

SAIKRISHNA BANGALORE PRAKASH
580 Massie Road, Charlottesville, VA 22901
sprakash10@gmail.com
434-243-8539

EMPLOYMENT

UNIVERSITY OF VIRGINIA SCHOOL OF LAW, 2009 to present
Currently James Monroe Distinguished Professor of Law & Albert Clark Tate Jr., Professor of Law
Senior Fellow, Miller Center of Public Affairs

YALE LAW SCHOOL, Doyle-Winter Distinguished Visiting Professor of Law, Fall 2022

UNIVERSITY OF CHICAGO LAW SCHOOL, Visiting Professor of Law, Fall 2012

UNIVERSITY OF SAN DIEGO SCHOOL OF LAW, Herzog Research Professor of Law, 2004 to 2009;
Professor of Law, 2002 to 2009; Associate Professor of Law, 1999-2002

PRINCETON UNIVERSITY, James Madison Fellow, James Madison Program, Fall 2008

UNIVERSITY OF VIRGINIA SCHOOL OF LAW, Visiting Professor of Law, Spring 2008

HOOVER INSTITUTION, Stanford University, Visiting Research Fellow, March 2007

NORTHWESTERN UNIVERSITY LAW SCHOOL, Visiting Professor of Law, Spring 2004

OFFICE OF MANAGEMENT AND BUDGET, Executive Office of the President, Assoc. Gen. Counsel, 2001

BOSTON UNIVERSITY SCHOOL OF LAW, Associate Professor of Law, 1998-1999

UNIVERSITY OF ILLINOIS COLLEGE OF LAW, Visiting Assistant Professor, 1997-1998

SIMPSON THACHER & BARTLETT, Associate, 1995-1997

U.S. SUPREME COURT, Clerk to Justice Clarence Thomas, 1994-1995

COURT OF APPEALS FOR THE D.C. CIRCUIT, Clerk to the Judge Laurence H. Silberman, 1993-1994

SAN DIEGO UNION, Paperboy, 1980-1983

EDUCATION

YALE LAW SCHOOL, J.D. 1993

Awards: Finalist in Thurman Arnold Moot Court
 John M. Olin Fellow in Law, Economics, and Public Policy
 Activities: Senior Editor, YALE LAW JOURNAL

STANFORD UNIVERSITY, B.A. Economics and Political Science 1990

Honors: *Phi Beta Kappa*, departmental honors in Economics and Political Science
 Activities: Research Assistant for Senior Fellows Alex Inkeles & John Cogan, Hoover Institution

AWARDS & HONORS

Honorable Mention, “Best [book-length] Work of Legal Scholarship,”
 American Society of Legal Writers for *IMPERIAL FROM THE BEGINNING*, 2016

Inaugural Speaker, Rosenkranz Originalism Conference, Yale Law School, 2019

Stranahan Lecture, University of Toledo Law School, Toledo University, 2018

Elected to American Law Institute, 2017

Walter F. Murphy Lecture on Constitutional Law, Princeton University, 2015

Roger Traynor Faculty Achievement Award, University of Virginia School of Law, 2015

James Gould Cutler Lecture on Constitutional Law at the William & Mary School of Law, 2008

Paul M. Bator Award, awarded annually by the Federalist Society to a young scholar (under 40) for excellence in legal scholarship and teaching, 2008

BOOK and BOOK CONTRIBUTIONS

THE LIVING PRESIDENCY: AN ORIGINALIST CASE AGAINST ITS EVER-EXPANDING POWERS
 (Harvard University Belknap Press 2020)

IMPERIAL FROM THE BEGINNING: THE CONSTITUTION OF THE ORIGINAL EXECUTIVE
 (Yale University Press 2015)

“Delay: How to Best Implement a Revitalized Nondelegation Doctrine” in *THE ADMINISTRATIVE STATE BEFORE THE SUPREME COURT* (American Enterprise Institute 2022)

“The Presidency is Always at a Crossroads” in *THE PRESIDENCY: FACING CONSTITUTIONAL CROSSROADS* (Michael Nelson & Barbara Perry eds., Virginia Press 2021)

“Resolved, The Unitary Executive is a Myth: Con”, in *DEBATING THE PRESIDENCY: CONFLICTING PERSPECTIVES ON THE EXECUTIVE* (Richard J. Ellis & Michael Nelson, eds., 2020, 2017, 2014)

BOOK and BOOK CONTRIBUTIONS (cont.)

“Note on the Separation of Powers”, “Executive Vesting Clause” & “Take Care Clause” in *THE HERITAGE GUIDE TO THE CONSTITUTION* (David Forte, ed., 2014, 2005)

“The Story of Myers and its Wayward Successors: Going Postal on the Removal Power” in *PRESIDENTIAL POWER STORIES* (Curtis Bradley & Christopher Schroeder, eds., 2008)

LAW REVIEW PUBLICATIONS

Deciphering the Commander in Chief Clause, ____ *YALE L. J.* _ (2024)

The Executive Power of Removal, 136 *HARV. L. REV.* 1756 (2023) (with Aditya Bamzai)

The Peace Powers: How to End a War, 170 *PENN. L. REV.* 917 (2022) (with Avery Rasmussen)

“Not a single privilege is annexed to his character”: *Necessary and Proper Executive Privileges and Immunities*, 2020 *SUP. CT. REV.* 229 (2021)

Prosecuting and Punishing Our Presidents, 100 *TEX. L. REV.* 56 (2021)

The Constitution’s First Declared War, 104 *VA. L. REV.* 119 (2021) (with Will Hall)

The Age of the Winning Executive: The Case of Donald J. Trump, 134 *HARV. L. REV. F.* 141 (2020)

Why, or Why Not, Be an Originalist?, 69 *Catholic University Law Review* 683-721 (2020)
(panel remarks with Amy Coney Barrett, Michael Dorf, and Rick Pildes).

Against Constitution by Convention, 108 *CALIF. L. REV.* 1975 (2020)
(reply to Trevor Morrison’s Jorde Lecture)

Faithless Execution, 133 *HARV. L. REV. F.* 94 (2020)

Of Synchronicity and Supreme Law, 132 *HARV. L. REV.* 1220 (2019)

Speaking with a Different Voice: Why the Military Trial of Civilians and the Enemy is Constitutional, 107 *CALIF. L. REV.* 1021 (2019)

Double Duty Across the Magisterial Branches, 44 *J. SUP. CT. HIS.* 26 (2019)

Congress as Elephant, 104 *VA. L. REV.* 797 (2018)

Text over Intent and the Demise of Legislative History, 43 *DAYTON L. REV.* 1 (2018)
(panel remarks on Justice Scalia’s textualism)

The Past, Present, and Future of Presidential Power, 14 *U. ST. THOMAS L.J.* 627 (2018)

LAW REVIEW PUBLICATIONS (continued)

A Fool for the Original Constitution, 130 HARV. L. REV. F. 24 (2016)

Military Force and Violence, but neither War nor Hostilities, 64 DRAKE L. REV. 995 (2016)
(symposium on war powers during Obama Administration at Drake Law School)

Congress & the Reconstruction of Foreign Affairs Federalism, 115 MICH. L. REV. 47 (2016)
(with Ryan Baasch)

People ≠ Legislature, 39 HARV. J. L. & PUB. POL. 341 (2016) (with John Yoo)

Zivotofsky & the Separation of Powers, 2015 SUP. CT. REV. 1

50 States, 50 Attorneys General, and 50 Approaches to the Duty to Defend, 124 YALE L. J. 2100 (2015)
(with Neal Devins)

The Sweeping Domestic War Powers of Congress, 113 MICH. L. REV. 1337 (2015)

The Boundless Treaty Power Within a Bounded Constitution, 90 NOTRE DAME L. REV. 1499 (2015)
(symposium on *Bond v. United States*)

Book Review of The Wartime President: Executive Influence and the Nationalizing Politics of Threat,
101 J. AM. HIST. 979 (2014)

Reverse Advisory Opinions, 80 U. CHI. L. REV. 859 (2013) (with Neal Devins)

The Appointment and Removal of William J. Marbury and When an Office Vests,
89 NOTRE DAME L. REV. 199 (2013)

The Imbecilic Executive, 99 VA. L. REV. 1361 (2013)

Guru Dakshina, 2013 U. ILL. L. REV. 1787 (symposium on Akhil Amar's UNWRITTEN CONSTITUTION)

Missing Links in the President's Evolution on Same-Sex Marriage, 81 FORDHAM L. REV. 553 (2012)

The Indefensible Duty to Defend, 112 COLUM. L. REV. 507 (2012) (with Neal Devins)

The Goldilocks Executive, 90 TEX. L. REV. 973 (2012) (book review of EXECUTIVE UNBOUND by
Eric Posner and Adrian Vermeule) (with Michael Ramsey)

The Causes of Progressive Stagnation, 72 OHIO ST. L. J. 1277 (2011)

The Great Suspender's Unconstitutional Suspension of the Great Writ, 3 ALB. GOVT. L. REV. 575 (2010)

LAW REVIEW PUBLICATIONS (continued)

Why the Incompatibility Clause Applies to the Office of the President,
4 DUKE J. OF CONST. L. & PUB. POL. 107 (2009)

Fragmented Features of the Constitution's Unitary Executive, 45 WILLAMETTE L. REV. 701 (2009)

The Executive's Duty to Disregard Unconstitutional Laws, 95 GEO. L. J. 1613 (2008)

Imperial and Imperiled: The Curious State of the Executive, 50 WM. & MARY L. REV. 1021 (2008)
(James Gould Cutler Lecture on Constitutional Law at William and Mary School of Law)

The Separation and Overlap of War and Military Powers, 87 TEX. L. REV. 299 (2008)

Exhuming the Seemingly Moribund Declaration of War, 77 GEO. WASH. L. REV. 89 (2008)

Tempest in an Empty Teapot: Why the Constitution Does Not Regulate Gerrymandering, 50 WM. & MARY L. REV. 1 (2008) (with Larry Alexander)

A Taxonomy of Presidential Powers, 88 B.U. L. REV. 327 (2008)

The Misunderstood Relationship between Originalism and Popular Sovereignty,
31 HARV. J. OF L. & PUB. POL. 485 (2008)

Unleashing the Dogs of War: What the Constitution Means by "Declare War,"
93 CORNELL L. REV. 45 (2007)

A Two Front War, 93 CORNELL L. REV. 197 (2007) (sur-reply to Robert Delahunty &
John Yoo, *Making War* by 93 CORNELL L. REV. 123 (2007) and
Michael Ramsey, *The President's Power to Respond to Attacks*, 93 CORNELL L. REV. 169 (2007))

Why the President Must Veto Unconstitutional Bills, 16 W. & M. BILL OF RIGHTS J. 81 (2007)

Delegation Really Running Riot, 93 VA. L. REV. 1035 (2007) (with Larry Alexander)

More Democracy, Less Constitution, 55 DRAKE L. REV. 899 (2007) (symposium issue on SANFORD
LEVINSON, *OUR UNDEMOCRATIC CONSTITUTION* (2006))

How to Remove a Federal Judge, 116 YALE L. J. 72 (2006) (with Steve Smith)

(Mis)Understanding "Good Behavior" Tenure, 116 YALE L. J. 139 (2006) (with Steve Smith) (sur-reply to
Professor Martin Redish, *Good Behavior, Judicial Independence, and the Foundations of American
Constitutionalism*, 116 YALE L.J. 139 (2006))

LAW REVIEW PUBLICATIONS (continued)

Radicals in Tweed Jackets: Why Extreme Left-Wing Law Professors are Wrong for America,
106 COLUM. L. REV. 2207 (2006) (book review of CASS SUNSTEIN, *RADICALS IN ROBES* (2005))

Removal and Tenure in Office, 92 VA. L. REV. 1779 (2006)

How the Constitution Makes Subtraction Easy, 92 VA. L. REV. 1871 (2006) (sur-reply to
John Harrison, *Addition by Subtraction*, 92 VA. L. REV. 1853 (2006))

Regulating the Commander in Chief: Some Theories, 81 IND. L.J. 1319 (2006)

New Light on the Decision of 1789, 91 CORNELL L. REV. 1021 (2006)

The Constitutional Status of Customary International Law, 30 HARV. J. OF L. & PUB. POL. 65 (2006)

Against Interpretive Supremacy, 103 MICH. L. REV. 1539 (2005) (with John Yoo) (review of Larry
Kramer's *THE PEOPLE THEMSELVES: POPULAR CONSTITUTIONALISM AND JUDICIAL REVIEW*)

The Chief Prosecutor, 73 GEO. WASH. L. REV. 521 (2005)

Regulating Presidential Power, 91 CORNELL L. REV. 215 (2005) (review of HAROLD KRENT,
PRESIDENTIAL POWERS (2005))

Foreign Affairs and the Jeffersonian Executive: A Defense, 89 MINN. L. REV. 1591 (2005)
(with Michael D. Ramsey)

"Is that English You're Speaking?" Why Intention-Free Interpretation is an Impossibility,
41 U.S.D. L. REV. 967 (2004) (with Larry Alexander) (50th anniversary issue)

Against Tribal Fungibility, 89 CORNELL L. REV. 1069 (2004)

The Constitution as Suicide Pact, 79 NOTRE DAME L. REV. 1299 (2004)

Mother May I: Imposing Mandatory, Prospective Rules of Statutory Interpretation, 20 CONST. COMM. 97
(2004) (with Larry Alexander)

Questions for the Critics of Judicial Review, 72 GEO. WASH. L. REV. 354 (2003) (with John Yoo)

Reports of the Nondelegation Doctrine's Death are Greatly Exaggerated, 70 U. CHI. L. REV. 1297 (2003)
(with Larry Alexander)

Branches Behaving Badly: The Predictable and often Desirable Consequences of the Separation of Powers,
12 CORNELL J. L. & PUB. POL. 543 (2003)

LAW REVIEW PUBLICATIONS (continued)

The Origins of Judicial Review, 70 U. CHI. L. REV. 887 (2003) (with John Yoo)

Overcoming the Constitution, 91 GEO. L. J. 407 (2003) (review of RICHARD FALLON, IMPLEMENTING THE CONSTITUTION (2001))

Our Three Commerce Clauses and the Presumption of Intrasentence Uniformity, 55 ARK. L. REV. 1149 (2003)

The Essential Meaning of Executive Power, 2003 U. ILL. L. REV. 701

Are the Judicial Safeguards of Federalism the Ultimate Form of Conservative Judicial Activism? 55 U. COLO. L. REV. 1363 (2002)

The Executive Power over Foreign Affairs, 111 YALE L. J. 231 (2001) (with Michael Ramsey)

The Puzzling Persistence of Process-Based Federalism Theories, 79 TEX. L. REV. 1459 (2001) (with John Yoo)

America's Aristocracy, 109 YALE L. J. 541 (1999) (review of MARK TUSHNET, TAKING THE CONSTITUTION AWAY FROM THE COURTS (1999))

Our Dysfunctional Insider Trading Regime, 99 COLUM. L. REV. 1491 (1999)

A Critical Comment on the Constitutionality of Executive Privilege, 83 MINN. L. REV. 1143 (1999)

Deviant Executive Lawmaking, 67 GEO. WASH. L. REV. 1 (1998)

A Comment on Congressional Enforcement, 32 IND. L. REV. 193 (1998)

Unoriginalism's Law Without Meaning, 15 CONST. COMM. 329 (1998) (review of JACK RAKOVE, ORIGINAL MEANINGS (1998))

General United States Tax Considerations Pertaining to the Creation, Acquisition and Disposition of Trademarks in ADVANCED SEMINAR ON TRADEMARK LAW 403 (1996) (with Peter Riley)

The President's Power to Execute the Laws, 104 YALE L.J. 541 (1994) (with Steven Calabresi)

Field Office Federalism, 79 VA. L. REV. 1957 (1993)

Hail to the Chief Administrator: The Framers and the President's Administrative Powers, 102 YALE L.J. 991 (1993) (Note)

SELECT INTERNET PUBLICATIONS

“From a Fixed, Limited Presidency to a Living, Flexible, Boundless Presidency,” National Constitution Center, found at <https://constitutioncenter.org/debate/special-projects/a-madisonian-constitution-for-all/essay-series/from-a-fixed-limited-presidency-to-a-living-flexible-boundless-presidency>

Article II, Section 1, National Constitution Center, found at <http://constitutioncenter.org/interactive-constitution/articles/article-ii/the-vesting-clause-common-interpretation/clause/35> (with Christopher Schroeder)

Executive Power Clause, National Constitution Center, found at <http://constitutioncenter.org/interactive-constitution/articles/article-ii/executive-power-clause/clause/35>

Article II, Section 3, National Constitution Center, found at <http://constitutioncenter.org/interactive-constitution/articles/article-ii/article-ii-section-3-by-bill-marshall-and-saikrishna-prakash/clause/38> (with William Marshall)

Presidential Duties, National Constitution Center, found at <http://constitutioncenter.org/interactive-constitution/articles/article-ii/article-ii-section-3-by-saikrishna-prakash/clause/38>

Revolt of the Attorneys General, L.A. Times (April 18, 2016), found at <http://www.latimes.com/opinion/op-ed/la-oe-0418-devinsprakash-attorneys-general-refusal-to-defend-20160418-story.html> (with Neal Devins)

Review of Untrodden Ground: How Presidents Interpret the Constitution (by Harold H. Bruff), found at <http://newramblerreview.com/book-reviews/law/executive-order>

Stop fighting it. America is a monarchy, and that’s probably for the best, found at <https://www.washingtonpost.com/posteverything/wp/2015/06/23/stop-fighting-it-america-is-a-monarchy-and-thats-probably-for-the-best/>

The Statutory Nonenforcement Power, 91 TEXAS L. REV. SEE ALSO 115, found at www.texaslrev.com/wp-content/uploads/Prakash.pdf

Obama’s Executive Orders Will Annoy Friends and Foes. NY Times, A Matter of Debate, found at <http://www.nytimes.com/roomfordebate/2014/01/29/presidential-power-vs-congressional-inertia/obamas-executive-orders-will-annoy-friends-and-foes>

The President May Attack Enemies Overseas, Even Americans. NY Times, A Matter of Debate, found at <http://www.nytimes.com/roomfordebate/2013/02/05/what-standards-must-be-met-for-the-us-to-kill-an-american-citizen/the-president-may-attack-enemies-overseas-even-americans?>

SELECT INTERNET PUBLICATIONS (cont.)

Limit Use of Presidential Perks? Yeah Right. NY Times, A Matter of Debate, found at <http://www.nytimes.com/roomfordebate/2012/09/20/when-the-white-house-speaks-on-the-campaign-trail/limit-use-of-presidential-perks-yeah-right>

Removing Federal Judges Without Impeachment, 116 YALE L.J. POCKET PART 95 (2006) (with Steve Smith), found at <http://thepocketpart.org/2006/10/18/prakashsmith.html>

The Domestic War, YALE L.J. (THE POCKET PART), March 2006, <http://www.thepocketpart.org/2006/03/prakash.html>.

Should the Attorney General be Independent?, Debate Club, Legal Affairs (2/13/06) found at http://www.legalaffairs.org/webexclusive/debateclub_indieAG0206.msp

When Can Congress Remove Judges, Debate Club, Legal Affairs (12/26/05) found at http://www.legalaffairs.org/webexclusive/debateclub_goodbehavior1205.msp

SELECT PRESENTATIONS and PANELS

Yale Law Faculty Workshop, Paper on Commander in Chief Clause, Sept. 2023

American Enterprise Institute, Panel on Nondelegation Doctrine, Mar. 2022

Harvard Law School Public Law Workshop, Paper on Removal, Jan. 2022

Gray Center at George Mason Scalia Law, Paper on Removal, Oct. 2021

Kluge Center at the Library of Congress, American Enterprise Institute, and Brookings Institution, Panelist on Pillars of Democracy: The Presidency, Aug. 2021

Rappaport Forum, Harvard Law School, Panelist on Reform of the Supreme Court, March 2021

Richmond Law Faculty Workshop, Paper on Peace Powers, Jan. 2020

Harvard Law School Faculty Workshop, Paper on Prosecuting Sitting Presidents, Dec. 2020

Lecture, *Living or Imperial? The Mutating Presidency Under a Living Constitution*, James Madison Program, Princeton University, Oct. 2020

Testimony before Senate Judiciary Committee on the Nomination of Amy Coney Barrett to the Supreme Court of the United States, Sept. 2020

Testimony before House Rules Committee on a Reassertive Congress, Apr. 2020

American Constitution Society Conference on Presidency, Feb. 2020

NYU Brennan Center Roundtable on Presidential Overreach, Jan. 2020

SELECT PRESENTATIONS and PANELS (cont.)

JRTI Conference, Seoul, South Korea, Speaker on separation of powers, Dec. 2019

UC Berkeley Law School, Jorde Lecture Commentator, Nov. 2019

UC Berkeley Public Law Workshop, Nov. 2019

Federalist Society Conference, Washington, DC, Nov. 2019

Yale Law School, Rosenkrantz Originalism Conference, Inaugural Speaker, Oct. 2019

University of San Diego, Summer Workshop, Aug. 2019

Testimony before House Judiciary Committee on Volume 2 of the Mueller Report, June 2019

Stanford Law School Panel on Jonathan Gienapp's *THE SECOND CREATION*, Apr. 2019

North Carolina School of Law, Faculty Workshop, Apr. 2019

NYU Brennan Center, Keynote Speaker on Emergencies, Jan. 2019

American Enterprise Institute, Panel on Independent Counsels, Sept. 2018

Miller Center Panel on Kavanaugh Nomination, Sept. 2018

Berkeley Law Review Symposium on Amanda Tyler's *HABEAS IN WARTIME*, May 2018

U. of Ill. Constitutional Law Colloquium, Paper on Synchronicity and Supreme Law, Apr. 2018

Duke-Yale Foreign Affairs Conference, Paper on Treaty Termination, Oct. 2017

Supreme Court Historical Society, Lecture on John Jay and John Marshall, Oct. 2017

Constitution Day Lecturer, Skidmore College, Oct. 2017

American Enterprise Institute, Panelist on Filibuster Reform, Sept. 2017

USD Faculty Workshop, Paper on Synchronicity and Supreme Law, July 2017

Originalist Boot Camp, Georgetown Law, May 2017

Stanford Constitutional Center Conference on Constitutional Amendments, Panelist, 2017

SELECT PRESENTATIONS and PANELS (cont.)

Miller Center, Lecture on the President's Power to Amend the Constitution, Apr. 2017

St. Thomas Law School's Conference on Executive Power, Keynote Speaker, April 2017

Article I, Initiative Conference, Paper on The Constitution of Congress, Mar. 2017

Justice Thomas Conference at Yale Law School, Panelist on Separation of Powers, Mar. 2017

USD Originalism Conference, Commentator on Michael McConnell's Paper, Feb. 2017

American Enterprise Institute, Panelist on The Imperial Presidency in the Age of Trump, Jan. 2017

Federalist Society Conference, Panelist on "Text over Legislative Intent," Nov. 2016

Emory Law School Faculty Workshop, Paper on Synchronicity and Supreme Law, Fall 2016

Georgia Law School Faculty Workshop, Paper on Synchronicity and Supreme Law, Fall 2016

ACS Conference, Panelist on the Obama Administration and the Imperial Presidency, June 2016

Originalism Boot Camp, Georgetown Law School, May 2016

Drake Law School Conference on War Powers, Paper on President Obama's wars, Apr. 2016

Princeton Univ., Walter F. Murphy Lectureship, Lecture on Imperial from the Beginning, Sept. 2015

Oxford Constitutional Law Workshop, Lecture on Imperial from the Beginning, June 2015

Stanford Constitutional Center Conference on the Administrative State. Panelist on Nondelegation, Complexity, and the Administrative State, Apr. 2015

Yale Law School, Yale L. J. Enrichment Lecture Series, Paper on state duties to defend, Nov. 2014

Notre Dame Law School Conference on U.S. v. Bond, Paper on scope of treaty power, Oct. 2014

Virginia Law Workshop, Paper on Time and the Perfection of Federal Law, June 2014

Berkeley Law School, Public Law Workshop, Paper on Legislative Power in Emergencies, Mar. 2014

Stanford Constitutional Center Conference on The Role of History in Constitutional Law, Panelist on the future of history in constitutional law, Feb. 2014

Chicago Law School, Paper on Marbury and When an Office Vests, Nov. 2012

UIUC Conference on Akhil Amar's Unwritten Constitution, Presented Book Review, Oct. 2012

SELECT PRESENTATIONS and PANELS (cont.)

- Northwestern University Con. Law Workshop, Paper on legislative power in emergencies, Oct. 2012
- SEALS Conference, Panelist on Justice Thomas after 25 years, Aug. 2012
- Fordham Symposium on DOMA, Paper on Duty to Defend, Apr. 2012
- Duke Roundtable on Curtis Bradley's International Law in the US System, Mar. 2012
- Washington University Faculty Workshop. Paper on When an Appointment Vests, Jan. 2011
- Univ. of Virginia, Miller Center Conference on Presidents and Foreign Affairs, Oct. 2011
- Univ. of Illinois Constitutional Law Colloquium. Paper on When an Appointment Vests, Sept. 2011
- Harvard Law School, Bradley and Goldsmith Conference on War Powers and Practice, Sept. 2011
- Harvard Law School, Harvard Law Review, Panel on Duty to Defend, Mar. 2011
- Ohio State University School of Law, Conference on Progressive Constitutionalism, Mar. 2011
- Univ. of San Diego, Conference on Originalism, Commented on pardon power paper, Jan. 2011
- William and Mary School of Law, Lecture on presidential power, Oct. 2010
- Federalist Society National Student Conference, Univ. of Penn. Panel on Originalism, Mar. 2010
- Albany Law Conference on Lincoln's Legacy: Enduring Lessons of Executive Power, Paper on Lincoln's Habeas Suspensions, Oct. 2009
- Princeton University, James Madison Program, Paper on whether the President enjoys any immunities from suit or process and whether he enjoys any emergency powers, Mar. 2009
- University of Pennsylvania Law School, Penn. J. Const. L. Conference on Calabresi & Yoo's Unitary Executive. Gave talk on presidential control of prosecutions, Feb. 2009
- Willamette Law Review Conference on Executive Authority in the 21st Century. Gave paper on Fragmented Features of the Constitution's Unitary Executive, Sept. 2008
- AALS Conference, Mid-Year Constitutional Law Meeting, Cleveland Ohio. Panelist on Executive Power under the Bush Administration, May 2008
- Texas Law School Constitutional Colloquium, Paper on the Separation and Overlap of War and Military Powers, Apr. 2008

SELECT PRESENTATIONS and PANELS (cont.)

James Gould Cutler Lecture on Constitutional Law at the William & Mary School of Law. Lecture on a “Tale of Two Executives,” Mar. 2008

Virginia Law School Faculty Workshop, Paper on the Separation and Overlap of War and Military Powers, Feb. 2008

AALS Conference, Workshop on the Federal Courts: Independence and Accountability, Panelist on topic “Federal Courts: Separation of Powers,” Jan. 2008

Boston University Conference on the Presidency in the 21st Century, Paper on the grants of “executive power” in the revolutionary state constitutions, Oct. 2007

Federalist Society Conference, Lecture on the misunderstood relationship between Originalism and the Constitution, Aug. 2007

University of San Diego Faculty Workshop, Paper on the Separation of War Powers, June 2007

Cardozo Law School on the Domestic Commander in Chief, Paper on the limits of the Commander in Chief power, Apr. 2007

Drake Law School Symposium on Sanford Levinson’s OUR UNDEMOCRATIC CONSTITUTION. Paper on “More Democracy, Less Constitution,” Apr. 2007

Georgetown University Constitutional Law Colloquium. Paper entitled “The Executive’s Duty to Disregard Unconstitutional Laws,” Apr. 2007

University of San Diego Faculty Workshop, Paper entitled “The Executive’s Duty to Disregard Unconstitutional Laws,” Jan. 2007

Ohio State University, Moritz College of Law, Debate on Congressional and Presidential Powers in Foreign Affairs (with Peter Shane), Oct. 2006

University of San Diego Faculty Workshop, Paper on meaning of “Declare War,” July 2006.

Yale Law Journal Symposium on Executive Power, Moderator for Panel on “Rewriting Article II for the Modern Presidency,” May 2006

Cornell Law School Faculty Workshop, Paper on good behavior tenure, Oct. 2005

University of San Diego Faculty Workshop, Paper on meaning of good behavior tenure, Oct. 2005

University of Indiana Conference on Terrorism, Paper on Commander in Chief power, Oct. 2005.

Berkeley School of Law Faculty Workshop, Paper on removal of federal officers, Sept. 2005

SELECT PRESENTATIONS and PANELS (cont.)

Appellate Judges Education Institute, Lecture on Intentionalism, Sept. 2005.

University of San Diego Faculty Workshop, Paper on executive control of prosecution, July 2004

Northwestern University Faculty Workshop, Paper on federal power over Indian tribes. Mar. 2004

Notre Dame Law Review Conference on the “Changing Laws of War,” Paper on the Constitution as Suicide Pact, Dec. 2003

Northwestern University Faculty Workshop, Paper on the origins of judicial review, Apr. 2003

George Washington University Conference, Paper on the critics of judicial review, Apr. 2003

AALS Conference, Administrative Law Section, Panelist on executive power and congressional delegation, Jan. 2003

Cornell Journal of Law and Public Policy Conference on the “Intersection of Law and Politics.” Paper on interbranch checks, Nov. 2002

University of Arkansas Conference on the Commerce Clause, Paper on “Our Three Commerce Clauses,” Mar. 2001

Byron White Center American Constitutional Law Conference on "Conservative Judicial Activism," Paper on judicial review, Oct 2001

USD Faculty Workshop, Paper on President’s power over foreign affairs, Jan. 2001

ABA Adlaw Conference, Panelist on the executive power during the Clinton years, Oct. 2000

USD Annual Faculty Retreat, Paper on the meaning of executive power, Jan. 2000

Boston University Faculty Workshop Series, Paper on executive privilege, Feb. 1999

USD Law School Faculty Workshop Series, Paper on “Deviant Executive Lawmaking,” Nov. 1998

University of Minnesota School of Law’s Symposium on “United States v Nixon,” Paper on Executive Privilege, Oct. 1998

Rutgers Law School faculty workshop, Paper on “Deviant Executive Lawmaking,” Oct. 1998

Indiana University School of Law’s Conference on “National Power and State Autonomy: Calibrating the New, New Federalism,” Paper entitled, “A Comment on Congressional Enforcement,” Apr. 1998

UNIVERSITY SERVICE

Chair of Entry Level Appointment Committee, University of Virginia. 2010-11
 Member of Dean Search Committee, University of Virginia. 2015-16
 Member of Dean Search Committee, University of San Diego. 2006
 Member of Speakers and Lectureship Committee, University of Virginia. 2015-16
 Member of Graduation Awards Committee, University of Virginia. 2015, 2023
 Member of Faculty Appointments Committee, University of Virginia. 2013-14, 2019-20
 Member of Tenure Subcommittee, University of Virginia. 2013-14
 Member of Associate Deans Search Committee, University of Virginia. 2014
 Member of Workshop and Faculty Retreat Committee, University of Virginia. 2012-13
 Member of Student Disciplinary Committee, University of Virginia. 2011-2012
 Member of Clerkship Placement Committee, University of Virginia. 2009-10, 2014-15, 2017-23
 Member of Faculty Enrichment Committee, University of Virginia, 2020-22
 Member of Tenure Committee, University of San Diego. 2007
 Member of Student Disciplinary Committee, University of San Diego. 2006
 Member of Tenure Committee, University of San Diego. 2005

PUBLIC SERVICE

Member of ALI Committee on Reforming the Electoral Count Act, 2022

BAR MEMBERSHIP

New York (1997-)