

LOUIS FISHER

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Birthdate: Aug. 17, 1934
 Place of birth: Norfolk, Va.

- Education** Ph.D. (1967) and M.A. (1966) in political science, New School for Social Research, New York, N.Y.; Graduate work, physical chemistry, Johns Hopkins University, Baltimore, Md. 1956-57; B.S. (1956) in chemistry, College of William and Mary, Williamsburg, Va.
- Teaching** Catholic Univ. Law School, 1990-96; College of William & Mary Law School, 1990-present; Johns Hopkins Univ., 1989; Catholic Univ., 1980-89; Indiana Univ., 1987; Georgetown Univ., 1976-77; American Univ., 1975-77; Queens College, 1967-70; Queensborough Community College, 1967.
- Position** Scholar in Residence, Constitution Project. Previously: Senior Specialist in Separation of Powers at Congressional Research Service (1970 to 2006) and Specialist in Constitutional Law with the Law Library, Library of Congress (2006 to August 27, 2010).
- Other Jobs** 1962-63, Plastics Technology, NYC, Assistant Editor; 1960-62, Miles-Samuelson, Inc., NYC, Writer; 1959-60, Dow Chemical, Midland, Mich., Inside Sales; 1957-59, U.S. Army, Ft. Bragg, N.C., 1st Lt.
- Honors** 2014. Outstanding Academic Title (Choice) for *On the Supreme Court: Without Illusion and Idolatry*.
 2012, Hubert H. Humphrey Award, given annually by the American Political Science Association in recognition of notable public service by a political scientist.
 2011, Walter Beach Pi Sigma Alpha Award given by the National Capital Area Political Science Association for a political scientist who makes a substantial contribution to strengthen the relationship between political science and public service.
 2010, Outstanding Academic Title (Choice) for *On Appreciating Congress*.
 2006, Richard Neustadt Book Award, Presidency Research Group, American Political Science Association, for *Military Tribunals and Presidential Power*.
 2004, Outstanding Academic Title (Choice) for *Nazi Saboteurs on Trial*.
 2001, Outstanding Academic Title (Choice) for *Congressional Abdication on War and Spending*.
 2000, *Politics and Constitutionalism: The Louis Fisher Connection* (SUNY Press).
 1998, Pi Sigma Alpha Award (with David Gray Adler) for best paper presented at the Western Political Science Association annual meeting.
 1995, Aaron B. Wildavsky Award "For Lifetime Scholarly Achievement in Public Budgeting," given by the Association for Budgeting & Financial Management.
 1995, Dartmouth Medal (with Leonard W. Levy), given by the American Library Association for *Encyclopedia of the American Presidency*.
 1992, Fellow, National Academy of Public Administration.
 1989, Louis Brownlow Book Award (National Academy of Public Administration) for *Constitutional Dialogues*.
 1982, National Distinguished Service Award in the Academic Area, given by the American Association for Budget & Program Analysis.

1976, Louis Brownlow Book Award (National Academy of Public Administration) for *Presidential Spending Power*.

1967, Edith Henry Johnson Memorial Award for Outstanding Dissertation, New School for Social Research (*Full Employment and the Constitution: A Study in Presidential Economics*).

Specialties Constitutional Law, War Powers, Presidency, Executive-Legislative Relations, Congressional-Judicial Relations, Budget Policy.

PUBLICATIONS OF LOUIS FISHER

BOOKS:

1. **President and Congress: Power and Policy** (New York: The Free Press, 1972). Cloth issued in 1972, paperback in 1973.
 - a) Pages 110-32 reprinted in Harry A. Bailey, Jr., *Classics of the American Presidency* (Oak Park, Ill.: Moore Publishing Co., 1980), pp. 253-65.
 - b) Pages 1-17 reprinted in *Political Economy and Constitutional Reform*, hearings before the Joint Economic Committee, 97th Cong., 2d Sess., pp. 477-503 (1983).
 - c) Pages 2-27 reprinted in Christopher H. Pyle and Richard M. Pious, eds., *The President, Congress, and the Constitution* (New York: The Free Press, 1984), pp. 19-25.
2. **Presidential Spending Power** (Princeton University Press, 1975). Simultaneous cloth and paper editions. Adopted by the Library for Political and International Affairs. Louis Brownlow Book Award for 1976, given by the National Academy of Public Administration.
 - a) Pages 202-28, 316-23, reprinted in *Whether Disclosure of Funds Authorized for Intelligence Activities is in the Public Interest*, hearings before the Senate Select Committee on Intelligence, 95th Cong., 1st Sess., pp. 355-89 (1977).
 - b) Pages 75-77, 99-101, 122 reprinted in Thomas M. Franck and Michael J. Glennon, eds., *Foreign Relations and National Security Law* (St. Paul, Minn.: West Publishing Co., 1987), pp. 672-75; 1993 ed., pp. 753-55.
3. **The Constitution Between Friends: Congress, the President, and the Law** (New York: St. Martin's Press, 1978). Simultaneous cloth and paper editions.
 - a) Pages 7-15 reprinted in Thomas E. Cronin, ed., *Rethinking the Presidency* (Boston, Mass.: Little, Brown and Co., 1982), pp. 155-61.
 - b) Pages 166-68 reprinted in Thomas M. Franck and Michael J. Glennon, eds., *Foreign Relations and National Security Law* (St. Paul, Minn.: West Publishing Co., 1987), pp. 671-72; 1993 ed., pp. 751-52.

- c) Pages 1-20 reprinted in James W. Peterson, et al., *Political Science: An Overview of the Fields* (Dubuque, Iowa: Kendall/Hunt Publishing Co.).
4. **Studies on the Legislative Veto** (Washington, D.C.: Government Printing Office, 1980). Editor and Contributor to committee print for the House Committee on Rules, 96th Cong., 2d Sess.
5. **The Politics of Shared Power: Congress and the Executive** (Washington, D.C.: Congressional Quarterly Press, 1981). Paperback. Second edition, 1987; third edition, 1993; fourth edition published in 1998 by Texas A&M University Press in simultaneous cloth and paper editions.
 - a) Third edition published in Arabic in Amman, Jordan, 1994.
 - b) Chapter 3 on Congress as Administrator reprinted in Frederick S. Lane, *Current Issues in Public Administration* (3d edition, 1986).
6. **Constitutional Conflicts between Congress and the President** (Princeton University Press, 1985). Substantially revised edition of **The Constitution Between Friends**. Simultaneous cloth and paper editions. New edition published in 1991 by University Press of Kansas in simultaneous cloth and paper editions; fourth edition published in 1997 by University Press of Kansas in simultaneous cloth and paper editions; fifth edition published in 2007 by University Press of Kansas in simultaneous cloth and paper editions; sixth edition published in 2014 by University Press of Kansas in simultaneous cloth and paper editions.
 - a) Pages 123-39 reprinted in *Computer Security Act of 1987*, hearings before the House Committee on Government Operations, 100th Congress, 1st Session (1987).
 - b) Pages 307-18, 323-26, reprinted in Alan Shank, *American Politics, Policies, and Priorities*, 5th ed. (Allyn and Bacon, 1988).
 - c) Pages 60-70 reprinted in John H. Garvey and T. Alexander Aleinikoff, eds., *Modern Constitutional Theory: A Reader* (West, 1989), pp. 208-14. Reprinted also in 1992 edition.
7. **Item Veto: State Experience and Its Application to the Federal Situation** (Washington, D.C.: Government Printing Office, 1986). Editor and Contributor to committee print for the House Committee on Rules, 99th Cong., 2d Sess.
8. **Constitutional Dialogues: Interpretation as Political Process** (Princeton University Press, 1988). Simultaneous cloth and paper editions. Louis Brownlow Book Award for 1989, given by the National Academy of Public Administration.
9. **American Constitutional Law** (New York: McGraw-Hill, 1990, 1995). Third through eleventh editions published by Carolina Academic Press in 1999, 2001, 2003, 2005, 2007, 2009, 2011, 2013, 2016.

10. **Constitutional Structures: Separated Powers and Federalism** [Volume 1 of **American Constitutional Law**] (New York: McGraw-Hill, 1990, 1995). Third through eleventh editions published by Carolina Academic Press in 1999, 2001, 2003, 2005, 2007, 2009, 2011, 2013, 2016.
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12. **The Political Dynamics of Constitutional Law** [with Neal Devins] (West Publishing Co., 1992; second edition, 1996; third edition, 2001; fourth edition, 2006; fifth edition, 2011).
13. **Encyclopedia of the American Presidency** [with Leonard W. Levy], 4 vols. (Simon & Schuster, 1994). Published as a two-volume set in 1998. Dartmouth Medal in 1995, given by the American Library Association.
14. **Presidential War Power** (University Press of Kansas, 1995). Simultaneous cloth and paper editions. Second edition published in 2004. Third edition published in 2013.
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16. **Is War a Political Question?** [with Nada Mourtada-Sabbah] (Huntington, N.Y.: Novinka Books, 2001).
17. **Religious Liberty in America: Political Safeguards** (University Press of Kansas, 2002). Simultaneous cloth and paper editions.
18. **Nazi Saboteurs on Trial: A Military Tribunal & American Law** (University Press of Kansas, 2003). Cloth edition. Second edition, abridged and updated, published in 2005.
19. **Military Tribunals** (Hauppauge, N.Y.: Novinka Books, 2003).
20. **The Politics of Executive Privilege** (Carolina Academic Press, 2004). Simultaneous cloth and paper editions.
21. **The Democratic Constitution** (with Neal Devins) (New York: Oxford University Press, 2004). Simultaneous cloth and paper editions. Second edition published in 2015.
22. **Military Tribunals & Presidential Power: American Revolution to the War on Terrorism** (University Press of Kansas, 2005). Simultaneous cloth and paper.
23. **In the Name of National Security: Unchecked Presidential Power and the *Reynolds* Case** (University Press of Kansas, 2006). Cloth edition.
24. **The Constitution and 9/11: Recurring Threats to America's Freedoms** (University Press of Kansas, 2008). Simultaneous cloth and paper editions.

25. **The Supreme Court and Congress: Rival Interpretations** (CQ Press, 2009). Cloth edition.
26. **The War Power: Original and Contemporary** (Washington, D.C.: American Historical Association, 2009). Paper edition.
27. **On Appreciating Congress: The People's Branch** (Boulder, Colo.: Paradigm Publishers, 2010). Simultaneous cloth and paper editions. Republished by Oxford University Press in 2012.
28. **Defending Congress and the Constitution** (University Press of Kansas, 2011). Simultaneous cloth and paper editions.
29. **On the Supreme Court: Without Illusion and Idolatry** (Paradigm Publishers, 2013). Simultaneous cloth and paper editions.
30. **The Law of the Executive Branch: Presidential Power** (Oxford University Press, 2014). Cloth edition. Paper edition released in 2016.
31. **Congress: Protecting Individual Rights** (University Press of Kansas, 2016). Cloth edition.

CONTRIBUTOR TO BOOKS:

1. *War Powers: A Need for Legislative Reassertion*, in **The Presidency Reappraised**, edited by Rexford G. Tugwell and Thomas E. Cronin (New York: Praeger, 1974), pp 56-73.
2. *The President Versus Congress: Who Wins?*, in **Has the President Too Much Power?**, edited by Charles Roberts (Harpers Magazine Press, 1974), pp. 160-67.
3. *Impoundment of Clean-Water Funds: The Limits of Discretion*, in **Cases in American Politics**, edited by Robert L. Peabody (New York: Praeger, 1976), pp. 44-70.
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4. *History of Pay Adjustments for Members of Congress*, in **The Rewards of Public Service: Compensating Top Federal Officials** (Washington, D.C.: The Brookings Institution, 1980), pp. 25-52.
5. *Effect of the Budget Act of 1974 on Agency Operations*, in **The Congressional Budget Process After Five Years**, edited by Rudolph G. Penner (Washington, D.C.: American Enterprise Institute, 1981), pp. 149-73.
6. *Congress and the President in the Administrative Process: The Uneasy Alliance*, in **The Illusion of Presidential Government**, edited by Hugh Heclo and Lester Salamon (Boulder, Colo.: The Westview Press, 1981), pp. 21-43.

7. *Developing Fiscal Responsibility*, in **The Power of Govern: Assessing Reform in the United States**, edited by Richard M. Pious, Proceedings of the Academy of Political Science, Vol. 34, No. 2 (New York: Academy of Political Science, 1981), pp. 62-75.
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10. *Bureaucracy, Appropriations, and Budget*, published in Funk and Wagnalls' encyclopedia.
13. *Presidential Impoundment*, in Volume Six of **The Guide to American Law**, edited by Harold Chase (West Publishing Company, 1984), pp. 127-28.
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16. *Evolution of Presidential and Congressional Powers in Foreign Affairs*, in **Congress, the Presidency, and the Taiwan Relations Act**, edited by Louis W. Koenig, et al. (New York: Praeger, 1985), pp. 15-35.
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18. *Legislative Veto, Emergency Powers, Presidential Ordinance-Making Power, Presidential Spending Power, Veto Power, Youngstown Sheet and Tube Co. v. Sawyer, President Truman, Executive Order 10340, and President Carter*, in **Encyclopedia of the American Constitution**, edited by Leonard W. Levy and Kenneth L. Karst (4 vols., Macmillan Company, 1987).
27. *Congress*, in Robert J. Janosik, ed., **Encyclopedia of the American Judicial System** (New York: Charles Scribner's, 1987), vol. III, pp. 958-71.
28. Various sections and chapters of **Iran-Contra Affair**, a joint congressional committee report, 100th Cong., 1st Sess. (November 1987).
29. Foreword to **The Presidential Veto: Genesis of a Kingly Power**, by Robert J. Spitzer (Albany, N.Y.: SUNY Press, 1988), pp. xi-xiii.

30. *Does the Supreme Court Have the Last Word on Constitutional Law?*, in **E Pluribus Unum: Constitutional Principles and the Institutions of Government** (Latham, Md.: University Press of Virginia, 1988), pp. 166-90.

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31. *The Presidential Veto: Constitutional Development*, published in **Pork Barrels and Principles: The Politics of the Presidential Veto** (National Legal Center, 1988), pp. 17-28.

32. *Separation of Powers in America: Theory and Practice*, in Robert L. Utley, Jr., ed., **Principles of the Constitutional Order: The Ratification Debates** (Lanham, Md.: University Press of America, 1989), pp. 131-49.

33. *Micromanagement by Congress: Reality and Mythology*, in **The Fettered Presidency** (Washington, D.C.: American Enterprise Institute, 1989), pp. 139-157, with commentary at pp. 185-93.

a) Reprinted in part in *Foundations of Administrative Law*, Peter H. Schuck, ed. (New York: Oxford University Press, 1994), pp. 248-57.

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37. *The Legitimacy of the Congressional National Security Role*, in **The Constitution and National Security** (Washington, D.C.: National Defense University, 1990), pp. 243-58.

38. *Reagan's Relations with Congress*, in **The Reagan Presidency**, Dilys M. Hill, et al., eds. (London: Macmillan Press, 1990), pp. 95-114.

39. Introduction to **Judicial Power** (New York: Macmillan Co., 1990).

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41. *Relaciones Ejecutivo-Legislativas en Politica Exterior*, in **Derecho Constitucional Comparado, Mexico-Estados Unidos**, James Frank Smith, ed. (Mexico: Universidad Nacional Autonoma de Mexico, 1990), Vol. II, pp. 917-33.
42. *Congress as Micromanager of the Executive Branch*, in **The Managerial Presidency**, James P. Pfiffner, ed. (Pacific Grove, Cal.: Brooks/Cole Publishing Co., 1991), pp. 225-37.
43. *War Powers: The Need for Collective Judgment*, in **Divided Democracy**, James A. Thurber, ed. (Washington, D.C.: Congressional Quarterly Press, 1991), pp. 199-217.
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45. *The Separation Doctrine in the Twentieth Century*, in **Understanding Congress: Research Perspectives**, Roger H. Davidson and Richard C. Sachs, eds. (Washington, D.C.: Government Printing Office, 1991), pp. 135-49.
46. *Federalism and Shared Powers, Non-judicial Interpretation of the Constitution, The Senate Judiciary Committee, and The Item Veto*, published in Supplement I to **Encyclopedia of American Constitution**, Levy & Karst eds. (New York: Macmillan, 1992).
50. *One of the Guardians, Some of the Time*, in **Is the Supreme Court the Guardian of the Constitution?** (Washington, D.C.: American Enterprise Institute, 1993), pp. 82-97.
51. *The Power of Commander in Chief*, in **The Presidency and the Persian Gulf War**, Marcia Lynn Whicker, et al., eds. (New York: Praeger, 1993), pp. 45-61.
52. *The Legislative Veto*, in **Encyclopedia of the American Legislative System** (New York: Charles Scribner's Sons, 1994), vol. III, pp. 1505-20.
53. *Baker Accord of 1989, Checks and Balances, Comptroller General, Fiscal Corporation bill, Gag orders, General Accounting Office, Impoundment, Impoundment Control Act, Incompatibility Clause, Ineligibility Clause, INS v. Chadha (1983), Legislative Veto, Lobbying with Appropriated Money Act, Quasi-War of 1798, Spending Power, Unvouchered Expenditures*, in **Encyclopedia of the American Presidency**, Leonard W. Levy and Louis Fisher, eds. (New York: Simon & Schuster, 1994).
69. *Historical Survey of the War Powers and the Use of Force*, in **The U.S. Constitution and the Power to Go to War**, Gary M. Stern & Morton H. Halperin, eds. (Greenwood Publishing, 1994), pp. 11-28.
70. Foreword to **Truman and the Steel Seizure Case: The Limits of Presidential Power**, by Maeva Marcus (Durham, N.C. Duke University Press, 1994), pp. ix-xx.
71. *How Supreme is the Supreme Court?*, in **Governance V: Institutions and Issues**, Kenneth W. Thompson, ed. (Lanham, Md.: University Press of America, 1994), pp. 3-23.

72. *Power of the Purse*, in **History of the United States House of Representatives, 1789-1994**, H. Doc. No. 103-324, 103d Cong., 2d Sess. (U.S. Government Printing Office, 1994), pp. 201-31.
73. *Constitutional Interpretation by Congress, Removal power, Salaries, Twenty-Seventh Amendment, Nonstatutory controls*, in **Encyclopedia of the United States Congress**, Roger H. Davidson et al., eds. (New York: Simon & Schuster, 1995).
78. *President Clinton as Commander in Chief*, in **Rivals for Power: Presidential-Congressional Relations**, James A. Thurber, ed. (Washington, D.C.: Congressional Quarterly, 1996), pp. 214-31.
79. *The Spending Power*, in **The Constitution and the Conduct of American Foreign Policy**, David Gray Adler and Larry N. George, eds. (Lawrence, Kans.: University Press of Kansas, 1996), pp. 227-40.
80. *Truman in Korea*, in **The Constitution and the Conduct of American Foreign Policy**, David Gray Adler and Larry N. George, eds. (Lawrence, Kans.: University Press of Kansas, 1996), pp. 320-33.
81. *The Barbary Wars: Legal Precedent for Invading Haiti?*, in **The Constitution and the Conduct of American Foreign Policy**, David Gray Adler and Larry N. George, eds. (Lawrence, Kans.: University Press of Kansas, 1996), pp. 313-19.
82. *Budget, Management, and Personnel*, in **The Executive Office of the President**, Harold C. Relyea, ed. (Westport, Conn.: Greenwood Press, 1997), pp. 99-130.
83. *Invitation to Struggle: The President, Congress, and National Security*, in **Understanding the Presidency**, James P. Pfiffner and Roger H. Davidson, eds. (New York: Longman, 1997), pp. 262-72.
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85. *Without Restraint: Presidential Military Initiatives from Korea to Bosnia*, in **The Domestic Sources of American Foreign Policy**, 3d ed., Eugene R. Wittkopf and James M. McCormick, eds. (New York: Roman & Littlefield, 1999), pp. 141-55.
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89. *Commander in Chief*, in **The Constitution and Its Amendments**, Roger K. Newman, ed. (New York: Macmillan Reference, 1999), Vol. 1, pp. 137-41.
90. *Foreign and Defense Policy*, in **Presidential Policymaking: An End-of Century Assessment**, Steven A. Shull, ed. (Armonk, N.Y.: M.E. Sharpe, 1999), pp. 246-60.
91. *Constitutional History, 1989-1999, Line-Item Veto, and Presidential War Powers*, in **Encyclopedia of the American Constitution** (2d ed., Macmillan Reference USA, 2000), Vol. 2, pp. 623-26; Vol. 4, pp. 1626-27; Vol. 4, pp. 2002-03.
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