

## Curriculum Vitae

July 2008

### **Kenneth W. Dam**

Max Pam Professor Emeritus of American & Foreign Law and Senior Lecturer  
1111 East 60th Street  
Chicago, IL 60637  
phone: 773-702-0216  
email: [kdam@law.uchicago.edu](mailto:kdam@law.uchicago.edu)

### *ACADEMIC & PROFESSIONAL APPOINTMENTS*

#### Full Time

University of Chicago Law School:

Max Pam Professor Emeritus of American and Foreign Law and Senior Lecturer,  
*2004-*

Max Pam Professor of American and Foreign Law, *1992 - 2004 (on leave of absence  
for government service, 2001 - 2003)*

Director, Law and Economics Program, *1978 - 1980, 1995 - 1999*

Harold J. and Marion F. Green Professor, *1976-85 (on leave of absence for  
government service, 1982-85)*

Professor, *1964 - 1971, 1974 - 1976*

Associate Professor, *1961 - 1964*

Assistant Professor, *1960 - 1961*

United States Department of the Treasury, Deputy Secretary of the Treasury, *2001 -  
2003*

United States Department of State, Deputy Secretary of State, *1982 - 1985*

IBM Corporation

Vice President, Law and External Relations, and member of the Corporate  
Management Board, *1986 - 1992*; Director, IBM World Trade Asia Pacific Board,  
*1986 - 1992*; Vice President, *1985 - 1986*

University of Chicago  
Provost, *1980 - 1982*

Council on Economic Policy  
(responsible for coordination of U.S. domestic and international economic policy)  
Executive Director, *February - December 1973*

Office of Management and Budget  
*Assistant Director for national security and international affairs, 1971 - 1973*

University of Freiburg i. Br., Germany  
Visiting Professor, *1964*

Cravath, Swaine & Moore, New York  
Associate, *1958 - 1960*

Mr. Justice Whittaker, U.S. Supreme Court  
Law Clerk, *1957 - 1958*

#### Part Time

Alcoa  
Director, *1987 - 2001*

Kirkland & Ellis  
Of Counsel, *1993 - 1995* Consultant, *1961 - 1971, 1974 - 1980, 1996*

BMW of North America  
Member, Advisory Board, *1990 - 1995*

System Arbitrator for professional basketball, *1996 - 2001*

MCI Communications Corp. v. American Telephone and Telegraph Co. (Northern District of Illinois), Special Master, *1976 - 1979*

### *EDUCATION*

LL.D. (hon.), New School for Social Research, 1983

J.D., University of Chicago Law School, 1957

B.S., University of Kansas, 1954

### *PUBLICATIONS*

#### Books

*The Law-Growth Nexus: The Rule of Law and Economic Development* (Brookings Institution Press 2006).

*The Rules of the Global Game: A New Look at U.S. International Policymaking* (University of Chicago Press 2001).

*Cryptography's Role in Securing the Information Society* (co-editor) (National Academy 1996).

*The Rules of the Game: Reform and Evolution in the International Monetary System* (University of Chicago Press 1982).

*Energy: The Next Twenty Years*, A Study Group Report Sponsored by the Ford Foundation (Ballinger Publishing Co. 1979) (co-author).

*Economic Policy Beyond the Headlines* (W. W. Norton 1978) (with George P. Shultz) (2nd ed. 1998).

*Oil Resources: Who Gets What How?* (University of Chicago Press 1976).

*The GATT: Law and International Economic Organization* (University of Chicago Press 1970).

*Federal Tax Treatment of Foreign Income* (Brookings Institution 1964) (with Lawrence Krause).

#### Articles

"Cordell Hull, the Reciprocal Trade Agreements Act, and the WTO," 1 *New York University Journal of Law and Business* 709 (2005).

"Cordell Hull, the Reciprocal Trade Agreements Act, and the WTO," in *Reforming the World Trading System: Legitimacy, Efficiency, and Democratic Governance*, Ernst-Ulrich Petersmann, ed. (Oxford University Press 2005).

"Intellectual Property in an Age of Software and Biotechnology," in *Chicago Lectures in Law and Economics* 113, Eric A. Posner, ed. (2000).

"Intellectual Property and the Academic Enterprise," in *The Changing Character, Use and Protection of Intellectual Property* 17, German-American Academic Council Foundation (GAAC Bonn-Washington 1999).

"Self-Help in the Digital Jungle," 28 (2) *J. of Leg. Studies* (June 1999), reprinted in *Expanding the Boundaries of Intellectual Property: Innovation Policy for the Knowledge Society*, Rochelle Dreyfus, Diane L. Zimmerman & Harry First, eds. (Oxford 2001).

"Who Says Who Can Access What? The Policy Crisis over Cryptography in the Information Age," *Science, Technology, and the Law* (New York Academy of Sciences 1998).

"National Cryptography Policy for the Information Age," *Issues in Science and Technology* 33 (Summer 1996).

"Some Economic Considerations in the Intellectual Property Protection of Software," 24 *J. of Leg. Studies* 321 (1995).

"Die Ökonomischen Grundlagen des Patentrechts," in *Ökonomische Analyse der rechtlichen Organisation von Innovationen* 283, Claus Ott and Hans-Bernd Schaefer, eds. (1994).

"The Economic Underpinnings of Patent Law," 23 *J. of Leg. Studies* 247 (1994).

"Extraterritoriality in an Age of Globalization: The Hartford Fire Case," 1993 *Supreme Court Review* 289.

"The Growing Importance of International Protection of Intellectual Property," 21 *The International Lawyer* 3 (1987).

"Economic and Political Aspects of Extraterritoriality," 19 *The International Lawyer* 887 (1985).

"Extraterritoriality and Conflicts of Jurisdiction," 77 *Am. Soc. of Int'l Law (Proceedings)* 370 (1983).

"From the *Gold Clause* Cases to the Gold Commission: A Half Century of American Monetary Law," 50 *U. Chi. L. Rev.* 504 (1983).

"The Legal Tender Cases," 1981 *Supreme Court Review* 367.

"Antitrust in an Open World Economy," *Conference Board Bulletin* No. 94, p. 9 (1981).

"The Economics of Due Process," in *Directions in Energy Policy: A Comprehensive Approach to Energy Resource Decision-Making*, Behram Kursunoglu and Arnold Perlmutter, eds. (1979).

"The American Fiscal Constitution," 44 *U. Chi. L. Rev.* 271 (1977).

"Reflections on Wage and Price Controls," 30 *Industrial and Labor Relations Review* 139 (1977) (with George P. Shultz).

"The Myth of Budget Tuning," 5 *The Stanford Magazine* 13 (1977) (with George P. Shultz).

"The Role of Rules in the International Monetary System," (U. of Miami Law and Economic Center 1976).

"Class Actions: Efficiency, Compensation, Deterrence, and Conflict of Interest," 4 *J. of Legal Studies* 47 (1975).

"Economic Intelligence and Analysis," Commission on the Organization of the Government for the Conduct of Foreign Policy, Appendices to Report, Vol. 3, p. 303.

- "Class Action Notice: Who Needs It?," 1974 *Supreme Court Review* 97.
- "The Evolution of North Sea Licensing Policy in Britain and Norway," 17 *J. Law and Econ.* 213 (1974).
- "The Special Responsibility of Lawyers in the Executive Branch," 55 *Chicago Bar Record, Special Centennial Issue* 4 (1974).
- "Implementation of Import Quotas: The Case of Oil," 14 *J. Law and Econ.* 1 (1971).
- "Consumer Protection: An Overview," 39 *Antitrust L.J.* 914 (1970).
- "Corporate Takeovers and the Antitrust Laws," 25 *Bus. Lawyer* 735 (1970); 30 *Antitrust L.J.* (1970).
- "The Pricing of North Sea Gas in Britain," 13 *J. Law and Econ.* 11 (1970).
- "*Fortner Enterprises v. United States Steel*: 'Neither a Borrower nor a Lender Be,'" 1969 *Supreme Court Rev.* 1, reprinted in *The Supreme Court and Patents and Monopolies* 215, Philip B. Kurland, ed. (1975).
- "Exclusive Distributorships in the United States and the European Economic Community," in *Ius Privatum Gentium, Festschrift für Max Rheinstein*, Vol. 2, p. 721 (1969), reprinted in 16 *Antitrust L.J.* 111 (1971).
- "Is the Colgate Doctrine Dead?," 37 *Antitrust L.J.* 772 (1968).
- "Oil and Gas Licensing in the North Sea," 8 *J. Law and Econ.* 51 (1965).
- "The European Common Market in Agriculture," 67 *Columbia L. Rev.* 209 (1967).
- "Trademarks, Price Discrimination and the Bureau of Customs," 57 *Trademark Reporter* 14 (1967), reprinted from 7 *J. Law and Econ.* 45 (1964).
- "Some International Constraints on Improved Export Earnings of Developing Countries: Tariff Preferences and the Cotton Textiles Agreement," in *Development: International Law and Economics* 107 (Vol. 2, Proceedings of the International Society, Stanford School of Law, 1967).
- "International Legal Aspects of Federalism," in *Federalism and the New Nations of Africa*, David P. Currie, ed. (1964).
- "The Economics and Law of Price Discrimination: Herein of Three Regulatory Schemes," 31 *U. Chi. L. Rev.* 1 (1963).
- "Regional Economic Arrangements and the GATT: The Legacy of a Misconception," 30 *U. Chi. L. Rev.* 615 (1963).

Reports, Comments, and Book Reviews

"U.S. International Economic Strategies," in *The Future of American International Engagement* 85 (Center for Strategic & International Studies (1997).

"Role of Private Groups in Public Policy: Cryptography and the National Research Council" (Law School Occasional Paper 38) (1997).

"Government Should Loosen Reins on Communications Encryption," *Dayton Daily News* 19B (Nov. 24, 1996) (with Herbert S. Lin).

"Protecting Information in Cyberspace," *Journal of Commerce* (Sept. 23, 1996) (with Herbert S. Lin).

"The Cryptography Wars," *Washington Post* (July 23, 1996) (with Herbert S. Lin).

"Inter-Organizational Collaboration: Biotechnology and Computers Compared," 152 *Journal of Institutional and Theoretical Economics* 216 (1996).

"Law, Diplomacy, and Force: North Korea and the Bomb" (Law School Occasional Paper No. 33).

"At the Heart of the Political Culture," in *Amerika in Uns, Deutsch-amerikanische Erfahrungen and Visionen*, Beate Lindeman, ed. (1995).

"U.S. Policy Options in International Trade," *The American Enterprise* Vol. 1, No. 4, p. 30 (1990).

"Introduction" to Special Issue, *The International Lawyer* 807 (1989).

*Korea At the Crossroads*, a report of the Korea Study Group chaired by Kenneth W. Dam (Council on Foreign Relations and The Asia Society, 1987).

"The Questionable Future of a Business-Judgment Rule in Antitrust," in Betty Bock, "The Future of a Business-Judgment Standard in Antitrust," *Antitrust Forum* 1986, Conference Board Research Bulletin No. 207, p. 18.

"The Reform Package of 1986: The Mix of Politics, Law and Economics," in Betty Bock, *Antitrust: New Directions vs. New Backlash*, Antitrust Conference 1986, Conference Board Research Bulletin No. 197, p. 15.

"Economic Analysis and Antitrust Law," in Betty Bock, "Antitrust and New Views of Microeconomics," Conference Board Research Bulletin, No. 195, p. 10.

"The Future of Gold," Occasional Paper No. 20, University of Chicago Law School (1984).

"Implications for Antitrust of a Shrinking Globe," in Betty Bock, "Antitrust in the Competitive World of the 1980's," Conference Board Research Bulletin No. 112, p. 12.

Comment on Donald G. Ogilvie, "Constitutional Limits and the Federal Budget," in Rudolph G. Penner, *The Congressional Budget Process After Five Years* 135 (1981).

Comment on William F. Baxter, "The Political Economy of Antitrust," *The Political Economy of Antitrust* 71, Robert D. Tollison, ed. (1980).

Comment on J. M. Finger, "Trade Liberalization: A Public Choice Perspective," in *Challenges to a Liberal International Economic Order* 467, Ryan C. Amacher et al., eds. (1979).

Comment on Harold Demsetz, "Economics as a Guide to Antitrust," 19 *J. Law and Econ.* 385 (1976).

Comment on "Alternatives to a Law of the Sea Treaty," in Ryan C. Amacher and Richard James Sweeney, *The Law of the Sea: U.S. Interests and Alternatives* 152 (1976).

Comment on Herbert Stein, "The Politics of Inflation," in Meiselman and Laffer, *The Phenomenon of Worldwide Inflation* (1975).

Review of Carl H. Fulda and Warren F. Schwartz, *Cases and Materials on the Regulation of International Trade and Investments*, 57 *A.B.A.J.* 1018 (1971).

Review of Richard E. Caves, *Air Transport and its Regulators*, 32 *U. Chi. L. Rev.* 200 (1964).

Review of Association of the Bar of the City of New York, *Conflict of Interest and Federal Service*, *Bulletin of Atomic Scientists* 343 (1961).

Note: Professor Dam's speeches and Congressional testimony as Deputy Secretary of State were published in the State Department Bulletin from 1982 to 1985.

### Working Papers

China as a Test Case: Is the Rule of Law Essential for Economic Growth?," *University of Chicago Law School, John M. Olin Law & Economics Working Paper No. 275* (2006).

"Institutions, History, and Economic Development," *University of Chicago Law School, John M. Olin Law & Economics Working Paper No. 271* (2006).

"Legal Institutions, Legal Origins, and Governance," *University of Chicago Law School, John M. Olin Law & Economics Working Paper No. 303* (2006).

"The Judiciary and Economic Development," *University of Chicago Law School, John M. Olin Law & Economics Working Paper No. 287* (2006).

"Land, Law and Economic Development," *University of Chicago Law School, John M. Olin Law & Economics Working Paper No. 272* (2006).

"Equity Markets, the Corporation and Economic Development," University of Chicago Law School, John M. Olin Law & Economics Working Paper No. 280 (2006).

"Credit Markets, Creditors' Rights and Economic Development," *University of Chicago Law School, John M. Olin Law & Economics Working Paper No. 281* (2006).

"Cordell Hull, the Reciprocal Trade Agreement Act, and the WTO," *University of Chicago Law School, John M. Olin Law & Economics Working Paper No. 228* (2004).

"Intellectual Property and the Academic Enterprise," *University of Chicago Law School, John M. Olin Law & Economics Working Paper No. 68* (1999).

"Self-Help in the Digital Jungle," *University of Chicago Law School, John M. Olin Law & Economics Working Paper No. 59* (1999).

#### *ADDITIONAL ACTIVITIES*

Member, Aspen Strategy Group, 1985-2001, 2003-2006 (co-chairman, 1990-2001).

Member, Shadow Financial Regulatory Committee, 2003-present.

Member, Science, Technology and Law Panel, The National Academies, 2003-present.

Arbitrator in private arbitrations in the biotechnology, computer services, copper, oil, professional football, and professional basketball industries.

Chairman, German-American Academic Council, 1999-2001.

Consultant, U.S.-Russian Business Forum, 1997 to 1998.

Chairman, Advisory Committee, Foreign Affairs, 1996-2001.

Member, National Commission on Philanthropy and Civic Renewal, 1996-97.

Chairman, Committee to Study National Cryptography Policy, National Research Council, 1994 to 1996.

President and Chief Executive Officer, United Way of America (on an interim basis), March-August 1992.

Chairman, Committee on Scientists and Engineers in the Federal Government, National Research Council, 1991-1992.

Special Consultant, Lexecon Inc., 1981-82.

Consultant to RAND Corporation, 1974-82.

Member, Research and Policy Committee, Committee for Economic Development, 1982.

Member, Ford Foundation "Next Twenty Years" Energy Panel, 1978-79.

Adjunct Scholar and Member, Academic Advisory Board, American Enterprise Institute, 1976-82.

Rockefeller Foundation Fellowship (for study of regional and international organizations), 1966.

Associated Staff (nonresident), Brookings Institution, 1961-64.

### PART-TIME GOVERNMENT EXPERIENCE

Consultant to:

- Office of Management and Budget, 1974
- Department of the Treasury, 1974
- Administrative Conference, 1974-75
- Commission on the Organization of the Government for the Conduct of Foreign Policy, 1975
- Federal Trade Commission, 1975-76

Member:

- Defense Policy Board, Department of Defense, 1994-98
- Investment Policy Advisory Committee, Office of the United States Trade Representative, 1987-92
- Advisory Committee on International Law, U.S. Department of State, 1986-1990
- Advisory Council, U.S. Patent and Trademark Office, 1976-78

### NON-PROFIT BOARDS

Committee for Economic Development, 2006-present.

The Brookings Institution, 1989-2001, 2003-present.

Munich Intellectual Property Law Center, 2004-present.

Chicago Council on Foreign Relations, various periods ending 2001.

Council on Foreign Relations (New York), 1992-2001.

America-China Society, 1988 to 1999.

American Council on Germany, 1986 to 1995.

The Asia Society, 1987 to 1992.

Foreign Policy Association, 1987 to 1992.

Japan Society, 1988 to 1992.

Joint Council on Economic Education, 1987 to 1992.

United States Council for International Business, 1986 to 1992.