

CURRICULUM VITAE

HARRY N. SCHEIBER

Stefan A. Riesenfeld Professor of Law and History, and Director of the Institute, for Legal Research, University of California, Berkeley.
Faculty member, Jurisprudence and Social Policy Program, and presently Director, Sho Sato Program in Japanese and U.S. Law, and Co-Director, Law of the Sea Institute, in the School of Law (Boalt Hall).

ADDRESS:

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University of California, Berkeley
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DEGREES:

A.B., Columbia College (Columbia University), 1955.
M.A., Cornell University, 1957. M.A.(Hon.)
Ph.D., Cornell University, 1961 (Major field: American History).

HONORARY:

D. Jur, (hon.c.) University of Uppsala, Sweden. 1998
M.A. (Hon.) Dartmouth College, 1965

PROFESSIONAL APPOINTMENTS:

1980-present : UC Berkeley:

Stefan A. Riesenfeld Chair Prof. of Law and History
1991-present; Professor of Law & History, 1980-91; and Director, Institute for Legal Research (formerly EWLI, 2001-)
Associate Dean of Law for JSP, 1990-93, 1996-99 .
Chair, Jurisprudence and Social Policy Program,
1982-4, 1990-93, 1996-99 .
Faculty Associate, Center for the Study of Law and Society; also of Institute of Governmental Studies.
Acting Director, Center for the Study of Law and Society, 1992-93, and 2000-2.
Vice Chair, U. of Calif. Berkeley Faculty Senate, 1993-4.
Chair, U. of Calif. Berkeley Faculty Senate, 1994-95.

2006 designated Fulbright Senior Specialist in Law to Australia
1999: DiTella University, Buenos Aires, Honorary Professor
1995: University of Uppsala: Visiting Research Prof. (Law)
1984: Australia: Senior Fulbright Distinguished Lecturer (History and Law)

1971-80: UC San Diego: Professor of American History

Varied service as Coordinator (Acting Chair at founding) of Political Science Dept.;; Senate committees on graduate study, on the library, and on budget and academic personnel; chair and founding director, Earl Warren Symposium; numerous History Department committee chairmanships, including recruitment. AAUP officer.

1960-71: Dartmouth College: Instructor to Professor of History, Dartmouth College. (Asst. Prof., 1962-65; Assoc. Prof., 1965-68; Prof., 1968-71) Also acting and asst. chair (various dates); and founding director, Dartmouth Center for the Study of Social Change, 1968-70; faculty executive committee; secretary of the faculty; committee on computer innovation; committee on the library; various recruitment committees. AAUP chapter officer.

1958-59: Cornell University: Teaching Fellow in American Studies

Awarded Moses Coit Tyler Prize in American History; and Messenger Prize in History.

HONORS, RESEARCH FELLOWSHIPS, GRANTS:

American Academy of Arts and Sciences, Fellow, elected 2004.

President, American Society for Legal History, 2003-05.

D.Jur.(Hon.), Uppsala (as above) 1998.

Honorary Life Fellow, American Society for Legal History, elected 1999.

Academia Sinica, Visiting Fellow/Lecturer, 2000

Japan Society for Promotion of Science, Invitational Fellowship, 2002

International Council for Environmental Law, elected 1991.

Guggenheim Fellowship (second), 1988-89; (first), 1970-71.

Center for Advanced Study in the Behavioral Sciences, Fellowship,
1970-71

University of Calif. Humanities Research Inst. Fellowship, 1989.

California Sea Grant research awards, 1988-89, 1986-7, 1984-5, 1981-94.

National Endowment for the Humanities, Senior Research Fellowship, 1985-6.

Distinguished Senior Fulbright Lecturer, Australia, 1983.

Rockefeller Foundation Humanities Fellowship, 1980-81

Project '87 major research grant, 1979.

National Science Foundation grant (group award), 1979.

American Council of Learned Societies Fellowship, 1966-67.

Center for Advanced Study in the Behavioral Sciences, Fellowship, 1966-7

Social Science Research Council Dissertation Fellowship, 1959-60.

CURRENT RESEARCH:

American legal and constitutional history; federalism; civil liberties; public policy

Ocean resources law and policy (U.S. and international); Law of the Sea; fisheries policy

OFFICES HELD:

President, American Society for Legal History, 2003-5

Vice President, California Supreme Court History Society (1998-99), and member, Board of Directors, 1992-present .

President, Agricultural History Society, 1977-78.
President, Council on Research in Economic History, 1972-75.
Trustee, Marine Affairs and Policy Association, 1990-95 .
Board of directors, Ocean Governance Study Group, 1990-2000. .
Member, Board of Directors, American Society for Legal History, 1982-86,
1990-93, 1995-98.
Trustee, Economic History Association, 1976-79.
Trustee, Law and Society Association, 1977-80, 1996-1999.

SPECIAL APPOINTMENTS:

Joint Ocean Commission Initiative, scientific advisory board, 2007-
National Sea Grant Legal Center, board of advisors, 2004-
Director, Seminar for College Professors of History on Federalism and Constitutional
Law (NEH jointly sponsored by the Supreme Court Hist. Soc., Washington, DC,
Summer 2002) Co-director with Prof. Vicky Jackson.
National Research Council (NAS), consultant on Sustainable Fisheries Act review, 2003;
and consultant on study of judicial review of fishery science, 2003.
Pew Oceans Commission, consultant on fisheries law and policy, 2001-2.
Chair, California Sea Grant Advisory Board, 1999-2003 and member since 2003.
Academic organizer and presenter, National Archives summer institute on American
Constitutionalism, Washington, D.C., 1995
Coordinator for Marine Affairs Research, California Sea Grant
College Program, 1987-2000.
Founding director, Berkeley Seminar on Federalism, 1986-92.
Academic Director and co-director, NEH-sponsored institute, "Constitutionalism in
American Life," UC Berkeley, 1989-91.
Academic Director, Co-Principal Investigator, and faculty member, NEH institute for
teachers, UC Berkeley, 1988.
Faculty member, American Constitutional History Institute, Phillips Academy, Andover,
Mass. (NEH sponsorship), Summer 1987.
Co-organizer, faculty member, and co-director, "Constitutionalism in American Life,"
NEH institute for high school teachers, UC Berkeley, summer 1986.
Director, Project 87/Madison Fellows Institute in American Constitutional Law and
History, UC Berkeley, 1987
Chairman, College Board Committee on Advanced Placement in American
History, 1976-8; and member 3 years, 1970s, College Board American History
Achievement Test committee
Chairman, ETS academic board for the "Nation's Report Card" National Assessment of
Educational Progress, evaluation project in history and social science (1 yr)
Director, four-week seminars on "Federalism in Perspective" under National
Endowment for the Humanities program for public administrators, Summers,
1978, 1979, and 1981, UC San Diego.

ENDOWED AND OTHER INVITED LECTURES (SELECTED):

Pufendorf Seminar Lecture, Lund University, 2007
 The Cassel Foundation Lecture, Stockholm University, 2003.
 Yale University, Legal History Lecture Series, 2003.
 Stanford University, inaugural lecture, Legal History Series, 2003.
 Waseda University, International Law Dept., lecture, 2002 (Japan).
 U.S. Supreme Court Historical Society, Seligman Lecture, 2002.
 University of Washington, Marine Policy Endowed Lecture Series, 2002.
 Scripps Institution of Oceanography, Center for Study of Marine Biodiversity, 2002.
 Hokkaido Univ., U. of Tokyo (Todai), Yamagata U., and U. of Kyoto University
 --public lectures, 2001 sponsored by Japan Society for Promotion of Science.
 Academia Sinica (Taiwan), National Taiwan Univ. School of Law, lectures, 2000,
 (sponsored by Taiwan National Science Foundation and Academia Sinica)
 University of Wisconsin Law School, lecture, 2000.
 Stockholm University, Sweden, International Law Dept., lecture, 1999.
 National Oceans Agency, NOAA (U.S. Government, lecture, 1998).
 American Law Institute, special plenary speaker, 75th anniversary, 1997.
 Tokyo University (Todai), Japan, international law faculty, lecture, 1999
 Uppsala University, Sweden, Law Faculty, Hon. Doctorate Lecture, 1998
 Hamburg University, Germany, Oceanographic Institute, lecture, 1998
 Rutgers University Law School, 1997 State Constitutional Law Endowed
 Lecture
 Government of Japan, Ministry of Foreign Affairs, anComparative Law Association of
 Japan, 1997. Plenary lecture, conference on ocean law and sustainability.
 Kyoto University and Kansei Region Socio-Legal Society, 1997, keynote lecture.
 University of Southern California, Tyler Prize Pavilion Inaugural Symposium lecture
 Yale Law School, Yale University (symposium lecture)
 Swedish Welfare Council Symposium to Honor Ake Lindgren, Sigtuna, Sweden, 1996.
 Collegicum for Advanced Study in the Behavior Sciences, Sweden, 1995, 1996, lectures.
 University of Washington, Ocean Law Program, Summer 1995 (CEB program) lecturer.
 University of Uppsala, Juridicum, lecturer, 1995, 1999.
 Lund University, Sweden, 1995 and 1997
 University of Kagoshima, Fisheries College, Japan, 1994.
 University of Guam, Center for Micronesia Research, 1994, seminar speaker.
 University of Exeter, England, Dept. of Economic and Social History, 1992, lecture.
 Maritime History Conference, Exeter, England, 1992, conference lecture.
 University of Santiago de Compostela lecture, 1993.
 University of Vigo, Spain, lecture, 1993.
 University of Virginia, Dept. of History, 1993
 Cornell University: The Carl Becker Lectures, 1993-4
 Economic History Institute Lecture, Uppsala University, Sweden, 1987
 University of Tokyo, International Relations Dept., lecture, 1986.
 Huntington-Seaver Lectures in History of Liberty, Huntington Library, 1986.
 Princeton University, Mellon Foundation Lecture, Series on Property and Liberty, 1985.
 Fulbright Distinguished Lectures, 1983: University of Sydney Department
 of Law; University of New South Wales Dept. of History; James
 Cook University Dept. of History; Sydney consortium in American

Studies; La Trobe University in Legal Studies (Australia).
Rieser Fund Legal History Series, University of Chicago Law
School, lecture, 1983
Charles Warren Center, Harvard University, legal history seminar lecture,
1982
Centenary Lecturer, Boalt Hall School of Law, UC Berkeley, 1982
University of Arkansas, Little Rock, 50th Anniversary Distinguished Lecturer, 1979.
Ohio Canal Sesquicentennial Lecture, Western Reserve Historical Society, 1977
Other lectures and seminars: Scripps Institution of Oceanography Seminar on Marine
Ecology, Yale University (economics), Vanderbilt University Law School, San
Diego State University (history), Georgetown University Law Center and
International Wildlife Law Conference, Hastings College of the Law, Stanford
University-UC Berkeley History Departments series, Center for Advanced Study in
the Behavioral Sciences, University of California Institute for Humanities Research
(Irvine), Center for Philosophy and Social Policy/Bowling Green St. University
series on constitutional liberty; University of Wisconsin Law School; Sonoma State
University constitutional history and law series, NEH/University of Southern
Mississippi conference on legal history of the American South, Maritime History
Group, Exeter (UK); Stanford University (economic history seminar series); and
others, 1965-present.

OTHER PROFESSIONAL SERVICE:

EDITORIAL:

ENCYCLOPEDIA OF THE AMERICAN CONSTITUTION, board of editors, 1980-
present.
DOCUMENTARY HISTORY OF THE SUPREME COURT OF THE U.S., board of
advisers, 1984-present.
Editor, CALIFORNIA SUPREME COURT HISTORICAL SOCIETY YEARBOOK,
1994-2006.
Membership, editorial boards of REVIEWS IN AMERICAN HISTORY (1972-92));
BUSINESS HISTORY REVIEW (1968-74); PUBLIUS: A JOURNAL OF
FEDERALISM (1972- present); EXPLORATIONS IN ECONOMIC HISTORY
(1974- 84); OHIO HISTORY (1979-present); JOURNAL OF THE EARLY
REPUBLIC (1982-87); University of Nebraska Press, Western Legal History Series,
1987-present; WESTERN LEGAL HISTORY REVIEW, 1987-present; LAW IN
CONTEXT (Australia) (1985-98); POLICY HISTORY REVIEW, 1994-6; OHIO
VALLEY HISTORICAL JOURNAL, 2001-.

GOVERNMENTAL SERVICE:

State of California, Ocean Protection Council, Science Advisory Team, 2008- .
National Research Council consultancies (as above).
National Sea Grant Legal Center, advisory board, 2005-present (as above).

National Assessment of Educational Progress, academic board chair for history and civics for U.S. Dept. of Education and ETS).

California Judicial Council, consultant to the Future of the Courts project, 1992-93.

U.S. Department of Commerce, Oceans Agency, NOAA, conference panelist and video interview for Year of the Ocean and historical context of "Stratton Commission II" proposals, 1999-2000.

Testimony and addresses to Western Legislative Conference on fisheries policy, 1989, 1992-93; to the California Legislature on constitutional reform (1992) and on natural resources regulation and fisheries (1987, 1993).

U.S. Civil Service Commission, Federal Executive Seminar, course lectures, 1975-83.

U.S. Advisory Commission on Intergovernmental Relations, member
Advisory Panel on Judicial Study, 1986-87; occasional consultant, 1967-80s.

U.S. Congress, Office of Technology Assessment, consultant for project on The U.S. Constitution and Technological Change, 1986-88. (Co-author with John Dwyer, report to OTA on Sovereignty, Technology, and the Constitution, 1987.)

California State Education Dept., consultant on curriculum reform, 1985-87

UNIVERSITY OF CALIFORNIA SERVICE:

UC Berkeley Faculty Senate Committees (partial list): Divisional Chair, 1994-5; Chair, Library Committee; Chair and member, Committee on Research (4 years); Graduate Council (1 year); Chair, Faculty Awards Committee (3 years) and member (6 yrs); member, Jefferson Lectures Committee (8 years ; chair, 2004-present); UC Academic Senate Divisional Council (member 1991-4 and as Chair, UC Berkeley Divs. 1994-5).

UC Berkeley Institute for Legal Research, Director, 2005-present (includes directorship Sho Sato Program in Japanese and U.S. Law; and co-directorship, Law of the Sea Institute

UC Berkeley Earl Warren Legal Institute, Director, 2002-5 (EWLI name changed to Inst.for Legal Res.)

UC Berkeley Center for the Study of Law and Society, acting director (2 years), advisory committee (5 years; chair, 2 years).

UC Academic Senate Council (member as Chair, UC Berkeley Senate, 1994-5).

The Bancroft Library, Regional Oral History Collection, chair, faculty board 1998-2006.

Chair, California Sea Grant Advisory Committee, 1998-2003 .

Chair, UC Office of the President, Sea Grant Program Advisory Board, 1998-present; and Marine Affairs Coordinator, Cal Sea Grant (see above).

UC Office of the President, Committee on the Pacific Rim Research Program, 2003-06 .

UC Office of the President, UC Marine Council, member 1993-

UC Berkeley Faculty Senate Committees (partial list): Chair, Library Committee; Chair, Committee on Research (4 years); Chair, Faculty Awards Committee (3 years); member, Jefferson Lectures Committee (6 years ; chair, 2004-present); Graduate Council (1 year).

UC Berkeley Institute of Governmental Studies (chair, Advisory Committee, 2 years)

UC Berkeley Library Council, Library Advisory Board, faculty representative (3 years)

Chair and member, various Law School committees.

UC San Diego, 1971-80: Graduate Council, Library Committee, Budget and Academic Personnel Committee, various History Dept. and Political Science appointments, etc. Professional Appointments, above)

All-UC (intercampus) Economic History Group, co-founder, 1972, and steering committee member 1972- 2005 .

HARRY N. SCHEIBER

PUBLICATIONS

I. BOOKS, MONOGRAPHS, BOOKS EDITED

THE WILSON ADMINISTRATION AND CIVIL LIBERTIES, 1917-1921 (Cornell University Press, 1960). Moses Coit Tyler Prize.

UNITED STATES ECONOMIC HISTORY (Alfred A. Knopf, 1964). Editor.

OHIO CANAL ERA: A CASE STUDY OF GOVERNMENT AND THE ECONOMY, 1820-1861 (Ohio University Press, 1969).
(Choice, selection for outstanding scholarly books, 1969-70; Ohio University Press Award for 1967-70.

OHIO CANAL ERA (ibid.), 1987 edition, with new preface by author.
Paperback edition, 1987.

THE OLD NORTHWEST: STUDIES IN REGIONAL HISTORY (University of Nebraska Press, 1969). Editor and contributor.

"The Road to Munn: Eminent Domain and the Concept of Public Purpose in the State Courts," PERSPECTIVES IN AMERICAN HISTORY, 5 (1971), 327-402.

"Federalism and the American Economic Order, 1789-1910," LAW AND SOCIETY REVIEW, 10 (1975-6), 57-118.

AMERICAN ECONOMIC HISTORY (Harper & Row, 1976). Coauthor with Harold Vatter and H. U. Faulkner.

AMERICAN LAW AND THE CONSTITUTIONAL ORDER (Harvard University Press, 1978). Coeditor with Lawrence M. Friedman.

AMERICAN LAW AND THE CONSTITUTIONAL ORDER (ibid), expanded edition, Harvard University Press, 1988.

"American Federalism and the Diffusion of Power," UNIVERSITY OF TOLEDO LAW REV., symposium on federalism, 9 (1978), 619-80.

"Federalism and Legal Process: Historical and Contemporary Analysis of the American System," LAW & SOCIETY REV., 14 (1980), 501-560.

"Pacific Ocean Resources, Science, and Law of the Sea: Wilbert Chapman and the Pacific Fisheries, 1935-1970," *ECOLOGY LAW QUARTERLY*, 13 (1986), 381-534.

PERSPECTIVES ON FEDERALISM: PAPERS FROM THE FIRST BERKELEY SEMINAR ON FEDERALISM (Institute of Governmental Studies, UC Berkeley, 1987). Editor.

FEDERALISM: STUDIES IN HISTORY, LAW, AND POLICY. PAPERS FROM THE SECOND BERKELEY SEMINAR ON FEDERALISM (Institute of Governmental Studies, UC Berkeley, 1988). Editor.

"Origins of the 'Abstention' Doctrine in Ocean Law: Japanese-U.S. Relations and the Pacific Fisheries, 1937-52," *ECOLOGY LAW QUARTERLY*, 16 (1989), 23-99.

POWER DIVIDED: ESSAYS ON THE THEORY AND PRACTICE OF FEDERALISM (Papers from the Third Berkeley Seminar on Federalism) (Institute of Governmental Studies, UC Berkeley, 1989). Coeditor with M. Feeley.

FEDERALISM AND THE JUDICIAL MIND (IGS Press, UC Berkeley, 1992). Editor.

NORTH AMERICAN AND COMPARATIVE FEDERALISM: ESSAYS FOR THE NINETEIES (IGS Press, UC Berkeley, 1992). Editor.

OCEAN GOVERNANCE: ISSUES AND CHALLENGES (Ocean Governance Study Group, 1993). Coedited with David D. Caron and Chris Carr.

"Innovation, Resistance and Change; A History of Judicial Reform and the California Courts, 1960-1990," *SOUTHERN CALIF. LAW REVIEW*, 66:2049-2120 (1993).

LEGAL CULTURE AND THE LEGAL PROFESSION. Co-ed. with Lawrence m. Friedman. Westview, 1997.

"Bayonets in Paradise: A Half-Century Retrospect on Martial Law in Hawaii, 1941-1946," *UNIV. OF HAWAII LAW REV.* vol. 19, pp. 477-648 (1997, published 1998).

EMERGING ISSUES IN NATIONAL OCEAN AND COASTAL POLICY (Ocean Governance Study Group, 1999). Editor and contr. author.

THE STATE AND FREEDOM OF CONTRACT. Editor and contributing author. Stanford University Press, 1998.

THE LAW OF THE SEA: THE COMMON HERITAGE AND EMERGING CHALLENGES. The Hague: Kluwer Law International, Publishers, 2000. Editor and contributing author.

INTER-ALLIED CONFLICTS AND OCEAN LAW, 1945-53: THE OCCUPATION COMMAND'S REVIVAL OF JAPANESE WHALING AND FISHERIES

(Institute of European and American Studies, Academia Sinica, Taiwan, in press, 2001).

BRINGING NEW LAW TO OCEAN WATERS (Contr.author and Co-editor with David D. Caron). The Hague: Kluwer-Brill Publishing, 2005.

EMERGING CONCEPTS OF RIGHTS IN JAPANESE LAW (Co-editor with Laurent Mayali, Comparative Studies Series, Robbins Collection, Boalt Hall School of Law, 2007)

EARL WARREN AND THE WARREN COURT: THE LEGACY IN AMERICAN AND FOREIGN LAW. Editor. (Lexington Books, 2007). Editor and contrib. author.

“Ocean Tuna Fisheries, “East Asian Rivalries, and International Regulation: Japanese Policies and the Overcapacity/IUU Fishing Conundrum,” UNIVERSITY OF HAWAII LAWREVIEW, 30. No. 1 (Winter 2007), 97-165. Coauthors Kathryn J. Mengerink and Yann-huei Song;

In preparation: BAYONETS IN PARADISE: ARMY RULE AND THE CRISIS IN CIVIL LIBERTIES IN HAWAII DURING WORLD WAR II.
Co-author, Jane L. Scheiber

In press: OCEANS IN THE NUCLEAR AGE (Brill/Nijhoff, scheduled 2009), Co-edited with David D. Caron

II. OTHER WORK SEPARATELY PUBLISHED

THE CONDITION OF AMERICAN FEDERALISM: AN HISTORIAN'S VIEW (U.S. Senate, Government Operations Committee print, 1966). Study paper.

LAW AND CALIFORNIA SOCIETY: ONE HUNDRED YEARS OF THE STATE CONSTITUTION (UC San Diego and San Diego Union, 1980). Editor. Booklet of essays.

CONGRESS AND THE NATION (UC San Diego and San Diego Union, 1981). Editor. Booklet of Essays.

HISTORY OF AMERICAN ECONOMY (Johnson Reprint Corp., 1968-). Coeditor with Wm. N. Parker. Series of reprints in economic history. 45 volumes.

THE NEW DEAL LEGACY AND THE CONSTITUTION: A HALF CENTURY
RETROSPECT, 1933-83 (Berkeley: Boalt Hall, 1984.) Boalt Hall School of Law
symposium [Coedited with Jane L. Scheiber.]

THE ABBOT DOWNING COMPANY AND THE CONCORD COACH (New
Hampshire Historical Society, 1989). (Booklet-form reissue, illustrated; see infra,
pt. IV)

OCEAN RESOURCES: INDUSTRIES AND RIVALRIES SINCE 1800 (UC
Intercampus Economic History Program and California Sea Grant College
Program) (UC Berkeley Center for the Study of Law and Society, 1991). Editor
and contr. author.

III. CONTRIBUTIONS TO BOOKS

"America in the World Economy: A Retrospect," AMERICA: PURPOSE AND POWER,
ed. Gene M. Lyons (Quadrangle, 1965), 50-104.

"The Ohio-Mississippi Flatboat Trade," THE FRONTIER IN AMERICAN
DEVELOPMENT, ed. David M. Ellis (Cornell Univ. Press, 1969), 277-298.

"The Wilson Administration and the Wartime Mobilization of Black Americans, 1917-18,"
BLACK LABOR IN AMERICA (Negro Universities Press, 1970), 111-136.
Coauthor with Jane Scheiber.

"The Road to Munn" (see I. supra), LAW IN AMERICAN HISTORY, ed. Bernard
Bailyn and Donald Fleming (Little, Brown, 1972), 327-402.

"Eminent Domain Law and Western Agriculture," AGRICULTURE IN THE
DEVELOPMENT OF THE FAR WEST, ed. Jas. Shideler (Agric. History Society,
1975), 112-130. Coauthor with C.W. McCurdy.

"Historical Perspectives on a Judicial Revolution," THE SUPREME COURT AND
INDIVIDUAL RIGHTS IN CONTEMPORARY SOCIETY, ed. Thomas Lyons
(Addison, Wesley, 1975), 7-39, 274-85.

"The Transportation Revolution: Urban Dimensions," TOWARDS AN URBAN OHIO,
ed. John Wunder (Ohio Historical Society, 1977).

"Federalism and the Constitution: The Original Understanding," AMERICAN LAW AND
THE CONSTITUTIONAL ORDER (supra), 85-94.

"Commerce," ENCYCLOPEDIA OF SOUTHERN HISTORY (LSU Press, 1979),
259-62.

- "Law and Political Institutions," *ENCYCLOPEDIA OF AMERICAN ECONOMIC HISTORY* (Scribner's, 1980), II, 487-508.
- "Resource Use under California's Constitution," *LAW AND CALIFORNIA SOCIETY* (supra, II), 10-12 (1980).
- "Congress and the Modern Regulatory State," *CONGRESS AND THE NATION* (supra, II), 17-21 (1981).
- "Government and the American Economy: Three Stages of Historical Development," *PROCEEDINGS OF THE LOWELL INDUSTRIAL CONFERENCE, 1980-81* (Lowell, Mass., 1982).
- "The Transportation Revolution and American Law: Constitutionalism and Public Policy," *TRANSPORTATION AND THE EARLY NATION* (Indiana Historical Society, 1982), 1-29.
- "Law and the Forest," *ENCYCLOPEDIA OF AMERICAN FOREST AND CONSERVATION HISTORY* (New York: Macmillan, 1983), 336-343.
- "Federalism, the Southern Regional Economy, and Public Policy Since 1865," *AMBIVALENT LEGACY: A LEGAL HISTORY OF THE AMERICAN SOUTH*, ed. D. Bodenhamer and R. Ely (University Press of Mississippi, 1984), 69-105.
- "From the New Deal to the New Federalism," *NEW DEAL LEGACY*, supra, 1-10.
- Testimony, in *TWENTY-FIVE YEAR RECORD OF THE ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS*, 98th Cong., 2nd Sess., Joint Hearing, S.Hrg. 98-1114, July 24, 1984 (Washington, 1984), pp. 62-69. (Invited testimony.)
- "Some Realism about Federalism," *EMERGING ISSUES IN AMERICAN FEDERALISM* (U.S. Advisory Commission on Intergovernmental Relations, 1985), 41-63.
- "American Federalism," in Laurence O'Toole, ed., *AMERICAN INTERGOVERNMENTAL RELATIONS* (Washington: Congressional Quarterly, 1985), pp. 51-58 (revised material from *Condition of American Federalism* and "Federalism and Legal Process," supra).
- "Patterns of Public Enterprise in the USA: 1790 to the Present," in Vera Zamagni, ed., *ORIGINS AND DEVELOPMENT OF PUBLICLY OWNED ENTERPRISES* (9th Congress of the International Economic History Association, Berne, 1986, Research Topics, Sec. B-11), 60-65. (Conference version: summary)

Articles in THE ENCYCLOPEDIA OF THE AMERICAN CONSTITUTION, ed. Levy et al. (New York, 1986)\, in addition to brief notes on other subjects:

- "Affected with a Public Interest," 1:32-3.
- "Common Carriers"
- "Eminent Domain," 2:630-32.
- "Federalism (History)," 2:697-703.
- "The Police Power of the States," 3:1745-51.
- "Public Purpose Doctrine," 3:1489-92.
- "Vested Rights," 4: 1962-4.

UTILITY REGULATION IN FLUX: THE MONOPOLY FRANCHISE, PRIVATE SERVICE, AND THE PUBLIC INTEREST, FEB. 1986 (California Assembly Committee on Utilities and Commerce (Sacramento, 1987), 83-89. Invited expert testimony.

"The Structures of Liberty: Federalism and the Separation of Power," summary of paper, in CONSTITUTIONAL ROOTS, RIGHTS, AND RESPONSIBILITIES: 9th INTERNATIONAL SMITHSONIAN SYMPOSIUM (Washington: Smithsonian Institution, 1987).

"Technology and American Legal Development, 1789-1986," in TECHNOLOGY, THE ECONOMY, AND SOCIETY: THE AMERICAN EXPERIENCE, ed. Joel Colton and Stuart Bruchey. (Columbia University Press, 1987), pp. 83-125.

"Federalism, Intergovernmental Relations, and the American Constitutional System," in FEDERALISM IN PERSPECTIVE (1987), supra.

"The Bicentennial and the Rediscovery of Constitutional History" THE CONSTITUTION IN AMERICAN LIFE, ed. David Thelen (Cornell University Press, 1988). Reprinted from JAH, 1987.

"The Constitution in the School Curriculum: A Proposal for the 1987 Bicentennial," in HISTORY IN THE SCHOOLS, ed. Bernard R. Gifford (Macmillan, 1988), 162-175.

"U.S. Pacific Ocean Research, The Revolution in Oceanography, and the Role of Wilbert Chapman, 1945-55," in NATURE IN ITS GREATEST EXTENT: WESTERN SCIENCE IN THE PACIFIC, ed. Roy MacLeod and Philip Rehbock (University of Hawaii Press, 1988).

"Economic Liberty and the Constitution," in ESSAYS IN THE HISTORY OF LIBERTY: THE SEAVER LECTURES (The Henry E. Huntington Library, San Marino, 1989), 75-100.

"Postwar Fishery Regimes of the Pacific: Ocean Law, International Rivalry, and Japanese Economic Expansion After 1945," in OCEAN RESOURCES: INDUSTRIES AND RIVALRIES SINCE 1800, supra, 1991, pp. 66-81.

"Occupation Policy and Economic Planning in Postwar Japan," ECONOMIC PLANNING IN THE POST-1945 PERIOD, eds. E. Aerts and A. Milward (University of Leuven Press, Belgium, 1990), pp. 100-109. Coauthor, A. Watanabe.

"The Jurisprudence--and Mythology--of Eminent Domain in American Legal History," in LIBERTY, PROPERTY, AND GOVERNMENT: CONSTITUTIONAL INTERPRETATION BEFORE THE NEW DEAL, ed. Ellen Paul and H. Dickman (Albany: State University of New York Press, 1989).

"The Takings Clause of the Fifth Amendment: Original Intent and Significance in American Legal Development," THE BILL OF RIGHTS, ed. Wm. Hickock (University Press of Virginia, 1991), 233-49.

"U.S. Pacific Fishery Studies, 1945 to 1970: Oceanography, Geopolitics, and Marine Fisheries Expansion," OCEAN SCIENCES: THEIR HISTORY AND RELATION TO MAN, ed. Walter Lenz and Margaret Deacon (Hamburg, Germany, 1990), 417-21.

"Constitutional Structure and the Protection of Rights," in Smithsonian Institution, CONSTITUTIONAL RIGHTS, ed. A. E. Dick Howard, University Press of Virginia, 1992.

Articles in OXFORD COMPANION TO THE U.S. SUPREME COURT, 1992:

"Federalism;"

"Dual Federalism;"

"Police Power"

"Common Carriers"

"The New Deal and the Constitution," ENCYCLOPEDIA OF THE AMERICAN CONSTITUTION: SUPPLEMENT (New York: Macmillan, 1992).

"Since the Stratton Commission Report: Policy Studies in Ocean Governance," in OCEAN GOVERNANCE: A NEW VISION, ed. B. Cicin-Sain (University of Delaware, 1992), 19-22.

"International Economic Policies and the State Role in U.S. Federalism: A Process Revolution?" in STATES AND PROVINCES IN THE INTERNATIONAL ECONOMY, ed. D. Brown and E. Fry (Berkeley: Institute of Governmental Studies Press, 1993), pp. 65-91.

"Legislatures and Economic Development," in ENCYCLOPEDIA OF AMERICAN LEGISLATURES, ed. Joel Silbey, Macmillan, 1992.

- "Scientific Advising and Oceans Policy: The California Experience, 1945-75," in National Academy of Sciences/National Research Council, REPORT ON SCIENCE-POLICY INTERACTIONS IN OCEAN STUDIES. Washington, NAS Press. (Also available in Ocean Law and Policy Working Papers, UC Berkeley, 1992.)
- "The Expanding Economy, 1815-48," chapter in a multi-author American history textbook co-sponsored by Indiana University and the Polish university presses for publication in Polish and other East European languages. (Published in Polish, 1997)
- "Introduction," THE LAW OF NATIONS OR THE PRINCIPLES OF NATURAL LAW BY E. DE VATTEL (Legal Classics Library edition, 1993), 3-22.
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