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

Fall 2014
MWF 8:30-9:20
Stubbs Hall 116

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Required readings will be the linked to the online syllabus.

Legal Resources: Legal resources are available for opinions, briefs, and other materials at:
www.supremecourtus.gov
LexisNexis
www.oyez.org
www.findlaw.com

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. 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, (3) think critically about the role of the courts in the federal system (4) analyze how the Court's work fits into a larger social, political and historical context

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 exams will be given only to students who notify the instructor prior to missing the exam

Cut points for the plus minus system are as follows:
80-82.9 is a B-; 83-85.9 is a B, 86 to 89.9 is a B+
70-72.9 is a C-; 73-75.9 is a C; 76 to 79.9 is a C+
And so on.

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 (exceptions may be made based on individual consultation with instructor).

Exams: In class discussions and the material assigned on the syllabus will provide the basis for exams. There will be two midterms 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.

Grade Calculation:

Quizzes & Moodle Exercises- 20%
Attendance & Participation- 20%
Midterm I & II – 15, 20% each
Final- 25%

Accommodations
Students should notify the instructor at the beginning of the semester or as soon as possible so that appropriate arrangements can be made.

Schedule of Readings and Assignments
(Subject to some revision)

August 24 (Monday):

- Intro to the course
- Discussion of the pre-Marshall Court

August 26 (Wednesday)

- *Start discussion of Marbury v. Madison*

August 28 (Friday)

- *Read Marbury v. Madison for 8/28*

August 31 (Monday)

- Continued discussion of Marbury
    - Gibson's dissent in *Eakin v Raub (1825)*
    - One additional reading

Sept. 1, Tuesday, 4:30 pm, deadline for dropping courses without receiving a grade of "W"
Sept. 2, Wednesday, 4:30 pm, deadline for adding courses for credit and making section changes

September 2 (Wednesday)

- Non-Delegation Principle
    - *Waymand v. Southard* (1825) (selection)
    - *Panama Refining v. Ryan* (selection)
    - *Schecter Poultry* (1935)
    - *Bowsher v Synar* (1986)

September 4 (Friday)

- More Separation of Powers
    - *Clinton v. City of New York* (1998)
    - *Immigration and Nationalization Services v Chadha* (1983)
    - *Mistretta v United States (1989)*
    - *Morrison v Olsen* (1988)

September 7 (Monday): Labor Day

September 9 (Wednesday)

- Political Questions, Qualifications of Members
    - *Baker v. Carr* (1962) (read)
    - *U.S. Term Limits, Inc. v. Thornton* (read)
    - *Powell v McCormack* (1969)
    -

September 11 (Friday)

- Impeachment and political questions
    - *Nixon v US* (1993)
- Elections and Redistricting
- Sessions of Congress and adjournment
- Privileges
    - *Gravel v United States* (1972)

September 14 (Monday)

- Enumerated Powers: Taxing & Spending
  - *McCrary v United States* (1904)
  - *Baily v Drexel Furniture Co.* (1922)
  - *United States v Butler* (1936)

September 16 (Wednesday)

- Enumerated Powers: Taxing & Spending
  - *Steward Machine Co. v Davis* (1937)
  - *South Dakota v Dole* (1987)
  - *Michelin Tire Corp v Wages* (1976)

September 18 (Friday)

- Enumerated Powers: Taxing & Spending
  - *Complete Auto Transit v Brady* (1977)
  - *Quill Corp. v North Dakota* (1992)
  - *Oregon Waste Systems, Inc. v Department of Environmental Quality of Oregon* (1994)

September 21 (Monday)

- Enumerated Powers: Borrowing

September 23 (Wednesday)

- Economic Due Process
  - *The Slaughterhouse Cases* (1873)
  - *Allegeyer v Louisiana* (1897)
  - *Lochner v New York* (1905)
  - *Muller v Oregon* (1908)
  - *Adkins v Children's Hospital* (1923)

September 25 (Friday)

- Economic Due Process
  - *West Coast Hotel v Parrish* (1937)
  - *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)

September 28 (Monday) <u>First Midterm</u>

September 30 (Wednesday)

- Commerce
  - *Gibbons v Ogden* (1824)
  - *Carter v Carter Coal Co.* (1936)
  - *Wickard v Filburn* (1942)

October 2 (Friday)

- Commerce
  - *US v Lopez* (1995)
  - *United States v Morrison* (2000)
  - *Gonzalez v Raich* (2005)
  - *Health Care cases*

October 5 (Monday)

- Commerce
  - *Champion v Ames* (1903)
  - *Heart of Atlanta Motel v US* (1964)
  - *Cooley v Board of Wardens* (1852)

October 7 (Wednesday)

- Commerce
  - *Southern Pacific Company v Arizona* (1945)
  - *Hunt v Washington State Apple Advertising Commission* (1977)
  - *Maine v Taylor* (1986)
  - *Granholm v Heald* (2005)

October 9 (Friday)

- Commerce
  - *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)

October 12 (Monday) catch up day

October 14 (Wednesday)

- Immigration
- Counterfeiting
- Copyrights

October 16 (Friday)

- Declaring War

October 19 (Monday)

- Implied Powers
  - *McCulloch v. Maryland*
  - *McGrain v Daugherty* (1927)
  - *Barenblatt v US* (1959)

October 21 (Wednesday)

- Implied Powers
  - *United States v Curtis Wright-Export Corp* (1936)
  - *Gibson v Florida Legislative Investigation Commission* (1963)
  - *South Carolina v Katzenbach* (1966)

October 23 (Friday)

- 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)

October 26 (Monday)

- 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)

October 28 (Wednesday): **Second Midterm**

October 30 (Friday): Fall Break

November 2 (Monday)

- Electoral College
  - *Bush v Gore* (2000)
- Presidential Powers
  - *Ex parte Milligan* (1866) (habeas corpus in a federal court)
  - *Ex parte Quirin* (1942) (Presidential authority)
  - *Korematsu v United States* (1944) (Presidential authority)
  - *The Prize Cases* (1963)

November 4 (Wednesday)

- Presidential Powers
  - *Youngstown Sheet & Tube v Sawyer* (1952)
  - *Dames & Moore v Regan* (1981)
  - *Hamdan v Rumsfeld* (2006)
  - *In re Neagle* (1890)November 6 (Friday)
- Presidential Power & Executive Privilege
  - *United States v Nixon* (1974)
  - *Clinton v Jones* (1997)
  - *Ex parte Grossman* (1925)
  - *Murphy v Ford* (1925)
  - *United States v Curtis-Wright Export Corp* (1936)

November 9 (Monday)

- Vacancy and Disability
- Advice and Consent / Appointments Clause

November 11 (Wednesday)

- Treaty Clause

November 13 (Friday)

- Jurisdiction of Courts
    - *Martin v Hunters' Lessee* (1816) (appellate power of the courts)
    - *Chisholm v Georgia* (1793) (M) (jurisdiction of the supreme court)
    - *Ex parte McCardle* (1869) (jurisdiction)
    - *Flast v Cohen* (1968) (standing as a taxpayer)

November 16 (Monday)

- Federalism
    - *Hammer v Dagenhart* (1918)
    - *National League of Cities v Usery* (1976)
    - *Pritz v United States* (1997)
    - *Dred Scott v Sanford* (1857)

November 18 (Wednesday)

- Federalism
    - *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)

November 20 (Friday) Catch Up Day

November 23 (Monday)

- Regulatory Power of States
    - *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)

November 25 (Wednesday) Catch up Day

November 30 (Monday)

- 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 2 (Wednesday)

- Takings Clause
- *Stop the Beach Renourisment 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)

December 4 (Friday) Last Day of Class