

University of San Diego School of Law
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MICHAEL B. RAPPAPORT

PRESENT EMPLOYMENT

1991 - Present Hugh & Hazel Darling Foundation Professor University of San Diego
School of Law

Present courses are Administrative Law, Constitutional Law, Legislation,
Advanced Constitutional Law, and Constitutional History.
Courses previously taught include Banking Law, Insurance Law, and
Environmental Law.

Director, Center for the Study of Constitutional Originalism
2008-present

Class of 1975 Professor 2008-2009, 2019-2020
University Professor 2003-2004, 1999-2000
Herzog Endowed Scholar 2002-2003

BOOKS

Originalism and the Good Constitution (2013) (Harvard University Press)(with John McGinnis).

SCHOLARLY ARTICLES

Chevron and Originalism: Why Chevron Deference Cannot Be Grounded in the Original
Meaning of the Administrative Procedure Act, Wake Forest Law Review (forthcoming 2022).

Presidential Polarization, Ohio State Law Journal (forthcoming 2022) (with McGinnis).

A Two Tiered and Categorical Approach to the Nondelegation Doctrine, in The Administrative
State Before the Supreme Court (Wallison & Yoo eds) (2022).

The Power of Interpretation: Minimizing the Construction Zone, Notre Dame Law Review (2020)
(with McGinnis).

Unifying Original Intent and Original Public Meaning, Northwestern Law Review (2019) (with
McGinnis)

Replacing Administrative Adjudication with Independent Administrative Courts, George Mason
Law Review (forthcoming 2019) (symposium).

Classical Liberal Administrative Law in a Progressive World in Handbook on Classical
Liberalism (Todd Henderson ed.) (Cambridge University Press) (2018).

Is Proportionality Analysis Consistent with Originalism?, *Diritto Pubblico Comparato Ed Europeo* (October 2017) (symposium Issue on originalism).

The Constitution and the Language of the Law, *William & Mary Law Review* (2018) (with John McGinnis).

Why Nonoriginalism Does Not Justify Departing from the Original Meaning of the Recess Appointments Clause, *38 Harvard Journal of Law and Public Policy* 889 (2015).

The Classical Liberal Constitution: An Originalist Assessment, *8 NYU Journal of Law and Liberty* 800 (2014).

Originalism and the Colorblind Constitution, *89 Notre Dame Law Review* 71(2013).

The Constitutionality of a Limited Convention: An Originalist Analysis, *28 Constitutional Commentary* 53 (2012).

The Abstract Meaning Fallacy, *Illinois Law Review* 737 (2012) (symposium) (with John McGinnis).

Originalism and Precedent, *Harvard Journal of Law and Public Policy* (2011) (symposium) (with John McGinnis).

Reforming Article V: The Problems Created by the National Convention Amendment Method and How to Fix Them, *96 Virginia Law Rev.* 1511 (2010).

In Praise of Supreme Court Filibusters, *33 Harvard Journal of Law and Public Policy* 39 (2010) (symposium) (with John McGinnis).

The Obama Administration, Fundamental Institutional Change, and The Constitutional Lawmaking System, *26 Constitutional Commentary* 215 (2010) (symposium).

Originalism and the Good Constitution, *98 Georgetown Law Review* 1693 (2010) (with John McGinnis).

Original Methods Originalism: A New Theory of Interpretation and the Case Against Construction, *103 Northwestern Law Review* 751 (2009) (symposium) (with John McGinnis).

Reconciling Precedent and Originalism, *103 Northwestern Law Review* 803 (2009) (symposium) (with John McGinnis).

Originalism and Regulatory Takings: Why the Fifth Amendment May Not Protect Against Regulatory Takings, But the Fourteenth Amendment May, *45 San Diego Law Review* 729 (2008) (symposium).

Originalism and Supermajoritarianism: Defending the Nexus, *101 Northwestern Law Review* 1919 (2007) (with John McGinnis).

The Unconstitutionality of "Signing and Not Enforcing," *16 William & Mary Bill of Rights Journal*

113 (2007) (symposium).

Original Interpretive Principles as the Core of Originalism, 24 Constitutional Commentary 371 (2007)(with John McGinnis).

Majority and Supermajority Rule: Three Views of the Capitol, 85 Texas Law Review 1115 (2007)(with John McGinnis).

The Condorcet Case for Supermajority Rules, 16 Supreme Court Economic Review 67 (2008)(with John McGinnis).

A Pragmatic Defense of Originalism, 101 Northwestern Law Review 383 (2007)(with John McGinnis) also published in Originalism: A Quarter Century of Debate (Steven Calabresi ed. 2007).

The Judicial Filibuster, the Median Senator, and the Countermajoritarian Difficulty, Supreme Court Review 257 (2006)(with John McGinnis).

The Original Meaning of the Recess Appointments Clause, 52 UCLA Law Review 1487 (2005).

It's the O'Connor Court: A Brief Discussion of Some Critiques of the Rehnquist Court and their Implications for Administrative Law, 99 Northwestern Law Review 369 (2004) (symposium).

Supermajority Rules and the Judicial Confirmation Process, 26 Cardozo Law Review 543 (2005) (with John McGinnis)(symposium).

"Symmetric Entrenchment: A Constitutional and Normative Theory, 89 Virginia Law Review 385 (2003) (with John McGinnis).

"The Selective Nondelegation Doctrine and the Line Item Veto: A New Approach to the Nondelegation Doctrine and Its Implications for Clinton v. City of New York," 76 Tulane Law Review 265 (2002).

"Our Supermajoritarian Constitution," 80 Texas Law Review 703 (2002) (with John McGinnis).

"Replacing Independent Counsels with Congressional Investigations," 148 University of Pennsylvania Law Review 1595 (2000).

"Reconciling Textualism and Federalism: The Proper Textual Basis of the Supreme Court's 10th and 11th Amendment Decisions," 93 Northwestern Law Review 819 (1999)

"Still a Solution: In Further Support of Spending Supermajority Rules" (with John McGinnis), 40 William & Mary Law Rev. 527 (1999)

"Supermajority Rules as a Constitutional Solution" (with John McGinnis), 40 William & Mary Law Rev. 365 (1999) (Lead article in symposium).

"Amending the Constitution to Establish Financial Supermajority Rules," 13 Journal of Law & Politics 705 (1997) (symposium).

"The Rights of Legislators and the Wrongs of Interpretation: A Further Defense of the Constitutionality of Legislative Supermajority Rules," 47 Duke Law Journal 327 (1997) (with John McGinnis).

"Veto Burdens and the Line Item Veto Act," 91 Northwestern Law Review 771 (1997) (reprinted in Sutherland on Statutes and Statutory Interpretation (6th ed.)).

"The Constitutionality of Legislative Supermajority Requirements: A Defense," 105 Yale Law Journal 483 (1995) (with John McGinnis).

"Insurance Law and the Ambiguity Rule: Why Insurance Contracts Should Not Be Construed Against the Drafter," 30 Georgia Law Review 171 (1995) (reprinted in 8 National Insurance Law Review 289 (1996) and in 46 Defense Law Journal 281 (1997)).

"The President's Veto and the Constitution," 87 Northwestern Law Review 735 (1993).

"The Private Provision of Unemployment Insurance," 1992 Wisconsin Law Review 61 (1992).

WORKS IN PROGRESS

Original Methods Originalism (coauthored with John McGinnis) (book project).

Originalism: A Continuing Exploration (book project)

OTHER WRITINGS

Restoring a Constitution of Compromise (with McGinnis), National Affairs, Spring 2022, at <https://www.nationalaffairs.com/publications/detail/restoring-a-constitution-of-compromise>

Replacing Agency Adjudication with Article III Administrative Courts, Notice and Comment (Blog of the Yale Journal on Regulation), Feb. 16, 2022, at <https://www.yalejreg.com/nc/symposium-decisional-independence-03/>

Trump's Judges Will Bring America Together (with John McGinnis), The Wall Street Journal, Sept. 24, 2020 at <https://www.wsj.com/articles/trumps-judges-will-bring-america-together-11600988950>.

A Stronger Separation of Powers for Administrative Agencies, The Regulatory Review, Dec. 2019, <https://www.theregreview.org/2019/12/18/rappaport-stronger-separation-powers-administrative-agencies/>

Abandoning Originalism Wouldn't Be Very Conservative, Liberty Law Forum, July 2019 at <https://www.lawliberty.org/liberty-forum/abandoning-originalism-wouldnt-be-very-conservative/>

Was Hayek an Originalist?, Federalist Society Video, May 2019, <https://www.youtube.com/watch?v=zyTyQA-fvng>

Reforming Administrative Adjudication, Liberty Law Forum, Nov. 2018 at <https://www.lawliberty.org/liberty-forum/reforming-administrative-adjudication/>

The Legal Turn in Originalism: A Discussion (with John McGinnis, etc), at <http://www.libertylawsite.org/liberty-forum/legal-turn-constitution-originalism-original-methods-law/>.

North Korea and the Gadhafi Double-Cross, The Daily Transcript, April 21, 2017.

A Legal Historian Takes Issue with Originalism, The Daily Transcript, April 5, 2017.

Do Liberals Want Conservative Nonoriginalists?, The Daily Transcript, March 20, 2017.

Let's Amend the Constitution to Prohibit Lame-Duck Pardons, The Daily Transcript , Feb. 24, 2017.

President Trump and the Foreign Emoluments Clause, The Daily Transcript , Feb. 10, 2017.

Interpretation of Article V (with David Strauss), The Interactive Constitution (National Constitution Center) at <http://constitutioncenter.org/interactive-constitution/articles/article-v>

Originalism: An Essential Ingredient of the Constitutional Amendment Process, The Interactive Constitution (National Constitution Center) at <http://constitutioncenter.org/interactive-constitution/articles/article-v/originalism-an-essential-ingredient-of-the-constitutional-amendment-process/interp/22>.

Interpretation of Article VII (with Mark Graber), The Interactive Constitution (National Constitution Center) at <https://constitutioncenter.org/interactive-constitution/articles/article-vii>

Article VII and the Desirability of the Constitution, The Interactive Constitution (National Constitution Center) at <https://constitutioncenter.org/interactive-constitution/articles/article-vii/article-vii-and-the-desirability-of-the-constitution/interp/24>

Promoting Originalism: Through Strategy or Principle?, Published on Online Library of Law and Liberty, April 2016.

Using Delegation to Promote Deregulation, Regulation 26 (Winter 2015).

How to End the Government Shutdown Option, Wall St. J, Dec. 30, 2014 (with John McGinnis) at <http://www.wsj.com/articles/john-o-mcginnis-and-michael-b-rappaport-how-to-end-the-government-shutdown-option-1419898438>

Between the Original Decision and Abstract Originalism: An Unbiased Approach to Original Meaning, Published on Online Library of Law and Liberty, Dec. 2014

An Originalist Future, Engage Vol 15, Issue 1 (2014) (with John McGinnis) at http://www.fed-soc.org/library/doclib/20140729_AnOriginalistFuture.pdf

The Ascent of Originalism, Podcast on the Liberty Law Site, July 30, 2014 at <http://www.libertylawsite.org/2014/06/30/the-ascent-of-originalism-a-conversation-with-michael-rappaport/>

The Recess Appointments Clause, Heritage Guide to the Constitution (2013) (coauthored with Michael Carrier).

Author, Liberty Law Blog, Jan. 2012 to Present

Founder and Author, The Originalism Blog, October, 2010 to Present.

Revisiting the Constitution: End Congress's Monopoly on Amendments, Room for Debate, NY Times, July 9, 2012.

Are the Recent Recess Appointments Constitutional?, 13 Engage 76 (March 2012)
<http://www.nytimes.com/roomfordebate/2012/07/08/another-stab-at-the-us-constitution/revisiting-the-constitution-end-congresss-monopoly-on-amendments>

Renewing Federalism by Reforming Article V, CATO Policy Analysis, Jan. 18, 2012.

The Failure of the Constitutional Amendment Process to Protect Federalism: A Diagnosis and Treatment Plan, Liberty Forum Essay, Published on Online Library of Law and Liberty, Jan. 2012, at <http://www.libertylawsite.org/liberty-forum/the-failure-of-the-constitutional-amendment-process-to-protect-federalism-a-diagnosis-and-treatment-plan/>

David Souter's Bad Constitutional History, Wall St. J, June 14, 2010 (with John McGinnis) at <http://online.wsj.com/news/articles/SB10001424052748703509404575300740568539352>

Principles over Politics, The Weekly Standard.Com, March 9, 2009 (with John McGinnis) at <http://www.weeklystandard.com/blogs/principles-over-politics>

In Praise of Supreme Court Filibusters, National Review Online, June 25, 2009 (with John McGinnis) at <http://article.nationalreview.com/print/?q=YWQzN2U0NjQ3MjRIYzhjY2Q5ZjNiZDI2MGlxODgxODE=>

Iraq: The Success That Might Have Been, Opinion Essay Published at Pajamas Media, (Jan 14, 2009), at <http://pajamasmedia.com/blog/iraq-the-success-that-might-have-been/>.

It's the Spending, Stupid, National Review Online, Dec. 19, 2007, (with John McGinnis) at [http://article.nationalreview.com/?q=MTJjNmQ4NjZiNjcyYmMzNjYyNTcwNTIyZmY3YmUwYTc=\(with%20](http://article.nationalreview.com/?q=MTJjNmQ4NjZiNjcyYmMzNjYyNTcwNTIyZmY3YmUwYTc=(with%20)

Justice Breyer's Active Liberty, Tech Central Station (Web Magazine 12/19/2005), at <http://www.tcsdaily.com/article.aspx?id=121605G> (Review of Stephen Breyer's Active Liberty).

Confirming Judges: The Constitutional Option, San Diego Union Tribune, (Mar 11, 2005) (Op Ed.) (with John McGinnis), at http://www.signonsandiego.com/uniontrib/20050311/news_lz1e11rappapo.html.

Hey, Big Spenders: Here's a Law That Could Stop You!, Wall St. J. (Feb. 4, 2004) (Op. Ed.) (with John McGinnis).

Settlements for Terror, Arutz Shevra (Nov. 10, 2003) and Israeli Insider (Nov. 16, 2003). at

<http://www.israelnationalnews.com/Articles/Article.aspx/2937>

The Presentment Clause, Heritage Guide to the Constitution (2006).

Co-Founder and Author, The Right Coast Blog, 2003 to 2011

Judicial Appointments: A Constitutional Analysis, 4 Engage 68 (2003).

Judicial Confirmations: Now is the Time to Retool, The National Law Journal, A 12 (Dec. 16, 2002) (Op. Ed.) (with John McGinnis).

Book Review, David E. Bernstein's Only One Place of Redress: African Americans, Labor Regulations, and the Courts from Reconstruction to the New Deal, Public Choice (2003).

"A Palestinian State and Chances for Peace, San Diego Union Tribune (Dec. 7, 2001) (Op. Ed.)

"Supermajority Rules," in Encyclopedia of the American Constitution (2nd ed) (2000) (with John McGinnis).

"The Case for Supermajority Rules," Policy Review 45 (Dec. 1999 & Jan. 2000) (with John McGinnis).

"The Independent Counsel: What's Next? Congress Should Reassert Its Authority," in 3 Administrative Law and Regulation News 8 (1999)

"Independent Counsel? No," The National Law Journal (April 5, 1999) (Op. Ed. Article).

"House Rules: Is a Supermajority Requirement for Tax Hikes Constitutional?," ABA Journal (March 1997) (with John McGinnis).

"Testimony Submitted to the Subcommittee on the Constitution, The Committee on the Judiciary, United States House of Representatives" (March 1997) (discussing proposed constitutional amendment to require a supermajority to raise taxes) (with John McGinnis).

"Solving the Problem of Third Parties," SD Union Tribune (July 24, 1996) (Op. Ed.).

"Testimony Submitted to the Subcommittee on the Constitution, The Committee on the Judiciary, United States House of Representatives" (March 1996) (discussing proposed constitutional amendment to require a supermajority to raise taxes) (with John McGinnis).

"Testimony Submitted to the Subcommittee on Federalism and Property Rights, The Committee on the Judiciary, United States Senate" (April 1996) (discussing proposed constitutional amendment to require a supermajority to raise taxes) (with John McGinnis).

"The Implicit Item Veto: Testimony Submitted to the Subcommittee on the Constitution of the Committee on the Judiciary of the United States Senate" (June 1994).

"Origins of the Unemployment Insurance Mess," Wall St. J. (Oct. 31, 1991) (Op. Ed.).

"A Procedural Approach to the Contract Clause," 93 Yale Law Journal 918 (1984) (student note).

ONLINE ESSAYS

Where Have All the Amendments Gone?, Nov. 1, 2021, at Law & Liberty (with John McGinnis).
<https://lawliberty.org/forum/where-have-all-the-amendments-gone/>

Constitutional Change and Continuity, Nov. 30, 2021, at Law & Liberty (with John McGinnis).
<https://lawliberty.org/forum/constitutional-change-and-continuity/>

A Justice for All Seasons, Oct. 14, 2021, at Law and Liberty (with John McGinnis)
<https://lawliberty.org/a-justice-for-all-seasons/>

What Does the Constitution Mean by a State Legislature?, April 19, 2021, at Law & Liberty.

The Year in Originalism, March 24, 2021, at Law & Liberty.

A Nondelegation Doctrine the Court Can Believe In, Law & Liberty, Dec. 11, 2020, at Law & Liberty.

Is Court Packing Constitutional?, Law & Liberty, Nov. 6, 2020, <https://lawliberty.org/is-court-packing-constitutional/>

The Authority Behind McConnell's "Hypocrisy," Law & Liberty, Sept. 24, 2020,
<https://lawliberty.org/the-authority-behind-mcconnells-hypocrisy/>

The Originalist Disaster in Chiafalo, Law & Liberty, Aug. 7, 2020, <https://lawliberty.org/the-originalist-disaster-in-chiafalo/>

The State of Originalism, Law & Liberty, April 3, 2020, <https://lawliberty.org/the-state-of-originalism/>

If Adrian Vermeule Didn't Exist, Would Originalists Have to Invent Him?, Law & Liberty, May 1, 2020 <https://lawliberty.org/if-adrian-vermeule-didnt-exist-would-originalists-have-to-invent-him/>

The Controversy about the ERA Amendment Process, Law & Liberty, Dec. 20, 2019
<https://www.lawliberty.org/2019/12/20/the-controversy-about-the-era-amendment-process/>

Applying the Fourth Amendment's Original Meaning to Cell Phones and Heat Sensors, Law & Liberty, Dec. 13, 2019
<https://www.lawliberty.org/2019/12/13/applying-the-fourth-amendments-original-meaning-to-cell-phones-and-heat-sensors/>

Originalism, the Fourth Amendment, and New Technology, Law & Liberty, Dec. 6, 2019
<https://www.lawliberty.org/2019/12/06/originalism-the-fourth-amendment-and-new-technology/>

Replacing *Chevron* with a Sounder Interpretive Regime, Law & Liberty, August 9, 2019,
<https://www.lawliberty.org/2019/08/09/replacing-chevron-with-a-sounder-interpretive-regime/>

Clutching Defeat from the Jaws of Victory: *Gundy* and the Prohibition on Delegation, Law & Liberty, July 2, 2019
<https://www.lawliberty.org/2019/07/02/delegation-gundy-administrative-state/>

Constitutional Text and State Sovereign Immunity, Law & Liberty, June 18, 2019
<https://www.lawliberty.org/2019/06/18/constitutional-text-and-state-sovereign-immunity/>

Reforming the Special Counsel, Law & Liberty, June 7, 2019
<https://www.lawliberty.org/2019/06/07/reforming-the-special-counsel/>

Originalism and Article III Judicial Power, Law & Liberty, May 31, 2019
<https://www.lawliberty.org/2019/05/31/originalism-and-article-iii-judicial-power/>

Unifying Original Intent and Original Public Meaning, Law & Liberty, May 16, 2019
<https://www.lawliberty.org/2019/05/16/unifying-original-intent-and-original-public-meaning/>

The Advantages of Soft Regulation, Law & Liberty, May 10, 2019
<https://www.lawliberty.org/2019/05/10/the-advantages-of-soft-regulation/>

SELECTED PRESENTATIONS

Taught, Original Methods Originalism, Georgetown Center for the Constitution, Originalist Bootcamp, May 2022.

Presented, Presidential Polarization, Stanford Law School, April 2022

Presented, The Nondelegation Doctrine Solution, Campbell Law Review Symposium, March 2022

Presented, A Two Tiered Approach to the Nondelegation Doctrine, National Student Convention of the Federalist Society, March 2022.

Presented, The Resilience of the Constitution under Originalism, Panel on Originalism in Flux, Chapman Law Review Symposium, Jan. 2022.

Presented, The Separation of Powers and Political Polarization, National Lawyer's Convention of the Federalist Society, Nov. 2021.

Presented, Presidential Polarization, Grey Center for the Study of the Administrative State, Oct. 2021.

Presented, Presidential Polarization, Grey Center for the Study of the Administrative State, June 2021.

Taught, Original Methods Originalism, Georgetown Center for the Constitution, Originalist Bootcamp, May 2021.

Presented, The Problems with Justice Gorsuch's Textualism in Bostock, Originalism Under Fire, Third Annual Originalism Conference, Virginia Federalist Society, Feb. 2021.

Presented, Independent Administrative Courts, Administrative Conference of the United States Panel, on Appointment and Removal of Agency Adjudicators, August 2020.

Taught, Original Methods Originalism, Georgetown Center for the Constitution, Originalist Bootcamp, May 2020.

Presented, The Nondelegation Doctrine, the REINS Act, and the Legislative Veto, Executive Branch, Executive Branch Review Webinar Conference, Federalist Society, April 2020.

Presented, The Greatness of Brutus, Western Federalist Society Convention, Reagan Library, CA. Jan. 2020.

Presented, Originalism in American, LUISS, Rome Italy, Oct. 2019.

Keynote Lecture, Originalism in American, Bocconi University, Milan Italy, Nov. 2019.

Taught, Original Methods Originalism, Georgetown Center for the Constitution, Originalist Bootcamp, May 2019.

Federalist v. Antifederalists, A Podcast Discussion with Jack Rakove and Jeff Rosen for the National Constitutional Center, August 2019, <https://constitutioncenter.org/debate/podcasts/the-federalists-vs-the-anti-federalists>

Presented, Unifying Original Intent and Original Public Meaning, Antonin Scalia Law School, Jan. 2019.

Presented, Unifying Original Intent and Original Public Meaning, Northwestern Conference on Originalism 3.0, Nov. 2018

Presented, Is the Administrative State Constitutional? University of Pennsylvania Conference on Administrative Constitutionalism, Oct. 2018

Presented, Replacing Administrative Adjudication with Independent Administrative Courts, Antonin Scalia Law School Conference on Administrative Adjudication, Sept. 2018

Taught, Original Methods Originalism, Georgetown Center for the Constitution, Originalist Bootcamp, May 2018.

Presented, Article III Administrative Judges, Federalist Society Teleforum Panel Discussion, The Federalist Society, April 2018.

Presented, Corpus Linguistics and Originalism, BYU Conference on Corpus Linguistics, March 2018.

Presented, Classical Liberal Administrative Law, Federalist Society Faculty Conference, January 2018.

The Constitution and Prosecutor Mueller, Podcast on the Liberty Law Site, Septmeber 15, 2017 at <http://www.libertylawsite.org/2017/09/15/the-constitution-and-investigator-mueller-a-conversation-with-mike-rappaport/>.

Taught, Original Methods Originalism, Georgetown Center for the Constitution, Originalist Bootcamp, May 2017.

Presented, Defending Article V, Stanford Law School Conference on "The Big Fix: Should We Amend Our Constitution?", May 2017.

Taught, Original Methods Originalism, Georgetown Center for the Constitution, Originalist Bootcamp, May 2016.

Presented, Defending Original Methods, Pepperdine Law School Faculty, April 2016.

Presented, Defending Original Methods, Originalism Works in Progress Conference, San Diego, Feb. 2016.

Presented, Constraining Executive Regulation, Hoover Institute, March, 2015.

Presented, The Noel Canning Case, Federalist SocietyTeleforum Panel Discussion, The Federalist Society, June 2014.

Presented, Originalism and the Good Constitution, Columbia Law School Federalist Society, April 2014 (Commentary by Jamal Greene).

Presented, The Future of the Role of History in Originalism, Conference on Law and History, Stanford Law School, Feb. 2014.

Presented, The Classical Liberal Constitution: An Originalist Assessment, Conference on Richard Epstein's The Classical Liberal Constitution, NYU Law School, Feb. 2014.

Debate, Is Originalism the Best Method for Interpreting the Constitution, Stanford Law School, Jan. 2014 (Debated Jack Rakove).

Presented, The Case for Originalism, Kent Law School, Canterbury, England, March 2013.

Presented, Originalism and the Colorblind Constitution, Georgetown Law School Constitutional Law Colloquium, Oct. 2012.

Presented, Are the Recent Recess Appointments Constitutional?, Federalist SocietyTeleforum Panel Discussion, The Federalist Society, Feb. 2012.

Presented, Constitutional Originalism: An Introduction to an Old and New Theory, Osher Institute, UCSD, Nov. 2011.

Presented, Developments in Originalism, Utah Bar Association, July 2011.

Presented, The Abstract Meaning Fallacy, University of Illinois Law School, Symposium on Jack Balkin's Living Constitutionalism, April 2011.

Presented, Is Progressive Originalism Good for Originalism?, 25th Anniversary of the Great Debate on Originalism, A Heritage Foundation event held at the United States Supreme Court, Nov. 2010.

Debate, A Constitution Day Debate over Birthright Citizenship, University of San Diego (Debated Michael Ramsey), Sept. 2010.

Presented, Originalism, Precedent, and Judicial Restraint, Federalist Society National Student Symposium, Philadelphia, Pennsylvania, Feb. 2010.

Debate, Supermajority Rules for Budget and Taxes in California (Debated Ethan Leib), Western Federalist Society Conference, Reagan Library, Jan 2010.

Debate, Original Methods Originalism and A Critique of Construction (Debated Randy Barnett), Federalist Society Faculty Conference, New Orleans, Jan. 2010.

Presented, Reconciling Precedent and Originalism, Conference on Objective Law, University of Texas, Oct. 2009.

Commentator, Constructionist Originalism and Original Methods Originalism, Conference on The Fourteenth Amendment and the Bill of Rights, University of San Diego, Jan. 2009.

Presented, Precedent and Originalism, Florida State Law School, Nov. 2008.

Presented, Reconciling Precedent and Originalism, Conference on Originalism, Northwestern Law School, April 2008.

Presented, The Supermajoritarian Case for Originalism, AALS Conference, Constitutional Law Section, Jan. 2008, New York City.

Presented, The Unconstitutionality of Signing and Not Enforcing, Conference on Signing Statements, William and Mary, Feb. 2007.

Presented, The Development of Originalism, Federalist Society Conference, Reagan Library, California, Jan. 2007

Presented, A Consequentialist Defense of Originalism, Federalist Society Faculty Colloquium, Washington, DC Jan. 2007.

Presented, The Judicial Filibuster, the Median Senator, and the Countermajoritarian Difficulty, American Political Science Association Meetings, Philadelphia PA, Aug. 2006, Panel on Court, Executive, and Legislative Power Struggles.

Presented, The Case for the Judicial Filibuster, Debate on the Judicial Filibuster, Federalist Society Faculty Colloquium, Washington, DC Jan. 2006.

Presented, The Constitutional Option, Panel on Judicial Confirmation, Stanford Law School Chapter of the American Constitution Society, April 2005.

Presented, Supermajority Rules, the Constitution, and Entrenchment, Panel on Legislation at the AALS, San Francisco, CA Jan. 2005.

Presented, It's the O'Connor Court, Northwestern Law School, Symposium on the Rehnquist Court, April 2004.

Presented, The Original Meaning of the Recess Appointments Clause, Cardozo Law School Symposium on Judicial Appointments, March 2004.

Presented, An Intermediate Approach to Precedent, Federalist Society Faculty Colloquium, Atlanta, Jan. 2004.

Presented, "Cert. Denied: The Case for Abolishing the Supreme Court's Discretionary Jurisdiction," Hofstra Law School, March 2003.

Presented, The Effect of Supreme Court Jurisprudential Rules on the Extent of Supreme Court Formalism, 4th Annual Duke Law School Conference on Public Law, Dec. 2002

Presented, Panel on the Supreme Court's Federalism Jurisprudence, The American Enterprise Institute, Washington, DC July 2002

Commentator, Public Choice Society, Legal and Constitutional Issues Session (San Diego 2002).

Participant, Conference on Bernard Siegan's Property Rights: From Magna Carta to the Fourteenth Amendment, University of San Diego School of Law (March 2002).

Presented, Our Supermajoritarian Constitution, Federalist Society Faculty Colloquium, New Orleans (Jan. 2002).

Panelist, After the Independent Counsel Act, What Next?, panel discussion in the United States Senate Judiciary Committee Hearing Room, organized by the Federalist Society (April 1999).

Presented, Cardozo Law School (April 1997), Supermajority Rules as a Constitutional Solution.

Testified, The Subcommittee on the Constitution, the Committee on the Judiciary, United States House of Representatives (discussing proposed constitutional amendment requiring a

supermajority to raise taxes) (March 1997).

Panelist, Taxing and Spending Powers of Congress, National Conference of the Federalist Society, Washington, D.C. (Nov. 1996).

Debate on New York Public Radio with Robert Reischauer, The Brookings Institute (April, 1996) (defended proposed constitutional amendment requiring a supermajority to raise taxes).

Presented, University of California at Davis Law School (Nov. 1995), The Constitutionality of Legislative Supermajority Rules.

OTHER ACADEMIC ACTIVITIES

Member, Editorial Advisory Board, The Heritage Guide to the Constitution (3rd ed. 2022).

Visiting Fellow of the Michel Villey Institute, Paris 2 Law School, Paris France, November 2019. Taught classes on The Canon and Anticanon in American Constitutional Law.

Visiting Professor, Bocconi University, Milan Italy, October-November 2019. Taught Classes on the American Constitutional Law aspects of IT and Media Law.

Visiting Fellow at LUISS, Rome Italy, October 2019. Taught classes in American Constitutional Law.

Visiting Professor, Bar Ilan University, Ramat Gan, Israel, Taught Mini-Course, Constitutional Theory (Dec. 2015)

Thorsnes Prize for Outstanding Legal Scholarship for Originalism and the Good Constitution (2014-2015)

Visiting Professor, University of Paris - Sorbonne, Department of Comparative Law, Taught Mini-Course, The Originalism Debate in American Constitutional Law (Nov. 2013).

Member, Editorial Advisory Board, The Heritage Guide to the Constitution (2nd ed. 2013).

Organized, First through Ninth Annual Originalism Works in Progress Conference, Feb. 2010-Feb. 2018, San Diego, CA.

Visiting Professor, University of Paris - Sorbonne, Department of Comparative Law, Taught Mini-Course, The Originalism Debate in American Constitutional Law (Dec. 2010).

Member, Administrative Law & Regulation Executive Committee, The Federalist Society, 1998-2002, 2018-present.

PREVIOUS EMPLOYMENT

1989 - 1991 Gibson, Dunn & Crutcher, Associate, specializing in appellate litigation

1987 - 1989 Office of Legal Counsel, U.S. Dep. of Justice, Attorney Advisor

1986 - 1987 Tax Division, U.S. Dep. of Justice, Special Assistant to the Assistant
Attorney General

1985 - 1986 Honorable Dolores K. Sloviter, U.S. Court of Appeals for the Third Circuit,
Law Clerk

EDUCATION

Yale Law School, DCL, 1990 (Law and Political Theory)

Yale Law School, J.D., 1985
Yale Law Journal, Senior Editor

S.U.N.Y. - Binghamton, Harpur College, 1981
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