

## R. SHEP MELNICK

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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

## AWARDS AND HONORS

- "Lasting Contribution" Award, 2012, presented by the Law and Courts section of the American Political Science Association for a book or article at least ten years old that has made a lasting contribution to the study of law and courts; awarded for Between the Lines: Interpreting Welfare Rights
- Graduate Teaching and Mentoring Award, Boston College Graduate School of Arts and Sciences, 2017
- 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
- Research grants from Smith Richardson Foundation, Earhart Foundation, Searle Freedom Trust, and AEI's National Research Initiative
- 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

## PUBLICATIONS

### Books:

The Transformation of Title IX: Regulating Gender Equality in Education  
(Brookings, 2018)

Taking Stock: American Government in the Twentieth Century, co-edited with  
Morton Keller (Woodrow Wilson Center and Cambridge 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:

“Analyzing the Department of Education’s final Title IX rules on sexual  
misconduct,” Brookings Report, June 11, 2020

“The Title IX Spotlight Shifts from the Campus to the Schoolhouse,” Education  
Next, May 27, 2020

“Desegregation, Then and Now,” National Affairs, Winter, 2020

“The Mismeasure of ‘Enforcement,’” Education Next Blog, February, 2020,  
[educationnext.org/mismeasure-of-enforcement-civil-rights-commission-  
2019-report/](http://educationnext.org/mismeasure-of-enforcement-civil-rights-commission-2019-report/)

“The Department of Education’s Proposed Sexual Harassment Rules: Looking  
Beyond the Rhetoric,” Brookings Brief, January, 2019

“New Title IX Rules Require Hearings and Cross-examination in Colleges, not  
High Schools,” Education Next, January, 2019

“Regulating Identity,” Law and Liberty, January, 2019

“Rethinking Federal Regulation of Sexual Harassment: The Need for Debate,  
not Demagoguery in the Age of Trump,” Education Next, Winter, 2018

“The Strange Evolution of Title IX,” National Affairs, Summer, 2018

“Sexual Harassment and the Evolving Civil Rights State,” in Lynda Dodd, ed.,  
The Rights Revolution Revisited: Institutional Perspectives on the Private  
Enforcement of Civil Rights in the U.S. (Cambridge, 2018)

“Scalia’s Dilemmas as a Conservative Jurist,” in Paul E. Peterson and Michael  
W. McConnell, eds., Scalia’s Constitution: Essays on Law and Education  
(Palgrave Macmillan, 2018)

“Rethinking Federal Regulation of Sexual Harassment: The Need for Debate,  
not Demagoguery in the Age of Trump,” Education Next, Winter, 2018

“The Sex Bureaucrats are Dug In,” Library of Law and Liberty, August, 2017,  
linked in RealClearPolicy

“Is the Trump Education Department Really ‘Rolling Back’ Civil Rights?”  
Education Next Blog, June, 2017, linked in RealClearEducation

“How Civil Rights Enforcement got Swept into the Culture Wars, and What a  
New Administration can do about it,” Hechinger Report, March, 2017,  
reprinted in the Washington Monthly and Education Next

- “Adversarial Legalism, Civil Rights, and the Exceptional American State,” in Thomas Burke and Jeb Barnes, eds., Varieties of Legal Order: The Politics of Adversarial and Bureaucratic Legalism (Routledge, 2017)
- “Martin Shapiro: An Appreciation,” The Forum: A Journal of Applied Research in Contemporary Politics, Vol. 14, #2, (July, 2016)
- “The Success of Failure,” REG BLOG: Penn Program on Regulation, January 13, 2016, [www.regblog.org/2016/01/13/melnick-the-success-of-failure/](http://www.regblog.org/2016/01/13/melnick-the-success-of-failure/)
- “Civil Wrongs,” Education Next, vol. 16, #1 (Winter, 2016)
- “Federal Raid on Local Schools,” op-ed, Wall Street Journal, Sept. 13, 2015
- “Gridlock and the Madisonian Constitution,” in Benjamin Wittes and Pietro Nivola, eds., What Would Madison Do? The Father of the Constitution Meets Modern American Politics (Brookings, 2015)
- “The Federalism Failure,” in Bradley Wilson, ed., The Constitutional Legacy of William H. Rehnquist, (West Publishing, 2015)
- “Courts and Agencies in the American Civil Rights State,” in Jeffrey Jenkins and Sidney Milkis, eds., The Politics of Major Policy Reform in Postwar America (Cambridge University Press, 2014)
- “The Conventional Misdiagnosis: Why ‘Gridlock’ is Not Our Central Problem and Constitutional Revision is Not the Solution,” 94 Boston University Law Review 767 (2014)
- “The Odd Evolution of the Civil Rights State,” Harvard Journal on Law and Public Policy, vol. 37, #1 (2014)
- “Race, Rights-Talk, and Equity: A Reply to Professor Allen,” Liberty Law Forum, July, 2014
- “The Gridlock Illusion,” The Wilson Quarterly (Winter, 2013)
- “Does the Constitution Encourage Gridlock?” in Is the American Constitution Obsolete? Thomas Main, ed. (Carolina Academic Press, 2013)
- “Politics as a Vocation: An Appreciation of the Life and Work of James Q. Wilson,” The Forum, vol. 10, #1 (May, 2012)
- “Power to the People or to the Professionals?” Tulsa Law Review, vol. 46, #1 (Summer, 2012)
- “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 book on the presidency.
- “The Federal Safeguards of Politics,” Willamette Law Review (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 Encyclopedia of the United States Congress (1994)
- “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 (Nat’l 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:**

- “Subterranean Politics Blues,” review of Orren and Skowronek, The Policy State; and Burbank and Farhang, Rights and Retrenchment, Tulsa Law Review, special book review issue, Winter, 2018-19
- “Red Ink,” review of John Coogan, The Cost of Good Intentions, Claremont Review of Books (Summer, 2018)
- Review of Karen M. Tani, State of Dependency: Welfare, Rights, and American Governance, 1935-72, Publius: The Journal of Federalism, vol. 47, #3 (2017)
- “Poverty and Policy,” review of Edin and Shaefer, \$2.00 a Day, Claremont Review of Books (Spring, 2016)
- Review of Michael Greve’s The Upside-Down Constitution, The Forum: A Journal of Applied Research on Contemporary Politics, vol. 11, #1 (2013)
- Review of Charles Murray, Coming Apart: The State of White America, 1960-2010, Claremont Review of Books (Summer, 2012)
- Review of Jacob Hacker and Paul Pierson, Winner Take All Politics, Claremont Review of Books (Summer, 2011)
- Review of Charles Epp, Making Rights Real, Society (May/June, 2011)
- 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)  
 Review of Malanga, The New New Left: How American Politics Works Today, in  
Claremont Review of Books (Winter, 2005)  
 Review of Morag-Levine, Chasing the Wind: Regulating Air Pollution in the  
 Common Law State, in Perspectives on Politics (September, 2004)  
 Review of 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 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)

## **PROFESSIONAL ACTIVITIES:**

Research Affiliate, Harvard Program on Education Policy and Governance,  
 November, 2015-present  
 Co-chair, Harvard Program on Constitutional Government, 1986-present  
 Co-chair, Boston Area Public Law Study Group, 2009-present  
 Editorial Board, Society, 2007-present  
 Advisory Board, Oxford University Press series on American Political  
 Development, 2008-present  
 Advisory Council, Boyden Gray Center for the Study of the Administrative State,  
 2019-present  
 Visiting Committee, Santa Clara Political Science Department, 2017  
 National Endowment for the Humanities peer review panel for “Enduring  
 Questions” teaching grants, October, 2013

Organized Harvard-Boston College conference on “Thinking About Politics: A Conference Dedicated to Explaining and Perpetuating the Political Insights of James Q. Wilson,” April, 2013  
Chair, Visiting Review Committee, Salvatori Center for the Constitution, Claremont McKenna College, April, 2013  
Visiting Scholar, American Enterprise Institute, 2009-2010  
Co-chair, Boston College-American Enterprise Institute seminar series on Federalism, 2003-8  
Selection committee, National Endowment for the Humanities Kluge Fellowship, 2005-2006  
Selection committee, National Endowment for the Humanities, Fellowships at Independent Research Institutions, 2006  
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, Fellows Program, Woodrow Wilson International Center for Scholars, 1996-99  
Editorial Board, Polity, 1994-1999

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

Panel on Free Speech on Campus, sponsored by Pepperdine School of Public Policy, Orange County, CA, October, 2019  
Debate on Title IX, American Enterprise Institute, June, 2019  
Delivered paper on use of social science evidence by Daniel Patrick Moynihan and James Q. Wilson, conference honoring Senator Moynihan, Assumption College, April, 2019

Testimony before U.S. Civil Rights Commission, hearing on “Evaluating Federal Civil Rights Enforcement,” November, 2018

Talks on The Transformation of Title IX:

- Harvard Center for American Political Studies, January, 2018
- Harvard Program on Constitutional Government, January, 2018
- University of Colorado, Colorado Springs, February, 2018
- Harvard Women’s Law Association, March, 2018
- Dartmouth College, May, 2018
- Annual conference of Education Writers Association, May, 2018
- Hoover Institution panel on the book, Washington, D.C, June, 2018
- Clark University (Constitution Day address), September, 2018
- Michigan State University, September, 2018
- Trinity College (Constitution Day address), October, 2018
- Princeton, Madison Program, November, 2018
- Claremont McKenna College, March, 2019
- Keynote address, 4th Annual Title IX ExecuSummit conference for Title IX lawyers and administrators, July, 2019

Moderator, panel on referenda and initiatives, Transatlantic Law Foundation conference on populism, Bayreuth, Germany, October, 2018

Keynote Address, Conference on the American Administrative State, Holy Cross, April, 2018

Panel, “The Blurred Lines Over Free Speech, Hate Speech, and Academic Freedom,” University of California, Berkeley, March, 2018

Response to Harvey Mansfield’s lecture on “The Wisdom of *The Federalist*,” Boston College, February, 2018

Panel, conference on “Free Speech and the Administrative State,” Center for Study of the Administrative State, Scalia Law School, Jan., 2018

Participant, research seminar on “The First Amendment and the Regulatory State,” Center for Study of the Administrative State, Scalia Law School, October, 2017

Lecture, “Trumping Title IX? The Looming Battle over the Civil Rights State,” Institute for Governmental Studies, UC, Berkeley, March 6, 2017

Panel on “Scalia’s Constitution: Law and Education,” organized by Harvard Program on Education Policy and Governance, Washington, D.C., September 15, 2017 (covered by C-SPAN)

Presentation on Title IX, National Lawyers’ Convention, Federalist Society, Washington, D.C., November 17, 2017

Presentation on “Rethinking Campus and School Title IX Policy and Procedures,” information session at law firm of Sheehan, Phinney, Bass and Green, Manchester, NH, November 15, 2017

Robert A. Kagan Lecture in Law and Regulation, UC Berkeley, “Adversarial Legalism Meets Partisan Polarization,” March 10, 2016

Delivered paper, “The Dilemmas of a Conservative Jurist: Justice Antonin Scalia on Education,” Conference on Justice Scalia and Education, Harvard Kennedy School, December 2, 2016

Presentation on “The Rise of Jurocracy,” Transatlantic Law Forum conference on “Liberalism, Populism, and the Politicization of Everything,” Hamburg, Germany, September 24, 2015

Presentation on consequences of 2016 election, Clough Center conference on “Election 2016 in Comparative and Historical Perspective,” Oct. 21, 2016

Presentation on “Tocqueville and Juries,” Boston College conference on “The Jury in America,” April 29, 2016

Lecture, “Sexual Harassment and the Evolving Civil Rights State,” Harvard Center for American Political Studies, April 15, 2016

Lecture, “Gridlock and the Madisonian Constitution,” Louisiana State University, February 18, 2016

Presentation on “OCR’s Regulation of School Finance,” Harvard Program on Education Policy and Governance, November 10, 2015

Presentation on “OCR and Administrative Procedures,” Harvard Kennedy School of Government, November 10, 2015

Constitution Day Lecture, University of Virginia, September 24, 2015

Lecture, “OCR and Sexual Harassment Regulation,” University of Texas at Austin, May 7, 2015

Presentation on “Regulating Sexual Misconduct,” Harvard Program on Constitutional Government, April 17, 2015

Lecture, “Divided Government and the Myth of Gridlock,” Middlebury College, March 14, 2015

Moderator, debate on campaign finance reform, New Hampshire Institute of Politics, February 19, 2015

Speech to BASF Corporation attorneys and government affairs officials, “The Elections of 2014,” October 29, 2014

Panel on “Political Culture,” Notre Dame Law School conference on Peter Schuck’s Why Government Fails So Often: And How It Can Do Better, Chicago, October 24, 2014

Lecture, “OCR Takes the Initiative,” University of Colorado, Colorado Springs, April 17, 2014

Panel on “James Q. Wilson and the Continuing Search for Moral Responsibility in Public Policy,” Pepperdine Conference, “Character and the Moral Sense: James Q. Wilson and the Future of Public Policy,” Feb. 28-March 1, 2014

Delivered paper, “Gridlock and our Madisonian Constitution,” conference sponsored by Brookings Institution and James Madison’s Montpelier, November, 2013

Delivered paper, “The Conventional Misdiagnosis: Why ‘Gridlock’ Is Not Our Central Problem and Constitutional Revision is Not the Solution,” BU Law School Conference on “America’s Political Dysfunction,” November, 2013

Delivered paper, “Political Science, Policy Analysis, and Practical Wisdom: Some Lessons from the “Writing and Career of James Q. Wilson,” Conference on “Thinking about Politics,” April, 2013

Presentation on “Civil Rights Regulation,” 2013 Federalist Society Annual Student Symposium, University of Texas at Austin, March, 2013

Luncheon panel, "Institutions, Boundaries, and Political Stability," Transatlantic Legal Forum, conference on "The Rule of Law and the Administrative State in Crisis," George Mason Law School, February, 2013

Panel discussion on the work of James Q. Wilson, RAND, January, 2013

Panel discussion, The Legacy of James Q. Wilson, Bradley Foundation Annual Meeting, Washington, D.C., June, 2012

Lecture, "The Civil Rights State," University of Colorado, Colorado Springs, March, 2012

Lecture, "Adversarial Legalism and the Civil Rights State," University of Oregon, February, 2012

Lecture, "The Myth of Gridlock," Willamette University, February, 2012

Lecture, "Is the U.S. Suffering from Gridlock?" University of Lyon, France, May, 2011

Delivered paper, "The Supreme Court and the Civil Rights State," Harvard Workshop on History, Institutions, and Politics, April, 2011

Moderator and discussant, Panel on "Is Partisanship a Bad Thing?" Clough Center, Boston College, March, 2011

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

Moderator and discussant, Panel on "Is Partisanship a Bad Thing?" Clough Center, Boston College, March, 2011

Moderator and discussant, Symposium on Alison LaCroix, Ideological Origins of American Federalism, Clough Center, Boston College, October, 2010

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," Thomas B. Fordham Institute Conference, "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, 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," N.H. 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 Hecló'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, "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 the Supreme Court and Institutional Analysis, Miller Center, University of Virginia, May, 2000

Presentation on the Supreme Court and Institutional Analysis, Harvard Center for American Political Studies, November, 1999

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

- 2020 APSA convention, Book panel on Robert Saldin and Steven Teles, Never Trump: The Revolt of the Conservative Elites
- 2019 NEPSA conference: Organizer and Moderator, Luncheon Panel on Student Engagement
- 2018 NEPSA conference: Roundtable on The Transformation of Title IX
- 2018 APSA convention: (1) Panel on “Politics and the Modern University; (2) panel on “How Perilous is the State of the Contemporary Union?”
- 2017 APSA convention: (1) “Breaking News Panel: Policy Shifts from Obama to Trump”; (2) Author Meets Critics panel, Skowronek and Orren’s The Policy State; (3) presented paper, “Trumping Title IX?”
- 2017 NEPSA conference: (1) Roundtable on Dunn and Shields’ Passing on the Right: Conservative Professors in the Progressive University; (2) presented paper, “Title IX in the Age of Trump”
- 2016 NEPSA conference, panel on “From Micro Aggressions to Micro-Repressions: Present Discontents on the College Campus”
- 2015 APSA convention: presented a paper titled “Déjà vu All Over Again: Five Decades of Federal Regulation of Education for English Learners”
- 2015 NEPSA conference: contributed to (1) panel on Russell Muirhead’s The Promise of Party in a Polarized Age, (2) panel on Sarah Staszak’s No Day in Court, and (3) panel honoring Richard Morgan
- 2014 NEPSA conference: (1) Roundtable on Zygmunt Plater’s The Snail Darter and the Dam; (2) chair/discussant, panel on “Constitutional Dysfunction and Reform”
- 2013 NEPSA conference: Roundtable on Jean Yarbrough’s Theodore Roosevelt and the American Political Tradition; and chair/discussant, panel on “Law and Politics: Interpreting and Enforcing Policy”
- 2012 “Adversarial Legalism, Civil Rights, and the Exceptional American State,” Conference on “The Litigation State,” City College of New York
- 2011 “From Enlightened Administration to Adversarial Legalism: The Creation and Development of the Civil Rights State,” Conference on the Politics of Major Policy Reform, Miller Center, University of Virginia
- 2011 APSA conference: (1) presented paper on “The Crucible of Desegregation: ‘Unitary’ Schools in a Divided Court”; (2) discussant, panel on Federalism and the Politics of Rights
- 2011 NEPSA conference: presented paper on “Rights Regulation”; roundtable on Keith Bybee, All Judges are Political, Except When Thy Are Not
- 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: Roundtable on “Implementation of Judicial Decrees”
- 1990 APSA convention: paper, “The Unexpected Expansion of Food Stamps”
- 1990 NEPSA meeting: chair, roundtable on the New Politics of Public Policy
- 1988 APSA convention: chair, “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:

- Politics and Policy in the US
- Courts and Public Policy
- Dilemmas of Diversity in the US (with Peter Skerry)
- American National Institutions
- Rights in Conflict
- Tip O’Neill and the Evolution of American Politics
- 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 (with Kay Schlozman)
- American National Institutions and Policymaking
- Democracy in America
- American Governance in Historical Perspective (with Morton Keller)
- Courts and Public Policy
- Bureaucracy
- American Political Institutions
- Agencies, Legislatures, and Courts (BC Law School)

## **OTHER ACTIVITIES**

Elected member of NH House of Representatives, 1975-76

NH State Advisory Committee of U.S. Commission on Civil Rights, 2009-11

Treasurer, NH Democratic Party, 1982-83

Inducted into Appalachian Mountain Club's New Hampshire 4000-Footer Club  
(for climbing all 48 NH 4000-foot peaks) 2018

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