DREW S. DAYS, III
Alfred M. Rankin Professor of Law
Yale Law School

Professor Drew S. Days, III, was nominated by President Clinton and confirmed by the Senate as Solicitor General of the United States, the Government's lawyer before the United States Supreme Court. He served in that capacity from May 28, 1993, to June 30, 1996, on a leave of absence from Yale Law School faculty to which he returned in July. He is a 1963 honors graduate in English Literature of Hamilton College in Clinton, New York. He received his LL.B degree from Yale University in 1966. After practicing briefly with a labor firm in Chicago, he entered the Peace Corps, serving as a volunteer in Honduras from 1967-1969. In the fall of 1969, Mr. Days joined the staff of NAACP Legal Defense Fund in New York City. At the Legal Defense Fund, he litigated cases in the areas of school desegregation, police misconduct and employment discrimination. Mr. Days remained on the staff of the Legal Defense Fund (except for a two year teaching leave at Temple University Law School) until early 1977. In March, 1977, he was confirmed by the Senate to serve as Assistant Attorney General for Civil Rights, having been nominated to that post by President Jimmy Carter. Mr. Days served in that capacity until the end of 1980. In January, 1981, he joined the faculty of the Yale University School of Law, receiving tenure in 1986. In November, 1991, he was named to the Alfred M. Rankin Chair at the Law School. At Yale, his teaching and writing have been in the fields of civil procedure, federal jurisdiction, Supreme Court practice, antidiscrimination law, comparative constitutional law (Canada and the United States) and international human rights. From 1988 to 1993, he was also the founding director of the Orville H. Schell Jr. Center for Human Rights at Yale University School of Law. He is a fellow of the American Academy of Arts and Sciences and of the American Academy of Appellate Lawyers and a Life Fellow of the American Bar Foundation. He is the recipient of numerous prizes and awards, including over eight honorary degrees. He served on the board of The John D. And Catherine T. MacArthur Foundation from 1996 to June, 2008. He is a Life Trustee of Hamilton College and is a member of the Council on Foreign Relations. He has been married since 1966 to Ann Ramsay Langdon, an artist and writer. They have two daughters, Alison, the medical director of a Head-Start Health Clinic in El Paso, Texas, and Elizabeth, an actress in New York City.

5/28/2008

Resume

DREW SAUNDERS DAYS, III

Date and Place of Birth:	August 29, 1941 - Atlanta, Georgia
Civil Status:	Married, since 1966, two children.
Education:	College: Hamilton College, Clinton, New York: A.B. cum laude (English Literature) 1963. Professional School: Yale Law School, New Haven, Connecticut; LL.B, 1966;

Work Experience

1) Since July, 1996 Alfred M. Rankin Professor of Law, Yale Law School (return from leave of absence during government service).

2) May, 1993 - June, 1996 Solicitor General, U.S. Department of Justice. Responsible for all federal government litigation in the United States Supreme Court and for all government appeals and amicus participation in the federal appellate courts.

3) November, 1991 - May, 1993 Alfred M. Rankin Professor of Law.

4) 1988 - 1993 Director, The Yale Law School Orville H. Schell Jr Center for International Human Rights at Yale Law School.

5) 1986, Professor of Law, Yale Law School.

6) January 1, 1981 - 1986 Associate Professor, Yale Law School.

7) March 10, 1977 - December 31, 1980 Assistant Attorney General for Civil Rights, United States Department of Justice.

   Responsible for overall management of Civil Rights Division, including budget, personnel, legislation and litigation programs. The Division is authorized by federal law to initiate civil actions challenging discrimination in employment, education, housing, credit, federally - assisted programs and voting. It also has criminal jurisdiction to address conspiracies and official acts (mostly police abuse) designed to deprive persons of their civil rights.

8) August, 1969 - February, 1977* First Assistant Counsel, NAACP Legal Defense and Educational Fund, (New York, New York).

   Federal court litigation, trial and appellate, in areas of school desegregation, police misconduct, employment discrimination and prisoners' rights; director of personnel, 1971-73, and Administrator of Earl Warren Legal Internship Program (an LDF program designed to train black civil-rights liberties lawyers and assist them in starting private practices, primarily in the South).

   *(July, 1973 to June, 1975) Associate Professor of Law, Temple University , Philadelphia, Pennsylvania. (Leave of absence from Legal Defense Fund).

9) February, 1967 - May, 1969 Peace Corps volunteer, Comayagua, Honduras in agricultural cooperative organization.

10) June, 1966 - February, 1967 Law Associate, Cotton, Watt, Jones, King and Bowlus, One IBM Plaza, Chicago, Illinois (labor law).

Other Activities

1966-1967 Volunteer Attorney, Illinois Civil Liberties Union.

1968-1969 Consultant-program writer, Agency for International Development (Honduras) on cooperative development in Latin America.

1969 Interpreter for Rockefeller Commission to Latin America during its visit to Honduras.

1970 Assisted Judge Constance Baker Motley (S.D.N.Y.) in revising her article "The Legal Status of the Negro in the United States" in The American Negro Reference Book (First Ed., 1966).

Summer 1971
Summer 1972 Lecturer, Reginald Heber Smith Lawyer Fellowship Program orientation sessions.

Winter and
Spring, 1972 Member, steering committee, Congressional Black Caucus National Conference on Education for Blacks (held March, 1972).

1972-1977 Director and President (1976-77) Windham Child Care, One Park Avenue, New York, New York, (adoption and child care agency).

1973-1977 Member, Criminal Law Task Force, National Conference of Black Lawyers.

Summer 1975 Professor of Law, Faculty of Law, University of Ghana (Legon) - taught course in Comparative Constitutional Law.

1975-1976 Adjunct Professor of Law, Temple University School of Law.

1976-1977 Trustee, Bank Street College of Education.

1976-1977 Member, Civil Rights Committee, Association of the Bar, City of New York.

Nov., 1980 Member, United States Delegation to Helsinki Accords Follow-Up Meeting-Madrid.

1981-1993 Trustee, The Lawyers' Committee for Civil Rights Under Law; Member, Executive Committee (July, 1987-1993).

1981-1983 Director, Criminal Justice Publications, Inc. (publisher of Police and Corrections magazines).

1981-1993 Director, Friends of Legal Services for South Central Connecticut.

1981-1982 Member, Board of Helsinki Watch.

1981-1993 Member, Research Advisory Council, Joint Center for Political Research.

1983-1985	Member, Executive Committee, Association of American Law Schools (AALS).
1984-1990	Member, Board of Directors, Urban League of Greater New Haven.
1984-1993	Member, Committee, Americas Watch.
1984-1993	Member, Board of Directors, Connecticut Civil Liberties Union; Legal Advisor (1985-1993).
1985-1993	Member, Board of Governors, Society of American Law Teachers (SALT).
1992-present	Life Fellow, American Bar Foundation.
1986-1990	Alumni Trustee, Hamilton College, Charter Trustee (1992-1993).
1986-present	Member, American Law Institute.
Feb., 1988-1993	Trustee, the Edna McConnell Clark Foundation.
June, 1989-1993	Member, Awards Committee, The Robert F. Kennedy Memorial Human Rights Awards.
1989-1993	Member, Awards Committee, The Petra Foundation (Chair, 1989-1992).
1994-present	Fellow, The American Academy of Arts and Sciences.
Nov., 1996-June, 2008	Member, Board of Directors, the John D. and Catherine T. MacArthur Foundation.
1996-present	Member, Board of Directors, The Petra Foundation.
1997-present	Member, Council on Foreign Relations.
1997-present	Charter Trustee, Hamilton College.
1997-present	The Inter-American Dialogue.
Spring, 1999	Member, American Enterprise Institute/Brookings Institution Project on the Independent Counsel Statute (former Senators Robert Dole and George Mitchell, co-chairs).
2001-present	Member, Committee of the Proprietors of the Common and Undivided Lands in New Haven.
2002-present	Fellow, American Academy of Appellate Lawyers.
2006-present	Member, Scholarly Advisory Committee, Smithsonian Museum of African-American History and Culture.

Seminars/Courses

Summers, 1984-1988	Lecturer, Mini-Course on "The Charter of Rights: Canadian-American Perspectives," Dalhousie University (Halifax, Nova Scotia).
Summer, 1986	Co-moderator (with the late Judge Alvin Rubin, U.S. Court of Appeals for the Fifth Circuit) Seminar on Justice and Society - Aspen Institute for Humanistic Studies).
Summer, 1987	Lecturer, The China Center for American Law Study (Beijing, China).
June, 1992	Co-moderator, The Vail Valley Institute, Colorado (Multiculturalism and Diversity).
March, 2005	Co-moderator (with Professor Jesse Choper) "The Supreme Court in Transition," Society of Fellows Winter Symposium, The Aspen Institute..
July, 2008	Co-moderator (with Judge Margaret McKeown, U.S. Court of Appeals for the Ninth Circuit), Seminar on Justice and Society, Aspen Institute for Humanistic Study.

Honorary Degrees

New York Law School, LL.D. (1993).

Hamilton College, LL.D. (1994).

Connecticut College, LL.D. (1995).

New England School of Law, LL.D. (1995).

Howard University, LL.D. (1996).

Pace University, LL.D. (1997).

University of Miami, LL.D (2000).

University of North Carolina, LL.D (2003).

University of Port Hartcourt, Nigeria (2008).

Human Rights Fact-Finding Missions

Summer, 1983	Haiti (Lawyers Committee for Human Rights).
October, 1983	Honduras (Lawyers Committee).
March, 1987	El Salvador (Amnesty International).
Summer, 1988	Honduras (Americas Watch).
Summer, 1991	Kenya (R.F.K. Memorial).

Publications

Materials on Police Misconduct Litigation (Two volume work, published by Reginald Heber Smith Lawyer Fellowship Program, United States Office of Economic Opportunity) (1972).

Co-Editor, Federal Civil Rights Litigation, Practicing Law Institute (N.Y. 1977).

Second Circuit Judicial Conference, 74 F.R.D. 219, 271-76 (1976) (Speech).

"Concealing Our Meaning From Ourselves: The Forgotten History of Discrimination", 1979 Wash. U.L.Q. 81.

"Justice John M. Harlan", 12 N.C. Cent. L.J. 250 (1981).

"Seeking a New Civil Rights Consensus", Daedalus (Fall 1983).

"The War Against Civil Rights", Northeast Magazine (The Hartford Courant) 11 (May 1, 1983).

Haiti - Report of Human Rights Mission: June 26-29, 1983 (Lawyers Committee for International Human Rights, 1983) (group authorship).

"Racial Justice", in Our Endangered Rights (N. Dorsen, ed. Pantheon, 1984).

"Enforcement of Section 5 of the Voting Rights Act" in Minority Vote Dilution (Howard U. Press, 1984).

"Civil Rights in Canada, 32 American Journal of Comparative Law 307 (1984).

"Turning Back the Clock: The Reagan Administration and Civil Rights", 19 Harv. Civ. R.-Civ.L.L. Rev. 309 (1984).

"Vindicating Civil Rights in Changing Times", 93 Yale L.J. 990 (1984).

"Minority Access to Higher Education in the Post-Bakke Era", 55 U.Colo. L.Rev. 491 (1984).

Honduras: On the Brink; Based on a Mission of Inquiry (Americas Watch 1984) (group authorship).

Book Review/Essay, "School Desegregation in the 1980's: Why Isn't Anybody Laughing?", 95 Yale L.J. 1737 (1986) (reviewing P. Diamond, Beyond Busing: Inside the Challenge to Urban Segregation) (1985).

"Moral Philosophy and Legal Reasoning", in The Moral Foundations of Civil Rights (Rowman & Littlefield, 1986).

"Seniority and Affirmative Action: The Shadow of Stotts" (William Monroe Trotter Institute, University of Massachusetts, Boston, Occasional Paper, 1986).

"Equality Rights in the United States", in The Limitation of Human Rights in Comparative Constitutional Law (Les Editions Yvon Blais, Inc., 1986).

"Holding the Line", 23 Creighton L.Rev. (1986) (Speech).

"Fullilove", 86 Yale L.J. 451 (1987).

"Affirmative Action" in Civil Liberties in Conflict (L. Gostin Ed. Routledge 1988).

"Enemies or Allies?: Widening the Scope of Conflict", 66 Tex L.Rev. 1621(1988).

"The Courts' Response to the Reagan Civil Rights Agenda", 42 Vand L. Rev. 1989.

"Constitutional Scholars' Statement on Affirmative Action After City of Richmond v. J.A. Croson Co", 98 Yale L.J. 1711 (1989) (group authorship).

"Scholars" Reply to Professor Fried, 99 Yale L.J. 163 (1989) (group authorship).

"La Battaglia Sul Caso Griggs Ed Il Futoro Dell' Employment Discrimination Law Negli Stati Uniti", 7 Quaderni Di Diritto Del Lavoro E. Delle Relazioni Industriali (1990).

"Douglas and Civil Rights" in He Shall Not Pass This Way Again": The Legacy of Justice William O. Douglas (S. Wasby ed. U. of Pittsburgh Press, 1990).

"To the Rescue of Civil Rights", The Philadelphia Inquirer (Bicentennial of the Bill of Rights Supplement 9, May 1, 1991).

"Dimensions of Equality: Doctrines of Limitation", 55 Law & Contemp. Probs. 201 (1992).

"Section 5 and the Role of the Justice Department", in Controversies in Minority Voting (B. Grofman and C. Davidson, eds. Brookings, 1992).

Justice Enjoined: The State of the Judiciary in Kenya (Robert F. Kennedy Memorial Center for Human Rights 1992) (group authorship).

"Civil Rights at the Crossroad", 1 Temple Pol. & C.R.L. Rev. 29 (1992).

"The Other Desegregation Story:Eradicating the Dual School System in Hillsborough County, Florida", 61 Fordham L.Rev 33 (1992).

"Brown Blues: Rethinking the Integrative Ideal", 34 William and Mary L.Rev. 53 (1992).

"Reality" in Title VII Symposium: A Critique of Epstein's Forbidden Grounds, 31 San Diego Law Review 169 (1994).

"In Search of the Solicitor General's Clients: A Drama with Many Characters," 83 Kentucky Law Journal 485 (1994-95) (MacSwinford Lecture).

"The Department of Justice and the Civil Rights Act of 1964: A Symposium," 26 Pacific Law Journal 765 (1995) (Moderator).

"No Striped Pants and Morning Coat: The Solicitor General in the State and Lower Federal Courts," Vol 11 Georgia State University Law Review 645 (1995) (Miller Lecture).

"The Solicitor General and the American Legal Ideal," 49 SMU Law Review, (1995) (Murrah Lecture).

"Race and the Federal Criminal Justice System:A Look at the Issue of Selective Prosecution," 48 Maine L. Rev. 179 (1996) (Coffin Lecture).

"The Role of Solicitor General in Protecting Individual Rights," 41 St. Louis U.L.J. 1 (1996) (Millstone Lecture).

22 and 23 Moore's Federal Practice Division VIII, "Supreme Court Jurisdiction and Practice" and "Rules of the Supreme Court of the United States" (3d ed. 1997).

"Brown Blues: Rethinking the Integrative Ideal" in Redefining Equality (N. Devins and D. Douglas, eds. Oxford University Press, 1997).

"Executive Branch Advocate v. Officer of the Court:The Solicitor General's Ethical Dilemma," 22 Nova L.R. 679 (1998).

"Ación Afirmativa" in Derechos y Grupos Desaventajados 41 (Biblioteca Yale de Estudiós Jurídicos, 1998).

"La infraestructura de la decisión constitucional de los Estados Unidos," 2 Revista Juridica de la Universidad de Palermo 121 (1999).

"Concurrence," in What Brown v. Board of Education Should Have Said 92 (Jack M. Balkin ed. 2001).

"Race and the Constitution," 45 N.Y.L. Sch. L. Rev. 101 (2001).

"When The President Says "No":A Few Thoughts on Executive Power and the Tradition of Solicitor General Independence, 3 J. App. Prac. & Proc. 509 (2001).

"In Search of Educational E/Quality Forty-Six Years After Brown v. Board of Education," 54 SMU L Rev. 2089 (2001) (Irving Goldberg Lecture).

"Rethinking the Integrative Ideal: Housing," 33 McGeorge L. Rev. 459 (2002).

"Tribute to Professor Norman C. Amaker," 33 Loy. U. Chi. L. J. 539 (2002).

"Foreword" to Boris I. Bittker, The Case for Black Reparations (2d. ed 2003).

"Introduction: Inaugural Wiley A. Branton - Howard Law Journal Symposium," 48 How. L. J. 817 (2005).

"'Feedback Loop': The Civil Rights Act of 1964 and Its Progeny," 49 St. Louis U. L. J. 981 (2005).

"International and Foreign Law North of the Border: The Canadian Experience," 3 FIUL Rev. 47 (2007).

"Employment Discrimination Decisions from the October 2008 Term," 26 Touro L. Rev. 491 (2010).

Litigation

1) Bar Memberships: Illinois (1966); New York (1970); District of Columbia (2007); United States Supreme Court (1970); various United States Courts of Appeals.

2) Trial and appellate counsel in several dozen federal actions prior to March, 1977; 2) March, 1977-Dec., 1980, overall supervisor of several thousand lawsuits handled by Civil Rights Division attorneys; counsel for United States in United States of Appeals and the United States Supreme Court; 3) May, 1993-June, 1996, principal counsel for the United States in the Supreme Court, supervisor of Supreme Court and federal court of appeals litigation; and private litigation since 1996.

Among these cases are the following:

PRIVATE PRACTICE (prior to March, 1977)

School Desegregation:
Mannings v. Board of Public Instruction of Hillsborough County, Florida, 306 F. Supp. 497 (M.D. Fla 1969) rev'd 427 F.2d 874 (5th Cir. 1970) (trial counsel).

Higher Education Desegregation:
Geier v. Blanton, 427 F. Supp. 644 (W.D. Tenn. 1977), aff'd 597 F. 2d 1056 (6th Cir. 1979), cert. denied, 100 S.Ct. 180 (1979) (trial co-counsel).

Employment Discrimination:
Kinsey v. Legg, Mason & Co., Inc. 60 F.R.D. 91 (D.C. Dir 1973). rev'd Kinsey v. First National Securities, Inc., 181 U.S. App. D.C. 207, 557 F. 2d 830 (D.C. Cir. 1977) (trial co-counsel, brief on appeals).

Police Misconduct (Lethal Force):
Garner v. Memphis Police Department (Tennessee) rev'd in part, aff'd in part, 600 F. 2d 52 (6th Cir. 1979) (trial co-counsel). Subsequent history, Tennessee v. Garner, 471 U.S. 1 (1985).

CIVIL RIGHTS DIVISION:

Affirmative Action in Education:
Regents of the University of California v. Bakke, 438 U.S. 265 (1977) (co-author of brief for United States amicus curiae).

Voting:
United States v. Board of Commissioners of Sheffield, Alabama, et al., 435 U.S. 110 (1978)(argued).

School Desegregation:
Columbus Board of Education v. Penick, 443 U.S. 449 (1979) (argued as amicus curiae).

Dayton Board of Education v. Brinkman, 443 U.S. 526 (1978) (argued as amicus curiae).

Minority Business Enterprise:
Fullilove v. Klutznick, 448 U.S. 448 (1980) (argued).

Constructors Ass'n of Western Pennsylvania v. Kreps, 573 F.2d 811 (3rd Cir. 1978) (argued).

Rights of the Institutionalized:
Halderman v. Pennhurst, 612 F.2d 84 (3rd Cir. 1979) (argued for United States as plaintiff-intervenor before panel and en banc); 451 U.S. 1 (1981) (argued).

OFFICE OF SOLICITOR GENERAL (Cases Argued)

Public Citizen v. United States Trade Representative, 5 F.3d 549 (D.C. Cir. 1993) (NAFTA).

Landgraf v. USI Film Products, 511 U.S. 244, Rivers v. Roadway Express, 511 U.S. 298 (1994) (Civil Rights Act of 1991 - - retroactivity).

Weiss v. United States, 510 U.S. 163 (1994) (military justice).

Dalton v. Specter, 511 U.S. 462 (1994) (Base-closing statute).

Barclays Bank v. Franchise Tax Board; Colgate Palmolive v. Franchise Tax Board, 512 U.S. 298 (1994) (tax on foreign-owned multinational corporations - - Foreign Commerce Clause).

Turner Broadcasting v. F.C.C,. 512 U.S. 622 (1994) (must-carry provisions of Cable Act).

Madsen v. Women's Health Center, 512 U.S. 753 (1994) (limits on anti-abortion clinic protests).

U.S. v. X-Citement Video, Inc., 513 U.S. 64 (1994) (child pornography statute).

U.S. v. Lopez, 514 U.S. 549 (1995) (Commerce Clause - - Gun Free School Zones Act).

U.S. Term Limits, Inc. v. Thorton, 514 U.S. 779 (1995) (constitutionality of congressional term limits).

Adarand Constructors, Inc. v. Peña, 515 U.S. 200 (1995) (Disadvantaged Business Enterprises - - affirmative action).

U.S. v. Hays, 515 U.S. 737 (1995); Miller v. Johnson, 515 U.S. 900 (1995) (Congressional redistricting - - Voting Rights Act).

Seminole Tribe of Florida v. Florida, 517 U.S. 44 (1996) (Indian Gaming Regulatory Act - - state sovereign immunity).

Wisconsin v. New York City, 517 U.S. 1 (1996) (1990 census undercount).

United States v. Armstrong, 517 U.S. 456 (1996) (selective prosecution).

Colorado Republican Federal Campaign Committee v. Federal Election Commission, 518 U.S. 604 (1996) (campaign finance).

Felker v. Turpin, 518 U.S. 651 (1996) (habeas corpus).

PRIVATE LITIGATION (since 1996)

Grupo Mexicano de Desarrollo, S.A. v. Alliance Bond Fund, Inc., 525 U.S. 308 (1999) (argued).

Gonzaga University v. Doe, 536 U.S. 273 (2002) (on brief).

Connecticut Dept. of Pub. Safety v. Doe, 538 U.S. 1 (2003) (on brief).

Language Ability:

Spanish – proficient in speaking and reading.
French – limited speaking and reading ability.