

## KENNETH W. MACK

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### EMPLOYMENT

2013-            Lawrence D. Biele Professor of Law, Harvard University  
2015-            Affiliate Professor of History, Harvard University  
2006-13        Professor of Law, Harvard University  
2000-06        Assistant Professor of Law, Harvard University  
2015-            Affiliate, Committee on Higher Degrees in American Studies, Harvard University  
  
2015-19        Visiting Professor of Law, Stanford University  
2014            Frank Boas Visiting Professor of Law, University of Hawai'i  
2013            Senior Visiting Scholar, Joint Centre for History and Economics, Magdalene  
                  College and King's College, Cambridge University  
2010-11        Visiting Professor of Law, Georgetown University  
  
1992-1994     Associate, Covington & Burling, Washington, D.C.  
1991-1992     Law Clerk, Hon. Robert L. Carter, United States District Court  
                  for the Southern District of New York  
1987-1988     Member of Technical Staff, AT&T Bell Laboratories, Whippany, N.J.

### EDUCATION

Princeton University, M.A., 1996, Ph.D., 2005, History  
Harvard Law School, Juris Doctor, *cum laude*, 1991  
Drexel University, B.S., Electrical Engineering, high honors (*magna cum laude*), 1987  
  
Harrisburg University of Science and Technology, D. Pub. Serv. (honorary), 2010

### PUBLICATIONS

#### Books:

In Between and Across: Legal History Without Boundaries (forthcoming, Oxford University Press) (co-editor, with Jacob Katz Cogan)

Representing the Race: The Creation of the Civil Rights Lawyer (Harvard University Press, 2012)

Washington Post Best Book of the Year  
Honorable Mention, J. Willard Hurst Prize, Law and Society Association  
National Book Festival Selection  
Finalist, Julia Ward Howe Award

The New Black: What Has Changed – And What Has Not – With Race in America (New Press, 2013) (co-editor, with Guy-Uriel E. Charles)

**Articles:**

“Critical Race Theory and Scholarly Analyses of Race in France,” in Race et Droit (Bayonne, France: Institut Francophone pour la Justice et la Démocratie, 2021).

“Race, Violence and the Word,” in Race, Rights and Redemption: The Derrick Bell Lectures on the Law and Critical Race Theory (New York: The New Press, 2021) (Janet Dewart Bell and Vincent M. Southerland, eds.).

“Second Mode Inclusion Claims in the Law Schools,” Fordham Law Review 87 (2018): 1005

“Pauli Murray: Eleanor Roosevelt’s Beloved Radical” (review essay), Boston Review, Feb. 2016

“Civil Disobedience, State Action, and Lawmaking Outside the Courts: Robert Bell’s Encounter with American Law,” Journal of Supreme Court History 39 (2014): 347-71

“A Short Biography of the Civil Rights Act of 1964,” S.M.U. Law Review 67 (2014): 229-46

“Civil Rights History: The Old and the New – A Reply to Risa Goluboff,” Harvard Law Review Forum 126 (2013): 258

“Law and Local Knowledge in the History of the Civil Rights Movement” (review essay), Harvard Law Review 125 (2012): 1018-40

“Dissent and Authenticity in the History of American Racial Politics,” in Austin Sarat, ed., Dissenting Voices in American Society: The Role of Judges, Lawyers and Citizens (Cambridge University Press, 2012)

“Bringing the Law Back into the History of the Civil Rights Movement: Legal History Dialogue with Nancy MacLean,” Law and History Review 27 (2009): 657-69

“The Role of Law in the Making of Racial Identity: The Case of Harrisburg’s W. Justin Carter,” Widener Law Journal 18 (2009): 1-22

“Law and Mass Politics in the Making of the Civil Rights Lawyer, 1931-1941,” Journal of American History 93 (2006): 37-62

“Rethinking Civil Rights Lawyering and Politics in the Era before *Brown*,” Yale Law Journal 115 (2005): 256-354

“A Social History of Everyday Practice: Sadie T.M. Alexander and the Incorporation of Black Women into the American Legal Profession, 1925-60,” Cornell Law Review 87 (2002): 1405-74

Reprinted in Susan D. Carle, ed., Lawyers’ Ethics and the Pursuit of Social Justice: A Critical Reader (New York University Press, 2005), and Adrien Katherine Wing, ed., Critical Race Feminism: A Reader, 2d ed. (New York University Press, 2003)

“Law, Society, Identity and the Making of the Jim Crow South: Travel and Segregation on Tennessee Railroads, 1875-1905,” Law and Social Inquiry 24 (1999): 377-409

Reprinted in Ian Haney López, Race, Law and Society (Ashgate Publishing, 2007)

### **Shorter Works**

“Lawyers Make Law?': Bob Gordon and the Critical History of the Legal Profession: A Roundtable,” Law and History Review: The Docket, October 2018

“Holder, Eric,” in Henry Louis Gates, Jr. and Evelyn Brooks Higginbotham, eds., African American National Biography (Oxford University Press, 2018)

“Historians in Court: A Roundtable,” The American Historian, November 2017

“The Two Modes of Inclusion,” Harvard Law Review Forum 129 (2016): 290-302

“Review, Maurice C. Daniels, *Saving the Soul of Georgia: Donald L. Hollowell and the Struggle for Civil Rights*, and Yvonne Ryan, *Roy Wilkins: The Quiet Revolutionary and the NAACP*,” American Historical Review, 120 (2015): 291-92

“Review, Jacqueline A. MacLeod, *Daughter of the Empire State: The Life of Judge Jane Bolin*,” Journal of American History 99 (2013): 1310-11

“The Transformations of Morton Horwitz,” Harvard Law Bulletin, Summer 2013

“Constraint and Freedom in the ‘Age of Obama,’” in Gregory S. Parks and Matthew W. Hughey, eds., The Obamas and a (Post) Racial America? (Oxford University Press, 2011)

“Alexander, Raymond Pace,” and “Alexander, Sadie T.M.,” in Roger K. Newman, ed., The Yale Biographical Dictionary of American Law (Yale University Press, 2009)

“The Myth of Brown?,” The Pocket Part: A Companion to the Yale Law Journal, November 2005

“Barack Obama Before He Was a Rising Star,” Journal of Blacks in Higher Education, Autumn 2004

“Sadie Tanner Mossell Alexander,” in Susan Ware, ed., Notable American Women 1976 to 2000: A Biographical Dictionary (Harvard University Press, 2004)

“Case Note, “Legality of Divestment Statutes,” Harvard Law Review 103 (1990): 817-22

### **Editorials / Opinion / Reviews**

“Did Ketanji Brown Jackson Rule Against Black Workers? It’s Not So Simple,” Washington Post, February 21, 2022.

“What Fannie Lou Hamer Can Teach Today’s Activists,” (reviewing Keisha N. Blain, *Until I am Free: Fannie Lou Hamer’s Enduring Message to America*), Washington Post, November 19, 2021.

“How a Decades-long Conversation Shaped the Young United States,” (reviewing Akhil Reed Amar, *The Words that Made Us: America’s Constitutional Conversation, 1760-1840*), Washington Post, May 14, 2021.

“Corporations that Back Voting Rights Will Find it’s Good for Business, Too,” Washington Post, April 20, 2021 (with Norman Eisen).

“Some Free-speech Norms are in Danger: Maybe that’s a Good Thing,” (reviewing Ellis Cose, *The Short Life and Curious Death of Free Speech in America*), Washington Post, November 6, 2020).

“Running Deeper than Race: America’s Caste System,” (reviewing Isabel Wilkerson, *Caste: The Origins of Our Discontents*), Washington Post, July 31, 2020.

“James Baldwin Spoke Eloquently to His Era: Does He Speak to Ours?,” (reviewing Eddie S. Glaude, Jr., *Begin Again: James Baldwin’s America and Its Urgent Lessons for Our Own*), Washington Post, July 17, 2020.

“A Black Writer on Individualism, Identity and Indifference in Trump’s America,” (reviewing Clifford Thompson, *What is Is: Race, Family and One Thinking Man’s Blues*), Washington Post, December 19, 2019.

“The Contradictory Conservatism of Clarence Thomas,” (reviewing Corey Robin, *The Enigma of Clarence Thomas*), Washington Post, September, 26, 2019.

“The Lasting Legacy of a Brutal Racial Beating in 1946 South Carolina,” (reviewing Richard Gergel, *Unexampled Courage: The Blinding of Sgt. Isaac Woodard and the Awakening of President Harry S. Truman and Judge J. Waties Waring*), Washington Post, January 31, 2019.

“A Defense of Black Lives Matter from the Activist in the Blue Vest,” (reviewing DeRay Mckesson, *On the Other Side of Freedom: The Case for Hope*), Washington Post, November 2, 2018.

“Can History Prepare Us for the Trump Presidency?,” (essays by twenty-one historians), Politico, January 22, 2017

“It’s Not Obama, It’s Just the Sixth Year,” TIME, November 7, 2014

“Remembering Civil Rights in 1963, Fifty Years On,” The Huffington Post, January 27, 2013

“Five Myths About Two-Term Presidents,” Washington Post, November 11, 2012

“Health Care Ruling: Not a Liberal Victory,” The Root, July 7, 2012

“The Roots of Clarence Thomas’ Black Burden,” The Root, April 6, 2012

“Progressives Are Disenchanted with Obama—Abolitionists Were Disenchanted with Lincoln,” History News Network, July 10, 2011

“Rethinking the Rand Paul Controversy,” History News Network, May 31, 2010

“A Measure of History” (on the Passage of the Affordable Care Act), Boston Globe, March 25, 2010

“The Supreme Court as a Racially Representative Institution,” SCOTUS Blog, February 4, 2010

“Even at Harvard, Obama Had a Knack for Bonding with Diverse People,” Sunday Patriot News (Harrisburg, Pa), February 22, 2008

“Which Side is *Brown v. Board* On?”, Los Angeles Times, July 4, 2007; reprinted as “The Court, Race and Brown: Precedents to Suit Each Side,” Baltimore Sun, July 8, 2007

## **PUBLIC LECTURES**

- 2019 Derrick Bell Lecture on Race in American Society, New York University
- 2018 Law in Motion Lecture, Northwestern University
- 2016 Quinlan Lecture, Oklahoma City University
- 2015 Philip Pro Lecture, University of Nevada, Las Vegas
- 2014 David C. Baum Lecture on Civil Rights and Civil Liberties, University of Illinois.  
Al Meyerhoff Public Interest Lecture, University of California, Irvine.  
Martin Luther King, Jr. Lecture, Vanderbilt University
- 2013 Leon Silverman Lecture, United States Supreme Court
- 2012 Enlund Lecture, DePaul University
- 2010 Alexander Bickel Lecture, City College of New York  
Commencement Address, Harrisburg University of Science and Technology
- 2009 Marion Thompson Wright Lecture, Rutgers University
- 2008 John Gedid Lecture, Widener University
- 2003 Hugo L. Black Lecture, University of Alabama

## **SCHOLARLY PRESENTATIONS**

- 2021 What is the Long Nineteenth Amendment?, Chair/Commentator. (Annual Meeting of the Organization of American Historians)
- 2019 Legal Histories of Modern American Capitalism, Commentator. (Annual Meeting of the American Society for Legal History)

- 2018 Whither the State: The Chicago School and U.S. Regulation. Commentator. Conference on New Perspectives on U.S. Regulatory History: Past and Present of Public Utilities and Antitrust Law, Harvard Business School.
- 2014 Antonio Gramsci's Hegemony, the African American Experience, and Legal Definitions of Racial Equality, Commentator. (Annual Meeting of the American Society for Legal History)
- 2013 A Black Man in the White House: Lessons from the Eisenhower Years. (Ike Reconsidered: Lessons from the Eisenhower Legacy for the 21<sup>st</sup> Century, Roosevelt House, Hunter College)  
Representing the Race: The Creation of the Civil Rights Lawyer. (Annual Meeting of the Law and Society Association)
- 2012 Representing the Race: The Creation of the Civil Rights Lawyer. (Annual Meeting of the American Society for Legal History)
- 2011 State of the Field: Critical Race Histories. (Organization of American Historians Annual Meeting)  
Race, Sexual Identity and the Roots of Feminist Legal Advocacy. (Association of American Law Schools Mid-Year Workshop)
- 2009 Roundtable on Patricia Sullivan, Lift Every Voice and Sing: The NAACP and the Making of the Civil Rights Movement. (Woodrow Wilson International Center for Scholars)
- 2008 Roundtable Discussion on Civil Rights and Legal History. (American Society for Legal History Annual Meeting)  
Civil Rights Lawyering, Then and Now. (Organization of American Historians Annual Meeting)  
The Courtroom: Making Race, Making Lawyers. (Yale Law School Legal History Forum)  
The Legal History of Race Relations in the Twentieth Century: The Persistence of the Common Law Tradition. (Association of American Law Schools Annual Meeting)
- 2007 The Creation of the Civil Rights Lawyer. (Center for Comparative Studies in Race and Ethnicity, Stanford University; Stanford Law School Faculty Workshop)  
A Cultural History of Civil Rights Lawyering. (U.C.L.A. Legal History/Advanced Critical Race Theory Workshop)
- 2006 Black Lawyers in Twentieth Century America, Commentator. (American Society for Legal History)
- 2005 Recasting Movement History: Black Lawyers in the Civil Rights Struggle, 1960-68, Commentator. (Southern Historical Association Annual Meeting)
- 2004 Rethinking the Origins of the Civil Rights Lawyer. (American Society for Legal History Annual Meeting; Northwestern University Critical Race Studies Faculty Reading Group; Woodrow Wilson International Center for Scholars)  
Transformations in Civil Rights Lawyering and Politics: The 1930s. (Washington University in St. Louis Law School Faculty Colloquium; Columbia Law School Legal History Series)
- 2003 Constructing the Civil Rights Lawyer: The 1920s. (Boston College Legal History Colloquium)
- 2002 Race Uplift, Performance and Professionalism. (Conference on Law and the "Disappearance" of Class in Twentieth-Century America, University of Pennsylvania Law School)
- 1999 Culture, Class and Civil Rights: Progressive Black Lawyering in the Interwar Years. (Law and Society Association Annual Meeting)
- 1998 The Genealogy of Race and Citizenship, Commentator. (Meeting of the Working Group on Law, Culture and the Humanities, Washington, D.C.)  
Black Lawyering in the Early Twentieth Century: Race Leadership and the Markers of Professional Authority. (Annual Meeting of the American Society for Legal History; University of Pennsylvania Legal History Consortium)

- 1996 Race, Gender, Class and the Career of Jim Crow. (American Studies Association Annual Meeting)  
Segregation and Selfhood in the New South: African-American Women and Railroad Car Segregation in Tennessee, 1870 to 1914. (Law and Society Association Annual Meeting)

## FELLOWSHIPS, PRIZES AND HONORS

- 2020 Harvard Law School Student Government Teaching and Advising Award  
2016-17 Radcliffe Fellow, Radcliffe Institute for Advanced Study, Harvard University  
2013 Honorable Mention, J. Willard Hurst Prize, Law and Society Association  
Finalist, Julia Ward Howe Award, Boston Authors Club  
Exemplary Legal Writing Award, *The Green Bag* (for *Representing the Race*)  
2007-08 Fletcher Fellow, Fletcher Foundation  
2006 William Nelson Cromwell Fellowship, American Society for Legal History and  
William Nelson Cromwell Foundation  
2004-05 Faculty Fellow, Edmond J. Safra Foundation Center for Ethics, Harvard  
University  
1999-2000 Reginald F. Lewis Fellow, Harvard Law School  
1997-99 Princeton Society of Fellows of the Woodrow Wilson Foundation, Princeton  
University  
1996-99 Ford Foundation Predoctoral Fellow, Ford Foundation and National Research  
Council  
1994-96 Davis Merit Prize, Princeton University  
1990-91 Executive Editor, Harvard Law Review  
1988-91 Earl Warren Scholar, NAACP Legal Defense and Educational Fund  
1986 Elected to Tau Beta Pi (the Engineering academic honor society)  
1982-87 National Merit Scholar, 1982-87

## TEACHING

- History of Capitalism in the Americas (graduate history seminar and law school course)  
History of American Economic Regulation (graduate history seminar and law school course)  
Critical Race Theory  
Capitalism's Hardwiring: Money, Credit, and Finance in a Globalizing World, 1620-2020  
(graduate history seminar and law school course)  
Property  
The Constitution in American History (graduate history seminar and law school course)  
Legal History Workshop: Race and Policing in Historical Context (graduate history seminar and  
law school course)  
Legal History Workshop: Intimacy and the Law (graduate history seminar and law school  
course)  
American Legal History, 1865 to present  
Race, Law and the Long Civil Rights Movement (graduate history seminar and law school  
course)  
The Role of the African American Lawyer

## **PUBLIC/PROFESSIONAL SERVICE**

Co-Director, Workshop on Capitalism's Hardwiring: Money, Credit, and Finance in a Globalizing World 1620-2020, Charles Warren Center for Studies in American History, Harvard University, 2022-23  
Selection Committee, Harvard University Tanner Lecture on Human Values, 2022-  
Harvard University Library Faculty Advisory Council, 2021-  
Judge, 100&Change \$100 Million Grant Competition, MacArthur Foundation, 2019, 2016  
Program Committee, American Society for Legal History, 2019  
Co-Faculty Leader, Annual Student Research Colloquium, American Society for Legal History, 2019  
Committee for the Interfaculty Initiative on Identity, Politics and Culture, Harvard University, 2018-19  
Steering Committee, Long 19th Amendment Project, Radcliffe Institute for Advanced Study, 2018-19  
Cromwell Research Fellowship Committee, American Society for Legal History, 2017-19  
Member, Permanent Committee for the Oliver Wendell Holmes Devise (U.S. Presidential Appointment), 2016-  
Member, American Law Institute, 2016-  
Co-Director, Workshop on the History of Capitalism in the Americas, Charles Warren Center for Studies in American History, Harvard University, 2015-16  
Projects and Proposals Committee, American Society for Legal History, 2014-16  
Lecturer, A.B.A./Federal Judicial Center Summer Institute for Teachers, 2015  
Chair, Entry-Level Faculty Appointments Committee, Harvard Law School, 2014-16  
Member, Entry-Level Faculty Appointments Committee, Harvard Law School, 2011-14  
Co-Director, Harvard Law School Program in Law and History, 2012-  
Guest Scholar, J. Willard Hurst Summer Institute for Legal History, Univ. of Wisconsin, 2013  
Editorial Board, Law and History Review, 2013 to 2018  
Referee, National Humanities Center Fellowships, 2012-  
Editorial Board, Law and Social Inquiry, 2011 to 2013  
Co-Director, Workshop on the Long Civil Rights Movement, Charles Warren Center for Studies in American History, Harvard University, 2008-09  
Lecturer, N.E.H. Summer Institute for College and University Teachers, W.E.B. Du Bois Institute for African American History, 2006, 2008  
Administrative Board, Harvard Law School, 2008-09  
Chair, Faculty Appointments Search Committee for Race Relations/Civil Rights, Harvard Law School, 2006-07  
Administrative Committee, Charles Warren Center for Studies in American History, Harvard University, 2006-  
Nominating Committee, American Society for Legal History, 2004-07  
Committee on Research, Association of American Law Schools, 2005 to 2006  
Board of Editors, Massachusetts Legal History, 2004 to 2007  
Board of Trustees, Ames Foundation, 2003-15  
Board of Overseers, Massachusetts Supreme Judicial Court Historical Society, 2002 to 2007  
Co-Director, Harvard Law School Legal History Colloquium, 2002-06  
Program Committee, American Society for Legal History, 1999  
Co-Area Director – Monitoring for the United States and Canada, Independent Electoral Commission of South Africa, March – April, 1994

**PROFESSIONAL MEMBERSHIPS**

Member, American Society for Legal History, 1996 to present

Member, American Historical Association, 1998 to 2000; 2002 to present

Member, Organization of American Historians, 1999 to present

Member, American Bar Association, 2000 to present

Member, District of Columbia Bar, 1993 to present (inactive)