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**Jerry W. Housel/Carl F. Arnold Distinguished Professor of Law and Adjunct Professor of Political Science**

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**PUBLICATIONS: Books**

The New Roberts Court, Donald Trump, and Our Failing Constitution (Palgrave Macmillan, 2017).

Neoconservative Politics and the Supreme Court: Law, Power, and Democracy (New York University Press, 2013).

Free Expression and Democracy in America: A History (University of Chicago Press, 2008): American Booksellers Foundation for Free Expression Book of the Month (January 2009); First Amendment Center/National Archives Book Forum Selection (May 2009).

Law and Religion: A Critical Anthology (New York University Press, 2000): editor.

American Legal Thought From Premodernism to Postmodernism: An Intellectual Voyage (Oxford University Press, 2000): finalist for 2001 Oklahoma Book Award; translated into Japanese and Chinese.

Please Don't Wish Me a Merry Christmas: A Critical History of the Separation of Church and State (New York University Press, 1997): awarded the Josephine Yalch Zekan Prize.

**PUBLICATIONS: Articles and Essays**

Nothing New Under the Sun: The Law-Politics Dynamic in Supreme Court Decision Making, \_ Pepp. L. Rev. \_ (forthcoming) (presented at Symposium on The Supreme Court, Politics, and Reform).

Postmodern Free Expression: A Philosophical Rationale for the Digital Age, \_ Marquette L. Rev. \_ (forthcoming).

The Return of the Self, or Whatever Happened to Postmodern Jurisprudence?, 9 Wash. U. Jurisprudence Rev. 267 (2017).

The Word that Cannot be Spoken: Notes From Jurisprudential Underground, \_ Conn. Pub. Int. L.J. \_ (forthcoming).

Missing the Point of the Past (and the Present) of Free Expression, *Temple L. Rev. Online* (forthcoming).

The History, Philosophy, and Law of Free Expression in the United States: Implications for the Digital Age, *in Speech and Society in the Digital Age* (Nicole Stremlau & Monroe Price eds., Cambridge University Press, forthcoming).

*Brown v. Board of Education for Topeka*, *in Max Planck Encyclopedia of Comparative Constitutional Law* (Rainer Grote, Rüdiger Wolfrum, & Frauke Lachenmann eds., 2017).

A Plea for Constitutional Balance, 68 *Rutgers U. L. Rev. Commentaries* 12 (2016).

Can Law be a Source of Insight for Other Academic Disciplines?, 8 *Wash. U. Jurisprudence Rev.* 151 (2016).

(Same) Sex, Lies, and Democracy: Tradition, Religion, and Substantive Due Process (With an Emphasis on *Obergefell v. Hodges*), 24 *Wm. & Mary Bill Rts. J.* 341 (2015): SSRN's Top Ten Download List (weekly) for Impact of Judiciary (April 1, 2016; March 28, 2016), and Due Process and Equal Protection, Sexuality, Conflicting Rights, and Marriage (February 21, 2016).

Fighting the Tofu: Law and Politics in Scholarship and Adjudication, 14 *Cardozo Pub. L., Pol'y & Ethics J.* 91 (2015).

Is the Constitution Laissez Faire? The Framers, Original Meaning, and the Market, 81 *Brook. L. Rev.* 1 (2015): SSRN's Top Ten Download List (weekly) for Constitutions and Constitutional Design, and Comparative Political Institutions and Development (March 2, 2016).

Freedom of Speech, *in Encyclopedia of American Governance* (Stephen L. Schechter ed., Macmillan, forthcoming).

Prior Restraints, *in Encyclopedia of American Governance* (Stephen L. Schechter ed., Macmillan, forthcoming).

Free Speech and Free Press, *in Oxford Handbook of the U.S. Constitution* 629 (Mark Tushnet, Sanford Levinson, & Mark Graber eds., Oxford University Press, 2015).

The End of the Cold War: Can American Constitutionalism Survive Victory?, 41 *Ohio N.U. L. Rev.* 261 (2015).

The Interpretation of Constitutional History, or Charles Beard Becomes a Fortuneteller (With an Emphasis on Free Expression), 29 *Const. Commentary* 323 (2014).

Supreme Court Alchemy: Turning Law and Politics Into Mayonnaise, 12 *Geo. J. L. & Pub. Pol'y* 57 (2014).

Constitutional Interpretation and History: New Originalism or Eclecticism?, 28 B.Y.U. J. Pub. L. 283 (2014); SSRN's Top Ten Download List (weekly) for Constitutions and Constitutional Development (March 24, 2015; March 5, 2015).

Great Expectations: Antisemitism and the Politics of Free-Speech Jurisprudence, 3 Global Antisemitism: Past and Present 97 (2013), *reprinted in* Global Antisemitism: A Crisis of Modernity 291 (Charles A. Small ed., Koninklijke Brill NV, 2013).

Hate Speech and Democracy, 32 Criminal Justice Ethics 78 (2013).

Chief Justice Roberts's *Marbury* Moment: The *Affordable Care Act* Case (*NFIB v. Sebelius*), 13 Wyo. L. Rev. 335 (2013) (presented as the Housel/Arnold Lecture).

Democracy and Dissent: Strauss, Arendt, and Voegelin in America, 89 Denv. U. L. Rev. 671 (2012) (in Symposium on Constitutionalism and Revolutions).

Do the Right Thing: Understanding the Interest-Convergence Thesis, 106 Nw. U. L. Rev. Colloquy 248 (2012).

Conservative Eras in Supreme Court Decision Making: *Employment Division v. Smith*, Judicial Restraint, and Neoconservatism, 32 Cardozo L. Rev. 1791 (2011) (in Symposium on *Smith* and Free Exercise).

Modernity, Religion, and the Public Sphere, 45 Tulsa L.Rev. 845 (2010) (in Book Review Symposium).

Divided We Fall: Religion, Politics, and the *Lemon* Entanglements Prong, 7 First Amendment L. Rev. 253 (2009).

Postmodernism and Law, *in* 4 Oxford International Encyclopedia of Legal History 362 (Stanley N. Katz ed., Oxford University Press, 2009).

Do Supreme Court Nominees Lie? The Politics of Adjudication, 18 S. Cal. Interdisc. L.J. 17 (2008).

Freedom of Speech, *in* 2 Encyclopedia of the Supreme Court of the United States 268 (David S. Tanenhaus ed., Macmillan Reference, 2008).

Sociological Jurisprudence, *in* 4 Encyclopedia of the Supreme Court of the United States 421 (David S. Tanenhaus ed., Macmillan Reference, 2008).

Free Expression and Education: Between Two Democracies, 16 Wm. & Mary Bill Rts. J. 999 (2008) (in Symposium: Conflicts 101: Higher Education and the First Amendment), *reprinted in* The First Amendment Law Handbook 766 (Rodney A. Smolla ed., 2008-2009).

Free Speech, World War I, and Republican Democracy: The Internal and External Holmes, 6 *First Amendment L. Rev.* 192 (2008).

Unenumerated Rights in Different Democratic Regimes, 9 *U. Pa. J. Const. L.* 47 (2006) (in Symposium: The Future of Unenumerated Rights).

Empiricism, Religion, and Judicial Decision Making, 15 *Wm. & Mary Bill Rts. J.* 43 (2006) (in Symposium: Religion, Division, and the Constitution).

The Theory and Politics of First-Amendment Protections: Why Does the Supreme Court Favor Free Expression Over Religious Freedom?, 8 *U. Pa. J. Const. L.* 431 (2006) (in Symposium: Law and Religion): translated into Portuguese.

The Bad Tendency Test, *in* *Encyclopedia of American Civil Liberties* 96 (Paul Finkelman ed., Routledge, 2006).

Religious Symbols on Public Property, *in* *Encyclopedia of American Civil Liberties* 1312 (Paul Finkelman ed., Routledge, 2006).

The Problem of Critique: Triangulating Habermas, Derrida, and Gadamer Within Metamodernism, 4 *Contemp. Pol. Theory* 296 (2005).

The Rule of Law or the Rule of Politics? Harmonizing the Internal and External Views of Supreme Court Decision Making, 30 *L. & Soc. Inquiry* 89 (2005).

The Transformation of an Academic Discipline: Law Professors in the Past and Future (or Toy Story Too), 54 *J. Legal Educ.* 471 (2004).

Religious Minorities and the First Amendment: The History, the Doctrine, and the Future, 6 *U. Pa. J. Const. L.* 222 (2003).

Jews in the United States, *in* *Encyclopedia of Religious Freedom* 235 (Catharine Cookson et al. eds., Berkshire/Routledge Publishing, 2003).

History and Interpretation, 38 *Tulsa L. Rev.* 595 (2003) (in Symposium: The Scholarship of Sanford V. Levinson).

History and Law, *in* *The Oxford Companion to American Law* 361 (Kermit L. Hall ed., Oxford University Press, 2002).

An Arrow to the Heart: The Love and Death of Postmodern Legal Scholarship, 54 *Vand. L. Rev.* 2351 (2001).

How to Be Critical, 76 *Chi.-Kent L. Rev.* 893 (2000) (in Symposium: Philosophical Hermeneutics and Critical Legal Theory).

Critical Questions in Law and Religion: An Introduction, *in* Law and Religion: A Critical Anthology 1 (Stephen M. Feldman ed., New York University Press, 2000).

A Christian America and the Separation of Church and State, *in* Law and Religion: A Critical Anthology 261 (Stephen M. Feldman ed., New York University Press, 2000).

The Supreme Court in a Postmodern World: A Flying Elephant, 84 Minn. L. Rev. 673 (2000).

Made For Each Other: The Interdependence of Deconstruction and Philosophical Hermeneutics, 26 Phil. & Soc. Criticism 51 (2000).

Playing With the Pieces: Postmodernism in the Lawyer's Toolbox, 85 Va. L. Rev. 151 (1999).

From Premodern to Modern American Jurisprudence: The Onset of Positivism, 50 Vand. L. Rev. 1387 (1997).

The Politics of Postmodern Jurisprudence, 95 Mich. L. Rev. 166 (1996), *reprinted in* Gadamer and Law 65 (Francis J. Mootz ed., Ashgate Publishing, 2007).

From Modernism to Postmodernism in American Legal Thought: The Significance of the Warren Court, *in* The Warren Court: A Retrospective 324 (Bernard Schwartz ed., Oxford University Press, 1996).

Principle, History, and Power: The Limits of the First Amendment Religion Clauses, 81 Iowa L. Rev. 833 (1996).

Diagnosing Power: Postmodernism in Legal Scholarship and Judicial Practice (With an Emphasis on the *Teague* Rule Against New Rules in Habeas Corpus Cases), 88 Nw. U. L. Rev. 1046 (1994).

The Persistence of Power and the Struggle for Dialogic Standards in Postmodern Constitutional Jurisprudence: Michelman, Habermas, and Civic Republicanism, 81 Geo. L.J. 2243 (1993).

Whose Common Good? Racism in the Political Community, 80 Geo. L.J. 1835 (1992).

Republican Revival/Interpretive Turn, 1992 Wis. L. Rev. 679.

The New Metaphysics: The Interpretive Turn in Jurisprudence, 76 Iowa L. Rev. 661 (1991).

An Interpretation of Max Weber's Theory of Law: Metaphysics, Economics, and the Iron Cage of Constitutional Law, 16 L. & Soc. Inquiry 205 (1991), translated into Chinese, *reprinted in Chinese in* German Legal and Political Philosophy: Selected Essays (Wu Yan, ed., forthcoming).

Exposing Sunstein's Naked Preferences, 1989 Duke L.J. 1335.

Felix S. Cohen and His Jurisprudence: Reflections on Federal Indian Law, 35 Buff. L. Rev. 479 (1986).

Preemption and the Dormant Commerce Clause: Implications for Federal Indian Law, 64 Or. L. Rev. 667 (1986).

Indigents in the Federal Courts: The In Forma Pauperis Statute—Equality and Frivolity, 54 Fordham L. Rev. 413 (1985) (cited by U.S. Supreme Court in *Neitzke v. Williams*, 490 U.S. 319 (1989)).

Scope of Judicial Review: Extreme Hardship and the Whipsaw of Illegal Aliens, 36 Admin. L. Rev. 27 (1984).

Comment, The Developing Test for State Regulatory Jurisdiction in Indian Country: Application in the Context of Environmental Law, 61 Or. L. Rev. 561 (1982).

#### **PUBLICATIONS: Blogs, Review Essays, and Other Short Works**

Review of Steven K. Green, *The Bible, the School, and the Constitution: The Clash that Shaped Modern Church-State Doctrine*, 118 American Historical Rev. 526 (2013).

What I'm Reading (discussing Ann Patchett's *Magician's Assistant*): In Relation to the Publication of *Neoconservative Politics and the Supreme Court: Law, Power, and Democracy* (New York University Press, 2013), posted on Writers Read, and Campaign for the American Reader (November 28, 2012).

Supreme Court Health Care Ruling Decision: Did *NFIB v. Sebelius* Betray Conservative Principles?, posted on *From the Square* (N.Y.U. Press blog) (July 2, 2012).

Review of Gary L. McDowell, *The Language Of Law and the Foundations of American Constitutionalism*, 21 The Law and Politics Book Review 500 (September 2011).

History, Neoconservatism, and *Citizens United*, posted on *Balkinization* (January 27, 2010).

The Matrix: Democracy and Free Expression (in Three Dimensions), posted on *Balkinization* (January 19, 2010).

Review of Owen M. Fiss, *Troubled Beginnings of the Modern State, 1888-1910*, 17 The Law and Politics Book Review 44 (January 2007).

Review of Isaac Kramnick & R. Laurence Moore, *The Godless Constitution: A Moral Defense of the Secular State*, 15 The Law and Politics Book Review 1010 (November 2005).

Review of Mark Weitz, *Clergy Malpractice in America: Nally v. Grace Community Church of the Valley*, 46 *Am. J. Legal Hist.* 84 (2004).

Review of John R. Hall, *Cultures of Inquiry: From Epistemology to Discourse in Sociohistorical Research*, 31 *Contemporary Sociology* 495 (2002).

Promoting Religious Pluralism, 10 *The Good Society* 62 (2001).

Review of Catharine Cookson, *Regulating Religion: The Courts and the Free Exercise Clause*, 11 *The Law and Politics Book Review* 366 (August 2001).

Review of Kenneth R. Craycraft, *The American Myth of Religious Freedom*, 10 *The Law and Politics Book Review* 318 (May 2000).

Is the World Flat?, *Jurist: Books-on-Law* (Vol. 2, no. 7, Sept. 1999).

Intellectual History in Detail, 26 *Reviews in Am. Hist.* 737 (1998).

## **PRESENTATIONS, PAPERS, INTERVIEWS, AND CONFERENCES**

Nothing New Under the Sun: The Law-Politics Dynamic in Supreme Court Decision Making: Pepperdine University School of Law (April 2017).

Fighting the Tofu: Law and Politics in Scholarship and Adjudication: Loyola University Chicago Constitutional Law Colloquium (November 2015).

Nationwide Legalization of Same-Sex Marriage—Panel Discussion (Moderator): University of Wyoming (October 2015).

Reimagining Free Expression in the Digital Age: A Self-Emergence Rationale: Third Annual Yale University Free Expression Scholars Conference (May 2015).

Discussant for Alexander Tsesis's *Balancing Free Speech*: Third Annual Yale University Free Expression Scholars Conference (May 2015).

Equal Protection and Same-sex Marriage: interview with National Public Radio (October 2014).

Same-sex Marriage in Wyoming: interview with Wyoming Public Radio (October 2014).

Supreme Court Justice Ruth Bader Ginsburg Constitutional Conversation, Discussion Facilitator: University of Wyoming, American Heritage Center (September 2014).

Originalism and the Constitutionalization of Inequality: Law and Society Conference, Minnesota (May 2014).

Constitution Betrayed: Free Expression, the Cold War, and the End of Democracy: Second Annual Yale University Free Expression Scholars Conference (May 2014).

The Interpretation of Constitutional History, or Charles Beard Becomes a Fortuneteller (With an Emphasis on Free Expression): University of Virginia Conference, 100 Years of Charles Beard's *An Economic Interpretation of the Constitution* (October 2013).

Law and Politics in the *Affordable Care Act Case*: Chief Justice Roberts's *Marbury* Moment: University of Wyoming Consumer Issues Conference, Keynote Speaker (October 2013).

Free Speech, Democracy, and Political Conservatism: Two Ironies of Conservative Free-Speech Jurisprudence: Yale University Free Expression Scholars Conference (May 2013).

Chief Justice Roberts's *Marbury* Moment: The *Affordable Care Act Case* (*NFIB v. Sebelius*): University of Wyoming Housel/Arnold Lecture (for CLE credit) (November 2012).

The Changing World of Law Review Publishing: University of Wyoming (September 2012).

Non-Belief and the Establishment Clause: University of Wyoming Presentation to Religious Studies Class on Non-Belief (April 2012).

Introduction to Law and Religion: University of Wyoming Focus on the First Amendment Conference (April 2011).

Conservative Eras in Supreme Court Decision Making: *Employment Division v. Smith*, Judicial Restraint, and Neoconservatism: Cardozo Law School Conference (October 2010).

Free Expression on College Campuses—Panel Discussion (Moderator): University of Wyoming (September 2010).

Great Expectations: Antisemitism and the Politics of Free-Speech Jurisprudence: Yale University (August 2010).

Free Expression and the University: interview with CNN Radio (April 2010).

Neocons in Exile: University of Wyoming (November 2009).

Examining the Hollywood Ten: University of Wyoming, American Heritage Center (October 2009).

Free Expression and Democracy in America: The National Archives, Washington, D.C. (presented in partnership with the First Amendment Center/Freedom Forum) (May 2009).



Polarization and the Constitution: Georgetown/Maryland Discussion Group on Constitutionalism (fall 2008) (held at University of Oregon).

Constitutional Interpretation: University of Wyoming (November 2007).

Student Free-Expression Rights and Democracy: William and Mary First-Amendment Conference (October 2007); University of Wyoming (October 2007).

Unenumerated Rights: University of Pennsylvania Conference (February 2006).

Empiricism, Religion, and Judicial Decision Making: AALS Annual Conference, Law and Religion Section (January 2006).

Radio Panelist Discussing Difference Between “Happy Holidays” and “Merry Christmas”: RadioWest Show, on National Public Radio affiliate KUER, Salt Lake City (December 12, 2005).

The Tenth Amendment Cases: University of Wyoming (November 2005).

On Antisemitism—Panel Discussion: University of Wyoming (March 2005).

Free Expression and Religious Freedom: University of Pennsylvania Conference (February 2005); University of Wyoming (January 2005).

Potential Implications of the Presidential Election—Panel Discussion (Moderator): Wyoming Students for Progressive Action (October 2004).

Law, Religion, and the Death Penalty—Panel Discussion: Laramie Interfaith Alliance (October 2004).

Democracy and Free Expression in the Nineteenth Century: University of Wyoming (February 2004).

Free Speech and Democracy: A History: University of Wyoming (October 2003).

The Sacred Balance of Law and Religion—Panel Discussion: University of Wyoming (October 2003).

On Legal Scholarship: University of Wyoming (September 2003).

Workshop/Conference on Law and Religion, Program in Law and Public Affairs: Princeton University (February 2003).

Judicial Review and Republican Democracy: In Celebration of *Marbury v. Madison*: University of Wyoming (February 2003).

Radio Interview on Christmas and the Separation of Church and State: Dave Rutherford Show (Canada) (December 13, 2002).

Radio Interview on Christmas Symbols in Public Places: Ken Van Lith Show (Canada) (December 12, 2002).

Doctrinal Innovations, Religious Minorities, and the Future of First Amendment Jurisprudence: University of Colorado (fall 2002).

Panel Discussion on Religious Freedom and the *Scopes* Trial: University of Wyoming (fall 2002).

The Special Status of Religion in American Constitutionalism: A Historical Perspective: AALS Annual Conference, Law and Religion Section (January 2002).

The Constraints of Judicial Minimalism: University of Texas at Austin (fall 2001); University of Tulsa College of Law Faculty (fall 2001).

The Development of Religious Freedom as a Constitutional Norm: University of Denver School of Law (spring 2001); University of Tulsa College of Law Faculty (spring 2001).

The United States Supreme Court and Conservative Postmodernism: Conference on Legal Theory at the Fin de Siècle, Birkbeck College, University of London, England (fall 1999).

A Christian America and the Separation of Church and State: American Bar Association Conference on Law and Religion, San Antonio (spring 1999).

The Rehnquist Court and Jurisprudence: Rehnquist Court Conference, University of Tulsa (fall 1998).

Ideology From a Postmodern Perspective: Philosophy and Social Science Conference, Institute of Philosophy of the Czech Academy of Sciences, Prague, Czechoslovakia (spring 1998).

Antisemitism and the Separation of Church and State: Law and Society Conference, Colorado (spring 1998); Law, Culture, and the Humanities Conference, D.C. (spring 1998); Law and Society Conference, St. Louis (spring 1997); Judaic Studies Conference, University of Arizona (spring 1997).

The Hardest Question in Constitutional Law: Georgetown/Maryland Discussion Group on Constitutionalism (fall 1995).

A Critical History of the Separation of Church and State: University of Tulsa College of Law Faculty (fall 1995).

From Modernism to Postmodernism in American Legal Thought: Warren Court Conference, University of Tulsa (fall 1994); University of Tulsa College of Law Faculty (fall 1994).

Why Take a Postmodern Approach to Power?: 1994 Mid-South Philosophy Conference, Memphis State University (spring 1994).

Power, Religion, and the First Amendment: Georgetown/Maryland Discussion Group on Constitutionalism (fall 1993).

Whose Common Good? Racism in the Political Community: Conference on Policy in the 1990s, Harvard and Northeastern Law Schools (spring 1992); University of Tulsa College of Law Faculty (spring 1992); Georgetown/Maryland Discussion Group on Constitutionalism (fall 1991).

Republican Revival/Interpretive Turn: Wednesday Evening Faculty Discussion Group, University of Tulsa, Political Science Department (spring 1991).

Commentary on Oliver Wendell Holmes, Jr.: Faculty Colloquium on Holmes, University of Tulsa College of Law (fall 1990).

A Structural Tension in the History of American Legal Thought: University of Tulsa College of Law Faculty (fall 1987).

## **DEGREES**

J.S.M., Stanford University, 1986.

J.D., University of Oregon, 1982 (Order of the Coif; Articles Editor, Oregon Law Review).

B.A., Hamilton College, Philosophy, 1977.

## **EXPERIENCE**

Jerry W. Housel/Carl F. Arnold Distinguished Professor of Law and Adjunct Professor of Political Science  
University of Wyoming; 2002 to present; subjects: Constitutional Law, Jurisprudence.

Visiting Scholar  
Harvard Law School; fall 2016.

Professor of Law and Associate Member of Political Science  
University of Tulsa; 1996 to 2002 (Professor of Law: 1993-1996; Associate Professor of Law: 1988-1993; Visiting Assistant Professor of Law: 1986-1988); subjects: Constitutional Law, Jurisprudence, Federal Courts, Native American Law, Legal History.

Professor in Residence, Semester in London Program  
University of Tulsa; fall 1999.

National Endowment for the Humanities Fellow  
Research Fellowship; winter 1998.

Teaching Fellow  
Stanford University School of Law; 1984-1986.

Judicial Clerk and Division Chief, Ninth Circuit  
United States Court of Appeals for the Ninth Circuit, Office of Staff Attorneys, San Francisco, California (Division Chief: 1983-1984; supervised and trained attorneys and externs, and served as judicial clerk to all judges on Ninth Circuit); (Judicial Clerk: 1982-1983; served as judicial clerk to all judges on Ninth Circuit).

## **HONORS AND AWARDS**

SSRN's Top Ten Total New Downloads List for last 12 months (July 25, 2017).

SSRN's Top Ten Total All-Time Downloads List (July 18, 2017).

SSRN's Top Ten Total New Downloads List for last 12 months (June 20, 2017).

SSRN's Top Ten Total New Downloads List for last 12 months (May 22, 2017).

Visiting Scholar: Harvard Law School (fall semester 2016).

SSRN's Top Ten Download List (weekly) for Impact of Judiciary (April 1, 2016; March 28, 2016), and Due Process and Equal Protection, Sexuality, Conflicting Rights, and Marriage (February 21, 2016): (Same) Sex, Lies, and Democracy: Tradition, Religion, and Substantive Due Process (With an Emphasis on *Obergefell v. Hodges*), 24 Wm. & Mary Bill Rts. J. 341 (2015).

SSRN's Top Ten Download List (weekly) for Constitutions and Constitutional Design, and Comparative Political Institutions and Development (March 2, 2016): Is the Constitution Laissez Faire? The Framers, Original Meaning, and the Market, 81 Brook. L. Rev. 1 (2015).

SSRN's Top Ten Download List (weekly) for Constitutions and Constitutional Development (March 24, 2015; March 5, 2015): Constitutional Interpretation and History: New Originalism or Eclecticism?, 28 B.Y.U. J. Pub. L. 283 (2014).

First Amendment Center/National Archives Book Forum (May 2009): Free Expression and Democracy in America: A History (University of Chicago Press, 2008).

American Booksellers Foundation for Free Expression Book of the Month (January 2009): Free Expression and Democracy in America: A History (University of Chicago Press, 2008).

Kate Stoneman Visiting Professorship in Law and Democracy: Albany Law School (selected for position, but never visited).

Finalist for 2001 Oklahoma Book Award.

Josephine Yalch Zekan Prize: 1999 (for a publication in law and religion).

National Endowment for the Humanities Fellowship: winter 1998.

University of Tulsa Summer Development Fellowships and College of Law Summer Research Grants: 1988, 1990, 1992, 1993, 1995-2001.

## **ORGANIZATIONS AND ACTIVITIES**

Faculty Adviser: American Constitution Society Student Chapter, since 2012.

American Constitution Society, member since 2012.

American Civil Liberties Union, Wyoming Chapter, Legal Panel, 2007-2011.

National Endowment for the Humanities Fellowship Review Committee, summer 2000.

Foundations of Knowledge: on-line “Infography,” on separation of church and state, since 1999.

Contributor to ABA Focus on Law Studies: Books in Review, 1999.

American Political Science Association, member since 1997.

U.S. Association of Constitutional Law, member since 1996.

Secretary, Executive Committee, Association of American Law Schools Jurisprudence Section, 1993-1994; Member, Executive Committee, AALS Jurisprudence Section, 1992-1993; Moderator, 1993 AALS Jurisprudence Section Meeting.

Law and Society Association, member since 1993.

American Society for Political and Legal Philosophy, member 1993-2009.

American Bar Association, member since 1987.

State Bar of California, admitted 1982.

**REFERENCES:** on request