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Attorneys for Defendants

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

THE AUTHORS GUILD, INC., ET AL.,

Plaintiffs,

v.

HATHITRUST, ET AL.,

Defendants.

Case No. 11 Civ. 6351 (HB)

**DECLARATION OF STANLEY KATZ IN SUPPORT OF
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

I, Stanley N. Katz, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am President Emeritus of the American Council of Learned Societies, the national humanities organization in the United States, and director of the Princeton University Center for Arts and Cultural Policy Studies. I graduated *magna cum laude* from Harvard University in 1955 with a major in English History and Literature. I was trained in British and

American history at Harvard (M.A 1959; Ph.D. 1961) and also attended Harvard Law School (1969-70) (although I am not a member of the bar).

2. I am the Editor in Chief of the *Oxford International Encyclopedia of Legal History*, and the Editor of the *Oliver Wendell Holmes Devise History of the United States Supreme Court*. I have served as President of the Organization of American Historians and the American Society for Legal History and as Vice President of the Research Division of the American Historical Association. I am a member of the Board of Trustees of the Newberry Library. I serve as Chair of the American Council of Learned Societies/Social Science Research Council Working Group on Cuba. I am a member of the New Jersey Council for the Humanities, the American Antiquarian Society, the American Philosophical Society; a Fellow of the American Society for Legal History, the American Academy of Arts and Sciences, and the Society of American Historians; and a Corresponding Member of the Massachusetts Historical Society. I received the annual Fellows Award from Phi Beta Kappa in 2010 and the National Humanities Medal (awarded by President Obama) in 2011. My full curriculum vitae is attached to this declaration as **Exhibit A**.

3. I am an American historian and scholar specializing in legal and constitutional history and the history of philanthropy. Most recently, my research has focused on the relationship of civil society and constitutionalism to democracy and specifically on the relationship of the United States to the international human rights regime.

4. I submit this declaration in support of the defendants' motion for summary judgment. I make this declaration based upon my own personal knowledge.

5. As a scholar trained to use research materials in the mid-1900s, I learned how to use library card catalogs to extract the basic information (e.g., author, title, publication date)

about the books that may be relevant to my research. These card catalogs actually consisted of cards stored in drawers in the library, and I would physically go to various libraries to search the card catalogs of the books in the holdings of those libraries. Those card catalogs were of very little use as guides to subject matter topics, for which I usually turned to subject matter bibliographies. Unfortunately, subject matter bibliographies inevitably became quickly outdated. And for most topics, there were few or no subject matter bibliographic resources.

6. While many books were available in the libraries to read and study, the only reliable source of information about what was in the text of those books was an index to the book itself (if the book had an index). Bibliographic research – research to identify potential relevant sources for further review – was simply a rough first cut at identifying relevant sources. The next step was to retrieve the books (or journals), read the apparently relevant chapters (or articles), and hope that the footnotes would guide me to additional relevant sources.

7. For decades as a researcher, I always feared that I was neglecting significant bodies of material simply because I did not know certain sources might contain information relevant to my research. Although I feared that I was missing sources, there was no way to confirm or alleviate those fears.

8. The digital era changed the nature of scholarly research. A resource that became available (and still is available) was the Online Public Access Catalogs (OPAC), which contained electronic records of the card catalog information for library material on a global basis. No longer did I have to go to several libraries to search the card catalogs at each of those libraries; now I could search the OPAC and retrieve bibliographic information from the holdings of books in virtually all the libraries of the world while sitting in front of one computer. Another benefit of the OPAC was that I could conduct many searches, electronically, and

retrieve the results virtually instantaneously. This is in comparison to using physical card catalogs for which searches were arduous and time consuming.

9. Full-text digital searching over vast quantities of text revolutionized humanities scholarship profoundly – even more profoundly than the OPAC. Sophisticated digital searching over the text of large numbers of books has permitted me to search for specific words or names (or words or names in relation to each other) that simply was not possible using a library card catalog, the electronic OPAC, or other bibliographic resources.

10. I have come to rely on the full-text searching of millions of books offered by the HathiTrust, and it is now one of the most important sources for my historical scholarship. The HathiTrust Digital Library is primarily useful to me as a bibliographical resource, since I can tailor my searches of the items indexed by the HathiTrust quite precisely, and generate lists of search results, or “hits,” to determine which might be worth closer examination. While some of the hits that I get in my research are to items that provide a full-text view (i.e., I can read the entire work on my computer screen), most are designated as “limited (search only),” and I am not provided the text of the work online by the HathiTrust.

11. The hits that do not provide a full-text view are still exceedingly helpful for my research. Those tell me how frequently words and phrases that I search occur in the book, so that I know how relevant the book will likely be for my research. Without having to get a copy of a book and without having to review the book I can determine which books I need to locate in a library or purchase myself and which are not worth further consideration. Not only that, but many of the “hits” I receive through searches of the HathiTrust are of books that I would not have discovered through a search of a library card catalog, the OPAC, or alternative bibliographic resources.

12. Let me provide an example based on one of my current research projects. I am researching for a book I am writing on the question of why the United States has had such a difficult time participating in the international human rights system. This is primarily a problem, as I conceive it, concerning the United States since the emergence of the Universal Declaration of Human Rights in 1948. It is a genuinely international subject since it involves comparing what the United States has (and has not) done with what other comparable nations have (or have not) done. The question is one of politics, economics, and intellectual history.

13. One aspect of this research question involves the role of the then newly-emergent human rights non-governmental organizations (NGOs). Searches using the OPAC did not assist me in fully identifying books relevant to my search; and there were few additional bibliographic resources, and those did not provide any additional help.

14. As I now do with most research questions, I searched in the HathiTrust, and I was able to identify many dozens of promising-looking references to material that I was not able to identify working with the OPAC and other bibliographic material at the Princeton research library.

15. One such book I located through the HathiTrust is *Universal Human Rights: Origins and Development*. The book was published in 2007 and I identified the book through the HathiTrust website even though the website did not provide the ability to view the full text of the book online. Using the HathiTrust website, however, I was able to locate a copy of the book at the Princeton library. The book contains many pages discussing the role of the United States in relationship to the norms of the Universal Declaration of Human Rights (UDHR), which is particularly relevant to my research because of the tension between the United States approval of

elements of the UDHR and our country's failure to approve of other elements (especially elements related to economic and social rights).

16. Another book I located through the HathiTrust was *NGOs in International Politics*. This book was published in 2006 and I also identified it through the HathiTrust website even though it did not provide the ability to view the full text of the book online. Again, using the HathiTrust website, I was able to locate a copy of the book at the Princeton library. This book contains several pages of discussion of the role of the United States Agency for International Development in relation to international NGOs, including the agency's programs relating to human rights, which is also relevant to my research.

17. Despite significant efforts to locate relevant sources for my research, I had not identified either *Universal Human Rights: Origins and Development* or *NGOs in International Politics* through the OPAC or other resources that do not utilize full text searching.

18. I have not provided testimony as an expert in any cases in the last four years.

19. I am being paid in connection with this declaration and any deposition or trial testimony at a rate of \$1,000 per full day of work.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Date: June 26, 2012

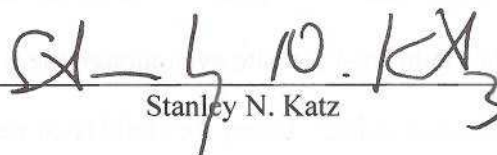

Stanley N. Katz

EXHIBIT A

Stanley N. Katz *curriculum vitae*
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PERSONAL DATA

Born: Chicago, Illinois, April 23, 1934; Married, two children
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EDUCATION

A.B. Harvard University (*Magna cum laude; Phi Beta Kappa*). English History and Literature, 1955.

M.A. Harvard University, American History, 1959.

Ph.D. Harvard University, American History, 1961.
Harvard Law School, 1969-70.

EMPLOYMENT

Harvard University, 1957-65

Teaching Fellow, History Department, 1957-59.

Instructor, History Department, 1961-64.

Assistant Professor, History Department, 1964-65.

(Dean: Allston Burr Senior Tutor in Leverett House, 1963-65.)

University of Wisconsin, 1965-71

Assistant Professor, History Department, 1965-68.

Associate Professor, History Department, 1968-71.

University of Chicago, 1971-78

Professor of Legal History, 1971-78.

Professor of History, 1974-78.

Associate Dean, Law School, 1974-78.

Committee on Public Policy Studies, 1975-78; Chairman, 1977-78.

University of Pennsylvania Law School, Visiting Professor of Law, 1979-86.

Adjunct Professor of Law, Fall, 2003

American Council of Learned Societies, President, 1986-97.

Board of Directors, Council for International Exchange of Scholars (CIES), 1986-96.

Conference Board of Associated Research Councils, 1986-97, (Chair, 1986-93).

Sponsors Group, Committee on Scholarly Communication with China (CSCC), 1986-97.

Board of Directors, International Research & Exchanges Board (IREX), 1986-94, (Chair, 1986-91).

Princeton University, 1978-

Class of 1921 Bicentennial Professor of the History of American Law and Liberty, 1978-86.

Professor of Public and International Affairs, Woodrow Wilson School, 1982-86.

Master, John D. Rockefeller 3rd College, 1982-86.

Senior Fellow, Public and International Affairs, Woodrow Wilson School, 1986-97.

Co-Director, Center for Arts and Cultural Policy Research, 1994-98; Director, 1998 –

<http://www.princeton.edu/~artspol/>

Lecturer with the rank of Professor, Woodrow Wilson School, 1997-

Faculty Chair, Undergraduate Program, Woodrow Wilson School, 1998 –

Director, Woodrow Wilson Society of Fellows, 1997 –

Vice President (1998-99), President (1999-01), Board (1998-2006) Center for Jewish Life.

Acting Director, Program Law and Public Affairs (LAPA), 2004-5.

Cardozo Law School, Yeshiva University, Lecturer in Law, 1998-2000.

FELLOWSHIPS

Fulbright, King's College, London, U.K., 1959-60.

Harvard Graduate School of Arts and Sciences, 1960-61.

Research Fellow in Legal History, American Bar Foundation, 1966-67.

Research Fellow, Charles Warren Center for Studies in American History, Harvard University, 1966-67.

Fellow in Law and American History, Harvard Law School, 1969-70.

Study Fellowship (Law), American Council of Learned Societies, 1969-70.

National Endowment for the Humanities Fellowship for Independent Study and Research, 1981-82.

Visiting Fellow, Institute for Advanced Study, Princeton, New Jersey, 1981-82, 1/92-6/92.

Fellow, National Constitution Center, Philadelphia, Fall, 2003

MAJOR, ENDOWED LECTURES OR KEYNOTE ADDRESSES

"Property and Revolution: The Law of Inheritance," Cooley Lecture, University of Michigan Law School, November 1975.

"Philanthropy and Cultural Diplomacy," Keynote Address, Fulbright Alumni Association, College Park, Maryland, September 25, 1982.

"Constitutionalism and the American Founding," 1st Annual Jessie Swift Lecture in American Constitutionalism, Middlebury College, May 7, 1985.

"Constitutionalism and the Humanities," Annual Lecture, New Jersey Committee for the Humanities, Princeton, New Jersey, June 18, 1986.

"The Burden of Humanism: The University and Society," Innaugural Banquet, University of North Carolina, Chapel Hill, October 16, 1986.

"The Revolutionary Origins of American Constitutionalism," Annual Lecture, Japanese American Studies Association, Kyoto, March 30, 1987; German American Studies Association, Bremen, June 9, 1987; numerous other similar talks on the Constitution during 1987.

"The Institutional Mind: Independent Research Libraries, Learned Societies and the Humanities in the United States," 175th Anniversary of the American Antiquarian Society, Worcester, Massachusetts, October 22, 1987.

"The Strange Birth and Unlikely History of Constitutional Equality," Presidential Address, Organization of American Historians, Reno, Nevada, March 25, 1988; also as "Constitutional Equality," Harold and Margaret Rorschach Lecture in Legal History, Rice University, Houston, Texas, April 6, 1990; also as "Does the Constitution Guarantee Equality," Kohlenberg-Towne Lecture Series, Northeast Missouri State University, Kirksville, Missouri, March 19, 1991.

"Constitutional Equality in American History," Second Annual Alfred L. Luongo Lecture, Historical Society of the United States District Court for the Eastern District of Pennsylvania, Philadelphia, December 8, 1988.

"Constitutionalism in East Central Europe: Some Negative Lessons from the American Experience," 4th Bratislava Symposium: Constitutionalism and Politics, Bratislava, Slovakia, November 11, 1993; Seventh Annual Lecture, German Historical Institute, Washington, D.C., November 15, 1993.

"The Scholar, the Community, and the World," Keynote Address, 20th Anniversary Festival, Virginia Foundation for the Humanities, Richmond, Virginia, October 14, 1994.

"Do Disciplines Matter? History and the Social Sciences," Keynote Address, 75th Annual Meeting, Southwestern Social Science Association, Dallas, Texas, March 23, 1995.

"Depending on Strangers: At Home and Abroad," Maurice Guerin Lecture at the International Conference on Fund Raising, Boston, Massachusetts, March 6, 1994.

"United We Stand: Moving Carefully and Collaboratively into the Future," Keynote Address, 7th Annual Joint Conference, Association for Computers and the Humanities and Association for Literary and Linguistic Computing, U. of California, Santa Barbara, Santa Barbara, California, July 12, 1995.

"Accountability in the Arts and Sciences: Images and Reality," Annual Meeting, Council of Colleges of Arts and Sciences, Philadelphia, Pennsylvania, November 14, 1996.

- “Can Liberal Education Cope?,” keynote address for the Annual Meeting, Association of Graduate Programs in the Liberal Arts, Philadelphia, October 30, 1997.
- “Public and Private Issues: The Role of Research,” keynote address for the inaugural conference, Israeli Center for Third-sector Research, Ben Gurion University of the Negev, Beer Sheva, Israel, 15 March, 1998.
- “Constitutionalism and Civil Society,” the Jefferson Memorial Lecture, University of California, Berkeley, 25 April, 2000. Also delivered at: Yale Law School, Legal History Workshop, 2 October 2000; Chicago-Kent Law School, 25 October 2000.
- “What would it mean to be a ‘just’ university?” After dinner address for the conference on "Higher Education In and For a Just Society," 125th anniversary of Texas A&M University, College Station, Texas, 3 October 2001.
- “Constitutionalism and Human Rights: The Dilemma of the United States,” Second Annual Walter F. Murphy Lecture in American Constitutionalism, Princeton University, 28 February 2002.
- “Everything that happens globally happens in some particular place,” keynote address for Festschrift conference in honor of Lloyd and Susanne Rudolph, University of Chicago, 10 April 2003.
- “Why Technology Matters: the Humanities in the 21st Century,” Wisbey Lecture, King’s College, University of London, 15 October 2003.
- “America’s Human Right Dilemma: Constitutions, Popular Sovereignty and Foreign Values,” Annual Lecture, National Constitution Center, Philadelphia, Pennsylvania, 20 November 2003 (also For the Chiesman Foundation, Black Hills State University, Spearfish, S.D., 4 March 2004).
- “Gun Barrel Democracy? Democratic Constitutionalism Following Military Occupation: Reflections on the US Experience in Japan, Germany, Afghanistan, and Iraq,” Bodek Lecture, University of Pennsylvania, 14 May 2004.
- “Libraries Are To Liberal Education as Lakes Are To Swimming,” Keynote Address, Dedication of Donnelley and Lee Library, Lake Forest College, Chicago, 8 October 2004.
- “Who’s Afraid of Senator Byrd? The Constitution and the Uses of American History,” Princeton University Constitution Day Lecture, 17 September 2007.
- “General Education and Democracy: What Can John Dewey Tell Us?,” Alan Nevins Lecture, Huntington Library, San Marino, California, 29 January 2009:

OTHER LECTURES AND PAPERS AT CONFERENCES

- “The Making and Breaking of Colonial Governors: Newcastle's New York,” OAH, Cincinnati, April 1966.
- “Between Scylla and Charybdis: Anglo-American Politics in New York, 1710-1760,” 20th Conference on Early American History, Rutgers University, October 1966.
- “Andrews Revisited: The English Colonial Bureaucracy, 1607-1776,” AHA, New York, December 1968.
- “Controversies over Chancery Courts and Equity Law in the Middle Colonies,” 29th Conference on Early American History, Newark, October 1970.
- “Teaching Legal History in Law Schools,” AHA, New Orleans, 1972.
- “Constitutionalism and the American Revolution,” National Archives Conference, Washington, D.C., November 1973.
- “Thomas Jefferson and the Right to Property in Revolutionary America,” Bicentennial Lecture, University of Chicago Law School, February 1976.
- “The Legal Preconditions of the American Philanthropic Foundation,” ASLH, November 1977.
- “The Future of Legal History,” Conference on American Legal History, National Archives, Washington, D.C., September 1978.
- “Law and Philanthropy,” History Department, University of Texas at El Paso, March 1979.
- “The Legitimization of the Philanthropic Foundation,” Davis Center, Princeton University, January 1981.
- “Problems in Private Foundation Support of Academic Research: The U.S. Experience,” University of Chicago Law School Conference on Philanthropy, April 1981.
- “Current Research in American Legal History: The Ideological Challenge,” OAH, Detroit, April 1981.
- “The Nation, the State and the People; or, Lessons from the Anti-Federalists,” Commencement Address, Stockton State College (N.J.), May 1981.

- “The Problem of a Colonial Legal History,” Conference on Anglo-American Colonial History, Oxford, August 1981.
- “History and the Future of Philanthropy,” Independent Sector, Minneapolis, October 1981.
- “The Current State of American Legal History,” Inaugural Conference of Australian Law and History Society, May 16, 1982 (included in the Lecture Tour of Australia, United States Information Agency), April, May 1982).
- “Legal Theory and Colonial Legal History,” Yale Law School Legal Theory Workshop, November 1982.
- “Women and Fundraising in Historical Perspective,” Mt. Holyoke College Conference on Volunteerism, March 19, 1983.
- “George Washington: The Great White Father and His Indian Children (or, White Eyes and Conotocarious),” Pennsylvania Historical Society, April 30, 1983.
- “The American Academic Community and International Educational Exchange,” 13th Conference of European Fulbright Executive Directors, Salzburg, Austria, May 21, 1983.
- “The History of Philanthropy: Foundations,” Organization of American Historians, Los Angeles, April 1984.
- “Changing Values and Modern American Philanthropy,” Independent Sector Research Forum, New York City, April 1984.
- “History, Cultural Policy and International Exchange in the Performing Arts,” Rockefeller Foundation Conference on Support of Contemporary Performing Arts in Europe and America, Bellagio, June 10-14, 1985.
- “Philanthropy and Public Policy in the United States,” Plenary Meeting XII of the President's Committee on the Arts and the Humanities, The Henry Francis duPont Winterthur Museum, Winterthur, Delaware, June 19, 1986.
- “Foundations and the History of Philanthropy in the U.S.,” Salzburg Seminar in American Studies, Salzburg, Austria, June 21-July 4, 1986.
- “Foundations and Public Policy,” Minnesota Council on Foundations 1987 Summer Seminar, Minneapolis, Minnesota, August 6, 1987.
- “Constitutional Accountability,” National Archives Constitution Study Group Bicentennial Lecture, Washington, D.C., August 12, 1987.
- “The Constitution, Democracy and Education in the United States,” The Woodrow Wilson National Fellowship Foundation, Princeton, New Jersey, November 10, 1987.
- “Philanthropy, Politics, and Culture in American Society,” American Studies Association/Canadian Association for American Studies International Convention, New York City, November 21, 1987.
- “Cultural Relations between Europe (Italy) and the United States post-World War II,” “Nationes” Days, University of Bologna, Bologna, Italy, November 17, 1988.
- “The Uneasy Case for Constitutional Equality,” 27th Annual Callahan Lecture, West Virginia University, Morgantown, West Virginia, April 11, 1989.
- “George Washington's States,” before the legislature of the state of New Hampshire, New Hampshire Humanities Council, Concord, New Hampshire, April 25, 1989.
- “Humanists at Work,” Symposium, Humanists at Work: Disciplinary Perspectives and Personal Reflections, University of Illinois at Chicago, April 28, 1989.
- “Out of Small Beginnings,” Bicentennial Ceremony, United States District Court for the District of New Jersey, Newark, New Jersey, December 14, 1989.
- “Teaching, Learning, and the Community,” The President's Lecture Series, University of Montana, Missoula, Montana, October 29, 1990.
- “Scholars, Teachers, Pastors: The Study of Religion in the Academy,” 1990 Annual Meeting of the American Academy of Religion and the Society of Biblical Literature, New Orleans, November 17, 1990.
- “Strong Bills of Rights: The States, 1776-1840,” The Bill of Rights: Government Proscribed, 1991 Symposium of the United States Capitol Historical Society, Washington, D.C., March 13, 1991.
- “The Plight of the Humanities in the Research University,” Series on: Issues in Education, Committee on Public Lectures, Princeton University, Princeton, New Jersey, November 14, 1991.
- “Challenges to Higher Education in the U.S.: The Humanities and Social Sciences,” 1992 Annual Meeting, American Association for the Advancement of Science, Chicago, February 12, 1992.

- “Pluralism, Democracy and Higher Education in the U.S.,” A Lecture in Honor of the 50th Anniversary of the USIS Benjamin Franklin Library, Mexico City, May 12, 1992.
- “Changing Conceptions of Pluralism in American Law and Constitutionalism,” Conference, American Pluralism: Towards a History of the Discussion, State University of New York at Stony Brook, Stony Brook, New York, June 5, 1992
- “Challenges to American Higher Education in the Twenty-first Century,” Conference on Higher Education in Japan and the U.S., University of Tsukuba, Tsukuba, Japan, June 11, 1992. (Translated into Japanese by Izo Shimizu, “IDE - Current Higher Education,” No. 340: American General Education Today, November, 1992.)
- “The Humanities and Public Education,” ACLS Conference on The Humanities in the Schools, The Huntington Library, San Marino, California, August 31, 1992.
- “Form and Substance in the Electronic Age,” International Symposium on Rare Book and Manuscript Libraries in the Twenty-First Century, Houghton Library, Harvard University, Cambridge, Massachusetts, September 11, 1992.
- “The Humanities and the Future of the Research Library,” Fifth Japan-U.S. Conference on Libraries and Information Science in Higher Education, Tokyo, Japan, October 9, 1992.
- “Cultural Policy and the State: From Kennedy to Clinton,” under the auspices of the Ministry of Cultural Affairs, Wellington, New Zealand, July 5, 1993.
- “Forming Cultural Policy: Reconciling Government and Community Perspectives,” under the auspices of the New Zealand Academy for the Humanities; Wellington, New Zealand, July 7, 1993.
- “Popular Culture Hits (?) the Academy,” under the auspices of the New Zealand Academy for the Humanities, Hamilton, New Zealand, July 8, 1993.
- “Peace and Pluralism Through Knowledge,” Luncheon Address, 16th Annual Meeting of the Fulbright Association, Washington, D.C., October 2, 1993.
- “Research on Philanthropy in the United States: Lessons for International and Comparative Research,” *Voluntas* Foundation Symposium, Paris, October 21, 1993.
- “Restructuring for Liberal Education in the 21st Century,” Conference on Rethinking Liberal Education, sponsored by the American Council of Learned Societies and the Educational Leadership Program of the Christian A. Johnson Endeavor Foundation, held at the American Academy of Arts and Sciences, Cambridge, Massachusetts, April 15, 1994.
- “Liberal Arts Education for the Coming Century,” Commencement Address, University of Puget Sound, Tacoma, Washington, May 14, 1994.
- “The Scholar-Teacher, the University and Society,” Conference on the Politics of Research, Rutgers University, New Brunswick, New Jersey, October 21, 1994.
- “Opening Address,” Bondage, Freedom & the Constitution, Cardozo Law School Conference, New York, New York, February 19, 1995.
- “The Best of Times and the Worst of Times (the state of the Humanities),” Humanities Council, University of Florida, Gainesville, Florida, September 28, 1995.
- “The Emergence of Constitutionalism after the Cold War,” The Second Annual Milton M. Klein Endowment Lecture, University of Tennessee, Knoxville, Tennessee, October 9, 1995.
- “Scholars, Institutions, Educational Policy,” Keynote Address, Association for the Study of Higher Education, Orlando, Florida, November 2, 1995.
- “The Holocaust and the Universities: Teaching and the Liberal Arts,” Conference on “America’s Encounter with the Holocaust: Cultural Perspectives,” co-sponsored by American University, the Scholarly Division of the United States Holocaust Memorial Museum, and the United States Holocaust Research Institute, Washington, D.C., November 8, 1995.
- “History, Law and Politics,” 10th Annual DeBartolo Conference, Tampa, Florida, February 23, 1996.
- “Advocacy and History,” Keynote Address, New Jersey History Issues Convention, New Brunswick, New Jersey, March 23, 1996.
- “The Public Duties of Our Profession,” Presidential Forum, 27th Annual Meeting, American Society for Eighteenth-Century Studies, Austin, Texas, March 30, 1996.
- “History, Politics, and Law: A Personal Journey,” Society of Fellows in the Humanities, Columbia University, New York, New York, April 11, 1996.

- “Scholarship and Public Policy: The Institutional Structure,” Public Lecture, University of Minnesota, Minneapolis, Minnesota, May 13, 1996.
- “The End of the World as We Have Known It,” Commencement Address, Graduate School, Brown University, Providence, Rhode Island, May 27, 1996.
- “What is the Content of Liberal Education?” What Does Liberal Education Offer Civil Society?, Educational Leadership Program (of the Christian A. Johnson Endeavor Foundation) Conference, Budapest, Hungary, October 25, 1996.
- “Morality and Education,” Commencement Address, C.W. Post Campus, Long Island University, Brookville, New York, February 2, 1997.
- “Liberal Education After the Disciplines,” a paper prepared for the Rollins College Colloquy, Toward a Pragmatic Liberal Education: The Curriculum of the 21st Century, Winter Park, Florida, February 14, 1997.
- “The College as Crossroads: Liberal Education at the Century’s End,” lecture at the presidential inauguration, Earlham College, Richmond, IN, 26 March, 1998.
- “Is the United States a Role Model? Does our Constitutional History Provide an Example for Newly Democratizing Societies?,” the Driggs Lecture, University of Minnesota at Morris, 9 April, 1998.
- “Educational Crossroads: Accountability in Colleges and Universities,” University of Colorado at Boulder, 17 April, 1998.
- With Benjamin Gidron, “The International Study of Peace/Conflict Resolution Organizations: Preliminary Findings,” International Research, Ben Gurion University of the Negev, Beer Sheva, Israel, 9 July, 1998.
- “A Computer is not a Typewriter, or, Getting Right with Information Technology in the Humanities,” Digital Directions Lecture Series, University of Virginia, Charlottesville, 5 February 1999.
- “Does Constitutionalism Require Civil Society? And Vice Versa?,” Rorschach Lecture, Rice University, 11 November 1999.
- “Liberal Education, the Modern University, and the 21st Century,” Integrative Studies Institute, Michigan University, East Lansing, MI, 1 December 1999.
- “Constitutionalism, Democracy and Civil Society,” Holden Lecture, University of New Hampshire, Durham, 5 April, 2000.
- “Intellectual Needs Shaping Technical Solutions,” Building Blocks Conference of the National Initiative for a Networked Cultural Heritage (NINCH), Washington, D.C., 23 September 2000.
- “Don’t Confuse a Tool with a Goal: Making Information Technology Serve Higher Education, Rather Than the Other Way Around,” Forum on the Future of Higher Education, Aspen Symposium, Aspen, Colorado, 26 September 2000
- Commencement address, Roosevelt University, Chicago, Illinois, 11 January 2003.
- “What’s Wrong with Higher Education,” Graduate School, University of Wyoming, Laramie, 5 March 2004.
- “The Just University,” University of North Florida, Gainesville, 7 October, 2004.
- “Gun Barrel Democracy? Perspectives on Democratization in Afghanistan and Iraq,” Wayne State University, Detroit, Center for the Study of Citizenship, 14 December 2004.
- “Graduate Education and the Real World: Doing Good by Doing Well,” Convocation, College of Humanities and Social Sciences, George Mason University, Fairfax, Virginia, 15 May 2004
- “Why There’s No ‘Free Lunch’ on the Internet: Two stories from academe,” Specialized Information Publishers Association (SIPA), Washington, DC, 1 June 2008.
- “General Education and Democracy: What Can John Dewey Tell Us?,” Allen Nevins Lecture, Huntington Library, San Marino, CA, 29 January 2009.
- “Why There’s No Free Lunch in Cyberpublishing: Take Two,” Penn State University Libraries, State College, PA, 19 March 2009.
- “Whither Philanthropy: New Problems and New Directions,” Annual Phi Beta Kappa Fellows dinner, New York City, 22 June 2010.
- “What is the ‘new normal’ in higher education?,” Interdisciplinary Humanities Center, University of California, Santa Barbara, 8 November 2010.
- “Can the Liberal Arts College Help to Save Our Democracy?,” Ewing Lecture, Lycoming College,

Williamsport, PA, 3 April 2012.

PUBLICATIONS

- “Newcastle's New York Governors,” New York Historical Society, *Quarterly* LI (1967), pp. 7-24.
- “Looking Backward: The Early History of American Law,” *University of Chicago Law Review* XXXIII (1966), pp. 867-884.
- “The Origins of American Constitutional Thought,” *Perspectives in American History* III (1969), pp. 474-490.
- “Between Scylla and Charybdis: James DeLancey and Anglo-American Politics in Early Eighteenth Century New York,” in A.G. Olson and R.M. Brown (eds.), *Anglo-American Political Relations, 1675-1775*, Rutgers University Press, 1970, pp. 92-108.
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EDITORIAL

- Editor, Oliver Wendell Holmes Devise, *History of the United States Supreme Court* (co-editor with Paul Freund, 1978-89), (1990-).
- Editorial Board, *Common Knowledge* (1991-)(Chair, Editorial Board, 2007-).
- Editorial Board, *Journal on Computing and Cultural Heritage* (2008-)
- Editorial Board, *The Journal of Arts Management, Law and Society* (2006-)
- Associate Editor, *The Journal of Interdisciplinary History* (1970-).
- Editorial Board, *Nonprofit and Voluntary Sector Quarterly (NVSQ)*(1998-)
- Associate Editor, *Reviews in American History* (1973-97).
- Editorial Board, *American Journal of Legal History* (1980-).
- Editorial Board, *Pennsylvania Magazine of History and Biography* (1981-86).

Editorial Board, *Journal of the History of Ideas* (1986-97).
 Editorial Board, *Voluntas* (International Journal of Voluntary and Non Profit Organizations) (1990-96).
 Editorial Board, *William and Mary Quarterly* (1997-), Chair (1998-99)
 Editor, *Studies in Legal History* (1971-75), monographic series published by Harvard University Press in association with the American Society for Legal History. Nine volumes edited.
 Advisory Committee, *Journal of Legal Studies* (1971-78).
 Co-editor (with Morton J. Horwitz, *American Law: The Formative Years* (Arno Press, 1972), 28 vols., reprints of nineteenth century legal treatises.
 Editorial Board, *Continuity and Change* (1985-90).
 Editorial Advisory Board, *Teachers College Record* (1990-95).
 Editorial Board, Rice University Press (2007-10)

CURRENT OFFICES & ACTIVITIES:

Joint Advisory Board, Georgetown University School of Foreign Service-Qatar (2005-)
 Board of Trustees, United Nations Ass. Princeton-Mercer Chapter (2010-)
 Board of Trustees, Philani Fund USA (2008-)
 Princeton AlumniCorps (formerly Princeton Project 55) (2008-)
 Board of Trustees, Jill Sigman Thinkdance (2007-)
 Commissioner, National Historic Publications and Records Commission, National Archives and Records Administration (2005-), Executive Committee (2008-)
 Board of Trustees, International Cultural Property Society (2004-) (Treas., 2005-07) (Pres., 2007-08), (Vice Pres., 2008-)
 Board of Trustees, Policy Development (2002-)
 American Philosophical Society, Library and Research Committees (2002)
 Board of Directors, Copyright Clearance Center, (1997-2010), Director Emeritus (2010-)
 Chair, American Council of Learned Societies/Social Science Research Council Working Group on Cuba, (1996-)
 Member, New Jersey Council for the Humanities, (1996-) (Gubernatorial appointee)
 Member, Council on Foreign Relations, (1994-)
 Board of Directors, Eighteenth Century Short Title Catalogue for North America, Inc., (1992-)
 Life Trustee, The Newberry Library, (1990-)
 Advisory Committee, The Papers of Thomas Jefferson, Princeton University, (1988-)
 Chairman, Board of Trustees, Papers of the Founding Fathers, Inc., (1984-)
 American Historical Association: Vice President, Research Division, (1997-2000); Chairman, Littleton-Griswold Committee (with the American Society for Legal History), (1973-78); Member Research Division, (1976-79), (elected); Member Beveridge Prize Committee, (1981), Committee on Graduate Education in History (2001 -), Chair, Task Force on Intellectual Property (2001-)

OTHER OFFICES & ACTIVITIES

Executive Committee, Society of American Historians (2006-); Chair, Francis Parkman Prize Committee, 2009.
 Advisory Council, Center on Nonprofits and Philanthropy, Urban Institute (1997-)
 Academic Freedom Committee, Human Rights Watch (1994-)
 Board of Overseers, University of Pennsylvania Library (1998-2010)
 Board of Trustees, National History Center (2002-9)
 International Advisory Council, Consortium of Humanities Centers and Institutes (2001-06)
 Research Task Force, Center for Arts and Culture, Washington, D.C. (1998-05)
 Board of Directors, Social Science Research Council, Executive Committee (2001-06)
 Board of Governors, Institute for the International Education of Students (1976-2002).
 Board of Governors, Humanities Research Institute, University of California (1998-2004)
 Board of Directors, National Initiative for a Networked Cultural Heritage (NINCH), (1999-2003), President (1999-2001).

Board of Trustees, Institute for Caribbean and International Studies, St. George's University, Grenada, W.I.

Vice-President, Board of Directors, Friends of the Law Library of Congress, (1992-2003).

Board of Trustees, The National Faculty, (1995-2001).

Supreme Court of New Jersey, Disciplinary Oversight Committee, (1994-01); New Jersey Ethics Commission, (1991-94); Committee on Model Rules of Professional Conduct, (1982-83); Committee on the Sale of Law Practices, (1983-84, 1989).

Southern Methodist University: Board of Trustees, (1988-2000); Executive Board, Dedman College, (1988-94); Executive Board, Law School, (1994-), Executive Board, Library, (1999- ..).

Organization of American Historians: International Committee, (1994-99); Ad Hoc Committee on Access to Lawyers' Files, (1993-); Executive Committee, (1976-79), (elected); Chairman, Executive Secretary Search Committee, (1981); President-elect (1986-87); President (1987-88).

Board of Directors, National Cultural Alliance, (1990-99, Chair, 1997-99).

Council, Institute of Early American History and Culture, Williamsburg, Virginia (1997- 99 , 1990-93, 1974-76).

Board of Directors, Research Libraries Group, (1996-98, 1991-93).

Board of Trustees, Toynbee Prize Foundation, (1994-97), President (1994-97).

Advisory Committee, College of the Humanities, Ohio State University (1996- 98)

Chair, Governing Board, Thesaurus Linguae Graecae, (1991-96).

Independent Sector: Board of Directors, (1989-95); Research Committee, (1983-96, Chair, 1989-93).

Trustee, Supreme Court of the United States Historical Society, (1982-96).

Board of Overseers for the Humanities, Tufts University, (1989-94).

Board of Advisors, Program on Philanthropy and the Law, New York University Law School, (1988-94).

Research Committee, Council on Foundations, (1989-93).

Council on Academic Affairs, The College Board, (1987-96).

Advisory Committee on Special Projects, Center for Advanced Study in the Behavioral Sciences, (1987-98).

Board of Trustees, Historical Society of Pennsylvania, (1987-91).

Board of Trustees, National Constitution Center, (1987-90).

Executive Committee, National Commission on Social Studies, (1987-89).

Advisory Council, The American Trust for the British Library, (1986-96).

Board of Trustees, The Historical Society of the United States District Court for the District of New Jersey, (1986-89).

Advisory Council, Rockefeller Archives, Pocantico Hills, New York, (1983-89).

Program Director, American Bar Foundation, Project in Legal History (Fellowship Competition), (1976-1987).

Council for International Exchange of Scholars (Senior Fulbright Program): American History selection panel, (1975-78); Chairman, (1981-85).

Committee on Philanthropic Organizations, Association of the Bar of the City of New York, (1982-1985).

American Council of Learned Societies: Delegate, American Society for Legal History (1980-84); American Studies Advisory Committee, (1980-83), President (1986-97).

National Endowment for the Humanities State Program: Chairman, Chicago American Issues Forum Committee, (1975-76), Member, New Jersey Committee for the Humanities (1978-84); Vice Chairman (1981-2)

Vice-chairman, American Bar Association Commission on Undergraduate Education in Law and the Humanities (1977-81).

Chairman, Law Center Consultative Committee, University of Massachusetts, (1974-75).

Vice Chair, Board of Directors, Council of American Overseas Research Centers (CAORC), (1991-97); Advisory Board (1988-90).

American Society for Legal History: Chairman, Publications Committee (1985-?); Board of Directors, (1975-80), (elected); Vice-President, (1975-78), (elected); President, (1978-80), (elected).

Board of Directors, The Hong Kong-America Center, (1993-98).

Advisory Board, Center for Electronic Texts in the Humanities (CETH), (1991-97).

Council, American Philosophical Society (2002-8)

Board of Directors, Civic Education Project, (1997- 2007)
 Board of Directors, Center for Creative Communities (formerly
 British American Arts Association), (1991-2007).
 Steering Committee, Lilly Endowment-Princeton University Project on Church and State in the United
 States, (1983-).
 Advisor, Scientific Committee, Fondation H. Dudley Wright, Geneva, Switzerland (2000-6)
 Board of Directors, Rice University Press (2007-9)

HONORS

LL.D. (Hon.) Stockton (N.J.) State College, 1981.
 D.H.L. (Hon.) University of Puget Sound, 1994.
 D.H.L. (Hon.) C.W. Post Campus, Long Island University, 1997.
 D.H.L. (Hon.) Sacred Heart University (Fairfield, CT), 1997.
 D.H.L. (Hon.) The Ohio State University, 1998
 LL.D (Hon.) University of Hartford, 1998
 D.H.L. (Hon.) Roosevelt University (Chicago, IL), 2003
 D.L.A. (Hon.) Ursinus College (Collegeville, PA), 2003
 D.H.L. (Hon.) Dickinson College (Carlisle, PA), 2003

Association of the Comparative History of Institutions and Law of the Socialist Republic of Romania
 (1978).
 Permanent Committee on the Oliver Wendell Holmes Devise (appointed by President Gerald Ford, 1976-
 84).
 American Antiquarian Society (1981), (elected).
 Honorary Fellow, American Society for Legal History (1990).
 Fellow, American Academy of Arts and Sciences (1991), (elected).
 Fellow, Society of American Historians (1991), (elected).
 Corresponding Member, Massachusetts Historical Society (1992) (elected).
 Member, American Philosophical Society (1996) (elected).
 The McCreight Award for Distinguished Service to the Humanities, by the Federation of State Humanities
 Councils (1988).
 Award for Contributions to Research Libraries, Association of Research Libraries (1997)
 Academico Correspondiente, Cuban Academy of Sciences (2005) (elected)
 Troyer-Steele Anderson Award, American Historical Association (for exemplary contribution to the
 advancement of the Association's mission) (2006)
 Roy Rosenzweig Distinguished Service Award, Organization of American Historians (for enriching our
 understanding and appreciation of American history) (2009)
 Annual Fellows Award, *Phi Beta Kappa* (2010)
 National Humanities Medal (awarded by Pres. Obama, 3/2/11)