

CARLTON F.W. LARSON
Martin Luther King, Jr. Professor of Law
School of Law
University of California, Davis
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EMPLOYMENT HISTORY

UC DAVIS SCHOOL OF LAW, Davis, CA <i>Martin Luther King, Jr. Professor of Law (2020- Professor of Law (2009-2020); Acting Professor of Law (2004-2009)</i> Courses Taught: Constitutional Law I, Constitutional Law II, Legal History Distinguished Teaching Award recipient, 2019	2004-
COVINGTON & BURLING, Washington, D.C. <i>Litigation Associate</i>	2001-2004
JUDGE MICHAEL DALY HAWKINS UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT <i>Law Clerk</i>	2000-2001
JENNER & BLOCK, LLP, Washington, D.C. <i>Summer Associate</i>	Summer 2000
DEBEVOISE & PLIMPTON, LLP, New York, NY <i>Summer Associate</i>	Summer 1999
STEPTOE & JOHNSON, LLP, Washington, D.C. <i>Summer Associate</i>	Summer 1998
U.S. DEPARTMENT OF JUSTICE, Environment and Natural Resources Division, Environmental Defense Section, Washington, D.C. <i>Summer Law Clerk</i>	Summer 1998
THE WHITE HOUSE, Office of Presidential Letters <i>Intern</i>	Summer 1995

PUBLICATIONS

Op-ed: *The framers would have seen the mob at the Capitol as traitors*, WASHINGTON POST, Jan. 7, 2021

Op-ed: *Treason, the Death Penalty, and American Identity*, HISTORY NEWS NETWORK, Oct. 25, 2020

Op-ed: *Did the Militia Group that Planned to Kidnap the Michigan Governor Commit Treason?*, PUBLIC SEMINAR, Oct. 14, 2020

Op-ed: *Why ‘Treason’ Usually Isn’t Treason*, ZOCALO PUBLIC SQUARE, Sept. 30, 2020

ON TREASON: A CITIZEN’S GUIDE TO THE LAW (Ecco/HarperCollins, 2020)
-Finalist, 2021 American Bar Association Silver Gavel Book Award

Book Review: Evan Thomas, *First: Sandra Day O’Connor*, 31 WESTERN LEG. HIST. 81 (2020)

THE TRIALS OF ALLEGIANCE: TREASON, JURIES, AND THE AMERICAN REVOLUTION (Oxford University Press, 2019)
-Finalist, 2020 American Bar Association Silver Gavel Book Award

The 1778-1779 Chester and Philadelphia Treason Trials: The Supreme Court as Trial Court, in THE SUPREME COURT OF PENNSYLVANIA: LIFE AND LAW IN THE COMMONWEALTH, 1684-2017, at 315 (John J. Hare ed., 2018)

Treason and Cyberwarfare, Take Care Blog, July 27, 2017

Russia and ‘Enemies’ under the Treason Clause, Take Care Blog, July 24, 2017

Op-Ed: *Sorry, Donald Trump Jr. is not a Traitor*, WASHINGTON POST, July 11, 2017; CHICAGO TRIBUNE, July 13, 2017

Op-Ed: *Five Myths about Treason*, WASHINGTON POST, Feb. 19, 2017, B3

Op-Ed: *Separation of Powers on Trial at High Court*, DAILY JOURNAL, Jan. 7, 2016

“Shouting Fire in a Theater”: *The Life and Times of Constitutional Law’s Most Enduring Analogy*, 24 WM. & MARY BILL RTS. J. 181 (2015)

Teaching Legal History at a Small Law School, 53 AM. J. LEGAL HIST. 389 (2013); reprinted in TEACHING LEGAL HISTORY: COMPARATIVE PERSPECTIVES 224 (Robert M. Jarvis ed., 2014)

Op-Ed: *Dubious Legal Advice Drove Lottery Decision*, DAVIS ENTERPRISE, May 19, 2013

What if Chief Justice Fred Vinson Had Not Died in 1953?: Implications for Brown and Beyond, 45 IND. L.R. 131 (2011) (Symposium Essay)

Naming Baby: The Constitutional Dimensions of Parental Naming Rights, 80 GEO. WASH. L. REV. 159 (2011)

Reaction Essay: *Targeted Killing and the Rule of Law: A Difficult Issue*, Cato Unbound, June 2011, <http://www.cato-unbound.org/2011/06/13/carlton-f-w-larson/a-difficult-issue/>; reprinted in CATO UNBOUND: CIVIL LIBERTIES AND THE WAR ON TERROR (e-book, 2013)

Judge Michael Daly Hawkins, the Jury System, and American Democracy, 43 ARIZ. ST. L.J. 49 (2011) (Tribute Essay)

18th Century Law, in 3 AMERICAN CENTURIES: THE IDEAS, ISSUES, AND VALUES THAT SHAPED U.S. HISTORY 163 (Brendan McConville ed., 2011)

Legacy Preferences and the Constitutional Prohibition of Titles of Nobility, in AFFIRMATIVE ACTION FOR THE RICH: LEGACY PREFERENCES IN COLLEGE ADMISSIONS (Richard Kahlenberg ed., 2010)

Op-Ed: *Gun decision means more work for justice system*, SAC. BEE, July 4, 2010, at E4.

Four Exceptions in Search of a Theory: District of Columbia v. Heller and Judicial Ipse Dixit, 60 HASTINGS L.J. 1371 (2009) (Symposium Essay)

The Revolutionary American Jury: A Case Study of the 1778-1779 Philadelphia Treason Trials, 61 SMU L. REV. 1441 (2008)

Titles of Nobility, Hereditary Privilege, and the Unconstitutionality of Legacy Preferences in Public School Admissions, 84 WASH. U.L. REV. 1375 (2006) (published Nov. 2007)

The Forgotten Constitutional Law of Treason and the Enemy Combatant Problem, 154 U. PA. L. REV. 863 (2006)

Book Review: Paul Douglas Newman, *Fries's Rebellion: The Enduring Struggle for the American Revolution*, 24 LAW & HIST. REV. 684 (2006)

Blackstone and the Common Law of Prior Restraints, in 1 THE ENCYCLOPEDIA OF AMERICAN CIVIL LIBERTIES 151 (Paul Finkelman ed., 2006)

Book Review: John Barrell, *Imagining the King's Death: Figurative Treason, Fantasies of Regicide 1793-1796*, 21 LAW & HIST. REV. 411 (2003)

The Declaration of Independence: A 225th Anniversary Re-Interpretation, 76 WASH. L. REV. 701 (2001)

Case Note: *Bearing False Witness*, 108 YALE L. J. 1155 (1999)

Book Note: *Recovering the Congresses' Constitution*, 10 YALE J.L. & HUM. 647 (1998)

(reviewing DAVID P. CURRIE, *THE CONSTITUTION IN CONGRESS: THE FEDERALIST YEARS* (1997))

PRESENTATIONS

Book Publishing, panelist, UC Davis School of Law (virtual), June 3, 2021

Insurrection and the Rule of Law, panelist, UC Davis School of Law (virtual), Jan. 13, 2021

On Treason: A Citizen's Guide to the Law, in conversation with Julian Mortenson, Literati at Home, Literati Bookstore, Ann Arbor, MI (virtual) (November 2020)

On Treason: A Citizen's Guide to the Law, Queens Public Library Literary Thursdays, Queens, NY (virtual) (November 2020)

Treason Law in America: From the Revolution to Trump, Yolo County Bar Association (virtual) (September 2020)

The Trials of Allegiance: Treason, Juries, and the American Revolution, UC Davis School of Law (February 2020)

Constitutional Law Panelist, Impeachment Town Hall with Congressmen Mike Thompson and Mark DeSaulnier, Martinez, CA (January 2020)

The History of the Second Amendment and American Gun Control Laws, UC Davis Campus Community Book Project, Davis, CA (January 2020)

The Trials of Allegiance: Treason, Juries, and the American Revolution, Author Meets Reader Panel, American Society for Legal History Annual Meeting, Boston, MA (November 2019)

The Trials of Allegiance: Treason, Juries, and the American Revolution, Stanford Center for Law and History, Stanford Law School, Stanford, CA (October 2019)

The Trials of Allegiance: Treason, Juries, and the American Revolution, UC Berkeley Public Law and Policy Workshop, UC Berkeley School of Law, Berkeley, CA (October 2019)

Constitutional Issue Raised by the Mueller Report, Davis Public Library, Davis, CA (October 2019)

Law and Rurality Workshop, Paper Commentator, UC Davis School of Law (February 2019)

Compelled Speech, Panelist, Schwartz-Levi Inn of Court, Davis, CA (February 2019)

Book Publishing, Presenter, UC Davis Law School Faculty Intellectual Enrichment Program (with Professor Karima Bennoune) (February 2019)

Why Would I Mispronounce My Own Name?, One-Woman Show by Irma Herrera, Post-

Performance Speaker, Marsh Theater, San Francisco (November 2018)

Bakke at 40: Diversity, Difference, and Doctrine, Panel Moderator, UC Davis Law Review Symposium (October 2018)

Supreme Court Year in Review, Panelist, Weintraub Tobin, Sacramento, CA (July 2018)

Question and Answer Presentation with Justice Leondra Kruger, California Supreme Court, Questioner, Yolo County Bar Association Law Day Luncheon, Woodland, CA (May 2018)

Can Special Prosecutors Ever be Objective?, Respondent, UC Davis Federalist Society (February 2018)

The Second Amendment and Gun Control Litigation/Enemy Combatant Detentions, UC Davis Osher Lifelong Learning Institute, United States Courthouse, Sacramento, CA (November 2017)

The Trials of Allegiance: Treason, Juries, and the American Revolution (Chapters Two and Three), Elmer J. Schaefer Workshop Series, William and Mary Law School, Williamsburg, VA (October 2017)

What Does Treason Look Like?, Panelist, Zócalo Public Square/KCRW, National Center for the Preservation of Democracy, Los Angeles, CA (October 2017)

Supreme Court Review: 2016-2017 Term, Pacific Judicial Council Biennial Conference, Saipan, Commonwealth of the Northern Mariana Islands (September 2017)

American Security, Civil Liberties, and the First World War, World War and America Series, Sacramento Public Library, Sacramento, CA (July 2017)
(YouTube: <https://www.youtube.com/watch?v=BKcgad1YWgc>)

Supreme Court Year in Review, Panelist, Orrick, Herrington, and Sutcliffe LLP, Sacramento, CA (July 2017)

Faculty Speaker, UC Davis School of Law Commencement (elected by graduating class) (May 2017)

Hate Speech, Free Speech, More Speech, or Less Speech: The Quad as Free Expression Zone or Safe Space?, UC Davis Dialogue and Discernment Series, Davis, CA (May 2017)

Introduction to American Constitutional Law, Address to the Supreme Court and Court of Appeal of Sri Lanka, Davis, CA (April 2017)

James Madison Would Not Be Surprised by Trump and Sanders: The Hazards of Faction in a Democracy, Respondent, UC Davis Federalist Society (February 2017)

California Resistance to Trump's Immigration Policy, Panelist, UC Davis Immigration Law

Association (February 2017)

Fisher v. Univ. of Texas, UC Davis Law Faculty Summer Supreme Court Series (August 2016)

Ex Parte Endo, *Habeas Corpus, and the Federal Courts*, Justice Anthony M. Kennedy Library and Learning Center Summer Institute, United States Courthouse, Sacramento, CA (June 2016)

The Preamble to the United States Constitution, El Dorado County Democratic Party Award Luncheon Celebration, Placerville, CA (April 2016)

The Supreme Court Nomination Process: The Legal and Political Implications of Replacing Justice Scalia, Panelist, UC Davis American Constitution Society, UC Davis School of Law (March 2016)

Disjointed Regulation: State Efforts to Legalize Marijuana, Panel Moderator, UC Davis Law Review Symposium, UC Davis School of Law (January 2016)

Supreme Court Review/Preview, Panelist, UC Davis American Constitution Society, UC Davis School of Law (January 2016)

Whole Women's Health v. Cole, Panelist, Law Students for Reproductive Justice, UC Davis School of Law (January 2016)

The Constitutionality of the State of Jefferson: If And How To Create New States In the Continental United States, Panelist, Schwartz-Levi Inn of Court, Davis, CA (January 2016)

Magna Carta at 800, Schwartz-Levi Inn of Court, Davis, CA (September 2015)

A Dozen Recent Supreme Court Cases that Every Law Student Should Know, Commenter, UC Davis Federalist Society (February 2015)

Class Crits VII: Poverty, Precarity, & Work: Struggle and Solidarity in an Era of Permanent (?) Crisis, Paper Commentator, UC Davis School of Law (November 2014)

Deconstructing Hobby Lobby and McCullen: The Effects on Women's Health Care, Speaker, King Hall Women's Law Association (October 2014)

2014 Supreme Court Year in Review, Sacramento Federal Bar Association (August 2014)

McCullen v. Coakley, UC Davis Law Faculty Summer Supreme Court Series (July 2014)

Testimony on AB 2528, California Assembly Health Committee, Sacramento, CA (April 2014)

Not Equal Yet: Constitutional Issues, Panel Moderator, UC Davis Law Review Symposium (February 2014)

Gun Control and the Second Amendment, Speaker, King Hall Federalist Society, UC Davis Law School (November 2013)

Women's Military Forum, Panelist, King Hall Veteran's Association, UC Davis Law School (November 2013)

Punishing Disloyalty Outside the Courts: Pennsylvania, 1775-1777, American Society for Legal History Annual Meeting, Miami, FL (November 2013)

Let's Talk About Guns, Panelist, Yolo County ACLU, Davis, CA (May 2013)

Medical Marijuana and the Law, Panelist, Schwartz-Levi Inn of Court, Davis, CA (April 2013)

Overview of California Supreme Court Arguments, UC Davis Law School (October 2012)

Legitimate Discussion About Rape, Panelist, King Hall Women's Law Association, UC Davis Law School (September 2012)

The Treatment of Treason Outside of the Courts: Pennsylvania, 1775-1778, Law and Society Annual Meeting, Honolulu, HI (June 2012)

Targeted Killing and the Rule of Law, Schwartz-Levi Inn of Court, Davis, CA (February 2012)

Introduction to United States Law: Constitutional History and Structure, Electoral Tribunal of Mexico, Mexico City, Mexico (January 2012)

National Security and Liberty, Ten Years On, Panelist, California International Law Center, UC Davis Law School (September 2011)

The History of Judicial Recusal Rules, Should I stay or should I go? The Ethics of Recusal in Courts of Last Resort, Continuing Judicial Education Program, King Hall Alumni on the Bench, Davis, CA (May 2011)

The Second Amendment and Gun Control after Heller and McDonald, Panelist, UC Davis American Constitution Society (April 2011)

The Status of the Prop. 8 Litigation, UC Davis Law School Lambda (April 2011)

What if Chief Justice Fred Vinson Hadn't Died in 1953?, What If: Counterfactuals in Constitutional History, Indiana Law Review Symposium, Indianapolis, IN (April 2011)

Judge Michael Daly Hawkins, the Jury System, and American Democracy, The Hard Case and the Good Judge: A Tribute to Michael Daly Hawkins, Arizona State University Law Journal Symposium, Tempe, AZ (February 2011)

Judicial Activism, Debate with Ilya Shapiro, Cato Institute, Federalist Society, UC Davis School

of Law (February 2010)

Heller, Originalism, and the Second Amendment, Yolo County Bar Association, Woodland, CA (October 2009)

Naming Baby: Can Government Limit Parents' Ability to Name their Children?, University of Tulsa College of Law (September 2009)

Four Exceptions in Search of a Theory: Heller v. District of Columbia and Judicial Ipse Dixit, Hastings Law Journal Symposium: The Second Amendment After *Heller*, UC Hastings College of the Law, San Francisco, CA (February 2009)

President Obama and the Constitution, UC Davis Law School Alumni Association Board of Directors Meeting (February 2009)

Challenges for the President, Panelist, Institute of Governmental Affairs, UC Davis (January 2009)

Proposition 8: The Aftermath, Panelist, American Constitution Society, UC Davis School of Law (November 2008)

The Revolutionary American Jury: A Case Study of the 1778-1779 Philadelphia Treason Trials, Annual Meeting of the American Society for Legal History, Ottawa, Canada (November 2008)

Guns and Cash: The Second Amendment and the Fourteenth Amendment, Commentator, Federalist Society, UC Davis School of Law (October 2008)

Presidential Impact: Supreme Court at Stake, Panelist, American Constitution Society, UC Davis School of Law (October 2008)

Debate with Kevin Snyder of Pacific Legal Foundation on Proposition 8, California State Capitol, Sacramento, CA (October 2008)

The Supreme Court: Past and Present Term, Moderator, UC Davis School of Law (October 2008)

The Role of the Jury in the 1778-1779 Philadelphia Treason Trials, Law and Society Annual Meeting, Montreal, Quebec (May 2008)

The Establishment Clause: Is the Original Intent of the Founders Relevant in the 21st Century?, Moderator, UC Davis School of Law (March 2008)

UC-Davis Law Review Symposium, *Free Speech Rights in America's Public Schools*, Panel Moderator, Closing Remarks, and Faculty Co-Sponsor, UC Davis School of Law (March 2008)

Panelist, Forum at the Mondavi Center: The Pentagon Papers: Their Place in Politics and Law,

Davis, CA (Oct. 2007) (aired on Insight, Capitol Public Radio)

Panelist, Constitutional Law Panel, Minority Bar Conference, San Francisco, CA (Oct. 2007)

Faculty Speaker, UC Davis School of Law Commencement (elected by graduating class) (May 2007)

Treason Trials in Revolutionary Pennsylvania, SMU School of Law Faculty Workshop (March 2007)

Same-Sex Marriage, Moderator, Debate and Panel Discussion, UC Davis School of Law (Oct. 2006)

Guantanamo and Beyond, Panelist, UC Davis School of Law National GITMO Day (Oct. 2006)

The Role of the Judiciary in the War on Terror, Debate with Judge Loren Smith of the United States Court of Federal Claims, UC Davis School of Law (Feb. 2006)

The Forgotten Constitutional Law of Treason and the Enemy Combatant Problem, University of Pennsylvania Law Review Authors' Forum, Philadelphia, PA (Feb. 2006)

Hereditary Privilege, Titles of Nobility and the Unconstitutionality of Legacy Preferences in Public School Admissions, UC Davis School of Law Faculty Workshop (Sept. 2005)

EDUCATION

YALE LAW SCHOOL

J.D., 2000

Honors: Benjamin Scharps Prize for Best Paper by a Third-Year Student (co-recipient)

Activities: *The Yale Law Journal*, Articles Editor
The Yale Journal of Law & the Humanities, Executive Editor
Morris Tyler Moot Court of Appeals, Board of Directors
Landlord-Tenant Clinic, Director
Faculty Library Committee, Student Representative

HARVARD UNIVERSITY

A.B., *summa cum laude*, History, 1997

Honors: Phi Beta Kappa
Philip Washburn Prize for Best Thesis on a Historical Subject
Department of History Prize for Highest GPA in History Department
David Donald Prize for Best Student in American History

William Scott Ferguson Prize for Best Essay in a Sophomore History Tutorial
Charles Warren Center Summer Research Prize

Activities: Director of Law Reform and Legal Research, Small Claims Advisory Service
(drafted small claims reform legislation introduced in the Massachusetts
legislature; testified before the Joint Committee on the Judiciary)
Covers Stories Editor, *Harvard Political Review*
Harvard Speech and Parliamentary Debate Society

AFFILIATIONS

American Society for Legal History (member and manuscript reviewer for *Law and History Review*; member, Advisory Committee on the Cromwell Prizes, 2009-2012)
Association of American Law Schools, Section on Legal History, Executive Committee (2016-)
Section on Law & Humanities, Executive Committee (2018-)
The Selden Society
American Bar Association
Schwartz-Levi Inn of Court
William and Mary Quarterly, Manuscript Reviewer
Harvard College Alumni Interviewer

SELECTED MEDIA APPEARANCES AND QUOTATIONS

All Things Considered, National Public Radio	The Economist
Morning Edition, National Public Radio	TIME
Insight, Capitol Public Radio	The New York Times
The New Yorker	The Wall Street Journal
NBC News	Slate
Metro Networks	The Los Angeles Times
Forum, KQED Public Radio	California Report, KQED
The American Prospect	The Washington Post
CNN International	The Colin McEnroe Show (WNPR)
Southern California Public Radio	The Michael Smerconish Program (Sirius)
The Sacramento Bee	The Arizona Republic
Congressional Quarterly Weekly	Politics on Tap
The Woodland Democrat	The Today Show
This Morning – Seoul, South Korea	Atlanta Journal-Constitution
Dallas Morning News	USA Today
Civics 101 Podcast (NH Public Radio)	Politifact
The World (Public Radio International)	The Current (CBC)
Newsweek	Associated Press
The Atlantic	History Hits with Dan Snow

PUBLISHED CASES

Turner v. United States Navy, et al., 325 F.3d 310 (D.C. Cir. 2003) (counsel for appellant)

Belt Painting Corp. v. TIG Ins. Co., 100 N.Y.2d 377 (N.Y. 2003) (counsel for amici curiae)

AMICUS CURIAE PARTICIPATION

Al-Marri v. Wright (4th Cir.) (filed Nov. 20, 2006)

SELECTED LAW SCHOOL AND UNIVERSITY SERVICE

Chair, UC Davis Law School Faculty, 2018-2020

Member, UC Davis Academic Senate Executive Council, 2018-2020

Chair, UC Davis Academic Senate, Privilege and Tenure Hearings Subcommittee, 2009-2010, 2014-2015; Member, 2016-2017; 2017-2018; 2018-2019; 2019-2020

Member, UC Davis Freedom of Expression Working Group, 2017

Member, UC Davis Executive Council Special Committee on Freedom of Expression, 2012-2013

Member, UC Davis Academic Senate, Public Service Committee, 2007-2009

Member, UC Davis Academic Senate, Academic Freedom Committee, 2008-2009

Law School Representative to UC Davis Academic Senate Representative Assembly, 2006-2008

Member, Tenure Committee for Professor Aaron Tang, 2017-2020

Chair, Law School Appointments Committee, 2021-2022; Member, 2011-2012; 2016-2017

Chair, Law School Admissions Committee, 2014-15; Member, 2008-2009

Member, Law School LLM Admissions Committee, 2007-2008, 2012-2013

Chair, Law School Educational Policy Committee, 2019-2020; Member, Spring 2011, 2015-2016, 2018-2019

Member, Law School Intellectual Enrichment Committee, 2019-2020

Member, Law School Academic Appeals Committee, 2013-2014

Member, Law School Building Committee, 2005-2006

Faculty Representative, UC Davis Law School, Alumni Board, 2008-2009

Tenure Reviewer, University of Missouri, Columbia, 2014

BAR ADMISSIONS

New York

District of Columbia (inactive)

United States Court of Appeals for the Ninth Circuit

United States Court of Appeals for the District of Columbia

OTHER INTERESTS

Classical Music
Piano Performance and Composition
Antique Automobiles
North Dakota History