

Georgetown University Law Center  
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Washington, DC 20001

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**Education**

**Yale Law School**, New Haven, CT  
J.D., 2007

Activities: *Yale Law Journal*, Book Reviews Editor  
*Yale Law & Policy Review*, Articles Editor  
Berkeley College, Yale, Graduate Affiliate

**Merton College, University of Oxford**, England

D.Phil. in Politics, 2004

M.Phil. in Politics, 2003

Honors: Rhodes Scholarship  
Merton College Graduate Student Prize Scholarship

Dissertation: *Democracy's Privileged Few: Legislative Privilege and Democratic Norms in the British and American Constitutions* (Advisors: Vernon Bogdanor and Nick Barber)

**Yale University**, New Haven, CT

B.A. *magna cum laude*, 2001

Ethics, Politics & Economics (Distinction in the Major) and Philosophy (Distinction in the Major)

Honors: Phi Beta Kappa  
William H. Orrick, Jr. Senior Essay Prize in Ethics, Politics & Economics

**Employment**

**Georgetown University Law Center**, Washington, DC

Professor of Law (beginning July 2020)

Visiting Professor of Law (Fall 2019)

Teaching: Constitutional Law I  
Legislation  
The Separation of Powers: Hot Topics in Scholarship (seminar)

**Cornell Law School**, Ithaca, NY

Professor of Law (2013-2020)

Associate Professor of Law (2011-2013)

Assistant Professor of Law (2008-2011)

Teaching: Constitutional Law  
Legislation  
The Separation of Powers (seminar)  
Constitutional Law & Theory Colloquium (co-taught with Michael Dorf)  
Foreign Affairs & the Separation of Powers (seminar co-taught with Sarah Kreps)  
Legal Drama (one-credit, in-home seminar)  
The Nature, Functions, and Limits of Law (undergraduate)  
Constitutional History (directed reading)  
Federal Indian Law (directed reading)

**University of Texas School of Law**, Austin, TX  
Visiting Professor of Law (Spring 2020)  
Teaching: Constitutional Law II: Separation of Powers (seminar)

**University of Brescia**, Italy  
Visiting Lecturer, Department of Law (May 2010 & May 2011)  
Delivered lecture series on constitutional law, parliamentary law, and legislative procedure

**United States Court of Appeals for the Second Circuit**, New Haven, CT  
Law Clerk, Hon. Guido Calabresi (2007-2008)

**Yale University**, New Haven, CT  
Part-Time Acting Instructor in Yale College (Spring 2007)  
Taught seminar: The British Origins of the American Constitution.  
Teaching Assistant, Department of Political Science (Spring 2005 & Spring 2006)  
Teaching Assistant for Constitutional Law  
Research Assistant, Professor Akhil Reed Amar, Yale Law School (1999-2002)

**Skadden, Arps, Slate, Meagher & Flom**, New York, NY  
Summer Associate (Summer 2006)

## **Publications**

### **Books**

CONGRESS'S CONSTITUTION: LEGISLATIVE AUTHORITY AND THE SEPARATION OF POWERS (Yale Univ. Press 2017) (paperback 2019).

→ Reviewed in: *Wall Street Journal*; *Washington Monthly*; *The Federal Lawyer*; *Choice*; *LegBranch.com*; *The Online Library of Law & Liberty*; *Take Care* (eight-reviewer book symposium); *Congress & the Presidency*; *Political Science Quarterly*; *Yale Law Journal*; *Columbia Law Review*; *Michigan Law Review*.

→ Featured on: *Reason Magazine* podcast; National Constitution Center's "America's Town Hall" panel; New Books in Political Science podcast; Election Law Blog podcast; Midwest Political Science Association Author-Meets-Critics Panel.

DEMOCRACY'S PRIVILEGED FEW: LEGISLATIVE PRIVILEGE AND DEMOCRATIC NORMS IN THE BRITISH AND AMERICAN CONSTITUTIONS (Yale Univ. Press 2007).

→ Reviewed in: *U.S. News & World Report Online*; *Choice*; *Journal of the American Society of Legislative Clerks and Secretaries*; *Revista de las Cortes Generales* (Spain); *Frontline* (India).

### **Casebook**

CASES AND MATERIALS ON LEGISLATION AND REGULATION: STATUTES AND THE CREATION OF PUBLIC POLICY (with William N. Eskridge, Jr., Elizabeth Garrett & James Brudney) (West 6th ed. 2020) (Supplements 2016 & 2018).

### **Journal Articles**

*Congressional Overspeech*, 89 *FORDHAM L. REV.* (forthcoming Nov. 2020).

*Constitutional Maturity, or Reading Weber in the Age of Trump*, 34 *CONST. COMMENT.* 17 (2019).

*How Constitutional Norms Break Down*, 65 UCLA L. REV. 1430 (2018) (symposium issue: “The Safeguards of Our Constitutional Republic”) (with David E. Pozen).  
→ Portuguese translation in 4 REVISTA PUBLICUM 281 (2018) (Brazil).

*The Brennan Lecture: The Separation of Powers and the Public*, 42 OKLA. CITY U. L. REV. 309 (2018).

*Unprecedented? Judicial Confirmation Battles and the Search for a Usable Past*, 131 HARV. L. REV. 96 (2017).

*Gridlock?*, 130 HARV. L. REV. F. 51 (2016), <http://harvardlawreview.org/2016/11/gridlock-2/>.

*Governing and Deciding Who Governs*, 2015 U. CHI. LEGAL F. 73 (symposium issue: “Does Election Law Serve the Electorate?”).

*A Fourth Way? Bringing Politics Back into Recess Appointments (And the Rest of the Separation of Powers, Too)*, 64 DUKE L.J. ONLINE 161 (2015), <http://dlj.law.duke.edu/2015/05/bringing-politics-back-into-recess-appointments-and-the-rest-of-the-separation-of-powers-too/> (response piece in annual Administrative Law Symposium).

*Whose Secrets?*, 127 HARV. L. REV. F. 86 (2013), <http://harvardlawreview.org/2013/12/whose-secrets/>.

*The Phenomenology of Gridlock*, 88 NOTRE DAME L. REV. 2065 (2013) (symposium issue: “The American Congress: Legal Implications of Gridlock”).

*“In the Time of a Woman, Which Sex Was Not Capable of Mature Deliberation”: Late Tudor Parliamentary Relations and Their Early Stuart Discontents*, 25 YALE J.L. & HUMAN. 181 (2013).

*Congress’s Constitution*, 160 U. PA. L. REV. 715 (2012).

*The Unconstitutionality of the Filibuster*, 43 CONN. L. REV. 1003 (2011) (symposium issue: “Is Our Constitutional Order Broken?”).

*Multiplicity in Federalism and the Separation of Powers*, 120 YALE L.J. 1084 (2011) (reviewing ALISON L. LACROIX, *THE IDEOLOGICAL ORIGINS OF AMERICAN FEDERALISM* (2010)).

*The Political Animal and the Ethics of Constitutional Commitment*, 124 HARV. L. REV. F. 1 (2011), <http://harvardlawreview.org/2011/02/the-political-animal-and-the-ethics-of-constitutional-commitment/>.

*Impeachment and Assassination*, 95 MINN. L. REV. 347 (2010).

*Is the Filibuster Constitutional?*, 158 U. PA. L. REV. PENNUMBRA 245 (2010), <http://www.pennlawreview.com/online/158-U-Pa-L-Rev-PENNumbra-245.pdf> (debate with Michael J. Gerhardt).

*Executive Branch Contempt of Congress*, 76 U. CHI. L. REV. 1083 (2009).

*Leaving the House: The Constitutional Status of Resignation from the House of Representatives*, 58 DUKE L.J. 177 (2008).

*Curing Congress's Ills: Criminal Law as the Wrong Paradigm for Congressional Ethics*, 117 YALE L.J. POCKET PART 238 (2008), [http://yalelawjournal.org/pdf/CuringCongresssIlls\\_CriminalLawastheWrongParadigmforCo\\_nvch4vnu.pdf](http://yalelawjournal.org/pdf/CuringCongresssIlls_CriminalLawastheWrongParadigmforCo_nvch4vnu.pdf).

Comment, *Cleaning House: Congressional Commissioners for Standards*, 117 YALE L.J. 165 (2007).

*Social Reproduction and Religious Reproduction: A Democratic-Communitarian Analysis of the Yoder Problem*, 15 WM. & MARY BILL RTS. J. 263 (2006).

→ Excerpt reprinted in RELIGIOUS LIBERTY 37-47 (Sylvia Engdahl ed., 2007).

Book Review, 2005 PUB. L. 670 (reviewing NEAL DEVINS & LOUIS FISHER, THE DEMOCRATIC CONSTITUTION (2004)).

Book Note, *It's the Aggregation, Stupid!*, 23 YALE L. & POL'Y REV. 577 (2005) (reviewing JAMES SUROWIECKI, THE WISDOM OF CROWDS (2004)).

### **Popular Press**

Contributing writer for *The Hill* (2014-2017) and *Take Care* (2017-2019). Articles on constitutional issues published in the *New York Times*, *Washington Post*, *Politico*, *New Republic*, *Slate*, and *Weekly Standard*, among others. Complete list available upon request.

### **Testimony**

*Protecting Congress' Power of the Purse and the Rule of Law*, Hearing Before the H. Comm. on the Budget, 116th Cong. (March 11, 2020), available at <https://budget.house.gov/legislation/hearings/protecting-congress-power-purse-and-rule-law-0>.

### **Presentations**

*Congressional Overspeech*, Legislation Roundtable, Yale Law School, New Haven, CT (Feb. 28, 2020).

Discussant, Judicial Administration / Judicial Process Roundtable, Duke Law School, Durham, NC (Dec. 12, 2019).

*Impeachment: The Current State of Play*, Program in Public Law, Duke Law School, Durham, NC (Nov. 21, 2019).

*Overview of the Impeachment Process*, American Political Science Association Congressional Fellowship Orientation Program, R Street Institute, Washington, DC (Nov. 12, 2019).

*Congressional Overspeech*, Georgetown University Law Center Faculty Workshop, Washington, DC (Nov. 12, 2019).

*Congressional Overspeech*, University of Colorado Law School Faculty Workshop, Boulder, CO (Oct. 4, 2019).

*Three Ways of Looking at the Trump Presidency*, “Trump, Constitutional Crisis, and American Democracy” Breaking News Panel, American Political Science Association Annual Meeting, Washington, DC (Aug. 29, 2019) (broadcast live on C-SPAN).

*Congressional Overspeech*, University of Alabama School of Law Faculty Workshop, Tuscaloosa, AL (Aug. 26, 2019).

*The Power of the Purse in Historical Perspective*, “Congress’s Power of the Purse in a Polarized Era” Conference, University of California, Hastings College of the Law, San Francisco, CA (March 15, 2019).

*Vicious Politics*, Keynote Address, Fifth Annual Shawnee Trail Conference on American Politics and Constitutionalism, Kinder Institute on Constitutional Democracy, University of Missouri, Columbia, MO (March 8, 2019).

*Congress’s Constitution*, Constitutional Theory Seminar, Tulane Law School, New Orleans, LA (Feb. 25, 2019).

*Three Ways of Looking at the Trump Presidency*, Texas Law Review Symposium, “Reclaiming—and Restoring—Constitutional Norms,” University of Texas School of Law, Austin, TX (Feb. 8, 2019).

Panelist, “What’s in Store for President Trump? Oversight in the New Congress,” Center for Constitutional Governance, Columbia Law School, New York, NY (Jan. 28, 2019).

Discussant, Judicial Administration / Judicial Process Roundtable, Duke Law School, Durham, NC (Dec. 14, 2018).

*Congress’s Constitution*, University of Texas Law School Faculty Workshop, Austin, TX (Dec. 3, 2018).

*Congress’s Constitution*, Oxford Public Law Discussion Group, Oxford, UK (Nov. 9, 2018).

*How Constitutional Norms Break Down*, Oxford Law Faculty Workshop, Oxford, UK (Nov. 8, 2018).

*Congress’s Constitution*, Recent Books on the Constitution Seminar, Georgetown University Law Center, Washington, DC (Oct. 23, 2018).

*Congress’s Constitution*, University of California, Irvine School of Law Faculty Workshop, Irvine, CA (Sept. 20, 2018).

Discussant, “The Separation of Powers” Panel, “Congress & History” Conference, Princeton University, Princeton, NJ (June 7, 2018).

*Trump’s Weakness ... Congress’s Strength(?)*, “The President and Congress: Co-Equal?” Panel, “The U.S. Presidency in Crisis?” Conference, Princeton University Center for the Study of Democratic Politics, Princeton, NJ (May 4, 2018).

*Hot off the Press Book Talks: Congress's Constitution*, Program in Law and Public Affairs, Princeton University, Princeton, NJ (May 3, 2018).

Author, "Author Meets Critics: *Congress's Constitution*" Panel, MPSA Section on Legislative Institutions, Midwest Political Science Association Annual Meeting, Chicago, IL (Apr. 6, 2018).

*Running Against Washington and Congressional Capacity*, "Congressional Reflections and Recommendations" Panel, Federalist Society Conference on "Restoring Article I," U.S. Capitol, Washington, DC (March 22, 2018).

Respondent, Legislation Roundtable, Fordham Law School, New York, NY (March 2, 2018).

*Congress's Constitution*, The Yale Club of New York, New York, NY (March 1, 2018).

*How Constitutional Norms Break Down*, UCLA Law Review Symposium, "The Safeguards of Our Constitutional Republic," UCLA Law School, Los Angeles, CA (Feb. 2, 2018).

*Congress's Constitution*, Drexel University Thomas R. Kline School of Law Faculty Workshop, Philadelphia, PA (Jan. 22, 2018).

*Congress's Constitution*, "Congressional Procedure, Politics, and Power" Panel, AALS Section on Legislation & Law of the Political Process, Association of American Law Schools Annual Meeting, San Diego, CA (Jan. 5, 2018).

*Unprecedented? Judicial Confirmation Battles and the Search for a Usable Past*, Harvard Law Review Supreme Court Forum, Harvard Law School, Cambridge, MA (Nov. 15, 2017).

Concluding Remarks, Book Celebration for *Congress's Constitution*, Cornell Law School, Ithaca, NY (Nov. 10, 2017).

*The Separation of Powers and the Public*, The William J. Brennan Lecture, Oklahoma City University School of Law, Oklahoma City, OK (Oct. 19, 2017).

*Unprecedented? Judicial Confirmation Battles and the Search for a Usable Past*, Oklahoma City University School of Law Faculty Workshop, Oklahoma City, OK (Oct. 19, 2017).

*What Happened to Congress?*, Panel discussion with David Mayhew (Yale) and Carl Hulse (*New York Times*), National Constitution Center, Philadelphia, PA (June 19, 2017) (a book launch for *Congress's Constitution*).

*Congressional Checks on the President*, Constitutional Conversation, Stanford Constitutional Law Center, Stanford, CA (May 1, 2017).

*Congress's Constitution*, Cornell Law School Advisory Council Meeting, New York, NY (Apr. 28, 2017).

*Congressional Pushback?*, Conference on "Prospects for American Democracy in the Age of Trump: A Preliminary Assessment," Cornell Law School, Ithaca, NY (March 18, 2017).

*Congress's Constitution: Cameral Rulemaking Authority*, UCLA Law School Faculty Workshop, Los Angeles, CA (Feb. 27, 2017).

Panelist, Roundtable on the Role of Constitutional Theory Today, Center for Constitutional Governance, Columbia Law School, New York, NY (Nov. 11, 2016).

*Interbranch Interaction in the Policymaking Process*, Conference on “Obama’s Court: Recent Changes in U.S. Constitutional Law in Transatlantic Perspective,” Humboldt University, Berlin, Germany (Oct. 28-29, 2016).

Panelist, “A Right to ‘Know’ or a Right to ‘No’?: Examining the Congressional-Executive Branch Struggle Over Access to Information,” conference co-sponsored by the Levin Center and the Constitution Project, Washington, DC (Oct. 25, 2016) (broadcast live on C-SPAN).

*Confirmation Politics in the Public Sphere*, Wisconsin Law Review Symposium: “Modern Federal Judicial Selection,” University of Wisconsin Law School, Madison, WI (Oct. 14, 2016).

*Separation-of-Powers Multiplicity in the American Constitution*, European Consortium for Political Research Standing Group on Regulatory Governance Sixth Biennial Conference, Tilburg, The Netherlands (July 6-8, 2016).

*Separation-of-Powers Multiplicity*, William & Mary Law School Faculty Workshop, Williamsburg, VA (Apr. 14, 2016).

Respondent, Legislation Roundtable, Cardozo Law School, New York, NY (March 11, 2016).

*The Power of the Purse and Interbranch Conflict*, Research Seminar on Constitutional Thought & History, Rothermere American Institute, University of Oxford, Oxford, UK (Apr. 30, 2015).

*A Fourth Way? Bringing Politics Back into Recess Appointments*, Duke Law Journal Administrative Law Symposium, Duke Law School, Durham, NC (Feb. 6, 2015).

*Governing and Deciding Who Governs*, Cornell Law School Faculty Scholarship Retreat, Ithaca NY (Jan. 16, 2015).

*Separation-of-Powers Multiplicity*, London School of Economics Legal & Political Theory Forum, London, UK (Nov. 26, 2014).

*Governing and Deciding Who Governs*, University of Chicago Legal Forum Symposium: “Does Election Law Serve the Electorate?”, University of Chicago Law School, Chicago, IL (Nov. 7, 2014).

*Reconsidering Congress*, Yale-Duke Foreign Relations Law Roundtable, New Haven, CT (Oct. 3, 2014).

*The Personnel Power*, Boston University Legal History Workshop, Boston, MA (Oct. 1, 2014).

*Gridlock and Its Antidotes: Filibusters, Shutdowns, and the Future of Congressional Dealmaking*, Yale Law School Federalist Society, New Haven, CT (Feb. 27, 2014).

*The Power of the Purse and Interbranch Conflict*, University of North Carolina School of Law Faculty Workshop, Chapel Hill, NC (Feb. 20, 2014).

*The Power of the Purse and Interbranch Conflict*, University of Richmond School of Law Faculty Colloquium, Richmond, VA (Jan. 24, 2014).

*Separation-of-Powers Multiplicity*, University of Chicago Constitutional Law Workshop, Chicago, IL (Nov. 7, 2013).

*Separation-of-Powers Multiplicity*, Notre Dame London Law Centre Conference: “International Perspectives on Public Law,” London, UK (Oct. 18-19, 2013).

Panelist, Constitution Day Symposium, Cornell Law School, Ithaca, NY (Sept. 17, 2013).

Panelist, Conference on Mariah Zeisberg’s *War Powers: The Politics of Constitutional Authority*, Georgetown University Law Center, Washington, DC (Sept. 13-14, 2013).

Respondent, Columbia Law School National Security Law Workshop, New York, NY (July 9-10, 2013).

*Separation-of-Powers Multiplicity*, Cornell Law School Summer Workshop Series, Ithaca, NY (June 26, 2013).

Constitutional Law ‘Schmooze’ on Constitutional Interpretation, American Constitution Society National Convention, Washington, DC (June 13, 2013).

*Separation-of-Powers Multiplicity*, University of Houston Law Center Faculty Colloquium, Houston, TX (April 4, 2013).

*Separation-of-Powers Multiplicity*, University of Pennsylvania Law School Constitutional Law Speaker Series, Philadelphia, PA (March 14, 2013).

*The Phenomenology of Gridlock*, Duke Law School Statutory Interpretation Colloquium, Durham, NC (Feb. 14, 2013).

*Gridlock in the Public Sphere*, Notre Dame Law Review Symposium: “The American Congress: Legal Implications of Gridlock,” Notre Dame Law School, Notre Dame, IN (Nov. 16, 2012).

*Constituting Constraints*, Columbia Law School Conference: “Are Government Institutions Constrained by Law?,” New York, NY (Sept. 21, 2012).

*Separation-of-Powers Multiplicity in the American Constitution*, University College, Dublin Workshop: “Beyond Montesquieu: Re-thinking the Architecture of Contemporary Governance,” Dublin, Ireland (March 29, 2012).

*Debate on the Constitutionality of the Filibuster* (with Michael J. Gerhardt, UNC Law School), Duke Law School Program in Public Law, Durham, NC (March 19, 2012).

*Congress’s Constitution*, University of Pennsylvania Law Review Author Lunch, Philadelphia, PA (Feb. 10, 2012).



*Congress's Constitution*, Duke Law School Legal Theory Colloquium, Durham, NC (Sept. 21, 2011).

*"In the Time of a Woman, Which Sex Was Not Capable of Mature Deliberation": Late-Tudor Parliamentary Relations and Their Early-Stuart Discontents*, Lecture in Celebration of the Centenary of the Elizabethan Club of Yale University, co-sponsored by the Elizabethan Club and the Yale Law School, New Haven, CT (Feb. 24, 2011).

*The Unconstitutionality of the Filibuster*, Tulane Law School Faculty Workshop, New Orleans, LA (Feb. 7, 2011).

Panelist, Book Celebration for Dorf & Morrison, *The Oxford Introductions to U.S. Law: Constitutional Law*, Cornell Law School, Ithaca, NY (Oct. 25, 2010).

*The Unconstitutionality of the Filibuster*, Connecticut Law Review Symposium: "Is Our Constitutional Order Broken?", University of Connecticut School of Law, Hartford, CT (Oct. 15, 2010).

*Multiplicity in Federalism and the Separation of Powers*, Cornell Law School Summer Workshop Series, Ithaca, NY (July 14, 2010).

*Debate on the Congressional Subpoena Power* (with Irvin Nathan, General Counsel, U.S. House of Representatives), co-sponsored by the Federalist Society and the American Constitution Society, Yale Law School, New Haven, CT (March 25, 2010).

*Impeachment and Assassination*, Cornell Law School Faculty Scholarship Retreat, Ithaca, NY (Jan. 22, 2010).

*The Role of the President, Vice President, and Congress, and the Constitutional Separation of Powers*, Constitutional Café series, Amie and Tony James Art Gallery, CUNY Graduate Center, New York, NY (Nov. 1, 2008).

Respondent, Conference on Empirical Legal Studies, Cornell Law School, Ithaca, NY (Sept. 13, 2008).

*Resigning from the House of Representatives*, Harvard Law School, Cambridge, MA (Nov. 30, 2007).

*Resigning from the House of Representatives*, Cornell Law School, Ithaca, NY (Oct. 15, 2007).

## Service

### **Cornell Law School**

Faculty Appointments Committee (2015-2016); Academic Programs & Planning Committee (2010-2011, 2015-2016); Alumni in Academia Committee (2011-2019; Chair 2013-2014, 2018-2019); *Cornell Law Review* Faculty Advisor (2013-2019); Clerkship Committee (2011-2015); Jurist-in-Residence Committee (2013-2015); Administrative Committee (2008-2010); Faculty Secretary (2008-2009); Coached Moot Court team participating in national American Constitution Society competition (2009-2010).

**Cornell University**

Rhodes and Marshall Scholarships Endorsement Committee (2009-2019).

**Dissertation Committee Member**

Thomas Rives Bell (Government Department, University of Texas, Ph.D. 2019); Kyle Rozema (Economics Department, Cornell, Ph.D. 2015).

**Professional**

Member, APSA Presidential Task Force on Congressional Reform (2019-2020); Executive Committee member, AALS Section on Legislation & Law of the Political Process (2017-2019).

**Member**

American Political Science Association.

**Referee**

*American Journal of Jurisprudence; American Political Thought; Columbia Law Review; Election Law Journal; Harvard Law Review; International Affairs; Journal of Politics; Oxford Journal of Legal Studies; Parliamentary Affairs; Regulation & Governance; University of Chicago Press; University Press of Kansas; Yale Law Journal; Yale University Press.*

**Community**

The Cherry Arts theater company (Board of Directors, 2014-2017; Advisory Board, 2017-present).