

1992

Defining Equality: The Future of Civil Rights in America (Program)

Institute of Bill of Rights Law at The College of William & Mary School of Law

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DEFINING EQUALITY

THE FUTURE OF CIVIL RIGHTS IN AMERICA

November 12, 1992, 2:30 - 6:15 p.m.

Marshall-Wythe Room 119

Program Is Open to the Public

THE INSTITUTE OF BILL OF RIGHTS LAW

**Institute of Bill of Rights Law
Marshall-Wythe School of Law
The College of William and Mary
Williamsburg, VA 23185**

CAMPUS MAIL

DEFINING EQUALITY: THE FUTURE OF CIVIL RIGHTS IN AMERICA

November 12, 1992, Marshall-Wythe Room 119

2:30 p.m. *Welcome*

2:40 p.m. **DEFINING EQUALITY**

David Kirp, Professor of Public Policy, University of California at Berkeley

Reva Siegel, Professor of Law, University of California at Berkeley

David Strauss, Professor of Law, University of Chicago

Moderator: Lawrence C. Becker, Professor of Philosophy and Kenan Professor of Humanities, William and Mary

3:45 p.m. **THE POLITICS OF CIVIL RIGHTS:**

A Post-Election Perspective

Drew S. Days, III, Albert M. Rankin Professor of Law and Director, Schell Center for International Human Rights, Yale University

Terry H. Eastland, Resident Fellow, Ethics and Public Policy Center, Washington, D.C.

Jeremy A. Rabkin, Professor of Government, Cornell University

Juan Williams, Staff Writer, *Washington Post Magazine*

Moderator: Neal E. Devins, Professor of Law, William and Mary

5:00 p.m. **Town Meeting:**

WHERE WE ARE AND WHERE WE'RE GOING

Keynote: Juan Williams

Lawrence C. Becker

Drew S. Days, III

Neal E. Devins

Terry H. Eastland

Moderator: Rodney A. Smolla, Arthur B. Hanson Professor of Law and Director, Institute of Bill of Rights Law

David Kirp

Jeremy A. Rabkin

Reva Siegel

David Strauss

6:15 p.m. *Reception*

The **Institute of Bill of Rights Law** was established at William and Mary in 1982 to support research and education on the Constitution and Bill of Rights. This program is the tenth in the Institute's annual symposia series. Papers are published in the *William and Mary Law Review* as listed below.

Neal Devins, **Where's the Politics?**

Juan Williams, **The Survival of Racism Under the Constitution**

Terry Eastland, **The Case Against Affirmative Action**

Drew S. Days, III, **Brown Blues: Rethinking the Integrative Ideal**

Jeremy Rabkin, **Racial Progress and Constitutional Roadblocks**

Lawrence C. Becker, **Elements of Liberal Equality**

David L. Kirp, **Fetal Hazards, Gender Justice, and the Justices: The Limits of Equality**

Jennifer L. Hochschild, **The Word American Ends In "Can": The Ambiguous Promise of the American Dream**

David A. Strauss, **The Illusory Distinction Between Equality of Opportunity and Equality of Result**

Lawrence C. Becker is Professor of Philosophy and Kenan Professor of Humanities at the College of William and Mary. He is the editor of the *Encyclopedia of Ethics* (with Charlotte Becker) (1992), and the author of several books, including *Property Rights* (1977, 1980) and *Reciprocity* (1986, 1990).

Drew S. Days, III is Albert M. Rankin Professor of Law and Director of the Schell Center for International Human Rights at Yale University School of Law. He is the author of a two-volume work entitled, *Materials on Police Misconduct Litigation*.

Neal E. Devins is Associate Professor of Law and Lecturer in Government at the College of William and Mary. He is also a Research Fellow at the Institute of Bill of Rights Law. Professor Devins is co-author of *Constitutional Law: Readings in Institutional Dynamics* (1992) and editor and contributor for *Public Values, Private Schools* in the Stanford Series on Education and Public Policy (1989).

Terry H. Eastland is Resident Fellow and Director of the Law and Society Project at the Ethics and Public Policy Center in Washington, D.C. His most recent book is *Energy in the Executive: The Case for the Strong Presidency* (1992). Mr. Eastland has written for a variety of newspapers and is the editor of *The Public Interest Law Review*, available annually from The Carolina Academic Press.

David L. Kirp is Professor of Public Policy at the University of California at Berkeley. He has written on a broad range of legal and policy issues, both for scholarly publications and for journals of more general interest. His recent books include *AIDS Among the Industrialized Democracies* (with Bayer) (1992), *Educational Policy and the Law* (with Yudof and Levin) (3d edition, 1991) and *Gender Justice* (with Yudof and Franks) (1985).

Jeremy A. Rabkin is Associate Professor of Government at Cornell University. He has written widely on civil rights regulation and other public policy matters. His books are *Judicial Compulsions: How Public Law Distorts Public Policy* (1989) and *The Fettered Presidency: Legal Limitations and the Conditions of Responsible Policymaking* (with Crovitz) (1989).

Reva Siegel is Acting Professor of Law at University of California at Berkeley. She has been associated with the law school since 1988 and teaches Sex-Based Discrimination (including equal protection, privacy, and employment discrimination law), Feminist Legal Theory, and Contracts. Her most recent article, "Reasoning from the Body: A Historical Perspective on Abortion Regulation and Questions of Equal Protection," appeared this spring in the *Stanford Law Review*.

Rodney A. Smolla is the Arthur B. Hanson Professor of Law, and the Director of the Institute of Bill of Rights Law at the College of William and Mary. Professor Smolla writes and speaks extensively on constitutional law issues. His latest book, *Free Speech in an Open Society*, was published in 1992.

David A. Strauss is Professor of Law at the University of Chicago Law School, where he has been on the faculty since 1985. Professor Strauss has published articles on a variety of legal and philosophical subjects, including racial discrimination and freedom of expression. He has been editor of the *Supreme Court Review* since 1988.

Juan Williams is a columnist and reporter with the *Washington Post*. He is a staff writer for the *Washington Post Magazine*. He has written *Eyes on the Prize: America's Civil Rights Years, 1954-1965* (1987).