

JOEL M. GORA  
Professor of Law  
Brooklyn Law School  
250 Joralemon Street  
Brooklyn, New York 11201  
(718) 780-7926 (Office)  
(917) 445-3582 (cellular)  
[Joel.gora@brooklaw.edu](mailto:Joel.gora@brooklaw.edu)

PRESENT POSITION:

Professor of Law, Brooklyn Law School (full-time faculty member since 1978)

EDUCATION:

Pomona College (Claremont, California), B.A. (1963)  
magna cum laude, Phi Beta Kappa

Columbia University, School of Public Law and Government (1963-64) (International Fellow)

Columbia Law School, L.L.B. (1967), cum laude

PROFESSIONAL EXPERIENCE:

1978 to Present: Professor of Law, Brooklyn Law School (Associate Professor, 1978-81).

1993 to 1997, 2002-2006: Associate Dean for Academic Affairs, Brooklyn Law School

Courses taught: Campaign Finance Law, Campaign Finance Law Seminar, Civil Liberties, Civil Procedure, Constitutional Law, Constitutional Law Seminar, Constitutional Litigation, First Amendment Law, First Amendment Seminar, Federal Courts, Legal Process, Law of Democracy

Faculty Service and Governance (past 20 years): Served on the following committees: Appointments (including Chair), Clerkship (including Chair), Clinical, Curriculum, Hearing, Sabbatical Leave, Status (including Chair), Board of Directors, Brooklyn Law School Legal Services Corporation (1982-present), Faculty Secretary (2006-16)

1969-1978: National Staff Counsel (1969-1976) and Associate Legal Director (1976-78), American Civil Liberties Union. Handled and supervised a wide variety of constitutional litigation and public policy matters relating to all substantive and procedural aspects of civil liberties. Litigated, supervised, briefed and/or argued extensive number of cases in

the Supreme Court and lower federal courts. Co-counsel in Buckley v. Valeo, 424 U.S. 1 (1976), inter alia.

1967-69: Pro Se Law Clerk, United States Court of Appeals for the Second Circuit. Handled, for the Court, all cases involving parties not represented by counsel; wrote memoranda of law on wide range of legal issues.

#### PROFESSIONAL ACTIVITIES:

Communications and Media Committee, New York City Bar Association, (2012-15)

Board of Trustees, Federal Bar Council (2006-12)

Board of Academic Advisors, Institute for Free Speech (2005 to present)

Election Law Committee, New York City Bar Association (2002 to 2012)

Board of Directors, General Counsel and Legal Committee, New York Civil Liberties Union (1981 to 2008, now Emeritus)

Cooperating Attorney (Pro Bono), American Civil Liberties Union (1979-2010)

Special Counsel, Campaign Finance Issues, American Civil Liberties Union (2002 to 2004), representing the ACLU in McConnell v. FEC, 540 U.S. 93 (2003); also worked on ACLU briefs in numerous other cases since 1990 including: Austin v. Michigan Chamber of Commerce, 494 U.S. 652 (1990), Colorado Republican Federal Campaign Committee v. FEC, 518 U.S. 604, FEC v. Akins, 524 U.S. 11 (1998), Nixon v. Shrink Missouri Government PAC, 528 U.S. 377 (2000), FEC v. Colorado Republican Federal Campaign Committee, 533 U.S. 431 (2001), Randall v. Sorrell, 548 U.S. 230 (2006), FEC v. Wisconsin Right to Life, Inc., 551 U.S. 549 (2007); Citizens United v. FEC, 558 U.S. 310 (2010)

Special Commission on Campaign Finance Reform, Association of the Bar of the City of New York (1997-2000)

Federal Courts Committee, Association of the Bar of the City of New York (1994-97)

Federal Legislation Committee, Association of the Bar of the City of New York (1985-88)

American Civil Liberties Union, Special Board Committee on Campaign Finance (1982-88, 1996-97, 2008-09)

Board of Governors, Society of American Law Teachers (1981-84)

Civil Rights Committee, Association of the Bar of the City of New York (1978-81)

Military Justice Committee, Association of the Bar of the City of New York (1972-75)

Lecturer, SMH Bar Review Course (1980-1990)

MAJOR PUBLIC PRESENTATIONS:

Testified before the Constitutional Rights Subcommittee of the United States Senate Judiciary Committee on Journalists' Privilege (September, 1972)

Testified before the Subcommittee of the United States House Judiciary Committee on Journalists' Privilege (October, 1972)

Testified before the Subcommittee on Constitutional Rights, Committee on the Judiciary, U.S. House of Representatives on First Amendment and Federal Grants (98th Cong. 1st Sess, 1983) (March 1983)

Presented major paper on Campaign Finance and First Amendment Rights to 1983 ACLU Biennial Conference (June 1983)

Gave talk on First Amendment and the Burger Court, Hofstra University Symposium on the Burger Court (November 1985)

Presented major paper on Campaign Finance and the Nixon Presidency, Hofstra University Symposium (November 1987)

Testified before the Subcommittee on the Constitution, Committee on the Judiciary, U.S. Senate on Proposals to Amend the Constitution re: Campaign Finance Reform (100 Cong. 2d Sess.) (March 1988)

Made keynote presentations on two topics, free speech problems with campaign finance regulations and privacy concerns with drug screening, before the Winter Bench and Bar Conference, Federal Bar Council (February 1989)

Presented Paper on First Amendment and Independent Campaign Speech, 1989 Conference, Council on Government Ethics Laws (December, 1989)

Gave talk on "Hate Speech" and the First Amendment to Symposium, Brooklyn Law School (April 1991)

Was featured speaker at Program on Campaign Finance Reform held by the ABA Section on Individual Rights as part of ABA Annual Convention (August 1992)

Testified before the Committee on Oversight, U.S. House of Representatives on Campaign Finance Proposals (November 1995)

Testified before the Rules Committee, United States Senate on Campaign Finance Proposals (February 1996)

Presented Major Paper on Campaign Finance and Free Speech at Inaugural Trager Symposium, Brooklyn Law School (March 1997)

Testified before the Subcommittee on the Constitution, House Judiciary Committee on Regulation of Issue Advocacy (September 1997)

Testified before the U.S. Senate Committee on Rules and Administration on Constitutionality of Campaign Finance Regulation (March 2000)

Testified before the U.S. House Administration Committee on Constitutionality of Campaign Finance Regulation (June 2001)

Presenter, Panel Discussion on McCain-Feingold legislation, before the Federal Bar Council Winter Conference (February 2003)

Presenter, Panel Discussion on Supreme Court Rulings on Affirmative Action and Gay Rights, Federal Bar Council Winter Conference (February 2004)

Moderator and Presenter, Sparer Fellowship Program on Voting and Democracy, Brooklyn Law School (April 2004)

Presenter, Panel Discussion, Campaign Finance and the First Amendment: From Buckley to McConnell, Association of the Bar of the City of New York (April 2004)

Presenter, Panel Discussion, Campaign Finance and the First Amendment, NYU School of Law (May, 2004)

Moderator and Presenter, Panel Discussion on Journalists' Protection of Confidential Sources, U.S. Second Circuit Judicial Conference (June 2005)

Moderator and Presenter, Panel Discussion on Advice, Consent and Judicial Philosophy, Federal Bar Council (September 2005)

Panelist, Panel Discussion on Journalists' Protection of Confidential Sources, Columbia Journalism School (November 2005)

Panelist, Politics and Money, as part of a Symposium on Law and Money, Princeton University Woodrow Wilson School (June 2006)

Panelist, Supreme Court Election Law Cases, Cardozo Law School (October 2006)

Chair and Panelist, Money and Politics, Sparer Program, Brooklyn Law School (October 2009)

Speaker, Religion and the Court, Brooklyn Law School's Christian Legal Students (October 2009)

Presentation and debates to ACLU National Board of Directors on campaign finance (October 2009 and January 2010)

Presentation to NYCLU Board of Directors on campaign finance (March 2010)

Presentation on Citizens United to Election Law Committee, New York City Bar Association (February 2010)

Presentation to New York State Bar Association Media Law Committee on Citizens United (March 2010)

Keynote Speaker, Constitution Day Lecture, on First Amendment and Campaign Finance, Wayne State University Law School (October 2010)

Participant, Media Law Resources Center Annual Review of Supreme Court First Amendment cases (October 2010)

Presenter, First Amendment and Public Financing of Elections, Annual CATO Supreme Court Review Symposium (September 2011)

Presenter, Symposium on Citizens United, Georgia State University School of Law, (November 2011)

Panelist, Money and Speech, Brooklyn Law School Federalist Society (November 2011)

Presenter, In Defense of Super Pacs and of the First Amendment, Symposium, Seton Hall Law School (October 2012)

Presenter, Symposium on Negotiating the Extremes: Campaign Finance Reform, Cardozo Law School (October 2012)

Featured Speaker, Inn of Court, Federal Bar Council, Second Circuit, Program on Citizens United, (November 2012)

Featured Speaker, New York State Bar Association Annual Convention Program on Supreme Court Term, (February 2013)

Participant, Town Hall Meeting, Keeping Secrets, Brooklyn Law School (March 2013)

Panelist, Discussion of THE GREAT DISSENT book about origins of modern free speech doctrine, Cardozo Law School, (September 2013)

Moot Court Judge, Georgetown Supreme Court Institute, argument in pending Supreme Court case of McCutcheon v. FEC (October 2013)

Organizer and Drafter, First Amendment Petition to IRS on free speech rights of non-profits, (February 2014)

Featured Speaker, 20<sup>th</sup> Annual Brodsky Legal Conference, ADL on Democracy in the 21<sup>st</sup> Century (April 2014)

Panelist/Presenter, “Citizens United After Five Years,” CATO Institute, (January 2015)

Panelist/Presenter, Campaign Finance Law Symposium, New York City Bar Association (March 2015)

Featured Speaker, Second Circuit Staff Attorney Lunch Lecture, “The Origins and History of the Pro Se Law Clerk’s Office,” Second Circuit, (November 2015)

Organizer, Moderator and Speaker, Panel Discussion, “Buckley v. Valeo at 40,” Brooklyn Law School (January 2016)

Organizer, Moderator and Speaker, Symposium, “Free Speech Under Fire: The Future of the First Amendment,” Brooklyn Law School (February 2016)

Panelist/Presenter, “Buckley v. Valeo at 40,” DEMOS Program (January 2016)

Panelist/Presenter, “Plenary Session: Political Speech or Dirty Money,” Annual Conference, ABA Forum on Communications Law (February 2016)

Chair and Panelist, Constitutional Law Workshop, Campaign Finance Regulation, 2016 SEALS Conference (August 2016)

Panelist, “Author Meets Critics: Buckley v. Valeo at 40, 2016 Annual Convention, American Political Science Association (September 2016)

Panelist, Book Forum on ANIMUS, Brooklyn Law School (February 2018)

Presenter, Current Status of First Amendment Rights, Sparer Fellowship Lunch Discussion (February 2018)

Co-planner and panel discussion moderator, Symposium on Centennial of Incitement, Brooklyn Law School (scheduled for April 2019)

From the Fall of 1991 through the Fall of 2006, I was the featured speaker, almost every year, on First Amendment law at the annual Touro Law Center Conference on Constitutional Law.

Similarly, on numerous occasions from 1985 to the present, I made presentations on recent First Amendment developments in the Supreme Court as part of Brooklyn Law School's Dean's Day Programs, and in more recent years as part of the Faculty's First Monday series and Constitution Day celebrations.

## PUBLICATIONS:

Most of the publications listed below can be accessed on the Brooklyn Law School website as follows:

<https://www.brooklaw.edu/faculty/directory/facultymember/Publications?id=joel.gora>

Books, Chapters in Books, etc.:

"In the Business of Free Speech: The Roberts Court and Citizens United" in Business and the Roberts Court (Oxford University Press, 2016)

"Buckley v. Valeo Essay," in American Governance Encyclopedia (Macmillan Publishers, 2016)

Better Parties, Better Government: A Realistic Program for Campaign Finance Reform (AEI Press, 2009)(coauthor, Peter J. Wallison)

"Campaign Finance Reform, No. 1021" in Encyclopedia of American Civil Liberties, (Routledge, 2006)

"Dollars and Sense: In Praise of Buckley v. Valeo," in Superintending Democracy: The Courts and the Political Process (C.P. Banks & J.C. Green eds. 2001)

"Communications Decency Act" in Encyclopedia of the American Constitution (Macmillan Reference USA 2d ed. 2000)

"'Must Carry'" Law" in Encyclopedia of the American Constitution (Macmillan Reference USA 2000)

The Right to Protest (co-authors: D. Goldberger, G. Stern & M. Halperin) (1991, Southern Illinois University Press)

"Campaign Financing and the Nixon Presidency: End of an Era," in Retrospective on the Nixon Presidency (Levantrosser & Friedman eds.) (1991, Greenwood Press)

"The Burger Court and the Freedom of Speech," in The Burger Court: the Counter-Revolution That Wasn't (V. Blasi, ed. 1983) (Co-author: N. Dorsen)

Emerson, Haber and Dorsen's Political and Civil Rights in the United States (4th ed. Supp. 1982) (co-authors: N. Dorsen, P. Bender & B. Neuborne)

Emerson, Haber and Dorsen's Political and Civil Rights in the United States (4th ed. Supp. 1980) (co-authors: N. Dorsen, P. Bender & B. Neuborne)

Due Process of Law (1977, National Textbook Co.)

The Rights of Reporters (1974, Avon Books)

Articles:

"Money, Speech and Chutzpah," 43 *Litigation* 48 (Summer 2017)

"Free Speech Matters: The Roberts Court and the First Amendment," 25 *Brooklyn Journal of Law and Policy* 63 (2016)

"Introduction: The Past, Present and Future of Free Speech", 25 *Journal of Law and Policy*, 1 (2016)

"In Defense of Free 'Super Pacs' and of the First Amendment," 43 *Seton Hall Law Review* 1185 (2013)

"An Essay in Honor of Robert Sedler: Fierce Champion of Free Speech," 58 *Wayne Law Review* 1087 (2013)

"Free Speech, Fair Elections, and Campaign Finance Laws: Can They Co-Exist?" 56 *Howard Law Journal* 763 (2013)

"Don't Feed the Alligators: Government Funding of Political Speech and the Unyielding Vigilance of the First Amendment," 2010-2011 *CATO Supreme Court Review* (2011)

"The First Amendment... United," 27 *Georgia State University Law Review* 935 (2011)

"The Source of the Problem of Sources: The First Amendment Fails the Fourth Estate," 29 *Cardozo Law Review* 1399 (2008)

"First Amendment Cases in the Supreme Court 2005 Term [Supreme Court Review Symposium]," 22 *Touro L. Rev.* 917 (2007)

"First Amendment Cases in the October 2004 Term [Symposium: Seventeenth Annual Supreme Court Review Program]," 21 *Touro L. Rev.* 849 (2006)

"2003-2004 Supreme Court Term: Another Losing Season for the First Amendment [Symposium: Sixteenth Annual Supreme Court Review Program]," 20 *Touro L. Rev.* 803 (2005)

"First Amendment Decisions – 2002 Term [Symposium: The Fifteenth Annual Supreme Court Review]," 20 *Touro L. Rev.* 251 (2004)

"The Legacy of Buckley v. Valeo," 2 Election L.J. 55 (2003)

"A Balanced Diet of First Amendment Cases [Symposium: The Fourteen Annual Supreme Court Review]," 19 Touro L. Rev. 27 (2002)

"The Calm After the Storm: First Amendment Cases in the Supreme Court's 2000-2001 Term [Symposium: The Thirteen Annual Supreme Court Review]," 18 Touro L. Rev. 29 (2001)

"The Storm Arrives: The First Amendment Cases in the Supreme Court's 1999-2000 Term [Symposium: The Supreme Court and Local Government Law: The 1999-2000 Term]," 17 Touro L. Rev. 203 (2001)

"No Law ... Abridging", 24 Harv. J.L. & Pub. Pol'y 841 (2001) (reviewing B.A. Smith, *Unfree Speech* (2001))

"The Calm Before the Storm: First Amendment Cases in the 1998-99 Term, [Annual Issue on New York State Constitutional Law: Trends and Developments,] 16 Touro L. Rev. 371 (2000)

"Buckley v. Valeo: A Landmark of Political Freedom," [Symposium: The Legal and Political Implications of Buckley v. Valeo,] 33 Akron L. Rev. 7 (1999)

"Finley, Forbes and the First Amendment: Does He Who Pays the Piper Call the Tune?" [Symposium: The Supreme Court and State and Local Government Law: The 1997-98 Term,] 15 Touro L. Rev. 965 (1999)

"The Pentagon Papers and the Path Not Taken: A Personal Memoir on the First Amendment and the Separation of Powers," 19 Cardozo Law Review 1311 (1998)

"Campaign Finance Reform: Still Searching Today for a Better Way," 6 Journal of Law and Policy 137 (1997).

"The First Amendment in the Supreme Court: The Future Lies Ahead," 13 Touro L. Rev. 353 (1997).

"A Championship Season for the First Amendment," 12 Touro L.Rev.341 (1996).

"Back From The Brink: Part II: A First Amendment Revival," 10 Touro L. Rev. 459 (1994).

"Back From the Brink: The Renaissance of First amendment Rights in the Supreme Court's 1991-92 Term," 9 Touro L. Rev. 251 (1993)

"On the Brink: The First Amendment in the Rehnquist Court, 1991 Term," 9 Touro L. Rev. 111 (1992)

"Justice William J. Brennan, Jr.: a Justice for All Seasons," 72 A.B.A.J. 19 (Special Issue 1986)

"Supreme Court Report: The Delicate Matter of Religion," 71 A.B.A.J. (December 1985)

"Supreme Court Report: Five Wins and Nine Losses for Free Speech Fans," 71 A.B.A. J. 116 (November 1985)

"Introduction: Literature, Life and the Law," 51 Brooklyn L. Rev. 225 (1985)

"May the Government Exclude 'Nontraditional' Charities from a Federally-Sponsored Charity Drive?" Preview of U.S. Sup. Ct. Cases no. 13 (April 1985)

"The Government's Enforcement of Draft Registration: Prosecution or Persecution?" Preview of U.S. Sup. Ct. Cases no. 4 (November 1984)

"Commentary: Constitutional Law," 48 Brooklyn L. Rev. 849 (1982)

"Free Speech, Property, and the Burger Court: Old Values, New Balances," 1982 Sup. Ct. Rev. 195 (1982) (co-author: N. Dorsen)

"Writers Rights: the Legal Mine Field," Nation (October 3, 1981)

"Panel: State Action and the Constitutional Accountability of Private Utilities," 10 N.Y.U. Rev. L. & Soc. Change 325 (1980-1981)

"Yes, Virginia, There May Be a Right of Access," 8 Media L. Notes no. 1 (December 1980)

"And What Must Be Done for 1980: a Conversation with Joel Gora," 4 Civ. Liberties Rev. 20 (1977)

"Who Owns the News?" 2 Civ. Liberties Rev. (1975)

"The Fourth Amendment at the Airport: Arriving, Departing or Canceled?" 18 Vill. L. Rev. 1036 (1973)

#### Unpublished Materials:

"Campaign Finance and the Plight of the First Amendment," CLE Presentation, Association of the Bar of the City of New York (2004)

"Buckley v. Valeo Revisited," Free Speech and Election Law Practice Group Newsletter  
(Winter 2000)

"Money and Politics: a Response," 1983 Biennial Conference of the American Civil  
Liberties Union, Washington, D.C.