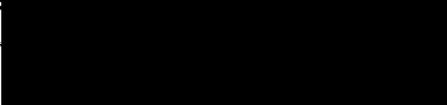


Committee on Energy and Commerce
U.S. House of Representatives
Witness Disclosure Requirement - "Truth in Testimony"
Required by House Rule XI, Clause 2(g)(5)

1. Your Name: <u>Laurence H. Tribe</u>		
2. Your Title: <u>Carl M. Loeb University Professor</u>		
3. The Entity(ies) You are Representing: <u>Peabody Energy Corporation</u>		
4. Are you testifying on behalf of the Federal, or a State or local government entity?	Yes	No <input checked="" type="checkbox"/>
5. Please list any Federal grants or contracts, or contracts or payments originating with a foreign government, that you or the entity(ies) you represent have received on or after January 1, 2013. Only grants, contracts, or payments related to the subject matter of the hearing must be listed. <u>None.</u>		
6. Please attach your curriculum vitae to your completed disclosure form.		

Signature



Date: Feb. 24, 2015

LAURENCE H. TRIBE

Vita

December 2014

Biographical Data

Personal:

Born: October 10, 1941, Shanghai, China (U.S. citizen).
Parents: George and Polia Tribe; moved to San Francisco, California, March 1947.
Children: son Mark, born December 11, 1966; daughter Kerry, born January 12, 1973.

Education:

A.B. with *summa cum laude* in Mathematics, Harvard College, 1962.
National Science Foundation Fellow, Harvard Graduate School of Arts & Sciences, 1962-63.
J.D. *magna cum laude*, Harvard Law School, 1966.
Attended public schools in San Francisco, 1947-58.

Career:

Senior Counselor for Access to Justice, U.S. Dept. of Justice, March 2010 - December 2010.
Member, President's Commission on White House Fellowships, October 2009 – present.
Harvard University Faculty Appointments:
 Carl M. Loeb University Professor, 2004-present. *
 Ralph S. Tyler, Jr. Professor of Constitutional Law, 1982-2004.
 Professor of Law, 1972-82.
 Assistant Professor of Law, 1968-72:
Member, American Philosophical Society, elected April 2010.
Fellow, American Academy of Arts and Sciences, elected 1980.
Chair, Governor's Press Shield Law Task Force, 1983-85.
Executive Director of Technology Assessment Panel, Nat.'l Academy of Sciences, 1968-69.
Law Clerk to Justice Potter Stewart, United States Supreme Court, 1967-68.
Law Clerk to Justice Mathew O. Tobriner, California Supreme Court, 1966-67.
Research Associate in Mathematical Physics & Computer Science, Lawrence Radiation
 Laboratory, Berkeley, California, Summers 1959-64.

Bar Memberships:

United States Supreme Court, from 1978.
U.S. Courts of Appeals for the Federal, First, Second, Third, Fourth, Fifth, Sixth, Seventh,
Eighth, Ninth, Tenth, Eleventh and D.C. Circuits.
U.S. District Court for the District of Massachusetts, from 1978.
Commonwealth of Massachusetts, from 1978.
State of California, from 1966.

* Harvard's University Professorships represent the highest honor the university can accord a member of its faculty and entitle the holder to teach without departmental limitation. Less than 60 University Professors have been appointed in Harvard's history.

Honorary Degrees:

- D. Litt., Columbia University, 2013, awarded for “a rare combination of towering intellect, fidelity to equal justice, and profound belief in the capacity of our Constitution to form a more perfect union.”
- LL.D., Institute for Criminal Science, Government of Mexico, 2011.¹
- LL.D., University of New Hampshire Law School, 2011.
- LL.D., University of Miami, 2010.
- LL.D., New York University, 2008.
- LH.D., Hebrew University, 1998.
- LL.D., Colgate University, 1997.
- LL.D., Illinois Institute of Technology, 1988, awarded (in their words) for “profound and far-reaching influence on the understanding and development of constitutional law.”
- LL.D., American University, 1987, awarded (in their words) “by the authority of the Congress of the United States” for “scholarship, writing and advocacy showing a stunning breadth of expertise . . . from mathematics to . . . technology assessment . . . demonstrating a sensitivity to a world undergoing massive technological change.”
- LL.D., University of the Pacific, 1987.
- LL.D., Gonzaga University, 1980, awarded (in their words) for “producing the leading treatise on American constitutional law” and “do[ing] much to build a bridge between law and technology.”

Selected Honors and Distinctions:

- Awarded 2014 YLD Fellows Award from the ABA Young Lawyers Division.
- Awarded the American Philosophical Society’s *Henry M. Phillips Prize in Jurisprudence* for 2013.²
- Awarded the Ramona Ripston Liberty, Justice and Equality Award at the 2011 ACLU of Southern California Bill of Rights Dinner.
- Named Best Lawyers’ 2012 Boston Appellate Lawyer of the Year, October 2011
- Elected to American Philosophical Society, April 2010.
- Named Outstanding Scholar of 2009, Fellows of the American Bar Foundation.
- Recipient of 2009 Albert D. Chernin Award for Public Service, Jewish Council for Public Affairs.
- Recipient of 2009 Veritas Award, Harvard Gay and Lesbian Caucus.
- \$10 million gift made anonymously to Harvard Law School to create constitutional law professorship and program in Professor Tribe’s honor.
- Honored by “Legal Scholarship Symposium: The Scholarship of Laurence Tribe,” 42 *Tulsa Law Review*, 797-971, 2007.

¹ Awarded once each year since 1998. This was the first time Mexico awarded the degree to anyone from the United States.

² Previous recipients of this annual award have included: Justices Ruth Bader Ginsburg, Sandra Day O’Connor, and John Paul Stevens; Senators George Mitchell and Hillary Rodham Clinton; Archbishop Desmond Tutu; and Attorney General Janet Reno.

Appointed (as of July 2004) the Carl M. Loeb University Professor, Harvard University.
New York University Annual Survey of American Law Dedication, 2002.³
Won Sacks-Freund Award for Excellence in Teaching, Harvard Law School, 2001 (voted best professor by Class of 2001).
Named one of “America’s 100 Most Influential Lawyers” by The National Law Journal in 1985, 1988, 1991, 1994, 1997, 2000, and 2006.
Elected a Fellow of the American Academy of Arts and Sciences at age 38 in 1980.
Scribes Award for Outstanding Legal Publication of 1978 (“American Constitutional Law”), Awarded 1980.
Won National Intercollegiate Debate Championship, 1961.

Also:

Delivered the California State Bar Morrison Lecture, 2014.
Delivered Keynote Address at the Allan C. Lebow Supreme Court Review, UCLA School of Law, 2014.
Delivered the Owen J. Roberts Memorial Lecture in Constitutional Law, University of Pennsylvania Law School, 2013.
Delivered Wyant Lecture, Emmanuel College, 2011.
Delivered the Constitution Day Lecture, U.S. Justice Department, 2010.
Hugo L. Black Lecturer, Wesleyan University, 2008.
Appointed to deliver the Constitution Day Lecture, National Archives of the United States, 2008.
Appointed Visiting Scholar, National Constitution Center, 2007.
Appointed Constitution Day Lecturer, Harvard University, 2005.
Keynote Address, Third Annual National Convention, American Constitution Society, 2005 (following Justices Ruth Bader Ginsburg and Stephen Breyer as the keynote speakers for the first and second annual ACS conventions).
Appointed to deliver the Tanner Lectures on Human Values, Oxford University, 2002.
Second Annual “Spirit of Justice” Award, Gay & Lesbian Advocates & Defenders, 2001.
Eleventh Annual “Honoring Our Allies” Award, National Gay and Lesbian Task Force, 2000. Alexander Meiklejohn Lecture, Brown University, 1998.
First Annual Louis D. Brandeis Lecture, Israel Academy of Science and Humanities, Jerusalem, 1994.
Appointed to deliver Keynote Lecture, Bill Of Rights Bicentennial, National Archives of the United States, 1991.
Forty-third Annual Cardozo Lecture, Association of the Bar of the City of New York, 1989.
Distinguished Lifetime Achievement Award from National Gay Rights Advocates, 1988.
Inaugural Lecture, Richard Salomon Distinguished Lecture Series, N.Y. City Public Library, 1988.
Eleventh Annual William O. Douglas Award (Public Counsel), 1987.
Tanner Lecture on Human Values, University of Utah, 1986.
Legal Achievement Award from Bay Area Lawyers for Individual Freedom, 1985.
Roger Baldwin Award of the Massachusetts Civil Liberties Union Foundation, 1985.
Triennial Coif Award for the outstanding work of legal scholarship in the U.S. (1978 treatise), 1980.

³ Awarded once every several years since 1895. This is the 25th time the award has been bestowed. Previous recipients have included Roscoe Pound, Karl Llewellyn, John Rawls, Willard Hurst, Ronald Dworkin, Martha Nussbaum, and Jeremy Waldron.

Named by Time magazine as “one of the ten most outstanding law professors” in U.S., 1977.
Joseph Beale Prize, Harvard Law School, 1966.
National Science Foundation and Woodrow Wilson Fellow, 1962-63.
National Intercollegiate Debate Champion, 1961.
Elected to Phi Beta Kappa (Junior Eight), 1961.
Detur Prize, Harvard College, 1959.
First Place, National Strathmore Pastel Competition, 1958.

Selected Law-Related Activities:

Fulbright Distinguished Lecturer, India, 1991.
Constitutional consultant for Chief Justice Valery Zorkin of Russia, 1992.
Member, U.S.-European Committee on Revision of the Czechoslovak Constitution, 1990-91.
Lecturer with Justice William J. Brennan, Jr., Miami, Florida, 1991 and 1992.
Lecturer with Justice Anthony M. Kennedy, Salzburg, Austria, 1990.
Fulbright Distinguished Lecturer, Brazil, 1982.
Chairman, Marshall Islands Judicial Service Commission, 1979-80.
Consultant to Marshall Islands for drafting new constitution, 1978-79.

Selected Bibliography

Books:

Uncertain Justice: The Roberts Court and The Constitution (with Joshua Matz) (Henry Holt and Company, 2014)
The Invisible Constitution (Oxford University Press, 2008).
American Constitutional Law, Volume One (Foundation Press, 3d ed. 2000). *
Constitutional Choices (Universal Law Publishing Company, Central Asia ed. 2001) (India, Pakistan, Nepal, Bangladesh, Sri Lanka).
On Reading The Constitution (with Michael C. Dorf) (Harvard University Press, 1991).
Abortion: The Clash of Absolutes (W.W. Norton & Co., 1990).
American Constitutional Law (Foundation Press, 2d ed. 1988).*
God Save This Honorable Court: How the Choice of Supreme Court Justices Shapes Our History (Random House, 1985).
Constitutional Choices (Harvard University Press, 1985).
American Constitutional Law (Foundation Press, 1st ed. 1978).*
When Values Conflict: Essays on Environmental Analysis, Discourse, and Decision (ed. with C. Schelling & J. Voss) (Ballinger, 1976).
Channeling Technology Through Law (Bracton Press, 1973).
Environmental Protection (with Louis L. Jaffe) (Bracton Press, 1971).
Technology: Processes of Assessment and Choice (U.S. Govt., 1969).

* This treatise (including its 1978 and 1988 editions) was cited more often (5,351 times) from 1955 to 2000 than any other legal text or treatise published in the 20th century, according to *The Journal of Legal Studies* (Jan. 2000). See also *The American Lawyer* 107 (Dec. 1999).

Major Articles Since 1985:

- “An Ephemeral Moment: Minimalism, Equality, and Federalism in the Struggle for Same-Sex Marriage Rights,” 37 N.Y.U. Rev. L. & Soc. Change 199 (2013) [with Joshua Matz].
- “The Constitutional Inevitability of Same-Sex Marriage,” 71 Md. L. Rev. 471 (2012) [with Joshua Matz].
- “The Constitutionality of the Patient Protection and Affordable Care Act: Swimming in the Stream of Commerce,” 35 Harv. J. L. & Pub. Pol’y 873 (2012).
- “Death by a Thousand Cuts: Constitutional Wrongs Without Remedies After *Wilkie v. Robbins*,” Cato Supreme Court Review 23 (2006-07).
- “The Inverted Constitution: Presidential Hegemony and the Eclipse of Privacy,” 12 The Berlin Journal, 41 (2006).
- “The Anti-Emergency Constitution,” 113 Yale Law Journal 1801 (2004) [with Pat Gudridge].
- “*Lawrence v. Texas*: The ‘Fundamental Right’ That Dare Not Speak Its Name,” 117 Harvard Law Review 1893 (2004).
- “Public Rights, Private Rites,” 6 The Green Bag 289 (2003).
- “The Unbearable Wrongness of *Bush v. Gore*,” 19 Constitutional Commentary 571 (2003).
- “Lost at the Equal Protection Carnival: Nelson Lund’s Carnival of Mirrors,” 19 Constitutional Commentary 619 (2003).
- “Waging War, Deciding Guilt: Trying the Military Tribunals,” 111 Yale Law Journal 1259 (2002) [with Neal Katyal].
- “*eroG .v hsuB* and its Disguises: Freeing *Bush v. Gore* From its Hall of Mirrors,” 171 Harvard Law Review 170 (2001).
- “Disentangling Symmetries: Speech, Association, Parenthood,” 28 Pepperdine L. Rev. 641 (2001).
- “*Saenz* Sans Prophecy: Does the ‘Privileges or Immunities’ Revival Reveal the Future—or Expose the Hidden Structure of the Present?” 113 Harvard Law Review 110 (1999).
- “Comment,” in Justice Scalia’s A Matter of Interpretation: Federal Courts and the Law 63-94 (Princeton University Press, 1997).
- “Taking Text and Structure Seriously: Reflections on Free-Form Method in Constitutional Interpretation,” 108 Harvard Law Review 1221 (1995).
- “Levels of Generality in the Definition of Rights,” 57 Chicago Law Rev. 1057 (1990) (with M. Dorf).
- “The Curvature of Constitutional Space: What Lawyers Can Learn From Modern Physics,” 103 Harvard Law Review 1 (1989).
- “Remarks: Revisiting the Rule of Law,” 64 N.Y.U. Law Review 726 (1989).
- “Judicial Interpretation of Statutes: Three Axioms,” 11 Harv. J. of Law and Public Policy 51 (1988).
- “On Reading the Constitution,” 9 Tanner Lectures on Human Values (University of Utah Press, 1988), reprinted in 1988 Utah Law Review 747 (1988).
- “Contrasting Constitutional Visions: Of Real and Unreal Differences,” 22 Harvard C.R.-C.L. Law Review 95 (1987).
- “The Idea of the Constitution: A Metaphor-morphosis,” 37 Journal of Legal Education 170 (1987).
- “Substantive Due Process,” in Encyclopedia of American Constitutional Law (L. Levy ed. 1987).
- “In What Vision of the Constitution Must the Law be Color-Blind?,” 20 John Marshall Law Review 201 (1986).

- “The Abortion Funding Conundrum: Inalienable Rights, Affirmative Duties and the Dilemma of Dependence,” 99 Harvard Law Review 330 (1985).
- “Constitutional Calculus: Equal Justice or Economic Efficiency?,” 98 Harvard Law Review 592 (1985).

Other Published Work, 1970-2014:

- 56 other articles in scholarly journals or compedia.
 35 prepared statements accompanying testimony in Congress.
 130 magazine articles and op-ed newspaper essays.

Lead Counsel in U.S. Supreme Court Cases (clients underlined and in bold type):

- Lost Wilkie v. Robbins, 551 U.S. 537 (2007, argued 3/19/07—Rejecting Bivens damages action against federal officials for ongoing retaliation against rancher who refused to give their agency an easement.
- Lost Johanns v. Livestock Marketing, 544 U.S. 550 (2005), argued 12/8/04—Rejecting First Amendment challenge to the federal beef promotion program on a ‘government speech’ rationale not considered in United Foods.
- Dismissed Nike v. Kasky, 539 U.S. 654 (2003), argued 4/23/03—Declining on procedural/jurisdictional as grounds to as reach merits of First Amendment questions presented in context of private improvidently attorney improvidently general action against statements made in course of public debate; granted but majority of Court granted nonetheless seemingly rejects state court’s holding that, because the speech in question could encourage purchase of speaker’s products and had that purpose, it was purely “commercial” and hence wholly unprotected if misleading.
- Lost State Farm v. Campbell, 538 U.S. 408 (2003), argued 12/11/02—Reversing and remanding \$145 million state court punitive damages award where Court deemed the compensatory damages award of \$1 million to be substantial and concluded that a punitive award so much larger than the compensatory award had been sustained below on the basis of misconduct by defendant insurance company in other states (involving systematic mishandling of first-party claims) that the Court regarded as unrelated to defendant’s mishandling of plaintiff’s third-party insurance claim.
- Won FCC v. NextWave, 537 U.S. 293 (2003), argued 10/8/02—Rejecting FCC’s cancellation of spectrum licenses held by debtor reorganizing in bankruptcy where licenses secured multi-billion dollar credit extended under installment purchase arrangement by FCC and holding that Bankruptcy Code’s provision (sec. 525(a)) expressly banning revocation of license for nonpayment of dischargeable debt contains no implied exception for revocation motivated by regulatory purpose properly within FCC’s jurisdiction.
- Won U.S. v. United Foods, 533 U.S. 405 (2001), argued 4/17/01—First Amendment precludes forcing mushroom growers to pay for generic advertising campaign unrelated to substantive regulation of mushroom market.

- Lost New York Times v. Tasini, 533 U.S. 483 (2001), argued 3/28/01—Copyright Act requires permission from author of each contribution to composite publication reproduced in electronic database.
- Remanded for clarification Bush v. Gore I (Bush v. Palm Beach County Canvassing Board), 531 U.S. 70 (2000), argued 12/1/00—rejecting Bush claim that Florida Supreme Court had violated Art.II, §1, Cl.2 and 3 U.S.C. §5, by including ballots manually recounted after statutory Nov. 14 deadline, but remanding for state court clarification of how its recount processes took those federal provisions into account; eight days later, in Bush v. Gore II, 531 U.S. 98 (2000), argued 12/11/00, which I briefed but did not argue, only three Justices accepted the Bush position on Art.II and 3 U.S.C. §5, but the Court, 5-4, halted the recount on an equal protection theory as to which the Court had denied cert. in Bush I.
- Won Ortiz v. Fibreboard, 527 U.S. 815 (1999), argued 12/8/98—invalidating \$1.53 billion asbestos class action settlement as improperly certified on a limited fund theory under Rule 23 (b)(1)(B).
- Won & Lost AT&T v. Iowa Utilities Board, 525 U.S. 366 (1999), argued 10/13/98—upholding in part the Bell Operating Companies’ challenge to FCC jurisdiction over interconnection with local exchange networks.
- Won Baker v. General Motors, Inc., 522 U.S. 222 (1998), argued 10/15/97—holding unenforceable, in Missouri trial in which plaintiffs sought to have expert testify against G.M., Michigan court’s judgment purporting to enjoin that expert’s testimony (as part of decree settling litigation between the expert and G.M.), where plaintiffs had neither been parties to nor represented in the Michigan litigation, inasmuch as full faith and credit to judgments does not include giving them binding effect against absent parties.
- Won Amchem Products, Inc. v. Windsor, 521 U.S. 591 (1997), argued 2/18/97—invalidating \$1.3 billion asbestos class action settlement under Rule 23 (b)(3), where class was found by Court to be too heterogeneous for purposes of litigation by purported class representatives and accordingly could not be approved for settlement at their behest.
- Lost Vacco v. Quill, 521 U.S. 793 (1997), argued 1/8/97—States may prohibit physician-assisted suicide in part for terminally ill patients nearing death even while empowering such patients to refuse or terminate life-extending medical procedures (including nutrition and hydration), where necessary pain relief is made available despite predictable but unintended death-hastening effect; Court leaves open question whether some applications of state law that bans provision of lethal medication for self-administration by terminally ill patients who ask to die without consciousness-destroying effects of pain medication, but that empowers patients to demand termination of all life-extending procedures (even after “terminal sedation” is administered to render such patients unconscious), would violate due process or equal protection.
- Lost Timmons v. Twin Cities Area New Party, 520 U.S. 351 (1997), argued 12/4/96—States may limit each candidate on an election ballot to one nominating party.

- Mooted U.S. v. Chesapeake & Potomac Tel. Co.; N.C.T.A. v. Bell Atlantic, 516 U.S. 415 (1996), argued 12/6/95—Congress may not ban video programming by telephone cos. (ruling won below) (mooted by 1996 Telecom. Act).
- Lost Honda Motor Co. v. Oberg, 512 U.S. 415 (1994), argued 4/20/94—Right to judicial review of amount of punitive damages.
- Won TXO v. Alliance Resources, 509 U.S. 443 (1993), argued 3/31/93—Rejecting due process attack on punitive damages award 526 times size of compensatory award where evidence would support finding that punitive award was much lower multiple of harm that defendant’s conduct might have caused had plan succeeded.
- Won Cipollone v. Liggett, 505 U.S. 504 (1992) (reargued 1/13/92)—Certain suits against cigarette companies not preempted.
- Lost Rust v. Sullivan, 500 U.S. 173 (1991), argued 10/30/90—Abortion counseling may be banned in federally funded clinics where recipients of federal funds remain free to establish physically and fiscally separate, albeit wholly-controlled, facilities making such counseling available without support from public funds.
- Won Adams Fruit Co. v. Barrett, 494 U.S. 638 (1990), argued 1/17/90—Department of Labor may not limit migrant farm workers’ federal suits authorized by Congress.
- Lost Granfinanciera, S.A. v. Nordberg, 492 U.S. 33 (1989, argued 1/9/89)—Bankruptcy trustee’s fraudulent transfer action is subject to Seventh Amendment.
- Won Sable Communications Co. v. FCC, 492 U.S. 115 (1989), argued 4/19/89—Congress may not abolish non-obscene “dial-a-porn” services where methods of keeping children from accessing such services are not shown to be unavailable.
- Lost Schweiker v. Chilicky, 487 U.S. 412 (1988), argued 3/1/88—No Bivens action for wrongful denial of social security disability benefits.
- Won Pennzoil v. Texaco, 481 U.S. 1 (1987), argued 1/12/87—Federal court may not interfere with state court enforcement of multi-billion dollar judgment.
- Lost * Bowers v. Hardwick, 478 U.S. 186 (1986), argued 3/31/86—No right of privacy for consensual sodomy.
- Won Fisher v. City of Berkeley, 475 U.S. 260 (1986), argued 11/12/85—Local rent control is not preempted by Sherman Act.
- Won Bd. of Ed. of Oklahoma City v. Nat’l Gay Task Force, 470 U.S. 903 (1985), argued 1/14/85—First Amd. protects gay rights advocacy in public schools.

* But the Hardwick decision was both expressly overruled, and held to have been wrong from the date it was decided, in Lawrence v. Texas, 123 S.Ct. 2472 (2003), in which I was counsel of record for the American Civil Liberties Union and the ACLU of Texas as *amici* for petitioner Lawrence

- Won Northeast Bancorp v. Federal Reserve System, 472 U.S. 159 (1985), argued 4/15/85—States may limit bank mergers to several-state region.
- Won Hawaii Housing Authority v. Midkiff, 467 U.S. 229 (1984), argued 3/26/84—States may force landowners to sell privately held residential land to occupants at fair prices set by juries.
- Won Pacific Gas & Electric Co. v. California Energy Resources Conservation and Development Commission, 461 U.S. 190 (1983), argued 1/17/83—State moratorium on nuclear power plants not preempted.
- Won White v. Mass. Council of Construction Employers, 460 U.S. 204 (1983), argued 11/1/82—Commerce clause does not bar municipal hiring preferences.
- Won Larkin v. Grendel's Den, 459 U.S. 116 (1982), argued 10/4/81—Establishment Clause bars delegating licensing power to churches under statute permitting issuance of liquor licenses to establishments without regard to objections of neighbors but giving neighboring schools and churches in particular an automatic veto power over such liquor licenses.
- Lost Crawford v. Board of Education of City of Los Angeles, 458 U.S. 527 (1982), argued 3/22/82—State may limit court-ordered busing for purposes of racial integration to instances where such busing is required to satisfy U.S. Constitution while imposing no similar limits on court-ordered busing for other purposes.
- Won* N.O.W. v. Idaho, 455 U.S. 918 (1982), no oral argument—Federal courts may not interfere with Congress's time extension for Equal Rights Amendment.
- Lost Heffron v. Internat'l Society for Krishna Consciousness, 452 U.S. 640 (1981), argued 4/20/81—State may restrict speech and solicitation on fairgrounds through neutral rule confining such activity to fixed booths that interested fairgoers are free to enter or to avoid at their own option.
- Won Richmond Newspapers v. Virginia, 448 U.S. 555 (1980), argued 2/19/80—Press and public have right to attend criminal trials.
- Won* Boston v. Anderson, 439 U.S. 951, 1389 (1978), no oral argument—State court may not prohibit free speech by municipality on referendum issue pending before the people in statewide election.

* Won without oral argument, the Court having ruled on the basis of the briefs supporting review. Both cases became moot before argument was possible. In all of the other cases listed, I argued orally before the Court.