

CURRICULUM VITAE

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EDUCATION

- 1981 - 1985 **Cornell University**, Graduate School
Department of Government
M.A., 1985
Ph.D., May 1987
- 1977 - 1981 **University of Hamburg**, West Germany
Political Science, Philosophy
Diploma, 1981

EMPLOYMENT

- 2000 - present **American Enterprise Institute**
John G. Searle Resident Scholar
Director, AEI Federalism Project
Co-Director (with Richard A. Epstein), AEI Liability Project
- 2004 - 2005 **Boston College**
Visiting Professor, Political Science
- 1989 - 2000 **Center for Individual Rights**
Co-founder and Director
- 1994 **Cornell University**
Cornell-in-Washington
Adjunct Professor, Government
- 1988 - 1989 **Washington Legal Foundation**
Resident Scholar
- 1986 - 1988 **Smith Richardson Foundation**, New York, NY
Program Officer
- 1986 - 1987 **Hunter College**
New York, NY
Adjunct Professor of Political Science

1987 **John Jay College**
New York, NY
Adjunct Professor of Political Science

1985 **Institute for Educational Affairs**
Program Officer

HONORS, AWARDS, GRANTS

Earhart Foundation Research Grant (1997, 1988)
Sicca Grant (1984)
Telluride Scholarship (1982-83 and 1983-84)
Fulbright Fellow (1981-82)

MEMBERSHIPS AND ACTIVITIES

Competitive Enterprise Institute (Chairman, Board of Directors)
Telluride Association (Member, Chairman, Board of Custodians, 1987-1992)
American Political Science Association (Member)

PROFESSIONAL ACTIVITIES AND EXPERIENCE

Numerous speaking engagements (law schools and colleges; professional and scholarly associations)
Frequent radio and television appearances
Litigation services and management in over 30 cases, including U.S. Supreme Court proceedings
Congressional testimony; State legislative testimony
Lobbying and consulting in federal agency proceedings

RESEARCH AND PUBLICATIONS

Books

HARM-LESS LAWSUITS? WHAT'S WRONG WITH CONSUMER CLASS ACTIONS. **AMERICAN ENTERPRISE INSTITUTE**, 2005.

COMPETITION LAWS IN CONFLICT: ANTITRUST JURISDICTION IN THE GLOBAL ECONOMY. Richard A. Epstein and Michael S. Greve, eds. American Enterprise Institute, 2004.

SELL GLOBALLY, TAX LOCALLY: SALES TAX REFORM FOR THE NEW ECONOMY. American Enterprise Institute, 2003.

REAL FEDERALISM: WHY IT MATTERS, HOW IT COULD HAPPEN. American Enterprise Institute, 1999.

THE DEMISE OF ENVIRONMENTALISM IN AMERICAN LAW. American Enterprise Institute, 1996.

ENVIRONMENTAL POLITICS: PUBLIC COSTS, PRIVATE REWARDS. Michael S. Greve and Fred L. Smith, eds. Praeger Publishers, 1992.

Articles

"Preemption in the Rehnquist Court: A Preliminary Empirical Assessment." (With Jonathan Klick.) *Supreme Court Economic Review* (forthcoming, 2005).

"Cartel Federalism? Antitrust Enforcement by State Attorneys General." *72 University of Chicago Law Review* 99 (2005).

"The Term the Constitution Died." *2 Georgetown Journal of Law & Public Policy* 227 (2004).

"Consumer Law, Class Actions, and the Common Law," *7 Chapman Law Review* 155 (2004).

"The Intractable Problem of Antitrust Jurisdiction" (with Richard A. Epstein). In: *Competition Laws in Conflict* (Epstein & Greve, eds.), 1 (American Enterprise Institute, 2004).

"In Defense of Small Steps" (with Richard A. Epstein. In: *Competition Laws in Conflict* (Epstein & Greve, eds.), 333 (American Enterprise Institute, 2004).

"If It Ain't Broke, Why Is Everybody Trying to Fix It? E-Commerce Taxation in a Destination-Based World." In: *WHO RULES THE NET? INTERNET GOVERNANCE AND JURISDICTION*, Clyde Wayne Crews & Adam Thierer, eds., Cato Institute (2003).

"Compacts, Cartels, and Congressional Consent." *68 Missouri Law Review* 285 (2003).

"Federalism's Frontier." *7 Texas Review of Law and Politics* 93 (2002).

"Business, the States, and Federalism's Political Economy." *25 Harvard Journal of Law & Public Policy* 895 (2002).

"Against Cooperative Federalism." *70 Mississippi Law Journal* 557 (2002).

"Federalism Values and Foreign Relations." *2 Chicago Journal of International Law* (2001).

"Friends of the Earth, Foes of Federalism." *11/12 Duke Environmental Law and Policy Forum* (2001).

"Free Speech and Liberal Education." *Academic Questions* Vol. 10 No. 3 (Summer 1997), p. 24.

"Hopwood and Its Consequences." *17 Pace Law Review* 1 (1997).

"Federalism and Judicial Mandates." *28 Arizona State Law Journal* 112 (1996) (contribution to panel discussion; comments).

"Sexual Harassment: Telling the Other Victim's Story." *23 Northern Kentucky Law Review* 523 (1996).

"Environmental Justice or Political Opportunism?" *9 St. John's Journal of Legal Commentary* 475 (1994).

"Civil Rights, Uncivil Speech." 1994 *Public Interest Law Review* 1.

"Factions and the Environment." 21 *Ecology Law Quarterly* 528 (1994).

"Hate Crimes and Hypocrisy." 1992/1993 *Annual Survey of American Law* 563.

"Introduction: Environmental Politics Without Romance." In: Michael S. Greve and Fred L. Smith, editors, ENVIRONMENTAL POLITICS: PUBLIC COSTS, PRIVATE REWARDS), pp. 1-18.

"How to Reform the Endangered Species Act." Claremont Institute Monograph, 1992. 25pp.

"The EPA Rediscovered the Environment." *The American Enterprise* Vol. II No. 6 (Nov./Dec. 1991), pp. 52-61.

"Property Rights at the Bicentennial: Course Correction or Constitutional Revolution?" 25 *Beverly Hills Bar Association Journal* 114 (1991).

"The Private Enforcement of Environmental Law." 65 *Tulane Law Review* 339 (1990).

---- Partially reprinted with comments in: Robert L. Fischman, Maxine L. Lipeles, and Mark S. Squillace, eds., AN ENVIRONMENTAL LAW ANTHOLOGY (Anderson Publishing Co., 1996), pp. 164 – 182.

"Public Law and Judicial Review." 6 *The Journal of Law and Politics* 559 (1990).

"Environmentalism and Bounty Hunting." *The Public Interest* No. 97 (Fall 1989), pp. 15-29.

"The Non-Reformation of Administrative Law: Standing to Sue and Public Interest Litigation in West German Environmental Law." 22 *Cornell International Law Journal* 197 (1989).

"The Private Enforcement of Environmental Law." Part I and II. Washington Legal Foundation, Working Papers Nos. 29 and 30 (1989). 41pp. and 32pp.

Environmentalism and the Rule of Law: Administrative Law and Movement Politics in West Germany and the United States (Diss., Cornell University, 1987).

"Terminating School Desegregation Lawsuits." 7 *Harvard Journal of Law and Public Policy* 303 (1983).

Editorials, Newspaper Articles, Book Reviews

"Three-Piece Suits and Black Robes." *National Review*, Jan. 31, 2005.

"Foreign Headaches." (With Richard A. Epstein) *National Law Journal*, July 12, 2004.

"The Court Decides Anything Goes." *The Chronicle Review*, July 4, 2003.

"A Conservative View of the Court." *National Review*, June 16, 2003.

"Full Faith and Credit: Eulogy for a Lost Clause." *National Law Journal*, May 26, 2003.

"A Poorly Traveled Toad." *National Law Journal*, November 25, 2002.

- "Reviewing Tort Law." *National Law Journal*, September 16, 2002.
- "Reform Free-For-All." *National Law Journal*, June 17, 2002.
- "Federalism on the Bench." *The Weekly Standard*, December 3, 2001.
- "A Post Sept 11 Agenda." *Los Angeles Times*, November 18, 2001.
- "Washington Goes to War." *The Weekly Standard*, November 12, 2001.
- "School Reform Leads to Politics." *Los Angeles Times*, June 24, 2001.
- "The End of Education Reform." *The Weekly Standard*, May 21, 2001.
- "Affirmative Action Is on the Rocks, Thanks to College Leaders." *Chronicle of Higher Education*, April 20, 2001.
- "A Federalism Worth Fighting For." *The Weekly Standard*, January 29, 2001.
- "The Real Division in the Court." *The Weekly Standard*, December 25, 2000.
- "Justice for the NOTA Vote." *National Review Online*, December 12, 2000.
- "The Equal Protection Card." *National Review Online*, December 11, 2000.
- "Collision Court." *Legal Times*, June 12, 2000.
- "Yes, Tax the Net." *Weekly Standard*, May 15, 2000.
- "The Court and its Key Project." *National Review* May 1, 2000.
- "Federalism Is More Than States' Rights." *The Wall Street Journal* July 1, 1999.
- "A River Runs Dry." (Review of William G. Bowen & Derek Bok, *THE SHAPE OF THE RIVER.*) *Policy Review* March-April 1999, pp. 77-82.
- "The Demise of Race-Based Admission Policies." *The Chronicle of Higher Education*, March 19, 1999.
- "The Vanity of Diversity." *The Weekly Standard* July 20, 1998.
- "Vexed By The Text." (Review of Antonin Scalia, *A MATTER OF INTERPRETATION.*) *Reason*, December 1997.
- "Prop 209: A Graceful Exit for the Courts." *Los Angeles Times*, February 14, 1997.
- "Remote Control Tuning For Speech." (Reviewing Owen M. Fiss, *THE IRONY OF FREE SPEECH.*) *Washington Times*, November 10, 1996.
- "Ruling Out Race: A Bold Step to Make Colleges Colorblind." *The Chronicle of Higher Education*, March 29, 1996.
- "Segregation, 90s Style, And How To Fight It." *The Weekly Standard*, December 25, 1995.

"Forcing Free Speech." *Reason*, July 1995.

"The Delegation Dilemma" (Book Review). *Reason*, January 1995.

"Speech Impediments." *National Review*, October 10, 1994.

"Call It What It Is--Censorship." *ABA Journal*, February 1994.

"The Importance of Property Rights." *National Cattleman*, October 1993.

"Rolling Back the Red Carpet." *Coal Voice*, September/October 1993.

"The New Civil Rights Agenda." *The Wall Street Journal*, September 8, 1993.

"What's Wrong With Hate-Crime Laws." *The Wall Street Journal*, April 21, 1993.

"When the Feds Weigh In On PC." (With Joseph A. Shea.) *Legal Times* (Washington), January 25, 1993.

"Law School Enrollment Goals." *ABA Journal*, January 1993.

"The Newest Move in Law Schools' Quota Game." *The Wall Street Journal*, October 5, 1992.

"Recommended Reading: Richard Epstein's FORBIDDEN GROUNDS" (Book Review). *The Federalist Paper*, April 1992.

"Campaigning for Dollars." *Coal Voice*, January/February 1992.

"What If the IRS Played by the EPA's Rules?" *The Wall Street Journal* April 11, 1990. (Reprinted in several trade journals.)

"Clean Break: Enough Superfund Money." *Legal Times* (Washington), January 8, 1990. (Reprinted under different titles in several other legal trade journals.)

"Congress' Environmental Buccaneers." *The Wall Street Journal* September 18, 1989.

"Making the Law Help the Poor." *Philanthropy*, July/August 1989.

"Overruling Runyon?" *ABA Journal*, August 1988.

"Runyon Decision Doesn't Deserve to Stand." *The Wall Street Journal* June 29, 1988.

"Taking the Constitution Seriously" (Book Review.) *The Public Interest* No. 85 (Fall 1985), p.127.

"Willi Brandt and the Sandinistas." *The National Interest* Vol. 1:4 (Summer 1986), pp. 100-103.

"Nuclear Decommissioning: Revenge of the Tortoise." *Regulation*, July/August 1985.

"Germany: The Untouchable Welfare State." (Book Review.) *The Public Interest* No. 80 (Summer 1985), p. 104.

"Greens Against the West." *National Review* Dec. 1984, pp. 22-27.