

# WAYNE BATCHIS

Professor of Political Science and Legal Studies  
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## EDUCATION

### JOHNS HOPKINS UNIVERSITY

**Ph.D., Political Science, 2009**

*Concentration:* Law and Politics, Urban Politics, American Political Institutions

### UNIVERSITY OF PENNSYLVANIA LAW SCHOOL

**J.D., 1999**

### BOSTON UNIVERSITY

**B.A., Political Science and Sociology, 1996**

*Honors:* magna cum laude, Department Award for Excellence in Sociology, Symington Merit Scholar

## BOOKS

- “Throwing the Party: How the Supreme Court Puts Political Party Organizations Ahead of Voters” *Cambridge University Press* (2022)
- “The Right’s First Amendment: The Politics of Free Speech & the Return of Conservative Libertarianism” *Stanford University Press* (2016)

## ARTICLES AND BOOK CHAPTERS

- “The Dangerous Right of the Autonomous Listener” *The First Amendment Law Review* (forthcoming 2024)
- “The Discriminatory Religion Clauses” *The Southern California Law Review*, vol. 97, No. 2 (2024)
- “Against Strict Scrutiny: The Supreme Court’s Quiet Degradation of First Amendment Speech Protection” *The University of Kansas Law Review*, vol. 70, No. 1 (2021)
- “The Government Speech-Forum Continuum: A New First Amendment Paradigm and its Application to Academic Freedom” *New York University Annual Survey of American Law*, vol. 75, no. 1 (2019)
- “The Political Party System as a Public Forum: The Incoherence of Parties as Expressive Associations and a Proposed Correction” *University of Michigan Journal of Law Reform*, vol. 52, no. 2 (2019)

- “On the Categorical Approach to Free Speech – And the Protracted Failure to Delimit the True Threats Exception to the First Amendment” *Pace Law Review*, vol. 36, no. 4 (2016)
- “Local Governments and the Law” in *The CQ Press Guide to Urban Politics and Policy in the United States* Ed. Christine Kelleher Palus, Richardson Dilworth (2016)
- “Academic Freedom and Judicial Independence” *FIU Law Review*, vol. 9, no.1 (2013)
- “Is Political Science Missing Out? Doctrinal Analysis and Law & Courts” *Law & Courts: Newsletter of the Law & Courts Section of the American Political Science Association*, vol. 23, no. 1 (Spring 2013)
- “Free Speech in the Suburban and Exurban Frontier: Shopping Malls, Subdivisions, New Urbanism and the First Amendment” *Southern California Interdisciplinary Law Journal*, vol. 21, no. 2 (2012)
- “Suburbanization and Constitutional Interpretation: Exclusionary Zoning and the Supreme Court Legacy of Enabling Sprawl” *Stanford Journal of Civil Rights & Civil Liberties*, vol. VIII, Issue 1 (2012)
- “Citizens United and the Paradox of Corporate Speech: From Freedom of Association to Freedom of the Association” *New York University Review of Law & Social Change*, vol. 36, no. 1 (2012)
- “Business Improvement Districts and the Constitution: The Troubling Necessity of Privatized Government for Urban Revitalization” *Hastings Constitutional Quarterly*, vol. 38, no. 1 (2010)
- “Privatized Government in a Diverse Urban Neighborhood: Mt. Airy Business Improvement District” *Drexel Law Review*, vol. 3, no.1 (2010)
- “Enabling Urban Sprawl: Revisiting the Supreme Court’s Seminal Zoning Decision Euclid v. Ambler in the 21st Century” *Virginia Journal of Social Policy & the Law*, vol. 17, no. 3 (2010)
- “Urban Sprawl and the Constitution: Educational Inequality as an Impetus to Low Density Living” *The Urban Lawyer*, vol. 42, no. 1 (2010)
- “Constitutional Nihilism: Political Science and the Deconstruction of the Judiciary” *Rutgers Journal of Law & Public Policy*, vol. 6, no. 1 (2008)
- “Reconciling Campaign Finance Reform with the First Amendment: Looking Both Inside and Outside America’s Borders” *Quinnipiac University Law Review*, vol. 25, no. 1 (2006)

## **PERIODICALS, BOOK REVIEWS, OP-EDS, MEDIA APPEARANCES/INTERVIEWS, OTHER**

- The Supreme Court has a Clarence Thomas (and Ginni Thomas) Problem. *NBC News*. By Wayne Batchis. March 19, 2022. <https://www.nbcnews.com/think/opinion/supreme-court-s-clarence-thomas-ginni-thomas-problem-ncna1292351>

- High Fares for Regional Rail Riders Create a ‘Tale of Two Transit Systems’ in Philadelphia. *The Philadelphia Inquirer*. By Wayne Batchis. July 28, 2021. <https://www.inquirer.com/opinion/commentary/septa-regional-rail-cost-transportation-equity-20210728.html>
- Laws Aimed at Critical Race Theory May Face Legal Challenges. Interview in *Bloomberg Law*. By Tiana Headley. July 7, 2021. <https://news.bloomberglaw.com/us-law-week/laws-curbing-critical-race-theory-may-face-legal-challenges>
- A Look at Parler and the Tension Between Free Speech and Speech You Might Hate. Interview in *Deseret News*. By Jennifer Graham. November 24, 2020. <https://www.deseret.com/indepth/2020/11/24/21575766/conservatives-parler-twitter-free-speech-ivanka-trump-constituion-first-amendment-cancel-culture>
- “The Warren Court” with Christopher J. Merken in *The American Middle Class: An Economic Encyclopedia of Progress and Poverty* Ed. Robert S. Rycroft. Greenwood (2017)
- The shifting politics of free speech in America. Interview in *The Christian Science Monitor* By Jessica Mendoza September 28, 2017. <https://www.allsides.com/news/2017-09-29-0648/shifting-politics-free-speech-america>
- How the American Right Co-opted the Idea of Free Speech. Interview in *Quartz* By Annalisa Merelli August 18, 2017. <https://qz.com/1055351/how-the-american-right-co-opted-the-idea-of-free-speech/>
- Book Review: “Judging Free Speech: First Amendment Jurisprudence of US Supreme Court Justices,” by Helen J. Knowles and Steven B. Lichtman (eds)., *The Law and Politics Book Review*, vol. 26, no. 3 (July 2016)
- “Freedom of Speech: Public Property, Employees and Subsidies” in *American Governance* Ed. Stephen Schechter, Thomas S. Vontz, Thomas A. Birkland, Mark A. Graber, and John J. Patrick. Vol. 2. Farmington Hills, MI: Macmillan Reference USA, 2016. pp. 311-314.
- Book Review: “Nuanced Absolutism: Floyd Abrams & The First Amendment,” by Ronald K.L. Collins, *The Law and Politics Book Review*, vol. 23, no. 6 (June 2013)
- “Sunday Dialogue: How the Court Decides – Should the justices take the effects of society into account?” *The New York Times*, Sunday Review, p.2 (June 16, 2013)

## TEACHING AND RELATED EXPERIENCE

### University of Delaware, Newark, DE

- *Director of Legal Studies Program*, September 2016 – present
- *Professor of Political Science and Legal Studies*, May 2024 – present
- *Associate Professor of Political Science and Legal Studies*, May 2014 – May 2024
- *Assistant Professor of Political Science and Legal Studies*, September 2008 – May 2014
  - Courses:

- Constitutional Law
- Comparative Constitutional Law (Graduate Course)
- Civil Liberties
- The First Amendment
- The First Amendment (Honors Section)
- Election Law
- Election Law (Honors Section)
- Introduction to Law
- Introduction to Law (Honors Stand-Alone Class)
- Legal Theory
- Legal Theory (Honors Stand-Alone Class)
- The Law and You
- Excellence in Teaching Award Nomination: 2009, 2011, 2012, 2016, 2017, 2023
- Excellence in Honors Teaching Award Nomination: 2024
- Member, Pre-Law Advisement Committee, 2008 – 2011
  - Chair, 2011 – 2017
- Alternate Member, Executive Committee, 2009 – 2010, 2020 – 2021
- Member, Honors and Awards Committee, 2009 – 2011, 2013 – 2015
- At-Large Member, College of Arts & Sciences Faculty Senate, 2010 – 2012
- Member, Faculty Search Committee, 2011 – 2012
- Member, Executive Committee, 2011 – 2012, 2016 – 2017, 2018 – 2019
- Member, University Faculty Senate, 2014 – 2016
- Member, Political Science Chair Search Committee, 2015
- Member, Graduate Admissions and Funding Committee, 2015 – 2016, 2020
- Chair, Temporary Assistant Professor Search Committee, 2016 – 2017
- Member, Undergraduate Committee, 2017-2018, 2020-2021
- Member, P&T Committee, 2018-2019
- Member, Enrollment Taskforce, 2020-2021
- Member, Graduate Policy Committee 2021-2024
- Field Coordinator, American Politics, 2021-2024

**Drexel University, Philadelphia, PA**

- *Instructor*, April – June 2007
  - Course:
    - American Government I

**Johns Hopkins University, Baltimore, MD**

- *Instructor*, Jan. 2007
  - Course:
    - Thinking Like a Lawyer: An Introduction to Legal Reasoning
- *Teaching Assistant*, Sept. – Dec. 2006
  - Course:
    - Constitutional Law
- *Teaching Assistant/Graduate Student Instructor*, Sept. – Dec. 2005
  - Course:
    - Introduction to American Politics
- *Teaching Assistant*, Sept. – Dec. 2004

- Course:
  - Urban Politics and Policy

**Goucher College, Baltimore, MD**

- *Instructor*, Jan. – May 2005
  - Course:
    - Legal Writing and Analysis: Selected Topics in Constitutional Law

**National Constitution Center, Philadelphia, PA**

- *Interpreter*, June 2003 – Jan. 2004

**Peace Corps Morocco**

- *Volunteer*, Aug. 2002 – April 2003 (program evacuated April 2003)  
 Taught English as a Foreign Language (EFL) to students of all ages. Designed a curriculum for adult classes incorporating discussion, debate and exploration of contemporary political, social and cultural issues. Participated in intensive cultural, technical and language training.

**LEGAL AND POLITICAL EXPERIENCE**

**Pepper Hamilton, L.L.P., Philadelphia, PA**

- *Attorney*, Aug. 2003 – Aug. 2004  
 Prepared and reviewed documents for production in major health care litigation.

**Fulbright & Jaworski L.L.P., New York, NY**

- *Attorney*, May 2001 – June 2002  
 Advised corporate clients on diverse areas of federal and state tax law. Drafted articles on various legal issues for publication in specialized legal journals. Prepared applications for tax-exempt status for not-for-profit private foundations and public charities.

**Pillsbury Winthrop Shaw Pittman L.L.P., New York, NY**

- *Attorney*, May – Aug. 1998/Sept. 1999 – May 2001  
 Researched and prepared memoranda on various areas of federal and state tax law. Drafted articles on non-profit legal issues that were circulated to clients and published on law firm website.

**Guild Food Stamp Clinic, Philadelphia, PA**

- *Advocate*, Jan. 1997 – April 1999  
 Counseled low-income clients on food stamp issues. Performed legal and statutory research. Resolved disputes through negotiation with caseworkers. Represented clients at fair hearings.

**Vice President Al Gore, Washington, DC**

- *White House Intern*, Aug. – Dec. 1994  
 Coordinated events and meetings for the Vice President. Organized and reviewed constituent requests. Compiled scheduling updates.

**CONFERENCE PARTICIPATION**

- “Democracy and the Dangerous Right to Listen” American Constitution Society, Eighth Annual Constitutional Law Scholars Forum, University of Oklahoma College of Law, February 16, 2024.
- “The Discriminatory Religion Clauses” Law and Society Annual Meeting, San Juan, PR, June 1-4, 2023.
- “Urgent Changes to the Constitution” Discussant, Law and Society Annual Meeting, San Juan, PR, June 1-4, 2023.
- “The Religion Clauses and Government Speech” Loyola University Chicago School of Law, Thirteenth Annual Constitutional Law Colloquium, Chicago, IL, November 4-5, 2022.
- “How the Supreme Court Puts Political Party Organizations Ahead of Voters” Loyola University Chicago School of Law, Twelfth Annual Constitutional Law Colloquium (held at George Washington University), Washington, DC, November 12-13, 2021.
- “Political Parties and the Switch from Equal Protection to the First Amendment” American Constitution Society Fourth Annual Constitutional Law Scholars Forum (online), Orlando, FL, March 26, 2021.
- “Political Parties and Campaign Finance Law” Loyola University Chicago School of Law (online), Eleventh Annual Constitutional Law Colloquium, Chicago, IL, November 6-7, 2020.
- “Navigating the Constitutional Tensions between the Political Party Organization and its Membership” Loyola University Chicago School of Law, Tenth Annual Constitutional Law Colloquium, Chicago, IL, November 8-9, 2019.
- “Political Parties and the Constitution” American Political Science Association Annual Meeting, Washington, DC, August 29-September 1, 2019.
- “Deregulating the Regulators: The Constitution, Political Parties and the Rules of the Game of Democracy” Law and Society Annual Meeting, Washington, DC, May 30-June 2, 2019.
- "Difficulties of Responding to Hate Speech on College & University Campuses" Panel Moderator/Discussant, University of Delaware Conference on Speech Limits in Public Life: At the Intersection of Free Speech and Hate, Newark DE, March 15, 2019.
- “Deregulating the Regulators: The Constitution, Political Parties and the Rules of the Game of Democracy” American Constitution Society Fourth Annual Constitutional Law Scholars Forum, Orlando, FL, March 1, 2019.
- “Against Strict Scrutiny in Content-Based First Amendment Jurisprudence” American Constitution Society Third Annual Constitutional Law Scholars Forum, Orlando, FL, March 2, 2018.
- “Academic Freedom and Free Speech at State Universities: Tenure as a Designated Limited Public Forum” Loyola University Chicago School of Law, Eighth Annual Constitutional Law Colloquium, Chicago, IL, November 3-4, 2017.

- “The Political Party as a Public Forum: The Incoherence of Political Parties as Free Speech Associations and a Proposed Correction” Loyola University Chicago School of Law, Seventh Annual Constitutional Law Colloquium, Chicago, IL, November 4-5, 2016.
- “The First Amendment in a Diverse Age.” American Political Science Association Annual Meeting, Philadelphia, PA, September 1-4, 2016.
- “On the Categorical Approach to Free Speech” Law and Society Annual Meeting, New Orleans, LA, June 2-5, 2016.
- “Categories Undefined = Ad Hoc Balancing in Disguise? *Elonis v. U.S.* and the Protracted Failure to Delimit the True Threats Exception to the First Amendment” Loyola University Chicago School of Law, Sixth Annual Constitutional Law Colloquium, Chicago, IL, November 6-7, 2015.
- “Commercial Speech in the 1970s and 1980s: Political Ideology and the Evolution of a Conservative First Amendment” Loyola University Chicago School of Law, Fifth Annual Constitutional Law Colloquium, Chicago, IL, November 7-8, 2014.
- “The Boundaries of Urban Political Power” Mid-Atlantic Law & Society Association Conference, Philadelphia, PA, October 18, 2014.
- “Commercial Speech, Ideology and the Supreme Court: The Evolution of a Conservative First Amendment.” Law and Society Annual Meeting, Minneapolis, MN, May 29 - June 1, 2014.
- “Ideology as a Catalyst for Principled Doctrinal Change: Hate Speech, Commercial Speech & the 1<sup>st</sup> Amendment.” Loyola University Chicago School of Law, Fourth Annual Constitutional Law Colloquium, Chicago, IL, November 1-2, 2013.
- “Catalyzing a Conservative First Amendment: The Political Correctness Harangue of the Early 1990s.” Law and Society Annual Meeting, Boston, MA, May 30 - June 2, 2013.
- “The Right’s First Amendment: Understanding Free Speech & Conservatism.” Loyola University Chicago School of Law, Third Annual Constitutional Law Colloquium, Chicago, IL, November 2-3, 2012.
- “Political Change and the First Amendment: A Return to Conservative Libertarianism.” Mid-Atlantic Law & Society Association Conference, Philadelphia, PA, October 19-20, 2012.
- “Conservatism, Free Speech and the Nature of Political Representation.” American Political Science Association Annual Meeting, New Orleans, LA, August 29- September 2, 2012 (Paper Accepted for Presentation, Meeting Canceled).
- “The Legitimacy of Judicial Institutions.” *Panel Chair and Discussant*, Midwest Political Science Association 70<sup>th</sup> Annual Conference, Chicago, IL, April 12-15, 2012.
- “Conservatism and Free Speech.” Midwest Political Science Association 70<sup>th</sup> Annual Conference, Chicago, IL, April 12-15, 2012.

- “Constitutional Rights for Non-People: Citizens United and the Quiet Emergence of Associations as Rights Bearing Political Actors.” American Political Science Association Annual Meeting, Seattle, WA, September 1-4, 2011.
- “Citizens United and the Paradox of Corporate Speech: From Freedom of Association to Freedom of *the* Association.” Law and Society Annual Meeting, San Francisco, CA, June 2-5, 2011.
- “Citizens United and the Paradox of Corporate Speech.” The 82<sup>nd</sup> Annual Southern Political Science Association Conference, New Orleans, LA, January 5-8, 2011.
- “Business Improvement Districts and the Constitution: Urban Revitalization in an Age of the Privatized Constitution.” Law and Society Association Annual Meeting, Chicago, IL, May 27-30, 2010.
- “Privatized Government in a Diverse Urban Neighborhood: Mt. Airy, Philadelphia BID: A Case Study.” Business Improvement Districts and the Evolution of Urban Governance at the Earle Mack School of Law at Drexel University, Philadelphia, PA, January 22, 2010.
- “Urban Sprawl and the Constitution: Educational Inequality as an Impetus to Low Density Living.” Law and Society Association Annual Meeting, Denver, CO, May 28-31, 2009.
- “New Directions in Law” *Panel Chair*, Conference on the United States in the Global System, University of Delaware, Newark, DE, April 17-18, 2009.
- “Enabling Urban Sprawl: Exclusionary Zoning and the Supreme Court.” American Political Science Association Annual Meeting, Boston, MA, August 28-31, 2008.
- “Enabling Urban Sprawl: Exclusionary Zoning and the Supreme Court.” The Joint Annual Meetings of Law and Society Association and Canadian Law and Society Association, Montreal, Quebec, Canada, May 29 - June 1, 2008.
- “The Supreme Court and the Politics of Place: Suburban Sprawl and Urban Dispersion.” The 39<sup>th</sup> Annual Northeastern Political Science Association Convention, Philadelphia, PA, November 17-19, 2007.
- “Constitutional Nihilism: Political Science and the Legal Profession.” Johns Hopkins Graduate Student Colloquium, Baltimore, MD, March 3, 2007.
- “Recognizing Fatherhood in Law and Assisted Reproduction.” Discussant, Johns Hopkins Graduate Student Colloquium, Baltimore, MD, November 4, 2005.

## **MANUSCRIPT OR ARTICLE REVIEWER**

Cambridge University Press  
 SUNY Press  
 Oxford University Press  
 American Politics Research  
 Palgrave Macmillan  
 New England Journal of Political Science



## **PROFESSIONAL ASSOCIATION MEMBERSHIPS**

American Political Science Association, Section memberships – Law and Courts, Urban Politics  
Law and Society Association  
Southern Political Science Association  
Midwest Political Science Association  
Northeast Association of Pre-Law Advisors  
American Bar Association 1999-2002  
New York Bar Association 1999-2002

## **LANGUAGES**

Intermediate Moroccan Arabic (Derija) and French