

ANDREA SCOSERIA KATZ

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ACADEMIC APPOINTMENTS

Washington University of St. Louis School of Law

Associate Professor of Law, Fall 2020 – present

Courses: Constitutional Law, The American Presidency (seminar), Comparative Constitutional Law, Comparative Law

New York University School of Law

Samuel I. Golieb Fellow in Legal History, 2019-20

RESEARCH AREAS

Presidential Power

Constitutional Law

Comparative Constitutional Law

American Legal History

Legal Philosophy

Administrative Law

Public International Law

EDUCATION

Yale Law School, J.D., 2016

Latino Law Students Association

Global Constitutionalism Seminar, Managing Editor

Veterans Legal Services Clinic

Yale University, Ph.D. (Political Science), 2016

Dissertation: “The President in His Labyrinth: Checks and Balances in the New Pan-American Presidentialism” (Committee: Bruce Ackerman, Stephen Skowronek, Paulina Ochoa-Espejo)

Fields of Certification: American Politics, Comparative Politics, Political Philosophy & Theory

Yale College, B.A. (Comparative Literature); B.A. (East Asian Studies), 2007

SCHOLARSHIP

Taking Legality Seriously: What the Major Questions Doctrine Is — And Isn't (with Ofra Bloch), 94 GEO. WASH. L. REV. (forthcoming 2026) [[SSRN](#)]

Separation-of-Powers Lochnerism, 94 FORDHAM L. REV. (forthcoming 2025) (highly recommended by Lawrence Solum, *The Legal Theory Blog*) [[SSRN](#)]

Disagreement and Historical Argument – or How Not to Think About Removal (with Noah A. Rosenblum & Jane Manners), MICH. J. L. REFORM (forthcoming 2025) [[SSRN](#)]

The Presidential System, in THE OXFORD HANDBOOK OF THE BRAZILIAN CONSTITUTION (Emilio Peluso Neder Mayer et al eds., forthcoming 2025) [[SSRN](#)]

Federalism and Dynamics of Constitutional Change, in THE EDWARD ELGAR HANDBOOK ON CONSTITUTIONAL CHANGE (Oran Doyle & Mariana Velasco Rivera eds., forthcoming 2025)

A Regime of Statutes: Building the Modern President in Gilded Age America (1873-1921), 4 J. OF AM. CONST. HIST. 737 (Nov. 2024) (peer-reviewed) [[WWW](#)]

- Removal Rehashed* (with Noah A. Rosenblum) (a Response to Saikrishna Prakash and Aditya Bamzai’s “The Executive Power of Removal”), 136 HARV. L. REV. F. 404 (2023) (reviewed by Steve Vladeck for JOTWELL Blog) [\[WWW\]](#)
- Ninguna ley superior: El plebiscito uruguayo de 1980 como constituyente fallido* (No higher law: The Uruguayan plebiscite of 1980 as a failed constituent moment) (original in Spanish), 21 INT. J. OF CON. L. 1428 (Dec. 2023) (peer-reviewed) [\[WWW\]](#)
- No higher law: The Uruguayan plebiscite of 1980 as a failed constituent moment*, 22 INT. J. OF CON. L. 450 (Apr. 2024) (selected for translation and re-publication in English) [\[WWW\]](#)
- Becoming the Administrator-in-Chief: Myers and the Progressive Presidency* (with Noah A. Rosenblum), 123 COLUM. L. REV. 2153 (2023) [\[WWW\]](#)
- Courts and Constitutions*, in A POLITICAL SCIENCE EXPERIMENT – TEXTBOOK (Andrew Rudalevige & Joshua Tucker eds.) (2022) [\[WWW\]](#)
- Collins v. Yellen and U.S. v. Arthrex on the Separation of Powers*, in SCOTUS 2021: MAJOR DECISIONS AND DEVELOPMENTS OF THE SUPREME COURT (Morgan Marietta ed.) (2022) [\[WWW\]](#)
- Revisiting America’s Guardrails*, 70 DRAKE L. REV. 577 (2022-2023) [\[WWW\]](#)
- La Suiza de América: Direct democracy, anti-presidentialism, and constitutional entrenchment in Uruguay’s Constitution of 1918*, 19 INT. J. OF CON. L. 997 (September 2021) (peer-reviewed) [\[WWW\]](#)
- The Lost Promise of Progressive Formalism*, 99 TEX. L. REV. 4 (Mar 2021) [\[WWW\]](#)
- Taming the Prince: Bringing Presidential Emergency Powers Under Law in Colombia*, INT. J. OF CON. L. (18 Dec. 2020) (peer-reviewed) (ICON-S Conference Best Paper Award 2021) [\[WWW\]](#)
- Why Write? The Desuetude of Article V and the Democratic Costs of Informal Amendment*, 30 IND. INT’L & COMP. L. REV. 355 (2020) [\[WWW\]](#)
- Making Brazil Work? Brazilian Coalitional Presidentialism at 30 and its Post-Lava Jato Prospects*, in THE BRAZILIAN CONSTITUTION TURNS 30: A GLOBAL PERSPECTIVE (special ed. of REVISTA DE INVESTIGAÇÕES CONSTITUCIONAIS) (Mariana Velasco-Rivera, Sofia Ranchordas, and Richard Albert eds., Summer 2019) [\[WWW\]](#)
- Fraternité’ in the Jurisprudence of Strasbourg* (with Paulo Pinto de Albuquerque), in LE DÉFI DE LA FRATERNITÉ 153-172 (Marie-Jo Thiel and Marc Feix eds., 2018) [\[WWW\]](#)
- Is Religion a Threat to Human Rights? Or Is It the Other Way Around? Defending Individual Autonomy in the ECtHR’s Jurisprudence on Freedom of Religion* (with Paulo Pinto de Albuquerque), in RELIGION AND INTERNATIONAL LAW 277-293 (Robert Uerpman-Wittzack et al. eds., 2018) [\[WWW\]](#)

COMMENTARY • BOOK REVIEWS • BLOGS

- Teaching Constitutional Law: Politics, Democracy and History*, in TEACHING CONSTITUTIONAL LAW (Routledge) (H.W. Perry & Patrick Keyzer eds., forthcoming 2026)
- Did We Ever Have Independent Agencies?*, 50 ADMIN. & REG. L. NEWS (Am. Bar Ass’n) (forthcoming Sept. 2025)
- Falsifying the Unitary Executive: Popperian Empiricism and History’s Uses and Misuses*, JOTWELL (forthcoming Sept. 2025) (reviewing Christine Kexel Chabot, *Rejecting the Unitary Executive*, UTAH L. REV. (forthcoming))
- Colorado’s Disqualification of Trump from the 2024 Ballot Puts the US in Uncharted Constitutional Territory*, LSE: U.S. AM. POL. & POL’Y BLOG (Dec. 22, 2023) [\[WWW\]](#)

Unresponsive Judicial Review: How Formalism on the American Bench Thwarts Democracy Defense (a Response to Rosalind Dixon's *Responsive Judicial Review*), 34 NAT'L L. SCH. OF INDIA REV. 44 (2022) [\[WWW\]](#)

Defending the Defenders: Why Bureaucratic Independence is a Necessary Supplement to Judicial Defense of Democracy (a Response to David Driesen's *The Specter of Dictatorship*), 72 SYR. L. REV. 1497 (2022) [\[WWW\]](#)

Symposium Introduction: Peter M. Shane's Democracy's Chief Executive, YALE J. ON REG.: NOTICE & COMMENT (Oct. 24, 2022) [\[WWW\]](#)

All Roads Lead to the White House, Symposium on William Novak's *New Democracy: The Creation of the Modern American State*, YALE J. ON REG.: NOTICE & COMMENT (Jul. 20, 2022) [\[WWW\]](#)

Response: Up From Originalism, Rethinking Law (Forum on Joseph Fishkin and William E. Forbath's "Make Progressive Politics Constitutional Again") BOSTON REV. (Jun. 23, 2022) [\[WWW\]](#)

On Parasitic Growths and America's Rigid Constitution, BALKINIZATION BLOG (Jun. 9, 2022) [\[WWW\]](#)

Impeachment, RIP, WASH. MONTHLY (Feb. 17, 2021) [\[WWW\]](#)

~~*Can It Happen*~~—*Is it Happening Here?*, Symposium, Pt. I: The Legacies of Trumpism and Constitutional Democracy, INT'L J. CONST. L. BLOG (I•CONnect) (Jan. 20, 2021) [\[WWW\]](#)

The Curious Conservatism of Constitutional Amendment Politics in the United States, INT'L J. CONST. L. BLOG (I•CONnect) (Dec. 23, 2020) [\[WWW\]](#)

Election Anxiety: The Other Global Pandemic, INT'L J. CONST. L. BLOG (I•CONnect) (Oct. 21, 2020) [\[WWW\]](#)

Going It Alone: The Constitutionality, Feasibility, and Ulterior Motivation of Donald Trump's COVID-19 Relief Orders, INT'L J. CONST. L. BLOG (I•CONnect) (Aug. 12, 2020) [\[WWW\]](#)

The Increasingly Thankless Task of Judicial Deference: A Conservative Court Struggles with Audacity and Incompetence in the Trump Administration, INT'L J. CONST. L. BLOG (I•CONnect) (Jun. 24, 2020) [\[WWW\]](#)

Lies in the Time of Corona: Attempts to Inoculate Truth from a Pandemic, INT'L J. CONST. L. BLOG (I•CONnect) (Apr. 29, 2020) [\[WWW\]](#)

Crying Wolf: The Emergency Comes Before the Supreme Court, INT'L J. CONST. L. BLOG (I•CONnect) (Feb. 26, 2020) [\[WWW\]](#)

Is Constitutional Democracy in Crisis? Well, That Depends on How You Define "Constitutional," "Democracy," and "Crisis," (reviewing CONSTITUTIONAL DEMOCRACY IN CRISIS? (Mark A. Graber et al., eds.)), INT'L J. CONST. L. BLOG (I•CONnect) (Aug. 6, 2019) [\[WWW\]](#)

WORKS IN PROGRESS • DRAFTS

"Presidential Removals in Early America" (w/ Noah A. Rosenblum & Peter Kastor)

"The Dangerous Constitution" in CONSTITUTIONAL DESUETUDE (Routledge) (Richard Albert ed., forthcoming 2026)

"Chief Justice Taft's Last Laugh: Early Impressions of the Unitary Executive"

"The Imperial(ist) President: American Empire and Experiments in Presidential Administration" (w/ Noah A. Rosenblum)

"The Militarization of Immigration Law: How America's War on Terror Became a War on the Undocumented" (unpublished) [\[SSRN\]](#)

“The President in His Labyrinth: Checks and Balances in the New Pan-American Presidentialism”
(unpublished) (Ph.D. dissertation manuscript) [[SSRN](#)]

“The Progressive Presidency and the Shaping of the Modern Executive” (unpublished) [[SSRN](#)]

PRESENTATIONS (SELECTED)

Taking Legality Seriously: What The Major Questions Doctrine Is – and Isn’t

Conference on Politics and Law in the Administrative State, Yale Law School (Jun. 2025)

Re-Imagining Administrative Law, Cornell/Yale/UCLA (Mar. 2025)

Chief Justice Taft’s Last Laugh

Workshop on Presidential Power, Fordham Law School (Jun. 2025)

Separation of Powers Lochnerism

Law & Society Association Annual Meeting (May 2025)

Faculty Workshop, University of Arizona (Apr. 2025)

Constitutional Law Colloquium, Florida State University (Nov. 2024)

Teaching Constitutional Law: Politics, Democracy and History

Symposium on Teaching Constitutional Law, University of Texas, School of Law (Apr. 2025)

A Regime of Statutes: Building a Modern President in Gilded Age America (1873-1921)

Teach-In, Institute for American Constitutional History, Oklahoma University (Feb. 2025)

Faculty Workshop, Vanderbilt Law School (Mar. 2024)

Presidential Removal and the Future of Agency Independence

Symposium on The Future of Agency Independence, Michigan Law School (Nov. 2024)

Why Write? The Desuetude of Article V and the Democratic Costs of Informal Constitutional Amendment

Constitutional Studies Program, University of Texas, School of Law (Oct. 2024)

Administrative Reform in the Gilded Age

American Society for Legal History Annual Meeting (Oct. 2024)

Presidential Power, the Administrative State, & American Democracy

Center for Effective Government, University of Chicago (Jul. 2024)

Montesquieu and Democratic Backsliding

Rule of Law Roundtable, Stanford Law School (Jun. 2024)

Administrative Self-Defense

The Past, Present and Future of the Personnel of the State, Princeton University (Apr. 2024)

The Curious Formalism of the Incomparable Chief Justice Taft

The Long 1920s: Symposium on Robert Post’s *The Taft Court*, NYU School of Law (Apr. 2024)

Populism and Technocracy in the Administrative State

2024 Con Law “Schmooze,” Maryland Carey School of Law (Feb. 2024)

Section 3, Insurrection, and the 2024 Election: The Law

Section 3, Insurrection, and the 2024 Election, University of Minnesota Law School (Nov. 2023) [[WWW](#)]

The Imperial(ist) Presidency

New Directions in Public Law Scholarship, University of Chicago Law School (Oct. 2023)

Law & Society Association Annual Meeting (Jun. 2023)

- All Roads Lead to the White House: How the Modern President “Solved” the Separation of Powers*
Nat’l. Conf. of Constitutional Law Scholars, University of Arizona College of Law (Mar. 2023)
- Does the U.S. Constitution Have an “Unamendable Core?”*
AALS Annual Meeting (Jan. 2023)
- Misreading the Record: The Use (and Abuse) of History in Recent Federal Cases about the Administrative State*
AALS Annual Meeting (Jan. 2023)
- Is the U.S. Constitution Democratic?*
2022 Con Law “Schmooze,” University of Wisconsin Law School (Oct. 2022)
- (How) Can Courts Strengthen Their Power in the Face of Democratic Decline?*
International Society of Public Law (ICON-S) Annual Conference (Oct. 2022)
- Towards a New Separation of Powers? Institutional Flexibility and Rigidity in International and Domestic Public Law*
International Society of Public Law (ICON-S) Annual Conference (Oct. 2022)
- The Social Determinants and Effects of Constitutional Amendments*
Law & Society Association Annual Meeting (Jul. 2022)
- On Parasitic Growths and America’s Democratic Constitution*
LevinsonFest 2022: Roundtable on Constitutional Faith and Veneration, University of Texas School of Law (May 2022)
- Against Legalism: Adopting the Lessons of Dixon’s Responsive Judicial Review in the U.S.*
Symposium on *Responsive Judicial Review* by Rosalind Dixon, National Law School of India (Apr. 2022)
- The Origins of the Administrator-In-Chief: Myers and the Progressive Presidency* (w/ Noah A. Rosenblum)
Power in the Administrative State, Virtual Workshop Series in Public Law (Nov. 2022)
National Conference of Constitutional Law Scholars, University of Arizona College of Law (Feb. 2022)
Administrative Law New Scholarship Roundtable, Yale Law School (Sep. 2021)
- Executive Authoritarianism*
A Celebration of David Driesen’s *The Specter of Dictatorship*, Syracuse Law School (Nov. 2021)
- The Constitution and Democratic Erosion*
Constitutional Law Symposium, Drake Law School (Apr. 2021) [WWW]
- Presidentialism for Cynics: Rethinking Forms and Norms in a Partisan Age*
Amending America’s Unwritten Constitution, Boston College Law School (May 2019)

OTHER MEDIA (SELECTED)

- CBC News Network’s Aarti Pole speaks with lawyer Andrea Katz, CBC NEWS NETWORK WITH AARTI POLE (Canadian Broadcasting Corporation, Jun. 9, 2025) [WWW] (interview)
- Claude A. Marx & Dwight A. Weingarten, *Removal of US FTC Commissioners Stirs Court Fight on Presidential Power*, MLEX (Mar. 19, 2025) [WWW] (quote)
- John Kruzell, *Unitary Executive Theory May Reach Supreme Court as Trump Wields Sweeping Power*, REUTERS (Feb. 14, 2025) [WWW] (quote)
- Claude Marx & Khushita Vasant, *FTC Unsure About Impact of Federal Employee Buyout Offer*, FTCWATCH (Feb. 11, 2025) [WWW] (quote)

Kevin Rector, Trump’s own unorthodox rise, focus on loyalty loom large as nominees face headwinds, L.A. TIMES (Dec. 8, 2024) [\[WWW\]](#) (quote)

Can Biden Win? A Look at the Democratic Party & the Upcoming Election, THE DON LEMON SHOW (JUL. 5, 2024) [\[WWW\]](#) (interview)

Robert Iafolla, *Agency Independence at Risk With Target on Firing Protections*, BLOOMBERG L. (May 29, 2024) [\[WWW\]](#) (quote)

Richard Murphy, *Myers, We Hardly Knew Ye?*, JOTWELL: ADMIN. L. (Feb. 2024) (reviewing Andrea S. Katz & Noah A. Rosenblum, *Becoming the Administrator-in-Chief: Myers and the Progressive Presidency*, 123 COLUM. L. REV. 2135 (2023)) [\[WWW\]](#) (review)

Election 2024: Should Donald Trump Appear on the 2024 Ballot?, KQED FORUM (NPR) (Jan. 10, 2024) [\[WWW\]](#) (interview)

Kimberly Strawbridge Robinson & Jacqueline Thomsen, *Consensus on Coming Trump Ballot Appeal Looms Over Supreme Court*, BLOOMBERG L. (Dec. 21, 2023) [\[WWW\]](#) (quote)

Bente Birkeland, *Colorado voters weigh in on Trump ballot ruling as experts closely follow a rare legal journey*, CPR NEWS (Dec. 20, 2023) [\[WWW\]](#) (quote)

Sean O’Driscoll, *Donald Trump’s “Deadly Serious” Ruling Could Poison All His Other Cases*, NEWSWEEK (Dec. 5, 2023) [\[WWW\]](#) (quote)

Steve Vladeck, *An End Without Argument: The New Judicial Politics of Legal History*, JOTWELL (Dec. 1, 2023) (reviewing Andrea Scoseria Katz & Noah A. Rosenblum, *Removal Rehashed*, 136 HARV. L. REV. F. 404 (2023)) [\[WWW\]](#) (review)

The Lawfare Podcast: What Disqualifying Trump From the 2024 Ballot Would Mean for Election Law, LAWFARE (Nov. 24, 2023) [\[WWW\]](#) (panel)

Presidential Power, Unitary Executive Theory, Major Questions Doctrine, and More, Episode 107: Professor Andrea Katz, SUPREME MYTHS (Professor Eric Segall) (Nov. 10, 2023), [\[WWW\]](#) (interview)

Michael Karlik, *Q&A with Andrea Katz: Constitutional Law Professor Gives Context to Trump Disqualification Hearing*, COLO. POL. (Nov. 13, 2023) [\[WWW\]](#) (interview)

Laura Brown, *Scholars Address Lawsuits Seeking to Bar Trump from 2024 Ballot*, MINN. L. (Nov. 1, 2023), [\[WWW\]](#) (interview)

CLERKSHIPS • OTHER ACADEMIC AFFILIATIONS

Clerk, U.S. District Court of Massachusetts, Springfield, MA, 2017-19
Judge Michael A. Ponsor, Senior District Judge

Clerk, European Court of Human Rights, Strasbourg, France, 2016-17
Judge András Sajó, Vice-President of the Court

Visiting Researcher, University of São Paulo (USP) and Rio de Janeiro State University (UERJ), Brazil, 2014

Visiting Scholar in International Relations, University of Tokyo, 2008
Joseph A. Fox Fellowship

OTHER

Professional Affiliations: American Society for Legal History (ASLH), Law & Society Association (LSA), International Association of Comparative Law (IACL), American Political Science Association (APSA)

Languages: Spanish (native), French (professional), Portuguese (professional), Japanese (advanced), Italian (reading)

Last updated August 2025