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From the SelectedWorks of Seth Barrett Tillman

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Citation List to A Textualist Defense of Article I, Section 7, Clause 3, and to Tillman's Reply to Lawson

Seth Barrett Tillman



Available at: https://works.bepress.com/seth_barrett_tillman/25/

CITATIONS TO A TEXTUALIST DEFENSE OF ARTICLE I, SECTION 7, CLAUSE 3, http://ssrn.com/abstract=475204

[1] THE CONSTITUTION OF THE UNITED STATES OF AMERICA: ANALYSIS AND INTERPRETATION/CENTENNIAL EDITION, S. DOC. NO. 112-9, at 152 n.508, 152 n.511, 990 n.20 (Kenneth R. Thomas editor in chief, GPO 2013) (prepared by the Congressional Research Service and Library of Congress) (citing *Textualist*), *available at* http://works.bepress.com/seth_barrett_tillman/275/.

THE CONSTITUTION OF THE UNITED STATES OF AMERICA: ANALYSIS ANDINTERPRETATION/2010 SUPPLEMENT, S. DOC. NO. 111-39, at 4 nn.2 & 5, 55 (Kenneth R.Thomas et al. eds., 2011) (prepared by the Congressional Research Service and LibraryofCongress)(citingTextualist),availableathttp://works.bepress.com/seth_barrett_tillman/274/.

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) (citing *Textualist*), *available at* http://www.gpoaccess.gov/constitution/pdf2002/2008supplement.pdf.

THE CONSTITUTION OF THE UNITED STATES OF AMERICA: ANALYSIS ANDINTERPRETATION/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 LibraryofCongress)(citingTextualist), availablehttp://www.gpoaccess.gov/constitution/pdf2002/2006supplement.pdf.

2011 Montana House Bill 448, Exhibit 1, at 9 n.42 (Mar. 3, 2011), *available at* http://leg.mt.gov/bills/2011/Minutes/Senate/Exhibits/jus60a01.pdf, *also available at* http://works.bepress.com/seth_barrett_tillman/457 (citing *Textualist*).

2011 North Dakota House Energy and Natural Resources Bill, HB 1287, Attachment 1, at 19 n.42 (Feb. 3, 2011), *available at* http://www.legis.nd.gov/files/resource/62-2011/library/hb1287.pdf, *also available at* http://works.bepress.com/seth_barrett_tillman/456 (citing *Textualist*).

[2] Robert W. Bennett, Originalism and The Living American Constitution, in ROBERT W. BENNETT & LAWRENCE B. SOLUM, CONSTITUTIONAL ORIGINALISM: A DEBATE 185 n.35 (2011) (citing Textualist).

- [3] CHRISTOPHER BROOKS, CHISHOLM TO ALDEN: JAMES WILSON'S Artificial Person IN AMERICAN SUPREME COURT HISTORY, 1793-1999, at 304 n.13 (Logos Verlag Berlin 2006) (citing *Textualist*).
- [4] HAROLD BRUFF, BALANCE OF FORCES: SEPARATION OF POWERS LAW IN THE ADMINISTRATIVE STATE 223 n.5, 267 n.67, 478 n.1 (2006) (citing *Textualist*).
- [5] NICK DRANIAS, GOLDWATER INSTITUTE POLICY REPORT, FEDERALISM DO-IT-YOURSELF 72 n.456 (2011) (citing *Textualist*), *available at* http://works.bepress.com/seth_barrett_tillman/268/.

NICK DRANIAS, GOLDWATER INSTITUTE POLICY REPORT, THE FEDERALIST TOOLKIT 105 n.451 (2010) (citing *Textualist*), *available at* http://works.bepress.com/seth_barrett_tillman/214/.

NICK DRANIAS, GOLDWATER INSTITUTE POLICY REPORT, WHAT IS AN INTERSTATE COMPACT 9 n.42 (2011) (citing *Textualist*), *available at* http://works.bepress.com/seth_barrett_tillman/224/.

NICK DRANIAS, GOLDWATER INSTITUTE POLICY REPORT, THE POWER AND PROMISE OF INTERSTATE COMPACTS 5 n.42 (2010) (citing *Textualist*), *available at* http://works.bepress.com/seth_barrett_tillman/277/.

- [6] MICHAEL J. GERHARDT ET AL., CONSTITUTIONAL THEORY: ARGUMENTS AND PERSPECTIVES 210 (3d ed. 2007) (citing *Textualist*).
- [7] MICHAEL J. GERHARDT, THE POWER OF PRECEDENT 174 n.147 (2008) (citing *Textualist*).
- [8] David F. Forte, *Presentment of Resolutions–Article I, Section 7, Clause 3*, THE HERITAGE GUIDE TO THE CONSTITUTION 114, 115 (David F. Forte & Matthew Spalding eds., 2d ed. 2014) (citing *Textualist*), *available at* http://works.bepress.com/seth_barrett_tillman/518.
- [9] Matthew Spalding & Trent England, *Amendments–Article V*, THE HERITAGE GUIDE TO THE CONSTITUTION 371, 373 (David F. Forte & Matthew Spalding eds., 2d ed. 2014) (citing *Textualist*), *available at* http://works.bepress.com/seth_barrett_tillman/518.

EDWIN MEESE III ET AL., THE HERITAGE GUIDE TO THE CONSTITUTION 93, 287 (2005) (citing *Textualist*).

[10] GARY LAWSON, TEACHER'S MANUAL TO FEDERAL ADMINISTRATIVE LAW 38 (5th ed. 2010) (citing *Textualist*).

[11] ROBERT G. NATELSON, THE ORIGINAL CONSTITUTION: WHAT IT ACTUALLY SAID AND MEANT 234 (2d ed. 2011) (citing *Textualist*).

ROBERT G. NATELSON, THE ORIGINAL CONSTITUTION: WHAT IT ACTUALLY SAID AND MEANT 228 (2010) (citing *Textualist*).

- [12] ONDŘEJ PREUSS, IS CHANGE IN THE ESSENTIAL ATTRIBUTES OF A DEMOCRATIC RULE OF LAW INADMISSIBLE? 107 n.411, 242 (Charles University, Prague, Czech Republic, PhD 2014) (citing *Textualist*), *available at* https://is.cuni.cz/webapps/zzp/detail/112230/, *also available at* http://works.bepress.com/seth_barrett_tillman/535/.
- [13] ONDŘEJ PREUSS, THE SUBSTANTIVE REQUIREMENTS OF A DEMOCRATIC RULE OF LAW IN CASE LAW OF THE CONSTITUTIONAL COURT 16 n.23, 109 (Charles University, Prague, Czech Republic, Juris Utrisque Doctor Dissertation 2013) (citing *Textualist*), *available at* https://is.cuni.cz/webapps/zzp/download/150018653, *also available at* http://works.bepress.com/seth_barrett_tillman/512/.
- [14] DAVID BRIAN ROBERTSON, THE CONSTITUTION AND AMERICA'S DESTINY 219 n.46 (2005) (citing *Textualist*).
- [15] 1 RALPH A. ROSSUM & G. ALAN TARR, AMERICAN CONSTITUTIONAL LAW: THE STRUCTURE OF GOVERNMENT 140 (7th ed. 2007) (citing *Textualist*).
- [16] 2 RONALD D. ROTUNDA & JOHN E. NOWAK, TREATISE ON CONSTITUTIONAL LAW: SUBSTANCE AND PROCEDURE §§ 10.8(a) n.5, 10.8(b) n.8 (4th ed. 2007) (citing *Textualist* and *Reply to Lawson*).

2 RONALD D. ROTUNDA & JOHN E. NOWAK, TREATISE ON CONSTITUTIONAL LAW: SUBSTANCE AND PROCEDURE § 10.8 nn.5, 8 (3d ed. Supp. 2007) (citing *Textualist* and *Reply to Lawson*).

2 RONALD D. ROTUNDA & JOHN E. NOWAK, TREATISE ON CONSTITUTIONAL LAW: SUBSTANCE AND PROCEDURE § 10.8 n.8 (3d ed. Supp. 2005) (citing *Textualist*).

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

- [18] 2 JOHN R. VILE, THE CONSTITUTIONAL CONVENTION OF 1787: A COMPREHENSIVE ENCYCLOPEDIA OF AMERICA'S FOUNDING 621, 949 (2005) (citing *Textualist*).
- [19] 1 JOHN R. VILE, ENCYCLOPEDIA OF CONSTITUTIONAL AMENDMENTS, PROPOSED AMENDMENTS, AND AMENDING ISSUES, 1789-2015, at 241 (4th ed. 2015) (citing *Textualist*).

1 JOHN R. VILE, ENCYCLOPEDIA OF CONSTITUTIONAL AMENDMENTS, PROPOSED AMENDMENTS, AND AMENDING ISSUES, 1789-2010, at 243 (3d ed. 2010) (citing *Textualist*).

- [20] 2 JOHN R. VILE, ENCYCLOPEDIA OF CONSTITUTIONAL AMENDMENTS, PROPOSED AMENDMENTS, AND AMENDING ISSUES, 1789-2010, at 620 (3d ed. 2010) (citing *Textualist*).
- [21] ROBERT F. WILLIAMS, STATE CONSTITUTIONAL LAW: CASES AND MATERIALS 789 (4th ed. 2006) (citing *Textualist* and *Reply to Lawson*).
- [22] Richard Albert, Constructive Unamendability in Canada and the United States, 67 SUP.
 CT. L. REV. (2d) 181, 196 n.92 (2014) (peer reviewed) (Canada) (citing Textualist), available at http://works.bepress.com/seth_barrett_tillman/502/.
- [23] Richard Albert, *The Constitutional Imbalance*, 37 N.M. L. REV. 1, 2 n.7 (2007) (citing *Textualist*).
- [24] Roger P. Alford, Roper v. Simmons and Our Constitution in International Equipoise, 53 UCLA L. REV. 1, 10 n.46 (2005) (citing *Textualist*).
- [25] Roger P. Alford, In Search of a Theory for Constitutional Comparativism, 52 UCLA L. REV. 639, 650 n.52 (2005) (citing Textualist).
- [26] Jack Michael Beermann, *Congressional Administration*, 43 SAN DIEGO L. REV. 61, 126 n.306 (2006) (citing *Textualist*).

- [27] Aaron-Andrew P. Bruhl, *If the Judicial Confirmation Process is Broken, Can a Statute Fix It?*, 85 NEB. L. REV. 960, 1004 n.146 (2007) (citing *Textualist*).
- [28] Steven G. Calabresi & Gary Lawson, *The Rule of Law as a Law of Law*, 90 NOTRE DAME L. REV. 483, 498 n.116 (2014) (citing *Textualist* and *Reply to Lawson*), *available at* http://works.bepress.com/seth_barrett_tillman/468.
- [29] Kirsten Matoy Carlson, Is Hindsight 20-20? Reconsidering the Importance of Pre-Constitutional Documents, 30 AM. INDIAN L. REV. 1, 5 n.20 (2006) (peer reviewed) (citing Textualist).
- [30] 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) (citing Textualist).
- [31] Stephen M. Durden, *Textualisms*, 2 BRIT. J. AM. LEGAL STUD. 59, 83 n.132, 84 n.134 (2013) (peer reviewed) (citing *Textualist*), *available at* http://works.bepress.com/seth_barrett_tillman/384/.
- [32] 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) (citing Textualist).
- [33] Jamal Greene, *The Case for Original Intent*, 80 GEO. WASH. L. REV. 1683, 1683 n.*, 1694 & n.78 (2012) (citing *Textualist*).
- [34] 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) (citing Textualist).
- [35] Sopan Joshi, Note, *The Presidential Role in the Constitutional Amendment Process*, 107 NW. U. L. REV. 963, 977 n.88 & n.91, 978 n.94, 981 n.114 (2013) (citing *Textualist*).

- [36] Brian C. Kalt, Response, *Keeping Recess Appointments in Their Place*, 101 NW. U. L. REV. COLLOQUY 88, 90 n.9 (2007) (citing *Textualist*), http://www.law.northwestern.edu/lawreview/colloquy/2007/3/, *republished in* 103 NW. U. L. REV. COLLOQUY 292 (2009), http://tinyurl.com/80sj45.
- [37] Ronald J. Krotoszynski, Jr., Deconstructing Deem and Pass: A Constitutional Analysis of the Enactment of Bills by Implication, 90 WASH. U. L. REV. 1071, 1094 n.92 (2013) (citing Textualist).
- [38] 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) (citing Textualist).
- [39] Gary Lawson, *The Constitution's Congress*, 89 B.U. L. REV. 399, 400 n.8 (2009) (citing *Textualist* and *Reply to Lawson*).
- [40] Sanford Levinson, Comment, Assuring Continuity of Government, 4 PIERCE L. REV. 201, 201 n.1 (2006) (citing Textualist).
- [41] 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) (citing Textualist).
- [42] Jide Nzelibe, A Positive Theory of the War-Powers Constitution, 91 IOWA L. REV. 993, 1016 n.67 (2006) (citing Textualist).
- [43] Nat Ofo, Amending the Constitution of the Federal Republic of Nigeria 1999, 4 AFR. J. LEGAL STUD. 123, 136 n.39 (2011) (peer reviewed) (citing *Textualist* and *Reply to Lawson*).
- [44] Edward Rubin, The Affordable Care Act, the Constitutional Meaning of Statutes, and the Emerging Doctrine of Positive Constitutional Rights, 53 WM. & MARY L. REV. 1639, 1658 n.101 (2012) (citing Textualist).

- [45] Edward Rubin, Assisted Suicide, Morality, and Law: Why Prohibiting Assisted Suicide Violates the Establishment Clause, 63 VAND. L. REV. 763, 807 n.177 (2010) (citing Textualist).
- [46] Robert Sarvis, Legislative Delegation and Two Conceptions of the Legislative Power, 4 PIERCE L. REV. 317, 341 n.82 (2006) (citing Textualist and Reply to Lawson).
- [47] Ezra Dodd Church, Note, *Technological Conservatism: How Information Technology Prevents the Law from Changing*, 83 TEX. L. REV. 561, 589 n.220 (2004) (citing *Textualist*).
- [48] Michael Coenen, Note, The Significance of Signatures: Why the Framers Signed the Constitution and What They Meant by Doing So, 119 YALE L.J. 966, 991 n.69, 992 n.71 (2010) (citing Textualist).

UNITED STATES CODE ANNOTATED §§ Article I, Section 7, Clause 2; Article I, Section 7, Clause 3; Article V; Amendment XI (West 2006, 2008, 2010) (citing *Textualist* and *Reply to Lawson*).

UNITED STATES CODE SERVICE §§ Article I, Section 7, Clause 2; Article I, Section 7, Clause 3; Article V; Amendment XI (LexisNexis 2006, 2008, 2010) (citing *Textualist* and *Reply to Lawson*).

- [49] Yvette Barksdale, *Recent Articles of Interest*, ADMIN. & REG. LAW NEWS (ABA Section of Administrative Law and Regulatory Practice, Chicago, IL), Summer 2005, at 27 (citing *Textualist* and *Reply to Lawson*), *available at* http://tinyurl.com/pkzh9f.
- [50] Michael J. Gerhardt, *Non-Judicial Precedent* 81 n.347 (UNC Legal Studies Research Paper No. 1011505, 2007) (citing *Textualist*), *available at* http://papers.ssrn.com/abstract_id=1011505, *also available at* http://works.bepress.com/seth_barrett_tillman/221/.

- [51] Karen Crabbs Fernandes, Delegation and the Administrative State: The New Process of Governing and its Effect on the Democratic Soul 82 n.163, 226 (Oct. 24, 2006) (unpublished Ph.D. dissertation, Georgetown University Dep't of Government) (on file with author) (citing *Textualist* and *Reply to Lawson*), *available at* http://tinyurl.com/27zn4f5.
- [52] H. Abbie Erler, Article 5 and Executive Leadership: Predicting Calls for Amendments, MIDWEST POLITICAL SCIENCE ASSOCIATION ANNUAL NATIONAL CONFERENCE 15 n.29, 16 n.32 (Chicago, IL, Apr. 3, 2008) (citing Textualist), http://tinyurl.com/ncf7qst, also available at http://works.bepress.com/seth_barrett_tillman/454/.
- [53] James W. Lucas, To Originate the Amendment of Errors: Reforming Article V to Facilitate State and Popular Engagement in Constitutional Amendment 15 n.79 (June 6, 2013) (citing *Textualist*), *available at* http://ssrn.com/abstract=2275124.

Hollingsworth v. Virginia, WIKIPEDIA, http://tinyurl.com/26zz2j5, *also available at* http://works.bepress.com/seth_barrett_tillman/193/ (last visited Aug. 23, 2010).

CITATIONS TO *REPLY TO LAWSON*, http://ssrn.com/abstract=658003

- [1] 2 RONALD D. ROTUNDA & JOHN E. NOWAK, TREATISE ON CONSTITUTIONAL LAW: SUBSTANCE AND PROCEDURE §§ 10.8(a) n.5, 10.8(b) n.8 (4th ed. 2007) (citing *Reply to Lawson*).
- [2] ROBERT F. WILLIAMS, STATE CONSTITUTIONAL LAW: CASES AND MATERIALS 789 (4th ed. 2006) (citing *Reply to Lawson*).
- [3] Steven G. Calabresi & Gary Lawson, *The Rule of Law as a Law of Law*, 90 NOTRE DAME L. REV. 483, 498 n.116 (2014) (citing *Reply to Lawson*), *available at* http://works.bepress.com/seth_barrett_tillman/468.
- [4] Gary Lawson, *The Constitution's Congress*, 89 B.U. L. REV. 399, 400 n.8 (2009) (citing *Reply to Lawson*).
- [5] Nat Ofo, Amending the Constitution of the Federal Republic of Nigeria 1999, 4 AFR. J. LEGAL STUD. 123, 136 n.39 (2011) (peer reviewed) (citing Reply to Lawson).
- [6] Robert Sarvis, Legislative Delegation and Two Conceptions of the Legislative Power, 4 PIERCE L. REV. 317, 341 n.82 (2006); 4 U.N.H. L. REV. 317, 341 n.82 (2006) (citing Reply to Lawson).
- [7] 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) (citing Reply *to Lawson*).
- [8] Yvette Barksdale, *Recent Articles of Interest*, ADMIN. & REG. LAW NEWS (ABA Section of Administrative Law and Regulatory Practice, Chicago, IL), Summer 2005, at 27 (citing *Reply to Lawson*), *available at* http://tinyurl.com/pkzh9f.
- [9] Karen Crabbs Fernandes, Delegation and the Administrative State: The New Process of Governing and its Effect on the Democratic Soul 82 n.163, 226 (Oct. 24, 2006) (unpublished Ph.D. dissertation, Georgetown University Dep't of Government) (on file with author) (citing *Reply to Lawson*), *available at* http://tinyurl.com/27zn4f5.

UNITED STATES CODE ANNOTATED §§ Article I, Section 7, Clause 2; Article I, Section 7, Clause 3; Article V; Amendment XI (West 2006, 2008, 2010) (citing *Reply to Lawson*).

UNITED STATES CODE SERVICE §§ Article I, Section 7, Clause 2; Article I, Section 7, Clause 3; Article V; Amendment XI (LexisNexis 2006, 2008, 2010) (citing *Reply to Lawson*).

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