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Speaker Biographies

MICHAEL C. DOYLE

Michael Doyle covers the U.S. Supreme Court for McClatchy Newspapers and is a Professorial Lecturer at the School of Media and Public Affairs of George Washington University. He writes for the Sacramento, Fresno, and Modesto Bee newspapers, the Merced Sun-Star, and the San Luis Obispo Tribune, and he also writes *Suits and Sentences*, the McClatchy legal affairs blog. He is a graduate of Oberlin College and earned a master of studies in law from Yale Law School, where he was a Knight Journalism Fellow. He also earned a masters degree in government from Johns Hopkins University. In 2004, Syracuse University Press published his book "The Forestport Breaks: A Nineteenth Century Conspiracy Along the Black River Canal." He joined the McClatchy Washington Bureau in 1988 and since 2002 has served as a volunteer firefighter/EMT in Arlington County, Virginia.

LOUIS FISHER

Louis Fisher is Scholar-in-Residence at the Constitution Project. Previously he worked for four decades at the Library of Congress as Senior Specialist in Separation of Powers (Congressional Research Service, from 1970 to

1996) and Specialist in Constitutional Law (the Law Library, from 2006 to 2010). During his service with CRS he was research director of the House Iran-Contra Committee in 1987, writing major sections of the final report.

His books include *President and Congress* (1972), *Presidential Spending Power* (1975), *The Constitution Between Friends* (1978), *The Politics of Shared Power* (4th ed. 1998), *Constitutional Conflicts Between Congress and the President* (5th ed. 2007), *Constitutional Dialogues* (1988), *American Constitutional Law* (with Katy J. Harriger, 9th ed. 2011), *Presidential War Power* (2d ed. 2004), *Political Dynamics of Constitutional Law* (with Neal Devins, 4th ed. 2006), *Congressional Abdication on War and Spending* (2000), *Religious Liberty in America: Political Safeguards* (2002), *Nazi Saboteurs on Trial: A Military Tribunal & American Law* (2003; 2d ed. 2005), *The Politics of Executive Privilege* (2004), *The Democratic Constitution* (with Neal Devins, 2004), *Military Tribunals and Presidential Power: American Revolution to the War on Terrorism* (2005), *In the Name of National Security: Unchecked Presidential Power and the Reynolds Case* (2006), *The Constitution and 9/11: Recurring Threats to America's Freedoms* (2008), *The Supreme Court and Congress: Rival Interpretations* (2009), and *On Appreciating Congress: The People's Branch* (2010). His textbook on constitutional law is available in two paperbacks: *Constitutional Structures: Separation of Powers and Federalism* and *Constitutional Rights: Civil Rights and Civil Liberties*. With Leonard W. Levy he edited the four-volume *Encyclopedia of the American Presidency* (1994). He has twice won the Louis Brownlow Book Award (for *Presidential Spending Power* and *Constitutional Dialogues*). The encyclopedia he co-edited was awarded the Dartmouth Medal. In 1995 he received the Aaron B. Wildavsky Award "For Lifetime Scholarly Achievement in Public Budgeting" from the Association for Budgeting and Financial Management. In 2006 he received the Neustadt Book Award for *Military Tribunals and Presidential Power*.

Dr. Fisher received his doctorate in political science from the New School for Social Research (1967) and has taught at Queens College, Georgetown University, American University, Catholic University, Indiana University, Johns Hopkins University, the College of William and Mary law school, and the Catholic University law school. He has been invited to testify before Congress about 50 times on such issues as war powers, state secrets privilege, NSA surveillance, executive spending discretion, presidential reorganization authority, Congress and the Constitution, the legislative veto, the

item veto, the Gramm-Rudman deficit control act, executive privilege, executive lobbying, CIA whistleblowing, covert spending, the pocket veto, recess appointments, the budget process, the balanced budget amendment, biennial budgeting, and presidential impoundment powers. He has been active with CEELI (Central and East European Law Initiative) of the American Bar Association, traveling to Bulgaria, Albania, and Hungary to assist constitution-writers, participating in CEELI conferences in Washington, D.C. with delegations from Bosnia-Herzegovina, Lithuania, Romania, and Russia, serving on CEELI “working groups” on Armenia and Belarus, and assisting in constitutional amendments for the Kyrgyz Republic. As part of CRS delegations, he traveled to Russia and Ukraine to assist on constitutional questions. For the International Bar Association, he helped analyze the draft constitutions for Swaziland and Zimbabwe.

Dr. Fisher’s specialties include constitutional law, war powers, budget policy, executive-legislative relations, and judicial-congressional relations. He is the author of more than 400 articles in law reviews, political science journals, encyclopedias, books, magazines, and newspapers. He has been invited to speak in Albania, Australia, Belgium, Bulgaria, Canada, China, the Czech Republic, Denmark, England, France, Germany, Greece, Israel, Japan, Macedonia, Malaysia, Mexico, the Netherlands, Oman, the Philippines, Poland, Romania, Russia, Slovenia, South Korea, Sweden, Taiwan, Ukraine, and the United Arab Emirates.

MICHAEL GREENBERGER

Michael Greenberger is the Founder and Director of the Center for Health and Homeland Security (CHHS) at the University of Maryland and a professor at its School of Law. CHHS works on a broad range of homeland security and emergency response issues for federal, state, and local governmental agencies, as well as medical researchers. It has a staff of more than 70 professionals, many of whom are recent graduates of the School of Law. (More information about CHHS can be found at www.mdchhs.com.)

Professor Greenberger designed and teaches two courses focused on counterterrorism and emergency response: “Homeland Security and the Law of Counterterrorism”; and “Law and Policy of Emergency Public Health Response Seminar/Course,” which brings students and faculty from the various university professional schools together to study effective governmental policies pertaining to catastrophic public health emergencies. Pro-

Professor Greenberger also teaches a seminar on Futures, Options and Derivatives at the School of Law.

In 1997, Professor Greenberger left private practice to become the Director of the Division of Trading and Markets at the Commodity Futures Trading Commission (CFTC) where he served under CFTC Chairperson Brooksley Born. In that capacity, he was responsible for supervising exchange traded futures and derivatives. He also served on the Steering Committee of the President's Working Group on Financial Markets, and as a member of the International Organization of Securities Commissions' Hedge Fund Task Force. Professor Greenberger has frequently been asked to testify before Congressional committees on issues pertaining to dysfunctions within the United States economy caused by complex and unregulated financial derivatives.

In 1999, Professor Greenberger began service as Counselor to the United States Attorney General, and then became the Justice Department's Principal Deputy Associate Attorney General. In the latter capacity, Professor Greenberger assisted the United States Attorney General and Associate Attorney General in supervising the work of the Justice Department's Civil, Civil Rights, Environmental, Antitrust, and Tax Divisions. Also within his portfolio of responsibilities were several counterterrorism projects concerning both law enforcement and public health policy, including organizing a nationwide counterterrorism war game ("TOPOFF I").

Professor Greenberger has recently served as the Technical Advisor to the United Nations Commission of Experts on Reforms of the International Monetary and Financial System and the International Energy Forum's Independent Expert Group on reducing world-wide energy price volatility. He also participated on an expert panel advising The University Center for Disaster Preparedness and Emergency Response at Robert Wood Johnson University Hospital on "Best Practices for Explosive/Incendiary Incidents." Professor Greenberger currently serves as the Chair of the Maryland Governor's Emergency Management Advisory Council (GEMAC), and he recently was appointed by President of the American Bar Association to the Advisory Committee of the Standing Committee on Law and National Security.

Prior to entering government service, Professor Greenberger was a partner for over 20 years in the Washington, D.C. law firm of Shea & Gardner,

where he served as lead litigation counsel before courts of law nationwide, including the United States Supreme Court. He has recently appeared both in the media and at academic gatherings to discuss financial regulation, including appearances on CNN, ABC's "World News Tonight," the CBS Evening News, the NBC Evening News, CNBC, MSNBC, The Jim Lehrer News Hour, NPR's "Fresh Air," PBS's "Frontline," BBC Radio, and C-SPAN. Professor Greenberger's recent testimony and related media can be found at www.michaelgreenberger.com.

Professor Greenberger is a Phi Beta Kappa graduate of Lafayette College and the University of Pennsylvania Law School, where he served as editor-in-chief of the Law Review. He is a Life Member of the American Law Institute and he has served on the Board of Governors of the D.C. Bar and as a board member of three nonprofit public interest organizations. Professor Greenberger has also served on the D.C. Circuit Advisory Committee on Procedures and as a mediator for the United States Courts for the District of Columbia.

WILLIAM H. HOLZERLAND

Bill Holzerland serves in the key role of Associate Director, Disclosure Policy & FOIA Program Development for the Department of Homeland Security. He originally joined DHS in November 2003 with the Transportation Security Administration's Office of Security, Freedom of Information Act/Privacy Act Division. He currently focuses on DHS Freedom of Information Act policy, conducts FOIA training, and works with DHS components to improve FOIA-related processes and procedures. He also serves as the DHS FOIA Public Liaison, pursuant to E.O. 13,392 and the OPEN Government Act of 2007. His last appointment prior to joining the DHS Privacy Office in November 2006 was with the DHS Office of Inspector General, Office of Counsel. A Buffalo, New York native, Bill earned a dual Bachelor of Arts in Journalism/Mass Communications and History from St. Bonaventure University, and he presently is a J.D. candidate at the University of Baltimore School of Law.

WILLIAM H. LEARY

Bill Leary serves as Special Adviser to the Assistant to the President for National Security Affairs and Senior Director, Records and Access Management, for the National Security Council (NSC), with responsibility for maintenance, retrieval, disposition, declassification, and controlling access

for all NSC records. He also holds the positions of Chair of the Interagency Policy Coordinating Committee on Records Access and Information Security and Chair of the Information Security Classification Appeals Panel (ISCAP), the latter of which is a presidential appointment. Mr. Leary holds B.A., M.A., and A.B.D. degrees in history from the University of Virginia, and during the late 1960s and early 1970s he taught history there, as well as at the College of William & Mary and the University of South Alabama. The author of several publications, he also is a former member (1987-1993) of the City Council of Tacoma Park. Most recently, he was the designated author of the detailed entry on “The White House Blog” that announced the issuance of President Obama’s new executive order on national security classification, Executive Order 13,526.

JEFFREY S. LUBBERS

Jeff Lubbers is a Professor of Practice in Administrative Law at WCL and is also active in its Law and Government Program. He holds expertise in administrative law; government structure and procedures; and regulatory policy and procedures. In addition to teaching Administrative Law, he also teaches the Washington Lawyer Seminar, the one required course in the LLM in Law and Government Program. He also serves as WCL’s liaison to Japanese Law Schools, having taught at WCL’s “sister school,” Ritsumeikan University School of Law in Kyoto, for five summers. From 1982-1995, Professor Lubbers was the research director of the Administrative Conference of the United States (ACUS), and he now serves as Special Counsel at ACUS as recently reconstituted. He has published two books: *A Guide to Federal Agency Rulemaking* (4th ed., ABA Press, 2006), and *Federal Administrative Procedure Sourcebook* (4th ed., ABA Press, 2008). He is also the editor of the ABA’s *Developments in Administrative Law and Regulatory Practice* (10 vols., 1998-2008).

DANIEL MARCUS

Dan Marcus joined the faculty of WCL in 2004. Previously, he was General Counsel of the 9-11 Commission. He was for many years a partner in the Washington law firm of Wilmer, Cutler & Pickering. During the Carter Administration, he was Deputy General Counsel of the Department of Health, Education, and Welfare, and General Counsel of the Department of Agriculture. He returned to government service in 1998 as Senior Counsel in the White House Counsel’s Office. From 1999 to 2001, he held several senior positions at the Department of Justice, including Associate Attorney

General. He has also been a Visiting Professor at Georgetown University Law Center. He was a law clerk for Judge Harold Leventhal of the U.S. Court of Appeals for the D.C. Circuit.

KATE A. MARTIN

Kate Martin joined the Center for National Security Studies in 1988 and has served as its Director since 1992. The Center is a think tank and advocacy organization working to protect civil liberties and human rights. Ms. Martin and the Center were awarded the 2005 Eugene S. Pulliam First Amendment Award by the Society for Professional Journalists.

Ms. Martin has taught National Security Law as a Professorial Lecturer at George Washington University Law School and has taught Strategic Intelligence and Public Policy at Georgetown University Law School. She also served as general counsel to the National Security Archive, a research library located at George Washington University, from 1995 to 2001. She was co-director with Andrzej Rzeplinski of the Helsinki Foundation for Human Rights in Warsaw of a project on “Security Services in a Constitutional Democracy” in twelve former communist countries in Europe.

She frequently testifies before the United States Congress, including the House and Senate Intelligence Committees, on issues relating to secrecy and classification of national security information, government surveillance, and congressional access to intelligence information. Her research and policy analyses have led to significant legal and regulatory changes: on classification standards, protection of whistleblower disclosures concerning intelligence abuses, and release of classified information concerning human rights abuses in Guatemala and Chile. She has worked with NGOs and government officials in both Eastern Europe and Latin America on access to information issues, including working on drafting Freedom of Information laws for Guatemala and Mexico. She also participated in the drafting of the Johannesburg Principles on National Security and Freedom of Expression.

Ms. Martin also is a frequent commentator in the media and legal scholarship. Among her many publications are: *Safeguarding Liberty: National Security, Freedom of Expression and Access to Information: United States of America* with Paul Hoffman, published in *Secrecy and Liberty*, ed. Coliver, et al. (Martinus Nijhoff Publishers 1999); *“Enemy Combatants, the*

Constitution and the Administration's War on Terror," with Joseph Onek, American Constitution Society (August 2004); and *Domestic Intelligence and Civil Liberties*, *SAIS Review of International Affairs* (Winter-Spring 2004). Previously, she was a partner with the Washington, D.C. law firm of Nussbaum, Owen & Webster. She graduated from the University of Virginia Law School, where she was a member of the Law Review, and from Pomona College *cum laude*.

DANIEL J. METCALFE

Dan Metcalfe joined the faculty of the Washington College of Law in 2007 as a Faculty Fellow in Law and Government upon retiring from a career in government service that began at the Department of Justice in 1971. He now is both an adjunct professor at WCL and Executive Director of the school's Collaboration on Government Secrecy. A 1976 graduate of the National Law Center at George Washington University, where he was a law review editor and attended on a full academic scholarship, he worked at the Justice Department as both a teenage intern during college and a law clerk in the Office of the Attorney General during law school. In 1981, after a judicial clerkship and serving as a Justice Department trial attorney, he was appointed to the position of founding director of the Department's Office of Information and Privacy (OIP). For more than a quarter-century in that position, he guided all federal agencies on the governmentwide administration of the Freedom of Information Act, directly supervised the defense of more than 500 FOIA and Privacy Act lawsuits in district and appellate courts, testified before Congress on FOIA legislation, and met with representatives of nearly 100 nations and international governing bodies as they considered the development and implementation of their own government transparency laws. He became a career member of the Senior Executive Service in 1984, the youngest Justice Department attorney then and since to hold such a position. He currently is writing a textbook on secrecy law together with WCL Professor Stephen I. Vladeck for publication by Carolina Academic Press and is the author of several publications, most recently *From FOIA Service to Lip Service: The Unexpected Story of White House Visitor Logs*, 36 Admin. & Reg. L. News 3 (Spring 2011); *The Nature of Government Secrecy*, 26 Gov't Info. Quarterly 305 (2009), and *Sunshine Not So Bright: FOIA Implementation Lags Behind*, 34 Admin. & Reg. L. News 5 (Summer 2009). In 2010, he was appointed by World Bank President Robert B. Zoellick to be a member of the World Bank's Access to Information Appeals Board, an independent tribunal that makes final deci-

sions on appeals taken under the Bank's newly adopted worldwide information disclosure policy; he serves with board members from India and France, and together they hold final authority to order the public disclosure of World Bank records. In 2009, he was a member of the U.S. delegation to the Inaugural Sino-American Dialogue on Rule of Law and Human Rights in China, followed up by further dialogues in Xiemen and Beijing in 2010, and he has given dozens of presentations on international transparency around the world. He also holds positions as an Honorary Senior Research Fellow at University College London, as a consultant to the Administrative Conference of the United States (ACUS), and as a contributing editor of the *Administrative Law & Regulatory News* publication of the American Bar Association's Section of Administrative Law.

JAMES T. O'REILLY

Jim O'Reilly has taught at the University of Cincinnati College of Law since 1980 and has authored more than thirty-five textbooks and 165 articles on aspects of regulation and liability. In March 2000, his treatise on food and drug law was quoted by the U.S. Supreme Court with the words, "The experts have written." In 2007, he completed a term as Assistant Chief Reporter for the European Union-funded Project on EU Administrative Law. His treatise and article work have been adopted favorably by the D.C. Circuit and the Supreme Courts of Wisconsin and Maine, among others. His articles have appeared in the Cornell Law Review, the Vanderbilt Law Review, and in law reviews at Harvard, Yale, Columbia, Penn, and other institutions. He serves as treasurer of the 164-year-old Cincinnati Law Library Association and was a candidate for the Ohio Court of Appeals in 2006.

Professor O'Reilly has been a consultant to the U.S. Senate on the Congressional Accountability Act implementation and to the Chairman of the Federal Trade Commission on improvement of FTC Freedom of Information Act practices. He has advised numerous federal and state agencies. In 2006, he was the keynote speaker at the Food & Drug Administration's 100th anniversary celebration for the FDA Midwest Region. He serves as an expert witness and adviser on numerous litigation and counseling projects. He is also vice mayor of the city of Wyoming, Ohio, treasurer of the First Suburbs Coalition, member of the Intermodal Coordinating Committee for transportation in the region, and a trustee of the Ohio Kentucky Indiana Regional Council of Governments.

ROBERT G. VAUGHN

During his career at WCL, Robert Vaughn has been Scholar-in-Residence with the law faculty of King's College of the University of London, a visiting academic with the faculty of law at Monash University in Melbourne, Australia, a visiting professor at the University of San Diego School of Law, and a visiting professor at Ritsumeikan University School of Law in Kyoto, Japan. He has also served as a faculty member in summer programs in Santiago, Chile and Istanbul, Turkey. At WCL, he has received eight awards for outstanding teaching and four awards for scholarship. In 1983, he was selected as American University's Teacher/Scholar of the Year, the university's highest faculty award. During his visit at the University of San Diego School of Law, the student body there elected him Professor of the Year.

He has published on a variety of topics regarding public information law, public employment law, consumer law, and whistleblower protection. He is the author of a book on federal open government laws in the United States, the editor of a book on freedom of information, and the author of several articles addressing public information law. He has written several books on public employment law, including ones on civil service reform, principles of civil service law, conflict of interest regulation in the federal government, and the United States Merit Systems Protection Board. His public employment law articles address topics such as the right to disobey illegal orders, ethics in government, the Hatch Act, the role of public employment laws in the transition to democracy, and British regulation of public service ethics. He is the author of a book and related articles on consumer protection laws in South America. His articles on whistleblower protection address important statutes such as the whistleblower provision of the Civil Service Reform Act, the whistleblower provision of the Sarbanes-Oxley Act, state whistleblower laws, and the model law to implement the Inter-American Convention Against Corruption. He is also the author of a book on civil procedure and articles on judicial reform and on the future of the federal courts.

Among his consulting positions have been ones with the Treasury and Civil Service Committee of the House of Commons, the World Bank, and the Office of Legal Cooperation of the Organization of American States. He has testified several times before Congress on civil service reform, the Freedom of Information Act, and whistleblower protection. He also was the

plaintiff in the landmark case, *Vaughn v. Rosen*, that established important procedural requirements for litigation under the Freedom of Information Act.

STEPHEN I. VLADECK

Steve Vladeck is a Professor of Law at American University Washington College of Law, where his teaching and research focus on federal jurisdiction, constitutional law (especially the separation of powers), national security law, and international criminal law. A nationally recognized expert on the role of the federal courts in the war on terrorism, he was part of the legal team that successfully challenged the Bush Administration's use of military tribunals at Guantánamo Bay, Cuba, in *Hamdan v. Rumsfeld*, 548 U.S. 557 (2006), and he has co-authored amicus briefs in a host of other lawsuits challenging the U.S. government's surveillance and detention of terrorism suspects. He has also drafted reports on related issues for a number of organizations, including the First Amendment Center, the Constitution Project, and the ABA's Standing Committee on Law and National Security.

Professor Vladeck, who has won awards for both his teaching and his scholarship, is a senior editor of the peer-reviewed *Journal of National Security Law and Policy*, is a regular contributor to *PrawfsBlawg*, <http://www.prawfs.com>, and is admitted to practice before the State of New York (Third Department), the U.S. Court of Appeals for the District of Columbia Circuit, and the U.S. Supreme Court. A 2004 graduate of Yale Law School, he clerked for the Honorable Marsha S. Berzon on the U.S. Court of Appeals for the Ninth Circuit and the Honorable Rosemary Barkett on the U.S. Court of Appeals for the Eleventh Circuit. While a law student, he was Executive Editor of the *Yale Law Journal* and the Student Director of the Balancing Civil Liberties & National Security Post-9/11 Litigation Project, and he was awarded the Potter Stewart Prize for Best Team Performance in Moot Court and the Harlan Fiske Stone Prize for Outstanding Moot Court Oralist. He earned a B.A. *summa cum laude* in History and Mathematics from Amherst College in 2001, where he wrote his senior thesis on "Leipzig's Shadow: The War Crimes Trials of the First World War and Their Implications from Nuremberg to the Present."

STEPHEN J. WERMIEL

Steve Wermiel is a Fellow in Law and Government and associate director of the Summer Institute on Law and Government at American University

Washington College of Law. He remains involved with and served previously as associate director of the Marshall-Brennan Constitutional Literacy Project, a 10-year-old program in which Washington College of Law students teach constitutional law in the public high schools of Washington, D.C. Professor Wermiel holds expertise in the U.S. Supreme Court, having covered the court for the *Wall Street Journal* from 1979 until 1991. During his 12-year tenure at the *Journal*, he covered and interpreted more than 1,300 Supreme Court decisions and analyzed trends on a broad array of legal issues. He teaches Constitutional Law, First Amendment, Media Law, and a seminar on the workings of the Supreme Court, and he is an expert on the life and career of Justice William J. Brennan. Early in his career, he was a Washington correspondent for the *Boston Globe*. He has also served on the board of directors and on the legal committee of the ACLU of Georgia. He is currently chairman of the editorial board of *Human Rights*, the magazine of the American Bar Association's Individual Rights & Responsibilities Section, and a member of the editorial board of *Communications Lawyer*, the journal of the ABA's Forum on Communications Law. He is also co-chair of the Individual Rights and Responsibilities Section's First Amendment Committee.

JOE D. WHITLEY

Joe Whitley is the Chair of the Atlanta White Collar Practice Group of Greenberg Traurig. Joe had a wide-ranging career in the Department of Justice. In the George H.W. Bush administration, he served as the Acting Associate Attorney General, the third-ranking position at Main Justice in the Department of Justice. He was appointed by Presidents Reagan and Bush, respectively, to serve as the United States Attorney in the Middle (Macon) and Northern (Atlanta) Federal Districts of Georgia. Throughout his career, Joe served under five United States Attorneys General in a number of key operational and policy positions. Earlier in his career, he served as an Assistant District Attorney in the Chattahoochee Judicial Circuit in Columbus, Georgia.

In 2003, Joe was appointed by President George W. Bush as the first General Counsel of the United States Department of Homeland Security (DHS), the highest-ranking legal official in DHS. He held that position for two years, working for Secretary Tom Ridge and Secretary Michael Chertoff, before his departure and return to private practice. Joe has represented numerous individuals and corporations in major government investiga-

tions throughout the United States and internationally. He is a frequent speaker and lecturer on white-collar, compliance, and corporate governance issues. Joe has been listed in *Best Lawyers in America* from 2001-2010 and he was selected by *Super Lawyers Magazine* and *Georgia Super Lawyers* magazine, 2010. He is also listed as one of “Georgia's Legal Elite” in *Georgia Trend*, 2008-2009.

ANTHONY A. YANG

Tony Yang holds the position of Assistant to the Solicitor General of the United States, in which capacity he participates in preparing the petitions, briefs, and other papers filed by the federal government in the U.S. Supreme Court. He has argued more than twenty-five cases before that Court and the courts of appeals, including the precedent-setting case of *Milner v. Department of the Navy*. Before joining the Office of the Solicitor General, he served as an appellate lawyer in the Department of Justice's Civil Division, where he distinguished himself as an expert on litigation under the Privacy Act of 1974. He is a graduate of Yale Law School, where he was selected as a Luce Scholar, and he served as law clerk to Judge M. Blane Michael on the Fourth Circuit Court of Appeals.