

## **WILLIAM M. CARTER, JR.**

**Temple Law School  
1719 N. Broad St.  
Philadelphia PA 19122  
215-204-2382  
william.carter@temple.edu**

### **EMPLOYMENT**

#### **TEMPLE UNIVERSITY BEASLEY SCHOOL OF LAW, PHILADELPHIA PA**

*Professor of Law, 2007-present*

Courses: Constitutional Law, Civil Procedure, Political & Civil Rights, Current Issues in Civil Rights Law, Litigation Basics

#### **CASE WESTERN RESERVE UNIVERSITY SCHOOL OF LAW, CLEVELAND, OHIO**

*Assistant Professor, 2001-2004, Associate Professor, 2004-2007*

*Promoted to Full Professor of Law with Tenure, April 2007*

Courses: Civil Procedure, Civil Rights Law, International Human Rights Law

#### **ROPES & GRAY, WASHINGTON, D.C.**

*Litigation Associate, 1999-2001*

#### **SQUIRE, SANDERS, & DEMPSEY, WASHINGTON, D.C.**

*Litigation Associate, 1998-1999*

#### **UNITED STATES DEPARTMENT OF JUSTICE, WASHINGTON, D.C.**

*Law Clerk with General Counsel's Office of the Immigration and Naturalization Service, Summer 1997*

### **EDUCATION**

#### **CASE WESTERN RESERVE UNIVERSITY SCHOOL OF LAW, J.D. 1998**

*Magna Cum Laude, Order of the Coif*

*Case Western Reserve University Law Review, Associate Editor*

#### **BOWLING GREEN STATE UNIVERSITY, B.S., English Education, 1994**

## PUBLICATIONS

### Law review articles:

*Civil Rights Protections for Anti-Racist Speech* (tentative title), \_\_\_ COLUMBIA LAW REVIEW \_\_\_ (forthcoming, fall 2012)

*Affirmative Action as Government Speech*, 59 UCLA L. REV. \_\_\_ (lead article) (forthcoming, fall 2011)

#### Selected Citations:

- SSRN Top Ten Download in seven categories (Affirmative Action, Employment Discrimination, The Politics of Race, Theories of Discrimination, Impact of Judiciary, Limitations on Judicial Review, and Litigants & the Judiciary) (February 2011)
- Noted on Larry Solum, Legal Theory Blog, February 18, 2011 (<http://lsolum.typepad.com/legaltheory/2011/02/carter-on-affirmative-action-as-government-speech.html>)

*The Paradox of Political Power: Post-Racialism, Equal Protection, and Democracy*, EMORY L. J. \_\_\_\_\_ (forthcoming, spring 2012)

#### Selected Citations:

- SSRN Top Ten Download in five categories (Discrimination, The Politics of Race, Affirmative Action, Separation of Powers & Judicial Independence, and Limitations on Judicial Review) (September 2011)
- Favorably reviewed on Constitutional Law Prof Blog, August 26, 2011 (<http://lawprofessors.typepad.com/conlaw/2011/08/paradox-of-political-power-william-carter-on-post-racialism-and-equality.html>).

*The Thirteenth Amendment, Interest Convergence, and the Badges and Incidents of Slavery*, 71 MARYLAND L. REV. \_\_\_ (forthcoming, fall 2011)

*Treaties, the Constitution, and Separation of Powers* (tentative title): *A Reply to Rethinking the Constitution-Treaty Relationship*, \_\_\_ INT'L JOURNAL OF CONSTITUTIONAL LAW \_\_\_ (a joint publication of NYU Law School and Oxford University Press) (forthcoming, fall 2011)

*Treaties as Law and the Rule of Law*, 69 MARYLAND L. REV. 344 (2010)

#### Selected Citations:

- Noted on Larry Solum, Legal Theory Blog, May 15, 2009 (<http://lsolum.typepad.com/legaltheory/2009/05/carter-on-treaties-the-rule-of-law.html>)

- SSRN Top Ten Download in the categories of International Human Rights and Treaties (May 2009)

*Rethinking Subsidiarity in International Human Rights Adjudication*, 30 *HAMLINE J. OF LAW & PUB. POL.* 319 (2009) (symposium, invited)

*Judicial Review of Thirteenth Amendment Legislation: "Congruence and Proportionality" or "Necessary and Proper"?*, 38 *U. TOL. L. REV.* 973 (2007) (symposium, invited)

Selected Citations:

- Jennifer Mason McAward, *The Scope of Congress's Thirteenth Amendment Enforcement Power after City of Boerne v. Flores*, 88 *WASH. U. L. REV.* 77 (2010)
- Rebecca Zietlow, *Free at Last! Anti-Subordination and the Thirteenth Amendment*, 90 *B.U. L. REV.* 255 (2010)

*Race, Rights, and the Thirteenth Amendment: Defining the Badges and Incidents of Slavery*, 40 *U.C. DAVIS LAW REVIEW* 1311 (2007) (lead article)

Selected Citations:

- James Gray Pope, *Contract, Race, and Freedom of Labor in the Constitutional Law of "Involuntary Servitude,"* 119 *YALE L.J.* 1474 (2010)
- Risa L. Goluboff, *The Thirteenth Amendment in Historical Perspective*, 11 *U. PA. J. CONST. L.* 1451 (2009)
- George Rutherglen, *State Action, Private Action, and the Thirteenth Amendment*, 94 *VA. L. REV.* 1367 (2008)
- Reproduced in the *CIVIL RIGHTS LITIGATION AND ATTORNEYS FEES ANNUAL HANDBOOK* (Steven Saltzman, ed.) (Thompson Publishing, 2007)

*A Thirteenth Amendment Framework for Combating Racial Profiling*, 39 *HARVARD CIVIL RIGHTS-CIVIL LIBERTIES LAW REVIEW* 17 (2004) (lead article)

Selected Citations:

- *Christopher v. Nestlerode*, 373 *F.Supp.2d* 503 (M.D. Pa. 2005)
- *Maryland Dep't of State Police v. Maryland State Conference of NAACP Branches* (Md. Ct. App., Oct 01, 2010), *Amicus Curiae* brief by NAACP Legal Defense and Educational Fund, 2010 WL 4114133

- *Commonwealth v. Nagim* (Mass.App.Ct. Oct 15, 2010), *Amici Curiae* brief on behalf of the Criminal Justice Institute of Harvard Law School
- *Maryland State Conference of NAACP Branches v. Maryland State Police* (D.Md. Oct. 19, 2005), Defendants' Memorandum in Support of Summary Judgment, No. 1:98-cv-01098-PWG, 2005 WL 3081911
- Kathleen Kim, *The Coercion of Trafficked Workers*, 96 IOWA L. REV. 409 (2011)
- Leti Volpp, *Divesting Citizenship: On Asian American History and the Loss of Citizenship Through Marriage*, 53 U.C.L.A. L. REV. 405 (2005)
- Kevin R. Johnson, *Taking the 'Garbage' Out in Tulia, Texas: the Taboo on Black-White Romance and Racial Profiling in the 'War on Drugs,'* 2007 WISC. L. REV. 283 (2007)

*Trust Me, I'm a Judge: Why Binding Judicial Notice of Jurisdictional Facts Violates the Right to Jury Trial*, 68 MISSOURI LAW REVIEW 649 (2003)

Selected Citations:

- CHARLES ALAN WRIGHT & KENNETH W. GRAHAM, JR., FEDERAL PRACTICE AND PROCEDURE (revision of 2d ed.)

*The Mote in thy Brother's Eye* (review of HUMAN RIGHTS AS POLITICS AND IDOLATRY by Michael Ignatieff), 20 BERKELEY JOURNAL OF INT'L LAW 496 (2002) (invited essay)

**Book chapters**

*The Badges and Incidents of Slavery: Historical Context and Contemporary Application*, forthcoming in THE LEGAL PARAMETERS OF SLAVERY (tentative title) (Jean Allain, ed.) (Oxford Univ. Press, 2012)

*Toward a Thirteenth Amendment Exclusionary Rule as a Remedy for Racial Profiling*, in THE PROMISES OF LIBERTY: THE HISTORY AND CONTEMPORARY RELEVANCE OF THE THIRTEENTH AMENDMENT (Alexander Tsesis, ed.) (Columbia Univ. Press, 2010). Other contributors include David Brion Davis (Yale), James McPherson (Princeton), Risa Goluboff (Univ. of Virginia Law School), William Forbath (Univ. of Texas-Austin Law School), and Andrew Koppelman (Northwestern Law School).

**Shorter scholarly works:**

Essay, *Justice Thomas' Separate Concurring Opinion in Grutter v. Bollinger*, in MILESTONE DOCUMENTS IN AFRICAN-AMERICAN HISTORY (Schlager Group, 2010)

Essay, A. Leon Higginbotham, *An Open Letter to Justice Clarence Thomas from a*

*Federal Judicial Colleague*, in MILESTONE DOCUMENTS IN AFRICAN-AMERICAN HISTORY (Schlager Group, 2010)

Op-Ed, *The 40th Anniversary of Jones v. Alfred H. Mayer Co.*, 30 NATIONAL LAW JOURNAL No. 41 (June 23, 2008)

*Race-Based Criminal Suspicion: Litigating Claims of Bias in Law Enforcement*, THE AMERICAN BAR ASSOCIATION'S MINORITY TRIAL LAWYER NEWSLETTER, Vol .1, Iss. 1 (Spring 2003)

*Racial Profiling: An Overview*, OHIO LAWYERS WEEKLY (Spring 2002)

*Racial Profiling: An Overview of Legal and Policy Concerns Raised by Race-Based Criminal Suspicion* (CLE Materials, Fall 2001)

### **Works in Progress**

*Civil Rights Protections for Anti-Racist Speech*, \_\_\_ COLUMBIA LAW REVIEW \_\_\_ (in progress) (forthcoming, spring 2012). This article will argue that, in order to combat “second generation racism” or “new racism,” civil rights protections should be expanded to provide a remedy for individuals who oppose racially hostile work environments and other racially exclusionary practices, even if such individuals are not themselves members of a protected class and lack a direct connection to a member of a protected class. This article will argue that such protections can be grounded in the Thirteenth Amendment.

### **SCHOLARLY PRESENTATIONS**

Inaugural Lecturer at UCLA Law School's Scholar Lecture Series, on *Affirmative Action as Government Speech* (October, 2011)  
(<http://www.uclalawreview.org/wordpress/?p=2591>)

Commentator and panelist, Harvard Law School conference titled "The Legal Parameters of Slavery: Historical to the Contemporary," co-sponsored by Harvard Law School's Charles Hamilton Houston Institute, Harvard University's W.E.B. Dubois Institute and Harvard's Sociology Department (August 2011)

Presented *Affirmative Action as Government Speech* at a constitutional law roundtable organized by Mark Tushnet of Harvard Law School in conjunction with the American Constitution Society's National Convention (June 2011)

Presented *The Paradox of Political Power* at the Law & Society Association Annual Meeting (June 2011)

Moderator, Law & Society Association Annual Meeting, on a panel titled “Judicial Interpretation and the Law” (June 2011)

Moderator, Rutgers-Camden Law School symposium, "The Constitution and the Sectional Conflict," on a panel on slavery, the Constitution, and the Civil War (April 2011)

Presented *A Thirteenth Amendment Framework for Combating Racial Profiling* at UNC-Chapel Hill Law School (April 2011)

Presented *The Thirteenth Amendment, Interest Convergence, and the Badges and Incidents of Slavery* at Elon Law School (April 2011)

Panelist, American Society for Law, Culture, and Humanities Annual Meeting on the topic of depictions of race in popular culture (March 2011)

Presented *The Thirteenth Amendment, Interest Convergence, and the Badges and Incidents of Slavery* at the University of Maryland Law School (February 2011)

Moderator, Temple Law Review Symposium, "The Evolution of Civil Rights Litigation," on a panel titled "Unconscious Bias: the Social Science and its Legal Implications" (November 2010)

Presented *Affirmative Action as Government Speech* at the Loyola (Chicago) School of Law Constitutional Law Colloquium "How Democratic is the Constitution?" (November 2010) (<http://www.luc.edu/law/conlawcolloquium/>).

Arthur W. Fiske Memorial Lecturer at CWRU Law School on the topic of affirmative action (October 2010) (webcast available at <http://law.case.edu/Lectures/Webcast.aspx?dt=20101004&type=flv>)

Presented *Affirmative Action as Government Speech* at the National People of Color Legal Scholarship Conference at Seton Hall Law School (September 2010)

Panelist, Annual Meeting of the National Consortium for Racial and Ethnic Fairness in the Courts, on the topic of diversity among law school students and faculty (March 2010)

Presented *Treaties as Law and the Rule of Law*, Faculty Workshop, Case Law School (March 2010)

Presented *The Thirteenth Amendment as Intersectional Constitutionalism*, UCLA Law School, Fourth Annual Critical Race Studies Symposium (March 2010). Other panelists included Catharine MacKinnon (Univ. of Mich. Law School), Devon Carbado (UCLA Law School), and Mari Matsuda (Georgetown Law School).

Panelist, "Slavery, Abolition, and Human Rights: Interdisciplinary Perspectives on the Thirteenth Amendment" (University of Chicago Law School, April 2009). The conference featured law professors, historians, and sociologists whose work focuses on the post-Civil War constitutional amendments and the legacy of slavery. Other

presenters included Geoffrey Stone (Univ. of Chicago Law School), Risa Goluboff (Univ. of Virginia Law School) and William Forbath (Univ. of Texas-Austin Law School)

Debated Professor Gail Heriot of the University of San Diego Law School on the topic of hate crimes legislation at an event sponsored by the Temple Law School Federalist Society (2009)

Moderated and provided introductory remarks for a Temple National Lawyers Guild event titled "100 Days to Restore the Constitution" (Fall 2009)

Organizer, 2008 Mid-Atlantic People of Color Legal Scholarship Conference (Fall 2008)

Moderator, 2008 Mid-Atlantic People of Color Legal Scholarship Conference panel on school desegregation and resegregation (Fall 2008)

Panelist, AALS Mid-Year Meeting on Constitutional Law, on plenary and concurrent sessions on the topic of constitutional notions of citizenship (June 2008)

Panelist, Hamline University School of Law symposium "The 60th Anniversary of the Universal Declaration of Human Rights," on the topic of subsidiarity in international human rights adjudication (March 2008)

Speaker, University of Pennsylvania Law School, on the topic "The Social Responsibility of the Black Legal Community" (February 2008)

Speaker, National Lawyers' Guild and Temple Law School Black Law Students Association event on civil rights and race relations (Sept. 2007)

Panelist and speaker, Organization for Security and Cooperation in Europe (OSCE) event, on the topic of human rights and U.S. civil rights law. The OSCE delegation was co-sponsored by the U.S. Department of State and the Cleveland Council on World Affairs (August 2007)

Panelist, Association for the Study of Law, Culture, and Humanities Annual Meeting at Georgetown University Law Center, on the Thirteenth Amendment (March 2007)

Panelist, ACLU of Ohio forum "Forgetting Equality: The Elimination of Affirmative Action" (January 2006)

Presented a briefing to the Congressional Human Rights Caucus (chaired by Congressmen Dennis Kucinich and Tom Lantos) on the international human rights standards governing women's human rights, property rights, and socioeconomic status in sub-Saharan Africa (September 2006). Congressman Kucinich, congressional staffers, and members of the public and media attended the briefing.

Panelist, University of Toledo Law Review symposium "A New Birth of Freedom: The Thirteenth Amendment -- Past, Present, and Future" (October 2006). Other panelists included Risa Goluboff (University of Virginia School of Law), Lea Vandervelde (University of Iowa College of Law), and Tobias Wolff (University of Pennsylvania Law School).

Participant and speaker at the Summer Legal Academy held at Cleveland State Law School for students at Shaw High School, presented in conjunction with Case Law School, the Cuyahoga County Bar Association, the Norman S. Minor Bar Association, and the Ohio State Bar Foundation (Summer 2006)

Moderator, Case Law Review symposium "Judicial Independence and Judicial Accountability: Searching for the Right Balance," on a panel titled "Rescuing Judicial Accountability from the Realm of Political Rhetoric" (Spring 2006)

Debate at Case Law School with Ted Wasky, the chief of the Cleveland FBI, on the subject of racial profiling (Fall 2005)

Moderator, Case Law School Cox International Law Center's War Crimes Research Symposium "Torture and the War on Terror," on panel entitled "Adjudicating Torture in American Courts" at the (Fall 2005)

Organizer and speaker, Summer Legal Academy held at Case Law School for high school students, presented in conjunction with Cleveland State Law School, the Cuyahoga County Bar Association, the Norman S. Minor Bar Association, and the Ohio State Bar Foundation (Summer 2005)

Panelist, Law & Society Association's Annual Meeting, on the topic of the contemporary relevance of historic civil rights doctrine (May 2004)

Speaker, CLE session titled "Uncle Tom's Traffic Stop: Or, The Fugitive Slave Act, Racial Profiling and Over-Identification of People of Color with Criminal Wrongdoing." The CLE was presented in conjunction with the Ohio Racial Fairness Project and the Cleveland Municipal Court (February, 2004)

Speaker, City Club of Cleveland forum on the topic "Are We Losing our Civil Rights in the post-9/11 Era?" (November 2003)

Speaker, Marquette University forum on affirmative action in higher education (Spring 2003)

Speaker, Society of American Law Teachers' Norman Amaker Public Interest Retreat, on the subject of racial profiling and human rights (Spring 2003)

Speaker, Cleveland State University's Black Studies Department, on the legal aspects of

reparations for slavery (Fall 2002)

Moderator, Federation for Community Planning's 60<sup>th</sup> Annual Human Services Institute, on a panel regarding racial profiling (April 2002)

Speaker, CLE session on racial profiling, in conjunction with the Cuyahoga County Bar Association and the Report on Racial Fairness Project (February 2002)

## **SELECTED MEDIA**

Quoted in The Philadelphia Daily News regarding racial profiling, police-community relations, and "stop and frisk" policies (July 2010):

[http://www.philly.com/philly/hp/news\\_update/20100802\\_The\\_high-cost\\_risk\\_of\\_stop\\_and\\_frisk.html?viewAll=y](http://www.philly.com/philly/hp/news_update/20100802_The_high-cost_risk_of_stop_and_frisk.html?viewAll=y)

Interviewed on CNN's *The Situation Room with Wolf Blitzer* on July 17th regarding discrimination and racial harassment lawsuit filed by African-American police officers against the city and police department (July 2009)

Quoted in the Philadelphia Tribune regarding the Supreme Court's decision in *Ricci v. DeStefano* (July 2009):

[http://www.phillytrib.com/tribune/index.php?option=com\\_content&view=article&id=4999:firefighter070509&catid=2:the-philadelphia-tribune&Itemid=3](http://www.phillytrib.com/tribune/index.php?option=com_content&view=article&id=4999:firefighter070509&catid=2:the-philadelphia-tribune&Itemid=3)

Interviewed for "Art Fennell Reports" on Channel CN8 regarding discrimination by Boy Scouts on the basis of sexual orientation (May 2008)

Interviewed on May 1, 2002 for a WKYC-TV (Channel 3) story on reparations for slavery

Interviewed for a program on reparations for slavery on WCPN 90.3 public radio (Spring 2002)

## **HONORS AND AWARDS**

### **LANGSTON HUGHES VISITING PROFESSORSHIP, UNIVERSITY OF KANSAS SCHOOL OF LAW**

Nominated for honorary University-level visiting faculty appointment for 2007-2008 academic year (nomination withdrawn at my request)

### **PROFESSOR OF THE YEAR, CASE LAW SCHOOL**

*2004-2005 academic year*

### **1L PROFESSOR OF THE YEAR, CASE LAW SCHOOL**

*2002-2003 and 2003-2004 academic years*

**UCITE LEARNING FELLOWSHIP, CASE LAW SCHOOL**  
2002-2003

Recipient of UCITE Learning Fellowship for semester-long seminar in teaching theory and methods in higher education

**INSTITUTIONAL LEADERSHIP AND COMMUNITY SERVICE**

**TEMPLE LAW SCHOOL COMMITTEES**

*Faculty Review Committee* (Chair, 2010-2011; member, 2009-2010):

The Faculty Review Committee evaluates and makes recommendations regarding all applications for promotion or tenure. The Chair of the Committee is responsible for managing the process in close consultation with the Dean and Associate Deans. Responsibilities include supervising and coordinating the process, detailed knowledge of University and Law School procedures and regulations, reporting to the Dean and Associate Deans, managing the candidates for promotion or tenure, assigning Committee members' tasks, constructing and enforcing timelines for the process, and producing lengthy written recommendations evaluating the candidates' scholarship, teaching, and service. The Chair is also responsible for supervising and coordinating annual Progress Panels for approximately 10-12 pre-tenure and non-tenure track faculty each year. The Chair, in consultation with the Dean, selects two faculty members to serve on each Progress Panel and coordinates their review of scholarship, teaching, and service.

*Executive Committee* (Elected member, 2010-2012):

The Executive Committee serves as adviser to the Dean on law school policy. Responsibilities include advising the Dean on faculty appointments, curriculum, and law school policies, procedures, and priorities.

*Faculty Selection (Hiring) Committee* (Chair, 2011-12)

*Additional Temple Law School Committees:* Admissions Committee, Public Interest Committee, Judicial Clerkship Committee

**CASE WESTERN RESERVE UNIVERSITY, PRESIDENT'S ADVISORY COMMITTEE ON WOMEN**

*Member, 2003-2006*

Member of committee reporting directly to the University president charged with examining the role of and opportunities for women in the university community

**CASE WESTERN RESERVE UNIVERSITY, FACULTY SENATE NOMINATING COMMITTEE**

*Member, 2006-2007*

**CASE LAW SCHOOL COMMITTEES**

CaseArc Advisory Committee (Chair, 2006-2007), Curriculum Committee, Loan

Repayment Assistance Committee, Admissions Committee and Law School Community Committee

**UGANDAN WOMEN'S RIGHTS PROJECT**

*Adviser, 2006-2007*

Pro bono legal adviser to coalition of Ugandan NGOs in preparation of grant proposals and meeting with U.S. Congressional Human Rights Caucus regarding women's human rights, property rights, and HIV/AIDS in sub-Saharan Africa

**OHIO RACIAL FAIRNESS REPORT PROJECT**

*Board Member, 2002-2006*

Board member of independent non-profit organization implementing bar association and Ohio Supreme Court recommendations on improving racial fairness in the justice system

**BAR ADMISSIONS:** Ohio, 1998 (inactive); District of Columbia, 2000; Fourth Circuit, 2000; U.S. District Court for the District of Columbia (2001)

**PROFESSIONAL MEMBERSHIPS:** American Bar Association, American Society of International Law