

BRUCE ARNOLD ACKERMAN

Curriculum Vitae

Date of Birth: August 19, 1943

Family: Married to Susan Rose-Ackerman. Children: Sybil Rose Ackerman, John Mill Ackerman.

Present Position: Sterling Professor of Law and Political Science, Yale University, July 1, 1987 –

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Past Positions:

1. Law Clerk, Judge Henry J. Friendly, U.S. Court of Appeals, 1967-8
2. Law Clerk, Justice John M. Harlan, U. S. Supreme Court, 1968-9
3. Assistant Professor of Law, University of Pennsylvania Law School, 1969-71
4. Visiting Assistant Professor of Law and Senior Fellow, Yale Law School, 1971-72
5. Associate Professor of Law & Public Policy Analysis, University of Pennsylvania, 1972-73
6. Professor of Law and Public Policy Analysis, University of Pennsylvania, 1973-74
7. Professor of Law, Yale University, 1974-82
8. Beekman Professor of Law and Philosophy, Columbia University, 1982-87

Education:

1. B.A. (summa cum laude), Harvard College, 1964
2. LL.B. (with honors), Yale Law School, 1967

Languages: German, Spanish, French

Professional

Affiliations: Member, Pennsylvania Bar; Member, American Law Institute

Fields: Political philosophy, American constitutional law, comparative law and politics, taxation and welfare, environmental law, law and economics, property.

Honors: Honorary Doctorate in Jurisprudence, University of Trieste, Italy, 2018; Berlin Prize, American Academy, 2015; Commander, Order of Merit of the French Republic, 2003; Henry Phillips Prize in Jurisprudence of the American Philosophical Society, 2003; Fellow, American Academy of Arts and Sciences; Fellow, Collegium Budapest, Fall 2002; Fellow, Center for Advanced Study in the Behavioral Sciences, Spring 2002; Fellow, Woodrow Wilson Center, 1995-96; Fellow, Wissenschaftskolleg, Berlin 1991-92; Guggenheim Fellowship, 1985-86, Rockefeller Fellow in the Humanities, 1976-7.

Top 100 Global Thinker for 2010, Foreign Policy Magazine; 2006 Scribes Award for *Before the Next Attack*; 1982 Henderson Prize of the Harvard School for *The Uncertain Search for Environmental Quality* as the best book on "law and government published during the years 1972 through 1980"; 1981 Gavel Award of the American Bar Association for *Social Justice in the Liberal State*.

**Lectureships and
Other Positions:**

Max Weber Lecture, European University Institute, 2011; Roberts Lecture, University of Pennsylvania, 2011; Tanner Lectures, Princeton University, 2010; Holmes Lectures, Harvard Law School, October 2006; Ashby Lecture, University of Cambridge, May 2006; Goldstone Lecture, University of Pennsylvania, April 2004; Malagodi Prize Lecture, Rome, Italy, June 2003; 2003 Templeton Lecture, U.S. Constitution Center, Philadelphia, Pa.; 2001-02; Jorde Lecture, Yale University and University of California, Berkeley; 2000 Moffett Lecture, Princeton University; 1999 Marks Lecture, University of Arizona; 1999 Terrell Lecture, University of

Texas; 1997 Hart Lecture, Georgetown University Law School; 1996 McCorkle Lecture, University of Virginia; 1994 Order of the Coif, Inaugural Lecture, University of California, Berkeley; 1993 University of Connecticut Law Review Award; 1990 Friedrich Lecture, Harvard University; 1987 Leary Lecture, University of Utah; 1986 Currie Lecture, Duke University; 1984 Harris Lecture, University of Indiana; 1983 Storrs Lecture, Yale University.

Kyoto Seminar in American Studies, July, 2000; Visiting Professor, University of Rome, May, 1984; Research Scholar, International Institute for Applied Systems Analysis, Vienna, Austria, Summer 1982; Visiting Professor, Environmental Protection Agency, May 1979.

Grants from National Science Foundation, Council on Law Related Studies.

Order of the Coif; Phi Beta Kappa.

Publications

Books:

1. Revolutionary Constitutions, Harvard University Press: May, 2019.
2. When Melvin the Camel Meets Donald Trump (with Cody Visnick), 2017.
3. We the People, Vol. 3: The Civil Rights Revolution, Harvard University Press: (2014).
4. The Decline and Fall of the American Republic, Harvard University Press: 2010.
5. Before the Next Attack, Yale University Press: 2006.(Spanish: 2007, Italian:2008).
6. The Failure of the Founding Fathers, Harvard University Press: 2005.
7. Deliberation Day (with James Fishkin), Yale University Press: 2004.
8. Voting with Dollars (with Ian Ayres), Yale University Press: 2002.
9. La Politica del Dialogo Liberal, Gedisa: 1999

10. The Stakeholder Society (with Anne Alstott), Yale University Press: 1999. (German translation: Campus, 2001; developed further by Offe, Grozinger, & Maschke, Die Teilhabegesellschaft - Modell eines neuen Wohlfahrtsstaates (Campus, 2006).
11. The Case Against Lameduck Impeachment, Seven Stories Press: 1999.
12. We the People, Vol 2: Transformations, Harvard University Press: 1998. (Chinese: Law Press China, 2004; new translation ,China University of Law and Political Science Press, 2013)).
13. Is NAFTA Constitutional? (with David Golove), Harvard University Press: 1995.
14. The Future of Liberal Revolution, Yale University Press: 1992. German: Ein neuer Anfang fuer Europa, Siedler: 1993. Spanish: Ariel, 1995. Polish: Terminus, 1996; Chinese: China University of Law and Political Science Press, 2014.
15. We the People, Vol 1: Foundations, Harvard University Press: 1991. (French: Au Nom du Peuple, Calmann-Levy, 1998.: Chinese: China Law Press, 2004, Portuguese: Del Rey, 2006 (Brazil)); Chinese: new translation, China University of Law and Political Science Press, 2013).
16. Reconstructing American Law, Harvard University Press: 1984. Spanish: Del Realismo Al Constructivismo Juridico, Ariel: (1989)
17. Clean Coal/Dirty Air (with Hassler), Yale University Press: 1981.
18. Social Justice in the Liberal State, Yale University Press: 1980. Italian: Il Mulino, 1984; Spanish: Centro de Estudios Constitucionales, 1993; Chinese:Yilin Press, 2015.
19. Private Property and the Constitution, Yale University Press: 1977.
20. The Uncertain Search for Environmental Quality (with Rose-Ackerman, Sawyer and Henderson), Free Press: 1973.

Edited Volumes:

1. Stephen Skowronek, Stephen Engel & Bruce Ackerman eds., The Progressives' Century: Democratic Reform and Constitutional Government in the United States, Yale University Press: 2016
2. Bruce Ackerman, Anne Alstott, and Philippe van Parijs eds., *Redesigning Distribution*, Verso: 2005

3. Editor, *Bush v. Gore: The Question of Legitimacy*, Yale University Press: 2002.
4. Editor, *Economic Foundations of Property Law*, Little Brown: 1975 (2d ed. with Robert Ellickson and Carol Rose, 1995; 3rd ed. 2002)

Articles:

1. Scholars Letter: It's Time to End Life Tenure on the Supreme Court, Supreme Court Term Limits, July 8, 2019
2. Is Britain ready for a constitutional convention? A rejoinder, *The Political Quarterly* (2018).
3. States of Emergency, in Cass Sunstein ed., *Can It Happen Here?* (HarperCollins 2018)
4. Why Britain Needs a Written Constitution—and Can't Wait for Parliament to Write One, *Political Quarterly* (2018).
5. Good-bye Montesquieu, in Susan Rose-Ackerman & Peter Lindseth eds., *Comparative Administrative Law* (2d ed. 2016)(revised version of essay).
6. Britain at the Constitutional Crossroads (British Academy, December 2, 2016).
7. Reorganizing NATO: Europe's Last Chance to Preserve Fundamental Rights, The European Commission for Democracy (Venice Commission) (2016).
8. What is to be Done? in Stephen Skowronek, Stephen Engel & Bruce Ackerman, eds. *The Progressives' Century: Democratic Reform and Constitutional Government in the United States*, Yale University Press (2016).
9. Reactionary Constitutional Moments: Further Thoughts on The Civil Rights Revolution, *Jerusalem Review of Legal Studies* (2016).
10. Three Paths to Constitutionalism – and the Crisis of the European Union, 45 *British Journal of Political Science* 705 (2015). Japanese translation: Horitsu Jiho (April 2015); French translation (June 2018) : *Le Grande Continent*.
11. Preface, *Deliberation Day* (with James Fishkin), Japanese edition: 2015.

12. A Third Founding: Part One -- The Twentieth Century Achievement (Reply to the Symposium on We the People, Volume Three: The Civil Rights Revolution), *Balkinization* (May 20, 2014)
13. A Third Founding: Part Two -- Fidelity or Betrayal? (Reply to the Symposium on We the People, Volume Three: The Civil Rights Revolution), *Balkinization* (May 22, 2014)
14. De-Schooling Constitutional Law, *123 Yale Law Journal* 3104 (2014)
15. Reviving Democratic Citizenship, *41 Politics and Society* 309 (2013)
16. Interview with Bruce Ackerman in James R. Hackney, *Legal Intellectuals in Conversation*, pp. 189-204 (2012).
17. Preface, *We the People: Foundations* (Chinese edition: *The Collected Works of Bruce Ackerman*) (2013)
18. Using the Internet to Save Journalism from the Internet, in Axel Gosseries & Yannick Vanderborght eds., *Arguing About Justice: Essays for Philippe Van Parijs* (2011)
19. Goodbye Montesquieu, in Susan Rose-Ackerman & Peter Lindseth eds., *Comparative Administrative Law* pp. 128-33 (2011).
20. The Decline and Fall of the American Republic: Obama's Libyan Intervention, Max Weber Lecture, European University Institute (May 2011)
21. Tres hipotesis sobre las proxima crisis constitucional, 4-19 (April 2011)
22. Lost Inside the Beltway: A Response to Professor Morrison, *124 Harvard Law Review Forum* 13 (2011)
23. One Click Away: The Case for the Internet News Voucher, in Robert McChesney & Victor Pickard eds., *Will the Last Reporter Please Turn Out the Lights: The Collapse of Journalism and What Can Be Done to Fix It* 299-306 (2011).
24. Beyond Presentism, *1 J. of Law* 185 (2011)
25. It Can Happen Here, (Response to Review Symposium: Decline and Fall of the American Republic), *Balkinization* (October 21, 2010)
26. Limited War and the Constitution, (with Oona Hathaway), *109 Michigan Law Review* 447 (2011).

27. The United States Should Adopt an “Emergency Constitution” to Preserve Civil Liberties in an Age of Terrorism, in Richard Ellis & Michael Nelson eds., *Debating Reform* (2010).
28. The Citizenship Agenda, in Jack Balkin & Reva Siegel eds., *The Constitution in 2020* pp. 109-18 (Oxford University Press: 2009).
29. My Debt to Mirjan Damaska, *118 Yale L.J. Pocket Part* 171 (2009).
30. Canonizing the Civil Rights Revolution: The People and the Poll Tax with Jennifer Nou), *103 Nw. U. L. Rev* 63 (2009).
31. Populismus heisst Angst vor dem Volk, in *Die Alte und die Neue Welt* (Scherer and Arnold eds., 2008).
32. Préparer la gestion de l’urgence : pour une «Emergency Constitution», *Archives de Philosophie du droit* (2007).
33. The Holmes Lectures: The Living Constitution, *120 Harvard Law Review* 1727 (2007).
34. Meritocracy v. Democracy (on the reform of the House of Lords), *29 London Review of Books* 9 (March 8, 2007).
35. The Secret Refund Booth (with Ian Ayres), *73 U. Chicago Law Review* 1107 (2006).
36. Interpreting the Women’s Movement, *94 California Law Review* 1421 (2006).
37. Les pouvoirs d’exception a l’age du terrorisme, *Esprit* 150-164 (August-September 2006)
38. Keynote Address: Terrorism and the Constitutional Order, *75 Fordham L. Rev.* 475 (2006).
39. The Stealth Revolution Continued, *London Review of Books* p. 18 (February 9, 2006).
40. The Art of Stealth, *London Review of Books*, vol. 27, no. 4, pp. 3-9 (Feb 17, 2005), (translated as La Bataille pour la Cour Supreme, *Le Debat* No. 143 (January-February 2007).
41. Macro-freedom (with Anne Alstott) in Ackerman, Alstott & Van Parijs et. al *Rethinking Distribution* pp. 209-16 (2006).

42. Why Stakeholding? (with Anne Alstott) , in Ackerman, Alstott & Van Parijs et. al, *Rethinking Distribution* pp. 43-65 (2006); .preprinted in *Politics & Society* vol. 32, pp. 41-60 (2004).
43. Radical Liberalism, in Keith Dowding, Jurgen de Wispelaere & Stuart White eds., *The Ethics of Stakeholding* (London: Macmillan, 2005).
44. Em Defesa de uma Heranca Social de Cidadania, in Joao Cardoso Rosas ed., *Ideias e Politicas para o Nosso Tempo*, pp. 25-40 (2004).
45. This is Not a War, *Yale Law Journal*, vol. 113, pp. 1871-1909 (2004).
46. Thomas Jefferson Counts Himself Into the Presidency (with David Fontana), (with David Fontana), *University of Virginia Law Review*, vol. 90, pp. 551-643 (2004).
47. The Emergency Constitution, *Yale Law Journal* vol. 113, pp. 1029-1091 (2004).
48. The Case for Stakeholding, *Verso Nuove Forme di Welfare (Centro Nazionale di Prevenzione e Difesa Sociale*, 2003).
49. Hope and Fear in Constitutional Law, in Erik Oddvar Eriksen, John Erik Fossum and Agustín José Menéndez, *A Constitution for Europe*, (2004).(advocating stakeholding as an entitlement of European citizenship.)
50. And Now for the Bad News, in Janos Kornai & Susan Rose-Ackerman eds., *Building a Trustworthy State in Post-Socialist Transition*, pp. 21-22 (2004).
51. Why a New Paradigm?, *U. Richmond L. Rev.*, vol. 37, pp. 1147-1184 (2003) (with Ian Ayres).
52. The Case for Stakeholding, *Diacritica (Universidade do Minho, Portugal)*, vol. 17, pp. 217-228 (2003).
53. The New Paradigm Reconsidered, *Calif. L. Rev.* vol. 91, pp. 743-68 (2003) (with Ian Ayres).
54. Deliberation Day, *Journal of Political Philosophy* , vol. 10, pp. 129-52 (2002) (with James Fishkin); reprinted in James Fishkin and Peter Laslett, *Debating Deliberative Democracy* pp. 7-30 (2003)
55. Off-Balance, in Bruce Ackerman ed., *Bush v. Gore: The Question of Legitimacy* (Yale Univ. Press: 2002).

56. Revised Opinion for *Brown v. Board of Education*, in Jack Balkin ed., *What Brown v. Board of Education Should Have Said*, pp. 100-23 (NYU Press: 2001).
57. \$80,000 and a Dream: A Simple Plan for Generating Equal Opportunity, *The American Prospect* pp. 25-27 (July 17, 2000) (with Anne Alstott).
58. The New Separation of Powers, *Harvard Law Review* vol.113, pp.633-729 (2000). (Italian: *Carocci* (2003); Chinese: *Constitutionalism Review*, vol. 3, pp. 600-704 (2003); Spanish (2004), Chinese (2006)).
59. O Novo Constitucionalismo Mundial, in Margarida Maria Lacombe Camargo, 1988-1998, *Uma Decada de Constituicao* (1999).
60. *Constitutional Economics/Constitutional Politics, 10 Constitutional Political Economy* 415(1999).
61. Your Stake in America (with Anne Alstott), 41 *Arizona L. Rev.* 249 (1999).
62. Should Opera Be Subsidized? and Riposte: Lighten Up! *Dissent* 89 (Summer 1999).
63. Revolution on a Human Scale, *Yale Law Journal* vol.108, pp.2279-2349 (1999).
64. Taxation and the Constitution, *Columbia Law Review* vol. 99, pp. 1-67 (1999).
65. Testimony Before the U.S. House Judiciary Committee on the Impeachment of President Clinton, 32 *PS [Political Science and Politics]* pp. 24, 29-31 (March 1999)
66. The Broken Engine of Progressive Politics, *The American Prospect*, pp. 34-43 (May-June 1998)
67. Temporal Horizons of Justice, *Journal of Philosophy*, vol. 94, pp. 299-317 (1997).
68. The Rise of World Constitutionalism, *University of Virginia Law Review*, vol. 83, pp. 771-797 (1997) [reprinted as Dean's Occasional Paper, Yale Law School (October, 1997)]; Chinese: Nanjing Univ. Law Rev. 10-27 (2001).
69. A Generation of Betrayal? *Fordham Law Review*, vol. 45, pp. 1519-36 (1997).
70. An Open Letter to Congressman Gingrich, (endorsed by 16 other law professors), *Yale Law Journal*, vol. 104, pp. 1539-44 (1995).

71. The Next American Revolution in Austin Sarat ed. *Identities, Politics and Rights*, pp. 403-23_(University of Michigan Press, 1995)
72. *Our Unconventional Founding*, (with Katyal) *University of Chicago L. Rev.* vol. 62, pp. 475 ff. (1995).
73. *Is NAFTA Constitutional?* (with Golove) *Harvard Law Review*, vol. 108, pp. 799-929 (1995).
74. *La democratie dualiste, 1789 et l'Invention de la Constitution* (eds. Michel Troper and Lucien Jaume) pp. 191-204 (LGDJ-Bruylant, 1994)
75. The Political Case for Constitutional Courts, in, *Liberalism Without Illusions* (ed. Bernard Yack) pp. 205-19_(U. Chi. Press, 1995)
76. *Political Liberalisms*, *Journal of Philosophy*, vol. 91, pp. 364-86 (1994) ; reprinted in Shaun Young ed., *Political Liberalism: Variations on a Theme* (2004).
77. Higher Lawmaking, in *Responding to Imperfection: The Theory and Practice of Constitutional Amendment* (ed. Sanford Levinson), pp. 63-87 (Princeton University Press, 1995).
78. *Rooted Cosmopolitanism*, *Ethics*, vol. 104, pp. 516-35 (1994).
79. *Crediting the Voters: A New Beginning for Campaign Finance*, *American Prospect* pp. 71-80 (Spring, 1993). (Italian: *Politica del Diritto*, vol. 24, pp. 647-664 (1993)); reprinted in Burnham, *The American Prospect: Reader in American Politics*, pp. 218-31 (1994)
80. *Von der Revolution zur Verfassung*, *Transit: Europäische Revue*, vol. 4, pp. 46-61 (1992)
81. *Liberating Abstraction*, *U. of Chicago Law Review*, vol. 59, pp. 317-348 (1992); reprinted in Stone, Epstein, & Sunstein, *The Bill of Rights in the Modern State* pp. 317-348 (U. Chi. Press, 1992).
82. *The Lost Opportunity*, in *Tel Aviv University Studies in Law*, vol 10, pp. 53-68 (1991).
83. *Die Zukunft der Liberalen Revolution*, *Die Neue Gesellschaft/Frankfurter Hefte*, vol. 39, no. 3. pp.221-231 (1992).

84. The Common Law Constitution of John Marshall Harlan, *New York Law School Law Review*, vol 36, pp. 5-32 (1991).
85. Robert Bork's Grand Inquisition, *Yale Law Journal*, vol. 92 pp. 1419-39 (1990); The Grand Inquisitor, *The American Prospect*, vol. 1, no. 2, pp. 106-114 (1990).
86. Constitutional Politics/Constitutional Law, *Yale Law Journal*, vol. 89, pp. 453-546 (1989).
87. Neutralities, in *Liberalism and the Good* (ed. by Douglass, Mara, & Richardson) pp. 29-43 (1990).
88. Reforming Environmental Law : The Democratic Case for Market Incentives, *Columbia Journal of Environmental Law* (with Richard Stewart) vol. 13, pp. 171-199 (1988).
89. Why Dialogue?, *Journal of Philosophy*, vol. 86, pp. 5-22 (1989) (Italian: *Teoria Politica* (1989); German: *Akten Des 12. Internationalen Wittgenstein Symposiums* pp. 25-35 (1988)); Dutch: Von den Brink & Von Reijen, *Het Recht Van De Moraal* pp. 67-84 (1994); Spanish: *Metapolitica* vol. 2, no. 6, pp. 207-22 (1998)).
90. Transformative Appointments, *Harvard Law Review*, vol. 101, pp. 1164-1184 (1988)
91. Neo-Federalism? in Jon Elster (ed.), *Constitutionalism and Democracy* (Cambridge Univ. Press: 1988)
92. Law, Economics, and the Problem of Legal Culture, *Duke Law Journal*, vol. 6, pp 929-947 (1986) (Italian: *Rivista Critica di Diritto Privato*); (German: Schäfer and Wehrt eds., *Die Ökonomisierung der Sozialwissenschaften* [Campus: 1988]).
93. Deux Sortes de Recherches en Droit et Economie, in *Revue de la Recherche Juridique: Droit Prospectif* (Presses Universitaires d'Aix-Marseille: 1986)
94. Reforming Environmental Law (with Richard Stewart), *Stanford Law Review*, vol. 37, pp. 1333-1365 (1985)
95. Cost Benefit and the Constitution, in Roger Noll (ed.), *Regulatory Policy and the Social Sciences*, pp. 351-357 (1985)
96. Foreword: Talking and Trading, *Columbia Law Review*, vol. 85, pp. 899-903 (1985).

97. Toward a Theory of Statutory Evolution: The Federalization of Environmental Law (with Donald Elliott and John Millian), *Journal of Law, Economics, Organization*, Vol. 1, pp. 313-340 (1985).
98. Beyond Carolene Products, *Harvard Law Review*, vol. 98, pp. 713-46 (1985), (Chinese: Selected Essays on Constitutional Law from the Harvard Law Review: 2005)
99. Storrs Lectures: Discovering the Constitution, *Yale Law Journal*, vol. 93, pp. 1013-1072 (1984)
100. Canada at the Constitutional Crossroads (with Robert Charney), *University of Toronto Law Journal*, vol. 34, pp. 117-135 (1984)
101. Foreword: Law in an Activist State, *Yale Law Journal*, vol. 92, pp. 1-45 (1983) (Dutch: Het recht in een activistische staat, *Staatkundig jaarboek*, 1983-1984, pp. 313-328, Leiden, December 1983).
102. On Getting What We Don't Deserve, *Social Philosophy and Policy*, vol. 1, pp. 60-70 (1983).
103. What is Neutral about Neutrality?, *Ethics*, vol. 93, pp. 372-390 (1983)
104. Beyond the New Deal: Reply (with William T. Hassler), *Yale Law Journal*, vol. 90, pp. 1412-1434 (1981)
105. The Marketplace of Ideas, *Yale Law Journal*, vol. 90, pp. 1131-1148 (1981)
106. Beyond the New Deal: Coal and the Clean Air Act (with William Hassler), *Yale Law Journal*, vol. 89, pp. 1466-1571 (1980)
107. Four Questions for Legal Theory, *Nomos*, vol. 22, pp. 351-375 (1980)
108. The Structure of Subchapter C: An Anthropological Comment, *Yale Law Journal*, vol. 87, pp. 436-446 (1977)
109. The Jurisprudence of Just Compensation, *Environmental Law*, vol. 7, pp. 509-519 (1977)
110. Law and the Modern Mind, *Daedalus*, pp. 119-131 (1974)
111. The Uncertain Search for Environmental Policy: Part I with James Sawyer), *University of Pennsylvania Law Review*, vol. 120, pp. 419-503 (1972); Part II (with Rose-

Ackerman and Henderson), *University of Pennsylvania Law Review*, vol. 121, pp. 1225-1308 (1973).

112. More on Slum Housing and Redistribution Policy, *Yale Law Journal*, vol. 82, pp. 1194-1207 (1973)

113. Regulating Slum Housing Markets on Behalf of the Poor, *Yale Law Journal*, vol. 80, pp. 1093-1197 (1971)

II) Occasional Essays:

1. Why are “Liberal Democrats” Leading the Constitutional Campaign Against the Wealth Tax?, *The American Prospect*, November 18, 2019

2. John Roberts Won’t Let Mitch McConnell Derail a Trump Impeachment Trial, *Slate*, October 21, 2019

3. Why Trump’s Play is Blatantly Unconstitutional, *Politico*, July 11, 2019

4. Scholars Letter: It’s Time to End Life Tenure on the Supreme Court, *Supreme Court Term Limits*, July 8, 2019

5. It’s Time to End Life Tenure on the Supreme Court, *Campaign for Supreme Court Term Limits*, July 8, 2019

6. La Cour suprême brésilienne a le devoir de libérer Lula et d’annuler sa condamnation, *Le Monde*, June 25, 2019 (The Brazilian Supreme Court Has the Duty to Free Lula from Prison and Annul His Conviction)

7. Legal Scholars’ Letter on Initiating a Congressional Lawsuit to End Illegal U.S. Role in Yemen War, *The Volokh Conspiracy*, June 10, 2019

8. Mueller is Right: It’s Up to Congress to Act, and Impeachment Isn’t the Only Option, *Los Angeles Times*, May 29, 2019

9. Trump’s Own Trade Deal Would Make His Proposed Border Closure Unlawful, *Slate*, April 2, 2019

10. Interview with Bruce Ackerman, *Gazeta Wyborcza*, March 6, 2019

11. The Constitutional Critiques of Elizabeth Warren’s Wealth Tax Plan Are Absurd, *Slate*, February 19, 2019

12. No, Trump Cannot Declare an ‘Emergency’ to Build His Wall, *New York Times*, January 5, 2019
13. Trust in the Justices of the Supreme Court is Waning. Here are Three Ways to Fortify the Court, *Los Angeles Times*, December 20, 2018
14. Face à Trump, comment l’Europe peut protégé l’OTAN, *Le Monde*, December 18, 2018

(English Translation: How Europe Can Save NATO from Trump)

15. The President Has Entirely Too Many Lawyers (And Not Just This President), *White House Watch*, October 18, 2018
16. The cooperation of Polish and American defenders of constitutional democracy is the foundation of Polish national security, *Gazeta Wyborcza*, October 17, 2018
17. Withheld Kavanaugh Documents Are a Constitutional Crisis in the Making, *Huffington Post*, September 5, 2018
18. Trump Can’t Make War Whenever He Likes, *New York Times*, April 16, 2018
19. How to Have a Serious Referendum on Brexit and Avoid a Rerun of the Original (with Sir Julian Legrand), *LSE British Public Policy*, March 31, 2018
20. The President Has Too Much Power to Make War, *Lit Hub*, March 8, 2018
21. Presidential Lawlessness: The Case for Fundamental Reform, *Public Books*, February 26, 2018
22. Here’s a Campaign Finance Law that Would Take Democracy Back from the 1 Percent (with Ro Khanna), *The Sacramento Bee*, January 29, 2018
23. How to Stop Trump Blowing It Up, *New York Reiview of Books*, November 28, 2017
24. Smith v. Trump In the D.C. Circuit: A Guided Tour of the Oral Argument, *Lawfare*, November 1, 2017
25. The Case for Constitutional Reform in Poland, *Yale Global Online*, September 28, 2017
26. Unilateral Rocket Man, *Slate*, September 21, 2017

27. A Democratic Answer to the Tragedy in Barcelona? (with Antoni Abat I Ninet), *El Pais*, August 23, 2017 (English version, August 27, 2017).
28. Congress Should Go Immediately Into Special Session And Stop Trump's Brinkmanship, *Huffington Post*, August 16, 2017
29. Les Précédents Présidents Étaient des Personnes Sérieuses. Donald Trump ne L'est Pas, *Le Nouvel Ordre Mondial*, July 11, 2017.
30. The Worst Thing About Trump Jr.'s Revelations, *Canadian TV*, July 10, 2017
31. Will Congress Cede Its War-Making Authority to Trump?, *The Atlantic*, June 20, 2017
32. Four More Years?, *Huffington Post*, May 19, 2017
33. Trump Must Get Congress's O.K. on Syria, *New York Times*, April 7, 2017
34. "Mentiras de Trump Acirram Alienação Nos EUA", *Folha de S. Paulo*, March 12, 2017
35. If 'We Don't Win Anymore,' Why Does Trump Keep Promoting Generals? *Los Angeles Times*, March 1, 2017
36. "La Izquierda Carece de Programa Político Para el Siglo XXI", *Ct-xt-esp*, February 15, 2017
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38. Es ist Wirklich Ernst, *Die Zeit*, December 15, 2016
39. Britain at the Constitutional Crossroads, *Prospect*, December 7, 2016
40. What Happens to NATO Now?, *The Atlantic*, November 21, 2016
41. Is Obama Enabling the Next President to Launch Illegal Wars?, *The Atlantic*, August 24, 2016. French Translation: *Jus Politicum* (September 2, 2016)
42. How Hillary Can Join the Revolution (with Anne Alstott), *Huffington Post*, June 7, 2016
43. Is America's War on ISIS Illegal?, *New York Times*, May 4, 2016

44. A Presidential Run by Michael Bloomberg Could Plunge the Country into a Constitutional Crisis, *Los Angeles Times*, February 25, 2016
45. Obama is Poland's Only Hope (with Maciej Kisilowski), *Foreign Policy*, January 21, 2016
46. Hollande's War Talk Gives Islamic State What it Wants Most, *Los Angeles Times*, November 20, 2015
47. La guerra all'Isis legittima il Califfo, *Lettera 43*, November 18, 2015
48. Democracy Dollars' Can Give Every Voter a Real Voice in American Politics (with Ian Ayres), *Washington Post*, November 5, 2015
49. Cry 'Havoc' and Let Slip the Constitution of War (with Tokujin Matsudaira), *Foreign Policy*, September 29, 2015
50. The Lawless Presidency of Marco Rubio—A Reply to Professor Ku (with David Golove), *Opinio Juris*, September 16, 2015
51. Can the Next President Repudiate Obama's Iran Agreement? (with David Golove), *The Atlantic*, September 10, 2015
52. Can the Supreme Court Force Congress to Own the War on ISIS?, *The Atlantic*, August 25, 2015
53. Germany's Failure of Vision, *New York Times*, July 9, 2015
54. La Grèce masque la vraie crise de l'Europe, *Le Monde*, June 22, 2015
55. Britain Should Deliberate Before It Votes on Europe (with James Fishkin). *Huffington Post*, June 17, 2015
56. In Supreme Court Redistricting Case, It's the 'Whole Number of Persons, *Los Angeles Times*, May 29, 2015.
57. John Roberts' Trail-Blazing Campaign Reform (with Ian Ayres), *The Atlantic*, May 7, 2015.
58. What Shinzo Abe Wants from Washington – And Why He Shouldn't Get It, *Huffington Post*, April 22, 2015

59. Hillary Clinton's Bad Beginning, *Huffington Post*, April 13, 2015. (Portuguese translation: *Huff Post, Brasil*)
60. Europa, hilf dir selbst! (Europe, Take Care of Yourself!), *Sueddeutsche Zeitung*, February 21/22, 2015.
61. Congress, Don't Be Fooled; Obama Still Believes in Unlimited War, *New York Times*, February 11, 2015
62. What We Can Learn From the French About Terrorism, *Huffington Post*, January 9, 2015
63. Like the Emancipation Proclamation, Obama's Order Forces Democracy, *Los Angeles Times*, November 23, 2014
64. Obama's Illegal War, *Washington Post*, November 5, 2014
65. How Nancy Pelosi Can Force Congress to Vote on the War Against ISIS, *Huffington Post*, October 3, 2014
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34. [Why Has the French Parliament, but not the American Congress, Voted on the Libyan Intervention?, July 13, 2011, Balkinization](#)
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36. [A Statement on Private Manning’s Detention, \(with Yochai Benkler\) \(signed by more than 250 members of the academic community\), Balkinization](#)
37. [Egypt’s Leaderless Revolution and Presidentialism: A Toxic Combination, March 2, 2011, Balkinization](#)
38. [The Good Filibuster?, January 4, 2010, Balkinization](#)
39. [The New START Treaty and its Political Consequences, December 22, 2010, Balkinization](#)
40. [What Do the Lame-Duck Congress and the White House Counsel Have in Common?, November 12, 2010, Balkinization](#)
41. [The Next Phase in Our Decline and Fall, November 8, 2010, Balkinization](#)
42. [It *Can* Happen Here, October 21, 2010, Balkinization](#)

Professional Activities:

1. Argued Smith v. Trump before the US Court of Appeals for the DC Circuit, challenging the legality of unilateral presidential warmaking against the Islamic State in Iraq and Syria, October 27, 2017
2. Constitutional Consultant, Smith v. Obama (challenging the legality of the war against the Islamic State), 2016 -17.. See <https://www.lawfareblog.com/captain-smiths-challenge-presidents-war-against-isis-next-step>; <https://www.lawfareblog.com/brief-captain-nathan-smiths-challenge-presidential-war-making>
3. Lead counsel, with Lloyd Cutler, in Skaggs v. Carle, a challenge by 28 Representatives to the constitutionality of new House rules requiring supermajorities for the enactment of tax increases. 110 F3d 831 (D.C. Cir. 1997).
4. Witness on Behalf of President Clinton, Impeachment Hearings before the House Judiciary Committee, December, 1998.
5. Drafting Committee, Amicus Brief of 100 Law Professors in U.S. v. Morrison, in support of the constitutionality of the Violence Against Women Act, November, 1999.
6. Witness on Behalf of Al Gore to the Special Joint Committee of the Florida Legislature on the Appointment of Electors, November 29, 2000.
7. Witness on Behalf of Al Gore to the Special Joint Committee of the Florida Legislature on the Appointment of Electors, December 11, 2000.