



# JERRY L. MASHAW

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#### PERSONAL

Born 1941, Shreveport, Louisiana Married; two children; four grandchildren

### **EDUCATION**

B.A. 1962, Tulane University; Philosophy; Phi Beta Kappa

LL.B.1964, Tulane University Law School; Editor-in-Chief, *Tulane Law Review*; Order of the Coif; Class Rank: first. 1964-66; Marshall Scholar, University of Edinburgh Law School

Ph.D. 1969, University of Edinburgh (European Governmental Studies)

# **EMPLOYMENT**

1966-68 Assistant Professor, Tulane University Law School

1968-76 Assistant, Associate and Professor of Law, University of Virginia Law School

1976-2015 Sterling Professor of Law and Management, and Professor, Yale Institute for Social and Policy Studies, Yale University. (1982-1990, William Nelson Cromwell Professor of Law; 1991-1994, Gordon Bradford Tweedy Professor of Law and Organization)

2015- Sterling Professor of law Emeritus and Professorial Lecturer, Yale University.

(<u>Principal Subjects</u>: Administrative Law; Design of Public Institutions; Federal Health and Safety Regulation; Social Welfare Policy)

# OTHER MAJOR PROFESSIONAL ACTIVITIES

Senior Fellow at the Administrative Conference of the United States, Executive Office of the President, Washington, D.C.

Past President and member of Board of Trustees, National Academy of Social Insurance

Fellow, National Academy of Arts and Sciences

Founding Co-editor (with O.E. Williamson), Journal of Law Economics and Organization

Occasional Consultant: Social Security Administration; National Institute of Medicine; various private foundations

Board of Advisory Editors numerous professional journals

#### BOOKS:

Administrative Law: The American Public Law System (with Richard A. Merrill, Peter M. Shane, M. Elizabeth Magill, Mariano-Florentino Cuellar & Nicholas R. Parillo) West Academic Publishing (7<sup>th</sup> Edition 2014).

Social Security Hearings and Appeals (with W. Schwartz, P. Verkuil, C. Goetz and F. Goodman) Lexington Books (1978).

Bureaucratic Justice: Managing Social Security Disability Claims, Yale University Press, (1983). Paper bound edition (1985). (Awarded Gerard Hendersen Memorial Prize by Harvard University, 1993).

Due Process in the Administrative State, Yale University Press (1985).

Social Security: Beyond the Rhetoric of Crisis (edited with T.R. Marmor) Princeton University Press, (1988).

America's Misunderstood Welfare State: Persistent Myths, Enduring Realities, (with T.R. Marmor and P.L. Harvey), Basic Books (1990). Paperbound edition (1992).

The Struggle for Auto Safety (with D.L. Harfst), Harvard University Press (1990). (Awarded Sixth Annual Scholarship Prize of Section on Administrative Law and Regulatory Policy, ABA, 1992).

Disability, Work and Cash Benefits (edited with V. Reno, R. Burkhauser, and M. Berkowitz), W.E. Upjohn Institute for Employment Research, Kalamazoo, Michigan (1996).

Balancing Security and Opportunity: The Challenge of Disability Income Policy (with V. Reno), NASI (1996).

The Environment of Disability Policy: Programs, People, History and Context (with V. Reno), NASI (1996).

Challenge for Social Insurance, Health Care Financing and Labor Market Policy (with V. Reno and W. Gradison), Brookings (1996).

Restructuring the SSI Disability Program for Children and Adolescents (with J. Perin and V. Reno), NASI (1996).

Greed, Chaos and Governance: Using Public Choice to Improve Public Law, (Yale University Press, 1997). (Awarded Twelfth Annual Scholarship Prize, Section on Administrative Law and Regulatory Policy, ABA, 1998); and the Order of the Coif Triennial Book Award (2002) for books published between 1997 and 1999).

True Security: Rethinking American Social Insurance, (with M.J. Graetz) Yale University Press (1999).

### BOOKS - (CONTINUED):

Seasoned by Salt: A Voyage in Search of the Caribbean (with A.U. MacClintock) Sheridan House (2003) (paperback, 2007).

Administrative Law: The American Public Law System (with Merrill & Shane) (West-Thompson, 6<sup>th</sup> Ed. 2009).

Creating the Administrative Constitution: The Lost 100 Years of American Administrative Law, Yale University Press, New Haven & London, 2012.

Social Insurance: America's Neglected Heritage and Contested Future (with T.R. Marmor and John Pakutka, Sage 2013).

### ARTICLES AND BOOK CHAPTERS:

"Federal Issues In and About the Court of Justice of the European Communities," 40 Tul. L. Rev. 21 (1965).

"Case No. 56/65, Societe Technique Minere (L.T.M.) v. Societe Maschinenbau Ulm G.m.b.H. (M.B.U.)," 4 Common Market L. Rev. 232 (1966).

"A Sketch of the Consequences for Louisiana Law of the Adoption of 'Article 2: Sales' of the Uniform Commercial Code," 42 Tul. L. Rev. 740-94 (1968).

"Welfare Reform and Local Administration of Aid to Dependent Children in Virginia," 57 Va. L. Rev. 818 (1971).

"Enforcement of Federal Standards in Federal Grant-in Aid Programs" (with E.A. Tomlinson) 58 Va. L. Rev. 600-693 (1972).

"The Legal Structure of Frustration: Alternative Strategies for Public Choice Concerning Federally Aided Highway Construction," 122 U. Pa. L. Rev. 1-96 (1973).

"The Management Side of Due Process: Some Theoretical and Litigation Notes on the Assurance of Accuracy, Fairness and Timeliness in the Adjudication of Social Welfare Claims," 59 Cornell L. Rev. 772-824 (1974).

"Reforming Bureaucracy: The Administrative Conference Technique," 26 Admin. L. Rev. 261 (1974).

"The Supreme Court's Due Process Calculus for Administrative Adjudication: Three Factors in Search of a Theory of Value," 44 Chi. L. Rev. 28 (1976).

"The Legal Effects of Facts: Some Reflections on Trading Pedestrians for Passengers," in Miller and Manne, Auto Safety Regulation: The Cure or the Problem (1976).

"Civil Liability of Government Officers: Property Rights and Official Accountability," 1978 Law & Contemp. Probs. 8.

# ARTICLES AND BOOK CHAPTERS - (CONTINUED):

- "The Definition of Disability from the Perspective of Administration" in E. Berkowitz, ed., Disability Policies and Government Programs (Praeger, 1979).
- "Regulation, Logic and Ideology," Regulation (Nov/Dec, 1979).
- "Comment: Modesty and Immodesty in Policy-Oriented Empirical Research," 32 Admin. L. Rev. 73 (1980).
- "Constitutional Deregulation: Notes Toward a Public, Public Law," 54 Tul. L. Rev. 849 (1980).
- "How much of What Quality: A Comment on Conscientious Procedural Design," 65 Cornell L. Rev. 823 (1980).
- "Conflict and Compromise Among Ideals of Administrative Justice," 1981 Duke L. J. 181.
- "Administrative Due Process: The Quest for a Dignitary Theory," 61 B.U. L. Rev. 885 (1981).
- "Administrative Due Process as Social-Cost Accounting," 9 Hofstra L. Rev. 1423 (1981).
- "Thinking about Institutional Review Boards" in Whistleblowers and Others (President's Commission for the Study of Ethical Problems in Medicine and Research, 1982).
- "Two Models of Regulatory Decisionmaking," in Nyhart and Carrow, eds., Law and Science in Collaboration (Lexington Books, 1983).
- "Mirrored Ambivalence: A Sometimes Curmudgeonly Comment on the Relationship Between Organization Theory and Administrative Law," 33 J. of Legal Educ. 24 (1983).
- "Rights in the Federal Administrative State," 92 Yale L. J. 7 (1983).
- "Federalism and Regulation," (with S. Rose Ackerman) in Eads & Fix, eds., Reagan's Regulatory Strategy 111 (Urban Institute Press 1984).
- "Corporate Social Responsibility: Some Comments on the Legal and Economic Context of a Continuing Debate," Yale J. of Soc. Pol'y (1985).
- "Prodelegation: Why Administrators Should Make Political Decisions", 1 J. L. Econ. & Org. 81 (1985).
- "A Comment on Causation, Law Reform, and Guerilla Warfare," 73 Geo. L. J. 1393 (1985).
- "Regulation and Legal Culture: The Case of Motor Vehicle Safety," 4 Yale J. on Reg. 257 (1987).

"Dignitary Process: A Political Psychology of Liberal Democratic Citizenship," 39 U. Fla. L. Rev. 433 (1987).

"As-If-Republican Interpretation," 97 Yale L. J. 1673 (1988).

"The Dilemma of Toxic Substances Regulation," (book review) 19 Rand J. of Econ. 486 (1988).

"Administration of Workers' Compensation Programs: Lessons from Social Security Disability Insurance," in John Burton, ed., New Perspectives in Workers' Compensation (ILR Press (1988).

"Disabled Policy: America's Programs for the Handicapped", (book review) 41 Ind. & Labor Relations Rev. 632 (1988).

"The Economics of Politics and the Understanding of Public Law," 65 Chi.-Kent L. Rev. 123 (1989).

"Inside the National Highway Traffic Safety Administration: Legal Determinants of Bureaucratic Organization and Performance," (with D.L. Harfst) 57 U. Chi. L. Rev. 443 (1990).

"Explaining Administrative Process: Normative, Positive, and Critical Stories of Legal Development", 6 J. L. Econ. & Org. 267 (1990).

"Northern Light: Canada's Lessons for American Health Care," (with T.R. Marmor) The American Prospect, Fall (1990).

"The Attack on Social Security" (with T.R. Marmor and P.L. Harvey) 115 Domestic Affairs 1 (1991).

"The Politics of Regulatory Change", (book review) 105 Polit Sci. Quart. 164 (1990).

"The Fear of Discretion in Government Procurement," Yale J. on Reg. 511 (1991).

"Implementing Quotas," 79 Geo. L. J. 1769 (1991).

"Textualism, Constitutionalism, and the Interpretation of Federal Statutes", 32 Wm. & Mary L. Rev. 827 (1991).

"Imagining the Past; Remembering the Future," 1991 Duke L. J. No. 3, p. 711 (1991).

"Organizing Adjudication: Reflections on the Prospects for Artisans in the Age of Robots", 39 U.C.L.A. L. Rev. 1055 (1992).

"America's Misunderstood Welfare State: Myths and Realities", (with T.R. Marmor) 5 Governance 493 (1992).

"The Case for State-Led Health Care Reform", 2 Domestic Affairs 1 (1993).

"Rhetoric and Reality", (with T.R. Marmor) 15 Health Management Quart. 21 (1993).

"Praise Reform and Start the Litigation", New Engl. J. of Med., (December, 1993).

"Cassandra's Law," (with T.R. Marmor), 210 The New Republic, No. 4, p. 20 (February 14, 1999).

"Conceptualizing, Estimating and Reforming Fraud, Waste and Abuse in Health Care Spending" (with T.R. Marmor) 11 Yale J. on Reg. 455 (Summer 1994).

"Ethics, Institutional Complexity and Health Care Reform: The Struggle for Normative Balance", (with M.J. Graetz) 10 J. Contemp. Health L. & Pol'y 93 (1994).

"L'esperienza degli State Uniti d'America" in Domenico Sorace, ed., La Responsabilita Pubblica Nell' Esperienza Giuridica Europa, 383-434 (1994).

"Improving the Environment of Agency Rulemaking: An Essay on Management, Games and Accountability", 57 L. & Contemp. Probs. 185 (1994).

"Against First Principles", 31 U. San Diego L. Rev. Review 211 (Winter 1994).

I funzionari pubblici negli Stati Uniti, in M. D'Alberti, ed., L'Alta Burocrazia, 41-90 (1994).

"Understanding the Choices in Health-Care Reform", (with The Health Care Study Group) 19 J. Health Politics, Pol. & Law 499 (1994).

"Strategy for Survival: Change and Stability in the Management of Health-Care Institutions", (with T.R. Marmor) 16 Health Management Quarterly No. 4 at p. 5 (1995).

"Gingrich's Time Bomb", (with T.R. Marmor and P. Harvey), The American Prospect, Spring (1995). Reprinted in R. Kutner, ed., Ticking Time Bombs, (Free Press, 1996).

Book Review, Disability and the Displaced Worker, by Edward H. Yelin, 20 J. of Health Politics, Pol. & Law225 (Spring 1995).

"Drafting Comprehensive Health Care Reform Legislation: 'It's The Administrative Law, Stupid'", in Symposium: Administrative Law Issues in Comprehensive Health Care Reform, 47 Administrative Law Review 449 (1995).

"The Case for Federalism and Health Care Reform", (with T.R. Marmor), 28 Conn. L. Rev. 115 (Fall, 1995).

"Preenforcement Judicial Review of Administrative Rulemaking: Some Lessons From Recent American Experience", Primeras Jornadas Internacionales de Derecho Administrativo, Caracas, Venezuela (1995).

"America's Experiment with Motor Vehicle Safety Regulation", 1 J. Injury Prev. 7-8 (1995).

Book Review, Between the Lines: Interpreting Welfare Rights, by R.S. Melnick, 14 J. Pol. Anal. & Manage., No. 1, p. 177 (1995).

"Can the American State Guarantee Access to Health Care?", (with T.R. Marmor) in The State, Politics and Health: Essays for Rudolf Klein (1996).

"Unemployment Compensation: Continuity, Change, and the Prospects for Reform", 29 U. Mich. J. L. Reform 1 (1996).

"Reinventing Government and Regulatory Reform: Studies in the Neglect and Abuse of Administrative Law", 57 University of Pittsburgh Law Review 405 (1996). Reprinted as: "Reinventando o Governo e Reforma Regulatória: Estudos sobre A Desconsideração e o Abuso do Diereito Administrativo", in Paulo Mattos (ed.) Regulação Econômica e Democracia (2004).

"Block Grants, Entitlements and Federalism: A Conceptual Map of Contested Terrain", (with D. Calsyn), 1996 Yale . & Pol'y Rev. 1.

"The Great Social Security Scare", (with T.R. Marmor), The American Prospect, p. 2 (November/December, 1996).

"Control Judicial de los Actos Administrativos de Ejecucion General", 1 Jornadas Internacionales de Derecho Administrativo (1996).

"Disability: Why Does the Search for Good Programs Continue?", in E. Kingson and J. Schultz, eds., Social Security in the 21st Century, Oxford (1997).

"National Health Reform: Where Do We Go From Here" (with T.R. Marmor & J. Oberlander) in R. Rich & W.D. White, eds., Health Policy, Federalism and the American States 277-292 (Urban Inst. Press, 1996).

"The Case for Social Insurance" (with T.R. Marmor) in S. Greenberg and T. Skocpol, eds., The New Majority: Toward a Popular Progressive Politics (Yale Univ. Press, 1997).

"Without a Net", XXIII Boston Review, No. 2 at 18 (1998).

"Managing the Political and Economic Risks of Pension Fund Investment in Equity Securities" in Asian Development Bank, Promoting Pension Reform: A Critical Assessment of the Policy Agenda (1998).

"Privatizing Social Security", 20 Consumers, No. 2 (1999).

"True Security: Rethinking American Social Insurance", (with M.J. Graetz) Milken Institute Review, Vol. 1, No. 4, p. 58 (1999).

- "Small Things Like Reasons Are Put in a Jar: Reason and Legitimacy in the Administrative State", 70 Ford. L. Rev. 101 (2001).
- "Agency Statutory Interpretation", Issues in Legal Scholarship, Dynamic Statutory Interpretation (2002): Article 9, <a href="http://www.bepress.com/ils/iss3/art9">http://www.bepress.com/ils/iss3/art9</a>.
- "The Case for Universal Social Insurance", with T. Marmor, in Stuart-Altman & David Schactman, eds., Policies for an Agency Society (Johns Hopkins U. Press, 2002).
- "Law and Engineering: In Search of the Law-Science Problem, 66 L. & Contemp. Prob. 135 (2003).
- "Social Insurance and The American Social Contract", in Teresa Ghilarducci, et al., In Search of Retirement Security 95 (Century Foundation Press, 2005).
- "Structuring a Dense Complexity: Accountability and the Project of Administrative Law," 6 Issues in Legal Scholarship, Article 4 (March, 2005), <a href="http://www.bepress.com/ils/iss6/art4">http://www.bepress.com/ils/iss6/art4</a>.
- "Between Facts and Norms: Agency Statutory Interpretation as an Autonomous Enterprise," 55 U. Tor. L. J. 497 (2005).
- "Norms, Practices and the Paradox of Deference: A Preliminary Inquiry Into Agency Statutory Interpretation," 57 Admin. L. Rev. 501 (2005).
- "Recovering American Administrative Law: Federalist Foundations, 1787-1801", 115 Yale L. J. 1256 (2006).
- "Accountability and Institutional Design: Some Thoughts on the Grammar of Governance". Public Accountability: Designs, Dilemmas and Experiences, Chapter 5, pp. 115-156, Michael Dowdle, ed., Cambridge University Press, 2006.
- "Exploring Agency Statutory Interpretation", 31 Admin. & Reg. Law News, No. 3, p. 6 (Spring 2006).
- "Administrative Law and Agencies: The Quest for Accountability", Encyclopedia of Law and Society: American and Global Perspectives (Sage Publications 2006).
- "Reasoned Administration: The European Union, the United States and the Project of Democratic Governance", 76 Geo. W. L. Rev. 99 (2007).
- "Understanding Social Insurance: Fairness, Affordability and the Modernization of Social Security and Medicare" (with T.R. Marmor) 15 Elder Law J. 123 (2007), reprinted in Debating Health Care: A Health Affairs Retrospective 405 (2007).
- "Agency-Centered or Court-Centered Administrative Law a Dialogue with Richard Pierce on Agency Statutory Interpretation", 59 Ad. L. Rev. 889 (2007).

- "Reluctant Nationalists: Federal Administration and Administration Law in the Republican Era", 1801-1829, 116 Yale L.J. 1636 (2007)
- "Administration and 'The Democracy': Administration law from Jackson to Lincoln, 1829-1861", 117 Yale L.J. 1568 (2008).
- "Soft Law Reform or Executive Branch Hardball: The Ambiguous Message of Executive Order 13,422", 25 Yale J. on Reg. 97 (2008).
- "Administrative Statutory Interpretation in the Antebellum Republic", 2009 Mich. St. L. Rev. 7 (2009) (with Avi Perry).
- "Governmental Practice and Presidential Direction: Lessons From the Antebellum Republic"? 45 Williamette L. Rev. 659 (2009).
- "Due Process of Governance: Terror, The Rule of Law and the Limits of Institutional Design", 22 Governance 353 (2009).
- "Administrative Statutory Interpretation in the Antebellum Republic", (with Avi Perry) 2009 Mich. St. L.Rev.7 (2009).
- "The American Model of Federal Administrative Law: Remembering the First 100 Years", 78 Geo. Wash. L. Rev. 975 (2010).
- "Center and Periphery in Antebellum Federal Administration: The Multiple Faces of Popular Control", 12 Univ. Penn. J. of Const. L. 331 (2010).
- "Federal Administration and Administrative Law in the Gilded Age", 119 Yale L.J. 1362 (2010).
- "Public Law and Public Choice: Critique and Rapprochement", in Daniel A. Farber and Ann Joseph O'Connell (eds.) Research Handbook on Law and Public Choice (2010).
- "Bureaucracy, Democracy and Judicial Review", in Robert F. Durant (ed.), The Oxford Handbook of American Bureaucracy 569-89 (2010).
- "Explaining Administrative Law: American Administrative Law in the 19<sup>th</sup> Century", in Peter Lindseth and Susan Rose-Ackerman's eds., Comparative Administrative Law, Elgar, 2010.
- "Legal, Imagined and Real Worlds: Reflections on *National Federation of Independent Business v. Sabelius*," 38 J. of Health Pol., Pol'y and Law 255 (2013).
- "Constitutional Uncertainty and the Design of Social Insurance: Reflections on the ACA Case" in Nathaniel Persily," et al., eds., The Health Care Case: The Supreme Court's Decision and Its Implications, 300-314 (with Michael J. Graetz 2013) (an expanded version under the title "Constitutional Uncertainty and the Design of Social Insurance: Reflections on the Obamacare Case" appears at 7 Harv. L & Pol'y Rev. 401 (2013)).

"Accountability and Time", in Mark Bovens et. al. eds., The Oxford Handbook of Public Accountability (OUP 2014).

"Public Reason and Administrative Accountability", in John Bell et. al., eds., Public Law Adjudication in Common Law Systems 11 (Hart Pub. Co. 2016).

"Regulatory Decision Making and Economic Analysis" (with Mariano-Florentino Cuellar) in Francesco Parisi, ed., The Oxford Handbook of Law and Economics 59-83 (2017).

"From Command and Control to Collaboration and Deference: The Transformation of Auto Safety Regulation", 34 Yale J. on Reg. 167 (2017).

"The inside Out Perspective: A First Person Account", in Nicholas R. Parillo, ed., Administrative Law from the Inside out: Essays on Themes in the Work of Jerry L. Mashaw 501-520 (2017).

### **EDITORIALS AND COMMENTARY:**

"Despite Reports, Social Security Surplus", (with T.R. Marmor), *Boston Globe*, May 23, 1988.

"Political Handcuffs Hobble Debate", (with T.R. Marmor & P.L. Harvey), Los Angeles Times, October 3, 1991.

"If We Want Real Reform, Canada Has an Example", (with T.R. Marmor & P.L. Harvey), *Los Angeles Times*, October 4, 1991.

"Myths That Explode Like Firecrackers", (with T.R. Marmor & P.L. Harvey), Los Angeles Times, October 8, 1991.

"People Will Pay If All Benefit", (with T.R. Marmor & P.L. Harvey), Los Angeles Times, October 9, 1991.

"Checking the Nation's Pulse: America's Health Insurance Fever", (with T.R. Marmor), *The Washington Post*, November 17, 1991.

"Creating a Plan for 'Us-Us' Medicine", (with T.R. Marmor), Los Angeles Times, March 26, 1993.

"Health Care Reform and the Clinton Proposal: A Citizen's Guide", (with T.R. Marmor), *Los Angeles Times*, May 6, 1993.

"Health Care Reform Costs: Rumor is Scarier than Reality", (with T.R. Marmor), Los Angeles Times, July 6, 1993.

"A Little Gridlock Might Help", (with T.R. Marmor), Los Angeles Times, August 15, 1993.

"The States as Health Care Labs", (with T.R. Marmor), *The New York Times*, August 18, 1993.

- "It's Rube Goldberg, Not Roosevelt", (with T.R. Marmor), Los Angeles Times, September 22, 1993.
- "It Will Balance Just Fine", (with T.R. Marmor), Los Angeles Times, October 7, 1993.
- "Making Sense of the Health-Care Debate", (with T.R. Marmor), *Los Angeles Times*, February 10, 1994.
- "Theatrics Cloud Health-Care Debate", (with T.R. Marmor), *The Plain Dealer*, February 13, 1994.
- "Now Into the Health-Care Fray: The Know-Nothings", (with T.R. Marmor), *Roanoke Times & World News*, February 15, 1994.
- "A Tortured Fiction is Swept From the Table", (with T. R. Marmor), *Los Angeles Times*, February 18, 1994.
- "50 Labs for Reform", (with T.R. Marmor), The New York Times, June 12, 1994.
- "Give the States a Crack at Devising Reform", (with T.R. Marmor), Los Angeles Times, July 5, 1994.
- "The Odd Jargon on the 95% Promise", (with M. Goldberg & T.R. Marmor), Los Angeles Times, August 4, 1994.
- "Critics Use Scare Tactics on Social Security", (with T. R. Marmor), *New Haven Register*, November 1, 1994.
- "Madison Ave. Meets Marcus Welby", (with T.R. Marmor), Los Angeles Times, February 19, 1995.
- "Retire the Insolvency Myth", (with T.R. Marmor), Los Angeles Times, July 30, 1995.
- "Tune-Up is Needed, Not Major Overhaul" (with T.R. Marmor), St. Louis Post-Dispatch, October 17, 1995.
- "Medicare Tactics", (with T.R. Marmor), Pittsburgh Post-Gazette, October 22, 1995.
- "Real Talk About Medicare", (with T.R. Marmor), *The Washington Post*, December 5, 1995.
- "Should Social Security Go Private", (with T.R. Marmor), *St. Loius Post Dispatch*, December 18, 1996.
- "Should Social Security Be Privatized", (with T.R. Marmor), *The Baltimore Sun*, January 5, 1997.
- "No Security in 'Personal Security' Plan", (with T.R. Marmor), Los Angeles Times, January 6, 1997.
- "The Real Implications of Privatizing Pensions", (with T.R. Marmor), *Omaha World-Herald*, January 7, 1997.

- "The Risk of Privatizing Pensions", (with T.R. Marmor), *The Hartford Courant*, January 12, 1997.
- "The Great Social Security Scare", (with T.R. Marmor), *The Miami Herald*, January 12, 1997.
- "Is There a Social Security Crisis?", (with T.R. Marmor), *The American Prospect*, January, 1997.
- "It's Congress That Throws a Wrench in the Works; Don't Blame Those Bureaucrats", *The Boston Globe*, November 9, 1997.
- "Cushioning the Risks for the Old and the Young", (with M.J. Graetz), *Los Angeles Times*, January 27, 2000.
- "Private Ownership, Collective Default," Newsday, January 10, 2005, p. A29.
- "You Didn't Ask, But I'm Telling", Arizona Daily Star, p. B5, March 14, 2006.
- "Pennsylvania Health-Care Reform: A Solid, Cost-Aware Plan", with T.R. Marmor, The Philadelphia Inquirer, March 31, 2008).
- "A Health Question for the Democratic Candidates", with T.R. Marmor, Dissentmagazine.org online, April 14, 2008.
- "A Better Way for Jobless Pay, We Must Revise What for Many is a False Promise", The Philadelphia Inquirer with T.R. Marmor, July 30, 2008.
- "Health-Care Plans Familiar," The Philadelphia Inquirer, with T.R. Marmor, October 13, 2008.