

**AEI Legal Center for the Public Interest
Gauer Distinguished Lecture, September 23, 2008
Introductory Remarks by Christopher DeMuth**

Justice Alito, judges of the Court of Appeals, distinguished guests, good evening and welcome to the 2008 Gauer Distinguished Lecture in Law and Public Policy. This is the second Gauer Lecture to be sponsored by the American Enterprise Institute since our merger with the National Legal Center for the Public Interest a year ago.

The first year of the AEI Legal Center for the Public Interest has been busy and productive, with major conferences and publications on issues ranging from patent reform to the death penalty, from law-and-terrorism to the Voting Rights Act, from the prosecution of Milberg Weiss to the prosecution of firms that provide true and urgent drug information to doctors, and, throughout, on our longstanding enthusiasms of liability, antitrust, and competitive federalism. Next month we go global with our first annual Transatlantic Law Forum, on the subject of "Citizenship in Europe and the United States," featuring many distinguished jurists and scholars from both sides of the ocean.

I would like to thank Ted Frank, director of the AEI Legal Center, and the many advisers to the AEI Center and its predecessor who are here present. I am especially grateful to AEI trustee John Luke, chairman and chief executive officer of MeadWestvaco, and Wendell Willkie, the firm's senior vice president and general counsel, for their wonderful help with this evening's arrangements and for Wendell's participation in our programs throughout the year.

My colleagues and I are greatly honored that Judge Douglas H. Ginsburg of the United States Court of Appeals for the District of Columbia Circuit has agreed to present this year's Gauer Lecture. Judge Ginsburg was appointed to the D.C. Circuit by Ronald Reagan in 1986 to assume the seat previously held by J. Skelly Wright. He was an accomplished legal scholar and public servant for many years before that. A graduate of The Latin School of Chicago and Cornell

University, he was a member of the legendary class of 1973 at the University of Chicago Law School and clerked for Circuit Judge Carl McGowan and Supreme Court Justice Thurgood Marshall. Following eight years as a professor at Harvard Law School, where he specialized in antitrust and the regulation of communications and financial markets, he came to Washington in 1983; in three crowded years before his appointment to the bench, he served as deputy assistant attorney general for antitrust, administrator for information and regulatory affairs at the Office of Management and Budget, and assistant attorney general for antitrust.

On the bench, Judge Ginsburg has proven to be a wise judge and meticulous craftsman – with both the background and the patience to grasp what is really going on in the complex administrative cases that often come before him, and with the capacity for deference on the one hand or boldness on the other as the circumstances warrant. He was Chief Judge of his court from 2001 until earlier this year, and has continued to write and to teach – variously at Chicago, Columbia, George Mason, and Harvard – during his judicial tenure. I must mention also Judge Ginsburg’s nomination to the Supreme Court by President Reagan in 1987, which fell victim to our era of partisan malice which regrettably continues to this day and which has denied America the service of so many capable men and women.

Judge Ginsburg has always been something of a cutting-edge technophile. Here are two lesser known facts about him. First, in his entrepreneurial, pre-law days, he was founder and president of Operation Match, mankind’s very first computer dating service. Second and even more amazing, at Harvard he taught a course in “Technological Change and the Law” with the future president of the American Enterprise Institute. The tradition continues this evening as he presents the first-ever Gauer Lecture accompanied by PowerPoint. His topic is “Continuity and Change in the Supreme Court: Antitrust as a Case Study.”

Please give a warm welcome to Judge Douglas Ginsburg.