

Curriculum Vitae

EMPLOYMENT:

MICHIGAN STATE UNIVERSITY COLLEGE OF LAW

East Lansing, Michigan

-Associate Professor of Law

1994-1998

-Professor of Law

1998-Present

-Foster Swift Professor of Constitutional Law (2016-2019)

Courses: Constitutional Law I & II; Racial Justice Seminar; Constitutional Theory Seminar; Comparative Constitutional Law; Writings of the Founding; International Law; NAFTA; Property; Business Enterprises.

Law College Committees: Faculty Advisory Council (2007-2009, Chair 2007-2008; 2015-2017, Chair 2016-2017); Library Director Search (Chair 2019-2020); Dean Search (2007-2008); Faculty Appointments (Chair 2004-2005); Faculty Development (Chair 2005-2006); Curriculum (Chair 2000-2001); Non-Tenured Faculty Advisory Committees (frequent Chair); Admissions; Academic Standards; Diversity & Inclusion Task Force (co-Chair 2016-2018).

University Activities: MSU Big Ten Academic Alliance - Academic Leadership Program Fellow (2008-2009); MSU Asian Studies Center - Core Member (2007-Present); Undergraduate Committee on Academic Policy (2008-2009); Academic Council (2008-2012); Faculty Council (2008-2012); University Graduate Committee (2009-2012); International Studies Program Advisory Group (2009-2012); University Committee on Faculty Affairs (2012-2015).

Faculty Director: Washington, DC Federal Externship Semester Program (Program founder) (2003-2013); Mexico Summer Law Program, Guadalajara, Mexico (2003-2004, 2006-2010); Rental Housing Clinic (Clinic founder - 1998); China/MSU Law Faculty Exchange (Program founder) (2005-2009).

Professional Organizations: AALS (Association of American Law Schools) Section on Pre-Legal Education and Admission to Law School (Chair, 2006-2007; Chair-elect, 2005-2006; Executive Committee 2003-2005); AALS Section on Post-Graduate Legal Education (Chair, 2004-2005; Executive Committee 2003-2007); American Bar Association; Member, American Civil Liberties Union (ACLU).

Awards/Recognitions: Michigan State University Big Ten Academic Alliance - Academic Leadership Program Fellow (2008-2009); J. William Fulbright Scholarship (Lecturer at University of International Business and Economics, Beijing, China (January-July 2005)); WSBA "Faculty Appreciation Award" (2008); SBA "Administrator of the Year" (2001-2002; 2002-2003); SBA "Professor of the Year" (2012; 1998); Faculty Commencement Speaker (1999; 2013); SBA Distinguished Faculty Recognition (1999; 2001; 2011); Consistently Excellent Student Evaluations.

-Associate Dean for Graduate and International Programs

2009-2013

Job Description: Oversaw the Law College's Master in Laws (LL.M. & M.J.) programs, summer study abroad programs, interdisciplinary dual degree programs with other Michigan State University colleges, the Washington D.C. Semester Externship Study Program, and faculty exchange programs. Developed LL.M./M.J. Program at MSU-Dubai campus. Key tasks included budgeting, development & fundraising, staff supervision, strategic planning on graduate, international and interdisciplinary matters.

-Associate Dean for Academic Affairs

2001-2003

Job Description: Responsible for Law School's Academic Program, including curricular development, faculty committee oversight, staffing, scheduling, development, student relations; active roles in alumni development, public relations, operations, planning.

-Other Positions on Leave from MSU Law Faculty**-Fulbright Award Lecturer**

January-June 2005

University of International Business & Economics

Beijing, China

Courses: American Business Law (95 students); American Property Law (25 students)**-Visiting Professor of Law**

August 1999-May 2000

University of Denver College of Law

Denver, Colorado

Courses: International Law, International Business Transactions, Constitutional Law I & II**BAKER & MCKENZIE****Washington, D.C., 1992-1994****-Attorney at Law**

Job Description: Associate attorney in firm's Corporate and International Trade departments; prepared legal memoranda; maintained client corporate records; drafted legal documents for client actions before U.S. administrative agencies and U.S. federal courts.

EDUCATION:**-University of Wisconsin Law School (1989-1992) - J.D., cum laude.**

Activities/Awards: Editor-in-Chief, *Wisconsin Law Review* (1991-1992); Moot Court Board (Top Ten Oralist, 1990 Chicago Bar Association Competition); Salmon Dalberg Award (1992) (chosen by law faculty as the outstanding graduating student); William Hagenah Award (1991) (awarded to incoming *Wisconsin Law Review* Editor-in-Chief).

-University of Wisconsin Graduate School of Business (1990-1992) - M.S. International Business.**-University of Colorado (1985-1987) - M.B.S. (Master of Basic Science).****-Indiana University (1978-1981) - B.S. Small Business Management (Deans List; Varsity Baseball).****-U.S. Air Force Academy (1977-1978) (Deans List; Outstanding Basic Cadet; Varsity Baseball).**

PUBLICATIONS:**Books:**

- **RADICALS IN THEIR OWN TIME: FOUR HUNDRED YEARS OF STRUGGLE FOR LIBERTY AND EQUAL JUSTICE IN AMERICA** (Cambridge University Press 2011).
- **MODEL PROBLEMS AND OUTSTANDING ANSWERS: CONSTITUTIONAL LAW** (Oxford University Press 2013) (with Kevin Saunders).

Book Chapters:

- *The Thirteenth Amendment as Basis for Racial Truth and Reconciliation, in* v. 37 **CIVIL RIGHTS LITIGATION AND ATTORNEY FEES ANNUAL HANDBOOK** 571 (ed. Steven Saltzman, Thomson Reuters, 2021).

Articles (available at <http://ssrn.com/author=129776>):

- *40 Acres and a Mule, Plus Interest: A Survey on Emerging Reparation and Racial Equity Measures*, 27 **LEWIS & CLARK LAW REVIEW** __ (forthcoming 2023) (with Danielle Rogers).
- *Falling Short of the Promise of the Thirteenth Amendment: Time for Change*, 12 **CONLAWNOW** 143 (2021).
- *The Thirteenth Amendment as Basis for Racial Truth and Reconciliation*, 62 **ARIZONA LAW REVIEW** 637 (2020).
- *Racial Justice Demands Truth & Reconciliation*, 80 **UNIVERSITY OF PITTSBURGH LAW REVIEW** 69 (Fall 2018).
- *Justice-as-Fairness as Judicial Guiding Principle: Remembering John Rawls and The Warren Court*, 81 **BROOKLYN LAW REVIEW** 673 (Winter 2016).
- *The Importance of LL.M. Programs and Other Foreign Study in the Integration of Contemporary Legal Systems*, **CHINA UNIVERSITY OF POLITICAL SCIENCE & LAW CONFERENCE PROCEEDINGS** (2012).
- *The Effects of Human Rights Norms on Sovereignty: The Native American Context*, 20 **MICHIGAN STATE UNIVERSITY INTERNATIONAL LAW REVIEW** 57 (2011).
- *The Potentially Expansive Reach of McDonald v. Chicago: Enabling the Privileges or Immunities Clause*, 2010 **CARDOZO LAW REVIEW DE NOVO** 139.
- *Rescuing the Fourteenth Amendment Privileges or Immunities Clause: How “Attrition of Parliamentary Processes” Begat Accidental Ambiguity; How Ambiguity Begat SlaughterHouse*, 18 **WILLIAM & MARY BILL OF RIGHTS JOURNAL** 445 (2009).
- *Reading Tea Leaves in Federal Election Commission v. Wisconsin Right to Life, Inc.: Hope for a Buckley Evolution?*, 43 **TULSA LAW REVIEW** 697 (2008).
- *Government as Liberty’s Servant: The “Reasonable Time, Place and Manner” Standard of Review for All Government Restrictions on Liberty Interests*, 68 **LOUISIANA L.REV.** 1 (2007).
- *Second Amendment Incorporation Through the Fourteenth Amendment Privileges or Immunities and Due Process Clauses*, 72 **MISSOURI LAW REVIEW** 1 (2007).
- *Reviving a Natural Right: The Freedom of Autonomy*, 42 **WILLAMETTE L. REV.** 123 (2006).
- *Current Scholarship on Human Rights from Within Asia*, in **WORKSHOPS ON INTERNATIONAL LAW** (Organization of American States, Canada 2006).
- *Do “Creatures of the State” Have Constitutional Rights?: Standing for Municipalities to Assert Procedural Due Process Claims Against the State*, 47 **VILLANOVA L. REV.** 101 (2001).
- *A New Case for Direct Congressional Regulation of Guns in School Zones*, 77 **DENVER UNIVERSITY LAW REVIEW** 769 (2000).

- *Providing Guidance and Counsel on Ethics to Public Officials and Employees: The Proposed Michigan Government Ethics Act of 1999*, 76 UNIVERSITY OF DETROIT L. REV. 411 (1999).
- *Common Property and Natural Resource Management: A Michigan Perspective*, in THE ECONOMICS OF LEGAL RELATIONSHIPS, vol. 5 (N. Mercurio and M. Kaplowitz eds., 1999).
- *Toward a More Coherent Dormant Commerce Clause: A Proposed Unitary Framework*, 21 HARVARD JOURNAL OF LAW & PUBLIC POLICY 471 (1998).
- *A Proposal to Reform the Michigan Zoning Enabling Act to Allow Amortization of Nonconforming Uses*, 1998 DETROIT COLLEGE OF LAW REVIEW (MSU LAW REVIEW) 653.
- *Finding Shade from "Government in Sunshine Act": A Proposal to Permit Private Informal Background Discussions at U.S. International Trade Commission*, 45 CATHOLIC UNIVERSITY LAW REVIEW 1 (1995).
- *Bias in the International Trade Administration: The Need for Impartial Decisionmakers in United States Antidumping Proceedings*, 26 CASE WESTERN RESERVE JOURNAL OF INTERNATIONAL LAW 1 (1994).
- *Court of International Trade Deference to ITC and ITA Antidumping Determinations: An Empirical Look*, 25 LAW & POLICY IN INTERNAT'L BUSINESS 107 (Fall 1993) (with T. Ondeck).
- *The U.S. International Trade Commission's Role in Protecting U.S. Markets*, II-6 INTERNATIONAL LEGAL STRATEGY 15 (1993) (with Thomas Ondeck).
- *The Parol Evidence Rule in Wisconsin: Status in the Law of Contract, Revisited*, 1991 WISCONSIN LAW REVIEW 1071.

Other:

- Amicus Curiae Brief of Professors of Law and Constitutional Historians, *Coalition to Defend Affirmative Action, Integration and Immigration Rights and Fight for Equality by Any Means Necessary v. Regents of University of Michigan and Shuette*, Nos. 08-1387, 08-1534 (6th Circuit) (with Professors Michelle Adams, Richard Aynes, Wilson Huhn, Michael Perry, Richard Saphire, Christopher Waldrep, Rebecca Zietlow) (2011).
- Amicus Curiae Brief of Professors of Law, *McDonald v. Chicago*, No. 08-1521 (U.S. Supreme Court)(with Professor Richard Aynes, Jack Balkin, Randy Barnett, Steven Calabresi, Michael Curtis, William Van Alstyne, Adam Winkler)(2009).
- Amicus Curiae Brief of Constitutional Accountability Center & Professors of Law, *McDonald v. Chicago* (7th Circuit)(with Professors Richard Aynes, Michael Kent Curtis, Jack Balkin) (2009)(winner of award from *The Green Bag*).
- Amicus Curiae Brief of Professors of Law, *Nordyke v. King*, No. 07-15763 (9th Circuit)(with Professors Richard Aynes, Michael Kent Curtis, Richard W. Van Alstyne)(2008).

SPEECHES, PRESENTATIONS, PANELS (selected):

- Judge, "*We the People: The Citizen and the Constitution* State Finals & Showcase Event," Michigan Center for Civic Education, Lansing, Michigan, January 10, 2020.
- Paper Presenter, "The Thirteenth Amendment as Grounds for Racial Truth and Reconciliation," 13th Amendment and Racial Justice Conference, Chicago-Kent Law School, Chicago, Illinois, November 9-10, 2019.
- Speaker, "The Gerrymandering Issue in Federal and State Courts," NALS of Michigan CLE Event, Fall Legal Education Meeting, Lansing, Michigan, October 19, 2019.
- Moderator, "Guilty of Being Poor?: Pretrial Detention Issues and Solutions," Morrison Lecture Series, Edgewood UCC, East Lansing, Michigan, October 5, 2019.

- Judge, “MLK Student Leadership Conference,” MSU, East Lansing, Mich., January 21, 2019.
- Judge, “*We the People: The Citizen and the Constitution* State Finals & Showcase Event,” Michigan Center for Civic Education, Lansing, Michigan, January 11, 2019.
- Speaker, “Monthly Lunch Talk: Trump’s Legal Peril at the Two-Year Mark,” Edgewood UCC, East Lansing, Michigan, October 29, 2018.
- Lead Faculty Organizer, “Symposium: Is It Time for Truth & Reconciliation in Post-Ferguson America?,” MSU College of Law, Law Review, East Lansing, Michigan, March 15-16, 2018.
- Speaker, “Speech on College Campuses: Is the Ground Shifting Around Freedom of Expression in Public Universities?,” MSU College of Communication Arts & Sciences, East Lansing, Michigan, January 12, 2018.
- Speaker, “Freedom of Speech in American Schools and Society,” James Madison Legacy Project, Michigan Center for Civic Education, Grand Rapids, Michigan, November 16, 2017.
- Speech, “Is U.S. Too Speech-Protective?,” FernUniversität in Hagen, Germany, Nov. 9, 2017.
- Keynote Speaker, “A Transatlantic View of Brexit,” FernUniversität in Hagen Conference on *The Legal Implications of Brexit*, Hagen, Germany, November 8, 2017.
- Speaker, “Constitutional Dimensions of Free Speech on Campus,” MSU Office for Inclusion, *Freedom of Expression & Free Speech: Implications & Issues in Higher Education*, East Lansing, Michigan, August 2017.
- Speaker, “The Supreme Court’s Fourteenth Amendment Evolution,” James Madison Legacy Project, Michigan Center for Civic Education, Lansing, Michigan, January 12, 2017.
- Speaker, “Silenced By Privilege,” MSU-COL Diversity Consortium, East Lansing, Michigan, March 30, 2016.
- Speaker, “If Not Now, Then When? If Not Us, Then Who?,” MSU-COL Diversity Services Office Annual Diversity Law Day, East Lansing, Michigan, February 22, 2016.
- Speaker, “Lessons from Dr. King’s ‘Letter from Birmingham Jail,’” MSU MLK Day Celebration, East Lansing, Michigan, January 18, 2016.
- Instructor, “American Constitutional Law for LLM/MJ”; taught intensive mini course to ten LLM/MJ students at Michigan State University-Dubai; Dubai, UAE, October 8-11, 2015.
- Speaker, “Closing Remarks: Holding Police Accountable,” Persuasion in Civil Rights Advocacy Symposium, MSU-COL RWA Dept. and MSU Law Review, East Lansing, Michigan, April 10, 2015.
- Panelist, “Seven Generations: Reflecting on Our Past to Achieve Justice for Our Tomorrow,” MSU-COL Law Diversity Consortium & Native American Law Students Association, East Lansing, Michigan, January 27, 2015.
- Keynote Speaker, “Speaking Truth to Power: Four Hundred Years of American Social Activism,” Lansing Torch Club Meeting, East Lansing, Michigan, December 18, 2014.
- Featured Speaker, Truman Morrison Memorial Lecture Series (Saturday luncheon talk: “Betrayals and Bridges: A Discussion of the Life and Work of Native American Scholar and Activist, Vine Deloria, Jr.”; Edgewood UCC, East Lansing, Michigan, November 1-2, 2014.
- Guest Lecturer, “Limits on Presidential Power Under the U.S. Constitution: Drones, Syria, and the National Security Agency,” FernUniversität in Hagen, Germany, March 4, 2014.
- Keynote Speaker, “Nelson Mandela and ‘Generation D,’” MSU College of Law Diversity Week Kickoff Event, East Lansing, Michigan, February 24, 2014.
- Faculty Commencement Speaker, “Lessons from Nelson Mandela (1918-2013),” MSU College of Law, East Lansing, Michigan, December 19, 2013.
- Panelist, “Idle-No-More Indigenous Movement: Historical,” MLK Commemoration, East

Lansing, Michigan, April 15, 2013.

- Instructor, “Introduction to American Business Law”; course for 35 Colombian undergrad law students, University Sergio Arboledas, Bogota, Colombia, Feb. 28-March 2, 2013 (also 2012).
- Panelist, “Paine, Religion and Radicalism: Thomas Paine in the American Radical Lineage,” International Conference on Paine Studies, Iona College, New Rochelle, NY, Oct. 19-20, 2012.
- Speaker, “Tips for Law Study” Dar Aluloom University, Riyadh, Saudi Arabia, October 10, 2012 (also 2011).
- Speaker, “Opportunities in U.S. Law Schools,” Symbiosis Univ., Pune, India, Sept. 27, 2011.
- Panelist, “Importance of LLM Programs in Exchange and Integration” China University of Political Science & Law First International Conference, Beijing, China, September 25, 2011.
- Speaker, “W.E.B. Du Bois, Radical for the Good,” Black Law Students Association Diversity Week Presentation, East Lansing, Michigan, February 9, 2011.
- Presenter, “Radicals in Their Own Time,” Bookreading at Bluestockings Bookstore, New York City, New York, January 27, 2011.
- Presenter, “Vine Deloria, Jr. – Sioux Radical,” MSU-COL Indigenous Law and Policy Center symposium on individual profiled in *Radicals in Their Own Time*, January 24, 2011.
- Instructor, “American Constitutional Law”; taught three-week January Term course at University of Ottawa Faculty of Law, Ottawa, Ontario, Canada, January 3-24, 2011.
- Instructor, “Intro to American Business Law”; taught one-week mini course to seventy Polish graduate students at Univ. of Bialystok, Poland, July 12-16, 2010 (also Lodz, Dec. 1-5, 2008).
- Participant, “Summer Law Conf.,” Internat’l Law Students Ass’n, Istanbul, Turkey, July 2010.
- Panelist, “Power & the Law: Reconciling Liberty and Progressive Government,” Law & Society Annual Conference, Denver, Colorado, May 29, 2009.
- Instructor, “USA Legal Research and Writing”; co-taught 1-week course to LL.M. students in Graduate Business Law Program at LaTrobe Univ. in Melbourne, Australia, Dec. 17-21, 2007.
- Panelist, “Life in China as a Fulbright Scholar,” U.S. State Department/CIES Orientation for 2007-08 Fulbright Scholars, Washington, DC, June 8-9, 2007.
- Lecturer, “Judicial Review and the Independent Judiciary,” China Academy of Social Sciences (CASS), Beijing, China, March 2006.
- Lecturer, “Government vs. Individual Rights,” China University of Political Science & Law, Beijing, March 2006.
- Panelist, “International Law in a Broader Context,” Organization of American States: Workshops on International Law, Ottawa, Canada, October 2005.
- Instructor, “Getting Ready for Law School”, CLEO (Council on Legal Educ. Opportunity) “Attitude is Essential” meeting for minority law students, Los Angeles, CA, July 2005, 04, 03.
- Fulbright Lecturer (topics: American Business Law, Constitutional Law, American Legal Education) at: Beijing Univ., Fudan Univ. (Shanghai), Yunnan Univ. (Kunming), Northwest Univ. (Xi’an), Lanzhou Univ., Xiamen Univ., Jinan Univ. (Guangzhou), Qingdao Univ., Southwest Univ. of Fin. & Econ. (Chengdu), Univ. of Internat’l Bus.& Econ.(Beijing), 2005.
- Chair & moderator, AALS Post-Graduate Legal Education, San Francisco, Calif., Jan. 2005.
- Instructor, “NAFTA Customs Law Practice”; taught mini course to 20 law students at MSU College of Law’s Program in Guadalajara, Mexico, May 22-June 5, 2004 (also 2003).
- Instructor, “Comparative Constitutional Law”; taught two-week mini-course to fifty Lithuanian law students at Vytautas Magnus University, Kaunas, Lithuania, May 14-25, 2001.
- Speaker, “The United Nations in 1999: Hope for the Future”; University of Denver College of Law International Law Society United Nations Day Panel, Denver, Colorado, Oct. 18, 1999.

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- Lecturer, “Emerging Issues in WTO: Preparing for the Millennium Round”; course at Taiwan Board of Foreign Trade (Ministry of Economic Affairs), Taipei, Taiwan, November 19, 1998.
- Lecturer, “U.S. Trade Laws Impacting Trade Relations Between R.O.C. & U.S.”; National Chengchi Univ., Center for Public & Business Administration, Taipei, Taiwan, June 6, 1996.

BAR ADMISSIONS:

State: Michigan; Colorado (inactive); Illinois (inactive); District of Columbia (inactive); Wisconsin (inactive).

Federal: United States Supreme Court; U.S. Court of Appeals for the Federal Circuit; U.S. Court of International Trade.