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Personal Data

Born in Brooklyn, New York.
Married. Three children.

Education

Columbia University School of Law, 1951-54, LL.B. 1954.

Editor of the Columbia Law Review.

Twice received Harlan Fiske Stone Scholarship award.

City College of New York, 1948-51, B.S. 1952. Majored in economics and political science.

Employment

1954-57, Attorney, U.S. Department of Justice, Washington, D.C.

1957-66, Private practice, Washington, D.C., and New York City.

1966-Present, University of Texas School of Law. A. W. Walker Centennial Chair in Law

Visiting Professor of Law, University of Utah School of Law, Summer 1972.

Visiting Professor of Law, University of Virginia School of Law, 1978-79.

Subjects: Constitutional Law, Antitrust, Civil Rights.

Special Master, *Davis v. Board of School Comm'ns. of Mobile County*, (U.S. Dist. Ct. So. Dist. of Ala.), 1984-86.

Instructor, Bicentennial Seminar for Law Professors, National Endowment for the Humanities, Claremont, California, Summer 1986.

PUBLICATIONS

Books

- COURTING DISASTER: THE SUPREME COURT AND THE DEMISE OF POPULAR GOVERNMENT (London: University of London, Institute of United States Studies, 1997).
- THE SUPREME COURT'S BUSING DECISIONS: A STUDY IN GOVERNMENT BY THE JUDICIARY (Los Angeles: International Institute for Economic Research, 1978).
- DISASTER BY DECREE: THE SUPREME COURT'S DECISION ON RACE AND THE SCHOOLS (Ithaca, NY: Cornell University Press, 1976).

Articles

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- *The Supreme Court's Perversion of the 1964 Civil Rights Act*, 37 HARV. J. L. & PUB. POL'Y, NUMBER 1, 103-111 (2014).
- *Fisher v. University of Texas: Race Preference in University Admissions Survives Another Round* 48 U.S.F. L. REV. 272–280 (2013).
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- *Race Has No Place in College Admissions*, TEXAS WEEKLY (October 9, 2012), <<http://www.texastribune.org/texas-education/higher-education/guest-column-race-has-no-place-college-admissions/>>
- *Race Based College Admissions a Bad Idea*, AUSTIN AMERICAN-STATESMAN (October 14, 2012), <http://www.statesman.com/news/news/opinion/graglia-race-based-college-admissions-a-bad-idea/nSZcY/>
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- *Have More Faith in Democracy*, AUSTIN-AMERICAN STATESMAN, September 4, 2008.
- *Solving the Parents Involved Paradox* [Symposium: *Brown Undone?: The Future of Integration in Seattle After PICS v. Seattle School District No. 1*], 31 SEATTLE UNIVERSITY LAW REVIEW 911 (2008).
- *Lopez, Morrison, and Raich: Federalism in the Rehnquist Court*, 31 HARVARD JOURNAL OF LAW AND PUBLIC POLICY 761 (2008).
- *Leegin Creative Leather Products, Inc. v. PSKS, Inc.: The Strange Career of the Law of Resale Price Maintenance* [Symposium: *A Continuing Symposium on Antitrust and the Roberts Court*], 53 THE ANTITRUST BULLETIN 803 (2008).
- *Government Promotion of Moral Issues: Gambling, Smoking, and Advertising* 31 HARVARD JOURNAL OF LAW & PUBLIC POLICY 69 (2008).
- *Altering 14th Amendment Would Curb Court's Activist Tendencies*, AUSTIN AMERICAN-STATESMAN, July 10, 2005, at H1.
- *Rule of Law: Our Constitution Faces Death by "Due Process"*, WALL STREET JOURNAL, May 24, 2005, at A12.
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- *Race-Conscious Remedies*, 9 HARVARD JOURNAL OF LAW & PUBLIC POLICY 83 (1986).
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Reviews

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- *Profile in Courage*, THE AMERICAN SPECTATOR, Nov. 2000, at 88 (reviewing *A Personal Odyssey*, by Thomas Sowell).
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- *With Friends Like This...*, NATIONAL REVIEW, May 4, 1998, at 52 (reviewing *The Dissent of the Governed: A Meditation on Law, Religion, and Loyalty*, by Stephen L. Carter).
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- *And We Are Not Saved: The Elusive Quest for Racial Justice*, by Derrick Bell, and *Compassion Versus Guilt and Other Essays*, by Thomas Sowell, 5 CONSTITUTION COMMENTARY 436 (1988).
- *When Honesty is "Simply . . . Impractical" for the Supreme Court: How the Constitution Came to Require Busing for School Racial Balance*, 85 MICHIGAN LAW REVIEW 1153 (1987) (reviewing *Swann's Way: The School Busing Case and the Supreme Court*, by Bernard Schwartz).
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Contributions

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- *Restrictions on Judicial Election Campaign Speech: Silencing Criticism of Liberal Activism*, in FREEDOM OF SPEECH 148 (Ellen Frankel Paul *et al.* eds.; Cambridge,

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- *The Rehnquist Court and Economic Rights*, in THE REHNQUIST COURT: A RETROSPECTIVE 116 (Martin H. Belsky ed.; Oxford, UK: Oxford University Press, 2002).
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- *Judicial Activism of the Right: A Mistaken and Futile Hope*, in LIBERTY, PROPERTY, AND THE FUTURE OF CONSTITUTIONAL DEVELOPMENT 65 (Ellen Frankel Paul & Howard Dickman eds.; Albany, NY: State University of New York Press, 1990).
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- *The Supreme Court and the American Common Market*, in REGULATION, FEDERALISM, AND INTERSTATE COMMERCE 67 (A. Dan Tarlock ed.; Cambridge, MA: Oelgeschlager, Gunn & Hain, 1981).
- *The Case for Judicial Restraint*, in JUDICIAL ACTIVISM AND RESTRAINT (S. Halpern & C. Lamb eds.; Lexington, MA: Lexington Books, 1981).
- *Court Ordered School Busing: Hearings Before the Subcommittee on Separation of Powers of the Senate Committee on the Judiciary, 97th Cong., 1st Sess., 378 (1981) (testimony & statement).*
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- *Commentator*, in THE POLITICAL ECONOMY OF ANTITRUST (Robert D. Tellison ed.; Lexington, MA: Lexington Books, 1980).
- *The Nature and Source of Constitutional Law, The Equal Rights Amendment: A Debate, and The Ultimate Source of Legal Authority*, in IN HONOR OF JUSTICE DOUGLAS: A SYMPOSIUM ON INDIVIDUAL FREEDOM AND GOVERNMENT (Robert H. Keller Jr. ed.; Westport, CT: Greenwood Press, 1979).
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Other

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- THE COURT OF PUBLIC OPINION. THE CONSTITUTION AND THE SUPREME COURT (Washington DC: Georgetown Law Center, Apr. 20, 1986).
- CONSTITUTIONAL INTERPRETATION: ORIGINAL OR CONTEMPORARY INTENT? (Birmingham, AL: Cumberland Law School, 1986).

- SCHOOL DESEGREGATION: DOES IT WORK? (PBS Television debate between the National Association for Neighborhood Schools & the U.S. Civil Rights Commission). [Published as a booklet in 1977.]
- CIVIL DISOBEDIENCE ON THE CAMPUS (Austin: University of Texas Communications Center, 1969) (with Vincent Blasi & George Schatzki).
- ANTI-TRUST LAW, PT.1-2 (Austin: University of Texas Communications Center, 1969) (with James Treece).

Professional Activities and Honors

Named one of ten “Great Professors” at the University of Texas at Austin, on the basis of alumni submissions, *The Alcalde*, May/June 2011, p.40.

Named “2010 Jurist of the Year” by the Texas Review of Law and Politics.

Frequent speaker at law schools and participant in conferences and symposia on constitutional law topics.

Member, Advisory Board, Bureau of Justice Statistics, U.S. Department of Justice, 1983-84.

Member, Texas State Advisory Committee, U.S. Civil Rights Commission, 1985-1998.

Member, Academic Advisory Board, Washington Legal Foundation.

Member, Advisory Board, The Federalist Society for Law and Public Policy Studies.

Member, Academic Resource Bank, The Heritage Foundation.

Member, Advisory Council, Center for Law and Democracy.

Member, Board of Honorary Trustees, National Lawyers Association.

Member, Board of Editors, *Benchmark*, Center for Judicial Studies.

Awarded, George Washington Honor Medal, in the area of Public Communications, The Freedoms Foundation at Valley Forge, January, 1990.

Biographical Listing in “Who's Who in America,” “Who's Who in American Law,” “Who's Who in the South and Southwest,” and “International Who's Who in Education.”