

## THOMAS P. CROCKER

University of South Carolina School of Law, 701 S. Main Street, Columbia, SC 29208  
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### EDUCATION

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#### YALE LAW SCHOOL, New Haven, CT

J.D., June 2004

- Activities:
- *Yale Law Journal*, Book Reviews Editor (vol. 113); Editor (vol. 112).
  - *Yale Journal of Law and the Humanities*, Editor (2002-2004).
  - Research Assistant, Professor Owen Fiss, 2003.

#### VANDERBILT UNIVERSITY, Nashville, TN

Ph.D., Philosophy, 2000

M.A., Philosophy, 1998

Dissertation: *The Human Aspect: Wittgenstein on the Ethical Point of View.*

#### UNIVERSITY OF WALES, Saint David's University College, Lampeter, U.K.

M.A., Philosophy, 1994

Thesis: *Persons and Personal Identity: What Really Matters.*

#### MISSISSIPPI STATE UNIVERSITY, Starkville, MS

B.A., *summa cum laude*, Economics and Philosophy, 1992

### EXPERIENCE

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#### JOHANN WOLFGANG GOETHE UNIVERSITÄT, Frankfurt am Main

*Fulbright Senior Research Scholar*, May 2011 – October 2011

*Fellow* Forschungskolleg Humanwissenschaften, May 2011 – December 2011

Formation of Normative Orders Cluster of Excellence

#### AMERICAN ACADEMY OF ARTS & SCIENCES, Cambridge, MA.

*Visiting Scholar*, 2010-2011.

#### UNIVERSITY OF SOUTH CAROLINA SCHOOL OF LAW, Columbia, SC

*Associate Professor of Law*, 2010 – present (on leave 2010-2011).

*Assistant Professor*, 2005-2010.

*Courses*: Constitutional Law I & II, Criminal Procedure, Jurisprudence, Law & Literature.

#### HONORABLE CARLOS F. LUCERO, U.S. Court of Appeals for the Tenth Circuit, Denver, CO

*Law Clerk*: June 2004 – August 2005.

#### ST. LAWRENCE UNIVERSITY, Canton, NY: Visiting Assistant Professor of Philosophy, 2000-01.

*Courses*: Ethics; Resistance, Rebellion, and the Human Condition; On Rationality; On Language.

### PUBLICATIONS

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#### BOOK

- OVERCOMING NECESSITY: EMERGENCY, CONSTRAINT, AND THE MEANINGS OF AMERICAN CONSTITUTIONALISM (YALE UNIVERSITY PRESS, under contract).

ARTICLES, ESSAYS, AND REVIEWS:

- *Presidential Power and Constitutional Responsibility*, 52 BOSTON COLLEGE L. REV. \_\_ (2011).
- *The Political Fourth Amendment*, 88 WASH. U. L. REV. 303 (2010).
- *From Privacy to Liberty: The Fourth Amendment After Lawrence*, 57 UCLA L. REV. 1 (2009).
- *Torture, with Apologies*, 86 TEXAS L. REV. 569 (2008) (review essay).
- *Overcoming Necessity: Torture and the State of Constitutional Culture*, 61 SMU L. REV. 221 (2008).
- *Displacing Dissent: The Role of Place in First Amendment Jurisprudence*, 75 FORDHAM L. REV. 2587 (2007).
  - Reprinted in THE FIRST AMENDMENT LAW HANDBOOK 736 (Rodney A. Smolla ed., Thomson West Publishers, 2007-2008 ed.).
  - Cited in *Sullivan v. City of Augusta*, 511 F.3d 16 (1st Cir., 2007) (Lipez, J., dissenting in part).
- *Envisioning the Constitution*, 57 AMERICAN UNIV. L. REV. 1 (2007).
- *Still Waiting for the Barbarians: What Is New about Post-September 11 Exceptionalism?*, 19 LAW & LITERATURE 303 (2007) (peer review).
- *An American Novelist in the Philosopher King's Court*, 26 PHIL. & LITERATURE 57-74 (2002) (peer review).
- *Wittgenstein's Practices and Peirce's Habits: Agreement in Human Activity*, 15 HIST. PHIL. Q. 475-93 (1998) (peer review).

SHORTER CONTRIBUTIONS AND BOOK REVIEWS:

- *Whom Should You Trust? Plans, Pragmatism, and Legality*, 46 Tulsa L. Rev. \_\_ (2011) (reviewing SCOTT J. SHAPIRO, LEGALITY (2011)).
- *Entries*, ENCYCLOPEDIA OF THE SUPREME COURT OF THE UNITED STATES (David Tanenhaus et al. eds., Macmillan, 2008).
  - *Bush v. Gore*, 531 U.S. 98 (2000).
  - *Brentwood Academy v. Tenn. Secondary School Athletic Assoc.*, 531 U.S. 288 (2001).
  - *Rutan v. Republican Party of Illinois*, 497 U.S. 62 (1990).
  - *Bd. of Educ. of Trustees of State Univ. of New York v. Fox*, 492 U.S. 469 (1989).
- Review of ROBERT EAGLESTONE, THE HOLOCAUST AND THE POSTMODERN (2008), in 5 LAW, CULTURE & THE HUMANITIES 161-64 (2009).
- Review of MICHAEL SULLIVAN, LEGAL PRAGMATISM: COMMUNITY, RIGHTS, AND DEMOCRACY (2007), in 21 J. SPECULATIVE PHIL. 321-23 (2008).
- Review of JEAN BETHKE ELSHTAIN, WHO ARE WE? (2002), in 112 ETHICS 616-618 (2002).
- Review of OWEN FLANAGAN, SELF EXPRESSIONS (1996), in 109 MIND 900-904 (2000).
- Review of ERIC OLSON, THE HUMAN ANIMAL (1997), in 52 REV. METAPHYSICS 161-163 (1998).

## SELECTED PRESENTATIONS

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- (Invited) *After Torture: Responsibility, Constraint, and the American Political Constitution*, Heidelberg Center for American Studies, Ruprecht-Karls-Universität Heidelberg, Germany July 14, 2011.
- (Invited) *Contesting Cultures of Law and the Pursuit of Foreign Policy*, University of Leipzig, American Studies Program, Leipzig, Germany July 7, 2011.
- (Invited) *Can ‘Necessitous Men’ Ever be Free? Exigency, Security, and the American Political Constitution*, Clark Legal History Series, Boston University School of Law, November 17, 2010.
- (Invited) *Alexander Hamilton’s Question: Liberty or Necessity in the American Political Constitution*, Political Theory Workshop, University of Chicago, November 15, 2010.
- *The Constitution in Living Traditions*, Villanova University Law and Literature Symposium, October 2010.
- *Through a Glass Darkly: Sovereignty, Necessity and Evil*, Association for the Study of Law, Culture and Humanities, Brown University, March 19-20, 2010.
- (Invited) *The Political Fourth Amendment*, Florida State University, February 2010.
- *Through a Glass Darkly: Sovereignty, Necessity and Evil*, Villanova University Law, Literature, and Religion Symposium, October 2009.
- *Constitutional Meaning and Ethical Life*, Law and Society Association, Denver, CO, May 2009.
- *From Privacy to Liberty: The Fourth Amendment After Lawrence*, Univ. of Miami, Prawfsfest!, Dec., 2008.
- *A Constitutional Geography of Sharing*, Law and Society, Montreal, Canada, May 2008.
- *Guided By Theory: Vision, Human Rights, and Torture*, Association for the Study of Law, Culture and Humanities, University of California, Berkeley, March 28-29, 2008.
- *Normalizing Necessity*, Loyola Law School Prawfsfest!, Los Angeles, December, 2007.
- *Is Torture Necessary? Constitutional Culture in Crisis*, International Meeting of the Law and Society Association, Humboldt University, Berlin, Germany, July 25-28, 2007.
- *Sharing*, Association for the Study of Law, Culture and Humanities, Georgetown University Law Center, March 23-24, 2007.
- Moderator, *The Evolution of Constitutional Doctrine*, Southeast Assoc. of Law Schools, July 2007.
- Respondent, *Panel: Observing the Politics of Terror*, Symposium: The New Exceptionalism: Law and Literature Since 9/11, Benjamin N. Cardozo School of Law, October 29, 2006.
- *The Role of Vision in the Theory and Practice of Justice*, Association for the Study of Law, Culture and Humanities, Syracuse University School of Law, March 17-19, 2006.
- Respondent, Martha Nussbaum, *Radical Evil in the Lockean State: The Neglect of the Political Emotions*, Knowlton Lecture, University of South Carolina, February 23, 2006.
- *Grammatical Attitudes: Wittgenstein on Changing Our Way of Seeing*, Conference on “New Readings of Wittgenstein: Criticism, Theory, Aesthetics,” University of London, April 20-21, 2001.
- *Pragmatism and the Attitude of the Religious*, Society for the Advancement of American Philosophy, Las Vegas, March 11-13, 2001.

## ACADEMIC FELLOWSHIPS, AWARDS, AND PROGRAMS

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- Fulbright Fellowship as Senior Research Scholar, Johann Goethe Universität, Frankfurt am Main, May 2011-October 2011.
- Fellowship as Visiting Scholar, American Academy of Arts & Sciences, Cambridge, MA 2010-2011 (Associate of the Harvard Humanities Center).
- Faculty Award for Outstanding Publication, USC School of Law, 2010 – *From Privacy to Liberty: The Fourth Amendment After Lawrence*, 57 UCLA L. REV. 1 (2009).
- Selected to present *From Privacy to Liberty: The Fourth Amendment After Lawrence*, Law & Humanities Interdisciplinary Junior Scholar Workshop, June 2009, Georgetown Law Center.

- Participant, Cornell School for Criticism and Theory, *Torture and Dignity* Seminar led by Prof. Jay Bernstein, Summer 2008.
- Faculty Award for Outstanding Publication, USC School of Law, 2007 – *Displacing Dissent: The Role of Place in First Amendment Jurisprudence*, 75 *FORDHAM L. REV.* 2587 (2007).
- Faculty Grant for Summer Language Training, DAAD, Munich, Germany, June-July 2006.
- Fellowship, NEH Summer Seminar for College Teachers, *Literature and Values*, University of North Carolina, Chapel Hill, June 11 – July 20, 2001.
- Participant, Vanderbilt Center for the Humanities Summer Seminars conducted by Jean Bethke Elshtain: *Politics and Embodiment*, 1997; *Politics, Ethics, and Terror*, 1996.
- Teaching Fellowship, College of Arts and Science, Vanderbilt: 1999-2000.
- Burke Fellowship for Teaching Excellence, Department of Philosophy, Vanderbilt: 1998-99.
- Dissertation Enhancement Grant, The Graduate School, Vanderbilt University – to fund research at the Wittgenstein Collection, Trinity College, Cambridge: Summer 1998.
- University Fellowship, Vanderbilt University: 1994-98.
- Arts and Science Graduate Select Scholar, Vanderbilt University: 1994-98.
- University Scholarship (full tuition), Mississippi State University: 1988-92.

#### ADDITIONAL EXPERIENCE

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**STEPTOE AND JOHNSON**, Washington D.C.

*Summer Associate*, 2003

**YALE UNIVERSITY**, New Haven, CT: Teaching Assistant for Prof. Tad Brennan, Dep't. of Philosophy, Fall 2003. *Course*: Ancient Philosophy.

**HONORABLE DAVID NELSON**, U.S. Court of Appeals for the Sixth Circuit, Cincinnati, OH

*Summer Intern*, 2002

**VANDERBILT UNIVERSITY**, Nashville, TN: Teaching Fellow, 1995-2000.

*Courses (full responsibility)*: Ethics, Introduction to Philosophy, General Logic, English Composition.

#### ADDITIONAL ACTIVITIES

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- Concurring Opinions Blog, Guest, April-May 2011; June 2010; August-September 2008
- Faculty Lounge Blog, Guest, October-November, 2008; April 2009.
- Opinio Juris Blog, Guest, November 2009.
- Prawfsblawg, Guest, November 2007; March-April 2008.

#### SERVICE

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##### *Referee*

- Yale University Press
- NYU Press
- *Law, Culture, and the Humanities*

##### *University*

- Faculty Advisor for the USC American Constitution Society student chapter.
- Dean's Executive Committee, 2009-2010.
- *Focus Carolina*, Research, Scholarship, and Creative Activities Committee, Spring 2009.
- Faculty Selection Committee, 2007-09.

- Hollings Chair Search Committee, 2006-08.
- USC Faculty Senate, 2006-09.
- Provost's Interdisciplinary Task Force Committee, 2007-08.
- Law School Career Services Committee, 2005-2006.

*Testimony*

- South Carolina Senate Judiciary Committee, S.1070, February 6, 2008 (testifying regarding the constitutionality of a proposal to require candidates for public office to submit to a drug test).
- South Carolina Senate Judiciary Committee, H.3159, April 24, 2008. (testifying regarding the constitutionality of approving a proposed "Foundations of American Law and Government" display that includes the Ten Commandments).