

“In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of Governments, as of other human institutions; that experience is the surest standard, by which to test the real tendency of the existing Constitution of a country; that facility in changes upon the credit of mere hypotheses and opinion exposes to perpetual change, from the endless variety of hypotheses and opinion: and remember, especially, that for the efficient management of your common interests, in a country so extensive as ours, a Government of as much vigor as is consistent with the perfect security of Liberty is indispensable. Liberty itself will find in such a Government, with powers properly distributed and adjusted, its surest Guardian.”

— George Washington, *Farewell Address*

**Political Science 4020**  
**American Constitutional Law**  
**Spring 2024**

**Instructor:** James Stoner <poston@lsu.edu >  
Stubbs 214 (tel. 578-2538)

**Class Hours:** MWF 10:30-11:20 (Stubbs 118)

**Office Hours:** Mondays, 2:00-4:00 pm  
Wednesdays, 9:00-10:00 am, and by appointment

**Book available for purchase:**

Gillman, Graber, and Whittington, *American Constitutionalism: Volume I, Structures of Government*, 3d edition (Oxford University Press)

**Website:** A Moodle website for the course will provide access to complete Supreme Court opinions, include details on exams and assignments, and record your grades.

**Course requirements:**

- Daily quizzes (open-book) on the assigned reading [20%]
- In-class Examinations (March 1 and April 19) [25% + 25%]
- Brief of a case (class report and written version) [5%]
- Final Examination/Moot Court (May 10) [25%]
- Attendance at every class is naturally a course requirement

**Honors Option and Graduate Students:**

- 1500-word review of a recent book on the Supreme Court, chosen with the instructor’s approval (due May 1) [additional 25%; then all % adjusted]

**NOTE:** The use of generative artificial intelligence for the composition of any written assignment will be considered plagiarism and is strictly forbidden. Think for yourself, and write on your own.

**Grading scale:**

A+ (98%-100%), A (93%-97%), A- (90%-92%)  
B+ (88%-90%), B (83%-87%), B- (80%-82%)  
C+ (78%-80%), C (73%-77%), C- (70%-72%)  
D+ (68%-70%), D (63%-67%), D- (60%-62%)  
F (below 60%)

**SYLLABUS:****I. INTRODUCTION: CONSTITUTIONAL GOVERNMENT & LAW**

- Wed., 1/17 INTRODUCTION: POLITICS AND LAW  
*Declaration of Independence and Constitution of the United States*
- Fri., 1/19 GILLMAN, GRABER, & WHITTINGTON, pp. 3-28

**II. ESTABLISHING THE CONSTITUTION AND CONSTITUTIONAL LAW**

- Mon., 1/22 GILLMAN, GRABER, & WHITTINGTON, pp. 31-48
- Wed., 1/24 GILLMAN, GRABER, & WHITTINGTON, pp. 49-79
- Fri., 1/26 GILLMAN, GRABER, & WHITTINGTON, pp. 79-92
- Mon., 1/29 GILLMAN, GRABER, & WHITTINGTON, pp. 93-116  
Cases: *Calder v. Bull* (1798)  
*Marbury v. Madison* (1803)  
*Martin v. Hunter's Lessee* (1816)

**III. CONSTITUTIONAL DEVELOPMENT AND CONSTITUTIONAL CRISIS**

- Wed., 1/31 GILLMAN, GRABER, & WHITTINGTON, pp. 116-149  
Cases: *McCulloch v. Maryland* (1819)  
*Gibbons v. Ogden* (1824)
- Fri., 2/2 GILLMAN, GRABER, & WHITTINGTON, pp. 149-172  
Case: *Chisholm v. Georgia* (1793)
- Mon., 2/5 GILLMAN, GRABER, & WHITTINGTON, pp. 173-208  
Cases: *Luther v. Borden* (1849)  
*Barron v. Baltimore* (1833)  
*Prigg v. Pennsylvania* (1842)  
*Dred Scott v. Sandford* (1857)
- Wed., 2/7 GILLMAN, GRABER, & WHITTINGTON, pp. 208-230  
Cases: *Cooley v. Board of Wardens* (1852)  
*Worcester v. Georgia* (1832)

**IV. REESTABLISHING CONSTITUTIONAL LAW**

- Fri., 2/9 GILLMAN, GRABER, & WHITTINGTON, pp. 231-256  
Cases: *Ex parte McCardle* (1868)  
*Hepburn v. Griswold* (1870)  
*Legal Tender Cases* (1871)

[Mardi Gras Holiday]

- Fri., 2/16 GILLMAN, GRABER, & WHITTINGTON, pp. 256-275  
Case: *Texas v. White* (1869)
- Mon., 2/19 GILLMAN, GRABER, & WHITTINGTON, pp. 275-297  
Cases: *Ex parte Merryman* (1861)  
*The Prize Cases* (1863)
- Wed., 2/21 GILLMAN, GRABER, & WHITTINGTON, pp. 298-329  
Cases: *Slaughter-House Cases* (1873)  
*Civil Rights Cases* (1883)
- Fri., 2/23 GILLMAN, GRABER, & WHITTINGTON, pp. 329-351  
Cases: *United States v. E.C. Knight Co.* (1895)  
*Champion v. Ames* (1903)  
*Hammer v. Dagenhart* (1918)  
*Pollock v. Farmers' Loan and Trust Co.* (1894/5) (I & II)  
*Bailey v. Drexel Furniture Co.* (1922)
- Mon., 2/26 GILLMAN, GRABER, & WHITTINGTON, pp. 351-370  
Cases: *Missouri v. Holland* (1920)  
*Selective Draft Law Cases* (1918)  
*Wabash, St. Louis & Pacific Railway Co. v. Illinois* (1886)  
*Compagnie Francaise de Navigation a Vapeur v. Louisiana State Board of Health* (1902)  
*Munn v. Illinois* (1877)
- Wed., 2/28 GILLMAN, GRABER, & WHITTINGTON, pp. 371-386  
Cases: *Myers v. United States* (1926)  
*Blue v. Beach* (Indiana) (1900)  
*J.W. Hampton, Jr. & Co. v. United States* (1928)

Fri., 3/1 **HOURLY EXAMINATION**

## V. CONSTITUTIONAL REVOLUTION AND ITS CONSEQUENCES

- Mon., 3/4 GILLMAN, GRABER, & WHITTINGTON, pp. 387-424  
Cases: *United States v. Carolene Products* (1938)  
*Cooper v. Aaron* (1958)  
*Flast v. Cohen* (1968)  
*Baker v. Carr* (1962)
- Wed., 3/6 GILLMAN, GRABER, & WHITTINGTON, pp. 424-453  
Cases: *Schechter Poultry Corp. v. United States* (1935)  
*NLRB v. Jones & Laughlin Steel Corp.* (1937)

[continued]

*Wickard v. Filburn* (1942)  
*Heart of Atlanta Motel, Inc. v. United States* (1964)  
*South Carolina v. Katzenbach* (1966)  
*United States v. Butler* (1936)  
*Steward Machine Co. v. Davis* (1937)

Fri., 3/8 GILLMAN, GRABER, & WHITTINGTON, pp. 453-482  
 Cases: *Youngstown Sheet & Tube Co. v. Sawyer* (1952)  
*Humphrey's Executor v. United States* (1935)  
*Schechter Poultry Corp. v. United States* (1935)  
*United States v. Curtiss-Wright Export Corp.* (1936)  
*Watkins v. United States* (1957)

[Spring Break]

Mon., 3/18 GILLMAN, GRABER, & WHITTINGTON, pp. 483-504  
 Cases: *Powell v. McCormack* (1969)  
*Laird v. Tatum* (1972)  
*National League of Cities v. Usery* (1976)  
*United States v. Nixon* (1974)

Wed., 3/20 GILLMAN, GRABER, & WHITTINGTON, pp. 505-540  
 Case: *South Dakota v. Dole* (1987)

Fri., 3/22 GILLMAN, GRABER, & WHITTINGTON, pp. 540-563  
 Cases: *Garcia v. San Antonio Metro Transit Authority* (1985)  
*Immigration & Naturalization Service v. Chadha* (1983)  
*Morrison v. Olson* (1988)

Mon., 3/25 GILLMAN, GRABER, & WHITTINGTON, pp. 564-585  
 Cases: *City of Boerne v. Flores* (1997)  
*Doe v. Bush* (1<sup>st</sup> Cir. 2003)  
*Massachusetts v. Environmental Protection Agency* (2007)

Wed., 3/27 GILLMAN, GRABER, & WHITTINGTON, pp. 585-616  
 Cases: *United States v. Lopez* (1995)  
*United States v. Morrison* (2000)  
*U.S. Term Limits v. Thornton* (1995)  
*Printz v. United States* (1997)  
*Granholt v. Heald* (2005)

[Good Friday Holiday]

Mon., 4/1 GILLMAN, GRABER, & WHITTINGTON, pp. 616-633  
 Case: *Clinton v. City of New York* (1998)

Wed., 4/3 GILLMAN, GRABER, & WHITTINGTON, pp. 633-648  
 Cases: *Hamdi v. Rumsfeld* (2004)  
*In re Sealed Cases* (DC Cir. 1997)  
*Clinton v. Jones* (1997)

**VI. CONSTITUTIONAL RESTORATION OR CONTINUING REVOLUTION?  
 [dates subject to change as cases develop]**

Fri., 4/5 GILLMAN, GRABER, & WHITTINGTON, pp. 649-673  
 Cases: *National Federation of Independent Business v. Sebelius* (2012)  
*Shelby County v. Holder* (2013)

Mon., 4/8 GILLMAN, GRABER, & WHITTINGTON, pp. 673-693  
 Case: *Arizona v. United States* (2017)

Wed., 4/10 GILLMAN, GRABER, & WHITTINGTON, pp. 693-707  
 Case: *Department of Commerce v. New York* (2019)

Fri., 4/12 GILLMAN, GRABER, & WHITTINGTON, pp. 707-732  
 Cases: *Seila Law LLC v. Consumer Financial Protection Bureau* (2020)  
*Gundy v. United States* (2019)

Mon., 4/15 GILLMAN, GRABER, & WHITTINGTON, pp. 732-753  
 Cases: *Trump v. Mazars* (2020)  
*Trump v. Wisconsin Elections Comm.* (7<sup>th</sup> Cir. 2020)

Wed., 4/17 TO BE DETERMINED  
 Cases: *to be determined*

Fri., 4/19 **HOOR EXAMINATION**

**VII. MOOT COURT**

Mon., 4/22 Moot Court  
 Wed., 4/24 Moot Court  
 Fri., 4/26 Moot Court

Mon., 4/29 Moot Court  
 Wed., 5/1 Moot Court  
 Fri., 5/3 Moot Court

Fri., 5/10 **FINAL EXAMINATION (12:30-2:30 pm)**