

**Kristin A. Collins**  
Boston University School of Law  
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## Appointments

### **Boston University School of Law**

Associate Dean for Research & Intellectual Life	2016-2017
Professor of Law	2012-present
Peter Paul Development Professor	2007-present
Associate Professor of Law	2006-2011

### **University of Chicago Law School**

Visiting Professor of Law	Fall 2018
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### **YALE LAW SCHOOL**

Sidley Austin-Robert D. McLean '70 Visiting Professor of Law	2013-2014
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## Fellowships

### **Oxford University, Rothermere American Institute**

Senior Visiting Fellow	2017-2018
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### **National Endowment for the Humanities/Massachusetts Historical Society**

Long-Term Fellowship	Sept. 2012-Feb. 2013
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## Education

### **YALE LAW SCHOOL, J.D.**

June 2000

*Activities:* Yale Law Journal, Editor; Coker Fellow (Contracts); Yale Law Women, Executive Committee; Community Legal Services, Student Attorney; Global Constitutional Law Project, Editor

### **COLUMBIA UNIVERSITY, M.A. English Literature**

May 1996

*Scholarship:* Marjorie Hope Nicholson Fellowship (full funding for Ph.D.)

### **OXFORD UNIVERSITY, M. LITT., English Literature**

1995

*Dissertation:* *Merchants, Moors and the Politics of Pageantry*

*Scholarship:* Shapiro Graduate Scholarship

### **GEORGE WASHINGTON UNIVERSITY, B.A., magna cum laude, English Literature**

June 1992

*Honors:* Distinguished Scholar (faculty award to best student in graduating class), Phi Beta Kappa, University Scholar-Athlete Award, Department Prize in Literature

*Scholarships:* National Endowment for the Humanities Younger Scholar (1990), several merit-based scholarships

## Publications

### **Articles & Essays**

*Equality, Sovereignty, and the Family in Morales-Santana*, 131 HARV. L. REV. 170 (2017)

*Bureaucracy as the Border: Administrative Law and the Citizen Family*, 66 DUKE L.J. 1727 (2017)

*“Government by Injunction,” Legal Elites, and the Making of the Modern Federal Courts*, in CRITICAL ANALYSIS OF LAW (Norman Spaulding, ed., 2016)

*Deference and Deferral: Constitutional Structure and the Durability of Gender-Based Nationality Laws*, in THE PUBLIC LAW OF GENDER: FROM THE LOCAL TO THE GLOBAL (Kim Rubenstein & Katharine Young, eds. 2016)

*Marriage, Federalism, and Heather Gerken’s Mad Genius*, 95 B.U. L. REV. 615 (2015)

*Illegitimate Borders: Jus Sanguinis Citizenship and the Legal Construction of Family, Race, and Nation*, 123 YALE L. J. 2134 (2014) (selected for presentation at Joint Session of Family Law and Immigration Law Sections, American Association of Law Schools, 2013) (cited in *Sessions v. Morales-Santana*, 137 S. Ct. 1678 (2017); *Morales-Santana v. Lynch*, 804 F.3d 520 (2d Cir. 2015); *Villegas-Sarabia v. Johnson*, 5:15-CV-122 (W.D.T.X. 2015))

*“Petitions Without Number”:* *Widows’ Petitions and the Early Nineteenth-Century Origins of Marriage-Based Entitlements*, 31 LAW & HISTORY REV. 1 (2013) (selected for the 2010 Law & Humanities Junior Scholar Workshop, Columbia Law School)

*Representing Injustice: Justice as an Icon of Woman Suffrage*, 24 YALE J. OF LAW & HUMANITIES 191 (2012)

*A Short History of Sex and Citizenship: The Historians’ Amicus Brief in Flores-Villar v. United States*, 91 B.U. L. REV. 1485 (2011)

*“A Considerable Surgical Operation”:* *Article III, Equity, and Judge-Made Law in the Federal Courts*, 62 DUKE L. J. 249 (2010) (selected for the 2010 Stanford/Yale Junior Faculty Forum, Yale Law School)

*Go West, Young Woman!: The Mercer Girls and Legal Historiography*, 63 VANDERBILT EN BANC 77 (2010)

*Administering Marriage: Marriage-Based Entitlements, Bureaucracy, and the Legal Construction of the Family*, 61 VANDERBILT L. REV. 1809 (2009)

*Federalism’s Fallacy: The Early Tradition of Federal Family Law and the Invention of States’ Rights*, 26 CARDOZO L. REV. 1761 (2005)

*When Fathers’ Rights are Mothers’ Duties: The Failure of Equal Protection in Miller v. Albright*, 109 YALE L. J. 1667 (2000)

### **Briefs**

Brief of *Amici Curiae* of Professors of History, Political Science, and Law in Support of Respondent, *Lynch v. Morales-Santana*, No. 15-1191, 2016 WL 5800340 (U.S. Oct. 3, 2016) (principal author & co-counsel) (cited in *Sessions v. Morales-Santana*, 137 S. Ct. 1678 (2017)).

Brief *Amici Curiae* of Professors of History, Political Science, and Law in Support of Petitioner, *Flores-Villar v. United States*, No.09-5801, 2010 WL 2602009 (U.S. June 25, 2010) (principal author, with Kerry Abrams, Candice Bredbenner, Christopher Capozzola, Nancy Cott, Linda Kerber, Virginia Sapiro, and Rogers Smith)

## ***Other Publications***

*Trump's Family Cruelty Policy*, LOS ANGELES TIMES, June 20, 2018 (with Serena Mayeri & Hiroshi Motomura)

*Abolishing Jus Sanguinis Citizenship: A Proposal too Restrained and too Radical*, EUDO Citizenship Forum, Posted June 17, 2015 (reprinted in *DEBATING TRANSFORMATIONS OF NATIONAL CITIZENSHIP*, Rainer Baubock, ed., forthcoming)

*Money Matters*, balkanization.org, Posted June 3, 2014

*Sex and Citizenship in the Court, Again*, Dissentmagazine.org, Posted July 20, 2011 (with Linda K. Kerber)

*Sexing Citizenship*, Slate.com, Posted Nov. 10, 2010 (reprinted in *49 PERSPECTIVES ON HISTORY 29* (2011)) (with Linda K. Kerber)

"*Hoyt v. Florida*," in *Encyclopedia of the Supreme Court of the United States* (2008)

"*Taylor v. Louisiana*," in *Encyclopedia of the Supreme Court of the United States* (2008)

*Terms of Art: Et Ux*, LEGAL AFFAIRS (April 2003)

Book Review: *Horrible Prettiness: Burlesque and American Culture*, by Robert Allen, 30 AM. STUD. INTERNAT'L (1992)

## **Works in Progress**

Blood and Nation: A History of Hereditary Citizenship in American Law (book project)

Social Movements, Legal Elites, and the Transformation of Article III (article)

## **Selected Presentations**

Blood and Nation, Status and Justice in Law, Religion, and Society, Washington & Lee University, October 2019 (scheduled)

"Women's Greatest Victory," Legal Histories of the Nineteenth Amendment, Stanford Law School, May 2019 (scheduled)

Department of Justice as Architect of Equity, Equity in the Modern World, Annual Meeting of the American Association of Law Schools, New Orleans, January 2019

Citizenship by Committee, University of Chicago Work-In-Progress, November 2018

Administering the Constitution: The History and Theory of Administrative Constitutionalism, Commentator, University of Pennsylvania School of Law, October 2018

Immigration in the Trump Era, Oxford University, Rhodes House, March 2018

Midcentury Modernisms: Reinventing American Nationality Law in the 20th Century, Oxford University, Rothermere American Institute, February 2018

Administrative Constitutionalism and the Development of American Citizenship Law, Oxford University, Rothermere American Institute, January 2017

Equality, Sovereignty, and the Family in *Morales-Santana*, Harvard Law School, Harvard Law Review Supreme Court Forum, November 2017

Roundtable: Legal Historians and Constitutional Litigation in the Time of the Trump Administration, Annual Meeting for the American Society for Legal History, Las Vegas, October 2017

Bureaucracy as the Border: Administrative Law and the Citizen Family, Duke Law School, Administrative Law Symposium, February 2017

Bureaucracy as the Border: Administrative Law and the Citizen Family, Duke Law School, Boston University School of Law, Faculty Workshop, January 2017

The Transformation of Article III: Equity, Jurisdiction Stripping, and the Making of the Modern Federal Courts, Faculty Workshop, Northwestern University School of Law, December 2016

The Transformation of Article III: Equity, Jurisdiction Stripping, and the Making of the Modern Federal Courts, Faculty Workshop, Emory University School of Law, November 2016

Unstable Citizenships, Annual Meeting for the American Society for Legal History, Commentator, Toronto, October 2016

Of Blood and Nation: A History of Hereditary Citizenship in American Law, Faculty Workshop, Boston University School of Law, May 2016

Toward a New History of the Federal Courts, Federal Judicial Center, Washington D.C., April 2016

Family Lines: Gatekeeping, Family Law, and Citizenship, Americas Network on Nationality and Statelessness, Washington D.C., November 2015

The Transformation of Article III: Equity, Jurisdiction Stripping, and the Making of the Modern Federal Courts, Annual Meeting of the American Society for Legal History, Washington D.C., November 2015

The Transformation of Article III: Equity, Jurisdiction Stripping, and the Making of the Modern Federal Courts, Faculty Workshop, Boston University School of Law, April 2015

Of Blood and Nation, Citizenship in the Era of the Civil War, Virginia Tech, April 2015

Citizenship Talk, American Association for Law, Culture, and Humanities, Commentator, Washington D.C., March 2015

Parenting Outside Marriage: The Legal History of Fathers' Rights, Illegitimacy, and Child Custody from Blackstone to Reagan, Law & Society Annual Meeting, Commentator, Minneapolis, May 2014

*Fiallo v. Bell* in Congress: Plenary Power, Coordinate Branches, and Gender-Based Nationality Laws, Law & Society Association, Minneapolis, May 2014

"Illegitimate Half-Castes" and the Citizen Family, American Association of Law Schools, New York, New York, January 2014

"Illegitimate Half-Castes" and the Citizen Family, Yale Law School, Faculty Workshop, November 2013

*Fiallo v. Bell* in Congress: Plenary Power, Coordinate Branches, and Gender-Based Nationality Laws, Annual Meeting of the American Society for Legal History, Miami, November 2013

“Illegitimate Half-Castes” and the Citizen Family, Massachusetts Institute of Technology, October 2013

“Illegitimate Half-Castes” and the Citizen Family, University of Minnesota Law School, October 2013

“Illegitimate Half-Castes” and the Citizen Family, Yale Law School, Yale Law Journal Author’s Workshop, September 2013

“Illegitimate Half-Castes” and the Citizen Family, University of California at Irvine, June 2013

“Illegitimate Half-Castes” and the Citizen Family, Annual Meeting of the International Society of Family Law, Brooklyn, New York, June 2013

*Fiallo v. Bell* in Congress: Plenary Power, Coordinate Branches, and Gender-Based Nationality Laws, Boston University School of Law, Faculty Workshop, March 2013

Entitling Marriage: A History of Marriage, Public Money, and the Law, Massachusetts Historical Society, December 2012

Roundtable on Kenneth Mack’s *Representing the Race: The Creation of the Civil Rights Lawyer*, American Society for Legal History, Commentator & Chair, St. Louis, November 2012

Historical Perspectives on the End of Men, Boston University School of Law, Commentator, Evaluating Claims About “the End of Men”: Legal and Other Perspectives, October 2012

*Guyer v. Smith*, Personal Status Laws, and the Practice of Citizenship, University of Iowa, Iowa City, October 2012

*Fiallo v. Bell* in Congress: Plenary Power, Coordinate Branches, and Gender-Based Nationality Laws, Australia National University, Canberra, Australia, August 2012

*Guyer v. Smith*, Personal Status Laws, and the Practice of Citizenship, Boston University School of Law, Faculty Workshop, March 2012

*Guyer v. Smith*, Personal Status Laws, and the Practice of Citizenship, Chicago-Kent School of Law, Faculty Workshop, February 2012

*Guyer v. Smith*, Personal Status Laws, and the Practice of Citizenship, Annual Meeting of the American Society for Legal History, Atlanta, November 2011

Courts as Antiheroes, Yale Law School, Commentator & Panelist, Symposium on Courts: Representing and Contesting Ideologies of the Public Sphere, February 2011

“Judges Shall Neither Make nor Import Law”: Article III, Equity, and Judge-Made Law in the Federal Courts, Boston University School of Law, Faculty Workshop, December 2010

Sex and Citizenship at the Court, Boston University School of Law, November 2010

“Judges Shall Neither Make nor Import Law”: Article III, Equity, and Judge-Made Law in the Federal Courts, Stanford-Yale Junior Faculty Forum, Yale Law School, June 2010

“Petitions Without Number”: Widow’s Petitions and the Early-Nineteenth Century Origins of Marriage-Based Entitlements, Law & Humanities Junior Scholar Workshop, Columbia School of Law, June 2010

“Petitions Without Number”: Widow’s Petitions and the Early-Nineteenth Century Origins of Marriage-Based Entitlements, Law & Society Annual Meeting, Chicago, May 2010

“Petitions Without Number”: Widow’s Petitions and the Early-Nineteenth Century Origins of Marriage-Based Entitlements, Boston College Legal History Roundtable, April 2010

“Judges Shall Neither Make nor Import Law”: Article III, Equity, and Judge-Made Law in the Federal Courts, University of Virginia School of Law, Legal History Workshop, March 2010

“Petitions Without Number”: Widow’s Petitions and the Early-Nineteenth Century Origins of Marriage-Based Entitlements, Association for the Study of Law, Culture and the Humanities, Brown University, March 2010

“Judges Shall Neither Make nor Import Law”: Article III, Equity, and Judge-Made Law in the Federal Courts, Annual Meeting of the American Society for Legal History, Dallas, November 2009

“Judges Shall Neither Make nor Import Law”: Article III, Equity, and Judge-Made Law in the Federal Courts, Junior Faculty Federal Courts Workshop, Michigan State University College of Law, October 2009

“Petitions Without Number”: Widow’s Petitions and the Early-Nineteenth Century Origins of Marriage-Based Entitlements, Emerging Family Law Scholars, University of Colorado Law School, May 2009

“Petitions Without Number”: Widow’s Petitions and the Early-Nineteenth Century Origins of Marriage-Based Entitlements, Boston University School of Law Faculty Workshop, March 2009

Administering Marriage: Marriage-Based Entitlements, Bureaucracy, and the Legal Construction of the Family, Harvard Law School, Legal History Colloquium, February 2009

Citizen Soldiers and Weeping Widows: Military Subsidies and the Two-Track Welfare System Reconsidered, Law and Society Annual Meeting, Montreal, May 2008

“Let the Government become their guardians”: Administrative Law and the Legal Construction of the Family in the Early Nineteenth Century, University of Texas School of Law, Faculty Colloquia Series, April 2008

“Let the Government become their guardians”: Administrative Law and the Legal Construction of the Family in the Early Nineteenth Century, Boston University School of Social Work, Social Welfare Analysis Colloquium, February 2008

“Let the Government become their guardians”: Administrative Law and the Legal Construction of the Family in the Early Nineteenth Century, Boston University School of Law Faculty Workshop, October 2007

“Let the Government become their guardians”: Administrative Law and the Legal Construction of the Family in the Early Nineteenth Century, Annual Meeting of the American Society for Legal History, Tempe, October 2007

## Selected Experience

**Emery Celli Brinckerhoff & Abady**, New York, New York 2003-2005

*Associate*. Attorney at civil rights litigation firm with national practice. Responsible for all aspects of litigation involving constitutional and statutory civil rights protections. Practice focused on First Amendment law, takings violations, prisoners’ rights, employment discrimination, and legal ethics.

<b>Chief Judge John M. Walker, Second Court of Appeals</b> <i>Law clerk</i>	2002-2003
<b>Judge Kimba M. Wood, U.S. District Court for the S.D.N.Y.</b> <i>Law clerk</i>	2001-2002
<b>Institute for Democracy in South Africa, Cape Town, South Africa</b> <i>Senior Fellow.</i> Researched and designed publication concerning the role of the courts in South Africa's ongoing process of democratization for prominent South African human rights organization.	2005-2006

## Professional Associations

**Memberships:** AALS, Member, Committee on History of Administrative Law; American Society for Legal History, Program Committee (2019), Surrency Prize Committee (2012-14); Law and Society Association

**Bar Admissions:** Supreme Court of the United States; United States District Court for the S.D.N.Y.; New York State

**Peer reviewer:** Law & History Review; Journal of American History; Yale Law Journal