

CURRICULUM VITAE

Michael S. Greve

Professor of Law
Antonin Scalia Law School at George Mason University
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EDUCATION

1981 – 1987 **Cornell University**
Department of Government
Ph.D., May 1987

1977 – 1981 **University of Hamburg** (Germany)
Political Science, Philosophy
Diploma, 1981

EMPLOYMENT

Antonin Scalia Law School
August 2012 – present
Professor of Law

American Enterprise Institute
April 2000 – August 2012
John G. Searle Scholar

Center for Individual Rights
March 1989 – February 2000
Co-founder and Executive Director

Washington Legal Foundation
March 1988 – March 1989
Resident Scholar

Smith Richardson Foundation
January 1986 – March 1988
Program Officer

Institute for Educational Affairs
September 1985 – January 1986
Program Officer

PRIOR TEACHING EXPERIENCE

Johns Hopkins University (Washington, DC)
August 2010 – December 2012
Department of Political Science/Program in Washington
Adjunct Professor

Boston College (Newton, MA)
August 2005 – December 2011
Department of Government
Visiting Professor

PROFESSIONAL ACTIVITIES

Competitive Enterprise Institute
Member/Chair, Board of Directors

Innovation Reform Action Project
Member, Board of Directors; Treasurer

Liberty Fund—Law & Liberty
Frequent Contributor

Federalist Society
Member

SCHOLARLY PUBLICATIONS

Books

FEDERALISM AND THE CONSTITUTION: COMPETITION VERSUS CARTEL. Mercatus Center, 2015

THE CONSTITUTION: UNDERSTANDING AMERICA'S FOUNDING DOCUMENT. American Enterprise Institute, 2013.

THE UPSIDE-DOWN CONSTITUTION. Harvard University Press, 2012.

CITIZENSHIP IN AMERICA AND EUROPE: BEYOND THE NATION-STATE? Michael Zöller and Michael S. Greve, eds. American Enterprise Institute, 2009.

FEDERAL PREEMPTION: STATES' POWERS, NATIONAL INTERESTS. Richard A. Epstein and Michael S. Greve, eds. American Enterprise Institute, 2006.

HARM-LESS LAWSUITS? WHAT'S WRONG WITH CONSUMER CLASS ACTIONS. American Enterprise Institute, 2005.

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

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

REAL FEDERALISM: WHY IT MATTERS, HOW IT COULD HAPPEN. American Enterprise Institute, 1999 (also published in Chinese, 2011).

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

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

Articles and Book Chapters

“So Close and Yet So Far Away: Judge Stephen F. Williams on Federalism” (forthcoming, *NYU Journal of Law & Liberty*) (draft available at <https://administrativestate.gmu.edu/wp-content/uploads/sites/29/2021/09/Greve-So-Close-And-Yet-So-Far-Away.pdf>)

“Of Cases and Controversies Once More.” 21 *Journal of Appellate Practice & Process* 289 (2021).

“Why We Need Federal Administrative Courts.” 28 *George Mason Law Review* 765 (2021).

“Is the Roberts Court Legitimate?” 44 *National Affairs* (Winter 2020) (available at <https://www.nationalaffairs.com/publications/detail/is-the-roberts-court-legitimate>)

“Exceptional After All and After *Oil States*: Judicial Review Under the Patent Act.” 26 *Boston University Journal of Science and Technology Law* 101 (2020). Re-published as one of the year’s ten best IP articles in *INTELLECTUAL PROPERTY LAW REVIEW* (Thompson Reuters, 2020).

“*Yakus* and the Administrative State,” (with James R. Conde). 42 *Harvard Journal of Law & Public Policy* 807 (2019).

“Our Polarized, Presidential Federalism.” In: *PARCHMENT BARRIERS: POLITICAL POLARIZATION AND THE LIMITS OF CONSTITUTIONAL ORDER*, Zachary C. Courser, Eric A. Helland & Kenneth P. Miller, eds., (2018).

“Bloc Party Federalism.” *42 Harvard Journal of Law & Public Policy* 279 (2018).

“The Administrative State and Its Law.” *24 George Mason Law Review* 339 (2017).

“Agency Finance in the Age of Executive Government.” (with Christopher C. DeMuth Sr.) *24 George Mason Law Review* 555 (2017).

“Is *Erie* Normal?” *69 Vanderbilt Law Review En Banc* 253 (2016). Available at <https://www.vanderbiltlawreview.org/wp-content/uploads/sites/89/2016/10/Is-Erie-Normal.pdf>

“Federalism.” In: *OXFORD HANDBOOK ON THE CONSTITUTION*. Mark Tushnet, Sanford Levinson, and Mark A. Graber, eds. Oxford University Press, 2015.

“Preemption in the Rehnquist and Roberts Courts: An Empirical Analysis.” (with Jonathan Klick, Michael A. Petrino, and J.P. Sevilla) *23 Supreme Court Economic Review* 353 (2015).

“Administrative Law Without Congress.” (with Ashley C. Parrish). *22 George Mason Law Review* 501 (2015).

“The Dormant Coordination Clause.” *67 Vanderbilt Law Review En Banc* 269 (2014).

“Fallacies of *Fallacies*.” *94 Boston University Law Review* 1359 (2014).

“Coercion, Conditions, and Commandeering: A Brief Note on the Medicaid Holding of *NFIB v. Sebelius*.” *37 Harvard Journal of Law & Public Policy* 83 (2014).

“Introduction: *Erie Railroad* at Seventy-Five.” (with Richard A. Epstein). *10 Journal of Law Economics & Policy* 1 (2013).

“The Originalism That Was, and the One That Will Be.” *25 Yale Journal of Law & the Humanities* (2013).

“Our Federalism Is Not Europe’s. It’s Becoming Argentina’s.” *7 Duke Journal of Constitutional Law & Public Policy* 17 (2012).

“Atlas Croaks, Supreme Court Shrugs.” *6 Charleston Law Review* 15 (2011).

“Bailouts or Bankruptcy?” *Engage: The Journal of the Federalist Society Practice Groups* (2011).

“Conservatives and the Courts.” In: *CRISIS OF CONSERVATISM? THE REPUBLICAN PARTY, THE CONSERVATIVE MOVEMENT AND AMERICAN POLITICS AFTER BUSH*, Joel Aberbach and Gillian Peele, eds. Oxford University Press, 2011.

“Preemption Choice in Context” (Book Review). 26 *Constitutional Commentary* 679 (Summer 2010).

“Citizenship on Two Continents” (with Michael Zöller). In: *CITIZENSHIP IN AMERICA AND EUROPE: BEYOND THE NATION-STATE?* Michael Zöller and Michael S. Greve, eds. American Enterprise Institute, 2009.

“A Response to Douglas W. Kmiec.” In: *RELIGION AND THE AMERICAN FUTURE*, Christopher DeMuth and Yuval Levin, eds. American Enterprise Institute, 2008.

“Federalism and the Welfare State in the United States.” 4 *Revue française des Affaires sociales* 15 (2008).

“The Dormant Commerce Clause as an Ex Ante Rule.” 3 *Journal of Law Economics & Policy* 241 (2007).

“Why *Roe* Won’t Go.” 51 *St. Louis University Law Journal*. 701 (2007).

“Preemption in the Rehnquist Court: A Preliminary Empirical Assessment.” (with Jonathan Klick). 14 *Supreme Court Economic Review* 43 (2005).

“Federal Preemption: James Madison, Call Your Office.” 33 *Pepperdine Law Review* 77 (2005).

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

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

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

“The Intractable Problem of Antitrust Jurisdiction.” (with Richard A. Epstein). In: *COMPETITION LAWS IN CONFLICT*, Epstein & Greve, eds. American Enterprise Institute, 2004.

“In Defense of Small Steps” (with Richard A. Epstein). In: *COMPETITION LAWS IN CONFLICT*, Epstein & Greve, eds. American Enterprise Institute, 2004.

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

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

- “Federalism’s Frontier.” 7 *Texas Review of Law & Politics* 93 (2002).
- “Business, the States, and Federalism’s Political Economy.” 25 *Harvard Journal of Law & Public Policy* 895 (2002).
- “Against Cooperative Federalism.” 70 *Mississippi Law Journal* 557 (2002).
- “Federalism Values and Foreign Relations.” 2 *Chicago Journal of International Law* 355 (2001).
- “Friends of the Earth, Foes of Federalism.” 11/12 *Duke Environmental Law & Policy Forum* 167 (2001).
- “Free Speech and Liberal Education.” *Academic Questions* Vol. 10 No. 3 (Summer 1997), p. 24.
- “Hopwood and Its Consequences.” 17 *Pace Law Review* 1 (1997).
- “Federalism and Judicial Mandates.” 28 *Arizona State Law Journal* 112 (1996).
- “Sexual Harassment: Telling the Other Victim’s Story.” 23 *Northern Kentucky Law Review* 523 (1996).
- “Environmental Justice or Political Opportunism?” 9 *St. John's Journal of Legal Commentary* 475 (1994).
- “Civil Rights, Uncivil Speech.” 1 *Public Interest Law Review* (1994).
- “Factions and the Environment.” 21 *Ecology Law Quarterly* 528 (1994).
- “Hate Crimes and Hypocrisy.” 1992/1993 *Annual Survey of American Law* 563.
- “Environmental Politics Without Romance.” In: ENVIRONMENTAL POLITICS: PUBLIC COSTS, PRIVATE REWARDS. Greve & Smith, eds.
- “Property Rights at the Bicentennial: Course Correction or Constitutional Revolution?” 25 *Beverly Hills Bar Association Journal* 114 (1991).
- “The Private Enforcement of Environmental Law.” 65 *Tulane Law Review* 339 (1990).
—Partially reprinted in: AN ENVIRONMENTAL LAW ANTHOLOGY, Robert L. Fischman, Maxine L. Lipeles, and Mark S. Squillace, eds. Anderson Publishing Co., 1996.
- “Public Law and Judicial Review.” 6 *The Journal of Law & Politics* 559 (1990).
- “Environmentalism and Bounty Hunting.” *The Public Interest* No. 97 (Fall 1989), pp. 15-29.
- “The Non-Reformation of Administrative Law: Standing to Sue and Public Interest Litigation in West German Environmental Law.” 22 *Cornell International Law Journal* 197 (1989).

“Terminating School Desegregation Lawsuits.” 7 *Harvard Journal of Law & Public Policy* 303 (1984).