



BALLOTPEDIA EXPEDITIONS

NONDELEGATION

Go Deeper: Interring the Nondelegation Doctrine by Eric Posner & Adrian Vermeule

After reading “Interring the Nondelegation Doctrine” by Eric Posner & Adrian Vermeule, consider the following questions:

- Based on the authors’ textual analysis, do you consider that nondelegation doctrine a legal fiction?
- The authors believe that Congress cannot and does not ever delegate its legislative power. Do you agree?
- Do you agree that a statutory grant of authority to the executive branch or other agents never affects a delegation of legislative power?
- Posner and Vermeule make the distinction in the article between the related exercise of executive versus legislative power in such statutory grants of authority. Do you believe that this is a valid distinction?
- What is meant by the intelligible principle?