SENATE JUDICIARY COMMITTEE

INITIAL QUESTIONNAIRE (SUPREME COURT)

I. BIOGRAPHICAL INFORMATION

1. Full name (include any former names used.)

   Stephen Gerald Breyer

2. Addresses: List current place of residence and office address.

   Residence: 12 Dunstable Road
   Cambridge, MA 02138

   Office: U.S. Court of Appeals for the First Circuit
   1617 McCormack Post Office & Courthouse
   Boston, MA 02109

3. Date and place of birth.

   August 15, 1938; San Francisco, CA

4. What is your marital status? List spouse's name (including maiden name of wife), occupation, employer's name and business address(es).

   Married.

   Joanna Freda Hare Breyer (maiden name is Hare)

   clinical psychologist
   Dana Farber Cancer Institute
   44 Binney Street
   Boston, MA 02115

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

   Stanford University
   dates attended: September 1955 - June 1959
   degree received: A.B. Philosophy, Highest Honors
   degree date: June 1959

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Oxford University, Magdalen College (as a Marshall Scholar)
dates attended: September 1959 - June 1961
degree received: B.A., First Class Honors, Philosophy, Politics & Economics
degree date: June 1961

Harvard Law School
dates attended: September 1961 - June 1964
degree received: LL.B. magna cum laude
degree date: June 1964

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

1955	San Francisco Recreation Department San Francisco, CA summer job as waiter
1958	Pacific Gas & Electric Co. San Francisco, CA summer job as ditch digger
1962	Heller, Ehrman, White & McAuliffe San Francisco, CA law firm summer associate
1963	Cleary, Gottlieb, Steen & Hamilton Paris, France law firm summer associate
1964-1965	U.S. Supreme Court Washington, DC law clerk to Justice Arthur J. Goldberg
1965-1967	U.S. Department of Justice Washington, DC Special Assistant to Assistant Attorney General for Antitrust (Donald F. Turner)
1967-1970	Harvard Law School Cambridge, MA Assistant Professor of Law
1970-1980	Harvard Law School Cambridge, MA Professor of Law

1973	U.S. Department of Justice Washington, DC Assistant Special Prosecutor Watergate Special Prosecution Force
1974-1975	U.S. Senate Judiciary Committee Washington, DC Special Counsel, Administrative Practices Subcommittee
1975	College of Law Sydney, Australia Visiting Lecturer on antitrust law
1975-1979	U.S. Senate Judiciary Committee Washington, DC Occasional consultant
1977-1980	John F. Kennedy School of Government Harvard University Cambridge, MA Professor
Summer 1978 Summer 1993	Salzburg Seminar Salzburg, Austria Lecturer on economics and law
1979-1980	U.S. Senate Judiciary Committee Washington, DC Chief Counsel
1980-present	U.S. Court of Appeals for the First Circuit Boston, MA Circuit Judge, then Chief Judge (since 1990)
	Harvard Law School Cambridge, MA Lecturer in Law
1985-1989	U.S. Sentencing Commission Washington, DC Commissioner
January 1993	University of Rome Rome, Italy Visiting Professor

7. Military Service and Draft Status: 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. Please list, by

approximate date, Selective Service classifications you have held, and state briefly the reasons for any classification other than I-A.

I was in the Army (Strategic Intelligence) as part of a six-month active duty, eight year reserve program. I served on active duty from June to December, 1957. My serial number was FR 19585532 and I was honorably discharged, after fulfilling my eight year reserve commitment, in 1965, with the rank of corporal. I served active duty at Ft. Ord, California and Ft. Holabird, Maryland. I served active reserve duty in a strategic intelligence reserve unit at Stanford, California.

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

Eagle Scout

General Motors Scholar at Stanford

Graduated from Stanford with great distinction (highest honors)

Marshall Scholarship

Graduated from Oxford with First Class Honors (PPE)

Graduated from Harvard Law School, magna cum laude

Articles Editor, Harvard Law Review

Honorary Degree, University of Rochester, Graduate School of Management (1983)

ABA Annual Award for Scholarship in Administrative Law (1987)

Honorary Lectures:

The Holmes Lectures, Harvard University, April 28, 1992 (revised and reprinted as Breaking the Vicious Circle: Toward Effective Risk Regulation (Harvard University Press, 1993).

The Weise Lecture (a version of the Holmes Lectures), Brigham and Women's Hospital, September 29, 1992.

The Roth Lecture, October 31, 1991, 65 Southern California Law Review 845 (1992).

The Donahue Lecture, April 12, 1990, 24 Suffolk Law Review 29 (1990).

The Kaplan Memorial Lecture, April 13, 1988, 17 Hofstra Law Review 1 (1988).

The Handler Lecture, November 15, 1986, 75 California Law Review 1005 (1987).

The Shell Lecture, February 16, 1984, 59 Tulane Law Review 4 (1984).

The Ryan Lecture, Georgetown University Law Center, October 13, 1983, 72 Georgetown Law Journal 785 (1984).

Commencement Address, Boston College Law School, May 29, 1983.

The Hagood Lecture, University of South Carolina, March 11, 1982, 34 South Carolina Law Review 629 (1983).

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

present memberships

Massachusetts Bar Association

Boston Bar Association

American Bar Association
Administrative Law Section, Judicial Representative
Judicial Administration Division

American Law Institute

American Bar Foundation

National Lawyers Club
(affiliated with Federal Bar Association)

Honorary Member

Administrative Conference of the United States
Judicial Delegate

Federal Judges Association

Carnegie Commission, Task Force on Science and Technology in Judicial and Regulatory Decision Making
(Report included in Appendix I)

Judicial Conference of the United States

First Circuit Judicial Council
Chairman (since 1990)

past memberships

U.S. Sentencing Commission
(Sentencing Guidelines included in Appendix I)

Federal Judges Merit Selection Panel
Massachusetts District Court

American Bar Association Standing Committee on Continuing Legal Education

American Bar Association Committee on Government Standards
Judicial Representative
(Report included in Appendix I)

Except as otherwise noted, I cannot recall, nor do my files reveal, any reports, memoranda, or policy statements prepared with my participation, but should I find any, I will provide them. The materials produced by these organizations are voluminous, and it would be very difficult to collect and compile them. Please let me know if there is additional detail on any particular matter.

10. Other Memberships: Please list all private and governmental organizations (including clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications) to which you belong or to which you have belonged since graduation from law school, or in which you have participated since graduation from law school, giving dates of membership or participation and indicating any office you held. Please describe briefly the nature and objectives of each such organization, the nature of your participation in each such organization, and identify an officer or other person from whom more

detailed information may be obtained. Please indicate which of these organizations, if any, are active in lobbying before public bodies.

If any of these organizations of which you were or are a member or in which you participated issued any reports, memoranda or policy statements prepared or produced with your participation, please furnish the committee with one copy of the materials, if they are available to you. "Participation" includes, but is not limited to, membership in any working group of any such association, committee or conference which produced a report, memorandum or policy statement even where you did not contribute to it. If any of these materials are not available to you, please give the name and address of the organization that issued the report, memoranda or policy statement, the date of the document, and a summary of its subject matter.

present memberships

Dana Farber Cancer Institute (Trustee)
44 Binney Street
Boston, MA 02115
President: Christopher T. Walsh
research and treatment of cancer

American Academy of Arts & Science (Member)
136 Irving Street
Cambridge, MA 02138
President: Jaroslav Jan Pelikan
honorary society

Council on Foreign Relations (Member)
58 East 68th Street
New York, NY 10021
President: Leslie Gelb
organization relating to international affairs

Harvard Club (Member)
374 Commonwealth Avenue
Boston, MA 02215
President: Franklin Mead
social club

Cambridge Tennis Club (Member)
40 Willard Street
Cambridge, MA 02138
President: Susan Mead
social and athletic club

Nisi Prius Club (Member)

(no facilities)
Boston, MA
Clerk: Daniel O. Mahoney
lunch and discussion club

Lawyers' Club (Member)
(no facilities or regular meeting place)
Boston, MA
Contact: Philip Burling
informal dinner and discussion group

Saturday Club (Member)
(no facilities)
Boston, MA
Clerk: Thomas B. Adams
lunch and discussion club

Curtis Club (Member)
(no facilities)
meets at the Union Club
Boston, MA
Secretary: Robert J. Muldoon, Jr.
dinner and discussion club

<u>past memberships</u>:

Visiting Committee of the University of Chicago Law School

Dia Art Foundation Board of Trustees
(charitable private foundation supporting, among other things, contemporary art projects)

National Academy of Sciences, Committee to Study Saccharin and Food Safety
Report: Saccharin: Technical Assessment of Risks and Benefits (1978)

Board of Stearns' Village Cooperative Nursery School

Harvard-Ford Foundation Steering Committee, Inquiry into Public Policy Concerning Children in America.

Except as noted, I cannot recall, nor do my files reveal, any reports, memoranda, or policy statements prepared with my participation. Should I find any, I will provide them. I do not have a copy of the one report indicated, but will try to obtain one.

None of these groups is "active in lobbying before public bodies."

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 Bar (1966)

California Bar (1966)

Massachusetts Bar (1971)

Supreme Court Bar (1977)

I am not aware of any lapsed membership.

12. Writings and Speeches:

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

(i) books

Breaking the Vicious Circle: Toward Effective Risk Regulation (Harvard University Press, 1993) (Note that copies of both the first and second printings have been provided.)

Regulation and Its Reform (Harvard University Press, 1982).

Administrative Law and Regulatory Policy (with Richard Stewart) (Little, Brown, 1st ed. 1979, 2d ed. 1985, 3d ed. 1992). Also Teacher's Manual: Administrative Law and Regulatory Policy (with Richard Stewart) (Little, Brown, 1st ed. 1979, 2d ed. 1985, 3d ed. 1992).

The Federal Power Commission and the Regulation of Energy (with Paul MacAvoy) (Brookings 1974).

(ii) articles and book chapters

"On the Uses of Legislative History in Interpreting Statutes", 65 Southern California Law Review 845

(1992).

"A Tribute to Judge Coffin", 43 Maine Law Review 3 (1991).

"Administering Justice in the First Circuit", 24 Suffolk Law Review 29 (1990).

"Agency Autonomy and the Unitary Executive", 68 Washington University Law Quarterly 495 (1990).

"Regulation and Deregulation in the United States: Airlines, Telecommunications and Antitrust", Deregulation or Re-regulation? Regulatory Reform in Europe and the United States (1990). Also published in Italian translation in Regolazione E/O Privatizzazione 217 (1992) (title page included).

"Clerking for Justice Goldberg", Journal of Supreme Court History 4 (1990).

"The Federal Sentencing Guidelines: A Dialogue", 26 Criminal Law Bulletin 5 (Jan.-Feb. 1990) (with Kenneth R. Feinberg, Esq.).

"Equality Versus Discretion in Sentencing", 26 American Criminal Law Review 1820 (1989).

"Comments on Airline Deregulation and Common Market Regulation", 9 Economic Policy: A European Forum 335-338, 476-481 (1989).

"In Memoriam: Paul M. Bator", 102 Harvard Law Review 1741 (1989).

"The Federal Sentencing Guidelines and the Key Compromises Upon Which They Rest", 17 Hofstra Law Review 1 (1988), reprinted in Munro & Wasik, Sentencing, Judicial Discretion and Training (London 1992).

"The Cutting Edge of Antitrust: Lessons from Deregulation", 57 Antitrust Law Journal 771 (1988) and 57 Antitrust Law Journal 777 (1988).

"Antitrust, Deregulation and the Newly Liberated Marketplace", 75 California Law Review 1005 (1987).

"Judicial Review of Questions of Law and Policy", 38 Administrative Law Review 363 (1986). Also published in Public Regulation (1987).

"Economics and Judging: An Afterword on Cooter and Wald", 50 Law and Contemporary Problems 245 (1987).

"Foreward", Independent Counsel Symposium, 25 American Criminal Law Review 167 (1987).

"In Memoriam: Charles E. Wyzanski, Jr.", 100 Harvard Law Review 707 (1987).

"Restructuring as a Competition Issue", Antitrust Conference 1987-Restructuring and Antitrust 14 (The Conference Board 1987).

"Regulation and Deregulation" (with Paul MacAvoy), in The New Palgrave: A Dictionary of Economic Theory and Doctrine (1987) (advanced stage galleys included in appendix).

"The Reform Package of 1986: The Mix of Politics, Law, and Economics", Antitrust Conference 1986-Antitrust: New Directions vs. New Backlash 15 (The Conference Board (1986).

"Airline Deregulation in America", 35 ITA Magazine 3 (May 1986).

"Economists and Economic Regulation", 47 University of Pittsburgh Law Review 205 (1985).

"Can Industries Survive . . . Part Regulated and Part Free?", Antitrust Conference 1985-Antitrust in Transition: Two Dialogues 5 (The Conference Board 1985).

"Reforming Regulation", 59 Tulane Law Review 4 (1984).

"The Relationship between the Federal Courts and the Puerto Rico Legal System", 53 University of Puerto Rico Law Review 307 (1984).

"The Legislative Veto after Chadha", 72 Georgetown Law Journal 785 (1984).

"The Terms of the Market Power Debate", Antitrust Forum 1984-Management Discretion and Antitrust 10 (The Conference Board 1984).

"Afterword", 92 Yale Law Journal 1614 (1983).

"Two Models of Regulatory Reform", 34 South Carolina Law Review 629 (1983).

"Economics for Lawyers and Judges", 33 Journal of Legal Education 294 (1983).

"Judicial Precedent and the New Economics", Antitrust Conference 1983-Changing Antitrust Standards 5 (The Conference Board 1983). (Also published as "Judicial Precedent and the New Economics", Antitrust Forum 1983-Antitrust Policy in Transition: The Convergence of Law and Economics 5 (The Conference Board 1983).

"Regulation and Its Reform", Self-Regulation 23 (Conference Proceedings of the Ethics Resource Center 1982).

"Two Models of Regulatory Reform", Distinguished Lecture Series on the National Economy (Center for Law & Economic Studies, Columbia University 1981).

"Analyzing Regulatory Failure: Mismatches, Less Restrictive Alternatives, and Reform", 92 Harvard Law Review 549 (1979).

"Taxes as a Substitute for Regulation", 10 Growth and Change 39 (1979).

"Vermont Yankee and the Courts' Role in the Nuclear Energy Controversy", 91 Harvard Law Review 1833 (1978).

"Five Questions about Australian Antitrust Law", 51 Australian Law Journal 28 (1977).

"The Problem of the Honest Monopolist", 41 ABA Antitrust Law Journal 194 (1975).

"The Regulation of Genetic Engineering", 1 Man and Medicine 1 (1975) (with Richard Zeckhauser), reprinted in Lipkin & Rowley, Genetic Responsibility (1975).

"The Natural Gas Shortage and the Regulation of Natural Gas Producers", 86 Harvard Law Review 941 (1973) (with Paul MacAvoy), reprinted in Kalter & Vogely, Energy Supply and Government Policy (1976).

"The Federal Power Commission and the Coordination Problem in the Electrical Power Industry", 46 Southern California Law Review 661 (1973) (with Paul MacAvoy).

"Copyright: A Rejoinder", 20 U.C.L.A. Law Review (1972).

"The Ash Council's Report on the Independent Regulatory Agencies", 2 Bell Journal of Economics & Management

Science 628 (1971), reprinted in Noll, Reforming Regulation (1971).

"The Uneasy Case for Copyright: A Study of Copyright in Books, Photocopies and Computer Programs", 84 Harvard Law Review 281 (1970) (reprinted in Bush, Technology and Copyright 1972).

(iii) newspaper writings

"The Economics of AIDS", review of Private Choices and Public Health: The AIDS Epidemic in an Economic Perspective by Thomas J. Philipson and Richard A. Posner, The New York Times, sec. 7, p. 24, March 6, 1994.

"Yeltsin's Radical Plans to Reform Russia's Judiciary", The San Francisco Chronicle, p. A19, November 12, 1991.

"Russian Judges Want Real Justice", The New York Times, sec. A, p. 25, October 30, 1991.

"A Boston Driver to the Rescue!", The Boston Globe, Letters to the Editor, February 26, 1993.

Copies of the books listed above are supplied in a box. The other writings are included in Appendix II.

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

July 14, 1977
Testimony on Civil Aeronautics Board Regulation of the Airlines, Before the Budget Committee of the House of Representatives, reprinted in "Deregulation in the Airline Industry" (Research report for The First Boston Corp.) (1977)

April 16, 1986
Testimony on Intellectual Property Rights before the House Judiciary Subcommittee on Courts, Civil Liberties and the Administration of Justice and the Senate Judiciary Subcommittee on Patents, Copyrights and Trademarks

May 12, 1987

Remarks of Stephen Breyer Before the Senate Committee on the Judiciary (regarding the constitutional status of the United States Sentencing Commission)

June 11, 1987
Statement of Stephen Breyer before the House Judiciary Subcommittee on Criminal Justice, in respect to the Ex Post Facto application of the Sentencing Guidelines

July 23, 1987
Testimony of Sentencing Commission Member Stephen Breyer before The House Judiciary Subcommittee on Criminal Justice

October 22, 1987
Testimony of Sentencing Commission Member Stephen Breyer before the Senate Committee on the Judiciary

September 8, 1988
Testimony on Behalf of the Judicial Conference of the United States Before the Committee on Veterans' Affairs, United States House of Representatives

January 31, 1990
Testimony before the Federal Courts Study Committee: Concerning the Committee's "Tentative Recommendations" about Guideline Sentencing

April 19, 1990
Testimony before the Subcommittee on Courts, Intellectual Property, and the Administration of Justice: On Statutory Interpretation and the Use of Legislative History

April 8, 1991
Testimony before the Joint Committee on the Judiciary [of the Massachusetts Legislature] on an Act to Improve the Administration of Justice in the Commonwealth

November 9, 1993
Testimony before the Senate Committee on Energy and Natural Resources on Risk Analysis in Environmental Policy Making

February 1, 1994
Testimony before the House Committee on Government Operations, the Subcommittee on Environment,

Energy and Natural Resources, and the Subcommittee on Legislation and National Security (regarding risk regulation)

Copies of testimony listed above are included in Appendix III.

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

The list below includes all the speeches and talks that I can recall and that a search of my files has revealed. Should I recollect any other presentations, I will provide them. Also, many of these speeches have appeared in published form; they are noted, and the published versions of the remarks are included in Appendix II. Materials for unpublished speeches are included in Appendix IV.

(1) Comment on Bill Ross' paper and talk in connection with Washington & Lee University Conference on "Resolving Regulatory Issues Involving Science and Technology", Lexington, VA on April 9, 1981 (text included in appendix).

(2) "Two Models of Regulatory Reform", prepared for and published as a lecture in the Distinguished Lectures on the National Economy series sponsored by the Center for Law and Economic Studies of Columbia University, New York, NY on November 19, 1981.

Also given at Brookings Institute in connection with their "Colloquium on Regulation", Washington, DC on January 21, 1982 (no text available).

Also delivered at the University of South Carolina as the Hagood Lecture, Columbia, SC on March 11, 1982. Published at 34 South Carolina Law Review 629 (1983).

Also given at the Ethics Resource Center's "Conference on Self-Regulation" held in Washington, DC on November 16, 1982 and published as "Regulation and Its Reform", Self-Regulation 23 (Conference Proceedings of the Ethics Resource Center) (1982).

Also given at William Mitchell College of Law, St. Paul, MN on May 12, 1983 (no text available).

Revised version given as Lecture on Regulatory Reform delivered at the Inauguration of Paul MacAvoy as Dean of the University of Rochester, Graduate School of Management, Rochester, NY on November 11, 1983 (no text available).

Also given as Shell Lecture at Tulane Law School, New Orleans, LA on February 16, 1984. Published as "Reforming Regulation" at 59 Tulane Law Review 4 (1984).

Version also delivered as Olin Lecture at Olin Symposium, University of California, Los Angeles, CA, on November 15, 1984 (no text available).

(3) Comment on Marc Galanter's paper prepared in connection with "Dispute Resolution Conference" held at Harvard Law School, Cambridge, MA on October 14-16, 1982 (text included in appendix).

(4) "Economics for Lawyers and Judges", first prepared for the Association of American Law Schools and Emory University's conference on "Place of Economics in Legal Education" held in Denver, CO on October 28-30, 1982 (text included in appendix).

Also used as basis for talk at The Conference Board's "Antitrust Issues in Today's Economy" conference he'd in New York, NY on March 3, 1983 and published as "Judicial Precedent and the New Economics", Antitrust Forum 1983-Antitrust Policy in Transition: The Convergence of Law and Economics 5 (The Conference Board) (1983) and as "Judicial Precedent and the New Economics", Antitrust Conference 1983-Changing Antitrust Standards 5 (The Conference Board) (1983).

Published at 33 Journal of Legal Education 294 (1983).

(5) Introduction prepared for conference on "Impact of the Modern Corporation" held in Princeton, NJ on November 12-13, 1982 (text included in appendix).

(6) "Afterword" prepared for Yale Symposium Commemorating the 50th Anniversary of the New Deal held in New Haven, CT on February 11-13, 1983. Published at 92 Yale Law Journal 1614 (1983).

(7) "Comments on Airline Route Selection" prepared for CAB Sunset Seminar on Future Administration of the International Aviation Functions of the CAB held at a seminar at the National Academy of Sciences in Washington, DC on March 2, 1983 (summary of remarks included in appendix).

(8) Informal Remarks at Seminar on the Administration of Justice sponsored by Brookings Institution at Williamsburg, VA on March 13, 1983 (text included in appendix).

(9) "State Regulation and the Future", prepared for California Public Utilities Commission's symposium "State Regulation of Public Utilities: Today's Challenge, Tomorrow's Change" held at Stanford University, Palo Alto, CA on March 24-25, 1983 (text and utility's printed version included in appendix).

(10) Commencement Address given on May 29, 1983 at Boston College Law School, Boston, MA (text included in appendix).

(11) "Legislative Veto After Chadha", delivered as The Ryan Lecture on October 13, 1983, at Georgetown University Law Center, Washington, DC. Published at 72 Georgetown Law Journal 785 (1984).

(12) Discussion -- Intervention and Competitive Problems, at The Conference Board forum on antitrust held in New York, NY on November 22, 1983 (text included in appendix).

(13) "Copyright" -- Remarks made at Ft. Lauderdale Symposium on New Technologies, February 5, 1984; used again at Annenberg Seminar in Washington, DC on June 13, 1985 (text included in appendix).

(14) Speech given at University of Puerto Rico School of Law, Rio Piedras, PR on February 8, 1984. Published at 53 University Puerto Rico Law Review 307 (1984), as "The Relationship between Federal Courts and the Puerto Rico Legal System."

(15) Roundtable Discussion given at FTC Law and Economics Conference, Washington, DC in March 1984 (text included in appendix).

(16) Speech given at Toxicology Forum, Washington, DC on April 24, 1984 (outline included in appendix).

Also given at Cosmetic Industry Conference in Boston, MA on June 11, 1985 (no text available).

Also given at Food & Drug Symposium in Washington, DC on December 10, 1985 (no text available).

Published as "Relationship of Science, Law, and Policy in Risk Assessment and Management", Interrelationship of Toxicology and Law for Human Safety Evaluation 163 (April 1984) (presentation and discussion) (no text available).

(17) "Alternative Approaches to Regulatory Reform: Judicial Review", lecture given at U.S./U.K. Conference on Comparative Administration and Law in London, England on May 11-13, 1984 (text of paper prepared for lecture included in appendix).

(18) Remarks on administrative law at DC Circuit Conference, Williamsburg, VA on May 22, 1984 (excerpts included in appendix).

(19) "The Terms of the Market Power Debate", remarks made at The Conference Board, in New York, NY on December 17, 1984. Published as Antitrust Forum 10 (The Conference Board) (1984).

(20) Talk given to Crime Control Act Program meeting held by Crime Control Commission in New York, NY on January 14, 1985 (outline included in appendix).

Also given to the Comprehensive Crime Control Act Seminar, sponsored by the Law and Business Section of Harcourt, Brace & Jovanovich in San Francisco, CA on February 8, 1985 (no text available).

(21) "The Economist and the Regulator", outline of speech given at William Mitchell College of Law, St. Paul, MN on February 14, 1985. Published as "Economists and Economic Regulation", at 47 University of Pittsburgh Law Review 205 (1985).

Also used as basis for the Caplan Lecture at University of Pittsburgh Law School, Pittsburgh, PA on April 19, 1985 (no text available).

(22) "Market Regulation and Its Reform in the U.S.", speech given in Stockholm, Sweden, April 16, 1985 (text included in appendix).

(23) Remarks on sentencing at Second Circuit Judicial Conference, Hershey, PA on September 6, 1985 (text included in appendix).

(24) "Judicial Review of Questions of Law and Policy" paper and talk for Conference on Regulation, Airlie, VA on September 12-14, 1985. Published at 38 Administrative Law Review 363 (1986) and at Public Regulation: New Perspectives on Institutions and Policies 45 (1987).

(25) "Airline Deregulation in America", speech given in Paris, France at "Regulation and Deregulation in France and the United States" on January 27, 1986 (text included in appendix).

Published in 35 ITA Magazine 3 (May 1986).

(26) "The Reform Package of 1986: The Mix of Politics, Law, and Economics", panel member at a forum of the Conference Board in New York, NY on March 6, 1986. Published at Antitrust Conference 1986-Antitrust: New Directions vs. New Backlash 15 (The Conference Board 1986).

(27) Brookings Institution Program on Judicial-Congressional Relations in Washington, DC on November 13, 1986. New York Times article, November 23, 1986, commented on the program (article included in appendix).

(28) Comments based on Judge Wald's and Professor Cooter's papers given at Symposium on Economists on the Bench at Duke University, Durham, NC on April 11-12, 1986. Published as "Economics and Judging: An Afterword by Cooter and Wald", 50 Law and Contemporary Problems 245 (1987).

(29) "Antitrust, Deregulation and the Newly Liberated Marketplace", delivered as The Handler Lecture in New York, NY on November 15, 1986. Published at 75 California Law Review 1005 (1987).

Version also given at the Proceedings from the 26th Iowa State Regulatory Conference, Ames, IA on May 19-21, 1987 (text included in appendix).

(30) "Antitrust Issues in Today's Economy: Restructuring as a Competition Issue", remarks to The Conference Board, New York, NY on March 5, 1987 (edited remarks included in appendix).

Published as "Restructuring as a Competition Issue", Antitrust Conference 1987 14 (The Conference Board 1987).

(31) Talk given to Association of Criminal Defense Lawyers

in Washington, DC on May 1, 1987. (no text available) (Interview later published in Champion Magazine about the talk. See below.)

(32) Practicing Law Institute, New York, NY on January 15, 1988 talk on Sentencing Guidelines. Published at 26 Criminal Law Bulletin 5 (1990).

(33) "The Federal Sentencing Guidelines and the Key Compromises Upon Which They Rest", delivered at Hofstra University as Kaplan Memorial Lecture, Hempstead, NY. Published at 17 Hofstra Law Review 1 (1988), reprinted in Munro & Wasik, Sentencing Judicial Discretion and Training (1992).

Also delivered, in an updated version, for Ottawa Society's Criminal Code Reform Conference held in Washington, DC, January 23, 1990 (draft paper included in appendix).

(34) Speech delivered to the American Bar Association's seminar sponsored by the ABA Section of Antitrust Law -- "The Cutting Edge of Antitrust: Lessons from Deregulation", Washington, DC on June 13, 1988. Published at 57 Antitrust Law Journal 771 (1989) (Luncheon Address); 57 Antitrust Law Journal 777 (1989) (Commentary and Analysis).

(35) "Regulation and Deregulation", written for Franco/American Judicial Exchange program held in Paris, France, July 6-7, 1988 (draft text included in appendix).

(36) "Equality Versus Discretion in Sentencing", presentation at the Proceedings of the Federalist Society's Second Annual Lawyers' Convention, Washington, DC on September 9-10, 1988. Published at 26 American Criminal Law Review 1820 (1989).

(37) "An Elementary Overview of Regulation and Deregulation in the United States: Airlines, Telecommunications and Antitrust", paper prepared for conference in Florence, Italy, November 21-22, 1988 (text included in appendix).

Published as chapter in Deregulation or Re-regulation? Regulatory Reform in Europe and the United States (1990). Also published in Italian translation in Regolazione E/O Privatizzazione 217 (1992) (title page included).

(38) Tribute to Paul Bator delivered at memorial service at the University of Chicago, Chicago, IL on March 28, 1989. Published as "In Memoriam: Paul M. Bator", 102 Harvard Law Review 1741 (1989).

(39) "Comments on Airline Deregulation and on Common Market

Regulation", presented at DeMenil/Paris 1989 Conference, April 20-23, 1989. Published at 9 Economic Policy: A European Forum 335-338, 476-481 (1989).

(40) Remarks to Bankruptcy Judges Conference held in Boston, MA on November 2, 1989 (text included in appendix).

Flaschner Award Ceremony Keynote Address, given at American Bar Association Annual Meeting, Atlanta, GA, August 10, 1991 (based on Bankruptcy Judges Conference remarks) (text included in appendix).

Talk to Boston Bankruptcy Bar, based on Flaschner Award (August 10, 1991) and Bankruptcy Judges Remarks (November 2, 1989), Boston, MA on May 4, 1993 (no text available).

(41) "Keynote Address" at Proceedings of the Conference on Competition and Regulation -- Compatible Bedfellows?, in Washington, DC on January 18, 1990 (sponsored by the American Bar Association) (text included in appendix).

(42) Speech for a panel discussion sponsored by The Federalist Society: "Agency Autonomy and the Unitary Executive", Washington, DC on January 19, 1990 (text included in appendix).

Published at 68 Washington University Law Quarterly 495 (1990).

(43) Chief Judge Induction Remarks, Boston, MA on April 2, 1990 (text included in appendix).

(44) "Administering Justice in the First Circuit", delivered at Suffolk Law School as the Donohue Lecture, Boston, MA on April 12, 1990. Published at 24 Suffolk Law Review 29 (1990).

Talk based on Donahue Lecture, to American College of Trial Lawyers regional meeting held at New Seabury, MA on June 9, 1990 (notes included in appendix).

Talk based on Donahue Lecture, to Clerks of Courts conference held in Boston, MA on January 28, 1991 (no text available).

(45) "Deregulation of Electricity Production: Questions for Discussion", paper prepared for conference held in Paris, France ("Organizing and Regulating Electric Systems in the Nineties -- a Euro-American Conference") on May 28-29, 1990 (text included in appendix).

(46) Tribute given at Memorial Service for Justice Goldberg

at Supreme Court, Washington, DC on October 15, 1990. Published as "Clerking for Justice Goldberg", Journal of Supreme Court History 4 (1990).

(47) Remarks on "The State of the Circuit", given at First Circuit Judicial Conference, Kennebunkport, ME on October 29-30, 1990 (text included in appendix).

(48) Remarks made to Federal Practice Section of the Boston Bar Association, Boston, MA on November 29, 1990. Remarks made again to the Boston Bar Association Council Meeting, Boston, MA on January 16, 1991 (notes included in appendix).

(49) Comments on Role of Academics in Administrative Law made at ABA Administrative Law Section meeting held in Seattle, WA on February 8-10, 1991 (notes included in appendix).

(50) Debate with Justice Scalia on legislative history for American Bar Association in Washington, DC on March 11, 1991. Description of discussion with Justice Scalia published as Sherman, "The Use of Legislative History: A Debate Between Justice Scalia and Judge Breyer", 16 Administrative Law News 1 (1991) (included in appendix).

(51) Tribute to Ben Kaplan, Boston, MA on April 8, 1991 (text included in appendix).

(52) Remarks at Forum on the Bill of Rights held at John F. Kennedy School of Government, Cambridge, MA on April 29, 1991 (notes included in appendix).

(53) "New Federal Courthouse Site and Architect Selection Announcement", Boston, MA on June 10, 1991 (text included in appendix).

(54) "Economic Regulation in a Federal Context -- Some Problems for the EEC", talk prepared for Tulane Conference held in Siena, Italy, July 4-5, 1991 (text included in appendix).

Also basis for talk at Edinburgh/Mentor Group, Edinburgh, Scotland on August 23-29, 1991 (notes included in appendix).

(55) "On the Uses of Legislative History in Interpreting Statutes", presented as the Roth Lecture, University of Southern California, Los Angeles, CA on October 31, 1991. Published at 65 Southern California Law Review 845 (1992).

(56) Remarks on "The State of the First Circuit", given at Waterville Valley, NH, on September 29-October 1, 1991 (notes included in appendix).

(57) Talk to U.S. Court Reporters Association, Portland, ME on October 11, 1991 (notes included in appendix).

(58) Introductory Remarks at Colloquium about the new Boston courthouse, Boston, MA on November 16, 1991 (transcript included in appendix).

(59) Luncheon Address to Boston Bar Association, Appellate Section, regarding Court-Assisted Mediation Program and other matters, Boston, MA on January 13, 1992 (no text available).

(60) The Holmes Lectures, Harvard Law School, Cambridge, MA on April 28, 1992. Published as Breaking the Vicious Circle: Toward Effective Risk Regulation (Harvard University Press, 1993).

Delivered shortened version of The Holmes Lectures at National Academy of Science, Washington, DC on April 29, 1992 (no text available).

Weise Lecture at Brigham and Women's Hospital, Boston, MA on September 29, 1992. (Version of the Holmes Lectures; no text available).

Speech based on part of the Holmes Lectures at the Federalist Society Program, Symposium on Risk Regulation, held in Washington, DC on October 3, 1992 (text included in appendix).

Spoke to Toxicology Society Annual Meeting in New Orleans, LA on March 17, 1993. Based on Holmes Lectures (no text available).

(61) Federal Energy Bar Association, Washington, DC on May 21, 1992 (notes included in appendix).

(62) Talk on Sentencing Guidelines at the Fifth Circuit Judicial Conference, New Orleans, LA on May 15, 1992 (no text available).

Talk on Sentencing Guidelines at the DC Circuit Judicial Conference based on Fifth Circuit talk, Washington, DC on June 11-12, 1992 (outline included in appendix).

(63) Judge Campbell's Portrait Presentation Program, Boston, MA on October 9, 1992 (text included in appendix).

(64) Introduction of Judge Winter as The Holmes Lecturer, Harvard Law School, Cambridge, MA on October 13, 1992 (text included in appendix).

(65) Ford Hall Forum Program, discussing First Amendment issues, in honor of Judge David Nelson, Boston, MA on October 15, 1992 (notes included in appendix).

(66) Remarks on "The State of the Circuit", Humacao, PR on November 1992 (no text available).

(67) "Multiculturalism and Political Correctness: Anti-Semitism: Where Does It Fit In? A Roundtable Discussion", At the Anti-Defamation League National Executive Committee Meeting, Boston, MA on November 6, 1992 (ADL's printed version included in appendix).

(68) Talk on the First Amendment and the Bill of Rights at the University Club, New York, NY on December 3, 1992 (notes included in appendix).

(69) "Administrative Law -- European Survey", Lectures at Universities of Rome, Florence and Naples, Italy on January 9-24, 1993 (outline included in appendix).

(70) Introduction of Justice Souter at American Bar Association meeting held in Boston, MA on February 7, 1993 (notes included in appendi:).

(71) Statement at U.S. Judicial Conference meeting about Cost of Living Adjustments and Judges' Pay, Washington, DC on March 15-16, 1993 (text included in appendix).

(72) "Stress in the Judiciary", talk at program sponsored by American Bar Association's Administrative Law Judges Section in Washington, DC on April 2, 1993 (notes included in appendix).

(73) Salzburg Seminar participant, speaking on federalism, Salzburg, Austria on July 15-August 6, 1993 (notes included in appendix).

(74) Participant in American Bar Association "mandatory minimum" program in New York, NY on August 7, 1993 (no text available).

(75) "The Quest for Effective Risk Regulation: Lessons from the American Experience", prepared for Conference at University of Edinburgh, Scotland sponsored by Mentor Group, on August 31-September 3, 1993 (draft paper included in appendix).

(76) "The State of the Circuit" and other remarks at First Circuit Judicial Conference held at Copley Plaza in Boston, MA on September 12-14, 1993 (notes included in appendix).

(77) Keynote Speech on First Amendment issues to National Executive Committee of Anti-Defamation League, Detroit, MI on October 22, 1993 (outline included in appendix).

(78) Address to Massachusetts Historical Society in Boston, MA on October 29, 1993 (notes included in appendix).

(79) Talk to students at Pontifical Catholic University in Ponce, Puerto Rico on November 3, 1993 (no text available, but based on Anti-Defamation League speech of October 22, 1993 and on "The Relationship between Federal Courts and the Puerto Rico Legal System", 53 University of Puerto Rico Law Review 307 (1984)).

(80) Speech to Young Lawyers Section of Boston Bar Association, Boston, MA on November 18, 1993 (no text available).

(81) Brief remarks at swearing-in of Carmen Cerezo as Chief Judge, U.S. District Court of Puerto Rico, Hato Rey, PR on December 28, 1993 (notes included in appendix).

(82) Brief remarks at swearing-in of three new Massachusetts District Court Judges: Richard G. Stearns, Reginald C. Lindsay, Patti B. Saris, Boston, MA on January 5, 1994 (notes included in appendix).

(83) Statement on the Goals of High School Education - presented at hearings held by the Massachusetts Commission on the Common Core of Learning/Massachusetts Board of Education in Boston, MA on January 11, 1994 (text included in appendix).

(84) Luncheon Address to Boston Bar Association Environmental Law Section, Boston, MA on January 21, 1994 (no text available).

(85) Speech on risk to American Association for Advancement of Sciences, San Francisco, CA on February 21, 1994 (no text available).

(86) Speech on risk to Boston Harbor/Massachusetts Bay Symposium/Massachusetts Bay Marine Studies Consortium Annual Meeting held at JFK Library, Boston, MA on February 24, 1994 (no text available).

(87) Speech on risk regulation at Environmental Protection Agency by invitation of Edmund Burke Society, Washington, DC on March 29, 1994 (no text available).

(88) Talk on the future of the First Amendment at George Washington University Law School as an Enrichment Program

Speaker, Washington, DC on March 29, 1994 (notes included in appendix).

(89) Spoke at The Hotchkiss School about the First Amendment, Litchfield, CT on April 11, 1994 (no text available).

(90) Talk given at American College of Trial Lawyers Spring Meeting in Scottsdale, AZ, April 18, 1994 (videotape and transcript included in appendix).

(91) Brief remarks at swearing-in of new Massachusetts District Court Judge Nancy Gertner, Boston, MA, April 25, 1994 (transcript included in appendix).

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

I spoke briefly with many reporters both this year and last year regarding my potential nomination to the Supreme Court. I have not attempted to list all of those occasions.

The press materials from the interviews below are also included in Appendix IV.

"The Open Mind", shows #1446 and #1447, produced and moderated by Richard Heffner, airing on New York and Boston public television during May and June 1994 (videotape and transcript included in appendix).

"Breyer Back at Work, Praises Ginsburg Pick", Boston Globe, June 16, 1993, at METRO/REGION 1.

"Bench Conference", Massachusetts Lawyers Weekly, February 22, 1993, at 28 (interview by Barbara Rabinovitz).

"1st Circuit Reports Progress with CAMP", Massachusetts Lawyers Weekly, August 24, 1992, at 3 (interview by Barbara Rabinovitz).

"Federal Courts Eager for Action on Vacancies", Massachusetts Lawyers Weekly, October 14, 1991, at 28.

"New U.S. Appeals Judge Urges More Action by Bar", Massachusetts Lawyers Weekly, March 26, 1990, at 1 (interview by Susan Roberts Boyle). [error in title,

should be "Chief Judge"]

"Sua Sponte: Clerk-Shopping Shows Judges at Their Worst", The National Law Journal, April 4, 1988, at 13.

"Q. & A.: Stephen G Breyer: With Uniform Sentencing -- Same Crime, Same Time", The New York Times, April 19, 1987 (interview by Kenneth B. Noble).

"Proposed Federal Sentencing Guidelines: An Interview with Stephen G. Breyer", The Champion, July 1987 (interview by Alan Ellis and Scott Wallace).

13. Citations: Please provide:

(a) citations for all opinions you have written (including concurrences, dissents);

A list of all these citations is attached as Addendum A-1; the concurrences are listed separately in Addendum A-2; the dissents are listed separately in Addendum A-3. Copies of the cases are included in Appendix V.

(b) a list of cases in which appeal or certiorari has been requested or granted;

United States v. Cruz-Santiago, 12 F.3d 1 (1993), cert. denied, 1994 WL 111893 (1994).

United States v. Duque-Rodriguez, 989 F.2d 485, cert. denied, 114 S. Ct. 203 (1993).

United States v. Aversa, 984 F.2d 493 (1993) (en banc) (concurring opinion), cert. granted, decision vacated and remanded sub nom. Donovan v. United States, 114 S. Ct. 873 (1994).

United States v. Ramos-Morales, 981 F.2d 625 (1992), cert. denied, 113 S. Ct. 2384 (1993).

DeCosta v. Viacom International, 981 F.2d 602 (1992), cert. denied, 113 S. Ct. 3039 (1993).

United States v. Maldonado-Espinosa, 968 F.2d 101 (1992), cert. denied, 113 S. Ct. 1579 (1993).

United States v. Oyegbola, 961 F.2d 11, petition for cert. filed, June 25, 1992, motion to proceed in forma pauperis denied, 113 S. Ct. 47 (1992).

Stuart v. Roache, 951 F.2d 446 (1991), cert. denied,

112 S. Ct. 1948 (1992).

United States v. Dominguez, 951 F.2d 412 (1991), cert. denied, 112 S. Ct. 1960 (1992).

Howe v. Goldcorp Investments, 946 F.2d 944 (1991), cert. denied, 112 S. Ct. 1172 (1992).

Ward v. Skinner, 943 F.2d 157 (1991), cert. denied, 112 S. Ct. 1558 (1992).

Bath Iron Works Corp. v. Director, Office of Workers' Compensation Programs, 942 F.2d 811 (1991), cert. granted, 112 S. Ct. 1472 (1992), affirmed, 113 S. Ct. 692 (1993).

United States v. Mahecha-Onofre, 936 F.2d 623, cert. denied, 112 S. Ct. 648 (1991).

Associated Builders and Contractors of Massachusetts/Rhode Island v. Massachusetts Water Resources Authority, 935 F.2d 345 (1991) (dissenting opinion), cert. granted, 112 S. Ct. 1935, reversed, 113 S. Ct. 1190 (1993).

Sweeney v. Westvaco Co., 926 F.2d 29, cert. denied, 112 S. Ct. 274 (1991).

United States v. Wilkinson, 926 F.2d 22, cert. denied, 111 S. Ct. 2813 (1991).

Town of Concord v. Boston Edison Co., 915 F.2d 17 (1990), cert. denied, 499 U.S. 931 (1991).

United States v. Ellis, 907 F.2d 12 (1990), cert. denied, 498 U.S. 1070 (1991).

Howitt v. U.S. Dept. of Commerce, 897 F.2d 583, cert. denied, 498 U.S. 895 (1990).

In re Allied-Signal, 891 F.2d 967 (1989), cert. denied, 495 U.S. 957 (1990).

United States v. Eaton, 890 F.2d 511 (1989), cert. denied, 495 U.S. 906 (1990).

Comite pro Rescate de la Salud v. Puerto Rico Aqueduct and Sewer Auth., 888 F.2d 180 (1989), cert. denied, 494 U.S. 1029 (1990).

Morales-Feliciano v. Parole Board of Puerto Rico, 887 F.2d 1 (1989), cert. denied, 494 U.S. 1046 (1990).

Director, Office of Workers' Compensation Programs v. Bath Iron Works Corp., 885 F.2d 983 (1989), cert. denied, 494 U.S. 1091 (1990).

New Life Baptist Church Academy v. Town of East Longmeadow, 885 F.2d 940 (1989), cert. denied, 494 U.S. 1066 (1990).

Hoodkroft Convalescent Center v. State of New Hampshire, Division of Human Services, 879 F.2d 968 (1989), cert. denied, 493 U.S. 1020 (1990).

United States v. Pimienta-Redondo, 874 F.2d 9 (concurring opinion), cert. denied, 493 U.S. 890 (1989).

de Feliciano v. de Jesus, 873 F.2d 447, cert. denied, 493 U.S. 850 (1989).

In re Energy Resources Co., 871 F.2d 223 (1989), cert. granted, 493 U.S. 963 (1989), affirmed, 495 U.S. 545 (1990).

United States v. Doherty, 867 F.2d 47, cert. denied, 492 U.S. 918 (1989).

Berklee College of Music v. Berklee Chapter of the Mass. Federation of Teachers, Local 4412, 858 F.2d 31 (1988), cert. denied, 493 U.S. 810 (1989).

Benitez-Allende v. Alcan Aluminio do Brasil, S.A., 857 F.2d 26 (1988), cert. denied, 489 U.S. 1018 (1989).

United States v. Gillies, 851 F.2d 492, cert. denied, 488 U.S. 857 (1988).

Clamp-All Corp. v. Cast Iron Soil Pipe Institute, 851 F.2d 478 (1988), cert. denied, 488 U.S. 1007 (1989).

United States v. Hastings, 847 F.2d 920 (dissenting opinion), cert. denied, 488 U.S. 925 (1988).

S.D. Warren Co. v. United Paperworkers' Int'l Union, 846 U.S. 827, cert. denied, 488 U.S. 992 (1988).

Cortes-Quinones v. Jimenez-Nettleship, 842 F.2d 556, cert. denied, 488 U.S. 823 (1988).

United States v. Robinson, 843 F.2d 1, cert. denied, 488 U.S. 834 (1988).

Federal Trade Commission v. Monahan, 832 F.2d 688

(1987), cert. denied, 485 U.S. 987 (1988).

Juarbe-Angueira v. Arias, 831 F.2d 11 (1987), cert. denied, 485 U.S. 960 (1988).

Kercado-Melendez v. Aponte-Roque, 829 F.2d 255 (1987) (dissenting opinion), cert. denied, 486 U.S. 1044 (1988).

United States v. Lau, 828 F.2d 871 (1987), cert. denied, 486 U.S. 1005 (1988).

Massachusetts Medical Society v. Dukakis, 815 F.2d 790, cert. denied, 484 U.S. 896 (1987).

United States v. Rawwad, 807 U.S. 294 (1986), cert. denied, 482 U.S. 909 (1987).

United States v. Mazza, 792 F.2d 1210 (1986), cert. denied, 479 U.S. 1086 (1987).

United States v. Abou-Saada, 785 F.2d 1, cert. denied, 477 U.S. 908 (1986).

In re Atlantic Financial Mgmt. Securities Litigation, 784 F.2d 29 (1986), cert. denied, 481 U.S. 1072 (1987).

Massachusetts Ass'n of Afro-American Police v. Boston Police Dep't, 780 F.2d 5 (1985), cert. denied, 478 U.S. 1020 (1986).

Rose v. Town of Harwich, 778 F.2d 77 (1985), cert. denied, 476 U.S. 1159 (1986).

United States v. Guerrero-Guerrero, 776 F.2d 1071 (1985), cert. denied, 475 U.S. 1029 (1986).

Town of Belmont v. Dole, 766 F.2d 28 (1985), cert. denied, 474 U.S. 1055 (1986).

United States v. Crooks, 766 F.2d 7, cert. denied, 474 U.S, 996 (1985).

United States v. Anello, 765 F.2d 253, cert. denied, 474 U.S. 996 (1985).

Kartell v. Blue Shield of Massachusetts, 749 F.2d 922 (1984), cert. denied, 471 U.S. 1029 (1985).

New England Telephone & Telegraph Co. v. Public Utilities Commission of Maine, 742 F.2d 1 (1984), cert. denied, 476 U.S. 1174 (1986).

United States v. Tapia, 738 F.2d 18, cert. denied, 469 U.S. 869 (1984).

Silva v. Showcase Cinemas Concession of Dedham, 736 F.2d 810, cert. denied, 469 U.S. 883 (1984).

Sanders v. Fair, 728 F.2d 557, cert. denied, 467 U.S. 1254 (1984).

Sundel v. Justices of the Superior Court of Rhode Island, 728 F.2d 40, cert. denied, 469 U.S. 827 (1984).

McCown v. Callahan, 726 F.2d 1, cert. denied, 469 U.S. 839 (1984).

Piper v. Supreme Court of New Hampshire, 723 F.2d 110 (1983) (en banc), affirmed, 470 U.S. 274 (1985).

United States v. Berryman, 717 F.2d 651 (1983) (dissenting opinion), reversed on rehearing en banc, 717 F.2d 650 (per curiam) (adopting dissenting opinion), cert. denied, 465 U.S. 1100 (1984).

Arruda v. Fair, 710 F.2d 886, cert. denied, 464 U.S. 999 (1983).

Wald v. Regan, 708 F.2d 794 (1983), cert. granted, 464 U.S. 990 (1983), reversed, 468 U.S. 222 (1984).

A.D.M. Corp. v. Thomson, 707 F.2d 25, cert. denied, 464 U.S. 938 (1983).

Charles D. Bonanno Linen Service v. McCarthy, 708 F.2d 1, cert. denied, 464 U.S. 936 (1983).

United States v. Bustamante, 706 F.2d 13, cert. denied, 464 U.S. 856 (1983).

United States v. Hensel, 699 F.2d 18, cert. denied, 461 U.S. 958 (1983).

Members of the Jamestown School Committee v. Schmidt, 699 F.2d 1 (concurring opinion), cert. denied, 464 U.S. 851 (1983).

Lydon v. Justices of the Boston Municipal Court, 698 F.2d 1 (1982), cert. granted, 463 U.S. 1206 (1983), reversed, 466 U.S. 294 (1984).

Brountas v. Commissioner of Internal Revenue, 692 F.2d 152 (1982), cert. denied, 462 U.S. 1106 (1983).

Sherwin v. Secretary of Health & Human Services, 685 F.2d 1 (1982), cert. denied, 461 U.S. 958 (1983).

Keeton v. Hustler Magazine, 682 F.2d 33 (1982), cert. granted, 459 U.S. 1169 (1983), reversed, 465 U.S. 770 (1984).

N.L.R.B. v. Transportation Mgmt. Corp., 674 F.2d 130 (1982) (concurring opinion), cert. granted, 459 U.S. 1014 (1982), reversed, 462 U.S. 393 (1983).

United States v. Strahan, 674 F.2d 96, cert. denied, 456 U.S. 1010 (1982).

Jones Motor Co. v. Chauffeurs, Teamsters and Helpers Local Union No. 633, 671 F.2d 38, cert. denied, 459 U.S. 943 (1982).

Local Div. 589, Amalgamated Transit Union, v. Commonwealth of Massachusetts, 666 F.2d 618 (1981), cert. denied, 457 U.S. 1117 (1982).

N.L.R.B. v. Maine Caterers, 654 F.2d 131 (1981), cert. denied, 455 U.S. 940 (1982).

United States v. Chagra, 653 F.2d 26 (1981), cert. denied, 455 U.S. 907 (1982).

United States v. Attick, 649 F.2d 61, cert. denied, 454 U.S. 861 (1981).

(c) a list of all appellate opinions where your decision was reversed or where your judgement was affirmed;

(1) United States v. Aversa, 984 F.2d 493 (1993) (en banc) (concurring opinion), cert. granted, decision vacated and remanded sub nom. Donovan v. United States, 114 S. Ct. 873 (1994).

In this case, the en banc court held that a defendant who, with an "innocent state of mind," violates certain currency laws, cannot be convicted. I wrote a concurring opinion expressing my general agreement with this view, and pointing out that a defendant who had no knowledge of any legal duty with regard to the currency transactions at issue could not have the requisite mens rea for conviction. The Supreme Court granted certiorari and vacated the decision in light of Ratzlaf v. United States, 114 S. Ct. 655 (1994), in which the Court agreed with that view.

(2) Bath Iron Works Corp. v. Director, Office of Workers' Compensation Programs, 942 F.2d 811 (1991), cert. granted, 112 S. Ct. 1472 (1992), affirmed, 113 S. Ct. 692 (1993).

A retired employee of Bath Iron Works learned (after he retired) that he had a work-related hearing loss, and applied for workers' compensation. The parties disagreed as to the proper method of calculating his benefits. I wrote for the Court of Appeals that the employee's partial deafness was a "scheduled" disability (resulting in higher benefits), rather than one that became disabling only after retirement, even if he did not discover the disability until after he retired. The Supreme Court, per Justice Stevens, affirmed, accepting the view of our circuit.

(3) Associated Builders and Contractors of Massachusetts/Rhode Island v. Massachusetts Water Resources Authority, 935 F.2d 345 (1991) (dissenting opinion), cert. granted, 112 S. Ct. 1935 (1992), reversed sub nom. Building and Construction Trades Council v. Associated Builders and Contractors of Massachusetts/Rhode Island, 113 S. Ct. 1190 (1993).

The Massachusetts Water Resources Authority, a state agency, wished to enter into a prehire agreement requiring all contractors on the Boston Harbor cleanup project to abide by various union rules. In exchange, the unions would agree to labor peace for the duration of the project. The Court of Appeals held that such agreements were preempted by the National Labor Relations Act. I dissented, believing that the Act did not preempt this kind of agreement. Certiorari was granted, and in a unanimous opinion written by Justice Blackmun, the Supreme Court, agreeing with the dissent, reversed the Court of Appeals.

(4) In re Energy Resources Co., 871 F.2d 223 (1989), cert. granted, 493 U.S. 963 (1989), affirmed sub nom. United States v. Energy Resources Co., 495 U.S. 545 (1990).

The issue in this case was whether a Bankruptcy Court can require certain tax payments to be applied to the "trust fund" portion of an employer's tax liability rather than the "non-trust fund" portion, if the court believes that designation to be necessary for a successful reorganization under Chapter 11 of the Bankruptcy Code. Our Court of Appeals held that such designations were within the Bankruptcy Court's power. The Supreme Court, per Justice White, agreed with our

circuit (and rejected the contrary approach of other circuits), in an 8-1 decision. Justice Blackmun dissented without opinion.

(5) Piper v. Supreme Court of New Hampshire, 723 F.2d 110 (1983) (en banc), affirmed, 470 U.S. 274 (1985).

In this case, the district court found that New Hampshire's residency requirement for members of the New Hampshire bar violated the Privileges and Immunities Clause. The en banc court affirmed by an equally divided court. In a joint opinion, Chief Judge Campbell and I expressed our view that the rule was a reasonable means to address the state's legitimate interest in avoiding the consequences of admitting nonresidents as full-fledged members of the New Hampshire bar. The Supreme Court, however, held 8-1 that New Hampshire's reasons for its rule were not sufficient to justify the discrimination against out-of-state lawyers. Justice Rehnquist wrote a dissenting opinion.

(6) Wald v. Regan, 708 F.2d 794 (1983), cert. granted, 464 U.S. 990 (1983), reversed, 468 U.S. 222 (1984).

A Treasury Department regulation prevented persons traveling to Cuba from paying incidental travel expenses, thus making such travel nearly impossible. Our Court of Appeals held that the regulation was promulgated without statutory authority, and that it was therefore invalid. In a 5-4 decision, Justice Rehnquist wrote an opinion reversing the decision. Justice Blackmun, in a lengthy dissent, agreed with our view of the statutes at issue in the case.

(7) Lydon v. Justices of the Boston Municipal Court, 698 F.2d 1 (1982), cert. granted, 463 U.S. 1206 (1983), reversed, 466 U.S. 294 (1984).

This case focused on Massachusetts' "two-tier" criminal trial system. The Court of Appeals (in a 2-1 decision) held that once a habeas court has found that the evidence in the defendant's "first-tier" trial was constitutionally insufficient to support conviction, the Double Jeopardy Clause barred a "second tier" retrial. The Supreme Court reversed, a majority holding that a defendant's jeopardy did not "terminate" after his "first-tier" trial. The Justices disagreed on the precise reason, but all concurred in the judgment of reversal.

(8) Keeton v. Hustler Magazine, 682 F.2d 33 (1982),

cert. granted, 459 U.S. 1169 (1983), reversed, 465 U.S. 770 (1984).

Plaintiff sued defendant for libel in New Hampshire, the only state in which the relevant statute of limitations had not run. Defendant's contacts with New Hampshire consisted of the fact that less than 1% of its magazines were sent there for circulation. The Court of Appeals held that these contacts were so small that the exercise of personal jurisdiction over defendant would violate the Due Process clause. The Supreme Court reversed, holding that because defendant sent magazines into New Hampshire for distribution, jurisdiction could be found in that state.

(9) N.L.R.B. v. Transportation Mgmt. Corp., 674 F.2d 130 (1982) (concurring opinion), cert. granted, 459 U.S. 1014 (1982), reversed, 462 U.S. 393 (1983).

In this case, the Court of Appeals issued a per curiam opinion refusing to enforce an NLRB order. The Supreme Court reversed; Justice White wrote for a unanimous Court that the Board's construction of the statute at issue was reasonable and the order should therefore be enforced.

(d) a list of and copies of all your unpublished opinions;

North Attleboro Arms Realty Trust v. Hartford Fire Ins. Co., No. 93-1685 (April 29, 1994)

U.S. v. Duque-Rodriguez, No. 91-2324 (March 31, 1993)

Narragansett Tribe v. Guilbert, No. 922-1622 (March 24, 1993)

U.S. v. McLean, No. 91-1535 (January 24, 1992)

Bergeron v. Tague, No. 90-1737 (January 10, 1991)

U.S. v. Cortese, No. 90-1570 (November 29, 1990)

Mori-Noriega v. Antonio's Restaurant, No. 90-1170 (November 1, 1990)

Mortgage Guarantee & Title Co. v. Commonwealth Mortgage Co., No. 90-1256 (September 18, 1990)

Alvira-Benitez v. Aponte-Roque, No. 87-1983 (April 23, 1990)

Menendez-Valdes v. Lopez-Soba, No. 89-1487 (April 3, 1990)

Lamphere v. Brown University, No. 89-1612 (February 20, 1990)

Howitt v. U.S. Department of Commerce, No. 89-1697 (February 6, 1990)

Monga v. Glover Landing Condominium Trust, No. 89-1716 (December 18, 1989)

Cashman v. U.S. Postal Service, No. 89-1647 (December 13, 1989)

U.S. v. Sturgeon, No. 88-1396 (August 9, 1989)

Continental Cablevision, Inc. v. Storer Communications, Inc., Nos. 88-1143, 1144 (March 21, 1989)

U.S. v. Boscio, No. 87-1103 (February 2, 1988)

U.S. v. Sawan, No. 88-1502 (December 7, 1988)

Paredes-Figueroa v. Greyhound Corp., No. 86-1309 (December 30, 1986)

Rose v. Secretary of HHS, No. 86-1010 (September 22, 1986)

English v. T-Square Resources, No. 85-1541 (April 28, 1986)

Polk v. Secretary of HHS, No. 85-1369 (March 13, 1986)

Farmer v. Dep't of Transportation, No. 85-1279 (December 10, 1985)

Barre Mobile Home Park v. Town of Petersham, No. 84-1812 (May 21, 1985)

Copies of the above opinions are included in Appendix VI.

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

A list of these cases is attached as Addendum B.

14. Public Office: State (chronologically) any public offices you have held, including judicial offices.

Please include the terms of service and whether such positions were elected or appointed. State (chronologically) any unsuccessful candidacies for elective public office.

elected office

I have never held elected office, though in 1976 I was the Cambridge "uncommitted" delegate nominee for the Democratic National Convention. (The "uncommitted" slate lost the primary election.)

appointed office, before 1980

University of Massachusetts Trustee (1974-1981)
Chairman, Presidential Search Committee

Massachusetts Public Power Commission (1973-1975)

Governor's Emergency Energy Commission (1973)

Federal Judges Merit Selection Panel, Massachusetts District Court (1977-1979)

appointed office, after 1980

I have been a federal judge since 1980. In that capacity, I have also served as a member, delegate, trustee, etc. in the following public organizations:

United States Sentencing Commission
Member 1985-1989

Judicial Conference of the United States
Member since 1990

Administrative Conference of the United States
Judicial delegate since mid-1980s

First Circuit Judicial Council
Chairman 1990-Present

I was also appointed to serve on:

President's Commission on White House Fellowships
Member, Boston Regional Selection Panel 1994-present

Kennedy Park Advisory Committee
Member 1984-1986

15. Legal Career:

a. Describe chronologically your law practice and experience after graduation from law school including:

1. whether you served as clerk to a judge, and if so, the name of the judge, the court, and the dates of the period you were a clerk;

1964 - 65 Law Clerk to Justice Arthur Goldberg, United States Supreme Court.

(During the summer of 1964, Justice Goldberg lent the research services (e.g., citechecking) of my co-clerk and myself, at the request of the Chief Justice, to the Warren Commission.)

2. whether you practiced alone, and if so, the addresses and dates;

Not applicable.

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.

1962 Heller, Ehrman, White & McAuliffe
San Francisco, CA
law firm summer associate

1963 Cleary, Gottleib, Steen & Hamilton
Paris, France
law firm summer associate

1965-1967 U.S. Department of Justice
Washington, DC
Special Assistant to Assistant Attorney General for Antitrust (Donald F. Turner)

1967-1970 Harvard Law School
Cambridge, MA
Assistant Professor of Law

1970-1980 Harvard Law School
Cambridge, MA
Professor of Law

1973 U.S. Department of Justice

	Washington, DC Assistant Special Prosecutor Watergate Special Prosecution Force
1974-1975	U.S. Senate Judiciary Committee Washington, DC Special Counsel Administrative Practices Subcommittee
1975	College of Law Sydney, Australia Visiting Lecturer on antitrust law
1975-1979	U.S. Senate Judiciary Committee Washington, DC Occasional Consultant
1977-1980	John F. Kennedy School of Government Harvard University Cambridge, MA Professor
Summer 1978 Summer 1993	Salzburg Seminar Salzburg, Austria Lecturer on economics and law
1979-1980	U.S. Senate Judiciary Committee Washington, DC Chief Counsel
1980-present	U.S. Court of Appeals for the First Circuit Boston, MA Circuit Judge, then Chief Judge (since 1990)
	Harvard Law School Cambridge, MA Lecturer in Law
1985-1989	U.S. Sentencing Commission Washington, DC Commissioner
January 1993	University of Rome Rome, Italy Visiting Professor

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?

I have not had a conventional law practice, although before I became a judge, I occasionally consulted for various private law firms, most often on issues of antitrust law and regulation.

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

Between 1967 and 1980, I did consulting work for clients which included:

a. A steel company engaged in a merger with a smaller, failing steel company. The legal issue involved the lawfulness of the merger under the antitrust laws.

b. A chain of supermarkets seeking to engage in low price sales out of cartons directly to shoppers. The legal issue involved the lawfulness of regulations that seemed to prohibit the practice (as a matter of administrative law).

c. Tenants organizations challenging rent control regulations in Cambridge. The issue was whether the regulations effectively carried out the intent of the regulatory statute as a matter of regulatory policy and administrative law.

d. A grocery chain seeking to sell milk in Staten Island. The issue was whether administrative rulings that inhibited new entry were sound and lawful under the regulatory statute.

Most of my clients have had problems of antitrust law, administrative law, or regulatory law or policy.

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.

While at the Antitrust Division, I worked on briefs in federal appellate cases and argued one case in the U.S. Court of Appeals for the Sixth Circuit. After leaving the Department of Justice, in my occasional practice, I assisted in the preparation of a few briefs.

2) What percentage of these appearances was in:

(a) federal courts;

(b) state courts of record;

(c) other courts.

All briefs on which I worked were submitted to federal courts; my only argument was in federal court.

3) What percentage of your litigation was:

(a) civil;

(b) criminal.

In the Antitrust Division, my work was approximately 70% civil and 30% criminal. The two cases in which I signed the briefs were both civil cases. My work with the Watergate Special Prosecution Force involved investigation in criminal matters, the development of cases, and recommendations on whether to prosecute.

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.

None.

5) What percentage of these trials was:

(a) jury;

(b) non-jury.

Not applicable.

16. Litigation: Describe the ten most significant litigated matters which you personally handled. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in

detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

a) the date of representation;

b) the name of the court and the name of the judge or judges before whom the case was litigated; and

c) the individual names, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

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

Note: All of these matters concern practice before I became a judge. I have answered the portion of this question relating to counsel and co-counsel to the best of my ability; however, I have not maintained detailed files on such matters.

(1) Bratcher v. Akron Area Board of Realtors, 381 F.2d 723 (6th Cir. 1967) (Edwards, Phillips, Cecil).

The Antitrust Division of the Department of Justice argued that real estate dealers violated the antitrust laws when they agreed not to show houses in white neighborhoods to African-American customers. I developed this theory, wrote the brief, and argued the case for the Department of Justice before the Court of Appeals for the Sixth Circuit. (We appeared as amicus supporting plaintiffs.) The plaintiffs prevailed. The brief is included in Appendix VII.

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Opposing Counsel:
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Brouse & McDowell
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Akron, OH 44308
(216) 535-5711

(2) Atkins v. United States, 556 F.2d 1028 (U.S. Ct. Cl. 1977) (Cowen, Davis, Skelton, Nichols, Kashiwa, Kunzig, Bennett), cert. denied, 434 U.S. 1009 (1978).

A number of federal judges contended that it was unconstitutional for one House of Congress to veto a pay raise for federal judges. They claimed that a "one-house veto" is unconstitutional. They also contended that for Congress to refuse to adjust judges' salaries with inflation over a period of many years unconstitutionally "diminished" their pay. I was the second counsel on the case, working with Arthur Goldberg, who was the lead counsel for the judges. I briefed the case in the Court of Claims (where we lost, 4-3, on the "one-house veto" issue); I briefed our position on a certified question to the Supreme Court on the issue of whether federal judges could hear this case in light of their financial interest in its outcome (which was dismissed without opinion, but the Court of Claims resolved the issue in our favor), and I briefed our petition for certiorari to the Supreme Court (which was denied). The case was significant both for the "one-house veto" issue and for the substantive question regarding diminishment of judges' pay. The briefs are included in Appendix VII.

Co-counsel: Hon. Arthur Goldberg
(deceased)

Opposing
Counsel: Rex E. Lee
Sidley & Austin
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(3) United States v. Arnold Schwinn & Co., 388 U.S. 365 (1967)

In this case, the Justice Department argued that vertically imposed territorial restrictions should be unlawful under the antitrust laws, except for a new entrant, or, possibly, a failing company. The case was argued in the Supreme Court, which decided in our favor, but held the restrictions were unlawful in all instances. This per se rule was later overturned.

I briefed the case for the Antitrust Division, where I was

acting head of the Appellate Section. The brief, after being revised in the Solicitor General's Office, was filed in the Supreme Court by the Solicitor General.

Co-counsel: Hon. Richard A. Posner
U.S. Court of Appeals for the Seventh Circuit
U.S. Courthouse
Chicago, IL 60604
(312) 435-5806

Opposing Counsel: Robert C. Keck
Keck, Mahin & Cate
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(4) United States v. Continental Oil Co., 387 U.S. 424 (1967)

The Justice Department attacked the merger of two oil refineries in New Mexico, under Clayton Act sec. 7. The case was on direct appeal to the Supreme Court (under the Expediting Act). It involved a complex market definition question, for market share figures varied depending upon whether oil outside New Mexico, but in the New Mexico pipeline, was counted as part of the market.

I briefed the case for the Antitrust Division. It was revised by the Solicitor General and filed in the Supreme Court. The United States won the case (the decision below was vacated and remanded in light of United States v. Pabst Brewing Co., 384 U.S. 546 (1967). Its significance lies in the principles used to help define a "market" for antitrust purposes.

Co-counsel: Donald Turner
2101 Connecticut Ave., N.W.
Washington, DC 20007

Opposing Counsel: not known

(5) United States v. Penn-Olin Chemical Co., 389 U.S. 308 (1967), aff'g 246 F. Supp. 917 (D. Del.).

The Justice Department appealed from a District Court decision that held that Penn-Salt and Olin-Mathieson could form a joint venture because they were not potential competitors in the chemical business in the Southeastern

U.S. The Department claimed that the court did not use the correct criteria to determine when one firm "potentially competes" with another. It argued for an "objective," instead of a "subjective," test.

I wrote the brief for the Antitrust Division, which was filed with changes by the Solicitor General in the U.S. Supreme Court. The United States lost the case, when the decision was affirmed by an equally divided court.

Co-counsel: Donald Turner
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Opposing Counsel: Albert R. Connelly
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(6) & (7) United States v. Reinecke, 524 F.2d 435 (D.C. Cir. 1975)(Clark, Wright, MacKinnon); United States v. Kleindienst, (unreported U.S. Dist. Ct. D.C. 1974) (Hart)

These two cases in the District Court for the District of Columbia both involved charges of perjury, the first against the former Lieutenant Governor of California, the second against the former Attorney General of the United States. Mr. Reinecke's conviction was reversed; Mr. Kleindienst was found guilty of a misdemeanor.

These cases were the eventual outcome of the work, mostly of others, for my work took place only at their initial stages. I helped organize the ITT (Dita Beard) portion of the Watergate Special Prosecutor's investigation. The work primarily involved investigation, organization of facts, development of legal cases, and a recommendation of whether the office should proceed to prosecute. The Special Prosecutor determined that the main charge in the matter -- that ITT's contribution to the Nixon Presidential campaign influenced the government's action in antitrust cases against it -- was not borne out by the evidence.

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Richard J. Davis
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Reinecke Counsel:

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William W. Becker
Landfield & Becker
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Washington, DC 20036
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Kleindienst Counsel:

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Miller, Cassidy, Larroca & Lewin
2555 M Street, N.W.
Washington, DC 20037
(202) 293-6400

(8) Pargas, Inc. v. Empire Gas Corp., 423 F. Supp. 199 (D. Md. 1976) (Judge Frank Kaufman), aff'd per curiam, 546 F.2d 25 (4th Cir. 1976) (Haynsworth, Winter, Butzner).

This case concerned the legality, under the antitrust laws, of a merger of two propane gas distributors. It involved an important question of market definition, which was argued in the federal district court. I helped to represent Empire and prepared sections of the brief for the case.

Co-counsel:

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Paul MacAvoy
Yale School of Management
New Haven, CT 06520
(203) 432-4771

Opposing Counsel:

Calvin H. Cobb, Jr.
David L. Roll
Steptoe & Johnson
1330 Connecticut Avenue, N.W.
Washington, DC 20036

(202) 429-3000

(9) Purity Supreme, Inc. v. Attorney General of Mass., 407 N.E.2d 297, 380 Mass. 762 (1980) (Hennessy, Quirico, Braucher, Kaplan, Liacos)

This case involved a challenge to a rule requiring disclosure of prices by supermarkets. The Attorney General's office had issued a general rule requiring that the price be marked on each item. Purity owned a special low price "warehouse type" retail food store. Customers picked items out of crates, and, while the prices were clearly marked on the crates, individual items were marked only with a UPC symbol to be scanned at the cashier. To force the store to take each item out of the crate, mark it, and put it on the shelf would have destroyed the low price advantage. Representing Purity, we challenged the rule on the ground that to apply the old rule to this new unforeseen situation required more elaborate hearings or a reconsideration of the issue. The court ruled in favor of the Attorney General.

Co-counsel: Hon. Hiller Zobel
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Opposing Counsel: John T. Montgomery
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(10) Kennedy v. Sampson, 511 F.2d 430 (D.C. Cir. 1974) (Tamm, Fahy, Bazelon), affirming 364 F. Supp. 1075 (D.D.C. 1973)

This case challenged the constitutionality of the "pocket veto" when exercised during a short congressional recess. The District Court for the District of Columbia held that a bill could not be "pocket-vetoed" during such a recess. The DC Circuit affirmed. I wrote a draft of a brief, which was revised by Senator Kennedy's staff. (Senator Kennedy proceeded pro se.)

Co-counsel: Edward M. Kennedy
Russell Senate Office Building
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(202) 224-4543

Opposing Counsel: Irving Jaffe
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Vienna, VA 22181
(703) 938-2292

Earl J. Silbert
Bray & Silbert, P.C.
1025 Thomas Jefferson St., N.W.
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17. Legal Activities: Describe the most significant legal activities you have pursued, including significant litigation that did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. Please list any clients or organizations for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

Airline Deregulation. From 1974 through 1978, I worked with Senator Kennedy and the Judiciary Committee in the effort to deregulate airlines. In this capacity, on leave from Harvard in 1974, I organized hearings investigating Civil Aeronautics Board regulation of the airline industry and wrote a detailed report of the Subcommittee's findings. The hearings and the report helped to increase public awareness of the issue. In turn, changes began within the CAB itself and, eventually, legislation which I participated in drafting was enacted by Congress to substitute competition for the previously existing regulatory system. The details of this work are contained in Chapter 16 of Breyer, Regulation and Its Reform (Harvard Press, 1982), and a copy of the report is included in Appendix I.

Trucking Deregulation. I participated in the effort to deregulate the trucking industry first as a consultant to the Judiciary Committee and later as its chief counsel. I helped to supervise and edit the Committee Report on the trucking industry, and I was involved in the drafting of new legislation and the negotiations that led to its adoption.

Other Legislation. As chief counsel of the Judiciary Committee, I supervised the drafting of legislation, helped to organize the legislative hearings, negotiations, and activities needed to enact a bill into law. Major legislative items in which I participated to a significant extent include the following:

Fair Housing. This legislation was designed to strengthen the fair housing laws by providing an administrative mechanism for their enforcement. A fair housing bill ultimately passed the Congress, although not in the exact form of the original bill.

Institutionalized Persons. The Committee developed and reported legislation that would allow the Justice Department to intervene in cases designed to protect the constitutional rights of institutionalized persons. The bill became law.

Criminal Code. This major legislative project consisted of rewriting the Criminal Code of the United States. In 1980, it was reported by both the Senate and House Judiciary Committees. It did not pass Congress, but sections, including the Sentencing Guidelines, later became law.

Stanford Daily Case. The Committee developed a bill in response to the Supreme Court's ruling in the Stanford Daily case which allowed police searches of press offices. The new law, enacted by Congress, required that information be obtained by subpoena or similar process and that searches (with warrants) be conducted only as a last resort in limited circumstances, when, for example, there was reason to believe the information would otherwise be destroyed.

Court Reform. The Committee dealt with several bills affecting the courts directly. For example, a "judicial discipline" bill was enacted into law.

Other Legislative and Regulatory Activities.

Siting legislation. In 1973, I worked as a member of the Governor's Energy Commission in Massachusetts to develop legislation that created an "energy facilities siting council." This bill became law, providing a "one-stop" procedure for obtaining permission from state agencies for the building of energy facilities.

Telephone regulations. In the late 1970s, I appeared pro bono before the Massachusetts Public Service Commission urging a change in the billing practices of

the telephone company. The company kept categories of "credit risk" and those in the higher risk categories would have their phone service terminated at very short notice upon falling only a few weeks behind in the payment of their bills. I urged that the telephone company should have to notify users of their credit categories, explain the basis of categorization, and give the users opportunities to challenge their categorization or "improve" their categories. The suggestions were adopted.

Milk Marketing. I worked as a consultant to a grocery firm, and appeared as an expert witness, before the New York Milk Marketing Board, arguing that the firm should be allowed to market milk in Staten Island. I argued that the current restrictive regulations led to higher milk prices. The application was denied.

Federal Sentencing Guidelines. I was a member of the United States Sentencing Commission from 1985 to 1989 and helped to draft the Federal Sentencing Guidelines. The Commission was created by Congress to reduce disparity in sentencing and to increase honesty in sentencing, so that the offender would actually serve the prison sentence that the judge imposed.

Law teaching activities. See answer to question 18.

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

18. Teaching: What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught.

A. Harvard University

I joined the faculty of Harvard Law School in 1967 as an Assistant Professor of Law. In 1970, I became a full professor, a position I held until 1980, when I became a judge. I was also a professor at the Kennedy School of Government of Harvard University during the years 1977 to 1980. From 1980 to the present, I have continued to teach at Harvard as a Lecturer in Law. I should add that many of the courses I have taught have been offered jointly by the Law School and the Kennedy School.

1. Antitrust Law

I taught a course in Antitrust Law during the following academic years: 1967-68; 1969-71; 1973-75; 1976-77; 1978-80; 1984-85; 1986-87; 1988-89. The course focused on the control of private competition under the Sherman Act, Clayton Act, Robinson-Patman Act, and Federal Trade Commission Act. It examined (1) legal and economic concepts of monopoly and monopolization; (2) modes of collaboration among business competitors; (3) "vertical restraints;" (4) horizontal, vertical, and conglomerate mergers; and (5) selected problems of price discrimination under the Robinson-Patman Act.

2. Administrative Law

I taught a course in Administrative Law during the following academic years: 1971-74; 1975-79; 1982-84; 1985-86; 1987-88; 1989-94. The course addressed (among others) the following topics: Delegation/Non-Delegation; Agency Independence; Review of Fact/Review of Law/Review of Policy; Ratemaking; Controlling Discretion; Broadcast Regulation; Following Internal Rules; Retroactivity/Estoppel; Rulemaking/Adjudication; Decision on a Record; Due Process; Agency Decision-Making Structure; Jurisdiction/Reviewability; Standing; and Timing.

3. The Regulation of Industry

I taught a course in Government and the Regulation of Industry (or substantially similar versions thereof) during the following academic years: 1976-79; 1980-82; 1983-85; 1987-94. The course addressed (among others) the following topics: The Public Interest Theory of Regulation (externalities; the control of market power, the problem of risk); Regulation as a Tool to Control Market Power; Strategic Problems in Regulation; The Regulation of Risk; Using the Contingent Valuation Method; and Issues in Environmental Regulation.

4. Other Subject Matters

In addition to the three main subject matters profiled above, I taught (1) a course in Evidence, 1968-69; (2) a course titled "Development of Law & Legal Institutions", 1968-70; (3) a course titled "Law & Public Policy: Policy Analysis", 1972-74; and (4) a course titled "Energy Policy & the Law: Electricity", 1975-76.

B. Other Teaching Positions

In 1975, I was a Visiting Lecturer at the College of Law, Sydney, Australia, teaching antitrust law. In the summers of 1978 and 1993, I taught economics and law at the Salzburg Seminar in Austria. Finally, I spent January, 1993 as a Visiting Professor at the University of Rome teaching administrative law.

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.

   None, but please note that I have a TIAA-CREF pension plan with Harvard that has vested, and which I would keep. Its value is disclosed in the answer to question 5.

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.

   If confirmed, I would seek to follow all the requirements of the Code of Conduct for United States Judges, the Ethics Reform Act of 1989, 28 U.S.C. § 455, and cases interpreting the statutory requirements.

   I currently give to the clerk of court, and to my secretary and law clerks, lists of all my investments, which they check against each case, in order to make certain that I am recused in any case in which I have a financial interest in a party to the case.

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.

   I have no present plans to do so, although I may, if it is consistent with my duties on the court and with the applicable ethical standards, continue to lecture, write, and teach.

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, copies of the financial disclosure report required by the Ethics in Government Act of 1978 may be substituted here.)

A copy of the Financial Disclosure Report required by the Ethics in Government Act of 1978, filed on or around May 10, 1994, for the calendar year 1993, is attached as Addendum C.

An AO-10 form for the current year is being prepared and will be supplied as soon as it is available. As of January 1, 1994, none of my children is any longer my dependent. I therefore will not include them on my 1994 disclosure report, nor will I claim any of them as a dependent on my 1994 tax return.

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

Attached as Addendum D.

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.

Please supply one copy of any memoranda analyzing issues of law or public policy that you wrote on behalf of or in connection with a presidential transition team.

No, though in 1976 I was the Cambridge "uncommitted" delegate nominee for the Democratic National Convention. (The "uncommitted" slate lost the primary election.)

As for transition-related memoranda, in 1992, I gave a speech on the Sentencing Guidelines before the D.C. Circuit Conference (see publications listing above) and subsequently, Professor Philip Heymann, who, I believe, was working on the presidential transition, requested a copy of the speech, which I provided. I attach the cover memo to the speech as Addendum E.

III. GENERAL (PUBLIC)

1. An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

A guiding principle in my professional and personal life has been a commitment to fairness. To this end, my teaching, writing, and lecturing have emphasized a commonsense approach to the law that makes justice accessible to all in our society. Since graduating from law school three decades ago, my professional life has been devoted to government service (in the Executive, Legislative, and Judicial Branches) and to teaching and education.

Throughout my career, without compensation and frequently for non-profit entities, I have participated in discussions and given lectures on a variety of public policy subjects. (See, e.g., the answer to question 12c in Section I.) I have also worked, without compensation, for and with various government entities and private foundations on particular public interest projects. For instance, I served as a member of the Harvard-Ford Foundation Steering Committee on the "Inquiry into Public Policy Concerning Children in America." As a trustee of the University of Massachusetts, I worked to ensure that educational opportunities were available to all, regardless of background. In the late 1970s, I appeared pro bono before the Massachusetts Public Service Commission to urge that the telephone company should not be permitted to cut off phone service without fairly notifying users and providing them with an opportunity to challenge their termination or to improve their credit situation.

I have also been a trustee of the Dana Farber Cancer Institute. As a member of the White House Fellows regional selection committee, I have attempted to help provide leadership in supporting success of individuals from a broad spectrum of backgrounds and providing opportunities based on merit.

I have also participated, while a judge, in numerous efforts to encourage pro bono bar activities.

2. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge

to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion. Please list all business clubs, social clubs or fraternal organizations to which you belong or have belonged since graduating from law school, and for each such club or organization, please state:

a. the dates during which you were a member and approximate number of members the club or organization had during that period;

b. the purpose of the club or organization (e.g., social, business, fraternal or mixed), the frequency with which you used the facilities, and whether you used the club or organization for business entertainment;

c. whether, while you were a member of such club or organization, it did or did not include members of all races, religions, and both sexes;

d. if the club or organization did not do so,

   (1) state whether this was the result of a policy or practice of the club or organization;

   (2) if so, describe in full the reasons for this policy or practice and any actions you took to change that policy or practice;

   (3) if you were a member of such club or organization while serving as a U.S. Circuit Judge, please give your opinion as to whether the club or organization practiced invidious discrimination within the meaning of the ABA Code of Judicial Conduct, and give the reasons for your opinion.

Harvard Club
member since 1981
number of members: approximately 6500
used for occasional meals

Cambridge Tennis Club
family membership since 1970s
number of members: approximately 300
rarely used by me

The following informal discussion groups are not "clubs" in a traditional sense of the word, and thus are not strictly called for in answer to this question, but I include them in order to give as full an answer as possible to the question.

Nisi Prius Club
member since 1981
number of members: 35
lunch and discussion

Lawyers' Club
member since 1981
number of members: 12
informal dinner and discussion

Saturday Club
member since 1985
number of members: 50
lunch and discussion

Curtis Club
member since 1993
number of members: 40
dinner and discussion

The Harvard Club has had members of all races and religions and both sexes since I have been a member. The Cambridge Tennis Club has members of all races and religions and both sexes. The Nisi Prius Club has African-American members, as well as members of various religions and both sexes. The Lawyers' Club, an informal group that meets for dinner at individuals' homes six times a year, has members of various religions and both sexes, but no African-American members. The Saturday Club has African-American members, as well as members of various religions and both sexes. When I joined in 1985, it had women members but no African-Americans. The Curtis Club has had members of all races, religions, and both sexes since I have been a member.

3. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). List all interviews or communications you had with the White House staff or the Justice Department regarding this nomination, the dates of such interviews or communications, and all persons present or participating in such interviews or communications.

With regard to the Supreme Court vacancy created by Justice Blackmun's announcement of his retirement, I had one conversation with Lloyd Cutler, Special Counsel to the President, on April 15, 1994. At his request, I sent him

follow-up information about our payment of Social Security taxes for our cleaning person. On May 13, 1994, I received a telephone call from the President in which he expressed his intention to nominate me.

4. Has anyone involved in the process of selecting you as a judicial nominee (including but not limited to any member of the White House staff, the Justice Department, or the Senate or its staff) discussed with you any specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, please explain fully. Please identify each communication you had during the six months prior to the announcement of your nomination with any member of the White House staff, the Justice Department or the Senate or its staff referring or relating to your views on any case, issue or subject that could come before the United States Supreme Court, state who was present or participated in such communication, and describe briefly what transpired.

No.

5. Please discuss your views of the judiciary in our governmental system and the following criticism of "judicial activism."

The role of the Federal judiciary within the Federal government, and within society generally, has become the subject of increasing controversy in recent years. It has become the target of both popular and academic criticism that alleges that the judicial branch has usurped many of the prerogatives of other branches and levels of government. Some of the characteristics of this "judicial activism" have been said to include:

a. A tendency by the judiciary toward problem-solution rather than grievance-resolution;

b. A tendency by the judiciary to employ the individual plaintiff as a vehicle for the imposition of far-reaching orders extending to broad classes of individuals;

c. A tendency by the judiciary to impose broad, affirmative duties upon governments and society;

d. A tendency by the judiciary toward loosening jurisdictional requirements such as standing and ripeness; and

e. A tendency by the judiciary to impose itself upon other institutions in the manner of an administrator with continuing oversight responsibilities.

Under our constitutional system of government, it is the task of the courts to resolve the controversies that come before them by applying the relevant law -- statutes, common law, regulations, or constitutional law -- to the facts of the specific cases they must consider. Criticism of so-called "judicial activism" raises questions of both the legitimacy and the competence of the courts in particular areas.

Historically, under our tri-partite system of constitutional government, we have assigned the initiative for proactive, affirmative, widespread reform and problem-solving to our legislatures, both federal and state, and, increasingly, to the executive branch. Nevertheless, if the legislature or the executive either acts or fails to act in a manner that results in a violation of individual rights, the courts' role must include the difficult and sensitive task of defining an appropriate judicial remedy. In deciding cases and defining remedies, courts must be always mindful of the appropriate role of the judiciary.

In addition to the question of legitimacy, the judiciary is ill-equipped to make broad reaching policy determinations. A judge seeking to solve a general social problem is less likely to have available all the relevant facts than a legislature or executive entity. Judges, moreover, do not have the resources that are available to administrators and are, therefore, less able to engage in effective management and administration.

That said, in order to be fair in this assessment, one must recognize that legislatures and executive entities have sometimes failed to address problems until constitutional violations resulted. It would be vastly preferable for all branches of government -- and for the public -- if the political branches were able to resolve such issues and render their determination through judicial adjudication unnecessary.

6. Approximately how many individuals have been employed by you as law clerks and support staff since you have been a United States Circuit Judge?

State separately the numbers, and describe briefly the duties of (1) women, (2) African-Americans, and (3) members of other racial minority groups, whom you so employed.

law clerks: 46

secretaries: 6

The law clerks include 12 women, 2 of whom are Hispanic; 2 Hispanic men; and 1 Pakistani man. As for secretaries, all 6 were women.

Of the 8 law clerks to whom I have extended circuit court clerkship offers for the next two years (and who have accepted), 3 are women (one of whom is African-American), one is an Asian-American man, and one is an Hispanic man.

1993 FEDERAL DISCLOSURE REPORT

THE HONORABLE STEPHEN G. BREYER

HOFFMAN, DYKES & FITZGERALD, P.C.

CERTIFIED PUBLIC ACCOUNTANTS

AO-19
REV. 1/94

FINANCIAL DISCLOSURE REPORT
FOR CALENDAR YEAR 1993

Report Required by the Ethics in Government Act of 1978, as amended, 5 U.S.C. App. 6, 101-111

1. Person Reporting (Last name, First, Middle Initial)	2. Court or Organization	3. Date of Report
BREYER, STEPHEN G.	U.S. COURT OF APPEALS 1ST CIR.	05/10/94
4. Title (Article III judges indicate active or senior status; Magistrate judges indicate full- or part-time)	5. Report Type (check appropriate type)	6. Reporting Period
CHIEF U.S.CIRCUIT JUDGE-ACTIVE	___ Nomination, Date ___/___/___ ___ Initial _X_ Annual ___ Final	01/01/93 - 12/31/93
7. Chambers or Office Address	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.	
U.S. COURT OF APPEALS 1617 U.S. COURT HOUSE BLDG. BOSTON, MASSACHUSETTS 02109	Reviewing Officer	Date

CLIENT COPY

IMPORTANT NOTES: The instructions accompanying this form must be followed. Complete all parts, checking the NONE box for each section where you have no reportable information. Sign on last page.

I. POSITIONS. (Reporting individual only; see pp. 7-8 of Instructions.)

	POSITION	NAME OF ORGANIZATION/ENTITY
☐	NONE (No reportable positions)	
	LECTURER AT LAW	HARVARD LAW SCHOOL
	TEE	DANA FARBER CANCER INSTITUTE

II. AGREEMENTS. (Reporting individual only; see pp. 8-9 of Instructions.)

DATE	PARTIES AND TERMS
X	NONE (No reportable agreements)

III. NON-INVESTMENT INCOME. (Reporting individual and spouse; see pp. 9-12 of Instructions.)

DATE	SOURCE AND TYPE	GROSS INCOME (yours, not spouse's)
☐	NONE (No reportable non-investment income)	
1993	HARVARD LAW SCHOOL - SALARY	$ 20565.64
1993	DANA FARBER CANCER INSTITUTE (SPOUSE)-SALARY	$ 0.00
1993	PSYCHOLOGY PRACTICE (SPOUSE)	$ 0.00
		$
		$

FINANCIAL DISCLOSURE REPORT

Name of Person Reporting	Date of Report
BREYER, STEPHEN G.	05/10/94

IV. REIMBURSEMENTS and GIFTS -- transportation, lodging, food, entertainment.
(Includes those to spouse and dependent children; use the parentheticals "(S)" and "(DC)" to indicate reportable reimbursements and gifts received by spouse and dependent children, respectively. See pp. 12-14 of Instructions.)

	SOURCE	DESCRIPTION
	NONE (No such reportable reimbursements or gifts)	
1	CONSIGLIO NAZIONALE DELLE RICERCHE	TRAVEL AND LIVING EXPENSES, JANUARY 9-24, 1993
2	SOCIETY OF TOXICOLOGY	TRAVEL AND LIVING EXPENSES, MARCH 16-17, 1993
3	COLUMBIA UNIVERSITY	TRAVEL AND LIVING EXPENSES, MARCH 27-29, 1993
4	AMERICAN BAR ASSOCIATION	TRAVEL EXPENSES, APRIL 30 - MAY 2, 1993
5	HARVARD UNIVERSITY	LIVING EXPENSES, APRIL 30 - MAY 2, 1993
6	THE BROOKINGS INSTITUTION	TRAVEL AND LIVING EXPENSES, JUNE 30, 1993

V. OTHER GIFTS. (Includes those to spouse and dependent children; use the parentheticals "(S)" and "(DC)" to indicate other gifts received by spouse and dependent children, respectively. See pp. 15-16 of Instructions.)

	SOURCE	DESCRIPTION	VALUE
X	NONE (No such reportable gifts)		
1			$
2			$
3			$
4			$

VI. LIABILITIES. (Includes those of spouse and dependent children; indicate where applicable, person responsible for liability by using the parenthetical "(S)" for separate liability of the spouse, "(J)" for joint liability of reporting individual and spouse, and "(DC)" for liability of a dependent child. See pp. 16-17 of Instructions.)

	CREDITOR	DESCRIPTION	VALUE CODE*
	NONE (No reportable liabilities)		
1	BRITISH GOVERNMENT (S)	DEFERRED GIFT TAX LIABILITY ON GIFT	
2		TO WIFE OF MOTHER'S HOUSE	J
3			
4			
5			
6			

* VALUE CODES: J = $15,000 or less K = $15,001 - $50,000 L = $50,001 - $100,000 M = $100,001 to $250,000
N = $250,001 - $500,000 O = $500,001 - $1,000,000 P = More than $1,000,000

FINANCIAL DISCLOSURE REPORT

Name of Person Reporting	Date of Report
BREYER, STEPHEN G.	05/10/94

Page 1 INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; See pp. 18-26 of Instructions.)

A. Description of Assets (Including trust assets) Indicate where applicable, owner of the asset by using the parenthetical [illegible] (SP) for spouse, (DC) for [illegible]	B. Income during reporting period (1) Amt 1 Code (A-H)	(2) Type (e.g., div., rent or int.)	C. Gross value at end of reporting period (1) Value2 Code (J-P)	(2) Value Method3 Code (Q-V)	D. Transactions during reporting period (1) Type (e.g., buy, sell, merger, redemption)	If not exempt from disclosure (2) Date Month-Day	(3) Value2 Code (J-P)	(4) Gain1 Code (A-H)	(5) Identity of buyer/seller (if private transaction)
NONE (No reportable income, assets, or transactions)									
1 PAINE WEBBER COMMON STOCK									
2									
3 DWG CORPORATION	A	None			SOLD	10/26	M	G	
4 WINDSOR FUND	A	None	J	T	NONE				
5 PAINE WEBBER R&D PARTNERS	A	Int	J	T	NONE				
WEST NEWTON SAVINGS BANK	A	Div			SOLD	11/24	K	A	
7 OCCIDENTAL PETROLEUM	A	Div			SOLD	10/6	K	A	
8 CHEMEX PHARMACEUTICALS	A	None			SOLD	11/24	J	A	
9 COMSTOCK PARTNERS STRATEGY FD	A	DIV			SOLD	11/24	J	A	
10 WTS CHEMEX PHARMAC. INC.	A	None			SOLD	11/24	J	A	
11 BANK OF BOSTON BOND	A	Int			SOLD	8/11	J	C	
12 GROWTH FUND OF SPAIN	A	None			SOLD	11/24	J	A	
13 MOUNTLEIGH GROUP ORD	A	None			REDEMP	12/31	J	A	WORTHLESS STOCK
14 MASSACHUSETTS GD CONS	A	Int	J	T	NONE				
15 CENTOCOR, INC	A	None			SOLD	11/24	J	A	
16 FEDERAL HOME LN MTG (PREF)	B	Div			SOLD	11/24	K	B	
17 SHARMUT MATL CP (PREFERRED)	B	Div			SOLD	11/24	J	A	
18 REST. WTS GENZYME CORP.	A	None			SOLD	12/7	J	A	

1. Income/Gain Codes: (See Col. B1 & D4) A=$1,000 or less; B=$1,001 to $2,500; C=$2,501 to $5,000; D=$5,001 to $15,000; E=$15,001 to $50,000; F=$50,001 to $100,000; G=$100,001 to $1,000,000; H=More than $1,000,000
2. Value Codes: (See Col. C1 & D3) J=$15,000 or less; K=$15,001 to $50,000; L=$50,001 to $100,000; M=$100,001 to $250,000; N=$250,001 to $500,000; O=$500,001 to $1,000,000; P=More than $1,000,000
3. Value Method Codes: (See Col. C2) 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
BREYER, STEPHEN G.	05/10/94

... Page 2 INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; See pp. 18-26 of instructions.)

A. Description of Assets (Including trust assets) Indicate where applicable, owner of the asset by using the parenthetical (J), for joint ownership or reporting individual and spouse, (S), for separate ownership by spouse, (DC) for ownership by dependent child. Place "(X)" after each asset exempt from prior disclosure.	B. Income during reporting period (1) Amt 1 Code (A-H)	(2) Type (e.g., div., rent or int.)	C. Gross value at end of reporting period (1) Value2 Code (J-P)	(2) Value Method3 Code (Q-W)	D. Transactions during reporting period (1) Type (e.g., buy, sell, merger, redemption)	If not exempt from disclosure (2) Date Month-Day	(3) Value2 Code (J-P)	(4) Gain1 Code (A-H)	(5) Identity of buyer/seller (if private transaction)
NONE (No reportable income, assets, or transactions)									
19 REST. GENENTECH WTS	A	None			SOLD	12/7	J	B	
20 WARRANTS CENTOCOR INC CL C	A	None			SOLD	12/7	J	B	
21 ALKERMES, INC. (X)	A	None			BUY	10/14	J		
22 ALKERMES, INC. (X)		None			SOLD	10/22	J	A	
23 TELE COMMUNICATIONS (X)	A	None			BUY	10/15	J		
TELE COMMUNICATIONS (X)		None			SOLD	11/24	J	A	
25 NOBLE AFFILIATES, INC. (X)	A	Div			BUY	8/19	J		
26 NOBLE AFFILIATES, INC. (X)		None			SOLD	11/24	J	A	
27 ENZON, INC. (X)	A	None			REC'D	1/1	J		
28 ENZON, INC. (X)		None			SOLD	11/24	J	A	
29 REST WARRANTS GENZYME CORP (X)	A	None	J	T	REC'D	1/1	J		
30 REST. WARRANTS GENZYME CORP (X)		None			PART	12/7	J	A	
31 CHARTER MEDICAL CORP. (X)	A	None			BUY	8/13	J		
32 CHARTER MEDICAL CORP. (X)		None			SOLD	11/24	J	A	
33 AIM CONSTELLATION (X)	A	None			BUY	2/16	J		
34 AIM CONSTELLATION (X)		None			SOLD	11/24	J	B	
35 ALC COMMUNICATIONS (X)	A	None			BUY	10/8	J		
36 ALC COMMUNICATIONS (X)		None			SOLD	11/24	J	A	

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

2 Value Codes: (See Col. C1 & D3) J=$15,000 or less K=$15,001 to $50,000 L=$50,001 to $100,000 M=$100,001 to $250,000 N=$250,001 to $500,000 O=$500,001 to $1,000,000 P=More than $1,000,000

3 Value Method Codes: (See Col. C2) 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
BREYER, STEPHEN G.	05/10/94

Page 3 INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; See pp. 16-26 of Instructions.)

A. Description of Assets (including trust assets) Indicate source, type, and (for rental property) real estate held for investment. (Specific instructions on reporting of interests in real estate, including multiple properties, are on page 17.) Place "(X)" after each asset exempt from prior disclosure.	B. Income during reporting period (1) Amount Code (A-H)	B. Income during reporting period (2) Type (e.g., div., rent, or int.)	C. Gross value at end of reporting period (1) Value Code (J-P)	C. Gross value at end of reporting period (2) Value Method Code (Q-W)	D. Transactions during reporting period (1) Type (e.g., buy, sell, redemption)	D. Transactions during reporting period If not exempt from disclosure (2) Date Month-Day	(3) Value Code (J-P)	(4) Gain Code (A-H)	(5) Identity of buyer/seller (if private transaction)
INCOME (No reportable income, assets, or transactions)									
37 VTS. EXXON. INC. (X)	A	None			REC'D	1/1	J		
38 VTS. EXXON. INC. (X)		None			SOLD	11/26	J	A	
39 COLONIAL HIGH INCOME FUND (X)	A	None			REC'D	1/1	J		
40 COLONIAL HIGH INCOME FUND (X)		None			SOLD	10/22	J	A	
41 SYNERGEN, INC. (X)	A	None	J	T	REC'D	1/1	J		
42 SYNERGEN, INC. (X)		None			PART	10/22	J	A	
43 COMPRESSION LABS, INC. (X)	A	None			REC'D	1/1	J		
44 COMPRESSION LABS, INC. (X)		None			SOLD	12/7	J	B	
45 POWERSOFT CORP. (X)	A	None			BUY	1/1	J		
46 POWERSOFT CORP (X)		None			SOLD	10/12	K	E	
47									
48 OTHER COMMON STOCK									
49									
50 ZOLL MEDICAL	A	None			SOLD	10/12	K	E	
51 XYPLEX	A	None			SOLD	10/12	J	D	
52 HOLOGIC	A	None			SOLD	10/12	J	A	
53									
54 PAINE WEBBER IRA ACCOUNT									

Income/Gain Codes: (See Col. B1 & 2) E=$15,000 or less; F=$15,001 to $50,000; G=$50,001 to $100,000; H=More than $100,000

Value Codes: (See Col. C1 & 2) J=$15,000 or less; K=$15,001 to $50,000; L=$50,001 to $100,000; M=$100,001 to $250,000; N=$250,001 to $500,000; O=$500,001 to $1,000,000; P=More than $1,000,000

Value Method Codes: (See Col. C2) 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: BREYER, STEPHEN G.

Date of Report: 05/10/94

Page 4 INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; See pp. 18-26 of instructions.)

A. Description of Assets (Including trust assets) Identify assets where inapplicable, owner of the asset by using the parenthetical (S) for interest of spouse, (J) for interest of joint tenant, (T) for interest of trust or other entity with beneficial interest in asset, (DC) for interest of dependent child. Place "(X)" after each asset exempt from prior disclosure.	B. Income during reporting period (1) Amt. (A-H)	B. Income during reporting period (2) Type (e.g., div., rent or int.)	C. Gross value at end of reporting period (1) Value (J-P)	C. Gross value at end of reporting period (2) Value Method (Q-W)	D. Transactions during reporting period (1) Type (e.g., buy, sell, redemption, reorg.)	D. If not exempt from disclosure (2) Date: Month - Day	D. If not exempt from disclosure (3) Value (J-P)	D. If not exempt from disclosure (4) Gain (J-P)	D. If not exempt from disclosure (5) Identity of buyer/seller (if private transaction)
NONE (No reportable income, assets, or transactions)									
55									
56 BESICORP GROUP, INC	A	NONE	J	T	NONE				
57 GNMA POOL	A	Int	J	T	NONE				
58 COUPON TREASURY REPT	A	NONE	J	T	NONE				
59 PW RETIREMENT MONEY FUND	A	DIV	J	T	NONE				
INTL BK RECONS & DEV	A	NONE	J	T	NONE				
61 COUPON INTEREST OF USTB	A	NONE	K	T	NONE				
62 CERT ACCRUAL TSY	A	NONE	J	T	NONE				
63 GLOBAL INCOME PLUS FUND	A	Div	J	T	NONE				
64 MOUNTLEIGH GROUP ORD	A	None			REDEMP	12/31			WORTHLESS SECURITIES
65 PW SHORT TERM GLOBAL FUND	A	Div	J	T	NONE				
66 COUPON INTEREST OF USTB	A	None	J	T	NONE				
67 GOVT TRUST CERTIFICATE	A	None	K	T	NONE				
69									
69									
70 IRA ACCOUNT									
71									
72 SCUDDER INCOME FUND	A	INT	J	T	NONE				

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

2 - Value Codes: (See Col. C1 & D3) J=$15,000 or less K=$15,001 to $50,000 L=$50,001 to $100,000 M=$100,001 to $250,000 N=$250,001 to $500,000 O=$500,001 to $1,000,000 P=More than $1,000,000

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

FINANCIAL DISCLOSURE REPORT	Name of Person Reporting	Date of Report
	BREYER, STEPHEN G.	05/10/94

Page 5 INVESTMENTS and TRUSTS – income, value, transactions (Includes those of spouse and dependent children; See pp. 18-26 of Instructions.)

A. Description of Assets (Including trust assets) Indicate where applicable, owner of the asset by using the parenthetical (J), (or joint ownership or reporting individual and spouse), (S), (or separate ownership by spouse), (D), (or ownership by dependent child). Place "(X)" after each asset exempt from prior disclosure.	B. Income during reporting period (1) Amt.1 Code (A-H)	(2) Type (e.g., div., rent or int.)	C. Gross value at end of reporting period (1) Value1 Code (J-P)	(2) Value Method3 Code (Q-W)	D. Transactions during reporting period (1) Type (e.g., buy, sell, merger, redemption)	If not exempt from disclosure (2) Date1 Month-Day	(3) Value2 Code (J-P)	(4) Gain1 Code (A-H)	(5) Identity of buyer/seller (if private transaction)
NONE (No reportable income, assets, or transactions)									
73 SCUDDER CAPITAL GROWTH FUND	A	DIV	J	T	NONE				
74									
75 OTHER HOLDINGS									
76									
77 SANTA FE LAND (FRESNO, CA)									
RENTAL PROPERTY	D	RENT	M	W					
79 LAND IN CONCORD, MA (5 ACRES)	A	NONE	L	W					
80 CLAFLIN III INVESTORS ASSOC		None							
81 (PREV.CLAFLIN CAPITAL III PIS)	A	INT	K	U					
82 LLOYDS OF LONDON	A	Int	K	W	PART	12/31	J	A	
83 LAND IN PLAINFIELD, NH									
84 (160 ACRES RESIDENTIAL)	A	NONE	N	W					
85 FIRST NAT'L BANK OF BOSTON,									
86 BOSTON, MA (CHECKING ACCOUNT)	A	INT	J	T					
87 PAINE WEBBER MONEY MARKET	A	Div	J	T					
88 FIRST NATIONAL BANK OF BOSTON									
89 (GUERNSEY) CERT. OF DEPOSIT	D	Div	L	T					
90 FAIRFAX ASSOC. LTD. PTSHP	A	Int	L	U					

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

FINANCIAL DISCLOSURE REPORT

Name of Person Reporting	Date of Report
BREYER, STEPHEN G.	05/10/94

VII. Page 6 INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; See pp. 18-26 of Instructions.)

A. Description of Assets (Including trust assets). Indicate where applicable, owner of the asset by using the parenthetical (J) for joint ownership of reporting individual and spouse, (S) for separate ownership by spouse, (DC) for ownership by dependent child. Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period (1) Amt. Code (A-H)	(2) Type (e.g., div., rent or int.)	C. Gross value at end of reporting period (1) Value Code (J-P)	(2) Value Method Code (Q-U)	D. Transactions during reporting period (1) Type (e.g., buy, sell, merger, redemption)	If not exempt from disclosure (2) Date: Month-Day	(3) Value Code (J-P)	(4) Gain Code (A-H)	(5) Identity of buyer/seller (if private transaction)
NONE (No reportable income, assets, or transactions)									
91 HARVARD UNIV. PENSION PLAN	A	NONE	O	T					
92 DMC APARTMENT FUND I									
93 (PARTNERSHIP)	A	INT	K	U					
94 GREATER HARTFORD ASSOCIATES									
95 (PARTNERSHIP)	A	INT	L	U					
97									
98 THE STEPHEN G. BREYER TRUST - 1993 (X)	A	Div	M	T	NEWTRST				
99		None							
100 CHINA PARTNERS, L P (X)	A	Int	L	U	BUY	12/1	K		
101 CLAFLIN CAPITAL, VI (X)	A	Int	[illegible]	U	BUY	12/1	J		
102									
103 ASSETS OF SPOUSE									
104 (STOCKS, PTSHPS, ETC.)									
105									
106									
107 AMERICAN INT'L GROUP	A	DIV	K	T	NONE				
108 NATIONAL CITY CORP	A	DIV	K	T	NONE				

1 Income/Gain Codes: (See Col. B1 & D4) A=$1,000 or less; B=$15,001 to $50,000; A=$1,001 to $2,500; B=$50,001 to $100,000; C=$2,501 to $5,000; C=$100,001 to $1,000,000; D=$5,001 to $15,000; D=More than $1,000,000

2 Value Codes: (See Col. C1 & D3) J=$15,000 or less; M=$250,001 to $500,000; K=$15,001 to $50,000; O=$500,001 to $1,000,000; L=$50,001 to $100,000; P=More than $1,000,000; N=$100,001 to $250,000

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

FINANCIAL DISCLOSURE REPORT

Name of Person Reporting	Date of Report
BREYER, STEPHEN G.	05/10/94

II. Page 7 INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; See pp 18-26 of instructions.)

A. Description of Assets (including trust assets) Indicate where applicable, owner of the asset by using the parenthetical (J), for joint ownership of reporting individual and spouse, (S), for separate ownership by spouse, (DC) for ownership by dependent child. *Place "(X)" after each asset exempt from prior disclosure.	B. Income during reporting period (1) Amt. 1 Code (A-H)	(2) Type (e.g., div., rent or int.)	C. Gross value at end of reporting period (1) Value Code (J-P)	(2) Value Method Code (Q-W)	D. Transactions during reporting period (1) Type (e.g., buy, sell, merger, redemption)	If not exempt from disclosure (2) Date Month-Day	(3) Value2 Code (J-P)	(4) Gain1 Code (A-H)	(5) Identity of buyer/seller (if private transaction)
NONE (No reportable income, assets, or transactions)									
109 HUBBELL INC., CLASS B	A	Div	K	T	NONE				
110 GENERAL ELECTRIC	A	DIV	K	T	NONE				
111 MCDONALDS	A	Div	K	T	PART	5/21	J	D	
112 SCUDDER DEVELOPMENT FUND	A	None	K	T	SOLD	5/25	K	E	
113 SCUDDER MANAGED MUNICIPAL BDS	C	Div	J	T	NONE				
114 SCUDDER INSTITUTIONAL FUND									
115 (PREV. SCUDDER CASH INVEST TR)	A	Div	J	T	NONE				
116 MONTANA POWER	B	Div	K	T	NONE				
117 GENUINE PARTS CO.	A	DIV	K	T	NONE				
118 EXXON CORPORATION	A	Div	K	T	NONE				
119 SOCIETE NATIONALE ELF	A	Div	J	T	NONE				
120 SCHERING-PLOUGH CORP	A	Div	K	T	NONE				
121 SCUDDER SHORT TERM BOND FUND	B	Div	K	T	NONE				
122 U.S. TREASURY NOTES	A	Int	J	T	NONE				
123 IBM	A	None			SOLD	2/2	J	A	
124 LAWTER INTERNATIONAL, INC. (X)	A	Div	J	T	BUY	2/2	J		
125 SCUDDER GLOBAL SMALL CO. FD (X)	A	Div	K	T	BUY	5/25	K		
126 SCUDDER PAC OPPORTUNITIES FD (X)	A	None	J	T	BUY	12/21	J		

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

2 Value Codes: (See Col. C1 & D3) J=$15,000 or less K=$15,001 to $50,000 L=$50,001 to $100,000 M=$100,001 to $250,000 N=$250,001 to $500,000 O=$500,001 to $1,000,000 P=More than $1,000,000

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

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VII. Page 8 INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; See pp 18-26 of Instructions)

A. Description of Assets (Including trust assets) Indicate where applicable, owner of the asset by using the parenthetical (J) for joint ownership of reporting individual and spouse, (S) for separate ownership by spouse, (DC) for ownership by dependent child. Place "(X)" after each asset exempt from prior disclosure.	B. Income during reporting period (1) Amt 1 Code (A-H)	(2) Type (e.g., div, rent or int.)	C. Gross value at end of reporting period (1) Value2 Code (J-P)	(2) Value Method3 Code (Q-W)	D. Transactions during reporting period (1) Type (e.g., buy, sell, merger, redemption)	If not exempt from disclosure (2) Date: Month-Day	(3) Value2 Code (J-P)	(4) Gain1 Code (A-H)	(5) Identity of buyer/seller (if private transaction)
NONE (No reportable income, assets, or transactions)									
127 SCUDDER INTL BD FD (X)	A	Div	J	T	BUY	5/28	J		
128									
129 PEARSON ORD STOCK	F	DIV	P	T	NONE				
130 PROPERTY IN NEVIS WEST INDIES									
131 (2.5 ACRES - RENTAL PROPERTY)	D	Div	H	W					
132 PROPERTY IN LONDON -									
133 1/6 INTEREST IN HOUSE	A	NONE	Q	W					
134 BAYBANK HARVARD, BOSTON, MA									
135 (CHECKING ACCOUNT)	A	INT	J	T					
136 SCUDDER FUNDS (IRA ACCOUNT)	G	Div	J	T					
137 OMC REGENCY RESIDENCE LTD.									
138 (PARTNERSHIP)	A	INT	K	J					
139 BLAKEMAN EXPENSES FUND	A	None	J	T					
140 LAZARD BROTHERS (SAVINGS ACCT)	A	INT	J	T					
141 ROYAL BANK OF SCOTLAND									
142 (SAVINGS ACCOUNT)	A	INT	J	T					
143									
144									

1 Income/Gain Codes: (See Col. B1 & D4)	A=$1,000 or less E=$15,001 to $50,000	B=$1,001 to $2,500 F=$50,001 to $100,000	C=$2,501 to $5,000 G=$100,001 to $1,000,000	D=$5,001 to $15,000 H=More than $1,000,000
2 Value Codes: (See Col. C1 & D3)	J=$15,000 or less M=$250,001 to $500,000	K=$15,001 to $50,000 O=$500,001 to $1,000,000	L=$50,001 to $100,000 P=More than $1,000,000	M=$100,001 to $250,000
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	Date of Report
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VII. Page 9 INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; See pp. 18-26 of Instructions.)

A. Description of Assets (Including trust assets) Indicate where applicable, owner of the asset by using the parenthetical (J), for joint ownership of reporting individual and spouse, (S), for separate ownership by spouse, (DC) for ownership by dependent child. Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period (1) Amt. Code (A-H)	(2) Type (e.g., div., rent or int.)	C. Gross value at end of reporting period (1) Value Code (J-P)	(2) Value Method Code (J-Q)	D. Transactions during reporting period (1) Type (e.g., buy, sell, merger, reception)	If not exempt from disclosure (2) Date: Month-Day	(3) Value Code (J-P)	(4) Gain Code (A-H)	(5) Identity of buyer/seller (if private transaction)
NONE (No reportable income, assets, or transactions)									
145 CHILDE BREYER IS NO LONGER A DEPENDENT OF STEPHEN G. BREYER.									
146 SHE IS EFFECTIVELY NO LONGER A DEPENDENT AS OF 1/1/93.									
147 THE ASSETS APPLICABLE TO HER AS LISTED ON LINES 115 TO 152									
148 OF THE 1992 FEDERAL DISCLOSURE REPORT WILL NO LONGER BE									
149 REPORTED DUE TO THE CHANGE IN HER DEPENDENCY STATUS.									
150									
151									
152 MICHAEL BREYER (DC)									
153									
154 SCUDDER TAX FREE MONEY FUND	A	DIV	J	T	NONE				
155 PAINE WEBBER MONEY MARKET FUND	A	DIV	J	T	NONE				
156 ACM GOV'T SECURITIES FUND	A	DIV	J	T	NONE				
157 OCCIDENTAL PETROLEUM	A	DIV			SOLD	10/8	J		
158 WEST NEWTON SAVINGS BANK	A	DIV	J	T	NONE				
159 CHEMEX PHARMACEUTICALS	A	NONE	J	T	NONE				
160 COMSTOCK PARTNERS STRATEGY FD	A	DIV	J	T	NONE				
161 WTS CHEMEX PHARM. INC.	A	None	J	T	NONE				
162 BANK OF BOSTON CORP.	A	Int			SOLD	8/11	J	C	

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

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VII. Page 10 INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; See pp 18-26 of Instructions.)

A. Description of Assets (Including trust assets) Indicate where applicable, owner of the asset by using the parenthetical (C), for joint ownership of reporting individual and spouse, (S), for separate ownership by spouse, (DC), for ownership by dependent child. Place "(X)" after each asset exempt from prior disclosure.	B. Income during reporting period (1) Amt. Code (A-H)	(2) Type (e.g., div., rent or int.)	C. Gross value at end of reporting period (1) Value Code (J-P)	(2) Value Method Code (Q-W)	D. Transactions during reporting period (1) Type (e.g., buy, sell, merger, redemption)	If not exempt from disclosure (2) Date: Month-Day	(3) Value Code (J-P)	(4) Gain Code (A-H)	(5) Identity of buyer/seller (if private transaction)
NONE (No reportable income, assets, or transactions)									
163 MOUNTLEIGH GROUP ORD	A	None			REDEMP	12/31	J	A	WORTHLESS SECURITIES
164 FEDERAL HOME LN MTG (PREF)	A	Div	J	T	NONE				
165 SHAWMUT NATL CP DEP (PREF)	A	Div	J	T	NONE				
166 ZOLL MEDICAL	A	None	J	T	PART	10/12	K	E	
167 XYPLEX	A	None	J	T	PART	10/12	J	D	
168 MOLOGIC	A	None			SOLD	10/12	J	A	
169 POWERSOFT CORP. (X)	A	None	K	T	BUY	1/1	K		
170 POWERSOFT CORP (X)		None			PART	10/14	K	E	
171 WTS. ENZON, INC (X)	A	None	J	T	REC'D	12/13	J		
172 AIM CONSTELLATION FD. INC (X)	A	None	J	T	BUY	2/16	J		
173 CHARTER MEDICAL GROUP (X)	A	None	J	T	BUY	8/13	J		
174 ALC COMMUNICATIONS, INC. (X)	A	None	J	T	BUY	10/8	J		
175 TELE COMMUNICATIONS, INC CLASS A (X)	A	None	J	T	BUY	12/21	J		
176 NOBLE AFFILIATES, INC. (X)	A	None	J	T	BUY	8/19	J		
177									
178 DMC APARTMENT FUND I PTSHP	A	INT	J	U					
179 DMC REGENCY RESIDENCE, LTD									
(PARTNERSHIP)	A	INT	J	U					

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

2 Value Codes: (See Col. C1 & D3) A=$15,000 or less; B=$250,001 to $500,000; K=$15,001 to $50,000; L=$50,001 to $100,000; M=$100,001 to $250,000; O=$500,001 to $1,000,000; P=More than $1,000,000

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

FINANCIAL DISCLOSURE REPORT

Name of Person Reporting: BREYER, STEPHEN G.

Date of Report: 05/10/94

Page 11 INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; See pp. 18-26 of Instructions.)

	A. Description of assets (including trust assets) Identify each asset held for investment by a trust or other financial institution, brokerage firm, investment adviser, or similar entity in which you or your spouse or dependent child had a beneficial interest. (If the preceding does not apply, check "NONE.") Please do not use abbreviations.	B. Income during reporting period (1) Amt. Code (A-H)	B. Income during reporting period (2) Type (e.g., div., rent, or int.)	C. Gross value at end of reporting period (1) Value Code (J-P)	C. Gross value at end of reporting period (2) Value Method Code (Q-W)	D. Transactions during reporting period (1) Type (e.g., buy, sell, redemption)	D. Transactions during reporting period — If not exempt from disclosure (2) Date: Month-Day	(3) Value Code (J-P)	(4) Gain Code (A-H)	(5) Identity of buyer/seller (if private transaction)
	INCOME (No reportable income, assets, or transactions)									
101										
102	PRESENT INTEREST TRUST									
103	FOR MICHAEL C. BREYER									
104										
105										
	SCHODER TAX FREE MONEY FND	A	DIV	K	T	NONE				
107	DHC APARTMENT FUND I PTSHP	A	INT	J	U					
108	PS MARIBAS 4 PARTNERSHIP	A	INT	J	U					
109	DHC REGENCY RESIDENCE, LTD.									
110	(PARTNERSHIP)	B	DIV	K	U					
111										
112	MICHAEL C. BREYER 1983									
113	TRUST									
114										
115										
116										
117	BAYBANK BOSTON (TRUST									
118	CHECKING ACCOUNT)	B	INT	K	T	NONE				

Income/Gain Codes: (See Col. B1 & D3) J=$1,000 or less; K=$1,001 to $2,500; L=$2,501 to $5,000; M=$5,001 to $15,000; N=More than $15,000

1 Value Codes: (See Cols. C1 & D3) J=$15,000 or less; K=$15,001 to $50,000; L=$50,001 to $100,000; M=$100,001 to $250,000; N=More than $250,000; O=$250,001 to $500,000; P=$500,001 to $1,000,000; P=More than $1,000,000

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

FINANCIAL DISCLOSURE REPORT	Name of Person Reporting	Date of Report
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... Page 12 INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; See pp. 18-26 of instructions.)

A. Description of Assets (Including trust assets). Indicate where applicable, owner of the asset by using the parenthetical (J), for joint ownership of reporting individual and spouse, (S), for separate ownership by spouse, (DC) for ownership by dependent child. Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period (1) Amt. Code (A-H)	(2) Type (e.g. div, rent or int.)	C. Gross value at end of reporting period (1) Value Code (J-P)	(2) Value Method Code (Q-W)	D. Transactions during reporting period (1) Type (e.g. buy, sell, merger, redemption)	If not exempt from disclosure (2) Date Month-Day	(3) Value Code (J-P)	(4) Gain Code (A-H)	(5) Identity of buyer/seller (if private transaction)
NONE (No reportable income, assets, or transactions)									
198 PEARSON ORD STOCK	E	DIV	N	T	NONE				
200 DMC REGENCY RESIDENCE PTSHP	A	INT	J	J					
201									
202 NELL BREYER (DC)									
203									
SCUDDER TAX FREE MONEY FUND	A	DIV	J	T	NONE				
205 PAINE WEBBER MONEY MARKET FUND	A	DIV	J	T	NONE				
206 ACM GOV'T SECURITIES FUND	A	DIV	J	T	NONE				
207 OCCIDENTAL PETROLEUM	A	DIV			SOLD	10/8	J	A	
208 WEST NEWTON SAVINGS BANK	A	DIV	J	T	NONE				
209 CHEMEX PHARMACEUTICALS	A	NONE	J	T	NONE				
210 COMSTOCK PARTNERS STRATEGY FD	A	DIV	J	T	NONE				
211 WTS CHEMEX PHARM. INC	A	NONE	J	T	NONE				
212 BANK OF BOSTON CORP.	A	Int			SOLD	8/11	J	C	
213 MOUNTLEIGH GROUP ORD	A	None			REDEMP	12/31	J	A	WORTHLESS SECURITIES
214 FEDERAL HOME LN MTG (PREF)	A	DIV	J	T	NONE				
215 SHAWMUT NATL CP DEP (PREF)	A	DIV	J	T	NONE				
216 ZOLL MEDICAL	A	None	J	T	PART	10/21	K	E	

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

2 Value Codes: (See Col. C1 & D3) J=$15,000 or less K=$15,001 to $50,000 L=$50,001 to $100,000 M=$100,001 to $250,000 N=$250,001 to $500,000 O=$500,001 to $1,000,000 P=More than $1,000,000

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

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11. Page 13 INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; See pp. 18-26 of Instructions.)

A. Description of Assets (including trust assets) Indicate where applicable, owner of the asset by using the parenthetical (J) for joint ownership of reporting individual and spouse, (D) for ownership by dependent child. Place "(X)" after each asset exempt from prior disclosure.	B. Income during reporting period (1) Amt. Code (A-H)	(2) Type (e.g., div., rent or int.)	C. Gross value at end of reporting period (1) Value Code (J-P)	(2) Value Method Code (Q-W)	D. Transactions during reporting period (1) Type (e.g., buy, sell, merger, redemption)	If not exempt from disclosure (2) Date Month-Day	(3) Value Code (J-P)	(4) Gain Code (A-H)	(5) Identity of buyer/seller (if private transaction)
NONE (No reportable income, assets, or transactions)									
217 XYPLEX	A	None	J	T	PART	10/4	J	D	
218 HOLOGIC	A	None			SOLD	10/2	J	A	
219 TELE COMMUNICATIONS, INC. (X)	A	None	J	T	BUY	10/1	J		
220 WTS. ENZON, INC. (X)	A	None	J	T	REC'D	12/1	J		
221 NOBLE AFFILIATES, INC. (X)	A	Div	J	T	BUY	9/19	J		
ALC COMMUNICATIONS, CORP. (X)	A	None	J	T	BUY	10/8	J		
223 POWERSOFT CORP. (X)	A	None	K	T	BUY	1/2	K		
224 POWERSOFT CORP (X)	A	None			PART	10/2	K	E	
225 AIM CONSTELLATION FD. INC (X)	A	None	J	T	BUY	2/16	J		
226 CHARTER MEDICAL GROUP (X)	A	None	J	T	BUY	8/15	J		
227									
228 OMC APARTMENT FUND I PTSHP	A	INT	J	U					
229 PS MARINAS 4 PARTNERSHIP	A	INT	J	U					
230									
231 PRESENT INTEREST TRUST									
232 FOR NELL B. BREYER									
233									
234									

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

2 Value Codes: (See Col. C1 & C3) J=$15,000 or less K=$50,001 to $500,000 L=$15,001 to $50,000 M=$500,001 to $1,000,000 N=$100,001 to $250,000 P=More than $1,000,000

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

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V. **Page 14 INVESTMENTS and TRUSTS -- income, value, transactions** (Includes those of spouse and dependent children; See pp. 18-26 of Instructions.)

A. Description of Assets (including trust assets) Indicate where applicable, owner of the asset by using the parenthetical (J), for joint ownership of reporting individual and spouse, (S), for separate ownership of spouse, (DC) for ownership by dependent child. Place "(X)" after each asset exempt from prior disclosure.	B. Income during reporting period (1) Amt 1 Code (A-H)	(2) Type (e.g., div., rent or int.)	C. Gross value at end of reporting period (1) Value1 Code (J-P)	(2) Value Method3 Code (Q-W)	D. Transactions during reporting period (1) Type (e.g., buy, sell, merger, redemption)	If not exempt from disclosure (2) Date: Month-Day	(3) Value2 Code (J-P)	(4) Gain1 Code (A-H)	(5) Identity of buyer/seller (if private transaction)
NONE (No reportable income, assets, or transactions)									
235 SCUDDER TAX FREE MONEY FUND	A	DIV	K	T	NONE				
236 DMC APARTMENT FUND I PTSHP	A	INT	J	U					
237 GREATER HARTFORD ASSOCIATES									
238 LIMITED PARTNERSHIP	A	INT	K	U					
239 DMC REGENCY RESIDENCE LTD									
(PARTNERSHIP)	C	Int	K	U					
241									
242 TRUST FOR CHILDREN OF									
243 JOANNA BREYER									
244									
245 SCUDDER TAX FREE MONEY FUND	A	DIV	J	T	NONE				
246 HEARTLAND RALEIGH APEX US									
247 (PARTNERSHIP)	A	INT	J	U					
248 PS MARINAS 4 PARTNERSHIP	A	INT	J	U					
249									
250 INVESTMENTS SHARED BY									
251 THE THREE CHILDREN									
252									

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

FINANCIAL DISCLOSURE REPORT

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II. Page 15 INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children, See pp. 18-26 of Instructions.)

A. Description of Assets (including trust assets) (Indicate where applicable, owner of any, based on the information (1) Filer, (2) spouse, or (3) dependent child. If spouse or dependent child is owner, (OC) Place "(X)" after each asset exempt from prior disclosure.	B. Income during reporting period (1) Amt. (X-A)	(2) Type (e.g., div., rent or int.)	C. Gross value at end of reporting period (1) Value Code (J-P)	(2) Value Method Code (Q-W)	D. Transactions during reporting period (1) Type (e.g., buy, sell, redemption)	If not exempt from disclosure (2) Date: Month-Day	(3) Value Code (J-P)	(4) Gain Code (A-P)	(5) Identity of buyer/seller (if private transaction)
NONE (No reportable income, assets, or transactions)									
253 CLAFLIN CAPITAL II FUND									
254 (PARTNERSHIP FORMED IN 1981)	A	INCI	J	U					
255 CLAFLIN CAPITAL IV FUND									
256 (PARTNERSHIP FORMED IN 1985)	A	INCI	K	V					
257 LAND IN PLAINFIELD, NH (160									
258 ACRES, RESIDENTIAL)	A	NONE	M	W					
259									
260									
261									
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265									
266									
267									
268									
269									
270									
271									

1 Income Gain Codes: (See Col. B1 & D3) A=$1,000 or less; B=$1,001 to $2,500; C=$2,501 to $5,000; D=$5,001 to $15,000; E=$15,001 to $50,000; F=$50,001 to $100,000; G=$100,001 to $1,000,000; H=$1,000,001 to $5,000,000; I=$5,000,001 to $25,000,000; J=Over $25,000,000

2 Value Codes (See Col. C1 & D3) K=$15,000 or less; L=$15,001 to $50,000; M=$50,001 to $100,000; N=$100,001 to $250,000; O=$250,001 to $500,000; P=$500,001 to $1,000,000; P1=$1,000,001 to $5,000,000; P2=$5,000,001 to $25,000,000; P3=Over $25,000,000

3 Value Method Codes: (See Col. C2) 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
	BREYER, STEPHEN G.	05/10/94

ADDITIONAL INFORMATION or EXPLANATIONS. (Indicate part of Report)

THIS REPORT WAS PREPARED BY : HOFFMAN, DYKES & FITZGERALD, P.C.
8603 WESTWOOD CTR. DR.
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VIENNA, VA 22182

V. REIMBURSEMENTS and GIFTS (Cont'd.)

SOURCE	DESCRIPTION
SALZBURG SEMINAR	TRAVEL AND LIVING EXPENSES, JULY 25 - AUGUST 5, 1993
AMERICAN BAR ASSOCIATION	TRAVEL AND LIVING EXPENSES, AUGUST 6-7, 1993
HARVARD UNIVERSITY	TRAVEL EXPENSES, AUGUST 11, 1993
AMERICAN COLLEGE OF TRIAL LAWYERS	TRAVEL AND LIVING EXPENSES, AUGUST 19-20, 1993
THE MENTOR GROUP	TRAVEL AND LIVING EXPENSES, AUGUST 31 - SEPTEMBER 3, 1993
ANTI-DEFAMATION LEAGUE	TRAVEL AND LIVING EXPENSES, OCTOBER 21-22, 1993

FINANCIAL DISCLOSURE REPORT	Name of Person Reporting	Date of Report
	BREYER, STEPHEN G.	05/10/94

CERTIFICATION.

In compliance with the provisions of 28 U.S.C. 455 and of Advisory Opinion No. 57 of the Advisory Committee on Judicial Activities, and to the best of my knowledge at the time after reasonable inquiry, I did not perform any adjudicatory function in any litigation during the period covered by this report in which I, my spouse, or my minor or dependent children had a financial interest, as defined in Canon 3C(3)(c), in the outcome of such litigation.

I certify that all the 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.A. app. 7, 501 et. seq., 5 U.S.C. 7353 and Judicial Conference regulations.

Signature _____ Date _____

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.A. APP. 6, 104, AND 18 U.S.C. 1001.)

FILING INSTRUCTIONS:

Mail signed original and 3 additional copies to:

Committee on Financial Disclosure
Administrative Office of the
United States Courts
Washington, D.C. 20544

FINANCIAL STATEMENT

STEPHEN G. AND JOANNA P. BREYER

APRIL 30, 1994

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) all 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	184,137		Notes payable to banks-secured	-0-	
U.S. Government securities - Sch 1	63,881		Notes payable to banks-unsecured	-0-	
Listed securities - Sch. 2	2,932,883		Notes payable to relatives	-0-	
Unlisted securities	-0-		Notes payable to others	6,333	
Accounts and notes receivable:			Accounts and bills due	7,825	
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 - Sch. 7	37,355	
Real estate owned - Sch. 3	3,914,500		Chattel mortgages and other liens payable	-0-	
Real estate mortgages receivable	-0-		Other debts - itemize:		
...se and other personal property	204,500				
Cash value - life insurance	-0-				
Other assets - itemize:					
Limited Partnership Invest-Sch 4	348,877				
Lloyds of London - Sch. 5	335,020				
Retirement Account - Sch. 6	862,743		Total liabilities	51,513	
			Net Worth	8 523.826	
Total Assets	6,567,341		Total Liabilities and net worth	6,567,341	
CONTINGENT LIABILITIES			GENERAL INFORMATION		
As endorser, comaker or guarantor - Sch. 8	188,975		Are any assets pledged? - Sch. 8	225,020	
On leases or contracts	NONE		Are you defendant in any suits or legal actions?	NO - See Sch. 9	
Legal Claims	NONE		Have you ever taken bankruptcy	NO	
Provision for Federal Income Tax	0				
Other special debt	NONE				

SCHEDULE 1

STEPHEN G. AND JOANNA F. BREYER

U.S. GOVERNMENT SECURITIES

APRIL 30, 1994

		Fair Market Value
(H)	United States Treasury Bills, due 11/17/94	$73,298
(W)	United States Treasury Notes, due 8/15/99	10,583
		$83,881

SCHEDULE 2

STEPHEN G. AND JOANNA F. BREYER

LISTED SECURITIES

APRIL 30, 1994

	Fair Market Value
(H) Alkermes, Inc.	$ 115
(H) Synergen, Inc.	190
(H) Raytheon Co.	6,213
(H) Automatic Data Processing, Inc.	5,138
(H) Coca Cola Co.	8,225
(H) Sigma Aldrich Corp.	8,350
(H) Gillette Co.	6,725
(H) American Home Products Corp.	5,675
(H) Merck & Co., Inc.	6,100
(H) Kellogg Co.	10,175
(H) Johnson & Johnson	8,675
(H) American Int'l. Group, Inc.	9,300
(H) General Re Corp.	12,025
(H) Vanguard/Windsor Fund, Inc.	2,007
(H) WHX Technologies, Inc.	10,450
(H) Lexington Mass 3.8%	9,564
(H) Wayland Mass Mun Purp 3.5%	9,556
(H) Ohio St. 4.3%	9,534
(H) South Carolina State Univ. 4.4%	9,579
(H) Massachusetts St. Hefa 4.5%	9,570
(H) Andover Mass Rfdg 4.4%	9,408
(H) Massachusetts St Cons 7%	10,958
(W) Scudder Short-Term Bond Fund	21,964
(W) Scudder International Bond Fund	7,212
(W) Scudder Managed Municipal Bonds	58,329
(W) Scudder Development Fund	32,421
(W) Scudder Pac Opportunities Fund	4,472
(W) Scudder Global Small Co Fund	16,023
(W) McDonalds Corp.	12,000
(W) Schering Plough Corp.	18,300
(W) National City Corp.	21,400
(W) American Int'l. Group, Inc.	31,969
(W) Genuine Parts Co.	17,100
(W) Lawter International, Inc.	4,500
(W) General Electric Co.	28,575
(W) Hubbell Inc. Cl B	20,717
(W) Elf Aquitane Spons Adr	10,913
(W) Exxon Corp.	16,348
(W) Montana Power Co.	18,130
(W) Pearson plc	2,324,958
	$2,832,863

SCHEDULE 3

STEPHEN G. AND JOANNA F. BREYER

SCHEDULE OF REAL ESTATE INVESTMENTS

APRIL 30, 1994

Property	Owner	Date of Investment	Amount Invested	Ownership Percentage	Description	Total Fair Market Value (FMV)	Approximate Breyer's Share
4774 E. Jensen, Fresno, CA	(B)	1975	$ 18,000	20.00%	Rental property - commercial warehouse	$ 272,500	$ 54,500
Golden Rock - Nevis, St. Kitts	(B)	1980	140,000	100.00%	Rental property - residential	175,000	175,000
Concord, Massachusetts	(B)	1972	12,500	100.00%	Undeveloped land	85,000	85,000
Holland Park Residence, London, England	(W)	1985	-	16.67%	One-sixth interest in mother's residence received by gift	3,000,000	500,000
Cambridge, Massachusetts	(J)	1975	230,000	100.00%	Personal residence	800,000	800,000
Plainfield, New Hampshire	(J)	1980	129,000	100.00%	Personal residence	300,000	300,000
			$529,500			$4,632,500	$1,914,500

SCHEDULE 4

STEPHEN G. AND JOANNA F. BREYER

OTHER ASSETS - LIMITED PARTNERSHIP INVESTMENTS

APRIL 30, 1994

		Date of Investment	Limited Partner Ownership Percentage	Amount Invested	Capital Account Balance (FMV)
(H)	Paine Webber R&D Partners II, Limited Partnership	1987	.01199	$ 10,000	$ 1,446
(H)	Claflin III Associates	1983	19.8	50,000	16,279
(H)	Fairfax Associates Limited Partnership	1988	.6759	100,000	56,495
(W)	DMC Regency Residence, Ltd.	1989	1.343284	100,000	28,394
(J)	DMC Apartment Fund I, Ltd.	1989	1.65	120,000	22,143
(J)	Greater Hartford Associates Limited Partnership	1989	.5523	80,000	50,349
(H)	China Partners L.P.	1993	2.527167	50,000	64,666
(H)	Claflin Capital VI	1993	.3908	10,000	9,905
				$520,000	$249,677

The limited partnership investments have been valued based on the ending capital reported by the partnership on December 31, 1993, per Form K-1.

SCHEDULE 5

STEPHEN G. AND JOANNA F. BREYER

OTHER ASSETS - LLOYDS OF LONDON

APRIL 30, 1994

Approximate amount held on deposit by Lloyds of London	$160,000
First National Bank of Boston (Guernsey)	65,020
	$225,020

The cash represents collateral against potential Lloyds of London losses. See also Schedule 8.

SCHEDULE 6

STEPHEN G. AND JOANNA F. BREYER

OTHER ASSETS - RETIREMENT ACCOUNTS

APRIL 30, 1994

		Type	Amount
(H)	Thrift Savings Plan	Pension	$ 32,790
(H)	TIAA/CREF Retirement Annuity	Pension	364,642
(H)	TIAA/CREF Supplemental Retirement Annuity	Pension	327,154
(H)	Paine Webber	IRA	80,710
(H)	Scudder Trust Company	IRA	20,000
(W)	Scudder Trust Company	IRA	14,244
(W)	TIAA/CREF	Pension	23,203
			$862,743

SCHEDULE 7

STEPHEN G. AND JOANNA F. BREYER

REAL ESTATE MORTGAGE PAYABLE

APRIL 30, 1994

(J)	Mortgage payable, with interest at 8.5% monthly payment of $518, collateralized by first deed of trust on Cambridge, Massachusetts residence, due 2005.	$26,547
(J)	Mortgage payable, with interest at 8.5%, monthly payments of $60.60, collateralized by second deed of trust on Cambridge, Massachusetts residence, due 1995.	808
		$27,355

SCHEDULE 8

STEPHEN G. AND JOANNA F. BREYER

CONTINGENT LIABILITIES AND PLEDGED ASSETS

APRIL 30, 1994

Lloyds of London

Stephen G. Breyer was an investor in Lloyds of London Insurance until he resigned in 1988.

However, the 1985 Syndicate has not closed, and Stephen G. Breyer is still at risk for any potential losses of that Syndicate. He is insured against losses up to approximately $188,975. At this time, it cannot be reasonably estimated as to the amount of losses that will be incurred; however, conservative projections estimate a total loss of approximately $114,000.

The contingent liability for this potential loss has been reported at the total amount of insurance coverage against the loss.

In addition, the following cash is pledged against the potential Lloyds of London losses:

Approximate amount held on deposit by Lloyds of London	$160,000
First National Bank of Boston (Guernsey)	65,020
	$225,020

SCHEDULE 9

STEPHEN G. AND JOANNA F. BREYER

LEGAL ACTION

Neither I nor my wife are defendants in any lawsuit, except that I am occasionally sued by disappointed litigants as a result of decisions that I have rendered as a judge. All such suits against me have been dismissed as either frivolous or directly related to the merits of a decision, and none has any effect on my net worth.