

JACK N. RAKOVE
William Robertson Coe Professor of History and American Studies
Professor of Political Science and (by courtesy) of Law
Stanford University
Stanford CA 94305-2024

Office: Lane History Corner 117
(650) 723-4514, fax 725-0597
rakove@stanford.edu

EDUCATION:

1969-75 Harvard University; Ph.D. in History
1966-67 University of Edinburgh, Scotland
1964-68 Haverford College; A.B. with Honors in History

EMPLOYMENT:

1980 Department of History, Stanford University; Assistant Professor 1980-82;
Associate Professor 1982-90; Professor, 1990; William Robertson Coe Professor of History and
American Studies, 1996; Professor of Political Science 1996; Professor of Law (by courtesy),
spring 1999, spring 2003, 2005-; Emeritus, 2019

1975-82 Department of History, Colgate University; Instructor, 1975-76; Assistant
Professor 1976-80; Associate Professor with tenure 1980-82 (on leave)

fall 2003 Visiting Professor, New York University School of Law
March 2011 Visiting Professor, Tel Aviv University School of Law
June 2015 Visiting Professor, Hebrew University School of Law

AWARDS AND FELLOWSHIPS:

Member, Massachusetts Historical Society, 2017
National Endowment for the Humanities, Public Scholar Fellowship, 2016-2017
Distinguished Alumnus, Evanston Township High School, 2015
Member, American Philosophical Society, 2007
Fellow, Center for Advanced Study in the Behavioral Sciences, 2006-2007, 2016-2017
Doctor of Humane Letters, Barat College, 2002
President, Society for the History of the Early American Republic, 2002-2003
Member, American Antiquarian Society, 2000
Member, American Academy of Arts and Sciences, 1999
Society of the Cincinnati Book Prize, 1998
Pulitzer Prize in History, 1997
Fraunces Tavern Museum Book Award, 1997
Stanford Humanities Center, Faculty Fellowship, 1988-89, 2000-2001
National Endowment for the Humanities, Constitutional Fellowship, 1984-85
National Endowment for the Humanities, Summer Seminar Instructor, 1984 (College Teachers),
1987 (Law Professors)

Project '87, research fellowship, 1982
National Endowment for the Humanities, Summer Stipend, 1977
Delancey K. Jay Prize, Harvard University, 1976
Graduate Prize Fellowship, Harvard University, 1969-74
Woodrow Wilson Fellowship Designate, 1968

BOOKS

Beyond Belief, Beyond Conscience: The Radical Significance of the Free Exercise of Religion (Oxford University Press, 2020)

ed., with Colleen Sheehan, *The Cambridge Companion to The Federalist* (Cambridge UK: Cambridge University Press, 2020)

A Politician Thinking: The Creative Mind of James Madison (Norman, University of Oklahoma Press, 2017; paperback 2021)

Revolutionaries: A New History of the Invention of America (Boston: Houghton Mifflin Harcourt, 2010; paperback Mariner 2011; London: William Heinemann, 2010; paperback Random House 2011); Finalist, George Washington Book Prize, 2011

The Annotated U.S. Constitution and Declaration of Independence (Cambridge: Harvard University Press, 2009; paperback 2012)

ed., *Founding America: Documents from the Revolution to the Bill of Rights* (Barnes & Noble, 2006)

with Patricia Limerick and Philip Deloria, *This Land* (Brandywine Books, 2003)

ed., *The Federalist: The Major Essays* (Boston: Bedford Books, 2003)

ed., *The Unfinished Election of 2000* (New York: Basic Books, 2001)

ed., with John Ferejohn and Jonathan Riley, *Constitutional Culture and Democratic Rule* (Cambridge, England: Cambridge University Press, 2001)

ed., *James Madison: Writings* (New York: Library of America, 1999)

Declaring Rights: A Brief History with Documents (Boston: Bedford Books, 1997)

Original Meanings: Politics and Ideas in the Making of the Constitution (New York: Alfred A. Knopf, 1996; main selection, History Book Club, June 1996; paperback, Vintage, 1997); awarded Fraunces Tavern Museum Book Award and Pulitzer Prize in History, 1997; Order of the Cincinnati Book Prize, 1998; Chinese translation, 2008

James Madison and the Creation of the American Republic (Glenview, Ill.: Scott Forsman, 1990); 2d ed., expanded (Longman, 2001); 3d ed., (Longman, 2006)

ed., *Interpreting the Constitution: The Debate over Original Intent* (Boston: Northeastern University Press, 1990)

The Beginnings of National Politics: An Interpretive History of the Continental Congress (New York: Alfred A. Knopf, 1979; paperback, Johns Hopkins University Press, 1982)

BOOKS IN PROGRESS:

The Ticklish Experiment: A Political History of the Constitution, 1789-2020 (Farrar, Straus, Giroux, forthcoming)

SCHOLARLY ARTICLES AND CHAPTERS:

“Beyond Sisyphus: Some Thoughts on Electoral College Reform,” *Journal of Constitutional Law*, forthcoming

“James Madison, Political Strategist,” in Eric Kasper and Howard Schweber, eds., *James Madison’s Constitution: A Double Security and a Parchment Barrier* (University Press of Kansas, forthcoming)

“An Old Question: What Is Revolutionary about the American Revolution,” in Bertrand Van Ruymbeke, Brigitte Félix, and Audrey Fogel, eds., *Indépendance(s) 2016-1776* (Rennes, Les Perséides, forthcoming)

“Historical Approaches to the Study of Constitutionalism: Some American Problems and Theses,” in David Law and Malcolm Langford, eds., *Research Methods in Constitutional Law* (Edward Elgar, forthcoming)

“Introduction” [with Colleen Sheehan] and “Politics Indoors and Out-of-Doors: A Fault Line in Madison’s Thinking,” in Rakove and Sheehan, eds., *The Cambridge Companion to The Federalist*, (Cambridge University Press, 2020), 1-17, 370-399

“Ideas, Ideology, and the Anomalous Problem of Revolutionary Causation,” *New England Quarterly*, 91 (2018), 36-56

“Tone Deaf to the Past: More Qualms about Public Meaning Originalism,” *Fordham Law Review*, 84 (2015), 969

“A Model for Deliberation or Obstruction: Madison’s Thoughts about the Senate,” in Benjamin Wittes and Pietro Nivola, eds., *What Would Madison Do? The Father of the Constitution Meets Modern American Politics* (Brookings Institution Press, 2015), 111-128

“Constitutionalism: The Happiest Revolutionary Story,” in Keith Baker and Dan Edelstein, eds., *Scripting Revolution: A Historical Approach to the Comparative Study of Revolutions* (Stanford University Press, 2015), 103-117

“A Real Nondescript’: James Madison’s Thoughts on States’ Rights and Federalism,” in Neil Cogan, ed., *Union and States’ Rights: 150 Years after Sumter, Nullification, Interposition, and Secession* (Akron University Press, 2013), 13-29

“Impotence, Perspicuity, and the Rule of Law: James Madison’s Critique of Republican Legislation,” in Andreas Niederberger and Philipp Schink, eds., *Republican Democracy: Liberty, Law and Politics* (Edinburgh University Press, 2013), 41-61

“The Political Thought of James Madison,” in Stuart Leibiger, ed., *A Companion to James Madison and James Monroe* (Wiley-Blackwell, 2013), 5-20

“Thomas Jefferson in the 21st Century,” in Frank Cogliano, ed., *The Blackwell Guide to Thomas Jefferson* (Wiley-Blackwell, 2012), 551-565

“Joe the Ploughman Reads the Constitution, or, The Poverty of Public Meaning Originalism,” *San Diego Law Review*, 48 (2011), 575-600

with Barry Weingast and Sonia Mittal, “The Constitutional Choices of 1787 and Their Consequences,” in Douglas Irwin and Richard Sylla, eds., *Founding Choices: American Economic Policy in the 1790s* (Chicago: University of Chicago Press for the National Bureau of Economic Research, 2011)

“Introduction,” in Elizabeth Nuxoll, ed., *The Selected Papers of John Jay: 1760-1779* (Charlottesville, 2010)

“Confederation and Constitution,” in Christopher Tomlins and Michael Grossberg, eds., *Cambridge History of Law in America*, (Cambridge University Press, 2008), I

“The Dilemma of Declaring Rights,” in Barry Alan Shain, ed., *The Nature of Rights at the American Founding and Beyond* (Charlottesville: University of Virginia Press, 2007), 181-197

“The Original Justifications for Judicial Independence,” *Georgetown Law Journal*, 95 (2006-2007), 1061-1076

“Taking the Prerogative out of the Presidency: An Originalist Perspective,” *Presidential Studies Quarterly*, 37 (2007), 85-100

“Ticklish Experiments: The Paradox of American Constitutionalism,” in Gary L. McDowell and Johnathan O’Neill, eds., *America and Enlightenment Constitutionalism* (New York: Palgrave Macmillan, 2006), 217-241

- “Can We Know a Foundational Idea When We See One?” in James Caeser *et al.*, *Nature and History in American Political Development: A Debate* (Cambridge: Harvard University Press, 2006)
- “The Founders’ Congress,” in Julian Zelizer, ed., *The Reader’s Companion to the American Congress* (New York: Houghton Mifflin, 2004)
- “Jefferson, Rights, and the Priority of Freedom of Conscience,” in Robert Fattouh and R. K. Ramzani, eds., *The Future of Liberal Democracy: Thomas Jefferson and the Contemporary World* (New York: Macmillan Palgrave, 2004), 49-64
- “Presidential Selection: Electoral Fallacies,” *Political Science Quarterly*, 119 (2004), 21-37
- “Thinking Like a Constitution,” *Journal of the Early Republic*, 24 (2004), 1-26
- “The Constitution in Crisis Times,” *Cardozo Public Law, Policy and Ethics Journal*, 2 (2003), 11-20
- “Once More into the Judicial Breach,” *George Washington Law Review*, 72 (2003), 381-86
- “Confessions of an Ambivalent Originalist,” *New York Univ. Law Review*, 78 (2003), 1346-56
- “Why American Constitutionalism Worked,” in Henry J. Turner, ed., *Edmund Burke, Reflections on the Revolution in France* (Yale University Press, 2003), 248-67
- “Europe’s Floundering Fathers,” *Foreign Policy*, September-October 2003, 28-39
- “Judicial Review Before and Beyond Marbury,” in Elizabeth Zoller, ed., *Marbury v. Madison: 1803-2003—Un dialogue franco-américain/A French-American Dialogue* (Paris: Dalloz, 2003), 37-49
- “Judicial Power in the Constitutional Theory of James Madison,” *William and Mary Law Review*, 43 (2002), 1513-47
- “The Political Presidency: Discovery and Invention,” in James Horn, Jan Lewis and Peter S. Onuf, eds., *The Revolution of 1800: Democracy, Race, and the New Republic* (University Press of Virginia, 2002), 30-58; rev. version in Thomas Sanders, ed., *The Unprecedented American Presidency: From Constitutional Foundation to Contemporary Practice* (Palgrave Macmillan, 2020), 7-33
- “American Federalism: Was There an Original Understanding?” in Mark Killenbeck, ed., *The Tenth Amendment and State Sovereignty: Constitutional History and Contemporary Issues* (Lanham, Md.: Rowman, Littlefield, 2001), 107-130
- “Dangling Questions,” and “The E-College in the E-Age,” in Rakove, ed., *The Unfinished Election of 2000* (New York: Basic Books, 2001), xi-xxi, 201-234

“Once More into the Breach: Reflections on Jefferson, Madison, and the Religion Problem,” in Diane Ravitch and Joseph Viteritti, eds., *Making Good Citizens: Education and Civic Society* (New Haven: Yale University Press, 2001), 233-262

“Introduction,” and “Constitutional Problematics, circa 1787,” in John Ferejohn, Jack Rakove, and Jonathan Riley, eds., *Constitutional Culture and Democratic Rule* (Cambridge University Press, 2001), 1-37, 41-70

“The Second Amendment: The Highest Stage of Originalism,” *Chicago-Kent Law Review*, 76 (2000), 103-166; revised and reprinted in Carl Bogus, ed., *The Second Amendment in Law and History* (New York: New Press, 2001), 74-116

“Bernard Bailyn,” in Robert Rutland, ed., *Clio’s Favorites: Leading Historians of the United States, 1945-2000* (Columbia: University of Missouri Press, 2000), 5-22.

“Our Jefferson,” in Peter S. Onuf and Jan Lewis, eds., *Sally Hemings and Thomas Jefferson: History, Memory, and Civic Culture* (Charlottesville: University Press of Virginia, 1999), 210-35

“Statement on the Background and History of Impeachment,” *George Washington Law Review* 67 (1999), 682-92

“The Super-Legality of the Constitution, or, A Federalist Critique of Bruce Ackerman's Neo-Federalism,” *Yale Law Journal*, 108 (1999), 1931-1958

“Making a Hash of Sovereignty, Part One” *Green Bag*, 2 (1998), 35-44; “Part Two,” *ibid.*, 3 (1999), 51-59

“The Origins of Judicial Review: A Plea for New Contexts,” *Stanford Law Review*, 49 (May 1997), 1031-64

“Fidelity through History--Or to It?,” *Fordham Law Review*, 65 (March 1997), 1587-1609

“Original Intention of Original Understanding,” *Constitutional Commentary*, 13 (1996), 159-86

“Separated Powers in the American Federal System,” in Roberto Martucci, ed., *Constitution & Revolution aux Etats-Unis d’Amerique et en Europe (1776/1815)* (Macerata, Italy, 1995) 99-106

“Comment [on V. L. Ushakov, ‘The Articles of Confederation and the Union Forever’]” in Gordon Wood and Louise Wood, eds., *Russian-American Dialogues on the American Revolution* (Columbia, Mo., University of Missouri Press, 1995), 232-36

“James Madison and the Bill of Rights: A Broader Context,” *Presidential Studies Quarterly*, 22 (1992), 667-77

“Parchment Barriers and the Politics of Rights, 1776-1791,” in Michael Lacey and Knud Haakonssen, eds., *A Culture of Rights: The Bill of Rights in Philosophy, Politics, and Law: 1791 and 1991* (New York: Cambridge University Press, 1991), 98-143

“‘How Else Could It End?’: Bernard Bailyn and the Problem of Authority in Early America,” in James Henretta, Michael Kammen, and Stanley Katz, eds., *The Transformation of Early American History* (New York: Knopf, 1991), 51-69

“The First Phase of American Federalism,” in Mark Tushnet, ed., *Comparative Constitutional Federalism: Europe and America* (Westport, Conn.: Greenwood, 1990), 1-19

“Making Foreign Policy: The View from 1787,” in Robert A. Goldwin and Robert A. Licht, eds., *Foreign Policy and the Constitution* (Washington: AEI Press, 1990), 1-19

“The Madisonian Theory of Rights,” *William and Mary Law Review*, 31 (1989-90), 245-266

“Ambiguous Achievement: The Northwest Ordinance,” in Frederick D. Williams, ed., *The Northwest Ordinance: Essays on Its Formulation, Provisions, and Legacy* (East Lansing: Michigan State University Press, 1989), 1-19

“On Understanding the Constitution: A Historian's Reflections (and Dissent),” in Robert Utley, ed., *Principles of the Constitutional Order* (Lanham, Md.: Univ. Press of America, 1989), 33-47

“The Madisonian Moment,” *University of Chicago Law Review*, 55 (1988), 473-505; reprinted in Peter Onuf, ed., *The New American Nation, 1775-1820*, vol. 5 (New York: Garland, 1991)

“The Collapse of the Articles of Confederation,” in Leonard W. Levy *et al.*, eds., *The American Founding* (Westport, Conn.: Greenwood, 1988), 225-246

“The Writing of the Constitution: A Comment,” in Robert A. Goldwin and Art Kaufman, eds., *Constitution Makers on Constitution Making: The Experience of Eight Nations* (Washington: American Enterprise Institute, 1988), 154-162

“La nuova ‘scienza della politica’ del *Federalist*,” in Guglielmo Negri, ed., *Il Federalista: 200 Anni Dopo* (Bologna: Societa editrice il mulino, 1988), 21-46

(with Susan Zlomke), “James Madison and the Independent Executive,” *Presidential Studies Quarterly*, 16 (1987), 293-300

“From One Agenda to Another: The Condition of American Federalism, 1783-1787,” in Jack P. Greene, ed., *The American Revolution: Its Character and Limits* (New York: New York University Press, 1987), 80-103; also published as “Alle origini del federalismo americano: gli anni 1783-1787,” *Comunita`*, #188 (Dicembre 1986), 353-378

“Early Uses of *The Federalist*,” in Charles R. Kesler, ed., *Saving the Revolution: The Federalist Papers and the American Founding* (New York: The Free Press, 1987), 234-249

“‘The Great Compromise’: Drafting the American Constitution, 1787,” *History Today*, 37 (September 1987), 19-25

“The Road to Philadelphia, 1781-1787,” in Leonard W. Levy and Dennis J. Mahoney, eds., *The Framing and Ratification of the Constitution* (New York: Macmillan, 1987), 98-111

“The Great Compromise: Ideas, Interests, and the Politics of Constitution-Making,” *William and Mary Quarterly*, 3d ser., 44 (1987), 424-457; reprinted in Peter Onuf, ed., *The New American Nation, 1775-1820*, vol. 5 (New York: Garland, 1991)

“Gordon Wood, ‘The Republican Synthesis,’ and the Path Not Taken,” *William and Mary Quarterly*, 3d ser., 44 (1987), 617-622

“Philadelphia Story,” *Wilson Quarterly*, 11 (spring 1987), 105-121

“The Structure of Politics at the Accession of George Washington,” in Richard Beeman, Stephen Botein, and Edward C. Carter II, eds., *Beyond Confederation: Origins of the Constitution and American National Identity* (Chapel Hill: University of North Carolina Press, 1987), 261-294

“Mr. Meese, Meet Mr. Madison,” *The Atlantic* (Dec. 1986), 77-86

“Tea at Governor Hutchinson’s,” in John Merriman, ed., *For Want of a Horse: Choice and Chance in History* (Lexington: Stephen Greene Press, 1985), 141-147

“Solving a Constitutional Puzzle: The Treatymaking Clause as a Case Study,” *Perspectives in American History*, n.s. 1 (1984), 233-282; reprinted in Peter Onuf, ed., *The New American Nation, 1775-1820*, vol. 5 (New York: Garland, 1991)

“The Legacy of the Articles of Confederation,” *Publius*, 12 (1982), 45-66

“French Diplomacy and American Politics: The First Crisis 1779” *Mid-America*, 60 (1978) 27-36

“The Decision for American Independence: A Reconstruction,” *Perspectives in American History*, X (1976), 215-75

SHORT ESSAYS AND ENCYCLOPEDIA ARTICLES:

“*Penser la représentation politique en termes réalistes : les Pères fondateurs,* » in Michel Rosenfeld, ed., *La Représentation Politique: Anthologie* (Paris: Librairie Classiques Garnier, 2021)

“Justice Ginsburg Got It Right [on the Meaning of Legislature],” *Election Law Blog*, Oct. 22, 2020, <https://electionlawblog.org/?p=117250>

“Article V: There Is No Other Way [to reform the Electoral College],” *Balkinization*, Oct. 9, 2020, <https://balkin.blogspot.com/2020/10/article-v-there-is-no-other-way.html>

“An Old Question: What Is Revolutionary about the American Revolution?” *Problems of History: U.S. Declaration of Independence—240* (Yerevan, Armenia, 2017), 27-39; Bertrand Van Ruymbeke and Brigitte Félix, (eds.), *Indépendance(s) 2016-1776*, (Bécherel, Les Perséides, 2019).

“Free Exercise and Interior Belief,” *Law and Religion Forum*, September 22, 2016, <https://lawandreligionforum.org/2016/09/22/rakove-free-exercise-and-interior-belief/>

“*La Constitution des États-Unis*,” *Historia*, no. 29 (2016), 53-57

“*Les Indépendances dans l’Espace Atlantique, v. 1763-v. 1829*,” *Annales Historique de la Revolution Francaise*, no. 384 (2016), 167-198

“Carl N. Degler: Memorial,” *Proceedings of the American Philosophical Society*, 160 (2016), 303-308

“Got Nexus?” *William and Mary Quarterly*, 68 (2011), 635-638

“Bill of Rights,” in Michael Kazin et al., eds., *The Concise Princeton Encyclopedia of American Political History* (Princeton, 2011), 34-40

“The Patriot Who Refused to Sign the Declaration of Independence,” *American History*, August 2010

“The Federalist,” in Mark Spencer, ed., *Encyclopedia of the American Enlightenment* (New York: Continuum, forthcoming)

“Bill of Rights,” in Michael Kazin et al., eds., *The Princeton Encyclopedia of American Political History* (Princeton: Princeton University Press, 2009), I

“An Agenda for Early American History,” *Historically Speaking*, 6 (March/April 2005), 30-31

“Independence,” “Annapolis Convention,” “*The Federalist*,” “Bill of Rights,” in Stanley Kutler, ed., *Dictionary of American History* (New York: Scribner’s, 2003)

“Articles of Confederation,” “Anti-Federalists,” “Bill of Rights,” “*The Federalist*,” “James Madison,” “Constitution,” Alan Kors, ed., *Encyclopedia of the Enlightenment* (New York: Oxford University Press, 2003)

“Samuel Adams,” in Allen Weinstein and David Rubel, *The Story of America* (New York: Agincourt, 2002), 100-101

Introduction, “Forum: The Madisonian Moment: James Madison in Intellectual Context,” *Wm. and Mary Q.*, 3d ser., 59 (2002), 865-868

“Dr. Clio Goes to Washington,” *Common-Place*, 2 (July 2002) www.common-place.org

“May 24, 1775: Silas Deane’s Diary,” in James McPherson and Alan Brinkley, eds., *Days of Destiny: Crossroads in American History* (N.Y.: Dorling Kindersley, 2001), 38-51

“Constitutional Theory,” in Mary K. Cayton and Peter W. Williams, eds., *Encyclopedia of American Cultural and Intellectual History* (New York: Scribner’s, 2001), II, 773-781

“James Madison” and “James Monroe,” in James McPherson, ed., *“To the Best of My Ability”*: *The American Presidents* (N.Y.: Dorling Kindersley, 2000), 36-49

“The Madisonian Constitution,” in Leonard Levy and Kenneth Karst, ed., *Encyclopedia of the American Constitution*, 2d ed. (N.Y.: Macmillan, 2000)

“Creating the American Presidency,” *National Forum*, 80 (2000), 9-12

“Judicial Federalism: A Quick Sketch,” *O.A.H. Magazine of History*, 13 (1998) 13-17

“Encountering Bernard Bailyn” *Humanities*, 19 (1998), 9-13

“The Constitution,” in Richard Fox and James Kloppenberg, eds., *A Companion to American Thought* (Cambridge: Blackwell, 1995), 145-6

“A Tradition Born of Strife,” *Constitution*, 7 (1995), 4-9

“Congress and the Road to Nationhood, 1774-1801,” in Morton Keller, ed., *The Encyclopedia of the United States Congress* (New York: Simon and Schuster, 1995), 975-8

“Articles of Confederation,” in Robert A. Rutland, ed., *The James Madison Encyclopedia* (New York: Simon and Schuster, 1994)

“The Origins of Congress,” in Joel Silbey, ed., *Encyclopedia of the American Legislative System* (N.Y.: Scribner's, 1994), 55-70

“The Articles of Confederation, 1775-1783” in Jack P. Greene and J. R. Pole, eds., *The Blackwell Encyclopedia of the American Revolution* (Cambridge, Mass., and Oxford, U.K.: Basil Blackwell, 1991), 289-95

“Original Intent,” in Leonard Levy, ed., *Encyclopedia of the American Constitution; Supplement* (N.Y.: Macmillan, 1991), I, 349-50

“Inspired Expedient,” *Constitution*, 3 (winter 1991), 18-25

“James Madison and the Bill of Rights,” *this Constitution*, #18 (spring/summer 1988), 4-10

“The Gamble at Annapolis,” *this Constitution*, #12 (fall 1986), 4-10

“The Articles of Confederation,” in Jack P. Greene, ed., *Encyclopedia of American Political History: Studies of the Principal Movements and Ideas* (New York: Scribner's, 1984), I, 83-91

“James Madison and the Extended Republic: Theory and Practice in American Politics,” *this Constitution*, #3 (summer 1984), 16-22; reprinted in *This Constitution: Our Enduring Legacy* (Washington: Congressional Quarterly, 1986)

NEWSPAPER WRITINGS:

“The Framers Would Have Been Fine with National Election Reforms,” *Washington Post*, June 15, 2021

“The Filibuster May Not Even Be Constitutional the Way It Is Used Now,” *Washington Post*, Feb. 8, 2021

“The Framers of the Constitution Didn’t Worry About ‘Originalism,’” *Washington Post Outlook*, Oct. 16, 2020

“The Founders Provided a Solution to Trump: Impeachment,” *Chicago Tribune*, Dec. 14, 2016

“Significance of the Bill of Rights,” *Philadelphia Inquirer*, Dec. 11, 2016

“The Constitution Still Needs Interpreting,” *Politico* (on-line), January 27, 2011

“Tea Party: What’s in a Name?” *Politico* (on-line), June 7, 2010

“Scalia’s Selective History,” *Chicago Tribune*, June 30, 2008

“Sorry HBO: John Adams Wasn’t Such a Hero,” *Washington Post*, April 20, 2008

“When Congress and the President Face Off,” *WashingtonIndependent.com*, Feb. 20, 2008

“The Constitution—Ragged by Everybody,” *San Francisco Chronicle*, Dec. 4, 2005

“A Nuanced Debate,” *Philadelphia Inquirer*, July 10, 2005

“The I-Word [Impeachment],” *Salon*, June 9, 2005

“Taking Stock of the Vote,” *San Francisco Chronicle*, Nov. 7, 2004

“Here’s Hoping for Chaos on Tuesday,” *Los Angeles Times*, Oct. 31, 2004

“Why the Rush To Open Up the Presidency?” *San Francisco Chronicle*, Oct. 17, 2004

“The Curse That Won’t Quit,” *Chicago Tribune*, Oct. 1, 2004

“Why the Election Is Critical,” *San Francisco Chronicle*, Sept. 5, 2004

“Conditional Exit,” *San Francisco Chronicle*, May 16, 2004

“Roll Over, James Madison, It’s the California Recall,” *San Francisco Chronicle*, Sept. 21, 2003

“The Bush Presidency Shows the Uses of Power,” *San Francisco Chronicle*, Dec. 29, 2002

“Who Declares a War?” *New York Times*, August 4, 2002

“Fluffs on the Scales of Justice,” *San Francisco Chronicle*, July 7, 2002

“A Faulty Reading of the 2d Amendment,” *New York Times*, May 12, 2002

“The ‘Arcana of Futurity,’” *San Francisco Chronicle*, Dec. 30, 2001

“Founders Meant ‘The Militia,’” *Boston Globe*, Nov. 25, 2001

“Sealing Off the Capitol Would Wound Democracy,” *Los Angeles Times*, Oct. 24, 2001

“From Pompeii to Flight 93,” *San Francisco Chronicle*, Sept. 23, 2001

“Abolish the Electoral College—But Don’t Hold Your Breath,” *San Francisco Chronicle*, August 26, 2001

“Adams Is Hot, But Jefferson Is the Man,” *San Francisco Chronicle*, July 1, 2001

“Judges: Conferring a Lifetime of Ideology,” *New York Times*, May 13, 2001

“A Nation Still Learning What Madison Knew,” *New York Times*, March 11, 2001

“The Accidental Electors,” *New York Times*, December 19, 2000

“Election Ending Decision Unlikely to Shape Society,” *San Jose Mercury News*, Dec. 17, 2000

“Butterflies, Chads and History,” *New York Times*, November 29, 2000

“Wanted: Profiles in Courage,” *Chicago Tribune*, Nov. 14, 2000

“Last Supper for Electors?” *Boston Globe*, Nov. 12, 2000

“For All the Talk, Chaos Unlikely to Mean End of Electoral College,” *San Jose Mercury News*, Nov. 12, 2000

“The Eruv: Constitutionally, the Issues Are Moot,” *Palo Alto Weekly*, Feb. 4, 2000

“Questions for Future Historians,” *Los Angeles Times*, Feb. 14, 1999

“Future Historians Will Concentrate not on What Happened, But Why,” *San Jose Mercury News*, Feb. 14, 1999

“The Inherent Contradiction of Impartial Senators,” *Los Angeles Times*, Jan. 17, 1999

“Before the Trial, Ask the Pivotal Question,” *New York Times*, Jan. 12, 1999

“Ironies of an Impeachment,” *Los Angeles Times*, Oct. 11, 1998

“Framers’ Two Minds on Impeachment,” *Newsday*, Oct. 11, 1998

“Old Issue: Politics-Free Impeachment,” *San Jose Mercury News*, Oct. 4, 1998

“What the Constitution Requires,” *Chicago Tribune*, Sept. 20, 1998

“Counting on Madison in the Census Dispute,” *Washington Post*, March 15, 1998

“Treating the U.S. Constitution as a Work in Progress,” *Los Angeles Times*, Dec. 17, 1995

“Something That Had To Be Done [D-Day],” *Chicago Tribune*, June 6, 1995

“Reading Today’s Bias into ‘Original Intent,’” *Los Angeles Times*, May 28, 1995

“At the Movies [Jefferson in Paris],” *Chicago Tribune*, May 16, 1995

“The Democracy Dilemma,” *Los Angeles Times*, May 14, 1995

“Does Disdain of Washington Signal Return of 19th-Century Federalism?” *Los Angeles Times*, March 12, 1995

“Madison Paradox: More Info, but Knowing Less,” *Los Angeles Times*, Jan. 8, 1995

“Is Ross Perot Really Just a Stalking Horse for James Baker?” *Los Angeles Times*, May 24, 1992

“The Bill of Rights--For Madison: a ‘Nauseous Project,’” *Los Angeles Times*, Dec. 15, 1991

“Limited Terms: Short Shrift for Electorate,” *Sacramento Bee*, Oct. 31, 1990

“Ethics Act: Violating the Separation of Powers?” *Sacramento Bee*, 25, 1988

“‘The Federalist’--Still Relevant 200 Years Later,” *Newsday*, Oct. 27, 1987

“Bork’s Nomination and Respect for the Court,” *Newsday*, Sept. 15, 1987

“A Tiresome[?] Congress When It Comes to Foreign Policy,” *Sacramento Bee*, July 17, 1987

“Reagan Misreads Framers,” *Newsday*, July 9, 1987

“The Case for Reagan’s Impeachment,” *Sacramento Bee*, June 2, 1987

“To Form a More Perfect Union,” *Newsday*, May 24, 1987

BOOK REVIEWS:

William Bulman, *The Rise of Majority Rule in Early Modern Britain and Its Empire*, for *Reviews in American History*, forthcoming

Wendell Bird, *Criminal Dissent: Prosecutions under the Alien and Sedition Acts of 1798*, for *American Historical Review*, forthcoming

Edward B. Foley, *Presidential Elections and Majority Rule: The Rise, Demise, and Potential Restoration of the Jeffersonian Electoral College*, for *Perspectives on Politics*, December 2020

Jeff Broadwater, *Jefferson, Madison, and the Making of the Constitution*, and Michael Klarman, *The Framers' Coup: The Making of the United States Constitution*, for *Reviews in American History*, June 2020

Peter S. Onuf, *Jefferson and the Virginians: Democracy, Constitutions, and Empire*, for *Journal of Interdisciplinary History*, autumn 2019

George William Van Cleve, *We Have Not a Government: The Articles of Confederation and the Road to the Constitution*, for *Washington Post Book World*, Oct. 22, 2017

Nancy Maclean, *Democracy in Chains: The Deep History of the Radical Right's Stealth Plan for America*, for *Critical Inquiry*

“How the Cubs Won”: Tom Verducci, *The Cubs Way: The Zen of Building the Best Team in Baseball and Breaking the Curse*; David Kaplan, *The Plan: Epstein, Maddon, and the Audacious Blueprint for a Cubs Dynasty*; Rich Cohen, *The Chicago Cubs: Story of a Curse*; and Scott Simon, *My Cubs: A Love Story*; for *Public Books*, Oct. 3, 2017

Steve Pincus, *The Heart of the Declaration: The Founders' Case for an Activist Government*, for *Journal of American History*. Sept. 2017

Colleen Sheehan, *The Mind of James Madison: The Legacy of Classical Republicanism*, for *American Political Thought*, for *American Political Thought*, spring 2017

Edward B. Foley, *Ballot Battles: The History of Disputed Elections in the United States*, for *Journal of Interdisciplinary History*, spring 2017

“A Biography of Madison's Notes of Debates”: Mary Sarah Bilder, *Madison's Hand: Revising the Constitutional Convention*, for *Constitutional Commentary*, 31 (2016), 305-337

Drew Maciag, *Edmund Burke in America: The Contested Career of the Father of American Conservatism*, for *New England Quarterly*, March 2016

Nick Bunker, *An Empire on the Edge: How Britain Came to Fight America*, for *Claremont Review of Books*, winter 2015-16

David Shipler, *Freedom of Speech: Mightier than the Sword*, for *Bookforum*, June-August 2015

William B. Warner, *Protocols of Liberty: Communication, Innovation, and the American Revolution*, for *Early American Literature*, winter 2015

Eric Nelson, *The Royalist Revolution: Monarchy and the American Founding*, for *The Weekly Standard*, Nov. 3, 2014

Yuval Levin, *The Great Debate: Edmund Burke, Thomas Paine, and the Birth of Right and Left*, for the *Washington Post*, December 8, 2013

Kevin Philips, *1775: A Good Year for Revolution*, for *The New Republic: The Book*, Nov. 30, 2012

Jeffrey Toobin, *The Oath: The Obama White House vs. the Supreme Court*, for *BookForum*, Fall 2012

Alexander Tsesis, *For Liberty and Equality: The Life and Times of the Declaration of Independence*, for *The New Republic: The Book*, August 9, 2012

Michael Lind, *Land of Promise: An Economic History of the United States*, for *The New Republic: The Book*, July 3, 2012

Maya Jasanoff, *Liberty's Exiles: American Loyalists in a Revolutionary World*, for *Claremont Review of Books*, spring 2012

Richard Brookhiser, *James Madison*, for *The New Republic: The Book*, Oct. 26, 2011

Thomas J. Schaefer, *Edward Bancroft: Scientist, Author, Spy*, for *The New Republic: The Book*, June 30, 2011

Jack Fruchtman, Jr., *The Political Philosophy of Thomas Paine*, for *Claremont Review of Books*, winter 2010-spring 2011

Jack P. Greene, ed., *Exclusionary Empire: English Liberty Overseas, 1600-1900*, for *Journal of Interdisciplinary History*, winter 2011

Pauline Maier, *Ratification: The People Debate the Constitution, 1787-1788*, for *Harvard Magazine*, January-February 2011

Joseph Ellis, *First Family: Abigail and John Adams*, for *The New Republic: The Book* (on-line), November 15, 2010

Gary Nash, *The Liberty Bell*, for *The New Republic: The Book* (on-line), July 2, 2010

Colleen Sheehan, *James Madison and the Spirit of Republican Self-Government*, for *Political Science Quarterly*, spring 2010

John C. Yoo, *Crisis and Command: A History of Executive Power from George Washington to George W. Bush*, for *Washington Post*, Jan. 10, 2010

Edward Purcell, *Originalism, Federalism, and the American Constitutional Enterprise: A Historical Inquiry*, for *Journal of Southern History*, Feb. 2009

Christian Fritz, *American Sovereigns: The People and America's Constitutional Tradition before the Civil War*, for *American Historical Review*, Oct. 2008

Sanford Levinson, *Our Undemocratic Constitution*, for *Election Law Journal*, 6 (2007) 308-311

Jan Crawford Greenburg, *Supreme Conflict: The Inside Story of the Struggle for Control of the United States Supreme Court*, for *Chicago Tribune*, Feb. 11, 2007

Akhil Reed Amar, *America's Constitution: A Biography*, for *The Nation*, Dec. 19, 2005

Randy Barnett, *Restoring the Lost Constitution: The Presumption of Liberty*, for *NYU Journal of Law and Liberty*, 1 (2005), 660-669

David Williams, *The Mythic Meaning of the Second Amendment: Taming Political Violence in a Constitutional Republic*, for *Jour. of Interdisciplinary History*, spring 2005

Joseph Ellis, *His Excellency, George Washington*, for *Slate*, Nov. 4, 2004

David J. Siemers, *Ratifying the Republic: Antifederalists and Federalists in Constitutional Time*, for *American Historical Review*, Feb. 2004

Bernard Bailyn, *To Begin the World Anew: The Genius and Ambiguities of the American Founders*, for *Pa. Mag. of History and Biography*, Jan. 2004

Henry Wiencek, *An Imperfect God: George Washington, His Slaves, and the Creation of America*, for *Chicago Tribune*, Dec. 7, 2003

Scott Turow, *Ultimate Punishment: A Lawyer's Reflections on Dealing with the Death Penalty*, for *Chicago Tribune*, Sept. 28, 2003

Kenneth Bowling and Donald Kennon, eds., *Inventing Congress: Origins and Establishment of the First Federal Congress; Neither Separate Nor Equal: Congress in the 1790s*, and *The House and Senate in the 1790s: Petitioning, Lobbying, and Institutional Development*, for *Wm. and Mary Q.*, Oct. 2002

Forrest McDonald, *States' Rights and the Union: Imperium in Imperio, 1776-1876*, for *Jour. of Southern History*, May 2002

“Words, Deeds, and Guns: *Arming America* and the Second Amendment,” Forum on Michael Bellesiles, *Arming America: The Origins of a National Gun Culture*, for *Wm. and Mary Q.*, Jan. 2002, 229-234

Robert Nagel, *The Implosion of American Federalism*, and Cass Sunstein, *Designing Democracy: What Constitutions Do*, for *Washington Post Book World*, Jan. 20, 2002

Stuart Leibiger, *Founding Friendship: George Washington, James Madison, and the Creation of the American Republic*, for *Jour. of Southern Hist.*, August 2001

“Drink hard, play hard, and simply vanish”: Joyce Appleby, *Inheriting the Revolution: The First Generation of Americans*, and Jon Butler, *Becoming America*, for *London Review of Books*, April 5, 2001

Gary Rosen, *American Compact: James Madison and the Problem of Founding*, for *Jour. of Amer. Hist.*, Sept. 2000

Joseph Ellis, *Founding Brothers*, and John E. Ferling, *Setting the World Ablaze: Washington, Adams, and Jefferson and the American Revolution*, for *Civilization*, Aug.-Sept. 2000

with Elizabeth Beaumont, “Rights Talk in the Past Tense”: Richard Primus, *The American Language of Rights*, for *Stanford Law Rev.*, 52 (2000), 1865-1895

W. W. Abbot, ed., *The Papers of George Washington: Retirement Series*, vol. 1-4, for *Wm. and Mary Q.*, Jan. 2000

Joseph M. Lynch, *Negotiating the Constitution: The Earliest Debates over Original Intent*, H-LAW, July 1999

“Two Foxes in the Forest of History”: Bruce Ackerman, *We the People*, vol. II, *Transformations*, and Akhil Amar, *The Bill of Rights*, for *Yale Jour. of Law & the Humanities*, 11 (1999), 191-213

Marc W. Kruman, *Between Authority and Liberty: State Constitution Making in Revolutionary America*, for *Amer. Hist. Rev.*, June 1998

“Jefferson Perceived”: Joseph Ellis, *American Sphinx: The Character of Thomas Jefferson*; Andrew Burstein, *The Inner Jefferson: Portrait of a Grieving Optimist*; Annette Gordon-Reed, *Thomas Jefferson and Sally Hemings: An American Controversy*, for *Jour. of the Early Republic*, vol. 17, winter 1997, 677-85

Charles W. Hobson, *The Great Chief Justice: John Marshall and the Rule of Law*, for *Va. Mag. of Hist. And Biography*, summer 1997

Richard R. John, *Spreading the News: The American Postal System from Franklin to Morse*, for *Jour. of Interdisciplinary Hist.*, summer 1997

Lance Banning, *Jefferson and Madison: Three Conversations from the Founding*, for *Amer. Hist. Rev.*, Feb. 1997

Matthew J. Franck, *Against the Imperial Judiciary: The Supreme Court vs. the Sovereignty of the People*, for *Amer. Jour. of Legal Hist.*, Jan. 1997

Jean Edward Smith, *John Marshall: Definer of a Nation*, for *Boston Globe*, Dec. 1996

Ronald Hoffman and Peter Albert, eds., *The Transforming Hand of Revolution: Reconsidering the American Revolution as a Social Movement*, for *Jour. of the Early Republic*, fall 1996

David T. Konig, ed., *Devising Liberty: Preserving and Creating Freedom in the New American Republic*, for *Rev. in Amer. Hist.*, Sept. 1996

Jack P. Greene, *Understanding the American Revolution: Issues and Actors*, for *N.E.Q.*, Sept. 1996

James M. Smith, ed., *The Republic of Letters: The Correspondence between Thomas Jefferson and James Madison*, for *Chicago Tribune*, Feb. 12, 1995; and for *Wm. and Mary Q.*, July 1996

W. W. Abbot, *Papers of George Washington: Confederation Series*, vol. 3, for *N.C. Hist. Rev.*, Jan. 1996

Richard K. Mathews, *If Men Were Angels: James Madison & the Heartless Empire of Reason*, for *Rev. in Amer. Hist.*, Dec. 1995

Richard Bernstein with Jerome Agel, *Amending America*, for *Amer. Hist. Rev.*, April 1995

Josephine F. Pacheco, ed., *To Secure the Blessings of Liberty: Rights in American History*, for *Jour. of Amer. Hist.*, Dec. 1994

Roger H. Brown, *Redeeming the Republic: Federalists, Taxation, and the Origins of the Constitution*, for *Rev. in Amer. Hist.*, March 1994

Paul Rahe, *Republics Ancient and Modern: Classical Republicanism and the American Revolution*, for *Amer. Hist. Rev.*, Dec. 1993

Stanley Elkins and Eric McKittrick, *The Age of Federalism*, for *Chicago Tribune*, Oct. 3, 1993

Herman Belz, Ronald Hoffman, and Peter J. Albert, eds., *To Form a More Perfect Union: The Critical Ideas of the Constitution*, for *Rev. in Amer. Hist.*, June 1993

W. W. Abbot, *Papers of George Washington: Confederation Series*, vols. 1-2, for *N. Carolina Hist. Rev.*, Jan. 1993

John Stagg, ed., *The Papers of James Madison*, vol. 17, for *Amer. Jour. Legal Hist.*, Oct. 1992

John Catanzariti, ed., *Papers of Robert Morris*, vol. 7, for *Pa. Mag. of Hist. and Biog.*, July 1992

Bruce Ackerman, *We the People*, vol. 1, *Foundations*, for *Jour. of Amer. Hist.*, June 1992

Edmund S. Morgan, *Inventing the People: The Rise of Popular Sovereignty in England and America*, and Jerrilyn Greene Marston, *King and Congress: The Transfer of Political Legitimacy, 1774-1776*, for *Law and Hist. Rev.*, spring 1991

John Phillip Reid, *The Concept of Representation in the Age of the American Revolution*, for *Pa. Mag. of Hist. and Biography*, April 1991

Cathy D. Matson and Peter S. Onuf, *A Union of Interests: Political and Economic Thought in Revolutionary America*, for *Jour. of Econ. Hist.*, Dec. 1990

Willard Sterne Randall, *Benedict Arnold: Patriot and Traitor*, for *The Atlantic*, Oct. 1990

John Phillip Reid, *The Concept of Liberty in the Age of the American Revolution*, for *Pa. Hist.*, Jan. 1990

Robert Bork, *The Tempting of America: The Political Seduction of the Law*, for *Constitution*, winter 1990

Leonard Levy, *Original Intent and the Framers' Constitution*, for *Amer. Jour. Legal Hist.*, Jan. 1990

Peter S. Onuf, *Statehood and Union: A History of the Northwest Ordinance*, for *Annals of the American Academy*, no. 503 (1989)

Forrest McDonald, *Novus Ordo Seclorum: The Intellectual Origins of the Constitution*, for *Law and Hist. Rev.*, 6 (1988)

Barbara Tuchman, *The First Salute*, for *San Jose Mercury*, Nov. 13, 1988

Noble Cunningham, *In Pursuit of Reason: The Life of Thomas Jefferson*, for *Wm. and Mary Q.*, April 1988

Jack P. Greene, *Peripheries and Center*, for *Jour. of Southern Hist.*, Feb. 1988

Dorothy Twohig et al., eds., *The Papers of George Washington: Presidential Series*, for *N. Carolina Hist. Rev.*, Jan. 1988

Walter Berns, *Taking the Constitution Seriously*, for *ABA Jour.*, Sept. 1987

Richard Bernstein, *Are We To Be a Nation?*, and Fred Barbash, *The Founding*, for *Washington Post Book World*, May 17, 1987

Charles L. Mee, *The Genius of the People*, and William Peters, *A More Perfect Union*, for *N. Y. Times Book Review*, March 15, 1987

John van der Zee, *Bound Over*, for *San Jose Mercury*, Dec. 22, 1985

W. B. Willcox, ed., *Papers of Benjamin Franklin*, vols. 20-24, for *Wm. & Mary Q.*, Oct. 1985

J. Anthony Lukas, *Common Ground*, for *San Jose Mercury*, September 15, 1985

Peter S. Onuf, *The Origins of the Federal Republic*, for *Jour. of Amer. Hist.*, June 1984

William Pencak, *America's Burke: The Mind of Thomas Hutchinson*, for *The Eighteenth Century: A Current Bibliography*

James MacGregor Burns, *The Vineyard of Liberty*, for *Jour. of Interdis. Hist.*, summer 1983

Robert W. Tucker and David Hendrickson, *The Fall of the First British Empire*, for *The New Republic*, July 4, 1983

Robert Middlekauff, *The Glorious Cause: The American Revolution, 1763-1789*, for *The New Republic*, October 25, 1982

John Demos, *Entertaining Satan: Witchcraft and the Culture of Early New England*, for *N. Y. Times Book Review*, Sept. 9, 1982

Louis Potts, *Arthur Lee: A Virtuous Revolutionary*, for *Va. Mag. of Hist. and Biography*, July 1982

Barbara Tuchman, *Practicing Hist.*, for *Commentary*, April 1982

William Crosskey and William Jeffrey, Jr., *Politics and the Constitution in the Hist. of the United States*, vol. 3, for *Jour. of Amer. Hist.*, December 1981

Peter Shaw, *American Patriots and the Rituals of Revolution*, for *Commentary*, August 1981

George Fredrickson, *White Supremacy*, for *Commentary*, April 1981

Willi Paul Adams, *The First American Constitutions*, for *Wm. and Mary Q.*, April 1981

Norman Rose, *Lewis Namier and Zionism*, for *Commentary*, Feb. 1981

Paul H. Smith, *Letters of Delegates to Congress, 1774-1789*, vols. 1-2, for *N. Y. Hist.*, July 1980

J. R. Pole, *Paths to the American Past*, for *N. England Q.*, June 1980

Oscar Handlin, *Truth in History*, and Richard Bushman et al., eds., *Uprooted Americans: Essays to Honor Oscar Handlin*, for *The New Republic*, February 23, 1980

Geoffrey Seed, *James Wilson*, for *Jour. of Amer. Hist.*, September 1979

Joseph Davis, *Sectionalism in American Politics, 1774-1787*, for *Wm. and Mary Q.*, July 1978

H. James Henderson, *Party Politics in the Continental Congress*, for *Jour. of Interdisc. Hist.*, spring 1976

David Ammerman, *In the Common Cause*, for *N. Eng. Q.*, March 1975

Papers, Lectures, and Conferences

Panelist, “The Electoral College and Majority Rule,” conference on The Electoral College: Open Questions, Paths Forward, Harvard Law School, October 2019

“Originalism and History: An Interdisciplinary Discussion,” Northwestern Pritzker School of Law, October 2019

“James Madison,” The Founding Fathers and Political Leadership, Tommy Thompson Center, University of Wisconsin, September 2019

“Revolutionaries,” l'Institut d'Histoire Moderne et Contemporaine, Paris I (Sorbonne), March 2019

“The Second Amendment and *Our* Constitution,” Heller at 10: A Symposium on the Modern Second Amendment, UC Hastings College of the Law, January 2019

Panelist, “Is the United States a Revolutionary Power?” Society for the History of American Foreign Relations, annual meeting, Philadelphia, June 2018

Moderator, “Democracy Today: Ancient Lessons, Modern Challenges,” American Philosophical Society, April 2018

“Trumping the Constitution,” *Incontri in Palazzo*, Stanford-in-Florence, January 2018; The Johns Hopkins University SAIS Bologna Center, March 2018; University of Illinois in Chicago, September 2018

Panels on “Lying, Bullshit, and the Meaning of Truth,” “Has Democracy Run Its Course?” and “Are the Founders Back in Vogue,” Aspen Ideas Festival, June 2017

“Ideas, Ideology, and the Anomalous Problem of Revolutionary Causation,” *Ideological Origins* at 50 conference, Yale University, April 2016

“An Old Question: What was Revolutionary about the American Revolution?” Colloque International—Indépendance(s) 2016-1776, Université Paris 8, October 2016; conference on the 240th anniversary of American Independence, Yerevan, Armenia, October 2016

“The Case for Historical Originalism,” Charles A. Lofgren Lecture, Claremont McKenna College, September 2016

“The Political Presidency: Discovery and Invention,” U.S. Presidents and Russian Rulers, Academy of Sciences, Moscow, Russia, May 2016

“The Superior Virtues of Historical Originalism,” Philip Hart Lecture, Georgetown Law School, March 2016

“Washington, Hamilton, Jefferson, Adams and Madison: The Moral Vision of America’s Founding,” Westmont College, Santa Barbara, February 2016

“The Mixed Original Premises of American Secularism,” The New Politics of Church/State Relations, Stanford Humanities Center, December 2015

Panel on “The Origins of the Reconstruction Amendments,” The Judicial Legacy of the Reconstruction Amendments, National Constitution Center, Philadelphia, November 2015

Panel on “Madisonian Federalism,” Principles of Federalism: Structural Not Political, Center for Constitutional Studies, Utah Valley University, October 2015

Chair and Discussant, “Legacies of Colonial America: Divisions and Accord at the Founding,” Annual Meeting of the American Political Science Association, San Francisco, Sept. 2015

“Vices of the American Political System: Some Quasi-Madisonian Reflections,” Fifth International Symposium on Constitutional Agendas, Interdisciplinary Center, Herzliya, Israel, May 2015

Discussant for Jonathan Gienapp, “How to Maintain a Constitution,” Montpelier Roundtable on James Madison and the American Constitution, James Madison’s Montpelier, May 2015

Panelist, “The Declaration’s Aspirational and Enumerated Values,” Symposium on the Declaration of Independence, National Constitution Center, Philadelphia April 2015

Chair, Panel on “Accommodation Emerged,” Conference on Religious Accommodation in the Age of Civil Rights, Harvard Law School, April 2014

Interview by David Rubenstein on James Madison, private dinner, Members of Congress, Library of Congress, March 2014

Panel on Peter Onuf, Annual Meeting of the Society for the History of the Early American Republic, St. Louis, July 2013

Panel on American Federalism, Estoril Political Forum, Portugal, June 2013

“Two Centennials: Charles Beard and Max Farrand,” Conference on the Centennial of Beard’s *Economic Interpretation of the Constitution*, Rothermere Centre, University of Oxford, April 2013; American Society of Legal History, annual meeting, Miami, November 2013

“The Latke: The Highest Form of Globalism,” Latke-Hamantasch Debate, Stanford University, February 21, 2013

“‘An Inexhaustible Variety’: The Challenge of Republican Constitutionalism,” Peking University, November 2012

Panelist, M.I.T. Presidential Election Conference, October 2012

“‘Impressions of the Moment’: Reflections on an Intellectual Friendship,” James Madison’s Montpelier, October 2012

Panelist on John McCormick, *Machiavellian Democracy*, Annual Meeting of the American Historical Association, Jan. 2012

“Who Were the American People Who Declared Their Independence?” The Declaration of Independence Revisited: Comparative Views, Herzliya Interdisciplinary Center and Tel Aviv University Law School, December 2011

“Two Stories of the American Revolution, One Old, One Newer,” Scripting Revolution conference, Stanford, Nov. 2011

“Beyond Belief: The Radical Significance of the Free Exercise of Religion,” Clough Center, Boston College, Sept. 2011; Notre Dame University, Oct. 2011; Sydney University, April 2012; Monash University, April 2012; University of Arkansas, Fayetteville, April 2012; Judicial Conference of the Tenth Circuit, Colorado Springs, August 2013; University of Southern California, Law School, February 2014; Hebrew University School of Law, June 2015

“Revolutionaries: Big Thoughts on Founders’ Chic,” Big Picture lectures, Art Center College of Design, Pasadena, June 7, 2010; University of Richmond, Nov. 2010

“Beyond the Extended Republic: Understanding James Madison,” Julius Rothbaum Lectures, Carl Albert Center, University of Oklahoma, October 2009

“Joe the Ploughman Reads the Constitution: Or, Some Historical Qualms about Public Meaning Originalism,” Nathaniel Nathanson Lecture, University of San Diego Law School, April 2009;

American Society for Legal History, annual meeting, Dallas, November 2009; Legal History seminars, Hebrew University School of Law, Jerusalem, March 2011, and Tel Aviv University School of Law, April 2011

“To Hell and Back with Heller: A Historian’s Misgivings about the D.C. Gun Case,” Ohio State University, April 2009

Commentator, Revolutions and the Law of Slavery, Annual Meeting of the Organization of American Historians, Seattle, March 2009

“Impotence, Perspicuity, and a Government of Laws: James Madison’s Critique of Republican Legislation,” conference on Republicanism, the Rule of Law, and Democracy, Johann Wolfgang Goethe-Universität, Frankfurt am Main, March 2009

“Thinking about Madison Thinking,” History and Economics Seminar, University of Cambridge, Feb. 2009; Boston College Law School, Sept. 2011; United States Studies Centre, University of Sydney, April 2012

“Benjamin Franklin: Democrat and Diplomat,” Humanities West forum, San Francisco, Oct. 2008

“Inventing a Constitutional Tradition,” University of Houston Honors College, Sept. 2008

Panelist, The American Presidency at War, Institute for Governmental Studies, University of California, Berkeley, Sept. 2008

“Of Presidents and Their Prerogatives,” Patrick Henry Lecture, The Johns Hopkins University, April 2008

“Beyond Locke, Beyond Belief: The Nexus of Free Exercise and Separation of Church and State,” conference on The Call for a New World Order: Thomas Jefferson’s Separation of Religion and State, International Center for Jefferson Studies, Prague, March 2007; American History seminar, University of Cambridge, Feb. 2009

Panelist, Conference on Fair and Independent Courts, Georgetown Law Center, Sept. 2006

Panelist on the work of Lance Banning, SHEAR Annual Meeting, Montreal, July 2006

“President and Commander: Constitutional Myth, Political Reality,” Judge Philip Pro Lecture in Legal History, University of Nevada at Las Vegas, March 2006; Bridgewater (Mass.) State College, March 2006; Keynote, International Law Weekend, Santa Clara Law School, February 2007; Los Altos Morning Forum, April 2007

“The United States Constitution: The Continuing Struggle over Its Interpretation,” Beijing Foreign Studies University; Beijing International Studies University; Shanghai East Normal University; September 2005; University of Vienna, May 2006

“What the Declaration of Independence Declared,” Colonial Williamsburg, May 2005

“The Curious and Mysterious History of the Electoral College,” Gadsby’s Tavern, Alexandria, Va., August 2004; Don Edwards Lecture and Commonwealth Club of Silicon Valley, San Jose State University, Oct. 2004

Panelist on the work of Gordon Wood, SHEAR Annual Meeting, Brown University, July 2004

“‘Puzzling the Greatest Adepts in Political Science,’ or, Perennial Problems in the Separation of Powers,” Roger Williams Univ. School of Law and Rhode Island Common Cause, Nov. 2003

Panelist on *Marbury v. Madison*, SHEAR Annual Meeting, Ohio State University, July 2003

“What Did the Constitution Originally Mean?” Atlanta History Center, April 2003; South Dakota State University, October 2005; University of California, Davis, October 2007; Notre Dame University, October 2009; James McClure Institute, University of Idaho, Oct. 2011; Acker Visiting Scholar, Birmingham-Southern College, November 2011

“Les trois contextes explicatifs du contrôle judiciaire de constitutionnalité des lois,” Symposium on *Marbury v. Madison*, Center for American Law, University of Paris II, February 2003

“*The Federalist* and the Founding of the American Republic,” and “Madison as Publius: Some Problems and Puzzles,” keynote address at conference on “Republic, Democracy, and Constitution: The Contribution of *The Federalist* to Democratic Thought,” Shalem Center, Hebrew University, and Tel Aviv University, November 2002

“The War Powers of a Republican President,” Mark D. Hatfield Distinguished Historians Forum, Portland, Oregon, November 2002

“Collegiate Fallacies and Fantasies,” Symposium on Electing the President, Academy of Political Science, New York, September 2002

“Thinking Like a Constitution,” New York University School of Law, September 2002; Harvard University School of Law, September 2002; Tel Aviv School of Law, November 2002; Presidential Address, Society for the History of the Early American Republic, July 2003

“Jefferson, Rights, and the Priority of Freedom of Conscience,” Thomas Jefferson, Rights, and the Contemporary World, Rockefeller Center, Bellagio, June 2002

“Two Constitutional ‘Crises’: Impeachment and the Y2K Election: The View from 1787,” Bowdoin College, April 2002

“The Founding Fathers and Federalism,” panel, National Governors Association, Washington, Feb. 2002

“Ticklish Experiments: The Paradox of American Constitutionalism,” *America and the Enlightenment: Constitutionalism in the 21st Century*, Institute of U. S. Studies, London, November 2001

“The Strange Election of 2000: A Truly Long View,” Paul V. McNutt Lecture, University of Indiana, October 2001

“Madison and Freedom of Conscience: The Essential Right,” James Madison Univ., March 2001, Cornell University, April 2003

“The Political Presidency: Invention and Discovery,” *The Revolution of 1800*, International Center for Jefferson Studies, Dec. 2000

“Jefferson and the Concept of Rights,” International Center for Jefferson Studies, Sept. 2000

“The Second Amendment: The Highest Stage of Originalism,” Symposium, Chicago-Kent Law School, April 2000; Rohrschach Lecture, Rice University, December 2002

“Reading Madison’s Mind,” Library of Congress, March 2000; Cornell University, Sept. 2000; University of Texas School of Law, Oct. 2000; Northwestern University School of Law, Nov. 2000; Princeton University, Feb. 2001; Madison Memorial Foundation, July 2001; Claremont McKenna College, Oct. 2001; Williams College, Oct. 2003; Chicago Humanities Festival, Nov. 2003

“The Impeachment Imbroglio,” annual meeting of the Amer. Hist. Assoc., Jan. 2000

“A Tale of Two Confederations, Or, Letting New York Become New York,” annual meeting of the Organization of American Historians, Toronto, April 1999; Seminar in Early American History, Columbia University, Sept. 1999; Colloquium in Legal History, New York University School of Law, Sept. 1999; Fulton Lecture, Univ. of Chicago Law School, May 2000; Northwestern Univ., Nov. 2000; conference on Federalism and Federations in the Americas: Utopias, Praxis, Limits, Universities of Paris 7, 10, 12, June 2003

“Why George Washington Was Not the Model for the American Presidency,” Huntington Library, November 7, 1998

“Rights Talk in Historical Perspective,” panel, Amer. Soc. for Legal History, Seattle, Oct. 1997

“The Super-Legality of the Constitution, Or, A Critique of Bruce Ackerman's Neo-Federalism,” Symposium on Constitutional Transformations, Yale Law School, Sept. 1997; New York University School of Law, Sept. 1997

“Affirmative Action and Equal Protection,” Judicial Conference of the Tenth Circuit, June 1997

“The Origins of Judicial Review: A Plea for a New Subject,” Stanford Law Review Symposium on Critical History, Nov. 1996

Presentations on *Original Meanings*, Univ. of Texas Law School, Oct. 1996; Institute for Governmental Studies, Univ. of California, Berkeley, Nov. 1996; Seminar in Legal Theory, Yale Law School, Dec. 1996; Oxford Univ., Jan. 1997; Cambridge Univ., Feb. 1997; Institute of United States Studies, London, March 1997; annual meeting of the Society for the History of the Early American Republic, July 1997; Univ. of Virginia School of Law, Sept. 1997; Washington & Lee School of Law, Sept. 1997; annual meeting of the Southern Historical Association, Nov. 1997; Univ. of Michigan School of Law, Dec. 1997; Palomar College, March 1998; Judicial Conference of the Fifth Circuit, Houston, April 1999; Drake Univ. School of Law, Oct. 2000; Distinguished Author lecture, Amerika Haus, Vienna; University of Graz; and IMC Fachhochschule, Krems, Austria, May 2006

“The Dilemma of Declaring Rights,” Rohrschach Lecture, Rice University, October 1996; New York University Law School, Sept. 1997; Bacon Lecture, Boston University, March 1998; O.A.H. lecture, Northwest Nazarene College, April 1998; Gunston Hall Plantation, March 1999; Southwest Texas State University, April 1999; University of Alabama, February 2000; Eastern Kentucky University, Jan. 2002; Space Institute of the University of Tennessee, April 2002; O.A.H. lecture, North Park University, March 2004; Northwestern University, May 2004; O.A.H. Lecture, Idaho Council for History Education, Boise, Oct. 2011

“Fidelity Through History (Or To It),” Symposium on Fidelity in Constitutional Interpretation, Fordham Law School, Sept. 1996

“The American Mirror of Representation, 1775-1800,” Seminar Giornate Atlantiche di Storia Costituzionale, Macerata, Italy, Sept. 1995

Comment on James Oakes, “Slavery and the Constitution,” Society for Historians of the Early American Republic, University of Cincinnati, July 1995

“Hume, Madison, and the Vexatious Question of Influence,” conference on David Hume and 18th-century America, College of William and Mary, April 1995

“Contingency and Legitimation in the Madisonian Solution,” conference on Constitutions and Constitutionalism, Murphy Institute, Tulane University, Feb. 1994, March 1995

“The Separation of Powers in a Federal Context,” Seminar Giornate Atlantiche di Storia Costituzionale, Macerata, Italy, April 1993

Symposium on *Oneida Indian Nation v. New York*, Boston College Law School, Sept. 1992

“Parchment Barriers and the Politics of Rights, 1776-1791,” Woodrow Wilson Center workshop on the Bill of Rights, Dec. 1989; Harvard University, Oct. 1990

“The Madisonian Theory of Rights,” Bill of Rights Symposium, Marshall-Wythe College of Law, William and Mary, April 1989

“Unsettled Precedents: Presidential Authority in Foreign Affairs,” Smith College Feb. 1989;
Library of Congress, Jan. 1990

“The First Phase of American Federalism,” Conference on Comparative Federalism, Georgetown Univ, Law Center and Delegation of the Commission of the European Communities, Dec. 1988

“How Else Could It End?": Bernard Bailyn and the Problem of Authority in Early America," conference honoring Bernard Bailyn, Harvard University, Oct. 1987

“Ambiguous Achievement: The Northwest Ordinance,” symposium on the Northwest Ordinance, Michigan State University, May 1987

“*The Federalist's* ‘New Science of Politics,’” conference on *The Federalist*, Centro di Studi Americani, Rome, March 1987

“James Madison, Original Intent, and Constitutional Irony,” Kalamazoo College, February 1987, conferences on The American Experiment, Harvard University, and To Form a More Perfect Union, Capitol Hill Historical Society, March 1987

“Audacity and Political Change: The Annapolis Convention of 1786,” conference on Political Change, Center for the Study of Federalism, Temple University, Dec. 1986

Presentations on Judicial Review and Original Intent, Harvard Univ. Dec. 1986; Pacific Union College, April 1987; Univ. of Michigan, Flint, May 1987; U. S. District Court for the Northern District of California Historical Society, May 1987; Judicial Conference of the D.C. Circuit, May 1987; Univ. of Maryland, July 1987; UCLA, August 1987; Sheldon Jackson College and Alaska State Museum, Sept. 1987; Univ. of Portland, Nov. 1987; St. Mary's College, Nov. 1987; UC Irvine, Nov. 1987; Sonoma State Univ., March 1988; St. Johns College, April 1988

“The Constitution in Historical Perspective,” Universidad Internacional Menendez Pelayo, Santander, Spain, Sept. 1986

“The Role of the Presidency in the New Nation,” lecture series on The Great Constitutional Debates, UCLA, Nov. 1985

“The Uses of *The Federalist*, 1789-1861,” conference on *The Federalist*, Claremont McKenna College, Oct. 1985

“Original Meanings of the Constitution: The Historian's Contribution,” Columbia Univ. Seminar in Legal Theory, April 1985; Harvard University, Feb. 1989

“The Condition of American Federalism before the Constitution,” conference on The American Revolution: The Unfinished Agenda, The Johns Hopkins University, March 1985

“Balancing State and Regional Interests,” conference on A Meeting among Friends: Delegates to the Constitutional Convention of 1787, Independence National Historical Park, Phila., Feb. 1985

“The Structure of Politics at the Accession of George Washington,” conference on The Making of the Constitution, American Philosophical Society, Philadelphia, Oct. 1984

“The Convention and the Constitution,” National Colloquium in honor of the Bicentennial of the Constitution, Wake Forest University, April 1984

“Ironies of Empire: Hope, Desperation, and the Making of the Northwest Ordinance,” conference on Novus Ordo Seclorum, Claremont Institute, Feb. 1984

“The Writing of the Constitution: A Comment,” International Conference on the Writing of Constitutions, American Enterprise Institute, Sept. 1983

“Federalism, Liberty, and the Creation of the American Republic,” Texas Wesleyan, April 1983

“The Collapse of the Confederation,” American Political Science Association, Sept. 1982

“The New Federalism in Historical Perspective,” U.S. Conference of Mayors, San Francisco, March 1982

“The Legacy of the Articles of Confederation,” conference on The Continuing Legacy of the Articles of Confederation, Center for the Study of Federalism, Temple University, August 1981

“French Diplomacy and American Politics: The First Crisis, 1779,” symposium on the Franco-American Alliance, Loyola University of Chicago, April 1978

“The Continental Congress and the States,” Organization of American Historians, April 1974

OTHER ACTIVITIES:

University Service:

President's committee on Renaming, 2018
Director Search Committee, Center for Advanced Study in the Behavioral Sciences, 2013
Board of Judicial Affairs, 2012-2014
Decanal Search Committee, Stanford Law School, 2004, 2012
Advisory Board, spring-summer 2012
Vice Chair, Department of History, 2011-2013
Faculty Instructor, Bing Overseas Studies Program Seminar, Vietnam, September 2009
Resident Faculty, Stanford Program in Oxford, winter quarter 1997, 2009
Resident Faculty, Stanford-in-Washington, spring quarter 2008, 2014, 2015
Resident Faculty, Stanford Program in Florence, winter quarter 2005, 2018
Appointments and Promotions Committee, School of Humanities & Sciences, 2004-2006
Graduate Program in Communications, Review Committee, 2004
Athletic Compliance Committee, 2002-2005
Provostial Search Committee, 2000
Board of Governors, The Hanna House, Stanford, California 1996-2005
Board of the Stanford University Press, 1997-99
Overseas Studies Advisory Committee, 1997-99
University Committee on Land, Building, and Development, 1993-96
Committee on Graduate Studies, 1993-96 (chair, 1994-96)
Director of Undergraduate Studies, Department of History, 1991-97, 1999-2000
Director, American Studies Program, 1985-88, 2002-2003

Other Academic Service:

Membership Committee, American Philosophical Society, 2014-20
Board of Directors, Montpelier Foundation, 2011-2021
Editorial Board, *Giornale di storia costituzionale*, 2010-
United States Embassy Lecturer, Austria, May 2006
Visiting Professor, Beijing Foreign Studies University, September 2005
Co-chair, Annual Meeting of the Omohundro Institute of Early American History, 2005
Gilder-Lehrman Institute, Summer Seminar Instructor, 2003-2009
President, Society for the History of the Early American Republic, 2002-2003
Academic Advisory Committee, National Center for the Constitution, 2001-
Chair, Advisory Committee, James Madison Commemoration Commission, 2001
Littleton-Griswold Book Prize, American Historical Association, 2000-2003
Council, Thomas Jefferson Memorial Foundation, 2000-2010
Seminar Leader, Institute of Constitutional History, Supreme Court Historical Society, June 2000
Council, Omohundro Institute of Early American History, 1999-2002
Board of Editors, *William and Mary Quarterly*, 1999-2002 (chair 2002)
Juror, Pulitzer Prize in History, 2000
Program Chair, Society for the History of the Early American Republic, 1998
Council, Society for the History of the Early American Republic, 1994-1997
Visiting Scholar, New York University School of Law, Sept. 1997-Sept. 2003

Member, California Bicentennial Commission, 1986-1987
United States Information Agency, lecturer, Spain and Turkey, September 1986

Media Engagements

Participant, “*What Were They Thinking?*” *Originalism, Music, and the Constitution*, Stanford University, April 2006

Participant and adviser, *Whose Curse Is Worse: Red Sox and Cubs on Trial*, produced for ESPN by K2 Productions, September 2004

Consultant, *Liberty’s Kids*, a 40-episode animated program produced for PBS by DIC Entertainment, Burbank (Humanitas Prize nominee, 2003), and accompanying educational software, Riverdeep–The Learning Company

Consultant, *Craven Street*, a 5-episode radio program recreating Benjamin Franklin’s years in London, American Dialogues Foundation, Los Angeles

Consultant to and commentator for *Dateline ’87*, a 14-episode radio program recreating the Federal Convention, produced by National Radio Theatre of Chicago

Interviewed on the Daily Show with Jon Stewart; NPR Morning Edition, All Things Considered, Daily and Weekend Edition; PBS News Hour; Fox News; KQED Forum with Michael Krasny; WBUR Odyssey (Chicago); C-SPAN Booknotes and Washington Journal; and other radio and educational programs and podcasts

Manuscript Reader: *William and Mary Quarterly*, *Journal of American History*, *Polity*, *Publius*, *Journal of Southern History*, *Journal of the Early Republic*, *Journal of Politics*, *Social Science Quarterly*, *Political Theory*, *Review of Politics*, *American Political Thought*, Omohundro Institute of Early American History and Culture, W. W. Norton, and the North Carolina, Pittsburgh, Yale, Northeastern, Pennsylvania, Wisconsin, Kansas, Oxford, Northern Illinois, Stanford, Harvard, Princeton, and Cambridge university presses

Professional Memberships: American Historical Association, Organization of American Historians, Society of American Historians, Associates of the Omohundro Institute of Early American History and Culture, Society for the History of the Early American Republic, American Political Science Association, American Academy of Arts and Sciences, American Antiquarian Society, American Philosophical Society, Massachusetts Historical Society

Legal and Political Consulting:

Consultant, *amicus curiae* brief submitted to U.S. Court of Appeals for the Ninth Circuit in *Flanagan v. Becerra*, in consultation with Wilmer, Cutler, Pickering, Hale and Dorr (2018)

Author, Expert Report in *Donna Patrick et al. v. Interior Voters for John Coghill, Working Families of Alaska, and the Alaska Public Offices Commission*, Superior Court for the State of Alaska, 3rd Judicial District, Anchorage, October 2018, in consultation with Equal Citizens U.S.

Co-author, *amicus curiae* brief submitted to U.S. District Court, Southern District of New York, in *C.R.E.W. v. Trump* (2017) and other related cases

Witness, Forum on the Electoral College, House Judiciary Committee, December 6, 2016

Author, *amicus curiae* brief submitted to the U.S. Supreme Court in *Arizona State Legislature v. Arizona Independent Redistricting Commission* (2015) in consultation with Mayer Brown L.L.P., Washington

Author, *amicus curiae* brief submitted to the U.S. Supreme Court in *District of Columbia v. Heller* (2008) in consultation with Carl Bogus, Roger Williams School of Law

Author, *amicus curiae* brief submitted to the U. S. Supreme Court in *Hamdan v. Rumsfeld*, in consultation with the Supreme Court Clinic of Stanford Law School (2005)

Author, *amicus curiae* brief submitted to the U. S. Supreme Court in *Vieth v. Jubelirer*, 2003, in consultation with Jenner, Block and Sidley, Austin

Consultant to the Attorney General of the State of Maryland in re *Virginia v. Maryland* (2000-)

Witness, Hearings on The Background and History of Impeachment, Subcommittee on the Judiciary, Committee on the Judiciary, U. S. House of Representatives, November 9, 1998

Consultant to O'Melveny and Myers in re *U.S. House of Representatives v. U.S. Dept. of Commerce* (1998), and *Commonwealth of Virginia v. U.S.* (2000)

Consultant to the Attorney General of the State of New York in re *Seneca Indian Nation v. New York* (1997-2000)

Consultant to Zuckerman, Spader (Washington, D.C.) in re Oneida Indian Nation history and litigation (1997-)

Consultant to New York Power Authority in *St. Regis Mohawk v. New York Power Authority* (1989)

Member, California Bicentennial Commission on the United States Constitution, 1986-87

Consultant to Goodwin, Procter & Hoar (Boston) and expert witness in re *Oneida Indian Nation v. State of New York* (1983-88)