

KENNETH P. MILLER

ROSE ASSOCIATE PROFESSOR
OF STATE AND LOCAL GOVERNMENT
DEPARTMENT OF GOVERNMENT
CLAREMONT MCKENNA COLLEGE
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ACADEMIC POSITIONS

Claremont McKenna College

Don H. and Edessa Rose Associate Professor of State and Local Government, 2020-
Associate Professor, Department of Government, 2009-
Assistant Professor, Department of Government, 2003-2009
Associate Director, Rose Institute of State and Local Government, 2009-

Southern Methodist University

Visiting Fellow, John Goodwin Tower Center for Political Studies, 2017-2018

Princeton University

Ann and Herbert W. Vaughan Visiting Fellow, James Madison Program in American
Ideals and Institutions, 2011-2012

University of San Francisco

Visiting Assistant Professor, Department of Politics, 2002-2003

University of California, Berkeley

Lecturer, Department of Political Science, 2000-2001

EDUCATION

University of California, Berkeley—Ph.D. in Political Science 2002

Fields: American politics, public law, political theory

Harvard Law School—J.D. 1988

Pomona College—B.A. 1985

Major: Government

BOOKS

Texas vs. California: A History of Their Struggle for the Future of America (Oxford University Press, 2020).

Parchment Barriers: Political Polarization and the Limits of Constitutional Order, with Zachary Courser and Eric
Helland, eds. (University Press of Kansas, 2018).

Direct Democracy and the Courts (Cambridge University Press, 2009).

The New Political Geography of California, with Frédéric Douzet and Thad Kousser, eds. (Berkeley Public Policy Press, 2008).

BOOK CHAPTERS

- “Introduction,” with Zachary Courser and Eric Helland and in Zachary Courser, Eric Helland, and Kenneth P. Miller, eds. *Parchment Barriers: Political Polarization and the Limits of Constitutional Order*, University Press of Kansas (2018): 1-14.
- “Polarization and the Administrative State,” with Eric Helland in Zachary Courser, Eric Helland, and Kenneth P. Miller, eds. *Parchment Barriers: Political Polarization and the Limits of Constitutional Order*, University Press of Kansas (2018): 97-118.
- “Amending the Amendment Procedures of the Illinois Constitution,” with Joseph M. Bessette in Joseph E. Tabor, ed. *An Illinois Constitution for the 21st Century*, Illinois Policy Institute (2017): 263-279.
- “California’s Political Geography: Coast vs. Inland and Increasingly Blue” with Frédéric Douzet in Ethan Rarick, ed., *Governing California: Politics, Government, and Public Policy in the Golden State*, Third Edition, Berkeley Public Policy Press (2013): 51-91.
- “Direct Democracy: Initiative, Referendum, and Recall” in Ethan Rarick, ed., *Governing California: Politics, Government, and Public Policy in the Golden State*, Third Edition, Berkeley, CA: Berkeley Public Policy Press (2013): 131-149.
- “Courts and the Initiative and Referendum Process” with Aditya Pai in Richard G. Niemi and Joshua J. Dyck, eds., *Guide to State Politics and Policy*, CQ Press (2013).
- “San Joaquin Valley: Dimensions and Limits of Republican Realignment” with Justin Levitt in *The New Political Geography of California*, Berkeley, CA: Berkeley Public Policy Press (2008): 177-195.
- “California’s East-West Divide” with Frédéric Douzet in *The New Political Geography of California*, Berkeley, CA: Berkeley Public Policy Press (2008): 9-43.
- “Courts and the Initiative Process” in M. Dane Waters, ed. *The Initiative and Referendum Almanac: A Comprehensive Reference Guide to the Initiative and Referendum Process*, Raleigh Durham, N.C.: Carolina Academic Press (2003): 459-467.
- “The Populist Legacy: Initiatives and the Undermining of Representative Government” with Bruce E. Cain in Larry J. Sabato, Howard R. Ernst, and Bruce A. Larson, eds. *Dangerous Democracy? The Battle Over Ballot Initiatives in America*. Lanham, MD: Roman & Littlefield (2001): 33-62.
- “Voting Rights Mismatch: The Challenge of Applying the Voting Rights Act to ‘Other Minorities’” with Bruce E. Cain in Mark E. Rush, ed., *Voting Rights and Redistricting in the United States*. Westport, CT: Greenwood Press (1998): 141-176.

ARTICLES

“The California Supreme Court and the Popular Will,” 19 *Chapman L. Rev.* 151-197 (2016).

“Defining Rights in the States: Judicial Activism and Popular Response.” 76 *Albany L. Rev.* 2061-2103 (2013).

“The Democratic Coalition’s Religious Divide: Why California Voters Supported Obama but not Same-sex Marriage,” *Revue française d’études américaines (French Review of American Studies)* 2009/1 No. 119: 46-62 (2009).

“Du ‘People’s Rule’ en Californie” with Nicolas Heidorn, *Politique Américaine*, No. 9: 65-80 (2008).

“The Davis Recall and the Courts” *American Politics Research*, Vol. 33, No. 2: 135-162 (2005).

“Constraining Populism: The Real Agenda of Initiative Reform,” 41 *Santa Clara Law Review* 1037-1084 (2001).

“Courts as Watchdogs of the Washington State Initiative Process,” 24 *Seattle University Law Review* 1053-1085 (2001).

OTHER PUBLICATIONS

“The Initiative Process,” with Aditya Pai, backgrounder for ‘What’s Next California?’ Deliberative Poll (2011).

“Neither Civil Nor Servants,” Review of *Plunder!: How Public Employee Unions are Raiding Treasuries, Controlling our Lives, and Bankrupting the Nation*, by Steven Greenhut, *Claremont Review of Books*, Vol. 10, No. 4, Fall 2010: 10.

Review of *The Next Los Angeles: The Struggle for a Livable City*, by Robert Gottlieb, Mark Vallianatos, Regina M. Freer, and Peter Dreier, in *Southern California Quarterly*, Vol. 87, No. 3, 328-331 (2005).

“U.S. Term Limits v. Thornton,” in David Schultz, ed. *The Encyclopedia of the Supreme Court*, New York: Facts on File, Inc., 478-479 (2005).

CURRENT RESEARCH PROJECTS

Book on the California Supreme Court

Development of Miller-Rose Institute Initiative Database, a searchable database that summarizes voter-approved initiatives from all 24 initiative states and post-election challenges to voter-approved initiatives, available at www.roseinstitute.org.

CONFERENCE PRESENTATIONS AND INVITED TALKS

Author Meets Critics: *Texas vs. California: A History of Their Struggle for the Future of America*, American Political Science Association Annual Meeting, September 9, 2020.

“Sibling Rivals: How Texas and California became Leaders of Red and Blue America,” Policy History Conference, June 2020 (postponed to June 2021).

“Polarization and the Administrative State” C. Boyden Gray Center for the Study of the Administrative State, Antonin Scalia Law School, George Mason University, Washington, D.C., March 29, 2019.

“The Federalists, the Anti-Federalists, and the Constitution They Created,” Liberty Fund Colloquium, Santa Barbara, CA, November 29-December 2, 2018.

“Political Polarization’s Challenge to the Constitution” (with Amanda Hollis-Brusky, George Thomas, and Zachary Courser), Marian Miner Cook Athenaeum, Claremont McKenna College, November 13, 2018.

“California’s Choices 2018” (with Bob Stern), Marian Miner Cook Athenaeum, Claremont McKenna College, October 30, 2018.

“County Election Administrators on Ballot Access and Ballot Security,” (with Andrew E. Busch, Jean R. Schroedel, Joey Torres, Wesley Edwards, Katie Hill), poster, American Political Science Association Annual Meeting, San Francisco, CA, September 1-4, 2017.

“Law and Legitimacy” (Conference Organizer), Southern California Law and Social Sciences (SoCLASS) Forum, Claremont McKenna College, April 28, 2017.

“Forty Years Later: The Brennan Article and State Constitutions” (panel with Hon. Jay Bybee, James A. Garner, and Derek T. Muller), Federalist Society 2017 Western Conference, Ronald Reagan Presidential Library, Simi Valley, CA, January 28, 2017.

“California’s Choices 2016” (panel with Bob Stern and Tony Quinn), Marian Miner Cook Athenaeum, Claremont McKenna College, October 26, 2016.

“Polarization and the Administrative State” (with Eric Helland) at Dreier Roundtable Conference, Montpelier, VA, April 2, 2016.

“Polarization and the Administrative State” (with Eric Helland) at Southern California Law and Social Sciences (SoCLASS) Forum, “Are We Entering an Era of Dysfunction in American Government? If So, Can It be Stopped?” University of California at San Diego, La Jolla, CA, March 18, 2016.

“After Scalia: The Politics of Supreme Court Nominations in an Age of Polarization” (with Amanda Hollis-Brusky, George Thomas, Zachary Courser), Dreier Roundtable panel, Marian Miner Cook Athenaeum, Claremont McKenna College, March 3, 2016.

“May Rights Be Submitted to a Vote?: Direct Democracy and Rights in the States,” Yale Law School Federalist Society, New Haven, CT, February 18, 2016.

“Taking Voter Equality Seriously: What Does ‘One Person, One Vote’ Really Mean?” (with Christopher Skinnell), Marian Miner Cook Athenaeum, Claremont McKenna College, November 17, 2015.

“Presaging the Presidential Election: How the 2015 Election Will Shape the 2016 Presidential Race” (with Zach Courser and Christina Bellantoni), Marian Miner Cook Athenaeum, Claremont McKenna College, November 3, 2015.

“Examining Polarization in the Supreme Court,” Dreier Roundtable Conference: “Examining the Roots of Polarization in our Constitutional Order,” Claremont McKenna College and Santa Monica, CA, October 9-11, 2015.

“The Political Context of the New Judicial Federalism,” American Political Science Association, San Francisco, CA, September 3-6, 2015.

“Religious Freedom and Public Policy: How Serious is the Threat?” Claremont Center for Reason, Religion, and Public Affairs, Claremont, CA, June 13, 2015.

“Immigration Policy for the 21st Century: Politics of Immigration Reform,” Dreier Roundtable and Brookings Institution Conference, Claremont McKenna College, November 7, 2014.

“Has the United States Supreme Court killed California’s initiative process or helped check its abuses?” (panel with Rick Hasen, Dan Kolkey, Justin Levitt, and Judge Sandra Ikuta), Federalist Society 2014 Western Conference, Ronald Reagan Presidential Library, Simi Valley, CA, January 25, 2014.

“California’s Choices 2014” (panel with Bob Stern and Tony Quinn), Marian Miner Cook Athenaeum, Claremont McKenna College, October 22, 2014.

“The Voting Rights Act After *Shelby County v. Holder*” (panel with Bruce Cain and Marguerite Leoni), Marian Miner Cook Athenaeum, Claremont McKenna College, November 19, 2013.

“Election Review” (with Thad Kousser), National Speaker’s Conference, 23rd Annual Meeting, Los Angeles, CA, October 24, 2013.

“The Purposes of Punishment in Supreme Court Jurisprudence,” Salvatori Center Conference on Capital Punishment, Claremont, CA, May 25, 2013.

“California’s Choices 2012” (panel with Bob Stern and Tony Quinn), Marian Miner Cook Athenaeum, Claremont McKenna College, October 29, 2012.

“Judicial Activism in the Court of Public Opinion,” via online submission, American Political Science Association, New Orleans, LA, August 30 - September 2, 2012.

“State Constitutions and the Politics of Rights,” Policy History Conference, Richmond, Virginia, June 6-9, 2012.

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“Progressivism and Institutional Change,” (Roundtable), James Madison Program Conference on American Constitutionalism and the Legacy of Progressivism, Princeton University, May 21, 2012.

“The Courts, the States, and Constitutional Liberty,” Liberty Fund Colloquium, Santa Fe, New Mexico, February 2-5, 2012.

“The Constitution in Contemporary American Politics,” (Roundtable), Princeton University, September 16, 2011.

“Making Sense of the California Initiative System,” San Gabriel Valley Economic Partnership, Cal Poly Pomona, October 15, 2010.

“The Spirit of Phi Beta Kappa,” Induction Ceremony for new members of Phi Beta Kappa, Claremont McKenna College, May 13, 2010.

“State Constitutions,” Liberty Fund Colloquium, Safety Harbor, Florida, March 11-13, 2010.

“Is California Governable?” Constitution Week Panel, CSU Fullerton, September 17, 2009.

“Same-sex Marriage, Courts, and Direct Democracy,” (Roundtable), American Political Science Association, Toronto, Ontario, Canada, September 2, 2009.

“Governing a Multi-Ethnic California: A Comparative Perspective” Berkeley, CA, March 11-13, 2009.

“Federalism and Separation of Powers: Safeguards of Liberty,” Liberty Fund Colloquium, New Orleans, LA, February 26-March 1, 2009.

Election Night Commentary, Marian Miner Cook Athenaeum, Claremont McKenna College, November 4, 2008.

“The California Economy: What Can Be Done?” Claremont Institute Conference: California Public Policy 2008, Newport Beach, CA, May 31, 2008.

“The New Political Geography of California” panel discussion, U.C. Berkeley, April 28, 2008. Moderator: “Teaching the Constitution, the Constitution as Teacher: A Panel Discussion in Honor of Leonard Levy,” Claremont Discourse Lecture Series, Claremont CA, September 20, 2007.

“Direct Democracy and the Definition of Rights,” Western Political Science Association, Las Vegas, NV, March 8, 2007.

“Dimensions of Republican Realignment in California’s Central Valley,” (with Justin Levitt), Western Political Science Association, Las Vegas, NV, March 8, 2007.

“Election Review,” The California Club, Los Angeles, CA, November 7, 2006.

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“Measuring California’s East-West Divide” (with Frédéric Douzet and Ariane Zambiras), Borchard Foundation Conference: California: A Franco-American Perspective, Missillac, France, July 2006.

Discussant, “Law, Diplomacy, and War,” Keck Center for International and Strategic Studies, Claremont, CA, March 24, 2006.

“The California Special Election” debate with Dr. Lisa García-Bedolla, Pomona Student Union, Pomona College, Claremont, CA, November 1, 2005.

“Anatomy of a Backlash: The Response to *Goodridge v. Department of Public Health*,” American Political Science Association, Washington, D.C., September 4, 2005.

“The Scholarship of William K. ‘Sandy’ Muir: What Political Science Needs to be Now?” Western Political Science Association, Oakland, CA, March 18, 2005.

“Election Review,” The California Club, Los Angeles, CA, November 3, 2004.

Election Analysis, Marian Miner Cook Athenaeum, Claremont McKenna College, Claremont, CA, November 2, 2004.

“The Future of Direct Democracy in California,” The Claremont Institute, Claremont, CA, March 3, 2004.

“The Davis Recall and the Courts,” Western Political Science Association, Portland, OR, March 12, 2004.

“Public Policy Formation by Citizen Initiative: Failed Initiatives—Missed Opportunities?” Symposium, Rose Institute of State and Local Government, Claremont McKenna College, Claremont, CA, October 23, 2003.

“Prospects for Initiative Reform,” The California Club, Los Angeles, CA, October 20, 2003.

“Recall Politics,” Symposium, Pomona College, Claremont, CA, September 30, 2003.

“California Politics: Losing Ground or Making Strides?” Panel, Marian Miner Cook Athenaeum, Claremont McKenna College, Claremont, CA, September 29, 2003.

“Three Strikes and the Eighth Amendment,” American Political Science Association, Philadelphia, PA August 2003.

“Teaching Law to Undergraduates,” Roundtable, Western Political Science Association, Denver, CO, March 28, 2003.

“New Judicial Resistance to Direct Democracy,” American Political Science Association, Boston, MA, August 31, 2002.

“The California Initiative: Fourth Branch of Government?” Symposium, Santa Clara University Law School, Santa Clara, CA, March 23, 2001.

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“The Populist Legacy: Initiatives and the Undermining of Representative Government,” (co-presented with Bruce Cain) University of Virginia Center for Governmental Studies National Direct Democracy Conference, Charlottesville, VA, June 8-10, 2000.

“Judging Initiatives: A Unique Role for Courts,” Western Political Science Association, San Jose, CA, March 26, 2000.

“The Role of Courts in the Initiative Process: A Search for Standards,” American Political Science Association, Atlanta, GA, September 1999.

“The Fragile Logic of Voting Rights” (with Bruce Cain), American Political Science Association, Chicago, IL, August 1996.

TEACHING EXPERIENCE

California Politics

Constitutional Law (Rights and Liberties)

Constitutional Law (National Powers)

Introduction to American Politics

Supreme Court / Criminal Procedure

Interdisciplinary Introduction to Law

Public Policy (Poverty)

Legislative Process

Introduction to Political Theory

Government/International Relations Honors Thesis Seminar

RESEARCH GRANTS AND FELLOWSHIPS

Smith Richardson Foundation, Domestic Policy Program grant for book on Texas vs. California, 2017-2019

Tower Center Fellow, Tower Center for Political Studies, Southern Methodist University—2017-2020

Hewlett Foundation grants for work on political polarization (through Dreier Roundtable), 2015-2018

Ann and Herbert W. Vaughan Visiting Fellowship, James Madison Program in American Ideals and Institutions, Princeton University—2011-2012

CMC Summer Research Awards—2004-2009

U.C. Berkeley Institute of Governmental Studies Visiting Scholar—2007-2008

Albert and Elaine Borchard Foundation Grant (California political geography, with Thad Kousser, Frédérick Douzet)—2006

University of California Humanities Research Institute Grant (Governing a multi-ethnic California, with Thad Kousser, Frédérick Douzet)—2008

COLLEGE COMMITTEES AND OTHER SERVICE

Associate Director, Rose Institute of State and Local Government 2009-

Founding Co-Director, Dreier Roundtable, 2014-2019

Faculty Advisor, CMC Washington Program, 2004-

CMC Faculty Liaison, Luce Scholars Program, 2005-2011

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CMC Faculty Advisor, California Capital Fellows Programs, 2006-
Member, CMC Truman Scholars Nomination Committee, 2004-2011
Advisor, CMC Political Education Fellowship, 2003-
Member, CMC Trustees Finance Committee, 2016-2017
Member, CMC Administration Committee, 2012-2015
Member, CMC Academic Standards Committee, 2012-2013
Member, CMC Student Recruitment Committee, 2007-2011; 2015-
Member, Off-campus Study Committee, 2008-2009; 2019-2020
Member, CMC Judicial Board, 2004-2008
Co-founder, CMC Inland Empire Center (2009)
Coordinator, CMC Government/IR Senior Honors Program, 2003-2009
Member, CMC Ad Hoc Committee on Legal Studies Program, 2003-2004
Administrator, John Gardner Public Service Program (U.C. Berkeley-Stanford) 1997-1999

MEDIA COMMENTARY

Political analysis and commentary in various media outlets, including television (KPIX, KRON), radio (NPR, BBC, CBC, Wisconsin Public Radio, Minnesota Public Radio, KQED, KPCC, KCRW, KNX) and print (*The Economist*, *New York Times*, *Financial Times*, *Los Angeles Times*, *San Francisco Chronicle*, *USA Today*, *Orange County Register*, *Sacramento Bee*, *Campaigns and Elections*)

SERVICE TO THE PROFESSION

Member, Editorial Board, *California Journal of Politics and Policy*

Manuscript reviewer:

Oxford University Press

University of Chicago Press

University of California Press

CQ Press

American Politics Research

State Politics and Policy Quarterly

State and Local Politics Review

Journal of the European Economic Association

MEMBERSHIPS

American Political Science Association Section memberships: Law and Courts, State Politics and Policy, Politics and History

James Madison Society, James Madison Program, Princeton University

California Supreme Court Historical Society

California Bar Association (Active Member). Bar No. 139806; Administration of Justice Committee, 1991-1994

Phi Beta Kappa

OTHER PROFESSIONAL EXPERIENCE

Member, Board of Directors, Veritas Forum 2017-

Co-founder and Senior Fellow, Claremont Center on Reason, Religion, and Public Affairs,
2014-present

Member, Board of Directors, Pomona Hope, 2008-2014 (Chair, 2012-2014)

Co-founder and Editorial Board Member, *Inland Empire Outlook*, 2009-present

Attorney, Morrison & Foerster, LLP—1989-2002

1989-1994: Associate in the firm, resident in Los Angeles and Sacramento offices

Specialized in civil litigation, administrative law, and legislative advocacy

Co-founder, Sacramento office, 1991

1994-2002: Contract attorney, specializing in election law

Legislative Assistant, California State Senator Rebecca Q. Morgan—1988-1989

California Senate Fellow

Intern, Congressman David Dreier, Washington, D.C.—Fall 1983/Summer 1984

Lyndon Baines Johnson and Margaret Martin Brock Internships