

## **William Baude**

baude@uchicago.edu • (773) 702-0348  
University of Chicago Law School  
1111 E. 60th St. • Chicago, IL • 60637

### Experience

#### **University of Chicago Law School**

Neubauer Family Assistant Professor of Law, 2014-present

#### **Stanford Law School**

Fellow, Constitutional Law Center, 2011-2013

#### **University of San Diego Law School**

Summer Fellow, Center for the Study of Constitutional Originalism, 2012 & 2013

#### **Robbins, Russell, Englert, Orseck, Untereiner & Sauber LLP**

Associate, 2009-2011

#### **Chief Justice John G. Roberts, Jr., U.S. Supreme Court**

Law clerk, 2008-2009

#### **Judge Michael McConnell, U.S. Court of Appeals for the Tenth Circuit**

Law clerk, 2007-2008

### Education

#### **Yale Law School**

J.D. (2007)

*Yale Law Journal*, Articles and Essays Editor

#### **University of Chicago**

B.S., Mathematics with Specialization in Economics (2004)

### Legal Publications

#### [Is Qualified Immunity Unlawful?](#)

106 CAL. L. REV. (forthcoming 2018)

Standing in the Shadow of Congress,

2016 SUP. CT. REV. (forthcoming 2017)

#### [The \(Not So\) Plain Meaning Rule,](#)

84 U. CHI. L. REV. \_\_\_\_ (forthcoming 2017)  
(with Ryan Doerfler)

[Making Doctrinal Work More Rigorous: Lessons from Systematic Reviews,](#)

84 U. CHI. L. REV. \_\_\_\_ (forthcoming 2017)  
(with Adam S. Chilton & Anup Malani)  
(symposium: Developing Best Practices for Legal Analysis)

[Sovereign Immunity and the Constitutional Text,](#)

103 VA. L. REV. 1 (2017)

[The Law of Interpretation,](#)

130 HARV. L. REV. 1079 (2017)  
(with Stephen E. Sachs)

[Originalism's Bite,](#)

20 GREEN BAG 2D. 103 (2016)  
(with Stephen E. Sachs)  
(response to Richard Posner, *What Is Obviously Wrong With the Federal Judiciary, Yet Eminently Curable, Part II*, 19 GREEN BAG 2D 257 (2016))

[The Positive Law Model of the Fourth Amendment,](#)

129 HARV. L. REV. 1827 (2016)  
(with James Y. Stern)

[Is Originalism Our Law?,](#)

116 COLUM. L. REV. 2349 (2015)

[State Regulation and the Necessary and Proper Clause,](#)

65 CASE W. RES. L. REV. 308 (2015)  
(symposium on marijuana and federalism)

[The Supreme Court's Shadow Docket,](#)

9 NYU J. L. & LIBERTY 1 (2015)  
(Supreme Court Foreword)

[Sharing the Necessary and Proper Clause,](#)

128 HARV. L. REV. F. 39 (2014)  
(response to John Manning, *The Supreme Court, 2013 Term – Foreword: The Means of Constitutional Power*, 128 HARV. L. REV. 1(2014))

[Rethinking the Federal Eminent Domain Power,](#)

122 YALE L. J. 1738 (2013)

[Interstate Recognition of Same-sex Marriage after \*Windsor\*](#),  
8 NYU J. L. & LIBERTY 150 (2013)  
(Supreme Court symposium)

[Jurisdiction and Constitutional Crisis](#),  
65 FLORIDA LAW REVIEW FORUM 1 (2013)  
(response to Gerard N. Magliocca, *The Gold Clause Cases and Constitutional Necessity*, 64  
FLA. L. REV. 1243 (2012))

[Beyond DOMA: Choice of State Law in Federal Statutes](#),  
64 STAN. L. REV. 1371 (2012)

[Clarification Needed: Fixing the Jurisdiction Venue and Clarification Act](#),  
110 MICH. L. REV. FIRST IMPRESSIONS 33 (2012)

[Signing Unconstitutional Laws](#),  
86 IND. L.J. 303 (2011)

[The Judgment Power](#),  
96 GEO. L.J. 1807 (2008)

## Works in Progress

[Early American Constitutional History: A Source Guide](#) (draft)  
(with Jud Campbell)

Constitutional Liquidation (draft)

Arguing with Friends (draft)  
(with Ryan Doerfler)

To Jurisprudence and Back Again (rough draft)  
(with Stephen E. Sachs)

## Textbook

The Constitution of the United States (Foundation: 3d ed. 2016)  
(with Michael Stokes Paulsen, Steven Gow Calabresi, Michael W. McConnell &  
Samuel L. Bray)

## Popular Publications

### [Constitutional Officers: A Very Close Reading](#)

JOTWELL (July 28, 2016)

### [Why the Supreme Court's Texas Abortion Decision Is So Momentous & What Do This Week's Supreme Court Decisions Mean For Immigration and Affirmative Action?](#)

NEW YORK TIMES MAGAZINE (June 24 & 27, 2016)

(with Emily Bazelon, Eric Posner, and Nikole Hannah-Jones)

### [Star Wars Destroyed](#)

THE NEW RAMBLER (May 31, 2016)

(reviewing Cass Sunstein, *The World According to Star Wars*)

### [The Supreme Court after Scalia](#)

CHICAGO TRIB. (Feb. 16, 2016)

### [Rationalism, Pluralism, and Federalism](#)

BLEEDING HEART LIBERTARIANS (Jan. 11, 2016)

(symposium on JACOB LEVY, RATIONALISM, PLURALISM, AND FREEDOM)

### [Is Polygamy Next?](#)

N.Y. TIMES, July 21, 2015, at A27

### [The Power of Promises,](#)

JOTWELL (July 10, 2015)

### [Is the Death Penalty Unconstitutional?](#)

N.Y. TIMES, July 7, 2015

### [The Legal Power of Standing,](#)

N.Y. TIMES, May 14, 2015

### [Originalism: A Debate,](#)

THE UNIVERSITY OF CHICAGO LAW SCHOOL RECORD, (Spring 2015) (with Eric Posner)

*excerpted from* [our blog posts](#)

### [Could Obama Bypass the Supreme Court?](#)

N.Y. TIMES, Mar. 17, 2015, at A27

### [The Supreme Court's Secret Decisions,](#)

N.Y. TIMES, Feb. 3, 2015, at A23

[Originalism and the Positive Turn,](#)

LIBERTY LAW FORUM (Dec. 12, 2014)

The Takings Clause,

in HERITAGE GUIDE TO THE CONSTITUTION (2nd ed. 2014)

[Understanding Prophylactic Supreme Court Decisions,](#)

JOTWELL (July 14, 2014)

[What Divides The Court, and What Unites It,](#)

SCOTUSBLOG symposium on NLRB v. Noel Canning (Jun. 27, 2014)

Whatever Your Ideology, President Obama's Appointments Are  
Unconstitutional

FORBES (Jan. 12, 2014)

Constitutional Avoidance in Baby Girl,

PRAWFSBLAWG, *reprinted in* 3 J.L. 279 (The Post) (2013)

[The Problem with Retroactivity Rules,](#)

N.Y. TIMES ROOM FOR DEBATE, (Sept. 18, 2013)

[State Boundaries and Constitutional Limits,](#)

JOTWELL (June 18th, 2013)

[Married in New York but Not in Texas,](#)

SLATE (Apr. 12, 2013)

[New Light on the Old World of Commandeering,](#)

JOTWELL (Sep. 12, 2012)

[Access to Eagles,](#)

Letter, 14 GREEN BAG 2D 245 (2011)

[Last Chance on Death Row,](#)

WILSON QUARTERLY (Fall 2010)

The Treaty Power

*in* THE ENCYCLOPEDIA OF THE SUPREME COURT (Gale 2008)

[States of Confusion,](#)

N.Y. TIMES, Jan. 22, 2006, at 17

## Other Professional Activities

Paul M. Bator Award (2017)

Affiliated Scholar, Center for the Study of Constitutional Originalism,  
University of San Diego Law School

Advisor, Regulation and Rule of Law Initiative, Hoover Institution (2016-18)

Board of Directors, The Yale Law Journal Corporation  
(2014-present; President 2015-present)

Elected Member, American Law Institute

(Adviser, Third Restatement of the Conflict of Laws)

Contributor: [Vlokh Conspiracy at the Washington Post](#)

Amicus Brief: [Brief of Constitutional Law Scholars in NLRB v. Noel Canning](#),  
U.S. Supreme Court, No. 12-1281