

## CURRICULUM VITAE

DAVID M. O'BRIEN

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### EDUCATION

Ph.D. (1977), M.A. (1974), B.A. (1973) (philosophy and political science, highest honors), University of California (Santa Barbara).

### PROFESSIONAL EXPERIENCE

Leone Reaves and George W. Spicer Professor, Woodrow Wilson Department of Politics (1996----), University of Virginia (Professor, 1989-1996; Associate Professor, 1983-1988; Assistant Professor, 1979-1983; Graduate Advisor, 1983-1985 and 1989-1992).

Commissioner, U.S.-Japan Conference on Cultural and Educational Interchange and Japan-US Friendship Commission (2008----)

Visiting Professor, Institut d'Etudes Politique, Universite Lumiere-Lyon 2, Lyon, France (2006)

Visiting Professor, Florida International University, Miami, Florida (Spring, 2002).

Fulbright Chair for Senior Scholars, Universita di Bologna, Bologna, Italy (1999).

Fulbright Researcher, Tokyo and Kyoto, Japan (Summers, 1993 & 1994).

Fulbright Lecturer and Visiting Professorial Fellow in Constitutional Studies, Nuffield College, Oxford University, Oxford, England (1987-1988).

Research Associate, Office of the Administrative Assistant to the Chief Justice, Supreme Court of the United States (part time 1983-84).

Judicial Fellow, Office of the Administrative Assistant to the Chief Justice, Supreme Court of the United States (1982-1983).

Visiting Postdoctoral Fellow, Russell Sage Foundation, New York, New York (1981-1982).

Assistant Professor, Department of Politics, University of Puget Sound, Tacoma, Washington (1977-1979 and Chair, 1978-1979).

Lecturer, Department of Political Science, University of California (Santa Barbara) (1976-1977).

### AWARDS, GRANTS, AND FELLOWSHIPS

1. Harrison Grant Advisors Award, University of Virginia (2008-2009).
2. Tokyo International University, Co-participant in Grant for "Comparative Judicial Politics and Reform" (2003-2004).
3. The Asia Foundation, Senior International Consultant for grant on "Judicial Independence in Southeast Asia," awarded by the Asia Development Bank (2002-2003).

4. National Science Foundation, Supervisor for Dissertation Fellowship (Stacy Nyikos) (1999-2000).
5. Fulbright Senior Scholar Chair, Universita di Bologna, Bologna, Italy (1999).
6. University of Virginia, University Seminar Grant, 1997-1998
7. University of Virginia, Center for Advanced Studies, Sesquicentennial Associate, 1995-1996
8. Council for European Studies, funding for Pan-European Research Group (participant, funding for a series of meetings on federalism) 1994-97
9. Fulbright Research Serial Award, Japan, (six months), Summers 1993-94
10. C-SPAN in the Classroom Grant, 1991
11. Supreme Court Historical Society, Project Grant, 1989-1990
12. American Philosophical Society, Research Grant, 1989
13. Fulbright Lecturer in Constitutional Studies, Nuffield College, Oxford University, Oxford, United Kingdom, 1987-1988
14. University of Virginia, Center for Advanced Studies, Sesquicentennial Associate, 1987-1988
15. American Bar Association, Silver Gavel Award, 1987
16. The Twentieth Century Foundation, Research Grant, 1986-1987
17. Earhart Foundation, Research Grant, 1986 and 1987
18. National Endowment for the Humanities, Research Travel Grant, 1986
19. American Bar Association, Certificate of Merit, 1986.
20. Russell Sage Foundation, Research Award (semester leave), 1985
21. Virginia Research Policy Council, Research Grant, 1985
22. Harry S. Truman Library Institute, Research Grant, 1985
23. American Philosophical Society, Research Award, 1984
24. National Institute for Justice, Project Grant, 1984-1985
25. National Endowment for the Humanities, Research Travel Grant, 1984
26. Lyndon Baines Johnson Foundation, Research Grant, 1984
27. Hoover Presidential Library Association, Hoover Scholar, 1984
28. Gerald R. Ford Foundation, Research Grant, 1984
29. Judicial Fellows Commission, Justice Tom C. Clark Fellow Award, Supreme Court of the United States, 1983
30. Supreme Court of the United States, Judicial Fellowship, 1982-1983
31. Institute for Educational Affairs, Research Award, 1982
32. Russell Sage Foundation, Visiting Postdoctoral Fellowship, 1981-1982
33. American Philosophical Society, Research Award, 1981
34. Earhart Foundation, Research Award, 1981
35. Project '87, sponsored by the American Political Science Association and the American Historical Association, Summer Research Award, 1979
36. National Endowment for the Humanities, Summer Research Award, 1978
37. University of Virginia, Summer Research Awards, 1980, 1981, 1982 (declined), 1983, 1984, 1986, 1987, and 1989 (thereafter not eligible until 1995), 1995 (and not eligible after 1996)
38. University of Puget Sound, Research Awards, 1978 and 1979
39. University of California, Dissertation Research Award, 1976-1977

## **PUBLICATIONS**

### BOOKS:

1. Storm Center: The Supreme Court in American Politics (New York: W. W. Norton & Company, 1986; paper, 1987; 2nd ed., 1990; 3rd ed., 1993; 4th ed., 1996; 5<sup>th</sup> ed., 2000; 6<sup>th</sup> ed., 2002; 7<sup>th</sup> ed. 2005, Chinese edition, Shanghi Century Press, 2008; 8<sup>th</sup> ed., 2008). Received American Bar Association's 1987 Silver Gavel Award).
2. Constitutional Law and Politics (Volume 1): Struggles for Power and Governmental Accountability (New York: W.W. Norton & Company, 1991; 2d ed., 1995; 3d ed., 1997; 4th ed., 2000; 5<sup>th</sup> ed., 2002; 6<sup>th</sup> ed., 2005; 7<sup>th</sup> ed., 2008).

3. Constitutional Law and Politics (Volume 2): Civil Rights and Civil Liberties (New York: W.W. Norton & Company, 1991; 2d ed., 1995; 3d ed., 1997; 4th ed., 2000; 5<sup>th</sup> ed., 2002; 6<sup>th</sup> ed., 2005; 7<sup>th</sup> ed., 2008).
4. Supreme Court Watch (New York: W.W. Norton & Company, paper, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008).
5. Courts and Judicial Policymaking, with Christopher Banks (Upper Saddle River, N.J.: Prentice-Hall, 2008).
6. Animal Sacrifice and Religious Freedom: Church of the Lukumi Babalu Aye v. City of Hialeah (Lawrence: University of Press of Kansas, 2004).
7. Judicial Independence in the Age of Democracy: Critical Perspectives from Around the World, edited with Peter Russell (Charlottesville, Va.: University Press of Virginia, 2001).
8. The Lanahan Readings in Civil Rights and Civil Liberties, editor (Baltimore: Lanahan Publishers, 1999; 2<sup>nd</sup> edition, 2003; 3<sup>rd</sup> ed., 2009).
9. Judges on Judging, editor (Chatham: Chatham House, 1997. Washington, D.C.: Congressional Quarterly Press, 2<sup>nd</sup> ed., 2004; 3<sup>rd</sup> ed., 2009).
10. To Dream of Dreams: Religious Freedom and Constitutional Politics in Postwar Japan, with Yasuo Ohkoshi (Honolulu: University of Hawaii Press, cloth and paper, 1996). Received Honorable Mention for the 1997 C. Herman Pritchett Prize from the APSA's Law and Courts Section. Japanese translation, Seikyobunri no Kenpo Seijigaku (The Separation of Politics and Religion in Constitutional Politics) (Kyoto: Koyo Shobou, 1999).
11. Government by the People, 19<sup>th</sup>, 20<sup>th</sup>, 21<sup>st</sup>, and 22nd editions, with James MacGregor Burns, J.W. Peltason, Thomas Cronin, David B. Magleby, and Paul Light (Upper Saddle River, N.J.: Prentice-Hall, 2001, 2003, 2006, 2008).
12. The Politics of American Government, co-author with Stephen Wayne, G. Calvin MacKinzie, and Richard Cole (New York: St. Martin's, 1995; 2d ed. 1997; 3d ed. 1999).
13. Abortion and American Politics, co-author with Barbara Craig (Chatham: Chatham House Publishers, cloth and paper, 1993. Selected by Choice as one of "the Outstanding Books in Political Science in 1993.")
14. Judicial Roulette: A Twentieth Century Fund Task Force Report on Judicial Appointments (New York: Twentieth Century Fund/ Allen & Unwin, paper and cloth, 1988).
15. What Process Is Due? Courts and Science-Policy Disputes (New York: Russell Sage Foundation, 1987).
16. Views from the Bench: The Judiciary and Constitutional Politics, co-editor with Mark Cannon and author of introductory essays, with a Foreword by Chief Justice Warren E. Burger (Chatham: Chatham House; cloth and paper, 1985.) Awarded "Certificate of Merit" by the American Bar Association; and Lawyers' Literary Book Club, Alternate Selection. Indian edition published by Asia Books pvt. Ltd., New Delhi, India, under the Indo-American Cooperative Publishing Program.
17. Law and Public Affairs, Special Issue, 45 Public Administration Review

641-804, co-editor (Washington, D.C.: American Society for Public Administration, November, 1985).

18. The Politics of Technology Assessment: Institutions, Processes and Policy Disputes, co-author/editor with Donald Marchand (Lexington: D.C. Heath/Lexington Books, 1982).
19. The Public's Right to Know: The Supreme Court and the First Amendment (New York: Praeger Publishers, 1981. Paperback, 1982. Selected by Choice as one of the "Outstanding Books in Political Science of 1981"). Spanish edition: El Derecho Del Publico a LA Informacion: LA Suprema Corte De Los E.U.A. LA Primera Eumienda Constitucional/the Public's Right to Know (Mexico City: Publigráficos, 1983).
20. Privacy, Law, and Public Policy, with a Foreword by C. Herman Pritchett (New York: Praeger Publishers, 1979. Selected by Choice as one of the "Outstanding Books in Political Science of 1979").

**ARTICLES** (\*\*in refereed journals and in \*books)

- \*1. "The U.S. Supreme Court's Use of Comparative Law in the Construction of Constitutional Rights," in Michael Tolley and Mary Volcansek, eds., Globalizing Justice (Albany, N.Y.: State University of New York Press, forthcoming).
2. "More Smoke Than Fire: The Rehnquist Court's Use of Comparative Judicial Opinions and Law in the Construction of Constitutional Rights," 22 Journal of Law and Politics 83-111 (2006).
- \*3. "The Politics of Judicial Selection and Appointments in Japan and Ten South and Southeastern Asian Countries," in Kate Malleson and Peter Russell, eds., Appointing Judges in an Age of Judicial Power: Critical Perspectives from Around the World 355-374 (Toronto: University of Toronto Press, 2006).
4. "Supreme Difference," (University of Virginia) Arts & Sciences 17 (January, 2006).
- \*5. "Judicial Independence," in C. Neil Tate, et al., eds., Governments of The World Vol. 3, 19-25 (New York: Macmillan, 2006).
- \*6. "Church of Lukumi Babalu Aye v. City of Hialiah," in Melvin Urofsky, ed., The Public Response to Controversial Supreme Court Decisions 349-357 (Washington, D.C.: C.Q. Press, 2006).
7. "Of Apples, Oranges, and Bananas: On Comparing Judicial Review in the United States, the European Union, and Japan," The Journal of Tokyo International University Vol. 62, 103-124 (2005) (invited symposium).
- \*8. "Dispute Resolution Under NAFTA and the Emergence of Transnational Quasi-Courts," in Mary Volcansek and John Stack, eds., Courts Crossing Borders 137-158 (Durham: Carolina Academic Press, 2005).
- \*\*9. "A Diminished Plenary Docket: A Legacy of the Rehnquist Court," in Symposium on the Rehnquist Court, Judicature 134-137 and 182 (Nov./Dec., 2005).
- \*10. "The Russian Federation and `Functional Federalism,'" in Sergio Ortino, Mitja Zagar, and Vjtech Mastny, eds., The Changing Faces of Federalism: Institutional Reconfiguration in Europe from East to West 47-63 (Manchester, U.K.: University of Manchester, 2005).

11. "`Onward, Christian Soldiers': What President George W. Bush's Reelection Bodes for Legal Policy and Judicial Appointments," in Symposium, Law & Courts Newsletter 14-17 ((Winter, 2005).
- \*12. "Ernesto Pichardo and the Church of Lukumi Babalu Aye v. City of Hialeah," in Melvin Urofsky, ed., 100 Americans Making Constitutional History 157-159 (Washington, D.C.: C. Q. Press, 2004).
- \*13. "Ironies and Disappointments: Bush and Federal Judgeships," in Colin Campbell and Bert Rockman, eds., The George W. Bush Presidency—First-Term Appraisals 133-158 (Washington, D.C.: C Q Press, 2004).
- \*14. "Federal Judgeships in Retrospect," in W. Elliot Brownlee and Hugh Davis Graham, eds., The Reagan Presidency 327-354 (Lawrence: University Press of Kansas, 2003).
15. "Minorities and Religious Freedom in the United States," 24 The Tocqueville Review/La Revue Tocqueville 53-76 (2003).
16. "Reflections on Courts and Civil Liberties in Times of Crisis," 3 Journal of the Institute of Justice and International Studies 11-24 (2003).
- \*17. "Supreme Court of the United States," in Kermit Hall, ed., The Oxford Companion to American Law 771-776 (New York: Oxford University Press, 2002).
- \*18. "Constitutional Commentators," in Hall, The Oxford Companion to American Law 147-150 (supra).
- \*19. "Ironies and Unanticipated Consequences of Legislation: Title VII of the 1964 The Civil Rights Act and Sexual Harassment," in Colton Campbell and John Stack. eds., Congress and the Politics of Emerging Rights 27-42 (Lanham: Rowman & Littlefield, 2002).
- \*20. "Presidential and Congressional Relations in Foreign Affairs: the Treaty-Making Power and the Rise of Executive Agreements," in Colton Campbell, Nicol Rae, and John Stack, eds., Congress and the Politics of Foreign Policy 70-89 (Upper Saddle River, N.J.: Prentice-Hall, 2002).
- \*21. "How the Republican War Over `Judicial Activism' Has Cost Congress," in Colton Campbell and John F. Stack, eds., Congress Confronts the Court 69-78 (Rowman & Littlefield, 2001).
- \*22. "Ironies Abound in the U.S. Supreme Court's Rulings on Political Patronage," in Christopher Banks, ed., Superintending the Political Process 187-200 (Akron: Akron University Press, 2001).
- \*23. "Stifling Judicial Independence from Within: The Japanese Judiciary," with Yasuo Ohkoshi, in P. Russell and D. O'Brien, eds., Judicial Independence in the Age of Democracy: Critical Perspectives from Around the World 37-61 (Charlottesville: University Press of Virginia, 2001).
- \*24. "Ginsburg and the Chicago School of Thought," in M.L. Principle, ed., American Government, Policy, & Law 126-128 (Kendall/Hunt, 2000) (reprint of article).
- \*25. "Judicial Legacies: The Clinton Presidency and the Courts," in Bert Rockman and Colin Campbell, eds., The Clinton Legacy 96-117 (Chatham: Chatham House/Seven Bridges, 2000).

- \*26. "Justice David Souter," in Leonard Levy, Kenneth Karst, and Adam Winkler, eds., Encyclopedia of the American Constitution, (New York: Macmillan, 2d ed., 1999).
- \*27. "The Rehnquist Court," in Levy, Karst, and Winkler, eds., supra (New York: Macmillan, 2d ed., 1999).
- \*28. "Institutional Norms and Supreme Court Opinions: On Reconsidering the Rise in Individual Opinions," in Cornell Clayton and Howard Gillman, eds., Supreme Court Politics: Institutional Perspectives 91-114 (Chicago: University of Chicago Press, 1999).
- \*29. "Sexual Orientation," in Roger K. Newman, ed., The Constitution and Its Amendments 4 Vols. (New York: Macmillan, 1999), 58-62.
- \*30. "The Right to Die," in The Constitution and Its Amendments, supra, 66-69.
31. "Those 'Inferior Courts': Handling the Bulk of the Federal Judiciary's Business," in symposium, 13 Organization of American Historians Magazine of History 30-36 (1998).
- \*32. "The Federal Government and the Judiciary," in George Kurian, ed., The Historical Guide to American Government 342-345 (New York: Oxford University Press, 1998).
33. "Join-3 Votes, the Rule of Four, the Cert. Pool, and the Supreme Court's Shrinking Plenary Docket," 13 Journal of Law and Politics 779-808 (1997).
- \*\*34. "The Rehnquist Court's Shrinking Plenary Docket," 81 Judicature 58-65 (Sept./Oct. 1997).  
 Reprinted in Elliot Slotnick, ed. Judicial Politics: Readings From Judicature 332-339 (Chicago: American Judicature Society, 1999; 3d ed., 2005).
- \*35. "The First Amendment and the Public Sector," in Chester Newland and Phillip Cooper, eds., The Handbook of Public Law and Public Administration 259-273 (New York: Jossey Bass Publishers, 1997).
- \*36. "Storm Center," in A. Serow and E.C. Ladd, eds. The Lanahan Readings In the American Polity 295-300 (Baltimore: Lanahan Publishers, 1997; 2d ed., 2000; 3d ed., 2003; 4<sup>th</sup> ed., 2007) (excerpt from Storm Center).
- \*37. "The Supreme Court in American Life," in D. Canon, A. Khademian, and K. Mayer, eds., The Enduring Debate: Classic and Contemporary Readings in American Politics 247-253 (Norton, 1997; 2d ed., 2000; 3d ed., 2003; 4<sup>th</sup> ed., 2005; 5<sup>th</sup> ed., 2008) (excerpt from Storm Center).
38. "Tribute to Henry J. Abraham," 13 Journal of Law & Politics 1-6 (1997).
- \*39. "'The Reagan Revolution' and the Federal Judiciary," in E. Schmertz, N. Datlof, and A. Ugrinsky, eds., Ronald Reagan's America, Vol. 1, 359-377 (Greenwood Press, published under the auspices of Hofstra University and the Ronald Reagan Presidential Library, 1997).
- \*\*40. "Sexual Re(x)pression in the USA: Somewhere Between Pornutopia and the Land of Puritans," 68 Revue Francaise d'Etudes Americaines 20-28 (April, 1996).

41. "Charting The Rehnquist Court's Course: The Center Folds, Holds, and Shifts," Symposium on the Rehnquist Court, 60 New York Law Review 981-998 (1996).
- \*42. "Clinton's Legal Policy and the Courts: Rising from Disarray or Turning Around and Around?" in Bert Rockman and Collin Campbell, eds. The Clinton Presidency: First Appraisals 126-162 (Chatham House Publishers, 1996).
- \*43. "Judicial Review," The Encyclopedia of the United States Congress, eds. Donald Bacon, Roger H. Davidson, Morton Keller, Vol. I, pp. 404-409 (New York: Simon & Schuster, 1995).
- \*44. "Commerce Clause," The Encyclopedia of the United States Congress, (supra), Vol. III, pp. 1185-1190.
- \*45. "The Supreme Court's Decisionmaking Process," in Susan Low Bloch and Thomas Krattenmaker, eds., Supreme Court Politics: The Institution and Its Procedures pp. 394-400, 458-464, 503-509 (West Publishing Company, 1994) (excerpts from Storm Center).
- \*\*46. "The 'Rehnquist Court' and Federal Preemption: In Search of a Theory," 23 Publius: The Journal of Federalism 15-31 (Fall, 1993). An expanded version of the argument and data analyzed appears as:  
  
"The Supreme Court and Intergovernmental Relations: What Happened to 'Our Federalism'?" in Symposium on The Rehnquist Court, 9 Journal of Law & Politics 609-637 (Summer 1993).  
  
Abstracted in International Political Science Abstracts (1994).
- \*47. "Federal Judiciary," The Encyclopedia of the American Presidency, eds. Leonard Levy and Louis Fisher, eds., 904-07 (New York: Simon and Schuster, 1993).
- \*48. "Supreme Court Justices, personal relations with President," The Encyclopedia of the American Presidency, 1421-1424 (supra).
- \*49. "Felix Frankfurter," The Encyclopedia of the American Presidency, 669-670 (supra).
- \*50. "The Business of the Supreme Court," The Oxford Companion to the Supreme Court of the United States, ed. K. Hall, J. Grossman, W. Wiecek, 107-110 (Oxford University Press, 1992).
- \*51. "Stanley F. Reed," The Oxford Companion to the Supreme Court of the United States, 712-713 (supra).
- \*52. "The Supreme Court At Work," in Leonard W. Levy and Kenneth L. Karst, eds. Encyclopedia of The American Constitution, Supplement I, 525-532 (Macmillian Publishing Co., 1992).
- \*53. "Law Clerks in the Chambers," in William Lasser, ed., An American Government Reader, 542-547 (D.C. Heath and Company, 1992) (excerpt from Storm Center).
- \*\*54. "Justice John Marshall Harlan's Unpublished Opinions: Reflections of A Supreme Court At Work," Journal of Supreme Court History 27-49 (1991).
55. "Thinking About Crime: The High Court Changes Course," 2 The Public Perspective: A Roper Center Review of Public Opinion and Polling 6-7

(July, 1991). Excerpt reprinted in:

\*R. Harmel, ed., American Government: Continuity and Change, 2d ed., 535-542 (New York: St. Martin's, 1993).

- \*\*56. "The Framers' Muse on Republicanism, the Supreme Court, and Pragmatic Constitutional Interpretivism," 53 The Review of Politics 251-288 (1991).

Reprinted in 8 Constitutional Commentary 119-148 (1991)

- \*\*57. "The Politics of Professionalism: President Gerald R. Ford's Appointment of Justice John Paul Stevens," 21 Presidential Studies Quarterly 103-126 (1991). Slightly different versions appear in:

\*\*"Filling Justice William O. Douglas' Seat," 1989 Supreme Court Historical Society Yearbook 20-39 (Washington, D.C.: SCHS, 1989); and

\*\*"Restoring the Rule of Law: President Ford's Appointment of Justice Stevens," in Bernard Firestone, ed., Gerald R. Ford and the Politics of Post-Watergate America, 111-136 (Greenwood Press, published under the auspices of the Gerald R. Ford Presidential Library and Hofstra University, 1993).

Abstract in International Political Science Abstracts/Documentation Politique Internationale (1991).

58. "Foreword," Barbara Perry, A "Representative" Supreme Court? The Impact of Race, Religion, and Gender on Appointments ix-xi (Greenwood Press, 1991).
59. "Between the Nightmares of Orwell and Huxley: A Note on The Noble Dream of the First Amendment," 68 Texas Law Review 1137-1145 (invited paper for a symposium on "The First Amendment in the Age of Paratroopers") (May 1990).
- \*60. "The Supreme Court and American Life," in A. Serow, W. Shannon, and Everett C. Ladd, eds., The American Polity Reader 347-552 (New York: W. W. Norton, 1990; 2d ed., 1993) (excerpt from Storm Center).
61. "The Rehnquist Court Comes of Age," Update on Law-Related Education, 3-5 & 49 (American Bar Association, 1989).
- \*\*62. "Federalism As A Metaphor In The Constitutional Politics of Public Administration," 49 Public Administration Review 411-419 (Sept./Oct., 1989). A slightly different version appears in:  
"Federalism: A Metaphor in Constitutional Law," in Halcyon: A Journal of the Humanities, 121-138 (Spring 1990).
- \*\*63. "Sutherland's Recollections of Justice Holmes," 1988 Supreme Court Historical Society Yearbook 18-25 (Supreme Court Historical Society, (1989)).
- \*64. "Dal `meno pericoloso dei poteri' a un sistema giurisdizionale burocratizzato: le corti federali e il mutamento istituzionale," ("From `The Least Dangerous Branch' to Bureaucratic Justice: The Federal Courts and Institutional Change,") in La Costituzione statunitense e il suo significato odierno (The Constitution and What It Means Today) ed. by T. Bonazzi, pp. 297-336 (Societa editrice Mulino, Bologna, Italy, 1988).

- \*65. "Reagan's Judges: His Most Enduring Legacy?," in Charles O. Jones, ed., The Reagan Legacy: Promise and Performance, pp. 60-100 (Chatham House, 1988).
- \*66. "LBJ and Supreme Court Politics in the Light of History," in B. Firestone and R. C. Vogt, eds. Lyndon Baines Johnson and the Uses of Power, pp. 149-160 (Greenwood Press, published under the auspices of Hofstra University and the Lyndon Baines Johnson Presidential Library, 1988).
- \*\*67. "Interaction and Decisionmaking on Collegial Courts: A Panel Discussion," (contributor) 71 Judicature 339-345 (1988).
68. "Constitutional Scholarship--What Next?" (contributor to symposium), 5 Constitutional Commentary 17-77 (1988).
- \*69. "Privacy," Encyclopedia of the American Judicial System, 3 vols., 1167-1178 (New York: Charles Scribner's Sons, 1987).
70. "The Supreme Court From Warren to Burger to Rehnquist," 20 PS: Political Science and Politics 12-20 (1987). Reprinted in:  
     (in Japanese) in Amerikaho 279-296 (1987-2) (journal of the Japanese American Society for Legal Studies);  
     \*James P. Pfiffner, Governance and American Politics: Classic and Current Perspectives 252-262 (Harcourt Brace, 1995);  
     \*R. Harmel, ed. American Government: Continuity and Change, 440-448 (N.Y.: St. Martin's, 1988; and 2d ed., 1993);  
     \*A. Cigler and B. Loomis, eds., American Politics: Classic & Contemporary Readings 614-626 (Houghton Mifflin, 1989);  
     \*D. Saffell, ed., Readings in American Government: The State of the Union 219-227 (New York: Simon & Schuster/Printice-Hall, 1991);  
     excerpt reprinted in The Wilson Quarterly 12-13 (Summer 1987); and abstract in International Political Science Abstracts/Documentation Politique Internationale (1987).
71. "The Supreme Court in Transition," 10 Update on Law Related Education 32-35 & 45-46 (American Bar Association, Special Committee on Law Related Education, Fall 1986). Reprinted in 35 Rhode Island Bar Journal 6-11 (1986); and (updated version) in Bar Leader 12-17 (Sept./Oct. 1987; ABA national publication for state bar association leaders).
72. "Packing the Supreme Court," 62 Virginia Quarterly Review 189-212 (1986).  
     Reprinted in Kermit Hall, ed., "Equal Justice Under Law": The Supreme Court in American Society, Vol. 3, The Least Dangerous Branch: The Supreme Court and the Separation of Powers (Carlson Publishing Co., 1997).
- \*73. "Administrative Discretion, Judicial Review and Regulatory Politics" in Administrative Discretion and Public Policy Implementation, ed. by K. Hibbeln and D. Shumavon, 29-49 (Praeger, 1986).
- \*74. "Opinions for the Court: The Nixon Case," in Courts, Judges, and Politics, ed. by W. Murphy and C. Herman Pritchett, 577-580 (4th ed.,

Random House, 1986).

75. "Court's Ways Evolved Slowly During Early Era," The Docket Sheet (Quarterly published by the Supreme Court of the United States, 1986).
- \*\*76. "Managing the Business of the Supreme Court," 45 Public Administration Review 667-678 (November, 1985).
- \*77. "'The Imperial Judiciary': Of Paper Tigers and Socio-Legal Indicators," 2 Journal of Law and Politics 1-57 (1985). Reprinted in:  
\*Sheldon Goldman and Austin Sarat, eds., American Court Systems, (Longman Inc., 2nd ed., 1988), pp. 457-464; and in  
19 The History Teacher, 33-88 (Fall, 1985).
78. "Opening the Courthouse Doors: The First Amendment As the Key," 61 Institute of Government News Letter (Institute of Government, University of Virginia, May, 1985).
- \*\*79. "The Supreme Court: A Co-Equal Branch of Government," Supreme Court Historical Society Yearbook, 90-107 (1984).
80. "Marbury, the APA and Science-Policy Disputes: The Alluring and Elusive Judicial/Administrative Partnership," 7 Harvard Journal of Law and Public Policy 443-482 (1984).
81. "Looking Beyond 1984: The Public's Right to Know and Freedom of Information in the United States," Annals de L'Association des Archivistes du Quebec (1984).
- \*\*82. "Reconsidering Whence and Whither 'Political Jurisprudence,'" in Symposium: Whither Political Jurisprudence? with Martin Shapiro, David Danelski, Austin Sarat, and Harry Stumpf, 36 Western Political Quarterly 533, 558-563 (1983).
83. "On Supreme Court Commentaries and Developing Constitutional Law," 81 Michigan Law Review 839-859 (1983) (review essay).
84. "Freedom of Speech and Free Government: The First Amendment, the Supreme Court and the Polity," Virginia Cavalcade 30-48 (1983). Reprinted in:  
\*John Kulka, ed., "Freedom of Speech and Free Government," in The Bill of Rights: A Lively Heritage, pp. 43-55 (Richmond: Virginia State Library, 1987).
85. "The Courts and Science-Policy Disputes: A Review and Commentary on the Role of the Judiciary in Regulatory Politics," 4 Journal of Energy Law and Policy 81-119 (1983).
- \*86. "The Courts, Technology Assessment, and Science-Policy Disputes," in O'Brien and Marchand, eds., The Politics of Technology Assessment (Lexington Books, 1982).
87. "Judicial Review and Constitutional Politics: Theory and Practice," 48 University of Chicago Law Review 1052-1094 (1981) (review essay).
- \*\*88. "The Trials and Tribulations of Courtroom Secrecy and Judicial Craftsmanship: Reflections on Gannett and Richmond Newspapers," 3 Communications and the Law 3-33 (1981).

- \*\*89. "Of Myths, Motivations, and Justifications: A Postscript on Social Science and the Law," 64 Judicature 285-291 (1981).
90. "Reassessing the First Amendment and the Public's Right to Know in Constitutional Adjudication," 26 Villanova Law Review 1-62 (1980).
- \*\*91. "The Seduction of the Judiciary: Social Science and the Courts," 64 Judicature 8-21 (1980). Reprinted in:  
     \*Wallace Loh, ed., Social Research in the Judicial Process, 701-706 (Russell Sage Foundation, 1984).
92. "The First Amendment and the Public's Right to Know," 7 Hastings Constitutional Law Quarterly 579-631 (1980). Reprinted in:  
     \*Paul Murphy, ed. (20 volume series on The Bill of Rights and American Legal History) in Free Press, Vol. 3 (Garland, 1990).
- \*\*93. "Missing the Forest for the Trees," 40 Public Administration Review 298-299 (1980).
- \*94. "Crosscutting Policies, Uncertain Compliance and Why Policies Often Cannot Succeed or Fail," in Why Policies Succeed or Fail 83-106, eds. D. Mann and H. Ingram (Sage Yearbooks in Politics and Public Policy, 1980).
- \*\*95. "Freedom of Information, Privacy, and Information Control: A Contemporary Administrative Dilemma," 39 Public Administration Review 323-328 (1979).
96. "The Fifth Amendment: Fox Hunters, Old Women, Hermits and the Burger Court," 54 Notre Dame Law Review 26-72 (1978). Reprinted in:  
     \*Gary McDowell, ed., Taking the Constitution Seriously: Essays on the Constitution and Constitutional Law, pp. 371-417 (Kendall/Hunt Publishers, 1981).
97. "Reasonable Expectations of Privacy: Principles and Policies of Fourth Amendment-Protected Privacy," 13 New England Law Review 662-738 (1978).
98. "Privacy and the Right of Access: Purposes and Paradoxes of Information Control," 30 Administrative Law Review 43-96 (1978). Reprinted in:  
     U.S. Congress, Senate, Committee on the Judiciary, Freedom of Information Act, Hearings before the Subcommittee on the Constitution, 98th Cong., 1st Sess., pp. 582-588 and 636-734 (Washington, D.C.: GPO, 1984).

#### BOOK REVIEWS

1. David N. Atkinson, Leaving the Bench: Supreme Court Justices at the End Annals of the American Academy of Political and Social Science (May, 2000).
2. Elliot Slotnick and Jennifer Segal, Television News and the Supreme Court: All the News That's Fit to Air? 9 The Law and Politics Book Review 24-26 (1999).
3. "A Disturbing Portrait," Edward Lazarus, Closed Chambers: The First

- Eyewitness Account of the Epic Struggles Inside the Supreme Court, 81 Judicature 214-217 (1998); a shorter commentary appears in Jurist: Books-On-Law at <http://jurist.law.pitt.edu>.
4. Koseki Shoichi, The Birth of Japan's Postwar Constitution, 7 The Law and Politics Book Review 369-371 (1997).
  5. Richard H. Mitchell, Political Bribery in Japan, 7 The Law and Politics Book Review 76-78 (1997).
  6. Rodney A. Smolla, ed., A Year in the Life of the Supreme Court 90 American Political Science Review 204-205 (March 1996).
  7. Howard Gillman, The Constitution Besieged, and David A.J. Richards, Conscience and the Constitution, 88 American Political Science Review 762-763 (1994).
  8. "Watching the Watchmen," Mary Volcansek, Judicial Impeachment: None Called for Justice 77 Judicature 276-277 (March/April, 1994).
  9. "Judges on Trial," Eleanore Bushnell, Crimes, Follies, and Misfortunes: The Federal Impeachment Trials, 76 Judicature 267-268 (Feb./March, 1993).
  10. Alexander Charns, Cloak and Gavel: FBI Wiretaps, Bugs, Informers, and the Supreme Court, 2 The Law and Politics Book Review (An electronic periodical published by the APSA Section on The Law, Courts, and Judicial Process and Northwestern University) 187-188 (1992).
  11. E. J. Dionne, Jr., Why Americans Hate Politics, and Harvey Mansfield, Jr., America's Constitutional Soul, 86 American Political Science Review 798-800 (1992).
  12. "Justice Hugo Black, Liberal Legalism, and Constitutional Politics," a review of Tony Freyer, Hugo Black and the Dilemma of American Liberalism, and Tinsley Yarbrough, Mr. Justice Black and His Critics, in 19 Reviews in American History 561-567 (Johns Hopkins University Press, 1991).
  13. Sue Davis, Justice Rehnquist and the Constitution, in 84 American Political Science Review 992-993 (1990).
  14. P.S. Atiyah and Robert Summers, Form and Substance in Anglo-American Law: A Comparative Study of Legal Reasoning, Legal Theory, and Legal Institutions, 8 The Journal of Public Policy 218-220 (1989).
  15. Neil McFeeley, Appointment of Judges: The Johnson Presidency, 71 Judicature 175-176 (1987).
  16. Bernard Schwartz, The Unpublished Opinions of the Warren Court and Swann's Way, 5 Constitutional Commentary 1101-1107 (1987).
  17. Arthur S. Miller, Politics, Democracy, and the Supreme Court, 13 Congress & the Presidency 242-244 (1986).
  18. Robert Goldwin and William Schambra, eds., How Does the Constitution Secure Rights?, 14 Perspective 84-85 (1985).
  19. R. Shep Melnick, Regulation and the Courts: The Case of the Clean Air Act, 78 American Political Science Review 804-805 (1984).
  20. Herbert McCloskey and Alida Brill, Dimensions of Tolerance: What

- Americans Believe About Civil Liberties, 1 Benchmark 49-51 (1984).
21. Thaddeus Trenn, America's Golden Bough: The Science Advisory Intertwist, 13 Perspective 6 (1984).
  22. Frederick Schaurer, Free Speech: A Philosophical Inquiry, 77 American Political Science Review 1122-1123 (1983).
  23. Review Essay, Richard Abel, ed., The Politics of Informal Justice, Vols. 1 & 2; and Abraham Goldstein, The Passive Judiciary, 76 American Political Science Review 885-888 (1982).
  24. Jesse Choper, Yale Kamisar, and Laurence Tribe, The Supreme Court: Trends and Developments, 66 Judicature 98-99 (1982).
  25. Michael Saks, ed., The Use, Nonuse and Misuse of Applied Social Science by the Courts, 10 Perspective 6 (1981).
  26. James Rule, et al., The Politics of Privacy, 75 American Political Science Review 511-512 (1981).
  27. Alan Goldman, Justice and Reverse Discrimination, 42 Journal of Politics 879-881 (1980).
  28. Walter Berns, For Capital Punishment, 31 University of Florida Law Review 825-829 (1979).

NEWSPAPER ARTICLES (by invitation, unless otherwise noted by an \*)

1. "A Civil Rights Ruling Dear to South's GOP," The Los Angeles Times, Opinion M2 (Sunday, May 6, 2001).
2. "High Noon: Government Attempts to Discipline Hollywood for its R-Rated Advertising to Teens Face First Amendment Hurdle," The Los Angeles Times, Opinion, M1 (Sunday, October 1, 2000).
3. "The Liberal Republican: For A Decade Justice David H. Souter has led a Rear-Guard Attack on the Rehnquist Court's States' Rights Philosophy," The Los Angeles Times Opinion, M1 & M6 (Sunday, July 2, 2000).
4. "Supreme Court Can No Longer Duck the Big Issues," The Los Angeles Times, Opinion M1 (Sunday, October 3, 1999).
5. "The Great Judicial Stall," The Los Angeles Times, Opinion, M1 & 6 (Sunday, September 5, 1999).
6. "Tape-Delayed, It's the Supreme Court!" Legal Times 23 (March 22, 1999) (co-authored).\*
7. "Justice in Absentia: The Supreme Court," The Los Angeles Times Opinion, M1 & M3 (Sunday, March 21, 1999).
8. "Judgment Askew," The Los Angeles Times, Opinion, M1 & M3 (Sunday, January 10, 1999).
9. "The Long--If Intermittent--Battle Over the Courts," The Los Angeles Times, Opinion, M2 & 6 (Sunday, January 11, 1998).
10. "At the Whim of the Court," The Washington Post A19 (August 18, 1997)\* (co-authored).
11. "A Political Surrogate; the McVeigh Verdict; At a Time When Politics

- is Perceived as Dirty or Do-Nothing, the Courts Seem to be the Only Branch of Government Making Decisions," The Los Angeles Times, Opinion M1 (Sunday, June 8, 1997).
12. "Reinhardt and the Supreme Court," Los Angeles Times, Opinion M2 (Sunday, December 15, 1996).
  13. "This Time, Its Personal: Justice Scalia's Increasing Incivility," Los Angeles Times, Opinion M2 (Sunday, July 14, 1996).
  14. "The Supreme Court: On Race--Rehnquist's Been Waiting 40 Years," Los Angeles Times, Opinion, M2 (Sunday, July 2, 1995).
  15. "The Courts: Diversity Hurts Liberals," Los Angeles Times, Opinion, M1 (Sunday, February 5, 1995).
  16. "After a Furious Battle for Control, Centrists Win Out on High Court," Los Angeles Times, Opinion, M2 & M6 (Sunday, October 23, 1994).
  17. "Beyond Reno's Charisma: Mismanagement at Justice," Los Angeles Times, Opinion, M2 & M6 (Sunday, May 1, 1994).
  18. "The Death Penalty Decision: Justice Blackmun's Very Public Shift," The Los Angeles Times, Opinion, M1 & 6 (Sunday, March 6, 1994).
  19. "No Rush to Judgment" (President Clinton's Nomination of Judge Ginsburg), Boston Globe, Focus, 67 & 68 (Sunday, June 20, 1993).
  20. "How to Win Friends and Influence People: Life in the Supreme Court," The Los Angeles Times, Opinion M1 & M6 (Sunday, June 13, 1993).
  21. "Holding the Center," The Los Angeles Times, Opinion, 1 & 3 (Sunday, March 8, 1992).
  22. "Racial Issues Will Dominate New Court Term: Thomas's Presence Could Lend Credibility to Majority's Rulings," The Atlanta Constitution-Journal, Perspective, G1 & G4 (Sunday, October 6, 1991).
  23. "High Court, Low Profiles: Courting Mediocrity?" The Boston Globe, Focus, A25 & 28 (Sunday, July 21, 1991).
  24. "Power Over Precedent: The Supreme Court Today," The Christian Science Monitor, 19 (July 16, 1991) (co-author).\*
  25. "A Voice for the People Tires of Being Ignored," (on Justice Thurgood Marshall's retirement) The Los Angeles Times, Opinion M1 & M2 (Sunday, June 30, 1991).
  26. "Gauging Reputations: How Are Judicial Reputations Measured?" (Commentary on Judge Posner's Benjamin Cardozo), The National Law Journal 13-14 (Week of April 1, 1991) (co-author).\*
  27. "Souter's Slick Performance," Perspective, The Atlanta Journal-Constitution G1 & G5 (Sunday, September 16, 1990).
  28. "The Obscure Nominee & The Supreme Court," The Los Angeles Times, Opinion, M1 & 4 (Sunday, July 29, 1990).
  29. "The Flag Measure Down, But Probably Not Out," (Point-Counter Point with Senator O. Hatch) The Christian Science Monitor 19 (June 26, 1990) (co-author).\*

30. "Justice O'Connor Is A Question Mark in the Middle of Divided Supreme Court," The Atlanta Journal-Constitution, Perspective, B1 & B2 (Sunday, July 9, 1989).
31. "Steering A Hard Right: Rehnquist Court Has Tough Edge," The Arizona Republic, Perspective, C1 & C6 (Sunday, July 2, 1989).
32. "Court Takes A New Path on Set-Asides," The Atlanta Journal-Constitution, Perspective, C1 & C6 (Sunday, January 29, 1989).
33. "High Court Term Begins With Conservative Bloc Stronger Than Ever," The Atlanta Journal-Constitution, Perspective, B3 (Sunday, October 2, 1988).
34. "The Wisdom of Judicial Lockjaw," The New York Times, A27 (September 29, 1988) (co-authored).\*
35. "With P.R. Fanfare, Meese Orchestrates His Own Exit," The Los Angeles Times, Opinion, 3 (Sunday, July 10, 1988).
36. "Meese: Advocate for New Right--The Case for An Independent Attorney General," The Arizona Republic, Perspective, 1 & 3 (Sunday, July 10, 1988).
37. "Kennedy Hearings As Bad As Bork Hearings--In Different Way," The Baltimore Sun, Perspective, E1 & E4 (Sunday, December 20, 1987) (co-author).\*
38. "Ginsburg and the Chicago School of Thought," The Los Angeles Times, Opinion, 1 & 6 (Sunday, November 8, 1987).
39. "The Solicitor General: Assessing the Influence of the U.S.'s Top Lawyer," (Book Review of The Tenth Justice), The Philadelphia Inquirer, Books, S1 & S8-9 (Sunday, November 8, 1987).
40. "Bork's Shifts Made Credibility An Issue," The Baltimore Sun, Perspective, K1 & K3 (Sunday, October 11, 1987) (co-author).\*
41. "Toward A More Perfect Union," Philadelphia Inquirer, Special Bicentennial Supplement, 3 & 4 (sponsored by the Pennsylvania Humanities Council) (September 15, 1987).
42. "Constitution: `Living Legacy,'" The Arizona Republic, Perspective, C1 & C2 (Sunday, September 6, 1987).
43. "Just Where Does Judge Bork Stand?," The National Law Journal 13 (Week of September 7, 1987) (co-author).\*
44. "Reagan's Legacy for U.S. Courts," The Los Angeles Times, Opinion, 1 & 3 (Sunday, August 23, 1987).
45. "Best Justices Build on Past," Newsday, Viewpoints, 73 & 74 (July 15, 1987).
46. "The Bork Nomination: Battle Lines Drawn Over High Court's Future Direction," The Arizona Republic, Perspective, C1 & C6 (Sunday, July 5, 1987).
47. "Reagan Gets His Shot at Tipping Court's Scales: The Powell Resignation," Newsday, Viewpoints, 77 (July 1, 1987).
48. "Picking a Supreme Court Justice to Perpetuate the Reagan Legacy,"

The Los Angeles Times, Opinion, 1 & 6 (Sunday, June 27, 1987) (co-author).

49. "For the Majority," (An Interview with Justice Powell), The Los Angeles Times, Opinion, 1 & 2 (Sunday, May 3, 1987).
50. "Clearing the Heft of Cases: Justice Scalia Tries A Plan," The Los Angeles Times, Opinion, 3 & 6 (Sunday, March 1, 1987).
51. "Meese's Agenda for Ensuring the Reagan Legacy," The Los Angeles Times, Opinion, 3 (Sunday, September 28, 1987).
52. "Rehnquist + Scalia = Radically New Court," The Los Angeles Times, Opinion, 3 (Sunday, August 17, 1986).
53. "Scalia and the Court: Pulling Consensus to the Right," The Los Angeles Times, Opinion, 1 & 3 (Sunday, June 29, 1986).
54. "Appointments to Judiciary Seen as Major Reagan Legacy," The Arizona Republic, Perspective, 1 & 3 (Sunday, June 22, 1986).

#### REPORTS and BIBLIOGRAPHY

Co-cordinator for Report on Judicial Independence in South and Southeast Asia, The Asia Foundation, published by the Asia Development Bank, 2003.

Reporter for Improving the Process of Appointing Federal Judges: A Report of the Miller Center Commission on the Selection of Federal Judges (Miller Center, University of Virginia, 1996).

Privacy--Its Constitutional and Social Dimensions: A Comprehensive Bibliography (Tarlton Law Library, University of Texas, 1980).

#### **PROFESSIONAL ACTIVITIES**

##### 1. Series Editor/Editorial Board Member:

University Press of Virginia, "Constitutionalism and Democracy" Book Series, Co-editor with Kermit Hall, 1991 - 2003. (Kevin McGuire, The Supreme Court's Bar: Legal Elites and the Washington Community; Mark Tushnet, ed., The Warren Court in History; Amitai Etzioni, ed., New Communitarian Thinking; Tony Freyer, Distributive Justice and American Capitalism; David Mayer, The Constitutional Thought of Thomas Jefferson; F. Thornton Miller, Juries and Judges Versus the Law: Virginia's Provincial Legal Perspective, 1783-1828; and Martin Edelman, Politics, Culture, and Israel Court Systems; Gregg Ivers, To Build a Wall: American Jews and the Separation of Church and State; and Stephen Wasby, Race-Relations Litigation in an Age of Complexity; and Peter Russell and David M. O'Brien, eds., Judicial Independence in the Age of Democracy.)

University of Virginia Press (Board Member, 2006----).  
Journal of Law & Politics (Faculty Advisor), 1992---.  
Journal of Supreme Court History (Editorial Board Member), 1986 ---.  
Public Administration Review, (Editorial Board Member), 1984-1987.  
Jurist: Books-On-Law (Board Member, 1998-2000).  
Free Expression in America Series (Rowman & Littlefield) (editorial Advisor, 2007----)

##### 2. Reviewed manuscripts and proposals (one or more times) for:

American Political Science Review, Public Administration Review, Judicature, Journal of Politics, Western Political Quarterly, Political Science Quarterly, Journal of Law & Politics, Polity, McGraw-Hill, Random House, University of Illinois Press, Prentice-Hall, Nelson-Hall, Oxford University Press, University of South Carolina Press, Chatham House, Columbia University Press, University of California Press, Holmes & Meier Publishers, Congressional Quarterly Press, University Press of Virginia, W. W. Norton & Company, Cambridge University Press, Supreme Court Historical Society, National Endowment for the Humanities, National Science Foundation, Free Press, Social Science Journal, Johns Hopkins University Press, University of Delaware Press, Journal of Policy Studies, The Review of Politics, Pennsylvania State University Press, The Twentieth Century Fund, Longman's Publishers, University of Kansas Press, St. Martin's, National Political Science Review, American Journal of Political Science, Macmillian, Publius: The Journal of Federalism, Political Research Quarterly, the University of Oklahoma Press, Temple University Press, University of Tennessee Press, Southeastern Political Review, Harvard International Journal of Press/Politics, Comparative Political Studies, State University of New York Press, Benchmark Books, Yale University Press, American Journal of Political Science, Vanderbilt University, University of Michigan, Northern Illinois University Press, New York University Press, and University of Wisconsin Press.

3. Professional Conferences (chaired panels, presented or discussed papers):

American Political Science Association - 2005, 2003, 2002, 2001, 2000, 1999, 1998, 1996, 1994, 1992, 1991, 1990, 1989, 1988, 1987, 1986, 1985, 1981, 1979, and 1978  
Southern Political Science Association - 2009, 2008, 2007, 2000, 1995, 1991, 1986, 1984, 1980  
Southwestern Political Science Association - 2004, 1998, 1993  
Western Political Science Association - 1982, 1978  
Midwestern Political Science Association - 2005, 1995, 1987  
Organization of American Historians - 1984  
International Political Science Association, Comparative Judicial Studies Research Committee - 2005, 2004, 2003, 1999, 1998, 1996, 1994, 1992, 1982  
IPSA Comparative Research Committee on Federalism - 2005  
International Association of Constitutional Law - 2007, 1998, 1995  
American Society for Public Administration - 1991, 1985, 1983, 1980, 1978, 1977

4. Professional Association Committees and Activities

Member of Advisory Board, U.S. Association of Constitutional Law, 1997-2005 .

Member, APSA Law and Courts' Harcourt Award, 2002.

Chair, Program Section on Constitutional Law and Jurisprudence, American Political Science Association Convention, 1994.

APSA selected course syllabus, GFAG 592, Judicial Policymaking, as one of ten model syllabi in Lief Carter, ed., APSA Syllabus Project: Public Law (Washington, D.C.: American Political Science Association, 1992).

Chair, APSA Section on Law, Courts, and Judicial Process, Committee on the C. Herman Pritchett Award for Best Book Published in 1989-1990

in the Field (1991).

Chair, APSA Committee for the Edward S. Corwin Award, 1988-1989 (1989).

Chair, APSA Section on Law, Courts and Judicial Process, Committee for Award for the Best Graduate Student Paper Presented at a Professional Conference, 1985-1986 (1986).

5. University Administration:

Graduate Advisor for Department (1983-1985; and 1989-1992); Undergraduate Associate Advisor (1993 -1997).

Chair or member of Committees: Admissions and Financial Aid (1983-1985, 1989-1992 and 2000-2002); Graduate Program (1983-1985, 1989-1992, 1997-1998, 2008---); Scheduling (1983-1989, 1997-1998); Curriculum (1983-1985); Faculty Selection Committees (1989-1997); Revision of Departmental Teaching Evaluations (1993-1994); Renewal and Tenure (1991--); American Politics Self-Study Group (1994-1996, 1998, 2000-).

University Committees: Undergraduate Curriculum (1983-1985), Selection of Department Chairs (1989-1990), and Truman Scholars (1989-1994).

University of Puget Sound: Chair, Department of Politics (1978-1979); Faculty Senate (1978-1979)

6. (Selected) Invited Lectures in last 10 years

Idaho Humanities Council, Keynote Address, Institute on "Storm Center: A History of the Supreme Court" (week-long institute), Boise, Idaho, (July 12, 2009).

Fulbright-CULCON Conference, participant, Tokyo, Japan (June 11 -12, 2009).

Roundtable Discussant, "Freedom of Expression and American Democracy," The National Archives, Washington, D.C. (May 14, 2009).

National Defense University, Lecture, "The Rule of Law and Judicial Independence," Washington, D.C. (Nov. 10, 2009).

Florida International University, Jack Gordon Center for Public Policy, presented paper on "Detainees and Security Versus Liberty in `Wartime,'" Miami, Florida (April 10, 2008).

World Congress on Constitutional Law, workshop on Sub-national Constitutional Law, Zappeion Megaron, Athens, Greece (June 11-15, 2007).

Ecole Normale Superieure, Universite Lumiere-Lyon 2, Lecture, "Conservatism in Law and Politics in the U.S.," Lyon, France (December 14, 2006).

Ohio Wesleyan University, The Benjamin Marsh Endowed Lecture, "The New Supreme Court," Delaware, Ohio (March 30, 2006).

IPSA meeting of Research Committee on Federalism, delivered paper,

"The SCOTUS, the ECJ, and Federalism," Menaggio, Italy (October, 4-7, 2005).

University of Napoli, IPSA Meeting of Research Committee on Comparative Judicial Studies. "The Rehnquist Court's Use of Foreign Judicial Decisions and Law," Napoli, Italy (January, 18-19, 2005).

Washington State University, Symposium, "What President George Bush's Reelection Bodes for Legal Policy and Judicial Appointments," Pullman, Wa. (December 8, 2004),

London School of Economics, IPSA Research Committee on Judicial Studies Meeting, paper delivered "The politics of Judicial Selection and Appointments in Japan and Ten South and Southeastern Countries," London, UK (January 24, 2004).

Centre Americain de Sciences Po, Lecture, "Judicial Independence In the Age of Democracy," Paris, France (January 15, 2003).

Universite-Lumiere Lyon 2, Lecture, "Minorities and Religious Freedom in the United States," Lyon, France (January 18, 2003).

Central Missouri State University, Conference on Counter-Terrorism and Civil Liberties, Keynote Address: "Reflections on Courts And Civil Liberties in Wartime," Warrensburg, Missouri (March 18, 2003).

Idaho State University, Pi Sigma Alpha Lecture, "The Supreme Court: Retrospectively and Prospectively," Pocatello, Idaho (April 10, 2003).

University of Vermont, Gould Endowed Lecture in Constitutional Law, "Animal Sacrifice and Religious Freedom," Burlington, Vermont (April 24, 2003).

University of Parma, IPSA Research Committee on Comparative Courts, Paper on "Assessing the Status of Courts in Ten Southeast Asian Countries," Parma, Italy (June 16-18, 2003).

Asia Development Bank, Symposium on Judicial Independence, Panelist and Co-author of Report, Manila, Philippines (August 6-8, 2003).

Asia Development Bank, Co-Chair of Conference on "Judicial Independence in Southeast Asia," ADB and Asia Foundation, Manila, Philippines (July 12-15, 2002).

University of South Florida, Plenary Speaker, USF Honors Conference on "Constitutional Challenges in the 21<sup>st</sup> Century," Tampa, Fa. (April 3, 2002).

Conference on the Reagan Presidency, Paper on "The 'Reagan Revolution' and Federal Judgeships in Retrospect," UCSB Humanities Center, Santa Barbara, Ca. (March 28-30, 2002).

Asia Foundation and Asia Development Bank, Conference on Judicial Independence, Co-Director, Bangkok, Thailand (March 22-23, 2002).

Florida International University, Jack Gordon Institute for Public Policy, Conference on Trans-National Courts, Paper delivered on "NAFTA And Quasi-Judicial Dispute Resolution," Miami, Fa. (February 8, 2002).

Universidade Nova de Lisboa, Paper presented "The Changing Faces

of Federalism," at Conference on Federalism, Lisbon, Portugal (December 7-9, 2001).

Universidade Nova de Lisboa, Workshop on "Comparative Federalism: The U.S. and the E.U." Lisbon, Portugal (June 18-19, 2001).

University of Oxford, Rothermere American Institute, Lecture: "The 'Reagan Revolution' and the Federal Judiciary," Oxford, England (May 10, 2001).

World Bank, Seminar on "Judicial Selection and Promotion: The Cases of Japan and the United States," Washington, D.C. (April 24, 2001).

Jack Gordon Institute for Public Policy, Florida International University, Lecture/paper: "Ironies and Unanticipated Consequences of Legislation: Title VII of the 1964 Civil Rights Act and Sexual Harassment," North Miami, Fa. (Feb. 23, 2001).

Jack Gordon Institute for Public Policy, F.I.U., Lecture/paper: "On the Transformation of Presidential and Congressional Relations in Foreign Affairs: The Treaty-Making Power and the Rise of Executive Agreements," North Miami, Fa. (Jan. 12, 2001).

Center for Congressional and Presidential Studies, American University, Forum on "The Least Dangerous Branch: The Supreme Court under Gore or Bush," Washington, D.C. (October 26, 2000).

European Academy- Bozen, Lecture/paper on "Comparative Federalism and Confederations," Bozen/Balzano, Italy (August 24-26, 2000).

Florida International University, Conference on Congress and the Courts, Lecture/Paper: "How the Republican War over `Judicial Activism Has Cost Congress," North Miami, Florida (April 8-10, 2000).

Constitution Assembly, in Celebration of the 50th Anniversary of the Constitution of India, Lecture "Courts and the U.S. Constitution in Comparative Perspective," sponsored by the Indian Bar Association and International Bar Association, New Delhi, India (December 19-22, 1999).

Corte Suprema da Justica, International Seminar on Constitutional Law in Celebration of the 10th Anniversary of the Costa Rican Constitutional Court, Lecture, "Clear and Conflicting: The U.S. Constitution and Its Interpretation," San Jose, Costa Rica (October 20-22, 1999).

Congres de L-Association Francaise D-Etudes Americaines, Presentation on "The Supreme Court In and Out of the American Mainstream," Universite de Versailles - Saint-Quentin-en Yvelines, Saint-Quentin, France (May 28-30, 1999).

Venice Commission and Council of Europe, Conference on "Federal and State Relations in the Perspective of European Integration," Paper presented on "NAFTA and Federal-State Relations," Bologna, Italy (March 18-19, 1999).

*The Editors*, Roundtable on Judicial Reform, 2 parts (PBS World Affairs/Les Affaires Mondiales) Montreal, Quebec (Oct. 31, 1998).

Ray C. Bliss Institute of Applied Politics and University of Akron School of Law, Lecture, "Ironies Along the Roads Cut Into Political Patronage," Conference, Akron, Ohio (Sept, 25, 1998).

Freedoms Foundation, Lecture "Privacy and Personal Autonomy," Valley Forge, Pa. (July 23, 1998).

Wissenschaftszentrum Nordrhein-Westfalen, Kulturwissen-schaftliches Institut, Conference on Comparative Federalism, paper presented, Essen, Germany (June 24-28, 1998).

Universidad Andina Simon Bolivor and Universidad San Francisco, lecturer and discussant in conference on Comparative Constitutionalism, and consultations with members of Tribunal Constitucional, Quito, Ecuador (March 2-7, 1998) (USIA sponsored).

Ohio State University, Paper on "Parchment Guarantees and Limitations: Japan's Postwar Constitutional Politics," at Conference on "Comparative Constitutionalism, 1945-1995: Rights and National Identity," Columbus, Ohio (October 9-11, 1997).

Onati International Institute for the Sociology of Law, Paper on "The European Court of Justice and Gender Discrimination: Legal Formalism in Comparative Perspective," at Conference on the Sociology of European Community Law, Onati, Spain (September 24-26, 1997).

European Academy, Paper on "Comparative Federalism," at Conference of Pan-European Research Group, Bozen, Italy (August 28-31, 1997).

Freedoms Foundation, Lecture on "The Docket and Trends in the Supreme Court" and afternoon roundtable with David Garrow and Bruce Murphy, Valley Forge, Pa. (July 31, 1997).

Onati International Institute for the Sociology of Law, Paper on "Judicial Independence in Comparative Context," at Conference on "Judges: Selection and Evaluation," Onati, Spain (March 17-19, 1997).

David Sayre Symposium, Lecture, "Liberal Legalism and the Demise of Institutional Opinions for the Court," Sayre School, Lexington, Kentucky (February 22, 1997).

*The Editors*, Roundtable on "Justice and Legal Reforms" (2 parts) (PBS World Affairs/Les Affaires Mondiales, Montreal, Quebec (November 2, 1996).

Hebrew University, Interim Meeting of the IPSA Research Committee on Comparative Judicial Studies, "Stifling Judicial Independence From Within: The Japanese Judiciary," Jerusalem, Israel (July 2-5, 1996).

American Bar Association Midyear Meeting, Opening Debate on "A 'Confirmation Mess' or Politics as Usual?" with Michael Gerhart, Baltimore, Maryland (February 4, 1996).

Yangon University, Lecture on "Judicial Federalism," Yangon, Myanmar (October 10, 1995) (USIA sponsored).

Yomiuri Shimbun Conference on Constitutional Reform, Presentation and roundtable discussant, "Constitutional Politics and Article 9," and "Human Rights and the Yomiuri Shimbun's Proposed Constitution," Miyazaki, Kyushu, Japan (September 29-30, 1995).

Miyazaki International University, Public Lecture, "Freedom of Religion," Miyazaki, Kyushu, Japan (September 28, 1995).

Association Francaise d'Etudes Americaines (AFEA), Keynote Address,

"Sexual Re(X)pression in the USA: The First Amendment and Beyond," and panel discussions, Tours, France (May 26-28, 1995).

Hotel Talleyrand (U.S. Consulate), Lecture, "The U.S. Supreme Court Today," Paris, France (USIA sponsored) (May 24, 1995).

Universite of Aix-Marseille, Groupe d'Etudes et de Recherches sur la Justice Constitutionnelle, Lecture, "The U.S. Supreme Court Today," Aix-en-Provence, France (sponsored by USIA) (May 23, 1995).

The Universite Lumiere - Lyon, Lecture, "Federalism in the 1990s," Lyon, France (sponsored by UISA) (May 18, 1995).

Bologna Center of Johns Hopkins University, Pan European Research Committee, paper on "Confederations, Comparative Federalism, and Minority Rights," Bologna, Italy (March 16-18, 1995).

The Brookings Institution, Conference for Senior Federal Executives, "Politics and the Federal Judiciary," "Science, Law and American Politics," "Separation of Powers and Constitutional Politics," and "Federal Agencies and Judicial Oversight: Continuity and Change," Washington, D.C., or Williamsburg, Va., (1983 - 1994).

Virginia Commonwealth University, "Law and Social Change Program," Public Lectures on "The Supreme Court and Judicial Policymaking," Richmond, Virginia (September 15 and 22, 1994).

Florida State University-Florence Center, Interim Meeting of the IPSA Research Committee on Comparative Judicial Studies, "Religious Freedom Litigation in Japan," Florence, Italy (August 15-18, 1994).

Yangon, Myanmar (Burma), Seminar discussions at Yangon University Law Department and Public Lecture, American Center, on "Separation of Powers and Federalism," sponsored by the USIA (June 6-9, 1994).

Fukuoka Bar Association, Lecture on "Human Rights and Criminal Justice," Fukuoka, Japan (June 2, 1994) (USIA sponsored).

Doshisha University, Lecture on "Human Rights and the Freedoms of Speech, Press, and Religion," Kyoto, Japan (June 1, 1994) (USIA sponsored).

Nagoya University Law School and Nagoya Bar Association, Lectures on "The U.S. Supreme Court and Legal System," Nagoya, Japan (May 12, 1994) (USIA sponsored).

Tsukuba University, College of Social Sciences, Lecture on "The Supreme Court in American Politics," Tokyo, Japan (May 11, 1994) (USIA sponsored).

Japan Civil Liberties Union, "Freedom of Information and the Public's Right to Know," Tokyo, Japan (August 13, 1993).

Kyoto University Law School, "Comparative Legal Culture: Japan and the United States," Kyoto, Japan (July 19, 1993).

Hofstra University and Reagan Presidential Library, Conference on the Presidency of Ronald Reagan, "The 'Reagan Revolution' and the Federal Judiciary," Hempstead, New York (April 22-24, 1993).

## 7. Congressional Testimony:

Hearings on the "Freedom of Information Reform Act," before the Subcommittee on the Constitution, Committee on the Judiciary, Senate, Congress of the United States, Washington, D.C., April 23, 1983.

8. Advisor/Consultantships:

International Consultant, The Asia Foundation, Project on Judicial Independence (2002-2003).

Advisor, USAID Democracy and Governance and International Foundation for Election Systems, "Rule of Law and Judicial Independence" Project, 2000-2001

Advisor, Supreme Court Project, WNET, PBS Channel 13, New York, N.Y. 2000-2006.

Reporter for Commission on Federal Judicial Appointments, Miller Center for Public Affairs, University of Virginia, 1995-1996.

Supreme Court Historical Society Ad Hoc Oral Argument Tapes Review Committee, 1995-1996.

Faculty Advisory Board Member, The Thomas Jefferson Center for the Protection of Free Expression, 1991 - 1999.

Council for International Exchange of Scholars, Advisory Committee for Fulbright Scholar Awards, 1989-1991; Chair, 1991.

Advisor, Kentucky Humanities Council and "Madison Days," Madisonville, Kentucky, 1992-1993.

World Book Encyclopedia (1991--), Advisor and contributor for articles on: "Law," "Common Law," "David Dudley Field," "Stephen J. Field," "Roscoe Pound," "Harold Medina," "William Hastie," "Learned Hand," "Habeas Corpus," "Code Napoleon," "Abortion," and "National Right to Life Committee."

American Judicature Society, Consultant for Film Series, 1989-1990.

Institute for Health Policy Analysis, Georgetown University Medical Center, Advisor for Federal Judges Science Seminars, 1989-1991.

Public Broadcasting System, Advisor for PBS Series on the Supreme Court, "This Honorable Court," 1986-1987.

The Twentieth Century Fund, Rapporteur for Task Force on Federal Judicial Selection, 1986-1987.

National Academy of Public Administration, Washington, D.C., Consultant on judicial administration, 1985-1986.

Supreme Court of the United States, Research Associate, Office of the Administrative Assistant to the Chief Justice, 1983-1984.

Outside Evaluator for Tenure and Promotion: Miami University (1986); North Carolina State University (1987); Wellseley College (1988); University of California (Santa Barbara) (1990); SUNY-Albany (1991); University of Texas (Austin) (1992); SUNY-Buffalo (1993); University of California (Irvine), American University, University of Maryland, and Clemson University (1994); University of Massachusetts (Boston), University of California (San Diego) (1995); University of

Missouri-St. Louis, University of California (Berkeley), Florida International University (1996); Boston University (1997); Ohio State University and Rutgers State University (1998); University of Connecticut and Tulane University (1999); University of Kentucky (2000); Washington State University (2001); University of Southern California and University of Missouri-St. Louis (2002); Georgetown University (2003); University of Tennessee and Washington State University (2005); University of Vermont and University of Alaska (2007); University of North Carolina-Chapel Hill (2008).

9. National Television and Radio Commentary (dealing with the Supreme Court and legal-policy):

National Television--CBS Morning News; Public Television with Paul Duke, "Confirmation Hearings on William Rehnquist as Chief Justice of the United States," National Public Broadcasting System (PBS); Five half-hour programs on Storm Center and several other appearances on "America and the Courts," C-SPAN; "Newsmakers," Cable News Network; CBS Evening News; "World Monitor," Discovery (Cable) Stations; "The Editors," PBS; CNBC Hardball; CBS Early Show.

National Radio Talk-Shows--"The Howard Cosell Show," ABC Network; "Crossfire," CBS Radio; "Bob Grant Show," WABC; "Owen Spann Show," ABC Network; and "Conversations with the Christian Science Monitor" (independent stations); American Judicature Society Series on the Courts, NPR Stations; National Public Radio; numerous local radio talk shows.

10. Honorary Recognition:

Who's Who in the South and Southwest; Who's Who of Emerging Leaders in America; Biography of the Year 1986, Historical Preservation of America; Men of Achievement; Biography International; Contemporary Authors; National Reference Institute, Who's Who in American Education; and Marquis Who's Who in American Education; Marquis Who's Who in America; Who's Who in American Law; The Writers Directory; Who's Who Among America's Teachers; Who's Who in the World.

11. Associations:

American Political Science Association; International Political Science Association; American Judicature Society; Supreme Court Historical Society; U.S. Association for Constitutional Law.