

Donald A. Downs, Basic Vita

Education

B.A. Cornell University, 1971 History

M.A. University of Illinois, 1974 Political Science

Ph.D. University of California, Berkeley Political Science

Theses

M.A. "Nihilism: Nietzsche's Treatment of Nihilism and Its Relationship to the Thought of Freud."

Ph.D. "Freedom, Community, and the First Amendment: The Skokie Case and the Limits of Speech."

Positions Held

-Visiting Lecturer, University of Michigan, Political Science January 1981-May 1981.

-Instructor and Assistant Professor, University of Notre Dame, Government, 1981-85.

-Assistant Professor, Associate Professor, and Professor, University of Wisconsin, Madison, 1985-present.

-Professor of Law, University of Wisconsin, 1997-present.

-Professor of Journalism, University of Wisconsin, 1996-present.

Major Honors and Awards

-Public Law field at Berkeley passed with "Distinction."

-1984 Edward S. Corwin Award, American Political Science Association dissertation award.

-1986 Anisfield-Wolf Book Award for *Nazis in Skokie*.

-1989 Distinguished Teaching Award, University of Wisconsin, Madison.

-1990 Gladys M. Kammerer Award, American Political Science Association, for *The New Politics of Pornography*.

-1991-1993, Vilas Associate Award, University of Wisconsin, Madison, for achievement in research.

-1999-2004, Hawkins Professorship in Department of Political Science.

-Inaugural member of Teaching Academy, University of Wisconsin, Madison, 1994-96.

-Bradley Teaching Fellow, 2004-present

Books Published

-*Nazis in Skokie: Freedom, Community, and the First Amendment* (University of Notre Dame Press, 1985).

-*The New Politics of Pornography* (University of Chicago Press, 1989).

-*More than Victims: Battered Women, the Syndrome Society, and the Law* (University of Chicago Press, 1996).

-*Cornell '69: Liberalism and the Crisis of the American University* (Cornell University Press, 1999).

-*Restoring Free Speech and Liberty on Campus* (Cambridge University Press, 2005).

Book Research in Progress

I am beginning research on a book to be entitled "Fear and the First Amendment." The book will take a look at how distinguishing rational from irrational fear is a neglected First Amendment value. It will draw on sociological and psychological research concerning fear and the emotions, as well as political theory. The objective is to show how dealing constructively with fear is essential to free speech theory in a democratic polity.

Articles

- "Skokie Revisited: Hate Group Speech and the First Amendment," *60 Notre Dame Law Review* No. 4 (1985), pp. 629-85.

- "The Attorney General's Commission and the New Politics of Pornography," *1987 American Bar Foundation Research Journal* No. 4, pp. 641-79.

- "Beyond Modernist Liberalism: Toward a Reconstruction of Free Speech Doctrine," in McCann and Houseman, eds., *Critical Perspectives on the Constitution* (Little Brown, Scott Foresman, 1988).

- "Racial Incitement Law in the United States," in Levitt and Greenspan, eds., *Under the Shadow of Weimar: Democracies Confront Racial Incitement* (Pergamon, 1992).

- "Todd Foglesong's 'Who Has the Body?' Criminal Rights and Judicial Review in Comparative Perspective," *1997 Wisconsin Journal of International Law*.

- "Speech Codes and the Mission of the University," in Hansen, ed., *Academic Freedom on Trial: 100 Years of Sifting and Winnowing at the University of Wisconsin-Madison* (University Publications, University of Wisconsin, 1998).

- "Battered Woman Syndrome": Tools of Justice or False Hope in Self-Defense Cases?" in Gelles and Loseke, eds., *Current Controversies on Family Violence*, (Sage Publications, 2004) (with James Fisher)

- "Censorship Since World War II," in Nord and Schudson, eds., *The History of the Book in America*, Vol. V (American Antiquarian Society; Cambridge University Press, forthcoming).

- "The Politics of Civil Liberty on Campus," 2001, Journal of the Wisconsin Policy Research Institute.
- "The University of Wisconsin, Free Speech, and the First Amendment," Wisconsin Interest. (Wisconsin Policy Research Institute) (With Anat Hakim)
- "A Response to Anthony Lewis: Civil Liberties in a New Kind of War," 2003 *Wisconsin Law Review*, pp. 385-412. With Erik Kinnunen.
- "Battered Woman Syndrome: Tool of Justice or False Hope in Self-Defense Cases?" in *Current Controversies on Family Violence*, 2d edition. Donilee Loseke, Richard Gelles, and Mary Cavanaugh, eds. (Russell Sage, 2005). (With James Fisher)
- "Whose OX Is Gored: Free Speech Universalism in Post-September 11 America," in *The Good Society* (A PEGS Journal), University of Maryland. 2005
- "Political Mobilization and Resistance to Censorship," in Evan Gerstman and Matthew Streb, editors, *Academic Freedom at the Dawn of a New Century: How Terrorism, Governments, and Culture Wars Impact Free Speech at Universities at Home and Abroad* (forthcoming, Stanford University Press)

Encyclopedia Type Articles

- Eleven Articles on First Amendment issues in *The Oxford Companion to the Supreme Court* (Oxford University Press, 1992). Revised for 2004 edition.
- "Freedom of Assembly" and "Censorship," *Encyclopedia of Democracy* (Congressional Quarterly Press, 1994). (With Jillian Savage; Samuel Nelson)
- "Obscenity and Pornography: Behavioral Effects," *Encyclopedia of Crime and Justice* (MacMillan, forthcoming).
- "Civil Liberties/Human Rights," *International Encyclopedia of the Social and Behavioral Sciences* (Pergamon, forthcoming)
- "Pornography and Obscenity," *Encarta* (Microsoft, forthcoming).
- "*Speech Codes and the Mission of the University*," Quill (American Association of Journalists, 1993).
- "Battered Woman Syndrome: The Case Against," Wisconsin Coalition Against Domestic Violence, 1997.
- "Fair Trial," and "Freedom of Assembly," *Oxford Companion to American Law* (Oxford University Press, forthcoming), Kermit Hall, ed.
- "Book Banning," "First Amendment," and "The Supreme Court," in *Dictionary of American History*, (Charles Scribner's), Stanley Kutler, ed. (forthcoming) (with Martin Sweet)

Book Reviews Since 1996

- American Political Science Review*, 1996. *Freeing the First Amendment: Critical Perspectives on Freedom of Expression*, edited by David S. Allen and Robert Jensen (New York University Press, 1995).
- Review of Politics*, 1996. *Art Lessons: Learning From the Rise and Fall of Public Arts Funding*, by Alice Goldfarb Marquis (Basic Books, 1995).
- Law and Politics Review*, 1997. *The Constitutional Right to Suicide: A Legal and Philosophical Examination*, by G. Steven Neely (Peter Lang, 1996).
- Wisconsin Historical Society Review*, 1997. *Law and the Great Plains: Essays on the Legal History of the Heartland*, by John R. Wunder (editor). (Greenwood Press, 1996).
- Law and Politics Review*, 1999. *Last Rights: Assisted Suicide and Euthanasia Debated* by Michael M. Uhlmann (editor). (Published jointly by Ethics and Policy Center; Grand Rapids and William E. Eerdmans Publishing Company, 1998).
- Law and Politics Review*, 1999. *Battered Women in the Court Room: The Power of Judicial Responses*, by James Ptacek. (Northeastern University Press, 1999).
- Law and Politics Review*, 2000. *Hate Speech, Pornography, and the Radical Attack on Free Speech Doctrine*, by James Weinstein. (Westview Press, 1999).
- Review of Jon Gould's *Speak No Evil: The Triumph of Hate Speech Regulation* (University of Chicago Press, 2005), in forthcoming *Perspectives on Politics*.

Research Support

- Grant from Institute for Governmental Studies at Berkeley for dissertation research, 1980. \$1200.
- Graduate Research Division, University of Wisconsin, Fall 1987. \$16,300.
- Graduate Research Division, University of Wisconsin, Summer Research and Travel Support, 1986, 1990, 1996. \$6000; \$8200; \$13,000.
- Vilas Research Fellowship, University of Wisconsin, 1991-3. \$30,000.
- Hawkins Professorship, 1999-2004. \$12,000/year. (\$60,000)
- Bradley Teaching Fellowship (\$25,000 per year), Bradley Foundation, 2004-present

Teaching Experience at Michigan, Notre Dame, and Wisconsin

- Lectures. Constitutional Law; Civil Liberties; Government Regulation of Business; Law, Politics, and Society; American Government/Politics; Criminal Law and Justice; The First Amendment; Administrative Law; Political Analysis.
- Undergraduate seminars: The Philosophy of Civil Liberties; Value Conflicts in Politics and Private Enterprise; Freshman Honors Seminar: The First Amendment; Honors Seminar (Upper Level): Criminal Law and Jurisprudence.
- Graduate Seminars: Administrative Law; The Supreme Court and the Constitution in American Politics.

-Numerous Reading Courses dealing with law and politics, and political theory (Freud, Nietzsche, constitutional and legal theory).

-Two radio courses on Wisconsin Public Radio's "University of the Air" series: 1) my Law, Politics, and Society lecture course (Political Science 217), aired in fall 1990; 2) a special four hour course entitled "The First Amendment," aired in spring 2000.

-Several special summer courses for the University of Wisconsin dealing with a variety of legal and constitutional issues.

University Service

-Director of Legal Studies Program, 2004-present

-Honors Committee, 1992; Graduate Fellowship Committee, Social Sciences, 1991-3; Served on committee that drafted the blueprint for the University's Teaching Academy, 1993; Faculty Senator, 1987-88, 1999-present; Faculty Senate alternate, 1998-9; ad hoc committee on reconsideration of faculty speech code, 1997-8; teaching assistant committee, 1991-2; served on special Athletic Department committee that formulated policy dealing with the relationship between religion and sports, and wrote the substantive part of that policy, 1996.

-Member of board that set up a plan for the new Legal Studies Program (undergraduate major). Then served on the board that recruited new faculty and began formulating the program, 1999-present.

-Crisis and policy advisor to *Badger Herald* (the independent student paper), 1993-present.

-Secretary, Committee for Academic Freedom and Rights (an independent civil liberty group), 1996-1999; President, Committee for Academic Freedom and Rights, 2000-present. CAFR has participated in several important public issues and individual cases involving free speech, due process, and civil liberty. It has received national recognition, and was the model for the national organization FIRE (Foundation for Individual Rights in Education).

-Conducted several lectures for Wisconsin Alumni Association in numerous cities around the country, 1993-present. Also presented many talks for Wisconsin Alumni Association on campus.

-Member of Ad Hoc University Committee to address Faculty Speech Code, 1997-98

-Member of Ad Hoc University Committee to address Shared Governance problems associated with the dismissal of Professor John Marder of UW-Superior, Fall 2004

-Advisor to University Committee on several issues pertaining to academic freedom, 2000-present

-Advisor to Chancellor of UW-Whitewater on the controversy surrounding speech of Professor Ward Churchill, Spring 2005

-Advisor to President of St. Norbert's College on student civility code, Fall 2005

-Co-Director and Founder, Center for the Study of Liberal Democracy, University of Wisconsin, Madison (A Center that has just been proposed and will soon apply for University of Wisconsin recognition as a Center)

Department Service

-Recruitment Committee, 1996-8; Undergraduate curriculum, 1991-3; 1999-2000; teaching evaluation, 1993-5; 2000-present; department representative on University Teaching Academy, 1994-present; dissertation committees and advising.

- Recruitment Committee, 2002-2003.

- Chair of Political Theory Field, 2002-2003

Outside Service

-Numerous lectures on campus and across the state and nation on issues concerning free speech and civil liberties. Many radio talk shows/interviews locally, state-wide, nationally, and internationally concerning my books or such public issues as civil liberties, constitutional law, and national government, including three requests to appear on National Public Radio.) Several television appearances, including Court TV

- Served as moderator or participant in many panels/public forums/debates in Wisconsin and the nation on civil liberty and political issues.

-Consulted with several organizations (including national television and radio networks) and universities about academic freedom and free speech issues, and political issues.

-Served on National Endowment for the Humanities Grant Approval Committee in Washington, D.C., August 1991.

-Assisted defense in two criminal cases in Wisconsin, one of which led to a major ruling by the Wisconsin Supreme Court.

-Reviewed numerous manuscripts for such presses as Cambridge University Press, the University of Chicago Press, the University of North Carolina Press, the University of Texas Press, and the University of Wisconsin Press.

-consulted with state legislative leaders on such matters as indecency legislation, campaign finance, and First Amendment issues.

-reviewed proposals for the United States Education Department's program of funding local collaborative programs for teaching American History, Washington D.C., July 24-28, 2003.

- Did one hour interview with Korean National Television over my book, *Nazis in Skokie*. The interview was shown in the fall of 2003.

- Advised U.S. Senate Education and Labor Committee on upcoming testimony on academic freedom and free speech issues in higher education. (Hearing was held on October 29, 2003.)

Professional Conference Papers and Participation

-1986 Law and Society Association meeting, paper on "The New Politics of Pornography."

-1987 paper and head of panel on legal conflicts, American Bar Association meeting on Liberal Arts and the Law.

-1987 American Political Science Association meeting, discussant on "Marquis de Sade and Post-Emancipatory Politics."

-1990 American Political Science Association Roundtable on "Behaviorism and Public Law."

-1991 Western Political Science Association meeting, Roundtable on "Legal Change."

-1994 American Political Science Association meeting, paper on "The New Censorship."

-1995 American Political Science Association meeting, paper on "Battered Woman Syndrome: Positive and Negative Aspects."

-1995 Midwest Political Science Association, paper on "Battered Woman Syndrome: A Non-Syndrome Approach to Criminal Defense."

-1997 American Political Science Association, discussant on panel on "Legal Mobilization."

-1998 Midwest Political Science Association, paper on "Cornell '69: Liberalism and the Crisis of the American University," main paper for panel on "The Politics of the Sixties."

-1998 Royal College of Forensic Psychiatry annual meeting in Edinburgh, Scotland. Keynote Address, "Battered Woman's Syndrome: The Uses and Abuses of Syndrome Evidence in American Criminal Law."

-1999 Midwest Political Science Association, chair of panel on "Law and Social Change."

-1999, address on academic freedom and the Cornell uprising of 1969 to a Cornell campus-wide forum convened by President Hunter Rawlings to discuss my book on the Cornell upheaval.

-1999 Cornell Club, New York City, address on *Cornell '69: Liberalism and the Crisis of the American University*.

- 2001 Olin Foundation Lecture at Kenyon College on Politics, Civil Liberties, and Higher Education.

- 2002 Lecture at Concordia University in Montreal on free speech and campus crisis. (Discussing the university president's decision to order a moratorium on outside speakers in the wake of student riots occasioned by the visit of former Israeli Prime Minister Benjamin Netanyahu to campus.)
- Speaker at Queens College, Cambridge University, on "Female Mentally Disordered Offenders." (North London Forensic Service 6th International Conference, September 15 & 16, 2003
- Judge for national semifinals, Law School International Law Moot Court competition, February 2003.
- Participant in Constitutional Law Discussant Group, University of Maryland Law School, Washington, D.C., March 2004
- Paper and Speech to be delivered at Conference on Academic Freedom, Loyola Marymount University (Los Angeles), February 2004.
- Discussant, Panel on Judicial Review and Politics, Midwest Political Science Association Annual Meeting, April 2004.
- Judge for national law school finals, Evans Constitutional Law Moot Court Competition, April 2004.
- Participant, Legal Studies Directors Colloquium, American Bar Foundation, Chicago, IL. May 26, 2004.
- "Restoring Free Speech on Campus," lecture delivered to William Mitchell Law School, St. Paul, Minn., February 4, 2005
- "Restoring Free Speech on Campus: Political Mobilization and Academic Freedom," James Madison Center for Constitutional Philosophy and Politics, Princeton University. February 14, 2005.
- "Ward Churchill, UW-Whitewater, and First Amendment Principles," talk delivered in public forum at UW-Whitewater, February 24, 2005.
- Panel Participant, New Books on Free Speech, Law and Society Association, National Meeting, June 2005 (Las Vegas)
- "Restoring Free Speech and Liberty on Campus," lecture given to Locke Institute and Pope Center for Education, Raleigh, North Carolina, September 2005
- "Restoring Free Speech and Liberty on Campus," lecture given at Bankhead Conference on Academic Freedom Conference, University of Alabama, October 2005
- "Restoring Free Speech and Liberty on Campus," lecture given to UW community, October 25, 2005 (replayed on Wisconsin Public Radio)
- "Restoring Free Speech and Liberty on Campus," lecture given to UW-Milwaukee, November 2005.
- "Free Speech on Campus: Politics and Principles," Washington State University, March 2006.

Other Relevant Experience, Awards, Recognition

- University of Wisconsin Pan Hellenic Council Teaching Award, 1992, 1993, 1994, 2000, 2001.
- 1992 Wisconsin Students Association List of Top 100 Professors.
- 1994 Honorary Member of Phi Kappa Phi for advocacy of free speech on campus.
- Madison Magazine*, "Best of Madison" award for "University Professor," 1989, 1991.

- 1996-2000 Who's Who in America; Who's Who in World; Who's Who in Education
- 2000, member of state coordinating committee, McCain presidential campaign.
- 2000-2001, Pi Sigma Alpha (Poli Sci Honors Society), Professor of the Year.
- 2003-2004, Pi Sigma Alpha (Poli Sci Honors Society), Professor of the Year.
- Served on State Coordinating Committee, McCain for President, 2000.
- Served on the Finance Committee and the Political Strategy Committee, John Sharpless for Congress 2000 (Wisconsin's second congressional district; lost in general election to incumbent Baldwin, 51%-49%)
- Guest of the Israeli Ministry of Foreign Affairs, Summer 2005, as part of inaugural tour of American scholars to learn more about the history, politics, and culture of Israel. Sponsored by the Israeli Study Group, New York City.

Professional Memberships

- Amnesty International, former publicity director for Bay Area group.
- American Political Science Association.
- Cato Institute.

Board Memberships

- Editorial Board, Graven Images, University of Wisconsin, 1993-97.
- Board Member, J&D Communications, Dayton, Virginia.