BRUCE ARNOLD ACKERMAN

Curriculum Vitae

Date of Birth: August 19, 1943

Marital Status: Married, two children

Present Position: Sterling Professor of Law and Political Science, Yale University, July 1, 1987 –

Address: Yale Law School
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Past Positions:

1. Law Clerk, Judge Henry J. Friendly, U.S. Court of Appeals, 1967-8

2. Law Clerk, Justice John M. Harlan, U. S. Supreme Court, 1968-9

3. Assistant Professor of Law, University of Pennsylvania Law School, 1969-71

4. Visiting Assistant Professor of Law and Senior Fellow, Yale Law School, 1971-72

5. Associate Professor of Law & Public Policy Analysis, University of Pennsylvania, 1972-73

6. Professor of Law and Public Policy Analysis, University of Pennsylvania, 1973-74

7. Professor of Law, Yale University, 1974-82

8. Beekman Professor of Law and Philosophy, Columbia University, 1982-87

Education:

1. B.A. (summa cum laude), Harvard College, 1964

2. LL.B. (with honors), Yale Law School, 1967

Languages: German, Spanish, French

Professional Affiliations: Member, Pennsylvania Bar; Member, American Law Institute

Fields: Political philosophy, American constitutional law, comparative law and politics, taxation and welfare, environmental law, law and economics, property.

Honors: Commander, Order of Merit of the French Republic, 2003; Henry Phillips Prize in Jurisprudence of the American Philosophical Society, 2003; Fellow, American Academy of Arts and Sciences; Fellow, Collegium Budapest, Fall 2002; Fellow, Center for Advanced Study in the Behavioral Sciences, Spring 2002; Fellow, Woodrow Wilson Center, 1995-96; Fellow, Wissenschaftskolleg, Berlin 1991-92; Guggenheim Fellowship, 1985-86, Rockefeller Fellow in the Humanities, 1976-7.

Top 100 Global Thinker for 2010, Foreign Policy Magazine; 2006 Scribes Award for *Before the Next* Attack; 1982 Henderson Prize of the Harvard School for *The Uncertain Search for Environmental Quality* as the best book on "law and government published during the years 1972 through 1980"; 1981 Gavel Award of the American Bar Association for *Social Justice in the Liberal State.*

Lectureships and Other Positions:

Max Weber Lecture, European University Institute, 2011;Roberts Lecture, University of Pennsylvania, 2011; Tanner Lectures, Princeton University, 2010; Holmes Lectures, Harvard Law School, October 2006; Ashby Lecture, University of Cambridge, May 2006; Goldstone Lecture, University of Pennsylvania, April 2004; Malagodi Prize Lecture, Rome, Italy, June 2003; 2003 Templeton Lecture, U.S. Constitution Center, Philadelphia, Pa.; 2001-02 Jorde Lecture, Yale University and University of California, Berkeley; 2000 Moffett Lecture, Princeton University; 1999 Marks Lecture, University of Arizona; 1999 Terrell Lecture, University of Texas; 1997 Hart Lecture, Georgetown University Law School; 1996 McCorkle Lecture, University of Virginia; 1994

Order of the Coif, Inaugural Lecture, University of California, Berkeley;
1993 University of Connecticut Law Review Award; 1990 Friedrich Lecture, Harvard University; 1987 Leary Lecture, University of Utah; 1986 Currie Lecture, Duke University; 1984 Harris Lecture, University of Indiana; 1983 Storrs Lecture, Yale University.

Kyoto Seminar in American Studies, July, 2000; Visiting Professor, University of Rome, May, 1984; Research Scholar, International Institute for Applied Systems Analysis, Vienna, Austria, Summer 1982; Visiting Professor, Environmental Protection Agency, May 1979.

Grants from National Science Foundation, Council on Law Related Studies.

Order of the Coif; Phi Beta Kappa.

Publications

Books:

1. We the People, Vol. 3: The Civil Rights Revolution, forthcoming

   Harvard University Press.

2. The Decline and Fall of the American Republic, Harvard University Press: 2010.

3. *Before the Next Attack*, Yale University Press: 2006.(Spanish: 2007, Italian:2008).

4. The Failure of the Founding Fathers, Harvard University Press: 2005.

5. *Deliberation Day* (with James Fishkin), Yale University Press: 2004.

6. *Voting with Dollars* (with Ian Ayres), Yale University Press: 2002.

7. La Politica del Dialogo Liberal, Gedisa: 1999

8. *The Stakeholder Society* (with Anne Alstott), Yale University Press: 1999. (German translation: Campus, 2001; developed further by Offe,

Grozinger, & Maschke, Die Teilhabegesellschaft - Modell eines neuen Wohlfahrtsstaates (Campus, 2006).

9. The Case Against Lameduck Impeachment, Seven Stories Press: 1999.

10. *We the People, Vol 2: Transformations*, Harvard University Press: 1998. (Chinese: Law Press China, 2004).

11. *Is NAFTA Constitutional*? (with David Golove), Harvard University Press: 1995.

12. *The Future of Liberal Revolution*, Yale University Press: 1992. German: Ein neuer Anfang fuer Europa, Siedler: 1993. Spanish: Ariel, 1995. Polish: Terminus, 1996.

13. *We the People, Vol 1: Foundations*, Harvard University Press: 1991. (French: *Au Nom du Peuple*, Calmann-Levy, 1998.: Chinese: *China Law Press*, 2004, Portuguese: *Del Rey*, 2006 (Brazil)).

14. *Reconstructing American Law*, Harvard University Press: 1984. Spanish: Del Realismo Al Constructivismo Juridico, Ariel: (1989)

15. *Clean Coal/Dirty Air* (with Hassler), Yale University Press: 1981.

16. *Social Justice in the Liberal State*, Yale University Press: 1980. Italian: Il Mulino, 1984; Spanish: Centro de Estudios Constitutionales, 1993.

17. Private Property and the Constitution, Yale University Press: 1977.

18. *The Uncertain Search for Environmental Quality* (with Rose-Ackerman, Sawyer and Henderson), Free Press: 197

II) Edited Volumes:

1. Bruce Ackerman, Anne Alstott, and Philippe van Parijs eds., *Redesigning Distribution*, Verso: 2005

2. Editor, *Bush v. Gore: The Question of Legitimacy*, Yale University Press: 2002.

3. Editor, *Economic Foundations of Property Law*, Little Brown: 1975 (2d ed. with Robert Ellickson and Carol Rose, 1995; 3rd ed. 2002)

III) Articles:

1. Interview with Bruce Ackerman in James R. Hackney, Legal Intellectuals in Conversation, pp. 189-204 (2012).

2. Preface, The Collected Works of Bruce Ackerman (Chinese edition) (forthcoming)

3. Using the Internet to Save Journalism from the Internet, in Axel Gosseries & Yannick Vanderborght eds., *Arguing About Justice: Essays for Philippe Van Parijs* (2011)

4. Goodbye Montesquieu, in Susan Rose-Ackerman & Peter Lindseth eds., *Comparative Administrative Law* pp. 128-33 (2011).

5. The Decline and Fall of the American Republic: Obama's Libyan Intervention, Max Weber Lecture, European University Institute (May 2011)

6. Tres hipotesis sobre las proxima crisis constitutional, El Cronista 4-19 (April 2011)

7. Lost Inside the Beltway: A Response to Professor Morrison, 124 *Harvard Law Review Forum* 13 (2011)

8. One Click Away: The Case for the Internet News Voucher, in Robert McChesney & Victor Pickard eds., *Will the Last Reporter Please Turn Out the Lights: The Collapse of Journalism and What Can Be Done to Fix It* (2011).

9. Beyond Presentism, 1 *J. of Law* 185 (2011)

10. It *Can* Happen Here, (Response to Review Symposium: Decline and Fall of the American Republic), *Balkinization* (October 21, 2010)

11. Limited War and the Constitution, (with Oona Hathaway), 109 *Michigan Law Review* 447 (2011).

12. The United States Should Adopt an "Emergency Constitution" to Preserve Civil Liberties in an Age of Terrorism, in Richard Ellis & Michael Nelson eds., *Debating Reform* (2010).

13. The Citizenship Agenda, in Jack Balkin & Reva Siegel eds., *The Constitution in 2020* pp. 109-18 (Oxford University Press: 2009).

14. My Debt to Mirjan Damaska, 118 *Yale L.J. Pocket Part* 171 (2009).

15. Canonizing the Civil Rights Revolution: The People and the Poll Tax with Jennifer Nou), 103 *Nw. U. L. Rev* 63 (2009).

16. Populismus heisst Angst vor dem Volk, in *Die Alte und die Neue Welt* (Scherer and Arnold eds., 2008).

17. Préparer la gestion de l'urgence : pour une «Emergency Constitution», *Archives de Philosophie du droit* (2007).

18. The Holmes Lectures: The Living Constitution, 120 *Harvard Law Review* 1727 (2007).

19. Meritocracy v. Democracy (on the reform of the House of Lords), 29 *London Review of Books* 9 (March 8, 2007).

20. The Secret Refund Booth (with Ian Ayres), 73 *U. Chicago Law Review* 1107 (2006).

21. Interpreting the Women's Movement, 94 *California Law Review* 1421 (2006).

22. Les pouvoirs d'exception a l'age du terrorisme, *Esprit* 150-164 (August-September 2006)

23. Keynote Address: Terrorism and the Constitutional Order, 75 *Fordham L. Rev*. 475 (2006).

24. If Washington Blows Up, *American Prospect*, pp. 22-27 (March, 2006).

25. The Stealth Revolution Continued, *London Review of Books* p. 18 (February 9, 2006).

26. The Art of Stealth, *London Review of Books*, vol. 27, no. 4, pp. 3-9 (Feb 17, 2005), (translated as La Bataille pour la Cour Supreme, Le Debat No. 143 (January-February 2007).

27. Em Defesa de uma Heranca Social de Cidadania, in Joao Cardoso Rosas ed., *Ideias e Politicas para o Nosso Tempo*, pp. 25-40 (2004).

28. This is Not a War, *Yale Law Journal*, vol. 113, pp. 1871-1909 (2004).

29. Thomas Jefferson Counts Himself Into the Presidency (with David Fontana), (with David Fontana), *University of Virginia Law Review*, vol. 90, pp. 551-643 (2004).

30. The Emergency Constitution, *Yale Law Journal* vol. 113, pp. 1029-1091 (2004).

31. The Case for Stakeholding, Verso Nuove Forme di Welfare (*Centro Nazionale di Prevenzione e Difesa Sociale*, 2003).

32. Hope and Fear in Constitutional Law, in Erik Oddvar Eriksen, John Erik Fossum and Agustín José Menéndez, *A Constitution for Europe*, (2004).(advocating stakeholding as an entitlement of European citizenship.)

33. Why a New Paradigm?, *U. Richmond L. Rev.*, vol. 37, pp. 1147-1184 (2003) (with Ian Ayres).

34. And Now for the Bad News, in Janos Kornai & Susan Rose-Ackerman eds., *Building a Trustworthy State in Post-Socialist Transition*, pp. 21-22 (2004).

35. Macro-freedom (with Anne Alstott) in Ackerman, Alstott &Van Parijs et. al *Rethinking Distribution* pp. 209-16 (2006).

36. Why Stakeholding? (with Anne Alstott) , in Ackerman, Alstott &Van Parijs et. al, *Rethinking Distribution* pp. 43-65 (2006); .preprinted in Politics & Society vol. 32, pp. 41-60 (2004).

37. Radical Liberalism, in Keith Dowding, Jurgen de Wispelaere & Stuart White eds., *The Ethics of Stakeholding* (London: Macmillan, 2005).

38. The Case for Stakeholding, *Diacritica* (*Universidade do Minho, Portugal*), vol. 17, pp. 217-228 (2003).

39. The New Paradigm Reconsidered, *Calif. L. Rev*. vol. 91, pp. 743-68 (2003) (with Ian Ayres).

40. Deliberation Day, Journal of Political Philosophy , vol. 10, pp. 129-52 (2002) (with James Fishkin); reprinted in James Fishkin and Peter Laslett, *Debating Deliberative Democracy* pp. 7-30 (2003)

41. Off-Balance, in Bruce Ackerman ed., *Bush v. Gore: The Question of Legitimacy* (Yale Univ. Press: 2002).

42. Revised Opinion for Brown v. Board of Education, in Jack Balkin ed., *What Brown v. Board of Education Should Have Said*, pp. 100-23 (NYU Press: 2001).

43. $80,000 and a Dream: A Simple Plan for Generating Equal Opportunity, *The American Prospect* pp. 25-27 (July 17, 2000) (with Anne Alstott).

44. The New Separation of Powers, Harvard Law Review vol.113, pp.633-729 (2000). (Italian: *Carocci* (2003); Chinese: *Constitutionalism Review*, vol. 3, pp. 600-704 (2003); Spanish (2004), Chinese (2006)).

45. O Novo Constitucionalismo Mundial, in Margarida Maria Lacombe Camargo, 1988-1998, *Uma Decada de Constituicao* (1999).

46. *Constitutional Economics/Constitutional Politics,10 Constitutional Political Economy* 415(1999).

47. Your Stake in America (with Anne Alstott), 41 *Arizona L. Rev*. 249 (1999).

48. Should Opera Be Subsidized? and Riposte: Lighten Up! *Dissent 89* (Summer 1999).

49. Revolution on a Human Scale, *Yale Law Journal* vol.108, pp.2279-2349 (1999).

50. Taxation and the Constitution, *Columbia Law Review* vol.99, pp. 1-67 (1999).

51. Testimony Before the U.S. House Judiciary Committee on the Impeachment of President Clinton, 32 PS [*Political Science and Politics*] pp. 24, 29-31 (March 1999)

52. The Broken Engine of Progressive Politics, *The American Prospect*, pp. 34-43 (May-June 1998)

53. Temporal Horizons of Justice, *Journal of Philosophy*, vol. 94, pp. 299-317 (1997).

54. The Rise of World Constitutionalism, *University of Virginia Law Review*, vol. 83, pp. 771-797 (1997) [reprinted as Dean's Occasional Paper, Yale Law School (October, 1997)]; Chinese: Nanjing Univ. Law Rev. 10-27 (2001).

55. A Generation of Betrayal? *Fordham Law Review*, vol. 45, pp. 1519-36 (1997).

56. An Open Letter to Congressman Gingrich, (endorsed by 16 other law professors), *Yale Law Journal*, vol. 104, pp. 1539-44 (1995).

57. The Next American Revolution in Austin Sarat ed. Identities, *Politics and Rights*, pp. 403-23 (University of Michigan Press, 1995)

58. Our Unconventional Founding, (with Katyal) *University of Chicago L. Rev*. vol. 62, pp. 475 ff. (1995).

59. Is NAFTA Constitutional? (with Golove) *Harvard Law Review*, vol. 108, pp. 799-929 (1995).

60. La democratie dualiste, 1789 et *l'Invention de la Constitution* (eds. Michel Troper and Lucien Jaume) pp. 191-204 (LGDJ-Bruylant, 1994)

61. The Political Case for Constitutional Courts, in, *Liberalism Without Illusions* (ed. Bernard Yack) pp. 205-19 (U. Chi. Press, 1995)

62. A Political Liberalisms, *Journal of Philosophy*, vol. 91, pp. 364-86 (1994) ; reprinted in Shaun Young ed., *Political Liberalism: Variations on a Theme* (2004).

63. Higher Lawmaking, in Responding to Imperfection: *The Theory and Practice of Constitutional Amendment* (ed. Sanford Levinson), pp. 63-87 (Princeton University Press, 1995).

64. Rooted Cosmopolitanism, *Ethics*, vol. 104, pp. 516-35 (1994).

65. Crediting the Voters: A New Beginning for Campaign Finance, American Prospect pp. 71-80 (Spring, 1993). (Italian: Politica del Diritto, vol. 24, pp. 647-664 (1993)); reprinted in Burnham, *The American Prospect: Reader in American Politics*, pp. 218-31 (1994)

66. Von der Revolution zur Verfassung, Transit: *Europaische Revue*, vol. 4, pp. 46-61 (1992)

67. Liberating Abstraction, U. of Chicago Law Review, vol. 59, pp. 317-348 (1992); reprinted in Stone, Epstein, & Sunstein, *The Bill of Rights in the Modern State* pp. 317-348 (U. Chi. Press, 1992).

68. The Lost Opportunity, in *Tel Aviv University Studies in Law*, vol 10, pp. 53-68 (1991).

69. Die Zukunft der Liberalen Revolution, *Die Neue Gesellschaft/Frankfurter Hefte*, vol. 39, no. 3. pp.221-231 (1992).

70. The Common Law Constitution of John Marshall Harlan, *New York Law School Law Review*, vol 36, pp. 5-32 (1991).

71. Robert Bork's Grand Inquisition, *Yale Law Journal*, vol. 92 pp. 1419-39 (1990); The Grand Inquisitor, *The American Prospect*, vol. 1, no. 2, pp. 106-114 (1990).

72. Constitutional Politics/Constitutional Law, *Yale Law Journal*, vol. 89, pp. 453-546 (1989).

73. *Neutralities, in Liberalism and the Good* (ed. by Douglass, Mara, & Richardson) pp. 29-43 (1990).

74. A Reforming Environmental Law : The Democratic Case for Market Incentives, *Columbia Journal of Environmental Law* (with Richard Stewart) vol. 13, pp. 171-199 (1988).

75. Why Dialogue?, *Journal of Philosophy*, vol. 86, pp. 5-22 (1989) (Italian: Teoria Politica (1989); German: Akten Des 12, Internationalen Wittgenstein Symposiums pp. 25-35 (1988)); Dutch: Von den Brink & Von Reijen, Het Recht Van De Moraal pp. 67-84 (1994); Spanish: Metapolitica vol. 2, no. 6, pp. 207-22 (1998)).

76. Transformative Appointments, *Harvard Law Review*, vol. 101, pp. 1164-1184 (1988)

77. Neo-Federalism? in Jon Elster (ed.), *Constitutionalism and Democracy* (Cambridge Univ. Press: 1988)

78. Law, Economics, and the Problem of Legal Culture, Duke Law Journal, vol. 6, pp 929-947 (1986) (Italian: Rivista Critica di Diritto Privato); (German: Schäfer and Wehrt eds., Die Ökonomisierung der Sozialwissenschaften [Campus: 1988]).

79. Deux Sortes de Recherches en Droit et Economie, in *Revue de la Recherche Juridique: Droit Prospectif* (Presses Universitaires d'Aix-Marseille: 1986)

80. Reforming Environmental Law (with Richard Stewart), *Stanford Law Review*, vol. 37, pp. 1333-1365 (1985)

81. Cost Benefit and the Constitution, in Roger Noll (ed.), *Regulatory Policy and the Social Sciences*, pp. 351-357 (1985)

82. Foreword: Talking and Trading, *Columbia Law Review*, vol. 85, pp. 899-903 (1985).

83. Toward a Theory of Statutory Evolution: The Federalization of Environmental Law (with Donald Elliott and John Millian), *Journal of Law, Economics, Organization*, Vol. 1, pp. 313-340 (1985).

84. Beyond Carolene Products, *Harvard Law Review*, vol. 98, pp. 713-46 (1985), (Chinese: Selected Essays on Constitutional Law from the Harvard Law Review: 2005)

85. Storrs Lectures: Discovering the Constitution, *Yale Law Journal*, vol. 93, pp. 1013-1072 (1984)

86. Canada at the Constitutional Crossroads (with Robert Charney), *University of Toronto Law Journal*, vol. 34, pp. 117-135 (1984)

87. Foreword: Law in an Activist State, *Yale Law Journal*, vol. 92, pp. 1-45 (1983) (Dutch: Het recht in een activistische staat, Staatkundig jaarboek, 1983-1984, pp. 313-328, Leiden, December 1983).

88. On Getting What We Don't Deserve, *Social Philosophy and Policy*, vol. 1, pp. 60-70 (1983).

89. What is Neutral about Neutrality?, *Ethics*, vol. 93, pp. 372-390 (1983)

90. Beyond the New Deal: Reply (with William T. Hassler), *Yale Law Journal*, vol. 90, pp. 1412-1434 (1981)

91. The Marketplace of Ideas, *Yale Law Journal*, vol. 90, pp. 1131-1148 (1981)

92. Beyond the New Deal: Coal and the Clean Air Act (with William Hassler), *Yale Law Journal*, vol. 89, pp. 1466-1571 (1980)

93. Four Questions for Legal Theory, *Nomos*, vol. 22, pp. 351-375 (1980)

94. The Structure of Subchapter C: An Anthropological Comment, *Yale Law Journal*, vol. 87, pp. 436-446 (1977)

95. The Jurisprudence of Just Compensation, *Environmental Law*, vol. 7, pp. 509-519 (1977)

96. Law and the Modern Mind, *Daedalus*, pp. 119-131 (1974)

97. The Uncertain Search for Environmental Policy: Part I with James Sawyer), *University of Pennsylvania Law Review*, vol. 120, pp. 419-503 (1972); Part II (with Rose-Ackerman and Henderson), *University of Pennsylvania Law Review*, vol. 121, pp. 1225-1308 (1973).

98. More on Slum Housing and Redistribution Policy, *Yale Law Journal*, vol. 82, pp. 1194-1207 (1973)

99. Regulating Slum Housing Markets on Behalf of the Poor, *Yale Law Journal*, vol. 80, pp. 1093-1197 (1971)

IV) Occasional Essays:

1. Tax Reform? We Need a Revolution, Los Angeles Times, November 18, 2012

2. Election Bosses (with Ian Ayres), Slate, November 2, 2012

3. How Obama Might Still Inspire, Huffington Post, September 27, 2012

4. Broken Bond (with Miguel Maduro), Foreign Policy, September 17, 2012

5. Secret Laws Are Oxymorons, The Economist, July 24, 2012 at http://www.economist.com/blogs/democracyinamerica/2012/07/bruce-ackerman-presidential-power

6. Texas' Poll Tax in Disguise (with Jennifer Nou), Los Angeles Times, July 16, 2012

7. Roberts Raises the Election Years Stakes, Huffington Post, June 29, 2012

8. Protect, Don't Prosecute, Leakers Who Defend Our Constitution, New York Times, June 13, 2012

9. We the People Rise Again, Slate, June 4, 2012

10. Eduardo Saverin Controversy: Slam the Door on Tax Refugees, Los Angeles Times, May 18, 2012

11. Payback for a Facebook Tax Refugee, Los Angeles Times, May 16, 2012

12. Elect-Your-Match: Computer Dating Hits the Presidential Race! (with Danieli Evans), Huffington Post, May 3, 2012

13. President Obama: Don't Go There, Washington Post, April 20, 2012

14. Nixon In Iran?, Huffington Post, March 19, 2012

15. The Legal Case Against Attacking Iran, Los Angeles Times, March 5, 2012

16. Reconstructing Citizenship for the Twenty First Century, an Interview with Bruce Ackerman, La Vie des Idees, March 5, 2012

17. How Congress Can Overrule Citizens United (with Ian Ayres), Huffington Post, February 9, 2012

18. Recess Appointments: Release the Legal Advice, Wall Street Journal, January 11, 2012

19. Washington Standoff, Los Angeles Times, January 6, 2012

20. A Christmas Present for the Pentagon, Slate, December 28 2011

21. A United States of Europe?, Los Angeles Times, December 14, 2011

22. The Law School Experience [letter], New York Times, December 5, 2011

23. Supreme Court's Obamacare Ruling Will Politicize Judicial Process, Daily Beast, November 15, 2011

24. Occupying the First Amendment (with Yochai Benkler), Huffington Post, October 21, 2011

25. Democratizing Wall Street? (with Anne Alstott), Huffington Post, October 12, 2011

26. Obama's Death Panels, Foreign Policy, October 7, 2011

27. Class Warfare? (with Anne Alstott), Huffington Post, September 27, 2011

28. Why (and How) To Tax the Super-Rich, Los Angeles Times, September 20, 2011 (with Anne Alstott)

29. Mission Accomplished. Finally. Foreign Policy, September 7, 2011

30. Crisis, What Crisis, Slate, July 29, 2011

31. Obama's Flawed Legal Reasoning and How to Fix It, The Daily Beast, June 28, 2011

32. Legal Acrobatics, Illegal War, New York Times, June 21, 2011

33. How to Resolve the War Powers Impasse (with Hathaway), Guardian, June 3, 2011

34. Obama's Illegal War (with Hathaway), Foreign Policy, June 1, 2011

35. Death of the War Powers Act? (with Hathaway), Washington Post, May 17, 2011

36. The World After Bin-Laden (with Hathaway), *Washington Post*, May 3, 2011

37. Private Manning's Humiliation (with Benkler), *The New York Review of Books*, April 28, 2011

38. Bradley Manning's Inhumane Treatment (with Benkler), *Guardian*, April 11, 2011

39. The Constitutional Clock is Clicking on Obama's War (with Hathaway), *Foreign Policy*, April 6, 2011

40. Obama's Unconstitutional War, *Foreign Policy*, March 24, 2011

41. It's Not Up to the President to Impose a No Fly Zone Over Libya, *Huffington Post*, March 9, 2011

42. Parliament to the Rescue, *Foreign Policy*, March 1, 2011

43. Did Congress Approve America's Longest War? (with Oona Hathaway), *The Guardian*, January 23, 2011

44. Obama Contre-Attaque, *Le Monde*, January 11, 2011

45. Obama Contraataca, *El Pais*, January 7, 2011

46. Filibuster Reform Both Parties Could Agree On, *Wall Street Journal*, January 4, 2011

47. The Ultra-Imperial Presidency, *Miller-McCune Magazine*, December 16, 2010

48. Charging Julian Assange Could Be Unconstitutional (with Sara Aronchick Solow), *The Guardian*, December 10, 2010

49. The Interview: Bruce Ackerman on the Decline and Fall of the American Republic, *France 24* (television), December 6, 2010

50. Decline and Fall of the American Republic: Six Questions for Bruce Ackerman, by Scott Horton, *Harper's Magazine*, November 23, 2010

51. Obama contra-ataca, *Diario de Noticias*, November 17, 2010

52. Is the Lame-duck Congress Constitutional?, *Washington Post*, November 12, 2010

53. The Dangers of an Imperial Presidency, *Los Angeles Times*, November 4, 2010

54. Dangers of a Politicized Presidency, *Washington Post*, October 1, 2010

55. Obama, Warren, and the Imperial Presidency, *Wall Street Journal*, September 22, 2010

56. The Radical Presidency, *Foreign Policy*, September 16, 2010

57. At the Crossroads, *London Review of Books*, September 9, 2010.

58. What Obama Should Say (with Oona Hathaway), *Huffington Post*, August 30, 2010.

59. An Increasingly Politicized Military, *Los Angeles Times*, June 23, 2010.

60. James Clapper: Another Military Man for a Civilian Post, *Washington Post*, June 9, 2010.

61. Interview with Ezra Klein, Citizens United Was A Shot Across the Bow, *Washington Post*, May 12. 2010.

62. Why the Lib Dems Do Well Out of TV Debates (with James Fishkin), *The Guardian*, April 29, 2010.

63. How to Swing Congress (with Oona Hathaway), *Los Angeles Times*, April 3, 2010.

64. How Biden Could Fix the Senate, *American Prospect*, March 15, 2010.

65. How to Keep Future John Yoos Under Control, *Washington Post*, February 23, 2010.

66. How to Counter Corporate Speech (with David Wu), *Wall Street Journal*, January 28, 2010.

67. Despite Court Ruling, Congress Can Still Limit Campaign Finance (with Ian Ayres), *Washington Post*, January 26, 2010.

68. What Will Congress Do About Afghanistan? (with Oona Hathaway), *Slate*, December 9, 2009.

69. A General's Public Pressure, *Washington Post*, October 2, 2009.

70. America Needs to Prepare for Early Iraq Pullout (with Oona Hathaway), *Financial Times*, August 24, 2009.

71. Section Five and the On-going Canonization of the Civil Rights Revolution, *Balkinization*, June 22, 2009.

72. Abolish the White House Counsel, *Slate*, April 22, 2009.

73. The Demonization of Harold Koh, *The Daily Beast*, April 8, 2009.

74. Why We Need a Commission on Presidential Power, *American Prospect*, March 26, 2009.

75. A Role for Congress to Reclaim, *Washington Post*, March 11, 2009.

76. A National Endowment for Journalism? (with Ian Ayres), *The Guardian*, February 13, 2009. (French translation: Liberation, April 21, 2009).

77. How Obama Can Fix an Illegal War (with Hathaway), *San Francisco Chronicle*, January 23, 2009.

78. Impeach Jay Bybee, *Slate*, January 13, 2009.

79. Making a Treaty: The Senate's Role (with Hathaway)(letter to the editor), *NY Times*, January 8, 2009.

80. The Iraq War Is Now Illegal (with Hathaway), *The Daily Beast*, December 31, 2008.

81. A Legal Time Bomb in Iraq, *The Guardian* (UK), December 12, 2008.

82. Restoring the Rule of Law to the White House, *The Daily Beast*, November 20, 2008.

83. The Great Repudiator? (with Magliocca), *American Prospect*. November 5, 2008.

84. Bush's Final Illusion (with Hathaway), *Slate*, October 21, 2008.

85. Abolish the Vice-Presidency, *Los Angeles Times*, October 2, 2008.

86. What Bush Will Surrender in Iraq (with Hathaway), *Time Magazine*, September 11, 2008.

87. The Coming Transatlantic Crisis, *Guardian* (U.K.), September 2, 2008.

88. What Georgia Means for Europe, *Guardian* (U.K.), August 12, 2008.

89. Into No-Man's Land (with Oona Hathaway), *Los Angeles Times*, July 25, 2008

90. In Iraq, Timetables or Horizons or…?, *New York Times* (letter to the editor) July 23, 2008.

91. Keep Your Paws Off the Presidency, *Slate*, July 15, 2008.

92. Fixing the System Obama Broke (with Ian Ayres), *American Prospect* (July 3, 2008).

93. A Better Way with Referendums (with James K. Fishkin), *Financial Times* (June 17, 2008).

94. Hey, What About the 24th? The Constitutional Amendment that the Court Forgot (with Jennifer Nou), *Slate* (May 2, 2008).

95. The War's Expiration Date, *Washington Post* (with Oona Hathaway) (April 5, 2008).

96. McCain Was Born in the Panama Canal Zone. So?, *New York Times* (letter to the editor) March 1, 2008.

97. An Agreement without Agreement, *Washington Post* (with Oona Hathaway) (February 15, 2008).

98. Where Money Is No Object, *Guardian* (U.K.) (with Ian Ayres) (January 26, 2008).

99. Checks, Please, *Guardian* (U.K.) (January 15, 2008).

100. Bush Isn't the Only Decider, *Los Angeles Times* (November 29, 2007).

101. Inherit the Windfall, *Guardian* (U.K.) (with Anne Alstott) (October 11, 2007).

102. An Inheritance for All, *American Prospect Online* (with Anne Alstott) (October 4, 2007).

103. The Risks of Playing Politics with the Military, *Financial Times* (September 5, 2007).

104. What We Owe Suspected Terrorists, *Guardian* (U.K.) (July 23, 2007).

105. Down with Plutocrats and Fat Cat Donors, *Slate* (June 25, 2007)(with Ian Ayres).

106. The King is Dead. Long Live the King?, *Guardian* (U.K.) (June 15, 2007).

107. Japan's Revolution Is Far Too Quiet, *Foreign Policy* (June 1, 2007) (with Norikazu Kawagishi).

108. Dealing with the Worst, *Guardian* (U.K.) (May 21, 2007).

109. War Powers Debate with John Yoo: Remember Andrew Johnson, *Los Angeles Times* (April 6, 2007)

110. War Powers Debate with John Yoo: We Don't Want a Warrior King, *Los Angeles Times* (April 5, 2007).

111. War Powers Debate with John Yoo: Some of Us Have Been Consistent, *Los Angeles Times* (April 4, 2007)

112. War Powers Debate with John Yoo: Say No to King George, *Los Angeles Times* (April 3, 2007)

113. War Powers Debate with John Yoo: Congressional leadership is necessary and proper, *Los Angeles Times* (April 2, 2007)

114. Did Jefferson Abuse His Authority to Count Himself into the Presidency?, *History News Network* (March 19, 2007).

115. The Half-Trillion Dollar Solution (with David Wu), *American Prospect Online* (February 27, 2007).

116. Britain Needs a New Agency to Fight Corruption, (with Susan Rose-Ackerman), *Financial Times* (February 2, 2007).

117. Set a Spending Limit on Iraq, *Los Angeles Times* (January 10, 2007).

118. What if Terrorists Destroy Washington?, *Los Angeles Times* (December 16, 2006).

119. A liberal manifesto for America, *Opendemocracy* (October 30, 2006).

120. We Answer to the Name of Liberals, *American Prospect* (November, 2006) (with Todd Gitlin), posted on website October 18, 2006; published in France by *Liberation* (October 19, 2006); in Italy by *La Repubblica* (November 3, 2006); in Argentina by *La Nacion* (November 5, 2006); in Spain by *El Pais* (November 6, 2006); in Canada by the *Toronto Star* (November 10, 2006), in Germany by the *Suddeutsche Zeitung* (November 10, 2006).

121. White House Warden, *Los Angeles Times* (September 28, 2006).

122. Bad Party Line: All the Reasons to Hate Bush's Wiretapping Bill, *Slate* (September 18, 2006).

123. Talk of "War" Is Misleading and Dangerous, *Philadelphia Inquirer* (September 12, 2006).

124. In Case of Emergency, *American Prospect* Online (August 18, 2006).

125. Give N.Y.'s Poor What They Need Most: A Voice, *New York Daily News*, p. 31 (August 14, 2006) (with Ian Ayres).

126. How Congress Can Make Guantanamo Even Worse, *Slate* (July 17, 2006).

127. Before the Next Attack, *New Statesman* (July 3, 2006).

128. Putting Reason Back into Emergency Powers, *Boston Globe* (July 2, 2006).

129. Come Scegliere il Si o il No (How to Choose Between Yes and No), *La Repubblica* (with James Fishkin) (June 23 2006).

130. Export This? (with James Fishkin), Letter to the Editor, *NY Times Magazine* (May 7, 2006).

131. Secret Political Donations Can End the Secret Deals, *Financial Times* April 26, 2006 (with Ian Ayres).

132. The Perils of Judicial Restraint, *Slate* (April 5, 2006).

133. Inheritance Taxes (with Anne Alstott), Letter to the Editor, *NY Times* (April 4, 2006).

134. Terrorism and Civil Liberties, *Yale Alumni Magazine*, pp. 24-26 (March-April 2006).

135. Interview with Gabor Halmai, *Fundamentum* (special English edition), 49-58 (2005).

136. The Secrets They Keep, *Slate* (December 20, 2005).

137. Senate, White House Hypocrisy on Torture, *Philadelphia Inquirer* (December 14, 2005).

138. A National Day of Deliberation?(with Jiunn-Rong Yeh*), China Times* (November 22, 2005).

139. Protect Court Against a Stealth Revolution, *Philadelphia Inquirer* (October 16, 2005).

140. The Constitutional Moment that Wasn't, *American Prospect* (September 21, 2005).

141. Come Proteggere Le Nostre Liberta, *La Repubblica*, p. 39 (July 22, 2005).

142. High Court, High Stakes, *American Prospect*, pp. 35-38 (August, 2005).

143. Bush and the Stealth Justice, *Los Angeles Times* p. B 13 (July 7, 2005).

144. Cheney's Betrayal, *American Prospect Online* (May 23, 2005).

145. A Threat to Impartiality in the American Senate, *Financial Times*, p. 19 (May 16, 2005).

146. Kapitalismus fuer Alle, 7 brand eins pp. 40-44 (March 2005).

147. The Filibuster Rule: Play by the Rules, *Philadelphia Inquirer* (March 16, 2005).

148. Immune to Democracy (with John Ackerman), *New York Times*, p. A 21 (March 4, 2005).

149. Voting with Dollars, (with comments by Cong. Barney Frank and Nick Littlefield) 57 *Bulletin of the American Academy of Arts and Sciences* pp. 18-21 (Summer 2004).

150. Loyal to Rumsfeld – or the Constitution?, *American Prospect*, pp. 6 – 7 (November 2004).

151. Reply to Professor Rotunda, *American Prospect Online*, October 15, 2004.

152. From Debates to Deliberation (with James Fishkin), *Center for American Progress web-site*, October 14, 2004.

153. Oath of Offense, *American Prospect Online*, October 6, 2004.

154. The Rumsfeld Oath, *American Prospect Online*, September 29, 2004.

155. Abu Ghraib Requires a Political Response, *Philadelphia Inquirer* (September 15, 2004).

156. Like Father, Like Son, *American Prospect Online*, September 14, 2004.

157. States of Emergency, *American Prospect*, p. 40 (September 2004).

158. Just Imagine, A Day Off Devoted to Fulfilling a Democratic Duty (with James Fishkin), *Philadelphia Inquirer* (June 20, 2004).

159. 2-for-1 Voting, *New York Times*, p. A 27 (May 5, 2004).

160. The Thinking Voter (with James Fishkin), *Prospect*, pp. 15-16 (May 2004).

161. A Precedent-Setting Appearance, *Center for American Progress* (web-site), April 8, 2004.

162. A Holiday Fit for a President (with James Fishkin), *Los Angeles Times*, p. B 13, (February 16, 2004).

163. How Jefferson Counted Himself In (with David Fontana), *Atlantic Monthly*, pp. 84-95 (March, 2004).

164. Deliberation Day (with James Fishkin), *American Prospect*, January 2004.

165. Righting the Ship of Democracy (with James Fishkin), *Legal Affairs* pp. 34-39 (January-February 2004).

166. System Down (with Ian Ayres), *American Prospect Online*, December 12, 2003.

167. Interview with Gabor Halmai, *Fundamentum* (in Hungarian), pp. 51-62 (issue 2/2003).

168. The Vote Must Go On, *New York Times*, p. A-27, September 17, 2003.

169. Patriot Dollars Put Money Where the Voters Are, *Los Angeles Times*, p. 15, July 17, 2003 (with Ian Ayres).

170. Fear Itself, *American Prospect*, (web exclusive) June 3, 2003.

171. Raw Deal, *American Prospect*, (web exclusive) May 14, 2003.

172. Never Again, *American Prospect*, p. 24, May 2003.

173. Judicial Extremism: A German Antidote, *Los Angeles Times*, p. 15, February 19, 2003.

174. Is the Right to March a Security Issue?, *Newsday*, p. A 17, February 18, 2003.

175. Two Fronts, *American Prospect* (web exclusive), January 27, 2003.

176. Keep Politics Off the Bench, *Los Angeles Times*, p. M 5, January 5, 2003.

177. Bush, Iraq, and the Rule of Law, Letters to the Editor, *New York Times*, p. A 18, November 23, 2002.

178. Government by Half-Truth, *The American Prospect* (web exclusive), October 24, 2002.

179. Facing the Threat From North Korea, *Washington Post*, Letters to the Editor, p. A22, October 19, 2002.

180. Episode oder Epoche, *Frankfurter Rundschau*, *Feuilleton*, October 16, 2002.

181. The Legality of Using Force, *New York Times*, p. A15, September 21, 2002.

182. But What's the Legal Case for Preemption?, *Washington Post*, p. B2, August 18, 2002.

183. Campaign Reform's Worst Enemy, *New York Times*, p. 13, July 6, 2002 (with Ian Ayres).

184. Bush Must Avoid Shortcuts on Road to War, *Los Angeles Times*, p. 15, May 31, 2002.

185. Don't Panic, London Review of Books, pp. 15-16, February 7, 2002. German version: *Frankfurter Rundschau*, February 15, 2002.

186. War is Handy Politics for Bush, *Los Angeles Times*, p. M 5, February 3, 2002.

187. Bush Can't Operate as a One-Man Act, *Los Angeles Times*, December 16, 2001.

188. On the Home Front, A Winnable War, *New York Times*, p. A 21, November 6, 2001.

189. Sunset Can Put a Halt to Twilight of Liberty, *Los Angeles Times*, p. B 11, September 20, 2001.

190. Treaties Don't Belong to Presidents Alone, *New York Times*, p. A 23, August 29, 2001.

191. Letter to the Editor, You Can't Recall Senators, *New York Times*, p. A 20July 13, 2001

192. Tony Blair's Big Idea, *New York Times*, Op-Ed, Sec. 4, p. 15, May 6, 2001 (with Anne Alstott).

193. Bush's Alarming Race Against the Clock, *Boston Globe*, Op-Ed, April 29, 2001.

194. Foil Bush's Maneuvers for Packing Court, *Los Angeles Times*, Op-Ed, p. B11, April 26, 2001.

195. Anatomy of a Constitutional Coup, *London Review of Books*, pp. 3-7, February 8, 2001. Translation: Le Monde, p. 18, February 27, 2001.

196. The Court Packs Itself, *The American Prospect*, p. 42, February 12, 2001.

197. Keep Election Fixes to Middle Ground, *Los Angeles Times*, p. 7 December 18, 2000.

198. As Florida Goes..., *New York Times*, Op-Ed, p. A-33, December 12, 2000.

199. $80,000 and a Dream (with Anne Alstott), *American Prospec*t, pp. 23-25, July 17, 2000.

200. How $50 Can Beat Big Money Campaigns, *Los Angeles Times*, p. B7, October 18, 1999.

201. An Unconstitutional Republican Exit Strategy, *Los Angeles Times*, p. B7, February 3, 1999.

202. Reply to Professor Tribe, January 8, 1999.

203. This Lame-Duck Impeachment Should Die, Op- Ed, *Washington Post*, p. A17, December 24, 1998.

204. Contest Lame-duck House Vote, Op-Ed, *USA Today*, p.12A, December 23,1998.

205. Lameduck Impeachment? Not So Fast, Op-Ed, *New York Times*, December 8, 1998.

206. Without the People, Impeachment Fails, Op-Ed, *Los Angeles Times*, November 6, 1998.

207. What Ken Starr Neglected to Tell Us, Op-Ed, *New York Times*, September 14, 1998.

208. Euro Follows American Example, Letters to the Editor, *New York Times*, May 2, 1998, p. A-14.

209. Welfare for Wagner?, *Project Syndicate* [syndicated column for numerous European newspapers], May-June 1998 [on subsidizing the opera]. A longer version of the same essay was published in the Newsletter of the Institut fuer die Wissenschaften vom Menschen, Feb-April 1998, as "Subsidize the Opera?"

210. Historical Perspective [on Presidential Impeachment], Letters to the Editor, *New York Times*, February 2, 1998, p. A-22.

211. The Patriot Option, *The Boston Review*, pp. 13-14 (April/May 1997)

212. Joint Letter on the Constitutionality of the World Trade Organization and the Uruguay Round, Hearings before the Senate Committee on Commerce, Science and Transportation, S. 2467, *GATT Implementing Legislation*, S. Hrg. 103-823, pp. 529-31 (1994).

213. Gingrich v. The Constitution, *New York Times*, Op-Ed page, December 10, 1994.

214. Let's Introduce a New Political Currency System to Restore the Sovereign Citizenry in Japan (with Norikazu Kawagishi), Asahi Shimbun (Tokyo), Op-Ed page, September 28, 1993.

215. We the People--and Congress--Have Yet To Be Heard (with Harold Koh), *Los Angeles Times*, Op-Ed page, May 5, 1993.

216. Reforming Campaign Reform, *Wall Street Journal*, Op-Ed page, April 26, 1993.

217. 1787 and 1993, *New York Times*, Op-Ed page, April 3, 1993.

218. Das Gauck Behoerde: Zwei Fragen, in Hassemer & Starzacher, Datenschutz und Stasi-Unterlagen: *Verdraengen oder Bewaeltigen*? (1993).

219. Interview, Bruce Ackerman over sociale rechtvaardigheid, de rol van de rechter en `law and economics', by M.A.P. Bovens and W.J. Witteveen, Staatkundig Jaarboek, pp 255-278 (1987).

220. Proceedings of Conference on Takings of Property and the Constitution, *Miami Law Review*, vol. 41, No. 1, pp. 49-222, passim (1986).

221. In Memoriam: Henry J. Friendly, *Harvard Law Review*, Vol. 99, No. 8, June 1986.

222. Agon (In Memoriam: Arthur Leff), *Yale Law Journal*, vol. 91, pp. 219-223 (1982).

223. The Languages of Power: Reflections on the Changing Relationship Between the Law and the Social and Humane Sciences, Proceedings of 1982-1983, *Columbia Committee on General Education* (vol. 11).

224. Commencement Remarks to the Yale Class of 1980, *Yale Law Report*, Spring/Summer 1982.

225. Air-Pollution 'Rights' (with Donald Elliott), *New York Times*, September 11, 1982.

226. Unconstitutional Convention, *New Republic*, March 3, 1979.

227. Clean (Cough) Air, *New York Times*, August 30, 1977.

IV. Blog-Posts

1. Paying for Ballots: Reviving the Poll-Tax Amendment (with Jennifer Nou), July 15, 2012, Balkinization

2. The Lost Lawyer, December 5, 2011, Balkinization

3. On Presidential Assassination of American Citizens, October 9, 2011, Balkinization

4. Why Has the French Parliament, but not the American Congress, Voted on the Libyan Intervention? July 13, 2011, Balkinization

5. The Crisis of Presidential Legality: The Libyan War as a Test Case, June 4, 2011, Balkinization

6. A Statement on Private Manning's Detention, (with Yochai Benkler) (signed by more than 250 members of the academic community), Balkinization

7. Egypt's Leaderless Revolution and Presidentialism: A Toxic Combination, March 2, 2011, Balkinization

8. The Good Filibuster?, January 4, 2010, Balkinization

9. The New START Treaty and its Political Consequences, December 22, 2010, Balkinization

10. What Do the Lame-Duck Congress and the White House Counsel Have in Common?, November 12, 2010, Balkinization

11. The Next Phase in Our Decline and Fall, November 8, 2010, Balkinization

12. It *Can* Happen Here, October 21, 2010, Balkinization

V. Professional Activities:

1. Lead counsel, with Lloyd Cutler, in Skaggs v. Carle, a challenge by 28 Representatives to the constitutionality of new House rules requiring supermajorities for the enactment of tax increases. 110 F3d 831 (D.C. Cir. 1997).

2. Witness on Behalf of President Clinton, Impeachment Hearings before the House Judiciary Committee, December, 1998.

3. Drafting Committee, Amicus Brief of 100 Law Professors in U.S. v. Morrison, in support of the constitutionality of the Violence Against Women Act, November, 1999.

4. Witness on Behalf of Al Gore to the Special Joint Committee of the Florida Legislature on the Appointment of Electors, November 29, 2000.

5. Witness on Behalf of Al Gore to the Special Joint Committee of the Florida Legislature on the Appointment of Electors, December 11, 2000.