

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES

PUBLIC

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

Christopher Henry Schroeder

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

Assistant Attorney General, Office of Legal Policy, Department of Justice

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.

**Duke University School of Law, Corner of Science and Tower view Drives,
Box 90360, Durham, NC 27708-0360**

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

1948; Springfield, Ohio

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.

University of California, Berkeley, School of Law, 9/1971 to 6/1974, JD degree received 6/1974.

Yale Divinity School, 9/1968 to 6/1971, MDiv degree received 6/1971.

Princeton University, 9/1964 to 6/1968, BA degree received 6/1968.

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.

Duke University, Professor of Law (July 1979 to present) and Professor of Public Policy Studies (1999 to present) and Director, Program in Public Law at Duke Law School (2000 to present)

**Duke University School of Law, Corner of Science and Towerview Drives,
Durham, NC 27708-0360**

O'Melveny & Myers, of Counsel (August 2005 to present)
1625 Eye Street, Washington DC 20005

O'Melveny & Myers, consultant (Jan 2002 to August 2005)
1625 Eye Street, Washington DC 20005

Center for Progressive Reform, Vice President (February 2002 - June 2008)
Member Scholar (February 2002 to present)
455 Massachusetts Ave., NW #150-513
Washington, DC 20001

United States Department of Justice, Counselor to the Assistant Attorney General,
Office of Legal Counsel (April 1993 to January 1994)
950 Pennsylvania Avenue, NW
Washington, DC 20530

United States Department of Justice, Deputy Assistant Attorney General (April
1995 to January 1997)
950 Pennsylvania Avenue, NW
Washington, DC 20530

Senator Joseph R. Biden, Jr., Impeachment Trial Counsel (January 1999 - February
1999)
221 Russell Senate Office Building
Washington, DC 20510

United States Senate Judiciary Committee, Chief Counsel (July 1992 - February
1993) 224 Dirksen Senate Office Building
Washington, DC 20510

United States Senate Judiciary Committee, Special Nominations Counsel (July 1987-
January 1988; February 1988 - June 1990; July 1991 - October 1991)
224 Dirksen Senate Office Building
Washington, DC 20510

Armour, Schroeder, St. John Wilcox and Goodin, Partner (June 1977- June 1979)
505 Sansome Street, San Francisco, CA 94111 (current firm name: Goodin,
McBride, Squeri, Day & Lamprey)

Earl Warren Legal Institute, University of California, Berkeley, research associate
(June 1976- June 1977)
415 Boalt Hall, Berkeley, CA 94720

McCutchen, Doyle, Brown and Enersen, associate (June 1974 - June 1976)

**Three Embarcadero Center, San Francisco, CA 94111
(current firm name: Bingham McCutchen)**

**McCutchen, Doyle, Brown and Enersen, summer associate (summer 1973)
Three Embarcadero Center, San Francisco, CA 94111
(current firm name: Bingham McCutchen)**

**Research Assistant to Professor John Hetland, University of California, Berkeley
(summer 1972)
467 Boalt Hall, Berkeley, CA 94720**

**New York City Bureau of the Budget, research associate (summer 1970)
1 Centre Street, NY, NY 10007**

**Dwight Hall, Yale University, summer intern (summer 1969)
67 High Street, New Haven, CT 06511**

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 registered for selective service. I did not serve.

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.

Rockefeller Fellowship, 1969-1971

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.

**California Bar Association
American Bar Association
District of Columbia Bar Association**

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.

**California Bar, December 18, 1974
United States Supreme Court Bar, August 10, 2000**

United States Court of Appeals for the D.C. Circuit, February 7, 2003
District of Columbia Bar, September 15, 2006

No lapses in membership.

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

California State Courts, December, 1974
United States District Court, Northern District of California, January 1975
United States Court of Appeals for the Ninth Circuit, July 1975
Supreme Court of the United States, August 2000
United States Court of Appeals for the District of Columbia Circuit, February 2003
District of Columbia Courts, September 2006

No lapses in membership.

11. Memberships:

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

Park Boulevard Presbyterian Church, June 1975 to June 1979
Pilgrim United Church of Christ, September 1979 to present
YMCA, 1993 to Present
Center for Progressive Reform, February 2002 to present, Founding Vice-president until July 2008
American Constitution Society, co-chair of Separation of Powers and Federalism issue group, September 2002 to present
National Research Council of the National Academies, Committee on the Use of Third Party Toxicity Research with Human Research Participants, member 2003-2004
Institute of Medicine, National Academies, Committee on the Assessment of the U.S. Drug Safety System, member 2005-2007
Sierra Club (in the 1990s. I have no records showing dates)
Natural Resources Defense Council (in the 1990s. I have no records showing dates)

- b. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

None of the above organizations currently discriminates or has formerly discriminated on the basis of race, sex, religion or national origin.

12. Published Writings and Public Statements:

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

I have done my best to identify all items called for in this question, including a thorough review of my personal files and searches of publicly available electronic databases. I have located the following:

Harry Truman's Continuing Legacy: Administrative Law Reform and Environmental Lawmaking, THE ENVIRONMENTAL LEGACY OF HARRY S. TRUMAN (Karl Boyd Brooks, ed.), 2009, Truman State University Press.

KEEPING FAITH WITH THE CONSTITUTION (with Goodwin Liu and Pamela Karlan), (2009), American Constitution Society.

ENVIRONMENTAL REGULATION: LAW, SCIENCE AND POLICY, sixth edition, (with Robert Percival, Alan Miller and James Leape), (forthcoming 2009), Aspen Publishing (also all previous editions).

***The United States' Failure to Act* (with Robert Glicksman) in ECONOMIC THOUGHT AND THE FAILURE OF U.S. CLIMATE CHANGE POLICY (David Driesen, ed.) forthcoming 2009, MIT Press.**

PRESIDENTIAL POWER STORIES (with Curt Bradley), (2008), Foundation Press.

ENVIRONMENTAL LAW: STATUTORY AND CASE SUPPLEMENT WITH INTERNET GUIDE 2007-2008 (with Robert Percival), (2008), Aspen Publishing. (This is a book of statutes and edited judicial decisions, with no editorial content. I have supplied one copy of the book.)

***Public Choice and Environmental Policy*, in PUBLIC LAW AND PUBLIC CHOICE (Dan Farber and Anne O'Connell, eds.), (forthcoming 2009),**

Elgar Press.

Lessons from the 1970s for Climate Change, forthcoming Lewis and Clark (Distinguished Visitor lecture, Fall 2008).

Legislating to Address Climate Change: Some Lessons from the Field, 3 ENV'T'L & ENERGY L. & POLY 236 (2008).

Beyond Cost-Benefit Analysis: A Pragmatic Reorientation, 32 HARV. ENV. L. REV. 433 (2008) (with Sidney A. Shapiro).

California, Climate Change and the Constitution, 25 No. 4 ENVIRONMENTAL FORUM 50 (July/August 2008) (with Erwin Chemerinsky, Brigham Daniels, Brett Hardy, Tim Profeta and Neil Siegel).

The Nixon Tapes Case, in PRESIDENTIAL POWER STORIES (Schroeder and Bradley, eds.), 2008, Foundation Press.

Introduction to PRESIDENTIAL POWER STORIES (Schroeder and Bradley, eds.), 2008, Foundation Press (with Curtis Bradley).

Supreme Court Pre-emption Doctrine, in PREEMPTION CHOICE (William Buzbee, ed.), 2008, Cambridge University Press.

California, Climate Change and the Constitution, 37 ENVIRONMENTAL LAW REPORTER NEWS AND ANALYSIS 10653 (Sept. 2007) (with Erwin Chemerinsky, Brigham Daniels, Brett Hardy, Tim Profeta and Neil Siegel).

Some Notes on a Principled Pragmatism, 95 Calif. L. Rev. 1703 (2007).

Loaded Dice and Other Problems: A Further Reflection on the Statutory Commander in Chief, 81 Indiana L. J. 1325 (2006).

Federalism's Values in Programs to Protect the Environment, Strategies for Environmental Success 247 (Michael Allan Wolf, ed., 2005).

The Story of American Trucking: The Blockbuster Case that Misfired in ENVIRONMENTAL LAW STORIES 321 (Richard Lazarus and Oliver Houck, eds. 2005).

A NEW PROGRESSIVE AGENDA FOR PUBLIC HEALTH AND THE ENVIRONMENT (with Rena Steinzor, eds.), (2005), Carolina Academic Press.

"Altered Terrains: Will the Sun Set on the Patriot Act?", DUKE LAW

MAGAZINE, Spring 2005, 27-28.

***Foreword, Conservative and Progressive Legal Orders*, 67 LAW & CONTEMPORARY PROBLEMS 1 (2004).**

***Priests, Prophets and Pragmatists*, 87 MINNESOTA LAW REVIEW 1065 (2003).**

***Environmental Law, Congress and the Court's New Federalism Doctrine*, 78 INDIANA LAW REVIEW 413 (2003).**

***Military Commissions and the War on Terrorism* 29 LITIGATION 28 (Fall 2002) (Journal of the Section Of Litigation, ABA).**

"A Review of Duke Law Professor Jeff Powell's Book, The President's Authority Over Foreign Affairs," DUKE LAW MAGAZINE, Fall 2002, 42-43.

***Deliberative Democracy's Attempt to Replace Politics with Law*, 65 LAW & CONTEMPORARY PROBLEMS 95 (2002).**

***Foreword: The Law of Politics*, 65 LAW & CONTEMPORARY PROBLEMS 1 (2002).**

***Lost in the Translation: What Environmental Regulation Does that Tort Cannot Duplicate*, 41 WASHBURN L.J. 583 (2002).**

Excerpt from "The Case for Judicial Review," as seen in The Washington Post, December 6, 2001 (with Walter E. Dellinger III), DUKE LAW MAGAZINE, Spring 2002, at 22.

***The Multistate Tobacco Settlement and the Problem of Social Regulation Beyond the Power of State Government*, 31 SETON HALL L.J. 612 (2001).**

***Regulating Automobile Pollution: An Environmental Success Story for Democracy?*, 20 ST. LOUIS U. PUB. L. REV. 21 (2001).**

***The Causes of the Recent Turn in Constitutional Interpretation*, 51 DUKE LAW JOURNAL 307 (2001).**

***Third Way Environmentalism*, 48 KANSAS LAW REVIEW 801 (2000).**

***Clear Consensus, Ambiguous Commitment: A Review of Dan Farber's Eco-Pragmatism* 98 MICH. L. REV. 1876 (2000).**

***Putting Politics and Law in the Right Places – Replacing the Independent Counsel Act*, 61 LAW & CONTEMPORARY PROBLEMS 163 (1999).**

***Foreword, The Independent Counsel Statutes*, 61 LAW & CONTEMPORARY**

PROBLEMS 1 (1999).

Rational Choice versus Republican Moment Explanations for Environmental Laws, 1969-73, 9 DUKE ENV'T L. L. & POLICY FORUM 29 (1998).

“Tales of Justice: Walter Dellinger’s Term in Washington,” DUKE LAW MAGAZINE, Spring 1998, at 6-7.

Reforming Government Through Oversight: A Good or Bad Idea? 13 J. OF LAW & POL. 557 (1997) (with Edwin Meese, Theodore Olson and Christopher Shays).

“New Center for the Study of the Congress Looks at American Cynicism Toward the Institution,” DUKE LAW MAGAZINE, Spring 1997, 15-17.

National Power and Health Care, 4 Cornell J. of Law and Public Policy 415 (1995) (with David B. Rivkin, Jr., John Blumstein, Nadine Strossen, and Richard Arney).

Causation, Compensation and Moral Responsibility, in PHILOSOPHY OF TORT LAW (David Owen, ed., Oxford University Press, 1995).

Hamilton and Schroeder, *Strategic Regulators and the Choice of Rulemaking Procedures: The Selection of Formal vs. Informal Rules in Regulating Hazardous Waste*, 57 LAW & CONTEMPORARY PROBLEMS 111 (1994).

***Cool Analysis versus Moral Outrage in the Development of Federal Environmental Criminal Law*, 35 WILLIAM AND MARY LAW REVIEW 51 (1993).**

***A Conservative Court?*, 1993 PUBLIC INTEREST LAW REVIEW 127 (1993).**

***Congress Stories*, 65 SO. CALIF. LAW REVIEW 31 (1992).**

Glicksman & Schroeder, *EPA and the Courts: Twenty Years of Law and Politics*, LAW & CONTEMPORARY PROBLEMS 249 (Autumn 1991).

***Foreword to L&CP Issue, Assessing the Environmental Protection Agency After Twenty Years: Law, Politics, and Economics*, 54 LAW & CONTEMPORARY PROBLEMS 1 (Autumn 1991).**

***Corrective Justice, Liability for Risks, and Tort Law*, 38 UCLA LAW REVIEW 143 (1990).**

***Corrective Justice and Liability for Increasing Risks*, 37 UCLA LAW**

REVIEW 439 (1990).

In the Regulation of Manmade Carcinogens If Feasibility Analysis Is the Answer, What Is the Question? (Review of Frank Cross, *Environmentally Induced Cancer and the Law*), 88 MICHIGAN LAW REVIEW 1483 (1990).

The Evolution of Federal Regulation of Toxic Substances, in GOVERNMENT AND ENVIRONMENTAL POLITICS (Woodrow Wilson Center Press, 1989).

Response Prepared to White House Analysis of Judge Bork's Record: Statement of Committee Consultants, 9 CARDOZO L. REV. 219 (1987) (with Jeffrey Peck) (*The Biden Report*). (This report was written while Jeff Peck and I were working as Senate Judiciary Committee consultants. It was subsequently published verbatim by the Cardozo Law Review.)

Rights Against Risks, 86 COLUMBIA LAW REVIEW 495 (1986).

Liberalism and the Objective Point of View, in *Justification XXVIII NOMOS* 180 (1986), American Society for Political and Legal Philosophy.

Two Methods for Evaluating Duty to Rescue Proposals, LAW & CONTEMPORARY PROBLEMS 181 (No. 3, 1986).

Schroeder & Magat, *Administrative Process Reform in a Discretionary Age: The Role of Social Consequences*, 1984 DUKE LAW JOURNAL 301.

Foreword: A Decade of Change in Regulating the Chemical Industry, 46 LAW & CONTEMPORARY PROBLEMS 1 (Summer 1983).

Schroeder & Miller, *The Validity of Utility Conservation Programs According to Generally Accepted Regulatory Principles*, 3 SOLAR LAW REPORTER 967 (1982).

Schroeder, Wiggins & Wormhoudt, *Five Design Applications of a Large Plant/Small Unit Power Plant Configuration: Research and Findings*, in ENERGY TECHNOLOGY VII: THE NEW FUELS ERA (1981), Government Institutes.

Schroeder, Wiggins & Wormhoudt, *Flexibility of Scale in the Large Conventional Coal-Fired Powerplants*, ENERGY POLICY (June 1981).

Book Review, *The National Energy Plans – ERDA-48, ERDA 76-1 and ERDA 77-1*, 7 ECOLOGY LAW QUARTERLY 171 (1978).

Slate Column, "What Congress Gets to Know," (with Walter Dellinger), March 26, 2007.

Chicago Daily Law Bulletin Op-ed, "The Purse Isn't Congress' Only

Weapon,” (with Walter Dellinger), March 15, 2007.

New York Times Op-ed, “The Purse Isn’t Congress’ Only Weapon,” (with Walter Dellinger), March 14, 2007.

Georgetown Law Faculty Blog, “Untangling the Debate on Signing Statements,” (with David Barron, Walter Dellinger, Dawn Johnsen, Neil Kinkopf, Marty Lederman, Richard Shiffrin, and Michael Small), July 31, 2006.

Op-ed in *Raleigh News and Observer* on the transition to a new administration, December 17, 2000.

“The Case for Judicial Review,” with Walter Dellinger, *Washington Post* Op-ed, December 6, 2001.

“Environmental Center More Than Arm of Law School,” *Duke Chronicle*, September 1, 2000

“Low Roads to the High Court,” *New York Times* Op-ed, October 23, 1991, at A23.

“The New Torture Memos,” *Executivewatch.net*, April 21, 2009.

“Executive Power and the 80% Problem,” *Executivewatch.net*, March 24, 2009.

“Government Narrows Its Argument in Gtmo Habeas Cases,” *Executivewatch.net*, March 16, 2009.

“Obama’s Policy on Signing Statements,” *Executivewatch.net*, March 9, 2009.

“OLC Releases Two Profoundly Important Legal Memos,” *Executivewatch.net*, March 5, 2009.

“Bush OLC Repudiates Its Own Opinions,” *Executivewatch.net*, March 2, 2009.

“Supreme Court May NOT Decide Indefinite Detention,” *Executivewatch.net*, February 27, 2009.

“Johnsen’s Confirmation Hearing as OLC Head – The Right Choice,” *Executivewatch.net*, February 25, 2009.

“Midnight Regulations: Congress Lends a Hand,” *Executivewatch.net*, February 24, 2009.

“Obama Says: No Habeas in Bagram,” *Executivewatch.net*, February 23,

2009.

“Testimonial Immunity for White House Aides?” Executivewatch.net, February 20, 2009.

“Can the United States Detain Indefinitely? The Case of the Uighurs,” Executivewatch.net, February 19, 2009.

“Confirmation Hearings Set for Two Key Justice Department Officials,” Executivewatch.net, February 18, 2009.

“Still More on State Secrets,” Executivewatch.net, February 17, 2009.

“More on States Secrets,” Executivewatch.net, February 16, 2009.

“Revisiting the Torture Memos,” Executivewatch.net, February 14, 2009.

“Secret Law,” Executivewatch.net, February 13, 2009.

“Holder Hearings – Part II,” Executivewatch.net, February 11, 2009.

“No Change in State Secrets – Yet”, Executivewatch.net, February 10, 2009.

“Lingering Issues of Executive Privilege – Part I,” Executivewatch.net, February 9, 2009.

“The Incredibly Slippery Idea of Executive Authority – the Holder Hearings Part I,” Executivewatch.net, February 7, 2009.

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

I have done my best to identify all items called for in this question, including a thorough review of my personal files and searches of publicly available electronic databases. I have located the following:

**National Research Council of the National Academy of Sciences, Intentional Human Dosing Studies for EPA Regulatory Purposes (2004)
The National Academies,
500 Fifth Street, N.W.
Washington, D.C. 20001**

At the request of the Environmental Protection Agency, the National Academies formed an advisory panel to examine the appropriateness of accepting data for regulatory purposes from studies that intentionally exposed human subjects to toxic substances. This is the final report of that panel.

Institute of Medicine of the National Academies, The Future of Drug Safety (2007)

**The National Academies,
500 Fifth Street, N.W.
Washington, D.C. 20001**

At the request of the Food and Drug Administration, the Institute of Medicine formed an advisory committee to examine ways to improve the drug safety system in the United States. This is the final report of the advisory committee.

Center for Progressive Reform, Unnatural Disaster: The Aftermath of Hurricane Katrina (2005).

- 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 have done my best to identify all items called for in this question, including a thorough review of my personal files and searches of publicly available electronic databases. I have located the following:

Invited Witness, House Judiciary Committee, Subcommittee on Constitution, Civil Rights and Civil Liberties, From the Department of Justice to Guantanamo Bay: Administration Lawyers and Administration Interrogation Rules, June 26, 2008.

Principles to Guide the Office of Legal Counsel (with Walter Dellinger, Dawn Johnsen, Randolph Moss, Joseph R. Guerra, Beth Nolan, Todd Peterson, Cornelia T.L. Pollard, H. Jefferson Powell, Teresa Wynn Roseborough, Richard Shiffrin, William Michael Treanor, David Barron, Stuart Benjamin, Lisa Brown, Pamela Harris, Neil Kinkopf, Martin Lederman, Michael Small), December 21, 2004 [published, 81 Indiana Law Journal 1345 (Fall 2006)].

Invited Witness, Senate Judiciary Committee, “Importance of Balance on the DC Circuit for Environmental Policy,” September 24, 2002

Invited Witness before the Senate Judiciary Committee on “Clinton’s 11-hour Pardons,” February 14, 2001

Testimony on the Constitutionality of Government Printing Office oversight of Executive Branch Printing, before the Committee on Rules and Administration of the United States Senate, July 24, 1996

Justice for All: Reducing Costs and Delay in Civil Litigation (Report of a Task Force), 1989, The Brookings Institution, Washington, D.C.

Comments of the Clean Air Trust on the EPA's Proposed Rule, Prevention of Significant Deterioration and Non-Attainment New Source Review: Routine Maintenance, Repair and Replacement, 67 Fed. Reg. 80290 (Dec. 31, 2002) [Docket No. A-2002-4]

Amicus Curiae Brief for Senators Hillary Rodham Clinton, Jon S. Corzine, James M. Jeffords, Patrick J. Leahy, Barbara Boxer, Frank R. Lautenberg, John F. Kerry, Christopher J. Dodd, Charles E. Schumer and Jack Reed and the Clean Air Trust in State of New York v. U.S. EPA, United States Court of Appeals for the District of Columbia Circuit, 02-1387 (October 26, 2004)

Application of the Ineligibility Clause, November 31, 1996 (20 U.S. Op. Off. Legal Counsel 410, 1996 WL 33101192 (O.L.C.))

Access to Classified Information, November 26, 1996 (20 U.S. Op. Off. Legal Counsel 402, 1996 WL 33101195 (O.L.C.)).

Validity of Congressional-Executive Agreements that Substantially Modify the United States' Obligations Under an Existing Treaty, November 25, 1996 (20 U.S. Op. Off. Legal Counsel 389, 1996 WL 1185163 (O.L.C.)).

Legal Effectiveness of Congressional Subpoenas Issued After an Adjournment *Sine Die* of Congress, November 12, 1996 (20 U.S. Op. Off. Legal Counsel 372, 1996 WL 1185162 (O.L.C.)).

UN Draft Declaration on the Rights of Indigenous Groups, November 1, 1996 (20 U.S. Op. Off. Legal Counsel 371, 1996 WL 33101200 (O.L.C.)).

Department of Justice Participation on the Internal Revenue Service Undercover Review Committee, October 8, 1996 (20 U.S. Op. Off. Legal Counsel 352, 1996 WL 33101201 (O.L.C.)).

The Constitutionality of Cooperative International Law Enforcement Activities Under the Emoluments Clause, October 7, 1996 (20 U.S. Op. Off. Legal Counsel 346, 1996 WL 33101198 (O.L.C.)).

Permissible Accommodation of Sacred Sites, September 18, 1996 (20 U.S. Op. Off. Legal Counsel 331, 1996 WL 33101199 (O.L.C.)).

Applicability to Executive Privilege to Deliberations Regarding Assertion of Privilege, September 11, 1996 (20 U.S. Op. Off. Legal Counsel 324, 1996 WL 33101189 (O.L.C.)).

Immunity of the Council to the President from Compelled Congressional Testimony, September 3, 1996 (20 U.S. Op. Off. Legal Counsel 308, 1996 WL 33101184 (O.L.C.)).

Contractor Access to Information from Interstate Identification Index, August 15, 1996 (20 U.S. Op. Off. Legal Counsel 299, 1996 WL 33101193 (O.L.C.)).

Nomination of Sitting Member of Congress to Be Ambassador to Vietnam, July 26, 1996 (20 U.S. Op. Off. Legal Counsel 284, 1996 WL 33101197 (O.L.C.)).

Government Printing Office Involvement in Executive Branch Printing, July 23, 1996 (20 U.S. Op. Off. Legal Counsel 282, 1996 WL 33101186 (O.L.C.)).

Constitutionality of Statute Governing Appointment of United States Trade Representative, July 1, 1996 (20 U.S. Op. Off. Legal Counsel 279, 1996 WL 33100948 (O.L.C.)).

Authorization of Immigration Emergency Fund Reimbursements, November 8, 1995 (19 U.S. Op. Off. Legal Counsel 278, 1995 WL 917144 (O.L.C.)).

The Food and Drug Administration's Discretion to Approve Methods of Detection and to Define the Term "No Residue" Pursuant to the Federal Food, Drug, and Cosmetic Act, October 13, 1995 (19 U.S. Op. Off. Legal Counsel 247, 1995 WL 1767991 (O.L.C.)).

- 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 have done my best to identify all items called for in this question, including a thorough review of my personal files and searches of publicly available electronic databases. "Video provided" entries have been copied onto 6 DVDs. Four of these contain multiple entries, and each of these four will display an index of the contents when the DVDs are loaded. I have located the following:

LENS Conference 2009, A panel discussion on surveillance,

detention and interrogation, April 16, 2009 (video provided).

Duke Alumni Talk, A discussion of the First 100 Days of the Obama Administration. Duke Law School, April 18, 2009 (lecture notes provided).

Panel discussion on Regulation of Greenhouse Gases under the Clean Air Act: NAAQS and SIPs, Harvard/Duke Environmental Workshop, March 26, 2009 (lecture notes provided).

Lecturer for federal judges on National Security and the Law of Surveillance, sponsored by the Federal Judicial Center, Duke University, March 11, 2009. (lecture notes provided)

Invited Speaker, “War Powers and the Executive,” Federalist Society, Yale Law School, 127 Wall Street, New Haven, CT 06511 February 28, 2009. (no notes available)

A panel discussion at the annual law students conference of the Federalist Society in which I discussed original understanding of the title of “commander-in-chief,” and the light this understanding sheds on the scope of contemporary presidential authority.

Invited Speaker, “Reforming Regulatory Impact Analysis,” Public Interest Environmental Conference, University of Florida, PO Box 117620, Gainesville, FL 32611, February 27, 2009 (no notes available)

A panel discussion as part of a national conference of public interest environmental organizations in which I discussed ways to improve the regulatory impact analysis process.

Invited Speaker on Separation of Powers, Thrower Symposium, Emory School of Law, 1310 Clifton Rd., Atlanta, Georgia 30322, February 12, 2009. (no notes available)

An annual conference sponsored by the Emory Law School. I discussed the scope of presidential authority under the doctrine of separation of powers.

“Are Empiricists Asking the Right Questions about Judicial Decision-Making?” February 6, 2009 (video provided).

Supreme Court Update, November 17, 2008 (video provided).

Election 2008, November 5, 2008 (video provided).

Invited Commentator on McGarity and Wagner, Bending Science, Case Western Reserve University, School of Law, 11075 East Blvd., Cleveland, OH 44106, October 29, 2008. (no notes available)

A panel discussion to commemorate the publication of Bending Science by Wendy Wagner, a member of the Case Western faculty. I analyzed the importance of the major themes of the book for enabling the United States to make more productive use of science in making regulatory decisions.

DELPF Symposium, October 24, 2008 (video provided).

Delivered the Distinguished Visitor Lecture, “Regulating Greenhouse Gases: Lessons from the 1970s,” Lewis and Clark School of Law, September 23-25, 2008 (lecture notes attached).

Panelist, Contractors in Wartime: Accountability and Transparency, Duke National Security Conference, April 10, 2008 (video provided).

Lecturer, Duke Judicial Workshop on the Law of National Security, sponsored by the Federal Judicial Center and Duke Law School, PO Box 90360, Durham, NC 27708, March 13, 2008. (no notes available)

As part of a workshop for approximately 40 federal judges, I conducted a class reviewing the law of national security surveillance.

Invited Lecture, University of Houston School of Law Conference on US Climate Change Legislation, February 8, 2008. (no notes available)

A lecture to a law school and general community audience. Topic: Lessons learned from our prior experience with environmental legislation.

Interviewed Jack Goldsmith about his new book, “The Terror Presidency,” Duke Law School, PO Box 90360, Durham, NC 27708, November 13, 2007. (no notes available)

A public interview with the author before a general audience of law students, faculty and staff about the contents of Goldsmith’s book, recounting his experiences as head of the Office of Legal Counsel.

Invited Lecturer, “Climate Change and United States Response,”

**Michigan State University Environmental Speaker Series,
November 1, 2007 (lecture notes attached).**

The Court of Public Opinion, September 29, 2007 (video provided).

**Speaker, “The Bush Administration and Air Quality,” annual
SEALS conference, Amelia Island, Florida, August 2, 2007. (no
notes available)**

**A panel discussion at the annual meeting of the Southeastern
Association of Law Schools, discussing the activities of the
EPA during the Bush administration in improving the
nation’s air quality.**

**Speaker, “President Truman and the Administrative Procedure
Act,” at the annual Truman Conference, this year on President
Truman and the Environment, at the Truman Library, Key West,
Florida, June 8, 2007 (video provided).**

**Speaker, Duke Law School Conference (Program in Public Law
and LENS) on National Security, April 13 -14, 2007 (video
provided).**

**Lecturer, Duke Judicial Workshop on the Law of National Security,
sponsored by the Federal Judicial Center and Duke Law School, PO
Box 90360, Durham, NC 27708, March 15, 2007. (no notes
available)**

**As part of a workshop for approximately 40 federal judges, I
conducted a class reviewing the law of national security
surveillance.**

**Speaker, New York Chapter of the Anti Defamation League,
Emergency Powers and the Constitution, New York University
School of Law, 40 Washington Square, NY, NY 10012 March 13,
2007. (no notes available)**

**Symposium sponsored by the New York Chapter of the Anti
Defamation League. I discussed the role of the Constitution
in times of national emergency.**

**Panelist, Duke Program in Public Law Symposium, Impact of the
Kelo Decision, February 26, 2007 (video provided).**

**Panelist, Duke Program in Public Law Symposium on the Military
Commissions Act, February 12, 2007 (video provided).**

Panelist, William and Mary Bill of Rights Institute Symposium on

Presidential Signing Statements, William and Mary School of Law, P.O. Box 8795, Williamsburg, VA 23187, February 3, 2007. (no notes available)

A panel discussion at the annual symposium of the Bill of Rights Institute. I discussed the pros and cons of the use of presidential signing statements.

Briefing for Congressional Staff on Congress's constitutional authorities with respect to regulating the commitment of troops to Iraq, Russell Senate Office Building, Washington, DC, January 10, 2007. (no notes available)

A panel discussion sponsored by the American Constitution Society for congressional staff on the authorities available to Congress for regulating troop levels in Iraq. I provided my views on the subject.

Invited Guest to debate Presidential Signing Statements with former Rep. Mickey Edwards and Senator Arlen Specter, NPR's "Justice Talking," Philadelphia, Pa., November 17, 2006. (no notes available)

I participated in this national radio program discussing the pros and cons of presidential signing statements.

Presented paper, "A Principled Pragmatism," UC Berkeley Law School, Boalt Hall, Berkeley, CA, at Symposium honoring Paul Mishkin, October 27, 2006. (no notes available)

A symposium honoring Professor Paul Mishkin. I commented on several articles written by Professor Mishkin.

Invited Speaker, Institute of Medicine Drug Forum, La Jolla, California, to discuss final report of Institute of Medicine/National Academy of Sciences Report on the United States Drug Safety System, October 25, 2006. (no notes available)

A panel discussion on the recent IOM report on the US Drug Safety System. As a member of the committee that wrote the report, I summarized part of the report's findings.

Invited Speaker, Patriot Act Issues, Exploris, Raleigh, North Carolina, October 1, 2006. (no notes available)

A public forum in downtown Raleigh, to discuss the contents of the USA PATRIOT Act.

Constitution Day, September 18, 2006 (video provided).

Supreme Court Preview, August 28, 2006 (video provided).

Panelist, Preemption, American Constitution Society National Conference, Washington, DC, June 2006. (no notes available)

A discussion of the Supreme Court's preemption doctrine and the use of preemption by federal administrative agencies. I presented my views on several aspects of these topics.

Panelist, National Security and Civil Liberties: Striking the Right Balance, Duke University, Durham, NC, April 2006 (video provided).

Speaker, Conference on Disasters and Environmental Law, UCLA Law School, Los Angeles, CA, April 2006. (no notes available)

At this conference sponsored by UCLA Law School, I discussed aspects of the national, state and local responses to Hurricane Katrina.

Featured Speaker, Separation of Powers During Emergencies, Georgia State School of Law, Atlanta, GA, April 2006. (no notes available)

I presented a public law, sponsored by the American Constitution Society at Georgia State School of Law, on the significance of separation of powers doctrine during times of national emergency.

Lecturer, Duke Judicial Workshop on the Law of National Security, sponsored by the Federal Judicial Center and Duke Law School, PO Box 90360, Durham, NC 27708, March 16, 2006. (no notes available)

As part of a workshop for approximately 40 federal judges, I conducted a class reviewing the law of national security surveillance.

Participant, Conference on Delegating Sovereignty, Duke Law School, Durham, NC, March 3-4, 2006.

The Law of Risk Assessment, Duke University, February 3, 2006 (lecture notes attached).

Participant, "What's on the Supreme Court Docket?", a Supreme

Court preview, Duke Law School, Durham, NC, January 25, 2006 (video provided).

Invited Speaker, “Environmental Regulations: What They do and Why It Matters,” Michigan State Environmental Speaker Series, November 3, 2005 (lecture notes attached).

Invited Speaker, “The Law of Risk Analysis,” joint Statistics Department and Institute of Statistical Studies workshop, Iowa State University, October 27, 2005 (lecture notes attached).

Invited Speaker, Executive Authority in National Security Matters, University of Indiana School of Law, 211 South Indiana Avenue, Bloomington, Indiana, October 7, 2005. (no notes available)

At a conference sponsored by the American Constitution Society chapter at the University of Indiana Bloomington, I commented on a paper delivered by Neil Kinkopf, discussing the practical difficulties facing congressional efforts to participate in national security decision making during emergencies.

Update on the Global War on Terrorism, September 28, 2005 (video provided).

Debate participant, The Judicial Nomination Process, Federalist Society, Duke Law School, PO Box 90360, Durham, NC 27708, September 22, 2005. (no notes available)

A discussion of the nomination and confirmation process, concentrating on Supreme Court nominations.

The Legacy of Chief Justice Rehnquist, Duke Law School, PO Box 90360, Durham, NC 27708, September 8, 2005 (video provided).

Speaker, The Legacy of Justice O’Connor, Duke Law School, PO Box 90360, Durham, NC 27708,, August 30, 2005. (no notes available)

A panel discussion on the legacy of retiring justice Sandra Day O’Connor.

Moderator, “Progressive Politics or Progressive Constitutional Law,” plenary session of the American Constitution Society, Washington, DC, July 31, 2005. (no notes available)

I moderated this panel discussion without providing

substantive remarks of my own.

Invited Speaker, “Hydrogen,” presented to the Berkeley Environmental Workshop, University of California, Berkeley, School of Law, Boalt Hall, Berkeley CA, April 18, 2005. (no notes available)

I presented a paper to a workshop of law students and faculty on the prospects for converting from a hydrogen based transportation system.

Invited Speaker, Triangle Institute for Security Studies First Responder Workshop, on Patriot Act Issues, William Friday Center, University of North Carolina, Chapel Hill, NC, April 14, 2005. (no notes available)

A panel discussion, in which I discussed the role of military commissions in the history of armed conflict involving the United States.

LENS Conference, April 8, 2005 (video provided).

Lecturer, Duke Judicial Workshop on the Law of National Security, sponsored by the Federal Judicial Center and Duke Law School, PO Box 90360, Durham, NC 27708, March 17, 2005. (no notes available)

As part of a workshop for approximately 40 federal judges, I conducted a class reviewing the law of national security surveillance.

Invited Speaker, Martin Luther King presentation on Environmental Justice, Duke University, Durham, NC 27708, January 17, 2005. (no notes available)

An address sponsored by Duke University. I discussed the emergence of environmental justice as a concern for environmental policy makers, as part of a celebration of MLK Day.

2004 DELPF Symposium, November 19, 2004 (video provided).

Invited Speaker, “Alternative Grounds for Protecting the Environment,” University of Florida, Gainesville, FL, November 12, 2004. (no notes available)

I presented a paper to a group of legal academics on preemption law and environmental policy. A paper based on

the talk was subsequently published as Federalism's Values in Programs to Protect the Environment, Strategies for Environmental Success 247 (Michael Allan Wolf, ed., 2005).

Invited Speaker, Implications of the Election for Environmental Policy, Fuqua School of Business, Duke University, Durham, NC 27708, October 28, 2004. (no notes available)

A panel discussion at Duke's business school. I commented on expected environmental priorities for President Bush's second term.

Debate with Michael Greve, Federalist Society, Duke University, Durham, NC 27708, "State Attorneys General: Problem or Peril?" October 19, 2004. (no notes available)

A discussion sponsored by the Duke Chapter of the Federalist Society on the pros and cons of efforts by state attorneys general to sue national enterprises under various state law doctrines.

Invited Speaker, "The Media and Big Trials," Southern Newspapers Publishers Ass'n Annual Convention, the Greenbrier, 330 W. Main Street, White Sulphur Springs, WV 24986, October 11, 2004. (no notes available)

A panel discussion at the annual meeting of the Southern Newspapers Publishers Ass'n, discussing the tensions between fair trial norms and media coverage in cases receiving large amounts of publicity.

Conference on Detention, Interrogation and the Powers of the Executive, September 17, 2004, 6th Annual Public Law Conference (video provided).

Presentation with Scott Silliman on Detention and Prosecution of Terrorists, September 7, 2004 (video provided).

34th Annual Duke Law Journal Administrative Law Conference, April 2, 2004 (video provided).

Invited Panelist, Federalist Society National Lawyers Convention, Washington, DC, "The Bollinger Decisions ... Back to Bakke?" November 15, 2003. (no notes available)

A panel discussion on the significance of the affirmative action decisions involving admissions procedures at the University of Michigan. I presented my views on the

significance of Gruter and Gratz.

Introductory address and moderator, “Natural Resources Policy Under the Bush Administration,” November 14, 2003, Duke University (video excerpts provided).

PATRIOT Act Presentation at NC Bar CLE in Cary, NC, Immigration Law, October 30, 2003. (no notes available)

To a group of lawyers receiving CLE credit, I discussed some of the aspects of the USA PATRIOT Act affecting immigration rules and regulations.

“Civil Liberties and Terrorism,” Annual Program on Anniversary of September 11, 2001-September 11, 2003, Duke Law School, Durham, NC 27708. (no notes available)

I moderated a discussion before a law school audience, faculty, students, staff, and did not provide substantive comments of my own.

Panel Participant at American Constitution Society Annual Meeting, Affirmative Action After the Bollinger Decisions, Washington, D.C., August 2, 2003. (no notes available)

A panel discussion on the significance of the affirmative action decisions involving admissions procedures at the University of Michigan. I presented my views on the significance of Gruter and Gratz.

Invited Panelist, American Enterprise Institute, 1150 Seventeenth Street, NW,, Washington DC 20036. Environmental Federalism, May 13, 2003. (no notes available)

A panel discussion on the appropriate role of federal and state regulatory authority in addressing environmental issues. I presented my views on the subject.

Spoke on the USA Patriot Act to Meeting to Duke Librarians, Durham, NC, 27008, March 11, 2003. (no notes available)

This was a meeting of Duke librarians. I discussed aspects of the USA PATRIOT Act most germane to libraries, concentrating on the business records section, Section 215.

“A Year Later,” 9/11 Panel Discussion Moderator, Duke Law School, September 11, 2002 (video provided).

Supreme Court Preview, University of North Carolina School of Law, Chapel Hill, NC, September 5, 2002. (no notes available)

I discussed some of the cases the Supreme Court had accepted for its upcoming October Term.

“Science in the Agencies,” Conference on Science in the Agencies, Duke University School of Law, Durham, NC 27708, May, 2002. (no notes available)

A meeting of law professors discussing the role of science in regulatory decisionmaking. I discussed the role of science in environmental regulation.

Moderator and Panelist, Alumni Forum, April 13, 2002, “Responding to Terrorism,” Duke University School of Law, PO Box 90360, Durham, NC 27708. (no notes available)

A panel discussion held during Alumni weekend at Duke University. I discussed several significant aspects of the USA PATRIOT Act.

Invited Speaker, “Legislative Responses to Terrorism: National Security vs. Civil Rights,” at the Security Challenges After September 11th: National and International Perspectives Conference, April 11-12, 2002, Center on Law Ethics and National Security, Program in Public Law, Duke University, PO Box 90360, Durham, NC 27708. (video provided)

Invited Speaker, 32nd Annual Administrative Law Conference, Executive Privilege and the Bush Administration, March 29, 2002 (video provided).

Invited speaker, “National Defense and Civil Liberties,” at the Terrorism: Threat and Response Conference, sponsored by the Triangle Institute for Security Studies and the United States Army War College, Friday Center, University of North Carolina, Chapel Hill, NC, February 28, 2002. (no notes available)

I discussed aspects of the USA PATRIOT Act at this annual conference.

Invited speaker, sponsored by the Durham School Board, Durham, NC: Partners for Youth, Duke/Durham partnership, on civil liberties, February 16, 2002. (no notes available)

I talked with a group of 15 students on privacy and other

civil liberties issues of particular relevance to students in public education.

Delivered paper, “Implications of Rehnquist Court Decisions on Congressional Authority over Environmental Policy,” University of Indiana, School of Law, February 2, 2002. (no notes available)

A conference attended by law professors and law students. I delivered a paper on potential limitations on federal regulatory authority in light of the Supreme Court’s modern Commerce Clause decisions.

Panelist at Mecklenburg County Bar Public Law Forum, “National Security vs. Civil Liberties: How Far Should We Go?,” Charlotte, NC, January 10, 2002. (no notes available)

A panel discussion before an audience composed of members of the general public in Charlotte. The topic was the proper balance between civil liberties and national security.

Featured Speaker, Duke Alumni Forum, New York City, on civil liberties and national security, November 28, 2001. (no notes available)

This was an event for Duke alumni in New York City. I discussed the USA PATRIOT Act.

Speaker, Public International Law Forum, Duke University School of Law, Durham, NC 27708, on Military Tribunals, November 19, 2001. (no notes available)

A public discussion at Duke Law School. I discussed the history of military commissions.

Luncheon Speaker, meeting of Sanford Institute Board of Visitors, Duke University, Durham, NC 27708, “The Balance Between Civil Liberties and National Security,” November 9, 2001. (no notes available)

A meeting of the Public Policy Institute’s Board of Visitors. I discussed surveillance and interrogation issues.

Featured Speaker, Inaugural meeting of UNC and Duke chapters of the American Constitution Society, School of Social Work, University of North Carolina, Chapel Hill, NC, November 8, 2001. (no notes available)

A meeting of law students. I discussed interrogation and

surveillance issues.

Presented paper, “Tort Law As An Alternative to Enforcement of Environmental Regulations,” Washburn School of Law, 1700 SW College Ave., Topeka, KS 66621, October 19, 2001. (no notes available)

An academic conference at Washburn. I presented a paper comparing tort law vs. regulation as mechanisms for addressing environmental problems.

Dinner Panelist, Duke Law School Board of Visitors, Durham, NC 27708, “The Balance Between Civil Liberties and National Security,” October 12, 2001. (no notes available)

A meeting of the Duke Law School’s board of visitors. I discussed surveillance, detention and interrogation issues.

Presented Paper “Deliberative Democracy and the Effort to Replace Politics with Law,” at the 3rd Annual Public Law Conference, Duke University School of Law, Durham, NC 27708, “The Law of Politics,” October 11-12, 2001. (no notes available)

This was a conference attended by law professors and students. I presented a paper discussing the theory of deliberative democracy.

Moderated University Forum on the Legal Aftermath of September 11, Duke University, Durham, NC 27708, October 3, 2001. (no notes available)

Discussion of the Patriot Act and other responses to September 11 at Duke University to a university and general community audience.

Invited speaker at AEI/Brookings Federalism Project workshop on Environmental Federalism, Washington, DC, September 20, 2001. (no notes available)

I presented my views on the roles of state vs. federal regulation in addressing environmental issues.

Public Forum on World Trade Center Disaster, September 12, 2001 (video excerpts provided). (no notes available)

Speaker at Law School Town Meeting, co-sponsored by Program in Public Law, to discuss terrorism and responses

to it.

Participant and commentator at “Beyond Cynicism,” conference on the future of administrative law, Cornell University School of Law, Myron Taylor Hall Ithaca, NY 14853, March 9-11, 2001. (no notes available)

A legal conference attended by faculty and students. I presented views on the consequences for public policy of public cynicism toward the elected branches of government.

Panelist, Federalist Society meeting in Washington, D.C., “Tort Liability, The Structural Constitution and the States,” January 11, 2001. (no notes available)

At a national meeting of the Federalist Society, I discussed the respective roles of state and federal governments in regulating environmental problems.

Organized a university town hall meeting with Bruce Jentleson, Bob Keohane, and John Aldrich, on the election battles in Florida, held at the Sanford Institute, Duke University, Durham, NC 27708. (no notes available)

I discussed the legal issues raised in the Bush v. Gore litigation.

“Election 2000: What Happens Next?” Duke Law School, Durham, NC 27708, November 29, 2000 (video excerpts provided). (no notes available)

Organized and chaired law school town hall meeting, which was also webcast, on the election legal battles in Florida.

Duke Public Law Conference, Duke Law School, Durham, NC 27708 “EPA at 30: Evaluating and Improving the Environmental Protection Agency,” December 7-8, 2000. (no notes available)

Conference of the Program in Public Law, attended by students and faculty. I presented a paper discussing the successes and failures of EPA in defending its rules in federal courts.

“*Bush v. Gore*,” Duke Law School, Durham, NC 27708, November 30, 2000. (no notes available)

A Duke law school discussion of the legal claims being

advanced in the challenge to Florida's vote count in the 2000 election.

Presented paper, "Clean Air, Autos and American Citizens: Can These Three Just Get Along?," at "Ten Years After the 1990 Amendments to the Clean Air Act: Have We Cleared the Air?," St. Louis University School of Law, St. Louis, MO, November 17, 2000. (no notes available)

Law conference attended by faculty and students. I discussed the improvements in air quality that have been made since 1970.

Delivered talk at Duke University Public Forum, Duke University, Durham, NC 27708 "The Election: What Does It Mean?" November 15, 2000. (no notes available)

In a public forum at Duke University, I discussed the issues being raised about the vote count in Florida.

Delivered talk at Duke Program in Public Law Brown Bag Lunch Series, "The Electoral College and Close Elections," November 10, 2000. Duke University School of Law, Durham, NC 27708. (no notes available)

I discussed the role of the Electoral College and the history of close presidential elections in the United States.

Presented Paper, "Causes of the Recent Turn in Constitutional Interpretation," at the 2nd Annual Duke Public Law Conference, Durham, NC 27708 October 6-7, 2000. (no notes available)

A law conference attended by faculty and students. I presented a paper discussing the Supreme Court's movement away from Warren Court liberalism.

Introduced Janet Reno prior to her delivering an address at Duke Law School, Durham, NC 27708 May 19, 2000. (no notes available)

Audience of Duke law students and faculty. Brief introductory remarks.

Presented "EPA and the Courts" at the Conference on Sustainable Governance, Duke University Nicholas School of the Environment, Durham, NC 27708, April, 2000. (no notes available)

An academic conference attended by faculty and students. I

presented a paper discussing the successes and failures of EPA in defending its rules in federal courts.

Addressed Office of General Counsel attorneys, United States Environmental Protection Agency, Washington, D.C. (plus 19 remote EPA locations via teleconferencing), on "Pro-Industry and Pro-Environmental Challenges to EPA Rules," April 10, 2000. (no notes available)

I presented research findings on the successes and failures of EPA in defending its rules in federal courts.

Federalist Society Conference, Washington, D.C., "Regulation v. Litigation," February 23, 2000; panel discussion with David Vladeck, Ted Olsen, George Priest, moderated by C. Boyden Gray, on The Public Choice of Regulation versus Litigation. (no notes available)

I discussed the relative advantages of tort law vs. regulation in addressing environmental problems.

Conference on the Third Way, University of Kansas School of Law, 1535 W. 15th Street, Lawrence, KS 66045, February 3, 2000, presented paper, "Third Way Environmentalism." (no notes available)

An academic conference attended by faculty and students. I discussed "third way" approaches to environmental controls, including cap-and-trade programs.

Faculty Workshop, Minnesota School of Law, Walter F. Mondale Hall, 229 19th Avenue South, Minneapolis, MN 55455, November 1999, "Reconsidering Public Choice." (no notes available)

I presented a paper discussing public choice theory.

Faculty Workshop, UCLA School of Law, Hilgard Avenue, Los Angeles, CA 90095 October 1999, "Reconsidering Public Choice." (no notes available)

I presented a paper discussing public choice theory.

Duke Program in Public Law Conference, Duke University School of Law, Durham, NC 27708, "Is Congress Failing, Or Is It Just Misunderstood?," September 12, 1997. (no notes available)

Panel Discussion at Duke University, open to the public. I

analyzed public polling data and scholarly writing exploring reasons for the low approval rating of the Congress.

“Advising the President,” an address given at the University of Oregon School of Law, 1221 University of Oregon, Eugene, Oregon, 97403, January 1997. (no notes available)

I discussed the role of the Office of Legal Counsel.

“Who Is the Government Attorney’s Client?,” an address given to the ABA and Center on Law, Ethics, and National Security, Washington, D.C., December 9, 1996. (no notes available)

I discussed the role of the Office of Legal Counsel in providing legal advice to the executive branch.

“Cooperation between the Justice Department and Other Agencies,” an address to Department of Treasury Lawyers, December 6, 1996 (lecture notes attached).

“Advising the President,” an address given at the University of Kansas School of Law, Lawrence, Kansas, November 20, 1996 (lecture notes attached).

Panelist, “Should Public Values Guide Risk Policy?” at Cummings Colloquium on Environmental Law, Duke University, November 16, 1996. (no notes available)

I discussed the significance of moral and ethical values in determining risk regulation.

Talk, “Congressional Oversight,” National Federalist Society Meeting, Washington, D.C., November 15, 1996. (no notes available)

I discussed the function of congressional oversight in maintaining the appropriate balance in the separation of powers.

Presented Paper, “Legal Luck,” Columbia Law School Law and Philosophy Workshop, Columbia Law School, 435 West 116th Street, New York, NY 10027, November 1989. (no notes available)

I presented a paper on the theory of tort law.

- 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.

I have done my best to identify all items called for in this question, including a thorough review of my personal files and searches of publicly available electronic databases. I have located the following:

“Obama: Ignore Signing Statements,” Josh Gerstein, Politico.com March 9, 2009.

“Declassified Memos Provide Look Into Bush Policies,” Melissa Block, NPR, March 3, 2009.

“Duke Lecturer Kaufman Aims to Make an Impact in Senate,” Will Robinson, Duke Chronicle, February 18, 2009.

“Obama’s Orders Only the State of a Detainee Policy Overhaul,” Jonathan S. Landay, McClatchy Newspapers, January 22, 2009.

“Kaufman Ready to Take Biden’s Senate Seat,” Randall Chase, Associated Press, January 16, 2009.

“Law Prof Picked for Biden Seat,” Will Robinson, Duke Chronicle, November 25, 2008

“Five Questions for Christopher Schroeder,” Shuchi Parikh, Duke Chronicle, July 8, 2008

“Adwatch: Edwards Threatens Congress with Loss of Health Care If a Universal Plan Does Not Pass,” John Edwards, Associated Press, November 13, 2007.

“Fight Over Documents May Favor Bush, Experts Say; Contempt Charge Precedents Cited in Firings Case,” Dan Eggen and Amy Goldstein, Washington Post, July 21, 2007.

“Power Struggle over Iraq Timetable Expected to Drag On,” Ron Hutcheson, Mc-Clatchy-Tribune, April 4, 2007.

“Authority of Congress to Enact Timetables for Iraq Withdrawal,” NPR NewsHour, April 2, 2007.

“Leaders Unruffled by Rally for Marriage Amendment,” Jim Nesbitt, Raleigh News and Observer, March 9, 2007.

“Seeing Red Over Gray Areas,” Brian Friel, National Journal, January 27, 2007.

“Letter Penned by Former President Nixon Donated to Duke,” Tiffany Webber, The Chronicle, November 29, 2005.

“Duke Law School Gets Nixon Letter on Watergate Tapes,” Associated Press, November 23, 2005.

“Duke Acquires Nixon Letter; He Told Judge He Wouldn’t Yield Tapes,” Anne Blythe, Raleigh News and Observer, November 22, 2005.

“Reno Reflects on Life, Law at Duke Lecture,” Wenjia Zhang, the Duke Chronicle, September 27, 2005.

“Position of Spouse as Next of Kin Has Deep Roots in Civil, Biblical Law,” Allen Breed, Associated Press, March 29, 2005.

A New Progressive Agenda for Public Health and the Environment, Center for American Progress, February 2, 2005

“Coble Backs Bill to Veto High Court; The Proposal Would Give Congress the Power to Overturn Some Supreme Court Decisions,” Mark Binker, Greensboro News & Record, March 21, 2004.

NPR commentary on Supreme Court Term, September 18, 2003.

“Looking Back at This Term’s Decisions by the U.S. Supreme Court,” Lynn Neary, National Public Radio, July 8, 2003.

“Sodomy Arrest Guidelines Revised; Critics Say Rules on Solicitation Is Still Weighted Against Gays,” Cristina C. Breen, Charlotte Observer, July 6, 2003.

“Bush Document Cover-up Administration Fights to Block Public Access,” John Yang, ABC News, August 27, 2002.

“University Raises Bar for Centers,” Kevin Lees, Duke Chronicle, April 24, 2002.

“GAO Goes to Court to Get Cheney Data; Disclosure: It’s the First Time the Watchdog Agency Has Sued the Executive Branch. White House Vows a Legal Battle,” David Savage, Los Angeles Times, February 23, 2002.

Guest on Charlotte Talks, an hour long discussion and call-in show on the Charlotte, NC, public radio station, WPAE, on the topic “National Security vs. Civil Liberties, Striking the Balance,” January 9, 2002.

Interviewed in *Legal Times*, December 24, 2001, on “The Home Front,” a

discussion of civil liberties issues after September 11, 2001.

“Video Could Be Trial Evidence,” Karen Crummy, The Boston Herald, December 14, 2001.

“Burton Wants Bush to Turn Over Mob Documents,” Maureen Groppe, Gannet News Service, December 14, 2001.

“Debate Over Whether the USA Patriot Act will be Enough for Law Enforcement Officials to Protect Against Future Terrorist Activity,” Barbara Bradley, NPR, November 25, 2001.

“White House Seeks to Restore Its Privileges; Congress Finding Bush Administration Strongly Resists Some Requests for Internal Documents,” Ellen Nakashima and Dan Eggen, Washington Post, September 10, 2001.

“Experts Speculate on Senate Race,” Matt Atwood, Duke Chronicle, August 24, 2001.

“Bluster, Not Bacon, Gave ‘Senator No’ Edge; But with Helms’ Departure, GOP May Look to More Moderate Candidates in Effort to Retain His Seat,” Christopher Kirkpatrick, Durham Herald-Sun, August 23, 2001.

“Thank You, Dear Friends,” John Wagner, Raleigh News and Observer, August 23, 2001.

“Shift to Alter Image of NC Experts Say GOP Can Reshape Environment All Its Candidates Run In,” Ann Doss Helms, Charlotte Observer, August 22, 2001.

“Making Academic Marriages Work,” Jennifer Chorpening, Durham Herald-Sun, February 18, 2001

“Federal Prosecutors in New York Investigating Bill Clinton’s Last Minute Pardon of Fugitive Financier Marc Rich,” Barbara Bradley, NPR, February 15, 2001.

NewsHour Interview, Gwen Ifill, NPR, February 14, 2001.

“Duke Legal Journal Debates the Effects of Clinton’s Presidency,” Jennifer Chorpening, Durham Herald-Sun, January 21, 2001.

“Supreme Court Has a History of Surviving Crises,” Frank Davies and Frank Lockwood, Miami Herald, December 14, 2000.

“Scholars Say High Court Damaged Itself – and Bush,” Raleigh News and Observer, December 14, 2000.

“No ‘Crisis’ Yet from Electoral Uncertainty, Say Legal Scholars,” Robert

Kaiser, Washington Post, December 11, 2000.

“High Court Move Seen as Partisan; Critics Say the Supreme Court’s 5-4 Decision to Halt the Vote Count in Florida Jeopardizes Its Legitimacy,” Robert Kaiser, Contra Costa Times, December 10, 2000.

NewsHour Interview, Margaret Warner NPR, December 1, 2000.

“Duke Law Prof Mulls Options Facing the Nation,” Jennifer Chorpene, Durham Herald-Sun, November 11, 2000.

“Supreme Court to Hear Case on Clean Air Act’s Constitutionality,” Nina Totenberg, NPR, November 7, 2000.

“The Nation: Split Decisions; The Court Rules, America Changes,” Linda Greenhouse, New York Times, July 2, 2000.

“Senate Panel to Subpoena Documents on Elian Raid,” William Gibson, Fort Lauderdale, Sun-Sentinel, June 9, 2000.

“Local Scholars Say GOP Tactic Turns Process in New Direction,” James Shiffer, Raleigh News and Observer, December 13, 1998.

“Special Report: The Clinton Crisis; Starr’s Law School,” Chris Burritt, Atlanta Journal and Constitution, September 13, 1998.

“Clinton Missed His Chance to Appoint Liberal Judges, Lawyers Say,” Laurie Asseo, Associated Press, February 4, 1996.

The Hotline, July 25, 1990.

“Schroeder Helps Craft Progressive Agenda for Environment, Public Health,” Fall 2006, at 3-4, Duke Environmental law

All the following interviews are from DUKE LAW MAGAZINE:

Faculty Focus: Testimony, “Schroeder Says “Torture Memo” Skipped OLC Best Practices,” Winter 2009, Volume 27, Number 1, at 36.

Sustainable Advocacy: The Next Generation, “Christopher Schroeder: At the Intersection of Environment and Public Health,” Fall 2007/Winter 2008, Volume 25, Number 2, at 29.

“A Piece of History: Law Library Receives Nixon Letter Claiming Executive Privilege,” Spring 2006, Volume 24, Number 1, at 12.

“Altered Terrains: Duke Law Brings Experience and Insight to the Legal Dilemmas Raised by the War on Terror,” Spring 2005, at 18.

“Altered Terrains: Program in Public Law Offers Wide-Ranging Debate,” Spring 2005, at 24.

“Public Law Conference to Recognize Achievements of Professor William Van Alstyne,” Spring 2004, at 37.

“Justice Anthony M. Kennedy Offers Insight into Workings of U.S. Supreme Court,” Spring 2003, at 6.

“Public Law Conference Questions Characterizations of Law,” Spring 2003, at 8.

“Faculty Exchanges and Collaborations Add Perspectives,” Fall 2002, at 16.

“Ideas That Matter: The Law of Politics Conference,” Spring 2002, at 12.

“At Conference, Scholars Debate Status of the U.S. Constitution,” Spring 2001, at 8.

“Faculty in the News and on the Election,” Spring 2001, at 35.

“The Ken Starr Files: What Price Will Clinton Pay?”, Fall 1998, at 7, 8, 9.

“Dellinger, Powell and Schroeder: Duke’s Triumvirate in the Halls of Justice,” Spring 1997, at 3, 4.

“Extra-Curricular Activities: The Faculty and Public Service,” Winter 1991, at 23.

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.

**United States Department of Justice, Counselor to the Assistant Attorney General,
Office of Legal Counsel (April 1993 to January 1994)
950 Pennsylvania Avenue, NW
Washington, DC 20530
President William Clinton**

United States Department of Justice, Deputy Assistant Attorney General (April 1995 to January 1997)

**950 Pennsylvania Avenue, NW
Washington, DC 20530
President William Clinton**

**Senator Joseph R. Biden, Jr., Impeachment Trial Counsel January 1999 - February 1999)
221 Russell Senate Office Building
Washington, DC 20510**

**United States Senate Judiciary Committee, Chief Counsel (July 1992 - February 1993) 224 Dirksen Senate Office Building
Washington, DC 20510**

**United States Senate Judiciary Committee, Special Nominations Counsel July 1987-January 1988; February 1988 - June 1990; July 1991 - October 1991)
224 Dirksen Senate Office Building
Washington, DC 20510**

- 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.

None.

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 have not clerked for a judge.

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

I have not practiced law alone.

- 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.

Duke University, Professor of Law (July 1979 to present) and Professor of Public Policy Studies (1999 to present) and Director, Program in Public Law at Duke Law School (2000 to present)

**Duke University School of Law, Corner of Science and Towerview Drives,
Durham, NC 27708-0360**

**O'Melveny & Myers, of Counsel (August 2005 to present)
1625 Eye Street, Washington DC 20005**

**O'Melveny & Myers, consultant (Jan 2002 to August 2005)
1625 Eye Street, Washington DC 20005**

**Center for Progressive Reform, Vice President February 2002 - June 2008
455 Massachusetts Ave., NW #150-513
Washington, DC 20001**

**United States Department of Justice, Counselor to the Assistant Attorney General,
Office of Legal Counsel (April 1993 to January 1994)
950 Pennsylvania Avenue, NW
Washington, DC 20530**

**United States Department of Justice, Deputy Assistant Attorney General (April
1995 to January 1997)
950 Pennsylvania Avenue, NW
Washington, DC 20530**

**Senator Joseph R. Biden, Jr., Impeachment Trial Counsel January 1999 - February
1999)
221 Russell Senate Office Building
Washington, DC 20510**

**United States Senate Judiciary Committee, Chief Counsel (July 1992 - February
1993) 224 Dirksen Senate Office Building
Washington, DC 20510**

**United States Senate Judiciary Committee, Special Nominations Counsel July 1987-
January 1988; February 1988 - June 1990; July 1991 - October 1991)
224 Dirksen Senate Office Building
Washington, DC 20510**

**Armour, Schroeder, St. John Wilcox and Goodin, Partner (June 1977- June 1979)
505 Sansome Street, San Francisco, CA 94111 (current firm name: Goodin,
McBride, Squeri, Day & Lamprey)**

**Earl Warren Legal Institute, University of California, Berkeley, research associate
(June 1976- June 1977)**

415 Boalt Hall, Berkeley, CA 94720

**McCutchen, Doyle, Brown and Enersen, associate (June 1974 - June 1976)
Three Embarcadero Center, San Francisco, CA 94111
(current firm name: Bingham McCutchen)**

**McCutchen, Doyle, Brown and Enersen, summer associate (summer 1973)
Three Embarcadero Center, San Francisco, CA 94111
(current firm name: Bingham McCutchen)**

**Research Assistant to Professor John Hetland, University of California, Berkeley
(summer 1972)
467 Boalt Hall, Berkeley, CA 94720**

**New York City Bureau of the Budget, research associate (summer 1970)
1 Centre Street, NY, NY 10007
Dwight Hall, Yale University, summer intern (summer 1969)
67 High Street, New Haven, CT 06511**

- 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.

None.

b. Describe:

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

Between 1974 and 1979, I practiced law in San Francisco. Initially I was an associate with the firm of McCutchen, Doyle, Brown and Enersen. I was associated with the general federal and state litigation group. Assignments included work on a consumer class action case brought against Chevron Corporation for alleged defects in one line of gasoline sold in California; work on several employment discrimination actions; work on appellate briefs in several land use cases in the Lake Tahoe area.

After two years at McCutchen, I started a small firm with four colleagues. For the next two years most of my time consisted of two types of work. Our firm represented the receiver in bankruptcy of a real estate investment trust and involved efforts to recoup assets for the trust, which had been the general partner in a number of limited real estate partnerships in California and neighboring states. I also assisted the Environmental Defense Fund in intervening in rate cases of California public utilities before the California Public Utility Commission. The nature of EDF's intervention was to

encourage the PUC to require the utilities to investigate opportunities for saving energy through conservation measures and for investing in renewable resources as alternatives to approvals of new coal-fired power plant capacity.

Between 1979 and the present, I have been a law professor at Duke Law School, a position that I continue to hold. While I worked as a law professor during this period, I did not practice law. In the 1990s, I took several leaves of absence to work in the Office of Legal Counsel of the Department of Justice. In that capacity I provided legal advice to the President, the White House and other agencies and departments of government on a wide variety of legal subjects.

In 2002, I became a consultant to the firm of O'Melveny and Myers in Washington. Since 2005, I have held an of counsel position with O'Melveny and Myers in Washington DC. I have averaged approximately a day a week in this relationship. I am affiliated with the appellate practice group. I have provided advice and legal analysis to Bank of America on a patent reform amendment, to ExxonMobil on litigation filed against the company in federal district court in the District of Columbia involving their affiliate in Indonesia, to Morgan Stanley in perfecting an appeal to the United States Supreme Court from a lawsuit challenging the legality of long term energy contracts.

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

1974 to 1979:

General federal litigation, including class action defense, employment discrimination defense, land use and real estate litigation and public utility commission representation

Chevron Corporation

California Cannery and Growers

National Real Estate Fund

Environmental Defense Fund

1979 to 2002:

Administrative law, constitutional law, Clean Air Act administrative proceedings and representation

The United States of America

The Clean Air Trust

2002 to present:

General federal litigation, including alien tort claims act and related tort defense

Exxon Mobil

Bank of America

- 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

1974 to 1979: I appeared very infrequently during this period.

Federal courts 65%

State courts of record 30%

Other courts 0%

Administrative Agencies 5%

1979-2005: I never appeared in court during this period.

Federal courts 95%

Administrative Agencies 5%

2005 to Present: I never appeared in court during this period.

Federal courts 100%

During the periods in which I have practiced law my practice has concentrated on litigation. I have not appeared in court on behalf of a client since 1979. During my time as a professor of law, I have filed comments in rulemakings by the Environmental Protection Agency on behalf of the Clean Air Trust, but have not appeared before any administrative agency.

- ii. Indicate the percentage of your practice in:

1. civil proceedings;
2. criminal proceedings.

Civil proceedings: 100%

Criminal proceedings: 0%

- 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.

None.

- i. What percentage of these trials were:

1. jury;
2. non-jury.

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

I have authored one amicus brief, representing the Clean Air Trust in *Whitman v. American Trucking Association*, 531 U.S. 547 (2001).

I participated in writing a petition for certiorari on behalf of Exxon Mobil in *Exxon Mobil Corp v. John Doe*, 07-81 (2007).

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

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

None.

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.)

During the 1980s and early 1990s, I worked for the Senate Judiciary Committee in several different capacities, including as its general counsel. In that position I was responsible for supervising the staff that worked on the Committee's full legislative agenda as well as its nominations work. After these experiences, I had the privilege of working for the Office of Legal Counsel in the Department of Justice, including a period in which I was the acting AAG for the office. Here I worked on a wide variety of issues of constitutional law and statutory interpretation, advising both the President and other departments and agencies in the executive branch.

From 1999 to 2005 I provided legal advice on various occasions for the Clean Air Trust, a nonprofit organization devoted to supporting full implementation of the Clean Air Act. In that capacity, I wrote an amicus brief to the United States Supreme Court in the case of *Whitman v. American Trucking Association* (2001). The brief focused on the issue of how best to interpret the provision of the Clean Air Act requiring the Environmental Protection Agency to set air quality standards at a level “requisite to protect the public health.” In a unanimous opinion, the Supreme Court adopted the interpretation advanced in the amicus brief.

I also prepared on behalf of the Clean Air Trust a submission to the EPA in a rulemaking proceeding in which the EPA was proposing to revise rules governing the approval of new sources of air pollution. I also wrote and filed on the behalf of the Clean Air Trust an amicus brief to the federal Circuit Court of Appeals for the District of Columbia Circuit in support of a challenge brought against the final rule issued by the EPA.

Since 2005 I have had an of counsel relationship with the law firm of O’Melveny and Myers. I am affiliated with their appellate practice and in that capacity I have provided legal advice in several matters. The two most substantial matters upon which I have worked are:

1. O’Melveny provides advice to Exxon Mobil with regard to litigation pending in the federal district court in the District of Columbia. I have provided legal advice concerning jurisdictional and choice of law issues in that litigation.
2. O’Melveny has provided legal advice to Bank of America with respect to a possible amendment to the Patent Reform Act pending in the last Congress. The advice concerned the constitutionality of the proposed amendment as well as whether the amendment would expose the United States Treasury to potential liability. In addition to preparing memoranda memorializing this analysis, I attended a meeting with Senator Leahy to discuss the amendment, a meeting with Senator Leahy’s staff and a meeting with the staff of the Congressional Budget Office. In all cases, the purpose of my attendance was to discuss the constitutional issues and any other legal issues raised by the proposed amendment, should they arise.

The preceding paragraphs describe legal activities I have undertaken while on leaves of absence from my main career as a professor of law, or, in the case of my association with O’Melveny, as an adjunct to my work at my law school. When not engaged in the above pursuits, by far my most significant legal activities involve my law teaching and legal scholarship. In addition, I have worked on a variety of legal policy matters related to environmental law, one of my main fields of research and writing. I have served on two expert panels of the National Academies, one advising the EPA on how to regulate its use of experimental data developed from studies that intentional dose human beings with a toxic substance, the other advising the FDA on means to improve its regulation

of drug safety. This second report played a constructive role in the Congress's most recent consideration of revisions to FDA's enabling legislation.

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.

I have taught the following courses at Duke University. I have searched my files and copied the syllabi that I have located:

Environmental Law 1979 to present

Major topics: the History of Environmental Regulation, the Clean Air and Water Acts, Superfund and the Regulation of Toxic Substances

Constitutional Law, 1997 to present

Major topics: Separation of Powers, the Commerce Clause, Justiciability, Procedural Due Process and Equal Protection

Comparative Constitutional Law, 2002-2003

Major topics: Separation of Powers and Due Process.

Administrative Law, 1993-1998

Major topics: The Administrative Procedure Act, Justiciability

Congress (cross-registered with Public Policy) 1993 to present

Major topics: The legislative process, media coverage of the Congress, the role of staff, leadership, and the president in a legislator's decision making; the electoral connection, constituency service.

Toxic Substances Regulation 1988

Major topics: Common law approaches to toxics litigation; the Toxic Substances Control Act, the Resource Conservation and Recovery Act, the Superfund statute.

Property, 1990-1999

Estates in land, the Rule Against Perpetuities; Recording statutes; Covenants and Easements; Landlord/tenant.

Civil Procedure, 1979-1990

The Federal Rules of Civil Procedure, personal jurisdiction.

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.

I anticipate receiving approximately nine thousand dollars a year from book royalties for the environmental law casebook that I co-author.

I continue to hold interest in my 403(b) investment accounts, which have been contributed to by myself and Duke University. These assets are reflected in my

financial statement. Neither Duke University nor I will make any additional contributions to these accounts while I am serving in this position.

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

No.

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).

I am submitting a copy of the financial disclosure report.

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

See attached net worth statement.

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.

In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Justice's designated agency ethics official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with the Department's designated agency ethics official.

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

In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Justice's designated agency ethics official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with the Department's designated agency ethics official.

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.

I speak often to groups in North Carolina, Durham and Duke University on legal issues of concern to the public. My response to question 12(d) includes these speaking engagements from 1996 to the present. I have testified before Congressional committees in my private capacity. I have given advice on legal matters pending before the Congress to members of both the House and the Senate. I have spent considerable time working without compensation on projects addressing problems of environmental quality and human health. In recent years, much of that work has been through the Center for Progressive Reform. In my Of Counsel capacity at O'Melveny and Myers, I have supervised associates who are handling pro bono criminal appeals for the Maryland Office of the Public Defender.

FINANCIAL STATEMENT

NET WORTH

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

ASSETS				LIABILITIES			
Cash on hand and in banks	\$330,000			Notes payable to banks-secured	None		
U.S. Government securities-add schedule	None			Notes payable to banks-unsecured	None		
Listed securities-add schedule	\$3,162,655			Notes payable to relatives	None		
Unlisted securities--add schedule	\$30,000			Notes payable to others	None		
Accounts and notes receivable:	None			Accounts and bills due	None		
Due from relatives and friends	None			Unpaid income tax	None		
Due from others	None			Other unpaid income and interest	None		
Doubtful	None			Real estate mortgages payable-add schedule	\$384,000		
Real estate owned-add schedule	\$950,000			Chattel mortgages and other liens payable	None		
Real estate mortgages receivable	None			Other debts-itemize:	None		
Autos and other personal property	\$100,000						
Cash value-life insurance	\$5,000						
Other assets itemize:	None						
				Total liabilities	\$384,000		
				Net Worth	\$4,178,655		
Total Assets	\$4,562,655			Total liabilities and net worth	\$4,562,655		
CONTINGENT LIABILITIES				GENERAL INFORMATION			
As endorser, comaker or guarantor	None			Are any assets pledged? (Add schedule)	None		
On leases or contracts	None			Are you defendant in any suits or legal actions?	No		

Legal Claims	None	Have you ever taken bankruptcy?	No		
Provision for Federal Income Tax	None				
Other special debt	None				

Schedule of Listed Securities for Christopher Schroeder and Katharine T. Bartlett

Christopher Schroeder Retirement Accounts

TIAA Traditional (Annuity)	\$473,903.14
TIAA-CREF Stock	\$582,536.86
CREF Stock	\$134,976.81
TIAA-CREF International Equity Index Fund - Retirement Class	\$106,061.99
TIAA-CREF Large-Cap Value Fund - Retirement Class	\$69,986.10
TIAA-CREF Large-Cap Value Index Fund - Retirement Class	\$3,597.05
TIAA-CREF Mid-Cap Growth Fund - Retirement Class	\$44,557.03
TIAA-CREF Mid-Cap Value Fund - Retirement Class	\$31,637.44
TIAA-CREF Mid-Cap Value Index Fund - Retirement Class	\$39,539.16
TIAA-CREF Social Choice Equity Fund - Retirement Class	\$123,530.07
American Funds EuroPacific Growth Fund	\$28,651.21
TIAA- CREF Real Estate	\$43,926.91
TIAA- CREF Fixed Income	\$527,657.78
CREF Bond Market	\$416,197.47
CREF Inflation-Linked Bond	\$65,199.22
Western Asset Core Plus Bond Portfolio	\$40,520.97
TIAA-CREF High-Yield Fund - Retirement Class	\$5,740.12
CREF Money Market	\$41,965.70
TOTAL	\$1,669,990.39

Katharine Bartlett Retirement Accounts

TIAA Traditional (Annuity)	\$759,258.26
TIAA-CREF Stock	\$467,565.15
CREF Stock	\$28,815.64
TIAA-CREF International Equity Index Fund - Retirement Class	\$120,105.03
TIAA-CREF Large-Cap Value Fund - Retirement Class	\$62,172.58
TIAA-CREF Large-Cap Value Index Fund - Retirement Class	\$3,870.14
TIAA-CREF Mid-Cap Growth Fund - Retirement Class	\$49,844.95
TIAA-CREF Mid-Cap Value Fund - Retirement Class	\$60,332.04
TIAA-CREF Mid-Cap Value Index Fund - Retirement Class	\$6,540.99
TIAA-CREF Social Choice Equity Fund - Retirement Class	\$135,883.78
TIAA- CREF Real Estate	\$38,884.88
TIAA- CREF Fixed Income	\$106,216.77
CREF Bond Market	\$66,951.22
CREF Inflation-Linked Bond	\$27,596.73
Western Asset Core Plus Bond Portfolio	\$5,486.28
TIAA-CREF High-Yield Fund - Retirement Class	\$6,182.54
TOTAL	\$1,371,925.06

Christopher Schroeder and Katharine Bartlett joint brokerage account with TIAA-CREF Brokerage Services

COLUMBIA MID CAP VALUE FUND CLASS Z	\$3,569.82
NORTHERN SMALL CAP VALUE FUND	\$2,368.39
PIONEER CULLEN VALUE FUND CLASS A	\$11,331.28
T ROWE PRICE INTERNATIONAL GROWTH & INCOME ADV CLASS	\$9,834.24
T ROWE PRICE TAX FREE INCOME FUND ADVISOR CLASS	\$26,205.61
THORNBURG LIMITED TERM MUNICIPAL FUND CLASS A	\$24,818.96
TRANSAMERICA PREMIER EQUITY FUND INVESTOR CLASS	\$7,611.00
Cash Reserve	\$5000.00
Total	\$90,740.23

Unlisted Securities

Bartlett Land Trust	\$30,000
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Real Estate

Durham North Carolina	\$350,000.00
Belfast, Maine	\$600,000.00

Real Estate Mortgages

Wachovia Bank and Trust, (Durham property)	\$99,000.00
Countrywide, 3 Delemos Street, (Belfast property)	\$285,000.00