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NATHAN LEWIN

Nathan Lewin has engaged in trial and appellate litigation in federal courts for more than 55 years. He currently practices law together with his daughter, Alyza D. Lewin, at Lewin & Lewin, LLP. Lewin was a founding partner of Miller, Cassidy, Larroca & Lewin, one of the nation's foremost litigation "boutiques" for more than thirty years. While in government service in the Kennedy and Johnson administrations, he served as Deputy Assistant Attorney General in the Civil Rights Division of the Department of Justice, and, before that, as Deputy Administrator of the Bureau of Security and Consular Affairs (the rank of Deputy Assistant Secretary of State) in charge of visa, passport and other consular matters at the Department of State. Between 1963 and 1967, Lewin was an Assistant to the Solicitor General in the Department of Justice under Solicitors General Archibald Cox and Thurgood Marshall. During this time he argued, for the United States, twelve cases before the Supreme Court. In private practice he has argued in the Supreme Court another sixteen times, for a total of 28 arguments in the Supreme Court. His Supreme Court cases have included the representation of banks and other commercial interests, as well as criminal cases and issues of constitutional law.

Lewin received a B.A. degree from Yeshiva College, *summa cum laude*, in 1957. His government service began after his graduation, *magna cum laude*, from Harvard Law School in 1960, where he was Treasurer of the *Harvard Law Review*. He was law clerk to Chief Judge J. Edward Lumbard of the United States Court of Appeals for the Second Circuit (1960-61), and then law clerk to Associate Justice John M. Harlan of the Supreme Court of the United States (1961-62).

Lewin has also taught at leading national law schools. In the 1970's he was an Adjunct Professor of Constitutional Law at Georgetown Law School. In 1974-1975 he was Visiting Professor at the Harvard Law School, teaching Advanced Constitutional Law (First Amendment Litigation) and the first formal course ever given in a national law school on the subject of "Defense of White-Collar Crime." He also taught a seminar on Appellate Advocacy. In 1994, Lewin gave a semester-long seminar on "Religious Minorities in Supreme Court Litigation" at the University of Chicago Law School and taught that seminar at Columbia Law School from 1996 to 2018. He also taught a course in Jewish Civil Law at George Washington University Law School for several years. He was a Contributing Editor to *The New Republic*, a weekly magazine of opinion published in Washington, D.C., where he commented on Supreme Court decisions and other legal subjects between 1970 and 1981. His articles on the law and on the Supreme Court have appeared in various newspapers and periodicals.

Lewin was recognized by the DC Legal Times as one of "Washington's Greatest Lawyers of the Past 30 Years" and was ranked Number 2 of Washington's Best Lawyers by the *Washingtonian*. He has been voted one of *America's Best Lawyers* for 30 years, and was included in the 2019 edition of that volume in four distinct practice categories, including Appellate Litigation, Defense of White-Collar Crime, and First Amendment Litigation. He is a member of

the Bar of every Circuit United States Court of Appeals and has argued at least one appeal in each of the Circuits. Lewin's individual clients have included Attorney General Edwin Meese, III, former president Richard Nixon, actress Jodie Foster, musician John Lennon, Israeli Prime Minister Binyamin Netanyahu, nursing home owner Bernard Bergman, Congressman George Hansen, Teamsters president Roy Williams, and Israeli war hero Aviem Sella.

In May 2000 Lewin initiated the first lawsuit under a 1992 federal law giving American citizens who are the victims of terrorism a right to collect damages from those responsible for terrorist acts. On behalf of parents of a 17-year-old killed by Hamas terrorists in Israel, he sued U.S. charities that were providing financial and other support to Hamas. The position taken in his lawsuit was approved by the United States Court of Appeals for the Seventh Circuit in a decision that is now a landmark case on the liability of financiers of terrorism. In December 2001, President Bush directed the seizure of the assets of the Holy Land Foundation, which was the principal defendant in Lewin's lawsuit. A Chicago jury returned a verdict of \$52 million against the defendants in that lawsuit, which was trebled under the federal statute for a total judgment of \$156 million. The defendants declared bankruptcy and claimed that they ceased operations. Lewin & Lewin has filed a lawsuit against the alter egos of the defendants to recover unpaid damages for the plaintiff family.

Lewin has defended the process of kosher slaughter in court and the constitutionality of New Jersey's and New York's kosher enforcement law. He has also defended (against constitutional challenge) and won in a federal court of appeals and in New York's Appellate Division the right of communities in New Jersey and New York to construct an *eruv*. He also won a federal appeal entitling the Young Israel of Bal Harbour, Florida, to conduct services over the opposition of local zoning authorities. In 1980 Lewin was retained as Special Counsel by the Department of Justice Special Investigations Unit to prosecute the case of Valerian Trifa, a leader of the Romanian Iron Guard, a fascist organization which was responsible for the murder of many Jews.

Between 2002 and 2015 Lewin & Lewin litigated *pro bono publico* on behalf of Menachem Zivotofsky, who was born in Jerusalem and claimed the statutory right to have his US passport designate his place of birth as "Israel." The case was argued twice in the Supreme Court of the United States (once by Lewin and once by Alyza Lewin) and three times in the US Court of Appeals by Lewin. After the Supreme Court held that the President had the exclusive constitutional authority to recognize a city as being within the borders of a foreign sovereign, President Trump in December 2017 recognized Jerusalem as the capital of Israel..

Lewin's commercial cases in the Supreme Court include *Barnett Bank of Marion County v. Nelson*, in which the Court agreed with his claim that banks are legally permitted to sell insurance. He also presented the winning argument in *K-Mart Corp. v. Cartier*, where the Court held that trademarked imported goods could lawfully be sold in the United States at discounted prices. His other arguments in the Supreme Court while in private practice involved jeopardy assessments, government custody of seized goods, gun control laws, and various constitutional issues arising under the First, Fifth and Fourteenth Amendments.

Lewin was born on January 31, 1936, in Lodz, Poland. His grandfather was the chief rabbi of Rzeszow and also served as a member of the Polish Legislature ("Sejm"). His father was the youngest member of the Lodz City Council in pre-war Poland and represented Agudath Israel in the United Nations Economic and Social Council. Lewin first arrived in the United States, via Japan, in 1941. Lewin is married to Rikki Gordon (a free-lance photographer), has two daughters, Alyza Doba (an attorney who is his law partner) and Na'ama Batya (a photographer and videographer), and six grandchildren.