

November 22, 2011

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1. EDUCATION

- a. Yale Graduate School
 - i. Philosophy
 - (1) M.A. 1986 (finished requirements in 1983)
 - ii. Political Science
 - (1) PHD 1988
 - (a) Dissertation topic-"The Transformation of the Constitutional Defense of Free Speech: 1870-1941"
 - (i) Rogers Smith (chair), Stephen Skowronek, David Mayhew
 - (1) Winner of the 1989 Corwin Prize in Political Science for the best dissertation accepted in public law
- A. Columbia Law School 1978-81
 - 1. J.D. 1981
 - 2. Stone Scholar, 1979, 1980, 1981
- B. Dartmouth College 1974-78
 - 1. A.B. 1978
 - 2. Summa Cum Laude
 - 3. High Honors in Philosophy
 - 4. Joseph Story prize in Philosophy

I. TEACHING EXPERIENCE

- A. University of Maryland Francis King Carey School of Law
 - 1. Associate Dean for Research and Faculty Development, July 2010
 - 2. Professor of Law, 2003—(primary appoint in 2007)
 - 3. Adjunct Professor, fall 2002, fall 2003
- B. University of Maryland at College Park
 - 1. Full Professor, 2001–2007
 - 2. Associate Professor, 1995-2001
 - 3. Assistant Professor, 1993-1995
- C. University of Oregon School of Law
 - 1. Wayne Morse Visiting Chair, August-September 2008

- D. Harvard University
 - 1. Visiting Professor, Fall 2008
- E. University of Texas at Austin
 - 1. Assistant Professor, 1988-1993
 - a. Promoted to associate professor–1993
 - 2. Visiting Professor- Law School, spring 1992
 - 3. Instructor-1987-88
- F. Yale University
 - 1. Acting Instructor- spring 1986, summer 1983, 1984
- G. Wesleyan University
 - 1. Visiting Instructor- fall, 1984

II. PUBLICATIONS

- A. Books
 - 1. Gillman, Howard, Graber, Mark A., and Whittington, Keith E., American Constitutionalism (Vol I: Structure of Government) (Oxford University Press: New York, 2012) (forthcoming)
 - 2. Gillman, Howard, Graber, Mark A., and Whittington, Keith E., American Constitutionalism (Vol II: Civil Rights and Liberties) (Oxford University Press: New York, 2010) (forthcoming)
 - 3. Gillman, Howard, Graber, Mark A., and Whittington, Keith E., An Introduction to American Constitutionalism (Oxford University Press: New York, 2010) (under contract)
 - 4. Graber, Mark A., Dred Scott and the Problem of Constitutional Evil (Cambridge University Press, 2006)
 - a. Alternate Selection, History Book Club
 - b. Alternative Selection, Reader's Subscription Book Club
 - 5. Graber, Mark A., Rethinking Abortion (Princeton University Press, 1996).
 - 6. Graber, Mark A., Transforming Free Speech (University of California Press, 1991).
- B. Edited Books
 - 1. Graber, Mark A., associate editor, Encyclopedia of the Supreme Court of the United States (edited by David Tanenhaus) (Gale Cengage Learning: Detroit, Michigan, 2008).
 - 2. Graber, Mark A. and Perhac, Michael, Marbury v. Madison: Documents and Commentary (Congressional Quarterly Press: Washington, D.C.) (2002)
- C. Articles
 - 1. Graber, Mark A., "Hollow Hopes and Exaggerated Fears: The Anti-Canon in Context," Harvard Law Review On-Line (2011).
 - 2. Graber, Mark A. , "Constitutional Democracy, Human Dignity, and Entrenched Evil," 38 Pepperdine Law Review 889 (2011)
 - 3. Graber, Mark A., and Levinson Sanford, "Selection Biases," 45 Tulsa Law Review 575 (2010)
 - 4. Mark A. Graber, "Law and Politics: An Old Distinction, New Problems" 35 Law and Social Inquiry 1025 (2010)

5. Mark A. Graber, "A Tale Told by a President" 28 *Yale Law & Policy Review: Inter Alia* 13 (2010)
6. Graber, Mark A., "Constitutional Fits," ____ **Journal of Social Philosophy** ____ (2010) (forthcoming).
7. Graber, Mark A., "Our Paradoxical Religion Clauses," 69 **Maryland Law Review** 8 (2009)
8. Graber, Mark A., "James Buchanan as Savior," 88 *Oregon Law Review* 95 (2009)
9. Graber, Mark A., "Running Cars, Constitutions and Metaphors into the Ground," ____ **The Good Society** ____ (2009)
10. Graber, Mark A., "The Price of Fame: *Brown* as Celebrity," 69 **Ohio State Law Journal** 939 (2008)
11. Graber, Mark A., "The Countermajoritarian Difficulty: From Congress to Courts to Constitutional Order," 4 **Annual Reviews in Law and Social Science** 361 (2008)
12. Graber, Mark A., "Making Sense of an Eighteenth Century Constitution in a Twenty-First Century World," 67 **University of Maryland Law Review** 1 (2007)
13. Graber, Mark A., "False Modesty: Learning From Felix Frankfurter," 47 **Washburn Law Review** 23 (2007).
14. Graber, Mark A., ""'No Better than They Deserve:' *Dred Scott* and Constitutional Democracy," ____ **Northern Kentucky Law Review** ____ (2007) (forthcoming)
15. Graber, Mark A., "The New Fiction: *Dred Scott* and the Language of Judicial Authority," 82 **University of Chicago-Kent Law Review** 177 (2007)
16. Graber, Mark A., "Enumeration and Other Constitutional Strategies for Protecting Rights," 9 **University of Pennsylvania Journal of Constitutional Law** 357 (2006).
17. Graber, Mark A., "Does it Really Matter: Conservative Courts in a Conservative Era," 75 **Fordham Law Review** 675 (2006).
18. Graber, Mark A., "Popular Constitutionalism, Judicial Supremacy, and the Complete Lincoln-Douglas Debates," 81 **University of Chicago-Kent Law Review** 923 (2006)
19. Graber, Mark A., "From the Countermajoritarian Difficulty to Juristocracy and the Political Construction of Judicial Review," 65 **University of Maryland Law Review** 1 (2006).
20. Graber, Mark A., "Lost and Not Yet Found: The New First Amendment," 14 **The Good Society** ____ (2005)
21. Graber, Mark A., "Constructing Judicial Review," 8 **Annual Reviews in Political Science** 425 (2005)
22. Graber, Mark A., "Constitutionalism and Political Science," 3 **Perspectives on Politics** 135 (2005)
 - a. Reprinted in 27 **NAPLA Notes** 80 (Summer 2006).
23. Graber, Mark A., "*Dred Scott* as a Centrist Decision," 83 **University of North Carolina Law Review** 1229 (2005)

24. Graber, Mark A., "Resolving Political Questions into Judicial Questions: Tocqueville's Aphorism Revisited" 21 **Constitutional Commentary** 485 (2004).
25. Graber, Mark A., "Constitutional Theory Goes to Market," 13 **The Good Society** 29 (2004).
26. Graber, Mark A., "Ancients, Moderns, and Guns," 12 **William & Mary Bill of Rights Law Review** 307 (2004)
27. Graber, Mark A., "Establishing Judicial Review: Marbury v. The Judiciary Act of 1789," 38 **Tulsa Law Review** 609 (2003)
28. Graber, Mark A., "The Normative Significance of Constitutional Politics," 27 **Law and Social Inquiry** 309 (2002)
29. Graber, Mark A., "Perspectives on Antebellum Free Speech, 10 **William and Mary Law Review** 779 (2002)
30. Graber, Mark A., "Thick and Thin," 90 **Georgetown Law Journal** 233 (2001)
31. Graber, Mark A., "Rethinking Equal Protection in Dark Times," 4 **University of Pennsylvania Journal of Constitutional Law** 314__ (2002)
32. Graber, Mark A., "Social Democracy and Constitutional Theory: An Institutional Perspective," 69 **Fordham Law Review** 1969 (2001)
33. Graber, Mark A., "The Law Professor as Populist," 34 **University of Richmond Law Review** 373 (2000).
34. Graber, Mark A., "The Jacksonian Origins of Chase Court Activism," 25 **Journal of Supreme Court History** 17 (2000).
 - a. 2001 McGraw-Hill Prize for best article published in 2000 on law and courts
 - b. 2001 Hughes-Gossett Prize for best article published in 2000 in the **Journal of Supreme Court History**
35. Graber, Mark A., "Naked Land Transfers and American Constitutional Development," 53 **Vanderbilt Law Review** 73 (2000).
 - a. Republished as one of the best ten articles on land and environment in 32 **Land Use and Environmental Law Review** ____ (2001)
36. Graber, Mark A., "Law in the Good Society," 9 **The Good Society** 68 (1999)
37. Graber, Mark A., "The Constitution as a Whole: A Partial Political Science Perspective," 33 **University of Richmond Law Review** 343 (1999).
38. Graber, Mark A., "Law and Sports Officiating: A Misunderstood and Justly Neglected Relationship," 16 **Constitutional Commentary** 293(1999).
39. Graber, Mark A., "Federalist or Friends of Adams: The Marshall Court and Party Politics," 12 **Studies in American Political Development** 229 (1998).
40. Graber, Mark A., "Establishing Judicial Review?: Schooner Peggy and the Early Marshall Court" 51 **Political Research Quarterly** 221 (1998).
41. Graber, Mark A., "Desperately Ducking Slavery: Dred Scott and Contemporary Constitutional Theory," 14 **Constitutional Commentary** 271 (1997).
42. Graber, Mark A., "The Clintonification of American Law: Abortion,

- Welfare and Liberal Constitutional Theory," 58 **Ohio State Law Journal** 731 (1997).
- a. excerpted in Constitutional Theory: Arguments and Perspectives (edited by Thomas Rowe, Rebecca Brown, Girardeau Spann, and Michael Gerhardt) (Lexis Law Publishing) (forthcoming)
43. Graber, Mark A., "Delegalizing Constitutional Law," 6 **The Good Society: A PEGS Journal** 47 (Fall 1996).
 44. Graber, Mark A., "Conflicting Representations: Guinier and Madison on Electoral Systems," 13 **Constitutional Commentary** 291 (1996).
 - a. abridged as "Ties that Bind," 5 **The Good Society: A PEGS Journal** 28 (Spring 1995).
 45. Graber, Mark A., "Unnecessary and Unintelligible," 12 **Constitutional Commentary** 167 (1995).
 46. Graber, Mark A., "Old Wine in New Bottles: The Constitutional Status of Unconstitutional Speech," 48 **Vanderbilt Law Review** 349 (1995).
 47. Graber, Mark, "Judicial Recantations: Two Thoughts About Second Thoughts," 45 **Syracuse Law Review** 807 (1995).
 48. Graber, Mark, "The Passive-Aggressive Virtues: Cohens v. Virginia and the Problematic Establishment of Judicial Review," 12 **Constitutional Commentary** 67 (1995).
 49. Graber, Mark, A., "Why Interpret?: Political Justification and American Constitutionalism," 56 **The Review of Politics** 415 (1994).
 50. Graber, Mark A., "The Ghost of Abortion Past," 1 **Virginia Journal of Social Policy and the Law** 309 (1994).
 51. Graber, Mark A., "The Non-Majoritarian Problem: Legislative Deference to the Judiciary," 7 **Studies in American Political Development** 35 (1993).
 52. Graber, Mark A., "A Constitutional Conspiracy Unmasked: Why 'No State' Does Not Mean 'No State'," 10 **Constitutional Commentary** 87 (1993).
 53. Graber, Mark A., "Asking Better Questions," 26 **PS: Political Science and Politics** 216 (June 1993).
 54. Graber, Mark A., "Our (Im)Perfect Constitution," 51 **Review of Politics** 86 (1989).
 55. Rosenheck, Robert, Frank, Julia, and Graber, Mark A., "The Psychiatric Patient with Pending Criminal Charges: An Ecological Approach," **Psychological Quarterly** (1988).
- D. Book Chapters
1. "Foreword: The Banality of Constitutional Evil," Earl Maltz, The Constitution and Slavery (University Press of Kansas: Lawrence, Kansas, 2009).
 2. "John Brown, Abraham Lincoln, Dred Scott and the Problem of Constitutional Evil,"
 3. "Constitutional Law and American Politics," The Oxford Handbook of Law and Politics (edited by Keith E. Whittington, R. Daniel Kelemen, and Gregory A. Caldeira) (Oxford University Press: New York) (forthcoming)
 4. "Settling the West: The Louisiana Purchase, the Annexation of Texas,

- and Bush v. Gore,” The Louisiana Purchase and American Expansionism (edited by Sanford Levinson and Bartholomew Sparrow) (Rowman and Littlefield: Lanham Maryland, 2006)
5. “Legal, Strategic, or Legal Strategy: Deciding to Decide During the Civil War and Reconstruction,” The U.S. Supreme Court and American Political Development (edited by Ronald Kahn and Ken Kersch) (University Press of Kansas: Lawrence, Kansas, 2006)
 6. “The Right to Vote and Other ‘Anomalies:’ Protecting and Expanding Civil Liberties in Wartime,” At War with Civil Rights and Civil Liberties (edited by John Stack and Thomas Baker) (Rowman & Littlefield: Lanham, MD 2005))
 7. “From Republic to Democracy: Judicial Protection for Political Processes” Institutions of Democracy: The Judiciary (edited by Kermit Hall and Kevin McGuire)
 8. “Counterstories: Protecting and Expanding Civil Liberties in Times of War,” The Constitution in Wartime: Beyond Alarmism and Complacency (edited by Mark Tushnet) (Duke University Press)
 9. “The Law and Politics of Judicial Review,” Separation of Powers: Documents and Commentary (edited by Katy Harriger) (CQ Press: Washington, 2003)
 10. “Justice Thomas and the Perils of Amateur History,” The Jurisprudence of the Rehnquist Court (edited by Earl Maltz) (University of Kansas Press: Lawrence, Kansas, 2003)
 11. “Academic Freedom and the Academic Enterprise,” The Boundaries of Freedom of Expression & Order in American Democracy (edited by Thomas R. Hensley) (Kent State University Press: Kent, Ohio, 2001).
 12. “Critical Jewish Studies,” Law and Religion: A Critical Anthology (edited by Stephen M. Feldman) (New York University Press: New York, 2000)
 13. “The Problematic Establishment of Judicial Review,” The Supreme Court and American Politics: New Institutional Approaches (edited by Howard Gillman and Cornell Clayton) (University Press of Kansas: Lawrence, Kansas, 1999).
 14. “Unnecessary and Unintelligible,” Constitutional Stupidities and Tragedies (edited by William Eskridge and Sanford Levinson) (New York University Press: New York, 1997).
 15. “Conscience, Constitutionalism, and Consensus: A Comment on Constitutional Stupidities and Evils,” NOMOS XXXIX: Integrity and Conscience (edited by Ian Shapiro) (New York University Press: New York, 1997).
 16. “Communism and American National Institutions, 1946-54,” L'anticommunisme et "la chasse aux sorcieres" aux Etats-Unis (1946-54) (Ellipses, 1995)
 17. “Interpreting Abortion,” Feminist Jurisprudence (Rowman and Littlefield, 1992).
- E. Review Essays
1. Judicial Power and American Character, 12 **Constitutional Commentary**

305 (1995).

F. Book Reviews

1. Dred Scott and the Politics of Slavery ___ **H-Civil War** ___ (2010)
2. The Constitution in 2010; A Constitution of Many Minds; Our Undemocratic Constitution, ___ **Perspectives on Politics** (2010).
3. Rights in the Balance: Free Press, Fair Trial & *Nebraska Press Association v. Stuart*, ___ **Journal of American History** ___ (2009)
4. The American Civil Liberties Union and the Making of Modern Liberalism, 1930-1960, ___ **Journal of American History** ___ (2008) (forthcoming)
5. Rediscovering a Lost Freedom: The First Amendment Right to Censor Unwanted Speech, ___ **Review of Politics** ___ (2007).
6. Andrew Jackson and the Politics of Martial Law: Nationalism, Civil Liberties, and Partisanship, **Kentucky Historical Society**
7. Money & Free Speech: Campaign Finance Reform and the Courts, ___ **Review of Politics** ___ (2007) (forthcoming).
8. American Taxation, American Slavery, ___ H-Net ___ (2007).
9. Origins of the Dred Scott Case: Jacksonian Jurisprudence and the Supreme Court, 1837-1857, ___ **Law and History Review** ___ (2007) (forthcoming)
10. Speak No Evil: The Triumph of Hate Speech Regulation, Beyond the First Amendment: The Politics of Free Speech and Pluralism, ___ **Journal of Politics** ___ (2006) (forthcoming)
11. The Abortion Controversy in America: A Legal Reader, H-Law (forthcoming)
12. From Jim Crow to Civil Rights, ___ **Journal of American History** ___ (2005) (forthcoming).
13. From Noose to Needle ___ **Journal of Politics** ___
14. The Votes that Counted and Supreme Injustice, 117 **Political Studies Quarterly** 674(2003)
15. The Free and Open Press: The Founding of American Democratic Press Liberty, 1640-1800, ___ **American Political Science Review** ___ (2002)
16. Congress Confronts the Court: The Struggle for Legitimacy and Authority in Lawmaking, ___ **Political Science Quarterly** ___ (2002).
17. The Legalist Imperative, ___ **Law and Politics Book Review** (2001).
18. The Unsteady March: The Rise and Decline of Racial Equality in America, ___ **Journal of Politics** ___ (2000).
19. Supreme Court Decision-Making: New Institutional Approaches ___ **Law and Politics Book Review** ___ (2000)
20. When the Nazis Came to Skokie, ___ **Journal of American History** ___ (forthcoming).
21. Constitutional Interpretation: Textual Meaning, Original Intent, and Judicial Review, ___ **Ethics** ___ (forthcoming)
22. Equality, Responsibility, and the Law, ___ **American Political Science Review** ___ (forthcoming)
23. Reconstructing Reconstruction, 9 **Law and Politics Book Review** 544 (1999).

24. The Context of Judicial Activism, 9 **Law and Politics Book Review** 315 (1999)
25. Matters of Principle: Legitimate Legal Argument and Constitutional Interpretation, 9 **Law and Politics Book Review** 50 (1999).
26. Utilitarianism, Institutions, and Justice, ___ **Journal of Politics** ___ (1999).
27. Rampant Women: Suffragists and the Right of Assembly, ___ **American Journal of Legal History** ___ (1999)
28. Justifying Judgment: Practicing Law and Philosophy, 8 **Law and Politics Book Review** 247 (1998).
29. The Struggle for Student Rights: **Tinker v. Des Moines** and the 1960s, ___ **Journal of American History** ___ (forthcoming).
30. The Constitution and Criminal Procedure: First Principles 7 **Law and Politics Book Review** 431 (1997)
31. American Constitutionalism: From Theory to Politics, 108 **Ethics** 433 (1998)
32. Perspectives on the Politics of Abortion, 7 **Law and Politics Book Review** 161 (1997).
33. Liberty, Property, and Privacy: Toward a Jurisprudence of Substantive Due Process, 7 **Law and Politics Book Review** 36 (1997).
34. Beyond Pro-Life and Pro-Choice: Moral Diversity in the Abortion Debate, ___ **Cross Currents** ___ (1996) (forthcoming).
35. Against the Imperial Judiciary: The Supreme Court vs. the Sovereignty of the People, 59 **The Review of Politics** 149 (1996).
36. Group Defamation and Freedom of Speech: The Relationship Between Language and Violence, ___ **Free Speech Yearbook** ___ (1996) (forthcoming).
37. The Selling of Supreme Court Nominees, ___ **Reviews in Popular Culture/American Cultural Studies** ___ (1996) (forthcoming).
38. The Limits of Hobbesian Contractarianism, 7 **The National Political Science Review** 303 (1999).
39. To Secure These Rights: The Declaration of Independence and Constitutional Interpretation, 90 **American Political Science Review** 190 (1996).
40. David J. Brewer: The Life of a Supreme Court Justice, 1837-1910, 33 **Free Speech Yearbook** 176 (1995)
41. Overcoming Law, 5 **Law and Politics Book Review** 270 (1995).
42. The Supreme Court & Constitutional Theory, 57 **Journal of Politics** 865 (1995).
43. Redefining the First Freedom, 88 **American Political Science Review** 476 (1994).
44. A Preface to American Political Theory, 74 **Social Science Quarterly** 932 (1993).
45. Revolutionary Sparks: Freedom of Expression in Modern America, 87 **American Political Science Review** 787 (1993).
46. Constitutional Law, 2 **Law and Politics Book Review** 153 (1992).
47. Declarations of Independence: Cross-Examining American Ideology, 107

- Political Science Quarterly** 187 (1992).
48. Justice Oliver Wendell Holmes: Free Speech and the Living Constitution, 78 **Journal of American History** 1476 (1992).
 49. Interpreting the Constitution: The Supreme Court and the Process of Adjudication, 73 **Social Science Quarterly** 207 (1992).
 50. The Poor in Court: The Legal Services Program and Supreme Court Decision Making, 72 **Social Science Quarterly** 850 (1991).
 51. The United States Constitution: Personalities, Principles, and Issues, 69 **Social Science Quarterly** 1028 (1988).

G. Other

1. Graber, Mark A., "Freedom of Speech," *International Encyclopedia of Political Science* (CQ Press)
2. Graber, Mark, "Baseball, Apple Pie, and Presidential Court Bashing," **Baltimore Sun**, January 28, 2010.
3. Graber, Mark A., "Bonham's Case," "Miln v. Mayor of New York," "Martin v. Hunter's Lessee," Virginia and Kentucky Resolutions," "Clinton v. City of New York," "Hepburn v. Griswold," "Land Grants," Stuart v. Laird," Encyclopedia of the History of the Supreme Court (Gale Cengage Learning: Detroit, Michigan, 2008)..
4. Graber, Mark A. "There Ought to be a Law," **Baltimore Daily Record** (November 4, 2007)
5. Graber, Mark A., "Tearing Down Statues," **Baltimore Daily Record** (August 20, 2007).
6. Graber, Mark A., "Was the Dred Scott Decision Morally Wrong but Still Legally Correct?" **History News Network**
7. Graber, Mark A., "The Criminal Process," Oxford Encyclopedia of Legal History (forthcoming)
8. Graber, Mark A., "Perestroika and Public Law," **Law and Courts Newsletter** (Summer 2006).
9. Graber, Mark A., "Political Correctness, Public Law, and the Bureaucratic University," **Law and Courts Newsletter** (Spring 2006)
10. Graber, Mark A., "Polarized Politics and Judicial Confirmations," Jurist, January 13, 2006
11. Graber, Mark A., "The Chase Court," "Seditious Libel," Routledge Encyclopedia of Civil Liberties (forthcoming)
12. Graber, Mark A., "Don't Be Like Mike: Succeeding in Public Law," **Law and Courts Newsletter** (Fall 2005)
13. Graber, Mark A., "Bush's Hidden Vision," **Baltimore Sun**, October 4, 2005, p. 17A.
14. Graber, Mark A., "Rehnquist's Views Argue for his Removal," **Baltimore Sun**, July 31, 2005
15. Graber, Mark A., "Commercial Speech," Encyclopedia of Civil Rights and Liberties (forthcoming)
16. Graber, Mark A., "Roger Brooke Taney," "Jeremiah Sullivan Black," The Yale Biographical Dictionary of American Law (Yale University Press: New Haven) (forthcoming)

17. Graber, Mark A., "Election 2004 and the Courts," <http://www.apsanet.org/about/media/elections/courts.cfm>
18. Graber, Mark A., "Cohens v. Virginia" and Martin v. Hunter's Lessee," American Federalism: An Encyclopedia (edited by Joseph Marbach) (forthcoming)
19. Graber, Mark A., "Article III," and "Constitutional Interpretation" (revisions), The Oxford Companion to the Supreme Court of the United States (edited by Kermit L. Hall) (forthcoming).
20. Graber, Mark A., and Shibley Telhami, "War and Liberty," **Baltimore Sun**, November 18, 2003, p. 15A.
21. Graber, Mark A., "Privileges and Immunities," The Oxford Companion to American Law (edited by Kermit Hall) (Oxford University Press: New York) (forthcoming).
22. Graber, Mark A., "The Banality of Diversity," **Law and Courts Newsletter** (Summer 2000)
23. Graber, Mark A., "Roe v. Wade," The Oxford Companion to Politics of the World (second edition) (Oxford University Press: New York) (forthcoming)
24. Graber, Mark A., "Declaring Laws Unconstitutional: Some Revisions and Revisionist Thoughts," **Law and Courts Newsletter** (Summer 1999)
25. Graber, Mark A., "Madsen v. Women's Health Center, Inc.," Historical and Multicultural Encyclopedia of Female Reproductive Rights in the United States (edited by Judith Baer) (Greenwood Press: New York) (forthcoming)
26. Graber, Mark A., "Historical Institutionalism as/and Scholarship," **Law and Courts Newsletter** (Spring 1999).
27. Graber, Mark A., "The Character Issues," **Law and Courts Newsletter** (December 1998)
28. Mark A. Graber, "Public Employees and Free Speech," "United States v. National Treasury Employees Union (1995)," "Waters v. Churchill (1994)," Encyclopedia of the American Constitution (Supplement II) (edited by Leonard W. Levy, Kenneth Karst, and Adam Winkler) (Macmillan: New York) (forthcoming).
29. Mark A. Graber, "The Necessary and Proper Clause," "Abortion," The Constitution and its Amendments (edited by Roger K. Newman) (Macmillan: New York) (forthcoming)

H. Academic Humor

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

III. INVITED PRESENTATIONS

- A. “Redemption, Faith and the Post Civil War Paradox”
 - 1. University of Texas School of Law, October 2012
 - 2. University of Wisconsin School of Law, October 2012
- B. “The Judicial Allocation of Constitutional Authority”
 - 1. Florida State University School of Law, September 2011
 - 2. American Political Science Association, September 2010
 - 3. University of Sidney, June 2010
- C. “Constitutional Liberalism as Conservatism, Constitutional Conservatism as Liberalism,” Miller Lecture, Baylor University,
- D. “How Constitutions Work,” American Political Science Association, annual meeting 2009
 - 1. University of Melbourne, June 2010
- E. Conservatism and Originalism,” Princeton University, December 2009
- F. “James Madison’s Republican Constitutionalism,” Oxford, July 2009
- G. “Planned Obsolescence? The Constitution and Slavery,” City College of New York, May 2009
- H. “American Constitutionalism in Global Perspective,” University of Delaware, April 2009
- I. “The Village Nazi,” Princeton University, December 2008
- J. “The Countermajoritarian Difficulty: From Congress to Courts to Constitutional Order,” American Political Science Association, August 2008
 - 1. University of Oregon School of Law, September 2008
 - 2. Boston Public Law Study Group, November 2008
- K. “Polarization and Constitutional Theory,” Northwestern University, March 14, 2008
 - 1. University of Oregon School of Law, September 2008
- L. “Brown as Cultural Icon,” Ohio State University Law School, February 2008
 - 1. University of Oregon School of Law, September 2008
- M. “Slavery and Compromise,” Princeton University, May 2008
- N. Constitutional Democracy, Human Dignity, and Entrenched Evil,” Princeton University, February 2008
- O. “James Buchanan as Savior: Political Fragmentation and the Failed Repeal of Section 25”
 - 1. University of Chicago School of Law 2009
 - 2. Harvard University, February 2009
 - 3. Columbia Law School, January 2009
 - 4. Harvard Law School, October 2008
 - 5. University of Arkansas, Hogg Lecture, April 2008
 - 6. Yale University, March 2008
 - 7. University of California, Berkeley, January 2008
 - a. Revised version. November 2008
 - 8. University of Nevada, Las Vegas, February 2008
- P. “The Federalist Papers as Historical Fiction,” Princeton University, December 2008
- Q. “The Working Constitution,”
 - 1. Harvard University, December 2007

2. Yale University, November 2007
- R. "Abraham Lincoln, John Brown, Dred Scott and the Problem of Constitutional Evil"
 1. University of Oklahoma School of Law, October 2011
 2. University of Illinois, March 2010
 3. American Constitutional Society, Kansas City, May 2008
 4. American Bar Association, Chicago, March 2008
 5. American Constitutional Society, Orlando Chapter, February 2008
 6. University of California, Berkeley, January 2008
 7. University of Nevada, Las Vegas, February 2008
 8. University of San Diego School of Law, October 2007
 9. American Society of Legal History, October 2007
- S. Loser Federalism, Temple University School of Law, October 2008
 1. American Association of Law Schools, January 2008
- T. "Constitutional Law and American Politics," American Political Science Association, September 2007
- U. "Politics Lost: The Road to Neutral Principles,"
 1. Harvard Law School, April 2007
 2. Midwest Political Science Conventional, April 2007
- V. "John Brown and the Problem of Constitutional Evil," Evangelis Lecture, Rutgers University, February 2007
- W. "Constitutional Evils: Past, Present and Future," Rosen Lecture, University of Vermont, February 2007
- X. "The New Fiction: Dred Scott and the language of Judicial Power," St. Johns University School of Law, January 2007
- Y. "Constitutional Politics and the Collapse of the New Deal Conceptual Order," Suffolk University School of Law," January 2007
 1. University of Oregon School of Law, September 2008
- Z. "'No Better than They Deserve:' Dred Scott and Constitutional Democracy," Suffolk University School of Law, January 2007
 1. University of Northern Kentucky School of Law, February 2007
 2. Washington University School of Law, February 2007
- AA. "Does It Really Matter: Conservative Courts in a Conservative Age," American Political Science Association, annual meeting, September 2006.
 1. Vanderbilt Law School, September 2006
 2. Washington College of Law, April 2007
- BB. "Enumeration and other Constitutional Strategies for Protecting Rights," University of Pennsylvania School of Law, February 2006
- CC. "The Contract Metaphor," Syracuse University, February 2006
- DD. "(Not) Learning from Dred Scott"
 1. Philadelphia Chapter of the American Constitutional Society, January 2008
 2. University of Connecticut School of Law, October 2007
 3. University of Texas School of Law, March 2006
 4. University of Texas, Dallas, January 2006
- EE. "Nullification and Judicial Review," American Association of Law Schools, January 2006

- FF. "The Jacksonian Makings of the Taney Court," 2005 annual meeting of the American Society for Legal History, November 2005
- GG. "Judicial Supremacy and the Complete Lincoln-Douglas Debates," University of Chicago-Kent, November 2005
- HH. "Now More than Ever: Maintaining and Expanding Civil Liberties in Wartime," Swarthmore College, September 2005
1. Nolan Fowler Constitutional Day speaker, September 2006
- II. "Polarized Politics, Centrist Justices," Loyola University of New Orleans, April 2005
- JJ. "The Constitution as Contract and Relationship," Princeton University, April 2005
- KK. "Legal, Strategic, or Legal Strategy: Deciding to Decide During the Civil War and Reconstruction," University of Texas, November 2004
- LL. "The Civil War as a Constitutional Failure," George Washington University, November 2004
- MM. "Dred Scott as a Centrist Decision," University of North Carolina, October 2004
1. UCLA School of Law, January 2005
- NN. "From Republic to Democracy," Annenberg Center, University of Pennsylvania, September 2004
- OO. Majoritarianism and Constitutional Evil," American Political Science Association, August 2004,
- PP. "The Right to Vote and other Anomalies," Midwest Political Science Association, April 2004
- QQ. "Disturbing Patterns: Civil Liberties in Wartime," University of Washington, March 2004
- RR. "Counterstories: Protecting and Expanding Civil Liberties in Wartime," Western Political Science Convention, March 2004
- SS. "The Harness of Necessity," Florida International School of Law, October 2003
- TT. "The Constitutional Politics of Slavery"
1. Western Political Science Convention, March 2003
2. Princeton University, April 2003
- UU. "Bush v. Gore and the Annexation of Texas," University of Texas, February 2003
- VV. "A Two Way Street: Civil Liberties in Wartime," Georgetown University Law Center, December 2002
- WW. "Putting the Constitution into the Courts," University of Tulsa, November 1992
- XX. "Lessons of Dred Scott," DePaul University, October 1992
1. New York University, October 1992
2. University of Maryland School of Law, October 1992
- YY. "The Law and Politics of Judicial Review," American Political Science Association, annual meeting, 2002
- ZZ. "The Constitution and Majoritarian Democracy," New England Political Science Convention, 2002
- AAA. "The Rehnquist Court," Washington State University, May 2002
- BBB. "The Election of 1860 Revisited," Georgetown Constitutional Law Discussion Group, December 2001
- CCC. "Bush v. Gore in Light of Clinton v. Jones," Duke University, October, 2001
- DDD. "The Constitution as a Contract," American Political Science Association, Annual

- Meeting, 2001
- EEE. "Symmetry and Asymmetry in Constitutional Law," New England Political Science Association, May 2001
- FFF. "Teaching Constitutional Political Economy," Supreme Court Historical Society, February 2001
- GGG. "Equal Protection in Dark Times," University of Pennsylvania, February 2001
- HHH. "Free Speech Histories," William and Mary Law School, January 2001
- III. "Jacksonian Judicial Legends," University of Massachusetts, October 2000
1. Western Political Science Association, March 2001
- JJJ. "Why is there no Socialism in the United States," Fordham University, September 2000
- KKK. "Resolving Political Questions into Judicial Questions," American Political Science Association, September 2000
- LLL. "Academic Freedom and Academic Integrity," Kent State University, May 2000
- MMM. "The Law Professor as Populist," New England Political Science Convention, May 2000
- NNN. "The Jacksonian Origins of the Taney Court," Midwest Political Science Convention, April 2000.
- OOO. "The Lessons of Dred Scott," Syracuse University, February 2000
- PPP. "Legal, Strategic or Legal Strategy: Deciding to Decide During the Civil War and Reconstruction," American Political Science Association, Annual Meeting, 1999.
- QQQ. "Naked Land Transfers and American Constitutional Development," Law and Society, Annual Meeting, 1999
1. Georgetown Constitutionalism Conference, December 1999
- RRR. "Taking from A and Giving to B," Midwest Political Science Association, Annual Meeting, 1999.
- SSS. "Sports Officiating and the Law," Georgetown/PEGS Constitutionalism Conference, 1998
- TTT. "The Constitution and the Civil War," American Political Science Association, Annual Meeting, 1998
- UUU. "Notes on the Political Constitution," New England Political Science Association, annual meeting, 1998
- VVV. "Conscience, Constitutionalism, and Consensus: A Comment on Constitutional Stupidities and Evils," Biannual Georgetown Discussion Group on Constitutional Law, 1997
- WWW. "The Forum of Compromise," American Political Science Association, Annual Meeting, 1997.
- XXX. "The Civil War as a Constitutional Failure," Midwest Political Science Association, Annual Meeting, 1997
- YYY. "The Clintonification of Liberal Constitutional Theory," Dartmouth College, November 1996; Law and Society, Annual Meeting, 1997
- ZZZ. "Rethinking Abortion," Dartmouth College, November 1996
- AAAA. "Education in the Obvious: Explaining Judicial Review During Reconstruction," American Political Science Association, annual meeting, August 1996
- BBBB. "Federalist or Friends of Adams: The Marshall Court and Party Politics," Midwest

- Political Science Association, annual meeting, April 1996
- CCCC. "Dred Scott and the Problem of Constitutional Evil," American Political Science Association, annual meeting, 1995
1. Johns Hopkins University, March 1996
 2. Dartmouth College, November 1996
- DDDD. "Establishing Judicial Review," Law and Society, annual meeting, 1995
- EEEE. "The (Not-So) New Censors," American Political Science Association, annual meeting, 1994
1. University of Wisconsin, March 1993
- FFFF. "Public Opinion, Judicial Review, and American Constitutional democracy," American Political Science Association, annual meeting, 1993
- GGGG. "Legislative Deference to the Judiciary," American Political Science Association, annual meeting 1992--
1. University of North Carolina Law School Faculty Symposium, January 24, 1992
- HHHH. "Abortion Law in Action," Law and Society, annual meeting, 1992
- IIII. "Why Interpret?" American Political Science Association, annual meeting 1991
- JJJJ. "The American Judicial System," The National University of Mexico, 1991
- KKKK. "Interpreting Abortion" American Political Science Association, annual meeting 1990
- LLLL. "Paradigmatic Speech and Libertarian Theory" Southwest Political Science Association, annual meeting 1990
- MMMM. "Visions of Brown" American Political Science Association, annual meeting, 1989
- NNNN. "Our Im(Perfect) Constitution," Northeastern Political Science Association Meeting, Providence, RI, November, 1988
- OOOO. "Judicial Review and Party Politics," Southern Political Science Association Meeting, Atlanta, GA, November, 1988
- PPPP. "The Evolution of Free Speech Theory," American Political Science Association, annual meeting, 1988
- QQQQ. "The Structure of a Judicial Revolution," New England Political Science Association, annual meeting, 1984

IV. Other Presentations

- A. Roundtable on Constitutional Design, University of Texas School of Law, January 2009
- B. Moderator, Panel on 13th Amendment, University of Pennsylvania School of Law, November 2008
- C. Discussant, "Is there too much Supreme Court Research in Political Science," Northwest Pacific Political Science Association, November 2008
- D. Discussant, "Reforming the Politically Correct University," American Political Science Association, August 2008
- E. Discussant, Panel on Constitutional Federalism, AALS Midyear Conference on Constitutional Law, May 2008
- F. Discussant, "The Rule of Law Under George Bush," Western Political Science Association, March 2009

- G. Discussant, Novkov, *Racial Union*, Western Political Science Association, March 2009.
 - H. Roundtable on Whittington, The Political Foundations of Judicial Supremacy, May 2007
 - I. Roundtable on Graber, Dred Scott and the Problem of Constitutional Evil
 - 1. American Political Science Association, September 2007
 - 2. New England Political Science Association, April 2007
 - 3. Midwest Political Science Association, April 2007
 - J. Roundtable on “Is the Constitution Broken,” New England Political Science Convention, April 2007
 - K. Panel on Dred Scott
 - 1. Harvard Law School, April 2007
 - L. Presentation on Abraham Lincoln and Civil Liberties, Abraham Lincoln Commission, Washington DC, April 2007
 - M. “Was Dred Scott Correctly Decided,” Hood College, March 2007
- V. Conferences Organized
- A. West Coast Constitutional Schmooze, University of Oregon School of Law, September 2008
 - B. “American Constitutional Development,” Harvard Law School, October 2008
 - C. AALS/APSA Joint Constitutional Law Conference, June 2003
 - 1. Main Political Science Organizer
 - D. Maryland/Georgetown Constitutional Law Schmooze, Annual
 - 1. Co-organizer with Mark Tushnet, 2000-03
 - 2. Primary organizer, 2004--
- VI. PROFESSIONAL ACTIVITIES
- A. Memberships
 - 1. The American Political Science Association
 - 2. The Bar Association of the State of New York
 - 3. The American Society for Social and Legal Philosophy
 - 4. Law and Society
 - 5. The Historical Society
 - 6. American Historical Association
 - 7. Western Political Science Association
 - 8. Midwest Political Science Association
 - 9. American Association of Law schools
 - B. Manuscript Reviewer
 - 1. Books and Texts
 - a. University of Michigan Press
 - b. University of California Press
 - c. Harvard University Press
 - d. Princeton University Press
 - e. Oxford University Press
 - f. University Press of Virginia
 - g. University Press of Kansas

- h. Temple University Press
 - i. Westview
 - j. Rowman and Littlefield
 - k. Foundation Press
 - l. Little Brown
 - m. St. Martin's
 - n. Penn State University Press
 - o. Routledge
 - p. Cornell University Press
 - q. Duke University Press
 - r. Cambridge University Press
 - s. University of Chicago Press
 - t. Johns Hopkins University Press
 - u. Stanford University Press
2. Articles
- a. **American Political Science Review**
 - b. **Journal of Politics**
 - c. **Studies in American Political Development**
 - d. **Western Political Quarterly**
(1) now **Political Research Quarterly**
 - e. **Women and Politics**
 - f. **Journal of American History**
 - g. **Journal of Policy History**
 - h. **Journal of American Legal History**
 - i. **Policy Sciences**
 - j. **Journal of Legislative Studies**
 - k. **Law and Society Review**
 - l. **Journal of the Early Republic**
 - m. **Historical Geography**
 - n. **British Journal of Political Science**
 - o. **Law & Policy**
 - p. **American Journal of Political Science**
 - q. **International Studies Perspectives**
 - r. **Review of Politics**
- C. Editorial Boards
- 1. Duke University Press
 - a. Co-editor, "Constitutional Conflicts," 2000-06
 - 2. **The Good Society**
 - a. Contributing Editor, 1997--
 - 3. **Journal of Politics**
 - a. Editorial Board, 1998-2000
 - 4. **Polity**
 - a. Editorial Board, 2006-
 - 5. **Law and History Review**
 - a. Editorial Board, 2010--
- D. Other Professional Activities

1. Law and Courts
 - a. Chair-2005-06
 - b. Member of Executive Board, 1999-
 - (1) Chair, Book Review Search Committee, 1999, 2001-02
 - (2) Chair, CQ Press Award, 1998
 - (3) Nominating Committee, 1997
2. American Association of Law Schools
 - a. Federal Courts, Executive Committee, 2003-
 - b. Constitutional Law
 - (1) Secretary, 2008
 - (2) Chair-Elect, 2009
 - (3) Chair, 21010
3. Law and Society
 - a. Hurst Prize Committee, 2004-05
 - b. Best Paper Committee, 2003-04
4. Panel Organizer
 - a. Western Political Science Association, 2002
 - b. Midwest Political Science Association, 2004
5. History and Theory
 - a. Follet Prize Committee, 1996
6. Supreme Court Historical Society
 - a. Chair, Hughes-Goessart Prize Committee, 2001
7. New England Political Science Association
 - a. Chair 2011

VII. HONORS

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

VIII. RESEARCH GRANTS

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

IX. TEACHING AWARDS

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

X. COURSES TAUGHT

- A. Constitutional Law and Constitutional Development (undergraduate and graduate)
- B. Public Law (graduate core course)
- C. The Judicial Process
- D. American Political and Legal Thought (undergraduate and graduate)
- E. Our (Im)Perfect Constitution
- F. Introduction to American Government (undergraduate and core graduate seminar)
- G. Jurisprudence
- H. Introduction to Political Thought
- I. Constitutional Politics (graduate, undergraduate and law school)
- J. Constitutional Facts (law seminar)
- K. Undergraduate Honors Program
- L. Civil Liberties
- M. Introduction to Political Science
- N. Race and the Constitution
- O. American Political Development (graduate seminar)

XI. UNIVERSITY ACTIVITIES

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

XII. LEGAL WORK

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

XIII. References

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XIV. PERSONAL

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