

## R. SHEP MELNICK

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226 McGuinn Hall  
Boston College  
Chestnut Hill, MA  
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17 Deer Hollow Drive  
Amherst, NH 03031  
(603) 672-4038  
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## PROFESSIONAL EXPERIENCE

- 1997- Thomas P. O'Neill, Jr. Professor of American Politics, Political Science Department, Boston College  
1993-97 Professor, Brandeis Politics Department  
1996-97 Visiting Professor, Harvard Government Department  
1993-96 Chair, Brandeis Politics Department  
1984-93 Associate Professor (tenured), Brandeis Politics Department  
1990 Visiting Professor, Harvard Government Department  
1981-94 Associated Staff, Brookings Institution  
1981-84 Assistant Professor and Head Tutor, Harvard Government Department  
1979-80 Research Associate, Brookings Institution

## EDUCATION

- 1980 Ph.D., Political Science, Harvard University  
1978 M.A., Political Science, Harvard University  
1973 B.A., magna cum laude in Social Studies, Harvard

## PUBLICATIONS

### Books:

- Taking Stock: American Government in the Twentieth Century, co-edited with Morton Keller (Woodrow Wilson Center Press and Cambridge University Press, 1999)  
Between the Lines: Interpreting Welfare Rights (Brookings, 1994)  
Regulation and the Courts: The Case of the Clean Air Act (Brookings, 1983)

### Articles and chapters:

- “Taking Remedies Seriously: Can Courts Control Public Schools?” in Joshua Dunn and Martin West, eds., From Schoolhouse to Courthouse: The Judiciary’s Role in American Education (Brookings, 2009)

- “Gambling in the Twenty-first Century: New Politics, Same Old Vice,” in Alan Wolfe and Erik Owens, eds., Gambling and the American Moral Landscape (Baylor University Press, 2009)
- “Entrepreneurial Litigation: Advocacy Coalitions and Strategies in the Fragmented American Welfare State,” in Joe Soss, Jacob Hacker, and Susanne Mettler, eds. Remaking America: Democracy and Public Policy in an Age of Inequality (Russell Sage Foundation, 2007)
- “Congress and the Supreme Court in a Partisan Era,” Policy Brief #4, Foundation for Law Justice and Society and Centre for Socio-Leal Studies, University of Oxford (2007) (*available at [www.fljs.org](http://www.fljs.org)*)
- “The Courts, Jurisprudence, and the Executive Branch,” in Joel Aberbach and Mark Peterson, eds., The Executive Branch (Oxford, 2005)  
*This volume received the APSA’s 2006 Richard Neustadt Award for best reference book on the presidency.*
- “The Federal Safeguards of Politics,” Willamette Law Review, Vol. 41 (December, 2005)
- “‘One Government Agency Among Many’: The Political Juris-Prudence (sic) of Martin Shapiro” in Thomas Ginsburg and Robert Kagan eds., Institutions and Public Law (Peter Lang, 2005)
- “From Tax-and-Spend to Mandate-and-Sue: Liberalism After the Great Society” in Sidney Milkis and Jerome Mileur, eds., The Great Society and the High Tide of Liberalism (University of Massachusetts Press, 2005)
- “Courts and Agencies,” in Mark Miller and Jeb Barnes, eds., Making Policy, Making Law: An Interbranch Perspective (Georgetown, 2004)
- “Deregulating the States: Federalism in the Rehnquist Court,” in Evolving Federalisms: Intergovernmental Balance of power in America and Europe (Maxwell School, 2003)
- “Regulation,” in Oxford Companion to American Law (Oxford, 2001)
- “Constitutional Bureaucracy,” in Mark Blitz and William Kristol, eds., Educating the Prince: Essays in Honor of Harvey Mansfield (Rowman and Littlefield, 2000)
- “An American Dilemma,” Wilson Quarterly (Fall, 1999)
- “Strange Bedfellows Make Normal Politics,” Duke Environmental Law and Policy Forum (Fall, 1998)
- “Tobacco Litigation: Good for the Body, but Not the Body Politic,” Journal of Health and Politics, Policy, and Law (Summer, 1997)
- “The Political Roots of the Judicial Dilemma,” Administrative Law Review (Summer, 1997)
- “Federalism and the New Rights,” Yale Law and Policy Review and Yale Journal on Regulation (1996)
- “Why welfare is misunderstood,” The Orlando Sentinel, August 16, 1996
- “Separation of Powers and the Strategy of Rights: The Expansion of Special Education,” in Landy and Levin, eds., The New Politics of Public Policy (Johns Hopkins University Press, 1995)
- “Statutory Reconstruction: The Politics of Eskridge’s Interpretation,” Georgetown Law Journal (November, 1995)

- Articles on “National Environmental Policy Act,” “Clean Air Act,” “Superfund,” “Endangered Species Act,” and “Environmental and Public Works Committee,” in Bacon, Davidson, and Keller, eds., Encyclopedia of the United States Congress (1995)
- “Interpreting Entitlements: The Politics of Statutory Construction,” The Brookings Review (Winter, 1994)
- “Administrative Law and Bureaucratic Reality,” Administrative Law Review (Summer, 1992)
- “Pollution Deadlines and The Coalition for Failure,” The Public Interest, (Spring, 1984); reprinted with a new epilogue in Environmental Politics: Public Costs, Private Rewards, Greve and Smith eds., (Praeger, 1992)
- “Introduction to Symposium on the New Politics of Public Policy,” Journal of Policy Analysis and Management (1991)
- “The Politics of the New Property,” in Liberty, Property, and the Future of Constitutional Development, Paul and Dickson eds. (SUNY Press, 1990)
- “The Politics of Cost-Benefit Analysis,” in Valuing Health Risks, Costs, and Benefits for Environmental Decision Making (National Academy Press, 1990)
- “Earth Day after 20 Years,” Philanthropy (March 1990)
- “The Courts, Congress, and Programmatic Rights,” in Remaking American Politics, Milkis and Harris eds. (Westview, 1989)
- “The Politics of Partnership,” Public Administration Review (November, 1985)
- “The Clean Air Act: Options for the Future,” EPA Journal (September, 1984)
- “Deadlines, Common Sense, and Cynicism,” The Brookings Review (Fall, 1983)

### **Book Reviews:**

- Review essay, “Silverstein’s Allure,” symposium on Gordon Silverstein’s Law’s Allure, Law and Social Inquiry (Fall, 2010)
- Review of James Q. Wilson, American Politics, Then and Now and Other Essays, Claremont Review of Books (Fall, 2010)
- Review of Joshua M. Dunn, Complex Justice: The Case of *Missouri v. Jenkins*, Claremont Review of Books (Spring, 2009)
- Review of Keith E. Whittington, Political Foundations of Judicial Supremacy, Journal of Politics, Journal of Politics (2009)
- Review of Steven M. Teles, The Rise of the Conservative Legal Movement: The Battle for Control of the Law, Claremont Review of Books (2008)
- Review of Arthur C. Brooks, Who Really Cares: The Surprising Truth About Compassionate Conservatism, Society (2008)
- “Those Wild and Woolly Seventies,” review of Gareth Davies, See Government Grow, The Forum, vol. 5, #3 (2007)
- “Reading, Writing, and Reform,” review of Jay Greene, Education Myths, Claremont Review of Books (Summer, 2006)
- “The \$10,000 Solution?” review of Charles Murray, In Our Hands, Claremont Review of Books (Fall, 2006)

Malanga, The New New Left: How American Politics Works Today, in Claremont Review of Books (Winter, 2005)

Morag-Levine, Chasing the Wind: Regulating Air Pollution in the Common Law State, in Perspectives on Politics (September, 2004)

Sunstein, The Second Bill of Rights and Barber, Welfare and the Constitution, Claremont Review (Summer, 2004)

Martin, Nader: Crusader, Spoiler, Icon, in Claremont Review (Summer, 2003)

Weaver, Ending Welfare as We Knew It and King, Budgeting Entitlements, in Journal of Policy Analysis and Management (Winter, 2002)

Rosenvallon, The New Social Question: Rethinking the Welfare State, in Society (March/April, 2001)

Popkin, Statutes in Court, in The Law and Politics Book Review (January, 2000)

Shipan, Designing Judicial Review, in Political Science Quarterly (Fall, 1998)

Altshuler, Gomez-Ibanez, and Howitt, Regulation for Revenue, in Journal of Politics (August, 1995)

Sunstein, After the Rights Revolution, Political Science Quarterly (Summer, 1991)

Rabkin, Judicial Compulsions, The Public Interest, (Fall, 1989)

Bosso, Pesticides and Politics and Hays, Beauty, Health, and Permanence, in Journal of Policy Analysis and Management (1988)

Morone, The Democratic Wish, in Journal of Interdisciplinary History

“Handicapped Policy,” Journal of Health Politics, Policy, and Law (Fall, 1987)

“What Deregulation Means,” The Public Interest (Spring, 1986)

“Exceptional Regulation,” The Public Interest (Fall, 1986)

“Lessons of Limits,” The Public Interest (Fall, 1984)

“Environmental Litigation and Institutional Analysis,” American Bar Foundation Research Journal (Fall, 1983)

#### **AWARDS AND HONORS:**

Donovan Award for best faculty paper at 2009 Annual Meeting of the New England Political Science Association

President, New England Political Science Association (NEPSA), 2000-2001

Toppan Prize (best Harvard Government Department dissertation), 1980

Research Fellowship, Brookings Institution, 1978-79

Bennett Prize (best Harvard American Government undergraduate thesis), 1973

Phi Beta Kappa, Junior Twelve, Harvard, 1972

#### **PROFESSIONAL ACTIVITIES:**

Co-chair, Harvard Program on Constitutional Government, 1986-present

Co-chair, Boston Area Public Law Study Group, 2009-present

Research Fellow, NH Institute of Politics, St. Anselm College, 2007-present

Editorial Board, Society, 2007-present

Advisory Board, Oxford University Press series on American Political Development, 2008-present

Visiting Scholar, American Enterprise Institute, 2009-2010  
Co-chair, Boston College-American Enterprise Institute seminar series on  
Federalism, 2003-8  
Member and author, Annenberg Foundation Commission on the Executive  
Branch, 2003-2005  
Co-chair, Project on "Historical Analysis of American Governance and Public  
Policy," Woodrow Wilson International Center for Scholars, 1994-99  
Member, Harvard Group on Risk Management Reform, 1994-95  
Chair, selection committee for Lifetime Achievement Award, Law and Courts  
Section of APSA, 2010  
Chair, Public Law and Judicial Politics section, 1988 American Political Science  
Association convention  
Chair, Nominating Committee, Law and Court Section of APSA, 2006  
Chair, 1987 Lasswell Award Committee, APSA  
Member, 2006 Greenstone Award Committee, APSA  
Member, 2004 Lasswell Award Committee, APSA  
Member, 2002 John Gaus Award Committee, APSA  
Member, 1992 Leonard White Award Committee, APSA  
Member, 1990 James Madison Award Committee, APSA  
Chair of nominating committee, Law and Politics section, APSA, 2005-2006  
Chair, American National Government section, 1998 NEPSA meeting  
Chair, Public Law section, 1999 NEPSA meeting  
Executive Council, NEPSA, 1989-91 and 1998-2002  
Selection committee, National Endowment for the Humanities Dissertation  
Grants, 1993-1995  
Selection committee, National Endowment for the Humanities Kluge Fellowship,  
2005-2006  
Selection committee, National Endowment for the Humanities, Fellowships at  
Independent Research Institutions, 2006  
Selection committee, Fellows Program, Woodrow Wilson International Center for  
Scholars, 1996-99  
Board of Academic Advisors, Pioneer Institute, 2004-  
Editorial Board, Polity, 1994-1999

#### **LECTURES, SPEECHES AND PRESENTATIONS:**

Moderator and discussant, Symposium on Alison LaCroix, Ideological Origins of  
American Federalism, Clough Center, Boston College, October, 2010  
Delivered paper on "The Supreme Court and the Civil Rights State," Program on  
Law and Public Affairs, Princeton, April, 2010  
Delivered paper on "The Supreme Court and the Civil Rights State," University of  
California, San Diego, March, 2010  
Constitution Day Address, College of the Holy Cross, September, 2009  
Delivered paper, "The Supreme Court and the Civil Rights State," University of  
Southern California Law School, November 5, 2009

Comments on Tocqueville on America After 1840, Clough Center Panel, Boston College, November, 2009

Delivered paper, "Does the Constitution Encourage Gridlock?," Conference on "Is the American Constitution Obsolete?," Baruch College, City University of New York, May 4-5, 2009

Delivered paper, "Taking Remedies Seriously: Judicial Methods for Controlling Bureaucratic Discretion in Public Schools," Thomas B. Fordham Institute Conference, "From *Brown* to *Bong Hits*: Assessing a Half Century of Judicial Involvement in Education," Washington, D.C., October, 2008

Delivered paper, "Adversarial Legalism and the Civil Rights State," Conference to Honor the Work of Robert A. Kagan, Center for the Study of Law and Society, Berkeley, September, 2008

Respondent, panel on "Citizenship, Rights, and Constitutional Structure," Conference on Citizenship in Europe and the United States, American Enterprise Institute's Transatlantic Law Forum, October, 2008

Lecture on "Federalism and the Parties: Flip-Flop, Fatality, or Reformulation?" Berkeley Political Science Department, February, 2008

Respondent, panel on "Federalism as a Constitutional Principle," Conference on The Contribution of William Rehnquist to American Constitutional Jurisprudence, James Madison Program, Princeton, February, 2008

Discussant, Conference on "Gambling and the American Moral Landscape," Boisi Center for Religion and American Public Life, BC, October, 2007

Keynote address, Brookings Institution panel on "The Budget Deficit and the Soaring Cost of Health Care," New Hampshire Institute of Politics, September, 2007

Discussant, Conference on "The Historical Foundations of the Administrative State," Vanderbilt Law School, September, 2007

Lecture on "The Supreme Court and the Parties," University of Colorado at Colorado Springs, February, 2007

Commented on lecture by Professor Calvin Johnson of University of Texas Law School, BC Law School, February, 2007

Response to Hugh Hecla's Bradley Lecture, "Respect for the Game: A Visitor's Guide to Thinking Institutionally," Boston College, Sept. 15, 2006

Organized and chaired 2006 Constitution Day panel, Boston College, September, 2006

Delivered speeches at Political Science Honor Society ceremony, St. Anselm College, Goffstown, NH, April, 2006 and April 2008

Keynote speaker, symposium on "Laboratories of Democracy: Federalism and State Law Independency," Willamette Law School, March, 2005

Discussant, Conference on Educational Adequacy Law Suits, Kennedy School of Government, Harvard, October, 2005

Presentation on "Federalism in the Rehnquist Court," Colorado College, March, 2005

Presentation on "The Resilience of Welfare Reform Litigation," University of Wisconsin, April, 2005

Moderator, forum on consent decrees, American Enterprise Institute, June, 2005

Moderator, debate on terrorism and human rights, Appleseed Foundation, December, 2005

Presentation on "The Supreme Court's New Federalism," Yale Department of Political Science, March, 2004

Presentation on "Deregulating the States," Boston College-American Enterprise Institute seminar series on federalism, February, 2004

Presentation on "What is Judicial Conservatism? The Rehnquist Court," Harvard Center for American Political Studies and Program on Constitutional Government, December, 2003

Discussant, Conference on School Board Politics, Kennedy School of Government, October, 2003

Presentation on the Supreme Court and American Federalism, Conference on Emerging Federalisms, Campbell Public Affairs Institute, Syracuse University, April, 2003

Presentation on the Political Jurisprudence of Martin Shapiro, Conference to Honor the Work of Martin Shapiro, Boalt Hall School of Law, University of California, Berkeley, March, 2003

Discussion Leader, Liberty Fund Judicial Seminar on *Brown v. Board of Education*, Tucson, Arizona, January 2003

Response to Pierre Manent's "Democracy Imperiled: The Growing Transatlantic Rift," Bradley lecture series, Boston College, October, 2002

Presentation of Tocqueville's Democracy in America, Fulbright American Studies Summer Institute, July, 2001

Presentation on rights, entitlements, and the Great Society, Conference on the Great Society, University of Virginia, November, 2000

Presentation on the Supreme Court and institutional analysis, Harvard Center for American Political Studies, November, 1999, and Miller Center, University of Virginia, May, 2000

Speech at opening of Thomas P. O'Neill, Jr. exhibit, Boston College, September, 1999 (with Rep. Joe Moakley)

Response to Amy Gutmann's "Why Deliberative Democracy is Different," Bradley lecture series, Boston College, November, 1998

Presentation on interest groups and environmental policy, Colloquium on the Rents of Nature, Duke Law School, March, 1998

Presentation on the politics of special education, Conference on The New Politics of Public Policy II, Brandeis and Boston College, November, 1997

Speech at the opening of O'Neill Archives, Boston College, September, 1997 (with Chris Matthews)

Lecture on "Bureaucracy and Distrust," Center for Law and Society, University of California, Berkeley, April 1996

Presentation on federalism and welfare rights, Conference on Prospects for a New Federalism, Yale Law School, March, 1996

Presentation on Between the Lines, Harvard Center for American Political Studies, November, 1995

Presentation on environmental policy in the 1990s, Conference on "Governance and Public Policy," Woodrow Wilson Center, December, 1994

Lecture on judicial review and administrative policy, Administrative Law Section of Florida Bar Association, September, 1993

Presentation on environmental policy, Workshop on Canada and the US in a Changing World, Queens University, Ontario, October, 1991

Speech on judicial review and administrative policy, Section on Administrative Law and Regulatory Practice, American Bar Association, February, 1991

Presentation on politics of special education, Conference on the New Politics of Public Policy, Brandeis, April, 1990

Lecture on the courts, Congress and statutory interpretation at American Bar Foundation/Northwest University Law School, February, 1988

Lecture on "The Politics of the New Property," conference on Economic Rights and the Constitution, Bowling Green University, October, 1988

Participant, Vose Colloquium on The Courts and Institutional Reform, Wesleyan University, April, 1987 (culminating in volume edited by Robert Wood)

Speech at program on the Constitutional Bicentennial, Clemson University, July, 1987

Presentation on "The Courts, Congress, and Programmatic Rights," Harvard Center for American Political Studies, February, 1987

Speech on "The Political Context of Citizen Action," Mount Holyoke College symposium on environmental policy, Aspen, July, 1987

Lecture on "The Politics of Cost-Benefit Analysis," National Research Council Conference on Valuing Health Risks, Costs, and Benefits, June, 1987

Presentation on "Judicial Activism and the New Congress," Conference on the American Constitutional Experiment, Harvard, March, 1987

Presentation on Regulation and the Courts, conference on environmental law, Columbia Law School, October, 1983

#### **POLITICAL SCIENCE PAPERS AND PANELS:**

- 2010 APSA conference: roundtable on Charles Epp, Making Rights Real; discussant, Panel on "Constituting Public Education: Courts, Lawyers, and the Construction of American Schooling"
- 2010 NEPSA conference: presented paper on "The Civil Rights Agenda of the U.S. Supreme Court"; discussant, panel on "Public Works by Emerging Scholars in American Constitutional Development"
- 2010 Western Political Science Association conference: presented paper on "The Supreme Court and the Civil Rights State"
- 2009 APSA convention: presented paper on "The Supreme Court and the Civil Rights State"; roundtable on Gordon Silverstein's Law's Allure
- 2009 NEPSA conference: delivered paper, "Does the Constitution Encourage Gridlock?"; discussant, panel on "The 2008 Presidential Election"
- 2008 NEPSA conference: discussant, panel on "Public Law: Issues in the Legal Profession"

- 2007 APSA convention: roundtable on Rubin and Feeley, “Federalism: A Theoretical Inquiry”; discussant, panel on “Judicial Policymaking and Institutional Capacity,”
- 2007 NEPSA conference: Chair, roundtable on “Public Law Litigation: A thirty Year Retrospective; roundtable on Kahn and Kersch, The Supreme Court and American Political Development
- 2006 NEPSA conference: chaired and delivered paper for panel on “Inequality and American Democracy”; discussant, panel on “Conservatives and Social Policy”
- 2006 Conference on “Public Law Litigation after 30 Years,” Provo Utah, October 5-7, 2006: wrote paper that served as basis of discussion
- 2006 Conference on “The Formation and Reform of the Federal Judicial Power,” Washington, D.C., October 15, 2006; wrote paper that served as the basis of discussion
- 2005 APSA convention: Discussant, “Public Policy Through Litigation,” and discussant, “Democratic Change and Political History”
- 2005 NEPSA meeting: Past Presidents’ Roundtable; Roundtable on Mead’s Government Matters; Roundtable on Ran Hirschl’s Toward Juristocracy; discussant “Challenging Constitutional Liberalism”
- 2004 APSA convention: Discussant, “The Right Turn: Modern Conservatism in American Politics”
- 2004 NEPSA meeting: Roundtable on Sotirios Barber’s Welfare and the Constitution
- 2003 NEPSA meeting: Chair, Roundtable on “Federalism: Purposes and Prospects”
- 2002 APSA convention: delivered paper, “Both the Sword and the Purse: Statutory Rights and State Governments in the Rehnquist Court”
- 2001 APSA convention: Chair, Roundtable on Democracy in America
- 2001 NEPSA meeting: Roundtable on Bush v. Gore; roundtable on Whittington’s Constitutional Construction
- 2000 NEPSA meeting: chair, Roundtable on “The Supreme Court’s New Federalism” and panels on “National Administration in the Developing Administrative State” and “Federalism and Domestic Policy”
- 1999 NEPSA meeting: chair, Roundtable on “New Institutionalism in Public Law”
- 1998 APSA convention: delivered paper, “The Surprising Resilience of Means-Tested Programs”
- 1996 NEPSA meeting: delivered paper, “Federalism and the New Rights”
- 1994 APSA convention: participant Roundtable on Courts and Congress
- 1992 APSA convention: paper, “The Politics of Statutory Rights”
- 1991 NEPSA meeting: participant in Roundtable on “Implementation of Judicial Decrees”
- 1990 APSA convention: paper, “The Unexpected Expansion of the Food Stamp Program”
- 1990 NEPSA meeting: chair, roundtable on the New Politics of Public Policy

- 1988 APSA convention: chair, roundtable on “Administrative Law in the Reagan Era”  
1986 APSA convention: paper, “Courts, Congress, and Welfare Rights”  
1984 Law and Society convention: Roundtable on Regulation and the Courts  
1982 APSA convention: delivered paper, “Use and Abuse of Legislative History”  
1980 APSA convention paper, “Judicial Capacity and Environmental Litigation”

**COURSES TAUGHT** (Boston College, Brandeis, and Harvard)

Undergraduate:

Courts and Public Policy  
American National Institutions  
Rights in Conflict  
Politics and Policy in the US  
Bureaucracy  
Ideas and Institutions in American Politics  
Introduction to American Politics  
New Politics of Public Policy  
Making American Public Policy  
Politics of Regulation  
Liberty and Equality in American Politics  
Freshman Seminar on Equality and Inequality  
Honors Seminar on Democracy in America

Graduate:

Field Seminar in American Politics  
Democracy in America  
American Governance in Historical Perspective (with Morton Keller)  
Courts and Public Policy  
Bureaucracy  
American Political Institutions

**OTHER ACTIVITIES**

Elected member of NH House of Representatives, 1975-76  
NH State Advisory Committee of United States Commission on Civil Rights,  
2009- present  
Periodic political commentator on radio station CKNW, Vancouver, Canada  
Treasurer, NH Democratic Party, 1982-83  
Member and chair, Bedford, NH Historic District Commission 1989-94  
Regional Coordinator, St. Paul’s School Advanced Studies Program, 2001-5  
President, Harvard Club of NH, 2004-5