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**From the Selected Works of Seth Barrett Tillman**

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February 8, 2010

## Citation List to The Puzzle of Hamilton's Federalist No. 77

Seth Barrett Tillman, *None*



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CITATIONS TO  
*THE PUZZLE OF HAMILTON'S FEDERALIST NO. 77*,  
33 HARV. J.L. & PUB. POL'Y 149 (2010),  
<http://ssrn.com/abstract=1331664>

- [1] Brief of Law Professors as Amici Curiae in Support of Petitioners at 14 n.6, *Free Enter. Fund v. Pub. Co. Accounting Oversight Bd.*, 130 S. Ct. 3138 (Aug. 3, 2009) (No. 08-861), 2009 WL 2372919, at \*14 n.6, 2009 U.S. S. Ct. Briefs LEXIS 661, at \*25 n.6, *available at* [http://works.bepress.com/seth\\_barrett\\_tillman/134/](http://works.bepress.com/seth_barrett_tillman/134/).
- [2] J. DAVID ALVIS ET AL., *THE CONTESTED REMOVAL POWER*, 1789–2010, at 221 n.72, 225 n.41 (University Press of Kansas 2013), *available at* [http://works.bepress.com/seth\\_barrett\\_tillman/351/](http://works.bepress.com/seth_barrett_tillman/351/).
- [3] Jeremy D. Bailey, *The Jeffersonian Executive: More Energetic, More Responsible, and Less Stable* 134 n.39, in *EXTRA-LEGAL POWER AND LEGITIMACY: PERSPECTIVES ON PREROGATIVE* (Clement Fatovic & Benjamin A. Kleinerman eds., 2013) (on file with author), *available at* [http://works.bepress.com/seth\\_barrett\\_tillman/228/](http://works.bepress.com/seth_barrett_tillman/228/).
- [4] MARK DAVID HALL, *ROGER SHERMAN AND THE CREATION OF THE AMERICAN REPUBLIC* 205 n.6 (2013), *available at* [http://works.bepress.com/seth\\_barrett\\_tillman/343/](http://works.bepress.com/seth_barrett_tillman/343/).
- [5] HEIDI KITROSSER, *RECLAIMING ACCOUNTABILITY: TRANSPARENCY, EXECUTIVE POWER, AND THE US CONSTITUTION* 255 n.19 (2015), *available at* <http://tinyurl.com/kwqobnu>, *also available at* [http://works.bepress.com/seth\\_barrett\\_tillman/532/](http://works.bepress.com/seth_barrett_tillman/532/).
- [6] STEPHEN F. KNOTT & TONY WILLIAMS, *WASHINGTON AND HAMILTON: THE ALLIANCE THAT FORGED AMERICA* ch. 8 & n.20 (2015), *available at* <http://tinyurl.com/oy3pcma>, *also available at* [http://works.bepress.com/seth\\_barrett\\_tillman/562/](http://works.bepress.com/seth_barrett_tillman/562/).
- [7] PIER LUIGI PETRILLO, *DEMOCRAZIE SOTTO PRESSIONE* 199 n.480, 433 (2011), *available at* [http://works.bepress.com/seth\\_barrett\\_tillman/282/](http://works.bepress.com/seth_barrett_tillman/282/), *also available at* <http://tinyurl.com/3ow6f6v/>.

- [8] RAY RAPHAEL, CONSTITUTIONAL MYTHS: WHAT WE GET WRONG AND HOW TO GET IT RIGHT 277 n.36, 278 n.38 (2013), *available at* [http://works.bepress.com/seth\\_barrett\\_tillman/379/](http://works.bepress.com/seth_barrett_tillman/379/).
- [9] 2 RONALD D. ROTUNDA & JOHN E. NOWAK, TREATISE ON CONSTITUTIONAL LAW: SUBSTANCE AND PROCEDURE § 9.10(e) n.20 (4th ed. Supp. 2010).
- [10] 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 169, 169 n.\* & *passim* (2010).
- [11] Steven G. Calabresi & Christopher S. Yoo, *Remove Morrison v. Olson*, 62 VAND. L. REV. EN BANC 103, 112 n.44 (2009); 2009 VAND. L. REV. EN BANC 103, 112 n.44.
- [12] Josh Chafetz, *Impeachment and Assassination*, 95 MINN. L. REV. 347, 347 n.†, 411 n.493 (2010).
- [13] David M. Driesen, *Toward A Duty-Based Theory of Executive Power*, 78 FORDHAM L. REV. 71, 102 n.176 (2009).
- [14] Christopher R. Green, *Constitutional Theory and the Activismometer: How to Think About Indeterminacy, Restraint, Vagueness, Executive Review, and Precedent*, 54 SANTA CLARA L. REV. 403, 461 n.133 (2014).
- [15] Bruce G. Peabody, Response to Geoffrey R. Stone, Seth Barrett Tillman, and Alan Brownstein, *Analogize This: Partial Constitutional Text, Religion, and Maintaining Our Political Order*, 2010 CARDOZO L. REV. DE NOVO 204, 204 n.\* & *passim*, *available at* <http://tinyurl.com/lom8f2x>, *also available at* <http://ssrn.com/abstract=1537141>, *also available at* [http://works.bepress.com/seth\\_barrett\\_tillman/138/](http://works.bepress.com/seth_barrett_tillman/138/).
- [16] Tuan Samahon, *Blackmun (and Scalia) at the Bat: The Court's Separation of Powers Strike out in Freytag*, 12 NEVADA L.J. 691, 698 n.58 (2012).
- [17] Tuan Samahon, *The Czar's Place in Presidential Administration, and What the Excepting Clause Teaches Us About Delegation*, 2011 U. CHI. LEGAL F. 169, 195 n.127.

- [18] Heidi Kitrosser, *Interpretive Modesty*, 104 GEO. L.J. (forthcoming 2016) (manuscript at 38 n.161), *available at* <http://ssrn.com/abstract=2463366>, *also available at* [http://works.bepress.com/seth\\_barrett\\_tillman/497/](http://works.bepress.com/seth_barrett_tillman/497/).

UNITED STATES CODE ANNOTATED § Article II, Section 2, Clause 2 (West 2010).

UNITED STATES CODE SERVICE § Article II, Section 2, Clause 2 (LexisNexis 2010).

*Federalist No. 77*, WIKIPEDIA, [http://en.wikipedia.org/wiki/Federalist\\_No.\\_77](http://en.wikipedia.org/wiki/Federalist_No._77), *also available at* [http://works.bepress.com/seth\\_barrett\\_tillman/371/](http://works.bepress.com/seth_barrett_tillman/371/) (last visited Feb. 22, 2013).

### **INTERNET CITATIONS**

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

Terrence Berres, *Reading Rat Second Sunday*, THE PROVINCIAL EMAILS (July 12, 2009, 1:00 AM), <http://tinyurl.com/ljzfwg>.

Terrence Berres, *Tillman and Bailey on Federalist No. 77*, MILWAUKEE FEDERALISTS (Jan. 7, 2010, 6:00 AM), <http://tinyurl.com/yesw9qc>.

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

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

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

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

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

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

Michael Stern, *Tillman and Bailey on Federalist No. 77*, POINT OF ORDER: A DISCUSSION OF CONGRESSIONAL LEGAL ISSUES (Oct. 7, 2009, 19:34 PM), <http://tinyurl.com/ya82lx6>.

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

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

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My publications and their abstracts are generally available on  
<http://ssrn.com/author=345891> and on  
[http://works.bepress.com/seth\\_barrett\\_tillman/](http://works.bepress.com/seth_barrett_tillman/).

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