



THE UNIVERSITY  
of NORTH CAROLINA  
at CHAPEL HILL

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May 12, 2008

President Erskine B. Bowles  
Office of the President  
910 Raleigh Road, CB#9000

Dear President Bowles:

It is my pleasure to submit to you the nomination for appointment to the UNC Press Board of Governors for approval by the UNC Board of Governors. I wish to make the following nominations:

- **ERIC L. MULLER:** Dan K. Moore Distinguished Professor, who is on the faculty of the Law School at UNC-Chapel Hill. Professor Muller will be a new appointment, replacing Professor Motomura who will be resigning from the Press' Board and from the University, effective June 30, 2008, to move to U.C.L.A. Professor Muller will fill out the remainder of Professor Motomura's term, serving until June 30, 2011.

Thank you for your consideration of this request.

Very sincerely,

James Moeser

JM:bl

cc: Joy Kasson, Chair, UNC Press Board of Governors  
Kate Torrey, Director, UNC Press  
Bart Corgnati, Secretary of the University  
Harold Martin, Senior UNC Vice President for Academic Affairs  
John W. Davis, III, Chair, University Governance Committee, UNC Board of Governors

Moeser/pressbog2008

**Eric L. Muller**  
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### Education

Yale Law School, J.D., 1987.  
Brown University, A.B., 1984.

### Employment

University of North Carolina School of Law, Chapel Hill, North Carolina.

- Dan K. Moore Distinguished Professor in Jurisprudence and Ethics, 9/07 – present.
- George R. Ward Professor of Law, 9/03 – 9/07.
- Professor, 7/01 – 9/03; Associate Professor (with tenure), 7/98 - 6/01.
- Chair of Search Committee for Law Library Director, 2006-07; Tenure and Promotion Committee, 2003-04; Appointments Committee, 1999-2003 (subcommittee chair, 2000-02); Admissions Committee, 1998-99, 2005-2006 (chair).
- Recipient of competitive W.N. Reynolds Research Leave, Spring 2005.
- Recipient of the Ruth and Philip Hettleman Prize for Scholarly Achievement by Young Faculty, University of North Carolina at Chapel Hill, November 2000.

Institut de droit comparé Édouard Lambert, Université Lyon 3, Lyon, France.

- Visiting lecturer, March 2001 and March 2005.

University of Wyoming College of Law, Laramie, Wyoming.

- Assistant Professor, 8/94 - 6/98.
- Admissions Committee, 1994-96; Appointments Committee, 1996-97; Dean Search Committee, 1997-98.
- Outstanding Faculty Member in the College of Law, 1997.

United States Attorney's Office, Newark, New Jersey.

- Assistant United States Attorney, 2/90 - 6/94.

Anderson Kill Olick & Oshinsky, New York, New York.

- Member of firm in litigation department, 9/88 - 2/90.

Honorable H. Lee Sarokin, U.S.D.J., Newark, New Jersey

- Law clerk, 9/87 - 9/88.

### Selected Publications

#### *Books and Book Chapters*

- American Inquisition: The Hunt for Japanese American Disloyalty in World War II

(University of North Carolina Press, 2007).

- *Free to Die for their Country: The Story of the Japanese American Draft Resisters in World War II* (University of Chicago Press, 2001; paperback, May 2003; Japanese language edition, 2004). Listed as one of the Washington Post's "Top Nonfiction Titles for 2001." Honorable Mention, Gustavus Myers Book Award for 2002. Reviewed in The Washington Post, USA Today, the Los Angeles Times, the Seattle Times, and the Michigan Law Review's Annual Survey of Books Relating to the Law for 2003.
- "The Nisei Draft Resisters and the Constitution," in *A Matter of Conscience: Essays on the Heart Mountain Draft Resistance Movement*, Mike Mackey, ed., (Western History Publications, 2002).
- "The Minidoka Draft Resisters in a Federal Kangaroo Court," in *Nikkei in the Pacific Northwest: Japanese Americans and Japanese Canadians in the Twentieth Century*, Louis Fiset and Gail Nomura, eds., (University of Washington Press, 2004).
- "Some Comments by a Law Professor," in *Minidoka Revisited: The Paintings of Roger Shimomura* (distributed by Univ. of Washington Press, 2005).

#### *Law Review Articles and Essays*

##### Constitutional Law, Criminal Law, and Criminal Procedure:

- "Fixing a Hole: How the Criminal Law Can Bolster Reparations Theory," 47 Boston College Law Review 659 (2006).
- "Constitutional Conscience," 84 Boston University Law Review 1017 (2004).
- "Where, But for the Grace of God, Goes He? The Search for Empathy in the Criminal Jurisprudence of Clarence Thomas," 15 Constitutional Commentary 225 (1998).
- "The Hobgoblin of Little Minds? Our Foolish Law of Inconsistent Verdicts," 111 Harvard Law Review 771 (1998).
- "Hang on to Your Hats! Terry into the Twenty-First Century," 72 St. John's Law Review 1141 (1998) (symposium essay).
- "Solving the Batson Paradox: Harmless Error, Jury Representation, and the Sixth Amendment," 106 Yale Law Journal 93 (1996).
- "The Virtue of Mercy in Criminal Sentencing," 24 Seton Hall Law Review 288 (1993).
- "The Legal Defense Fund's Capital Punishment Campaign: The Distorting Influence of Death," 4 Yale Law & Policy Review 158 (1985) (student-written article).

### Legal History

- "Judging Thomas Ruffin and the Hindsight Defense," \_\_ North Carolina Law Review \_\_ (forthcoming 2008).
- "The Japanese American Cases: A Bigger Disaster Than We Realized," 49 Howard Law Journal 417 (2006) (symposium article).
- "A Penny for their Thoughts: Japanese American Draft Resistance at the Poston Relocation Center," 68 Law and Contemporary Problems 119 (2005).
- "Foreword" to Symposium entitled "Judgments Judged and Wrongs Remembered: Examining the Japanese American Civil Liberties Cases of World War II on their Sixtieth Anniversary," 68 Law and Contemporary Problems 1 (2005).
- "Betrayal on Trial: Japanese American 'Treason' in World War II," 82 North Carolina Law Review 1759 (2004).
- "Indefensible Internment," Reason, vol. 36, no. 7, December 2004 (book review).
- "Inference or Impact? Racial Profiling and the Internment's True Legacy," 1 Ohio State Journal of Criminal Law 103 (2003).
- "12/7 and 9/11: War, Liberties, and the Lessons of History," 104 West Virginia Law Review 571 (2002) (presented as the Edward G. Donley Memorial Lecture at the West Virginia University College of Law, February 18, 2002).
- "Hyphenated Americans: Judge Louis Goodman and the Japanese American Draft Resisters of World War II," 2/3 CCAR Journal 5 (2002).
- "Apologies or Apologists? Remembering the Japanese American Internment in Wyoming," 1 Wyoming Law Review 473 (2001) (symposium article).
- "All the Themes But One," 66 University of Chicago Law Review 1395 (1999).

### Legal Academia

- "What's in a Name(tag)?" 52 Journal of Legal Education 314 (2002).
- "A New Law Teacher's Guide to Choosing a Casebook," 45 Journal of Legal Education 557 (1995) (article).

### Selected Presentations and Speeches

- Featured Speaker, “American Inquisition,” The Densho Project and the University of Washington, Seattle, Washington, December 9, 2007.
- Featured Speaker, “American Inquisition,” Japanese American National Museum, Los Angeles, California, December 1, 2007 (nationally televised on C-SPAN’s “Book TV”).
- Panelist, “History Lessons for the War on Terror,” University of Southern California, Los Angeles, California, November 30, 2007.
- Featured Speaker, “American Inquisition,” UCLA, Los Angeles, California, November 29, 2007.
- Presenter, "American Inquisition," Rutgers School of Law – Camden, Camden, New Jersey, October 13, 2007.
- Panelist, "Betrayal on Trial," Annual Meeting, American Studies Association, Philadelphia, Pennsylvania, October 12, 2007.
- Featured Speaker, "Civil Liberties in Wartime," College of Southern Idaho, Twin Falls, Idaho, July 7, 2006.
- Commenter on Pamela Karlan's chapter on *Batson v. Kentucky* in "Criminal Procedure Stories," Carol Steiker, ed. (Foundation Press, 2006), conference at Harvard Law School, Cambridge, Massachusetts, April 22, 2006.
- Presenter, President’s Plenary Session, “Wartime Justice and Civil Liberties, American Society for Legal History, Cincinnati, Ohio, November 11, 2005.
- Invited Lecturer, Seeing the Japanese American Internment with the Right and Left Brain, in connection with “Minidoka Revisited: The Paintings of Roger Shimomura,” Lee Art Gallery, Clemson University, Clemson, South Carolina, Sept. 22, 2005.
- Discussant, Workshop on Responses to Perceived Threats in American History, Russell Sage Foundation, New York, New York, March 11, 2005.
- Presenter, A Penny for their Thoughts: Japanese American Draft Resistance at the Poston Relocation Center, Japanese American National Museum, Los Angeles, California, November 6, 2004.
- Panelist, "Interrogation, Detention, and the Powers of the Executive – A Series of Roundtables," Duke Law School, September 17, 2004.
- Presenter, "Betrayal on Trial: Japanese American 'Treason' in World War II," University of Toledo College of Law, September 13, 2004.
- Discussant, "Civil Rights and Public Policy: WWII and Post-9/11," Panel Discussion

sponsored by the Smithsonian Museum's Asian Pacific American Program and the National Japanese American Memorial Foundation, Washington, DC, September 22, 2003.

- Commenter, "Interrogating Race and National Consciousness in the Diaspora," conference sponsored by the Institute of African American Research, University of North Carolina at Chapel Hill, September 17, 2003.
- Testimony at congressional "mock" hearing on Internment and Civil Liberties, convened by Congressman Mike Honda, D-CA, May 21, 2003.
- Presenter, "Looking Like the Enemy: The Japanese American Internment Cases in Perspective," Duke Law School, March 4, 2003.
- Public Lecture, "Inference or Impact? Racial Profiling and the Internment's True Legacy," Clason Lecture Series, Western New England College School of Law, February 11, 2003.
- Public Lecture, 12/7 and 9/11: War, Liberties, and the Lessons of History, Edward G. Donley Memorial Lecture, West Virginia University College of Law, February 18, 2002.
- Panelist, "Civil Liberties Then and Now," Association of American Law Schools Annual Meeting, Constitutional Law Section, New Orleans, Louisiana, January 5, 2002.
- "The Nisei Draft Resisters of World War II," various presentations for the San Diego Public Library, September 4, 2002; the Japanese American National Library, San Francisco, October 5, 2001; Congregation Emanu-El, San Francisco, October 19, 2001; the Humboldt County Historical Society, Eureka, California, October 21, 2001; the Ethnic Studies Department at San Francisco State University, San Francisco, October 22, 2001; the Historical Society of the U.S. District Court for the Northern District of California, San Francisco, October 23, 2001; the Asian American Studies Department at the University of California, Davis, October 24, 2001; the Boalt Hall Asian Pacific Islander Law Student Association, Berkeley, California, October 25, 2001; and the Japanese American National Museum, Los Angeles, October 27, 2001.
- "Constitutional Conscience," presented to the faculties of the Washington & Lee University School of Law, September 30, 2002; University of Southern California Law School, October 5, 2001; Loyola Law School - Los Angeles, October 11, 2001; and the UC Davis School of Law, October 24, 2001; and to the Center for the Study of Law and Society, Berkeley, California, October 25, 2001.
- Panelist, "Integrating Technology into Teaching," Southeastern Association of the AALS, Hilton Head Island, South Carolina, July 21, 2001.
- Featured Speaker, "Workshop on Protest and Resistance: An American Tradition," Heart Mountain Wyoming Foundation, Cheyenne, Wyoming, June 23-25, 2001.
- Public Lecture, "The Japanese American Draft Resisters in a Federal Kangaroo Court,"

Hettleman Lecture, University of North Carolina at Chapel Hill, November 27, 2000.

- Presenter, "The Minidoka Draft Resisters in a Federal Kangaroo Court," Conference on The Nikkei Experience in the Pacific Northwest, University of Washington, May 6, 2000.
- Presenter, "All the Themes but One," Conference of the Southeastern Association of American Law Schools, Hilton Head, South Carolina, July 1999.
- Presenter, "All the Themes but One," Faculty Colloquium, Washington & Lee University School of Law, Lexington, Virginia, February 19, 1999.
- Commenter, "Terry and the Future of Constitutional Criminal Procedure: Into the 21st Century," Conference on Terry v. Ohio: Thirty Years Later, St. John's University School of Law, April 2, 1998.
- Panelist, "Race and the Criminal Jury," Conference on Critical Race Theory, Yale Law School, New Haven, Connecticut, November 15, 1997.
- Presentation, "The Hobgoblin of Little Minds? Our Foolish Law of Inconsistent Verdicts," Faculty Colloquium, University of Colorado School of Law, Boulder, Colorado, October 31, 1997.
- Presentation, "Nuts and Bolts," AALS Workshop for New Law Teachers, Washington, DC, July 25, 1997.

#### Honors and Activities

- Grant Recipient, United States-Japan Foundation, 2004.
- Grant Recipient, California Civil Liberties Public Education Program, 2004-05 and 1999-2000.
- Conference Co-convenor, The Perils of Public Memory: Thomas Ruffin and *State v. Mann* in History and Memory, University of North Carolina at Chapel Hill, November 16, 2007.
- Conference Convenor, Judgments Judged and Wrongs Remembered: Examining the Japanese American Civil Liberties Cases of World War II on their Sixtieth Anniversary, Japanese American National Museum, Los Angeles, California, November 5-6, 2004. Raised over \$60,000 in private donations and grant funds to support this conference.
- Recipient of the Ruth and Philip Hettleman Prize for Scholarly Achievement by Young Faculty, University of North Carolina at Chapel Hill, September 2000.
- Board of Directors, Heart Mountain Wyoming Foundation.
- A.B.A. Site Evaluator, University of Kentucky College of Law, April 7-10, 1999.

- Outstanding Faculty Member in the College of Law, University of Wyoming College of Law, 1997.
- United States Department of Justice Special Achievement Award for Sustained Superior Performance of Duty, 1992.

### Media Appearances

- Television: The O'Reilly Factor (FoxNews), The Big Story with John Gibson (FoxNews), The Abrams Report (MSNBC), WNCN (Raleigh, NC), WTVR (Raleigh, NC), C-SPAN Book TV.
- Radio: "Morning Edition," National Public Radio; "Talk of the Nation," National Public Radio; "The World," Public Radio International; "On the Line with Brian Lehrer," WNYC-FM (New York); "Forum with Michael Krasny," KQED (San Francisco); "Talk of the City with Kitty Felde," KPCC (Los Angeles); "Pacific Time," KQED (San Francisco); "These Days with Tom Fudge," KPBS (San Diego); "On Point," WBUR-FM (Boston); "Radio Times, WHYY (Philadelphia); "The Morning Show," KPFA (Berkeley); "The Morning Show with John Beaupre," KPFK (Los Angeles); "The State of Things," WUNC (Chapel Hill, NC); "The Conversation," KUOW (Seattle); "The Morning Show," WGVU (Grand Rapids, Michigan); "Brad and Britt in the Morning," WZTK (Greensboro, North Carolina); "NewsNow," Voice of America; Good Day USA with Doug Stephan (nationally syndicated talk radio); The BQ View (nationally syndicated talk radio); BattleLine with Alan Nathan (nationally syndicated talk radio); Spires & Krantz, WBT-AM (Charlotte, NC); "Wyoming Today," KUWR (Laramie, Wyoming); The Jason Jarvis Show (nationally syndicated talk show); WTVN-AM (Columbus, Ohio); WSYR-AM (Syracuse, New York).



# Administrative Directory

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