



SPRING 2026 COURSE SYLLABUS

Course Number: 585-001

Course Title: Executive Power

Credit Hours: 1

Grading Mode: Letter graded

Meeting Time(s): Mondays 6:05p-8:05p

This course will meet eight times—with six two-hour sessions, and two one-hour sessions. The course will have two guest lectures by current or former senior government officials who have had direct experience with Article II and its bounds.

Meeting Mode: On campus

Exam Time(s): N/A

Exam Mode: Final Paper

Prerequisite(s): N/A

Corequisite(s): N/A

Instructor(s):

Harry Graver

Contact Information and Office Hours:

While Professor Graver will not have formal office hours, students should feel welcome to email him at any point to set up a time to meet or chat to discuss the paper, the class, careers, or the like.

Reading(s) & Supplement(s):

There is no textbook or materials that you need to buy; links or PDFs will be circulated ahead of each class.

Course Overview:

This course will explore the meaning of executive power, and the breadth and limits of the President's authority under Article II of the Constitution. The class will focus on six principal topics relating to presidential power. Most classes will involve discussion and debate over the week's reading materials—with a focus too on current events. Some classes will also involve a practical component, where students will participate in

“moots” for a recent Supreme Court case concerning presidential authority—with some students serving as oral advocates, and others as judges.

Course Learning Outcomes:

- (1) Students will gain a familiarity with Article II of the Constitution, the scope and bounds of executive power, and how the presidency fits within our constitutional system.
- (2) Students will also learn how these ideas bear out in practice, both in regards to litigation (via moots), and in the daily work of governing (via guest lectures).

Grading Policies:

Participation %: 30

Final Paper %: 70

Additional Content:

The final paper should be approximately 15-20 pages (double-spaced) and address any topic related to the materials covered in the seminar. Paper topics will be due after the sixth class, with final papers due on the last day of finals. Students are encouraged to talk to Professor Graver about their paper ideas ahead of time.

Classroom Policies:

Attendance: Per AR 3-1.4, “maintenance of matriculation requires regular class preparation, participation and attendance, registration in the course of study required for the student’s program (full-time or part-time), successive registration for each fall and spring term of each academic year until study is completed, and compliance with all other relevant requirements.”

Absences: Per AR 4-1.1, “if a student is absent for any reason for more than 20 percent of the sessions of a course, the student is not eligible for credit in that course. A student who is not present for at least 75 percent of a session of the course is absent from that session.”

Use of Technology & AI:

Strict Use Policy: The use of generative AI tools is not permitted for any coursework in this course. Unauthorized use will be treated as a violation of academic standards.

Course Schedule & Assignments

[NB: This is tentative syllabus to give students a sense of the course. With the exception of the first class, the remaining class dates and details will be filled in over the coming weeks, once guest speakers are confirmed. Also, students should be aware that the below readings are illustrative—and in all events, that Professor Graver will assign only portions of much of the below. While the course will turn heavily on the readings, the actual amount of reading will be commensurate with the fact this is a single-credit course.]

I. The Vesting Clause [Monday, January 26]

- Article II, U.S. Constitution
- Federalist No. 70 (Hamilton)
- Prakash, *The Essential Meaning of Executive Power*, 2003 U. Ill. L. Rev. 701 (2003)
- Calbresi & Yoo, *The Unitary Executive During the First Half-Century*, 47 Case W. L. Rev. 1451 (1997)
- Shane, *The Originalist Myth of the Unitary Executive*, 19 U. Pa. J. Const. L. 323 (2016)

II. The Take Care Clause

- *Myers v. United States*, 272 U.S. 52 (1926)
- *Humphrey's Executor v. United States*, 295 U.S. 602 (1935)
- *Seila Law LLC v. CFPB*, 591 U.S. 197 (2020)
- Nelson, *Must Administrative Officers Serve at the President's Pleasure?* (NYU Blog)
- Goldsmith & Manning, *Protean Take Care Clause*, 164 U. Penn. L. Rev. 1835 (2016)
- **Moot #1:** *Trump v. Slaughter* (FTC Removal)

III. Prosecutions and Pardons

- *Morrison v. Olson*, 487 U.S. 654 (1988)
- Prakash, *The Chief Prosecutor* (2005)
- Letter from Acting DAG Bove to Danielle Sassoon (Feb. 13, 2025)

- Bauer & Goldsmith, *After Trump: Reconstructing the Presidency* (2020) [Excerpts regarding DOJ Independence and the Special Counsel]
- Prakash, *The Presidential Pardon: The Short Clause with a Long, Troubled History* (2026) [Excerpts]

IV. The Commander-in-Chief

- *Little v. Barreme*, 6 U.S. 170 (1804)
- *Hamdi v. Rumsfeld*, 542 U.S. 507 (2004)
- *Boumediene v. Bush*, 553 U.S. 723 (2008)
- Authority to Use Military Force in Libya, 35 Op. O.L.C. 20 (2011)
- Barron, *Waging War: The Clash Between Presidents and Congress 1776 to ISIS* (2016) [Excerpts]

V. Foreign Affairs and Diplomacy

- *United States v. Schooner Peggy*, 5 U.S. 103 (1801)
- *United States v. Curtiss-Wright Export Corp.*, 299 U.S. 304 (1936)
- *Zivotofsky v. Kerry*, 576 U.S. 1 (2015)
- Authority to Withdraw from NAFTA, 42 Op. O.L.C. 133 (2018)
- Galbraith, *The Runaway Presidential Power Over Diplomacy*, 108 Va. L. Rev. 81 (2022)

VI. Judicial Review and Immunity

- *Franklin v. Massachusetts*, 505 U.S. 788 (1992) (Scalia Concurrence)
- *Swan v. Clinton*, 100 F.3d 973 (D.C. Cir. 1996)
- *Trump v. United States*, 603 U.S. 593 (2024)
- Schmidt, *Immunity After Trump* (2026) (Forthcoming)
- **Moot #2:** *Trump v. United States* (Presidential Immunity)

Student Resources

[Antonin Scalia Law School Academic Regulations](#)

[GMU Common Course Policies Addendum](#)

[Mason Square Services](#)

[Mason Square Police](#)

Van Metre Hall, Room 110

Emergency - Dial 911

Escort Services - 703-993-8070

Dispatch – 703-993-2810

[Student Support and Advocacy Center \(SSAC\)](#)

Mason Square Sexual Assault Services:

Van Metre Hall, Room 222D

703-993-8186

Notice of Mandatory Reporting of Sexual Assault, Sexual Harassment, Interpersonal Violence, and Stalking:

As a faculty member, I am designated as a “Non-Confidential Employee,” and must report all disclosures of sexual assault, sexual harassment, interpersonal violence, and stalking to Mason’s Title IX Coordinator per University Policy 1202. If a student wishes to speak with someone confidentially, please contact one of Mason’s confidential resources, such as Student Support and Advocacy Center (SSAC) at 703-380-1434 or Counseling and Psychological Services (CAPS) at 703-993-2380. Students may also seek assistance or support measures from Mason’s Title IX Coordinator by calling 703-993-8730, or emailing titleix@gmu.edu.

[Mason Square Clinic](#)

Van Metre Hall, Room B102

703-991-2831

[Counseling and Psychological Services](#)

[Student Health Services](#)

[Student Disability Services](#)

[Student Conduct](#)

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