

APPENDIX
U.S. SUPREME COURT CASES
CITING OR QUOTING MONTESQUIEU*

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CAPTION	CITATION	PINCITE(S)
Learning Res., Inc. v. Trump	146 S. Ct. 628 (2026)	683 n.2 (Thomas, J., dissenting); 684 (Thomas, J., dissenting)
Trump v. CASA	145 S. Ct. 2540 (2025)	2598 (Jackson, J., dissenting)
SEC v. Jarkesy	144 S. Ct. 2117 (2024)	2131–32
CFPB v. Cmty. Fin. Servs. Ass’n of Am.	144 S. Ct. 1474 (2024)	1493–94 (Alito, J., dissenting)
Students for Fair Admissions v. President & Fellows of Harvard Coll.	143 S. Ct. 2141 (2023)	2193–94 (Thomas, J., concurring)
Seila L. LLC v. CFPB	140 S. Ct. 2183 (2020)	2226 (Kagan, J., concurring in the judgment with respect to severability and dissenting in part)
Bostock v. Clayton County	140 S. Ct. 1731 (2020)	1824 (Kavanaugh, J., dissenting)
Patchak v. Zinke	583 U.S. 244 (2018)	267 (Roberts, C.J., dissenting)
Bank Markazi v. Peterson	578 U.S. 212 (2016)	238 (Roberts, C.J., dissenting); 241 (Roberts, C.J., dissenting)
Zivotofsky <i>ex rel.</i> Zivotofsky v. Kerry	576 U.S. 1 (2015)	35–36 (Thomas, J., concurring in the judgment in part and dissenting in part)
Dep’t of Transp. v. Ass’n of Am. R.Rs.	575 U.S. 43 (2015)	75 (Thomas, J., concurring in the judgment)
Perez v. Mortg. Bankers Ass’n	575 U.S. 92 (2015)	116–17 (Thomas, J., concurring in the judgment)
United States v. Windsor	570 U.S. 744 (2013)	790 (Scalia, J., dissenting)

* This is the Appendix to Note, *Montesquieu’s Day in Court: Recovering a Classical Understanding of Separated Powers*, 139 HARV. L. REV. 1939 (2026).

Decker v. Nw. Env't Def. Ctr.	568 U.S. 597 (2013)	619–20 (Scalia, J., concurring in part and dissenting in part)
Stern v. Marshall	564 U.S. 462 (2011)	483
Talk Am., Inc. v. Mich. Bell Tel. Co.	564 U.S. 50 (2011)	68 (Scalia, J., concurring)
Clinton v. City of New York	524 U.S. 417 (1998)	450–51 (Kennedy, J., concurring)
Loving v. United States	517 U.S. 748 (1996)	756–57
Plaut v. Spendthrift Farm, Inc.	514 U.S. 211 (1995)	241–42 (Breyer, J., concurring in the judgment)
Mistretta v. United States	488 U.S. 361 (1989)	394
Young v. United States <i>ex rel.</i> Vuitton et Fils S.A.	481 U.S. 787 (1987)	824 (Scalia, J., concurring in the judgment)
Bowsher v. Synar	478 U.S. 714 (1986)	721–22
INS v. Chadha	462 U.S. 919 (1983)	999 n.25 (White, J., dissenting)
Nixon v. Adm'r of Gen. Servs.	433 U.S. 425 (1977)	442 n.5
Buckley v. Valeo	424 U.S. 1 (1976)	120–21 (per curiam)
Bronston v. United States	409 U.S. 352 (1973)	360
Scales v. United States	367 U.S. 203 (1961)	266–67 (Douglas, J., dissenting); 273–74 (Douglas, J., dissenting)
Dennis v. United States	341 U.S. 494 (1951)	590 n.5 (Douglas, J., dissenting)
<i>In re</i> Oliver	333 U.S. 257 (1948)	269 n.23
Cramer v. United States	325 U.S. 1 (1945)	15 n.21; 24
Myers v. United States	272 U.S. 52 (1926)	116; 230 (McReynolds, J., dissenting); 234 (McReynolds, J., dissenting)
Farrington v. Tennessee	95 U.S. 679 (1877)	682

Trist v. Child	88 U.S. (21 Wall.) 441 (1874)	450 n.†
<i>Ex parte</i> Garland	71 U.S. (4 Wall.) 333 (1866)	388 (Miller, J., dissenting)
<i>Ex parte</i> Milligan	71 U.S. (4 Wall.) 2 (1866)	65
Teal v. Felton	53 U.S. (12 How.) 284 (1851)	287–88
United States v. Wood	39 U.S. (14 Pet.) 430 (1840)	437–38
Bank of Augusta v. Earle	38 U.S. (13 Pet.) 519 (1839)	538
Rhode Island v. Massachusetts	37 U.S. (12 Pet.) 657 (1838)	691
Jackson v. Ashton	36 U.S. (11 Pet.) 229 (1837)	239
Johnson v. M'Intosh	21 U.S. (8 Wheat.) 543 (1823)	567 & n.a; 569–70; 570 n.a
Green v. Biddle	21 U.S. (8 Wheat.) 1 (1823)	36
Brown v. United States	12 U.S. (8 Cranch) 110 (1814)	113–14; 145
Fletcher v. Peck	10 U.S. (6 Cranch) 87 (1810)	121
Cooper v. Telfair	4 U.S. (4 Dall.) 14 (1800)	17–18
