JESSE H. CHOPER

Earl Warren Professor of Public Law
School of Law
University of California
Berkeley, California 94720
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BORN: September 19, 1935, Wilkes-Barre, Pennsylvania

EDUCATION:

B.S. (summa cum laude), Wilkes University, 1957
LL.B. (magna cum laude), University of Pennsylvania, 1960
D.Hu.Litt. (honorary), Wilkes University, 1967

PROFESSIONAL POSITIONS:

University of Pennsylvania, Wharton School, Instructor, 1957-60
Chief Justice Earl Warren, Law Clerk, 1960-61
University of Minnesota Law School, Associate Professor, 1961-65
University of California Law School, Berkeley, Professor, l965 to date;
Dean, 1982 to 1992
University of California Law School, Berkeley, Earl Warren Professor of Public Law, 1991 to date.

OTHER APPOINTMENTS:

Visiting Professor, Catholic University Law School, Summer 1967
Visiting Professor, Harvard Law School, 1970-71
Resident Scholar, Rockefeller Foundation Bellagio Study Center, 1992
Visiting Professor, University of Milan Law School, 1992
Visiting Professor, Universitad Autonoma, Barcelona, 1996
Visiting Professor, Vrije Universiteit, Amsterdam, 1999
Bacon-Kilkenny Distinguished Visiting Professor, Fordham Law School, 1999
Freehills Distinguished Visiting Scholar, University of New South Wales Law School, Sydney 2002
Visiting Professor, Catholic University of Portugal, Lisbon and Porto, Portugal, 2010
Visiting Professor, University of Lucerne, Switzerland, School of Law, 2010

TEACHING AREAS: Constitutional Law and Corporation Law

ELECTED MEMBERSHIPS:

American Academy of Arts and Sciences, Western Center Executive Council, 1993-1999; Vice President 1997-1999, 2003-2005, 2006-2008
American Law Institute
Association of American Law Schools, Executive Committee, 1995-1997
Order of the Coif, National President, 1992-1995

SPECIAL AWARDS:

Order of the Coif Triennial Book Award, l982
Berkeley Campus Distinguished Teaching Award, 1998
Boalt Hall Alumni Association Faculty Lifetime Achievement Award, 2005
University of Pennsylvania James Wilson Award - - Law School's Highest Award, 2005
Rutter Award for Teaching Distinction at Boalt Hall, 2006.
Order of the Coif Distinguished Visitor for 2007.

MAJOR LECTURES:

Thomas M. Cooley Lectures, University of Michigan Law School, 1977
("Judicial Review and the National Political Process")

Ralph E. Kharas Lecture, Syracuse University College of Law, 1979
("The Burger Court: Misperceptions")

Louis H. Caplan Lecture, University of Pittsburgh School of Law, 1980
("The Religion Clauses of the First Amendment")

Roy and Virginia Ray Lecture, University of Kentucky College of Law, 1981
("The Constitutionality of Affirmative Action")

William B. Lockhart Lecture, University of Minnesota Law School, l982
("The Power of Congress to Enforce Civil Rights")

David C. Baum Memorial Lecture, University of Illinois College of Law, l982
("Defining Religion in the First Amendment")

Leo Goodwin Distinguished Lecture, Nova University Law Center, l983
("Sex Discrimination, the Supreme Court, and Justice Sandra Day O'Connor")

Inaugural Lecture Series, Center for Church/State Studies, DePaul University, l983 ("The Religion Clauses and the Burger Court")

William H. Leary Lecture, University of Utah College of Law, l983
("The Burger Court and the Free Exercise of Religion")

Roger J. Traynor Lecture, California Judicial College, 1985
("Religion, The Constitution, and the Just Completed Supreme Court Term: Full of Sound and Fury, Signifying Little")

J. Byron McCormick Lecture, University of Arizona College of Law, 1987
("Church, State and the Supreme Court: Continuing Controversy")

John Marshall Lecture, Franklin & Marshall College, 1987
("Affirmative Action and the Supreme Court")

Roscoe Pound Lecture, University of Nebraska College of Law, 1991
("The Rise and Decline of the Free Exercise Clause")

J.M. Dawson Institute Lectures on Church and State, Baylor University, 1992
("Whither the Withered Free Exercise Clause"; "Separation of Church and State: 'New' Directions By The 'New' Supreme Court")

Robert S. Stevens Lecture, Cornell Law School, 1993
("Religion and Race Under the Constitution: Similarities and Differences")

Judge Hugh H. Bownes Lecture, Franklin Pierce Law Center, 1993
("The Changing Face of Religious Freedom")

Robert H. Jackson Lecture, The National Judicial College, 1996 ("The `Judicial Ideology' of the Justices of the Supreme Court")

John E. Sullivan Lecture, Capital University Law School, 1997 ("The Law of the Religion Clauses at the Twilight of the Rehnquist Court")

Charles J. Merriam Lecture, Arizona State College of Law, 1997 ("The `Judicial Ideology,' of the Justices of the Supreme Court at the Twilight of the Rehnquist Era")

Uri and Caroline Bauer Memorial Lecture, Cardozo Law School, New York City, 1997 ("On the Difference in Importance Between Supreme Court Doctrine and Actual Consequences")

Dyson Distinguished Lecture, Pace Law School, White Plains, New York, 2001 (“The Presidential Election of 2000 and the Role of the United States Supreme Court”)

Inaugural Earl Warren Institute Lecture in Constitutional Law, Berkeley, 2002 (“School Vouchers: Federal Constitutional Issues After the Cleveland Case”)

Edward L Barrett Jr. Lectureship on Constitutional Law, University of California, Davis School of Law, 2005 (“Making Sense of the Political Question Doctrine”)

MAJOR PUBLICATIONS:

BOOKS

Judicial Review and the National Political Process: A Functional Reconsideration of the Role of the Supreme Court, University of Chicago Press, 1980

Constitutional Law: Cases, Comments & Questions, West Publishing Co., 1st ed. 1964; 2d ed. 1967; 3d ed. 1970; 4th ed. 1975; 5th ed. 1980; 6th ed. 1986; 7th ed. 1991; 8th ed. 1996 (co-author); 9th ed. 2001; 10th ed. 2006 (co-author)

The American Constitution: Cases & Materials, West Publishing Co., 1st ed. 1964; 2d ed. 1967; 3d ed. 1970; 4th ed. 1975; 5th ed. 1980; 6th ed. 1986; 7th ed. 1991; 8th ed. 1996 (co-author); 9th ed. 2001 (co-author)

Constitutional Rights & Liberties: Cases & Materials, West Publishing Co., 1st ed. 1964; 2d ed. 1967; 3d ed. 1970; 4th ed. 1975; 5th ed. 1980; 6th ed. 1986; 7th ed. 1991; 8th ed. 1996 (co-author); 9th ed. 2001 (co-author)

Cases & Materials on Corporations, Little, Brown & Co., 1st ed. 1966; 2d ed. 1977; 3d ed. 1989; 4th ed. 1995; 5th ed. 2000 (co-author); 6th ed. 2004; 7th ed. 2008 (co-author)

The Supreme Court and Its Justices, American Bar Association, 1st ed. 1987; 2d ed. 2001 (editor)

The First Amendment: Cases, Comments & Questions, West Publishing Co., 1st ed. 1991; 2d ed. 1996; 3d ed. 2001; 4th ed. 2006 (co-author)

Securing Religious Liberty: Principles for Judicial Interpretation of the Religion Clauses, University of Chicago Press, 1995

MONOGRAPHS

The Supreme Court: Trends and Developments 1978-1979, National Practice Institute, 1979 (co-author)

The Supreme Court: Trends and Developments 1979-1980, National Practice Institute, 1981 (co-author)

The Supreme Court: Trends and Developments l980-l98l, National Practice Institute, l982 (co-author)

The Supreme Court: Trends and Developments l98l-l982, National Practice Institute, l983 (co-author)

The Supreme Court: Trends and Developments 1982-83, National Practice Institute, 1984 (co-author)

ARTICLES

Religion in the Public Schools: A Proposed Constitutional Standard, *Minnesota Law Review*, January 1963

The Right to Counsel in Minnesota: Some Field Findings and Legal-Policy Observations, *Minnesota Law Review*, November 1963 (co-author)

On the Warren Court and Judicial Review, *Catholic University Law Review*, Fall 1967

The Establishment Clause and Aid to Parochial Schools, *California Law Review*, April 1968

The Supreme Court and the Political Branches: Democratic Theory and Practice, *University of Pennsylvania Law Review*, April 1974

The Scope of National Power Vis-à-Vis the States: The Dispensability of Judicial Review, *Yale Law Journal*, July 1977

Thoughts on State Action: The "Government Function" and "Power Theory" Approaches, *Washington University Law Quarterly*, Summer 1979

The Burger Court: Misperceptions Regarding Judicial Restraint and Insensitivity to Individual Rights, *Syracuse Law Review*, Summer 1979

The Religion Clauses of the First Amendment: Reconciling the Conflict, *University of Pittsburgh Law Review*, Summer 1980

The Constitutionality of Affirmative Action: Views From the Supreme Court, *Kentucky Law Journal*, 1981-82

Defining "Religion" in the First Amendment, *University of Illinois Law Review*, l982

Congressional Power to Expand Judicial Definitions of the Substantive Terms of the Civil War Amendments, *Minnesota Law Review*, December l982

Consequences of Supreme Court Decisions Upholding Individual Constitutional Rights, *Michigan Law Review*, October 1984

The Free Exercise Clause: A Structural Overview and an Appraisal of Recent Developments, *William & Mary Law Review*, 1986

Separation of Church and State, *Encyclopedia of the American Constitution*, 1987

Continued Uncertainty as to the Constitutionality of Remedial Racial Classifications: Identifying the Pieces of the Puzzle, *Iowa Law Review*, January 1987

The Establishment Clause and Aid to Parochial Schools -- An Update, *California Law Review*, January 1987

Church, State and the Supreme Court: Current Controversy, *Arizona Law Review*, 1987

Law Before and After Garcia, *Perspectives on Federalism*, 1987

The Role of the U.S. Supreme Court on the Issue of Congressional Power Versus States' Rights, *The Evolving U.S. Constitution 1787-1987*, 1989

The Establishment and the Free Exercise Clauses: Resolving the Inherent Tension, *The Constitutional Bases of Political and Social Change in the U.S.*, 1990

The Brennan Legacy: A Roundtable Discussion, *American Bar Association Journal*, February 1991 (co-author)

Affirmative Action and the Supreme Court, *An Essential Safeguard*, 1991

The Rise and Decline of the Constitutional Protection of Religious Liberty, *University of Nebraska Law Review*, 1991

Government Aid to Religious Institutions, *Encyclopedia of the American Constitution Supplement I*, 1992

Separation of Church and State: "New" Directions by the "New" Supreme Court, *Journal of Church and State*, 1992

Thoughts on the Federalist Vision of Representative Democracy as Viewed at the End of the Twentieth Century: How Have We Used the Legacy of *The Federalist Papers*?, 16 *Harvard Journal of Law & Public Policy* 35-42 (1993).

Federalism and Judicial Review: An Update, 21 *Hastings Constitutional Law Quarterly* 577-591 (1994).

Religion and Race Under the Constitution: Similarities and Differences, 79 *Cornell Law Review* 491 - 513 (1994).

Observations on the Guarantee Clause -- As Thoughtfully Addressed by Justice Linde and Professor Eule, 65 *University of Colorado Law Review* 741-747 (1994).

The Supreme Court and Unconstitutional Conditions: Federalism and Individual Rights, 4 *Cornell Journal of Law & Public Policy* 460-465 (1995).

Did Last Term Reveal "A Revolutionary States' Rights Movement Within the Supreme Court,"? 46 *Case Western Reserve Law Review* 663-670 (1996).

Dangers to Religious Liberty from Neutral Government Programs, 29 *U.C.Davis Law Review* 719-728 (1996).

The Unpredictability of the Supreme Court's Doctrine In Establishment Clause Cases, 43 *Wayne L. Rev*. 1439-1449 (1997).

On the Difference in Importance Between Supreme Court Doctrine and Actual Consequences: A Review of the Supreme Court's 1996-1997 Term, 19 *Cardozo L. Rev*. 2259-2309 (1998).

State Taxation and the Dormant Commerce Clause: The Object-Measure Approach, co-author, 1998 *Supreme Court Review* 193-245.

Federal Constitutional Issues, *School Choice and Social Controversy* 235-265, 1999

Religion Clauses in Interaction, *Encyclopedia of the American Constitution*, Supplement II, 1999.

Equality, *Common Law, Common Values, Common Rights: Essays in Our Common Heritage by Distinguished British and American Authors* 43-50,2000.

A Century of Religious Freedom, 88 *California Law Review* 1709-1742 (2000).

The Scope of the Commerce Clause after Morrison, 25 *Oklahoma City University Law Review* 843-868 (2000) (co-author).

Why the Supreme Court Should Not Have Decided the Presidential Election of 2000, 18 *Constitutional Commentary* 335-357 (2001).

Taming Congress's Power Under the Commerce Clause: What Does the Near Future Portend?, 55 *Arkansas Law Review* 731-794 (2002).

The Endorsement Test: Its Status and Desirability, 18 *Journal of Law & Politics* 499-536 (2002).

The Political Question Doctrine: Suggested Criteria, 54 *Duke Law Journal* 1457-1524 (2005).

Who's Afraid of the Eleventh Amendment? The Limited Impact of the Court's Sovereign Immunity Rulings, 106 *Columbia Law Review* 213-261 (2006) (co-author).

Effective Alternatives to Causes of Action Barred by the Eleventh Amendment, 50 *New York Law School Law Review* 715-728 (2005-2006) (co-author).

Earl Warren - A Law Clerk's Memory of the Man and the Court, in *Earl Warren and the Warren Court*, 357-361 (2006).

Introduction, in *The Political Question Doctrine and the Supreme Court of the United States* 1-21 (2004).