

## Keith E. Whittington

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### Education

- Ph.D. Political Science, 1995  
Yale University, New Haven  
Graduated with Distinction
- M.A. Political Science, 1992  
Yale University, New Haven
- B.A. and B.B.A. Government, Finance, and Honors Business, 1990  
University of Texas, Austin  
Graduated with Highest Honors and Special Honors in Government

### Professional Experience

William Nelson Cromwell Professor of Politics, Princeton University, 2006-  
Professor of Politics, 2005-2006  
Associate Professor of Politics (with tenure), 2002-2005  
John Maclean Jr. Presidential Preceptor, 2000-2003  
Assistant Professor of Politics, 1997-2002

Visiting Professor of Law, Harvard Law School, Spring 2020

Visiting Professor of Law, University of Texas School of Law, 2005-2006

Assistant Professor of Politics, Catholic University of America, 1995-1997

Visiting Scholar, Social Philosophy and Policy Center, Bowling Green State University, Summer 1995

Instructor, Yale University, Spring 1994

Instructor, Houston Community College, Summer 1993

Teaching Fellow, Yale University, 1991-1993

### Editorial Experience

Series Editor, with Maeva Marcus, Mark Tushnet, and Melvin I. Urofsky, *Cambridge Studies on the American Constitution*, Cambridge University Press, 2010-

Series Editor, with Gerald Leonard, *New Essays on American Constitutional History*, American Historical Association, 2008-2018

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### Publications

#### Authored Books

*American Constitutionalism, volume 2: Rights and Liberties*, with Howard Gillman and Mark A. Graber. New York: Oxford University Press, 3<sup>rd</sup> ed., in progress (2<sup>nd</sup> ed., 2016; 1<sup>st</sup> ed., 2013).  
Winner of the Teaching and Mentoring Award for innovative instructional material in Law and Courts

*American Constitutionalism, volume 1: Structures of Government*, with Howard Gillman and Mark A. Graber. New York: Oxford University Press, 3<sup>rd</sup> ed., in progress (2<sup>nd</sup> ed., 2016; 1<sup>st</sup> ed., 2012).  
Winner of the Teaching and Mentoring Award for innovative instructional material in Law and Courts

*Repugnant Laws: Judicial Review of Acts of Congress from the Founding to the Present*. Lawrence: University Press of Kansas, 2019.  
Winner of Thomas M. Cooley Book Prize

*Speak Freely: Why Universities Must Defend Free Speech*. Princeton: Princeton University Press, 2018 (paperback, 2019).  
Excerpted in *Princeton Alumni Weekly* (March 7, 2018)  
Winner of Association of American Publishers PROSE Award in Education (Theory and Practice)  
Winner of Heterodox Academy Open Inquiry Award for Excellence in Scholarship

*American Political Thought: Readings and Materials*. New York: Oxford University Press, 2016.

*American Constitutionalism: Powers, Rights, and Liberties*, with Howard Gillman and Mark A. Graber. New York: Oxford University Press, 2014.

*Political Foundations of Judicial Supremacy: The Presidency, the Supreme Court, and Constitutional Leadership in U.S. History*. Princeton: Princeton University Press, 2007 (paperback, 2009; Peking University Press Chinese translation, 2010; Portuguese translation, forthcoming).  
Winner of the C. Herman Pritchett Award for best book in Law and Courts  
Winner of the J. David Greenstone Award for best book in Politics and History

*Constitutional Construction: Divided Powers and Constitutional Meaning*. Cambridge: Harvard University Press, 1999 (paperback, 2001).

*Constitutional Interpretation: Textual Meaning, Original Intent, and Judicial Review*. Lawrence: University Press of Kansas, 1999 (paperback, 2001; China Renmin University Press Chinese translation, 2006).

#### Monograph

*Judicial Review and Constitutional Politics*. Washington, D.C.: American Historical Association, 2016.

#### Edited Books

*Law and Politics: Critical Concepts in Political Science*. Four volumes. London, UK: Routledge Press, 2012.

*The Oxford Handbook of Law and Politics*, edited with R. Daniel Kelemen and Gregory A. Caldeira. Cambridge, UK: Oxford University Press, 2008 (online edition, 2009; paperback, 2010).

*Congress and the Constitution*, edited with Neal Devins. Durham, NC: Duke University Press, 2005.

#### Articles and Book Chapters

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- “The Value of Pluralism in the Academy,” *Society* (forthcoming).
- “A Formidable Weapon of Faction? The Law and Politics of Impeachment,” *Wake Forest Law Review* 55:2 (forthcoming).
- “Presidential Impeachments Should Not be Normalized,” in *Debating the Presidency: Conflicting Perspectives on the American Executive*, eds. Richard J. Ellis and Michael Nelson. 5<sup>th</sup> ed. (Washington, D.C.: CQ Press, forthcoming 2020).
- “Free Speech and the Diverse University,” *Fordham Law Review* 87:6 (2019): 2453-2477.
- “Academic Freedom and the Scope of Protections for Extramural Speech,” *Academe* 105:1 (January-February 2019).
- “Rogers M. Smith: Stories We Tell Ourselves,” *PS: Political Science and Politics* 51:4 (2018): 895-899.
- “Partisanship, Norms, and Federal Judicial Appointments,” *Georgetown Journal of Law and Public Policy* 16:2 (2018): 521-536.
- “Free Speech and Ideological Diversity on American College Campuses,” in *The Value and Limits of Academic Free Speech: Philosophical, Political, and Legal Perspectives*, eds. Donald Downs and Chris W. Surprenant. New York: Routledge Press, 2018.
- “Slavery and the U.S. Supreme Court,” in *The Political Thought of the Civil War*, eds. Alan Levine, Thomas W. Merrill, and James Stoner. Lawrence: University Press of Kansas, 2018.
- “Why Does the Supreme Court Uphold So Many Laws?,” with Benjamin Johnson. *University of Illinois Law Review* 2018:3 (2018): 1001-1048.
- “The Nondelegation Doctrine: Alive and Well,” with Jason Iuliano. *Notre Dame Law Review* 93:2 (2017): 619-646.
- “Originalism, Constitutional Construction, and the Problem of Faithless Electors,” *Arizona Law Review* 59:4 (2017): 903-945.
- “A Man for All Seasons: John Marshall’s Historical Reputation,” with Daniel Frost. *Polity* 49:4 (2017): 575-602.
- “Much Ado About Nothing: Signing Statements, Vetoes, and Presidential Constitutional Interpretation,” *William & Mary Law Review* 58:5 (2017): 1751-1791.
- “The Place of Congress in the Constitutional Order,” *Harvard Journal of Law and Public Policy* 40:3 (2017): 573-601.
- “Sober Second Thoughts: Evaluating the History of Horizontal Judicial Review by the U.S. Supreme Court,” *Constitutional Studies* 2 (2017): 97-116.
- “The Myth of the Nondelegation Doctrine,” with Jason Iuliano. *University of Pennsylvania Law Review* 165:2 (January 2017): 379-431.
- “Law and Courts in American Political Development,” in *The Oxford Handbook of American Political Development*, eds. Robert Lieberman, Suzanne Mettler, and Richard Valelly. New York: Oxford University Press, 2016.
- “The Power of Judicial Review,” in *The Oxford Handbook of the United States Constitution*, eds. Mark Tushnet, Sanford Levinson, and Mark Graber. New York: Oxford University Press, 2015.

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- “Some Dilemmas in Drawing the Public/Private Distinction in New Deal Era State Constitutional Law,” *Maryland Law Review* 75:1 (2015): 383-391.
- “State Constitutional Law in the New Deal Period,” *Rutgers University Law Review* 67:5 (Summer 2015): 1141-1168.
- “The Least Activist Court in History? The Roberts Court and the Exercise of Judicial Review,” *Notre Dame Law Review* 89:5 (2014): 2219-2252.
- “The Status of Unwritten Constitutional Conventions in the United States,” *University of Illinois Law Review* 2013:5 (2013): 1847-1870.
- “Originalism: A Critical Introduction,” *Fordham Law Review* 82:2 (2013): 375-409.
- “‘Our Own Limited Role in Policing These Boundaries’: Taking Small Steps on Health Care,” *Journal of Health Politics, Policy and Law* 38:2 (April 2013): 273-282.
- “The President’s Nominee: Robert Bork and the Modern Judicial Confirmation Process,” *Baker Center Journal of Applied Public Policy* 4:2 (Fall 2012): 85-99.
- “Making a Mountain Out of a Molehill? *Marbury* and the Construction of the Constitutional Canon,” with Amanda Rinderle. *Hastings Constitutional Law Quarterly* 39:3 (Spring 2012): 823-860.
- “On Pluralism within Originalism,” in *The Challenge of Originalism: Theories of Constitutional Interpretation*. Grant Huscroft and Bradley Miller, eds. New York: Cambridge University Press, 2011.
- “Is Originalism too Conservative?” *Harvard Journal of Law and Public Policy* 34:1 (Winter 2011): 29-41.
- “Constructing a New American Constitution,” *Constitutional Commentary* 27:1 (Fall 2010): 119-37.
- “The State of the Union is a Presidential Pep Rally,” *Inter Alia: Yale Law and Policy Review* 28 (June 2010) (<http://yalelawandpolicy.org/blog/2010/06/29/state-union-presidential-pep-rally>)
- “Constitutional Constraints in Politics,” in *The Supreme Court and the Idea of Constitutionalism*. Steven Kautz, Arthur Melzer, Jerry Weinberger, and M. Richard Zinman, eds. Philadelphia: University of Pennsylvania Press, 2009.
- “Judicial Checks on the Presidency,” in *The Oxford Handbook of the American Presidency*. George C. Edwards III and William G. Howell, eds. Cambridge, UK: Oxford University Press, 2009.
- “Judicial Review of Congress before the Civil War,” *Georgetown Law Journal* 97:5 (May 2009): 1257-1331.
- “Industrial Saboteurs, Reputed Thieves, Communists, and the Freedom of Association,” *Social Philosophy and Policy* 25:2 (2008): 76-91.
- Reprinted in *Freedom of Association*. Ellen Frankel Paul, Fred D. Miller, Jr., Jeffrey Paul, eds. New York: Cambridge University Press, 2008.
- “Constitutionalism,” in *The Oxford Handbook of Law and Politics*. Keith E. Whittington, R. Daniel Kelemen and Gregory A. Caldeira, eds. Cambridge, UK: Oxford University Press, 2008.
- “The Study of Law and Politics,” with R. Daniel Kelemen and Gregory A. Caldeira, in *The Oxford Handbook of Law and Politics*. Keith E. Whittington, R. Daniel Kelemen and Gregory A. Caldeira, eds. Cambridge, UK: Oxford University Press, 2008.

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- “Constitutional Theory as Political Science,” in *Constitutional Theory: Arguments and Perspectives*, Third Edition. Michael J. Gerhardt, Stephen M. Griffin, Thomas D. Rowe, Jr., eds. Newark, NJ: LexisNexis, 2007.
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- “The Constitution and Congressional Committees: 1971-2000,” with Neal Devins and Hutch Hicken, in *The Least Examined Branch: The Role of Legislatures in the Constitutional State*. Richard W. Bauman and Tsvi Kahana, eds. New York: Cambridge University Press, 2006.
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- “‘Interpose Your Friendly Hand’: Political Supports for the Exercise of Judicial Review by the United States Supreme Court,” *American Political Science Review* 99:4 (November 2005): 583-596.
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- “Judicial Review and Interpretation: Have the Courts Become Sovereign When Interpreting the Constitution?” in *Institutions of American Democracy: The Judicial Branch*. Kermit L. Hall and Kevin T. McGuire, eds. New York: Oxford University Press, 2005.
- “The Burger Court: Once More in Transition,” in *The Supreme Court of the United States: The Pursuit of Justice*. Christopher Tomlins, ed. New York: Houghton Mifflin, 2005.
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- “Congress Before the *Lochner* Court,” *Boston University Law Review* 85:3 (June 2005): 821-858.
- “Hearing about the Constitution in Congressional Committee,” in *Congress and the Constitution*. Neal Devins and Keith E. Whittington, eds. Durham, NC: Duke University Press, 2005.

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“Judicial Independence, the Power of the Purse, and Inherent Judicial Powers,” with G. Gregg Webb. *Judicature* 88:1 (July-August 2004): 12-19, 45.

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“*Marbury v. Madison* and the Politics of Judicial Supremacy,” in *Marbury v. Madison: 1803-2003 Un Dialogue Franco-Americain*. Elisabeth Zoller, ed. Paris: Dalloz, 2003.

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“Legislative Sanctions and the Strategic Environment of Judicial Review,” *I-Con: The International Journal of Constitutional Law* 1:3 (July 2003): 446-474.

“William H. Rehnquist: Nixon’s Strict Constructionist, Reagan’s Chief Justice,” in *Rehnquist Justice: Understanding the Court Dynamic*. Earl Maltz, ed. Lawrence: University Press of Kansas, 2003.

“The Separation of Powers at the Founding,” in *The Separation of Powers: Documents and Commentary*. Katy J. Harriger and William Owen Roberts, eds. Washington, D.C.: CQ Press, 2003.

“An ‘Indispensable Feature’? Constitutionalism and Judicial Review,” *New York University Journal of Legislation and Public Policy* 6:1 (Fall 2002): 21-33.

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“‘To Support this Constitution’: Judicial Supremacy in the Twentieth Century,” in *Marbury v. Madison: Documents and Commentary*. Mark A. Graber and Michael Perhac, eds. Washington, D.C.: CQ Press, 2002.

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“The Electoral College: A Modest Contribution,” in *The Longest Night: Polemics and Perspectives on Election 2000*. Arthur J. Jacobson and Michel Rosenfeld, eds. Berkeley: University of California Press, 2002.

“Yet Another Constitutional Crisis?” *William and Mary Law Review* 43:5 (April 2002): 2093-2149.

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“Taking What They Give Us: Explaining the Court’s Federalism Offensive,” *Duke Law Journal* 51:1 (October 2001): 477-520.

“The Political Foundations of Judicial Supremacy,” in *Constitutional Politics: Essays on Constitution Making, Maintenance and Change*. Sotirios A. Barber and Robert P. George, eds. Princeton: Princeton University Press, 2001.

“The Road Not Taken: *Dred Scott*, Constitutional Law, and Political Questions,” *Journal of Politics* 63:2 (May 2001): 365-391.

“Presidential Challenges to Judicial Supremacy and the Politics of Constitutional Meaning,” *Polity* 33:3 (Spring 2001): 365-395.

“In Defense of Legislatures,” *Political Theory* 28:5 (October 2000): 690-702.

“On the Need for a Theory of Constitutional Ethics,” *The Good Society: A PEGS Journal* 9:3 (Spring 2000): 60-66.

“Once More Unto the Breach: Post-Behavioralist Approaches to Judicial Politics,” *Law and Social Inquiry* 25:2 (Spring 2000): 601-634.

“Dworkin’s ‘Originalism’: The Role of Intentions in Constitutional Interpretation,” *Review of Politics* 62:2 (Spring 2000): 197-229.

“Herbert Wechsler’s Complaint and the Revival of Grand Constitutional Theory,” *University of Richmond Law Review* 34:2 (May 2000): 509-543.

Reprinted in *Constitutional Theory: Arguments and Perspectives*, Third Edition. Michael J. Gerhardt, Stephen M. Griffin, Thomas D. Rowe, Jr., eds. Newark, NJ: LexisNexis, 2007.

“Bill Clinton was no Andrew Johnson: Comparing Two Impeachments,” *University of Pennsylvania Journal of Constitutional Law* 2:2 (May 2000): 422-465.

“From Democratic Dualism to Political Realism: Transforming the Constitution,” *Constitutional Political Economy* 10:4 (November 1999): 405-414.

“Dismantling the Modern State? The Changing Structural Foundations of Federalism,” *Hastings Constitutional Law Quarterly* 25:4 (Summer 1998): 483-527.

Reprinted in *State and Local Government in a Federal System*, eds. Daniel Mandelker, Dawn Clark Netsch, Peter Salsich, and Judith Welch Wegner. Albany, NY: LexisNexis, 2010.

“Revisiting Tocqueville’s America: Society, Politics and Association in the Nineteenth Century,” *American Behavioral Scientist* 42:1 (September 1998): 21-32.

Reprinted in *Beyond Tocqueville: Civil Society and Social Capital in Comparative Perspective*. Bob Edwards, Michael W. Foley and Mario Diani, eds. Hanover: University Press of New England, 2001.

“The Rhetorical Presidency, Presidential Authority, and President Clinton,” *Perspectives on Political Science* 26:4 (Fall 1997): 199-207.

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Reprinted in *The Presidency, Then and Now*. Phillip G. Henderson, ed. Lanham, MD: Rowman & Littlefield, 2000.

“The Political Constitution of Federalism in Antebellum America: The Nullification Debate as an Illustration of Informal Mechanisms of Constitutional Change,” *Publius: The Journal of Federalism* 26:2 (Spring 1996): 1-24.

“Reconstructing the Federal Judiciary: The Chase Impeachment and the Constitution,” *Studies in American Political Development* 9:1 (Spring 1995): 55-116.

Short Book Reviews and Articles

“Academic Freedom under Threat,” *Academe* 106:1 (Winter 2020).

Jonathan Gienapp, *The Second Creation: Fixing the American Constitution in the Founding Era*. *American Historical Review* (forthcoming).

Nadine Strossen, *Hate: Why We Should Resist It With Free Speech, Not Censorship*. *Law and Politics Book Review* 29:10 (November 2019).

Sophia Rosenfeld, *Democracy and Truth: A Short History*. *American Political Thought* (forthcoming).

Eric Lomazoff, *Reconstructing the National Bank Controversy: Politics and Law in the Early American Republic*. *Perspectives on Politics* 17:3 (2019): 898-899.

Louis Fisher, *Supreme Court Expansion of Presidential Power: Unconstitutional Leanings*. *Congress & the Presidency* 45:2 (2018): 213-214.

“The Bounded Independence of American Courts,” *New York University Law Review Online* 93 (2018): 70-74 (<http://www.nyulawreview.org/sites/default/files/pdf/NYULawReviewOnline-93-Whittington.pdf>).

Clement Fatovic, *America’s Founding and the Struggle over Economic Inequality*. *The Historian* 79:4 (2017): 847-848.

Amanda Hollis-Brusky, *Ideas with Consequences: The Federalist Society and the Conservative Counterrevolution*. *American Political Thought* 5:3 (Summer 2016): 545-547.

Anna Harvey, *A Mere Machine: The Supreme Court, Congress, and American Democracy*. *Perspectives on Politics* 14:1 (March 2016): 233-235.

Stuart Chinn, *Recalibrating Reform: The Limits of Political Change*. *American Political Thought* 4:4 (Fall 2015): 681-683.

“Instructions,” “Judicial Supremacy,” in *American Governance*, ed. Stephen L. Schechter (New York: Macmillan, 2016).

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“Against Very Entrenched Constitutions,” *Wisconsin Law Review Online* (2015): 12-18 ([www.wisconsinlawreview.org/wp-content/files/Whittington-Final.pdf](http://www.wisconsinlawreview.org/wp-content/files/Whittington-Final.pdf))

Louis Fisher, *The Law of the Executive Branch: Presidential Power*. *Presidential Studies Quarterly* 44:3 (2014): 561-562.

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- “Assessing the Debate over Judicial Elections,” (review of G. Alan Tarr’s *Without Fear or Favor: Judicial Independence and Judicial Accountability in the States*). H-Net Reviews (November 2013)  
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- Jed Handelsman Shugerman, *The People’s Courts: Pursuing Judicial Independence in America*. *The Historian* 75:3 (Fall 2013): 586-588.
- “Competition or Cartel,” (review of Michael S. Greve’s *The Upside-Down Constitution*). *Review of Politics* 75:2 (2013): 282-285.
- David J. Bodenhamer, *The Revolutionary Constitution*. *Journal of American History* 99 (2013): 1221-1222.
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- “Judicial Review,” in *Oxford Companion to American Politics*, ed. David Coates (New York: Oxford University Press, 2012).
- “The Supreme Court in Politics,” (review essay on Lucas A. Powe, Jr.’s *The Supreme Court and the American Elite, 1789-2008*). *Reviews in American History* 39 (December 2011): 631-636.
- Cass R. Sunstein, *A Constitution of Many Minds: Why the Founding Document Doesn’t Mean What It Meant Before*. *Ethics* 120:2 (January 2010): 413-417.
- David E. Kyvig, *The Age of Impeachment: American Constitutional Culture since 1960*. *Indiana Magazine of History* 105:3 (September 2009) 295-296.
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- Stephen Elkin, *Reconstructing the Commercial Republic: Constitutional Design after Madison*. *Political Science Quarterly* 122:1 (Spring 2007): 182-183.
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- “Impeachable Offenses and Political Checks,” *Law and Courts* 8:4 (Fall 1998): 13-15.
- “A Reputational Ranking of Public Law Programs,” *Law and Courts* 8:3 (Summer 1998): 4-5.
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- Thomas D. Morris, *Southern Slavery and the Law, 1619-1860*. *Law and Politics Book Review* 8:1 (January 1998): 9-11 ([www.bsos.umd.edu/gvpt/lpbr](http://www.bsos.umd.edu/gvpt/lpbr)).

## Other

Regular Contributor, *The Volokh Conspiracy* (2019-) (<https://reason.com/volokh/>)

**Keith E. Whittington**

An extended list of substantial media contributions can be found at  
<https://scholar.princeton.edu/kewhitt/public-writings-0>

- "Must Impeachable Offenses Be Violations of the Criminal Code?" *Lawfare* (November 19, 2019)
- "The Dangerous Precedent of Trump's Obstruction of Congressional Oversight," *The Atlantic* (October 14, 2019)
- "Trump is Creating the Worst Constitutional Crisis in 150 Years," *Los Angeles Times* (October 10, 2019)
- "Must the House Vote to Authorize an Impeachment Inquiry?" *Lawfare* (October 9, 2019)
- "Impeachment Isn't Mandatory – Even if Trump Committed Impeachable Offenses," *Washington Post* (September 26, 2019)
- "Is a Senate Impeachment Trial Optional?" Niskanen Center (September 25, 2019)
- "Hating on Congress: An American Tradition," *Gallup Blog* (July 30, 2019)
- "Academic Freedom, Even for Amy Wax," *Academe Blog* (July 28, 2019).
- "Alan Dershowitz is Wrong about Impeachments," *Lawfare* (June 3, 2019)
- "How Trump Will Weaken the Presidency," *Lawfare* (May 16, 2019)
- "Should the House Impeach if the Senate Won't Convict?" *Lawfare* (May 8, 2019)
- "Reckoning with the Mueller Report, Volume Two," Niskanen Center (April 23, 2019)
- "Reckoning with the Mueller Report, Volume One," Niskanen Center (April 22, 2019)
- "When Is Impeachment the Right Remedy?" *Lawfare* (March 4, 2019)
- "Protecting Extramural Speech," *Academe Blog* (February 15, 2019)
- "Here's the Simple Reason why It's So Hard to Abolish Lame-Duck Legislative Sessions," *MarketWatch* (December 11, 2018).
- "Power Grab or Business as Usual?" *National Review Online* (December 10, 2018)
- "Free Speech is a Core Tent of the Academy. College Trustees Really Ought to Know That," *Chronicle of Higher Education* (December 5, 2018) (<https://www.chronicle.com/article/Free-Speech-Is-a-Core-Tenet-of/245264>).
- "The Dream of a Nonpartisan Supreme Court," Princeton University Press Blog (September 6, 2018) (<http://blog.press.princeton.edu/2018/09/06/keith-whittington-the-dream-of-a-nonpartisan-supreme-court/>).
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- "Anthony Kennedy's Supreme Court Legacy: Support for Both Flag-Burners and Citizens United," *MarketWatch* (June 28, 2018) (<https://www.marketwatch.com/story/anthony-kennedys-supreme-court-legacy-uncomfortable-free-speech-2018-06-28>).

**Keith E. Whittington**

- “Campus Protests Should Stop at the Door of the Classroom,” *Aeon* (June 20, 2018) (<https://aeon.co/ideas/campus-protests-should-stop-at-the-door-of-the-classroom>).
- “The Problem with Zombie Constitutional Amendments,” Harvard Law Review Blog (June 6, 2018) (<https://blog.harvardlawreview.org/the-problem-with-zombie-constitutional-amendments/>).
- “Free Speech and Ideological Diversity on American College Campuses,” Open Inquiry Project (May 2018) (<http://openinquiryproject.org/our-stories/the-value-and-limits-of-academic-speech-a-collection-of-free-speech-essays/free-speech-american-college/>).
- “Don’t Subpoena Testimony from the President,” *Lawfare* (May 4, 2018) (<https://www.lawfareblog.com/dont-subpoena-testimony-president>).
- “Tolerating Campus Dissent, Left and Right,” Princeton University Press Blog (April 25, 2018) (<http://blog.press.princeton.edu/2018/04/25/keith-whittington-tolerating-campus-dissent-left-and-right/>).
- “R.I.P. Congressional War Power,” *Lawfare* (April 20, 2018) (<https://www.lawfareblog.com/rip-congressional-war-power>).
- “The Kids are Alright,” Princeton University Press Blog (March 20, 2018) (<http://blog.press.princeton.edu/2018/03/20/keith-whittington-the-kids-are-all-right/>).
- “Offensive Speech in the Classroom,” *Academe Blog* (March 11, 2018) (<https://academeblog.org/2018/03/11/offensive-speech-in-the-classroom/>).
- “Departmentalism, Judicial Supremacy, and DACA,” *Lawfare* (February 26, 2018) (<https://www.lawfareblog.com/departamentalism-judicial-supremacy-and-daca>).
- “President Trump, #MeToo, and Congressional Power,” *Harvard Law Review Blog* (February 20, 2018) (<https://blog.harvardlawreview.org/president-trump-metoo-and-congressional-power/>).
- “Partisanship, Norms, and Federal Judicial Appointments,” *Balkinization* (November 29, 2017) (<https://balkin.blogspot.com/2017/11/partisanship-norms-and-federal-judicial.html>).
- “Trump’s Rhetoric is Offensive, But Is It an Impeachable Offense?” *Vox: Mischiefs of Faction* (August 4, 2017) (<https://www.vox.com/mischiefs-of-faction/2017/8/4/16093946/trump-andrew-johnson-rhetoric-offensive>).
- “The Power to Impeach Executive Officers,” *Lawfare* (August 4, 2017) (<https://www.lawfareblog.com/power-impeach-executive-officers>).
- “Possibly Impeachable Offenses: The Need for Congressional Investigation,” Niskanen Center (August 2, 2017) (<https://niskanencenter.org/blog/possibly-impeachable-offenses/>).
- “What is the Downside of Not Impeaching?” *Lawfare* (July 25, 2017) (<https://www.lawfareblog.com/what-downside-not-impeaching>).
- “The Coming Constitutional Crisis?” *Lawfare* (July 21, 2017) (<https://www.lawfareblog.com/coming-constitutional-crisis>).
- “So What Exactly Counts as an Impeachable Offense?” *Washington Post: Monkey Cage* (May 24, 2017) ([https://www.washingtonpost.com/news/monkey-cage/wp/2017/05/24/so-what-exactly-counts-as-an-impeachable-offense-spoiler-its-a-trick-question/?utm\\_term=.b1e2ed19c357](https://www.washingtonpost.com/news/monkey-cage/wp/2017/05/24/so-what-exactly-counts-as-an-impeachable-offense-spoiler-its-a-trick-question/?utm_term=.b1e2ed19c357)).
- “What is the Impeachment Power For?” *Law and Liberty* (May 22, 2017) (<http://www.libertylawsite.org/2017/05/22/what-is-the-impeachment-power-for/>).

- “How to Get Out of Impeachment Territory,” *Lawfare* (May 19, 2017) (<https://lawfareblog.com/how-get-out-impeachment-territory>)
- “Will the 25<sup>th</sup> Amendment Save Us? Lessons from the Nation’s First Impeachment,” *Vox: Mischiefs of Faction* (May 18, 2017) (<https://www.vox.com/mischiefs-of-faction/2017/5/18/15658236/25th-amendment-impeachment-issues>).
- “How Does Impeachment Work?” *The Atlantic* (May 17, 2017) (<https://www.theatlantic.com/politics/archive/2017/05/a-primer-on-the-impeachment-power/527052/>).
- “An Impeachment Should Not Be a Partisan Affair,” *Lawfare* (May 16, 2017) (<https://www.lawfareblog.com/impeachment-should-not-be-partisan-affair>).
- “Is the Supreme Court a Court?,” *Law and Liberty* (February 23, 2017) (<http://www.libertylawsite.org/2017/02/23/is-the-supreme-court-a-court/>).
- “Constitutional Norms Matter,” *Law and Liberty* (February 16, 2017) (<http://www.libertylawsite.org/2017/02/16/constitutional-norms-matter/>).
- “Departmentalism, Judicial Supremacy, and Trump,” *Balkinization* (February 15, 2017) (<https://balkin.blogspot.com/2017/02/departmentalism-judicial-supremacy-and.html>).
- “Making the Bricks of the Modern Presidency from Constitutional Straw: Review of Harold H. Bruff’s *Untrodden Ground*,” *Law and Liberty* (January 4, 2016) (<http://www.libertylawsite.org/book-review/making-the-bricks-of-the-modern-presidency-from-constitutional-straw/>)
- “Our Regional Constitution: Review of Akhil Reed Amar’s *The Law of the Land*,” *Wall Street Journal* (June 4, 2015): A13.
- “Paradise Lost: Review of Mike Lee’s *Our Lost Constitution: The Willful Subversion of America’s Founding Document*,” *Law and Liberty* (June 2, 2015) (<http://libertylawsite.org/2015/06/02/paradise-lost/>)
- Guest Blogger, *Liberty Law Blog* (April 2014) ([www.libertylawsite.org/blog](http://www.libertylawsite.org/blog))
- “Are Signing Statements a Bad Thing?” (April 28, 2014)
  - “Remembering Why Hayek Mattered” (April 26, 2014)
  - “What’s Wrong with Judicial Activism Anyway?” (April 21, 2014)
  - “One of the ‘Most Activist Judges We Have Right Now’” (April 10, 2014)
  - “Is the Roberts Court the Least Activist in History?” (April 8, 2014)
  - “Sowing the Seeds of an Originalist Future” (April 6, 2014)
  - “Constitutional Politics in the States” (April 6, 2014)
  - “How I Learned to Stop Worrying and Love Substantive Due Process – Sort of” (April 4, 2014)
  - “What Did John Marshall Accomplish in *Marbury v. Madison*” (April 2, 2014)
- “The Troublesome Case of *Lochner*: Symposium on *Rehabilitating Lochner*,” *Law and Liberty* (March 1, 2012) (<http://libertylawsite.org/post/keith-whittington-the-troublesome-case-of-lochner/>)
- “The Conquering Bureaucracy: Review of Daniel Carpenter’s *Reputation and Power: Organizational Image and Pharmaceutical Regulation at the FDA*,” *Reason* (December 2010): 62-65.
- “Originalism within the Living Constitution,” American Constitution Society Issue Brief (July 2007)
- “How to Read the Constitution: Self-Government and the Jurisprudence of Originalism,” First Principles Series, No. 5, Heritage Foundation (May 1, 2006).

## Keith E. Whittington

“Bogus Balance Banter,” *National Review Online* (August 10, 2005)  
([www.nationalreview.com/comment/whittington200508100749.asp](http://www.nationalreview.com/comment/whittington200508100749.asp))

“The Confirmation Process We Deserve: Review of Michael J. Gerhardt’s *The Federal Appointments Process: A Constitutional and Historical Analysis*,” *Policy Review* 107 (June-July 2001): 76-83.

Reprinted in *Current* 433 (June 2001): 36-41.

“The Politics of the Supreme Court: Review of Lucas A. Powe, Jr.’s *The Warren Court and American Politics*,” *Policy Review* 102 (August-September 2000): 63-70.

Reprinted in *Current* 426 (October 2000): 35-38.

“‘High Crimes’ After Clinton: Deciding What’s Impeachable,” *Policy Review* 99 (February-March 2000): 27-40.

“Not-So-Grand Inquests: Review of Richard A. Posner’s *An Affair of State: The Investigation, Impeachment, and Trial of President Clinton*” *Reason* (January 2000): 67-69.

“Serving the President: When Must the President Obey a Subpoena?” *Reason* (November 1998): 54-56.

“When is a Crime a ‘High Crime’?” *Chicago Tribune* (13 September 1998): 1:19.

### Works in Progress

*Constitutional Crises, Real and Imagined*, book under contract with Princeton University Press.

*The Idea of Democracy in America, from the American Revolution to the Gilded Age*, book under contract with University of Oklahoma Press.

*Advanced Introduction to Law and Politics*, book under contract with Edward Elgar

### Online Resources

Judicial Review of Congress Database (<https://scholar.princeton.edu/kewhitt/judicial-review-congress-database>)

Primary Documents in the History of American Constitutionalism (with Howard Gillman and Mark Graber)  
(<http://global.oup.com/us/companion.websites/umbrella/gillman/>)

Primary Documents in the History of American Political Thought  
(<http://global.oup.com/us/companion.websites/9780199338863/>)

### Teaching

#### Courses Taught (selected)

Constitutional Theory  
Theories of Judicial Review  
American Constitutional Development  
Civil Liberties  
American Political Thought  
Constitutional Originalism  
Free Speech and the Law  
Constitutional Difficulties in the Age of Trump

## Keith E. Whittington

Constitutional Originalism  
Law and Society  
American Political Development  
Philosophy of Law

### Dissertation Committees

James G. Pope (chair), Lynda G. Dodd (chair), Mariah Zeisberg, Bryan Shelly, Micah Watson, David Erdos (chair), Justin Crowe (chair), Tom Clark, David Glick (chair), Emily Zackin (chair), Michael Sullivan (chair), Rob Hunter (chair), Philip Wallach (chair), Daniel Frost (chair), Herschel Nachlis, Sean Beienburg, Marko Radenovic, P.J. Gardner, Jason Iuliano (chair), Benjamin Johnson, Geoffrey Sigalet, Paul Baumgardner

Chair of advisory committee to dissertation given Edward S. Corwin Award for best dissertation in public law by the American Political Science Association (Emily Zackin)

Chair of advisory committee to dissertation given best dissertation award by APSA Law and History Section (Emily Zackin)

Member of advisory committee to dissertation given best dissertation award by the APSA Legislative Politics Section (Tom Clark)

Advisor to two graduate student papers given best paper award by the APSA Law and Courts Section (David Glick, Tom Clark).

Advisor to one graduate student paper given best article award by the APSA Politics and History Section (Justin Crowe).

Advisor to one undergraduate student paper given best undergraduate paper award by the APSA Presidency Research Group (Brett Amelkin).

### Honors, Awards and Grants

Thomas M. Cooley Book Prize, Georgetown Center for the Constitution, 2020

Open Inquiry Award for Exceptional Scholarship, Heterodox Academy, 2019

PROSE Award in Education (Theory and Practice), Association of American Publishers, 2019

Stanley Kelley Teaching Award, Department of Politics, Princeton University, 2017

Teaching and Mentoring Award for innovative teaching materials in Law and Courts, APSA Law and Courts Section, 2013

Fellow, American Academy of Arts and Sciences (elected 2012)

Co-PI, National Science Foundation, Collaborative Research: Updating and Backdating the U.S. Supreme Court Judicial Database, 2009-2013

Co-PI, National Science Foundation, Collaborative Research: Updating and Backdating the U.S. Supreme Court Judicial Database, 2008

J. David Greenstone Award for best book in Politics and History, APSA Politics and History Section, 2008

C. Herman Pritchett Award for best book in Law and Courts, APSA Law and Courts Section, 2008

John Maclean Jr. Presidential Preceptorship, Princeton University, 2000-2003

Founders Award for the Best Convention Paper on the Presidency delivered at the 1999 American Political Science Association meeting, Presidency Research Group, 2000

Faculty Fellow, John M. Olin Foundation, 1999-2000

Junior Faculty Fellow, American Council of Learned Societies, 1999-2000

Selected as an Alternate, Woodrow Wilson Center, 1999-2000 (declined)

Selected as Fellow, Stanford Humanities Center, 1999-2000 (declined)

250<sup>th</sup> Anniversary Fund for Innovation in Undergraduate Education grant, Princeton University, 1998

University Committee on Research in the Humanities and Social Sciences grant, Princeton University, 1998, 2004

Selected as Fellow, National Humanities Center, 1997-1998 (declined)

University Research Fund grant, Catholic University of America, 1997

Nominee for American Political Science Association's Edward S. Corwin Dissertation Award, Department of Political Science, Yale University, 1996

Visiting Scholar, Social Philosophy and Policy Center, Bowling Green State University, 1995

## **Keith E. Whittington**

Newhouse Fellow in Writing, Yale University, 1992 (awarded by university in recognition of writing-intensive teaching)

Katherine K. Walker Prize, Yale University, 1992 (awarded by university for paper “Original Intent and the Nature of a Written Constitution”)

Charles Washburn Clark Prize, Department of Political Science, Yale University, 1992 (awarded by department for best paper on the subject of American politics)

### Conferences and Presentations

American Political Science Association annual meeting (2019, 2016-1997)

Western Political Science Association annual meeting (2012, 2011, 2007, 2003, 2001, 2000, 1999)

Midwest Political Science Association annual meeting (2014, 2012, 2011, 2006, 2004, 1997)

American Society for Legal History annual meeting (2007, 2005, 2002, 2001, 2000)

New England Political Science Association annual meeting (2003, 2001, 2000)

Association of American Law Schools' Conference (2010, 2008, 2004, 2002)

Conference on Empirical Legal Studies (2006)

Congress and History Conference (2007)

Federalist Society National Lawyers Conference (2017)

Federalist Society Faculty Conference (2004)

American Constitution Society Faculty Conference (2006)

Association for Public Policy Analysis and Management (2010)

Northeastern Political Science Association annual meeting (1997)

Southern Political Science Association annual meeting (1995)

Southwestern Political Science Association annual meeting (1993)

Invited lectures, workshops and conferences at Harvard University, Harvard Law School, Yale University, Yale Law School, Columbia University, Columbia Law School, Duke Law School, New York University Law School, New York University, Princeton University, University of Virginia Law School, University of Virginia, University of Michigan Law School, University of Michigan, Georgetown Law Center, University of Pennsylvania Law School, Boston University Law School, Northwestern University Law School, William and Mary Law School, Washington University Law School, University of San Diego Law School, Chicago-Kent Law School, Fordham Law School, University of Notre Dame Law School, Tulane University Law School, University of Southern California Law School, Western Ontario Law School, Pennsylvania State Law School, University of Toledo Law School, University of Oklahoma, University of Houston, Michigan State University, Center for American Law of Paris II University, Centre for Constitutional Studies of the University of Alberta, University of Massachusetts at Amherst, Rutgers University, University of Texas Law School, Texas A&M University, Washington College of Law, Chicago-Kent Law School, Claremont McKenna College, University of Chicago, University of Delaware, Swarthmore College, Baylor University, Bowling Green State University, University of Connecticut, Amherst College, Wellesley College, Johns Hopkins University, University of Wisconsin, University of North Texas, University of Dallas, Texas Christian University, Texas State University, University of Georgia, Dartmouth College, Wichita State University, Bucknell University, American University, Berry College, Lafayette College, Boston College, University of West Florida, University of California at Irvine, Brigham Young University, Christopher Newport University, University of Maryland at Baltimore County, Montgomery College, Holy Cross College, George Washington University, Washington State University, Georgetown/Maryland-PEGS Discussion Group on Constitutional Law, CUNY Graduate Center, Saint Vincent College, Annenberg Foundation, National Constitution Center, New Jersey Historical Commission, Heterodox Academy, Jack Miller Center Cato Institute, Heritage Foundation, Institute for Humane Studies, Liberty Fund, American Enterprise Institute, Institute for Civil Society, Reason Foundation, American Association of University Professors

### Professional Service

Activities:

## Keith E. Whittington

Member, Editorial Board, *Polity*, 2005-  
Member, Editorial Board, *American Political Thought*, 2010-  
Member, Editorial Board, *Law and Social Inquiry*, 2012-2015  
Member, Editorial Board, *Political Research Quarterly*, 2006-2018  
Member, Editorial Board, *Law and Courts*, 2005-2007  
Chair, Law and Courts Section C. Herman Pritchett Award Committee, 2014-2015  
Member, Law and Courts field journal search committee, 2010-2011  
Chair, Law and Courts Section Service Award Committee, 2012-2013 (recused)  
Member, Law and Courts Lasting Contribution Award Committee, 2008-2009  
Member, Law and Politics Book Review editor search committee, 2008-2009  
Member, *Political Research Quarterly* Best Article Award Committee, 2007-2008  
Member, Law and Courts Section Executive Committee, 2005-2007  
Member, Politics and History Section Mary Parker Follett Award Committee, 2003-2004  
Program Chair, Constitutional Law and Jurisprudence, American Political Science Association, 2003-2004  
Member, Law and Courts Section Nominating Committee, 2002-2003  
Program Chair, Judicial Politics and Public Law, Western Political Science Association, 2002-2003  
Member, Advisory Board, Constitutionalism and Democracy Series, University of Virginia Press, 2002-  
Member, American Political Science Association Edward S. Corwin Award Committee, 2001-2002  
Member, Politics and History Section Mary Parker Follett Award Committee, 2000-2001  
Program Chair, Politics and History, Western Political Science Association, 1999-2000  
Member, Law and Courts Section C. Herman Pritchett Award Committee, 1998-1999  
Member, Law and Courts Section Finances Review Committee, 1997-1998

### Manuscript and Grant Reviewer:

*American Law and Economics Review*, *American Journal of Legal History*, *American Journal of Political Science*, *American Political Science Review*, *American Political Thought*, *British Journal of Political Science*, *Congress & the Presidency*, *Ethics*, *Journal of American History*, *Journal of the Early Republic*, *Journal of Law and Religion*, *Journal of Political Philosophy*, *Journal of Politics*, *Journal of Policy History*, *Law and History Review*, *Law and Social Inquiry*, *Law and Society Review*, *Legal Theory*, *Law and Policy*, *Perspectives on Politics*, *Political Research Quarterly*, *Polity*, *Princeton University Library Chronicle*, *Presidential Studies Quarterly*, *Public Choice*, *Publius*, *Review of Politics*, *Studies in American Political Development*, *Women & Politics*, Cambridge University Press, Duke University Press, Harvard University Press, New York University Press, Oxford University Press, Princeton University Press, Stanford University Press, University of Chicago Press, University Press of Kansas, Yale University Press, University of Virginia Press, University of Missouri Press, Rowman & Littlefield, Lexington Books, Westview Press, SUNY Press, Polity Press, Meyner Center for the Study of State and Local Government, Institute for Humane Studies, National Endowment for the Humanities, National Humanities Center, National Science Foundation

### University and Department Service (Princeton University):

Director of the Graduate Program, 2007-2009, 2010-2013, 2014-2017  
Director of Undergraduate Program and Senior Advisor, 2002-2005  
Acting Director, James Madison Program in American Ideals and Institutions, 2004-2005  
Senior and Junior Independent Work Advisor, 2003-2005  
Chair, Faculty Committee on the Undergraduate Program, 2002-2005  
Chair, American Politics Search Committee, 2006-2008  
Chair, Public Law Search Committee, 2007-2009  
Member, Public Law Search Committee, 1998-1999, 2001-2002  
Member, American Politics Search Committee, 2003-2004  
Member, Political Theory Search Committee, 2011-2012, 2012-2013  
Member, Omnibus Faculty Search Committee, 2008-2009, 2010-2011  
Chair, Research Scholar in Public Law and Jurisprudence Search Committee, 2002-2003

## Keith E. Whittington

Member and Chair, Faculty Committee on the Graduate Program, 1998-1999, 2000-2001, 2006-2013, 2014-2017  
Member and Chair, Graduate Admissions Committee, 2002-2003, 2006-2017  
Chair, Graduate Program Review Committee, 2012-2013  
Member, Advisory Committee to the Chair, 2000-2001, 2003-2005, 2007-2008, 2010-11  
Departmental Affirmative Action Officer, 2002-2003  
Founder and Organizer, Public Law Colloquium, 2002-2004, 2006-2013, 2014-2016  
Organizer, Junior Faculty Research Workshop, 1998-1999  
Co-organizer, American Politics Colloquium, 2000-2001  
Public Law Field Coordinator, 1997-2003, 2006-  
Member, Law and Public Affairs Committee, 1997-1998  
Executive Committee, Center for the Study of Democratic Politics, 2000-2004, 2006-2009  
Executive Committee, James Madison Program in American Ideals and Institutions, 2002-  
Faculty Associate, James Madison Program in American Ideals and Institutions, 2000-  
Faculty Associate, Law and Public Affairs Program, 1999-  
Member, University Priorities Committee, 2003-2005  
Member, University Task Force on the Future of the Graduate School, 2014-2016  
Member, University Steering Committee on Firestone Library Renovations, 2007-  
Member, University Committee on Library and Computing, 2007-2012, 2015-2016  
Member, University Faculty Committee on the Graduate School, 2007-2009, 2010-2013, 2014-2017  
Member, University Committee on President's Award for Distinguished Teaching, 2008-2009  
Member, University Faculty Graduate Curriculum Committee, 2007-2008, 2012-2013, 2014-2015  
Member, University Faculty Graduate Fellowships Committee, 2008-2009, 2010-2011, 2015-2016  
Member, University Faculty Graduate Policy Committee, 2016-2017  
Member, University Committee on Classrooms and Schedules, 2003-2005  
Member, Social Science Reference Librarian Search Committee, 2004  
Member, Editorial Board, Princeton University Press, 2007-2008  
Member, Board of Trustees, American Whig Closophic Society, 2008-

11/1/19