

RANDY E. BARNETT

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PROFESSIONAL:

Permanent:

GEORGETOWN UNIVERSITY LAW CENTER

Carmack Waterhouse Professor of Legal Theory, 2006-present

John Simon Guggenheim Memorial Foundation Fellow in Constitutional Studies,
2009

BOSTON UNIVERSITY SCHOOL OF LAW

Austin B. Fletcher Professor of Law, 1993-2006

ILLINOIS INSTITUTE OF TECHNOLOGY, CHICAGO-KENT COLLEGE OF LAW

Norman and Edna Freehling Scholar and Professor of Law, 1988-1993

Associate Professor of Law, 1986-1988

Assistant Professor of Law, 1982-1986

STATE'S ATTORNEY'S OFFICE OF COOK COUNTY, ILLINOIS

Assistant State's Attorney, October 1977-1981

Assignments: Felony Trial Division, Homicide/Sex Unit, Narcotics Unit, Felony Review Unit,
Auto Theft Unit, Municipal Division, Courtroom of the Presiding Judge of the Criminal Division.

Visiting:

UNIVERSITY OF PENNSYLVANIA LAW SCHOOL, Fall 2011

GEORGETOWN LAW CENTER, Fall 2005

HARVARD LAW SCHOOL, Spring 2002; Fall 1992

NORTHWESTERN UNIVERSITY SCHOOL OF LAW, 1990-91

UNIVERSIDAD FRANCISCO MARAQUIN SCHOOL OF LAW, Guatemala, May 1990

NORTHWESTERN UNIVERSITY SCHOOL OF LAW, Visiting Scholar, 1988-1989

UNIVERSITY OF CHICAGO LAW SCHOOL, Research Fellow, 1981-1982

SUBJECTS TAUGHT:

Constitutional Law, Contracts, Torts, Criminal Law, Cyberlaw (E-Commerce), Cyberlaw (Internet Speech), Evidence, Agency & Partnership, Jurisprudence. Seminars: Recent Books on the Constitution, Advanced Constitutional Law, Constitutional Theory, IP: Should it Exist?

DEGREES:

J.D. HARVARD LAW SCHOOL, 1977

B.A. NORTHWESTERN UNIVERSITY, 1974 (Philosophy)

PUBLICATIONS:**BOOKS:**

CONSTITUTIONAL LAW: CASES IN CONTEXT, 2nd edition, Aspen Law & Business, forthcoming 2012
(1st edition 2008)

CONSTITUTIONAL STRUCTURE: CASES IN CONTEXT, forthcoming 2012

CONSTITUTIONAL RIGHTS: CASES IN CONTEXT, forthcoming 2012

CONTRACTS: CASES AND DOCTRINE, 5th edition, Aspen Law & Business, forthcoming 2012
(4th edition, 2008; 3rd edition, 2003; 2nd edition, 1999; 1st edition, Little, Brown & Co., 1995)

CONTRACTS: THE OXFORD INTRODUCTIONS TO U.S. LAW, Oxford University Press, 2010

RECENT DEVELOPMENTS IN CONSTITUTIONAL LAW, 2010 edition, Aspen Law & Business

PERSPECTIVES ON CONTRACT LAW, 4th edition, Aspen Law & Business, 2009
(3rd edition, 2005; 2nd edition, 2001; 1st edition, Little, Brown & Co., 1995)

RESTORING THE LOST CONSTITUTION: THE PRESUMPTION OF LIBERTY, Princeton University Press (2004); excerpted in CHOPER, FALLON, KAMISAR, SHIFFRIN, EDS., *CONSTITUTIONAL LAW: CASES, COMMENTS, QUESTIONS* 10th ed., 2006

THE STRUCTURE OF LIBERTY: JUSTICE AND THE RULE OF LAW, Clarendon (Oxford University) Press, 1998 (paperback edition, 2000; Japanese edition, 2000)
Awarded RALPH GREGORY ELLIOT BOOK AWARD. 1998

THE RIGHTS RETAINED BY THE PEOPLE: THE HISTORY AND MEANING OF THE NINTH AMENDMENT—VOLUME TWO (editor) George Mason University Press, 1993

THE RIGHTS RETAINED BY THE PEOPLE: THE HISTORY AND MEANING OF THE NINTH AMENDMENT—VOLUME ONE (editor) George Mason University Press, 1989

ASSESSING THE CRIMINAL: RESTITUTION, RETRIBUTION AND THE LEGAL PROCESS
(coeditor with John Hagel III) Ballinger Publishing Co., 1977

ARTICLES (by alphabetical subject):*CONSTITUTIONAL LAW*

Jack Balkin's Interaction Theory of "Commerce"
in Symposium on "Jack Balkin's *Living Originalism*"
UNIVERSITY OF ILLINOIS LAW REVIEW (forthcoming)

Whence Comes Section One? The Abolitionist Origins of the Fourteenth Amendment
3 JOURNAL OF LEGAL ANALYSIS 165 (2011)

Turning Citizens into Subjects: Why the Health Insurance Mandate is Unconstitutional
MERCER LAW REVIEW (2011)

The Case for the Repeal Amendment
78 TENNESSEE LAW REVIEW 583 (2011)

The Tea Party, the Constitution, and the Repeal Amendment
NORTHWESTERN UNIVERSITY LAW REVIEW COLLOQUY (2011)

Interpretation and Construction
34 HARVARD JOURNAL OF LAW & PUBLIC POLICY 65 (2011)

Commandeering the People: Why the Individual Health Insurance Mandate
is Unconstitutional
The Sixth Annual Friedrich A. von Hayek Lecture
5 NEW YORK UNIVERSITY JOURNAL OF LAW & LIBERTY 581 (2010)

Why the Personal Mandate to Buy Health Insurance Is Unprecedented and Unconstitutional
Heritage Foundation Legal Memorandum (2009) (coauthored with Nathaniel Stewart and Todd Gaziano)

The Misconceived Assumption About Constitutional Assumptions
in Symposium on "Original Ideas on Originalism"
103 NORTHWESTERN UNIVERSITY LAW REVIEW 615 (2009)

The Separation of People and State
in Symposium on "American Exceptionalism"
32 HARVARD JOURNAL OF LAW AND PUBLIC POLICY 451 (2009)

Kurt Lash's Majoritarian Difficulty
60 STANFORD LAW REVIEW 937 (2008)

Scrutiny Land
in Symposium on "Glucksberg and Quill at Ten: Death, Dying, and the Constitution"
106 MICHIGAN LAW REVIEW 1479 (2008)

Constitutional Clichés
2007 John E. Sullivan Lecture Essay
36 CAPITAL UNIVERSITY LAW REVIEW 493 (2008)

Three Federalisms

in Symposium on “Checks and Balances Today: The Reality of Separation of Powers”
38 LOYOLA LAW JOURNAL 285 (2008)

The Golden Mean Between Kurt & Dan: A Moderate Reading of the Ninth Amendment

56 DRAKE LAW REVIEW 897 (2008)

Underlying Principles

in Symposium on Jack Balkin’s “Abortion and Original Meaning”
24 CONSTITUTIONAL COMMENTARY 405 (2007)

The People or the State? *Chisholm v. Georgia* and Popular Sovereignty

93 VIRGINIA LAW REVIEW 1179 (2007)

Constitutional Conventions

Reviewing OUR UNDEMOCRATIC CONSTITUTION: WHERE THE CONSTITUTION GOES WRONG (AND HOW WE THE PEOPLE CAN CORRECT IT), by Sanford Levinson
CLAREMONT REVIEW OF BOOKS, Vol. 7, Number 3, Summer 2007

The Ninth Amendment: It Means What it Says

85 TEXAS LAW REVIEW 1 (2006)

Restoring the Lost Constitution, Not the Constitution in Exile

in Symposium on “A New Constitutional Order?”
75 FORDHAM LAW REVIEW 669 (2006)

Who’s Afraid of Unenumerated Rights

in Symposium: on “The Future of Unenumerated Rights”
9 UNIVERSITY OF PENNSYLVANIA JOURNAL OF CONSTITUTIONAL LAW 1 (2006)

Scalia’s Infidelity: A Critique of Faint-Hearted Originalism

2006 William Howard Taft Lecture
73 CINCINNATI LAW REVIEW 7 (2006)

The Presumption of Liberty and the Public Interest: Medical Marijuana and Fundamental Rights

Public Interest Law Speakers Series
22 WASHINGTON UNIVERSITY JOURNAL OF LAW & POLICY 29 (2006)

Caveat Blogger: Blogging and the Flight From Scholarship

84 WASHINGTON UNIVERSITY LAW REVIEW 1145 (2006)

It’s a Bird, It’s a Plane, No, It’s Super-Precedent: A Reply to Farber and Gerhard

in Symposium on “The Future of the Supreme Court: Institutional Reform and Beyond”
90 MINNESOTA LAW REVIEW 1232 (2006)

Clauses Not Cases: A Reply to Robert Post and Reva Siegel

YALE L.J. (The Pocket Part), Jan. 2006, <http://www.thepocketpart.org/2006/01/barnett.html>.

Trumping Precedent With Original Meaning: Not As Radical as it Sounds
22 CONSTITUTIONAL COMMENTARY 257 (2005)

Limiting *Raich*
in Symposium on “Federalism After Gonzales v. Raich?”
9 LEWIS & CLARK LAW REVIEW 743 (2005)

Grading Justice Kennedy: A Reply to Professor Carpenter
89 MINNESOTA LAW REVIEW 1582 (2005)

Why You Should Read My Book Anyway: A Reply to Trevor Morrison
90 CORNELL LAW REVIEW 873 (2005)

Constitutive Commitments and Roosevelt’s Second Bill of Rights: A Dialogue
53 DRAKE LAW REVIEW 205 (2005) (with Cass Sunstein)

Was the Right to Keep and Bear Arms Conditioned on Service in an Organized Militia?
Reviewing THE MILITIA AND THE RIGHT TO ARMS, OR, HOW THE SECOND AMENDMENT FELL SILENT
by H. Richard Uviller & William G. Merkel
83 TEXAS LAW REVIEW 237 (2004)

Foreword: What’s So Wicked About Lochner?
1 NYU JOURNAL OF LAW & LIBERTY 325 (2005)

The Proper Scope of the Police Power
79 NOTRE DAME LAW REVIEW 429 (2004)

The Original Meaning of the Judicial Power
12 SUPREME COURT ECONOMICS REVIEW 115-138 (2004)

Constitutional Legitimacy Without Consent:
Do the Laws of a Nation State Ever Bind in Conscience?
Kobe 2000 Lectures delivered at the University of Tokyo and Doshisha University, Kyoto
90 ARSPARCHIV FUER RECHTS- UND SOZIALPHILOSOPHIE 197-209 (2004)

Constitutional Legitimacy
103 COLUMBIA LAW REVIEW 111 (2003)

Justice Kennedy’s Libertarian Revolution: *Lawrence v. Texas*
CATO SUPREME COURT REVIEW 2002-2003 21 (2003)
Excerpted in CONSTITUTIONAL LAW: CASES, COMMENTS, QUESTIONS (Choper, Fallon, Kamisar,
Shiffrin, eds, 10th ed., forthcoming)

The Original Meaning of the Necessary and Proper Clause
6 UNIVERSITY OF PENNSYLVANIA JOURNAL OF CONSTITUTIONAL LAW 185 (2003)

New Evidence of the Original Meaning of the Commerce Clause
in “Symposium on the Commerce Clause”
55 UNIVERSITY OF ARKANSAS LAW REVIEW 847 (2003)

Is the Rehnquist Court an “Activist” Court? The Commerce Clause Cases
in “Symposium on Conservative Judicial Activism”
73 UNIVERSITY OF COLORADO LAW REVIEW 1275 (2002)

The Original Meaning of the Commerce Clause
68 UNIVERSITY OF CHICAGO LAW REVIEW 101 (2001)

The Right to Liberty in a Good Society (with Douglas Rasmussen)
in “Symposium on the Constitution and the Good Society.”
69 FORDHAM LAW REVIEW 1603 (2001)

Commentary on the Second Amendment
in “Symposium on the Second Amendment”
10 Seton Hall Const. L.J. 849 (2000)

An Originalism for Nonoriginalists
The Brendon Brown Lecture
45 LOYOLA LAW REVIEW (1999)

Was Slavery Unconstitutional Before the Thirteenth Amendment? Lysander Spooner's
Theory of Interpretation
Distinguished Speakers Series
28 PACIFIC LAW JOURNAL 977 (1997)

Necessary and Proper
44 U.C.L.A. LAW REVIEW 745 (1997); and in
THE SUPREME COURT AND AMERICAN CONSTITUTIONALISM, Rowman & Littlefield, (1998)

The Relevance of the Framers’ Intent
in "Symposium on Originalism"
19 HARVARD JOURNAL OF LAW AND PUBLIC POLICY 403 (1996)

Under Fire: The New Consensus on the Second Amendment (coauthor)
45 EMORY LAW JOURNAL 1139 (1996)

Getting Normative: The Role of Natural Rights in Constitutional Adjudication
12 CONSTITUTIONAL COMMENTARY 93 (1995); and in
NATURAL LAW, LIBERALISM, AND MORALITY
(Robert P. George, ed.) Oxford University Clarendon Press (1996)

Guns, Militias and Oklahoma City
Foreword to the "Symposium on the Second Amendment"
62 TENNESSEE LAW REVIEW 433 (1995)

Reinventing the First Amendment
in ETHICS AND THE UNIVERSITY: COMMUNITY, DIVERSITY AND MORALITY IN THE AMERICAN ACADEMY (M.
N.S. Sellers, ed.) Berg Publishers 163, 1994

The Intersection of Natural Rights and Positive Constitutional Law
in "Commentary on Frederick Shauer's *Constitutional Positivism*"
25 CONNECTICUT LAW REVIEW 853 (1993)

Implementing the Ninth Amendment

Introduction to THE RIGHTS RETAINED BY THE PEOPLE: THE HISTORY AND MEANING OF THE NINTH AMENDMENT—VOLUME TWO (Fairfax, VA: George Mason University Press, 1993)

A Ninth Amendment for Today's Constitution

26 VALPARAISO LAW REVIEW 419 (1991); and in
THE BILL OF RIGHTS IN MODERN AMERICA: AFTER 200 YEARS
(D. Bodenhamer & J. Ely, eds) Indiana University Press, 1993

Unenumerated Constitutional Rights and the Rule of Law

Foreword to the "Symposium on Rules and the Rule of Law"
14 HARVARD JOURNAL OF LAW AND PUBLIC POLICY 615 (1991)

Two Conceptions of the Ninth Amendment

12 HARVARD JOURNAL OF LAW AND PUBLIC POLICY 29 (1989)

Reconceiving the Ninth Amendment

74 CORNELL LAW REVIEW 1 (1988)

The Ninth Amendment and Constitutional Legitimacy

Foreword to the "Symposium on Interpreting the Ninth Amendment"
64 CHICAGO-KENT LAW REVIEW 37 (1988)

Are Enumerated Constitutional Rights The Only Rights We Have? The Case of Associational Freedom

10 HARVARD JOURNAL OF LAW AND PUBLIC POLICY 101 (1987)

Judicial Conservatism v. A Principled Judicial Activism

Foreword to the "Symposium on Law and Philosophy"
10 HARVARD JOURNAL OF LAW AND PUBLIC POLICY 273 (1987)

Review of TAKINGS: PRIVATE PROPERTY AND THE POWER OF EMINENT DOMAIN
by Richard Epstein, 97 ETHICS 669 (1987)

CONTRACTS

Contract is Not Promise; Contract is Consent

in "Symposium on the 30th Anniversary of Charles Fried's *Contract as Promise*"
SUFFOLK LAW REVIEW (forthcoming)

Theory and Anti-Theory in the Work of Allan Farnsworth

International Contracts Law Conference Discussion
13 TEXAS WESLEYAN LAW REVIEW 1 (2006)

Consenting to Form Contracts

in "Symposium in Honor of Professor Joseph Perillo"
71 *FORDHAM LAW REVIEW* 627 (2002)

Is Reliance Still Dead?

in Symposium on "W(h)ither the Reliance Interest"
38 *SAN DIEGO LAW REVIEW* 1 (2001)

How a Consent Theory of Contract Compares with Relational Theory

3 *WASEDA (JAPAN) PROCEEDINGS OF COMPARATIVE LAW* 41 (2000)

The Richness of Contract Theory

Reviewing *THE RICHNESS OF CONTRACT LAW* by Robert Hillman
97 *MICHIGAN LAW REVIEW* 1413 (1999)

Free to Choose

21 *SEATTLE LAW REVIEW* 721 (1998)

The Death of Reliance

In "AALS Workshop Symposium: The Last Ten Years"
46 *JOURNAL OF LEGAL EDUCATION* 518 (1996)

. . . and Contractual Consent

in "Symposium on Default Rules and Contractual Consent"
3 *SOUTHERN CALIFORNIA INTERDISCIPLINARY LAW REVIEW* 421 (1994)

Conflicting Visions: A Critique of Ian Macneil's Relational Theory of Contract

78 *VIRGINIA LAW REVIEW* 1175 (1992)

The Sound of Silence: Default Rules and Contractual Consent

78 *VIRGINIA LAW REVIEW* 821 (1992)

Reprinted in *THE INTERNATIONAL LIBRARY OF ESSAYS IN LAW AND LEGAL THEORY* (2d Series)
(B. Bix, ed.) Ashgate Publishing, forthcoming 1999

Some Problems With Contract as Promise

77 *CORNELL LAW REVIEW* 1022 (1992)

Rational Bargaining Theory and Contract: Default Rules, Hypothetical Consent, the Duty to Disclose, and Fraud

in "Symposium on Risks and Wrongs"
15 *HARVARD JOURNAL OF LAW AND PUBLIC POLICY* 783 (1992)

The Function of Several Property and Freedom of Contract

in "Symposium on Economic Rights"
9 *SOCIAL PHILOSOPHY AND POLICY* 62 (1992)

Compensation and Rights in the Liberal Conception of Justice

in *COMPENSATORY JUSTICE: NOMOS XXXIII*
(J. Chapman & J. Coleman, eds.) New York University Press, 1991

Squaring Undisclosed Agency Law With Contract Theory
75 CALIFORNIA LAW REVIEW 1969 (1987)

Beyond Reliance: Promissory Estoppel, Contract Formalities and Misrepresentation
(with Mary Becker)
15 HOFSTRA LAW REVIEW 445 (1987)
Excerpted in CASES AND MATERIALS ON CONTRACTS 2d ed.
(R. Hamilton & A. Rau, eds.) West Publishing Co., 1992

Contract Remedies and Inalienable Rights
in "Symposium on Philosophy and Law"
4 SOCIAL POLICY AND PHILOSOPHY 179 (1986)
Reprinted in PHILOSOPHY AND LAW
(J. Coleman & E. Paul, eds.) Basil Blackwell, 1987
Revised and incorporated in:
Rights and Remedies in a Consent Theory of Contract
in LIABILITY: NEW ESSAYS IN LEGAL PHILOSOPHY
(R.G. Frey & C. Morris, eds.) Cambridge University Press, 1991

A Consent Theory of Contract
86 COLUMBIA LAW REVIEW 269 (1986)
Reprinted in THE INTERNATIONAL LIBRARY OF ESSAYS IN LAW AND LEGAL THEORY
(L. Alexander ed.) Dartmouth Publishing Co., 1991
Excerpted in STUDIES IN CONTRACT LAW, 4th ed.
(E. Murphy & R. Speidel eds.) Foundation Press, 1991
Excerpted in A CONTRACTS ANTHOLOGY
(P. Linzer ed.) Anderson Publishing Co., 1989 & 1995
Revised and incorporated in:
Rights and Remedies in a Consent Theory of Contract
in LIABILITY: NEW ESSAYS IN LEGAL PHILOSOPHY
(R.G. Frey & C. Morris, eds.) Cambridge University Press, 1991
Excerpted in CONTRACT LAW
(S. Wheeler & J. Shaw) Oxford University Press, 1994.

Contract Scholarship and The Reemergence of Legal Philosophy
Reviewing CONTRACTS by E. Allan Farnsworth
97 HARVARD LAW REVIEW 1223 (1984)
Excerpted in A CONTRACTS ANTHOLOGY
(P. Linzer ed.) Anderson Publishing Co., 1989

CRIMINAL JUSTICE

The Harmful Side Effects of Drug Prohibition
in "Symposium on Drugs, Addiction, Therapy, and Crime"
2009 UTAH LAW REVIEW 11 (revised and updated version of *Curing the Drug Law Addiction*)

Getting Even: Restitution, Preventive Detention, and the Crime-Tort Distinction
in "Symposium on the Crime-Tort Distinction"
76 BOSTON UNIVERSITY LAW REVIEW 157 (1996)

Bad Trip: Drug Prohibition and The Weakness of Public Policy

Reviewing *AMERICA'S LONGEST WAR* by Stephen Duke & Albert Gross
103 *YALE LAW JOURNAL* 2593 (1994)

Curing the Drug Law Addiction: The Hidden Side-Effects of Legal Prohibition

in *DEALING WITH DRUGS* (R. Hamowy, ed.) Lexington Books, 1987

Reprinted in *ADDICTIONS: OPPOSING VIEWS*

(Jennifer A. Hurley, ed.) Greenhaven Press (2000)

Reprinted in *DRUGS: SHOULD WE LEGALIZE, DECRIMINALIZE, OR DEREGULATE?*

(Jeffrey A. Schaler, ed.) Prometheus Books (1998)

Resolving the Dilemma of the Exclusionary Rule: An Application of Restitutive Principles of Justice

32 *EMORY LAW JOURNAL* 937 (1983)

The Justice of Restitution

25 *AMERICAN JOURNAL OF JURISPRUDENCE* 117 (1980)

Reprinted in *MORAL ISSUES*

(J. Narveson, ed.) Oxford University Press, 1983

Restitution: A New Paradigm of Criminal Justice

87 *ETHICS* 279 (1977)

Reprinted in *READINGS IN POLITICAL PHILOSOPHY*

(Richard Fumerton & Diane Jeske, eds.) Broadview Press, 2011

Reprinted in *RESTORATIVE JUSTICE: CRITICAL CONCEPTS IN CRIMINOLOGY, VOL. 1*

(Carolyn Hoyle, ed.) Routledge, 2009

Reprinted in *WHAT'S WRONG? AN INTRODUCTION TO APPLIED ETHICS WITH READINGS*

(David Boonin & Graham Oddie, eds.) Oxford University Press, 2004

Reprinted in *LAW AND PHILOSOPHY: AN INTRODUCTION WITH READINGS*

(Thomas W. Simon, ed.) McGraw-Hill College Textbook Division, 2000

Reprinted in *ANALYZING MORAL ISSUES*

(Judith A. Boss, ed.) Mayfield Publishing Co., 1999

Reprinted in *PHILOSOPHICAL PROBLEMS IN THE LAW* (2d ed.)

(David M. Adams, ed.) Wadsworth Publishing Co., 1996

Reprinted in *THE PHILOSOPHY OF LAW*

(W. Sinnott-Armstrong & F. Schauer, eds.) Harcourt Brace & Co., 1996

Reprinted in *THE PHILOSOPHY OF LAW*, 5th ed.

(J. Feinberg & H. Gross, eds.) Wadsworth Publishing Co., 1995

Reprinted in *THE NATURE AND SOURCES OF LAW*

(P. Smith, ed.) Oxford University Press, 1993

Reprinted in *PUNISHMENT AND REHABILITATION* (2d ed.)

(J. Murphy, ed.) Wadsworth Publishing Co., 1985

Reprinted in *READINGS IN THE PHILOSOPHY OF LAW*

(J. Arthur & W. Shaw, eds.) Prentice-Hall, 1984

Reprinted in *PERSPECTIVES ON CRIME VICTIMS*

(B. Galaway & J. Hudson, eds.) C.V. Mosby Co., 1981

Assessing the Criminal: Restitution, Retribution and the Legal Process

(coauthor with John Hagel III) in *ASSESSING THE CRIMINAL: RESTITUTION, RETRIBUTION AND THE LEGAL PROCESS*, (R. Barnett & J. Hagel III, eds.) Ballinger Publishing Co., 1977

CYBERLAW**Reds in Suits**

Review of *THE FUTURE OF IDEAS: THE FATE OF THE COMMONS IN A CONNECTED WORLD* by Lawrence Lessig, *REGULATION*, Vol. 25, No. 3 (Fall 2002), p. 64

JURISPRUDENCE AND LEGAL THEORY**The Moral Foundations of Modern Libertarianism**

in Peter Berkowitz, ed. *VARIETIES OF CONSERVATISM IN AMERICA*, Hoover Institution Press (2004), p. 51

The Imperative of Natural Rights in Today's World

THE GOOD SOCIETY, Vol. 12, No. 3 (2003), p. 1.

The Structure Still Stands: A Reply to Narveson, Winston, & Tushnet

in "Books in Review—Randy Barnett's *The Structure of Liberty*"
8 *THE GOOD SOCIETY* 56 (No 2. 1998)

A Law Professor's Guide to Natural Law and Natural Rights

20 *HARVARD JOURNAL OF LAW AND PUBLIC POLICY* 655 (1997)

Coping With Partiality: Justice, The Rule of Law, and the Role of Lawyers

Distinguished Lecture
3 *ROGER WILLIAMS LAW REVIEW* 1 (1997)

The Power of Presumptions

Foreword to the "Symposium on Presumptions and Burdens of Proof"
17 *HARVARD JOURNAL OF LAW AND PUBLIC POLICY* 613 (1994)

The Virtues of Redundancy in Legal Thought

in "Symposium on the Practical Applications of Jurisprudential Thought"
38 *CLEVELAND-STATE LAW REVIEW* 153 (1990)

The Internal and External Analysis of Concepts

Comment on Peter Benson's, "Abstract Right and the Possibility of a Nondistributive Conception of Contract: Hegel and Contemporary Contract Theory"
11 *CARDOZO LAW REVIEW* 525 (1990)

Post-Chicago Law and Economics

Foreword to the "Symposium on Post-Chicago Law and Economics"
65 *CHICAGO-KENT LAW REVIEW* 3 (1989)

Of Chickens and Eggs—The Compatibility of Moral Rights and Consequentialist Analyses

Foreword to the "Symposium on the Compatability of Moral Rights and Consequentialism"

12 HARVARD JOURNAL OF LAW AND PUBLIC POLICY 611 (1989)

Can Justice and the Rule of Law Be Reconciled?

Foreword to the "Symposium on Law and Philosophy"

11 HARVARD JOURNAL OF LAW AND PUBLIC POLICY 597 (1988)

Four Senses of the Public Law - Private Law Distinction

Foreword to the "Symposium on the Limits of Public Law"

9 HARVARD JOURNAL OF LAW AND PUBLIC POLICY 267 (1986)

Why We Need Legal Philosophy

Foreword to the "Symposium on Law and Philosophy"

8 HARVARD JOURNAL OF LAW AND PUBLIC POLICY 1 (1985)

Pursuing Justice in a Free Society: Part Two—Crime Prevention and the Legal Order

CRIMINAL JUSTICE ETHICS, Winter/Spring 1986, at 30.

Pursuing Justice in a Free Society: Part One—Power vs. Liberty

CRIMINAL JUSTICE ETHICS, Summer/Fall 1985, at 50.

Public Decisions and Private RightsReviewing *THE HARDEST DRUG* by John Kaplan

CRIMINAL JUSTICE ETHICS, Summer/Fall, 1984, at 50

LEGAL EDUCATION**Caveat Blogger: Blogging and the Flight From Scholarship**

in "Symposium on Bloggership"

84 WASHINGTON UNIVERSITY LAW REVIEW 1145 (2006)

Beyond the Moot Law Review: A Short Story With a Happy Ending

in "Symposium on Law Review Editing"

70 CHICAGO-KENT LAW REVIEW 123 (1994)

ENCYCLOPEDIA ENTRIES:**The Commerce Clause**

THE OXFORD INTERNATIONAL ENCYCLOPEDIA OF LEGAL HISTORY, Oxford University Press (Stanley N. Katz, ed., 2009)

Lysander Spooner

YALE BIOGRAPHICAL DICTIONARY OF AMERICAN LAW , Yale University Press (Roger Newman, ed. 2009)

The Bill of Rights**Lysander Spooner**

ENCYCLOPEDIA OF LIBERTARIANISM (2008)

Retained Rights

THE ENCYCLOPEDIA OF AMERICAN CIVIL LIBERTIES, Routledge (Paul Finkelman ed., 2006)

The Ninth Amendment

THE OXFORD COMPANION TO THE SUPREME COURT OF THE UNITED STATES (Kermit Hall, ed.) Oxford University Press 589, 1992; Revised version in 2d edition (2005)

The Ninth Amendment

THE ENCYCLOPEDIA OF THE AMERICAN CONSTITUTION, SUPPLEMENT II (Leonard W. Levy, Kenneth L. Karst, & Adam Winkler, eds.) Macmillian Publishing (2000), pp. 1813-15.

DISTINGUISHED LECTURES:**Restoring the Lost Constitution**

BRANDT FOUNDATION LECTURE, Boise State University, October 2010

Commandeering the People: Popular Sovereignty and the Health Insurance Mandate

SIXTH ANNUAL FRIEDRICH A. HAYEK LECTURE, New York University School of Law, October 2010

Is the Constitution Libertarian?

B. KENNETH SIMON LECTURE IN CONSTITUTIONAL THOUGHT, The Cato Institute, September 2008

The People or the State? *Chisholm v. Georgia* and Popular Sovereignty

JOHN E. SULLIVAN LECTURE, Capital Law School, April 2007

INAUGURAL LECTURE, CARMACK WATERHOUSE PROFESSORSHIP IN LEGAL THEORY, Georgetown University Law Center, February 2007

Scalia's Infidelity: A Critique of Faint-Hearted Originalism

WILLIAM HOWARD TAFT LECTURE, University of Cincinnati Law School, February 2006

Moot Court in *Ashcroft v. Raich*

BRENNAN DISTINGUISHED LECTURER, Oklahoma University School of Law, November 2004

The Presumption of Liberty

DISTINGUISHED ENDRIES LECTURER, SYRACUSE UNIVERSITY COLLEGE OF LAW, October 2004

Restoring the Lost Constitution: The Presumption of Liberty

TULANE COLLEGE SENATE LECTURE, March 2004

Constitutional Legitimacy

GEORGE MASON UNIVERSITY SCHOOL OF LAW, November 2001

The Kobe 2000 Lectures on Legal Philosophy

UNIVERSITY OF TOKYO, Tokyo, Japan June 2000

DOSHISHA UNIVERSITY, Kyoto, Japan, July 2000

Lecture on Restitution as an Alternative Paradigm of Criminal Justice

KANSAI UNIVERSITY SCHOOL OF LAW, Osaka, Japan, July 2000

Lecture on Consent and the Relational Theory of Contract

WASEDA UNIVERSITY SCHOOL OF LAW, Tokyo, Japan, June 2000

An Originalism for Nonoriginalists

The Brendon Brown Lecture, LOYOLA UNIVERSITY NEW ORLEANS SCHOOL OF LAW, April 1999

ST. THOMAS UNIVERSITY SCHOOL OF LAW, October 1999

Lawyers and the Problem of Partiality

ROGER WILLIAMS SCHOOL OF LAW, April 1997

Spooner on Slavery: Natural Rights and Constitutional Interpretation

UNIVERSITY OF THE PACIFIC, MCGEORGE SCHOOL OF LAW, March 1997

COURT APPEARANCES:*Raich v. Ashcroft* (medical cannabis suit against the federal government)

Oral argument (pro bono) in the Circuit Court of Appeals for the Ninth Circuit, March 2006

Oral argument (pro bono) in the Supreme Court of the United States, November 2004

Oral argument (pro bono) in the Circuit Court of Appeals for the Ninth Circuit, October 2003

Oral argument (pro bono) in the Northern District of California, March 2003

U.S. v. Oakland Cannabis Buyers Cooperative (medical cannabis suit brought by federal government)

Oral argument (pro bono) in the Circuit Court of Appeals for the Ninth Circuit, September 2003

AMICUS BRIEFS:*Seven-Sky v. Holder* (2011)

Joined amicus brief in the Court of Appeals for the District of Columbia in support of appellants filed on behalf of myself and the Cato Institute, Mountain States Legal Foundation, Pacific Legal Foundation, Competitive Enterprise Institute, Goldwater Institute, Revere America, and the Idaho Freedom Foundation.

Virginia v. Sebelius (2010 & 2011)

Joined amicus briefs filed in the Court of Appeals for the Fourth Circuit and the U.S. District Court for the Eastern District of Virginia on behalf of myself and the Cato Institute in support of the Commonwealth

Thomas More Law Center v. Obama (2010)

Joined amicus brief filed in the Court of Appeals for the Sixth Circuit on behalf of myself and the Cato Institute in support of the Thomas More Law Center, 2010 of Virginia.

AT & T Mobility v. Concepcion (2010)

Joined amicus brief to the Supreme Court in support of petitioners on behalf of myself and twelve law professors.

McDonald v. City of Chicago (2009)

Joined amicus brief to the Supreme Court in support of petitioners filed by the Constitutional Accountability Center on behalf of myself and Richard Aynes, Jack Balkin, Steven Calabresi, Michael Kent Curtis, Michael Lawrence, William Van Alstyne and Adam Winkler.

United States v. Comstock (2009)

Joined amicus brief to the Supreme Court in support of respondents filed on behalf of myself and the Cato Institute.

District of Columbia v. Heller (2008)

Joined Academics for the Second Amendment in an amicus brief to the Supreme Court in support of respondent.

Hamdan v. Rumsfeld (2005)

Joined amicus brief to the Supreme Court in support of petitioner-defendant filed on behalf of myself and Richard Epstein, Bruce Ackerman & Geoffrey Stone.

Lawrence v. Texas (2003)

Of Counsel to the Institute for Justice on an Amicus Brief to the Supreme Court in support of petitioner-defendants.

FILM APPEARANCES:**InAlienable**

Role: Assistant Prosecutor, feature film (filmed 2007, not yet released)

In Search of the Second Amendment

Role: Myself, documentary (released 2007)

The Trials of Law School: A Journey in Law

Role: Myself, documentary (released 2007)

CONFERENCE DIRECTOR**Colloquium on the Constitutional Writings of Lysander Spooner**

Forest Hills Cemetery, Boston, MA October 2008

FACULTY WORKSHOPS AND OTHER PRESENTATIONS:**Constitutionality of the Affordable Care Act of 2010**

American Constitution Society National Convention, June 2011

Federalist Society, DC Lawyer's Chapter, June 2011

Foundation for American Studies, Legal Studies Institute, June 2011

Institute for Humane Studies, Koch Scholars Summer Seminar, June 2011

Health Management Academy CEO Forum, Washington DC, May 2011

The University of Chicago Law School, April 2011

Northwestern University School of Law, April 2011

Debate with Charles Fried and Laurence Tribe, Harvard Law School, March 2011

University of Nevada at Las Vegas, March 2011

Chapman University, March 2011

Claremont-McKenna College, March 2011

Campbell University Law School, February 2011

Davidson College, February 2011

Duke University School of Law, February 2011

Annual Meeting of the Faculty Division of The Federalist Society, San Francisco, California, January 2011

Association of American Law Schools, San Francisco, California, January 2011

Catholic University Law School, November 2010

The University of Illinois College of Law, October 2010

American Political Science Association Annual Meeting, Washington, DC, September 2010

Southeastern Association of Law Schools, West Palm Beach, Florida, August 2010

Stanford Law School, May 2010
American Health Lawyers Association, May 2010

Panel on “Rejecting Rights”

Law & Society Annual Meeting, San Francisco, California, May 2011

Contract is Not Promise; Contract is Consent

Symposium on “*Contract as Promise at 30: the Future of Contract Theory*:
Suffolk University Law School, March 2011

The Constitutional Politics of the Tea Party Movement

Association of American Law Schools, San Francisco, California, January 2011

The Repeal Amendment

American Legislative Exchange Council, Washington DC, December 2010
Federalism in Action Summit, Arlington, Virginia, November 2010

Panel on *Originalism’s Trajectory*

Heritage Foundation Originalism Symposium, Supreme Court of the United States, November 2010

Showcase Panel on *Enumerated Powers, the Tenth Amendment, and Limited Government*
& Debating the Constitutionality of the Federal Health Care Legislation

Federalist Society 2010 National Lawyers Convention, Washington, DC

Panel on Lea VanderVelde’s *Mrs. Dred Scott*

Panel on *Originalism and Popular Constitutionalism*

Law and Society Annual Meeting, Chicago, Illinois, May 2010

Was Lochner Right? Natural Rights and the Fourteenth Amendment

The University of Illinois College of Law, April 2011
University of Virginia School of Law, April 2010
University of Richmond School of Law, April 2010
Conference on “Natural Rights and the American Constitutional Experience”
The Tocqueville Forum on the Roots of American Democracy, Georgetown University, Washington
DC, February 2009
George Mason University School of Law, March 2009
Georgetown Law Center, March 2009
Western State University College of Law, March 2009
California Western School of Law, March 2009
Inland Empire Lawyer’s Chapter of the Federalist Society, March 2009
University of Chicago Law School, February 2009
DePaul University College of Law, February 2009
Chicago-Kent College of Law, February 2009
Loyola (Chicago) Law School, February 2009

Panel on *The Will of the People* by Barry Friedman

Georgetown University Law Center, March 2010

Whence Comes Section One? The Abolitionist Origins of the Fourteenth Amendment

Florida International University School of Law, March 2010

at the University of San Diego Law School, January 2010
Cornell University Law School, November 2009
The Originalism Works-in-Progress Conference, Center for the Study of Constitutional Originalism
Georgetown University Law Center, October 2009
University of Kansas School of Law, October 2009
George Mason University School of Law, October 2009

Panel on the Interpretation-Construction Distinction

The Federalist Society, National Student Symposium
University of Pennsylvania Law School, February 2010

Debate on the Interpretation-Construction Distinction

The Federalist Society, Law Professor Division Annual Meeting, San Diego, CA, January 2010

Constitutional Interpretation & the Bill of Rights

Comment on a paper by Burt Neuborne
Federalist Society National Lawyers Convention, Washington DC, November 2009

What the New Deal Court Did Not Do

Conference on “Lessons from the New Deal and Great Depression”
Cato Institute, Washington DC, June 2009

Panel on the Privileges or Immunities Clause

Law & Society Association Annual Meeting, Denver CO, May 2009

The Constitution’s Last Stand?

Foundation for American Studies, April 2009

Comment on Larry Rosenthal’s “The New Originalism Meets the Fourteenth Amendment: Original Public Meaning and the Problem of Incorporation”

Conference on “The Fourteenth Amendment and the Bill of Rights: What Have We Learned? Why Does it Matter?” sponsored by The Center for the Study of Constitutional Originalism, University of San Diego School of Law, January 2009

Panel on the Privileges or Immunities Clause

Conference on the Second Founding and the Reconstruction Amendments
American Constitution Society, University of Pennsylvania Law School, Philadelphia, November 2008

Scrutiny Land

Conference on “Individual Freedom and the Common Good”
Canadian Constitution Foundation, Toronto ON, October 2008
University of Alberta School of Law, Edmonton AB, September 2008
Symposium on “Glucksberg and Quill at Ten: Death, Dying, and the Constitution”
University of Michigan Law School, November 2007

Panel on Federalism and Judicial Review

Conference on the Future of Federalism
American Enterprise Institute, Washington DC, September 2008

Round Table on the Second Amendment

American Political Science Association, Boston MA, August 2008

American Constitution Society's 2008 Supreme Court Term In Review

National Press Club, Washington DC, July 2008.

Our Enduring Constitution: Applications and Interpretations

American Constitution Society 2008 National Convention, Washington DC, June 2008.

ABA National Town Hall Meeting on The Rule of Law

Newseum, Washington DC, April 30, 2008

The Misconceived Quest for Constitutional Assumptions

Conference on Originalism, Northwestern University School of Law, April 2008

Yale Legal Theory Workshop, April 2008

University of Pennsylvania Constitutional Theory Workshop, April 2008

Washington & Lee School of Law, April 2008

The Golden Mean Between Kurt & Dan: A Moderate Reading of the Ninth Amendment.

Conference on Unenumerated Rights

Drake Law School, April 2008

Our Counter-Majoritarian Constitution: A Comment on Sandy Levinson's *Our*

Undemocratic Constitution

University Honors Symposium, George Washington University, March 2008

AALS Annual Meeting, Washington, DC., January 2007

The Harmful Side-Effects of Prohibition

Conference on Drug Policy, University of Utah College of Law, March 2008

Constitutional Clichés

Legal Studies Institute, The Fund for American Studies, July 2008

University of Connecticut School of Law, April 2008

Widener University School of Law, April 2008

University of Pennsylvania School of Law, April 2008

University of Virginia School of Law, April 2008

Vanderbilt University School of Law, April 2008

Wayne State Law School, March 2008

Las Vegas Lawyers Chapter of the Federalist Society, March 2008

University of Arizona, Rogers College of Law, March 2008

Tulane Law School, February 2008

Loyola university New Orleans School of Law, February 2008

Northwestern University School of Law, February 2008

Who is Federalism For?: Liberals, Conservatives, Everyone, or National Political Losers

Panel at AALS Annual Meeting organized by the Institute for Constitutional Studies, January 2008

Is America Different from Other Major Western Democracies?

Panel at the Federalist Society National Lawyers Convention, Washington, DC, November 2007

Supreme Court Preview

Georgetown Law Center, September 2006 and 2007
The Cato Institute, September 2006
College of William and Mary School of Law, September 2006

What's New About the New Originalism?"

Panel at the American Political Science Association Meeting, Chicago, September 2007

Three Federalisms

"Symposium on Separation of Powers," Loyola (Chicago) Law School, March 2007

Three Cheers for Student Edited Law Reviews

Symposium on "Writing about the Law: From Bluebook to Blogs and Beyond"
New York Law School, February 2007

Two Moralities

The Federalist Society Annual Student Symposium on "Morality and the Law"
Northwestern University, February 2007

The People or the State? *Chisholm v. Georgia* and Popular Sovereignty

The University of Chicago Law School, April 2007
Florida State University School of Law, March 2007
University of Florida Law School, March, 2007
Stetson University Law School, March, 2007
George Mason University School of Law, February 2007

Underlying Principles

University of Maryland Discussion Group on Constitutional Law, December 2006

Blogging and Scholarship

Symposium on How Blogs Are Transforming Legal Scholarship, Harvard Law School, April 2006
Panel, Section on Scholarship, AALS Annual Meeting, January 2006

Constitutions in Exile: Is the Constitution a Charter of Negative Liberties or a Charter of Positive Benefits?

Conference on A New Constitutional Order?, Fordham University School of Law, March 24-25, 2006

Scalia's Infidelity: A Critique of Faint-Hearted Originalism

Suffolk Law School, April 2006
U.C.L.A School of Law., April 2006
University of Iowa, April 2006
University of San Francisco School of Law, March 2006
Golden Gate University School of Law, March 2006
University of Pennsylvania Law School, February 2006
University of Texas School of Law, February 2006

The Presumption of Liberty and the Public Interest

Washington University in St. Louis, February 2006

Contract Theory and the Scholarship of Alan Farnsworth

Texas Wesleyan University School of Law, February 2006

Who's Afraid of Unenumerated Rights?

Symposium on Unenumerated Rights, University of Pennsylvania Law School, February 2006

The Ninth Amendment: It Means What it Says

University of Iowa, April, 2006

Brooklyn Law School, January 2006

Boston University School of Law, January 2006

Harvard Public Law Workshop, October 2005

Faculty Workshop, Georgetown Law Center, September 2005

The Constitution in Exile

Panel with Cass Sunstein, Section on Constitutional Law, AALS Annual Meeting, January 2006

The Federalist Society at a Crossroads

George Washington University School of Law, December 2006

The Original Meaning of the Necessary and Proper Clause

Panel at the Federalist Society National Lawyers Convention, Washington DC, November 2005 (broadcast on C*SPAN)

It's a Bird, It's a Plane, No, It's Super-Precedent

Conference on "The Future of the Supreme Court: Institutional Reform and Beyond"

University of Minnesota Law School, October 2005

Debate on *Gonzales v. Raich*

Yale Law School, October 2005

The Nomination of John Roberts

Panel sponsored by the American Constitution Society at the Georgetown Law Center, September 2005 (broadcast on C*SPAN)

The Supreme Court Term In Review

Panel sponsored by the American Constitution Society at the National Press Club, Washington DC, June 2005.

The Role of Precedent in Originalism

Constitutional Law Section, AALS Annual Meeting, January 2005

Moot Court for *Ashcroft v. Raich*

Harvard Law School, November 2004

Oklahoma City University School of Law, November 2004 (Brennan Distinguished Lecturer)

Georgetown Law Center, November 2004

Medical Cannabis and the Commerce Clause: *Ashcroft v. Raich*

Faculty Workshop, University of Illinois College of Law, December 2004

Faculty Workshop, University of Alabama School of Law, February 2005

Speeches at:

Northwestern University School of Law, February 2005
Milwaukee Federalist Society, Lawyers Chapter, February 2005
Duke University School of Law, February 2005
Wake Forest School of Law, February 2005
Cumberland Law School, February 2005
University of Alabama School of Law, February 2005
New York University School of Law, March 2005
Columbia University School of Law, March 2005

Is the Right to Keep and Bear Arms Conditioned on a Militia?

Faculty Workshop, George Mason University School of Law, October 2004
Faculty Workshop, Seton Hall University School of Law, September 2004
Symposium, William and Mary School of Law, January 2003

Restoring the Lost Constitution: The Presumption of Liberty

Panel at NEW ENGLAND POLITICAL SCIENCE ASSOCIATION, Portsmouth, NH, April 2004
Panel at the CATO INSTITUTE, February 2004
Panel at AALS jointly sponsored by Constitutional Law and Jurisprudence sections, Atlanta, January 2004

Speeches at:

University of Oregon School of Law, April 2004
University of Washington School of Law, April 2004
Seattle University School of Law, April 2004
Notre Dame Law School, April 2004
Arizona State University College of Law, April 2004
University of Georgia School of Law, April 2004
Emory Law School, April 2004
Georgia State School of Law, April 2004
Florida State University College of Law, April 2004
Yale Law School, April 2004
University of Nebraska School of Law, March 2004
University of Michigan School of Law, March 2004
Indiana University (Bloomington) School of Law, March 2004
St Louis University School of Law, March 2004
UC Hastings College of Law, March 2004
Stanford Law School, March 2004
University of Santa Clara School of Law, March 2004
Chapman University School of Law, March 2004
UCLA School of Law, March 2004
Pepperdine University School of Law 2004
USC Law Center, March 2004
Loyola-Marymount University School of Law, March 2004
University of San Diego School of Law, March 2004
University of Pennsylvania School of Law, February 2004
Temple University School of Law, February 2004
Vanderbilt University School of Law, February 2004
University of Houston School of Law, February 2004
South Texas College of Law, February 2004
St. Mary's University School of Law February 2004
University of Minnesota School of Law, February 2004
William Mitchell College of Law, February 2004
St. Thomas University School of Law, February 2004

John Marshall Law School (Chicago), February 2004
New York University School of Law, February 2004
Columbia University School of Law, February 2004
Cornell University School of Law, February 2004
Boston University School of Law, February 2004
Georgetown Law Center, January 2004
George Mason University School of Law, January 2004
George Washington University School of Law, January 2004
Catholic University School of Law, January 2004
University of Virginia School of Law, January 2004
Washington & Lee School of Law, January 2004
William and Mary, Marshall-Wythe College of Law, January 2004

Lawrence v. Texas and the Presumption of Liberty

Lewis & Clark School of Law, April 2004
University of San Diego School of Law, March 2004
Northwestern University School of Law, January 2004
Duke University School of Law, October 2003
University of Texas School of Law, September 2003

The Imperative of Natural Rights for Today's World

Annual Meeting, AMERICAN POLITICAL SCIENCE ASSOCIATION, August 2003

Debate on Conservative Judicial Activism

Annual Meeting, STATE BAR ASSOCIATION OF NORTH DAKOTA, Medora, ND, June 2003

Speech on The Rule of Law and the War on Terrorism

Annual Meeting, PHILADELPHIA SOCIETY, New Orleans, LA, April 2003

Constitutional Legitimacy

University of Pennsylvania, May 2003
Notre Dame University, September 2002
Harvard Law School, February 2002
University of Chicago Law School, January 2002
Villanova University School of Law, January 2002
George Washington University School of Law, November 2001
University of Houston School of Law, March 2001
NYU AUSTRIAN ECONOMICS WORKSHOP, January 2000

New Evidence on the Original Meaning of "Commerce"

Conference on the Commerce Clause: Past, Present & Future
University of Arkansas School of Law, March 2002

The Original Meaning of the Commerce Clause

Yale Law School, December 2001

The Future of the American Legal System

ST. THOMAS UNIVERSITY, Minneapolis, MN, November 2002

Is the Rehnquist Court an “Activist” Court?

University of Chicago School of Law, November 2002
Northwestern University School of Law, November 2002
Western New England School of Law, September 2002
University of Pennsylvania School of Law, January 2002
University of Colorado School of Law, October 2001
Conference on “Conservative Judicial Activism”

Debate on the War of Drugs

Cato Institute, May 2001

Debate on the Constitutional Protection of Unenumerated Rights

Yale Law School, April 2001

Constitutional Legitimacy and the Fiction of Popular Sovereignty

University of Houston School of Law, March 2001
NYU AUSTRIAN ECONOMICS WORKSHOP, January 2000

Human Flourishing and the Structure of Liberty (with Doug Rasmussen)

Murphy Institute of Political Economy, TULANE UNIVERSITY, March 2001

The Right to Liberty in the Good Society

Conference on Constitution and the Good Society
Fordham U. School of Law, September, 2000

Eight Tips for Navigating Law School Politics

AALS NEW PROFESSORS’ WORKSHOP, July 2000

Panelist at Symposium on the Second Amendment

Seton Hall Law School, February, 2000

Speech on An Originalism for Nonoriginalists

Suffolk, Nova University, Indiana, Nebraska, Iowa, Chicago-Kent, Yale & Virginia

Guest Lecture on The Structure of Liberty

George Mason University School of Law, November 1999

Speech on the Second Amendment

Indiana University School of Law, October 1999
Suffolk Law School, April 2000

An Originalism for Nonoriginalists

Notre Dame School of Law, September 2002
Case Western Reserve School of Law, September 2002
University of Michigan School of Law, January 2002
Federalist Society Law Professors Annual Meeting, January 2000
University of Nebraska School of Law, November 1999
George Mason University School of Law, November, 1999
University of Florida School of Law, October 1999 2000
Boston University School of Law, March 1999

Panel on Gun Control and the Second Amendment

BOSTON CHAPTER OF THE ANTI-DEFAMATION LEAGUE, August 1999

Eight Tips for Navigating Law School Politics

AALS NEW TEACHER'S WORKSHOP, July 2000

AALS NEW TEACHER'S WORKSHOP, July 1999

The Structure of Liberty

JURISPRUDENCE & INTERPRETATION SECTIONS, AALS ANNUAL MEETING, January 1999

Stanford University School of Law, March 1999

Philosophy Department, Bowling Green State University, February 1997

Quinnipiac College School of Law, October 1996

Boston University School of Law, March 1996

Spooner on Slavery: Natural Rights and Constitutional Interpretation

University of Iowa, November 1997

A Law Professor's Guide to Natural Law and Natural Rights

JURISPRUDENCE SECTION, AALS ANNUAL MEETING, January 1997

Law and Philosophy Society, Harvard Law School, April 1997

Intention to be Legally Bound

Conference on Freedom of Contract, George Mason University School of Law, December 1996

Necessary and Proper

Ashland University, April 1996

The Death of Reliance

AALS MINIWORKSHOP, January 1996

University of Denver School of Law, March 1996

The Role of Natural Rights in Constitutional Adjudication

Georgia State University School of Law, September 1995

Seton Hall Law School, October 1994

Boston University School of Law, May 1994

Rutgers-Camden School of Law, April 1994

Symposium on Rights, University of North Carolina-Greensboro, April 1994

Loyola Law School, Loyola marymount University, February 1994

Symposium on Liberalism, Modernity and Natural Law,

AMERICAN PUBLIC PHILOSOPHY INSTITUTE, September 1993

The Function of Restitutive Justice

AUSTRIAN ECONOMICS WORKSHOP, New York University, April 1994

LAW & ECONOMICS WORKSHOP, University of Toronto School of Law, March 1993

. . . and Contractual Consent

Conference on Default Rules and Contractual Consent,

University of Southern California Law Center, March 1993

Implementing the Ninth Amendment

Boston University School of Law, October 1992
Harvard Law School, February 1993

Default Rules and Contractual Consent

Nova University Center for the Study of Law, February 1992

The Function of Several Property and Freedom of Contract

Loyola University School of Law, New Orleans, March 1991

The Virtues of Redundancy in Legal Thought

Legal Theory Workshop, Columbia University of School of Law, November 1989
Western New England College School of Law, April 1990
Northwestern University School of Law, November 1991

Knowledge, Interest, and Power: The Fusion of Justice and the Rule of Law

Legal Theory Workshop, University of Toronto, April 1989
Case Western Reserve School of Law, April 1989

A Consent Theory of Contract and its Limits

UCLA School of Law, October 1988

Squaring the Law of Undisclosed Agency with Contract Theory

American Bar Foundation/Northwestern University School of Law, March 1987

Normative Legal Philosophy and the Recent History of Legal Scholarship

Legal History Workshop, University of Illinois College of Law, September 1984

SERVICE AND OTHER:

Chair, Planning Committee for AALS Workshop for Pretenure Minority Law School Professors, Workshop for New Law Teachers Workshop & Workshop for Beginning Legal Writing Teachers, 2008-2009

Executive Committee, AALS Section on Constitutional Law, 2004-2005

Chair, AALS Section on Constitutional Law, 2003-2004

Executive Nominations Committee, National Order of the Coif, 2003

Member, Planning Committee Meeting, AALS Conference on Constitutional Law, 2001

Chair, AALS Section on Scholarship, 1997-1998

Chair, AALS Section on Jurisprudence, 1996-1997 -1993

National Executive Committee, THE ORDER OF THE COIF, 1992-1994

Legal Affairs Contributor, WBEZ-FM CHICAGO (National Public Radio affiliate), 1990

Senior Fellow, The Cato Institute, Washington DC and the Goldwater Institute, Phoenix, AZ

Admitted only in the State of Illinois. Practice limited to the federal courts.

Member, Supreme Court Bar