



NJPA Cited Authorities

	A	B	C	D	E	F	G	H	I
		Amended Complaint	Defendant's Second Motion to Dismiss	Plaintiff's Response - Second Motion to Dismiss	Defendant's Reply - 2nd Mot. To Dismiss	Opinion - District Court - Not For Publication	Transcript: Oral Argument - District Court	Plaintiff's Appellate Brief	Defendant's Appellate Brief
1	<b>NJPA - Cited Authorities</b>								
38	Court Rules								
39	<b>Federal Rules of Civil Procedure</b>								
40	Fed. R. Civ. P. 12(b)(1)					X			
41	Fed. R. Civ. P. 25(d)(1)					X			
42	<b>Federal Rules of Appellate Procedure</b>								
43	Fed. R. App. P. 4(a)(1)(B)							X	X
44	Fed. R. Civ. P. 12(b)							X	
45									
46	Cases								
47	ASARCO Inc. v. Kadish, 490 U.S. 605, 109 S. Ct. 2037, 104 L.Ed. 2d 696 (1989)		X			X			X
48	Allen v. Wright, 468 U.S. 737, 750, 104 S. Ct. 3315, 3324, 82 L. Ed. 2d 556 (1984)		X		X	X			X
49	Am. Power & Light Co. v. SEC, 329 U.S. 90 (1946)		X						
50	Ange v. Bush, 752 F. Supp. 509 (D.D.C. 1990)		X			X	X		X
51	Ashcroft v. Iqbal, 129 S. Ct. 1937 (2009)							X	
52	Ashcroft v. Mattis, 431 U.S. 171, 172-73 (1977)				X				
53	Atlee v. Laird, 347 F. Supp. 689 (E.D. Pa. 1972), aff'd, 411 U.S. 911 (1973)		X	X	X	X	X	X	X
54	Atlee v. Richardson, 411 U.S. 911 (1973)		X						
55	Baker v. Carr, 369 U.S. 186 (1962)		X	X		X	X	X	X
56	Ballentine v. United States, 486 F.3d 806, 810 (3d Cir. 2007)				X	X			
57	Bas v. Tingy, 4 U.S. (4 Dall.) 37 (1800)	X	X	X			x	X	
58	Berk v. Laird, 317 F. Supp. 715, 719 (E.D.N.Y. 1970)			X				X	
59	Bellwood v. Dwidevi, 895 F.2d 1521 (7th Cir. 1990)							X	
60	Boumediene v. Bush, 128 S. Ct. 2229, 2259 (2008)			X				X	
61	Bowen v. Kendrick, 487 U.S. 589 (1988)								X
62	Brewer v. Lewis, 989 F.2d 1021 (9th Cir. 1993)		X						
63	Buckley v. Valeo, 424 U.S. 1, 118-137 (1976)			X				X	
64	Capron v. Van Noorden, 2 Cranch 126 (1804)			X					
65	Campbell v. Clinton, 203 F.3d 19 (2000)		X						X
66	Chappell v. Wallace, 462 U.S. 296 (1983)		X						X
67	Chicago & S. Air Lines, Inc. v. Waterman S.S. Corp., 333 U.S. 103 (1948)		X						
68	City of Los Angeles v. Lyons, 461 U.S. 95, 103 S. Ct. 1660, 75 L. Ed. 2d 675 (1983)		X		X	X	X		
69	Clinton v. City of New York, 524 U.S. 417, 439-40 (1998)			X	X			X	X
70	Common Cause v. Pennsylvania, 558 F.3d 249 (3d Cir. 2009)							X	
71	Conyers v. Reagan, 578 F. Supp. 324 (D.D.C. 1984), appeal dismissed, 765 F.2d 1124 (D.C. Cir. 1985)		X						
72	Corrie v. Caterpillar, Inc., 503 F.3d 974 (9th Cir. 2007)					X			
73	Crockett v. Reagan, 558 F. Supp. 893 (D.D.C. 1982), aff'd, 720 F.2d 1355 (D.C. Cir. 1983) (per curiam)		X						
74	DaCosta v. Laird, 471 F.2d 1146 (2d Cir. 1973)		X						

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1	<b>NJPA - Cited Authorities</b>								
75	Daimler Chrysler Corp. v. Cuno, 547 U.S. 332 (2006)		X		X	X			
76	Dames & Moore v. Regan, 453 U.S. 654 (1981)								X
77	Davis v. FEC, 128 S. Ct. 2759 (2008)		X						
78	Dellums v. Bush, 752 F. Supp. 1141 (D.D.C. 1990)			X	X			X	X
79	Dist. of Columbia v. Heller, 128 S. Ct. 2783, 2810 (June 26, 2008)			X				X	
80	Doe v. Bush, 257 F. Supp. 2d 436 (D. Mass. 2003)		X				X		
81	Doe v. Bush, 322 F.3d 109 (1st Cir. 2003)		X		X		X		
82	Doe v. Bush, 323 F.3d 133 (1st Cir. 2003)		X	X		X	X		X
83	Drinan v. Nixon, 364 F. Supp. 854 (D. Mass. 1973)		X						
84	El Rescate Legal Servs., Inc. v. Executive Office of Immigration Review, 959 F.2d 742 (9th Cir. 1991)							X	
85	Evans v. Lynn, 537 F.2d 571 (2d Cir. 1975)		X			X			X
86	Fair Hous. Council of Suburban Philadelphia v. Montgomery Newspapers, 141 F.3d 71 (3d Cir. 1998)							X	
87	Flast v. Cohen 392 U.S. 83, 88 S.Ct. 1942, 20 L. Ed. 2d 947 (1968)					X		X	X
88	Fleming v. Page, 50 U.S. (9 How.) 603 (1850)		X						
89	Forthington v. Mellon, 262 U.S. 447 (1923)		X						
90	Frothingham v. Mellon, 262 U.S. 447, 487, 43 S. Ct. 597, 601, 67 L.Ed. 1078 (1923)					X			X
91	Franklin v. Massachusetts, 505 U.S. 788 (1992)		X						
92	Friends of the Earth, Inc. v. Laidlaw Environmental Servs., 528 U.S. 167, 120 S. Ct. 693, 145 L. Ed. 2d 610 (2000)		X			X			
93	Golden v. Zwickler, 394 U.S. 103, 109-11 (1969)				X				
94	Goldwater v. Carter, 617 F.2d 697 (D.C. Cir. 1979)			X	X				
95	Goode v. City of Philadelphia, 539 F.3d 311 (3d Cir. 2008)							X	
96	Gould Electronics Inc. v. U.S., 220 F.3d 169 (3d Cir. 2000)					X			
97	Grand Lodge of the Fraternal Order of Police v. Ashcroft, 185 F. Supp. 2d 9 (D.D.C. 2001)		X						
98	Haig v. Agee, 453 U.S. 280 (1981)		X						
99	Harisiades v. Shaughnessy, 342 U.S. 580 (1952)		X		X				X
100	Havens Realty Corp. v. Coleman, 455 U.S. 363 (1982)							X	
101	Hayburn's Case, 2 Dall. 409 (1792)				X				
102	Hearst v. Black, 87 F.2d 68 (D.C. Cir. 1936)		X						
103	Hein v. Freedom From Religion Found., Inc., 551 U.S. 587 (2007)							X	X
104	Heller v. District of Columbia						X		
105	Holtzman v. Schlesinger, 484 F.2d 1307 (2d Cir. 1973)		X						
106	Humphrey v. Baker, 848 F.2d 211 (D.C. Cir. 1988)		X						
107	INS v. Chadha, 462 U.S. 919 (1983)		X					X	
108	Interfaith Cmty. Org. v. Honeywell Int'l, Inc., 399 F.3d 248 (3d Cir. 2005)							X	
109	Kentucky v. Graham, 473 U.S. 159, 105 S. Ct. 3099, 87 L. Ed. 2d 114 (1985)					X			

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110	Kokkonen v. Guardian Life Ins. Co. of Am., 511 U.S. 375 (1994)		X						
111	Kucinich v. Bush, 236 F. Supp. 2d 1 (D.D.C. 2002)		X						
112	Lance v. Coffman, 127 S. Ct. 1194 (2007)		X						
113	Liese v. Local Bd. 102, 314 F. Supp. 521 (E.D. Mo. 1970)		X						
114	Little v. Bareme, 6 U.S. 170 (1804)			X				X	
115	Loving v. United States, 517 U.S. 748 (1996)		X						
116	Lowry v. Reagan, 676 F. Supp. 333 (D.D.C. 1987), appeal dismissed, No. 87-5426 (D.C. Cir. Oct. 17, 1988)		X						
117	Luftig v. McNamara, 373 F.2d 664 (D.C. Cir. 1967)		X						
118	Lujan v. Defenders of Wildlife, 504 U.S. 555 (1992)		X	X	X	X		X	X
119	Luther v. Borden, 7 How. 1, 48 U.S. 1, 12 L. Ed. 581 (1849)					X			
120	Mahorner v. Bush, 224 F. Supp. 2d 48 (D.D.C. 2002), aff'd, 2003 WL 349713 (D.C. Cir. Feb. 12, 2003)		X						
121	Marbury v. Madison, 5 U.S. (1 Cranch) 137, 2 L. Ed. 60 (1803)	X	X	X		X	X		
122	Maryland Casualty Co. v. Pacific Coal & Oil Co., 312 U.S. 270, 61 S. Ct. 510, 85 L. Ed 826 (1941)				X				
123	Massachusetts v. Env'tl. Prot. Agency, 549 U.S. 497 (2007)							X	X
124	Massachusetts v. Laird, 451 F.2d 26 (1st Cir. 1971)		X	X	X	X	X	X	X
125	McArthur v. Clifford, 393 U.S. 1002 (1968)			X				X	
126	McCurdy v. Dodd, 352 F.3d 820 (3d Cir. 2003)		X						
127	Mississippi v. Johnson, 71 U.S. 475 (1866)		X						
128	Mistretta v. United States, 488 U.S. 361 (1988)		X						
129	Mitchell v. Laird, 488 F.2d 611 (D.C. Cir. 1973)		X	X	X			X	
130	Mora et al. v. McNamara, 389 U.S. 934, 935 (1967)			X					
131	Mortensen v. First Fed. Sav. & Loan Ass'n, 549 F.2d 884 (3d Cir. 1977)		X						
132	Mottola v. Nixon, 318 F. Supp. 538, 543-544 (N.D. Cal. 1970), rev'd on other grounds, 464 F.2d 178 (9th Cir. 1972)			X					
133	National Ass'n For Stock Car Auto Racing, Inc. v. Scharle, 184 Fed. Appx. 270, 274 (3d Cir. 2006)				X	X			
134	New York v. United States, 505 U.S. 144 (1992)			X				X	
135	Nixon v. Herndon, 273 U.S. 536, 540, 47 S. Ct. 446, 446, 71 L. Ed. 759 (1927)					X			
136	Nixon v. United States, 506 U.S. 224, 113 S. Ct. 732, 122 L. Ed. 2d 1 (1993)					X			
137	Norton v. Shelby County, 118 U.S. 425 (1886)			X					
138	Oetjen v. Central Leather Co., 246 U.S. 297, 302, 38 S. Ct. 309, 311, 62 L. Ed. 726 (1918)					X			
139	Olson v. Bennett, 2008 WL 525336 (D. Utah Feb. 26, 2008)		X						
140	Orlando v. Laird, 443 F.2d 1039, 1041 (2d Cir. 1971)			X	X		X		
141	PBGC v. White, 998 F.2d 1192, 1196 (3d Cir. 2000)					X			
142	Petruska v. Gannon Univ., 462 F.3d 294 (3d Cir. 2006)		X						



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174	148 Cong. Rec. H7725 (2002)								X
175	148 Cong. Rec. H7418 (2002)								X
176									
177	Constitution - Background								
178	Tom Paine's pamphlet Common Sense	X							
179	Declaration of Independence	X							
180	The Articles of Confederation	X							
181	The Articles of Confederation, Article IX			X					
182	Records of the Constitutional Convention	X							
183	The Federalist Papers No. 6			X					
184	The Federalist Papers No. 26	X		X				X	
185	The Federalist Papers No. 48			X					
186	Federalist No. 69	X						X	
187	The Federalist No. 78							X	
188	Max Farrand, The Framing of the Constitution of the United States (Yale University, 1913)			X					
189	Max Farrand, The Records of the Federal Convention of 1787 (Yale University, 1966)			X				X	
190	The Debates in the Several State Conventions on the Adoption of the Federal Constitution as Recommended by the General Convention at Philadelphia in 1787, Vol. II, 528 (Jonathan Elliot, ed., J. B. Lippincott Co. 1941)							X	
191									
192	Other Authorities								
193	David M. Ackerman & Richard F. Grimmett, Declarations of War and Authorizations for the Use of Military Force: Historical Background and Legal Implications (Congressional Research Service, Library of Congress 2003)			X					
194	Bernard Bailyn, To Begin the World Anew: The Genius and Ambiguities of the American Founders (Alfred A. Knopf 2003)							X	
195	Declaratory Judgments (Banks-Baldwin Law Publishing Co., 2d ed. 1941)							X	
196	Raoul Berger, War-Making by the President, 121 U. Pa. L. Rev. 29 (1972) <a href="http://www.cnn.com/2008/POLITICS/01/31/debate.main/index.html">http://www.cnn.com/2008/POLITICS/01/31/debate.main/index.html</a>			X					
197	Raoul Berger, Standing to Sue in Public Actions: Is it a Constitutional Requirement?, 78 Yale L. J. 816 (1968-69)							X	
198	Alexander M. Bickel, The Least Dangerous Branch (2d ed. 1986)			X					
199	1 William Blackstone, Commentaries, Book 7, III							X	
200	Julius P. Boyd, ed., The Papers of Thomas Jefferson (1955)			X				X	
201	Curtis A. Bradley & Jack L. Goldsmith, Congressional Authorization and the War on Terrorism, 118 Harv. L. Rev. 2047, (2005)			X					

