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Education

University of Chicago, M.A. 1967, Ph.D. 1972, Political Science.
University of Illinois, Urbana, B.A., 1964.
St. John's College, Annapolis, Maryland, 1959-61.
U.S. Navy, 1955-59.
Public Schools, Charleston, South Carolina, 1943-54.

Professional

University of Notre Dame, Professor, Department of Political Science, 1986-present.
University of Michigan, Visiting Professor, Political Science, spring, 1987.
Princeton University, Visiting Professor, Politics, 1983-84, 85-86; Visiting Fellow, 1984-85.
University of South Florida, Tampa, Political Science; Instructor to Professor, 1967-83.
Co-editor with Jeffrey K. Tulis, Johns Hopkins Series in Constitutional Thought, Johns Hopkins Press, 1987-98.

Principal Awards

NEH Fellowship, 2008-09
ACLS Fellowship, 2002-03
ACLS Fellowship, 1997-98
NEH Constitutional Fellowship, 1984-85
NEH Fellowship for College Teachers, 1978-79

Publications

Books

Constitutional Failure, University Press of Kansas, 2014
Fallacies of States Rights, Harvard University Press, 2013
Constitutional Interpretation: The Basic Questions, with James Fleming, Oxford University Press, 2007
Welfare and the Constitution, Princeton University Press, 2003
The Constitution of Judicial Power, Johns Hopkins University Press, 1993
On What the Constitution Means, Johns Hopkins University Press, 1984
The Constitution and the Delegation of Congressional Power, University of Chicago Press, 1975

Casebooks

With James Fleming, Stephen Macedo, and Linda McClain, *Gay Rights and the Constitution*, Foundation Press, 2016

With Walter Murphy, James Fleming, and Stephen Macedo, *American Constitutional Interpretation*, 5th edition, Foundation Press, 2013

Edited Books

Co-editor with Robert F. George, *Constitutional Politics: Essays in Constitution Making, Maintenance, and Change*, Princeton University Press, 2001

Book Chapters

"Constitutional Failure: Ultimately Attitudinal," in Jeffrey Tulis and Stephen Macedo, eds., *The Limits of Constitutional Democracy*," Princeton University Press, 2010

"War and the Constitution," in Mark Tushnet, *The Constitution in Wartime*," Duke University Press, 2004 (with James Fleming)

Articles

"On Jim Fleming's Anti-Originalism," *Constitutional Commentary*, 31:389 (2016)

"Right-Side Up the Ex Ante Heuristic: Reply to Michael Greve," *Boston University Law Review*, 94:1383 (2014)

"Constitutional and Political Failure: Remembering James Stockdale," *Boston University Law Review*, 94:603 (2014)

"Defending Dual Federalism: A Self Defeating Act," *NOMOS LV*, 3 (2014)

"Sanford Levinson and the Prospects for Constitutional Reform," review article, *Tulsa Law Review*, 49:101 (2013)

"Promises, Axioms, and Constitutional Theory," review article, *Tulsa Law Review*, 48:223 (2012)

"Doing What Needs to be Done," review article, *Review of Politics*, Vol. 73, No. 1 (2012)

"Constitutional Theory, the Unitary Executive, and the Rule of Law," *NOMOS L*, 156 (2011) (with James Fleming)

"Constitutional Theory and the Future of the Unitary Executive," *Emory Law Journal* 59:459 (2010) (with James Fleming)

"Congress and Responsible Government," 89 *Boston University Law Review* 689 (2009)

"Liberalism and the Constitution," 24 *Social Philosophy and Policy* 234 (2007)

"Fallacies of Negative Constitutionalism," 75 *Fordham Law Review* 651 (2006)

"Professor Eisgruber, The Constitution, and the Good Society," 69 *Fordham Law Review* 2151, 2001).

"The Canon and the Constitution Outside the Courts," 17 *Constitutional Commentary* 267 (2000) (with James Fleming)

"Welfare and the Instrumental Constitution," and "Reply to Professor Mansfield," 42 *American Journal of Jurisprudence* 159, 191 (1997)

"Father Neuhaus and the Constitution," *Theory and Event*, I: 2 (1997)

"Fidelity and Constitutional Aspirations," 65 *Fordham Law Review* 1757 (1997)
"Stanley Fish and the Future of Pragmatism in Legal Theory,"
58 *University of Chicago Law Review* 1033 (1991)
"Michael Perry and the Future of Constitutional Theory," 63 *Tulane Law Review* 1289 (1989)
"Normative Theory, the New Institutionalism, and the Future of Public Law," In Karen Orren
and Stephen Skowronek, eds., 3 *Studies in American Political Development* 56 (1989)
"The Ninth Amendment: Inkblot or Another Hard Nut to Crack?" 64 *Chicago-Kent Law
Review* 67 (1988), and "Whither Moral Realism in Constitutional Theory? A Reply to Professor
McConnell," *id.*, 111
"Judicial Review and The Federalist," 55 *University of Chicago Law Review* 836 (1988)
"The Federalist and the Anomalies of New Right Constitutionalism," 15 *Northern Kentucky Law
Review* 437 (1988)
"Epistemological Skepticism, Hobbesian Natural Right, and Judicial Self-Restraint," 48 *Review
of Politics* 374 (1986)
"The New Right Assault on Moral Inquiry in Constitutional Law," 54 *George Washington
University Law Review* 253 (1986)
"National League of Cities v. Usery: New Meaning for the Tenth Amendment?" In Philip
Kurland, ed., 1976 *Supreme Court Law Review* 161

Current Projects

On the Iliad: A Conversation, expected completion, Summer, 2017