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9-14-2007

2007-2008 Supreme Court Preview: Schedule

Institute of Bill of Rights Law, William & Mary Law School

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2007-2008 Supreme Court Preview

Schedule of Events

Friday, September 14, 2007

WELCOME	6:05 p.m.
I. Executive Power and the War on Terror	6:10 p.m.
II. Moot Court: The Guantanamo Detainees and the Military Commissions Act	7:10 p.m.
III. The Roberts Court	8:20 p.m.

Saturday, September 15, 2007

IV. Individual Rights	9:00 a.m.
V. Business	10:00 a.m.
VI. Criminal	11:00 a.m.
Lunch Break	12:15 p.m.
VII. Election Law	1:30 p.m.
VIII. Judicial Modesty	2:30 p.m.

2007-2008 Supreme Court Preview

Who's Who on the Panels

JOAN BISKUPIC has covered the Supreme Court since 1989 and is the author of *Sandra Day O'Connor: How the First Woman on the Supreme Court Became Its Most Influential Justice*, published by HarperCollins in 2005. She currently is working on a biography of Justice Antonin Scalia, to be published by Farrar, Straus & Giroux. Before joining *USA TODAY* in 2000, she was the Supreme Court reporter for the *Washington Post* (1992-2000) and legal affairs writer for *Congressional Quarterly* (1989-1992). Biskupic holds a law degree from Georgetown University. She is also the author of several legal reference books, including *Congressional Quarterly's* two-volume encyclopedia on the Supreme Court (3rd Ed., 1997, with co-author Elder Witt). She won the Everett McKinley Dirksen award for distinguished reporting of Congress for her coverage of the Clarence Thomas nomination in 1991.

BETH BRINKMANN is chair of the Appellate Practice Group at the law firm of Morrison & Foerster LLP. She is a partner in the firm's Washington, D.C. Office, where her primary focus is on litigation in the Supreme Court of the United States and other appellate matters. Ms. Brinkmann has argued 21 cases before the Supreme Court and regularly files briefs in numerous cases before the Court each Term. She previously served for 8 years as an Assistant to the Solicitor General of the United States. She also served as an Assistant Federal Public Defender in Washington, D.C., and practiced in a small law firm in San Francisco. She received her A.B. from the University of California, Berkeley, and her J.D. from Yale Law School. She clerked for Judge Phyllis Kravitch of the United States Court of Appeals for the Eleventh Circuit, and for Justice Harry A. Blackmun of the United States Supreme Court.

ERWIN CHEMERINSKY, Alston & Bird Professor of Law and Political Science, joined the Duke Law faculty on July 1, 2004. From 1983 to 2004, he was the Sydney M. Irmas Professor of Public Interest Law, Legal Ethics, and Political Science at the University of Southern California Law School. He is the author of four books: *Federal Jurisdiction* (Aspen Law & Business 4th ed. 2003), a one-volume treatise on federal courts; *Constitutional Law: Principles and Policies* (Aspen Law & Business 3d ed. 2006), a one-volume treatise on constitutional law; *Constitutional Law* (Aspen Law & Business 2d ed. 2005), a casebook; and *Interpreting the Constitution* (Praeger 1987). Professor Chemerinsky frequently argues appellate cases, including in the Supreme Court.

JAMES E. COLEMAN is the Professor of the Practice of Law at Duke Law School where he teaches criminal law, legal ethics, negotiation and mediation, capital punishment, and wrongful convictions. Professor Coleman's prior legal experience includes serving as Chief Counsel for the U.S. House of Representatives ethics investigation of Pennsylvania Representatives Joshua Eilberg and Dan Flood, the Deputy General Counsel of the Department of Education, as Assistant General Counsel of the Legal Services Corporation and as a partner at the law firm of Wilmer, Cutler and Pickering. In private practice, he specialized in federal court and administrative litigation and represented criminal defendants in capital collateral proceedings. Professor Coleman is a graduate of Harvard College and Columbia Law School.

TED CRUZ serves as the Solicitor General of Texas. The chief appellate lawyer for Texas, he has authored over seventy U.S. Supreme Court briefs and presented twenty-seven oral arguments, including six in the U.S. Supreme Court. For four consecutive years, he has won the Best Brief Award by the National Association of Attorneys General (NAAG), for best U.S. Supreme Court brief in 2003, 2004, 2005, and 2006. He also serves as an Adjunct Professor at the University of Texas Law School, where he teaches U.S. Supreme Court Litigation. Ted previously served as the Director of the Office of Policy Planning for the Federal Trade Commission, as Associate Deputy Attorney General at the U.S. Department of Justice, and as Domestic Policy Advisor to President George W. Bush on the 2000 Bush-Cheney campaign. Ted graduated from Princeton University and magna cum laude from Harvard Law School, and he served as a law clerk for Judge J. Michael Luttig on the Fourth Circuit and for Chief Justice William H. Rehnquist. He is the only Hispanic in history to have clerked for the Chief Justice of the United States.

WALTER DELLINGER is head of the Appellate Practice at O'Melveny & Myers and is the Douglas B. Maggs Professor of Law at Duke University. He served as acting Solicitor General for the 1996-97 Term of the Supreme Court. During that time, Walter argued nine cases before the Court, the most by any Solicitor General in more than 20 years. His arguments included cases dealing with physician-assisted suicide, the line item veto, the cable television act, the Brady Act, the Religious Freedom Restoration Act, and the constitutionality of remedial services for parochial school children.

His most recent successful arguments before the U.S. Supreme Court include *Jackson v. Birmingham School District*, *Brown v. Legal Foundation of Washington*, *U.S. Airways v. Barnett*, *Utah v. Evans*, *Hunt v. Cromartie*, and *Hunt v. Easley*. His recent Court of Appeals arguments include *Martha Stewart v. United States*, *Whiteside v. United States*, *Exxon v. Alabama*, and *LCI v. Phillips*.

He is currently serving as Special Counsel to the Board of Directors of the New York Stock Exchange in connection with the NYSE's transformation into a publicly held company and its acquisition of an electronic trading company.

After serving in early 1993 in the White House as an advisor to the President on constitutional issues, Walter was nominated by the President to be Assistant Attorney General and head of the Office of Legal Counsel (OLC) and was confirmed by the Senate in October 1993 and served for three years. As head of the OLC, Walter issued opinions on a wide variety of issues, including: the President's authority to deploy United States forces in Haiti and Bosnia; whether the Uruguay Round GATT Agreements required treaty ratification; and a major review of separation of powers questions. He provided extensive legal advice on questions arising out of the shutdown of the federal government, on national debt ceiling issues, and on loan guarantees for Mexico.

Walter has published articles on constitutional issues for scholarly journals including the *Harvard Law Review*, the *Yale Law Journal*, and the *Duke Law Journal*, and has written for the *New York Times*, the *Washington Post*, *Newsweek*, the *New Republic* and the *London Times*. He has been a visiting professor at the Catholic University of Belgium and has given lectures to university faculties in Florence, Siena, Nuremberg, Copenhagen, Leiden, Utrecht, Tilburg,

Mexico, and Rio de Janeiro and has delivered major lectures at Stanford, Yale, Harvard, Michigan, Berkeley, Penn, Duke, Chicago, and other U.S. law schools. He has testified more than 25 times before committees of Congress.

LYLE DENNISTON is covering the Supreme Court for an online legal clearinghouse about the Court, *SCOTUSblog*, and is the Supreme Court correspondent for Station WBUR, an NPR affiliate in Boston. He is a graduate of the University of Nebraska, and received a master's degree in history and political science from Georgetown University. After retiring from the *Baltimore Sun*, he covered the Court for three years for the *Boston Globe*. He is the longest-serving correspondent for any news organization covering the Court. He is a recipient of the annual Toni House Award from the American Judicature Society for his career in covering the law, and has been named to the Hall of Fame of the Washington, D.C., chapter of the Society of Professional Journalists. He has received an Honorary Doctor of Laws degree from the Massachusetts School of Law in Andover. He is the author of *The Reporter and The Law: Techniques of Covering the Courts* (Columbia University Press, 1992), and is a chapter author for *A Year in the Life of the Supreme Court* (Duke University Press, 1995), which won the 1996 ABA Silver Gavel Award. He contributed two articles to *100 Americans Making Constitutional History* (ed. by Melvin Urofsky, CQ Press, 2004) and a chapter to *The Public Debate over Controversial Supreme Court Decisions* (ed. by Melvin Urofsky, CQ Press, 2006).

DAVISON M. DOUGLAS is the Arthur B. Hanson Professor of Law at the William and Mary School of Law and Director of the law school's Election Law Program. He received his A.B. from Princeton University, his Ph.D. in History from Yale University, and his J.D. from Yale Law School. He also has an M.A.R. from Yale Divinity School. Before joining the William and Mary faculty of law in 1990, he was a partner in a Raleigh, North Carolina, law firm and a law clerk for Judge Walter R. Mansfield of the United States Court of Appeals for the Second Circuit. Douglas is the author of *Jim Crow Moves North: The Battle Over Northern School Desegregation, 1865-1954* (2005), *Reading, Writing and Race: The Desegregation of the Charlotte Schools* (1995), and the co-editor of *A Year at the Supreme Court* (2004) and *Redefining Equality* (1998) (both with Neal Devins). He has also co-authored a constitutional law casebook, *Constitutional Law in Context* (2003, 2006) and is currently writing a biography of Pauli Murray. Douglas is a visiting professor at Cornell Law School during the fall semester 2007.

MICHAEL GERHARDT is the Samuel Ashe Distinguished Professor of Constitutional Law and Director of the Center on Law and Government at the University of North Carolina Law School. He is the author of several books, including *The Federal Impeachment Process: A Constitutional and Historical Analysis* (2nd edition, 2000); *The Federal Appointments Process: A Constitutional and Historical Analysis* (revised edition, 2003), and *The Power of Precedent*, which will be published by Oxford University Press in December 2007. He is also the co-author of the first, second, and third editions of a reader on constitutional theory, and has written more than fifty law review articles on different topics in constitutional law. He has consulted with members of Congress on many occasions. He testified as the only joint witness in the House Judiciary Committee's 1998 hearing on the history of the federal impeachment process. More recently, he defended the constitutionality of the filibuster before the Senate Rules and Judiciary Committees, testified before the House Judiciary Committee in opposition to proposed measures

to strip certain claims relating to gay marriage and the First Amendment from federal jurisdiction, and testified before the Senate Judicial Committee on the nomination of Justice Samuel Alito, Jr. In addition, he served as a special consultant to the National Commission on Judicial Discipline and Removal, to the Presidential Transition in 1992-93 and to the White House on the nomination of Stephen Breyer to the United States Supreme Court. Besides serving as CNN's resident impeachment expert during President Clinton's impeachment proceedings, he recently served as an expert for National Public Radio during the confirmation hearings for Chief Justice John Roberts. Professor Gerhardt maintains a relationship with the Institute of Bill of Rights Law at William & Mary Law School, and is currently working on a book, *The Constitutional Legacy of the Forgotten Presidents*, which Yale University Press will publish.

LINDA GREENHOUSE has been on the staff of the *New York Times* since 1968. She has covered politics, the New York State Legislature, the United States Congress and, since 1978, the Supreme Court. She received her B.A. from Radcliff and earned a Masters of Studies in Law from Yale. She has eight honorary degrees. Greenhouse is a fellow of the American Academy of Arts and Sciences and a member of the American Philosophical Society. For her coverage of the Supreme Court, she was awarded a Pulitzer Prize in journalism (best reporting) in 1998. In 2002, the American Law Institute awarded her the Henry J. Friendly Medal for contributions to the law. She also received the Legal Writing Institute's Gold Pen Award and the Carey McWilliams Award from the American Political Science Association "for a major journalistic contribution to our understanding of politics." In 2004 she received the Goldsmith Career Award for Excellence in Journalism from Harvard University's Kennedy School of Government. Her book, *Becoming Justice Blackmun: Harry Blackmun's Supreme Court Journey*, was published in 2005.

PAMELA KARLAN is the Kenneth and Harle Montgomery Professor of Public Interest Law at Stanford Law School where she is also co-director of the Stanford Law School Supreme Court Litigation Clinic. She is co-author of three leading casebooks on constitutional law, civil rights litigation, and regulation of the political process, as well as numerous scholarly articles. In the past several terms, the Stanford Clinic has represented the parties in more than a dozen merits cases, as well as representing numerous amici and a number of other petitioners or respondents at the certiorari stage. Karlan received her B.A., M.A. (history), and J.D. from Yale, and prior to entering academe, she served as a law clerk to Judge Abraham D. Sofaer of the United States District Court for the Southern District of New York and to Justice Harry A. Blackmun of the United States Supreme Court and as an assistant counsel at the NAACP Legal Defense and Educational Fund.

DAHLIA LITHWICK is a senior editor at Slate. She received a 2001 Online Journalism Award for her "Supreme Court Dispatches." Her work has appeared in *The New York Times*, *The New Republic*, *Commentary*, *The Washington Post*, and *The American Lawyer*. She is co-author of *Me vs. Everybody* published in 2003 by Workman Publishing. Lithwick graduated in 1996 from Stanford Law School and clerked for Chief Judge Procter R. Hug on the 9th Circuit Court of Appeals. She lives in Charlottesville, VA with her family.

MICHAEL W. McCONNELL After 17 years teaching constitutional law and related subjects at the University of Chicago and later the University of Utah, Michael W. McConnell became a Circuit Judge on the U.S. Court of Appeals for the Tenth Circuit in December 2002. He continues to teach part time as Presidential Professor at the S.J. Quinney College of Law at the University of Utah and as a visiting professor at Harvard and Stanford Law Schools.

In his academic work, McConnell has written widely on such subjects as freedom of religion, segregation, unenumerated rights, and constitutional history and theory. He is co-editor of *Religion and the Law* (Aspen Pub. Co. 2002) and *Christian Perspectives on Legal Thought* (Yale Univ. Press 2002).

McConnell was born in Louisville, Kentucky, on May 18, 1955. He graduated from Michigan State University (B.A. 1976) and the University of Chicago Law School (J.D. 1979). Before entering teaching, he served as law clerk to Chief Judge J. Skelly Wright on the United States Court of Appeals for the D.C. Circuit and for Associate Justice William J. Brennan, Jr., on the United States Supreme Court, as Assistant General Counsel of the Office of Management and Budget, and as Assistant to the Solicitor General of the United States. Before moving to Utah, he was on the faculty at the University of Chicago Law School, where he held the William B. Graham Chair. Before becoming a judge, McConnell argued eleven cases in the Supreme Court, and served as Chair of the Constitutional Law Section of the Association of American Law Schools, Co-Chair of the Emergency Committee to Defend the First Amendment, member of the President's Intelligence Oversight Board, and special counsel to Mayer, Brown, Rowe & Maw. In 1996, he was elected a Fellow of the American Academy of Arts and Sciences.

CARTER G. PHILLIPS is the Managing Partner of the Washington, D.C. office of Sidley Austin LLP, and is a member of the firm's Management Committee. He served as a law clerk to both Judge Robert Sprecher on the United States Court of Appeals for the Seventh Circuit and Chief Justice Warren E. Burger on the United States Supreme Court. Mr. Phillips served as Assistant to the Solicitor General for three years, during which time he argued nine cases on behalf of the federal government in the United States Supreme Court. Since joining Sidley Austin LLP, Mr. Phillips has argued 45 cases before the Supreme Court for a career total of 54 appearances, as well as over 65 cases in the courts of appeals. Mr. Phillips has argued nine cases in the past two terms.

Examples of some of his cases from last Term are as follows:

Tellabs v. Makor Issues & Rights, which determined whether a complaint asserting a claim of securities fraud has alleged facts sufficient to establish a "strong inference" that the defendant acted with scienter, as required under the Private Securities Litigation Reform Act. *Norfolk Southern v. Sorrell* which determined whether the court below erred in determining that the causation standard for employee contributory negligence under FELA differs from the causation standard for the railroad's negligence.

JEFFREY ROSEN is a professor of law at George Washington University and the legal affairs editor of *The New Republic*. His new book is *The Supreme Court: The Personalities and Rivalries that Defined America*, the companion book to the PBS series on the Supreme Court. He

is also the author of *The Most Democratic Branch*, *The Naked Crowd*, and *The Unwanted Gaze*. Rosen is a graduate of Harvard College, summa cum laude; Oxford University, where he was a Marshall Scholar; and Yale Law School. His essays and commentaries have appeared in the *New York Times Magazine*, *The Atlantic Monthly*, on National Public Radio, and in *The New Yorker*, where he has been a staff writer. *The Chicago Tribune* named him one of the ten best magazine journalists in America and the *L.A. Times* called him “the nation’s most widely read and influential legal commentator.” He lives in Washington, D.C. with his wife Christine Rosen and two sons.

DAVID SAVAGE has been the Supreme Court reporter for the *Los Angeles Times* since 1986. Prior to that, he was an education writer for the paper in Los Angeles. He is the author of *Turning Right: the Making of the Rehnquist Court* (1992) and of the revised two-volume “Guide to the U.S. Supreme Court published by the CQ Press in 2004. He was a chapter author for “A Year in the Life of the Supreme Court” (1995 and 2004). He also writes a regular column on the Supreme Court for the *ABA Journal*. At the Times bureau, he sits in the Ricardo Alonso-Zaldivar Chair.

SUZANNA SHERRY is the Herman O. Loewenstein Professor of Law at the Vanderbilt University Law School, where she has taught since 2000. Prior to moving to Vanderbilt, she held the Earl R. Larson Chair in Civil Rights and Civil Liberties Law at the University of Minnesota Law School. She has published more than 75 articles and book chapters, mostly on constitutional law. With Daniel Farber, she has written three books, *Beyond All Reason: The Radical Assault on Truth in American Law* (1997), *Desperately Seeking Certainty: The Misguided Quest for Constitutional Foundations* (2002), and *A Call to Judgment: Separating Law From Politics in Constitutional Cases* (publication expected 2008). She has also co-authored three textbooks, one each on federal court jurisdiction, civil procedure, and constitutional history.

PAUL M. SMITH is a partner in Jenner & Block’s Washington, DC office. He is a member of the Firm’s Management Committee. Mr. Smith also is Co-Chair of the Firm’s Appellate and Supreme Court, and Media and First Amendment Practices and is a member of the Firm’s Litigation & Dispute Resolution Practice. Mr. Smith has had an active Supreme Court practice for two decades, including oral arguments in twelve Supreme Court cases. These arguments have included *LULAC v. Perry* and *Vieth v. Jubelirer*, two congressional redistricting cases, *Lawrence v. Texas*, involving the constitutionality of the Texas sodomy statute, *United States v. American Library Ass’n*, involving a First Amendment challenge to the Children’s Internet Protection Act and *Mathias v. WorldCom* (2001), dealing with the Eleventh Amendment immunity of state commissions. His first argument was in *Celotex Corp. v. Catrett* in 1986. Mr. Smith also worked extensively on several other First Amendment cases in the Supreme Court, involving issues ranging from commercial speech to defamation to “adult” speech on the Internet. Mr. Smith also represents various clients in trial and appellate cases involving commercial and telecommunications issues, the First Amendment, intellectual property, antitrust, and redistricting and voting rights, among other areas. Mr. Smith graduated summa cum laude and Phi Beta Kappa from Amherst College in 1976 and received a J.D. from Yale Law School in 1979, where he served as Editor-in-Chief of the Yale Law Journal. He was a law clerk to Judge James L. Oakes of the United States Court of Appeals for the Second Circuit and Supreme Court Justice Lewis F. Powell, Jr. Mr. Smith is a member of the Board of Governors of the District of

Columbia Bar. He is also Chair of the National Board of Directors of The American Constitution Society, a member of the Board of Directors of the Lambda Legal Defense & Education Fund, and a member of the Board of Directors of the Washington Lawyers Committee for Civil Rights and Urban Affairs.

KATHLEEN M. SULLIVAN is a nationally prominent scholar and teacher of constitutional law. Author of the nation's leading casebook in constitutional law, she has published articles on federalism, religion, speech, equality, and constitutional theory. A professor of law at Harvard Law School before joining the Stanford Law School faculty in 1993, she is an elected fellow of the American Academy of Arts and Sciences and the American Philosophical Society. Also an outstanding litigator who has argued before numerous appeals courts and the U.S. Supreme Court, she has been named by the *National Law Journal* as one of the 100 most influential lawyers in America. From 1999 to 2004, Professor Sullivan served as the eleventh dean of Stanford Law School and the first woman dean of any school at Stanford. As dean, she made fifteen faculty appointments, established the clinical faculty, renovated all 17 classrooms and the library reading room, launched numerous academic centers, started the LLM program, and raised over \$100 million for the school.

STUART S. TAYLOR, Jr. is a weekly opinion columnist for *National Journal* and contributing editor for *Newsweek*, writing about legal and policy issues of national and international importance. He is also a nonresident senior fellow with the Brookings Institution. After graduating in 1977 from Harvard Law School, where he was a note editor for the *Harvard Law Review*, he practiced law at Washington's Wilmer, Cutler & Pickering from 1977-1980. He joined *The New York Times* in 1980 as legal affairs reporter and covered the Supreme Court from 1986-1988. Taylor moved to *American Lawyer Media* in 1989 and to *National Journal* in 1997. He has won various journalism awards and appeared on all major television networks. His first book, *Until Proven Innocent: Political Correctness and the Shameful Injustices of the Duke Lacrosse Rape Case*, co-authored by K.C. Johnson, is to be published in September 2007.

WILLIAM VAN ALSTYNE was appointed Lee Professor of Law at the Marshall-Wythe Law School at the College of William and Mary in 2004. He is a graduate of the University of Southern California (B.A. in philosophy, magna cum laude) and Stanford University Law School (J.D., Articles and Book Review Editor of *The Stanford Law Review*). Following his admission to the California Bar and brief service as Deputy Attorney General of California, he joined the Civil Rights Division of the U. S. Department of Justice handling voting rights cases in the South. After active duty with the U. S. Air Force, he was appointed to the law faculty of the Ohio State University, advancing to full professor in three years. Appointed to the Duke law faculty shortly thereafter, he was named to the William R. & Thomas S. Perkins Chair of Law in 1974. Van Alstyne's professional writings have appeared during four decades in the principal law journals in the United States, with frequent republication in foreign journals. They address virtually every major subject in the field of constitutional law. His work has been cited in a large number of judicial opinions including those of the Supreme Court. The *Journal of Legal Studies* for January, 2000, named Professor Van Alstyne in the top forty most frequently cited legal scholars in the United States of the preceding half-century. Van Alstyne has also taught and given professional papers internationally, in Germany, Austria, and Denmark, in Chile, the former Soviet Union, China, Japan, Canada, and Australia. He has been a visiting faculty

member on the law faculties of the University of Chicago, Stanford, California (Berkeley and UCLA), Pennsylvania, Michigan, and Illinois, a Fulbright Lecturer in Chile, a Senior Fellow at the Yale Law School, and a faculty fellow at the Hague International Court of Justice. He has appeared as counsel and as amicus curiae in constitutional litigation in the federal courts, including the Supreme Court. He has also appeared in numerous hearings before Senate and House Committees, on legislation affecting the separation of powers, war powers, constitutional amendments, impeachments, legislation affecting civil rights and civil liberties, and nominations to the Supreme Court. In 1987, Van Alstyne was selected in a poll of federal judges, lawyers, and academics by the *New York Law Journal* as one of three academics among “the ten most qualified” persons in the country for appointment to the Supreme Court, a distinction repeated in a similar poll by *The American Lawyer*, in 1991. Past National President of the American Association of University Professors, and former member of the National Board of Directors of the A.C.L.U., he was elected into the American Academy of Arts and Sciences in 1994.

DONALD B. VERRILLI, Jr. is a partner in Jenner & Block and co chairs the firm’s Appellate and Supreme Court Practice. Mr. Verrilli has argued numerous cases before the U.S. Supreme Court, including *MGM Studios v. Grokster*, which established that businesses built on the illegal distribution of copyrighted material are liable for copyright infringement. He also has an active media practice and currently represents Viacom in its copyright suit against YouTube and Google. He received his J.D. from Columbia Law School in 1983, where he served as editor-in-chief of the Law Review. He clerked for William J. Brennan, Jr., of the U.S. Supreme Court, and J. Skelly Wright of the D.C. Circuit. He has taught First Amendment law for the past 15 years as an adjunct professor at the Georgetown University Law Center.

STEPHEN WERMIEL is associate director of the Marshall-Brennan Constitutional Literacy Project (a program in which 50 law students teach a year-long course in constitutional law in the D.C. public high schools) and an adjunct professor at American University Washington College of Law. He currently teaches constitutional law and seminars on the Supreme Court and on education and the Constitution. From 1979 to 1991, he was the Supreme Court correspondent for *The Wall Street Journal*. From 1972 to 1979, he was a reporter for *The Boston Globe*, and covered stories in Boston before moving to the Globe Washington Bureau in 1974. Since 1991, he has been teaching law, first as a fellow at William and Mary Law School, then at Georgia State University Law School in Atlanta from 1992 to 1997, and now at American. As administrator of the Marshall-Brennan Constitutional Literacy Project, he supervises 50 law students who teach constitutional law in the D.C. public high schools for a year. Mr. Wermiel has published law review articles about judicial selection, the federal courts, news media coverage of the Supreme Court, and the legacy of the late Supreme Court Justice William J. Brennan Jr., whose biography he is writing, and book chapters on Justice Souter and on the fallout from the 2000 *Bush v. Gore* decision. In 1982, Mr. Wermiel received a law degree from the Washington College of Law. He has been admitted to the Bar of the District of Columbia since 1984. He received his B.A. from Tufts in 1972.

JOHN YOO is a professor of law at the University of California at Berkeley School of Law (Boalt Hall), where he has taught since 1993. From 2001-03, he served as a deputy assistant attorney general in the Office of Legal Counsel of the U.S. Department of Justice, where he worked on issues involving foreign affairs, national security, and the separation of powers. He

served as general counsel of the U.S. Senate Judiciary Committee from 1995-96, where he advised on constitutional issues and judicial nominations. Professor Yoo received his B.A., summa cum laude, in American history from Harvard University. In law school, he was an articles editor of the *Yale Law Journal*. He clerked for Judge Laurence H. Silberman of the U.S. Court of Appeals of the District of Columbia Circuit. He joined the Boalt faculty in 1993, and then clerked for Justice Clarence Thomas of the U.S. Supreme Court. Professor Yoo was a visiting professor at the University of Chicago Law School in 2003 and at the Free University of Amsterdam in 1998. In 2006, Professor Yoo held the Distinguished Fulbright Chair in Law at the University of Trento (Italy). He has received fellowships from the Olin Foundation (for work on treaties and constitutional law) and the Rockefeller Foundation (for a book on the effects of globalization on American constitutional law). He has received the Bator Award for excellence in legal scholarship and teaching from the Federalist Society. Professor Yoo has published articles on foreign affairs, national security, and constitutional law. He is the author of *The Powers of War and Peace: Foreign Affairs and the Constitution after 9/11* (University of Chicago Press, 2005) and the forthcoming *War by Other Means: An Insider's Account of the War on Terror* (Atlantic Monthly Press, 2006).