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1. EDUCATION

- a. Yale Graduate School
 - i. Philosophy
 - (1) M.A. 1986
 - ii. Political Science
 - (1) PHD 1988
 - (a) Dissertation topic-"The Transformation of the Constitutional Defense of Free Speech: 1870-1941"
 - (i) Rogers Smith (chair), Stephen Skowronek, David Mayhew
 - (1) 1989 Corwin Prize in Political Science for the best dissertation accepted in public law
- A. Columbia Law School 1978-81
 - 1. J.D. 1981
 - 2. Stone Scholar, 1979, 1980, 1981
- B. Dartmouth College 1974-78
 - 1. A.B. 1978
 - 2. Summa Cum Laude
 - 3. High Honors in Philosophy
 - 4. Joseph Story prize in Philosophy

I. TEACHING EXPERIENCE

- A. University of Maryland Francis King Carey School of Law
 - 1. Regents Professor—October 2016--
 - 2. Jacob A. France Professor of Constitutionalism, May 2015—October 2016
 - 3. Associate Dean for Research and Faculty Development, July 2010—July 2013
 - 4. Professor of Law, 2003—(primary appointment in 2007)
 - 5. Adjunct Professor, fall 2002, fall 2003
- B. University of Maryland at College Park
 - 1. Full Professor, 2001–2012
 - 2. Associate Professor, 1995-2001
 - 3. Assistant Professor, 1993-1995
- C. University of Milan
 - 1. Visiting Professor, Fall 2023

- D. University of Virginia School of Law
 - 1. Visiting Professor, Fall 2013
- E. University of Oregon School of Law
 - 1. Wayne Morse Visiting Chair, August-September 2008
- F. Harvard University
 - 1. Visiting Professor, Fall 2008
- G. University of Texas at Austin
 - 1. Assistant Professor, 1988-1993
 - a. Promoted to associate professor–1993
 - 2. Visiting Professor- Law School, spring 1992
 - 3. Instructor-1987-88
- H. Yale University
 - 1. Visiting Professor of Law, fall 2020
 - 2. Acting Instructor- spring 1986, summer 1983, 1984
- I. University of Pennsylvania
 - 1. Visiting Professor, fall 2021
- J. Wesleyan University
 - 1. Visiting Instructor- fall 1984
- K. University of Toronto School of Law
 - 1. Distinguished Visitor, winter 2022
- L. Harry Radzyner School of Law, Reichman University
 - 1. Distinguished Visiting Professor, fall 2019
 - 2. Distinguished Visiting Professor, fall 2022

II. PUBLICATIONS

A. Books

- 1. Graber, Mark A., *Punish Treason, Reward Loyalty: The Forgotten Goals of Constitutional Reform after the Civil War* (University of Kansas Press: Lawrence, KS)
- 2. Graber, Mark A., *A New Introduction to American Constitutionalism* (Oxford University Press: New York, 2013)
- 3. Graber, Mark A., *Dred Scott and the Problem of Constitutional Evil* (Cambridge University Press, 2006)
 - a. Alternate Selection, History Book Club
 - b. Alternative Selection, Reader's Subscription Book Club
- 4. Graber, Mark A., *Rethinking Abortion* (Princeton University Press, 1996).
- 5. Graber, Mark A., *Transforming Free Speech* (University of California Press, 1991).

B. Edited Books

- 1. Zuckert, Michael, and Graber, Mark A., *The Cambridge Companion to the Declaration of Independence* (Cambridge University Press: New York) (under review)
- 2. Graber, Mark A., Levinson, Sanford, and Tushnet Mark, Constitutional Democracy in Crisis? (Oxford University Press: New York, 2018)
- 3. Gillman, Howard, Graber, Mark A., and Whittington, Keith E., *American Constitutionalism: Abridged Edition* (Oxford University Press: New York,

- 2014)
4. Graber, Mark A., and Gillman, Howard, *The Complete American Constitutionalism* (Oxford University Press: New York)
 - a. *Volume 1: Introduction and the Colonial Era* was published in March 2015
 - b. *Volume 5A: The Constitution of the Confederate States* as published in March 2017
 - c. The other volumes are under contract
 - d. Online edition also under contract
 5. Gillman, Howard, Graber, Mark A., and Whittington, Keith E., *American Constitutionalism* (Vol I: Structure of Government) (Oxford University Press: New York, 2013)
 - a. Second edition, 2017
 - b. Third edition, 2022
 6. Gillman, Howard, Graber, Mark A., and Whittington, Keith E., *American Constitutionalism* (Vol II: Civil Rights and Liberties) (Oxford University Press: New York, 2013)
 - a. Second edition 2017
 - b. Third Edition, 2021
 7. Tushnet, Mark, Levinson, Sanford, and Graber, Mark A., *The Oxford Handbook of the Constitution of the United States* (Oxford University Press: New York)
 8. Graber, Mark A., *Get a Running Start: Your Comprehensive Guide to the First Year Curriculum* (with David Gray, Donald Gifford, Michael Van Alstine, David Super and William Richman) (Westlaw: New York, 2016)
 9. Graber, Mark A., associate editor, *Encyclopedia of American Governance* (Gale Cengage Learning: Detroit, Michigan) (five volumes)
 10. Graber, Mark A., associate editor, *Encyclopedia of the Supreme Court of the United States* (edited by David Tanenhaus) (Gale Cengage Learning: Detroit, Michigan, 2008) (five volumes)
 11. Graber, Mark A. and Perhac, Michael, *Marbury v. Madison: Documents and Commentary* (Congressional Quarterly Press: Washington, D.C.) (2002)

C. Articles

1. "Section Three of the Fourteenth Amendment," 33 *William and Mary Bill of Rights Journal* (forthcoming Oct. 2024).
2. "Section Three of the Fourteenth Amendment: Is Donald Trump's Innocence Irrelevant," ___ *Maryland Law Review* ___ (2024) (forthcoming)
3. The Rule of Law in the United States: Variations on Donald Trump's Themes," ___ *Italian Journal of Comparative and European Law* ___ (2023) (forthcoming).
4. "The Lincoln-Douglas(s) Debates and the Problem of Constitutional Evil," 83 *Maryland Law Review* 190 (2023)
5. "Justice Jackson's Catechism," 82 *Maryland Law Review Online* (2023).
6. "Separation Anxieties," ___ *Law & Ethics of Human Rights* ___ (2023)

- (forthcoming).
7. "Constitutions as Constraints," 83 *Maryland Law Review* ____ (2023) (forthcoming)
 8. "Partisan Supremacy in the Lincoln-Douglas Debates," __ *American Political Thought* ____ (2022) (forthcoming).
 9. "Essentially Contested Constitutional Revolutions" 81 *Maryland Law Review* 205 (2021).
 10. "Justice Accused at 45: Reflections on Robert Cover's Masterwork," 37 *Touro Law Review* 1851 (2022) (with Sanford Levinson)
 11. "Korematsu's Ancestors," 74 *Arkansas Law Review* 425 (2021)
 - a. Excerpted as "The Surprising History of Race Equality in American Constitutional Law," 3 *Maryland Bar Journal* 125 (Issue 3) (2022)
 12. "The Post-Civil War Amendments as a Constitutional Revolution?" 7 *Constitutional Studies* 1 (2021)
 13. "Generational and Constitutional Change," *Rivista di Diritti Comparati* (Special Issue) ____ (2021) (review essay) (forthcoming)
 14. "Original Expectations," 52 *Connecticut Law Review* 1573 (2021).
 15. "Ship Money: The Case that Time and Whittington Forgot," 35 *Constitutional Commentary* 47 (2020)
 16. "McCulloch and the American Regime," 73 *University of Arkansas Law Review* 95 (2020)
 17. Introduction: Technological Change, Constitutional Flexibility and Regime Stability," 79 *Maryland Law Review* 56 (2020).
 18. Introduction: Economic Inequality as a global constitutional challenge," *Rivista di Diritti Comparati* (Special Issue I) iv (2019) (with Antonia Baraggia [primary author of two page introduction], Ran Hirschl and Lorenza Violini)
 19. "Access to Justice in the Theory of Constitutional Democracy," *Rivista di Diritti Comparati* (Special Issue I) 90 (2019).
 20. "Overruling McCulloch," 72 *University of Arkansas Law Review* 79 (2019)
 21. "Ron Kahn and the Glorious Long State of Courts and Parties," 4 *Constitutional Studies* ____ (2019).
 22. "The Collapse of the New Deal Conceptual Universe: The Schmooze Project," 77 *University of Maryland Law Review* 108 (2017)
 23. "The Constitutional Powers of Anti-Publican Presidents: Constitutional Interpretation in a Broken Constitutional Order," 21 *Chapman Law Review* 233 (2018) (with Sanford Levinson)
 24. "Teaching the Forgotten Fourteenth Amendment and the Constitution of Memory," 62 *Saint Louis Law Review* 639 (2018)
 25. "Liberals, 20th Century American Constitutional Liberalism and the Liberal Academy: A Comment on Laura Weinrib's *The Taming of Free Speech*," 18 *Jerusalem Review of Legal Studies* 88 (2019).
 26. "Judicial Supremacy Revisited: Independent Constitutional Authority in American Constitutional Law and Practice," 58 *William and Mary Law*

- Review* 1549 (2017)
27. "Judicial Supremacy and the Structure of Partisan Conflict," 50 *Indiana Law Journal* 141 (2016)
 28. "State Constitutions as National Constitutions," 69 *Arkansas Law Review* 371 (2016)
 29. "The Second Freedmen's Bureau Bill's Constitution," 94 *Texas Law Review* 1361 (2016)
 30. "Young Jeffersonians and Adult Marshallians: Constitutional and Regime Transitions in Public Schools and Nation States," 1 *Constitutional Studies* 1 (2016).
 31. Mark A. Graber, "Foreword: Private and Public Revisited Once Again," 75 *Maryland Law Review* 135 (2015).
 32. "The Declaration of Independence and Constitutional Pedagogy," 89 *University of Southern California Law Review* 509 (2016)
 33. Graber, Mark A., "Harperooning, gRoeing and Browning the First Amendment," 2015 *University of Illinois Law Review Slip Opinions* ____ (2015).
 34. Graber, Mark A., "Belling the Partisan Cats: Preliminary Thoughts on Identifying and Mending a Dysfunctional Constitutional Order," 94 *Boston University Law Review* 611 (2014)
 35. Graber, Mark A., "Beard and Uber-Beard," 29 *Constitutional Commentary* 293 (2014)
 36. Graber, Mark A., "Executive Power; From the Constitutional Periphery to the Constitutional Core," 73 *Maryland Law Review* 1 (2014).
 37. Graber, Mark A., "The Declaration of Independence as Canon Fodder," 49 *Tulsa Law Review* 469 (2014)
 38. Graber, Mark A., "The Coming Constitutional Yo-Yo? Elite Opinion, Polarization, and the Direction of Judicial Decision Making 56 *Howard Law Review* 661 (2013).
 39. Graber, Mark A., "Subtraction by Addition? The Thirteenth and Fourteenth Amendments," 112 *Columbia Law Review* 1501 (2012)
 40. Graber, Mark A., "Living with and Redeeming Evil," 71 *University of Maryland Law Review* 1073 (2012)
 41. Graber, Mark A., "Hollow Hopes and Exaggerated Fears: The Canon/Anti-Canon in Context," 123 *Harvard Law Review Forum* 33 (2012).
 42. Graber, Mark A. , "Constitutional Democracy, Human Dignity, and Entrenched Evil," 38 *Pepperdine Law Review* 889 (2011)
 43. Graber, Mark A., and Levinson, Sanford, "Selection Biases," 45 *Tulsa Law Review* 575 (2010)
 44. Mark A. Graber, "Law and Politics: An Old Distinction, New Problems" 35 *Law and Social Inquiry* 1025 (2010)
 45. Mark A. Graber, "A Tale Told by a President" 28 *Yale Law & Policy Review: Inter Alia* 13 (2010)
 46. Graber, Mark A., "Constitutional Fits," 41 **Journal of Social Philosophy** 194 (2010)

47. Graber, Mark A., "Our Paradoxical Religion Clauses," 69 **Maryland Law Review** 8 (2009)
48. Graber, Mark A., "James Buchanan as Savior," 88 **Oregon Law Review** 95 (2009)
49. Graber, Mark A., "Running Cars, Constitutions and Metaphors into the Ground," 18 **The Good Society** 35 (2009)
50. Graber, Mark A., "The Price of Fame: *Brown* as Celebrity," 69 **Ohio State Law Journal** 939 (2008)
51. Graber, Mark A., "The Countermajoritarian Difficulty: From Congress to Courts to Constitutional Order," 4 **Annual Reviews in Law and Social Science** 361 (2008)
52. Graber, Mark A., "Making Sense of an Eighteenth Century Constitution in a Twenty-First Century World," 67 **University of Maryland Law Review** 1 (2007)
53. Graber, Mark A., "False Modesty: Learning From Felix Frankfurter," 47 **Washburn Law Review** 23 (2007).
54. Graber, Mark A., "'No Better than They Deserve': Dred Scott and Constitutional Democracy," 34 **Northern Kentucky Law Review** 589 (2007)
55. Graber, Mark A., "The New Fiction: Dred Scott and the Language of Judicial Authority," 82 **University of Chicago-Kent Law Review** 177 (2007)
56. Graber, Mark A., "Enumeration and Other Constitutional Strategies for Protecting Rights," 9 **University of Pennsylvania Journal of Constitutional Law** 357 (2006).
57. Graber, Mark A., "Does it Really Matter: Conservative Courts in a Conservative Era," 75 **Fordham Law Review** 675 (2006).
58. Graber, Mark A., "Popular Constitutionalism, Judicial Supremacy, and the Complete Lincoln-Douglas Debates," 81 **University of Chicago-Kent Law Review** 923 (2006)
59. Graber, Mark A., "From the Countermajoritarian Difficulty to Juristocracy and the Political Construction of Judicial Review," 65 **University of Maryland Law Review** 1 (2006).
60. Graber, Mark A., "Lost and Not Yet Found: The New First Amendment," 14 **The Good Society** 19 (2005)
61. Graber, Mark A., "Constructing Judicial Review," 8 **Annual Reviews in Political Science** 425 (2005)
62. Graber, Mark A., "Constitutionalism and Political Science," 3 **Perspectives on Politics** 135 (2005)
 - a. Reprinted in 27 **NAPLA Notes** 80 (Summer 2006).
63. Graber, Mark A., "Dred Scott as a Centrist Decision," 83 **University of North Carolina Law Review** 1229 (2005)
64. Graber, Mark A., "Resolving Political Questions into Judicial Questions: Tocqueville's Aphorism Revisited" 21 **Constitutional Commentary** 485 (2004).
65. Graber, Mark A., "Constitutional Theory Goes to Market," 13 **The Good**

- Society** 29 (2004).
66. Graber, Mark A., "Ancients, Moderns, and Guns," 12 **William & Mary Bill of Rights Law Review** 307 (2004)
 67. Graber, Mark A., "Establishing Judicial Review: Marbury v. The Judiciary Act of 1789," 38 **Tulsa Law Review** 609 (2003)
 68. Graber, Mark A., "The Normative Significance of Constitutional Politics," 27 **Law and Social Inquiry** 309 (2002)
 69. Graber, Mark A., "Perspectives on Antebellum Free Speech, 10 **William and Mary Law Review** 779 (2002)
 70. Graber, Mark A., "Thick and Thin," 90 **Georgetown Law Journal** 233 (2001)
 71. Graber, Mark A., "Rethinking Equal Protection in Dark Times," 4 **University of Pennsylvania Journal of Constitutional Law** 314 (2002)
 72. Graber, Mark A., "Social Democracy and Constitutional Theory: An Institutional Perspective," 69 **Fordham Law Review** 1969 (2001)
 73. Graber, Mark A., "The Law Professor as Populist," 34 **University of Richmond Law Review** 373 (2000).
 74. Graber, Mark A., "The Jacksonian Origins of Chase Court Activism," 25 **Journal of Supreme Court History** 17 (2000).
 - a. 2001 McGraw-Hill Prize for best article published in 2000 on law and courts
 - b. 2001 Hughes-Gossett Prize for best article published in 2000 in the **Journal of Supreme Court History**
 75. Graber, Mark A., "Naked Land Transfers and American Constitutional Development," 53 **Vanderbilt Law Review** 73 (2000).
 - a. Republished as one of the best ten articles on land and environment in 32 **Land Use and Environmental Law Review** ____ (2001)
 76. Graber, Mark A., "Law in the Good Society," 9 **The Good Society** 68 (1999)
 77. Graber, Mark A., "The Constitution as a Whole: A Partial Political Science Perspective," 33 **University of Richmond Law Review** 343 (1999).
 78. Graber, Mark A., "Law and Sports Officiating: A Misunderstood and Justly Neglected Relationship," 16 **Constitutional Commentary** 293(1999).
 79. Graber, Mark A., "Federalist or Friends of Adams: The Marshall Court and Party Politics," 12 **Studies in American Political Development** 229 (1998).
 80. Graber, Mark A., "Establishing Judicial Review? *Schooner Peggy* and the Early Marshall Court" 51 **Political Research Quarterly** 221 (1998).
 81. Graber, Mark A., "Desperately Ducking Slavery: Dred Scott and Contemporary Constitutional Theory," 14 **Constitutional Commentary** 271 (1997).
 82. Graber, Mark A., "The Clintonification of American Law: Abortion, Welfare and Liberal Constitutional Theory," 58 **Ohio State Law Journal**

- 731 (1997).
- a. excerpted in Constitutional Theory: Arguments and Perspectives (edited by Thomas Rowe, Rebecca Brown, Girardeau Spann, and Michael Gerhardt) (Lexis Law Publishing) (forthcoming)
83. Graber, Mark A., "Delegalizing Constitutional Law," 6 **The Good Society: A PEGS Journal** 47 (Fall 1996).
 84. Graber, Mark A., "Conflicting Representations: Guinier and Madison on Electoral Systems," 13 **Constitutional Commentary** 291 (1996).
 - a. abridged as "Ties that Bind," 5 **The Good Society: A PEGS Journal** 28 (Spring 1995).
 85. Graber, Mark A., "Unnecessary and Unintelligible," 12 **Constitutional Commentary** 167 (1995).
 86. Graber, Mark A., "Old Wine in New Bottles: The Constitutional Status of Unconstitutional Speech," 48 **Vanderbilt Law Review** 349 (1995).
 87. Graber, Mark, "Judicial Recantations: Two Thoughts About Second Thoughts," 45 **Syracuse Law Review** 807 (1995).
 88. Graber, Mark, "The Passive-Aggressive Virtues: Cohens v. Virginia and the Problematic Establishment of Judicial Review," 12 **Constitutional Commentary** 67 (1995).
 89. Graber, Mark, A., "Why Interpret?: Political Justification and American Constitutionalism," 56 **The Review of Politics** 415 (1994).
 90. Graber, Mark A., "The Ghost of Abortion Past," 1 **Virginia Journal of Social Policy and the Law** 309 (1994).
 91. Graber, Mark A., "The Non-Majoritarian Problem: Legislative Deference to the Judiciary," 7 **Studies in American Political Development** 35 (1993).
 92. Graber, Mark A., "A Constitutional Conspiracy Unmasked: Why 'No State' Does Not Mean 'No State'," 10 **Constitutional Commentary** 87 (1993).
 93. Graber, Mark A., "Asking Better Questions," 26 **PS: Political Science and Politics** 216 (June 1993).
 94. Graber, Mark A., "Our (Im)Perfect Constitution," 51 **Review of Politics** 86 (1989).
 95. Rosenheck, Robert, Frank, Julia, and Graber, Mark A., "The Psychiatric Patient with Pending Criminal Charges: An Ecological Approach," **Psychological Quarterly** (1988).
- D. Book Chapters
1. "National Pork Producers Council v. Ross: The Puzzling Constitutional Law and Politics of the Dormant Commerce Clause," *SCOTUS 2023: Major Decisions and Developments of the US Supreme Court* (edited by Morgan Marietta and Howard Schweber) (Palgrave Maxmillan: New York, 2024)
 2. "The Unwritten Constitutions of the United States," *Amending America's Unwritten Constitution* (edited by Richard Albert, Ryan C. Williams, and Yaniv Roznai) (Cambridge University Press: New York, 2022)
 3. "United States v. Vaello Madero: Precedent in Times of Constitutional

- Change,” *SCOTUS 2022: Major Decisions and Developments of the US Supreme Court* (edited by Morgan Marietta) (Palgrave Macmillan: New York, 2023)
4. “Constitutional Identity, Constitutional Politics, and Constitutional Revolutions,” *Deciphering the Genome of Constitutionalism? The Foundations and Future of Constitutional Identity*
 5. “COVID-19, the United States, and Evidence-Based Politics,” *Routledge Handbook on Law and the COVID-19 Pandemic* (Routledge)
 6. “Born Populist: The Trump Administration, The Courts, and the Constitution of the United States,” *Populist Challenges to Constitutional Interpretation in Europe and Beyond* (edited by Fruzsina Gardos-Orosz and Zoltan Szente) (Routledge, 2021)
 7. “*Kahler v. Kansas*: Seventeenth Century Law Meets Twenty-First Century Psychiatry,” *SCOTUS 2020: Major Decisions and Developments of the US Supreme Court* (edited by Morgan Marietta) (Palgrave Macmillan: New York, 2021) (With Julia Bess Frank)
 8. “*Madison, Buckelew, Dunn, and Murphy*: Capital Punishment at the Margins,” *SCOTUS 2019: Major Decisions and Developments of the US Supreme Court* (edited by David Klein and Morgan Marietta) (Palgrave Macmillan: New York, 2020).
 9. “Freedoms of Speech in the Multiversity,” *Free Speech Theory: Understanding the Controversies* (edited by Helen Knowles and Brandon T. Metroka) (Peter Lang: New York) (forthcoming)
 10. “Trumping the Declaration: Presidents and the Declaration of Independence in the Twentieth and Twenty-First Centuries,” *The Cambridge Companion to the Declaration of Independence* (edited by Alfred Brophy and Mark E. Brandon) (Cambridge University Press: New York, 2019) (forthcoming).
 11. “Institutionalism as Conclusion and Approach,” *Research Methods in Constitutional Law: A Handbook* (edited by David Law and Malcolm Langford) (Edward Elgar Publishing: New York) (forthcoming)
 12. “Introduction: Constitutional Democracy in Crisis?” *Constitutional Democracy in Crisis?* (edited by Mark A. Graber, Sanford Levinson and Mark Tushnet) (Oxford University Press: New York, 2018) (with Sanford Levinson and Mark Tushnet).
 13. “What’s in Crisis? The Postwar Constitutional Paradigm, Transformative Constitutionalism and the Fate of Constitutional Democracy,” *Constitutional Democracy in Crisis?* (edited by Mark A. Graber, Sanford Levinson and Mark Tushnet) (Oxford University Press: New York, 2018)
 14. “Race and American Constitutional Exceptionalism,” *Comparative Constitutional Theory* (edited by Miguel Schor and Gary Jacobsohn) (Edward Elgar Publishing: New York, 2018)
 15. “Seeing, Seizing, and Searching Like a State: Constitutional Developments from the Seventeenth Century to the End of the Nineteenth Century,” *The Cambridge Handbook of Surveillance Law* (edited by David Gray and Stephen E. Henderson) (Cambridge University Press:

- New York, 2017)
16. "Andrew Jackson," *American Presidents and the Constitution* (edited by Kenneth Gormley) (New York University Press: New York, 2016)
 17. "Separation of Powers," *The Cambridge Companion to the United States Constitution* (edited by Karen Orren and John Compton) (Cambridge University Press: New York, 2018)
 18. "Introduction," *The Oxford Handbook of the United States Constitution* (Oxford University Press: New York, 2015) (with Mark Tushnet and Sandy Levinson)
 19. "Almost Legal: Disobedience and Partial Nullification in American Constitutional Politics and Law," (University Press of Kansas, Lawrence, KS, 2015)
 20. "James Madison as Republican," *The Constitution and the Classics* (edited by Dennis Galligan) (Oxford University Press: New York, 2015)
 21. "Constitutional Politics in the Active Voice," *Consequential Courts: New Judicial Roles in Global Perspectives* (edited by Diana Kapiszewski, Gordon Silverstein and Robert Kagan) (Cambridge University Press: New York, 2013)
 22. "Planned Obsolescence? The Constitution and Slavery," *Is the American Constitution Obsolete* (Carolina Academic Press; Chapel Hill, NC, 2012)
 23. Foreword: The Banality of Constitutional Evil," Earl Maltz, *The Constitution and Slavery* (University Press of Kansas: Lawrence, Kansas, 2009).
 24. "John Brown, Abraham Lincoln, Dred Scott and the Problem of Constitutional Evil," *The Dred Scott Case: Historical and Contemporary Perspectives on Race and Law* (edited by David Thomas Konig, Paul Finkelman and Christopher Alan Bracey) (Ohio University Press: Athens, Ohio, 2010).
 25. "Constitutional Law and American Politics," *The Oxford Handbook of Law and Politics* (edited by Keith E. Whittington, R. Daniel Kelemen, and Gregory A. Caldeira) (Oxford University Press: New York)
 26. "Clarence Thomas," *Biographical Encyclopedia of the Supreme Court* (edited by Melvin Urofsky) (CQ Press: Washington, DC, 2006).
 27. "Settling the West: The Louisiana Purchase, the Annexation of Texas, and Bush v. Gore," *The Louisiana Purchase and American Expansionism* (edited by Sanford Levinson and Bartholomew Sparrow) (Rowman and Littlefield: Lanham Maryland, 2006)
 28. "Legal, Strategic, or Legal Strategy: Deciding to Decide During the Civil War and Reconstruction," *The U.S. Supreme Court and American Political Development* (edited by Ronald Kahn and Ken Kersch) (University Press of Kansas: Lawrence, Kansas, 2006)
 29. "The Right to Vote and Other 'Anomalies:' Protecting and Expanding Civil Liberties in Wartime," *At War with Civil Rights and Civil Liberties* (edited by John Stack and Thomas Baker) (Rowman & Littlefield: Lanham, MD 2005))
 30. "From Republic to Democracy: Judicial Protection for Political Processes"

- Institutions of Democracy: The Judiciary (edited by Kermit Hall and Kevin McGuire)
31. "Counterstories: Protecting and Expanding Civil Liberties in Times of War," The Constitution in Wartime: Beyond Alarmism and Complacency (edited by Mark Tushnet) (Duke University Press)
 32. "The Law and Politics of Judicial Review," Separation of Powers: Documents and Commentary (edited by Katy Harriger) (CQ Press: Washington, 2003)
 33. "Justice Thomas and the Perils of Amateur History," The Jurisprudence of the Rehnquist Court (edited by Earl Maltz) (University of Kansas Press: Lawrence, Kansas, 2003)
 34. "Academic Freedom and the Academic Enterprise," The Boundaries of Freedom of Expression & Order in American Democracy (edited by Thomas R. Hensley) (Kent State University Press: Kent, Ohio, 2001).
 35. "Critical Jewish Studies," Law and Religion: A Critical Anthology (edited by Stephen M. Feldman) (New York University Press: New York, 2000)
 36. "The Problematic Establishment of Judicial Review," The Supreme Court and American Politics: New Institutional Approaches (edited by Howard Gillman and Cornell Clayton) (University Press of Kansas: Lawrence, Kansas, 1999).
 37. "Unnecessary and Unintelligible," Constitutional Stupidities and Tragedies (edited by William Eskridge and Sanford Levinson) (New York University Press: New York, 1997).
 38. "Conscience, Constitutionalism, and Consensus: A Comment on Constitutional Stupidities and Evils," NOMOS XXXIX: Integrity and Conscience (edited by Ian Shapiro) (New York University Press: New York, 1997).
 39. "Communism and American National Institutions, 1946-54," L'anticommunisme et "la chasse aux sorcières" aux États-Unis (1946-54) (Ellipses, 1995)
 40. "Interpreting Abortion," Feminist Jurisprudence (Rowman and Littlefield, 1992).
- E. Amicus Briefs
1. Brief of Constitutional Law Professor Mark A. Graber as *Amicus Curiae* in Support of Respondent, *Trump v. Anderson*, Supreme Court of the United States
 2. Amicus Curiae Brief of Constitutional Law Professor Mark A. Graber, *Anderson v. Griswold*, Colorado Supreme Court
 3. Amicus Brief of Constitutional Law Professor Mark A. Graber, Secretary of State, Maine
- F. Review Essays
1. Judicial Power and American Character, 12 **Constitutional Commentary** 305 (1995).
- G. Book Reviews
1. *Dirty Words: Obscenity on Trial in America's First Sexual Revolution*, ____ *Journal of American History* ____ (2022) (forthcoming).

2. *Abortion and Law in America: Roe v. Wade to the Present*, ___ *Journal of American History* ___ (2021).
3. *Entrenchment: Wealth, Power, and the Constitution of Democratic Societies*, 107 *Journal of American History* 449 (2020)
4. *Birthright Citizens: A History of Race and Rights in Antebellum America*, 124 *American Historical Review* 1893 (2019)
5. *Extending Rights' Reach: Constitutions, Private Law, and Judicial Power*, ___ *Perspectives on Politics* ___ (2019) (forthcoming)
6. *Supreme Injustice: Slavery in the Nation's Highest Court*, 37 *Law and History Review* 315 (2019)
7. *Law and the Modern Mind: Consciousness and Responsibility in American Legal Culture* ___ *Journal of American History* ___ (2018) (forthcoming).
8. *Liberty and Union: The Civil War Era and American Constitutionalism*, 7 *The Journal of the Civil War Era* 483 (2017)
9. *An Indispensable Liberty: The Fight for Free Speech in Nineteenth-Century America*, ___ *Journal of American History* ___ (2017) (forthcoming)
10. *Speaking Freely: Whitney v. California and American Free Speech Law*, ___ *Pacific Quarterly Review* ___ (2016) (forthcoming)
11. *The Adversary First Amendment: Free Expression and the Foundations of American Democracy*, ___ *Political Science Quarterly* ___ (2014)
12. *The Contested Removal Power, 1789-2010*, 33 *Law and History Review* 235 (2015).
13. *The Executive Unbound: After the Madisonian Republic and The System of the Constitution*, 11 *Perspectives on Politics* 1157 (2013)
14. *Brandishing the First Amendment: Commercial Expression in America*, ___ *American Political Thought* ___ (2012)
15. *Free Market Fairness*, ___ *Review of Politics* ___ (2012)
16. Habeas Corpus in America: The Politics of Individual Rights, 22 **Law and Politics Book Review** 238 (2012).
17. Dred Scott and the Politics of Slavery ___ **H-Civil War** ___ (2010)
18. The Constitution in 2010; A Constitution of Many Minds; Our Undemocratic Constitution, ___ **Perspectives on Politics** (2010).
19. Rights in the Balance: Free Press, Fair Trial & Nebraska Press Association v. Stuart, ___ **Journal of American History** ___ (2009)
20. The American Civil Liberties Union and the Making of Modern Liberalism, 1930-1960, ___ **Journal of American History** ___ (2008) (forthcoming)
21. Rediscovering a Lost Freedom: The First Amendment Right to Censor Unwanted Speech, ___ **Review of Politics** ___ (2007).
22. Andrew Jackson and the Politics of Martial Law: Nationalism, Civil Liberties, and Partisanship, **Kentucky Historical Society**
23. Money & Free Speech: Campaign Finance Reform and the Courts, ___ **Review of Politics** ___ (2007) (forthcoming).
24. American Taxation, American Slavery, ___ **H-Net** ___ (2007).

25. Origins of the Dred Scott Case: Jacksonian Jurisprudence and the Supreme Court, 1837-1857, ___ **Law and History Review** ___ (2007) (forthcoming)
26. Speak No Evil: The Triumph of Hate Speech Regulation, Beyond the First Amendment: The Politics of Free Speech and Pluralism, ___ **Journal of Politics** ___ (2006) (forthcoming)
27. The Abortion Controversy in America: A Legal Reader, H-Law (forthcoming)
28. From Jim Crow to Civil Rights, ___ **Journal of American History** ___ (2005) (forthcoming).
29. From Noose to Needle ___ **Journal of Politics** ___
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35. Supreme Court Decision-Making: New Institutional Approaches ___ **Law and Politics Book Review** ___ (2000)
36. When the Nazis Came to Skokie, ___ **Journal of American History** ___ (forthcoming).
37. Constitutional Interpretation: Textual Meaning, Original Intent, and Judicial Review, ___ **Ethics** ___ (forthcoming)
38. Equality, Responsibility, and the Law, ___ **American Political Science Review** ___ (forthcoming)
39. Reconstructing Reconstruction, 9 **Law and Politics Book Review** 544 (1999).
40. The Context of Judicial Activism, 9 **Law and Politics Book Review** 315 (1999)
41. Matters of Principle: Legitimate Legal Argument and Constitutional Interpretation, 9 **Law and Politics Book Review** 50 (1999).
42. Utilitarianism, Institutions, and Justice, ___ **Journal of Politics** ___ (1999).
43. Rampant Women: Suffragists and the Right of Assembly, ___ **American Journal of Legal History** ___ (1999)
44. Justifying Judgment: Practicing Law and Philosophy, 8 **Law and Politics Book Review** 247 (1998).
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46. The Constitution and Criminal Procedure: First Principles 7 **Law and Politics Book Review** 431 (1997)
47. American Constitutionalism: From Theory to Politics, 108 **Ethics** 433 (1998)
48. Perspectives on the Politics of Abortion, 7 **Law and Politics Book**

- Review** 161 (1997).
49. Liberty, Property, and Privacy: Toward a Jurisprudence of Substantive Due Process, 7 **Law and Politics Book Review** 36 (1997).
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 51. Against the Imperial Judiciary: The Supreme Court vs. the Sovereignty of the People, 59 **The Review of Politics** 149 (1996).
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 59. Redefining the First Freedom, 88 **American Political Science Review** 476 (1994).
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 64. Justice Oliver Wendell Holmes: Free Speech and the Living Constitution, 78 **Journal of American History** 1476 (1992).
 65. Interpreting the Constitution: The Supreme Court and the Process of Adjudication, 73 **Social Science Quarterly** 207 (1992).
 66. The Poor in Court: The Legal Services Program and Supreme Court Decision Making, 72 **Social Science Quarterly** 850 (1991).
 67. The United States Constitution: Personalities, Principles, and Issues, 69 **Social Science Quarterly** 1028 (1988).

H. Other

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2. Graber, Mark A., "Trump and the American Problem of the Commons," *Verfassungsblog*, March 5, 2024
3. Graber, Mark A., "Trump's Apologists Say it Doesn't Matter if He's Guilty of Insurrection: That's Not True," *The Guardian*, March 5, 2024

4. Graber, Mark A., "Who's Afraid of Militant Democracy, U.S. Style," *Verfassungsblog*, February 20, 2024
5. Graber, Mark A., "Of Course Presidents Are Officers of the United States," *The Atlantic*, February 15, 2024
6. Graber, Mark A., "Trump's Supreme Court Ballot Argument Posits That Jefferson Davis Wasn't an Insurrectionist Either," *Slate*, February 8, 2024.
7. Graber, Mark A., "Why Treason is a Key Topic in Trump's 14th Amendment Appeal to the Supreme Court," *The Conversation*, February 1, 2024
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9. Graber, Mark A., "Why 14th Amendment Bars Trump from Office: A Constitutional Law Scholar Explains Principle Behind Colorado Supreme Court Ruling," *The Conversation*, December 19, 2023.
10. Graber, Mark A., "Donald Trump and the Jefferson Davis Problem," *The New York Times*, November 29, 2023.
11. "Harvard's Diversity Chicken Comes Home to Roost," *Verfassungsblog*, July 9, 2023
12. Graber, Mark A., "Disqualification from Office: Donald Trump V. the 39th Congress," *Lawfare* (February 24, 2023).
13. Graber, Mark A., "An Originalist Interpretation of the Constitution would bar Trump and others from Holding Public Office," *Baltimore Sun* (October 13, 2022).
14. Graber, Mark A., "Treason, Insurrection, and Disqualification: From the Fugitive Slave Act of 1850 to Jan. 6, 2021," *Lawfare* (September 26, 2022).
15. Graber, Mark A., "To the Executive Branch and Beyond," [I-CONNECT – Book Roundtable on Margit Cohn's A Theory of the Executive Branch: Tension and Legality | Part 2 | To the Executive Branch and Beyond \(iconnectblog.com\)](#)
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17. Graber, Mark A., "Their Fourteenth Amendment, Section 3 and Ours," *Just Security*, February 16, 2021
18. Graber, Mark A., "COVID-19, the United States, and Evidence-Based Politics," *Verfassungsblog*, April 14, 2021
19. Graber, Mark A., and Sanford Levinson, "Overlegalizing Impeachment and the Twenty-Fifth Amendment," *Jurist*, January 13, 2021.
20. Graber, Mark A., "Section 3 to the Rescue," **The Constitutionalist**, January 11, 2021.
21. Graber, Mark A., "The Man from Mr. Jefferson's University," [Law and Courts Newsletter](#) (2019)
22. Graber, Mark A., "Arizona v. United States," "Compact Theory," "Constitutionalism," "Gonzales v. Raich," "Kelo v. City of New London," "McDonald v. City of Chicago," "Munn v. State of Illinois," "Second Amendment," "Shelby County v. Holder," "U.S. Term Limits v.

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 24. Graber, Mark A. "Hate Crimes at the Front and Back End of Free Speech Law," ___ *Boston University Law Review Online Annex* ___ (2015).
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 31. Graber, Mark A., "Was the Dred Scott Decision Morally Wrong but Still Legally Correct?" *History News Network*, <https://historynewsnetwork.org/article/30419>
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 51. Graber, Mark A., "Historical Institutionalism as/and Scholarship," **Law and Courts Newsletter** (Spring 1999).
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 53. Mark A. Graber, "Public Employees and Free Speech," "United States v. National Treasury Employees Union (1995)," "Waters v. Churchill (1994)," Encyclopedia of the American Constitution (Supplement II) (edited by Leonard W. Levy, Kenneth Karst, and Adam Winkler) (Macmillan: New York)
 54. Mark A. Graber, "The Necessary and Proper Clause," "Abortion," The Constitution and its Amendments (edited by Roger K. Newman) (Macmillan: New York)

I. Academic Humor

1. Graber, Mark A., "Mad Libs Letters of Recommendation," Law and Courts Newsletter, Fall 2007.
2. Graber, Mark A., "My Deanship," Law and Courts Newsletter, Winter 2007
3. Graber, Mark A., and Gillman, Howard, "How to Succeed in Public Law: A New Institutional Approach to Transforming and Rethinking a Besieged But Living Non-Majoritarian Law and Courts Ratings System for Departmental and Self-Promotion," **Law and Courts** (Winter 1999).

III. INVITED PRESENTATIONS

- A. "Virginia and (Jack Balkin's) Fourteenth Amendment

1. William and Mary, March 2024
- B. "Constitutional Structure and Fundamental Rights: The Second Founding Revisited,"
 1. University of Vermont, March 2024
- C. "Against the General Theory of Judicial Review,:"
 1. University of Oklahoma, March 2024
- D. "The Past, Present, and Future of Constitutional Disqualification," Yale Law School, January 2024
- E. "Tennessee and the Fourteenth Amendment,"
 1. University of Missouri, February 2024
 2. University of Texas, March 2024
- F. "Affirmative Action, Section Three, Congressional Primacy and other Random Thoughts on the Fourteenth Amendment in 1866," Florida State Law School, February 2024
- G. Talks on Disqualifying Donald Trump
 1. William and Mary Law School, February 2024
 2. Syracuse Law School, February 2024
 3. Toledo Law School, January 2024 (debate with Kurt Lash)
- H. Panel Discussions on Section Three and Disqualification
 1. University of Minnesota Law School, October 2023
 2. University of California Los Angeles Law School, October 2023
 3. American Constitutional Society and Federalist Society of Chicago, October 2023
- I. Book Talks and Panels on *Punish Treason*
 1. Midwest Political Science Association, April 2024
 2. William and Mary Law School, February 2024
 3. Syracuse Law School, February 2024
 4. University of Milan, December 2023
 5. American Political Science Association, September 2023
 6. Kansas State Teacher's Association
 - a. June 2023
 - b. February 2023
 7. New England Political Science Association, April 2023
- J. Donald Trump and the Rule of Law
 1. Boccini Department of Legal Studies, December 2023
 2. Como University, December 2023
- K. "Our Section Three and Theirs"
 1. University of Georgia, October 2023
- L. "*Marbury v. Madison*,"
 1. Kriti Parashar School of Law, NCR," November 2023
- M. "The *Slaughter-House Cases* and the Rise of the Fourteenth Amendment, Section One,"
 1. Loyola Constitutional Law Colloquium, November 2023
 2. Rutgers Law School, November 2023
 3. Princeton University, September 2023
 4. Bucknell University, September 2023

- N. “Partisan Supremacy in the Lincoln-Douglas Debates,”
 1. University of Maryland Constitutional Law Schmooze, March 2023
- O. The Surprising History of the Constitutionality of Race Discrimination in the United States
 1. ABA International Law Section, May 2023
 2. New England Political Science Association, April 2023
- P. The Constitution of the Civil Rights Act of 1866
 1. New England Political Science Association, April 2023
- Q. “Michael Oakeshot’s Pen Revisited: The Reactionary, Not Conservative, Jurisprudence of the Roberts Court”
 1. University of Maryland Law Review Symposium, February 2023
 2. The New England Political Science Association, April 2023
- R. The Imaginary Legal World of Felix Frankfurter
 1. Touro Law School, April 2023
- S. “Talking Insurrection”
 1. West Florida University, the Seligman Lecture. February 2023
- T. Why No Proportionality in the United States”
 1. Global Summit, University of Texas Law School
 2. World Congress of Constitutional Law, December 2022
- U. “The Partisan Reconstruction,”
 1. Loyola Constitutional Law Colloquium, November 2022
- V. “Time Travel and Space Travel in Constitutional Law.”
 1. Amity Law School, February 2023
 2. Milan Constitutional Schmooze, October 2022
 3. University of Toronto, Fall 1998?
- W. “Constitutional Reform Transformed,”
 1. LevinsonFest, University of Texas, July 2022
 2. University of Wisconsin Constitutional Law Schmooze, October 2022
- X. “Section Three Disqualification: Past and Present”
 1. University of Wisconsin Law, September 2023
 2. Duke Law School, September 2022
 3. Loyola Constitutional Law Colloquium, November 2022
 4. Radzyner School of Law, December 2022
- Y. “Constitutional Identity, Constitutional Politics, and Constitutional Revolutions,”
 1. Harry Radzyner School of Law, December 2022
 2. University of Maryland, Milan, and Reichmann Law School Colloquium, April 2022
 3. Deciphering the Genome of Constitutionalism Workshop, November 2021
- Z. “Hidden in Plain Sight: The Forgotten Fourteenth Amendment,”
 1. Hofstra Law School, March 2022
 2. New York Law School, March 2022
- AA. *Punish Treason, Reward Loyalty*
 1. Harry Radzyner School of Law, December 2022
 2. University of Texas, November 2021
- BB. “Interest Convergence Revisited: 1868, 1954, 2021
 1. City University of New York, Staten Island, October 2021

2. Loyola/GW Constitutional Law Colloquium, November 2021
- CC. "The Politics of Constitutional Revolution"
1. University of Texas, November 2021
- DD. "As Justice Accused Nears its 50th Anniversary," (with Sanford Levinson)
1. Touro Law School, October 2021
- EE. "The Progressive, Populist, and Tushnet Persuasions,"
1. Harvard University, June 2021
- FF. "COVID-19, the United States, and Evidence-Based Politics,"
1. *Verfassungsblog* Webinar Series, May 2021
- GG. "The Forgotten Fourteenth Amendment,"
1. Midwest Political Science Association, April 2021
2. Interdisciplinary Center, April 2021
- HH. "Colorado and the Fourteenth Amendment,"
1. University of Wisconsin School of Law, October 2021
2. Midwest Political Science Association, April 2021
- II. "Korematsu's Ancestors,"
1. University of Arizona, March 2021
2. University of Maryland, March 2021
- JJ. "Populism and Constitutional Democracy"
1. Jarpur University, January 2021
- KK. "Born Populist: The Trump Administration, the Courts, and the Constitution of the United States,"
1. International Society of Public Law, July 2021
2. University of Wisconsin School of Law, October 2020
3. American Society of Comparative Law, October 2020
4. Loyola University Constitutional Law Colloquium, November 2020
5. University of Texas Constitutional Law Summit, January 2021
- LL. "Disloyal Rebels and Loyal Unionists" The Fourteenth Amendment as a Whole,"
Texas State University, September 2020
- MM. "Creating and Constraining Constitutional Politics, "The Rise of the Fourteenth Amendment, Section One,"
1. Chicago-Kent Law School, November 2019
- NN. "Commentary on Martin Flaherty, *Restoring the Global Judiciary*"
1. Fordham University, November 2019
- OO. "Abraham Lincoln and the Disappearing Conditions of Federalism,:"
1. University of Milan Constitutional Law Schmooze, October, 2019.
- PP. "Original Expectations,"
1. University of Connecticut Law School, September 2019
- QQ. "The Unwritten Constitutions of the United States,"
1. Harry Radzyner School of Law, December 2022
2. Hebrew University, December 2022
3. Drake Law School, February 2020
4. Loyola Constitutional Law Colloquium, November 2019
5. Boston College, May 2019
- RR. "Cause Lawyers in the Partisan State"
1. University of California, Irvine Law School, March 2019

- SS. “Constructing Constitutional Politics”
 1. Duke Law School, March 2019
- TT. “What’s in Crisis? Executive Power and Governance”
 1. University of Texas Law School, February 2019
- UU. “The Jacksonian Makings of the Taney Court,”
 1. University of Wisconsin School of Law, November 2018
 2. Princeton University, April 2018
- VV. “The Constitution of the Confederate States”
 1. Baltimore Civil War Roundtable, November 2018
 2. Chesapeake Civil War Roundtable, May 2019
- WW. “The Constitution as Constraint”
 1. University of Chicago, Political Science, October 2023
 2. American Political Science Association, September 2021
 3. Drake Law School, February 2020
 4. University of Texas, January 2020
 5. University of Wisconsin School of Law, October 2019
 6. ICON-S, July 2019
 7. Loyola Law School, November 2018
- XX. “The Constitution of the Republican and Democratic Parties”
 1. Baltimore Bar Association, November, 2018
- YY. “Access to Justice in Constitutional Law and Democratic Theory”
 1. University of Milan, October 2018
- ZZ. “What’s in Crisis? The Postwar Constitutional Paradigm, Transformative Constitutionalism and the Fate of Constitutional Democracy,”
 1. Interdisciplinary Center, December 2018
 2. College of Law and Business, December 2018
 3. Tel Aviv Law School, December 2018
 4. European University, Florence, Italy, October 2018
 5. ITAM, Mexico City, October 2018
 6. ICON-S, July 2018
 7. Washington and Lee School of Law, April 2018
- AAA. “Learned Hand and the Second Death of *Lochner v. New York*,” NYU Law School, October 2017
- BBB. “The Constitutional Powers of Anti-Publican Presidents: Constitutional Interpretation in a Broken Constitutional Order,”
 1. University of Wisconsin Law School, October 2017
 2. Tulane Law School, October 2017
 3. Swarthmore College, September 2017
 4. New England Political Science Association, April 2018
- CCC. “The Taming of Civil Liberties,” Hebrew University, May 2017
- DDD. “Ronald Kahn from the Inside Out,” Oberlin College, April 2017
- EEE. “Justice Cardozo and the Origins of Modern Constitutional Liberalism,” Touro Law School, March 2017
- FFF. “Independence and Impotence: The Supreme Court’s 2015-2016 Term,” Keynote Address, Upstate New York American Constitutional Society, September, 2016
- GGG. “American Constitutional Exceptionalism and Race,” ICON-S annual meeting,

June 2016

1. Law and Society, Annual Meeting, June 2017
- HHH. "The Right to Privacy from Olmstead to Obergefell," Touro Law School, March 2016
- III. "The Second Freedmen's Bureau Bill's Constitution"
1. SUNY Oswego, April 2016
 2. University of Texas School of Law, January 2016
- JJJ. "State Constitutions as National Constitutions," University of Arkansas School of Law, January 2016
- KKK. "Judicial Supremacy and the Structure of Partisan Conflict," University of Indiana, Indianapolis School of Law, November 2015.
- LLL. "One and a Half Cheers for Obergefell v. Hodges," Park University, September 2015
- MMM. "Separation of Powers"
1. American Political Science Association, September 2015
 2. Georgia State School of Law, August 2015
 3. University of Wisconsin, November 2016
- NNN. "Young Jeffersonians and Adult Marshallians: Constitutional Transitions in Public Schools and Nation-States," ICON-S July 2015
- OOO. "*Harperooning, gRoeing and Browning* the First Amendment," New England Political Science Association, April 2015
- PPP. "Constructing Interested and Constraining Hostile Officials"
1. Princeton University, December 2014
 2. University of Wisconsin School of Law, October 2016
- QQQ. "Constitutional Change; New Texts, New Interpretations, New Amendments"
1. Boston College School of Law, October 2014
- RRR. "Judicial Supremacy Revisited"
1. University of Wisconsin School of Law, November 2014
 2. William and Mary School of Law, February 2016
- SSS. "Constructing Constitutional Politics: The Reconstruction Strategy for Protecting Rights"
1. University of Texas School of Law, February 2015
 2. Washington and Lee School of Law, October 2014
 3. Cornell University School of Law, September 2014
 4. Chicago-Kent School of Law, September 2014
 5. Yale Law School, January 2014
 6. University of Georgia Law School, January 2014
 7. American Association of Law Schools, Annual Meeting, 2014
 8. Princeton University, December 2014
 9. University of Virginia School of Law, September 2013
 10. American Political Science Association, August 2013
 11. New England Political Science Association, May 2013
- TTT. "Charles Buckalew and the Origins of the Stupid Senate"
1. University of Wisconsin School of Law, November 2013
 2. ICON-S, July 2017
- UUU. "Belling the Partisan Cats: Preliminary Thoughts on Identifying and mending a

- Dysfunctional Constitutional Order”
1. New England Political Science Association, May 2014
 2. Boston University School of Law, November 2013
- VVV. “The Coming Constitutional Yo-Yo”
1. Howard University School of Law, November, 2013
 2. Law and Society Association, May, 2013
- WWW. “Bickel’s Accountability Problem”
1. Northeastern Political Science Association, November 2012
 2. Princeton University, December 2012
- XXX. Addition by Subtraction: The Fourteenth and Thirteenth Amendments Revisited”
1. Columbia Law School, January 2012
 2. Touro Law School, February 2012
- YYY. “Redemption, Faith and the Post Civil War Paradox”
1. University of Texas School of Law, October 2011
 2. University of Wisconsin School of Law, October 2011
- ZZZ. “The Judicial Allocation of Constitutional Authority”
1. Florida State University School of Law, September 2011
 2. American Political Science Association, September 2010
 3. University of Sidney, June 2010
- AAAA. “Constitutional Liberalism as Conservatism, Constitutional Conservatism as Liberalism,” Miller Lecture, Baylor University, October, 2011
- BBBB. “How Constitutions Work,” American Political Science Association, annual meeting 2009
1. Michigan State College of Law, February 2012
 2. University of Melbourne, June 2010
- CCCC. Conservatism and Originalism,” Princeton University, December 2009
- DDDD. “James Madison’s Republican Constitutionalism,” Oxford, July 2009
1. Duke School of Law, April 2010
- EEEE. “Planned Obsolescence? The Constitution and Slavery,” City College of New York, May 2009
- FFFF. “American Constitutionalism in Global Perspective,” University of Delaware, April 2009
- GGGG. “The Village Nazi,” Princeton University, December 2008
- HHHH. “The Countermajoritarian Difficulty: From Congress to Courts to Constitutional Order,” American Political Science Association, August 2008
1. University of Oregon School of Law, September 2008
 2. Boston Public Law Study Group, November 2008
- IIII. “Polarization and Constitutional Theory,” Northwestern University, March 14, 2008
1. University of Oregon School of Law, September 2008
- JJJJ. “Brown as Cultural Icon,” Ohio State University Law School, February 2008
1. University of Oregon School of Law, September 2008
- KKKK. “Slavery and Compromise,” Princeton University, May 2008
- LLLL. Constitutional Democracy, Human Dignity, and Entrenched Evil,” Princeton University, February 2008
- MMMM. “James Buchanan as Savior: Political Fragmentation and the Failed Repeal

of Section 25”

1. University of Chicago School of Law 2009
 2. Harvard University, February 2009
 3. Columbia Law School, January 2009
 4. Harvard Law School, October 2008
 5. University of Arkansas, Hogg Lecture, April 2008
 6. Yale University, March 2008
 7. University of California, Berkeley, January 2008
 - a. Revised version. November 2008
 8. University of Nevada, Las Vegas, February 2008
- NNNN. “The Federalist Papers as Historical Fiction,” Princeton University, December 2008
- OOOO. “The Working Constitution,”
 1. Harvard University, December 2007
 2. Yale University, November 2007
- PPPP. “Abraham Lincoln, John Brown, Dred Scott and the Problem of Constitutional Evil”
 1. University of Oklahoma School of Law, October 2011
 2. University of Illinois, March 2010
 3. American Constitutional Society, Kansas City, May 2008
 4. American Bar Association, Chicago, March 2008
 5. American Constitutional Society, Orlando Chapter, February 2008
 6. University of California, Berkeley, January 2008
 7. University of Nevada, Las Vegas, February 2008
 8. University of San Diego School of Law, October 2007
 9. American Society of Legal History, October 2007
- QQQQ. Loser Federalism, Temple University School of Law, October 2008
 1. American Association of Law Schools, January 2008
- RRRR. “Constitutional Law and American Politics,” American Political Science Association, September 2007
- SSSS. “Politics Lost: The Road to Neutral Principles,”
 1. Harvard Law School, April 2007
 2. Midwest Political Science Conventional, April 2007
- TTTT. “John Brown and the Problem of Constitutional Evil,” Evangelis Lecture, Rutgers University, February 2007
- UUUU. “Constitutional Evils: Past, Present and Future,” Rosen Lecture, University of Vermont, February 2007
- VVVV. “The New Fiction: Dred Scott and the language of Judicial Power,” St. Johns University School of Law, January 2007
- WWWW. “Constitutional Politics and the Collapse of the New Deal Conceptual Order,” Suffolk University School of Law,” January 2007
 1. University of Oregon School of Law, September 2008
- XXXX. ““No Better than They Deserve:’ Dred Scott and Constitutional Democracy,” Suffolk University School of Law, January 2007
 1. University of Northern Kentucky School of Law, February 2007
 2. Washington University School of Law, February 2007

- YYYY. "Does It Really Matter: Conservative Courts in a Conservative Age," American Political Science Association, annual meeting, September 2006.
1. Vanderbilt Law School, September 2006
 2. Washington College of Law, April 2007
- ZZZZ. "Enumeration and other Constitutional Strategies for Protecting Rights," University of Pennsylvania School of Law, February 2006
- AAAAA. "The Contract Metaphor," Syracuse University, February 2006
- BBBBB. "(Not) Learning from Dred Scott"
1. Philadelphia Chapter of the American Constitutional Society, January 2008
 2. University of Connecticut School of Law, October 2007
 3. University of Texas School of Law, March 2006
 4. University of Texas, Dallas, January 2006
- CCCCC. "Nullification and Judicial Review," American Association of Law Schools, January 2006
- DDDDD. "The Jacksonian Makings of the Taney Court," 2005 annual meeting of the American Society for Legal History, November 2005
- EEEEE. "Judicial Supremacy and the Complete Lincoln-Douglas Debates," University of Chicago-Kent, November 2005
- FFFFF. "Now More than Ever: Maintaining and Expanding Civil Liberties in Wartime,"
1. University of Maryland, Baltimore County, September 2015
 2. Nolan Fowler Constitutional Day speaker, September 2006
 3. Swarthmore College, September 2005
- GGGGG. "Polarized Politics, Centrist Justices," Loyola University of New Orleans, April 2005
- HHHHH. "The Constitution as Contract and Relationship," Princeton University, April 2005
- IIIII. "Legal, Strategic, or Legal Strategy: Deciding to Decide During the Civil War and Reconstruction," University of Texas, November 2004
- JJJJJ. "The Civil War as a Constitutional Failure," George Washington University, November 2004
- KKKKK. "Dred Scott as a Centrist Decision," University of North Carolina, October 2004
1. UCLA School of Law, January 2005
- LLLLL. "From Republic to Democracy," Annenburg Center, University of Pennsylvania, September 2004
- MMMMM. Majoritarianism and Constitutional Evil," American Political Science Association, August 2004,
- NNNNN. "The Right to Vote and other Anomalies," Midwest Political Science Association, April 2004
- OOOOO. "Disturbing Patterns: Civil Liberties in Wartime," University of Washington, March 2004
- PPPPP. "Counterstories: Protecting and Expanding Civil Liberties in Wartime," Western Political Science Convention, March 2004
- QQQQQ. "The Harness of Necessity," Florida International School of Law, October 2003

- RRRRR. "The Constitutional Politics of Slavery"
 1. Western Political Science Convention, March 2003
 2. Princeton University, April 2003
- SSSSS. "Bush v. Gore and the Annexation of Texas," University of Texas,
 February 2003
- TTTTT. "A Two Way Street: Civil Liberties in Wartime," Georgetown University
 Law Center, December 2002
- UUUUU. "Putting the Constitution into the Courts," University of Tulsa, November
 1992
- VVVVV. "Lessons of Dred Scott," DePaul University, October 1992
 1. New York University, October 1992
 2. University of Maryland School of Law, October 1992
- WWWWW. "The Law and Politics of Judicial Review," American Political Science
 Association, annual meeting, 2002
- XXXXX. "The Constitution and Majoritarian Democracy," New England Political
 Science Convention, 2002
- YYYYY. "The Rehnquist Court," Washington State University, May 2002
- ZZZZZ. "The Election of 1860 Revisited," Georgetown Constitutional Law
 Discussion Group, December 2001
- AAAAA. "Bush v. Gore in Light of Clinton v. Jones," Duke University, October,
 2001
- BBBBB. "The Constitution as a Contract," American Political Science Association,
 Annual Meeting, 2001
- CCCCC. "Symmetry and Asymmetry in Constitutional Law," New England
 Political Science Association, May 2001
- DDDDD. "Teaching Constitutional Political Economy," Supreme Court Historical
 Society, February 2001
- EEEEE. "Equal Protection in Dark Times," University of Pennsylvania, February
 2001
- FFFFF. "Free Speech Histories," William and Mary Law School, January 2001
- GGGGG. "Jacksonian Judicial Legends," University of Massachusetts, October
 2000
 1. Western Political Science Association, March 2001
- HHHHH. "Why is there no Socialism in the United States," Fordham University,
 September 2000
- IIIII. "Resolving Political Questions into Judicial Questions," American Political
 Science Association, September 2000
- JJJJJ. "Academic Freedom and Academic Integrity," Kent State University, May 2000
- KKKKK. "The Law Professor as Populist," New England Political Science
 Convention, May 2000
- LLLLL. "The Jacksonian Origins of the Taney Court," Midwest Political Science
 Convention, April 2000.
- MMMMM. "The Lessons of Dred Scott," Syracuse University, February 2000
- NNNNN. "Legal, Strategic or Legal Strategy: Deciding to Decide During the Civil
 War and Reconstruction," American Political Science Association, Annual
 Meeting, 1999.

- OOOOOO. "Naked Land Transfers and American Constitutional Development," Law and Society, Annual Meeting, 1999
1. Georgetown Constitutionalism Conference, December 1999
- PPPPPP. "Taking from A and Giving to B," Midwest Political Science Association, Annual Meeting, 1999.
- QQQQQQ. "Sports Officiating and the Law," Georgetown/PEGS Constitutionalism Conference, 1998
- RRRRRR. "The Constitution and the Civil War," American Political Science Association, Annual Meeting, 1998
- SSSSSS. "Notes on the Political Constitution," New England Political Science Association, annual meeting, 1998
- TTTTTT. "Conscience, Constitutionalism, and Consensus: A Comment on Constitutional Stupidities and Evils," Biannual Georgetown Discussion Group on Constitutional Law, 1997
- UUUUUU. "The Forum of Compromise," American Political Science Association, Annual Meeting, 1997.
- VVVVVV. "The Civil War as a Constitutional Failure," Midwest Political Science Association, Annual Meeting, 1997
- WWWWWW. "The Clintonification of Liberal Constitutional Theory," Dartmouth College, November 1996; Law and Society, Annual Meeting, 1997
- XXXXXX. "Rethinking Abortion," Dartmouth College, November 1996
- YYYYYY. "Education in the Obvious: Explaining Judicial Review During Reconstruction," American Political Science Association, annual meeting, August 1996
- ZZZZZZ. "Federalist or Friends of Adams: The Marshall Court and Party Politics," Midwest Political Science Association, annual meeting, April 1996
- AAAAAAA. "Dred Scott and the Problem of Constitutional Evil," American Political Science Association, annual meeting, 1995
1. Johns Hopkins University, March 1996
 2. Dartmouth College, November 1996
- BBBBBBB. "Establishing Judicial Review," Law and Society, annual meeting, 1995
- CCCCCCC. "The (Not-So) New Censors," American Political Science Association, annual meeting, 1994
1. University of Wisconsin, March 1993
- DDDDDDD. "Public Opinion, Judicial Review, and American Constitutional democracy," American Political Science Association, annual meeting, 1993
- EEEEEEE. "Legislative Deference to the Judiciary," American Political Science Association, annual meeting 1992--
1. University of North Carolina Law School Faculty Symposium, January 24, 1992
- FFFFFFF. "Abortion Law in Action," Law and Society, annual meeting, 1992
- GGGGGGG. "Why Interpret?" American Political Science Association, annual meeting 1991
- HHHHHHH. "The American Judicial System," The National University of Mexico, 1991
- IIIIIII. "Interpreting Abortion" American Political Science Association, annual meeting

1990

- JJJJJJ. "Paradigmatic Speech and Libertarian Theory" Southwest Political Science Association, annual meeting 1990
- KKKKKKK. "Visions of Brown" American Political Science Association, annual meeting, 1989
- LLLLLLL. "Our Im(Perfect) Constitution," Northeastern Political Science Association Meeting, Providence, RI, November, 1988
- MMMMMMM. "Judicial Review and Party Politics," Southern Political Science Association Meeting, Atlanta, GA, November, 1988
- NNNNNNN. "The Evolution of Free Speech Theory," American Political Science Association, annual meeting, 1988
- OOOOOOO. "The Structure of a Judicial Revolution," New England Political Science Association, annual meeting, 1984

IV. Expert Witness

- A. State of New Mexico ex rel. White v. Griffin (history of insurrection as understood by Section 3 of the Fourteenth Amendment)

V. Other Presentations

- A. Roundtable on Constitutional Design, University of Texas School of Law, January 2009
- B. Moderator, Panel on 13th Amendment, University of Pennsylvania School of Law, November 2008
- C. Discussant, "Is there too much Supreme Court Research in Political Science," Northwest Pacific Political Science Association, November 2008
- D. Discussant, "Reforming the Politically Correct University," American Political Science Association, August 2008
- E. Discussant, Panel on Constitutional Federalism, AALS Midyear Conference on Constitutional Law, May 2008
- F. Discussant, "The Rule of Law Under George Bush," Western Political Science Association, March 2009
- G. Discussant, Novkov, *Racial Union*, Western Political Science Association, March 2009.
- H. Roundtable on Whittington, The Political Foundations of Judicial Supremacy, May 2007
- I. Roundtable on Graber, Dred Scott and the Problem of Constitutional Evil
 - 1. American Political Science Association, September 2007
 - 2. New England Political Science Association, April 2007
 - 3. Midwest Political Science Association, April 2007
- J. Roundtable on "Is the Constitution Broken," New England Political Science Convention, April 2007
- K. Panel on Dred Scott
 - 1. Harvard Law School, April 2007
- L. Presentation on Abraham Lincoln and Civil Liberties, Abraham Lincoln Commission, Washington DC, April 2007
- M. "Was Dred Scott Correctly Decided," Hood College, March 2007

VI. Conferences Organized

- A. Charles Beard Anniversary, University of Virginia, October 2013
- B. West Coast Constitutional Schmooze, University of Oregon School of Law, September 2008
- C. "American Constitutional Development," Harvard Law School, October 2008
- D. AALS/APSA Joint Constitutional Law Conference, June 2003
 - 1. Main Political Science Organizer
- E. Maryland/Georgetown Constitutional Law Schmooze, Annual
 - 1. Co-organizer with Mark Tushnet, 2000-03
 - 2. Primary organizer, 2004--

VII. PROFESSIONAL ACTIVITIES

- A. Memberships
 - 1. The American Political Science Association
 - 2. The Bar Association of the State of New York
 - 3. The American Society for Social and Legal Philosophy
 - 4. Law and Society
 - 5. The Historical Society
 - 6. American Historical Association
 - 7. Western Political Science Association
 - 8. Midwest Political Science Association
 - 9. American Association of Law schools
 - 10. American Society for Legal History
 - 11. International Society for Public Law
- B. Manuscript Reviewer
 - 1. Books and Texts
 - a. University of Michigan Press
 - b. University of California Press
 - c. Harvard University Press
 - d. Princeton University Press
 - e. Oxford University Press
 - f. University Press of Virginia
 - g. University Press of Kansas
 - h. Temple University Press
 - i. Westview
 - j. Rowman and Littlefield
 - k. Foundation Press
 - l. Little Brown
 - m. St. Martin's
 - n. Penn State University Press
 - o. Routledge
 - p. Cornell University Press
 - q. Duke University Press
 - r. Cambridge University Press
 - s. University of Chicago Press

- t. Johns Hopkins University Press
- u. Stanford University Press
- v. University of Wisconsin Press
- 2. **Articles**
 - a. **American Political Science Review**
 - b. **Journal of Politics**
 - c. **Studies in American Political Development**
 - d. **Western Political Quarterly**
(1) now **Political Research Quarterly**
 - e. **Women and Politics**
 - f. **Journal of American History**
 - g. **Journal of Policy History**
 - h. **Journal of American Legal History**
 - i. **Policy Sciences**
 - j. **Journal of Legislative Studies**
 - k. **Law and Society Review**
 - l. **Journal of the Early Republic**
 - m. **Historical Geography**
 - n. **British Journal of Political Science**
 - o. **Law & Policy**
 - p. **American Journal of Political Science**
 - q. **International Studies Perspectives**
 - r. **Review of Politics**
 - s. **American Political Thought**
- C. **Editorial Boards**
 - 1. **Duke University Press**
 - a. Co-editor, "Constitutional Conflicts," 2000-06
 - 2. **The Good Society**
 - a. Contributing Editor, 1997--
 - 3. **Journal of Politics**
 - a. Editorial Board, 1998-2000
 - 4. **Polity**
 - a. Editorial Board, 2006-
 - 5. **Law and History Review**
 - a. Editorial Board, 2010--
- D. **Other Professional Activities**
 - 1. **Law and Courts**
 - a. Chair-2005-06
 - b. Member of Executive Board, 1999-
 - (1) Chair, Book Review Search Committee, 1999, 2001-02
 - (2) Chair, CQ Press Award, 1998
 - (3) Nominating Committee, 1997
 - 2. **American Association of Law Schools**
 - a. Federal Courts, Executive Committee, 2003-
 - b. Constitutional Law
 - (1) Secretary, 2008

- (2) Chair–Elect, 2009
- (3) Chair, 21010
- 3. Law and Society
 - a. Hurst Prize Committee, 2004-05
 - b. Best Paper Committee, 2003-04
- 4. Panel Organizer
 - a. Western Political Science Association, 2002
 - b. Midwest Political Science Association, 2004
- 5. History and Theory
 - a. Follet Prize Committee, 1996
- 6. Supreme Court Historical Society
 - a. Chair, Hughes-Goessart Prize Committee, 2001
- 7. New England Political Science Association
 - a. Chair 2011

VIII. HONORS

- A. Lifetime Achievement, Law and Courts, 2023
- B. Law and Courts Teaching and Mentoring Award, 2010
- C. Wadsworth Prize for most influence book or article in political science ten years after publication
- D. 2001 Hughes-Goessart Prize for the best paper published in the **Journal of Supreme Court History**
- E. 2001 McGraw-Hill Prize for the best paper published by a member of the Law and Courts Section
- F. Resident Scholar, Woodrow Wilson Center, 1998-99
- G. 1993 American Judicature Society Prize for the best public law paper presented at the 1992 APSA Meeting
- H. 1989 Edward Corwin Prize for the best dissertation written in Public Law in either 1987 or 1988

IX. RESEARCH GRANTS

- A. University Research Institute-- summer 1988, 1992, 1994, 1997

X. TEACHING AWARDS

- A. Panhellenic Outstanding Teacher Certificate, 1995, 1999
- B. Government Department's Nominee for University Teaching Award, 1990

XI. COURSES TAUGHT

- A. Constitutional Law and Constitutional Development (undergraduate and graduate)
- B. Public Law (graduate core course)
- C. The Judicial Process
- D. American Political and Legal Thought (undergraduate and graduate)
- E. Our (Im)Perfect Constitution
- F. Introduction to American Government (undergraduate and core graduate seminar)
- G. Jurisprudence
- H. Introduction to Political Thought

- I. Constitutional Politics (graduate, undergraduate and law school)
- J. Constitutional Facts (law seminar)
- K. Undergraduate Honors Program
- L. Civil Liberties
- M. Introduction to Political Science
- N. Race and the Constitution
- O. American Political Development (graduate seminar)

XII. UNIVERSITY ACTIVITIES

- A. Co-Chairperson of the Constitutional Studies Group, University of Texas, 1987-1993
- B. Secretary of the Jewish Faculty Study Group, University of Texas 1988-1991
- C. Coordinator--Government Department Brown Bag Talk Series, 1990-91, 1992-3, 1994-97
- D. Member of Financial Aid and American Politics Search Committee, 1989-91
- E. University Pre-Law Advisor
- F. Faculty Fellow, University of Texas, 1990-1992
- G. Member of Undergraduate Studies Committee, University of Maryland, 1993-1995
- H. Member of the Graduate Admissions Committee, 1995--2001
- I. Member of the Salary Committee, 1995
- J. Placement Director, Government Department, 1995--98
- K. BSOS Teaching Committee, 1997-98
- L. Core Curriculum Committee, 1997-98
- M. Director of Graduate Studies, 1999-
- N. Associate Chair, 1999-
- O. Director Maryland Mock Trial, 2004-2017
 - 1. Neil Smith Award, March 2017
- P. Admissions Committee, University of Maryland School of Law, 2006--
- Q. Faculty Development Committee, University of Maryland School of Law, 2008--

XIII. LEGAL WORK

- A. Primary author of the NAACP Clemency Manual
- B. Contributor to the NAACP Habeas Corpus Manual for Capital Prisoners--work is discussed in Liebman, Federal Habeas Corpus practice and Procedure, p. xi.

XIV. PERSONAL

- A. Born August 16, 1956
- B. Married May 27, 1984 to Julia Bess Frank
 - 1. Naomi Frances Graber (7/12/85)
 - 2. Abigail Alice Graber (11/4/86)
 - 3. Rebecca Sharon Graber (9/6/89)
- C. Bridge Master
- D. Licensed Basketball, Softball and Soccer Official