

**Kathleen M. Sullivan**

**Address:**

Stanford Law School  
559 Nathan Abbott Way  
Stanford, California 94305-8610  
Tel: (650) 725-9875  
Fax: (650) 723-8456  
E-mail: sullivan@law.stanford.edu  
Date of Birth: August 20, 1955

**Employment:**

Stanford Law School. Dean and Richard E. Lang Professor, 1999-2004; Stanley Morrison Professor of Law, 1996-present; Professor of Law, 1993-96; Visiting Professor, 1992.

Harvard Law School. Professor of Law, 1989-93; Assistant Professor of Law, 1984-89.

University of Southern California Law Center; Visiting Professor, 1991.

Sole Litigation Practice, 1982-84, Cambridge and Boston, MA (appellate constitutional law with Laurence H. Tribe and white-collar criminal defense).

Judge James L. Oakes, United States Court of Appeals for the Second Circuit. Law Clerk, 1981-82.

**Education:**

Harvard Law School, J.D., *cum laude*, 1981. George Leisure Award for Excellence in Advocacy, Best Oralist in the Final Round and Member of the Winning Team, Ames Moot Court Competition, 1981.

Oxford University, B.A. (First Class Honours, Philosophy, Politics, and Economics), 1978. Marshall Scholar.

Cornell University, B.A. (With Distinction in All Subjects), 1976. Phi Beta Kappa (junior year), Telluride Scholar, College Scholar, Outstanding Senior Award.

**Honors and Awards:**

**Academic:**

Visiting Scholar, National Constitution Center, 2004-05.

Honorary LL.D., Suffolk University Law School, 2004.

Elected to American Philosophical Society, 2002.

Elected to American Academy of Arts and Sciences, 1996.

John Bingham Hurlbut Award for Excellence in Teaching, Stanford Law School, 1996.

Robert E. Paradise Fellow for Excellence in Teaching and Research, Stanford Law School, 1995-1997.

Radcliffe College Alumnae Association Graduate Society Medal, 1995.

Albert M. Sacks-Paul A. Freund Award for Teaching Excellence, Harvard Law School, 1992.

**Professional:**

San Francisco Business Times, "The San Francisco Bay Area's Most Influential Women in Business: 20 Most Influential Women in the Bay Area Public Arena," April 23, 2004.

San Francisco and Los Angeles Daily Journal Extra, "The Top 100: the Most Influential Lawyers in California," October 27, 2003.

San Diego Volunteer Lawyer Program Pro Bono Publico Award for Distinguished Service to the Legal Profession, October 3, 2003.

San Francisco and Los Angeles Daily Journal Extra, "The Top 100: the Most Influential Lawyers in California," September 30, 2002.

San Francisco Business Times, "75 Most Influential Bay Area Business Women," May 24, 2002.

California Law Business, "The Top 100 Most Influential Lawyers," October 29, 2001.

San Francisco Business Times, "75 Most Influential Bay Area Business Women," April 27, 2001.

National Law Journal, "Profiles in Power: The 100 Most Influential Lawyers in America," June 12, 2000.

Irish America Magazine, "Top 100 Irish Americans 2000," May 2000.

San Francisco Business Times, "Women in Business 2000: The 50 Most Influential Business Women in the Bay Area," April 28, 2000.

Ladies' Home Journal, "America's 100 Most Important Women," November 1999.

California Law Business, "The Top 100: the 100 Most Influential Attorneys in California," September 13, 1999.

San Francisco Business Times, "1999 Women in Business: the Most

Influential Businesswomen in the Bay Area," May 28, 1999.

Distinguished Professor Award, American Civil Liberties Union Foundation of Southern California, April 1998.

National Law Journal, "The Fifty Most Influential Women Lawyers in America," March 30, 1998.

California Lawyer, "1996 Legal Eagles: the State's Most Influential Lawyers," December, 1996.

The American Lawyer, "Headnotes: Rising Stars," November 1991.

**Publications:**

**Books:**

Constitutional Law (Foundation Press, 15<sup>th</sup> ed. 2004) (with the late Gerald Gunther) (co-author since 13<sup>th</sup> ed.).

First Amendment Law (Foundation Press, 2d ed. 2003) (with the late Gerald Gunther).

New Federalist Papers: Essays in Defense of the Constitution, (W.W. Norton & Company 1997) (with Alan Brinkley and Nelson W. Polsby).

**Articles:**

The Elysian Fields of the Law, Symposium in Honor of John Hart Ely, 57 Stanford Law Review 695 (2004).

In Memoriam: John Hart Ely, 117 Harvard Law Review 1758 (2004).

Symposium: Public Values in and Era of Privatization--The New Religion and the Constitution, 116 Harvard Law Review 1397 (2003).

Tribute to Laurence H. Tribe, 59 NYU Annual Survey of American Law 15 (2003).

Gerald Gunther: the Man and the Scholar, 55 Stanford Law Review 643 (2002).

Foreword: Interdisciplinarity, 100 Michigan Law Review 1217 (2002).

Constitutionalizing Women's Equality, 90 California Law Review 735 (2002).

Sex, Money, and Groups: Free Speech and Association Decisions in the October 1999 Term, 28 Pepperdine Law Review 723 (2001).

Justice Scalia and the Religion Clauses, 22 University of Hawaii Law Review 449 (2001).

The Good That Lawyers Do, 4 Washington University Journal of Law and Policy 7 (2000).

The Intersection of Free Speech and the Legal Profession: Constraints on Lawyers' First Amendment Rights, 67 Fordham Law Review 569 (1998).

After Affirmative Action, 59 Ohio State Law Journal 1039 (1998).

Discrimination, Distribution, and City Regulation of Speech, 25 Hastings Constitutional Law Quarterly 209 (1998).

First Amendment Intermediaries in the Age of Cyberspace, 45 UCLA Law Review 1653 (1998).

Political Money and Freedom of Speech: A Reply to Frank Askin, 31 U.C. Davis Law Review 1083 (1998).

Epistemic Democracy and Minority Rights, 86 California Law Review, 445 (1998) (commenting on Frank Michelman's Brennan Lecture.)

The Jurisprudence of the Rehnquist Court, 22 Nova Law Review 743 (1998).

Political Money and Freedom of Speech, 30 U.C. Davis Law Review 663 (1997).

Cheap Spirits, Cigarettes, and Free Speech: The Implications of 44 Liquormart, 1997 Supreme Court Review 123.

Parades, Public Squares and Voucher Payments: Problems of Government Neutrality, 28 Connecticut Law Review 243 (1996).

Constitutional Constancy: Why Congress Should Cure Itself of Amendment Fever, 17 Cardozo Law Review 691 (1996).

The Supreme Court, 1994 Term -- Comment: Dueling Sovereignties: U.S. Term Limits v. Thornton, 109 Harvard Law Review 78 (1995).

Discrimination, Distribution and Free Speech, 37 Arizona Law Review 439 (1995).

Free Speech and Unfree Markets, 42 UCLA Law Review 949 (1995).

Resurrecting Free Speech, 63 Fordham Law Review 971 (1995).

Free Speech Wars, 48 Southern Methodist University Law Review 203 (1994).

God as a Lobby, 61 University of Chicago Law Review 1655 (1994) (reviewing Stephen L. Carter, The Culture of Disbelief).

The Nonsupreme Court, 91 Michigan Law Review 1121 (1993) (reviewing Robert A. Burt, The Constitution in Conflict).

The Supreme Court, 1991 Term -- Foreword: The Justices of Rules and Standards, 106 Harvard Law Review 22 (1992).

Religion and Liberal Democracy, 59 University of Chicago Law Review 195 (1992).

Post-Liberal Judging: The Roles of Categorization and Balancing, 63 University of Colorado Law Review 293 (1992).

City of Richmond v. J.A. Croson Co.: The Backlash Against Affirmative Action, 64 Tulane Law Review 1609 (1990).

Abortion Politics: Writing for an Audience of One, 138 University of Pennsylvania Law Review 119 (1989) (with Susan R. Estrich).

Unconstitutional Conditions and the Distribution of Liberty, 26 San Diego Law Review 327 (1989).

Unconstitutional Conditions, 102 Harvard Law Review 1413 (1989).

The Candor of Justice Marshall, 6 Harvard Blackletter Journal 83 (1989).

Rainbow Republicanism, 97 Yale Law Journal 1713 (1988).

AIDS and the Coercive Power of the State, 23 Harvard Civil Rights-Civil Liberties Law Review 139 (1988) (with Martha A. Field).

AIDS and the Criminal Law, 15 Law, Medicine & Health Care 46 (1987) (with Martha A. Field).

The Supreme Court, 1985 Term -- Comment: Sins of Discrimination: Last Term's Affirmative Action Cases, 100 Harvard Law Review 78 (1986).

**Book Chapters:**

Under a Watchful Eye: Incursions on Personal Privacy, in The War on Our Freedoms: Civil Liberties in an Age of Terrorism (Leone & Anrig, eds., Century Foundation/Public Affairs 2003).

Freedom of Expression in the United States: Past and Present, in The Boundaries of Freedom of Expression and Order in American Democracy (Kent State University Press 2001).

Privacy and Personal Autonomy, in Common Law/Common Values/Common Rights: Essays on Our Common Heritage by Distinguished British and American Scholars (ABA/West 2000).

Amending Process (update); Corporate Power, Free Speech, and Democracy; Unconstitutional Conditions (update), in Encyclopedia of the American Constitution (Supplement II, 2000).

Censorship, in Encyclopedia of Philosophy (MacMillan, 1996 Supplement).

Religion and Liberal Democracy, in The Bill of Rights in the Modern State, 195 (G. Stone, R. Epstein, and C. Sunstein, eds., U. Chicago Press 1992).

Categorization, Balancing, and Government Interests, in Public Values in Constitutional Law, 241 (S. Gottlieb ed., U. Michigan Press 1993).

Affirmative Action, in Encyclopedia of the American Constitution (1991 Supplement).

Artistic Freedom, Public Funding, and the Constitution, in Public Money & the Muse: Essays on Government Funding for the Arts, 80 (S. Benedict ed., 1991).

#### **Op-ed Pieces and Book Reviews:**

Battle for the Courts: What's at Stake, San Jose Mercury News, May 29, 2005 (Perspective).

Rehnquist and His Court: Read between Lines of the Constitution, The Philadelphia Inquirer, April 27, 2005, p. A19

What Happened to 'Brown'?, The New York Review of Books, September 23, 2004, p. 47 (reviewing Derrick Bell, Silent Covenants, Richard Kluger, Simple Justice, Charles Ogletree, All Deliberate Speed)

Reflections on an America Transformed, The New York Times, September 8, 2002, p. WK15.

One Nation, One Standard Way to Ballot, The New York Times, November 15, 2000, p. A31.

A Court Not Easy to Classify, The New York Times, June 29, 2000, p. A30.

Sleazy Ads? Or Flawed Rules?, The New York Times, March 8, 2000, p. A27.

Paying Up Is Speaking Up, The New York Times, October 24, 1999, Sec. 4, p. 15.

Federal Power, Undimmed, The New York Times, June 27, 1999, Sec. 4, p. 17.

Madison Got It Backward, The New York Times, February 16, 1999, p. A19.

Put Politics Back Where It Belongs, The Washington Post, January 3, 1999, p. C4.

Defining Democracy Down, The American Prospect, November-December, 1998, p. 92 (reviewing Nancy Rosenblum, Membership & Morals).

Behind the Crimson Curtain, The New York Review of Books, October 8, 1998, p. 15 (reviewing Edward Lazarus, Closed Chambers).

Subsidies for "Indecent" Art, Legal Times, March 30, 1998, p. 21.

Supreme Court Avoidance, The Washington Post, December 7, 1997, p. C1.

Calling Canard, The New Republic, November 3, 1997 (with Susan Estrich), p. 18.

A Thousand Opinions, One Voice, The New York Times, July 25, 1997, p. A15.

Speech and Power: Is First Amendment Absolutism Obsolete?, The Nation, July 21, 1997, p. 18.

Democracy and the Deficit, The New York Review of Books, May 15, 1997, p. 17.

Why the Brady Law is Constitutional, The New York Times, December 6, 1996, p. A39.

In Defense of Federal Power; The States Are Not Strong Enough, The New York Times Magazine, August 18, 1996, p. 36.

Decisions Expand Equal Protection Rights, The National Law Journal, July 29, 1996, p. C7.

Muzzle Camel Joe? It May be Illegal, Newsday, May 30, 1996, p. A47.

Constitutional Amendmentitis, The American Prospect, Fall 1995, p. 20.

First Amendment Cases: Government Loses Favor With Court, Res Ipsa 1994-95 Supreme Court Roundup, August 9-16, 1995, p. 8.

Law's Labors, The New Republic, May 23, 1994, p. 42 (reviewing David J. Garrow, Law and Sexuality: The Right to Privacy and the Making of Roe v. Wade).

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Making Amends: The Constitution Wasn't Meant to Balance the Budget, The Chicago Tribune, February 23, 1994, p. N19.

The Hill-Thomas Mystery, The New York Review of Books, August 12, 1993, p. 12 (reviewing David Brock, The Real Anita Hill: the Untold Story).

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The First Amendment Wars, The New Republic, September 28, 1992, p. 35.

The Center Springs to Life in Reaffirming *Roe v. Wade's* Essence, Legal Times, July 27, 1992, p. S23.

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A Victory for Roe, The New York Times, June 30, 1992, p. A23.

Men Must See It With Women's Eyes, Newsday, October 10, 1991, p.147.

Marshall, the Great Dissenter, The New York Times, June 29, 1991, p.A23.

2 Live Crew and the Cultural Contradictions of Miller, \_\_\_\_\_  
1 Reconstruction 2:19 (1990).

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A Quantum Leap Backward?, The New York Times Book Review, October 28, 1990, p.30 (reviewing Bernard Schwartz, The New Right and The Constitution).

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NEA Oaths: Grants With Strings Attached, The Los Angeles Times, September 10, 1990, p.F3.

Bush's Supreme Court Red Herring, The New York Times, July 29, 1990, p.E17.

A Free Society Doesn't Dictate to Artists, The New York Times, May 18, 1990, p.A31.

Privacy is a Right Bork Would Ruin, The Los Angeles Times, July 19, 1987, p.V-5.

Question 1: No, There Are Hidden Dangers, The Boston Globe,  
October 23, 1986, p.17 (with Laurence H. Tribe).

**Selected Litigation Experience:**

**Counsel or Co-Counsel in:**

Bronco Wine Co. v. Jolly, \_\_\_ Cal. App. \_\_\_, slip op. May 26,  
2005 (counsel for intervenor Napa Valley Vintners Association)  
(argued).

Granholm v. Heald, 125 S. Ct. 1885 (2005) (counsel for Eleanor and  
Ray Heald et al.) (argued).

Doe v. Kamehameha Schools, 295 F. Supp. 2d 1141 (D. Haw. 2003),  
appeal pending 9<sup>th</sup> Cir., oral argument Nov. 4, 2004 (counsel for  
Kamehameha Schools) (argued in D. Haw. and 9<sup>th</sup> Cir.).

McConnell v. FEC, 540 U.S. 93 (2003) (co-counsel for Senator  
Mitch McConnell).

Pharmaceutical Research & Manufacturers of America v. Walsh,  
538 U.S. 644 (2003) (co-counsel for PhRMA) (argued in 1<sup>st</sup> Cir.).

Eldred v. Ashcroft, 537 U.S. 186 (2002) (co-counsel for Eric  
Eldred).

Honolulu Weekly, Inc. v. Harris, 298 F.3d 1037 (9<sup>th</sup> Cir. 2002)  
(counsel for City and County of Honolulu) (argued).

Universal City Studios, Inc. v. Corley, 273 F.3d 429 (2d Cir.  
2001) (counsel for Eric Corley) (argued).

Bush v. Palm Beach County Canvassing Board, 531 U.S. 70 (2000)  
(co-counsel for Al Gore, Jr. and Florida Democratic Party).

Gable v. Patton, 142 F.3d 940 (6<sup>th</sup> Cir. 1998), cert. denied,  
525 U.S. 1177 (1999) (counsel for Robert E. Gable).

Food Lion v. Capital Cities/ABC, 194 F.3d 505 (4<sup>th</sup> Cir. 1999)  
(of counsel to Capital Cities/ABC).

Pharaon v. Board of Governors, 135 F.3d 148 (D.C. Cir.),  
cert. denied, 525 U.S. 947 (1998) (counsel for Ghaith Pharaon).

Coalition for Economic Equity v. Wilson, 110 F.3d 1431  
(9<sup>th</sup> Cir.), cert. denied, 522 U.S. 963 (1997) (co-counsel for  
Coalition).

Turner Broadcasting System, Inc. v. FCC, 520 U.S. 180 (1997)

(Turner II) & 512 U.S. 622 (1994) (Turner I) (of counsel to appellee National Association of Broadcasters).

One World One Family Now v. City and County of Honolulu, 76 F.3d 1009 (9th Cir.), cert. denied, 519 U.S. 1009 (1996) (Special Deputy Corporation Counsel for City and County of Honolulu) (argued).

Anderson v. Green, 513 U.S. 557 (1995) (per curiam) (counsel for DeShawn Green et al.) (argued).

Commonwealth of Massachusetts v. Wiseman, No. 87538 (Mass. Super. Ct. July 29, 1991) (counsel for Frederick Wiseman) (argued).

Freytag v. Commissioner, 501 U.S. 868 (1991) (counsel for Thomas Freytag et al.) (argued).

Rust v. Sullivan, 500 U.S. 173 (1991) (co-counsel for Dr. Irving Rust et al.).

Samuels, Kramer & Co. v. Commissioner, 930 F.2d 975 (2d Cir.), cert. denied, 502 U.S. 957 (1991) (counsel for Samuels, Kramer & Co.) (argued).

Vermont v. Zaccaro, 574 A.2d 1256 (Vt. 1990) (counsel for John A. Zaccaro, Jr.) (argued).

Puerto Rico v. Branstad, 483 U.S. 219 (1987) (co-counsel for the Commonwealth of Puerto Rico).

United States v. Bank of New England, 821 F.2d 844 (1st Cir. 1987), cert. denied, 484 U.S. 943 (1987) (co-counsel for BNE).

Bowers v. Hardwick, 478 U.S. 186 (1986) (co-counsel for Michael Hardwick).

Fisher v. City of Berkeley, 475 U.S. 260 (1986) (co-counsel for City of Berkeley).

Oklahoma City Board of Education v. National Gay Task Force, 470 U.S. 903 (1985) (co-counsel for NGTF).

Hawaii Housing Authority v. Midkiff, 467 U.S. 229 (1984) (Special Deputy Attorney General for the Hawaii Housing Authority).

Schneider v. Colegio de Abogados de Puerto Rico, 742 F.2d 32 (1st Cir. 1984) (co-counsel for Colegio de Abogados).

United States v. Sun Myung Moon, 718 F.2d 1210 (2d Cir. 1983), cert. denied, 466 U.S. 971 (1984) (co-counsel for Reverend Moon).

White v. Massachusetts Council of Construction Employers, 460 U.S. 204 (1983) (co-counsel for Mayor Kevin White and the City Of Boston).

**Co-author of Amicus Curiae briefs in:**

Grutter v. Bollinger, 539 U.S. 306 (2003) (for American Law Deans Association in support of respondents).

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National Endowment for the Arts v. Finley, 524 U.S. 569 (1998) (for New School For Social Research and Brennan Center for Justice in support of affirmance).

Romer v. Evans, 517 U.S. 620 (1996) (brief of Laurence H. Tribe, John Hart Ely, Gerald Gunther, Philip B. Kurland, and Kathleen M. Sullivan in support of respondents).

Jones v. Clinton, 72 F.3d 1354 (8th Cir. 1996) (for 17 law professors in support of appellant William Jefferson Clinton).

Shahar v. Bowers, 114 F. 3d 1097 (11th Cir. 1997) (for 22 organizations in support of appellant Shahar).

United States v. Eichman, 110 S. Ct. 2404 (1990) (for the American Civil Liberties Union).

Ohio v. Akron Center for Reproductive Health, 110 S. Ct. 2972 (1990) (for 274 organizations in support of Roe v. Wade).

United States v. Providence Journal Co., 485 U.S. 693 (1988) (for the American Civil Liberties Union).

Commonwealth v. Jaffe, 398 Mass. 50 (1986) (for Massachusetts Civil Liberties Union).

Thornburgh v. American College of Obstetricians, 476 U.S. 747 (1986) (for Senator Bob Packwood, Representative Don Edwards, et al.).

Roberts v. United States Jaycees, 468 U.S. 609 (1984) (for the American Civil Liberties Union).

**Selected Public Appearances:**

**Lectures:**

Walter Edge Lecture, Princeton University, "Constitution and Emergency," 2/9/05.

Owen Roberts Lecture, Penn Law School, "Constitution and Emergency," 2/8/05.

National Constitution Center, Visiting Scholar, "Do We Have an Emergency Constitution?," 11/11/04.

Lecture Platform, Chautauqua Institution, "War and Civil Liberties," 7/25/03.

Edith Kreeger-Wolf Distinguished Visiting Professor Lecture, Northwestern University, "Constitutionalizing Women's Equality," 5/16/02.

The Tanner Lectures on Human Values, Center for Ethics and the Profession, Harvard University, "War, Peace and Civil Liberties: Constitutionalism," 11/7/01; "War, Peace and Civil Liberties: American Identity," 11/8/01.

Brennan Lecture, The Brennan Center Thomas M. Jorde Symposium, New York University School of Law, "Constitutionalizing Women's Equality," 4/3/01.

Kadish Lecture, Kadish Center for Morality, Law, and Public Affairs, University of California, Berkeley, Boalt Hall School of Law, "Election 2000: Epilogue," 2/23/01.

Brennan Lecture, The Brennan Center Thomas M. Jorde Symposium, University of California, Berkeley, Boalt Hall School of Law, "Constitutionalizing Women's Equality," 11/30/00.

Inaugural Justice Ruth Bader Ginsburg Distinguished Lecture on Women and the Law, Association of the Bar of the City of New York, "Constitutionalizing Women's Equality," 11/15/00.

Hugo Black Lecture, Wesleyan University, "Free Speech, Privacy, and the Internet," 5/11/00.

Opening Keynote Address, Kent State University Symposium on the Boundaries of Freedom of Expression and Order in a Democratic Society (30<sup>th</sup> Commemoration of Events of May 4, 1970), "Freedom of Expression in the U.S.: Past and Present," 5/1/00.

Inaugural Lecture, Radcliffe Institute for Advanced Study, "The Constitution in the 21st Century," 4/28/00.

Speaker, Princeton University Center for Human Values' 10th Anniversary Celebration, "What Do Citizens Owe Their Constitutional Democracy?" 4/28/00.

Enlund Distinguished Scholar, DePaul University College of Law, "Free Speech, Privacy and the Internet," 4/13/00.

San Joaquin Valley Town Hall Lecture, "The United States Supreme Court," Fresno, 11/17/99.

Inaugural Telluride Lecture, University of Michigan, "The Last Civil Rights Struggle," 9/27/99.

Orthwein Scholar-in-Residence Lecture, Washington University School of Law, "The Good That Lawyers Do," 9/15/99.

Oliver Wendell Holmes Lecture, Harvard Law School, "The Last

Civil Rights Struggle," 4/22/99.

Philip A. Hart Memorial Lecture, Georgetown Law School  
"Reflections on Impeachment," 4/15/99.

Henry J. Miller Distinguished Lecture, Georgia State University  
College of Law, "Religious Participation in American Public Life,"  
9/24/98.

Willard H. Pedrick Lecture, Arizona State University College of  
Law, "Governing Speech in Cyberspace," 2/26/98.

Alexander Watkins Terrell Centennial Lecture, University of Texas  
School of Law, "Governing Speech in Cyberspace," 2/12/98.

William H. Leary Lecture, University of Utah College of Law,  
"Against Campaign Finance Reform," 11/20/97.

Alexander Meiklejohn Lecture, Brown University, "Free Speech in  
the Age of Cyberspace," 4/10/97.

Ralph Gregory Elliot Lecture, Yale Law School, "Technologies of  
Speech," 3/25/97.

Edward L. Barrett, Jr. Lecture on Constitutional Law, University  
of California, Davis School of Law, "Political Money and Freedom  
of Speech," 2/13/97, broadcast on C-SPAN on 3/30/97.

Benjamin N. Cardozo Lecture, The Association of the Bar of the  
City of New York, "Constitutional Constancy: Why Congress Should  
Cure Itself of Amendment Fever," 10/25/95, remarks reprinted in  
50 The Record 725 (Nov. 1995), and 17 Cardozo Law Review 691.

Day, Berry & Howard Visiting Scholar Lecture, University of  
Connecticut School of Law, "Parades, Public Squares and Voucher  
Payments: Problems of Government Neutrality," 10/24/95.

Robert L. Levine Distinguished Lecture, Fordham University School  
of Law, "Resurrecting Free Speech (I: Mind/Body)," 11/15/94.

Harvard University, The Program in Ethics and the Professions  
and the Program on the Legal Professions, "Free Speech and Unfree  
Markets," 11/14/94.

J. Byron McCormick Lecture, The University of Arizona College  
of Law, "Resurrecting Free Speech (III: Purpose/Effect),"  
11/7/94.

Melville B. Nimmer Memorial Lecture, UCLA School of Law,  
"Resurrecting Free Speech (II: Public/Private)," 10/25/94.

Judge Irving L. Goldberg Lecture, Southern Methodist University  
Law School, "Free Speech Wars," 4/14/94.

William B. Lockhart Lecture, University of Minnesota Law School,  
"Art and Government: Lessons from the NEA Wars," 3/9/93.

James A. Moffett Lecture in Ethics, Princeton University Center for Human Values, "Art and Government: Lessons from the NEA Wars," 2/18/93.

The Bill of Rights in the Welfare State: A Bicentennial Symposium, University of Chicago Law School, "Religious Participation in Public Programs," 10/26/91.

Starkoff Institute of Ethics and Contemporary Moral Problems, Conference on Babel and Beyond: Ethics, Opportunity, and Power in Multicultural Society, "What Should Affirmative Action Affirm?" 10/15/91.

Ira C. Rothgerber, Jr. Conference on Constitutional Law and the Theory and the Practice of Judging, University of Colorado School of Law, "Post-Liberal Judging," 10/4/91.

Frederick Ewen Memorial Lecture in Civil Liberties, Brooklyn College, "Attack on the First Amendment," 4/30/91.

Gallon Distinguished Scholar-in-Residence, University of Dayton School of Law, "Art on Trial: The First Amendment and Funding for the Arts," 4/8-9/91.

University College, Galway, Ireland, Faculty of Law, "Freedom of Speech in the United States," 3/26/90.

Radcliffe College, Conference on Women in the 21st Century, "Constitutional and Legal Issues Facing Women in the 21<sup>st</sup> Century," 12/2/88.

Hamilton College, "Sex and the State: the Constitutional Right of Privacy," 10/3/88.

Jerome W. Sidel Lecture, The American Jewish Congress and Washington University School of Law, "The Constitutional Right of Privacy," 9/25/88.

Edward T. Donley Lecture, West Virginia University College of Law, "Privacy and the Constitution," 3/1/88.

**Other:**

Panelist, Legal Times, "Supreme Court Review," Georgetown Law School, 7/6/05.

Panelist, American Constitution Society, "Supreme Court Review," National Press Club, Washington, D.C. 6/20/05.

Commentator, Columbia 250<sup>th</sup> Symposium on "The 21st-Century City and Its Values: Urbanism, Toleration, and Equality," New York 10/1/04.

Panelist, National Constitution Center, "Supreme Court Preview," Philadelphia, 9/30/04.

Moderator, Aspen Institute, "Justice and Society," Aspen,

Colorado, 7/24-7/31/04.

Panelist, ACLU Membership Conference, San Francisco, 7/8/04.

Panelist, National Constitution Center/NPR Justice Talking, Philadelphia, 7/6/04.

Keynote Speaker, Constitutional Rights Foundation, Los Angeles, 5/11/04.

Moderator, American Philosophical Society, "Symposium: Privacy," 4/24/04.

Panelist, Mechanics Institute/Century Foundation/World Affairs Council, "Civil Liberties in the Age of Terrorism," San Francisco 2/12/04.

Keynote Speaker, Federal Bar Association Luncheon, Sacramento, 2/3/04.

Moderator, Stanford University, "We the People 2003" (panel with Justice Kennedy), 10/18/04.

Faculty member, Federal Judicial Center Goes to Stanford Law School, "Emerging Issues in Constitutional Law," 5/24/03.

Keynote Speaker, Harvard Law School Celebration 50, "What if the Framers Had Been Feminists?" 5/4/03.

Speaker, American Conference of Trial Lawyers, Boca Raton, 3/23/03.

Moderator, Inaugural Aurora Forum, "National Pride, National Shame," Stanford University 1/13/03.

Keynote Speaker, San Diego Volunteer Lawyer Program 2002 Justice for All Awards Dinner, 10/3/02.

Moderator, Aspen Institute, "Justice and Society," Aspen, Colorado, 7/27-8/3/02.

Moderator, Ninth Circuit Judicial Conference, "National Security and Civil Liberties," San Diego, 7/16/02.

Faculty Speaker, Stanford Sierra Camp, "War, Peace and Civil Liberties," 6/20&24/02.

Keynote Speaker, Arizona Center for Law in the Public Interest Annual Dinner, "War, Peace and Civil Liberties," Phoenix, 5/11/02.

Panelist, Hoover Institution National Security Forum, "Technology for Preventing Terrorism," 3/13/02.

Moderator, American Constitution Society, "Searching for Balance: National Security's Threat to Civil Liberties," 1/31/02.

Keynote Speaker, California Judges Association Annual Meeting,

"Constitutional Currents," San Jose, 9/21/01.

Speaker, Center for Law & Technology Forum, Boalt Hall Law School, University of California at Berkeley, "First Amendment and the Digital Millennium Copyright Act," 9/7/01.

Keynote Speaker, Women Lawyers, Engineers, Architects, Accountants Doctors, Dentists Annual Meeting, "Constitutionalizing Women's Equality," San Francisco, 5/15/01.

Panelist, American Association of Law Schools Annual Meeting, Section on Constitutional Law, "Election 2001," 1/5/01.

Moderator, California Public Affairs Forum, "Bridging the Digital Divide," 12/9/00.

Panelist, Waikiki Improvement Association and Richardson School of Law, University of Hawaii, "First Amendment Issues Forum: Balancing Safety, Aesthetics and Free Speech," Honolulu, 10/26/00.

Keynote Speaker, Waikiki Improvement Association Annual Meeting, "Waikiki Sidewalks: Balancing Safety, Aesthetics and the First Amendment," Honolulu, 10/26/00.

Panelist, Stanford Alumni Weekend, "The 21<sup>st</sup> Century Lawyer: The Future of Legal Education," 10/20/00.

Dinner Speaker and Panelist, "Supreme Court Review - Federalism," Federal Judicial Center Workshop for Judges of the First Circuit, Martha's Vineyard, Massachusetts, 10/11-12/00.

Moderator, Joint American Bar Association/American Association of Law Schools/Law School Admission Council Conference on Diversity, "Town Hall Meeting," 10/6/00.

Presenter, Pepperdine University School of Law, "The Supreme Court's Most Extraordinary Term," 9/22-23/00.

Speaker, Lawyers' Club of San Diego, "What's Happening at the Supreme Court," 9/21/00.

Keynote Speaker, "Are the Courts Ready for the 21<sup>st</sup> Century?," and Moderator, "The Internet Explosion: New Challenges in the Law," Ninth Circuit Judicial Conference, Sun Valley, Idaho, 8/22/00.

Moderator, D.C. Circuit Judicial Conference, "Challenges Ahead for the Federal Judiciary," Williamsburg, 6/16/00.

Speaker, ACLU of Northern California Lawyers' Council Civil Liberties Briefing Luncheon, "The United States Supreme Court Term," 6/6/00.

Commencement Speaker, Castilleja School, Palo Alto, 6/3/00.

Speaker, Yale Law School Conference on Women, Justice and Authority, "Constitutionalizing Women's Equality," 4/29/00.

Keynote Speaker, Legal Aid Society of San Mateo Annual Awards Luncheon, "First Amendment and Privacy Rights in our High Tech Society," 3/31/00.

Guest Speaker, Palo Alto Club, "What's Happening at the Supreme Court," 1/25/00.

Keynote Speaker, National Association of Attorneys General Conference on the Impact of the Internet, Stanford, 1/11/99.

Speaker, Morning Forum of Los Altos, "What's Happening at the Supreme Court," 11/2/99.

Keynote Speaker, Red Mass, Stanford Memorial Church, 10/21/99.

Moderator, Stanford University, "Convocation on Law: The United States Supreme Court in Global Perspective," (panel with Justices O'Connor, Kennedy, and Breyer), October 16, 1999.

Henry and Edith Everett Scholar-in-Residence, Chautauqua Institution, "Justice," 8/9-13/99.

Moderator, Aspen Institute, "Justice and Society," Aspen, Colorado, 8/1-8/7/99.

Keynote Speaker, Legal Aid Society of San Francisco, "The Good That Lawyers Do," 6/10/99.

Speaker, Commonwealth Club, "The Good That Lawyers Do," San Francisco, 6/9/99.

Keynote Speaker, Santa Clara Bar Association Law Foundation, 25<sup>th</sup> Anniversary Dinner, San Jose, 5/20/99.

Speaker, Santa Clara Inns of Court, "Judicial Independence," 9/16/98.

Speaker, The Century Club, "Constitutional Clashes: Recent Controversies in the Separation of Powers," San Francisco, 9/16/98.

Faculty, U.S. Law Week Constitutional Law Conference, Washington, D.C., 9/12/98.

Participant, Conference on Constitutionalism and Democracy, Villa la Pietra, Florence, Italy, 7/10-12/98.

Moderator, "Free Markets and Social Justice," Centre for Socio-legal Studies, Oxford, England, 7/13-18/98.

Panelist, Fourth Circuit Judicial Conference, "Review of Major Supreme Court Decisions," Greenbrier, West Virginia, 6/27/98.

Speaker, California Lawyers' Club, Luncheon in Honor of the California Supreme Court, 5/4/98.

Keynote Speaker, "The Constitution and Religion: Theory and

Practice," Cornell Law School, 4/23/98.

Speaker, "Independent Counsels: Are They Out of Control?,"  
University of California at Berkeley, 4/22/98.

Panelist, "Twenty Years After Bakke: the Law and Social Science of  
Affirmative Action in Higher Education," Ohio State University  
College of Law, 4/3/98.

Keynote Speaker, ACLU of Southern California, Fourth Annual Law  
Luncheon, Los Angeles, 4/2/98.

Speaker, "Voices of the People: Essays on Constitutional Democracy  
in Memory of Professor Julian N. Eule," UCLA School of Law,  
3/6/98.

Speaker, American Association of Law Schools Annual Meeting,  
Section on Civil Rights; Section on Mass Media, 1/9/98.

Moderator, Stanford Law School, "Does the Constitution Still  
Work? Perspectives on the Framers' Vision and American Politics  
Today," 9/26/97.

Panelist, University of California, Hastings College of Law/  
League of California Cities, "Cities on the Cutting Edge:  
a Symposium on Emerging Municipal Legal Issues," 9/20/97.

Narrator, Stanford Law School, "Lizzie Borden: a Retrial,"  
9/16/97.

Faculty, U.S. Law Week Constitutional Law Conference,  
Washington, D.C., 9/6/97.

Panelist, American Bar Association Annual Meeting, Section on  
Individual Rights, "Campaign Finance," 8/4/98.

Oralist, American Bar Association Annual Meeting, Litigation  
Section, Moot court at Ninth Circuit Courthouse, San Francisco,  
8/3/98.

Leo Goodwin, Sr. Chair in Law, Visiting Scholar, Nova Southeastern  
University Law Center, "The Jurisprudence of the Rehnquist Court,"  
4/25/97.

Judge, Boalt Hall Law School, University of California at  
Berkeley, Moot Court Semi-Finals, 3/31/97.

Commentator, American Academy of Arts and Sciences, 1797th Stated  
Meeting, Stanford, "The Current Justices of the Supreme Court" (by  
Jesse Choper), 3/15/97.

Commentator, Brennan Center Symposium on Constitutional Law,  
Inaugural Lecture (by Frank I. Michelman), Berkeley, California,  
11/4/96.

Speaker, Northern District of California Judges' Retreat, Review  
of Supreme Court Term, Asilomar, California, 10/21/96.

Faculty, U.S. Law Week Constitutional Law Conference, Washington, D.C., 9/7/96.

Moderator, Stanford University, "The Supreme Court Closes the Century" (panel with Justices O'Connor and Breyer, Gerhard Casper and Gerald Gunther), 10/14/95.

Faculty, U.S. Law Week Constitutional Law Conference, Washington, D.C., 9/9/95.

Faculty, Federal Judicial Center National Workshop for Judges of the U.S. Court of Appeals, San Diego, 6/24/95.

Keynote Address, Stanford Humanities Center Conference, "Censorship and Silencing: Practices of Cultural Regulation," 2/9/95.

Keynote Speaker, Ninth Circuit Law Clerk Orientation, San Francisco, 10/11/94.

Moderator, National Association of Women Judges Conference, panel on Gender Equality and the First Amendment, Scottsdale, Arizona, 10/1/94.

Faculty, U.S. Law Week Constitutional Law Conference, Washington, D.C., 9/10/94.

Moderator, Ninth Circuit Judicial Conference, panel on Courthouse Construction, Coronado, California, 8/18/94.

Panelist, Aspen Society of Fellows Symposium, "Rewriting the Social Contract," Aspen, Colorado, 8/1/94.

Moderator, Aspen Institute, "Justice and Society," Aspen, Colorado, 7/23-30/94.

Panelist, Fourth Circuit Judicial Conference, "Review of Major Supreme Court Decisions," Greenbrier, W.Va., 7/2/94.

Panelist, ABA Litigation Section/Prentice Hall Institute, "The Woman Advocate," San Francisco, California, 5/17/94.

Speaker, Harvard Law School Forum, "Free Speech Wars," 4/28/94.

Moderator, Stanford Law Review Roundtable, "Violence and the Media," 4/23/94.

Panelist, Northern District of California Judicial Conference, Judicial-Legislative Communication & Ethics," 4/9/94.

Speaker and Moderator, Attorney General Reno's Three-Branch Roundtable on State and Federal Jurisdiction, 3/7/94.

Speaker, University of Oklahoma College of Law Enrichment Program, 3/3/94.

Faculty, U.S. Law Week Constitutional Law Conference, Washington,

D.C., 9/11/93.

Moderator, Ninth Circuit Judicial Conference, "Improving Relations Among the Bench, Bar, and Congress," 8/18/93.

Moderator, PEN Panel, "State of the First Amendment: Mean Speech and Other Freedoms," New York, 3/4/93.

Keynote Speaker, NYU Program on Philanthropy and the Law, "Emanations from Rust," 10/8/92.

Faculty, U.S. Law Week Constitutional Law Conference, Washington, D.C., 9/12/92.

Commencement Speaker, University of Southern California Law Center, 5/15/92.

Moderator, PEN Panel, "State of the First Amendment: The Big Chill -- Silencing on the Left, Silencing on the Right," New York, 3/5/92.

Commentator, Symposium on Federal Sentencing, University of Southern California Law Center, "Purposes and Philosophy of Sentencing," 2/21/92.

Keynote Speaker, Freedom of Expression Network Forum, "Censorship: A Clear and Present Danger," Los Angeles, 12/4/91.

Faculty, U.S. Law Week Constitutional Law Conference, Washington, D.C., 9/6-7/91.

Moderator, Justice and Society Seminar, Snowbird Institute for the Arts and Humanities, Snowbird, Utah, 7/25-28/91.

Speaker, Robert H. Jackson Conference on Compelling Government Interests, Albany Law School, "Governmental Interests and Unconstitutional Conditions Law: a Case Study in Categorization and Balancing," remarks reprinted at 55 Albany Law Review 605 (1992), 9/27/91.

Speaker, Association of American Publishers Annual Meeting, "The Climate for Free Expression," Naples, Florida, 3/26/91.

Speaker, Massachusetts Foundation for the Humanities, Forum on "Censorship, Funding, and Cultural Policy," 11/17/90.

Speaker, The American Assembly, "The Arts and Government: Questions for the Nineties," 11/8-11/90.

Panelist, Conference on Federal Regulation of Charitable Solicitation, New York University School of Law, Program on Philanthropy and the Law, "Conditions on Tax-Exempt Status," 10/13/90.

Speaker, American Bar Association Annual Meeting, "Our Money or Your Rights: Content-Based Restrictions on the Award of Public Grants," Chicago, 8/4/90.

Moderator, Seminar on Justice, Federal Bureau of Prisons National Legal Conference, El Paso, Texas, 3/19-20/90.

Speaker, Samuel Rubin Forum, Columbia Law School, "Arts Funding and Censorship: the Helms Amendment and Beyond," remarks reprinted at 15 Columbia - VLA Journal of Law & the Arts 23, 38-42 (1991), 3/8/90.

Visiting Lecturer, University of Puerto Rico Law School, "Contemporary Issues in Freedom of Speech," 1/10-15/90.

Panelist, Second Circuit Judicial Conference, "Technology and Privacy," 9/8/89.

Moderator, Aspen Institute, "Justice and Society," Aspen, Colorado, 7/9-15/89.

Panelist, Second Circuit Judicial Conference, "Equalization of Free Speech Opportunities," remarks reprinted at 120 F.R.D. 141, 165-76 (1988), 10/16/87.

Panelist, the New York Public Library, "Are We to Be a Nation? The Making of the Federal Constitution: The Right to Privacy," 3/9/87.

**Public Testimony:**

United States Senate, Committee on Rules and Administration, Hearing on the Constitution and Campaign Finance Reform, 3/22/00.

United States Senate, Judiciary Committee, Subcommittee on the Constitution, Federalism and Property Rights, Hearings on Privacy in the Digital Age: Encryption and Mandatory Access, 3/17/98.

California Senate, Judiciary Committee, Hearings on AB 1982 (full faith and credit and out-of-state marriage), 7/9/96.

United States Senate, Judiciary Committee, Hearings on the Nomination of Stephen G. Breyer To Be Associate Justice of the

United States Supreme Court, 7/15/94.

United States Senate, Appropriations Committee, Hearing on the proposed Balanced Budget Amendment, 2/16/94.

United States House of Representatives, Government Activities and Transportation Subcommittee of the Committee on Government Operations, Hearing on the Effect of Last Year's Reauthorization Process on Activities of the National Endowment for the Arts, testimony reprinted, "Are Content Restrictions Constitutional?," 21 J. Arts Management and Law 323 (1992), 6/19/91.

United States Independent Commission on Public Funding for the Arts, 7/31/90.

United States Senate, Subcommittee on Education, Arts and

Humanities, Hearing on Reauthorization of the National Endowment for the Arts, 4/27/90.

United States Senate, Judiciary Committee, Hearings on the Nomination of Robert Bork To Be Associate Justice of the Supreme Court, 9/29/87.

**Selected Media Appearances:**

Talk of the Nation, Supreme Court Preview, 9/30/04

NewsHour with Jim Lehrer, Supreme Court Wrap-Up, 6/27/03.

Narrator, Seizing Power: The Steel Seizure Case Revisited, selected PBS stations, 2/13/03.

NewsHour with Jim Lehrer, Supreme Court Wrap-Up, 6/28/02.

NewsHour with Jim Lehrer, Election Reform after Bush v. Gore, 12/27/00.

Nightline, Bush v. Gore, 12/12/00.

Nightline, Supreme Court Wrap-Up, 6/28/00.

Exhale with Candice Bergen, Women and Law, 5/26/00.

NewsHour with Jim Lehrer, Supreme Court Wrap-Up, 6/28/99.

NewsHour with Jim Lehrer, Death of Justice Blackmun, 3/4/99.

NewsHour with Jim Lehrer, Independent Counsel Law, 2/24/99.

NewsHour with Jim Lehrer, Death of Justice Powell, 8/26/98.

NewsHour with Jim Lehrer, Supreme Court Wrap-Up, 6/29/98.

NewsHour with Jim Lehrer, Executive Privilege, 3/24/98.

NewsHour with Jim Lehrer, Clinton v. Jones, 5/27/97.

PBS, Fred Friendly Seminars, "Liberty and Limits: The Federalist Idea 200 Years Later," Moderator of "The Price of Politics: Electing Our Leaders," 5/2/97.

Crossfire, Clinton v. Jones, 1/13/97.

This Week, Clinton v. Jones, 1/12/97.

NewsHour with Jim Lehrer, Supreme Court Wrap-Up, 7/2/96.

Nightline, Supreme Court argument in Romer v. Evans, 10/9/95.

MacNeil/Lehrer News Hour, The Legal Implications of the O.J. Simpson Verdict, 10/3/95 & 10/4/95.

MacNeil/Lehrer News Hour, Supreme Court Wrap-up, 7/5/95.

MacNeil/Lehrer News Hour, Nomination of Justice Breyer, 5/13/94.

MacNeil/Lehrer News Hour, Resignation of Justice Blackmun, 4/6/94.

National Public Radio, Talk of the Nation, New Supreme Court Term, 10/13/93.

MacNeil/Lehrer News Hour, Supreme Court nomination, 6/11/93.

Crossfire, Supreme Court nomination, 6/9/93.

MacNeil/Lehrer Hour, Planned Parenthood v. Casey, 6/29/92.

PBS, Fred Friendly Seminars, "That Delicate Balance II: Our Bill of Rights," Moderator of "Two Accused: Chronicle of a Rape Trial," 2/18/92.

MacNeil/Lehrer News Hour, Anita Hill/Clarence Thomas Hearings, 10/7/91 & 10/11/91.

MacNeil/Lehrer News Hour, Resignation of Justice Marshall, 6/27/91.

MacNeil/Lehrer News Hour, Resignation of Justice Brennan, Nomination of Justice Souter, 7/23/90.

MacNeil/Lehrer News Hour, Supreme Court Wrap-Up, 6/28/90.

MacNeil/Lehrer News Hour, Constitutionality of Independent Counsel (debate with Judge Robert Bork), 4/25/88.

Nightline, Resignation of Justice Powell, 6/27/87.

**Professional Service:**

Vice Chair, National Commission on Federal Election Reform, 2001 (co-chaired by Presidents Gerald Ford and Jimmy Carter) (final Report, "To Assure Pride and Confidence in the Electoral Process," issued August 2001).

Court Technology Committee, Judicial Council of California, Administrative Office of the Courts, 1999-2001.

California Governor's Commission on Hate Groups, 1999-2000 (co-chaired by the Hon. Warren Christopher and the Hon. George Deukmajian) (final Report issued January 2000).

Association of American Law Schools, Nominating Committee, 1999.

Citizens for the Constitution, Committee on Standards for Constitutional Amendments, 1997-1999.

American Association of University Professors, Committee on Litigation, 1993-1999.

American Civil Liberties Union, National Advisory Council, 1993-present.

Association of American Law Schools, Chair, Constitutional Law Section, 1995-96.

Association of American Law Schools, Committee on Academic Freedom and Tenure, 1993-1996.

Office of President-Elect Clinton and Vice President-Elect Gore, Transition Team, Justice/Civil Rights (Team Leader, Solicitor General's Office), 1992-93.

Civil Liberties Union of Massachusetts, Board of Directors (1986-88, General Counsel), 1986-90.

**Board Memberships:**

Foundation Press Editorial Board, 2003-present.

National Constitution Center, Distinguished Advisors' Panel, 2000-present.

Law Foundation of Silicon Valley, President's Advisory Council, 2001-2004.

American Law Deans Association, Board of Directors, 1999-2004.

The Century Foundation (formerly the Twentieth Century Fund), Board of Trustees, 1997-present.

**Other Service:**

Marshall Scholar Selection Committee, Western Region, 2001-2003.

Association of Marshall Scholars, President, 1988-90.

Marshall Scholar Selection Committee, Northeast Region, 1978-82.

Telluride Association, Trustee, 1974-87.

**Bar Admissions:**

**Federal:**

United States Supreme Court (7/12/85)

United States Court of Appeals for the Ninth Circuit (6/13/94)

United States Court of Appeals for the Eleventh Circuit (6/13/94)

United States Court of Appeals for the Second Circuit (5/12/86)

United States Court of Appeals for the First Circuit (9/16/83)

United States District Court for the District of Massachusetts (10/12/83)

United States District Court for the Eastern District of New York (6/18/82)

United States District Court for the Southern District of New York (6/15/82)

United States Court of Federal Claims (11/11/94)

**State:**

Commonwealth of Massachusetts (2/16/88)

State of New York (6/2/82)