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## Christopher R. Green

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### EMPLOYMENT

#### University of Mississippi School of Law

Jamie L. Whitten Chair in Law and Government, 2021-present

Professor of Law, 2019-present

Affiliated Faculty, Department of Philosophy and Religion

Associate Professor of Law, 2012-2019

Assistant Professor of Law, 2006-2012

#### University of San Diego School of Law

Visiting Professor of Law, 2012-2013

Affiliated Scholar, Center for the Study of Constitutional Originalism, 2015-present

#### Princeton University

James Madison Program, Ann and Herbert W. Vaughan Visiting Fellow, Fall 2015

Teach and research in constitutional law, constitutional theory, federal jurisdiction, conflict of laws, criminal law, administrative law, torts, property, real estate, agency, and commercial law

### BOOK PUBLICATIONS

1. FEDERAL CONSTITUTIONAL LAW, 6 vols., with Scott Gaylord & Lee Strang (Carolina Academic). Chief editor for the 2018 third edition of volume 2, FEDERAL EXECUTIVE POWER AND THE SEPARATION OF POWERS, and the 2017 second edition of volume 5, THE FOURTEENTH AMENDMENT.
2. EQUAL CITIZENSHIP, CIVIL RIGHTS, AND THE CONSTITUTION: THE ORIGINAL SENSE OF THE PRIVILEGES OR IMMUNITIES CLAUSE (2015, Routledge Press). Cited in *United States v. Vaello Madero*, 142 S.Ct. 1539, 1550 (2022) (Thomas, J., concurring).

### ARTICLE PUBLICATIONS

3. *Tribes, Nations, States: Our Three Commerce Powers*, 127 PENN ST. L. REV. \_\_\_ (forthcoming 2023). Available [here](#).
4. *There is Something That Our Constitution Just Is*, 27 TEX. REV. L. POL. \_\_\_ (forthcoming 2023) (with Evan Bernick). Available [here](#). Presented at 13<sup>th</sup> Annual Darling Foundation Originalism Works-in-Progress Conference, University of San Diego, commentary and discussion [here](#) and [here](#).

5. *State-Court Departures from the Supreme Court: A Comprehensive Survey*, 92 MISS. L.J. \_\_ (forthcoming 2022) (with Charles A. Langley, Elena Mosby Peters, David Camp Pittman, and Suzette Nicole Wafford-Turner).
6. *What Has Athens to do With Philadelphia?*, 12 FAULKNER L. REV. \_\_ (forthcoming 2022). Available [here](#).
7. “Law,” “Citizens,” and 1868. Review of Randy Barnett & Evan Bernick, THE ORIGINAL MEANING OF THE FOURTEENTH AMENDMENT: ITS LETTER AND SPIRIT. Available [here](#).
8. *An Unparalleled Reconstruction Political Time Machine*. Review of Kurt Lash, THE RECONSTRUCTION AMENDMENTS: THE ESSENTIAL DOCUMENTS. Available [here](#).
9. *Our Bipartisan Due Process Clause*, 27 GEO. MASON L. REV. 1147 (2020).
10. *State-Constitutional Disagreement with the Supreme Court: The Fourth Amendment*, 89 MISS. L.J. 197 (2020) (with LaKeith Faulkner).
11. *Seven Problems for Antidiscrimination Due Process*, 11 FAULKNER L. REV. 1 (2019). Cited in *United States v. Vaello Madero*, 142 S.Ct. 1539, 1546 (2022) (Thomas, J., concurring).
12. *Originalism as Faithfulness*, 10/31/19 U. CHI. L. REV. ONLINE \*1. Review of Eric Segall, ORIGINALISM AS FAITH. [Presented](#) at 9<sup>th</sup> Annual Darling Foundation Originalism Works-in-Progress Conference, University of San Diego, paper and discussion [here](#) and [here](#).
13. *Justice Gorsuch and Natural Law*, 70 ALA. L. REV. 635 (2019).
14. *Showcase Panel III: The States and Administrative Law*, 98 NEB. L. REV. 151 (2019) (with Nestor Davidson, Miriam Seifter, Jeffrey Sutton, and Michael Scudder). [Panel](#) at 2018 Federalist Society National Lawyers Convention.
15. *Constitutional Truthmakers*, 32 NOTRE DAME J. L. ETHICS & PUB. POL’Y 497 (2018).
16. *Twelve Problems with Substantive Due Process*, 16 GEO. J. L. & PUB. POL’Y 398 (2018).
17. *The History of the Loyal Denominator*, 79 LA. L. REV. 47 (2018). [Presented](#) at 5<sup>th</sup> Annual Darling Foundation Originalism Works-in-Progress Conference, University of San Diego, February 2014, commentary and discussion [here](#) and [here](#).
18. *The Fourteenth Amendment and Masterpiece Cakeshop: Equal Citizenship, our Inclusive Republic, and Anglo-American Common Law* (with David R. Upham). Available [here](#).
19. *Loyal Denominatorism and the Fourteenth Amendment: Normative Defense and Implications*, 13 DUKE J. CONST. L. & PUB. POL’Y 167 (2017).

20. *Duly Convicted: The Thirteenth Amendment as Procedural Due Process*, 15 GEO. J. L. & PUB. POL'Y 73 (2017).
21. *Clarity and Reasonable Doubt in Early State-Constitutional Judicial Review*, 57 S. TEX. L. REV. 169 (2015).
22. *Incorporation, Total Incorporation, and Nothing But Incorporation?*, 24 WM. & MARY BILL RTS. J. 93 (2015).
23. Review of DUFF ET AL., EDs., *THE STRUCTURES OF THE CRIMINAL LAW*, 12 J. MORAL PHIL. 108 (2015).
24. *Reverse Broken Windows*, 65 J. LEG. EDUC. 265 (2015).
25. *Constitutional Theory and the Activismometer: How to Think About Indeterminacy, Restraint, Vagueness, Executive Review, and Precedent*, 54 SANTA CLARA L. REV. 403 (2014).
26. *A Textual Analysis of the Possible Impact of Measure 26 on the Mississippi Bill of Rights*, 81 SUPRA: MISS. L.J. ONLINE 39 (2011).
27. *Substantive Due Process After McDonald v. Chicago*, 80 SUPRA: MISS. L.J. ONLINE 49 (2010).
28. *Some Themes From Judge Rhessa H. Barksdale's Published Opinions*, 79 MISS. L.J. 261 (2010).
29. *McDonald v. Chicago, the Meaning-Application Distinction, and 'Of' in the Privileges or Immunities Clause*, ENGAGE, Mar. 2010, at 26.
30. *"This Constitution": Constitutional Indexicals as a Basis for Textualist Semi-Originalism*, 84 NOTRE DAME L. REV. 1607 (2009).
31. *The Original Sense of the (Equal) Protection Clause: Subsequent Interpretation and Application*, 19 GEO. MASON U. CIV. RTS. L.J. 219 (2009). Cited in *McDonald v. Chicago*, 561 U.S. 742, 859 n.2 (2010) (Stevens, J., dissenting); *United States v. Vaello Madero*, 142 S.Ct. 1539, 1551 (2022) (Thomas, J., concurring).
32. *The Original Sense of the (Equal) Protection Clause: Pre-Enactment History*, 19 GEO. MASON U. CIV. RTS. L.J. 1 (2008). Cited in *United States v. Vaello Madero*, 142 S.Ct. 1539, 1551 (2022) (Thomas, J., concurring).
33. *Punishing Corporations: The Food-Chain Schizophrenia in Punitive Damages and Criminal Law*, 87 NEB. L. REV. 197 (2008). Reprinted in 58 DEF. COUNS. J. 135 (2009).
34. *The Epistemology of Testimony*. Internet Encyclopedia of Philosophy, October 2008, available [here](#).

35. *The Food-Chain Issue for Corporate Punishment: What Criminal Law and Punitive Damages Can Learn from Each Other*, ENGAGE, Feb. 2008, at 40. Reprinted in PUNITIVE DAMAGES: NEW DIMENSIONS (M. N. Bhavani ed., 2008).
36. *Suing One's Sense Faculties for Fraud: "Justifiable Reliance" in the Law as a Clue to Epistemic Justification*, 36 PHIL. PAPERS 49 (2007).
37. *Originalism and the Sense-Reference Distinction*, 50 ST. LOUIS U.L.J. 555 (2006).

## AMICUS BRIEFS

38. Brief for Professor Christopher R. Green as Amicus Curiae, 303 Creative LLC v. Elenis, No. 21-476. Available [here](#).
39. Brief for Professors Christopher R. Green and David R. Upham as Amici Curiae, Masterpiece Cakeshop v. Colorado Civil Rights Commission, 138 S.Ct. 1719 (2018). Available [here](#).

## WORKS IN PROGRESS AND PRESENTATIONS

40. *Forty Years Across the Rubicon* (with Channing Curtis).
41. *What Is the Object of the Constitutional Oath?* (with Evan Bernick). Available [here](#).
42. *Problems With Vermeule, Common Good Constitutionalism*. Available [here](#).
43. *The Original Meaning of the Fourteenth Amendment: Implications for Labor Law* (discussion with Evan Bernick). Available [here](#).
44. *The Declaration Center 2022 Constitution Day* (discussion with Stephen Sachs). Available [here](#).
45. *The Rights That Make Us America: The Fourteenth Amendment's First 800 Years*.
46. *The Privileges or Immunities Clause as a Self-Executing Equality Requirement*.
47. Commentary on John McGinnis & Michael Rappaport, *Defending Original Methods*. [Presented](#) at 7<sup>th</sup> Annual Darling Foundation Originalism Works-in-Progress Conference, University of San Diego, February 2016, paper and discussion [here](#) and [here](#).
48. *Theseus, Incorporated: Philosophy of Mind, Material Constitution, and the Ontology of the Criminal Law*. Presented at Central Division of American Philosophical Association, February 2012; University of San Diego, January 2013; University of Missouri, April 2016. Available [here](#).
49. *The Constitutionality of Damage Caps: A Tricky Question*. Presented at University of Mississippi, October 2013.
50. *The Privileges or Immunities Clause and Implications of Epistemic Inferiority*. Presented at Southeast Association of Law Schools, August 2013.

51. Commentary on Epps, *Narrative Originalism and the Civil Rights Act of 1866: A Speculative Essay*. [Presented](#) at 3<sup>rd</sup> Annual Darling Foundation Originalism Works-in-Progress Conference, University of San Diego, February 2012, paper and discussion [here](#) and [here](#).
52. *The Article VI Oath and Recent Nomination Hearings*. Presented at Southeast Association of Law Schools, July 2011.
53. *Twelve Purported Distinctions Between the Epistemologies of Testimony and Perception*. Presented at University of Mississippi Department of Philosophy and Religion, February 2008; Aristotelian Society and Mind Association, July 2010.
54. *Constitutional and Statutory Problems with the National Popular Vote Interstate Compact*.

## **EDUCATION**

### **Yale Law School**

J.D., 1998

Senior Editor, Yale Law Journal

### **University of Notre Dame**

Ph.D., Philosophy, 2006, M.A., 2003

Dissertation: THE EPISTEMIC PARITY OF TESTIMONY, MEMORY, AND PERCEPTION

### **Princeton University**

A.B., Politics, *summa cum laude*, 1994

Lyman H. Atwater Prize in Politics (highest academic standing in Politics Department)

John G. Buchanan Prize in Politics (outstanding senior thesis in Politics Department)

Phi Beta Kappa

## **PRIOR EMPLOYMENT**

### **U.S. Court of Appeals for the Fifth Circuit**

Law Clerk for the Honorable Rhesa H. Barksdale, Jackson, Mississippi, 1998-1999

### **Phelps Dunbar, LLP**

Associate, General Litigation group, Jackson, Mississippi, specializing in appellate litigation, 1999-2001