



# CAPITOL ASSETS

## INSIDE THIS ISSUE:

<i>President's Letter</i>	2
<i>Liptak Luncheon</i>	3
<i>Annual Meeting Recap</i>	4
<i>Broder Luncheon</i>	5
<i>Wittes Luncheon</i>	5
<i>Officers &amp; Council</i>	6

## JUSTICE SOUTER TO ADDRESS CHAPTER ON MAY 12, 2009

Justice Souter will deliver an address to the Capitol Hill Chapter of the Federal Bar Association during the 2009 Supreme Court luncheon on Tuesday, May 12th, from noon until 1:30 p.m. in the West Conference Room of the Supreme Court of the United States. Justice Souter will then answer questions. Reservations are required. Please check your e-mail and our website ([www.fbacapitolhill.org](http://www.fbacapitolhill.org)) for more information about reservations for this event.

**David H. Souter,** Associate Justice of the Supreme Court of the United States, was born in Melrose, Massachusetts, on September 17, 1939. In 1961, he graduated

magna cum laude from Harvard College with an A.B. degree and as a member of Phi Beta Kappa. Souter completed an M.A. at Magdalen College, Oxford, as a Rhodes Scholar in 1963. After receiving a law degree from Harvard Law School in 1966, he was an associate at Orr and Reno in Concord, New Hampshire, from 1966 to 1968, when he became an Assistant Attorney General of New Hampshire. In 1971, he became Deputy Attorney General and, in 1976, Attorney General of New Hampshire. In 1978, he was named an Associate Justice of the Superior Court of New Hampshire. He was appointed to the Supreme Court of New Hampshire as an Associate Justice in



Associate Justice David Souter

1983. Souter then became a Judge of the United States Court of Appeals for the First Circuit on May 25, 1990. President George H.W. Bush nominated him as an Associate Justice of the Supreme Court, and he took his seat on October 9, 1990.

## GREENBERGER TO ADDRESS FINANCIAL REGULATION & THE CURRENT CRISIS ON 2-24

On Tuesday, February 24, 2009, at noon in Dining Room C in the Madison Building of the Library of Congress, Professor Michael Greenberger will talk to the chapter about the

role of financial regulation in causing the current economic crisis and the role it can and should play in resolving the crisis. The lunch costs \$15 for members; \$20 for non-

members; and is free for members who wish to bring their own lunch. Please e-mail your reservation to Tony Ogden at [togden@gpo.gov](mailto:togden@gpo.gov) by Friday, February 20th.

## MESSAGE FROM CHAPTER PRESIDENT PAUL VAMVAS

It is hard to imagine a better vantage point than Capitol Hill from which to witness all that is going on in Washington: a new administration, new Members of Congress, an economic crisis and the response to it, decisions about two ongoing wars and a raft of other issues and problems that need to be addressed. All of it will affect and be affected by the Hill and what happens here. And members of the Capitol Hill chapter of the FBA will be involved in much of it.

As chapter President this year, I am hoping to serve our members with programs and services that will help them deal with all that is happening. I am even hoping to attract some new members to enjoy the benefits of the Capitol Hill Chapter. Elsewhere in this newsletter you'll read about four excellent luncheon speakers we already have had the pleasure of hearing this year: Glenn Fine, the Inspector General of the Department of Justice; Adam Liptak, the incoming Supreme Court correspondent for *The New York Times*; David Broder, *Washington Post* columnist and reporter and widely acknowledged Dean of the Washington press corps; and Brookings Senior Fellow Benjamin Wittes, author of *Law and the Long War*. On February 24<sup>th</sup>, we will be hearing from Mi-

chael Greenberger, who will talk about the role of financial regulation in causing the current economic crisis and the role it can and should play in resolving the crisis.

As always, several members of the chapter have stepped up to do the work needed to keep the chapter going and help it thrive. Our President-Elect, **T.J. Halstead**, has agreed to chair the Membership Committee. **Amy Bowser** and **Jeff McDermott** are co-chairing our Young Lawyers Division Committee. Amy and Jeff will serve as liaisons to the national Young Lawyer Division and will work to extend the chapter's outreach to younger attorneys on the Hill. **Chuck Arberg** and **Peg Perl** will co-chair our Professional Affairs Committee and organize a Spring symposium on ethics and professional responsibility. The chapter ran these symposia for several years in the past and they were always very popular and well attended. Chuck and Peg have agreed to help revive that tradition. And **Nicole Isaac** has agreed to help us start what will hopefully be a new tradition, a series of policy breakfasts featuring lawmakers focusing on issues of major concern to the Nation.

Needless to say, that is just a short list of all the people who are contributing time and energy to the

Chapter. **William Suter** and **Cynthia Rapp**, representing the Supreme Court, are the driving forces behind our most important annual event, our Supreme Court luncheon in May. My three immediate predecessors, **Adam Bramwell**, **Susan Sawtelle**, and **Warren Burke**, have agreed to help track our programs for the year and see to it that our chapter and its efforts are known to FBA National. **Mary Levering** puts herself out to get us rooms at the Library of Congress for so many of our events and **Rich Litssey** took the pictures you see in this newsletter and has been sure over the years that we have not had to rely only on our memories of the speakers and events we have enjoyed. And last, but certainly not least, **Ellen Sutherland** volunteered to put together the newsletter that you are now reading. And that list is not nearly complete either.

I am hoping that this is the first of at least three newsletters we can get out this year to let you all know what we have done and what we plan to do. The Capitol Hill chapter is about **you**. So please be involved. And tell your attorney friends who you think would enjoy our programs and our company to come join us too. Thanks.

—Paul Vamvas

*“The Capitol Hill chapter is about you. So please be involved. And tell your attorney friends who you think would enjoy our programs and our company to come join us too.”*

## ADAM LIPTAK ADDRESSES CHAPTER AT OCTOBER LUNCHEON

Adam Liptak, the new New York Times Supreme Court correspondent, spoke to the chapter members and guests at our October luncheon. Liptak, who just began in this position at the beginning of the Supreme Court's 2008 October Term, follows long time correspondent Linda Greenhouse, who retired from the Times and plans to teach at Yale University. Liptak was the New York Times' National Legal Correspondent, based in New York, before moving to D.C. to cover the Court.

It was a daunting task taking over from Greenhouse, Liptak told his audience. When Greenhouse announced that she was retiring, Liptak asked him-

self whether he wanted to give up a position that allowed him to travel all over the country essentially covering whatever legal story he found interesting to take what he acknowledged was the most prestigious job in legal journalism. "I made up a list of pros and cons, and there were a lot of cons. And then I tore up the list and took the job," he said with a shrug.

Liptak said one of the greatest challenges of the job was figuring out who exactly he is writing for and what he needs to write in the age of the Internet. When Greenhouse started covering the Court, he noted, there was no other way to learn what happened there other than reading the newspapers.

Now, he noted, everyone really interested in what the Court is doing can go to SCOTUSBlog, the Court's own web site, or a dozen other sources and see almost immediately what the Court decided. That suggests a different mission for Liptak and his newspaper.

Responding to questions from the luncheon guests, Liptak



**Adam Liptak,  
New York Times  
Supreme Court Correspondent**

said he supported the push for cameras in the Supreme Court Chamber and did not think they would have the deleterious effect about which the Justices have expressed concern. He also spoke about the lack of a federal shield law for journalists and said that, while he supports having one, it is a more complicated question than it seems at first. Since he is certain it would include a complicated balancing test for when a reporter could refuse to reveal a confidential source and when a reporter could not, a federal shield law would not always provide the necessary protection. But the existence of such a law would nevertheless make it more difficult to tell federal courts "no" if the balancing test came out against protecting the source.

*"I made up a list of pros and cons, and there were a lot of cons. And then I tore up the list and took the job," Liptak said with a shrug.*



**Liptak and Chapter President Paul Vamvas**

# DOJ INSPECTOR GENERAL ADDRESSES ANNUAL CHAPTER MEETING

Glenn A. Fine, the long serving Inspector General of the U.S. Department of Justice, was this year's first luncheon speaker when he addressed the Chapter's annual meeting in September at the Library of Congress. Fine, who has been I.G. at Justice since 2000, talked not only about the role of the I.G. (to identify fraud, waste, and abuse in government programs and operations), but also about his involvement overseeing the Federal Bureau of Investigations, its Terrorist Screening Center, and the Federal Bureau of Prisons, among other responsibilities.

Fine described the role of the 170 Special Agents assigned to investigate the approximately 10,000 complaints his office receives every year. Recent notable investigations have involved theft, improper relations with informants, abuse of authority, civil rights abuses, contraband trafficking, and the handling of weapons and laptops by FBI agents. Fine's office was also involved with the recent controversy over the alleged politically motivated firing of a number of Assistant United States Attorneys.

Fine's career prior to being named as IG was almost as interesting as the issues he has dealt with since. A magna cum laude



Glenn Fine, DOJ Inspector

graduate of Harvard College in 1979, Fine was the co-captain of the varsity basketball team. That experience led to his being drafted by the San Antonio Spurs of the NBA after graduation. But, at only about 6 feet tall, Fine had a hard time seeing how he was going to get to the top of the game. Instead, he went on to earn B.A. and M.A. degrees from Oxford University as a Rhodes Scholar and to receive his law degree, magna cum laude, from Harvard Law School in 1985.

Fine served as

an Assistant United States Attorney in Washington, D.C., where he prosecuted more than 35 criminal jury trials and argued cases in the D.C. Court of Appeals. Fine joined the Office of the Inspector General in 1995 and served in a number of capacities there before being named Inspector General.

The Chapter was very grateful to both Mr. Fine, for taking the time to talk to us, and to Chapter Treasurer Tony Ogden, the Inspector General of the Government Printing Office, for arranging for Mr. Fine's appearance.

Also at the first lunch, new officers were installed and old friends were honored for their service.

*Fine described the role of the 170 Special Agents assigned to investigate the approximately 10,000 complaints his office receives every year.*



Current President Paul Vamvas (L) congratulating Immediate Past President Adam Bramwell (R) on a very successful year.

## CHAPTER HEARS FROM DEAN OF WASHINGTON PRESS CORPS

Before blogs and web sites, before talking heads and sound bites, even before cable television and talk radio, there was David Broder. And there still is. Broder, the acknowledged Dean of the Washington press corps, has been a reporter and columnist for the *Washington Post* for more than four decades and has covered politics and government for even longer than that. In November he shared that expertise with the guests at our monthly luncheon.

Topic A, of course, was the just finished election that ended in the selection of the country's first African-American president. Broder talked about Barack Obama and the other two figures he felt dominated the election: John McCain and Hillary Clinton. Broder

told the story of how he met Obama for the first time - at lunch in Chicago, with his wife Michelle, when Obama was still in the Illinois state senate. Broder said he wasn't sure which one of them he was more impressed with but agreed with others that he didn't think Obama was going to be in the state senate for long.

John McCain is someone Broder has known and respected for many years, he told the lunch guests. In answer to a question from the audience later he said he wasn't sure that any Republican could have won the presidential election this year, given the economic crisis and President Bush's low approval rating. The Republican "brand" was just very damaged, Broder said.

Broder also told the crowd about the first time he met Hillary Clinton, while her husband was still the Governor of Arkansas. She had just finished chairing a national committee on education, and she asked to come to the *Post* to brief the editorial staff on the committee's findings. Without entourage, handlers, or assistants, she came to the newsroom and with, what Broder described as an amazing command of the facts, impressed the room of hard bitten news types who had been briefed by some of the best minds in Washington.

In all, the hour was an inside portrait of Washington as described by a man who has known it intimately for half a century.

---

## WITTES TALKS ABOUT DETENTIONS

There's timely and then there's TIMELY. Just days after President Obama rejected what he called the false choice between our security and our values, and less than one day after he signed a presidential order nullifying every legal opinion and order on interrogations issued by any lawyer in the executive branch after September 11, 2001, members and guests of the Capitol Hill Chapter heard

Brookings Senior Fellow Benjamin Wittes talk about his book [Law and the Long War](#), a book on building the legal architecture to deal with the war against terrorist threats. Wittes "threw out" his standard book talk to deal directly with the issues raised by the President's actions and what they might mean for the future of this effort. Wittes said he doesn't believe the administration will deal with

the surveillance question in the near term future, in part because he thinks the FISA Amendments bill which was passed by Congress during the Bush administration dealt with some of the issues of lawfulness, and in part because the FISA appeals court found that much of the government's surveillance of international communications involving U.S. citizens was constitutionally valid.

(Continued on page 6)

**Federal Bar  
Association - Capitol  
Hill Chapter**

P.O. Box 75971  
Washington, D.C. 20013

2008-2009 Chapter President  
Paul Vamvas  
Phone: (202) 502-4266  
E-mail: PVamvas@fjc.gov

*www.fbacapitolhill.org*



## OFFICERS AND COUNCIL MEMBERS

PAUL VAMVAS, President  
[pvamvas@fjc.gov](mailto:pvamvas@fjc.gov)  
Assistant Division Director  
for  
FJTN and Video Programs  
Federal Judicial Center  
(202) 502-4266

TERRY HALSTEAD, Presi-  
dent Elect  
[tjhalstead@gmail.com](mailto:tjhalstead@gmail.com)  
American Law Division  
Congressional Research Ser-  
vice  
(202) 707-7981

ANTHONY OGDEN,  
Treasurer  
[togden@gpo.gov](mailto:togden@gpo.gov)  
Inspector General  
Government Printing Office  
(202) 512-2288

MATTHEW MCGHIE, Sec-  
retary  
[Matt\\_mcghie@slc.senate.gov](mailto:Matt_mcghie@slc.senate.gov)  
Assistant Counsel  
Senate Office of the legisla-  
tive Counsel  
(202) 224-6461

SUSAN SAWTELLE, Past  
President  
[sawtelles@gao.gov](mailto:sawtelles@gao.gov)  
Associate General Counsel  
Government Accountability  
Office  
(202) 512-6417

ADAM BRAMWELL, Im-  
mediate Past President  
[Adam\\_Bramwell@sec.senate.gov](mailto:Adam_Bramwell@sec.senate.gov)  
Counsel  
Secretary of the Senate  
(202) 224-8789

---

### Council Members:

House of Representatives:  
Dan Strodel  
Ellen Sutherland

Senate:  
Joseph Haughey  
Richard Litsey

Government Accountability  
Office:

Craig H. Winslow  
Amy R. Bowser  
Library of Congress:  
Mary Levering  
Elizabeth Pugh

Supreme Court:  
William K. Suter  
Cynthia Rapp

Government Printing Office:  
Alberto Rivera-Fournier  
Nicholas Lefevre

National Judicial Offices:  
Jeffrey A. Hennemuth  
Chuck Arberg

At-Large:  
Doreen S. Feldman  
Nicole Isaac

---

## WITTES TALKS ABOUT DETENTIONS

*(Continued from page 5)*

Wittes focused much of his talk on what the administration is going to do about the detention issue. Admitting he doesn't know what the White House and Congress will do, he thought he could see some possibilities. European allies might be more willing to take back some of their nationals from Guantanamo than they were during the Bush administration. This administration is more likely than the last one to release

detainees who are not dangerous. Finally, Wittes said the administration might take its chances litigating a third group of prisoners even though the government's litigation position gets weaker every day. Wittes also noted that while it is part of the political and legal mythology of this country that we do not practice preventive detention, in fact, we do for a whole host of reasons. The severely mentally ill and dangerous, those with communicable deadly diseases, and thou-

sands of people involved in immigration cases are detained for long periods of time. Wittes thinks Congress could construct a legal architecture from these threads of the law into an open preventive detention policy for the most dangerous prisoners at Guantanamo who cannot be convicted criminally but who cannot be released. It was an enlightening discussion of issues too often overwhelmed by hyperbole and undermined by simplifications.