

FRANK EDMUND DEALE

430 Richmond Avenue
Maplewood, New Jersey 07040

Home: 973-763-0101
Work: (718) 340-4377
Date of Birth: April 1, 1952

EDUCATION

University of Pennsylvania Law School
Philadelphia, Pennsylvania
JURIS DOCTORATE awarded May 1979

ANTIOCH COLLEGE
Yellow Springs, Ohio
BACHELOR OF ARTS awarded May 1976

CURRENT EMPLOYMENT

Associate Professor - City University of New York
Of Law School of Law
65-21 Main Street
Flushing, New York 11367

1989 - Present - I teach courses in Civil Rights, Civil Procedure, Federal Courts, Constitutional Law and Lawyering Skills.

WORK EXPERIENCE

Legal Director - Center for Constitutional Rights
666 Broadway, 7th Floor
New York, New York 10012

1988 - 1992 - The Center for Constitutional Rights is a not-for-profit legal and educational organization that conducts litigation and public education in the areas of constitutional law, civil rights, international human rights, labor, environmental, and criminal litigation. As Legal Director I had oversight of CCR litigation, hire students for summer internships, am involved in internal office administration, and pursue a litigation docket.

Associate Legal Director - Center for Constitutional Rights
1986 - 1988 - As Associate Legal Director, I shared the above responsibilities with the then legal director.

Staff Attorney - Center for Constitutional Rights

1979 - 1988 - As a staff attorney I carried a docket of cases being litigated at all levels of the federal and state court system throughout the United States.

Litigation

Labor Union of Pico Korea v. Pico Products, 968 F. 2d 191 (2d Cir. 1992), cert. denied, 113 S.Ct 493 (1992)

Chief counsel for Korean union plaintiffs in case seeking to enforce terms of a collective bargaining agreement against a U.S. multinational corporation which shut down a subsidiary employing the plaintiffs in violation of the agreement.

McCollum v. Smith, 596 F. Supp. 165 (D.D.C., 1984)

Chief Counsel for numerous victims of racially motivated Ku Klux Klan violence in suit alleging that the U.S. Department of Justice improperly limited its prosecutorial jurisdiction over racially motivated crimes.

American Baptist Churches in the U.S.A. v. Meese, 712 F. Supp. 756 N.D. California, 1989)

Co-counsel for 80 churches in suit seeking to enjoin federal prosecution of sanctuary workers and challenging INS refusal to provide asylum to refugees from El Salvador and Guatemala.

Patton v. Thomson, Civ. No. 82-638-N, affirmed, 742 F. 2d 1465 (11th Cir. 1985, cert. denied, 471 U.S. 1005 (1985))

Chief Counsel on appeal for handicapped faculty member in suit against State University seeking Supreme Court review of trial court determination that Rehabilitation Act plaintiffs must prove intentional discrimination.

Butts v. City of New York, 614 F. Supp. 1529 (S.D.N.Y.), reversed, 779 F. 2d 141 (2d Cir. 1984), cert. denied, 478 U.S. 1021 (1986)

Co-counsel on appeal in suit alleging New York State run-off primary statute as applied to specified New York elections violates Voting Rights Act.

Greene v. Gorsuch, 577 F. Supp. 1225 (W.D. Tennessee, 1983), No. 90 6171 (6th Cir.)

Chief Counsel for community health and safety organization in citizen suit under the Clean Water Act seeking to compel to EPA Administrator to assume responsibility for the cleanup of hazardous waste sites in Memphis, Tennessee.

Silk-Nauni v. Fields, 676 F. Supp. 1076 (W.D. Oklahoma, 1987)

Co-counsel on federal habeas corpus review of state conviction of Native American woman for shooting two police officers.

Conyers v. Reagan, 578 F. Supp. 324 (D.D.C.), appeal dismissed on grounds of mootness, 765 F. 2d 1124 (D.C. Cir. 1985)

Co-counsel for Congress members in suit alleging that the invasion of Grenada by U.S. Armed Forces violated the War Powers Clause of the Constitution.

Whalen v. Torchbearer, No. L-53990-80 (New Jersey Sup. Ct. Law Division, Bergen County, 1983)

Chief Counsel for Black community newspaper sued for defamation because of its investigative reporting of Englewood, New Jersey police abuse.

United Presbyterian Church v. Reagan, 557 F. Supp. 61 (D.D.C. 1982), affirmed, 738 F. 2d 1375 (D.C. Cir. 1984)

Co-counsel for numerous religious, political, journalistic and educational organizations in First Amendment challenge to extensive surveillance apparatus established pursuant to Executive Order 12333.

Ostrowski v. Local 1-2 Utility Workers of America, 530 F. Supp. 208 (S.D.N.Y. 1980)

Co-counsel in suit representing rank and file union members disciplined for exercising their rights to freedom of speech, assembly, and association under the Labor Management Reporting and Disclosure Act of 1959.

Dube v. State University of New York, 900 F. 2d 587 (2d Cir. 1990), cert. denied, 111 S. Ct. 2814 (1991)

Co-counsel for plaintiff in suit alleging that tenure was denied to plaintiff professor on the basis of views expressed in classroom that were protected by the First Amendment.

Crockett v. Reagan, 558 F. Supp. 893 (D.D.C. 1983), affirmed, 720 F. 2d 1355 (D.C. Cir. 1983), cert. denied, 467 U.S. 1251 (1984)

Co-counsel for Congress members in suit alleging that the commitment of U.S. advisers and military assistance to the government of El Salvador violated the War Powers Resolution and foreign aid human rights legislation.

Associated Students v. Oregon Investment Council, No. 78-7502 (Civ. Ct. Lane County, Oregon, 1984), No. A 34872 (Oregon Ct. of Appeals)

Co-counsel for numerous amici curiae seeking reversal of trial court determination that University of Oregon resolution requiring divestment of University funds from South Africa was in violation of Prudent Investor Rule.

Employees Retirement System v. Mayor and City Council of Baltimore
Civ. No. 86365065/CE-59858 (Baltimore Circuit Ct., (1987)

Chief counsel for Center for Constitutional Rights amicus curiae in case seeking to uphold Baltimore, Maryland ordinance which required divestment of city monies from businesses which operate in South Africa.

Rivkin v. Rice, Civ. No. 90-1489, on appeal, 91-15476 (9th Cir. 1991)

Co-counsel in case challenging military judicial system that allows military judges to chose which cases they will hear.

Yeshiva University v. National Coalition for Universities in the Public Interest, Civ. No. 90-3576, (S.D.N.Y. 1990)

Co-counsel in defamation suit representing defendant NCUPI which was sued for ads designed to publicize a sex discrimination suit against Yeshiva University.

Baruch College Black and Hispanic Alumni Association v. Baruch College, 835 F. 2d 980 (2d Cir. 1987)

Co-counsel for plaintiffs in suit seeking to mandate college recognition of Black and Hispanic Alumni Association.

KKK v. Giles Countians United, Civ. No. 1-90-0002/0003 (M.D. Tennessee, 1990)

Co-counsel for defendants in suit brought by the Ku Klux Klan against community organizers who succeeded in forcing the enactment of an ordinance preventing Klan marches that were designed to interfere with the celebration of King Day.

Patton v. Howard, Civ. No. 86-D-1122-N, (M.D. Ala. 1986)

Chief counsel for plaintiff in suit against state university for termination of professor's contract for the exercise of free speech activity.

Mereles v. Peralta, Civ. No 24124/89 (Sup. Ct., NY)

Co-counsel in state law tort suit on behalf of Paraguayan exiles against agents of former Paraguayan dictator, Alfredo Stroessner, alleging physical disruption of demonstration on United States soil against the dictator.

Nation Magazine v. U.S. Department of Defense, 762 F. Supp. 1558 (S.D.N.Y. 1991)

Co-counsel on behalf of plaintiff news magazines in suit challenging U.S. military press restrictions during Gulf War.

City of New York v. Finkelmann, Civ. No. 18489/90 (Sup. Ct., NY)

Chief counsel for plaintiff in suit challenging New York Transit Authority regulations that prohibit public speaking on subway trains.

Goosby v. Town Board of Hempstead, Civ. No. 88-2453 (E.D.N.Y. 1988)

Co-counsel for plaintiffs in section 2 Voting Rights Act case challenging at-large electoral scheme for Town Board of Hempstead.

Davis v. City of New Rochelle, Civ. No. 91-1737, (S.D.N.Y. 1991)

Co-counsel for plaintiffs in section 2 Voting Rights Act case challenging at-large electoral scheme for City of New Rochelle.

Omaha Indian Tribe v. Jackson, Civ. No. 87-2942NI (8th Cir.1987)

Chief counsel for amici National Council of Churches in brief arguing that Native American tribe was entitled to hearing in suit claiming that it was being deprived of 4500 acres of land because of inadequate representation by the U.S. Department of Justice.

Pennell v. City of San Jose, 108 S.Ct. 849 (1988)

Chief counsel for Center for Constitutional Rights in amicus curiae brief supporting San Jose rent control ordinance that placed a ceiling on rent increases landlords could charge "hardship" tenants.

Local 93, International Association of Firefighters v. City of Cleveland and Vanguard of Cleveland, 478 U.S. 501 (1986)

Co-counsel for amici curiae seeking to uphold consent decree providing affirmative action hiring and promotion benefits to minority firefighters who were not identifiable victims of past discrimination.

Wygant v. Jackson Board of Education, 476 U.S. 267 (1986)

Co-counsel for amici curiae seeking to uphold collective bargaining agreement provision that protected percentage of minority faculty in public school system from layoff.

Memphis Fire Department v. Stotts, 467 U.S. 561 (1984)

Chief counsel for amici curiae seeking to uphold trial modification of consent decree to prevent layoff of minorities pursuant to affirmative action plan.

Kolender v. Lawson, 461 U.S. 352 (1983)

Chief counsel for Center for Constitutional Rights amicus curiae in brief arguing that a California criminal statute which required persons who walk the streets to provide identification and account for their presence when stopped by police officers was in violation of the Fourth and Fourteenth Amendments.

Rogers v. Lodge, 458 U.S. 613 (1982)

Chief counsel for Center for Constitutional Rights amicus curiae in brief arguing that U.S. District Courts may, in assessing challenges to at-large electoral schemes, consider historical, political, and socio-economic discrimination experienced by minority plaintiffs.

City of Memphis v. Greene, 451 U.S. 100 (1981)

Chief counsel for amicus curiae in brief arguing that plaintiffs seeking to establish a violation of the 13th Amendment need not prove that discrimination is intentional.

Patterson v. McClean, 491 U.S. 164 (1989)

Co-counsel for amicus curiae in brief arguing that 42 U.S.C. 1981 provides a cause of action for workplace racial harassment.

United States Ex Rel. U.S.-Namibia v. Africa Fund, 588 F. Supp. 1350 (S.D.N.Y. 1984)

Co-counsel for defendant Africa Fund in suit seeking to remove Fund's tax-exempt status because of its assistance to the South West Africa People's Organization (SWAPO)

Weinbaum v. Cuomo, Civ. No. 5306/92, S.Ct.N.Y. App. Div. 1st Dept. (1995)

Co-counsel for CUNY faculty, staff and students challenging state mechanism for funding SUNY and CUNY.

EDUCATIONAL

Adjunct Faculty - Rutgers Law School, Newark, New Jersey

Civil Rights - Spring semester, 1986

Civil Liberties - Spring semester, 1987

Civil Liberties - Spring semester, 1988

Adjunct Faculty - City University of New York School of Law at Queens College, Flushing, New York

House Counselor and Lawyering Seminar, "Constitutional Litigation as Process," Spring semester, 1989

Equality Concentration, Fall, 1989; Fall, 1991; Fall 1992

Federal Courts, Spring, 1990; Fall 1990; Spring 1992; Spring 1993

House Counselor, 1993

In Summer, 1985, presented a paper on the applicability of Filartiga v. Pena, 630 F. 2d 876 (2d Cir. 1980) to Namibian political prisoners at the Second Annual Hope Stevens Memorial Conference, sponsored by the National Conference of Black Lawyers and held at Harvard Law School. Also presented a paper, ("The Use of Domestic Law to Stop Unilateral Executive Branch War-Making") at the First Annual Hope Stevens Memorial Conference held in Philadelphia, Pennsylvania.

Presented a paper ("The Role of Federal Courts in Enforcing U.N. Security Council Resolutions") at a United Nations Conference on the Status of South Africa and Namibia, held in Vienna, Austria in May of 1980.

Have discussed legal issues and Supreme Court nominees for numerous television stations, radio programs, and political gatherings including talks at the law schools at Cornell, Rutgers, the State University of New York at Buffalo, Seton Hall, and have addressed student faculty groups at Massachusetts Institute of Technology, Bryn Mawr College and Temple University. Have also served on Moot Court panels at Cardozo and St. John's Law School and have judged the semi-finals of the Frederick Douglas Moot Court completion at Rutgers.

Worked closely with Professor Arthur Kinoy of Rutgers on testimony delivered before the Subcommittee on Crime of the House Judiciary Committee on the responsibility of the U.S. Department of Justice to bring actions against the perpetrators of racially motivated violence.

Presented paper on case for which I served as counsel, Labor Union of Pico Korea v. Pico Products, 968 F. 2d 191 (2d Cir. 1992), cert. denied, 113 S.Ct 493 (1992) at Yale Law School Conference on International Labor Rights in March, 1992.

PUBLICATIONS

"Affirmative Action: Unresolved Questions Amidst A Changing Judiciary" 18 New York University Review of Law and Social Change 81 (1990-1991)

"Martin v. Wilks" 7 New York Law School Journal of Human Rights 83 (1990)

"The Left v. the Law: Interview with the Editor of Socialist Review" 21 Socialist Review 31 (1991)

Contributing author to Socialist Review Symposium, "I Never Promised You a Rose Garden: Will Democrats in the White House Make A Difference?" 22 Socialist Review 36 (1992)

"Application of 1983 to Employment Discrimination," in Rossein, "Employment Discrimination: Law and Practice" (1994)

"Affirmative Action and Human Rights," 6 International Policy Review 76 (1996)

"The Pico Case: Testing International Labor Rights in U.S. Courts," in, Compa and Diamond, "Human Rights, Labor Rights and International Trade" (1996)

"The Unhappy History of Economic Rights in the United States and Prospects for Their Creation and Renewal," 43 Howard. L. Journal 281 (2000).

"The New Federalism & State Immunity, 58 Guild Practitioner 42 (2001).

"Affirmative Action and International Law", in Samuel L. Myers, Jr. and Bruce P. Corrie, Racial and Ethnic Inequality: An International Perspective, 2006

AWARDS

Joint Recipient of "Certificate of Honor" from the City and County Board of Supervisors of the City of San Francisco, 1991

Joint Recipient of "Carol King Award" from the National Immigration Project of the National Lawyers Guild, 1991

Joint Recipient of "Jack Wasserman Memorial Award" from the American Immigration Lawyers Association, 1991

"Distinguished Teaching Award" from the class of 1995, CUNY School of Law, May 1995.

"Outstanding Professor Award" from class of 2007, CUNY School of Law May. 2007

OTHER EMPLOYMENT

Staff Assistant - Hon. Harry A. Blackmun, Associate Justice
Supreme Court of the United States
1 1st Street, N.E.
Washington, D.C. 20543

October Term, 1975 - was responsible for the Justice's Conference books that contain memoranda on the Court's pending cases.

INTERNSHIPS

Student Intern - Kairys, Rudovsky, and Maguigan
1425 Walnut Street
Philadelphia, Pennsylvania

Summer, 1977, 1978 - worked extensively on case, Gould Corporation, 237 N.L.R.B. 881 enforcement denied, 612 F. 2d. 728 (3rd Cir. 1079) where the firm represented a shop steward who was punished more severely than other union participants for taking part in a work stoppage in violation of a no strike clause.

Student Intern - Project on Corporate Responsibility
Washington, D.C.

Spring, Summer 1974 - worked at public interest law firm specializing in maintaining "proxy contests" and shareholder derivative suits to bring about social change in the corporate community.

Student Intern - Archives of Institutional Change
Washington, D.C.

Spring, Summer, 1973 - subscription manager of Archive's journal, "Prometheus," which published articles on educational innovations.

Student Intern - Workers Defense League

New York, New York

1971-1972 - worked as draft counselor during the Vietnam War.

BAR MEMBERSHIPS

Supreme Court of the United States

U.S. Court of Appeals for the D.C. Circuit

U.S. Court of Appeals for the 2nd Circuit

U.S. Court of Appeals for the 6th Circuit

Supreme Court of Pennsylvania

REFERENCES

Available upon request