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Associate Dean for Academic Affairs and Professor of Law
Roger Williams University School of Law
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EDUCATION

UNIVERSITY OF MICHIGAN LAW SCHOOL, Ann Arbor, Michigan

J.D., 1994

Magna cum laude

Executive Note Editor, *Michigan Law Review* (1993-1994)

VASSAR COLLEGE, Poughkeepsie, New York

B.A., 1990

General Honors. English Department Honors. Phi Beta Kappa.

PRESENT EMPLOYMENT

ASSOCIATE DEAN FOR ACADEMIC AFFAIRS,

Roger Williams University School of Law, Bristol, R.I.

January 2019—present

PROFESSOR OF LAW

July 2009—present

ASSOCIATE PROFESSOR

July 2005-June 2009

Courses: Civil Rights, Constitutional Law I, Constitutional Law II, First Amendment, Separation of Church and State, Great Constitutional Issues of the Nineteenth Century, Supreme Court, Environmental Law, Fisheries Law and Policy, International Environmental Law, Natural Resources Law, and Wildlife Law

PAST EMPLOYMENT

VISITING ASSOCIATE PROFESSOR, Department of Political Science, Brown University, Providence, R.I.

Fall 2009-Summer 2010, Spring 2011

Courses: Constitutional Law: Governmental Powers, Constitutional Law:
Individual Rights

ASSOCIATE, Shearman & Sterling, Washington, D.C.

June 2001–May 2005

Drafted briefs, motions, and complaints on behalf of corporate and foreign government clients.

Drafted district court, appellate, and Supreme Court briefs on behalf of Kuwaitis held as enemy combatants at Guantanamo Bay, Cuba. Met with clients at Guantanamo Bay.

Presented oral arguments before the federal courts of appeals in cases addressing foreign sovereign immunity and international comity.

ATTORNEY, Appellate Section, Environment and Natural Resources Division, United States Department of Justice. Washington, D.C.

October 1997–May 2001

Briefed and argued cases in federal appellate courts and state supreme courts in cases including constitutional challenges to environmental statutes, criminal prosecutions of corporations, enforcement of hazardous waste laws, and the protection of Indian religious freedom.

Drafted briefs on behalf of the United States in several Supreme Court cases.

Received Department of Justice Special Achievement Award (2000) and Special Commendation for Outstanding Service (1999), and National Oceanic and Atmospheric Administration General Counsel's Award (1998).

BRISTOW FELLOW, Office of the Solicitor General, United States Department of Justice. Washington, D.C.

1996–1997

Prepared appeal recommendations and briefs in Supreme Court cases.

LAW CLERK, The Honorable Louis H. Pollak, United States District Court for the Eastern District of Pennsylvania. Philadelphia, Pa.

1995–1996

Provided legal research and drafted judicial opinions in federal district and circuit court cases.

PUBLICATIONS

BOOK, *REAL AMERICANS: THE PROBLEM OF CONSTITUTIONAL NATIONALISM* (University Press of Kansas, forthcoming 2021)

CHAPTER, *To Kill and Die for the Constitution: Nullification and Insurrectionary Violence*, in *NULLIFICATION AND SECESSION IN 21ST CENTURY CONSTITUTIONAL THOUGHT* (Sanford Levinson, ed.) (University Press of Kansas 2016)

ARTICLE, *The Klan's Constitution*, 9.2 *Alabama Civil Rights and Civil Liberties Law Review* 285 (2018)

ARTICLE, *Unfit for the Constitution: Nativism and the Constitution, from the Founding Fathers to Donald Trump*, —*U. Penn. J. of Con. L.*— (forthcoming 2018)

ARTICLE, *How the Constitution Became Christian*, 68 *Hastings L.J.* 259 (2017)

ARTICLE, *The American Liberty League and the Rise of Constitutional Nationalism*, 86 *Temple L. Rev.* 287 (2014)

ARTICLE, *The Tea Party Movement and the Perils of Popular Originalism*, 53 *Ariz. L. Rev.* 827 (2011)

ARTICLE, *Equitable Balancing in the Age of Statutes*, 96 *Va. L. Rev.* 486 (2010)

ARTICLE, *Aliens in the Garden*, 80 *Colo. L. Rev.* 685 (2009)

ARTICLE, *Habeas Without Rights*, 2007 *Wis. L. Rev.* 1165 (2007)

ARTICLE, *Is There a "Religious Question" Doctrine? Judicial Authority to Examine Religious Beliefs and Practices*, 54 *CATH. U. L. REV.* 497 (2005)

ESSAY, *Can Popular Constitutionalism Survive the Tea Party Movement?*, 105 *Nw. L. Rev.* 1807 (2011)

ESSAY, *The Tea Party's Constitution*, 88 *Denver L. Rev.* 559 (2011) (invited symposium essay)

COLUMN, *Habeas Is About Power, Not Rights*, *RHODE ISLAND BAR JOURNAL* (2008).

OP-ED, *Primaries, Constitutional Nationalism, and History*, *National L. J.* (Feb. 20, 2012), available at <http://www.law.com/jsp/nlj/PubArticleNLJ.jsp?id=1202542726026&slreturn=1>.

OP-ED, *The Accidental Terrorist, Or Why Habeas Corpus Must Not Be Sacrificed in the War on Terrorism*, Providence Journal (Sept. 28, 2006), reprinted in Knight-Ridder newspapers across the country.

ARTICLE, *Is There Really a Difference Between Patriotism and Nationalism?*, Slate, <https://slate.com/news-and-politics/2018/11/trump-nationalism-patriotism-difference.html> (Nov. 20, 2018)

ARTICLE, *A Good American: How Trump's immigration ban explicitly smears Muslims as being potentially hostile to the Constitution*, Slate, http://www.slate.com/articles/news_and_politics/jurisprudence/2017/02/trump_s_immigration_ban_explicitly_smears_muslims.html (Feb. 14, 2017)

ARTICLE, *Before Bundy Ranch—What Happens When Constitutional Vigilantes Go Mainstream*, Slate, <https://slate.com/news-and-politics/2014/04/bundy-ranch-vigilantism-going-mainstream-the-idea-that-the-constitution-is-interpreted-at-the-point-of-a-gun-isnt-new.html> (Apr. 23, 2014)

BLOG POST, *The New Militia Moment*, Balkinization, <https://balkin.blogspot.com/2014/05/the-new-militia-moment.html> (May 2, 2014)

BLOG POST, *Broccoli and the Conservative Imagination*, Balkinization <http://balkin.blogspot.com/2012/05/broccoli-and-conservative-imagination.html> (May 1, 2012)

BLOG POST, *Why Presidents Cannot Run Against the Court*, Balkinization, <https://balkin.blogspot.com/2012/04/why-presidents-cannot-run-against-court.html> (May 1, 2012)

NOTE, *Employment Discrimination Claims Under ERISA Section 510: Should Courts Require Exhaustion of Arbitral and Plan Remedies?*, 93 MICH. L. REV. 193 (1994)