

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

- David Boies Professor of Law, Yale University, 2024-
Professor of Political Science (secondary appointment), 2024-
- Faculty Director, Center for Academic Freedom and Free Speech, Yale University, 2024-
- William Nelson Cromwell Professor of Politics, Princeton University, 2006-2024 (emeritus 2024-)
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 Fellow, Hoover Institution, Spring 2022-
- Visiting Professor of Law, Georgetown University Law Center, Fall 2020
- 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, 2010-2020

Keith E. Whittington

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

Publications

Authored Books

The Impeachment Power: The Law, Politics, and Purpose of an Extraordinary Constitutional Tool. Princeton: Princeton University Press, 2024 (paperback, 2026).

You Can't Teach That! The Battle over University Classrooms. New York: Polity, 2024 (paperback, 2024).

American Constitutionalism, volume 1: Structures of Government, with Howard Gillman and Mark A. Graber. New York: Oxford University Press, 3rd ed., 2021 (2nd ed., 2016; 1st ed., 2012).
Winner of the Teaching and Mentoring Award for innovative instructional material in Law and Courts
Companion site: <http://global.oup.com/us/companion.websites/umbrella/gillman/>

American Constitutionalism, volume 2: Rights and Liberties, with Howard Gillman and Mark A. Graber. New York: Oxford University Press, 3rd ed., 2020 (2nd ed., 2016; 1st ed., 2013).
Winner of the Teaching and Mentoring Award for innovative instructional material in Law and Courts
Companion site: <http://global.oup.com/us/companion.websites/umbrella/gillman/>

Repugnant Laws: Judicial Review of Acts of Congress from the Founding to the Present. Lawrence: University Press of Kansas, 2019 (paperback, 2020).
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.
Companion site: <http://global.oup.com/us/companion.websites/9780199338863/>

The Complete American Constitutionalism, with Howard Gillman and Mark A. Graber. New York: Oxford University Press, 2015- . Two volumes published to date.

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).
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

Keith E. Whittington

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

“When Is It Reasonable to Impeach a Judge?” in *Beyond Checks and Balances: The Political Purpose of the Separation of Powers*, eds. Connor M. Ewing, Benjamin A. Kleinerman, and Charles U. Zug (Philadelphia: University of Pennsylvania Press, forthcoming 2026).

“Does the Constitution Empower the President to Impound Funds?” *UC Davis Law Review* (forthcoming 2026).

“Judicial Independence as a Constitutional Construction,” *Texas A&M Law Review* 14 (forthcoming 2026).

“Intellectual Diversity Mandates and the Freedom to Teach,” *Indiana Law Journal* (forthcoming 2026).

“What Can Professors Say on Campus? Intramural Speech, the First Amendment, and the Implications of *Garcetti*,” *George Washington University Law Review* 94:6 (forthcoming 2026).

“By Birth Alone: The Original Meaning of the Birthright Citizenship and Subject to the Jurisdiction of the United States,” *Harvard Journal of Law and Public Policy* 49:2 (Spring 2026): 459-538.

“Should Private Universities Tie Themselves to the First Amendment?,” *Journal of Contemporary Legal Issues* 27:1 (2025): 169-201.

“Diversity Statements, Academic Freedom, and the First Amendment,” *Nebraska Law Review* 103:4 (2025): 643-686.

“The Value of Institutional Neutrality for Free Inquiry,” *First Amendment Law Review* 23:3 (2024): 321-354.

“Presidential Immunity,” *Cato Supreme Court Review, 2023-2024* (2024): 283-317.

“Should We Trust the Censor?” *Daedalus* 153:3 (Summer 2024): 244-259.

Reprinted in *Journal of Free Speech Law* 5:2 (2024): 423-440.

“What Can Professors Say in Public? Extramural Speech and the First Amendment,” *Case Western Reserve Law Review* 73:4 (Summer 2023): 1121-1175.

“Justice Alito’s Free Speech Jurisprudence,” *Harvard Journal of Law and Public Policy* 46:S (Summer 2023): 893-914.

“Professorial Speech, the First Amendment, and Legislative Restrictions on Classroom Discussions,” *Wake Forest Law Review* 58:2 (Spring 2023): 463-524.

Featured in *JOTWELL: The Journal of Things We Like (Lots)* (January 19, 2024)

Keith E. Whittington

- “Impeachment in a System of Checks and Balances,” *Missouri Law Review* 87:3 (Summer 2022): 1171-1197.
- “Academic Freedom and the Mission of the University,” *Houston Law Review* 59:4 (2022): 821-841.
- “The Supreme Court as a Symbol in the Culture War,” *Georgetown Journal of Law and Public Policy* 19:2 (Summer 2022): 363-376.
- “The Value of Ideological Diversity Among University Faculty,” *Social Philosophy and Policy* 37:2 (Winter 2021): 90-113.
- “The Role of Norms in Our Constitutional Order,” *Harvard Journal of Law and Public Policy* 44:1 (Winter 2021): 17-28.
- “Is Presidential Impeachment Like a Coup?” *Georgetown Journal of Law and Public Policy* 18:S (Fall 2020): 669-692.
- “The Vexing Problem of Faithless Electors,” *Cato Supreme Court Review, 2019-2020* (2020): 67-97.
- “Practice-Based Constitutional Law in an Era of Polarized Politics,” *Georgetown Journal of Law and Public Policy* 18:2 (Summer 2020): 227-239.
- “A Formidable Weapon of Faction? The Law and Politics of Impeachment,” *Wake Forest Law Review* 55:2 (May 2020): 381-414.
- “Reconsidering the History of Judicial Review,” *Constitutional Commentary* 35:1 (Spring 2020): 1-12.
- “Presidential Impeachments Should Not be Normalized,” in *Debating Reform: Conflicting Perspectives on How to Fix the American Political System*, eds. Richard J. Ellis and Michael Nelson. 4th ed. (Washington, D.C.: CQ Press, 2020).
- “The Value of Pluralism in the Academy,” *Society* 56:6 (2019): 607-610.
- “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): 20-25.
- “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.

Keith E. Whittington

- “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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- “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.

Keith E. Whittington

“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.

Significantly revised and reprinted as “Overview of the Study of Law and Politics,” in *The Oxford Handbook of Political Science*. Robert E. Goodin, ed. Cambridge, UK: Oxford University Press, 2009.

“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.

“Presidents, Senates, and Failed Supreme Court Nominations,” 2006 *The Supreme Court Review* (2007): 401-438.

“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.

“Give ‘The People’ What They Want?” *Chicago-Kent Law Review* 81:3 (2006): 911-922.

“Recovering ‘From the State of Imbecility,’” *Texas Law Review* 84:6 (May 2006): 1567-1586.

“Preserving the ‘Dignity and Influence of the Court’: Political Supports for Judicial Review in the United States,” in *The Art of the State: Rethinking Political Institutions*. Ian Shapiro, Stephen Skowronek, and Daniel Galvin, eds. New York: New York University Press, 2006.

“The Presidential Impeachment Process is Basically Sound,” in *Debating the Presidency: Conflicting Perspectives on the American Executive*. Richard J. Ellis and Michael Nelson, eds. Washington, D.C.: CQ Press, 2006.

“A Note on Commercial Speech in the Era of Late Capitalism,” *The Good Society: A PEGS Journal* 14:2 (2005): 40-43.

Keith E. Whittington

- “Clothed with the Legitimate Authority of the People,” *Virginia Law Review* 91:8 (December 2005): 2023-2046.
- “‘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.
- “Let’s Call the Whole Thing Off?” *Constitutional Commentary* 22:2 (Summer 2005): 365-382.
- “Constitutional Theory and the Faces of Power,” in *The Judiciary in American Democracy: Alexander Bickel, the Countermajoritarian Difficulty, and Contemporary Constitutional Theory*. Kenneth D. Ward and Cecilia R. Castillo, eds. Albany: State University of New York Press, 2005.
- “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.
- “James Madison Has Left the Building,” *University of Chicago Law Review* 72:3 (Summer 2005): 1137-1158.
- “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.
- “The New Originalism,” *Georgetown Journal of Law and Public Policy* 2:2 (Summer 2004): 599-613.
- Reprinted in *Constitutional Theory: Arguments and Perspectives*, Third Edition. Michael J. Gerhardt, Stephen M. Griffin, Thomas D. Rowe, Jr., eds. Newark, NJ: LexisNexis, 2007.
- “The *Casey* Five versus the Federalism Five: Supreme Legislator or Prudent Umpire?,” in *That Eminent Tribunal: Judicial Supremacy and the Constitution*. Christopher Wolfe, ed. Princeton: Princeton University Press, 2004.
- “Judicial Independence, the Power of the Purse, and Inherent Judicial Powers,” with G. Gregg Webb. *Judicature* 88:1 (July-August 2004): 12-19, 45.
- Reprinted in *Current* 467 (November 2004): 3.
- “The Court as the Final Arbiter of the Constitution: *Cooper v. Aaron* (1958)” in *Creating Constitutional Change: Clashes over Power and Liberty in the Supreme Court*. Gregg Ivers and Kevin McGuire, eds. Charlottesville: University of Virginia Press, 2004.
- “*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.
- “Executive Power in American Institutional Development,” with Daniel P. Carpenter. *Perspectives on Politics* 1:3 (September 2003): 495-513.
- “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.

Keith E. Whittington

- “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.
- “It’s Alive! The Persistence of the Constitution,” *The Good Society: A PEGS Journal* 11:2 (Spring 2002): 8-12.
- “‘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.
- “The Death of the Legalized Constitution and the Specter of Judicial Review,” in *Courts and the Culture Wars*. Bradley C. Watson, ed. Lanham, MD: Lexington Books, 2002.
- “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.
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- “Extrajudicial Constitutional Interpretation: Three Objections and Responses,” *North Carolina Law Review* 80:3 (March 2002): 773-851.
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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.

Keith E. Whittington

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“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.

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

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“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

“The Challenges Facing Academic Freedom and Free Speech,” *Catholic University Law Review* 74:3 (Summer 2025): 449-454.

Review of Vincent Phillip Munoz, *Religious Liberty and the American Founding*, *Perspectives on Politics* 21:1 (March 2023): 356-357.

“Speaking Power to Truth,” Review of Ulrich Baer, *What Snowflakes Get Right*, *Claremont Review of Books* 21:1 (Winter 2020/21): 81-83.

“How War Powers Eclipsed Constitutional Design.” Review of Sarah Burns, *The Politics of War Powers*, *Law & Liberty* (December 8, 2020).

“The Inescapable Pull of Our Unsatisfying Electoral College.” Review of Alexander Keyssar, *Why Do We Still Have the Electoral College?*, *The New Rambler* (November 2, 2020).

Jonathan Gienapp, *The Second Creation: Fixing the American Constitution in the Founding Era*. *American Historical Review* 125:1 (February 2020): 225-226.

Sophia Rosenfeld, *Democracy and Truth: A Short History*. *American Political Thought* 9:1 (2020): 175-177.

- “Academic Freedom under Threat,” *Academe* 106:1 (Winter 2020).
- Nadine Strossen, *Hate: Why We Should Resist It With Free Speech, Not Censorship*. *Law and Politics Book Review* 29:10 (November 2019): 127-30.
- 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.
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- Louis Fisher, *The Law of the Executive Branch: Presidential Power*. *Presidential Studies Quarterly* 44:3 (2014): 561-562.
- “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) (<http://www.h-net.org/reviews/showrev.php?id=38849>)
- 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.
- Jack M. Balkin, *Constitutional Redemption: Constitutional Faith in an Unjust World*. *Review of Metaphysics* 65 (June 2012): 861-862.

Keith E. Whittington

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- “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.
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- 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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- Beau Breslin, *From Words to Worlds: Exploring Constitutional Functionality*. *Law and Politics Book Review* 19:5 (June 2009): 337-340 (www.bsos.umd.edu/gvpt/lpbr).
- Richard E. Ellis, *Aggressive Nationalism: McCulloch v. Maryland and the Foundation of Federal Authority in the Young Republic*. *Journal of American History* 96:1 (June 2009): 200.
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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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- Contributing Writer, *The Dispatch* (2025-) (<https://thedispatch.com/author/keith-e-whittington/>)
- Host, The Academic Freedom Podcast (2021-) (<https://academicfreedom.org/podcasts/>)
- Public Statements on behalf of the Academic Freedom Alliance (2021-) (<https://academicfreedom.org/public-statements/>)
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 - “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)
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 - “Sowing the Seeds of an Originalist Future” (April 6, 2014)
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 - “How I Learned to Stop Worrying and Love Substantive Due Process – Sort of” (April 4, 2014)
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Keith E. Whittington

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Works in Progress

Free Speech and the Fight for Liberty and Equality, book under contract with Polity

Think Freely: Why Universities Need Academic Freedom, book in preparation

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.

Revisiting the Kalven Report: The University’s Role in Political and Social Action, edited with John Tomasi, book under contract with Johns Hopkins University Press

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/>)

Keith E. Whittington

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
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, Ben Sasso, Tom Donnelly

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 Politics and History Section (Paul Baumgardner)

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

James Q. Wilson Award, Association for the Study of Free Institutions, 2025

Fellow, American Academy of Science & Letters, (elected 2024)

Runner-Up, Excellence in Civic Education Award, Jack Miller Center, 2021

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

Keith E. Whittington

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)
250th 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
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 (2023, 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 (2023, 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

Keith E. Whittington

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:

Chair, Academic Committee, Academic Freedom Alliance, 2020-
Founding Member, Academic Freedom Alliance, 2020-
Host, The Academic Freedom Podcast, 2021-
Expert Consultant, Impeachment Trial of Texas Attorney General Ken Paxton, 2023
Member, Presidential Commission on the Supreme Court of the United States, 2021-2022
Member, Board of Directors, Foundation for Individual Rights and Expression, 2020-
Member, Litigation Committee, Foundation for Individual Rights and Expression, 2021-
Member, Editorial Board, *American Political Thought*, 2010-
Member, *American Political Thought* Best Article Award Committee, 2019-2020
Member, Editorial Board, *Congress & the Presidency*, 2023-
Member, Independent Review Council, iCivics, 2022-2023
Member, Editorial Board, *Polity*, 2005-2020
Member, Editorial Board, *Law and Social Inquiry*, 2012-2015
Member, Editorial Board, *Political Research Quarterly*, 2006-2018
Member, *Political Research Quarterly* Best Article Award Committee, 2007-2008
Member, American Political Thought Section Executive Council, 2019-2021
Member, Law and Courts Section, American Political Science Association
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, Editorial Board, *Law and Courts*, 2005-2007
Member, Law and Courts Section Executive Committee, 2005-2007
Member, Law and Courts Section Nominating Committee, 2002-2003
Member, Law and Courts Section C. Herman Pritchett Award Committee, 1998-1999
Member, Law and Courts Section Finances Review Committee, 1997-1998
Member, Politics and History Section, American Political Science Association
Member, Politics and History Section Mary Parker Follett Award Committee, 2003-2004
Member, Politics and History Section Mary Parker Follett Award Committee, 2000-2001
Program Chair, Constitutional Law and Jurisprudence, American Political Science Association, 2003-2004
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
Program Chair, Politics and History, Western Political Science Association, 1999-2000

Manuscript and Grant Reviewer:

Keith E. Whittington

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
Interim Acting Director, Law and Public Affairs Program, 2020-2021
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
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, 2020-2021
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

Keith E. Whittington

Member, Social Science Reference Librarian Search Committee, 2004
Member, Editorial Board, Princeton University Press, 2007-2008
Member, Board of Trustees, American Whig Clisophic Society, 2008-

3/1/26