

Advanced Con Law Spring 2025 Daily Reading List

Readings are marked either GGW (in the book) or Canvas (on the course website).

When an edited case is not available, a web link is provided to the full case.

Readings on Canvas website are organized into several modules, divided between required and suggested readings

Suggested readings are entirely optional though might be referenced in class

1/12: Introduction

Introduction to American Constitutionalism (GGW p. 3)

Powers of the National Government in Founding Era (GGW p. 65)

Suggested Primary:

Materials on Enumerated Powers in Founding Debates (GGW pp. 61-79)

Appendix 1 and 2 (GGW p. 755)

Suggested Secondary:

Charles L. Black, Jr., *Structure and Relationship in Constitutional Law* (1969)

Jesse H. Choper, *The Scope of National Power Vis-à-Vis the States: The Dispensability of Judicial Review*, 86 Yale L.J. 1552 (1977)

Philip B. Kurland, *The Rise and Fall of the Doctrine of Separation of Powers*, 85 Mich. L. Rev. 592 (1986)

Raoul Berger, *Federalism: The Founder's Design* (1987)

H. Jefferson Powell, *The Oldest Question of Constitutional Law*, 79 Va. L. Rev. 633 (1993).

Jack N. Rakove, *Judicial Power in the Constitutional Theory of James Madison*, 43 Wm. & Mary L. Rev. 1513 (2002)

Gillian E. Metzger, *The Interdependent Relationship Between Internal and External Separation of Powers*, 59 Emory L.J. 423 (2009)

Heather K. Gerken, *Foreword: Federalism All the Way Down*, 124 Harv. L. Rev. 4 (2010)

Richard Primus, *The Essential Characteristic: Enumerated Powers and the Bank of the United States*, 117 Mich. L. Rev. 415 (2018)

Akhil Reed Amar, *The Words That Made Us: America's Constitutional Conversation, 1760-1840* (2021)

Dan T. Coenen, *Principles of Constitutional Structure* (2022)

1/14: Judicial Checks on Legislatures

Marbury v. Madison (1803) (GGW p. 104)

United States v. Carolene Products (1938) (GGW p. 396)

Flast v. Cohen (1968) (GGW p. 410)

Powell v. McCormack (1969) (GGW p. 488)

City of Boerne v. Flores (1997) (GGW p. 567)

Suggested Primary:

State v. Carroll (CT 1871) (Canvas)

In re Chapman (1897) ([web](#))

Butts v. Merchants & Mines Transportation Co. (1913) ([web](#))

Frothingham v. Mellon (1923) (Canvas)

Poe v. Ullman (1961) (Canvas)

United States v. Richardson (1974) (Canvas)

Suggested Secondary:

Alexander M. Bickel, *The Least Dangerous Branch: The Supreme Court at the Bar of Politics* (1962)

William W. Van Alstyne, *A Critical Guide to Marbury v. Madison*, 1969 Duke L.J. 1 (1969)

Michael W. McConnell, *The Supreme Court, 1996 Term — Comments: Institutions and Interpretation*, 111 Harv. L. Rev. 153 (1997)

Richard H. Fallon, Jr., *The Supreme Court, 1996 Term — Foreword: Implementing the Constitution*, 111 Harv. L. Rev. 54 (1997)

Larry D. Kramer, *The Supreme Court, 2000 Term — Foreword: We the Court*, 115 Harv. L. Rev. 4 (2001)

Philip Hamburger, *Law and Judicial Duty* (2008)

Keith E. Whittington, *Repugnant Laws: Judicial Review of Acts of Congress from the Founding to the Present* (2019)

1/21: Judicial Checks on the Executive

Marbury v. Madison (1803) (GGW p. 104)

Attorney General Caesar Rodney, Letter to Thomas Jefferson (1808) (Canvas)

United States ex rel. Knauff v. Shaughnessy (1950) (Canvas)

Dwight Eisenhower, Address to the Nation on the Introduction of Troops in Little Rock (1957) (GGW p. 407)

Cooper v. Aaron (1958) (GGW p. 408)

Dames & Moore v. Regan (1981) (Canvas)

Loper Bright Enterprises v. Raimondo (2024) (Canvas)

Trump v. J.G.G. (2025) (Canvas)

Suggested Primary:

Kendall v. United States ex rel. Stokes (1838) ([web](#))

United States v. Lee (1882) (Canvas)

American School of Magnetic Healing v. McAnnulty (1902) ([web](#))

St. Joseph Stock Yards Co. v. United States (1936) ([web](#))

United States v. Morgan (1941) ([web](#))

Laird v. Tatum (1972) (GGW p. 492)

Chevron v. National Resources Defense Council (1984) ([web](#))
Heckler v. Chaney (1985) (Canvas)
Franklin v. Massachusetts (1992) ([web](#))
Dalton v. Specter (1994) ([web](#))
Raines v. Byrd (1997) (Canvas)
FDA v. Brown & Williamson Corp. (2000) ([web](#))
Al-Aulaqi v. Panetta (DDC 2014) (Canvas)
Alabama Association of Realtors v. Dept. of Health and Human Services (2021)
(Canvas)

Suggested Secondary:

Edward S. Corwin, *The President: Office and Powers, 1787–1957: History and Analysis of Practice and Opinion* (4th rev. ed. 1957)
Louis Henkin, *The Constitution and United States Sovereignty: A Century of Chinese Exclusion and Its Progeny*, 100 Harv. L. Rev. 853 (1987)
Harold Hongju Koh, *Why the President (Almost) Always Wins in Foreign Affairs*, 97 Yale L.J. 1255 (1988)
Aditya Bamzai, *The Origins of Judicial Deference to Executive Interpretation*, 126 Yale L.J. 908 (2017)
Saikrishna B. Prakash, *The Living Presidency: An Originalist Argument against Its Ever-Expanding Powers* (2020)
Robin Kundis Craig, *The Impact of Loper Bright v. Raimondo: An Empirical Review of the First Six Months*, 109 Minn. L. Rev. 2671 (2025)

1/26: Political Questions and Departmentalism

Thomas Jefferson on Departmentalism (1804) (GGW p. 110)
Luther v. Borden (1849) (GGW p. 185)
Judicial Supremacy in Civil War Era (GGW p. 239)
Baker v. Carr (1962) (GGW p. 416)
Massachusetts v. Laird (1st Cir. 1971) (Canvas)
Al-Aulaqi v. Obama (DDC 2010) (Canvas)
Rucho v. Common Cause (Canvas)

Suggested Primary:

Parker v. the State ex rel. Powell (IN 1892) (Canvas)
Kadderly v. Portland (OR 1903) (Canvas)
Fergus v. Marks (IL 1926) (Canvas)
Pacific States Telephone & Telegraph Co. v. Oregon (1912) ([web](#))
Coleman v. Miller (1939) ([web](#))
Goldwater v. Carter (1979) (Canvas)
Walter Nixon v. United States (1993) ([web](#))
Center for Biological Diversity v. Trump (DDC 2020) ([web](#))

Suggested Secondary:

- William M. Wiecek, *The Reconstruction of Federal Judicial Power, 1863-1875*, 13 Am. J. Legal Hist. 333 (1969)
- Louis Fisher, *Constitutional Interpretation by Members of Congress*, 63 N.C. L. Rev. 707 (1985)
- Larry Alexander & Frederick Schauer, *On Extrajudicial Constitutional Interpretation*, 110 Harv. L. Rev. 1359 (1997)
- Keith E. Whittington, *Constitutional Construction: Divided Powers and Constitutional Meaning* (1999)
- Mark Tushnet, *Taking the Constitution Away from the Courts* (1999)
- Rachel E. Barkow, *More Supreme than Court: The Political Question Doctrine and the Rise of Judicial Supremacy*, 101 Colum. L. Rev. 1236 (2001)
- Keith E. Whittington, *Extrajudicial Constitutional Interpretation: Three Objections and Responses*, 80 N.C. L. Rev. 773 (2002)
- Keith E. Whittington, *Political Foundations of Judicial Supremacy: The Presidency, the Supreme Court, and Constitutional Leadership in U.S. History* (2007)
- Tara Leigh Grove, *The Lost History of the Political Question Doctrine*, 90 N.Y.U. L. Rev. 1908 (2015)
- Curtis A. Bradley and Eric A. Posner, *The Real Political Question Doctrine*, 75 Stan. L. Rev. 1031 (2023)

1/28: Political Checks on Judiciary

- Senate Debate on the Repeal of the Judiciary Act (1802) (Canvas)
- Stuart v. Laird (1803) (Canvas)
- Judicial Structure and Selection in Civil War Era (GGW p. 236)
- Mississippi v. Johnson (1867) (Canvas)
- Ex parte McCordle (1868) (GGW p. 240)
- Franklin Roosevelt, Undelivered Speech on the Gold Clause Cases (1935) (GGW p. 399)
- Franklin Roosevelt, Fireside Chat on the Court-Packing Plan (1937) (GGW p. 402)
- Senate Judiciary Committee Report on President Roosevelt's Court-Packing Plan (1937) (GGW p. 405)

Suggested Primary:

- Alexander Hamilton, Federalist No. 78 (1788) (GGW p. 59)
- Sheldon v. Sill (1850) (Canvas)
- United States v. Klein (1871) (Canvas)
- Presidential Commission on the Supreme Court Final Report (2021) (Canvas)

Suggested Secondary:

- Henry M. Hart, Jr., *The Power of Congress to Limit the Jurisdiction of Federal Courts: An Exercise in Dialectic*, 66 Harv. L. Rev. 1362 (1953)

Walter F. Murphy, *Congress and the Court: A Case Study in the American Political Process* (1962)

William E. Leuchtenburg, *The Origins of Franklin D. Roosevelt's "Court-packing" Plan*, 1966 Sup. Ct. Rev. 347 (1966)

Richard E. Ellis, *The Jeffersonian Crisis: Courts and Politics in the Young Republic* (1971)

Keith E. Whittington, "Interpose Your Friendly Hand": Political Support for the Exercise of Judicial Review by the United States Supreme Court, 99 Am. Pol. Sci. Rev. 583 (2005)

Mark A. Graber, *Legal, Strategic or Legal Strategy: Deciding to Decide during the Civil War and Reconstruction*, in *The Supreme Court & American Political Development* 33 (Ronald Kahn & Ken I. Kersch eds., 2006)

David Glick, *Conditional Strategic Retreat: The Court's Concession in the 1935 Gold Clause Cases*, 71 J. Pol. 800 (2009)

Tom S. Clark, *The Limits of Judicial Independence* (2011)

Louis Fisher, *Constitutional Conflicts Between Congress and the President* (6th ed, 2014)

Henry P. Monaghan, *Jurisdiction Stripping Circa 2020: What The Dialogue (Still) Has to Teach Us*, 69 Duke L.J. 1 (2019)

2/2: Taxing and Spending

House Report on Internal Improvements (1817) (GGW p. 147)

Bailey v. Drexel Furniture Company (1922) (GGW p. 349)

United States v. Butler (1936) (GGW p. 446)

Steward Machine Co. v. Davis (1937) (GGW p. 450)

Ramsey Clark, Power of the President to Impound Funds (1967) (Canvas)

South Dakota v. Dole (1987) (GGW p. 537)

City of Los Angeles v. Barr (9th Cir. 2019) (Canvas)

Suggested Primary:

United States v. Kahriger (1953) (Canvas)

William Rehnquist, Congressional Legislation Directed Against Obstruction of Federally Supported Colleges (1969) (Canvas)

William Rehnquist, Presidential Authority to Impound funds (1970) (Canvas)

Lincoln v. Vigil (1993) (Canvas)

National Federation of Independent Business v. Sebelius (2012) (GGW p. 660)

Sierra Club v. Trump (9th Cir. 2020) ([web](#))

Government Accountability Office, Application of Impoundment Control Act to Federal Emergency Management Agency (2025) ([web](#))

Suggested Secondary:

Edward S. Corwin, *The Spending Power of Congress — Apropos the Maternity Act*, 36 Harv. L. Rev. 548 (1923)

Louis Fisher, *Presidential Spending Power* (1975)
Albert J. Rosenthal, *Conditional Federal Spending and the Constitution*, 39 Stan. L. Rev. 1103 (1987)
Lynn A. Baker, *Conditional Federal Spending After Lopez*, 95 Colum. L. Rev. 1911 (1995)
Peter Zavodnyik, *The Age of Strict Construction: A History of the Growth of Federal Power, 1789-1861* (2007)
Eloise Pasachoff, *Agency Enforcement of Spending Clause Statutes*, 121 Yale L.J. 1884 (2012)
Samuel R. Bagenstos, *The Anti-Leveraging Principle and the Spending Clause After NFIB*, 101 Geo. L.J. 861 (2013)

2/4: Necessary and Proper

Debate on the Bank of the United States (1791) (GGW p. 121)
McCulloch v. Maryland (1819) (GGW p. 129)
Spencer Roane and John Marshall on McCulloch v. Maryland (1819) (GGW p. 133)
Andrew Jackson, Veto Message Regarding the Bank of the United States (1832) (GGW p. 189)
Congressional Debate on the Legal Tender Bill (1862) (GGW p. 243)
Hepburn v. Griswold (1870) (GGW p. 247)
Legal Tender Cases (1871) (GGW p. 248)

Suggested Primary:

James Monroe, Proposal for a Military Draft (1814) (Canvas)
Daniel Webster, Speech on the Proposed Military Draft (1814) (Canvas)
United States v. Haun (CC Ala. 1860) (Canvas)
Chief Justice Taney, Draft Opinion on the Conscription Bill (1863) (Canvas)
Wood v. Miller (1948) (Canvas)
United States v. Comstock (2010) ([web](#))
United States v. Kebodeaux (2013) (Canvas)

Suggested Secondary:

Edward S. Corwin, *The Passing of Dual Federalism*, 36 Va. L. Rev. 7 (1950)
Gary Lawson & Patricia B. Granger, *The "Proper" Scope of Federal Power: A Jurisdictional Interpretation of the Sweeping Clause*, 43 Duke L.J. 267 (1993)
Randy Beck, *The New Jurisprudence of the Necessary and Proper Clause*, 2002 U. Ill. L. Rev. 581 (2002)
Mark R. Killenbeck, *M'Culloch v. Maryland: Securing a Nation* (2006)
Kenneth W. Dam, *The Legal Tender Cases*, 2010 Sup. Ct. Rev. 143 (2010)
Gary Lawson, et al., *The Origins of the Necessary and Proper Clause* (2011)
Gerard N. Magliocca, *The Gold Clause Cases and Constitutional Necessity*, 64 Fla. L. Rev. 1243 (2012)
John Mikhail, *The Necessary and Proper Clauses*, 102 Geo. L.J. 1045 (2014)

Mark A. Graber, *Overruling McCulloch?*, 72 Ark. L. Rev. 79 (2019)

2/9: Regulation of Commerce I (pre-New Deal Commerce)

Gibbons v. Ogden (1824) (GGW p. 142)
Senate Debate on Sherman Antitrust Act (1890) (GGW p. 329)
United States v. E.C. Knight (1895) (GGW p. 334)
Champion v. Ames (1903) (GGW p. 337)
Hammer v. Dagenhart (1918) (GGW p. 339)
Schechter Poultry Corp. v. United States (1935) (GGW p. 427)

Suggested Primary:

House Report on Convict Labor (1888) (Canvas)
In re Debs (1895) (Canvas)
Hoke and Economides v. United States (1913) (Canvas)
Shreveport Rate Case (1914) Canvas)
Stafford v. Wallace (1922) (Canvas)
Carter v. Carter Coal Co. (1936) (Canvas)

Suggested Secondary:

Frank J. Goodnow, *The Power of Congress to Regulate Commerce*, 25 Pol. Sci. Q. 220 (1910)
Edward S. Corwin, *Congress's Power to Prohibit Commerce: A Crucial Constitutional Issue*, 18 Cornell L. Q. 477 (1933)
Felix Frankfurter, *The Commerce Clause under Marshall, Taney and Waite* (1937)
Herbert Hovenkamp, *Enterprise and American Law, 1836–1937* (1991)
Morton J. Horwitz, *The Transformation of American Law, 1870–1960: The Crisis of Legal Orthodoxy* (1992)
Randy E. Barnett, *The Original Meaning of the Commerce Clause*, 68 U. Chi. L. Rev. 101 (2001)
R. Kent Newmyer, *The Supreme Court under Marshall and Taney, 1801-1864* (2d ed. 2006)
Jack M. Balkin, *Commerce*, 109 Mich. L. Rev. 1 (2010)

2/11: Regulation of Commerce II (post-New Deal Commerce)

National Labor Relations Board v. Jones & Laughlin Steel (1937) (GGW p. 430)
Wickard v. Filburn (1942) (GGW p. 434)
Robert Jackson, Memo on Wickard (1942) (GGW p. 436)
United States v. Lopez (1995) (GGW p. 587)
National Federation of Independent Business v. Sebelius (2012) (GGW p. 659)

Suggested Primary:

United States v. Darby (1941) (Canvas)

Gonzales v. Raich (2005) (Canvas)

Suggested Secondary:

Robert L. Stern, *The Commerce Clause and the National Economy, 1933-1946*, 59 Harv. L. Rev. 645 (1946)

Richard A. Epstein, *The Proper Scope of the Commerce Power*, 73 Va. L. Rev. 1387 (1987)

William N. Eskridge, Jr. and John Ferejohn, *The Elastic Commerce Clause: A Political Theory of American Federalism*, 47 Vand. L. Rev. 1355 (1994)

Steven G. Calabresi, *A Government of Limited and Enumerated Powers: In Defense of the Second Reconstruction*, 94 Mich. L. Rev. 757 (1995)

Barry Cushman, *Rethinking the New Deal Court: The Structure of a Constitutional Revolution* (1998)

G. Edward White, *The Constitution and the New Deal* (2000)

Keith E. Whittington, *Taking What They Give Us: Explaining the Court's Federalism Offensive*, 51 Duke L. J. 477 (2001)

Eric R. Claeys, *The Living Commerce Clause: Federalism in Progressive Political Theory and the Commerce Clause After Lopez and Morrison*, 11 Wm. & Mary Bill Rts. J. 403 (2002)

Robert D. Cooter & Neil S. Siegel, *Collective Action Federalism: A General Theory of Article I, Section 8*, 63 Stan. L. Rev. 115 (2010)

Gillian E. Metzger, *To Tax, To Spend, To Regulate*, 126 Harv. L. Rev. 83 (2012)

2/16: States and the Commerce Clause I (Preemption Doctrine)

Cooley v. Board of Wardens of the Port of Philadelphia (1852) (GGW p. 209)

Arizona v. United States (2017) (GGW p. 674)

Suggested Primary:

Brown v. Maryland (1827) (Canvas)

Willson v. Black Bird Creek Marsh Company (1829) (Canvas)

City of New York v. Miln (1837) (Canvas)

The License Cases (1847) (Canvas)

The Passenger Cases (1849) (Canvas)

Leisy v. Hardin (1890) (Canvas)

Robbins v. Shelby County Taxing District (1897) (Canvas)

Suggested Secondary:

Thomas Reed Powell, *Current Conflicts between the Commerce Clause and State Police Power, 1922-1927*, 12 Minn. L. Rev. 321 (1928)

Stephen A. Gardbaum, *The Nature of Preemption*, 79 Cornell L. Rev. 767 (1994)

Caleb Nelson, *Preemption*, 86 Va. L. Rev. 225 (2000)

Ernest A. Young, *The Rehnquist Court's Two Federalisms*, 83 Tex. L. Rev. 1 (2004)

Samuel Issacharoff & Catherine M. Sharkey, *Backdoor Federalization*, 53 UCLA. L. Rev. 1353 (2006)

Michael S. Greve, *The Upside-Down Constitution* (2012)

Roderick M. Hills, Jr., *Against Preemption: How Federalism Can Improve the Quality of Federal Law*, 112 Mich. L. Rev. 1 (2013)

2/18: States and the Commerce Clause II (Dormant Commerce Clause)

Wabash, St. Louis and Pacific Railway Co. v. Illinois (1886) (GGW p. 360)

Campaigne Francaise de Navigation a Vapeur v. Louisiana State Board of Health (1902) (GGW p. 363)

Granholtz v. Heald (2005) (GGW p. 612)

Pork Producers Council v. Ross (2023) (Canvas)

Suggested Primary:

South Carolina State Highway Dept. v. Barnwell Bros. (1938) (Canvas)

Parker v. Brown (1943) (Canvas)

Southern Pacific Co. v. Arizona ex rel. Sullivan (1945) (Canvas)

Rice v. Sante Fe Elevator Corp. (1947) (Canvas)

Dean Milk Co. v. City of Madison (1951) (Canvas)

Pike v. Bruce Church, Inc. (1970) ([web](#))

Hunt v. Washington State Apple Commission (1977) ([web](#))

City of Philadelphia v. New Jersey (1978) ([web](#))

Maine v. Taylor (1986) (Canvas)

West Lynn Creamery Inc. v. Healy (1994) (Canvas)

United Haulers Association, Inc. v. Oneida-Herkimer Solid Waste Management Authority (2007) (Canvas)

Tennessee Wine and Spirits Retailers Association v. Thomas (2019) (Canvas)

Suggested Secondary:

John B. Sholley, *The Negative Implications of the Commerce Clause*, 3 U. Chi. L. Rev. 556 (1936)

Noel T. Dowling, *Interstate Commerce and State Power*, 27 Va. L. Rev. 1 (1940)

Jullian N. Eule, *Laying the Dormant Commerce Clause to Rest*, 91 Yale L. J. 425 (1982)

Donald H. Regan, *The Supreme Court and State Protectionism: Making Sense of the Dormant Commerce Clause*, 84 Mich. L. Rev. 1091 (1986)

Martin H. Redish, *The Dormant Commerce Clause and the Constitutional Balance of Federalism*, 1987 Duke L.J. 569 (1987)

Barry Friedman & Daniel T. Deacon, *A Course Unbroken: The Constitutional Legitimacy of the Dormant Commerce Clause*, 97 Va. L. Rev. 1877 (2011)

Robert C. Post, *The Taft Court: Making Law for a Divided Nation, 1921–1930* (2024)

2/23: Congress, States, and Civil Rights

Barron v. Baltimore (1833) (GGW p. 187)
Senate Debate over the Civil Rights Act of 1866 (1866) (GGW p. 252)
Civil Rights Cases (1883) (GGW p. 322)
Congressional Debate on Lynching (1921) (GGW p. 327)
Congressional Debate over the Civil Rights Act of 1964 (1964) (GGW p. 437)
Heart of Atlanta Motel, Inc. v. United States (1964) (GGW p. 440)
South Carolina v. Katzenbach (1968) (GGW p. 443)
Shelby County v. Holder (2013) (GGW p. 667)

Suggested Primary:

United States v. Reese (1876)
United States v. Morrison (2000) (GGW p. 595)
United States v. Diggins (1st Cir. 2022) (Canvas)

Suggested Secondary:

Burke Marshall, *Federalism and Civil Rights* (1964)
Robert J. Kaczorowski, *Revolutionary Constitutionalism in the Era of the Civil War and Reconstruction*, 61 N.Y.U. L. Rev. 863 (1986)
Hugh Davis Graham, *The Civil Rights Era: Origins and Development of National Policy, 1960-1972* (1990)
Akhil Reed Amar, *The Bill of Rights and the Fourteenth Amendment*, 101 Yale L.J. 1193 (1992)
Robert C. Post & Reva B. Siegel, *Protecting the Constitution from the People: Juricentric Restrictions on Section Five Power*, 78 Ind. L.J. 1 (2003)
Michael J. Klarman, *From Jim Crow to Civil Rights: The Supreme Court and the Struggle for Racial Equality* (2004)
Pamela Brandwein, *Rethinking the Judicial Settlement of Reconstruction* (2011)
Bruce Ackerman, *The Civil Rights Revolution* (2014)
Guy-Uriel Charles & Luis Fuentes-Rohwer, *The Voting Rights Act in Winter: The Death of a Statute*, 100 Iowa L. Rev. 1389 (2015)
Thomas B. Colby, *In Defense of the Equal Sovereignty Principle*, 65 Duke L.J. 1087 (2016)

2/25: State Sovereignty

Chisholm v. Georgia (1793) (GGW p. 151)
Hans v. Louisiana (1890) (Canvas)
National League of Cities v. Usery (1976) (GGW p. 499)
Garcia v. San Antonio Metropolitan Transit Authority (1985) (GGW p. 541)
Printz v. United States (1997) (GGW p. 606)
Alden v. Maine (1999) (Canvas)

Suggested Primary:

Collector v. Day (1870) (Canvas)

Ex parte Young (1908) (Canvas)
Coyle v. Smith (1911) ([web](#))
Nevada Department of Human Resources v. Hibbs (2003) (Canvas)
Franchise Tax Board of California v. Hyatt (2019) (Canvas)

Suggested Secondary:

Herbert Wechsler, *The Political Safeguards of Federalism: The Role of the States in the Composition and Selection of the National Government*, 54 Colum. L. Rev. 543 (1954)
Robert F. Nagel, *Federalism as a Fundamental Value: National League of Cities in Perspective*, 1981 Sup. Ct. Rev. 81 (1981)
John J. Gibbons, *The Eleventh Amendment and State Sovereign Immunity: A Reinterpretation*, 83 Colum. L. Rev. 1889 (1983)
William W. Van Alstyne, *The Second Death of Federalism*, 83 Mich. L. Rev. 1709 (1985)
Vicki C. Jackson, *The Supreme Court, the Eleventh Amendment, and State Sovereign Immunity*, 98 Yale L.J. 1 (1988)
Saikrishna B. Prakash, *Field Office Federalism*, 79 Va. L. Rev. 1957 (1993)
Larry D. Kramer, *Understanding Federalism*, 47 Vand. L. Rev. 1485 (1994)
Deborah J. Merritt, *Three Faces of Federalism: Finding a Formula for the Future*, 47 Vand. L. Rev. 1563 (1994)
Evan H. Caminker, *State Sovereignty and Subordinacy: May Congress Commandeer State Officers to Implement Federal Law?*, 95 Colum. L. Rev. 1001 (1995)
Ernest A. Young, *State Sovereign Immunity and the Future of Federalism*, 1999 Sup. Ct. Rev. 1 (1999)
Alfred Hill, *In Defense of Our Law of Sovereign Immunity*, 42 Bost. Coll. L. Rev. 486 (2001)
Andrew B. Coan, *Commandeering, Property, and Politics*, 117 Va. L. Rev. 1 (2021)

3/2 and 3/4: Congressional Investigations and Executive Privilege

House Debate on the Jay Treaty (1796) (GGW p. 165)
William P. Rogers, Senate Testimony on Executive Privilege (1958) (GGW p. 475)
Watkins v. United States (1957) (GGW p. 477)
United States v. Nixon (1974) (GGW p. 511)
In re Sealed Case (DC Cir. 1997) (GGW p. 640)
Eric Holder, Assertion of Executive Privilege over Documents (2012) (GGW p. 717)
Steven A. Engel, Congressional Committee's Requests for the President's Tax Returns (2019) (GGW p. 773)
Trump v. Mazars USA, LLP (2020) (GGW p. 736)

Suggested Primary:

Anderson v. Dunn (1821) (Canvas)
McGrain v. Daugherty (1927) (Canvas)

Barenblatt v. United States (1959) (Canvas)
Nixon v. Administrator of General Services (1977) (Canvas)
William French Smith, Assertion of Executive Privilege in Response to Congressional Subpoena (1981) (Canvas)
Theodore Olson, Memorandum on the Confidentiality of Attorney General's Communications (1982) (Canvas)
Charles J. Cooper, Response to Congressional Requests for Information Regarding Decisions made Under the Independent Counsel Act (1986) (Canvas)
Committee on the Judiciary v. Miers (DDC 2008) (Canvas)
Karl R. Thompson, Immunity of the Assistant to the President from Congressional Subpoena (2014) (Canvas)
Curtis Gannon, Authority of Individual Members of Congress to Conduct Oversight (2017) (Canvas)
Charles E. Grassley, Letter on Requests for Information by Individual Members of Congress (2017) (Canvas)
Steven Engel, Testimonial Immunity before Congress of the Former Counsel to the President (2019) (Canvas)
House Committee on the Judiciary v. McGahn (DDC 2020) (Canvas)
Debra Steidel Wall, National Archivist Letter to Former President Trump (2022) (Canvas)

Suggested Secondary:

James M. Landis, *Constitutional Limitations on the Congressional Power of Investigation*, 40 Harv. L. Rev. 153 (1926)
Telford Taylor, *Grand Inquest: The Story of Congressional Investigations* (1955)
Raoul Berger, *Executive Privilege: A Constitutional Myth* (1974)
Saikrishna B. Prakash, *A Critical Comment on the Constitutionality of Executive Privilege*, 83 Minn. L. Rev. 1143 (1999)
Louis Fisher, *The Politics of Executive Privilege* (2004)
Heidi Kitrosser, *Secrecy and Self-Governance: Executive Privilege Revisited*, 92 Iowa L. Rev. 489 (2007)
Caleb Nelson, *Adjudication in the Political Branches*, 107 Colum. L. Rev. 559 (2007)
Josh Chafetz, *Executive Branch Contempt of Congress*, 76 U. Chi. L. Rev. 1083 (2009)
Gillian E. Metzger, *The Constitutional Duty to Supervise*, 124 Yale L.J. 1836 (2015)
Mark J. Rozell, *Executive Privilege: Presidential Power, Secrecy, and Accountability* (4th ed. 2020)

3/9: Sharing the Legislative Power

House Debate on the Veto Power (1842) (GGW p. 226)
Immigration and Naturalization Service v. Chadha (1983) (GGW p. 549)
Clinton v. City of New York (1998) (GGW p. 616)

Walter Dellinger, *The Legal Significance of Presidential Signing Statements* (1993) (Canvas)

Suggested Primary:

William Henry Harrison, *Inaugural Address on the Veto Power* (1841) (Canvas)

John Tyler, *Statement upon Signing the Apportionment Act* (1842) (Canvas)

House Debate on Tyler's Signing Statement (1842) (Canvas)

Congressional Debate on the Legislative Veto (1939) (Canvas)

Herbert Brownell Jr., *Authority of Congressional Committees to Disapprove Action of Executive Branch* (1957) (Canvas)

William Rogers, *Authority of Congressional Committees to Disapprove Action of Executive Branch* (1957) (Canvas)

Antonin Scalia, *Testimony on the Congressional Veto* (1976) (Canvas)

Ralph Tarr, *Constitutionality of Line-Item Veto Proposal* (1987) (Canvas)

Suggested Secondary:

Wilfred E. Binkley, *The Powers of the President* (1937)

Pendleton Herring, *Presidential Leadership* (1940)

Lawrence H. Chamberlain, *The President, Congress, and Legislation* (1946)

Robert W. Ginnane, *The Control of Federal Administration by Congressional Resolutions and Committees*, 66 Harv. L. Rev. 569 (1953)

Richard E. Neustadt, *Presidential Power* (1960)

E. Donald Elliott, *INS v. Chadha: The Administrative Constitution, the Constitution, and the Legislative Veto*, 1983 Sup. Ct. Rev. 125 (1983)

Peter L. Strauss, *The Place of Agencies in Government: Separation of Powers and the Fourth Branch*, 84 Colum. L. Rev. 573 (1984)

Barbara Hinkson Craig, *Chadha: The Story of an Epic Constitutional Struggle* (1988)

Jessica Korn, *The Power of Separation of Powers: Institutions, Priorities, and National Policymaking* (1996)

William G. Howell, *Power without Persuasion* (2003)

Curtis A. Bradley & Eric A. Posner, *Presidential Signing Statements and Executive Power*, 23 Const. Comment. 307 (2006)

Louis Fisher, *Constitutional Conflicts Between Congress and the President* (6th ed, 2014)

Daniel B. Rodriguez, Edward H. Stiglitz & Barry R. Weingast, *Executive Opportunism, Presidential Signing Statements, and the Separation of Powers*, 8 J. Legal Analysis 95 (2016)

Christopher S. Yoo, *Presidential Signing Statements: A New Perspective*, 164 U. Pa. L. Rev. 1801 (2016)

3/11: Nondelegation of Legislative Power

State of Minnesota ex rel. Railroad & Warehouse Commission v. Chicago, Milwaukee & St. Paul Railway Co. (1888) (Canvas)

Blue v. Beach (IN 1900) (GGW p. 379)
J.W. Hampton, Jr. & Co. v. United States (1928) (GGW p. 383)
Schechter Poultry Corp. v. United States (1935) (GGW p. 470)
United States v. Curtiss-Wright Export Corp. (1936) (GGW p. 473)
Yakus v. United States (1944) (Canvas) (suggested)
West Virginia v. EPA (2022) (Canvas) (suggested)
Learning Resources, Inc. v. Trump (2026) (Canvas) (suggested)

Suggested Primary:

Cincinnati, Wilmington and Zanesville Rail Road Co. v. Commissioners of Clinton County (OH 1852) (Canvas)
Rice v. Foster (DE 1847) (Canvas)
Marshall Field & Co. v. Clark (Canvas)
Panama Refining Co. v. Ryan (1935) (Canvas)
National Broadcasting Company v. United States (1943) (Canvas)
Mistretta v. United States (1989) (Canvas)
Gundy v. United States (2019) (GGW p. 713)
Wisconsin Legislature v. Palm (WI 2020) (Canvas)
National Federation of Independent Business v. OSHA (2022) (Canvas)
Biden v. Nebraska (2023) (Canvas)
FCC v. Consumers' Research (2025) (Canvas)

Suggested Secondary:

Sotirios A. Barber, *The Constitution and the Delegation of Congressional Power* (1975)
Cass R. Sunstein, *Is the Clean Air Act Unconstitutional?*, 98 Mich. L. Rev. 303 (1999)
Gary Lawson, *Delegation and Original Meaning*, 95 Va. L. Rev. 327 (2009)
Eric A. Posner & Adrian Vermeule, *The Executive Unbound: After the Madisonian Republic* (2011)
Philip Hamburger, *Is Administrative Law Unlawful?* (2014)
Keith E. Whittington & Jason Iuliano, *The Myth of the Nondelegation Doctrine*, 165 U. Pa. L. Rev. 379 (2017)
Julian Davis Mortenson & Nicholas Bagley, *Delegation at the Founding*, 121 Colum. L. Rev. 277 (2021)

3/23: Principles of Presidential Power

Debate on Executive Power in the Constitutional Convention (1787) (GGW p. 84)
The Federalist, Nos. 51, 70, and 71 (1787) (GGW p. 88)
Alexander Hamilton, Pacificus No. 1 (1793) (Canvas)
James Madison, Helvidius No. 1 (1793) (Canvas)
Youngstown Sheet & Tube Co. v. Sawyer (1952) (GGW p. 457)

Suggested Secondary:

Clinton Rossiter, *The American Presidency* (1956)
Maeva Marcus, *Truman and the Steel Seizure Case: The Limits of Presidential Power* (1977)
Curtis A. Bradley and Martin S. Flaherty, *Executive Power Essentialism and Foreign Affairs*, 102 Mich. L. Rev. 546 (2004)
Daryl J. Levinson and Richard H. Pildes, *Separation of Parties, Not Powers*, 119 Harv. L. Rev. 2311 (2006)
Curtis A. Bradley and Trevor W. Morrison, *Presidential Power, Historical Practice, and Legal Constraint*, 113 Colum. L. Rev. 1097 (2013)
Michael McConnell, *The President Who Would Not Be King* (2020)
Shalev Gad Roisman, *The Limits of Formalism in the Separation of Powers*, 16 J. Legal Analysis 178 (2024)

3/25: Presidential Power to Execute the Law I

Debate over the Removal of Deposits (1833) (GGW p. 216)
William Wirt, Opinion on the President and Accounting Officers (1823) (Canvas)
Decatur v. Paulding (1840) (Canvas)
Caleb Cushing, Relation of the President to the Executive Departments (1855) (Canvas)
Abraham Lincoln, Fourth of July Message to Congress (1861) (GGW p. 276)

Suggested Primary:

Bates & Guild Co. v. Payne (1904) (Canvas)
United States v. Midwest Oil Company (1915) (Canvas)

Suggested Secondary:

Frank Goodnow, *Politics and Administration* (1900)
Charles C. Thach, Jr., *The Creation of the Presidency, 1776-1789* (1923)
James Hart, *The Ordinance Making Power of the President of the United States* (1925)
Robert V. Remini, *Andrew Jackson and the Bank War* (1967)
Saikrishna B. Prakash, *The Essential Meaning of Executive Power*, 2003 U. Ill. L. Rev. 701 (2003)
Daniel Farber, *Lincoln's Constitution* (2003)
Kevin M. Stack, *The President's Statutory Powers to Administer the Laws*, 106 Colum. L. Rev. 263 (2006)
Jerry L. Mashaw, *Administration and "The Democracy": Administrative Law from Jackson to Lincoln*, 117 Yale L.J. 1568 (2008)
Saikrishna B. Prakash, *Imperial from the Beginning* (2015)
Andrew Kent, Ethan J. Leib, and Jed H. Shugerman, *Faithful Execution and Article II*, 132 Harv. L. Rev. 2111 (2019)
Julian Davis Mortenson, *The Executive Power Clause*, 168 U. Pa. L. Rev. 1269 (2020)

3/30: Presidential Power to Execute the Law II

Heckler v. Chaney (1985) (Canvas)
Morrison v. Olson (1988) (GGW p. 554)
Walter Dellinger, Presidential Authority to Decline to Execute Unconstitutional Statutes (1994) (GGW p. 620)
Karl Thompson, DHS Authority to Prioritize Removal of Certain Aliens (2014) (GGW p. 693)
Kirstjen M. Nielsen, On the Rescission of Deferred Action for Childhood Arrivals (2018) (GGW p. 698)
Department of Commerce v. New York (2019) (GGW p. 700)

Suggested Primary:

Benjamin R. Civiletti, The Attorney General's Duty to Defend and Enforce Constitutionally Objectionable Legislation (1980) (Canvas)
William French Smith, The Attorney General's Duty to Defend the Constitutionality of Statutes (1981) (Canvas)
Andrew Fois, Letter to Orrin G. Hatch on Duty to Defend (1996) (Canvas)
Eric Holder, Non-Defense of Marriage Act (2011) (Canvas)
Hearings on the President's Constitutional Duty to Faithfully Execute the Law (2013) (Canvas)

Suggested Secondary:

Kenneth Culp Davis, *Discretionary Justice* (1969)
Lawrence Lessig & Cass R. Sunstein, *The President and the Administration*, 94 Colum. L. Rev. 1 (1994)
Jack Goldsmith & John F. Manning, *The President's Completion Power*, 115 Yale L.J. 2280 (2006)
Dawn E. Johnsen, *Presidential Non-Enforcement: Constitutional Constraints*, 115 Yale L.J. 1912 (2006)
Steven G. Calabresi & Christopher S. Yoo, *The Unitary Executive: Presidential Power from Washington to Bush* (2008)
Adam B. Cox & Cristina M. Rodríguez, *The President and Immigration Law*, 119 Yale L.J. 458 (2009)
Zachary S. Price, *Enforcement Discretion and Executive Duty*, 67 Vand. L. Rev. 671 (2014)

4/1: Appointment and Removal Powers

House Debate on Removal of Executive Officers (1789) (GGW p. 162)
Ex parte Hennen (1839) (Canvas)
Presidential Appointment Power in the Age of Congressional Government (Canvas) (skim)

Myers v. United States (1926) (GGW p. 371)
Humphrey's Executor v. United States (1935) (GGW p. 468)
Daniel L. Koffsky, Removal of the Director of the FBI (1993) (Canvas)
Seila Law LLC v. Consumer Financial Protection Bureau (2020) (GGW p. 707)

Suggested Primary:

Field v. People of the State of Illinois ex rel. McClenard (IL 1839) (Canvas)
Bowsher v. Synar (1986) (Canvas)
Morrison v. Olson (1988) (GGW p. 554)
Free Enterprise Fund v. Public Company Accounting Oversight Board (2010)
(Canvas)
Collins v. Yellen (2021) (Canvas)

Suggested Secondary:

Charles S. Hyneman, *Bureaucracy in a Democracy* (1950)
Joseph P. Harris, *The Advice and Consent of the Senate* (1953)
Saikrishna B. Prakash, *New Light on the Decision of 1789*, 91 Cornell L. Rev. 1021
(2006)
Peter M. Shane, *Madison's Nightmare: How Executive Power Threatens American
Democracy* (2009)
Christina Kexel Chabot, *Interring the Unitary Executive*, 98 Notre Dame L. Rev. 129
(2022)
Gillian E. Metzger, *The Supreme Court, 2016 Term — Foreword: 1930s Redux: The
Administrative State Under Siege*, 131 Harv. L. Rev. 1 (2017)
Aditya Bamzai and Saikrishna B. Prakash, *The Executive Power of Removal*, 136
Harv. L. Rev. 1756 (2023)

4/6: Presidential War Powers I

Department of State Memorandum on the Authority of the President to Repel Attack
in Korea (1950) (GGW p. 466)
State Department Memorandum, Authority of the President to Order the Armed
Forces of the United States Abroad (1951) (Canvas)
Leonard C. Meeker, The Legality of the United States Participation in the Defense of
Vietnam (1966) (GGW p. 506)
J. William Fulbright, Congress and Foreign Policy (1967) (GGW p. 507)
The War Powers Act of 1973 (1973) (GGW p. 509)
Richard Nixon, Veto of the War Powers Resolution (1973) (GGW p. 511)
William P. Barr, Authority of the Federal Bureau of Investigation to Override
International Law in Extraterritorial Law Enforcement Activities (1989) (Canvas)
John Yoo, The President's Constitutional Authority to Conduct Military Operations
(2001) (GGW p. 623)
Stephen A. Engel, Airstrikes against Syrian Chemical Weapons Facilities (2018)
(GGW p. 688)

Suggested Primary:

Joseph Harmon, Presidential Power to Use the Armed Forces Abroad without Statutory Authorization (1980) (Canvas)
Timothy Flanigan, Authority to Use United States Military Forces in Somalia (1992) (Canvas)
Walter Dellinger, Deployment of United States Armed Forces into Haiti (1994) (Canvas)
Walter Dellinger, Proposed Deployment of United States Armed Forces into Bosnia (1995) (Canvas)
Randolph D. Moss, Authorization for Continuing Hostilities in Kosovo (2000) (Canvas)
Caroline D. Krass, Memorandum on the Authority to Use Military Force in Libya (2011) (GGW p. 685)
Mike Lee, Speech on Iran War Powers Resolution (2020) (GGW p. 691)

Suggested Secondary:

Edward S. Corwin, *Total War and the Constitution* (1946)
Clinton Rossiter, *The Supreme Court and the Commander in Chief* (1951)
John Hart Ely, *War and Responsibility: Constitutional Lessons of Vietnam and Its Aftermath* (1993)
Louis Henkin, *Foreign Affairs and the United States Constitution* (2nd ed. 1996)
John Yoo, *The Powers of War and Peace* (2005)
Louis Fisher, *Presidential War Power* (3rd ed. 2013)
Stephen Griffin, *Long Wars and the Constitution* (2013)

4/8: Presidential War Powers II

William Rehnquist, The President and War Power: South Vietnam and the Cambodian Sanctuaries (1970) (Canvas)
Memoranda on Standards and Conduct of Interrogation (“Torture Memos”) (2002) (GGW p. 627)
Hamdi v. Rumsfeld (2004) (GGW p. 633)
DOJ Paper on National Security Agency Activities (2006) (Canvas)
DOJ Paper on Drone Strikes (2013) (Canvas)
Congressional Hearings on Drone Strikes (2013) (Canvas)

Suggested Primary:

Abraham Lincoln, Emancipation Proclamation (1862) (GGW p. 286)
Benjamin Curtis, Executive Power (1862) (GGW p. 288)
James Speed, Military Commissions (1865) (Canvas)
Ex parte Quirin (1942) (Canvas)
Hirabayashi v. United States (1943) (Canvas)

Office of Legislative Counsel, Constitutional and Legal Basis for So-Called Covert Activities of the CIA (1962) (Canvas)
William Rehnquist, Congressional Hearings on Impoundment (1971) (Canvas)
United States v. United States District Court (1972) (Canvas)
Congressional Research Service, Presidential Authority to Conduct Warrantless Electronic Surveillance to Gather Foreign Intelligence Information (2006) (Canvas)

Suggested Secondary:

Clarence A. Berdahl, *War Powers of the Executive in the United States* (1921)
James G. Randall, *Constitutional Problems under Lincoln* (1926)
Saikrishna B. Prakash, *Regulating the Commander in Chief: Some Theories*, 81 Ind. L.J. 1183 (2006)
Jack Goldsmith, *The Terror Presidency: Law and Judgment Inside the Bush Administration* (2007)
David J. Barron & Martin S. Lederman, *The Commander in Chief at the Lowest Ebb*, 121 Harv. L. Rev. 689 (2008)

4/13: Inherent Power, Emergency Power, and Martial Law

General Principles of Separation of Powers in Early National Era (GGW p. 160)
Abraham Lincoln, Fourth of July Message (1861) (GGW p. 276)
Ex parte Merryman (1861) (GGW p. 277)
Edward Bates, Opinion on the Suspension of the Privilege of the Writ of Habeas Corpus (1861) (GGW p. 281)
Ex parte Milligan (1866) (Canvas)
In re Neagle (1890) (Canvas)
Correspondence between John Altgeld and Grover Cleveland on the Pullman Strike (1894) (Canvas)
Presidents on Presidential Power (GGW p. 376)
Trump v. Illinois (2025) ([web](#))

Suggested Primary:

Little v. Barreme (1804) ([web](#))
In re Debs (1895) (Canvas)
Golden W. Bell, President's Power in the Field of Foreign Relations (1937) ([web](#))
Robert H. Jackson, Acquisition of Naval and Air Bases in Exchange for Over-Age Destroyers (1940) (Canvas)
Ludecke v. Watkins (1948) ([web](#))
Perpich v. Department of Defense (1990) (Canvas)
Boumediene v. Bush (2008) (Canvas)
Zivotofsky v. Kerry (2015) (Canvas)

Suggested Secondary:

William Howard Taft, *Our Chief Magistrate and His Powers* (1916)
William Winthrop, *Military Law and Precedents* (1920)
Charles Fairman, *The Law of Martial Rule* (1930)
Frederick Bernays Wiener, *The Militia Clause of the Constitution*, 54 Harv. L. Rev. 181 (1940)
Clinton Rossiter, *Constitutional Dictatorship* (1948)
Herman Finer, *The Presidency: Crisis and Regeneration* (1960)
Arthur M. Schlesinger, *The Imperial Presidency* (1973)
Jules Lobel, *Emergency Power and the Decline of Liberalism*, 98 Yale L.J. 1385 (1989)
Henry Paul Monaghan, *The Protective Power of the Presidency*, 93 Colum. L. Rev. 1 (1993)
Michael Stokes Paulsen, *The Constitution of Necessity*, 79 *Notre Dame L. Rev.* 1257 (2004)
Stephen I. Vladeck, *Emergency Power and the Militia Acts*, 114 Yale L.J. 149 (2004)
David J. Barron and Martin S. Lederman, *The Commander in Chief at the Lowest Ebb – A Constitutional History*, 121 *Harv. L. Rev.* 941 (2008)
Clement Fatovic, *Outside the Law* (2009)
Eric A. Posner and Adrian Vermeule, *The Executive Unbound* (2010)

4/15: Presidential Immunities

Robert G. Dixon, *Amenability of the President, Vice President, and other Civil Officers to Federal Criminal Prosecution while in Office* (1973) (Canvas)
Nixon v. Fitzgerald (1982) (Canvas)
Clinton v. Jones (1997) (GGW p. 644)
Trump v. United States (2024) (Canvas)

Suggested Primary:

United States v. Nixon (1974) (GGW p. 512)
Mitchell v. Forsyth (1985) (Canvas)
Ronald Rotunda, *Indictability of the President* (1997) (Canvas)
Randolph Moss, *A Sitting President's Amenability to Indictment and Criminal Prosecution* (2000) (Canvas)
William Barr, *Mueller's Obstruction Theory* (2018) (GGW p. 719)
Robert S. Mueller, *Report on the Investigation into Russian Interference* (2019) (GGW p. 725)

Suggested Secondary:

Akhil Reed Amar and Neal Kumar Katyal, *Executive Privileges and Immunities*, 108 Harv. L. Rev. 701 (1995)
Joseph Isenbergh, *Impeachment and Presidential Immunity from Judicial Process*, 18 Yale L. & Pol'y Rev. 53 (1999)

Michael Stokes Paulsen, *Nixon Now: The Courts and the Presidency after Twenty-Five Years*, 83 Minn. L. Rev. 1337 (1999)
Daniel J. Hemel and Eric A. Posner, *Presidential Obstruction of Justice*, 106 Calf. L. Rev. 1277 (2018)
Daphna Renan, *The President's Two Bodies*, 120 Colum. L. Rev. 1119 (2020)
Saikrishna B. Prakash, *Prosecuting and Punishing Our Presidents*, 100 Tex. L. Rev. 55 (2021)
Kimberly L. Wehle, "Law and" the OLC's Article II Immunity Memos, 32 Stan. L. & Pol'y Rev. 1 (2021)
Peter M. Shane, *Democracy's Chief Executive* (2022)
Keith E. Whittington, *Presidential Immunity*, Cato Supreme Court Review (2024)

4/20: Impeaching and Censuring the President

The Censure of Andrew Jackson (Canvas)
The Impeachment of Andrew Johnson (Canvas)
House Report, Constitutional Grounds for Presidential Impeachment (1974) (Canvas)
Trial Memorandum of House of Representatives in the Impeachment of Donald Trump (2020) (GGW p. 741)
Trial Memorandum of President Donald Trump (2020) (GGW p. 744)
Article of Impeachment against President Trump (2021) (GGW p. 746)
Trial Memorandum of the House of Representatives in the Second Impeachment Trial of Donald Trump (2021) (Canvas)
Trial Memorandum of Donald Trump in the Impeachment of the Former President (2021) (Canvas)

Suggested Primary:

Charges and Reply on Impeachment of President William J. Clinton (1999) (Canvas)
Steven Engel, Exclusion of Agency Counsel from Congressional Depositions in the Impeachment Context (2019) (Canvas)
Pat A. Cipollone, Letter to House Speaker Nancy Pelosi (2019) (Canvas)
Donald Trump, Letter to House Speaker Nancy Pelosi (2019) (Canvas)
Steven Engel, House Committees Authority to Investigate for Impeachment (2020) (Canvas)
House Republican Letter on Late Impeachment (2021) (Canvas)

Suggested Secondary:

Charles L. Black, *Impeachment: A Handbook* (1974)
Raoul Berger, *Impeachment: The Constitutional Problems* (1974)
Keith E. Whittington, *Constitutional Construction* (1999)
David E. Kyvig, *The Age of Impeachment* (2008)
Cass R. Sunstein, *Impeachment: A Citizen's Guide* (2017)
Michael J. Gerhardt, *Impeachment: What Everyone Needs to Know* (2018)

Frank O. Bowman III, *High Crimes and Misdemeanors* (2019)
Keith E. Whittington, *The Impeachment Power* (2024)

Pardon Power (moved to supplemental presentation on Canvas)

William Wirt, Pardons (1820) (Canvas)
United States v. Wilson (1833) (Canvas)
Abraham Lincoln, Proclamation of Amnesty and Reconstruction (1863) (Canvas)
United States v. Klein (1872) (Canvas)
Mary C. Lawton, Presidential or Legislative Pardon of the President (1974) (Canvas)
Committee Hearings on the Pardon of Richard M. Nixon (1974) (Canvas)

Suggested Primary:

Ex parte Garland (1967) (Canvas)
Ex parte Grossman (1925) (Canvas)

Suggested Secondary:

Harold J. Krent, *Conditioning the President's Conditional Pardon Power*, 89 Calif. L. Rev. 1665 (2001)
Jeffrey Crouch, *The Presidential Pardon Power* (2009)
Brian C. Kalt, *Constitutional Cliffhangers: A Legal Guide for the 20th Century* (2012)
Margaret Colgate Love, *Justice Department Administration of the President's Pardon Power: A Case Study in Institutional Conflict of Interest*, 47 U. Tol. L. Rev. 89 (2015)
Albert J. Alschuler, *Limiting the Pardon Power*, 63 Ariz. L. Rev. 545 (2021)