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Florida State University College of Law
425 West Jefferson Street, Tallahassee, FL 32306-1601

Academic Appointment:

Florida State University College of Law
D'Alemberte Chair in Constitutional Law & Professor of Law (2023-present)
Teaching: Constitutional Law, First Amendment, and related seminars
Committees: Promotion and Tenure (2024-2026); Judicial Clerkships (2023-2026)
Affiliated Faculty: Institute of Law, Technology & Innovation
Service: Provost's Advisory Committee on Social Media Policy (2025 to present), Promotions and Tenure Committee (2024-present); Clerkship Committee (2023 to present)

Academic Press Series Editor:

Oxford University Press Theoretical Perspectives in Law (2019-Present)
Creator and general editor

Cambridge University Press Studies on Civil Rights and Civil Liberties (2016-Present)
Creator and general editor

Additional Professional Affiliation:

Yale Law School, Information Society Project (2011-present)
Senior Fellow

List of Publications:

Scholarly Books:

Monographs:

FREE SPEECH IN THE BALANCE (Cambridge University Press 2020).

CONSTITUTIONAL ETHOS: LIBERAL EQUALITY FOR THE COMMON GOOD (Oxford University Press 2017);
Trans. ETHOS CONSTITUCIONAL: IGUALDADE, LIBERDADE E BEM COMUM (Malina Fachin and Rodrigo Kanayama, Portuguese trans., 2023).

FOR LIBERTY AND EQUALITY: THE LIFE AND TIMES OF THE DECLARATION OF INDEPENDENCE (Oxford University Press 2012, Kindle & NOOK 2012, Audible Audio Edition 2013, paperback 2014).

WE SHALL OVERCOME: A HISTORY OF CIVIL RIGHTS AND THE LAW (Yale University Press 2008, Kindle & NOOK 2008, paperback 2009).

THE THIRTEENTH AMENDMENT AND AMERICAN FREEDOM: A LEGAL HISTORY (New York University Press 2004, NOOK 2010).

DESTRUCTIVE MESSAGES: HOW HATE SPEECH PAVES THE WAY FOR HARMFUL SOCIAL MOVEMENTS (New York University Press, 2002, 2d prtg. 2004, Kindle & NOOK 2010).

Casebook:

THE FIRST AMENDMENT: THINKING THROUGH FREEDOM OF EXPRESSION (co-editor with Robert Post and James Weinstein) (Foundation Press, forthcoming).

Edited Books:

STUDENT SPEECH IN THE TWENTY-FIRST CENTURY (edited with David Han, Cambridge University Press, forthcoming 2026).

MINORITIES, FREE SPEECH, AND THE INTERNET (edited with Oscar Pérez de la Fuente and Jedrzej Skrzypczak, Routledge Press 2023).

PROMISES OF LIBERTY: THE HISTORY AND CONTEMPORARY RELEVANCE OF THE THIRTEENTH AMENDMENT (Alexander Tsesis ed., Columbia University Press 2010).

Anthology:

SECURING CIVIL RIGHTS: CONTEMPORARY PROBLEMS AND POLICIES (Eliva Press 2025).

Scholarly Articles:

Constitutional Law in the Age of Generative AI, 105 N.C. L. REV. * (forthcoming 2027).

Free Speech, Intentionality, and Consciousness, 95 FORDHAM L. REV. * (forthcoming 2026).

Originalist Framing of Free Speech Doctrine, 173 UNIVERSITY OF PENNSYLVANIA LAW REVIEW 1935 (2025).

The Free Speech Clause as a Deregulatory Tool, 153 DAEDALUS 208 (2024) (publication of American Academy of Arts and Sciences) (reprinted in 5 JOURNAL OF FREE SPEECH LAW 381 (2024)).

The Establishment of Religion in Schools, 76 STANFORD LAW REVIEW 1725 (2024).

Levels of Free Speech Scrutiny, 98 INDIANA LAW JOURNAL 1225 (2023).

Incitement to Insurrection and the First Amendment, 57 WAKE FOREST LAW REVIEW 971 (2022) (reprinted in FIRST AMENDMENT LAW HANDBOOK 351 (Thomson Reuters West, Rodney Smolla ed., forthcoming 2023)).

Government Speech and the Establishment Clause, 2022 UNIVERSITY OF ILLINOIS LAW REVIEW 1761.

Compelled Speech and Proportionality, 97 INDIANA LAW JOURNAL 811 (2022) (reprinted in FIRST AMENDMENT LAW HANDBOOK 351 (Thomson Reuters West, Rodney Smolla ed., 2022)).

Enforcement of the Reconstruction Amendments, 78 WASHINGTON & LEE LAW REVIEW 849 (2021).

Marketplace of Ideas, Privacy, and the Digital Audience, 94 NOTRE DAME LAW REVIEW 1585 (2019).

Data Subjects' Privacy Rights: Regulation of Personal Data Retention and Erasure, 90 UNIVERSITY OF COLORADO LAW REVIEW 593 (2019).

Categorizing Student Speech, 102 MINNESOTA LAW REVIEW 1147 (2018).

Social Media Accountability for Terrorist Propaganda, 86 FORDHAM LAW REVIEW 605 (2017).

Campus Speech and Harassment, 101 MINNESOTA LAW REVIEW 1863 (2017) (reprinted in *University of Houston Institute For Higher Education Law And Governance Research Monograph Series* (Michael Olivas ed. 2017) & also reprinted in *MICROAGGRESSIONS-SAFE SPACES & TRIGGER WARNINGS* (Greenhaven Publishing 2017)).

Terrorist Speech on Social Media, 70 VANDERBILT LAW REVIEW 651 (2017) (reprinted in FIRST AMENDMENT LAW HANDBOOK (Thomson Reuters West, Rodney Smolla ed.)).

Multifactorial Free Speech, 110 NORTHWESTERN UNIVERSITY LAW REVIEW 1017 (2016).

The Declaration of Independence and Constitutional Interpretation, 89 SOUTHERN CALIFORNIA LAW REVIEW 369 (2016).

Balancing Free Speech, 96 BOSTON UNIVERSITY LAW REVIEW 1 (2016) (reprinted in FIRST AMENDMENT LAW HANDBOOK (Thomson Reuters West, Rodney Smolla ed.)).

The Categorical Free Speech Doctrine and Contextualization, 65 EMORY LAW JOURNAL 495 (2015).

Free Speech Constitutionalism, 2015 UNIVERSITY OF ILLINOIS LAW REVIEW 1015 (this article is the subject of online symposium in UNIVERSITY OF ILLINOIS LAW REVIEW, SLIP OPINIONS) (reprinted in FIRST AMENDMENT LAW HANDBOOK (Thomson Reuters West, Rodney Smolla ed.)).

The Right to Erasure: Privacy and the Indefinite Retention of Data, 49 WAKE FOREST LAW REVIEW 433 (2014).

Maxim Constitutionalism: Liberal Equality for the Common Good, 91 TEXAS LAW REVIEW 1609 (2013).

Footholds of Constitutional Interpretation, 91 TEXAS LAW REVIEW 1593 (2013) (symposium introduction).

Inflammatory Speech: Offense versus Incitement, 97 MINNESOTA LAW REVIEW 1145 (2013).

Gender Discrimination and the Thirteenth Amendment, 112 COLUMBIA LAW REVIEW 1641 (2012).

Into the Light of Day: Relevance of the Thirteenth Amendment to Contemporary Law, 112 COLUMBIA LAW REVIEW 1447 (2012) (symposium introduction).

Self-Government and the Declaration of Independence, 97 CORNELL LAW REVIEW 693 (2012).

Congressional Authority to Interpret the Thirteenth Amendment, 71 MARYLAND LAW REVIEW 40 (2011).

Due Process in Civil Commitments, 68 WASHINGTON & LEE LAW REVIEW 253 (2011).

Burning Crosses on Campus: University Hate Speech Codes, 43 CONNECTICUT LAW REVIEW 617 (2010); reprinted in THE FIRST AMENDMENT LAW HANDBOOK (Thomson Reuters West, Rodney Smolla ed., 2011).

Interpreting the Thirteenth Amendment, 11 UNIVERSITY OF PENNSYLVANIA JOURNAL OF CONSTITUTIONAL LAW 1337 (2009).

Dignity and Speech: The Regulation of Hate Speech in a Democracy, 44 WAKE FOREST LAW REVIEW 497 (2009).

Principled Governance: The American Creed and Congressional Authority, 41 CONNECTICUT LAW REVIEW 679 (2009).

Undermining Inalienable Rights: From Dred Scott to the Rehnquist Court, 39 ARIZONA STATE LAW JOURNAL 1179 (2007).

Freedom to Integrate: A Desegregationist Perspective on the Thirteenth Amendment, 38 UNIVERSITY OF TOLEDO LAW REVIEW 791 (2007) (invited symposium); reprinted in CIVIL RIGHTS LITIGATION AND ATTORNEY FEES ANNUAL HANDBOOK (Steven Saltzman ed., Thomson Publishing 2007).

A Civil Rights Approach, 39 UNIVERSITY OF CALIFORNIA-DAVIS LAW REVIEW 1773 (2006).

Regulating Intimidating Speech, 41 HARVARD JOURNAL ON LEGISLATION 389 (2004) (symposium by invitation).

Furthering American Freedom: Civil Rights & the Thirteenth Amendment, 45 BOSTON COLLEGE LAW REVIEW 307 (2004); reprinted in CIVIL RIGHTS LITIGATION AND ATTORNEY FEES ANNUAL HANDBOOK (Steven Saltzman ed., Thomson Publishing 2004).

Contextualizing Bias Crimes: A Social & Theoretical Perspective, 28 LAW & SOCIAL INQUIRY 315 (2003).

The Problem of Confederate Symbols: A Thirteenth Amendment Approach, 75 TEMPLE LAW REVIEW 539 (2002).

Prohibiting Incitement on the Internet, 7 VIRGINIA JOURNAL OF LAW & TECHNOLOGY 5 (2002).

Hate in Cyberspace: Regulating Hate Speech On the Internet, 38 SAN DIEGO LAW REVIEW 817 (2001).

Eliminating the Destitution of America's Homeless: A Fair, Federal Approach, 10 TEMPLE POLITICAL & CIVIL RIGHTS LAW REV. 103 (2000).

The Empirical Shortcomings of First Amendment Jurisprudence: An Historical Perspective on the Power of Hate Speech, 40 SANTA CLARA LAW REV. 729 (2000).

Toward a Just Immigration Policy: Putting Ethics into Immigration Law, 45 WAYNE LAW REVIEW 105 (1999).

Protecting Children Against Unnecessary Institutionalization, 39 SOUTH TEXAS LAW REVIEW 995 (1998).

Scholarly Chapters and Essays:

Approaches to Hate Speech Regulations in Liberal Democracies, in BLOOMSBURY HANDBOOK OF HARMFUL DISCOURSE (Stavros Assimakopoulos et al. eds., forthcoming 2027).

Hate Speech on Campus, in STUDENT SPEECH IN THE TWENTY-FIRST CENTURY (Alexander Tsesis & David Han eds, Cambridge University Press, forthcoming 2026).

Dignity, Free Speech, and Algorithms, in THE ELGAR COMPANION TO FREEDOM OF SPEECH AND EXPRESSION (Alan Chen & Ashutosh Bhagwat eds., (Elgar Press forthcoming 2025).

Aspirational Reliance on the Declaration of Independence, in CAMBRIDGE COMPANION TO THE DECLARATION OF INDEPENDENCE (Mark Graber & Michael Zuckert eds., Cambridge University Press forthcoming 2025).

Short Country Report - Criminalising Hate Speech: United States of America, in CRIMINALISING HATE SPEECH—A COMPARATIVE STUDY (Springer Press Professional, Asser Press (The Hague, Netherlands): Eric Heinze ed., 2025).

Justice Ginsburg's Election Jurisprudence, in ON BEING AMERICAN: THE JURISPRUDENCE OF RUTH BADER GINSBURG (ABA Book Publishing: Shannon D Gilreath and Suzanne Reynolds eds., 2024).

Justice Breyer's Balanced Reasoning on Free Speech: A Comparative Analysis, 21 FIRST AMENDMENT L. REV. 395 (2023).

Democratic Values and the Regulation of Hate Speech, in MINORITIES, FREE SPEECH, AND THE INTERNET (Alexander Tsesis et al. ed., Routledge Press 2023).

Genocide Censorship vs. Genocide Denial Laws, in RESPONSIBILITY FOR NEGATION OF INTERNATIONAL CRIMES (Patrycja Grzebyk ed., Institute of Justice in Warsaw) (2020).

Birth & Reconstruction of Equality in the United States, 64 REVISTA DA FACULDADE DE DIREITO UFPR 75 (2020).

Confederate Monuments as Badges of Slavery, 108 KENTUCKY LAW JOURNAL 695 (2019-2020).

Deliberative Democracy, Truth, and Holmesian Social Darwinism, 72 SMU L. REV. 495 (2019).

Forward: Symposium, Terrorist Incitement on the Internet, 86 FORDHAM LAW REVIEW 367 (2017).

Campus Speech and Harassment, University of Houston Institute For Higher Education Law And Governance Research Monograph Series (Michael Olivas ed. 2017) & MICROAGGRESSIONS—SAFE SPACES & TRIGGER WARNINGS (Greenhaven Publishing 2017)) (reprint).

Declaration of Independence as Source for Inspiration, in FRESH TAKES ON THE DECLARATION OF INDEPENDENCE (Harvard University: Danielle Allen and Emily Sneff eds. 2017).

Terrorist Speech on Social Media, FIRST AMENDMENT LAW HANDBOOK (Thomson Reuters West, Rodney Smolla ed. 2017) (reprint).

The Declaration of Independence as Introduction to the Constitution, 89 SOUTHERN CALIFORNIA LAW REVIEW 359 (2016) (symposium introduction).

Balancing Free Speech, FIRST AMENDMENT LAW HANDBOOK (Thomson Reuters West, Rodney Smolla ed. 2016) (reprint).

Free Speech and Antisemitism: Comparative Approaches to Antisemitic Speech in the United States and Europe, in 2 ANTISEMITISM IN COMPARATIVE PERSPECTIVE (ISGAP: Charles Asher Small ed. 2016).

Free Speech Constitutionalism, FIRST AMENDMENT LAW HANDBOOK (Thomson Reuters West, Rodney Smolla ed. 2015) (reprint).

Campus Antisemitic Speech and the First Amendment, in GLOBAL ANTISEMITISM: A CRISIS OF MODERNITY (Brill 2013).

Burning Crosses on Campus: University Hate Speech Codes, THE FIRST AMENDMENT LAW HANDBOOK (Thomson Reuters West, Rodney Smolla ed., 2011) (reprint).

Reconstruction Abolitionism, in PROMISES OF LIBERTY: THIRTEENTH AMENDMENT ABOLITIONISM AND ITS CONTEMPORARY VITALITY ed. Alexander Tsesis (Columbia University Press, 2010).

Providing Hope: Empowering Homeless Battered Women through Vocational Opportunities, 2 FAMILY & INTIMATE PARTNER VIOLENCE Q. 73 (2009).

Freedom to Integrate, in CIVIL RIGHTS LITIGATION AND ATTORNEY FEES ANNUAL HANDBOOK ed. Steven Saltzman (Thomson Publishing 2007).

Racist Hate Speech, in CENSORSHIP: CURRENT CONTROVERSIES ed. Julia Bauder (Thomson Gale 2007).

Furthering American Freedom, in CIVIL RIGHTS LITIGATION & ATTORNEY FEES ANNUAL HANDBOOK ed. Steven Saltzman (Thomson West 2004).

Bar, Encyclopedia & Miscellaneous Publications:

Letter to the Editor: Remembering Charlottesville 2017 and Engaging Black-Jewish Alliances, 105 VIRGINIA LAW REVIEW ONLINE 149 (2019)

Hate Speech, Volition, and Neurology, JOURNAL OF LAW AND THE BIOSCIENCES 2015, Oxford U. Press (with Alexandra B. Roginsky).

Clarifying Free Speech Constitutionalism, 2015 UNIVERSITY OF ILLINOIS LAW REVIEW SLIP OPINIONS 110

The Continued Relevance of the Declaration of Independence, LEGAL WORKSHOP, Oct. 5, 2012, at <http://legalworkshop.org/2012/10/05/the-continued-relevance-of-the-declaration-of-independence>

The 13th Amendment: Abolition of Slavery and Beyond, LOYOLA LAW (Fall 2009)

Anti-slavery Constitutionalism, in ENCYCLOPEDIA OF THE SUPREME COURT OF THE UNITED STATES (David S. Tanenhaus *et al.* eds., 2008).

Thirteenth Amendment, in *ENCYCLOPEDIA OF THE SUPREME COURT OF THE UNITED STATES* (David S. Tanenhaus *et al.* eds., 2008).

The Declaration of Independence, in *ENCYCLOPEDIA OF PRIVACY* (Bill Staples ed., Greenwood Press, 2007).

William O. Douglas, in *ENCYCLOPEDIA OF PRIVACY* (Bill Staples ed., Greenwood Press, 2007).

Federalist Principles and The Reporting of Immigration Status, 13 CHICAGO BAR ASSOCIATION RECORD 44 (1999).

Preventing Homelessness by Empowering Battered Women Through Vocational Opportunities, DOMESTIC VIOLENCE REPORT 3 (June/July 1996).

The Trailblazers Reach Their Destination, COMMENTATOR, Feb. 1996, at 6.

A Snapshot into the Life of a Hobo, XPRESSIONS J., Feb. 1, 1996, at p.4.

Holocaust Museum, COMMENTARY, Dec. 1993, at 13.

Miph o Evreisko-Bolshevistskom Zagovore [Myth of a Jewish-Bolshevik Conspiracy], ALEPH, Jan. 1990, at 34 (in Russian').

Solicited Book Reviews:

Paul D. Escott, *Black Suffrage: Lincoln's Last Goal* (2022), 110 JOURNAL OF AMERICAN HISTORY 558 (2023).

Paine and Jefferson in the Age of Revolutions (Simon Newman and Peter Onuf eds. 2013), 34 JOURNAL OF THE EARLY REPUBLIC 669 (2014).

Bruce Allen Murphy, *Scalia: A Court of One and Uncertain Justice: The Roberts Court and the Constitution*, CHICAGO TRIBUNE, June 29, 2014.

G. Edward White, *1 Law in American History*, 48 TULSA LAW REVIEW 187 (2012).

Erik Bleich, *The Freedom to Be Racist?: How the United States and Europe Struggle to Preserve Freedom and Combat Racism*, 127 POLITICAL SCIENCE QUARTERLY 511 (2012).

Brian McGinty, *John Brown's Trial*, 77 JOURNAL SOUTHERN HISTORY 960 (2011).

Peggy Pascoe, *What Comes Naturally: Miscegenation Law and the Making of Race in America*, 116 AMERICAN HISTORICAL REVIEW 457 (2011).

Beverly Gage, *The Day Wall Street Exploded: The Story of America in Its First Age of Terror*, 29 LAW & HISTORY REVIEW 319 (2011).

David Waldstreicher, *Slavery's Constitution: From Revolution to Ratification*, 107 REGISTER OF THE KENTUCKY HISTORICAL SOCIETY 273 (2010).

Contested Democracy: Freedom, Race, and Power in American History (Manisha Sinha and Penny Von Eschen, eds., 2007), 95 JOURNAL OF AMERICAN HISTORY 202 (2008).

Garrett Epps, *Democracy Reborn: The Fourteenth Amendment and the Fight for Equal Rights in Post-Civil War America* (2006), 26 LAW & HISTORY REVIEW 215 (2008).

Richard Delgado & Jean Stefancic, *Understanding Words that Wound, "The Boundaries of Free Speech"*, 8 HARVARD LATINO LAW REVIEW 141 (2005).

Richard Delgado, *Justice at War* & Brown v. Board of Education, 47 HOWARD LAW JOURNAL 361 (2004).

Conference Impresario:

- 1) "Constitutional Law in the Age of Generative AI," Fordham School of Law (scheduled for Feb. 27, 2026)
- 2) "History and Memory in Constitutional Interpretation," Texas A&M University College of Law (Feb. 28, 2025) (co-organizer)
- 3) "The Uses (and Misuses) of History in Constitutional Interpretation," University of Pennsylvania Law School (Nov. 22-23, 2024) (co-organizer)
- 4) "Speech in Twenty-First Century Schools," Stanford Law School (Feb. 16-17, 2024) (co-organizer)
- 5) "Free Speech, Democracy, and the Rights of Minorities," International Webinar 2021, <http://webinar2021.webphilosophia.com/about/> (co-organizer).
- 6) "Compelled Speech: The Cutting Edge of First Amendment Jurisprudence," Indiana University, Bloomington, Maurer School of Law (Mar. 5, 2021) (co-organizer)
- 7) "Terrorist Incitement on the Internet," Fordham University School of Law (Apr. 7, 2017)
- 8) "Free Speech Foundations," Northwestern University School of Law (Oct. 25, 2015)
- 9) "The Declaration of Independence and the Nation that Followed," University of Southern California School of Law & National Constitution Center, jointly (Apr. 14, 2015)

- 10 "Privacy in a Data Collection Society," Loyola University School of Law (Apr. 10, 2015)
- 11) "The New Age of Communication: Freedom of Speech in the 21st Century," Emory University School of Law (Feb. 5, 2015)
- 12) "Free Speech Constitutionalism," University of Illinois School of Law (2014)
- 13) "Internet Privacy Regulation," Wake Forest University School of Law (Oct. 25, 2013)
- 14) "Constitutional Foundations," University of Texas School of Law (Feb. 16, 2013)
- 15) "Thirteenth Amendment: Meaning, Enforcement, and Contemporary Implications," Columbia Law School (Jan. 27, 2012)
- 16) "Hate Speech, Incitement & Genocide," Loyola University School of Law (Apr. 8, 2011)
- 17) "Slavery, Abolition, and Human Rights," University of Chicago (Apr. 17-18, 2009)
- 18) Annual Constitutional Law Colloquium (2009-Present)

Selected Lectures and Panels

Governance and Religious Exemptions
Georgetown Law School, Center for the Constitution (Oct. 2025) (commentator)

Annual Election Law Conference
FSU College of Law (Sept. 2025) (moderator)

The Formalistic Establishment Clause Doctrine
Emory University School of Law (June 2025)

Teetering Tradition of Church-State Separation
Florida State University College of Law (June 2025)

Human Intentionality, Computational Syntax, and First Amendment Puzzles
Yale Law School, Free Expression Scholars Conference (Apr. 2025)

Centennial of Gitlow
Yale Law School, Free Expression Scholars Conference (Apr. 2025) (commentator)

Prolegomena to Defining History and Tradition
University of Florida Levin College of Law (Apr. 2025)

Antisemitism On Campus and Statutory Remedies

University of Haifa & The London Centre for the Study of Contemporary Antisemitism (Mar. 2025)

Tension Between Free Speech and Efforts to Stop “Misinformation”
Florida State University, Institute for Governance & Civics & Office of Public Policy Events (Mar. 2025)

Caste and Constitutional Discourse
University of Maryland Constitutional Law Schmooze (Mar. 2025) (roundtable participant)

Judicial Authority and Originalist Jurisprudence
Texas A&M University School of Law (Feb. 2025)

Addressing Campus Antisemitism
Federalist Society (Dec. 2024)

Constitutional Principles, Historical Narratives, and Formalistic Jurisprudence
University of Pennsylvania Law School (Nov. 2024)

Dignity, Free Speech, and Algorithmic Machines (Nov. 2024)
Florida State University School of Law
Fifteenth Annual Constitutional Law Colloquium

Liberty, Justice, and Free Expression
George Washington University Law School (Oct. 2024)

Free Speech Formalism and Contextualism
Society for Legal Schools, Great Britain (June 2024)

Malignant Antisemitism on College Campuses
George Mason University School of Law, Voices for Liberty (June 2024)

Free Speech in the Aftermath of Constitutional Reconstruction
Yale University Law School (April 2024)

The Thirteenth Amendment Exception and the Persistence of Forced Labor in Prisons
Eastern State Penitentiary Historic Site (April 2024)

Revisionist Constitutional Histories of Reconstruction (panel moderator)
Tulane University Law School (March 2024)

Balancing the Values of the Religion Clauses
Stanford Law School (February 2024)

Establishment Clause Jurisprudence
Loyola University School of Law (November 2023)
Fourteenth Annual Constitutional Law Colloquium

Ambiguities in the Supreme Court’s Tiers of Scrutiny
Yale Law School (April 2023)

Constitutional Ethos (trans. launch of *Ethos Constitutional* (Kanayama & Fachin trans.))
Federal University of Paraná, Center for the Study of the Constitution, & the Institute for
Attorneys in Paraná (May 2023)

Tiers of Free Speech Scrutiny
William & Mary Law School (March 2023)
George Mason School of Law (February 2023)
Florida State University College of Law (January 2023)

Justice Breyer's Proportionality Analysis and Privacy
University of North Carolina School of Law (Nov. 2022)

Aspirational Feminism &
The Puzzle of Exacting Scrutiny in Free Speech Jurisprudence
Thirteenth Annual Constitutional Law Colloquium, Loyola University Law
School (Nov. 2022)

Digital Data Privacy and the Drag of Libertarianism
Yale University Law School (Sept. 2022)

Lobbying in the United States and Europe: A Comparative Analysis
(commentator/discussant)
Yale University Law School (May 2022)

Establishment and Free Exercise
Twelfth Annual Constitutional Law Colloquium, George Washington University Law
School (Nov. 2021)

Compelled Speech and Proportionality
George Washington University Law School (Sept. 2021)

Human Dignity, Free Speech, and Insurrection
Carlos III University, Madrid, Spain (Webinar) (July 2021)

Populist Incitement, Free Speech, and Social Order
College of Law and Business, Israel & Embassy of the United States (June 2021)

Speech, Compunction, and the Limits of Governmental Powers
Yale Law School (May 2021)

Establishment Clause: Government as Religious Speaker
University of Illinois College of Law (Apr. 2021)

Compelled Speech: Rethinking the Doctrine
Indiana University, Bloomington, Maurer School of Law (Mar. 2021)

Contextualizing Free Speech
Yale Law School (Feb. 2021)

Free Speech in the Balance
Stanford University Law School, Constitutional Law Center (Feb. 2021)

Compelled Speech and Proportionality
Loyola University Chicago School of Law, Constitutional Colloquium (Nov. 2020)

Procedural Rules and the Regulation of Content on the Internet (Discussant)
Yale Law School (Oct. 2020)

Free Speech in the Balance
Federal University of Paraná (Jul. 2020)

Psycho-social Factors of Subordination and Stereotyping in Healthcare
University of Virginia School of Law (Jan. 2020)

Judicial Review and Constitutional Reconstruction
Wake Forest University School of Law (Jan. 2020)
Northwestern University School of Law (Feb. 2020)

Genocide Censorship vs. Genocide Denial Laws
University of Warsaw, Justice Institute (Oct. 2019)

Free Speech Doctrine and Anti-Harassment Policy on Campus
University of Texas, Austin (Sept. 2019)

Animus, Bias Crimes, and Today's Public Discourse
University of Alabama School of Law (Sept. 2019)

Democratic Values and the Regulation of Hate Speech
29th World Congress of the International Association for the Philosophy of Law and
Social Philosophy (July 2019)

Heckling (Commentator)
Yale Law School (Apr. 2019)

Cloning, Bioethics, and the Constitution: A Preliminary Analysis
Northwestern Pritzker School of Law (Apr. 2019)

The Professor Inside and Outside the Classroom: Academic Freedom & Free Speech
Emory University (Mar. 2019)

The First Amendment and Terrorist Speech Online
University of Pennsylvania Law School (Mar. 2019)

Reconstruction (Mar. 2019)
Duke Law School, Center on Law, Race, and Politics

Issues in Religious Liberty (Feb. 2019)
University of Chicago Law School, Federalist Society

Constitutionality of the Fight Online Sex Trafficking Act
Notre Dame Law School (Feb. 2019)

Contemporary Free Speech: The Marketplace of Ideas a Century Later
Notre Dame Law School (Nov. 2018)

Campus Speech Codes Meet the First Amendment
Emory University School of Law (Oct. 2018)

Higher Education, Free Speech, and Campus Codes
University of Wisconsin-Milwaukee (Oct. 2018)

Student Speech Since Tinker v. Des Moines Indep. Comm. Schl. Dist. (Sept. 2018)
Loyola University School of Law (Sept 2018)

Lochnerization, NIFLA v. Becerra, and Masterpiece Cakeshop v. Colorado Civil Rights Comm.
Northwestern Pritzker School of Law (Sept. 2018)

Marketplaces of Information and Audiences
Yale Law School (Apr. 2018)

Listeners and the First Amendment
University of Colorado Law School (Apr. 2018)

Perspectives on Balancing the First Amendment and Inclusivity
University of Virginia School of Law (Apr. 2018)

Campus Speech Codes
Case Western Reserve University School of Law (Mar. 2018)

Contextual Free Speech Analysis
Pepperdine University School of Law (Mar. 2018)

Animal Protection and Constitutional Ethics
University of Denver, Strum College of Law (Feb. 2018)

Can Racial Justice and Hate Speech Co-Exist? (Feb. 2018)
William & Mary Law School

Free Press in the Age of Trump (Jan. 2018)
Northwestern University School of Law, ACS panel moderator

Sex, Morality, and the Constitution: A Conversation on the Founding, Family, and Freedom Today (Jan. 2018)
University of Notre Dame, Program in Constitutional Structure and Design

Faulty Categorization in First Amendment Jurisprudence (Nov. 2017)
Vanderbilt University Law School

Founding Principles, Equality, and Constitutional Reconstruction (Oct. 2017)
III Congresso International de Direito Constitutional e Filosofia Politica (Brazil)
Universidade Federal do Paraná and Universidade Federal de Minas Gerais

Digital Ethics & Policy,
Loyola University Chicago, School of Communications (Oct. 2017)

Constitution and Domestic Violent Extremism, Loyola University Chicago School of Law (Sept. 2017)

Constitutional Ethos, United States National Archives and Records Administration (Sept. 2017) <https://www.youtube.com/watch?v=qIZsHj9L30I>

Tsesis's *Constitutional Ethos: Liberal Equality for the Common Good*, American Political Science Association (Sept. 2017)

President Trump and the First Amendment, South Eastern Association of Law Schools (Aug. 2017)

Privacy, Security, Trust: The Challenge for Democracies, Tel Aviv University, Cyber Week (June 2017)

Commentator on Amy Gajda, *Privacy, Press, and a Right To Be Forgotten in the United States*

University of California-Berkeley Center for Law and Technology Privacy Law Scholars Conference & George Washington University Law School (June 2017)

Student Speech and Categorical Doctrine
Yale Law School (Apr. 2017)
SEALS Annual Conference (Aug. 2017)

Constitutional Ethos
Yale Law School (Apr. 2017)

Social Media Accountability for Terrorist Propaganda
Loyola University Chicago School of Law, Eighth Annual Constitutional Colloquium (Nov. 2017)
Fordham University, The School of Law (Apr. 2017)

Role of Free Speech and Free Press
Loyola University, Chicago (Mar. 2017)

Campus Speech and Harassment
University of Chicago School of Law (Feb. 2017)

The Declaration of Independence in Multiple Contexts
Liberty Fund Conference (Feb. 2017)

Doctrinal Concerns about Trigger Warnings and Safe Spaces on Campus
Boston College Law School (Jan. 2017)
Chicago-Kent School of Law (Apr. 2017)

The Thirteenth Amendment 150 Years Later
Federalist Society, 19th Annual Faculty Conference (Jan. 2017)

Inclusive Speech and Expression: An Oxymoron?
DePaul University (Oct. 2016)

Harassing Campus Speech

University of Minnesota School of Law (Oct. 2016)

Controversial Speech on Campus: Protect or Censor?
Ohio State University (September 2016)

First Amendment Doctrine and Terrorist Incitement
Emory University School of Law (August 2016)

A) *Future of Marriage Equality* (Presenter)
B) *Conflict, Rights, and the Separation of Powers* (Chair)
Law and Society Annual Conference, New Orleans, Louisiana (June 2016)

Civil Liberties on Campus
Stanford Law School, Stanford Constitutional Law Center (April 2016)

Constitutional Interpretation: A Debate about Originalism with Prof. Lee Strang (April 2016)
Loyola University Chicago School of Law

Comparative Limits on Terrorist Speech
Yale Law School (May 2016)
University of California, Berkeley, School of Law (April 2016)
University of Minnesota Law School (March 2016)
The University of Pennsylvania Law School (February 2016)
The University of Chicago Law School (January 2016)

Thirteenth Amendment Centennial
Georgetown Law Center, Salmon P. Chase Lecture and Colloquium (Dec. 2015)

Free Speech in Higher Education
University of North Carolina-Chapel Hill, Center for Media Law & Policy, First Amendment Law Review Symposium (October 2015)

Multifactorial Free Speech Analysis
Northwestern University, speaker and symposium organizer (October 2015)

Psychology, Sociology, and Hate Speech Regulation
International Academy of Law and Mental Health (July 2015)

Balancing Free Speech,
Yale Law School, Information Society Project (May 2015)

The Declaration of Independence and the Nation That Followed
1) National Constitution Center (April 2015) (organizer, presenter, and moderator)
2) Loyola University Chicago School of Law, Sixth Annual Constitutional Colloquium (Nov. 2015)

Political Morality and Constitutional Theory
Duke Law School (March 2015)

The New Age of Communication
Emory University School of Law, speaker and symposium organizer (February 2015)

First Order Principles
University of Iowa College of Law (November 2014)

Hate Speech in the Age of Internet
University of Minnesota Law School: LAW & INEQUALITY JOURNAL Symposium (October 2014)

Free Speech Constitutionalism and Hate Speech
Law and Society Conference (May 2014)

Free Speech Constitutionalism
1) Yale Law School, Information Society Project (May 2014)
2) Loyola University of Chicago Fifth Annual Constitutional Law Colloquium (Nov. 2014)

People of the Book
DePaul University College of Law (April 2014)

Constitutional Design
Cornell University Law School (February 2014)

Constitutional Foundations
Loyola University Chicago School of Law, Constitutional Law Colloquium (November 2013)

Challenges of Privacy in the Cyberworld
Wake Forest University School of Law (October 2013)

Freedom of Expression Scholars Conference 2013, Commentator and Discussion Leader
Yale Law School, Information Society Project (May 2013)

The Global Consequences of Free Speech
University of Connecticut School of Law/ACLU of Connecticut
Milton and Ethel Sorokin Symposium (April 2013)

Constitutional Limits
DePaul University School of Law (March 2013)

(A) *Constitutional Foundations*
(B) *Plurality of Constitutional Theories*
University of Texas Law School, organizer and presenter at Symposium (February 2013)

Due Process and Civil Commitments
Loyola University Chicago School of Law, Annual Constitutional Law Colloquium (November 2012)

Antisemitism in Comparative Perspective
Fordham University (October 2012)

The Declaration's Historical Influences
National Archives, Washington, D.C. (September 2012) (taped and aired on C-SPAN)

Inalienable, Substantive Rights
Law and Society Conference (June 2012)

The Thirteenth Amendment and American Freedom
Georgetown University Law Center (April 2012)

The Reconstruction Amendments and Constitutional Structure
Notre Dame Law School (March 2012)

Thirteenth Amendment Effectiveness
Columbia University School of Law, speaker and symposium organizer (January 2012)

The Declaration of Independence in the Constitution
Wake Forest University School of Law (October 2011)

A) *Self-Governance & the Declaration of Independence* (Presenter and Moderator)
B) *Expanding the Protection of the Thirteenth Amendment* (Presenter and Moderator)
Loyola University School of Law (October 2011) (Constitutional Colloquium)

Inflammatory Speech
University of Texas, Austin (Philosophy Department) (September 2011)

Declaration of Independence and Civil and Political Rights
Washington University School of Law (May 2011)

Due Process in Civil Commitment Proceedings
Loyola University Chicago School of Law (Nov. 2012)
University of Cincinnati College of Law (Apr. 2011)

Genocide and Propaganda
Loyola University School of Law, Chicago (April 2011)

Congressional Power and the Thirteenth Amendment
University of Maryland School of Law (Feb. 2011)

Hate Speech Debate with Geoffrey Stone
University of Chicago, Law School (Feb. 2011)
http://www.law.uchicago.edu/audio/stonetsesis021411?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+UChicagoLawOpenMinds+%28Open+Minds+3A+Student+Events+at+the+University+of+Chicago+Law+School%29&utm_content=FaceBook

Dignity and Free Speech
Loyola University School of Law, Chicago, Constitutional Law Colloquium (Nov. 2010)

Internet, New Media, Traditional Stereotypes, Overt Bigotry and the International Regulation of Hate Speech
Yale Initiative for the Interdisciplinary Study of Antisemitism (YIISA) (August 2010)

Regulating Campus Antisemitic Speech without Running Afoul of the First Amendment
United States Holocaust Memorial Museum, Center for Advanced Holocaust Studies (July 2010)

A) *Diversity in Employment and Educational Institutions* (Chair and Discussant)
B) *Individual Rights, Collective Identities, Regional Policies, Global Society: The Problems and Promises of Community* (Chair and Discussant)
C) *Challenges to Applying Human Rights* (Chair)
Law and Society Annual Conference, Chicago, IL (May 2010)

Hate versus Democracy on the Internet
Fordham Center on Law and Information Policy (March 2010)

The Aspiration of the Thirteenth Amendment
University of Chicago (co-conference organizer and speaker) (April 2009)

Free Inquiry, Hate Speech, and Tolerance on University Campus
Rice University, Boniuk Center for Religious Tolerance, public lecture, (March 2009)

The Scope of Power Under the Thirteenth Amendment
University of Pennsylvania Law School (American Constitution Society sponsored event), speaker, (November 2008)

Human Dignity and Free Speech
Wake Forest University School of Law, law review symposium, (October 2008)

The American Creed and Congressional Authority
Indiana University School of Law-Bloomington, faculty presentation, (October 2008)

The Thirteenth Amendment's Revolutionary Aims
Law and Society Annual Meeting (presenter and panel co-organizer) (May 2008)

Regulating Hate Speech
Yale Law School, public debate with Dean Rodney Smolla (April 2008)

The Unalienable Core of Citizenship
Washington University School of Law, St. Louis, Symposium (Mar. 2007): video of presentation at <<http://law.wustl.edu/centeris/index.asp?id=5579>>.

Intentionally Intimidating Speech
Loyola University (Chicago) School of Law, Faculty Presentation (Dec. 2006)

Thirteenth Amendment, Commerce Clause, Fourteenth Amendment: Comparative Analysis
University of Florida College of Law, Faculty Presentation (Nov. 2006)

Abolitionist Influences on American Law
University of Toledo Law School, Symposium (Oct. 2006)

Civil Rights Strategy
a) Marquette University Law School (Dec. 2005).
b) Villanova University School of Law (Oct. 2005).

Future of Hate Speech Regulations
Law and Society Annual Meeting, Presentation Panelist (June 2005).

Thirteenth Amendment & Contemporary Issues

- a) University of Toledo College of Law, Faculty Presentation (Apr. 2005).
- b) American University, Washington College of Law, Faculty Presentation (Nov. 2004).
- c) University of Pittsburgh School of Law, Faculty Presentation (Oct. 2004).

Thirteenth Amendment in Light of Recent Supreme Court Decisions

Loyola University Chicago School of Law (Apr. 2004).

The Balance of Liberty & Equality in U.S. Legal History

Chicago-Kent College of Law, Faculty Presentation (Mar. 2004).

Thirteenth Amendment & Contemporary Issues

- a) University of Wisconsin-Law School-Institute for Legal Studies (Apr. 2003).
- b) Chicago-Kent College of Law (Feb. 2003).

Hate Speech Legislation

Harvard Law School, Harvard Journal on Legislation, Symposium (Mar. 2003).

Hate Speech in Cyberspace

University of Wisconsin-Law School-Institute for Legal Studies & Political Science Legal Studies Group, Faculty Presentation (Nov. 2001).

Placing Legal Limitations on Child Mental Institutionalization

Public Affairs Panel Presentation, Trebach Institute (June 2001).

Hate Crimes Forum

University of Colorado, School of Law (Mar. 2001).

First Amendment Imminent Threat of Harm Test

American Bar Association Law Student Division (regional meeting) (Feb. 2001).

Prior Academic Appointments:

Loyola University School of Law, Chicago

Raymond and Mary Simon Chair in Constitutional Law (2016-2023),
Professor of Law (2013-2023), Associate Professor of Law (2011-2013)
(with tenure upon promotion), Assistant Professor of Law (2007-2011)
Teaching: Constitutional Law, First Amendment, Civil Procedure, and related seminars.

George Washington University Law School

Visiting Professor of Law (2021-2023)
Teaching: Constitutional Law, First Amendment, and Torts.

Marquette University Law School,

Visiting Assistant Professor of Law (2006-2007)
Teaching: Torts, Cyberspace Law, Civil Rights Seminar.

University of Pittsburgh School of Law,

Visiting Professor of Law (2004-2005)
Teaching: Civil Procedure, Conflict of Laws.

Chicago-Kent College of Law,
Visiting Assistant Professor of Law (2002-2006)
Teaching: Conflict of Laws, Free Speech & Contemporary Problems (seminar),
and Research & Writing.

University of Wisconsin Law School, Institute for Legal Studies,
Affiliated Scholar (2004-2006) & Visiting Scholar (2001-2004)
Researching, writing, and faculty presentations.

Teaching Interests:

Constitutional Law, First Amendment, Jurisprudence, Seminars, Torts, Conflict of Laws,
Civil Procedure, Civil Rights, Legal History, Cyber Law,

External Manuscript Referee:

- A) AMERICAN JOURNAL OF LEGAL HISTORY
- B) CAMBRIDGE UNIVERSITY PRESS
- C) EASTERN EUROPEAN POLITICS & SOCIETY
- D) ETHICS & INTERNATIONAL AFFAIRS (Carnegie Council for Ethics in
International Affairs)
- E) EUROPEAN CONVENTION ON HUMAN RIGHTS LAW REVIEW
- F) HART PUBLISHING
- G) HARVARD LAW REVIEW
- H) HASTINGS LAW JOURNAL
- I) INTERNATIONAL JOURNAL OF LAW IN CONTEXT
- J) JOHNS HOPKINS UNIVERSITY PRESS
- K) JOURNAL OF AMERICAN HISTORY
- L) JOURNAL FOR THE STUDY OF ANTISEMITISM
- M) MIT UNIVERSITY PRESS
- N) NEW YORK UNIVERSITY PRESS
- O) OXFORD UNIVERSITY PRESS
- P) POLICY & INTERNET JOURNAL
- Q) ROUTLEDGE
- R) ROWMAN & LITTLEFIELD
- S) STANFORD LAW REVIEW
- T) SWISS NATIONAL SCIENCE FOUNDATION
- U) UNIVERSITY OF ALABAMA PRESS
- V) UNIVERSITY OF CALIFORNIA PRESS
- W) UNIVERSITY OF CHICAGO PRESS
- X) UNIVERSITY OF ILLINOIS PRESS
- Y) YALE LAW JOURNAL
- Z) YALE UNIVERSITY PRESS

Editorial Board:

Editorial Dykinson-Colección Pluralismo y Minorías (2020-Present)
Spanish academic series focused on minority rights and pluralism issues.

Law and History Review (2013-2017)
A journal of legal history

Advisory:

Outside Legislative Advisor

Senator Richard Durbin, Judiciary Committee (2017-2023)

Member kitchen cabinet on constitutional issues.

Senator Edward Kennedy, Judiciary Committee (2007-2009)

Consultant on national hate crimes policy and legislation.

Expert Witness

Department of Justice, Canada (2006-2007)

Providing expert written and oral testimony concerning internet hate speech.

Academic Advisory Board

Institute for Dynamic Educational Advancement (IDEA) (2009-2010)

Academic advisor on Constitutional Law and Legal History for Internet based academic site receiving over 8 million annual visits.

Blogging

Invited Guest Blogger on Balkinization (June 2024)

“The Principled Aims of Constitutional Reconstruction”

Invited Guest Blogger on Oxford University Press Blog (Aug. 2012)

<http://blog.oup.com/2012/08/declaration-of-independence-campaign-finance-reform/>

Invited Guest Blogger on Wonders and Marvels Blog (Aug. 2012)

<http://www.wondersandmarvels.com/2012/07/10570.html>

Invited Guest Blogger on American Constitutional Society (Aug. 2012)

<http://www.acslaw.org/acsblog/the-peoples-declaration-of-independence>

Invited Guest Blogger on Huffington Post (July 2012)

http://www.huffingtonpost.com/alexander-tsescs/post_3585_b_1646883.html

Invited Guest Blogger on History News Network (July 2012)

<http://hnn.us/articles/declaration-independence-original-abolitionist-document>

Invited Guest Blogger on Concurring Opinions Blog (July 2011)

<http://www.concurringopinions.com/archives/category/constitutional-redemption-symposium>

Invited Guest Blogger on Balkinization (July 2009-October 2009)

<http://balkin.blogspot.com/search?q=tsescs>

Education:

* **J.D.**--1996, Chicago-Kent College of Law, Illinois Institute of Technology.

Activities: Decalogue Society (President), Environmental Law Program, International Law Program, Black Law Student Association, Women in the Law.

Honors: Webster Burke Merit Scholarship; Dean's List; Am Jur Award in Torts; Certificate in International and Comparative Law.

* **M.A.** in Philosophy, 1992. University of Illinois-Chicago.
* **B.A.**, in Philosophy, 1990 (top 10% of class). University of Wisconsin-Madison.
Member Phi Kappa Phi Honor Society.

Bar Admissions:

Illinois, Massachusetts, Wisconsin, U.S. Court of Appeals (Seventh Circuit), U.S. District Court (Northern Dist. IL).

Non-Academic Legal Experiences:

Legal Practice:

1. Assistant Corporation Counsel (Apr. 1998-June 2002)

City of Chicago, Department of Law

First Amendment issues (consulting on matters such as parades, street performers, public events, solicitation ordinances, homeless solicitation, commercial uses of radio, airwave advertising, preemption, etc.), legislative evaluations, appellate practice, criminal prosecution of misdemeanors and felonies, public health issues.

2. Associate Counsel (Apr. 1997-Apr. 1998)

Birg & Associates, Ltd.

Immigration law (60 or 70%: immigrant, refugee, business, work permits) and general practice (30 to 40%: personal injury, including discovery, arbitration, and courtroom practice; real estate, family law, and employment discrimination).

3. Legal Consultant (Dec. 1996-Apr. 1998)

Illinois Senator Howard Carroll

Political and legal advisor about immigration and international business issues.

4. Associate Counsel (Sept. 1996-Apr. 1997)

Immigrant Law Center

General Practice: Immigration law, family law, wills, trusts, and real estate.

Law School Experiences:

1. Law Clerk (Dec. 1995-June 1996)

City of Chicago, Department of Law

Municipal Prosecutions: Litigation & drafting for Health, Revenue, & Environmental Departments

2. Summer Intern (Summer 1995)

(A) American Bar Association--Center on Children & the Law

Research and writing about policy matters related to international child abductions and child custody mediation in cases of domestic abuse.

(B) American Bar Association--Central and East European Law Initiative

Writing summaries of journal articles on judicial review throughout the world.

3. Research Assistant

(A) Professor Richard Wright (Torts scholar) (Fall 1995)

Research and writing: Concentrating on the categorical imperative and comparing it to other normative principles in order to evaluate applicability of the categorical imperative in tort law.

(B) Professor Molly Lien (Comparative & Russian Constitution scholar) (May 1994-Dec. 1995)

Research and writing. Comparing and contrasting Russian and United States federalism at time of constitutional revision in Russia. Research on comparative judicial review in numerous countries. Issues related to women in the legal profession.

4. Law Clerk (Summer 1994)

Cook County Public Guardian's Office (Chicago, Illinois)

Providing legal assistance for senior citizens with organic brain disorders. Research, writing memoranda and petitions, briefing cases, library responsibilities, filing, docketing.

Non-legal Experience:

1. Substitute Teacher (1992-1993)

Chicago Public School System

Elementary School: Permanent assignment as an English as a Second Language (ESL) teacher for Hispanic children. Pullout teacher for children with learning disabilities (SL).

2. Fund-raiser and Environmental Issues Researcher (1992)

Illinois Public Interest Research Group

Researching community plans for efficient solid waste management with an emphasis on recycling. Presenting environmental platforms to individuals in person to elicit their financial support.

3. Administrator of Russian Fables Collection and Microform Cataloguer (1989-1990)

University of Wisconsin, Madison--Memorial Library

Responsibilities: Classification and cataloging the unique Russian fable archive for the University Memorial Library, bibliographical work, reference, microfilms and microfiche.

4. First Lieutenant (Quartermaster Corps) (1987-1997)

United States Army Reserves (Honorable Discharge)

Highlights of Responsibilities: a) Platoon Leader of a Logistics Platoon; b) Executive Officer of a Group Headquarters Company; c) supervised up to thirty-five people as a Platoon Leader-as Executive Officer administered education program, equal opportunity program, supervised a company that provided logistical support to a quartermaster battalion command center; d) initially inducted as enlisted soldier (E-1).

References upon request