

“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
Intersession 2013

Instructor: James Stoner <poston@lsu.edu >
Stubbs 240 (tel. 578-2538)

Class Hours: Monday–Saturday, 1:00 pm to 4:30 p.m. (Stubbs 220)

Office Hours: Mon., Wed., Fri., 10:00-11:30 a.m. (Stubbs 240), and by appointment

Course requirements:

- Class attendance and participation [10%]
- Daily quizzes (open-book) on the assigned reading [25%]
- Briefs of cases in a single doctrinal area traced over time [25%]
- Final Examination (June 5) [40%]

- Graduate, Law, and Honors Option Students: ten-page review of a recent book on the Supreme Court, chosen with instructor’s approval (due June 3) [worth same as quizzes, other proportions retained but percentages adjusted]
- Law Students: additional daily journal entries comparing cases to law school study

Book available for purchase:

Gillman, Graber, and Whittington, *American Constitutionalism: Volume I, Structures of Government* (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.

Library: Although many Supreme Court materials are available on the internet, you will want to familiarize yourselves with the United States Reports.

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

Thurs., 5/23 INTRODUCTION: POLITICS AND LAW
Declaration of Independence and Constitution of the United States
 GILLMAN, GRABER, & WHITTINGTON, pp. 3-47

II. ESTABLISHING THE CONSTITUTION AND CONSTITUTIONAL LAW

Fri., 5/24 GILLMAN, GRABER, & WHITTINGTON, pp. 49-113
 Cases: *Calder v. Bull* (1798)
Marbury v. Madison (1803)

Sat., 5/25 GILLMAN, GRABER, & WHITTINGTON, pp. 113-182
Martin v. Hunter's Lessee (1816)
McCulloch v. Maryland (1819)
United States v. The William (D. Mass. 1808)
Gibbons v. Ogden (1824)
Chisholm v. Georgia (1793)

III. CONSTITUTIONAL DEVELOPMENT AND CONSTITUTIONAL CRISIS

Mon., 5/27 GILLMAN, GRABER, & WHITTINGTON, pp. 185-248
 Cases: *Luther v. Borden* (1849)
Prigg v. Pennsylvania (1842)
Dred Scott v. Sandford (1857)
Willson v. Black Bird Marsh Creek Co. (1829)
City of New York v. Miln (1837)
Cooley v. Board of Wardens (1852)
Worcester v. Georgia (1832)

Tues., 5/28 GILLMAN, GRABER, & WHITTINGTON, pp. 249-316
 Cases: *Mississippi v. Johnson* (1867)
Ex parte McCardle (1868)
Hepburn v. Griswold (1870)
Legal Tender Cases (1871)
Texas v. White (1869)
Ex parte Merryman (1861)
The Prize Cases (1863)

IV. REESTABLISHING CONSTITUTIONAL LAW

- Wed., 5/29 GILLMAN, GRABER, & WHITTINGTON, pp. 319-414
 Cases: *Slaughter-House Cases* (1873)
Frothingham v. Mellon (1923)
Civil Rights Cases (1883)
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)
Missouri v. Holland (1920)
Selective Draft Law Cases (1918)
Insular Cases (1901)
Wabash, St. Louis & Pacific Railway Co. v. Illinois (1886)
Munn v. Illinois (1877)
Myers v. United States (1926)
J.W. Hampton, Jr. & Co. v. United States (1928)

V. CONSTITUTIONAL REVOLUTION AND ITS CONSEQUENCES

- Thurs., 5/30 GILLMAN, GRABER, & WHITTINGTON, pp. 417-491
 Cases: *United States v. Carolene Products* (1938)
Cooper v. Aaron (1958)
Flast v. Cohen (1968)
Baker v. Carr (1962)
Schechter Poultry Corp. v. United States (1935)
NLRB v. Jones & Laughlin Steel Corp. (1937)
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., 5/31 GILLMAN, GRABER, & WHITTINGTON, pp. 490-558
 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)
Powell v. McCormack (1969)
Laird v. Tatum (1972)
National League of Cities v. Usery (1976)
Shapiro v. Thompson (1969)
United States v. United States District Court (1972)
United States v. Nixon (1974)

VI. CONSTITUTIONAL RESTORATION OR CONTINUING REVOLUTION?

- Sat., 6/1 GILLMAN, GRABER, & WHITTINGTON, pp. 563-637
 Cases: *South Dakota v. Dole* (1987)
 Garcia v. San Antonio Metro Transit Authority (1985)
 Immigration & Naturalization Service v. Chadha (1983)
 Bowsher v. Synar (1986)
 Morrison v. Olson (1988)
 City of Boerne v. Flores (1997)
 Doe v. Bush (1st Cir. 2003)
 Massachusetts v. Environmental Protection Agency (2007)
- Mon., 6/3 GILLMAN, GRABER, & WHITTINGTON, pp. 637-676
 Cases: *United States v. Lopez* (1995)
 Gonzales v. Raich (2005)
 United States v. Morrison (2000)
 NFIB v. Sebelius (2012) [on website]
 U.S. Term Limits v. Thornton (1995)
 Printz v. United States (1997)
 Alden v. Maine (1999)
 Arizona v. United States (2012) [on website]
- Tues., 6/4 GILLMAN, GRABER, & WHITTINGTON, pp. 676-714
 Cases: *Clinton v. City of New York* (1998)
 Hamdi v. Rumsfeld (2004)
 Cheney v. United States District Court for D.C. (2004)
 Clinton v. Jones (1997)
- Wed., 6/5 **FINAL EXAMINATION (1:00-4:00 pm)**