

# KEVIN MAILLARD

SYRACUSE UNIVERSITY COLLEGE OF LAW  
SYRACUSE, NY 13244

## EMPLOYMENT

### **Syracuse University College of Law**

Professor, 2012-Present; Assoc. Professor, 2010-2012; Asst. Professor, 2005-2010  
Committees: Promotions and Tenure 2016-2018; Admissions 2010-Present: Faculty  
Appointments 2005-2006

### **Visiting Professorships**

Columbia Law School, Spring 2018  
New York University (adjunct) Spring 2018  
Hofstra Law School, 2009-2010  
New York Law School, Spring 2009  
Fordham Law School, Fall 2008

### **Hughes Hubbard & Reed, LLP**, New York, NY

Summer Associate, 2004-2005

## EDUCATION

### **University of Michigan**, M.A., Ph.D. Political Theory, (2004)

Ford Foundation Dissertation Fellowship, 2003-2004  
Rackham Merit Fellowship, 1996-2002

### **University of Pennsylvania Law School**, J.D, 2002

Symposium Editor, Journal of Constitutional Law, 2001-2002  
Seminole Nation of Oklahoma Higher Education Award, 1999-2000  
Equal Justice Foundation Award, Penn Law, 2002, 2001

### **Duke University**, B.A., Public Policy, 1994

Seminole Nation of Oklahoma College Award, 1993  
Jack Neely Scholarship, 1991

## PROFESSIONAL ACTIVITIES

The New York Times, Contributor and Editor, 2014-present  
The Atlantic, Contributor, 2015-present  
Amer. Assoc. of Law Schools (AALS) Minority Section Executive Board, 2017-Present  
Kaplan/PMBR Bar Lecturer, 2008-Present  
Indigenous Nations and Peoples Law, SSRN, Co-editor, 2006-2014  
Alternatives to Marriage Project, Board Member 2009-2012  
Association for Law, Culture, and Humanities, Board Member 2007-2009  
Cooney Colloquium for Law and Humanities, Director 2006-2008

## **COURSES**

Family Law; Wills & Trusts; Children & the Law; Adoption; Marriage; Law & Pop Culture

## **PUBLICATIONS**

### Books and Book Chapters

- Commentary on *Reber v. Reiss*, *FEMINIST JUDGMENTS: REWRITTEN REPRODUCTIVE JUSTICE*, Kimberly Murcherson, ed. (Cambridge Univ. Press, 2020)
- LOVING IN A "POST-RACIAL" WORLD: RETHINKING RACE, SEX AND MARRIAGE*, Kevin Noble Maillard and Rose Cuizon Villazor, eds. (Cambridge Univ. Press, 2012)
- Redwashing History: Tribal Anachronisms in the Seminole Nation Cases*, in *THE INDIAN CIVIL RIGHTS ACT AT FORTY* (UCLA Press, 2011)
- A View of a Will: Miscegenation, Inheritance, and Family in Civil War-Era Charleston*, in *FAMILY VALUES IN THE OLD SOUTH* (Univ. of Florida Press, 2010)
- The Taint of Taint: Memory and the Denial of Mixed Race in the U.S.*, (Ph.D dissertation, University of Michigan, 2004)

### Law Journals

- Hollywood Loving*, 86 *FORDHAM L. REV.* 2647 (2018)
- Outlaw Parents*, 85 *FORDHAM L. REV.* 2629 (2017)
- Serial Paternity*, 2013 *MICHIGAN ST. L. REV.* 1369 (2014)
- Rethinking Children as Property: The Transitive Family*, 32 *CARDOZO L. REV.* 225 (2010)
- The Color of Testamentary Freedom*, 62 *SMU L. REV.* 101 (2009)
- The Multiracial Epiphany*, 76 *FORDHAM L. REV.* 2709 (2008)
- The Anatomy of Grey* (w/ Janis McDonald), 26 *LAW & INEQUALITY* 305 (2008)
- Redwashing History*, 1 *FREEDOM CTR. J.* 96 (2008)
- The Pocahontas Exception*, 12 *MICH. J. RACE & L.* 107 (2007)
- Parental Ratification*, 28 *AMERICAN INDIAN L. REV.* 107 (2003)

### Reviews

- Review, Bernie Jones, *Fathers of Conscience: Mixed Race Inheritance in the Antebellum South*, *LAW AND HISTORY REVIEW* (2012)
- Review, Robert A. Williams, Jr., *Like a Loaded Weapon: The Rehnquist Court, Indian Rights, and the Legal Theory of Racism in America*, *LAW AND HISTORY REVIEW* (2007)
- "*Foreword: Native Americans and the Constitution*," 5 *JOURNAL OF CONSTITUTIONAL LAW* 219 (2003)

## **SELECTED PRESENTATIONS**

- The Frontiers of Intimacy: Socio-Legal Approaches*  
Columbia Law School Center for Gender and Sexuality (4/18)
- Updating the Indian Child Welfare Act*  
Columbia Law School (4/18)
- Fifty Years of Loving v Virginia*  
Fordham Law School (10/17)
- Moore Kinship Symposium*  
Fordham Law School (10/16)
- Average Fathers*  
Columbia Law School Law and Culture Workshop (2/16)

*Multiracial Identity Roundtable*

UCLA Critical Race Theory Conference

*Interracial Relationships in the 21<sup>st</sup> Century*

Colgate University Roundtable (3/14)

*Super Paternity*

In Search of Equality in Family Law Symposium

MSU Law School (4/13)

*Interracial Marriage in a Post Racial World*

Black Law Students' Association

Stanford Law School (2/13)

*The New Family Values*

Faculty Workshop

Loyola Los Angeles Law School (9/12)

*Editorial Lunch*

NYT Editorial Board

NY, NY (6/12)

*The Cherokee Freedmen Controversy*

Indigenous Students' Association

University of Wisconsin Law School (3/12)

*Rethinking Tribal Sovereignty and Race*

Race and Sovereignty Conference

UCLA School of Law (3/11)

*The Ideology of Sovereignty*

Indigenous Law Conference

Michigan State Law School (10/10)

*Children as Property*

Association for the Study of Law, Culture, and the Humanities

Brown University (3/10)

*The Politics of Skin Color*

2010 Civil Rights Lecture

Hofstra University (2/10)

*The Paradox of Sovereignty*

Raven Lecture, Henderson Center for Social Justice

Berkeley Law School (3/09)

*Questioning Sovereignty*

Junior Faculty Workshop

Lewis & Clark Law School (6/08)

*The Human Rights Hierarchy (commentator)*

Woodrow Wilson International Center for Scholars

Washington, DC (4/08)

*The Multiracial Epiphany*

Multiracial Students Association

New York University Law School (2/08)

*The Ethics of Sovereignty*

Colloquium on Law and Citizenship

Southern Methodist University School of Law (1/08)

*"There Are No Black Indians": Native American Nations and the Crisis of Identity*

Reconstructions: Historical Consciousness and Critical Transformation

University of Cincinnati (10/07)  
*The Freedmen Cases: Tribal Sovereignty at the Tipping Point*  
 Federal Bar Association Indian Law Conference  
 Albuquerque, NM (4/2007)  
*Junior Faculty Roundtable*  
 The New Realism: The Next Generation of Scholarship in Federal Indian Law  
 Berkeley Law School (10/2006)  
*Tribal Citizenship Determinations: Past, Present, and Future*  
 Tribal Law and Government Conference  
 University of Kansas School of Law (10/2006)  
*The Interracial Cathexis: Cultural Fixations on Miscegenation in a Post-Loving Era*  
 Too Pure an Air: Law and the Quest for Freedom, Justice, and Equality  
 University of Gloucestershire, U.K. (7/2006)  
*Black Indian Blood: Competing Memories in the Seminole Nation of Oklahoma*  
 Center for the Study of Ethnicity and Race  
 Columbia University (2004)

#### SELECTED PERIODICALS

November 2021: “Fry Bread is Beloved, but Also Divisive” NYT Food  
 March 2020: “Parenting by FaceTime in Coronavirus Quarantine” NYT Family  
 July 2019: “Beyond Mother and Wife” NYT Arts  
 July 2018: “When Being a Good Dad Gets You Promoted to ‘Mommy’” NYT Ties  
 February 2017: “Children and Black Panther” NYT Arts  
 August 2017: “Who Counts as a Native American Actor?” NYT Arts  
 March 2017: “Where are the Interracial Couples?” NYT Arts  
 August 28, 2016: “A Cough is No Longer Just a Cough” NYT Opinion  
 August 4, 2016: “A Father’s Struggle to Stop His Daughter’s Adoption, Continued” The Atlantic  
 July 7, 2015: “A Father’s Struggle to Stop His Daughter’s Adoption” The Atlantic  
 June 16, 2015: “Why We Should Embrace the Racial Chaos” NYT Opinion  
 June 13, 2014: “Fatherhood is One Area Where Men are Unequal” NYT Opinion  
 April 21, 2014: “Sex and the Single Man” The Atlantic  
 Feb 2, 2014: “In Adoption, Does Race Matter?” NYT Opinion  
 Dec 3, 2013: “Not Cutting Ties, But Adding Them” NYT Opinion  
 November 6, 2013: “Biracial Cool: Bill de Blasio’s Fresh Electoral Asset” The Atlantic  
 July 23, 2013: “Racially Profiled in Palm Beach” The Atlantic  
 June 27, 2013: “Incorporate and Change” NYT Opinion  
 June 14, 2013: “The Myth of Rarity” NYT Opinion  
 May 17, 2013: “The right to police indifference” The Week Magazine  
 January 24, 2013: “Split the Baby With an Open Adoption” NYT Opinion  
 October 17, 2012: “Of Human Binders” NYT Op-Ed  
 October 10, 2012: “Not Married, Not Single” Essence Magazine, Nov ’12  
 August 28, 2012: “Modern Parenting: Scary! Read This Now!” NYT Opinion  
 July 21, 2012: “Playing the Interracial Card,” NYT Op-Ed  
 June 15, 2012: “Where is the Dad in Parenting?” NYT Opinion  
 May 29, 2012: “The Mysterious Age of Consent,” NYT Opinion  
 May 4, 2012: “Elizabeth Warren’s Birther Moment,” NYT Op-Ed  
 April 24, 2012: “The Myth of the Traditional Family,” NYT Opinion

Feb 14, 2012: "Beyond Blood Marriage Adoption," NYT Opinion  
October 14, 2011: Letter to the Editor, "We Are Family," NYT  
Sept 16, 2011: "Define Real Indians," NYT Opinion  
July 25, 2011: "It's Not a Trade School," NYT Opinion  
June 29, 2011: "Rejecting the Real Family," NYT Opinion  
May 17, 2007: "Black and Red," Indian Country Today

#### **MEDIA APPEARANCES**

March 3, 2017: commentator, "This 3-year old is at the center of a custody battle," ABC Nightline  
Nov 2, 2015: commentator, "Criminal Justice Reform" MSNBC Live  
June 29, 2015: commentator, "Fight for same sex marriage far from over" MSNBC Live  
Jun 6, 2015: commentator, "Breaking News: Same Sex Marriage Legal Nationwide" MSNBC Live  
Jun 3, 2015: commentator, "NC's religious freedom bill targets marriage equality," MSNBC Live  
August 4, 2014: commentator, "Marriage and Income Equality" NPR On Point  
April 27, 2014: commentator, "Schuette and the Future of Higher Education" Al Jazeera America  
April 14, 2014: commentator, "Sebilus legacy" and "Obama Catalyst" MSNBC Disrupt  
March 2, 2014: commentator, "Vet to Utah court: 'Right this wrong'" CNN  
Jan 9, 2014: commentator, "Interracial Relationships in 2014" Katie Couric Show  
Jan 2, 2013: commentator, "Utah and the Supreme Court" Al Jazeera America  
Dec 19, 2013: commentator, "Drug sentencing disparities" Al Jazeera America  
November 30, 2013: commentator, "The modern American family" MSNBC Disrupt with Karen Finney  
November 16, 2013: commentator, "The New Cool" MSNBC Disrupt with Karen Finney  
June 25, 2013: commentator, "The Voting Rights Act" MSNBC Live  
March 29, 2013: commentator, "How views on marriage have changed over time" MSNBC Live  
May 22, 2012: guest, Radio Boston, NPR-Boston, "Does the Warren Heritage Story Tell Us More about the Senator or the Media"  
May 7, 2012: guest, The Daily Circuit, NPR-Minnesota, "Does America Need to Rethink Family Values?"  
Feb 14, 2012: guest, Radio Times, NPR-Philadelphia, "Loving v. Virginia and the Right to Marry"