

Stewart A. Baker, Partner, Steptoe & Johnson LLP



Stewart A. Baker was described by *The Washington Post* (November 20, 1995) as “one of the most techno-literate lawyers around.” His practice includes issues relating to privacy, national security, computer security, electronic surveillance, encryption, digital commerce, and export controls. He has advised hardware and software companies on US export controls and on foreign import controls on encryption. In October 2000, he was named to the Washington “Power 100” by *Regardie’s* magazine for his work in this field. He also represents major telecommunications equipment manufacturers and carriers in connection with the Communications Assistance for Law Enforcement Act (“CALEA”) and law enforcement intercept requirements. In the area of authentication and digital signatures, his clients include major banks, mortgage companies, and credit card associations, as well as technology companies.

Mr. Baker is the former General Counsel of the National Security Agency (1992-1994) and author of the book, *The Limits of Trust: Cryptography, Governments, and Electronic Commerce* (1998), as well as various other publications and articles on electronic commerce and international trade. Earlier in his career, Mr. Baker served as Law Clerk to John Paul Stevens, US Supreme Court (1977-78), Frank M. Coffin, US Court of Appeals, First Circuit (1976-77), and Shirley M. Hufstедler, US Court of Appeals, Ninth Circuit (1975).

Mr. Baker has been named to numerous US government and international bodies dealing with electronic commerce and related topics, including: Defense Science Board’s Task Force on Information Warfare (1995-1996; and 1999-2001); Federal Trade Commission’s Advisory Committee on Online Access and Security (2000); President’s Export Council Subcommittee on Encryption (1998-2001); Free Trade of the Americas Experts Committee on Electronic Commerce (1998-present); UNCITRAL Group of Experts on Digital Signatures (1997-2001); OECD Group of Experts on Cryptography Policy (1995-1997); International Telecommunication Union Experts Group on Authentication (1999); American Bar Association Task Force on International Notarial Issues (1996-1998); International Chamber of Commerce Working Party on Digital Authentication (1996-1998); International Chamber of Commerce Group of Experts on Electronic Commerce (1996-present). In addition to his private clients, Mr. Baker has also been retained as a consultant on computer security issues by a variety of international bodies, including the ITU, the OECD, and the Government of Japan.

International and Technology:

Practice includes issues relating to technology, digital signatures, electronic commerce, electronic intercepts, privacy, encryption, national security, and export controls; advice and practice under the antidumping and countervailing duty laws of United States, European Community, Canada and Australia, U.S. Foreign Sovereign Immunities Act, and Foreign Corrupt Practices Act.

Related Memberships:

Member, Federal Trade Commission’s Advisory Committee on Online Access and Security (2000)
Member, Free Trade Area of the Americas Experts Committee on Electronic Commerce (1998-present)
Member, President’s Export Council Subcommittee on Encryption (1998-present)
Member, Defense Science Board’s Task Force on Information Warfare (1995-1996; 1999-present)
Member, U.S. Delegation, UNCITRAL Group of Experts on Digital Signatures (1997-present)
Member, U.S. Delegation, OECD Group of Experts on Cryptography Policy (1995-1997)
Chair, American Bar Association Task Force on International Notarial Issues (1996-1998)
Member, International Chamber of Commerce Working Party on Digital Authentication (1996-1998)
Member, International Chamber of Commerce Group of Experts on Electronic Commerce (1996-1998)
Member, Board of Editors, *The Internet Newsletter* (1997-present)

Related Publications (author or coauthor):

“The Limits of Trust: Cryptography, Governments, and Electronic Commerce,” (1998)
“International Developments Affecting Digital Signatures,” 32 *Int’l Lawyer* 963 (1998)

"Decoding OECD Guidelines for Cryptography Policy," 31 Int'l Lawyer 729 (1997)
 "Should Spies Be Cops?" 97 Foreign Policy 36 (Winter 1994-95)
 "After the NAFTA," 27 Int'l Lawyer 765 (1993)
 "Law & Practice Under the GATT and Other Trading Arrangements" (June 1992) (principal contributor)
 "The North American Free Trade Agreement: Issues, Options, Implications" (1992) (editor and contributor)
 "From the Ashes: A Report on Justice in El Salvador" (1987)
 "NAFTA and the Environment," in The North American Free Trade Agreement: Issues, Options, Implications (American Bar Association 1992)
 "The Canada-United States Free Trade Agreement," 23 Int'l Lawyer 37 (1989)
 "'Like Products' and Commercial Reality" in Antidumping Law and Practice (Jackson & Vermulst, eds.) at 287-95 (1989)
 "Trends in U.S. Trade Law" in 1987 Fordham Corporate Law Institute 513-26 (B. Hawk ed. 1988)
 "Countertrade and Trade Law," 5 J. Comp. Bus. L. 375 (1983)
 "Trade Regulation Law in the United States," 12 Kokusai-Shoji-Homu 238 (1984)

Government:

- General Counsel, National Security Agency (1992-94)
- Deputy General Counsel, Special Assistant to Secretary Shirley M. Hufstedler, Department of Education (1979-81)

Law Clerk to:

- John Paul Stevens, U.S. Supreme Court (1977-78)
- Frank M. Coffin, U.S. Court of Appeals, First Circuit (1976-77)
- Shirley M. Hufstedler, U.S. Court of Appeals, Ninth Circuit (1975)

Arbitration:

Member, International Chamber of Commerce Forum on Arbitration and New Issues; charter member, U.S. roster of arbitrators for trade disputes under Canada-United States Free Trade Agreement; member, World Intellectual Property Organization Roster of Mediators and Arbitrators; member, American Arbitration Association Panel of Arbitrators; represented parties with claims exceeding \$1 billion before Iran-U.S. Claims Tribunal; author of book on UNCITRAL arbitration rules.

Related Publications (author or coauthor):

"The UNCITRAL Arbitration Rules in Practice," (1992)
 "Arbitral Proceedings Under the UNCITRAL Rules--The Experience of the Iran-United States Claim Tribunal," 22 G.W.J. Int'l L. and Econ. 804 (1990)
 "Resolving Disputes Under the Canada-US Free Trade Agreement: Comments on Chapter 18," in Living with Free Trade (Dearden, Hart, Steger eds.) at 31 (1990)
 "Establishment of an Arbitral Tribunal under the UNCITRAL Rules," 23 Int'l Lawyer 81 (1989)

Appellate:

Founded and helped raise over \$1.5 million for State and Local Legal Center, a public interest institution representing state and local governments before the Supreme Court; currently Chairman of Center's Advisory Board; filed merits briefs in several Supreme Court cases, and numerous petitions or briefs in opposition to certiorari.

Related Publications (author or coauthor):

"Are the Quotations Cooked? Let Juries Decide," in 1991 First Amendment Law Handbook 157-59 (J. Swanson ed. 1991)
 "Justice Scalia and Federalism: A Sketch," 20 Urban Lawyer 353 (1988)
 "John Paul Stevens," Encyclopedia of the American Constitution (1986)
 "A Practical Guide to Certiorari," 33 Cath. U.L. Rev. 611 (1984)
 "Making the Most of Pennhurst's 'Clear Statement' Rule," 31 Cath. U. L. Rev. 439 (1982)
 "Toward a Center for State and Local Advocacy," 31 Cath. U.L. Rev. 367, 505 (1982)
 "Federalism and the Eleventh Amendment," 48 U. Colo. L. Rev. 139 (1977)
 "A Strict Scrutiny of the Right to Travel," 22 UCLA L. Rev. 1129 (1975)

Other Publications

Newspapers:

Washington Post (Supreme Court); Wall Street Journal (Supreme Court, international trade, automobiles); Los Angeles Times (technology); Journal of Commerce (encryption, technology, international, agricultural trade); The Oregonian (Asia, antidumping); Christian Science Monitor (trade, Asia)

Periodicals:

Security Management (encryption); Wired (technology, encryption); Regulation (trade); Federal Focus (Supreme Court); State Legislatures (Supreme Court); Canadian Law Newsletter (editor-in-chief)