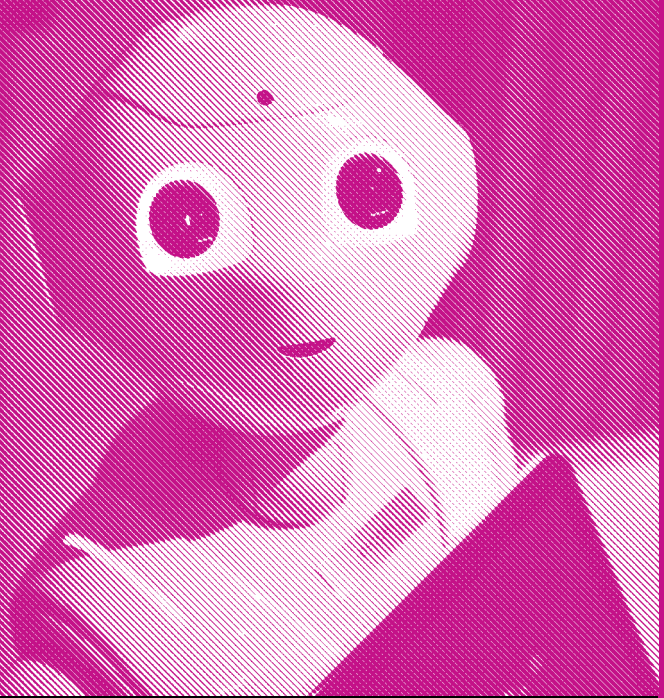




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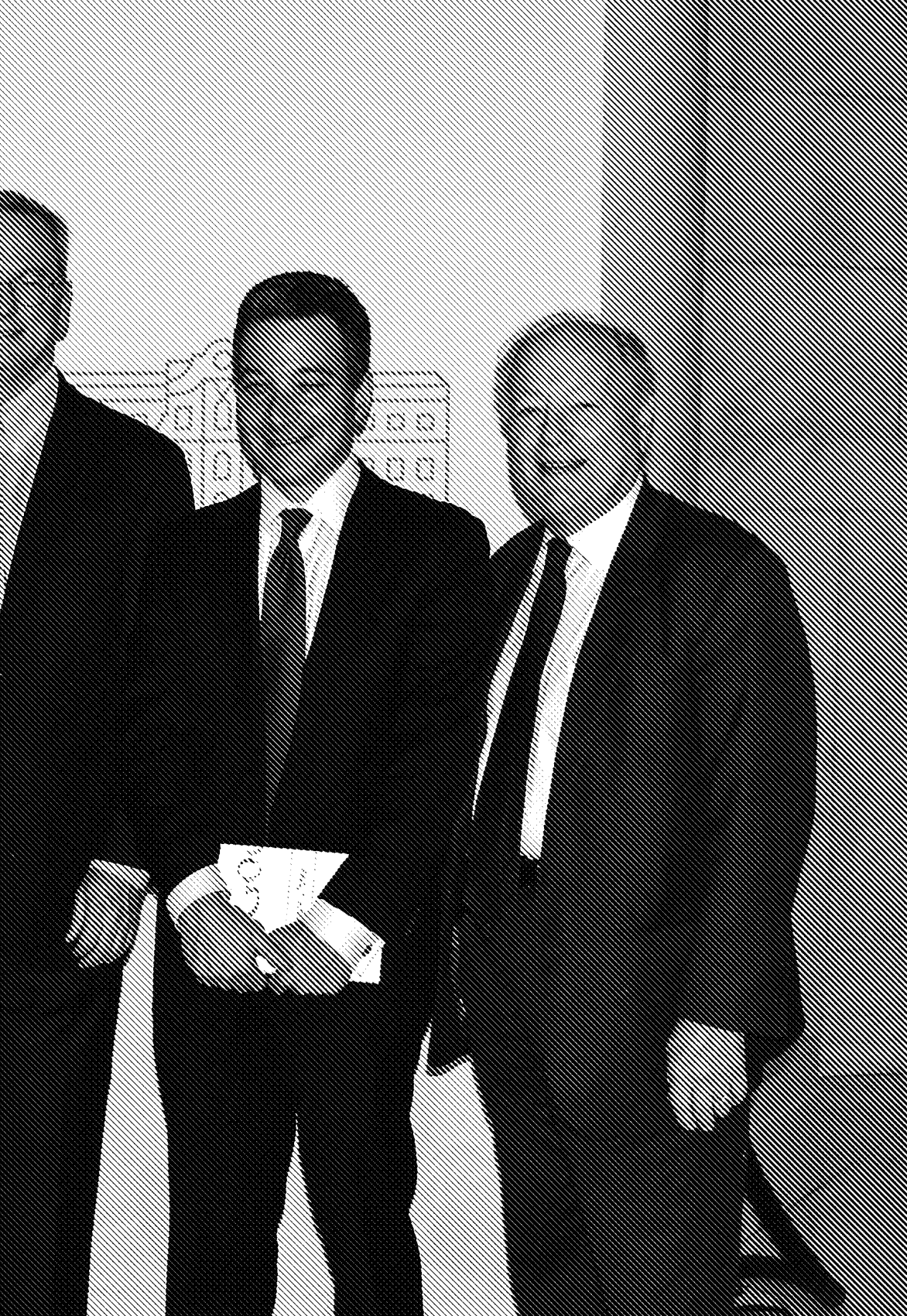


THE FIFTH LLOYD N. CUTLER LECTURE ON THE RULE OF LAW

TECHNOLOGY AND OPTIMISM FOR THE FUTURE

LECTURE DELIVERED BY ERIC E. SCHMIDT





“

**THE US TOOK 50 YEARS
FOR GDP TO DOUBLE.
CHINA DID IT IN 15.
IT TOOK 60 YEARS FOR
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TO GET TO 80 PERCENT
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THINGS HAPPEN
QUICKER NOW.**

”

Eric E. Schmidt

Delivered by **Eric E. Schmidt**

Executive Chairman

Google

Opening remarks by **The Honorable Ruth Bader Ginsburg**

Associate Justice

Supreme Court of the United States

Introduced and chaired by **Jeffrey Rosen**

President

National Constitutional Center

Concluding remarks by **Stephen L. Salyer**

President and Chief Executive Officer

Salzburg Global Seminar

Kindly hosted at the **US Supreme Court**

This lecture was delivered **in honor of Lloyd N. Cutler**,
held in **Washington, DC, USA** on **November 17, 2014**.

This lecture was held by **Salzburg Global Seminar**
under the auspices of the **Lloyd N. Cutler Center for the Rule of Law**.

THIS LECTURE WAS HELD IN MEMORY OF

LLOYD N. CUTLER

Lloyd N. Cutler (1917–2005), who has been described as the last “superlawyer,” had a brilliant legal career. He co-founded the Washington, DC law firm, Wilmer Cutler & Pickering, and served as White House Counsel to two US presidents. Over his lifetime, Lloyd Cutler fulfilled the calling of a public servant, serving in both Democratic and Republican administrations and supporting a vast array of charitable, educational, and legal organizations.

Lloyd Cutler was a long-time champion of Salzburg Global Seminar and served as chair of its Board of Directors for a decade. Believing passionately in the role that law plays in nation building, and in the ability of the law and legal experts to contribute solutions to the world’s most pressing challenges, Lloyd Cutler was able to attract high court judges from around the world to Salzburg. In addition, he was personally committed to ensuring that promising young international lawyers, academics, and jurists had access at Salzburg Global to a rich variety of judicial traditions, international legal institutions, and the international legal community at large.

Today, Salzburg Global remembers him not only for his intellectual brilliance, but for his commitment to advancing respect for the law as a tool for resolving the toughest issues of our times.

Lloyd Cutler’s influence on people and institutions is felt in the United States and around the world. In his tradition and in his name, Salzburg Global Seminar continues to advance the rule of law. With mission, focus, and global connections equal to Lloyd Cutler’s interests and concerns, and with the support of his friends and colleagues worldwide, his commitment to the rule of law endures.



INTRODUCTION TO THE SPEAKERS

LECTURER AND SPEAKERS

Eric E. Schmidt is executive chairman of Google. Since joining Google in 2001, Schmidt has helped grow the company from a Silicon Valley startup to a global leader in technology. From 2001-2011, he served as Google's chief executive officer, overseeing the company's technical and business strategy alongside founders Sergey Brin and Larry Page. Prior to joining Google, Eric was the chairman and CEO of Novell and chief technology officer at Sun Microsystems, Inc. Previously, he served on the research staff at Xerox Palo Alto Research Center (PARC), Bell Laboratories, and Zilog. He holds a Bachelor's degree in electrical engineering from Princeton University as well as a Master's degree and Ph.D. in computer science from the University of California, Berkeley.

Ruth Bader Ginsburg became the second female justice of the US Supreme Court in 1993. Justice Ginsburg previously taught at Rutgers University Law School and then at Columbia University, where she became its first female tenured professor. She served as the director of the Women's Rights Project of the American Civil Liberties Union during the 1970s and was appointed to the US Court of Appeals for the District of Columbia in 1980. Named to the US Supreme Court by President Bill Clinton, she continued to argue for gender equality in such cases as *United States v. Virginia*. In 1999, she won the American Bar Association's Thurgood Marshall Award for her contributions to gender equality and civil rights.

Jeffrey Rosen is the president and chief executive officer of the National Constitution Center, the only institution in America chartered by Congress “to disseminate information about the United States Constitution on a non-partisan basis.” The Center engages millions of citizens as an interactive museum, national town hall, and headquarters for civic education. Rosen is also a professor at the George Washington University Law School and the legal affairs editor of *The New Republic*. He is a nonresident senior fellow at the Brookings Institution, where he explores issues involving the future of technology and the Constitution. Rosen is a graduate of Harvard College; Oxford University, where he was a Marshall Scholar; and Yale Law School.

Stephen L. Salyer became the eighth president of Salzburg Global Seminar in September 2005. Salyer was President of Public Radio International from 1988-2005. He co-founded in 1999 and chaired until 2005 a nationwide web service company for public television and radio stations – Public Interactive, LLC. He was senior vice-president of WNET/Thirteen, the PBS flagship program producer, and associate-in-charge of public issues at the Population Council in New York City. His career began as a speech writer for the philanthropist, John D. Rockefeller 3rd. He is a graduate of Davidson College, Harvard University’s Kennedy School of Government and New York University School of Law.

INTRODUCTION TO THE LECTURE

THE FIFTH LLOYD N. CUTLER LECTURE ON THE RULE OF LAW

Speaking on November 17, 2014 at the United States Supreme Court, Eric E. Schmidt, executive chairman of Google, advocated for increased optimism about what the future holds and emphasized the powerful role that technology would play in shaping that future.

He described a series of technologies that would emerge from Google over the following five to 10 years, from self-driving cars to synthetic biology. As political leaders work to address the greatest challenges around the world, Schmidt proposed that growth in the knowledge economy and increased innovation would make the greatest difference.

During the discussion, Jeffrey Rosen, president and chief executive officer of the National Constitution Center prompted Schmidt to discuss the constitutional implications of emerging technologies, particularly in the areas of privacy and free speech.

Only a transcript of the lecture has been included here as the Q&A was held off the record.



TECHNOLOGY AND OPTIMISM FOR THE FUTURE

—— **Eric E. Schmidt**, *Executive Chairman of Google*

To say that it's an honor to be invited to speak to you is like the understatement of the decade for me. To be here in this chamber with all of you is one of the highlights of my life. So I hope I can talk a little bit about the future and why we need to be a little bit more optimistic.

I'm just going to tell you the punch line right then and there.

And it being Google, I've got lots of facts. I wanted to begin with a quote from 1964. Isaac Asimov went to the World's Fair in New York, and he ruminated what the World's Fair would be in the Year 2014, 50 years later. So [the vision for] 50 years later, 50 years ago: "Much effort will be put into the designing of vehicles with robot brains, vehicles that can be set for particular destinations and that will then proceed there without interference by the slow reflexes of a human driver. I suspect one of the major attractions of the 2014 Fair will be rides on small, robotized cars which will maneuver in crowds at the two-foot level, neatly and automatically avoiding each other." I mean, come on, Isaac Asimov. Let's hear it for Isaac Asimov. It is possible to imagine what the future looks like, and I want to give you

some guidelines and some thoughts as to how this is going to happen. There is an explosion in innovation worldwide in many, many ways – you hear about it, you don't hear about it – but the numbers are interesting. The US took 50 years for GDP to double. China did it in 15. It took 60 years

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for air conditioning – I grew up in Washington, so I understand air conditioning – to get to 80 percent of US citizens. And it took 10 years for 80 percent to have mobile phones. Things happen quicker now.

And what's interesting is that we've got to talk about this differently. I've been studying the question of joblessness. Now if you talk to a politician, the number one issue for politicians is jobs and how to create more jobs. Do you know how to create more jobs? It turns out it's not big companies that create jobs. It's not little companies that create jobs. On balance, they

create about as many as you lose in a competitive market. Net new jobs are created by gazelles: relatively young, fast-growing, often venture-funded companies that do something new. Interesting.

Here's a quote for you from an economist named John Haltiwanger who is the sort of authority on this. "We have found that startups together with high-growth firms, which are disproportionately young, account for 70 percent of overall job creation in the United States." You want to solve the problems of the US in economic growth? Figure out a way to get more innovation and automation. Interesting. Okay.

Now there are some issues here. One of them is scale. There are these new phenomena that are changing everything, so an example would be Amazon, the ruthless efficiency of Amazon lowering prices – good for consumers, tough for competitors. Right? Or the effectiveness of Apple or the scale of the Shenzhen manufacturing of China. Nevertheless, on balance, they create enormous numbers of new jobs, which we need to celebrate, and of course they bring prices down.

And so one of the questions that I have is as we get these scale platforms, what happens to the world?

I spend lots of time in Europe. Europeans are obsessed with the fact that the internet is being defined and controlled by American firms, particularly West Coast firms whose values and political beliefs they don't agree with. And trust me, I just came back from my second trip from China in two months. They're obsessed with the same thing, and they blocked us all. So these are serious matters for us to sort of think about.

Another point: Culture and creativity matter a lot. A quote from Jim [James] Cameron, the famous director of *Avatar* and others: "There's nothing more powerful than someone who doesn't know what they can't do." Right? Same principle. We have to find these people who want to make this stuff happen. And what's interesting is: think about it in the lifetime of most people in this room. Marxism has been discredited, because Marxism as a concept was a concept that was based on an agrarian view of the world. But in fact, we're now in a knowledge view of the world. The only thing that matters is aggregations of people moving knowledge forward to make the world a better place. That's where the economics come from. That's where the politics come from. That's where the moral stuff comes from and so forth and so on. And so competing in that and winning in that will turn out to be incredibly important.

Now remember I said at the beginning [that] I'm going to try to convince you to stop being so depressed. Quote, this is Steven Johnson, "We're living the dream, and we just don't realize it." Over the past two decades, what have the US trends been for the following important measures of social health? High school dropout rates, college enrollment, juvenile crime, drunken driving, traffic deaths, infant mortality, life expectancy, per capita gasoline consumption, workplace injuries, air pollution, divorce, male/female wage equality, charitable giving, voter turnout, per capital GDP, and teen pregnancy. Everyone here says oh, they're all getting worse.

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**THE WORLD IS GETTING
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THE KNOWLEDGE ECONOMY**

In every case, the trend is better. In every case, the trend is better, and these are the facts. So, in fact, the world is getting much better in dealing with the implication of the knowledge economy. And the US is in a particularly strong position because of decisions made in Washington 70 and 80 years ago. Post-war, a set of very smart people figured out (this was back in the time when the US was sort of the dominant world economy) that what we should do is we should fund research in everything, science, math, whatever. And it was both because it was the right thing and also because there was this looming Soviet threat.

Sixteen or more of the top 20 universities in the world are in the US. That's a serious achievement. It takes decades to build top universities, 100 years perhaps. And what's interesting is this model – this integrated model between private philanthropy; public philanthropy, things like the National Science Foundation, DARPA [Defense Advanced Research Projects Agency], the National Centers for Health, and so forth and so on; and the universities and students – is producing these rates of innovation.

I'm going to take you through some examples of this. But the fact of the matter is not only do we have the right – in the US – the right sort of attitude, if you will, some form of capitalism with some social benefits, but more importantly we've got the assets.

And who are the assets? The people. More importantly, the people plugged into universities. Right? I would not be very interesting if I had not gone to very good universities that programmed me the correct way. And I suspect [for] every single person in this room, their educational level and family, obviously, [and] the culture that you grew up with is a major determinant of this: why you're able to sit in this room.

So this iteration and constant challenge to the orthodoxy is what invents new things. It's why things are so much better. I was talking to one person who said people don't remember that when you and I – referring to me, Eric – grew up in Washington, we had one house. We had one car. We had one black and white television. Dad worked. Mom stayed at home, and she

cooked. Right? We were perfectly happy by the way. Today that would be seen as poor in assets at a minimum. Our expectations change.

So what is Google's view on all of this? Google's job in some sense is to do new and innovative things at scale. The thing that people always miss about Google is [that] we figured out a way to invent stuff fast, right? Some of it works, some of it doesn't.

One way for you to understand our strategy – and we'll talk about this more [in the question-and-answer session] – is we want to make the internet as easy to use as your toothbrush and as ubiquitous. By the way, I checked, the toothbrush was invented by a Chinese person. I didn't know that. About 700 BC so we're clear. A long time ago. And it hasn't changed much. But the point when you'll know that we're successful will be when you're not talking about the Internet anymore.

A hundred years ago, there was this huge fight, huge fight between AC and DC [current], right? National newspapers. Huge fight. Politics. Senators, so forth, corruption, god knows, whatever. We don't have those fights anymore. It's there. It's as ubiquitous as the plug that always works.

But the other part of our strategy is moon shots that have very high risk and very high payoff. I'll give you an example. So – and bear with me, so I'll talk a little bit about artificial intelligence – but we set a set of computers off without telling them what to think about. They started out as intelligent with no knowledge. We thought that the best thing to subject them to was YouTube, right? If you had a bunch of computers, if you couldn't think of anything else to do with them, you'd have them watch YouTube. So we had them watch YouTube for 11,000 hours, okay? Mind numbing, I know, but they're computers.

What did they discover? I had hoped for a better result, but they discovered the concept of a cat. A cat – eyes, mouth, tail, motion, [and] the fact that other things which they had not discovered (which turned out to be

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”

Eric E. Schmidt

people), like [cats]. I wish I could announce to you that in this historic breakthrough Google had done, that we had discovered number theory, Plato, Aristotle. But we discovered cats.

We built a contact lens that has the world's smallest battery in it; and this contact lens has a computer inside the lens – amazing – and it watches for changes in a particular part of the vitreous that's in your eye, which will tell you your insulin state. Literally hundreds of millions of people will use this contact lens rather than the blood pricking and so forth and so on. Kind of neat.

Then, last week, we announced that we had a team that has taken nanoparticles – a nano-particle is a very small one; it's a billionth of an inch; it's tiny, tiny, little gold particles – and coated them with antibodies and figured out a way to attach them to bad cells, cancer cells, and count them in your body. Interesting. And we have a device that actually sits on your arm basically and counts them. Why is that important? Early detection is the number one factor in cancer death outcomes.

These are innovations that you could never have thought of, but were enabled by smart people and all this interesting technology. I mean I can go on. Think about Google Glass. You've all seen the funny glasses and so forth. And people who need to know things and use both hands, surgeons, fire fighters, and police.

Now who are the people who invent these things? They're not normal, okay? Right? I'm going to make a controversial claim. I'm going to say that they're disagreeable. And I mean that in the nicest sense of the word. They don't agree with the current outcome. They see the world differently. They are divas. Now you've got to create a culture where you don't just drive these people out. You have to put up with them. And by the way, divas, they have a lot of needs. They need to talk to you right now, right? [They] can't wait.

I was in line in the cafeteria on a Friday at 6 [pm]. We feed people breakfast, lunch, and dinner. And this fellow, who is bald, who is about 25 years old – his name is Noam – runs up to me and says, "I need 100,000 computers, right now." And I go, "What for?" He said, "We're starting general intelligence, and we're to be done by Sunday." I said, "Well, what do

you hope to learn?” He said, “We’re going to learn and invent all of human knowledge by Sunday.” I said, “Can you do with 10,000 computers in the first hour?” And he said, “Okay.”

[He] turns on the 10,000 computers. His program breaks. He fails. That’s the attitude. By the way, he’s still trying. In our lifetimes, he will do it, and it will be on a weekend having done something crazy and so forth. And he’ll still be bald, the whole bit.

What’s interesting about these people is that they live in an alternative economic universe. They don’t live in the same universe that we do. If they’re working on this one thing, they don’t ever worry about an income; because they know if they fail, somebody else will hire them. One, because they’re very smart. Two, because they’re crazy. And three, they’re really, really arrogant, right? So you have to build your culture around understanding these entrepreneurs, that their vision, that what they’re doing – and by the way, so many parts of [the] American system directly are counter to what I just said – these are the people...they’re annoying, okay? We don’t want them. They’re disruptive. But that is, in fact, how these new ideas come.

Let me take you through some examples of science, what’s going to happen, and I’ll finish up and we can get to our questions. But I wanted to get the programming right in terms of attitude. It’s about education. It’s about individuals. And it’s especially about these kind of slightly obnoxious entrepreneurs that we sort of put up with. By the way, what are their names? Steve Jobs, Bill Gates, Larry Ellison, Larry [Page] and Sergey [Brin], on and on and on. Right? How many jobs do they create? All of them?

As a start, there are huge things going on in science. We have deep molecular biology gains. We’re close to knowing how the brain actually works, the hardest problem of all. There are real improvements of artificial intelligence. We’re beginning to understand how humans actually think, work, and play. There’s a physics revolution in nano technology. There are new materials. There’s a new chemistry of the small. We’re busy working on all of that, and the explosion is just beginning.

**WE’RE BEGINNING TO
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I want you to imagine with me some of the things that are going to happen in the next five to 10 years. Personalized medicine. The sequencing of the genome and the fact that genetics research and genetic sequencing is falling in cost, faster than Moore's law, means that in five to 10 years, you

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go to the doctor, and there will be a routine genetics test against whatever thing they're looking at. Everything will be sequenced. And against those databases which I and others are funding, we'll be able to figure out the exact problem you have for that category of diseases, which turns out to be most of them, and give you exactly the best cure that is known for exactly that combination, because

people differ in all sorts of ways.

Today, when you go to the doctor, it's, "Oh, we've seen one of you, white male," so on and so on, a complete change the way medicine does. We're very, very close to having the ability to make cells using biological materials. There's a technology called CRISPR [Clustered Regularly Interspaced Short Palindromic Repeats] which allows them to turn on and off parts of the gene, and they've discovered that when looking at bad cells, sometimes turning them on helps. Sometimes turning them off helps. That is the basis for many of these evolutions.

Let's think about transportation. Uber is rethinking public transportation for many of you who use it, and it works really, really well. Think about Tesla. Tesla rethought the automobile. You thought that no one had any new ideas about automobiles. Tesla is actually a completely new look at how an automobile should work, and they just announced two weeks ago what you could argue are largely self-driving capabilities or close to it.

Think about education. The number one issue in much of American discourse is how to change and reform our educational system, which again is very strong at the collegiate and research level and relatively behind in the K-12 levels, as many people here know. A lot of you have worked on this. How would you fix that? Start with the internet.

It turns out it's shocking that kids learn differently. Ask any teacher. They'll tell you. This kid learns this way. This kid learns that way. Maybe we're all the kid that learned the correct way, and the ones that aren't sitting here are the ones that couldn't follow that way. But if they had a different kind of way of learning, they'd be sitting here smarter than us. We don't know. We didn't run that experiment. Now we can run that experiment. Because now you can figure out on a per-person basis what exercises and what learning works for them, at their own pace, using [the] modern technology which is available.

Think about automation, the revolution of automation. The repetitive tasks long crippling and dangerous are being eliminated by all of this.

Synthetic biology. In your lifetimes, what will happen is people will take your blood and then they will grow a new organ for you. Now I wish I could tell you that this would mean when you're 100, you look like you were 20. You're still going to look 100, but you're going to have a brand new liver, kidney, or what have you. We're very close to being able to do this, because we can now culture the growth cells, the so-called stem cells from your blood. It's another recent Nobel Prize, all happening. The changes keep going.

Let's think about smart power grids – enormous innovation. Who here would have said 10 years ago that America would be the number one exporter of natural gas and oil today and will soon surpass the number one exporter in oil in the world, Saudi Arabia? That's shocking to me. How did that happen? Because of technological innovation and the way drilling and so forth is done.

We're rethinking cities. It turns out that nine percent of the space of a city is devoted to parked cars. Probably not the highest and best use. People are thinking that cities should become – in a positive way – more dense, more active, more integrated, and so forth, because that's where a lot of the great strength of cities comes from.

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It's interesting. But the one that's really going to change everything – and I'll finish with this example and then talk about some of the implications of this – is generalized AI [artificial intelligence]. I'll tell you about a test. This fellow named Alan Turing, who is the computer scientist hero, there's a movie coming out about him called *The Imitation Game*. And the technical people here all know about this guy; he was a mathematician who broke codes for the British in World War Two. He was persecuted afterwards because he was gay; and he nevertheless proposed, before he killed himself, a test called the Turing Test. And the idea was that you'd have a person and a computer behind a screen, and on the other side you'd have a person trying to figure out which was the computer and which was the person. Now I've lived with this test my entire life. I have important news. It's been passed by a computer. Interesting.

It was passed in June by a computer from the Russians simulating a 13-year-old Ukrainian boy. And they couldn't tell the difference. Now there have been many objections to this result, because everyone who has a 13-year-old boy knows they don't say anything. Try a 13-year-old girl. So we're working on it. But in our lifetimes – again, reasonably soon – we'll get 13-year-old girls, too, who talk a lot.

But this notion of making us smarter has a lot of implications because it means that in five years or so, you'll have an assistant that's as good as a human assistant that should be able to, for example, read your email and respond to it. Does Eric want to go to DC, or does he want to go to Philadelphia? Does he like this restaurant or that restaurant? Do you think you'll use that? Absolutely. You don't actually want to spend all your time thinking about that. You actually want to go on with your life. It makes you smarter. So, these breakthroughs are coming, and they're going to come relatively fast in the next decade.

So this concept, right, about computers augmenting human intelligence actually dates from 1960. This is not a new idea. We've been working on it in one way or the other for a very long time. So I would argue that the case

for optimism is based on a couple of things. 1965, a guy named [J. C. R.] Licklider voiced a modern maxim which says people tend to overestimate what can be done in one year and underestimate what can be done in five or 10, right?

Everybody here has a smart phone, right? Ten years ago, none of you had one. For most people – interesting thing about smart phones – 97 percent of people sleep with a smart phone on one side of the bed plugged in and the spouse or significant other in the other, right? True?

Another statistic. If you're a child and you wake up, you're online until you go to sleep, 16 hours or whatever. If you wake up in the middle of the night as a child, you do the equivalent of checking your email. They are literally connected every minute of their being awake. That's how profound these things are.

So to me, innovation and smarter people solve a lot of the problems that we want to complain about. So not only does the data seem to be getting better, but I think there's a lot of evidence that the future is going to get better.

And I'll finish by talking about positions for us to take. I think this is from H.G. Wells, "Civilization is in a race between education and catastrophe. Let us learn the truth and spread it as far and wide as the circumstances allow, for the truth is the greatest weapon we have." When you look at the problems that our political leaders are addressing around the world; in almost every case, more education, more civilization, [and] more of a buy-in to the international system would cure most of the problems. Right? He was right. We are right.

So principal growth, growth in the knowledge economy, and science and energy make all the difference. What I hope I've done is given you a sense that we're busy building a future that's even better than the good future we have right now. Thank you very much.

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THE INSTITUTION AND ITS WORK

SALZBURG GLOBAL SEMINAR

Salzburg Global Seminar is an independent non-profit organization founded in 1947 to challenge current and future leaders to shape a better world. Our multi-year programs aim to bridge divides, transform systems and expand collaborations.

Salzburg Global convenes outstanding talent across generations, cultures and sectors to inspire new thinking and action, and to connect local innovators with global resources. We foster lasting networks and partnerships for creative, just and sustainable change.

Over 36,000 Fellows from more than 170 countries have come together through our work, with many rising to senior leadership positions. Our historic home at Schloss Leopoldskron in Salzburg, Austria – now also an award-winning hotel – allows us to welcome all participants in conditions of trust and openness.

For more info. please visit:
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A LASTING LEGACY

THE LLOYD N. CUTLER CENTER FOR THE RULE OF LAW

As a lasting tribute to the Cutler legacy, Salzburg Global Seminar has established the Lloyd N. Cutler Center for the Rule of Law. Its mission is threefold:

1. To seek solutions to global problems in areas where the law is inadequate or unfolding;
2. To advance the role of independent judiciaries globally and promote universal access to justice;
3. To employ innovative methods to engage new audiences and raise awareness of legal principles and why they matter.

Under the Center's auspices, the Lloyd N. Cutler Lecture on the Rule of Law is presented annually in Washington, DC, and features a distinguished speaker on a vital legal issue of international interest. Additionally, the Cutler Center convenes Rule of Law seminars in Salzburg, Austria and the Lloyd N. Cutler Law Fellows Program in Washington, DC.

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