

SENATE JUDICIARY COMMITTEE
INITIAL QUESTIONNAIRE (SUPREME COURT)
I. BIOGRAPHICAL INFORMATION (PUBLIC)

1. Full name (include any former names used).
 Ruth Bader Ginsburg
 Name on birth certificate: Joan Ruth Bader
 Childhood nickname: Kiki

2. Address: List current place of residence and office addresses.
 Residence: 700 New Hampshire Avenue, N.W.
 Washington, D.C. 20037
 Office: United States Courthouse
 Washington, D.C. 20001

3. Date and place of birth.
 March 15, 1933; Brooklyn, New York.

4. What is your marital status? List spouse's name, occupation, employer's name and business addresses.
 Married.
 Martin D. Ginsburg
 law professor; lawyer
 Georgetown University Law Center
 600 New Jersey Avenue, N.W.
 Washington, D.C. 20001
 Martin D. Ginsburg, P.C., of counsel to
 Fried, Frank, Harris, Shriver & Jacobson
 1001 Pennsylvania Avenue, N.W.
 Washington, D.C. 20004

5. Education: List each college and law school you have attended, including dates of attendance, degrees received, and dates degrees were granted.

Cornell University, 1950-54, B.A. 1954.

Harvard Law School, 1956-58.

Columbia Law School, 1958-59, LL.B. (J.D.) 1959.

(Transferred from Harvard to Columbia for financial and family reasons. Husband graduated from Harvard Law School in 1958. He had an attractive professional opportunity in New York; no equivalent opportunity was available in the Boston area. Our daughter was then age 3, and we wished to remain together as a family unit.)

6. Employment Record: List (by year) all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions and organizations, nonprofit or otherwise, with which you are or have been connected as an officer, director, partner, proprietor, or employee.

In the first six months of 1955, I held, successively, two clerk-typist jobs. The first was at the post engineer troop supply office in Fort Sill, Oklahoma, the second, at the Social Security Office in Lawton, Oklahoma.

In July and August of 1957, I worked as a summer law clerk at Paul, Weiss, Rifkind, Wharton & Garrison, then located at 575 Madison Avenue, New York, N.Y. (current address: 1285 Avenue of the Americas, New York, N.Y. 10019).

~ Employment experience after law school:

Law Secretary (law clerk), Hon. Edmund L. Palmieri,
United States District Court, Southern District of
New York, 1959-61
reference: Alvin Schulman, Noses & Singer,
1271 Avenue of the Americas, New York, N.Y.
10020, tel. (212) 246-3700

Research Associate, Columbia Law School
Project on International Procedure, 1961-62
reference: Professor Hans Smit, Columbia Law
School, 435 W. 116 Street, New York, N.Y.
10027, tel. (212) 854-2631

Associate Director, Columbia Law School
Project on International Procedure, 1962-63
reference: Professor Hans Smit, Columbia Law
School, 435 W. 116 Street, New York, N.Y.
10027, tel. (212) 854-2631

Rutgers -- The State University School of Law (Newark)
 Assistant Professor, 1963-66
 Associate Professor, 1966-69
 Professor, 1969-72
 reference: Professor Allen Axelrod, 810
 Washington Street, Hoboken, N.J. 07030, tel.
 (201) 659-3753

Columbia University School of Law
 Professor, 1972-80
 reference: Professor Hans Smit, Columbia Law
 School, 435 W. 116 Street, New York, N.Y.
 10027, tel. (212) 854-2631

As a law professor, I regularly taught civil
 procedure, conflict of laws, constitutional law,
 sex equality under the law; I occasionally taught
 federal courts, comparative law and procedure.

Consultant to U.S. Commission on Civil Rights, 1973-74

American Civil Liberties Union
 Director, Women's Rights Project, 1972-73
 General Counsel, 1973-80 (one of three or four)
 reference: Professor Norman Dorsen, NYU Law
 School, 40 Washington Square South, New York,
 N.Y. 10012, tel. (212) 998-6233

Center for Advanced Study in the Behavioral Sciences,
 Stanford, California
 Fellow, 1977-78
 reference: Professor Gerald Gunther,
 Stanford University Law School, Stanford, CA
 94305, tel. (415) 723-4477

United States Court of Appeals for the District of
 Columbia Circuit
 United States Circuit Judge, 1980-present
 reference: Chief Judge Abner J. Mikva,
 United States Court of Appeals, Washington,
 D.C., tel. (202) 273-0375

Over the years, I have also visited several faculties:

New York University School of Law, Spring 1968
 Harvard Law School, Fall 1971
 University of Amsterdam, Summer 1974
 University of Strasbourg, Summer 1975
 Salzburg Seminar in American Studies, Summer 1984
 Aspen Institute, Summer 1990

7. Have you had any military service?

No.

8. Honors and Awards: List any scholarships, fellowships, honorary degrees, and honorary society memberships that you believe would be of interest to the Committee.

Prior to coming to the bench in 1980, I was the recipient of the following honors and awards:

New York State Regents and Cornell Scholarships; Phi Beta Kappa (junior year); Phi Kappa Phi; B.A. awarded with High Honors in Government and Distinction in All Subjects; Cornell University 1954 graduating class marshall (as female student with highest academic average);

Harvard Law Review, 1957-58; class rank estimated as among first ten students, based on two-year average; Columbia Law Review, 1958-59; tied for first in class, based on third-year grades; Kent Scholar (Columbia Law School);

Juris Doctrinam Honoris Causa, University of Lund, Sweden, 1969; Phi Beta Kappa Visiting Scholar, 1973-74; Fellow, Center for Advanced Study in the Behavioral Sciences (Stanford, CA), 1977-78; Scholar-in-Residence, Rockefeller Foundation Bellagio Study and Conference Center, July-August, 1977; Robert S. Marx Lecturer, University of Cincinnati, 1974; George Abel Dreyfous Lecturer, Tulane University, 1978; Will E. Orgain Lecturer, University of Texas, 1979; Cleveland-Marshall Fund Lecturer, Cleveland-Marshall College of Law, 1979; invited to sit on panel of constitutional law scholars at 1977 and 1978 Hearings before U.S. House and Senate Subcommittees on H.J. Res. 638 (extending the time for ratification of the proposed Equal Rights Amendment); selected as one of ten outstanding United States law school professors in mid-career, Time, March 14, 1977; Society of American Law Teachers Annual Outstanding Teacher of Law Award, 1979; Barnard College Annual Woman of Achievement Award, 1980.

Since my appointment as United States Circuit Judge, United States Court of Appeals for the District of Columbia Circuit, I have received honorary degrees from American University (1981); Vermont Law School (1984); Georgetown University Law Center (1985); Brooklyn Law School (1987); Hebrew Union College (1988); Rutgers University (1991); Amherst College (1991); Lewis and Clark College (1992).

I have also delivered several endowed lectures, later published in the institution's law review: John A. Sibley Lecture, University of Georgia, 1981; John R. Coen Lecture, University of Colorado, 1983; William T. Joyner Lecture, University of North Carolina, 1984; Dunwoody Lecture,

University of Florida, 1985; Lester W. Roth Lecture, University of Southern California, 1986; David C. Baum Lecture, University of Illinois, 1988; Jurisprudential Lecture, University of Washington, 1989; Ben J. Altheimer Lecture, University of Arkansas at Little Rock, 1990; Madison Lecture, New York University, 1993.

On August 8, 1993, I will receive a Margaret Brent Women Lawyers of Achievement Award from the American Bar Association Commission on Women in the Profession.

9. Bar Associations: List all bar associations, legal or judicial-related committees 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. Also, if any such association, committee or conference of which you were or are a member issued any reports, memoranda or policy statements prepared or produced with your participation, please furnish the committee with one copy of these materials, if they are available to you. "Participation" includes, but is not limited to, membership in any working group of any such association, committee, or conference which produced a report, memorandum, or policy statement even where you did not contribute to it.

American Bar Association

Amicus Curiae Committee, 1979-April 1980
 Section of Individual Rights and Responsibilities,
 Council Member, 1975-81
 Standing Committee on Federal Judicial Improvements,
 1992-
 ABA Journal, Board of Editors, 1972-78
 Section of International Law, Committee
 on Comparative Procedure and Practice
 (Chairman), 1970-73
 European Law Committee (Member), 1967-72

American Bar Foundation

Fellow, 1978-
 Board of Directors (Executive Committee and
 Secretary), 1979-89

Association of the Bar of the City of New York

Executive Committee, 1974-78
 Civil Rights Committee, 1979-April 1980
 Sex and Law Committee, 1978-79
 Post Admission Legal Education
 Committee, 1970-74
 Foreign Law Committee, 1966-69

District of Columbia Bar, 1980-

Bar Association of the District of Columbia,

1981-

Women's Bar Association of the District of Columbia,
1980s-

Federal Judges Association, 1986-

National Association of Women Judges, 1982-

American Law Institute
Council Member, 1978-
Adviser, Restatement (Second) of Judgments,
1972-82
Adviser, Project on Complex Litigation,
1985-

Federal Bar Council
Vice-President, 1978-80

American Foreign Law Association
Vice-President, 1973-76
Board of Directors, 1970-77

Association of American Law Schools
Executive Committee, 1972
Nominating Committee, 1979

Society of American Law Teachers
Vice President, 1978-April 1980
Board of Governors and Executive
Committee, 1975-77

Judicial Conference of the Second Circuit
Planning and Program Committee, 1976-May 1980

Judicial Council of the Second Circuit
Advisory Committee on Planning for the
District Courts, 1979-June 1980

West Publishing Company Law School Department
Advisory Board, 1978-April 1980
Editorial Board, Guide to American Law,
1978-April 1980

American Journal of Comparative Law
Editorial Board, 1966-72

International Association of Jewish Lawyers
and Jurists
Honorary Member, Board of Governors, 1990-

Judicial Conference of the United States,

Committee on the Fifth International Appellate
Judges Conference, Member 1988-90

Historical Society of the District of Columbia
Circuit, Chairman, 1990-

Study Group on International Recognition of
Judgments, Secretary of State's Advisory
Committee on Private International Law, 1992-

The above-listed associations and committees have records of activities, reports, memoranda, and policy statements prepared during periods of my participation. As is evident from the character of the organizations, materials produced are voluminous. These materials, I estimate, are spread over hundreds of volumes. I do not maintain a library of such materials and it is beyond my resources to collect and compile them.

While reports, memoranda, or policy statements may have been issued by several of the listed groups during the period of my affiliation, I have no specific recollection of them, and no compilation or index to help me recall my participation. All materials should be available from the respective organizations. If additional detail on any particular matter is needed from me, I will attempt to obtain and supply it on request.

10. Other Memberships: Please list all private and governmental organizations (including clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications) to which you belong or to which you have belonged since graduation from law school, or in which you have participated since graduation from law school, giving dates of membership or participation and of any office you held. Please describe briefly the nature and objectives of each such organization, the nature of your participation in each such organization, and identify an officer or other person from whom more detailed information may be obtained. Please indicate which of these organizations, if any, are active in lobbying before public bodies. If any of these organizations of which you were or are a member or in which you participated issued any reports, memoranda or policy statements prepared or produced with your participation, please furnish the committee with one copy of these materials, if they are available to you. "Participation" includes, but is not limited to, membership in any working group of any such association, committee, or conference which produced a report, memorandum, or policy statement even where you did not contribute to it. If any of these materials are not available to you, please give the name and address of the organization that issued the report,

memoranda or policy statement, the date of the document, and a summary of its subject matter.

American Civil Liberties Union
General Counsel, 1973-April 1980
National Board, 1974-April 1980
Counsel to Women's Rights Project, 1972-April 1980

Encyclopedia of the American Constitution
(National Endowment for the Humanities)
Editorial Board, 1980-

Columbia University Center for the Study of Human Rights
Academic Advisory Board, 1977-June 1980

Columbia University Center for the Social Sciences,
Program in Sex Roles and Social Change
Advisory Board, 1977-June 1980

American Jewish Congress
National Commission on Law and Social Action, 1978-
April 1980

Women's Law Fund (Cleveland, Ohio)
Board Member, 1972-April 1980
(an organization engaged in litigation and other endeavors
to promote equal employment opportunity for women)

Women's Action Alliance (New York, N.Y.)
Board Member, 1975-April 1980
(an organization formed to advance the status of women,
particularly women who are not affluent)

Women's Equity Action League
National Advisory Board and Advisory Board to
Legal Defense and Educational Fund, 1977-April 1980
(an organization engaged in litigation and other endeavors
to promote equal employment opportunity for women)

Federation of Organizations for Professional Women
Advisory Council, 1977-April 1980
(umbrella organization for women in diverse professions)

Urban Institute, Center for Policy Research on Women
Advisory Board, 1977-March 1980

National Woman's Party
Board Member, 1977-April 1980
(founded in 1923 to launch and support Equal Rights
Amendment; headquartered in Sewall-Beimont House, D.C.)

Council on Foreign Relations

Member, 1975-

Citizens Union

Director, 1972-73 (Member since 1968)
(an organization designed to promote good government in New York City)

Children's International Summer Villages

International Board, 1963-67
(an organization bringing together children from around the globe for summer camp experience)

Other memberships: Columbia and Harvard Law School Alumni Associations, League of Women Voters, Women's Forum (1975-March 1980) (an organization of women in diverse professions meeting occasionally to discuss common interests and current events), National Organization for Women, Metropolitan Opera Guild, New York City Opera Guild, Metropolitan Museum of Art, Museum of Modern Art, Alpha Epsilon Phi (college sorority, 1952-54).

Since my appointment as United States Circuit Judge, United States Court of Appeals for the District of Columbia Circuit, I have joined the following organizations in the "other memberships" category:

Constitution, Journal of the Foundation for the
U.S. Constitution
Advisory Board, 1988
1271 Avenue of the Americas
New York, New York 10020

American Academy of Arts & Sciences
Fellow, 1982
Norton's Woods, 136 Irving Street
Cambridge, Massachusetts 02138

Woodmont Country Club, 1980-83
Rockville, Maryland

Army Navy Country Club, 1983-
Arlington, Virginia

Lawyers Committee for the Washington Opera, 1981-
Kennedy Center

In addition, I am a sponsoring member of the Smithsonian Institution; a contributor to the Kennedy Center Stars and the Arena Stage; a member of the American Film Institute; a member of the National Museum of Women in the Arts and of the Corcoran; a charter member of the United States Holocaust Memorial Museum; and a member of the

American Jewish Congress.

As a General Counsel to the American Civil Liberties Union, 1973-April 1980, I was informed of lobbying activities in which the ACLU engaged and, from time to time, within the organization, expressed my views. However, I did not participate personally in legislation-related efforts as a representative of the ACLU, and retain no record compilation or index responsive to this question. While some of the other organizations in which I participated until 1980 may have engaged in lobbying, I did not participate personally in such activity and have no memory of what that activity may have been.

The "other memberships" I have held since my appointment in 1980 entail no lobbying activities. All of the organizations listed in this category, I believe, maintain full records. Further information is available from the Director or President of the respective organizations. If additional detail is needed from me, I will attempt to obtain and supply it on request.

11. Court Admission: List all courts in which you have been admitted to practice, with dates of admission and lapses if any such memberships lapsed.

State of New York 1959
 District of Columbia 1975
 United States Supreme Court 1967
 United States Courts of Appeals:
 Second Circuit 1962
 Fifth Circuit 1975
 D.C. Circuit 1975
 United States District Courts:
 Southern and Eastern Districts of New York 1961
 District of Columbia 1975

I am not aware of any lapsed membership.

12. Writings and Speeches:

- (a) List the titles, publishers, and dates of books, articles, reports, letters to the editors, editorial pieces, or other published material you have written or edited. Please supply one copy of all published material to the Committee.

Books

Civil Procedure in Sweden (1965) (with Anders Bruzelius)
 Swedish Code of Judicial Procedure (1968) (with

Anders Bruzelius)
 Volume editor, *Business Regulation in the Common Market Nations*, vol. 1 (1969)
 Text, Cases, and Materials on Sex-Based Discrimination (1974, Supp. 1978) (with Herma Hill Kay and Kenneth M. Davidson; Supplement with Herma Hill Kay)

Monographs

A Selective Survey of English Language Studies on Scandinavian Law (1970)
 The Legal Status of Women under Federal Law (with Brenda Feigen Fasteau) (1974) (report to U.S. Commission on Civil Rights)
 Constitutional Aspects of Sex-Based Discrimination (1974)

Articles

The Jury and the Nämnd, 48 Cornell L.Q. 253 (1963)
 Special Findings and Jury Unanimity in the Federal Courts, 65 Colum. L. Rev. 256 (1965)
 The Competent Court in Private International Law, 20 Rutgers L. Rev. 89 (1965)
 Chapters (with co-authors) on Denmark, Finland, Norway, Sweden, in Smit ed., *International Cooperation in Litigation* 58, 105, 281, 333 (1965)
 Civil Procedure, Basic Features of the Swedish System, 14 American Journal of Comparative Law 336 (1965)
 Proof of Foreign Law in Sweden, 14 International & Comparative L.Q. 277 (1965)
 Judgments in Search of Full Faith and Credit, 82 Harv. L. Rev. 798 (1969)
 Recognition and Execution of Foreign Civil Judgments and Arbitration Awards, in *Legal Thought in the United States Under Contemporary Pressures* 237 (1970)
 Recognition and Enforcement of Foreign Civil Judgments: A Summary View of the Situation in the United States, 4 International Lawyer 420 (1970)
 Notes in International Lawyer 1968-72 on Right of U.S. Lawyers to Practice Abroad (vol. 3 at 903), Service of Process Abroad (vol. 4 at 163), Summary Adjudication (vol. 4 at 882), Legal Services to Poor People and People of Limited Means in Foreign Systems (vol. 6 at 128) (all relating to Scandinavian systems)
 Sex and Unequal Protection: Men and Women as

- Victims, 11 Journal of Family Law 347 (1971)
- The Status of Women (Symposium editor), 20 American Journal of Comparative Law 585 (1972)
- Men, Women, and the Constitution, 10 Columbia Journal of Law and Social Problems 91 (1973)
- The Need for the Equal Rights Amendment, 59 A.B.A. Journal 1013 (1973)
- Gender and the Constitution, 44 U. Cincinnati L. Rev. 1 (1975) (Robert S. Marx Lectures)
- Gender in the Supreme Court: The 1973 and 1974 Terms, 1975 Supreme Court Review 1 (1976)
- Women As Full Members of the Club: An Evolving American Ideal, 6 Human Rights 1 (Fall 1977)
- Gender-Based Discrimination and the Equal Rights Amendment (Panel Presentation at 1976 Second Circuit Judicial Conference), 74 F.R.D. 298, 315
- Let's Have ERA as a Signal, 63 A.B.A. Journal 70 (1977)
- Realizing the Equality Principle, in Social Justice & Preferential Treatment 135 (Blackstone & Heslep eds. 1977)
- Women, Men, and the Constitution: Key Supreme Court Rulings, in Women in the Courts 21 (National Center for States Courts 1978)
- Is the ERA Constitutionally Necessary?, Update 16 (A.B.A. Special Committee on Youth Education for Citizenship, Spring 1978)
- From No Rights, to Half Rights, to Confusing Rights, 7 Human Rights No. 1, at 12 (May 1978)
- Sex Equality and the Constitution: The State of the Art, 4 Women's Rights Law Reporter 143 (Spring 1978)
- The Equal Rights Amendment Is the Way, 1 Harvard Women's Law Journal 19 (Spring 1978)
- Sex Equality and the Constitution, 52 Tulane L. Rev. 451 (1978) (George Abel Dreyfous Lecture)
- Some Thoughts on Benign Classification in the Context of Sex, 10 Conn. L. Rev. 813 (Summer 1978)
- Women at the Bar - A Generation of Change, 2 University of Puget Sound L. Rev. 1 (Fall 1978)
- American Bar Association Delegation Visits People's Republic of China, 64 A.B.A. Journal 1516 (1978)
- Book Review, Tribe, American Constitutional Law, 92 Harv. L. Rev. 340 (November 1978)
- A Feminist Lawyer Visits China, 4 Women's Agenda 5 (January 1979)

- Bakke Decision, 65 Women Lawyers Journal 11 (1979)
- All About the E.R.A., Cosmopolitan 166 (1979)
- Sexual Equality Under the Fourteenth and Equal Rights Amendments, 1979 Wash. U. L.J. 161
- Ratification of the Equal Rights Amendment: A Question of Time, 57 Tex. L. Rev. 919 (1979) (Will E. Orgain Lecture)
- A Study Tour of Taiwan's Legal System, 66 A.B.A. Journal 165 (1980)
- Some Thoughts on Judicial Authority to Repair Unconstitutional Legislation, 28 Clev. St. L. Rev. 301 (1979) (Cleveland-Marshall Fund Lecture)
- Gender in the Supreme Court: The 1976 Term, in Constitutional Government in America 217 (R. Collins ed. 1980)
- Women's Right to Full Participation in Shaping Society's Course: An Evolving Constitutional Precept, in Toward the Second Decade 171 (B. Justice & R. Pore eds. 1981)
- Inviting Judicial Activism: A "Liberal" or "Conservative" Technique?, 15 Ga. L. Rev. 539 (1981) (John A. Sibley Lecture)
- American University Commencement Address, May 10, 1981, 30 Am. U. L. Rev. 891 (1981)
- Women's Work: The Place of Women in Law Schools, 32 J. Legal Educ. 272 (1982); Columbia's Committee on the '80s, *id.* at 282
- Touring the Law in King Arthur's Court, 61 Tex. L. Rev. 341 (1982)
- The Burger Court's Grapplings with Sex Discrimination, in The Burger Court: The Counter-Revolution That Wasn't 132 (V. Blasi ed. 1983)
- Commencement Address, Ohio State University Law Record 25 (Winter 1983)
- Reflections on the Independence, Good Behavior, and Workload of Federal Judges, 55 U. Colo. L. Rev. 1 (1983) (John R. Coen Lecture)
- The Work of Professor Allan Delker Vestal, 70 Iowa L. Rev. 13 (1984)
- Some Thoughts on Autonomy and Equality in Relation to *Roe v. Wade*, 63 No. Carolina L. Rev. 375 (1985) (William T. Joyner Lecture)
- The Obligation to Reason Why, 37 U. Fla. L. Rev. 205 (1985) (Dunwoody Lecture)
- Interpretations of the Equal Protection Clause, 9 Harv. J. L. & Pub. Pol'y 41 (1986)
- Some Thoughts on the 1980's Debate over Special versus Equal Treatment for Women, 4 J. Law & Inequality 143 (1986)
- Commentary, The Intercircuit Committee (with Peter

- W. Huber), 100 Harv. L. Rev. 1417 (1987)
- A Plea for Legislative Review, 60 S. Cal. L. Rev. 995 (1987) (Lester W. Roth Lecture)
- Remarks on Women Becoming Part of the Constitution, 6 J. Law & Inequality 17 (1988) (remarks at 1987 8th Circuit Judicial Conference)
- La légitimité démocratique du contrôle de constitutionnalité, in Et La Constitution Crea L'Amérique 71 (M. Toinet ed., Presses Universitaires de Nancy 1988)
- Comment for Constitutional Bicentennial Conference Dartmouth College, April 21, 1987, in Design and Practice: The Constitution as a Working Document 66-76 (Working Paper Series RC-5/ELP, Nelson A. Rockefeller Center for the Social Sciences 1988)
- Confirming Supreme Court Justices: Thoughts on the Second Opinion Rendered by the Senate, 1988 U. Ill. L. Rev. 101 (1988) (David C. Baum Lecture)
- In Memoriam: Judge Carl McGowan, 56 Geo. Wash. L. Rev. 691 (1988)
- Articles on Sex Discrimination and Reproductive Autonomy, in Civil Rights and Equality 291-304, 310-321 (L. Levy, K. Karst, D. Mahoney eds. 1989)
- In Memoriam: Judge J. Skelly Wright, 57 Geo. Wash. L. Rev. 1034 (1989)
- Some Reflections on the Feminist Legal Thought of the 1970s (with Barbara Flagg), 1989 U. Chi. Legal Forum 9
- Remarks on Writing Separately, 65 Wash. L. Rev. 133 (1990) (Jurisprudential Lecture)
- Employment of the Constitution to Advance the Equal Status of Men and Women, in The Constitutional Bases of Political and Social Change in the United States (S. Slonim ed. 1990)
- On Amending the Constitution: A Plea for Patience, 12 U. Ark. Little Rock L.J. 677 (1990) (Ben J. Altheimer Lecture)
- On Muteness, Confidence, and Collegiality, 61 U. Colo. L. Rev. 715 (1990)
- A Moderate View on Roe, Guest Column in 4 Constitution No. 2, at 17 (Spring-Summer 1992)
- Styles of Collegial Judging, 39 Fed. Bar News & J. 199 (1992)
- Commencement Remarks, The Advocate 14 (Lewis & Clark College, Northwestern School of Law, Winter 1992)

Speaking in a Judicial Voice, forthcoming in the
N.Y.U. L. Rev. (Madison Lecture)

Copies of writings listed above attached at Appendix I-1.

Supreme Court Briefs for Appellants, Appellees, and
Petitioners

(+ indicates presentation of oral argument)

I was principal author of all briefs listed.

Reed v. Reed, 404 U.S. 71 (1971)

Struck v. Secretary of Defense, cert. granted, 409
U.S. 947, judgment vacated, 409 U.S. 1071
(1972)

+ *Frontiero v. Richardson*, 411 U.S. 677 (1973)

+ *Kahn v. Shevin*, 416 U.S. 351 (1974)

+ *Weinberger v. Wiesenfeld*, 420 U.S. 636 (1975)

+ *Edwards v. Healy*, 421 U.S. 772 (1975)

Turner v. Department of Employment Security, 423
U.S. 44 (1975)

+ *Califano v. Goldfarb*, 430 U.S. 199 (1977)

+ *Duren v. Missouri*, 439 U.S. 357 (1979)

Copies of briefs listed above attached at Appendix I-9.

I have written no letters to the editor or editorial pieces since my appointment as United States Circuit Judge for the District of Columbia Circuit in June 1980, and have retained no compilation of press pieces written prior to my appointment. However, a NEXIS search has turned up five such items, and these are attached at Appendix I-2.

- (b) Please supply one copy of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

Hearings before U.S. House and Senate Subcommittees on H.J. Res. 638 (Nov. 8, 1977) (on extending time for ratification of proposed Equal Rights Amendment)

Hearings before Subcommittee on the Constitution,
Senate Committee on the Judiciary on S.J. Res. 134
(Aug. 3, 1978) (on extending time for ratification of
proposed Equal Rights Amendment)

Hearings before Subcommittee on Courts, Senate
Committee on the Judiciary, on S. 704 (Oct. 9, 1985)
(Bill to establish Intercircuit Panel)

Statement to Members of the (American Law Institute)
Council, Dec. 14, 1979 (on dining at clubs that exclude
persons from membership on the basis of race, religion,
national origin, or sex)

Please see Appendix I-3.

- (c) Please supply a copy, transcript or tape recording of all speeches or talks, including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions, by you which relate in whole or in part to issues of law or public policy. If you have a recording of a speech or talk and it is not identical to the transcript or copy please supply a copy of the recording as well. If you do not have a copy of the speech or a transcript or tape recording of your remarks, please give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter; and if you have reason to believe that the group has a copy or tape recording of the speech, please request that the group supply the committee with a copy or tape recording of the speech, as the case may be. If you did not speak from a prepared text, please furnish a copy of any outline or notes from which you spoke. If there were press reports about the speech, and they are readily available to you, please supply them.

I have supplied in Appendix I-4 a chronologically-arranged list, and copies of, all speeches delivered from the date of my appointment as United States Circuit Judge for the District of Columbia Circuit in June 1980. The first page of each speech indicates the group before whom the speech was given and the date of delivery. I have not retained compilations of unpublished speeches given prior to my appointment. A number of them, however, were incorporated in published law journal comments (all law journal comments are included in Appendix I-1). I do not have tape recordings of any speech or talk, but my custom is to adhere closely to the written text when a speech is delivered. I have retained no outline or note compilations from question-and-answer sessions or other occasions on which I spoke

without a prepared text.

The Madison Lecture I gave at New York University School of Law on March 9, 1993, listed as the last item under 12a., attracted press reports. I have attached, at Appendix I-5, the five that are readily available to me: U.S. News and World Report, April 5, 1993; New York Times, May 10, 1993, The New Republic, May 10, 1993; The New Republic, May 17, 1993; King Features Syndicate, May 19, 1993. I have asked New York University School of Law to furnish the Committee with a tape of the Madison Lecture, if one was made. The request letter is reproduced at I-17A (next page).

UNITED STATES COURT OF APPEALS
DISTRICT OF COLUMBIA CIRCUIT
WASHINGTON, DC 20001

COPY

RUTH BADER GINSBURG
UNITED STATES CIRCUIT JUDGE

June 29, 1993

Dean John Sexton
New York University
School of Law
40 Washington Square South
New York, New York 10012

Dear John:

In connection with my forthcoming confirmation hearing, please send me as soon as possible (for redelivery to the Senate Judiciary Committee) a copy of the videotape which, I believe, was made of my delivery of the Madison Lecture at New York University School of Law on March 9, 1993.

Alternatively, if no videotape was made, a letter so confirming would be appreciated.

Thank you very much.

Sincerely,



Ruth Bader Ginsburg

I appeared on C-Span in two programs designed to educate the public about the work of the federal courts: *America and the Courts: A Focus on the Federal Judiciary*, April 7, 1986; *Federalism in the Twenty-First Century* (panel at 1993 workshop for judges of the United States Court of Appeals), Feb. 8, 1993. Tapes of these programs are not in my possession.

- (d) Please list all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and clips or transcripts of these interviews where they are available to you.

Apart from the C-Span April 7, 1986 tape listed above, I do not recall giving any interviews to newspapers, magazines or other publications or to radio or television stations since my appointment as United States Circuit Judge for the District of Columbia Circuit in June 1980. I have not retained any compilation of interviews prior to my appointment.

13. Citations. Please provide:

- (a) Citations for all opinions you have written (including concurrences and dissents).

Please see Appendix I-6.

- (b) A list of cases in which appeal or certiorari has been requested or granted.

Below is a list of cases in which I wrote an opinion -- the majority opinion unless otherwise indicated -- and in which certiorari was requested and denied. For cases in which certiorari was requested and granted, see response to part (c) below.

SEC v. McGoff, 647 F.2d 185 (D.C. Cir.), cert. denied, 452 U.S. 963 (1981)

United States v. Russell, 655 F.2d 1261 (D.C. Cir. 1981), vacated in part, 670 F.2d 323 (D.C. Cir.), cert. denied, 457 U.S. 1108 (1982)

Warren v. United States Parole Commission, 650 F.2d 183 (D.C. Cir. 1981) (R.B. Ginsburg, J., dissenting), cert. denied, 455 U.S. 950 (1982)

Sea-Land Service, Inc. v. Alaska Railroad, 659 F.2d 243 (D.C. Cir. 1981), cert. denied, 455 U.S. 919 (1982)

Doyle v. Department of Justice, 668 F.2d 1365 (D.C. Cir. 1981), cert. denied, 455 U.S. 1002 (1982)

United States v. Russell, 670 F.2d 323 (D.C. Cir.), cert. denied, 457 U.S. 1108 (1982)

Natural Resources Defense Council, Inc. v. EPA, 673 F.2d 400 (D.C. Cir.), cert. denied, 459 U.S. 879 (1982)

Pass Word, Inc. v. FCC, 673 F.2d 1363 (D.C. Cir.) (per curiam), cert. denied, 459 U.S. 840 (1982)

Shahady v. Atlas Tile & Marble Co., 682 F.2d 968 (D.C. Cir. 1982) (per curiam), cert. denied, 459 U.S. 1146 (1983)

Theodore Lombard v. United States, 690 F.2d 215 (D.C. Cir. 1982) (R.B. Ginsburg, J., concurring in part and dissenting in part), cert. denied, 462 U.S. 1118 (1983)

Ritter Transportation, Inc. v. ICC, 697 F.2d 1153 (D.C. Cir. 1982) (per curiam), cert. denied, 460 U.S. 1022 (1983).

Kizas v. Webster, 707 F.2d 524 (D.C. Cir. 1983) (R.B. Ginsburg, J., writing part of majority opinion), cert. denied, 464 U.S. 1042 (1984)

United States v. Kelly, 707 F.2d 1460 (D.C. Cir. 1983), cert. denied, 464 U.S. 908 (1983)

Conair Corp. v. NLRB, 721 F.2d 1355 (D.C. Cir. 1983) (R.B. Ginsburg, J., writing principal part of majority opinion and dissenting in part), cert. denied, 467 U.S. 1241 (1984)

Walker v. Jones, 733 F.2d 923 (D.C. Cir.), cert. denied, 469 U.S. 1036 (1984)

National Ass'n of Regulatory Utility Commissioners v. FCC, 737 F.2d 1095 (D.C. Cir. 1984) (per curiam), cert. denied, 469 U.S. 1227 (1985)

Laffey v. Northwest Airlines, Inc., 740 F.2d 1071 (D.C. Cir. 1984) (per curiam), cert. denied, 469 U.S. 1181 (1985)

AFGE v. O'Connor, 747 F.2d 748 (D.C. Cir. 1984), cert. denied, 474 U.S. 909 (1985)

Middle South Energy, Inc. v. FERC, 747 F.2d 763 (D.C. Cir. 1984) (R.B. Ginsburg, J., dissenting in part), cert. dismissed, 473 U.S. 930 (1985)

McSurely v. McClellan, 753 F.2d 88 (D.C. Cir.) (per curiam), cert. denied, 474 U.S. 1005 (1985)

Grace v. Burger, 763 F.2d 457 (D.C. Cir.), cert. denied, 474 U.S. 1026 (1985)

Contact Lens Mfg. Ass'n v. FDA, 766 F.2d 592 (D.C. Cir. 1985), cert. denied, 474 U.S. 1062 (1986)

Amalgamated Transit Union Int'l v. Donovan, 767 F.2d 939 (D.C. Cir. 1985) (R.B. Ginsburg, J., concurring), cert. denied, 475 U.S. 1046 (1986)

Browning v. Clerk, U.S. House of Representatives, 793 F.2d 380, 381 (D.C. Cir.) (statement accompanying denial of rehearing en banc), cert. denied, 479 U.S. 996 (1986)

Brock v. WNATA, 796 F.2d 481 (D.C. Cir. 1986), cert. denied, 481 U.S. 1013 (1987)

Walsh v. Ford Motor Co., 807 F.2d 1000 (D.C. Cir. 1986) (R.B. Ginsburg, J., writing part of majority opinion), cert. denied, 485 U.S. 915 (1987)

Tavoulareas v. Piro, 817 F.2d 762, 806 (D.C. Cir.) (en banc) (Ginsburg, J., concurring), cert. denied, 484 U.S. 870 (1987)

United States v. Jackson, 824 F.2d 21 (D.C. Cir. 1987), cert. denied, 484 U.S. 1013 (1988)

National Cottonseed Products Ass'n v. Brock, 825 F.2d 482 (1987) (R.B. Ginsburg, J., writing part of majority opinion), cert. denied, 485 U.S. 1020 (1988)

Kurtz v. Baker, 829 F.2d 1133, 1145 (1987) (R.B. Ginsburg, J. dissenting), cert. denied, 486 U.S. 1059 (1988)

Dayton v. Czechoslovak Socialist Repub., 834 F.2d 203 (D.C. Cir. 1987), cert. denied, 486 U.S. 1054 (1988)

State of New York v. EPA, 852 F.2d 574 (D.C. Cir. 1988), (R.B. Ginsburg, J., concurring), cert. denied, 489 U.S. 1065 (1989)

Randall v. Meese, 854 F.2d 472 (1988), cert. denied, 491 U.S. 904 (1989)

Petro-Chem Processing v. EPA, 866 F.2d 433 (D.C. Cir.), cert. denied, 490 U.S. 1106 (1989)

United States v. Dorsey, 865 F.2d 1275 (D.C. Cir.), cert. denied, 492 U.S. 924 (1989)

United States v. Husar, 866 F.2d 1533 (D.C. Cir.) (R.B.

Ginsburg, J., concurring), cert. denied, 492 U.S. 909 (1989)

Olsen v. Drug Enforcement Admin., 878 F.2d 1458 (D.C. Cir. 1989), cert. denied, 495 U.S. 906 (1990)

Panhandle Eastern Pipe Line Co. v. FERC, 881 F.2d 1101 (D.C. Cir. 1989) (R.B. Ginsburg, J., writing part of majority opinion), cert. denied, 112 S. Ct. 1169 (1992)

Federal Labor Relations Authority v. U.S. Dep't of Treasury, 884 F.2d 1446 (D.C. Cir. 1989) (R.B. Ginsburg, J., concurring), cert. denied, 493 U.S. 1055 (1990)

News/Sun Sentinel Co. v. NLRB, 890 F.2d 430 (D.C. Cir. 1989), cert. denied, 497 U.S. 1003 (1990)

United Transp. Union v. ICC, 891 F.2d 908 (D.C. Cir. 1989) (R.B. Ginsburg, J., concurring), cert. denied, 497 U.S. 1024 (1990)

United States v. Sobamowo, 892 F.2d 90 (D.C. Cir. 1989), cert. denied, 498 U.S. 825 (1990)

B.J. Alan Co. v. ICC, 897 F.2d 561 (D.C. Cir. 1990), cert. denied, 112 S. Ct. 1760 (1992)

Spann v. Colonial Village, Inc., 899 F.2d 24 (D.C. Cir. 1990), cert. denied, 498 U.S. 980 (1990)

Food Chemical News v. Young, 900 F.2d 328, (D.C. Cir. 1990), cert. denied, 498 U.S. 846 (1990)

Brown v. Secretary of Army, 918 F.2d 214 (D.C. Cir. 1990), cert. denied, 112 S. Ct. 57 (1991)

United States v. North, 920 F.2d 940 (D.C. Cir. 1990) (denial of rehearing en banc) (R.B. Ginsburg, J., writing a dissenting statement), cert. denied, 111 S. Ct. 2235 (1991)

Daingerfield Island Protective Soc. v. Lujan, 920 F.2d 32 (D.C. 1990), cert. denied, 112 S. Ct. 54 (1991)

Ward v. Rutherford, 921 F.2d 286 (D.C. Cir. 1990), cert. dismissed, 111 S. Ct. 2844 (1991)

Central States Motor Freight Bureau, Inc. v. ICC, 924 F.2d 1099 (D.C. Cir.), cert. denied, 112 S. Ct. 87 (1991)

Full Gospel Portland Church v. Thornburgh, 927 F.2d 628 (1991) (R.B. Ginsburg, J., concurring in principal part, dissenting in part), cert. denied, 112 S. Ct. 867 (1992)

Industria Panificadora, S.A. v. United States, 957 F.2d 886 (D.C. Cir.) (per curiam), cert. denied, 113 S. Ct. 304 (1992)

Save Our Cumberland Mountains, Inc. v. Lujan, 963 F.2d 1541 (D.C. Cir. 1992), cert. denied, 113 S. Ct. 1257 (1993)

FEC v. International Funding Inst., Inc., 969 F.2d 1110 (D.C. Cir.) (en banc) (R.B. Ginsburg, J., concurring), cert. denied, 113 S. Ct. 605 (1992)

Critical Mass Energy Project v. Nuclear Regulatory Comm'n, 975 F.2d 871 (D.C. Cir. 1992) (en banc) (R.B. Ginsburg, J., dissenting), cert. denied, 113 S. Ct. 1579 (1993)

United States v. Chin, 981 F.2d 1275 (D.C. Cir. 1992), cert. denied, 61 U.S.L.W. 3773 (1993)

(c) A list of all appellate opinions where your decision was reversed or where your judgment was affirmed.

The following list includes all cases reviewed by the Supreme Court in which I wrote an opinion or statement. In some cases, the Court did not reach the issue or issues on which I wrote.

Washington Post v. U.S. Dep't of State, 647 F.2d 197 (D.C. Cir. 1981) (per curiam), rev'd, 456 U.S. 595 (1982)

United States v. Ross, 655 F.2d 1159 (D.C. Cir. 1981) (en banc), rev'd, 456 U.S. 798 (1982)

Wright v. Regan, 656 F.2d 820 (D.C. Cir. 1981), rev'd sub nom. *Allen v. Wright*, 468 U.S. 737 (1984)

International Ass'n of Machinists and Aerospace Workers v. FEC, 678 F.2d 1092 (D.C. Cir.) (en banc) (per curiam), aff'd, 459 U.S. 983 (1982)

American Electric Power Service Corp. v. FERC, 675 F.2d 1246 (denial of rehearing en banc) (per curiam memorandum), rev'd sub nom., *American Paper Institute, Inc. v. American Electric Power Service Corp.*, 461 U.S. 402 (1983)

NRDC v. Gorsuch, EPA, 685 F.2d 718 (D.C. Cir. 1982), rev'd sub nom. *Chevron USA, Inc. v. Natural Resources Defense Council, Inc.*, 467 U.S. 1227 (1984)

Community for Creative Non-Violence v. Watt, 703 F.2d 586 (D.C. Cir. 1983) (en banc) (R.B. Ginsburg, J., concurring), rev'd sub nom. *Clark v. CCNV*, 468 U.S. 288 (1984)

Goldman v. Secretary of Defense, 739 F.2d 657 (D.C. Cir. 1984) (denial of rehearing en banc) (R.B. Ginsburg, J., dissenting), *aff'd*, *Goldman v. Weinberger*, 475 U.S. 503 (1986)

Schor v. Commodity Futures Trading Comm'n, 740 F.2d 1262 (D.C. Cir. 1984), *vacated and remanded*, 473 U.S. 922, later proceeding, 770 F.2d 211 (D.C. Cir. 1985) (*per curiam*), *rev'd*, 478 U.S. 833 (1986)

Shaw v. Library of Congress, 747 F.2d 1469 (D.C. Cir. 1984) (R.B. Ginsburg, J., dissenting), *rev'd*, 478 U.S. 310 (1986)

Alaska Airlines, Inc. v. Donovan, 766 F.2d 1550 (D.C. Cir. 1985) (R.B. Ginsburg, J., concurring), *aff'd*, 480 U.S. 678 (1987)

Abourezk v. Reagan, 785 F.2d 1043 (D.C. Cir. 1986), *aff'd by an equally divided court*, 484 U.S. 1 (1987)

In re American Fed'n of Gov't Employees, 790 F.2d 116 (D.C. Cir.), *aff'd*, 479 U.S. 801 (1986)

McKelvey v. Turnage, 792 F.2d 194 (D.C. Cir. 1986) (*per curiam*) (R.B. Ginsburg, J. concurring in part and dissenting in part), *aff'd sub nom. Traynor v. Turnage*, 485 U.S. 535 (1988)

Hohri v. United States, 793 F.2d 313 (D.C. Cir. 1986) (denial of rehearing en banc) (R.B. Ginsburg, J., writing separate statement with Wright, J.), *vacated and remanded*, 482 U.S. 64 (1987)

Doe v. Casey, 796 F.2d 1508, 1524 (1986) (R.B. Ginsburg, J., concurring), *aff'd in part, rev'd in part sub nom. Webster v. Doe*, 486 U.S. 592 (1988)

In re Korean Air Lines Disaster, 829 F.2d 1171 (D.C. Cir. 1987), *aff'd sub nom. Chan v. Korean Air Lines, Ltd.*, 490 U.S. 122 (1989)

In re Sealed Case, 838 F.2d 476 (D.C. Cir. 1988) (R.B. Ginsburg, J., dissenting), *rev'd sub nom. Morrison v. Olson*, 487 U.S. 654 (1988)

Community for Creative Non-Violence v. Reid, 846 F.2d 1485 (D.C. Cir. 1988), *aff'd*, 490 U.S. 730 (1989)

Michigan Citizens for an Independent Press v. Thornburgh, 868 F.2d 1285 (1989) (R.B. Ginsburg, J., dissenting), *aff'd by an equally divided court*, 493 U.S. 38 (1989)

American Postal Workers' Union v. United States Postal Serv., 891 F.2d 304 (D.C. Cir. 1989) (R.B. Ginsburg, J. concurring), rev'd, 498 U.S. 517 (1991)

(d) A list and copies of all your unpublished opinions.

Please see Appendix I-7.

(e) A list of all cases in which you were a panel member.

Please see Appendix I-8.

14. Public Office: State (chronologically) any public offices you have held, including judicial offices, including the terms of service and whether such positions were elected or appointed. State (chronologically) any unsuccessful candidacies for elective public office.

I have never been a candidate for elected public office. I have held only one public office: United States Circuit Judge for the District of Columbia Circuit, appointed June 1980.

15. Legal Career:

- a. Describe chronologically your law practice and experience after graduation from law school including:
1. 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;
 2. whether you practiced alone, and if so, the addresses and dates;
 3. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been connected, and the nature of your connection with each;

I served as a law clerk to Hon. Edmund L. Palmieri, United States District Judge, Southern District of New York, from August 1959 to August 1961. From September 1961 to August 1963, I served first as a Research Associate, then as Associate Director of Columbia Law School's Project on International Procedure. In those positions, I studied and wrote about Sweden's procedural system and the practices of Scandinavian countries with respect to international judicial assistance. I also participated in Project work regarding other countries and legislative improvements to enhance international cooperation in litigation.

From 1963 until 1980, law teaching was my primary

occupation. I was on the faculty of Rutgers -- The State University, School of Law (Newark, N.J.) from 1963 to 1972 and on the law faculty of Columbia University School of Law from 1972 until 1980. As a law teacher, my principal classroom and scholarly work related to civil procedure (emphasizing federal courts), conflict of laws, and constitutional law.

Since June 1980, I have served as a United States Circuit Judge for the District of Columbia Circuit.

- b. 1. What has been the general character of your law practice, dividing it into periods with dates if its character has changed over the years?
2. Describe your typical former clients and the areas, if any, in which you have specialized.

Apart from occasional consultation concerning Swedish law, federal procedure and jurisdiction, my practice was pro bono in association with the American Civil Liberties Union. Clients represented were men and women of diverse ethnic origin and economic circumstances pursuing claims for equal justice under the law.

- c. 1. Did you appear in court frequently, occasionally, or not at all? If the frequency of your appearances in court varied, describe each such variance, giving dates.

From 1971 until 1979, I appeared regularly in appellate proceedings in the U.S. Supreme Court and in other federal court proceedings. Prior to 1971, I regularly observed but did not participate in court proceedings. Experience in court prior to 1971 included two years as a federal district court law clerk (involving attendance at a wide variety of trial and other proceedings) and attendance at diverse proceedings in the United States and Sweden in connection with comparative procedure studies.

2. What percentage of these appearances was in:
 - (a) federal courts;
 - (b) state courts of record;
 - (c) other courts.

All of my courtroom appearances as attorney for a party were in federal tribunals. I was the author of amicus curiae briefs filed in state courts and was regularly consulted by ACLU

attorneys regarding their preparation of state court briefs and pleadings.

3. What percentage of your litigation was:

- (a) civil;
- (b) criminal.

Civil cases represented approximately 90% of my litigation efforts.

4. State the number of cases in courts of record you tried to verdict or judgment (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

5. What percentage of these trials was:

- (a) jury;
- (b) non-jury.

4. and 5. I initiated as chief or supervising counsel several federal district court actions. First instance cases in which I acted as sole or supervising counsel were resolved, successfully, at the pre-trial stage. Nearly all were three-judge federal district court actions decided, after pre-trial proceedings, by summary judgment; thereafter, I served in five of these cases as attorney for appellees in the U.S. Supreme Court. All proceedings in which I served as sole or chief counsel were non-jury cases.

I had significant appellate experience in some fifteen cases in which I served as attorney for a party. I was the sole or principal author of several amicus curiae briefs filed in the U.S. Supreme Court and other appellate tribunals.

16. Litigation: Describe the ten most significant litigated matters which you personally handled. 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 names, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

Identify each case you personally argued in court. Please provide a copy of all briefs on which your name appears. If copies are unavailable to you, please identify the case and court.

Below is a list of the ten most significant litigated matters which I handled. Copies of briefs on which my name appears as counsel are attached at Appendix I-9.

- (1) *Reed v. Reed*, 404 U.S. 71 (1971).

Summary and disposition -- Idaho statute declaring, as between persons "equally entitled" to administer a decedent's estate, "males must be preferred to females," held unconstitutional.

Significance -- Turning point decision, first occasion on which Supreme Court held a gender-based classification inconsistent with the equal protection principle.

Party represented -- Appellant Sally Reed.

Nature of participation -- Principal author of Brief and Reply Brief for Appellant.

Co-counsel -- (then) ACLU legal director Melvin L. Wulf, Beldock, Levine & Hoffman, 99 Park Avenue, New York, NY 10016-1502 (tel. 212/490-0400). Brief for Appellant written in partnership with Mr. Wulf.

Allen R. Derr, 817 West Franklin Street, Boise, ID 83701 (tel. 208/342-2674). Mr. Derr represented Sally Reed in proceedings below and presented oral argument in the Supreme Court.

Counsel for Appellee -- Charles S. Stout, 707 Michael Street, Boise, ID (tel. unlisted).

* * *

- (2) *Horitz v. Commissioner of Internal Revenue*, 469 F.2d 466 (10th Cir. 1972), cert. denied, 412 U.S. 906 (1973).

Summary and disposition -- Unmarried son who provided care for his elderly, infirm mother held entitled to

tax deduction Internal Revenue Code provided only for daughters and married sons.

Significance -- Fraternal twin to *Reed*, this decision marks the only occasion, at least before 1980, in which a provision of the Internal Revenue Code has been declared unconstitutional.

Party represented -- Appellant in Tenth Circuit, Respondent in Supreme Court, Charles E. Moritz. (Mr. Moritz appeared pro se in the Tax Court.)

Nature of participation -- Principal author of Brief for Appellant in Tenth Circuit, and Brief in Opposition to Certiorari; divided oral argument with co-counsel.

Judges by whom case heard and decided -- C.J. Holloway, C.J. Doyle, D.J. Daugherty.

Co-counsel -- Martin David Ginsburg, Georgetown University Law Center, 600 New Jersey Avenue, N.W., Washington, D.C. 20001 (tel. 202/662-9077).

Counsel for Commissioner -- In Court of Appeals, James H. Bozarth, Interjust Law Firm, United Bank Plaza, Suite 900, 400 N. Pennsylvania Avenue, P.O. Box 820, Roswell, NM 88201 (tel. 505/622-2800); in Supreme Court, Richard B. Stone, Columbia Law School, 435 West 116 Street, New York, N.Y. 10027 (tel. 212/280-2467).

* * *

- (3) *Struck v. Secretary of Defense*, cert. granted, 409 U.S. 947, judgment vacated, 409 U.S. 1071 (1972).

Summary and disposition -- Rule mandating discharge of pregnant Air Force officers challenged. After Supreme Court granted certiorari and the Brief for Petitioner was filed, Air Force agreed to retain Capt. Struck and to change the rule. As a result, the judgment below, which had upheld the rule, was vacated.

Significance -- The outcome in *Struck* indicated the beginning stage of change in the direction of more equitable employment practices regarding childbearing women.

Party represented -- Petitioner Capt. Susan B. Struck.

Nature of participation -- I consulted with local counsel during proceedings below, and was principal

author of all Supreme Court papers: Petition for Certiorari, Reply and Supplemental Briefs before certiorari was granted, and Brief for Petitioner after certiorari was granted.

[See also *Turner v. Dep't of Employment Security*, 423 U.S. 44 (1974), and *Crawford v. Cushman*, 531 F.2d 1114 (2d Cir. 1976), later dispositions in the same area. I co-authored the Petition for Certiorari on the basis of which the Court reversed the judgment in *Turner*, and co-authored the Brief for Appellant in *Crawford*.]

Co-counsel -- Joel M. Gora, Brooklyn Law School, 250 Joralemon Street, Brooklyn, NY 11201 (tel. 718/625-2200).

Counsel for Secretary of Defense -- (then) Solicitor General Erwin N. Griswold, Jones, Day, Reaves & Pogue, Metropolitan Square, 1450 G Street, N.W., Washington, D.C. 20005-2088 (tel. 202/879-3939).

- (4) *Frontiero v. Richardson*, 411 U.S. 677 (1973).

Summary and disposition -- Federal statutes granting fringe benefits to married male members of the military but not to similarly situated married female members of the military held unconstitutional.

Significance -- The classification overturned reflected the most pervasive gender line in the law: four Justices subscribed to a plurality opinion declaring sex a "suspect" criterion.

Parties represented -- Appellants Sharron and Joseph Frontiero; amicus curiae American Civil Liberties Union.

Nature of participation -- I was principal author of the Jurisdictional Statement, the Brief Amicus Curiae for the American Civil Liberties Union, and the Joint Reply Brief for Appellants and Amicus Curiae; I divided oral argument with attorney for the Frontieros, Joseph Levin, Southern Poverty Law Center, Montgomery, AL.

Co-Counsel -- (then) ACLU legal director, Melvin L. Wulf, Beldock, Levine & Hoffman, 99 Park Avenue, New York, NY 10016-1502 (tel. 212/490-0400).

Counsel for Secretary of Defense Richardson -- (then) Solicitor General Erwin N. Griswold, Jones, Day, Reaves & Pogue, Metropolitan Square, 1450 G Street, N.W., Washington, D.C. 20005-2088 (202/879-3939).

* * *

- (5) *Kahn v. Shevin*, 416 U.S. 351 (1974).

Summary and disposition -- Court upheld against constitutional challenge a Florida law, dating from 1885, providing a real property tax exemption for widows (also the blind and the totally disabled) but not widowers.

Significance -- Indicated that gender-based distinctions would withstand equal protection objections if the Court perceived them as compensating women for disadvantages encountered in economic endeavor.

[A later decision, *Orr v. Orr*, 440 U.S. 268 (1979), clarifies that even an apparently benign or compensatory gender-based classification should attract close review. I co-authored the brief *amicus curiae* in *Orr*.]

Party represented -- Appellant Mel Kahn.

Nature of participation -- I undertook representation of widower Kahn after the Supreme Court noted probable jurisdiction. I wrote the Brief and Reply Brief for Appellant, and presented oral argument.

Co-counsel -- William Hoppe, Hoppe, Backmeyer & Stokes, 66 W. Flagler Street, Concord Building, 2nd floor, Miami, FL 33130 (tel. 305/358-9060).

Counsel for Florida -- (then) Attorney General Robert L. Shevin, Strook, Strook & Lavan, Suite 3300, First Union Financial Center, Miami, FL 33131-2385 (tel. 305/358-9900); (then) Assistant Attorney General Sydney H. McKenzie, III (argued), 3769 Suffolk Drive, Tallahassee, FL (904/893/3882).

* * *

- (6) *Healy v. Edwards*, 363 F.Supp. 1110 (E.D. La. 1973), vacated for determination of mootness, 421 U.S. 772 (1975), in Supreme Court, companion to and argued in tandem with *Taylor v. Louisiana*, 419 U.S. 522 (1975).

Summary and disposition -- Louisiana law exempting from jury service all women except those who volunteer to serve held unconstitutional.

Significance -- Established that women count in

determining whether lists from which jurors are drawn represent a fair cross-section of the community.

Parties represented -- Plaintiffs below (three classes: female civil litigants; female potential jurors; male potential jurors), Appellees in Supreme Court.

Nature of participation -- I was chief counsel from the initiation of proceedings in the district court through the Supreme Court presentation. With assistance from New Orleans counsel, I prepared district court pleadings, motions, and briefs and presented oral argument before the three-judge court. On appeal, I wrote the Motion to Affirm and the Brief for Appellees, and presented oral argument. I consulted with the attorney in *Taylor* in connection with the preparation of his brief and oral argument.

Judges by whom case heard and decided -- In district court, D.J. Rubin (convening Judge), C.J. Wisdom, D.J. West.

Co-counsel -- George M. Strickler, Jr., last address: LeBlanc and Strickler, One Poydras Plaza, Suite 1075, 639 Loyola Avenue, New Orleans, LA 70113 (tel. 504/581-4346).

Counsel for Hon. Edwin Edwards (Governor of Louisiana) -- (then) Attorney General William J. Guste, Jr., 639 Loyola Avenue, New Orleans, LA 70133 (tel. 504/568-5575); (then) Assistant Attorney General Kendall L. Vick (argued), 1235 Washington Avenue, New Orleans, LA 70123 (tel. 504/899-3565).

* * *

- (7) *Weinberger v. Wiesenfeld*, 367 F.Supp. 981 (D.N.J. 1973), *aff'd*, 420 U.S. 636 (1975).

Summary and disposition -- Widowed father who cared personally for his infant held entitled to the same child-in-care social security benefits accorded by federal statute to widowed mothers.

Significance -- The first of a series of decisions holding the social security accounts of female wage earners, to comport with equal protection, must generate the same family benefits as the accounts of male wage earners.

Party represented -- Plaintiff in district court, Appellee in Supreme Court, Stephen C. Wiesenfeld.

Nature of participation -- I was chief counsel from the initiation of proceedings in the district court through Supreme Court presentation. I prepared district court pleadings, motions, and briefs, and presented oral argument before the three-judge court. On appeal, I wrote the Motion to Affirm and the Brief for Appellee, and presented oral argument.

Judges by whom case heard and decided -- In district court, D.J. Fisher (convening Judge), C.J. Hunter, D.J. Whipple.

Co-counsel -- (then) ACLU legal director Melvin L. Wulf, Beldock, Levine & Hoffman, 99 Park Avenue, New York, NY 10016-1502 (tel. 212/490-0400)

Counsel for Secretary of Health, Education, and Welfare -- In district court, Assistant U.S. Attorney Bernard S. David, last address: United States Attorney's Office, Newark, NJ 07102 (tel. 201/645-2286); last address: T. Scott Johnstone, Department of Justice, Washington, D.C. 20530 (tel. 202/633-2000); in the Supreme Court, (then) Deputy Solicitor General Keith A. Jones, Fulbright & Jaworski, 801 Pennsylvania Avenue, N.W., Washington, D.C. 20004-2604 (tel. 202/662-0200).

* * *

- (8) *Califano v. Goldfarb*, 430 U.S. 199 (1977).

Summary and disposition -- Widowed male retiree held entitled to social security benefits under his wage-earning wife's account without regard to dependency.

Significance -- The decision develops the principle advanced earlier in *Frontiero* and *Wiesenfeld* and explicitly applies a heightened equal protection review standard to gender-based classifications. [Substantial reliance was placed on *Goldfarb* and *Wiesenfeld* in *Califano v. Westcott*, 443 U.S. 76 (1979). I co-authored a brief *amicus curiae* in *Westcott*.]

Party represented -- Appellee Leon Goldfarb.

Nature of participation -- I was chief counsel, wrote the Motion to Affirm, Brief for Appellee and Supplemental Brief for Appellee, and presented oral argument. I supervised but did not appear in proceedings below. [Companion cases were *Califano v. Jablon*, 430 U.S. 294 (1977), summarily affirming 399 F. Supp. 118 (D. Md. 1975), and *Califano v. Coffin*, 430 U.S. 924 (1977), dismissing appeal from 400 F. Supp.

953 (D. D.C. 1975). I wrote the Motion to Affirm and the cross-Jurisdictional Statement in these cases, and was sole attorney in Coffin from the commencement of the action to final judgment.]

Co-counsel -- Kathleen Peratis, 800 Third Avenue, New York, NY (tel. 212/355-3900).

Counsel for Secretary of Health, Education, and Welfare -- (then) Deputy Solicitor General Keith A. Jones, Fulbright & Jaworski, 801 Pennsylvania Avenue, N.W., Washington, D.C. 20004-2604 (tel. 202/662-0200).

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- (9) *Duren v. Missouri*, 439 U.S. 357 (1979), reversing and remanding 556 S.W.2d 11 (Mo. 1977).

Summary and disposition -- Missouri law granting exemption from jury service to "any woman" held unconstitutional.

Significance -- The decision develops the principle advanced earlier in *Healy* and *Taylor* and clarifies that substantial underrepresentation of women on jury panels is not compatible with the Constitution's fair cross-section requirement.

Party represented -- Petitioner Billy Duren.

Nature of participation -- I wrote the Brief and Reply Brief for Petitioner and divided oral argument with Missouri public defender.

Co-counsel -- (then) Assistant Public Defender Lee M. Nation, 18416 Fightmaster Road, Trimble, MO 64492 (816/635-5580).

Counsel for Missouri -- (then) Assistant Attorney General Nanette Laughrey (argued), University of Missouri -- Columbia School of Law, Missouri and Conley Avenues, Columbia, MO 65211 (tel. 314/882-6487); Assistant Attorney General Philip M. Koppe, Suite 609, 3100 Broadway Street, Kansas City, MO 64111 (tel. 816/531-4207).

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- (10) *Owens v. Brown*, 455 F.Supp. 291 (D.D.C. 1978) (Judge Sirica).

Summary and disposition -- Federal statute prohibiting

assignment of female personnel to duty on navy vessels other than hospital ships and transports held unconstitutional. No appeal was pursued by the Secretary of Defense.

Significance -- The decision is an important step in opening doors to women seeking careers, educational and training opportunities in the military.

Parties represented -- Plaintiffs, class of female Navy officers and enlisted personnel.

Nature of participation -- I supervised development of the case by ACLU staff attorneys and co-authored the Brief in Support of Plaintiffs' Cross-Motion for Summary Judgment. I did not participate in oral argument.

Co-counsel -- (then) ACLU staff attorney Marjorie M. Smith, Legal Aid Society of New York, 52 Duane Street, New York, NY 10007 (212/285/2842).

Counsel for Secretary of Defense -- Michael J. Ryan, Assistant U.S. Attorney, 555 4th Street, N.W., Washington, D.C. 20001 (tel. 202/514-7352).

I personally argued:

Moritz v. Commissioner of Internal Revenue, 469 F.2d 466 (10th Cir. 1972), cert. denied, 412 U.S. 906 (1973)

Frontiero v. Richardson, 411 U.S. 677 (1973)

Kahn v. Shevin, 416 U.S. 351 (1974)

Healy v. Edwards, 363 F.Supp. 1110 (E.D. La. 1973) (before three-judge panel), vacated for determination of mootness, 421 U.S. 772 (1975)

argued in both district court and Supreme Court

Weinberger v. Wiesenfeld, 367 F.Supp. 981 (D.N.J. 1973) (before three-judge panel), *aff'd*, 420 U.S. 636 (1975)

argued in both district court and Supreme Court

Califano v. Goldfarb, 430 U.S. 199 (1977)

Coffin v. Secretary of Health, Education, and ...lfare, 400 F. Supp. 953 (D.D.C. 1975) (before three-judge panel)

Duren v. Missouri, 439 U.S. 357 (1979)

Stevenson v. Castles, No. 75-1015 (5th Cir. June 29, 1977)

I-35

(unpublished opinion remanding case to D. Canal Zone for new trial). This case concerned educational benefits for women employed by Panama Canal Company. I was not involved in the district court proceedings, but was sole counsel for appellees and, in that capacity, wrote motions, briefs, and presented oral argument.

17. **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. Please list any clients or organizations from whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

I count as the most significant legal activities I have pursued my work in comparative law and toward the advancement of equal opportunity and responsibility for women and men in all fields of human endeavor.

My interest in comparative law was sparked by my studies of foreign judicial systems (principally in Sweden, also in Denmark, Finland, and Norway) in the early 1960s. Several publications resulted from those studies. I later served as an editor of the American Journal of Comparative Law from 1966 until 1972, on several Bar committees relating to comparative law, and taught or lectured at faculties in Austria, France, the Netherlands, Sweden, and Taiwan. I have attended comparative law conferences or exchanges in China, England, Germany, India, Italy, Japan, the Netherlands, Scotland, and Sweden.

I had the good fortune to be able to devote my legal training, in the 1970s, to educational and litigation efforts aimed at improving the status of women in society and encouraging men to contribute, as full partners, to family life, particularly, to caring for children. During those years, I taught courses and seminars, and supervised clinical programs, on sex-based discrimination. Simultaneously, I helped to launch, and then supervised, the American Civil Liberties Union's Women's Rights Project, a project in which men worked together with women to overcome artificial barriers to equal opportunity for all persons.

I have not engaged in lobbying activities for any client or organization.

18. **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.

At Rutgers -- The State University School of Law (Newark), I taught Civil Procedure (sometimes called Remedies) annually from 1963 until 1972. During my tenure there, I also taught Conflict of Laws, Comparative Law and Procedure, Federal Courts, and Women and the Law. As a visiting faculty member at New York University School of Law in the Spring of 1968, I taught Conflict of Laws. At Harvard Law School, in the Fall of 1971, I taught Women and the Law. At Columbia University School of Law, from 1972 until 1980, I regularly taught Civil Procedure, Conflict of Laws, and Sex-Based Discrimination, and also Constitutional Law.