

April 2024

## DAVID POZEN

<https://www.law.columbia.edu/faculty/david-pozen>

<https://ssrn.com/author=346717>

## EMPLOYMENT

### **Columbia Law School, 2012–present**

- Charles Keller Beekman Professor of Law, 2020–present; Professor of Law, 2016–2020; Associate Professor of Law, 2012–2016
- Visiting Professor of Law, NYU Law School, Spring 2019
- Inaugural Visiting Scholar, Knight First Amendment Institute at Columbia University, 2017–2018
- Courses: Constitutional Law; Drugs and the Law; International Law; Law of Government Secrecy; Nonprofit Law and Policy; Public Law Workshop
- Faculty Honors Award, Columbia Society of International Law, 2013
- Early Career Scholars Medal, American Law Institute, 2019

### **U.S. Department of State, 2010–2012**

- Special Advisor to Legal Adviser Harold Hongju Koh

### **U.S. Supreme Court, 2009–2010**

- Law clerk to Justice John Paul Stevens

### **U.S. Court of Appeals for the D.C. Circuit, 2008–2009**

- Law clerk to Judge Merrick B. Garland

### **Office of Senator Edward M. Kennedy, 2007–2008**

- Special Assistant to Senator Kennedy (Judiciary Committee) and Yale Law School Heyman Fellow
- Lead Senate staffer on State Secrets Protection Act, S. 2533, 110th Congress

## EDUCATION

### **Yale Law School, J.D., 2007**

- Book Reviews Editor, *Yale Law Journal*
- Scharps Prize for best paper by a third-year student (2007)
- Townsend Prize for best paper by a second-year student (2006)
- Cohen Prize for best paper on a subject related to literature and the law (2007)
- Gherini Prize for best paper on international law or conflict of laws (2006)

### **Oxford University, M.Sc. (with Distinction), Comparative Social Policy, 2003**

- Trinity College Graduate Prize for achievement in M.Sc.
- Keasbey Scholarship

### **Yale University, B.A. (*summa cum laude*, Distinction in major), Economics, 2002**

- Phi Beta Kappa, first election
- Nicholas Cup for Trumbull College graduate with highest academic rank
- Dickerman Prize for best undergraduate essay in economics
- Williams Prize for outstanding undergraduate paper on a subject related to China, Japan, or Korea
- Meeker Prize for excellence in English composition

## BOOKS

[THE CONSTITUTION OF THE WAR ON DRUGS](#) (Oxford University Press, 2024)

[THE PERILOUS PUBLIC SQUARE: STRUCTURAL THREATS TO FREE EXPRESSION TODAY](#) (Columbia University Press, 2020) (editor)

[TROUBLING TRANSPARENCY: THE HISTORY AND FUTURE OF FREEDOM OF INFORMATION](#) (Columbia University Press, 2018) (co-editor with Michael Schudson)

## ARTICLES

*Looking for the Public in Public Law*, 92 UNIVERSITY OF CHICAGO LAW REVIEW (forthcoming 2025) (with Nikhil Menezes)

[The Common Law of Constitutional Conventions](#), 112 CALIFORNIA LAW REVIEW (forthcoming 2024) (symposium)

[Structural Biases in Structural Constitutional Law](#), 97 NEW YORK UNIVERSITY LAW REVIEW 59–136 (2022) (with Jonathan S. Gould)

[The Puzzles and Possibilities of Article V](#), 121 COLUMBIA LAW REVIEW 2317–95 (2021) (with Thomas P. Schmidt)

- Downloads of the Year selection, *Legal Theory Blog*

[Anti-Modalities](#), 119 MICHIGAN LAW REVIEW 729–96 (2021) (with Adam M. Samaha)

- Downloads of the Year selection, *Legal Theory Blog*

[Executive Underreach, in Pandemics and Otherwise](#), 114 AMERICAN JOURNAL OF INTERNATIONAL LAW 608–17 (2020) (with Kim Lane Scheppele) (symposium)

[A Computational Analysis of Constitutional Polarization](#), 105 CORNELL LAW REVIEW 1–84 (2019) (with Eric L. Talley & Julian Nyarko)

- Downloads of the Year selection, *Legal Theory Blog*

[A Skeptical View of Information Fiduciaries](#), 133 HARVARD LAW REVIEW 497–541 (2019) (with Lina M. Khan)

- Translated into [Chinese](#)

[The Search for an Egalitarian First Amendment](#), 118 COLUMBIA LAW REVIEW 1953–2010 (2018) (with Jeremy K. Kessler) (symposium)

[Transparency’s Ideological Drift](#), 128 YALE LAW JOURNAL 100–65 (2018)

[How Constitutional Norms Break Down](#), 65 UCLA LAW REVIEW 1430–59 (2018) (with Josh Chafetz) (symposium)

- Translated into [Portuguese](#)

[Asymmetric Constitutional Hardball](#), 118 COLUMBIA LAW REVIEW 915–82 (2018) (with Joseph Fishkin)

[\*Freedom of Information Beyond the Freedom of Information Act\*](#), 165 UNIVERSITY OF PENNSYLVANIA LAW REVIEW 1097–158 (2017)

- Downloads of the Year selection, *Legal Theory Blog*

[\*Working Themselves Impure: A Life Cycle Theory of Legal Theories\*](#), 83 UNIVERSITY OF CHICAGO LAW REVIEW 1819–92 (2016) (with Jeremy K. Kessler)

[\*Constitutional Bad Faith\*](#), 129 HARVARD LAW REVIEW 885–955 (2016)

- Downloads of the Year selection, *Legal Theory Blog*

[\*Privacy-Privacy Tradeoffs\*](#), 83 UNIVERSITY OF CHICAGO LAW REVIEW 221–47 (2016) (symposium)

[\*Uncivil Obedience\*](#), 115 COLUMBIA LAW REVIEW 809–72 (2015) (with Jessica Bulman-Pozen)

- Translated into [Portuguese](#) and [Spanish](#)

[\*Self-Help and the Separation of Powers\*](#), 124 YALE LAW JOURNAL 2–90 (2014)

- Downloads of the Year selection, *Legal Theory Blog*

[\*The Leaky Leviathan: Why the Government Condemns and Condone Unlawful Disclosures of Information\*](#), 127 HARVARD LAW REVIEW 512–635 (2013)

[\*Deep Secrecy\*](#), 62 STANFORD LAW REVIEW 257–339 (2010)

[\*Judicial Elections as Popular Constitutionalism\*](#), 110 COLUMBIA LAW REVIEW 2047–134 (2010)

[\*Building Criminal Capital Behind Bars: Peer Effects in Juvenile Corrections\*](#), 124 QUARTERLY JOURNAL OF ECONOMICS 105–47 (2009) (with Patrick Bayer & Randi Hjalmarsson)

[\*The Irony of Judicial Elections\*](#), 108 COLUMBIA LAW REVIEW 265–330 (2008)

[\*We Are All Entrepreneurs Now\*](#), 43 WAKE FOREST LAW REVIEW 283–340 (2008)

[\*Hidden Foreign Aid\*](#), 8 FLORIDA TAX REVIEW 641–80 (2007)

- International Fiscal Association USA Branch Writing Prize (2007)

[\*Remapping the Charitable Deduction\*](#), 39 CONNECTICUT LAW REVIEW 531–601 (2006)

[\*The Effectiveness of Juvenile Correctional Facilities: Public Versus Private Management\*](#), 48 JOURNAL OF LAW & ECONOMICS 549–89 (2005) (with Patrick Bayer)

Note, [\*The Mosaic Theory, National Security, and the Freedom of Information Act\*](#), 115 YALE LAW JOURNAL 628–79 (2005)

[\*Managing a Correctional Marketplace: Prison Privatization in the United States and the United Kingdom\*](#), 19 JOURNAL OF LAW & POLITICS 253–84 (2003)

## OTHER WORKS

[\*The Shrinking Constitution of Settlement\*](#), 68 DRAKE LAW REVIEW 335–51 (2020) (symposium)

[\*Executive Overreach and Underreach in the Pandemic\*](#), in DEMOCRACY IN TIMES OF PANDEMIC: DIFFERENT FUTURES IMAGINED 38–53 (Miguel Poiares Maduro & Paul W. Kahn eds., 2020) (with Kim Lane Scheppele)

[\*Introduction\*](#), in THE PERILOUS PUBLIC SQUARE: STRUCTURAL THREATS TO FREE EXPRESSION TODAY 1–14 (David E. Pozen ed., 2020)

[\*Seeing Transparency More Clearly\*](#), 80 PUBLIC ADMINISTRATION REVIEW 326–31 (2020)

- Translated into [Spanish](#)

[\*Coda: Edward Snowden, National Security Whistleblowing, and Civil Disobedience\*](#), in WHISTLEBLOWING NATION: THE HISTORY OF NATIONAL SECURITY DISCLOSURES AND THE CULT OF STATE SECRECY 327–37 (Kaeten Mistry & Hannah Gurman eds., 2020)

[\*Hardball and/as Anti-Hardball\*](#), 21 N.Y.U. JOURNAL OF LEGISLATION & PUBLIC POLICY 949–55 (2019) (symposium)

[\*Evaluating Constitutional Hardball: Two Fallacies and a Research Agenda\*](#), 119 COLUMBIA LAW REVIEW ONLINE 158–72 (2019) (with Joseph Fishkin)

[\*Introduction: Troubling Transparency\*](#), in TROUBLING TRANSPARENCY: THE HISTORY AND FUTURE OF FREEDOM OF INFORMATION 1–10 (David E. Pozen & Michael Schudson eds., 2018) (with Michael Schudson)

[\*The Abortion Closet \(with a Note on Rules and Standards\)\*](#), 35 COLUMBIA JOURNAL OF GENDER & LAW 161–66 (2017)

[\*The Rhetorical Presidency Meets the Drone Presidency\*](#), NEW RAMBLER REVIEW (Sept. 30, 2015)

[\*The Influence of Juridical Cant on Edificatory Approaches in 21st-Century America\*](#), 19 GREEN BAG 2D 111–16 (2015)

[\*Are Judicial Elections Democracy-Enhancing?\*](#), in WHAT’S LAW GOT TO DO WITH IT? WHAT JUDGES DO, WHY THEY DO IT, AND WHAT’S AT STAKE 248–77 (Charles Gardner Geyh ed., 2011)

[\*Justice Stevens and the Obligations of Judgment\*](#), 44 LOYOLA OF LOS ANGELES LAW REVIEW 851–62 (2011) (invited celebration essay)

[\*What Happened in Iowa?\*](#), 111 COLUMBIA LAW REVIEW SIDEBAR 90–102 (2011)

[\*The Regulation of Labor and the Relevance of Legal Origin\*](#), 28 COMPARATIVE LABOR LAW & POLICY JOURNAL 43–56 (2007)

- Reprinted in COMPARATIVE LABOUR LAW (Anne Trebilcock ed., 2018)

[\*The Best Defense: Why Elected Courts Should Lead Recusal Reform\*](#), 46 WASHBURN LAW JOURNAL 503–34 (2007) (with Deborah Goldberg & James Sample) (symposium)

[\*Making Judicial Recusal More Rigorous\*](#), JUDGES’ JOURNAL, Winter 2007, at 17–24 (with James Sample)

Comment, [\*Tax Expenditures as Foreign Aid\*](#), 116 YALE LAW JOURNAL 869–80 (2007)

## POPULAR WRITING (SELECTED)

*Do You Have a Constitutional Right to Use Drugs?*, TIME (forthcoming 2024)

*Venerating Constitutional Veneration?*, LAW & POLITICAL ECONOMY BLOG (forthcoming 2024)

[\*A Constitutional Blog in Constitutional Time\*](#), BALKINIZATION (Jan. 21, 2023)

[\*Transparency for a “Sociological Turn,”\*](#) REVISTA DA CGU (Mar. 2022) (interview)

[\*Inside or Outside the Modalities?\*](#), BALKINIZATION (Apr. 21, 2022)

[\*“Truth Drives Out Lies” and Other Misinformation\*](#), KNIGHT FIRST AMEND. INST. (Feb. 9, 2022)

[\*How a Biased Filibuster Hurts Democrats More than Republicans\*](#), THE HILL (Nov. 27, 2021) (with Jonathan Gould)

[\*Is the ERA Part of the Constitution? Depends on Whom You Ask.\*](#), WASHINGTON POST (Nov. 22, 2021) (with Thomas P. Schmidt)

[\*So What Is the ‘McConnell Rule,’ Really?\*](#), TALKING POINTS MEMO (Sept. 22, 2020)

[\*How to Force the White House to Keep Us Safe in a Pandemic\*](#), SLATE (Apr. 6, 2020) (with Jonathan Gould)

[\*Fiduciary Creep\*](#), BALKINIZATION (Mar. 2, 2020)

[\*E.R.A. Puzzles\*](#), BALKINIZATION (Feb. 27, 2020)

[\*They Are Not Your Fiduciaries: Talking to David Pozen\*](#), LOS ANGELES REVIEW OF BOOKS (Jan. 31, 2020) (interview)

[\*The Impeachment Oath and the Article VI Oath\*](#), BALKINIZATION (Dec. 21, 2019)

[\*The Senate Impeachment Trial Could Use a Little Secrecy\*](#), THE ATLANTIC (Dec. 16, 2019) (with Jonathan S. Gould)

[\*What Are the Rules of Soccer?\*](#), BALKINIZATION (June 20, 2019)

- Reprinted in THE JURISPRUDENCE OF SPORT: SPORTS AND GAMES AS LEGAL SYSTEMS (Mitchell N. Berman & Richard D. Friedman eds., 2021)

[\*Republicans and Democrats Are Describing Two Different Constitutions\*](#), THE ATLANTIC (June 2, 2019) (with Eric Talley & Julian Nyarko)

[\*Symposium: A Skeptical View of Information Fiduciaries\*](#), LAW & POLITICAL ECONOMY BLOG (May 28, 2019) (with Lina Khan)

[\*Republicans\['\] Own Constitutional Discourse\*](#), BALKINIZATION (Mar. 12, 2019)

[\*The Tax-Code Shift That’s Changing Liberal Activism\*](#), THE ATLANTIC (Nov. 27, 2018)

[\*Authoritarian Constitutionalism in Facebookland\*](#), BALKINIZATION (Oct. 30, 2018)

[\*Crisis in the Archives\*](#), BALKINIZATION (Sept. 13, 2018)

[\*The Rulification of Penalty Kicks—and a Reform Proposal\*](#), BALKINIZATION (July 23, 2018)

[\*The De-Americanization of Internet Freedom\*](#), LAWFARE (June 13, 2018)

[\*Risk-Risk Tradeoffs in Presidential Impeachment\*](#), TAKE CARE (June 6, 2018)

[\*Intermediary Immunity and Discriminatory Designs\*](#), BALKINIZATION (Apr. 6, 2018)

[\*Solum on Pedantic Originalism\*](#), BALKINIZATION (Apr. 1, 2018)

[\*Explaining the Persistence of “Impure” Legal Theories\*](#), BALKINIZATION (Mar. 16, 2018) (with Jeremy Kessler)

[\*Straining \(Analogies\) to Make Sense of the First Amendment in Cyberspace\*](#), BALKINIZATION (Feb. 26, 2018)

[\*From the Heckler’s Veto to the Provocateur’s Privilege\*](#), BALKINIZATION (Nov. 2, 2017)

[\*The Deceptively Clear Twenty-Fifth Amendment\*](#), NATIONAL CONSTITUTION CENTER (2017)

[\*The Twenty-Fifth Amendment\*](#), NATIONAL CONSTITUTION CENTER (2017) (with Brian C. Kalt)

[\*Some Legal Realism About Legal Theory\*](#), BALKINIZATION (June 29, 2017) (with Jeremy Kessler)

[\*Why Trump’s Disclosure to Russia \(and Urging Comey to Drop the Flynn Investigation, and Various Other Actions\) Could Be Unlawful\*](#), JUST SECURITY (May 17, 2017) (with Marty Lederman)

[\*Rod Rosenstein Pulls a Comey\*](#), LAWFARE (May 11, 2017) (with Daphna Renan)

[\*President Trump’s War on Leaks, Explained\*](#), WASHINGTON POST (Feb. 16, 2017) (Q & A)

[\*5 Questions: Law Prof. David Pozen on Executive Orders, Potential for Constitutional Crisis\*](#), COLUMBIA NEWS (Feb. 10, 2017) (Q & A)

[\*Why G.O.P. Electoral College Members Can Vote Against Trump\*](#), NEW YORK TIMES (Dec. 15, 2016)

[\*The Constitutional Trump Card That Wasn’t Played\*](#), BALKINIZATION (Nov. 16, 2016)

[\*Irresistible Surveillance?\*](#), CONCURRING OPINIONS (Mar. 14, 2016)

[\*The NYPD Found a More Destructive Way of Protesting than Shutting Down Traffic\*](#), GUARDIAN (Jan. 8, 2015) (with Jessica Bulman-Pozen)

[\*Interpretation and Retaliation in the Obama Administration\*](#), JUST SECURITY (June 9, 2014)

[\*Why a Media Shield Law May Be a Sieve\*](#), JUST SECURITY (Oct. 21, 2013)

[\*What Happens When We Actually Catch Edward Snowden?\*](#), LAWFARE (July 15, 2013)

[\*FAIR COURTS: SETTING RECUSAL STANDARDS\*](#) (Brennan Center for Justice, 2008) (with James Sample & Michael Young)

[\*UNFINISHED BUSINESS: NEW YORK STATE LEGISLATIVE RULES REFORM 2006 UPDATE\*](#) (Brennan Center for Justice, 2006) (with Lawrence Norden & Bethany L. Foster)

[\*The Mosaic Theory\*](#), HARTFORD COURANT (Feb. 28, 2006)

[\*The Private, Nonprofit Prison\*](#), BOSTON GLOBE (Feb. 21, 2006)

## PRESENTATIONS AND PARTICIPATIONS

### *Looking for the Public in Public Law*

- Columbia Law School, faculty 10/10 workshop (Oct. 2023)

### *The Common Law of Constitutional Conventions*

- Texas Law School, Constitutional Amendments seminar (Oct. 2024) (scheduled)
- Wisconsin Law School, Public Law in the States conference (May 2024) (scheduled)
- Yale Law School, Democratizing the Law seminar (Mar. 2024)
- Berkeley Law School, Jorde Symposium (Oct. 2023)

### *The Constitution of the War on Drugs*

- Texas Law School, Constitutional Studies Luncheon (Oct. 2024) (scheduled)
- Harvard Law School, Petrie-Flom Center (fall 2024) (scheduled)
- Columbia Center for Contemporary Critical Thought, book talk with Carl Hart (Apr. 2024)
- Columbia Center for Constitutional Governance, book talk with Maia Szalavitz (Apr. 2024)
- Vanderbilt Law School, faculty workshop (Nov. 2023)
- Knight First Amendment Institute, research seminar (Nov. 2023)
- NYU Law School, colloquium on constitutional theory (Oct. 2023)
- Fordham Law School, faculty workshop (Sept. 2023)
- Critical Approaches to Public Law, virtual workshop (Sept. 2022)
- Columbia Law School, faculty 10/10 workshop (Nov. 2021)

### *The Puzzles and Possibilities of Article V*

- Columbia Law School, faculty 10/10 workshop (Sept. 2020)

### *Structural Biases in Structural Constitutional Law*

- Stanford Law School, Constitutional Law Center (Feb. 2022)
- Princeton Gerrymandering Project, Friday Forum (Feb. 2021)
- Villanova Law School, faculty workshop (Aug. 2020)

### *Executive Underreach*

- UC-Hastings Law School, *Constitutional Law Quarterly* symposium (Jan. 2021)
- Maryland Law School, legal theory workshop (Nov. 2020)
- American Society of Comparative Law, annual meeting panel (Oct. 2020)

### *Anti-Modalities*

- NYU Law School, faculty workshop (Feb. 2020)



- Chicago Law School, faculty workshop (Jan. 2020)
- Columbia Law School, faculty 10/10 workshop (Oct. 2019)

#### *A Skeptical View of Information Fiduciaries*

- University of Denver Sturm College of Law, governance workshop (Oct. 2019)
- Maryland Law School, The Constitution and Technology discussion group (Mar. 2019)
- Yale Law School, Freedom of Expression Scholars Conference (Apr. 2019)
- Cornell Tech, Digital Life seminar series (Feb. 2019)

#### *A Computational Analysis of Constitutional Polarization*

- American Law and Economics Association, annual meeting (May 2019)
- Loyola University Chicago School of Law, faculty workshop (Mar. 2019)
- NYU Law School, faculty workshop (Mar. 2019)
- University of Arizona College of Law, faculty workshop (Feb. 2019)
- Columbia Law School, faculty 10/10 workshop (Nov. 2018)
- St. John's Law School, faculty workshop (Oct. 2018)

#### *The Search for an Egalitarian First Amendment*

- Columbia Journalism School, Proseminar in Communications (Dec. 2021)
- Columbia Law School, Antimonopoly reading group (Mar. 2021)
- Columbia Law School, Political Theory and the First Amendment seminar (Dec. 2018)
- Columbia Journalism School, Communications, Knowledge, and Power seminar (Oct. 2018)

#### *How Constitutional Norms Break Down*

- University of Oxford, faculty of law workshop (Nov. 2018)
- Duke Law School, "Constitutional Conventions in the United States and Commonwealth Countries" roundtable (Mar. 2018)
- UCLA Law School, "The Safeguards of Our Constitutional Republic" symposium (Feb. 2018)

#### *Transparency's Ideological Drift*

- *Yale Law Journal*, Contemporary Issues in Legal Scholarship Workshop (Oct. 2018)
- Fundação Getúlio Vargas Law School, Brazil, "Transparency and Watchdog Institutions" conference (May 2017) (keynote address)
- American Civil Liberties Union legal department, national headquarters (May 2017)
- Yale Law School, "Access and Accountability" conference (Oct. 2017) (keynote address)
- Columbia Law School, faculty workshop (Oct. 2017)
- Université de Montréal, "Forum transatlantique sur les droits et libertés" (May 2017) (keynote address)
- Yale Law School, Freedom of Expression Scholars Conference (Apr. 2017)
- University of Agder, Norway, "Transparency and Secrecy in Foreign Policy" conference (Mar. 2017) (keynote address)

#### *Asymmetric Constitutional Hardball*

- NYU Law School, Constitutional Interpretation seminar (Nov. 2020)
- Yale Law School, Supreme Court Alternatives seminar (Feb. 2019)
- Harvard Law School, public law workshop (Mar. 2018)
- *Columbia Law Review*, author talk (Oct. 2017)
- Penn Law School, public law workshop (Oct. 2017)
- Duke Law School, faculty workshop (Sept. 2017)
- Columbia Law School, faculty retreat (Sept. 2017)



*Freedom of Information Beyond the Freedom of Information Act*

- University of Arizona School of Journalism, Art of Access class (Dec. 2021)
- Columbia Journalism School, Transparency and Society seminar (Mar. 2017)
- Loyola Law School, faculty workshop (Sept. 2016)
- Columbia Law School, faculty workshop (Sept. 2016)
- Yale Law School, Freedom of Expression Scholars Conference (May 2016)

*Working Themselves Impure*

- Columbia Law School, faculty 10/10 workshop (Feb. 2016)
- William & Mary Law School, faculty workshop (Dec. 2015)

*Constitutional Bad Faith*

- NYU Law School, public law colloquium (Nov. 2015)
- Temple Law School, faculty workshop (Nov. 2015)
- San Diego Law School, faculty workshop (Oct. 2015)
- UConn Law School, faculty workshop (Sept. 2015)
- Cardozo Law School, faculty workshop (Sept. 2015)
- Columbia Law School, faculty workshop (Apr. 2015)

*Privacy-Privacy Tradeoffs*

- Columbia Law School, faculty retreat (Sept. 2015)
- Chicago Law School, “National Security: The Impact of Technology on the Separation of Powers” symposium (June 2015)

*Uncivil Obedience*

- Cornell Law School, faculty workshop (Feb. 2014)
- UCLA Law School, faculty workshop (Jan. 2014)
- Texas Law School, faculty workshop (Dec. 2014)
- Minnesota Law School, public law workshop (Oct. 2014)
- Wharton Legal Studies and Business Ethics Department, faculty workshop (Sept. 2014)
- Yale Law School, American Constitution Society chapter (Apr. 2014)
- Columbia Law School, faculty 10/10 workshop (Mar. 2014)
- West Virginia University, Applied Ethics Day (Mar. 2014) (endowed annual lecture)

*Self-Help and the Separation of Powers*

- *Yale Law Journal*, reading group (Nov. 2014)
- NYU Law School, Samaha-Sprigman virtual workshop (July 2014)
- UC-Hastings Law School, faculty workshop (Feb. 2014)
- Washington University Law School, faculty workshop (Feb. 2014)
- Columbia Law School, faculty workshop (Sept. 2013)
- Chicago Law School, virtual faculty workshop (July 2013)
- Temple Law School, international law colloquium (Apr. 2013)
- Colorado Law School, Wharton-CU international law works-in-progress conference (Sept. 2012)

*The Leaky Leviathan*

- Columbia Journalism School, Transparency and Society seminar (Oct. 2014)
- Yale Law School, Media Law and Policy reading group (Apr. 2014)
- Columbia Law School, Association of Washington (Oct. 2013)
- Penn Law School, Legal Scholarship and Academic Writing seminar (Oct. 2013)
- Yale Law School, Harvard/Stanford/Yale Junior Faculty Forum (June 2013)

- American University Law School, “The Legal and Civil Policy Implications of ‘Leaks’” conference (Apr. 2013) (keynote address)
- Yale Law School, Center for Global Legal Challenges (Mar. 2013)
- Columbia Law School, faculty workshop (Feb. 2013)
- Duke Law School, faculty workshop (Oct. 2012)
- Harvard Law School, Information Law and Policy class (Oct. 2012)

Other (selected)

- “Turmoil in the Legal Landscape: Effects of Recent Court Decisions on Nonprofits,” National Center on Philanthropy and the Law conference (Oct. 2024) (scheduled) (presenter)
- “The Public’s Right of Access to Court Proceedings,” Columbia Law School conference (May 2024) (scheduled) (panelist)
- Interdisciplinary workshop on the study of nonprofit organizations, Columbia Law School (May 2024) (scheduled) (co-organizer)
- “Government Secrecy and American Democracy,” Columbia School of International and Public Affairs conference (Apr. 2024) (panelist)
- *Columbia Law Review* annual banquet (Apr. 2024) (toastmaster)
- “The Present and Future of the Equal Rights Amendment,” Georgetown University Law Center conference (Apr. 2024) (panelist)
- “Challenges to Constitutional Democracy,” Eric H. Holder Jr. Initiative for Civil and Political Rights (Apr. 2024) (speaker)
- “Investigating the Supreme Court,” Columbia Law School Lawyers, Community, and Impact Series (Jan. 2024) (moderator)
- “Public Access to Court Electronic Records,” Berkeley Law seminar (Jan. 2024) (guest speaker)
- “The Future of Constitutionalism,” Yale Law School workshop (Jan. 2024) (panelist)
- David Schizer book celebration, Columbia Law School (Oct. 2023) (panelist)
- “The Constitution and Political Economy,” Columbia Law School and American Constitution Society conference (Mar. 2023) (panelist)
- “Judicial, Legislative, and Constitutional Supremacy,” Columbia Law School Federalist Society event with Lawrence Solum (Feb. 2023) (commentator)
- “Constitutional Amendments,” Brennan Center for Justice conference (Feb. 2023) (panelist)
- “Protecting and Perfecting Democracy Through Formal Constitutional Change?” Columbia Law School and Protect Democracy conference (Feb. 2023) (co-organizer)
- “Protecting Democracy in the Age of Trump and Beyond,” Columbia Law School Constitutional Democracy Initiative (Feb. 2023) (panelist)
- “Secrecy, Accountability, and the National Security State,” Princeton University seminar (Feb. 2023) (guest speaker)
- “Studying Courts,” Columbia Law School Beyond the Casebook series (Jan. 2023) (panelist)
- “Abortion as the Curriculum,” Columbia Law School Center for Gender & Sexuality Law (Oct. 2022) (panelist)
- “Can Democracy Survive the Internet?” Columbia Law School faculty retreat (Sept. 2022) (panelist)
- American Law and Economics Association annual meeting, Constitutional Law and Public Choice (Aug. 2022) (area organizer)
- “Executives and Emergencies,” Humboldt University of Berlin conference (July 2022) (panelist)
- American Law Institute annual meeting, Early Career Scholars Medal presentation (May 2022) (speaker)
- Equal Rights Amendment, Columbia Center for Gender & Sexuality Law and *Columbia Journal of Gender & Law* symposium (Mar. 2022) (speaker)
- “Lies and the Law,” Knight First Amendment Institute roundtable (Feb. 2022) (panelist)

- “Supreme Court Reform,” Columbia Law School Lawyers, Community, and Impact Series (Jan. 2022) (moderator)
- “State Secrecy,” International Conference of Information Commissioners conference (Oct. 2021) (panelist)
- “Defending (and Achieving?) Democracy,” Columbia Law School Lawyers, Community, and Impact Series (Oct. 2021) (moderator)
- “Comparative Constitutional Law of the Global South,” Columbia Law School workshop (June 2021) (commentator)
- “Fighting Systemic Racism: Law School and Community Partnerships,” New York State Permanent Commission on Access to Justice conference (June 2021) (moderator)
- “Public Law in the States,” University of Wisconsin Law School conference (June 2021) (moderator)
- “The First 30 Days, Forward,” Columbia Law School Lawyers, Community, and Impact Series (Feb. 2021) (panelist)
- “National Security, Whistleblowers, and the First Amendment,” *First Amendment Law Review* symposium (Jan. 2021) (panelist)
- “Insurrection and Impeachment,” Columbia Law School Lawyers, Community, and Impact Series (Jan. 2021) (moderator)
- “Perilous Public Square,” Columbia Global Book Series (Dec. 2020) (panelist)
- “The Day After the 2020 Presidential Election—What’s Next?” Columbia Law School Lawyers, Community, and Impact Series (Nov. 2020) (moderator)
- “Is Court Packing the Answer to a Conservative Court?” Bloomberg Law podcast (Oct. 2020) (speaker)
- “The Pandemic, the President, and the 25th Amendment,” National Constitution Center “We the People” podcast (Oct. 2020) (speaker)
- “Constitutional Norms, Constitutional Conflict, and Informal Constitutional Change,” New-York Historical Society Institute for Constitutional History seminar (Fall 2020) (co-leader)
- Michael Graetz book celebration, Columbia Law School (Sept. 2020) (panelist)
- “Ratification of the Equal Rights Amendment,” Columbia Law School public law workshop (June 2020) (presenter)
- “The Politics of Judicial Nominations in an Age of Mistrust,” Princeton University conference (Mar. 2020) (panelist)
- “Abusive Constitutional Borrowing,” Rosalind Dixon and David Landau book roundtable, Columbia Law School (Jan. 2020) (participant)
- “Constitutional Hardball,” Bright Line Watch conference, Harvard University (Dec. 2019) (participant)
- “Not Your Father’s First Amendment,” *Drexel Law Review* symposium (Nov. 2019) (panelist)
- “*Abrams* at 100,” Columbia Law School and Knight First Amendment Institute symposium (Nov. 2019) (moderator)
- “Remembering Justice Stevens with His Clerks,” Yale Law School American Constitution Society event (Nov. 2019) (panelist)
- “The Future of Supreme Court Nominations,” Columbia Law School American Constitution Society event (Nov. 2019) (speaker)
- Julie Cohen book talk, American Constitution Society and Knight First Amendment Institute event (Oct. 2019) (discussant)
- “Accountability in the Trump Era,” Yale Law School Access and Accountability conference (Oct. 2019) (panelist)
- “Transparency, Secrecy, and Monitoring in Foreign Relations Law,” Duke-Virginia Foreign Relations Law Roundtable (Sept. 2019) (participant)
- “Democracy and Dystopia,” Drake University Constitutional Law Center conference (Sept. 2019) (speaker)

- “Sixth Global Conference on Transparency Research,” Getulio Vargas Foundation, Brazil (June 2019) (keynote speaker)
- Emoluments Clauses litigation against President Trump, Columbia Law School public law workshop (June 2019) (presenter)
- “Democracy Deepening and Constitutional Reform,” Law and Political Economy Project convening (participant)
- “May Gathering,” colloquium sponsored by the Karsh Center for Law and Democracy, University of Virginia (May 2019) (participant)
- Political Economy panel, American Law and Economics Association annual meeting (chair)
- Vigjilence Abazi book celebration, Yale Law School (Apr. 2019) (panelist)
- “Originalism: A Debate,” NYU Law School American Constitution Society and Federalist Society debate (Apr. 2019) (participant)
- “Should the Left Play Constitutional Hardball?” Yale Law School American Constitution Society event (Feb. 2019) (speaker)
- “Reclaiming—and Restoring—Constitutional Norms,” *Texas Law Review* symposium (Feb. 2019) (panelist)
- “Supreme Court Reform Strategy Session,” American Constitution Society and Brennan Center for Justice convening (Dec. 2018) (participant)
- “The Senate’s (Changing) Role in Judicial Confirmations,” *NYU Journal of Legislation & Public Policy* symposium (Nov. 2018) (panelist)
- “Revisiting *Bob Jones University*,” National Center on Philanthropy and the Law conference (Oct. 2018) (commentator)
- National security journalism panel, NYU Center on Law and Security (Oct. 2018) (speaker)
- “A First Amendment for All? Free Expression in an Age of Inequality,” *Columbia Law Review* symposium (Mar. 2018) (faculty cosponsor)
- “Are Troll Armies Killing Free Speech?” Knight First Amendment Institute at Columbia University event (Nov. 2017) (moderator)
- “Why Can’t the Court Get the Fourteenth Amendment Right?” Columbia Law School Federalist Society event with Roger Pilon (Nov. 2017) (commentator)
- Josh Chafetz book celebration, Cornell Law School (Nov. 2017) (panelist)
- “The Trump Administration’s Approach to Judicial Selection,” Columbia Law School Federalist Society event with Leonard Leo (Sept. 2017) (commentator)
- “An Update on Recent Developments in Law and Politics,” Columbia Law School Lawyers, Community, and Impact Series (Sept. 2017) (panelist)
- “The Future of Law and Economics,” conference at Boston University in honor of Guido Calabresi (June 2017) (commentator)
- “Economic Constitutionalism in Comparative Perspective,” Columbia Center for Constitutional Governance conference (Apr. 2017) (commentator)
- “Article I and the Role of Congress,” National Constitution Center “We the People” podcast (Apr. 2017) (speaker)
- “Education, Equality, and the Law in the United States Today,” *Columbia Law Review* symposium (Mar. 2017) (moderator)
- Carol Sanger book celebration, Columbia Law School (Mar. 2017) (panelist)
- “In re *Judith Miller*—National Security and the Reporter’s Privilege,” Historical Society of the District of Columbia Circuit case reenactment (Feb. 2017) (presenter and panelist)
- “Executive Orders, Immigration, and Our Community,” Columbia University Life Forum (Feb. 2017) (panelist)
- “Article I Careers,” Columbia Law School Federalist Society event with Gregg Nunziata (Jan. 2017) (commentator)
- “What’s the Role of Constitutional Theory?” Columbia Law School Center for Constitutional Governance conference (Nov. 2016) (co-organizer)

- “Against ‘National Security,’” Columbia Law School address by Ben Wizner (Nov. 2016) (moderator)
- “Fixing the Court,” Columbia Law School American Constitution Society event (Oct. 2016) (panelist)
- Roundtable on mindfulness and law with New York’s Attorney General, Columbia Law School (Oct. 2016) (panelist)
- “The President and Immigration Law,” Adam Cox and Cristina Rodríguez book roundtable, NYU Law School (Aug. 2016) (participant)
- “FOIA at Fifty,” The Eleventh HOPE conference (July 2016) (speaker)
- National security law works-in-progress conference, Columbia Law School (July 2015) (co-organizer)
- “FOIA@50,” interdisciplinary conference at Columbia University (June 2016) (co-organizer)
- Roundtable discussion on surveillance with the First Inquiry Committee of the German Bundestag, Germany Embassy in Washington, DC (May 2016) (participant)
- “The Constitution and Economic Inequality,” Columbia Center for Constitutional Governance conference (Mar. 2016) (moderator)
- “Supreme Ambitions,” Columbia Law School Federalist Society event with David Lat (Feb. 2016) (commentator)
- Bernard Harcourt book celebration, Columbia Law School (Jan. 2016) (panelist)
- “The Constitutionality of President Obama’s Executive Order on Immigration,” Columbia Law School Federalist Society event (Nov. 2015) (commentator)
- Ira C. Rothgerber conference on presidential interpretation, Colorado Law School (Oct. 2015) (participant)
- Columbia Law School 1L welcome dinner (Sept. 2015) (faculty speaker)
- “Williams-Yulee v. Florida Bar,” Columbia Law School public law workshop (July 2015) (presenter)
- National security law works-in-progress conference, Columbia Law School (July 2015) (co-organizer)
- “Privacy and Transparency: Looking Ahead,” Columbia Law School alumni reunion (June 2015) (moderator)
- *Columbia Law Review* annual banquet (Apr. 2015) (toastmaster)
- “The Constitutionality of the Rational Basis Test,” Columbia Law School Federalist Society event (Apr. 2015) (commentator)
- “Administration in an Age of Dysfunction,” Columbia Center for Constitutional Governance conference (Apr. 2015) (panelist)
- “The Natural Rights Foundations of the Constitution,” Columbia Law School Federalist Society event (Mar. 2015) (commentator)
- “Picking Judges,” Yale Law School alumni reunion (Oct. 2014) (panelist)
- “Yale-Duke Foreign Relations Law Roundtable,” Yale Law School (Oct. 2014) (participant)
- “Whistleblowers: Dissenters, Advocates, Criminals, or Loyalists?” Fordham Law School and PEN American Center forum (Mar. 2014) (panelist)
- “NSA Surveillance,” Columbia Law School Federalist Society event (Feb. 2014) (commentator)
- “Popular Sovereignty and Judicial Review,” Columbia Law School Federalist Society event (Jan. 2014) (commentator)
- “National Security and Pervasive Surveillance,” Harvard Berkman Center for Internet and Society workshop (Dec. 2013) (participant)
- “Transparency and Publicity in Deliberative Democracy,” Penn Law School conference (Nov. 2013) (participant)
- “NSA Wiretapping and the Constitution,” Columbia Law School Federalist Society and Society for Law, Science, and Technology event (Oct. 2013) (commentator)

- “Unprecedented: The Inside Story of the Constitutional Challenge to Obamacare,” Columbia Law School Federalist Society event (Sept. 2013) (commentator)
- “Agency for International Development v. Alliance for Open Society International, Inc.,” Columbia Law School public law workshop (Aug. 2013) (presenter)
- National security law works-in-progress conference, Columbia Law School (July 2013) (co-organizer)
- “The Declassification Engine,” Columbia University conference (May 2013) (presenter)
- “Freedom of Expression Scholars Conference,” Yale Law School (May 2013) (commentator)
- “The Story of the State Secrets Protection Act,” Yale Law School Foreign Relations and National Security Law class (Apr. 2013) (presenter)
- “Electing Judges: Should Judges Answer to the Voters?” Columbia Law School Federalist Society event (Apr. 2013) (commentator)
- “Use of Armed Drones in Counterterrorism Operations,” Columbia Law School Federalist Society and Civil Rights Law Society event (Mar. 2013) (moderator)
- “Lifting the Veil: The Challenge of Covering Secret Government Activities,” Columbia Law School discussion with Charlie Savage and Scott Shane (Dec. 2012) (organizer and moderator)
- “Government, Secrecy, and National Security,” Fordham Law School conference (Oct. 2012) (panelist)
- “Are Government Institutions Constrained by Law?” Columbia Law School workshop (Sept. 2012) (participant)
- “Arizona v. United States,” Columbia Law School public law workshop (Aug. 2012) (presenter)
- National security law works-in-progress conference, Columbia Law School (July 2012) (commentator)
- “Countermajoritarianism and the Courts,” Texas Law School conference (Mar. 2012) (presenter)

### **UNIVERSITY SERVICE**

- Law school committees chaired: Anti-Racism (2020–2022); Appointments, Entry-Level (2016–2018); Careers in Law Teaching (2013–2014) (co-chair); Mentorship (2020–2022)
- Vice Dean for Intellectual Life, 2020–2022
- Other service: Rules of University Conduct Committee (2024–present); Communications PhD advisory subcommittee (2013–present); Data Science & International Security faculty group (2013–2014); co-organizer, FOIA@50 conference (June 2016); cofounder, CLS moot workshop (inaugurated 2014); co-convener, CLS summer public law workshop (2016–present)

### **ADDITIONAL LAW-RELATED ACTIVITIES**

- Member, District of Columbia and Massachusetts bars
- Member, History Lab steering committee
- Academic advisor, ERA Project at Columbia Law School’s Center for Gender and Sexuality Law
- Academic advisor, Knight First Amendment Institute at Columbia University
- Occasional reviewer: *American Economic Review*; *American Journal of Law & Medicine*; *California Law Review*; *Columbia Law Review*; *Harvard Law Review*; *Information Polity*; *Journal of Ethics & Social Philosophy*; *Journal of Law & Courts*; *Journal of Legal Analysis*; *Journal of Legal Studies*; *Modern Intellectual History*; *Perspectives on Public Management & Governance*; *Public Administration Review*; *Stanford Law Review*; *Theory, Culture & Society*; *UNSW Law Journal*; *Yale Law Journal*; Cambridge University Press; MIT Press; Oxford University Press; Stanford University Press; University of Chicago Press; Yale University Press; Israel Science Foundation; NSF Science & Society Program; Russell Sage Foundation