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Employment

1979 - Yale Law School: Simeon E. Baldwin Professor Emeritus of Law, 2009- ; Simeon E. Baldwin Professor, 1986-2009; Professor of Law, 1981-86; Associate Professor of Law, 1979-81. Deputy Dean, 1993-94

1977 - 1979 Principal Deputy Assistant Secretary for Planning and Evaluation, U.S. Department of Health, Education and Welfare, 1977-79; Visiting Scholar, American Enterprise Institute for Public Policy Research

1971 - 1977 "Public interest" law practice in Washington, D.C. with Consumers Union and the Center for Study of Responsive Law

1968 - 1970 Harvard Graduate Prize Fellow in Government; Teaching Fellow in Government

1965 - 1968 Private law practice in New York City

Education

1968 - 1970 Harvard University, M.A. in Government (1969), completed requirements for Ph.D. except dissertation
1965 - 1966 New York University Law School, LL.M. in International Law (1966)
1962 - 1965 Harvard Law School, J.D. (1965)
1958 - 1962 Cornell University, B.A. (1962)

FELLOWSHIPS:

Fulbright Senior Fellowship, India, 2004

Rockefeller Foundation, Residency Fellowship at Bellagio, July-August 2001
Guggenheim Fellowship, 1984-85
Harvard Graduate Prize Fellowship, 1968-70

PUBLICATIONS:

Work in Progress

Essays on immigration legislation and diversity lottery in Global Migration in the 20th Century: An Encyclopedia (M. Gibney & R. Hansen, eds., Oxford University Press, in press)

"What Happens to the 'Bad Apples": A Study of Suspensions in New York City Schools," with Matthew Matera and David I. Noah (on SSRN; forthcoming in Notre Dame Law Review, vol. 87)

Paper on minority preferences in the U.S. (for Tufts conference on China and the U.S.)

"Immigrant Criminals in Overcrowded Prisons: Rethinking an Anachronistic Policy" (for U. of Chicago conference, June 2012)

Paper on citizenship and terrorists, forthcoming as a chapter in Sovereignty, Cosmopolitanism, and Plural Citizenships (Rogers M. Smith & Ben Sigal-Porath, eds., U. of Pennsylvania Press, 2011)

"Professor Rabin and the Administrative State" (forthcoming in DePaul Law Review)

"The 'Paradoxical' Relationship between Religion and Liberal Democracy in the United States," (for SELA conference, Costa Rica, June 2011, forthcoming in SELA journal)

"Suing Government Lawyers for Giving Dubious Legal Advice: Notes on How (Not) to Become a Banana Republic" (forthcoming in 11 St. Thomas University Law Review (2011))

Edited book: What Everybody Knows That Just Ain't So

Book: Why Government Fails So Often -- and How It Might Do Better

Published Books

Understanding America: The Anatomy of an Exceptional Nation (co-editor with James Q. Wilson) (Public Affairs/Perseus, cloth 2008, paperback 2009)

Targeting in Social Programs: Avoiding Bad Bets, Removing Bad Apples (Brookings Institution Press, 2006 cloth, 2010 paperback) (with Richard J. Zeckhauser). Received honorable mention for Charles Levine Prize for best book in Comparative Policy and Administration

Meditations of a Militant Moderate: Cool Views on Hot Topics (Rowman & Littlefield, 2006, cloth and paperback)

Immigration Stories (co-editor, with David A. Martin (Foundation Press, 2005))

Foundations of Administrative Law (editor) (2nd ed.,Foundation Press, 2004, paperback; 1st ed., Oxford University Press, 1994, cloth and paperback). Chinese translation: China Law Press (2009)

Diversity in America: Keeping Government at a Safe Distance (Harvard University Press, 2003, cloth and paperback)

The Limits of Law: Essays on Democratic Governance (Westview Press, 2000, cloth and paperback)

Citizens, Strangers, and In-Betweens: Essays on Immigration and Citizenship (Westview Press, cloth 1998, paperback 2000)

Paths to Inclusion: The Integration of Migrants in the United States and Germany (with Rainer Munz, co-editor) (Berghahn Books, 1998, cloth and paperback)

Tort Law and the Public Interest: Competition, Innovation, and Consumer Welfare (W.W. Norton & Co. 1991, cloth and paperback) (editor)

Agent Orange on Trial: Mass Toxic Disasters in the Courts (Belknap/Harvard University Press, 1986 cloth, 1987 enlarged edition in paperback). Awarded the 1987 Silver Gavel from the American Bar Association for outstanding book on law

Citizenship Without Consent: Illegal Aliens in the American Polity (Yale University Press, 1985 cloth and paperback) (with Rogers Smith)

Suing Government: Citizen Remedies for Official Wrongs (Yale University Press, cloth 1983, paperback 1984)

The Judiciary Committees: A Study of the House and Senate Judiciary Committees (Viking Press, 1975 cloth and paperback)

Published Articles, Chapters, Review Essays, Poem, and Longer Comments

"Deportation Before Incarceration," Policy Review, Feb.-March 2012, pp. 73-83

"Some Observations about Immigration Journalism," Writing Immigration: Scholars and Journalists in Dialogue (M. Suarez-Orozco, V. Louie, & R. Suro, eds., University of California Press, 2011), pp. 73-89

"Lawyers Behaving Badly," The American Lawyer (Fall 2011), pp. 81-82

"Policymakers in the Dock," Policy Review, Oct.-Nov. 2011, pp. 63-77

"Tort as a Litigation Lottery: A Misconceived Metaphor," (with Timothy Lytton and Robert

Rabin), 52 Boston College Law Review 267-88 (2011)

"Making the Case for Changing U.S. Policy Regarding Highly Skilled Immigrants," 38 Fordham Urban L.J. 327-62 (2010). Shorter versions are "U.S. Policy Regarding Highly-Skilled Immigrants: Change Whose Time Has Come," in Rules for Growth (R. Litan, ed., Kauffman Foundation, 2011) (with John E. Tyler); and *Wall St. Journal* op-ed, May 13, 2011

"Fixer-Upper," The American Lawyer, Dec. 2010

"Citizen Terrorist," Policy Review 61-73 (December 2010-January 2011)

"The Golden Age of Aging, and Its Discontents," 18 Elder Law Journal 25-70 (2010)

"Crisis and Catastrophe in Science Law, and Politics: Mapping the Terrain," in Catastrophe: Law, Politics, and the Humanitarian Impulse (Austin Sarat & Javier Lezaun, eds., U. of Massachusetts Press, 2009), pp. 19-59

"Immunity, Not Impunity," The American Lawyer, Nov. 2009

"Healing Power," The American Lawyer, Oct. 2009 (review of Amy Wax, Race, Wrongs, and Remedies)

"Three Models of Citizenship," in Citizenship in America and Europe: Beyond the Nation-State? (Michael Greve and Michael Zoller, eds., AEI Press, 2009), pp. 151-84

"Courts in a Democracy," 1 Jindal Global Law Review 7-21 (2009)

"Is a Competent Civil Service Becoming Oxymoronic?" (review of Light, A Government Ill-Executed: The Decline of the Federal Service and How to Reverse It, and Alan Gerber & Eric Patashnik, eds., Promoting the General Welfare: New Perspectives on Government Performance, in 77 George Washington University Law Review 973-91 (2009)

"Immigrants' Political and Legal Incorporation in the United States after 9/11: Two Steps Forward, One Step Back", in Bringing Outsiders In: Immigrant Political Incorporation in the United States and Europe (J. Hochschild and J. Mollenkopf, eds., Cornell University Press, 2009), pp. 158-75

"In Moral Argument, the Details Matter," Boston Review, May-June 2009, http://bostonreview.net/BR34.3/schuck.php

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"FDA Preemption of State Tort Law in Drug Regulation: Finding the Sweet Spot," 13 Roger Williams Law Review 73-114 (2008)

Review of Daniel Kanstroom, Deportation Nation: Outsiders in American History, 9 Journal of International Migration and Integration, 225-6 (2008)

"Demography, Human Rights, and Diversity Management, American-Style," 2 Journal of Law & Ethics of Human Rights 87-127 (2008)

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"Understanding America," The American Lawyer (May 2008), pp. 73-77

Review of Motomura, Americans in Waiting, 122 Political Science Quarterly 674-76 (2007-08)

"In Diversity We (Sorta) Trust," The American Lawyer (December 2007), pp. 83-84. A shorter version is published at http://www.atlantic-community.org/index/Open_Think_Tank_Article/In_Diversity_We_%28Sorta%29_Trust

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"Law and the Study of Migration," Migration Theory: Talking Across Disciplines (C. Brettell & J. Hollifield, eds., Routledge, 2nd ed., 2007), pp. 239-257

"Safe Harbors," The American Lawyer (July 2007), pp. 63-66

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"Some Reflections on the Future of Mass Torts," 12 Connecticut Insurance Law Journal 505-15 (2005-06)

"The Meaning of Citizenship in a Post-9/11 World," 75 Fordham Law Review 2531-40 (2007)

Essay on affirmative action for Encyclopedia of Law and Society: American and Global Perspectives (D. Clark, ed., Sage Publications, 2007)

"Concluding Thoughts: How the Whole Is Greater than the Sum of Its Parts," in Creating Competitive Markets: The Politics of Regulatory Reform (M. Landy, M. Levin, and M. Shapiro, ed., Brookings Institution Press, 2007), pp. 343-52

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"Defensible Discrimination," The American Lawyer (July 2003), pp. Also published in Legal Times, June 9, 2003, p. 60

"Affirmative Action Is Poor Public Policy," Chronicle of Higher Education, May 2, 2003, pp.

"Chartering a New Course," The American Lawyer (Jan. 2003), pp.

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"Tort Liability," in The Tools of Government: A Guide to the New Governance (L. Salamon, ed., Oxford U. Press, 2002), chap. 15, together with workbook on tobacco litigation.

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"Immigration at the Turn of the New Century," 33 Case Western Reserve Journal of International Law 1-11 (2001).

"The Classroom Clash," The American Lawyer, February 2001, pp. 63-4.

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"Law and the Study of Migration," Migration Theory: Talking Across Disciplines (C. Brettell & J. Hollifield, eds., Routledge, 2000), pp. 187-204

"The Politics of Asylum," The Public Interest, Summer 2000, pp. 125 (book review)

"Diversity Demands Exclusivity," The American Lawyer, September 2000, pp. 67-69

"Class Clarity," The American Lawyer (January 2000), pp. 41-42

"A Response to the Critics," 12 Harvard Human Rights Journal 385-88 (1999)

"Removing Criminal Aliens: The Pitfalls and Promises of Federalism," 22 Harvard Journal of Law & Public Policy 367-463 (1999) (with John Williams)

Poem: "Deficit Reduction Made Easy: Change Tax Day," 1 Green Bag 2d 345-348 (1998). Also published in Wall St. J. and at www.wallstreetpoet.com/New%20Pages/pages/pg2x.html

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"Current Debates About U.S. Citizenship," in 21 In Defense of the Alien (L. Tomasi, ed., 1999), pp. 80-98

"The Problem with Punitive Damages," The American Lawyer (May 1999), pp. 97-98

"Delegation and Democracy: Comments on David Schoenbrod," 20 Cardozo Law Review 775-793 (1999)

"Comment: the Normative and Political Structure of Family Unification in Immigration Policy," in Immigration Control and Human Rights (K. Hailbronner & E. Klein, eds., C.F. Muller, 1999), pp. 117-124

"Lawyers and Policymakers in Government," 61 Law & Contemporary Problems 7-18 (Winter 1998)

"Border Crossing," The American Lawyer (January-February 1999), pp. 78-80

"The Profession and the Professors," The American Lawyer (June-July 1998), pp. 85-86

"Plural Citizenships," in Immigration and Citizenship in the 21st Century (N. Pickus, ed., Rowman & Littlefield, 1998), chapter 5. Also published in Dual Nationality, Social Rights, and Federal Citizenship in the U.S. and Europe (P. Weil & R. Hansen, eds., Berghahn, 2002), chap. 3.

"Introduction" and "The Treatment of Aliens in the U.S." in Paths to Inclusion: The Integration of Migrants in the United States and Germany (P. Schuck & R. Munz, eds., Berghahn Books, 1998), pp. vii-xxii and 203-246

"Reflections on the Effects of Immigrants on African Americans -- and Vice-Versa," in Help or Hindrance? The Economic Implications of Immigration forAfrican-Americans (D.S. Hamermesh & F.D. Bean, eds., Russell Sage Foundation, 1998), pp. 361-375

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“The Reevaluation of American Citizenship,” 12 Georgetown Immigration Law Journal 1 (1997). An earlier version is published in Challenge to the Nation-State: Immigration in Western Europe and the United States (C. Joppke, ed., Oxford U. Press, 1998), chap. 6

"The Legal Rights of Citizens and Aliens in the U.S." (in Temporary Workers or Future Citizens: Japanese and U.S. Migration Policies (M. Weiner & T. Hanami, eds., NYU Press, 1998)

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Consumers Union v. Federal Power Commission, 510 F.2d 656, rehearing denied, 510 F.2d 661 (D.C. Cir. 1975). Successful challenge to FPC's costing method in optional procedure cases.
Consumers Union v. Sawhill, 512 F.2d 1112 (TECA 1975), reversed en banc (4-3 decision), 525 F.2d 1068 (1975). Challenge to FEA's pricing regulations on "new" and "released" crude oil.

Consumers Union v. Zarb, 523 F.2d 1401 (TECA 1975), affirming, 383 F. Supp. 639 (D.D.C. 1975). Successful challenge to FEA pricing regulations on unleaded gasoline.

Consumers Union v. Cost of Living Council, 491 F.2d 1396 (TECA 1974), cert. denied sub nom. Business Roundtable v. Consumers Union, 416 U.S. 984 (1974). Successful challenge to Council's public disclosure regulations governing corporate date during Phases 2 and 3 of the price control programs.

Consumers Union v. Consumer Product Safety Commission, 491 F.2d 810 (2d Cir. 1974). Unsuccessful challenge to regulations on electrical hazards in toys.

Consumers Union v. Federal Reserve Board, 410 F. Supp. 63 (D.D.C. 1976), appeal pending in D.C. Circuit. Successful suit under Freedom of Information Act to obtain comparative interest rates on consumer loans changed by board-regulated banks. The District Court granted the first award of attorney's fees under the FOIA, and the Government has appealed.

Consumers Union v. American Bar Association, 427 F. Supp. 506 (E.D. Va. 1976) (three-judge court), vacated and remanded, 433 U.S. 917 (1977). This suit was the first to challenge the legal profession's ethical restrictions on advertising and solicitation.
Consumers Union v. Richardson, ___ F. Supp. ___ (D.D.C. 1974). Successful suit under the Freedom of Information Act to compel public disclosure of Antitrust Division's "business review procedure" correspondence.

Consumers Union v. Albright, Superintendent of Banks, 427 F. Supp. 840, vacated and remanded sub nom. Consumers Union v. Heiman. Challenge on constitutional grounds to the statutory restrictions on the availability to consumers of low-cost savings bank life insurance.

Jordan v. Goodwin, ___ F. Supp. ___ (E.D. Va. 1978) (three-judge court), appeal dismissed for want of jurisdiction, ___ U.S. ___ (1977). This suit challenged the constitutionality of state laws which requires that all members of the state occupational licensing boards must be from regulated occupation.

Consumers Union v. Weinberger. Successful challenge to administration of the Hill-Burton Act program to support outpatient facilities in poverty areas.

Consumers Union v. Consumer Product Safety Commission. Suit under Freedom of Information Act to compel disclosure of certain data that industry had suppressed through so-called "reverse FOIA" action.

Consumers Union v. Schmidt, 409 F. Supp. 473 (D.D.C. 1976).
Unsuccessful suit testing applicability of Federal Advisory Committee Act to meetings between FDA and the cosmetic industry.

Consumers Union v. Butz. Challenge to USDA's food stamp regulations issued early in 1975. Suit was mooted by congressional action, but only after a temporary restraining order forced USDA to rescind the regulations.
Consumers Union v. Comptroller of the Currency, 589 F.2d 531 (D.C. Cir. 1978). Unsuccessful suit under the Freedom of Information Act to compel disclosure of reports on national banks' complying with truth-in-lending law; the first suit to test the scope of the FOIA exemption for bank examination reports.

Miscellaneous

Contributing Editor: The American Lawyer, 1998-date. Received National Gold Award for Regular Columnist, American Society of Business Publication Editors, 2006

Speeches and lectures to numerous professional, academic, business, university, government and citizen groups in U.S., Japan, France, Germany, Italy, Sweden, Canada, U.K., U.S.S.R., Chile, Argentina, Peru, and elsewhere

Visiting Professorships: Jean Monnet Scholar-in-Residence, European University Institute (Florence, Italy; January 1996); Visiting Professor, N.Y.U. Law School (Fall semester 1994); Scuola Superiore Di Studi Universitari E Di Perfezionamento S. Anna in Pisa, Italy, May 1989, May 1991, January 1996, May 2005; Georgetown University Law Center, 1986-87; Visiting Scholar, American Enterprise Institute for Public Policy Research, 1979

Study Commissions: National Academy of Sciences, Committee on Estimating Costs to the Department of Justice of Increased Border Security Enforcement by the Department of Homeland Security, 2010-11; National Academy of Sciences, Committee on Risk and Decision-Making, 1979-81; Task Force on Group Status in America, American Jewish Committee, 1980-81

Non-Profit Board Memberships: Humanity in Action, 1997-; Community Mental Health Center Foundation, 1993- ; I Have A Dream, New Haven, 1993- ; Initiative for Public Interest Law at Yale, 1990-3; Creative Arts Workshop, 1988-91; Friends of Legal Services for South Central Connecticut, 1981- ; Asian Community Services, 1984-86; Hillel Sunday School at Yale, 1980-86; National Council for Public Assessment of Technology, 1975-78; Washington Center for the Study of Services, 1975-77; Consumer Federation of America, 1975-76; D.C. Bar, Division on Antitrust Trade Regulation and Consumer Protection, 1975-76; Policy Council, Association for Public Policy Analysis and Management, 1987-91

Consultancies and Expert Testimonies: State of Connecticut, 1994-98 (arbitrator in transportation dispute with New York State); U.S. Department of Justice, 2005 (on remedies for civil rights violations); ACE Insurance (2004-05) (on tort litigation); CNA Insurance Co., 2004-05 (on

asbestos litigation); Canadian Department of Justice 1994, 2005 (on citizenship issues); lawyers for plaintiffs and defendants in various personal injury and civil rights litigation; 3M, 1995-96 (on breast implant litigation); Center for Claims Resolution, 1991-94 (on asbestos litigation); Kroll Associates, 1989 (on congressional rules); Administrative Conference of the United States, 1983-91 (on administrative law issues); Environmental Protection Agency, 1983-84 (on regulatory issues); Institute for Liberty and Democracy, Lima, Peru, 1984- (on regulatory reform); Ford Foundation, Project on Business and the Media, 1976-77 (on TV series)

Advisory Committees: American Law Institute, Restatement (Third) of Torts: General Principles, 1998-; Connecticut Mental Health Center, 1990- (chair); College of Arts and Sciences, Cornell University, 1978-81; National Science Foundation Studies on regulation, 1976-77; Public Member, National Advisory Committee to the Comptroller of the Currency, 1976-77

Yale University Committees: Chair, Advisory Committee on Investor Responsibility, 1990-92; Member, Committee on Retirement Issues, 1989-91; chair and member, numerous Law School committees

Regulation Books Editor, Journal of Public Policy Analysis and Management, 1984-85

Listed in Who's Who in America; Who's Who in American Politics; Who's Who in American Law; Who's Who in the World