



## Blackman & Baude & Paulsen at San Diego Originalism Works-in-Progress Conference

Josh Blackman  
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On Thursday, the Supreme Court heard oral argument in *Trump v. Anderson*. As much fun as the arguments were, there was very little actual discussion of Section 3. There were only a handful of questions about insurrection, and only two of the Justices seemed interested in the office- and officer-issue. The real Section 3 oral argument, as far as I'm concerned, occurred in San Diego today at the Fifteenth Annual Originalism Works-in-Progress Conference. (This what Will meant at the FedSoc convention when he said "See you in San Diego.")

This gathering is one of my favorite every year. The Center for the Study of Constitutional Originalism at the University of San Diego selects several papers that focus on all aspects of originalism. The authors provide a short discussion of their paper (about 10 minutes), a commentator provides some comments (about 7 minutes), followed by about an hour of questions and answers. Unlike many (most?) conferences, there is a norm of attendees reading all of the papers. And the questions are extremely probing.0A Sweet ETF

This year, Professors Mike Rappaport and Mike Ramsey, put on a double feature about Section 3. Now, when the panel was schedule, we didn't anticipate it would be 48 hours after the Supreme Court heard oral argument. But the timing worked out quite well. Will Baude and Mike Paulsen present *The Sweep and Force of Section 3*, and I presented *Sweeping and Forcing the President into Section 3*. (Seth could not make the trip.) The format was Paulsen for ten minutes, Blackman for ten minutes, Baude for seven minutes, Blackman for seven minutes, followed by about 90 minutes of Q&A. It was fairly intense. The levels of sophistication of the questions, and answers at this session, dwarfed what we saw at One First Street on Thursday. The recording will be released sometime soon, though probably not before the Supreme Court decides *Trump v. Anderson*. In the interim, You can download my slides [here](#).

I may blog about several of the questions I received. But here, I'd like to thank Will and Mike for being generous sparring partners. Even where we disagree, we can do so respectfully. If Seth and I are "some scholars," then Will, Mike, and I are just "some more scholars."

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