

Professor William R. Casto's Bibliography

Books

In Progress:

A CALVINIST VISION OF LAW AND SOCIETY IN THE EARLY REPUBLIC: THE LIFE OF OLIVER ELLSWORTH. A substantial expansion of the Ellsworth book.

Published:

1. ADVISING THE PRESIDENT: ATTORNEY GENERAL ROBERT H. JACKSON AND FRANKLIN D. ROOSEVELT (University Press of Kansas, 2018).
2. FOREIGN AFFAIRS AND THE CONSTITUTION IN THE AGE OF FIGHTING SAIL (University of South Carolina Press, 2006).
3. OLIVER ELLSWORTH AND THE CREATION OF THE FEDERAL REPUBLIC (Second Circuit Committee on History and Commemorative Events, 1997).
4. THE SUPREME COURT IN THE EARLY REPUBLIC: THE CHIEF JUSTICESHIPS OF JOHN JAY AND OLIVER ELLSWORTH (University of South Carolina Press, 1995).

Articles

In Progress:

1. *In Praise of In re Neagle*.
2. *Helping Students to Organize Their Thought about the Erie Doctrine*.
3. *The Effectiveness of International Law: Stephen Lushington and the Trent Affair*, UNIV. WASHINGTON GLOBAL STUD. L. REV. (forthcoming 2022)

Published:

1. *Serving a Lawless President*, 72 MERCER L. REV. 855 (2021).
2. *Robert Jackson's Critique of Trump v. Hawaii*, 94 ST. JOHN'S L. REV. 335 (2020).

3. *The Abiding Importance of Procrastination in Grading Law-School Final Examinations*, 20 GREEN BAG 2D 235 (2016).
4. *Advising Presidents: Private Advice vs. Public Advocacy*, 43 OHIO N.U. L. REV. 405 (2017).
5. *A Post of Great Legal Power and Even Greater Moral Influence*, 19 GREEN BAG 2D 27 (2015).
6. *The ATS Cause of Action Is Sui Generis*, 89 NOTRE DAME L. REV. 1545 (2014).
7. *Advising Government Clients: Robert H. Jackson and the FBI Suicide Squad*, 22 PUB. LAW. 3 (2014).
8. *Advising Presidents: Robert H. Jackson and the Problem of Dirty Hands*, 26 GEO. J. LEGAL ETHICS 183 (2013).
9. *Advising Presidents: Robert Jackson and the Destroyers-for-Bases Deal*, 52 AM. J. LEGAL HIST. 1 (2012).
10. *SOSA v. Alvarez-Machain and the End of History*, 43 GEO. J. INT'L L. 1001 (2012).
11. *If Men Were Angels*, 35 HARV. J. L. & PUB. POL'Y 663 (2012).
12. *Notes on Official Immunity in ATS Litigation*, 80 FORDHAM L. REV. 573 (2011).
13. *Attorney General Robert Jackson's Brief Encounter with the Notion of Preclusive Presidential Power*, 30 PACE L. REV. 364 (2010).
14. *There Were Great Men before Agamemnon*, 62 VAND. L. REV. 371 (2009).
15. *Legal Positivism*, 11 GREEN BAG 2D 387 (2008).
16. *Regulating the New Privateers of the Twenty-First Century*, 37 RUTGERS L.J. 671 (2006).
17. *The New Federal Common Law of Tort Remedies for Violations of International Law*, 37 RUTGERS L.J. 635 (2006).

18. *Dear Sister Antillico: The Story of Kirksey v. Kirksey*, 94 GEO. L.J. 321 (2006), co-authored with Val D. Ricks.
19. *Our Unwritten Constitution and Proposals for a Same-Sex Marriage Amendment*, 38 CREIGHTON L. REV. 271 (2005).
20. *Executive Advisory Opinions and the Practice of Judicial Deference in Foreign Affairs Cases*, 37 GEO. WASH. INT'L L. REV. 501 (2005).
21. *Foreign Affairs Crises and the Constitution's Case or Controversy Limitation: Notes from the Founding Era*, 46 AM. J. LEGAL HIST. 237 (2004).
22. *Two Advisory Opinions by Chief Justice Oliver Ellsworth*, 6 GREEN BAG 2D 413 (2003).
23. *Early Supreme Court Justices' Most Significant Opinion*, 29 OHIO N.U. L. REV. 173 (2002).
24. *Pacificus &(and) Helvidius Reconsidered*, 28 N. KY. L. REV. 612 (2001).
25. *We Are Armed for the Defense of the Rights of Man: The French Revolution Comes to America*, 61 AM. NEPTUNE 263 (2001).
26. *The Documentary History of the Supreme Court of the United States, 1789-1800*, 44 AM. J. LEGAL HIST. 286 (2000).
27. *Additional Light on the Origins of Federal Admiralty Jurisdiction*, 31 J. MAR. L. & COM. 143 (2000).
28. *Comments on the Alien Tort Statute as a Badge of Honor*, 83 AM. J. INT'L L. 901 (1999).
29. *America's First Independent Counsel*, 1 GREEN BAG 2D 353 (1998).
30. *The Documentary History of the Supreme Court of the United States*, 15 LAW & HIST. REV. 391 (1997).
31. *Oliver Ellsworth*, 1996 J. SUP. CT. HIST. 73 (1996).
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33. *Stanley Elkins and Eric McKittrick, The Age of Federalism*, 39 AM. J. LEGAL HIST. 104 (1995).
34. *Oliver Ellsworth's Calvinism: A Biographical Essay on Religion and Political Psychology in the Early Republic*, 36 J. CHURCH & ST. 507 (1994).
35. *The Origins of Federal Admiralty Jurisdiction in an Age of Privateers, Smugglers, and Pirates*, 37 AM. J. LEGAL HIST. 117 (1993).
36. *An Orthodox View of the Two-Tier Analysis of Congressional Control over Federal Jurisdiction*, 7 CONST. COMMENT. 89 (1990).
37. *Correspondence*, 83 AM. J. INT'L L. 901 (1989).
38. *Erie Doctrine and the Structure of Constitutional Revolutions*, 62 TUL. L. REV. 907 (1987-1988).
39. *The Federal Court's Protective Jurisdiction over Torts Committed in Violation of the Law of Nations*, 18 CONN. L. REV. 467 (1986).
40. *The First Congress's Understanding of Its Authority over the Federal Courts' Jurisdiction*, 26 B.C. L. REV. 1101 (1985).
41. *The Steelworkers Trilogy as Rules of Decision Applicable by Analogy to Public Sector Collective Bargaining Agreements: The Tennessee Valley Authority Paradigm*, 26 B.C. L. REV. 1 (1984).
42. *Government Liability for Constitutional Torts: Proposals to amend the Federal Tort Claims Act*, 49 TENN. L. REV. 201 (1982).
43. *Innovations in the Defense of Official Immunity under Section 1983*, 47 TENN. L. REV. 47 (1979).

44. *Barr v. Mateo and the Problem of Coequal Protection for State and Federal Officials*, 13 TULSA L.J. 195 (1977).
45. *Photostatic Copies and the Best Evidence Rule: Time for a Change*, 40 TENN. L. REV. 709 (1973).
46. *Tort Liability of Insane Persons for Negligence: A Critique*, 39 TENN. L. REV. 705 (1972).
47. *Insurance -- Financial Responsibility Statute -- Applicability to First Accident*, 39 TENN. L. REV. 192 (1971).

Book Chapters

1. *French Cruisers, British Prizes, and American Sailors: Coordinating American Foreign Policy in the Age of Fighting Sails*, in NEITHER SEPARATE NOR EQUAL 211 (Kenneth Bowling & Donald Kennon ed., 2000).
2. *Oliver Ellsworth: "I have sought the felicity and glory of your Administration"*, in SERIATIM: THE SUPREME COURT BEFORE JOHN MARSHALL 292 (Scott Gerber ed., 1998).