

MONEY, POLITICS &
THE CONSTITUTION:
BUILDING A NEW
JURISPRUDENCE

SATURDAY, MARCH 27, 2010

FURMAN HALL AT NEW YORK
UNIVERSITY SCHOOL OF LAW

BRENNAN CENTER
FOR JUSTICE

Brennan Center for Justice at New York University School of Law

ABOUT THE BRENNAN CENTER

The Brennan Center for Justice at New York University School of Law is a non-partisan public policy and law institute that focuses on fundamental issues of democracy and justice. Our work ranges from voting rights to campaign finance reform, from racial justice in criminal law to presidential power in the fight against terrorism. A singular institution – part think tank, part public interest law firm, part advocacy group – the Brennan Center combines scholarship, legislative and legal advocacy, and communications to win meaningful, measurable change in the public sector.

ABOUT THE MONEY & POLITICS PROJECT

To promote more open, honest, and accountable government, and to ensure that each citizen's voice is heard in our democracy, laws governing money and politics must put the voter squarely at the center of the electoral process. The Brennan Center's Money & Politics project supports grassroots/small donor public funding systems that enhance voters' voices, as well as disclosure requirements and contribution limits that mitigate real and perceived excessive influence on elected officials. We are a leader in defending federal, state, and local campaign finance and public financing laws in court. In addition, we provide legal guidance to state and local officials and advocates, and publish reports and submit testimony in support of reform proposals. To restore the primacy of voters in elections and the integrity of the democratic process, the Brennan Center is responding to the Citizens United decision with a multi-pronged effort that endorses public financing of elections; modernizes voter registration; demands accountability in corporate political spending; and with this symposium, is beginning a multi-year effort to promote new jurisprudence that advances a voter-centric view of the First Amendment.

ACKNOWLEDGMENTS

The Brennan Center's campaign finance work has been supported by the Democracy Alliance Partners, the Carnegie Corporation of New York, the JEHT Foundation, the Joyce Foundation, the Open Society Institute, the Rockefeller Brothers Fund, the Wallace Global Fund, and Deborah and Louis Salkind.

Thank you to the Brennan Center Board of Directors for their continued support and to all of today's panelists. And a special thank you to Burt Neuborne, Legal Director of the Brennan Center, for his strategic vision and guidance in planning today's symposium.

A LETTER FROM THE EXECUTIVE DIRECTOR

The law of money and politics has reached a point of constitutional crisis. The reform movement that began with President Theodore Roosevelt's efforts to restrain corporate influence over politics has encountered an unprecedented obstacle: a five-justice Supreme Court majority who have adopted the view that the goals and methods of reform are inconsistent with the First Amendment. *Citizens United* was the fourth time the Roberts Court considered campaign finance laws, and the fourth time the current majority struck down those laws as unconstitutional. Each ruling has further undercut our democracy's ability to effectively address the problem posed by concentrated wealth in politics.

Does *Citizens United* mark a constitutional dead-end for reform? Or can legal scholars develop alternative constitutional doctrines that can push back against the Court's deregulatory sweep?

We are thrilled that you can join us in bringing together some of the nation's top constitutional scholars to explore these questions, to test innovative constitutional theories, and to begin to build a jurisprudential movement.

Sincerely,

A handwritten signature in black ink that reads "Michael Waldman" with a long horizontal flourish extending to the right.

Michael Waldman
Executive Director

AGENDA

9:00 a.m. **Breakfast and Registration**

9:30 a.m. **Opening Remarks:** Michael Waldman (Brennan Center for Justice)

10:00 a.m. **Keynote:** The Honorable Donna Edwards (D-MD)

10:30 a.m. **Does the First Amendment Limit Reform of Money in Politics?
Can Reform Enhance First Amendment Values?**

Moderator Susan Liss (Brennan Center for Justice)

Panelists Floyd Abrams (Cahill Gordon & Reindel)
Erwin Chemerinsky (UC Irvine School of Law)
Deborah Hellman (University of Maryland School of Law)
Vicki Jackson (Georgetown University Law Center)
Frank Michelman (Harvard Law School)
Kendall Thomas (Columbia Law School)

12:00 p.m. **Lunch and Discussion at the Torch Club**
Please find walking directions at the end of this program.

2:00 p.m. **Do Voters Have First Amendment Interests at Stake
in the Financing of Political Campaigns?**

Moderator Monica Youn (Brennan Center for Justice)

Panelists Samuel Issacharoff (New York University School of Law)
Burt Neuborne (New York University School of Law)
Richard Pildes (New York University School of Law)
Robert Post (Yale Law School)
Geoffrey Stone (Columbia Law School)

3:30 p.m. **Break**

3:45 p.m. **Should We Look Beyond the First Amendment
to Other Constitutional Principles?**

Moderator Ciara Torres-Spelliscy (Brennan Center for Justice)

Panelists Mark Alexander (Seton Hall University School of Law)
Richard Briffault (Columbia Law School)
Frances Hill (University of Miami School of Law)
Martin Redish (Northwestern University School of Law)
Zephyr Teachout (Harvard Kennedy School)
Daniel Tokaji (Moritz College of Law at Ohio State University)

5:15 p.m. **Closing Remarks:** Lani Guinier (Harvard Law School)

5:30 p.m. **Cocktail Reception**

QUESTIONS FOR DISCUSSION

PANEL I:

Does the First Amendment Limit Reform of Money in Politics?

Can Reform Enhance First Amendment Values?

- Debates around campaign finance reform have often coalesced around two polar positions: a “civil libertarian” position arguing that the First Amendment mandates the state to absent itself from the political arena, and an “aspirational” position which holds that the state can enact laws regulating money in politics that “enhance” First Amendment values rather than burdening them. Are these two articulations mutually contradictory?
- Does the First Amendment permit the state to draw any distinction between political speech used to express an opinion and political speech used to favorably influence elected officials?
- In general, what limits does the First Amendment impose on the goals and methods of regulating money in politics?

Moderated by Susan Liss, with panelists Floyd Abrams, Erwin Chemerinsky, Deborah Hellman, Vicki Jackson, Frank Michelman, Kendall Thomas

PANEL II:

Do Voters Have First Amendment Interests at Stake in the Financing of Political Campaigns?

- Do voters have First Amendment interests in the context of elections? If so, how do these interests interact with the First Amendment interests of campaigners (*i.e.*, candidates, parties, associations, and corporations)?
- Is the purpose of an election to facilitate decision-making by the electorate? If so, what does this mean for the First Amendment treatment of money in politics?
- Does the First Amendment function differently in the context of an election than it does in the commercial marketplace?
- Does the Constitution permit state efforts to limit the influence of entities other than voters on elections? If so, what is the scope of those limits?

Moderated by Monica Youn, with panelists Samuel Issacharoff, Burt Neuborne, Richard Pildes, Robert Post, Geoffrey Stone

PANEL III:

Should We Look Beyond the First Amendment to Other Constitutional Principles?

- Is the Constitution a charter of democratic self-governance?
- Should combating corruption and ensuring accountability be viewed as countervailing state interests or as structural constitutional principles, similar to principles like checks and balances or separation of powers?
- Is the Constitution concerned with concentration of power?

Moderated by Ciara Torres-Spelliscy with panelists Mark Alexander, Richard Briffault, Frances Hill, Martin Redish, Zephyr Teachout, Daniel Tokaji

KEYNOTE SPEAKER: THE HONORABLE DONNA F. EDWARDS (D-MD)



Congresswoman Donna F. Edwards represents Maryland's 4th Congressional District comprising portions of Prince George's and Montgomery Counties. In June 2008, she was sworn into the 110th Congress as the first African American woman in the U.S. House of Representatives from the state of Maryland. Rep. Edwards began her first full-term in the 111th Congress in 2009.

Rep. Edwards serves on the Transportation and Infrastructure Committee where she was named Vice Chairwoman of the Subcommittee on Water Resources and the Environment. She also serves on the Science and Technology Committee where she was named Vice Chairwoman of the Subcommittee on Space and Aeronautics. Rep. Edwards is also a member of the Tom Lantos Human Rights Commission.

Just prior to serving in Congress, Rep. Edwards was the executive director of the Arca Foundation in Washington, D.C. where she worked on issues such as securing a "living wage" for working people, protecting social security, and promoting labor and human rights both nationally and internationally. She was also the co-founder and executive director of the National Network to End Domestic Violence where she led the effort to pass The Violence Against Women Act of 1994 that was signed into law by President Bill Clinton.

Rep. Edwards completed undergraduate studies at Wake Forest University and received her Juris Doctor from Franklin Pierce Law Center. She is the proud mother of one son, currently attending university.

PANELISTS & SPEAKERS

FLOYD ABRAMS

Senior Partner, Cahill Gordon & Reindel LLP



Floyd Abrams is a senior partner in the New York law firm of Cahill Gordon & Reindel LLP and the author of *Speaking Freely: Trials of the First Amendment*.

Mr. Abrams graduated from Cornell University in 1956 and the Yale Law School in 1960. He was a Visiting Lecturer at the Yale Law School from 1974 - 1980, 1986 - 1989, and 2008 - 2009, at the Columbia Law School from 1981 - 1985, and served from 1994 to 2009 as the William J. Brennan, Jr. Visiting Professor of First Amendment Law at the Columbia Graduate School of Journalism

Mr. Abrams has argued frequently in the Supreme Court in a large number of its most significant First Amendment cases. He was counsel to Senator Mitch McConnell and the National Association of Broadcasters in a First Amendment-rooted challenge to the constitutionality of the McCain-Feingold campaign finance legislation and counsel to Senator McConnell in the recent *Citizens United* case. Senator Daniel Patrick Moynihan characterized Mr. Abrams as “the most significant First Amendment lawyer of our age.”

MARK ALEXANDER

Professor of Law, Seton Hall University School of Law

Mark Alexander is a law professor at Seton Hall University, specializing in Constitutional Law and the intersection of Law and Politics. Professor Alexander writes and teaches in the areas of Constitutional Law, Law and Politics, Criminal Procedure, and The First Amendment.

Alexander is active in politics and government; he was Senior Advisor to Barack Obama, having worked on the Obama presidential campaign as Policy Director since January 2007. He also served on the Presidential Transition Team, reviewing the Federal Election Commission.

Alexander clerked for Chief Judge Thelton Henderson of the United States District Court for the Northern District of California and was a litigator with Gibson, Dunn & Crutcher in San Francisco before joining the Seton Hall Law School faculty in 1996. He received his B.A. and J.D. from Yale University. In the spring 2003 semester, Prof. Alexander returned to Yale Law School as a Visiting Scholar.



RICHARD BRIFFAULT

Joseph P. Chamberlain Professor of Legislation, Columbia Law School



Richard Briffault is the Joseph P. Chamberlain Professor of Legislation at Columbia Law School, where he specializes in state and local government law, the law of the political process, and property. He is, *inter alia*, the co-author of *State and Local Government Law*, author of *Balancing Acts: The Reality Behind State Balanced Budget Requirement*, and principal author of *Dollars and Democracy: A Blueprint for Campaign Finance Reform*, the report of the Commission of the New York City Bar Association on Campaign Finance Reform.

ERWIN CHEMERINSKY

Dean & Distinguished Professor of Law, University of California Irvine School of Law

Erwin Chemerinsky is Dean and a Distinguished Professor of Law at the University of California Irvine School of Law. Before assuming this position in 2008, was the Alston & Bird Professor of Law and Political Science at Duke University. Prior to joining the Duke faculty in 2004, Prof. Chemerinsky was on the faculty of the University of Southern California Law School for 21 years as the Sydney M. Irmas Professor of Public Interest Law, Legal Ethics, and Political Science. He is the author of six books and over 100 law review articles, and frequently argues appellate cases in the federal courts of appeals and the Supreme Court. He received his B.A. from Northwestern University and his J.D. from Harvard Law School.



DEBORAH HELLMAN

Jacob France Research Professor, University of Maryland School of Law

Deborah Hellman is the Jacob France Research Professor at the University of Maryland School of Law. She teaches Constitutional Law, Legal Profession, Contracts, Bioethics and Jurisprudence. Her main scholarly interest is discrimination. In addition, she writes in the area of bioethics (focusing on issues related to clinical medical research), on the obligations of the professional role and most recently on campaign finance. Her book, *When is Discrimination Wrong?* lays out a theory of discrimination. Currently, she is exploring when rights should be understood to include a penumbral right to give or spend money to effectuate them. Her draft paper, *Money Talks But It Isn't Speech*, develops this account and applies it to campaign finance.



In 2005-06, she was a Fellow at the Woodrow Wilson International Center for Scholars. In 2004-05, she was the Eugene P. Beard Faculty Fellow in Ethics at the Edmond J. Safra Center for Ethics at Harvard University. In addition, she was awarded a National Endowment for the Humanities Fellowship for University Teachers in 1999. In 2007-08, she was Visiting Professor of Law at University of Pennsylvania School of Law.

FRANCES R. HILL

Professor of Law & Director of the Graduate Program in Taxation, University of Miami School of Law



Frances R. Hill is a Professor of Law and the Director of the Graduate Program in Taxation at the University of Miami School of Law, where she teaches courses in constitutional law and federal tax law. She has written extensively on the role of exempt entities in campaign finance, and is the co-author of *Taxation of Exempt Organizations* (Warren, Gorham & Lamont, with semi-annual supplements).

Her current scholarship analyzes consent as a structural constitutional principle and voting as an expression of consent. Her most recent article on this topic is "Constitutive Voting and Participatory Association: Contested Constitutional Claims in Primary Elections." Professor Hill earned her J.D. at the Yale Law School, her Ph.D. in comparative politics and political theory at Harvard University, her M.A. in African politics at the University of Birmingham, England, where she was a Fulbright Fellow, and her B.A. (*summa cum laude*, Phi Beta Kappa) at the University of Denver. Before joining the University of Miami faculty, she practiced in the Washington, D.C. and London offices of Jones Day. She is a member of the American Law Institute and of the American Bar Association Section of Taxation Committee on Exempt Organizations.

LANI GUINIER

Bennett Boskey Professor of Law, Harvard Law School



In 1998, Lani Guinier became the first woman of color appointed to a tenured professorship at the Harvard Law School and is now the Bennett Boskey Professor of Law. Before her Harvard appointment, she was a tenured professor for ten years at the University of Pennsylvania Law School. Educated at Radcliffe College and Yale Law School, Guinier worked in the Civil Rights Division at the U.S. Department of Justice and then headed the voting rights project at the NAACP Legal Defense Fund in the 1980s.

Guinier has published many scholarly articles and books, including *The Tyranny of the Majority* (1994); *Becoming Gentlemen: Women, Law School and Institutional Change* (1997) (with co-authors Michelle Fine and Jane Balin); *Lift Every Voice: Turning a Civil Rights Setback into a New Vision of Social Justice* (1998); and *The Miner's Canary: Enlisting Race, Resisting Power, Transforming Democracy* (2002) (co-authored with Gerald Torres); *Meritocracy, Inc.: How Wealth Became Merit, Class Became Race and Higher Education Became a Gift From the Poor to the Rich* (Harvard University Press 2007). In her scholarly writings and in op-ed pieces, she has addressed issues of race, gender, and democratic decision-making, and sought new ways of approaching questions like affirmative action while calling for candid public discourse on these topics.

SAMUEL ISSACHAROFF

Bonnie and Richard Reiss Professor of Constitutional Law, New York University School of Law

Samuel Issacharoff's wide-ranging research focuses on civil procedure (especially complex litigation and class actions), law and economics, constitutional law (particularly with regard to voting rights and electoral systems) and employment law. He is a pioneer of the law of the political process; his co-authored *Law of Democracy* casebook and dozens of articles have helped to create a vibrant new area of constitutional law. He also is a leading figure in the field of procedure and serves as reporter for the Project on Aggregate Litigation of the American Law Institute. After graduating from Yale Law School, clerking, and working as a voting rights lawyer, he began his teaching career at the University of Texas in 1989, where he held the Joseph D. Jamail Centennial Chair in Law. In 1999, he moved to Columbia Law School where he was the Harold R. Medina Professor of Procedural Jurisprudence. He moved to NYU in 2005. He is a fellow of the American Academy of Arts and Sciences.



VICKI C. JACKSON

*Associate Dean for Transnational Legal Studies & Carmack Waterhouse Professor of Constitutional Law,
Georgetown University Law Center*

Vicki C. Jackson is Associate Dean for Transnational Legal Studies and Carmack Waterhouse Professor of Constitutional Law at Georgetown University Law Center. She received her J.D. from Yale Law School, clerked for U.S. Supreme Court Justice Thurgood Marshall and practiced law for several years before joining the Georgetown faculty.

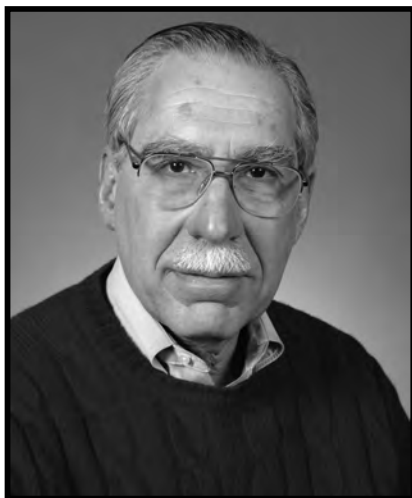
Her books include *Constitutional Engagement in a Transnational Era* (2010) (just published with Oxford University Press); *Inside the Supreme Court: The Institution and Its Procedures* (2d. ed., 2008) (co-author with Susan Low Bloch and Thomas G. Krattenmaker); *Comparative Constitutional Law* (2d ed. 2006) (with Mark Tushnet, co-author); and *Defining the Field of Comparative Constitutional Law* (2002) (co-editor with Mark Tushnet).

In addition to her academic work, she has engaged in public service and pro bono activities, including, for example, serving as a Deputy Assistant Attorney General in the Office of Legal Counsel in the U.S. Department of Justice (2000-01); as a member of the D.C. Bar Board of Governors (1999-2002); as a member of the Managerial Board of Trustees of the International Association of Women Judges (since 2003); and as a Vice-President of the International Association of Constitutional Law (since 2004).



FRANK I. MICHELMAN

Robert Walmsley University Professor, Harvard Law School



Frank I. Michelman is Robert Walmsley University Professor, Harvard University, where he has taught since 1963. He is the author of *Brennan and Democracy* (1999), and has published widely in the fields of constitutional law and theory, property law and theory, local government law, and general legal theory. Professor Michelman is a past President of the American Society for Political and Legal Philosophy, and a fellow of the American Academy of Arts and Sciences. In 2005, he was awarded the American Philosophical Society's Phillips Prize in Jurisprudence. He has served as a member of the Board of Directors of the United States Association of Constitutional Law and of the National Advisory Board of the American Constitution Society. Over the past several years, he has maintained an active interest in matters of constitutionalism in South Africa.

BURT NEUBORNE

*Inez Milholland Professor of Civil Liberties, New York University School of Law &
Legal Director, Brennan Center for Justice*



Burt Neuborne is the Inez Milholland Professor of Civil Liberties, Professor Neuborne is one of the nation's leading scholars in the areas of Constitutional Law, Procedure and Evidence. He is Legal Director of the Brennan Center.

For the past 30 years, Professor Neuborne has been one of the nation's most active civil liberties lawyers. He was a member of the New York City Human Rights Commission from 1988-1992 and served as National Legal Director of the ACLU from 1982-1986. He was Assistant Legal Director of the American Civil Liberties Union from 1972-1974 and worked as a tax lawyer on Wall Street until becoming staff counsel for the New York Civil Liberties Union in 1967.

Professor Neuborne is a 1964 graduate (cum laude) of Harvard Law School. He became Associate Professor of Law at New York University in 1974 and full Professor in 1976. He received a Distinguished Teaching Medal from NYU in 1990 and has been elected to membership in the American Academy of Arts and Sciences.

RICHARD H. PILDES

*Sudler Family Professor of Constitutional Law, New York University School of Law &
Co-Director, Center on Law and Security at New York University School of Law*

Richard H. Pildes is the Sudler Family Professor of Constitutional Law at New York University School of Law and Co-Director of NYU's Center on Law and Security. He is one of the nation's leading scholars, lawyers, and public commentators on public-law issues. He is a co-author of the casebook, *The Law of Democracy* (3rd. ed. 2007), and a co-editor of the book, *The Future of the Voting Rights Act* (2006). In the area of campaign finance, he has written, with Frederick Schauer, "Electoral Exceptionalism and the First Amendment", as well as "The Constitutionalization of Democratic Politics".



The Supreme Court has cited his academic work frequently, including in Justice Stevens' recent dissent in the *Citizens United* case. As a public commentator, he was nominated for an Emmy Award, for his legal analysis during the 2000 Presidential election litigation, as part of the nomination of an NBC team for Outstanding Coverage of a Breaking News Story. He served as a law clerk to Justice Thurgood Marshall, at the United States Supreme Court, and Judge Abner J. Mikva, at the United States Court of Appeals for the D.C. Circuit.

SUSAN LISS

Director of Democracy Program, Brennan Center for Justice

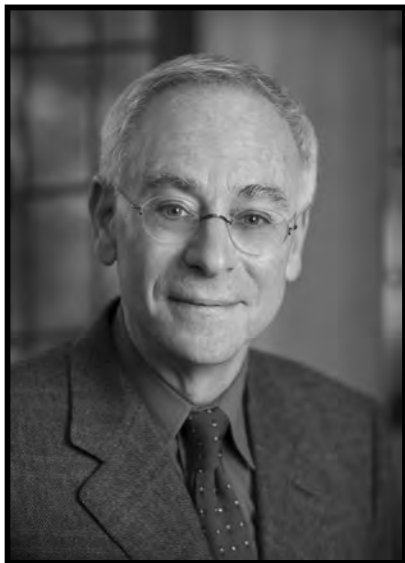
Susan M. Liss joined the Brennan Center as the Director of the Democracy Program in January 2009. In her 30-plus year legal career, Susan has worked for a number of constitutional, civil rights and women's organizations, including the Alliance for Justice, Citizens' Commission on Civil Rights, People for the American Way, and the National Women's Law Center.



During the Clinton-Gore administration, she served at the Department of Justice as Deputy Assistant Attorney General for Policy Development and as Chief of Staff and Counselor in the Civil Rights Division. She also served as Chief of Staff to Mrs. Gore and Special Counsel to the Vice President. From 2001–2004, she was the Executive Director of the Project on Medical Liability in Pennsylvania, a research and public education project of the Columbia University Law School, supported by the Pew Charitable Trusts. Prior to joining the Brennan Center, she was the Director of Federal Relations for the Commonwealth of Massachusetts. She is a graduate of the University of Michigan and Georgetown University Law Center, and a member of the Bar of the District of Columbia.

ROBERT POST

Dean and Sol & Lillian Goldman Professor of Law, Yale Law School



Robert Post is Dean and Sol & Lillian Goldman Professor of Law at Yale Law School. Before coming to Yale, he taught at the University of California, Berkeley, School of Law (Boalt Hall). Professor Post's subject areas are constitutional law, First Amendment, legal history, and affirmative action.

He has written dozens of articles in legal journals and other publications, including "Roe Rage: Democratic Constitutionalism and Backlash" (with Reva Siegel, *Harvard Civil-Rights Civil-Liberties Law Review*, 2007); "Federalism, Positive Law, and the Emergence of the American Administrative State: Prohibition in the Taft Court Era" (*William & Mary Law Review*, 2006); "Foreword: Fashioning the Legal Constitution: Culture, Courts, and Law" (*Harvard Law Review*, 2003); and "Subsidized Speech" (*Yale Law Journal*, 1996).

He has also written and edited numerous books, including *For the Common Good: Principles of American Academic Freedom* (with Matthew M. Finkin, 2009); *Prejudicial Appearances: The Logic of American Antidiscrimination Law* (with K. Anthony Appiah, Judith Butler, Thomas C. Grey, and Reva Siegel, 2001); and *Constitutional Domains: Democracy, Community, Management* (1995). He has an A.B. and Ph.D. in History of American Civilization from Harvard and a J.D. from Yale Law School.

MARTIN H. REDISH

Louis and Harriet Ancel Professor of Law & Public Policy, Northwestern University School of Law



Martin H. Redish, the Louis and Harriet Ancel Professor of Law and Public Policy at Northwestern University School of Law, teaches and writes on the subjects of federal jurisdiction, civil procedure, freedom of expression and constitutional law. He received his AB with highest honors in political science from the University of Pennsylvania and his JD magna cum laude from Harvard Law School.

Described in a review of his book, *The Federal Courts in the Political Order*, as “without a doubt the foremost scholar on issues of federal court jurisdiction in this generation,” Professor Redish is the author or co-author of more than 80 articles and 15 books. He was recently listed in a study conducted by William S. Hein & Company as the sixteenth most cited legal scholar of all time. He has also been consistently recognized by the Institute for Scientific Information for being among the most highly cited researchers worldwide.

GEOFFREY R. STONE

Edward H. Levi Distinguished Service Professor of Law, University of Chicago Law School

Geoffrey R. Stone is the Edward H. Levi Distinguished Service Professor of Law at the University of Chicago. He served as dean of the Law School and from 1993 to 2002 as Provost of the University of Chicago. After graduating from the University of Chicago Law School, Mr. Stone served as a law clerk to Justice William J. Brennan, Jr.



Mr. Stone has written extensively on constitutional law and, more specifically, on the First Amendment. His recent books include *War and Liberty: An American Dilemma* (2007), *Top Secret: When the Government Keeps Us in the Dark* (2007), and *Perilous Times: Free Speech in Wartime* (2004). He is co-editor of *The Supreme Court Review* and of two casebooks, *Constitutional Law* (6th ed. 2009) and *The First Amendment* (3d ed. 2008). He is chief editor of a fifteen-volume series, *Inalienable Rights*, and his current book project, *Sexing the Constitution*, examines the relationship between sex, religion and law throughout history.

Mr. Stone has represented various clients in the Supreme Court of the United States, including President Bill Clinton in *Clinton v. Paula Jones* and Fred Korematsu in *Hamdi v. Rumsfeld*. Among his many public activities, Mr. Stone is a member of the national Board of Directors of the American Constitution Society and a member of the National Advisory Council of the American Civil Liberties Union.

ZEPHYR TEACHOUT

*Visiting Assistant Professor of Public Policy, Harvard Kennedy School &
Associate Law Professor, Fordham Law School*

Zephyr Teachout is a Visiting Assistant Professor of Public Policy at Harvard Kennedy School, and an Associate Law Professor at Fordham. Her teaching interests are election law, federal legislation, the law governing corruption, the Internet and politics, comparative law, administrative law, the law of democracy, and local government. She clerked for Chief Judge Edward R. Becker, U. S. Court of Appeals for the Third Circuit



Teachout has served as the National Director of the Sunlight Foundation, Washington, DC, has taught at the University of Vermont, and has served as Director of Internet Organizing for Dean For America. She was a co-founder and Executive Director of the Fair Trial Initiative in Durham, where she also served as a staff attorney at the Center for Death Penalty Litigation.

Her publications include: *Mousepads, Shoeleather and Hope: Lessons from the Howard Dean Campaign for the Future of Internet Politics* (Editor); "How Politicians Can Use Distributive Networks" (New Assignment, November 2006); "Youtube? It's So Yesterday," (with Tim Wu) (*Washington Post*, November 2006), and "Powering Up Internet Campaigns," book chapter in *Let's Get This Party Started* (Rowan and Littlefield, 2005.) She is currently writing about the meaning of corruption in the American constitutional tradition.

KENDALL THOMAS

*Nash Professor of Law, Columbia Law School &
Co-founder and Director, Center for the Study of Law and Culture*



Kendall Thomas is the Nash Professor of Law and co-founder and Director of the Center for the Study of Law and Culture at Columbia University in the City of New York. His teaching and research interests include U.S. and comparative constitutional law, human rights, legal philosophy, feminist legal theory, Critical Race Theory and Law and Sexuality.

His writings have appeared in several academic journals and he is a co-editor of *Critical Race Theory: The Key Writings that Founded the Movement* (The New Press, 1996) and *What's Left of Theory?* (Routledge Press, 2000).

Thomas was an inaugural recipient of the Berlin Prize Fellowship of the American Academy in Berlin, Germany and a member of the Special Committee of the American Center in Paris, France. He has served as chair of the Jurisprudence and Law & Humanities sections of the Association of American Law Schools, and is a founding member of the Majority Action Caucus of the AIDS Coalition to Unleash Power, Sex Panic! and the AIDS Prevention Action League. He is a former member and Vice-Chair of the Board of Directors of Gay Men's Health Crisis.

DANIEL TOKAJI

*Associate Professor, Moritz College of Law at Ohio State University &
Associate Director, Election Law @ Moritz*



Daniel Tokaji is an Associate Professor at the Ohio State University's Moritz College of Law and the Associate Director of Election Law @ Moritz. His scholarship addresses questions of political equality, racial justice, and the role of the courts in a democracy, with a special focus on election administration. He is a co-author of the casebook *Election Law: Cases and Materials* (4th ed. 2008). Professor Tokaji's other recent publications include "The Future of Election Reform: From Rules to Institutions," 28 *Yale Law & Policy Review* 125 (2009) and "The Story of *Shaw v. Reno*: Representation and Raceblindness" in *Race Law Stories* (Foundation Press 2008).

A graduate of Harvard College and the Yale Law School, Professor Tokaji clerked for the Honorable Stephen Reinhardt of the U.S. Court of Appeals for the Ninth Circuit. Before arriving at Ohio State, he was a staff attorney with the ACLU Foundation of Southern California and Chair of California Common Cause. He has litigated many civil rights and election law cases. He was lead counsel in a case that struck down an Ohio law requiring naturalized citizens to produce a certificate of naturalization when challenged at the polls. He was also counsel for plaintiffs in cases that kept open the window for simultaneous registration and early voting in Ohio's 2008 general election, and that challenged punch-card voting systems in Ohio and California after the 2000 election.

CIARA TORRES-SPELLISCY

Counsel, Brennan Center for Justice

Ciara Torres-Spelliscy is Counsel for the Democracy Program at the Brennan Center, working in the Money & Politics and Fair Courts projects.

She co-author of *What Albany Could Learn from New York City: A Model of Meaningful Campaign Finance Reform in Action* (2008); *Electoral Competition and Low Contribution Limits* (2009); and *Improving Judicial Diversity* (2008), which was republished by Thompson West Reuters in *Women and the Law* (2009), as well as the author of *Corporate Political Spending & Shareholders' Rights: Why the U.S. Should Adopt the British Approach*.

Ms. Torres-Spelliscy has been published in the *New York Law Journal*, *Roll Call*, *Business Week*, *Forbes*, *The Root.com*, *Salon.com*, *CNN.com* and the *ABA Judges Journal*. She provides constitutional and legislative guidance to lawmakers who are drafting bills. Before joining the Center, she worked as a corporate associate at the law firm of Arnold & Porter LLP and was a staff member of Senator Richard Durbin.



MICHAEL WALDMAN

Executive Director, Brennan Center for Justice

Michael Waldman is Executive Director of the Brennan Center for Justice

Mr. Waldman was Director of Speechwriting for President Bill Clinton from 1995-99, serving as Assistant to the President. He was responsible for writing or editing nearly 2,000 speeches, including four State of the Union speeches and two Inaugural Addresses. Previously, he was Special Assistant to the President for Policy Coordination (1993-95). Mr. Waldman was the top administration policy aide working on campaign finance reform, one of the Center's signature issues, and drafted the administration's public financing proposal. He is the author of several books, including *A Return to Common Sense: Seven Bold Ways to Revitalize Democracy* (2008), *My Fellow Americans: The Most Important Speeches of American Presidents* (2003); *POTUS Speaks* (2000); and *Who Robbed America? A Citizens' Guide to the Savings and Loan Scandal* (1990).



Prior to his government service, Mr. Waldman was the director of Public Citizen's Congress Watch, then the capital's largest consumer lobbying office. After leaving the White House, he was a Lecturer in Public Policy at Harvard University's John F. Kennedy School of Government (2001-03), and a litigator in private practice. He is a graduate of Columbia College and NYU School of Law.

MONICA YOUN

Counsel, Brennan Center for Justice



Monica Youn directs the Brennan Center's Money & Politics project, as well as working on other means of achieving and protecting broader participation in the political process. She was previously in private practice, and also served as law clerk to Judge John T. Noonan, Jr. in the United States Court of Appeals for the Ninth Circuit. Ms. Youn received her J.D. from Yale Law School, her M. Phil from Oxford University, where she was a Rhodes Scholar, and her B.A. from Princeton University.

She has litigated campaign finance and election law issues in state and federal courts throughout the nation, and is co-lead counsel for Intervenor Defendants in the pending challenges to the Arizona and Connecticut public financing systems. She is also the author of *Judge Sotomayor's Judicial Record*, and her political commentary has appeared in the *The Los Angeles Times*, *Slate*, *Roll Call*, and other publications. Ms. Youn recently testified before the House Judiciary Committee regarding the impact of the Citizens United decision, and has discussed the case on *The News Hour with Jim Lehrer*, on *Bill Moyers Journal*, and in numerous news media and public appearances.

DIRECTIONS TO THE TORCH CLUB

From **A**- Furman Hall (245 Sullivan St) to **B**- The Torch Club (18 Waverly Place):

1. Head northeast on Sullivan St toward Washington Square S
2. Turn right at Washington Square S
3. Turn left at Washington Square E
4. Turn right at Waverly Pl

The Torch Club will be on the right

