

I. BIOGRAPHICAL INFORMATION (PUBLIC)

1. Full name (include any former names used).
John Glover Roberts, Jr.
2. Address: List current place of residence and office address(es).

Residence:
Bethesda, MD

Office:
Hogan & Hartson L.L.P.
555 13th Street, N.W.
Washington, D.C. 20004
3. Date and place of birth.
January 27, 1955
Buffalo, New York
4. Marital Status (include maiden name of wife, or husband's name). List spouse's occupation, employer's name and business address(es).

Married to Jane Sullivan Roberts, July 27, 1996.

Spouse's maiden name: Jane Marie Sullivan
Spouse's occupation: Attorney
Spouse's employer: Shaw Pittman
2300 N Street, N.W.
Washington, D.C. 20037
5. Education: List each college and law school you have attended, including dates of attendance, degrees received, and dates degrees were granted.

Attended Harvard College, 1973-1976 (entered with sophomore standing). Awarded A.B. summa cum laude June 17, 1976.

Attended Harvard Law School, 1976-1979. Awarded J.D. magna cum laude June 7, 1979.

6. Employment Record: List (by year) all business or professional corporations, companies, firms, or other enterprises, partnerships, institutions and organizations, nonprofit or otherwise, including firms, with which you were connected as an officer, director, partner, proprietor, or employee since graduation from college.

Summer 1977: Law clerk, Ice, Miller, Donadio & Ryan, Indianapolis, Indiana.

Summer 1978: Law clerk, Carlsmith, Carlsmith, Wichman & Case (now Carlsmith, Ball, Wichman, Case & Ichiki), Honolulu, Hawaii.

June 1979 - June 1980: Law clerk to Judge Henry J. Friendly, United States Court of Appeals for the Second Circuit. At the time Judge Friendly also served as the Presiding Judge of the Special Railroad Reorganization Court, a three-judge district court.

July 1980 - August 1981: Law clerk to then-Associate Justice William H. Rehnquist, Supreme Court of the United States.

August 1981 - November 1982: Special Assistant to Attorney General William French Smith, United States Department of Justice.

November 1982 - May 1986: Associate Counsel to the President, White House Counsel's Office.

May 1986 - October 1989: Hogan & Hartson, 555 13th Street, N.W., Washington, D.C. 20004. I joined the firm as an associate and was elected a general partner of the firm in October 1987.

October 1989 - January 1993: Principal Deputy Solicitor General, United States Department of Justice.

January 1993 - Present: Partner, Hogan & Hartson L.L.P., 555 13th Street, N.W., Washington, D.C. 20004.

7. Military Service: Have you had any military service? If so, give particulars, including the dates, branch of service, rank or rate, serial number and type of discharge received.

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.

Harvard College honors:

William Scott Ferguson Prize, 1974, for "the outstanding essay submitted by a Sophomore concentrating in History."

Edwards Whitaker Scholarship, 1974, awarded to first-year students who "show the most outstanding scholastic ability and intellectual promise as indicated by distinction in studies and general achievement."

John Harvard Scholarship, 1974, 1975, 1976, "in recognition of academic achievement of the highest distinction."

Detur Prize, 1976, based on cumulative academic record.

Election to Phi Beta Kappa, 1976.

Bowdoin Essay Prize, 1976, for "the best dissertation submitted in the English language."

A.B. degree awarded summa cum laude, 1976. Honors thesis on British domestic politics, 1900-1914.

Harvard Law School honors:

Editor, Harvard Law Review, volumes 91-92. Managing Editor, volume 92.

J.D. degree awarded magna cum laude, 1979.

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.

I am a member of the following organizations:

United States Judicial Conference Advisory Committee on
Appellate Rules
D.C. Circuit Judicial Conference, 1991, 1992, 1998, 2000
Fourth Circuit Judicial Conference, 1995
American Law Institute (elected October 1990)
American Academy of Appellate Lawyers (elected August 1998)
Edward Coke Appellate Inn of Court
State and Local Legal Center, Legal Advisory Board
Georgetown University Law Center, Supreme Court Institute,
Outside Advisory Board
National Legal Center for the Public Interest, Legal
Advisory Board
Supreme Court Historical Society

10. Other Memberships: List all organizations to which you belong that are active in lobbying before public bodies. Please list all other organizations to which you belong.

I do not belong to any organizations that are active in lobbying before public bodies. Other organizations to which I belong:

Phi Beta Kappa
Republican National Lawyers Association
Lawyers Club
Metropolitan Club
Robert Trent Jones Golf Club

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. Please explain the reason for any lapse of membership. Give the same information for administrative bodies which require special admission to practice.

District of Columbia Court of Appeals, December 18, 1981.

United States Court of Federal Claims, December 3, 1982.

United States Court of Appeals for the Federal Circuit,
December 3, 1982.

Supreme Court of the United States, March 2, 1987.

United States Court of Appeals for the District of Columbia
Circuit, March 31, 1988.

United States Court of Appeals for the Ninth Circuit,
October 17, 1988.

United States Court of Appeals for the Fifth Circuit,
November 4, 1988.

United States Court of Appeals for the Eleventh Circuit,
May 31, 1995.

United States Court of Appeals for the Third Circuit,
November 3, 1995.

United States District Court for the District of Columbia,
February 5, 1996.

United States Court of Appeals for the Tenth Circuit,
April 10, 1996.

United States Court of Appeals for the Seventh Circuit,
June 21, 1996.

United States Court of Appeals for the Fourth Circuit,
November 24, 1997.

United States Court of Appeals for the Sixth Circuit,
June 3, 1998.

United States Court of Appeals for the Eighth Circuit,
February 5, 1999.

United States Court of Appeals for the Second Circuit,
September 30, 1999.

12. Published Writings: List the titles, publishers, and dates of books, articles, reports, or other published material you have written or edited. Please supply one copy of all published material not readily available to the Committee. Also, please supply a copy of all speeches by you on issues involving constitutional law or legal policy. If there were press reports about the speech, and they are readily available to you, please supply them.

Publications: "The Takings Clause," Developments in the Law -- Zoning, 91 Harvard Law Review 1462-1501 (1978) (unsigned student note).

Comment, "Contract Clause -- Legislative Alteration of Private Pension Agreements," 92 Harvard Law Review 86-99 (1978) (unsigned student note).

Comment, "First Amendment -- Media Right of Access," 92 Harvard Law Review 174-185 (1978) (unsigned student note).

"New Rules and Old Pose Stumbling Blocks in High Court Cases," The Legal Times, February 26, 1990 (also reprinted in various affiliated publications), co-authored with E. Barrett Prettyman, Jr.

"Article III Limits on Statutory Standing," 42 Duke Law Journal 1219 (1993).

"Riding the Coattails of the Solicitor General," The Legal Times, March 29, 1993.

"The New Solicitor General and the Power of the Amicus," The Wall Street Journal, May 5, 1993.

"The 1992-93 Supreme Court," 1994 Public Interest Law Review 107.

"Forfeitures: Does Innocence Matter?," The Legal Times, October 2, 1995.

"Thoughts on Presenting an Effective Oral Argument," School Law in Review (1997).

I have attached copies of the foregoing items.

Addresses: Brookings Institution, October 3, 1983, on Giving Legal Advice to the President.

Indiana University School of Law, 1984
Harriss Lecture series, January 20, 1984, on Federal Court Jurisdiction.

Maryland Association of County Attorneys,
December 7, 1989, on Appellate Advocacy.

District of Columbia Bar Association,
Section on Administrative Law, September 19,
1990, on Supreme Court Environmental Cases.

American Bankruptcy Institute, December 7,
1991, on Supreme Court Bankruptcy Cases.

American Academy of Appellate Lawyers,
February 5, 1994, Kansas City, MO, on
Supreme Court practice.

Elderhostel, Rockville, MD, November 14,
1996, on Supreme Court oral arguments.

D.C. Copyright Law Society, March 16, 1998,
on Feltner v. Columbia Pictures.

Bureau of National Affairs, Supreme Court
Constitutional Law Seminar, Washington,
D.C., September 11, 1998, on Supreme Court
oral arguments.

D.C. Bar Administrative Law Section,
September 24, 1998, on NCUA v. First
National Bank & Trust Co.

Alabama Bar Institute for Continuing Legal
Education, 36th Annual Southeastern
Corporate Law Institute, Point Clear,
Alabama, April 24, 1999, on recent Supreme
Court cases.

Arizona Bar Appellate Practice Section, June
25, 1999, on the certiorari process.

National Mining Association, Lake George,
NY, September 10, 1999, on amicus briefs.

Republican National Lawyers Ass'n,
Washington, D.C., April 3, 2000, on cases
pending before the Supreme Court.

Cosmetics, Toiletries, and Fragrances Ass'n,
Napa Valley, CA, April 26, 2000, on the
First Amendment and commercial speech.

Symposium, Bicentennial Celebration of the Courts of the District of Columbia Circuit, Washington, D.C., March 9, 2001, panelist on Constitutional Confrontations in the District of Columbia Circuit Courts.

I also regularly participate in press briefings sponsored by the National Legal Center for the Public Interest and the Washington Legal Foundation upon the opening of a new Supreme Court term or the Court's rising for the summer.

I did not speak from a prepared text on any of the foregoing occasions, and am not aware of any press reports on these addresses.

In addition, on June 11, 1999, I appeared before the Subcommittee on Commercial and Administrative Law of the House Judiciary Committee with former Senators George Mitchell and Robert Dole and former Solicitor General Drew Days to discuss the report of the Joint Project on the Independent Counsel Statute sponsored by the American Enterprise Institute and the Brookings Institution. A copy of the hearing transcript is attached.

I also recall appearing before a subcommittee of the House Judiciary Committee to discuss crime legislation sometime in 1993, but am advised that the hearing transcript was never published. I did not have prepared remarks on that occasion.

13. Health: What is the present state of your health? List the date of your last physical examination.

Excellent. March 26, 2001.

14. Judicial Office: State (chronologically) any judicial offices you have held, whether such position was elected or appointed, and a description of the jurisdiction of each such court.

None.

15. Citations: If you are or have been a judge, provide: (1) citations for the ten most significant opinions you have written; (2) a short summary of and citations for all appellate opinions where your decisions were reversed or where your judgment was affirmed with significant criticism of your substantive or procedural rulings; and (3) citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, please provide copies of the opinions.

Not applicable.

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

06/79 - 05/80	Law Clerk to Judge Henry J. Friendly. United States Court of Appeals for the Second Circuit. Appointed.
07/80 - 08/81	Law Clerk to Justice William H. Rehnquist. Supreme Court of the United States. Appointed.
08/81 - 11/82	Special Assistant to the Attorney General. United States Department of Justice. Appointed.
11/82 - 05/86	Associate Counsel to the President. White House Counsel's Office. Appointed.
10/89 - 01/93	Principal Deputy Solicitor General. United States Department of Justice. Appointed.

17. 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;

After graduation from law school, I served as a law clerk to Judge Henry J. Friendly, United States Court of Appeals for the Second Circuit, 40 Foley Square, New York, NY 10007. At the time, Judge Friendly also served as Presiding Judge of the Special Railroad Reorganization Court, a three-judge district court. I clerked for Judge Friendly from June 1979 to June 1980.

I next served as a law clerk to then-Associate Justice William H. Rehnquist, Supreme Court of the United States, One First Street, N.E., Washington, D.C. 20543. I served in that capacity from July 1980 to August 1981.

After completing my clerkship with Justice Rehnquist, I accepted appointment as a Special Assistant to Attorney General William French Smith, United States Department of Justice, Tenth and Constitution Avenues, N.W., Washington, D.C. 20530. I served in that capacity from August 1981 to November 1982.

I left the Department of Justice in November 1982 to accept appointment as Associate Counsel to the President, White House Counsel's Office, 1600 Pennsylvania Avenue, N.W., Washington, D.C. 20500.

I left the White House Counsel's Office in May 1986 to join the Washington law firm of Hogan & Hartson as an associate. I was elected a general partner of the firm in October 1987. Hogan & Hartson is now located at 555 13th Street, N.W., Washington, D.C. 20004.

I resigned my partnership in the firm in October 1989 to accept appointment as Principal Deputy Solicitor General, United States Department of Justice, Tenth and Constitution Avenues, N.W., Washington, D.C. 20530.

I left the Solicitor General's Office in January 1993 to return to my present position as a partner at Hogan & Hartson.

- 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?

For the past 15 years, in both the private and public sectors, I have had an intensive federal appellate litigation practice, with an emphasis on Supreme Court litigation. During that time I orally argued 33 cases before the Supreme Court, in addition to arguments before the United States Courts of Appeals for the District of Columbia, Federal, Second, Fourth, Fifth, Sixth, Ninth, and Tenth Circuits, as well as the District of Columbia and Maryland Courts of Appeals. The subject matter of these cases covered the full range of federal jurisdiction, including administrative law, admiralty, antitrust, arbitration, banking, bankruptcy, civil rights, constitutional law, environmental law, federal jurisdiction and procedure, First Amendment, health care law, Indian law, interstate commerce, labor law, and patent and trade dress law.

In addition to presenting oral argument and briefing the cases on the merits, the Supreme Court practice consists of seeking and opposing Supreme Court review, seeking and opposing stays pending such review, preparing amicus curiae briefs on behalf of clients interested in pending Supreme Court matters, helping to prepare other counsel to argue before the Court, and counseling clients on the impact of specific Supreme Court rulings.

The Court of Appeals aspect of my federal appellate practice has involved appearances in every federal circuit court of appeals, although the largest number of my Court of Appeals arguments has been before the Court of Appeals for the D.C. Circuit. I have not specialized in any particular substantive area, but instead in the preparation of appellate briefs and the presentation of appellate oral argument.

The nature of my practice was essentially the same during my time at Hogan & Hartson and when I served as Principal Deputy Solicitor General, although of course during the latter period my sole client was the United States. As Principal Deputy Solicitor General, my duties included presenting oral argument before the Supreme Court and preparing and filing briefs on the merits on behalf of the United States, its agencies and officers, subject to the supervision of the Solicitor General

and with the assistance of subordinates in the Office of the Solicitor General. I also supervised the preparation and filing of petitions for and briefs in opposition to certiorari, and engaged in an active motions practice seeking or opposing stays or other relief from the Supreme Court. In addition to this actual litigation before the Court, my duties included participating in the government's determination whether to appeal adverse decisions in the lower courts. Any such appeal, whether from a district court to an appellate court or from a circuit court to the Supreme Court, requires the approval of the Solicitor General.

Immediately prior to joining Hogan & Hartson for the first time in 1986, I served in counseling and advisory roles in the federal government. My duties as Associate Counsel to the President involved reviewing bills submitted to the President for signature or veto, drafting and reviewing executive orders and proclamations, and generally reviewing the full range of Presidential activities for potential legal problems. I participated in drafting and reviewed various documents embodying Presidential action under certain trade, aviation, asset control, and other laws. I played a role in the Presidential appointment process, reviewing the Federal Bureau of Investigation background reports and ethics disclosures of prospective appointees.

My duties as Special Assistant to Attorney General William French Smith were also of an advisory nature, focusing on particular matters of concern to the Attorney General. I also served as a speechwriter and represented the Attorney General throughout the Executive Branch and before state and local law enforcement officials.

I was fortunate to have two appellate clerkships immediately after law school. Judge Henry J. Friendly is justly remembered as one of this Nation's truly outstanding federal appellate judges. The clerkship on the Supreme Court for then-Associate Justice Rehnquist the following year was an intensive immersion in the federal appellate process at the highest level.

2. Describe your typical former clients, and mention the areas, if any, in which you have specialized.

Clients of Hogan & Hartson for whom I rendered substantial legal services included large and small corporations, state and local governments, trade and professional organizations, nonprofit associations, and individuals. Some recent examples

are the States of Alaska and Hawaii, the National Collegiate Athletic Association, Litton Industries, Inc., the Credit Union National Association, Pulte Corporation, and Intergraph Corporation.

From October 1989 to January 1993, my sole client was the United States, its agencies and officers. With minor exceptions, the Office of the Solicitor General is the exclusive representative of the federal government before the Supreme Court. I accordingly represented a wide variety of departments, agencies, and other entities within the federal government. In doing so, I worked with each of the litigating divisions in the Department of Justice. Also included among my clients were individual officers of the United States or its agencies sued in Rivens actions.

My clients during my service as Associate Counsel to the President included the President of the United States and members of the White House staff. As Special Assistant to the Attorney General, my client was the Attorney General.

For the past 15 years, I have specialized in federal appellate litigation.

- 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.

I have appeared in federal court frequently over the past 15 years, arguing over 55 cases before the Supreme Court of the United States, the Court of Appeals for the District of Columbia Circuit, and various other federal circuit courts of appeals. The public service positions I held prior to 1986 did not involve court appearances, although my two clerkships necessarily afforded intensive exposure to the appellate process.

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

Approximately 95 percent of my appearances have been in federal court, and approximately 5 percent in state courts of

record, including the District of Columbia Court of Appeals (the local court for the District of Columbia).

3. What percentage of your litigation was:

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

Approximately 95 percent civil, 5 percent criminal.

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.

As noted, my practice is primarily an appellate one, and my appearances in court have typically been to argue appeals. I have personally argued over 55 cases leading to a final appellate judgment. I have, however, also appeared on occasion in trial courts.

5. What percentage of these trials was:

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

One trial proceeding in which I served as an associate counsel was before a jury, although my participation in the case did not involve work before the jury itself.

18. 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 name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

1. United States v. Halper, 490 U.S. 435 (1989). While in private practice, I was appointed by the Supreme Court to file a brief and present oral argument in support of the judgment below in this case. See United States v. Halper, 488 U.S. 906 (1988) (order of appointment). Mr. Halper, the appellee, had proceeded pro se in the lower court; I was the only counsel briefing and arguing in the Supreme Court against the appellant, the United States. I handled the case on a pro bono basis.

The question presented was whether the Double Jeopardy Clause barred the imposition of civil penalties under federal law against an individual who had been convicted and punished under federal criminal law for the same conduct. Mr. Halper had been convicted of filing false Medicaid claims, had paid a fine, and served a sentence of imprisonment. The government thereafter sought to impose civil penalties under the False Claims Act for the same false Medicaid claims. It was at the time generally assumed that the Double Jeopardy Clause applied only to successive criminal prosecutions, and had no applicability in the civil context.

In briefing and arguing the case, I sought to distinguish the strong line of precedent holding that the Double Jeopardy Clause did not apply to civil cases. My argument distinguished that aspect of the Clause forbidding successive prosecutions -- which did not apply to civil cases -- from that aspect of the Clause forbidding successive punishments -- which, I argued, had no such limitation.

In a unanimous opinion authored by Justice Blackmun, the Court agreed with this analysis. 490 U.S. 435 (1989). The case was important in establishing that the protections of the Double Jeopardy Clause are not limited to the criminal context, and the decision had a significant effect on the government's imposition of sanctions in a wide range of areas. It was later sharply restricted, however, if not overruled, in Hudson v. United States, 522 U.S. 101 (1997).

I had no co-counsel assisting me. Arguing for the United States was Assistant to the Solicitor General Michael R. Dreeben, Department of Justice, Washington, D.C. 20530, (202) 514-2217.

2. United States v. Kokinda, 497 U.S. 720 (1990). I participated in the briefing and presented argument before the

Supreme Court on behalf of the United States in this criminal case, which involved a challenge to Postal Service regulations making it a misdemeanor to solicit funds on "postal premises," defined to include the exterior walkways adjacent to and surrounding a suburban post office building, but not the public sidewalks alongside the street. The United States Court of Appeals for the Fourth Circuit had struck down the convictions of two individuals for soliciting contributions for their organization on the walkway, holding that such activities could not be banned consistent with the First Amendment.

The Supreme Court ruled in the government's favor and reversed. Writing for a plurality of four Justices, Justice O'Connor agreed with us that the postal walkway was not a public forum, but instead government property set aside to facilitate particular government business -- in this case, the handling of the mails. Since solicitation of contributions to organizations by private individuals would interfere with the conduct of postal business and since the regulation did not discriminate on the basis of viewpoint, Justice O'Connor concluded that the ban on solicitation was valid. Justice Kennedy concurred, relying on our alternative argument that the ban was a valid time, place, and manner restriction.

Other counsel on the brief with me were Solicitor General Kenneth W. Starr, Assistant Attorney General Edward S.G. Dennis, Jr., Assistant to the Solicitor General Amy L. Wax, and Thomas E. Booth, Department of Justice, Washington, D.C. 20530, (202) 514-2217. Counsel for the opposing parties was Jay Alan Sekulow, American Center for Law & Justice, P.O. Box 64429, Virginia Beach, VA 23467, (757) 226-2489.

3. Lujan v. National Wildlife Federation, 497 U.S. 871 (1990). The issue in this case concerned the limitations on standing for those who seek to challenge federal land use decisions. The Court of Appeals for the District of Columbia Circuit had allowed an organization to challenge over a thousand individual land use decisions affecting millions of acres of public land on the basis of the affidavits of two individuals asserting an interest in the decisions. As Acting Solicitor General, I authorized and participated in the preparation of a petition for certiorari seeking Supreme Court review on behalf of the Department of the Interior. The Court granted our petition, and I participated in the briefing on the merits and presented oral argument on behalf of the government.

We contended that the general allegations of injury that the two individuals had presented were not specific enough to entitle them to mount a broad-based challenge to the thousands of agency decisions affecting millions of acres about which they complained. The Court, in a 5-4 decision, agreed with our analysis. Justice Scalia, writing for the majority, held that vague and conclusory allegations of injury did not suffice to confer a right to challenge an entire agency program, and that the federal courts could not "presume" the specific facts necessary to establish adequate injury. Justice Blackmun, for the dissenters, argued that the affidavits should have sufficed at the summary judgment stage.

Co-counsel for the United States assisting me were Assistant Attorney General Richard Stewart, Deputy Solicitor General Lawrence G. Wallace, Assistant to the Solicitor General Lawrence Robbins, Peter Steenland, Anne Almy, Fred Disheroon, and Vicki Plaut, Department of Justice, Washington, D.C. 20530, (202) 514-2217. E. Barrett Prettyman, Jr., Hogan & Hartson, 555 13th Street, N.W., Washington, D.C. 20004, (202) 637-5685, argued the case for the respondent.

4. Interstate Commerce Commission v. Boston & Maine Corporation, 503 U.S. 407 (1992). This case involved Amtrak's Montrealer service between Washington, D.C. and Montreal, Canada. The question presented was whether the Interstate Commerce Commission could approve Amtrak's exercise of eminent domain authority under the Rail Passenger Service Act, when Amtrak intended to reconvey the subject property to another railroad, which had agreed to rehabilitate and maintain the line for Amtrak. The Commission construed the statute as authorizing such a transaction.

The D.C. Circuit reversed, concluding that the Commission had misconstrued the statute. In particular, the court reasoned that Amtrak did not have authority to condemn property it did not intend to keep, but rather intended to transfer to a third party. While the case was pending on rehearing, Congress acted to overturn the D.C. Circuit decision, amending the law to make clear that Amtrak may subsequently convey property it has condemned to a third party. Independent Safety Board Act Amendments of 1990, Pub. L. No. 101-641, 104 Stat. 4658, § 9. The amendment specified that it was applicable to pending cases. The D.C. Circuit nonetheless denied rehearing.

As Acting Solicitor General, I authorized the filing and participated in the preparation of a petition for certiorari on

behalf of the Commission and the United States. After the Supreme Court granted our petition, I participated in the briefing on the merits, and orally argued the case before the Court. Our argument focused on the failure of the D.C. Circuit to give effect to the clearly expressed intent of Congress in the amendment of the statute.

The Supreme Court agreed with our position and reversed the D.C. Circuit, 6-3. Justice Kennedy's opinion for the majority relied on deference to the ICC's construction of the statute it has been charged with administering. Justice White, writing for the dissenters, criticized the majority for adopting a post hoc rationalization to fill a gap in the agency's reasoning and logic.

With me on the brief were Deputy Solicitor General Lawrence G. Wallace and Assistant to the Solicitor General Michael R. Dreeben, Department of Justice, Washington, D.C. 20530, (202) 514-2217, as well as General Counsel Robert S. Burk, Deputy General Counsel Henri F. Rush, and Attorney Charles A. Stark, Interstate Commerce Commission (now the Surface Transportation Board), 1925 K Street, N.W., Washington, D.C. 20423, (202) 565-1558. Arguing for the opposing party was Irwin Goldbloom, Latham & Watkins, 1001 Pennsylvania Avenue, N.W., Washington, D.C. 20004, (202) 637-2200.

5. National Collegiate Athletic Ass'n v. Smith, 525 U.S. 459 (1999). After the Court of Appeals for the Third Circuit ruled against the NCAA in this case, I was retained to seek Supreme Court review, and to brief and argue for the NCAA on the merits in the event the Court elected to hear the case. The Third Circuit had ruled that Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq. -- which applies only to organizations that receive federal financial assistance -- applied to the NCAA, because it received dues payments from entities that receive federal financial assistance. We argued in our petition for certiorari that hinging coverage on such indirect receipt of financial assistance conflicted with Supreme Court precedent, and the Supreme Court granted review.

The issue on the merits was what it meant to "receiv[e] Federal financial assistance" under the terms of the statute. We argued in our briefs that the Supreme Court had developed a contract theory of coverage with respect to legislation, such as Title IX, enacted pursuant to Congress' Spending Clause powers. Under that theory, entities that knowingly and voluntarily accept federal funding are subject to the restrictions that come

with it. The necessary implication of this theory is that coverage under the statute is limited to direct recipients of the funding -- those who knowingly entered into a bargain by accepting the funding -- and does not "follow[] the aid past the recipient to those who merely benefit from the aid." United States Department of Transportation v. Paralyzed Veterans of America, 477 U.S. 597, 607 (1986). The NCAA, we argued, was accordingly not covered simply because its dues-paying members were.

In a unanimous opinion written by Justice Ginsburg, the Supreme Court agreed with our position. The Court explained that, at most, the NCAA's "receipt of dues demonstrates that it indirectly benefits from the federal assistance afforded its members. This showing, without more, is insufficient to trigger Title IX coverage." 525 U.S. at 468. The Court rejected the respondent's efforts to distinguish the controlling Supreme Court precedent, and vacated the Third Circuit's judgment.

Appearing on the briefs with me in this case were Martin Michaelson, Gregory G. Garre, and Lorane F. Hebert of Hogan & Hartson, 555 13th Street, N.W., Washington, D.C. 20004, (202) 637-5600, John J. Kitchin and Robert W. McKinley of Swanson, Midgley, Gangwere, Kitchin & McLarney, 922 Walnut Street, Suite 1500, Kansas City, MO 64106, (816) 842-6100, and Elsa Kircher Cole, General Counsel, National Collegiate Athletic Association, One NCAA Plaza, 700 West Washington Street, Indianapolis, IN 46204, (317) 917-6222. Representing the respondent was Carter Phillips, Sidley & Austin, 1722 Eye Street, N.W., Washington, D.C. 20006, (202) 736-8000.

6. Rice v. Cavetano, 528 U.S. 495 (2000). I was retained by the State of Hawaii to brief and argue this case after a petition for certiorari was granted to review what for the State had been a favorable decision by the Court of Appeals for the Ninth Circuit. That court had upheld a Hawaiian statute providing that only Native Hawaiians could vote for the trustees who administered certain trusts established to benefit Native Hawaiians. The issue before the Supreme Court was whether such a restriction violated the Fourteenth and Fifteenth Amendments as racial discrimination.

On behalf of the State, we defended the state law and favorable Court of Appeals decision by arguing that the classification drawn by the statute was not drawn on the basis of race. Instead, the statute simply restricted the franchise to beneficiaries of the underlying trusts. The petitioner had

not challenged those trusts, and it was rational to limit voting to those most directly affected by how the trusts were administered.

We also argued that the classification was not based on race but instead on the congressionally-recognized political status of Native Hawaiians as an indigenous people. This ground had been relied on by the Supreme Court and other courts to uphold classifications involving Native Americans in the lower 48 states and Native Alaskans, and we argued that the same rationale should apply to the indigenous people of the Hawaiian Islands.

The Court rejected our arguments, 7-2. Justice Kennedy, writing for the majority, rejected our attempted analogy between Native Hawaiians and other Native Americans, reasoning that Congress had not dealt with Native Hawaiians as members of politically-organized tribes, as was the case with respect to other Native Americans. The majority also rejected our argument that the classification should be regarded as being based on beneficiary status rather than race. Justice Breyer, joined by Justice Souter, concurred in the result, also rejecting the analogy to Native American classifications on the ground that Native Hawaiians were not organized into tribes. Justice Stevens, joined by Justice Ginsburg, dissented, arguing that the Hawaiian statute should be upheld in light of the unique history of Hawaii and the analogy to principles of American Indian law.

On the brief with me were Gregory G. Garre and Lorane F. Hebert of Hogan & Hartson, 555 13th Street, N.W., Washington, D.C. 20004, (202) 637-5600, and Attorney General Earl I. Anzai and Deputy Attorneys General Girard D. Lau, Dorothy Sellers, and Charleen M. Aina of the State of Hawaii, 425 Queen Street, Honolulu, Hawaii 96813, (808) 586-1360. Counsel for petitioner was Theodore B. Olson, Gibson, Dunn & Crutcher, 1050 Connecticut Avenue, N.W., Washington, D.C. 20036, (202) 955-8500.

7. TraFFix Devices, Inc. v. Marketing Displays, Inc., 121 S. Ct. 1255 (2001). The issue in this patent and trade dress case was whether the subject matter of a utility patent can be protected as trade dress after the patent expires. Marketing Displays had patented a dual-spring base design that made road signs more resistant to wind. TraFFix Devices copied and improved upon the design after Marketing Displays' patent expired. The Sixth Circuit Court of Appeals concluded that the distinctive appearance of the Marketing Displays sign stand design could be protected from such copying as trade dress. I

was retained by Traffix Devices to seek Supreme Court review and brief and argue the case on the merits if review were granted. We argued in our petition for certiorari that the Sixth Circuit decision conflicted with other circuit court decisions and Supreme Court precedent, and the Supreme Court granted review.

In our briefs on the merits and in oral argument before the Court, I argued that the ruling below was inconsistent with the basic "patent bargain" recognized by the Supreme Court: society grants a patent holder the exclusive rights to his invention for a limited period of time, on the condition that the right to practice the invention becomes public property when the patent expires. Allowing the patent holder to extend the period of exclusive use after the expiration of the patent, under the guise of trade dress, would deprive the public of the benefit of this bargain. We also explained that this was the basis for the trade dress "functionality" doctrine, barring protection for functional features.

The Supreme Court agreed with our position in a unanimous opinion authored by Justice Kennedy. The Court explained that the sign stand design was functional, as evidenced by the fact that it had qualified for and enjoyed patent protection. Because the design was functional, the Court ruled, it could not qualify for trade dress protection.

Co-counsel with me on our briefs were Gregory G. Garre, Hogan & Hartson L.L.P., 555 13th Street, N.W., Washington, D.C. 20004, (202) 637-5600, and Jeanne-Marie Marshall and Richard W. Hoffmann, Reising, Ethington, Barnes, Kisselle, Learman & McCulloch, P.C., 201 W. Big Beaver, Suite 400, Troy, Michigan 48084, (248) 689-3500. John A. Artz, Artz & Artz, P.C., 28333 Telegraph Road, Suite 250, Smithfield, Michigan 48034, (248) 223-9500, argued for the respondent.

8. United States v. Chrysler Corporation, 158 F.3d 1350 (D.C. Cir. 1998). I was retained by Chrysler in this case to appeal a district court decision requiring it to conduct an automobile recall. The main issue on appeal was whether the National Highway Traffic Safety Administration ("NHTSA") had provided automobile manufacturers with adequate notice of what was required by a motor vehicle safety standard before seeking a recall on the ground that the manufacturer had failed to comply with the standard.

I participated in the briefing and presented oral argument before the D.C. Circuit. We first had to address the

government's argument that the case was moot, because Chrysler had acquiesced in the recall while pursuing its appeal. We contended that Chrysler's continuing reporting obligations under the terms of the recall sufficed to establish an ongoing legal controversy. On the merits, we argued that a regulated entity must receive "fair notice" of the standards it must meet, as a matter of both administrative regularity and constitutional due process, before an agency can penalize the regulated party for failure to comply. We then explained why, on the specific facts of this case, NHTSA had failed to give adequate notice of how certain testing procedures were to be conducted to test compliance with agency standards.

In a published opinion authored by Chief Judge Edwards and joined by Judges Silberman and Randolph, the court rejected the government's mootness argument, agreed with our contentions on the merits, reversed the district court, and held that Chrysler was not subject to the recall order.

I was assisted by Gregory G. Garre of Hogan & Hartson, 555 13th Street, N.W., Washington, D.C. 20004, (202) 637-5600, and Erika Z. Jones, Mayer, Brown & Platt, 1909 K Street, N.W., Washington, D.C. 20006, (202) 263-3000. Irene M. Solet, U.S. Department of Justice, Washington, D.C. 20530, (202) 514-3542, argued the case for the United States.

9. KenAmerican Resources, Inc. v. International Union, UMWA, 99 F.3d 1161 (D.C. Cir. 1996). The issue in this case concerned the scope of an agreement to arbitrate. An arbitrator had ruled that certain coal companies owned by an individual stockholder were subject to arbitration because another company also owned by that same individual had subscribed to an arbitration agreement purporting to bind nonsignatory parents, subsidiaries, and affiliates. I was retained by the companies to overturn that result. I argued the case before the district court, lost on summary judgment, and appealed to the D.C. Circuit.

I participated in the briefing on appeal and presented oral argument before the Court of Appeals. We contended that the district court erred in deferring to the arbitrator on the issue of arbitrability and that the court should decide that issue de novo. On the merits, we relied heavily on the agreement documents and explained that the company that had signed the arbitration agreement had carefully limited the scope of its agreement in a manner that did not include the other companies owned by the common sole shareholder.

In a published opinion authored by Judge Silberman and joined by Judges Ginsburg and Rogers, the D.C. Circuit agreed with our arguments and reversed the district court decision enforcing the arbitration award. The Court of Appeals agreed that the lower court had erred in deferring to the arbitrator on the issue of arbitrability, and agreed with our construction of the agreements limiting the scope of the arbitration clause. The court not only reversed the grant of summary judgment in favor of the Union but directed that summary judgment be entered in favor of our clients.

Co-counsel in the case were Daniel F. Attridge, Donald Kempf, John S. Irving, Jr., and Gary Brown of Kirkland & Ellis, 655 Fifteenth Street, N.W., Suite 1200, Washington, D.C. 20005, (202) 879-5000, and Jonathan Franklin, Hogan & Hartson L.L.P., 555 13th Street, N.W., Washington, D.C. 20004, (202) 637-5766. John R. Mooney, Mooney, Green, Gleason, Baker, Gibson & Saindon, P.C., 1920 L Street, N.W., Suite 400, Washington, D.C. 20036, (202) 783-0010, argued the appeal for the Union.

10. Litton Systems, Inc. v. Honeywell, Inc., 238 F.3d 1376 (Fed. Cir. 2001). This case was the third published opinion in a long-running, multi-billion dollar patent and state law dispute between Litton and Honeywell over proprietary interests in laser gyroscope navigational systems for aircraft. Litton had won a \$1.2 billion jury verdict on patent and state tort grounds, but the district court entered judgment for Honeywell notwithstanding the verdict. The Federal Circuit reversed and remanded for a new trial. The district court did not hold a new trial but instead once again entered judgment for Honeywell. I was retained to overturn that result.

I participated in the briefing and presented oral argument before the Federal Circuit. The patent law issue concerned whether Litton was estopped from arguing that Honeywell's technology infringed by equivalents, because Litton had amended its patent claims allegedly to exclude all but its precise embodiment of the invention. The answer turned on technical questions involving the operation of the respective ion guns used by Litton and Honeywell to create the perfectly-reflective mirrors employed in ring laser gyroscopes. The state law issues turned on whether there was sufficient evidence in the record to support the jury's finding that Honeywell had interfered with Litton's agreements with the inventor of the pertinent technology.

Our patent claims became moot after oral argument, when the Federal Circuit issued an en banc opinion in another case holding that the doctrine of equivalents was not available at all to a patentee who had amended his claims. The Federal Circuit, however, issued a published opinion agreeing with our position on the state law claims. The opinion was authored by Chief Judge Mayer and joined by Judge Rader. Judge Bryson concurred in part and dissented in part. The Court reversed the district court's grant of judgment for Honeywell, concluding that the lower court had erred in resolving disputed issues of fact. The case was remanded for a new trial on the state law claims.

I was assisted by Catherine Stetson of Hogan & Hartson L.L.P., 555 13th Street, N.W., Washington, D.C. 20004, (202) 637-5491, Frederick Lorig and Sidford Brown, Bright & Lorig, 633 West 5th Street, Los Angeles, California 90071, (213) 627-7774, and Rory Radding, Stanton Lawrence, and Carl Bretscher, Pennie & Edmonds LLP, 1667 K Street, N.W., Washington, D.C. 20006, (202) 496-4400. Richard G. Taranto, Farr & Taranto, 1220 19th Street, N.W., Suite 800, Washington, D.C. 20036, (202) 775-0184, argued for appellee Honeywell.

19. **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 the nature of your participation in this question, please omit any information protected by the attorney-client privilege (unless the privilege has been waived).

Prior to first joining Hogan & Hartson in 1986, the significant legal activities I pursued generally did not involve litigation. My duties as Associate Counsel to the President and Special Assistant to Attorney General William French Smith are discussed in the response to question 17b. Among the more significant of those activities were the review of legislation submitted to the President, as well as the drafting and review of executive orders, Presidential proclamations, and other Presidential documents.

Significant non-litigation legal activities since 1986 have focused on improving the quality of appellate practice before the Courts of Appeals and the Supreme Court. In addition to involvement with the American Academy of Appellate Lawyers and the recently-established Edward Coke Appellate Inn of Court, I regularly participate in moot court programs designed to improve

the advocacy of those presenting cases before the Supreme Court, in particular the programs sponsored by the State and Local Legal Center and the Georgetown University Law Center Supreme Court Institute. I have also assisted the American Bar Association in presenting its programs on appellate advocacy, appearing as an advocate in its programs, and I write and speak regularly on the subject.

I have also been active in the area of legal reform. I have participated in the work of the American Law Institute, and currently serve on the United States Judicial Conference Advisory Committee on Appellate Rules. Another example of such activity was my work on the bipartisan Joint Project on the Independent Counsel Statute sponsored by the American Enterprise Institute and the Brookings Institution, co-chaired by former Senators Robert Dole and George J. Mitchell.

JOHN G. ROBERTS, JR.

SENATE QUESTIONNAIRE UPDATE -- PUBLIC

Part I, Question 12: Add to the list of addresses the following:

Environmental Law Seminar, Harvard Law School, Cambridge, Massachusetts, January 17, 2002, on Tahoe-Sierra Preservation Council v. Tahoe Regional Planning Agency, S. Ct. No. 00-1167.

John F. Kennedy School of Government, Masters Program visit to Washington, D.C., January 24, 2002, on Supreme Court practice.

American Academy of Appellate Lawyers, New Orleans, Louisiana, February 8, 2002, on Supreme Court practice, with E. Barrett Prettyman, Jr., and Seth Waxman.

Georgetown University Law School, Supreme Court Institute, May 16, 2002, 1992 Supreme Court law clerk program, on the 1992 Supreme Court term.

Brigham Young University and J. Reuben Clark Law School, Rex E. Lee Conference on the Office of the Solicitor General of the United States, Provo, Utah, September 12-13, 2002, with 19 other alumni of the Office.

I did not speak from a prepared text on any of these occasions and am not aware of any press reports on my remarks. I understand that the proceedings of the Rex E. Lee Conference are to be but have not yet been transcribed.

In addition, the proceedings of the D.C. Circuit Bicentennial Symposium have now been reported at 204 F.R.D. 499-638.

Part I, Question 17.b.1:

In the first paragraph, "For the past 15 years" should be changed to "For the past 17 years." Also in the first paragraph, "I orally argued 33 cases before the Supreme Court" should be changed to "I orally argued 39 cases before the Supreme Court."

Part I, Question 17.c.1:

Change "over the past 15 years, arguing over 55 cases" to "over the past 17 years, arguing over 65 cases."

Part I, Question 17.c.4:

Change "over 55 cases" to "over 65 cases."

Part II, Question 4:

An updated financial disclosure report is attached.

Part II, Question 5:

An updated net worth statement is attached.

II. FINANCIAL DATA AND CONFLICT OF INTEREST (PUBLIC)

1. List sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients, or customers. Please describe the arrangements you have made to be compensated in the future for any financial or business interest.

I will be entitled under the Hogan & Hartson partnership agreement to an amount reflecting my interest in matters pending at the firm at the time of my departure. That amount is calculated based on a set formula specified in the agreement. It is based on percentage ownership interest in the firm and is a set amount at time of departure. I also participate in a fully-vested, defined contribution retirement plan and 401(k) plan at Hogan & Hartson. These plans are administered by an independent trustee, and funds are invested in a range of broadly diversified mutual funds at the election of the individual.

2. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern. Identify the categories of litigation and financial arrangements that are likely to present potential conflicts-of-interest during your initial service in the position to which you have been nominated.

I will resolve any conflict of interest by recusing myself from the matter presenting the conflict, following the Judicial Conference Guidelines relating to recusal. I will recuse myself from any matter involving my law firm or former clients for whom I did work, for the periods specified in the Guidelines.

3. Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.

No.

4. List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, patents, honoraria, and other items exceeding \$500 or more. (If you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here.)

I have attached a copy of the financial disclosure report required by the Ethics in Government Act of 1978.

5. Please complete the attached financial net worth statement in detail (Add schedules as called for).

Copy attached.

6. Have you ever held a position or played a role in a political campaign? If so, please identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

Executive Committee, D.C. Lawyers for Bush-Quayle '88.

Lawyers for Bush-Cheney.

I was a member of these organizations, but did not have any substantive responsibilities.

AG-10 Rev. 1/2001		FINANCIAL DISCLOSURE REPORT FOR NOMINEES		Report Required by the Ethics in Government Act of 1978, (5 U.S.C. App. §§101-111)
1. Person Reporting (Last name, first, middle initial) <i>ROBERTS, JOHN G., JR.</i>	2. Court or Organization <i>U.S. COURT OF APPEALS FOR THE D.C. CIRCUIT</i>	3. Date of Report <i>5/13/01</i>		
4. Title (Article III Judges indicate active or senior status; magistrate judges indicate full- or part-time) <i>U.S. CIRCUIT JUDGE - NOMINEE</i>	5. Report Type (check appropriate type) <input checked="" type="checkbox"/> Nomination, Date <i>5/9/01</i> <input type="checkbox"/> Initial <input type="checkbox"/> Annual <input type="checkbox"/> Final	6. Reporting Period <i>1/1/00 - 5/13/01</i>		
7. Chambers or Office Address <i>HOGAN & HARTSON L.L.P. 555 13TH STREET N.W. WASHINGTON, D.C. 20004</i>	8. On the basis of the information contained in this Report and any modifications pertaining thereto, it is, in my opinion, in compliance with applicable laws and regulations. Reviewing Officer _____ Date _____			
IMPORTANT NOTES: The instructions accompanying this form must be followed. Complete all parts, checking the NONE box for each part where you have no reportable information. Sign on last page.				

I. POSITIONS. (Reporting individual only; see pp. 9-13 of Instructions.)

POSITION	NAME OF ORGANIZATION/ENTITY
<input type="checkbox"/> NONE (No reportable positions.)	
1 <i>PARTNER</i>	<i>HOGAN & HARTSON L.L.P.</i>
2 <i>ADVISORY BOARD</i>	<i>STATE & LOCAL LEGAL CENTER, GEORGETOWN UNIV.</i>
3	<i>LAW CENTER SUPREME COURT INSTITUTE, NATIONAL LEGAL CENTER FOR THE PUBLIC INTEREST</i> (ALL UNPAID FOR NONPROFIT ORGAN.)

II. AGREEMENTS. (Reporting individual only; see pp. 14-16 of Instructions.)

DATE	PARTIES AND TERMS
<input type="checkbox"/> NONE (No reportable agreements.)	
1 <i>2001</i>	<i>HOGAN & HARTSON PARTNERSHIP AGREEMENT SETS FORMULA FOR PAYOUT TO DEPARTING LAWYER FOR HIS OWNERSHIP INTEREST IN FIRM. RETIRE- MENT AND 401(K) PLANS ARE DEFINED CONTRIBUTION, FULLY VESTED, AND INVESTED IN MUTUAL FUNDS SELECTED BY INDIVIDUAL</i>

III. NON-INVESTMENT INCOME. (Reporting individual and spouse; see pp. 17-24 of Instructions.)

DATE	SOURCE AND TYPE	GROSS INCOME (yours, not spouse's)
<input type="checkbox"/> NONE (No reportable non-investment income.)		
1 <i>1999</i>	<i>HOGAN & HARTSON L.L.P.</i>	<i>\$715,598</i>
2 <i>2000</i>	<i>HOGAN & HARTSON L.L.P.</i>	<i>\$766,616</i>
3 <i>2001</i>	<i>HOGAN & HARTSON L.L.P.</i>	<i>\$111,111.57</i>
4 <i>1999, 2000,</i>	<i>SHAW PITTMAN (WIFE'S LAW FIRM)</i>	<i>\$</i>
5 <i>2001</i>		<i>\$</i>

FINANCIAL DISCLOSURE REPORT

Name of Person Reporting: JAMES G. ROBERTS, JR. Date of Report: 5/13/01

IV. REIMBURSEMENTS -- transportation, lodging, food, entertainment.
(Includes those to spouse and dependent children. See pp. 25-27 of instructions.)

	SOURCE	DESCRIPTION
<input type="checkbox"/>	NONE (No such reportable reimbursements.)	
1	<u>EXEMPT</u>	
2		
3		
4		
5		
6		
7		

V. GIFTS. (Includes those to spouse and dependent children. See pp. 28-31 of instructions.)

	SOURCE	DESCRIPTION	VALUE
<input type="checkbox"/>	NONE (No such reportable gifts.)		
1	<u>EXEMPT</u>		\$
2			\$
3			\$
4			\$

VI. LIABILITIES. (Includes those of spouse and dependent children. See pp. 32-33 of instructions.)

	CREDITOR	DESCRIPTION	VALUE CODE*
<input checked="" type="checkbox"/>	NONE (No reportable liabilities.)		
1			
2			
3			
4			
5			
6			

*Value Codes: J=\$15,000 or less K=\$15,001-\$50,000 L=\$50,001-\$100,000 M=\$100,001-\$250,000 N=\$250,001-\$500,000
 O=\$500,001-\$1,000,000 P1=\$1,000,001-\$5,000,000 P2=\$5,000,001-\$25,000,000
 P3=\$25,000,001-\$50,000,000 P4=\$50,000,001 or more

FINANCIAL DISCLOSURE REPORT Name of Person Reporting **JOHN G. ROBERTS, JR.** Date of Report **5/13/01**

VII. Page 1 INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children. See pp. 34-37 of Instructions.)

A. Description of Assets (including trust assets)	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amt. Code1 (A-F)	(2) Type (e.g., div., rent or int.)	(1) Value Code2 (J-P)	(2) Value Method Code3 (Q-W)	(1) Type (e.g., buy, sell, merger, redemption)	If not exempt from disclosure			
						(2) Date: Month-Day	(3) Value Code2 (J-P)	(4) Gain Code1 (A-F)	(5) Identity of buyer/seller (if private transaction)
NONE (No reportable income, assets, exempt from prior disclosure.)					EXEMPT				
1 AGILENT		NONE	J	T					
2 AOL		NONE	O	T					
3 ASTRARENEGA	A	DIV	J	T					
4 AT & T	A	DIV	J	T					
5 BECTON DICKINSON	A	DIV	J	T					
6 BLOCK BUSTER	A	DIV	K	T					
7 BOEING	A	DIV	J	T					
8 CISCO		NONE	K	T					
9 CITIGROUP	A	DIV	K	T					
10 COCA COLA	A	DIV	J	T					
11 CORVIS		NONE	J	T					
12 CP	A	DIV	J	T					
13 DELL		NONE	M	T					
14 DISNEY	A	DIV	K	T					
15 FIRST VA BANKS	A	DIV	J	T					
16 FREDDIE MAC	A	DIV	K	T					
17 GILLETTE	A	DIV	J	T					

1 Income/Gain Codes: A=\$1,000 or less (See Col. B1, D4) B=\$1,001-\$1,500 C=\$2,501-\$5,000 D=\$5,001-\$15,000 E=\$15,001-\$50,000 F=\$50,001-\$100,000 G=\$100,001-\$1,000,000 H1=\$1,000,001-\$5,000,000 H2=More than \$5,000,000

2 Value Codes: J=\$15,000 or less (See Col. C1, D3) K=\$15,001-\$50,000 L=\$50,001-\$100,000 M=\$100,001-\$250,000 N=\$250,001-\$500,000 O=\$500,001-\$1,000,000 P1=\$1,000,001-\$5,000,000 P2=\$5,000,001-\$25,000,000 P3=\$25,000,001-\$50,000,000 P4=More than \$50,000,000

3 Value Method Codes: Q=Appraisal (See Col. C2) R=Cost (real estate only) S=Assessment T=Cash/Market U=Book value V=Other W=Estimated

FINANCIAL DISCLOSURE REPORT Name of Person Reporting: JOHN G. ROBERTS, JR. Date of Report: 5/13/01

VII. Page 2 INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children. See pp. 14-17 of Instructions.)

A. Description of Assets (including trust assets) <i>Place "DC" after each asset exempt from prior disclosure.</i>	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amt. Code1 (A-H)	(2) Type (e.g., div., rent or int.)	(1) Value Code2 (F-P)	(2) Value Method Code (Q-W)	(1) Type (e.g., buy, sell, merger, redemption)	If not exempt from disclosure			
						(2) Date: Month- Day	(3) Value Code2 (J-P)	(4) Gain Code1 (A-H)	(5) Identity of buyer/seller (if private transaction)
<input type="checkbox"/> NONE (No reportable income, assets, or transactions)									
18 HELEN OF TROY		NONE	J	T					
19 HELLER FINANCIAL	A	DIV	J	T					
20 HEWLETT-PACKARD	A	DIV	K	T					
21 HILLENBRAND	A	DIV	K	T					
22 INTEL	A	DIV	L	T					
23 IRISH INV FUND	B	DIV	J	T					
24 JDS UNIPHASE		NONE	J	T					
25 JNJ	A	DIV	J	T					
26 LOREAL		NONE	J	T					
27 LUCEM	A	DIV	J	T					
28 MERCK	A	DIV	K	T					
29 MICROSOFT		NONE	N	T					
30 MOTOROLA	A	DIV	J	T					
31 NIKE	A	DIV	J	T					
32 NOKIA	A	DIV	L	T					
33 NOVELLUS		NONE	J	T					
34 PMC SIERRA		NONE	J	T					
35 PGO		NONE	J	T					

1 Income/Gain Codes: A=\$1,000 or less (See Col. B1, D4) F=\$50,001-\$100,000 B=\$1,001-\$2,500 G=\$100,001-\$1,000,000 C=\$2,501-\$5,000 H=\$1,000,001-\$5,000,000 D=\$5,001-\$15,000 H2=More than \$5,000,000 E=\$15,001-\$50,000

2 Value Codes: J=\$15,000 or less (See Col. C1, D3) N=\$250,001-\$500,000 K=\$15,001-\$50,000 O=\$500,001-\$1,000,000 L=\$50,001-\$100,000 M=\$100,001-\$250,000 P1=\$1,000,001-\$5,000,000 P2=\$5,000,001-\$25,000,000 P3=\$25,000,001-\$50,000,000 P4=More than \$50,000,000

3 Value Method Codes: Q=Appraisal (See Col. C2) U=Book value R=Cost (real estate only) V=Other S=Assessment W=Estimated T=Cash/Market

FINANCIAL DISCLOSURE REPORT Name of Person Reporting JOHN G. ROBERTS, JR. Date of Report 5/13/01

VII. Page 3 INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children. See pp. 34-37 of Instructions.)

A Description of Assets (including trust assets) <i>Place "X" after each asset exempt from prior disclosure.</i>	B Income during reporting period		C Gross value at end of reporting period		D Transactions during reporting period				
	(1) Amt. Code1 (A-F)	(2) Type (e.g., div., rent or int.)	(1) Value Code2 (J-P)	(2) Value Method Code (Q-W)	If not exempt from disclosure				
					(1) Type (e.g., buy, sell, merger, redemption)	(2) Date: Month- Day	(3) Value Code2 (J-P)	(4) Gain Code1 (A-R)	(5) Identity of buyer/seller (if private transaction)
<input type="checkbox"/> NONE (No reportable income, assets, or transactions)									
36 PFIZER	A	DIV	J	T					
37 PROCTOR GAMBLE	A	DIV	J	T					
38 PSNRY		NONE	J	T					
39 SCHLUMBERGER	A	DIV	J	T					
40 SCIENTIFIC ATLANTA	A	DIV	K	T					
41 STATE STREET	A	DIV	K	T					
42 TEXAS INSTRUMENTS	A	DIV	M	T					
43 TMO		NONE	K	T					
44 WCOM		NONE	J	T					
45 XMSR		NONE	L	T					
46 WASHINGTON REIT	A	DIV	K	T					
47 PARADIM INC FFD	A	DIV	J	W					
48 AMER CENT RA FUND	B	DIV	J	T					
49 DAVIS SEK REAL EST FUND	A	DIV	J	T					
50 FIDELITY CONTRAFUND	C	DIV	K	T					
51 FIDELITY FREEDOM 2010	A	DIV	J	T					
52 FIDELITY LOW PRICED	D	DIV	M	T					
53 FIDELITY MACELLAN	D	DIV	N	T					

1 Income/Gain Codes: (See Col. B1, D4) A=\$1,000 or less; F=\$50,001-\$100,000; B=\$1,001-\$2,500; G=\$100,001-\$1,000,000; C=\$2,501-\$5,000; H=\$1,000,001-\$5,000,000; D=\$5,001-\$15,000; E=\$15,001-\$50,000; H2=More than \$5,000,000

2 Value Codes: (See Col. C1, D3) J=\$12,000 or less; K=\$15,001-\$50,000; L=\$50,001-\$100,000; M=\$100,001-\$250,000; N=\$250,001-\$500,000; O=\$500,001-\$1,000,000; P1=\$1,000,001-\$5,000,000; P2=\$5,000,001-\$25,000,000; P3=\$25,000,001-\$50,000,000; P4=More than \$50,000,000

3 Value Method Codes: (See Col. C2) Q=Appraisal; U=Book value; R=Cost (real estate only); V=Other; S=Assessment; W=Estimated; T=Cash/Market

FINANCIAL DISCLOSURE REPORT	Name of Person Reporting JOHN G. ROBERTS, JR.	Date of Report 5/17/01
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VII Page 4 INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children. See pp. 34-37 of Instructions.)

A Description of Assets (including trust assets) <i>Place "00" after each asset exempt from prior disclosure.</i>	B Income during reporting period		C Gross value at end of reporting period		D Transactions during reporting period				
	(1) Amt. Code1 (A-F)	(2) Type (G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z)	(1) Value Code2 (Q-T)	(2) Value Method Code (Q-W)	If not exempt from disclosure				
					(1) Type (E, F, buy, sell, merger, redemption)	(2) Date Month Day	(3) Value Code2 (A-F)	(4) Gain Code1 (A-F)	(5) Identity of buyer/seller (if private transaction)
NONE (No reportable income, assets, or transactions)									
54 FIDELITY OTC	D	DIV	K	T					
55 FIDELITY OVERSEAS	C	DIV	K	T					
56 FIDELITY SELECT EXBLAY		NONE	J	T					
57 FRANKLIN MUT BEAC Z	C	DIV	J	T					
58 FRANKLIN MUT DISC Z	B	DIV	J	T					
59 GAM GLOBAL C FUND	A	DIV	J	T					
60 JANUS ENT FUND		NONE	K	T					
61 JANUS FUND	B	DIV	K	T					
62 JANUS WW FUND	C	DIV	K	T					
63 MERCURY HW INT'L FUND	C	DIV	K	T					
64 LORD ABBETT DEV GR FUND	A	DIV	K	T					
65 PUTNAM NEW OPP FUND		NONE	J	T					
66 PUTNAM VIMAGER FUND		NONE	J	T					
67 SELIGMAN OMM A FUND	C	DIV	J	T					
68 TARRANT FUND	C	DIV	L	T					
69 TR PRICE EURO STOCK	A	DIV	J	T					
70 TR PRICE SCI + TECH	C	DIV	J	T					

1	Income/Gain Codes: (See Col. B1, D4)	A=\$1,000 or less B=\$1,001-\$100,000 C=\$100,001-\$1,000,000	B=\$1,001-\$2,500 C=\$100,001-\$1,000,000	C=\$2,501-\$5,000 D=\$5,001-\$15,000 E=\$15,001-\$50,000	D=\$5,001-\$15,000 E=\$15,001-\$50,000	E=\$15,001-\$50,000	
2	Value Codes: (See Col. C1, D3)	J=\$15,000 or less K=\$15,001-\$50,000 L=\$50,001-\$100,000 M=\$100,001-\$250,000 N=\$250,001-\$500,000 O=\$500,001-\$1,000,000 P=\$1,000,001-\$5,000,000 Q=\$5,000,001-\$50,000,000	K=\$15,001-\$50,000 L=\$50,001-\$100,000 M=\$100,001-\$250,000 N=\$250,001-\$500,000 O=\$500,001-\$1,000,000 P=\$1,000,001-\$5,000,000 Q=\$5,000,001-\$50,000,000	L=\$50,001-\$100,000 M=\$100,001-\$250,000 N=\$250,001-\$500,000 O=\$500,001-\$1,000,000 P=\$1,000,001-\$5,000,000 Q=\$5,000,001-\$50,000,000	M=\$100,001-\$250,000 N=\$250,001-\$500,000 O=\$500,001-\$1,000,000 P=\$1,000,001-\$5,000,000 Q=\$5,000,001-\$50,000,000	N=\$250,001-\$500,000 O=\$500,001-\$1,000,000 P=\$1,000,001-\$5,000,000 Q=\$5,000,001-\$50,000,000	P=\$1,000,001-\$5,000,000 Q=\$5,000,001-\$50,000,000
3	Value Method Codes: (See Col. C2)	Q=Appraisal R=Book value	R=Cost (real estate only) S=Other	S=Assessment T=Estimated	T=Cash/Market		

FINANCIAL DISCLOSURE REPORT Name of Person Reporting: JOHN G. ROBERTS, JR. Date of Return: 5/13/01

VII. Page 5 INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children. See pp. 34-37 of Instructions.)

A. Description of Assets (including trust assets) <i>Place "00" after each asset exempt from prior disclosure.</i>	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amt. Code: (A-F)	(2) Type (e.g., div., rent or int.)	(1) Value Code: (1-3)	(2) Value Method Code: (Q-W)	(1) Type (e.g., buy, sell, merger, redemption)	If not exempt from disclosure			
						(2) Date: Month- Day	(3) Value Code: (1-P)	(4) Gain Code: (A-F)	(5) Identity of buyer/seller (if private transaction)
NONE (No reportable income, assets,									
71 VANGUARD INT'L GR	C	DIV	K	T					
72 VANGUARD SM CAP INDEX	D	DIV	L	T					
73 PILGRIM WW EM FUND		NONE	J	T					
74 ALLFIRST BANK M. MKT	E	INT	O	T					
75 ARK MONEY MKT	A	DIV	J	T					
76 CMA MONEY FUND	C	DIV	L	T					
77 C. SCHWAB MONEY MKT	A	DIV	J	T					
78 C. SCHWAB MUNI M FUND	C	DIV	L	T					
79 FIRST UNION CHECKING	A	INT	J	T					
80 CHEY CHASE BANK	A	INT	J	T					
81 1/8 INTEREST IN COTTAGE, KNOCKLINS LIMORICK, IRE.	A	RENT	J	W					
82 HOKAN & HARTSON L.L.P. INVESTMENT FUND	A	INT	J	W					
83 SHAW PITTMAN INVESTORS - 2000 L.L.C.	A	INT	J	W					
14									
15									
16									
17									

1 Income/Gain Codes: A=\$1,000 or less; B=\$1,001-\$2,500; C=\$2,501-\$5,000; D=\$5,001-\$15,000; E=\$15,001-\$50,000; F=\$50,001-\$100,000; G=\$100,001-\$1,000,000; H=\$1,000,001-\$5,000,000; I=\$5,000,001-\$25,000,000; J=\$25,000,001-\$50,000,000; K=More than \$50,000,000

2 Value Codes: A=\$1,000 or less; B=\$1,001-\$50,000; C=\$50,001-\$100,000; D=\$100,001-\$500,000; E=\$500,001-\$1,000,000; F=\$1,000,001-\$5,000,000; G=\$5,000,001-\$25,000,000; H=More than \$25,000,000

3 Value Method Codes: Q=Appraisal; R=Cost (real estate only); S=Assessment; T=Cash/Market; U=Book value; V=Other; W=Estimated

FINANCIAL DISCLOSURE REPORT	Name of Person Reporting	Date of Report
	JOHN G. ROBERTS, JR.	5/13/01

VIII. ADDITIONAL INFORMATION OR EXPLANATIONS (Indicate part of Report.)

IX. CERTIFICATION.

I certify that all information given above (including information pertaining to my spouse and minor or dependent children, if any) is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory provisions permitting non-disclosure.

I further certify that earned income from outside employment and honoraria and the acceptance of gifts which have been reported are in compliance with the provisions of 5 U.S.C. app., § 501 et. seq., 5 U.S.C. § 7353 and Judicial Conference regulations.

Signature *John G. Roberts, Jr.* Date 5/13/01

NOTE: ANY INDIVIDUAL WHO KNOWINGLY AND WILFULLY FALSIFIES OR FAILS TO FILE THIS REPORT MAY BE SUBJECT TO CIVIL AND CRIMINAL SANCTIONS (5 U.S.C. App., § 104.)

FILING INSTRUCTIONS:	
Mail signed original and 3 additional copies to:	Committee on Financial Disclosure Administrative Office of the United States Courts Suite 2-301 One Columbus Circle, N.E. Washington, D.C. 20544

FINANCIAL STATEMENT

NET WORTH

Provide a complete, current financial net worth statement which itemizes in detail all assets (including bank accounts, real estate, securities, trusts, investments, and other financial holdings) and liabilities (including debts, mortgages, loans, and other financial obligations) of yourself, your spouse, and other immediate members of your household.

ASSETS				LIABILITIES			
Cash on hand and in banks	700	000	00	Notes payable to banks—secured		0	
U.S. Government securities—add schedule		0		Notes payable to banks—unsecured		0	
Listed securities—add schedule	2,107	021	21	Notes payable to relatives		0	
Unlisted securities—add schedule	2	000	00	Notes payable to others		0	
Accounts and notes receivable:		0		Accounts and bills due		0	
Due from relatives and friends		0		Unpaid income tax		0	
Due from others		0		Other unpaid tax and interest		0	
Doubtful		0		Real estate mortgages payable—add schedule	270	272	27
Real estate owned—add schedule	435	000	00	Chattel mortgages and other liens payable		0	
Real estate mortgages receivable		0		Other debts—itemize:		0	
Autos and other personal property	18	000	00				
Cash value—life insurance	11	911	06				
Other assets—itemize:	778	615	76				
SEE SCHEDULE							
				Total Liabilities	270	272	27
				Net Worth	3,782	275	76
Total Assets	4,052	548	03	Total liabilities and net worth	4,052	548	03
CONTINGENT LIABILITIES				GENERAL INFORMATION			
As endorser, cosigner or guarantor		0		Are any assets pledged? (Add schedule.)		NO	
On leases or contracts		0		Are you defendant in any suits or legal actions?		NO	
Legal Claims		0		Have you ever taken bankruptcy?		NO	
Provision for Federal Income Tax		0					
Other special debt		0					

FINANCIAL NET WORTH STATEMENT--SCHEDULES

John Glover Roberts, Jr.

Listed Securities

Held in brokerage acct. (detail attached)	\$1,899,842.17
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Other Listed Securities

Allied Capital	\$865.00
Blockbuster Inc.	18,300.00
Texas Instruments	114,908.08
AT&T	6,570.00
Avaya	324.66
Canadian Pacific	7,860.00
Coca-Cola	9,058.00
First Virginia	6,586.50
Lucent	3,456.00
NCR	562.80
State Street	21,050.00
Washington REIT	17,738.00

Unlisted Security

Paradim Inc. REIT Preferred	\$2,000.00 (cost)
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Real Estate Owned

Personal residence:	Bethesda, MD
	Est. value: \$425,000
Wife's 1/8 interest in cottage (parents, brother, aunt and uncle own rest):	Knocklong, Limerick Ireland
	Est. value: \$10,000

Real Estate Mortgage Payable

On personal residence: Fleet Mortgage
 \$270,272.27 balance
 30-yr. fixed, 8.125%

Other Assets

<u>Mutual Fund</u>	<u>Value</u>
Fidelity Contrafund	\$32,560.97
Fidelity Freedom 2010	2,038.06
Fidelity Low-Priced	109,959.55
Fidelity Magellan	278,718.32
Fidelity OTC	37,417.88
Fidelity Overseas	29,209.21
Janus Fund	16,455.27
Janus Enterprise	15,617.88
Janus Worldwide	28,900.57
Pilgrim Worldwide Emerging	5,390.49
American Century Growth	10,988.95
Davis Series Real Estate Fund	12,394.00
Franklin Mutual Discovery Z	5,622.00
Franklin Mutual Beacon Z	11,324.00
GAM Global C	8,579.00
Lord Abbett Dev Growth	16,525.00
Fidelity Select Energy	14,749.86
Seligman Comm A	13,519.00
TR Price European Stock	8,220.20
TR Price Sci & Tech	7,916.49
Putnam Voyager	6,214.48
Putnam New Opportunities	5,696.58
CMA Money Fund	86,848.00
Hogan & Hartson L.L.P. Investment Fund	3,750.00
Shaw Pittman Investors- 2000 L.L.C.	10,000.00

Description	Quote Symbol	Total Market Value
Stocks		
AGILENT TECHNOLOGIES INC(M)	A	\$ 6,894.28
ACUL TIME WARNER INC(M)	ACL	646,400.00
ASTRAZENECA PLC ADR F(M)	AZN	12,735.36
SPONSORED ADR		
1 ADR REP 1 ORD		
AVAYA INC(M)	AV	118.32
ODDLOT TENDER OFFER		
EXP 06/08/01		
BECTON DICKINSON & CO(M)	BDX	6,470.00
BOEING CO(M)	BA	12,360.00
CISCO SYSTEMS INC(M)	CSCO	40,752.00
CITIGROUP INC(M)	C	49,150.00
CORVIS CORP(M)	CORV	137,370.00
DELL COMPUTER CORP(M)	DELL	187,326.00
DISNEY WALT HLDG CO(M)	DIS	6,120.00
FREDDIE MAC VOTING SHS(M)	FRE	26,320.00
GILLETTE CO(M)	G	2,826.00
HELEN OF TROY LTD(M)	HELE	3,080.00
HELLER FINANCIAL INC A(M)	HF	1,340.22
CLASS A		
HEWLETT-PACKARD COMPANY(M)	HWP	34,116.00
HILLENBRAND INDS INC(M)	HB	15,150.00
INTEL CORP(M)	INTC	98,912.00
IRISH INVESTMENT FUND(M)	IRL	7,530.00

(M) Assets held in margin account

Description	Quote Symbol	Total Market Value
IDS UNIPHASE CORPORATION(M)	IDSU	\$ 2,120.00
JOHNSON & JOHNSON(M)	JNJ	9,648.00
LORAL SPACE & COMMUN LTD(M)	LOH	2,370.00
LUCENT TECHNOLOGIES INC(M)	LU	4,004.00
MERCK & CO INC(M)	MRK	15,194.00
MICROSOFT CORP(M)	MSFT	271,000.00
MOTOROLA INCORPORATED(M)	MOT	13,995.00
NIKE INC CLASS B(M)	NKE	4,181.00
NOKIA CORP SPON ADR F(M)	NOK	54,704.00
NOVELLUS SYSTEMS INC F(M)	NVIS	16,545.00
P M G SIERRA INC(M)	PMCS	4,160.00
PAC CENTY CYBERWKS ADR F(M)	PCW	778.80
SPONSORED ADR		
1 ADR REP 10 ORD		
PETRO GEO SVCS A/S ADR F(M)	PGO	2,174.00
1 ADR REP 1 ORD		
PEPPER HART INC(M)	PFE	12,990.00
PRICER SOFTWARE CORP(M)	PC	6,008.00
PT BASIRIK SATELIT ADR F(M)	PSNRY	3,000.00
MUSANTARA SPONSORED ADR		
1 ADR REP 3 ORD		
SCHLUMBERGER LTD F(M)	SLB	6,630.00
SCIENTIFIC ATLANTA INC(M)	SFA	23,092.00
SYNGENTA AG ADR F(M)	SYT	333.96
SPONSORED ADR		
1 ADR REP 1/5 ORD		

(M) Assets held in margin account

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Description	Quote Symbol	Total Market Value
TEXAS INSTRUMENTS INC(M)	TXN	\$ 15,480.00
THERMO ELECTRON CORP(M)	TMO	3,149.92
TRANSOCEAN SEDCO FOREX F(M)	RIG	1,031.32
WORLDCOM INC(M)	WCOM	3,650.00
XM SATELLITE RADIO HLDGS(M)	XMSR	52,500.00
CLASS A		
Total Market Value of Stocks		\$ 1,711,173.58
Stock Funds		\$ 39,353.80
MERCURY HW INTERNATIONAL(M)	MIVX	
VALUE CL FUND	TORX	55,735.71
TORRAY FUND(M)	WVIX	35,535.34
VANGUARD INTL GROWTH POR(M)	NAEX	58,043.74
TFOLIO		
VANGUARD SMALL CAP INDEX(M)		
FUND		
Total Market Value of Stock Funds		\$ 188,668.59

(M) Assets held in margin account
 ? Dividends paid on this security will be automatically reinvested