

POLI 4020: Constitutional Law: Law of the Constitution and the Place of the Supreme Court in
the American Political System – Fall 2014

MWF 1:30-2:20

Coates Hall 218

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Required Text

Lee, Epstein, and Thomas G. Walker. 2013. *Constitutional Law for a Changing America: Institutional Powers and Constraints*. Washington D.C: CQ Press. 8th Edition.

Note: Earlier editions of the text are acceptable, but page numbers may vary and students are responsible for finding any cases not included in the volume.

Legal Resources: Legal resources are available for opinions, briefs, and other materials at:

www.supremecourtus.gov

LexisNexis

www.oyez.org

www.findlaw.com.

While these resources are there to help you in preparing cases, they are not there to do your work for you. Do not copy from these websites in writing briefs or anything else for the class. Doing so will result in serious penalties.

Course Description and Objectives

This course will introduce students to Constitutional law through the lens of U.S. Supreme Court case law with an emphasis on judicial review, federalism, institutional powers, and separation of powers. The course seeks to broadly introduce students to theories of interpreting the Constitution and major Supreme Court cases. By the end of the course, students should be able to (1) analyze and apply legal arguments and theories to Supreme Court cases (2) distill cases to their most important components, and (3) think critically about the role of the courts in the federal system.

Course Requirements

Academic Honesty

All students are expected to abide by the University's Code of Student Conduct (<https://saa.lsu.edu/code>). Pay specific attention to the standards for academic misconduct (section 10.1) any student found in violation will be turned over to the proper officials and dealt with appropriately.

Make up Exams

Make up exams will be given only to students who notify the instructor prior to missing the exam and whose absence qualifies under Policy Statement 22

(<http://sacsfifthyear.lsu.edu/Part%203/Policy%20Statements/item9278.pdf>)

Briefs and Quizzes

Because the study of law requires both heavy reading and cumulative comprehension, it is essential that students read all assigned cases prior to each class. Students must brief all cases assigned to their group on the syllabus. The process of briefing will prepare you for class discussions and save you many hours of time in test preparation. Briefs will be collected during class **only**. Briefs will not be accepted electronically or before or after class.

Reading assignments available on Moodle are designated with an "M". Additionally, quizzes will be randomly given during the semester. Quizzes will be on either be on Moodle or in class and are open note (but not open book). They are intended to help students identify deficiencies in their notes and prepare for exams. Using books on your Moodle quizzes might earn you a better grade on a quiz but it will be detrimental to your midterm and final exam grades. There will be no make-ups, but the lowest brief and quiz grade will be dropped at the end of the semester.

Participation

Attendance is a necessary, but not sufficient, condition for a good participation grade. Students are expected to attend class daily, on time, and for the duration of the class. Students are also expected to read all assigned readings before class, complete all written assignments on time and treat classmates and the instructor with respect. Please turn off phones and put iPods, tablets, laptops, newspapers, and other unrelated materials away before class begins. No electronic devices are allowed on desktops during class.

Exams

In class discussions and the material assigned on the syllabus will provide the basis for exams. There will be a two part midterm and one final exam to test your understanding of concepts as well as your ability to apply and analyze them. Exams will consist of definitions, short answers, and essays.

Grading policy

Each course element is worth the following:

Briefs - 15%

Quizzes- 20%

Attendance and Participation- 10%

Mid Term I & II - 30%

Final- 25%

If you wish to contest a grade, you have one week from the return of the contested item to make an appointment with me to discuss the grade. After one week, no appeals will be heard. Students must make sure to bring the contested item to their appointment with them.

Special Accommodation

Students with documented disabilities who require special testing accommodations should notify the instructor at the beginning of the semester so that appropriate arrangements can be made.

Course Outline

Note: The syllabus represents a general plan for the course and may be subject to change, based on the discretion of the instructor. It is the responsibility of the student to keep up with announced changes to the course.

Schedule of Readings and Assignments

August 25

Intro to the course

August 27

Introduction to the US Constitution (in your textbooks)

Chapter 1

*****August 29, No Class**

*****September 1 No Class Labor Day Holiday**

September 3,

Chapter 1

September 5

How to write a brief

September 8 Powers of the Courts and Judicial Review

Federalist # 78

Brief *Marbury v Madison* (1803)

Gibson's dissent in *Eakin v Raub* (1825)

September 10

Article III, Restraints on Judicial Power

Martin v Hunters' Lessee (1816)

Chisholm v Georgia (1793) (M)

September 12

Ex parte McCardle (1869)

Baker v Carr (1962)

Nixon v US (1993)

Flast v Cohen (1968)

September 15, 10th Amendment vs. Supremacy Clause and Necessary & Proper

McCulluch v Maryland (1819)

Dred Scott v Sanford (1857)

September 17 Federalism

Hammer v Dagenhart (1918)

National League of Cities v Usery (1976)

Pritz v United States (1997)

September 19 Federalism 11th Amendment

Alden v Maine (1999)

Michigan v Long (1983)

State of Missouri v Holland (1920)

Crosby v National Foreign Trade Council (2000)

Pennsylvania V Nelson (1956)

September 22 Regulatory Power of the States in the Federal System

Jacobson v Massachusetts (1905) (M)

Pacific Gas & Electric Co. v State Energy Resources & Dev. Commission (1938) (M)

Kassel v Consolidated Freightways Corp (1981) (M)

City of Philadelphia v State of New Jersey (1978) (M)

September 24 Guest Speaker: Research Librarian

September 24 Separation of powers

Mistretta v United States (1989)

Immigration and Nationalization Services v Chadha (1983)

Bowsher v Synar (1986)

The Prize Cases (1963)

September 26 Separation of Powers

Ex parte Milligan (1866)

Ex parte Quinn (1942)

Korematsu v United States (1944)

September 29

Youngstown Sheet & Tube v Sawyer (1952)

Dames & Moore v Regan (1981)

Hamdan v Rumsfeld (2006)

October 1 No Class Fall Break

October 6

Review Day

October 8

Midterm Exam I

October 10

Midterm Exam II

October 13 Legislative Authority: Article I, Enumerated Powers

Powell v McCormack (1969)

US Term Limits, Inc. v Thornton (1995)

Gravel v United States (1972)
Gibbons v Ogden (1824)

October 15 Implied Powers

McGrain v Daugherty (1927)
Barenblatt v US (1959)
United States v Curtis Wright-Export Corp (1936)

October 17 Implied Powers

Gibson v Florida Legislative Investigation Commission (1963)
South Carolina v Katzenbach (1966)

October 20

Bush v Gore (2000)
In re Neagle (1890)
Youngstown Sheet and Tube Co. Sawyer (1952)

October 22

Clinton v City of New York (1998)
Morrison v Olsen (1988)

October 24 Executive Powers

United States v Nixon (1974)
Mississippi v Johnson (1867)
Nixon v Fitzgerald (1982)

October 27 Executive Powers

Clinton v Jones (1997)
Ex parte Grossman (1925)
Murphy v Ford (1925)
United States v Curtis-Wright Export Corp (1936)

October 29 Commerce Powers

Gibbons v Ogden (1824)
A.L.A Schechter Poultry Corp. v United States (1935)
Carter v Carter Coal Co. (1936)

October 31 Commerce Powers

Wickard v Filburn (1942)
US v Lopez (1995)
United States v Morrison (2000)
Gonzalez v Raich (2005)

November 3 Commerce Powers

Champion v Ames (1903)

Heart of Atlanta Motel v US (1964)

Cooley v Board of Wardens (1852)

November 5 Commerce Powers

Southern Pacific Company v Arizona (1945)

Hunt v Washington State Apple Advertising Commission (1977)

Maine v Taylor (1986)

Granholm v Heald (2005)

November 7 Commerce Powers

Pollock v Farmer's Loan & Trust Co. (1895)

United States v United States Shoe Corp. (1998)

South Carolina v Baker (1988)

Davis v Michigan Dep. Of Treasury (1989)

November 10 Taxation and Spending Powers

McCrary v United States (1904)

Baily v Drexel Furniture Co. (1922)

United States v Butler (1936)

November 12, Taxation and Spending Powers

Steward Machine Co. v Davis (1937)

South Dakota v Dole (1987)

Michelin Tire Corp v Wages (1976)

November 14 Taxation and Spending Powers

Complete Auto Transit v Brady (1977)

Quill Corp. v North Dakota (1992)

Oregon Waste Systems, Inc v Department of Environmental Quality of Oregon (1994)

November 17 Economic Due Process

The Slaughterhouse Cases (1873)

Allegeyer v Louisiana (1897)

Lochner v New York (1905)

Muller v Oregon (1908)

November 19 Contract Clause

Fletcher v Peck (1810)

Trustees of Dartmouth College v Woodward (1819)

Proprietors of Charles River Bridge v Proprietors of Warren Bridges (1837)

Stone v Mississippi (1880)

November 21 Contract Clause

Home Building and Loan Association v Blaisdell (1934)

United States Trust Co. v New Jersey (1977)

Allied Structural Steel Co. v Spannaus (1978)

November 24 Economic Due Process

Adkins v Children's Hospital (1923)

City of New Orleans v Duke (1976)

Nebbia v New York (1934)

West Coast Hotel v Parrish (1937)

November 26 Thanksgiving Break

November 28 Thanksgiving Break

December 1 Economic Due Process

Williamson v Lee Optical Company (1955)

BMW of North America v Gore (1996)

Caperton v A.T. Massey Coal Co. (2009)

Citizens United v Federal Election Commission (2010)

December 3 Takings Clause

United States v Causby (1946)

Penn Central Transportation Co. v City of New York (1978)

Nollan v California Coastal Commission (1987)

Lucas v South Carolina Coastal Council (1992)

December 5 Takings Clause

Stop the Beach Renourishment v Florida Dept. of Economic Development (2010) (M)

Berman v Parker (1954)

Hawaii Housing Authority v Midkiff (1984)

Kelo v City of New London (2005)

Final Exam Friday December 12th 10am -Noon