The Civil Rights Act of 1964 at 50: Past, Present & Future  
Boston University School of Law  
November 14 - 15, 2014

Room 103, Sumner M. Redstone Building, 765 Commonwealth Ave, Boston, MA 02215

Friday, November 14th, 2014

Welcoming Remarks  
9:00 a.m.

Maureen O’Rourke (Dean, Boston University School of Law)  
Linda C. McClain (Professor of Law, Boston University School of Law,  
and Conference Committee Chair)

Panel 1: Historical Perspectives  
9:15 a.m. - 10:45 a.m.

Moderator and Commentator:  
Bruce Schulman (Boston University History Department)

George Rutherglen (University of Virginia School of Law)  
“Private Rights and Private Actions: The Legacy of Civil Rights in  
the Enforcement of Title VII”

Margaret Burnham (Northeastern University School of Law)  
“Anti-Racist Movements and the Long Civil Rights Act: Dismantling  
Jim Crow in the Post-War Era”

Serena Mayeri (University of Pennsylvania School of Law)  
“Intersectionality and Title VII: A Brief History”

Gavin Wright (Stanford University Department of Economics)  
“The Economic Significance of the Civil Rights Act of 1964”

Panel 2: Classifications and Categories in the 1964 Act and  
in Subsequent Civil Rights Laws  
11:00 a.m. - 12:30 p.m.

Moderator and Commentator:  
Kathryn Zeiler (Georgetown Law; visiting, Boston University School of Law)

Joseph Fishkin (University of Texas School of Law)  
“What Forms of Discrimination Should Antidiscrimination Law  
Reach?”
Michael Waterstone (Visiting Professor, Northwestern School of Law; Loyola Law School, Los Angeles)
“The Disability Rights Movement and the Civil Rights Act of 1964”

Henry L. Chambers, Jr. (University of Richmond School of Law)
“Reading Explicit Expansions of Title VII Narrowly”

Courtney G. Joslin (UC Davis School of Law)
“Marital Status Discrimination 2.0”

Lunch with Keynote Address
12:30 p.m. - 2:00 p.m.

William Julius Wilson (Lewis P. and Linda L. Geyser University Professor and Director of Joblessness and Urban Poverty Research Program, Harvard Kennedy School)
“Public Policy Challenges Facing the Growing Shift in Emphasis from Race-Based to Class-Based Programs”

(Please Note: The Lunch and Keynote will be next door to Redstone at George Sherman Union, 765 Commonwealth Ave., Metcalf Small Auditorium, Second Floor)

Panel 3: Reshaping Public and Private Space: Public Accommodations, Neighborhoods, and Housing
2:00 p.m. – 3:45 p.m.

Moderator and Commentator:
Jack Beermann (Boston University School of Law)

Len Albright (Northeastern University, Department of Sociology and Anthropology)
“Forty years after Mt. Laurel: Assessing the Impacts of Inclusionary Zoning”

Jeannine Bell (Indiana University Maurer School of Law)
“Can’t We be Your Neighbor? Trayvon Martin, George Zimmerman and the Resistance to Blacks as Neighbors”

Katherine Levine Einstein & David Glick (Boston University Department of Political Science)
“Model Neighborhoods Through Mayors’ Eyes”

Linda McClain (Boston University School of Law)
“Conscience, the Civil Rights Act of 1964, and ‘Legislating Morality’”
Joseph Singer *(Harvard Law School)*
“We Don’t Serve Your Kind Here: Public Accommodation and the Mark of Sodom”

Robin Fretwell Wilson *(University of Illinois School of Law)*
“Bargaining for Civil Rights: Lessons from Mrs. Murphy for Same-Sex Marriage and LGBT Equality”

**Panel 4: Reshaping Public and Private Space: Education, the Workplace, and the Military**
*4:00 p.m. - 5:30 p.m.*

**Moderator and Panelist:**
Katharine B. Silbaugh *(Boston University School of Law)*
“The Civil Rights Act’s Mark on Title IX: Sex Equality on College Campuses”

Deborah Brake *(University of Pittsburgh School of Law)*
“On Not ‘Having It Both Ways’ and Still Losing: Reflections on 50 Years of Pregnancy Litigation Under Title VII”

Catherine Connell *(Boston University Department of Sociology)*
“The Right to Serve or The Need to Protect? The Repeal of DADT and the Challenges of Using Civil Rights as an LGBT Social Movement Frame”

**Reception: Boston University School of Theology**
*5:30 p.m. - 7:00 p.m*
745 Commonwealth Avenue (next to the Sumner M. Redstone building)

Dr. Walter E. Fluker *(Martin Luther King Jr. Professor of Ethical Leadership, Boston University School of Theology)*
“Now We Must Cross A Sea: Remarks on Transformative Leadership and the Civil Rights Movement”

**Saturday, November 15th, 2014**

**Panel 5: Proving Discrimination**
*9:15 a.m. - 10:45 a.m.*

**Moderator:**
Michael C. Harper *(Boston University School of Law)*

Noah Zatz *(UCLA School of Law)*
“Special Treatment Everywhere, Special Treatment Nowhere”
Melissa Hart (University of Colorado Law School)
“Information Asymmetry, Proportional Discovery, and Cost-Shifting: The Discovery Rules as a Barrier to Proving Discrimination”

Tristin Green (University of San Francisco School of Law)
“The Mirage of the ‘Monell Analogue’”

Pauline Kim (Washington University School of Law, St. Louis)
“Addressing Systemic Discrimination: Public Enforcement and the Role of the EEOC”

Michael C. Harper (Boston University School of Law)
“Class-Based Adjudication of Title VII Claims in the Age of the Roberts Court”

Panel 6: The Limits and Future of Antidiscrimination Law
11:00 a.m. – 12:15 p.m.

Moderator and Commentator:
Khiara M. Bridges (Boston University School of Law)

Sonu Bedi (Dartmouth College, Department of Government)
“The Horizontal Effect of a Right to Non-Discrimination in Employment: Religious Autonomy under the U.S. Constitution and the Constitution of South Africa”

Ruth Colker (Ohio State University Moritz College of Law)
“Blaming Mothers”

Vicki Schultz (Yale Law School)
“Reimagining Affirmative Action”

Lunch Break
12:15 p.m. - 1:00 p.m.
Box lunches provided. Open seating.

Closing Keynote Address
1:00 p.m. - 2:15 p.m.
Room 103, Redstone Building

Chai R. Feldblum (Commissioner, U.S. Equal Employment Opportunity Commission)
“Gender Equity: 50 Years after the Passage of the Civil Rights Act of 1964”