

## FOREWORD

THE SUBJECT of this book could hardly be more important: the nature and limits of executive power under the US Constitution. It goes to press at a time marked by intense concern about the erosion of checks on the powers of the American Presidency. The sense of constitutional degradation is widespread, though by no means universal.

Michael W. McConnell sets out a new framework for assessing the constitutional legitimacy of exercises of executive power, and indeed, a new way for thinking about the relations of the three branches of the federal government. We are delighted to publish it in the University Center for Human Values Series, and owe this to the fact that Professor McConnell delivered the Tanner Lectures on Human Values at Princeton University on November 28 and 29, 2018.

At the time of his lecture, and somewhat unusually for a Tanner lecturer, Professor McConnell already had a near-complete draft of the book as a whole. He used those two lectures to lay out its main themes.

We were delighted at that time to welcome four distinguished commentators all of whom engaged Professor McConnell in vigorous debate and discussion over the course of the two days. The commentators were: Gillian Metzger, the Harlan Fiske Stone Professor of Constitutional Law at Columbia University; Eric Nelson, the Robert M. Beren Professor of Government at Harvard University; Jeffrey K. Tulis, Professor of Government at the University of Texas at Austin; and Amanda L. Tyler, the Shannon Cecil Turner Professor of Law at the University of California at Berkeley. Our thanks to these scholars for their extremely valuable comments and suggestions.

It is a great pleasure to publish this important book in the University Center Series. I have known and admired Michael McConnell's work

for decades, and am far from alone in that. His writings on the Constitution's religion clauses is among the most important and widely cited work by any constitutional scholar.

As a constitutional advocate, Professor McConnell has argued fifteen cases in the US Supreme Court. These include famous ones such as *Rosenberger v. the University of Virginia* (1995), and *Christian Legal Society Chapter of Hastings College of Law vs. Martinez* (2010), both of which concerned viewpoint discrimination by public universities against Christian student groups.

Professor McConnell served in several positions in the Administration of President Ronald Reagan, and was nominated to the federal court by President George W. Bush. He is generally regarded as a political conservative but the Senate confirmed unanimously his nomination to the federal court, and he is widely respected by liberal scholars and jurists. Indeed, as a law professor he secured a fellowship at the University of Chicago Law School for a young Harvard Law School graduate and former community organizer, after being impressed by that student's suggestions on one of McConnell *Harvard Law Review* articles: that student was Barack Obama. And he taught our Princeton University President, Christopher L. Eisgruber.

I am delighted to add this important volume to the University Center series.

*Stephen Macedo, Series Editor*  
Laurance S. Rockefeller Professor of Politics and the  
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