

**Benjamin A. Kleinerman**  
Visiting Professor, School of Civic Leadership  
University of Texas/Austin  
R.W. Morrison Professor of Political Science  
Baylor University  
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### **Academic Positions**

University of Texas/Austin, Visiting Professor, School of Civic Leadership (2025-26)

University of Texas/Austin, Texas Fellow, Civitas Institute (2023-24)

Baylor University, R.W. Morrison Professor of Political Science, Department of Political Science (2020-)

Michigan State University, Associate Professor of Political Theory and Constitutional Democracy, James Madison College (2013-2020)

Princeton University, Garwood Visiting Fellow, James Madison Program for American Ideals and Institutions, Department of Politics (2011-12)

Michigan State University, Assistant Professor of Political Theory and Constitutional Democracy, James Madison College (2007-2013)

Harvard University, Post-Doctoral Fellow, Program on Constitutional Government, Department of Government (2006-07)

Virginia Military Institute, Assistant Professor, Department of International Studies and Political Science (2004-06)

Oberlin College, Visiting Assistant Professor, Department of Politics, (2003-04)

### **Education**

Michigan State University, PhD received 1/20/04, Department of Political Science  
Fields: American Politics, Political Theory Minor: Comparative Politics

Kenyon College, B.A. Magna cum laude with Honors, Department of Political Science  
Honors Thesis: "Nietzsche's Vision of a 'True' Culture"

### **Journal Articles**

"The Representative Presidency in the Constitutional Order," *American Political Thought: A Journal of Ideas, Institutions, and Culture*, Vol.10, Winter 2021.

“The Constitutional Ambitions of James Madison’s Presidency,” *Presidential Studies Quarterly*, January 2014

“The Madisonian Constitution: Rightly Understood,” *Texas Law Review*, March 2012.

“‘We Should See Certain Things Yet, Let Us Hope and Believe:’ Technology, Sex, and Politics in Mark Twain’s *Connecticut Yankee*.” With Bernard J. Dobski *The Review of Politics*, Fall 2007.

“Can the Prince Really be Tamed? Executive Prerogative, Popular Apathy, and the Constitutional Frame in Locke’s *Second Treatise*.” *American Political Science Review*, May 2007.

“Lincoln’s Example: Executive Power and the Survival of Constitutionalism.” *Perspectives on Politics* (APSA), December 2005.

"A Switch in Time Saves Nine: Institutions, Strategic Actors and FDR's Court-Packing Plan." With Jamie L. Carson. *Public Choice*, December 2002.

### **Books and Chapters in Books**

*The Crisis Presidency* (Lawrence, KS: University Press of Kansas, (Reviewed and being resubmitted by 10/15/25).

*Beyond Checks and Balances*, edited volume with Connor Ewing and Charles Zug (Pennsylvania University Press, Forthcoming).

*Extra-Legal Power and Legitimacy: Perspectives on Prerogative*, edited volume with Clement Fatovic (Oxford University Press, 2013).

*The Discretionary President: The Promise and Peril of Executive Power*, (Lawrence, KS: University Press of Kansas, 2009).

“American Political Development and Ideational Institutionalism,” coauthored with Matthew Reising, in *Constitutionalism and Liberty: Essays in Honor of David K. Nichols*, eds. Anthony Bartl and Jordan Cash (Lanham: Lexington Books, 2025)

“Executive Power and Constitutional Necessity.” In *Lincoln and Democratic Statesmanship*, edited by Michael P. Zuckert (Lawrence, KS: University Press of Kansas, 2020).

“Governing by Dividing: How the Legislative Executive Drives Polarization.” In *Parchment Barriers: Political Polarization and the Limits of Constitutional Order*, edited by Zachary Courser, Eric Helland, and Kenneth P. Miller (Lawrence, KS: University Press of Kansas, 2018)

- “President Bush: The Constitutionally Powerful President as a Political Goal.” In *American Presidents and the Constitution*, edited by Ken Gormley, (New York: New York University Press, 2015)
- “Lincoln’s Executive Discretion: The Preservation of Political Constitutionalism,” in *Lincoln and Liberty: Wisdom for the Ages*, edited by Lucas Morel (Lexington: Kentucky University Press, 2014)
- “Executive Power, Constitutional Responsibility, and Necessity” in *The Writings of Abraham Lincoln (Rethinking the Western Tradition)*, edited by Steven B. Smith (New Haven: Yale University Press, 2012)
- “Separation of Powers and the National Security State,” in *Nomos: Getting to the Rule of Law*, edited by James Fleming, (New York: New York University Press, 2011)
- “‘In the Name of National Security’: Executive Discretion and Congressional Legislation in the Civil War and World War I,” in *The Limits of Constitutional Democracy*, edited by Stephen Macedo and Jeffrey Tulis (Princeton, NJ: Princeton University Press, 2011).
- “‘The Court Will Clean It Up’: Executive Power, Constitutional Contestation, and War Powers,” in *The Supreme Court and the Idea of Constitutionalism*, edited by Steven Kautz, Arthur Melzer, Jerry Weinberger, M. Richard Zinman (Philadelphia, PA: University of Pennsylvania Press, 2009).
- “William Riker’s ‘Rationalist’ Federalism,” in *The Ashgate Research Companion to Federalism*, edited by Ann Marie Ward and Lee Ward (Surrey, UK: Ashgate, 2009).

### **Other Publications**

James Madison, entry in *Encyclopedia of Political Thought*, 2014.

The Executive Unbound: After the Madisonian Republic, by Eric Posner and Adrian Vermeule, book review [www.lawfareblog.com](http://www.lawfareblog.com), 7/9/11.

The Virtue of Conflict Over War Powers,” Op-ed appearing in *The Weekly Standard*, 6/14/11, With Phillip Munoz.

“Contesting Judicial Supremacy,” Review of George Thomas, *The Madisonian Constitution*, The Review of Politics, 71: 3 (Summer 2009).

“Jefferson’s Founding of the Democratic Presidency,” Review of Jeremy Bailey, *Thomas Jefferson and Executive Power*, The Review of Politics, 70:4 (September 2008).

“9/11, the Liberty/Security Balance, and the Separation of Powers: A Review of Richard Posner’s *Not a Suicide Pact: The Constitution in a Time of National*

*Emergency*, ” extended book review *Criminal, Justice, Ethics*, Winter/Spring 2007.

“Bush’s War Rhetoric,” Op-ed picked up by Scripps Howard News Service 1/4/06, appeared in the Cincinnati Post, Rocky Mountain News, Delaware News Journal, among other newspapers.

“Toward a Discretionary Post-9/11 Public Policy That Remains Constitutional: Lessons from the Civil War.” Guest commentary posted at [www.ashbrook.org](http://www.ashbrook.org), January 2006.

Glimmer of a New Leviathan: Total War in the Realism of Niebuhr, Morgenthau, and Waltz, by Craig Campbell, book review *The Journal of Conflict Studies*, Winter 2004.

### **Works in Progress**

“Separation of Powers and the War on Terror: A Case Study in the Separation of Functions,” presented at Northeastern Political Science Association, November 2023.

“*Marbury v. Madison*: Separation of Powers, the Distinction Between Law and Politics, and the Limits on Power.”

*Regrounding American Political Development in Ideational Institutionalism*, With Matthew Reising, Book Project about 2/3 complete

### **Leadership Positions**

Co-Editor, *American Political Thought: A Journal of Ideas, Institutions, and Culture*  
Editor, *theconstitutionalist.org*, Online journal on constitutional/political issues  
sponsored by the Jack Miller Center

Director, Zavala Program in Constitutional Studies, Baylor University

Member of Governing Board, Jack Miller Center for Teaching America’s Founding Principles and History

Chair of the American Political Thought Organized Section as it made its transition from a related group to an organized section

### **Academic Honors and Fellowships**

Nominated twice by James Madison College for the Michigan State University Teacher-Scholar Award

Awarded Earhart Research Fellowship, 2006, 2007, 2014

Garwood Visiting Fellow, James Madison Program for American Ideals and Institutions, Department of Politics 2011-12

Post-Doctoral Research Fellowship at Harvard University, Program on Constitutional Government, 2006-07.

Rated Outstanding (Highest) Across All Four Domains (Scholarship, Teaching, Cadet Development, and Professional Citizenship) in VMI's Evaluation System.

Awarded Faculty In-Research Grant from Virginia Military Institute, Summer 2005

Nominated for the American Political Science Association's Leo Strauss Award, Best Dissertation in Political Philosophy in 2004

Jepson Award for Outstanding Dissertations on Leadership from the University of Richmond's Jepson School of Leadership, March 2004

Institute for Humane Studies Fellowship, 2003-04

Franklin Delano Roosevelt Presidential Library Research Grant, 1999

Earhart Fellowship, 1998-99 and 1999-2000

Olin/Bradley Fellowship, 1997-98

Inducted into Pi Sigma Alpha society, May 1997

### **Invited Presentations and Conferences**

Invited Speaker, Purdue University, conclusion of student reading group on my book *The Discretionary President*, December 2025

Invited Speaker, Constitution Day at Emory University, September 2025

Invited Speaker, Constitution Day at University of North Texas, September 2025

Invited Participant, Zoom Discussion on "Separation of Powers in the Trump Presidency," August 2025

Invited Speaker, Constitution Day at UNLV, September 2023.

Invited Speaker, Constitution Day at Jacksonville State, October 2023.

Invited Speaker, University of Virginia, September 2023

Invited Speaker at Bill of Rights Institute Seminar for K-12 Teachers, Corpus Christi, TX, September 2022

Invited Speaker for Constitution Day, "The Crisis Presidency," University of Colorado/Colorado Springs, September 2022

Invited Speaker at Summer Institute, "Publius's Education in Cynicism," Jack Miller Center, Denver, CO, June 2022

Conference Organizer, Zavala Program K-12 Teachers' Seminar on American Constitutionalism, Waco, TX, June 20-24, 2022

Consultant, Bill of Rights Center Creation of Founding Document Library, Washington, DC, May 14-15, 2022

Participant, "Lincoln Symposium," Jack Miller Center, Philadelphia, PA, October 24-26, 2021

Invited Speaker, "The Crisis Presidency, University of Oklahoma, September 19, 2021

Invited Speaker, "The Crisis Presidency," Texas A&M/Commerce, September 17, 2021

Invited Speaker, "Publius, Political Cynicism, and the Separation of Functions," Jack Miller Center Summer Institute, August 3-5, 2021

Invited Speaker, "The Crisis Presidency," Webinar, " SUNY-Geneseo, March 18, 2021

Invited Panelist, "The Second Trump Impeachment," Webinar with John Yoo and Jeff Tulis, University of Notre Dame Center for Citizenship and Constitutional Government, February 10, 2021.

Invited Panelist, "Lincoln's Lyceum Address," American University, January 17, 2021.

Invited Panelist, Roundtable on the Representative Presidency, Webinar, University of Oklahoma, October 9, 2020

Invited Speaker, "Separation of Powers," Mt. Vernon, Virginia, October 4, 2019

Invited Speaker, Baylor University, Constitution Day Talk "Separation of Powers vs. Checks and Balances," October 2018

Invited Speaker, Assumption College, Constitution Day Talk "*Masterpiece Cakeshop v. Colorado Civil Rights Commission* and Religious Liberty," October 2018

Conference Organizer, "Separation of Powers," Jack Miller Center, Philadelphia, PA, August 2018

Invited Speaker, Conference on American Political Thought and Institutions, Jack Miller Center, Philadelphia, PA, July 2018

Invited Speaker at Graduate Student Conference on American political thought and Institutions, Jack Miller Center, Philadelphia, PA, July 2017

Invited Speaker at Conference on the Presidency at St. Vincent College, October 12, 2016

Invited Lecturer at the University of Virginia class on American political ideas, October 20, 2016

Invited Participant and speaker, "The Presidency and the Constitution," conference at Utah Valley State University, September 2015.

Invited speaker, "Barack Obama: Becoming Commander-in-Chief, Boise State University, September 2015

Invited Participant and speaker, "The Unilateral Presidency," conference at the University of Houston, February 2015

Participant, "Liberty and Executive Power in the United States Constitution," Cato Institute and Liberty Fund Colloquium, Washington DC, January 2015

Discussant at "Presidential Power in the United States: Emerging Research" conference at the University of Michigan, May, 2014

Invited Speaker, "Lincoln's Executive Discretion: The Preservation of Political Constitutionalism, University of Notre Dame, November 2013

Invited Speaker, "Barack Obama: Becoming Commander-in-Chief," Talk delivered at the University of Cincinnati, Northwood University, October 2013 and Xavier University, October 2014

4x Seminar Leader, "The Constitutional Structure of Government: Separation of Powers and Checks and Balances," a three-day seminar for high-school teachers at the Center for the Constitution at James Madison's home, Montpelier, in Virginia. July 2014, July 2013 and November 2012, April 2011

Participant in a two-day seminar on the future of American Political Thought in Philadelphia, August 2013

Invited Speaker, "The Political Structure of the Constitution," University of Notre Dame, Rooney Center for the Study of American Democracy, March 2012

Invited Speaker at Conference on Abraham Lincoln, Christopher Newport University, February 2012

Invited Speaker at Conference on Abraham Lincoln, Yale University, October 2011

Invited Speaker, "The Political Structure of the Constitution," Assumption College, September 2011

Presenter at NEH Summer Seminar, "James Madison," Montpelier Center for the Constitution, July 2010 and July 2011

Participant at Conference on the 14<sup>th</sup> Amendment, Department of Politics, Claremont

McKenna College, May 2010  
 Participant at Conference on Presidential Power books including my own, School of Law,  
 University of Texas at Austin, April 2010  
 Commentator at Conference on Harry Clor, James Madison Program in American  
 Ideals and Institutions, Princeton University, April 2010  
 Invited Speaker at NOMOS conference, New Orleans, December 2009  
 Invited Speaker at Conference: "Lincoln for the Ages: Lessons for the 21<sup>st</sup> Century,"  
 Washington and Lee University, September 2009  
 Invited Speaker at Conference: "The Limits of Constitutional Democracy," Princeton  
 University, February 2008  
 Invited Speaker at Conference: "The Supreme Court and the Idea of Constitutionalism,"  
 Michigan State University, January 2007  
 Discussant at Conference: "Presidential Power in America," Massachusetts School of  
 Law, October 2006  
 Faculty Participant at Lehrman Summer Institute at Princeton University's James  
 Madison Program in American Ideals and Institutions, Summer 2005  
 Graduate Student Participant at Conference on the Legacy of Abraham Lincoln at  
 the University of Chicago's Olin Center, Summer 2003.

### **Main Teaching and Research Interests**

Teaching: Constitutional Law, Political Institutions (Presidency, Congress, the Supreme Court), Civil Liberties, Political Thought (Ancient, Modern, and American); American Political Development, Presidency, Political Institutions, Rational Choice Theory, American Foreign Policy, Executive Power, Constitutionalism, Liberalism, Politics and Literature, Statesmanship, War on Terror, Progressivism

Research: Presidency, Executive Power, Constitutionalism, Constitutional Law, Separation of Powers, American Political Development, Democratic Statesmanship, Rational Choice Theory, National Security, Modern Political Theory (Locke, Hobbes), Liberalism, American Political Thought, American Founding (*The Federalist*), Politics and Literature (Mark Twain)

### **Departmental, University and Professional Service**

Co-Editor, *American Political Thought: A Journal of Ideas, Institutions, and Culture*  
 Editor, *theconstitutionalist.org*, Online journal on constitutional/political issues  
 sponsored by the Jack Miller Center  
 Director, Zavala Program in American Constitutionalism, Baylor University  
 Chair of the American Political Thought Organized Section as it made its  
 transition from a related group to an organized section  
 Member of Governing Board, Jack Miller Center for Teaching America's Founding  
 Principles and History  
 Chair, College Curriculum Committee 2018-2019  
 University Curriculum Committee 2017-2019  
 Ad Hoc Committee on Michigan State University Bylaw Changes, Summer 2018  
 Section Chair, "Liberalism and Democratic Theory," MPSA, April 2015

Faculty Affairs Committee, James Madison College, Michigan State University, 2009-2011  
University-wide Academic Council, Michigan State University, 2008-2009  
University Committee of Academic Governance, Michigan State University, 2008-2009  
Marshall scholarship selection Committee, Michigan State University, 2009, 2012  
Undergraduate Research Committee, Virginia Military Institute, 2005-2006  
Summer Undergraduate Research Subcommittee, Virginia Military Institute, March 2006  
Faculty Mentor, Summer Undergraduate Research Project 2005, Virginia Military Institute, Eric Kupper “The Rise of Neo-Conservatism in the Bush Administration After September 11<sup>th</sup>.”  
Coordinator, Congress to Campus program, Virginia Military Institute, 3/6-3/8, 2005  
Coordinator, DebateWatch 2004 at the Preston Library, Virginia Military Institute  
Intern, *American Political Science Review*, Ada W. Finifter, May 1999-August 2001  
President, Michigan State University Political Science Graduate Association, 2000  
Graduate Representative, Michigan State University Admissions/Academic Standards Committee, 1999

### **Conference Papers**

“Separation of Powers and the National Security State.” A paper presented at the American Political Science Association. Toronto, Canada, September 2009

“The Founders’ Political Science.” With Randal Hendrickson. A paper presented at the New England Political Science Association. Portland, Maine, May 2009.

“Divided We Stand? The Separation of Powers, Democratic Responsibility, and Counterterrorism.” With Dennis M. Foster. A paper presented at the Midwest Political Science Association. Chicago, Illinois, April 2009

“The Politics of the Constitution.” A paper presented at the American Political Science Association. Chicago, Illinois, August 2007.

“Hobbes’s Liberal Absolutism.” A paper presented at the American Political Science Association. Philadelphia, Pennsylvania, August 2006.

“Can the Prince Really be Tamed?: Executive Prerogative, Popular Apathy, and the Constitutional Frame in Locke’s *Second Treatise*.” A paper presented at the Midwest Political Science Association, Chicago, Illinois, April 2006.

“A Connecticut Yankee: Mark Twain’s Treatment of the Inescapability of our Theological Hopes.” A paper presented at the American Political Science Association, Washington, DC, September 2005. With Bernard J. Dobski.

“Hamilton’s Executive Government.” A paper presented at the Midwest Political Science Association. Chicago, Illinois, April 2005.



- "Locke and the Relation Between Executive Power and Constitutionalism." A paper presented at the Northeastern Political Science Association. Boston, Massachusetts, November 2004
- "Locke and Lincoln on Executive Power: The 'Progressive Direction toward Monarchy?'" A paper presented at the American Political Science Association. Philadelphia, Pennsylvania, August 2003.
- "Hamilton's President." A paper presented at the Midwest Political Science Association. Chicago, Illinois, April 2003.
- "How Strong Does the Constitution Make the President?" A paper presented at the Northeastern Political Science Association. Providence, Massachusetts, November 2002.
- "The Executive Power as Seen Through the Eyes of Two Executives: Woodrow Wilson and Abraham Lincoln." A paper presented at the American Political Science Association. Boston, Massachusetts, August 2002.
- "The American Executive: Aristotle, Hamilton, and Madison." A paper presented at the New York Political Science Association. Lewiston, New York, April, 2002. With Bernard J. Dobski
- "Madison vs. Hamilton: The Nature of the Executive." A paper presented at the Political Philosophy Colloquium. Michigan State University, March, 2002.
- "Pacifcus vs. Helvidius: Toward a Theoretical Understanding of the American Presidency." A paper presented at the Southern Political Science Association, Atlanta, Georgia. November 2001.
- "Constitutional Origins and the New Institutionalism: The Creation of the American Presidency." A paper presented at the American Political Science Association, San Francisco, California. August 2001 .
- "Political Motivations and American Political Development: A Multi-Institutional Approach to Understanding Variability in the Size of the U.S. Supreme Court." A paper presented at the Midwest Political Science Association, Chicago, Illinois. April 2001.
- "Constitutional Origins and the New Institutionalism: The Establishment of the American Presidency." A paper presented at the Midwest Political Science Association, Chicago, Illinois. April 2000.
- "A Switch in Time Saves Nine: Game Theory, Strategic Actors, and FDR's Court-Packing Plan." A paper presented at the Southern Political Science Association, Savannah, Georgia. November, 1999. With Jamie L. Carson.

