

GREGORY ABLAVSKY

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CURRENT ACADEMIC POSITION

Stanford Law School, Professor of Law, 2021-present
Marion Rice Kirkwood Professor of Law, 2022-present
Helen L. Crocker Faculty Scholar, 2020-2022
Professor, by Courtesy, of History, 2016-present
Associate Professor of Law, 2018-2021
Assistant Professor of Law, 2015-2018

John Bingham Hurlbut Award for Excellence in Teaching, 2019, 2023

Courses: Property
Federal Indian Law
Law & Empire in U.S. History
Native Peoples & the Law
Policy Practicum: Tribal Assistance Project
U.S. Legal History

EDUCATION

University of Pennsylvania, Ph.D., History, 2016

Dissertation: "The Adjudicatory State: Sovereignty, Property, and the Law in the U.S. Territories, 1783-1803"

Honors: Javits Fellowship, U.S. Dep't of Educ.

University of Pennsylvania Law School, J.D., *summa cum laude*, 2011

Honors: Peter McCall Prize (to graduating student ranked first in class);
Barenkopf Prize (to rising 3L ranked first in class); Levy Scholar

Yale University, B.A., History, *summa cum laude*, distinction in the major, 2005

Honors: Warren Memorial High Scholarship Prize (graduating student ranked first in humanities); Tuttle Cup; John Addison Porter Prize

SCHOLARSHIP: BOOKS & BOOK CHAPTERS

The History of Federal Indian Law and Policy, in COHEN'S HANDBOOK OF FEDERAL INDIAN LAW (Nell Newton and Kevin Washburn eds., 2024).

FEDERAL GROUND: GOVERNING PROPERTY AND VIOLENCE IN THE FIRST U.S. TERRITORIES (Oxford University Press, 2021).

- Awarded the J. Willard Hurst Book Prize for the best work in sociolegal history by the Law and Society Association.
- Awarded the William Nelson Cromwell Foundation Book Prize for the best book in the field of American legal history by an early career scholar.

Indigenous Law, in OXFORD HANDBOOK OF LAW & HUMANITIES, Bernadette Meyler and Simon Stern eds., 517-31 (2019) (with Sarah Deer and Justin Richland).

Subject to the Jurisdiction Thereof: The Indian Law Context, N.Y.U. L. REV. ONLINE (forthcoming 2025) (with Bethany Berger).

Why We Should Stop Saying “The Founders,” U. PA. L. REV. (forthcoming 2025) (symposium).

Structural Federal Indian Law After Brackeen, 67 ARIZ. L. REV. 291 (2025).

The Original Meaning of Commerce in the Indian Commerce Clause, 64 CONN. L. REV. 611 (2024) (symposium).

Too Much History: Castro-Huerta and the Problem of Change in Indian Law, 2022 S. Ct. Rev. 293 (2023).

We the (Native) People?: How Indigenous Peoples Debated the U.S. Constitution, 123 COLUM. L. REV. 243 (2023) (with Tanner Allread).

- Reviewed in Bethany Berger, *Expanding the Constitutional Lens*, JOTWELL: THE JOURNAL OF THINGS WE LIKE (LOTS), 2023, <https://lex.jotwell.com/expanding-the-constitutional-lens/>
- Reviewed in Allison Tirres, *Constitutional History in the Middle Ground and Beyond: Indigenous Perspectives*, JOTWELL: THE JOURNAL OF THINGS WE LIKE (LOTS), 2023, <https://legalhist.jotwell.com/constitutional-history-in-the-middle-ground-and-beyond-indigenous-perspectives/>

Akhil Amar’s Unusable Past, 121 MICH. L. REV. 1119 (2023) (book review)

Getting Public Rights Wrong: The Lost History of the Private Land Claims, 74 STAN. L. REV. 277 (2022)

- Awarded the inaugural Cromwell Foundation Legal History Article of the Year Prize.

Two Federalist Constitutions of Empire, 89 FORDHAM L. REV. 1677 (2021) (symposium).

Species of Sovereignty: Native American Nationhood, the United States, and International Law, 1783-1795, 106 J. AMERICAN HIST. 591 (2019).

Administrative Constitutionalism and the Northwest Ordinance, 167 U. PA. L. REV. 1631 (2019) (symposium).

Sovereign Metaphors in Indian Law, 80 MONT. L. REV. 11 (2019) (symposium).

Empire States: The Coming of Dual Federalism, 128 YALE L.J. 1792 (2019).

The Rise of Federal Title, 106 CAL. L. REV. 631 (2018).

- Reviewed in Ezra Rosser, *The Messy Core: Federal Supremacy and Property Recognition*, JOTWELL: THE JOURNAL OF THINGS WE LIKE (LOTS), 2018, <https://property.jotwell.com/the-messy-core-federal-supremacy-and-property-recognition/>

With the Indian Tribes: Indians, Race, and Original Constitutional Meanings, 70 STAN. L. REV. 1025 (2018).

Beyond the Indian Commerce Clause, 124 YALE L.J. 1012 (2015).

- Reviewed in Bethany Berger, *Not So Schizophrenic: The Founders' Understanding of Indian Affairs and the Constitution*, JOTWELL: THE JOURNAL OF THINGS WE LIKE (LOTS), 2015, <http://lex.jotwell.com/not-so-schizophrenic-the-founders-understanding-of-indian-affairs-and-the-constitution/>

The Savage Constitution, 63 DUKE L.J. 999 (2014).

- Awarded Cromwell Prize for best article in American legal history by American Society for Legal History
- Reviewed in Christina Duffy Ponsa, *In Plain View*, JOTWELL: THE JOURNAL OF THINGS WE LIKE (LOTS), 2014, <http://legalhist.jotwell.com/in-plain-view/>

Leaving the Bench: The Choices Federal Judges Make, What Influences Those Choices, and Their Consequences, 161 U. PA. L. REV. 1 (2012) (with Stephen Burbank and S. Jay Plager).

- Reviewed in James Pfander, *Why Judges Leave the Bench*, JOTWELL: THE JOURNAL OF THINGS WE LIKE (LOTS), 2012, <http://courtslaw.jotwell.com/why-judges-leave-the-bench/>

Comment, *Making Indians "White": The Judicial Abolition of Native Slavery in Revolutionary Virginia and Its Racial Legacy*, 159 U. PA. L. REV. 1457 (2011).

OTHER WRITING

Book review, 129 AM. HIST. REV. 1837 (reviewing Michael A. Blaakman, *SPECULATION NATION: LAND IN THE REVOLUTIONARY AMERICAN REPUBLIC* (2023)).

Clarence Thomas Went After My Work. His Criticisms Reveal a Disturbing Fact About Originalism, SLATE (2023).

Book review, 43 J. EARLY REP. 500 (2023) (reviewing James L. Hill, *Creek Internationalism in an Age of Revolution, 1763-1818* (2022)).

The Supreme Court Strikes Again – This Time at Tribal Sovereignty, WASH. POST. (2022) (with Elizabeth Reese).

Brief for Amicus Curiae Professor Gregory Ablavsky in Support of Federal Parties and Tribal Defendants, *Brackeen v. Haaland* (2021) (S. Ct. No. 21-376).

Brief of Amici Curiae Federal Indian Law Scholars and Historians in Support of Respondent, *Oklahoma v. Castro-Huerta* (2021) (S. Ct. No. 21-429) (with Maggie Blackhawk).

Brief of Amici Curiae Federal Indian Law Scholars and Historians in Support of Respondent, *Denezpi v. United States* (2021) (S Ct. No. 20-7622) (with Maggie Blackhawk).

Book review, 61 AM. J. LEGAL HIST. (2021) (reviewing CLAIRE PRIEST, *CREDIT NATION: PROPERTY LAWS AND INSTITUTIONS IN EARLY AMERICA* (2021)).

Yellen v. Confederated Tribes of the Chehalis Reservation: Argument Preview, Argument Analysis, and Opinion Analysis, SCOTUSBLOG (2021).

Joe Manchin Is Wrong – D.C. Statehood is Constitutional, THE HILL (2021).

Book review, 108 J. AM. HIST. (2021) (reviewing NATSU TAYLOR SAITO, *SETTLER COLONIALISM, RACE, AND THE LAW: WHY STRUCTURAL RACISM PERSISTS* (2020))

Book review, 40 J. EARLY REP. 752 (2020) (reviewing JESSICA K. LOWE, *MURDER IN THE SHENANDOAH: MAKING LAW SOVEREIGN IN REVOLUTIONARY VIRGINIA* (2019)).

Book review, 86 J. SOUTHERN HIST. 143 (2020) (reviewing KEVIN KOKOMOOR, *OF ONE MIND AND OF ONE GOVERNMENT: THE RISE AND FALL OF THE CREEK NATION IN THE EARLY REPUBLIC* (2018)).

Herrera v. Wyoming: Argument Preview, Argument Analysis, and Opinion Analysis, SCOTUSBLOG (2019).

Brief for Amicus Curiae Professor Gregory Ablavsky in Support of Defendants-Appellants and Intervenor Defendants-Appellants and Reversal, *Brackeen v. Zinke* (2019) (5th Cir. No. 4:17-CV-00868-O).

Upper Skagit v. Lundgren: *Deceptively Straightforward Case Raises Fundamental Questions about Native Nations, History, and Sovereignty*, LEGAL AGGREGATE (May 23, 2018).

Selling Patents to Indian Tribes to Delay the Market Entry of Generic Drugs, 178 JAMA INTERNAL MED. 179–80 (2018) (with Lisa Ouellette).

History, Power, and Federal Indian Law, PROCESS: A BLOG FOR AMERICAN HISTORY (Jan. 4, 2018).

A Dramatic Reduction of Protected Federal Land: Parsing the Administration's Proposals to Cut Back Bears Ears and Grand Staircase Monuments, LEGAL AGGREGATE (Dec. 6, 2017).

What Justice Thomas Gets Wrong About the Constitutional History of Indian Affairs, LEGAL AGGREGATE (Nov. 28, 2017).

States Battle the Federal Government for Control of Public Lands. They Both Have Long Trampled on Native American Rights. WASH. POST (Nov. 9, 2017).

Book review, 75 WILLIAM & MARY QUARTERLY 165 (2018) (reviewing CHARLES HOBSON, *THE GREAT YAZOO LANDS SALE: THE CASE OF FLETCHER V. PECK* (2017))

Book review, 36 J. EARLY REPUBLIC 573 (2016) (reviewing DEBORAH ROSEN, *BORDER LAW: THE FIRST SEMINOLE WAR AND AMERICAN NATIONHOOD* (2015)).

U.S. v. Bryant: Congress, Not Justices' Interpretations of History, Better Arbiter of Tribal Sovereignty, LEGAL AGGREGATE (June 19, 2016).

Lewis v. Clarke: Limited Doctrinal Implications for Indian Law, LEGAL AGGREGATE (Apr. 25, 2017).

Case Downplays History of Native American Relations, DAILY JOURNAL (Jan. 21, 2016).

Brief for Historical and Legal Scholars as Amicus Curiae Supporting Respondents, *Nebraska v. Parker*, 136 S. Ct. 1072 (2016) (No. 14-1406), 2015 WL 9412675.

Brief for Amici Curiae Historians and Legal Scholars Gregory Ablavsky et al. in Support of Respondents, *Dollar General v. Mississippi Band of Choctaw Indians*, 136 S. Ct. 2159 (2016) (No. 13-1496), 2015 WL 6445771.

Book review, 76 THE HISTORIAN 583 (2014) (reviewing NAN GOODMAN, *BANISHED: COMMON LAW AND THE RHETORIC OF SOCIAL EXCLUSION IN EARLY NEW ENGLAND* (2012)).

PROFESSIONAL & TEACHING EXPERIENCE

University of Pennsylvania Law School, Sharswood Fellow in Law and History, 2012-2015.

United States Court of Appeals for the Third Circuit, Law Clerk to Hon. Judge Anthony J. Scirica, 2011- 2012.

Native American Rights Fund, Summer Law Clerk, 2010.

Teach for America, Zuni Intermediate School, Fifth-Grade Teacher, 2005-2007.

SERVICE

Reviewer

Columbia Law Review
Journal of American Legal History
Journal of the Early Republic
Journal of Law, Property, & Society
Law & History Review
Stanford Law Review
William & Mary Quarterly
Yale Law Journal

Stanford Law School: Academic Careers Committee, 2025-present; Admissions Committee, 2021-present; Appointments Committee, 2022-2024; Clerkship Committee, 2015-2021; Joint Degree Committee, 2019-2021.

American Society for Legal History: Preyer Award Committee, 2021-present, Chair, 2024-present; Publications Committee, 2018-2021; Graduate Student Representative, Board of Directors, 2010-2013.

MEMBERSHIPS

American Society for Legal History
Organization of American Historians
American Historical Association
Law and Society Association
Society for Historians of the Early American Republic