

LAURA M. WEINRIB

Harvard Law School
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ACADEMIC EMPLOYMENT

Harvard Law School, Cambridge, MA

Fred N. Fishman Professor of Constitutional Law, 2021–present; *Professor of Law*, 2019–2021; *Sullivan & Cromwell Visiting Professor of Law*, 2018

Radcliffe Institute for Advanced Study, Cambridge, MA

Suzanne Young Murray Professor, 2019–present

Harvard University Department of History, Cambridge, MA

Affiliate, 2019–present

University of Chicago Law School, Chicago, IL

Professor of Law, 2017–2019; *Herbert and Marjorie Fried Teaching Scholar*, 2015–2017; *Assistant Professor of Law*, 2011–2017; *Instructor of Law*, 2010–2011

University of Chicago Department of History, Chicago, IL

Associate Member, 2013–2019

New York University School of Law, New York, NY

Samuel I. Golieb Fellow in Legal History, 2009–2010

EDUCATION

Princeton University, Ph.D. in History, 2011

Preceptor, American Legal History

Modern America Workshop, Organizer

Program in Law and Public Affairs, Graduate Associate

Dissertation: *The Liberal Compromise: Civil Liberties, Labor, and the Limits of State Power, 1917–1940* (awarded the ASLH Cromwell Prize for the best dissertation in legal history)

Harvard Law School, J.D., 2003, *magna cum laude*

Harvard Civil Rights-Civil Liberties Law Review, Co-Editor-in-Chief

Instructor, First Year Lawyering (Board of Student Advisers)

Harvard University, A.M. in Comparative Literature, 2000

Harvard College, A.B., 2000, *magna cum laude* with highest honors in Literature

Phi Beta Kappa

Harvard International Review, Co-Editor-in-Chief

Let's Go: Israel and the Palestinian Territories, Editor

CLERKSHIP

Law Clerk, Hon. Thomas L. Ambro, U.S. Court of Appeals for the Third Circuit, Wilmington, DE, 2003–2004

PUBLICATIONS

BOOKS

CANNONS AND CODES: LAW, LITERATURE, AND AMERICA'S WARS (co-edited with Alison LaCroix, Jonathan Masur and Martha Nussbaum) (Oxford University Press, 2021)

THE TAMING OF FREE SPEECH: AMERICA'S CIVIL LIBERTIES COMPROMISE (Harvard University Press, 2016) (awarded the NCA 2018 Franklyn S. Haiman Award for Distinguished Scholarship in Freedom of Expression and the ASLH 2013 Paul L. Murphy Award for completion of a book on the history of civil liberties)

NITZOTZ: THE SPARK OF RESISTANCE IN KOVNO GHETTO AND DACHAU-KAUFERING CONCENTRATION CAMP (ed. and intro.) (Syracuse University Press, 2009)

ARTICLES AND ESSAYS

Breaking the Cycle: Rot and Recrudescence in American Constitutional History, BOSTON UNIVERSITY LAW REVIEW (forthcoming 2021) (symposium on Jack M. Balkin, *The Cycles of Constitutional Time*)

Power and Premises: The Contested Meanings of the Abrams Dissent, 51 SETON HALL LAW REVIEW 61 (2020) (symposium on *Abrams v. United States*)

The Limits of Dissent: Reassessing the Legacy of the World War I Free Speech Cases, 44 JOURNAL OF SUPREME COURT HISTORY 278 (2020)

Against Intolerance: The Red Scare Roots of Legal Liberalism, 18 JOURNAL OF THE GILDED AGE AND PROGRESSIVE ERA 7 (2019)

Untangling the Radical Roots of America's Civil Liberties Settlement: Causation, Compromise, and the Taming of Free Speech, 18 JERUSALEM REVIEW OF LEGAL STUDIES 88 (2019) (response to a symposium on *The Taming of Free Speech*)

The Vagrancy Law Challenge and the Vagaries of Legal Change, 43 LAW AND SOCIAL INQUIRY 1669 (2018)

The Right To Work and the Right To Strike, 2017 UNIVERSITY OF CHICAGO LEGAL FORUM 513 (2018)

From Left to Rights: Civil Liberties Lawyering Between the World Wars, LAW, CULTURE, AND THE HUMANITIES (prepublished May 18, 2016, DOI: 10.1177/1743872116641871)

Freedom of Conscience in War Time: World War I and the Limits of Civil Liberties, 65 EMORY LAW JOURNAL 1051 (2016)

Civil Liberties Outside the Courts, 2014 SUPREME COURT REVIEW 297 (2015)

The Sex Side of Civil Liberties: United States v. Dennett and the Changing Face of Free Speech, 30 LAW & HISTORY REVIEW 325 (2012) (awarded the ASLH Surrency Prize)

From Public Interest to Private Rights: Free Speech, Liberal Individualism, and the Making of Modern Tort Law, 34 LAW & SOCIAL INQUIRY 187 (2009)

Protecting Sex: Sexual Disincentives and Sex-Based Discrimination in Nguyen v. INS, 12 COLUMBIA JOURNAL OF GENDER & LAW 222 (2003)

Reconstructing Family: Constructive Trust at Relational Dissolution, 37 HARVARD CIVIL RIGHTS–CIVIL LIBERTIES LAW REVIEW 207 (2002)

Kinship Care Reform: A Proposal for Consent Legislation in Massachusetts, 23 MASSACHUSETTS LAW REVIEW 23 (2002)

BOOK CHAPTERS

Law and Legitimacy in A Farewell to Arms, in CANNONS AND CODES: LAW, LITERATURE, AND AMERICA'S WARS (Alison LaCroix, Jonathan Masur, Martha Nussbaum, and Laura Weinrib, eds.) (Oxford University Press, 2021): 179–96

Labor History and the Clash of Capabilities, in THE CAPABILITIES APPROACH AND LABOR LAW (Brian Langille, ed.) (Oxford University Press, 2019): 159–79

The Second New Deal and the Fourth Courtroom Wall: Law, Labor, and Liberty in The Cradle Will Rock, in POWER, PROSE, AND PURSE: LAW, LITERATURE, AND ECONOMIC TRANSFORMATIONS (Alison LaCroix, Saul Levmore, and Martha Nussbaum, eds.) (Oxford University Press, 2019): 267–86

The Myth of the Modern First Amendment, in THE FREE SPEECH CENTURY (Lee C. Bollinger & Geoffrey R. Stone, eds.) (Oxford University Press, 2019): 48–67

Class and Classification: The Role of Disgust in Regulating Social Status, in THE EMPIRE OF DISGUST: PREJUDICE, DISCRIMINATION AND POLICY IN INDIA AND THE U.S. (Zoya Hasan, Aziz Huq, Martha Nussbaum, and Vidhu Verma, eds.) (Oxford University Press, 2018): 324–47

REVIEWS

Blaming the Wrong Rights (reviewing Mary Ziegler, ABORTION AND THE LAW IN AMERICA: ROE V. WADE TO THE PRESENT), Balkinization Symposium (2021)

Before the Culture Wars (reviewing Mary Ziegler, AFTER ROE: THE LOST HISTORY OF THE ABORTION DEBATE), New Rambler Review (2015)

Book Review (reviewing Leigh Ann Wheeler, HOW SEX BECAME A CIVIL LIBERTY), 32 LAW & HISTORY REVIEW 728 (2014)

ACADEMIC CONFERENCES AND PAPER PRESENTATIONS

“The Forging of the First Amendment,” David C. Baum Memorial Lecture, University of Illinois College of Law,” Champaign, IL, 29 January 2020.

Panelist, “Alt-Labor Law: The State of the Law of the New Labor Movement,” Chicago Kent College of Law, Chicago, 14 November 2019.

Panelist, “*Abrams* at 100,” Columbia Law School, New York, 8 November 2019.

Panelist, “Labor and the U.S. Constitution: Past, Present and Future,” Cornell ILR School, New York, 27 September 2019.

“The First Weaponization of the First Amendment,” Lecture at the University of Colorado, Boulder, 20 March 1919.

“Free Speech Cases of World War I,” 2018 Leon Silverman Lecture, Supreme Court Historical Society, Washington D.C., 6 December 2018.

“Against Intolerance: The Red Scare Roots of Legal Liberalism,” Paper Presented to the Yale Law School Faculty Workshop, New Haven, 26 November 2018.

“The Collapse of the Civil Liberties Consensus,” Lecture at the University of Chicago Karla Scherer Center for the Study of American Culture, Chicago, 15 November 2018.

“History and Its Constitution: The Interwar Civil Liberties Movement and the ACLU’s Jewish Lawyers,” Paper Presented at “Between Public Private: A Celebration of Dirk Hartog,” Princeton, 13 October 2018.

“Against Intolerance: The Red Scare Roots of Legal Liberalism,” Paper Presented to the Harvard Law School Faculty Workshop, Cambridge, 4 October 2018.

“Law, Liberalism, and the Red Scare,” Paper Presented to the University of Chicago Law School Faculty Workshop, Chicago, 14 June 2018.

“Law, Liberalism, and the Red Scare,” Paper Presented to the Annual Meeting of the Law and Society Association, Toronto, 8 June 2018.

Panelist, “A Progressive Labor Vision of the First Amendment,” Columbia Law Review Symposium, “A First Amendment for All? Free Expression in an Age of Inequality,” New York, 23 March 2018

“Law and Legitimacy in *Farewell to Arms*,” Paper Presented to the War in Law and Literature Conference, University of Chicago Law School, Chicago, 24 February 2018

Panelist, “Author-Meets-Reader: Laura Weinrib, *The Taming of Free Speech: America’s Civil Liberties Compromise*,” Annual Meeting of the American Society for Legal History, Las Vegas, 27 October 2017.

“Labor Law and Human Capabilities,” Paper Presented to the Conference on Labor Law and the Capabilities Approach, University of Toronto Law School, 21 October 2017.

“The Myth of the Modern First Amendment,” Paper Presented to the University of Michigan Legal History Workshop, 2 October 2017.

Panelist, “Author-Meets-Reader: Catherine Fisk, *Writing for Hire: Unions, Hollywood, and Madison Avenue*,” Annual Meeting of the Law and Society Association, Mexico City, Mexico, 22 June 2017.

Panelist, Symposium on *The Taming of Free Speech: America’s Civil Liberties Compromise*, Jerusalem Review of Legal Studies, Hebrew University, Jerusalem, 26 May 2017.

“The Collapse of the Civil Liberties Consensus?” Lecture at the Radcliffe Institute for Advanced Study, Harvard University, Cambridge, MA, 17 May 2017.

“Rethinking the Civil Liberties Settlement: Reflections from the History of Free Speech,” Raymond Pryke First Amendment Lecture at the University of California, Irvine, 6 March 2017.

“Class and Classification: The Role of Disgust in Regulating Social Status,” Paper Presented to the Conference on Prejudice, Stigma, Discrimination: Combating Exclusion Through Policy & Law, University of Chicago Center, Delhi, 18 December 2016.

“The Right To Work and the Right To Strike,” Paper Presented to the University of Chicago Legal Forum Symposium on Law and the Disruptive Workplace, Chicago, 4 November 2016.

Panelist, “Author-Meets-Reader: Risa L. Goluboff, *Vagrant Nation: Police Power, Constitutional Change, and the Meaning of the 1960s*,” Annual Meeting of the American Society for Legal History, Toronto, 28 October 2016.

“The Radical Roots of the Modern First Amendment,” University of Chicago Harper Lecture, Dallas, 23 October 2016.

“Free Speech and Free Enterprise: The New Deal Origins of First Amendment Protection for Commercial Speech,” Presentation at the Conference on Commercial Speech and the First Amendment: Past, Present, and Future, Northwestern University Law School, Chicago, 14 October 2016.

“The Taming of Free Speech,” Lecture at the National Archives, Washington, D.C., 21 September 2016.

“Freedom of Conscience in War Time,” Paper Presented to the Annual Meeting of the Law and Society Association, New Orleans, 3 June 2016.

Panelist, “The History of Courts and Individual Rights,” History of the Federal Judiciary Conference, Federal Judicial Center, Washington, D.C., 7 April 2016.

Panelist, “World War I, Civil Liberties, and Civil Rights,” Ryland Symposium, University of Richmond, Richmond, 1 March 2016.

“The Second New Deal and the Fourth Courtroom Wall: Law, Labor, and Liberty in *The Cradle Will Rock*,” Paper Presented to the Money in Law and Literature Conference, University of Chicago Law School, Chicago, 20 February 2016.

“Freedom of Conscience in War Time,” Chicago’s Best Ideas Faculty Lecture Series, Chicago, 17 February 2016.

“Civil Liberties in Class War Time,” Paper Presented to the NYU Law School Legal History Colloquium, New York, 1 February 2016.

“Civil Liberties in Class War Time,” Paper Presented to the University of Chicago Law School Faculty Workshop, Chicago, 16 July 2015.

“Law, Labor, and the Interwar ACLU,” Paper Presented to the Annual Meeting of the Law and Society Association, Seattle, 28 May 2015.

“Civil Liberties in Class War Time,” Paper Presented to the Cornell Law and Humanities Colloquium, Ithaca, 22 April 2015.

“From Left to Rights: Civil Liberties Lawyering Between the World Wars,” Paper Presented at the University of Alabama School of Law, Tuscaloosa, 10 April 2015.

“Civil Liberties Outside the Courts,” Paper Presented to the *Emory Law Journal* Thruwer Symposium, Atlanta, 5 February 2015.

“Labor, Civil Liberties and the New Deal State,” Paper Presented to the Brown University Watson Institute, Providence, 8 October 2014.

Panelist, “Saying ‘No’ to War—WWI, the Vietnam War and Conscientious Objectors,” ACLU Conference: Civil Liberties in Times of War, Princeton University, Princeton, 19 September 2014.

“Civil Liberties Outside the Courts,” Paper Presented to the University of Chicago Law School Faculty Workshop, Chicago, 5 June 2014.

“The Interwar Civil Liberties Movement and the ACLU’s Jewish Lawyers,” Paper Presented to the Annual Meeting of the Law and Society Association, Minneapolis, 30 May 2014.

“Civil Liberties Enforcement and the New Deal State,” Paper Presented to the Yale Law School Freedom of Expression Scholars Conference, New Haven, 3 May 2014.

“History and Its Constitution,” Paper Presented to the DePaul University Conference on Judaism and Constitutional Law, Chicago, 3 April 2014.

“The Constitutional Compromise of 1937: Civil Liberties Enforcement and the New Deal State,” Paper Presented to the American Bar Foundation Seminar Series, Chicago, 26 February 2014.

“Civil Liberties Enforcement and the New Deal State,” Paper Presented to the University of Virginia Legal History Workshop, Charlottesville, 20 January 2014.

“Civil Liberties Enforcement and the New Deal State,” Paper Presented to the 2013 Annual Meeting of the American Society for Legal History, Miami, 9 November 2013.

“From Left to Rights,” Paper Presented to the University of Minnesota Legal History Workshop, Minneapolis, 21 October 2013.

“From Left to Rights: Civil Liberties, Labor, and the Early ACLU,” Paper Presented to the Yale Legal History Forum, New Haven, 9 April 2013.

“Free Speech When Constitutionalism Was Unpopular,” Chicago’s Best Ideas Faculty Lecture Series, Chicago, 7 November 2012.

“The New Battleground: Radical Labor, Academic Freedom, and the Early ACLU,” Paper Presented to the Annual Meeting of the Law and Society Association, Honolulu, 5 June 2012.

“The Right of Agitation,” Paper Presented to the University of Chicago Law School Faculty Workshop, Chicago, 19 April 2012.

Panelist, Roundtable on Collective Bargaining Rights: Past, Present, and Future (with Kenneth Dau-Schmidt and Tom Geoghegan), University of Chicago Labor & Employment Law Society and American Constitution Society, Chicago, 20 February 2012.

“*Hague v. CIO* and the Civil Liberties Consensus,” Paper Presented to the American Bar Foundation/Illinois Legal History Seminar, Chicago, 22 March 2012.

“Free Speech or Fair Labor,” Paper Presented to the University of Chicago Law School Faculty Workshop, Chicago, 19 May 2011.

“The Liberal Compromise,” Paper Presented to the NYU Law School Legal History Colloquium, New York, 1 & 8 December 2010.

“Free Speech or Fair Labor: The ACLU and the New Deal Origins of Liberal Legalism,” Paper Presented to the 2010 Annual Meeting of the American Society for Legal History, Philadelphia, 20 November 2010.

“When Free Speech was Just Good Policy: Rights-Skepticism and the Early ACLU,” Paper Presented to the Annual meeting of the Law and Society Association, Chicago, 30 May 2010.

“Lawyers, Libertines, and the Reinvention of Free Speech, 1920–1933,” Paper Presented to the NYU Law School Legal History Colloquium, New York, 30 September 2009.

“*Hague v. CIO* and Free Speech for Radicals in the American Liberal Mainstream,” Paper Presented to the Annual Meeting of the Law and Society Association, Denver, 29 May 2009.

“Free Speech, Friendly Courts: The Rehabilitation of Rights in the Interwar Period,” Paper Presented to the University of Pennsylvania Legal History Consortium, Philadelphia, 7 April 2009.

“The Civil Liberties Movement and the Origins of Liberal Legalism,” Paper Presented to the Annual Meeting of the Law and Society Association, Montreal, 31 May 2008.

“The Sex Side of Civil Liberties: *United States v. Dennett* and the Changing Face of Free Speech,” Paper Presented to the 2007 Annual Meeting of the American Society for Legal History, Tempe, 26 October 2007.

“The Incorporation of Nonpolitical Speech into the American Civil Liberties Agenda, 1927–1933,” Paper Presented to the Joint Annual Meeting of the Law and Society Association and Research Committee on Sociology of Law, Berlin, 25 July 2007.

“*United States v. Dennett*: ‘A Test Case of Vital Importance,’” Paper Presented to the Northeast Regional Law and Society Meeting, Amherst, Massachusetts, 22 May 2007.

Panelist, Roundtable on Same Sex Marriage in New Jersey: History and the Next 180 Days (with Mary Anne Case, Rebecca Davis, and Katherine Franke), Modern America Workshop, Program in American Studies, and Program in Law and Public Affairs, Princeton University, Princeton, 9 November 2006.

HONORS AND AWARDS

Franklyn S. Haiman Award, awarded by the National Communication Association for Distinguished Scholarship in Freedom of Expression (2018)

Paul L. Murphy Award, awarded by the American Society for Legal History for the completion of a book on the history of civil liberties (2013)

Surrency Prize, awarded by the American Society for Legal History to the best article published in *Law and History Review* (2013)

William Nelson Cromwell Foundation Dissertation Prize, awarded by the American Society for Legal History to the best doctoral dissertation in American legal history (2012)

William Nelson Cromwell Foundation Early Career Fellowship in Legal History (2008)

Princeton University Center for Human Values Graduate Prize Fellowship (2007–2008)
Kathryn T. Preyer Scholarship, American Society for Legal History (2007)
Harry Ransom Humanities Research Center Dissertation Fellowship (2007–2008)
Law and Society Association and Research Committee on Sociology of Law Graduate Student Workshop Grant (2007)
J. Willard Hurst Summer Institute in Legal History Fellowship at the University of Wisconsin Law School (2007)
Davis Merit Prize, Princeton University Department of History (2004–2006)
Law and Society Graduate Student Workshop Grant (2006)
Harvard Law School Association Alumnae Committee Fellowship (2002)
Harvard Law School Association of New York City Public Interest Fellowship (2002)
First Year Ames Moot Court Best Brief Award (2001)
Thomas T. Hoopes Prize for Outstanding Senior Thesis (1999)
John Harvard & Elizabeth Cary Agassiz Scholarships for Academic Achievement of the Highest Distinction (1998–2000)

TEACHING

American Legal History: From Reconstruction to the Present
American Legal History: The Twentieth Century
Constitutional Law: First Amendment
Constitutional Law: Freedom of Speech
History of Civil Liberties in the United States
Labor History and the Law
Labor Law
States and Markets in American History

SCHOLARLY AND PROFESSIONAL SERVICE

Labor Law Group (2018–present)
Board of Directors, American Society for Legal History (2017–2020)
Projects and Proposals Committee, American Society for Legal History (2017–2020; chair, 2018–2020)
Cromwell Dissertation Prize Committee, American Society for Legal History (2017–2019)
ABA Committee on the History of Administrative Law (2015–present)
Referee, *Law and History Review*

Reid Book Award Committee, American Society for Legal History (2011–2014)
J. Willard Hurst Prize Committee, Law and Society Association (2013–2014)

LAW SCHOOL AND UNIVERSITY SERVICE

Harvard Law School Lateral Appointments Committee (2021–present)
Harvard Law School Admissions Committee (2019–present)
Co-Organizer, University of Chicago Public Law and Legal Theory Workshop (2011–2019)
Co-Organizer, Maurice and Muriel Fulton Lecture in Legal History (2011–2019)
Faculty Board, University of Chicago Parrhesia Program in Public Speaking (2018–2019)
University of Chicago Board of Computing Activities and Services (2017–2019)
University of Chicago Working Group, K–12 Education Options (2017–2018)
Co-Chair, University of Chicago Law School Bigelow Program (2017–2018)
University of Chicago Law School Committee on Legal Writing (2016–2017)
University of Chicago Law School Committee on Lectures, Conferences, and Honors (2014–2016)
University of Chicago Law School Committee on Public Interest Law (2012–2014)
University of Chicago Law School Faculty Appointments Committee (2012–2013)

BAR MEMBERSHIP

Admitted to New York Bar in 2004