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# The Constitutional Law Songbook

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# THE CONSTITUTIONAL LAW SONGBOOK

*Jim Chen\**

## **Special Interest PAC (to the tune of "Yellow Submarine")**

Senator Buckley ran for office,  
Wanted victory, not romance.  
He left the trail and went High Courtin'  
To woo the lords of campaign finance.<sup>1</sup>

*Refrain:*

We all give to a special interest PAC,  
Special interest PAC, special interest PAC.  
We all give to a special interest PAC,  
Special interest PAC, special interest PAC.<sup>2</sup>

Are you needy, are you starvin',  
Not quite able to fund your stance?  
Any PAC will be your partner  
For civic virtue's St. Vitus dance!

[Repeat refrain twice.]

## **Hail to the Chief (with unauthorized lyrics)**

Hail to the Chief!  
He's the only boss we honor.  
Hail to the Chief!  
Let the White House rule supreme.  
Hail to the Chief!  
If he fires you, you're a goner.<sup>3</sup>  
Don't trust the Congress or its fly-by-night, cheap  
scheme.<sup>4</sup>

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1. See *Buckley v. Valeo*, 424 U.S. 1 (1976).

2. Cf. *FEC v. National Conservative Political Action Comm.*, 470 U.S. 480 (1985); Advisory Op. 1975-23 (Fed. Election Comm'n Nov. 24, 1975) (*SunPAC*).

3. See *Myers v. United States*, 272 U.S. 52, 115-16, 135 (1926).

4. See *Metropolitan Washington Airports Auth. v. Citizens for the Abatement of Aircraft Noise, Inc.*, 501 U.S. 252 (1991).

No headless branch will we ever tolerate,<sup>5</sup>  
 No special counsel will ever get to litigate.<sup>6</sup>  
 Gladly will we serve for all the dreary days we live.  
 We're the lackeys of the unitary executive!

**The Coasean Creed (to the tune of "Jesus Loves Me")**

Law is worthless, this I know.  
 Coase's Theorem tells me so.<sup>7</sup>  
 Rights and duties can be sold.  
 This moral kiosk<sup>8</sup> sure is cold.  
 Yes, law is worthless.  
 Markets are ruthless;  
 Rights talk is truthless.  
 The Theorem tells me so.  
 Externalities are bad;  
 Transaction costs, they make me sad.  
 Public goods? Let's subsidize!  
 "Polluter pays": those words are wise.  
 So, law has reason.  
 Rationales are pleasin';  
 Coasean thought's in season.  
 The Theorem helps me know.

**Old Man Filburn (to the tune of "Old MacDonald")**

Old man Filburn had a farm,<sup>9</sup>  
 "A" cubed thirty-eight.<sup>10</sup>  
 And on this farm he ate his wheat,  
 "A" cubed thirty-eight.  
 Planted wheat, ate to cheat,  
 Commerce clause, due process flaws,  
 Harsh but valid retroactive laws.

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5. *Freytag v. Commissioner*, 111 S. Ct. 2631, 2661 (1991) (Scalia, J., concurring in part and concurring in the judgment). But see *Humphrey's Ex'r v. United States*, 295 U.S. 602, 628 (1935); *Wiener v. United States*, 357 U.S. 349, 353, 356 (1958).

6. *Contra Morrison v. Olson*, 487 U.S. 654 (1988).

7. See Ronald Coase, *The Problem of Social Cost*, 3 J.L. & Econ. 1 (1960).

8. See R.E.M., *Moral Kiosk*, on *Murmur* (I.R.S., 1981); cf. R.E.M., *Losing My Religion*, on *Out of Time* (Warner Bros., 1991).

9. See *Wickard v. Filburn*, 317 U.S. 111, 113 (1942).

10. Agricultural Adjustment Act of 1938, Act of Feb. 16, 1938, ch. 30 § 1, 52 Stat. 31 (codified as amended at 7 U.S.C. §§ 1281-1393).

Old man Filburn had a farm,  
And losing was his fate.

**Wonderful Law (sung to the tune of “Wonderful World”)**

*All:*

What a wonderful, wonderful law it would be.  
What a wonderful, wonderful law it would be.

*Professor:*

Don't use legislative history.  
Don't use congressional policy.  
Don't think much about statute books.  
Just forget about the law you took.

But remember that text is clear,  
And if context would disappear,  
What a wonderful law it would be.

*Students:*

Now, I don't claim to be an “A” student,  
But I'm trying to be . . . .  
'Cause maybe by being an “A” student, baby,  
I could make you teach this course to me.

*All:*

Hermeneutics depresses me.  
Public choice just bothers me.  
All I need is a textual hook.  
Who wants more than one sober look?

So remember that text is clear,  
And let your legal doubts disappear.  
What a wonderful course this would be.