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### **CURRENT POSITION**

Elyce Zenoff, Research Professor of Law, George Washington University Law School (Associate Professor 1979-83; Full Professor 1983- Present). Current subjects taught: Constitutional Law and Criminal Procedure.

### **OTHER TEACHING EXPERIENCE**

Lecturer, DC Bar Continuing Legal Education, "How To Read and Understand a Financial Statement." (1980-81).

Visiting Lecturer, University of Witwatersrand, Johannesburg, South Africa (Corporate Law; Constitutional Law (1983-84)

Visiting Professor, University of North Carolina Law School, Chapel Hill, NC (Constitutional Law; Criminal Procedure) (Spring 1994)

Online Lecturer, Concord University Law School, Los Angeles, CA (Constitutional Law) (1996-98)

Adjunct Professor, American University Law School, Washington, DC (Spring 1997).

Visiting Professor, University of California, Hastings, San Francisco, CA (Constitutional Law; Criminal Procedure) (Spring 1998).

Visiting Professor, Trinity College, Dublin, Ireland (July-Aug. 2001)

Visiting Professor, University of the Pacific, McGeorge Law School, Sacramento, CA (Criminal Procedure; Advisor to Criminal Justice Externs) (Summers, 1999-2005)

Lecturer, Bar Review: SMH Bar Review (1980-95); West Bar Review (1996-99), BARBRI Bar Review (1999-2012) (Multistate; Constitutional Law in jurisdictions around the country).

### **OTHER EXPERIENCE**

Councilmember, Council of the District of Columbia (elected position, 2007 - 2023); Served as Chair of the Committee on Transportation and the Environment, the Committee on Government Operations, the Committee on Banking, Regulatory Affairs, and Energy; Chairman Pro Tempore (2011-2012)

Law Clerk, Chief Justice Richard J. Hughes, N.J. Supreme Court (1975-76).

Associate, Fried, Frank, Harris, Shriver, and Kampleman (1977-79).

Consultant, Center for Applied Legal Studies, Johannesburg, South Africa (comparing U.S. First Amendment Law to South African controls on expression) (1983-84).

Special Assistant U.S. Attorney (1986).

Consultant, National Institute of Justice, Department of Justice (1996-98)

## **PROFESSIONAL SERVICE**

Member, Committee on Scientific Freedom and Responsibility, American Association for the Advancement of Science (1983-87).

Board of Advisors, American Bankruptcy Institute (1984-90).

Member, Stanford University Advisory Board panel of Hearing Officers for Faculty Discipline (1991-92).

Member, Rules Committee, Court of Appeals for the Armed Forces (1993-Present).

Board of Directors, and later Advisory Board, National Institute of Military Justice (1994-Present).

Member, D.C. Circuit Task Force on Gender, Race, and Ethnic Bias, U.S. Court of Appeals, District of Columbia Circuit (1995)

Advisory Board Member, GW Institute for Computer and Telecommunications Systems Policy (1994-97)

Board of Directors, ACLU, National Capital Area (1999-2003); Vice-Chair, ACLU Screening Committee (1999-2017)

Trial Observer, Military Trials, Guantanamo Bay, Cuba (2005)

Chair and Founder, Farm and Agriculture Committee (FARM) (2020-2023), Metropolitan Washington Council of Governments (COG).

Various other COG Committees: Member, Climate, Energy, and Environment Policy Committee (2012- 2013 and 2014-present); Chesapeake Bay and Water Resources Committee (2012-13); Member, Air Quality Committee (2014); Vice-Chair, Metropolitan Council of Governments Climate Change Steering Committee (2007-08).

Member, Democracy Online Project (2000-04).

Member, Board of Directors, City Wildlife (2024-present).

## **SELECTED UNIVERSITY AND LAW SCHOOL SERVICE**

Chair, Special University Committee to consider Renamings (2020-2021).

Member, University Committee, Conflict of Interest Commitment Review Committee, (2021-Present).

Parliamentarian to the Faculty Senate.

Director, Law School Enrichment Speaker Series.

Member of the Faculty Senate and member of the Executive Board (1979-83), (2024- present).

Director, Legal Writing and Research Program (1981-83; 1984-86).

Chair, Special Committee to Review Grievance Procedures of the University (1986-87).

Attorney for University in Grievance Proceedings, In re Markwell (1988); In re McGowan (1989); Mediator in Grievance Proceedings (various times).

Chair, Ad Hoc Committee to draft and adopt Faculty Senate Resolution to change University Policy on Equal Opportunity to include sexual orientation, (Fall 1990).

Member and Member of the Executive Committee, AALS Criminal Justice section, (1996-99).

Founder, Co-director, Animal Welfare Project, (2004-06) (in-house pro bono law reform project for students).

Creator and Supervisor, Law Student Pro Bono Project, "Pro Bono Misdemeanor Decriminalization Project," (2016-2017).

Chair, Special Committee to redraft University Policy on Sexual Harassment (2004-05).

Chair, Committee on Incidents of Discrimination or Harassment (2019).

Founder, Co-director, Returning Citizens Project (2005) (in-house pro bono law reform project for students).

Chair or member of various law school committees, including Appointments, Tenure and Promotion, Curriculum, Public Interest, Peer Review, Dean Search, Student Integrity, Building Fund, Self-Study, Grade Disparity (various years).

Faculty Adviser to many student groups, including Phi Delta Phi (initiated into the John Marshall Inn, 2005), criminal law society, student chapter of ACLU, Small Business Clinic, SEC student observer clinic, external moot court competitions, Street Law (various years).

Speaker, moderator, and panelist for various law school programs, including alumni programs (various years).

### **BOOKS AND CHAPTERS IN BOOKS**

Criminal Procedure 5th ed. (West 2020). First edition (2001), Second edition (2005). Third edition (2012). Fourth edition (2015).

Contributor, National Institute of Military Justice, Military Commissions Source Book (2003).

Contributor, Annotated Guide, Procedures for Trials by Military Commissions of Certain Non-United States Citizens (LexisNexis) (2002).

(As a member of the Commission). Report of the Commission on the 50th Anniversary of the Uniform Code of Military Justice, Washington, DC: National Institute of Military Justice (2001)

"Forfeiture," Encyclopedia of Crime and Justice (Macmillan 2000).

"Drug Testing," Encyclopedia of the American Constitution (1999).

"Drug Regulation and Civil Liberties," Encyclopedia of the American Constitution (1999).

"Civil Remedies to Control Crime: Legal Issues and Constitutional Challenges," in Civil Remedies and Crime Prevention, ed. By L.G. Mazerelle and J. Roehl (Criminal Justice Press, 1998).

"Are Lawsuits an Answer to Police Brutality," in Police Violence: Understanding and Controlling Police Abuse of Force, edited by William A. Geller and Hans Toch. New Haven, CT: Yale University Press (1996).

"Women and Men in Criminal Justice," in Gender, Race and Ethnic Bias Task Force Project in the D.C. Circuit. U.S. Court of Appeals. District of Columbia Circuit (1995).

"Spies, Leakers, Whistle-Blowers, and Burglars: Real and Imagined Threats to National Security" in National Security: Surveillance and Accountability in a Democratic Society, edited by Peter Hanks and John D. McCamus. Les Editions Yvon Blais, Inc. (1989).

"Government Control of Private Ideas," in Striking a Balance Between National Security and Scientific Freedom, edited by Harold C. Relyea. American Association for the Advancement of Science (1985).

How to Read and Analyze a Financial Statement, Washington, DC: District of Columbia Bar (1981).

Contributor, Green, Energy Law Guide, (Chapter 2) (1978).

## **AUDIO BOOKS**

Constitutional Law (10th ed., latest, Sum and Substance) (2020).

Criminal Procedure (2nd ed., latest, Sum and Substance) (2021).

## **ARTICLES**

"A-Proposal to win the District of Columbia a partial vote in the House of Representatives," 21 U.D.C. Law Rev. (2019).

"Theories of Representation: For the District of Columbia, Only Statehood Will Do, 23 William and Mary Bill of Rights Journal 65 (2014).

"Threading the Needle: Constitutional Ways for Local Governments to Refuse Cooperation with Civil Immigration Policies," 16 UDC Law Review 123-140 (2012).

"Making Freedom of Information Laws Actually Work. The Case of the District of Columbia," 13 UDC Law Review 335-358 (2010).

"Legislative Oversight of Police: Lessons Learned from an Investigation of Police Handling of Demonstrations in Washington, D.C." 32 Journal of Legislation 1-21 (2005).

"Should Lawyers Participate in Rigged Systems: The Case of the Military Commissions," 1 Journal of National Security Law and Policy 375-408 (2005).

"Demonstrations, Security Zones, and First Amendment Protection of Special Places," 8 UDC Law Review 53-76 (2004).

"When Congress Commands a Thing to be Done: An Essay on Marbury vs. Madison, Executive Inaction, and the Duty of the Courts to Enforce the Law." 72 George Washington Law Review 253- 288 (2003).

"Technology and Privacy: Creating the Conditions for Preserving Personal Privacy," University of Athens (2001).

"Can Something this Easy, Quick, and Profitable also be Fair? Runaway Civil Forfeiture Stumbles on the Constitution." 39 New York Law School Law Review 1-48 (1994).

"An Essay on VMI and Military Service: Yes, We Do Have to be Equal Together." 50 Washington and Lee Law Review 49-61 (1993).

"Constitutional Limits on Using Civil Remedies to Achieve Criminal Law Objectives: Understanding and Transcending the Criminal-Civil Law Distinction." 42 Hastings Law Journal 1325-1413 (1991).

"Systems and Slogans: The American Clear and Present Danger Doctrine and South African Publications Control," 2 South African Journal of Human Rights 29-48 (1986).

"Judicial Supervision of Executive Secrecy," 69 Cornell Law Review 690-734 (1984).

"Global Newspaper Co. v. Superior Court." Preview of United States Supreme Court Cases (May 13, 1982).

"Secrecy: Why is it Still with Us?" The Bulletin of the Atomic Scientists (December 1982).

"Richmond Newspapers Inc. v. Commonwealth of Virginia." Preview of the United States Supreme Court Cases (Apr. 2, 1980).

"The Progressive Case and the Atomic Energy Act: Waking to the Danger of Government Information Controls," 48 George Washington Law Review 163-210 (1980).

### **BOOK REVIEWS**

Review of Free Speech and National Security, edited by Shimon Shetreet. 25 George Washington Journal of International Law and Economics 555-570 (1991)

### **OTHER PUBLICATIONS**

"D.C.'s Utility Regulators Must Hold Pepco Accountable," Washington Post (Dec. 12, 2010).

"Sex and the Family Car: Does a Wife Forfeit Her Interest When, Without Her Knowledge, Her Husband Uses the Car to Commit a Lewd Act." West Legal News, (Mar. 1996).

Constitutional Law, Sum and Substance. (5th ed. West Group 2010).

First Year Constitutional Law. (Full course materials) West Bar Review (1996).

"Suing the Police to save a City," Los Angeles Times (Jan. 27, 1995).

"In The Military, Separate Is Not Equal," The Atlanta Journal and Constitution (Oct. 12, 1993).

"VMI: Separate Is Not Equal," Washington Post (Oct. 8, 1993).

"Half a Billion for Locks," Op. ed., Wash. Post (Dec. 29, 1992)

"Marilyn Quayle's False Choices," Op. ed., N.Y. Times (Sept. 5, 1992).

"Judge Sand is Wrong: Begging Is Not A Form of Protected Speech," Op. ed. For Scripps Howard Newspapers (Feb. 1990).

"The Myth of the Swing Vote." (Sandra Day O'Connor) (Special Report: The U.S. Supreme Court). 12 Legal Times 56 (Aug. 7, 1989).

"Mostly for the Prosecution." (Special Report: The U.S. Supreme Court). Legal Times (Aug. 29, 1988).

"Constitutionality of Sobriety Check Points," Op. ed. For Scripps Howard Newspapers (Dec. 1988).

Report to the Attorney General of Alaska, "Should the Attorney General Be Appointed or Elected?" (1985).

Interview and Report on Dr. Mampheta Ramphele in South Africa, Clearinghouse Report (Vol. VI, No. 2) (Oct. 1984).

"The FBI's Switch," Opinion and Commentary, Op. ed., The Christian Science Monitor (Mar. 30, 1983).

Proposed Municipal Code for the City of Perth Amboy, NJ (1977).

### **SELECTED AWARDS AND HONORS**

Community Leadership Award, Friendship Place (2019).

Environmental Champion Award, GRID Alternatives Mid Atlantic (2019).

DC Icon Award, American University's Kennedy Political Union (2019).

Solar Champion Award, Solar United (2019).

Legislative Leadership Award, National Active and Retired Federal Employees (2018).

Outstanding Achievement in State Tax Reform, Tax Foundation (2018).

Certificate of Appreciation, City Wildlife (2018).

Distinguished Service Award, Gay and Lesbian Activists Alliance (2018).

National Environmental Achievement Award, National Association of Clean Water Agencies (2018).

Public Leadership Award, Washington Area Bicyclists Association (2017).

Leadership Award, Crittenton Services of Greater Washington (2015) and (2016).

Climate Champion Award, Chesapeake Action Network (2016).

Leadership Award, Casey Trees (2016).

Environmental Advocacy Award, DC Environmental Network (2014).

Belva Lockwood, Teacher of the Year (1994-95)

Children's National Medical Center, Recognition of Leadership and Commitment to Improving the Health and Wellness of Children in the District of Columbia.

Hero Award, DC Hunger Solutions (2013).

Honorary Member, DC National Guard.

Humane Society of the United States, Legislator of the Year Award.

Washington Humane Society, Humane Hero Award (2011).

Leadership for Healthy Communities Award.

MDV-SEIA Solar Champion Award

University Service Award, George Washington University (1999).

Induction, Douglass Society (Douglass College's highest honor for its most distinguished graduates) (2000).

MD-DC-VA Solar Energy Industries Association Award for the Clean and Affordable Energy Act of 2008

Capital Area Asset Builders, Recognition Award for leadership and initiatives to promote financial education and protect the financial interests of D.C. residents (2008).

Light the Night, Washington Community Service Award (2009).

YWCA Groundbreaking Woman Award in recognition for contributions to women and families everywhere (2009).

Gertrude Stein Democratic Club and Capital Pride, Standup for Equality Award for Public Service (2009).

Horace Mann School Award Assistance in Capital Development (Sept. 2009).

D.C. Democratic Women's Club award for outstanding service (2009).

D.C. Human Rights People's Committee and D.C. Human Rights People's Movement Certificate of Recognition for dedication to Human Rights in Washington D.C. (Dec. 10, 2009).

Metro Teen Aids Award in Recognition of Outstanding Work on Behalf of Youth (2010).

Hospital du Sacre-Coeur de Montreal, Blue Cross and Blue Shield Award for dedication and service to earthquake relief in Haiti (2010).

D.C. Sports and Entertainment Commission Award for public service. Mar. 12, 2011).



Mt. Pleasant Street Tenant Association Award for dedication. (Mar. 12, 2011).

Alice Ferguson Foundation's Potomac Champion Award for dedication to developing innovative solutions to improve the health and sustainability of D.C. Schools and Students. (2011).

DC Concerned Providers, Award in Appreciation for Leadership and Dedication to LGBT Youth (2012-2013).

## **TESTIMONY**

Testimony on DC Statehood before the New Hampshire Legislature.

Testimony on the merger of Pepco and Exelon before the Public Service Commission, Washington, D.C.

Testimony on Tax Reform before the D.C. Tax Revision Commission.

Testimony on First Amendment Rights and Police Standards Bill of 2004, Committee on the Judiciary, Council of the District of Columbia, (Oct. 7, 2004).

Testimony on S1817, "Assessing the Impact of Judicial Taxation on Local Communities," before Administrative Oversight and Constitutional Subcommittee, U.S. Senate Judiciary Committee, (Sept. 19, 1996).

Invited Briefing, Senator Jay Rockefeller, (nomination of Clarence Thomas to U.S. Supreme Court) (1991).

Invited Briefings, Congressman Peter McCloskey (Atomic Energy Act Amendments) (1980).

Amendments to the Atomic Energy Act, before Government Information and Individual Rights Subcommittee, House of Representatives Committee on Government Operations (1980).

Constitutionality of HR 4985 (Energy Mobilization Board Bill) before Judiciary Committee, House of Representatives, on President Reagan's Executive Order on Security Classification (1979).

## **INTERNATIONAL PROJECTS AND ACTIVITIES**

South Africa, consultant on American Constitutional Law to Centre for Applied Legal Studies, Johannesburg (1983-84).

South Africa, member of two-person team sent by the American Association for the Advancement of Science, to report on physicians' involvement with government abuse of prisoners (1986).

Washington, DC, State Dept. Presentation to Italian Government Officials, "Combatting Organized Crime, Narcotics, and Drug Trafficking" (Oct. 19, 1992).

Washington, DC, International Rule of Law Center, Maghreb Project, "Independence of the Judiciary in the United States" (Jan. 26, 1993).

Tajikistan, Academic Chair, Rule of Law Program, "Privatization: Legal Aspects of Property, Contracts, and Business Transactions in a Market Economy," Workshops with lawyers, judges, and academicians (Dec. 1995).

Athens, Greece, Conference Participant and Presenter, "Technological Development and Privacy," Celebration of the 50th Anniversary of the Universal Declaration of Human Rights, Hellenic Republic, Ministry of Foreign Affairs, University of Athens. (Nov. 11-13, 1998).

Salzburg, Austria, Moderator and Conference Participant, "The Investigation, Coordination, and Prosecution of Crimes of Fraud, Corruption, and Transnational Crime." George C. Marshall European Center for Security Studies and the U.N. Office of High Representative (OHR), Bosnia and Herzegovina. (Fall 2001).

Neum, Bosnia-Herzegovina, Moderator and Conference Participant, "The Investigation, Coordination, and Prosecution of Crimes of Fraud, Corruption, and Transnational Crime: Reviewing the Improvement Process." George C. Marshall European Center for Security Studies and the U.N. Office of High Representative (OHR), Bosnia and Herzegovina (May 13-15, 2002).

Project, Reform of Bosnia's Criminal Code, at the request of the U.S. Department of State, Washington, D.C. (2004).

### **Mary M. Cheh   Resume in Brief**

Mary Cheh is a Phi Beta Kappa graduate of Douglass College, with law degrees from Rutgers and Harvard. After graduating from law school, she served as a law clerk to the Hon. Richard Hughes, Chief Justice of the New Jersey Supreme Court. She then joined the Washington office of Fried, Frank, Shriver, Harris & Kempleman as an associate. In 1979, she joined the GW Law faculty, becoming the Elyce Zenoff Research Professor of Law. In 1983, she performed pro bono work for the Centre for Applied Legal Studies in South Africa, and then, on sabbatical in 1986, she served as a special assistant U.S. attorney in Washington, D.C. She has served as a consultant to the National Institute of Justice, the President's Commission on Organized Crime, and the ACLU.

In 2006, Professor Cheh was elected to the Council of the District of Columbia and was re-elected to three more terms. During her tenure on the Council, she served as Chair Pro Tempore and chaired three committees: Public Services & Consumer Affairs; Government Operations; and Transportation & the Environment. She has authored over 400 separate bills and led five major investigations. Among the model legislation Professor Cheh has authored, and the Council has passed are bills that have overhauled and modernized the District's taxi cab fleet and created a model regulatory framework for innovative transportation options offered by smart-phone hailed vehicles and ridesharing services; updated the District's recycling laws

for the first time since the 1980s; targeted food deserts and the availability of healthy foods in low-income neighborhoods; improved healthy food options and education for students and children; created early voting and same-day voter registration; grown the clean energy used and available in the District, ended predatory payday lending practices in the District of Columbia; and authorized medical aid in dying.