

## **Geoffrey R. Stone**

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Edward H. Levi, Distinguished Service Professor of Law, The University of Chicago, 2008-present

Harry Kalven, Jr. Distinguished Service Professor of Law, The University of Chicago, 1994-2007

Provost, The University of Chicago, 1993-2002

Dean, The University of Chicago Law School 1987-1993

Interim Dean, The University of Chicago Law School, July 1, 2015 - November 1, 2015

Harry Kalven, Jr. Professor of Law, The University of Chicago, 1984-1994

Assistant Professor, Associate Professor, Professor of Law, The University of Chicago, 1973-1984

Visiting Professor of Law, New York University School of Law, Autumn 2002-2010 (Bernard Rudin Visiting Scholar in 2003 and Jacob K. Javits Distinguished Scholar-in-Residence in 2004)

Law Clerk to Hon. William J. Brennan, Jr., Supreme Court of the United States, 1972-1973

Law Clerk to Hon. J. Skelly Wright, United States Court of Appeals for the District of Columbia Circuit, 1971-1972

## Education:

The University of Chicago Law School, J.D. (cum laude) 1971  
Editor-in-Chief, *University of Chicago Law Review*  
Order of the Coif

Wharton School of Finance and Commerce, University of Pennsylvania,  
B.S. 1968

## Publications

Geoffrey R. Stone & Lee C. Bollinger, eds., *The Free Speech Century* (Oxford forthcoming 2018)

*Sex and the Constitution: Sex, Religion, and Law from America's Origins to the Twenty-First Century* (Liveright 2017)

*Speaking Out! Reflections on Law, Liberty and Justice Vol. 2* (2015)

*Liberty and Security in a Changing World* (Report of the President's Review Group 2013) (with Richard Clarke, Michael Morell, Cass Sunstein, and Peter Swire)

*Speaking Out! Reflections on Law, Liberty and Justice* (2010)

*Top Secret: When Our Government Keeps Us in the Dark* (Rowman & Littlefield 2007)

*War and Liberty: An American Dilemma 1790 to the Present* (W. W. Norton 2007)

*Perilous Times: Free Speech in Wartime, From the Sedition Act of 1798 to the War on Terrorism* (W. W. Norton, 2004) (Paperback 2005)

Chief Editor, *Inalienable Rights* (a twenty-volume series published by Oxford University Press)

Vol. 1: Richard Posner, *Not a Suicide Pact: The Constitution in a Time of National Emergency* (2006)

- Vol. 2: Mark V. Tushnet, *Out of Range: Why the Constitution Can't End the Battle Over Guns* (2007)
- Vol. 3: Michael J. Klarman: *Unfinished Business: Racial Equality in American History* (2007)
- Vol. 4: Richard A. Epstein, *Supreme Neglect: How to Revive Constitutional Protection for Private Property* (2008)
- Vol. 5: Alan Dershowitz, *The Fifth Amendment in the Age of Terrorism: Do We Still Have the Right to Remain Silent in the Preventive State?* (2008)
- Vol. 6: Laurence Tribe, *The Invisible Constitution* (2008)
- Vol. 7: Martha Nussbaum, *From Humanity to Disgust: Sexual Orientation and Constitutional Law* (2010)
- Vol. 8: Lee C. Bollinger, *Uninhibited, Robust, and Wide-Open: A Free Press for a New Century* (2010)
- Vol. 9: David A. Strauss, *The Living Constitution* (2010)
- Vol. 10: Goodwin Liu, Pamela S. Karlan & Christopher H. Schroeder, *Keeping Faith With the Constitution* (2010)
- Vol. 11: Jay Harvie Wilkinson, *Cosmic Constitutional Theory* (2012)
- Vol. 12: Stephen J. Schulhofer, *More Essential than Ever The Fourth Amendment in the Twenty First Century* (2012)
- Vol. 13: Louis Michael Seidman, *On Constitutional Disobedience* (2012)
- Vol. 14: Eric A. Posner, *The Twilight of Human Rights Law* (2014)
- Vol. 15: Cass R. Sunstein, *Constitutional Personae: Heroes, Soldiers, Minimalists, and Mutes* (2015)
- Vol. 16: Laura Donohue, *The Future of Foreign Intelligence: Privacy and Surveillance in a Digital Age* (2016)
- Vol. 17: Nadine Strossen, *Hate: Why We Should Resist it with Free Speech, Not Censorship* (2018)

Geoffrey R. Stone & Lee C. Bollinger, *Eternally Vigilant: Free Speech in the Modern Era*, (The University of Chicago Press, 2001)

Geoffrey R. Stone, Louis M. Seidman, Cass R. Sunstein, Mark V. Tushnet & Pamela S. Karlan, *The First Amendment*, New York, N.Y., Aspen Law and Business (1<sup>st</sup> ed. 1999) (2d. ed. 2003) (3d. ed. 2008) (4<sup>th</sup> ed. 2012) (5<sup>th</sup> ed. 2016)

Geoffrey R. Stone, Louis M. Seidman, Cass R. Sunstein, Mark V. Tushnet & Pamela S. Karlan, *Constitutional Law* (Aspen, 1st ed. 1986; 2d ed. 1991; 3d. ed. 1996; 4th ed. 2001; 5<sup>th</sup> ed. 2005; 6<sup>th</sup> ed. 2009; 7<sup>th</sup> ed. 2013; 8<sup>th</sup> ed. 2017)

Geoffrey R. Stone, Louis M. Seidman, Cass R. Sunstein, Mark V. Tushnet & Pamela S. Karlan,, *Constitutional Law – Annual Supplement* (Aspen. 1986-present)

Geoffrey R. Stone, Louis M. Seidman, Cass R. Sunstein, Mark V. Tushnet & Pamela S. Karlan,, *The First Amendment – Annual Supplement* (Aspen, 1999-present)

Geoffrey R. Stone, Dennis Hutchinson & David A. Strauss (editors), *The Supreme Court Review* (1991-present)

Geoffrey R. Stone, Richard Epstein & Cass R. Sunstein, *The Bill of Rights in the Modern State* (University of Chicago Press, 1992)

*“It Can’t Happen Here”: The Lessons of History*, in Cass. R. Sunstein, ed., *Can It Happen Here: Authoritarianism in America* 429 (Dey Street 2018)

*The Past, Present and Future of Roe v. Wade*, *Harvard Law & Policy Review* (March 19, 2019)

*The Road to Roe*, 45 *Litigation Journal* 43 (Fall 2016)

*Free Expression in Peril*, *The Chronicle Review* B9 (September 16, 2016)

*Tribute to Chief Judge Diane Wood*, 20 *N.Y.U. Annual Survey of American Law* 102 (2016)

*Testing the Constitution*, 90 *N.Y.U. L. Rev.* 1001 (2015) (with Lee Epstein and Barry Friedman)

*The View From Inside the NSA Review Group*, 63 *Drake L. Rev.* 1033 (2015)

*Free Speech in the Twenty-First Century*, in Andras Koltay, ed., *Comparative Perspectives on the Fundamental Freedom of Expression* 119 (Wolters Kluwer 2015)

*Free Speech on Campus*, LXVIII *Bulletin of the American Academy of Arts & Sciences* 60 (Spring 2015)

*A Brief History of Academic Freedom*, in Akeel Bilgrami and Jonathan R. Cole, eds., *Who's Afraid of Academic Freedom?* 1 (Columbia 2015)

*Review of John Paul Stevens, Six Amendments: How and Why We Should Change the Constitution*, 129 *Political Science Quarterly* 711 (2014)

*Review of Rahul Sagar, Secrets and Leaks: The Dilemma of State Secrecy* 129 *Political Science Quarterly* 501 (2014)

*Suppression of Civil Liberties*, in Timothy J. Lynch, ed., *Oxford Encyclopedia of American Military and Diplomatic History* (Oxford University Press 2013)

*The History of Obscenity, the British Novel, and the First Amendment*, in Martha C. Nussbaum and Alison L. LaCroix, *Subversion and Sympathy: Gender, Law, and the British Novel* 65 (Oxford University Press 2013)

*Perilous Times: Civil Liberties in Wartime*, in Marjorie S. Zatz, Doris Marie Provine and James P. Walsh, eds., *Law and the Quest for Justice* 71 (Contemporary Society Series 2013)

*The Supreme Court in the 21<sup>st</sup> Century*, *Daedalus* (Spring 2013)

*The Behavior of Supreme Court Justices When Their Behavior Counts the Most*, 97 *Judicature* 82 (2013)

*Ronald Coase's First Amendment*, 54 *J. Law & Econ.* 367 (2011)

*WikiLeaks and the First Amendment*, 55 *Bulletin of the American Academy of Arts & Sciences* 18 (Spring 2012)

*Citizens United and Conservative Judicial Activism*, 2012 *U. Ill. L. Rev.* 485

*The Story of the Sedition Act of 1798: "The Reign of Witches,"* in Richard Garnett & Andrew Koppelman, eds., *First Amendment Stories* (Foundation 2012)

*Introduction, Celebrating Edward H. Levi* (University of Chicago 2012)

*Understanding Supreme Court Confirmations*, 2010 *Sup. Ct. Rev.* 381

*WikiLeaks, the Proposed SHIELD Act, and the First Amendment* 5 J. Nat'l Sec. L. & Pol. 105 (2011)

*"Electoral Exceptionalism" and the First Amendment*, in Monica Youn, ed., *Money, Politics, and the Constitution: Beyond Citizens United* 37 (Century Foundation 2011)

*The Framers' Constitution* (with William Marshall), 21 *Democracy: A Journal of Ideas* 61 (2011)

*Deconstructing DOMA*, in Lynn M. Zott, ed., *Church and State (Opposing Viewpoints)* (Cengage 2011)

*"Electoral Exceptionalism" and the First Amendment: A Road Paved With Good Intentions*, 35 N.Y.U. Rev. L. & Soc. Ch. 665 (2011).

*Selective Judicial Activism*, 89 *Texas L. Rev.* 1423 (2011) (reviewing Seth Stern & Stephen Wermiel, *Justice Brennan: Liberal Champion* (2010))

*Privacy, The First Amendment and The Internet*, in Saul Levmore and Martha C. Nussbaum, eds., *The Offensive Internet: Speech, Privacy, and Reputation* 174 (Harvard 2010)

*American Booksellers Association v Hudnut: "The Government Must Leave to the People the Evaluation of Ideas,"* 77 *U. Chi. L. Rev.* 1219 (2010)

*The Second Great Awakening: A Christian Nation?*, 26 *Ga. St. L. Rev.* 1305 (2010)

Geoffrey R. Stone & Mark V. Tushnet, *The Legacies of Justices William J. Brennan, Jr., and Justice Thurgood Marshall*, 43 *Ind. L. Rev.* 441 (2010)

*Same-Sex Marriage and the Establishment Clause*, 54 *Villanova L. Rev.* 617 (2009)

*Review of Helen J. Knowles, The Tie Goes to Freedom: Justice Anthony M. Kennedy on Liberty*, 124 *Polit. Sci. Q* 721 (Winter 2009-2010)

*The Perils of Religious Passion*, 57 *U.C.L.A. L. Rev. Discourse* 15 (2009)

*Free Speech in the Modern Age: What We Learned in the Twentieth Century*, 36 *Pepperdine L. Rev.* 273 (2009)

*Free Speech and National Security*, 84 *Indiana L. J.* 939 (2009)

*The Future of Constitutional Law*, in *It is a Constitution We Are Expounding: Collected Writings on Interpreting our Founding Documents* 204 (2009)

*Obama's America: Liberty, Democracy: A Journal of Ideas* 22 (Winter 2009)

Harry Kalven, Jr., in Roger K. Newman, ed., *The Yale Biographical Dictionary of American Law* 304 (2009)

*Woodrow Wilson's First Amendment*, in John Milton Cooper, ed. *Reconsidering Woodrow Wilson: Progressivism, Internationalism, War, and Peace* 189 (2008)

*War and Speech: The Right to Know has been a Casualty*, 37 *Index on Censorship* 42 (2008)

*The World of the Framers: A Christian Nation?*, 56 *U.C.L.A. L. Rev.* 1 (2008)

*Liberté d'expression et sécurité nationale*, in Élisabeth Zoller, ed., *La liberté d'expression aux États-Unis et en Europe* (Daloz 2008)

*The Vietnam War: Spying on Americans*, in Daniel Farber, ed., *Security v. Liberty: Conflicts Between Civil Liberties and National Security in American History* 95-116 (Russell Sage Foundation 2008)

*The Roberts Court, Stare Decisis, and the Future of Constitutional Law*, 82 *Tulane L. Rev.* 1533 (2008)

*Restoring the Rule of Law*, Statement to the Subcommittee on the Constitution, Hearing Before the United States Senate Committee on the Judiciary, 110<sup>th</sup> Cong., 2d Sess. 60 (September 16, 2008)

Review of Neil Vidmar & Valerie P. Hans, *American Juries: The Verdict*, 2008 *Political Science Quarterly* 677 (2008)

*On Secrecy and Transparency: Thoughts for Congress and a New Administration* (American Constitution Society White Paper, June 5, 2008)

*Kenneth Karst's Equality as a Central Principle in the First Amendment*, 75 *U. Chi. L. Rev.* 37 (2008)

*Freedom of Religion, the War on Terrorism, and the Courts*, 45 *Criterion* 14 (Spring 2007)

*The Merits of the Proposed Journalist-Source Privilege*, 1 *Advance* 67 (Spring 2007)

*Origins of Obscenity*, 31 *NYU J. L. & Soc. Ch.* 711 (2007)

*Sex, Violence, and the First Amendment*, 74 *U. Chi. L. Rev.* 1863 (2007)

*National Security v. Civil Liberties*, 95 *U. Cal. L. Rev.* 2203 (2007)

*Executive Power in Wartime*, 5 *Georgetown J. L. & Pub. Pol.* 309 (2007)  
(panel discussion with Richard Epstein, Roger Pilon, and John Yoo)

*Prosecuting the Press for Publishing Classified Information*, 2 *F. I. U. L. Rev.* 93 (2006-2007)

*Government Secrecy v. Freedom of the Press*, 1 *Harv. L. & Pol. Rev.* 185 (2007),  
reprinted by the First Amendment Center, *First Reports*, Vol. 7, No. 1  
(November 2006)

*A Lawyer's Responsibility: Protecting Civil Liberties in Wartime*, 22 *Wash. U. L. Rev.* 47 (2006)

*Review of Clemens P. Work, Darkest Before Dawn: Sedition and Free Speech in the American West*, --- *Am. J. Leg. Hist.* --- (2008)

*In Memoriam: David P. Currie*, 75 *U. Chi. L. Rev.* 27 (2008)

*Civil Liberties v. National Security in the Law's Open Spaces: The Role of Judges in the 21<sup>st</sup> Century*, 86 *B. U. L. Rev.* 1315 (2006)

*Placing Consent in Cultural and Historical Context*, in Bernard E. Harcourt, ed., 2 *Carceral Notebooks* 95 (2006)

*Freedom of the Press in Time of War*, 59 *S. M. U. L. Rev.* 1663 (2007)

*In Memoriam: Bernard D. Meltzer*, 74 *U. Chi. L. Rev.* 439 (2007)

*Free Speech and Academic Politics*, Review of Donald Alexander Downs, *Restoring Free Speech and Liberty on Campus* (Cambridge 2005), in 4 *Perspectives on Politics* 740 (2006)



*Advice to a Scholar*, in E. Joshua Rosenkranz & Thomas M. Jorde, eds., *The Common Man and Uncommon Man: Remembering Justice William J. Brennan, Jr.* 56 (2006)

*The Hustler: Justice Rehnquist and "The Freedom of Speech, and of the Press,"* in Craig Bradley, ed., *The Rehnquist Legacy* 11 (Cambridge University Press, 2005)

*Foreward: A Culture of Civil Liberties*, 36 Rutgers L. J. 825 (2005)

*Why We Need a Federal Reporter's Privilege*, 34 Hofstra L. Rev. 39 (2005)

*Free Speech in the Age of McCarthy: A Cautionary Tale*, 93 U. Cal. L. Rev. 1387 (2005)

*Testimony on a Proposed Journalist-Source Privilege to the Senate Committee on the Judiciary*, Occasional Paper No. 46 (University of Chicago Law School, October 2005)

*Rasul v. Bush & Al Odah v. United States*, 29 N.Y.U. Rev. L & Soc. Change 613 (2005)

*New York Times v. Sullivan*, in Kermit Hall, ed, *The Oxford Companion to the Supreme Court of the United States* 608 (1<sup>st</sup> ed 1992) (2d ed 2005)

*The Rights and Wrongs of Latkes*, in Ruth Fredman Cernea (ed.), *The Great Latke Hamantash Debate* 157 (University of Chicago Press 2006), also published in 9 *The Green Bag* 209 (2006)

*War Fever*, 69 U. Mo. L. Rev. 1133 (2004), reprinted in Rodney A. Smolla, *First Amendment Law Handbook* 211 (2005-2006 ed.)

*Free Speech in Wartime: The "Reign of Witches,"* 2004 U. Chi. L. S. Rec. 8 (Fall)

*Free Speech in World War II: "When Are you Going to Indict the Seditious?"* 2 Int'l J of Const Law 334 (2004)

*Judge Learned Hand and the Espionage Act of 1917: A Mystery Unraveled*, 70 U. Chi. L. Rev. 335 (2003)

*Abraham Lincoln's First Amendment*, 73 N.Y.U.L. Rev. 1 (2003).

*Civil Liberties in Time of National Emergency*, 28 J. Sup. Ct. Hist. Soc. 215 (2003)

*Judicial Activism & Ideology*, 6 Green Bag 2d 281 (2003)

*Liberta Civili in Tempo di Guerra: La Prospettiva Americana*,  
[http://www.associazionedeicostituzionalisti.it/materiali/conengni/aic2003/stone\\_ita.html](http://www.associazionedeicostituzionalisti.it/materiali/conengni/aic2003/stone_ita.html) (2003)

*The Origins of the Bad Tendency Test: Free Speech in War Time*, 2002 Sup. Ct. Rev. 411

*Above the Law: Research Methods, Ethics and the Law of Privilege*, 32 Sociological Methodology 19 (2002)

*The Questions of Free Speech*, in *Unsettling Sensation* (Rothfield, ed. 2001).

*Equal Protection? The Supreme Court's Decision in Bush v. Gore*,  
<http://fathom.lib.uchicago.edu/1/777777122240/> (2001)

*A Brief History of Academic Freedom*, in *Advocacy in the Classroom: Problems and Possibilities* (Spacks, ed. 1996)

*Academic Freedom and Responsibility*, XXX U. Chi. Rec. No. 1, at 7 (1995);  
reprinted in 42 U. Chi. L.S. Rec. 2 (Spring 1996)

*Foreward*, in Lederer & Delgado, *The Price We Pay: The Case Against Racist Speech, Hate Propaganda, and Pornography* (1995)

*Hate Speech and the U.S. Constitution*, 3 East Europ. Const. Rev., No. 2, p.80 (1994)

*A Free and Responsible Press*, 1993 U. Chi. Leg. F. 127

*Autonomy and Distrust*, 64 U. Colo. L. Rev. 1171 (1993)

*Foreward: The Bill of Rights in the Welfare State: A Bicentennial Symposium*, 59 U. Chi. L. Rev. 5 (1992)

*Imagining a Free Press*, 90 Mich. L. Rev. 1246 (1992)

*The Bill of Rights in the Next Two Hundred Years*, 70 Wash. U. L. Q. 1 (1992)

*Current Challenges to Free Expression*, 12 N. Ill. L. Rev. 425 (1992)

*Freedom of Speech*, in the Encyclopedia of the American Constitution (1992)

*William J. Brennan, Jr.*, in the Encyclopedia of the American Constitution (1992)

*Controversial Scholarship and Faculty Appointments: A Dean's View*, 77 Iowa L. Rev. 73 (1991)

*Justice Brennan and "The Freedom of Speech": A First Amendment Odyssey*, 139 U. Penn. L. Rev. 1331 (1991)

*Constitutional Vision*, 26 Valparaiso L. Rev. xvii (1991)

*Flag Burning and the Constitution*, 75 Iowa L. Rev. 111 (1990), reprinted as University of Chicago Law School Occasional Paper (number 27) (1990), and in 1991 First Amendment Handbook 247 (J. Swanson, Ed.)

*Testimony on Measures to Protect the Physical Integrity of the American Flag*, Hearings Before the Committee on the Judiciary of the United States Senate, Serial No. J-101-33, at 181-234, 101st Cong., 1st Sess. (1989)

*A Passion for Justice*, 98 Yale L.J. 213 (1988)

*Wally*, 55 U. Chi. L. Rev. 721 (1988)

*The Reagan Administration, The First Amendment, and FBI Domestic Security Investigations*, in R. Curry (editor) *Freedom at Risk: Secrecy, Censorship, and Repression in the 1980's* 273 (1988, Temple Univ. Press)

*Content-Neutral Restrictions*, 54 U. Chi. L. Rev. 46 (1987)

*Reflections on the First Amendment: The Evolution of the American Jurisprudence of Free Expression*, 131 Proceed. Amer. Phil. Soc. 251 (1987)

*Precedent, The Amendment Process, and Evolution in Constitutional Doctrine*, 11 Harv. J. L. & Pub. Pol. 67 (1987)

*The Equal Access Controversy: The Religion Clauses and the Meaning of "Neutrality"*, 81 Nw. U. L. Rev. 169 (1986)

*The Responsibilities of a Free Press*, XL Bull. Amer. Acad. Arts & Sci. 6 (Feb. 1987)

*The Selective Activism of the Burger Court*, 72 A.B.A.J. 10 (June 15, 1986)

*Repeating Past Mistakes: A Comment on the Pornography Commission*, 24 Society 30 (July/ Aug. 1987)

*Comment on S. 2323 -- A Bill to Enable the Networks Voluntarily to Restrict Violence on Television*, S. Rep. 99-535, 99th Cong., 2d Sess. 14 (1986)

*On Open Meetings*, 72 Academe 3 (Jan.-Feb. 1986)

*Review of Bollinger, The Tolerant Society*, 97 Ethics 700 (Apr. 1987)

*Review of Levy, The Emergence of a Free Press*, 97 Ethics 286 (Oct. 1986)

*Anti-Pornography Legislation as Viewpoint Discrimination*, 9 Harv. J. L. & Pub. Pol. 701 (1986)

*The Burger Court and the Political Process: Whose First Amendment*, 10 Harv. J. L. Pub. Pol. 301 (1987)

*Constitutionally Compelled Exemptions and the Free Exercise Clause*, 27 Wm. & Mary L. Rev. 985 (1987)

*Limitations on Fundamental Freedoms: The Respective Roles of Courts and Legislatures in American Constitutional Law*, in *The Limitation of Human Rights in Comparative Constitutional Law* (deMestral, Birks, Bothe, Cotler, Klinck & Morel eds., 1986)

*Celebrating Brown*, 31 U. Chi. L.S. Rec. 3 (Spring 1985); reprinted in XIX U. Chi. Rec. No. 1, at 19 (1985)

*Individual Rights and Majoritarianism*, Cato Institute Monograph No. 51 (1985)

*O.T. 1983 and the Era of Aggressive Majoritarianism: A Court in Transition*, 31 Ga. L. Rev. 15 (1984)

*Review of McLeod, Takach, Morton and Segall: The Canadian Charter of Rights: The Prosecution and Defense of Criminal and Other Statutory Offenses*, 12 Int'l. J. Leg. Info. 60 (1984)

*Statement on the Undercover Operations Act*, Hearings on a Bill to Establish Standards and Limits for Conducting Federal Undercover Operations Before the Subcommittee on the Judiciary (1984)

Geoffrey R. Stone & William Marshall, *Brown v. Socialist Workers: Equality as a Command of the First Amendment*, 1983 Sup. Ct. Rev. 583

*Content Regulation and the First Amendment*, 25 William & Mary L. Rev. 189 (1983)

*Review of Tarnopolsky & Beaudoin, The Canadian Charter of Rights and Freedoms*, 11 Int'l. J. Leg. Info. 189 (1983)

*In Opposition to the School Prayer Amendment*, 50 U. Chi. L. Rev. 823 (1983)

*Sedition*, in *Encyclopedia of Crime & Justice* 1425 (S. Kadish, ed. 1983)

*The School Prayer Amendment*, Hearings Before the Senate Judiciary Committee (1982)

*Television in the Courtroom*, 1982 Encyclopedia Britannica Book of the Year

*Intelligence as Governance*, 9 Rev. Am. Hist. 270 (1981)

*FBI Undercover Operations*, Hearings on FBI Oversight Before the Subcommittee on Civil and Constitutional Rights of the House Judiciary Committee (1981)

*Surveillance and Subversion*, 8 Rev. Am. Hist. 134 (1980)

*The FBI Charter*, 26 U. Chi. L. S. Rec. 3 (1980)

*Restrictions on Speech Because of Its Content: The Peculiar Case of Subject-Matter Restrictions*, 46 U. Chi. L. Rev. 81 (1978) (reprinted in 18 P.E.A.L.Q. 359 (1980))

*Group Defamation*, University of Chicago Occasional Paper No. 15 (1978)

*The Miranda Doctrine in the Burger Court*, 1977 Sup. Ct. Rev. 99

*The Scope of the Fourth Amendment: Privacy and the Police Use of Spies, Secret Agents, and Informers*, 1976 Amer. Bar. Found. Res. J. 1193

*Fora Americana: Speech in Public Places*, 1974 Sup. Ct. Rev. 233

*Criminal Procedure in the Supreme Court*, 1973 Report of the Illinois Judicial Conference 190

*Residence Requirements for Voting in Presidential Elections*, 37 U. Chi. L. Rev. 359 (1970)

### **Recent Op-Eds, Book Reviews, and Other Short Essays**

*Roseanne Barr and the NFL: What Counts As "Free Speech"?*, *The Rolling Stone* (May 30, 2018)

*The One Change We Need to Surveillance Law* (with Michael Morell) (*Washington Post*) (October 9, 2017)

*Reflections on Whether the First Amendment is Obsolete* (September 26, 2017) (*The Knight First Amendment Institute at Columbia University*)

*Law, Faith, and Diane Feinstein* (with Eric Segall) (*New York Times*) (September 13, 2017)

*The New Censorship on Campus* (with Jeffrey Herbst) (XVIII *The Chronicle of Higher Education*, Number 39, page A48) (June 23, 2017)

*Richard Spencer's Right to Speak at Auburn* (*The New York Times*) (April 18, 2017)

*Sex, the Constitution, and Standing Up for Core Values* (*The Philadelphia Inquirer*) (March 26, 2017)

*The Constitution's Complicated Relationship With Sex and Obscenity* (*Time Magazine*) (March 17, 2017)

*Trump Could Lose Lawsuit for Libeling Obama* (*Chicago Sun-Times*) (March 7, 2017)

*Trump v. The Truth*, (*Chicago Reader*) (January 19, 2017)

*The Bill of Rights at 225: Vexing Free Speech Issues for the Future* (*Philadelphia Inquirer*) (December 12, 2016)

*Alexander Hamilton Would Turn Over In His Grave* (*Crain's Chicago Business*) (November 3, 2016)

*Are Detroit's Most Terrible Schools Unconstitutional?* (*New York Times*) (October 21, 2016)

*Bernie Supporters: YOU Will Decide This Election – Don't Blow It!!* (*Chicago Tribune*) (August 5, 2016)

*The Republicans' Assault on the Supreme Court, Time Magazine (June 26, 2016)*

*Senator Mark Kirk, Here's How You Can Persuade the GOP to Consider Merrick Garland The Chicago Tribune (March 28, 2016)*

*Senate Republicans Must Suck It Up and Help Obama Make an Appointment, Time Magazine (February 15, 2016)*

*Restoring Campus Free Speech, The Washington Post (September 26, 2015)*

*An Ex-NSA Chief and ACLU Adviser Can Agree on Surveillance Reform. Why Can't Congress?, Christian Science Monitor (May 23, 2015) (with General Keith Alexander)*

*Charlie Hebdo's Haunting Question: Should We Have the Right To Blaspheme? Sightings, University of Chicago Divinity School (April 23, 2015)*

*Sexual Assault on Campus: When "Sexual Assault" Is Clearly Defined, Chronicle of Higher Education (April 14, 2015)*

*Personalized License Plates Speak. But for Whom?, The Chicago Tribune (March 26, 2015)*

*Into the Breach, 107 U. Chi. Mag. 28 (Feb. 2015)*

*Ronald Coase and the Freedom of Speech, The University of Chicago Law School, Ronald H: Coase: Nobel Laureat, Economist, Teacher, Friend 61 (2014)*

*Obama Faces Insults Like No Other President, The Chicago Tribune (December 12, 2014)*

*President Obama Asked Me to Review the NSA. Here's How I Grade His Reforms, The New Republic (January 18, 2014)*

*President Obama's Review Group on Foreign Intelligence Surveillance and Protecting the Privacy Interests of Non-Citizens, The Indian Express (December 23, 2013)*

*Protecting the Nation While Upholding Our Civil Liberties, The Chicago Tribune (December 21, 2013)*

*Protecting Citizens and Their Privacy, The New York Times (December 19, 2013)*

*Why Bush Violated the Fourth Amendment, and Obama Has Not, The Daily Beast (July 1, 2013)*

*The Death of DOMA, The Indian Express (July 1, 2013)*

*In Illinois, the time is Now, The Chicago Tribune (March 15, 2013)*

*Arms and the Citizen, The Indian Express (December 22, 2012)*

*Obama's Judgment Call, The Indian Express (November 13, 2012)*

*Supreme Court Tilt Hinges on Election, North Jersey Record* (October 14, 2012)

*Same-Sex Marriage: Historic Opportunity for the Illinois Supreme Court to do the Right Thing, Chicago Tribune* (May 31, 2012)

*When is Judicial Activism Appropriate?, Chicago Tribune* (April 13, 2012)

*Review of John Paul Stevens, Five Chiefs: A Supreme Court Memoir, in Washington Independent Review of Books* (October 3, 2011)

*Our Untransparent President, New York Times* (June 27, 2011)

*Judicial Filibusters: Political Partisanship Run Amok, Chicago Tribune* (May 24, 2011)

*A Clear Danger to Free Speech, New York Times* (January 4, 2011)

*Simple Justice, Chicago Tribune* (August 8, 2010)

*Conservatives Can Support Kagan, Chicago Tribune* (May 11, 2010)

*Our Fill-in-the-Blank Constitution, New York Times* (April 14, 2010)

*The Crazy Imaginings of the Texas Board of Education, Chicago Tribune* (April 4, 2010)

*Review of Joan Biskupic, American Original: The Life and Constitution of Supreme Court Justice Antonin Scalia, Chicago Tribune* (December 1, 2009)

*Review of Melvin I. Urofsky, Louis D. Brandeis: A Life, Chicago Tribune* (October 3, 2009)

*Getting Personal with Justice, Chicago Tribune* (June 7, 2009)

*Whose Liberty? Civil Unions and Religious Freedom, Chicago Tribune* (April 26, 2009)

*How the Nazis Helped Build a Holocaust Museum, Chicago Sun-Times* (April 25, 2009)

*What's a Democracy to Do?, Chicago Tribune* (September 18, 2008)

*How to Put Civil Liberties in the White House, New York Times* (June 30, 2008)

*McCain's Justice, Chicago Tribune* (May 7, 2008)

*The Rule of Law, Bulletin of American Academy of Arts and Sciences* (Winter 2009)

*Loyalty Oaths Fail the Test of Democracy, Los Angeles Times* (March 11, 2008)

*Bill Clinton's Folly a Party Disgrace, Chicago Tribune* (January 31, 2008)

*Land of the Free?, 73 The European Lawyer 70* (November 2007)



*The Supreme Court and the Rule of Law*, New Orleans Times-Picayune (October 23, 2007)

*Columbia University, Ahmadinejad and MoveOn.org*, in *Teachers College Record*, Date (October 9, 2007) ([www.tcrecord.org](http://www.tcrecord.org))

*Justice Thomas and Sexual Expression*, First Amendment Center Symposium (October 7, 2007) ([www.firstamendmentcenter.org](http://www.firstamendmentcenter.org))

*Securing the Homeland: Review of Jack Goldsmith, The Terror Presidency: Law and Judgment inside the Bush Administration*, Chicago Tribune (Book Review Section) (October 6, 2007)

*Like Love, Law Seeks Right Match*, Chicago Tribune (September 16, 2007)

*History Lessons Never Learned: Legacy of 3 Predecessors could have Taught Gonzales How to Serve Honorably*, Chicago Tribune (August 29, 2007)

*U.S. Civil Liberties Remain Strong*, Financial Times (August 20, 2007)

*The Wrong Side of History*, Chicago Tribune (June 12, 2007)

*Press Freedoms*, Commentary 6 (May 2007)

*Our Faith-Based Justices*, Chicago Tribune (April 30, 2007)

*Civil Union Bill an Apt Compromise*, Chicago Tribune (March 26, 2007)

*Half a Shield is Better than None*, New York Times (February 21, 2007)

*A Narrow View of the Law*, Chicago Tribune (February 6, 2007)

*U.S. Needs to Hear Bush Admit Mistakes*, Chicago Tribune (January 16, 2007)

*Secrecy: The Enemy of Democracy*, Chicago Tribune (December 17, 2006)

*Gays Kept Separated; Church and State Not*, Chicago Tribune (November 19, 2006)

*Taking Liberties*, Review of John Yoo, *War by Other Means: An Insider's Account of the War on Terror*, Washington Post (November 5, 2006)

*What It Means to be a Liberal*, Chicago Tribune (October 10, 2006)

*The Legacy of Your Generation: Remarks to the Class of 2006*, U. Chi. L. S. Rec. 15 (Fall 2006)

*The Lessons of History*, 28 National Security Law Report 1 (No. 3 September 2006)

*An Independent and Fearless Judiciary*, Chicago Tribune (August 24, 2006)

*Religious Rights and Wrongs*, Chicago Tribune (July 26, 2006)

*Bush's Moment*, Chicago Tribune (June 17, 2006)

*The U.S. Can Keep a Secret: Maintaining National Security and Ensuring Openness for More than 215 Years*, Los Angeles Times (June 6, 2006)

*Freedom and Public Responsibility*, Chicago Tribune (May 21, 2006)

*Scared of Scoops*, New York Times (May 8, 2006)

*Government Spying: Why Should We Care?*, Chicago Tribune (March 13, 2006)

*Civility and Dissent During Wartime*, 33 Human Rights 2 (Winter 2006).

*Authors Say Lincoln was No.1 Enemy of the Press*, review of Jeffrey Manber and Neil Dahlstrom, *Lincoln's Wrath*, Chicago Tribune (February 12, 2006)

*On NSA Spying: A Letter to Congress*, 58 New York Review of Books 42 (February 9, 2006)

*Constitutions Under Stress: International and Historical Perspectives*, Bulletin of the American Academy of Arts and Sciences 9 (Winter 2006).

*Why the Senate Should Not Confirm Alito*, Chicago Tribune (January 24, 2006).

*Academic Freedom*, 59 Bulletin of the Amer. Acad. Arts & Sci. 17 (Winter 2006)

*Advice to a Scholar*, in E. Joshua Rosenkranz and Thomas M. Jorde, eds. *The Common Man as Uncommon Man: Remembering Justice William, J. Brennan, Jr.* 56 (2006)

*So Much for Protecting the Constitution!*, Chicago Tribune (December 21, 2005)

*Cronyism and the Court*, Chicago Tribune, (October 4, 2005)

*Rehnquist's Legacy Doesn't Measure Up*, Chicago Tribune (September 6, 2005)

*What You Can't Say Will Hurt You*, New York Times (August 15, 2005)

*Something to Declare: From the Civil War to Iraq, Congress has been Losing its Grip on a Vital Responsibility*, review of Peter Irons, *War Powers: How the Imperial Presidency Hijacked the Constitution*, Washington Post (August 28, 2005)

*President Bush's Blink*, Chicago Tribune (July 27, 2005)

*Revisiting the Patriot Act*, Chicago Tribune (July 8, 2005)

*Sticks and Stones*, Reply to Andrew McCarthy, *Free Speech for Terrorists?*, Commentary 12 (June 2005)

*A "Nuclear" Attack on the Constitution: Changing the Senate's Filibuster Rules a Dangerous Option*, Chicago Tribune (May 1, 2005)

*Supreme Court Tales from the Pleading Side of the Bench*, Review of Floyd Abrams, *Speaking Freely: Trials of the First Amendment*, The New York Times (April 16, 2005)

*"They're Watching You. . . ."* Review of Robert O'Harrow, *No Place to Hide*, Washington Post (February 20, 2005)

*Dissent is Not Disloyal*, Chicago Tribune (December 24, 2004)

*Justices Who Won't Run with the Wolves*, Los Angeles Times (November 15, 2004)

*I Sympathize with the Times, Nevertheless. . . .*, The Wall Street Journal (October 25 2004)

*Miller, Novak, Plame, and Wilson*, The Wall Street Journal (October 18, 2004)

*America's New McCarthyism*, Chicago Tribune (October 17, 2004)

### **Blog Posts on Huffingtonpost.com and the Other Sites**

*Eyes Wide Shut* (May 12, 2005)

*The Nuclear Option* (May 14, 2005)

*Iraq: Where is the Press?* (May 20, 2005)

*Filibuster and the Seven Dwarfs* (May 22, 2005)

*We've Saved the Republic!* (May 24, 2005)

*Our Faith-Based President* (May 28, 2005)

*Deep Throat Redux: Are Miller and Cooper Woodward and Bernstein?* (June 1, 2005)

*Why YOU Need the American Constitution Society* (June 4, 2005)

*Miscast Martyrs* (July 4, 2005)

*Revisiting the Patriot Act* (July 8, 2005)

*We Need a Federal Shield Law Now!* (July 16, 2005)

*Tony Blair's First Amendment* (August 15, 2005)

*Legionnaire's Disease* (August 25, 2005)

*From the Civil War to Iraq*, (August 28, 2005)

*Rehnquist's First Amendment* (September 3, 2005)

*Questioning John Roberts* (September 15, 2005)

*Cronyism and the Court* (October 3, 2005)

*I Agree with Bork!* (October 13, 2005)

*The Next Nominee* (October 27, 2005)  
*How Not to Think about the Confirmation Process* (October 28, 2005)  
*Judith Miller: 85 Days for What?* (October 27, 2005)  
*To Confirm or Not to Confirm* (November 6, 2005)  
*Shame on Bush and Cheney* (November 21, 2005)  
*The Solomon Amendment* (December 7, 2005)  
*King George's Constitution* (December 20, 2005)  
*Bush's Spy Program and the Fourth Amendment* (January 2, 2006)  
*Bush's Spy Program and FISA* (January 4, 2006)  
*Why the Senate Should Not Confirm Samuel Alito* (January 21, 2006)  
*Some Additional Thoughts on Alito* (January 29, 2006)  
*Bush's NSA Surveillance Program: What Happens Now?* (February 5, 2006)  
*NSA Surveillance: Why Should We Care?* (March 4, 2006)  
*A First Amendment Exam Question* (March 21, 2006)  
*The Answer to "A First Amendment Exam Question"* (March 22, 2006)  
*United States v. New York Times and Washington Post* (May 8, 2006)  
*Freedom and Responsibility* (May 19, 2006)  
*Freedom of the Press v. National Security* (May 21, 2006)  
*Alberto Gonzales v. The First Amendment* (June 6, 2006)  
*Bush's Moment* (June 15, 2006)  
*Hamdan, NSA, and the New York Times* (July 6, 2006)  
*Religious Rights and Wrongs* (July 22, 2006)  
*ACLU v. NSA: "A Fearless and Independent Judiciary"* (August 19, 2006)  
*Let's Drop the Big One* (September 3, 2006)  
*Bush's Military Tribunals: Beyond the Pale* (September 17, 2006)  
*"Not a Suicide Pact": A Stone-Posner Conversation* (September 23, 2006)  
*Liberal Values* (October 8, 2006)  
*Gay Marriage in New Jersey* (October 26, 2006)  
*Review of John Yoo's "War By Other Means"* (November 4, 2006)  
*Marriage: Scripture vs. Morality* (November 14, 2006)  
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*"Mistakes Have Been Made"* (January 12, 2007)  
*Chief Justice Roberts and the Role of the Supreme Court* (February 2, 2007)  
*Darfur and the Kalven Report: A Personal Journey* (February 9, 2007)  
*Chilling Effect* (February 16, 2007)  
*Half a Shield is Better than None* (February 21, 2007)  
*"A More Dangerous Engine of Arbitrary Government"* (February 24, 2007)  
*"Trust Us" as Governance: The FBI and National Security Letters* (March 9, 2007)  
*In Support of Civil Unions* (March 20, 2007)  
*Sexual Orientation: The Third Way* (April 5, 2007)  
*Our Faith-Based Justices* (April 20, 2007)  
*The Wrong Side of History* (June 10, 2007)  
*Roberts, Alito and the Rule of Law* (June 28, 2007)  
*The New FISA* (August 7, 2007)  
*Mollie and Andrea's Wedding* (August 14, 2007)  
*Despite it All, U.S. Civil Liberties Strong* (August 20, 2007)  
*The Gonzales Legacy* (August 27, 2007)  
*Ahmadinejad and the American University* (September 26, 2007)  
*Columbia University, MoveOn.org, and General "Betray Us"* (September 27, 2007)  
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*Justice Clarence Thomas and Sexual Expression* (October 7, 2007)  
*Supreme Imbalance* (October 30, 2007)  
*Of Liberals and Conservatives* (October 31, 2007)  
*Conservative Activism* (October 31, 2007)  
*Why Judicial Passivism is Wrong* (November 1, 2007)  
*Why Originalism and Conservative Activism Are Wrong* (November 2, 2007)  
*Of "Constitutionalism"* (November 3, 2007)  
*Uncle Sam on the Lam* (November 4, 2007)  
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*Clinton's Folly* (January 28, 2008)  
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*McCain's Justice* (May 6, 2008)  
*How to Put Civil Liberties in the White House* (June 30, 2008)  
*Obama's America* (August 20, 2008)  
*"It's None of Your . . . Business"* (August 22, 2008)  
*Hillary's Supporters and the Supreme Court* (August 27, 2008)  
*Picking Palin: An Imagined Conversation* (August 30, 2008)  
*Political Lies and American Democracy* (September 15, 2008)  
*Obama's Justice* (September 21, 2008)  
*Democracy, Religion and Proposition 8* (November 15, 2008)  
*Truth and Reconciliation* (December 3, 2008)  
*Obama and Sexual Orientation* (January 13, 2009)  
*Obama's America: Liberty and Secrecy* (January 19, 2009)  
*Civil Unions in Illinois: One Small Step* (March 5, 2009)  
*The Guantanamo Detainees and the Obama Administration* (March 17, 2009)  
*Judicial Nominees, the ABA and the "Liberal Bias"* (April 2, 2009)  
*Remembering the Nazis in Skokie* (April 19, 2009)  
*Whose Liberty? Civil Unions and Religious Freedom* (April 27, 2009)  
*David Souter* (May 1, 2009)  
*The Next Justice: What Obama Wants* (May 11, 2009)  
*What's Wrong with this Picture?* (May 14, 2009)  
*Obama and National Security* (May 22, 2009)  
*Sonia Sotomayor and the Hypocrisy of "Conservative" Critics* (May 30, 2009)  
*Life Experience and Judicial Perspective* (June 3, 2009)  
*Race and Reason* (July 26, 2009)  
*Justice Sotomayor, Justice Scalia and Our Six Catholic Justices* (August 28, 2009)  
*Kennedy/Obama: Does the Dream Live On?* (August 30, 2009)  
*Review of Melvin I. Urofsky, Louis D. Brandeis: A Life* (October 3, 2009)  
*Sex and Sin* (October 2, 2009)  
*Free Ibrahim* (October 4, 2009)  
*Profiles in Courage: JFK and Barack Obama* (October 7, 2009)

*Justice Scalia's Cross* (October 8, 2009)  
*The Lessons of Maine* (November 4, 2009)  
*Same-Sex Marriage and the Meaning of Words* (November 5, 2009)  
*Church and State in JFK's America* (November 12, 2009)  
*Review of Joan Biskupic, American Original* (December 1, 2009)  
*The Republican Struggle for "Ascendancy"* (December 8, 2009)  
*The Conservative Case for Gay Marriage: Let Me Get This Straight* (January 13, 2010)  
*Explaining Citizens United* (January 22, 2010)  
*Gays and Lesbians or Homosexuals* (February 14, 2010)  
*Obama's Judges* (March 2, 2010)  
*The Crazy Imaginings of the Texas Board of Education* (March 21, 2010)  
*Gay Rights? Now, I Get It!* (April 3, 2010)  
*The Protestant Seat on the Supreme Court* (April 10, 2010)  
*Conservative v. Liberal Justices: Piercing the Mythology* (April 14, 2010)  
*Dog Fighting and the First Amendment* (April 25, 2010)  
*A Cross by Any Other Name* (April 29, 2010)  
*President Obama and Judicial Activism* (May 3, 2010)  
*Conservatives Can Support Kagan* (May 11, 2010)  
*Missing the Point: Terrorism and Miranda* (May 17, 2010)  
*"Material Support" and the First Amendment* (June 23, 2010)  
*Get Shorty!* (June 30, 2010)  
*Deconstructing DOMA* (July 20, 2010)  
*Two-and-a Half Cheers for the Department of Homeland Security!* (July 23, 2010)  
*Perry: A Case of Simple Justice* (August 5, 2010)  
*Same-Sex Marriage and Interracial Marriage* (August 12, 2010)  
*Republican Obstructionism on Judges* (August 17, 2010)  
*Funerals and Free Speech* (October 6, 2010)  
*Don't Ask/Don't Tell and the Tyranny of the Minority* (November 24, 2010)  
*DADT: A Man and His "Privates"* (November 30, 2010)  
*America's Promise: Reflections on DADT* (December 26, 2010)

*WikiLeaks and the First Amendment* (January 4, 2011)

*The Defense of Marriage Act is Unconstitutional* (February 15, 2011)

*Eviscerating the Establishment Clause* (April 6, 2011)

*Judicial Filibusters: Partisanship Run Amok* (May 20, 2011)

*On "Original Meaning" the Conservatives Stand on Shaky Ground* (June 5, 2011)

*Marriage Equality and the Catholic Bishops* (June 25, 2011)

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*Learning to Think Like a Lawyer* (July 21, 2011)

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*The Debt Ceiling Crisis: Approaching the Witching Hour* (July 30, 2011)

*Review of Justice John Paul Stevens's **Five Chiefs*** (September 5, 2011)

*The Framers' Constitution* (September 14, 2011) (with William P. Marshall)

*The Progressive Constitution* (September 17, 2011)

*Justice Scalia, Originalism and the First Amendment* (October 13, 2011)

*When the Government Lies* (October 27, 2011)

*The Concerned Majority* (December 11, 2011)

*Obama on Republican Economic Policy: "It Doesn't Work"* (December 15, 2011) (with Jane Dailey)

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*Is Money Speech?* (February 5, 2012)

*Of Contraceptives and Same-Sex Marriage* (February 12, 2012)

*Guantanamo: "Whatever the Government Says. . ."* (March 13, 2012)

*The Affordable Care Act, the Supreme Court and the Slippery Slope* (March 27, 2012)

*When is Judicial Activism Appropriate?* (April 13, 2012)

*Same-Sex Marriage and Judicial Responsibility* (May 31, 2012)

*Fixing Citizens United* (June 12, 2012)

*What the F\*\*\*?* (June 21, 2012)

*"The Broccoli Horrible": Ginsburg Shreds Roberts* (June 28, 2012)

*Savaging Roberts: Conservatives Run Amock* (July 3, 2012)



*Guns Don't Kill* (July 20, 2012)  
*American Gunceptionalism* (July 23, 2012)  
*The Supreme Court and the 2012 Election* (August 13, 2012)  
*Terry Jones and the First Amendment* (September 15, 2012)  
*The Boy Scouts, Gays and Parental Responsibility* (October 5, 2012)  
*Romney and Roe* (October 27, 2012)  
*The Perils of Income Inequality* (November 4, 2012) (with Jane Dailey)  
*Why Did the Republicans Win the House?* (November 10, 2012)  
*A Sure Way to Improve Criminal Justice: Record Confessions* (December 7, 2012)  
*Sexual Orientation Change Therapy and the First Amendment* (December 14, 2012)  
*1973* (January 4, 2013)  
*Gun Crazy* (December 19, 2012)  
*Cardinal George, Same-Sex Marriage and the Law of Nature* (January 1, 2013)  
*The Supreme Court's Disdain for American Democracy* (January 2, 2013)  
*The Illinois Senate, Same-Sex Marriage and the Catholic Church* (January 3, 2013)  
*Guns: Put Up or Shut Up!* (January 4, 2013)  
*The Gun Debate* (January 7, 2013)  
*Understanding the Second Amendment* (January 9, 2013)  
*Are Civil Unions "Good Enough" for Same-Sex Couples?* (January 18, 2013)  
*Roe at 40!* (January 22, 2013)  
*The Second Amendment* (January 30, 2013) (with Adam Winkler)  
*The Supreme Court and the Right of Gays and Lesbians to Marry* (March 5, 2013)  
*Bradley Manning and Military Overreach* (March 13, 2013)  
*Same-Sex Marriage in Illinois: Now is the Time!* (March 14, 2013)  
*"I Would Support Same-Sex Marriage . . . But for the CHILDREN!!"* (March 20, 2013)  
*The Same-Sex Marriage Cases: Snatching Victory. . .* (March 27, 2013)  
*Conversation with a "Gay-Buster"* (April 9, 2013)

*Justice Scalia, "Originalism" and Homosexuality* (April 17, 2013)

*The Boston Bombing, The Right of Privacy and Surveillance Cameras* (May 6, 2013)

*Justice Ginsburg, Roe v. Wade and Same-Sex Marriage* (May 12, 2013)

*The AP "Scandal": The Straight Scoop* (May 16, 2013)

*Freedom of the Press and Criminal Solicitation* (May 21, 2013)

*Same-Sex Marriage in Illinois: The Role of the Black Church* (June 1, 2013)

*Government Secrecy and the Nation's Security* (June 7, 2013)

*Edward Snowden: "Hero or Traitor"?* (June 10, 2013)

*Affirmative Action and the Future* (June 25, 2013)

*Same Sex Marriage . . . Now* (June 26, 2013)

*Reflections on the FISA Court* (July 5, 2013)

*Race in America: A More Perfect Union?* (July 21, 2013)

*Understanding Cause and Effect: Voting Rights, Affirmative Action, NSA Surveillance and Mass Incarceration* (July 27, 2013)

*Stop-and-Frisk: Why We Need Courts* (August 13, 2013)

*The House Republicans and the Betrayal of Democracy* (October 1, 2013)

*The Difference Between Conservative and Liberal Justices* (November 2, 2013)

*The Nuclear Option: A Sad Day for America* (November 21, 2013)

*Protecting the Nation While Upholding Our Civil Liberties* (December 21, 2013)

*The NSA's Telephone Meta-Data Program: Part I* (December 24, 2013)

*The NSA's Telephone Meta-Data Program: Part II* (December 28, 2013)

*The NSA's Telephone Meta-Data Program: Part III* (December 31, 2013)

*Is the NSA's Telephone Meta-Data Program Constitutional?* (January 3, 2014)

*Is the NSA's Telephone Meta-Data Program Constitutional?: Part II* (January 6, 2014)

*The NSA's Telephony Meta-Data Program is Unconstitutional* (January 9, 2013)

*The President and the NSA* (January 18, 2013)

*The Noose, Ole Miss, and Free Speech* (February 19, 2014)

*Celebrating Sullivan: The Central Meaning of the First Amendment* (March 9, 2014)

*Understanding Obama's New NSA Proposals* (March 27, 2014) (The Daily Beast)

*What I Told the NSA* (March 31, 2014)

*Judges Now Recognize Anti-Gay Marriage Laws Are Irrational* (April 2, 2014) (The Daily Beast)

*The First Amendment Doesn't Protect the Right to Buy the American Government* (April 5, 2014) (The Daily Beast)

*Democracy Demands a Journalist-Source Shield Law* (April 15, 2014) (The Daily Beast)

*Politics, the Constitution, and the Roberts Court* (April 20, 2014)

*America Needs Ongoing Review of Its Intelligence Programs* (April 23, 2014) (The Daily Beast)

*The National Review, Justice Sonia Sotomayor, and Affirmative Action* (April 24, 2014)

*God Save this Honorable Court!* (May 6, 2014) (The Daily Beast)

*Our Unequal Schools* (May 14, 2014) (The Daily Beast)

*Do We Need the Supreme Court?* (May 22, 2014)

*The Supreme Court and The One Percent* (June 3, 2014) (The Daily Beast)

*Life in the Most Religious States* (June 14, 2014)

*Justice Scalia, Religion, and Legal Reasoning* (June 17, 2014)

*Waiting for Hobby Lobby*, (June 18, 2014) (The Daily Beast)

*Understanding the Supreme Court's Abortion-Protest Decision* (June 27, 2014)

*Closing the NSA's Back-Door* (July 3, 2014) (The Daily Beast)

*Religious Tests for Public Office and the Constitution* (July 14, 2014)

*The Future of Same-Sex Marriage* (August 3, 2014) (The Daily Beast)

*The Rift in the ACLU over Free Speech* (September 8, 2014)

*Eric Holder's Legacy* (September 25, 2014) (The Daily Beast)

*Same-Sex Marriage and the Dangers of Dawdling* (October 6, 2014)

*Does it Matter Who Wins the Senate?* (November 2, 2014) (The Daily Beast)

*The Imitation Game* (November 5, 2014)

*The Senate: A Republican "Landslide"?* (November 6, 2014)

*Enact the USA Freedom Act* (November 14, 2014)

*Are the President's Executive Actions on Immigration Legal?* (November 21, 2014)

*A Critical Question For the Supreme Court: What Is A "Threat"?* (December 1, 2014 (The Daily Beast))

*Obama Africanus the First* (December 6, 2014)

*A Sensible Way to Reduce Abortion* (December 18, 2014)

*Free Speech on Campus* (January 6, 2015)

*Campus Sexual Assault* (January 31, 2015)

*Charlie Hebdo and the First Amendment* (February 17, 2015)

*A Deadly Assault on Academic Freedom* (February 28, 2015)

*The Supreme Court and the Future of Obamacare* (March 3, 2015) (The Daily Beast)

*Racist Rants and the University of Oklahoma: Getting it Wrong* (March 11, 2015)

*Confederate Flags, License Plates, and the First Amendment* (March 23, 2015)

*Getting to Same-Sex Marriage* (April 25, 2015)

*The Supreme Court Will Rule for Gay Marriage: Here's the Best Way* (April 28, 2015) (The Daily Beast)

*NSA Surveillance, Secrecy, and the Congress Problem*, (May 8, 2015)

*How to Find Common Ground on One of the Most Pressing Issues of Our Time* (May 23, 2015)

*Academic Freedom Under Siege* (June 1, 2015)

*Texas License Plates, the Confederate Flag, and the Supreme Court* (June 23, 2015)

*The Same-Sex Marriage Decision: What to Make of the Dissenters* (June 27, 2015)

*Dump the Trump* (August 5, 2015)

*Academic Freedom and the Meaning of Courage* (August 25, 2015)

*Kim Davis and The Freedom of Religion* (September 6, 2015)

*Freedom of Speech and of the Press* (National Constitution Center's Interactive Constitution) (with Eugene Volokh)

*Fixing Free Speech* (National Constitution Center's Interactive Constitution)

*In the Name of Decency*, (October 21, 2015)

*Understanding Free Speech in the Wake of the University of Missouri and Yale* (November 11, 2015)

*Woodrow Wilson, Princeton University, and the Battles We Choose to Fight* (November 21, 2015)

*Justice Scalia, Affirmative Action, and the Perils of Oral Argument* (December 15, 2015)

*ISIS, Fear, and Free Speech* (December 22, 2015)

*Tough, Brilliant, and Kind: The Antonin Scalia I Knew* (February 14, 2016)  
(The Daily Beast)

*The Supreme Court Vacancy and the Constitutional Responsibilities of the Senate* (February 24, 2016)

*Justice Scalia's Greatest Failure* (March 4, 2016)

*An Unprecedented Breach of Norms by Senate Republicans* (March 10, 2016)

*Donald Trump, Protest, and The First Amendment* (March 15, 2016)

*The Supreme Court and the Republican Coup D'état* (March 19, 2016)

*Criminals or Victims? Donald Trump and the Anti-Abortion Puzzle* (April 3, 2016)

*Faithfully Executed: Obama's Immigration Plan and the Supreme Court* (May 16, 2016)

*The Senate Republicans, Merrick Garland, and the Lessons of History* (June 2, 2016)

*An Open Letter to Those Who Feel the Bern* (June 14, 2016)

*Remembering Abner J. Mikva, One of America's Most Dedicated and Inspiring Public Servants* (July 9, 2016)

*"Our Nation is Moving Toward Two Societies, One Black, One White – Separate and Unequal"* (July 11, 2016)

*Bernie Supporters: YOU Will Decide This Election – Don't Blow It!!* (July 29, 2016)

*The Chicago Tribune and the Danger of Writing While Stoned* (October 2, 2016)

*Abortion and the 2016 Election* (October 13, 2016)

*Alexander Hamilton Would Turn Over In His Grave* (Crain's Chicago Business) (November 3, 2016)

*The 2016 Election and the Future of Constitutional Law* (November 10, 2016)

*Donald Trump and The Struggle Ahead* (November 20, 2016)

*The Republican Assault on the Integrity of the Supreme Court* (November 27, 2016)

*The Bill of Rights at 225: Vexing Free Speech Issues* (*Philadelphia Inquirer*) (December 12, 2016)

*Electors Against Trump Are Faithful Not Faithless* (*Time Magazine*) (December 12, 2016)

*Trump v. The Truth* (*Chicago Reader*) (January 19, 2017)

*Remembering Roe* (January 27, 2017)

*Sorry Neil Gorsuch, The Supreme Court Vacancy Was Already Filled* (*Time Magazine*) (February 1, 2017)

*Just Another Step in the Unraveling of our Democracy* (*Politico*) (February 1, 2017)

*Trump, The Supreme Court, and the Rights of Gays and Lesbians* (February 8, 2017)

*Part II: Trump, The Supreme Court, and the Rights of Gays and Lesbians* (February 10, 2017)

*Part III: Trump, The Supreme Court, and the Rights of Gays and Lesbians* (February 13, 2017)

*Part IV: Trump, The Supreme Court, and the Rights of Gays and Lesbians* (February 15, 2017)

*Trump and the 75<sup>th</sup> Anniversary of the Japanese Internment* (February 19, 2017)

*Trump Could Lose Lawsuit for Libeling Obama* (*Chicago Sun-Times*) (March 7, 2017)

*The Gorsuch Interview* (March 17, 2017)

*The Constitution's Complicated Relationship With Sex and Obscenity* (*Time Magazine*) (March 17, 2017)

*The Gorsuch Nomination and the Rule of Law* (March 19, 2017)

*Sex and the Constitution* (*Washington Post*) (March 20, 2017)

*Sex and the Constitution: The Ancient Greeks* (March 21, 2017)

*Sex and the Constitution: Sexual Expression Before the Moralists Invented Obscenity* (*The Washington Post*) (March 22, 2017)

*Sex and the Constitution: Anthony Comstock and the Reign of the Moralists* (*The Washington Post*) (March 23, 2017)

*Sex and the Constitution: Margaret Sanger and the Birth of the Birth Control Movement* (*The Washington Post*) (March 24, 2017)

*Sex, the Constitution, and Standing Up for Core Values (The Philadelphia Inquirer) (March 26, 2017)*

*Richard Spencer's Right to Speak at Auburn (The New York Times) (April 18, 2017)*

*Can Donald Trump Use American Military Force Anywhere In the World Whenever He Wants? (April 21, 2017)*

*Q. & A. About Sex and the Constitution (The National Book Review) (April 21, 2017)*

*Political Conservatives Suddenly Embrace Free Speech on Campus!! (May 1, 2017)*

*The New Censorship on Campus (with Jeffrey Herbst) (The Chronicle of Higher Education) (June 5, 2017)*

*When Can a Government Employee Leak Classified Information?(Concurring Opinions) (June 15, 2017)*

*Sex, the Constitution, and Standing Up for Our Nation's Core Values (Aspen Ideas Festival Blog) (June 26, 2017)*

*The Lawsuit Against Black Lives Matter and the Central Meaning of the First Amendment (July 10, 2017)*

*Trump's Outrageous "Proclamation" About Transgender Persons Serving in the Military is Ignorant, Immoral, and Un-American (July 26, 2017)*

*My Exchange with Alt-Right Leader Richard Spencer (August 12, 2017).*

*The Lessons of Charlottesville: Speech and Guns (August 21, 2017)*

*Law, Faith, and Diane Feinstein (September 13, 2017) (New York Times)*

*Reflections on Whether the First Amendment is Obsolete, (September 26, 2017) (The Knight First Amendment Institute at Columbia University)*

*The One Change We Need to Surveillance Law (with Michael Morell) (Washington Post) (October 9, 2017)*

*It Can Happen Here: The 75th Anniversary of the Japanese Internment: Part I (November 18, 2017)*

*It Can Happen Here: The 75th Anniversary of the Japanese Internment: Part II (November 19, 2017)*

*It Can Happen Here: The 75th Anniversary of the Japanese Internment: Part III (November 20, 2017)*

*Masterpiece Cakeshop: Wedding Cakes, the First Amendment, and the Supreme Court (December 1, 2017)*

*Masterpiece Cakeshop: Wedding Cakes, the First Amendment, and the Supreme Court: Part II* (December 2, 2017)

*Your Challenge: Address to the National Student Leaders of the American Constitution Society* (March 12, 2018) ACS Blog

*Roseanne Barr and the NFL: What Counts As "Free Speech"?*, *Rolling Stone* (May 30, 2018)

### **Recent Awards and Honors:**

2016 First Amendment News Award for "Best First Amendment Speech of the Year" for *Free Speech on Campus: A Challenge of Our Times*

2016 Aims of Education Address, The University of Chicago (September 22, 2016) (*Free Speech on Campus: A Challenge of Our Times*)

American Law Institute Annual Dinner Address (May 17, 2016) (*Free Speech on Campus*)

Named to *Law Dragon's* Ten-Year Lawyer Hall of Fame (the most influential 100 lawyers in America) (2016)

2015 First Amendment News Award for "Best First Amendment Op-Ed or the Year" for *ISIS, Fear, and Free Speech*

2015 Nora and Edward Ryerson Lecturer, The University of Chicago (April 22, 2015) (*Sexing the Constitution: Getting to Same-Sex Marriage*)

2014 American Library Association's James Madison Award (for the work of the President's Review Group and *Liberty and Security in a Changing World*)

2012 Honored as "Legal Legend" by the American Constitution Society

2011 Business and Professional People for the Public Interest "Champion of the Public Interest" Award

2010 Kathryn Matkov Award for "lifetime commitment to excellence in defining, illuminating and informing the public on issues critical to American society" (Chicago Chapter of the Federal Bar Association)

2007 Wabash College's David Warner Peck Medal for Eminence in the Law



2006 University of Chicago's Provost Award for Outstanding Teaching

2006 Goldsmith Book Prize of the John F. Kennedy School of Government, Harvard University, for the Best Book of the Year in Government or Politics (*Perilous Times*)

Honorary Degree, John Marshall School of Law (May 21, 2006)

2006 Hugh M. Hefner First Amendment Award for Best Book of the Year (*Perilous Times*)

2005 *Los Angeles Times* Book Prize for the Best Book of the Year in History (*Perilous Times*)

2005 Robert F. Kennedy Memorial Book Prize (*Perilous Times*)

2005 American Political Science Association's Kammerer Award for the Best Book of the Year in Political Science (*Perilous Times*)

2005 Scribes Book Award for the Best Book of the Year in Law (*Perilous Times*)

2005 American Civil Liberties Union's Harry Kalven Freedom of Expression Award

Finalist for the American Bar Association's 2005 Silver Gavel Award for the Best Book of the Year in Law (*Perilous Times*)

*Perilous Times* was listed as one of the Notable Books of 2004 by the *New York Times*, the *Washington Post*, the *Los Angeles Times*, the *Chicago Tribune*, the *Christian Science Monitor* and the *Philadelphia Inquirer*

### **Professional and Civic Associations:**

Member, Nation Board of Advisors, University of California Center on Free Speech and Civic Engagement (2017-present)

Member, National Board of Advisors, American Constitution Society (2016-present)

Member, National Advisory Council, Center for Democracy and Technology (2016-present)

Member, Senior Advisory Group to the Director of National Intelligence (2015-2016)

Advisor, American Law Institute Project on Principle of the Law: Police Investigations (2015-present)

Member, President's Review Group on Intelligence and Communications Technologies (2013-2014)

Member, American Philosophical Society (2010-present)

Fellow, American Academy of Arts and Sciences (1990-present)

Board of Directors, American Constitution Society (2004-2012) (Chair of the Board, 2010-2011)

Board of Directors, American Constitution Society Chicago Lawyers Chapter (2006-present) (Co-Chair of the Board, 2006-present)

Member, National Advisory Council, The American Civil Liberties Union (1998-present)

Member, American Law Institute (2003-present) (1987-1993, *ex officio*)

Member, Advisory Board, The National Constitution Center (2008-present)

Member of Editorial Advisory Board, *Political Science Quarterly* (2005-present)

Member, Governing Board, Straight for Equality (2006-present)

Co-Chair, Lawyers for Obama (2007-2008)

Member, State of Illinois Death Penalty Reform Study Commission (2004-2010)

Board of Directors, Chicago Children's Choir (2003-2011) (Chair of the Board, 2004-2008)

Member, The Constitution Project: Liberty and Security Initiative (2003-present)

Vice-President, American Academy of Arts and Sciences (2005-2007)

Chair, Midwest Center of the American Academy of Arts and Sciences (2005-2007)

Member, National Academy of Sciences Commission on Protecting Children from Pornography on the Internet (2000-2002).

Member, "Thinking Out-of-the Box" Committee, Section on Legal Education, The American Bar Association (2000-2007)

Board of Directors, The MacArthur Justice Center (2003-2006)

Board of Governors, Chapin Hall Center for Children (2001-2003)

Board of Directors, The Renaissance Society (2001-2006)

Board of Directors, The Smart Museum (2002-2006)

Board of Governors, Argonne National Laboratory (1994-2001)

Board of Directors, National Opinion Research Center (1994-2001)

Board of Directors, First Oak Brook Bankshares and Oak Brook Bank (1992-2006)

Advisory Board, Institute for Institutional and Legislative Policy, Central European University, Budapest, Hungary (1992-1994)

National Advisory Board, National Council on Crime and Delinquency (1992-1996)

Executive Committee, American Association of Law Schools (1990-1993)

Board of Advisors, National Association for Public Interest Law (1989-1993)

Advisory Board, Legal Aid Society (1989-1993)

Advisory Board, Chicago Volunteer Legal Services Foundation (1989-1993)

Steering Committee, Commission on Law and Social Action, American Jewish Congress (1979-1997)

Board of Directors, American Civil Liberties Union, Illinois Division (1978-1984)

Advisory Board, Illinois Coalition Against the Death Penalty (1976-1993)

Board of Governors, Chicago Council of Lawyers (1975-1977)

Member, Illinois Supreme Court Special Commission on the Administration of Justice, (1972-1973)

### **Recent Lectures and Presentations (2003-present)**

Academic Engagement Network  
Adam Smith Society Dinner (2017)  
Adler Planetarium  
American Academy of Appellate Lawyers  
American Academy of Arts and Sciences  
American Civil Liberties Union  
American Bar Association  
American Bar Association Section on Individual Rights and Responsibilities (Thurgood Marshall Lecture)  
Appellate Lawyers Association  
American Bar Association Section on Litigation  
American Bar Foundation  
American Constitution Society  
American Jewish Committee (Learned Hand Lecture)  
American Law Institute  
American Law Institute (Annual Dinner Address)  
American Library Association  
American Philosophical Society  
American Society of Newspaper Editors  
American University  
Anti-Defamation League  
Arizona Bar Association (John P. Frank Lecture)  
Arizona State University School of Law  
Aspen Ideas Festival (2016, 2017)  
Aspen Institute  
Boston University School of Law  
Brennan Center  
Brown University

Business and Professional People for the Public Interest  
Cardozo Law School  
Case Western University School of Law  
Center for First Amendment Rights  
Center for Women's History at the New York Historical Society  
Chautauqua  
Chicago Bar Association  
Chicago Council of Lawyers  
Chicago Council on Global Affairs  
Chicago Humanities Festival (2006-2018)  
Chicago Humanities Forum (2017)  
Chicago-Kent School of Law  
Chicago Lawyers Committee for Civil Rights Under Law  
Chicago Public Library  
*Chicago Tribune* Book Fair  
City Club of Chicago  
Columbia Journalism School  
Columbia Law School  
Columbia University (Presidential Lecture)  
Contemporary Club of Chicago  
Council on Global Affairs  
Creighton University (TePoel Lecture)  
Dartmouth College  
Dickinson College (Pflaum Lecture in History)  
Drake University School of Law  
Duke University School of Law  
Ethical Humanist Society  
Federal Communications Bar Association  
Federal Judicial Center  
Federalist Society  
First Amendment Center  
First Amendment Forum  
First Amendment Lawyers' Association  
First Amendment Salon  
Fordham University Law School  
Fortnightly Club (Chicago) (2015)  
Fortnightly Club (Chicago) (2017)  
Freedom Forum  
Georgetown University Law Center  
George Washington University  
Georgia State University (Miller Lecture)  
Gonzaga University (William O. Douglas Lecture)  
Harvard Kennedy School of Public Policy

Harvard Law School  
Higher Learning Commission (Keynote Address at Annual Meeting)  
Human Rights Watch  
Illinois Humanities Council  
Illinois State University/League of Women Voters  
Italian Constitution Society  
Jewish Council on Urban Affairs  
Jewish United Fund  
John Marshall Law School  
Lawyers Club of Chicago  
League of Women Voters  
Lewes History Book Festival  
Library of Congress  
Louisiana State University  
*Los Angeles Times* Festival of Books (2004) (2017)  
McCormick Tribune Foundation: The Military and the Press  
McCormick Tribune Freedom Museum  
Medill School of Journalism (National Press Club)  
Montgomery Place (2013, 2014, 2015, 2016, 2017)  
National Archives  
National Constitution Center (2013, 2014, 2015, 2016, 2017)  
National Immigrant Justice Center  
National Security Agency  
New England School of Law  
Newseum  
New York Historical Association  
New York Historical Society  
New York Public Library  
New York University School of Law (Jacob K. Javits Lecture)  
New York University School of Law (Lewis Rudin Lecture)  
New York University School of Law (American Constitution Society)  
Ninth Circuit Judicial Conference  
Northwestern University Law School  
Northwestern University Medill School of Journalism  
Notre Dame University Human Rights Program (London)  
Old Dominion University (Modern Era Distinguished Lecture)  
Pepperdine University School of Law (Keynote Address)  
Phoenix Society  
Planned Parenthood of New York  
Planned Parenthood of Virginia  
Politics & Prose  
Pomona College (Hart Lecture)  
Princeton University (Woodrow Wilson School)

Princeton University (Keynote Address: Conference on Civil Liberties in Wartime)  
Purdue University  
Reporters Committee for Freedom of the Press (National Press Club)  
Robert F. Kennedy Memorial Foundation  
Robert Jackson Center  
Roosevelt House  
Russell Sage Foundation  
Rutgers Law School (Camden)  
Rutgers Law School (Newark) (Paul S. Miller Distinguished Lecture)  
St. John's University School of Law  
Scholars at Risk Annual International Conference (Keynote Address)  
Seminary Coop  
Seventh Circuit Judicial Conference  
Smithsonian Institution  
Southern Methodist University Dedham School of Law  
Stanford Law School  
Stanford Law School (American Constitution Society)  
Suffolk University School of Law (Masterman Lecture)  
Supreme Court Historical Society  
Texas A & M University (A.R. Sanchez Distinguished Lecture)  
Tulane University School of Law  
United States Department of Justice - National Security Division  
Union League Club of Chicago  
United States Senate Select Committee on Intelligence (testimony)  
United States Senate Committee on the Judiciary (testimony)  
University of Arizona Law School (Marks Lecture)  
University of California School of Law (William J. Brennan Lecture)  
University of California at Davis (James B. McClatchy Lecture)  
University of California at Los Angeles (Melville B. Nimmer Lecture)  
University of California at San Diego (DeWitt Higgs Memorial Lecture)  
University of Chicago (Nora and Edward L. Ryerson Lecture 2015)  
University of Chicago (William Rainey Harper Lecture) (multiple)  
University of Chicago Divinity School (John Nuveen Lecture)  
University of Chicago Law School  
University of Chicago Law School (Dean's Circle)  
University of Chicago (Aims of Education Address 2016)  
University of Chicago (Aims of Education Address 1995)  
University of Chicago (Convocation Address)  
University of Chicago (Chicago's Best Ideas Lecture) (2005-2014)  
University of Chicago (Coase Centennial Conference)  
University of Chicago (Thirteenth Amendment Conference)  
University of Chicago (Privacy, The First Amendment and the Internet)

University of Chicago (The British Novel and the Law)  
University of Chicago (Scherer Lecture 2017)  
University of Chicago (Harper Lecture 2016) (Washington D.C.)  
University of Chicago (Harper Lecture 2017) (Chicago)  
University of Chicago Institute of Politics (NSA Surveillance)  
University of Chicago Institute of Politics (Interview of Edward Snowden)  
University of Chicago Phoenix Lecture (2017) (Free Speech on Campus)  
University of Chicago (Scherer Lecture)  
University of Chicago Women's Board (The Roberts Court) Constitution)  
University of Chicago Women's Board (The Road to Roe)  
University of Colorado (Alumni College Lecture)  
University of Colorado (John R. Coen Lecture)  
University of Colorado (LeRoy Keller Distinguished Lecture)  
University of Illinois Law School  
University of Illinois (David C. Baum Lecture in Civil Rights and Civil Liberties)  
University of Indiana  
University of Indiana Maurer School of Law (Constitution Day Address)  
University of Miami School of Law (John Hart Ely Lecture)  
University of Michigan Law School  
University of Michigan Law School (American Constitution Society)  
University of Minnesota (Silha Lecture)  
University of Mississippi (Burnita Shelton Matthews Memorial Lecture)  
University of Missouri Law School  
University of Nevada (Philip Pro Lecture in Legal History)  
University of North Carolina  
University of North Carolina (Greenboro)  
University of Oregon  
University of Paris  
University of Pennsylvania Law School  
University of Seattle Law School  
University of Southern California School of Law (Allen Neiman & Alan Sieroty Lecture in Civil Liberties)  
University of Texas School of Law  
University of Virginia Law School (William J. Brennan Lecture)  
University of Wisconsin Law School (American Constitution Society)  
University of Wisconsin (Milwaukee)  
Villanova University School of Law (John F. Scarpa Center Symposium)  
Virginia Booksellers Association  
Wabash College (David W. Peck Lecture)  
Washington University School of Law  
Wayfarers Club  
Wesleyan University (Hugo F. Black Lecture)



William and Mary  
Williams College  
Woodhall Freedom Foundation  
Woodrow Wilson Center

## Recent Briefs

*Whole Woman's Health v. Cole*, Brief for Constitutional Law Scholars, Supreme Court of the United States (abortion rights) (2016)

*Obergefell v. Hodges*, Brief for Constitutional Law Scholars, Supreme Court of the United States (same-sex marriage) (2015)

*Hollingsworth v. Perry; United States v. Windsor*, Brief for Constitutional Law Scholars, Supreme Court of the United States (same-sex marriage) (2012)

*Latif v. Obama*, Brief for Constitutional Scholars, Supreme Court of the United States (habeas corpus) (2012)

*Scott v. Saint John's Church in the Wilderness*, Brief for Constitutional Scholars, Supreme Court of the United States (first amendment) (2012)

*United States v. Stevens*, Brief for Constitutional Scholars, Supreme Court of the United States (first amendment) (2010)

*Al-Marri v. Spagnoe*, Brief for Constitutional Scholars, Supreme Court of the United States (military detention) (2009)

*Hamdan v. Rumsfeld*, Brief for Constitutional Scholars, Supreme Court of the United States (Guantanamo detainees) (2006)

*Rasul v. Bush*, Brief for Fred Korematsu, Supreme Court of the United States (Guantanamo detainees) (2004)

*Odah v. United States*, Brief for Fred Korematsu, Supreme Court of the United States (Guantanamo detainees) (2004)

*Lawrence v. Texas*, Brief for Constitutional Scholars, Supreme Court of the United States (rights of gays and lesbians) (2003)

*William Jefferson Clinton v. Paula Corbin Jones*, Brief for William Jefferson Clinton, (Supreme Court of the United States) (separation of powers) (1997)

*Bishop v. Smith*, Brief for Constitutional Scholars, (10<sup>th</sup> Circuit) (same-sex marriage) (2014)

*Kitchen v. Herbert*, Brief for Constitutional Scholars, (10<sup>th</sup> Circuit) (same-sex marriage) (2014)

*DeBoer v. Snyder*, Brief for Constitutional Scholars, (6<sup>th</sup> Circuit) (same-sex marriage) (2014)

*Tanco v. Haslam*, Brief for Constitutional Scholars (6<sup>th</sup> Circuit) (same-sex marriage) (2014)

*Bourke v. Beshear*, Brief for Constitutional Scholars (6<sup>th</sup> Circuit) (same-sex marriage) (2014)

*Bostic v. Schaefer*, Brief for Constitutional Scholars (4<sup>th</sup> Circuit) (same-sex marriage) (2014)

*DeBoer v. Snyder*, Brief for Constitutional Scholars, (E.D. Michigan) (same-sex marriage) (2013)