

ROBERT L. TSAI

Professor of Law
American University
The Washington College of Law
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EDUCATION

- J.D. Yale Law School, 1997
The Yale Law Journal, Editor, Volume 106
Yale Law and Policy Review, Editor, Volume 12
Honorable Mention for Oral Argument, Harlan Fiske Stone Prize Finals, 1996
Morris Tyler Moot Court of Appeals, Board of Directors
Allard K. Lowenstein International Human Rights Clinic
- B.A. University of California, Los Angeles, History & Political Science, *magna cum laude*, 1993
Phi Beta Kappa
Highest Departmental Honors (conferred by thesis committee)
Carey McWilliams Award for Best Honors Thesis: *Building the City on the Hilltop: A Socio-Political Study of Early Christianity*

ACADEMIC APPOINTMENTS

- Temple University, Beasley School of Law
Clifford Scott Green Chair and Visiting Professor of Law, Fall 2019
Courses: *Fourteenth Amendment History and Practice*, *Presidential Leadership Over Individual Rights*
- American University, The Washington College of Law
Professor of Law, May 2009—Present
Associate Professor of Law (with tenure), June 2008—May 2009
Courses: *Constitutional Law*, *Criminal Procedure*, *Jurisprudence*, *Presidential Leadership and Individual Rights*, *The First Amendment*
- University of Georgia Law School
Visiting Professor, Semester in Washington Program, Spring & Fall 2012
Course: *The American Presidency and Individual Rights*
- University of Oregon School of Law
Associate Professor of Law (with tenure), 2007-08
Assistant Professor, 2002-07
2008 Lorry I. Lokey University Award for Faculty Excellence (via nomination & peer review)
2007 Orlando John Hollis Faculty Teaching Award
Courses: *Constitutional Law*, *Federal Courts*, *Free Speech*, *Equality*, *Religious Freedom*, *Civil Rights Litigation*
- Yale University, Department of History
Teaching Fellow, 1996, 1997

CLERKSHIPS

The Honorable Hugh H. Bownes, U.S. Court of Appeals for the First Circuit, 1998-99

The Honorable Denny Chin, U.S. District Court, Southern District of New York, 1997-98 (now on 2d Circuit)

PUBLICATIONS

BOOKS

PRACTICAL EQUALITY: FORGING JUSTICE IN A DIVIDED NATION (W.W. Norton Feb. 19, 2019)

AMERICA'S FORGOTTEN CONSTITUTIONS: DEFIANT VISIONS OF POWER AND COMMUNITY
(Harvard University Press 2014)

- Reviewed by *Harvard Law Review*, *Texas Law Review*, *Journal of American History*, *Tulsa Law Review*, *Daily Beast*, *Reason*, *Pop Matters*
- Reviews and news collected at www.americasforgottenconstitutions.blogspot.com

ELOQUENCE AND REASON: CREATING A FIRST AMENDMENT CULTURE (Yale University Press 2008)

- Reviews and news collected at www.eloquenceandreason.blogspot.com
- “Highly recommended” by *Choice*. Also reviewed by *Northwestern University Law Review*, *Perspectives on Politics*, and *H-Net*

ARTICLES

Considerations of Motive and Strategy in Constitutional Borrowing, WILLIAM & MARY BILL OF RIGHTS JOURNAL
(forthcoming 2019) (book symposium on Timothy Zick, *Free Speech and its Relation to Other Constitutional Rights* (Oxford 2018))

Immigration Unilateralism and American Ethno-nationalism, 50 LOYOLA UNIVERSITY CHICAGO LAW CHICAGO
LAW JOURNAL (forthcoming 2019) (symposium: “Democracy in America: The Promise and the Perils”)

Obama's Conversion on Same-Sex Marriage: The Social Foundations of Individual Rights, 50 CONNECTICUT LAW
REVIEW 1 (2018)

A Tradition at War With Itself, 94 TEXAS LAW REVIEW SEE ALSO 60 (2016) (responding to Aziz Rana,
The Many American Constitutions, 93 TEX. L. REV. 1163 (2015) (Review of AMERICA'S FORGOTTEN
CONSTITUTIONS: DEFIANT VISIONS OF LAW AND COMMUNITY (2014))

Three Arguments About War, 30 CONSTITUTIONAL COMMENTARY 1 (2015)

“Simple” Takes On the Supreme Court, 5 ALABAMA CIVIL RIGHTS & CIVIL LIBERTIES LAW REVIEW 35 (2013)

Notes on Borrowing and Convergence, 111 COLUMBIA LAW REVIEW SIDEBAR 140 (2011) (with Nelson Tebbe)
(Comment on Jennifer Laurin, *Trawling for Herring: Lessons in Doctrinal Borrowing and Convergence*,
111 COLUM. L. REV. 670 (2011))

John Brown's Constitution, 51 BOSTON COLLEGE LAW REVIEW 151 (2010)

The Ethics of Melancholy Citizenship, 89 OREGON LAW REVIEW 557 (2010)

Constitutional Borrowing, 108 MICHIGAN LAW REVIEW 459 (2010) (with Nelson Tebbe)

Reconsidering Gobitis: An Exercise in Presidential Leadership, 86 WASHINGTON UNIVERSITY LAW REVIEW 363 (2008)

- Selected for 2008 Stanford/Yale Junior Faculty Forum in *Constitutional History* (Referees: Larry Kramer, William Nelson)

Democracy's Handmaid, 86 BOSTON UNIVERSITY LAW REVIEW 1 (2006)

Sacred Visions of Law, 90 IOWA LAW REVIEW 1095 (2005)

- Shortlisted for *The Green Bag Almanac & Reader of Good Legal Writing 2006*

Fire, Metaphor, and Constitutional Myth-Making, 93 GEORGETOWN LAW JOURNAL 181 (2004)

- Selected for 2004 Stanford/Yale Junior Faculty Forum in *Constitutional Theory* (Referees: Kathleen Sullivan, Bruce Ackerman)
- Shortlisted for *The Green Bag Almanac & Reader of Good Legal Writing 2006*
- Excerpted in *Oregon Quarterly* 9 (Autumn 2004)

Speech and Strife, 67 LAW & CONTEMPORARY PROBLEMS 83 (Summer 2004) (invited paper for 2002 Public Law Conference, Duke University School of Law)

Conceptualizing Constitutional Litigation as Anti-Government Expression: A Speech-Centered Theory of Court Access, 51 AMERICAN UNIVERSITY LAW REVIEW 835 (2002)

BOOK CHAPTERS

Precedent as Artifact, in Austin Sarat ed., LAW'S INFAMY (U. Mass. Press 2019) (part of Amherst book series on Law, Jurisprudence, and Social Thought)

Legal Language in Nineteenth Century America, in Nan Goodman & Simon Stern eds., ROUTLEDGE RESEARCH COMPANION TO NINETEENTH CENTURY AMERICAN LAW AND CULTURE (Routledge 2017)

OTHER CONTRIBUTIONS

Conclusion—The Migration of Legal Ideas: Legislative Design and the Lawmaking Process, in Nicola Lupo & Lucia Scaffardi, eds. COMPARATIVE LAW IN LEGISLATIVE DRAFTING: THE INCREASING IMPORTANCE OF DIALOGUE AMONGST PARLIAMENTS (Eleven Int'l Publ'g 2014)

Introduction—The Politics of Hate, 10 JOURNAL OF HATE STUDIES 9 (2012) (Guest Editor)

Chambers v. Florida, in ENCYCLOPEDIA OF THE SUPREME COURT OF THE UNITED STATES, David S. Tanenhaus, ed. (New York: MacMillan Reference USA/Thomson-Gale 2008)

First Amendment, in ENCYCLOPEDIA OF THE SUPREME COURT OF THE UNITED STATES, David S. Tanenhaus, ed. (New York: MacMillan Reference USA/Thomson-Gale 2008)

Public Forum, in ENCYCLOPEDIA OF THE SUPREME COURT OF THE UNITED STATES, David S. Tanenhaus, ed. (New York: MacMillan Reference USA/Thomson-Gale 2008)

REVIEW ESSAYS

How We Talk About Equality, LOS ANGELES REVIEW OF BOOKS (forthcoming)

Book Review, 105 JOURNAL OF AMERICAN HISTORY (2019) (reviewing Fred Lee, *Extraordinary Racial Politics* (Temple 2018)) (forthcoming).

The Origins of Birthright Citizenship, BOSTON REVIEW, Nov. 9, 2018 (reviewing Martha S. Jones, *Birthright Citizens: A History of Race and Rights in Antebellum America* (Cambridge 2018))

Specter of a White Minority, LOS ANGELES REVIEW OF BOOKS, Sept. 3, 2018

Book Review, 104 JOURNAL OF AMERICAN HISTORY 179 (2017) (reviewing Nicholas Guyatt, *Bind Us Apart: How Enlightened Americans Invented Racial Segregation* (Basic 2016))

Book Review, 15 CONTEMPORARY POLITICAL THEORY e33 (2016) (reviewing Elizabeth Beaumont, *The Civic Constitution: Civic Visions and Struggles in the Path Toward Constitutional Democracy* (Oxford 2014))

Book Review, 102 JOURNAL OF AMERICAN HISTORY 523 (2015) (reviewing Zephyr Teachout, *Corruption in America: From Ben Franklin's Snuff Box to Citizens United* (Harvard 2014))

The Language of Civic Republicanism, and Theory as Recipe, Online Symposium on James Fleming & Linda McClain, *Ordered Liberty: Rights, Responsibilities, Virtues* (Harvard 2012) <www.concurringopinions.com>.

Book Review, 8 PERSPECTIVES ON POLITICS 1228 (2010) (reviewing Beau Breslin, *From Words to Worlds* (Johns Hopkins 2009))

Sovereignty as Discourse, 25 CONSTITUTIONAL COMMENTARY 157 (2008) (reviewing Howard Schweber, *The Language of Liberal Constitutionalism* (Cambridge 2007))

The System Worked: Our Schizophrenic Stance on Welfare, 106 YALE LAW JOURNAL 929 (1996) (reviewing Steven M. Teles, *Whose Welfare: AFDC and Elite Politics* (Kansas 1996))

WORKS IN PROGRESS

A FINE DISCRIMINATION (book manuscript)

PRESIDENTIAL LEADERSHIP IN THE AGE OF RIGHTS (book manuscript)

The Incipient Minority

The Role of the Department of Justice in Transformational Politics

Right-Wing Politics and Law Enforcement (with Joe Lowndes)

Forms of Popular Sovereignty

Practical Equality is Not Minimalism

Practical Equality and the Underground Railroad

The Role of Social Turmoil in Speech and Religion Cases

Carter's Pardons of Vietnam Protestors as First Amendment Action (archival project)

POPULAR ESSAYS

It's Time to Revisit the Travel Ban, POLITICO (forthcoming)

How Activists Resisted—and Overturned—An Unjust Supreme Court Decision, Jan. 30, 2019

Trump's Flirtation with Emergency Power Is Not Just About His Wall, SLATE, Jan. 17, 2019

Practical Equality in the Fiction of Langston Hughes, BERFROIS, June 29, 2018

The Anti-Immigration Bible, BOSTON REVIEW, June 18, 2018

Trumpism Before Trump, BOSTON REVIEW, June 11, 2018 (with Calvin TerBeek).

Trump Thinks Americans Should Be Forced to Perform Patriotic Rituals. One of His Predecessors Fiercely Disagreed, WASHINGTON POST, Made By History, May 29, 2018

The Troubling Sheriffs' Movement That Arpaio Supports, POLITICO MAGAZINE, Sept. 1, 2017

Actually, Paul Ryan, the President's Words Do Matter, SLATE, Dec. 5, 2016 (with Dahlia Lithwick)

Trump's Constitutional Revolution, BOSTON GLOBE, Dec. 2, 2016

What Aryans See in Donald Trump, SLATE, May 26, 2016

Racial Slurs Shouldn't be Trademarked: The Washington Football Team's Name is an Obstacle for Interstate Commerce, SLATE, Apr. 20, 2015 (with Christine Haight Farley)

Why Americans Love to Declare Independence, BOSTON GLOBE, June 29, 2014

From NSA to Race, A Protector of Rights Needed, BOSTON GLOBE, May 4, 2014

A Former Mascot Says: Change "Redskins," PORT TOWNSEND LEADER, July 18, 2012

Aryans, Gender, and American Politics, 4.2 SEXUALITY & POLITICS 16 (2011)

Revolutionary Spark, LEGAL AFFAIRS, Nov./Dec. 2004, p. 20

County Has a Duty to Interpret State Marriage Law and Constitution, Editorial, THE OREGONIAN, Mar. 6, 2004

Deciphering the Will of the People, Editorial, THE OREGONIAN, Nov. 15, 2004 (online), reprinted as *Measure 36 Does Not Rule Out Civil Unions*, THE REGISTER-GUARD, Nov. 12, 2004, at A13

COURSES AND AREAS OF SPECIALIZATION

Constitutional Law
The American Presidency
Democratic Theory
Federal Jurisdiction
Cultural Change

Jurisprudence
Criminal Procedure
Law & Literature
Fourteenth Amendment & Civil Rights
Social Movements

PUBLIC LECTURES AND EVENTS

Practical Equality, Public Lecture and Book Signing, Port Townsend High School, Port Townsend, WA, May 3, 2019

Practical Equality, Lecture, Peninsula College, Port Townsend, WA, May 3, 2019

Voting Rights and the First Amendment, Ideas Forum, Lincoln's Cottage, Washington, D.C., Apr. 12, 2019

Practical Equality: A Conversation with University of Chicago Professor Aziz Huq, Northwestern University School of Law, Chicago, IL, Apr. 4, 2019

Practical Equality, Lecture & Book Signing, American University College of Law, Washington, DC, Mar. 20, 2019

Practical Equality: A Conversation with William & Mary Professor Tim Zick, William & Mary School of Law, Williamsburg, VA, Mar. 14, 2019

Practical Equality: A Conversation with the Honorable Denny Chin, USCA 2d Circuit, Asian American Bar Association of New York, NY, Mar. 11, 2019

Practical Equality, Public Event (with *Slate's* Dahlia Lithwick), American Constitution Society, New York University Law School, NY, Feb. 27, 2019

Practical Equality, Public Event (with *NY Times's* Adam Liptak), Politics & Prose, Washington, D.C., Feb. 21, 2019

Practical Equality, Public Event (with Harvard Professor Noah Feldman), Sponsored by the Harvard Law American Constitution Society, Harvard University Bookstore, Cambridge, MA, Feb. 20, 2019

What Might Have Been, Featured Speaker, 75th Anniversary of *West Virginia v. Barnette*, Robert H. Jackson Center, Jamestown, NY, Oct. 16, 2018

Celebrating the Tradition Rather Than the Document, Constitution Day, National Archives, Washington D.C., Sept. 18, 2014

The Northwest American Republic: Dreams of White Forefathers, Public Lecture, Human Solidarity and Security Speaker Series, Gonzaga University, Spokane, WA, Jan. 30, 2014

Charles R. Clason Lecture: Lessons from the Indian Stream Republic, Western New England College of Law, Springfield, MA, Mar. 3, 2011

SELECTED SCHOLARLY PRESENTATIONS

Precedent as Artifact, Workshop, Amherst College, Political Science Department, Amherst, MA, Oct. 17, 2019

Discussant, Thomas Cooley Book Prize and Symposium, Richard Fallon, *Law and Legitimacy in the Supreme Court* (Harvard 2018), Georgetown University Law Center, Washington, D.C., Apr. 11-12

Immigration Unilateralism and American Ethno-nationalism, Presenter, Symposium: "Democracy in America: The Promise and the Perils," Loyola Law School, Chicago, IL, Apr. 5, 2018

Presenter, Book Symposium, Timothy Zick, *Free Speech and its Relation to Other Constitutional Rights* (Oxford 2018), William & Mary Law School, Williamsburg, VA, Mar. 15-16, 2019

Discussant, Thomas Cooley Book Prize and Symposium, Gary Lawson & Guy Seidman, *A Great Power of Attorney: Understanding the Fiduciary Constitution* (Kansas Press 2017), Center for the Constitution, Georgetown University Law Center, Washington, D.C., Apr. 20, 2018

To Help the Poor?, Comments on Professor Anne Fleming, "Outside the Shadow of the Poor House: Economic Regulation as Poverty Law," WCL Legal Workshop, Washington, D.C., Apr. 17, 2018

Practical Equality, Presenter, Workshop on American Political Development: "Law and Politics Under Stress," University of Oregon Law School-Wayne Morse Center, Portland, OR, Apr. 12-13, 2018 (Other presenters: Willy Forbath, Steve Skowronek, Karen Orren, Megan Ming Francis, Keith Bybee, Anna Law, Carolina Nunez, Priscilla Yamin, Alison Gash, Stuart Chinn, Dan Tichenor)

Trumpism's Dilemmas, Panel: "Trumpism, Cosmopolitanism, Identity and Equality: Theorizing the New Political Space," Annual Meeting of the Association for the Study of Law, Culture and the Humanities, Washington, D.C., Mar. 17, 2017

Practical Equality, Constitutional Law Roundtable: “Crime and Punishment,” University of Maryland Law School, Baltimore, MD, Mar. 2-3, 2018

Equality By Other Means, Faculty Workshop, Washington & Lee Law School, Lexington, VA, Feb. 26, 2018

The Search for State Consensus in American Rights Cases, Speaker, State Consensus in Constitutional Adjudication and the Legal Traditions of Member States, Luxembourg Forum, Washington, D.C., Apr. 21, 2017

Police Coercion: A New Theory of Law?, Comments on Rachel Harmon, “Police Violence and Lawful Orders,” WCL Distinguished Speakers Series, Washington D.C., Oct. 7, 2016

The Role of Social Turmoil in First Amendment Cases, First Amendment Roundtable, Washington University School of Law, St. Louis, MO, Apr. 15, 2016

Presidential Leadership Over Rights: Obama as Case Study, Constitutional Law Schmooze, University of Maryland Law School, Baltimore, MD, Mar. 4, 2016

The Social Foundations of Presidential Leadership Over Individual Rights, Constitutional Law Symposium, Loyola University Chicago School of Law, Chicago, IL, Nov. 7-8, 2014

The Republic of New Afrika: Popular Constitutionalism and International Law, Faculty Workshop, Gonzaga University Law School, Spokane, WA, Jan. 30, 2014

Participant, *First Amendment Roundtable*, Washington University School of Law, St. Louis, MO, Mar. 22, 2013

Commenter, Rebecca Lee, “Judging Judges: Empathy as the Litmus Test for Impartiality”; Stuart Chinn, “*Brown*, Political Party Ideology, and ‘Jurisprudential Bundling,’” Hastings Law School, San Francisco, CA, Feb. 2, 2013

Three Arguments About War, Oregon Law & Humanities Initiative and the Wayne Morse Center for Law & Politics, University of Oregon School of Law, Eugene, OR, Jan. 31, 2013

Fiction as Dissent: Simple Takes on the Supreme Court, “The Art & Politics of Irony,” Institute for the Public Life of Arts and Ideas, McGill University, Montreal, Quebec, Apr. 13, 2012

Why Study Failed Constitutions? John Brown’s Vision for America, William & Mary Law School, Bill of Rights Institute, Williamsburg, VA, Nov. 10, 2011

Commenter, “First Amendment and Fallen Heroes: The Unpleasant Case of *Snyder v. Phelps*,” American Studies Association Annual Meeting, Baltimore, MD, Oct. 21, 2011

When We Talk About War, Constitutional Law Roundtable, American Constitution Society, George Washington University Law School, Washington, D.C., June 16, 2011

Forms of Popular Sovereignty, “Popular Sovereignty and American Democracy,” Inaugural Conference of American Democracy Forum, University of Wisconsin, Madison, WI, May 25, 2011

Egalitarianism and Displacement, Workshop on Race, Gender, and Sexuality in Law and Political Development, Ohio University, Athens, OH, May 20-21, 2011

Non-Territorial Forms of American Sovereignty, Faculty Workshop, University of Washington Law School, Seattle, WA, May 12, 2011

Whose Virtues?, Comment on Linda McClain, *Rights, Responsibilities, and Virtues*, WCL Distinguished Speakers Series, Apr. 15, 2011

Is Liberalism Bound by a Command of Evaluative Neutrality?, Comment on Adrienne Stone, *Is There a Right to Freedom of Expression? A Response to Larry Alexander*, WCL Distinguished Speakers Series, Mar. 30, 2011

Two Alternative Republics, Faculty Workshop, Rutgers University Law School, Camden, NJ, Feb. 7, 2011

“One Good World”: *Deploying the American Experience to Undermine the Nation-State*, Midwest Constitutional Law Discussion Group, University of Wisconsin, Madison, WI, Oct. 22, 2010

Dealing With Democratic Heartbreak, Address for Conference “How Rhetoric Shapes the Law: Pedagogy, Theory, Practice,” American University, Washington College of Law, Oct. 15, 2010

Pioneer Constitutionalism, D.C. Area Legal History Roundtable, Georgetown University Law Center, Washington, D.C., Oct. 8, 2010

Dreams of White Forefathers, Law & Society Association, Panel: “Uses of the Past in Constitutional Discourse,” Chicago, IL, May 29, 2010

America’s Forgotten Constitutions, Legal Studies Workshop, Stanford Law School, Stanford, CA, Mar. 8, 2010

America’s Forgotten Constitutions, Faculty Colloquium, University of Connecticut Law School, Hartford, CT, Jan. 20, 2010

John Brown’s Constitution, Symposium: “John Brown Remembered: 150 Year Anniversary of the Raid on Harper’s Ferry,” Harper’s Ferry, WV, Oct. 16, 2009

The Northwest Homeland, Loyola Law School, Los Angeles, CA, Sept. 10, 2009

Eloquence and Reason, Author Meets Readers, Annual Meeting of the Law and Society Association, Denver, CO, May 28-31, 2009 (Discussants: Susan Burgess, Lief Carter, Mark Graber, Julie Novkov)

War Constitutionalism, D.C. Public Law Roundtable, American University, May 21 & June 24, 2009

The Ethics of Melancholy Citizenship, Symposium: Contested Citizenship, University of Oregon School of Law, Eugene, OR, May 7-8, 2009

Eloquence and Reason, Wayne Morse Center for Law & Politics, University of Oregon, Eugene, OR, May 6, 2009 (Commentator: Joseph Lowndes)

Constitutional Borrowing, Annual Meeting of the Association for the Study of Law, Culture, and the Humanities, Boston, MA, Apr. 4, 2009, May 2009

Eloquence and Reason, Author Meets Readers, Annual Meeting of the Association for the Study of Law, Culture, and the Humanities, Boston, MA, Apr. 3, 2009

Two Arguments Against Tolerance, Panel: *The Limits of Tolerance*, Symposium: Religion and the State, Center for the Study of Liberal Democracy/Lubar Institute for the Study of Abrahamic Religions, University of Wisconsin, Madison, WI, Mar. 27-28, 2009

Bottom-Up Accounts of Religious Support for Gay Marriage, Comment on Sarah Barringer Gordon, *The Spirit of the Law*, American University, Washington College of Law, Feb. 13, 2009

The Role of Presidential Leadership in Advancing Civil Rights, American University, Washington College of Law, Jan. 30, 2009

Constitutional Borrowing, Faculty Workshop, University of Baltimore Law School, Baltimore, Maryland, Oct. 23, 2008

Assessing Polarization, West Coast Constitutional Law Discussion Group, University of Oregon School of Law, Eugene, OR, Sept. 13, 2008

Reconsidering Gobitis, Stanford/Yale Junior Faculty Forum, New Haven, CT, June 21, 2008

Contested Citizenship and the Processes of Identity Formation, Annual Meeting of the Association for the Study of Law, Culture and the Humanities, Berkeley, CA, Mar. 29, 2008

John Brown's Constitution, Constitutional Law Discussion Group, University of Maryland School of Law, Baltimore, MD, Mar. 8, 2008

Reconsidering Gobitis, Faculty Colloquium, Georgetown University Law Center, Washington, D.C., Feb. 20, 2008

How Social Conservatives Remade the Wall of Separation, Symposium: "The 21st Century Brain: Why It Matters for the Academic and Political Worlds," University of Pittsburgh School of Law, Pittsburgh, PA, Feb. 8, 2008

Presidential Leadership and Linguistic Transformation, University of Iowa College of Law, Iowa City, IA, Sept. 6, 2007

Gobitis Reconsidered, May Gathering, University of Virginia Law School, Charlottesville, VA, June 1, 2007

The Responsive Judiciary, Faculty Workshop, Thomas Jefferson School of Law, San Diego, CA, Apr. 20, 2007

Measuring Interpretive Plausibility, Faculty Colloquium, St. John's University School of Law, New York, NY, Mar. 5, 2007

First Amendment Borrowing, Distinguished Speakers Series, Seattle University School of Law, Seattle, WA, Mar. 3, 2006

Text as One Aspect of a People's Vocabulary, Faculty Workshop, University of Washington School of Law, Seattle, WA, Mar. 2, 2006

The Irrepressible First Amendment, Faculty Workshop, Chicago-Kent College of Law, Chicago, IL, Feb. 8, 2006

Eloquence and Reason, Faculty Workshop, St. Louis University School of Law, St. Louis, MO Feb. 7, 2006

The Irrepressible First Amendment, Faculty Workshop, Washington University School of Law, St. Louis, MO, Feb. 6, 2006

The Irrepressible First Amendment, Panel: “First Amendment Borrowing,” Annual Meeting of the Law & Society Association, Las Vegas, NV, June 3, 2005

Metaphor and Democracy, Eighth Annual Meeting of the Association for the Study of Law, Culture and the Humanities, Austin, TX, Mar. 11, 2005

Fire, Metaphor and Constitutional Myth-Making, Stanford-Yale Junior Faculty Forum, Yale Law School, New Haven, CT, June 5, 2004

Roundtable: Brown, *Legitimacy, and Constitutional Culture*, Annual Meeting of the Law & Society Association, Chicago, IL, May 29, 2004

The First Amendment: Metaphor and Role-Playing, Faculty Colloquium, University of California, Davis, King Hall School of Law, Davis, CA, Oct. 1, 2003

Framing Judicial Power, Joint Conference of Asian Pacific American Law Teachers and Western Regional Law Teachers of Color, Seattle, WA, Mar. 20-22, 2003

The Meaning of Judicial Authority, Fourth Annual Public Law Conference, Duke University School of Law, Durham, NC, Dec. 14, 2002

OTHER PRESENTATIONS

Constitution Day & Book Signing, American Constitution Society, Washington College of Law, Sept. 17, 2018
Recent Research, Adam Mickiewicz University of Poznan, Faculty of Law & Public Administration, Sept. 26, 2011

Why Write Books?, Conference of Asian Pacific American Law Faculty, Tucson, Arizona, Mar. 4, 2010

Eloquence and Reason, American Constitution Society/ACLU of Oregon/Federal Bar Association, Portland, Oregon, May 8, 2009

Framing First Amendment Arguments in Uncertain Times, Distinguished Speakers’ Series, Marbury Institute, Offices of DLA Piper, Atlanta, Georgia, Mar. 6, 2009

Eloquence and Reason, Federalist Society, American University, Washington College of Law, Washington, D.C., Nov. 18, 2008

Constitutional Interpretation and Litigation After Heller, Moderator, American University, Washington College of Law, Washington, D.C., Sept. 24, 2008

What are the Stakes in the Guantanamo Bay Detention Cases?, Wayne Morse Center for Law and Politics, Eugene, Oregon, Oct. 8, 2007

Workshop on Thriving and Surviving the Academy: Concrete Steps for People of Color and Their Law Schools, AALS, Washington, D.C., June 27-28, 2007

The Impact of Judge John Roberts’ Confirmation to the U.S. Supreme Court, Seminar, National Association of Criminal Defense Lawyers, Portland, Oregon, Aug. 5, 2005

Imagining Life Under a Libertarian Constitution, Response to Randy E. Barnett, *Restoring the Lost Constitution*, The Federalist Society, University of Oregon School of Law, Eugene, Oregon, Apr. 19, 2004

The State of the Law of Affirmative Action: Where Do We Go From Here?, Annual Convention of the National Asian Pacific American Bar Association, Honolulu, Hawaii, Nov. 13, 2003

Judging in the Shadow of the New Federalism: Legislative-Judiciary Relationships, Moderator, Kenneth J. O’Connell Judicial Conference, Portland, Oregon, Nov. 6, 2003

U.S. Supreme Court Roundup: Cross Burning and Internet Filtering, Oregon State Bar Annual Meeting, Seaside, Oregon, Sept. 18, 2003

HONORS AND COMPETITIVE GRANTS

Elizabeth Payne Cubberly Scholar Award, American University, Washington College of Law, 2010

Summer Stipend, Dean's Fund, American University, Washington College of Law, 2008-2018
Dean's Research Program, University of Oregon Law School, 2007
Summer Stipend, Dean's Fund, University of Oregon Law School, 2003-07
University Research Award, University of Oregon, 2004
New Faculty Award, University of Oregon, 2003
Jeffrey George Wilson Research Stipend, University of California, Los Angeles, 1993
2d Place, Pac-10 Rowing Championships, UCLA Crew, 1990
Washington State Scholar, 1989 (full scholarship to any in-state university)

EMPLOYMENT HISTORY

Staff Counsel, American Civil Liberties Union, Atlanta, Georgia, 1999-2002
Summer Associate, Wilmer, Cutler & Pickering, Washington, D.C., 1997 (offer)
Research Assistant, Bruce Ackerman, Yale Law School, 1997
Summer Associate, Cravath, Swaine & Moore, New York, New York, 1996 (offer)
Law Clerk, U.S. Department of Justice, Civil Rights Division, Disability Rights Section, Washington, D.C.,
Summer 1995
Law Fellow, Congressman Richard A. Gephardt, Washington, D.C., Summer 1995
Research Assistant, Steven B. Duke, Yale Law School, 1995-97
Research Assistant, David C. Rapoport, Department of Political Science, UCLA, 1990-92

SELECTED SERVICE

Guest Editor, "Hate and Political Discourse," *Journal of Hate Studies*, 2012-13
ASLCH Dissertation Award Committee, 2010
WCL Speaker Series and Scholarship Committee, 2008-09, 2010-11, 2016-17, 2018-19
WCL Appointments Committee, 2017-19
Chair, WCL Rank and Tenure Subcommittee, 2008-09, 2010, 2012-19
WCL Technology Committee, 2017-19
WCL Committee on Career Development, 2014-16
WCL Library Committee, 2013-14
WCL Curriculum Committee, 2011-12
WCL Public Interest Committee, 2012-13
Founder and Co-Chair, Oregon Legal Theory Workshop, 2005-07
Planning Committee, "Democracy and Citizenship," Wayne Morse Center for Law & Politics, 2006
Curriculum Committee, 2005-06
UO Dean's Faculty Advisory Committee (elected), 2004-05, 07-08
UO Faculty Appointments Committee, 2004-05, 06-07

AFFILIATIONS

American Political Science Association
Law and Society Association
Association for the Study of Law, Culture and the Humanities

PEER REVIEW

Oxford University Press
Cambridge University Press
Temple University Press
Aspen Publishers
Law and Social Inquiry
Law, Culture & Humanities

