

# EXECUTIVE POWER AND THE RULE OF LAW CONFERENCE

## WORKING GROUP ON ECONOMIC POLICY

JUNE 10, 2016

Hoover Institution Johnson Center in Washington

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[William Baude](#) is the Neubauer Family Assistant Professor of Law at the University of Chicago Law School, where he teaches courses on federal courts and constitutional law. His current research projects include constitutional law, legal interpretation, and conflicts of law; his most recent work includes "The Positive Law Model of the Fourth Amendment" and "The Law of Interpretation," both forthcoming in the *Harvard Law Review*. He also serves as a contributing opinion editor to the *New York Times* and as an adviser to the Third Restatement of Conflict of Laws. He received his BS in mathematics from the University of Chicago and his JD from the Yale Law School, after which he clerked for then judge Michael McConnell on the United States Court of Appeals and Chief Justice John Roberts on the US Supreme Court. Before joining the Chicago faculty he was a fellow at the Stanford Constitutional Law Center, a summer fellow at the University of San Diego Law School's Center for Constitutional Originalism, and a lawyer at Robbins Russell, LLP, in Washington, DC.

[Charles W. Calomiris](#) is the Henry Kaufman Professor of Financial Institutions at Columbia Business School, director of the business school's Program for Financial Studies and its Initiative on Finance and Growth in Emerging Markets, and a professor at Columbia's School of International and Public Affairs. His research spans the areas of banking, corporate finance, financial history, and monetary economics. He is a distinguished visiting fellow at the Hoover Institution, a fellow at the Manhattan Institute, a member of the Shadow Open Market Committee and the Financial Economists Roundtable, and a research associate at the National Bureau of Economic Research. Professor Calomiris is past president of the International Atlantic Economic Society and has served on numerous committees, including the Advisory Scientific Committee of the European Systemic Risk Board, the US Congress's International Financial Institution Advisory Commission, the Shadow Financial Regulatory Committee, and the Federal Reserve System's Centennial Advisory Committee. He also serves as co-managing editor of the *Journal of Financial Intermediation*. He received a BA in economics from Yale University, magna cum laude, and a PhD in economics from Stanford University. Professor Calomiris holds an honorary doctorate from the University of Basel and has received numerous awards and research grants. His most recent book (with Stephen Haber), *Fragile by Design: The Political Origins of Banking Crises and Scarce Credit* (Princeton 2014), received the American Publishers 2015 Award for the best book in business, finance and management; was named one of the best economics books of 2014 by the *Financial Times*; and one of the best books of 2014 by The Times Higher Education Supplement and Bloomberg Businessweek.

[Price Fishback](#) is the Thomas R. Brown Professor of Economics at the University of Arizona and a research associate with the National Bureau of Economic Research. He is the current executive director of the Economic History Association and served as coeditor of the *Journal of Economic History* from 2008 to 2012. At the Economic History Association meetings in September 2015 he was awarded both the Jonathan Hughes Prize for Excellence in Teaching Economic History and the Arthur Cole Prize for Best Article in the *Journal of Economic History* in 2014/15 (with Valentina Kachanovskaya). Price also won the Cole Prize with Shawn Kantor for best article in 1997/98.

Price's coauthored books published by the University of Chicago Press include *Well Worth Saving: How the New Deal Safeguarded Homeownership* (2013); *Government and the American Economy: A New History* (2007); and *A Prelude to the Welfare State: The Origins of Workers' Compensation* (2000), which was awarded a Samuelson Certificate of Excellence by

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the TIAA-CREF Institute and the Lester Prize for Outstanding Book in Labor Economics and Industrial Relations by the Industrial Relation Sections at Princeton University. He published *Soft Coal, Hard Choices: The Economic Welfare of Bituminous Coal Miners, 1890-[en dash]1930* with Oxford University Press in 1992. His current research includes National Science Foundation-[en dash] funded studies of the boom, bust, and slow recovery in housing and mortgage markets in the 1920s and 1930s, the impact on the economy of New Deal programs, long-run changes in climate and government policy and how they affect agriculture, and the response of state governments to the Great Depression and the New Deal.

**[Michael S. Greve](#)** is a professor of law at the Antonin Scalia Law School, where he teaches constitutional law, administrative law, and federal courts. Before joining the law school in 2012, he served as the John G. Searle Scholar at the American Enterprise Institute (AEI), where he specialized in constitutional law, courts, and business regulation. Before joining AEI, Greve was founder and codirector of the Center for Individual Rights, a public interest law firm specializing in constitutional litigation. He has also served as an adjunct or visiting professor at Cornell, Johns Hopkins University, and Boston College. He was awarded a PhD and an MA in government by Cornell University. A prolific writer, Greve is the author of numerous scholarly articles and nine books, including *The Upside-Down Constitution* (Harvard University Press, 2012).

**[William “Bill” Marshall](#)** is currently the Kenan Professor of Law at the University of North Carolina. He was deputy White House counsel and deputy assistant to the president of the United States during the Clinton administration. He has also served as the solicitor general of the state of Ohio. Marshall has published extensively on freedom of speech, freedom of religion, federal courts, presidential power, federalism, and judicial selection matters. He teaches civil procedure, constitutional law, election law, first amendment, federal courts, freedom of religion, the law of the presidency, and media law. Marshall received his law degree from the University of Chicago and his undergraduate degree from the University of Pennsylvania. He is a native of Nashua, New Hampshire.

**[Fred S. McChesney](#)**, the de la Cruz-Mentschikoff Chair in Law and Economics, applies public choice and other branches of economics (including statistical analysis) to the study of law. His primary teaching and scholarly interests are in the fields of antitrust (both American and international) and corporations (including corporate finance). He has published widely in leading journals and is the author or coauthor of several books.

Before beginning his academic career, he practiced law in Washington, DC, at Steptoe & Johnson and served as associate director for policy and evaluation at the Federal Trade Commission. Before assuming his chair at Miami, he was the Class of 1967/Haddad Professor at Northwestern Law School. Previously, he was a member of the faculty at Cornell and Emory Universities.

**[Michael W. McConnell](#)** is the Richard and Frances Mallery Professor and director of the Constitutional Law Center at Stanford Law School and a senior fellow at the Hoover Institution. From 2002 to the summer of 2009, he served as a circuit judge on the US Court of Appeals for the Tenth Circuit. He has also taught at Harvard Law School, the University of Chicago, and the University of Utah. He has published widely in the fields of constitutional law and theory, especially church and state, equal protection, and the founding. He is coeditor of three



books: *Religion and the Law*, *Christian Perspectives on Legal Thought*, and *The Constitution of the United States*. McConnell has argued fifteen cases in the Supreme Court. He served as law clerk to Supreme Court Justice William J. Brennan Jr. and is of counsel to the appellate practice of Kirkland & Ellis.

[Nathaniel Persily](#) is the James B. McClatchy Professor of Law at Stanford Law School, with appointments in the Departments of Political Science and Communication. Before coming to Stanford, Persily taught at Columbia and the University of Pennsylvania Law School and as a visiting professor at Harvard, New York University, Princeton, the University of Amsterdam, and the University of Melbourne. Professor Persily's scholarship and legal practice focus on American election law, what is sometimes called the "law of democracy," which addresses issues such as voting rights, political parties, campaign finance, redistricting, and election administration. He has served as a special master or court-appointed expert to craft congressional or legislative districting plans for Georgia, Maryland, Connecticut, and New York and as the senior research director for the Presidential Commission on Election Administration. In addition to dozens of articles (many of which have been cited by the Supreme Court) on the legal regulation of political parties, issues surrounding the census and redistricting process, voting rights, and campaign finance reform, Persily is the coauthor of the leading election law casebook, *The Law of Democracy* (Foundation Press, 5th ed., 2016), with Samuel Issacharoff, Pamela Karlan, and Richard Pildes. His current work, for which he has been honored as an Andrew Carnegie Fellow, examines the impact of changing technology on political communication, campaigns, and election administration. He has edited several books, including *Public Opinion and Constitutional Controversy* (Oxford Press, 2008); *The Health Care Case: The Supreme Court's Decision and Its Implications* (Oxford Press 2013); and *Solutions to Political Polarization in America* (Cambridge Press, 2015). He received a BA and MA in political science from Yale (1992); a JD from Stanford (1998) where he was president of the *Stanford Law Review*; and a PhD in political science from the University of California at Berkeley in 2002.

[Howard Rosenthal](#) is a professor of politics at New York University and the Roger Williams Straus Professor of Social Sciences, Emeritus, Princeton University. He was at Carnegie Mellon University from 1966 to 1993. He is a creator of the widely used Poole-Rosenthal Nominate methods for scaling binary data. His work includes the Romer-Rosenthal model of agenda control, the Alesina-Rosenthal model of divided government, and the Palfrey-Rosenthal models of election turnout and the voluntary provision of public goods. His coauthored 1984 paper "The Polarization of American Politics" began a research agenda that culminated in *Polarized America: The Dance of Ideology and Unequal Riches*. Rosenthal received his BS in 1960 and his PhD in 1964, both from the Massachusetts Institute of Technology.

[Alexander "Sasha" Volokh](#) is an assistant professor of law who joined the Emory Law faculty in the fall of 2009. He earned his BS from the University of California at Los Angeles (1993) and his JD (2003) and PhD (2004) in economics from Harvard University. He clerked for Judge Alex Kozinski of the Ninth Circuit and for Supreme Court Justices Sandra Day O'Connor and Samuel Alito. Before coming to Emory, he was a visiting associate professor at Georgetown University Law Center and a visiting assistant professor at the University of Houston Law Center. His interests include law and economics, administrative law and the regulatory process, antitrust, privatization, corrections, and legal history.



[John Wallis](#) is a professor of economics at the University of Maryland and a research associate at the National Bureau of Economic Research. He is an economic historian and institutional economist whose research focuses on the dynamic interaction of political and economic institutions over time. As an American economic historian, he has collected large data sets on government finances and on state constitutions to study how political and economic forces changed American institutions in the 1830s and 1930s. In the last decade his research has expanded to cover a longer period, wider geography, and more general questions of how societies use institutions of economics and politics to solve the problem of controlling violence and, in some situations, sustaining economic growth. He recently published *Violence and Social Orders: A Conceptual Framework for Interpreting Recorded Human History*, with Douglass North and Barry Weingast (Cambridge University Press, 2009) and *In the Shadow of Violence: Politics, Economics, and the Problem of Development*, edited with Douglass North, Steven Webb, and Barry Weingast (Cambridge University Press, 2013). He is currently working on a book that examines the emergence of impersonal rules, tentatively titled *Leviathan Denied: Rules, Organizations, Governments, and Social Dynamics*.

[Ilan Wurman](#) is a litigation and appellate associate in Winston & Strawn LLP's Washington, DC, office. He previously served as the deputy general counsel of Rand Paul's presidential campaign, as associate counsel on Senator Tom Cotton's US Senate campaign in Little Rock, Arkansas, and as a law clerk to the Honorable Jerry E. Smith at the US Court of Appeals for the Fifth Circuit. Wurman enjoys writing on eccentric legal topics, having published law review articles on the de-extinction of woolly mammoths, the constitutionality of drug testing welfare recipients, the historical origins of qualified immunity, the use of history in judicial opinions and legal scholarship, and constitutional legitimacy and originalism. The paper he is presenting, "Constitutional Administration," has recently been accepted for publication in the *Stanford Law Review*. Wurman received his BA, magna cum laude, in government and physics from Claremont McKenna College in 2009 and his JD from Stanford Law School in 2013.

