

Committee on Energy and Commerce
U.S. House of Representatives
 Witness Disclosure Requirement - "Truth in Testimony"
 Required by House Rule XI, Clause 2(g)

1. Your Name: <i>Stuart M. Benjamin</i>		
2. Are you testifying on behalf of the Federal, or a State or local government entity?	Yes	No <input checked="" type="checkbox"/>
3. Are you testifying on behalf of an entity that is not a government entity?	Yes	No <input checked="" type="checkbox"/>
4. Other than yourself, please list which entity or entities you are representing: <i>None</i>		
5. Please list any Federal grants or contracts (including subgrants or subcontracts) that you or the entity you represent have received on or after October 1, 2011: <i>None</i>		
6. If your answer to the question in item 3 in this form is "yes," please describe your position or representational capacity with the entity or entities you are representing:		
7. If your answer to the question in item 3 is "yes," do any of the entities disclosed in item 4 have parent organizations, subsidiaries, or partnerships that you are not representing in your testimony?	Yes	No
8. If the answer to the question in item 3 is "yes," please list any Federal grants or contracts (including subgrants or subcontracts) that were received by the entities listed under the question in item 4 on or after October 1, 2011, that exceed 10 percent of the revenue of the entities in the year received, including the source and amount of each grant or contract to be listed:		
9. Please attach your curriculum vitae to your completed disclosure form.		

Signature



Date:

7/9/13

Stuart Minor Benjamin
Duke University School of Law



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- EDUCATION**
- YALE LAW SCHOOL, J.D., 1991**
Yale Law Journal, Volume 100: Book Review Editor
- YALE COLLEGE, B.A., *Summa Cum Laude*, History, 1987**
Phi Beta Kappa
Alice Derby Lang Prize for the best senior essay in classical studies
- EMPLOYMENT**
- Fall 2003–present **DUKE UNIVERSITY SCHOOL OF LAW: Douglas Blount Maggs Professor of Law**
Teaching and Research Areas:
Telecommunications Law
Administrative Law
First Amendment
Law and Technology
Native American Law
- 2009–2011 **FEDERAL COMMUNICATIONS COMMISSION: Distinguished Scholar**
Served as the inaugural distinguished scholar, developing long-range initiatives and advising the Chairman
- 2001–2003 **UNIVERSITY OF TEXAS SCHOOL OF LAW: Rex G. & Edna Baker Professor in Constitutional Law**
- 1997–2001 **UNIVERSITY OF SAN DIEGO SCHOOL OF LAW: Associate Professor**
- Spring 2001 **UNIVERSITY OF TEXAS SCHOOL OF LAW: Visiting Associate Professor**
- Fall 2000 **UNIVERSITY OF PENNSYLVANIA LAW SCHOOL: Visiting Associate Professor**
- 1996–1997 **PROFESSOR LAURENCE TRIBE, HARVARD LAW SCHOOL: Associate**
Drafted appellate briefs and revisions to Constitutional Law treatise
- 1995–1996 **JUSTICE DAVID H. SOUTER, UNITED STATES SUPREME COURT: Law clerk**
- 1992–1995 **UNITED STATES DEPARTMENT OF JUSTICE, OFFICE OF LEGAL COUNSEL:**
Attorney-advisor
Drafted legal opinions and provided legal advice to the Executive Branch on questions of federal statutory and constitutional law; reviewed proposed legislation for constitutionality; briefed and argued *Applegate v. United States*, 25 F.3d 1579 (Fed. Cir. 1994), a takings case

- Fall 1992 **LEGAL RESOURCES CENTRE**, Port Elizabeth, South Africa: Staff attorney
Assisted in trial preparations for a major land claim on behalf of the Mfengu of Tsitsikamma, who were removed from their land in 1977
- 1991–1992 **JUDGE WILLIAM C. CANBY, JR., UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT**, Phoenix, Arizona: Law clerk
- Summer 1991 **UNITED STATES DEPARTMENT OF JUSTICE, ENVIRONMENT DIVISION, APPELLATE SECTION**: Summer law clerk
Wrote the United States’ brief in *Wyoming ex rel. Sullivan v. Lujan*, 969 F.2d 877 (10th Cir. 1992), a standing case
- 1987–1988 **WUHAN URBAN DESIGN INSTITUTE**, Hubei, China: Instructor
Taught English to students in a Chinese university and studied Mandarin
- Summer 1986 **BLACK SASH**, Johannesburg, South Africa: Caseworker
Served as a caseworker advising black South Africans on their rights and remedies in areas including immigration, labor and housing
- 1984–present **STARMOUNT COMPANY**, Greensboro, North Carolina: Chair of the Board
Direct the operations of a privately held real estate company

PUBLICATIONS

- Books **TELECOMMUNICATIONS LAW AND POLICY** (3rd ed. 2012, 2nd ed. 2006, 1st ed. 2001, and annual supplements) (with coauthors)
- Major Articles *Algorithms and Speech*, 161 **UNIVERSITY OF PENNSYLVANIA LAW REVIEW** 1445 (2013)
- Standing the Test of Time: The Breadth of Majority Coalitions and the Fate of U.S. Supreme Court Precedents*, 4 **JOURNAL OF LEGAL ANALYSIS** 445 (2012) (with Bruce Desmarais)
- Bootstrapping*, 75 **LAW & CONTEMPORARY PROBLEMS** 115 (2012)
- Transmitting, Editing, and Communicating: Determining What “The Freedom of Speech” Encompasses*, 60 **DUKE LAW JOURNAL** 1673 (2011)
- Fixing Innovation Policy: A Structural Perspective*, 77 **GEORGE WASHINGTON LAW REVIEW** 1 (2009) (with Arti Rai)
- Tennis with the Net Down: Administrative Federalism Without Congress*, 57 **DUKE LAW JOURNAL** 2111 (2008) (with Ernest Young)
- Who’s Afraid of the APA? What the Patent System Can Learn from Administrative Law*, 95 **GEORGETOWN LAW JOURNAL** 269 (2007) (with Arti Rai)

Evaluating E-Rulemaking: Public Participation and Political Institutions, 55 **DUKE LAW JOURNAL** 893 (2006)

Evaluating the FCC's National Television Ownership Cap: What's Bad for Broadcasting Is Good for the Country, 46 **WILLIAM & MARY LAW REVIEW** 439 (2004)

Spectrum Abundance and the Choice Between Private and Public Control, 78 **NEW YORK UNIVERSITY LAW REVIEW** 2007 (2003)

The Logic of Scarcity: Idle Spectrum as a First Amendment Violation, 52 **DUKE LAW JOURNAL** 1 (2002) (selected for presentation at the 2002 Stanford/Yale Junior Faculty Forum in the category of Constitutional Law — Theoretical Foundations)

Proactive Legislation and the First Amendment, 99 **MICHIGAN LAW REVIEW** 281 (2000)

Stepping into the Same River Twice: Rapidly Changing Facts and the Appellate Process, 78 **TEXAS LAW REVIEW** 269 (1999)

Equal Protection and the Special Relationship: The Case of Native Hawaiians, 106 **YALE LAW JOURNAL** 537 (1996)