

# CRAIG GREEN

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## EXPERIENCE:

### **Temple University** (2004–present)

Dean’s Assistant for Faculty Research (2022–present)  
Charles B. Klein Professor in Law and Government (2023–present)  
James E. Beasley Professor of Law (2014–2019) (five-year term)  
Temple Law School Friel-Scanlan Award for Outstanding Scholarship (2012)  
Temple University Lindback Award for Distinguished Teaching (2010)  
Temple Law School Williams Award as Outstanding Professor of the Year (2009, 2015)  
Executive Board AALS Federal Courts Section (2019–present)  
Co-Chair ASLH Conference Local Planning Committee (2023)  
Temple University Tokyo Campus (Spring 2020)

### **Princeton University, Department of History**

Ph.D. (2018); M.A. (2012)  
Visiting Associate Professor, American Legal History (Fall 2012)  
University Fellowship (2010); John Edwin Pomfret Fellowship (2011)

### **Department of Justice**, Civil Appellate Staff (2002–2004)

### **Department of Justice**, Office of the Solicitor General Bristow Fellowship (2001)

### **Hon. Merrick B. Garland**, Law Clerk, D.C. Cir. (2000)

### **Hon. Louis H. Pollak**, Law Clerk, E.D. Pa. (1999)

### **University of Pennsylvania**, Teaching Assistant (2000)

### **Yale Law School**, J.D. (1999); Yale L.J.; Yale J.L. & Fem.

### **Wake Forest University**, B.S. *summa cum laude* (1995); Honors in Philosophy and in Mathematical Economics

## PUBLICATIONS:

*Beyond States: A Constitutional History of Territory, Statehood, and Nation-Building*, 90 U. CHI. L. REV. 813 (2023)

*Book Review*, Max Edling, PERFECTING THE UNION (2020), 80 WM. & MARY Q. 3d. ser. 403 (2023)  
(invited and peer reviewed)

*Perils of Comparative Administrative Law*, REG. REV. (invited) (Nov. 7, 2022)

*Greenhouse Gaslighting: Deceptive Moderation and West Virginia v. EPA*, JUST SECURITY.COM  
(invited) (July 5, 2022)

*Who Were The Real Founders?*, 122 COLUM. L. REV. 2269 (2021) (book review)

*Deconstructing the Administrative State: Chevron Debates and the Transformation of Constitutional Politics*, 101 B.U. L. REV. 619 (2021)

*United/States: A Revolutionary History of American Statehood*, 119 MICH. L. REV. 1 (2020)

*Indian Affairs and Administrative Law*, YALE J. REG. NOTICE & COMMENT (2020) (invited essay for Symposium on Racism in Administrative Law)

*Constitutional Chevron Debates and the Transformation of American Law*, 88 GEO. WASH. L. REV. 654 (2020)

*Erie and Constitutional Structure: An Intellectual History*, 52 AKRON L. REV. 259 (2019) (invited essay for *Erie*'s 80th anniversary)

*Erie's Intellectual History*, AKRON L. REV. CONLAWNOW (2019) (invited essay for *Erie*'s 80th anniversary)

*Creating American Land: A Territorial History from the Albany Plan to the U.S. Constitution* (2018 Ph.D) (dissertation committee: Dirk Hartog, Dan Rodgers, Sean Wilentz, Wendy Warren, Mary Sarah Bilder)

*Deconstructing the Administrative State: Is Chevron Unconstitutional?*, BALKINIZATION (2018)

*The Law Review Project: A Qualified Defense*, TEMPLE L. REV. ONLINE (2018) (invited essay for Temple Law Review's 90th anniversary)

*Turning the Kaleidoscope: Toward a Theory of Iconic Precedents*, 94 U.N.C. L. REV. 379 (2016)

*Public Law Under Stress: The Historical Puzzlement of War, Crime, and Terrorism* (chapter published by the Justice Academy of Turkey 2014)

*In Human Hands: Constitutional Meaning and Judicial Responsibility*, in A ROAD MAP OF A NEW CONSTITUTION FOR TURKEY: ESSAYS IN COMPARATIVE CONSTITUTIONAL LAW (2014)

*Can Erie Survive as Federal Common Law*, 54 WM. & MARY L. REV. 813 (2013) (invited symposium on Law Without Lawmakers)

*Ending the Korematsu Era: An Early View from the War on Terror Cases*, 105 NW. U.L. REV. (2011)

*Black-and-White Judging in a World of Grays*, 46 TULSA L. REV. 391 (2011) (invited symposium on Roberts Court)

*Our Not-So-Great Depression*, 108 MICH. L. REV. 1031 (2010) (invited book review)

*What Does Richard Posner Know About How Judges Think?*, 98 CAL. L. REV. 625 (2010) (book rev.)

*An Intellectual History of Judicial Activism*, 58 EMORY L.J. 1958 (2009)

*Repressing Erie's Myth*, 95 CAL. L. REV. 595 (2008)

*Erie and Problems of Constitutional Structure*, 95 CAL. L. REV. 661 (2008)

*Wiley Rutledge, Executive Detention, Judicial Conscience at War*, 84 WASH. U. L. REV. 99 (2006)

*The Untimely Death and Rebirth of the Federal Sentencing Guidelines*, 93 GEO. L.J. 395 (2005)

*Apprendi's Limits*, 39 U. RICH. L. REV. 1155 (2005)

*Equal Protection & the Status of Stereotypes*, 108 YALE L.J. 1885 (1999) (comment)

*Defining Interests in Equal Protection*, 108 YALE L.J. 439 (1998) (note)

## **WORKS IN PROGRESS:**

*Affirmative Action at Yale: An Oral History of Race-Inclusive Law School Admissions* (co-authored with JoAnne Epps) (book proposal submission fall 2024, law review submission spring 2025)

*Complicated Soil: A Founding-Era History of American Space* (book proposal submission fall 2024)

*Our Imperial Republic* (American empire in Puerto Rico, the District of Columbia, and Native Land) (law review submission spring 2025)

*Presidents Unchained: Presidential Immunity and Section 3*

*Truth, Lies, and Loper Bright*

*Threatening States: International Law and Constitutional Sovereignty*

*The Right-Wing Warren Court*

*Originalism Without the -IsM*

*How the Pill Swallowed Abortion*

*Making “New Federalism” Old*

## **ACADEMIC PRESENTATIONS:**

*Philadelphia Diversity Law Group*, ConLaw Introduction (2021 to present)

*Sovereignty and the Constitutional Text*, Univ. Chicago Law School (2024) (workshop organized by Curtis Bradley)

*Conceptions of Sovereignty in Nineteenth-Century America*, ASLH (2024) (panel organized by Cynthia Nicoletti)

*Separation of Powers: A Very Long Global History*, University of Campania Luigi Vanvitelli, Naples Italy (2024) (lecturer-in-residence)

*New Voices in AdminLaw* (commenter) (2021-2024)

*Affirmative Action Now*, Delaware Law School Black Alumni Network (2024) (panelist)

*Supreme Court Environmental Cases*, Philadelphia City Solicitor’s Office (2024) (panelist)

*Loper Bright and Chevron*, Philadelphia Board of Ethics (2024); National Association of Attorneys General (2024) (panelist); Education Finance Council (2024) (panelist); Ballard Spahr (2024) (multiple panels and a podcast)

*Beyond States: A Constitutional History of Territory, Statehood, and Nation-Building*, Duke Law School, Columbia Legal History Workshop (2022), FSU Law School (2024)

*Presidential Immunity*, Philadelphia Bar Association Bench/Bar Conference (2024) (panelist with former U.S. Representatives Patrick Murphy and Eric Gerlach)

*Loper Bright vs. Chevron: A Debate*, Temple Federalist Society (2024) (with Casey Mattox)

*Trump v. United States: Presidents Unchained*, Temple University Teach-In (2024)

*Pardon Power and the Constitution*, Lawyers Congregation Rodeph Shalom (2024)

*Update on Trump’s Legal Status*, Temple University Teach-In (2024)

*Annual Supreme Court Review*, Philadelphia City Solicitor’s Office (2012-2023)

*Overtuning Precedent: Examining the Regulatory Protections at Stake in Loper Bright and Relentless*, Center for American Progress (2023) (panelist)

*Slaughterhouse at 150*, Rutgers Law School (2023) (panelist with Larry Lessig)

*Competition/Regulation: Corporate Power in the Digital Economy*, Temple Law School (2023) (panelist)

*Native Peoples, American Colonialism, and the U.S. Constitution*, Native American Indigenous Studies Association (2023) (panelist)

*Racial Boundaries of Legal Order: Slavery, Freedom, and Power in the Atlantic Americas*, Law and Society (2023) (panelist)

*The Collective-Action Constitution* (book workshop Neil Siegel) Harvard Law School (2023)

*Voting Challenges Past and Present*, Free Library of Philadelphia (2023)

*Supreme Court Preview*, Temple ACS (2023)

*Trump's Indictments: The Collision of Law and Politics*, Temple University Teach-In (2023)

*Politicization of the Supreme Court*, Temple University Teach-In (2023)

*Pennsylvania Supreme Court at 300: Past, Present, Future*, National Constitution Center (2022)

*History and the Law Library*, Greater Philadelphia Law Library Association (2022)

*Brackeen v. Haaland: Landmark in Progress*, Temple Family Law Society (2022)

*Native Peoples, American Colonialism, and the U.S. Constitution*, Institute Constitutional Studies & NYU-Yale American Indian Sovereignty Project (workshop participant) (2022)

*Author-Meets-Reader*, Gregory Ablavsky's Federal Ground, Law and Society (2022)

*Threats to the Pennsylvania Constitution*, Pennsylvanians for Modern Courts (2022) (panelist with Rogers Smith)

*Our Imperial Republic*, National Conference of Constitutional Law Scholars (2022) (commentator Maggie Blackhawk)

*Originalism Without The -IsM*, Temple Federalist Society (2021)

*Guns, Abortion, & School Choice*, Temple Federalist Society (2021)

*Election Law and Constitutional Crisis*, Temple ACS (2020)

*Constitution Day: The Nineteenth Amendment in Promise and Practice*, Temple/Drexel ACS (2020)

*Executive Power*, Penn/Temple Federalist Society (2020) (panelist with Sai Prakash and John Yoo)

*Creating American Boundaries: Federalism and Dispossession*, Newberry Library's McNickle Seminar in American Indian and Indigenous Studies (2019)

*The People v. The White House*, Temple SPIN Forum (panelist with Attorney General Josh Shapiro and City Solicitor Marcel Pratt) (2019)

*Impeachment*, Temple Federalist Society (with Keith Whittington) (2019)

*United/States: A Revolutionary History of Statehood, the United States, and American Federalism*, National Conference of Constitutional Law Scholars (2019) (commenter John Harrison)

*And Then They Came for Us: Lessons for Today from Japanese-American Incarceration During World War II*, Blank Rome LLP (2019) (panelist with Karen Korematsu)

*Sarah Seo's Policing the Open Road*, Columbia Law School (2019) (panelist)

*Deconstructing the Administrative State*, Federal Administrative Law Judges Conference (2018), Philadelphia City Solicitor's Office (2018)

*Scaling the Wall of Division: Agency Advice and Enforcement Functions*, Council on Governmental Ethics Laws National Conference (2018)

*Korematsu Day*, Boston College Law School (2018)

*Affirmative Action*, Temple Law School Federalist Society (2018)

*Keywords: Territory*, British Association of Nineteenth-Century Americanists, Warwick University, England (2015) (panelist with Greg Ablavsky and Sam Erman)

*The New Doctrinalism: Legal Realism and Legal Doctrine*, Penn. Law Review (2014)

*Interpreting Precedents*, Drexel Law School (2014), Temple Law School (2014)

*Rehabilitating Lochner?*, Temple American Constitution Society (2014)

*Affirmative Action*, Temple Black Law Students Association (2014)

*Public Law Under Stress: The Historical Puzzlement of War, Crime, and Terrorism*, Istanbul (2013)

*Presidential Recess Appointments*, Temple Federalist Society (2013)

*Gideon's Failure*, Temple Federalist Society (2013)

*History and Structure: The Semi-Accountable Presidency in 2012*, discussing Jack Goldsmith's book *Can Erie Survive as Federal Common Law*, William & Mary Law School (2012)

*Erie and the Constitution*, AALS Choice of Law Section (2012)

*Debating Judicial Activism*, Penn-Temple-Rutgers Federalist Society (2012)

*Claim and Issue Preclusion in Municipal Practice*, Philadelphia City Solicitor's Office (2011)

*Ending the Korematsu Era*, American University Law School (2009) *The "Great Case" of Erie v. Tompkins*, Penn Law School (2009, 2010)

*What Does Richard Posner Know about How Judges Think?*, Temple Law School (2009)

*Jack Goldsmith's Terror Presidency*, Temple Law School (2009)

*International Law Roundtable*, Temple Law School (2009)

*An Intellectual History of Judicial Activism*, Junior Federal Courts Faculty Conference at American Law School (2008), Florida State University Law School (2008), Widener Law School Harrisburg (2008), Temple Law School (2008)

*Judging Executive Detention*, Keynote Speaker, Japanese American Society for Legal Studies, Kyoto Bunkyo University, Japan (2005)

*Repressing Erie's Myth*, OSU Law School (2008), American Law School (2007), Widener Law School (2007), Temple Law School (2006)

*Boumediene*, Temple Law School (2008)

*Erie and Customary International Law*, Delaware Valley International Law Day (2007)

*Executive Power*, Temple Law School (2007)

*Recent Abortion Cases*, Temple Law School (2007)

*Hamdan*, Delaware Valley International Law Day (2006)

*Federal Sentencing after Booker*, United States Sentencing Commission (2004)

*Guantanamo*, Temple Law School (2006)

*Appellate Advocacy*, Duke Law School (2004)

*State Sovereign Immunity*, Duke Law School (2004)

*Transitions in Federal Sentencing*, Temple Law School (2004)

*Symposium on White House Review of Rulemaking*, U. Penn. (2006)

*No Rights To Have Rights*, discussing Muneer Ahmad's paper (2007)

*Choice of Form in International Regulation*, discussing David Zaring's paper (2007)

*Suspension and the Extrajudicial Constitution*, discussing Trevor Morrison's paper (2007)

*Originalism and Formalism in Criminal Procedure*, discussing Stephanos Bibas's paper (2007)

*Transparency & Participation in Criminal Procedure*, discussing Steph. Bibas's paper (2005)

*Dole's Future: A Strategic Analysis*, discussing Neil Siegel's paper (2005)

*Federalism and the States as Laboratories*, Temple Law School (2007)  
*Immigration Reform and Policy*, Temple Law School (2006)  
*Executive Power and the Limits of Article II*, Temple Law School (2006)

**MEDIA APPEARANCES:**

Interviewed or quoted by outlets including NPR, CBS, CBS Radio, MSNBC, BBC World News, BBC World Service, Washington Post, Wall Street Journal, USA Today, AP, Newsweek, The Atlantic, Boston Review, The Nikkei (Tokyo), Philadelphia Inquirer, Philadelphia Tribune, Dallas Morning News, Politico, Huffington Post, Newsday, NOTUS, Law360, Law.com, Roll Call, National Law Journal, Government Executive, Decode DC, Al Jazeera, The Independent (UK), The Guardian (UK), CBC Radio (Canada), Global Television Canada, The Swiss TV, The China Global TV Network, and local radio and news outlets in the United States ranging from Philadelphia and Boston to Tucson and Los Angeles.

**APPELLATE PRACTICE:**

Co-authored Supreme Court merits stage brief for law-professor amici in *United States v. Stevens* (First Amendment). Authored Second Circuit amicus brief in wiretapping case (amicus brief reported by *Financial Times*, 5/10/2010). Helped draft ten merits briefs, including *Oregon v. Gonzales* (assisted suicide), *Eldred v. Ashcroft* (copyright term extension), *Nevada Dep't of Human Serv. v. Hibbs*, (Family Medical Leave Act), and *Harris v. United States*, (mandatory minimum sentencing). Briefed fourteen cases in federal courts of appeals and argued four cases. Served on various Supreme Court moot courts for Georgetown's Supreme Court Institute, Penn's Supreme Court Clinic, the National Association of Attorneys General, and private law firms.