



**WILLIAM S. BOYD SCHOOL OF LAW**  
**Faculty Publications**  
(As of February 23, 2008)

**Jay S. Bybee**

**BOOKS**

POWERS RESERVED FOR THE PEOPLE AND THE STATES (2006) (with Thomas B. McAfee & A.Christopher Bryant).

RELIGIOUS LIBERTY UNDER THE FREE EXERCISE CLAUSE (U.S. Dept. of Justice, Office of Legal Policy 1986) (with Lowell V. Sturgill).

**LAW REVIEW AND OTHER ARTICLES**

*William Rehnquist, the Separation of Powers, and the Riddle of the Sphinx*, 58 STAN. L. REV.1735 (2006) (with Tuan N. Samahon). [SSRN](#) [Lexis](#) [Westlaw](#) [Hein](#)

*Judging the Tournament*, 32 FLA. ST. U. L. REV. 1055 (2005) (with Thomas J. Miles). [Lexis](#) [Westlaw](#) [Hein](#)

*Of Orphans and Vouchers: Nevada's "Little Blaine Amendment" and the Future of Religious Participation in Public Programs*, 2 NEV. L.J. 551 (2002) (with David W. Newton). [Lexis](#) [Westlaw](#) [Hein](#)

*Printz, the Unitary Executive, and the Fire in the Trash Can: Has Justice Scalia Picked the Court's Pocket?*, 77 NOTRE DAME L. REV. 269 (2001). [Lexis](#) [Westlaw](#) [Hein](#)

*Common Ground: Robert Jackson, Antonin Scalia, and a Power Theory of the First Amendment*,75 TUL. L. REV. 251 (2000). [Lexis](#) [Westlaw](#) [Hein](#)

*The Tenth Amendment Among the Shadows: On Reading the Constitution in Plato's Cave*, 23 HARV. J.L. & PUB. POL'Y 551 (2000).

*Domestic Violence Clause*, in ENCYCLOPEDIA OF THE AMERICAN CONSTITUTION (Leonard W. Levy et al. eds., 2d ed. 2000).

*Child Support Recovery Act (1992)*, in ENCYCLOPEDIA OF THE AMERICAN CONSTITUTION (Leonard W. Levy et al. eds., 2d ed. 2000).

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*Insuring Domestic Tranquility: Lopez, Federalization of Crime, and the Forgotten Role of the Domestic Violence Clause*, 66 GEO. WASH. L. REV. 1 (1997).

*Who Executes the Executioner? Impeachment, Indictment and Other Alternatives to Assassination*, 2 NEXUS 53 (1997).

*Ulysses at the Mast: Democracy, Federalism, and the Sirens' Song of the Seventeenth Amendment*, 91 NW. U.L. REV. 500 (1997).

*Substantive Due Process and Free Exercise of Religion: Meyer, Pierce and the Origins of Wisconsin v. Yoder*, 25 CAP. U.L. REV. 887 (1996).

*Taking Liberties with the First Amendment: Congress, Section 5, and the Religious Freedom Restoration Act*, 48 VAND. L. REV. 1539 (1995).

*Advising the President: Separation of Powers and the Federal Advisory Committee Act*, 104 YALE L.J. 51 (1994).

*George Sutherland*, in THE SUPREME COURT JUSTICES: ILLUSTRATED BIOGRAPHIES, 1789-1993 (Clare Cushman ed. 1993).

*Owen J. Roberts*, in THE SUPREME COURT JUSTICES: ILLUSTRATED BIOGRAPHIES, 1789-1993 (Clare Cushman ed. 1993).

*Utah's Horseman: George Sutherland*, 13 SUP. CT. HIST. Q. 14 (No. 2, 1992).

Note, *Reverse Political Checkoff Per Se Illegal as Violation of Federal Election Campaign Act*, 1980 BYU L. REV. 403.

Comment, *Profits in Subrogation: An Insurer's Claim to Be More Than Indemnified*, 1979 BYU L. REV. 145, reprinted in 30 FED'N INS. COUNS. Q. 249 (1980).

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