

DIANE H. MAZUR

Professor of Law
Gerald A. Sohn Research Scholar
University of Florida Levin College of Law
P.O. Box 117625
Gainesville, FL 32611

(352) 273-0953
mazur@law.ufl.edu

ACADEMIC EMPLOYMENT

University of Florida Levin College of Law
Research Foundation Professor of Law, 2003-06
Professor of Law, 1999-
Associate Professor of Law, 1997-99
Assistant Professor of Law, 1994-97

University of California, Hastings College of the Law
Visiting Professor of Law, 2000-01

University of Chicago Law School
Bigelow Teaching Fellow and Lecturer in Law, 1993-94

TEACHING AND RESEARCH SPECIALTIES

Courses: Evidence; Professional Responsibility; Constitutional Law;
Seminar in Civil-Military Relations; Seminar in Advanced Evidence

University of Florida "TIP" Teaching Award (1998), a university-wide
recognition for excellence in teaching

Areas of Research: Civil-military relations under the Constitution; civilian control of the
military; military law; military service

EDUCATION

University of Texas, J.D. 1988, with High Honors
Review of Litigation; Teaching Quizmaster

Penn State University, M.S. 1979, Sport Psychology

State University of New York at Binghamton, B.A. 1977, Psychology

PUBLICATIONS

Books

A MORE PERFECT MILITARY: HOW THE CONSTITUTION CAN MAKE OUR MILITARY STRONGER

Oxford University Press (forthcoming August 2010)

Articles, Chapters, and Reports

SECRETARY OF DEFENSE AUTHORITY TO IMPLEMENT “DON’T ASK, DON’T TELL” IN A MANNER CONSISTENT WITH NATIONAL SECURITY

Palm Center, University of California, Santa Barbara (July 2009)

Presidential Authority to Suspend Discharges for Homosexual Conduct and Draft Executive Order Suspending Discharges for Homosexual Conduct, in Aaron Belkin, et al., HOW TO END “DON’T ASK, DON’T TELL”: A ROADMAP OF POLITICAL, LEGAL, REGULATORY, AND ORGANIZATIONAL STEPS TO EQUAL TREATMENT

Palm Center, University of California, Santa Barbara (May 2009)

Military Law, in LAW AND POPULAR CULTURE: TEXT, NOTES, AND QUESTIONS

Matthew Bender/LexisNexis (2007)

Military Values in Law

14 DUKE J. GENDER L. & POL’Y 977 (2007)

A Blueprint for Law School Engagement with the Military

1 J. NAT’L SEC. L. & POL’Y 473 (2005) (faculty-refereed journal)

The Bullying of America: A Cautionary Tale About Military Voting and Civil-Military Relations

4 ELECTION L.J. 105 (2005) (faculty-refereed journal)

Is “Don’t Ask, Don’t Tell” Unconstitutional After Lawrence? What It Will Take to Overturn the Policy

15 U. FLA. J.L. & PUB. POL’Y 423 (2004)

Why Progressives Lost the War When They Lost the Draft

32 HOFSTRA L. REV. 553 (2003)

Rehnquist’s Vietnam: Constitutional Separatism and the Stealth Advance of Martial Law

77 IND. L.J. 701 (2002)

Word Games, War Games

98 MICH. L. REV. 1590 (2000)

Sex and Lies: Rules of Ethics, Rules of Evidence, and Our Conflicted Views on the Significance of Honesty

14 NOTRE DAME J.L. ETHICS & PUBLIC POL'Y 679 (2000)

Book Review, Proud to Be

26 ARMED FORCES & SOC'Y 670 (2000)

A Call to Arms

22 HARV. WOMEN'S L.J. 39 (1999)

Women, Responsibility, and the Military

74 NOTRE DAME L. REV. 1 (1998)

Re-Making Distinctions on the Basis of Sex: Must Gay Women Be Admitted to the Military Even if Gay Men Are Not?

58 OHIO ST. L.J. 953 (1997)

The Beginning of the End for Women in the Military

48 FLA. L. REV. 461 (1996)

The Unknown Soldier: A Critique of "Gays in the Military" Scholarship and Litigation

29 U.C. DAVIS L. REV. 223 (1996)

Indemnification of Directors in Actions Brought Directly by the Corporation: Must the Corporation Finance Its Opponent's Defense?

19 J. CORP. L. 201 (1994)

Winning Foreclosures by Summary Judgment: Defeating Borrower Counterclaims as a Matter of Law

N.M. BAR BULLETIN, Oct. 22, 1992 (First Place, New Mexico State Bar Legal Writing Contest)

Self-Publication of Defamation and Employee Discharge

6 REV. LITIG. 313 (1987) (Outstanding Note Award)

Published Remarks

Don't Ask, Don't Tell: The Contours of Judicial Deference to Military Personnel Policies

14 DUKE J. GENDER L. & POL'Y 1173, 1230-31, 1238-40, 1253 (2007) (Harvard Law School Gay and Lesbian Legal Advocacy Conference, Mar. 3, 2007)

"Rum, Sodomy, and the Lash": What the Military Thrives on and How It Affects Legal Recruitment and Law Schools

14 DUKE J. GENDER L. & POL'Y 1143, 1159-61, 1163-64, 1167-69 (2007)
(Lavender Law Conference, National Lesbian and Gay Law Association, Sept. 9, 2006)

Don't Ask, Don't Tell: Is the Gay Ban Based on Prejudice or Military Necessity?
DON'T ASK, DON'T TELL: DEBATING THE GAY BAN IN THE MILITARY 130, 144-48, 151-52 (Aaron Belkin & Geoffrey Bateman eds., 2003) (Commonwealth Club of California and the University of California, Santa Barbara, Dec. 9, 2000)

Editorials

Military, Politics Need to Keep Their Distance
Atlanta Journal-Constitution, May 5, 2004

Draft May Be Needed to Rein in All-Powerful Military; Separate Society Squelches Debate on National Policy
Chicago Tribune, Dec. 28, 2003

PRESENTATIONS

“Do the President and Congress Share Authority Over Military Personnel Policy?”
American Constitution Society, Constitution Day Remarks, University of Florida College of Law, Sept. 17, 2009

“The Practical Implications of Repealing Don't Ask, Don't Tell and Implementing Open Service,” National LGBT Bar Association, Sept. 12, 2009

“A More Perfect Military” (presentation to faculty) and “Suspending ‘Don't Ask, Don't Tell’ by Executive Order” (presentation to students), Stetson Law School, Apr. 1, 2009

“Breaking the Brass Ceiling: Legal Rights and Remedies for Women in the Armed Forces,” Harvard Law School, Mar. 6, 2009

“From FAIR (v. Rumsfeld) to Equal: The Top Five Things Law Students Can Do to Address the Discrimination Inherent in the Solomon Amendment,” Lavender Law Conference, National Lesbian and Gay Law Association, Sept. 4, 2008.

Moderator for the “The Great Torture Debate,” sponsored by the Federalist Society, University of Florida College of Law, Mar. 3, 2008

“Military Law in Film and Television,” Law and Popular Culture Symposium, Marquette University Law School, Nov. 1, 2007.

“The Military Commissions Act of 2006, Access to Courts, and the Latest Round of Detainee Litigation,” Southeastern Association of Law Schools (SEALS) Annual Meeting, Aug. 2, 2007.

“Recent Developments on Don't Ask, Don't Tell,” Faculty Enrichment Series, University of Florida College of Law, Mar. 7, 2007.

“Don’t Ask, Don’t Tell: The Contours of Judicial Deference to Military Personnel Policies,” Gay and Lesbian Legal Advocacy Conference, Harvard Law School, Mar. 3, 2007 (remarks published in 14 DUKE J. GENDER L. & POL’Y 1173, 1230-31, 1238-40, 1253 (2007)).

“The National Guard, Border Patrol, and the Constitution,” Symposium on Immigration Law sponsored by the American Constitution Society, Caribbean Law Students Association, and Military Law Students Association, University of Florida College of Law, Nov. 14, 2006.

“Judge Advocates General Under Don’t Ask, Don’t Tell: Should Gays Be Allowed to Serve in the Military, and If Not, Should You Serve?,” *Rumsfeld v. FAIR* Forum, Yale Law School, Oct. 6, 2006.

“Rum, Sodomy, and the Lash: What the Military Thrives on and How It Affects Legal Recruitment and Law Schools,” Plenary Panel Discussion, Lavender Law Conference, National Lesbian and Gay Law Association, Sept. 9, 2006 (remarks published in 14 DUKE J. GENDER L. & POL’Y 1143, 1159-61, 1163-64, 1167-69 (2007)).

“*Rumsfeld v. FAIR* and the Limits of Expressive Association,” Symposium on the Solomon Amendment, Boston College Law School, Nov. 11, 2005.

“The Solomon Amendment, Expressive Association, and the U.S. Supreme Court,” Plenary Panel Discussion, Lavender Law Conference, National Lesbian and Gay Law Association, Oct. 29, 2005.

“Human Resource Challenges in the Armed Forces,” Panel Presenter and Commentator, Biennial International Conference of the Inter-University Seminar on Armed Forces and Society, Oct. 23, 2005.

“The All-Volunteer Military and Civil-Military Relations,” Service Academy Club of Gainesville, Apr. 21, 2005.

“The Theory and Politics of Suits Against the Department of Defense for its Enforcement of the Solomon Amendment,” Association of American Law Schools (AALS) Annual Meeting, Jan. 5, 2005.

“Is Don’t Ask, Don’t Tell Unconstitutional After *Lawrence*?,” Lambda Legal Alliance Law and Policy Conference, University of Florida College of Law, Jan. 24, 2004.

“Solomon’s Minefield: Military Discrimination After *Lawrence* and the Coming Fight Over Forced On-Campus Recruiting,” Harvard Law School, Oct. 11, 2003.

“Don’t Ask, Don’t Tell: Ten Years Later,” Hofstra University School of Law, Sept. 19, 2003.

“Minorities and the Military: Past, Present, and Future,” Center for the Study of Race and Race Relations, University of Florida College of Law, Nov. 14, 2002.

“New Perspectives on American Military Legal History, 1950-2000: Travails, Trials, and Tribulations,” Panel Commentator, American Society for Legal History Annual Meeting, Nov. 8, 2002.

“Law and Armed Forces,” Panel Chair, Biennial International Conference of the Inter-University Seminar on Armed Forces and Society, Oct. 20, 2001 (refereed paper presented).

“Legal Implications of the Attack on America,” University of Florida College of Law, Sept. 26, 2001.

“Don’t Ask, Don’t Tell,” University of California, Hastings College of the Law, Mar. 21, 2001.

“Don’t Ask, Don’t Tell: Is the Gay Ban Based on Prejudice or Military Necessity?,” Commonwealth Club of California and the University of California, Santa Barbara, Dec. 9, 2000 (remarks published in *DON’T ASK, DON’T TELL: DEBATING THE GAY BAN IN THE MILITARY* 130, 144-48, 151-52 (Aaron Belkin & Geoffrey Bateman eds., 2003)).

“The United States Military in the New Millennium,” Center on Law, Ethics, and National Security, Duke University School of Law, April 13, 2000.

“Policing Gender: The Military,” Association of American Law Schools (AALS) Annual Meeting, Jan. 8, 2000.

“Legal Ferment in Civil-Military Relations,” Biennial International Conference of the Inter-University Seminar on Armed Forces and Society, Oct. 23, 1999 (refereed paper presented).

“Choosing Heroes: Rules of Ethics, Rules of Evidence, and Our Conflicted Views on the Significance of Honesty,” Faculty Enrichment Series, University of Florida College of Law, Apr. 5, 1999.

“Commemorating the 50th Anniversary of the Uniform Code of Military Justice,” College of William & Mary, Marshall-Wythe School of Law, Feb. 25, 1999.

“New Directions for Gay Rights Advocacy in the 21st Century,” Association of American Law Schools (AALS) Annual Meeting, Jan. 8, 1999.

“The Current Crisis of Military Sexual Misconduct,” Center for Women's Studies and Gender Research Colloquium Series, University of Florida, Nov. 5, 1997.

“The Beginning of the End for Women in the Military,” Law Faculty Symposium, University of Florida College of Law, Oct. 24, 1997.

“Women, Responsibility, and the Military,” Law Association for Women, University of Florida College of Law, Oct. 16, 1997.

“Legal Feminism and Military Women,” Faculty Enrichment Series, University of Florida College of Law, Feb. 14, 1997.

“Counterproductive Legal Scholarship,” Presentation to the UC Davis Law Review, UC Davis School of Law, Mar. 12, 1996.

“The Unknown Soldier,” Law Association for Women, University of Florida College of Law, Nov. 9, 1995.

ACADEMIC SERVICE

National Legal Organizations

Legal Co-Director & Affiliated Scholar, Michael D. Palm Center
Research institute for the empirical and legal study of “Don’t Ask, Don’t Tell,”
University of California, Santa Barbara

Advisory Board, National Institute of Military Justice
Scholarly organization for advancing the fair administration of military justice
and public understanding of the military justice system

Executive Committee, Section on National Security Law
Association of American Law Schools

Faculty Affiliate, Simon Center for the Professional Military Ethic
U.S. Military Academy at West Point

Publications Review

Senior Editor, *Journal of National Security Law and Policy*

Reviewer for University of North Carolina Press, Aspen Publishers, and *Armed Forces & Society*, an interdisciplinary journal of the Inter-University Seminar on Armed Forces and Society

Student Organizations

Faculty Co-Advisor, University of Florida Military Law Students Association

***Amici Curiae* in Military Law Cases**

Rasul v. Meyers, Brief of the National Institute of Military Justice and Military Law and History Scholars (U.S. Supreme Court Sept. 24, 2008) (explaining that legal immunity for military commanders who authorize or condone torture or inhumane treatment undermines long-standing principles of military law and tradition).

Cook v. Rumsfeld, Brief of Law Professors as *Amici Curiae* in Support of Appellants (1st Cir. Nov. 22, 2006) (explaining that the doctrine of judicial deference on military matters does not prevent courts from evaluating the constitutionality of Don't Ask, Don't Tell").

In re Iraq and Afghanistan Detainees Litigation, Brief *Amici Curiae* of Concerned Retired Military Officers and Military Law and History Scholars in Support of Plaintiffs' Consolidated Opposition to Defendants' Motions to Dismiss (D.D.C. May 25, 2006) (explaining that enforcement of the prohibition against torture would not interfere with the efficiency of military command or the prosecution of war).

Rasul v. Rumsfeld, Brief *Amici Curiae* of Retired Military Officers, Military Law and History Scholars and the National Institute for Military Justice in Support of Plaintiffs-Appellants and Urging Reversal (D.C. Cir. Jan. 15, 2006) (explaining that as a matter of military law, tradition, and ethics, torture is not a foreseeable consequence of the detention of suspected enemy combatants and should not be considered incidental to the duties of military officials).

Hamdan v. Rumsfeld, Brief of Military Law Historians, Scholars, and Practitioners (Military Commissions and the Articles of War) (U.S. Supreme Court Jan. 6, 2006) (explaining that procedures for trial of detainees by military commission are unlawful under the Uniform Code of Military Justice).

United States v. Marcum, Consultant for Servicemembers Legal Defense Network in drafting the appellant's brief filed in *United States v. Marcum*, a 2004 decision by the U.S. Court of Appeals for the Armed Forces (holding that the liberty to engage in sexual intimacy affirmed by the U.S. Supreme Court in *Lawrence v. Texas* also applied to military personnel)

PRIVATE PRACTICE

Associate, Modrall Law Firm, Albuquerque, New Mexico, 1988-92

General civil practice in a firm of 70 lawyers, concentrating in the areas of antitrust, bankruptcy, commercial and corporate law, lender liability, real property, and securities law

MILITARY SERVICE

United States Air Force, Captain, 1979-83

Aircraft maintenance officer for a bomber and tanker squadron in North Dakota;
munitions maintenance officer for a weapons storage area in Turkey