

ROBERT W. BENNETT

Business Addresses and Phone:

Northwestern University School of Law
357 East Chicago Avenue
Chicago, Illinois 60611
(312) 503-8430
Email: r-bennett@law.northwestern.edu
Fax: 312-503-5950

Academic Positions:

Nathaniel L. Nathanson Professor of Law, Northwestern University School of Law,
2002-present

Professor of Law, Northwestern University School of Law, 1974-Present

Dean and Professor, Northwestern University School of Law, 1985-95

Associate Professor of Law, Northwestern University School of Law, 1971-74

Assistant Professor of Law, Northwestern University School of Law, 1969-71

Visiting Professor, Brooklyn Law School, 2004-05

Visiting Professor, Benjamin N. Cardozo, 2007

Visiting Scholar, European University Institute, 1995-96

Visiting Professor, University of Southern California Law Center, 1982-83

Visiting Professor, University of Virginia School of Law, 1976 (fall)

Visiting Professor (part-time), University of Illinois College of Law, 1976 (spring)
1974 (fall)

Professional Positions:

Professional Arbitrator, 1974-present

Consultant, Administrative Conference of the United States, 1971-72

Consultant, Community Relations Service, United States Department of Justice,
1970-72

Associate, Mayer, Brown & Platt, Chicago, Illinois, 1968-69

OEO Reginald Heber Smith Fellow, assigned to Chicago Legal Aid Bureau, 1967-68

Legal Assistant to the Honorable Nicholas Johnson, Federal Communications Commission, 1966-67

Education:

Harvard College, B.A. 1962, summa cum laude, phi beta kappa

Harvard Law School, LL.B. 1965, cum laude, Harvard Law Review

London School of Economics, Knox Fellowship awarded by Harvard University, 1965-66

Selected Professional and Civic Activities:

National Conference of Commissioners on Uniform State Laws, Reporter, "Faithless" Elector Law, 2009-present

American Bar Foundation
President, 1992-94
Vice President, 1990-92
Treasurer, 1986-87
Member, Board of Directors, 1986-95

Chicago Council of Lawyers (Co-founder)
President, 1971-72
Board Member, 1969-74, 1977-79

Special Commission on the Administration of Justice in Illinois
Member, 1992-94

Civil Justice Reform Act Advisory Committee of the United States District Court for the Northern District of Illinois
Member, 1991-94

NAACP Legal Defense and Educational Fund, Inc.
Co-chair, 1988-94
Member, Chicago Steering Committee, 1986-94

George M. Pullman Educational Foundation
Member, Board of Directors, 1986-96, 1997-present

Chairman, Executive Director Search Committee, 1998

Illinois Task Force on Crime and Corrections,
Member, 1992-94

Center for Public Resources Chicago ADR (Alternative Dispute Resolution)
Panel Member, 1988-present

Advisory Council, The Appleseed Foundation,
Member, 1996-present

Chicago Appleseed Foundation, Board Member, 2005 (ca.)-present

Chicago Council of Lawyers Merit Selection Review Panel
Co-chairman, 1988

Project Merit Selection of Judges
Member, Steering Committee, 1987

Chicago Cable Television Study Commission
Member, 1981-82

Commission to Revise Illinois Public Aid Code
Member, 1978-80

1971 Consultant to Governor Richard Ogilvie on matters of welfare and employment,

Hearing Board, Illinois Attorney Disciplinary System
Member, 1973-75

Professional Membership:

American Law Institute

Chicago Council of Lawyers

American Bar Association

Fellow of the American Bar Foundation

Courses and Seminars Taught at Northwestern:

Contracts, Constitutional Law, Legislation, The Law of American Democracy (seminar), Constitutional Theory, Broadcast Regulation, Welfare, Litigation, Administrative Law, Torts, Lab Seminar in Procedure

Major Northwestern Committee Assignments:

Appointments Committee, Chairman, at various times 1973-84
Member at various other times

Rosenthal Lectures Committee, Chairman 1975-84

Clinical Education Committee, Chairman 1972-73

University General Faculty Committee, Member 1972-75

Law School Faculty Advisory Committee, Member 1971-74, 1975-78, 1983-85, 1997-99, 2002-04, 2005-07; Chairman 1984-85, 2002-04

Budget and Resources Advisory Committee (to University President) 1984-85

University Committee on Retirement and Related Issues, 1987

Other Northwestern Administrative Responsibilities:

Director of Research, 1977-85

Faculty Advisor, Miner Moot Court Competition, 1970-74

Faculty Advisor, OEO-Funded Journal, Clearinghouse Review

Publications:

Books:

Constitutional Originalism: A Debate (2011 [page proofs reviewed, should be published by May]) (co-authored with Larry Solum)

Chi Ellege Il Presidente Degli Stati Uniti (Giuffre Editore 2009) (Italian translation of Taming the Electoral College below)

Taming the Electoral College (Stanford University Press 2006)

Talking it Through: Puzzles of American Democracy (Cornell University Press 2003)

Harvard Child Health Project Report, Vol. I: Toward a Primary Medical Care System Responsive to Children's Needs (Ballinger Publishing Co. 1977) (with other members of the project task force)

Representing the Audience in Broadcast Proceedings (Office of Communications, United Church of Christ 1974)

Hornbook on Law of the Poor (West Publishing Co. 1973) (with Arthur B. LaFrance, Milton R. Schroeder and William E. Boyd)

Articles (including book chapters and internet pieces):

Originalism: Lessons From Things That Go Without Saying, 45 San. Diego L. Rev. 645 (2008)

Decoding the Electoral College, Ch. 1, vol. 1 Voting in America (Morgan Felchner, ed. Praeger Perspectives 2008).

Possibilities and Problems in the National Popular Vote Movement, 7 Election L.J. 181 (2008).

Selecting the President: A Bad Idea Out There in California, 2007 Nw. U.L. Rev. Colloquy 82 (2007), available at <http://www.law.northwestern.edu/lawreview/Colloquy/2007/26/>

Continuing the Conversation on Faithless Electors, 156 U. Pa. L. Rev. PeNNumbra 102 (2007), available at http://www.pennumbra.com/debate_responses/pdfs/Bennett.pdf.

A Cautionary Tale: By One Way of Counting the Democrats' Hold on the new House of Representatives Will Be Very Precarious, 2006 Nw. U.L. Rev. Colloquy 45 (2006), available at <http://www.law.northwestern.edu/lawreview/Colloquy/2006/5/>

A Dialogue on Originalism Occasioned by Bennett's Electoral College Reform Ain't Easy, 2006 Nw. U.L. Rev. Colloquy 31 (2006), available at <http://www.law.northwestern.edu/lawreview/Colloquy/2006/4/> (co-authored with Lawrence Solum)

Electoral College Reform Ain't Easy, 2006 Nw. U.L. Rev. Colloquy 1 (2006), available at <http://www.law.northwestern.edu/lawreview/Colloquy/2006/1/>

Compulsion: Death As Different, in Screening Justice—The Cinema of Law: Significant Films of Law, Order and Social Justice (Rennard Strickland, Teree E. Foster & Taunya Lovell Banks, eds. William S. Hein & Co. 2006)

The Problem of the Faithless Elector: Trouble Aplenty Brewing Just Below the Surface in Choosing the President, 100 Nw. U.L. Rev. 121 (2006)

The Peril That Lurks In Even Numbers: Selecting The President, 7 The Green Bag 2d ser. 113 (2004)

Justifying Dynamism, in electronic journal, Issues In Legal Scholarship, Dynamic Statutory Interpretation: Article 4 (2002)

<http://www.bepress.com/ils/iss3/art4>

State Coordination in Popular Election of the President Without a Constitutional Amendment, 5 The Green Bag 2d ser. 141 (2002)

Evaluation of Legislation for the United States Congress, contribution to volume titled Evaluation of Legislation (proceedings of a conference of held in Warsaw, Poland in June 2000, published by the European Association of Legislation, Ulrich Karpen, ed. 2002)

Counter-Conversationalism and the Sense of Difficulty, 95 Nw. U.L. Rev. 845 (2001)

Response: On Substantiation of Positive Social Theory, 95 Nw. U.L. Rev. 977 (2001)

Popular Election of the President Without a Constitutional Amendment, 4 The Green Bag 2d ser. 241 (2001)

Should Parents Be Given Extra Votes on Account of Their Children?: Toward A Conversational Understanding of American Democracy, forthcoming, 94 Nw. U.L. Rev. 503 (2000)

The Senate of the United States, contribution to volume titled Role and Function of the Second Chamber (proceedings of a conference held in Munich, Germany in October 1997, published by the European Association of Legislation, Ulrich Karpen, ed. 1999)

Democracy As Meaningful Conversation, 14 Const. Comm. 481 (1997)

Reflections on Legislative Theory in the United States, contribution to volume titled Legislation in European Countries (proceedings of a conference held in Bad Homburg, Germany in December 1991, published by the European Association of Legislation, Ulrich Karpen, ed. 1996)

Reflections on the Law School Accreditation Process. (Legal Education: Past Developments, Present Status, and Future Possibilities), 30 Wake Forest L. Rev. 379 (1995)

Of Gnarled Pegs and Round Holes: Sunstein's Civic Republicanism and the American Constitution, review of the Partial Constitution by Cass R. Sunstein, 11 Const. Comm. 395 (1994)

Reflections on the Role of Motivation Under the Equal Protection Clause, 79 Nw. U.L. Rev. 647 (1984-85)

The Mission of Moral Reasoning in Constitutional Law, 58 So. Cal. L. Rev. 647 (1985)

Objectivity in Constitutional Law, 132 U. Pa. L. Rev. 445 (1984)

The Burger Court and the Poor, Ch. 3 in The Burger Court: The Counter-Revolution That Wasn't (Vince Blasi, ed. Yale University Press 1983)

Abortion and Judicial Review: Of Burdens and Benefits Hard Cases and Some Bad Law, 75 Nw. U.L. Rev. 978 (1981)

"Mere" Rationality in Constitutional Law: Judicial Review and Democratic Theory 67 Calif. L. Rev. 1049 (1979)

Paper in Harvard Child Health Project Report, Vol. III: Developing a Better Health Care System for Children (1977) (revision of 62 Va. L. Rev. 285 (1976))

Allocation of Child Medical Care Decisionmaking Authority: A Suggested Interest Analysis, 62 Va. L. Rev. 285 (1976)

Liberty, Equality and Welfare Reform 68 Nw. U.L. Rev. 74 (1973)

Broadcast Coverage of Administrative Proceedings 67 Nw. U.L. Rev. 528 (1972) (reprinted in Vol. 2 Recommendations and Reports of the Administrative Conference of the United States 625 (1972)

Media Concentration and the FCC: Focusing With a Section Seven Lens, 66 Nw. U. L. Rev. 1959 (1971)

Other:

Substantive Due Process, contribution to encyclopedia entitled The Constitution and Its Amendments

A Dissent on Dissent, *Judicature*, February/March (1991)

Contributions on "Interpretivism" and "Poverty Law and the Constitution" to the 1990 Supplement to the *Encyclopedia of the American Constitution*

Separation of Powers in Foreign and Domestic Contexts, Update, Vol. 11, No. 3 (1987)

Judges and Original Intent, *22 Trial Magazine* 60 (1986)

Judicial Activism and the Concept of Original Intent, *69 Judicature* 219 (1986)

Styles of Judging, *84 Nw. U. L. Rev.* (1990)

In Memoriam: Arthur J. Goldberg, *84 Nw. U. L. Rev.* 807 (1990)
Contribution to Constitutional Interpretation: Defining Liberty Under the Constitution, published as part of The Federalist Society Regional Symposium at Cornell Law School, *41 Rut. L. Rev.* 842 (1989)

Originalist Theories of Constitutional Interpretation, published as part of the Sixth Annual National Symposium on Law and Public Policy sponsored by the National Federalist Society at the University of Chicago in April of 1987, *73 Corn. L. Rev.* 355 (1988)

Judicial Review as Law, *75 Illinois Bar Journal* 202 (1986)

Doing Justice to Law School, address on August 29, 1981 to Northwestern Class of 1984 Orientation Program, *72 The Reporter* 12, *Nw. U. School of Law* (1982)

Book Review: *The Economics of Justice*, *2 CLE Reporter* No. 7, p. 1 (Dec. 1981)

Book Review: *Lawyers and the Pursuit of Legal Rights*, *55 Soc. Serv. Rev.* 1965 (1981)

Interview with Henry Hyde, August 1980, *Chicago Lawyer*

Federal Judicial Survey of the Chicago Council of Lawyers for Justice (1976) (principal author of this committee-produced report)

Poverty and Welfare: Booklet for 9th grade students, Houghton Mifflin Co., 1st ed. 1969, 2d ed. 1974 (with Thomas Newman)

Work and Welfare: What are the Real Issues? 51 The Reporter 13, Nw. U. School of Law (1973)

Various op ed pieces.

Selected Lectures and Speeches:

Nathaniel L. Nathanson Memorial Lecture, San Diego Law School, March, 2008

To Form a More Perfect Union, Constitutional Right Foundation, Nov. 3, 2006

Styles of Constitutional Judging, Robert G. Howlett Memorial Lecture Grand Rapids, Michigan, October 1, 1990

Introductory Remarks, A Conference on Appointments to the Supreme Court of the United States, Northwestern University March 17-18, 1989

Campaign Financing, Federal Bar Council 21st Annual Bench and Bar

Constitutional Interpretation - Defining Liberty Under the constitution, Federalist Society Regional Symposium Cornell University, October 8, 1988

Legal Education - A New Perspective, The Law Club of the City of Chicago, May 13, 1987

Remarks to the Seventh Circuit Bar and Judicial Conference on the duty of the constitutional dissenter , May 11, 1987

Separation of Powers in Foreign and Domestic Contexts, Northwestern University Conference on the Crisis of the American Presidency, May 9, 1987

Constitutional Interpretation: The Framers' Intent, Hofstra University, April 24, 1987

Constitutional Separation of Powers and the Imperial Presidency, The University of Dayton, February 24, 1987

Personal:

Married to Harriet Trop; one child, Ariana Trop Bennett