

CITATIONS IN LEGAL BRIEFS

Brief of Law Professors as Amici Curiae in Support of Petitioners at viii, 14 n.6, Free Enterprise Fund v. Public Company Accounting Oversight Board, 2009 WL 2372919, 2009 U.S. S. Ct. Briefs LEXIS 661, 129 S. Ct. 2378 (Aug. 3, 2009) (No. 08-861) (citing Seth Barrett Tillman, *The Puzzle of Hamilton's* Federalist No. 77, 33 HARV. J.L. & PUB. POL'Y *1-18 (forthcoming 2010)) (filed by Steven G. Calabresi et al.), *available at* http://works.bepress.com/seth_barrett_tillman/134/.

Plaintiffs' Reply in Support of their Motion for Default Judgment, Motion for Judgment on the Pleadings and Motion for Attorneys' Fees and Costs 12, Noe v. Kropf, 2008 WL 5202998, 2008 DE Ch. Ct. Motions LEXIS 36 (Del. Ch. Dec. 9, 2008) (No. 4050-CC) (citing C. Stephen Bigler & Seth Barrett Tillman, *Void or Voidable? -- Curing Defects in Stock Issuances Under Delaware Law*, 63 BUS. LAW. 1109-52 (2008)) (filed by Greenberg Traurig, LLP), *available at* http://works.bepress.com/seth_barrett_tillman/107/.

Intervenor Turnaround Advisors LLC's (1) Opposition to Plaintiffs' Motion for Default Judgment, Motion for Judgment on the Pleadings and Motion for Attorneys' Fees and Costs; and (2) Opening Brief in Support of its Motion for Attorneys' Fees and Costs 14 nn.42, 45 & 47, 16 n.55, 18 nn.65 & 67, 19 nn.69-72, Noe v. Kropf, 2008 WL 5196082, 2008 DE Ch. Ct. Motions LEXIS 35 (Del. Ch. Dec. 4, 2008) (No. 4050-CC) (citing C. Stephen Bigler & Seth Barrett Tillman, *Void or Voidable? -- Curing Defects in Stock Issuances Under Delaware Law*, 63 BUS. LAW. 1109-52 (2008)) (filed by Fish & Richardson P.C.), *available at* http://works.bepress.com/seth_barrett_tillman/106/.

Plaintiffs' Motion for Default Judgment, Motion for Judgment on the Pleadings, and Motion for Attorneys' Fees and Costs 14, Noe v. Kropf, 2008 WL 4903893, 2008 DE Ch. Ct. Motions LEXIS 34 (Del. Ch. Nov. 12, 2008) (No. 4050-CC) (citing C. Stephen Bigler & Seth Barrett Tillman, *Void or Voidable? -- Curing Defects in Stock Issuances Under Delaware Law*, 63 BUS. LAW. 1109-52 (2008)) (filed by Greenberg Traurig, LLP), *available at* http://works.bepress.com/seth_barrett_tillman/97/.

Turnaround Advisors, LLC's Reply Brief in Support of its Combined Motion to Intervene and to Vacate Order to Expedite Proceedings *passim*, Noe v. Kropf, 2008 WL 4532882, 2008 DE Ch. Ct. Motions LEXIS 30 (Del. Ch. Oct. 3, 2008) (No. 4050-CC) (citing C. Stephen Bigler & Seth Barrett Tillman, *Void or Voidable? -- Curing Defects in Stock Issuances Under Delaware Law*, 63 BUS. LAW. 1109-52 (2008)) (filed by Fish & Richardson P.C.), *available at* http://works.bepress.com/seth_barrett_tillman/90/.

CITATIONS AND ACKNOWLEDGMENTS IN GOVERNMENT AND QUASI-GOVERNMENT PUBLICATIONS

T.J. HALTSTEAD, CONG. RESEARCH SERV. REPORT FOR CONGRESS, ORDER CODE RL33009, RECESS APPOINTMENTS: A LEGAL OVERVIEW, at CRS-11 n.74 (updated July 11, 2007).

THE CONSTITUTION OF THE UNITED STATES OF AMERICA: ANALYSIS AND INTERPRETATION/2008 SUPPLEMENT, S. Doc. No. 110-17, at 3 n.2, 4 n.5, 49 (Kenneth R. Thomas & Henry Cohen eds., 2008) (prepared by the Congressional Research Service and Library of Congress), *available at* <http://www.gpoaccess.gov/constitution/pdf2002/2008supplement.pdf>.

THE CONSTITUTION OF THE UNITED STATES OF AMERICA: ANALYSIS AND INTERPRETATION/2006 SUPPLEMENT, S. Doc. No. 110-6, at 1 n.2, 2 n.5, 31 (Kenneth R. Thomas *et al.* eds., 2007) (prepared by the Congressional Research Service and Library of Congress), *at* <http://www.gpoaccess.gov/constitution/pdf2002/2006supplement.pdf>.

NEW SOUTH WALES DEPARTMENT OF THE LEGISLATIVE ASSEMBLY: 2004/2005 ANNUAL REPORT 26 (Russell D. Grove, Clerk of the Legislative Assembly, ed., 2005).

Brookings Institution and American Enterprise Institute, Continuity of Government Commission, <http://tinyurl.com/c9x67g>, <http://tinyurl.com/cg68kk>, <http://tinyurl.com/clt35c> (last visited Dec. 24, 2007).

National Conference of Commissioners on Uniform State Laws, Agenda – New Business: Proposal for Emergency Legislative Authority, at 3 (July 8, 2006).

TREATISES, BOOKS, CASE BOOKS, AND DISSERTATIONS CITING MY PUBLICATIONS

Robert W. Bennett, Originalism and The Living American Constitution, in Robert W. Bennett and Lawrence Solum, Constitutional Originalism and Living Constitutionalism: A Debate and Discussion 14 n.36 (July 20, 2009) (unpublished manuscript, on file with authors).

ROBERT W. BENNETT, TAMING THE ELECTORAL COLLEGE 184 n.5 (Stanford University Press 2006).

11 JENNIFER L. BERGER ET AL., FLETCHER CYCLOPEDIA OF THE LAW OF CORPORATIONS §§ 5123 n.2, 5123.50 n.5, 5124 n.19, 5145 nn.3, 7, 5146 n.2, 5286 n.5, 5287 nn.6, 14 (perm. ed., 2003 rev. vol. Cum. Supp. 2009).

CHRISTOPHER BROOKS, CHISHOLM TO ALDEN: JAMES WILSON'S *Artificial Person* IN AMERICAN SUPREME COURT HISTORY, 1793-1999, at viii, 304 n.13 (Logos Verlag Berlin 2006).

HAROLD BRUFF, BALANCE OF FORCES: SEPARATION OF POWERS LAW IN THE ADMINISTRATIVE STATE 223 n.5, 267 n.67, 478 n.1 (Carolina Academic Press 2006).

WILLIAM J. CARNEY, MERGERS AND ACQUISITIONS: THE ESSENTIALS 281 n.146 (2009).

DAN T. COENEN, THE STORY OF *THE FEDERALIST*: HOW HAMILTON AND MADISON RECONCEIVED AMERICA 254 n. 140, 346 nn.129-130 (2007).

JAMES D. COX & THOMAS LEE HAZEN, *COX & HAZEN ON CORPORATIONS* (West 3d ed. forthcoming 2010).

Karen Crabbs Fernandes, *Delegation and the Administrative State: The New Process of Governing and its Effect on the Democratic Soul* 26 n.41, 82 n.163, 197 n.404, 226 (Oct. 24, 2006) (unpublished Ph.D. dissertation, Georgetown University Dep't of Government).

MICHAEL J. GERHARDT, *THE POWER OF PRECEDENT* 174 n.147 (2008).

MICHAEL J. GERHARDT ET AL., *CONSTITUTIONAL THEORY: ARGUMENTS AND PERSPECTIVES* 210 (3d ed. 2007).

EDWIN MEESE III ET AL., *THE HERITAGE GUIDE TO THE CONSTITUTION* vii, ix, 93, 287 (Regnery Publishing, Inc. 2005).

MICHAEL I. MEYERSON, *LIBERTY'S BLUEPRINT: HOW MADISON AND HAMILTON WROTE THE FEDERALIST PAPERS, DEFINED THE CONSTITUTION, AND MADE DEMOCRACY SAFE FOR THE WORLD* 158, 272, 296 (Basic Books 2008).

Robert G. Natelson et al., *The Origins of the Necessary and Proper Clause* (Cambridge forthcoming circa 2010) (unpublished manuscript, on file with author).

DAVID BRIAN ROBERTSON, *THE CONSTITUTION AND AMERICA'S DESTINY* 219 n.46 (Cambridge University Press 2005).

Michael L. Rosin, *A Compound Ratio: How the Electoral College Got Its Proportions and How That Has Mattered*, at appx. n.10 (2009) (unpublished manuscript, on file with author).

1 RALPH A. ROSSUM & G. ALAN TARR, *AMERICAN CONSTITUTIONAL LAW: THE STRUCTURE OF GOVERNMENT* 140 (7th ed. 2007).

2 RONALD D. ROTUNDA & JOHN E. NOWAK, *TREATISE ON CONSTITUTIONAL LAW: SUBSTANCE AND PROCEDURE* §§ 9.8(a) n.5, 10.6(e) n.37, 10.8(a) n.5, 10.8(b) n.8 (4th ed. 2008).

2 RONALD D. ROTUNDA & JOHN E. NOWAK, *TREATISE ON CONSTITUTIONAL LAW: SUBSTANCE AND PROCEDURE* § 9.1(b)(i) (4th ed. Supp. 2009).

RONALD D. ROTUNDA & JOHN E. NOWAK, *TREATISE ON CONSTITUTIONAL LAW: SUBSTANCE AND PROCEDURE* §§ 9.10, 23.33 (4th ed. forthcoming Supp. 2010).

PETER M. SHANE & HAROLD H. BRUFF, *SEPARATION OF POWERS LAW: CASES AND MATERIALS* 176 n.1 (2d ed. 2005).

2 JOHN R. VILE, *THE CONSTITUTIONAL CONVENTION OF 1787: A COMPREHENSIVE ENCYCLOPEDIA OF AMERICA'S FOUNDING* 621, 949 (ABC-CLIO Press 2005).

JOHN R. VILE, *ENCYCLOPEDIA OF CONSTITUTIONAL AMENDMENTS, PROPOSED AMENDMENTS, AND AMENDING ISSUES, 1789-2008* (3d ed. forthcoming 2010).

Jay Wexler, *The Odd Clauses: Twelve Parts of the Constitution You Might Not Know About But Should* (planned publication 2011) (unpublished manuscript, on file with author), *listed* <http://tinyurl.com/n75gf3>.

ROBERT F. WILLIAMS, *STATE CONSTITUTIONAL LAW: CASES AND MATERIALS* 789 (4th ed. 2006).

CITATIONS IN ANONYMOUS TREATISES

DELAWARE CODE ANNOTATED, 6 Del. C. §§ 8-202, 8-210, 8 Del. C. §§ 102, 151, 161 (West 2009).

1 MICHIE'S JURISPRUDENCE OF VIRGINIA & WEST VIRGINIA § 2 n.3 (2007).

UNITED STATES CODE ANNOTATED §§ Article I, Section 6, Clause 2; Article I, Section 7, Clause 2; Article I, Section 7, Clause 3; Article II, Section 2, Clause 2; Article II, Section 2, Clause 3; Article II, Section 3; Article V; Amendment XII (West 2006, 2008, 2009, and forthcoming 2010).

UNITED STATES CODE SERVICE §§ Article I, Section 6, Clause 2; Article I, Section 7, Clause 2; Article I, Section 7, Clause 3; Article II, Section 2, Clause 2; Article II, Section 2, Clause 3; Article II, Section 3; Article V; Amendment XII (LexisNexis 2006, 2008, 2009, and forthcoming 2010).

JOURNAL ARTICLES AND RESEARCH PAPERS

Richard Albert, *The Constitutional Imbalance*, 37 N.M. L. REV. 1, 1 n.*, 2 n.7, 6 n.34 (2007).

Richard Albert, *The Evolving Vice Presidency*, 78 TEMPLE L. REV. 811, 820 n.48 (2005).

Richard Albert, *The Fusion of Presidentialism and Parliamentarism*, 57 AM. J. COMP. L. 531, 549 n.132 (2009).

Roger P. Alford, *Roper v. Simmons and Our Constitution in International Equipose*, 53 UCLA L. REV. 1, 10 n.46 (2005).

Roger P. Alford, *In Search of a Theory for Constitutional Comparativism*, 52 UCLA L. REV. 639, 650 n.52 (2005).

Jeremy D. Bailey, *The Traditional View of Hamilton's Federalist No. 77 and an Unexpected Challenge: A Response to Seth Barrett Tillman*, 33 HARV. J.L. & PUB. POL'Y *1-11 (forthcoming 2010), available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1473276.

Thomas E. Baker, *Constitutional Theory in a Nutshell*, 13 WM. & MARY BILL RTS. J. 57, 123 n.386 (2004).

Yvette Barksdale, *Recent Articles of Interest*, 30 ADMIN. & REG. LAW NEWS 25, 27 (Summer 2005), available at <http://tinyurl.com/pkzh9f>.

Ittai Bar-Siman-Tov, *Legislative Supremacy in the United States? Rethinking the Enrolled Bill Doctrine*, 97 GEO. L.J. 323, 364 n.265 (2009).

Jack Michael Beermann, *Congressional Administration*, 43 SAN DIEGO L. REV. 61, 126 n.306 (2006).

Robert F. Blomquist, Response to Geoffrey R. Stone and Seth Barrett Tillman, *Beyond Historical Blushing: A Plea for Constitutional Intelligence*, 2009 CARDOZO L. REV. DE NOVO 244, 245 n.10, 246 n.11, available at <http://tinyurl.com/yIm5vpv>.

Aaron-Andrew P. Bruhl, Response, *Against Mix-and-Match Lawmaking*, 16 CORNELL J.L. & PUB. POL'Y 349 *passim* (2007).

Aaron-Andrew P. Bruhl, Burying the "Continuing Body" Theory of the Senate 1 n.*, 29 n.122, 30 n.126, 33 n.136, 36 n.148 (Nov. 2, 2009) (unpublished manuscript, posted on SSRN), available at <http://tinyurl.com/kwt25u>.

Aaron-Andrew P. Bruhl, *If the Judicial Confirmation Process is Broken, Can a Statute Fix It?*, 85 NEB. L. REV. 960, 960 n.*, 987 n.85, 1004 n.146 (2007).

Steven G. Calabresi, Opening Statement, *Does the Incompatibility Clause Apply to the President?*, 157 U. PA. L. REV. PENNUMBRA 134, 141-45 (2008), available at <http://www.pennumbra.com/debates/pdfs/GreatDivorce.pdf>.

Steven G. Calabresi, Closing Statement, *A Term of Art or the Artful Reading of Terms?*, 157 U. PA. L. REV. PENNUMBRA 134, 154-59 (2008), available at <http://www.pennumbra.com/debates/pdfs/GreatDivorce.pdf>.

Steven G. Calabresi & Christopher S. Yoo, *Remove Morrison v. Olson*, 62 VAND. L. REV. EN BANC 103, 112 n.44 (2009), available at <http://tinyurl.com/yhdf8ge>.

Kirsten Matoy Carlson, *Is Hindsight 20-20? Reconsidering the Importance of Pre-Constitutional Documents*, 30 AM. INDIAN L. REV. 1, 5 n.20 (2006).

William J. Carney & George B. Shepherd, *The Mystery of Delaware Law's Continuing Success*, 2009 U. ILL. L. REV. 1, 32 n.176, 36 n.190.

William J. Carney et al., *Delaware Corporate Law: Failing Law, Failing Markets*, at 16 n.67 (Emory School of Law, Law & Economics Research Paper Series) (Oct. 20, 2008) (unpublished manuscript), available at <http://tinyurl.com/ck8d27>.

Josh Chafetz, *Leaving the House: The Constitutional Status of Resignation from the House of Representatives*, 58 DUKE L.J. 177, 177 n.†, 210 n.219 (2008).

Ezra Dodd Church, *Technological Conservatism: How Information Technology Prevents the Law from Changing*, 83 TEX. L. REV. 561, 589 n.220 (2004).

Dan T. Coenen, *A Rhetoric for Ratification: The Argument of The Federalist and Its Impact on Constitutional Interpretation*, 56 DUKE L.J. 469, 507 n.218, 527 n.349, 542 n.403 (2007).

Blake Denton, *While the Senate Sleeps: Do Contemporary Events Warrant a New Interpretation of the Recess Appointments Clause?*, 58 CATH. U. L. REV. 751, 754 n.19 (2009).

David M. Driesen, *Toward A Duty-Based Theory of Executive Power*, 78 FORDHAM L. REV. 71, 102 n.176 (2009).

Melvyn R. Durchslag, *The Supreme Court And The Federalist Papers: Is There Less Here Than Meets The Eye?*, 14 WM. & MARY BILL RTS. J. 243, 247 n.17 (2006).

Byron F. Egan, *Fiduciary Duties of Corporate Directors and Officers in Texas*, 43 TEX. J. BUS. L. 45, 321 n.918 (2009).

Matthew J. Festa, *Dueling Federalists: Supreme Court Decisions with Multiple Opinions citing The Federalist, 1986-2007*, 31 SEATTLE U. L. REV. 75, 75 n.1, 77 n.10 (2007).

David Fontana, *The Second American Revolution in Separation of Powers*, 87 TEX. L. REV. 1409, 1414 n.27 (2009).

Jacob E. Gersen & Eric A. Posner, *Soft Law: Lessons from Congressional Practice*, 61 STAN. L. REV. 573, 573 n.**, 617 n.199, 618 n.202 (2008).

Jamal Greene, *Heller High Water? The Future of Originalism*, 3 HARV. L. & POL'Y REV. 325, 325 n.3 (2009).

C. Quince Hopkins, *The Supreme Court's Family Law Doctrine Revisited: Insights From Social Science on Family Structures and Kinship Change in the United States*, 13 CORNELL J.L. & PUB. POL'Y 431, 436 n.12 (2004).

William Josephson, *Senate Election of the Vice President and House of Representatives Election of the President*, 11 U. PA. J. CONST. L. 597, 652 n.210 (2009).

Brian C. Kalt, Response, *Keeping Recess Appointments in Their Place*, 101 NW. U. L. REV. COLLOQUY 88 *passim* (2007), <http://www.law.northwestern.edu/lawreview/colloquy/2007/3/>, *reprinted in* 103 NW. U. L. REV. COLLOQUY 292 (2009), <http://tinyurl.com/8osj45>.

Brian C. Kalt, *Keeping Tillman Adjournments in Their Place: A Rejoinder to Seth Barrett Tillman*, 101 NW. U. L. REV. COLLOQUY 108 *passim* (2007), <http://www.law.northwestern.edu/lawreview/colloquy/2007/6/>, *reprinted in* 103 NW. U. L. REV. COLLOQUY 305 (2009), <http://tinyurl.com/7r7cap>.

James J. Knicely, *First Principles and the Misplacement of the Wall of Separation: Too Late in the Day for a Cure?*, 52 DRAKE L. REV. 171, 173 n.13 (2004).

Vale Krenik, Note and Comment, *No one can Serve Two Masters: A Separation of Powers Solution for Conflicts of Interest within the Department of Health and Human Services*, 12 TEX. WESLEYAN L. REV. 585, 626 n.406 (2006).

Gary Lawson, Comment, *Burning Down the House (and Senate): A Presentment Requirement for Legislative Subpoenas under the Orders, Resolutions, and Votes Clause*, 83 TEX. L. REV. 1373 *passim* (2005).

Gary Lawson, *The Constitution's Congress*, 89 B.U. L. REV. 399, 400 n.8 (2009).

Sanford Levinson, Comment, *Assuring Continuity of Government*, 4 PIERCE L. REV. 201 *passim* (2006).

Gregory E. Maggs, *A Concise Guide to the Federalist Papers as a Source of the Original Meaning of the United States Constitution*, 87 B.U. L. REV. 801, 801 n.*, 831 & n.147 (2007).

Earl F. Martin, *America's Anti-Standing Army Tradition and the Separate Community Doctrine*, 76 MISS. L.J. 135, 142 n.30 (2006).

Mike McNerney, *The Limits of Presidential Recess Appointment Power*, 1 THE LEGISLATION AND POLICY ROUNDTABLE 68, 83 & n.82 (2009), *available at* <http://www.wcl.american.edu/org/roundtable/documents/McNerneyfinal.pdf>.

Buckner F. Melton, Jr. & Carol Willcox Melton, *The Supreme Court and The Federalist: A Supplement, 2001-2006*, 95 KY. L.J. 749, 751 n.23 (2007).

Geoffrey P. Miller, *The Corporate Law Background of the Necessary and Proper Clause* 1 n.1, 2 n.5 (New York University Public Law and Legal Theory Working Paper No. 09-57) (Oct. 27, 2009) (unpublished manuscript, posted on SSRN), *available at* http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1495014.

James D. Myers, Note, *Bringing the Vice President Into the Fold: Executive Immunity and the Vice Presidency*, 50 B.C. L. REV. 897, 902 n.31 (2009).

Jonathan Remy Nash, *The Majority that Wasn't: Stare Decisis, Majority Rule, and the Mischief of Quorum Requirements*, 58 EMORY L.J. 831, 831 n.*, 860 n.112 (2009).

Jide Nzelibe, *A Positive Theory of the War-Powers Constitution*, 91 IOWA L. REV. 993, 1016 n.67 (2006).

Saikrishna Bangalore Prakash, Response, *Why the Incompatibility Clause Applies to the Office of President*, 4 DUKE J. CONST. L. & PUB. POL'Y 143 *passim* (2009) (only available in individualized reprints, and on LexisNexis); 4 DUKE J. CONST. L. & PUB. POL'Y SIDEBAR 35 *passim* (2008) (available on Westlaw, forthcoming on LexisNexis), *available at* <http://tinyurl.com/5kyrsa>.

Edward Rubin, *Suicide, Law & Morality*, 63 VAND. L. REV. 135 n.143 (forthcoming 2010), *available at* <http://tinyurl.com/lztz9f>.

Robert Sarvis, *Legislative Delegation and Two Conceptions of the Legislative Power*, 4 PIERCE L. REV. 317, 341 n.82 (2006).

Sheila B. Scheuerman, *Due Process Forgotten: The Problem of Statutory Damages and Class Actions*, 74 MO. L. REV. 103, 140 n.295 (2009).

David J. Shaw, Note, *An Officer and a Congressman: The Unconstitutionality of Congressmen in the Armed Forces Reserve*, 97 GEO. L.J. 1739, 1742 n.10, 1743 nn.19-20 (2009).

Steve Sheppard, Response to Robert F. Blomquist, Geoffrey R. Stone, and Seth Barrett Tillman, *What Oaths Meant to the Framers' Generation: A Preliminary Sketch*, 2009 CARDOZO L. REV. DE NOVO 273, 274, 275 n.10, 282, *available at* <http://tinyurl.com/yk6974l>.

Bradley A. Smith, Symposium on the "National Popular Vote" Plan, *Vanity of Vanities: National Popular Vote and the Electoral College*, 7 ELECTION L.J. 196, 210 n.99 (2008).

Edward T. Swaine, *Putting Missouri v. Holland on the Map*, 73 MO. L. REV. 1007, 1016 n.53 (2008).

David C. Weiss, *The International Boundary Commission, Treaty Interpretation, and the President's Removal Power*, 41 LOY. U. CHI. L.J. 39, 75 n.246 (2009).

REPRESENTATIVE INTERNET CITATIONS AND ACKNOWLEDGMENTS

Craig J. Albert, Dorf on Law, Two, two, two votes in one (redux), <http://www.michaeldorf.org/2008/08/two-two-two-votes-in-one-redux.html> (Aug. 20, 2008, 4:14 PM).

American Constitution Society Blog, Tuesday Roundup, <https://secure.acslaw.org/node/11282/> (Jan. 30, 2007, 5:06 PM).

Stephen Bainbridge, BusinessAssociationsBlog.com, Defective Stock Issuances Under Delaware Law, <http://tinyurl.com/mwfecj> (Feb. 7, 2008) (cross-posted here; no longer available on Bainbridge's site).

Howard J. Bashman, How Appealing, Senate Termination of Presidential Recess Appointments, <http://howappealing.law.com/012907.html#021780> (Jan. 29, 2007, 11:10 AM).

Terrence Berres, Milwaukee Federalists, Blushing Our Way Past Historical Fact and Fiction, <http://tinyurl.com/l9hef6> (June 15, 2009, 12:00 PM).

Terrence Berres, Milwaukee Federalists, A Christian Nation?, <http://tinyurl.com/yj6mxbt> (Oct. 19, 2009, 6:00 AM).

Terrence Berres, Milwaukee Federalists, The Great Divorce, <http://tinyurl.com/dkc6go> (Dec. 12, 2008, 6:00 AM).

Terrence Berres, Milwaukee Federalists, The Puzzle of Hamilton's Federalist No. 77, <http://tinyurl.com/m5suru> (June 29, 2009, 6:00 AM).

Terrence Berres, Milwaukee Federalists, The Traditional View of Hamilton's Federalist No. 77 and an Unexpected Challenge, <http://tinyurl.com/n52hkc> (Sept. 18, 2009, 6:00 AM).

Terrence Berres, Milwaukee Federalists, What Oaths Meant to the Framers' Generation, <http://tinyurl.com/yeqvj2> (Nov. 19, 2009, 6:00 AM).

Terrence Berres, Milwaukee Federalists, Why Our Next President May Keep His Or Her Senate Seat, <http://tinyurl.com/ddpjba> (April 5, 2008, 12:31 PM).

Terrence Berres, The Provincial Emails, Reading Rat Second Sunday, <http://tinyurl.com/ljzfwg> (July 12, 2009, 1:00 AM).

Bookforum.com Blog, Law, Economics, Science and Education, <http://www.bookforum.com/online/189> (May 18, 2007, 2:48 AM).

Bowne Securities Connect, Abstracts of Insightful Current Articles from Legal Periodicals: Revisiting the Void/Voidable Distinction For Stock Issued Defectively, <http://tinyurl.com/bkvdwy> (Mar. 2009), <http://tinyurl.com/czmpvm> (Mar. 2009) (last visited Feb. 17, 2009).

Alfred L. Brophy, The Faculty Lounge, Stone on the Nature of the Founders' Christianity, <http://tinyurl.com/apwvw2> (Oct. 22, 2008, 8:46 AM, update April 20, 2009).

Alfred L. Brophy, The Faculty Lounge, Tillman on Stone on the Nature of the Founders' Christianity, <http://tinyurl.com/chz92h> (April 25, 2009, 8:18 AM).

Josie F. Brown, First Amendment Law Prof Blog, First Amendment Scholarship Survey, <http://tinyurl.com/dbcoje> (April 19, 2009).

Josie F. Brown, First Amendment Law Prof Blog, First Amendment Scholarship Update, <http://tinyurl.com/yhc3cml> (Oct. 18, 2009).

Josh Chafetz, Conlawprof, 20th Amendment Trivia, <http://lists.ucla.edu/pipermail/conlawprof/2008-November/033299.html> (Nov. 10, 2008, 12:17:44 PST).

Josh Chafetz, The Volokh Conspiracy, Responding to Some of Your Comments, http://volokh.com/archives/archive_2008_07_20-2008_07_26.shtml#1216899514 (last visited July 28, 2008, 9:48 AM).

Constitution Society, People: Lawyers, Law Professors, Historians, and Scholars, http://www.constitution.org/cs_peopl.htm (last visited Sept. 11, 2007).

Elektratig, "It is not a vote!," <http://elektratig.blogspot.com/2009/10/it-is-not-vote.html> (Oct. 4, 2009, 7:38 AM).

Elektratig, Two Articles, <http://tinyurl.com/dkpy2v> (Feb. 22, 2009, 11:01 AM).

Dan Ernst, Legal History Blog, Fed 77 Smackdown, <http://legalhistoryblog.blogspot.com/2009/10/fed-77-smackdown.html> (Oct. 2, 2009, 1:50 AM).

eSource: The Monthly Electronic Newsletter of the ABA Section of Business Law, <http://tinyurl.com/bl6bv2> (Nov. 2008), <http://tinyurl.com/b29mcq> (Nov. 2008) (last visited Mar. 6, 2009).

Howard M. Friedman, Religion Clause, Recent Articles and Books of Interest, <http://tinyurl.com/d5ckx9> (April 27, 2009, 7:15 AM).

Michael Fromkin, Conlawprof, Subpoena Power of the House or Senate, <http://tinyurl.com/ygexca3> (July 24, 2007, 11:38:51 PDT).

Rick Garnett, Mirror of Justice, Blomquist, Tillman, et al. on the Founders and Religion, <http://tinyurl.com/yzv89z3> (Oct. 20, 2009, 11:44 AM).

Rick Garnett, Mirror of Justice, Fact and Fiction about the Framers and Faith, <http://tinyurl.com/cggnv> (April 22, 2009, 12:22 PM).

Rick Hasen, Election Law Blog, Could President-Elect Obama Remain Senator and Become President?, <http://electionlawblog.org/archives/012568.html> (Dec. 1, 2008, 1:29 PM).

Rick Hasen, Election Law Blog, Levinson and Tillman Debate How to Assure the Continuity of Congress in the Event of a Catastrophe, <http://electionlawblog.org/archives/005551.html> (May 5, 2006, 8:17 AM).

Rick Hasen, Election Law Blog, Terminating Presidential Recess Appointments: A Reply to Professor Kalt, <http://tinyurl.com/d25dvr> (Feb. 12, 2007, 8:34 AM).

Rick Hasen, Election Law Blog, Tillman and Kalt on the Senate's Power to End Presidential Recess Appointments, <http://electionlawblog.org/archives/007693.html> (Jan. 24, 2007, 4:33 PM).

Rick Hasen, Election Law Blog, Tillman on Continuity of Congress, <http://electionlawblog.org/archives/005182.html> (Mar. 16, 2006, 1:57 PM).

Rick Hasen, Election Law Blog, Tillman on Ross's Defense of the Electoral College, <http://electionlawblog.org/archives/005251.html> (Mar. 24, 2006, 8:19 AM).

Richard Heald, Consti Weblog: What's Hot and What's Not, Separation of Powers (or is it?), <http://tinyurl.com/ndzkd5> (Jan. 6, 2009, 5:23:11 AM) (an English law blog).

David Hricik, Statutory Construction Blog, Another Interesting Article, <http://lawprofessors.typepad.com/statutory/2007/09/another-interes.html> (Sept. 24, 2007).

David Hricik, Statutory Construction Blog, Interesting Short Piece on Shall and May in the Constitution, <http://tinyurl.com/22q6pa> (Feb. 18, 2008).

David Hricik, Statutory Construction Blog, Senator-President Obama, McCain, or Clinton?, <http://tinyurl.com/yscrle> (Feb. 29, 2008).

Brian Kalt, Concurring Opinions, Can the Senate Refuse to Seat Blagojevich's Appointee?, <http://tinyurl.com/q55uzo> (Dec. 30, 2008, 11:22 PM) (comment 6).

Julian Ku, Opinio Juris, http://lawofnations.blogspot.com/2005/01/more-on-breyer-v-scalia_23.html (Jan. 23, 2005, 6:07 PM).

Ethan Leib, PrawfsBlawg, The Article II Argument, <http://prawfsblawg.blogs.com/prawfsblawg/2007/10/the-article-ii-.html> (Oct. 9, 2007, 1:19 PM).

Ethan Leib, PrawfsBlawg, Can Senators Keep Their Senate Seats When Elected President?, <http://prawfsblawg.blogs.com/prawfsblawg/2008/02/can-senators-ke.html> (Feb. 28, 2008, 8:06 PM).

Ethan Leib, PrawfsBlawg, Mix-and-Match Lawmaking, http://prawfsblawg.blogs.com/prawfsblawg/2006/12/mixandmatch_law.html (Dec. 14, 2006, 4:17 PM).

Sanford Levinson, Conlawprof, Are Non-binding Congressional Resolutions Permissible?, <http://lists.ucla.edu/pipermail/conlawprof/2007-February/028973.html> (Feb. 19, 2007, 13:29:51 PST).

Sanford Levinson, Conlawprof, Presidential and Vice Presidential Inability, <http://tinyurl.com/yjhqe92> (Oct. 14, 2009 12:58:07 PM).

Jacob Levy, The Volokh Conspiracy, Judicial Review, <http://tinyurl.com/4uoebc> (Nov. 12, 2003, 9:30:36 AM).

Chris Lund, PrawfsBlawg, Another Comment on the Election ..., <http://prawfsblawg.blogs.com/prawfsblawg/2008/11/another-comment.html> (Nov. 5, 2008, 11:50 AM).

Raffi Melkonian, Crescat Sententia, A Constitutional Review, <http://www.crescatsententia.net/archives/2005/05/31/> (May 31, 2005, 11:34 PM).

John J. Miller, NationalReviewOnline's The Corner, And In My Spare Time, I'm a Senator from Arizona, <http://tinyurl.com/2laaws> (Feb. 29, 2008, 7:51 AM).

John J. Miller, NationalReviewOnline's The Corner, Double Dipping, <http://tinyurl.com/5eyt6c> (Nov. 5, 2008, 3:55 PM).

John J. Miller, NationalReviewOnline's The Corner, The New Era, Again, <http://tinyurl.com/yvwyts> (Feb. 22, 2006, 5:58 AM).

OpenCongress, Senate Termination of Presidential Recess Appointments, <http://tinyurl.com/r8n98h> (Jan. 24, 2007).

Andrew Owens, Blahseblah, Note to the Future, <http://tinyurl.com/yz7dz92> (Oct. 5, 2009, 07:00 PM).

Francis G. X. Pileggi, Delaware Corporate and Commercial Litigation Blog, Article on Defective Issuance of Shares Under Delaware Law, <http://tinyurl.com/27e22g> (Feb. 7, 2008), <http://tinyurl.com/9gpzlp> (Aug. 25, 2008).

Francis G. X. Pileggi, Delaware Corporate and Commercial Litigation Blog, The Future of Delaware Corporate Litigation, <http://tinyurl.com/2bs6qx> (Oct. 25, 2007).

PublicSquare.net: Common Ground, Uncommon Debate, <http://tinyurl.com/2as4jr>, <http://tinyurl.com/3e3em2>, <http://tinyurl.com/2o99b3>, <http://tinyurl.com/2e3o78> (last visited July 22, 2007) (reproducing four-part Kalt-Tillman exchange).

Glenn Reynolds, Instapundit, Seth Barrett Tillman: The Puzzle of Hamilton's Federalist No. 77: It Turns out Hamilton was Right After All, <http://tinyurl.com/d7o3lo> (Feb. 22, 2009, 10:03 AM).

Glenn Reynolds, Instapundit, Seth Barrett Tillman and Steve Calabresi Debate, <http://pajamasmedia.com/instapundit/28824/> (Dec. 2, 2008, 2:43 PM).

Jonathan Rowe, American Creation, Blomquist and Sheppard on Tillman and Stone, <http://tinyurl.com/y9lf6oo> (Nov. 1, 2009, 2:26 PM), <http://tinyurl.com/yjbdpq5> (Nov. 1, 2009), <http://tinyurl.com/ykxuxyg> (Nov. 1, 2009, 3:16 PM).

Jonathan Rowe, American Creation, Tillman Keeps Stone on His Toes, <http://tinyurl.com/dbdzwc> (April 22, 2009, 9:01 PM), <http://tinyurl.com/cbgegu> (April 22, 2009), <http://tinyurl.com/da93r5> (April 22, 2009, 9:17 PM).

Signing Statements George W. Bush 2001-2007, <http://www.coherentbabble.com/signingstatements/links.htm> (last visited Feb. 24, 2008).

Daniel L. Solove, Concurring Opinions, Introducing Guest Blogger Brian Kalt, http://www.concurringopinions.com/archives/2008/12/introducing_gue_99.html (Dec. 1, 2008, 12:30 AM).

Lawrence B. Solum, Legal Theory Blog, Bailey on Tillman on Hamilton on Removal of Executive Officers, <http://tinyurl.com/qdbhsg> (Sept. 15, 2009, 3:20 AM).

Lawrence B. Solum, Legal Theory Blog, Balotti & Tillman on Delaware Corporate Law, <http://tinyurl.com/d5hhll> (May 16, 2007, 3:21 AM).

Lawrence B. Solum, Legal Theory Blog, Lawson on Presentment, http://lsolum.typepad.com/legaltheory/2004/06/lawson_on_prese.html (June 16, 2004, 7:43 PM).

Lawrence B. Solum, Legal Theory Blog, Tillman & Kalt on Colloquy, <http://tinyurl.com/dg227j> (Feb. 12, 2007, 9:49 AM).

Lawrence B. Solum, Legal Theory Blog, Tillman on Calabresi on the Incompatibility Clause, <http://tinyurl.com/c4cd8a> (Nov. 3, 2008, 3:40 PM).

Lawrence B. Solum, Legal Theory Blog, Tillman on Defects in Stock Issuances Under Delaware Law, <http://tinyurl.com/2733ws> (Feb. 8, 2008, 8:15 AM), <http://tinyurl.com/ccm9z9> (Nov. 4, 2008, 5:45 AM).

Lawrence B. Solum, Legal Theory Blog, Tillman on Hamilton on "Displacing" Federal Officers, <http://tinyurl.com/bbnz5x> (Feb. 3, 2009, 9:17 AM).

Lawrence B. Solum, Legal Theory Blog, Tillman on the Incompatibility Clause, <http://lsolum.typepad.com/legaltheory/2008/02/tillman-on-the.html> (Feb. 29, 2008, 1:33 AM).

Lawrence B. Solum, Legal Theory Blog, Tillman on Noncontemporaneous Lawmaking, <http://tinyurl.com/ddfej9> (May 14, 2007, 5:08 PM).

Lawrence B. Solum, Legal Theory Blog, Tillman on Stone, <http://tinyurl.com/c8mypr> (May 7, 2009, 10:03 AM).

Lawrence B. Solum, Legal Theory Blog, Tillman on Stone on Book Burning at Harvard, <http://tinyurl.com/dlyfz9> (April 17, 2009, 10:40 AM).

Michael Stern, Point of Order: A Discussion of Congressional Legal Issues, Can Joe Biden Be Vice President and Senator at the Same Time?, <http://pointoforder.com/> (Dec. 20, 2008, 14:47 PM) (click calendar entry for "December 20, 2008").

Michael Stern, Point of Order: A Discussion of Congressional Legal Issues, Tillman and Bailey on Federalist No. 77, <http://tinyurl.com/ya82lx6> (Oct. 7, 2009, 19:34 PM).

Mark Tushnet, Conlawprof, RE: Any thoughts on whether it would require a special Act of Congress to authorize President Obama's accepting the Nobel Peace Prize?, <http://tinyurl.com/yj8ebap> (Oct. 9, 2009 17:30:57).

Mark Tushnet, Conlawprof, RE: Any thoughts on whether it would require a special Act of Congress to authorize President Obama's accepting the Nobel Peace Prize?, <http://tinyurl.com/yhuk6yd> (Oct. 11, 2009 13:42:57 PM).

University of Pennsylvania Law Review, Concurring Opinions, December Responses: PENNumbra, <http://tinyurl.com/6omlo6> (Nov. 30, 2008, 11:33 PM).

Univeristy of Washington School of Law Library, Popular Names of Constitutional Provisions, <http://lib.law.washington.edu/ref/consticlauses.html> (last visited Dec. 29, 2008, 2:04 PM).

USAliberals.com, 'President Elect' Blogs, http://www.usaliberals.com/president_elect/news.htm (no longer available) (last visited December 4, 2008).

John R. Vile, ABC-CLIO Schools – History and the Headlines, Presidential Veto, <http://tinyurl.com/33pmxz> (last visited Feb. 24, 2008).

Eugene Volokh, The Volokh Conspiracy, Crime and the Constitution, <http://tinyurl.com/5jscqp> (Mar. 15, 2005, 1:06 PM) (click "Show the answer").

Eugene Volokh, The Volokh Conspiracy, One More Perspective on the Seventeenth Amendment, http://volokh.com/2003_02_23_volokh_archive.html (Feb. 27, 2003, 5:51 PM).

Eugene Volokh, The Volokh Conspiracy, Sexual Autonomy and the Mentally Retarded, <http://tinyurl.com/5o8fdz> (June 7, 2004, 5:54 PM).

Eugene Volokh, The Volokh Conspiracy, Why Isn't Vice-President-Elect Biden Affected by the Emoluments Clause?, <http://www.volokh.com/posts/1228757349.shtml> (Dec. 8, 2008, 12:29 PM) (click "debate").

Eugene Volokh, The Volokh Conspiracy, Wounded Soldiers and the Geneva Conventions, <http://tinyurl.com/2jhdle> (Nov. 18, 2004, 11:45 AM).

Howard Wasserman, PrawfsBlawg, The Future of Legislative Appointments (Updated), <http://tinyurl.com/8pdhb6> (Jan. 4, 2009, 3:14 PM).

Jay Wexler, Road Trip to the Battlegrounds of the Church/State Wars Blog, Could Obama Have Stayed a Senator?, <http://tinyurl.com/936qb9> (Nov. 21, 2008, 12:31 PM).

Guan Yang, Guan's Thoughts, <http://tinyurl.com/d4qdw4> (Jan. 28, 2009).

Tung Yin, The Yin Blog, Some quick thoughts on teaching *INS v. Chadha*, http://yin.typepad.com/the_yin_blog/2004/04/some_quick_thou.html (Apr. 15, 2004, 3:11 PM).

ACKNOWLEDGMENTS IN PRINT PUBLICATIONS

W.J. STEWART, COLLINS DICTIONARY OF LAW, at i, 317 (Glasgow, HarperCollins 3d ed. 2006).

Richard Albert, *Advisory Review: The Reincarnation of the Notwithstanding Clause*, 45 ALBERTA L. REV. 1037, 1037 n.* (2008).

Ian C. Bartrum, *The Constitutional Canon As Argumentative Metonymy*, 18 WM. & MARY BILL RTS. J. (forthcoming 2010) (manuscript at 1 n.*), available at <http://tinyurl.com/lpof2n>.

William Baude, *The Judgment Power*, 96 GEO. L.J. 1807, 1807 n.* (2008).

Aaron-Andrew P. Bruhl, *Return of the Line Item Veto? Legalities, Practicalities, and Some Puzzles*, 10 U. PA. J. CONST. L. 447, 447 n.*, 490 n.124 (2008).

Adam R.F. Gustafson, Note, *Presidential Inability and Subjective Meaning*, 27 YALE L. & POL'Y REV. 459, 459 n.* (2009).

Ethan J. Leib, *Why Supermajoritarianism Does Not Illuminate the Interpretive Debate Between Originalists and Non-Originalists*, 101 NW. U. L. REV. 1905, 1909 n.19 (2007), 101 NW. U. L. REV. COLLOQUY 113, 117 n.19 (2007).

Peter Nicolas, *Nine, of Course: A Dialogue on Congressional Power to Set by Statute the Number of Justices on the Supreme Court*, 2 N.Y.U. J.L. & LIBERTY 86, 86 n.* (2006).

John T. Parry, *Congress, the Supremacy Clause, and the Implementation of Treaties*, 32 FORDHAM INT'L L.J. 1209, 1209 n.* (2009).

Lawrence B. Solum, *Semantic Originalism* 1 n.* (Illinois Pub. Law Research Paper No. 07-24) (Nov. 22, 2008) (unpublished manuscript, posted on SSRN), available at <http://tinyurl.com/ndp845>.

Charles S. Stein, Note, *The Qualified Privilege Against Discovery of Federal Income Tax Returns*, 5 PITT. TAX REV. 173, 187 n.75 (2008).

Symposia, Lectures & Receptions, THE DOCKET: NEW YORK UNIVERSITY SCHOOL OF LAW, Feb. 15, 2005, at 3, 4 & 10, available at <http://www.law.nyu.edu/publications/thedocket/docketarchives/20042005/index.htm>.

Symposia, Lectures & Receptions, THE DOCKET: NEW YORK UNIVERSITY SCHOOL OF LAW, Mar. 8-Mar. 15, 2005, at 3, available at <http://www.law.nyu.edu/publications/thedocket/docketarchives/20042005/index.htm>.

Unreported Cases: Superior Vision Services, Inc. v. ReliaStar Life Insurance Co., 32 DEL. J. CORP. L. 707, 707, 708 n.2 (2007).

My publications and their abstracts are generally available on
http://works.bepress.com/seth_barrett_tillman/ and on
<http://www.ssrn.com>.