities - see schedule           |   | 810 | 396 | Notes payable to relatives                       |    |     |     |
| Unlisted securities - see schedule         | 1 | 520 | 000 | Notes payable to others                          |    |     |     |
| Accounts and notes receivable:             |   |     |     | Accounts and bills due                           |    |     |     |
| Due from relatives and friends             |   |     |     | Unpaid income tax                                |    |     |     |
| Due from others                            |   | 30  | 000 | Other unpaid income and interest                 |    |     |     |
| Doubtful                                   |   |     |     | Real estate mortgages payable - see schedule     | 1  | 101 | 953 |
| Real estate owned - personal residence     | 1 | 730 | 000 | Chattel mortgages and other liens payable        |    |     |     |
| Real estate mortgages receivable           |   |     |     | Other debts-itemize:                             |    |     |     |
| Autos and other personal property          |   | 50  | 000 |                                                  |    |     |     |
| Cash value-life insurance                  |   |     |     |                                                  |    |     |     |
| Other assets itemize:                      |   |     |     |                                                  |    |     |     |
|                                            |   |     |     |                                                  |    |     |     |
|                                            |   |     |     |                                                  |    |     |     |
|                                            |   |     |     | Total liabilities                                | 1  | 101 | 953 |
|                                            |   |     |     | Net Worth                                        | 3  | 115 | 431 |
| Total Assets                               | 4 | 217 | 384 | Total liabilities and net worth                  | 4  | 217 | 384 |
| CONTINGENT LIABILITIES                     |   |     |     | GENERAL INFORMATION                              |    |     |     |
| As endorser, comaker or guarantor          |   |     |     | Are any assets pledged? (Add schedule)           | No |     |     |
| On leases or contracts                     |   |     |     | Are you defendant in any suits or legal actions? | No |     |     |
| Legal Claims                               |   |     |     | Have you ever taken bankruptcy?                  | No |     |     |
| Provision for Federal Income Tax           |   | 30  | 000 |                                                  |    |     |     |
| Other special debt                         |   |     |     |                                                  |    |     |     |

## FINANCIAL STATEMENT

### NET WORTH SCHEDULES

#### Listed Securities

|                                                    |                   |
|----------------------------------------------------|-------------------|
| CREF Inflation-Linked Bond Fund                    | \$ 21,507         |
| CREF Stock Fund                                    | 153,159           |
| Fidelity Massachusetts Municipal Money Market Fund | 460               |
| Fidelity Select Biotechnology Portfolio            | 130,847           |
| Fidelity OTC Portfolio                             | 43,061            |
| N.Y. Times Co. stock                               | 5,672             |
| TIAA Traditional Annuity                           | 20,190            |
| Vanguard Prime Money Market Fund                   | 9,286             |
| Vanguard Target Retirement 2035 Fund               | 374,763           |
| Vanguard Target Retirement 2035 Trust II           | 24,862            |
| Vanguard Total Bond Market Index Fund              | 26,589            |
| Total Listed Securities                            | <u>\$ 810,396</u> |

#### Unlisted Securities

|                           |                     |
|---------------------------|---------------------|
| The Girls, LLC            | \$ 1,370,000        |
| Mars-B, Inc.              | 150,000             |
| Total Unlisted Securities | <u>\$ 1,520,000</u> |

#### Real Estate Mortgages Payable

|                                     |                     |
|-------------------------------------|---------------------|
| Personal residence                  | \$ 946,953          |
| Home Equity loan                    | 155,000             |
| Total Real Estate Mortgages Payable | <u>\$ 1,101,953</u> |

AFFIDAVIT

I, David Jeremiah Barron, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

Sept. 30, 2013

(DATE)

David J Barron

(NAME)

Chloe V Bush

(NOTARY)



**CHLOE VICTORIA BUSH**  
Notary Public  
Commonwealth of Massachusetts  
My Commission Expires  
November 21, 2019