

## Maeva Marcus

**ADDRESS:** Home: 5600 Harwick Road, Bethesda, Maryland 20816  
Office: Institute for Constitutional History, George Washington University Law School  
2000 H Street N.W., Washington, D.C. 20052

**PHONE:** Home: 301 320-4219  
Office: 202 994-6562  
Fax: 202 994-1684 E-mail: [maevamarcus1@gmail.com](mailto:maevamarcus1@gmail.com)

**EDUCATION:** B.A. -- Brandeis University, 1962, *magna cum laude* with honors in Spanish Literature.  
Ph.D. -- Columbia University, 1975, with distinction in history

**EXPERIENCE:** Library of Congress: 2015 –  
General Editor, Oliver Wendell Holmes Devise History of the Supreme Court of the  
United States

New-York Historical Society: 2008 - 2020  
Director, Institute for Constitutional History

The George Washington University Law School:  
Director, Institute for Constitutional Studies, 2004 -  
Research Professor of Law, 2006 -

Supreme Court Historical Society: 1993 - 2006  
Director, Institute for Constitutional Studies, 1999 - 2003  
Director and Editor, Documentary History of the Supreme Court of the United States,  
1789-1800, January 1993 - 2006

Supreme Court of the United States: 1976 - 1993  
Director and Editor, Documentary History of the Supreme Court of the United States,  
1789-1800, January 1977 - 1993

University of California, Berkeley:  
Faculty, Summer Institute on Constitutionalism 1986, 1987, 1988, 1989

Georgetown University Law Center:  
Visiting Professor of Law, 1983-1987

University of Connecticut, Waterbury Branch:  
Lecturer in History, February 1964-June 1964  
Instructor in History, September 1964-June 1965

**PUBLICATIONS:** *Truman and the Steel Seizure Case: the Limits of Presidential Power* (Columbia  
University Press, 1977; paperback, 1979; reprinted by Duke University Press, 1994).  
Nominated for the Bancroft Prize, the Pulitzer Prize, the Frederick Jackson Turner Award,  
the Albert J. Beveridge Prize, and the David D. Lloyd Prize.

*The Documentary History of the Supreme Court of the United States, 1789-1800*, Volume 1  
(in two parts), co-edited by James R. Perry, Columbia University Press, 1985; Volume 2  
(Maeva Marcus, editor), 1988; Volume 3 (Maeva Marcus, editor), 1990; Volume 4  
(Maeva Marcus, editor), 1992; Volume 5 (Maeva Marcus, editor), 1994; Volume 6  
(Maeva Marcus, editor), 1998; Volume 7 (Maeva Marcus, editor), 2003; Volume 8  
(Maeva Marcus, editor), 2007 .

- “Falling Under the Brandeis Spell,” Review essay, *Yale Law Journal*, (November, 1985).
- “The Supreme Court: The First Ten Years,” in *The Blessings of Liberty: Bicentennial Lectures at the National Archives*, Robert S. Peck and Ralph S. Pollock, eds. (Chicago: American Bar Association Press, 1986). Reprinted in New York State Bar Association, *Law Studies*, Spring/Summer 1987.
- “The Birth of the Federal Court System,” with David Eisenberg, Christine Jordan, and Emily Van Tassel, *This Constitution*, Winter, 1987. Reprinted in *this Constitution: From Ratification to the Bill of Rights* (Congressional Quarterly, Inc., 1988) and in *Well Begun: Chronicles of the Early National Period*, Stephen L. Schechter and Richard B. Bernstein, eds. (Albany, New York: 1989).
- “*Marbury v. Madison*: John Marshall’s Selective Use of History,” with Susan Low Bloch, *University of Wisconsin Law Review* (Number 2; 1986). Reprinted in Supreme Court Historical Society, *Yearbook*, 1987.
- “The Constitution and the Court,” with Christine Jordan, *Manuscripts* (Volume 39, 1987).
- “Judges and Legislators in the New Federal System, 1789-1800,” with Emily Van Tassel, in *Judges and Legislators: Toward Institutional Comity*, Robert A. Katzmann, ed. (The Brookings Institution, 1988).
- “*Hayburn’s Case*: A Misinterpretation of Precedent,” with Robert Teir, *University of Wisconsin Law Review* (Number 4; 1988).
- The Constitution and American Life*, a special issue of the *Journal of American History*, December, 1987, member of editorial advisory board with Hendrik Hartog and Harry Scheiber; reprinted as book by Cornell University Press.
- “Separation of Powers in the Early National Period,” *William and Mary Law Review* (Volume 30, 1989).
- “Poder Judiciário na Constituição dos Estados Unidos,” *Revista de Direito Público* (April-June 1988).
- “Judicial Power under the Constitution,” in *Hogsta domsmakten i Sverige under 200 ar*, Rolf Nygren, ed. (Stockholm: 1990).
- Origins of the Federal Judiciary: Essays on the Judiciary Act of 1789*, Maeva Marcus, editor and contributor, Oxford University Press, 1992.
- “Louis D. Brandeis and the Laboratories of Democracy,” in *Federalism and the Judicial Mind*, Harry Scheiber, ed., University of California, Berkeley (1992).
- “The Adoption of the Bill of Rights,” *William & Mary Bill of Rights Journal* (Volume 1, Spring 1992).
- “Suits Against States,” with Natalie Wexler, *Journal of Supreme Court History*, 1993.
- “Judicial Review in the Early Republic,” in *Launching the “Extended Republic”: The Federalist Era*, Ronald Hoffman, ed., University Press of Virginia (1997).

- “The Founding Fathers, *Marbury vs Madison* -- And So What? in *Constitutional Justice under Old Constitutions*, Eivind Smith, ed., Kluwer Law International, 1995.
- “Documenting Judicial History: The Supreme Court of the United States, 1789-1800,” *Journal of Supreme Court History*, 1996.
- “Georgia v. Brailsford,” *Journal of Supreme Court History*, 1996.
- “George Washington’s Appointments to the Supreme Court.” *Journal of Supreme Court History*, 1999.
- “Federalism to the Civil War,” in *The New Federalism: Structures and Infrastructures, American and European Perspectives*, Kjell Ake Modéer, ed. (Sweden: FRN, 2000).
- “Is the Supreme Court a Political Institution?” *The George Washington Law Review*, Vol.72, number 1/2, December 2003.
- “Will *Youngstown* Survive?” *Duquesne Law Review*, Vol. 41, number 4, summer 2003.
- “Presidential Power in Times of Crisis: *Youngstown Sheet & Tube v. Sawyer* (1952),” in *Creating Constitutional Change: Clashes over Power and Liberty in the Supreme Court*, Gregg Ivers and Kevin T. McGuire, eds. (University of Virginia Press, 2004).
- “Federal Judicial Selection: The First Decade,” *University of Richmond Law Review*, Vol. 39, number 3, March 2005.
- “The Earliest Years (1790-1801): Laying Foundations,” in Christopher L. Tomlins, ed., *The United States Supreme Court: The Pursuit of Justice* (Houghton Mifflin, 2005).
- “John Marshall Was Not the First Chief Justice,” *Proceedings of the American Philosophical Society*, Vol. 153, No. 1, March 2009.
- Blackstone in America: Selected Essays of Kathryn Preyer*, Mary Sarah Bilder, Maeva Marcus, R. Kent Newmyer, eds. (Cambridge University Press, 2009).
- “European Legal History—From an American Perspective,” in *How to Teach European Comparative Legal History*, Kjell A. Modeer and Per Nilsen, eds., (Lund, Sweden, 2011).
- “The Rise of Judicial Power before *Marbury v. Madison*,” *Rechtsgeschichte* (Zeitschrift des Max-Planck-Instituts für europäische Rechtsgeschichte), Issue 19, September 2011.
- “The Constitution’s Court,” *William and Mary Quarterly*, Vol. 69, April 2012.
- “The Effect (or Non-Effect) of Founders on the Supreme Court Bench,” *The George Washington Law Review*, Vol. 80, November 2012.
- “Hybrid Appellate Courts in the Early Republic,” in *Suum Cuique Tribuere* (Kjell A. Modeer and Martin Sunnquist, eds., (Stockholm, 2018).
- “Wilson as a Justice,” *The Georgetown Journal of Law and Public Policy*, Vol. 17, number 1, winter 2019.

*With Liberty and Justice for All? The Constitution in the Classroom*, Steven A. Steinbach, Maeva Marcus, Robert Cohen, eds. (Oxford University Press, 2022).

## ACTIVITIES:

### American Historical Association:

Member advisory board of AHA's conference series on the teaching of the Constitution in the schools, 1982-1984; member of the Littleton - Griswold Prize Committee (best book in legal history published in current year), 1989-1990, chair, 1991; delivered paper, "The Documentary Approach to Supreme Court History," at AHA annual meeting, December, 1989.

### Organization of American Historians:

Member of the Pelzer Award Committee, 1979-1983; referee articles for the *Journal of American History*; member of 1987 Program Committee; representative of the OAH to the History Teaching Alliance Oversight Committee, 1985-1987; member (with Gordon Wood, Harry Scheiber, and Hendrik Hartog) of the editorial advisory board for the Bicentennial of the Constitution special issue of the *Journal of American History*; chair and commentator at the session "Quarrels on the Supreme Court," at the 1988 Annual Meeting; chair, Richard Leopold Prize Committee, 1988-1990; co-chair 1992 Program Committee; member, International Committee, 1992-2000; delivered paper, "The State and the Judiciary," at OAH annual meeting, April, 1997; recipient of the OAH Distinguished Service Award, April, 2001. OAH Distinguished Lecturer, 2001-

### American Society for Legal History:

President-elect. 2005-2007; President, 2007-2009

Board of Directors 1987-1990, 1996-1999, 2010-12; editorial board *Law and History Review*, 1991-1994; publications committee, 1992-1995; committee on documentary preservation; ACLS delegate, 2008-2012; Advisory Committee on Cromwell Prizes, 2009-2013; History of the Society Committee, 2011-; Projects and Proposals Committee, 2009-2012.

### Council for International Exchange of Scholars:

Member of Discipline Screening Committee for Fulbright Senior Scholar Awards in American History, 1983-1986.

Georgetown University, Judicial Conference of the United States' Committee on the Bicentennial of the Constitution, and the Supreme Court Historical Society: Organized bicentennial conference on the Judiciary Act of 1789 (funded by the National Endowment for the Humanities) and presented paper at that conference with Natalie Wexler, "'Carrying Justice...to Every Man's Door': Commentaries on the Judiciary Act of 1789," September 21, 1989.

The Woodrow Wilson Center: Member (with fifteen other scholars in history, jurisprudence, and philosophy) of workshop on bicentennial of the Bill of Rights, 1989-1991.

The Historical Society of the District of Columbia Circuit, Historian, 1990-present.

Sixth Judicial Circuit of the United States, Annual Conference: presented paper, "History of the Adoption of the Bill of Rights," June 13, 1991.

International Conference of Law and Society, Amsterdam, The Netherlands: presented paper, "The Bill of Rights in the Eighteenth Century," June 27, 1991.

Judicial Conference of the United States, Bicentennial Conference on the Bill of Rights: presented paper, "The Origin of the Bill of Rights," October 21, 1991.

Federal Judicial Center, guest faculty, ethics and values seminar for federal judges, "Decisions, Dilemmas, and Values: Problems of Justice in Contemporary Society."

International Conference on Constitutional Justice under Old Constitutions, Oslo, Norway: presented paper, "The Founding Fathers, *Marbury v. Madison*, and so what?" September 7, 1992.

American Council of Learned Societies: American Studies Academic Advisory Committee, 1993-1996; delegate for ASLH, 2007- 2012.

Supreme Court Historical Society: member, Board of Editors, *Journal of Supreme Court History*, 1993-2004.

Swedish Council for Planning and Coordination of Research, Conference on the New Federalism, Stockholm, Sweden: presented paper, "Federalism to the Civil War," September 22, 1997.

Permanent Committee for the Oliver Wendell Holmes Devise, member 2001-2009.

Annenberg Foundation Trust at Sunnyslands and The Annenberg Public Policy Center of the University of Pennsylvania, The Institutions of Democracy, Commission on the Judicial Branch member, 2003-2006.

Ninth Circuit Judicial Conference: presented paper "*Marbury v. Madison*," June, 2003.

Cambridge University Press, co-editor of the series, Cambridge Studies on the American Constitution.

American Philosophical Society: presented paper, "John Marshall Was Not the First Chief Justice," November 8, 2007.