



Brandeis University

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Curriculum Vitae

Education

J.D., Yale Law School, 1980
Editor, Yale Law Journal, 1979-80; Moot Court: Harlan Fiske Stone Prize Semi-Finalist; Teaching Assistant.

B.A., Political Economy, magna cum laude, Williams College, 1977
Phi Beta Kappa, 1976; Gargoyle (Williams College Honorary Society); William Bradford Turner Citizenship Prize.

Scholarship, Teaching and Academic

2011 to pres. President and Professor of Politics, Brandeis University
2007-10 Trustee, Williams College
2005-10 Dean and Robert Kramer Research Professor of Law, George Washington University School of Law
2005 Visiting Professor of Legal Studies, Williams College
2001-05 Law Alumni Scholar, Boston University School of Law
2001 Honorary Senior Research Fellow, University College London
1994-2005 Professor of Law, Boston University School of Law 1996-99: Associate Dean for Academic Affairs
1988-94 Associate Professor of Law, Boston University School of Law Civil Rights Crimes, Civil Rights Enforcement, Civil Procedure, Criminal Law, Boston University School of Law
1998-99 Recipient of grant to study Bias Crime law in the United Kingdom, Ford Foundation
1997 Inns of Court Fellowship, University of London and Lincoln's Inn to study Bias Crime law in the United Kingdom, Institute for Advanced Legal Studies, London, U.K.
1996 Inns of Court Fellowship, University of London and Lincoln's Inn to study Bias Crime law in the United Kingdom, Institute for Advanced Legal Studies, London, U.K.
1996 Recipient, Boston University Metcalf Award for Excellence in Teaching, Boston University School of Law
1988 Adjunct Associate Professor of Law, Civil Rights and Civil Liberties. Fordham University School of Law

Legal Practice

2002-05 Of Counsel, Dwyer & Collora, LLP, Boston, MA
1986-88 Chief, Civil Rights Unit, United States Attorney for the Southern District of New York
1983-88 Assistant United States Attorney, United States Attorney for the Southern District of New York
1981-83 Associate, Kramer, Levin, Nessen, Kamin & Soll, New York, NY
1980-81 Judicial Clerk, Hon. Amalya L. Kears, Circuit Judge, United States Court of Appeals for the Second Circuit

Books and Book Chapters

Punishing Hate: Bias Crimes Under American Law, Harvard University Press (1999).
"Violence-Conducive Speech: Punishable Verbal Assault or Protected Political Speech?" in *Freedom of Speech and Incitement Against Democracy*, Kluwer Law International (2000).
"Racial Violence on a 'Small Island': Bias Crime in a Multi-Cultural Society, in *The Hate Debate: Should Hate Be Punished as a Crime?*, IJPR, London (2002).
"Memory, Hate, and the Criminalization of Bias-Motivated-Violence," in *Breaking the Cycles of Hatred*, Princeton University Press (2002)
"The Protocols of the Elders of Zion: group defamation trials in civil courts and the 'court' of public opinion," in *From the Protocols of the Elders of Zion to the Holocaust Denial Trials: Challenging the Media, Law and the Academy*, Valentine Mitchell Publishers (2007).
"The Hate Crime Project and its Limitations: Evaluating the Societal Gains and Risk in Bias Crime Enforcement," in *Social Consciousness in Legal Decision Making*, Springer (2007).
Responding to Hate Crime (editor of Volume 5 of *Hate Crime: Issues and Perspectives*) Praeger Press (2009).

Articles

- “Jack Friedenthal: a scholar, teacher and Dean’s Dean,” 78 *George Washington University Law Review* 3 (2009).
- “Declaring Innocence: Use of the Declaratory Judgments to Vindicate the Wrongly Convicted,” 18 *Boston University Public Interest Law Journal* 391 (2009).
- “The Evolving Federal Role in Bias Crime Law Enforcement and the Hate Crime Prevention Act of 2007,” 19 *Stanford Journal of Law & Policy* 251 (2008).
- “Archibald Cox and the Genius of Our Institutions,” 84 *Boston University Law Review* (2005).
- “Agreeing to Agree: A Proponent and Opponent of Hate Crime Laws Reach for Agreement,” 41 *Harvard Journal on Legislation* 421 (2004) (with Susan Gellman).
- “Enforcing Bias Crimes Laws Without Bias: Evaluating the Disproportionate Enforcement Critique,” 66 *Journal of Law and Contemporary Problems* 49 (Summer 2003).
- Encyclopedia of Crime and Justice* (second ed. 2002) entry on “Hate Crimes.”
- “Federal Bias Crime Law” Symposium, 80 *Boston University Law Review* 1185 (2000), “Introduction” (at 1185) and “Commentary” (at 1437).
- “Civil Rights Law In Transition (Symposium): Dialogue on Hate Crimes Legislation,” 27 *Fordham Urban Law Journal* 1168 (2000).
- “The Case for a Federal Bias Crime Law,” 16 *National Black Law Journal* 144 (1999).
- Encyclopedia of the American Constitution* (Supplement II) (2000): entries on “Hate Crimes”:
R.A.V. v. City of St. Paul, Wisconsin v. Mitchell.
- “The Collision of Rights in Violence-Conducive Speech,” 19 *Cardozo Law Review* 1333 (1998).
- “In the U.S. Supreme Court: Revisiting the Scope of Federal Civil Rights Crimes — Is Sexual Assault by a State Judge a Federal Crime,” January 9, 1997 *West’s Legal News* 14248, 1997 WL 6056.
- “The Limits of Domination,” 76 *Boston University Law Review* 361 (1996).
- “The Punishment of Hate: Toward a Normative Theory of Bias-Motivated Crimes,” 93 *Michigan Law Review* 320 (1994).
- “Civil Rights and Criminal Wrongs: The *Mens Rea* of Federal Civil Rights Crimes,” 67 *Tulane Law Review* 2113 (1993).
- “The Hate Crimes/Hate Speech Paradox: Punishing Bias Crimes and Protecting Racist Speech,” 68 *Notre Dame Law Review* 673 (1993).
- “The Coastwise Voyager and the First Amendment: The Fighting Faiths of the *Abrams* Five” (Review of *Fighting Faiths: The Abrams Case, The Supreme Court, and Free Speech* by Richard Polenberg), 69 *Boston University Law Review* 897 (1989).
- “Constitutional Interpretation and Halakhic Interpretation,” 53 *Reconstructionist* 15 (1987).
- “The First Amendment Right to Gather State-Held Information,” 89 *Yale Law Journal* 923 (1980).

Manuscripts In Progress

- “Strangers at a Distance No Longer?: Treatment of Bias-Motivated Crimes in the United States and the United Kingdom.”

Papers and Lectures

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| May 4, 2009 | Organization for Security and Cooperation in Europe (OSCE). Delivered keynote address at meeting on "Hate Crimes – Effective Implementation of Legislation," Vienna, Austria. |
| Jan. 9, 2009 | Association of American Law Schools, Section on Civil Rights. Presented “Declaratory Judgment of Innocence” at panel on Remedies for Exonerated Prisoners. |
| Nov. 17, 2008 | Global Summit on Internet Hate. Panelist on “A Proposal for a New Legal Paradigm: Cyber Civil Rights. |
| July 16, 2007 | Oxford University. Presented “Words that Stab – Protected Poignards or Punishable Crimes,” at Oxford/George Washington University International Human Rights Law Program. |
| May 14, 2006 | Max Plank Institute, Munich Germany. Presented “The Internationalization of The American Law curriculum.” |
| May 2005 | University of Nebraska, Conference on Legal Decision Making in Everyday Life: Controversies in Social Consciousness.
Presented "The Hate Crime Project and its Limitations: Evaluating the Societal Gains and Risks in Bias Crime Law Enforcement,"(May 24, 2005).
Co-taught Master Class on “Hate Regulation and Stereotyping,” (May 26, 2005). |
| Oct. 12, 2004 | Organization for Security and Cooperation in Europe (OSCE) — Human Dimension Implementation Meetings, Warsaw, Poland.
Chair, session on Enactment and Enforcement of Legislation to Combat Hate-Motivated Crimes
Delivered statement to plenary session on Public and Private Partnerships in combating Bias-Motivated Crimes |

- Speaker, session on Hate Speech in Cyberspace
Public Member, Delegation of the United States America
- Feb. 28, 2004 Nottingham Centre for the Study and Reduction of Hate Crime Conference. "Strangers at a Distance No Longer?: Treatment of Bias-Motivated Crimes in the United States and the United Kingdom."
- June 12, 2003 Fulbright Seminar on Religion and Contemporary Society. Keynote address concerning "separation of church and state in the United States" to international seminar of Muslim scholars sponsored by the Boisi Center for Religion and American Public Life at Boston College.
- March 6, 2003 Harvard Journal on Legislation. "Hate Crimes in a Multi-Cultural Society," as part of a symposium on "Perspectives on Hate Speech and Hate Crimes."
- Jan. 3, 2003 American Economics Association Meeting. "Can Bias Criminals Really Be Deterred? More importantly, 'Does it matter?'"
- Oct. 9, 2002 Boston College Law School. Panel Discussion on Hate Crimes and Punishment.
- March 11, 2002 Boston Colloquium for Philosophy of Science. Moderated session on "Normativity and Objectivity in Law."
- Feb. 12, 2002 Edward Brodsky Legal Conference. Moderated conference on "Terrorism and Democracy: Striking the Balance Between Security and Civil Liberties."
- July 1, 2001 Anti-Defamation League, Joint National Civil Rights Committee – National Legal Affairs Committee National Conference Call on "The 2000 Supreme Court Term." Commentator and co-leader of 90-minute conference call among national leadership of Anti-Defamation League.
- May 7, 2001 Northeastern University, Symposium on "Challenging the Academy, the Press, and the Legal System. Participated on panel addressing "Precursors to the Holocaust: Protocols of the Elders of Zion."
- April 30, 2001 Center for First Amendment Rights. Symposium on "Entertainment, Violence, the Nation's Health, and the First Amendment.
- April 5, 2001 Rutgers Race and the Law Review, Symposium on "Hate Crime Legislation: A Review of the Legal, Social, and Moral Issues." Delivered "Bias Crimes in a Multicultural Society."
- March 7, 2001 University College London. Delivered "Bias Crimes in a Multicultural Society."
- March 5, 2001 Institute of Jewish Policy Research, London. Delivered "Bias Crimes in a Multicultural Society," at symposium on Hate Crime Law.
- March 1, 2001 University of Sussex, Faculty of Law. Delivered "Treatment of Bias-Motivated Crimes in the United States and the United Kingdom."
- Feb. 28, 2001 Cambridge Institute of Criminology. Delivered "Treatment of Bias-Motivated Crimes in the United States and the United Kingdom."
- June 20, 2000 Anti-Defamation League, National Leadership Breakfast. Delivered "Civil Rights in Jeopardy: the Supreme Court and Federal Authority in the Area of Federal Civil Rights Crimes."
- June 13, 2000 Justice George Lewis Ruffin Society Convocation, Northeastern University. Participated in panel discussion on current legal issues concerning the Massachusetts Civil Rights Act.
- April 13, 2000 United States Equal Employment Opportunity Commission Regional State Local Conference. Delivered "Hate Crimes in the Workplace."
- Feb. 25-26, 2000 University of Oregon School of Law. Delivered "Bias Crimes in a Multicultural Society" at International Human Rights Conference 2000.
- Jan. 26-27, 2000 Anti-Defamation League, scholar in residence. Florida (Dade and Broward County ADL meetings).
- Jan. 7, 1999 Association of American Law Schools Civil Rights Section. Speaker and Moderator, Federal Bias Crime Law panel at AALS Annual Meeting.
- Dec. 8, 1999 New York City Commission on Human Rights and Fordham Law School. Dialogue on Hate Crime Legislation.
- Nov. 29, 1999 Lincoln's Inn, London, U.K. "Punishing Hate: Bias Crimes and Racial Violence Under U.K. and American Law."
- Nov. 19, 1999 Gilbane Symposium, Brown University. "Bias Crime Law in a Multicultural Society."
- Nov. 4, 1999 Smith College, Northhampton, Mass. Lecture on hate crime law for Otelia Cromwell Day (named in honor of the college's first African-American graduate).
- Nov. 1 & 2, 1999 Anti-Defamation League, scholar in residence. St. Louis, Missouri.
- Oct. 19, 1999 Anti-Defamation League, scholar in residence. Cleveland, Ohio.
- Oct. 19, 1999 Cleveland-Marshall College of Law, Cleveland, Ohio. "The Case for a Federal Bias Crime Law."
- Oct. 4, 1999 Colorado Hate Crimes Summit. Delivered keynote address at conference of scholars, law enforcement officials, and others involved in issues related to bias-motivated violence.

- Sept. 23, 1999 Anti-Defamation League, New England Region. "Hate Crimes after Columbine: Is Gun Control the Answer?"
- Sept. 17, 1999 Congressional Black Caucus Foundation, 1999 Judiciary Committee Braintrust. Testified on hate crimes on panel concerning "The State of Justice at Century's End."
- July 2, 1999 Institute for Advanced Legal Studies, London, U.K. Presented "Punishing Hate: Bias Crimes Under British and American Law."
- May 12, 1999 Harvard Club, New York. Presented "Bias Crimes under American Law."
- Nov. 13, 1998 Anti-Defamation League, National Commission Meeting. Delivered talk on constitutional and criminal law theory issues involved in statutes that punish bias crimes.
- July 15, 1998 Crown Prosecution Service, London, U.K. Presented paper, "Treatment of Bias-Motivated Crimes in the United States and the United Kingdom."
- Dec. 18, 1996 Tel Aviv University School of Law. Presented paper, "The Boundaries of Free Expression," to faculty workshop.
- Dec. 15-17, 1996 Hebrew University of Jerusalem Center for Human Rights. Presented paper at conference on "Freedom of Speech and Incitement against Democracy."
- April 25, 1996 Boston University Task Force on Violence and Harassment. Presented discussion on hate speech in the university context.
- April 25, 1996 Moderator of Internet Law Symposium Section III — "Pornography: Free Speech or Censorship Cyberspace," (3 B.U. J. Sci. & Tech. L. 3 ¶¶1-4, 26, 36).
- June 19, 1995 Paris Bar Training Center, Paris. Presented "Punishing Hate: The Case for Enhanced Punishment of Racially-Motivated Crimes."
- June 14, 1995 University College School of Law, London. Presented "Hate Crimes and Hate Speech."
- June 12, 1995 Institute for Advanced Legal Studies, London. Presented "Punishing Hate: The Case for Enhanced Punishment of Racially Motivated Crimes."
- April 5, 1995 Kings College School of Law, London. Presented "Punishing Hate: The Case for Enhanced Punishment of Racially Motivated Crimes."
- Feb. 14, 1995 Cambridge Lectures on Contemporary Issues, Cambridge, Mass. Delivered lecture, "The Punishment of Hate."

Congressional Testimony

- April 17, 2007 U.S. House of Representatives, Committee on the Judiciary. Testified on H.R. 1592, Hate Crimes Prevention Act of 2007.
- Feb. 27, 2002 U.S. House of Representatives, Government Reform Committee. Testified on "Justice Department Misconduct in Boston: Are Legislative Solutions Required?"
- Aug. 4, 1999 U.S. House of Representatives, Committee on the Judiciary. Testified on hate crimes, and Hate Crimes Prevention Act of 1999.

Consultations and Professional Organizations

- Anti-Defamation League, chair, national legal affairs committee, 2003-06.
- Anti-Defamation League, national commissioner, 2002 to present.
- Anti-Defamation League, New England Region, first vice chair in the Center for Civil Rights and Public Policy, 2001-05.
- Anti-Defamation League, associate national commissioner, 2001-02.
- American Law Institute, member, 1999 to present.
- Anti-Defamation League, New England Region, member, executive committee, 1999-2005.
- Massachusetts Hate Crimes Task Force, member of United States Attorney's and Massachusetts Attorney General's task force, 1999-2002.
- Anti-Defamation League, New England Region, member, Task Force on Hate on the Internet, 1999-2001.
- Association of American Law Schools, civil rights section, chair, 1999-2000.
- The Center for First Amendment Rights, Hartford, Conn., advisory director, 1996 to present.
- Association of American Law Schools, civil rights section, executive committee member, 1998-2001.
- Masorti Foundation for Conservative Judaism in Israel, chair, New England Cabinet, 1997-2002.
- Massachusetts Institute of Technology, special investigator appointed by provost to investigate grievance filed under the university's harassment code, 1993.
- Massachusetts Bar Association, editor, Individual Rights and Responsibilities Section Newsletter, 1994-96.
- Massachusetts Bar Association, member, Individual Rights and Responsibilities Council, 1994-96.
- Committee on Jewish Law and Standards, United Synagogue of Conservative Judaism and Rabbinical Assembly, member. Committee is the authority for decisions as to matters of Jewish Law for the Conservative Movement, 1992-2002.

Commonwealth of Massachusetts, member of select Task Force to advise the Attorney General of the Commonwealth of Massachusetts concerning the legal status of Massachusetts' Civil Rights Crime statutes, 1992.

Blackwell Publishers, reviewer of proposal for Journal of European Discrimination Studies for Blackwell Publishers, Oxford, Great Britain, and Cambridge, Mass., 1992.

Russian Republic Justice Reform Project, participant, conference reviewing and commenting upon proposed criminal code for Russian Republic, cosponsored by the Russian Federated Republic's Ministry of Justice and Harvard Law School Center for Criminal Justice. Directed discussion on Constitutional Crimes, 1991.

Anti-Defamation League, New England Region, member, civil rights committee, 1988-2005 (vice chair, 1999-2001).

United States Supreme Court Practice

- 2006 Parents Involved in Community Schools v. Seattle School District, Nos. 05-908, -915, (constitutionality of use of race as limited factor in assigning students to public elementary and secondary schools), co-authored amicus curiae brief of Anti-Defamation League.
- 2004 Locke v. Davey, 540 U.S. 712, (constitutionality of State "Blaine Amendments" prohibiting aid to religious institutions), co-authored amicus curiae brief of Anti-Defamation League and other organizations.
- 2003 Virginia v. Black, 538 U.S. 343, (constitutionality of Virginia cross-burning statute), co-authored amicus curiae brief of Anti-Defamation League, People for the American Way Foundation, Human Rights Campaign, National Asian Pacific American Legal Consortium, National Conference for Community and Justice, Asian American Legal Defense and Education Fund, American-Arab Anti-Discrimination Committee, National Gay and Lesbian Task Force, Lawyers' Committee for Civil Rights Under Law of The Boston Bar Association, and other organizations.
- 2002 Zelman v. Simmons-Harris, 536 U.S. 639, (constitutionality of Ohio school voucher program), co-authored amicus curiae brief Anti-Defamation League.
- 1993 Wisconsin v. Mitchell, 508 U.S. 476, (constitutionality of penalty enhancement provision of Wisconsin bias crime law), consultant to State of Wisconsin Department of Justice on preparation of written briefs and oral argument to the Supreme Court.
- 1991 Hernandez v. New York, 500 U.S. 352, (permissibility of peremptory challenge of bilingual Latino potential jurors due to ability to listen and follow interpreter), consultant to Puerto Rican Legal Defense Fund on preparation of written briefs and oral argument to the Supreme Court.
- 1989 Owens v. Okure, 488 U.S. 235, (applicable statute of limitations in cases brought under 42 U.S.C. §1983, the primary federal statute for private enforcement of civil rights), member of the moot court panel preparing counsel for respondent.

Bar Admissions

- 1981 State of New York; United States District Court for the Southern District of New York; United States District Court for the Eastern District of New York; United States Court of Appeals for the Second Circuit; United States Supreme Court.

Personal

Married to Kathy Lawrence, Ph.D. (American Studies; 19th-century American literature and art).
Children: Miriam, Noah.