

# JAMAL GREENE

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jamal.greene@law.columbia.edu

• 435 West 116th Street, New York, NY 10027

• (212) 854-5865

## EXPERIENCE

COLUMBIA LAW SCHOOL, *Dwight Professor of Law* 2016 – present

*Professor of Law* 2012 – 2016

*Associate Professor of Law* 2008 – 2012

**Courses:** Constitutional Law; Comparative Constitutional Law; Law of the Political Process; Seminar in Transnational Constitutionalism; First Amendment; Citizenship; Citizenship, Religion, and Identity; Theories of Constitutional Interpretation; Federal Courts; Legal Theory Workshop

OVERSIGHT BOARD, *Co-Chair* 2020 – present

KNIGHT FIRST AMENDMENT INSTITUTE, *Visiting Scholar* 2018 – 2019

HARVARD LAW SCHOOL, *Leo Gottlieb Visiting Professor of Law* Winter 2017

NEW YORK UNIVERSITY SCHOOL OF LAW, *Academic Fellow* 2007 – 2008

HON. JOHN PAUL STEVENS, UNITED STATES SUPREME COURT, *Law Clerk* 2006 – 2007

HON. GUIDO CALABRESI, U.S. COURT OF APPEALS, SECOND CIRCUIT, *Law Clerk* 2005 – 2006

BELDOCK, LEVINE & HOFFMAN, LLP, New York, NY, *Summer Associate* Summer 2004

DEBEVOISE & PLIMPTON, LLP, New York, NY, *Summer Associate* Summer 2004

BRENNAN CENTER FOR JUSTICE, New York, NY, *Democracy Program Intern* Summer 2003

## EDUCATION

YALE LAW SCHOOL, J.D., 2005

- Articles Editor, *Yale Law Journal*
- Teaching Assistant (Coker Fellow), Contracts

HARVARD UNIVERSITY, A.B. (Economics), 1999

## ACADEMIC PUBLICATIONS

### Works-in-Progress

HOW RIGHTS WENT WRONG: WHY OUR OBSESSION WITH RIGHTS IS TEARING AMERICA APART (Houghton Mifflin Harcourt, expected 2021) (book).

*The Elephant in the Room*, in PROPORTIONALITY AND TRANSFORMATION: THEORY AND PRACTICE FROM LATIN AMERICA (Francisca Pou-Giménez, Laura Clérico, & Esteban Restrepo-Saldarriaga eds., expected 2022) (book chapter)

*The Right to Grow Old*, in LAW AND THE 100-YEAR LIFE (Anne Alstott & Abbe Gluck eds., expected 2022) (book chapter)

*Text, History, and Precedent*, in RESEARCH HANDBOOK ON CONSTITUTIONAL INTERPRETATION (Carlos Bernal, Sujit Choudhry, & Kate O'Regan eds., expected 2022) (with Yvonne Tew) (book chapter)

### Articles

*Rights as Trumps?*, 132 HARV. L. REV. 28 (2018).

- Quoted in *Marchan v. John Miller Farms*, 352 F. Supp. 3d 938, 948 n.5 (2018)

*The Age of Scalia*, 130 HARV. L. REV. 144 (2016).

*Rule Originalism*, 117 COLUM. L. REV. 1639 (2016).

*The Meming of Substantive Due Process*, 31 CONST. COMM. 241 (2016).

*The Supreme Court as a Constitutional Court*, 128 HARV. L. REV. 124 (2014).

*Pathetic Argument in Constitutional Law*, 113 COLUM. L. REV. 1389 (2013).

*The Anticanon*, 125 HARV. L. REV. 379 (2011).

- Quoted in *Torres v. Seaboard Foods, LLC*, 373 P.3d 1057, ¶ 24 n.35, ¶ 29 n.49 (Okla. 2016).
- Cited in *Aurelius Inv. LLC v. Puerto Rico*, 915 F.3d 838, 854 n.12 (1st Cir. 2019); *Pena-Martinez v. Azar*, D.P.R. 2019; *In Re Regina Metro Co. LLC v. NY Div. Housing & Community Renewal*, 154 N.E.3d 332 (N.Y. 2020)

*Profiling Originalism*, 111 COLUM. L. REV. 356 (2011) (with Nathaniel Persily & Stephen Ansolabehere).

- Cited in *Covington v. State*, M.D. N.C. 2017

*On the Origins of Originalism*, 88 TEX. L. REV. 1 (2009).

*Heller High Water? The Future of Originalism*, 3 HARV. L. & POL'Y REV. 325 (2009).

- Quoted in *Tyler v. Hillsdale County Sheriff's Dep't*, 775 F.3d 308, 332 (6th Cir. 2014).

*Selling Originalism*, 97 GEO. L.J. 657 (2009).

- Cited in *Ex parte A.A.R.*, 187 D.P.R. 835, 973 (Sup. Ct. P.R. 2013) (Hernández Denton, J., dissenting).

*Beyond Lawrence: Metaprivacy and Punishment*, 115 YALE L.J. 1862 (2006).

Comment, *Divorcing Marriage from Procreation*, 114 YALE L.J. 1989 (2005).

- Quoted in *In re Marriage Cases*, 143 Cal. App. 4th 873, 952 n.5 (Cal. App. 1st Dist. 2006) (Kline, J., dissenting).

Note, *Judging Partisan Gerrymanders Under the Elections Clause*, 114 YALE L.J. 1021 (2005).

- Quoted in *Lance v. Dennis*, 444 F. Supp. 2d 1149, 1155 n.9 (D. Colo. 2006) (three-judge panel).

*Hands Off Policy: Equal Protection and the Contact Sports Exemption of Title IX*, 11 MICH. J. GENDER & L. 133 (2005).

Note, *Disappearing Dilemmas: Judicial Construction of Ethical Choice as Strategic Behavior in the Criminal Defense Context*, 23 YALE L. & POL'Y REV. 225 (2005) (with Manuel Berrélez & Bryan Leach).

- Cited in *People v. Jarvis*, 2015 N.Y. Slip Op. 02869 (N.Y. Court of Appeals, Apr. 7, 2015) (Pigott, J., dissenting)

### **Symposium Contributions and Invited Lectures**

*Constitutional Moral Hazard and Campus Speech*, 61 WM. & MARY L. REV. 223 (2019).

*Is Korematsu Good Law?*, YALE L.J. FORUM, Jan. 30, 2019.

*A Private Law Court in a Public Law System*, 12 L. & ETHICS OF HUMAN RIGHTS 37 (2018) (peer reviewed).

*Trump as a Constitutional Failure*, 93 INDIANA L.J. 93 (2018).

*Maximinimalism*, 38 CARDOZO L. REV. 623 (2016).

*A Nonoriginalism for Originalists*, 96 B.U. L. REV. 1443 (2016).

*Constitutional Rhetoric*, 50 VALPARAISO L. REV. 519 (2016).

*(Anti)Canonizing Courts*, 143 DAEDALUS 157 (2014).

*What the New Deal Settled*, 15 U. PA. J. CONST. L. 265 (2012).

*Thirteenth Amendment Optimism*, 112 COLUM. L. REV. 1733 (2012).

*The Case for Original Intent*, 80 GEO. WASH. L. REV. 1683 (2012).

*Fourteenth Amendment Originalism*, 71 MD. L. REV. 978 (2012).

*How Constitutional Theory Matters*, 72 OHIO St. L.J. 1183 (2011).

*Originalism's Race Problem*, 88 DEN. U. L. REV. 517 (2011).

*The Rule of Law as a Law of Standards*, 99 GEO. L.J. 1289 (2011).

*Guns, Originalism, and Cultural Cognition*, 13 U. PA. J. CONST. L. 511 (2010).

*The So-Called Right to Privacy*, 43 U.C. DAVIS L. REV. 715 (2010).

- Cited in *McDonald v. City of Chicago*, 561 U.S. 742, 864 n.8 (2010) (Stevens, J., dissenting).

### **Book Chapters**

*Comparative Approaches to Constitutional History*, in *COMPARATIVE JUDICIAL REVIEW* (Erin Delaney & Rosalind Dixon eds., 2018) (with Yvonne Tew).

*Interpretation*, in *OXFORD HANDBOOK OF THE U.S. CONSTITUTION* (Mark Tushnet, Sanford Levinson, & Mark A. Graber eds., 2015).

*On Substance and Rhetoric in Constitutional Law*, in *MAKING LAW AND COURTS RESEARCH RELEVANT: THE NORMATIVE IMPLICATIONS OF EMPIRICAL RESEARCH* (Brandon Bartels & Chris W. Bonneau eds., 2014).

*The Missing Due Process Argument*, in *THE HEALTH CARE CASE: THE SUPREME COURT'S DECISION AND ITS IMPLICATIONS* (Gillian Metzger, Trevor Morrison, & Nathaniel Persily eds., 2013).

*Hate Speech and the Demos*, in *CONTENT AND CONTEXT OF "HATE SPEECH": RETHINKING REGULATION AND RESPONSES* (Michael Eric Herz & Peter Molnar eds., 2012).

*Constitutional Interpretation in Comparative Perspective: Comparing Judges or Courts?*, in *COMPARATIVE CONSTITUTIONAL LAW* (Rosalind Dixon & Tom Ginsburg eds., 2011) (with Vicki C. Jackson).

### **Book Reviews**

Review, *John Paul Stevens, The Making of a Justice: Reflections on My First 94 Years*, 20 J. APP. PRAC. & PROC. 327 (2019)

Review, RICHARD A. EPSTEIN, *THE CLASSICAL LIBERAL CONSTITUTION*, in 130 POLIT. SCI. Q. 540 (2015).

*The Alchemy of Dissent*, 45 TULSA L. REV. 703 (2011) (reviewing STEPHEN FELDMAN, *FREE EXPRESSION AND DEMOCRACY IN AMERICA* (2008)).

*Giving the Constitution to the Courts*, 117 YALE L.J. 886 (2008) (reviewing KEITH E. WHITTINGTON, POLITICAL FOUNDATIONS OF JUDICIAL SUPREMACY: THE PRESIDENCY, THE SUPREME COURT, AND CONSTITUTIONAL LEADERSHIP IN U.S. HISTORY (2007)).

### LECTURES, PANELS & PRESENTATIONS

Keynote, Publius Symposium, Stanford Law School (expected Apr. 2021) (remote)

Faculty Workshop, University of Chicago Law School (expected Mar. 2021) (remote)

Panelist, The Future of the American Press, Yale Law School Information Society Project & Abrams Institute for Free Expression (expected Mar. 2021) (remote)

Keynote, National Conference of Constitutional Law Scholars (expected Mar. 2021) (remote)

Panelist, You Thought 2020 Was Tough for Content Moderation? Welcome to 2021, State of the Net Conference (Jan. 2021) (remote)

Panelist, The Press and the Separation of Powers: The News Media's Relationships with Public and Private Power, American Association of Law Schools Annual Meeting (Jan. 2021) (remote)

Commentator, 2020 BCLT Privacy Lecture: Digital and Physical Company Towns in the Age of Public Capitalism, Berkeley Center for Law & Technology (Oct. 2020) (remote)

Moderator, Book Event: Constitutional Statecraft in Asian Courts, American Society of Comparative Law Annual Conference (Oct. 2020) (remote)

Keynote Lecture, Symposium: Empires or Umpires? Political Questions, Separation of Powers, and Judicial Legitimacy, University of Connecticut Law Review (Oct. 2020) (remote)

Panelist, Fixing SCOTUS: Proposals for Court Reform, American Constitution Society NYU & Columbia Student Chapters (Nov. 2020) (remote)

Speaker, Human Rights in the Digital Age: Making Digital Technology Work for Human Rights, Glion VII Policy Dialogue 2020 (Nov. 2020) (remote)

Presenter, Constitution Drafting Project, National Constitution Center (Oct. 2020) (remote)

Panelist, Decision 2020, Hunter College High School Alumni Association (Sept. 2020) (remote)

Panelist, Combatting Online Misinformation, Council on Foreign Relations (Aug. 2020) (remote)

Panelist, The Importance of Term Limits for the Supreme Court, Center for American Progress (Aug. 2020) (remote)

Panelist, ABA Annual Supreme Court Year in Review (July 2020) (remote)

Speaker, Free Speech Symposium, The Dalton School, New York, NY (Feb. 2020)

“The Rights Epidemic,” Conference on Constitutional Originalism, USD Law School, San Diego, CA (Feb. 2020)

MLK Memorial Lecture, Vanderbilt Law School, Nashville, TN (Jan. 2020)

Genest Lecture, Osgoode Hall Law School, Toronto, CA (Jan. 2020)

*Statutory and Constitutional Interpretation at the Supreme Court: Will Justices Gorsuch and Kavanaugh Make a Difference?*, American Ass’n of Law Schools Annual Meeting, Washington, D.C. (Jan. 2020)

*Does Originalism Protect Unenumerated Rights?*, Federalist Society Lawyers’ Convention, Washington, D.C. (Nov. 2019)

“The Rights Epidemic,” Faculty Workshop, Michigan Law School, Ann Arbor, MI (Nov. 2019)

“The Rights Epidemic,” Faculty Workshop, Columbia Law School, New York, NY (Sept. 2019)

“The Rights Epidemic,” Public Law Workshop, Berkeley School of Law, Berkeley, CA (Sept. 2019)

“The Rights Epidemic,” Public Law Workshop, NYU School of Law, New York, NY (Aug. 2019)

“The Rights Epidemic,” Faculty Workshop, Univ. of Iowa College of Law, Iowa City, IA (Aug. 2019)

Panelist, *The Relationship of the Constitution with the Past*, Int’l Society of Public Law Annual Conference Santiago, Chile (July 2019)

Discussant, *Global Constitutionalism in Crisis?*, Int’l Society of Public Law, Annual Conference Santiago, Chile (July 2019)

Discussant, *Proportionality, US Constitutional Law, and “Rights as Trumps?”*, Int’l Society of Public Law, Annual Conference, Santiago, Chile (July 2019)

“Rights Absolutism,” Seminario en Latinoamérica de Teoría Constitucional y Política (SELA), Buenos Aires, Argentina (June 2019)

Works-in-Progress Roundtable in Comparative Law, Austin, TX (May 2019)

“Rights as Trumps,” University of Pennsylvania Law School Public Law Workshop, Cambridge, MA (Apr. 2019)

Constitutional Theory Seminar, Tulane Law School, New Orleans, LA (Mar. 2019)

“Rights as Trumps,” Harvard Law School Public Law Workshop, Cambridge, MA (Mar. 2019)

“Rights as Trumps,” University of Michigan Law School Public Law Workshop, Ann Arbor, MI (Jan. 2019)

Moderator, Freedom of Speech in 21<sup>st</sup> Century America: Second Annual First Amendment Program, New York City Bar, New York, NY (Dec. 2018)

“The Rule of Law, Adjudication, and Proportionality,” Celebration of the 70th Anniversary of the Universidad de los Andes Law School, Bogotá, Colombia (Sept. 2018)

Originalism 3.0, Northwestern Pritzker School of Law, Chicago, IL (Nov. 2018)

Democratic Distortions Conference, NYU School of Law, New York, NY (Nov. 2018)

Conference on Justice Anthony Kennedy, Georgia State University College of Law, Atlanta, GA (Oct. 2018)

“The Rule of Law, Adjudication, and Proportionality,” Celebration of the 70th Anniversary of the Universidad de los Andes Law School, Bogotá, Colombia (Sept. 2018)

“Regulating Online Threats to Democracy,” International Society of Public Law Conference, Hong Kong (June 2018)

Constitutional Reasoning Workshop, Xth World Congress of the International Association of Constitutional Law, Seoul, South Korea (June 2018)

“Rights as Trumps,” University of Pittsburgh School of Law, Pittsburgh, PA (Apr. 2018)

“Rights as Trumps,” Faculty Workshop, Columbia Law School, New York, NY (Apr. 2018)

Advanced Constitutional Law Workshop, Georgetown University Law Center, Washington, D.C. (March 2018)

Distinguished Commentator, Constitutional Law Scholars Conference, Tucson, AZ (March 2018)

Panelist, Federalist Society Student Symposium, Washington, D.C. (March 2018)

Commentator, Comparative Constitutional Law Roundtable, Washington, D.C. (March 2018)

Panelist, ACS Panel on Norms and the Rule of Law, San Diego, CA (Jan. 2018)

Commentator, ACS Junior Scholars Public Law Workshop, San Diego, CA (Jan. 2018)

Panelist, Madison’s Notes Conference, James Madison’s Montpelier, Orange, VA (Dec. 2017)

Moderator, *The First Amendment: From Skokie to Charlottesville & Beyond*, New York City Bar, New York, NY (Dec. 2017)

“A Private Law Court in a Public Law System,” University of Texas at Austin Law School, Austin, TX (Nov. 2017)

“Redistricting and Representation,” American Academy of Arts & Sciences, Cambridge, MA (Nov. 2017)

“Courts Under Pressure: Protecting Rule of Law in the Age of Trump,” Brennan Center for Justice, New York, NY (Nov. 2017)

“A Private Law Court in a Public Law System,” Faculty Workshop, University of Minnesota Law School (Oct. 2017)

“Can the Constitution Save Us?,” Cutler Lecture, William & Mary Law School, Williamsburg, VA (Sept. 2017)

Constitution Day Lecture, Johns Hopkins University, Baltimore, MD (Sept. 2017)

“The Role of Facts in Constitutional Adjudication,” International Society of Public Law Conference, Copenhagen, Denmark (July 2017)

Commentator, “Judicial Authority Within the Judiciary,” Seminario en Latinoamérica de Teoría Constitucional y Política (SELA), Quito, Ecuador (June 2017)

“A Big Fix: Should We Amend Our Constitution?,” Conference, Stanford Law School, Palo Alto, CA (May 2017)

“Constitutional Adjudication: Traditions and Horizons,” International Association of Constitutional Law Roundtable, LUISS Guido Carli University, Rome, Italy (May 2017)

“The Future of the U.S. Constitution,” Conference, Maurer School of Law at Indiana University Bloomington, Bloomington, IN (Apr. 2017)

*A Private Law Court in a Public Law System*, Public Law Workshop, Harvard Law School (Mar. 2017)

*A Private Law Court in a Public Law System*, FGV-Columbia Exchange, São Paulo, Brazil (Dec. 2016)

“Global Constitutionalism and Human Rights,” Conference, Boston College Law School, Newton, MA (Dec. 2016)

Commentator, Equality Law Roundtable, Cardozo Law School, New York, NY (Nov. 2016)

Comparative Judicial Review, Conference, Northwestern University Pritzker School of Law, Chicago, IL (Oct. 2016)

*Rights as Trumps: A Reappraisal*, Dean Alfange, Jr. Distinguished Lecture on American Constitutionalism, University of Massachusetts Amherst, Amherst, MA (Sept. 2016)

Moderator, “Supreme Court Review,” New York City Bar Association (July 2016)



Economic Liberties and the Fourteenth Amendment, Colloquium, Federalist Society/Liberty Fund, Chicago, IL (July 2016)

*Rule Originalism*, Faculty Workshop, Columbia Law School, New York, NY (Apr. 2016)

*Rule Originalism*, Conference on Constitutional Originalism, USD Law School, San Diego, CA (Feb. 2016)

*Rule Originalism*, Faculty Workshop, Yale Law School, New Haven, CT (Feb. 2016)

Slavery v. Liberty: The History and Relevance of the Thirteenth Amendment @ 150, Howard University School of Law, Washington, D.C. (Dec. 2015)

Thinking About Federalism(s) Beyond the U.S. Experience, Yale Law School, New Haven, CT (Oct. 2015)

Ten Years the Chief: Examining a Decade of John Roberts on the Supreme Court, Cardozo Law School, New York, NY (Oct. 2015)

Constitutional Culture: Identities, Texts, Institutions, Queens University, Hamilton, ON, Canada (Oct. 2015)

Montpelier Comparative Constitutional Law Roundtable, Orange, VA (Oct. 2015)

*The Meming of Substantive Due Process*, Faculty Workshop, University of Virginia School of Law, Charlottesville, VA (Sept. 2015)

Panelist, Supreme Court Review, ABA Annual Meeting, Chicago, IL (Aug. 2015)

The High Court's Recent Jurisprudence, N.Y. Appellate Division Seminar, New York, NY (May 2015)

*The Meming of Substantive Due Process*, Faculty Workshop, Columbia Law School, New York, NY (Apr. 2015)

Commenter, Proportionality in Transnational Perspective, Harvard Law School, Cambridge, MA (Mar. 2015)

Commenter, Comparative Constitutional Law Roundtable, George Washington University Law School, Washington, DC (Mar. 2015)

*The Meming of Substantive Due Process*, Faculty Workshop, William & Mary Law School, Williamsburg, VA (Feb. 2015)

(Anti)Canonizing Courts, American Academy of Arts and Sciences Meeting, Yale Club, New York, NY (Dec. 2014)

"Constitutional Rhetoric," Seegers Lecture on Jurisprudence, Valparaiso University School of Law, Valparaiso, IN (Oct. 2014)

Panelist, Supreme Court Review, ABA Annual Meeting, Boston, MA (Aug. 2014)

“The Fire This Time: Constructing Our Post-Racial Future,” James Baldwin Lecture on Literary and Social Criticism, Adelphi University, Hempstead, NY (Apr. 2014)

Commentator, “Originalism and the Desegregation Decisions,” Virginia Law Review Centennial Symposium, Charlottesville, VA (Mar. 2014)

*Race and Original Meaning*, Black History Month Event, Duke Law School, Durham, NC (Feb. 2014)

*Pathetic Argument in Constitutional Law*, Faculty Workshop, Stanford Law School, Palo Alto, CA (Jan. 2014)

*Pathetic Argument in Constitutional Law*, Georgetown Constitutional Law Colloquium, Georgetown University Law Center, Washington, D.C. (Oct. 2013)

*(Anti)Canonizing Courts*, LAPA Seminar, Princeton University, Princeton, N.J. (Oct. 2013)

Panelist, Supreme Court Review, ABA Annual Meeting, San Francisco, CA (Aug. 2013)

Panelist, “Supreme Court: A Year in Review,” City Bar Center for CLE, New York, NY (July 2013)

Discussant, Normative Implications of Empirical Research on Law and Courts Workshop, Washington, D.C. (May 2013)

Panelist, “*Roe* at 40: What Have We Learned?,” Stanford Constitutional Law Center, Stanford, CA (Mar. 2013)

Commenter, Comparative Constitutional Law Roundtable, Washington, D.C. (Mar. 2013)

*Pathetic Argument in Constitutional Law*, Constitutional Theory Colloquium, University of Chicago Law School, Chicago, IL (Feb. 2013)

*Pathetic Argument in Constitutional Law*, Faculty Workshop, Columbia Law School, New York, NY (Jan. 2013)

*Pathetic Argument in Constitutional Law*, Faculty Workshop, Fordham Law School, New York, NY (Oct. 2012)

*Pathetic Argument in Constitutional Law*, Faculty Workshop, Brooklyn Law School, Brooklyn, NY (Oct. 2012)

*Pathetic Argument in Constitutional Law*, Constitutional Law and Theory Colloquium, Cornell Law School, Ithaca, NY (Sept. 2012)

*Pathetic Argument in Constitutional Law*, University of Georgia Law School Faculty Colloquium, Athens, GA (Sept. 2012)

*Pathetic Argument in Constitutional Law*, Faculty Workshop, University of Connecticut Law School,

Hartford CT (Sept. 2012)

Panelist, Supreme Court Review, ABA Annual Meeting, Chicago, IL (Aug. 2012)

Panelist, "Supreme Court: A Year in Review," City Bar Center for CLE, New York, NY (July 2012)

Commenter, "Health Care Reform's Big Test: Commerce and the Constitution," National Constitution Center, Philadelphia, PA (June 2012)

*Originalism and National Memory*, Legal Research Institute, National Autonomous University of México, México City, MX (Mar. 2012)

"The Global Constitutional Canon," 2012 Maryland Discussion Group on Constitutionalism  
University of Maryland School of Law, Baltimore, MD (Feb. 2012)

*Fourteenth Amendment Originalism; The Case for Original Intent*, Constitutional Theory Symposium,  
Brooklyn Law School, Brooklyn, NY (Feb. 2012)

*Fourteenth Amendment Originalism*, Conference on Constitutional Originalism, USD Law School  
San Diego, CA (Feb. 2012)

*Thirteenth Amendment Optimism*, Conference on the Contemporary Relevance of the Thirteenth Amendment,  
Columbia Law School, New York, NY (Jan. 2012)

*What the New Deal Settled*, Conference, The New Deal Era and the Obama Era,  
University of Pennsylvania School of Law, Philadelphia, PA (Jan. 2012)

*The Strange Career of Original Intent*, Conference on the Centennial of Farrand's Records,  
George Washington University Law School, Washington, DC (Nov. 2011)

*Fourteenth Amendment Originalism*, Conference on *Constitutional Redemption*, University of Texas School of Law,  
Austin, TX (Oct. 2011)

*Fourteenth Amendment Originalism*, Northwestern University Law School Constitutional Law Colloquium, Chicago, IL  
(Oct. 2011)

First Amendment Cases, Seventeenth Annual Supreme Court Roundup, Columbia Law School,  
New York, NY (Oct. 2011)

*Fourteenth Amendment Originalism*, Columbia Law School Faculty Workshop, New York, NY (Sept. 2011)

*The Anticanon*, Washington College of Law, American University Faculty Workshop, Washington, DC (Sept. 2011)

“FDR and the New Deal: Are There Lessons for the Obama Administration and Its Critics?”

SEALS Annual Conference, Hilton Head, SC (Jul. 2011)

*How Constitutional Theory Matters*, ACS Constitution in 2020 Schmooze, Washington, DC (May 2011)

*The Anticanon*, Presentation to the D.C. Court of Appeals, Washington, DC (May 2011)

Symposium, “Reflections on Progressive Constitutionalism: Theory, Practice, and Critique,” Moritz College of Law, The Ohio State University, Columbus, OH (Apr. 2011)

Panelist, The Future of Progressive Constitutionalism, ACS, Columbia Law School, New York, NY (Apr. 2011)

Panelist, The Constitution in 2020, University of Pennsylvania School of Law, Philadelphia, PA (Apr. 2011)

Commenter, Comparative Constitutional Law Roundtable, George Washington University Law School, Washington, DC (Mar. 2011)

*The Anticanon*, Faculty Workshop, Columbia Law School, New York, NY (Feb. 2011)

Panelist, “Popular Constitutionalisms and the Use of History in Constitutional Argument”

Byron R. White Center for the Study of American Constitutional Law, U. of Colo. Law School, Denver, CO (Jan. 2011)

*The Anticanon*, Faculty Workshop, University of Minnesota Law School, Minneapolis, MN (Dec. 2010)

*The Anticanon*, Constitutional Law Workshop, University of Michigan Law School, Ann Arbor, MI (Nov. 2010)

Commentator, *New Issues, Unlikely Alliances: Law, Politics, and the American State in the 1970s*

American Society for Legal History Annual Conference, Philadelphia, PA (Nov. 2010)

Seminar on *Constitutional Engagement in a Transnational Era*,

School of Law Queen’s University Belfast & Georgetown University Law Center, Washington, DC (Oct. 2010)

*Profiling Originalism*, Faculty Workshop, Pace Law School, White Plains, NY (Oct. 2010)

University of Wisconsin Discussion Group on Constitutionalism: “Constitutional Sovereignty”

University of Wisconsin Law School, Madison, WI (Oct. 2010)

Moderator, ACS Panel on Impact of *McDonald v. City of Chicago*, National Press Club, Washington, DC (Oct. 2010)

*The Rule of Law as a Law of Standards*, Symposium on the Jurisprudence of Justice Stevens

Georgetown University Law Center, Washington, DC (Oct. 2010)

- Aired on C-SPAN, *America & the Courts*, Oct. 9, 2010

Panelist, *The 2009 U.S. Supreme Court Term, Justice Stevens's Departure, and the Court's Future*  
ACS-NYC Bar Association, New York, NY (Jul. 2010)

Commentator, Premiere of *Advise & Dissent: Where the Supreme Court and Politics Collide*  
New York University School of Law, New York, NY (June 2010)

Panelist, *The Legacy of Justice Stevens*, American Constitution Society, Washington, DC (June 2010)

Panelist, *Definition of Hate Speech and the Argument About Legitimacy*,  
Colloquium: Content or Context of "Hate Speech": Rethinking Regulations and Remedies, Cardozo School of Law, New York, NY (May 2010)

*Profiling Originalism*, Faculty Workshop, Duke Law School, Durham, NC (May 2010)

Panelist, "*Hate Speech, Incitement to Violence, and Public Discourse*", Cardozo School of Law,  
New York, NY (Apr. 2010)

*The Politics of Originalism*, Felix S. Cohen Lecture in Jurisprudence, City College, CUNY, New York, NY (Apr. 2010)

*Guns, Originalism, and Cultural Cognition*, Symposium: The Judiciary and the Popular Will  
University of Pennsylvania Law School, Philadelphia, PA (Jan. 2010)

Panelist, *American Constitutional Law and the New Supreme Court*, AALS Annual Meeting,  
New Orleans, LA (Jan. 2010)

Commentator, *Are We All Originalists Now?*, Constitutional Law Advanced Workshop: "The Conservative Legal Era,"  
Princeton University, Princeton, NJ (Dec. 2009)

Commentator, *D.C. v. Heller and the Uses of History*, American Society for Legal History Annual Conference  
Dallas, TX (Nov. 2009)

Panelist, *Constitutional Theory*, The Constitution in 2020 Conference, Yale Law School, New Haven, CT (Oct. 2009)

*On the Origins of Originalism*, Faculty Workshop, Columbia Law School, New York, NY (Oct. 2009)

Panelist, *Progressive Originalism*, American Constitution Society Speaker Series, Harvard Law School, Cambridge, MA  
(Sept. 2009)

*On the Origins of Originalism*, Faculty Workshop, SMU Dedman School of Law, Dallas, TX (Sept. 2009)

*Dred Scott and the Constitution*, Celebration of the U.S. Constitution, Columbia Law School, New York, NY (Sept. 2009)

*On the Origins of Originalism*, Faculty Workshop, Loyola University New Orleans' College of Law, New Orleans, LA (Sept. 2009)

Commentator, *A More Perfect Union*, Epic Theatre Ensemble Forum Series, New York, NY (May 2009)

*Is the Constitution Democratic?*, Eva Samo Lecture, Maplewood, NJ (Apr. 2009)

Commentator, *The Future of Originalism*, Constitutional Theory Conference, USC Gould School of Law, Los Angeles, CA (Apr. 2009)

*Constitutional Interpretation in the Age of Obama*, Raymond Pace and Sadie T.M. Alexander Civil Rights Speaker Series, University of Pennsylvania Law School, Philadelphia, PA (Mar. 2009)

*The So-Called Right to Privacy*, Symposium: The Honorable John Paul Stevens  
UC Davis School of Law, Davis, CA (Mar. 2009)

- Aired on C-SPAN, *America & the Courts*, Oct. 17, 2009

*On the Origins of Originalism*, New York City Junior Faculty Colloquium, Fordham Law School, New York, NY (Nov. 2008)

*Selling Originalism*, Faculty Colloquium Series, University of Alabama School of Law, Tuscaloosa, AL (Nov. 2008)

*The District of Columbia Guns Case*, Fourteenth Annual Supreme Court Roundup, Columbia Law School, New York, NY (Oct. 2008)

*Making Justice Legal: A Clerk's Perspective*, Alice Sofis Evangelides Lecture, Eagleton Institute of Politics, Rutgers, State University of New Jersey, New Brunswick, NJ (Feb. 2008)

## **PROFESSIONAL SERVICE**

*Administrative*: Clerkship Committee (2020-present); Anti-Racism Steering Committee (2020-present); Chair, Promotion & Tenure Committee (2019-2020); Chair, Lateral Appointments Committee (2017-2019); Advisory Committee (2017-2019); Associates Committee (2015-17); Vice Dean for Intellectual Life (2014-16); Lateral Appointments Committee (2014-16); Chair, Entry-Level Appointments Committee (2012-14); Co-Chair, Teaching Committee (2010-12); Intellectual Life Committee (2011-12; Chair, 2014-16); Admissions Committee (2009-13); Solomon Amendment Amelioration Committee (2008-11); Columbia Law Diversity Council (2008-12)

*Peer Review*: Columbia Law Review; Harvard Law Review; International Journal of Constitutional Law; Journal of Legal Studies; Law and Social Inquiry; Yale Law Journal

*Additional Teaching*: Rethinking the Twentieth Century Constitution, New York Historical Society, New York, NY (Fall 2019) (with John Fabian Witt); Comparative Constitutional Law, Harvard Law School, Cambridge, MA (January 2017); Constitutional Law, Columbia Law School, New York, NY (online) (Summer 2016, Summer 2017); Columbia Law

School G-LEAP Program, New York, NY (2014); Columbia Summer Program in American Law, The Netherlands (2009, 2014); Columbia Law School Chinese Judges Program, New York, NY (2009, 2011); Felipe Tena Ramírez Seminar on Comparative Constitutional Law, Instituto Tecnológico Autónomo de México (ITAM), México City, México (Mar. 2012)

*Grants:* Comparing Inside the Courts: Comparative Law Departments Working In Supreme and Constitutional Courts, Alliance Program Joint Project (2018) (with Eleonora Bottini & David Law)

*Academic Exchange:* Genest Global Visitor, Osgoode Hall Law School, Toronto, Canada (January 2020); Tsunoda Fellow, Waseda University, Tokyo, Japan (June-July 2015); European University Institute, Fiesole, Italy (June 2014)

*Legislative Engagement:*

- Aide to U.S. Sen. Kamala Harris for Supreme Court Confirmation Hearing of Hon. Brett Kavanaugh, Aug.-Sept. 2018
- Panelist, Senate Democratic Steering and Outreach Committee's Ad Hoc Forum on the Supreme Court Vacancy (Feb. 24, 2016)

*Other:* Member, American Law Institute; Board of Academic Advisors, American Constitution Society; Board, John Paul Stevens Fellowship Foundation

Admitted to the Bar of the District of Columbia (2006)

**HONORS AND AWARDS**

Nominee, Exemplary Legal Writing, GREEN BAG (2012), for *The Anticanon*

Nominee, Exemplary Legal Writing, GREEN BAG (2009), for *Giving the Constitution to the Courts*

Nominee, Exemplary Legal Writing, GREEN BAG (2007), for *Beyond Lawrence*

Burton H. Brody Prize, Best Paper on Constitutional Privacy (2005), for *Beyond Lawrence*

Smith-Doheny Legal Ethics Writing Prize (with co-authors) (2004), for *Disappearing Dilemmas*

Edgar M. Cullen Prize, Best Paper by a First-Year Law Student (2003), for *Hands Off Policy*

**MEDIA APPEARANCES**

Television or radio interviews on *All-In with Chris Hayes* (MSNBC); *The Brian Lehrer Show* (WNYC); *CBS Evening News* (CBS); *Charlie Rose* (PBS); *Detroit Today* (WDET); *Due Process* (NJN); *Inside City Hall* (NY1); *Jansing & Co.* (MSNBC); *Melissa Harris-Perry* (MSNBC); *Morning Edition* (NPR); *Need to Know* (PBS); *PBS NewsHour* (PBS); *Reliable Sources* (CNN); *The Takeaway* (NPR); *Up Close with Bill Ritter* (WABC-TV); and *Weekends With Alex Witt* (MSNBC); quoted as an expert on constitutional law or federal courts in *amNY*, *AOL News*, *Associated Press*, *CQ Weekly*, *National Law Journal*, *New York, New York Times*, *New Yorker*, *Newsday*, *NPR.org*, *Radio Free Europe*, *Reuters*, *Slate*, *Time*, *Village Voice*, and on AP Television News, CBS 2 News, NPR (*All Things Considered*), NY1, and WCBS Newsradio 880.

**POPULAR WRITING**

Op-Ed, *Americans Are Obsessed With Rights. In the Pandemic, That's Killing Us*, L.A. TIMES, July 2, 2020

Op-Ed, *What Slavery Can Teach Supreme Court Justices About DACA*, L.A. TIMES, Nov. 13, 2019 (with Elora Mukherjee)

Op-Ed, *John Paul Stevens Was Justice Incarnate*, N.Y. TIMES, July 17, 2019

*Trump's Judge-Whisperer Promised to Take Us Back to the 1930s*, SLATE, May 27, 2019

*Desuetude and Immigration Enforcement*, TAKE CARE, Mar. 16, 2017, <http://takecareblog.com/blog/desuetude-and-immigration-enforcement>

Op-Ed, *A Gang of 11 Could End the Madness of Supreme Court Confirmations*, L.A. TIMES, Feb. 7, 2017

Op-Ed, *How We'll Know Who's Right About Advice and Consent*, L.A. TIMES, Mar. 30, 2016

*A Fixed Term Would Lower the Heat on Supreme Court Confirmations*, N.Y. TIMES (Room for Debate Blog), Mar. 19, 2016, <http://www.nytimes.com/roomfordebate/2016/03/19/could-term-limits-ease-fights-over-supreme-court-nominees/a-fixed-term-would-lower-the-heat-on-supreme-court-confirmations>

Op-Ed, *Liberal Love for Antonin Scalia*, N.Y. TIMES, Feb. 14, 2016

*Racial Discrimination Is Only One Threat to Voting*, N.Y. TIMES (ROOM FOR DEBATE BLOG), Aug. 5, 2015, <http://www.nytimes.com/roomfordebate/2015/08/05/ensuring-voting-rights-in-the-21st-century/racial-discrimination-is-only-one-threat-to-elections>

*Term Limits for Federal Judges*, N.Y. TIMES (ROOM FOR DEBATE BLOG), July 8, 2012, <http://www.nytimes.com/roomfordebate/2012/07/08/another-stab-at-the-us-constitution/revisiting-the-constitution-we-need-term-limits-for-federal-judges>

*Why John Roberts Sided with Obama*, N.Y. DAILY NEWS, June 29, 2012

*"I Do Not Think the United States Would Come to an End" if the Supreme Court Stopped Telling Congress and the President Which Laws They Can Pass*, SLATE, Mar. 27, 2012, [http://www.slate.com/articles/news\\_and\\_politics/jurisprudence/2012/03/the\\_supreme\\_court\\_should\\_drop\\_the\\_affordable\\_care\\_act\\_case\\_.html](http://www.slate.com/articles/news_and_politics/jurisprudence/2012/03/the_supreme_court_should_drop_the_affordable_care_act_case_.html)

Op-Ed, *Revealing Roberts: What Obamacare Ruling Would Show*, N.Y. DAILY NEWS, Nov. 20, 2011

*Dedication to Justice Stevens*, 44 LOYOLA L.A. L. REV. 829 (2011)

*The Lone Dissenter*, N.Y. TIMES (ROOM FOR DEBATE BLOG), Feb. 16, 2011, <http://www.nytimes.com/roomfordebate/2011/02/16/does-clarence-thomass-silence-matter/the-lone-dissenter>



Op-Ed, *In Obamacare Ruling, a Lesson from Roe v. Wade*, N.Y. DAILY NEWS, Feb. 2, 2011

Op-Ed, *Commandeering the Constitution*, N.Y. DAILY NEWS, Jan. 9, 2011

*Justice Thomas and Korematsu*, BALKINIZATION, Jan. 5, 2011, <http://balkin.blogspot.com/2011/01/justice-thomas-and-korematsu.html>

*Justice Stevens' Temperance*, 94 JUDICATURE 4 (July-Aug. 2010)

Op-Ed, *Access Denied*, NAT'L L.J., June 14, 2010, *available at*  
[http://www.law.com/jsp/nlj/PubArticleNLJ.jsp?id=1202462607831&Access\\_denied](http://www.law.com/jsp/nlj/PubArticleNLJ.jsp?id=1202462607831&Access_denied)

*Justice Stevens and the So-Called Right to Privacy*, SCOTUSBLOG, May 21, 2010,  
<http://www.scotusblog.com/2010/05/justice-stevens-and-the-so-called-right-to-privacy/>

*A Balance to Justice Alito*, N.Y. TIMES (ROOM FOR DEBATE BLOG), May 10, 2010,  
<http://roomfordebate.blogs.nytimes.com/2010/05/10/what-kagan-will-bring-to-the-court/>

*An Overseer of Wall Street*, N.Y. TIMES (ROOM FOR DEBATE BLOG), Apr. 28 2010,  
<http://roomfordebate.blogs.nytimes.com/2010/04/28/who-should-be-the-next-justice/>

*How Constitutional Theory Matters*, THE CONSTITUTION IN 2020 BLOG, Sept. 15, 2009, <http://www.constitution2020.org/>

*Down with Presidential Birthright*, NPR.ORG, July 28, 2009,  
<http://www.npr.org/templates/story/story.php?storyId=111179199>

*Stay out of the Testing Business*, N.Y. TIMES (ROOM FOR DEBATE BLOG), June 29, 2009,  
<http://roomfordebate.blogs.nytimes.com/2009/06/29/detecting-race-bias-in-workplaces>

*Chief Justice Roberts as Mediator*, N.Y. TIMES (ROOM FOR DEBATE BLOG), June 22, 2009,  
<http://roomfordebate.blogs.nytimes.com/2009/06/22/the-battle-not-the-war-on-voting-rights>

*Lawrence and the Right to Metaprivacy*, YALE L.J. (THE POCKET PART), May 2006,  
<http://www.thepocketpart.org/2006/06/greene.html>

*Sports Illustrated*, more than 30 articles on baseball and other sports

*Color Me Different*, in STRONG TEENS, STRONG NEIGHBORHOODS: TEENS WRITE ABOUT FRIENDS, FAMILY, AND COMMUNITY 25 (2007); *in* THE STRUGGLE TO BE STRONG: TRUE STORIES BY TEENS ABOUT OVERCOMING TOUGH TIMES 28 (2000); and *in* STARTING WITH I: PERSONAL ESSAYS BY TEENAGERS 78 (1997)

## OTHER EXPERIENCE

Reporter, *Sports Illustrated*, New York, NY (1999-2002)

## LANGUAGES

Spanish (proficient); Bengali (conversational); French (conversational)