

Maggie Blackhawk

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ACADEMIC APPOINTMENTS

Assistant Professor of Law, University of Pennsylvania 2017-
Climenko Fellow & Lecturer on Law, Harvard Law School 2014-2017

AREAS OF TEACHING & EXPERTISE

Legislation & Law of the Political Process, Constitutional Law, Federal Indian Law, First Amendment, Public Law Workshop

EDUCATION

J.D. Stanford Law School 2010
Senior Managing & Articles Editor, *Stanford Journal on Civil Rights & Civil Liberties*
Co-President, *Native American Law Students Association*

B.A. UCLA, Linguistic Anthropology, *summa cum laude* 2005
Editor-in-Chief, *UCLA Research Journal for the Humanities & Social Sciences*
Commencement Speaker, *Department of Anthropology*

PUBLICATIONS

Articles, Book Chapters, & Essays

Equity Outside the Courts, 121 COLUM. L. REV. __ (2020) (forthcoming)

On Power & Indian Country, 1 WOMEN & LAW 39 (2020) (published by STAN. L. REV.)

Federal Indian Law as Paradigm within Public Law, 132 HARV. L. REV. 1764 (2019)
Reviewed by Katie Eyer, *Shifting the Paradigm: Power, Rights, and Equality in Constitutional Law*, JOTWELL (June 13, 2019);
Listed as “Download of the Year” on the *Legal Theory Blog*.

Reforming Lobbying, in DEMOCRACY BY THE PEOPLE (Eugene Mazo & Timothy Kuhner, eds. Cambridge University Press) (2018)

Petitioning and the Making of the Administrative State, 127 YALE L.J. 1448 (2018)
Reviewed by Wyatt Sussman, *Excavating Congress’s Relationship to the Administrative State*, JOTWELL (July 25, 2018);
Awarded the Cromwell Article Prize (2019) for best article of the year in legal history by the American Society for Legal History.

Lobbying and the Petition Clause, 68 STAN. L. REV. 1131 (2016)

Plenary No Longer: How the Fourteenth Amendment “Amended” Congressional Jurisdiction Stripping Power, 63 STAN. L. REV. 1213 (2011)
Awarded the Steven M. Block Civil Liberties Prize

Additional Publications, & Amicus Briefs (selected)

The Judicial Capacity Model & Legal Process, BALKINIZATION (Sept. 11, 2019) (book review)

Where the Walls Began, THE NEW YORK TIMES, Section A Page 19 (May 27, 2019)

Modern Lobbying: A Relationship Market, 13(3) CENTER FOR ECONOMIC STUDIES IFO DICE REPORT 15 (2015) (invited) (with Thomas Groll)

Brief for *Amici Curiae* Historians and Legal Scholars, *Dollar General Corp. v. Mississippi Band of Choctaw Indians*, No. 13-1496 (U.S. Oct. 22 *is a Petition Clause Case (and, yes, it matters)*), ONLABOR (Aug. 17, 2015)

The Relationship Market: How Modern Lobbying Gets Done, EDMOND J. SAFRA CENTER FOR ETHICS BLOG (Feb. 13, 2015) (with Thomas Groll)

In Progress

Legislative Constitutionalism

The Contours of American Congressional Petitioning, 1789-1950 (with Dan Carpenter, Tobias Resch, & Benjamin Schneer) (revise & resubmit at *Legislative Studies Quarterly*)

Petitions & Legislative Committee Formation: Theory and Evidence from Revolutionary Virginia and the Early U.S. House (with Dan Carpenter, Tobias Resch, & Benjamin Schneer)

The Relationship Market: How Modern Lobbying Gets Done (with Justin Richland)

GRANTS & HONORS (SELECTED)

Ash Center on Democratic Governance, Harvard Kennedy School, <i>grant</i>	2014-15
Ash Center on Democratic Governance, HKS, <i>non-residential fellowship</i>	2013-14
Edmond J. Safra Center for Ethics, Harvard University, <i>grant</i>	2012-13
American Political Science Association, <i>Centennial Center Fellowship</i>	2012-13
Warren E. Miller Fund in Electoral Politics, <i>grant</i>	2012-13
Adolf and Marion Lichstern Fund, University of Chicago, <i>grant</i>	2012-13

TEAM RESEARCH

Co-Organizer, “Tobin Project: Rethinking the History of American Democracy”
Co-Organizers: Naomi Lamoreaux, Laura Edwards
Co-Principal Investigator, “The Congressional Petitions Database”
Co-Principal Investigator: Dan Carpenter
Co-Principal Investigator, “Language of Lobbying Project”
Co-Principal Investigator: Justin Richland (full-time field researcher 2012-2013)
Principal Policy Producer, “Center on the Everyday Lives of Families” 2005-07
Principal Investigator: Elinor Ochs
Manager of Research, “Ethnography of Autism Project” 2004-06
Principal Investigators: Elinor Ochs & Lisa Capps

CLERKSHIPS

Hon. Susan Graber	2013-14
U.S. Court of Appeals for the Ninth Circuit	
Chief Judge James Ware	2010-11
U.S. District Court for the Northern District of California	

LEGAL EMPLOYMENT

Bredhoff & Kaiser, <i>Associate</i>	2011-12
Native American Rights Fund, <i>Summer Law Clerk</i>	2009

INVITED PRESENTATIONS, CONFERENCES, & APPEARANCES (SELECTED)

- The Constitution, Native Nations, & American Colonialism*, Institute for Constitutional History, hosted by Stanford Constitutional Law Center, Stanford Law School, Palo Alto, CA (July 2020) (scheduled).
- Equity Outside the Courts*, Faculty Workshop, USC Law, Los Angeles, CA (Apr. 9, 2020) (scheduled).
- American Colonialism, Native Nations, & the U.S. Constitution*, Society of Fellows & Native American Studies Invited Scholar, Dartmouth College, Hanover, NH (Apr. 5-7, 2020) (scheduled).
- American Colonialism, Native Nations, & the U.S. Constitution*, Columbia's University Seminar on Indigenous Studies, Columbia University, New York, NY (Mar. 9, 2020) (scheduled).
- American Colonialism, Native Nations, & the U.S. Constitution*, United Nations Special Rapporteur on Freedom of Religion or Belief: Reconciling Religious Freedom and Equality, Ralph Bunche Institute, New York, NY (Mar. 9, 2020) (scheduled).
- Legislative Constitutionalism*, Bi-Annual Legislation Roundtable, Yale Law School, New Haven, CT (Feb. 28, 2020) (scheduled).
- Equity Outside the Courts*, Legal Theory Workshop, UMinn Law School, Minneapolis, MN (Feb. 6, 2020) (scheduled).
- The Academy*, Conference on the Advancement of Women in the Legal Profession, Duke Law D.C. Campus, Washington, DC (Feb. 3, 2020) (scheduled).
- American Colonialism, Native Nations, & the U.S. Constitution*, Presidential Plenary Panel, American Historical Association, New York, NY (Jan. 5, 2020).
- Legislative Constitutionalism*, AALS Section on Legislation and Law of the Political Process, AALS Washington, D.C. (Jan. 2-5, 2020).
- Equity Outside the Courts*, Faculty Workshop, Duke Law, Durham, NC (Nov. 25, 2019).
- Equity Outside the Courts*, American Society for Legal History, Boston, MA (Nov. 21-23, 2019).
- Equity Outside the Courts*, Program in Law and Public Affairs, Princeton, Princeton, NJ (Nov. 18, 2019).
- Not Your Father's First Amendment*, Drexel Law, Philadelphia, PA (Nov. 15, 2019) (scheduled).
- Legislative Constitutionalism*, International Conference on Legislation and Law Reform, Washington, D.C. (Nov. 14-15, 2019).
- Federal Indian Law as Paradigm within Public Law*, Race, Politics, and the Law, Yale University, New Haven, CT (Oct. 31, 2019).
- The Political Economy of Federal Indian Law as Paradigm within Public Law*, Law & Political Economy Group, Yale Law School, New Haven, CT (Oct. 31, 2019).
- Federal Indian Law as Paradigm within Public Law*, Bill Eskridge's Constitutional Law Class, Yale Law School, New Haven, CT (Oct. 31, 2019).
- Alternative Constitutional Law Curriculum*, Yale Law School, New Haven, CT

(Oct. 30, 2019).
This History of Mapping, American Philosophical Society, Philadelphia, PA
 (Oct. 11, 2019).
Federal Indian Law as Paradigm within Public Law, Harvard Law School, Cambridge, MA
 (Oct. 7, 2019).
Equity Outside the Courts, Faculty Workshop, Moritz College of Law, Ohio State, Columbus, OH
 (Sept. 30, 2019).
The Red & The Black Today, Custer Died for Your Sins at 50, Colorado Law, Boulder, CO
 (Sept. 12-13, 2019).
Equity Outside the Courts, Faculty Workshop, Drexel Law, Philadelphia, PA
 (August 29, 2019).
Equity Outside the Courts, Faculty Workshop, Emory Law, Atlanta, GA
 (August 28, 2019).
Petitioning, Congress, & the Petition Clause, First Amendment Summer Institute, National Constitution
 Center, Philadelphia, PA (August 1, 2019).
 Co-Organizer, *Rethinking the History of American Democracy Working Group*, Harvard Faculty Club, Tobin
 Project, Cambridge, MA (July. 15-17, 2019).
Equity Outside the Courts, Congress & History Conference, Harvard
 University, Radcliffe Institute, Cambridge, MA (June 13-14, 2019).
 Participant, U.S. Legal History Roundtable, American Bar Foundation, Chicago, IL (May 10, 2019).
The Nineteenth Amendment (Federal Indian Law as Paradigm within Public Law), Matter of Fact with
 Soledad O'Brien, Recorded at the Newseum, Washington, D.C. (aired May 12, 2019).
Equity & Lawmaking: Petitions and the Rule of Law, AHRC Research Network on Petitions and
 Petitioning, University of London, London, England (Apr. 11-12, 2019).
Federal Indian Law as Paradigm within Public Law, Indigenous/Settler Conference, Princeton
 University, Princeton, NJ (Apr. 4-6, 2019).
Federal Indian Law as Paradigm within Public Law, Law & Society Speaker Series, University of
 Wisconsin Law School, Madison, WI (Mar. 6, 2019).
Federal Indian Law as Paradigm within Public Law, Conference on Reconstruction, Duke Law
 School, Durham, NC (Mar. 1-2, 2019).
Federal Indian Law as Paradigm within Public Law, Faculty Workshop, Villanova Law School,
 Villanova, PA (Feb. 27, 2019).
Equity & Lawmaking: Petitions and the Rule of Law, Petitions in the Age of Atlantic
 Revolutions, Institute of Social Sciences, University of Lisbon, Lisbon, Portugal (Feb.
 13-15, 2019).
Federal Indian Law as Paradigm within Public Law, Faculty Workshop, Northwestern Law School,
 Chicago, IL (Jan. 7, 2019).
Federal Indian Law as Paradigm within Public Law, The American Historical Association
 Conference, Chicago, IL (Jan. 3-6, 2019).
Equity & Lawmaking: Petitions and the Rule of Law, The American Society for Legal History,
 Houston, TX (Nov. 8-11, 2018).
 Keynote Address, New York Joint Committee on Public Ethics Annual CLE Program, New
 York Law School, New York City, NY (Oct. 25, 2018).
 Presenter, *Indigenizing the Academy*, University of Pennsylvania, Philadelphia, PA (Oct. 22, 2018).
The Contours of American Congressional Petitioning, 1789-1950, American Political Science
 Association Annual Meeting, Boston, MA (Aug. 31, 2018).
Federal Indian Law as Paradigm within Public Law, The Fourteenth Amendment at 150, Law &
 Society Association, Toronto, Ontario, Canada (June 8, 2018).
Federal Indian Law as Paradigm within Public Law, Culp Colloquium, Stanford Law School, Palo

Alto, CA (June 4, 2018).

Co-Organizer & Presenter, Rethinking the History of American Democracy Workshop, Tobin Project, Harvard Faculty Club, Cambridge, MA (May 7, 2018).

Federal Indian Law as Paradigm within Public Law, Faculty Workshop, University of Pennsylvania Law School, Philadelphia, PA (May 1, 2018).

Episode 168: Galaxy-Sized Diamond, The Oral Argument Podcast (Apr. 21, 2018).

Commentator, *A Progressive First Amendment*, Columbia Law Review Symposium, Columbia Law School, New York City, NY (Mar. 23, 2018).

Federal Indian Law as Paradigm within Public Law, Annual Legislation Roundtable, Fordham Law School, New York City, NY (Mar. 2, 2018).

Petitioning and the Making of the Administrative State, Friday Seminar, McNeil Center for Early American Studies, University of Pennsylvania, Philadelphia, PA (Feb. 9, 2018) (hosted at Temple University, History Department).

Legislative Procedure, AALS Annual Meeting, San Diego, CA (Jan. 3-6, 2018).

Petitioning and the Making of the Administrative State, YLJ Contemporary Scholars Workshop, Yale Law School, New Haven, CT (Nov. 6, 2017).

Working Group Leader, *Self-Determination and Implementation of the UNDRIP*, Indigenous Law Working Conference, Columbia Law School, New York City, NY (Nov. 4, 2017).

Petitioning and the Making of the Administrative State, Political Economy & Public Law Conference, University of Southern California, Los Angeles, CA (June 14-15, 2017).

Petitioning and the Making of the Administrative State, Tobin Project Conference on the Institutions of Democracy, Cambridge, MA (June 1-2, 2017).

Petitions & Legislative Committee Formation: Theory and Evidence from Revolutionary Virginia and the Early U.S. House, Annual Meeting, American Political Science Association, Philadelphia, PA, (Sept. 1, 2016).

Chair, *Native Law and Legal Strategy*, Performing Native Politics Conference, Radcliffe Institute for Advanced Study, Cambridge, MA, (Apr. 29, 2016).

Reforming Lobbying, Seton Hall University School of Law, Newark, NJ, (April 1, 2016).

Lobbying and the Petition Clause, Northeastern University Law Journal Symposium, Boston, MA, (Mar. 11, 2016).

Lobbying and the Petition Clause, New Voices in Legislation Workshop, 110th AALS Annual Meeting, Manhattan, NY, (Jan. 9, 2016).

Lobbying and the Petition Clause, The Law of Democracy, Stanford Law Review Symposium, Palo Alto, CA, (Feb. 9, 2016).

Commentator, “Sliver of a Full Moon” (reenactment of the VAWA reauthorization), Radcliffe Institute for Advanced Study, Cambridge, MA, (Nov. 19, 2015).

Lobbying and the Petition Clause, Freedom of Expression Scholars Conference, Floyd Abrams Institute, Yale Law School, New Haven, CT, (May 2, 2015).

Lobbying and the Petition Clause, Ash Center on Democratic Governance, Harvard Kennedy School, Cambridge, MA, (Apr. 30, 2015).

Discussant, *Crossing Indigenous Boundaries*, Harvard Peabody Museum of Ethnology & Archaeology, Cambridge, MA, (Mar. 9, 2015).

Organizer, *Fixing Congress*, Harvard Kennedy School, Cambridge, MA, (Jan. 30, 2015).

Reforming Lobbying, Brennan Center for Justice, New York University of Law, Manhattan, NY, (Sept. 19, 2014).

Discussant, *Tribal Jurisdictional Issues & VAWA*, First Annual Indian Law Conference, Stanford Law School, Palo Alto, CA, (Feb. 7, 2014).

CONFERENCE & WORKSHOP ORGANIZATION

Rethinking the History of American Democracy, Tobin Project, Harvard University,
Cambridge, MA (May 7, 2018 & ongoing).

Performing Native Politics Conference, Radcliffe Institute for Advanced Study, Cambridge, MA,
(Apr. 29, 2016).

Rethinking Indian Law after *Dollar General*, Radcliffe Institute for Advanced Study,
Cambridge, MA, (Jan. 27, 2016).