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Academic Positions

Associate Professor, Department of Political Science, University of Utah, Salt Lake City, Utah, 2005 to present.

Assistant Professor, Department of Political Science, University of Utah, Salt Lake City, Utah, 2000 to 2005.

Assistant Professor, Department of Political Science, Boise State University, Boise, Idaho, 1994 to 2000.

Visiting Assistant Professor, Department of Politics and Government, Ripon College, Ripon, Wisconsin, 1993-1994.

Academic Background

B.A. University of Wisconsin-Madison (1985). Honors in Political Science, Distinction in English Literature.

M.A. University of North Carolina at Chapel Hill (1988).

Ph.D. University of Wisconsin-Madison (1993).

Academic Honors and Grants

University Research Committee Faculty Fellow, University of Utah, 2004-2005.

Participant, Institute for Constitutional Studies, Supreme Court Historical Society, 1999.

Idaho Humanities Council Research Fellowship, 1998-1999.

National Endowment for the Humanities Summer Stipend, 1998.

Faculty Research Grant, Boise State University, 1996, 1998.

Top Ten Scholar Honored Faculty Member, Boise State University, 1998, 2000.

Fellow, Institute for Legal Studies, University of Wisconsin-Madison, 1991-1993.

Detling Trust Dissertation Research Fellowship, University of Wisconsin-Madison, 1991.

Wisconsin Alumni Research Foundation Fellowship, 1988-1989.

Research Publications

Representing Popular Sovereignty: The Constitution in American Political Culture (Albany: State University of New York Press, 1999).

"The Nation's Conscience: Assessing Bioethics Commissions," *Kennedy Institute of Ethics Journal* 14(4) (2004), 333-360, with Albert Dzur.

"Accountability and the Use of Volunteer Officers in Public Safety Organizations," *Public Performance and Management Review* 27(4) (June 2004), 118-143, with Patricia Fredericksen.

"Federalists in the Attic: Original Intent, the Heritage Movement, and Democratic Theory," *Law and Social Inquiry* 29, No. 1 (Winter 2004), 105-126.

"When Good Lockeans Go Bad: The Political Theory of Right-Wing Constitutionalism," *Polity* 34 (2001), 141-162.

"Not a Law at All': A Plea for a Return to the Common Law Right to Resist Unlawful Arrest," *Southwestern Law Review* 29 (2000), 1-50, with Craig R.. Hemmens

"Resistance is Futile: The Right to Resist Arrest and Contemporary Forms of Civility Policing," *Crime and Delinquency* 46 (2000), 472-496, with Craig R.. Hemmens.

"A Law Unto Themselves: The Ideology of the Common Law Court Movement," *South Dakota Law Review* 44 (1998-1999), 9-40, with Michael W. Mitchell.

"The Constitution as Rhetorical Symbol in Western Anti-Gay Rights Initiatives: the Case of Idaho" in Stephanie L. Witt and Suzanne McCorkle, eds., *Anti-Gay Rights: Assessing Voter Initiatives* (Westport CT: Praeger, 1997), 33-49.

"The Constitution in the Postmodern Marketplace: Philip Morris and the Bicentennial of the Bill of Rights," *Legal Studies Forum* 20 (1996), 367-386.

In Progress

Civil Liberties/Un-American Activities: The Supreme Court and the Cold War.

"Negotiated Rulemaking as Democratic Deliberation," revise and resubmit to *American Review of Public Administration* (with Albert Dzur).

"Line Dancing: Municipal Unification Across a State Line," for submission to *Publius* (with Bryan Thiriot).

"'A Strange Eventful History': The Supreme Court's Historiography of the Establishment Clause," for submission to the *Journal of Church and State*.

“Regulatory Reform and Inter-Branch Rivalry”

Book Reviews

“Review of Mark Rozell, *Executive Privilege*, 2nd Ed,” *Presidential Studies Quarterly*, 34(4), (December 2004), 893-894

“Review of Jay M. Feinman, Un-Making Law: The Conservative Campaign To Roll Back The Common Law,” *Law and Politics Book Review* 14(10) (October 2004), 819-822.

“Review of Michael Welch, *Detained: Immigration Laws and the Expanding I.N.S. Jail Complex*,” *Law and Politics Book Review* 13(4) (April 2003), .

“Review of Richard A. Posner, *Frontiers of Legal Theory*,” *Law and Politics Book Review* 12(1) (January 2002), 5-8.

“Review of Thomas B. McAfee, *Inherent Rights, the Written Constitution, and Popular Sovereignty: The Founders' Understanding*.” *Law and Politics Book Review* 11(1) (January 2001), pp. 11-13.

“Review of Debra L. DeLaet, *U.S. Immigration Policy in an Age of Rights*,” *Law and Politics Book Review* 10 (2000), 265-267.

“Review of Noah M. J. Pickus, ed., *Immigration and Citizenship in the 21st Century*,” *Law and Politics Book Review* 10 (2000), 177-180.

“Review of Daniel Farber and Suzanna Sherry, *Beyond All Reason*,” *Law and Politics Book Review* 8 (1998), 44-46.

“Review of Timothy C. Shiell, *Campus Hate Speech on Trial*,” *Law and Politics Book Review* 8 (1998), 345-347.

“Review of John Arthur, *Words that Bind*,” *Law and Politics Book Review* 7 (1997), 108-110.

Short Entries

“Roy Cohn,” in Roger K. Newman (ed.), *Yale Biographical Dictionary of American Law*. (New Haven: Yale University Press, forthcoming)

“Attorney General’s List of Subversive Organizations,” “McCarren Act,” “Pennsylvania v. Nelson,” “Scales v. United States,” “Watkins v. United States,” in David Schultz and John Vile, eds. *The Encyclopedia of Civil Liberties* (Armonk, NY: M.E. Sharpe, 2005)

“Judicial Review of Administrative Action,” in David Schultz, ed., *The Encyclopedia of Public Administration and Public Policy*. New York: Facts on File, Inc., 2004.

“Executive Privilege,” “*Furman v. Georgia*,” “*Gideon v. Wainwright*,” “*Lochner v. New York*,” “States Rights,” in David Schultz, ed., *The Encyclopedia of American Law* (New York: Facts on File, 2002).

“*U.A.W. v. Johnson Controls*,” in Judith Baer, ed., *Historical and Multicultural Encyclopedia of Women’s Reproductive Rights in the United States* (Westport CT: Greenwood, 2002).

“Roy Cohn,” *American National Biography* (New York: Oxford University Press, 1998).

“Teaching Administrative Law through a Legal Research Project,” *SPAE Forum*, (January 1999)

“Majority Rule/ Minority Rights” in *The Encyclopedia of Democracy* (Washington, D.C.: CQ Press, 1995), with Joel B. Grossman.

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Papers Presented

“The Cold War and Private Employment: Combining Regulation and Criminal Law in Removing Communist Influence in the Unions,” delivered at the 2005 Meeting of the Western Political Science Association.

“Regulatory Reform and Inter-Branch Rivalry,” delivered at the 2005 Meeting of the Southern Political Science Association.

“‘A Strange, Eventful History’: The Supreme Court’s Historiography of the Establishment Clause delivered at the 2004 Meeting of the Midwest Political Science Association.

“Line Dancing: Municipal Unification Across a State Line,” delivered at the 2004 Meeting of the Western Political Science Association (with Bryan Thiriot).

“Federalists in the Attic: Original Intent, the Heritage Movement, and Democratic Theory,” delivered at the 2002 Meeting of the Midwest Political Science Association .

"Protecting the Posse: Volunteer Programs in Public Safety Organizations," delivered at the 2002 Meeting of the Midwest Political Science Association, with Patricia Fredericksen.

"Bringing the Audience Backstage: Doing Bioethics in Public," delivered at the 2001 Meeting of the Western Political Science Association, with Albert Dzur.

"A Game of Circles': Negotiated Rulemaking as Democratic Deliberation," delivered at the 2001 Meeting of the Western Political Science Association, with Albert Dzur.

"Registration of Communists and Sex Offenders: The Administrative Process as a Means of Surveillance and Condemnation," delivered at the 1999 Meeting of the Western Political Science Association.

"Communists, Congressional Committees, and the Rise of the Administrative Welfare State," delivered at the 1999 Meeting of the Western Political Science Association.

"Pledging Allegiance: The Oath Cases and the Certification of Loyalty during the Cold War," delivered at the 1999 Meeting of the Midwest Political Science Association.

"Aliens, Subversion and the Rise of Administrative Due Process," delivered at the 1998 Meeting of the Western Political Science Association.

"The Communist Party Cases and the Origins of the Due Process Revolution," delivered at the 1997 Meeting of the Southwestern Political Science Association.

"The Constitution as a Rhetorical Symbol in Western Anti-Gay Rights Initiatives," delivered at the 1995 Meeting of the American Political Science Association.

"The Constitution as Text and Context: The Cultural Significance of a Written Constitution," delivered at the 1994 Meeting of the Pacific Northwest Political Science Association.

"The Past as Paradigm: The Supreme Court's Evolving Historiography of the Establishment Clause," delivered at the 1993 Meeting of the Southern Political Science Association.

"Rituals of Rights: Constitutional Commemoration and Mass Media Displays," delivered at the 1992 Meeting of the Midwest Political Science Association.

"The Price of Rights: The Commodification of the Constitution during the Bicentennial," delivered at the 1992 Meeting of the Law and Society Association.

"The Bill of Rights as Commodity: Philip Morris and the Politics of Ritual Pollution,"
delivered at the 1992 Meeting of the American Political Science Association.

Teaching Experience

Constitutional Law, University of Utah, 2000-2003; Boise State University, 1994-1999.

Constitutional Law for Public Administrators, University of Utah, 2001- 2003.

Administrative Law, University of Utah, 2001-2005; Boise State University, 1996, 1998,
2000.

Introduction to Law and Politics, University of Utah, Summer 2005.

20th Century American Political Thought (Special Topics), University of Utah, Summer
2004, Summer 2005.

Federalism (Special Topics), University of Utah, Spring 2004.

American Political Thought, Ripon College, Fall, 1993; University of Utah, Summer 2002

The First Amendment, Ripon College, Fall, 1993; University of Utah, Summer 2003

Civil Liberties, Boise State University, 1995-2000.

Jurisprudence, Boise State University, 1995, 1997, 1999.

Western Political Thought II (Modern Political Thought), Boise State University, Spring
2000.

Law, Politics, and Society, Boise State University, Fall, 1995-1999; UW-Madison, Fall,
1992.

American National Government, Boise State University, 1994-1999; Ripon College, Fall,
1993.

Introduction to Law, Ripon College, Spring, 1994.

American Political Culture (Special Topics), Ripon College, Spring, 1994.

Congress and the Presidency, Ripon College, Spring, 1994.