

G. ROBERT BLAKEY

Office Address:

Notre Dame Law School
Notre Dame, Indiana 46556

Phone: 574-631-5717

Fax: 574-631-4197

E-mail: blakey.1@nd.edu

PROFESSIONAL CHRONOLOGY:

1985 to present - William J. and Dorothy K. O'Neill Professor of Law, Notre Dame Law School.

1980 to 1985 - Professor of Law, Notre Dame Law School.

1988 - Consultant, United States House Judiciary Committee (Congressman John Conyers).

1985 to 1986 - Special Counsel, United States Senate Judiciary Committee (Senator Joseph Biden).

1973 to 1980 - Professor of Law and Director, Cornell Institute on Organized Crime, Cornell Law School, Ithaca, NY 14853-4901.

1977 to 1978 - Chief Counsel and Staff Director, United States House Select Committee on Assassinations (Congressman Louis Stokes).

1969 to 1973 - Chief Counsel, Subcommittee on Criminal Laws and Procedures, United States Senate (Senator John L. McClellan).

1964 to 1969 - Professor of Law, Notre Dame Law School.

1960 to 1964 - Special Attorney, Organized Crime and Racketeering Section, United States Department of Justice (employed under Attorney General's Honors Program).

EDUCATION:

College: University of Notre Dame, A.B. 1957, *cum laude*, Philosophy.

Law School: Notre Dame Law School, J.D. 1960.

SCHOLARSHIPS, AWARDS, AND RELATED MATTERS:

Recipient of John J. Cavanaugh Law Scholarship, Notre Dame Law School.
Associate Editor, Notre Dame Law Review.
Phi Beta Kappa.
The Order of the Coif.
Legal Award, Association of Federal Investigators, October 11, 1969.
Award of Merit, National Academy of Forensic Sciences, February 19, 1979.
Appreciation Award, Federal Bureau of Investigation - New York Office, December 1985.
1989 Faculty Member of the Year Award, Notre Dame Law School.
Named one of the hundred most influential lawyers in the United States, *The National Law Journal*, April 15, 1985; *id.*, May 2, 1988; *id.*, March 25, 1991.
Public Justice Achievement Award, Trial Lawyers for Public Justice, 1995.
The Charles Crutchfield Professional Excellence Award, Black Law Student's Association, 1996.
The American Law Institute.

BAR MEMBERSHIP:

North Carolina, 1960
District of Columbia, 1960
Colorado, 1986
United States Supreme Court, 1963

SELECTED CONSULTANTSHIPS:

Consultant on Organized Crime, President's Commission on Law Enforcement and Administration of Justice (1967).

Reporter, American Bar Association Project for Minimum Standards in Criminal Justice, Electronic Surveillance (1967-68).

Consultant, Judiciary Committee, United States Senate, Title III on Electronic Surveillance, Pub. L. No. 90-351, "Omnibus Crime Control and Safe Streets Act of 1968" (1967-68).

(In part, as a result of my work on electronic surveillance for the President's Commission on Law Enforcement and Administration of Justice, the American Bar Association, and the Senate Judiciary Committee, the Federal government and 40 States have electronic surveillance control legislation. In addition, I was involved in drafting and implementing the legislation in California, Florida, New Jersey, and New York. My testimony before legislative bodies is often used by courts in construing the statutes. *See, e.g., United States v. Giordano*, 416 U.S. 505, 518 (1974); *United States v. Chavez*, 416 U.S. 562, 580, 593 (1974); *People v. Otto*, 831 P.2d 1178, 1185 (Cal. 1992), *cert. denied*, 506 U.S. 956 (1992); *Standiford v. Standiford*, 598 A.2d 495, 500 (Md. App. 1991), *cert. denied*, 601 A.2d 1101 (Md. App. 1992).)

Consultant on Conspiracy, National Commission on the Reform of the Federal Penal Law (1968).

Counsel before the United States Supreme Court, *Berger v. New York*, 388 U.S. 41 (1967), for the Attorneys General of Massachusetts and Oregon and the National District Attorneys Association as Amici.

Presidential Member, National Commission on the Review of Federal and State Law Relating to Wiretapping and Electronic Surveillance (1974-75).

Member, Task Force on Legalized Gambling, Twentieth Century Fund (1974).

Consultant, Commission on the Review of National Policy Toward Gambling (1974-75).

Member, Task Force on Organized Crime, National Advisory Committee on Criminal Justice Standards and Goals (1976).

Counsel before the United States Supreme Court, *Sedima, S.P.R.L. v. Imrex Co., Inc.*, 473 U.S. 479 (1985), for the Attorneys General as Amici of a number of States.

Vice Chairman, American Bar Association RICO Cases Committee and Reporter for A COMPREHENSIVE PERSPECTIVE ON CIVIL AND CRIMINAL RICO LEGISLATION AND LITIGATION (1985).

Counsel before the United States Supreme Court, *Fort Wayne Books, Inc. v. Indiana*, 489 U.S. 46 (1989), for the National Association of District Attorneys as Amicus.

Counsel before the United States Supreme Court, *H. J. Inc. v. Northwestern Bell Telephone Co.*, 492 U.S. 229 (1989), for the Attorneys General as Amici for a number of States.

Counsel for Amicus before the United States Supreme Court, *Tafflin v. Levitt*, 493 U.S. 455 (1990).

Counsel and argued before the United States Supreme Court, *Holmes v. Securities Investor Protection Corp.*, 503 U.S. 258 (1992).

Counsel for Amicus before the United States Supreme Court, *Reves v. Ernst & Young*, 507 U.S. 170 (1993).

Counsel and argued before the United States Supreme Court, *NOW v. Scheidler*, 510 U.S. 249 (1994).

Counsel and argued before the United States Supreme Court, *Humana Inc. v. Forsyth*, 525 U.S. 299 (1999).

WORK OF SUBCOMMITTEE ON CRIMINAL LAWS AND PROCEDURES:

Pub. L. No. 91-39, "National Commission on Reform of Federal Criminal Laws" (1969).

Pub. L. No. 91-452, "Organized Crime Control Act of 1970," Title IX of which is the "Racketeer Influenced and Corrupt Organizations Act."

(In part, as a result of my work on racketeering legislation for the President's Commission on Law Enforcement and Administration of Justice, the Senate Judiciary Committee, and the American Bar Association, the Federal government and 29 States passed racketeering legislation. I was involved in drafting and implementing the legislation in approximately half of the states that adopted it, including Colorado, Florida, and Oregon. My testimony before legislative bodies and my scholarship, in turn, are often used in construing the statutes. *See, e.g., Russello v. United States*, 464 U.S. 16, 28 (1983); *Tafflin v. Levitt*, 493 U.S. 455, 466 (1990); *Reves v. Ernst & Young*, 507 U.S. 170, 179-82 (1993); *NOW v. Scheidler*, 510 U.S. 249, 259 n.5 (1994); *People v. Chaussee*, 880 P.2d 749, 757-58 (Colo. 1994); *Computer Concepts v. Brandt*, 98 Ore. App. 618, 628, 780 P.2d 249, 254, *aff'd*, 801 P.2d 800, 807 (Or. 1990); *Banderas v. Banco Cent. del Ecuador*, 461 So. 2d 265, 269 n.2 (Fla. App. 3d Dist. 1985).)

Pub. L. No. 91-644, "Omnibus Crime Control Act of 1970."

Hearings on the codification, reform, and revision of the Federal criminal law based on the recommendations of the National Commission on the Reform of Federal Criminal Laws (1971-72) that resulted in the introduction in the Senate of S. 1, the "Criminal Justice Codification, Revision, and Reform Act of 1973."

Pub. L. No. 93-83, "Crime Control Act of 1973."

ADDITIONAL LEGISLATION:

18 U.S.C. § 1346, *overturning McNally v. United States*, 483 U.S. 350 (1987).

Pub. L. No. 102-526, "President John F. Kennedy Assassination Records Collection Act of 1992."

LAW REVIEWS AND RELATED PUBLICATIONS:

"Welfare and Pension Plans Disclosure Act Amendments of 1962," 38 NOTRE DAME L. REV. 263 (1963).

"The Rule of Announcement and Unlawful Entry: *Miller v. United States* and *Ker v. California*," 112 U. PA. L. REV. 499 (1964).

“Sex, Pornography, and Justice,” 41 NOTRE DAME L. REV. 1055 (1966).

“A Proposed Electronic Surveillance Control Act,” 43 NOTRE DAME L. REV. 657 (1968) (with Hancock).

“The Organized Crime Control Act (S. 30) or Its Critics: Which Threatens Civil Liberties?,” 46 NOTRE DAME L. REV. 55 (1970) (with McClellan).

“Codification, Reform, and Revision: The Challenge of a Modern Federal Criminal Code,” 1971 DUKE L.J. 663 (with McClellan).

“The Application of the Video Telephone to the Administration of Criminal Justice,” 3 J. POLICE. SCI. & ADMIN. 38 (1975).

“Criminal Redistribution of Stolen Property: The Need for Law Reform,” 74 MICH. L. REV. 1511 (1976) (with Goldsmith).

“The development of the Federal Law of Gambling,” 63 CORNELL L. REV. 923 (1978) (with Kurland).

“State Conducted Lotteries: History, Problems, and Premises,” 35 J. SOC. ISSUES 62 (1979).

“On the Waterfront: RICO and Labor Racketeering,” 17 AM. CRIM. L. REV. 341 (1980) (with Goldstock).

“Racketeer Influenced and Corrupt Organizations (RICO): Basic Concepts - Criminal and Civil Remedies,” 53 TEMP. L.Q. 1009 (1980) (with Gettings).

“The RICO Civil Fraud Action in Context: Reflections on *Bennett v. Berg*,” 58 NOTRE DAME L. REV. 237 (1982).

“Organized Crime: Enforcement Strategies,” in ENCYCLOPEDIA OF CRIME AND JUSTICE, vol. 3, p. 1107 (1983).

“Legal Regulation of Gambling Since 1950,” 474 ANNALS AM. ACAD. POL. & SOC. SCI. 12 (1984).

“Gaming, Lotteries, and Wagering: The Pre-Revolutionary Roots of the Law of Gambling,” 16 RUTGERS L.J. 211 (1985).

“Bribes,” 60 NOTRE DAME L. REV. 1255 (1985).

“Equitable Relief Under Civil RICO: Reflection on *Religious Technology Center v. Wollersheim*: Will Civil RICO Be Effective Only Against White-Collar Crime?,” 62 NOTRE DAME L. REV. 526 (1987) (with Cessar).

“Forfeiture of Legal Fees: Who Stands to Lose?,” 36 EMORY L.J. 781 (1987).

“An Analysis of the Myths That Bolster Efforts to Rewrite RICO and the Various Proposals for Reform: ‘Mother of God--Is This the End of RICO?,”” 43 VAND. L. REV. 851 (1990) (with Perry).

“Debunking RICO's Myriad Myths,” 64 ST. JOHN’S L. REV. 701 (1990).

“Law and the Continuing Enterprise: Perspectives on RICO: Foreword,” 65 NOTRE DAME L. REV. 873 (1990).

“Warren Commission,” in ENCYCLOPEDIA OF THE AMERICAN PRESIDENCY, vol. 4, p. 1590 (1994).

“Racketeer Influenced and Corrupt Organizations Act (RICO),” in THE ENCYCLOPEDIA OF THE UNITED STATES CONGRESS, vol. 3, p. 1659 (1995).

“Federal Criminal Law: The Need, Not for Revised Constitutional Theory or New Congressional Statutes, but the Exercise of Responsible Prosecutive Discretion,” 46 HASTINGS L.J. 1175 (1995).

“Securities Reform and RICO: A Lawyer's Dream,” 23 RICO LAW REPORTER 802 (1996).

“Reflections on *Reves v. Ernst & Young*: Its Meaning and Impact on Substantive, Accessory, Aiding Abetting and Conspiracy Liability Under RICO,” 33 AM. CRIM. L. REV. 1345 (1996) (with Roddy).

“Of Characterization and Other Matters: Thoughts About Multiple Damages,” 60 LAW & CONTEMP. PROBS. 97 (1997).

“Threats, Free Speech, and the Jurisprudence of the Federal Criminal Law,” 2002 BYU L. REV. 829 (with Murray).

BOOKS:

“Aspects of the Evidence Gathering Process in Organized Crime Cases,” 80 TASK FORCE REPORT: ORGANIZED CRIME, PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE (1967).

“Local Law Enforcement Response to the Challenge of Organized Crime,” PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE (1967).

THE DEVELOPMENT OF THE LAW OF GAMBLING: 1776-1976 (NILE, 1978).

RACKET BUREAUS: INVESTIGATION AND PROSECUTION OF ORGANIZED CRIME (NILE, 1978) (with Goldstock and Rogovin).

PERSPECTIVES ON THE INVESTIGATION OF ORGANIZED CRIME, 3 vols. (1978-80).

THE PLOT TO KILL THE PRESIDENT (New York: Times Books, 1981) (with Billings) (reprinted as FATAL HOUR (Berkley, 1992)).

ORGANIZED CRIME IN THE UNITED STATES: A REVIEW OF THE PUBLIC RECORD ON ORGANIZED CRIME (NILE, 1982).

“Asset Forfeiture Under Federal Criminal Law,” chapter 8, pp. 127-144, in THE POLITICS AND ECONOMICS OF ORGANIZED CRIME (H. Alexander & G. Caiden eds., Lexington Books, 1985).

“Definition of Organized Crime in Statutes and Law Enforcement Administration,” in THE IMPACT: ORGANIZED CRIME TODAY, REPORT OF THE PRESIDENT’S COMMISSION ON ORGANIZED CRIME 511 (1986).

“RICO: The Federal Experience (Criminal and Civil) and an Analysis of Attacks Against the Statute,” chapter 20, pp. 451-489, in HANDBOOK OF ORGANIZED CRIME IN THE UNITED STATES (R. Kelly *et al.* eds., Greenwood Publishing Group, 1994).

“RICO: An Overview,” chapter 1, CIVIL RICO PRACTICE MANUAL (P. Batista ed., Wiley Law Publications, 1996).