

Stephen Kanter

Lewis & Clark Law School
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Current Position

Professor of Law (Dean 1986-1994), Lewis & Clark Law School

Education

Yale Law School, J.D. 1971

Board of Directors, Barristers' Union; Barristers' Union Finalist, 1970, Counsel, Thurmond Arnold Prize Trial; Research and Teaching Assistant, Professor Ralph K. Winter, Jr.; Scholarship

Massachusetts Institute of Technology, S.B. Mathematics 1968

High Dean's List; Sigma Xi Science Honorary; President, Alpha Epsilon Pi Social Fraternity; Associate Editor, 1968 Technique (M.I.T. Yearbook); Francis Skillman Scholarship

Professional Experience

Lewis & Clark Law School, Portland, Oregon

Since 1981 Professor of Law
1986-1994 Dean and Professor of Law
1981-1982 Acting Dean
1980-1981 Associate Dean for Academic Affairs
1979-1981 Associate Professor of Law
1977-1979 Assistant Professor of Law

Subjects Taught: Constitutional Law; Constitutional Theory Seminar; Criminal Law; Criminal Procedure; First Amendment Seminar; Law and Psychiatry.

Consultant to Portland Public Schools on School Police Function

Spring, 2001 Portland, Oregon

Consultant on Rule of Law and Constitutional Court

Spring, 2000 Riga, Latvia

USIS Visiting Lecturer

April, 1994 Kazakhstan

Fulbright Professor of Law

Fall, 1993 University of Athens Faculty of Law, Athens, Greece

International Human Rights Law Group

Fall, 1992 Consultant on Kazakhstan Constitution

Fulbright Professor of Law

1984-1985 Nanjing University Law Department, Nanjing, China

Ampart Lecturer

1985 Bangkok, Thailand

Metropolitan Public Defender, Portland, Oregon

1976-1977 Chief Attorney and Assistant Director

1972-1976 Staff Attorney

City Commissioner Neil Goldschmidt, Portland, Oregon

1971 Special Staff Assistant

Selected Honors and Awards

Current	Martindale-Hubbell Peer Review Rating–AV, Highest Rating in Legal Ability & Ethical Standards
since 1994	Elected Fellow, American Bar Foundation (Life Fellow since 2005)
1993	Fulbright Grant, University of Athens, Athens, Greece
1991	E.B. MacNaughton Civil Liberties Award, Oregon ACLU
1991	Aspen Institute, Justice and Society Seminar Participant with Justice Harry Blackmun
1984-1985	Fulbright Grant, Nanjing University, People's Republic of China
1981	Leo Levenson Award for Teaching Excellence
1980	Selected by Willamette Week Newspaper as one of "Ten Great Portlanders"
1972	Gedanken Experiment, my 1971 Acrylic Painting, Selected in Juried Show for display in the Portland Art Museum Biennial Exhibition

Bar Admissions

Oregon State Bar	1971
United States District Court for the District of Oregon	1973
Ninth Circuit United States Court of Appeals	1977

Selected Boards and Committees

Since 2010	The Confluence Project—overseeing a series of memorial installations by Maya Lin
2008-2009	Oregon 150 Board of Directors, appointed by Governor Kulongoski
2007	Chair, Kids Honor Day Program and OSU Appreciation and Scholarship Night
Since 2000	President, Portland Baseball Group (501-c-4)
1998-2000	Northwest Regional China Council Board of Directors (President 1998-1999)
1988-1999	American Inns of Court, Owen M. Panner Chapter (President 1994-1995, Executive Committee 1988-1999)
1996-1998	Council on Court Procedures
1996-1997	Committee on Adequate School Funding
1996	Oregon Secretary of State's Law Deans Commission to Review Ballot Measures
1995-1996	Public Interest Law Project, Board of Directors
1995	Host for CEELI Visitor (3 months), Justice Victor Malinovsky from Kazakhstan Constitutional Court
Since 1990	American Bar Association
1993	Judicial Selection Committee for the United States District Court for the District Court of Oregon
1987-1993	Fulbright Association, Board of Directors (Executive Committee 1989-1993)
Since 1976	Oregon American Civil Liberties Union (President 1979-1981; Board of Directors 1976-1982)
1987-1992	Oregon Criminal Justice Council
1986-1990	Oregon chapter, U.S. Bicentennial Commission
1986-1989	World Affairs Council of Oregon, Board of Overseers
1982-1985	Board of Visitors, University of Oregon School of Law
1982-1984	Oregon Prison Overcrowding Project
1977-1987	Prisoner's Legal Services of Oregon, Board of Directors
1980-1982	President, Arlington Heights Neighborhood Association
1980	Steering Committee, Washington Park Master Plan Study
1976-1982	Oregon State Bar, Affirmative Action Committee

1976-1978 Oregon State Bar, Civil Rights Committee
 1977-1978 CLE Committee, Oregon State Bar, Criminal Law Section

Biographical Information

Born: June 30, 1946, Cincinnati, Ohio
 Married: June 24, 1972, to Dory Kanter; Lewis & Clark College ESL certification classes; Reed College, M.A.T. 1971; Artist (painter), Educator, Author
 Children: Jordan Alexander Kanter, April 7, 1977
 Laura Elizabeth Kanter, December 31, 1981

Selected Lectures and Presentations

2010 "Supreme Court Appointment and Confirmation Process," OPB Morning Edition
 2009 "Faith Healing, A Child's Death, and the Criminal Process in the Worthington Case," Think Out Loud Program produced by Emily Harris and Alison Frost
 2009 "The Sotomayor Nomination and the Supreme Court Confirmation Process," NPR/OPB segment with Geoff Norcross and Bill Lunch
 2009 "The Rule of Law, Excessive Executive Power and the Torture Memos," Terwilliger Plaza Forum
 2009 "Natural Law and the Constitution: Antiquated, or More Relevant than Ever?," Federalist Society Debate with Roger Pilon
 2007 "From Classroom to Citizenship," Presentation to Classroom Law Project Conference
 2007 "The Role of Mental Health Professionals in Death Penalty Cases," OHSU Forensic Psychiatry Fellowship Program
 2006 "The Supreme Court's 2005-2006 Term and a Preview of the 2006-2007 Term," Ninth Circuit Pro Se Conference (with Douglas Park)
 2005 "The Confirmation Process: A new Chief Justice," American Inns of Court
 2004 "Marriage: State of the Union," Portland City Club Forum
 2003 "The Case for Major League Baseball in Portland, Oregon," OPB, The Oregon Trail
 2002 "Constitutional Law with Choper and Strossen," Oregon State Bar CLE
 2001 "Challenging the Constitutionality of Oregon's Death Penalty," OCDLA
 1998 "The Threat of Terrorism: Ominous Reality or Exaggerated Fallacy?" Moderator, International Affairs Symposium, Lewis & Clark College
 1997 "Crime and Punishment: National and International Perspectives," International Studies Center
 1996-1998 West Bar Review, Constitutional Law
 1996 League of Women Voters, Oregon Video Voters Guide
 1996 Moderator, "Capitalism vs. Democracy: Can they continue to coexist in 21st Century America?" Luce Disputation, Lewis & Clark College
 1995 "Constitutional and Policy Implications of Proposed Eco-take Measures," MacNeil-Lehrer News Hour
 1995 "Pulp Facts: Peak Historical Moments in the Development of Protected Class Law," Oregon State Bar and Civil Rights Section Continuing Legal Education
 1994 "Federalism" and "The U.S. Congress and Its Relations with the Executive - The Role of Lobbies and Interest Groups." American Studies Seminar Program, Athens, Greece, March 1994
 1994 "The Warren Court Revolution in Perspective: Judicial Activism and Its Critics," University of Athens Super Constitutional Symposium

- 1993 "Judicial Review and Judicial Independence," University of Thessaloniki, Thessaloniki, Greece, November, 1993
- 1992 "The Constitution Makers of Kazakhstan," Founders' Club, October, 1992
- 1991 "Reflections on the Soviet Union and China," Lewis & Clark International Law Society Colloquium, September, 1991
- 1991 "200 Years of Freedom: Celebrating the Bill of Rights," Gresham Union High School, April 1991
- 1990 "Comparative Constitutions," O.L.R.E.P. Lessons in Liberty Conference, February 1990
- 1989 Moderator, OCDLA Death Penalty Conference 1989
- 1988 "Against Ballot Measure 8," Expert Witness on At Issue Program on KOAP 1988
- 1988 Panel Member to Question Oregon Supreme Court Candidates, Portland City Club, May 6, 1988
- 1987 Chief Judge, Tigard High School Moot Court to Decide T-Shirt Controversy, November 11, 1987
- 1987 "Constitutional Principles: Are They Still Alive?" O.A.S.I.S., September 8, 1987
- 1987 "AIDS Testing: A Debate," Oregon Judicial Conference Education Program, June 12, 1987
- 1987 "Bicentennial of the U.S. Constitution," Keynote Address, Portland State University, Law Day, May 1, 1987
- 1986 "The Fulbright Experience in the People's Republic of China," Keynote Address, Fulbright Alumni Association Annual Meeting, DeKalb, Illinois
- 1986 "How to Recognize a Jurisprudential Problem," (panel discussion), OLI jurisprudence conference, October 3, 1986
- 1986 "Law and Change in the People's Republic of China," Portland Downtown Rotary Club, September 9, 1986
- 1986 "The Bill of Rights, Federalism and Protections for the Criminally Accused," Oregon State University, Honors Program Colloquium, March 7, 1986
- 1985 "Rapid Change and the Law in 'New Socialist' China," December 6, 1985, Joint Session of The Portland City Club and The World Affairs Council of Oregon
- 1985 Lectures on American Constitutionalism and "Rule of Law," Thammasat University and Ramkamhaeng University Faculties of Law; Discussions with Legislative and Judicial Officials; Bangkok, Thailand, American Participant Program, United States Information Agency
- 1984-1985 Lecture Series on American Law at the Law Departments of Fudan University, East China College of Politics and Law, Wuhan University, People's University and Xiamen University. Shanghai, Wuhan, Beijing and Xiamen, People's Republic of China
- 1983 "Admissions and Confessions Under the Oregon Constitution", Oregon Law Institute CLE
- 1982 "An Oregon Perspective On the History and Constitutionality of Capital Punishment," Keynote address for Capital Punishment Symposium, October 16-17, 1982, Oregon Committee for the Humanities.
- 1982 "Capital Punishment as Social Policy," Kaiser Permanente Caduceus Program
- 1981 "Recent Developments in Criminal Law," Oregon Law Institute CLE, Eugene and Portland
- 1981 "Law Related Education in the Years Ahead," Law Related Education Conference
- 1980 "Prison Overcrowding: Constitutional and Policy Implications," Oregon Volunteers in Corrections

- 1980 Testified as an invited witness before the United States Senate Committee on the Judiciary, Privacy Protection Act of 1980
- 1979-1980 Paulus Bar Review, Criminal Procedure
- 1979 "Oregon's New Death Penalty," Oregon Judicial College
- 1979 "Attacking Oregon's Death Penalty," National College of Criminal Defense Lawyers and Public Defenders
- 1979 "Civil Liberties Through the Decades," Japanese American Citizens League, Installation Banquet
- 1978 "The Interface Between Law and Psychiatry: Lawyers and Mental Health Professionals," Oregon Psychology Association
- 1978 "Mea Non Culpa—The Question of Guilt," American Civil Liberties Union Workshop
- 1977 "Public Defender Systems: Defense Services for the Indigent Accused," University of Oregon School of Law Forum Series
- 1974 "The Goals and Methods of Voir Dire," Oregon State Bar, Continuing Legal Education

Selected Research, Writings and Bibliography

Works in Progress

PEANUT BUTTER IN CHINA WAS LIKE JADE IN OREGON, Book Length Manuscript, projected publication in 2013

Baseball 'Bonds' without Steroids, projected publication in 2011

When a Car was not a Car: A Yale Theory of Legal Interpretation, projected publication in 2011

State Constitutions as an Independent Source of Individual Rights, projected publication in LEWIS & CLARK L. REV. in 2010-2011.

Published Works

Web exclusive: A bloody find on Black Butte and a broken system, Oregonlive, July 24, 2010, http://www.oregonlive.com/opinion/index.ssf/2010/07/web_exclusive_a_bloody_find_an.h...

Bong Hits 4 Jesus *as a Cautionary Tale of Two Cities*, 12 LEWIS & CLARK L. REV. 61 (2008)

CONSTITUTIONAL THEORY: CASES AND OTHER READINGS, Volumes I & II, revised editions, Lewis & Clark Law School 2007 & 2009 (internally published for Constitutional Theory Seminar)

The Griswold Diagrams: Toward a Unified Theory of Constitutional Rights, 28 CARDOZO L. REV. 623 (2006)

Oregon's Future with the Roberts Court: Assisted Suicide and the Supreme Court, The Oregonian (op. ed. October 17, 2005)

Showing Leadership for (a) Change, Commentary, The Oregonian (February 17, 2005)

Confronting Capital Punishment: A Fresh Perspective on the Constitutionality of the Death Penalty Statutes in Oregon, 36 WILLAMETTE L. REV. 313 (2000)

THE BEAR AND THE BLACKBERRY (Children's Book, Illustrated by Dory Kanter) (1999, 2d Ed 2009), awarded Moonbeam Children's Book Awards Gold Medal in 2009

Constitutional Law Outline, West Bar Review (1996) (revised 1997)

Proposition 187: A Debate on California's Immigration Initiative, 7 INTERNATIONAL LEGAL PERSPECTIVES 85 (1995) (co-authored with F.J. Capriotti, III, and Stephen Pidgeon)

Our Democracy's Balancing Act: American Federalism Reexamined, Vol. VII, No. 1, Oregon Humanities 2 (1995)

Legal Briefs: U.S. Training Programs for Chinese Legal Professionals: Northwestern School of Law of Lewis & Clark College, Vol. 22, No. 4, CHINA EXCHANGE NEWS 35 (Winter 1994)

Constitution Making in Kazakhstan, 5 INTERNATIONAL LEGAL PERSPECTIVES 65 (1993) (reprinted in modified form by International Law Section, Oregon State Bar, Current Issues in International Law (1996))

Consultancy Report on the Draft Constitution of Kazakhstan, (with Peter Germer, Denmark, and Neelan Tiruchelvam, Sri Lanka), under the auspices of the International Human Rights Law Group (September, 1992)

William J. Knudsen, Jr.: Professor Emeritus of Law, 19 ENVIRONMENTAL LAW 5 (1988)

James M. Dente: Professor Emeritus of Law, 17 ENVIRONMENTAL LAW 1003 (1987)

Socratic Sipping: Teaching Law in China, 13 CHINA EXCHANGE NEWS 7 (1985), reprinted in 6 JOURNAL OF THE ASSOCIATION OF INTERNATIONAL EDUCATION ADMINISTRATORS 13 (1986)

Legal Education in China, 32 AMERICAN JOURNAL OF COMPARATIVE LAW (University of California, Berkeley, Boalt Hall School of Law) 543 (1984) (co-authored with Han Depei)

Kidnapping in ENCYCLOPEDIA OF CRIME AND JUSTICE, Volume 3, at 993 (Sanford H. Kadish, editor in chief, The Free Press 1983)

Criminal Law and Procedure in RECENT DEVELOPMENTS IN THE LAW 1982 (Oregon Law Institute 1982)

Brief Against Death: More on the Constitutionality of Capital Punishment in Oregon, 17 WILLAMETTE LAW REVIEW 629 (1981)

Criminal Law and Procedure in RECENT DEVELOPMENTS IN THE LAW 1980 (Oregon Law Institute 1980)

Privacy Protection Act: Hearings on S. 1790 Before the Senate Committee on the Judiciary, 96th Cong., 2d Sess. 103 (1980) (Appeared before the committee as an invited expert witness and published extended submission on the Constitutional status of searches of Newspaper and Professional offices)

Dealing With Death: The Constitutionality of Capital Punishment in Oregon, 16 WILLAMETTE LAW REV 1 (1979)

Defenses and Trial, Chapters 17 and 18 in OREGON CRIMINAL LAW HANDBOOK (Oregon State Bar Committee on Continuing Legal Education 1974)

Selected Appellate and Amicus Curiae Work

Bowen v. State (case number 08-117, petition for certiorari challenging constitutionality of non-unanimous jury criminal conviction), Amicus Curiae brief (with other colleagues around the country), filed with the United States Supreme Court 2009

Planned Parenthood of the Columbia/Willamette, Inc. et. al. v. American Coalition of Life Activists, et. al., 41 F. Supp. 2d 1130 (1999), assisted Michael Simon with ACLU amicus curiae brief

Bryant, et. al. v. Thompson, 324 OR 141 (1996) (death penalty procedure decision), Oregon Supreme Court Brief and oral argument with Charles F. Hinkle

State v. Quinn, 290 Or. 383 (1981) (Declaring death penalty unconstitutional), amicus curiae brief and oral argument

State v. Shumway, 291 Or. 153 (1981) (Aggravated Murder Decision), amicus curiae brief

State v. Downes, 285 Or. 369 (1979); *State v. Fondren*, 285 Or. 361 (1979); *State v. Greene*, 285 Or. 337 (1979) (Automobile Search Decisions), amicus curiae brief

Penrod v. Cupp, 283 Or. 21 (1978) (Prison Habeas Corpus Decision), amicus curiae brief