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From the SelectedWorks of Seth Barrett Tillman

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Extract from Michael J. Gerhardt's The Power of Precedent citing Tillman's A Textualist Defense

Seth Barrett Tillman, None

Available at: https://works.bepress.com/seth_barrett_tillman/108/
141. Id. at 1274-1314.
144. Fallon, supra note 140, at 1306.


150. U.S. Const., art. IV, § 2.

An example of this dynamic is Congress’ response to INS v. Chadha, in which the Court struck down the legislative veto—an arrangement in which one or both chambers of Congress or a legislative committee may overrule an executive action. Constitutional and administrative law scholars for 20 years have emphasized this aspect of Chadha—that the Court on that day struck down parts of more statutes than it had previously in its entire history. Yet, immediately after Chadha, an angry Congress began finding other ways to reassert its contesty views about the relationship between the executive and legislative branches, and in some cases, the state of affairs back in the direction of the pre-Chadha world they wanted in the first place. Through their active resistance to fully implementing Chadha, Congress reached a point of equilibrium with the Court over their different positions on the constitutionality of legislative vetos, and its resistance influenced how lower courts construed arrangements like the