

**Patricia M. Wald**  
2101 Connecticut Avenue NW, Apartment 38  
Washington, DC 20008

May 20, 2013

The Honorable Patrick J. Leahy  
Chairman  
Committee on the Judiciary  
United States Senate  
Washington, DC 20510

Dear Mr. Chairman:

I have reviewed the Senate Questionnaire filed in connection with my re-nomination on March 21, 2012, to serve a second term as a Member of the Privacy and Civil Liberties Oversight Board. Incorporating the additional information below, I certify that the information contained in that document is, to the best of my knowledge, true and accurate.

**Question 6:**

**Privacy and Civil Liberties Oversight Board (2012 - Present)**

Member  
2100 K Street NW  
Washington, D.C. 20036

Upon Senate confirmation to the above position, I ended my participation with the following: the Administrative Conference of the United States, the Board of the Constitution Accountability Center, the Advisory Board of New Perimeter, a non-profit affiliate of DLA Piper, and the Board of the Open Society Institute Justice Initiative.

**Question 8:**

**Public Service Award (October 2012)**

Stanford University Law School

**Question 9:**

**ABA Task Force on the ICC (2012 - Present)**

Advisory Board Member

**D.C. Lawyers Committee for Civil Rights Under the Law, Project on Mass Incarceration (2012 - Present)**

Advisory Board Member

**Question 11:**

I am no longer a member of the Open Society Institute Justice Initiative, DLA Piper New Perimeter, or the Center for Constitutional Accountability.

**Question 12.a.:**

*Apprehending War Criminals: Does International Cooperation Work?*, 21 AM. U. INTL L REV 229 (2012). Copy supplied.

*Holes in the Court*, Washington Post (March 1, 2013). Copy supplied.

**Question 12.c.:**

Brief Amicus Curiae to Constitutional Court of Guatemala on Behalf of International Legal Experts in Los Dos Erros (ABA) (2012). Copy supplied.

**Question 12.d.:**

American University Law School, Conference of Legal Writing Teachers, May 2, 2013. Copy supplied.

Yale Law School, Early Experiences of Women at YLS with Linda Greenhouse, April 9, 2013.

Women's Bar Association of D.C., Dialogue with Small Group of Women, March 14, 2013.

Counselors, Remarks on International Courts, March 21, 2013.

American Constitution Society, Why Courts Matter Program, March 25, 2013.

University of Baltimore Law School, Women's Careers in the Law, April 11, 2013. Copy supplied.

Stanford Law School, Public Service Award Speech, October 11, 2012. Copy supplied.

Stanford Law School, Dialogue on Women in International Law, October 12, 2012.

California Appellate Seminar for Lawyers and Judges, "Why Write Separately?" May 5, 2012. Copy supplied.

New York City Bar, International Women's Day Program, May 1, 2012.

Indiana Law School, Commencement Speech, May 2012. Copy supplied.

University of D.C. Law School and D.C. Bar Programs on Legends in the Law, March and June 2012.

## Financial Statement Schedule

### NET WORTH SCHEDULES

<u>Listed Securities</u>	
Fidelity Advisor Gold Fund	\$ 14,994
Fidelity Advisor Ser V High Income Municipal Fund	104,473
Fidelity Advisor Ser VII Strategic Income Fund	103,486
Fidelity Advisor Short Intermediate Income Fund	100,223
Franklin Low Duration Total Return Fund	81,885
Fundamental Investors Fund	120,109
Lord Abbott Short Duration Income Fund	73,626
Fidelity Advisor Ser VII Diversified International	28,872
Harbor Bond Fund Institutional Class	77,011
Investment Company of America	54,189
Lord Abbott Short Duration Income Fund	80,769
Principal High Yield Fund	62,563
Royce Pennsylvania Mutual Fund	17,240
T Rowe Price Short Term Bond Fund	51,744
Victory Portfolios Diversified Stock Fund	39,974
Total Listed Securities	\$ 1,010,440

**UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY  
QUESTIONNAIRE FOR NOMINEES  
TO PRIVACY AND CIVIL LIBERTIES BOARD**

**PUBLIC**

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

Patricia Ann McGowan Wald

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

Member, Privacy and Civil Liberties Oversight Board

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.

2101 Connecticut Avenue, NW, Apartment 38  
Washington, D.C. 20008

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

September 16, 1928; Torrington, CT

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.

1948-1951, Yale Law School; J.D., 1951

1944-1948, Connecticut College for Women; B.A., 1948

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.

2010-present  
Administrative Conference of the United States  
1120 20<sup>th</sup> Street, N.W.  
Washington, D.C. 20036  
Council Member (uncompensated)

2009-present  
Constitution Accountability Center  
1800 Connecticut Avenue, N.W.  
Washington, D.C. 20036  
Board Member (uncompensated)

2004-2008  
American Constitution Society  
1333 H Street, N.W., 11<sup>th</sup> Floor  
Washington, D.C. 20005  
Board Member (uncompensated)

2003-2010  
Mental Disability Rights International  
1154 15<sup>th</sup> Street, N.W.  
Washington, D.C. 20009  
Board Member (uncompensated)

2008-2009  
American Society of International Law  
2223 Massachusetts Avenue, N.W.  
Washington, D.C. 20008  
Co-Chair (with William Taft IV) of Task Force on U.S. Policy Toward International Criminal Court (uncompensated)

2004-2005  
President's Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction  
(no current address)  
Commission Member (uncompensated)

2005-present  
New Perimeter  
DLA Piper  
500 8th Street, N.W.  
Washington, D.C., 20004  
Co-Chair Advisory Board (uncompensated)

2003-2007  
American Arbitration Association  
2200 Century Parkway, Suite 300  
Atlanta, GA 30345  
Arbitrator, Westinghouse Electric Company v. CBS Corp. Panel Chair  
CASE NO. 16x 192 00937702

2003-2004  
Yale Law School  
120 Wall Street  
New Haven, CT 06511  
J. Skelly Wright Fellow-Lecturer on International Courts

2002-present  
Open Society Institute Justice Initiative  
400 West 59<sup>th</sup> Street  
New York, NY 10019  
Board Member (2004-present)  
Board Chair (2002-2004)

1999-2001  
International Criminal Tribunal for the former Yugoslavia  
Churchillplein 1  
2517 JW The Hague, The Netherlands  
Judge Trial Chamber I

1979-1999  
United States Court of Appeals for District of Columbia Circuit  
333 Constitution Avenue, N.W.  
Washington, D.C. 20001  
Judge (1979-1986; 1991-1999)  
Chief Judge (1986-1991)

1977-1979  
United States Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530  
Assistant Attorney General for Legislative Affairs

1972-1977  
Mental Health Law Project (defunct; successor is Bazelon Center for Mental Health)  
1102 15<sup>th</sup> Street, N.W.  
Washington, D.C. 20005  
Litigation Director (1975-1977)  
Attorney (1972-1975)

1971-1972  
Center for Law and Social Policy  
1015 15<sup>th</sup> Street, N.W.  
Washington, D.C. 20005  
Attorney

1970-1972  
Ford Foundation Drug Abuse Research Project

1200 M Street, N.W.  
Washington, D.C. 20005  
Co-Director (with Peter Hutt)

1968-1970  
Neighborhood Legal Services Program  
401 5th Street, N.W.  
Washington, D.C.  
Attorney in Test Case Division

1967-1968  
United States Department of Justice  
Office of Criminal Justice  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530  
Consultant on Implementation of D.C. Crime Commission Report (part-time)

1965-1966  
United States Department of Justice  
President's Commission on Crime in the District of Columbia  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530  
Member (uncompensated)

1952-1953  
Arnold, Fortas & Porter  
555 12<sup>th</sup> Street, N.W.  
Washington, D.C. 20004  
Associate

1951-1952  
Judge Jerome N. Frank  
United States Court Appeals for Second Circuit  
40 Foley Square  
New York, NY 10007  
Law Clerk

Other Affiliations (Uncompensated unless Otherwise indicated)

2011  
Independent Panel on Judicial Nominations to  
the International Criminal Court (Coalition for the ICC)  
708 3rd Avenue  
New York, NY 10017  
Member

2010- present  
Coalition for the International Criminal Court  
708 3rd Avenue  
New York, NY 10017  
Member Advisory Committee

2002-2011  
JFK Library Foundation  
Columbia Point Boston, MA 02125  
Profiles in Courage Award Committee

1972-Present  
American Law Institute  
4025 Chestnut Avenue  
Philadelphia, PA 19104  
Council Member (1978-2008)  
Executive Committee (1984-99)  
Second Vice President (1988-1993)  
First Vice President (1993-1998)

1989-1992  
Carnegie Foundation  
437 Madison Avenue  
New York, NY 10022  
Member, Task Force on Science, Technology and the Government (1990-1993)  
Member, Carnegie Council on Children (1973-1977)

1965-1972  
Vera Institute of Justice  
233 Broadway  
New York, NY 10279  
Board Member

1976-1977  
Meyer Foundation  
1400 16th Street N.W.  
Washington, D.C. 20036  
Board of Trustees

1976-1977  
Connecticut College  
240 Mohegan Avenue  
New London, CT 06320  
Board of Trustees

1975-1977

Phillips Exeter Academy  
20 Main Street  
Exeter, NH 03833  
Board of Trustees

1972-1977  
Ford Foundation  
320 East 43rd Street  
New York, NY 10017  
Board of Trustees (board fees)

1970-1973  
Sloan Foundation  
638 Fifth Avenue  
New York City, NY 10111  
Member Sloan Commission on Cable Communications (board fees)  
Note: I have been on uncompensated advisory committees to several law schools, law reviews and foundations including: The Environmental Law Reporter (1984-1986); University of Maryland Law School (1985-1982); Edna McConnell Clark Foundation (1981-1984); University of Chicago Law School (1989-1991); University of California (Davis) International Law Center; Washington University at St. Louis Institute of Global Studies (1999-present).

Note: From 1964-1968, I served as a consultant to several conferences and committees including: Consultant to National Conference on Bail and Criminal Justice (author of Conference publication) U.S. Department of Justice and Vera Institute of Justice; Consultant to National Conference on Law & Poverty (Office of Economic Opportunity and Department of Justice) (author of conference publication) (compensated); Consultant to National Advisory Committee on Civil Disorders (compensated); Consultant to National Commission on Causes and Prevention of Violence (compensated); Consultant to President's Commission on Law Enforcement and Administration of Criminal Justice (compensated).

**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.

I have not served in the military.

**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.

Full Scholarship to Connecticut College, 1944-48

Phi Beta Kappa and Winthrop Scholar, Pepsi Cola Fellowship for Yale Law School, 1948-51

Order of the Coif, 1951

Distinguished Alumnae Award, Connecticut College, 1972

August Voelmer Award, American Society of Criminology, 1976

Law School Honorary Fellow, University of Pennsylvania Law School, 1979

Doctor Humanities, Mt. Vernon Junior College, 1980

Doctor Laws, George Washington University Law School, 1983

Woman Lawyer of The Year (Women's Bar Association of D.C.), 1984

Doctor Laws, John Jay School Of Criminal Justice, 1985

Doctor Laws, Mount Holyoke College, 1985

Doctor Laws, Notre Dame University, 1986

Doctor Laws, CUNY-Queens Law School, 1986

Annual Merit Award, National Association of Women Judges (Division 4), 1986

Annual Award, New York Women's Bar Association, 1987

Merit Award, Yale Law School, 1987

Doctor Laws, Georgetown University Law School, 1987

Doctor Laws, Villanova Law School, 1988

Doctor Laws, Amherst College, 1988

Doctor Laws, New York Law School, 1988

Doctor Laws, Colgate University, 1989

Doctor Laws, Washington College of Law, American University, 1989

Doctor Laws, Ohio State University Law School, 1991

Doctor Laws, New England College, 1991

Doctor Laws, Hofstra University School of Law, 1991

Honorary Order of The Coif, University of Maryland Law School, 1991

Doctor Laws, Suffolk University Law School, 1991

Honoree, Women's Bar Association's 75th Anniversary, 1992

Sandra Day O'Connor Medal of Honor, Seton Hall Law School, 1993

Margaret Brent Women Lawyers of Achievement Award (American Bar Association Commission on Women in the Profession), 1994

National Association Of Women Judges Annual Award, 1994

Doctor Laws, Vermont Law School, 1995

Juvenile Law Center Award, 1995

Trial Lawyers Association of Metropolitan Washington Award for Judicial Excellence, 1998

The District of Columbia Bar Thurgood Marshall Award, 1998

Women's Council on Energy and the Environment Woman of the Year Award, 1999

American Civil Liberties Union Henry Edgerton Award, 2000

D.C. Bar Association Heroes in the Law Award, 2000

Environmental Law Institute, Annual Award, 2000

Doctor Laws, Yale University, 2001

Women's Law Center, Annual Award, 2002

International Human Rights Law Group Award, 2002

Doctor Laws, University Of Connecticut Law School, 2002

American Society on International Law, Prominent Women in International Law Award, 2002

Wickersham Award for Excellence in Public Service, Friends of Congressional Law Library, March 2003

Lawyers Committee for Civil Rights and Urban Affairs, Wiley Branton Award for Lifetime Commitment to Equal Justice, June 2003

American Inns of Court Lewis Powell Award for Professionalism and Ethics, October 2003

Charles Richey Award for Judicial Excellence, George Washington University Law School, October 2003

American Lawyer Lifetime Achievement Award, April 2004

Fordham-Stein Award, October 21, 2004

Thomas Jefferson Award, University Of Virginia, April 13, 2005

National Law Journal, "100 Most Influential Lawyers In The United States" List, June 20, 2006

Hynes-Goodman Fellowship Award, University of the District of Columbia, 2007

Charles Richey Award for Judicial Excellence, George Washington University Law School, October 2003

American Lawyer Lifetime Achievement Award, April 2004

Fordham-Stein Award, October 21, 2004

Thomas Jefferson Award, University of Virginia, April 13, 2005

National Law Journal, "100 Most Influential Lawyers in the United States" List, June 20, 2006

Hynes-Goodman Fellowship Award, University of the District of Columbia, 2007

Philosophical Society Humanitarian Award, Henry Allen Moe Prize for Essay on International Courts, 2007

National Law Journal, "50 Most Influential Women Lawyers in America," May 28, 2008

Alliance For Justice Award, 2008

Doctor Laws, Duke. University, 2008

American Bar Association Medal of Honor, 2008

Legal Times, "90 Greatest D.C. Lawyers in Past 30 Years," 2008

NYU Annual Survey of American Law Award, Vol. 1 Dedicated to Patricia M. Wald, 2010

Francis Shattuck Award for Peace and Security (ABA/Int'l Div.), 2010  
Yale Biographical Dictionary of American Law, 2010

Constitutional Champion, Constitution Project Award 2011

Kate Stillman Award, Albany Law School, March 2011

Connecticut Women's Hall Of Fame Inductee, October 2011

**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.

D.C. Bar, 1972-present

Board of Governors, 1974-1977

District of Columbia Judicial Conference

Committee on Admissions and Grievances Member, 1973-1977

Committee on Administration of Justice under Emergency Condition Member, 1972-73

Committee on the Operation of the Bail Reform Act, Member, 1968-1960

Selection Committee for D.C. Bar Thurgood Marshall Award, 2004-present

United States Judicial Conference

Committee on Codes of Conduct Member, 1987-1992

Committee on Case Management, 1996-1999

U.S. Court of Appeals Related Work, 1991- 2011

Task Force on Gender and Racial Bias Member, 1993-1996

Prettyman-Leventhal Inn of Court, 1991- 96

D.C. Pretrial Services Agency, Executive Committee, 1982-1994

D.C. Circuit Historical Society Board, 2005-2011

American Bar Association, 1966-present

Drug Abuse Committee, Criminal Section, Vice-Chair, 1970-1973

Commission on Juvenile Justice Standards, Member, 1973-1979

Board of Editors, American Bar Journal, 1978-1984

ABA Commission on the Mentally Disabled, 1981-1986

Commission to Reduce Court Costs and Delay, 1978- 1984

Special Committee on ABA Standards of Criminal Justice, 1986-1993

Council of Section on Administrative Law and Business Regulation, 1991-1994

Central and Eastern European Law Initiative, Executive Board, 1994-1999

ABA Task Force on Effective Sanctions (2006-2008)

ABA Task Force on Signing Statements (2006)

Women's Bar Association (D.C.), 1952-present

**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.

I was admitted pro hac vice to the Colorado Court of Appeals and the 10th Circuit for two cases in 2009 and 2011.

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.

I was admitted to practice before the 5th Circuit Court of Appeals in 1975 and before the U.S. Supreme Court around the same time. No lapses.

#### **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.

Cosmos Club (social) 4021 Mass Ave. Washington, 1987-present

Open Society Institute-Justice Initiative, Board Member, 2002-present

DLA Piper New Perimeter, Advisory Board Co-Chair, 2005-present

Center for Constitutional Accountability, Board Member, 2009-present

American Constitution Project, Member of National Security and Justice Initiative, 2002-present

American Constitution Society, Board Member, 2004-08

Mental Rights Disability International, Board Member, 2003-2010

Profiles in Courage Award Committee, 2002-2011

Human Rights Watch, Advisory Committee on Eastern Europe, 2002-2011

American Society of International Law, Counselor, 2002-2008

Coalition for the International Criminal Court, 2008-present

American Bar Association, 1966-present

D.C. Bar, 1972-present

American Law Institute, 1974-present

Barristers Club (social), 1988-1996 (approx.)

Advisory Board of Yale Journal of International Law, 2005 – present (approx.)

Advisory Board of University of California (Davis), International Law Center, 2008 – present (approx.)

Advisory Board of Durham University, International Justice Project, 2009 – present (approx.)

Advisory Board, Washington University Law Center (St Louis), Whitney R. Harris Institute of Global Studies, 2001 – present (approx..)

Philosophical Society, 2001-present

American Association of Retired Persons, 1990-present

Yale Law School Association, 1951-present

Institute of Medicine, 1978-1986

Center for Court Excellence, sometime in 1980s-present

National Association of Women Judges, 1980-present

American Academy of Arts and Sciences, 1991-present

b. Indicate whether any of these organizations listed in response to 11 a 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.

None of the above organizations discriminate in membership on the basis of race, religion, gender, national origin or sexual orientation. The Cosmos club formerly did not admit women. However, I was in the original group of women in 1987 that formally desegregated the club.

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

*I have done my best to identify and locate all applicable works for subsections a-e, including through a review of my personal files and searches of publicly available electronic databases. Despite exhaustive searches, there may be other items I have been unable to identify, find or remember.*

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.

## I. Criminal Justice

BAIL IN THE UNITED STATES (with Daniel J. Freed) (1964).

*Pretrial Release and Ultimate Freedom: A Statistical Study - Foreword*, 39 N.Y.U. L. REV. (1964).

*The Bail Reform Act of 1966*, 52 A.B.A. J. 940 (with Daniel J. Freed) (1966).

THE RIGHT TO BAIL REVISITED: A DECADE OF PROMISE WITHOUT FULFILLMENT, IN RIGHTS OF THE ACCUSED (1972) in *The Rights of the Accused, Sage Criminal Justice System Annuals, Vol. 1* (Stuart S. Nagel, ed.) p 178.

POVERTY AND CRIMINAL JUSTICE, TASK FORCE ON THE COURTS, PRESIDENT'S COMMITTEE ON LAW AND THE ADMINISTRATION OF JUSTICE (1967), *reprinted in* the SOCIOLOGY OF PUNISHMENT AND CORRECTION (Johnson, Savitz, Wolfgang, 2d ed.).

*Alcohol, Drugs and Criminal Responsibility*, 63 GEO. L. J. 69 (1974).

*Corrections: The Unequal Partner (Keynote Address to the American Correctional Association, 1980)*, *reprinted in* CORRECTIONS TODAY (Sept./Oct. 1980).

Book Review, 64 JUDICATURE 292 (reviewing KAMISAR, POLICE INTERROGATION AND CONFESSIONS (Dec./Jan. 1981)).

*Commentary: The Unreasonable Reasonableness Test for Fourth Amendment Searches*, 4 CRIM. JUST. ETHICS 2 90 (1985).

*A Report From the Front in the War on Drugs*, 7 GA. ST. U. L. REV. 1 (Fall 1990) (copy of document filed with 1990 speech file).

VIOLENCE UNDER THE LAW: A JUDGE'S PERSPECTIVE, LAW'S VIOLENCE (Sarat & Kearns ed., Amherst Series, 1992) (copy of document filed with 1991 speech file).

*Guilty Beyond a Reasonable Doubt: A Norm Gives Way to the Numbers*, 1993 U. CHI. LEGAL F. 101 (1993) (copy of document filed with 1993 speech file).

*A Retrospective on the Thirty-Year War Against Crime*, Keynote Address to Symposium on 30th Anniversary of President's Commission on Law Enforcement and Administration of Justice, *reprinted in* U.S. DEPT. OF JUSTICE, THE CHALLENGE OF CRIME IN A FREE SOCIETY: LOOKING

BACK LOOKING FORWARD (June 1997), (copy of document filed with 1997 speech file).

## II. Juvenile Law

*The Changing World of Juvenile Law New Vistas for the Nondelinquent Child- Alternatives to Formal Juvenile Court Adjudication*, 40 PA B. ASS'N Q. 37 (1968).

*Trying a Juvenile Right to Treatment Case: Pointers and Pitfalls for Plaintiffs*, 12 AM. CRIM. L. REV. 125 (with Lawrence Schwartz) (Summer 1974).

*Making Sense Out of the Rights of the Youth*, HUM. RTS. (Winter 1974), reprinted in 40 CHILD WELFARE (June 1976).

*Pretrial Detention for Juveniles*, in PURSUING JUSTICE FOR THE CHILD (Rosenheim ed. 1976).

CARNEGIE COUNCIL ON CHILDREN, ALL OUR CHILDREN (Contributor) (1977).  
*A Right to Counsel for School Psychologists?*, 6 SCH. PSYCHOL. REV. 30-39 (1977).

*The Rights of Children and the Rites of Passage*, in CHILD PSYCHIATRY & L. (Schetsky-Benedek ed. Brunner-Nagel 1980).

Book Review, AM. J. PSYCHIATRY (reviewing CHILDREN'S RIGHTS AND THE MENTAL HEALTH PROFESSION (July 1977)).

Book Review, 248 J. AM. MED. A. 1110 (reviewing ZIMRING, A JURISPRUDENCE FOR ADOLESCENTS (1982)).

Book Review, *The Kindness of Strangers*, 97 YALE L. J. 1477 (reviewing GOLDSTEIN, FREUD, SOLNIT, IN THE BEST INTERESTS OF THE CHILD (1988)).

*Doing Right by Our Kids: A Case Study in the Perils of Making Policy on Television Violence* (Publication by Division of General Pediatrics and Adolescent Health, University of Minnesota) (1994), reprinted in 23 U. BALT. L. REV. 397 (1994) (copy of document filed with 1994 speech file).

*Foreword*, JUVENILE JUSTICE STANDARDS ANNOTATED (ABA) (1996), available at [www.ncjrs.gov/pdffiles1/ojdp/166773.pdf](http://www.ncjrs.gov/pdffiles1/ojdp/166773.pdf).

*Goss v. Lopez: Not the Devil, Nor the Panacea* at the Federalist Society Symposium: The Rights Revolution, 1 MICH. L. & POL'Y REV. 331 (1996).

## III. Mental Disability Law

*The Right to Education*, and other articles in LEGAL RIGHTS OF THE MENTALLY HANDICAPPED, Practicing Law Institute (1974).

*Basic Personal and Civil Rights of the Mentally Retarded* in THE MENTALLY RETARDED CITIZEN AND THE LAW, President's Council on Mental Retardation (Free Press (1976)).

*Advocacy for the Mentally Retarded Offender*, Symposium on the Mentally Retarded Citizens and the Criminal Justice System (Working Papers from Charleston, South Carolina) (1975).

*The Politics of Mental Health Advocacy in the United States* (with Paul Friedman), Proceedings of the Second International Symposium, Toronto, Canada, LAW & PSYCHIATRY (1978).

DEALING WITH DRUG ABUSE, Report to the Ford Foundation (with Peter Barton Hutt) (Praeger Press 1972), available at <http://www.druglibrary.org/schaffer/library/studies/dwda/dwdprfc.htm>.

*The Organized Bar and Drug Abuse*, SAN FRANCISCO B. J. (Dec. 1972).

*The Right to Refuse Treatment*, ADDICTIONS (Spring 1974).

#### IV. Poverty and Public Interest Law

LAW AND POVERTY, Report to the National Conference on Law and Poverty (1965).

*Law and Grievances of the Poor*, in LAW AND ORDER RECONSIDERED, STAFF REPORT #10 OF THE TASK FORCE ON LAW AND LAW ENFORCEMENT TO THE NATIONAL COMMISSION ON THE CAUSES AND PREVENTION OF VIOLENCE Ch. 3 (1968), available at [http://www.archive.org/stream/laworderreconsid00camprich/laworderreconsid00camprich\\_djvu.txt](http://www.archive.org/stream/laworderreconsid00camprich/laworderreconsid00camprich_djvu.txt).

*Ten Admonitions for Legal Services Advocates Contemplating Federal Litigation*, 27 CLEARINGHOUSE REV. No.1 (May 1993) (copy of document filed with 1993 speech file).

*Legal Services in the '90s*, 1 HYBRID 1 (1993); 7 MAN. INFO. EXCHANGE 3 (1993) (copy of document filed with 1993 speech file).

*Whose Public Interest Is It Anyway?: Advice for Altruistic Young Lawyers*, 47 ME. L. REV. 4 (1995) (copy of document filed with 1994 speech file).

*"For the United States": Government Lawyers in Court*, 61 LAW & CONTEMP. PROBS. 107 (1998) (copy of document filed with 1998 speech file).

#### V. Administrative Law

*Making "Informed" Decisions in the District of Columbia Circuit*, 50 GEO. W. L. REV. 135 (1982).

*Judicial Review of Complex Administrative Agency Decisions*, in THE ANNALS OF THE AMERICAN ACADEMY OF POLITICAL AND SOCIAL SCIENCE, Vol. 462 No. 1 72-86 (July 1982).

*Judicial Review of Economic Analyses*, 1 YALE J. REG. 43 (1983).

*The Freedom of Information Act: A Short Case Study of the Perils and Paybacks of Legislating Democratic Values*, 33 EMORY L.J. 649 (1984), reprinted in Sargentich, ADMINISTRATIVE LAW ANTHOLOGY (1994).

*ACUS, Colloquium on Regulatory Design & Practice* (Lecture Summary # 12 - "Why We Reverse") (1983) (copy of document filed with 1983 speech file).

*Deregulation in the Courts*, in THE IMPACT OF DEREGULATION AND MARKET FORCES ON PUBLIC UTILITIES: THE FUTURE ROLE OF REGULATION (1985) (copy of document filed with 1985 speech file).

JUDICIAL REVIEW OF TRANSPORTATION DEREGULATION, EASTERN TRANSPORTATION LAW SEMINAR PAPERS & PROCEEDINGS (1984) (copy of document filed with 1984 speech file).

*Environmental Negotiation: A New Role for the Courts*, 10 COLUM. J. ENVTL. L. 1 (1985).

*The Realpolitik of Judicial Review in a Deregulation Era*, 5 J. POL'Y ANALYSIS & MGT. 535 (1986).

*The Contribution of the D.C. Circuit to Administrative Law*, 40 ADMIN. L. REV. 507 (1988).

*Some Thoughts on Beginnings and Ends: Court of Appeals Review of Administrative Law Judges' Findings and Opinions*, 67 WASH. U. L. Q. 661 (1989) (copy of document filed with 1988 speech file).

*The "New Administrative Law" - With the Same Old Judges In It?*, 1991 DUKE L. J. 647 (copy of document filed with 1991 speech file).

*ABA Symposium on FOIA's 25th Anniversary*, GOV'T INFO. Q. (1991).

*The Role of the Judiciary in Environmental Protection*, 191 B.C. ENVTL. AFF. L. REV. 519 (1992).

*The Cinematic Supreme Court: 1991-92 Term* (ACUS Conference), 7 ADMIN. L.J. AM. U. 238 (1993) (copy of document filed with 1992 speech file).

*Colloquium, The Fifth Annual Robert C. Byrd Conference on the Administrative Process*, 8 ADMIN. L.J. AM. U. 23 (1994).

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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 of and address of the organization that issued it, the date of the document, and a summary of its subject matter.

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Statement in Support of Elimination of Juvenile Life Without Parole Sentencing (Undated, statement first assembled June 2009 and updated February 2011) (On file with the Constitution Project).

Letter to Members of Congress Urging it Not to Pass Court-Stripping Measure that Would Deny Rights in the War on Terror (December 7, 2005).

Letter to Chair and Ranking Member of Senate Judiciary Committee Regarding Substitute Legislation for Streamlined Procedures Act (Jul. 12, 2005) (On file with the Constitution Project).

CONSTITUTION PROJECT, BEYOND GUANTANAMO: A BIPARTISAN DECLARATION (Mar. 16, 2011), *available at* <http://www.constitutionproject.org/pdf/347.pdf>.

AM. BAR ASS'N, *The Decade After 9/11: A Search for Moorings*, 38 HUMAN RIGHTS No. 1 (Winter 2011), *available at* [http://www.americanbar.org/publications/human\\_rights\\_magazine\\_home/human\\_rights\\_vol38\\_2011/winter2011\\_home/the\\_decade\\_after911asearchformoorings.html](http://www.americanbar.org/publications/human_rights_magazine_home/human_rights_vol38_2011/winter2011_home/the_decade_after911asearchformoorings.html).

Letter to Senators Levin and McCain Regarding the National Defense Authorization Act of 2011 (June 2, 2011), *available at* <http://www.constitutionproject.org/pdf/ltrtosenateresec1034ndaa.pdf>.

Letter to Senators Specter and Leahy Regarding the Streamlined Procedures Act of 2005 (July 12, 2005), *available at* <http://www.constitutionproject.org/pdf/Former%20Federal%20Judges%20Letter%20to%20Senate.pdf>.

Letter to House Leadership Regarding the National Defense Authorization Act of 2011 (May 20, 2011), *available at* [http://www.constitutionproject.org/pdf/5202011\\_aumfltrtocongress.pdf](http://www.constitutionproject.org/pdf/5202011_aumfltrtocongress.pdf).

CONSTITUTION PROJECT, STATEMENT OF THE COALITION TO DEFEND CHECKS AND BALANCES (Feb. 27, 2006), *available at* <http://www.constitutionproject.org/pdf/Checks and Balances Initial Statement.pdf>.

CONSTITUTION PROJECT, STATEMENT OF LIBERTY & SECURITY INITIATIVE (Regarding Domestic Spying) (Jan. 5, 2006), *available at* <http://www.constitutionproject.org/pdf/55.pdf>.

CONSTITUTION PROJECT, STATEMENT ON THE NATIONAL SECURITY AGENCY'S DOMESTIC SURVEILLANCE PROGRAM (July 25, 2007), *available at* <http://www.constitutionproject.org/pdf/NSA Statement 20071.pdf>.

CONSTITUTION PROJECT, STATEMENT ON RESTORING HABEAS CORPUS RIGHTS ELIMINATED BY

THE MILITARY COMMISSIONS ACT (Mar. 4, 2007), *available at* [http://www.constitutionproject.org/pdf/MCA Statement.pdf](http://www.constitutionproject.org/pdf/MCA%20Statement.pdf).

STATEMENT OPPOSING THE TERRORIST EXPATRIATION ACT (May 20, 2010), *available at* <http://www.constitutionproject.org/pdf/402.pdf>.

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.

## I. Testimony

*Hearings on Preventive Detention: Before the Subcommittee on Constitutional Rights of the S. Comm. on the Judiciary, 91<sup>st</sup> Cong. (May-June 1970) (testimony).*

*Intercircuit Panel of the United States Act on S. 704: Hearing Before Subcommittee on Courts of the S. Comm. on the Judiciary, 99<sup>th</sup> Cong. (October 9, 1985) (testimony).*

*Statutory Interpretation and Uses of Legislative History: Hearing Before Subcommittee on Courts, H. Comm. on the Judiciary, 101<sup>st</sup> Cong. (April 19, 1990) (testimony).*  
*Interbranch Relations: Hearings Before the Joint Comm. on the Organization of Cong., 103<sup>d</sup> Cong. (1993) (testimony).*

*20th Anniversary of the Individuals with Disabilities Education Act: Joint Hearing Before Subcommittee on Early Childhood, Youth and Families and Subcommittee on Disability Policy of S. Comm. on Labor and Human Resources, 104<sup>th</sup> Cong. (May 9, 1995) (testimony).*

*The U.N. Criminal Tribunals For Yugoslavia and Rwanda: International Justice or Show of Justice?: Before H. Comm. on Int'l Relations, 107<sup>th</sup> Cong. (Feb. 20, 2002) (testimony).*

*Hearing Before the Inter-American Commission on Human Right (Mar. 3, 2006) (testimony on behalf of the Am. Bar Ass'n).*

*Standards of Military Commissions And Tribunals: Before H. Comm. On Armed Services, 109<sup>th</sup> Cong. (July 26, 2006) (testimony).*

*Ending Taxation Without Representation: The Constitutionality of S. 1257: Hearing Before the S. Comm. on the Judiciary, 110<sup>th</sup> Cong. (May 23, 2007) (testimony).*

*State Secret Protection Act of 2009: Before Subcommittee on the Constitution, Civil Rights, and Civil Liberties of H. Comm. on the Judiciary, 112<sup>th</sup> Cong. (Jan. 29, 2008) (testimony).*

*Negative Implications of the President's Signing Statement on the Sudan Accountability and Divestment Act: Hearing Before the H. Comm. on Financial Services, 110<sup>th</sup> Cong. (Feb. 8, 2008) (testimony).*

*Examining the State Secrets Privilege: Protecting National Security While Preserving Accountability* (Feb. 13, 2008) (testimony), available at [http://www.judiciary.senate.gov/hearings/testimony.cfm?id=e655f9e2809e5476862f735da133c4a9&wit\\_id=e655f9e2809e5476862f735da133c4a9-1-2](http://www.judiciary.senate.gov/hearings/testimony.cfm?id=e655f9e2809e5476862f735da133c4a9&wit_id=e655f9e2809e5476862f735da133c4a9-1-2).

*Pathways to Statehood, From Voting Rights to Full Self-Determination: Political and Constitutional Considerations: Before the Council of the District of Columbia and the Special Committee on Statehood and Self-Determination* (June 1, 2009) (testimony).

I recall testifying as a Legal Services attorney on the DC Court Reorganization Act in the early 1970s, but have no record of it. While at the Justice Department I testified in an official capacity on the extension of the Equal Rights Amendment, abolition of the electoral college, D.C. representation, and lobbying law reform.

## II. Amicus Briefs filed on Behalf of Retired Judges

Brief of Former Judges, State Officials, and Prosecutors as Amici Curiae in Support of Petitioner in *Hood v. Texas*, 130 S. Ct. 2097 (2010) (No. 09-8610) (cert denied), available at <http://www.constitutionproject.org/pdf/378.pdf>.

Brief of Retired Judges as Amici Curiae Supporting Petition for Certiorari in *Buntion v. Quarterman*, 129 S.Ct. 1306 (2009) (No. 98-5698), available at <http://www.constitutionproject.org/pdf/196.pdf>.

Brief of Former Federal Judges and Former Senior Justice Department Officials as Amici Curiae Supporting Petitioner, *Al-Marri v. Pucciarelli*, 555 U.S. 1066 (2008) (No. 08-368), available at <http://www.constitutionproject.org/pdf/188.pdf>.

Brief of Former Judges of the United States Courts of Appeals as Amici Curiae in Support of Petitioner in *Miller v. United States*, 549 U.S. 1278 (2007) (No. 06-643) (cert denied).

Brief of Retired Federal Jurists as Amici Curiae Supporting Petitioners' Supplemental Brief Regarding The Military Commissions Act of 2006, *Boumediene v. Bush*, 476 F.3d 981 (D.C. Cir. 2006) (Nos. 05-5062 to 05-5064, 05-5095 to 05-5116), available at <http://www.constitutionproject.org/pdf/190.pdf>.

Brief of Former Federal Judges as Amici Curiae Supporting Petitioner, *Boumediene v. Bush*, 550 U.S. 981 (2007) (Nos. 06-1195, 06-1196), available at <http://www.constitutionproject.org/pdf/195.pdf>.

Brief of Former U.S. Government Officials as Amici Curiae Supporting Petitioners, *Rasul v. Bush*, 542 U.S. 466 (2004) (Nos. 03-334, 03-343).

Replacement Brief of Retired Federal Judges as Amici Curiae Supporting Plaintiff-Appellant and Urging Reversal for Rehearing En Banc, *Arar v. Ashcroft*, 585 F.3d 559 (2d Cir. 2006) (06-4216-

cv).

Brief of the Constitution Project's Liberty and Security Committee, *United States v. Jones* (Jan. 23, 2012) (No. 10-1259).

Brief of 145 Individuals, Including Former United States Attorneys General, Retired United States Circuit Court Judges, Retired United States District Judges, Former United States Attorneys and Other Former High Ranking United States Department of Justice Officials in Support of Petitioner, *Angelos v. U.S.*, 549 U.S. 1077 (2006) (No. 06-26).

Brief of Hon. Edward N. Cahn, et al. as Amici Curiae in Support of Respondent on the Third Question Presented, *Whorton v. Bockting*, 549 U.S. 406 (2006) (No. 05-595).

### III. Letters to Congress

Open Letter to Congress Urging Creation of a Congressional Clerkship Program (March 2011).

Letter to Senate Judiciary Committee Supporting Nomination of Elena Kagan as Supreme Court Justice (May 2010).

Letters to Senators Olympia Snow and Thad Cochran urging confirmation of Caitlin Halligan to D.C. Circuit Vacancy (June 2011).

Letters to D.C. Judicial Nominating Commission urging selection of Geoffrey Kleinberg and Christopher Handman to Judgeships on the District of Columbia Court of Appeals

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.

### I. Speeches and Remarks

The following list contains all formal speeches that I have on record. It is followed by a list of the occasions of which I have some record or recollection on making remarks not based on a text. Since my legal career spans more than 50 years, there are probably many such occasions I do not remember or have any record of, although I have made a good faith attempt to search my papers; this is especially true of the years before I became a judge in 1979 and the years since I came back from the Hague in 2002. Where I have notes of remarks, I have so indicated. Finally I have included a list, known to me, of newspaper clippings in which I am quoted. I note that the several occasions in the 1990s on which I made remarks abroad were principally based on the

formal speeches listed below.

Second Annual Ann Schlesinger Law Day Lecture, May 1980.

Georgetown Law School Appellate Criminal Legal Clinic, Nov. 20, 1980.

Yale Law School - 30 Year Reunion, 1981.

Yale Law School Luncheon, April 8, 1981.

Women's Bar Association, Boston, Massachusetts, April 2, 1981.

Connecticut College Commencement Address, May 24, 1981.

American Association of Law Libraries Convention, September 1981.

New York University, Conference on Career and Family, April 24, 1982.

Wayne State University Law School Commencement, June 19, 1982.

Observations on the Use of Legislative History in 1981-1982 Supreme Court Term Eighth Circuit Judicial Conference, July 1982.

Remarks at Yale Law Journal Symposium, New Haven, Connecticut, February 12, 1983.

Remarks at Meeting of National Association of Women Judges, March 15, 1983.

Remarks at Iowa Law Journal Banquet, April 11, 1983.

Remarks to Paralegals, May 10, 1983.

Remarks at George Washington University Law Center's Commencement, Washington, D.C., May 22, 1983.

Remarks at the Annual Meeting of the District of Columbia Bar, Capitol Hilton Hotel, Washington, D.C., June 22, 1983.

Remarks to the Washington Council of Lawyers Public Interest Forum, New York Avenue Presbyterian Church, Washington, D.C., June 23, 1983.

Remarks to the Administrative Conference of the United States, Washington, D.C., July 7, 1983.

Remarks to the American Bar Association's Criminal Justice Panel, Atlanta, Georgia, August 2, 1983.

Remarks to the National Association of Women Judges Panel on Judicial Review, October 1983.

Informal Remarks at Yale Law School's Symposium on State Courts and Individual Rights, New Haven, Connecticut, October 15, 1983.

West Virginia Law Review Conference, March 26, 1984.

Remarks Before Federal Communications Bar Association, April 7, 1984.  
Law Day, Emory Law School, Atlanta, Georgia, April 28, 1984.

Connecticut College Commencement, May 1984.

Michigan Law School Senior Day Speech, May 12, 1984.

Remarks to Women's Bar Association, May 22, 1984.

Symposium on Commission Report, American Bar Association Annual Meeting, August 6, 1984.

Conference on Negotiation Remarks, October 2, 1984.

Association of Transportation Practitioners 1984 Eastern Transportation Law Seminar, October 29, 1984.

National Association of Women Judges, November 1984.

Women's Bar Association of Maryland, New Admittees Banquet, November 20, 1984.

Institute of Public Utilities, Williamsburg, Virginia, December 3, 1984.

Portrait Presentation of Honorable Carl McGowan, December 11, 1984.

Remarks at Cleveland Marshall College of Law (including footnotes), February 27, 1986.

Attacking Litigation: Cost and Delay: A Finale, April 2, 1986.

Remarks at Duke University School of Law, Durham, North Carolina, Economists on the Bench (including footnotes), April 11-12, 1986.

Remarks Before the Administrative Law and Agency Practice and Environment, Energy and Natural Resources Divisions of the District of Columbia Bar, National Press Club, Washington, D.C., April 16, 1986.

Remarks at Graduation of CUNY at Queens Law School, June 6, 1986.

Essay for Harvard Law Review, Some Random Thoughts on Judging as Gleaned from One Hundred Years of the Harvard Law Review and Other Great Books, August 8, 1986.

Remarks at American Political Science Association (APSA) Conference on Appellate Court Management, Washington Hilton Hotel, August 30, 1986.

Remarks at St. John's University School of Law, Jamaica, New York, Joseph Belsky Memorial Lecture, February 19, 1987.

Remarks at University of Minnesota Law School, April 2, 1987.

Women in the Judicial System, Remarks at Goucher College, Towson, Md., Sarah T. Hughes Memorial, April 30, 1987.

Women's Bar Association of New York City, May 13, 1987.

Remarks at Commencement Ceremony, Northwestern University School of Law, Chicago, Illinois, May 16, 1987.

Remarks at Commencement Ceremony, Georgetown University Law Center, Washington; D.C., May 25, 1987.

Remarks at Annual Meeting of The Bar Association of Baltimore City, Baltimore, Maryland, June 2, 1987.

Remarks at 1987 Judicial Conference of the District of Columbia Circuit, The Homestead, Hot Springs, Virginia, May 27, 1987.

Remarks at Yale Law School Luncheon, Washington, D. C., June 17, 1987.

Remarks at the 1987 Judicial Conference of the Tenth Circuit, Westgate Hotel, San Diego, California, July 29, 1987.

Remarks at Canadian Superior Court Judges Conference, Ottawa-Ontario, Canada, August 11, 1987.

Contribution to Texas Law Review, Voices-A Response, September 8, 1987.

Remarks at the 1987 Third Circuit Judicial Conference, Philadelphia, PA, September 17, 1987.

Remarks at American Bar Association's Administrative Law Section Panel Discussion, International Club, Washington, D.C., October 9, 1987.

Remarks at Merit Award Ceremony (PMW recipient), Yale Law School, New Haven, Connecticut, October 17, 1987.

Remarks at Memorial Service for Judge Carl McGowan, St. John's Church, Washington, D.C., December 29, 1987.

Rita Charmatz Davidson, *Reminiscence*, January 1985.

Final Meeting of the National Coalition for Jail Reform, March 6, 1985.

Women in Law Conference, Luncheon Remarks, March 23, 1985.

Multi-Door Dispute Resolution Program, April 3, 1985.

National Association of Legal Secretaries Seminar, March 16, 1985.

Association of American Law Schools, Civil Litigation Workshop, April 12, 1985.

Franklin Pierce Law Center Commencement, May 11, 1985.

Memorial Service for Senator Sam Ervin, June 13, 1985.

Remarks to Monday Luncheon Club, London, July 13, 1985.

Remarks to ABP, Panel on Bill of Rights, London England, July 18, 1985.

Remarks to Harvard Law School Association, September 17, 1985.

Remarks to National Association of Women Judges Conference, Minnesota, October 12, 1985.

Remarks at the Annual Meeting of the Association of Public Policy and Management on "Deregulation and Courts," Shoreham Hotel, Washington, D.C., October 24, 1985.

Remarks at the Conference of Chief Justices and Conference of State Court Administrators in Williamsburg, Virginia, January 27, 1988.

Remarks at the Yale Law School, New Haven, Connecticut, February 2, 1988.

Introduction of Associate Justice Blackmun at Women's Bar Association's Woman Lawyer of the Year Award Ceremony, New Zealand Embassy, Washington, D.C., May 17, 1988.

Remarks in Honor of Patricia P. Bailey as Women's Bar Association's Woman Lawyer of the Year, New Zealand Embassy, Washington, D.C., May 17, 1988.

Remarks at Commencement Ceremony, Villanova University School of Law, Villanova, Pennsylvania, May 20, 1988.

Remarks at 1988 Judicial Conference of the District of Columbia Circuit, Williamsburg, Virginia, May 23, 1988.

Introduction of Associate Justice Antonin Scalia at 1988 Judicial Conference, Williamsburg, Virginia, May 23, 1988.

Introduction of Circuit Judge David Sentelle at 1988 Judicial Conference, Williams, Virginia, May 23, 1988.

Remarks at Commencement Ceremony, New York Law School, New York, N.Y., June 12, 1988.

Remarks at American Bar Association's Annual Meeting in Toronto, Canada, August, 5, 1988.

A Tribute to Skelly Wright, Harvard Law Review, September 15, 1988.

A Tribute to Judge Oscar Davis, Memorial Service, October 5, 1988.

Remarks at Luncheon Meeting of American Bar Association, Litigation Section at the Marriot Hotel, Washington, D.C., October 20, 1988, *available at* <http://www.c-spanvideo.org/program/Liti>.

Remarks Before Appellate Judges' Seminar (Bicentennial Conference of Judges of the United States Courts of Appeals) at Hyatt Regency, Washington, D.C., October 26, 1988.

Remarks at Luncheon Meeting of Federal Administrative Law Judges Conference, The Touchdown Club, Washington, D.C., November 18, 1988.

Remarks at Dinner Meeting of Anne Arundel County Women's Law Center, Annapolis, Maryland, February 16, 1989.

Remarks at Funeral Services for Irving Jaffe, Temple Sinai, 3100 Military Road, N.W., Washington, D.C., May 9, 1989.

Remarks at Commencement Exercises, American University, Washington College of Law, May 14, 1989 *available at* <http://www.c-spanvideo.org/program/CommencementAddress5>

Opening Remarks, District of Columbia Circuit's 50th Judicial Conference, Williamsburg, Virginia, June 4-6, 1989.

A Tribute to Skelly Wright, District of Columbia Circuit's 50th Judicial Conference, Williamsburg, Virginia, June 4-6, 1989.

Monday Evening Remarks, District of Columbia Circuit's 50th Judicial Conference, Williamsburg, Virginia, June 4-6, 1989.

Dialogue on Separation of Powers, District of Columbia Circuit's 50th Judicial Conference, Williamsburg, Virginia, June 4-6, 1989.

Closing Remarks, District of Columbia Circuit's 50th Judicial Conference, Williamsburg, Virginia, June 4-6, 1989.

Remarks at Portrait Presentation Ceremony of Circuit Judge Spottswood W. Robinson, III,

Ceremonial Courtroom, U.S. Courthouse, June 9, 1989.

The Role of the Courts in the Governance of Major Social Institutions in American Society, Salzburg Seminar, July 15-27, 1989.

Administrative Law, Salzburg Seminar, July 15-27, 1989.

Separation of Powers, A Principle in Peril, Salzburg Seminar, July 15-27, 1989.

Remarks at U.S. Law Week's Annual Constitutional Law Conference, The Westin Hotel, Washington, D.C., September 8, 1989.

Remarks at Grand Opening of the Courthouse Cafeteria, United States Courthouse, Washington, D.C., September 15, 1989.

Remarks at The James Madison Lecture (Fall 1989), New York University School of Law 40 Washington Square South, New York, NY, October 26, 1989.

Remarks at Annual Convention of the North Carolina Association of Women Attorneys, Charlotte, North Carolina, November 18, 1989.

Comments on Federal Courts Study Committee Tentative Recommendations, Washington, D.C., January 1990.

Remarks at the Women's Law Symposium, Florida State University College of Law, Tallahassee, Florida, February 8, 1990.

Remarks to The Colloquium by and for Regulatory Analysts, Washington, D.C., February 16, 1990.

Remarks at Georgia State University Law School, Henry J. Miller Distinguished Lecture, Atlanta, Georgia, March 15, 1990.

Remarks at Harvard Law School's National Conference on Rethinking Attorney Representation of Children, Cambridge, Massachusetts, April 7, 1990.

Remarks at Ira C. Roth Gerber Constitutional Law Conference, Boulder, Colorado, April 14, 1990.

Testimony Before the Subcommittee on Courts, Intellectual Property, and Administration of Justice of the Committee on the Judiciary, United States House of Representatives, Washington, D.C., April 19, 1990.

Remarks at The Cosmos Club, Washington, D.C., April 19, 1990.

Remarks at Stanford Law School, Stanford, California, May 11, 1990.

Opening Remarks, District of Columbia Circuit's 51st Judicial Conference, Hershey, Pennsylvania, May 20-22, 1990.

Panel on the Federal Courts, District of Columbia Circuit's 51st Judicial Conference, Hershey, Pennsylvania, May 20-22, 1990.

Remarks at University of Illinois, Department of Medical Education, Chicago, Illinois, May 23, 1990.

Remarks at The Prettyman-Leventhal American Inn of Court Annual Banquet, National Press Club, Washington, D.C., May 25, 1990.

Remarks at Women's Bar Association's Woman of the Year Award Program, Hyatt Regency Hotel, Washington, D.C., May 30, 1990.

Remarks at Employees' Awards Ceremony, U.S. Courthouse, June 13, 1990.

Remarks at American Association of Law Schools Workshop on Administrative Law, Marriott Hotel, Washington, D.C., June 23, 1990.

Remarks at The 1990 Noreen E. McNamara Memorial Lecture, Fordham Law School, New York City, October 4, 1990.

Opening Remarks and Introduction of Retired Associate Justice Lewis F. Powell, Jr. at Dedication Ceremony for the Bill of Rights Plaque, John Marshall Park, United States Courthouse, Washington, D.C., October 16, 1990.

A Tribute to John Pickering at Council for Court Excellence, November 15, 1990.

Remarks at Amherst College (Mellon Lecture Series), Amherst, Massachusetts, March 13, 1991.

Remarks at Federal Bar Association Luncheon Honoring Circuit Judge Wald, International Club, Washington, D.C., March 14, 1991.

Remarks at Reception Honoring Judge Wald, Taylor House, Washington, D.C., March 19, 1991.

Remarks on Sunstein's Administrative Substance at Duke University School of Law, Duke Law Journal's Symposium on New Directions in Administrative Law, Durham, North Carolina, March 22, 1991.

Remarks on Edley's "New Administrative Law" at Duke University School of Law, Duke Law Journal's Symposium on New Directions in Administrative Law, Durham, North Carolina, March 22, 1991.

The Central and East European Law Initiative, Technical Assistance Workshop, Prague,

Czechoslovakia, April 22-26, 1991.

Remarks at Connecticut College, Marjorie Dilley Lecture, New London, Connecticut, May 1, 1991.

Remarks at Ohio State University College of Law, Commencement Ceremony, Columbus, Ohio, May 11, 1991.

Remarks at New England College, Commencement Ceremony, Henniker, New Hampshire, May 12, 1991.

Remarks at University of Maryland School of Law Commencement Ceremony, Baltimore, Maryland, May 24, 1991.

Remarks at Hofstra University School of Law, Commencement Ceremony, Hempstead, New York, May 30, 1991.

Remarks at The Cambridge Lectures, Cambridge, England, July 12, 1991.

Remarks at Conference Sponsored by The American Academy of Arts and Sciences and The Rockefeller Foundation (Complete and Outline of Paper), Bellagio, Italy, August 5-9, 1991.

Remarks for ABA Administrative Law Panel, Atlanta, Georgia, August 12, 1991.

Remarks for United States-Romanian Judicial Program, August 20, 1991.

Remarks at Suffolk University Law School, Donohue Lectures, Boston, Massachusetts, October 24, 1991.

Remarks at Thurman Arnold Memorial Service, United States Courthouse, Washington, D.C., October 30, 1991.

Remarks at ABA Conference on Alternative Dispute Resolution in Energy and Environmental Regulatory Proceedings, Washington, D.C., November 15, 1991.

Remarks at Portrait Presentation of Judge Harold Leventhal, Ceremonial Courtroom, United States Courthouse, Washington, D.C., November 20, 1991.

Bulgarian Workshop, Sofia, Bulgaria, Dec. 9-12, 1991.

Russian Constitutionalism, Dec. 16, 1991.

Remarks at Women's Bar Association of Massachusetts Annual Meeting, Boston, Massachusetts, March 11, 1992.

Remarks at Indiana University School of Law, Jurist in Residence Program, Indianapolis, Indiana, April 5, 1992.

Remarks at Women's Bar Association of the District of Columbia - 75th Anniversary Celebration, Washington, D.C., May 15, 1992.

Panel on Courts, Lithuania, May 25, 1992.

Panel on the Constitution, Lithuania, May 25, 1992.

Remarks at Eighth Annual Meeting of the American Inns of Court, Washington, D.C., June 6, 1992.

Remarks at Conference on Security and Cooperation in Europe (CSCE), Assembly in Helsinki, Finland, June 1992.

Remarks at Federal Judicial Center, Washington, D.C., July 3, 1992.

Remarks at University of Cincinnati College of Law, William Howard Taft Lecture on Constitutional Law (Footnoted and Short Versions), Cincinnati, Ohio, September 15, 1992.

Remarks at Administrative Conference Colloquy, Washington, D.C., September 24, 1992.

Remarks at University of Chicago Legal Forum, Symposium, A Free and Responsible Press, Chicago, Illinois, October 9, 1992.

Remarks at Southern Methodist University, Murrah Lecture, Dallas, Texas, October 19, 1992.

Remarks at Attorney General's Advocacy Institute, Washington, D.C., October 24, 2010.

Remarks at Federal Litigation Training for Legal Services Attorneys, Chevy Chase, Maryland, December 8, 1992.

Remarks at 1993 National Workshop for Judges of the U.S. Courts of Appeals, Washington, D.C., February 8, 1993.

Remarks at Memorial Service for Judge David Bazelon, Washington, D.C., February 21, 1993.

Remarks at Mental Health Law Project's 20th Anniversary and Renaming Celebration, Washington, D.C., March 20, 1993.

Remarks at Ed Sparer Public Interest Law Conference, University of Pennsylvania Law School Philadelphia, Pennsylvania, March 27, 1993.

Remarks at Seton Hall University School of Law, Sandra Day O'Connor Medal of Honor Award Program, Newark, New Jersey, April 21, 1993.

Remarks at Annual Dinner - Federal American Inn of Court, Fort McNair Officers Club,

Washington, D.C., April 22, 1993.

Remarks at Corporate Counsel Luncheon, Washington, D.C., April 27, 1993.

Remarks at the American College of Bankruptcy, Great Hall of the Supreme Court, Washington, D.C., May 6, 1993.

Remarks at Awards Ceremony for Senior Executive Service Members, Office of Personnel Management, Washington, D.C., July 20, 1993.

Remarks, Overview of Government Ethics, Beijing, China, August 11-22, 1993.

Remarks, Judicial Review of Administrative Action, Beijing, China, August 11-22, 1993.

Remarks, Administrative Federalism, Beijing, China, August 11-22, 1993.

Remarks at University of Southern California Law Center - Roth Lecture, Los Angeles, California, October 28, 1993.

Remarks at Federal Bar Association's Reception for Newly-Appointed Judges, Supreme Court, Washington, D.C., November 4, 1993.

Judicial Discipline Presentation, CEELI Slovakian Workshop, November 16-18, 1993.

Remarks at Mary Lawton Memorial Service, Dept. of Justice, Washington, D.C., December 16, 1993.

National Woman's Party, Honoring U.S. Supreme Court Justice Ruth Bader Ginsburg, National Press Club, Washington, D.C., March 22, 1994.

Judge Solomon Liss Memorial Lecture, University of Baltimore School of Law, Baltimore, Maryland, April 20, 1994.

1994 Gisela Konopka Lecture, University of Minnesota, Minneapolis, Minnesota, May 4, 1994.

Introduction of Jamie S. Gorelick at American Law Institute Meeting, Washington, D.C., May 20, 1994.

International Congress on Domestic Violence, Rome, Italy, May 27, 1994.

Margaret Brent Awards Luncheon, New Orleans, Louisiana, September 7, 1994.

1994 Coffin Lecture, University of Maine, September 28, 1994.

NAWJ Annual Conference, Scottsdale, Arizona, October 1, 1994.

Fourth Annual Appellate Advocacy Program, Washington, D.C., October 28, 1994.

Introduction of Professor Roger Newman, Biographer of Justice Hugo Black, National Archives, Washington, D.C., October 31, 1994.

Federal Bar Association 75th Anniversary Dinner, Washington, D.C., January 5, 1995.

Panelist, Practicing Law Reform Before Federal Agencies in the New World of ADR, Washington, D.C., March 21, 1995.

Appellate Writing Workshop for Federal Defenders, Washington, D.C., May 12, 1995.

Commencement, Vermont Law School, South Royalton, Vermont, May 20 1995.

Judicial Conference of the Fifth Judicial Circuit, Panel on Ethics, New Orleans, Louisiana, May 23, 1995.

Juvenile Law Center, 20th Anniversary Dinner, Philadelphia, Pennsylvania, June 12, 1995.

Aspen Law & Business, Third Annual Institute: Woman Advocate '95, New York, N.Y., June 13, 1995.

Association of American Law Schools, Conference on Civil Procedure, Washington, D.C., June 14, 1995.

Yale Law School Association Annual Dinner, National Press Club, Washington, D.C., June 26, 1995.

Ode to Joyce Green (On Taking Senior Status), Gurne/Porter Summer Dinner Party, Alexandria, Virginia, July 1, 1995.

The Advocate on Paper: 50 Ways to Enhance Your Writing, Chicago, Illinois, August 7, 1995.

Swearing-In of Federal Bar President Marvin Morse, Washington, D.C., September 16, 1995.

Administrative Law Program on Regulatory Reform (Panel), Washington, D.C., October 6, 1995.

Yale Law School Luncheon Presenting Citation of Merit Award to Burke Marshall, New Haven, Connecticut, October 7, 1995.

Women's Bar Association (Planning for Success), Washington, D.C., October 25, 1995.

Canadian Judicial Council, Ottawa, Canada, November 18, 1995.

Twenty-Sixth Annual Conference on Environmental Law, Washington, D. C., February 17,

1996.

Awards Ceremony, Environmental and Natural Resources Division, Department of Justice, Washington, D. C., April 17, 1996.

Yale Law Journal Banquet, New Haven, Connecticut, April 26, 1996.

Commencement Exercises, Washington & Lee University, Lexington, Virginia, May 18, 1996.

Introduction of Marcia Greenberger at Women's Bar Association's Annual Award Ceremony, Washington, D.C., May 22, 1996.

Washington Council of Lawyers Summer Forum, Washington, D.C., June 25, 1996.

National Association of Women Judges Training Project, July 26, 1996.

American Academy of Appellate Lawyers, Orlando, Florida, August 02, 1996.

Welcoming Remarks, Women's Bar Association of the District of Columbia, Washington, D.C., September 25, 1996.

Panel Moderator-Commentator, Symposium: Constitutional "Refolution" In the Ex-Communist World, American University's Washington College of Law, Washington, D.C., September 27, 1996.

National Association of Women Judges 1996 Annual Conference, Memphis, Tennessee, September 28, 1996.

Conference of the Maryland Circuit Judges Association, Ocean City, October 6, 1996.

Alliance for Justice Program, Washington, D.C., October 07, 1996.

Presentation of Judge Harold Greene Portrait, Washington, D.C., November 7, 1996.

Separation of Powers in Presidential Systems, Workshop for Constitutional Court Judges, Hungary, Budapest, December 17, 1996.

The Press, Courts and the Public, Workshop for Constitutional Court Judges, Hungary, Budapest, December 18, 1996.

28th Annual Administrative Law Conference, Duke Law Journal, Durham, North Carolina, March 7, 1997.

Third Circuit Judicial Conference, Philadelphia, Pennsylvania, March 15, 1997.

Introduction of Lois Schiffer as Luncheon Speaker, Annual Meeting of The American Law

Institute, Washington, D.C., May 21, 1997.

Remarks at the Meeting on the 30th Anniversary of the Report by the President's Commission on Law Enforcement and the Administration of Justice, Washington, D. C., June 20, 1997.

Administrative Law and Agency Practice Section, The District of Columbia Bar, Harold Leventhal Lecture Series, Washington, D.C., July 1, 1997.

Comments on Plessy v. Ferguson, October 9, 1997.

Federalist Society, Panel on The Lawyer's Role in the American Republic, Washington, D. C., October 18, 1997.

Texas Law Review's Symposium on Federal Practice and Procedure, Austin, Texas, October 31, 1997.

Panel on Judicial Ethics, 1977 CEELI Seminar on Establishing an Independent Judiciary in Yugoslavia originally scheduled for November 8, 1997.

Panel on Funding the Judicial System and Its Effect on Judicial Independence in Yugoslavia originally scheduled for November 8, 1997.

Justice Hugo Black Lecture Series, Wesleyan University, Middletown, Connecticut, November 11, 1997.

FERC Lecture, Washington, D.C., December 9, 1997.

Retirement of Paul Nejelski, Washington, D.C., March 6, 1998.

Harvard Civil Rights-Civil Liberties Law Review Conference, Cambridge, Massachusetts, March 14, 1998.

Women's History Month Celebration, Washington, D.C., March 18, 1998.

Women's Bar Association of D. C., Washington, D.C., April 1, 1998.

1998 Minnesota Law Schools' ALI Luncheon, Hamline Law School; St. Paul, Minnesota, April 20, 1998.

Boston Bar Association's 1998 Law Day Dinner, Boston, Massachusetts, April 29, 1998.

Trial Lawyers Association of Metropolitan Washington, D.C., Judicial Excellence Award for 1998, National Press Club, Washington, D.C., May 2, 1998.

Poling Symposium on Professional Responsibility for Government Attorneys; Sponsored by Capitol Hill Chapter of the Federal Bar Association, Washington, D. C., June 10, 1998.

District of Columbia Bar Thurgood Marshall Awards Dinner, Washington, D. C., June 23, 1998.

American Bar Association, Veterans Panel, Toronto, Canada, August 2, 1998.

Investiture of Mary Schroeder to Presidency of National Association of Women Judges, St. Louis, Missouri, October 11, 1998.

Federal Bar Association Reception for Administrative Law Judges, Washington, D. C., October 14, 1998.

Women's Foreign Policy Forum Breakfast, Washington, D.C., December 20, 1998.

Cosmos Club, Committee on Legal Affairs, Washington, D.C., December 2, 1998.

Naturalization Ceremonies, United States District Court, Washington, D. C., January 12, 1999.  
Enrichment Speaker, George Washington University, Washington, D.C., February 10, 1999.

Women in Law As a Second Career, Georgetown University Law Center, Washington, D. C., March 23, 1999.

National Judicial Institute, Appellate Courts Seminar, Halifax, Canada, April 18, 1999.

Introduction of The Honorable Stephen F. Williams at ALI Annual Meeting, May 18, 1999.

Arps Lecture, New York, N. Y., October 26, 1999.

National Women's Law Center, November 2001.

Washington Lawyers Council, January 2002.

Council on Court Excellence, January 2002.

Harvard Law School, Human Rights Center, February 2002.

Sarajevo ICTY Criminal Defense Conference, February 2002.

Pennsylvania State Bar Chancellors Forum, February 2002.

Naples Florida Global Forum, March 4, 2002.

Cosmos Club Symposium on Globalization, March 22, 2002.

Third Branch Interview, March 2002.

Frederich Efert Symposium, April 2, 2002.

Appellate Division Judges Article

International Human Rights Law Group Award, April 24, 2002.

Social Research Conference (New School), April 27, 2002 reprinted at 69 Social Research 1119 (Winter 2002).

American Law Institute Keynote Address, May 14, 2002.

University of Connecticut Law School Graduation, May 19, 2002.

Evidence (Association of Law School Professors), June 3, 2002.

D.C. Judicial Conference, June 15, 2002 (instructor at Brandeis Workshop for International Judges, June 11-12).

CEELI Annual Luncheon Remarks (ABA), August 10, 2002.

ASIL Proceedings of the 96th Annual Meeting, Panel on Horizontal Growth of International Courts, March 2002.

AALS, Scholars in the Arena, August 10, 2002.

Tribute to David Andrews, October 25, 2002.

Laurence Silberman Portrait Presentation, November 8, 2002.

Yale Conference of Librarians, November 12, 2002.

Georgetown University Law School (Krstic War Crimes), November 6, 2002.

Wisconsin Law School, Conference on International Criminal Court, March 1, 2003.

Gender Matters, Yale University

German Law Journal, Globalization and Human Rights, June 1, 2003.

Wickersham Award Remarks, March 18, 2003.

Harvard Law Review Banquet, April 12, 2003.

Lawyers Committee for Civil Rights Award, June 3, 2003.

California State Bar/Temple University, September 2003.

Inns of Court Award, October 11, 2003.

Federalist Society, November 15, 2003.

Buckley Remarks, December 12, 2003.

CAIR Award, January 20, 2004.

Owen Roberts Lecture, U. Penn. Law School, March 30, 2004 and University of New Mexico Law School, April 8, 2004.

ASIL Panel Presentation, April 2, 2004.

American Lawyer Award, April 28, 2004.

Tributes to Orm Ketcham, Lloyd Cutler and Alan Morrison, April-June 2004.

Global Rights Forum, June 29, 2004.

Fordham-Stein Award, October 21, 2004.

American Philosophical Society, November 3, 2004

University of Virginia Thomas Jefferson Award, April 13, 2005.

American Academy of Arts & Sciences Panel on Constitutionalism and Terrorism, May 12, 2005.

Lloyd Cutler Funeral, May 16, 2005.

Cambodian Article on Genocide, October 2005.

American U. War Crimes Research Office Symposium.

American Academy in Berlin, American Justice and American Attitude Toward International Law, November 2005.

Reflections, ABA Business Law Section, January 2006.

Leon Jaworski May Day Madison Symposium, May 1, 2006.

Keynote Address to Maryland Legal Service Consortium, May 10, 2006.

ABA Signing Statement Task Force Report (history, PMW), July 24, 2006.

ABA Conference on Advancing Rule of Law, Panel Presentation on Judicial Independence,

Chicago, September 16-17, 2006.

U.D.C. Award, March 29, 2007.

Columbia U. Friedman Symposium, March 22, 2007.

Influence of War Crimes Tribunals on International Law, Wilton Park Conference, April 2008.

Alliance for Justice Award Remarks, May 28, 2008.

AA Medal of Honor Remarks, August 11, 2008.

McCain v. Obama (simulated argument and opinion) October 28, 2008.

ASIL Comment on Medellin Case, (ASIL Newsletter) April 2008.

Remarks at ASIL Forum on ICC, Feb. 13, 2008 and ASIL Panel March 30, 2008.

Annual Survey of American Law, Dedication to PMW, Remarks, NYU Law School, March 12, 2009.

St Thomas Law School Graduation, May 10, 2009.

American Jewish Center/IAWJ Speech on Women Judges, June 15, 2009.

Chataqua Prosecutors Conference Speech, September 2, 2009.

Constitution Day Remarks, Georgetown Law Center, Sept. 17, 2009.

Shattuck Award ABA International law Sector, Mar. 16, 2010.

NAWJ Award to Judge Kessler, May 24, 2010.

Defining Human Rights: What Role Does International Law Play in Our Constitutional System?, May 19, 2010, *available at* <http://www.youtube.com/watch?v=A9idpKSib2s>.

Remarks at ACLU International Rights Coalition, December 15, 2010.

Remarks at Kate Stoneman Award, Albany Law School, March 10, 2011.

Constitution Project, Constitutional Champion Award, April 14, 2011.

Judicial Investiture of Paul Engelmayer, November 29, 2011.

Remarks at Induction into Connecticut Women's Hall of Fame, October 25, 2011.

Panel: A Seven Year Assessment of the International Criminal Court, July 17, 2009, Hosted by Citizens for Global Solutions, *available at* <http://www.youtube.com/watch?v=HhuJo3zTc-k> and <http://www.youtube.com/watch?v=lwCtGprAqLM>

Women in the Criminal Justice System, Constitution Project, Mar 10, 2011, available at <http://www.youtube.com/watch?v=kAInkicYkTE>.

## II. Remarks Made Without Text

American Constitution Society Annual Convention, Panel on June 16, 2006, Keeping Faith with the Constitution (moderator).

Constitution Project Panel on Domestic Spying, NSA Surveillance and Rule of Law, Jan 5, 2006 (transcript available).

Business Section, ABA, Words of Wisdom on Changes In the Legal Profession, March 17, 2007 (notes).

Remarks at Symposium, Paving the Road to Supreme Court: How Pro Bono Cases Changed My Career and My Life (moderator) at University of North Carolina Law School, February 27, 2007 (notes available).

National Symposium Pretrial Justice (USDOJ and Pretrial Justice panel), June 7, 2011.

International Association of Women Judges Reception in Honor of Justice Carmen Argiby, Oct. 11, 2007 (program).

American University Law School panel on Justice Brennan Biography, October 23, 2010 (notes).

ACS Convention Panel on Government Secrecy and Public Access, June 14, 2008 (brief notes).

Brandeis Center for Ethics and Justice, Panel on International Judges, Spring 2008 (notes).

Washington Council Lawyers Panel on 40th Anniversary of WCL, Nov 2, 2011.

National Women's Law Center Award, Nov 14, 2001 (tape available).

United Nations Association and Citizens for Global Solutions, International Criminal Court in a New Era, February 13, 2009 (media report).

Constitution Project and Brennan Center for Justice, "Restoring Justice to Guantanamo Detainees," May 17, 2010 (panel).

DC Circuit Historical Society has produced 4 programs in which I participated, all posted on its website, concerning free speech in the McCarthy era, FOIA and national security, FCC and Indecency and Review of Agency Rules.

Hill Briefings on ASIL-ICC Report, March-June 2009 (summaries of report).

Foreign Relations Council (NYC) Briefing on ASIL-ICC Report (notes).

Prague CEELI Institute on 20th Anniversary CEELI, July 2010.

OSI+1RW (Human Rights Watch) Panel on Burma at SEISS (notes) October 2010.

NYU Law School Panel on Trying the Tyrants, February 22, 2011 (notes); same ABA/ROLI Panel (Jan 2011).

Panel on Using International Law by American Judges, ABA Section on International Law, May 5, 2007 (tape).

American University Law School Panel on International Cooperation Panel on Apprehending War Criminals (tape) Feb. 2011.

Women's Symposium at Harvard '47 60th Reunion, June 5, 2007.

Remarks at Arnold and Porter Celebrating National Women's Month, March 2007.

Remarks at Women's Bar Association, December 2008.

ACS Convention Panel Honoring PMW, July 2008.

Summary of WMD Report, Chicago Lawyer's Club, September 2005.

Global Rights Policy Forum on War and Rights, July 12, 2004 (transcript).

30<sup>th</sup> Anniversary Celebration of NLSP Program (Covington and Burling) March 31, 2000.

CEELI Workshop on Governing Russia: Developing a Constitution for a Democratic Society (participant in Judiciary Panel), January 1993.

USIA Teleconference with Women's Advisory Council for Western Australia in Perth, Jan. 1993.

CEELI Workshop on Developing a Criminal Code for Kazakhstan (participant), May 17-19, 1993.

Mentor Group, Forum for U.S.-EC Legal and Economic Issues, Second Plenary Session, Edinburgh, Scotland, (presentation) August 31- September 3, 1993.

Constitutional Symposium on Poland Constitution (NDI) Warsaw, Poland (presentation), April 26-29, 1994 (notes).

Member, United States and Egypt Judicial Exchange Team (Federal Judicial Center/George Washington University), Summer 1994-95.

CHECCI Briefing of Ukrainian Supreme Court on Draft Judicial Law, November 16, 1995.

CEELI Bosnian Federation Workshop, Lecturer on Judicial Ethics, Sarajevo, February 1996.

Leader, American Delegation of Judges to Egypt for Exchange Team, March 10-17, 1996.

Slovakian Constitutional Court Visit to United States (CEELI) (Briefing) April 1996.

Belarus Constitutional Court Visit to United States (CEELI) (Briefing) April 1996.

Constitutional Tribunal Workshop (CHECCHI/SOROS) Paris, France (Panels on Judicial Independence for Kazakhstan, Kyrgyzstan, and Mongolian Courts) March 10-13, 1996.

CEELI Workshop on Separation of Powers and Judicial Independence, Belgrade, Serbia, March 1998.

CEELI - Uzbekian Judiciary Workshop on Ethics, November 3, 1998.

American University Workshop for Argentine Judges, November 9, 1998.

Judicial Activism and Judicial Independence, Canadian Judicial Institute, Halifax, April 19, 1999.

Faculty for Frank Kaufman Symposium on Judicial Independence in the NIS.EEC, Washington, D.C. (panels on independence, ethics, judicial training and media), May 2, 1999.

CHECCI-Federal Judicial Center Symposium for Georgian Judges (court administration), July 27, 1999.

CEELI Symposium for Georgian Judges (media and courts), August 30, 1999.

International Law Conference, Association of the Bar of the City of New York (Moderator, Panel on 100th Anniversary of the 1899 Hague Conventions), November 4, 1999.

Honoree, International Association of Women Judges, Nov. 2001.

Lunch Remarks at US Court of Appeals (notes), January 8, 2002.

D.C. Bar Speech on ICTY (notes), March 2002.

American University Forum on Terrorism, April 4, 2002.

Forum at Yale Law School on International Courts, April 14, 2002.

ABA Mid-Winter Meeting (Panel on Wartime Justice), 2003.

Aspen Institute Seminar on International Law, April 2003.

National Association of Women Judges Annual Meeting (panel on International Criminal Court), October 2003.

Federalist Society Annual Meeting, November 2003.

Yale Law School Alumni, Weekend Panel on Judging International Law, October 2004 (copy available).

Judicial Training for Afghan Women Judges, 2004 (excerpts available).

Training Institute for Iraqi Judges (London-IBA)

Technical Assistance to Extraordinary Chamber for Trying Khmer Rouge Defendants (Cambodia), August 2005.

Aspen Institute Program on International Criminal Court (Faculty), September 2005.

ICTY/ICTR/ICC Joint Appellate Advocacy Training Program (Faculty) (Tanzania and the Hague), January 2006-07.

Evaluation of New Perimeters Kosovo Project (Kosovo), April 2006.

ASIL/FJC Training for Federal Judges on International Law, October 2006.

ABA International Law Section, "Can Foreign Law Tip the Balance in U.S. Courts?" (panel), May 2007 (tape available).

ASIL/Summer Associate Training in International Law, July 2007.

International Association of Women Judges Panel, October 2007.

Brandeis Center on International Ethics in Justice, Panel on International Judges, November 2007 (tape available).

National Center for State Courts, Training Program for Egyptian Women Judges, November 2007 (notes).

ASIL Panel on International Judges, March 2008.

IV. Media Clippings with Quotes

Almanac of Federal Judiciary 1980 to 1999, D.C. Circuit, Patricia M. Wald.

Administrative Conference News, Spring 1990 (ADR Roundtable).

June 2000 Current Biography.

*Tips from the Chief Judge*, LEGAL TIMES, November 21, 1988.

*Will court Reopen its Doors?*, NATIONAL L. J., March 28, 1988.

*War Crimes Tribunal Appeals to Unconventional Judge*, NY TIMES A10, July 12, 1988.

*Chief Judge of D.C. Circuit Has Tireless Work Ethic*, LOS ANGELES DAILY JOURNAL, Nov. 4, 1989.

*Wald Looks Back as She Prepares to Move On*, LEGAL TIMES, Sept. 20, 1999.

*As Chief, Wald Kept Peace, Reorganized Court*, LEGAL TIMES, Jan. 21, 1991.

*Patricia Wald's World View*, LEGAL TIMES, Apr. 10, 2000.

#### V. Programs Recorded by C-Span

C-Span, Congress and the Courts, Nov. 16, 2004, *available at* <http://www.c-spanvideo.org/program/CongressandtheC>.

C-Span, Civil Liberties and the War on Terrorism, Dec. 17, 2003, *available at* <http://www.c-spanvideo.org/program/Libertiesand>

C-Span, Conservatives and the Federal Courts, Mar. 14, 2003, *available at* <http://www.c-spanvideo.org/program/FederalCourt>

C-Span, Kosovo War Crimes: Prospects for Justice, Aug 3, 1999, *available at* <http://www.c-spanvideo.org/program/KosovoW>

C-Span, Lawyer's Role in American Republic, Oct. 18, 1997, *available at* <http://www.c-spanvideo.org/program/LawyersR>

C-Span, Plessy v.Ferguson Re-Argument, Apr. 20, 1996, *available at* <http://www.c-spanvideo.org/program/ReAr>

C-Span, Freedom of Expression, Sept. 18, 1995, *available at* <http://www.c-spanvideo.org/program/FreedomofE>

C-Span, Health of the Courts, May 22, 1990, *available at* <http://www.c-spanvideo.org/program/Healtho>

C-Span, Law Reform and Civil Liberties in the UK, Feb. 1989, *available at* <http://www.c-spanvideo.org/program/ReformCi>

C-Span, Liberty and Equality, Dec. 1, 1976, *available at* <http://www.c-spanvideo.org/program/Libe>

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.

Marlise Simons, *Antonio Cassese, War Crimes Law Expert, Dies at 74*, New York Times, Oct. 24, 2011 (reprinted in multiple outlets). Copy supplied.

Mark Sherman, *Report: Checks Needed on Police GPS Tracking*, Associated Press, Sept. 21, 2011 (reprinted in multiple outlets). Copy supplied.

Mike Scarcella, *Growing Appeals*, National Law Journal, Sept. 12, 2011. Copy supplied.

*The Judiciary Committee Grills Elena Kagan*, Washington Post, June 29, 2010. Copy supplied.

*How Women Changed the High Court...And Didn't*, All Things Considered on NPR, June 25, 2010. Copy supplied.

The D.C. Circuit Historical Society has my oral history (of several hundred pages) in its files and the ABA Trailblazers project has a separate one deposited at the Library of Congress-parts of which were shown on a video aired on C-Span 3 on May 23, 2010, *available at* <http://www.c-spanvideo.org/program/Gowa>. (tape available)

Nicholas Kravlev, *International Court Since '02 Hasn't Rushed to Any Judgments*, Washington Times, May 14, 2010. Copy supplied.

C-Span Video of Trailblazer Project Oral History of PMW, May 2010, *available at* <http://www.c-spanvideo.org/program/293464-1>.

Michael Isikoff, *Who Is Obama's Next Supreme Court Pick?*, Newsweek, Apr. 12, 2010. Copy

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John Gibeaut, *Secret Sharers*, 96 A.B.A.J. 40 (Jan. 2010). Copy supplied.

Simon Jennings, *Karadzic Trial Puts Right to Self-Representation in Hague Tribunal Under Scrutiny*, World News Connection, Nov. 9, 2009. Copy supplied.

Claire Zillman, *Lifetime Achievers 2009: Joan Bernstein, Bryan Cave*, American Lawyer, Sept. 1, 2009. Copy supplied.

D.J.Tice, *A Minnesota Case in Point for Sotomayor*, Star Tribune, July 14, 2009. Copy supplied.

Mike Scarcella, *Ruiz Gets Big Push for D.C. Circuit*, Legal Times, Apr. 20, 2009. Copy supplied.

Ronald Weich, *Professor Daniel J. Freed*, 21 Fed. Sent. R. 248 (Apr. 2009). Copy supplied.

Jim Lobe, *A Policy of 'Positive Engagement' with the International Criminal Court*, IPS, Mar. 30, 2009. Copy supplied.

David Herbert, *Report: U.S. Should Collaborate with ICC*, National Journal, Mar. 27, 2009. Copy supplied.

Lachlan Carmichael, *Under Obama, US Drops Hostility to ICC*, Agence France Presse, Mar. 22, 2009. Copy supplied.

Press release, *New Report Details Shattered Lives of Released Guantanamo Detainees*, University of California, Berkeley, Nov. 12, 2008 (reprinted in multiple outlets). Copy supplied.

Press release, *Patricia M. Wald, Former U.S. and International War Crimes Judge to Receive American Bar Association Medal for 2008*, American Bar Association, June 12, 2008. Copy supplied.

Feb. 28, 2008: Interview with Emily Berman for the article, *Lincoln's Legacy: Enduring Lessons of Executive Power*, 3 Alb. Gov't. L. Rev. 741 (2010). Article supplied.

MacNeil/Lehrer, Panel on Signing Statements for Use in Schools, 2007.

Corine Hegland, *Ex-POW Versus the Guards*, National Journal, Sept. 23, 2006. Copy supplied.

Neal Conan, *Federal Courts and Detainees*, Talk of the Nation on NPR, Sept. 21, 2006. Copy supplied.

C-Span, Press conference on the release of the American Bar Association Presidential Signing Statements Report, July 24, 2006, available at <http://www.c-spanvideo.org/program/SigningS>.

Charlie Savage, *Bar Group Will Review Bush's Legal Challenges*, Boston Globe, June 4, 2006. Copy supplied.

Bennett Gershman, *At Last, a Citability Rule*, National Law Journal, May 22, 2006. Copy supplied.

Vanessa Ruiz, *And Then There Was One*, Legal Times, Jan. 23, 2006. Copy supplied.

James Kuhnhehn and Stephen Henderson, *Confirmation Hearings End with Alito Expected to be Confirmed*, Knight Ridder Washington Bureau, Jan. 13, 2006 (reprinted in multiple outlets). Copy supplied.

Richard Simon, *3<sup>rd</sup> Circuit Colleagues Trumpet Alito*, Los Angeles Times, Jan. 13, 2006. Copy supplied.

Adam Nagourney and Neil A. Lewis, *After Alito's Testimony, Democrats Still Dislike Him but Can't Stop Him*, New York Times, Jan. 13, 2006. Copy supplied.

Lily Henning, *The Edwards Treatment*, Legal Times, Nov. 21, 2005. Copy supplied.

Charles J. Hanley, *Piecing Together the Story of the Weapons That Weren't There*, Associated Press, Aug. 30, 2005. Copy supplied.

Jon Sawyer, *Balkans Struggle to Overcome Past Commemorating Srebrenica Massacre, Among Other Recent Efforts, Speaks Volumes*, St. Louis Post-Dispatch, July 17, 2005. Copy supplied.

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Harriet Chiang, *Stanford Law Professor Taking Lead in 'Enemy Combatant' Case*, San Francisco Chronicle, June 13, 2004. Copy supplied.

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*Women Matters*, 38 Seton Hall L. Rev. 1297 (2008). Article supplied.

Vanessa Blum, *Crafting Justice in Iraq*, Legal Times, Dec. 22, 2003. Copy supplied.

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Anthony Deutsche, *War Crimes Experts Doubtful that Iraqi-Led Tribunal Will Be Credible*, Associated Press, Dec. 16, 2003 (reprinted in multiple outlets). Copy supplied.

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Steve Inskip, *Interview on Weekend All Things Considered*, NPR, Dec. 14, 2003. Copy supplied.

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Jack Kelley, *Commando Force Poised to Track and Kill Saddam*, USA Today, Mar. 19, 2003. Copy supplied.

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Robert Ingrassia, *Appointee Possesses a Bona Fide Triborough Background*, Daily News, July 30, 2002. Copy supplied.

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Greta Van Susteren and Roger Cossack, *Millenium 2000: Would an International Criminal Court Help or Hinder Pursuit of Global Justice?*, CNN Burden of Proof, Jan. 2, 2000. Copy supplied.

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William C. Smith, *Big Objections to Brief Decisions: Critics Contend One-Word Appellate Rulings Give Short Shrift to Justice*, 85 A.B.A.J. 34 (Aug. 1999). Copy supplied.

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Nancy Zuckerbrod, *D.C. Appeals Court Judge Headed to The Hague*, Associated Press, July 7, 1999 (alternate version printed July 8, 1999). Copies supplied.

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Sharon Walsh, *Going to Bat for the Trustbusters*, Washington Post, Apr. 13, 1995. Copy supplied.

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Kim Leisler, *Rising Starr*, Washingtonian, Jan. 1995. Copy supplied.

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f. If applicable, list all published judicial opinions that you have written, including concurrences and dissents. Supply the citations for all published judicial opinions to the Committee.

I. List of ICTY Opinions in which I participated as a member of the court (ICTY majority decisions are not attributed by authorship).

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II. List of all majority, dissenting, and concurring opinions I authored while a judge at the United States Court of Appeals for the District of Columbia Circuit. One hundred ten per curiam opinions are not included in this list where court rules provide for no public attribution of per curiam opinions to the author.

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*United Mine Workers of America v. Federal Mine Safety and Health Review Commission*, 671 F.2d 615 (D.C. Cir. 1982) (dissenting).

*Cities of Batavia, Naperville, Rock Falls, Winnetka, Geneva, Rochelle and St. Charles, Ill. v. Federal Energy Regulatory Commission*, 672 F.2d 64 (D.C. Cir. 1982).

*Sierra Club v. Ann M. Gorusch (On Motion for Award of Attorneys' Fees)*, 672 F.2d 33 (D.C. Cir. 1982).

*Demby v. Schweiker*, 671 F.2d 507(D.C. Cir. 1981) (dissenting).

*Consolidated Freightways v. N. L. R. B.*, 669 F.2d 790 (D.C. Cir. 1981).

*Anaheim, Riverside, Banning, Colton and Azusa, Cal. v. Federal Energy Regulatory Commission*, 669 F.2d 799 (D.C. Cir. 1981).

*Baurer v. Planning Group, Inc.*, 669 F.2d 770 (D.C. Cir. 1981).

*Symons v. Chrysler Corp. Loan Guarantee Bd.*, 670 F.2d 238 (D.C. Cir. 1981) (dissenting).

*Costello Pub. Co. v. Rotelle*, 670 F.2d 1035 (D.C. Cir. 1981).

*Keene Corp. v. Insurance Co. of North America*, 667 F.2d 1034 (D.C. Cir.1981) (concurring).

*U.S. v. Heldt*, 668 F.2d 1238 (D.C. Cir.1981) (concurring).

*In re Search Warrant Dated July 4, 1977, for Premises at 2125 S St., Northwest, Washington, D. C.*, 667 F.2d 117 (D.C. Cir.1981) (concurring).

*Lawrence v. Acree*, 665 F.2d 1319 (D.C. Cir.1981) (concurring).

*American Petroleum Institute v. Costle*, 665 F.2d 1176 (D.C. Cir. 1981) (dissenting).

*In re Corrugated Container Antitrust Litigation*, 662 F.2d 875 (D.C. Cir. 1981).

*Gulf Oil Corp. v. U.S. Dept. of Energy*, 663 F.2d 296 (D.C. Cir. 1981).

*N. L. R. B. v. Blake Const. Co., Inc.*, 663 F.2d 272 (D.C. Cir. 1981).

*Illinois Cities of Bethany v. Federal Energy Regulatory Commission*, 670 F.2d 187 (D.C. Cir. 1981).

*City of Charlottesville, Va. v. Federal Energy Regulatory Commission*, 661 F.2d 945 (D.C. Cir. 1981) (concurring).

*Process Gas Consumers Group v. U.S. Dept. of Agriculture*, 694 F.2d 728 (D.C. Cir. 1981) (dissenting).

*Lane-Burslem v. C. I. R.*, 659 F.2d 209 (D.C. Cir. 1981).

*Hatch v. Federal Energy Regulatory Commission*, 654 F.2d 825 (D.C. Cir. 1981).

*Ohio Ass'n of Community Action Agencies v. Federal Energy Regulatory Commission*, 654 F.2d 811 (D.C. Cir. 1981).

*U.S. v. District of Columbia*, 654 F.2d 802 (D.C. Cir. 1981) (cert denied).

*State Water Control Bd., et al. v. Wash. Sub. San. Comm.*, 654 F.2d 802 (D.C. Cir. 1981) (cert denied).

*Moody v. I.R.S.*, 654 F.2d 795 (D.C. Cir. 1981).

*National Treasury Emp. Union v. Campbell*, 654 F.2d 784 (D.C. Cir. 1981) (concurring).

*American Federation of Government Emp., AFL-CIO v. Federal Labor Relations Authority*, 653 F.2d 669 (D.C. Cir. 1981).

*National Federation of Federal Emp. v. Federal Labor Relations Authority*, 652 F.2d 191 (D.C. Cir. 1981).

*North Carolina Utilities Commission v. Federal Energy Regulatory Commission*, 653 F.2d 655 (D.C. Cir. 1981).

*Federal Election Commission v. Machinists Non-Partisan Political League*, 655 F.2d 380 (D.C. Cir. 1981).

*Federal Election Commission v. Citizens for Democratic Alternatives in 1980*, 655 F.2d 397

(D.C. Cir. 1981).

*Murphy v. U.S.*, 653 F.2d 637 (D.C. Cir. 1981).

*Sierra Club v. Costle*, 657 F.2d 298 (D.C. Cir. 1981).

*Cannon v. U.S.*, 645 F.2d 1128 (D.C. Cir. 1981).

*Hensley v. Washington Metropolitan Area Transit Authority*, 655 F.2d 264 (D.C. Cir. 1981).

*Consolidated Rail Corp. v. I. C. C.*, 646 F.2d 642 (D.C. Cir. 1981).

*U.S. v. Hubbard*, 650 F.2d 293 (D.C. Cir. 1981).

*U.S. v. White*, 648 F.2d 29 (D.C. Cir. 1981).

*Miller v. Langhorne Bond*, 641 F.2d 997 (D.C. Cir. 1981) (cert denied).

*Communications Inv. Corp. v. F.C.C.*, 641 F.2d 954 (D.C. Cir. 1981).

*Daye v. Harris*, 655 F.2d 258 (D.C. Cir. 1981).

*United States v. Pollack*, 655 F.2d 243 (D.C. Cir. 1980) (concurring).

*United States v. Federal Maritime Com'n*, 694 F.2d 793 (D.C. Cir. 1982) (dissenting).

*Office of Consumers' Counsel v. Federal Energy Regulatory Commission*, 655 F.2d 1132 (D.C. Cir. 1980).

*Fenster v. Schneider*, 636 F.2d 765 (D.C. Cir. 1980).

*13th Regional Corp. v. U.S. Dept. of Interior*, 654 F.2d 758 (D.C. Cir. 1980).

*Energy Action Educational Foundation v. Andrus*, 654 F.2d 735 (D.C. Cir. 1980).

*Gray Panthers v. Schweiker*, 652 F.2d 146 (D.C. Cir. 1980).

*Virgin Islands v. Blumenthal*, 642 F.2d 641 (D.C. Cir. 1980).

*Soft Drink Workers Union Local 812, Intern. Broth. of Teamsters, Chauffeurs, Warehousemen and Helpers of America v. N. L. R. B.*, 657 F.2d 1252 (D.C. Cir. 1980) (dissenting).

*De Magno v. U.S.*, 636 F.2d 714 (D.C. Cir. 1980).

*Electronic Industries Ass'n Consumer Electronics Group v. F.C.C.*, 636 F.2d 689 (D.C. Cir. 1980) (dissenting).

*J. F. Hoff Elec. Co. v. N.L.R.B.*, 642 F.2d 1266 (D.C. Cir. 1980).

*In re Carter-Mondale Reelection Committee, Inc.*, 642 F.2d 538 (D.C. Cir.1980) (concurring).

*McCord v. Bailey*, 636 F.2d 606 (D.C. Cir. 1980) (dissenting).

*Carson v. United States Dept. of Justice*, 631 F.2d 1008 (D.C. Cir. 1980).

*Good Luck Nursing Home, Inc. v. Harris*, (D.C. Cir.1980) (concurring).

*United States v. Hubbard*, 650 F.2d 293 (D.C. Cir. 1980).

*Swinomish Tribal Community v. Federal Energy Regulatory Commission*, 627 F.2d 499 (D.C. Cir. 1980) (dissenting).

*Postow v. OBA Federal Sav. and Loan Ass'n*, 627 F.2d 1370 (D.C. Cir. 1980).

*U.S. v. Harris*, 627 F.2d 474 (D.C. Cir. 1980) (cert denied).

*Conn. Light and Power Co. v. FERC*, 627 F.2d 468 (D.C. Cir. 1980) (concurring).

*National Lime Ass'n v. Environmental Protection Agency*, 627 F.2d 416 (D.C. Cir. 1980).

*Krohn v. Department of Justice*, 628 F.2d 195 (D.C. Cir. 1980).

*Martin Tractor Co. v. Federal Election Commission*, 627 F.2d 375 (D.C. Cir. 1980).

*Peoples Gas System, Inc. v. N.L.R.B.*, 629 F.2d 35 (D.C. Cir. 1980).

*Common Cause v. National Archives and Records Service*, 628 F.2d 179 (D.C. Cir. 1980).

*Robintech, Inc. v. Chemidus Wavin, Ltd.*, 628 F.2d 142 (D.C. Cir. 1980) (concurring).

*MCI Telecommunications Corp. v. F.C.C.*, 627 F.2d 322 (D.C. Cir. 1980).

*Pendleton v. Rumsfeld*, 628 F.2d 102 (D.C. Cir. 1980) (dissenting).

*F.T.C. v. Owens-Corning Fiberglas Corp.*, 626 F.2d 966 (D.C. Cir. 1980) (dissenting).

*Coastal States Gas Corp. v. Department of Energy*, 617 F.2d 854 (D.C. Cir. 1980).

*Macellaro v. Goldman*, 643 F.2d 813 (D.C. Cir. 1980) (dissenting).

*Hanson v. Hoffmann*, 628 F.2d 42 (D.C. Cir. 1980).

*Sami v. U.S.*, 617 F.2d 755 (D.C. Cir. 1979).

*Energy Action Educational Foundation v. Andrus*, 631 F.2d 751 (D.C. Cir. 1979) (concurring).

*U.S. v. Crawford*, 613 F.2d 1045 (D.C. Cir. 1979).

*Diplomat Lakewood Inc. v. Harris*, 613 F.2d 1009 (D.C. Cir. 1979).

*State of Tex. v. U.S.*, 785 F.Supp. 201 (D.C. Cir. 1992).

### 13. **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.

Member of District of Columbia Crime Commission appointed by President Lyndon Johnson 1965- 1967; Assistant Attorney General for Office of Legislative Affairs (1977-79) appointed by President Jimmy Carter); Judge, U.S. Court of Appeals for District of Columbia Circuit (1979-1999) (Chief Judge 1986-1991); Justice, International Criminal Tribunal for Former Yugoslavia (1999-2001) by US Department of State; Member of Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction (2004-2005) appointed by President George W. Bush; Member Council of Administrative Conference of the United States (ACUS) (2010- ) appointed by President Barack Obama.

No unsuccessful candidacies

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.

Head of Policy Office for Vice Presidential Candidate Sargent Shriver (Sept.-Nov. 1972); volunteer campaigner for Presidential Candidate Barack Obama (Dec. 2007-Nov. 2008)

### 14. **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;

I served as law clerk to Judge Jerome N. Frank on the U.S. Court of Appeals (2d Cir.) in 1951-2.

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

I have not practiced solo except for 2 occasions in 2007 and 2011. On the first occasion, I appeared as counsel of record in the 10th Circuit in *Simpson v University of Colorado at Boulder*, 500 F.3d 1170 (10th Cir. 2007). On the second occasion, I appeared as counsel of record in *Shirk v Farsmach*, No. 10CA 2141 (Colo. App. Jan. 5, 2012).

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.

1952-1953: I was an associate at Arnold, Fortas and Porter, 555 12<sup>th</sup> St NW, Washington, D.C.

1964-1966: I was a consultant to the Office of Criminal Justice, US Dept. of Justice and Vera Institute of Justice on the National Bail Conference and coauthor of the Conference publication (Bail in the United States: 1964); Consultant and author of two reports for the National Commission on Law Enforcement and Criminal Justice (1966).

1965: I was a consultant to Office of Economic Opportunity and US Dept. Justice to write publication for the Conference on Law and Poverty (Law and Poverty 1965).

1967-1968: I was a consultant and author of staff report to National Advisory Commission on Civil Disorders.

1969: I was a consultant and author of staff report to National Commission on Causes and Prevention of Violence.

1964-1972: I was a consultant to and Board Member of the Vera Institute of Justice.

1968-1970: I was an attorney at the Neighborhood Legal Services Project (D.C.)

1970-1972: I was Co-Director at the Ford Foundation Drug Abuse Project and co-authored DEALING WITH DRUG ABUSE (Praeger Press 1971).

1972-1977: I was an attorney at Center for Law and Social Policy (1971-1972); and Attorney at the Mental Health Law Project (1972-1977), Director of Litigation (1975-1977).

1972-77: I was a member of the Carnegie Council on Children.

1971-78: I was a member of ABA Juvenile Justice Standards Commission.

1977-79: I was Assistant Attorney General for Office of Legislative Affairs.

1979-1999: I served as a Judge for the Court Appeals for D.C. Circuit; Chief Judge 1986-1991.

1999-2001: I served as a Justice, for the International Criminal Tribunal for Former Yugoslavia

2002- present: I pursued various legal activities including: board memberships (listed under Question 11), Membership on the WMD Commission, and technical assistance to international courts and American Bar Association and American Law Institute projects on criminal sentencing.

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 served as the Chair of an arbitration panel convened by the American Arbitration Association from 2002-2007 in the case of Westinghouse v CBS, 16x19200937702 dealing with the allocation of costs for a nuclear plant site cleanup.

v. whether you have held any judicial office, including positions as an administrative law judge, on any U.S. federal, state, tribal, or local court and if so, please provide the name of the court, the jurisdiction of that court, whether the position was appointed or elected, and the dates of your service.

I was appointed by President Jimmy Carter to the United States Court of Appeals for the D.C. Circuit in 1979 and served until 1999, including as Chief Judge from 1986-1991. I was then nominated by the U.S. Department of State to fill the unexpired term of Judge Gabriel McDonald on the International Criminal Tribunal for the former Yugoslavia where I served from 1999-2001. The ICTY is a United Nations tribunal which prosecutes and tries war crimes, crimes against humanity and genocide committed on the territory of the former Yugoslavia during the Balkan Wars of the 1990s.

b. Describe:

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

Except for one year in private practice after my clerkship and the two recent cases in Colorado mentioned above (which were pro bono), I have worked in the public sector or with nonprofit public interest organizations.

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

My areas of specialization were criminal law, juvenile law, special education law, mental health law, civil rights, and after retirement from the bench, international public law and war crimes. During my year in private practice I worked with Thurman Arnold on the defense of Owen Lattimore for perjury. The indictment was ultimately dismissed by Judge Luther Youngdahl and the dismissal was upheld by the D.C. Circuit.

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.

i. Indicate the percentage of your practice in:

1. federal courts;
2. state courts of record;
3. other courts;
4. administrative agencies

Overall (excluding judicial service), I would estimate the percentage of my legal work involving litigation to comprise approximately 10 years of my 50 year career. During those years I did appear frequently in court, primarily in class action cases involving civil rights litigated in federal court.

ii. Indicate the percentage of your practice in

1. civil proceedings;
2. criminal proceedings.

I did represent pro bono several criminal defendants including an appeal before the DC Circuit en banc in which I was the appointed counsel by the Court. *United States v. Moore*, 486 F.2d 1139 (D.C. Cir. 1973).

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. What percentage of these trials were:

1. jury;
2. non-jury.

I was co-counsel in approximately 10 cases tried (or appealed) to final judgment. I was principally an appellate advocate, though I participated in several trials, only one of which involved a 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.

I argued in one case as amicus for the United States Government before the Supreme Court (*Penn, Central v. New York City*, 438 U.S. 104 (1978)) but was counsel of record on several amicus briefs in that Court. They include:

*In re Winship*, 397 U.S. 358 (1970) (Juvenile's right to proof beyond a reasonable doubt standard.)

*McKeiver v. Pennsylvania*, 403 US 528 (1971) (Juvenile's right to jury trial)

*Dorszynski v. U. S.*, 418 U.S. 424 (1974) (Duty of sentencing judge under federal youth corrections act).

15. **Litigation:** Describe the ten (10) most significant litigated matters that 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.

I was involved in litigation for less than a decade (1968-1977) and many of the cases I worked on were class action types that lasted several years, therefore I am citing only 5 that I believe were most significant.

(1) *United States v. Lattimore*, 112 F Supp, 507 (DDC 1953). As an associate at Arnold, Fortas and Porter in 1952-3, I was assigned to assist lead counsel Thurman Arnold and former Senator Joseph O'Mahoney in defending Johns Hopkins professor Owen Lattimore accused of lying about sympathizing and supporting Communist policies for his consulting work with the State Department and his editorial work on a magazine called Pacific Affairs. My drafting work was principally on a bill of particulars granted in large part when Judge Luther Youngdahl dismissed the indictment on First Amendment grounds, stressing the role of that amendment in protecting political thought and speech. His ruling was upheld by the D.C. Circuit. Lattimore was later indicted again on the basis of the same conduct and this indictment too was dismissed by Judge Youngdahl a decision also upheld by the Circuit Court. The lead counsel are now deceased as is the US Attorney who defended the indictment, Leo Rover. A fuller account of the case can be found in the attached tape of a DC Circuit Historical Society program based on the case.

(2) *Harris v Harris*, 424 F2d 806 (DC Circuit 1970). As a Legal Service attorney in 1969, I was assigned to participate in writing a brief and to argue an appeal from a ruling pursuant to D.C. Superior Court Family Division Rule that a person ordinarily qualifying for in forma pauperis waiver of fees could not obtain such a waiver in divorce proceeding as opposed to legal separation. The local courts upheld the policy and a petition was brought before the US Court of Appeals, which at that time had discretionary jurisdiction to review local court rulings. I argued the case before a panel consisting of Judges Robinson, McGowan, and MacKinnon who ruled in our favor that the Equal Protection Clause did not permit such a distinction. This case came several years before the United States Supreme Court ruled similarly and was hailed as a

breakthrough in poverty law, permitting DC residents, especially those deserted by their spouses, to make a new start. The Corporation Counsel supported our view so a special amicus curiae was appointed to argue the other side of the case, Walter Johnson, Jr. Mr. Johnson currently resides at 8701

Georgia Ave, Silver Spring, MD (tel. 301 587 2090).

(3) *Mills v Board of Education*, 348 F Supp. 866 (1972) I was co-counsel on this class action, the second such case in the country, which sought to establish the legal rights of physically and mentally or emotionally disabled children to an appropriate education as part of the public education system. Up to that time such exceptional children were accepted only as the resources and the discretion of the public schools permitted. The action was argued on statutory and constitutional grounds in a summary judgment motion before Judge Joseph Waddy in the United States District Court. Julian Tepper, my co-counsel represented the National Legal Aid and Defender Association as an attorney at the Mental Health Law Project. Judge Waddy granted summary judgment in our favor and laid down a detailed protocol for evaluating the needs of such children that met due process requirements and the process for meeting their special needs. The Board did not appeal. The decision had momentous consequences for the special education program in the DC schools and was followed by federal legislation providing funds to localities which met certain requirements patterned in large part after the Mills case. I monitored the special masters operations implementing the decision and testified before Congress on the legislation, until 1977 when I left to work in the Department of Justice. Julian Tepper, my co-counsel, now resides in Albuquerque and works at the Walz and Associates law firm there. The Board was represented by Corporation Counsel Attorney John H. Suda who later became a D.C. Superior Court Judge now retired who lives in Berkeley Springs, West Virginia (address and telephone not obtainable).

(4) *Dixon v Weinberger*, 405 F Supp. 974 (DDC 1975). This too was a class action brought on behalf of thousands of institutionalized patients at St Elizabeth's Hospital who could be accommodated in community based settings if proper services were provided. Ben Heineman and I were co-counsel from the Mental Health Law Project who filed the suit in 1974. The action was brought on a "right to treatment" theory as well as on the basis of the local D.C. civil commitment act. Judge Aubrey Robinson granted summary judgment on the civil commitment theory and ruled that the District and the federal government, which then jointly governed St E's, must come up with a plan to create community services for those who did not need institutionalization. Over the next 40 years, there has been slow progress toward that goal and Judge Hogan just recently closed out the case. Ben Heineman is now at the Kennedy School of Government at Harvard (tel. 617-496-4260). The federal government was represented by Royce Lambert, now Chief Judge of the District Court and Colleen Kollar-Kotelly, a judge on that court. When I left to work for the government in 1977, Peter Nickles at Covington and Burling took over as counsel for Dixon et al.

(5) *Morales v Turman*, 326 F Supp. 677 (1971); 364 F Supp. (1973); 383 F Supp. 53 (E D Tex, 1973); see also 430 US 322 (1977). This civil rights action was brought on behalf of the institutionalized juveniles in the several Texas Youth Authority (TYA) institutions located around the state, alleging inhumane treatment, enforced segregation, and denial of needed treatment. It proceeded from 1971 through more than a decade. I represented along with

Lawrence Schwartz, also at the Mental Health Law Project, "litigating amici" composed of several nongovernmental organizations including: the American Orthopsychiatric Association; the American Psychological Association; and the United States Government. We were permitted basically all of the litigating privileges of the plaintiffs attorneys who were legal service lawyers. Thus we deposed witnesses, proposed interrogatories, and engaged in settlement discussions. The case came before Judge William Wayne Justice in Tyler, Texas and culminated in a five week trial in July-August 1973, at which I presented and cross-examined witnesses and proposed findings of fact. Judge Justice rendered a lengthy decision in our favor in early 1973 finding civil rights violations and ordering the TYA to negotiate a plan with us to correct them. I represented the litigating amici at these sessions for at least two years. The case continued after I left to join the government. In 1977 the TYA appealed Judge Justice's order on the basis that holding a state policy like the TYA's unconstitutional required a 3 judge court. I argued in the fifth circuit against this position, but the Circuit agreed with the Texas Attorney General (535 F.2d 864) and reversed Judge Justice's rulings. We petitioned the US Supreme Court and it granted the writ, reversing the Fifth Circuit in a memorandum opinion at 430 U.S. 322 (1977). My co-counsel Laurence Schwartz is deceased. The plaintiff's counsel Peter Sandmann, then with the Juvenile Law Center is now with Tesler, Sandmann, Fishman, 235 Pine Street, Ste. 1300, San Francisco, CA 94104, 415-781-5600. Larry York of Baker & Botts in Houston was the TYA lead counsel but Thomas Choate at the Office of the Attorney General, PO Box 12548, Austin, TX was our contact ; Mike Thrasher at the U.S. DOJ Civil Rights Division was the lead federal lawyer.

**16. 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.)

Apart from the litigation activities described in Question 10, my most significant activities have taken place within the context of my judicial activities.

During my tenure as judge on the D.C. Circuit, I authored over 830 opinions, the most notable of which included *Sierra Club v. Costle*, 657 F.2d 298 (D.C. Cir. 1981), dealing with the relationship between agency rulemaking and ex parte input from private parties; and *Finzer v. Barry*, 798 F.2d 1450 (D.C. Cir. 1986) (dissenting), dealing with the First Amendment right to protest in front of an embassy. In *Finzer*, my dissent in favor of such protests under the First Amendment was upheld by the Supreme Court in an opinion by Justice Scalia. *Palmer v. Shultz*, 815 F.2d 84 (D.C. Cir. 1987) reinstated a class action on behalf of women foreign service agents who alleged bias in their assignments to less prestigious "cones" of work. It eventually resulted in a major recovery for the class. *Armstrong v. Executive Office of the President*, 92 F.2d 282 (D.C. Cir. 1991) preventing the NSA from destroying important information in its computer caption until it had been evaluated by the archivist under the Federal and Presidential Records Act. *In re Sealed Case*, 67 F.3d 965 (D.C. Cir. 1995) laid down perimeters for the exercise of executive privilege. My years on the D.C. Circuit were the most satisfying of my career.

During my years at the International Criminal Tribunal for the former Yugoslavia (ICTY) I sat as

one of three judges on the first genocide trial in that tribunal resulting from the Srebrenica massacres, a multi-defendant trial of the commanders of the notorious Serbian prison camp Omarska and an appeal from conviction of Croatian military who burned a Bosnian Muslim village in which we reversed the conviction for failure to give notice of the core violation in the indictment and other procedural errors. During my tenure as Assistant Attorney General (1977-9), I helped to shepherd the Foreign Intelligence Surveillance Act (FISA) through Congress as well as the Omnibus Judgeship Act of 1978, the two acts creating the Federal Circuit and the International Trade Court, and the Rights of Institutionalized Persons Act.

Another significant legal activity has been my work on the advancement of law reforms to make the legal process more fair and efficient. From 1971-77 I was a member of the ABA and IJA (Institute of Judicial Administration) Juvenile Justice Standards Commission, which produced a comprehensive set of volumes on all aspects of juvenile law. I reviewed and in some cases edited all 20 plus volumes. During the same period I was a member of the Carnegie Commission on Children, which produced a report "All Our Children" in which I wrote and edited portions. For the ABA I have been a member of its Commission on Signing Statements and authored the history of signing statements in its 2006 report; also a member of the ABA Criminal Section's Task Force on Effective Sanctions (2006-8), which sought to effect a better system for reentry of convicted defendants back into the community, a goal I also worked on as an advisor to the ALI's restatement to the model criminal code.

My work as a Member of the President's Commission on WMD in 2004-2005 deserves special mention. This was a bipartisan Commission, which surveyed the Intelligence agencies performance in the WMD area, particularly the National Intelligence Estimate that preceded our entry into the Iraq war. The Commission met frequently and dealt with much sensitive and classified material. I found the subject matter, though at times complex, to be of such gravity and importance that it compelled the closest attention and thought. I also found that my 20 years on the D.C. Circuit in reviewing thousands of complex administrative agency rules in technical areas from the EPA, FCC, SEC, and on occasion the intelligence agencies had provided a useful background for my work on the Commission. The judicial role of balancing statutory text and purpose, with agency discretion and the separation of powers principles under our Constitution, gave me a unique perspective in evaluating the performance of the intelligence agencies. The Commission's Report was unanimous, well received, and instrumental in many subsequent changes made in the agencies operations.

**17. 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.

2004: At Yale Law School, I was the visiting Skelly Wright lecturer and co-taught a seminar on International Courts, which covered the then-existing international and hybrid courts and the issues they raised in their mission and operation. (no syllabus available). The only other teaching was at the Aspen Institute in 1995 as a two-week course with Bert Neuborne from NYU Law School on constitutional questions (no syllabus available) and one two-week course at the Salzburg Seminar in, Austria in July 1989 on Law and Society (lectures listed under Speeches).

I also participated in instructing international prosecutors in appellate advocacy from 2007 to 2008 at Arusha, Tanzania and the Hague.

**18. 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.

My federal pension is my only deferred income.

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

I have informed the office of government ethics that if confirmed, I will resign from the Justice Initiative, New Perimeter, and the Constitution Accountability Center, as well as the American Constitution Project's Initiative on Liberty and Security and Task Force on Detainee Treatment.

**20. 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).

Financial Disclosure Report is attached.

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

Statement of net worth is attached.

**22. Potential Conflicts of Interest:**

a. Identify the family members or other persons, parties, affiliations, pending and categories of litigation, financial arrangements or other factors 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.

I do not anticipate any conflicts of interest from family or other sources. If a potential conflict were to arise, I would consult the relevant statutes and the Privacy and Civil Liberties Oversight Board's designated agency ethics official for guidance.

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

I do not anticipate any conflicts of interest from family or other sources. If a potential conflict were to arise, I would consult the relevant statutes and the Privacy and Civil Liberties Oversight Board's designated agency ethics official for guidance.

**23. 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. If you are not an attorney, please use this opportunity to report significant charitable and volunteer work you may have done.

As my answers to the prior questions indicate, the vast majority of my legal activities in the last decade have been uncompensated and aimed at the interests of justice for disadvantaged persons in the system. Before becoming a judge, similarly, my work at Legal Services was entirely directed at the poor, and my work for the Mental Health Law Project for children denied education for disability or institutionalized persons deserving of adequate treatment. I have also represented individual criminal defendants pro bono.

AFFIDAVIT

I, PATRICIA M. WALD, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

3/26/2012  
(DATE)

Patricia M Wald  
(NAME)

Stephanie Chandler  
(NOTARY)

District of Columbia: SS

Subscribed and sworn to before me, in my presence.

on 26<sup>th</sup> day of March, 2012

by Stephanie Chandler

Stephanie Chandler, Notary Public

My Commission Expires: December 14, 2016

