

## **DAWN JOHNSEN**

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### **EDUCATION**

#### **Yale Law School, New Haven, Connecticut**

J.D., 1986. Article & Book Review Editor, Yale Law Journal

#### **Yale College, New Haven, Connecticut**

B.A., Economics and Political Science, 1983

Summa Cum Laude, Phi Beta Kappa, Distinction in Major

### **PROFESSIONAL EXPERIENCE**

#### **Professor of Law, Indiana University School of Law–Bloomington, 1998-present**

Subjects: Constitutional Law, First Amendment, Seminars on Separation of Powers and Sexuality, Reproduction and the Constitution

Ira C. Batman Faculty Fellow (2004-present)

Indiana University Trustees Teaching Award (2004)

#### **Acting Assistant Attorney General, Office of Legal Counsel, United States Department of Justice, Washington, D.C., 1997-1998; Deputy Assistant Attorney General, 1993-1996; Edmund J. Randolph Award for Distinguished Service, 1998**

Headed the office that serves as legal advisor to the Executive Branch; supervised twenty-four lawyers in advising the Counsel to the President, the Attorney General, and the General Counsels of the various executive departments and agencies, on matters of constitutional and statutory law.

#### **Legal Director, National Abortion & Reproductive Rights Action League (currently NARAL Pro-Choice America), Washington, D.C., 1988-1993**

Directed all legal and policy work of NARAL, NARAL-PAC, NARAL Foundation and 40 state affiliates; served as public spokesperson.

#### **Staff Counsel Fellow, American Civil Liberties Union, Reproductive Freedom Project, New York, 1987-1988**

#### **Law Clerk to the Honorable Richard D. Cudahy, United States Court of Appeals for the Seventh Circuit, Chicago, Illinois, 1986-1987**

**PUBLICATIONS include:**

- *Faithfully Executing the Laws: Internal Legal Constraints on Executive Power*, 54 UCLA LAW REVIEW 1559 (2007)
- *Lessons from the Right: Progressive Constitutionalism for the Twenty-First Century*, 1 HARVARD LAW & POLICY REVIEW 239 (2007)
- *Foreword, War, Terrorism and Torture: Limits on Presidential Power for the 21<sup>st</sup> Century*, 81 INDIANA LAW JOURNAL 1139 (Fall 2006)
- *Guidelines for the President's Legal Advisors*, an introduction to *Principles to Guide the Office of Legal Counsel*, 81 INDIANA LAW JOURNAL 1345 (Fall 2006)
- *Abortion: A Mixed and Uncertain Legacy*, in THE REHNQUIST LEGACY (Bradley, ed., Cambridge University Press, 2006)
- Book Review, H. JEFFERSON POWELL, A COMMUNITY BUILT ON WORDS: THE CONSTITUTION IN HISTORY AND POLITICS (2002), 101 INDIANA MAGAZINE OF HISTORY (September 2005)
- *Should Ideology Matter in Selecting Federal Judges? Ground Rules for the Debate*, 26 CARDOZO LAW REVIEW 463 (2005)
- *Functional Departmentalism and Nonjudicial Interpretation: Who Determines Constitutional Meaning?*, 67 LAW & CONTEMPORARY PROBLEMS 105 (2004)
- *Judicial Supremacy Two Centuries After Marbury: The President and Congress and the Determination of Constitutional Meaning*, essay in *MARBURY V. MADISON: 1803-2003: DEUX SIECLES DE CENSURE JUDICIAIRE SUR LES LOIS* (2003)
- *Ronald Reagan and the Rehnquist Court on Congressional Power: Presidential Influences on Constitutional Change*, 78 INDIANA LAW JOURNAL 363 (2003)
- *Presidential Non-Enforcement of Constitutionally Objectionable Statutes*, 63 LAW & CONTEMPORARY PROBLEMS 7 (2000)
- *Executive Privilege Since United States v. Nixon: Issues of Motivation and Accommodation*, 83 MINNESOTA LAW REVIEW 1127 (1999)
- *Maternal-Fetal Relationship: Legal and Regulatory Issues*, 3 ENCYCLOPEDIA OF BIOETHICS 1413 (Reich, ed., rev. ed. 1995)

- *Shared Interests: Promoting Healthy Births Without Sacrificing Women's Liberty*, 43 HASTINGS LAW JOURNAL 569 (1992), & chapter in ABORTION, MEDICINE AND THE LAW (Butler, ed., 4th ed. 1992)
- *From Driving to Drugs: Governmental Regulation of Pregnant Women's Lives after Webster*, 138 UNIVERSITY OF PENNSYLVANIA LAW REVIEW 179 (1989)
- *A New Threat to Pregnant Women's Autonomy*, THE HASTINGS CENTER REPORT 33 (August 1987)
- *The Creation of Fetal Rights: Conflicts with Women's Constitutional Rights to Liberty, Privacy and Equal Protection*, 95 YALE LAW JOURNAL 599 (1986)
- Articles and letters in popular publications including THE WASHINGTON MONTHLY, THE LEGAL TIMES, SLATE.COM, SALON.COM, THE NEW YORK TIMES and THE WALL STREET JOURNAL

**CONFERENCES AND OTHER SPEAKING ENGAGEMENTS include (partial list):**

- *The New Separation of Powers: Parties, Politics, and the Presidency*, panelist, Yale Law School, Oct. 12, 2007
- *The Presidency in the Twenty-First Century*, panelist on *Sources of Presidential Power*, Boston University, Oct. 11, 2007
- *Presidential Law Stories*, Authors Workshop, Duke Law School, Sept. 14-16, 2007
- National Constitution Center Summer Teachers' Workshop, *Changing the Constitution: Politics and Law in American Constitutional Development*, lecture on *Presidential Constitutional Construction*, Philadelphia, Penn., Aug. 2, 2007
- *Presidential Power in an Age of Terror*, panelist, Indiana University Center on Law and Society and Culture, Apr. 5, 2007
- Norman Amaker Pub Int Law & Social Justice Retreat, speaker, Bradford Woods, Indiana, Feb. 24, 2007

- *Constitutional Niches*, panelist on Executive Power, UCLA School of Law, Feb. 2, 2007
- American Association of Law Schools, Annual Convention, *Emerging Issues in Reproductive Rights*, panelist, Washington, D.C., Jan. 4, 2007
- *Quiet Revolution*, panelist on release of film, Alliance for Justice/Center for American Progress, Washington, DC, Oct. 10, 2006 (film inspired in part by my scholarship)
- *Separation of Powers: Restoring the Balance Among the Branches*, plenary panelist, American Constitution Society National Convention, Washington, D.C., June 16, 2006
- *Equality and Reproductive Rights*, moderator, Columbia Law School, Mar. 3-4, 2006
- *The Nomination of Samuel A. Alito, Jr.*, panelist, Center for American Progress/American Constitution Society, Washington, D.C., Jan. 4, 2006
- *Replacing the Justice in the Middle: Selection Standards, Superprecedents and Constitutional Change*, University of North Carolina School of Law, November 17, 2005, and Duke Law School, Nov. 16, 2005
- *War, Terrorism and Torture: Limits on Presidential Power for the 21<sup>st</sup> Century*, opening speaker, Indiana University School of Law—Bloomington, Oct. 7, 2005 (conference organizer)
- *The Constitution in the 21<sup>st</sup> Century*, panelist on *Reproductive Rights in the 21<sup>st</sup> Century*, American Constitution Society national convention, July 28-31, 2005
- *The Constitution in 2020*, opening speaker, Yale Law School, Apr. 8-10, 2005 (conference inspired in part by my scholarship)
- *The Rehnquist Legacy*, panelist on *Abortion: A Mixed and Uncertain Legacy*, Indiana University School of Law—Bloomington, Apr. 1-2, 2005
- *Terrorism and the Rule of Law*, panelist on *Does a Different Kind of War Demand a Different Constitutional Understanding?*, University of Chicago Law School, Oct. 22-23, 2004
- *Advising the Executive: Torture and the Office of Legal Counsel*, University of Virginia School of Law, Nov. 2004

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- *Interrogation, Detention, and the Powers of the Executive*, panelist on *The Role of Lawyers in the War against Terrorism*, Duke Law School, Sept. 16-18, 2004
- *Reproductive Rights: Framing the Agenda*, panelist, first national convention of the American Constitution Society Washington, D.C., Aug. 1-3, 2003
- *Marbury v. Madison: 1803-2003: Deux Siecles de Censure Judiciare sur les Lois*, panelist on *Judicial Supremacy Two Centuries After Marbury: The President and Congress and the Determination of Constitutional Meaning*, Centre de Droit Americain of Paris II, Feb. 28-29, 2003
- *The Constitution and Other Legal Systems: Are There Progressive and Conservative Versions?*, panelist on *Functional Departmentalism and Reproductive Rights*, Duke Law School, Dec. 13-15, 2002
- *National Strategy Conference on the Rehnquist Court Rollback of Civil Rights*, panelist on *Congressional Power and Federalism*, Columbia Law School, Oct. 3-5, 2002
- *Congress and the Court*, panelist, Fifth Circuit Judicial Conference, Dallas, Texas, May 1-3, 2002
- *The Assault of Federalism on Civil Rights: Developing New Strategies to Protect Civil Rights in a Conservative Era*, panelist, inaugural conference of the Equal Justice Society, Harvard Law School, Apr. 5-6, 2002
- *Congressional Power in the Shadow of the Rehnquist Court*, conference organizer and panelist on *Implications for the Separation of Powers*, Indiana University School of Law–Bloomington, Feb. 1-2, 2002
- *Non-Consensual Testing of Pregnant Women: The Implications for Women’s Equality of Ferguson v. City of Charleston*, Duke Law School, Feb. 2001
- *Executive Power after the Clinton Administration*, panelist, ABA Administrative Law Section Annual Meeting, Washington, D.C., Oct. 12, 2000
- *The Constitution Under Clinton: A Critical Assessment*, conference, presented lead paper on *Executive Authority*, Duke Law School, Sept. 23-25, 1999
- *Nixon Now: Presidential Power and Executive Privilege Twenty-Five Years Later*, conference commentator on panel on *The Scope of the Doctrine(s) of Executive Privilege*, University of Minnesota Law School, Oct. 24, 1998

- Numerous other events, including events sponsored by Indiana University and other law schools and universities, the American Bar Association, the District of Columbia Bar Association, the Women Judges' Fund for Justice, and public interest organizations including affiliates and chapters of the American Constitution Society, NARAL Pro-Choice America and the American Civil Liberties Union
- Numerous television and radio shows, including The Jim Lehrer Newshour, Nightline, Crossfire, CBS This Morning, The Today Show and C-SPAN

**CONGRESSIONAL TESTIMONY:**

Proposed Legislation to Deny Citizenship at Birth to Certain Children Born in the United States, Subcommittee on Immigration and Claims, Committee on the Judiciary, U.S. House of Representatives, June 25, 1997

Improper Granting of U.S. Citizenship to Individuals with Criminal Records, Subcommittee on National Security, International Affairs and Criminal Justice, Committee on Government Reform and Oversight, and Subcommittee on Immigration and Claims, Committee on the Judiciary, U.S. House of Representatives, Mar. 5, 1997

The Balanced Budget Amendment, Committee on the Judiciary, U. S. Senate, Jan. 22, 1997

**LITIGATION includes:**

Briefs on behalf of parties and *amici curiae* in the U.S. Supreme Court, the U.S. Courts of Appeals for the Second, Eighth and District of Columbia Circuits, U.S. District Court in Louisiana, state courts in Indiana, Michigan, Ohio and New York, and the District of Columbia Court of Appeals

**PROFESSIONAL ACTIVITIES currently include:**

American Constitution Society for Law and Policy, National Board Member;  
National Co-Chair of Project on *The Constitution in the 21<sup>st</sup> Century*;  
Co-Chair of Separation of Powers/Federalism Issue Group

Advisor to various public interest organizations, foundations, and members of Congress