

Mark Killenbeck: Scholarship & Service

Books

M'ulloch v. Maryland: Securing a Nation. Lawrence: University Press of Kansas, 2006.

The Tenth Amendment and State Sovereignty: Constitutional History and Contemporary Issues. Lanham, Md.: Rowman & Littlefield and Berkeley Public Policy Press, 2002.

Chapters

Affirmative Action and the Courts: From Plessy to Brown to Grutter, And Back? In Richard L. Wiener et al., Eds., *Social Consciousness in Legal Decision Making: Psychological Perspectives.* New York: Springer Publishing Company, 2007.

M'ulloch v. Maryland. In Melvin I. Urofsky (Ed.), *The Public Response to Controversial Supreme Court Decisions.* Washington: Congressional Quarterly Press, 2005.

The Bank was saved, and the people were ruined. In James William McCulloch and The Second Bank of the United States, in Melvin I. Urofsky, Ed., *100 Hundred Americans Who Made Constitutional History.* Washington: Congressional Quarterly Press, 2004.

No Harm in Such a Declaration?. In Mark R. Killenbeck, Ed., *The Tenth Amendment and State Sovereignty: Constitutional History and Contemporary Issues.* Lanham, Md.: Rowman & Littlefield and Berkeley Public Policy Press, 2002.

Revolution or Retreat?. In Mark R. Killenbeck, Ed., *The Tenth Amendment and State Sovereignty: Constitutional History and Contemporary Issues.* Lanham, Md.: Rowman & Littlefield and Berkeley Public Policy Press, 2002.

Affirmative Action in Faculty Hiring: Myths and Realities In R. McLaran Sawyer, Keith W. Pritchard, & Karl D. Hostetler, Eds, *The Art and Politics of College Teaching: A Practical Guide for the Beginning Professors.* New York: Peter Lang Publishing, 2nd Ed., 2001.

Entries in Peer Reviewed Collections

Entries: *Gonzales v. Raich* and *Morse v. Frederick.* In *The Oxford Guide to Supreme Court Decisions, Second Edition.* James Ely et al., Eds. New York: Oxford University Press (forthcoming, 2008).

Entries: Bank of the United States; Internal Improvements; *M'Culloch v. Maryland*; Necessary and Proper Clause; Spencer Roane; State Rights; and Joseph Story. In Encyclopedia of the Supreme Court of the United States. David S. Tanenhaus et al., Eds. Macmillan/Gale (forthcoming, December, 2008).

Entry: The New Commerce Clause. In Kermit Hall and James Ely, Eds. The Oxford Companion to the Supreme Court of the United States. New York: Oxford University Press, 2nd Ed., 2005.

Articles

William Johnson, The Dog That Did Not Bark?, *Vanderbilt Law Review* (forthcoming, 2008).

Context and Content: The Enduring Importance of *M'Culloch v. Maryland*, Historically Speaking, Volume VIII, Number 6, 31-33 (July/August, 2007).

It's More than a Constitution, 49 *St. Louis University Law Journal* 1095 (2005).

In(re)Dignity: The New Federalism in Perspective, 57 *Arkansas Law Review* 1 (2004).

A Strange Apparent Cruelty?, 57 *Arkansas Law Review* 93 (2004).

The Physics of Federalism, 51 *University of Kansas Law Review* 1 (2002).

Madison, *M'Culloch*, and Matters of Judicial Cognizance: Some Thoughts on the Nature of Judicial Review, 55 *Arkansas Law Review* 901 (2002).

Pursuing the Great Experiment: Reserved Powers in a Post-Ratification, Compound Republic, 1999 *Supreme Court Review* 81.

Pushing Things Up to Their First Principles: Reflections on the Values of Affirmative Action, 87 *California Law Review* 1299 (1999).

The Qualities of Completeness. More? Or Less?, 97 *Michigan Law Review* 1629 (1999).

A Matter of Mere Approval? The Role of the Executive in the Creation of Legislative History, 48 *Arkansas Law Review* 239 (1995) (Symposium on the Law of the Presidency).

Another Such Victory? Terms Limits, Section 2 of the Fourteenth Amendment, and the

Right to Representation, 45 *Hastings Law Journal* 1121 (1994) (with Steve Sheppard).
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And Then They Did . . .? Abusing Equity in the Name of Justice, 44 *Arkansas Law
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Nothing That We Can Do? Or, Much Ado About Nothing? Some Thoughts on *Bates v.
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Book Review

John Marshall, *Incomplete but Infinitely Enriching*, review for H-Law of Charles F.
Hobson, Ed., *The Papers of John Marshall, Volume XII: Correspondence, Papers, and
Selected Judicial Opinions January 1831–July 1835, With Addendum June 1783–January
1829*. Chapel Hill: University of North Carolina Press (in association with the
Omohundro Institute of Early American History and Culture). H-Net Book Review, H-
Law (August, 2006).

Current Service

Elected Member, American Law Institute.

Contributing Editor, *Historically Speaking*.

University Faculty Senate.

Executive Committee, Faculty Senate

Campus Council.