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:

*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:

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.


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


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

<table>
<thead>
<tr>
<th>Fund Name</th>
<th>Value</th>
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<td><strong>Total Listed Securities</strong></td>
<td><strong>$1,010,440</strong></td>
</tr>
</tbody>
</table>
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 20th 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., 11th Floor
Washington, D.C. 20005
Board Member (uncompensated)

2003-2010
Mental Disability Rights International
1154 15th 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 59th 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
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 15th Street, N.W.
Washington, D.C. 20005
Litigation Director (1975-1977)
Attorney (1972-1975)

1971-1972
Center for Law and Social Policy
1015 15th 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

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 12th 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
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, 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


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. 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).


**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.).


*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 290 (1985).


*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*
II. Juvenile Law


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


CARNEGIE COUNCIL ON CHILDREN, ALL OUR CHILDREN (Contributor) (1977).


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)).


III. Mental Disability Law

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)).


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

IV. Poverty and Public Interest Law


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/laworderreconsid00camrich/laworderreconsid00camrich_djvu.txt.


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


V. Administrative Law


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


The Realpolitik of Judicial Review in a Deregulation Era, 5 J. Pol'y Analysis & Mgt. 535 (1986).


Regulation at Risk: Are Courts Part of the Solution or Most of the Problem?, 67 S. Cal. L. Rev. 621 (1994).
Environmental Postcards From the Edge: The Year That Was and the Year That Might Be, 26 ENVTL. L. REP. 10182 (1996) (copy of document filed with 1996 speech file).


VI. Statutory Interpretation


VII. Constitutional Law


"One Nation Indivisible, With Liberty and Justice for All": Lessons From the American


The D. C. Circuit and the Struggle for Control of Presidential Information (with Jonathan Siegel), 90 GEO. L. J. 737 (2002).


Detention, chapter in PATRIOT ACT (Baker ed., 2005).

Symposium, Constitutional Stress: Interpretive and Historical Perspectives, 59 BULL. OF AM. ACAD. OF ARTS & SCI. (Winter 2006).

VIII. Judicial Process and Administration

Friends of the Court, APA MONITOR (Feb. 1982).


Interview: THE THIRD BRANCH, Vol. 18, No. 7 (July 1986).

The Court of Appeals: Address to Administrative Law and Agency Practice and Environment, Energy and Natural Resources Division of the District of Columbia Bar, reprinted in DISTRICT LAWYER (July-Aug. 1986).

Some Thoughts on Judging, 100 HARV. L. REV. 887 (Hundredth Anniversary Issue 1987).

Administering Justice, St. John's University Third Annual Joseph Belsky Memorial Lecture (February 1987).


Yale Was There, YALE LAW REPORT Fall 77-79 (1987).

Book Review, 7 J. POL'Y ANALYSIS & MGMT. 373 (reviewing STORM CENTER: THE SUPREME COURT IN AMERICAN POLITICS (Winter 1988)).

Technology and the Courts, in SCIENCE & TECHNOLOGY ADVICE TO THE PRESIDENT, CONGRESS, AND JUDICIARY (Golden ed. 1988).


Communicating With Juries (Panel Two: Innovations for Improving Communications and Views from Appellate Courts), 68 Ind. L. J. 1061 (1993).


Looking Back on Penn Central: A Panel Discussion with the Supreme Court Litigators, 15
IX. WOMEN


Glass Ceilings and Open Doors: A Reaction, 65 FORDHAM L. REV. 603 (1996)

Why Focus on Women Offenders?, 16 CRIM. JUST. 10 (Spring 2001).

Gender Matters, Women and Yale in its Third Century, "THE ANONYMOUS PAST, WOMEN AND INTERNATIONAL JUSTICE" (2003).

Six Not So Easy Pieces: One Woman Judge's Journey to the Bench and Beyond, 36 U. TOLEDO L. REV. 979 (2005).

X. General


Senior Day Address, 1984, University of Maryland Law School, *reprinted in* 29 LAW QUADRANGLE NOTES 37 (Fall 1984).

*Teaching the Trade: An Appellate Judge's View of Practice-Oriented Legal Education*, 36 J. LEGAL EDUC. 35 (1986).


Commencement Address, Washington College of Law, *reprinted in* THE ADVOCATE (Fall, 1989).


XI. Tributes


Remarks at Memorial Service for Judge David L. Bazelon, reprinted in CONG. REC. H729 (Feb. 23, 1993); LEGAL TIMES, March 1, 1993. (copy of document filed with speech file)


Tribute to Griffin Boyette Bell, 18 J. S. LEGALHIST. 185 (2010).

XI. International Law Publications


The Nexus, 18 ENVTL. FORUM 46 (Jan./Feb. 2001) (Environmental War Crimes).

Judging at the War Crimes Tribunal, 39 JUDGES JOURNAL 40 (Spring 2000).


"To Establish Incredible Events by Credible Evidence": the Use of Affidavit Testimony in


“Judging at the Hague,” 5 JUDICIAL DIVISION RECORD 19 (No. 4) (Summer 2002).

"Punishment of War Crimes by International Tribunals," 69 SOCIAL RESEARCH 1114 (No. 4) (2003).


Globalization and Human Rights (AALS Plenary Panel), 4 GERMAN LAW JOURNAL 381 (2003), available at www.germanlawjournal.com


Accountability for War Crimes, ASIL PROCEEDINGS OF THE 98TH ANNUAL MEETING at 192 (March 31-April 3, 2004).


Judging Genocide, Justice Initiatives (Spring 2006), at 85.


AN OUTSIDER'S LOOK AT THE WTO APPELLATE BODY, CHAPTER ON THE WTO: GOVERNANCE, DISPUTE SETTLEMENTS AND DEVELOPING COUNTRIES (Juris Publishing, Inc. (2008)).


Note from the Bench, CREATIVITY AT THE ICTY (Oxford Press 2010).


The Duty to Apply (Not) Make Law, WASH. POST, July 15, 2009 (on Sotomayor confirmation).


XIII. Op-Eds and Letters to the Editor

Restore Fairness to the Judiciary (with Michael Greco), BOSTON GLOBE, October 29, 2008, available at http://www.boston.com/bostonglobe/editorial_opinion/oped/articles/2008/10/30/restore_fairness_to_the_judiciary/


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.

I. Reports in which I authored parts or subscribed as a member of the issuing authority.

REPORT OF PRESIDENTS COMMISSION ON CRIME IN THE DISTRICT OF COLUMBIA (1966).

REPORT TO DC JUDICIAL CONFERENCE OF COMMITTEE ON THE ADMINISTRATION OF JUSTICE UNDER EMERGENCY CONDITIONS (1968).


REPORT OF JUDICIAL COUNCIL COMMITTEE TO STUDY OPERATION OF BAIL REFORM ACT IN DISTRICT OF COLUMBIA (May 1969).


LEGAL SERVICE CORPORATION SUPPORT CENTER STUDY (authored staff reports on Harvard Center for Law and Education and Legal Action Support Center) (Feb. 1976).

BAIL AND SUMMONS, INSTITUTE ON OPERATION OF PRETRIAL RELEASE PROJECTS (member planning committee and panel moderator) (1965).


Discovery in Federal Criminal Cases (data collection and planner of symposium), 33 FRD 37 (1963).

ATTACKING LITIGATION COST AND DELAY (member ABA Commission to Reduce Court Costs and Delay) (1990).


ABA REPORT ON SIGNING STATEMENTS (2006).


II. Letters and Statements


Letter to Chair and Ranking Member of Senate Armed Services Committee re: proposed


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, STATEMENT ON RESTORING HABEAS CORPUS RIGHTS ELIMINATED BY


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


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, 104th Cong. (May 9, 1995) (testimony).


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


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-


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.

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.


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.


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

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


Remarks to Paralegals, May 10, 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.


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


Conference on Negotiation Remarks, October 2, 1984.

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


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


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


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


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


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


Rita Charmatz Davidson, Reminiscence, January 1985.

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


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


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

Franklin Pierce Law Center Commencement, May 11, 1985.


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


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.


 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,


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


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


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


The Central and East European Law Initiative, Technical Assistance Workshop, Prague,
Czechoslovakia, April 22-26, 1991.


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

Remarks at University of Maryland School of Law Commencement Ceremony, Baltimore, Maryland, May 24, 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 at Suffolk University Law School, Donohue Lectures, Boston, Massachusetts, October 24, 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 University of Cincinnati College of Law, William Howard Taft Lecture on Constitutional Law (Footnoted and Short Versions), Cincinnati, Ohio, September 15, 1992.


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


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,


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


Remarks, Overview of Government Ethics, 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.


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


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


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


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


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


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


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


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


Third Branch Interview, March 2002.

Frederich Efert Symposium, April 2, 2002.
Appellate Division Judges Article

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


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


Gender Matters, Yale University


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

California State Bar/Temple University, September 2003.
Inns of Court Award, October 11, 2003.


CAIR Award, January 20, 2004.


American Lawyer Award, April 28, 2004.

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


Reflections, ABA Business Law Section, January 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.


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


St Thomas Law School Graduation, May 10, 2009.


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

NAWJ Award to Judge Kessler, May 24, 2010.


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

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

Judicial Investiture of Paul Engelmayr, November 29, 2011.

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


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).


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

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


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.

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).


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


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

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


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.


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

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


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


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.

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


IV. Media Clippings with Quotes


June 2000 Current Biography.


V. Programs Recorded by C-Span


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.


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)


supplied.


C-Span Interview on Pre-War Intelligence in Iraq, Apr. 1, 2005, *available at http://www.c-spanvideo.org/program/WarIntelli*.


April 2004: Interview with Julie Mertus for the article, *When the Fighting Stops: When Adding*


All Things Considered (NPR) (ICTY cases), Aug. 19, 2002. Tape available.


June 2000 Current Biography.


Jill Carroll, *Connecticut Native-Daughter Appointed to War Crimes Tribunal*, States News


supplied.


Rosalind Resnick, *Women in Law: Is There Life Beyond the Mommy Track?*, Miami Herald,


Interview, Third Branch (July 1986).


Ruth Marcus, Judge a Favorite with Conservative Lawyers, Activists, Washington Post, June 18,


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).

Prosecutor v. Krstic, ICTY (Trial Chamber), judgment of 2 August 2001, IT-98-33-T.


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


*Public Office Corp. v. Clinton for President Committee*, 194 F.3d 139 (D.C. Cir. 1999).


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County of Los Angeles v. Shalala, 192 F.3d 1005 (D.C. Cir. 1999).


Wackenhut Corp. v. N.L.R.B., 178 F.3d 543 (D.C. Cir. 1999).

Meredith v. Federal Mine Safety and Health Review Com’n, 177 F.3d 1042 (D.C. Cir. 1999).


VIP Health Services, Inc. v. N.L.R.B., 164 F.3d 644 (D.C. Cir. 1999).

Butler v. West, 164 F.3d 634 (D.C. Cir. 1999).


U.S. v. Richardson, 161 F.3d 728 (D.C. Cir. 1998).


Artis v. Greenspan, 158 F.3d 1301 (D.C. Cir. 1998)

Blair-Bey v. Quick, 159 F.3d 591 (D.C. Cir. 1998).


Blair-Bey v. Quick, 151 F.3d 1036 (D.C. Cir. 1998).


Board of Trustees of Hotel and Restaurant Employees Local 25 v. JPR, Inc., 136 F.3d 794, (D.C. Cir. 1998).


Koch Gateway Pipeline Co. v. F.E.R.C., 136 F.3d 810 (D.C. Cir. 1998).


LaFontant v. I.N.S., 135 F.3d 158 (D.C. Cir. 1998).


Melcher v. F.C.C., 134 F.3d 1143 (D.C. Cir. 1998).


American Coalition for Competitive Trade v. Clinton, 128 F.3d 761 (D.C. Cir. 1997).


Ferriso v. N.L.R.B., 125 F.3d 865 (D.C. Cir. 1997).


Speedrack Products Group, Ltd. v. N.L.R.B., 114 F.3d 1276 (D.C. Cir. 1997).

In re Sealed Case, 116 F.3d 550 (D.C. Cir. 1997).

In re Sealed Case, 121 F.3d 729 (D.C. Cir. 1997).

Exxon Corp. v. F.E.R.C., 114 F.3d 1252 (D.C. Cir. 1997).


U.S. v. Thomas, 114 F.3d 228 (D.C. Cir. 1997).


Action on Smoking and Health (ASH) v. Department of Labor, 107 F.3d 901 (D.C. Cir. 1997) (concurring).


MobileTel, Inc. v. F.C.C., 107 F.3d 888 (D.C. Cir. 1997).


Allegheny Ludlum Corp. v. N.L.R.B., 104 F.3d 1354 (D.C. Cir. 1997).

Food Lion, Inc. v. United Food and Commercial Workers Intern. Union, AFL-CIO-CLC, 103 F.3d 1007 (D.C. Cir. 1997).

Student Loan Marketing Ass'n v. Riley, 104 F.3d 397 (D.C. Cir. 1997) (concurring).


Beverly Health and Rehabilitation Services, Inc. v. Feinstein, 103 F.3d 151 (D.C. Cir. 1996).


Swan v. Clinton, 100 F.3d 973 (D.C. Cir. 1996).

U.S. v. Mangum, 100 F.3d 164 (D.C. Cir. 1996).


Board of Trustees of Hotel and Restaurant Employees Local 25 v. Madison Hotel, Inc., 97 F.3d 1479 (D.C. Cir. 1996).


Kwik Care Ltd. v. N.L.R.B., 82 F.3d 1122 (D.C. Cir. 1996).


Canadian American Oil Co. v. N.L.R.B., 82 F.3d 469 (D.C. Cir. 1996).
Vulcan Arbor Hill Corp. v. Reich, 81 F.3d 1110 (D.C. Cir. 1996).


Air Transport Ass'n of America v. Reno, 80 F.3d 477 (D.C. Cir. 1996).


Omnipoint Corp. v. F.C.C., 78 F.3d 620 (D.C. Cir. 1996) (dissenting in part).


Anthony Crane Rental, Inc. v. Reich, 70 F.3d 1298 (D.C. Cir. 1995).


Qi-Zhuo v. Meissner, 70 F.3d 136 (D.C. Cir. 1995).


Dickson v. Secretary of Defense, 68 F.3d 1396 (D.C. Cir. 1995).

City of Cleveland, Ohio v. U.S. Nuclear Regulatory Com'n, 68 F.3d 1361 (D.C. Cir. 1995).

In re Sealed Case, 67 F.3d 965 (D.C. Cir. 1995).


American Medical Ass'n v. Reno, 57 F.3d 1129 (D.C. Cir. 1995).


Alliance for Community Media v. F.C.C., 56 F.3d 105 (D.C. Cir. 1995) (dissenting).


American Train Dispatchers Ass'n v. I.C.C., 54 F.3d 842 (D.C. Cir. 1995) (dissenting).

JAJ Cellular v. F.C.C., 54 F.3d 834 (D.C. Cir. 1995).


Southwest Merchandising Corp. v. N.L.R.B., 53 F.3d 1334 (D.C. Cir. 1995).


Norinsberg Corp. v. U.S. Dept. of Agriculture, 47 F.3d 1224 (D.C. Cir. 1995).


U.S. v. Lindsey, 47 F.3d 440 (D.C. Cir. 1995).

American Scholastic TV Programming Foundation v. F.C.C., 46 F.3d 1173 (D.C. Cir. 1995).

Burns v. Director, Office of Workers' Compensation Programs, 41 F.3d 1555 (D.C. Cir. 1994).


CNG Transmission Corp. v. F.E.R.C., 40 F.3d 1289 (D.C. Cir. 1994).

Power, Inc. V. N.L.R.B., 40 F.3d 409 (D.C. Cir. 1994).


Steffan v. Perry, 41 F.3d 677 (D.C. Cir. 1994) (dissenting).


Detweiler v. Pena, 38 F.3d 591(D.C. Cir. 1994).

Kartseva v. Department of State, 37 F.3d 1524 (D.C. Cir. 1994).

U.S. v. Ashley, 37 F.3d 678 (D.C. Cir. 1994).


U.S. v. Wilson, 26 F.3d 142 (D.C. Cir. 1994).


Petroleum Communications, Inc. v. F.C.C., 22 F.3d 1164 (D.C. Cir. 1994).

U.S. v. Cicero, 22 F.3d 1156 (D.C. Cir. 1994).

Association of Civilian Technicians, Montana Air Chapter No. 29 v. Federal Labor Relations Authority, 22 F.3d 1150 (D.C. Cir. 1994).

Caterair Intern. v. N.L.R.B., 22 F.3d 1114 (D.C. Cir. 1994).


Hartman v. Duffey, 19 F.3d 1459 (D.C. Cir. 1994).

Southwestern Bell Telephone Co. v. F.C.C., 19 F.3d 1475 (D.C. Cir. 1994).


Southwestern Bell Telephone Co. v. F.C.C., 10 F.3d 892 (D.C. Cir. 1993).


Orengo Caraballo v. Reich, 11 F.3d 186 (D.C. Cir. 1993).


Alliance for Community Media v. F.C.C., 10 F.3d 812 (D.C. Cir. 1993).


U.S. v. Clark, 8 F.3d 839 (D.C. Cir. 1993).

Western Resources, Inc. v. F.E.R.C., 9 F.3d 1568 (D.C. Cir. 1993).


LaRouche v. Federal Election Com'n, 996 F.2d 1263 (D.C. Cir.1993) (concurring in part and dissenting in part).


Owner-Operator Independent Drivers Ass'n, Inc. v. Pena, 996 F.2d 338 (D.C. Cir. 1993) (dissenting).


City of Mesa, Ariz. v. F.E.R.C., 993 F.2d 888 (D.C. Cir. 1993).
McElroy Electronics Corp. v. F.C.C., 990 F.2d 1351 (D.C. Cir. 1993).


Atlanta College of Medical and Dental Careers, Inc. v. Riley, 987 F.2d 821 (D.C. Cir. 1993).


New York State Dept. of Law v. F.C.C., 984 F.2d 1209 (D.C. Cir. 1993).


Casey v. Department of State, 980 F.2d 1472 (D.C. Cir. 1992) (concurring).


LTV Corp. v. Gulf States Steel, Inc. of Alabama, 969 F.2d 1050 (D.C. Cir. 1992).


Ayuda, Inc. v. Thornburgh, 948 F.2d 742 (D.C. Cir. 1991) (dissenting).


Simmons v. I.C.C., 934 F.2d 363 (D.C. Cir. 1991) (dissenting).


Republic of Transkei v. I.N.S., 923 F.2d 175 (D.C. Cir. 1991).


Brown v. Secretary of Army, 918 F.2d 214 (D.C. Cir. 1990) (dissenting in part).


Secretary of Labor, Mine Safety and Health Admin. v. Western Fuels-Utah, Inc., 900 F.2d 318 (D.C. Cir. 1990).


Walt Disney Co. v. Powell, 897 F.2d 565 (D.C. Cir. 1990).


Western Fuels-Utah, Inc. v. Lujan, 895 F.2d 780 (D.C. Cir. 1990).


In re Sealed Case (Juvenile Transfer), 893 F.2d 363 (D.C. Cir. 1990).


Secretary of Labor, Mine Safety and Health Admin. on Behalf of Keene v. Mullins, 888 F.2d 1448 (D.C. Cir. 1989).

Waters v. Thornburgh, 888 F.2d 870 (D.C. Cir. 1989).


Harmon v. Thornburgh, 878 F.2d 484 (D.C. Cir. 1989).


Carpenters Local No. 33, a/w United Broth. of Carpenters and Joiners of America, AFL-CIO v. N.L.R.B., 873 F.2d 316 (D.C. Cir. 1989) (concurring in judgment only).


In re Thornburgh, 869 F.2d 1503 (D.C. Cir. 1989).

Hispanic Information & Telecommunications Network, Inc. v. F.C.C., 865 F.2d 1289 (D.C. Cir. 1989).


Maldonado-Perez v. I.N.S., 865 F.2d 328 (D.C. Cir. 1989) (dissenting).


Tennessee Gas Pipeline Co., a Div. of Tenneco Inc. v. F.E.R.C., 860 F.2d 446 (D.C. Cir. 1988).


Kansas Power and Light Co. v. F.E.R.C., 851 F.2d 1479 (D.C. Cir. 1988).


Siegel v. Lyng, 851 F.2d 412 (D.C. Cir. 1988).


California Ass'n of Physically Handicapped, Inc. v. F.C.C., 848 F.2d 1304 (D.C. Cir. 1988) (dissenting).


Center for Auto Safety v. Thomas, 847 F.2d 843 (D.C. Cir. 1988).


1991) (dissenting).


Queen v. Washington Metropolitan Area Transit Authority, 842 F.2d 476 (D.C. Cir. 1988).


Telecommunications Research and Action Center v. F.C.C., 836 F.2d 1349 (D.C. Cir. 1988).


Century Communications Corp. v. F.C.C., 835 F.2d 292 (D.C. Cir. 1987).


Central Television, Inc. v. F.C.C., 834 F.2d 186 (D.C. Cir. 1987).

Midwest Gas Users Ass'n v. F.E.R.C., 833 F.2d 341 (D.C. Cir. 1987).


Northern Natural Gas Co., Div. of Inter-North, Inc. v. F.E.R.C., 827 F.2d 779 (D.C. Cir. 1987) (dissenting).


Consolidated Edison Co. of New York, Inc. v. F.E.R.C., 823 F.2d 630 (D.C. Cir. 1987).


Illinois Commerce Com'n v. I.C.C., 819 F.2d 311 (D.C. Cir. 1987).


Durns v. Bureau of Prisons, 806 F.2d 1122 (D.C. Cir. 1986) (dissenting from denial of rehearing en banc).


Consolidated Oil & Gas, Inc. v. F.E.R.C., 806 F.2d 275, (D.C. Cir. 1986).


American Bankers Ass'n v. S.E.C., 804 F.2d 739 (D.C. Cir. 1986).


Center for Science in the Public Interest v. Department of Treasury, 797 F.2d 995 (D.C. Cir. 1986).


Aaacon Auto Transport, Inc. v. I.C.C., 792 F.2d 1156 (D.C. Cir. 1986).


Church of Scientology of California v. I.R.S., 792 F.2d 153 (D.C. Cir.1986) (dissenting).


Swanson Min. Corp. v. F.E.R.C., 790 F.2d 96 (D.C. Cir. 1986).

U.S. v. Wright, 783 F.2d 1091 (D.C. Cir. 1986).


Southern Bell Tel. & Tel. Co. v. F.C.C., 781 F.2d 209 (D.C. Cir. 1986).


California Ass'n of Physically Handicapped, Inc. v. F.C.C., 778 F.2d 823 (D.C. Cir. 1985) (dissenting).


Noxell Corp. v. Firehouse No. 1 Bar-B-Que Restaurant, 774 F.2d 1180 (D.C. Cir. 1985) (on suggestion for rehearing en banc).

National Treasury Employees Union v. Federal Labor Relations Authority, 774 F.2d 1181 (D.C. Cir. 1985).


Steele v. F.C.C., 770 F.2d 1192 (D.C. Cir. 1985) (dissenting).

Noxell Corp. v. Firehouse No. 1 Bar-B-Que Restaurant, 771 F.2d 521 (D.C. Cir. 1985) (dissenting).


American Financial Services Ass'n v. F.T.C., 767 F.2d 957 (D.C. Cir. 1985).

Natural Gas Pipeline Co. of America v. F.E.R.C., 765 F.2d 1155 (D.C. Cir. 1985).

Simplex Time Recorder Co. v. Secretary of Labor, 766 F.2d 575 (D.C. Cir. 1985) (dissenting only as to part VIII(A))


Eastern Carolinas Broadcasting Co. v. F.C.C., 762 F.2d 95 (D.C. Cir. 1985).


Davis v. Giles, 769 F.2d 813 (D.C. Cir. 1985) (dissenting).

Mississippi River Transmission Corp. v. F.E.R.C., 759 F.2d 945 (D.C. Cir. 1985).


Gott v. Walters, 756 F.2d 902 (D.C. Cir. 1985) (dissenting).


Krodel v. Young, 748 F.2d 701 (D.C. Cir. 1984).


General Motors Corp. v. Ruckelshaus, 742 F.2d 1561 (D.C. Cir. 1984).

Neighborhood TV Co., Inc. v. F.C.C., 742 F.2d 629 (D.C. Cir. 1984).


Kennedy for President Committee v. Federal Election Com'n, 734 F.2d 1558 (D.C. Cir. 1984).
Reagan for President Committee v. Federal Election Com'n, 734 F.2d 1569 (D.C. Cir. 1984).


Cleveland Television Corp. v. F.C.C., 732 F.2d 962 (D.C. Cir. 1984).


Fort Pierce Utilities Authority of City of Fort Pierce v. F.E.R.C., 730 F.2d 778 (D.C. Cir. 1984).


Sotomayor v. F.C.C., 721 F.2d 1408 (D.C. Cir. 1983).

Conair Corp. v. N.L.R.B., 721 F.2d 1355 (D.C. Cir. 1983).

Railroad Yardmasters of America v. Harris, 721 F.2d 1332 (D.C. Cir. 1983) (dissenting).


American Friends Service Committee v. Webster, 720 F.2d 29 (D.C. Cir. 1983).


Central Vermont Ry., Inc. v. I.C.C., 711 F.2d 331 (D.C. Cir. 1983).

Lamoille Valley R. Co. v. I.C.C., 711 F.2d 295 (D.C. Cir. 1983).


Halberstam v. Welch, 705 F.2d 472 (D.C. Cir. 1983).


Gull Airborne Instruments, Inc. v. Weinberger, 694 F.2d 838 (D.C. Cir. 1982).


U.S. v. Mangieri, 694 F.2d 1270 (D.C. Cir. 1982).


Hensley v. Washington Metropolitan Area Transit Authority, 690 F.2d 1054 (D.C. Cir. 1982).


Kentucky Utilities Co. v. F. E. R. C., 689 F.2d 207 (D.C. Cir. 1982).

De Medina v. Reinhardt, 686 F.2d 997 (D.C. Cir. 1982).

Martin v. Lauer, 686 F.2d 24 (D.C. Cir. 1982).

Local 1219, American Federation of Government Employees v. Donovan, 683 F.2d 511 (D.C. Cir. 1982).


Flannery v. President and Director of Georgetown College, 679 F.2d 960 (D.C. Cir. 1982) (dissenting).


Puerto Rico Maritime Shipping Authority v. Federal Maritime Com'n, 678 F.2d 327 (D.C. Cir.


In re Sealed Case, 146 F.3d 1031 (D.C. Cir. 1998) (concurring).


Greentree v. U.S. Customs Service, 674 F.2d 74 (D.C. Cir. 1982).

Stewart v. Smith, 673 F.2d 485 (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).


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).


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


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


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


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


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


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


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


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


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.


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;


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 12th St NW, Washington, D.C.


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.)


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.


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:

\textit{In re Winship}, 397 U.S. 358 (1970) (Juvenile’s right to proof beyond a reasonable doubt standard.)

\textit{McKeiver v. Pennsylvania}, 403 US 528 (1971) (Juvenile’s right to jury trial)

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, 19); 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 F2d 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)

Stephani Chandler
(NOTARY)

District of Columbia: SS
Subscribed and sworn to before me, in my presence.

3/26, 2012
By: ________________

Stephani Chandler, Notary Public
My commission expires: December 14, 2016