

KATE STITH

Yale Law School, P.O. 208215, New Haven, CT 06520-8215
Courier: 127 Wall Street, New Haven, CT 06511
(203) 432-4835
Kate.Stith@Yale.edu

PUBLICATIONS

Books and Monographs

DEFINING FEDERAL CRIMES (Aspen Press) (1st ed. 2014; 2d ed. 2018, 2019) (with D. Richman)

CAMPUS SPEECH IN CRISIS (Encounter Books, 2016) (with J.A. Cabranes)

FEAR OF JUDGING: SENTENCING GUIDELINES IN THE FEDERAL COURTS (U. of Chicago Press, 1998) (with J.A. Cabranes) (ABA Certificate of Merit 1999)

THE *DARTMOUTH COLLEGE CASE* AND THE ENDURING SIGNIFICANCE OF SELF-GOVERNANCE (Dartmouth College, 1995)

THE CONSTITUTIONAL ROLES OF CONGRESS, THE EXECUTIVE AND THE COURTS IN THE CONDUCT OF U.S. FOREIGN POLICY, Woodrow Wilson International Center for Scholars (1991) (with H.H. Koh & S.Y. Koh)

Articles and Book Chapters

Samuel Alito on Criminal Law (forthcoming from AEI Press, 2022)

Apprendi's Two Rights, 99 North Carolina Law Review 1229 (2021)

Weinstein on Sentencing II, 32 Federal Sentencing Reporter 155 (2021)

The Dartmouth College Case and the Founding of Historically Black Colleges, 18 University of New Hampshire Law Review 27 (2019) (with C. Blumenthal)

Buprenorphine MAT as an Imperfect Fix, 46 JOURNAL OF LAW, MEDICINE & ETHICS 279 (2018) (with B. Mund)

The Opioid Crisis and Federal Criminal Prosecution, 46 JOURNAL OF LAW, MEDICINE & ETHICS 292 (2018) (with R.L. Rothberg)

Fentanyl: A Whole New World?, 46 Journal of Law, Medicine & Ethics 314 (2008) (with R.L. Rothberg)

The Role of Civil Commitment in the Opioid Crisis, 46 JOURNAL OF LAW, MEDICINE & ETHICS 343 (2018) (with I.P. Bhalla, N. Cohen, C.E. Haupt, and R. Zhong)

No Entrenchment: Justice Thomas on the Hobbs Act, the Ocasio Mess, and the Vagueness Doctrine, 127 YALE LAW JOURNAL FORUM 233 (2017)

The Criminal Procedure Clauses of the Fifth Amendment, www.constitutioncenter.org/interactive-constitution/amendment-v, National Constitution Center (2015) (with P. Cassell)

The Woodward Report, in FREE TO TEACH, FREE TO LEARN (American Council of Trustees and Alumni) (2013) (with J.A. Cabranes)

Principles, Pragmatism, and Politics: The Evolution of Washington State's Sentencing Guidelines, 76 LAW & CONTEMPORARY PROBLEMS 105 (2013)

Amicus Brief for Appellants, *New York v. Greenberg*, 21 N.Y. 3d 349 (2013)
Booker Rules, 160 UNIVERSITY OF PENNSYLVANIA LAW REVIEW 631 (2012) (with A. Baron-Evans)

Weinstein on Sentencing, 24 FEDERAL SENTENCING REPORTER 2017 (2012)

In Memoriam: A Tribute to Professor Daniel J. Freed, 24 FEDERAL SENTENCING REPORTER 82 (2011)

The Cost of Judging Judges by the Numbers, 28 YALE LAW & POLICY REVIEW 313 (2010) (with M. Levy and J.A. Cabranes)

Amicus Brief, *Herrera v. Oregon* (U.S. Supreme Court, No. 10-344) (joint brief)

Standing on the Shoulders of a Giant: Sentencing Reform and Daniel Freed, 21 FEDERAL SENTENCING REPORTER (2009)

The Fifth Amendment Privilege: Introduction, 30 CARDOZO LAW REVIEW 717 (2008)

Two Fronts for Sentencing Reform, 20 FEDERAL SENTENCING REPORTER 343 (2008)

The Arc of the Pendulum: Judges, Prosecutors, and the Exercise of Discretion, 117 YALE LAW JOURNAL 1420 (2008)

No Contract, THE DARTMOUTH INDEPENDENT (2007)

The Real Sentencing Law, www.SCOTUSblog.com (2007)

Amicus Brief on Behalf of Law Professors and Former United States Attorneys, *United States v. Rita* (U.S. Supreme Court, No. 06-5754) (2006)

United States v. Mistretta: The Constitution and the Sentencing Guidelines, in CRIMINAL PROCEDURE STORIES (C. Steicker, ed.), Foundation Press (2006)

A Sentencing Agency in the Judicial Branch, 58 STANFORD LAW REVIEW 217 (2005) (with K. Dunn)

Abraham S. Goldstein's Contribution to Criminal Law Scholarship, 115 YALE LAW JOURNAL 511 (2005)

Crime and Punishment Under the Constitution, 2004 SUPREME COURT REVIEW 221 (2005)

Blakely v. Washington, FEDERAL SENTENCING REPORTER (2004) (transcript of Stanford Law School conference)

Sense and Sensibility, NEW YORK TIMES (2004) (with W. Stuntz)

Criminal Law and the Supreme Court: An Essay on the Jurisprudence of Byron White, 74 UNIVERSITY OF COLORADO LAW REVIEW 1523 (2003)

Disparity in Sentencing—Race & Gender, 15 FEDERAL SENTENCING REPORTER 160 (2003)

Justice White and the Law, 112 YALE LAW JOURNAL 993 (2003)

Sentencing by the Book, 82 PHI KAPPA PHI FORUM 18 (2001)

Sentencing Guidelines: Lessons for the States, 44 SAINT LOUIS UNIVERSITY LAW JOURNAL 387 (2000)

Measuring Inter-Judge Sentencing Disparity Before and After the Federal Sentencing Guidelines, 42 Journal of Law & Economics 271 (1999) (with J.M. Anderson and J.R. Kling)

Fear of Discretion, 1 THE GREEN BAG 209 (1998)

Judging Under the Guidelines, 91 NORTHWESTERN UNIVERSITY LAW REVIEW 1247 (1997)

The Hegemony of the Sentencing Commission, 9 FEDERAL SENTENCING REPORTER 14 (1996)

The Criminal Jury in Our Time, 3 VIRGINIA JOURNAL OF SOCIAL POLICY AND THE LAW 133 (1995)

Juries, Society, and the Criminal Law, 1 YALE SURVEY OF CURRENT LEGAL ISSUES 1 (1995)

The Government Interest In Criminal Law: Whose Interest Is it, Anyway?, in COMPELLING GOVERNMENT INTERESTS (S. Gottlieb, ed.) (Michigan U. Press, 1994)

Byron R. White, Last of the New Deal Liberals, 103 YALE LAW JOURNAL 19 (1993)

The Politics of Sentencing Reform: The Legislative History of the Federal Sentencing Guidelines, 28 WAKE FOREST LAW REVIEW 223 (1993) (with S.Y. Koh)

Government Interests in Criminal Law, 55 ALBANY LAW REVIEW 679 (1992)

The Role of Government Under the Bill of Rights, 15 HARVARD JOURNAL OF LAW AND PUBLIC POLICY 129 (1992)

Byron R. White, ENCYCLOPEDIA OF THE AMERICAN CONSTITUTION (K. Karst & L. Levy, eds.) (1992)

Search and Seizure, ENCYCLOPEDIA OF THE AMERICAN CONSTITUTION (K. Karst & L. Levy, eds.) (1992)

Comment: The Appropriations Power, 68 WASHINGTON UNIVERSITY LAW QUARTERLY 644 (1990)

The Risk of Legal Error in Criminal Cases: Some Consequences of the Asymmetry in the Right to Appeal, 57 UNIVERSITY OF CHICAGO LAW REVIEW 1 (1990)

Criminal Sanctions in Connecticut, 63 CONNECTICUT BAR JOURNAL 360 (1989) (with L. Underkuffler)

Congress' Power of the Purse, 97 YALE LAW JOURNAL 595 (1988)

Rewriting the Fiscal Constitution: The Case of Gramm-Rudman-Hollings, 76 CALIFORNIA LAW REVIEW 593 (1988)

Comment: Federal Spending and the Deficit: Is a Constitutional Remedy Necessary? 11 GEORGE MASON UNIVERSITY LAW REVIEW 119 (1988)

Case Comment, Discrimination Against Illegitimate Children, 90 HARVARD LAW REVIEW 123 (1977)

Note, Taxation of Employee Fringe Benefits, 89 HARVARD LAW REVIEW 1141 (1976)

Case Comment, Arbitration of Severance Pay, 89 HARVARD LAW REVIEW 812 (1976)