

## NELSON LUND

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## WORK

**George Mason University School of Law**

Patrick Henry Professor of Constitutional Law and the Second Amendment

Vice Dean, 2006-2007

Foundation Professor of Law, 2002-2003

Acting Associate Dean for Academic Affairs, 1996-1998

Professor of Law, 1995-2002

Associate Professor of Law, 1992-1995

***Supreme Court Economic Review***

Co-Editor, 1994-1998, 2000-2001

Consulting Editor, 1998-2000

Executive Editor, 1992-1994

**The White House**

Associate Counsel to the President, 1989-1992

**Honorable Sandra Day O'Connor**

United States Supreme Court

Law Clerk, O.T. 1987

**Office of Legal Counsel**

United States Department of Justice

Attorney-Advisor, 1986-1987

**Honorable Patrick E. Higginbotham**

United States Court of Appeals for the Fifth Circuit

Law Clerk, 1985-1986

**Office of the Solicitor General**  
United States Department of Justice  
Summer Intern, 1985

**Reuben & Proctor** (now defunct)  
Chicago, Illinois  
Summer Associate, 1984

**Mid-America Legal Foundation**  
Chicago, Illinois  
Summer Intern, 1983

**University of Chicago**  
Humanities Collegiate Division  
William Rainey Harper Instructor, 1981-1982

## **PUBLIC SERVICE**

**Commission on Federal Election Reform**  
Jimmy Carter and James A. Baker, III, co-chairs  
Commission Member, 2005

**Center for Legal and Judicial Studies**  
Heritage Foundation  
Legal Advisory Board, 2001-present

**Virginia Institute for Public Policy**  
Board of Scholars, 2000-present

***Journal of Law and Politics***  
Board of Academic Advisors, 2001-present

**Governor's Advisory Council on Self-Determination and Federalism**  
Commonwealth of Virginia, 1994-1996

## SCHOOLING

### **University of Chicago Law School**

J.D. *Cum laude* 1985

Order of the Coif

Executive Editor, *University of Chicago Law Review*

Chapter Chairman, Federalist Society for Law & Public Policy

### **Harvard University**

Ph.D. (Political Science) 1981

A.M. (Political Science) 1979

### **Catholic University of America, School of Philosophy**

M.A. (Philosophy) 1978

### **St. John's College, Annapolis, Maryland**

B.A. *Magna cum laude* (Liberal Arts) 1974

## PUBLICATIONS

### **Second Amendment and Firearms Regulation**

Symposium on “Rearming: The D.C. Gun Ban Gets Overruled,” National Review Online, March 12, 2007:

[

[<http://article.nationalreview.com/?q=MzVIYTU4NmFmMzI3MDkxMzg0MjUwZDVmY2YxM2I5YmU>]

*Have Gun, Can't Travel: The Right to Arms under the Privileges and Immunities Clause of Article IV*, 73 UMKC LAW REVIEW 951 (2005)

*The Second Amendment*, THE HERITAGE GUIDE TO THE CONSTITUTION, Matthew Spalding and David Forte, eds. (Regnery 2005)

*Putting the Second Amendment to Sleep* (book review), 8 GREEN BAG 2D 101 (2004)

*Federalism and the Constitutional Right to Keep and Bear Arms*, 33 PUBLIUS: THE JOURNAL OF FEDERALISM, No. 3, at 63 (Summer 2003)

*Will Supreme Court Rule Correctly on Second Amendment?: Ninth Circuit Denies*

*Individual Right to Bear Arms*, HUMAN EVENTS, January 6, 2003, at 18

*A Primer on the Constitutional Right to Keep and Bear Arms*, Policy Paper No. 7, Virginia Institute for Public Policy (June, 2002)

[[http://www.virginia institute.org/publications/primer\\_on\\_const.php](http://www.virginia institute.org/publications/primer_on_const.php)]

*Second Amendment Victory: People Really Do Have a Right to Keep and Bear Arms*, Interrogatory with Kathryn Jean Lopez, National Review Online, October 18, 2001

*Outsider Views on Guns and the Constitution* (book review), 17 CONSTITUTIONAL COMMENTARY 1701 (2000)

*Taking the Second Amendment Seriously*, THE WEEKLY STANDARD, July 24, 2000, at 21

*Firearms Litigation, Tort Liability, and the Second Amendment*, 3 CIVIL RIGHTS NEWS No. 3, at 1 (E. L. Wiegand Practice Groups of the Federalist Society, Winter, 2000)

*The Ends of Second Amendment Jurisprudence: Firearms Disabilities and Domestic Violence Restraining Orders*, 4 TEXAS REVIEW OF LAW & POLITICS 157 (1999)

*Second Amendment Decision Breaks New Ground*, 3 CIVIL RIGHTS NEWS No. 1, at 10 (E. L. Wiegand Practice Groups of the Federalist Society, Spring 1998)

*Gunning Down Crime: The Statistics of Concealed Weapons* (book review), THE WEEKLY STANDARD, June 1, 1998, at 35

*Firearms and Tort Law*, 2 LITIGATION NEWS No. 1, at 1 (E. L. Wiegand Practice Groups of the Federalist Society, Spring 1998)

*The Past and Future of the Individual's Right to Arms*, 31 GEORGIA LAW REVIEW 1 (1996)

*The Second Amendment, Political Liberty, and the Right to Self Preservation*, 39 ALABAMA LAW REVIEW 103 (1987)

(reprinted in 2 Robert J. Cottrol, ed., GUN CONTROL AND THE

CONSTITUTION (Garland, 1993))

## **Federalism and Separation of Powers**

*ABandoning the Constitution*, (with Craig S. Lerner), NATIONAL REVIEW ONLINE, August 10, 2006

*Is Constitution Day Constitutional?*, 9 GREEN BAG 2D 247 (2006)

*Precedent Bound?* (with Craig S. Lerner), NATIONAL REVIEW ONLINE, March 6, 2006

*Fig Leaf Federalism and Tenth Amendment Exceptionalism*, 22 CONSTITUTIONAL COMMENTARY 11 (2005)

*The Uniformity Clause and The Port Preference Clause*, THE HERITAGE GUIDE TO THE CONSTITUTION, Matthew Spalding and David Forte, eds. (Regnery 2005)

*Putting Federalism to Sleep: The Wrong Way to Argue Against Assisted Suicide*, THE WEEKLY STANDARD, October 31, 2005

*Supreme Choice . . . With Encore*, WASHINGTON TIMES, September 23, 2005, at A21

*Lawrence v. Texas and Judicial Hubris* (with John O. McGinnis), 102 MICHIGAN LAW REVIEW 1555 (2004)

*Federalism and the Constitutional Right to Keep and Bear Arms*, 33 PUBLIUS: THE JOURNAL OF FEDERALISM, No. 3, at 63 (Summer 2003)

*Roe v. Wade & Bush v. Gore: Making Judicial Activism “Mainstream,”* National Review Online, May 19, 2003

[<http://www.nationalreview.com/comment/comment-lund051903.asp>]

Reprinted: 29 HUMAN LIFE REVIEW No. 2, Spring, 2003, at 99

*Politicians in Robes: The Supreme Court’s Smoke Filled Room*, Virginia Viewpoint, Virginia Institute for Public Policy (August, 2003)

*Why Ashcroft is Wrong on Assisted Suicide*, COMMENTARY (Feb. 2002), at 50 and response to critics, COMMENTARY (May 2002), at 12

*Executive Power and Governmental Attorney-Client Privilege: The Clinton Legacy* (with Douglas R. Cox), 17 JOURNAL OF LAW & POLITICS 631 (2001)

*Why Ray Made the Deal: The Self-Pardon Card*, National Review Online, January 20, 2001 [<http://www.nationalreview.com/comment/commentprint012001g.html>]

*Judicial Management of the Separation of Powers: Recent Trends*, in B. Wilson & K. Masugi, eds., THE SUPREME COURT AND AMERICAN CONSTITUTIONALISM (Rowman & Littlefield, 1997)

*Federalism and Civil Liberties*, 45 UNIVERSITY OF KANSAS LAW REVIEW 1045 (1997)

*The Mandate Hoax of 1995*, NATIONAL REVIEW, Nov. 27, 1995, at 52

*Political Science and Political Weapons*, 11 JOURNAL OF LAW & POLITICS 537 (1995)

*Lawyers and the Defense of the Presidency*, 1995 BRIGHAM YOUNG UNIVERSITY LAW REVIEW 17

*Guardians of the Presidency: The Office of the Counsel to the President and the Office of Legal Counsel*, in C. Clayton, ed., GOVERNMENT LAWYERS: THE FEDERAL LEGAL BUREAUCRACY AND PRESIDENTIAL POLITICS (University of Kansas Press, 1995)

*Rational Choice at the Office of Legal Counsel*, 15 CARDOZO LAW REVIEW 437 (1993)

*Congressional Power over Taxation and Commerce: The Supreme's Court Lost Chance to Devise a Consistent Doctrine*, 18 TEXAS TECH LAW REVIEW 729 (1987)

Comment, *The Uniformity Clause*, 51 UNIVERSITY OF CHICAGO LAW REVIEW 1193 (1984)

## **Civil Rights**

*A Constitutional Right to Self Defense?*, 2 JOURNAL OF LAW, ECONOMICS & POLICY 213 (2006)

*The Rehnquist Court's Pragmatic Approach to Civil Rights*, 99 NORTHWESTERN UNIVERSITY LAW REVIEW 249 (2004)

*Racial Profiling and the War on Terrorism*, 4 ENGAGE: THE JOURNAL OF THE FEDERALIST SOCIETY'S PRACTICE GROUPS No. 2, at 14 (October, 2003)

*The Future of Racial Profiling in the War on Terrorism*, 2 The CIP Report, No. 2, Aug. 2003, at 7

*The Conservative Case Against Racial Profiling in the War on Terrorism*, 66 ALBANY L. REV. 329 (2003)

*Illusions of Antidiscrimination Law*, in Abigail Thernstrom & Stephan Thernstrom, eds., BEYOND THE COLOR LINE: NEW PERSPECTIVES ON RACE AND ETHNICITY IN AMERICA (Hoover Institution Press, 2002)

*The Law of Affirmative Action in and after the Civil Rights Act of 1991: Congress Invites Judicial Reform*, 6 GEORGE MASON LAW REVIEW 87 (1997)

*The Constitution, the Supreme Court, and Racial Politics*, 12 GEORGIA STATE LAW REVIEW 1129 (1996)

*In Defense of Colorblindness* (book review), WALL STREET JOURNAL, March 22, 1996, at A10

*Retroactivity, Institutional Incentives, and the Politics of Civil Rights*, 1995 PUBLIC INTEREST LAW REVIEW 87

*Reforming Affirmative Action: How to Restore the Law of Equal Treatment*, Heritage Foundation Report to Congress (August 2, 1995)

*Congressional Self-Exemption from the Employment Discrimination Laws: A Rational Choice Analysis of the Civil Rights Act of 1991*, 54 LOUISIANA LAW REVIEW 1559 (1994)

(reprinted in Roger Clegg, ed., THE CIVIL RIGHTS ACT OF 1991: A SYMPOSIUM, National Legal Center for the Public Interest 1994))

## **Election Law**

*Bush v. Gore: The Question of Legitimacy* (book review), 4 ENGAGE: THE JOURNAL OF THE FEDERALIST SOCIETY'S PRACTICE GROUPS No. 1, at 154 (May, 2003)

*Carnival of Mirrors: Professor Tribe's "Unbearable Wrongness,"* 19 CONSTITUTIONAL COMMENTARY 609 (2002)

*"EQUAL PROTECTION, MY ASS!": Bush v. Gore and Laurence Tribe's Hall of Mirrors,* 19 CONSTITUTIONAL COMMENTARY 543 (2002)

*The Replacements,* WALL STREET JOURNAL, October 12, 2002, at A12

*Applying Law to the Political Process,* 3 ENGAGE: THE JOURNAL OF THE FEDERALIST SOCIETY'S PRACTICE GROUPS 24-26 (August 2002).

*Response to Gary Rosen on "Bush v. Gore,"* COMMENTARY (March 2002), at 12

*The Unbearable Rightness of Bush v. Gore,* 23 CARDOZO LAW REVIEW 1219 (2002)

*The Unbearable Rightness of Bush v. Gore,* in Arthur J. Jacobson & Michel Rosenfeld, eds., THE LONGEST NIGHT: POLEMICS AND PERSPECTIVES ON ELECTION 2000 (University of California Press, 2002)

*An Act of Courage,* THE WEEKLY STANDARD, December 25, 2000, at 19

(reprinted in E.J. Dionne Jr. & William Kristol, eds., BUSH V GORE: THE COURT CASES AND THE COMMENTARY (Brookings Institution Press, 2001))

*Travesty in Tallahassee,* THE WEEKLY STANDARD, December 18, 2000, at 17

*Supreme Court's Not the Last Word,* NEW YORK POST, December 4, 2000, at 31

*Courts Don't Own the Law,* NEW YORK POST, November 20, 2000, at 29

## **Jurisprudence and Political Philosophy**

*A Libertarian Constitution* (book review), CLAREMONT REVIEW OF BOOKS, Vol. 5, No. 2 (Spring 2005), at 47



*Rousseau and Direct Democracy (with a Note on the Supreme Court's Term Limits Decision)*, 13 JOURNAL OF CONTEMPORARY LEGAL ISSUES 459 (2004)

*Capital Punishment in America* (book review), 149 PUBLIC INTEREST 122 (Fall 2002)

*Landmarks of Constitutional Interpretation* (with Charles J. Cooper), 40 POLICY REVIEW 10 (1987)

*Philosophy and Public Policy* (book review), ST. JOHN'S REVIEW (Autumn 1981)

*Guardian Politics in 'The Deer Hunter'* (1978), ST. JOHN'S REVIEW (Winter 1981)

*Sex and Language in Rousseau's Account of Human Origins* (doctoral dissertation, Harvard University 1981)

## **Bioethics**

*Putting Federalism to Sleep: The Wrong Way to Argue Against Assisted Suicide*, THE WEEKLY STANDARD, October 31, 2005

*Why Ashcroft is Wrong on Assisted Suicide*, COMMENTARY (Feb. 2002), at 50 and response to critics, COMMENTARY (May 2002), at 12

(reprinted *sub nom. The Federal Government's Attempt to Ban Assisted Suicide Threatens Federalism*, in ASSISTED SUICIDE (Greenhaven Press, 2005))

*Biology Takes On Its Own Form of Morality* (correspondence), NEW YORK TIMES, June 5, 1998, at A18

*Two Precipices, One Chasm: The Economics of Physician-Assisted Suicide and Euthanasia*, 24 HASTINGS CONSTITUTIONAL LAW QUARTERLY 903 (1997)

*Down Kevorkian's Slope* (book review), THE WEEKLY STANDARD, July 28, 1997, at 34

*Assisted Suicide is Death Knell to Doctor Ethics*, INSIGHT MAGAZINE, at 30 (Feb. 10, 1997)

*Courting Death: Assisted Suicide, Doctors, and the Law* (with Leon R. Kass),

COMMENTARY (Dec. 1996), at 17

(reprinted in part in EUTHANASIA: OPPOSING VIEWPOINTS (Greenhaven Press, 1999))

*Physician-Assisted Suicide, Medical Ethics and the Future of the Medical Profession* (with Leon R. Kass), 35 DUQUESNE LAW REVIEW 395 (1996)

*Infanticide, Physicians, and the Law: The 'Baby Doe' Amendments to the Child Abuse Prevention and Treatment Act*, 11 AMERICAN JOURNAL OF LAW AND MEDICINE 1 (1985)

### **Legal Ethics and Professional Responsibility**

*Executive Power and Governmental Attorney-Client Privilege: The Clinton Legacy* (with Douglas R. Cox), 17 JOURNAL OF LAW & POLITICS 631 (2001)

*The President as Client and the Ethics of the President's Lawyers*, 61 LAW AND CONTEMPORARY PROBLEMS No. 2, at 65 (1998)

## **GOVERNMENT TESTIMONY**

"The Confidentiality Dispute between Vice President Cheney and the Comptroller General," Testimony Before the Committee on the Judiciary, United States Senate, "Accountability Issues: Lessons Learned From Enron's Fall," February 6, 2002

"Procedures for State Initiation of Constitutional Amendments," Testimony before the Subcommittee on the Constitution of the Committee on the Judiciary, U.S. House of Representatives, March 25, 1998

"The Tenth Amendment Enforcement Act of 1996," Testimony before the Committee on Governmental Affairs, United States Senate, March 21, 1996

"Federalism and Congressional Incentives," Testimony before the Committee on the Budget, United States House of Representatives, March 5, 1996

"Recent Congressional Actions on the Balanced Budget and Unfunded Mandates," Report to the Inaugural Meeting of Governor Allen's Advisory Council on Self-

Determination and Federalism, February 23, 1995

“Constitutional Considerations in Applying the Employment Laws to Congress,”  
Testimony before the Committee on House Administration, United States House of  
Representatives, June 30, 1994

“Applying the Employment Laws to Congress: Constitutional Considerations,”  
Testimony before the Committee on Governmental Affairs, United States Senate,  
June 29, 1994

Roundtable on the Voting Rights Act of 1965, Subcommittee on Civil and  
Constitutional Rights of the Committee on the Judiciary, U.S. House of  
Representatives, May 11, 1994

“The Constitutionality of Extending the Federal Employment Laws to Congress,”  
Testimony before the Joint Committee on the Organization of Congress, United  
States Congress, June 8, 1993

## **ACADEMIC PRESENTATIONS**

“The Second Amendment Today,” Rutherford Institute, Charlottesville, Virginia,  
July 17, 2007

Lecture, “The Second Amendment and the *Parker* decision from the D.C. Circuit,”  
National Firearms Law Seminar, St. Louis, Missouri, April 13, 2007

“Presidential Signing Statements and the President’s Obligations as an Interpreter  
of Statutes,” Conference: The Last Word? The Constitutional Implications of  
Presidential Signing Statements, *William & Mary Bill of Rights Journal*,  
Williamsburg, Virginia, February 3, 2007

Participant, Liberty Fund Conference, “Supermajority Rules as an Institution of  
Liberty,” Chicago, Illinois January 19-20, 2007

Panelist, “The Virginia Constitution: the Proposed Amendment on Marriage and  
its Effect on Other Agreements,” with Cato Institute Senior Fellow in  
Constitutional Studies Mark Moller and Professor Joyce Lee Malcolm  
(moderator), cosponsored by the *Civil Rights Law Journal*, the Federalist Society,  
and the Gay, Lesbian, and Bisexual Law Association, George Mason University

School of Law, Arlington, Virginia, November 1, 2006

Panelist, "Current Second Amendment Scholarship," Firearms Law & the Second Amendment Symposium, sponsored by Law Students for the Second Amendment, George Mason University School of Law, Arlington, Virginia, October 7, 2006

"The Second Amendment," Rutherford Institute, Charlottesville, Virginia, June 27, 2006

Lecture, "The Meaning of the Second Amendment," National Firearms Law Seminar, Milwaukee, Wisconsin, May 19, 2006

Participant, "(How) Does Same-Sex Marriage Matter? A Working Scholars' Conference," sponsored by Institute For Marriage and Public Policy and held at George Mason University School of Law, Arlington, Virginia, May 13, 2006

Moderator, Panel on Constitutional Foundations, Conference on "Federal Preemption: Law, Economics and Politics," American Enterprise Institute, Washington, D.C., April 27, 2006

"*Lawrence v. Texas*: The Worst Opinion in the History of the Supreme Court?," Address to the University of Tennessee Law School Chapter of the Federalist Society for Law & Public Policy Studies, Knoxville, Tennessee, April 12, 2006

"The Text of the Second Amendment, and its Meaning," Address to the Washington and Lee Law School Chapter of the Federalist Society for Law & Public Policy Studies, Lexington, Virginia, April 4, 2006

"The Constitutional Right to Keep and Bear Arms and the Future of Gun Control," Address to the University of Iowa College of Law Chapter of the Federalist Society for Law & Public Policy Studies, Iowa City, Iowa, March 24, 2006

"The Second Amendment Today," Address to the University of South Carolina Law School Chapter of the Federalist Society for Law & Public Policy Studies, Columbia, South Carolina, February 22, 2006

Symposium panelist and moot court judge: "Holding the Purse Strings: Should the Federal Government have Equal Access to Law Schools without Equal Treatment of Gays & Lesbians in the Military?" sponsored by the Institute of Bill of Rights Law: Student Division, William & Mary School of Law, Williamsburg, Virginia, February 20, 2006

Debate with Professor Kent Greenfield on the Constitutionality of The Solomon Amendment, Villanova University School of Law, Villanova, Pennsylvania, February 1, 2006

Debate, “The Solomon Amendment: May Congress Demand That Universities That Get Federal Funds Allow Military Recruit on Campus?” with Professor David Cole, Eighth Annual Federalist Society Faculty Conference, Washington, D.C., January 6, 2006

“The Right of Self-Defense: In or Behind the Constitution?” Bessie Jones Day Symposium – Modern Issues Involving the Law of Self-Defense, George Mason University School of Law, November 5, 2005

“Natural Moral Law in the United States Supreme Court,” Fall Lecture Series on Natural Moral Law and Contemporary Society, School of Philosophy, Catholic University of America, Washington, D.C., October 21, 2005

Panelist, “Second Amendment, Congress and the Courts” and “Judicial Activism,” 2005 Firearms Law Symposium, sponsored by Law Students for the Second Amendment and the NRA Foundation, George Mason University School of Law, Arlington, Virginia, September 24, 2005

Lecture, “The Roots of our Supreme Court's Preeminence, and its Troubles,” St. John's College, Annapolis, Maryland, September 16, 2005

“Is Constitution Day Constitutional?” Remarks at George Mason Law School's first federally mandated Constitution Day program, Arlington, Virginia, September 16, 2005

Panelist, “Debating the Federal Marriage Amendment,” American Public Philosophy Institute Panel, Annual Meeting of the American Political Science Association, Washington, D.C., September 3, 2005

“Drafting a Constitutional Amendment Protecting Marriage,” Federalism and the Law of Marriage Conference, sponsored by Institute for Marriage and Public Policy, at Harvard Law School, Cambridge, Massachusetts, August 26-27, 2005

“Substantive Due Process and the Transformation of American Judicial Power,” Intercollegiate Studies Institute and Princeton University's James Madison Program in American Ideals and Institutions, Princeton, New Jersey, June 28, 2005

“Cause Lawyering in Academia,” Seminar on Cause Lawyers taught by David Wilkins and Ann Southworth, Harvard Law School, February 23, 2005

“*Lawrence v. Texas*: The Worst Opinion in the History of the Supreme Court?”, Alpheus T. Mason Lecture in Constitutional Law and Political Thought, James Madison Program in American Ideals and Institutions, Princeton University, Princeton, New Jersey, February 7, 2005

Address, “*Lawrence v. Texas*: The Worst Opinion in the History of the Supreme Court?” to the Federalist Society for Law and Public Policy, Washburn University School of Law, Topeka, Kansas, February 1, 2005

Address, “*Lawrence v. Texas*: The Worst Opinion in the History of the Supreme Court?” to the Federalist Society for Law and Public Policy, Texas Tech University School of Law, Lubbock, Texas, January 31, 2005

Address, “Reviving the Second Amendment,” Federalist Society for Law and Public Policy, Northwestern Law School, Chicago, Illinois October 25, 2004

“Election 2000 Revisited: Did the Supreme Court Err,” Debate with Professor Gerald Moran sponsored by the Federalist Society for Law & Public Policy Studies, Florida Coastal School of Law, Jacksonville, Florida, October 11, 2004

“The Rehnquist Court’s Pragmatic Approach to Civil Rights,” Northwestern University Law Review Symposium on The Rehnquist Court, April 23-24, 2004

Lecture, “The Text of the Second Amendment,” for a continuing legal education seminar on firearms law sponsored by Law Students for the Second Amendment, George Mason University School of Law, Arlington, Virginia, March 27, 2004

Address, “Introduction to the Second Amendment,” to the St. Eustachius Society and the Federalist Society for Law and Public Policy, Ave Maria Law School, Ann Arbor, Michigan, March 18, 2004

Discussant, Book Forum on David B. Kopel, Stephen P. Halbrook, and Alan Korwin, *Supreme Court Gun Cases: Two Centuries of Gun Rights Revealed*, American Enterprise Institute, Washington, D.C., October 3, 2003

Discussant, “Progressivism, Courts, and the Expansion of Rights: Reflections on the Bicentennial of *Marbury v. Madison*,” Claremont Institute Panel, Annual Meeting of the American Political Science Association, Philadelphia,

Pennsylvania, August 30, 2003

Symposium on Direct Democracy, University of San Diego School of Law, San Diego, California, June 6-7, 2003

*“Bush v. Gore in Perspective,”* Address sponsored by the Federalist Society for Law & Public Policy Studies, Mercer University Law School, Macon, Georgia, April 17, 2003

*“The D.C. Gun Ban Goes to Court,”* panel presentation at the National Press Club, sponsored by the Federalist Society for Law & Public Policy Studies, Washington, D.C., April 16, 2003

Debate on the Second Amendment with Brian Siebel, Senior Attorney with the Legal Action Project of the Brady Center, sponsored by the Federalist Society for Law & Public Policy Studies, Washington & Lee University School of Law, Lexington, Virginia, April 2, 2003

*“The Second Amendment Today,”* Address to the University of Toledo Law School Chapter of the Federalist Society for Law & Public Policy Studies, Toledo, Ohio, February 13, 2003

*“The Revival of the Second Amendment,”* Address to the University of Pittsburgh School of Law Chapter of the Federalist Society for Law & Public Policy Studies, Pittsburgh, Pennsylvania, November 25, 2002

*“The Conservative Case against Governmental Racial Profiling,”* Symposium: Confronting Realities: The Legal, Moral, and Constitutional Issues Involving Diversity, Albany Law School, Albany, New York, November 7, 2002

Debate on the Second Amendment, with Allen Rostron from The Brady Center to Prevent Gun Violence, at the Summer Institute for Teachers, sponsored by the Bill of Rights Institute, Arlington, Virginia, July 12, 2002

Debate on the Second Amendment, with Daniel R. Vice from the Brady Center to Prevent Gun Violence United with the Million Mom March Legal Action Project, at Rutgers-Camden School of Law, Camden, New Jersey, March 25, 2002

*“The Second Amendment, Then and Now,”* Panel Presentation, Northwestern University Law School Conference on Freedom: Testing the Limits of Diversity, Chicago, Illinois, March 7, 2002

“The Revival of the Second Amendment,” Address to the University of Virginia Law School Chapter of the Federalist Society for Law & Public Policy Studies, Charlottesville, Virginia, February 7, 2002

“Applying Law to the Political Process,” panel presentation: Judicial Decisionmaking: The Case of Judicial Oversight of the Political Process, Fifteenth Annual National Lawyers Convention, Federalist Society for Law & Public Policy, Washington, D.C., November 16, 2001

“*Bush v. Gore* and the Rule of Law, Committee for the American Founding, Amherst, Massachusetts, October 13, 2001

“The Slandered Court: Putting the 2000 Term in Perspective,” Heritage Foundation Conference, *Courtside View: Scholars and Scribes Look at the Supreme Court's 2000-2001 Term*, Washington, D.C., July 9, 2001

“Law and Politics in *Bush v. Gore*,” Address to the National Association of Scholars, New York, New York, April 29, 2001

“Assessing and Applying *Bush v. Gore*,” Votes and Voices Symposium: Reevaluations in the Aftermath of the 2000 Presidential Election, Benjamin N. Cardozo School of Law, New York, New York, April 26, 2001

“The Future of the Second Amendment,” Address to the William & Mary Law School Chapter of the Federalist Society for Law & Public Policy Studies, Williamsburg, Virginia, March 29, 2001

“*United States v. Emerson* and the Second Amendment Today,” Address to the Baylor Law School Chapter of the Federalist Society for Law & Public Policy Studies, March 22, 2001

“The Future of the Second Amendment,” Address to the University of Kansas Law School Chapter of the Federalist Society for Law & Public Policy Studies, March 11, 2001

“*United States v. Emerson* and the Second Amendment Today,” Address to the Northern Illinois University Law School Chapter of the Federalist Society for Law & Public Policy Studies, February 16, 2001

Moderator, Book Forum, “More Guns, Less Crime,” with John Lott (Yale University), Carl Moody (William & Mary), and William Vogt (Carnegie Mellon),



Cato Institute, Washington, D.C., June 16, 2000

“The Second Amendment and the *Emerson* Case,” Address to the Catholic University of America Law School Chapter of the Federalist Society for Law & Public Policy Studies, Washington, D.C., April 25, 2000

“The True Meaning of the Second Amendment,” Debate with Professor Akhil Reed Amar, sponsored by the Federalist Society for Law & Public Policy Studies, Yale Law School, New Haven, Connecticut, April 10, 2000

“*United States v. Emerson* and the Second Amendment Today,” Address to the University of Missouri-Kansas City Law School Chapter of the Federalist Society for Law & Public Policy Studies, March 20, 2000

Conference Speaker: “Guns in America—Public Nuisance, Defective Product, or Constitutional Right?”: Cato Institute, Washington, D.C., February 29, 2000

“The Second Amendment and the ‘Recoupment’ Suits Against the Firearms Industry,” Address to the University of Texas Law School Chapter of the Federalist Society for Law & Public Policy Studies, Austin, Texas, February 28, 2000

Panelist, “Firearms Litigation, Tort Liability, and the Second Amendment,” National Lawyers Convention, Federalist Society for Law & Public Policy Studies, Washington, D.C., November 11, 1999

“The *Lanning* Decision and the Future of Disparate Impact Doctrine,” Conference on Comparable Worth and Disparate Impact, Center for Equal Opportunity, Washington, D.C. September 28, 1999

“A Rediscovery of the Second Amendment?” Address to the Tampa Bay Lawyers’ Chapter of the Federalist Society for Law & Public Policy Studies, Tampa, Florida July 15, 1999

Panelist, “The Uncertainty of Governmental Privileges: Defining the New Relationship between Government Attorneys and their Clients,” The Robert D. Poling Symposium on Professional Responsibility for Government Attorneys, sponsored by the Capitol Hill Chapter of the Federal Bar Association, Washington, D.C., June 10, 1999

“The Individual’s Right to Keep and Bear Arms: How and Why Public Interest

Litigators Should Participate in the Current Gun Cases,” Remarks at the Heritage Foundation’s Legal Strategy Forum, Herndon, Virginia, May 13, 1999

“From Tobacco Smoke to Gun Smoke: The Constitution and Government Litigation against Pariah Products,” Address to the Philadelphia Lawyers’ Chapter of the Federalist Society for Law & Public Policy Studies, Philadelphia, Pennsylvania, April 14, 1999

Panel Moderator, “A Debate on Human Cloning,” National Lawyers Convention, Federalist Society for Law & Public Policy, Washington, D.C., November 13, 1998

Conference on the Future of Second Amendment Scholarship, sponsored by Academics for the Second Amendment, Salmon Lake, Montana, July 21-26, 1998

Liberty Fund Colloquium, “Protecting Freedom in the American Constitutional System,” Charleston, South Carolina, March 5-8, 1998

“The Economics of Physician-Assisted Suicide and Euthanasia,” John M. Olin Workshop in Law and Economics, Georgetown University Law Center, Washington, D.C., January 13, 1998

Co-Chair, Conference on “The Limits of Congressional Investigations of the Private Sector,” sponsored by the Claude R. Lamb Foundation, Alexandria Virginia, October 30-31, 1997

Panelist, “Tobacco, Firearms, Liquor, Fatty Foods & the Future of Product Liability,” National Lawyers Convention, Federalist Society for Law & Public Policy Studies, Washington, D.C., October 16, 1997

Debate, “Federalism and Civil Liberties,” with Professor Arnold H. Loewy, sponsored by the Federalist Society for Law and Public Policy, University of North Carolina School of Law, Chapel Hill, North Carolina, October 9, 1997

Roundtable on “Affirmative Action Law and Policy: Is There Really a Principle at Stake Here?” sponsored by the Project on American Constitutionalism, Meeting of the American Political Science Association, Washington, D.C., August 29, 1997

Conference on “Congressional Power to Correct Judicial Misinterpretations of the Constitution,” sponsored by the Heritage Foundation, Washington, D.C., August 20, 1997

Conference on “Judicial Reform,” sponsored by the Heritage Foundation and *National Review*, Washington, D.C., April 3, 1997

“Assisted Suicide, Medical Ethics, and the Constitution,” presentation at *Hastings Constitutional Law Quarterly* symposium on “Visions of Death & Dying: Interdisciplinary Perspectives on the Future of Medical Ethics,” University of California Hastings College of the Law, San Francisco, California, March 22, 1997

“Federalism and Civil Liberties,” panel presentation at conference on *Federalism in the 21st Century*, University of Kansas School of Law, Lawrence, Kansas, September 26-27, 1996

Liberty Fund Colloquium on “Liberty, The Supreme Court, and the Powers of Congress,” Freeport, Maine, June 13-16, 1996

“Judicial Management of the Separation of Powers,” presentation for a panel on The Least Dangerous to the Political Rights of the Constitution: The Supreme Court as Power Broker, at a Symposium on *The Supreme Court and American Constitutionalism*, John M. Ashbrook Center for Public Affairs, Ashland, University, Ashland, Ohio, April 13, 1996

“The Supreme Court and Racial Politics,” panel presentation at Symposium on *Plessy v. Ferguson After One Hundred Years*, Georgia State College of Law, Atlanta, Georgia, March 28-29, 1996

Debate: “The Right to Keep and Bear Arms: An Individual or Collective Right?” with Mark Polston, Coalition to Prevent Handgun Violence, sponsored by the Federalist Society for Law & Public Policy Studies at the Washington College of Law, American University, Washington, D.C., October 2, 1995

“Interjurisdictional Competition, Civil Rights, and Civil Liberties,” presentation for a panel on Protecting Liberty and Civil Rights Under the 10th Amendment, at a Symposium on *What Ever Happened to the 10th Amendment?* sponsored by the Heritage Foundation and the Federalist Society, September 12, 1995

“Affirmative Action in the Workplace: The End of an Era?” Address to the Pittsburgh Federalist Society, April 13, 1995

“The Relevance of History in Interpreting the Second Amendment,” Conference: Second Amendment: Right Under Fire, April 3, 1995

“Congressional Accountability under the Law,” Seminar on Congress and the Constitution sponsored by The Heritage Foundation, the Federalist Society for Law and Public Policy, and Representative Charles Canady, March 8, 1995

Panelist, “Conducting Ethics Investigations Amid Partisan Influences,” Symposium on Partisan Influences on Ethics Investigations, University of Virginia School of Law, February 11, 1995 [transcribed at 11 JOURNAL OF LAW & POLITICS 467 (1995)]

Debate: “Does The Second Amendment Give Citizens the Right to Keep and Bear Arms?” with Mark Polston, Coalition to Prevent Handgun Violence, sponsored by the George Mason University School of Law chapter of the Federalist Society for Law & Public Policy Studies, September 1, 1994

Debate: “Are There Constitutional Limits on Gun Control?” with Dennis Hennigan, General Counsel, Handgun Control, Inc., sponsored by the Washington D.C. Lawyers’ Division of the Federalist Society for Law & Public Policy Studies, April 28, 1994

Moderator, Panel on Political Theory and Public Choice, Conference on Richard A. Epstein’s *Bargaining with the State*, George Mason University School of Law, March 31, 1994

Debate on “The Constitutionality of a National Handgun Ban” with Professor Robert Allen Sedler of Wayne State University Law School, sponsored by the Federalist Society for Law & Public Policy Studies, Detroit College of Law, Detroit Michigan, March 14, 1994

Debate on “The Constitutionality of a National Handgun Ban” with Steven Murphy, Assistant United States Attorney in the Eastern District of Michigan, sponsored by the Federalist Society for Law & Public Policy Studies, University of Detroit Mercy School of Law, Detroit Michigan, March 14, 1994

“Scholarship Conference on the Bill of Right’s Second Amendment,” sponsored by Academics for the Second Amendment, Orlando, Florida, January 7-8, 1994

“American Constitutional Law and the American Economy,” Remarks to Eastern European Economists, George Mason University School of Law, March 30, 1993

“The Future of the Second Amendment,” Address to the Federalist Society for Law & Public Policy Studies, University of Nebraska College of Law, Lincoln,

Nebraska, February 26, 1993; Creighton University School of Law, Omaha, Nebraska, February 25, 1993

“The Efficacy of Economic Analysis of Discrimination,” Remarks at Conference on Richard A. Posner’s *Economic Analysis of Law* (4th ed.), George Mason University School of Law, January 28, 1993

“The Importance of Opinions in Writing” (Commentary on papers by Douglas W. Kmiec and John O. McGinnis)—Conference on Executive Branch Interpretation of the Law, Benjamin N. Cardozo School of Law, New York, New York, November 15, 1992

## **RADIO AND TELEVISION**

Panelist, “Analyzing the Decisions of the 2006-2007 Supreme Court,” Federalist Society Webcast [http://www.fed-soc.org/publications/pubID.334/pub\\_detail.asp](http://www.fed-soc.org/publications/pubID.334/pub_detail.asp) June 29, 2007

Interview, Virginia’s Proposed Constitutional Amendment Defining Marriage, “Live this Morning with Dave Lucas,” Newschannel 8, Arlington, Virginia, November 7, 2006

“Preview of National Firearms Law Seminar,” interview on NRA.com (radio and internet), April 19, 2006

“The Alito Nomination,” Interview on News Channel 8, Washington, D.C., November 3, 2005

“Remembering Chief Justice Rehnquist,” Interview on WTTG-TV, Fox-5, Washington, D.C., September 5, 2005

“To the Point,” nationally syndicated National Public Radio show originating at KCRW in Los Angeles: interview about Justice O’Connor’s retirement announcement, July 1, 2005

“The Editors,” interview about the Second Amendment with Thomas Walton and Marilou Johaneck, WGTE-TV (PBS), Toledo, Ohio, February 14, 2003 and WBGU-TV (PBS), Bowling Green, Ohio, February 16, 2003

Interview and call-in about the Second Amendment with Jerry Anderson, WTOL-TV (CBS affiliate), Toledo, Ohio, February 13, 2003

Call in radio show on Second Amendment issues, *On Point with Tom Ashcroft*, WBUR-Boston, May 10, 2002

Interview, "To the Point, with Warren Olney," on the Department of Justice's new position on the Second Amendment, National Public Radio, May 10, 2002

Interview for Paul Weyrich's radio news service on the Department of Justice's new position on the Second Amendment, May 10, 2002

Interview with Laura Ingraham, CBS radio, on the Department of Justice's new position on the Second Amendment, May 9, 2002

Call in radio show on Second Amendment issues, *Midmorning with Katherine Lanpher*, Minnesota Public Radio, May 9, 2002

Interview with Sam Donaldson, ABC radio, on the Department of Justice's new position on the Second Amendment, May 8, 2002

Interview with Nina Totenberg, National Public Radio, on the Department of Justice's new position on the Second Amendment, May 8, 2002

"The Slandered Court: Putting the 2000 Term in Perspective," Heritage Foundation Conference, *Courtside View: Scholars and Scribes Look at the Supreme Court's 2000-2001 Term*, Washington, D.C., July 9, 2001, nationally broadcast on C-SPAN

"Annual Supreme Court Roundup," *Legal Notebook with Tom Jipping*, nationally syndicated television broadcast, July 2, 2001

Interview, "Guns Rights and the New Administration," NRA-Live, January 23, 2001

Interview, "*Bush v. Gore*," WROW Radio, Albany, N.Y., December 14, 2000

Debate with Professor Frank Askin, "*Bush v. Gore*," WNYC Radio (New York City public radio), December 13, 2000

Interview, "*Bush v. Gore*," WTOP Radio, Washington, D.C., December 13, 2000

Interview and call-in show on Presidential Election Litigation, *Newstalk*, Channel 8 Television, Washington, D.C., December 12, 2000

Interview, "Presidential Election Litigation," *Janet Parshall's America*, nationally syndicated through the Salem Radio Network, December 6, 2000

Interview, "Presidential Election Litigation," WTOP Radio, Washington, D.C., December 5, 2000

Interview, "Election 2000 Litigation," on *Legal Notebook with Tom Jipping*, nationally syndicated television broadcast, December 2, 2000

Interview, "Presidential Election Litigation," News Channel 8, November 21, 2000

Panel Discussion on "Handgun Control," *Capital Region Roundtable* with Dr. Terri Travis, GMU-TV, broadcast during the week of September 18, 2000

Interview on the Second Amendment with Lee Rogers, KFSO radio, San Francisco, California, August 24, 2000

Interview on the Second Amendment with Charles Jaco, WMOX-CBS radio, St. Louis, Missouri, June 26, 2000

"Assisted Suicide," Interview with Sarah McConnell, *With Good Reason*, broadcast on Virginia and Washington, D.C. public radio, May 22-26, 1999

"Assisted Suicide and Euthanasia," *Newsfront with Ed Gordon*, nationally broadcast on MSNBC News, November 24, 1998

"Gun Control after the Jonesboro Killings," Interview with Alistair Sandford, *Radio Four* (BBC), March 26, 1998

"Assisted Suicide and the Constitution," *The Victoria Jones Show* (nationally syndicated radio program), January 7, 1997

"Assisted Suicide and the Constitution," *The Oliver North Show* (nationally syndicated radio program), January 6, 1997

Discussion: "The Worst Provisions in the United States Constitution," *The Diane Rehm Show* (nationally syndicated radio program), January 11, 1996

“Commentary on the Jurisprudence of Justice Clarence Thomas,” *Supreme Court Watch* with Fred Graham, nationally broadcast on Court-TV, December 18, 1995

“Commentary on the Career of Chief Justice William H. Rehnquist,” *Supreme Court Watch* with Fred Graham, nationally broadcast on Court-TV, December 11, 1995

Interview: “The Second Amendment,” for Fred Graham’s *Washington Watch*, nationally broadcast on Court-TV, May 19, 20, 21, 1995

Interview, “The Constitutional Status of Private Militias,” for KCNN Radio, Grand Forks, ND, May 4, 1995

Interview for “Full Disclosure” (National Empowerment Television), on the application of employment laws to Congress, aired on August 25, 1994

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