

## **Michael S. Greve**

Professor of Law  
George Mason University School of Law  
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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**

#### **2012 – present George Mason University School of Law**

Professor of Law  
Courses Taught: Constitutional Law; Administrative Law; Federal Courts

#### **2000 – 2012 American Enterprise Institute**

John G. Searle Scholar  
Research and writing for academic and general-audience publications with emphasis on constitutional law, federalism, and regulatory policy. Organized scholarly conferences and public events.

#### **1989 - 2000 Center for Individual Rights**

Co-founder and Director  
Founded and directed non-profit constitutional law firm. Principally responsible for fundraising, administration, public affairs, case selection, and litigation management. Cases (selection):

*Rosenberger v. Univ. of Virginia*, 515 U.S. 819 (1995)

*United States v. Morrison*, 529 U.S. 598 (2000)

*BMC Marketing Corp. v. Fair Employment Council*, 28 F.3d 1268 (D.C. Cir. 1994)

*Hopwood v. State of Texas*, 78 F.3d 932 (5<sup>th</sup> Cir. 1996), *cert. denied*, 518 U.S. 1033 (1996)

1988 - 1989 **Washington Legal Foundation**  
Resident Scholar

1986 - 1988 **Smith Richardson Foundation**  
Program Officer

1985 **Institute for Educational Affairs**  
Program Officer

#### **PRIOR TEACHING EXPERIENCE**

2010 – 2012 **Johns Hopkins University**  
Adjunct Professor, Political Science

2004 - 2012 **Boston College**  
Visiting Professor, Department of Government

1994 **Cornell University**  
Cornell-in-Washington

1986 - 1987 **Hunter College**  
Adjunct Professor, Political Science

1987 **John Jay College**  
Adjunct Professor of Political Science

#### **PROFESSIONAL ACTIVITIES & EXPERIENCE**

Litigation services and management in over 30 cases, including U.S. Supreme Court proceedings

Founder and Director, Transatlantic Law Forum (organize and conduct international law conferences alternating between GMU Law School and Bucerius Law School, Hamburg, Germany)

Member, Board of Director, Competitive Enterprise Institute

Member, Board of Directors, Center for Class Action Fairness

Editor, *Supreme Court Economic Review*

Principal contributor, *Liberty Law Blog* (<http://libertylawsite.org/blog/>)

Numerous op-eds, magazine articles, blog contributions (e.g. *Wall Street Journal*, *National Review*, *Balkinization*)

Numerous speaking engagements (law schools and colleges; professional and scholarly associations)

Congressional and State legislative testimony

## **WORK IN PROGRESS**

### **RESEARCH & SCHOLARLY PUBLICATIONS**

#### **Books**

THE CONSTITUTION: UNDERSTANDING AMERICA'S FOUNDING DOCUMENT. AEI, 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. AEI, 2009.

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

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

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

SELL GLOBALLY, TAX LOCALLY: SALES TAX REFORM FOR THE NEW ECONOMY. AEI, 2003.

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

THE DEMISE OF ENVIRONMENTALISM IN AMERICAN LAW. AEI, 1996.

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

#### **Articles**

"Federalism." In: OXFORD HANDBOOK ON THE CONSTITUTION (Mark Tushnet, Sanford Levinson, and Mark A. Graber, eds) (2015).

- “Preemption in the Rehnquist and Roberts Courts: An Empirical Analysis.” (with Jonathan Klick, Michael A. Petrino, and J.P. Sevilla) (forthcoming, *Supreme Court Economic Review* ([http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2567878](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2567878))).
- “Administrative Law Without Congress.” (with Ashley C. Parrish). 22 *George Mason Law Review* 1 (2015) (<http://ssrn.com/abstract=2514484>).
- “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). 8 *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. AEI, 2009.
- “A Response to Douglas W. Kmiec.” In: *RELIGION AND THE AMERICAN FUTURE*, Christopher DeMuth and Yuval Levin, eds. AEI, 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. AEI, 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 & 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." 1994 *Public Interest Law Review* 1.

"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).