THE CHIEF JUSTICE AND JUDICIAL LEGITIMACY

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Bowen Hall 222
In *The Federalist*'s famous description of constitutional checks and balances, Publius emphasized that “[t]he interest of the man must be connected with the constitutional rights of the place.” We have a sense of what this institutionalist principle means in the cases of the President or Congressmen. But what does it mean regarding the Judiciary?

Experience suggests that no office in government better embodies constitutional institutionalism than the Chief Justice of the United States, who is emphatically connected to the court that he leads. Unlike the President and Congressmen, whose institutionalist moorings are more easily eroded by party or other affiliations, the Chief Justices are tightly attached to their institution and attuned to its interests.

In this lecture, we will consider the ways in which this institutionalist effect is evident — and the ways in which a Chief Justice’s institutionalist mindset might seem in tension with, or altogether at odds with, the Chief Justice’s fundamental duties as a judge: to exercise, in Publius’s words, “neither Force nor Will, but merely judgment.”

**ADAM J. WHITE** is a Resident Scholar at the American Enterprise Institute, where he focuses on American constitutionalism, the Supreme Court, and the administrative state. Concurrently, he is Assistant Professor of Law and the Director of the C. Boyden Gray Center for the Study of the Administrative State in the Antonin Scalia Law School at George Mason University. Mr. White previously practiced constitutional and administrative law. He was a research fellow for Stanford University’s Hoover Institution and an adjunct fellow for the Manhattan Institute. He started his legal career as a law clerk for Judge David B. Sentelle at the U.S. Court of Appeals for the D.C. Circuit. He holds a J.D. from Harvard Law School and a Bachelor of Business Administration from the College of Business at the University of Iowa.